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2009 - 2014

Committee on Transport and Tourism

2008/0237(COD)

9.5.2010

AMENDMENTS

42 - 106

Draft recommendation for second reading

Antonio Cancian

(PE440.169v01-00)

on the Council position at first reading for adopting a regulation of the European Parliament and of the Council concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004

Council position – amending act

(05218/2010 – C7-0077/2010 – 2008/0237(COD))

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United in diversity

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Amendment 42
Philip Bradbourn

Council position – amending act
Recital 5

Council position

(5) Taking into account the specific characteristics of urban, suburban and regional regular services, Member States should be granted the right to exempt these types of transport from the application of a significant part of this Regulation. In order to identify urban, suburban and regional regular services, Member States should take into account criteria such as distance, frequency of services, number of scheduled stops, type of buses or coaches employed, ticketing schemes, fluctuations in passenger numbers between services in peak and off-peak periods, bus codes and timetables.

Amendment

(5) Taking into account the specific characteristics of urban, suburban and regional regular services, Member States should be granted the right to exempt these types of transport from the application of part of this Regulation. In order to identify urban and suburban regular services, Member States should take into account criteria such as ***the administrative division, geographical situation***, distance, frequency of services, number of scheduled stops, type of buses or coaches employed, ticketing schemes, fluctuations in passenger numbers between services in peak and off-peak periods, bus codes and timetables.

Or. en

Justification

Urban, suburban and regional bus and coach services, including cross-border services, are a distinct and integrated section of the public transport. Therefore, there is no objective reason for the bus and coach Regulation to also apply to local and regional services which have different specificities compared to long distance services.

Amendment 43
Dominique Riquet, Michel Dantin

Council position – amending act
Recital 5

Council position

(5) Taking into account the specific characteristics of urban, **suburban** and **regional** regular services, Member States should be granted the right to exempt these types of transport from the application of **a significant** part of this Regulation. In order to identify urban, **suburban** and **regional** regular services, Member States should take into account criteria such as distance, frequency of services, number of scheduled stops, type of buses or coaches employed, ticketing schemes, fluctuations in passenger numbers between services in peak and off-peak periods, bus codes and timetables.

Amendment

(5) Taking into account the specific characteristics of urban **and intercity** regular services, Member States should be granted the right to exempt these types of transport from the application of part of this Regulation. In order to identify urban **and intercity** regular services, Member States should take into account criteria such as **division of administrative authority, geographical location**, distance, frequency of services, number of scheduled stops, type of buses or coaches employed, ticketing schemes, fluctuations in passenger numbers between services in peak and off-peak periods, bus codes and timetables.

Or. fr

Justification

Intercity services should be excluded from the scope of this regulation, since they are subject to constraints relating to proximity, regular user patterns and the requirement to provide a public service, so that they can be equated with urban transport. The term 'suburban transport' is too restrictive, since it is generally understood to refer to services in a single conurbation.

Amendment 44
Spyros Danellis

Council position – amending act
Recital 6

Council position

(6) Passengers **and, as a minimum,**

Amendment

(6) Passengers should enjoy protection in

persons whom the passenger had, or would have had, a legal duty to maintain should enjoy *adequate* protection in the event of accidents arising out of the use of the bus or coach, taking into account Directive 2009/103/EC of the European Parliament and of the Council of 16 September 2009 relating to insurance against civil liability in respect of the use of motor vehicles and the enforcement of the obligation to insure against such liability.

the event of accidents arising out of the use of the bus or coach, *equal to that laid down in respect of other modes of transport in the event of accidents resulting in death or injury*, taking into account Directive 2009/103/EC of the European Parliament and of the Council of 16 September 2009 relating to insurance against civil liability in respect of the use of motor vehicles and the enforcement of the obligation to insure against such liability.

Or. el

Justification

This upholds the Council's position and incorporates Parliament's rapporteur's idea, as formulated at first reading. The amendment retains the notion of liability, albeit at a less stringent level.

Amendment 45

Ádám Kósa

Council position – amending act

Recital 8

Council position

(8) Passengers should, in addition to compensation in accordance with applicable national law in the event of death or personal injury or loss of or damage to luggage due to accidents arising out of the use of the bus or coach, be entitled to assistance with regard to their immediate practical needs following an accident. Such assistance *could* include first aid, accommodation, food, clothes *and* transport.

Amendment

(8) Passengers should, in addition to compensation in accordance with applicable national law in the event of death or personal injury or loss of or damage to luggage due to accidents arising out of the use of the bus or coach, be entitled to assistance with regard to their immediate practical needs following an accident. Such *assistance must, where necessary*, include first aid, accommodation, food, clothes, transport *and burial costs*.

Or. hu

Justification

Halál és sérülés esetén indokolt az azonnali gépjárművezető által nyújtott gyakorlati segítségnyújtás, indokolatlan azonban az anyagi szükségletterítés, hisz az európai autóbuszos vállalkozások 80-90%-a mikro-, illetve kis- és középvállalkozás, melyek közel sem bírnak el akkora pénzügyi terheket, mint a jellemzően részben állami tulajdonjogú légi és vasúti társaságok, tehát a működési körülmények jelentősen eltérnek egymástól. Ugyanakkor az azonnali anyagi segítségnyújtás technikailag sem megoldható, mert a gépkocsivezetőknek nem áll rendelkezésére az ahhoz szükséges mennyiségű készpénz.

Amendment 46 Spyros Danellis

Council position – amending act Recital 8

Council position

(8) Passengers should, in addition to compensation in accordance with applicable national law in the event of death or personal injury or loss of or damage to luggage due to accidents arising out of the use of the bus or coach, be entitled to assistance with regard to their immediate practical needs following an accident. Such assistance *could* include first aid, accommodation, food, clothes *and* transport.

Amendment

(8) Passengers should, in addition to compensation in accordance with applicable national law in the event of death or personal injury or loss of or damage to luggage due to accidents arising out of the use of the bus or coach, be entitled to assistance with regard to their immediate practical *and financial* needs following an accident. Such assistance *should* include, *where necessary*, first aid, accommodation, food, clothes, transport *and funeral expenses*.

Or. el

Justification

Advance payment of the total sums designed to cover immediate needs may prove to be prejudicial to the transport undertaking or become a means of taking advantage of a disputed situation, where, for example, there is insufficient evidence of the undertaking's culpability. The aim is to avoid any injustice between the contracting parties and it is therefore proposed that part of the amount be paid, to be followed immediately by the remainder once the undertaking is proved to be culpable.

Amendment 47
Spyros Danellis

Council position – amending act
Recital 8 a (new)

Council position

Amendment

(8a) In the event of death or injury, the carrier should have drawn up a crisis plan which provides for a financial sum for each passenger, which can be paid in advance as soon as possible after the accident, to cover immediate financial needs, proportional to the damage suffered. The remaining amount of the expenses incurred in covering those needs should be paid immediately once the transport undertaking is proved to be culpable.

Or. el

Justification

Advance payment of the total sums designed to cover immediate needs may prove to be prejudicial to the transport undertaking or become a means of taking advantage of a disputed situation, where, for example, there is insufficient evidence of the undertaking's culpability. The aim is to avoid any injustice between the contracting parties and it is therefore proposed that part of the amount be paid, to be followed immediately by the remainder once the undertaking is proved to be culpable.

Amendment 48
Philip Bradbourn

Council position – amending act
Recital 11

Council position

Amendment

(11) In deciding on the design of new terminals, and as part of major refurbishments, terminal managing bodies should, ***where possible***, take into account the needs of disabled persons and persons with reduced mobility. In any case, terminal managing bodies should designate points where such persons can notify their

(11) In deciding on the design of new terminals, and as part of major refurbishments, terminal managing bodies ***should*** take into account the needs of disabled persons and persons with reduced mobility. In any case, terminal managing bodies should designate points where such persons can notify their arrival and need

arrival and need for assistance.

for assistance.

Or. en

Justification

Amendment aimed at setting up a longer-term process of significantly improving the infrastructure, in particular terminals, which are key for the bus and coach sector and the quality of service provided to customers.

Amendment 49
Spyros Danellis

Council position – amending act
Recital 11

Council position

(11) In deciding on the design of new terminals, and as part of major refurbishments, terminal managing bodies should, *where possible*, take into account the needs of disabled persons and persons with reduced mobility. In any case, terminal managing bodies should designate points where such persons can notify their arrival and need for assistance.

Amendment

(11) In deciding on the design of new terminals, and as part of major refurbishments, terminal managing bodies should, *without exception and as an essential condition*, take into account the needs of disabled persons and persons with reduced mobility. In any case, terminal managing bodies should designate points where such persons can notify their arrival and need for assistance.

Or. el

Amendment 50
Ádám Kósa

Council position – amending act
Recital 11

Council position

(11) In deciding on the design of new terminals, and as part of major refurbishments, terminal managing bodies should, *where possible*, take into account

Amendment

(11) In deciding on the design of new terminals, and as part of major refurbishments, terminal managing bodies should – *without exception* – take into

the needs of disabled persons and persons with reduced mobility. In any case, terminal managing bodies should designate points where such persons can notify their arrival and need for assistance.

account the needs of disabled persons and persons with reduced mobility, ***in accordance with ‘design for all’ requirements***. In any case, terminal managing bodies should designate points where such persons can notify their arrival and need for assistance.

Or. hu

Justification

The EU has dealt with the question of accessibility on a number of occasions. Point 2.5 of Commission Communication COM(2003)0650 stresses the principle of ‘design for all’: ‘Accessibility to goods, services and the built environment is a central issue disabled persons which is also of concern to all EU citizens. The Commission intends to promote (...) efforts to raise awareness among standardisation stakeholders on the concept of ‘Accessibility for all’ and the corresponding market opportunities.

Amendment 51
Gesine Meissner

Council position – amending act
Recital 11 a (new)

Council position

Amendment

(11a) Similarly, those needs should be taken into account in the design of new vehicles.

Or. en

Justification

Typically, design of new vehicles is not done by carriers but by producers.

Amendment 52
Eva Lichtenberger

Council position – amending act
Recital 11 b (new)

Council position

Amendment

(11b). Member States should improve existing infrastructure and carriers should improve their vehicles, where this is necessary to ensure barrier-free access for disabled persons and persons with reduced mobility as well as to provide appropriate assistance.

Or. en

Amendment 53
Gesine Meissner

Council position – amending act
Recital 13

Council position

Amendment

13) ***Where possible***, organisations representative of disabled persons or persons with reduced mobility should be consulted or involved in ***the organisation*** of the disability-related training.

(13) Organisations representative of disabled persons or persons with reduced mobility should be consulted or involved in ***preparing the content*** of the disability-related training.

Or. en

Justification

In order to ensure the disability-related training is tailored to the needs of disabled persons and persons with reduced mobility, representative organisations should take part in preparing the content of the training.

Amendment 54
Antonio Cancian

Council position – amending act
Recital 14

Council position

(14) Rights of bus and coach passengers should include the receipt of information regarding the service before and during the journey. All essential information provided to bus and coach passengers should also be provided in alternative formats accessible to disabled persons and persons with reduced mobility.

Amendment

(14) Rights of bus and coach passengers should include the receipt of information regarding the service before and during the journey. All essential information provided to bus and coach passengers should also be provided in alternative formats accessible to disabled persons and persons with reduced mobility, ***such as large print, plain language, Braille, electronic communications that can be accessed with adaptive technology, and audio tapes.***

Or. en

Justification

Partially restore the EP first reading on accessible formats.

Amendment 55
Spyros Danellis

Council position – amending act
Recital 16

Council position

(16) Inconvenience experienced by passengers due to cancellation or long delay of their journey should be reduced. To this end, passengers departing from terminals should be adequately looked after and informed. Passengers should also be able to cancel their journey and have their tickets reimbursed or to continue their journey or to obtain re-routing under satisfactory conditions.

Amendment

(16) Inconvenience experienced by passengers due to cancellation or long delay of their journey should be reduced. To this end, passengers departing from terminals should be adequately looked after and informed. Passengers should also be able to cancel their journey and have their tickets reimbursed or to continue their journey or to obtain re-routing under satisfactory conditions. ***Where carriers do not provide passengers with the necessary assistance, passengers should be entitled***

to financial compensation proportional to the inconvenience they have suffered. The above provisions should not apply in the event of force majeure, such as severe weather conditions endangering passengers' safety.

Or. el

Amendment 56

Ádám Kósa

Council position – amending act

Recital 16

Council position

(16) Inconvenience experienced by passengers due to cancellation or **long** delay of their journey should be reduced. To this end, passengers departing from terminals should be adequately looked after and informed. Passengers should also be able to cancel their journey and have their tickets reimbursed or to continue their journey or to obtain re-routing under satisfactory conditions.

Amendment

(16) Inconvenience experienced by passengers due to cancellation or **significant** delay of their journey should be reduced. To this end, passengers departing from terminals should be adequately looked after and informed **in a way which is accessible to everyone**. Passengers should also be able to cancel their journey and have their tickets reimbursed or to continue their journey or to obtain re-routing under satisfactory conditions.

Or. hu

Amendment 57

Gesine Meissner

Council position – amending act

Recital 17

Council position

17) Through their professional associations, carriers should cooperate in order to adopt arrangements at national or European level with the involvement of

Amendment

(17) Through their professional associations, carriers should cooperate in order to adopt arrangements at **regional**, national or European level with the

stakeholders, professional associations and associations of customers, passengers and disabled persons, aiming to improve care for passengers, especially in the event of cancellations and long delays.

involvement of stakeholders, professional associations and associations of customers, passengers and disabled persons, aiming to improve **provision of information and** care for passengers, especially in the event of cancellations and long delays.

Or. en

Justification

Cooperation at regional level should be included in order to reflect better the structure of Member States and stakeholders organisations. Further, the right to information is an important aspect of passenger rights and cannot be omitted.

Amendment 58 **Ádám Kósa**

Council position – amending act **Recital 26 a (new)**

Council position

Amendment

(26a) The Member States must promote the use of public transport and introduce interoperable IT systems which can handle all forms of transport to deal with information on timetables, prices and issuing tickets for more than one means of transport, in order to optimise the use and interoperability of different means of transport. These services must be accessible to disabled persons.

Or. hu

Amendment 59
Nathalie Griesbeck

Council position – amending act
Article 2 - paragraph 4

Council position

(4) With the exception of Articles 4(2), 9 and 10(1), Member States may exempt urban, suburban and regional regular services, including cross-border services of that type, from the application of this Regulation.

Amendment

(4) With the exception of Articles 4(2), 9 and 10(1), Member States may exempt urban, suburban and regional regular services, including cross-border services of that type, from the application of this Regulation. *With a view to identifying urban, suburban and regional services, Member States may apply the definitions set out in Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on the rights and obligations of rail passengers¹. In applying these definitions, Member States shall use the following criteria: distance, frequency of services, number of scheduled stops, ticketing schemes, fluctuations in passenger numbers between peak and off-peak periods, timetables.*

¹ JO L 315, 3.12.2007, p. 14.

Or. fr

Amendment 60
Dominique Riquet, Michel Dantin

Council position – amending act
Article 2 - paragraph 4

Council position

(4). With the exception of Articles 4(2), 9 *and* 10(1), Member States may exempt urban, *suburban* and *regional* regular services, including cross-border services of that type, from the application of this Regulation.

Amendment

(4). With the exception of Articles 4(2), 9, 10(1), **20, 25 and 26**, Member States may exempt urban and *intercity* regular services, including cross-border services of that type, from the application of this Regulation.

Justification

Intercity services should be excluded from the scope of this regulation, since they are subject to constraints relating to proximity, regular user patterns and the requirement to provide a public service, so that they can be equated with urban transport. The term 'suburban transport' is too restrictive, since it is generally understood to refer to services in a single conurbation.

Amendment 61**Corien Wortmann-Kool****Council position – amending act****Article 2 - paragraph 4***Council position*

(4). With the exception of Articles 4(2), 9 and 10(1), Member States may exempt urban, suburban and **regional** regular services, including cross-border services of that type, from the application of this Regulation.

Amendment

(4). With the exception of Articles 4(2), 9 and 10(1), Member States may exempt urban, suburban and **local rural** regular services, including cross-border services of that type, from the application of this Regulation.

*Justification***Amendment 62****Philip Bradbourn****Council position – amending act****Article 2 - paragraph 6***Council position*

(6) For a maximum period of five years, Member States may, on a transparent and non-discriminatory basis, exempt from the application of this Regulation particular regular services because a significant part

Amendment

(6) For a maximum period of five years **after the expiry of their authorisation**, Member States may, on a transparent and non-discriminatory basis, exempt from the application of this Regulation particular

of the regular service, including at least one scheduled stop, is operated outside the Union. Such exemptions may be renewed.

regular services because a significant part of the regular service, including at least one scheduled stop, is operated outside the Union. Such exemptions may be renewed.

Or. en

Justification

The approach to regular lines with third countries has to be consistent with the current legal framework, whilst providing legal certainty. Regular lines with third countries are subject to bilateral agreements concluded between the individual EU Member States and the third countries. To guarantee additional legal certainty, it should also be foreseen to exclude them from the provisions of this Regulation until the expiry of their current authorisation (as a rule, for 5 years).

Amendment 63 **Corien Wortmann-Kool**

Council position – amending act **Article 2 - paragraph 6**

Council position

(6). For a maximum period of five years, Member states may, on a transparent and non-discriminatory basis, exempt from the application of this Regulation particular regular services because a significant part of the regular service, including at least one scheduled stop, is operated outside the Union. Such exemptions may be renewed.

Amendment

(6). For a maximum period of five years ***after the expiry of their authorisation,*** Member States may, on a transparent and non-discriminatory basis, exempt from the application of this Regulation particular regular services because a significant part of the regular service, including at least one scheduled stop, is operated outside the Union. Such exemptions may be renewed.

Or. en

Justification

The approach to regular lines with third countries has to be consistent with the current legal framework, whilst providing legal certainty. Regular lines with third countries are subject to bilateral agreements concluded between the individual EU Member States and the third countries. To guarantee additional legal certainty, it should also be foreseen to exclude them from the provisions of this Regulation until the expiry of their current authorisation (as a rule, for 5 years).

Amendment 64
Philip Bradbourn

Council position – amending act
Article 2 - paragraph 8

Council position

(8) Nothing in this Regulation shall be understood **as constituting** technical requirements imposing obligations on carriers **or terminal managing bodies** to modify or replace buses or coaches **or infrastructure or equipment at bus stops and terminals**.

Amendment

(8) Nothing in this Regulation shall be understood **to constitute** technical requirements imposing obligations on carriers to modify or replace buses or coaches.

Or. en

Justification

The approach to regular lines with third countries has to be consistent with the current legal framework, whilst providing legal certainty. Regular lines with third countries are subject to bilateral agreements concluded between the individual EU Member States and the third countries. To guarantee additional legal certainty, it should also be foreseen to exclude them from the provisions of this Regulation until the expiry of their current authorisation (as a rule, for 5 years).

Amendment 65
Ádám Kósa

Council position – amending act
Article 2 - paragraph 8

Council position

(8). Nothing in this Regulation shall be understood as constituting technical requirements imposing obligations on carriers or terminal managing bodies to modify or replace buses or coaches or infrastructure **or equipment** at bus stops and terminals.

Amendment

(8). Nothing in this Regulation shall be understood as constituting technical requirements imposing obligations on carriers or terminal managing bodies to modify or replace buses or coaches or infrastructure at bus stops and terminals.

Or. hu

Amendment 66
Antonio Cancian

Council position – amending act
Article 3 - point g

Council position

(g) "carrier" means a natural or legal person, other than a tour operator or ticket vendor, offering regular or occasional services to the general public;

Amendment

(g) "carrier" means a natural or legal person, other than a tour operator, **travel agent** or ticket vendor, offering regular or occasional services to the general public;

Or. en

Justification

The definition of carrier should be different from travel agent.

Amendment 67
Markus Ferber

Council position – amending act
Article 3 - point g

Council position

(g) "carrier" means a natural or legal person, other than a tour operator or ticket vendor, offering transport by regular or occasional services to the general public;

Amendment

(g) "carrier" means a natural or legal person, other than a tour operator, **travel agent** or ticket vendor, offering transport by regular or occasional services to the general public;

Or. de

Justification

The Council's definition is too broad. In addition to tour operators and ticket vendors, the definition of 'carrier' should also exclude travel agents. Travel agents are likewise not in a position to meet the requirements this regulation imposes on carriers. What is more, this is unnecessary, since consumers wishing to assert their rights must deal with the carrier who operated the service in question.

Amendment 68
Werner Kuhn

Council position – amending act
Article 3 - point g

Council position

(g) "carrier" means a natural or legal person, other than a tour operator or ticket vendor, offering transport by regular or occasional services to the general public;

Amendment

(g) "carrier" means a natural or legal person, other than a tour operator, **travel agent** or ticket vendor, offering transport by regular or occasional services to the general public;

Or. de

Justification

The Council's definition is too broad. In addition to tour operators and ticket vendors, the definition of 'carrier' should also exclude travel agents. Travel agents are likewise not in a position to meet the requirements this regulation imposes on carriers. What is more, this is unnecessary, since consumers wishing to assert their rights must deal with the carrier who operated the service in question.

Amendment 69
Gesine Meissner

Council position – amending act
Article 3 - point g

Council position

(g) "carrier" means a natural or legal person, other than a tour operator or ticket vendor, offering transport by regular or occasional services to the general public;

Amendment

(g) "carrier" means a natural or legal person, other than a tour operator, **travel agent** or ticket vendor, offering transport by regular or occasional services to the general public;

Or. de

Justification

The Council's definition is too broad. In addition to tour operators and ticket vendors, the definition of 'carrier' should also exclude travel agents. Travel agents are likewise not in a position to meet the requirements this regulation imposes on carriers. What is more, this is unnecessary, since consumers wishing to assert their rights must deal with the carrier who

operated the service in question.

Amendment 70

Corien Wortmann-Kool

Council position – amending act

Article 3 - point g

Council position

(g) "carrier" means a natural or legal person, other than a tour operator or ticket vendor, offering transport by regular or occasional services to the general public;

Amendment

(g) "carrier" means a natural or legal person, other than a tour operator, **travel agent** or ticket vendor, offering transport by regular or occasional services to the general public.

Or. en

Justification

The Council definition is too broad, as anybody can be considered to 'offer' passenger transport, including ticket vendors, travel agents and tour operators. Travel agents and ticket vendors cannot comply with the obligations entrusted to carriers, notably as regards the financial obligations of re-routing & refund, assistance and compensation in case of disruptive events. Nor can travel agents, ticket vendors and tour operators comply with the obligations relating to the provision of information and assistance to Persons with Reduced Mobility (PRMs) during the journey as they are not physically present on board the carrier.

Amendment 71

Markus Ferber

Council position – amending act

Article 3 - point k

Council position

(k) "tour operator" means an organiser **or retailer**, other than the carrier, within the meaning of Article 2(2) **and (3)** of Directive 90/314/EEC;

Amendment

(k) "tour operator" means an organiser, other than a carrier, within the meaning of Article 2(2) of Directive 90/314/EEC;

Or. de

Justification

The reference to Article 2(3) means that the definition of 'tour operator' encompasses retailers. However, retailers are already covered through the definitions of 'travel agent' and 'ticket vendor'. With a view to clarifying the division of responsibilities, the reference to Article 2(3) of the package travel directive should therefore be deleted.

Amendment 72

Werner Kuhn

Council position – amending act

Article 3 - point k

Council position

(k) "tour operator" means an organiser *or retailer*, other than the carrier, within the meaning of Article 2(2) *and (3)* of Directive 90/314/EEC;

Amendment

(k) "tour operator" means an organiser, other than a carrier, within the meaning of Article 2(2) of Directive 90/314/EEC;

Or. de

Justification

The reference to Article 2(3) means that the definition of 'tour operator' encompasses retailers. However, retailers are already covered through the definitions of 'travel agent' and 'ticket vendor'. With a view to clarifying the division of responsibilities, the reference to Article 2(3) of the package travel directive should therefore be deleted.

Amendment 73

Gesine Meissner

Council position – amending act

Article 3 - point k

Council position

(k) "tour operator" means an organiser *or retailer*, other than the carrier, within the meaning of Article 2(2) *and (3)* of Directive 90/314/EEC;

Amendment

(k) "tour operator" means an organiser, other than a carrier, within the meaning of Article 2(2) of Directive 90/314/EEC;

Or. de

Justification

The reference to Article 2(3) means that the definition of 'tour operator' encompasses retailers. However, retailers are already covered through the definitions of 'travel agent' and 'ticket vendor'. With a view to clarifying the division of responsibilities, the reference to Article 2(3) of the package travel directive should therefore be deleted.

Amendment 74

Corien Wortmann-Kool

Council position – amending act

Article 3 - point k

Council position

(k) "tour operator" means an organiser **or retailer**, other than the carrier, within the meaning of Article 2(2) **and (3)** of Directive 90/314/EEC;

Amendment

(k) "tour operator" means an organiser, other than a carrier, within the meaning of Article 2(2) of Directive 90/314/EEC;

Or. en

Justification

The Package Travel Directive provides two separate definitions of 'organiser' and 'retailer' which show that they are two distinctive entities with different responsibilities and liability. They cannot be amalgamated under the same term 'tour operator'. A retailer can only be considered to be an organiser/tour operator if he bundles services into a package and sells it in his own name to the customer in accordance with the Package Travel Directive. Regulation 261/2004 provides the same definition.

Amendment 75

Thomas Ulmer

Council position – amending act

Article 3 - point r

Council position

(r) "cancellation" means the non-operation of a regular service which was previously scheduled;

Amendment

(r) "cancellation" means the non-operation of a regular service which was previously scheduled **for which at least one reservation within the meaning of Article 2(n) has been made**;

Justification

The clarification of the definition is necessary in order to prevent abuse of the rule by passengers with daily, monthly or annual tickets.

Amendment 76
Dieter-Lebrecht Koch

Council position – amending act
Article 7 - paragraph 2 a (new)

Council position

Amendment

2a. If the bus and/or coach undertaking meets a claim for compensation which a passenger has under this Regulation, any claims for compensation which the passenger may have vis-à-vis third parties as a result of the same incident shall be transferred to the bus and/or coach undertaking to the extent that they are covered by the claim which has been met.

Justification

Situations may arise in which a passenger who has suffered an injury makes a claim for compensation against the bus and/or coach undertaking and, at the same time, against third parties, e.g. the person who caused the accident. The amendment seeks to ensure that the passenger's claim against such third parties devolves to the bus and/or coach undertaking if the latter has paid the passenger compensation. This will serve to rule out instances of double compensation.

Amendment 77
Philip Bradbourn

Council position – amending act
Article 8

Council position

In the event of an accident arising out of the use of the bus or coach, the carrier shall provide reasonable assistance with regard to the passengers' immediate practical needs following the accident. **Any assistance shall not constitute recognition of liability.**

Amendment

In the event of an accident arising out of the use of the bus or coach, the carrier shall provide reasonable assistance with regard to the passengers' immediate practical needs following the accident.

Or. en

Justification

This amendment is aimed at guaranteeing that passengers' immediate practical needs are respected after an accident, while taking into account the fact that the bus and coach sector is largely composed of micro- and small and medium-sized companies (85%), which cannot bear important financial burdens as might be the case for large companies in the air and rail transport sectors.

Amendment 78
Spyros Danellis

Council position – amending act
Article 8

Council position

Immediate practical needs of passengers
In the event of an accident arising out of the use of the bus or coach, the carrier shall provide **reasonable** assistance with regard to the passengers' immediate practical needs following the accident. **Any** assistance shall not constitute recognition of liability.

Amendment

Immediate practical **and financial** needs of passengers
1. In the event of an accident arising out of the use of the bus or coach, the carrier shall provide assistance with regard to the passengers' immediate practical needs following the accident. **Such assistance should include, where necessary, first aid, accommodation, food, clothes, transport and funeral expenses.**
2. **In the event of death or injury, the carrier shall pay a financial sum to each**

passenger, which shall be paid in advance as soon as possible after the accident, to cover immediate financial needs, proportional to the damage suffered. The remaining amount of the expenses incurred in covering those needs should be paid immediately once the transport undertaking is proved to be culpable. No payment made in advance or assistance provided shall constitute recognition of liability.

Or. el

Amendment 79
Bogdan Kazimierz Marcinkiewicz

Council position – amending act
Article 8

Council position

Immediate practical needs of passengers

In the event of an accident arising out of the use of the bus or coach, the carrier shall provide **reasonable** assistance with regard to the passengers' immediate practical needs following the accident. Any assistance shall not constitute recognition of liability.

Amendment

Immediate practical **and economic** needs of passengers

In the event of an accident arising out of the use of the bus or coach, the carrier shall provide assistance with regard to the passengers' immediate practical needs following the accident. **Such assistance shall include, where necessary, first aid, accommodation, food, clothes, transport and funeral expenses and any other financial assistance important for each day life needs. In the event of death or personal injury, the carrier shall in addition make advance payments to cover immediate economic needs on a basis proportional to the damage suffered, provided that there is prima facie evidence of causality attributable to the carrier.** Any payments made or assistance provided shall not constitute recognition of liability.

Or. en

Justification

The amendment restores the EP position at first reading and is connected with the amendment on paragraph 19.

Amendment 80
Gesine Meissner

Council position – amending act
Article 10 - paragraph 2

Council position

(2) In the event of a refusal to accept a reservation or to issue or otherwise provide a ticket on the grounds referred to in paragraph 1, carriers, travel agents and tour operators shall ***make reasonable efforts to*** inform the person concerned about an acceptable alternative service operated by the carrier.

Amendment

(2) In the event of a refusal to accept a reservation or to issue or otherwise provide a ticket on the grounds referred to in paragraph 1, carriers, travel agents and tour operators shall inform the person concerned about an acceptable alternative service operated by the carrier.

Or. en

Justification

Since the article refers to alternative services performed by the same carrier, information should be easily available and simple to provide.

Amendment 81
Thomas Ulmer

Council position – amending act
Article 10 - paragraph 3

Council position

(3) If a disabled person or a person with reduced mobility, who holds a reservation or has a ticket and has complied with the requirements of Article 14(1)(a), is nonetheless refused permission to board on the grounds of his disability or reduced mobility, that person and any accompanying person pursuant to

Amendment

(3) If a disabled person or a person with reduced mobility, who holds a reservation or has a ticket and has complied with the requirements of Article 14(1)(a), is nonetheless refused permission to board on the grounds of his disability or reduced mobility, that person and any accompanying person pursuant to

paragraph 4 of this Article shall be offered ***the choice between:***

(a) the right to reimbursement, and where relevant a return service free of charge to the first point of departure, as set out in the transport contract, at the earliest opportunity;

(b) except where not feasible, ***continuation of*** the journey or re-routing by reasonable alternative transport services to the place of destination set out in the transport contract.

paragraph 4 of this Article shall be offered the right to reimbursement, and where relevant a return service free of charge to the first point of departure, as set out in the transport contract, at the earliest opportunity.

Except where not feasible, ***the bus and/or coach undertaking shall provide information about the possibilities for continuing*** the journey or re-routing by reasonable alternative transport services to the place of destination set out in the transport contract.

Or. de

Justification

Individual bus and/or coach undertakings should not be forced to meet the cost of providing the alternative transport service required. This would simply be unaffordable for many private small and medium-sized bus and/or coach undertakings. In addition, funding the provision of barrier-free transport services for persons with reduced mobility or disabled persons is primarily the responsibility of the State and one that should not be passed on to individual undertakings.

Amendment 82 Philip Bradbourn

Council position – amending act Article 10 - paragraph 4

Council position

(4) *Under the same conditions set out in paragraph 1(a)*, a carrier, travel agent or tour operator may require that a disabled person or person with reduced mobility be accompanied by another person who is capable of providing the assistance required by the disabled person or person with reduced mobility, if this is strictly

Amendment

(4) *If a carrier, travel agent or tour operator refuses to accept a reservation from, to issue or otherwise provide a ticket to or to take on board a person on the grounds of disability or of reduced mobility for the reasons set out in paragraph 1 or if the crew of the vehicle concerned consists only of one person*

necessary. Such an accompanying person shall be transported free of charge and, where feasible, seated next to the disabled person or person with reduced mobility.

who drives the vehicle and who is not in a position to provide the disabled person or the person with reduced mobility with all the assistance as specified in Annex I b, a carrier, travel agent or tour operator may require that a disabled person or person with reduced mobility be accompanied by another person who is capable of providing the assistance required by the disabled person or person with reduced mobility, if this is strictly necessary. Such an accompanying person shall be transported free of charge and, where feasible, seated next to the disabled person or person with reduced mobility.

Or. en

Justification

Amendment aimed at restoring the Council position which is more pragmatic and better adapted to the situation. It should be up to the carriers to propose accompaniment to the disabled person or the person with reduced mobility.

Amendment 83 Gesine Meissner

Council position – amending act Article 10 - paragraph 4

Council position

(4) *Under the same conditions set out in paragraph 1(a)*, a carrier, travel agent or tour operator **may require that** a disabled person or person with reduced mobility be accompanied by another person who is capable of providing the assistance required by the disabled person or person with reduced mobility, **if this is strictly necessary**. Such an accompanying person shall be transported free of charge and, where feasible, seated next to the disabled person or person with reduced mobility.

Amendment

(4) **If** a carrier, travel agent or tour operator **refuses to accept a reservation from, to issue or otherwise provide a ticket to or to take on board a person on the grounds of disability or of reduced mobility for the reasons set out in paragraph 1**, a disabled person or person with reduced mobility **may request to be** accompanied by another person who is capable of providing the assistance required by the disabled person or person with reduced mobility. Such an accompanying person shall be transported free of charge and, where feasible, seated next to the disabled person or person with reduced mobility.

Justification

If a disabled person or a PRM is refused access on his or her own because of his disability or reduced mobility, he or she should have the right to be accompanied by another person.

Amendment 84
Philip Bradbourn

Council position – amending act
Article 13 - paragraph 1

Council position

(1) Subject to the access conditions provided for in Article 11(1), **carriers and terminal managing bodies shall, *within their respective areas of competence***, at terminals designated by Member States, provide assistance free of charge to disabled persons and persons with reduced mobility **as** specified in part (a) of Annex I.

Amendment

(1) Subject to the access conditions provided for in Article 11(1), terminal managing bodies shall, at terminals designated by Member States, provide assistance free of charge to disabled persons and persons with reduced mobility, **at least to the extent** specified in part (a) of Annex I.

Justification

Amendment aimed at creating an appropriate and clearer responsibility for offering assistance at terminal.

Amendment 85
Philip Bradbourn

Council position – amending act
Article 13 - paragraph 2

Council position

(2) Subject to the access conditions provided for in Article 11(1), carriers shall, on board buses and coaches, provide assistance free of charge to disabled persons and persons with reduced mobility

Amendment

(2) Subject to the access conditions provided for in Article 11(1), carriers shall, on board buses and coaches, provide assistance free of charge to disabled persons and persons with reduced mobility

as specified in part (b) of Annex I.

at least to the extent specified in part (b) of Annex I.

Or. en

Justification

Amendment aimed at creating an appropriate and clearer responsibility for offering assistance at terminals and on board buses and coaches.

Amendment 86

Bogdan Kazimierz Marcinkiewicz

Council position – amending act

Article 14 - paragraph 1 - point b - indent i

Council position

i) at the time stipulated in advance by the carrier which shall be no more than 60 minutes before the published departure time; or

Amendment

i) at the time stipulated in advance by the carrier which shall be no more than 60 minutes before the published departure time ***unless a shorter period is agreed between the carrier and the passenger who is properly informed about the change***; or

Or. en

Amendment 87

Markus Ferber

Council position – amending act

Article 16 - paragraph 1

Council position

(1) Carriers and, where appropriate, terminal managing bodies shall establish disability-related training procedures, including instructions, and ensure that:
a) their personnel, other than drivers, including those employed by any other performing party, providing direct assistance to disabled persons and persons with reduced mobility are trained or

Amendment

deleted

*instructed as described in Annex II, part a) and b);and
b) their personnel, including drivers, who deal directly with the travelling public or with issues related to the travelling public, are trained or instructed as described in Annex II, part a).*

Or. de

Justification

By means of Directive 2003/59/EC on the qualifications of drivers of vehicles for the carriage of goods and passengers the European legislator has already introduced a set of European rules which lay down minimum requirements in terms of the qualifications and training of professional drivers. These requirements include knowledge relating to the 'carriage of specific groups of passengers' and are fully up to date. There is therefore no need for additional training as provided for in Article 16.

Amendment 88
Philip Bradbourn

Council position – amending act
Article 16 - paragraph 2

Council position

(2) A Member State may for a maximum period of two years from....+ grant an exemption from the application of paragraph(1)(b) with regard to training of drivers.

Amendment

(2) Article 18(1)(b) with regard to training of drivers shall apply with effect from 9 September 2015.

Or. en

Justification

A postponement of the application of the rules concerning the training of drivers is needed in order to be in line with the timings of Directive 2003/59/EC on the training of drivers which fixes the date for carriers to comply with its provisions to be 9 September 2015. Any other date would force carriers to modify already established training plans. Ultimately, the ideal situation would be that the provisions on training are integrated into the text of Directive 2003/59/EC.

Amendment 89
Markus Ferber

Council position – amending act
Article 17 - paragraph 1 a (new)

Council position

Amendment

(1a) The carrier shall not be held liable for loss or damage pursuant to paragraph 1:

(a) if the loss or damage has been caused by circumstances not connected with the operation of bus and coach transport services and which the bus and/or coach undertaking could not have avoided, in spite of having taken the care required in the particular circumstances of the case, and the consequences of which it was unable to prevent;

(b) to the extent that the loss or damage is the fault of the passenger or was caused by the passenger's negligence.

Or. de

Justification

A bus or coach undertaking cannot be held liable for circumstances outside its area of responsibility and control. Accordingly, the requirement to pay compensation should not apply if the loss or damage was the result of force majeure. Likewise, if the person who suffered the loss or damage is partly responsible the requirement to pay compensation should be reduced accordingly.

Amendment 90
Gesine Meissner

Council position – amending act
Article 19 - paragraph 1

Council position

Amendment

(1) Where a carrier reasonably expects a regular service to be cancelled or delayed in departure from a terminal for more than 120 minutes, the passenger shall

(1) Where a carrier reasonably expects a regular service to be cancelled or delayed in departure from a terminal for more than 120 minutes ***or in the case of overbooking,***

immediately be offered the choice between:

the passenger shall immediately be offered the choice between:

Or. en

Justification

The Regulation should also offer passengers adequate rights in the case of overbooking.

Amendment 91
Thomas Ulmer

Council position – amending act
Article 19 - paragraph 1

Council position

Amendment

(1) Where a carrier reasonably expects a regular service to be cancelled or delayed in departure from a terminal for more than 120 minutes, the passenger shall immediately be offered the choice between:

(a) continuation or re-routing to the final destination, under comparable conditions, as set out in the transport contract, at the earliest opportunity;

(b) reimbursement of the ticket price, and, where relevant, a return service by bus or coach free of charge to the first point of departure, as set out in the transport contract, at the earliest opportunity.

(1) Where a carrier reasonably expects a regular service to be cancelled or delayed in departure from a terminal for more than 120 minutes, the passenger shall immediately be offered the choice between:

(a) ***except where not feasible***, continuation or re-routing to the final destination, under comparable conditions, as set out in the transport contract, at the earliest opportunity;

(b) ***failing that***, reimbursement of the ticket price, and, where relevant, a return service by bus or coach free of charge to the first point of departure, as set out in the transport contract, at the earliest opportunity.

Or. de

Justification

Given that the bus and coach transport sector is dominated by small and medium-sized undertakings, it cannot be for the passenger to choose between reimbursement of the ticket price and the provision of an alternative transport service under comparable conditions. The main reason for this is that, unlike in the rail transport sector, in most cases the passenger cannot simply be informed of the time of the next suitable service.

Amendment 92
Bogdan Kazimierz Marcinkiewicz

Council position – amending act
Article 19 - paragraph 1 - point b a (new)

Council position

Amendment

(ba) in addition to the reimbursement referred to in point (b), have the right to compensation amounting to 50% of the ticket price if the carrier fails to offer continuation or re-routing to the final destination as referred to in point (a). The compensation shall be paid within one month of the submission of the request for compensation at the latest

Or. en

Justification

The amendment reflects the EP position at first reading.

Amendment 93
Thomas Ulmer

Council position – amending act
Article 19 - paragraph 2

Council position

Amendment

(2) Where a regular service is cancelled or delayed in departure from a bus stop for more than 120 minutes, passengers shall have the right to **such continuation or re-routing or** reimbursement of the ticket price **from the carrier.**

(2) If the cancellation or delay is the result of:

(a) circumstances not connected with the operation of bus and coach transport services and which the bus and/or coach undertaking could not have avoided, in spite of having taken the care required in the particular circumstances of the case,

and the consequences of which it was unable to prevent;
(b) passenger negligence; or
(c) the actions of a third party which the bus and/or coach undertaking could not have avoided, in spite of having taken the care required in the particular circumstances of the case, and the consequences of which it was unable to prevent

passengers shall have the right **only** to reimbursement of the ticket price.

Or. de

Justification

Individual road users must accept the problems inherent in road transport - traffic jams, road closures, border checks, adverse weather conditions, etc. However, in the context of the provision of transport services responsibility for dealing with the consequences of such problems cannot simply be passed on to carriers. Accordingly, a carrier cannot be required to provide an alternative transport service if the reason for a delay or cancellation is outside its control.

Amendment 94 **Dominique Riquet, Michel Dantin**

Council position – amending act **Article 21**

Council position

For a journey of a scheduled duration of more than three hours the carrier shall, in case of cancellation or delay in departure from a terminal of more than two hours, offer the passenger free of charge:

- (a) snacks, meals or refreshments in reasonable relation to the waiting time or delay, provided they are available on the bus or in the terminal, or can reasonably be supplied;
- (b) **assistance to find** a hotel room or other accommodation as well as assistance to arrange transport between the terminal and

Amendment

I. For a journey of a scheduled duration of more than three hours the carrier shall, in case of cancellation or delay in departure from a terminal of more than two hours, offer the passenger free of charge:

- (a) snacks, meals or refreshments in reasonable relation to the waiting time or delay, provided they are available on the bus or in the terminal, or can reasonably be supplied;
- (b) a hotel room or other accommodation as well as assistance to arrange transport between the terminal and the place of

the place of accommodation in cases where a stay of one or more nights becomes necessary.

accommodation in cases where a stay of one or more nights becomes necessary.

2. In the event of late arrival where the delay is the result of

- negligence or an error on the part of the driver

or

- a vehicle breakdown:

(a) passengers shall be entitled to compensation equivalent to 25% of the price of the ticket in the event of a delay exceeding one hour and to 50% of the price of the ticket in the event of a delay exceeding two hours. The price of the ticket shall be the full price paid by the passenger for the part of the journey which gave rise to the delay. The compensation must be paid within one month following receipt of the application;

(b) passengers must be offered the assistance described in paragraph 1.

3. An undertaking shall be relieved of that liability if the cancellation or delay can be attributed to one of the following causes:

- outside circumstances not connected with the operation of the service and which the carrier, in spite of having taken the care required in the particular circumstances of the case, could not avoid and the consequences of which he was unable to prevent;

- fault or negligence on the part of a passenger; or

- behaviour by a third party which the carrier, in spite of having taken the care required in the particular circumstances of the case, could not avoid and the consequences of which he was unable to prevent.

Or. fr

Justification

This amendment primarily seeks to reinstate the position adopted by Parliament at first reading as regards the compensation of passengers in the event of the cancellation of or a delay affecting a service.

Amendment 95

Debora Serracchiani

Council position – amending act

Article 21 - introductory part

Council position

For a journey of a scheduled duration of more than three hours the carrier shall, in case of cancellation or delay in departure from a terminal of more than **two hours**, offer the passenger free of charge:

Amendment

For a journey of a scheduled duration of more than three hours the carrier shall, in case of cancellation or delay in departure from a terminal of more than **one hour**, offer the passenger free of charge:

Or. en

Justification

To ensure a regulatory level playing field with other modes (eg. rail), the compensation scheme in case of a delay should apply starting from one hour delay, not only two hours delay.

Amendment 96

Debora Serracchiani

Council position – amending act

Article 21 - new subparagraph

Council position

Amendment

***In case of delays at arrival, where the delay is due to either the driver's negligence and fault or a technical failure of the vehicle:
(a) passengers have the right to compensation amounting to 25% of the***

ticket price in case of a delay of more than one hour, and 50% of the ticket price in case of a delay of more than two hours. A carrier shall be exonerated from this liability if the cancellation or delay can be attributed to:

- circumstances not connected with the operation of bus and coach transport services and which the carrier could not have avoided, in spite of having taken the care required in the particular circumstances of the case, and the consequences of which it was unable to prevent;

-passengers' negligence.

Or. en

Justification

A compensation scheme should also apply in case of a delay at arrival, provided that the causes for the delay are attributed to the carrier.

Amendment 97
Philip Bradbourn

Council position – amending act
Article 22 a (new)

Council position

Amendment

Article 22a

Carriers shall cooperate in order to adopt arrangements at national or European level with the involvement of stakeholders, professional associations and associations of customers, passengers and disabled persons.

Or. en

Justification

Amendment aimed at establishing a framework for stakeholders to initiate and/or establish sustainable cooperation, to contribute to higher service quality at European and/or national level.

Amendment 98
Gesine Meissner

Council position – amending act
Article 23

Council position

Carriers and terminal managing bodies shall, within their respective areas of competence, provide passengers with adequate information throughout their travel. ***Where feasible this information shall be provided in accessible formats upon request.***

Amendment

Carriers and terminal managing bodies shall, within their respective areas of competence, provide passengers with adequate information ***from the moment of reservation and*** throughout their travel ***in accessible formats and according to a common conceptual model for public transport data and systems.***

Or. en

Justification

The information should be provided in accessible formats and from the moment of reservation, so that passengers are informed of anticipated delays, cancellations, etc. Furthermore the use of common models would facilitate the building up of interoperable and intermodal passenger information and ticketing.

Amendment 99
Spyros Danellis

Council position – amending act
Article 24 - paragraph 1

Council position

(1) Carriers and terminal managing bodies shall, within their respective areas of competence, ensure that passengers are provided with appropriate and comprehensible information regarding their

Amendment

(1) Carriers and terminal managing bodies shall, within their respective areas of competence, ensure that passengers are provided with appropriate and comprehensible information regarding their

rights under this Regulation at the latest on departure. The information shall be provided at terminals and where applicable, on the Internet. ***At the request of a disabled person or person with reduced mobility the information shall be provided in an accessible format.*** This information shall include contact details of the enforcement body or bodies designated by the Member State pursuant to Article 27(1).

rights under this Regulation at the latest on departure. The information shall be provided ***in a format accessible to all, whether users of modern information media or not,*** at terminals and where applicable, on the Internet. This information shall include contact details of the enforcement body or bodies designated by the Member State pursuant to Article 27(1).

Or. el

Amendment 100
Gesine Meissner

Council position – amending act
Article 24 - paragraph 1

Council position

(1) Carriers and terminal managing bodies shall, within their respective areas of competence, ensure that passengers are provided with appropriate and comprehensible information regarding their rights under this Regulation at the latest on departure. The information shall be provided at terminals and where applicable, on the Internet. ***At the request of a disabled person or person with reduced mobility the information shall be provided in an accessible format.*** This information shall include contact details of the enforcement body or bodies designated by the Member State pursuant to Article 27(1).

Amendment

(1) Carriers and terminal managing bodies shall, within their respective areas of competence, ensure that passengers are provided with appropriate and comprehensible information regarding their rights under this Regulation ***upon reservation and*** at the latest on departure. The information shall be provided ***in accessible formats*** at terminals and where applicable, on the Internet. This information shall include contact details of the enforcement body or bodies designated by the Member State pursuant to Article 27(1).

Or. en

Justification

There should be an obligation to provide information in accessible formats upon departure and from the moment of reservation whenever possible.

Amendment 101
Debora Serracchiani

Council position – amending act
Article 24 - paragraph 1

Council position

(1) Carriers and terminal managing bodies shall, within their respective areas of competence, ensure that passengers are provided with appropriate and comprehensible information regarding their rights under this Regulation at the latest on departure. The information shall be provided at terminals and where applicable, on the Internet. This information shall include contact details of the enforcement body or bodies designated by the Member State pursuant to Article 27(1).

Amendment

(1) Carriers and terminal managing bodies shall, within their respective areas of competence, ensure that passengers are provided with appropriate and comprehensible information regarding their rights under this Regulation at the latest on departure. The information shall be provided ***in accessible formats, and according to a common conceptual model for public transport data and systems***, at terminals and where applicable, on the Internet. This information shall include contact details of the enforcement body or bodies designated by the Member State pursuant to Article 27(1).

Or. en

Justification

It should be ensured that passengers get information on connections with other modes of transport. This will also ensure a dialogue between bus and rail passenger services.

Amendment 102
Philip Bradbourn

Council position – amending act
Article 25

Council position

Carriers shall set up or have in place a complaint handling mechanism for the rights and obligations set out in Articles 4, 8 ***and 9 to 24***.

Amendment

Carriers shall set up or have in place a complaint handling mechanism for the rights and obligations set out in Articles 4, 8, ***9 and 24***.

Justification

Amendment aimed at meeting the specific nature and operational conditions of the bus and coach industry, whilst at the same time guaranteeing an appropriate level of assistance to passengers.

Amendment 103
Eva Lichtenberger

Council position – amending act
Article 25

Council position

Carriers shall set up or have in place a complaint mechanism for the rights and obligations set out in *Articles 4, 8 and 9 to 24*.

Amendment

Carriers shall set up or have in place a complaint mechanism for the rights and obligations set out in *this Regulation*. ***In addition Member States shall set up an independent mechanism, whereby complaints shall be solved in case of disagreement on the level of the carriers' complaint mechanism.***

Justification

The Council and the European Parliament agree on such an independent additional mechanism, installed by Member States, within the Regulation proposal on passenger rights in Maritime and Inland Waterway Transport. To be coherent, this should also be agreed within this Regulation on buses/coaches.

Amendment 104
Antonio Cancian

Council position – amending act
Article 27 - paragraph 1

Council position

(1) Each Member State shall designate ***a new or*** existing body or bodies responsible for the enforcement of this Regulation ***as regards regular services from points***

Amendment

(1) Each Member State shall designate ***an*** existing body or bodies, ***or, if there is no existing body, a new body*** responsible for the enforcement of this Regulation. Each

situated on its territory and regular services from a third country to such points. Each body shall take the measures necessary to ensure compliance with this Regulation.

Each body shall, in its organization, funding decisions, legal structure and decision-making, be independent of carriers, tour operators and terminal managing bodies.

body shall take the measures necessary to ensure compliance with this Regulation.

Each body shall, in its organization, funding decisions, legal structure and decision-making, be independent of carriers, tour operators and terminal managing bodies.

Or. en

Justification

There is no need for further administrative bodies where these are already present. Compliance should be ensured for all kinds of transport services.

Amendment 105
Philip Bradbourn

Council position – amending act
Article 33

Council position

This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

It shall apply *from...+.*

Amendment

This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

It shall apply *two years after publication.*

Or. en

Justification

Amendment aimed at allowing sufficient time to competent authorities, as well as to carriers, to prepare for the new rules, especially regarding training of their personnel.

Amendment 106
Markus Ferber

Council position – amending act
Annex I - point b - first indent

Council position

- be provided with essential information on a journey in accessible formats subject to request made by the passenger;

Amendment

- ***except where not feasible, and if the vehicle crew consists of more than just the driver,*** be provided with essential information on a journey in accessible formats subject to request made by the passenger;

Or. de

Justification

For obvious road and passenger safety reasons, the driver must concentrate fully on driving. The requirement to provide information can therefore apply only if there are other crew members on board the vehicle.