

8. Proposal for a Regulation on Rights of Bus and Coach Passengers

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ABI Lead Committees: Motor

Other interested committees: European

Issue: The European Commission issued a proposal for a regulation on the rights of bus and coach passengers.

Status: In December 2008 the Commission published a draft Regulation on rights of passengers in bus and coach transport. This introduced a strict liability regime, and obligations for a bus/coach operator to make advance payments for damage suffered to the passengers, as well as setting advance payments at 21 000 EUR per passenger in the event of death.

In April the European Parliament adopted a report that included amendments that were favourable to the insurance industry. The Swedes made significant progress in the Council. In October they presented a new text to the working group in the hope that the proposal could be agreed by December. The text included provisions only imposing strict liability if it is required by national law. The provisions requiring advance payments were replaced with an obligation to provide assistance to an injured person after an accident for immediate needs such as transport. The final issue was the scope of the regulation. Whilst the original Commission text included local and international transport, the Council's text gives Member States the possibility to exempt regional, urban and suburban transport.

This text went to COREPER on 17 December and political agreement was reached on the Swedish proposal. This was very positive news and follows sustained lobbying by the ABI, both in the UK and with the CEA and other national trade associations in Europe. The next step will be a second reading in the European Parliament in early 2010.

ABI Action: The CEA worked hard on this dossier and the ABI was active in feeding into the discussions. The main issues were around the strict liability provisions, the requirement to make advance payments and the scope of the regulation for both local and international transport.

The ABI explained that the main issue affecting insurers was around the potential change to the liability regime for personal injury claims, which would introduce a different compensation system for bus and coach passengers compared to other road users. We explained that this legislation may create a precedent and have a spill-over effect on all cross border accidents and all other personal injury claims. Furthermore, if the liability of buses and/or coaches for damages was unlimited, it would be unlikely that an insurance solution would or could be offered at all or, at least, not at a reasonable price. The Department for Transport (DfT) issued a consultation on this issue and the ABI responded to it and explained our concerns. The DfT was extremely supportive of our position and presented arguments backing up our position at

the Council working group meetings. The ABI also worked with other CEA members to ensure like-minded Member States were supportive of the DfT position at the Council working group meetings.

In early 2010 there will be a second reading in the European Parliament and the ABI will continue to monitor the developments at this level.

Background: In the 2001 Commission White Paper – European transport policy for 2010 – The Commission aimed at establishing passenger rights for all modes on transport by 2010. This aim was reiterated in the 2005 Commission paper on strengthening passenger rights within the EU. A public consultation took place at the end of 2005 on this issue.

Useful Documents

[Proposal for a Regulation of the European Parliament and of the Council on the rights of passengers in bus and coach transport](#)

[European Transport Policy 2010](#)

[DfT Consultation](#)

[Council Progress Report May 2009](#)