



Eisenbahn-Bundesamt

Report by the Federal Railway Authority

on the Activities to enforce the Rights of Passengers in
Bus and Coach Transport in accordance with Article 29
of Regulation (EU) No 181/2011



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1. Introduction

Regulation (EU) No 181/2011 of the European Parliament and of the Council of 16 February 2011 concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004¹ has been in force since 1 March 2013. Article 29 of Regulation (EU) No 181/2011 states that the national enforcement bodies shall publish a report on their activity in the previous two calendar years every two years after 1 June 2015.

Section 3(1) of the EU Bus and Coach Passenger Rights Act (EU-FahrgRBusG) has designated the Federal Railway Authority (EBA) as the national enforcement body. This entity performs the tasks for the enforcement of Regulation (EU) No 181/2011 making use of the synergy effects from the lessons learned as the national enforcement body for railway and maritime and inland waterway transport. Moreover, the EBA is the body that hears appeals by passengers in cases where it has not been possible for complaints submitted to the carrier to be resolved (second sentence of section 3(2) of the EU-FahrgRBusG and Article 28(3)(2) of Regulation (EU) No 181/2011).

The Member State Germany has, pursuant to Section 1(2) of the EU-FahrgRBusG, made use of the exemption provided for in Article 2(5) of Regulation (EU) No 181/2011, exempting particular regular services from the scope of application of this Regulation if a significant part of such services, including at least one scheduled stop, is operated outside the Union. This exemption expired on 28 February 2017. It did not avail itself of the option to renew this exemption.

In addition, section 1(3) of the EU-FahrgRBusG states that Article 16(1)(b) of Regulation (EU) No 181/2011 does not apply to the carriers as regards the training of their drivers until 28 February 2018 (cf. Article 16(2) of Regulation (EU) No 181/2011). Since 1 March 2018, Article 16(1)(b) of Regulation (EU) No 181/2011 has thus also applied to drivers.

Passengers may submit their complaints not only to the national enforcement body at the Federal Railway Authority but may, in accordance with section 6 of the EU-FahrgRSchG, also contact dispute resolution bodies recognized by the Federal Ministry of Transport and Digital Infrastructure (BMVI) under the Consumer Dispute Resolution Act), provided that the carrier

¹Hereinafter referred to as: Regulation (EU) No 181/2011.



concerned is a member thereof. Currently, these are the Schlichtungsstelle für den öffentlichen Personenverkehr e.V. (söp), the Nahverkehr-Schlichtungsstelle e.V. (SNUB) and the Schlichtungsstelle Nahverkehr e. V. (snv).

In 2020, the COVID-19 pandemic confronted the national enforcement body with a new challenge. The outbreak of the COVID-19 pandemic in mid-March brought the bus and coach sector to a total standstill. In summer 2020, only about one half of regular services were being operated. This was also reflected in the declining number of complaints submitted. It was not possible for the body responsible for enforcing the rights of passengers to conduct checks on the spot. The way in which enforcement was planned and carried out had to be adapted to the new circumstances. Monitoring the rights of passengers on the spot was – with only a few justified exceptions – no longer possible because of the confinement measures and distancing rules in place. Checks were therefore carried out almost exclusively in writing. The obligated parties were requested to furnish appropriate evidence that they had complied with the rules and regulations.



2. Functions and activities of the national enforcement body as an appeal body

2.1 General

Since 1 March 2013, Regulation (EU) No 181/2011 concerning the rights of passengers in bus and coach transport has been in force. With effect from 27 July 2013, the Federal Railway Authority (EBA) was designated the national enforcement body. As part of this function, the EBA has, among other things, to look into complaints submitted by passengers.

Section 3(2) of the EU-FahrgRBusG states that passengers have first of all to contact the carrier before consulting the national enforcement body as the appeal body. Subsequently, passengers may submit a complaint regarding the decision taken by the carrier to the national enforcement body for review if they are of the opinion that the carrier did not observe their passenger rights guaranteed by law.

Initially, comparatively few complaints regarding the rights of passengers were submitted. Over the period to 2018, there was then a steady rise in the number of complaints submitted to the national enforcement body for the rights of passengers in bus and coach transport. Since 2019, a slightly opposing trend has been emerging. The number of complaints submitted regarding the rights of passengers has fallen by just under 20% since the last period under review. Moreover, around one half of all complaints submitted in 2020 were attributable to the COVID-19 pandemic.

To ensure that it is possible to compare the number of complaints between the individual transport modes, the Federal Ministry of Transport and Digital Infrastructure, which is competent in this respect, defined the term “complaint” in July 2016 as follows. Accordingly, “complaint”, as defined by the relevant EU Passenger Rights Regulation, means only written submissions reporting an infringement of the relevant Regulation and for which the Federal Railway Authority as the national enforcement body takes a decision of substance.

In practice, this means that, for example, such submissions where the EBA only refers the passenger to the carrier, to other regulatory authorities, to other national enforcement bodies or to dispute resolution bodies cannot, for statistical purposes, be deemed complaints under



passenger rights law. This includes general submissions, for instance concerning service deficiencies, rude drivers or civil claims for loss of luggage.

Of course, other complaints not covered by the narrow definition of the term “complaint” will continue to be handled and recorded for statistical purposes by the EBA. In the following, these complaints are referred to as general enquiries.

The complainants will receive a reply to all submissions either explaining the function of the Federal Railway Authority as an appeal body and the classification of their submission under passenger rights law and/or referring them, if appropriate, to the carrier or a dispute resolution body. In the case of complaints covered by the narrow definition of the term, the complainant will receive an explanation of the outcome of the administrative procedure conducted with the bus or coach operator and of the settlement of any claims.

2.2 Data concerning the handling of complaints in 2019

In 2019, a total of 1,389 written and 407 oral submissions in connection with the rights of passengers travelling by bus and coach were received by the national enforcement body. The oral enquiries are not described in any more detail below.

In 1,050 cases, the complainants were referred directly to the carrier. In the vast majority of the cases, the passengers assumed that they would reach the bus or coach operator with their submission. These were both submissions that were not related to passengers’ rights, such as requests for rebooking of journeys and requests for which the carrier is the first point of contact for submitting a complaint in accordance with Article 28(3)(2) of Regulation (EU) No 181/2011 in conjunction with the second sentence of section 3(2) of the EU-FahrgRBusG.

35 passengers were referred to the dispute resolution bodies with their requests. For reasons of competence, 9 submissions were transferred to other European national enforcement bodies.

A further 180 written submissions related to general enquiries. Of these, 41 submissions were the result of delays or cancellations, 26 submissions concerned the carriers’ obligations to provide information before and during the journey and 22 enquiries were related to reimburse-



ment of the ticket price. The subjects of other written submissions were the handling of complaints (5), the provision of assistance (4), tickets (3) and accidents (1). 78 cases did not involve any direct passenger rights issues but related to questions of service and other aspects associated with bus and coach travel.

115 submissions comply with the cross-modal narrow definition of the term “complaint” as mentioned above. These complaints are considered in greater detail in the following.

In many cases, the complaints referred to Article 19 of Regulation (EU) No 181/2011, which states, among other things, that the carrier, in the case of cancellation, overbooking or delayed departure from a terminal of more than 120 minutes, has to offer the passenger the choice of continuation of the journey at no additional cost and under comparable conditions or of reimbursement of the ticket price. Instead of this, passengers were frequently rebooked on another service or merely informed about the significant delay without being offered a continuation of their journey by a different route or reimbursement. Such complaints are repeatedly associated with poor information or the absence of information about the situation and the estimated time of departure (Article 20 of Regulation (EU) No 181/2011) and inadequate travel information during the journey or the failure to provide such information (Article 24 of Regulation (EU) No. 181/2011).

In 2019, however, most of the complaints related to reimbursement of the ticket price in accordance with Article 19 of Regulation (EU) No 181/2011, even though there was a marked decline compared with the previous year in the number of complaints concerning claims for reimbursement of the ticket price because passengers have cancelled their journey or continued their journey by alternative services and for payment of the refund within the statutory period of 14 days.

Complaints regarding the rights of disabled persons and persons with reduced mobility in accordance with Article 9 ff. of Regulation (EU) No 181/2011 tripled compared with the figure for the previous year. However, they only accounted for a small proportion of the total number of complaints received.



Type and contents of the complaints in 2019 ²				
Regulation (EU) No 181/2011	Contents	Number of complaints	Infringements	Remarks
Article 4	Tickets and non-discriminatory contract conditions	2	43 ³	Issuance of tickets and suspicion of discrimination
Article 6	Exclusion of rights of passengers by the conditions of carriage	1		Exclusion of rights of passengers for free staff travel
Article 7	Compensation in the event of accidents	1		Liability for passenger
Article 9(1)	Right to transport	4		Refusal of carriage
Article 16(1)(b)	Training	5		Driver not trained
Article 19(1)	Choice offered between re-routing/ reimbursement	20		No or only insufficient choice offered
Article 19(1)(a)	Continuation of journey at no additional cost	23		Failure to reimburse the price of the alternative service
Article 19(1)(b)	Reimbursement of the ticket price	19		No reimbursement or reimbursement by voucher rather than money or reimbursement under fare schemes instead of under passenger rights law
Article 19(2) to (5)	Obligations in the case of a cancelled or delayed service or overbooking	14		Delay in departure/cancellation, compensation, deadline for reimbursement, inoperability of the vehicle
Article 20(1) and (4)	Information in the event of a delay in departure/cancellation	8		No, incorrect or delayed information
Article 21	Assistance in case of cancelled or delayed departures	2		No meals or refreshments
Article 24	Provision of adequate information to passengers throughout their travel	3		Lack of information during the journey
Article 27(2)	Submission of complaints	13		No reply within the specified period

²Evaluated on 29 January 2021

³Related to all complaints complying with the narrow definition of the term "complaint".



In all cases, the EBA sought a statement from the carriers to clarify the situation. It was then, as a rule, not necessary to take more far-reaching enforcement measures. After reviewing the comments provided by the carriers, 43 infringements were identified which had already been settled in the course of administrative procedures. Further penalties going beyond the administrative procedures were not necessary.

2.3 Data concerning the handling of complaints in 2020

In 2020, a total of 706 written and 322 oral submissions in connection with the rights of passengers travelling by bus and coach were received by the national enforcement body. Oral enquiries are not described in any more detail below.

In 440 cases, the passengers had directly contacted the national enforcement body. These were enquiries not related to passengers' rights, such as rules governing the carriage of luggage, or submissions in which the carrier was not yet involved. In 402 of these cases, the passengers assumed that they were addressing the bus or coach operator with their submission, and were initially referred to the operator. This is equivalent to 91% of all direct referrals to carriers. In 38 cases, passengers had to be referred to the carrier after a brief review by the enforcement body.

16 cases were referred to the dispute resolution bodies. In this context, it should be noted that even in those cases where the complainant is directly referred to the carrier, the passenger is, if necessary, informed about the dispute resolution body if the facts of the case are eligible for dispute settlement.

For reasons of competence, 10 submissions were transferred to other European national enforcement bodies. In the case of 7 other submissions, reference was merely made to another national enforcement body, as neither the own competence was given nor the obvious violation of the Passenger Rights' Regulation could be determined on the basis of the facts of the case without further examination.

A further 92 written submissions related to general enquiries. 17 of these submissions were related to the entitlement to reimbursement deriving from Article 19 of Regulation (EU) No 181/2011. 9 enquiries concerned delays or cancellations. 5 submissions concerned the carriers' obligations to provide information before and during the journey. 2 written requests for



information were related to the handling of complaints, and 2 to the provision of assistance. 1 submission referred to problems experienced by persons with reduced mobility and disabled persons. 56 submissions involved issues that were not directly related to passenger rights but addressed questions of service and other aspects associated with bus and coach travel.

There was a direct link to the COVID-19 pandemic in the case of 26 of the total of 163 written submissions that concerned general enquiries, referral to dispute resolution bodies and transfers/referrals to other national enforcement bodies plus submissions in which the passenger had to be referred to the bus or coach operator following closer examination of the facts of the case.

141 submissions comply with the cross-modal narrow definition of the term “complaint” described above. These complaints are considered in greater detail in the following.

The complaints made in 2020, too, referred in the majority of cases to Article 19 of Regulation (EU) No 181/2011, often in connection with poor information or the absence of information about the situation and the expected time of departure (Article 20 of Regulation (EU) No 181/2011). In addition, there are complaints about the way in which complaints are handled (Article 27 of Regulation (EU) No 181/2011).

After clarification of the facts, it was possible to identify 87 infringements which had already been settled in the course of the administrative procedures. Further penalties going beyond the administrative procedures were not necessary. On the date on which the data were collected (29 January 2021), however, one administrative procedure had not yet been concluded, which means that the actual number of infringements might still increase.

Of the total of 141 complaints, 66 were directly linked to the COVID-19 pandemic. The focus, with around 62 complaints, was on the reimbursement of the ticket price in accordance with Article 19 of Regulation (EU) No 181/2011. Of these, 33 complaints concerned an infringement of the deadline for reimbursement (Article 19(5) of Regulation (EU) No 181/2011) and 6 complaints concerned the lack of a journey continuation/re-routing option by an alternative service at no additional cost (Article 19(1)(a) of Regulation (EU) No 181/2011). 23 complaints referred to Article 19(1)(b) of Regulation (EU) No 181/2011, because the carrier had initially merely offered to reimburse the ticket price of the cancelled journey in the form of a voucher or to pay



reimbursement under fare schemes (subject to charges) rather than under passenger rights law.

2 other complaints referred to the way in which complaints were managed by the carrier, 1 to the obligation to provide information prior to departure and 1 to the offer of a choice between continuation/re-routing and reimbursement.

Type and contents of the complaints in 2020⁴				
Regulation (EU) No 181/2011	Contents	Number of complaints	Infringements	Remarks
Article 16(1)(b)	Training	1	87 ⁵	Driver not trained
Article 19(1)	Choice offered between re-routing/reimbursement	8		No or only insufficient choice offered
Article 19(1)(a)	Continuation of journey at no additional cost	31		Failure to reimburse the price of the alternative service
Article 19(1)(b)	Reimbursement of the ticket price	37		No reimbursement or reimbursement by voucher rather than money or reimbursement under fare schemes instead of under passenger rights law
Article 19(2) to (5)	Obligations in the case of a cancelled or delayed service or overbooking	42		Delay in departure/cancellation, compensation, deadline for reimbursement, inoperability of the vehicle
Article 20(1) and (4)	Information in the event of a delay in departure/cancellation	9		No, incorrect or delayed information
Article 20(2)	Missed connection	1		No information on alternative connections provided
Article 24	Provision of adequate information to passengers throughout their travel	2		Lack of information during the journey
Article 27(2)	Submission of complaints	10		No reply within the specified period

⁴Evaluated on 29 January 2021

⁵Related to all complaints complying with the narrow definition of the term "complaint".



With regard to the infringement of the deadline for reimbursement (Article 19(5) of Regulation (EU) No 181/2011), the administrative reviews resulted in preparations for the issuance of a notice. However, this order is outside the period under review.

2.4 Prospects for the handling of complaints

Although there has been a decline in the total number of written submissions since 2019, the national enforcement body has registered an unchanging and even, in 2020, a slightly increased proportion of complaints within the meaning of the cross-modal narrow definition of the term “complaint”.

As in previous years, however, it is apparent that, in the case of most submissions, the complainants have, to be initially referred to the carrier. Over the period to 2019, the trend increased to cover 76% of all written submissions. The EBA has only taken action as an appeal body on around one quarter of the submissions. In 2020, there was a noticeable reduction in the number of referrals to the carrier to just under 60%.

It is to be assumed that the slight drop in the number of submissions in 2020 will increase once the operation of regular long-distance coach services is resumed after the end of the measures to contain the COVID-19 pandemic.



3. Enforcement of passenger rights by supervisory measures

3.1 General

During the period under review (2019/2020), as in previous periods, the EBA, as the national enforcement body within the meaning of Article 28(1) of Regulation (EU) No 181/2011 and section 4 of the EU-FahrgRBusG, proactively took measures to ensure compliance with Regulation (EU) No 181/2011. The focus was on checking compliance with the obligations to provide information in the long-distance coach services sector as well as at terminals and stops.

Given that, in the past, the way in which tour operators and travel agents have treated passengers was, in the majority of cases, in compliance with passenger rights legislation, supervisory measures are only carried out for these obligated parties if a relevant incident occurs. Therefore, in reporting years 2019 and 2020, no checks were carried out.

If infringements were identified, the obligated parties were admonished, within the framework of administrative procedures to comply with the law. Further penalties going beyond the administrative procedures were not necessary in the period under review.

3.2 Data on the proactive enforcement of passenger rights in 2019

In 2019, a total of 183 checks involving carriers and infrastructure managers were carried out. Carriers accounted for 93 of these checks and terminal managing bodies for 90.

Since 2019, two new companies have been operating regular long-distance coach services in Germany. Initial contacts have been established with regard to the obligations to provide information during the journey.

The market leader continues to be the only provider operating services that cover the whole of Germany. The supervisory measures were taken in accordance with the market share, which meant that the market leader accounted for the vast majority of the measures. To a certain extent, this market leader sets an example of good practice for the entire German long-



distance coach sector, since a clear majority of all passengers will be affected by potential infringements.

At the end of March 2019, a joint supervisory operation was conducted in the eastern federal states by all three offices of the national enforcement body. They inspected carriers and terminal managing bodies to check whether they were complying with their obligations to provide information about delays, about the rights of passengers and to provide travel information throughout the journey. This operation was also used to classify stops or terminals.

3.2.1 Carriers

In 2019, as in previous years, one of the main supervisory activities involved inspectors travelling anonymously on long-distance coaches throughout Germany in response to specific incidents. Delays were used to monitor whether the treatment of passengers was in compliance with the Regulation.

The content of the inspection journeys was defined by the information behaviour of the carrier in situations that were significant in terms of passenger law. This includes the provision of information in the event of delayed departure, missed connections or cancelled services by electronic means in accordance with Article 20(1) in conjunction with Article 20(4) of Regulation (EU) No 181/2011, the provision of adequate information to passengers throughout their journey - especially the communication of delays in arrival to passengers on the bus or coach - in accordance with Article 24 of Regulation (EU) No 181/2011. In the majority cases, the obligations to provide information were met in compliance with the Regulation. One exception was the provision of information on passenger rights in accordance with Article 25 of Regulation (EU) No 181/2011. In this respect, the number of infringements (12) in 2019 was an increase.

Compliance with the obligations to provide information in accordance with Article 19(1) and (4) of Regulation (EU) No 181/2011 was also regularly monitored. If departure of a service from a terminal is delayed by more than 120 minutes or if it is cancelled, passengers must be offered the choice between alternative travel options to their destination under comparable conditions and at no additional cost or cancellation of their journey with reimbursement of the ticket price.



The finding is that the obligations to provide information are normally complied with. In some cases there is still scope for improvement, especially as regards connecting services.

In addition, the following processes were examined at the operator level:

- Disability-related training of drivers in accordance with Article 16(1)(b) of Regulation (EU) No 181/2011
- Emergency management in the event of breakdowns – implementation of Article 19(3) of Regulation (EU) No 181/2011
- Provision of assistance in the event of accidents – implementation of Article 8 of Regulation (EU) No 181/2011

Article 16(1)(b) of Regulation (EU) No 181/2011 states that the carriage of disabled persons and persons with reduced mobility requires that the staff employed for this purpose receive appropriate disability-related training, including instructions. Article 16(2) of Regulation (EU) No 181/2011 stated that an exemption could be granted from the application of Article 16(1)(b) of Regulation (EU) No 181/2011 for a maximum of 5 years from 1 March 2013. Training of the bus and coach drivers has been mandatory since 1 March 2018. The driver training schemes developed by the operators of regular long-distance coach services have been reviewed.

The next step – after the COVID-19 pandemic – will involve reviewing the sustained effectiveness of the training measures among bus and coach drivers within the scope of nationwide dovetailed supervisory measures.

Article 19(3) of Regulation (EU) No 181/2011 states that, where the bus or coach becomes inoperable during the journey, the carrier shall provide either the continuation of the service with another vehicle to the passengers' destination or to a suitable waiting point or terminal from where continuation of the journey becomes possible. In addition to emergency management in the event of breakdowns, compliance with and implementation of obligations to provide information and assistance going beyond Article 19(3) of Regulation (EU) No 181/2011 was checked. It has not yet been possible to finally assess the emergency plans because of the small number of actual cases during the review period.

Regarding implementation of the obligations arising from Chapter II of Regulation (EC) No 181/2011 - compensation and assistance in the event of accidents - a structural check was conducted for the first time in 2019. The assistance provided by carriers as required by Article



8 of Regulation (EU) No 181/2011 was reviewed with regard to the needs of passengers following an accident. Responsibilities and procedures are stipulated for this case. As soon as sufficient actual cases are available, this approach will be subjected to a final assessment by the national enforcement body.

Inspection of carriers in 2019 - focal points⁶			
Regulation (EU) No 181/2011	Contents	Number of inspections	Infringements
Article 8	Immediate practical needs of passengers in the event of an accident	93	-
Article 16(1)(b)	Disability-related training of drivers		-
Article 19(1)	Choice offered between continuation, re-routing and reimbursement		1
Article 19(3)	Obligation to provide transport if the bus or coach becomes inoperable		-
Article 20(1) and (4)	Information - in the event of delay in departure/cancellation - in the event of a missed connection		4
			1
Article 21	Assistance in case of cancelled or delayed departures		5
Article 24	Provision of adequate information to passengers throughout their travel		5
Article 25	Information on passenger rights		12
Article 26	Establishment of a complaint handling mechanism		1
Article 27	Submission of complaints	1	

⁶ Evaluated on 29 January 2021



3.2.2 Terminal managing bodies

The inspections of the terminal managing bodies focused on compliance with the obligation, set out in Article 20(1) of Regulation (EU) No 181/2011, to provide information in the case of deviations from the timetable. At the same time, inspections were carried out at the terminals to check whether passengers were being informed about their rights and being provided with the contact details of the national enforcement body, as required by Article 25 of Regulation (EU) No 181/2011. The supervisory measures at the terminals were additionally used to examine the long-distance bus stops for classification as bus terminals according to Article 3(m) of Regulation (EU) No 181/2011 or possible designation according to Article 12 of Regulation (EU) No 181/2011.

Inspections of terminal managing bodies in 2019 - focal points⁷			
Regulation (EU) No 181/2011	Contents	Number of inspections	Infringements
Article 20(1)	Information in the event of delay in departure or cancellation	90 ⁸	4
Article 25	Information on passenger rights		

In most cases, technical systems were already in operation that make it possible to transmit near real-time and dynamic passenger information between the terminal managing bodies and the operators of regular long-distance coach services. In cases where there is not yet sufficient IT equipment, the operations control centre provides information by telephone or the task is assigned to on-site personnel.

Only in one case were numerous serious shortcomings over a longer period of time identified. Information about delays that is important to passengers in the event of a disruption was not provided. In 2018, the terminal managing body had to be officially ordered to establish a process for receiving and communicating information on deviations from the timetable. In 2019, several enforcement inspections were carried out to check whether the official order was being implemented. These checks revealed that the terminal managing body was still not complying

⁷Evaluated on 29 January 2021

⁸The number of inspections also includes inspections of long-distance bus terminals with regard to their classification as terminals or stops in accordance with Regulation (EU) No 181/2011.



with its obligation under Article 20(1) of Regulation (EU) No 181/2011. In the end, administrative enforcement action was not required, because the infrastructure manager, in cooperation with an operator of regular long-distance coach services, installed passenger information systems for the transmission of real-time information at the terminal. All the operators of regular long-distance coach services using the terminal are to be progressively integrated into the information process.

3.3 Data on the proactive enforcement of passenger rights in 2020

Since mid-March 2020, the regular operations of the national enforcement body have been severely impacted by the COVID-19 pandemic. With only a few justified exceptions, field work and official trips were no longer feasible. This resulted in a change in the planning of supervisory activities. On-site inspections by the authorities responsible for the enforcement of passenger rights were replaced by written measures that requested the obligated parties to furnish appropriate proof that the legislative provisions were being complied with.

In 2020, a total of 50 inspections involving carriers and terminal managing bodies were performed. Carriers accounted for 32 of these inspections and terminal managing bodies for 18.

3.3.1 Carriers

Starting in mid-March 2020, national and international regular long-distance coach services from and to Germany were completely suspended due to the COVID-19 pandemic. Following the resumption of operations, the operators of regular long-distance coach services operated a significantly reduced range of services during the summer months, before operations were suspended again starting at the beginning of November 2020 because of the worsening situation regarding the pandemic. For this reason, the last supervisory measures on buses and coaches took place at the end of February 2020.

With the outbreak of the COVID-19 pandemic, the supervisory measures focused on checking whether travellers were being dealt with in compliance with passenger rights legislation in the event journeys being cancelled by operators because of the pandemic. In this case, the passenger is normally entitled to either reimbursement of the ticket price or re-routing. In the specific context of the COVID-19 pandemic, re-routing was not an option in most cases, which



meant that passengers had to be offered a refund of payments already made for the purchase of tickets.

The fourth sentence of Article 19(5) of Regulation (EU) No 181/2001 states that the reimbursement of payments already made is normally to be made in money; vouchers may not be issued unless the passenger voluntarily accepts them.

The activities of the authorities responsible for the enforcement of passenger rights thus focused on checking that information was being provided to passengers about any given cancellation and the resultant reimbursement options and that the reimbursements were being made.

Inspection of carriers in 2020 - focal points⁹			
Routine inspections prior to the outbreak of the Covid-19 pandemic/following resumption of operations			
Regulation (EU) No 181/2011	Contents	Number of inspections	Infringements
Article 19(1)	Choice offered between continuation, re-routing and reimbursement	23	4
Article 19(2)	Reimbursement of the ticket price if no choice is offered as required by Article 19(1)		4
Article 20(1) and (4)	Information in the event of cancellation or delay in departure		2
Article 24	Provision of adequate information to passengers throughout their travel		-
Article 25	Information on passenger rights		4
Inspections of operators - suspension of bus and coach services due to COVID-19			
Fourth sentence of Article 19(5)	Reimbursement of the ticket price if the passenger is so entitled on the basis of point (b) of Article 19(1).	9	17
Article 27	Submission of complaints – how carriers reply		3

⁹ Evaluated on 29 January 2021



One of the operators inspected preferred to offer vouchers rather than reimbursement of the ticket price in money. Not until the passengers had repeatedly demanded that the reimbursement be made in money did this actually happen. The enforcement body reproved the operator for this behaviour, which was not in compliance with the Regulation, explaining the legal situation and referring to Commission Recommendation (EU) 2020/648 of 13 May 2020. Complaints were repeatedly requested from the company and examined. Infringements of Article 19(5) sentence 4 of Regulation (EU) No 181/2011 were identified and summarised in an administrative procedure. Appropriate administrative measures are being prepared to eliminate identified infringements and to prevent future infringements. The proceedings are still ongoing at the time of reporting.

3.3.2 Terminal managing bodies

Against the backdrop of the COVID-19 pandemic, the majority of supervisory measures performed took place in January and February 2020. The supervisory activities focused on the catalogue of obligations for the terminal managing bodies' activities.

Inspections of terminal managing bodies in 2020 - focal points¹⁰			
Regulation (EU) No 181/2011	Contents	Number of inspections	Infringements
Article 20(1)	Information in the event of delay in departure or cancellation	18 ¹¹	1
Article 25	Information on passenger rights		

In the proceedings involving the terminal managing body which, to avert enforcement measures, had installed, in cooperation with an operator of regular long-distance coach services, passenger information systems for the transmission of real-time information at the terminal, it was again necessary in 2020 to intervene in order to urge the terminal managing body to provide appropriate information. There were shortcomings regarding the inclusion of all the other operators of regular long-distance coach services using the terminal into the process of

¹⁰ Evaluated on 29 January 2021

¹¹The number of inspections also includes inspections of long-distance bus terminals with regard to their classification as terminals or stops in accordance with Regulation (EU) No 181/2011.



providing information on delays and cancellation. Once the pandemic situation - which resulted in significantly reduced numbers of services - has eased, administrative enforcement measures will again be reviewed.

3.4 Prospects for the enforcement of passenger rights by supervisory measures

The challenge currently faced is to gradually return to regular service and to ensure the fulfilment of tasks while taking into account the health of the staff.

Once the exceptional circumstances of the COVID-19 pandemic have come to an end, the focus is to be on checking the provision of passenger information before and during the bus or coach journey, the sustainability of accessibility-related driver training plus the establishment of an emergency management system and the provision of assistance in the event of accidents.



4. Other activities of the national enforcement body

4.1 Public relations work of the national enforcement body

In addition to providing information on passenger rights on the EBA's website, the national enforcement body, in the period under review, also made use of flyers on passenger rights in rail, maritime and inland waterway and bus and coach transport in order to inform passengers about their rights under Regulation (EU) No 181/2011.

At the annual open day of the Federal Ministries in Berlin, the national enforcement body regularly offers a point of contact to provide members of the public with information on passenger rights. In the period under review, this event was held from 17 to 18 August 2019. In 2020, the open day of the ministries was cancelled due to the COVID-19 pandemic.

4.2 Cooperation of the national enforcement bodies

Alongside the exchange of information between the national enforcement bodies in bus and coach transport under the auspices of the European Commission in Brussels, individual complaints are transferred to other national enforcement bodies if these cases are outside the remit of the EBA. Occasion-related, the German national enforcement body also uses the possibility of exchanging information on higher-level issues with the enforcement bodies of other EU Member States, for instance with the Austrian national enforcement body.



5. Conclusion

In the 2019/2020 reporting period, as in previous periods, there was a further increase in the importance of the rights of passengers for the users of buses and coaches, especially under the conditions of the COVID-19 pandemic. In 2020, just under one half of the complaints (in the narrower sense of the term) received were connected with pandemic-related aspects of the rights of passengers.

In recent years, a conspicuously large number of passengers contacted the national enforcement body directly without first approaching the carrier, as required by the second sentence of section 3(2) of the EU-FahrgRBusG. In the current period under review, a slightly declining trend is emerging. In these cases, the national enforcement body explains the legal situation to the complainants and refers them to the carrier.

The supervisory measures taken by the national enforcement body continued to be based on the results of the inspections as well as on information obtained from the complaints made by passengers. For the sector of regular long-distance coach services, the supervisory measures concerning carriers were performed according to their market share. In the case of the market leader, a sizeable majority of the passengers is affected by possible infringements.

It has proved helpful to be able to use the lessons learned from the enforcement of passenger rights for the rail and waterborne modes. Since the administrative governance for the handling of complaints as well as for the implementation of supervisory measures is uniform across all modes of transport, the national enforcement body benefits greatly from the synergy effects.