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Emne: Att: TRU | EEU | EU Passenger Rights Directive on long-distance bus providers are inefficient

Dear European Commissioner for Transport
and Danish Transport Authority, et al.

The current regulation 181/2011 Concerning the rights of passengers in bus and coach transport, sets out a distance limitation of 250 km to be eligible for compensation if a "long-distance" bus carrier is delayed. Above 250 km bus passengers have almost the same rights as airline passengers: Rights to compensation, full refunds, access to amenities, overnight stays, etc.

However, when a bus drive is below 250 km passengers have barely any useful rights. I experienced it this weekend when the bus was delayed several hours, and I opted to take another mode of transport (train), as I would have otherwise been home in Copenhagen after midnight. I have a job, so this was not an option. Afterwards, Kombardo Ekspressen refused to refund me for the 3 hour long delay with reference to the EU Directive mentioned above, which sets the 250 km limit.

The Danish "long-distance" bus provider, Kombardo-Ekspressen, abuses this 250 km to its fullest extent. The normal distance between the two major Danish cities of Aarhus and Copenhagen is minimum 307 km when driving direct and usually takes a bus 4-5 hours. - by car 3 hours, but buses drive slower and need to make more stops on the way, etc.

However, Kombardo-Ekspressen is a part-bus and part-ferry provider. They drive the bus onto a ferry, reducing the distance to 192 km, but the bus ride still takes 4-5 hours.

In essence this means that although Kombardo Ekspressens markets itself as a long-distance provider, by the definition of the EU Directive, they are actually not. None of the passenger rights apply to Kombardo Ekspressen, and they are not actually long-distance, because that per definition is 250 km. This is also despite that Kombardo Ekspressen competes in the long-distance segment with other similar providers, such as Flixbus.

I see the following issues with the current directive on passenger rights:

a) The current regulation does not cover mixed-mode transport. When a long-distance bus uses a ferry on legs of the journey, which passenger rights apply, when do they apply, and how do they apply in different situations?

b) Bus passengers have barely any rights compared to ferry passengers. A ferry only has to be delayed by 90 minutes before passengers are eligible for full refunds of their tickets, irrespective of the physical distance of the ferry ride. A bus ride, on the contrary, needs to be minimum 2-3 hours delayed, be scheduled for a longer than 250 km drive, and much more, to earn even basic, fundamental human rights to be provided with water by the bus carrier, right to a refund, etc. There are passenger right discrepancies across the different modes of transport, which make no sense.

c) Which rules in the EU Directive on Passenger Rights apply when a long-distance bus drives onto a ferry? The bus passenger rights or the ferry passenger rights of the EU Directive? Do the bus passenger rights apply on only legs of the journey, and the ferry passenger rights apply on another leg of the journey? Is it legally a ferry ride, although it starts as a bus ride (legally speaking)? Or is it a bus ride the entire way, although more than 50% of the journey is actually a ferry ride that depends on the weather and external factors much more than a similar bus journey?

d) If the ferry is delayed, causing the bus to be delayed, does the 2h bus delay limit cover this situation, or is it the 90 minute ferry delay limit? Which applies?

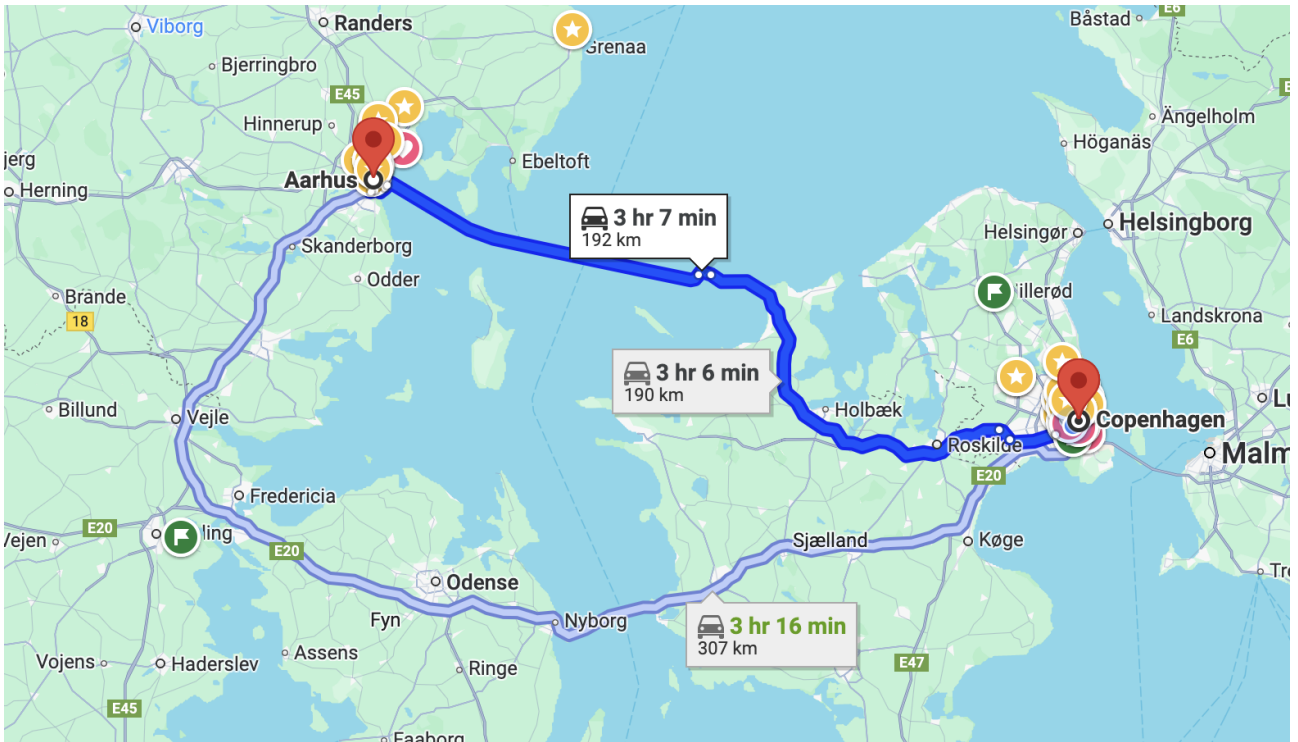
e) Why is there an arbitrary 250 km limit for bus rides? This should be written out more, because there are plenty of long-distance bus providers that just drive shorter distances to skirt the EU Passenger Rights Directive to prevent issuing refunds in case of delays.

Suggestion to amend the definition of a long-distance bus ride to be any bus, which:

- is not a city bus, AND
- crosses country borders, OR
- crosses national regions/administrative borders, OR
- crosses between major hubs in a country and in the EU, AND
- offers passengers to check baggage for an extra fee, OR
- offers amenities paid board, such as water, paid wifi, etc.

Especially the provision regarding offering checked baggage is something I have only experienced with long-distance bus providers. Irrespective of the distance, amenities on board is what sets long-distance and short-distance bus providers apart. So why not use other criteria than distance and travel time to define a long-distance bus provider?

The current 250 km/2h definition is a very easy loophole to circumvent.



Best regards
Henrik Stougaard
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