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## Opinion

**Title**                                    **Impact Assessment on: Proposal for a regulation on the rights of bus passengers – RESUBMISSION**

(draft version of 28 March 2008)

**Lead DG**                                    **DG TREN**

### 1) Impact Assessment Board Opinion

#### **(A) Context**

In 2001 the Commission presented a White Paper on a European transport policy for 2010, which envisaged the establishment of passengers' rights in all modes of transport. It was followed in 2005 by a Communication on strengthening passengers' rights in the EU, in which the Commission set out how to extend passenger protection measures to modes of transport other than air.

On 7 November 2007 the Board issued an opinion on an earlier draft of this IA report. Given the importance it attaches to the proper analysis of a sub-option "international only" under option 2, the Board invited DG TREN to resubmit its analysis on this point. The Board's scrutiny of the present report was limited to this particular aspect.

#### **(B) Positive aspects**

See earlier opinion.

#### **(C) Main recommendations for improvements**

*The recommendations below are listed in order of descending importance.*

**General recommendation: The analysis of economic costs and benefits and the assessment of proportionality and subsidiarity of the options involving purely domestic journeys has been slightly improved compared to the previous version of the report that was examined by the Board, but still needs further elaboration.**

**(1) The report should fully analyse an 'international only' variety of option 2. In a similar way as for option 3 (enhanced protection scenario), preferred option 2 (standard**

protection scenario) should define as a sub-option that the scope of the directive is limited to international bus journeys. This sub-option should be carried forward to the analysis of impacts (chapter 5) and to the comparison of options (chapter 6), so that it becomes clear for both sub-options how many bus operators and bus terminals would need to make adjustments and how many passengers would benefit from it.

**(2) The assessment of subsidiarity of all options involving purely domestic journeys should be further strengthened.** The assessment should demonstrate that Member State action alone would not be sufficient to achieve the objectives, and that EU action will better achieve those objectives by reason of scale or effect. The observation in §4.2 that many Member States do not appropriately address the issue of bus and coach passenger rights is a first step in the case for EU action, but the reasoning also needs to address the ability of Member States to act before it can come to the conclusion that "it is apparent that a real improvement of passenger protection can only be achieved at EU level". In doing so, the report should clarify which domestic services fall in the category of 'short distance scheduled services' which are excluded from the scope. To the extent that the Council's decision to include purely domestic transport in a directive on rail passengers' rights is relevant, the IA report should present the subsidiarity-related arguments that convinced the Council of the need to adopt this approach.

**(D) Procedure and presentation**

See earlier opinion. Moreover, the final version should explicitly state how these and earlier recommendations of the Board have been incorporated.

**2) IAB scrutiny process**

Reference number	2006/TREN/018 (catalogue item)
Author DG	TREN-A-5
External expertise used	No
Date of Board Meeting	Written procedure
Date of adoption of Opinion	<b>07 MAI 2008</b> The present opinion concerns a resubmitted draft IA report. The first opinion was issued on 7 November 2007.