



## RIGHTS OF PASSENGERS TRAVELLING BY BUS AND COACH (REGULATION (EU) N° 181/2011)

### ACTIVITY REPORT 2023

#### LUXEMBOURG

#### **1) Distribution of tasks between different NEBs?**

Since 1st of March 2021, the NEB activities have been transferred to the Ministry for Consumer Protection. This has been done through the

*Loi du 5 février 2021 sur les transports publics et modifiant :*

*1° les articles L. 311-5 et L. 311-6 du Code de la consommation ;*

*2° la loi modifiée du 28 juin 1984 portant réglementation de la police de la navigation intérieure, des sports nautiques, de la natation, des droits des passagers et du permis d'exploitation des bateaux à passagers ;*

*3° la loi du 10 septembre 2012 déterminant le régime des sanctions applicables en cas de violation des dispositions du règlement (CE) n° 1371/2007 du Parlement européen et du Conseil du 23 octobre 2007 sur les droits et obligations des voyageurs ferroviaires ;*

*4° la loi du 27 avril 2015 déterminant le régime des sanctions applicables en cas de violation des dispositions du règlement (UE) n° 181/2011 du Parlement européen et du Conseil du 16 février 2011 concernant les droits des passagers dans le transport par autobus et autocar et modifiant le règlement (CE) n° 2006/2004, et modifiant 1) les articles L. 311-5 et L. 311-6 du Code de la consommation, 2) l'article 7bis de la loi modifiée du 29 juin 2004 sur les transports publics<sup>1</sup>.*

The Ministry is in charge of passenger rights for the whole country and there are no other NEBs for passenger rights in Luxembourg

#### **2) Information and statistics on complaint handling:**

Year	Number of complaints	Reason for complaint (e.g. cancellation, delay, discrimination, lack of assistance)	Comments (if any):
1 January 2021 - 31 December 2021	0	/	/
1 January 2022 - 31 December 2022	0	/	/

*In your Member State (please underline the correct answer):*

Passengers can always submit their complaint directly to the NEB, or

~~Passengers are obliged to submit their complaints to the carrier/terminal managing body etc first, and they can only submit a complaint to an NEB if they are not satisfied with the solution offered by the carrier/terminal managing body, etc.~~

*Do you use a complaint form at national level (please underline the correct answer)?*

~~Yes (if yes, please provide a copy of this form to the Commission)~~

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<sup>1</sup> <https://legilux.public.lu/eli/etat/leg/loi/2021/02/05/a106/jo>



No

Which of the following methods of communication can be used to file complaints (please underline the correct answer or answers):

in paper format

electronically (e.g. by email or via a website)

by phone

in person at the NEBs office

Did you reattribute any complaints to NEBs of other Member State? If yes, how many complaints?

No complaints reattributed.

Is it possible to settle passengers' complaints via alternative dispute resolution?

Yes (if yes, please specify how it works)

No

Passengers can always contact an alternative dispute resolution body to try to settle a complaint. For national carriers, this is the *Médiateur de la consommation* (<https://www.mediateurconsommation.lu/en>) and for carriers in other EU member states the European consumer center network.

If an NEB takes a decision based on a complaint, will this decision be binding for the complainant and the carrier, terminal manager etc. against whom the complaint was made?

Yes, but the carrier can introduce a formal objection at the administrative court of Luxembourg (recours en réformation devant le tribunal administratif).

Do you have any information about the number of complaints that passengers submitted to carriers, terminal managing bodies, ticket vendors etc. operating in the territory of your Member State since 1 January 2021? (If yes, please indicate the number of those complaints.)

No.

### 3) Information and statistics on sanctions:

Year	Number of sanctions imposed	Type of sanction imposed (in case of fines, what was the sum imposed)	Reason for imposing the sanction (which provision of the Regulation was breached)
1 January 2021 - 31 December 2021	0	/	/
1 January 2022 - 31 December 2022	0	/	/

Did you impose sanctions in procedures which started on the basis of complaints or on the NEBs own initiative?

As there were no complaints, the NEB did not impose any sanctions.



*Are the sanctions imposed by the NEB or by another body (if it is imposed by another body, please indicate the name of this body)?*

Sanctions are imposed by the Ministry for Consumer Protection and collected by the *Administration de l'enregistrement, des domaines et de la TVA*

#### **4) Other actions in order to ensure the correct application of the Regulation:**

*How do you monitor that carriers, terminal managing bodies, ticket vendors etc. respect the Regulation? Do you organize inspections?*

Every complaint reaching the NEB will implement a monitoring activity. There have been no inspections at this stage.

*Do you cooperate with organizations representing passengers, disabled people or consumers, consumer authorities or other national authorities? (if yes, please specify)*

No.

*Do you cooperate with NEBs in other Member States (common handling of complaints, common inspections, etc)? (if yes, please specify)*

There were no cases of complaints requiring a cooperation with NEB's in other Member States.

*Have you taken any action to disseminate information about bus and coach passenger rights? (If yes, please specify)*

The bus and coach rights are published on [www.guichet.lu](http://www.guichet.lu), which is the national information portal.

*Article 11 of the Regulation provides that "In cooperation with organisations representative of disabled persons or persons with reduced mobility, carriers and terminal managing bodies shall, where appropriate through their organisations, establish, or have in place, non-discriminatory access conditions for the transport of disabled persons and persons with reduced mobility. The access conditions provided for in paragraph 1, including the text of international, Union or national laws establishing the safety requirements, on which these non-discriminatory access conditions are based, shall be made publicly available by carriers and terminal managing bodies physically or on the Internet, in accessible formats on request, in the same languages as those in which information is generally made available to all passengers." How this provision has been implemented in your Member State?*

Our predecessor, the *Verkéiersverbond* has elaborated, in cooperation with organizations representing disabled people, a brochure with guidelines for the design of bus stops. This brochure targets local and national authorities as well as consultants charged with the planning and building of new bus stops or the redesign of existing bus stops. In these guidelines, the considerations of organizations representing disabled people have been incorporated in order to design barrier-free bus stops.