

EDF comments to the Commission Consultation on Passengers in International Bus and Coach Transport

Introduction

European Disability Forum, the representative organization of disabled persons in the European Union, welcomes the important initiative by the European Commission for a public consultation on the rights of passengers in international bus and coach services. EDF is particularly pleased to see that the aim of the consultation is partly to ensure that the rights of disabled passengers are duly taken into consideration.

Disabled persons have the same rights as other citizens to freedom of movement and freedom of choice and to non-discrimination. This applies to bus and coach transport as to all other areas of life.

Consequently, disabled persons should have opportunities for bus and coach travel comparable to those of other citizens. Discrimination towards people with disabilities must be prohibited.

By fully addressing the needs of people with disabilities, the forthcoming proposal would contribute to a more sustainable and integrated, seamless mode of transport that considers and adapts itself to the needs of all their customers. Making transport accessible for disabled people means also improving comfort, quality and services for non-disabled people.

Access to transport – a prerequisite for social inclusion

There are approximately 50 million disabled persons in the European Union of today and they represent a diverse group of people. Disabled people include those who have a physical, sensory or intellectual disability, people with psychosocial and people with hidden disabilities (such as chronic illness). In order to obtain an inclusive society all disabled persons must be fully integrated in the European Union policies. Access to transport is indispensable for active participation in social and economic life.

All Member States of the European Union have ratified the European Convention of Human Rights and the Union has also adopted its own Charter of

Fundamental Rights. These instruments should be fully respected when drafting future legislation on international bus and coach passengers.

In this context, EDF wants to recommend the Commission to make full use of all specifications and measurements of COST 349, which is the most comprehensive document on accessibility to long distance bus and coach travel that currently exists.¹

Barriers currently faced by disabled persons to bus and coach transport

Disabled passengers experience today a multitude of infrastructural, vehicle design and attitudinal barriers to bus and coach services. This means that many disabled persons today are prevented from benefiting from bus and coach travel, despite it being the most cost effective means of travel. There is a lack of information about the accessibility of the bus services and there is a serious lack of information available in accessible formats. Poor levels of assistance, the inaccessibility of the coaches and limited information about accessibility of the inter-modal connections mean that bus services are often not an option for disabled passengers.

This Consultation by the Commission on international bus and coach passengers is an important step in the right direction in order to put an end to this discriminatory situation.

Answers by EDF to the questions by the Commission

Q1: Given that passengers of other modes of transport enjoy many rights under international or Community regulations which is not offered to bus and coach passengers, do you agree that equal treatment should be ensured between bus and coach operators in different Member States in terms of protection of passengers' rights?

EDF: YES. This is particularly important, as the Commission states in its working paper, as these passengers are generally on a low income and economically vulnerable.

In addition, there are many disabled persons who need to have protected rights to bus and coach services in order to not be generally excluded from the use of

¹ COST means European Cooperation in the Field of Scientific and Technical Research. 35 countries are members of COST, under the umbrella of the EU Framework Programme for Research. COST 349 was launched at the end of 2001, with the theme: "Accessibility of coaches and long distance buses for people with reduced mobility". 15 countries participated, with experts from governments, research institutes, representative organizations of disabled persons, transport operators, vehicle manufacturers and equipment suppliers.

this mode of transport. Much of the equality agenda, which the EU has championed, does not unfortunately apply to bus and coach transport for many disabled people.

In this context, EDF notes that the Commission in its Staff Working Paper state that denied boarding does not seem to be a frequent problem for coach passengers. EDF wants to underline, that as long as buses are not accessible, many disabled persons are permanently being denied boarding on them. However, the problem becomes invisible, as these people no longer even try to use this mode of transport, and therefore it is crucial not to forget the importance of full accessibility of all buses and coaches.

Q2: Should this be addressed at EU level? What is the most cost-efficient manner to meet this objective?

EDF: The most efficient way of ensuring a set of rights for bus and coach passengers all over the European Union is to have mandatory rules at EU level. Harmonization of the rules will lead to a greater security for the passenger when travelling in Europe. EDF recognises that this cannot happen immediately, but a structure should be put in place to enable all disabled people to have access to buses and coaches by 2015.

Q3: Should only international services be regulated and domestic services be left to each Member State?

EDF: Minimum standards should be set at European level as regards domestic bus and coach services as well. Today there is a serious lack of possibilities for disabled persons to enjoy bus and coach travel in most European countries. In order to find a solution to this discriminatory situation it must be required that all countries adapt their national services to a certain set of high quality standards.

EDF reminds the Commission that the Directive 2001/85 EC currently is not legally binding and there are still a lot of countries where the urban and rural buses circulating are far from being accessible. Moreover, even when the vehicle is accessible for e.g. wheelchairs, this is not sufficient if the boarding infrastructure is not also adapted. Therefore it is vital to include boarding area design and equipment, facilities at stops, layout and facilities at terminals, including safety and comfort in the forthcoming legislation. Safety standards should also be included to ensure that wheelchairs are safely anchored to the floor of the bus/coach and that seat belts are mandatory for all users.

Q4: Is any legislative action necessary to improve inter-modality between coach services and other modes of transport? If so, what action in particular?

EDF: Currently there is a lack of accessibility for disabled persons and persons with reduced mobility to most modes of transport in the European Union. Binding legislation at European level on accessibility is a prerequisite for improved inter-modality from the point of view of the disabled consumer. With the demographics of the EU, an ageing population, more and more customers are going to need this European legislation. Currently there is no such legislation. The bus and coaches directive 2001/85 has partly brought a solution as regards urban buses, but as long as there is no harmonized type-approval at European level this piece of legislation is not mandatory, which is clearly not satisfactory. The new Technical Specification on Rail Interoperability on Persons with Reduced Mobility which will soon be endorsed by the Commission, will hopefully be a step in the right direction. There is a need for full accessibility requirements for all modes of transport. Otherwise a great part of the population is excluded from equal opportunities to travel which leads to social exclusion.

Q5: Are the mandatory insurance schemes already in place sufficiently adapted to the needs of international coach passengers? Should procedures be improved to help passengers in case of injury or death?

EDF: Insurance schemes must ensure that all passengers, including disabled passengers, are fully covered. All information in respect of these schemes must be available in an accessible format and in accessible language.

EDF notes the difficulty of obtaining travel insurance for elderly and disabled people, and often at a high cost.

Q6: Should there be a liability system comparable to that in air, rail and maritime transport?

EDF: There is certainly a need for a liability system. This is particularly important for disabled passengers, who currently experience problems as regards damaged or lost mobility equipment or assistive devices, which may lead to high costs and personal inconvenience. Disabled persons also risk bodily injuries when personnel lift or physically assist disabled persons in other ways. It is absolutely necessary that the passenger should be compensated in such cases.

In this context EDF wants to underline that training of the staff is the best way to ensure that these kind of incidents are prevented. The staff should have knowledge of how to handle mobility equipment and assistive devices and also on how to lift a passenger in the best way and how to best assist the individual in any other way.

Q7: If so, up to which amount should coach operators not be allowed to contest claims for death or injury?

EDF: On this point EDF supports the point of view of the European Passengers Federation, EPF.

Q8: What should be the advance payment in the event of death or injury to passengers?

EDF: – see Q7

Q9: Should there be upper limits on liability or should it be unlimited?

EDF: – see Q7

Q10: In case of injuries suffered in Member States other than the State in which the journey began, which national liability rules should apply? Those of the country where the passenger bought the ticket or those of the place of origin or destination or transit? Where should passengers be able to file a lawsuit?

EDF: It is important that the possibility for complaints will be easily accessible, which means that a passenger should be able to file a lawsuit in his country of origin, the country where the accident occurred or the country of destination. The passenger should be able to choose which one of these possibilities he or she prefers. An idea could be to have a complaints handling agency at European level, to which you can file your complaint in any of the EU official languages.

Q11: Should there be a minimum level of compensation for lost or damaged luggage?

EDF: - See Q7

Q12: Should there be special provisions for mobility equipment lost or damaged during a journey?

EDF: YES. Mobility equipment, and other assistive devices, are in no way comparable to luggage in general. Lost or damaged luggage is annoying, but lost or damaged mobility equipment may destroy the whole purpose of the journey for an individual. Experience illustrates that in addition to the inconvenience and complete loss of independence caused by damage to mobility equipment, disabled persons often incur significant costs associated with repairing or replacing the equipment.

In cases of damage to or loss of mobility equipment, disabled passengers should be compensated for the full cost of replacing or repairing such equipment.

Adequate temporary mobility equipment should also be provided immediately by the party responsible for having caused the loss or damage so that disabled

passengers is able to continue their journey and their everyday life until their mobility equipment will be finally replaced or repaired. Any additional cost of the disabled passenger and his assistant, due to the damage or loss of mobility equipment, until the delivery of the temporary mobility equipment, must be covered by the party responsible for having caused the loss or damage.

Q14: Should passengers receive compensation in the event of denied boarding or cancellation of a journey? If so, what should be the minimum amount of compensation?

EDF: A passenger must receive compensation in the event of denied boarding, but more important: denied boarding should be prohibited as a general rule.

Compensation for a cancellation of a journey should not be necessary if the cancellation was made in a reasonable time before the journey. However, in this case, the tour operator should find another possibility for the passenger to travel under equal circumstances. Special attention should be paid to the specific needs of some disabled passengers.

Q15: Should passengers be provided with appropriate assistance (hotel accommodation, meals and refreshments, telephone calls) if their journey is interrupted?

EDF: YES. The *EC Regulation No 261/2004 establishing common rules on compensation and assistance to air passengers in the event of denied boarding and of cancellation or long delay of flights* could be used as a model for the assistance in the case of an interrupted journey. EDF reminds that the particular needs of accessibility and assistance of some disabled passengers must be duly considered.

Q16: Should passengers receive compensation in the event of delays?

EDF: YES. Bus and coach travel is a mode of transport in which delays are particularly frequent. This can cause problems for the passenger in several ways, in particular if he or she misses connecting modes of transport due to the delay.

Especially as concern disabled passengers and passengers with reduced mobility, due to the difficulty of matching accessible itineraries and services given, any additional cost of accommodation of the disabled passenger and his assistant, because of missing connecting modes of transport due to the delay must be covered by the party responsible for having caused the delay.

Q18: What are possible reasons/factors for exempting coach operators from the obligation to reimburse passengers in the event of delays? Would it be satisfactory if a coach operator were to announce possible delays at the beginning of the journey?

EDF: The only reason/factor for exempting a coach operator from reimbursement should be *force majeure*. It is certainly not satisfactory to only announce possible delays at the beginning of the journey. For a disabled person a delay can cause a lot of inconvenience, in addition to the inconvenience suffered by the other passengers, and therefore the disabled passenger must be ensured that he or she will be compensated accordingly.

Moreover, EDF stresses that the coach operator should be liable for delays in the provision of assistance at the terminal or on board the coach which lead a passenger with a disability, or any other passenger, to miss the bus of departure or to miss a connection at arrival (train, bus, or other mode of transport).

Q 19: Should coach operators be required to provide assistance to persons with reduced mobility?

EDF: YES. High quality assistance is necessary for the independency, inclusion and non-discrimination of disabled persons.

Q 20: What should the assistance for persons with reduced mobility consist of?

EDF: The provision of assistance should contribute to seamless travel for disabled passengers. The assistance should correspond, and be tailored to, the specific needs of each person.

This will include, but not be limited to, boarding and alighting from the coach, way-finding assistance at the terminals etc, arranging of seating to meet the specific needs of the passenger, assisting disabled persons in the case of an emergency situation, store and retrieve luggage, reach connecting modes of transport, communication of information given to other passengers, assistance with emigration, customs and security procedures, assistance to move to and within toilet facilities if required in the terminals.

Q 21: Should coach operators be required to provide for the transport of equipment for persons with reduced mobility? Given the design of their vehicles, is this possible?

EDF: YES to both questions. If the operator is not required to transport the mobility equipment, the disabled person who uses this equipment cannot travel, which is, of course, discriminatory and goes against the philosophy and ethos of the European Union.

Regarding the design of the vehicles, EDF underlines that it is the environment that should adapt to the person and not the person to the environment. Therefore, accessibility requirements must be set. EDF iterates that COST 349

provides some solutions to the vehicle design. It should also be recognised that accessible buses and coaches are the norm in the USA.

Q 22: Should any rules on facilities and assistance for persons with reduced mobility also be extended to urban transport? What are the existing practices and obligations in the Member States?

EDF: YES. In order to reach an inclusive society it is an indispensable prerequisite to have access to all modes of public transport. Today there is a severe lack of accessible public transport in general, including to urban transport. The Buses and Coaches Directive 2001/85 is, in its current writing, not binding, which has led to non-accessible vehicles circulating in the majority of European cities of today. Public transport should be the most environmentally friendly type of transport and should be the norm in all the countries of the EU. It should only be in exceptional cases that a person should use their car. However, the majority of people with reduced mobility have got to use their car at the moment because of the inaccessibility of the transport and/or the environment surrounding the transport system. Both the disabled individual and the society could do economic savings if the person did not have to rely on the car or on door-to-door services, which are costly and often not completely reliable.

Currently, the Member States are not under a legal obligation to include accessibility provisions in their national legislation on urban and rural buses and coaches. There is also no existing EU legislation on assistance for disabled persons to use these vehicles. This leads to major issues of social exclusion for many disabled and elderly people.

Q 23: Should the same assistance be offered to persons travelling with small children?

EDF: YES. This would also be consistent with the Directive 2001/85 (the “bus and coach directive”).

As a general comment, it could be said that all passengers, whatsoever there needs, should get those needs satisfied.

Q 24: How and when should the coach operator be notified of the needs for assistance?

EDF: If the entire system was accessible, there would be no need for the operator to be notified. As the systems stand the disabled person should be able to notify their need in the most convenient way to them. If buying a ticket in advance it should be possible to notify the operator of the need for assistance, this may be by internet (EDF reminds in this context that the booking site should

be fully accessible and comply with the WAI guidelines² for accessibility), telephone, in a ticket office or in any other way.

The notification should need to be done maximum 24 hours before the start of the journey and if no pre-notification was made the operator should do all that is reasonable to ensure that assistance is given.

Q 25: Should any additional facilities be available at coach terminals?

EDF: The infrastructure of the terminals should be fully accessible, for all disabled persons.

This includes information in the most appropriate formats, wheelchair accessibility, accessible toilets, designated set-down points at bus terminals, visual and audio information, tactile maps and tactile surfaces, accessible ticketing machines, adequate signing and lighting, access to restaurants, cafes and shops in the terminal etc.

A designated place of recharging electrical wheelchairs is also useful.

Q 26: What conversion/adaptation of coach terminals could be required in order to provide persons with reduced mobility with adequate assistance?

EDF: The basic principle should be: all conversion/adaptation that allow independence and equality for everyone.

This includes information in the most appropriate formats, wheelchair accessibility, accessible toilets, designated set-down points at bus terminals, visual and audio information, tactile maps and tactile surfaces, adequate signing, access to restaurants, cafes and shops in the terminal etc.

A designated place of recharging electrical wheelchairs is also useful.

Q 27: Should organizations representing persons with reduced mobility be involved in consultations concerning all identified shortcomings in bus and coach transport?

EDF: YES. Disabled persons are in the best position to express their actual needs and difficulties when using bus and coach services. No decision of importance for disabled persons should be taken without their active participation.

² I.e. in compliance with Web Accessibility Initiative (WAI) guidelines (see <http://www.w3.org/WAI/>) or other equivalent accessibility standards.

Q 28: Is there a need to establish quality and reliability standards for international coach services at EU level? Or should coach operators be required to develop public quality standards for international services?

EDF: Europe has led the way in its introduction of Equality standards in the workplace and otherwise. We believe that the European Union is in the best position to introduce European Standards which will enable disabled people to utilise the public transport system. Many EU Countries use EU Structural funds to purchase public transport rolling stock and therefore we see the EU having a role. This should be done in consultation with EDF and other representative organisations.

Q29: If so, how should compliance with the quality standards be monitored?

EDF: The respect and adherence to quality standards must be monitored and evaluated if they are to have any real value. The reports of the evaluation must be published for reasons of transparency and for the information of passengers. Monitoring and reporting about coach service quality and performance should be undertaken by independent bodies, including the involvement of organization representing all passengers, rather than carried out and published by coach operators themselves.

Q 30-35: Information obligations

As a general comment to the information obligation EDF wants to point out the importance of information accessible to everyone, in the most suitable formats to the individual. All-important information, both regarding the pre-journey and during the journey, should be communicated in the format requested by the individual passenger. Accessible information is crucial for passengers who are blind, partially sighted, deaf, hard of hearing or who have an intellectual disability or mental health disability.

Accessible information includes, for example, internet booking, information related to departure and delays, route-changes, way-finding in terminals, and information and documentation provided at ticket selling points. All printed information should be available in alternative formats such as large print and Braille, and should be complemented with pictorial content and plain language.

As regards pre-journey information, there is a need for information about accessibility on board, of the infrastructure of the terminals or bus stops, information about assistance at departure, transfer or arrival.

During the journey, there is a need for audio and visual announcements about next stops, changes of routes or schedule, information about the coaches services, layout and safety procedures;

In the case of information provided on tickets, this should be available, upon request, in alternative accessible formats.

Q 36: Should a complaint-handling mechanism be regulated at EU level?

EDF: YES. It is important that procedures and complaint handling will be consistent across the European Union. EDF calls for a common complaint handling system to be set up with independent and reporting of complaints. In case of infringements of the forthcoming legislation there should be effective sanctions.

Q 37: Should a one-stop-shop be set up for handling complaints about international services?

EDF: YES. This system could be organized a comparable way as in the proposal for a regulation on the rights of persons with reduced mobility travelling by air. In order not to create confusion for a passenger wishing to make a complaint, the easiest way is to have a single body for handling complaints at European or national level.

Q 38: What should be the maximum time limit for handling a complaint? Is four weeks a reasonable time?

EDF: – see Q7

Q 39: If no reply is received to the complaint within the abovementioned time limit, should it be deemed to be accepted by the coach operator?

EDF: - see Q7

Q 40: Should the number of complaints received by bus and coach operators be made public?

EDF: YES. For reasons of transparency and more efficient control of service quality levels it is important to make public the number of complaints.

Q 41: What role could consumer bodies play in handling individual complaints?

EDF: Consumer organizations are in a good position for to positively improve the quality of service. These organizations would help to find the best solutions to frequently caused problems.

Q 42: Should there be mandatory consultations between consumer organizations and coach operators? If so, what issues should they cover?

EDF: Representative organizations of consumers are in the best position to express the needs of the passengers. Therefore, these organizations should be consulted wherever there are major decisions taken of relevance for the passengers. This could relate to the setting of quality standards, training of personnel, the enforcement of legislation, complaints handling, design of vehicles...

Q 48: To what extent should passengers have to rely on voluntary commitments by bus and coach operators?

EDF: Experience show that voluntary commitments may have some usefulness, but that it is an insufficient instrument to eliminate the discrimination people with disabilities often experience when travelling. Therefore, passengers should not have to rely on such commitments only.

Q49: What is your opinion on inclusion of coach services in integrated ticketing systems?

EDF: Integrated ticketing systems are important. Transfer between different modes of transport is crucial, and integrated ticketing systems facilitate this. The aim should be a seamless accessible integrated journey as people will frequently need to use more than one form of transport to reach their destination.

Final remarks

There must be a right of access for passengers with guide dogs and other recognised assistance dogs.

As a final comment, EDF would like to point out that the wording “persons with reduced mobility”, which is used in the text by the Commission, is not the preferred wording by the disability movement. Even though some disabled persons have reduced mobility, other disabled persons might rather experience reduce orientation (like blind or partially sighted persons) or reduced communication (like deaf or hard of hearing persons). Also other disabled persons, like some persons with an intellectual disability or a mental health disability may have specific needs without having reduced mobility. The terminology “persons with reduced mobility” is the terminology that has been

used in several documents already, but it is appropriate to adapt this wording, in order to more specifically respond to the actual situation. EDF is however aware that some persons with reduced mobility are not disabled, like many older persons for example, and therefore a more appropriate terminology to use might be “disabled persons and persons with reduced mobility”.

EDF look forward to a close cooperation with the Commission on this dossier and is willing to contribute in all manners in order to get a comprehensive and satisfactory final regulation on the passengers of bus and coach transport.

Contact person at the EDF secretariat:

Maria Nyman, Policy Officer
T: +32 (0)2 286 51 84, F: +32 (0)2 282 46 09
E-mail : maria.nyman@edf-feeph.org