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**Rights of passengers in international bus and coach transport: a
consultation document**

ACEA Response

ACEA represents the thirteen major European manufacturers of vehicles including buses, coaches, light and heavy goods vehicles and passenger cars. Its members have an interest not only in the rights of international bus and coach users but also of user rights more widely.

1. ACEA welcomes the initiative of the Commission of the European Union to promote and strengthen the rights of transport users.
2. In its Communication of 16 February 2005 COM(2005) 46 final, from the Commission to the European Parliament and Council "Strengthening passenger rights within the European Community" many important issues are raised. As the Communication points out Europe has seen a thirty year boom in mobility whereby travel has become a right for citizens, giving them access to better employment, purchasing, leisure and health care opportunities, to name but a few of the benefits that have accrued from greater mobility.
3. During this boom a number of changes have taken place in different modes of transport. The transport markets have been opened up. Road freight services have been almost completely liberalized and air and rail services have also undergone some liberalization. Borders have been removed and new players have entered the market making mobility available to many who had not previously had such access.

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4. The European Union has responded to some of these changes through legislation. It has tried to protect user rights, especially, the Commission claims, where organizations were lacking to press for such action. As a result passenger rights have been strengthened in relation to denied boarding, cancellation, and delay, accidents and information for air passengers. Proposals for the rail sector have also been put forward to provide better information, rights in case of accident and to promote quality management. The Communication identifies some areas where further strengthening of user rights will be needed including: those with reduced mobility, those whose travel is interrupted, liability, complaints and information. The Commission's staff working paper continues this theme.
5. So far, road transport, the biggest sector for both passenger and freight, user rights has not been included. It is therefore very welcome to see that some road transport user rights are now being looked at more seriously and ACEA commends the Commission for this initiative. Three quarters of inland freight and nearly eighty per cent of passenger travel are by road. This activity contributes almost €350 billion to government revenues. Surely this contribution to the economy bestows certain user rights as well as the obligations well known to all road users.
6. As the consultation paper points out international bus and coach passengers are generally on a low income and economically vulnerable, but this does not mean that they should be vulnerable in other ways. Their rights should be protected. In particular the safety and comfort of passengers should be promoted and the roadworthiness of the vehicles in which they travel should be ensured.
7. Reliability and punctuality are also rights for bus and coach passengers. The Commission is right to investigate how passenger rights should be strengthened in relation to compensation and assistance in the event of an interruption of journeys. In cases where delays and interruptions are caused by congestion, bottlenecks or a lack of investment in the infrastructure, then the removal of these problems should also be championed by the Commission.

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8. However, an opportunity to extend the concept of user rights in road transport is in danger of being overlooked.
9. Of course the structure of the road transport market is not the same as for air or rail. Most road users provide their own vehicles and drivers which then make use of an infrastructure to deliver the goods or make the journey. In the rail and air sectors passengers buy a ticket and travel in a vehicle owned by the operating company who in turn pays for infrastructure use. The use of tolls to collect payment for the use of infrastructure is in many ways analogous to the purchase of an airline ticket. However, these arrangements, although quite common in Europe, account for a relatively small proportion of the total journeys made. Even on tolled motorways, users are paying for the use of the infrastructure however they find it, with no guarantee of service or safety level. Nevertheless, despite the fact that most road users do not purchase a ticket for most of the journeys undertaken the concept of user rights is still an important one for all road users. Considering road user rights would need to be dealt with differently from the cases of air or rail but users' rights remain a valid concept for road transport.
10. There are some aspects of user rights in road transport that are already looked after in considerable detail. Consumer purchases of vehicles are subject to a great deal of legislation. The specifications of vehicles are dealt with through the Type Approval Directives. The distribution of vehicles for sale is controlled through EU competition law. Functional problems are dealt with through warranties and recall campaigns. But when vehicles are used on the road infrastructure their owners or drivers have no rights, and when other modes are being examined in this regard, it would be a wasted opportunity for wider road user rights not also to be scrutinized.

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