

Brussels, 6 October 2005

## IRU POSITION ON PASSENGER RIGHTS IN INTERNATIONAL BUS AND COACH TRANSPORT

### I. ANALYSIS

- In its Communication on strengthening passenger rights within the European Union (COM(2005) 46), the European Commission presented its political intention to extend passenger protection measures to transport modes other than air. A Commission working paper was published on 14 July 2005 in order to launch a public consultation on passenger rights in international bus and coach transport, such as liability in case of accident or baggage loss, assistance to mobility-impaired people and compensation for passengers.
- The full text of this consultation paper can be downloaded (in English only) from the following website:  
[http://europa.eu.int/comm/transport/road/consultations/index\\_en.htm](http://europa.eu.int/comm/transport/road/consultations/index_en.htm)
- Bus and coach operators have already launched industry-driven initiatives to grant many of the rights mentioned in the Commission's document, such as assistance to mobility-impaired people, vehicle and service quality standards, compensation, complaint handling and passenger information.
- Other rights are clearly defined in EU legislation (e.g. motor vehicle insurance and third party liability), international agreements and national legislation (liability in case of accident and baggage loss).
- Liability standards are already extremely high, making it difficult for many private bus and coach companies to obtain adequate insurance coverage for their operations. For example, for international bus and coach services, operator **liability towards passengers and baggage** is unlimited in the vast majority of EU Member States.
- Although the UNECE CVR Agreement gives the possibility to limit liability at 300000 euros in case of injury or death and to 2400 euros in case of baggage loss, it has only been ratified by the Czech Republic, Slovakia and Latvia. Other EU Members States have refused to ratify the CVR because their national legislation lays down higher standards.
- EU **Motor vehicle insurance** legislation already covers damage to the vehicle and other property as well as injury or death of passengers and other road users. The recent Directive 2005/14 on motor vehicle insurance considerably increased the minimum amounts to be insured and further widened the scope of operator liability to include pedestrians and cyclists.
- In the field of **accessibility for mobility-impaired people**, a clear distinction must be made between scheduled services and occasional services (tourism in pre-

composed groups). For scheduled services, EU Directive 2001/85 lays down that all urban buses must be fully accessible. Currently, solutions are being examined (COST 349 project) to provide adequate means of ensuring full accessibility to long distance scheduled services.

- For occasional services, the client may choose the type of vehicle needed for the service, and can determine the required service quality level directly with the operator. Several operators in Europe already have fully accessible coaches in their vehicle park, which can be used for many types of journeys.
- **Denied boarding and overbooking** are phenomena that do not exist in international bus and coach transport and EU legislation already offers the flexibility to put extra vehicles in service when demand is high.
- **Compensation** for cancellation or significant delays, **passenger information and complaint handling** are already included in quality standards offered by bus and coach companies through self regulation. However, it is doubtful whether operators should compensate passengers for delays which are beyond their control.
- It is also common practice in the bus and coach industry to organise replacement vehicles in case of **an interruption of the journey** or to organise accommodation or the repatriation of the passengers.
- A long tradition of self regulation exists in the bus and coach industry - especially for international bus and coach services. This includes the setting of **quality standards**, such as safety and comfort on board the vehicle and the provision of luggage services for passengers. Clients can choose the quality level they prefer. Such industry-driven initiatives could be further encouraged by providing incentives for operators to raise the safety and service quality standards for passengers.
- About 85% of companies active in the international bus and coach market are privately-owned, small and medium-sized enterprises. Some work via tour operators and travel agents for the organisation of **ticketing** and travel; others - especially in international regular services - provide their own ticket services. Integrated ticketing systems including all modes of transport are known to be expensive to set up and maintain.

## II. IRU POSITION

- Bus and coach operators active in the international market offer services that already meet high standards in passenger rights.
- No additional regulatory measures should be imposed that unnecessarily increase the financial burden on bus and coach operators.
- Priority should be given to the simplification, harmonisation and better application of existing rules, especially in the field of liability in case of an accident and baggage loss where, in order to create a level playing field between the different common passenger transport modes, a maximum liability ceiling should be introduced.
- Incentives should be created to encourage industry-driven initiatives. These initiatives, designed to improve rights of passengers, include improving accessibility of touring coaches, establishing better compensation schemes and setting quality, safety and comfort standards for passengers.