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In reply to

COMMISSION STAFF WORKING PAPER
Rights of passengers in international bus and coach transport

A Consultation Document
by the Services of the Directorate General for Energy and Transport

I would like to present our opinion presented in a form of answers to the questions provided. We believe that a goal should be set to provide clear, comprehensive and homogenous legislation for all modes of passenger transport.

Need to regulate

Question 1&2

YES. We believe it is beneficial for the consumers/passengers to enjoy equal rights wherever and whenever they travel. It makes it easier to make the passengers aware of these rights and allows for comprehensive mechanisms of execution. At the same time, competition between undertakings from all the Member States is possible and the costs of adaptation to the rules in another Member State is reduced when extending activity of a company.

Scope of regulation

Question 3

NO. Presently, a large number of passengers travel across Europe, using various connections, and often a domestic service serves as a part of an international journey. Separate regulations complicate the travel and carriers' responsibilities.

Question 4

NO. We believe the market should regulate such matters. As long as the business sees no profit in such activity, the law should not intervene.

Liability schemes

Questions 5-11

We opt for unified legislation for all Member States and modes of transport. Injury or death is the same thing whether it happens on the road, at sea or in the air. The law of the country where the accident took place should apply. On the other hand, both minimum and maximum levels of compensation for all Member States should be guaranteed.

Question 12

The mobility equipment loss should be refunded to the maximum level foreseen in case of an injury, as it often results in hindrances as grave as an injury.

Question 13

There are no national level liability schemes in Poland we would be aware of.

Cancellation, denied boarding and interruption of journey

Question 14

YES. We opt for unified legislation for all Member States and modes of transport. The right to compensation should depend on the delay it would cause in case the passenger agreed to the first possible substituting connection, and no more than 15 times the time of the planned journey. The delays should be then qualified into categories – up to two hours – no compensation, between two and 24 hours – 150 euro, and further – as in Regulation 261/2004.

Question 15

YES. Passengers must not be left to themselves. The transport provider should foresee events of disruption and be ready to provide the passengers with the level care as high as reasonably possible.

Significant delays

Question 16

YES. The experience with Regulation 261/2004 says it is too often a case that a journey that is primarily cancelled is afterwards changed to delayed status. Level of discomfort suffered by the passengers is similar and should be compensated in similar manner.

Question 17

The transport undertaking should focus on the safety of the passengers. Hence, some minor delays should be accepted. On the other hand, passenger expect to travel as scheduled, so extensive delays should be met with reimbursement of the ticket in case of the passenger deciding not to travel further, and compensation in a scheme similar as we propose for cancellations and denied boarding.

Question 18

NO. This would result in unsupported warnings published ‘just in case’. The coach operators should be insured against situations where proper service is impossible. On the other hand – minor delays (as mentioned above), should not be met with reimbursement or compensation.

Persons with reduced mobility

Question 19, 20

YES. The platforms/stops should be available for such persons, and, whenever necessary, boarding procedure should be provided in a manner to allow boarding for any such person – whether by technical means or through assistance of the operator’s employee.

Question 21

NO. At least not in short term. Such duty would require substitution of all or almost all the operating coaches and buses. The carrier should inform precisely what sort of equipment is accepted. Additional payment for transporting such equipment may not be demanded.

Question 22

YES. Urban transport is no less important than other forms for such persons. The level of service for persons with reduced mobility in the urban transport seems to be on the rise.

Question 23

YES. The children are the hope of the European Union.

Question 24

ASAP. That is – usually – at the time of placing reservation or purchasing a ticket.

Question 25&26

Coach terminals should allow for convenient movement for people with reduced mobility. Additional facilities like escalators and moving walkways should be installed if long walks and/or climbs are reasonably unavoidable.

Question 27

YES. Organisations representing people with reduced mobility are in position to better understand needs of such people and may help concentrating efforts on essential problems.

Quality standards

Question 28

YES. Those standards should be clearly indicated and defined, with clear rules of compensation for the passengers in case of a failure to meet proper level of quality.

Question 29

An independent body should oversee the quality of service and respond to the complaints of passengers. A reasonable compensation system should be an incentive both for the coach operators and the passengers to care for the proper level of quality.

Question 30

Only easily defined and measurable indicators should be used. The list should be limited to the following:

- Punctuality (departures, arrival, stops en route)
- Cancellations
- Interruptions of journey
- Accessibility for persons with reduced mobility

Information obligations

Question 31

Point and time of departure and arrival, contact information on where to place complaints and where to seek conditions of carriage, contact information for the supervising official body responsible for controlling the service provider (if there is one), and special conditions of carriage.

Question 32

NO. It would unnecessarily increase costs of the ticket and use of paper. Yet standard conditions of carriage should be freely available for the ticket purchaser on demand.

Question 33

Indication on where to get a free copy should be placed on the ticket. A free copy should be available at each point of sale of the tickets.

Question 34

NO. Persons with reduced mobility are often keen-sighted and need no audio support.

Question 35

YES.

Complaint handling

Question 36

To a certain degree. Passengers must be provided with confidence in the effectiveness of their complaints and so key elements of complaint handling should be defined at EU-level (e.g. maximum time to handle the complaint)

Question 37

YES. Such a facility should be established, serving for passengers using all modes of transport – for the sake of interoperability.

Question 38

YES.

Question 39

YES.

Question 40

YES.

Question 41

Out-of-court procedures should allow for reduction of legal costs and provide arbitration procedures.

Question 42

NO. Enforced consultations will do no good.

Question 43

None that we are aware of.

Question 44

YES.

Question 45

Mediation and courts of arbitration.

Question 46

Poor. The coach operators avoid communication with complaining passengers, and usually deny any responsibility for baggage, punctuality and quality of service. Denial of reimbursing tickets in case of overbooking is sometimes a case.

Self-regulation

Question 47

We cannot see the way self-regulation could efficiently bring proper level of quality to the service.

Question 48

Some additional, not vital for travelling elements may be left to voluntary commitments (e.g. entertaining with audio-visual services – films, music, etc.)

Integrated ticketing

Question 49

Coach services are the first choice partner for interoperability tickets thanks to their flexibility in choosing point of departure and arrival.

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