

European Commission
Directorate-General for Energy and Transport
Mr. Peter Faross
Head of Unit A5
Rue de la Loi 200
B-1049 Brussels

Barcelona, 14 October 2005

Dear Mr Faross,

We are writing to you on behalf of the Catalan Association of Travel Agencies, ACAV, which represents the interests of the majority of tour operators and travel agencies in Catalonia.

The subject of this letter is the public consultation carried out by the Directorate-General for Energy and Transport [DG TREN] of the European Commission concerning rights of passengers in international bus and coach transport.

We have examined and reviewed DG TREN's working paper and see that there is not much Community legislation in this area. We must address the issue of whether current circumstances and problems arising from bus and coach transport require regulation at European level to unify current national rules, where they exist, or whether areas which have not been regulated by Member States or by the Community need to be legislated for at Community level.

From a practical standpoint, we must first point out that there are very few incidents and problems involving bus and coach transport and they are not comparable with those involving other means of transport, such as air transport. We understand that these incidents are dealt with in accordance with current rules in this field, at both national and Community level.

We have examined DG TREN's working paper and consider that although travel by bus or coach is one of the safest forms of transport, accidents are currently the most significant element in this sector. For this reason it would be relevant to legislate for the operator's liability in case of death, personal injury or damage to luggage, establishing maximum compensation amounts for the whole of the European Community to which passengers would have a right and making transport operators strictly liable for compensation. By the same token,

transport operators should take out insurance to cover potential compensation claims.

Cancellations, delays and overbooking for bus/coach journeys are not in our view particularly relevant, so do not require specific Community legislation.

In our view it is for the Member States or the European Community to establish the requirements regarding information access rights of passengers to be fulfilled by companies before they may provide a transport service. They must ensure that all transport operators strictly fulfil all set requirements. If this were the case, the right to information about the carrier would not be so important, as passengers would have a guarantee that all such companies provide a proper service.

Nevertheless, we consider that any regulation by the Community should make the carrier solely and exclusively liable, insofar as they are directly liable for infringements and other matters connected with the provision of transport services. Travel agencies and tour operators involved in the sale or reservation of such transport services, either as a separate service or as part of a package tour, should be excluded. It should be noted that the recent Regulation (EC) No 261/2004 of 11 February 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, makes air carriers solely and exclusively liable for any infringements and exonerates agencies and tour operators.

Yours sincerely,



Marian Muro
Managing Director