

Passenger Rights on International Services

Bus and coach operators in Europe already work to high standards of customer care and passenger rights. We believe that there should be no additional regulatory burden on operators that increase financial burden. However, we do agree and accept that there needs to be some harmonisation of rules across Europe to create a level playing field.

The issues relating to mobility have largely been addressed in the UK by the use of the DDA legislation, and in Europe the COST 349 report will outline the responsibilities of operators.

All our responses assume that the current proposals are limited to international regular services. Our views may not apply wholly in the case of any extension of these proposals to closed tour tours or 'Domestic' operations.

Need to regulate
Question 1: <i>Given that passengers of other modes of transport enjoy many rights under international or Community regulations which are not offered to bus and coach passengers, do you agree that equal treatment (a "level playing field") should be ensured between bus and coach operators in different Member States in terms of protection of passengers' rights?</i>
Answer: We agree that it is a reasonable objective to provide equal treatment for passenger rights on international journeys.
Question 2: <i>Should this be addressed at EU level? What are the most cost-effective means to meet this objective?</i>
Answer: - We also agree that the EU is in the best position to ensure the framework is established to achieve this objective.
Scope of regulation
Question 3: <i>Should only international services be regulated and domestic services be left to each Member State?</i>
Answer: We believe that only international services should be subject to EU regulation. Domestic services and those services that may cross borders, but do not exceed 50km in length should be left to member states.
Question 4: <i>Is any legislative action necessary to improve intermodality between coach services and other modes of transport? If so, what action in particular?</i>
Answer: We believe the question of intermodality is best left to the commercial market and is inappropriate for legislative action
Liability schemes

Question 5: <i>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?</i>
Answer: Q5- we would like to see the question of passenger injury and death liability harmonized across the EU. In Great Britain, for example, there are no upper limits on liability in respect of passenger injury.
Question 6: <i>Should there be a liability system comparable to that in air, rail and maritime transport?</i>
Answer: we agree that in principle, there should be a similar scheme to other modes, but it must take into account the specific operational circumstances of coach services.
Question 7: <i>If so, up to which amount should coach operators not be allowed to contest claims for death or injury?</i>
Answer: Same as Q5- in the UK at least, there is no upper limit on liability for personal injury, and we support this being extended throughout the EU.
Question 8: <i>What should be the advance payment in the event of death of injury to passengers?</i>
Answer: believe current legislation is sufficient to deal with this matter
Question 9: <i>Should there be upper limits on liability or should it be unlimited?</i>
Answer: Again we believe the situation in the UK- i.e no upper limit, is acceptable and tenable
Question 10: <i>In case of injuries suffered in Member States other than that 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?</i>
Answer: In the light of the complexities of doing otherwise, we strongly feel that the liability that apply should be the Country of origin.
Question 11: <i>Should there be a minimum level of compensation for lost or damaged luggage?</i>
Answer: We do not believe there should be any minimum levels set for compensation
Question 12: <i>Should there be special provisions for mobility equipment lost or damaged during a journey?</i>
Answer: We believe the provisions for mobility equipment lost or damaged should be no different from that of any other item of personal property.
Question 13: <i>What are the liability schemes in place in your country?</i>
Answer: Insurance for personal injury and death, with unlimited liability, is compulsory for UK operators. Optional insurance for loss and damage to luggage, delays and cancellation is discretionary and at additional cost for passengers. It is, however, widely available. Some personal insurance schemes for individuals also provide some cover for loss or damage to personal goods.

Cancellation, denied boarding and interruption of journey
Question 14: <i>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?</i>
Answer: This issue we feel is an unlikely scenario in the case of coach transportation. There is sufficient flexibility in the coach sector to react to high demand. In practice, the only time there would be a denial of boarding would be where the passenger posed a risk to security or safety of the other passengers or the driver. In the UK legislation exists to allow such a denial in those circumstances. In any event, we would not expect the compensation to be beyond the price paid for the ticket.
Question 15: <i>Should passengers be provided with appropriate assistance (hotel accommodation, meals and refreshments, telephone calls) if their journey is interrupted?</i>
Answer: Yes, we agree that every assistance should be afforded to passengers where delays occur that are the clear responsibility of the operator. Where there will be difficulties is where the delays are not due to the operator- border controls, ferry disruption, road closures etc, and the limit to which the operator can be expected to foot the bill. In most instances, these delays cannot be foreseen or accounted for.
Significant delays
Question 16: <i>Should passengers receive compensation in the event of delays?</i>
Answer: 16,17,18- Please refer to the answer to Q15. We do not think it would be appropriate to set levels of compensation or the method by which they are awarded. By the nature of the operation, delays are rarely known in advance and need to be treated on an individual basis.
Question 17: <i>If so, what would be the minimum reasonable compensation payment (reimbursed tickets, cash) ?</i>
Answer:
Question 18: <i>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?</i>
Answer:
Persons with reduced mobility
Question 19: <i>Should coach operators be required to provide assistance to persons with reduced mobility?</i>
Answer: The requirement to make necessary adjustments to the operation of coaches for persons with reduced mobility is contained in UK legislation, both for the actual vehicle and for the 'service' provided by the operator. The legislation comprehensively deals with issues such as providing information to potential travellers, to ensuring the infrastructure suitable for persons of all kinds of

disability. Moreover, the vehicles themselves are required , by UK law, to have wheelchair accessibility on new vehicles from 1 January 2005 and for all vehicles by 2016 where they are used on regular services. We would agree to legislation being broadly in line with the UK position, and indeed the COST 349 report examines possible solutions for accessibility on coach services.
Question 20: <i>What should the assistance for persons with reduced mobility consist of?</i>
Answer: Refer to DDA in the UK and the COST 349 report on Accessibility
Question 21: <i>Should coach operators be required to provide for the transport of equipment for persons with reduced mobility (i.e. wheel chairs). Given the design of their vehicles is this feasible?</i>
Answer: Refer to DDA in the UK and the COST 349 report on Accessibility
Question 22: <i>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 Member States?</i>
Answer: Refer to DDA in the UK and the COST 349 report on Accessibility
Question 23: <i>Should the same treatment be offered to persons travelling with small children?</i>
Answer: Refer to DDA in the UK and the COST 349 report on Accessibility
Question 24: <i>How and when should the coach operator be notified of the need for assistance for persons with reduced mobility?</i>
Answer: Refer to DDA in the UK and the COST 349 report on Accessibility
Question 25: <i>Should any additional facilities be available at coach terminals?</i>
Answer: Refer to DDA in the UK and the COST 349 report on Accessibility
Question 26: <i>What conversion/adaptation of coach terminals could be required in order to provide persons with reduced mobility with adequate assistance?</i>
Answer: Refer to DDA in the UK and the COST 349 report on Accessibility
Question 27: <i>Should organisations representing persons with reduced mobility be involved in consultations concerning all identified shortcomings in bus and coach transport?</i>
Answer: Refer to DDA in the UK and the COST 349 report on Accessibility
Quality standards
Question 28: <i>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?</i>
Answer: We agree that there should be quality standards for international services, but that this should be left to operators to establish and monitor them appropriately.
Question 29: <i>If so, how should compliance with the quality standards be monitored?</i>
Answer: See Q 30
Question 30: <i>What essential performance indicators should be measured and disclosed by coach operators? Is the following list of quality standards adequate?</i>
Answer: In principle we agree, but it would be essential to consider carefully how the measure would work in practice. For example, whilst it might be desirable to include an indicator for Accessibility, it would be necessary to establish how the measure is taken and against what benchmark

Information obligations
Question 31: <i>Which of the conditions of carriage should be at least mentioned on the ticket?</i>
Answer: For practical reasons, it is our opinion that the conditions should not have to appear on the ticket- we do believe it is appropriate for passengers to be made aware of where they can view such conditions- to some extent, the progression of internet booking deals with this- customers have the opportunity to view the conditions of sale before committing to booking
Question 32: <i>Should standard conditions of carriage be attached to passengers' tickets?</i>
Answer: See Q31
Question 33: <i>How can access to information on conditions of carriage and fares be improved?</i>
Answer: See Q31
Question 34: <i>How should information for persons with reduced mobility be provided (text, audio support)?</i>
Answer: As before, the provisions of the Disability Discrimination Act prevails as far as the UK is concerned
Question 35: <i>With regard to package tours, should the identity of the coach operator be disclosed upon conclusion of the contract or with reasonable notice before the start of the tour?</i>
Answer: We do not believe the consultation deals with the issue of package Tours. If, however, the proposal is intended to apply to regular services, then we think this proposal is impractical, and we are unclear as to the need to provide such information.
Question 36: <i>Should a complaint-handling mechanism be regulated at EU level?</i>
Answer: We do not believe the consultation deals with the issue of package Tours. If, however, the proposal is intended to apply to regular services, then we think this proposal is impractical, and we are unclear as to the need to provide such information.
Question 37: <i>Should a one-stop shop be set up for handling complaints about international services?</i>
Answer: We do not agree. The costs and bureaucracy involved would make this impractical in our view
Question 38: <i>What should be the maximum time limit for handling a complaint? Is four weeks a reasonable limit?</i>

Answer: Yes
Question 39: <i>If no reply is received to the complaint within the above mentioned time limit, should it be deemed to be accepted by the coach operator?</i>
Answer: Yes
Question 40: <i>Should the number of complaints received by bus and coach operators (broken down by category, average time to handle the complaint, etc.) be made public?</i>
Answer: No. We think this would be impractical and there is always the risk that the statistics do not provide the full facts.
Question 41: <i>What role could consumer bodies play in handling individual complaints?</i>
Answer: This should be the competence of member states through their own established consumer protection legislation.
Question 42: <i>Should there be mandatory consultations between consumer organisations and coach operators? If so, what issues should they cover (e.g. investigation of complaints not satisfactorily addressed by coach operators, consultation on changes of timetables, fares, conditions of carriage, compliance with users' rights)</i>
Answer: To some extent already in place
Question 43: <i>What are the existing practices concerning voluntary complaint-handling schemes in Member States? Are there any instances of joint bodies set up by bus and coach operators and customers/users organisation?</i>
Answer: To some extent already in place
Question 44: <i>Should extrajudicial dispute settlement procedures based on Commission recommendations 98/257/EC and 2001/310/EC suffice?</i>
Answer: ?
Question 45: <i>What would be the most appropriate type of extrajudicial dispute resolution scheme to handle complaints in this area?</i>
Answer: In the UK, disputes of a consumer nature can be resolved by arbitration – the process is enshrined in a legal process and both parties must abide by the decision.
Question 46: <i>What experience have you had concerning self-regulation of user/customer care rights at national level?</i>
Answer: In the UK, an independent body, the Bus Appeals Body, deals with consumer disputes, and package holidays are covered by arbitration schemes run by the CPT.
Question 47: <i>How should the European Commission encourage self-regulation schemes aiming at improving users' rights?</i>
Answer: The Commission can encourage self regulation by supporting existing best practices such as already exists in the UK.

Question 48: <i>To what extent should passengers have to rely on voluntary commitments by bus and coach operators?</i>
Answer: We agree that minimum standards should be regulated
Integrated ticketing
Question 49: <i>What is your opinion on inclusion of coach services in integrated ticketing systems?</i>
Answer: Q49- It is our view that any integrated ticketing systems should be established independently of any legislation, and left to commercial considerations where appropriate. We feel strongly that to do otherwise is costly and impractical.