



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR ENERGY AND TRANSPORT

Brussels, 14 July 2005

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

The document commits only the Commission's services involved in its preparation and serves only to the consultative purposes. The document by no means prejudices the final form of any decision to be taken by the European Commission

Commission staff paper

Rights of passengers in international bus and coach transport

Introduction

1. The Community has already made significant progress with strengthening the rights of passengers travelling by air. Following the entry into force of Regulation 261/2004 on 17 February 2005¹, air passengers are now also protected in cases of denied boarding, cancellations and long delays. This Regulation has added to the other instruments already adopted by the Community for this sector. In addition, the Commission recently presented proposals for a Regulation concerning the rights of persons with reduced mobility travelling by air² and for a Regulation on the information of air transport passengers on the identity of the operating carrier and on communication of safety information by Member States³. As part of the third railway package, the Commission submitted a proposal for a Regulation on the protection of international rail passengers⁴.
2. In its communication on strengthening passenger rights within the European Union⁵, the Commission presented a policy approach on how to extend passenger protection measures to modes of transport other than air. This communication followed up the commitments given by the Commission in its White Paper on European transport policy for 2010⁶. In particular, the Commission concluded that, in accordance with its commitment in the White Paper, in 2005 it would examine the best way of improving and guaranteeing the rights of passengers using other modes of transport. The communication stated that protection of users of other modes of transport has still to be introduced, and this can be effective only if done at Community level, given the size of the sector and the extent to which these other modes of transport are used by the European public.
3. Some of the issues connected with passengers' rights have been addressed during the public consultation on the communication on the operation and prospects of the Community framework for passenger transport by coach and bus: access to international transport and cabotage markets, safety and rights of passengers⁷.
4. This Commission staff paper covers international bus and coach services and marks the start of a consultation process to find out the best way to protect passengers on international coach journeys. The attached questionnaire launches an intensive debate with Member States and stakeholders to find appropriate solutions to strengthen passengers' rights further.

¹ Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91. OJ L 46, 17.2.2004, pp. 1–8.

² COM (2005) 47 final, 16 February 2005.

³ COM (2005) 48 final, 16 February 2005.

⁴ COM (2004) 143 final, 3 March 2004.

⁵ COM(2005) 46 final.

⁶ COM (2001) 370 final, 12 September 2001.

⁷ Communication from the Commission to the European Parliament and the Council on the operation and prospects of the Community framework for passenger transport by coach and bus: access to international transport and cabotage markets, safety and rights of passengers. COM(2004) 527 final.

5. Protection of international coach passengers is of special priority and urgency as these passengers are generally on a low income and economically vulnerable. Rapid complaint-handling systems and out-of-court settlement procedures are therefore required to avoid, as far as possible, expensive and lengthy redress procedures in court.
6. Coach passenger rights are not yet covered by Community legislation, and customers therefore have to rely on national liability schemes, fair trading legislation and voluntary customer care commitments by operators. None of these systems guarantees immediate assistance and compensation without recourse to national judicial systems. The international dimension of coach services adds to the complexity of the situation and creates a lack of transparency from the point of view of the passenger. In many instances it is unclear which national legislation is applicable, how to identify the party responsible, or how passengers may start procedures and eventually enforce their rights before the courts in another Member State⁸. This could prove to be such a lengthy process that it could well deter customers from claiming and enforcing their rights.
7. This paper outlines the situation in the Community coach industry and addresses the issues of persons with reduced mobility; liability and the problems linked to delays, cancellations and denied boarding. Finally, the attached questionnaire highlights the issues to be covered by the consultation process.

Chapter one: Situation in the sector

The sector in figures

Bus and coach transport holds a 9.5% share of all transport services within the European Union and, after passenger cars (on 82.5%), remains the most important means of transportation available to the public. In passenger-kilometre terms, the sector has seen steady growth of 5% from 462 million in 1995 to 486 million in 2002⁹. These figures include both domestic and international journeys.

On the other hand international bus and coach services are facing strong competitive pressures from private cars, low-fare airlines and, to a lesser extent, from rail transport and illegal minibus services.

The bus and coach sector employs 1 382 514 persons in 244 285 enterprises¹⁰. The vehicle (bus and coach) fleet in the EU totals 723 700¹¹. Over 96 356 certified true copies of Community licences have been issued¹².

⁸ See Comparative Analysis of National Liability Systems for Remediating Damage caused by Defective Consumer Services – Institut für Europäisches Wirtschafts- und Verbraucherrecht e.V., April 2004.

⁹ Source: EU Energy and Transport in Figures, Statistical Pocketbook 2004. Unfortunately no data are available for 2003 and 2004, the years marked by the emergence of low-fare air carriers which might influence the growth capacity of the bus and coach sector.

¹⁰ Source: EU Energy and Transport in Figures, Statistical Pocketbook 2004. See tables 3.1.11 and 3.1.12, summarised. No data available for some Member States.

¹¹ Data for 2002.

¹² As of 2002.

The tables below indicate growth in the sector over the years.

Performance by Mode for Passenger Transport:

EU-25 (4 modes)

1000 million passenger-kilometres

| | Passenger Cars | Bus & Coach | Railway | Tram & Metro | Total |
|---------------------|----------------|---------------|---------------|----------------|----------------|
| 1995 | 3 703 | 462 | 319 | 51 | 4 534 |
| 1996 | 3 774 | 467 | 325 | 52 | 4 618 |
| 1997 | 3 844 | 467 | 327 | 52 | 4 690 |
| 1998 | 3 932 | 474 | 329 | 53 | 4 788 |
| 1999 | 4 009 | 476 | 339 | 55 | 4 878 |
| 2000 | 4 074 | 480 | 346 | 56 | 4 957 |
| 2001 | 4 118 | 483 | 348 | 57 | 5 005 |
| 2002 | 4 203 | 486 | 346 | 57 | 5 092 |
| 1995-02 per year | + 14 % +1.8 | + 5 % +0.7 | + 9 % +1.2 | + 13 % +1.7 | + 12 % +1.7 |

Modal split

%

| | Passenger Cars | Bus & Coach | Railway | Tram & Metro |
|------|----------------|-------------|---------|--------------|
| 1995 | 81.7 | 10.2 | 7.0 | 1.1 |
| 1996 | 81.7 | 10.1 | 7.0 | 1.1 |
| 1997 | 81.9 | 10.0 | 7.0 | 1.1 |
| 1998 | 82.1 | 9.9 | 6.9 | 1.1 |
| 1999 | 82.2 | 9.8 | 6.9 | 1.1 |
| 2000 | 82.2 | 9.7 | 7.0 | 1.1 |
| 2001 | 82.3 | 9.6 | 7.0 | 1.1 |
| 2002 | 82.5 | 9.5 | 6.8 | 1.1 |

Source: EU Energy and Transport in Figures, Statistical Pocketbook 2004.

This mode of transport proves to be one of the safest. In terms of road safety, Community legislation and technological progress have contributed significantly to safer vehicle design¹³.

¹³ It has to be noted that mandatory use of seat belts in buses and coaches is laid down in Directive 2003/20/EC of the European Parliament and of the Council of 8 April 2003 amending Council Directive 91/671/EEC on the approximation of the law of the Member States relating to compulsory use of safety belts in vehicles of less than 3,5 tonnes (O. J L 115, 09/05/2003, p. 63-67). The deadline for the implementation of the Directive is 9th May 2006. The Directive requires the Commission to continue to carry out studies on the safety systems most suitable for improving the protection of all passengers against all types of accident and submit a report on the findings. A

Accidents and fatalities per billion passenger-kilometres are on a par with fatalities in air transport on 0.4, compared with rates of 0.2 for rail transport and 5.9 for passenger cars¹⁴. The table below indicates the total fatalities in bus and coach transport for the year 2002 in the 15-member EU compared with other modes of road transport.

| Road Fatalities by Type of User | EU15 |
|--|---------------|
| Killed at 30 days | 38 828 |
| driver | 20 165 |
| passenger | 6 905 |
| pedestrian | 5 789 |
| by type of vehicle: | |
| car or taxi | 21 804 |
| motor cycle & moped | 6 679 |
| bus or coach | 100 |
| pedal cycle | 2 003 |
| agricultural tractor | 179 |
| heavy goods vehicle | 989 |
| lorry, under 3.5 tonnes | 903 |
| other/not specified | 6 171 |

Source: EU Energy and Transport in Figures, Statistical Pocketbook 2004.

Chapter two: Passenger rights in other modes of transport

This chapter summarises the main elements of Community legislation and international agreements relating to the most crucial aspects of the protection of passenger rights in the different modes of transport. It should be noted that, in contrast to other modes, the bus and coach sector is not subject to international agreements binding the Community and Member States¹⁵ and that the Community framework also remains limited¹⁶. As regards other modes of transport, the Community measures in force or proposed chiefly cover: liability schemes, compensation schemes in the event of denied boarding, cancellations or delays, special measures for persons with reduced mobility travelling by different modes of transport, complaint-handling mechanisms, and information for passengers.

2.1 Persons with reduced mobility

Air transport

The proposal for a Regulation on the rights of persons with reduced mobility travelling by air¹⁷ provides for mandatory assistance to such passengers at airports, together with quality standards for assistance by airports and air carriers. Air carriers would not be allowed to refuse to accept a reservation for a flight on the grounds of reduced mobility. However, reservations could be refused, or air carriers could require persons with reduced mobility to be accompanied by another person, in order to meet applicable safety requirements or if the size

number of studies on road safety have been also carried out as part of the Fourth, Fifth and Sixth EU Framework Programme for Research and Technological Development.

¹⁴ Source: EU Energy and Transport in Figures, Statistical Pocketbook 2003.

¹⁵ With the exception of the UN-ECE Convention on the Contract for the International Carriage of Passengers and Luggage by Road (CVR) of 1 March 1973, ratified only by the Czech Republic, Slovakia and Latvia.

¹⁶ See Council Directive 90/314/EEC of 13 June 1990 on package travel, package holiday and package tours. OJ L 158, 23.6.1990, pp. 59–64.

¹⁷ COM (2005) 47 final, 16 February 2005.

of the aircraft or justified absence of cabin crew prevents the carriage of such persons. Persons with reduced mobility would have the right to assistance at the airport which must include, *inter alia*, assistance with check-in and registration, proceeding from check-in to the aircraft, boarding and disembarking, reaching connecting flights when in transit and ground handling of mobility equipment. The managing body of the airport should set and publish quality standards for assistance and determine the necessary resources (staff, etc.). Notification of the need for assistance could be given at all points of sale of an air carrier or a tour operator, including by telephone and via the Internet.

Rail transport

The proposal for a Regulation on international rail passengers' rights and obligations¹⁸ stipulates that railway undertakings may not refuse to issue a ticket and reservation for an international service departing from a main railway station on the grounds of reduced mobility. Persons with reduced mobility on international journeys should be provided with assistance to help them board, change to connecting trains or disembark provided notification of such needs is given at least 24 hours in advance. If no notification is given, railway station managers should make all reasonable efforts to provide such assistance. Railway undertakings/tour operators should ensure that notification of such needs for assistance can be given at all points of sale. Assistance should also be provided on board trains and during boarding and disembarking from a train.

Maritime transport

Directive 2003/24/EC of 14 April 2003 amending Council Directive 98/18/EC on safety rules and standards for passenger ships¹⁹ lays down safety requirements for passenger ships and high-speed craft for persons with reduced mobility, including access to the ship, mobility onboard the ship, and appropriate signs, alarms and means to communicate messages (Article 6b and Annex III).

International coach transport

There is currently no European legislation or proposal on this subject for this sector. Persons with reduced mobility are not receiving comparable levels of assistance across the European Union. Some Member States (for example, the UK²⁰) have already developed extensive policies on disabled persons travelling on public transport, while elsewhere the requirements with regard to persons with reduced mobility seem to be rather limited. At EU level Directive 2001/85/EC²¹ already provides detailed technical requirements allowing easy access for persons with reduced mobility to urban buses²². This Directive introduces requirements such as priority seats (at least 4) for passengers with reduced mobility and space for a guide dog, fitting of lifts and ramps, and an adequate lighting system. The question of access of persons with reduced mobility is also being investigated in COST study 349 on "Accessibility of Coaches and Long-Distance Buses for People with Reduced Mobility" and UNIACCESS project "Design of Universal Accessibility Systems for Public Transport".

¹⁸ COM (2004) 143 final, 3 March 2004.

¹⁹ OJ L 123, 17.5.2003, pp. 18–21.

²⁰ Statutory Instrument 1989 No 2359. The Public Service Vehicles and the Disability Discrimination Act, 1995.

²¹ Directive 2001/85/EC of the European Parliament and of the Council of 20 November 2001 relating to special provisions for vehicles used for the carriage of passengers comprising more than eight seats in addition to the driver's seat, and amending Directives 70/156/EEC and 97/27/EC. OJ L 42, 13.2.2002, pp. 1–102.

²² Class I vehicles: vehicles constructed with areas for standing passengers, to allow frequent passenger movement.

Special attention must be given to the rights of persons with reduced mobility who, for want of appropriate assistance, are put off or prevented from travelling. This is a problem considering that around 10% of the European population are persons with reduced mobility²³. This situation could lead to social exclusion. Given that access to transport services is indispensable for active participation in social and economic life, these shortcomings must be swiftly remedied.

In the communication on strengthening passenger rights within the European Union, the Commission announced that it intends to examine how to guarantee the rights of persons with reduced mobility when they use maritime transport and international coach services.

2.2 Liability and insurance

Air transport

The main components of the existing Community legislation are as follows:

Regulation (EC) No 2027/97 of 9 October 1997 on air carrier liability in case of accidents²⁴, as amended by Regulation (EC) No 889/2002 of 13 May 2002²⁵, established the Community rules for the air transport sector²⁶:

- No financial limits to liability for passenger injury or death.
- For damages up to 100 000 SDRs, air carriers cannot contest claims for compensation.
- An advance payment in case of death or injury of a passenger (at least 16 000 SDRs in case of death).
- Liability for passenger delays and resultant damage is limited to 4 150 SDRs.
- Liability for baggage delay, destruction, loss or damage is limited to 1000 SDRs or higher in case of completion of a special declaration at check-in.

Regulation (EC) No 785/2004 of 21 April 2004 on insurance requirements for air carriers and aircraft operators²⁷ requires operators to be insured as regards their aviation-specific liability in respect of passengers, baggage, cargo and third parties:

- Operators are required to ensure that insurance cover exists for each and every flight regardless of the way the aircraft is operated.
- The insured risks must include acts of war, terrorism, hijacking, acts of sabotage, unlawful seizure of aircraft and civil commotion.
- The minimum insurance cover must be 250 000 SDRs (per passenger) and 1000 SDRs (baggage per passenger) respectively.
- Liability for third parties - the minimum insurance cover per accident depends on the category of aircraft and ranges from 0.75 million to 750 million SDRs.

²³ Disabled persons and other persons incapable of travelling without assistance because of age or illness. Towards a barrier-free Europe for people with disabilities. COM(2000) 284, 12.5.2000.

²⁴ OJ L 285, 17.10.1997, p.1.

²⁵ OJ L 140, 30.5.2002, p. 2.

²⁶ These rules are mainly based on the 1999 Montreal Convention for the Unification of Certain Rules for International Carriage by Air signed at Montreal on 28 May 1999²⁶ which replaced the 1929 Warsaw Convention for the Unification of Certain Rules Relating to International Carriage by Air, as amended at The Hague on 28 September 1955, and the Convention supplementary to the Warsaw Convention done at Guadalajara on 18 September 1961.

²⁷ OJ L 138, 30.4.2004, p. 1.

Rail transport

Directive 95/18/EC of 19 June 1995 on the licensing of railway undertakings²⁸ requires railway undertakings to be adequately insured or make equivalent arrangements, in accordance with national and international law, to cover their liabilities in the event of accidents, in particular in respect of passengers, luggage, freight, mail and third parties. As part of the third railway package the Commission submitted a proposal for a Regulation on international rail passengers' rights and obligations²⁹ in March 2004. It contains the following proposals:

- The minimum insurance cover stipulated in Directive 95/18 is set at €10 000 per passenger.
- No financial limits are set for liability for damages sustained in the event of death or bodily injury of a passenger.
- Claims for damages up to €20 000 cannot be contested, limited or excluded by railway undertakings. Above that limit railway undertakings will not be liable if they prove that they were not negligent or at fault.
- Advance payment in the event of death or injury (in case of death of a passenger at least €1 000).
- Liability for total or partial loss or damage to hand luggage: €1800 in the event of death or injury of a passenger or €1300 if, at the time of destruction, loss or damage, the luggage was under the responsibility of the railway undertaking.

Maritime transport

With respect to liability and insurance, maritime transport is governed by international law, namely the 1974 Athens Convention relating to the Carriage of Passengers and their Luggage by Sea and more specifically the 2002 protocol to this Convention³⁰:

- Two limits of carrier liability: 250 000 SDR in case of strict liability (operation of ship) and 400 000 SDR for fault- or negligence-based liability in case of shipping accidents or in other cases.
- Carriers must be adequately insured. The insurance should cover the maximum strict liability limits per passenger and a reasonable amount beyond that multiplied by the maximum number of passengers on board.
- The time limit for passengers to bring legal action is 2 years.
- Insurance certificates are required under the Protocol for all ships licensed to carry more than twelve passengers.
- Liability for loss or damage to luggage is subject to a series of limits: for example, liability for loss or damage to cabin luggage should not exceed 2 250 SDR.

The Commission has already announced, in its 2005 work programme, a new set of measures on maritime safety which will include a proposal for a Regulation on liability and compensation for passengers travelling by sea and incorporating the provisions of the 2002 Protocol to the Athens Convention into Community law.

²⁸ OJ L 143, 27.6.1995, p. 70.

²⁹ COM (2004) 143 final, 3 March 2004. The proposal is based largely on the Convention concerning International Carriage by Rail (COTIF) of 9 May 1980, as amended by the Vilnius Protocol of 3 June 1999. The Community is seeking to integrate its provisions into Community legislation by means of a proposal for a Council Decision on the conclusion by the European Community of the Agreement on the Accession of the European Community to COTIF.

³⁰ See proposal for a Council Decision concerning the conclusion by the European Community of the Protocol of 2002 to the Athens Convention Relating to the Carriage of Passengers and their Luggage by Sea. COM (2003) 375 final.

International coach transport

A general system of civil liability in respect of use of motor vehicles has already been established at EU level. Council Directive 72/166/EEC of 24 April 1972 on the approximation of the laws of Member States relating to insurance against civil liability in respect of the use of motor vehicles, and to the enforcement of the obligation to insure against such liability³¹, as amended by Third Council Directive 90/232/EEC of 14 May 1990 on the approximation of the laws of the Member States relating to insurance against civil liability in respect of the use of motor vehicles³², stipulates that all compulsory insurance policies against civil liability arising out of the use of vehicles should³³:

- *cover, on the basis of a single premium, the entire territory of the Community;*
- *guarantee, on the basis of the same single premium in each Member State, the cover required by its law or the cover required by the law of the Member State where the vehicle is normally based when that cover is higher.*

Second Council Directive 84/5/EEC of 30 December 1983 on the approximation of the laws of the Member States relating to insurance against civil liability in respect of the use of motor vehicles³⁴ set the following minimum amounts for which such insurance is compulsory:

- *in the case of personal injury: €350 000 per victim;*
- *in the case of damage to property: €100 000 per claim, or a minimum of €500 000 for personal injury where more than one victim is involved in a single claim or, in the case of personal injury and damage to property, a minimum overall amount of €600 000 per claim whatever the number of victims or the nature of the damage.*

However, there are no specific provisions at EU level governing contracts of carriage of passengers and their luggage. Coach passengers are not protected in an effective way by any international agreement on carrier liability in case of death or injury either. The United Nations - Economic Commission for Europe Convention on the Contract for the International Carriage of Passengers and Luggage by Road (CVR) of 1 March 1973 has been ratified only by the Czech Republic, Slovakia and Latvia. In this situation passengers face a set of different national rules on liability in the event of death or injury and most passengers are unaware where and how they can enforce their rights before a court³⁵. Out-of-court dispute settlement mechanisms are still subject only to soft Community law (Commission recommendations 98/257/EC and 2001/310/EC)³⁶. Nor are passengers entitled to advance payments to cover

³¹ OJ L 103, 2.5.1972, pp. 1–4.

³² OJ L 129, 19.5.1990, pp. 33–35.

³³ Note that the proposal for a Directive of the European Parliament and of the Council amending Council Directives 72/166/EEC, 84/5/EEC, 88/357/EEC and 90/232/EEC and Directive 2000/26/EC on insurance against civil liability in respect of the use of motor vehicles is currently at the final stage of the legislative procedure.

³⁴ OJ L 8, 11.1.1984, pp. 17–20.

³⁵ NB: The 1980 Rome Convention on the law applicable to contractual obligations contains provisions on certain consumer contracts; however, contracts of carriage fall outside the scope of these provisions. OJ C 27, 26.1.1998, pp. 34–46. Similarly Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters provides for rules governing jurisdiction over consumer contracts, but does not apply to contracts of transport other than contracts which, for an inclusive price, provide for a combination of travel and accommodation. OJ L 12, 16.1.2001, pp. 1–23.

³⁶ 98/257/EC: Commission Recommendation of 30 March 1998 on the principles applicable to the bodies responsible for out-of-court settlement of consumer disputes. OJ L 115, 17.4.1998, pp. 31–34. Commission Recommendation of 4 April 2001 on the principles for out-of-court bodies involved in the consensual resolution of consumer disputes. OJ L 109, 19.4.2001, pp. 56–61.

their economic needs. Although coach is one of the safest modes of transport, this seems not to be fully reflected by public perception. Public opinion is alarmed by the serious accidents which have occurred on the roads of the European Union, such as the case of the German coach in Hungary in May 2003 or the Spanish coach in France in August 2004. Clear rules on liability and assistance in case of accident would surely contribute to building public confidence in this mode of transport.

In the communication on strengthening passenger rights within the European Union the Commission undertakes to examine how to guarantee an adequate level of cover and a uniform approach to liability in international coach transport.

2.3 Denied boarding, delays and cancellations

Air transport

Regulation 261/2004 of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights³⁷ creates a Community-wide compensation scheme. Any passenger who is denied boarding has the right to receive compensation³⁸ of €250 for all flights of 1500 kilometres or less, €400 for all intra-Community flights of more than 1500 kilometres and for all other flights between 1500 and 3500 kilometres and €600 for all flights outside the Community. In case of cancellations passengers are entitled to reimbursement of the cost of the ticket, a return flight to the original point of departure or rerouting as well as hotel accommodation, meals and refreshments and communication services. Compensation must be paid unless the passenger was given sufficiently long notice and offered re-routing and unless the cancellation was due to exceptional circumstances beyond the control of the air carrier.

In the event of delays, passengers must be offered assistance, which must include meals, refreshments and communications services and accommodation if needed if the flight is delayed by two hours or more, compared with the scheduled time of departure, in the case of flights of 1500 kilometres or less, by three hours or more for intra-Community flights of more than 1500 kilometres and all other flights between 1500 and 3500 kilometres, and by four hours for flights outside the Community of more than 3500 kilometres. If the delay is at least five hours, passengers have the right either to reimbursement of the cost of the ticket plus the return flight to the original point of departure or to re-routing.

Rail transport

A proposal for a Regulation on international rail passengers' rights and obligations provides for a compensation scheme for delays. Passengers would be able to demand compensation from railway undertakings which, depending on the type of service, duration of operation and delay, would range from 50% to 100% of the cost of the ticket on international journeys. If the delay led to a missed connection or if an international service is cancelled passengers should be offered:

- reimbursement of the full cost of the ticket (for the part of the journey not made and for any further journey made no longer serving the original purpose);
- re-routing at the earliest opportunity;

³⁷ OJ L 46, 17.2.2004, p. 1.

³⁸ When passengers are offered rerouting and the arrival time does not exceed the scheduled arrival time of the flight originally booked by two, three or four hours respectively, the air carrier may reduce the compensation by 50%.

- re-routing at a later date at the passenger's convenience.

In all the above cases, passengers should be offered free meals and refreshments, hotel accommodation (if a stay of one night or more is necessary), transport between the railway station and the place of accommodation, and transport between the railway station or train and the final destination of the service or the place of departure of an alternative means of transport. This proposal does not include the obligations of the undertaking in the event of denied boarding.

International coach transport

Passengers should be entitled to reliable services in terms of continuity and availability. When these requirements are not met international coach passengers should not be left to fend for themselves without appropriate assistance. In the case of package travel, holidays and tours, minimum rules have already been laid down in Directive 90/314³⁹. The organiser of package tours is liable for failure or improper performance of the package tour contract, including transport⁴⁰. In the case of non-performance of the contract where the organiser is unable to offer alternative arrangements, customers should be provided with transport back to the point of departure or another return point plus compensation. These provisions cover only some of the difficulties sometimes encountered by international coach passengers.

As in air transport, coach passengers should be guaranteed an adequate level of protection. Depending on the circumstances, some compensation may be needed for any inconvenience caused to passengers due to interruption, cancellation or delay of their journey. Denied boarding does not seem to be a frequent problem for coach passengers.

In accordance with the commitment which it gave in the communication on strengthening passenger rights within the European Union, the Commission will study how to guarantee compensation and assistance in the event of interruption of journeys by sea or by international coach services.

2.4 Information for passengers

A number of legislative acts are in the pipeline, including a proposal for a Regulation on the information of air passengers on the identity of the operating carrier and on communication of safety information⁴¹. The proposal requires the contracting party to inform passengers of the operating air carrier upon reservation and to notify the passengers if the carrier is changed. Member States should also publish a list of all the operators which are banned from their airspace or are subjected to traffic right restrictions. The Commission publishes a consolidated list. According to DG TREN's work programme for 2005, the Commission plans to prepare a proposal for a Regulation requiring air carriers to provide the information necessary for regular publication of a report comparing their quality of service.

³⁹ Directive 90/314/EEC of 13 June 1990 on package travel, package holidays and package tours. OJ L 158, 23.6.1990, pp. 59–64.

⁴⁰ The preamble and Article 7(3) state that in such cases the liability of the organiser should be limited in accordance with the international conventions governing such services, in particular the 1929 Warsaw Convention on International Carriage by Air, the 1961 Berne Convention on Carriage by Rail and the 1974 Athens Convention on Carriage by Sea.

⁴¹ COM (2005) 48 final, 16 February 2005.

International coach transport

Passengers should be given the possibility to make well-informed choices of coach services on the basis of their quality performance. Appropriate indicators should be developed.

2.5 Integrated ticketing

Passengers planning to travel by a combination of different modes of transport often encounter problems and barriers due to the lack of appropriate intermodality arrangements. Examples of integrated ticketing systems are still hard to find across the European Union⁴². In the absence of Community requirements on integrated ticketing systems, the Commission encourages air and rail operators to make voluntary commitments. The prospects of whether such voluntary commitments could also be taken on by coach operators should be examined.

Questionnaire:

In the light of the commitments given by the Commission, the following areas of action have been identified on which interested parties are invited to submit their comments. In order to guide your reflection a list of detailed questions has been prepared. You may also comment on the main text of the working paper.

| |
|---|
| Need to regulate |
| Question 1: 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? |
| Question 2: Should this be addressed at EU level? What are the most cost-effective means to meet this objective? |
| |
| Scope of regulation |
| Question 3: Should only international services be regulated and domestic services be left to each Member State? |
| Question 4: Is any legislative action necessary to improve intermodality between coach services and other modes of transport? If so, what action in particular? |
| |
| Liability schemes |
| Question 5: 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? |
| Question 6: Should there be a liability system comparable to that in air, rail and maritime transport? |
| Question 7: If so, up to which amount should coach operators not be allowed to contest claims for death or injury? |
| Question 8: What should be the advance payment in the event of death or injury to passengers? |
| Question 9: Should there be upper limits on liability or should it be unlimited? |

⁴² Successful systems are operating in Germany and Switzerland. See the communication on the strengthening of passengers’ rights for examples.

| |
|--|
| Question 10: In case of injuries suffered in Member States other than the 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? |
| Question 11: Should there be a minimum level of compensation for lost or damaged luggage? |
| Question 12: Should there be special provisions for mobility equipment lost or damaged during a journey? |
| Question 13: What are the liability schemes in place in your country? |
| |
| Cancellation, denied boarding and interruption of journey |
| Question 14: 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? |
| Question 15: Should passengers be provided with appropriate assistance (hotel accommodation, meals and refreshments, telephone calls) if their journey is interrupted? |
| |
| Significant delays |
| Question 16: Should passengers receive compensation in the event of delays? |
| Question 17: If so, what would be the minimum reasonable compensation payment (reimbursed tickets, cash)? |
| Question 18: 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? |
| |
| Persons with reduced mobility |
| Question 19: Should coach operators be required to provide assistance to persons with reduced mobility? |
| Question 20: What should the assistance for persons with reduced mobility consist of? |
| Question 21: 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? |
| Question 22: 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? |
| Question 23: Should the same treatment be offered to persons travelling with small children? |
| Question 24: How and when should the coach operator be notified of the need for assistance for persons with reduced mobility? |
| Question 25: Should any additional facilities be available at coach terminals? |
| Question 26: What conversion/adaptation of coach terminals could be required in order to provide persons with reduced mobility with adequate assistance? |
| Question 27: Should organisations representing persons with reduced mobility be involved in consultations concerning all identified shortcomings in bus and coach transport? |
| |
| Quality standards |
| Question 28: 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? |
| Question 29: If so, how should compliance with the quality standards be monitored? |

| |
|---|
| <p>Question 30: What essential performance indicators should be measured and disclosed by coach operators? Is the following list of quality standards adequate?</p> <ul style="list-style-type: none"> • Punctuality (departures, arrivals, stops en route) • Delays • Level of user satisfaction • Cancellations • Interruption of journey • Comfort • Accessibility for persons with reduced mobility |
| <p>Information obligations</p> |
| <p>Question 31: Which of the conditions of carriage should be at least mentioned on the ticket?</p> |
| <p>Question 32: Should standard conditions of carriage be attached to passengers' tickets?</p> |
| <p>Question 33: How can access to information on conditions of carriage and fares be improved?</p> |
| <p>Question 34: How should information for persons with reduced mobility be provided (text, audio support)?</p> |
| <p>Question 35: 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?</p> |
| <p>Complaint handling</p> |
| <p>Question 36: Should a complaint-handling mechanism be regulated at EU level?</p> |
| <p>Question 37: Should a one-stop shop be set up for handling complaints about international services?</p> |
| <p>Question 38: What should be the maximum time limit for handling a complaint? Is four weeks a reasonable limit?</p> |
| <p>Question 39: If no reply is received to the complaint within the abovementioned time limit, should it be deemed to be accepted by the coach operator?</p> |
| <p>Question 40: 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?</p> |
| <p>Question 41: What role could consumer bodies play in handling individual complaints?</p> |
| <p>Question 42: 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).</p> |
| <p>Question 43: 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 organisations?</p> |
| <p>Question 44: Should extrajudicial dispute settlement procedures based on Commission recommendations 98/257/EC and 2001/310/EC suffice?</p> |
| <p>Question 45: What would be the most appropriate type of extrajudicial dispute resolution scheme to handle complaints in this area?</p> |
| <p>Question 46: What experience have you had concerning self-regulation of user/customer care rights at national level?</p> |
| <p>Self-regulation</p> |
| <p>Question 47: How should the European Commission encourage self-regulation schemes aiming at improving users' rights?</p> |

| |
|--|
| Question 48: To what extent should passengers have to rely on voluntary commitments by bus and coach operators? |
|--|

| |
|-----------------------------|
| Integrated ticketing |
|-----------------------------|

| |
|--|
| Question 49: What is your opinion on inclusion of coach services in integrated ticketing systems? |
|--|

Interested parties are invited to submit their comments, suggestions and answers in response to this communication and to the questions listed above by 14 October 2005 to the following address:

European Commission
Directorate-General for Energy and Transport
For the attention of Mr. Peter Faross
Head of Unit A5
Rue de la Loi 200
B-1049 Brussels
Fax : +32 2 298 65 40

Contributions can also be sent by e-mail to: mariusz.daca@cec.eu.int

Receipt of each contribution will be acknowledged by mail or e-mail.

The Commission reserves the possibility to make all comments, suggestion and answers public, unless the person submitting the contribution expressly indicates otherwise. Contributions will be accessible on the website of the DG for Energy and Transport.

Interested parties that wish to submit their comments are requested to provide the Commission with the information on their representativity. If this information is not provided, submissions will be considered as individual contributions.

The contribution supplied will be analysed by the Directorate General for Energy and Transport, Unit A5 “Services of general economic interest and users’ rights” in collaboration with other services of the European Commission to see whether, and to what extent, the views expressed can be accommodated in the policy proposals. The contributions submitted will help the services of the European Commission to formulate its policy and find the most appropriate actions and means including a legislative proposal to extend the rights of passengers to bus and coach transport by the end of the year 2005.

An overview of the results of public consultation will be published one month after the end of the consultation process on the website of the DG for Energy and Transport.