

**30 January 2006**

**Summary of contributions received by the Commission  
in response to the Commission Staff Working Paper  
"Rights of passengers in international bus and coach transport"**

**DISCLAIMER**

The summary of the consultations does not express the position of the Commission, neither does it commit the Commission, nor should it be assumed that it will be the position taken by the Commission following this consultation process.

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## **1. Introduction**

In its White Paper "[European transport policy for 2010: time to decide](#)"<sup>1</sup> the European Commission envisaged the establishment of passenger rights in all modes of transport.

In its communication on strengthening passenger rights within the European Union<sup>2</sup> of 16 February 2005 the Commission presented a policy approach on how to extend passenger protection measures beyond air travel to all other modes of transport. The Commission committed itself to examine, in the course of 2005, the best way of improving and guaranteeing the rights of passengers on international bus and coach services.

To this end, the Commission launched a public consultation of Member States and other stakeholders in July 2005. The consultation has now been concluded and this document contains a summary of the responses to each of the questions asked in the consultation paper.

The Commission received 57 responses to the working paper from:

- governments of Member States (14),
- European organisations (12),
- national organisations (20),
- companies (9),
- other contributors (2).

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<sup>1</sup> COM(2001) 370 final.

<sup>2</sup> [COM\(2005\) 46 final](#).

## **2. General comments**

This paper presents a summary of the responses received. The following general points emerge from the contributions:

In contrast to other modes of transport, bus and coach services are not generally covered either by Community legislation or by international agreements (except for the ECE CVR ratified by three Member States). The contributions received clearly indicated divergences in protection of bus and coach passengers between different Member States. Passenger protection varies from country to country depending on the level of rights established by national legislation, best practices and voluntary commitments by operators. Although the Commission did not receive contributions depicting the situation in every Member State, it can be assumed that the others would be no exception to the general rule of differing levels of passenger protection.

Many contributions drew the Commission's attention to the specific and distinctive features of the bus and coach sector. A whole range of factors were mentioned that set this mode of transport apart from air and rail: it does not own the infrastructure or maintain contractual relations with infrastructure managers, there are more factors which could result in delays and interruption of journeys (i.e. traffic congestion, road and border checks, and waiting time at borders), services are mostly provided by small and medium-sized enterprises with limited financial means, local and regional services play a special role, and this mode provides services close to the end-customer, quickly adjusts to needs of passengers and makes specialised services available for persons with reduced mobility.

The contributions received revealed a clear split between bus and coach operators and their associations and federations on the one hand and consumer associations on the other. As a general rule the former see no or only very limited need for regulation at EU level, whereas the latter call for extensive rights for passengers. Most of the replies received from governments of Member States supported further strengthening the protection in the bus and coach sector. However, very clear concerns were also expressed regarding the economic and organisational pattern of this industry and there was no unanimity about the scope of regulation and the inclusion or exclusion of particular types of service, in particular local and regional services.

Consumer associations feel that the level of consumer protection is far from sufficient. They consider that on-going initiatives concerning self-regulation and voluntary commitments may be beneficial for consumers but are insufficient due to their non-binding nature. As a matter of principle they believe that bus and coach passengers should enjoy the same level of protection as passengers in other modes, which is not yet the case.

One issue which is clearly of great interest is the case of persons with reduced mobility using this mode of transport. Many responses went into great detail, reflecting the depth of constructive thought which has already been put into solving this problem. However, there was no unanimous agreement between respondents on the scope of this issue and the means to address it. Some operators pointed to the increased cost and limited

feasibility for a whole fleet and indicated that there are viable alternatives for PRM (specialised bus and coach companies).

Operators mostly argue that the current economic situation does not allow any additional burden to be imposed, that there is no real need for regulation and that a large number of issues have been addressed in any case, either by national legislation or by voluntary commitments they have entered into. Some Member States are also concerned that any increase in regulatory burdens could result in rising fares and be passed on to consumers. This should be borne in mind, particularly when drafting any legislative proposal. Concerns were also voiced that some provisions on compensation in the event of delay could undermine safety. A preference for simplification, harmonisation and better application of existing rules was expressed by a number of stakeholders.

The responses to each of the groups of questions listed in the questionnaire attached to the consultation paper are summed up below.

### **3. Need and scope of Community legislation**

**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?*

Most Member States are in favour of ensuring a level playing field between bus and coach operators, as are consumer associations and professional organisations. A large number of coach operators and their professional organisations and federations see no need for EU regulation in this area.

The majority of respondents support the idea of ensuring a level playing field between bus and coach operators in different Member States. Some national and local statutory frameworks for passenger protection already exist but they are inconsistent and patchy within the EU and Member States. There is also a feeling that Member States lack appropriate legislation and that minimum rights at EU level are therefore needed to avoid inconsistent development of rights at national level. It was underlined that bus and coach passengers are the most vulnerable members of society, including persons with reduced mobility. It was felt that this issue should be addressed at EU level taking into consideration the latest *acquis* and progress achieved at national level. One Member State suggested that provisions of the United Nations Economic Commission for Europe Convention on the Contract for the International Carriage of Passengers and Luggage by Road (CVR) could to some degree be accommodated in future EU legislation. One Member State thinks that adoption of minimum rules at EU level would have a beneficial effect on passenger safety and rights. In the absence of more attractive arrangements for customers, a minimum legal framework would govern passengers' rights and duties.

One respondent stressed that this principle should also be extended to operators from non-EU countries and that, consequently, equal treatment also means putting the coach sector on the same level as other modes of transport in terms of taxation.

Some concerns have been expressed that there should be no rise in fares for consumers and it was underlined that a balance between consumer protection and business interests should be sought. The concept of "level playing field" was also discussed. Consistency between rights in different modes is needed, but in some cases this is not applicable. Bus and coach operators do not control the infrastructure so they are unable to recover compensation for delays from the infrastructure manager. There are specific rules for bus and coach journeys which are part of package travel (Directive 90/314).

It was also stressed that regional differences cannot be ignored; general minimum standards are sufficient for local urban transport and in this area the EU should respect the principle of subsidiarity and leave some discretion for national legislation.

One Member State recommends that the specific nature of this mode of transport needs to be considered: in most cases these operators are small and medium-sized enterprises with limited financial means, so the measures should not pose a threat to their existence or lead to fare increases which users cannot afford.

Under no circumstances should any planned regulation lead to bureaucracy. It was also stressed that requirements of local transport (vehicles, infrastructure and financing) should remain within the competence of Member States.

Respondents opposed to this proposal pointed out that bus and coach operators already grant many rights on a voluntary basis (such as barrier-free access, quality standards, complaint and information management), while other rights are contained in national, Community or international legislation. Consequently, there is no need for any additional regulatory measures that would impose burdens. Instead, priority should be given to simplification, harmonisation, enforcement and self-regulation. They argue that, since this market is very responsive to the immediate needs of the end-consumer, incentives for voluntary action and commitments are needed instead of binding measures. Respondents also argued that EU regulation would not take into consideration specific needs of Member States, like other fares due to cost structures, different quality standards, etc.

Reminders were also given that all EU proposals should take due note of competitiveness, as set out in the Lisbon strategy, and should not generate higher costs and greater bureaucracy.

Others argued that passenger rights must be adapted to the economic and technical requirements of the mode and that there are other viable alternatives to bus and coach, such as private car and rail.

**Question 2:** *Should this be addressed at EU level? What are the most cost-effective means to meet this objective?*

Most Member States are in favour of addressing the issue at EU level, as are consumer associations and professional organisations. A large number of coach operators and their professional organisations and federations see no need for any particular EU action in this area.

As regards the most cost-effective means, the respondents prefer either a regulation or a directive. Those in favour of the former feel that it would result in uniform and consistent

application across the EU, while those who support a directive argue that this would take into account the varying economic and industrial structures in Member States and allow a choice of the most appropriate means to meet this objective. One Member State said that binding measures for non-member States should also be considered (Interbus, AETR or ASOR).

**Question 3:** *Should only international services be regulated and domestic services be left to each Member State?*

A large majority of the Member States who answered this question accept the idea of regulation of international services only. Operators and their organisations in principle take a similar view. Consumer associations generally take the view that all types of services should be covered, i.e. both international and domestic.

A slight majority opted for regulation of international services only. Slightly fewer respondents support the proposal to regulate both international and domestic services. They argue that it is better to have a single set of regulations to comply with (separate regulations complicate travel and carriers' responsibilities). Such a regulation would raise confidence in bus and coach services as a safe, accessible and affordable mode of transport. National services would also have to be adapted to a clearly defined set of high quality standards. Respondents said that exactly the same conditions must apply to passengers for the entire duration of their journey, regardless of which country their coach is currently in or heading for.

The issue of trips from an EU Member State to a non-EU State and possible enforcement of passenger rights was also raised.

A large proportion of respondents are in favour of exclusion of national services, invoking the subsidiarity principle and Chapter V of the EC Treaty which concerns international services only. Another suggestion is that domestic passenger services organised by public authorities should also be excluded from the scope of harmonisation. It was argued that regulation of domestic services would conflict with the principle of subsidiarity, proportionality and responsibility for implementing the objectives. Also regional differences cannot be ignored.

Voices also called for limiting the scope of future regulation. It was suggested that some services should be excluded from the scope of regulation: urban services and also trans-border services over distances of less than 50 km should be outside the scope of regulation – regulation targeting commercially operated long-distance coach services could endanger the economic equilibrium of local and regional cross-border bus services, thus resulting in abandonment of such services. In this context, bus and coach operators in Northern Ireland running services to/from the Republic of Ireland were given as an example. It was stressed that a distinction has to be drawn between public transport (regional and urban passenger services) operating under a set of public service obligations as a service in the general interest and international coach services run on a purely commercial basis without any public service obligation. This distinction is said to be necessary in order to avoid situations where regional and local public bus lines in border regions which occasionally move to and fro across the border for very short distances would be considered "international bus travel".

A sizeable minority of respondents are against any regulation in this field.

**Question 4:** *Is any legislative action necessary to improve intermodality between coach services and other modes of transport? If so, what action in particular?*

The majority of Member States are not in favour of Community action with this aim. This opinion is also shared by other respondents to this question.

It was generally felt that intermodality is a very welcome objective. However, the majority believe that no particular action at EU level is necessary. This type of arrangement should be left to the market or should remain within the competence of Member States. Others who are in favour of legislative action suggested that some standards need to be harmonised, for example on liability and compensation, and that some improvement and facilitation of infrastructure for coaches at airports, integrated ticketing and coordination of timetables of services of different modes would be needed. Other respondents suggested limiting the scope of intermodality to national services only. One respondent proposed setting up a working group to examine this issue.

#### **4. Liability of operators in the event of death or injury of passengers**

**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?*

The answers from the respondents, including Member States, are evenly split between "yes" and "no".

A number of respondents consider the current insurance schemes satisfactory. The majority of operators consider the current arrangements sufficient. Others claim that this is not the case and consider that this scheme should be harmonised across the EU and, in principle, should be the same as for air and rail.

The level of insurance established by the Motor Insurance Directives is considered inadequate – if minimum insurance cover of 5 000 000 euros were chosen by Member States the level of insurance cover per passenger could be very low, for example in the event of an accident involving a coach carrying 50 passengers. Higher levels of minimum insurance are urgently required - in case of injury or death occurring in international carriage, unlimited insurance cover. Generally the respondents in this group would like to see the question of passenger injury harmonised across the EU.

Other respondents suggest that consultations should be held with insurance companies in order to take into account insurance schemes already in place or that regulations should build on mandatory liability in respect of the use of motor vehicles. One Member State would welcome a study on liability schemes in the EU as a step towards general thinking on this issue.

**Question 6:** *Should there be a liability system comparable to that in air, rail and maritime transport?*

The vast majority of respondents, including Member States, are in favour of a liability system comparable to that in other modes of transport. Respondents stress that this issue has to be examined taking account of specific operational circumstances and a critical analysis should be conducted of the effectiveness and economic consequences of the liability systems of other modes. However, some argued that the proposed system should be adapted to the economic and organisational features of the mode of transport. Moreover, one Member State stressed that the system proposed in the third railway package is not appropriate as it provides less protection for road accident victims than binding national legislation.

A small number of respondents are opposed to this proposal. They claim that no minimum compensation should apply to all circumstances. Regulation is totally superfluous from the point of view of some national legislation.

**Question 7:** *If so, up to which amount should coach operators not be allowed to contest claims for death or injury?*

A number of suggestions were made concerning the amount up to which operators should not be allowed to contest claims for death or injury:

- same as in other modes;
- at least expenses related to repatriation;
- 100 000 SDR – consistent with Regulations 2002/97 and 889/2002;
- 100 000 SDRs – combination of strict liability (maximum limit) and unlimited liability for alleged fault or negligence is preferable;
- 12 000 euros;
- strict liability – threshold based on the seriousness of the injury sustained – without proof of operator's fault in case of serious injury or death.

Some Member States indicated that this issue is covered by national legislation. Establishment of such scheme would not correspond with provisions of national laws.

A small number of respondents reject this proposal.

**Question 8:** *What should be the advance payment in the event of death or injury to passengers?*

A number of suggestions were made concerning the amount of advance payment:

- sufficient to cover immediate economic needs – similar to other modes;
- 16 000 euros in cases of serious injury or where final compensation is likely to exceed this sum;
- 5 000 euros – this does not constitute any admission of liability and the bus operator or insurance company can demand repayment under special conditions;
- amounts specified in relation to air transport should be duplicated – 16 000 SDRs combined with strict liability – quick and efficient access to compensation without waiting for interim payments or final settlements;
- 50% of the compensation payable;

- minimum amount that can be paid as quickly as possible – however, this should not constitute an admission of liability by the operator.

A small number of respondents oppose this idea and suggest that consideration should be given to small and medium-sized enterprises with limited financial means.

Others suggest that the current legislation is sufficient.

**Question 9:** *Should there be upper limits on liability or should it be unlimited?*

The majority of respondents, including Member States, opted for unlimited liability. However, some suggested that it should be unlimited in cases of alleged fault or negligence.

Others opted for limited liability and suggested possible limits: at least 25 million euros, preferably 50 million euros or, in cases other than where the operator is at fault, liability should be limited to 100 000 SDRs.

One Member State considers that mandatory motor vehicle insurance already limits total compensation per accident; higher limits could be difficult to cover.

**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?*

Two options received the broadest support among Member States and other stakeholders – the place where the ticket was bought/contract was concluded or the place of residence of the passenger. With regard to place of residence it was suggested that this principle might be included in the general framework for extra-contractual liability set out in the proposed Rome II Regulation. Consumer associations generally support EU legislation in this area. Most request that consumers should be able to sue carriers in their state of residence, since anything else would in practice not be feasible for a normal consumer.

One respondent proposed that at least this option should be given with regards to the law and court having jurisdiction. One respondent proposed the alternative that there should be limited choice between: the state where the contract is concluded, the final destination, the domicile of the passenger, the place of the accident, and the principal place of business of the carrier.

Smaller support was expressed for the place where the accident occurred or the place of establishment of the carrier.

Other respondents think that the question of jurisdiction is sufficiently clarified and need not be changed as the binding legislation already settles the problem.

**Question 11:** *Should there be a minimum level of compensation for lost or damaged luggage?*

The views on this issue among Member States and stakeholders are mixed. In principle respondents support this idea and some claim that compensation should be comparable to

other modes, while others reject this idea and stress that this issue is properly dealt with by national legislation. One respondent claimed that no strict liability is needed – determining liability regardless of fault or negligence would place the risk of damage on the operator.

**Question 12:** *Should there be special provisions for mobility equipment lost or damaged during a journey?*

A large majority of respondents, including Member States, support the idea of special provisions for mobility equipment. It was stressed that this kind of equipment is not comparable to luggage in general. Its loss could defeat the whole purpose of the journey and lead to loss of independence plus significant costs associated with repairing or replacing the equipment. Some respondents envisaged requiring compensation for the full cost of repair/replacement plus immediate provision of adequate temporary mobility equipment. Some would like to see the additional cost to disabled persons and their assistants covered by the party responsible for the loss or damage.

On the other hand a significant group of respondents would prefer to apply the general provisions for any item of personal property.

**Question 13:** *What are the liability schemes in place in your country?*

General descriptions of the liability schemes in Hungary, Germany, the Czech Republic, Lithuania, Spain, Sweden and the UK have been provided (see Annex II for details and individual contributions).

## **5. 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?*

The majority of Member States believe that compensation should be granted in cases of cancellation but most are unaware of cases of denied boarding. Organisations representing disabled persons, however, report instances of denied boarding on grounds of disability.

Those who oppose mandatory compensation in the event of denied boarding or cancellation of a journey point out that no such cases were reported in their countries or that these are very rare occurrences due to the flexibility of this mode - additional vehicles can always be laid on. Another argument is that the bus and coach sector is not comparable with other modes: generally there is no possibility of contractual guarantees for the parameters concerning use of road infrastructure (traffic), and bus and coach operators are unable to make up for lost time by increasing speed and have to adhere to drivers' working hours. This requirement cannot be reconciled with safety considerations.

A number of respondents would prefer to see this matter dealt with at national level. Some also stressed that operators cannot be held responsible for cancellation, interruption due to weather conditions, traffic congestion, etc.

Respondents supporting this measure suggested the following options:

- reimbursement of ticket + compensation depending on the length of journey:  
0-500 km: 20 euros, 501-1000 km: 40 euros, over 1000 km: 60 euros, or compensation comparable to other modes but adjusted to circumstances;
- reimbursement of ticket for the parts of the journey not completed and for those already completed if the journey no longer serves the original purpose plus return to point of departure, continuation or re-routing either immediately or at a later date at the passenger's convenience, if at fault – minimum compensation could be the fare paid or return of ticket price; if the passenger has to use a more expensive alternative connection the fare surcharge must also be reimbursed and the same rules as for rail transport should apply;
- prohibition of denied boarding: persons with disabilities should not be denied boarding except where it poses a risk to a passenger, in which case alternative means of transport should be provided and compensation paid; denied boarding should be prohibited with regard to all other passengers except for cases where a passenger poses a risk to security or safety;
- alternative arrangements: compensation for cancellation not necessary if notified in reasonable time before the journey – the tour operator should find another possibility for the passenger to travel under the same conditions;
- no compensation for cancellations due to weather and traffic conditions.

One respondent, although in favour of the proposed measure, stressed that it should also be borne in mind that coach operators will definitely pass on these financial risks to passengers. Furthermore, larger operators will be able to bear these additional costs more easily than small operators (i.e. there could be distortion of competition to the detriment of small and medium-sized companies).

**Question 15:** *Should passengers be provided with appropriate assistance (hotel accommodation, meals and refreshments, telephone calls) if their journey is interrupted?*

Member States generally accept the principle of assistance to passengers, as do consumer associations and some professional organisations.

Opinions varied on the scope of the assistance obligation: some respondents made general suggestions concerning appropriate assistance, also taking account of accessibility for handicapped persons, either decided on a case-by-case basis or pre-determined in a carriage contract or as part of a voluntary commitment.

The majority of respondents suggested further details of the content of this obligation: meals, refreshments, hotel accommodation depending on the duration of the interruption of the journey: 0-5 hours – information, refreshments and other means of transport, 5-10 hours + sandwiches, 10-24 hours + meals, over 24 hours + accommodation, as stipulated in Regulation 261/2004, for interruptions longer than 120 minutes where the operator is not at fault or negligent, passengers should receive assistance in the form of refreshments and telephone calls, plus, in the case of longer interruptions, meals.

Some respondents stressed that the obligations arising from passenger rights legislation should rest with the transport undertaking and not with travel agents and tour operators as they are not present at the place where transport services are provided and therefore cannot comply with many of the obligations relating to provision of information and assistance.

## **6. Delays**

**Question 16:** *Should passengers receive compensation in the event of delays?*

The majority of respondents, including Member States, support the idea of compensation in the event of delay. Some argue that the level of compensation should be comparable with that which applies to other modes and compensation arrangements might reflect the length of the service involved and of the delay at coach prices comparable with those advertised by low-cost airlines.

Others would like to make this obligation subject to certain conditions: clear responsibility of bus and coach operator (at fault or guilty of negligence). In cases of traffic congestion, road closures and border checks responsibility should be excluded. Generally the following criteria have to be met: responsibility for the delay must be established, management costs should not prevail over benefits for customers, there should be no other obligations that are not imposed in other branches, competition with private transport should not be distorted, and financial burdens should be kept in bearable proportion. Some respondents expressed concern that efforts to be punctual might take precedence over road safety if strict responsibility were placed on the operator. Two respondents considered it inappropriate to set levels or methods of calculation and expressed preference for a case-by-case approach.

Some suggested specific measures in favour of PRM in case of missed connections and resulting problems for disabled persons with finding matching accessible itineraries and services. In this case any additional cost of accommodation of the disabled person and his or her assistant due to a delay and missed connection must be covered by the party responsible.

One respondent stated that this compensation scheme should apply to international and long-distance national journeys only while other services should be left to the discretion of the Member States.

A large group of respondents who oppose the idea of compensation payments point to infrastructure problems which are clearly beyond the control of bus and coach operators – road closures, diversions, waiting time at borders, etc. Many constraints apply to bus and coach operators (working hours, rest periods and speed limits). A driver should not be under pressure to make up for lost time. No punctuality obligation should undermine road safety. Compensation may be granted on a voluntary basis as a goodwill gesture. Some respondents expressed preference for national legislation.

**Question 17:** *If so, what would be the minimum reasonable compensation payment (reimbursed tickets, cash)?*

Respondents suggested different options for compensation and payment. Two options that gained most support consist of 1) compensation related to the price of the ticket and length of delay and 2) fixed amount related to the duration of the delay. A number of respondents suggested a mixed system based partly on a fixed amount (in relation to the delay) and partly on the cost of the ticket. However, the majority preferred a compensation scheme based on the ticket price over one based on the duration of delay. The latter option can be based on different formulas, for example 0-5 hours: no compensation, 5-10 hours: 10 euros, over 10 hours: 20 euros or up to two hours: no compensation, between 2 and 24 hours: 150 euros and so on, as in Regulation 261/2004.

One Member State would like to see the level of compensation subject to proof of resultant damage. Another respondent proposed an individual case-by-case approach. It was also suggested that in cases where the journey no longer serves its purpose, the whole ticket price should be reimbursed – in case of cancellation passengers would be offered rebooking or repayment of the ticket price.

As far as payment of compensation is concerned, the majority preferred payment in cash or vouchers at the passenger's choice. Others suggested payment in vouchers for future ticket purchases to avoid misuse of this compensation scheme.

**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?*

Respondents pointed to a number of reasons for exempting coach operators from the obligation to reimburse passengers in the event of delays. Most of them stressed that bus and coach operators do not control the infrastructure and therefore cannot be held responsible for delays caused by the traffic situation. It was generally agreed that operators can be exempted on grounds of force majeure, weather conditions, unforeseeable problems with infrastructure, and road and border checks. However, some reservations were expressed that this exemption should be excluded where an operator might reasonably have been expected to anticipate that the journey would take longer – traffic congestion at peak times and in other cases on condition that the operator took the necessary steps to limit damages and notified passengers.

As far as notification of delay is concerned the respondents expressed more cautious views. It is generally impossible to foresee the duration of any delay at the start of a trip, so any information given at the beginning of the journey may not exempt the operator from responsibility but is only indicative.

One Member State suggested that operators may be exempted if passengers are informed of cancellation or delay sufficiently in advance of their planned departure.

## **7. Persons with reduced mobility**

**Question 19:** *Should coach operators be required to provide assistance to persons with reduced mobility?*

Generally Member States are in favour of this proposal. Consumer associations think this issue should be urgently addressed and strongly support legislation at EU level. In principle operators consider the current arrangements sufficient.

The majority of respondents are in favour of introducing a requirement to provide assistance to persons with reduced mobility. The existing fleet of coaches is not adapted to the needs of persons with disabilities, who are often prevented from travelling or denied boarding on the grounds of disability. It is commonly believed that persons with reduced mobility should enjoy the same rights as in other modes of transport and this issue is of high priority. However, there are a variety of answers and ideas on how to achieve this goal. It was stressed that economic feasibility should be taken into account and there should be no increase in ticket prices. Possible EU regulation should focus on securing desired outcomes by requiring that all vehicles be made accessible to PRM by a set date rather than specifying the technical characteristics that might secure this outcome (low floor section, installation of a hoist, etc.). In this context, the view was voiced that the EU should abstain from over-detailed legislation, but provide for some discretion on how to organise assistance for persons with reduced mobility.

Some respondents said that the issue has already been addressed by national legislation (UK) that requires wheelchair accessibility from 1 January 2005 in the case of new vehicles and, depending on vehicle type, by 2015 to 2020 in all other vehicles used in regular services.

Some say that there is still room for improvement and suggest involving organisations representing handicapped persons which could join forces with the industry to come up with solutions to encourage vehicle-makers and operators to provide vehicles and equipment adapted to the needs of persons with reduced mobility.

In this context, one federation informed the Commission that "persons with reduced mobility" is not the term preferred by the disability movement and suggested "disabled persons and persons with reduced mobility".

Those who opposed this idea underlined that either the problem is already addressed or buses and coaches are not adapted to PRM. Others stressed that any measures adopted should take account of the fact that individual bus travel organisers could not bear the financial investment for across-the-board infrastructure changes. One respondent considered that the needs of these persons could be safeguarded by intensive efforts which would also concern other services in connection with travel.

Other respondents urged the Commission to draw a distinction between scheduled and occasional services, because occasional services are already adapted and a number of specialised companies exist (offering know-how, trained employees and equipment). Others pointed to the provisions of Directive 2001/85 and the results of the COST 349 study.

One respondent stressed that every effort must be made to accommodate the wishes of all passengers; however, a measure designed to benefit one particular group of passengers must not be at the expense of ease of use by another group.

**Question 20:** *What should the assistance for persons with reduced mobility consist of?*

The list of suggested forms of assistance includes:

- boarding/disembarking;
- care during the journey;
- care at coach terminal;
- loading luggage;
- travel information in required format;
- physical assistance at any stage;
- assistance with emigration, customs and security procedures.

All the abovementioned items should be underpinned by the principle of non-discrimination.

**Question 21:** *Should coach operators be required to provide for the transport of equipment for persons with reduced mobility (i.e. wheelchairs). Given the design of their vehicles is this feasible?*

The majority of respondents, including Member States, are in favour of this requirement. They argued that mobility equipment should be carried; some suggest that there should be some mandatory quota of the fleet adapted to the needs of PRM or an obligation ensuring accessibility to vehicles from a certain date. Some respondents consider that the vehicle-making industry should be encouraged to consult disabled groups on the development of any new vehicles. Currently mobility equipment should be transported in luggage compartments. Others point out that the extent of the technical problems is clearly shown in the COST 349 study on the accessibility of coaches and long-distance buses for PRM.

Other respondents believe that it is not feasible, at least not in the short term, as it would require substitution of all or almost all buses and coaches currently operating. Transport of some mobility equipment therefore could not be guaranteed. PRM should always contact the operator in order to find a feasible solution.

**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?*

This question received mixed answers. Most Member States favour national legislation over Community measures.

On the one hand organisations representing disabled persons strongly advocate that urban transport is vital to the mobility of such persons. Some stress that such measures have already been implemented in legislation or by local transport companies.

On the other hand, some respondents, mostly Member States, consider that this issue must remain within national competence.

**Question 23:** *Should the same treatment be offered to persons travelling with small children?*

All contributions underline the very strong support for this principle. This requirement is already implemented in some Member States' legislation.

**Question 24:** *How and when should the coach operator be notified of the need for assistance for persons with reduced mobility?*

The majority of respondents opted for notification at the time of booking of the journey; others suggested 24 hours' notice. In the absence of notification operators should be required to make every effort to provide assistance. A small number argued that ideally notification should not be required or could be given on a voluntary basis.

**Question 25:** *Should any additional facilities be available at coach terminals?*

With only two exceptions, all respondents believe that additional facilities are needed. The suggested list of additional facilities is as follows:

- information: visual and acoustic signals and announcements, signposting with contrasting writing and pictograms, and tactile information boards;
- accessibility facilities: barrier-free access, toilets, waiting rooms, information points, audio information through loudspeakers, interchange with other transport modes, designated recharge point for electric wheelchairs, safe area for guide dogs, car parking, handrails, lighting, etc.

Other respondents referred to national legislation (UK) or to the outcome of the study on the accessibility of coaches and long-distance buses for PRM (COST 349).

**Question 26:** *What conversion/adaptation of coach terminals could be required in order to provide persons with reduced mobility with adequate assistance?*

The suggested list of adjustments is quite long and includes in particular:

- barrier-free access to infrastructure: platforms, toilets, info-points, left-luggage office, adjustment of height of vending machines;
- adapted infrastructure: reserved places, access without thresholds/steps, gate width  $\geq 80$  cm, information/sales points tailored to needs, information facilities, vertical communication with lifts, adapted seats, cafeteria with appropriate space, minimum walking distances, adequate signposting and lighting, designated recharge point for electric wheelchairs;
- facilities: lifts, moving walkways;
- visual and audio information;
- clear signposting;
- tactile surfacing.

**Question 27:** *Should organisations representing persons with reduced mobility be involved in consultations concerning all identified shortcomings in bus and coach transport?*

The overwhelming majority supports involvement of organisations representing persons with reduced mobility in consultations. This is already required by the legislation of some Member States. Only one respondent took the opposite view.

## **8. 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?*

The views on this issue are mixed and evenly spread between the opposite options. Most Member States who considered this question believe that Community legislation is not called for in this area. So do operators and their organisations. On the other hand consumer associations strongly support legislation at EU level.

Those who support the establishment of quality standards envisage regulation at EU level. The suggested options include a requirement to develop minimum quality standards taking account of technical progress plus regular and systematic publication of performance. Quality standards should centre on monitoring performance while avoiding unreasonable bureaucracy. Standards should be established as general requirements – or reviewed periodically, if not laid down as a general requirement – and should be required individually in respect of each authorisation. There should be clearly defined rules on compensation for passengers in case of failure to meet proper quality standards.

One Member State suggests making mandatory at EU level the assessment (star rating) system applied to coaches in France and Belgium.

Those who are opposed to EU intervention point out that the issue should remain within the competence of the Member States. They argue that this is already addressed by national legislation, that the bus and coach sector has a long tradition of self-regulation and that operators should therefore be given incentives to raise safety standards and quality of service. Either these standards should be developed and monitored by operators or existing standards may be used (international standards such as ISO 9001 and EN 13816, IRU norms, EUROLINES norms or operators' own standards). There are already high quality standards, and customers may choose the quality level they require thanks to the wide range of possibilities. Demand, supply and competition have already proved an effective means to regulate quality standards in some Member States. Voluntary quality standards have already been developed and are being adhered to by a number of operators - see [www.beka.de](http://www.beka.de), RAL Buskomfort (star rating) and safety certificates for operators (DEKRA).

**Question 29:** *If so, how should compliance with the quality standards be monitored?*

Different methods of monitoring compliance were suggested: the first preference was for a national authority/independent body carrying out external monitoring. Other options include: existing regulatory mechanisms plus consumer feedback, air transport model, annual check of coaches in terms of comfort, operators to keep a file of all complaints received, establishment of quality standard certificate, or a neutral institution at EU level.

The remaining respondents consider that this issue should remain within the competence of Member States or that it should be left to the market to weed out poor services.

One Member State is open to discuss this matter further without taking any initial position at this stage.

**Question 30:** *What essential performance indicators should be measured and disclosed by coach operators? Is the following list of quality standards adequate?*

- *Punctuality (departures, arrivals, stops en route)*
- *Delays*
- *Level of user satisfaction*
- *Cancellations*
- *Interruption of journey*
- *Comfort*
- *Accessibility for persons with reduced mobility*

A number of respondents consider the above list appropriate. It was stressed that it should be possible to measure and adjust standards as objectively as possible. It is also necessary to establish a methodology and benchmarking.

However, inclusion of the following new standards was suggested:

- data on customer complaints;
- number of complaints, satisfaction with driver/driving, accessibility of information;
- terminal facilities;
- type of vehicle – power, brakes, number of seats and distance between them, headrests, armrests, footrests, interior lighting, AC, heating;
- standards for toilet facilities during breaks in journey, availability of meals and refreshments en route.

Respondents also suggested deleting the items:

- interruption, cancellations and comfort;
- punctuality.

Others feel that monitoring of these standards is not feasible and/or that such standards should be developed by the industry itself.

## **9. Information obligations**

**Question 31:** *Which of the conditions of carriage should be at least mentioned on the ticket?*

All respondents are clearly in favour of appropriate information for passengers while the means and methods suggested vary. The majority of respondents seem to prefer providing more extensive information on the tickets, while others suggest alternative means of communicating the conditions of carriage to passengers.

The respondents to this question suggested that the following conditions of carriage should be mentioned on the ticket: price information, details of the route, details of the carrier, information on availability of terms and conditions, where and how to file a complaint, information on liability scheme, standard conditions of carriage, and amount of compensation. Amongst these suggestions there is a clear preference for details of the route to appear on the ticket.

Some suggest that the same requirements should be envisaged as in the proposal on rail passenger rights with minor adaptations and additional information on the vehicle, while others suggest that the information should be as simple as possible and adapted to the needs of PRM.

Others believe that national or EU legislation (Regulation 684/92 for regular international services) already provides passengers with the possibility to know the conditions of carriage and that there is therefore no need for further EU regulation which would involve investment (ticket machines) and place an excessive burden on operators. Some respondents think that the issue should be regulated by national legislation, while some say there is a need for clarification here because the current situation in each EU Member State has to be analysed before practices can be harmonised. Others see no need for information on the terms of contract on the ticket, which serves as confirmation of payment; this would imply additional investment to adapt ticket machines.

**Question 32:** *Should standard conditions of carriage be attached to passengers' tickets?*

The majority of respondents to this question see no need for this option. Most Member States envisage no such requirement but some do. They suggest that this information should be available at the point of sale and terminals or on websites and that passengers should be informed when booking a journey. A number of respondents think that a clear outline should be added. One respondent believes that these obligations should be the same as proposed for rail passenger rights.

Those who envisage this measure stress that these standard conditions should also be available in different formats, printed on the back of the ticket.

**Question 33:** *How can access to information on conditions of carriage and fares be improved?*

The majority of respondents to this question pointed to the following means: availability of information at terminals, on vehicles, on the Internet and at sales points, and information on the ticket about where to obtain a copy. One respondent insisted that information must be available in a range of formats adapted to the needs of PRM.

One respondent is already preparing a proposal for an eTEN project which provides a comprehensive overview of the options available.

Other respondents would like to examine this issue more thoroughly and discuss it further.

A large degree of support has been expressed for different means of communication, in particular via the Internet. Most agree that the general conditions should be available upon request and on websites, as they say is generally the case.

**Question 34:** *How should information for persons with reduced mobility be provided (text, audio support)?*

Respondents mentioned the following possibilities: leaflets and written information, audio and visual signs including onboard, Internet, availability in formats requested by the passenger, access to information throughout the journey, barrier-free information desks at terminals, obligation comprehensively to communicate the content of the

contract to the other party, plus adequate and most appropriate information in plain language. The obligation to inform the other party of the contract should take into consideration the other party's disability.

Some suggested that some personal assistance should also be considered. Others suggested using general ways of informing the public.

**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?*

Views on this issue are clearly divided. Member States are in favour of this requirement, as are consumer associations. The majority of respondents consider this requirement a step towards greater transparency and competition, encouraging good practice and allowing passengers to make well-informed choices and alternative travel arrangements with another tour operator. Some reservations have, however, been expressed that this obligation applies to operators who do not fall under Directive 90/314 and that some alternations might possibly be needed to provide extra capacity within a reasonable period of time.

The remaining respondents giving their opinion were opposed to introduction of such an obligation which they consider to be unnecessary and impractical. Some stress that sufficient guarantees are already in place in the legislation laying down requirements concerning provision of transport services. In this context, some respondents reiterate that responsibility should lie with the coach operator and not with the travel agency, as in Regulation 261/2004.

## **10. Complaint handling**

**Question 36:** *Should a complaint-handling mechanism be regulated at EU level?*

A large majority of Member States are in favour of this proposal. So are consumer associations while operators tend to be opposed.

Views on this issue are virtually evenly shared between two opposing options. Those respondents who are in favour of regulation at EU level stress that carriers should be obliged to set up offices/centres for handling complaints, to inform passengers thereof and to establish a fair, effective and transparent system. There should be consistency across the EU, with a common complaint system and effective sanctions. Some respondents support establishment of a complaint-handling mechanism at EU level with the tasks of settling matters that national complaint-handling mechanisms have failed to resolve, promoting best practice, resolving differences of opinion between national complaints bodies, and monitoring and comparing the performance and experience of national complaints bodies. One Member State expressed the view that the complaint-handling mechanism should be left within the competence of the Member States within the limits defined by EC legislation. Another respondent argued that only key elements should be established at EU level. It was also stressed that access to inexpensive and consumer-friendly ways of settling disputes is required.

Respondents who are opposed to EU regulation say that there are already effective mechanisms under the national legislation - for example, the non-bureaucratic and high-quality system already deployed in Germany for public transport. They insist that competence to regulate this issue should remain with Member States and point out that there is no need for more bureaucracy. It has also been underlined that it is one of the duties of enterprises to manage complaints: in their interest they should be customer-oriented, and close contacts with consumers and intensive competition lead to voluntary commitments.

**Question 37:** *Should a one-stop shop be set up for handling complaints about international services?*

Many Member States tend to favour this option; however, others reject this idea. Here again views are almost evenly shared between two opposing options. Respondents who are in favour of a one-stop shop point out certain characteristics of this arrangement: there would be a single body at EU or national level, complaints would be handled at enterprise level but supervised by a national body, and complaints could ideally be filed in the passenger's own country. One respondent suggested merging the European Extra-Judicial Network (EEJ-Net) with the Network of European Consumer Centres to develop a "one-stop shop" for consumers seeking non-judicial resolution of cross-border disputes. For national bus and coach journeys Member States should be under an obligation to establish non-judicial dispute resolution schemes, but they should have discretion about how to do so. One Member State thinks that this solution should be examined more closely.

Other respondents are firmly opposed to this idea. They unanimously claim that a one-stop shop would slow down the complaint-handling process, impose red tape, increase costs, add to the bureaucracy and lengthen the time needed. They stress that national level is the most appropriate one to define the procedures that should be applied by operators. A non-court body is not needed – if it is it can be at regional or national level or alternatively Member States should set up an Ombudsman's office or other body where complaints can be handled.

**Question 38:** *What should be the maximum time limit for handling a complaint? Is four weeks a reasonable limit?*

Generally respondents to this question accept the four-week limit for handling complaints. Others suggested longer time limits ranging from one month to twelve weeks or set on an individual basis. One suggested a shorter time limit of two weeks. The remaining respondents took the view that four weeks is too short to gather information from other countries and that EU rules could result in mishandling of some cases. One respondent claims that there is no need to lay down a detailed complaint-handling procedure: passengers not satisfied with the way complaints are handled may simply pass them on to consumer associations.

**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?*

Member States are divided on this issue. The majority of other respondents, including consumer associations, are in favour of such an arrangement. However, they envisage that this period may be prolonged at the request of the company or if the company can justify the delay.

Others are opposed to such a solution. One Member State suggests that exceeding the prescribed time limit should put the company in a more difficult position in the event of the passenger taking legal action.

**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?*

The vast majority of respondents are opposed, given the current lack of comparability of complaints between different operators and that so many factors are involved (number of passengers, type of journey, etc.) that statistics would not provide the full facts. Some respondents suggested that this kind of information could be accessed by official bodies, while some argued that public disclosure could lead to possible abuse by competitors.

Those respondents who are in favour believe that this measure would result in transparency and more efficient control of quality of service. One Member State suggests that this obligation should relate only to the coach operator's liability mechanism.

**Question 41:** *What role could consumer bodies play in handling individual complaints?*

The respondents pointed out a number of possible roles played by consumer bodies, such as participation in alternative dispute resolution schemes, mediation or a supporting role. Many respondents to this question reject any role for consumer bodies in handling individual complaints. Others insist that this question should be left to Member States and deny any need for EU regulation as there are already examples of smoothly functioning national or regional schemes for public transport (for example, in Germany).

**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)?*

Here again views are mixed, with a large majority of contributions indicating that mandatory consultations should not be required. Other respondents insist that there should be obligatory consultation if decisions are of relevance to consumers and have an impact on their rights, such as setting quality standards, training personnel, enforcing legislation and vehicle design. Some Member States stated that this has already been sufficiently implemented in their national legislation.

**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?*

The following details of existing practices concerning voluntary complaint-handling schemes were reported:

Successful schemes have been put in place in:

Germany

- One year ago, the German Ministry of Consumer Protection set up a complaint-handling scheme for long-distance public transport (rail, air, coach and ferry services) called "Schlichtungsstelle Mobilität" (<http://www.schlichtungsstelle-mobilitaet.org>). It is a fairly small institution with a staff of six, but its work so far has proved how useful an independent consumer body offering passengers an efficient and inexpensive way of dispute resolution can be. It has been particularly successful at handling complaints in the railway sector. There have been few complaints about coach operators so far.
- Schiedsstellen für das Kfz-Handwerk und den Kfz-Handel.
- The German Insurance Industry Association has established an Insurance Ombudsman – this example can be followed in the case of bus services.
- Ombudsman in Bavaria – [www.vdv.de/b\\_und\\_b/ombudbayern.html](http://www.vdv.de/b_und_b/ombudbayern.html).
- Ombudsstelle Nahverkehr Bayern – non-binding recommendations; Schlichtungsstelle Nahverkehr der Verbraucherzentrale Nordrhein Westfalen, Schlichtungsstelle Mobilität operated by Verkehrsclub Deutschland (rail, bus, inland and maritime transport).

Spain

- Juntas Arbitrales – complaint-handling bodies, whose rulings parties accept voluntarily.

Some respondents confirmed that to some extent these practices are already in place (UK), while others pointed out that they are non-existent or limited in a number of Member States - GR, HU, PL, CZ and SE - and are being developed in DK. A small proportion of respondents are unaware of the existing practices in Member States.

One Member State suggests that future legislation should require carriers to establish a complaint-handling mechanism.

**Question 44:** *Should extrajudicial dispute settlement procedures based on Commission recommendations 98/257/EC and 2001/310/EC suffice?*

The vast majority of respondents consider these procedures sufficient. One suggests that they should be incorporated into binding legislation. One Member State takes the opposite view, while another respondent mentions a pilot programme launched in Germany to solve disputes between passengers and operators ("Schlichtungsstelle Mobilität").

**Question 45:** *What would be the most appropriate type of extrajudicial dispute resolution scheme to handle complaints in this area?*

The following options have been suggested by respondents: arbitration where the arbiter can impose a solution on parties and thus counterbalance the economic weight of the operator (supported by five respondents), mediation and Ombudsman (already established in Germany, see [www.vdv.de/b\\_und\\_b/ombudbayern.html](http://www.vdv.de/b_und_b/ombudbayern.html), and Sweden).

Two Member States are open to further discussion as more experience is gathered from the work of arbitration bodies.

**Question 46:** *What experience have you had concerning self-regulation of user/customer care rights at national level?*

In statistical terms more respondents report positive experience than negative. A proportion of respondents is unaware of any instances of self-regulation in this area. Those who have experience with this type of self-regulation point to specific examples, such as in the UK (Bus Appeals Body and GCCNI), Sweden or Germany, or to reasons underpinning the success of such schemes such as increased public awareness of consumer rights.

On the contrary, two respondents maintain that self-regulatory measures do not work in terms of protecting passengers, since carriers avoid contacts with complaining passengers, deny responsibility and refuse reimbursement. They stress that only binding legislation will be effective.

## **11. Self-regulation**

**Question 47:** *How should the European Commission encourage self-regulation schemes aiming at improving users' rights?*

A variety of means to encourage voluntary schemes is suggested: best practice gallery, publishing a model scheme, award of financial incentives and funds and others. Those who answered this question positively envisage the following solutions: establishing a level playing field with other modes of transport in the fiscal domain, subsidies and other means of promoting high-quality public transport, prizes for outstanding management of complaints and consumer friendliness, etc. Some insisted on putting appropriate infrastructure in place to meet the needs of handicapped persons.

One Member State would welcome dissemination of information on progress achieved and activities in all Member States. Other Member States support the idea of requiring bus and coach operators to develop their own plans to safeguard the quality of their services. Other Member States make no specific suggestions or doubt whether this option serves the aim of improving quality of service.

Some respondents to this question see no need for Community intervention as they doubt if this will improve the quality of service due to its non-binding character or consider that this issue is better dealt with at national level respecting the principle of subsidiarity. Some believe that this is not a core task of the Commission. In any case additional bureaucracy is to be avoided.

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

Generally associations, federations of coach operators and companies believe that passengers may rely on the voluntary commitments. Those who say that passengers may rely on them to a large extent stressed that passengers' rights can only be improved by voluntary and constructive common action on the part of the parties involved and that alternatives to binding regulation must be fully considered. The view has been also expressed that self-regulatory measures should be enforceable by consumer associations.

Another group considers that voluntary commitments are useful and welcome but that either some minimum standard should be regulated or only elements which are not vital

should be left to voluntary commitments. Many stressed that they should by no means be a substitute for statutory passenger rights. Others suggested combining binding regulation with self-regulation and adopting only minimum regulation so as not to increase the costs of companies yet achieve the effect of establishing a level playing field with other means of transport.

Other respondents believe that voluntary commitments are not enough to put an end to the problems faced by passengers, in particular persons with reduced mobility, and are too variable and arbitrary to be able to raise passengers' confidence and address their problems adequately. Only binding legislation is effective. Others expressed doubts about whether significant progress on passenger rights can be achieved in a sector based on self-regulatory schemes.

## **12. Integrated ticketing**

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

The question of inclusion of coach services in integrated ticketing systems received a mixed response. In spite of a number of positive responses to this question, concern about the feasibility of such a system and the cost involved in order to set it up and maintain it prevails in the responses received. Many respondents consider that this type of arrangement should be made only on a voluntary basis and generally should be market-driven (left to commercial considerations). In general Member States are divided on this issue. Some think that coach services need to be included, others believe that this should be up to the market or is too costly for coach operators.

## ***Annex I: List of Member States and other stakeholders that submitted contributions***

### **Member States**

Estonia

France

Germany

Germany - Bayerisches Staatsministerium der Justiz (D)

Hungary

Latvia

Lithuania

Luxembourg

Malta

Spain

Sweden

The Czech Republic

The Netherlands

The United Kingdom

### **European organisations**

ACEA - Association des Constructeurs Européens d'Automobiles g.i.e.

Association of Paneuropean Coach Terminals e.V.

Association of Personal Injury Lawyers APIL

BEUC - The European Consumers' Organisation

ECTAA Group of National Travel Agents' and Tour Operators' Associations within the EU

European Disability Forum

European Passengers' Federation

Foundation for a Free Information Infrastructure

IRU – International Road Transport Union

The Pan-European Organisation for Personal Injury Lawyers (PEOPIL)

Union Internationale des Transports Publics (UITP)

IACA – The International Air Carrier Association

### **National organisations**

ACAV Associació Catalana d'Agències de Viatges (Spain)

ADAC – Allgemeiner Deutscher Automobil Club e.V. (Germany)

AK Bundesarbeitskammer (Austria)

Bundesverband Deutscher Omnibusunternehmer e.V. (Germany)

COCEMFE Castilla La Mancha - Confederación de personas con discapacidad física de Castilla La Mancha (Spain)

El Comité Español de Representantes de Personas con Discapacidad CERMI (Spain)

Federacja Konsumentów (Poland)

IGEB (Germany)

La Confederación de Transporte por Carretera (Spain)

Nexus (Germany)

ONCE The Spanish National Organisation of the Blind (Spain)

RDA Internationaler Bustouristik Verband (Germany)

The Confederation of Passenger Transport U.K. (United Kingdom)

The Guide Dogs for the Blind Association (United Kingdom)

The Mobility and Access Committee for Scotland (MACS) (United Kingdom)

Union des Transports Publics UTP (France)

Verband Deutscher Verkehrsunternehmen (Germany)

Verbraucherzentrale Bundesverband e.V. (Germany)

WKÖ Austrian Federal Economic Chamber (Austria)

WKÖ Fachverband der Autobusunternehmungen (Austria)

### **Companies**

Arriva (United Kingdom)

CVAG Chemnitzer Verkehrs-Aktiengesellschaft (Germany)

De Lijn (Belgium)

Deutsche Bahn (Germany)

DVB Dresdner Verkehrsbetriebe AG (Germany)

Eurolines

Münchener Verkehrsgesellschaft mbH (Germany)

Niederrheinische Verkehrsbetriebe Aktiengesellschaft NIAG (Germany)

ÜSTRA (Germany)

**Other contributors:**

Öko Projekt MTÜ (Estonia)

Csaba von Pataky (Hungary)

## ***Annex II: Liability schemes in selected Member States***

Hungary: Maximum insurance cover totals HUF 500 000 000 in case of damage to property and HUF 1 250 000 000 for personal injury.

Czech Republic: Civil Code, Decree of Minister of Health and Minister of Labour and Social Affairs – in case of death lump sum of approximately €8 000.

Lithuania: Road Transport Code.

France: Law of 5 July 1985 provides for strict liability of operators providing transport services on the basis of a contract with the passenger (bus, coach and taxi). Liability excluded only in case of gross fault on the part of the passengers which caused damage only and could be committed by an average passenger.

Germany: For death and injuries to passengers, bus and coach operators are liable except if the accident is caused by force majeure (Straßenverkehrsgesetz, Section 7). This liability cannot be excluded or limited (Straßenverkehrsgesetz, Section 8a). In the case of death, damages to be paid comprise compensation for the expenses of an attempted cure and for the economic loss which the deceased suffered because his earning capacity was destroyed or reduced during his illness or because his needs were increased. The person liable to pay damages must also reimburse the cost of the burial to the person bearing the costs of it. If at the time of the injury the deceased was in a relationship with a third party by virtue of which he was legally bound, or might become liable, to maintain the latter and if as a result of the death the third party has lost the right to maintenance, the person liable to pay compensation must pay damages to the third party to the extent that the deceased would have been liable to pay maintenance during the probable duration of his life. The duty to compensate arises even if the third party had been conceived but not yet born at the time of the injury (Straßenverkehrsgesetz, Section 10).

In the case of injury to the person or damage to health, the damages comprise compensation for the expenses of the cure and for the economic loss which the injured party suffered because his earning capacity was temporarily or permanently destroyed or reduced as a result of the injury or because his needs have increased. Equitable compensation in cash can also be claimed for non-pecuniary loss (Straßenverkehrsgesetz, Section 11). The maximum amounts to be paid when a person is killed or injured are set at either a lump sum of €600 000 or periodic payments of €36 000 per annum (Straßenverkehrsgesetz, Section 12). For loss of and damage to luggage liability is limited to a maximum of €1 000 per passenger. This limit does not apply, however, in cases entailing gross negligence or intent (Verordnung über die Allgemeinen Beförderungsbedingungen für den Straßenbahn- und Obusverkehr sowie den Linienverkehr mit Kraftfahrzeugen, Section 14). In addition to this, the bus operator is liable if it neglected its duty within the meaning of Section 823 of the Civil Code. This liability is unlimited.

UK: Compulsory insurance for personal injury and health, with unlimited liability; optional insurance for loss and damage, delays and cancellations at additional cost to passengers.

Spain: €36 000 for each casualty; €100 000 for personal damage; €14.5 per kg for loss of or damage to luggage.

Sweden: Law on Traffic Damages (1975:1410) provides for mandatory traffic insurance. Bus or coach passengers can claim personal damages from coach insurance. Compensation for loss and damage of luggage is paid from the insurance of the vehicle that caused the accident.