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Director General
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Dear Director General

I am writing further to my letter of 12 October in respect of the Working Paper "Rights of passengers in international bus and coach transport". Following consultation with UK stakeholders my authorities are pleased to enclose the completed questionnaire (see annex).


As I said in my previous letter, the UK welcomes moves to improve passenger protection rights in the international bus & coach sector. UK passenger transport operators already work to high standards of customer care and passenger rights and can see merit in greater harmonisation of rules across Europe to create a more level playing field. However, at the same time any specific proposals in respect of compensation arrangements for this sector need to be proportionate and take full account of the particular circumstances in which coach operators conduct their businesses. Many international coach operators tend to be small concerns which lack the resources and infra-structure normally available to airlines and companies running international rail services.

My authorities are also concerned that any increase in the regulatory burden on bus & coach operators might, through increased fares, be passed on to consumers. As a result, the potential impact of specific compensation regimes on the pricing structure of international coach services will need to be borne in mind when drawing up any legislative proposal.

Another issue which is of particular relevance to bus & coach operators in Northern Ireland is the possible impact of a compensation regime on cross-border bus services, namely those running to/from the Republic of Ireland. Although, in accordance with EC Regulation 684/92, these are authorised as international bus & coach operations many are essentially 'local' bus services, are 'socially necessary' and provide a vital transport link for those living in rural areas. My authorities take the view that, in the context of proposed compensation arrangements, it would be inappropriate to treat these 'local' services in the same way as long distance international operations. A possible solution would be to exempt cross-border international bus and coach journeys of 50 km or less.



In conclusion, in the event that the Commission publishes a formal proposal for legislation I would ask that this is accompanied by full Impact Assessment.

Yours faithfully


Michael Rossell
First Secretary
Transport

Annex

Passenger Rights on International Services

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?*

Answer: It is a reasonable objective to provide equal treatment for passenger rights on international journeys and for harmonisation between the rights offered to passengers in different EU member states.

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

Answer: This matter is best addressed at EU level.

Scope of regulation

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

Answer: Domestic services and "local" cross border services, i.e. not in excess of 50 km (see comments in the covering note concerning cross border "local" services, e.g. between Northern Ireland and the Republic of Ireland) should not be regulated.

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

Answer: Not aware of any pressing need.

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?*

Answer: The question of passenger injury and death liability should be harmonized across the EU order to produce a level playing field for international operators. In the UK there are no upper limits on liability in respect of passenger injury.

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

Answer: In principle. Provided it takes account of the specific operational circumstances of coach services.

Any proposals for compensation payments must be properly defined and be proportionate. Bus and coach companies tend to be much smaller undertakings than their air and rail counterparts. The introduction of similar compensation schemes to the bus and coach sector could lead to increased fares for passengers.

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

Answer: See Q5- in the UK there is no upper limit on liability for personal injury.

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

Answer: As per existing UK arrangements.

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

Answer: See 8 above.

Question 10: *In case of injuries suffered in Member States other than that State in*

<i>which the journey began, which national liability rules should apply? Those of the country where the passenger bought the ticket or those of the place of origin or destination or transit? Where should passengers be able to file a lawsuit?</i>
Answer: Given the difficulty of filing a law suit in another EU state, it would be best done in the country of origin.
Question 11: <i>Should there be a minimum level of compensation for lost or damaged luggage?</i>
Answer: No.
Question 12: <i>Should there be special provisions for mobility equipment lost or damaged during a journey?</i>
Answer: Yes - this could have an immediate impact on a disabled person e.g. loss or damage to a wheelchair which may require immediate action by the operator.
Question 13: <i>What are the liability schemes in place in your country?</i>
Answer: Insurance for personal injury and death, with unlimited liability, is compulsory for UK operators. Optional insurance for loss and damage to luggage, delays and cancellation is discretionary and at additional cost for passengers. It is, however, widely available. Some personal insurance schemes for individuals also provide cover for loss or damage to personal goods.
Cancellation, denied boarding and interruption of journey
Question 14: <i>Should passengers receive compensation in the event of denied boarding or cancellation of a journey? If so, what should be the minimum amount of compensation?</i>
Answer: The working paper acknowledges that this is an unlikely scenario in the case of coach transport. UK legislation presently allows denial of boarding in case of security or danger to other passengers. If this was introduced then compensation should be proportionate, i.e. probably no more than the price paid for the ticket.
Question 15: <i>Should passengers be provided with appropriate assistance (hotel accommodation, meals and refreshments, telephone calls) if their journey is interrupted?</i>
Answer: Yes, assistance should be provided to passengers if the interruption occurs because of the undeniable responsibility of the operator. However, this will have to be proportionate to the size of the enterprise and recognition that coach operators do not possess the resources or infrastructure that airlines or rail companies have available.
Additionally the difficulty with road passenger transport is that delays are often caused by events beyond the operator's controls e.g. - border controls, ferry disruption, road closures etc, so there must be a limit to which the operator can be expected to pay.
Significant delays
Question 16: <i>Should passengers receive compensation in the event of delays?</i>
Answer: In principle yes, but dependent on the particular circumstances.
Question 17: <i>If so, what would be the minimum reasonable compensation payment (reimbursed tickets, cash) ?</i>
Answer: See 16 above.
Question 18: <i>What are possible reasons/factors for exempting coach operators from the obligation to reimburse passengers in the event of delays? Would it be satisfactory if a coach operator were to announce possible delays at the beginning of the journey?</i>
Answer: If delays are the result of circumstances beyond coach operator's control e.g.

bad weather, disruption to cross-channel ferry services..
Persons with reduced mobility
Question 19: <i>Should coach operators be required to provide assistance to persons with reduced mobility?</i>
<p>Answer:</p> <p>Yes.</p> <p>The requirements to make necessary adjustments to the operation of coaches for persons with reduced mobility is contained in UK legislation, both for the actual vehicle and for the 'service' provided by the operator.</p> <p>The legislation comprehensively deals with issues such as providing information to potential travellers, to ensuring the infrastructure is suitable for persons of all kinds of disability.</p> <p>Moreover, the vehicles themselves are required, by UK law, to have wheelchair accessibility on new vehicles from 1 January 2005 and for all vehicles by 2015 to 2020 depending on vehicle type where they are used on regular services.</p>
Question 20: <i>What should the assistance for persons with reduced mobility consist of?</i>
<p>Answer: The vehicle crew should be required to assist a wheelchair user or other disabled person if they request it and if it would be reasonable to do so. In addition, they should make any boarding device available and pull into the kerb as close as possible. They should also ensure that a wheelchair user is correctly positioned within the designated space and that wheelchair tie-down and occupant restraint systems are fitted correctly where necessary.</p> <p>Such requirements have already been implemented in UK.</p>
Question 21: <i>Should coach operators be required to provide for the transport of equipment for persons with reduced mobility (i.e. wheel chairs). Given the design of their vehicles is this feasible?</i>
<p>Answer: Yes, if it would be reasonable to do so.</p> <p>Regulations in UK due into force in December 2006 will make it unlawful for an operator of a bus/coach service to discriminate against a disabled person simply because they are disabled, treat disabled people less favourably or fail to make a reasonable adjustment to the way they provide their services.</p>
Question 22: <i>Should any rules on facilities and assistance for persons with reduced mobility also be extended to urban transport? What are the existing practices and obligations in Member States?</i>
<p>Answer: Yes. In UK, similar requirements apply to both scheduled and local services - but not currently to tour services.</p>
Question 23: <i>Should the same treatment be offered to persons travelling with small children?</i>
<p>Answer: Due consideration should be given to the needs of all passengers.</p>
Question 24: <i>How and when should the coach operator be notified of the need for assistance for persons with reduced mobility?</i>
<p>Answer: There should be no mandatory requirement for disabled passengers to notify the vehicle operator of their intention to travel where it is not necessary for other passengers to book a seat. However, voluntary notification may help prevent two</p>

wheelchair users attempting to board the same vehicle.
Question 25: <i>Should any additional facilities be available at coach terminals?</i>
Answer: Yes. Care should be taken to ensure that the designs of terminals are accessible to passengers with a broad range of disabilities.
In UK, current legislation already gives disabled people a right of access to goods, facilities and services.
Question 26: <i>What conversion/adaptation of coach terminals could be required in order to provide persons with reduced mobility with adequate assistance?</i>
Answer: Pathways/ramps/handrails/escalators/steps, use of tactile paving surfaces, car parking provision, taxi ranks, bus/coach stop design, ticketing services, signage, lighting etc.
Question 27: <i>Should organisations representing persons with reduced mobility be involved in consultations concerning all identified shortcomings in bus and coach transport?</i>
Answer: Yes.
Quality standards
Question 28: <i>Is there a need to establish quality and reliability standards for international coach services at EU level? Or should coach operators be required to develop public quality standards for international services?</i>
Answer: There should be quality standards for international services, but this should be left to operators to establish and monitor, for example in the form of industry best practice. There is concern among stakeholders about additional monitoring costs.
Question 29: <i>If so, how should compliance with the quality standards be monitored?</i>
Answer: See Q 30
Question 30: <i>What essential performance indicators should be measured and disclosed by coach operators? Is the following list of quality standards adequate? Punctuality, delays, level of user satisfaction, cancellations, interruption of journey, comfort and accessibility for persons with reduced mobility.</i>
Answer: Yes, in principle, but would want to see how this would work in practice. For example, while it might be desirable to include an indicator for Accessibility, it would be necessary to establish how the measure is taken and against what benchmark.
Information obligations
Question 31: <i>Which of the conditions of carriage should be at least mentioned on the ticket?</i>
Answer: For practical reasons, it might not be appropriate for the conditions to have to appear on the ticket, but it seems sensible for passengers to be made aware of where they can obtain this information.
Question 32: <i>Should standard conditions of carriage be attached to passengers' tickets?</i>
Answer: See Q31
Question 33: <i>How can access to information on conditions of carriage and fares be improved?</i>
Answer: See Q31
Question 34: <i>How should information for persons with reduced mobility be provided (text, audio support)?</i>
Answer: Recognising the broad range of mobility, sensory and learning disabilities, information should be made available in a number of different forms.

Question 35: <i>With regard to package tours, should the identity of the coach operator be disclosed upon conclusion of the contract or with reasonable notice before the start of the tour?</i>
Answer: If there was added value in disclosure then we would have no objection. However, it is not clear what issue/problem such a measure is intended to address.
Question 36: <i>Should a complaint-handling mechanism be regulated at EU level?</i>
Answer: This is presently handled at domestic level and should continue to do so through member states' own established consumer protection legislation. These are much more accessible for bus and coach passengers who, as the working paper acknowledges, <i>"are generally on a low income and economically vulnerable"</i> .
Question 37: <i>Should a one-stop shop be set up for handling complaints about international services?</i>
Answer: The costs and bureaucracy involved might make this impractical.
Question 38: <i>What should be the maximum time limit for handling a complaint? Is four weeks a reasonable limit?</i>
Answer: This would depend on the particular case.
Question 39: <i>If no reply is received to the complaint within the above mentioned time limit, should it be deemed to be accepted by the coach operator?</i>
Answer: Can see the merits in this.
Question 40: <i>Should the number of complaints received by bus and coach operators (broken down by category, average time to handle the complaint, etc.) be made public?</i>
Answer: No strong views on this, though industry representatives have concerns about possible increased bureaucracy.
Question 41: <i>What role could consumer bodies play in handling individual complaints?</i>
Answer: This is presently handled at domestic level and we are content for this to continue.
Question 42: <i>Should there be mandatory consultations between consumer organisations and coach operators? If so, what issues should they cover (e.g. investigation of complaints not satisfactorily addressed by coach operators, consultation on changes of timetables, fares, conditions of carriage, compliance with users' rights)</i>
Answer: Already applies in the UK.
Question 43: <i>What are the existing practices concerning voluntary complaint-handling schemes in Member States? Are there any instances of joint bodies set up by bus and coach operators and customers/users organisation?</i>
Answer: To some degree these already exist in the UK.
Question 44: <i>Should extrajudicial dispute settlement procedures based on Commission recommendations 98/257/EC and 2001/310/EC suffice?</i>
Answer: Would need to see the justification for this.
Question 45: <i>What would be the most appropriate type of extrajudicial dispute resolution scheme to handle complaints in this area?</i>
Answer: In the UK, consumer disputes can be resolved by arbitration.
Question 46: <i>What experience have you had concerning self-regulation of user/customer care rights at national level?</i>
Answer: In the UK, an independent body, the Bus Appeals Body, deals with consumer disputes, and package holidays are covered by arbitration schemes run by the Confederation of Passenger Transport (CPT), the main industry body. In Northern

Ireland, their own GCCNI deals with passenger complaints.
Question 47: <i>How should the European Commission encourage self-regulation schemes aiming at improving users' rights?</i>
Answer: The Commission can encourage self regulation by supporting existing best practice such as already exists in the UK.
Question 48: <i>To what extent should passengers have to rely on voluntary commitments by bus and coach operators?</i>
Answer: Minimum standards should be regulated
Integrated ticketing
Question 49: <i>What is your opinion on inclusion of coach services in integrated ticketing systems?</i>
Answer: Integrated ticketing systems should be established independently of legislation, and left to commercial considerations where appropriate. Our stakeholders think that do otherwise might be costly and impractical as interoperability and costs incurred between operators could be high and require time to resolve.