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Ambassador Jan Kohout  
Permanent Representative of the Czech Republic to the EU

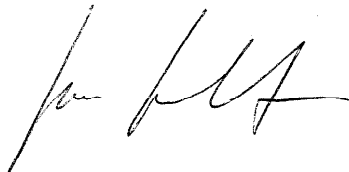
Brussels, 18 October 2005

Ref. No.: 5422/2005-SZ/SEA

Dear Mr. Director - General,

With reference to your letter of 25 July 2005, Ref. No. TREN A5 MD/mmD (2005) 115613, concerning "Commission's staff working paper" from 13 July 2005, by which the Czech Republic was asked to answer several questions regarding the rights of passengers in international bus and coach transport, I have pleasure to send you enclosed answers and comments by the Ministry of Transport of the Czech Republic worked out on the basis of your questionnaire.

Yours sincerely,



Enclosure

Mr François Lamoureux  
Director - General  
Directorate-General for Energy and Transport  
European Commission  
B - 1049 Brussels

*Rights of passengers in the international bus and coach transport – Questionnaire*

Question	Answer
1.	Thereby we would like to express our agreement with equal treatment of passengers' rights in every modes of transport within European Union, therefore in bus and coach transport as well. To improving of the whole matter would also help the revocation of the Art. 7 Par. 4e of the Council Regulation No. 684/92 amended by Regulation No. 11/98 which restricts the competition. Fair and keen competition would contribute to improvement of extent and quality of provided bus services and passengers would have a better choice among different carriers.
2.	Yes, it should be in general features regulated at EU level. Some of these problems have already been solved in the treaty CVR (Convettion relative au contrat de transport international de voyage et de bagages par route) signed in Geneva on 6 March 1975 and it would be possible to accept some of its provisions in the EU legislation.
3.	From our point of view only international services should be regulated at EU level, domestic services should be left in jurisdiction of each Member State.
4.	We do not suppose that any legislative could solve the problem of intermodality in transport.
5.	There is no praxis with mandatory insurance schemes used for international coach services in the Czech Republic. Therefore there is an essential need to regulate this field in interest of improving legal security of each consumer.
6.	A liability system in international coach transport should be in any case comparable with liability system in other modes of international transport; admittedly the level of payment should be adapted.
7.	At least the carrier should cover the expenses which are connected with repatriation. For instance the basic liability schemes in the case of death or injury in the Czech Republic is regulated in Civil Code Nr. 40/1964 Sb. §§444-449a. The Ministry of Health, in agreement with the Ministry of Labour and Social Affairs, shall stipulate in a Decree the amount up to which an injured party can be provided with compensation for the pain and social incapacitation he has suffered, and the manner in which such compensation shall be determined in individual cases.
8.	In our opinion this is recommendable as the payment of the compensation money for death or injury can last for even years that can be for the casualties or survivors unbearable.
9.	We think the upper limits on liability should not be regulated.
10.	In our opinion national liability rules of the country should apply at a carrier's place of establishment
11.	In our opinion it is not necessary to set down a minimum level of compensation for lost or damaged luggage.
12.	In case the upper limit of compensation for lost or damaged luggage will be given we recommend to set up special liability schemes for damage of mobility equipment, otherwise there is no reason for special provisions in this area.

*Rights of passengers in the international bus and coach transport – Questionnaire*

Question	Answer
13.	The basic liability schemes in the Czech Republic is regulated in Civil Code 40/1964 Sb §§427-450. The Ministry of Health, in agreement with the Ministry of Labour and Social Affairs, shall stipulate in a Decree the amount up to which an injured party can be provided with compensation for the pain and social incapacitation he has suffered, and the manner in which such compensation shall be determined in individual cases. In accordance with the above mentioned provisions in case of the death of spouse, child or parent the survivor will get a lump-sum of 240 000 Czech crown. (approximately 8 000 Euros).
14.	In our country we are not aware of any incident of denied boarding or cancellation of a journey (for example in cause of overbooking).
15.	Yes, the passengers should be of course provided with appropriate assistance if the journey is interrupted by reason on the carrier's side.
16.	Yes, but claim of compensation should be exactly specified (time of delay in dependence on length of the route) and only in case of fault on the carrier side.
17.	In case of culpable action of the carrier (driver) the minimum compensation could be for example a ticket price reduction, possibly compensation for the proved resultant damage.
18.	The reasons for exempting from the obligation to compensate the passengers should be the circumstances which the carrier could not influent such an act on the side of third person and vis major.
19.	Yes, of course.
20.	From our point of view the carrier should minimally provide help with getting on, safety transport and getting off for the person with reduced mobility.
21.	The carrier in the international coach transport should be required to provide assistance for the persons with reduced mobility in any case. We suppose to recommend a quota of fleet which should be able to carry person with reduced mobility.
22.	We believe that this area should be left in competence of each member state's legislative authority. For instance in Czech Republic the carrier in urban bus transport is obliged to reserve six seats for persons with reduced mobility.
23.	Yes, the passengers travelled with children and baby carriage should be also included to the group of the persons with reduced mobility.
24.	During the buying of the ticket, but minimally 48 hours before the transport, the carrier should be informed in order to make

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Question	Answer
	appropriate arrangements (make available adequate bus adapted for carriage of persons with reduced mobility). Each bigger coach terminal (depends on number of bus lines having stop on this terminal) should be equipped with visual and acoustic boards
25.	
26.	There is a need to adjust coach terminals to persons with reduced immobility as follows: <ul style="list-style-type: none"> <li>• barrier free ramps on platforms</li> <li>• barrier free access into buildings of coach terminals – bathrooms, information points, left-luggage office etc.</li> <li>• adjust height of vending machines for purchasing tickets and information boards to persons with reduced immobility</li> </ul>
27.	Absolutely yes, because they can see these problems from different position and their opinion can contribute to improvement of conditions of carriage for persons with reduced mobility.
28.	We believe that this area should be left in competence of each member state's legislative authority.
29.	In our opinion there is no need to monitor the quality standards at EU level. We think this area should be left in the competence of each member state.
30.	From our point of view the following performance indicators of quality standards would be adequate: Punctuality (departures, arrivals), delays, level of user satisfaction and accessibility for persons with reduced mobility.
31.	On the ticket should be at least mentioned conditions as follows: <ul style="list-style-type: none"> <li>• business name of carrier who made a contract on transport</li> <li>• station of departure, of destination and transit</li> <li>• information on validity of the ticket</li> </ul> other information enabling control of validity and correctness of their use, which are laid down in contractual condition of carriage
32.	In our opinion standard conditions of carriage should be given at customer's disposal in selling points, at coach terminals and on the bus.
33.	The conditions of carriage and tariffs should be given at customer's disposal on carrier's websites, put up in a place in coach terminal for this purpose predetermined, at all bus stops of bus service and at all selling points where customer can purchase tickets.
34.	Providing of information for persons with reduced mobility could be improved with pamphlet or information published on internet websites.
35.	In our opinion it is not necessary because a common consumer at booking his package tour is not interested with whom it had been made contract on transport to the destination of their tour and back.
36.	Yes, if rights and duties of carriers and consumer were regulated at EU level, then also possibility of their enforcement should be regulated at EU level. The complaint-handling mechanism itself should be yielded to competence of each member state whose

*Rights of passengers in the international bus and coach transport – Questionnaire*

Question	Answer
	competent authorities would decide within the bounds of EU legal regulation.
37.	No. Institution handling this kind of complaints should be established only at national level. Each individual terminal should provide only information services where and how the customer can raise his claims.
38.	We suggest prolonging the time limit for handling a complaint to at least 6 weeks. Problem could occur in connection with delivery (at international level it could take longer) and a carrier should be given a reasonable period of time for comment on a complaint.
39.	We would prefer to make his position more difficult in case of taking legal action (e.g. summary jurisdiction...)
40.	We suppose that in case of complaint received by bus and coach operators made public it could come to abuse from the side of competition. Besides many complaints are too much subjective or they are not based on truth and therefore a common consumer is not able to judge seriousness of complaint or extend of culpability on the side of carrier. Thereupon could be very easy to destroy carrier's reputation.
41.	From our point of view the consumer bodies should have only supporting role in handling individual complaints in form of giving information and advices.
42.	We would base the consultation between consumer organizations and coach operators on voluntary basis.
43.	There are not such organisations in Czech Republic.
44.	The principles stipulated in Commission recommendations 98/257/EC and 2001/310/EC are in our opinion sufficient for extrajudicial dispute settlement.
45.	In our opinion the solution could be in appointing of an impartial arbitrator.
46.	The situation in Czech Republic has been improving very well recently.
47.	Transparent rules regulating clearly duties of the carrier would facilitate observing these rules and so the rights of the customer would be better protected.
48.	From our point of view the passengers should be able to rely on voluntary commitments given by bus and coach operators to the utmost degree. If carrier committed himself to provide some services for consumers good faith of consumer must be protected.
49.	Generally we agree with participation of international bus services in integrated ticketing. It should be taken into account how the individual member states deal with this problematic and gain from their experience.