

THOMAS Sebastien (TREN-EXT)

From: v.vasilis.vasiliauskiene@transp.lt
Sent: mardi 18 octobre 2005 16:46
To: DACA Mariusz (TREN); r.briedyte@transp.lt
Subject: Fw: EUROPEAN COMMISSION QUESTIONNAIRE

Dear all,

In reply to your request please find attached answers to the Questionnaire on the Rights of passengers in international bus and coach transport.

Sorry for lating this information.
 Yours sincerely,
 Vaida.

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19/10/2005



LIETUVOS RESPUBLIKOS SUSISIEKIMO MINISTERIJA
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Struktūriniam padaliniui _____
Pareigos V. pavardė _____

No _____ 4496

TEKSTO ANTRAŠTĖ

The Ministry of Transport and Communications analysed the Commission Staff Working Paper "Rights of passengers in international bus and coach transport". Referring to your letter of the 25 July 2005, please find attached the filled in questionnaire on the Rights of passengers in international bus and coach transport. This document also will be transmitted by e-mail: mariusz.daca@cec.eu.int.

Yours sincerely,

Pareigos

Vardas Pavardė

Questionnaire:

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

Need to regulate

Question 1: *Given that passengers of other modes of transport enjoy many rights under international or Community regulations which are not offered to bus and coach passengers, do you agree that equal treatment (a "level playing field") should be ensured between bus and coach operators in different Member States in terms of protection of passengers' rights?*

Yes, we agree that passengers' rights should not be different in Member States.

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

Yes, we consider that EU practices of air and rail transport could be applied in road transport sector as well.

Scope of regulation

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

We think that domestic services should be left to a Member State.

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

We suggest the implementation of intermodal tickets system, but it could be in the competence of a Member State.

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?*

Insurance schemes for the international coach passengers in Lithuania are not mandatory.

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

In principle we consider that there should be a liability system comparable to air, rail and maritime transport, but we are still analysing this concept.

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

It could be EU decision with exemptions for some Member States if needed.

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

It could be discussed in future by the Member States.

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

Liability should be limited.

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?*

It should be in the country, where the passenger bought the ticket (it means in the country where the carriage contract was agreed).

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

There should be a minimum level of compensation for the lost or damaged luggage.

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

There should be special provisions for the mobility equipment.

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

The Road Transport Code, Articles 42 – 56:

LIABILITY

Article 42. Liability for Damage to the Passenger's Health or Damage Resulting from Loss of Life

1. The carrier shall be liable for damage caused to the passenger's health or for damage resulting from loss of life in the course of carriage, unless there is evidence that the damage was caused through the passenger's fault.

2. The carrier having control over the major source of danger must compensate the passenger for the damage caused by the major source of danger unless there is proof that the damage was caused by *force majeure* or due to the intent or gross negligence of the injured person.

3. The carrier shall be liable for the damage caused to the passenger while in the vehicle or getting into or getting out of it, regardless of whether or not the vehicle effected carriage.

Article 43. Compensation for the Damage Caused to the Passenger's Health or Life

Damage caused to the passenger's health or life in the course of carriage shall be compensated in accordance with the Civil Code. A higher degree of liability than that prescribed by law may be established upon agreement between the parties.

Article 44. Liability for Damage Caused to Crew Member's Health or for Damage Resulting from Loss of Life of Vehicle Crew Member

1. The carrier shall be liable for the damage caused to the health or life of the vehicle crew member. The damage shall be compensated for according to the procedure established by the Law on Labour Protection.

2. The share of damage that is not subject to compensation under the above laws shall be compensated by the user of the vehicle according to the Civil Code.

Article 45. Liability for Total or Partial Loss of or Damage to the Goods or Luggage

1. Having taken over in the prescribed manner the goods or luggage from the consignor, the carrier shall be liable from the moment the goods or luggage were accepted for carriage until the moment of delivery thereof for the damage caused due to the total or partial loss of or damage to the goods or luggage, unless there is evidence that the damage was caused through no fault of the carrier.

2. Carriage shall mean the time period when the goods or luggage were in the carrier's custody, regardless of whether in the vehicle, station, storage or any other place.

3. If the carrier performed the loading, transshipment or transfer of the goods or luggage accepted for carriage, the damage caused in the process shall be considered as having been caused during carriage.

4. Failure to deliver the goods or luggage to the place assigned for delivery within the set time limit shall be considered as loss thereof; reduction in the amount or quantity of the goods or luggage shall be considered as partial loss thereof; deterioration in the qualitative condition of the goods or luggage shall be viewed as damage caused thereto.

Article 46. Determining the Extent of Liability

1. The carrier shall compensate, in the amount of the declared property value, for the damage caused to the goods or luggage, the value whereof has been declared and charges have been paid by the passenger or consignor, unless there is proof that the amount exceeds the actual amount of damage caused to the passenger or consignor.

2. If the value of the goods or luggage has not been declared and charges have been paid, the carrier shall be liable for compensation: in respect of total or partial loss of property in the amount equal to the value of totally or partially lost property or, in case of damage to goods, luggage or postal parcel - in the amount by which the property has diminished in value.

3. The carrier shall be liable for the passenger's hand luggage only if the luggage has been lost or damaged in a road accident involving the vehicle, provided the passenger or the person entitled to compensation for damage presents proof of the possessed and lost luggage and of its value.

4. Unless otherwise provided in the contract, the value of the goods shall be fixed at the place at which they were accepted for carriage according to the commodity exchange price or current market price or, where there is no such price, by reference to normal value of goods of the same kind and quality.

5. Compensation for the lost goods or loss of part of the consignments may not exceed the maximum amount of compensation set in 1956 Geneva Convention on the Contract for the International Carriage of Goods by Road.

6. By agreement between the parties a higher value than the actual value of the goods may be fixed when accepting the goods for carriage.

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 amount of compensation should be discussed in future, but at the moment we have no suggestions on its size.

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

Passengers should be provided with appropriate assistance (hotel accommodation, meals and etc.).

Significant delays

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

Yes, passengers should receive compensation in the event of delays.

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

It could be the passenger's right to choose compensation: reimbursed ticket or cash.

Question 18: *What are possible reasons/factors for exempting coach operators from the obligation to reimburse passengers in the event of delays? Would it be satisfactory if a coach operator were to announce possible delays at the beginning of the journey?*

The coach operator in Lithuania does not carry responsibility for delays according to the Road Transport Code, 47 article. Announcement about possible delays at the beginning of the journey would be satisfactory in international cases.

Persons with reduced mobility

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

Yes. Coach operators should be required to provide assistance to persons with reduced mobility.

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

Assistance while getting in and climbing out of the vehicle and etc.

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

Yes, the equipment could be carried in luggage compartments.

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?*

It should be at the Member State competence.

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

The same treatment should be offered to persons travelling with small children or babies.

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

The coach operator could be notified of the need for assistance for persons with reduced mobility at the time of buying a ticket.

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

We support this idea.

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

Specialized rooms, infrastructure and etc.

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

We assume these organizations should be involved.

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?*

We consider that general criteria should be established.

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

We figure there air transport model should be applied, but we understand that because of the big number of passengers it can be very problematic.

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*

The above mentioned list is adequate.

Information obligations

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

The name of the coach operator, the exact date, time and places of departure and destination, and the prices.

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

Standard conditions of carriage should be attached to passengers' tickets.

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

We expect coach operators should announce that publicly (in their websites, in booking-offices, ticket buying places, etc.

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

The information for persons with reduced mobility should be provided in text and audio versions.

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?*

With regard to package tours information the identity of the coach operator should be presented before conclusion of the contract.

Complaint handling

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

A complaint-handling mechanism should be regulated at EU level.

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

A one-stop shop should be set up for handling complaints about international services in all the EU.

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

It should be one month time, counting from complaint's sending.

Question 39: *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?*

No.

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?*

We suppose it should be related with coach operators' liability monitoring mechanism. Such kind of information should be public.

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

The consumer bodies could play a positive role in handling individual complaints.

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).*

We assume there should be mandatory consultations between consumer organizations or coach operators. They should cover the issues as enumerated.

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?*

We do not have practices concerning voluntary complaint-handling schemes.

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

Yes.

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

It could be debated what is the most appropriate type of extrajudicial dispute resolution scheme to handle complaints of all the EU.

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

We had no experience concerning self-regulation of user/customer care rights at national level.

Self-regulation

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

We have no suggestions.

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

We have no suggestions.

Integrated ticketing

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

We suspect that such an integrated ticketing systems could be very useful. Although we suppose it would be very hard to attain.