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HUNGARY

Registers
MD

CF: A5

4 November 2005

European Commission
Directorate-General for Energy and Transport

Mr. Peter Faross
Head of Unit A5

Rue de la Loi 200
B-1049 BRUSSELS
Belgium

DG TREN		CODE:				
A/ 29058						
15. 11. 2005						
ACTION:		ECHEANCE:				
A	B	C	D	E	F	G
H	I	J	01	02	CP1	CP2
DG	AB	DGA	DGB	AAE		ANX

Dear Mr. Faross,

Dr. Wolfgang Resch who is the Executive Director of PEOPIL (Pan European Organisation of Personal Injury Lawyers) has sent me your Working Paper on the Rights of passengers in international bus and coach transport including the questionnaire.

Dr. Sándor Gyurkovics who is the President of Hungarian Scientific Association for Transport, economist Dr. Ildikó Marcsa and I formed our opinion on your questionnaire and I forward it to you.

It is possible that there will be further questionnaires or other documents on this topic; therefore please send those documents to my address.

Our opinion is the following:

Ad question 1: Yes, we agree to it. However, we would consider regulating the basic obligations of the passengers as well, including the possibility of exclusion from journey.

Ad equation 2: Yes, this should be addressed at EU level and we recommend preparing a unified standpoint – a mandatory directive.

Ad question 3: Only scheduled international services should be regulated. Domestic services might be regulated uniformly later.

Ad question 4: For the time being no legislative action is necessary.

Ad question 5: In Hungary the mandatory insurance scheme in force is sufficiently adapted to the needs of coach passengers. Liability insurance is entire.

Ad question 6: In our opinion there should not be the same liability system comparable to different means of transport (because of the coverage). Particularly, rules with the same obligations should not be applied to the liability of carriers (i.e. things which do not have insurance coverage, e.g. delay). Neither do we agree that there will be minimum amount pertaining to all circumstances.

Ad question 7: See the answer of the question 6.

Ad question 8: See also the answer of the question 6.

Ad question 9: There should be upper limits per passenger and per luggage.

Ad question 10: In Hungary the liability is based on the registered place of the operator. However this problem could be eliminated if there was a unified rule at EU level. If there was not a unified legislation, those national liability rules would have to be applied where the passenger bought the ticket.

Ad question 11: There should not be a minimum level of compensation.

Ad question 12: Yes, there should be minimum level of compensation. However, its scope should be regulated in order not to put the carrier in impossible situation. Every effort is to be made to provide minimum conditions

Ad question 13: Under the Paragraph 2 of Section 2 of the Government Decree No. 190/2004 (VI. 8.) the maximum insurance coverage is HUF 500,000,000.00 per insurance event in case of damage in property and HUF 1,250,000,000.00 per insurance event in case of personal injury (irrespective of the number of injured parties).

Ad question 14: Yes, they should receive compensation according to the following amounts:
0-500 km – reimbursement of the cost of the ticket and EUR 20.00;
501-1000 km – reimbursement of the cost of the ticket and EUR 40.00;
over 1000 km – reimbursement of the cost of the ticket and EUR 60.00.

Ad question 15: Yes, they should be provided with assistance; for example:
0-5 hours – information from the bus driver plus refreshments and redirecting to other means of transport;
5-10 hours – the above and sandwiches;
10-24 hours – the above and meals;
over 24 hours – the above and accommodation.

Ad question 16: Yes, they should receive compensation in case of delays, except force majeure. It is worth distinguishing between delays and compensation should be limited in the event of delays.

Ad question 17: 0-5 hours – no compensation;
5-10 hours – EUR 10.00;
over 10 hours – EUR 20.00.

Ad question 18: If the delay occurs due to an unavoidable cause that falls beyond the realm of operator, e.g. traffic, border crossing, war situations, strike, weather, official procedure etc.

Ad question 19: Yes, they should provide assistance.

Ad question 20: Major coach terminals should be equipped with devices to make the transport for persons with reduced mobility easier.

Ad question 21: Yes, they should.

Ad question 22: We do not agree to it.

Ad question 23: See the answer of question 20.

Ad question 24: When buying a ticket the need should be registered and this need should be taken into account when directing the bus driver.

Ad question 25: Yes, additional facilities should be available at coach terminals.

Ad question 26: Unhindered transportation of persons with reduced mobility should be required (e.g. special kerbs, lifts). Special equipments assisting to get in and out of a vehicle, appropriate toilettes and qualified staff should also be required.

Ad question 27: Yes, they should be involved in the consultations.

~~Ad question 28: IRU norms should be applicable to vehicles (at least three-star bus). We recommend using the norms of Eurolines organisation pertaining to services.~~

Ad question 29: In each Member State a supervisory authority should be established.

Ad question 30: Yes, your list of quality standards is adequate.

Ad question 31: Information on journey, price, price reductions, VAT, reference to availability of the detailed terms and conditions relating to the journey and a telephone number with non-stop availability should be mentioned on the ticket.

Ad question 32: An abstract should only be attached.

Ad question 33: This information should appear on the vehicle, at coach terminals, on the Internet.

Ad question 34: Leaflet with text and picture should be provided for persons with reduced mobility.

Ad question 35: Yes, the identity of coach operator should be disclosed; however, this matter does not belong here.

Ad question 36: Yes, it should be regulated at EU level.

Ad question 37: In each Member State there should be a supervisory authority; however, complaints should be handled at company level.

Ad question 38: The time limit should be 30 days.

Ad question 39: Yes, it should be deemed to be accepted but there should be written application for postponement (i.e. the passenger has to be informed that his complaint is being handled and when the reply to his complaint is expected after the expired time limit.

Ad question 40: No, they should not be made public. The supervisory authority should only be informed.

Ad question 41: They could act as a mediator.

Ad question 42: No, there should not be mandatory consultations.

Ad question 43: We do not know whether there are such joint bodies.

Ad question 44: Yes, these dispute settlement procedures suffice.

Ad question 45: We think the mediation would be the most appropriate type of extrajudicial dispute resolution scheme.

Ad question 46: The national rules are adequate.

~~Ad question 47: The EC should provide financial fund.~~

Ad question 48: It should be examined separately in each case.

Ad question 49: It would be very useful.

We hope that these answers can help you.

Yours sincerely,



Dr. Csaba Pataky