



**Fact Finding Study on the legal and contractual basis of passenger rights in
urban public transport**

(CONTRACT NO MOVE/C1/SER/20011-482/SI2.605151)

Final Report

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Contracted by: Directorate-General for Transport
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Contractor: Studio Legale Grimaldi e Associati

Via Fratelli Gabba 4

Milan, Italy 20121

+39 02 3030 9330

+30 02 3030 9340

Boulevard de Waterloo 30

Brussels, Belgium 1000

+32(0)2 5511201

+32(0)2 5511200

Via Pinciana 25

Rome, Italy 00198

+39 06 844651

+39 06 84465200

**Main Authors of
the Report** Francesco Sciaudone
Simona Frazzani

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|--|--|---------------------------------------|
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| Bulgaria | Djingov, Gouginski, Kyutchukov & Velichkov | Youliana Naoumova |
| Cyprus | Andreas Neocleous & Co LLC | Christos Floridis |
| Czech Republic, Hungary, Romania and Slovakia | Kinstellar | Adam Hodon Michal Miko |
| Denmark and Sweden | Magnusson | Benjamin Ratz Djiana Dmitruk |
| Estonia, Finland, Latvia and Lithuania | Borenius | Ulla von Weissemberg |
| Germany | ARNECKE SIEBOLD | Katja Brecke |
| Greece | Bernitsas | Angela Nyssirios |
| Ireland and The United Kingdom | Pinsent & Masons LLP McGrigors | Garret Farrelly Richard Murphy |
| Luxembourg | Molitor | Claire Léonelli Virginie Libermann |
| Malta | Fenech & Fenech | Jannette Ciantar |
| The Netherlands | Kneppelhout & Korthals N.V | Jikke Biermasz |
| Poland | WKB Wiercinski, Kwiecinski, Baehr Sp. K | Wojciech Kulczyk |
| Portugal | Abreu Advogados | Guilherme Santos Silva |
| Slovenia | Rojs, Peljhan, Prelesnik & partners | Jan Primec |
| Spain | AMYA Abogados | Carlos Llorente |
| South Africa | Rudolph Bernsteins Associates | Gerhard Rudolph |
| The United States | Harkins Cunningham LLP | Matthew Ludwig |

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Executive Summary

Scope of the Study This document constitutes the Final Report of the *Fact Finding Study on the legal and contractual basis of passenger rights in urban public transport* (hereinafter “the Study”), covering 27 Member States, the United States of America and South Africa.

The European Commission, DG MOVE, commissioned the Study in November 2011, with the final report due by and submitted on 24 October 2012.

The research process was conducted within approximately 12 months. The Study was carried out through desk research, a questionnaire to the stakeholders and a workshop. Various meetings were held with the services of the European Commission.

The scope of the Study is to provide a comprehensive overview of the legal basis at national level for the application of passenger rights covering all modes of urban public transport in each of the Member States and in the selected non-EU countries.

Grimaldi e Associati analysed legislation and regulations at national and local levels, the presence of public service contracts or other forms of agreements between the public and/or management authority, quality charters and service guarantees where available and the voluntary commitments adopted by urban public transport operators.

The urban public transport modes covered by the Study are bus, light rail, tram, metro, train, city ferries and taxi.

The urban dimension is defined according to Council Directive 91/440/EEC, which describes urban and suburban services as 'the transport services operated to meet the transport needs of an urban centre or conurbation, as well as the transport needs between such centre or conurbation and surrounding areas'.

Passenger rights The Study covers the following passenger rights:

- right to receive information
- rights in case of delay and cancellation, such as reimbursement
- re-routing
- assistance while waiting to travel and reimbursement under certain conditions
- specific measures in favour of persons with reduced mobility and disabled persons
- liability for persons and their luggage, and
- right to complain.

The list is based on the Task Specifications of the Invitation to tender and takes into consideration the passenger rights indicated by the European Regulations (EC) Nos 1371/2007, (EU) 1177/2010 and (EU) 181/2011.

29 Country Reports and 13 City Reports were prepared. Each Country Report was prepared according to the following divisions:

- a. Introduction of the relevant legislation;
- b. Abstract of the national legislation;
- c. Abstract of the regional/municipal legislation, where relevant;
- d. Abstract of the relevant public service contract;
- e. Paragraph on the relevant quality charters (if any);
- f. Enforcement (what are the tools available to passengers to protect their rights and what happens to operators who do not comply with the legal/regulatory provisions);
- g. Taxi legislation.

The City Report is the core of the Study and covers the following cities: Athens, Berlin, Bratislava, Brussels, Budapest, London, Madrid, Paris, Prague, Riga, Rome, Stockholm and Warsaw. In each city, we analysed the contracts between the management authority and the urban public transport operator, the quality charters and/or the voluntary commitments adopted.

A comparative table of the Country Reports and City Reports is included in the Study.

National legislation

From an initial analysis, Grimaldi e Associati noticed that Member States present a varying range of situations to protect passenger rights in urban public transport. While some Member States introduced detailed legislation at national or local levels, others left passenger protection to the general transport rules or to the initiative of transport operators.

National legislation includes, in general, the principle of carrier responsibility, the obligation of insurance and the non-discrimination of disabled people. National legislation also includes the standards applicable to urban public transport vehicles. Moreover, since urban public transport is included in public service obligations, its specific regulation is referred to in public service contracts. Where national legislation on the obligations of transport operators is very detailed, such as in Lithuania, public service contracts contain few provisions and the quality charters are mainly absent.

National legislation containing very detailed provisions on the protection of passenger rights is the one most recently adopted in Europe and is certainly the result of the influence of European legislation to protect passenger rights. In the Member States where legislation on urban public transport is older, passenger rights' protection was introduced by subsequent legislation or regulations that created a stratification of applicable rules.

Implementation of EU Regulations

With regard to the European rules on passenger rights' protection introduced by Regulations (EC) No 1371/2007, (EU) 1177/2010 and (EU) 181/2011, the first came into force and was implemented by the Member States. However, urban public transport by rail is exempted from the application of Regulation (EC) No 1371/2007 in the majority of the Member States. Except for mandatory provisions, full application of passenger rights' protection on rail transport is provided only by the Czech Republic, Denmark, Italy, Lithuania and Slovenia.

Contract of transport

of In all the Member States, as a rule, the relationship between the transport operator and the passenger is based on the underlying transport contract. Consequently, the duties and

responsibilities of the transport operator are of a contractual nature and must be proven according to the national rules on contractual responsibilities.

A passenger who intends to obtain reparation for damages or injury according to the general provision of the law must prove before a Court the casual link between the damage or injury and the operator's behaviour, such as the fact the operator did not use the required due attention.

Public service contracts

Public service contracts between the public or management authority and the transport operator are a source of passenger rights. Contracts, specifically those drafted following the provisions of Regulation (EC) No 1370/2007, include obligations to provide a certain level of quality of service in terms of punctuality, cleanliness, information and interconnections. In some cases, the urban public transport operator is asked to increase the company's appeal to customers. Punctuality, frequency and information have proven to be the most valuable quality indicators in public service contracts followed by accessibility, cleanliness and security. Compliance with quality indicators is monitored using monthly, quarterly or semi-annual surveys.

The level of detail of the provisions to protect passengers and of the quality criteria introduced by the public service contracts and service agreements varies among Member States. However, together with a bonus-malus arrangement and monitoring systems adopted by the public authority, public service contracts have proven useful in protecting passenger rights.

Due to the scope of the Study, which covers all aspects of passenger rights' protection, the analysis was extended to cover all provisions that directly or indirectly protect passenger rights, including public service contracts or other forms of agreements between urban public transport operators, and authorities provide some form of passenger protection.

Quality charters

Implementing quality charters for urban public transport has widely spread throughout Europe in recent years. Grimaldi e Associati identified some good examples of quality charters among Member States and the examined cities in the City Reports. Reimbursements, complaint responsiveness and satisfaction surveys are the most important elements to be taken into consideration for the quality charter. Where the national legislation contains only the basic principles on passenger rights, the quality charters adopted by the transport operators are particularly important in protecting and enforcing passenger rights. In some Member States, quality charters are required under law. In some cases, quality charters also include service guarantees, which are a form of redress, offered by the operator if service standards are not met. The International Association of Public Transport (UITP) has published a Passengers' Charter as a sector recommendation to its members on how to design such a charter.

Quality charters have definitely proven to be a useful communication tool. Their benefit is they are a single document where all passenger rights are clearly listed and described, especially with regard to service guarantees and how complaints are handled. Moreover, they generally include a set of useful information for passengers (contact numbers, services). Communication between passengers and operators is key in protecting passenger rights since passengers are often unaware of their rights and do not require their compliance.

Accessibility

Accessibility in urban public transport is an important issue. In general, national legislation contains regulations to protect the disabled and those with reduced mobility from discrimination. Directive 2001/85/EC describes the technical requirements for buses. In general, all Member States have introduced laws that provide obligations to adopt specific requirements for vehicles and urban public transport infrastructures. National legislation gives the operators the possibility of organising alternative transport modes, such as Para transit services, for the disabled, in particular for the elderly and those with severe disabilities.

At present, accessibility in urban public transport services is good, but there is still room for improvement. Urban public transport operators are renovating fleets and the facilities to comply with accessibility requirements for people with reduced mobility and disabilities. However, the process for full accessible networks will take some years and, from the viewpoint of transport operators, should be looked at from an economic perspective. An important issue that emerged during the consultation was the need for transport operators to assist those who need help. Users' associations consider that more effort should be made on staff training.

Enforcement of passenger rights

Protecting passenger rights goes hand-in-hand with enforcing those rights. On protecting passenger rights, Grimaldi e Associati made a distinction between two different forms of enforcement: private litigation (also called private enforcement) whereby complaints are filed with the competent body or court by an individual or group; and public enforcement, which includes all instruments available to the public authorities to enforce the carrier's compliance with its obligations, such as surveys, compensation or bonus-malus arrangements, fines and penalties.

Although urban public transport does not lack rules and provisions of various natures, legal and voluntary, protecting passenger rights, it seems quite difficult to obtain a clear picture of the situation. There is an evident need to coordinate more the different approaches already taken.

With regard to private enforcement, passengers may enforce their rights through individual legal proceedings or, when available, through collective redress.

The legal basis for enforcing passenger rights is the general principles of contract and tort law. This kind of enforcement requires action before a Court. However, high litigation costs, and complex, and lengthy procedures are the main barriers preventing many passengers from enforcing their rights before a Court.

Many countries, such as Italy, the Netherlands and Portugal, allow some kind of class action or collective redress brought by users' associations on behalf of injured parties for collective damages to passengers for disruption of service.

In many Member States, there are alternative dispute resolutions (ADR) and out-of-court procedures.

In Belgium, Denmark, France, the Netherlands, Poland, Spain and the United Kingdom, there are some forms of ADR established under law or by the competent authorities managing

urban public transport. Passengers making claims against transport operators must submit complaints before these bodies. In the majority of cases, the enforcement body is entitled to adopt a decision that is binding for the parties while, in other cases, they only verify the violation but cannot order the public transport carrier to award damages.

The analysis carried out showed that there are significant gaps in coverage: not all Member States offer ADR or out-of-court procedures, or the system needs to be developed further. Consequently, European passengers do not enjoy the same level of access to out-of-court resolution throughout the EU.

Taxis

Taxis are included in the urban public transport service but, in most cases, there are specific regulations. Taxis are subject to procurement of a license issued by the municipalities that are in charge of regulating the activity. All national legislation on taxis is focused on the tariffs to be applied to passengers with the scope of avoiding abuse.

Most of the Member States provide for a minimum set of passenger rights. In this respect, the national regulations generally provide for a duty of information on tariff, rights and conditions of transport.

Taxi service regulations on passenger rights are extremely different from one Member State to another. Furthermore, only few provisions maybe considered a common set of essential passenger rights. While rules on accessibility are widespread, voluntary requirements to improve the service quality were adopted only by a few. A more consistent approach to protect passenger rights would be desirable.

Conclusions and recommendations

With regard to the conclusions and recommendations, seven recommendations and four proposals are put forward. The recommendations aim to improve best practice on quality criteria included in public service contracts; to ensure a greater diffusion of quality charters which should be promoted especially within small and medium-sized providers of urban transport services; to improve the use of monitoring schemes and surveys by public transport operators; and finally to promote out-of-court procedures for private enforcement.

The last part of the Study contains proposals on possible initiatives to be taken at the European level. The proposals were discussed at the workshop with stakeholders. The discussion on the proposals was primarily directed towards the creation of a permanent platform and the possibility of having some legal obligations on passenger rights in UPT. On the latter, transport operators and city organisations agreed that the European Commission should wait for the full implementation of the existing EU Regulations on passenger rights before adopting a new legislative proposal. User organisations do see the need for possible future legislation and a platform could be the place to discuss this.

Some common and voluntary initiatives could be adopted to promote better communication amongst all interested parties on the policy adopted to protect passenger rights.

A model European Quality Charter is proposed for potential adoption by all public transport operators in the EU.

INTRODUCTION

Within the context of the “Multiple Framework Service Contract with re-opened competition for legal assistance” (reference TREN/R1/350-2008 lot 1)(hereinafter, “Framework Contract”) signed by GRIMALDI E ASSOCIATI (hereinafter, “GeA” – in some cases GeA is indicated as “we”) and the Directorate-General for Energy and Transport, GeA was invited by the European Commission, by letter of 5 May 2011 (hereinafter the “Invitation to tender”), to tender for the assignment aimed at a “*Fact finding study on the legal and contractual basis of passenger rights in urban public transport*” (hereinafter, the “Study”).

GeA submitted its tender on 27 May 2011 and was informed by letter on 30 September 2011 that its bid had been awarded the Contract having as its object the Study. On 10 November 2011, the European Commission and GeA signed Specific Contract No MOVE/C1/SER/2011-482/SI2.605151 having as its object the Study.

This Study is part of Action 4 of the Action Plan for Urban Mobility¹ - platform on passenger rights in urban public transport. The Commission intends to moderate a dialogue with stakeholders, including organisations representing operators, authorities, employees and user groups, to identify EU-wide best practice and conditions for strengthening passenger rights in urban public transport.

The scope of the Study is to assess the relevant national legislation and the contractual basis for the application of passenger rights in urban transport in 27 Member States and relevant non-EU countries.

Pursuant to the Task Specifications attached to the Invitation to tender (hereinafter, “Task Specifications”), GeA is required to submit the following reports in English:

- An inception report
- An interim report
- A draft final report
- A final report

1. OBJECTIVES OF THE STUDY

As emphasised by the European Commission in the kick-off meeting held on 17 November 2011, the Study should respond to the objective of Action 4 of the Action Plan on Urban Mobility. This Action provides that the Commission moderate a dialogue with stakeholders, including organisations representing operators, authorities, employees and user groups, to identify EU-wide best practices and conditions for strengthening passenger rights in urban public transport.

Building on sectorial initiatives and complementing the European Commission’s regulatory approach, the aim is to put a set of ambitious voluntary commitments in place, including quality indicators, to protect the rights of travellers and of persons with reduced mobility, as well as commonly agreed complaint procedures and reporting mechanisms.

The objectives, as defined by the European Commission in the Terms of Reference and at the kick-off meeting are:

- Objective 1: to provide a comprehensive overview of the legal basis at a national level for the application of passenger rights covering all modes of urban transport (bus, light rail, tram,

¹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions Action Plan on Urban Mobility, COM/2009/0490.

metro, train, ships) and taxis in each of the Member States and in relevant non-EU countries, in order to establish a solid basis for dialogue involving all stakeholders. The overview should include representative examples of rules existing at regional, provincial and communal levels;

- Objective 2: to provide an overview of the contractual basis for the application of passenger rights (in particular through public service contracts) and voluntary action taken by urban transport operators and other competent bodies to strengthen passenger rights, covering all modes of urban public transport and taxis in EU Member States; to provide an overview of existing quality indicators related to the protection of passenger rights, and of reporting mechanisms and complaint procedures;
- Objective 3: the Study shall include conclusions and recommendations, regarding the implementation of voluntary commitments, including quality indicators, complaint procedures and reporting mechanisms, as well as other forms of promoting passenger rights in urban public transport and taxis including intermodal connections. The possible creation of a permanent platform for the exchange of dialogue to improve the protection of passenger rights in all modes of urban public transport and taxis within the EU should be taken into account. In the execution of the Study, the Contractor shall verify if the platform is to be limited to urban public transport or extended to other means of transport.

2. EUROPEAN FRAMEWORK

2.1 From the 2001 Transport White Paper to the 2010 Transport White Paper

The importance of the European intervention on passenger rights for the main modes of transport was emphasised in the White Paper “European transport policy for 2010: time to decide”² (hereinafter, the “2001 White Paper”). It was meant to find the balance between economic development and the quality and safety demands made by society to develop a modern, sustainable transport system for 2010. To reach this target, the White Paper proposed 60 specific measures to be taken at Community level under the transport policy, to be implemented until 2010.

One of the main objectives of the 2001 White Paper was to place users at the heart of transport policy and to expressly recognise the European citizens' right to have access to high-quality services providing integrated services at affordable prices.

The European Commission engaged in extending the Community’s passenger protection measures adopted in the aeronautics sector to the other modes of transport, notably rail and maritime navigation and, where possible, to urban transport services. The White Paper highlighted the need to adopt specific new measures on users’ rights in all modes of transport to allow them to know their rights and enforce them regardless of the mode of transport used.

Another important step further in the protection of passenger rights was made in the Communication “Strengthening passenger rights within the European Union”³ (hereinafter, the “Passenger Rights Communication”).

The Passenger Rights Communication underlined that, notwithstanding the boom of mobility in Europe in all modes of transport, the removal of borders and the growth in travel have not always been accompanied by sufficient measures to protect passenger rights.

On one side, passengers were subject to certain very strict formalities (control, registration, reservation) and in the case of cancellation or delay of their transport; they could find themselves in difficulties when trying to defend their rights in a foreign language. On the other side, although the major undertakings of the transport sector adopted a series of voluntary agreements, the national rules on passenger rights were not found to be effective.

Based on these considerations, the Passenger Rights Communication emphasised that an effective protection of passenger rights should be established through the adoption, at the European Union level, of specific measures concerning:

- persons with reduced mobility;
- compensation and assistance in the event of delay, cancellation or denied boarding;
- liability in the event of death or injury;
- treatment of complaints and means of redress;
- passenger information.

² COM(2001) 370, of 12 September 2001, White Paper on European transport policy for 2010, European transport policy for 2010: time to decide.

³ COM(2005)46 of 16 February 2005, Communication from the Commission to the European Parliament and the Council, Strengthening passenger rights within the European Union.

Those measures would have to be common to all modes of transport, including urban transport services.

2.2 The 2010 White Paper

The White Paper “Roadmap to a Single European Transport Area”⁴(hereinafter, the “2010White Paper”) emphasised the importance of completing the internal market for transport, removing bottlenecks and barriers whilst reducing greenhouse emissions and oil dependence. It also promoted new technologies for vehicles and traffic management and investments in transport infrastructures.

The roadmap comprised 40 concrete initiatives for the next decade to build a competitive transport system.

Regarding passenger rights, the objective pursued by the 2010White Paper was twofold:

- improving the application of the existing legal frameworks through uniform and consistent interpretation and a more harmonised and efficient enforcement at the EU level, notably through the network of National Enforcement Bodies.
- contributing to develop a worldwide approach to passenger care by including appropriate provisions in bilateral and multilateral international agreements.

In this context, the Commission announced its intention review the existing modal passenger rights legislation with a view of defining a minimum set of passenger rights common to all transport modes, both through binding and non-binding instruments.

More specifically, the main purposes of the White Paper with regard to passenger rights were to:

- develop a uniform interpretation of EU Law on passenger rights and harmonised and effective enforcement, to ensure both a level playing field for industry and a European standard of protection for citizens;
- assemble common principles applicable to passenger rights in all transport modes (Charter of basic rights), notably the ‘right to be informed’, and further clarify existing rights. At a later stage, to consider the adoption of a single EU framework Regulation covering passenger rights for all modes of transport (EU Codex);
- improve the quality of transport for elderly people, passengers with reduced mobility and for disabled passengers, including better accessibility of infrastructure;
- complete the established legislative framework on passenger rights with measures covering passengers on multimodal journeys with integrated tickets under a single purchase contract as well as in the event of a transport operator’s bankruptcy; and
- improve the level playing field at international level through the inclusion of care quality standards in bilateral and multilateral agreements for all modes of transport, with a view to further passenger rights also in the international context.

2.3 Urban mobility: from the 2007 Green Paper to the Action Plan on Urban Mobility

2007 Commission Green Paper “Towards a New Mobility Culture”.

⁴ COM (2011)144 of 28 March 2010, Roadmap to a Single European Transport Area – Towards a competitive and resource efficient transport system.

Immediately after the mid-term review of the Transport White Paper, the European Commission presented the Green Paper⁵, which identified the challenges to be faced in the field of urban transport. The document was the result of a consultation process among people living in towns and cities, transport users, transport company employers and employees, industry, public authorities and relevant associations.

The central idea of this document was re-thinking urban mobility by integrating various urban mobility policies into a single approach. Though the urban mobility policies are usually better defined and implemented at a local level, a European approach could benefit the development of a new culture on urban mobility.

The Green Paper selected five main challenges that needed to be met as a part of an integrated approach. The relevant challenges for urban public transport were:

- a) the development of smarter urban transport to face a permanent increase of freight and passenger transport fluxes, as well as the enhancement of the necessary infrastructure to cope with this increase;
- b) a better accessibility of urban transport for people with reduced mobility, the disabled, families with young children and young children themselves;
- c) a safer and more secure urban transport.

The direct follow up to the 2007 Green Paper was represented by the Action Plan on Urban Mobility.

Action Plan on Urban Mobility

The Action Plan on Urban Mobility⁶ set out a coherent framework for EU initiatives in the area of urban mobility.

Following that, the European Commission provided a coherent framework for all these initiatives through the adoption of the Action Plan on 30 September 2009. According to the Action Plan, the transport system has to:

- be competitive in the European Union;
- fulfil commitments in the areas of growth and jobs, social cohesion, and health and safety;
- address demographic trends and social concerns of the urban areas (persons with reduced mobility, families and children), and
- respond to the necessity of efficiency of long-distance transport. Most long-distance transport starts or ends in urban areas, and urban mobility is thus regarded as an integral element of Trans-European Transport Networks.

The Action Plan did not impose a one-size-fits-all solution but instead supported and complemented the efforts at a local level by adopting twenty measures aimed at improving sustainable urban transport at local, regional and national levels. In this respect, the Commission considered that the European Union could play a key role in the development of urban transport policy and help solve the problems that national authorities face.

⁵ COM(2007)551 of 25 September 2007, Commission Green Paper “Towards a new culture for urban mobility”, not published in the OJ.

⁶ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - Action Plan on Urban Mobility COM(2009) 490 final.

The Action Plan proposed six themes responding to the main messages that emerged from the Green Paper consultation. For each theme, several actions were proposed and they were supposed to be implemented through existing EU programs and instruments.

Consistently with the purposes of this Study, only the second theme, “Focus on citizens” will be analysed.

The theme was based on the consideration that a sustainable urban transport system would be reached only through high quality and affordable public transport. In fact, the use of urban means would be fostered ensuring their reliability, information, safety and ease of access, as well as the security and the protection of passenger rights.

Within this theme, the Commission proposed three specific actions, but only the fourth and the fifth, which are strictly connected, are relevant for the Study:

- Action 4 - Platform on passenger rights in urban public transport.
This action was conceived to stimulate dialogue between the Commission and the stakeholders, comprehensive of organisations representing operators, authorities, employees and user groups. The purpose of the dialogue was to identify EU-wide best practices and conditions for strengthening passenger rights in urban public transport with the aim of putting a set of ambitious voluntary commitments in place. These voluntary commitments would include quality indicators, commitments to protect the rights of travellers and of persons with reduced mobility, commonly agreed complaint procedures and reporting mechanisms.
- Action 5 - Improving accessibility for persons with reduced mobility. This aimed at ensuring that those with disabilities have right of access to urban transport on equal terms with the rest of the population.

Communication on Passenger Rights in all transport modes

The Communication on Passenger Rights in all transport modes⁷ was based on the consideration that, despite the existence of a whole set of rules for passenger rights, in the EU, these rights were not completely and correctly implemented. Passengers were often unaware of their rights or they renounced their use because it appeared costly to defend them. Member State authorities applied the legislation in different ways, confusing passengers and carriers alike and creating distortions in the market.

However, to persuade citizens to shift in significant numbers from private to collective transport and to choose a multimodal journey as an easy and reliable alternative, EU passenger rights legislation that ensures uniform access conditions for passengers and a basic level of service quality was needed.

With this purpose, the document provides a review and perspectives for the main ten rights constituting the core of EU rules in favour of passengers in all transport modes. They have been identified as follows:

- Right to non-discrimination in access;
- Right to mobility for disabled passengers and passengers with reduced mobility;
- Right to information before and during travel;
- Right to renounce travelling when the trip is disrupted;
- Right to the fulfilment of the transport contract in case of disruption;

⁷ COM(2011) 898 final of 19 December 2011, Communication from the Commission to the European Parliament and the Council: A European vision for Passengers: Communication on Passenger Rights in all transport modes.

- Right to assistance in case of long delay;
- Right to compensation;
- Right to carrier liability for passengers and their luggage;
- Right to a quick and accessible handling of complaints;
- Right to the full application and effective enforcement of these rights in all EU Member States.

The Communication on Passenger Rights in all transport modes also sets out that additional rights for passengers derive from the Charter of Fundamental Rights, the EU consumer rules, the Package Travel Directive 90/314/EEC, national contract law provisions and/or international conventions as transposed into EU law.

2.4 Passenger rights in EU transport law

Passenger rights have assumed a prominent place in European Union transport law. A whole series of Passenger Regulations have been adopted on air, railway, maritime, bus and coach transport. In this context, passenger rights' protection in urban transport has progressively become a priority of the European Union.

At present, urban transport is still regulated at a national level with various provisions included in transport law, contractual law and consumer law. An overview of the relevant legislation adopted at a European level on passenger rights will be provided in the following paragraphs, since it may constitute the basis for a future intervention on urban public transport.

Air Transport

Regulation (EC) No 261/2004⁸

Regulation (EC) No 261/2004 establishes minimum rights for passengers when they are denied boarding against their will or when their flight is cancelled or delayed.

The Regulation applies to all flights departing from airports situated within the territory of a Member State and all those arriving at such airports from a non-EU country where flights are operated by an EU carrier.

According to the Regulation, in case of denied boarding, all passengers involuntarily denied boarding (unless on safety grounds) are entitled to receive compensation, refund or rerouting and to receive assistance (Article 4). In case of cancellation of flights (Article 5) or delay in arrival of three hours or more (ECJ joint cases C-401/07 and C-432/07), financial compensation is payable unless the passengers were informed in a timely manner.

If a delay occurs (Article 6), the air carrier is required to take necessary action when it reasonably expects a flight to be delayed beyond its scheduled time of departure.

In case of flight cancellation or of delay specified in the Regulation, passengers are entitled to receive assistance free of charge including meals and refreshments, hotel accommodations if a stay of one or more nights becomes necessary, including transport between the airport and the accommodation (Article 9).

⁸ Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91, OJ L 46 of 17 February 2004.

Passengers are also entitled to re-routing under comparable transport conditions, to the final destination later at the passenger's convenience, subject to availability of seats (Article 8). When compensation is due, passengers will receive the amount indicated in Article 7 of the Regulation calculated based on distance to the destination.

Regulation (EC) No 1107/2006 concerns the rights of disabled persons and persons with reduced mobility when travelling by air⁹. It prohibits operators from refusing reservations or boarding to persons because of their reduced mobility or disability.

Certain exceptions and derogations, however, may be justified for safety reasons established by law. Therefore, an air carrier may refuse to accept a reservation from or to embark a person with reduced mobility or request that a travelling person with reduced mobility or disability must be accompanied by another person, only under two conditions:

- it has to meet applicable safety requirements duly established by law.
- the size of the aircraft makes it physically impossible to embark that person.

In addition, Regulation (EC) No 1107/2006 foresees that persons with reduced mobility or disabilities are entitled to receive the assistance specified in the regulation free of charge in airports (on departure, arrival and during transit) and on board aircrafts (for example, the transport of wheelchairs and the carriage of guide dogs for the blind), and obliges also the managing bodies of airports to provide this assistance.

European Union countries and other concerned countries (European Free Trade Association (EFTA) countries) are required to establish penalties for infringements and to set up independent bodies to deal with complaints.

Regulation (EC) No 1008/2008

Regulation (EC) No 1008/2008¹⁰ regulates the licensing of Community air carriers, the law applicable to them and the pricing of air services.

It provides that an undertaking established in the Community cannot carry air passengers, mail or cargo if it has not obtained the appropriate operating licence.

The conditions for the granting of operating licences are set out in the Regulation. Notably, the undertaking must hold an Air Operator Certificate (AOC), comply with insurance and ownership requirements and provide financial guarantees. In addition, management will be requested to provide proof that the undertaking is of good repute.

The Regulation establishes general principles for public service obligations and on the distribution of air traffic between airports serving the same city.

The Regulation also contains provisions on pricing. The published price for the service shall include the fare and all applicable taxes, charges, surcharges and fees that are unavoidable and foreseeable at the time of publication. In addition, details must be given of the different components of the price (fares, taxes, airport charges and other costs).

⁹ Regulation (EC) No 1107/2006 of the Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air, OJ L 204, 26 July 2006.

¹⁰ Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 establishing common rules for the operation of air services in the Community (Recast).

Regulation (EC) No 889/2002

Regulation (EC) No 889/2002¹¹ establishes the air carrier liability in the event of an accident. It implements the relevant provisions of the Montreal Convention in respect of the carriage of passengers and their baggage and establishes certain supplementary provisions. It also extends the application of these provisions to carriage by air within a single Member State.

The Regulation provides for the right to compensation in the case of death or injury of the passenger, imposes the advanced payments to the entitled person, and provides for the right of compensation in case of baggage delay, loss, destruction or damage.

Council Directive 90/314/EEC

Council Directive on package travel, package holidays and package tours¹² establishes common rules on packages concerning the obligations of the organiser and/or the retailer, the information that the retailer must provide to the consumer, the liabilities of the retailer for the proper performance of the obligations arising from the contract and for the damages resulting to the consumer for the improper performance of the contract.

Rail Transport

Regulation (EC) No 1371/2007¹³

The Regulation on rail transport contains several provisions that may be relevant for the present Study whenever the urban public transport is provided on railways.

Urban, suburban and regional rail services can be exempted by the application of the Regulation.

The Regulation introduces a set of basic rights that cannot be derogated and are mandatory for all kinds of railway services within the EU. The mandatory rules are those on: the availability of tickets, ticketing and reservations (Article 9), the liability for passengers and luggage (Article 11); the obligation for the railway undertaking to be adequately insured and able to meet its liabilities; the establishment of non-discriminatory access rules for the transport of disabled persons and persons with reduced mobility (Article 19) and their right to information (Article 20(1)) and the obligation for the Member States to take adequate measures to ensure passengers' personal security in railway stations and on trains and to manage risks (Article 26).

Member States are obliged on a regular base to provide the Commission with a list of exemptions adopted. The updated list is published on the Commission's website¹⁴ and, in case of doubt, the National Enforcement Body for the Rail Passenger Rights Regulation (NEB Rail) for the country concerned.

¹¹ Regulation (EC) No 889/2002 of the European Parliament and of the Council of 13 May 2002 amending Council Regulation (EC) No 2027/97 on air carrier liability in the event of accidents, OJ L140 of 30 May 2002.

¹² Council Directive 90/314/EEC of 13 June 1990 on package travel, package holidays and package tours, OJ L158 of 23 June 1990.

¹³ Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations, OJ L 315 of 3 December 2007.

¹⁴ Information available at the following webpage: http://ec.europa.eu/transport/passengers/rail/doc/summary_table.pdf.

Ferry Transport

Regulation (EU) No 1177/2010¹⁵

Regulation (EU) No 1177/2010 concerning the rights of passengers when travelling by sea and inland waterways and will apply from 18 December 2012.

The scope of the Regulation is provided for in Article 1, which establishes rules for sea and inland waterway transport as regards the following:

- non-discrimination between passengers with regard to transport conditions offered by carriers;
- non-discrimination and assistance for disabled persons and persons with reduced mobility;
- the rights of passengers in cases of cancellation or delay;
- minimum information to be provided to passengers;
- the handling of complaints; and
- general rules on enforcement.

The Regulation is applicable to all departures from EU ports and all non-EU departures to EU ports operated by EU carriers for passenger services and to cruises departing from Member States.

However, Article 2, Paragraph 2 foresees that the Regulation does not apply to those passengers travelling on:

- a) ships certified to carry up to 12 passengers;
- b) ships which have a crew responsible for the operation of the ship composed of not more than three persons;
- c) where the distance of the overall passenger service is less than 500 metres, one way;
- d) excursion or sightseeing tours other than cruises;
- e) historical ships certified to carry up to 36 passengers.

Regulation (EC) No 392/2009

The aim of Regulation (EC) No 392/2009¹⁶ is to introduce a Community regime on the liability of carriers of passengers by sea in the event of accidents. With this purpose, it provides for a harmonized regime of liability and insurance for the carriage of passengers by sea, based on two international Conventions:

- the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea 1974, as amended by the Protocol of 2002 on the carriage of passengers; and
- the International Maritime Organization (IMO) guidelines for implementation of the Athens Convention, adopted in 2006.

The Regulation applies to all international carriage and carriage by sea within a single Member State on board Classes A and B ships pursuant to Directive 98/18/EC when:

- the ship is flying the flag of or is registered in a Member State;

¹⁵ Regulation (EU) No 1177/2010 of the European Parliament and of the Council of 24 November 2010 concerning the rights of passengers when travelling by sea and inland waterway and amending Regulation (EC) No 2006/2004, OJ L 334 of 17 December 2010.

¹⁶ Regulation (EC) No 392/2009 of the European Parliament and of the Council of 23 April 2009 on the liability of carriers of passengers by sea in the event of accidents, in OJ L 131 of 28 May 2009.

- the contract of carriage is signed in a Member State;
- the place of departure or of destination as established in the contract of carriage is situated within a Member State. Member States are free to extend the scope of this regulation to all domestic sea-going voyages.

Consistent with the liability regime deriving from the Athens Convention, the Regulation provides that *ipso jure* liability coverage for victims of damages related to navigation accidents if fault by the carrier is proven.

All carriers must take out insurance and victims shall be entitled to make claims directly against the insurer.

The Regulation also establishes that the carrier has the duty to ensure that passengers are informed clearly and precisely of their rights under this Regulation. The information shall be provided in the most appropriate format:

- at all points of sale, including by telephone and via the Internet where the contract of carriage is signed in a Member State;
- prior to departure where the place of departure is in a Member State;
- upon departure in all other cases.

As to its entry into force, the Regulation will apply from the date of the entry into force of the Athens Convention for the Community and no later than 31 December 2012.

Coach and Bus Transport

Regulation (EU) No 181/2011

The objective of Regulation (EU) No 181/2011¹⁷ is to ensure an equivalent level of protection of and assistance to passengers in bus and coach transport throughout the Member States.

The Regulation establishes rules for bus and coach transport as regards the following:

- non-discrimination between passengers with regard to transport conditions offered by carriers;
- rights of passengers in the event of accidents arising from the use of bus or coach resulting in death, personal injury or loss of or damage to luggage;
- non-discrimination and mandatory assistance for disabled persons and persons with reduced mobility;
- rights of passengers in cases of cancellation or delay;
- minimum information to be provided to passengers;
- handling of complaints; and
- general rules on enforcement.

The Regulation applies from 1 March 2013 to passengers travelling with regular services for non-specified categories of passengers where the boarding or the alighting point of the passengers is situated in the territory of a Member State and where the scheduled distance of the service is 250 kilometres or more.

If the distance is less than 250 kilometres, certain provisions contained in the Regulation have to always be respected¹⁸, that is to say:

¹⁷ Regulation (EU) No 181/2011 of the European Parliament and of the Council of 16 February 2011 concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004, OJ L 55 of 28 February 2011.

- tickets and non-discriminatory contract conditions;
- provisions to protect persons with disabilities or with reduced mobility; and
- duties of information and complaint mechanisms for passengers.

Member States have the possibility to exempt regular domestic services from some articles for four years, renewable once.

Passengers will be entitled, in accordance with applicable national law, to compensation for death, including reasonable funeral expenses, or personal injury as well as for loss of or damage to luggage due to accidents arising out of the use of the bus or coach.

In the event of an accident arising out of the use of bus or coach, the carrier shall provide reasonable and proportionate assistance with regard to the passengers' immediate practical needs following the accident, such as accommodation, food, clothes, transport and the facilitation of first aid.

The Regulation introduces rules on the rights of disabled persons and persons with reduced mobility. In this context, the Regulation provides the obligations of the carriers and terminal managing bodies to establish, or have in place, non-discriminatory access conditions for disabled persons and persons with reduced mobility and the right for these people to be assisted at the terminal and on board free of charge.

In the case of cancellation or delay for more than 120 minutes or in the case of overbooking, the passenger must immediately be offered the choice between a refund or rerouting and is entitled to assistance if the scheduled journey time is more than 3 hours and the departure is delayed more than 90 minutes. If the carriers fail to offer the passenger a choice between rerouting and refunding, the passenger is also entitled to financial compensation.

2.5 Consumer Protection

Regulation (EC) No 2006/2004

Regulation (EC) No 2006/2004¹⁹ was adopted in 2004 to stop dishonest practices of traders targeting consumers living in other EU countries. It establishes the framework and general conditions under which the competent authorities in the Member States responsible for the enforcement of the laws that protect consumer interests cooperate with each other and with the Commission to ensure compliance with those laws and enhance the protection of consumers' economic interests.

For this purposes, the Regulation sets up an EU-wide network of national enforcement authorities and lists the minimum investigation and enforcement powers authorities must have. Under the new system, each of these authorities can request assistance from other members of the network in investigating possible breaches of consumer laws and in taking action against rogue traders. The mutual assistance among Member State authorities addresses collective economic interests of consumers; and assistance to individual consumers can be provided by the European Consumer Centres Network.

The CPC Regulation also covers EU passenger rights since the annex also includes transport regulations (air, and still to enter into full effect, bus or coach, sea and inland waters) among the legislation where the cooperation

¹⁸ See Art. 4(2), Art. 9, Art. 10(1), point (b) of Art. 16(1), Art. 16(2), Art. 17(1) and (2), and Art.s 24 to 28.

¹⁹ Regulation (EC) No 2006/2004 of the European Parliament and of the Council of 27 October 2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws (the Regulation on consumer protection cooperation), OJ L 364 of 9 December 2004.

among authorities is provided. Moreover, the breaches of consumer law may affect a variety of areas such as misleading advertising, package holidays, timeshares and distance selling.

When a breach occurs and a request for mutual assistance is formulated, the competent authorities must act immediately to put a stop to any infringement identified, using the appropriate legal instrument provided by national law (e.g. injunction).

The Regulation provides for different cooperation mechanisms, covering exchange of information, requests for enforcement actions and coordination of surveillance activities. Amongst others, the competent authority handling an enforcement request must regularly notify the progress of handling the infringement to the authorities of other Member States and the Commission. It also provides the requesting competent authority with all relevant information required to establish when an infringement occurs. In addition, it must take all necessary enforcement measures to bring about the cessation or prohibition of the infringement.

The competent authorities inform the Commission of the existence of an infringement, the measures taken and the effects thereof, and the coordination of their activities. Information communicated may only be used for the purposes of ensuring compliance with the laws that protect consumer interests. The Commission stores and processes the information it receives in an electronic database. All requests for mutual assistance must contain sufficient information to enable the authority to fulfil the request.

In addition to the mutual assistance requests to stop cross-border infringements, the regulation provides a framework for administrative and enforcement cooperation between the Member States and with the support of the Commission. The Regulation also makes provisions for possible international cooperation with partners outside the EU.

Unfair Commercial Practices Directive

The Unfair Commercial Practices Directive²⁰ contains provisions aimed at protecting consumers against misleading or aggressive commercial practices when they conclude commercial transactions with traders.

They are generally defined as commercial practices that do not comply with the requirements of professional diligence and influence or are likely to influence consumers' transactional decisions.

The Directive focuses on two types of unfair commercial practices i.e. misleading practices and aggressive practices.

A misleading commercial practice occurs when a practice contains false or untrue information or is likely to deceive the consumer, even though the information given may be correct. Notably, the misleading information may relate to the existence or nature of the product; the main characteristics of the product; the price, the trader's commitments and the nature of the sales process; the need for a service or repair; the trader's identity, qualifications, code of conduct, etc.; the consumers' rights on aspects of the sale of consumer goods. The marketing of a product, including comparative advertising, which may create confusion with another product or with a competitor's trademark, is also regarded as a misleading practice.

²⁰ Directive 2005/29/EC of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Directives 84/450/EEC, 97/7/EC, 98/27/EC and 2002/65/EC and Regulation (EC) No 2006/2004 (Unfair Commercial Practices Directive), in OJ L 149, 11 June 2005.

A commercial practice can also be misleading by omission. This situation occurs when the trader does not comply with his duty to provide the consumer with all the necessary information in a clear and comprehensible manner at a suitable time to enable the consumer to make an informed transactional decision.

Aggressive commercial practices are those that induce consumers to take transactional decisions following harassment, coercion or undue influence such as threats or abusive language or behaviour or the imposition on the consumer who wishes to exercise contractual rights of onerous or disproportionate non-contractual conditions.

The deadline for transposition was 12 June 2007, though the last transposition was finalised in December 2009.

Unfair terms in consumer contract Directive²¹

The Unfair Contract Terms Directive aims to protect European consumers against unfair standard terms in the contracts they conclude with professionals.

A contractual term is unfair when it establishes a significant imbalance, to the consumer's detriment, between the rights and obligations of the contracting parties. Unfair terms in the meaning of the Directive are not binding for consumers.

The Directive also requires contract terms to be drafted in plain and intelligible language and states that where there is doubt as to the meaning of a term, the interpretation most favourable to the consumer will prevail.

Member States must make sure that effective means exist under national law to enforce these rights and that such terms are no longer used by businesses.

Consumers Rights Directive²²

For the sake of integrity, it should be mentioned that a new consumer Directive was adopted. The provisions of the Directive on Consumer Rights will apply to contracts concluded after 13 June 2014.

The Directive on Consumer Rights will replace, as of 13 June 2014, the current Directive 97/7/EC on the protection of consumers in respect of distance contracts and the current Directive 85/577/EEC to protect consumers in respect of contracts negotiated away from business premises. Directive 1999/44/EC on certain aspects of the sale of consumer goods and associated guarantees as well as Directive 93/13/EEC on unfair terms in consumer contracts will remain in force and be slightly amended.

The new provisions contain common definitions such as "consumer" and "trader" and a common set of rules applicable in all Member States, only allowing them to diverge from these rules in a few specific cases.

The Directive establishes the core information to be provided by traders prior to the conclusion of all consumer contracts. For distance and off premises contracts, specific information requirements and common rules on the right to withdrawal from such contracts apply.

²¹ Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts, in OJ L 95, 21 April 1993, p. 29–34.

²² Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011, on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council, on OJ L 304, 22 November 2011, page 64.

Further interesting changes provided by the Directive concern the rules on the costs of using means of payment (e.g. credit or debit cards), on telephone hotlines operated by traders as well as on additional payments and pre-ticked boxes.

2.6 European Contract Law

The legal framework would not be complete without mentioning the European Contract Law project.

The European Parliament first lit the path towards the convergence of European contract law in the European Union with its Resolution of 26 May 1989. An appeal was made to preparations for drafting a ‘common European Code of Private law’²³.

However, it was not until 2001 that the European Commission published its Communication *On European Contract Law*²⁴ that was followed by a discussion regarding the importance of consumer protection that resulted in the Commission’s consumer policy strategy.²⁵ The debate continued with the publication of the Commission’s action plan for a ‘coherent European contract law’²⁶, proposing a review of the European Union *acquis* in the area of consumer contract law, to remove inconsistencies and fill regulatory gaps and to improve the quality and coherence of European contract law by establishing a ‘Common Frame of Reference’²⁷. The Commission financed the work of an international academic network that carried out preparatory legal research in view of establishing a Common Frame of Reference. This research was finalised and led to the publication of the Draft Common Frame of Reference containing principles, definitions and model rules of private law, including contract and tort law²⁸. As a result of this chain of events, in 2010 the Commission presented the Green Paper on European Contract Law²⁹, by means of which the European Commission sought to engage in a public consultation with governments, law practitioners, legal scholars and other relevant stakeholders, towards finding suitable policy options for progress towards a European contract law.

Common European Sales Law³⁰

On 11 October 2011, the European Commission proposed an optional Common European Sales Law to boost cross-border trade and expand consumer choice.

This new legislation was proposed with the aim of facilitating trade by offering a single set of rules for cross-border contracts in all 27 EU countries and including provisions to protect consumers. It would form a 2nd

²³ Resolution of the European Parliament on action to bring into line the private law of the Member States, OJ C 158, 28.6.1989.

²⁴ Communication from the Commission to the Council and the European Parliament on European Contract Law, COM(2001) 398.

²⁵ Communication from the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions – Consumer Policy Strategy 2002 to 2006, 2002 C137.

²⁶ Communication from the Commission to the European Parliament and the Council – A more coherent European contract law – An action plan, COM(2003)68.

²⁷ See Communication from the Commission to the European Parliament and the Council on European Contract Law and the revision of the *acquis*: the way forward, COM(2004)651; Green Paper on the Review of the Consumer *Acquis*, COM(2006)744; Report from the Commission, Second Progress Report on the Common Frame of Reference, COM(2007)447.

²⁸ C. Von Bar et al. (eds.), Principles, Definitions and Model Rules of European Private Law; Draft Common Frame of Reference (DCFR), Sellier, 2009.

²⁹ Green Paper from the Commission on policy options for progress towards a European Contract Law for consumers and businesses, COM(2010)348.

³⁰ Proposal for a Regulation of the European Parliament and of the Council on a Common European Sales Law, COM(2011) 635 of 11 October 2011.

contract law regime within the national law of each Member State that could be applied on a voluntary basis, upon the express agreement of the parties to a cross-border contract.

In this way, companies would be allowed to use a single contract law regime in all of their cross-border dealings within the EU instead of dealing with different national contract laws when they sell into another Member State, thus reducing related transaction costs and enabling them to expand their trade across borders.

Consumers would have better access to offers from across the EU at lower prices and would face fewer refusals of sales. They would also enjoy more certainty about their rights when shopping cross-border as the Common European Sales Law would grant them a high level of consumer protection and clear information on their consumer rights.

2.7 Public Service Contracts

Regulation (EC) No 1370/2007³¹

The Regulation repeals Regulation (EEC) No 1191/69 on the public service contracts in the field of rail, air and inland waterways transports. The new Regulation is applicable to all transport modes except freight transports and inland waterways. The MS could also decide to apply the Regulation to these sectors.

The purpose of this Regulation is to define how, in accordance with the rules of Community law, *“competent authorities may act in the field of public passenger transport to guarantee the provision of services of general interest which are among other things more numerous, safer, of a higher quality or provided at lower cost than those that market forces alone would have allowed. To this end, this Regulation establishes the conditions under which competent authorities, when imposing or contracting for public service obligations, compensate public service operators for costs incurred and/or grant exclusive rights in return for the discharge of public service obligations”*.

Article 4 of the Regulation establishes the content of the mandatory content of the PSCs:

“Public service contracts and general rules shall:

(a) clearly define the public service obligations with which the public service operator is to comply, and the geographical areas concerned;

(b) establish in advance, in an objective and transparent manner,

(i) the parameters on which the compensation payment, if any, is to be calculated, and

(ii) the nature and extent of any exclusive rights granted, in a way that prevents overcompensation, in the case of public service contracts awarded in accordance with Article 5(2),

(4), (5) and (6), these parameters shall be determined in such a way that no compensation payment may exceed the amount required to cover the net financial effect on costs incurred and revenues generated in discharging the public service obligations, taking account of revenue relating thereto kept by the public service operator and a reasonable profit”.

Paragraph 6 of the same Article provides that *“Where competent authorities, in accordance with national law, require public service operators to comply with certain quality standards, these standards shall be included in the tender documents and in the public service contracts”*.

2.8 Alternative Dispute Resolution

Proposal of Directive on alternative dispute resolution for consumer disputes

³¹ Regulation (EC) No 1370/2007 of the European Parliament and of the Council of 23 October 2007 on public passenger transport services by rail and by road and repealing Council Regulations (EEC) Nos 1191/69 and 1107/70, OJ L 315 of 13 December 2007.

In the context of the possibility for the passengers to enforce their rights, we mention the proposal of the Directive on alternative dispute resolution included in the package on ADR presented in November 2011. ADR is important since it offers a simple, fast and low-cost out-of-court solution to disputes between consumers and traders.

The proposal of the Directive intends to ensure that all disputes between a consumer and a trader arising from the sale of goods or the provision of services in a Member State can be submitted to an ADR entity, including through online means. Alternative dispute resolution offers a simple, fast and low-cost out-of-court solution to disputes between consumers and traders. However, the consultation carried out by the European Commission showed that alternative dispute resolution is not yet sufficiently developed across the European Union. The proposal of the Directive intends to ensure that alternative dispute resolution is available for all types of consumer disputes in Member States, quality levels of ADR procedures are even and consumers and traders are aware of such procedures. It is also necessary that ADR entities handle cross-border disputes effectively.

To fulfil their obligation, Member States may use existing ADR entities and adjust their scope of application, if needed, or they may create new ADR entities or a residual cross-sectorial entity.

Under the proposal, Member States shall ensure that consumers can obtain assistance when they are involved in a cross-border dispute. Member States may delegate responsibility for this task to their centres of the European Consumer Centre Network (ECC-net) which currently performs the function of guiding consumers to the ADR entities competent to deal with their cross-border disputes.

2.9 Collective Redress

Green Paper on consumer collective redress and 2011 consultation

On 27 November 2008, the Commission adopted the Green Paper on Consumer Collective Redress.

The purpose of this Green Paper was to assess the state of redress mechanisms, in particular in cases where many consumers are likely to be affected by the same legal infringement, and to provide options to close any gaps to effective redress identified in such cases.

The Green Paper set out 4 options. These included: (1) no immediate action, (2) co-operation between Member States extending national collective redress systems to consumers from other Member States without a collective redress mechanism, (3) a mix of policy instruments to strengthen consumer redress (including collective consumer alternative dispute mechanisms, a power for national enforcement authorities to request traders to compensate consumers and extending small claims to deal with mass claims), (4) binding or non-binding measures for a collective redress judicial procedure to exist in all Member States.

In 2011, a consultation was carried out on the possible initiatives in this field to identify common legal principles on collective redress and how such common principles could fit into the EU legal system and into the legal orders of the 27 EU Member States.

3 METHODOLOGY

The Study covers the following transport modes:

- **Bus, trolley bus** including hybrid road vehicles and minibus;
- **Tram**– tramways operate mainly on the surface in amongst all other traffic on protected rights-of-way (dedicated tram lanes) or on exclusive surface rights-of-way (physically separated from other traffic). When tramways run on an exclusive right-of-way for “virtually” their entire route, it should be counted in the “light rail” modal category;
- **Metro**– metro operates on its own, exclusive right-of-way along its entire route (usually in tunnels or on viaducts). Metro stations have elevated platforms. Narrow-gauge automatic metros (e.g. “VAL” system) are counted as metros;
- **Train**–including Regional Express Rail (S-Bahn), commuter trains and suburban trains): only services and material operated on lines exclusively (or chiefly) concerning the reference/metropolitan area of a city are taken into account;
- **Light rail**–“light rail” is considered to involve vehicles (generally of “tramway” type) that operate on lines with exclusive surface right-of-way along the whole or “virtually the whole” of their route. Light rail stations have low platforms or elevated platforms. Light rail vehicles may operate on viaducts or in tunnels for part of their route;
- **City ferries** – includes hips specifically configured for carrying passengers between two points. It permits persons to make their way from one place to another across a body of water, and it may carry vehicles, including commercial vehicles;
- **Taxi**– transport by car with a metre which is licensed to collect passengers from a taxi rank and is usually available to be hailed in the street;
- **Water taxi** – is a watercraft used to provide public transport, usually but not always in an urban environment. Service may be scheduled with multiple stops, operating in a similar manner to a bus, or on demand to many locations, operating in a similar manner to a taxi.

The Study covers the following passenger rights:

- the right to information;
- rights in case of delay and cancellation such as reimbursement;
- re-routing;
- assistance while waiting to travel and reimbursement under certain conditions;
- specific measures in favour of persons with reduced mobility and who are disabled;
- liability for persons and their luggage: and
- right to complain.

The list is based on the Task Specifications of the Invitation to tender and takes into consideration the passenger rights indicated by the European Regulations (EC) No 1371/2007, (EU) 1177/2010 and (EU) 181/2011. All the indicated regulations contain a core list of passenger rights that are applicable to local transport. Those common provisions concern the accessibility, the liability of the carrier for the passengers and luggage, the insurance, the right to complain, and right of passengers in case of cancellation or delay.

The passenger rights provided by the mentioned regulation are used as a benchmark to define the essential rights that should be applicable to urban public transport.

Definition of urban public transport: with regard to the dimension of the transport, we took the definition of the Council Directive 91/440/EEC³² on the development of the Community's railways as reference.

Article 3 defines "urban and suburban services" as the *"transport services operated to meet the transport needs of an urban centre or conurbation, as well as the transport needs between such centre or conurbation and surrounding areas."*

The Study is the result of ten months of data collection. The data collection is both quantitative and qualitative and includes both factual and perception-based data. The factual information relates to the current situation in the examined Member States. This data collection aims to provide a detailed, qualified overview of the standard of passenger protection offered by transport operators on a legal, regulatory, contractual and voluntary basis in all the EU Member States and in select non-EU countries.

The perception data includes the view of providers and users, collected through the questionnaires, and is aimed at understanding the response of the service to the necessities of the users and their level of satisfaction.

The methodology comprises two Work Packages (e.g. WP).

WP1 is aimed at obtaining and collecting information on the main instruments of passenger rights in urban public transport as evident from publicly accessible sources and additional information provided by the operators. WP1 comprises: the identification of national legal provisions on urban public transport passenger rights; the quality of service requirements as defined in public service contracts and voluntary commitments; the collection of relevant documentation; and the assessment of the effectiveness of the legal contractual and voluntary tools.

The analysis includes the evaluation of the legal enforcement tools and their effectiveness. The impact of such legislation in Member States is assessed through desk research and consultation with the competent authorities of all 27 Member States, public transport management companies and user associations.

This part of the analysis also includes the assessment of the articulation, in terms of complementarity or overlap, between passenger rights and service quality provisions in voluntary agreements and in public service contracts, as well as the assessment of the complementarity or overlap between national legislation and EU legislation on passenger rights.

The content of the Study's WP1 is divided into Country reports for each Member State. Each Country report contains:

- a) Identification, collection and analysis of national, regional, and provincial legal provisions for passenger rights in urban public transport in the Member State and what is applicable to all urban modes of transport and national legislation, and what is applicable only to certain modes of transport (list of sources and description of their content).
- b) Legal assessment of the provisions and effectiveness of the enforcement tools.
- c) Assessment of the complementarity or overlap between the EU legislation and the national legislation on passenger rights;
- d) Identification, collection and analysis of the provisions applicable to the public service contract in urban transport in the relevant Member State with regard, in particular, to the introduction of quality service requirements to benefit passengers, including those for passengers with special needs, disabilities and

³² Council Directive 91/440/EEC of 29 July 1991 on the development of the Community's railways, OJL 237 of 24 August 1991.

reduced mobility. In this context, the existence of legal provisions on the accessibility of urban infrastructures and means of transport, including taxis, for persons with reduced mobility will be taken into consideration.

- e) Identification, collection and analysis of the voluntary commitments adopted by urban transport operators. For this analysis, the following will be taken into consideration:
- *Customer charters*: the current situation on customer charters (existence of charters, main content, introduction, initiators, (legal) base, compliance with the charter by the operator, passengers' knowledge of the charter).
 - *Service guarantees*: the current situation on service guarantees (existence of guarantees, main content, type of compensation offered, validity, criteria for exclusion, initiators, (legal) base, compliance with the guarantee by the operator, passengers' knowledge of the guarantee, number of claims, misuse, etc.).
 - *Complaints handling*: the current situation on handling complaints (defined quality standards, monitoring of customer satisfaction, regulation).
 - *Tools* available to passengers to obtain enforcement of voluntary commitments.
- f) Assessment of the effectiveness of the quality of service requirements and voluntary commitments.
- g) Assessment of the complementarity or overlap between passenger rights and quality service provisions in voluntary agreements and in public services contracts.

The methodology for WP1 includes:

- a) Desk research on the national legislation applicable to the urban transport services and the legal basis applicable to the national contract for public service in urban transport;
- b) Desk research on the quality requirements introduced in the public service contracts and their characteristics;
- c) Desk research on the voluntary commitments offered by the transport operators, their background and their content;
- d) Desk research on enforcing legal and contractual provisions;
- e) Analysis of studies already carried out on passenger rights in transport and existing literature on the subject;
- f) Analysis of surveys carried out on users by the public authorities to evaluate the quality level of service provided by UPT operators;
- g) Collection of information obtained in activities a),b) and c) above;
- h) Identification of the quality indicators of public service contracts to be used as a benchmark for the assessment;

- i) Consultation with urban transport operators and employee associations: a “questionnaire” to the transport operators was developed as a guideline for data collection to identify the characteristics of voluntary passenger protection agreements and their applications by the operators;
- j) Consultation with the consumer organisations: a “questionnaire” to consumer groups was developed to find out the extent to which passengers and consumer groups are satisfied with the quality service requirements and with the operators’ initiatives and how they can enforce those voluntary commitments. In this context, particular attention, during the consultations was paid to associations for the physically impaired (e.g. the disabled and people with reduced mobility), and the necessities these categories of users require in terms of support by transport operators;
- k) Collection of information obtained from transport operators and from consumer organisations;

Hereinafter we describe the research methodology in detail.

a) Desk research

Literature review

A literary survey of multiple sources (European organisations, national authorities, universities) was carried out to examine to what extent European transport operators already offer voluntary agreements and compensation to their passengers e.g. for delays and missed connections, and to examine all the essential aspects of contractual provisions with a clear identification of objectives in relation to sharing risks and allocating responsibilities between the parties as well their impact on the public transport system, with the object to improve knowledge and help different parties negotiate different contracts for a quality public transport system.

The literature, in particular some European Studies, was used to identify other experiences in benchmarking, relevant standards and guidelines.

European rules

The framework of reference to identify the rules protecting passenger rights are the initiatives already taken at the European level in other transport fields, such as rail transport, air transport, maritime transport and bus and coach transport, with particular regard to those provisions of the regulations applicable to urban public transport. This analysis has permitted us to collect information on existing passenger protection initiatives and their implementation in the European Union.

National rules

One of the core topics of the Study is to identify all measures adopted at the national level on passenger rights in the 27 EU Member States. The information regarding national and regional rules in the United States and South Africa will help us understand how the issues are treated in countries outside the European Union.

The information on the national legislation was collected using desk research carried out by our sub-contractors in their national languages and translated into English. Where the information is not publicly available, as could be the case with public service contracts, the information was requested directly from the competent authorities.

In the majority of EU Member States, urban public transport is regulated at regional or local levels according to the allocation of powers at the national level. Regarding quality charters and voluntary agreements, we selected a

number of cities, in addition to those included in the City Reports, where we analysed the presence of voluntary agreements, due to the impossibility of studying the situation in all cities and provinces of the European Union.

Public service contracts

The Study examines the contents of the agreements or contracts between management authorities and the UPT operators. The main European legislation of reference is Regulation (EC) No 1370/2007 that redesigned the conditions for contracts between authorities and operators in the transport sector. To guarantee the application of the principles of transparency, equal treatment of competing operators and proportionality, the Regulation provides that public service contracts between the competent authority and the chosen public service operator define the nature of the public service obligations and the agreed reward when compensation or exclusive rights are granted.

The form or designation of the contract may vary according to the legal system of the Member States; however, we refer, in general, to these contracts as PSC or service contracts. PSCs contain incentives and rewards for the UPT operators who comply with certain quality criteria of service, notably, punctuality, reliability, information, cleanliness and accessibility. The quality criteria are not passenger rights in their strict sense, since they cannot be enforced directly by passengers. However, passengers are in the position of influencing the results of the surveys carried out periodically by the managing authorities in light of the application of the bonus-malus arrangement or reward agreement. We consider these criteria as “indirect passenger rights” enforced by the public authority.

b) Benchmarking

The identification of quality indicator benchmarks contained in public service contracts, quality charters and in voluntary agreements is essential to properly proceed with collecting data, examining their comparability, and evaluating them.

To identify the benchmarks, we examined previous studies on passenger rights in public transport, trying to identify the contents of the term “rights of passengers”. In fact, there are many characteristics that need to be measured for understanding the actual quality of the public transport system and protecting passenger rights³³.

The list of quality indicators was particularly important to process the questionnaires for transport operator, employee and user associations, to facilitate describing the contents of the quality charters and the voluntary agreements as well as their evaluation³⁴.

³³ Nexus Institute, *Evaluation and monitoring of trends with regard to passenger needs and the level of service and treatment of passengers*. The Study was a useful tool in elaborating the methodology, since it deals with passenger rights for different modes of transport and the quality charters adopted by the transport operators. The focus of the methodology of this Study is to identify “what are passenger needs” and “what happens to the passenger if the service does not work as planned”. The Study reviewed handling complaints, charters and service guarantees. To assess the charters, the Study introduced a list of indicators: access (network density, timetable, accessibility of station/vehicles); punctuality; general travel information; current service information; security; fares and ticketing; cleanliness; comfort; staff (friendliness, helpfulness, availability); customer care and complaints handling; luggage handling and other issues. To assess the contents of service guarantees, these indicators were introduced: accessibility; punctuality; safe connections; reliability of information; security; fares; cleanliness; comfort; reservation not honoured; customer service and other issues.

³⁴ Regulation (EC) No 137/2007 on rail passenger rights and obligations. The Regulation, which is applicable to rail transport, contains, in its Annex III, a list of minimum service quality standards, which are: Information and tickets; Punctuality of services, and general principles to cope with disruptions to services; Cancellations of services; Cleanliness of rolling stock and station facilities (air quality in carriages, hygiene of sanitary facilities, etc.); Customer satisfaction surveys; Complaint handling, refunds and compensation for non-compliance with service quality standards; Assistance provided to disabled persons and persons with reduced mobility.

2005 Eurobarometer on passenger rights The Eurobarometer was carried out in 2005 together by DG SANCO and DG TREN with the scope of measuring the level of awareness of passenger rights in Europe. The survey contains a section on urban transport services. The indicators used in the questionnaire to identify the level of satisfaction of the users were: routes; frequency; speed; punctuality; comfort; staff conduct; information on delays and unforeseen circumstances; price; service hours and security.

The Consumer Market Scoreboard 2011 The results on the scoreboard were obtained through the Market Performance Indicator (MPI), which is a composite index based on the results of survey questions on the four key aspects of consumer experience:

- 1) comparability - the ease of comparing goods or services;
- 2) trust - consumers' trust in retailers / suppliers to comply with consumer protection rules;

We looked for a common denominator in all the indicators examined which covers all issues arising in urban public transport to create a list of indicators useful for the Study.

We used the chosen indicators for our questionnaires:

- **Information and tickets:** refers to the possibility, for passengers, to access a complete, comprehensive, and real-time information system on their journey, including interconnections, with the ease of obtaining tickets for the trip. It also includes consumer awareness of their rights (e.g. are customer charters/service guarantees advertised to the public?);
- **Punctuality of services:** refers to arrival and departure times. According to a previous benchmark study in public transport, a departure will generally be considered on time if the delay (or early departure) does not exceed 20 per cent of the scheduled interval with the next (or previous) departure³⁵. Some operators assess the punctuality of metro trains based on the user's standard of punctuality: if the user arrives more than 5 minutes late at the destination metro station. In other cases, punctuality is assessed based on the standard of comparing the theoretical and real interval between two vehicles within a margin of 2 minutes³⁶;
- **Interconnections:** refers to the possibility to use multiple modes of transport to complete the journey, possibly with one ticket;
- **Cleanliness of means of transport and station facilities:** refers to the level of cleanliness of the rolling stocks and waiting areas;
- **Customer satisfaction:** refers to the level of consumer satisfaction with the service provided and whether or not the companies carry out customer satisfaction surveys (via phone, mail or internet or in handwritten form) and use them to improve their performance.
- **Complaint handling and redress:** refers to the procedures adopted by operators to handle complaints submitted by passengers, including response times and defined deadlines; the information and channels made available to submit complaints; the use of complaint data by operators (are complaints monitored/used for service improvement/made publicly available), customer satisfaction with complaint handling and the availability of alternative dispute resolution schemes;
- **Unexpected events:** refers to information and compensation to passengers due to cancellation of service, and the alternatives put in place by the operator to respond to unexpected events, including rerouting;
- **Accessibility:** covers issues such as service frequency, density of the network, ease of access to stops/vehicles, including by disabled persons or PRMs. It also includes **Assistance to disabled persons and PRM's:** provision of any form of assistance (trained staff or mechanical equipment) adopted by operators to permit disabled persons or PRMs access to urban public transport modes;
- **Safety/Security:** refers to the systems adopted by the operators to ensure the safety of passengers and of their belongings on the transport modes and surrounding areas;
- **Price:** refers to the price of tickets and possible discounts;

3) problems - the experience of problems and the degree to which they lead to complaints;

4) overall satisfaction - consumer satisfaction (the extent to which the market lives up to what consumers expect).

The four components of the index are equally weighed. The MPI ranks 51 consumer markets at EU level according to consumer assessments. It provides a "signal" of how consumers perceive markets rather than being a full assessment of the actual functioning of markets.

³⁵ TTR -Urban Transport Benchmarking Initiative, Annex A6.1 Public Transport Organisation and Policy Data Collection Handbook, July 2004, p. 4.

³⁶ See Paris City Report, Annex 2.

- **Liability for persons and luggage:** refers to any form of responsibility (legal or contractual) of the operators for damages to individuals and their belongings whilst travelling on the transport mode and surrounding areas managed by the operators.

We believe that these indicators cover all passenger rights' issues in urban public transport.

The choice of these indicators, which are common to legal framework, public service contracts and quality charters, is justified by the fact that the scope of the Study is to assess the protection of passenger rights under national law, public service contracts and voluntary commitments. Where the latter are not available, the protection of rights is guaranteed by two primary sources, namely the law and the public service contract.

The questionnaires had some open questions directed both at operators but especially at consumer associations to learn their opinions on whether the quality indicators included in the list are considered useful or if some other aspect should be taken into consideration.

The benchmark of quality indicators constitutes an "ideal charter" to compare the existing charters in EU Member States.

c) Questionnaire

Two questionnaires, one for transport operators and employee associations, and another for passenger and consumer associations, were developed as a guideline for data collection to identify voluntary consumer protection agreements and their application by operators. These questionnaires were constructed not only to permit data collection, but also to compare provider and passenger views and to respond to the quantitative and qualitative research criteria.

Some of the questions have a ranking system that requires the respondent to give a mark (or grade) to the service. The ranking system is used principally in the user association's questionnaire to evaluate the measures adopted by operators and to collect the qualitative data on user satisfaction.

d) Stakeholders' workshop

An essential aspect of the methodology was the stakeholder workshop. A meeting with all the stakeholders who contributed to the Study was held on 7 September 2012 after the preparation of the Final Draft Report. At the workshop, the Final Draft Report which was circulated a week before the workshop, was discussed.

e) Assessment methodology

WP1 includes the assessment of existing legal, contractual and voluntary provisions.

The assessment of the data collected will be made on the following elements: the elements that have to be assessed (rules, charters, voluntary agreements), a common assessment framework (criteria, indicators) delivering comparable results and a framework of objectives or targets against which the elements will be measured.

Moreover, the Study provides a legal assessment of the existing rules: this kind of assessment will concern, particularly, the enforcement tools and their ability to provide an effective response to the users if the supplier was unable to provide the service expected or did not meet the required quality level.

❖ *Elements to be assessed*

1. Legal and regulatory provisions.

The first source examined was the national law and regulations on public transports and the common provisions applicable to urban public transport. Since urban public transport is mainly regulated at regional or provincial levels, these provisions are included in the legal framework.

2. Public contract services

An important aspect of the analysis concerned the contractual relationships between the authorities and the operators, since public service contracts are the main tools managing the urban public transport system. The contracts contain the entire discipline of the service including the relationship with the passengers and the protections provided for them. The contracts also include quality indicators to which the service must comply to grant passengers the best service possible.

3. Quality charters and voluntary agreements

Charters are mainly used to inform the public about the operator's quality standards and its objectives for service development. The charters often contain service guarantees that indicate the compensation offered in case of non-adherence to the quality standards and the conditions attached for the guarantees. The voluntary agreements are self-commitments adopted by operators to strengthen the quality of service and are often included in the quality charters.

Service guarantees oblige the operators to offer redress if the standards of service are not met.

An important aspect of the charters is complaint handling which offers the possibility for passengers to enforce their rights.

4. Rights' application

A relevant part of the data collection concerned the tools available to passengers to apply their rights. The questionnaires have various questions on this topic in order to obtain a picture of the instruments offered by urban public transport operators and their operability as well how these instruments are applied and perceived by customers.

❖ *Objectives and targets*

To establish the objectives against which the elements examined were measured, we took as reference the purpose of Action 4 of the Action Plan on Urban Mobility which establishes that *“the Commission will moderate a dialogue with the stakeholders, including organisation representing operators, authorities, employees or users’ group in order to identify EU-wide best practice and conditions for strengthening passenger rights in urban public transport”*.

The objectives of the Study were defined by the European Commission in the Tasks Specifications.

- 1) To provide a comprehensive overview of the legal basis at national level for the application of the passenger rights covering all modes of urban public transport (bus, light rail, tram, metro, train and ships) and taxis in

each of the EU Member States and in the relevant non-EU countries, in order to establish a solid basis for a dialogue involving all the stakeholders.

- 2) To provide an overview of the contractual basis for the application of passenger rights (in particular through public service contracts) and voluntary action taken by transport operators and other competent bodies to strengthen passenger rights, covering all modes of urban public transport and taxis in EU Member States. To provide an overview of existing quality indicators related to the protection of passenger rights, and of reporting mechanisms and complaint procedures.
- 3) Conclusions and recommendations regarding the implementation of voluntary commitments, including quality indicators, complaint procedures and reporting mechanisms, as well as other forms of promoting passenger rights in urban public transport and taxis, including intermodal connections. The possible creation of a permanent platform for the exchange of dialogue to improve the protection of passenger rights.

In order to reach this goal, it was necessary to set up a basic assessment process. This included the identification of the minimum level of protection of passengers (information, rights in case of delay, re-routing-accessibility, price, liability, and claims), the identification of the measures adopted by operators in the charters to address this minimum level of protection, and how these measures are applied and how passengers can obtain the protection to which they are entitled.

To provide the legal assessment, we analysed the real use and application of the instruments adopted and their compliance with the European framework legislation on passenger rights.

The assessment included the evaluation of the articulation, in terms of complementarity or overlaps, between passenger rights and service quality provisions in public service contracts and in voluntary agreements.

f) Conclusions and recommendations

Based on the results of WP1, WP2 provides conclusions and recommendations for the implementation of quality requirements in public service contracts and transport operators' voluntary commitments, as well as other forms of promoting passenger rights in urban public transport and taxis including intermodal connections.

The conclusions and recommendations concern enhancing the use of service quality requirements in public service contracts, protecting the rights of travellers within the EU and of all categories of passengers with special needs, complaint procedures and reporting mechanisms and the creation of a permanent platform to exchange dialogue.

In this context, WP2 illustrates the voluntary self-commitments that have the best results in terms of quality and effectiveness, and their level of appreciation by the users' group.

The voluntary self-commitments and the charters which turned out to be the best in terms of quality and user satisfaction were used to define the minimum content of an ideal charter who all of the public transport operators in the EU would want to adopt.

In this part, the Study analysed and provided:

- a) recent, current and future processes (trends) in this field which may lead to future changes of the situation;

- b) needs for improvements;
- c) possible actions to enhance the use of service quality requirements in public service contracts and voluntary agreements;
- d) possible best practices;
- e) creation of a permanent platform for exchange of dialogue;
- f) possible actions to be taken at the EU level to protect passenger's rights in urban transport;
- g) legal assessment evaluation of each proposed EU initiative;
- h) recommendations;
- i) conclusions;
- j) organisation of the platform workshop in Brussels.

The methodology applied to WP2 consisted primarily in desk analysis of the relevant information acquired in WP1. For WP2, the workshop with the stakeholders represented an important part of the methodology by. During the workshop, the Final Draft report was discussed and the stakeholders presented their observations on the Report. The discussions were taken into consideration in preparing the Final Report.

4 COUNTRY REPORT

4.1. Introduction

Protecting passenger rights in urban public transport is an important issue in Europe for both operators and users. The Country reports analyse the situation in each Member State. Even with some differences, a minimum level of protection exists in all countries due to laws and contracts between the authorities and the operators. Public service contracts contain some prescriptions that may be included in the protection of passenger rights. In particular, procurement procedures used to choose the urban public transport operator, among other criteria, select operators based on the highest quality of service provided.

Prescriptions imposed by laws and by the authorities on the environmental performance of vehicles to be used; prices and welfare support; equipment for persons with reduced mobility could also be included in the notion of passenger rights protection. In fact, all these requirements are directed at ensuring passenger safety and reducing the risks of accidents, while the requirements on prices and tariffs are directed at ensuring accessibility of public transport to all categories of users including the weakest and the poorest.

Some Member States have also imposed quality or service charters on the operator in which rights and service guarantees are clearly indicated. Many countries do not have charters issued by operators, as they consider the quality requirements imposed by the award contract and the legal rules sufficient to ensure the protection of passenger rights.

In all Member States, getting information to passengers and accessibility for the disabled are the most important issues from the passengers' viewpoint. In fact, ensuring that passengers receive correct and timely information in case of delay, accident, strike and construction work, can help avoid inconveniences and enable them to plan alternative routes. Operators are making considerable investments on information updates as well as on making their services more accessible to people with reduced mobility and the disabled. National and local regulations dictate what a percentage of the vehicles used for urban public transport, including taxis, are modified for accessibility for the disabled.

Each Member State was analysed taking into consideration a) the legal basis at the national level for protecting passenger rights in urban public transport and taxis, and the legal requirements at the national level on the accessibility of urban public transport and infrastructure for persons with reduced mobility (Task A); b) the provisions related to the protection of passenger rights and related quality of service requirements defined in public service contracts concluded between competent urban authorities and transport operators in the Member States (Task B).

We prepared each Country Report according to the following division:

1. Introduction of the relevant legislation;
2. Abstract of the national legislation;
3. Abstract of the regional/municipal legislation, where relevant;
4. Abstract of the relevant public service contract;
5. Paragraph on the relevant quality charters (if any);
6. Enforcement (what tools are available to passengers to ensure their rights are protected and what happens to those operators who do not comply with the legal/regulatory provisions?);
7. Taxi legislation.

However, due to the different structures of the Member States, the different models of allocation of competences on urban public transport as well as the legislation in place, the structure of each Chapter may differ.

Chapter 4 contains a short version of the Country Reports. The extended version of the Chapters is found in Annex 2.

4.2 Abstract of Country Reports

4.2.1 AUSTRIA

Introduction

The country report was prepared using desk research and a reply from an UPT operator to the transport operators' questionnaire.

National legislation: provides rules on the protection of passenger rights that are mainly provided by the Motor Vehicles Act which establishes terms and conditions of travel on urban public transport and by the Austrian Federal Act on Local and Regional Public Transport, which includes the quality criteria (accessibility, safety, comfort, information and interoperability) that urban public transport operators have to respect in order to receive public funds.

Regional/Municipal legislation: does not deal with urban public transport issues, except for taxi regulations, single tickets and tariffs within the area of a Lander.

Public service contracts: the public service contract between the competent authority and the urban public transport operator must respect the provisions established by Regulation (EC) No 1371/2007. However, no information about these contracts was publicly available.

Quality charters: we found some examples of quality charters, notably one from the Vienna urban public transport operator. There are no provisions for reimbursements in case of delay or missing connection.

Enforcement: in the case of damages to persons or belongings, it is possible to make a claim before the Court according to civil and tort law. ADR is possible only for urban rail and rapid transit transport that are covered by Regulation (EC) No 1371/2007. In some cities, such as Graz and Vienna, passengers may make a claim before the Ombudsman that only has consultative tasks.

Taxis: transportation of passengers by taxi is regulated by the Austrian Federal Act on Occasional Passenger Services ("*Gelegenheitsverkehrsgesetz*"). The Act contains some provisions on quality standards for taxis and driver conduct, including assistance to people requiring help to board taxis.

4.2.2 BELGIUM

Introduction

The country report was prepared using desk research since we did not receive any reply to the questionnaires.

National legislation: since Belgium is a federal State, the Regions have competence in providing urban public transport. At the national level, the main instrument regulating service is the Law of 21 November 1989 on compensation to victims of transport accidents.

Regional legislation: the Flemish Region and the Wallonia Region adopted regional legislation regulating urban public transport service and creating regional urban public transport companies, DE LIJN and SWRT. The Flemish Decree on basic mobility contains an obligation to provide minimum service while the Wallonia Region Decree on urban public transport is the legal basis for the creation of the SWRT.

Public service contract: the urban public transport is regulated in both regions through PSCs. Both PSCs include obligation for transport operators: to provide minimum service as well as service to isolated or rural areas, to ensure compliance with quality standards of service and of the fleet of vehicles, to pay due attention to customers and perform an annual satisfaction survey. Only the TEC's PSC, which is particularly detailed on the content of the obligations of the operator, includes the passengers' right to receive reimbursement for interruption of service. The companies adopted some initiatives with regard to tickets and information to passengers. Both companies provide free tickets for seniors and children and various types of tickets according to passenger needs. Information is provided via website, at stops, via phone or in offices. Information can be provided also via SMS. The TEC management contract includes a form of bonus-malus arrangement.

Quality Charters: no quality charters were adopted by DE LIJN and TEC. The only quality charter found is who of STIB which is examined in the Brussels City report.

Accessibility: provisions on accessibility are established at the regional level. The issue is included in urban public transport operators' management contracts, and the companies are committed to providing accessibility to all people, with accessible vehicles and additional services on demand.

Enforcement: with regard to private enforcement, passengers can submit a complaint to the companies and, in the case of TEC, passengers are entitled to receive reimbursement only for interruption of service. With regard to damages to individuals or belongings, passengers must start legal proceedings. Quality surveys are compulsory for both companies. While DE LIJN has to carry out surveys at least every two years, TEC is obliged to perform annual ones. While we do not have information on any DE LIJN bonus-malus arrangement, if the results of the survey carried out by TEC do not show improvements in the quality of service, the company risks losing part of its public funding. Moreover, TEC is obliged by management contract to provide a monthly list of interruption of service that occurred during that month. In case of interruption that is not due to *force majeure*, TEC is required to pay a fine to the region.

Taxis: taxi service is also regulated at the regional level. In both regions, the regional authority sets up tariffs, conditions for the exploitation of the licence and number of taxis. We do not have information on special measures towards passengers adopted by the authorities or operators.

4.2.3 BULGARIA

Introduction

The country report was prepared using desk research and one reply to the transport operator questionnaire from an UPT operator.

National legislation: the main national legislation containing passenger rights in urban public transport is the Law on Road Carriage that was provided for buses but also applies to other forms of urban public transport. The national legislation provides standard requirements for those companies providing service, the liabilities of the carrier and the legal enforcement rules. The Insurance Code requires that operators carrying out public passenger transportation take out a mandatory insurance policy. The Law on Road and carriage also sets forth the provisions on the responsibilities of the carrier for injuries or damages suffered by passengers and the right for compensation. National legislation imposes the obligation of mandatory insurance for transport operators.

Regional/Municipal legislation: the municipal ordinance establishes detailed rules on the obligations of transport operators in urban public transport. The most representative example is the Sofia municipal ordinance that contains provisions on the right of passengers to carry luggage, ticket fares, and the responsibility of the carrier for damages and injuries, claims and reimbursement and the handling of complaints. The ordinance provides the possibility for passengers unable to use their annual ticket for more than 10 days in a row due to illness, to receive reimbursement or expiration extensions..

Public service contracts: PSCs providing public service compensation are awarded based on Regulation (EC) No 1370/2007. When there is no compensation for PSCs, the award is based on national rules that impose compliance with quality criteria in providing service. No PSC texts are available.

Quality charters: at present no quality charters have been adopted by the transport operators in Bulgaria.

Accessibility: there is no specific provision on accessibility of public urban transport but some general rules are provided at the national level on accessibility and non-discrimination. The Law on Integration of Disabled People provides that each municipality guarantee accessible public passenger transport by providing vehicles with special equipment for those with disabilities. In addition, permanently disabled persons are entitled to receive financial support for public passenger services. The financial support currently amounts to 15% of the guaranteed minimum income.

Enforcement: for damages or injuries, passengers may file a request for reimbursement with the transport operator or directly with the insurance company. A request for reimbursement does not prevent initiating legal proceedings before the Court. The Executive Agency “Automotive Administration” at the Ministry of Transport is in charge of verifying that transport operators comply with their obligations and of levying fines. Passenger can submit a complaint to the Agency for violation of the provisions. The Commission on Protection from Discrimination intervenes for violations of the non-discrimination provisions.

Taxi: the Law on Road Carriage and Ordinance № 34 of 6 December 1999 also covers passenger transportation by taxi. The legislation establishes mandatory requirements for registration and on vehicle standards to ensure safety, reliability and security of this mode of transportation. All other national provisions on passenger rights protection, especially those for damages and injuries, apply. In Sofia, paratransit service is available with small buses of 10 to 26 seats that serve additional routes supplementing the main urban transport.

4.2.4 CYPRUS

Introduction

The country report was prepared using desk research since we did not receive any reply to the questionnaire.

National legislation: Law 101(1)/2001 contains the rules for urban public transport services in Cyprus.

Regional/municipal legislation: there is no regional or municipal legislation applicable to UPT.

Public service contracts: PSCs are the main instrument regulating the provision of UPT. PSCs must respect the provisions of Regulation (EC) No 1370/2007 including but not limited to the obligation for the operator to provide information on routes, time frames and the frequency of service as well as on the quality of service.

Quality charters: there are some quality charters adopted by UPT transport operators in Cyprus. The O.S.E.L charter, the transport operator of Nicosia, contains provisions on the driver and staff conduct towards passengers, including special attention to those with disabilities and PRMs, the obligation to respect safety standards while driving and embarking and disembarking passengers, and the obligation to respect the scheduled timetable. The charter contains information on the procedure used to submit complaints.

Accessibility: no specific provisions have been introduced on accessibility in UPT.

Enforcement: for damages or injuries, passengers may submit their complaints to the company or initiate legal proceedings before the Court. There are no provisions to protect passenger rights in case of delay, interruption of service or accidents. Public enforcement is exercised by the management authority that, in case of non-compliance of the operator with the requirements and quality standards of the contract, will levy fines. The Council of Road Transport exercises disciplinary jurisdiction over licensed hauliers for infringing the obligations imposed by legislation. We are informed that only one survey was carried out by the Ministry of Communications and Works to test the level of satisfaction of the UPT users and to promote intervention in the sector.

Taxi: taxis are regulated by Law 9/82 that contains provisions on the specifications of vehicles used as taxis and on the allocation of licenses, but no provisions on passenger rights protections.

4.2.5 CZECH REPUBLIC

Introduction

The country report was prepared using desk research and with one reply to the transport operators' questionnaire we received from an urban transport operator.

National legislation: the relevant rules on UPT are established at the national level primarily by acts adopted by the Czech Parliament and further by implementing regulations issued by the Ministry of Transport. These acts and regulations specify the requirements for obtaining a transport operator's licence, as well as the basic rights and obligations in the relationship between the transport operator and the passenger. The content of these rights and obligations is defined mainly by (i) the Rules of Transportation (issued by the Ministry of Transport in the form of a Regulation), (ii) terms and conditions, and (iii) the tariff (both issued by the transport operator).

Regional/Municipal legislation: there is no relevant regional or municipal legislation on protecting passenger rights in UPT.

Public service contracts: UPT in the urban and suburban area of the main Czech cities is organized through integrated transport systems. The rights and obligations of the operators and passengers are set out in the Terms and Conditions of the Integrated Public Transport System that are incorporated in the PSC. The terms and conditions include very detailed provisions on passenger rights such as information, especially in the case of

disruption of service, cleanliness of the vehicles and facilities, accessibility and full service for PRM and the disabled and submission of complaints. However, they do not contain specific rules regarding liability for persons and luggage nor on the right of reimbursement for delays or disruption of service, except for holders of season tickets. If a passenger submits a complaint, the operator shall reply within 30 days.

Quality charters: we are not aware of QCs adopted by UPT operators.

Accessibility: there is no specific law for accessible public transport in the Czech Republic. This issue is part of the public transport acts Nos 266/1994 and 111/1994. These acts determine the amount of seats on the vehicles (in general 2) that must be reserved for people with disabilities.

Enforcement: passengers who have suffered personal injury or damages to their belongings may submit a complaint to the transport operator and/or start legal proceedings before the Court.

Taxis: the basic legislation on taxis is provided at the national level but the municipalities establish the detailed rules on awarding licences, conditions for qualifying for a licence, rules regarding taxi ranks and maximum fees. Taxi operators have to issue terms and conditions containing their obligations toward passengers, tariffs, conditions on transporting luggage; and the conditions regarding transporting animals.

4.2.6 DENMARK

Introduction

The country report was prepared using desk research and the replies from two Danish UPT operators to the transport operators' questionnaire.

National legislation: in Denmark national legislation provides that UPT operators and the authority cooperate to grant passengers an integrated urban transport system. The operator must provide a common timetable with interconnections, a single integrated ticket to allow passengers to change from bus to rail and ferry service and to metro. As a *soft law*, the Danish Ombudsman issued guidelines to operators indicating their obligations towards passengers, which include obligations to provide comprehensive information, to offer passengers alternative transport modes in case of delay or interruption of service, to provide accessible transport modes and stations, and to provide terms and conditions to passengers including how to submit a complaint and request reimbursements.

Regional/Municipal legislation: in Denmark, local traffic is managed by Traffic Companies that cover six regions.

Public service contracts: UPT is operated on the basis of contracts between Traffic Companies and transport operators. Contracts are based on the model introduced by Regulation (EC) No 1370/2007 and always contain quality requirements that the operator must comply with to obtain compensation. If quality criteria are not met, the operator will have its public contribution reduced. Quality criteria include information, punctuality and reliability and service interruption. Incentive contracts were introduced to focus on the quality of service and make it attractive for passengers.

Quality charters: we analysed the service guarantees adopted by the Copenhagen metro operator. The guarantees provide reimbursement of taxi rides for delays of more than 30 minutes. Requests for reimbursements must be handled within 5 days.

Accessibility: accessibility is guaranteed in a very comprehensive way. Buses are low floor and wheelchair accessible. The Law on Traffic Companies imposed that all buses registered after February 2004 must be fully accessible. However, the oldest buses are not fully accessible. The Traffic Companies provide paratransit service with door-to-door service for PRMs and people with disabilities, and service routes with small, low floor vehicles on a designated route and schedule. Drivers must assist people who need help.

Enforcement: passengers may appeal to the Appeal Board for public transportation complaints that are rejected by the transport operator in order to have their rights enforced. Appeal Board decisions, which are binding for the Traffic Company, are published on its website. If the Traffic Company opposes the aforementioned decision, it must do so in writing to the Appeal Board within 30 days from when the decision was sent to the parties. In this case, if requested by the passenger, the Appeal Board may send the case to the Danish Consumer Authority (*Forbrugerstyrelsen*) that may, on behalf of the passenger, commence court proceedings against the traffic company. This system is installed to avoid situations in which the Appeal Board decides in favour of the passenger, that the Traffic Company does not intend to comply with such decision, and where the passenger might lack funds to start court proceedings against the Traffic Company.

Court action is possible for passengers who have suffered injuries or damages. Traffic Companies and the Danish transport authority conduct surveys to verify operator compliance with the criteria in the contracts.

Taxis: the number of licences is regulated at the municipal level. The Taxi Board (*Taxinævnet*), in place for the Capital Region, is required to ensure that there is a satisfactory taxi arrangement primarily with regard to the number of vehicles in circulation, vehicle standards, prices and customer service. Complaints from passengers in the Capital Region may be sent to the Taxi Board if they cannot be resolved with the individual taxi company or if they are particularly complex.

4.2.7 ESTONIA

Introduction

The country report was prepared using only desk research since we did not receive any reply to the questionnaire.

National Legislation: the Law of Obligation Act establishes the general rules on the responsibility of the UPT transport operator. This Law is implemented through regulations that specify the transporters' obligations to ensure the safety of passengers' and their belongings, the punctuality and the quality of services and timely and accurate information on ticket prices, reductions, timetables. Minimum service criteria are included in the regulations.

Regional/Municipal Legislation: the City of Tallinn, the main urban centre of Estonia where two-thirds of Estonia inhabitants live and which manages the UPT in the city, adopted two Development Plans, up to 2020, to improve, modernise the UPT and plan a transport system which best responds to the necessities of the citizens, including those with reduced mobility or disabilities. Article 3 of the Annex to the Development Plan imposes minimum service quality requirements on operators such as working hours, maximum number of passengers in the vehicles and minimum traffic interval.

Public service contracts: no information is available

Quality charters: the UPT operators have adopted no quality charters or service guarantees.

Accessibility: buses, trolleybuses and trams are low floor and the Development Plan in Tallinn has scheduled to replace the entire fleet with accessible vehicles. The Development Plan was drafted in collaboration with the users' associations to take into account the special needs of children, the disabled and the elderly to ensure passengers adequate access to their homes, schools, workplaces, leisure areas, shopping centres, etc.

Enforcement: private enforcement is possible by filing an action before the Court. Transport operators provide no specific rules to handle complaints. In general, it seems that submitting complaints to the company is possible but no information is provided on possible solutions. Only one survey on passenger satisfaction was prepared by the City of Tallinn in order to draft the new Development Plan. No surveys to monitor the transport operators' compliance with obligations was carried out.

Taxis: Regulation of 3 March 2005 imposes requirements on the vehicles used as taxis and on drivers in the administrative district of Tallinn. It also establishes conditions of service and the rights and obligations of passengers and drivers. The Regulation of 6 May 2009 established the Taxi Commission whose main function is to examine transport licence applications and vehicle cards for taxis and to control the conformity of applicants with the acts regulating passenger taxi transportation.

4.2.8 FINLAND

Introduction

The country report was prepared using desk research since we did not receive any reply from the contacted stakeholders.

National legislation: the Public Transport Act, holders of traffic permits or a consortium of traffic permit holders are obliged to define the quality of the traffic services they provide (quality commitment of transport services) and to monitor the fulfilment thereof. Quality indicators include punctuality, accessibility, safety and cleanliness.

The public ferry service is regulated by the Finnish Maritime Act (674/1994), which establishes the responsibilities of the carrier for damages or injuries to passengers or their belongings, personal injuries to passengers due to incidents occurring during the journey, due to an error or neglect by the carrier or someone acting under its responsibility. The Maritime Act also defines the amounts to pay in case of injuries or damages.

The Finnish Railway Transport Act (1119/2000) regulates railway company liability based on a transport agreement. The Act applies to railway transport but not to rail (i.e. metro and tram) transport (Section 1). However, it is applicable to commuter trains. The Act establishes the level of responsibilities of the operator towards passengers, including obligations in case of damages or delays.

Regional/Municipal legislation: UPT is regulated at the national level.

Public service contracts: UPT is managed through public service contracts between the public authority and the operator. We examined the PSC between Helsinki City Transport Public Utility ("HKL") and the VL commuter train operator. The contract, called Operating Contract, covers the period from 2006 to 2017 and contains a bonus-malus arrangement and quality criteria against which the service is evaluated. Periodic monitoring is carried out to assess service and decide on allocating bonuses or compensation reductions.

Quality charters: HSL, the UPT operator in Helsinki, publishes the quality criteria adopted towards passengers on its website. The website also provides information on service guarantees for disruption of service. Passengers may receive compensation for substantial disruption to transport services (delayed for more than 30 minutes) if there is no substituting means of transport, based on a case-specific consideration. The principal type of compensation is a price reduction for the season ticket loaded on the Travel Card equal to the duration of the disruption, e.g. a strike. Taxi costs are compensated only for extenuating circumstances.

Accessibility: a Non-Discrimination Act was enacted in Finland in 2004, and an Ombudsman and advisory board handle victims of discrimination. There is no specific law promoting accessible public transport but portions of other laws do deal with the issue. There are no general national standards for Public Transport, however, documents do exist that specify some guidelines, e.g. stops in urban areas, and the national train company has some standards. In general, cities like Helsinki have a high level of accessibility since new vehicles are low floor with reserved seats for PRMs and wheelchair spaces. Assistance is provided to passengers if needed. Moreover, the regional authorities are responsible for organising special transportation for the severely disabled.

Enforcement: for private enforcement, passengers may always submit complaints to the transport operator for damages or injuries, or start legal proceedings before the Court. With regard to public enforcement, regular surveys are carried out by the public authorities, to verify that operators comply with the quality criteria, which apply the bonus-malus arrangement. The authority issuing traffic permits may cancel the permit under the Public Transport Act for grievous and essential breaches or negligence relating to, *inter alia*, the availability of service, prices and the vehicles used in traffic.

Taxi: the Finnish Taxi Traffic Act applies to professional transport of passengers on road by car. The Act regulates, for example, taxi permits, the operation of taxi traffic and supervision conducted by the authorities, and the quality criteria to apply to the service. Finland's Taxi Association provides instructions on how to submit and deal with complaints. A Taxi Quality Centre, operating under the Taxi Association, coordinates and develops the quality of taxi traffic services throughout the entire country.

4.2.9 FRANCE

Introduction

The country report was prepared using desk research and the replies received from two French users' associations.

National legislation: the French Transport Code contains provisions for organising public transportation, on the obligations of the operators and on passenger rights including their rights to accessibility. General passenger rights established by the Code are the right to move in reasonably accessible conditions, quality, price and cost and the right of the users to receive information on available means of transport and their use. The Transport Code implemented Regulation (EC) No 1371/2007 in the French transport system. For urban rail transport only the provisions of Article 2(3) of the Regulation are applicable. The 2010 reform of the Code also introduced the obligation to provide minimum service.

Regional/Municipal legislation: the local authorities, AOTs, are responsible for planning the UPT, arranging services (routes, timetables, and quality), establishing fares, creating and managing infrastructures and equipment assigned to transport, and choosing and executing contracts with operators.

Public service contracts: most of these contracts are now called “*délégation de service public*” (“DSP”). In most cases, AOTs choose to subcontract those using DSP contracts that generally run for five or six years. The DSP contain quality indicators on which the compliance of the operator is measured with regard to the bonus-malus arrangement.

Quality charters: we found some examples of quality charters among operators such as SNCF and Keolis in Lyon. The quality charters contain obligations towards passengers specifically on security, punctuality, information, mobility and equity. The charters do not contain information on submitting complaints but information may be found on the company websites.

Accessibility: the Transport Code as a pillar of public transport defines the right for every person to take public transportation. The Handicapped Person’s Orientation Act specifies that regulations should be adopted progressively to adapt, plan and manage all public transport services both infrastructure and vehicles. Obligations to provide alternative transport or a form of paratransit are included in the 2005 Act. People with disabilities travel for free while PRMs are entitled to special fares. The French law introduces a special driver license with the status of “*accompagnateur*” which is applicable to public transport services specifically organised for persons with disabilities or reduced mobility and for which the driver has to assist passengers as well as operating the vehicle’s equipment (e.g. the use of elevator, etc.). This is only applicable for vehicles that have no more than 10 seats.

Enforcement: with regard to private enforcement, passenger rights may be enforced by submitting a claim to the transport operator. If the passenger considers that the reply of the operator is unsatisfactory, they may file the complaint with the *Mediateur Publique*. SNCF and RATP have established their own Mediator. For public transport, passengers can adhere to FNAUT that acts on behalf of passengers as the counterpart of the transport operator before the Mediator. Initiating legal proceedings in Court to obtain damages is always possible. With regard to public enforcement, the AOT conducts regular surveys on the transport operator to verify its compliance with the quality criteria. Since a bonus-malus clause is always included in the contract, non-compliance leads to reducing public contributions or imposing fines. Recently, an Authority for Transport Service Quality was created at the national level, which currently handles only air and rail transport but will be extended to also include UPT transport. The SRU Law introduced the *comité de lignes*, composed by representatives of users, SNCF and the communities concerned, to discuss more concretely problems or improvements desired by users of UPT.

Taxis: taxis in France are regulated at the national level concerning admission to the profession, tariffs and the general conduct of the operators. The law places special emphasis on the transporting the disabled and PRMs and the driver’s obligation to assist them.

4.2.10 GERMANY

Introduction

The country report was prepared using desk research and one reply from a German UPT operator to the transport operator questionnaire.

National legislation: the most important piece of legislation governing the law of passenger transportation in Germany is the Passenger Transportation Act that covers trolleybuses, buses, trams, but also includes aerial railways, underground and cable railways but not suburban railways (*S-Bahn*), which is covered by the train

regulation. The Passenger Transportation Act primarily deals with authorisations to operate and sanctions for non-compliance with legal requirements. The Regulation on General Conditions of Carriage establishes the general content of the terms and conditions of carriage that each operator has to adopt after obtaining the regional authority's approval. Responsibilities for non-performance or underperformance of service are established by the German Civil Code. However, responsibilities are tempered by the general terms and conditions of carriage that relieve operators from their liability for damages or disadvantages resulting from delays, service breaks, interruptions or non-performance due to insufficient space on the transport vehicles. Reimbursements for tickets must be provided only if no transport is provided at all.

Regional/municipal legislation: urban public transport is carried out by municipal transport companies under the local authority. Local authorities and municipal transport companies regulate the quantity and the quality of transport. The distribution of the concession among competing companies is organised at the management level by the “*Aufgabenträger*”. These organisations often include the transport networks (“*Verkehrsverbund*”) which regulate coordinating and scheduling the urban public transport service and the comprehensiveness of the ticket system.

Public service contracts: UPT service should be tendered at the operative level by the *Aufgabenträger*. The majority of services are awarded directly to the transport companies which are owned by local authorities and which are members of the “*Verkehrsverbund*” transport networks. There is an obligation to respect Regulation (EC) No 1370/2007 and indicate the quantitative and qualitative criteria of service in the contract.

Quality charters: many traffic associations have issued customer guarantees throughout Germany. However, other service providers refrained from including voluntary guarantees in their framework. Furthermore, while some traffic associations adopted passenger guarantees covering even such outlying events like contamination of clothes, other service providers limited their guarantee to punctuality. In that case, passengers are left to resort to those instruments that national and regional legislation offers them.

Accessibility: in general, requirements for barrier-free UPT transport are determined at the federal level. The institute of design without barriers and mobility developed a guidance document for public transport vehicles that is mainly used in call for tenders. For example, *Hessisches OEPNV Gesetz*, and is a law to regulate the accessibility of public transport in the federal state of Hessen. It includes general guidelines to levels of accessibility. However, the technical specifications are not part of the law, as they are developed by the ‘*Hessisches Strassen- und Verkehrswesen*’. All public transport funding must respect technical requirements.

Enforcement: Civil Liability Act provides passengers with the possibility of initiating legal proceedings before the Court if they have suffered injuries or damages. Otherwise, if passengers are dissatisfied with service, they may file complaints with the mediation body for public transport (*söpschlichtungsstelle öffentlicher Personenverkehre. V.*) which operates nationwide and only for complaints concerning operators that are members of the conciliation body (which is set up in the legal structure of a registered association, according to Sections 21 and subsequent amendments of the German Civil Code). As of January 2012, most of the relevant operators were members of the conciliation body, so that 95 per cent of regional public transport was covered. The German Conciliation Body for Public Transport deals with complaints regarding travel by train, bus, airplane or ship. The opinion of the mediator is not legally binding and the passenger may always seek recourse with the Court. As regard to public enforcement, if operators from the road transport and tram transport sectors do not comply with the relevant provisions, they risk having their operation permit revoked and fines levied.

Taxis: the main legislation is the German Passenger Transportation Act (*Personenbeförderungsgesetz/ PBefG*), the Regulation on the Operation of Motor Carriers in Passenger Transport (*Verordnung über den Betrieb von*

Kraftfabrunternehmen/Personenverkehr/ BOKraft), municipal taxi regulations and taxi fare regulations. The national legislations deal with Sections 46 and 47 of the Passenger Transportation Act, and the municipalities are enabled to determine the modalities for Taxi Services (*Taxiordnung*) such as the conditions of transportation, payment issues, obligations of the drivers and taxi fares within their own territory (*Pflichtfabrgebiet*). The rules made by the municipalities regularly concretise national laws and often exceed national rules. In some cities, such as Frankfurt, local authorities established a “Taxi Support Desk” for customer complaints. Moreover, customers who are not satisfied with services may report to the Trade and Crafts Association of Taxi Service Providers, as well as to the taxi call centres. Customers may also participate in improving the quality of services via internet platforms where individual ratings of taxi companies are visible.

4.2.11 GREECE

Introduction

The country report was prepared using desk research since we did not receive any reply from the contacted stakeholders.

National legislation: the organisation and discipline of UPT are regulated at a national level and specific rules are established for certain regions in Greece. The legislation is very recent and reorganises the UPT. According to Law 3920/2011 on the reform of urban public transport in Attica, Athens Urban Transport Organisation SA ("OASA") is responsible for strategic and business planning, coordination and control of urban public transport in Attica. OASA and the companies within its group are required to implement a system for ensuring the quality of passenger services within three years from the entry into force of Law 3920/2011. Law 2898/2001 established Thessaloniki's Integrated Transport Authority ("SASTH"), which has the authority to decide on the planning, supervision and control of urban transport in the prefecture of Thessaloniki, as well as on measures for improving the level of passenger service and urban transport. Passenger rights in UPT are indicated in the charters that those public undertakings and enterprises, governed by Law 3429/2005, involved in providing services to consumers are required to prepare.

Regional/Municipal legislation: in Greece, there are no local rules on passenger rights in UPT.

Public service contracts: a public service contract was signed between the Greek State and the Organisation of Urban Transportation of Thessaloniki ("OASTH") for the UPT in Thessaloniki. There is no provision in the agreement for the reduction of compensation due to OASTH by the Greek State in the event that its service is underperforming or unsatisfactory to users.

Quality charters: OASA's Charter: establishes the operating hours of the various public transport modes for which it is responsible; outlines the obligations of its employees (drivers, stationmasters, ticket issuers, etc.); establishes the requirement to provide the public with information; levies fines; applies complaint-handling procedure and handles payment of compensation. OASTH's Charter contains an obligation for the operator to keep the public informed on any matter relating to their service, the passengers' right to compensation and dispute resolution. KTEL's Charter sets forth the obligations of service providers, the rights of consumers to claim compensation, employees' responsibilities as well as the penalties applicable in the event of a breach. In addition, the Charter issued by the Ministry of Development, Competitiveness and Maritime, which is applicable to all public undertakings but also includes sections relevant to OASA and OSE, defines the procedure for consumers submitting requests (including complaints) to the organisation, the level of compensation payable for proven misconduct as well as access measures for persons with disabilities. The relevant charters also contain provisions on the responsibilities of the operators towards employees.

Accessibility: the rights of persons with disabilities are protected by the Greek Constitution while the recently ratified UN Convention on the Rights of Persons with Disabilities provides that appropriate measures be taken to ensure that persons with disabilities have access, on an equal basis with others, to transportation (see Law 4074/2012). In major cities, public transport is generally adequate for persons with disabilities. However, some obstacles remain for visually and hearing impaired persons who need to be accompanied. Assistance is provided by personnel, if required, but not on general terms.

Enforcement: passengers who are dissatisfied with the service or consider that the operator is in breach of its duty may submit a complaint to the company requesting compensation. In general, the operators created dispute resolution or settlement committees to amicably resolve disputes and to decide on the compensation as well as any disciplinary action that should be taken against employees who are in breach of their duty.

Taxis: a new law adopted in 2012 regulates taxi activity in Greece, defining the obligations and duties of drivers (Law 4070/2012). By ministerial decision, a Taxi Charter was adopted, as updated in 2010, stating that taxis have an obligation to provide the public with information regarding their service. The Taxi Charter indicates the drivers' obligations, including their conduct towards passengers and, at the same time, imposes certain rules on passengers.

Ferries: ferry services are generally provided by entrepreneurs and privately owned ships. A legislative framework for the protection of users of ferry services was implemented by Law 3709/2008. The purpose of this law is to ensure passengers receive a high level of service, enhancing their rights and their feeling that the Greek State is concerned about their safety and protection while promoting competition. A complaint handling procedure was instituted based on this law by way of ministerial decision.

4.2.12 HUNGARY

Introduction

The country report was prepared using desk research and with the replies of a UPT operator to the urban public transport operators' questionnaire.

National legislation: the main national law on UPT is the Road Transportation Act, which provides a framework for the rights and obligations of road transportation users and the associated state and municipality responsibilities. The Road Transportation Act clearly sets out the main tasks of the state and the municipalities in relation to public transportation. The Act also contains the definitions of passenger rights, such as the right to use road transportation; obligation of the carrier to respect the schedule, right to information; obligation for the carrier to maintain the routes included in the schedule; and the right to accessibility. The Act contains provisions on filing a complaint against the service provider for failure in the service and discounted tickets and/or seasonal ticket rates for students, disabled people and pensioners.

Regional/Municipal legislation: the representative body (*"képviselőtestület"*) carries out the tasks of the municipality, while state tasks are the responsibility of the relevant minister. The tasks of the municipality include ascertaining the public service tasks associated with transportation and selecting the service provider deemed most efficient to perform such public service tasks.

Public service contracts: the Bus Passenger Transportation Act sets forth some guidelines that need to be considered when determining the requirements of the PSCs, among which are: to provide accessibility to the

centre of the respective city in accordance with the needs of the inhabitants; to determine the requirements associated with the service, e.g. frequency, punctuality, and cleanliness of the vehicles; to arrange and guarantee transportation possibilities and the quality thereof for the disabled; and to ensure that staff on the vehicles adhere to certain requirements. The Report analysed some PSCs in several municipalities. Regarding passengers, the Act indicates the quality criteria to include in the PSCs, such as accessibility to the centre of the respective city in accordance with the needs of the inhabitants; requirements associated with the service (frequency, punctuality and cleanliness of the vehicles); transportation arrangements for the disabled; control of the quality of service; and certain requirements for the vehicle staff.

Quality charters: fixed-rail public transport providers must prepare and publish their quality charters on their website. There are no specific requirements for bus-transportation providers to do the same but since many fixed rail operators also provide bus transport, the quality charters apply to this transport mode as well. The quality charters examined must be prepared in accordance with Act No CLXXXIII of 2005 on Rail Transportation specifying the required contents of the quality charter, which are: scope of passenger transport; detailed terms and conditions of participating in public transportation; rules on informing the passengers; use of tickets and other documents necessary for participating in transportation; rights and obligations of the parties; rules on carrying animals and baggage; rules for notifying and handling of passenger complaints; responsibilities of the fixed-rail transportation service provider companies; and other rules.

Accessibility: a national law (Law 26/1998) for accessible public transport in Hungary exists since 1999. The law establishes and enforces equal opportunity for the disabled and declares that this is the responsibility of the State. At present, only new vehicles are fully accessible. New buses are equipped with moving platforms enabling barrier-free getting on and off the vehicles, with extra places for wheelchairs and pushchairs, as well as lower flooring. According to the new Act on Public Transportation Services, the equal accessibility of vehicles, stations and railway stations must be guaranteed by 1 January 2013 at the latest. Reduced fares are provided for students, the elderly and the disabled.

Enforcement: regarding private enforcement, passengers are entitled to submit complaints to the operator and to the transport authority. Some cases provide for reimbursement. In case of damages or injury, actions may be brought before the Court.

Taxi: passenger rights in taxi transport are established at the municipal level and by the taxi company. In general, they regard fares, taxi requirements, and driver conduct.

4.2.13 IRELAND

Introduction

The country report was prepared using desk research since we did not receive any reply to the questionnaires.

National legislation: The 2010 Regulations implemented Regulation (EC) No 1371/2007. However, urban rail transport is exempted from the application of the Regulation except for the mandatory provisions of Article 2(3). Regulations 2010 provide the following obligations for operators: to make it easy for rail passengers to buy tickets; to compensate passengers where the operator is liable for the loss of luggage; to have adequate insurance; to ensure non-discriminatory access for persons with disabilities or reduced mobility on rail transport and in stations; to furnish ticket reservations and ticket purchases with no additional cost to passengers; to provide information on rail service accessibility for the disabled and persons with reduced mobility; to ensure passengers' personal security in railway stations and on trains; and to compensate passengers for death or injury.

Regional/Municipal legislation: there are no regional or municipal rules on passenger rights in UPT.

Public service contracts: the NTA is the designated national authority that awards public service obligation contracts to public transport operators. Dublin Bus, Iarnród Éireann and Bus Éireann provide these services under contract to the NTA. In Ireland, the public service contracts we reviewed in preparing this report appear to largely comply with the relevant provisions of Regulation (EC) No 1370/2007. PSCs provide that performance-related payments be made to operators if they satisfy performance targets or levels prescribed in the contracts. These performance targets include areas such as (a) punctuality, (b) provision of a customer telephone information line, (c) complaint reporting, (d) cleanliness, (e) staff to be well presented, friendly, helpful and courteous at all times and (f) accessibility.

Quality charters: quality charters are widely diffused in Ireland. All UPT operators adopt quality charters. The charters generally contain provisions on issues, such as (a) performance and quality standards, (b) customer information, (c) ticket refunds, (d) compensation payments, and (e) complaint procedures. Reimbursement procedures for customers who do not use tickets purchased in advance are also set out. Transport operators tend however to limit their responsibility on issuing refunds when a delay or interruption to services is caused by a factors outside of their control, such as strikes, inclement weather conditions, security alerts, *force majeure*, etc. In such cases, passengers will not have rights to refunds. The charters also provide for annual or quarterly auditing of their charters to ensure that they are kept up to date. Finally, details regard the procedure for making complaints and the timely responses to same are included.

Accessibility: the 2010 Regulations impose on the operators to ensure the accessibility in vehicles and stations. Some of the operators also have trained staff to assist those who require assistance.

Enforcement: the quality charters of the operators that lay down the procedures and the conditions for reimbursement provide procedures for submitting complaints. Passengers who have suffered injuries or damages may bring legal proceedings before the Court. Charters introduce surveys to assess passenger satisfaction and the compliance with requirements.

Taxis: 2003 Taxi Regulation Act provides a legislative basis for regulating licences, ownership, control and operation of SPSV and their drivers and it empowers the NTA to make regulations. Section 34 also establishes a benchmark on the overall focus of the licensing regime that relates primarily to qualitative standards. Passenger rights relate primarily to the obligation to provide information on tariffs, routes and discounts.

4.2.14 ITALY

Introduction

The country report was prepared using desk research since we did not receive any reply to the questionnaire.

National legislation: the Civil Code and by various Decrees establish basic passenger rights. The Directive of the Presidency of the Council of Ministers of 27 January 1994 sets out the principles to which the concessionaires of public services, including transportation, must comply. These principles include impartiality, continuity, right of choice, participation, efficiency and efficacy, information and relationship with the users, obligation to evaluate the services, reimbursement and complaints.

Regional/Municipal legislation: the Regions, in a conference with unions and consumer associations every three years, carries out the planning of local public transport, included urban public transport. The three-year plans establish the tariffs for services and their monitoring procedures. Regional laws contain the framework of public service contracts to be stipulated to between the municipality and selected transport operators. The public service contract must respect the provisions established by Regulation (EC) No 1370/2007 and contain the minimum quality standards of service, tariffs and the guarantees that operators must provide.

Public service contracts: Legislative Decree 422/97 regulates the contents of the public service contracts at the national level. According to the Decree, contract services must respect the conditions established by Regulation (EC) No 1191/69 (now repealed by Regulation (EC) No 1370/2007) and they must indicate the period of validity of the contract; the characteristics of the services offered and the management programme; the minimum qualitative standards including the age, maintenance, comfort and cleanliness of vehicles and time schedule; the guarantees provided by the transport operator; and sanctions for non-compliance with the provisions of the contract.

Quality charters: according to the public service contracts and to the DPCM of 30 December 1998, operators must adopt a charter containing all essential elements of the services provided, as well as quality indicators and service guarantees. The charters should use UNI 10600 as their reference procedure and must indicate in detail passenger rights and obligations, tariffs and handling of complaints. The Report analyses some charters, including that of Venice that also covers the ferry service. Customers are entitled to reimbursement for travel within the limit of the value of the paid travel receipts in cases where, due to the company's gross negligence, service is suspended without prior notice to users through newspapers or notices at the premises of the main company.

Accessibility: various laws impose that public transport services, in particular tram and metro, have to be accessible to people with disabilities and reduced mobility. The legislation imposes precise requirements on the construction of vehicles destined for UPT. Passengers with disabilities are entitled to reduced fares. Many cities also organise paratransit or fixed routes service for the disabled.

Enforcement: passengers who are injured may submit a complaint to the transport operators. Legal proceedings may be brought before the Court. In case where various passengers suffered damages for the same disruption of the service, Italian law allows a class action. The public authorities, with consumer associations, monitor compliance of the UPT operators with the quality criteria indicated in the PSCs for the application of a bonus-malus arrangement.

Taxis: Italian legislation on protection of taxi passengers is one of the most detailed in Europe. Law No 21/1992 contains the principles on regulating taxi services and renting buses with drivers, but refers to the regional level for the contents of the obligations. The Law contains rules on regional and municipal competences, licensing, car features and tariffs. The taxi companies are obliged to adopt quality charters that mainly deal with information on tariffs, passenger security, certainty and continuity of service, respect for the declared time of arrival in case of reservation, cleanliness of vehicles and submission of complaints.

4.2.15 LATVIA

Introduction

The country report was prepared using desk research and with a phone interview with one UPT operator.

National legislation: Law on Carriage by Road, the Law on Public Transport Services, the Civil Law and other regulatory enactments from the Cabinet of Ministers have established some provision on passenger rights in UPT, including right to be informed, right to have access to the vehicles and stations, right to perform the travel for which the ticket has been sold.

Regional/Municipal Legislation: the Law “On Municipalities” specifies that the municipalities’ independent functions include organising public transport services that requires that each municipality pass binding regulations for public transportation. The Report examined the municipal law of Jekabpils since Riga is examined in the City Report. The City adopted its regulation on the UPT by bus that includes provisions on general matters, baggage, and the administrative liability for non-compliance with this regulation and the resulting levying of penalties.

Public service contracts: PSCs between municipalities and operators concluded according to procurement procedures are not considered unclassified information and, therefore, only some information is available to the public. The draft contract available is that between the municipalities of Riga and Riga SATIKSME, since the draft is included in a council decision published in the official journal of the municipality. The PSC includes a very detailed list of obligations for the operator and rights for the passengers, among those are: security and prevention, cleanliness, punctuality, information, accessibility, comfort (air conditioning, heating and control of the air quality).

Quality charters: we did not find quality charters amongst the transport operators, as quality charters are recognised as statements by transport operators to commit to ensuring certain services and quality.

Accessibility: the general purpose of the Law on Public Transport Services in Latvia is to ensure that public transport services are accessible to people, thus establishing it as the underlying principle. At the local level, the city of Riga adopted two planning documents setting forth several planned developments on making public transport services accessible to people. The city of Riga established rules for PRMs and the disabled to access the UPT, with specific regard to the requirements that the operator’s fleet must have and the organisation of alternative transport modes, such as paratransit, for the disabled. The Planning of Development of Electro-transportation of Riga City for years 2004 to 2018 provides for developing modern low-floor trams as its priority by maintaining and possibly increasing the significance of electric transportation; within a possibly short term, it is necessary to modernise trolleybuses (with low-floors), as well as replacing trolleybuses with trams and buses for particular routes.

Enforcement: passengers are entitled to bring claims against providers of public transportation services if their rights are violated and for which the respective provider is liable. The Law on Carriage by Road contains the legal remedies available to passengers to protect their rights including reimbursement of tickets and compensation for damages, injuries and losses. Passengers may also file claims with the Consumer Rights Protection Centre if a violation of consumer rights occurred. Administrative and criminal responsibility is introduced against the carrier for violation of security requirements. Accordingly, Riga Municipality SIA “RĪGAS SATIKSME” periodically organises surveys measuring passenger satisfaction with public transport in general and on passenger satisfaction with certain factors of the public transportation services provided. However, no survey monitoring the compliance of carriers with any particular quality criteria was carried out. In addition, no survey on private or public enforcement actions was carried out due to the large number of carriers, state institutions and private persons involved. Furthermore, there is no general database available to search for such enforcement cases.

Taxis: municipal regulations provide rules for taxi licences. Regulation No 468 (valid since 3 July 2012) on Carriage of Passengers by Taxis defines the procedure on how passengers may use taxis, the terms and conditions for using taxis, and the payment procedure.

4.2.16 LITHUANIA

Introduction

The country report was prepared using desk research since we did not receive any reply to the questionnaire.

National legislation: the Civil Code, which defines public transport services and the general rules regulating public transport contracts, and the Transport Code, which established the obligation for carriers to transport people and goods, the obligation to carry out the service and the obligation to reimburse tickets, establish the basic rules on the use of public transport by passengers in Lithuania.

According to the Article 20 of the Transport Code, passengers have the right to: (1) sit on the seat indicated on their ticket; (2) sit on the seat in the manner prescribed by the Rules of Carriage of Passengers and their Luggage, and to carry-on luggage of a specified weight and size free of charge; (3) carry free of charge two children who are 7 years of age or younger, if they do not occupy a separate seat on the buses and trolleybuses providing local (urban and suburban) services, as well as buses carrying passengers along long-distance routes; (4) be carried by the same carrier or, by agreement, by another vehicle with the same ticket and to the same point of destination, if the vehicle specified on the ticket cannot be driven for any reason, without having to pay a surcharge for a more comfortable vehicle, but receiving payment for the difference in the ticket price if the vehicle is replaced by a less comfortable one than that specified on the passenger ticket and, in case of failure by the carrier to provide another vehicle, receive payment of an appropriate compensation in the manner prescribed by the Rules of Carriage of Passengers and their Luggage; (5) terminate before the start of the journey the contract of carriage, return the ticket and receive reimbursement for the amount paid in the manner prescribed by the Rules of Carriage of Passengers.

The Rules of Carriage of Passengers and their Luggage by Road Transport establishes the right of passengers to return tickets and recover the price thereof before departure of a vehicle, in the following cases: (1) if the journey is cancelled or if the departure of the transport vehicle is delayed for more than 15 minutes; (2) if the passenger does not get the seat indicated in the ticket, or another seat. The Rules on Carriage of Passengers does not describe the procedure for remuneration of the price paid for the ticket in the abovementioned cases.

Regional/Municipal legislation: quality requirements for the public transport services are mostly established by municipal legislation. The examined local rules in general contain the obligation and/or right of security for people and belongings, respect of the scheduled routes and timetable, obligation of reimbursement in case the run is cancelled or late.

Public service contracts: the report analyses the PSCs of Vilnius, Kaunas, and Klaipėda. All except Vilnius contain quality requirements. The main quality criteria found regards punctuality, cleanliness and comfort of the vehicle, information, customer service and complaint handling. Surveys are planned in Kaunas every year to evaluate the level of satisfaction of users and to apply fines for underperforming operators.

Quality charters: there are no quality charters adopted by UPT operators in Lithuania.

Accessibility: the national legislation requires that public transport operators comply with the accessibility criteria, but it seems that only new vehicles comply with these requirements. The Law on the Principles of the Activities of Transport establishes that public transportation property (e.g. stops, terminal stations) must be consequently adapted for the practical and safe use of disabled passengers. The requirements of public property are established in the legal act STR 2.03.01:2001 adopted by the Ministry of Environment of the Republic of Lithuania (24 June 2001, No 317). The legal act establishes that municipal public transport property must be designed to allow disabled passenger to use these services without assistance

Enforcement: regarding private enforcement, some PSCs, like in Kaunas, include the handling of complaints amongst the quality criteria. However, no information is provided on the number of complaints. Passengers who suffer injuries or damages may bring legal proceedings before the Court. Regarding public enforcement, public entities are present in cities to ensure that the rules of the municipality and PSCs are enforced on the operators. The PSCs of Kaunas contain the obligation for operators to carry out annual surveys on passenger satisfaction. Fines may apply for underperformance.

Taxis: the legislation on taxis does not provide specific rights for passengers. The Act of Passenger Road Transport Format 2003 provides the obligation to have a licence, indication of the plate number, customer service number, and the obligation to provide information on tariffs.

4.2.17 LUXEMBOURG

Introduction

The country report was prepared using desk research since we did not receive any reply to the questionnaire from the contacted stakeholders.

National Legislation: the Report covers urban public transport by road and by train in Luxembourg, which includes buses, taxis and trains but excludes metros and tramways, which do not exist in Luxembourg. A tramway in Luxembourg City is currently under construction, and the organisation of urban public transport will probably be modified in the future due to this development. In Luxembourg, UPT is regulated at the national level. Only buses and trains (local) are present. For the local rail service, only the mandatory provisions of Article 2(3) of Regulation (EC) No 1371/2007 are applicable. For bus transportation, Public Transport Law of 2004 and Grand-Ducal Regulation of 12 June 2007 establish the tariffs, right of information, obligations and rights for passengers. These laws are currently under review that may result in some changes.

Regional/Municipal legislation: there are no rules at a local level in Luxembourg.

Public service contracts: PSCs with the three operators are considered confidential and are not available to the public. However, they must respect the principle established by Regulation (EC) No 1370/2007 and contain, with regard to passengers, at least the following indicators: the operators' compensation standards and performance criteria; the operational conditions of service; a set of control measures to ensure proper performance of service. The monitoring survey of 2011 showed full compliance with these requirements.

Quality charter: bus and taxi quality charters are not available. Only information related to the CFL train operator quality charter is available and includes five criteria: punctuality, information, comfort, cleanliness, upgrading.

Accessibility: laws on accessibility exist and the Ministry of Transport and operators are required to verify that stations, bus stops, and vehicles are accessible. Special transportation is arranged for people with disabilities by the CdT and reduced tariffs are provided. Special software was installed on trains to assist PRMs while boarding, during transhipments, and throughout their journey. Luxembourg also set up an action plan to implement the ONU Convention on the rights of the disabled by considering the following issues: access to public transport and its infrastructures, and availability of information for every passenger.

Enforcement: there are no specific out-of court procedures. If a passenger intends to submit a complaint, the CdT is the competent entity to handle complaints. The operators are not liable for missed buses or trains, delays, cancellations, and insufficient space. In case of injury or damages, compensation is provided but passengers must first start legal proceedings before the Court. For claims amounting to EUR 10,000 or less, the “*Justice de Paix*” is the competent court, while claims exceeding EUR 10,000 must be referred to the “*Tribunal d’Arrondissement*”. In addition, general rules on civil liability apply (Articles 1382 and 1384 of the Luxembourg Civil Code) for injuries to passengers that may have been caused outside a journey and for which these specific provisions do not apply. These actions can be initiated within a 30-year period.

Administrative and criminal sanctions are possible for grievous infringements of the law by the transport company specifically with regard to safety requirements. The Ministry of Transport recently carried out surveys for information purposes. Luxembourg law does not provide any specific procedure for passengers’ out-of-court claims. In practice, the CdT is, however, the competent body to process public bus and train transport passengers’ claims via its Mobility Headquarters.

Taxis: various legislative acts regulate taxi service in detail. The terms and conditions of taxi companies regulate taxi transportation. Taxis are required to drive passengers to their destination using the shortest route, unless otherwise instructed by passengers; to supply delivery receipts, to ensure the regular and normal functioning of the metre for the entire duration of the journey, and not to charge fees higher than those indicated on the meter. Complaints may be lodged with the taxi companies. Regarding taxi passengers at Luxembourg Airport, complaints maybe filed at the Airport’s Information Desk. For other taxi services, out-of-court claims maybe lodged with the relevant taxi companies.

4.2.18 MALTA

Introduction

The country report was prepared using desk research and with one reply received from an UPT operator to the transport operator questionnaire.

National legislation: the Passenger Transport Service Regulations regulates the road passenger transport and defines the responsibilities of the carrier towards passengers. The quality charters are generally contained in the Conditions of Carriage that are made available by the operator, in particular with regard to bus transport and transport by ferry.

There is one public transport network made up of 508 buses servicing the island of Malta and another network of buses servicing Gozo. The buses in Malta operate the scheduled bus service whilst the Gozo operators carry out both private and public transport services. There is ferry service between the islands.

The Malta Passenger Transport Service Regulations include the duties of the driver of a motor route bus, including safety and security, respect of the timetables and the routes and bus stops. National legislation, due to

the particular configuration of the island, is the only one applicable. The price of tickets for bus transport varies depending on whether the passenger is a Maltese resident, or not. Prices are also reduced for the elderly, children and students.

Regional/Municipal legislation: there are no regional/municipal rules in Malta.

Public service contracts: we do not have any information on PSCs between Arriva, the main bus company in Malta and Gozo, and the public authority.

Quality charters: Arriva Malta and Gozo Channel, which operate the ferry service between Gozo and Malta, do not have quality charters. However, the Condition of Carriage of Arriva contains “customer promises”. These promises regard the quality of the service but they are not enforceable by passengers. Other elements in the conditions of carriage are the accessibility, cancellation of service, complaints handling. No refunds are provided. Gozo Channel conditions of carriage exclude any liability of the company for damages or injury suffered by passengers.

Accessibility: the Act of Equal opportunities enacted in 2000 is applicable also to UPT and contains some provisions and requirements that must be adopted on buses. There are specifications for the procurement of new buses that include the provision for motor impaired access. All new buses bought are to be low floor with folding seats in the area reserved for wheelchairs. Special considerations include adequate access for persons with wheelchairs (1996). Low floor buses purchased after 2000 are to be fitted with at least one type of boarding aid (manually or automatically operated) such as a ramp or a lift. Arriva includes accessibility for all passengers in their term and conditions of carriage, providing prior information to passengers in case the vehicles are not accessible.

Enforcement: with regard to private enforcement, passengers who suffer damage for breach of contract or of the duty of care to be exercised by the operator may claim compensation of their losses within the terms of the provisions of the Maltese Civil Code. No other alternative dispute resolution exists. As for public enforcement, Transport Malta assesses compliance with contractual obligations and may impose financial penalties. The contract between Malta transport and Arriva provides for the company to undertake a survey every six months. Since Arriva operates from 2011, only one survey was carried out and the level of satisfaction of the users was 71 per cent in Malta and 98 per cent in Gozo. Transport Malta regularly inspects the service standards that the company is expected to deliver across a diverse range of functions. If the authority considers that the company did not meet specific contractual obligations, it has the legal right to impose a financial penalty for non-compliance.

Taxis: the Taxi Service Regulations(S.L. 499.59) discipline the transport by taxi, laying down the technical requirements the taxi must have, the performance of the service, the security and safety of passengers, the accessibility and the fines imposed on the taxi driver for violations of the legal requirements. Moreover, taxi drivers who drive wheelchair accessible taxis must give priority for hire to people with wheelchairs

4.2.19 THE NETHERLANDS

Introduction

The country report was prepared using desk research since we did not receive any reply to the questionnaire from the contacted stakeholders.

National legislation: the transport of passengers in the Netherlands is widely regulated at the national level. The basic rules for the protection of passenger rights are established in Title 5, Section 2 of Book 8 DCC, which sets out the basic duties and arranges the liability of the carrier under civil law towards travellers for death or personal injury and for damage due to loss or damage to hand baggage. Article 8:108 BW provides that – except in cases of wilful misconduct or personal reckless conduct - the carrier is not liable for damages because of delay or other disruptions of the schedule. Liability due to delay was excluded in public transport. If the carrier is liable under Title 2, Section 5 DCC, its liability is in principle limited by an amount or the amounts determined by or pursuant to an administrative decree.

Regional/Municipal legislation: there is no regional/or municipal legislation providing protection of passenger rights in UPT.

Public service contracts: the Wp 2000 and the Bp 2000 set out minimum quality standards for public service contracts and authorise local governments to implement requirements that are more specific. PSCs between carriers and authorities are not available. The terms of reference of quality charters depend on the type of transport and the level of detail can differ for each region. The concession contract thus needs to contain information on some basic passenger rights and service levels. The public service contract must respect the provisions established by applicable regulations and must contain minimum quality standards of service, the tariffs and the guarantees that must be provided by carriers. Article 32, Paragraph 1, points a) to k) of the Wp 2000 outlines specific aspects, which need to be included in the concession contract. These are: on what and from which consumer organisations the concession holder seeks advice; the subjects on which the concession holder needs to inform these organisations; providing information on compliance monitoring to the authority granting the concession; tariffs, ticket designs, carriage conditions and the publication thereof; financial accounts of implementing the concession; timetable amendments, publication, entry into force and period of validity; public transport accessibility requirements for the disabled; safeguarding traveller and personnel safety; punctuality; guarantee of percentage of seat availability; and service level provided to travellers in stations as well as on trains.

Quality charters: adopting a quality charter is compulsory for the carrier and is an essential part of the contract service. The contract states that selected regions are obligated to consult consumer organisations to guarantee the interests of passengers. Bus carriers have adopted service guarantees that provide reimbursements for delay or cancellation.

Accessibility: legislation on accessibility in UPT came into force in 2010. In general, accessibility is a quality criteria included in PSCs and breach thereof may cause fines being levied on the carrier. Furthermore, the law on Equal Treatment of People with Disabilities or Chronic Illness gives the disabled the right to submit complaints to the carrier if they are not treated equally. If the complaint is not handled properly, the person filing the complaint is entitled to bring an action before the Committee of Equal Treatment (*‘Commissiegelijkebehandeling’*) or before a Court.

Enforcement: Dutch law provides out-of-court procedures for submitting and handling complaints. Based on the Wp 2000 and the Bp 2000, the Dutch national enforcement body is the *‘Ministerie van Infrastructuur en Milieu’* (Ministry of Infrastructure and Environment). Passengers can file complaints against public transport carriers on the website. The enforcement body only checks the violation of law but cannot order the public transport carrier to award damages.

If the public transport company is registered with the *‘Geschillencommissie Openbaar Vervoer’* (Public Transport Disputes Committee), complaints may also be filed with this committee. This binding opinion is a quick and

inexpensive alternative to court proceedings. The decision is binding for the carrier. According to Article 12 of Wp 2000, the carrier also needs to provide for an independent disputes committee to protect passengers' rights and to provide a cheaper and faster alternative for court proceedings. The authority granting the concession can include a bonus-malus arrangement in the concession for less serious issues or to guarantee quality in the implementation of the concession. In that case, the authority can make a payment when a target is achieved. The authority can also impose a financial malus when certain targets, such as for example punctuality, frequency, neatness of material, are not achieved. Article 32, Paragraph 5 of Wp 2000 forms the basis of malus arrangements; Article 22 of Wp 2000 for granting a bonus.

Taxis: Wp 2000 regulates taxi transportation, imposes requirements and obligations on the carrier that has to provide certain information to passenger including the website of the disclosure office and phone number of the competent body for complaints.

4.2.20 POLAND

Introduction

The country report was prepared using desk research and the reply of one UPT operator to the transport operator questionnaire.

National legislation: the Collective Transport Law that entered into force in March 2011 together with other legal acts (Civil Code, Transport Law) regulates passenger rights and requires collective public transport operators to provide and maintain certain levels of service (quality, convenience and appropriate conduct). However, some provisions, crucial from the point of view of this report, have not yet entered into force (and will not until the end of 2016). According to the Article 14 of the Transport Law, the carrier is obliged to provide passengers with appropriate/suitable (*odpowiedni*) conditions of safety and hygiene together with comfort and proper service. Moreover, the carrier must implement measures to facilitate transportation and the use thereof for passengers, especially those with disabilities.

Regional/Municipal legislation: local legislation implements only a few provisions on the quality of collective public transport and passenger rights. The local legislative bodies issue local acts of law regulating service conditions provided by the collective public transport operator. Regulations covering rules of transport for specific cities do not include specific rules on the quality of service, as these are set out by national legislation and cited in contracts between collective public transport organisers and collective public transport operators (e.g. Ordinance Wroclaw). Rules of Transport (Warsaw, Krakow, Poznan, and Wroclaw) include only some of the regulations covering passengers' rights and quality of service.

Public service contracts: the Collective Transport Law provides for some quality criteria, such as technical solutions, that are necessary to providing high quality service to passengers, including those with physical disabilities and limited physical abilities; quality equipment standards for vehicles; quality standards for service and improvement thereof; procedures for passengers to lodge complaints, as well as having these complaints taken into consideration by the operator (including the procedure of awarding damages). Accordingly, public service contracts set forth those guidelines providing measurable quality standards of service (in particular, punctuality).

Quality charters: there are no quality charters adopted by UPT operators in Poland.

Accessibility: in Poland, there is a general legislation on anti-discrimination. The Collective Transport Law establishes that the service provider provides services to the disabled (e.g. sufficient technical standards and organisation schemes to dedicate a specific number of vehicles for the disabled on each line).

Enforcement: regarding private enforcement, passengers may submit claims directly to the company or initiate legal proceedings before the court. Public enforcement assessments are not known for measuring the quality of the public urban transport provided. However, public transport organisers may pursue civil law claims against collective public transport operators for underperformance or breach of contract.

Taxis: taxi transport in Poland is not part of the collective UPT, so taxis are not subject to the Transport Law. Nevertheless, taxis are subject to the rules set forth by each local government authority, because of territorial reform, and the general driving laws that drivers must respect, e.g. speed limits.

4.2.21 PORTUGAL

Introduction

The country report was prepared using desk research and the replies of four Portuguese UPT operators to the transport operators' questionnaire.

National legislation: Regulation (EC) No 1371/2007 applies to local transport by rail only with regard to the mandatory provisions of Article 2(3), granting the right of non-discrimination to access transportation, right to mobility, right to information in the several phases of the trip, right to renounce the trip for disruption, right to get a new reservation or an alternative route in case of disruption, right to obtain assistance for considerable delay, right to an indemnity under certain circumstances, right to have access to make complaints and the right to have passenger rights respected. In case of damages or injury, Decree-Law ("*Decreto-Lei*") No 270/2003 of 28 October 2003 and its amendments, and Decree-Law ("*Decreto-Lei*") No 58/2008 of 26 March 2008 set forth the obligation of the carrier to compensate passengers for damages.

Regional/Municipal legislation: with regard to Lisbon, railway transportation in the city is regulated by Decree-Law ("*Decreto-Lei*") No 78/2005 that approves the basis of the concession to develop passenger railway transportation in Lisbon. The Portuguese State signed a contract of concession with Fertagus – Travessia do Tejo, Transportes, S.A., which does not contain any specific reference to passenger rights. Furthermore, although Decree-Law ("*Decreto-Lei*") No 192/2008 foresees Statutes for the Metro of Porto, this decree does not contain specific reference to passenger rights.

Public service contracts: no information is available.

Quality charters: in Portugal, quality charters are widely used among the UPT operators. All the main operators publish their quality charters, which include indicators to assess the quality of the service. Carris has an Integrated Management System of Quality, Environment & Safety and Health at Work that is certified in accordance with Norms NP EN ISO 9001, NP EN ISO 14001 and NP 4397/OSHAS 18001, awarded by APCER, the Portuguese Certification Association. Reimbursements for delay or cancellation are provided under certain circumstances.

Accessibility: at the national level, there are general standards for Public Transport, which also include accessibility parameters. Most existing policies guaranteeing mobility for the disabled are municipal or local. Some municipalities offer specific transport services for people with disabilities. The main urban operators,

Carris and SCTP, also offer special services for the disabled. In general, vehicles are low floor with vocal and tactile instructions, ramps for wheelchairs and reserved spaces for PRMs. In case of necessity, staff and drivers provide help, but only the ferry company gives training courses to employees to provide correct assistance to all individuals with special needs.

Enforcement: passengers may submit claims to the competent office of the company. Complaints are handled within 8 to 30 days. Passengers may always bring legal proceedings before the Court to enforce their rights. As for public enforcement, all operators regularly carry out surveys to assess the quality of service.

Taxis: Municipalities are competent in the matter of taxi transport access and organisation. Decree-Law (*“Decreto-Lei”*) No 263/98 provides for the following duties of the driver: compliance with passenger guidelines on itinerary, prevention of smoke in the vehicle, cleanliness of the vehicle and providing receipts for the service provided.

4.2.22 ROMANIA

Introduction

The country report was prepared using desk research and two replies to the UPT operators' questionnaire.

National legislation: Romanian national laws on urban public transport provide the framework for contracts. Law 51/2006 establishes the framework for the tendering process and the procedure for granting public service agreements by the local public authorities. Law 92/2007 that contains general provisions relevant to all public transport services establishes bodies with jurisdiction over public transport services and presents procedures for undertaking and awarding the management of public transport services, without going into too much detail.

Regional/Municipal legislation: there are no relevant rules on protecting passenger rights in regional and municipal legislation.

Public service contracts: PSCs are the main source of specific regulations in urban public transport. Framework Statute and Framework Tender Book approved through Order 972/2007 provide that operators ensure a high degree of quality within public transport services, such as: guaranteeing quality of service; displaying specific information inside and outside buses, in stations, at stops; guaranteeing interoperability; complying with severe rules on cleanliness and accessibility; providing reserved seats for PRMs, comfort and safety. Complaint handling is included in the PSCs but no compensation is provided.

Quality charters: quality charters were adopted by the Bucharest metro operator, Metrorex, and by a taxi association. The metro operator charter is directed at increasing customer satisfaction by ensuring increased safety and comfort traffic conditions. The taxi association's passenger charter contains information on communicating with customers, the driver's obligation to provide touristic information when required, respecting the route indicated by the customer and avoiding conflict with clients, drivers and colleagues.

Accessibility: Law 448/2006 on protecting and promoting the rights of the disabled in relation to public transport. Accordingly, the disabled are entitled to have proper means of transport and the municipality must provide and ensure them easy access to the public transport service via specially fit vehicles. Furthermore, those with significant disability levels are entitled to free public transport, the costs of which are supported by the municipality.

Enforcement: with regard to public enforcement, the municipal authority has the right to periodically verify the UPT operators' compliance with the quality criteria included in the PSCs. In case of non-compliance, a fine is imposed and, in some cases, the contract is terminated. Metrorex carries out periodic surveys to assess the level of satisfaction of users and establish corrective/preventive measures. For private enforcement, passengers may submit complaints to the urban public transport operator. In case of no reply or an unsatisfactory reply, passengers may bring legal proceedings before the Court. The Administrative Court is competent.

Taxis: Law 38/2003 qualifies local public transport services with cars operating as taxis and under the car rental arrangement as a public utility service, and provides specific requirements such as the conclusion of a public service agreement with the relevant local authority based on tendering documentation. Local authorities draft and approve for the local public transport services with cars operating as taxis or under the car rental arrangement, the form and content of the (i) regulation on organising and performing service, (ii) the tender book of the service, and (iii) the public service agreement. Since the taxi service is disciplined through a public agreement, the quality criteria must also be respected in these contracts. Accessibility is very important and assistance to the disabled and PRMs must be provided. In 2009, a survey was carried out at a national level to measure the satisfaction of passengers for taxi service.

4.2.23 SLOVAKIA

Introduction

The country report was prepared using desk research since we did not receive any reply to the questionnaires from the contacted stakeholders.

National legislation: in 2012, a new Road Transport Act was introduced. The Act establishes the general requirements for opening and closing road transportation businesses. In addition, the Road Transport Act defines, to the extent specified below: (i) passengers rights, (ii) public transport operators' obligations, and (iii) mandatory information to be included in the charters of service.

Regional/Municipal legislation: there is no relevant regional and municipal legislation on passenger rights.

Public service contracts: organisation and planning of the UPT are included in the PSCs. The Road Transport Act disciplines the content of the public service contract and requires the PTO to adopt quality charters to protect the passenger rights.

Quality charters: the adoption of quality charters is compulsory for all PTOs and the Road Transport Act provides the content of the charter. Specifically, the charter must regulate the PTO's rights and obligations; the scope of passenger's rights and obligations before, during and after the transport, also in case of failure to provide or delay of transportation; the complaints procedure; travel tariffs; conditions for transporting animals and hand luggage; rules for validating tickets and ticket control. The Quality Charter examined in the City of Kosice includes information, tickets, cancellation and punctuality of services, assistance provided to disabled persons and PRMs, cleanliness of vehicles and station facilities, complaint handling, refunds and compensation.

Accessibility: Law No 168/96Z.z. (on road transport) states that the tendering/contracting authority of public transport services should develop a strategy for PT-services with respect to the needs of the disabled, and Law No 164/96 (on railways) deals with requirements for public spaces (e.g. barrier-free access to platforms, stops, buildings), but there are no specifications for vehicles. The PTO is required to provide places for PRMs and for wheelchairs and assistance to passengers if required.

Enforcement: with regard to private enforcement, passengers may submit complaints to the company within six months from the event, but no time for the reply is set. In general, for damages or personal injury, passengers may initiate legal proceedings before the Court. With regard to public enforcement, the Road Transport Act does not provide any obligation for the contractor to carry out a survey to monitor compliance with the provisions on the PSCs. The PTO of Kosice has planned to introduce surveys in the next years.

Taxis: the legal framework for taxi service is given in the Road Transport Act and the Road Transport Decree. Taxi service is defined as an operation of personal transport by vehicles with maximum capacity of nine persons (driver included). Operation of taxi service is allowed only to those who were granted taxi concessions. Taxi operators are obliged to adopt a quality charter to specify the conditions of taxi service and define the rights and obligations of the taxi operator and the passenger. The common provisions of the taxis' charters of service are: taxi operator's rights and obligations; passenger rights; dealing with lost luggage and other personal things; liability for damage caused to the passenger; handling of complaints.

4.2.24 SLOVENIA

Introduction

The country report was prepared using desk research and the information provided by one UPT operator in the answers to the questionnaire.

National legislation: general provisions, which are applicable regardless of the transport mode, are included in the Code of Obligations, which contains provisions on the contract for transport of passengers, i.e. the liability of the transport operator for delays, responsibility for the safety of passengers and their luggage and liability for damage to cargo or injury to passengers. Special rules are provided for different transport modes. With regard to the bus sector, the Road Transport Act provides that all UPT operators adopt the General Terms and Conditions specifying passenger rights, such as those entitled to discounts, the liability of the transport operator for termination or disruption of transport, liability of the transport operator for damage or injury caused to passengers during transport.

Regional/Municipal legislation: there are different acts adopted by the municipalities to regulate UPT. In the city of Ljubljana, the Decree on the Organisation and Management of the Urban Public Line Transport of Passengers introduces some passenger rights, such as the frequency of buses and punctuality of arrivals; information at bus stops (electronic panels notifying the passengers of arrivals, etc.) and on buses, provide alternative transport modes in case of interruption of service.

Public service contracts: the PSCs examined do not contain provisions on passenger rights protection nor bonus-malus arrangements to impose compliance with provisions.

Quality charters: there are no quality charters for UPTs in Slovenia.

Accessibility: there are no national prescriptions that impose accessibility on UPT in Slovenia. However, the municipal regulations such as the Decree of the city of Ljubljana require that UPT operators grant accessibility to all categories of people included PRMs and the disabled. Disabled people and the elderly are entitled to ticket fare reduction.

Enforcement: private enforcement is possible by submitting complaints to the operator. If the passenger is not satisfied with the response, he may lodge a written complaint to the second instance, which is the Municipal Inspectorate. In case of injuries or damages, if the transport operator or the insurance company refuses to pay the requested damages, the passenger must lodge a civil lawsuit pursuant to the general rules on civil liability, included in the Code of Obligations.

Taxis: to operate taxi service requires a permit issued by the municipal authority. The permit defines the territory in which services of transportation may be performed. The municipal decree may set the maximum tariffs applicable. In general, decrees specify the conditions and requirements for transport operators, the method of performance of the transport; and supervision (taxi transportation performance is supervised by the Inspectorate and the Municipal Police authority).

4.2.25 SPAIN

Introduction

The country report was prepared using desk research and with the information provided by one UPT operator who has replied to the transport operators' questionnaire.

National legislation: no provisions exist in Spain on the protection of 'passenger rights' in private law. Only public law, ROTT and LOTT, contain rules on passenger rights, such as the right to participate in planning the legal rules applicable to them and the right to be informed on the features of and changes to the transportation system. The legislation requires the transport authorities to prepare a catalogue of rights and duties of transport users, which will become part of the general conditions of carriage.

Regional/Municipal legislation: regional legislation provides some catalogues or lists of user and/or passenger rights that are considered part of the contract of carriage between the passenger and the transport services provider. Local rules also create duties for the transport services operator, which may result in public sanctions being imposed on the operator by the transport authorities for infringement of those rights. An example is the recent statute on mobility for the Community of Valencia which lists the following rights for UPT passengers: the right to choose the most adequate available mode of transportation; the right to have access to the public transportation system irrespective of the place of domicile; the right to have safe, comfortable and quality mobility alternatives; the right to receive services with adequate quality and safety levels; the right of access to information necessary to choose the most proper transportation mode; the right to file before the mobility authorities, without cost, claims, complaints, suggestions and recommendations regarding the public transportation services; and finally the right to take part in public consultations on mobility.

Public service contracts: the national and local legislation on PSC does not contain specific rules on protecting passenger rights since the law requires the operator to draft a catalogue of passenger rights.

Quality charters: quality charters are, recently, widely diffused among operators. The Report describes the Charter of a UPT operator in Bilbao. Passenger rights included are: reimbursement for the unused credit or issuance of a new equally valued title for prepaid seasonal tickets; alternative transport modes for service interruption or ticket refund if it is impossible to continue the journey; accessibility for PRMs and disabled people; access to the Complaint's Book; free transfer between buses within 45 minutes from when the ticket was initially validated;; reserved seats and spaces within the vehicles for PRMs; and access to information for passengers. Reduced-mobility passengers' seats will also be available for passengers holding children in their arms.

Accessibility: UPT operators have to grant accessibility of UPT to all users. This obligation is included in regional laws and PSC. However, there are no specific rules at the national level on the technical requirements for the vehicles that must be respected. In some cities, there are reduced tariffs or special passes for the disabled.

Enforcement: with regard to private enforcement, passengers may submit complaints in the complaint book of the operator or before Consumer Arbitration Panels. An action filed before the Commercial Court against the operator is also possible. With regard to public enforcement, the authority may impose fines on the operator for non-compliance of the obligation towards passengers.

Taxis: the general LOTT Law (Articles 123-135) cover taxi service, which is subject to a municipal authorisation. According to the provisions, taxi service has some prerogatives (lanes, free access to any area of the city, exclusive parking stops, etc.) and therefore must be regulated to benefit the interests of citizens (easy access to service long opening hours, visible fee, cleaning the car, driving safety, shortest path, set the service charge, respect and deference to the client, etc.).

4.2.26 SWEDEN

Introduction

The country report was prepared using desk research and the reply of one UPT operator to the transport operators' questionnaire.

National legislation: the new Transport Act came into force on 1 January 2012 and introduces changes to modernise Sweden's public transport legislation and adapt it to a new EU regulatory framework. It implements Regulation (EC) No 1371/2007 and there is a proposal to extend the scope of the Transport Act also to ferry transport. However, UPT rail transport is exempted from the application of Regulation (EC) No 1371/2007 except for the mandatory provisions.

The Act (SFS 2006:1116) on passenger information (*Lag om information till passagerare*) (the "Information Act") applies to passenger transportation on buses, trains, trams and subways. According to Article 2 of the Information Act, traffic operators must establish a refund system for passengers who suffer delays or other traffic obstacles.

Regional/Municipal legislation: management of local public transport is assigned to both the current county council and the municipality of the appropriate county. A sole assignment of one of the abovementioned organs may exist as well. A common structure for managing local public transport is that each administrative county establishes a public transport company. These companies later procure public transport services from operators.

Public service contract: the contract between SL AB and MTR lists customer service and satisfaction as parts of the assignment. The main features in the contract between SL AB and MTR concerning passenger rights are regulated in appendices to the main agreement. MTR is responsible for maintain traffic regulations and tariffs as set out by SL AB. The appendices, especially Appendices 2D and 4D are linked to passenger rights and regulate *inter alia* accessibility to infrastructures. We are aware of a bonus-malus arrangement but were not provided with such.

Quality charters: quality charters are well developed in Sweden. We examined the quality charters of Stockholm, Gothenburg and Skane regions. All charters provide reimbursement of journeys due to delays and

cancellations. Reimbursement is provided also by the trains companies, such as Veolia for trains running late or cancellation of service.

Accessibility: in 2000, Sweden introduced an action plan “From Patient to Citizen: A national Action Plan for disability” which provided for all UPT vehicles to be barrier-free by 2010. Sweden introduced many years ago paratransit service and fixed routes services for people with disabilities and PRMs. In the main cities, vehicles are low floor.

Enforcement: passengers may submit complaint to the company. In case of damages or injury, a Court action is always possible. With regard to public enforcement, if the UPT operators do not comply with the Act on information to passengers, sanctions are levied. Surveys are used to monitor compliance of the UPT operators with objectives.

Taxis: mandatory requirements, including taxi license requirements are regulated in the Professional Transport Act (1998:490). Furthermore, price indicators and exposure should be visible on the taxi windows. Taxi transport is not covered by public traffic regulations. We did not find any quality charter adopted by taxi operators.

4.2.27 THE UNITED KINGDOM

Introduction

The country report was prepared using desk research and with the help of the Confederation of Passenger Transport.

National Legislation: under the 1985 Transport Act, the majority of urban bus services (except in London and Northern Ireland) are run under a market initiative system, with a direct commercial relationship between the operator and the passengers. The 2000 Transport Act gives local authorities powers to make Quality Contract and Quality Partnership Schemes, which involve a greater degree of involvement for the public authority in the specification of the services provided, and the fares charged. All operators have a statutory obligation to give free travel to pass-holding older and disabled people. Compensation is paid for this. The 1990 Public Service Vehicles (Conduct of Drivers, Inspectors, Conductors and Passengers) Regulations lay down various provisions on passengers and staff, which are usually complemented with operators’ terms and conditions.

Regulations also lay down the amount of notice that operators must give to change their timetable, or to cease to run a service.

The primary legislation setting out the roles of the national, local and regional authorities for all railways, including urban and suburban systems (other than the London Underground and seven light rail networks) is to be found in the Railways Acts of 1993 and 2005. Passenger rights and responsibilities when travelling by rail in England, Wales and Scotland are set out in the National Rail Conditions of Carriage. Section 1E sets out passenger rights on refunds when a service is cancelled or delayed, and a ticket is not used, and section 1H sets out the right to compensation in the event of a delay. The United Kingdom has announced that it will take all available derogations and exemptions in Regulation (EC) No 1371/2007 and 1177/2010. Arrangements for the implementation of Regulation (EC) No 181/2011 are currently under consultation.

Regional/Municipal legislation: the only region of the United Kingdom where legislation on local transport and passenger rights is established at the local level is Northern Ireland where the Department for Regional

Development is responsible for securing the provision of public transport services with due regard to accessibility, economy, efficiency, safety of operation and sustainability.

Public service contracts: all rail services, but only a minority of bus services, are operated under some form of public service contract. There is extensive public consultation on the form and content of rail franchises. In the case of local bus services, the content is determined by locally accountable bodies.

Quality charters: the United Kingdom has a very long tradition of quality charters offered directly to passengers by operators: In addition, partnerships between authorities and operators generally lay down requirements in areas such as: punctuality, reliability, regularity of services, cleanliness of buses, driver attitude and conduct, and ensuring that last journeys run. It is common for schemes to require that drivers be trained to help PRMs and people with other disabilities following the guidelines published by the public authority.

Codes often provide for regular monitoring, and for the results to be published.

Accessibility: The 1995 Disability Discrimination Act (DDA) and the 2010 Equality Act set the general framework for accessibility legislation.

There is specific legislation for buses and rail vehicles laying down in considerable detail the features that must be incorporated into new buses and trains, and the dates by which buses and trains that do not include these features must be taken out of service.

Enforcement: for the commercial bus network, regulators have powers to punish operators who fail to operate the services and timetables that they have committed themselves to run. They cannot, however, order restitution to passengers. There is an organisation that will mediate between passengers and operators over complaints, but it has no statutory powers at present. For the (minority) part of the network run under public service contracts, there are contractual remedies for poor performance, but it is unusual for the contracts to lay down detailed arrangements for compensating passengers in the case of unsatisfactory delivery of the service.

Rail operators are accountable to a formal regulator and there is, in addition, a body with a statutory role to represent passengers, which includes a mediation role in complaints.

In London, LondonWatch is the statutory body that represents passengers for buses, tubes and railways.

Taxis: the licensed taxi market regulations are generally applied by local licensing authorities who are responsible for licensing taxis in England and Wales under the 1976 Local Government (Miscellaneous Provisions) Act. The application of regulations varies from area to area but falls into three broad categories: quantity regulation (number of licences), quality and safety regulation, fare regulation.

4.3 NON-EU COUNTRIES

4.3.1 SOUTH AFRICA

Introduction

South African cities and towns are increasingly congested as a direct result of the lack of efficient and safe public transport. Taxis, which transport 60 per cent of commuters in the country, are seen to be unsafe and passengers often become the victims of rivalry and internal feuding. Buses on the other hand, exist only in the larger cities

and are often unreliable and in short supply. Railway services are still plagued by delays, crime and safety problems.

The Integrated Rapid Public Transport Networks (IRPTNs) developed during the 2010 World Cup was intended to accelerate improvements in public transport in South Africa. The long-term goal of the strategy is to have 85 per cent of a metropolitan city's population within 1 kilometre of the network, and provide a transport service that is clean, comfortable, reliable, fast, secure, safe and affordable.

However, there is no legislation that deals specifically with commuter/passenger rights. There are different pieces of legislation, regulations and service level agreements that specify that the safety of public transport users is paramount, but only in a few instances is provision made for some sort of Regulatory Authority that deals with commuter rights, for example the South African Rail Commuter Corporation. Much is left to law enforcement and the judicial system. Passengers/commuters are forced to take rights infringements to court, which is costly and fraught with delays.

Detailed information about South Africa may be found in Chapter 2.

National legislation: South Africa has a UPT transport service that is still under development. Recently, some new legislative acts were adopted having as safety and security priority of the passengers. There is no legislation that deals specifically with commuter/passenger rights. There are different pieces of legislation, regulations and service level agreements that specify that the safety of public transport users is paramount, but only in a few instances is provision made for some sort Regulatory Authority that deals with commuter rights, for example the South African Rail Commuter Corporation. Much is left to law enforcement and the judicial system. Passengers/commuters are forced to take rights infringements to court, which is costly and fraught with delays.

Security: a recent case law held that the Minister of Transport and the Minister of Safety and Security had the positive obligation to ensure that reasonable measures are taken to provide for the security of rail commuters whilst they are making use of rail transport services. Consequently, some legislation to improve the level of security in UPT services has been adopted.

Public service contracts: South Africa's transport sector is characterised by limited private sector participation outside of road transport (passenger and freight) and the absence of independent regulators. The rail sub-sectors of public transportation are state-owned monopolies.

Taxis: the informal public transport system in South Africa is dominated by minibus taxis. This is the cheapest form of transport and the daily lifeline of the bulk of the working population. Taxis transport over 60 per cent of South Africans to their destinations every day. In October 2006, the Government started Taxi Recapitalisation Strategy with the purpose of modernising taxi vehicles and improving security since many taxis, especially outside the towns, are old and do not comply with safety standards. However, the process of modernisation is running late.

Accessibility: there is no legislation specifically requiring that public transportation be accessible to the disabled, but South Africa does have legislation dealing with disability, namely the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000. However, the practical situation is still difficult. There have been attempts, by provincial and local governments, to provide accessible transport, most notable in the cities of Cape Town and Durban. Sukuma buses and Dial-A-ride transport caters to people unable to use traditional buses and other forms of public transport and travels within the Metro area. However, for people living outside the towns, using UPT service is still difficult.

4.3.2. THE UNITED STATES OF AMERICA

Introduction

In the United States, the only pieces of national legislation addressing the rights of passengers of interurban transportation are the Americans with Disabilities Act and the Civil Rights Act. Both of these laws address access to public transit. The other rights enjoyed by passengers (and the enforcement of those rights) can vary widely by location. Unlike Europe, public transit systems in the United States are generally operated directly by the government agency and not through a public service contract.

Detailed information about the United States may be found in Annex 2.

National legislation: the only legislation that provides passenger rights in the United States is the ADA, which prohibits discrimination and ensures equal opportunity for access by persons with disabilities. The ADA covers public transportation services (e.g., subways, commuter rails, Amtrak), such as city buses and public rail transit and prohibits discrimination and ensures equal opportunity for access by persons with disabilities. All transit facilities (stations, terminals, and bus stops) constructed after 1992, and any alterations made to such transit facilities, must be readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs. All transit vehicles (light and rapid rail cars and buses) purchased after 1990 must be accessible to individuals with disabilities, including individuals with wheelchairs. Specifically, buses must be fitted with lifts, ramps, or other accessibility features and drivers must be trained to operate such lifts or ramps on demand. For rail vehicles, space for two wheelchairs must be made available within each car.

State/Municipal legislation: in the United States, most regulation of transit systems occurs at the state or municipal level, and the rules, regulations, and policies of various transit systems can vary substantially depending on its location. However, these statutes are generally silent with regard to the level of service expected from the transit provider or how such systems are supposed to protect the rights and interests of passengers.

Public service contracts: urban public transit is handled differently in the United States than in Europe. In Europe, many public transit systems are operated by a company that has been granted, by the state or other government authority, a monopoly to operate a specified service of public transport for a specified period of time for a given subsidy. In contrast, in the United States, public transit systems are generally operated directly by the government authority that owns and controls the infrastructure. Subsidies are frequently provided by the federal and state government, but are generally not tied to service performance of the transit system.

Quality charter: some kind of quality charter was tentatively adopted by UPT operators. The Massachusetts Bay Transportation Authority, which operates light rail, metro, bus, and ferry service in the Boston metro area, has a “Customer Bill of Rights” containing the following commitments: a safe ride every time, courteous, clean, accessible, and dependable service, accurate and timely information, improved communications, transparent performance measures. However, these rights are mere promises and cannot be enforced by the passengers.

Enforcement: the basic enforcement scheme for passenger rights in the United States is a lawsuit in a court with jurisdiction over the transit agency that is alleged to have violated a passenger’s rights. A public transit service that receives federal financial assistance and employs 15 or more persons is required to establish procedures for the prompt and equitable resolution of complaints related to discriminatory action. If the transit agency is part of a city or county government and that city or county government has 50 or more employees, they are required to employ an ADA coordinator designated to oversee ADA compliance. The ADA also allows

individuals with disabilities three opportunities to resolve complaints related to public transit: (i) filing a complaint with the Federal Transit Administration (“FTA”) Office of Civil Rights, (ii) filing a complaint with the Department of Justice (DOJ) for broader issues related to non-discrimination requirements of the ADA for local government entities, or (iii) filing a lawsuit in a court of competent jurisdiction.

Taxis: in the United States, taxis are generally regulated at the municipal level and regulations can vary widely by location. In general, taxi drivers and their vehicles must meet certain minimum requirements for competence, safety, and passenger comfort, and the metered rates and fees charged by taxis are set by the government. Individual taxis are generally not required to be wheelchair accessible. However, recently in Chicago and New York, new rulings imposed to provide that a certain number of the taxis have to be wheelchair accessible.

Passenger rights in Member States Comparative Table

All urban public transport modes except taxis

| | National legislation | Regional/Municipal legislation | Public service contracts | Quality Charters | Accessibility | Enforcement | Taxis |
|----------------|---|---|--|--|--|--|---|
| Austria | Motor Vehicles Act which establishes terms and conditions of travel on UPT. The Austrian Federal Act on Local and Regional Public Transport, which includes the quality criteria (accessibility, safety, comfort, information and interoperability) that urban public transport operators must respect to get public funds. | No relevant regional legislation except for taxi regulation and single tickets and tariffs within the area of a Lander. | No information on the contracts was available to the public. | Some operators, like in Vienna, have adopted quality charters. There are no provisions for reimbursements for delays or missing connections. | Austrian Disabled Equalisation Law of January 2006. 90% of city buses and trams in Austria provide low floors and ramps for barrier-free boarding and alighting for wheelchair users. | In the case of damages to persons or belongings, claims may be filed before the Court under civil and tort law. ADR is possible only for urban rail and rapid transit transport that are covered by Regulation EC No 1371/2007. In some cities, such as Graz and Vienna, passengers may file claims before the Ombudsman that has only consultative tasks. | Transportation of passengers by taxi is regulated by the Austrian Federal Act on Occasional Passenger Services that contains some provisions related to quality standards of taxis and driver conduct, including assisting people boarding taxis. |

Passenger rights in Member States Comparative Table

| All urban public transport modes except taxis | | | | | | | |
|---|--|---|--|---|--|--|---|
| | National legislation | Regional/Municipal legislation | Public service contracts | Quality Charters | Accessibility | Enforcement | Taxis |
| Belgium | Law of 21 November 1989 on compensating victims of transportation accidents. | The Flemish and Wallonia Regions adopted regional legislation regulating urban public transport service and creating regional urban public transport companies, DE LIJN and SWRT. The Flemish Decree on basic mobility contains an obligation for providers on minimum service requirements while the Wallonia Region Decree on urban public transport is the legal basis for the creation of SWRT. | PSCs in both Regions required transport operators to provide minimum service, to provide service also to isolated or rural areas, to ensure compliance with quality standards of service and of the fleet of vehicles, to pay customers due attention and perform an annual satisfaction survey. Only the TEC's PSC includes the right for passengers to receive reimbursement for interruption of service. Companies adopted some initiatives with regard to tickets and information to passengers. The TEC management contract includes a form of bonus-malus arrangement. | No quality charters were adopted by DE LIJN and TEC | The Regions adopted their own decree on anti-discrimination and equal treatment. On DE LIJN, the "accessible line" provides a seat available on the bus (one wheelchair-user for each bus trip); fold-out ramps and low floors; the bus/tram stop is accessible. TEC offers transport on demand; door-to-door service; application of minimum tariffs. | Private enforcement: passengers can submit complaints to companies and in the case of TEC; they are entitled to reimbursement only for interruption of the service. Judicial action for damages to individuals or belongings is necessary. Quality surveys are compulsory for both companies. If the results of the survey carried out by TEC do not show improvements in the quality of service, the company risks losing part of its public funding. | Taxis are regulated at the regional level. In both Regions the regional authority sets up tariffs, conditions for the licence and the number of taxis. No special measures for passengers have been found. |
| Bulgaria | The Law on Road Carriage provides standard requirements for companies providing service, liabilities of the carrier and the legal enforcement rules. It also establishes the provisions on carrier responsibilities for injuries or damages suffered by passengers and the right for compensation. National legislation imposes the obligation of | The municipal ordinance establishes detailed rules on the content of obligations of transport operators in urban public transport. I.e. Sofia municipal ordinance contains provisions on the right of passengers to carry luggage, the ticket fares, the responsibility of the carrier in case of damages and injuries, claims and reimbursement and the | PSCs providing public service compensation are awarded based on Regulation (EC) No 1370/2007. When there is no compensation for PSCs the award is based on national rules that impose compliance with quality criteria in the provision of service. No PSC texts are available. | No quality charters were found. | The Law on Integration of Disabled People provides that each municipality shall guarantee accessible public passenger transport by providing vehicles with equipment for disabled persons. In addition, permanently disabled persons are entitled to financial support for public passenger services. The financial support | For damages or injuries the passenger may file a request for reimbursement to the transport operator or directly to the insurance company. Action before the Court. The Executive Agency "Automotive Administration" is in charge of verifying compliance of the transport operators with | The Law on Road Carriage and Ordinance № 34 of 6 December 1999 also covers passenger transportation by taxi. The legislation establishes mandatory requirements on registration and on vehicle standards to ensure the safety, reliability and security of this mode of transportation. All other national provisions on passenger rights |

Passenger rights in Member States Comparative Table

| All urban public transport modes except taxis | | | | | | | |
|---|--|--------------------------------|--------------------------|------------------|--|---|---|
| | National legislation | Regional/Municipal legislation | Public contracts service | Quality Charters | Accessibility | Enforcement | Taxis |
| | mandatory insurance for transport operators. | handling of complaints. | | | currently corresponds to 15% of the guaranteed minimum income. | their obligations and imposes fines. Passengers may submit complaints to the Agency for violation of the provisions. The Commission on Protection from Discrimination intervenes for violation of the non-discrimination provisions. | protection, especially those for damages and injuries, apply. |

Passenger rights in Member States Comparative Table

| All urban public transport modes except taxis | | | | | | | |
|---|---|--|---|--|---|---|---|
| | National legislation | Regional/Municipal legislation | Public service contracts | Quality Charters | Accessibility | Enforcement | Taxis |
| Cyprus | Law 101(1)/2001 contains the rules on provision of urban public transport services in Cyprus. | There is no regional or municipal legislation applicable to UPT. | PSCs are the main instrument that regulates the provision of UPT. The award of PSCs must respect the provisions of Regulation (EC) No 1370/2007 including the obligation for the operator to provide information on routes, periods, the frequency and the quality of the service. | The charter of O.S.E.L., the transport operator of Nicosia, contains provisions on the conduct of drivers and staff towards passengers, including special attention to people with disabilities and PRMs, the obligation to respect the safety standards while driving and embarking and disembarking passengers and the obligation to respect the scheduled timetable. The charter contains information on procedures to submit complaints. | No specific provisions were introduced on accessibility in UPT. | For damages or injuries passengers may submit their complaints to the company or start an action before the Court. There are no provisions on protecting passenger rights for delays, interruption of service or accidents. Public enforcement shall be exercised by the management authority that, for non-compliance of the operator with the requirements and quality standards of the contract, will impose fines. The Council of Road Transport shall exercise the disciplinary jurisdiction over the licensed hauliers for infringing the obligations imposed by the legislation. | Taxis are regulated by Law 9/82 that contains provisions on the specifications of the vehicles used as taxis and on the allocation of licenses, but not provisions on passenger rights protection. |
| Czech Republic | The content of the rights and obligations in UPT is defined mainly by (i) the Rules of Transportation (issued by the Ministry of Transport in the form of a Regulation); (ii) terms and conditions; and (iii) the tariff (both issued by the transport operator). | There is no relevant regional or municipal legislation on protection of passenger rights in UPT. | The rights and obligations of the operators and passengers are set out in the Terms and Conditions of the Integrated Public Transport System that are incorporated in the PSC. They include very detailed provisions on passenger rights such as information, especially for disruption of service, | No quality charters have been found. | The public transport acts Nos 266/1994 and 111/1994, foresee that a number of seats on the vehicles (in general 2) must be reserved for the disabled. | Passengers who have suffered personal injuries or damages to their belongings may submit a complaint to the transport operator and/or initiate legal proceedings before the Court. | The basic legislation on taxis is provided at national level but the municipalities lay down detailed rules on the award of licences, on the conditions of eligibility for such a licence, and on rules concerning taxi ranks and maximum fees. Taxi operators have to issue terms and conditions including their |

Passenger rights in Member States Comparative Table

| All urban public transport modes except taxis | | | | | | | |
|---|---|--|---|--|--|---|--|
| | National legislation | Regional/Municipal legislation | Public service contracts | Quality Charters | Accessibility | Enforcement | Taxis |
| | | | cleanliness of the vehicles and facilities, accessibility and full service for PRM and disabled people and filing complaints. | | | | obligations toward passengers, tariffs, conditions on luggage and the animal transportation. |
| Denmark | <p>The national legislation provides that UPT operators and the authority cooperate to grant passengers an integrated urban transport system. The operator shall provide a common timetable with interconnections, a single integrated ticket that allows passengers to change from bus to rail and ferry service and to metro.</p> <p>As to the soft law, the Danish Ombudsman issued guidelines addressed to operators indicating obligations towards passengers.</p> | Local traffic is managed by Traffic Companies that cover six regions. | The UPT is operated on contracts between Traffic Companies and transport operators. Contracts are based on the model introduced by Regulation (EC) No 1370/2007 and always contain quality requirements that the operator must comply with to obtain compensation. If quality criteria are not met, the operator will receive less public contribution. | <p>Copenhagen metro operator introduced service guarantees that provide reimbursement of taxi ride for delays of more than 30 minutes. Request for reimbursements must be handled within 5 days.</p> | <p>The Law on Traffic Companies imposes that all buses registered after February 2004 must be fully accessible.</p> <p>Traffic Companies provide paratransit service with door-to-door service for PRMs and the disabled, and service routes with small, low floor vehicles on designated routes and schedules. Drivers must assist those who need help.</p> | <p>As for private enforcement, passengers may appeal to the Appeal Board for travels by public transport when the complaint is rejected by the transport operator. Court action is possible for passengers who have suffered injuries or damages.</p> <p>Surveys are conducted by Traffic Companies and the Danish transport authority to verify operator compliance with the criteria included in the contracts.</p> | The number of licences is regulated at a municipal level. In the Capital Region, a Taxi Board supervises the number and standards of vehicles, tariffs and customer service. |
| Estonia | Law of Obligation Act, which is implemented through regulations, provides transporters' obligations to ensure the safety of passengers and their belongings, punctuality and the quality of services and timely and accurate information on ticket prices, reductions, and timetables. Minimum service criteria are | The City of Tallinn, where two-thirds of Estonia inhabitants live, adopted two Development Plans in force until 2020 to improve and modernise UPT. Article 3 of the Annex to the Development Plan obliges operators to fulfil minimum service quality requirements concerning working hours, maximum | No information is available. | No quality charters or service guarantees were adopted by UPT operators. | The Development Plan in Tallinn scheduled the replacement of the entire fleet with accessible vehicles. The users' associations were involved in drafting the plan with the objective to take into account the special needs of all interested categories. | <p>Private enforcement is possible taking a court action. No specific rules are provided by transport operators on handling complaints. Submitting complaints to the company is possible but no information is provided on possible solutions.</p> <p>Only one survey on the satisfaction of the</p> | <p>The Regulation of 3 March 2005 imposes requirements on vehicles used as taxis and on drivers in the administrative district of Tallinn. It also establishes conditions of service and the rights and obligations of passengers and drivers.</p> <p>The Regulation of 6 May 2009 institutes the Taxi Commission whose main</p> |

Passenger rights in Member States Comparative Table

| All urban public transport modes except taxis | | | | | | | |
|---|---|---|---|---|--|--|--|
| | National legislation | Regional/Municipal legislation | Public service contracts | Quality Charters | Accessibility | Enforcement | Taxis |
| | included in the regulations. | number of passengers in the vehicles and minimum traffic intervals. | | | | <p>passengers was carried out by the City of Tallinn with the purpose of drafting the new Development Plan.</p> <p>No surveys to monitor the compliance of the obligations of the transport operators.</p> | function is to examine transport licence applications and vehicle cards for taxis and to control the conformity of the applicants to the acts regulating passenger transport by taxis. |
| Finland | <p>Under the Public Transport Act, holders of traffic permits or a consortium of traffic permit holders must define the quality of provided traffic services (quality commitment of transport services) and monitor the realization of the quality commitment. Quality indicators include punctuality, accessibility, security, cleanliness.</p> <p>The public ferry service is regulated by the Finnish Maritime Act (674/1994), which establishes the responsibilities of the carrier for damages or injuries to passengers or their belongings.</p> <p>The Finnish Railway Transport Act (1119/2000) regulates railway companies' liability under a transport agreement. The Act is applicable to commuter</p> | The UPT is regulated at national level. | The UPT is managed through PSCs. The PSCs between Helsinki HKL and VL contains a bonus-malus arrangement and quality criteria against which service is evaluated. Periodic monitoring is carried out to assess service and decide the allocation of bonuses or reduction of compensations | In Helsinki, HSL, the UPT operator adopted service guarantees for disruption of service. Passengers may be compensated for substantial disruptions of transport services (delayed for more than 30 minutes) Only in exceptional situations are a reasonable amount of taxi costs compensated. | The Non-Discrimination Act was enacted in 2004, and there is an ombudsman and advisory board for discrimination victims. There is no general national standard for Public Transport, however, there are some guiding documents regulating e.g. stops in urban areas and the national train company has its own standards. Moreover, the regional authorities must organize special transport for severely disabled people. | <p>Passengers may initiate legal proceedings before the Court.</p> <p>Periodic surveys are carried out to check compliance of the operators with the quality criteria and to apply bonus-malus arrangements.</p> | The Finnish Taxi traffic Act regulates taxis permits, operation, and supervision and quality criteria. |

Passenger rights in Member States Comparative Table

| All urban public transport modes except taxis | | | | | | | |
|---|---|--|--|--|---|--|--|
| | National legislation | Regional/Municipal legislation | Public service contracts | Quality Charters | Accessibility | Enforcement | Taxis |
| | trains. The Act establishes the level of responsibilities of the operator towards passengers, including obligation for damages or delays. | | | | | | |
| France | <p>General passenger rights established by the French Transport Code are: the right to move in reasonable conditions of access, quality, price and cost and the right of the users to be informed about the transport means that are available and how they can be used.</p> <p>The 2010 reform of the Code introduced the obligation to provide minimum service.</p> | Local authorities, AOTs, are responsible for planning UPT, for scheduling services (routes, timetables, quality), for determining fares, for creating and managing infrastructures and equipment assigned to transport and for choosing and making contracts with operators. | In most cases, AOTs choose to contract them out by means of “ <i>délégation de service public</i> ” (“DSP”) that generally run for five or six years. The DSP contain quality indicators on which compliance of the operator is measured in the view of the application of bonus-malus arrangements. | Some UPT operators adopted quality charters such as Keolis in Lyon. Quality charters contain the obligation towards passengers in particular security, punctuality, information, mobility and equity. The charters do not contain information on filing complaints but this information may be found on the websites of the companies. | The Handicapped Person’s Orientation Act specifies that regulations should be adopted progressively to adapt, plan and manage all public transport services, both infrastructure and vehicles. Obligations to provide alternative transport or a form of paratransit are included in the 2005 Act. People with disabilities travel for free while PRMs are entitled to special fares. | With regard to private enforcement, passenger rights may be enforced by submitting a claim to the transport operator. If the passenger considers that the reply of the operator is unsatisfactory, they may file the complaint with the <i>Mediateur Publique</i> . For public transport, passengers may adhere to FNAUT, which will act on behalf of the passenger as the counterpart of the transport operator before the Mediator. An action in the Court to obtain damages is always possible. | Taxis in France are regulated at a national level regarding access to the profession, tariffs and general conduct of operators. The Law places a special emphasis on the transport of people with disabilities and PRMs and the obligation of the driver to assist them. |
| | | | | | | With regard to public enforcement, the AOT carry out surveys regularly on the transport operator to verify its compliance with the quality criteria. Since a bonus-malus clause is always included in the contract, non-compliance leads to the reduction of public contributions or to | |

| Passenger rights in Member States Comparative Table | | | | | | | |
|---|----------------------|--------------------------------|--------------------------|------------------|---------------|--------------------------|-------|
| All urban public transport modes except taxis | | | | | | | Taxis |
| | National legislation | Regional/Municipal legislation | Public contracts service | Quality Charters | Accessibility | Enforcement | |
| | | | | | | the imposition of fines. | |

Passenger rights in Member States Comparative Table

| All urban public transport modes except taxis | | | | | | | |
|---|--|---|---|---|--|---|---|
| | National legislation | Regional/Municipal legislation | Public service contracts | Quality Charters | Accessibility | Enforcement | Taxis |
| Germany | <p>Passenger Transportation Act covers trams, trolleybuses, buses. It primarily deals with authorisations to operate and sanctions for non-compliance with the legal requirements.</p> <p>The Regulation on General Conditions of Carriage establishes the general content of the terms and conditions of carriage that each operator has to adopt after obtaining approval of the regional authority. Responsibilities for non-performance or underperformance of service are established by the German Civil code.</p> | <p>Local authorities and municipal transport companies regulate the quantity and the quality of transport. Distribution of the concession among competing companies is organised at the management level by the "Aufgabenträger".</p> <p>These organisations often include transport networks ("Verkehrsverbund") which regulate coordinating and scheduling the urban public transport service and the comprehensiveness of the ticket system.</p> | <p>The majority of services are awarded directly to the transport companies that are owned by local authorities and are members of the transport networks "Verkehrsverbund".</p> <p>There is an obligation to respect Regulation (EC) No 1370/2007 and indicate the quantity and quality criteria of the service in the contract.</p> | <p>Many traffic associations issued customer guarantees throughout Germany. Furthermore, while some traffic associations adopted a large variety of passenger guarantees that cover outlying events such as contamination to clothes; other service providers limited the guarantee to punctuality. In that case passengers are left with instruments that national and regional legislation offers them.</p> | <p>In general, the requirement for barrier-free UPT transport is set at a federal level. The Institute of Design without Barriers and Mobility developed a guidance document for public transport vehicles that is mainly used in the call for tenders.</p> | <p>Civil liability Act provides passengers with the possibility to initiate legal proceedings before the Court if they suffer injuries or damages. Otherwise, if passengers are not satisfied with service they may submit complaints to the mediation body (<i>söp Schlichtungsstelle öffentlicher Personenverkehr e.V.</i>).</p> <p>Regarding public enforcement, if operators in road transport and tram transport sectors do not comply with the relevant provisions, their operation permits will be revoked and fines may be imposed.</p> | <p>The German Passenger Transportation Act and the Regulation on the Operation of Motor Carriers in Passenger Transport deal with Passenger Transportation in Sections 46 and 47. Municipalities are to determine the modalities for Taxi Services (<i>Taxiordnung</i>) such as the conditions of transportation, payment issues, obligations of the drivers and Taxi fares within their own territory (<i>Pflichtfahrgebiet</i>).</p> |
| Greece | <p>Under Law 3920/2011, Athens Urban Transport Organisation SA ("OASA") is responsible for strategic and business planning, coordination and control of urban public transport in Attica. OASA and the companies within its group are required to implement a system for ensuring the quality of passenger services within three years from the entry into force of Law 3920/2011.</p> <p>Law 2898/2001</p> | <p>No local rules on passenger rights in UPT.</p> | <p>A PSC was signed between the Greek State and the Thessaloniki OASTH for the UPT in Thessaloniki. There are no provisions in the agreement for the reduction of compensation due to OASTH by the Greek State in the event that its service is underperforming or unsatisfactory to users.</p> | <p>OASA, OASTH and KTEL's Charter establish the obligation to provide the public with information, imposition of fines, applicable complaint handling procedures and payment of compensation, employees' responsibilities, as well as the penalties applicable for breach thereof.</p> <p>The Charter issued by the Ministry of Development, Competitiveness and Maritime defines the</p> | <p>Law 4074/2012 establishes provisions on accessibility.</p> <p>In major cities, public transport generally offers the necessary services for accessibility to persons with disabilities. Personnel, if required provide assistance. However, not on general terms.</p> | <p>Passengers who are dissatisfied with service or consider that the operator is in breach of its duty may submit a complaint to the company requesting compensation. In general, the operators created dispute resolution or settlement committees to amicably resolve disputes arising and to decide on the reimbursement payable, as well as on any disciplinary action that should be taken against employees who are in</p> | <p>Law 4070/2012 regulates taxi activity in Greece, defining the obligations and duties of drivers. By ministerial decision, a Taxi Charter was adopted, as updated in 2010, stating that taxis have an obligation to provide the public with information concerning their service. The Taxi Charter indicates the drivers' obligations, including their conduct towards passengers and, at the same time, imposes upon passengers certain rules.</p> |

Passenger rights in Member States Comparative Table

| All urban public transport modes except taxis | | | | | | | |
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| | National legislation | Regional/Municipal legislation | Public service contracts | Quality Charters | Accessibility | Enforcement | Taxis |
| | <p>established Thessaloniki's Integrated Transport Authority ("SASTH"), which decides on the planning, supervision and control of urban transport in the prefecture of Thessaloniki as well as on measures for improving the level of passenger service and urban transport.</p> <p>Passenger rights in UPT are indicated in the charters that the public undertakings and enterprises governed by Law 3429/2005, which are involved in providing services to consumers, are required to prepare.</p> | | | <p>procedure for consumers submitting requests (including complaints) to the organisation, the level of compensation payable for proven misconduct, as well as access measures for the disabled.</p> | | <p>breach of their duty.</p> | |

Passenger rights in Member States Comparative Table

| All urban public transport modes except taxis | | | | | | | |
|---|---|---|---|---|---|--|--|
| | National legislation | Regional/Municipal legislation | Public service contracts | Quality Charters | Accessibility | Enforcement | Taxis |
| Hungary | The Road Transportation Act. contains the definitions of passenger rights, such as: the right to use road transportation, obligation of the carrier to respect the schedule, right of information; obligation for the carrier not to alter the routes included in the schedule, and accessibility. The Act contains provisions on filing a complaint against the service provider because of a failure in the service and discounted ticket/seasonal ticket rates for students, disabled people and pensioners. | The tasks of the municipality include determining public service tasks associated with transportation and selecting the best service provider to perform such public service tasks. | According to the Road Transportation Act, PSCs must include quality criteria, such as accessibility, frequency, punctuality, cleanliness of the vehicles; transportation arrangements for the disabled; service quality control and certain requirements on the staff of the vehicles. | Fixed-rail public transport providers must prepare and publish their quality charters on their websites. No obligation for bus transport but in general, since many fixed rail operators also provide bus transport, the quality charters apply also to this transport mode. | A national law (26/1998) for accessible public transport in Hungary exists since 1999 and the Road transportation Act imposes to provide accessibility to all categories of users. At present not all vehicles and stations are fully accessible. Reduced fares are provided for students, the elderly and the disabled. | Regarding private enforcement, passengers are entitled to submit complaints to the operator and to the transport authority. Reimbursements are provided in some cases. For damages or injury, legal proceedings may be initiated before the Court. | Passenger rights in taxi transport are established at a municipal level and by the taxi company. In general, they concern fares and requirements of the taxi, and driver conduct. |
| Ireland | The 2010 Regulations implemented Regulation (EC) No 1371/2007. For the UPT only the mandatory rules of Article 2(3) apply. | There are no regional or municipal rules on passenger rights in UPT | The NTA is the designated national authority that awards public service obligation contracts to public transport operators. Dublin Bus, Iarnrod Éireann and Bus Éireann provide these services under contract to the NTA. PSCs' largely comply with the relevant provisions of Regulation (EC) No1370/2007. PSCs provide that performance related | All UPT operators adopted quality charters. The charters generally contain provisions concerning issues such as (a) performance and quality standards, (b) customer information, (c) ticket refunds, (d) compensation payments and (e) complaint procedures. Reimbursement procedures for customers who do not use tickets that they purchased are also set out. | The 2010 Regulations impose on operators to ensure accessibility in vehicles and stations. Some operators also trained staff to help people who require assistance. | Procedures for submitting complaints are provided by the quality charters of the operators that lay down the procedures and the conditions for the reimbursement. Passengers who received injuries or damages may initiate legal proceedings before the Court. Surveys to assess passenger satisfaction and compliance with requirements are introduced by the charters | Taxi Regulation Act 2003 provides a legislative basis for regulating licensing, ownership, control and operation of SPSV and their drivers and it empowers the NTA to make regulations. Section 34 also establishes a benchmark on the overall focus of the licensing regime that relates primarily to qualitative standards. Passenger rights relate primarily to the obligation to provide information on tariffs, routes and discounts. |

Passenger rights in Member States Comparative Table

| All urban public transport modes except taxis | | | | | | | |
|---|----------------------|--------------------------------|---|------------------|---------------|-------------|-------|
| | National legislation | Regional/Municipal legislation | Public service contracts | Quality Charters | Accessibility | Enforcement | Taxis |
| | | | payments would be made to the operators, if they satisfy the performance targets or levels prescribed in the contracts. | | | | |

Passenger rights in Member States Comparative Table

| All urban public transport modes except taxis | | | | | | | |
|---|--|--|---|--|--|---|---|
| | National legislation | Regional/Municipal legislation | Public service contracts | Quality Charters | Accessibility | Enforcement | Taxis |
| Italy | Basic passenger rights are established by the Civil Code. The Directive of the Presidency of the Council of Ministers of 27 January 1994 sets out the principles with which concessionaires of public services, including transport, must comply, which include impartiality, continuity, right of choice, participation, efficiency and efficacy, information and relationship with the users, obligation to evaluate services, reimbursement and complaints. | Every three years Regions review local transport plans in conference with unions and e consumers' associations. Regional laws contain the framework for public service contracts that must be stipulated to between the municipality and the selected transport operators. | The contents of public service contracts are regulated at a national level by Legislative Decree 422/97. Under the Decree, the contract services have to respect the conditions established by Regulation No 1191/69/EC (now repealed by Regulation (EC) No 1370/2007), and they must indicate, , the period of validity of the contract; the characteristics of the offered services and the program of exercise; the minimum qualitative standards including the age, maintenance, comfort and cleanliness of vehicles and regularity of the rides; the guarantees provided by the transport operator; the sanctions in case of non-compliance with the provisions of the contract. | According DPCM 30 December 1998, the operators must adopt a charter of service which contains all essential elements of the services provided, as well as quality indicators and service guarantees. The charters should take as their reference procedure UNI 10600 and must indicate in detail passenger rights and obligations, tariffs and handling of complaints. | Various laws impose on public transport services, in particular trams and metro, accessibility to people with disabilities and reduced mobility. The legislation imposes precise requirements for the construction of vehicles destined for UPT. Passengers with disabilities are entitled to reduction of fares. Many cities also organise paratransit or fixed routes service for disabled people. | Passengers who have been injured may lodge complaints with transport operators. Legal proceedings may be brought before the Court. If passengers suffer damages for the same disruption of service, Italian law permits class actions. The public authorities, together with consumers associations, monitor compliance of the UPT operators with the quality criteria indicated in the PSCs for the application of a bonus-malus arrangement. | Law No 21/1992 contains the principles concerning the regulation of taxi services and bus rentals with drivers, but refers to the regional level for obligations. The Law contains rules on regional and municipal competences, licensing, car features and tariffs. Taxi companies are obliged to adopt quality charters that mainly deal with information on tariffs, security of passengers, certainty and continuity of service, compliance with the declared time of arrival for reservations, cleanliness of vehicles and lodging complaints. |

Passenger rights in Member States Comparative Table

| All urban public transport modes except taxis | | | | | | | |
|---|---|--|---|--|--|---|--|
| | National legislation | Regional/Municipal legislation | Public service contracts | Quality Charters | Accessibility | Enforcement | Taxis |
| Latvia | The Law on Carriage by Road, the Law on Public Transport Services, the Civil Law and other regulatory enactments from the Cabinet of Ministers established some provisions on passenger rights in UPT, including the right to be informed, to have access to vehicles and stations, and the right to complete the trip for which the ticket was sold. | Each municipality passed binding regulations on public transportation. Jekabpils adopted its regulation on the UPT by bus that includes provisions on general matters, riding and carrying baggage, the administrative liability for non-compliance with this regulation and the imposition of penalty. | PSCs between municipalities and operators are confidential. The only draft contract available is that between the municipalities of Riga and Riga SATIKSME, which includes a very detailed list of passenger rights, among those: security and prevention, cleanliness, punctuality, information, accessibility, comfort (air conditioning, heating and air quality control). | No quality charters were found. | In Latvia, the general purpose of the Law On Public Transport Services is to ensure accessibility of public transport services to the populace. At a local level, the city of Riga adopted two documents setting forth several planned developments concerning accessibility of public transport services to people. | The Law on Carriage by Road foresees the legal remedies available to passengers to have their rights protected, such as reimbursement of tickets, compensation for damages, injuries, losses. Administrative and criminal responsibility is introduced against the carrier for violations of security requirements. No surveys regarding enforcement actions, either private or public, were carried out. | Municipal regulations provide rules on taxi licences. Regulation No 468 (valid since 3 July 2012) on Carriage of Passengers by Taxis defines the procedure on how carriage of passengers by taxis is to be carried out, the terms and conditions for the contract of carriage, for payment procedures etc. |
| Lithuania | The Civil Code defines public transport services and the general rules regulating public transport contracts. The Transport Code establishes the obligation for the carrier to transport people and goods, to perform the service and to reimburse the tickets. | Quality requirements for public transport services are mostly established by municipal legislation. The examined local rules in general contain the obligation/right of security for people and belongings, compliance with scheduled routes and timetables, and the obligation of reimbursement if the run is cancelled or delayed. | PSCs of Vilnius, Kaunas, and Klaipedia contain quality requirements, excluding Vilnius. The quality standards are punctuality, cleanliness and comfort of the vehicle, information, customer service and complaint handling. | No quality charters were found. | National legislation imposes on public transport operators' compliance with the accessibility criteria but it seems that only the new vehicles comply with the requirements. | Passengers who suffered injuries or damages may bring an action before the Court. With regard to the public enforcement, public representatives are present in cities with the responsibilities of enforcing the rules of the municipality and PSCs towards operators Surveys are planned in Kaunas every year to evaluate the level of user satisfaction. | The 2003Act of Passenger Road Transport Format provides for the obligations of taxis to have a license, plate number, customer service number, and the obligation to provide information on tariffs. |
| Luxembourg | The provisions of Regulation (EC) No 1371/2007 are applicable on the local rail service. For bus transportation, Public Transport Law of | There are no rules at a local level in Luxembourg. | PSCs with the three operators are considered confidential and are not available to the public. However, they must respect the principles | Only the train operator CFL adopted a quality charter that includes five criteria: punctuality, information, comfort, cleanliness, and | The Ministry of Transport and the operators have the task of monitoring the accessibility of stations and bus stops, as well as | There are no specific out-of court procedures, if a passenger intends to submit a complaint the CdT is competent for the handling of the | Various legislative acts regulate the taxis service in detail. The transport by taxi is regulated by the terms and conditions of taxi companies They must |

Passenger rights in Member States Comparative Table

| All urban public transport modes except taxis | | | | | | | |
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| | National legislation | Regional/Municipal legislation | Public service contracts | Quality Charters | Accessibility | Enforcement | Taxis |
| | 2004 and the Grand-Ducal regulation of 12 June 2007 establishes tariffs, the right of information and obligations and rights for the passengers. | | established by Regulation EC No 1370/2007 and shall contain at least the following indicators: operators' compensation standards and performance criteria; operational conditions of service; a set of control measures to ensure proper performance of service. Surveys conducted in 2011 showed full compliance with these requirements. | upgrading. | vehicles. Special transportation is arranged for people with disabilities by the CdT and reduced tariffs are provided. On trains, special software was introduced to assist PRMs while boarding, during transit, and throughout their journey. | complaints. In case of injury or damages, compensation is provided, but the passengers must bring an action before the Court. Administrative and penal sanctions are applicable in case of serious infringements of the law by the transport company, in particular with regard to safety requirements. Surveys have been carried out by the Ministry of Transport in the recent years. | drive passengers to their destination using the shortest route, unless otherwise instructed by passengers; provide a delivery receipt; ensure the regular and normal operation of the meter for the whole duration of the journey and do not charge fees higher than those indicated by the meter. Complaints may be lodged at the taxi companies. |
| Malta | Malta Passenger Transport Service Regulations include the duties of the driver of a motor route bus, including the safety and security, compliance with timetables and scheduled routes and bus stops. The national legislation, due to the particular configuration of the island, is the only one applicable. The price of tickets for bus transport varies depending on whether the passenger is a Maltese resident or not. Prices are also reduced for the elderly, children and students. | There are no regional/municipal rules in Malta. | We do not have any information on PSCs between Arriva, the main bus company in Malta, Gozo Channel and the public authority. | Arriva Malta and Gozo Channel, which operate the ferry service between Gozo and Malta, do not have quality charters. Arriva conditions of carriage contain "customer promises" which concern the quality of service but are not enforceable by the passengers. No refunds are provided. Gozo Channel conditions of carriage exclude any liability of the company for damages or injury | The Act of Equal opportunities enacted in 2000 is applicable also to UPT and contains some provisions and requirements that must be adopted on buses. Arriva undertakes to provide accessible buses and free travel for the disabled. | On private enforcement, passengers who suffer damages may claim compensation of losses under the provisions of the Maltese Civil Code. No other alternative dispute resolution exists. As to the public enforcement, Transport Malta assesses compliance with contractual obligations and may impose financial penalties | The Taxi Service Regulations (S.L. 499.59) discipline taxi transportation, ensuring the technical requirements taxis must have, performance of service, security and safety of passengers, accessibility and the fines imposed on the taxi driver for violations of the legal requirements. |

Passenger rights in Member States Comparative Table

| All urban public transport modes except taxis | | | | | | | |
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| | National legislation | Regional/Municipal legislation | Public service contracts | Quality Charters | Accessibility | Enforcement | Taxis |
| The Netherlands | The basic rules protecting passenger rights are established in Title 5, Section 2 of Book 8 DCC. It sets out the basic duties and arranges the liability of the carrier under civil law towards travellers for death or personal injury and for damages due to loss or damage to hand baggage. | There is no regional/or municipal legislation providing protection of passenger rights in UPT. | PSCs are not available. The public service contract must respect the provisions established by applicable regulations and must contain the minimum quality standards of service, tariffs and guarantees that must be provided by the carriers. | Adopting quality charters is compulsory for the carrier and is an essential part of the contract service. The contract states that selected regions are obligated to consult consumer organisations to guarantee the interests of the passengers. Bus carriers adopted service guarantees that provide reimbursements for delays or cancellations. | Legislation on accessibility in UPT entered into force in 2010. In general, accessibility is a quality criteria included in PSCs and non-compliance may cause the levying fines on the carrier. | The carrier is required to set up an independent committee to resolve disputes with passengers. Passengers may also file a complaint at the Ministry of Infrastructure and Environment. If the carrier is a member of the Public Transport Disputes Committee, it is possible to file a complaint. The decision is binding for the carrier. PSCs contain general bonus-malus arrangements or penalties if the carrier is underperforming. | Wp 2000 regulates the transport by taxi, imposing requirements and obligation to the carrier, who has to provide certain information to the passenger including the website of the disclosure office and the phone number of the competent body for complaints. |
| Poland | Collective Transport Law covers passenger rights and obliges collective public transport operators to provide services at a certain level (quality, suitability and appropriateness). According to Article 14 of the Transport Law, carriers are required to provide passengers with appropriate /suitable (<i>odpowiedni</i>) conditions of safety and hygiene together with comfort and proper service. Moreover, the carrier has to take action to facilitate use of means of transport | Rules of Transport of Warsaw, Krakow, Poznan, and Wroclaw include only some of the regulations covering passenger rights and quality of service. | Under the Collective Transport Law, quality criteria must be enclosed in PSCs, such as technical solutions ensuring high quality of service to passengers, including persons with physical disabilities and limited physical abilities; the standards of equipment, of the means of transportation; the quality standard of service; procedures for lodging complaints by passenger, as well as having those complaints reviewed by the operator (including the procedure of | There are no quality charters adopted by UPT operators in Poland. | In Poland, there is a general law on anti-discrimination. The Collective Transport Law provides that service providers provide services to the disabled (including sufficient technical standards and organisation schemes – and a specific number of vehicles for the disabled on each line). | As to private enforcement, passengers may submit claims to the company or bring legal proceedings before the Court. For public enforcement, public transport organisers is entitled to pursue civil law claims against collective public transport operators for underperformance or lack of performance of the contract. | Taxi transportation is not recognised in Poland as collective UPT; therefore, taxis do not have to comply with the Transport Law. After the territorial reform, each local government authority sets out rules that have to be met by taxi transportation (including the general rules that must be followed by every driver e.g. speed limits etc.). |

Passenger rights in Member States Comparative Table

| All urban public transport modes except taxis | | | | | | | |
|---|--|---|--|--|---|---|--|
| | National legislation | Regional/Municipal legislation | Public service contracts | Quality Charters | Accessibility | Enforcement | Taxis |
| | for passengers, especially those with disabilities. the. | | awarding the damages). | | | | |
| Portugal | Regulation (EC) No 1371/2007 applies to local transport by rail. For damages or injuries, Decree-Law (“ <i>Decreto-Lei</i> ”) No. 270/2003 of 28 October and its amendments and Decree-Law (“ <i>Decreto-Lei</i> ”) No 58/2008 of 26 March foresee the carrier’s obligation to compensate passengers who suffered damages. | With regard to the city of Lisbon, passengers’ railway transport in the city is regulated by Decree-Law (“ <i>Decreto-Lei</i> ”) No 78/2005 that approves the basis of the concession to expand the passengers’ railway transport in Lisbon. Decree-Law (“ <i>Decreto-Lei</i> ”) No 192/2008, which establishes the Statutes of the Metro of Porto, does not contain specific reference to passenger rights. | No information is available. | All main operators publish quality charters, which include indicators to assess the quality of the service. Carris has an Integrated Management System of Quality, Environment & Safety and Health at Work that is certified in accordance with Norms: NP EN ISO 9001, NP EN ISO 14001 and NP 4397/OSHAS 18001, awarded by APCER, the Portuguese Certification Association. Reimbursements for delays or cancellations are provided under certain circumstances. | At a national level, there are general national standards for Public Transport, which include accessibility concerns. Some municipalities offer specific transport services for the disabled. The main urban operators, Carris and SCTP, also offer special service for the disabled. In general, vehicles are low floor with vocal and tactile instructions, wheelchair ramps, and reserved seats for PRMs. If necessary, the staff and drivers provide help, but only the ferry company offers employee-training courses to provide correct assistance to all persons with special needs. | Passengers may submit claims to the competent office of the company. Complaints are handled within a period of 8 days to 30 days. Passengers may always bring legal proceedings before the Court to enforce their rights. As to the public enforcement, all operators regularly carry out surveys to assess the quality of their service. | Municipalities are competent in the matter of access and organisation of taxi transportation. Decree-Law (“ <i>Decreto-Lei</i> ”) No 263/98 provides the duties of the driver, such as: complying with the guidelines provided to passengers concerning itinerary, not smoking in the vehicle, providing for the vehicle’s cleanliness and issuing receipts with amount/value of the service provided. |
| Romania | Law 51/2006 establishes the framework for the tendering process and the procedure for granting public service agreements by the local public authorities. Law 92/2007, which contains general provisions relevant for all public transportation services, provides the bodies with jurisdiction over public transportation services and sets forth the | There are no relevant rules on protection of passenger rights in regional and municipal legislation. | The Framework Statute and the Framework Tender Book provides that operators must guarantee: quality of the service, information on the buses, in the stations and at stops as well as information displayed outside of the buses, interoperability, severe rules on cleanliness, accessibility, reserved seats for PRMs, and | Metrorex, the Bucharest metro operator, adopted a quality charter focused on security and quality comfort of the service. | Law 448/2006 on protecting and promoting the rights of the disabled apply also to public transportation. Therefore, the disabled are entitled to, and the municipality must provide, proper means of transport and ensure easy access to public transport services via specially equipped vehicles. Furthermore, those with significant | As to the private enforcement, passengers may submit complaints to the urban public transport operator. For non-replies or unsatisfactory replies, they may bring legal proceedings before the Court. On public enforcement, the municipal authority has the right to | Local authorities also draft and approve local public transportation services for cars operating as taxis or under car rental arrangements, the form and contents of the (i) regulation on organising and performing the service, (ii) the tender book of service and (iii) the public services agreement. Since the taxi service is |

Passenger rights in Member States Comparative Table

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|---|---|--|--|---|---|---|--|
| | National legislation | Regional/Municipal legislation | Public service contracts | Quality Charters | Accessibility | Enforcement | Taxis |
| | procedures for undertaking and awarding the management of public transport services without going into too much detail. | | comfort and safety. Complaint handling is comprised in the PSCs but no compensation is provided. | | disability levels are entitled to free public transportation, the costs of which are supported by the municipality. | periodically verify compliance of UPT operators with the quality criteria included in the PSCs. For non-compliance, a fine is imposed and in some cases, termination of the contract is provided. | disciplined by public contracts, the quality criteria must be respected. The Bucharest taxi association adopted a quality charter that provides service performance parameters. |
| Slovakia | The 2012 Road Transport Act establishes the general requirements for road transport. It defines, to the extent specified below: (i) passenger rights, (ii) the obligations of public transport operators and (iii) mandatory information to be included in the charters of service. | There is no relevant regional and municipal legislation on passenger rights. | The Road Transport Act defines the contents of the public service contract and imposes adopting quality charters on the PTO to protect passenger rights. | The Road Transport Act sets for the contents of mandatory quality charters for all PTOs. In particular, the charters must regulate the PTO's rights and obligations; the scope of passengers' rights and obligations before, during and after transit, for failure to provide or transportation delays; the complaints procedure; transport tariffs; conditions for transporting animals and hand luggage; the rules of ticket validation and ticket control. | Law No 168/96Z.z. regards accessibility requirements in tendering/contracting. Law No 164/96 (on railways) deals with requirements on public spaces (e.g. barrier-free access to platforms, stops, buildings), but there are no specifications for vehicles. PTOs are required to provide reserved seats for PRMs, places for wheelchairs and assistance to passengers if required. | With regard to private enforcement, passengers may lodge complaints with the company within six months from the event but no time for replies is set. In general, for damages or personal injury, passengers may file legal proceedings before the Court. On public enforcement, the Road Transport Act does not provide any obligation for the contractor to carry out surveys to monitor compliance with provisions on the PSCs. | The Road Transport Act and the Road Transport Decree provide the legal framework for taxi services. Taxi operators are obliged to adopt a quality charter to specify the conditions of taxi service and define the rights and obligations of the taxi operator and the passenger. The common provisions of taxi charters of service are: taxi operator's rights and obligations; passenger rights; dealing with lost luggage and other personal items; liability for damage caused to the passenger; handling of complaints. |
| Slovenia | The Code of Obligations, which contains contractual provisions for passenger transportation, i.e. the liability of the transport operator for delays, responsibility for the safety of passengers and their luggage, and | There are different acts adopted by municipalities to regulate UPT. In the city of Ljubljana, the Decree on the Organisation and Management of the Urban Public Line Transport of Passengers | PSCs do not contain provisions on passenger rights protection nor bonus-malus arrangements to encourage compliance with the provisions. | There are no quality charters for UPT in Slovenia. | There are no national prescriptions that impose accessibility in UPT in Slovenia. However, the municipal regulations, such as the Decree of the city of Ljubljana, require to UPT operators to grant accessibility to all | Private enforcement is possible by lodging complaints with the operator. If the passenger is not satisfied with the response, he may lodge a written complaint with the court of second instance, which is the | Taxi transport is performed based on a permit issued by the municipal authority. The permit defines the territory in which transportation services t may be performed. The municipal decree may set |

Passenger rights in Member States Comparative Table

| All urban public transport modes except taxis | | | | | | | |
|---|--|---|--|---|---|---|---|
| | National legislation | Regional/Municipal legislation | Public service contracts | Quality Charters | Accessibility | Enforcement | Taxis |
| | <p>liability for damage to cargo or injury to passengers.</p> <p>With regard to bus sector, the Road Transport Act provides that all UPT operators adopt the General Terms and Conditions and specify the rights of passenger such as those entitled to discounts, the liability of the transport operator for termination or disruption of transport, liability of the transport operator for damages or injuries caused to the passenger during transit.</p> | <p>introduces some passenger rights, such as the frequency of buses and punctuality of arrivals; the information on bus stops (electronic panels notifying the passengers of arrivals, etc.) and on buses, provides alternative transport modes in case of interruption of the service.</p> | | | <p>categories of people included PRMs and the disabled. Disabled people and elderly are entitled to ticket fare reductions.</p> | <p>Municipal Inspectorate.</p> <p>For injuries or damages, if the transport operator or the insurance company refuses to pay the requested damages, the passenger must lodge a civil lawsuit pursuant to the general rules on civil liability, included in the Code of Obligations</p> | <p>the maximum tariffs applicable. In general, the decrees specify the conditions and requirements for transport operators, supervising transportation performance procedures (the performance of taxi transport is supervised by the Inspectorate and the Municipal Police authority).</p> |
| Spain | <p>ROTT and LOTT Laws contain rules on passenger rights including the right to participate in determining the legal rules applicable to them and the right to be informed on the features and changes to the transportation system. The legislation requires transport authorities to prepare a catalogue of rights and duties of transport users, which will become part of the general conditions of carriage.</p> | <p>Regional legislation provides some catalogues or lists of users/passenger rights that are considered part of the contract of carriage between the passenger and the transport services provider.</p> | <p>The national and local legislation on PSC does not contain specific rules on protections of passenger rights since the law demand to the operator to draft a catalogue of rights of passengers.</p> | <p>The passenger rights included in some quality charters contain reimbursement of non-consumed credit or to the issuance of a new equally valued title in case of prepaid seasonal ticket; alternative transport modes in case of interruption of the service or refund of the ticket if it is not possible to continue the journey; accessibility for PRMs and disabled people, access to the Complaint's Book; free transfer between buses free of charge within the next 45 minutes after the first</p> | <p>UPT operators have to grant accessibility of the UPT to all users. This obligation is included in the regional laws and PSC. However, there are no specific rules at the national level on the technical requirements for the vehicles that must be respected. In some cities, there are reduced tariffs or special pass for disabled peoples.</p> | <p>With regard to private enforcement, passengers may lodge complaints in the complaint book of the operator or before the Consumer Arbitration Panels. Legal proceedings before the Commercial Court against the operator is also possible. On public enforcement, the authority may impose fines on the operator for non-compliance with the obligation towards passengers.</p> | <p>Taxi service is covered by the general LOTT Law (Articles 123-135) and is subject to a municipal authorisation. Under the provisions, the taxi service has some prerogatives (lanes, free access to any area of the city, exclusive parking stops, etc..) and is regulated in the interests of citizens (easy access to service, longer hours, visible fees, vehicle cleanliness, driving safety, shortest path, set service charges, respect and deference to customers, etc.).</p> |

Passenger rights in Member States Comparative Table

| All urban public transport modes except taxis | | | | | | | |
|---|---|---|---|---|--|---|--|
| | National legislation | Regional/Municipal legislation | Public service contracts | Quality Charters | Accessibility | Enforcement | Taxis |
| | | | | ticket cancellation was made; reserved seats for PRMs and spaces within the vehicles; information to passengers. | | | |
| Sweden | The new Transport Act came into force on 1 January 2012 and introduces changes to modernise Sweden's public transport legislation and adapt it to a new EU regulatory framework. However, the UPT is excluded from the implementation of Regulation (EC) No 1371/2007. The Act (SFS 2006:1116) on passenger information applies to passenger bus, train, tram and subway transportation. Pursuant to Article 2 of the Information Act, traffic operators must set up a refund system for passengers who suffer delays or other traffic obstacles. | Management of the local public transportation is assigned to the current county council and the municipality of the appropriate county. Assigning management to only one of the abovementioned entities may also exist. A common structure to manage local public transportation is the public transport company established by each administrative county. These companies later procure public transport services from operators. | The contract between SL AB and MTR lists customer service and satisfaction as parts of the assignment. The main features in the contract between SL AB and MTR concern passenger rights, which are regulated in appendices to the main agreement. MTR is responsible for maintaining traffic regulations and tariffs as set out by SL AB. The appendices, especially Appendices 2D and 4D are linked to passenger rights and regulate accessibility to infrastructures. We are aware of a bonus-malus arrangement but we were not provided with such. | Quality charters in Stockholm, Gothenburg and Skane regions provide reimbursement for with delays and cancellations. Reimbursement is also provided by train companies, such as Veolia for trains running late or cancellation of the service | In 2000 Sweden introduced an action plan "From Patient to Citizen: A national Action Plan for disability Policy" which provided for all barrier-free UPT vehicles by 2010. Sweden introduced a long time ago paratransit service and fixed routes services for people with disabilities and PRMs. In the main cities, the vehicles are low floor | Passenger may lodge complaints with the company. For damages or injuries, legal proceedings before a Court is always possible. With regard to public enforcement, if the UPT operators do not comply with the Act on information to passengers sanctions are levied. Surveys are used to monitor compliance of the UPT operators with established objectives. | Mandatory requirements, including taxi license requirements are regulated by the Professional Transport Act (1998:490). Furthermore, price indicators and exposure should be presented on the taxi windows. Taxi transport is not covered by public traffic regulations. |
| The United Kingdom | Passenger rights and responsibilities when travelling by rail in England, Wales and Scotland are set out in the National Rail Conditions of Carriage. Section 1E sets out passenger rights regarding refunds where a service is cancelled or | The only region of the United Kingdom where legislation on local transport and passenger rights are established at local levels is Northern Ireland where the Department for Regional Development is responsible for securing | Quality contracts schemes (QCS) are the overarching scheme made by the local transport authority; the scheme will comprise one or more individual quality contracts. According to the transport Act, the QSC | Manchester Quality Bus Partnership is a code of conduct established between by the authority for the bus operators that are part of the quality scheme contract. The code covers the following areas: punctuality, reliability, regularity of | The Disability Discrimination Act (DDA) and the Equality Act 2010 set the general framework for accessibility legislation. Moreover, the 2000 Public Service Vehicle Accessibility Regulation allowing access to the | Passenger organisations and independent regulators handle passenger complaints and act as ADR entities; on the other side, they are also in charge of carrying out the surveys to monitor the quality of service and compliance of | Licensed taxi market regulations are generally applied by local licensing authorities that are responsible for licensing of taxis in England and Wales under the Local Government (Miscellaneous Provisions) Act 1976. The |

Passenger rights in Member States Comparative Table

All urban public transport modes except taxis

| | National legislation | Regional/Municipal legislation | Public service contracts | Quality Charters | Accessibility | Enforcement | Taxis |
|--|--|---|---|---|---|---|---|
| | delayed and a ticket is not used, and section 1H sets out the right to compensation in the event of a delay. The United Kingdom did not yet implement Regulation EC No 1371/2007 or Regulations (EC) No 1177/2010 and 1181/2011. | the provision of public transport services with due regard to accessibility, economy, efficiency, safety of operation and sustainability. | must contain “public interest criteria” which also includes the criteria of bringing benefits to passengers by improving service quality. | services, cleanliness of buses, driver attitude and conducts ensuring last journeys run, and customer service. With regard to driver conduct, the code required that the drivers be trained to help PRMs and people with disabilities following the guidelines published by the public authority. | vehicle for disabled passengers. It will be fully applicable from 2015 to 2016. | the operator with quality requirements. | application of the regulations varies from area to area but falls into three broad categories: quantity regulation (number of licences), quality and safety regulation fare regulation. |

5. CITY REPORT

5.1 Introduction

The list of selected cities includes cities with a long tradition in urban transport, such as London and Paris, and others that made important investments in the development of urban transport infrastructures. The reports also include management authorities that introduced customer care schemes.

The cities were selected based on geographical distribution with a balance between the northern and southern countries of Europe, in line with the Commission's request in the Task Specifications to use examples covering at least ten Member States with a minimum of four new Member States and, finally, based on their policies on the quality service of their urban transport network.

The City Report illustrates, in detail, the structure of urban transport services, modes of urban transport available, operators and authorities involved, investments made in terms of socially valuable transport, quality requirements adopted in public service contracts, reporting and sanction mechanisms, complaint procedures and the voluntary commitments adopted by transportation operators in selected cities. An important aspect examined in the City Report is the presence of unified tickets and tariffs for passengers, i.e. the possibility to use the same ticket on various UPT modes even if they are operated by different operators.

Annex 3 contains the detailed City Reports.

5.2 Abstracts of the City Reports

5.2.1 ATHENS

Urban transport operators: the private company, Athens Urban Transport Organisation SA ("OASA"), is responsible for strategic and business planning, coordination and control of urban public transportation in the city of Athens. Athens is part of the broader Attica region.

The private companies Road Transport SA ("OSY") and Rail Transport SA ("STASY") conduct the actual operation and exploitation of transport services in the city of Athens. OSY is responsible for thermal and trolley buses, while STASY controls rail, metro and tram services. Both OSY and STASY are fully owned subsidiaries of OASA and are subject to its supervision.

Public service contracts: the agreements to provide transport services referred to above and for which the OASA is required to enter into with OSY and STASY have yet to be published and are therefore not available for review. These agreements will contain quality indicators, including minimum levels of customer satisfaction that have to be met.

Tickets and fares: currently, a unified fare is payable for using all modes of public transportation. This is valid for multiple trips on all public transport options, in urban zones (buses, trolleys, tram, metro, suburban railway), in any direction for up to 90 minutes. That is, passengers are entitled to travel to any destination within or outside the city centre of Athens by bus, trolley, metro, rail, tram and suburban rail (only for the segment Magoula - Piraeus - Koropi). The full fare is EUR 1.40 while the reduced fare (as explained further below) is EUR 0.70. Single use tickets for single journeys are available for travel by bus, trolley and tram and these are priced at EUR 1.20 for full fare and EUR 0.60 for reduced fare. Different fares apply for travel from the city

centre to the airport. In addition, passengers may purchase monthly, biannual or annual travel cards either for use on all transport modes or only on buses, trolleys and trams to save further on their transportation. Specifically, the monthly card for unlimited travel on all modes of transport costs EUR 45 (EUR 23 reduced fare), while the travel card for use only on buses, trolleys and trams is EUR 20 (EUR 10 reduced fare). The corresponding annual travel cards are valued at EUR 450 and EUR 200, with no further reduced fares applying.

Quality charters: the OASA's Charter sets out the general obligations of the companies operating urban public transport (now, OSY and STASY) (Section 4), such as:

- maintaining clean vehicles and trains, as well as station areas;
- taking all necessary actions to ensure that defects are promptly repaired so as to guarantee the continuity of service operations;
- taking measures to ensure that persons with disabilities and/or in need of assistance (e.g. pregnant women, young children, etc.) have access to public transport;
- ensuring proper signage is in place, as well as information boards (including details on departure and arrival times of the first and last vehicles or trains, as well as the regularity of service during the day);
- informing passengers in due time of any sudden or temporary changes to the travel schedule;
- applicable complaint handling procedures and payment of compensation, as elaborated further below (Sections VIII and IX);

Service guarantees: for non-compliance with OASA's Charter, the affected passengers or citizens may claim compensation from the company responsible for the breach (Section 9). The compensation maybe paid either in cash or by issuing tickets of equal value.

Accessibility: OSY provides free transportation service to persons with disabilities who are not able to use conventional public transport modes. In particular, it has three vehicles that offer different seating capacities and options, i.e. from three to seven passenger seats, from three to four seats for wheelchairs and one seat for companions that must be reserved in advance.

As for other persons with hampered or reduced mobility, ramps and lifts were installed at certain stations to improve access to public transport. For illegally parked vehicles and those blocking access to bus stations, passengers may directly contact OASA for their removal by crane.

Complaints: any citizen may lodge complaints with OASA, OSY or STASY in writing (by post, fax) or electronically (by e-mail) on matters falling within their competence. The competent company is obliged, within 30 days from submission of the complaint, to examine it and respond to the interested party. In cases where an on-site investigation has to be conducted, this deadline is increased to 40 days.

If a dispute with a citizen cannot be resolved, it is referred to the Dispute Resolution Commission that is set up for this purpose by the OASA and each of the operating companies OSY and STASY.

Insurance/damages: OASA's Charter does not contain specific provisions on insurance/damages.

Survey and monitoring: from the OASA's website, it is possible for users to participate in a customer satisfaction survey. The results have not yet been published

Taxis: the law governing the operation of taxis is national in scope and is therefore applicable to taxi drivers active in the city of Athens (Law 4070/2012). For further information in this regard, please refer to the Greece Country Report.

Conclusions: the city of Athens is provided with a Quality Charter issued by OASA and detailing the duties towards consumers.

OASA's Charter sets out the operating hours of various means of public transport for which it is responsible; it describes the obligations of its employees (drivers, stationmasters, ticket issuers, etc.), the requirement to provide the public with information, imposition of fines, applicable complaint handling procedures and payment of compensation.

5.2.2 BERLIN

Urban transport operators: the *Verkehrsverbund Berlin-Brandenburg* (VBB) is a transport association run by public transport providers in the German states of Berlin and Brandenburg.

BVG is the largest municipal public transportation company in Germany. Together with the S-Bahn Berlin GmbH (a subsidiary of the Deutsche Bahn AG), which operates the urban rail, the BVG manages the mobility in the state of Berlin. The new contract between the state of Berlin and BVG went into effect at the beginning of 2008.

BVG operates 9 metro lines, 22 tramlines and nearly 150 bus lines. The bus lines include “Express bus” lines that ensure fast service to the city centre and to airports. BVG also runs six ferry lines that are included in its urban public transport network and which do not require additional fares.

The other main urban public transport operator is the S-Bahn Berlin, a company fully controlled by Deutsche Bahn AG, which is responsible for managing local rail trains.

Public service contract: a transport contract between the federal state of Berlin and the BVG, covering both operations and infrastructures, was negotiated before the PSO Regulation (Regulation (EC) No 1370/2007) and was passed by European Parliament, but the legislative process was taken into consideration during contract development. A bonus-malus arrangement is included to monitor operator compliance with the contractual obligations. The quality indicators used to monitor the quality of the system are:

- Operations
- Vehicles
- Personnel
- Safety
- Information and customer assistance
- Sales marketing
- Cooperation with VBB.

Quality Charter: in the state of Berlin, the relevant charters granting rights to passengers for under- or non-performance of the operator are the Terms of Transportation (*Allgemeine Beförderungsbedingungen*) of the Transport Association of Berlin and Brandenburg (*Verkehrsverbund Berlin-Brandenburg / VBB*).

Since 1997, the Berlin Transport Authority (*Berliner Verkehrsbetriebe/BVG*), which is part of the Transport Association of Berlin and Brandenburg (*Verkehrsverbund Berlin-Brandenburg/VBB*), provides customer guarantees including punctuality (*Fahrzeit-Garantie*) and cleanliness (*Saubere-Sachen-Garantie*).

The BVG signed the Sustainability Charter of the International Association of Public Transport (UITP) in April 2005.

Terms of Carriage: the conditions of carriage are included in Part A of the current VBB tariffs. Passengers who hold valid tickets can travel free of charge with

- children up to the age of 6 (a maximum of three children on ferries),
- luggage and
- a pram/pushchair.

Common ticketing among all lines by all VVB operators was launched in April 1999.

Tickets and Information: the BVG introduced a single ticket (Eco-pass) for the area of the state of Berlin. The state is divided in three areas (A, B, C) and the fare amount depends on the area travelled. A Short Trip Ticket is available to those passengers who do not want to travel any further than three urban rail or underground stations or no more than six bus or tram stops.. On Express Bus lines, the regular stops that the express bus skips are also included.

Interconnections: the urban rail and the metro are closely linked with each other and allow joint transfer stations. Accordingly, U-Bahn lines connect to the S-Bahn ring line (Ringbahn) around the centre of the city. The BVG also runs the Metro lines, which consists in selected tram and bus lines that supplement Berlin's rapid rail network. These lines are scheduled to run "around the clock" with daytime intervals of no more than 10 minutes.

Service guarantees: when delays of more than 20 minutes occur for daytime arrivals, the customer receives a free ticket unless the delay was caused by *force majeure* (i.e. blocked roads, sudden detours or other unforeseen events). During nights (from 11 p.m. to 5 a.m.), customers are reimbursed for taxi costs up to EUR25.00.

Accessibility: bus and trams services are now provided with low-floor access vehicles; the metro and trains are equipped with a platform enabling people on wheelchairs to enter vehicles. Special features such as guide strips on the floor and acoustic signals assist those who are blind and visually impaired, visual signs for the deaf or hearing impaired were introduced in stations and on trains.

In addition, the BVG provides training for their staff to learn how to help and assist passengers with disabilities.

Passengers who hold a disability pass with supplement and a valid stamp may use all means of transport within the VBB fare zones free of charge within the scope of the statutory provisions.

Customer service satisfaction: the BVG undertakes to assess quality in comprehensive terms. Market research on customer satisfaction is carried out on an on-going basis using survey tools such as "mystery shopping". Special analyses are regularly performed to evaluate and improve internal quality.

Quality of the service: the BVG adopted various initiatives to ensure the quality of the service provided. On internal management, a quality management system was adopted to help raise employee performance on a continuous basis. A "balanced scorecard" system is employed to measure company efficiency compared to targets and major indices. The results are assessed from different perspectives, which ensure that the process is balanced. This applies not only to commercial activities but also to personnel development.

Safety: in the entire metro system, there are monitor patrols to maintain security for passengers. All platforms also feature information and emergency columns that passengers can use to get information or call for help if

needed. These columns, as well as many trains and buses, are monitored by video. A control centre coordinates all messages and can send rapid assistance.

Responsibilities of the carrier: in the VBB Terms of Transport, Paragraph 15 (*Haftung*) of Part A, provisions are made for damages to people or their belongings, and the responsibilities of the carrier are assessed by the Court based on Tort Law. A lump sum for damages to belongings is set at EUR 1000, unless the company is proven to be negligent. In this case, a higher amount may be set by the Court.

In 2009, the intensive snowfall in the city paralysed those trains managed by S-Bahn creating innumerable difficulties for commuters. The company offered a total of EUR 55 million to passengers as compensation for the interruption of service.

Taxi: the Berlin municipal regulations are based on the national legal framework. The Municipality of Berlin passed local procedures for Taxi Services in June 2001 (*Taxiordnung Berlin/TaxO*) which were modified in August 2004. In 2005, the municipality of Berlin adopted a regulation on taxi fares.

“Taxi Berlin” is the parent company controlling the majority of Berlin Taxi companies. It provides a centralised call centre service for taxis in the city. A total number of 4,800 vehicles and 15,000 taxi drivers are operating under “Taxi Berlin” in the Berlin area. Customers may call a taxi via telephone, the Internet or via the I-phone application “Taxi.eu”.

Quality charters or customer guarantees are not displayed on the companies’ websites. Customers who are not satisfied with the services provided may report to the local authorities (“*Landesamt für Bürger- und Ordnungsangelegenheiten*“), to the Trade and Crafts Association of Taxi Service Providers and/or to the Taxi call centre. In addition, customers may also participate in the improving service quality via Internet platforms where individual ratings of taxi companies are possible.

5.2.3 BRATISLAVA

Urban transport operators: *Dopravný podnik Bratislava* (DPB), a limited liability company, is the sole provider of public transport in the city of Bratislava, including suburban transit and regular international bus lines. DPB operates trolleybuses, buses and tramlines.

Quality Charter: the Charter of Service was adopted on 14 January 2009 and is still in force. It is amended regularly, with the latest amendment dated 1 January 2012. The Charter of Service is made up of 20 articles covering various subjects as required by law.

Information for passengers: under the Service Charter, DPB publishes its Charter of Service, fares and information on transport services at the selling points. DPB provides passengers with general information on all changes made to the organisation of public transport at stop points and on its internet site (www.dpb.sk). In addition, DPB must give information to passengers in vehicles through icons/picture signs.

Tickets: Articles 13 to 16 of the Charter of Service provides ticket information. DPB sells various types of tickets of various categories, such as single journey tickets, one-hour tickets, one-day tickets or prepaid tickets for longer periods.

Cancellation and punctuality of services: if a delay of more than 20 minutes or a cancellation of service occurs, DPB must issue a confirmation on that delay or cancellation. In this case, DPB must provide an

alternative solution, by either using the same transport mode or using another line, to guarantee that passengers reach their destination, without passengers having to pay any extra cost.

In general, passengers are not entitled to claim damages for delays or interruption of service.

Accessibility: Article 4 of the BA Charter of Service defines transportation for the disabled and for those with reduced mobility. In each vehicle, DPB must reserve and clearly mark at least six seats for the disabled and people with reduced mobility, one seat for the visually impaired including a place for their guide dog.

Some vehicles are equipped with a moving platform enabling barrier-free access to the vehicle for persons with disabilities and reduced mobility, such as wheelchair passengers.

Cleanliness of transport means and station facilities: DPB must keep stop points and stop shelters clean and operational. Vehicles are cleaned on a daily basis by an external cleaning company. Stop points and stop shelters are cleaned as frequently as DPB's personnel capacity allows. Cleaning teams work on a daily basis. However, due to insufficient capacity, DPB is unable to clean all stop points within one day.

Liability for persons and luggage: DPB is not responsible for any lost or stolen luggage but there is an exception to this rule. If the driver finds the lost property, he should hand it to the relevant DPB service depot. Passengers may recover their lost items from the driver on the first day. If the property is not claimed at the relevant DPB service depot within seven days of recovery, it is transferred to a dedicated Lost and Found desk.

Customer satisfaction surveys: DPB conducts serviceability surveys to obtain up-to-date data on the real functioning of public transport, on the occupation and overcrowding of vehicles. The DPB uses the collected data to assess and adjust its network, frequency of lines, etc.

Complaint handling, refunds and compensation: under the BA Charter of Service, passengers have the right to claim damages suffered to their luggage only if the luggage is deemed suitable for transport under the BA Charter of Service and the driver was informed about the damages caused.

If the DPB does not plan the transport service on a particular line, passengers have the right to use other lines or vehicles for their transport.

Taxis: taxi operators providing services in Bratislava must meet the requirements provided by the Road Transport Act and Road Transport Decree as indicated in the Country Report. Moreover, taxis stands, their capacity and identification are defined by the city of Bratislava. Municipal Decree No 5/2010 on taxes for using public property, as amended, governs the use of public property for taxi services as follows:

1. Public property defined by the city of Bratislava as taxi stands maybe used only if in line with the permit issued by the city of Bratislava; and
2. Taxes for taxi stands is set according to a rate ranging from EUR 0.07 to EUR 0.40 per square metre and per day.

As for passengers' complaints, the relevant competent authorities are the city of Bratislava and SOI.

5.2.4 BRUSSELS

Urban public transport operators: in the city of Brussels, the urban transport system is served by the public transport operator, *Société des transports intercommunaux de Bruxelles* (STIB).

Other companies serving Brussels are:

- The SNCB. With some thirty stations in greater Brussels, the Belgian rail is complementary to other networks. The three main Brussels stations are Brussels South, Brussels Central and Brussels North.
- DE LIJN. About sixty bus lines connect the Brussels region with different towns and important cities in Flanders.
- The TEC. 7 bus lines connect Brussels with Brabant-Walloon and Charleroi.

Some tickets are valid on the STIB's network and on the network of these three companies.

Public service contract: the relationship between the STIB and the Brussels-Capital Region is regulated by Law of 22 November 1990³⁷. The Law also regulates the relationship between the Region and the STIB, which is based on a double mechanism: the contract specification (*cahier des charges*) and the management contract (*contrat de gestion*).

Article 1 of the management contract for 2006 to 2011 defines the scope of the contract and in particular:

1. the objectives imposed on the parties;
2. the principles related to the construction and modification of the network;
3. the investment plan;
4. the financial regime of the service including tariffs and subsidies;
5. the benefits and fines imposed when carrying out the objectives;
6. the essential outline of the company business plan;
7. the review of the contract conditions.

Section 4 of the management contract addresses customer care and the quality of the services provided by the transport operator. To encourage implementing improvements, the Region set a specific fine that could be imposed on the UPT operator if the quality of service provided by the STIB does not meet objectives: payment of a "malus" equal to the maximum bonus a transport operator could gain during a year.

Quality Charter: STIB adopted a customer chart (*Charte du Client* or *Charte Confiance*) through which it undertakes to comply with quality standards for urban transport.

The quality standard is assessed based on the criteria listed below³⁸:

- Information;
- Punctuality and regularity;
- Accessibility;
- Comfort;
- Cleanliness;
- Fight against fare dodging;
- Reception

³⁷ Law of 22 November 1990 on the organisation of public transportation in the Brussels-Capital Region, as amended by Law of 19 July 1996 and Law of 19 April 2007.

³⁸ Information available on the STIB website on the following link: <http://www.stib.be/quality.html?l=fr>.

Accessibility: with regard to accessibility of information, the STIB adopted various measures to ensure accessibility for the visually impaired and hearing impaired, such as visual tools and real time voice announcements in vehicles and at stops; centralised database with a list of accessible stations and stops; a guide to Brussels transportation for those with reduced mobility;

Surveys: STIB carries out surveys using “Mystery Clients” (“*Cliente Mystère*”). Some staff members of the STIB travel on different transport routes to review the different quality criteria. Their evaluations are used to draft a monthly report.

Enforcement: STIB adopted several tools to ensure the quality of service. First, the French organisation, AFNOR, is in charge of monitoring the services that STIB provides. Each year, this body issues, renews or withdraws the "service" label. Second, service quality is guaranteed by a bonus-malus arrangement that awards the operator whose performance lives up to expectations and imposes penalties when it does not attain accepted quality standards. With regard to passengers' complaints, a Mediator was created at STIB to deal with the passenger complaints regarding transportation at STIB. Second tier complaints may be lodged if the initial submission at STIB is unsuccessful.

Taxis: taxi service is subject to an authorisation granted by the Brussels Government at the location where the service will be provided. The authorisation is valid for 7 years and is renewable. The authorisation is issued when the driver meets the following requirements: good repute, professional requirements and the financial capability. The authorisation is strictly personal and cannot be transferred to another driver. This provision was introduced to avoid any kind of fraud.

To increase the use of taxi service, in 2008 the Region launched the “*Collecto*” service which is a flexible night taxi service with a tariff of EUR 6 for the fare (EUR 5 for those having a STIB season ticket). Given its success with *Collecto*, the Region decided to increase the number of taxi licences for this service³⁹.

Several measures were adopted to ensure taxi service accessibility to individuals with reduced mobility. The city of Brussels offers around 100 vehicles equipped to answer the needs of persons with reduced mobility.

In general, for any complaints on the service, including quality, customers have different tools at their disposal: sending complaints by mail and/or e-mail, filling in the online form, or calling a toll free number available on the Directorate for Taxi of the Brussels Mobility website⁴⁰.

5.2.5 BUDAPEST

Urban public transport operators: urban public transport in Budapest is run by *Budapesti Közlekedési Vállalat* (BKV) that operates 27 city tramlines and 4 commuter railway lines into the suburban agglomeration plus the city fleet of buses. In addition, Budapest's urban transport also includes boat services on the Danube River, which is frequently used by residents, but which is also very important for tourist activities. BKV has about 1.4 billion passengers a year.

Public service contract: the service contract between BKV and the Municipality of Budapest contains the following quality service indicators:

- Basic service parameters: network coverage (by areas), operating hours, frequency of lines, etc. as a minimum level of service.

³⁹ Information available on the following link: <http://www.bruxellesmobilite.irisnet.be/articles/taxi/>.

⁴⁰ Information available at the following link: <http://www.bruxellesmobilite.irisnet.be/articles/taxi/signaler-une-plainte>.

- Performance requirements: the required supply in place-kilometre by transport modes
- The *Parameter Book*, i.e. very detailed service parameters (mainly quantitative and partly qualitative), with operating calendar, number of runs, number of vehicles to be in traffic, by modes, by lines, etc.
- Quality requirements: a bonus-malus arrangement based on indicators like “cancelled departures”, punctuality, safety/security, etc.
- Insurance: comprised in the fares. It is a voluntary quality commitment of BKV (not required by law or by the Contract).

Quality charter: BKV does not have any quality charter. However, the Annex of the Service Contract includes quality requirements, which EW the basis of a bonus-malus system. There are specific quality standards at the company, but they were not drafted in the form of charter. The service contract includes the basic service parameters of public passenger transportation, as well.

Enforcement: the bonus-malus arrangement is used to evaluate the quality of the service. The performance-based classification could be done using the data published in the annual report sent to the Municipality, but the evaluation of the operator does not take place. This could change in the new system, but there is no information at present.

Interruption/delay/rerouting: for interruption on rail-bound lines (metro, tram, suburban rail), if the traffic is stopped on the line, BKV provides replacement services by bus.

As a result of strikes, BKV extends the validity period for pass holders as compensation.

Customer service/complaint handling: passengers may contact Customer Service by mail, e-mail, fax, phone or in person. BKV records all notifications received in its registry. Written notifications are sent to the competent departments to investigate the cases, and the answer is sent to the customers based on the relevant department’s criteria. If Customer Service is competent in the case, it will prepare the answer to the customer. The deadline to respond, set by law, is 30 days, although prolonged investigations often occur and the company informs the customer of the delay in writing. However, the reply must be sent to the customer within 60 days.

Accessibility: for tramlines where low-floor vehicles are in service, platforms were built to permit floor level access. Regarding recently built or renovated lines, platforms were designed for floor level access at all times and certain metro stations have installed lifts.

Surveys on customers’ satisfaction: in 2004 and 2005, BKV made a household survey on a vast sampling of the population, asking to 50,000 households in the capital, included car drivers. BKV considers that a study of this dimension is rarely possible.. A survey of customer satisfaction was part of the survey, as well.

Taxis: local regulations on taxi services in Budapest provide for the establishment and use of taxi stations, the capping of taxi fares, a smog alarm plan, and the use of public property and vehicle parking. Regarding passenger rights, the only relevant decree is the taxi fare decree.

The licence to provide taxi services in Hungary is issued by the National Transportation Authority ("*Nemzeti Közlekedési Hatóság*"), if the applicant meets the specific requirements set out in Decree No 21 of 1992 (X. 27.) of the Ministry of Transportation, Telecommunication and Energy on Particular Terms of Rendering Taxi Services.

5.2.6 LONDON

Urban public transport operator: the urban public transport in London is managed by Transport for London (TfL) which manages London's buses, London Underground, Docklands Light Railway (DLR), London Overground, Tramlink, London River Services and Victoria Coach Station. TfL also has a number of other responsibilities: managing traffic congestion; maintaining 580 kilometres of main roads and all of London's traffic lights; regulating the city's taxis and private hire trade; making London's transport more accessible by planning for people with impaired mobility; running the Dial-a-Ride marathon alongside the London boroughs taxi card scheme; and promoting a range of walking and cycling initiatives.

Public service contracts: TfL signed “quality incentive contracts” with operators to keep standards high and to measure the quality of service passengers received from the operators. For details on these contracts, please see Annex 2.

London Transport Users Committee: the London Transport Users Committee, officially known as London TravelWatch, is the official watchdog organisation representing the interests of transport users in and around London.

London TravelWatch promotes integrated transport policies and presses for better public transport, with higher standards of quality, performance and accessibility. It liaises with transport operators, providers, regulators and local authorities. In turn, transport operators consult it on proposed changes to services or closures of lines or stations.

It assists with complaints about transport in London when the service provider did not satisfactorily resolve them. It also deals with services operated or licensed by TfL.

Terms of Carriage: Conditions of Carriage published by TfL set out the minimum level of service to which passengers are entitled. These conditions outline rights and restrictions for passengers and provide contact details for TfL customer service advisors and outline penalty fares, refunds and compensation. Rights for those in wheelchairs, buggies and pushchairs are also provided under the Conditions of Carriage.

TfL Customer Charter: TfL adopted a quality charter that provides information on the transport service provided, tickets fares, services guarantees for delays or suspensions of the UPT service.

If the train is severely delayed or cancelled passengers may claim refunds from your train operator. Generally, they are entitled to compensation based on the train operator's individual policy set out in their Passenger Charter (found on individual company websites or ticket offices).

Information: TfL provide information to passengers on the networks in the stations, bus stops, at the shelters, in the vehicle through classical modes, pintables, electronic tables, timetable and maps.

In the station, information is available at the counters. Information on journey planner, maps, timetable, and planned works is available through the website and call centres.

Survey and Monitoring: TfL is required, as part of the Local Government Act 1999, to publish a Best Value Performance Plan. As part of this survey, TfL is required to report on Best Value Performance Indicator surveys carried out by the London Boroughs on a three-yearly basis to collect data for satisfaction and performance in relation to local transport information and local bus services. The latest available results on the TfL website are from 2007.

TfL carries out many surveys among passengers to have their opinion on the changes of routes, works planning, additional lines and runs. They have a section of their website that is dedicated to the consultations.

Complaints: if a passenger has a complaint or problem with any aspect of London's transport, they must first contact the operator that provides the service. If passengers are dissatisfied with the operator's response, or they do not receive a response within a reasonable timeframe, they may appeal to London TravelWatch and which will investigate. If the passengers are not satisfied with any response from the transport provider or operator London TravelWatch can investigate the passengers concerns or try to resolve any problems. A passenger also has the right to appeal to London TravelWatch in writing, by email or via an online form available on the London TravelWatch website.

Accessibility: people with disabilities or senior citizens are entitled to a freedom pass to travel for free on TfL network for people older than 65 years, people with disabilities who are residents in London.

In case the UPT stations and vehicles are not accessible, TfL introduced paratransit services as well such as: Dial-a-Ride, which is a door-to-door multi-occupancy transport service, and taxi card, which is a taxi service available 24 hours a day and at reduced fares.

An online tool is available on the TfL website to plan journeys using all fully accessible transport modes, with the possibility for the visually impaired to demand or download an audio guide or an audio map of the network. Information on fully accessible stations is available at the customer centre and via call centre.

Safety and Security: to ensure passenger safety, TfL adopted the following measures: intelligence-led policing patrols at key times in key areas identified using crime analysis and incident data; CCTV to help deter, target and detect offenders; crime prevention advice; Workplace Violence Units to tackle assaults against staff; security and surveillance measures at bus garages, depots, sidings and trackside; design changes including anti-scratch graffiti surfaces; withdrawal of free travel concessions for young people who breach TfL's Behaviour Code; alcohol ban on public transportation.

Fare evasion: TfL adopted several measures to fight fare evasion including intelligence-led deployment of around 500 revenue inspectors; joint revenue operations with the police; penalty fares and prosecution of fare evaders; changing ticket technology and fare strategies to make evasion more difficult; marketing campaigns to warn potential evaders of the consequences.

Taxis: the role of TfL Taxi and Private Hire includes the licensing of taxi and private hire services in London. After the introduction of the Private Hire Vehicles (London) Act 1998, the licensing of private hire services is now complete. All taxi driver applicants must demonstrate a thorough awareness of London's streets and places of interest. Fares for destinations outside Greater London may be negotiated between the passenger and driver before the journey. If no fare is agreed before the start of the journey then the maximum fare will be that shown on the metre at the end of the journey.

Passengers have the right to lodge complaints in relation to a taxi journey or driver conduct via the TfL website.

5.2.7 MADRID

Urban public transport operator: the main transport operators in Madrid are: Metro Madrid SA, which is in charge of managing and operating the metro network, and EMT (*Empresa Municipal de Transporte de Madrid*) which operates road surface transportation.

Public service contracts: in 2009, the Municipality of Madrid adopted a modernisation plan that also contains a quality plan for service of urban road transport. This plan has the objective to create a general contract service model and to introduce the minimum standards to ensure the quality of the bus service. The plan also intends to provide consistent and compulsory criteria for the certification of the services and to follow the evolution of the service's quality over time.

The Madrid metro operator (Metro de Madrid SA) also adopted a quality plan to offer passengers improved service. This plan is based on a management system called "booklet of quality" (*libro de la calidad*).

CRTM conducts frequent surveys to assess the transport operators' compliance with the quality parameters.

Terms of carriage: both Metro de Madrid SA and the EMT adopted regulations comprising terms and conditions of carriage, as well as a list of passenger rights. The Metro Madrid Regulation was approved in May 1987 with Decree 49/1987. It contains a list of passenger rights, including handling of complaints and compensation. It provides that information to the passengers must be clearly displayed, especially that on ticket prices, timetables, metro itinerary with stations and the interconnection points. The ETM Regulation was approved by Municipal Decree No 206/2000 and, like the regulation of Metro Madrid, it contains a list of passenger rights and terms of carriage.

With regard to quality and security of the rolling stock and facilities, Metro Madrid obtained various AENOR certifications.

To make UPT more attractive to the populace and to encourage using the metro, the Municipality of Madrid introduced various initiatives, such as an underground public library, some cultural spaces for young artists and a suburban museum.

Quality Charter: Metro Madrid adopted a quality charter following extensive and detailed opinion studies carried out to investigate the needs and expectations of passengers. The Charter was only recently adopted and it is in its initial version, however a revision every two years is planned. We did not find a quality charter for ETM.

Reimbursement for disruption or delays: Metro de Madrid offers its customers complementary bus service when interruptions are known in advance or when, even when unplanned, the estimated duration is longer than expected and the Transport Authority decides to implement alternative means of transport. Customers have the right to a refund for the price of the ticket they purchased or the right to receive another ticket (excluding passes in both cases).

Surveys: Metro de Madrid ran surveys to obtain customer opinions on specific aspects of service (signalling, train and station lighting, cleanliness, upkeep, speed of train trip, space in trains, etc.).

This feedback is the main input to the Service Quality System and to determine company strategy. It is used for internal KPI, budget, to design new improvement projects and to set up annual objectives.

Accessibility: all EMT buses have low-floors, kneeling systems and ramps for wheelchair users. External buttons to request access ramp deployment, bars to facilitate the ascent and descent of the vehicle, a central platform for use by wheelchair users and/or baby strollers, support for wheelchair support and vertical bars to prevent tipping, button "stop ramp extension requested" that activates audible and optical illuminated signs, handles, adhesive information or pictograms.

For those with reduced mobility, EMT Buses have reserved seats in different colours, armrests for easier access to the seats, special wide seats, user-friendly warning stop buttons also in Braille. The EMT fleet also has special seats with safety belts for babies up to three years old.

EMT published a booklet, available also on its website, with all information on accessibility and the services provided.

Metro Madrid published a map of accessible stations. While there is already a high level of accessibility, the company is still working to adapt stations and rolling stock to the needs of all people, specifically by installing elevators, escalators and/or ramps, signalling platform edges with longitudinal pavement buttons. Accessible stations have signalling platforms, security zones with grooved pavements, signs for obstacles and pillars with red vinyl bands, adequacy of railings and access gates, Braille labels.

Customer Service Office: both Metro Madrid and ETM created a Customer Service Office (*Oficina de Atención al Cliente-OAC*) to specifically assist passengers. The objectives of the OACs are to provide the services requested by operators, especially those relating to management requests, suggestions and complaints, and information to users.

Complaints handling: both companies have a service, included in the OAC, to allow passengers to submit complaints via email, fax, phone, and letter. The passenger may also ask assistance in filling out the complaint form. In general, the companies reply within 30 days. Metro Madrid has a special department to deal with these complaints. The refunds allocated for damages depend on the injury or damage, and the insurance policy of the companies cover them.

Taxi: in Madrid, the majority of taxi service providers are members of the *Federación Profesional del Taxi de Madrid*, a trade union which is part of the national Federation and provides assistance to taxi operators and establishes sector regulations.

The Municipality of Madrid regulates the service by municipal decree (*Ordenanza Reguladora del Servicio de Vehículos de Alquiler con Aparato Taxímetro* of 27 June 1980) that establishes the rules for taxi service, such as the colour of vehicles, the timetable of the service, the metre unit.

The regulation establishes that the service must be provided Monday through Friday, for 16 hours maximum daily between 6.00 am and 6.00 am the following day. As an exception, for auto taxi licenses with at least two driver identification cards, the driver being a full-time employee, the maximum daily duration is 18 hours. For this purpose, licensees of auto taxis shall incorporate appropriate control criteria to operate the metre unit of the vehicle.

There are also Euro taxis available in Madrid for the disabled that can be reserved in advance.

5.2.8 PARIS

Urban public transport operators: the management of the public transport system in the Ile-de-France is organised by *Syndicat des Transports d'Ile de France (STIF)*⁴¹. Based on Article 1241 of the Transport Code⁴², the

⁴¹ Law of 7 January 1959 Nos59-151 on the organisation of transport in the Ile-de-France in OJ of 10 January 1959, No 0008.

⁴² Article 1241 of the Transport Code lists the STIF's functions: the authority is in charge of choosing service connections and operators, and defining terms and conditions of execution, general operating and financing conditions, and price behavior.

STIF appointed two public entities, the RATP and the SNCF, to provide transport services inside Paris by train, tramway, underground, buses and sea shuttles, and RER for the suburban train service. However, OPTILE operates in all regions except for Paris and its closest municipalities.

Public Transport Contracts: the relationships between STIF and RATP, SNCF and RER, which are public-owned entities, are regulated by operating contracts.

Through these contracts, public operators are obliged to comply with the standards of i) transport supply, and ii) quality of service prescribed by STIF in return for a fixed compensation. This can change according to financial incentive mechanisms that can increase or decrease this amount.

These standards are subject to some financial bonus-malus incentives: if the annual result is better than the fixed objective, compensation is increased while if the annual result is less than the fixed objective, compensation is reduced.

Financial incentives are allocated based on those standards deemed most important to passengers, and therefore concentrated on regularity and punctuality of service, and on informing passengers of disturbances to service. Other criteria considered important are readability, availability, updates and pertinence of information, how passengers are welcomed (e.g. quality of welcome, availability, quality of information provided) and on cleanliness (e.g. smell, deterioration).

STIF publishes the results of the surveys on its website every two months.

The two main indicators for the application of bonus-malus arrangements are regularity and punctuality. Regularity of the metro was assessed using two criteria: waiting time and the availability during peak hours. From the last data available on the STIF websites for applying bonus-malus arrangements and relevant to 2009, it appears that RATP and SNCF reached the criteria of metro regularity.. On the contrary, on the RER, penalties were imposed for non-compliance with the objectives.

Train schedules were assessed using passengers' punctuality standards to assess if they arrive more than 5 minutes late at the destination metro station. SNCF did not reach the contractual objectives for any of the train lines due to rolling stock or infrastructure delays.

The punctuality of the tramway was assessed based on standards comparing the theoretical and real intervals between two trains within a margin of 2 minutes.

The objective established in the offer was to have 98 per cent of the rolling stock respect the punctuality parameters.. RATP did not reach the objective.

Accessibility: STIF adopted a *Schéma Directeur de l'Accessibilité* that provides the planning and financing to reach full accessibility of the network before 2015.

However, in the meantime, accessibility for all of the region's citizens was secured through investments in a show case endeavour to create an accessible demand-responsive transport service, the PAM system (*Paris Accompagnement Mobilité*). This service consists of a large fleet of lift-equipped minibuses, staffed by full-time, uniformed drivers and staff, and controlled by a state-of-the-art booking and control facility⁴³.

⁴³ Information available at the following link: <http://www.transportbenchmarks.eu/pdf/final-reports/FINAL-UTB3-A5-DISABLED-TRANSPORT-REPORT.pdf>

STIF provides training for metro station staff and other personnel who may come into contact with the disabled.

Furthermore, STIF also provides *Infomobi* service that collects all necessary information in real time on the accessibility of the public transport network, to allow travellers to make informed decisions on their journey in consideration of travel conditions at that time. The service gathers information from RATP (bus, tramway, metro, heavy rail), SNCF (suburban rail) and OPTILE (a federation of 80 private bus operators), and includes information, such as whether the station lifts are fully operational.

Information to the passenger: STIFs, together with SNCF RATP and OPTILE, set up a common multimodal information system which is available online for both day and night transportation (www.vianavigo.com).

This database provides global information on the transportation offer (timetables, maps, itineraries, and traffic information) of all different operators instead of partial information which was provided in the past by each operator.

Moreover, each operator is obliged to provide information on their network lines' plans and timetables especially at stops, on vehicles, and real time information in the station, at stops, and inside vehicles⁴⁴.

Security: even if security is not one of the quality standards explicitly mentioned in the contracts with RATP and SNCF, this remains one of the main priorities for STIF.

STIF decided to increase its employee presence in the SNCF and RATP networks by hiring more than 5,000 people to welcome users and to enhance security. According to 58 per cent of the users, the first method of improving the level of security is through prevention, mediation and guarding, especially in precarious locations. To date, 236 train stations are open until the last train, and in certain more dangerous zones, some agents accompany trains running after 9:00p.m.

Monitoring: STIF decided to pay more attention to how passengers perceive the quality of service and its coherency with the standards adopted. First of all, it surveyed⁴⁵ more than 20,000 passengers in a year. Secondly, it set up some special committees (*comités de ligne*) to create a forum in which to exchange views with the passengers' representative, elected representatives, operators and the STIF.

Moreover, the intention for the future is to survey up to 60,000 passengers by implementing new means to exchange views with passengers on important issues, for example feedback on travel experience to understand the causes of the worst accidents, information from the users' association, attention on how complaints are handled and by hiring some transport witnesses to control the majority of the operator lines.

Taxis: taxi tariffs are regulated by Decree No 87-238 of 6 April 1987⁴⁶ which is an exception allowed, for reasons of security and public order, to the principle of free determination of price foreseen by Article L. 410-1 of the Trade Code. The contents of the decree details the elements of taxi service prices, notably, the pickup charge, some hourly fees or rates per kilometre, and some supplements.

⁴⁴ Website STIF, *L'information voyageur*, available at: <http://www.stif.info/les-transports-aujourd-hui/les-programmes-amelioration-qualite-service/information-voyageurs/information-voyageur-1418.html>.

⁴⁵ Website STIF, *L'observation de la mobilité*, available at: <http://www.stif.info/les-developpements-avenir/observation-mobilite/185.html>

⁴⁶ Décret No. 87-238 of 6 April 1987 *réglementant les tarifs des courses de taxi* in OJ of 7 April 1987 Page 3872.

In Paris, three different hourly fees and rates per kilometres should be applied according to the city zone (Paris *intra muros*, town or suburb), to the day of the week (during the week, week end or holiday), and to the time of day (at night, peak hours).

One of the most important problems is the inadequacy of the supply to the demand in cities such as Paris.

The same conclusions regarding the lack of supply were reached in a survey⁴⁷ on user satisfaction in Paris made in December 2010 by the *Union Nationale Des Industries des Taxis*. As to the quality of the service, almost everyone was satisfied with the vehicles, their cleanliness, conditions, and comfort, but only a half of the users deemed the quality of the vehicle as excellent. Concerning the driver, almost everyone was satisfied with the drivers, their driving behaviour and the choice of itinerary, but only half of the users deemed that the quality of the driver was excellent. Only those taxis having the airport as their destination had better results regarding supply and choice of itinerary.

5.2.9 PRAGUE

Urban public transport operator: the Prague Public Transit Co. Inc. (PPTC) is amongst the most important urban mass transit operators in the Czech Republic. Urban public transport in Prague is organised as an integrated urban transport system, which includes a public network of metro lines, trams, buses, ships and a funicular provided by the operators within the integrated transport system. The coordination of this integrated structure is ensured by a separate legal entity, the Regional Organiser of Prague Integrated Transport (ROPID Co).

Quality standards: to ensure the quality of its services, the PPTC employees' Quality Standards, part of its Service Quality Programme, defines the standard levels (limits of unacceptable performance) and procedures in case these levels are not reached, including responsibility for implementing appropriate measures in relevant areas. The public management authority, ROPID Co, defined Quality Standards for Prague Integrated Transit (PIT), which also respects EN 13816 standards.

PIT quality standards address the following areas: on-time operation, providing information, welcoming passengers, uniforms, ticket dispensers, barrier-free facilities in the metro, adherence to timetables, transit accessibility in metro stations, metro operations safety, and metro energy efficiency.

Certification takes place pursuant to EN 13816 only for the area of metro operations. The Service Quality Programme is managed by a company-wide coordination group consisting of managers of relevant PPTC departments.

Accessibility: the PPTC Quality Programme includes criteria I- Reachability and II- Accessibility pursuant to EN 13816. The operator provides, for people with disabilities or special needs, low floor vehicles (trams, buses), structural modifications of surface transit stops, a guidance and information system for various types of handicaps (primarily for the blind and visually impaired), installing elevators in below surface stations, information on barrier-free travel on the PPTC's website.

Passenger and Ticket Information: information on the terms and conditions of transport, fares, and timetables must be provided in vehicles and in stations. The Operator is further obliged to provide orientation and information for passengers using signs. For the disabled, places primarily intended for their use still need to be designated.

⁴⁷ *Baromètre de satisfaction UNIT 2011*, available at : <http://www.unit-taxi.fr/img/fichiers/21/synthese-barometre-unit-2011.pdf>

Tickets: There are various ticket categories sold in various forms (paper tickets, SMS tickets, transit pass. Children up to 6-years old and the elderly can travel free of charge.

Cancellation and punctuality of services: in the event of a delay or cancellation of a connection, the operator of urban public transport (unlike other kinds of transport operators) is not required to issue a confirmation on such delay or cancellation. Passengers are entitled to request the return of their transport fare if transportation is cancelled for reasons that fall under the responsibility of the provider or if the delay is longer than 60 minutes. If transportation is interrupted for reasons that fall under the responsibility of the transport operator, replacement transportation must be arranged by the transport operator. There is no possibility to claim a fare rebate if the passenger uses such replacement transportation.

Cleanliness of rolling stocks and station facilities: the operators are required to keep stops and stop shelters operational and clean. Passengers are obliged to help maintain the cleanliness of a means of transport or risk receiving a sanction of CZK 400 for infringement.

Liability for persons and luggage: the rules concerning the liability of operators to passengers and their luggage are not specifically governed in the Terms and Conditions of the PIT but are governed by the respective stipulations of the Civil Code and of the Act on Road Transport.

Handling of complaints: passengers have the right to lodge complaints and claims against transit inspectors in writing or orally at the places designated for contact with passengers. Complaints need to be submitted within 30 days of their occurrence.

Survey: once or twice a year, customer satisfaction surveys are organised. One such survey is planned for 2012. These surveys are usually conducted by issuing questionnaires to passengers. Measurements are performed both directly (i.e. SW records) as well as via the Mystery Shopping method. Data is evaluated regularly and utilised by all levels of PPTC management.

Taxis: the only act regulating taxi service in Prague is Directive No 20/2006 of the City of Prague, setting the maximum taxi fees.

Taxi operators must adopt terms and conditions of service which include:

- 1) Rights and obligations of the passenger and the provider of taxi services;
- 2) Fees;
- 3) Conditions regarding the transportation of luggage; and
- 4) Conditions regarding the transportation of animals.

5.2.10 RIGA

Urban public transport operator: the urban public transport in Riga is operated by Rigas SATIKSME, a limited liability company owned by the Riga Municipality. It operates buses, trolleybuses and trams. From 1 January 2012, the company took over the private passenger transport (shuttle bus service).

The legislation on public transport, including urban transport, was adopted in 2007. It contains rules on the quality of the service provided and the procedures for reviewing proposals and lodging complaints. The urban public transport service standards are determined by the regulation of the Cabinet of the Ministry of Transport.

Public service contracts: Decision No 3783/2011 of the Riga City Council contains the draft of the PSCs with the Rigas SATIKSME and includes a number of quality requirements set forth by the contracting authority, such as the tariff rate of public transportation services; the ticket system of public transport; fare allowances; public transportation controls; the order of how to review proposals, applications and complaints; the determination of the scope of compensation and its payment; and control executing contracts. The draft contract also includes the following appendixes: routes, justified reasons and unjustified reasons for non-performance of trips, description of quality management system processes to ensure the quality of public transportation services, and the description of the personnel management system.

Quality Charters: the quality charter of Riga SATIKSME outlines the quality criteria included in the PSCs. The company undertakes to improve passenger safety, information and comfort, accessibility for the disabled and persons with reduced mobility, and other quality indicators.

As regards the contents of the quality charter, the main objectives indicated are to provide the most efficient route network for public transport services and to improve the public transport service quality indicators (accessibility, availability, time, passenger service, comfort and safety).

Service guarantees: for delays or interruptions of transportation service, the Riga Municipality SIA RĪGAS SATIKSME provides free passage on alternative means of transport.

Complaints: Rigas SATIKSME registers complaints in accordance with the contents of the complaint, analyses the reasons for the complaint and assesses the complaint, the cause of it and the impact on the quality of service provided, as well as answering the customer. On average, it takes ten(10) days to reply to a customer.

Client applications are received: (i) by telephone via the toll-free information number 80001919 (95 per cent), (the information number works 24 hours a day, 7 days a week); (ii) by e-mail (4.5 per cent); (iii) by social media (0.29 per cent) and (iv) at Customer Service (0.21 per cent).

Accessibility: based on the Development of Electro-transportation for period 2004 to 2018, the company started modernising its fleet.

At the end of January 2011, a new fleet of trams, with a capacity of 300 passengers each, replaced two (2) tramcar sections in service until the end of 2010. Moreover, the company introduced a special service section to handle complaints exclusively dedicated to non-compliance with accessibility requirements. The complaint procedure is the same as other types of complaints but a dedicated member of the staff is in charge of these complaints.

E-ticketing: the new electronic ticket system, called “e-ticket” is a personalised e-ticket which contains holders’ data (photo, name and surname) and lasts for 5 years. It is compulsory for those passengers who use fare discounts on public transport, except for those who have 100 per cent fare discounts granted by the State (excluding the disabled of groups 1 and 2 and the disabled of up to the age of 18 years).

Survey and monitoring: Rigas SATIKSME conducts customer satisfaction surveys at least once every 2.5 years to assess public transport conditions in general as well as satisfaction with certain factors.

According to the new public services contract between Rigas SATIKSME and Riga City Council, the quality requirements are reviewed in accordance with legislative and customer requirements. In the last version of the quality charters, the exact requirements regarding transport availability, access to information, times, passenger services, comfort and safety were defined.

Taxis: generally (irrespective of the municipality involved), the carriage of passengers by taxi is regulated by the Law on Carriage by Road. According to this law, taxis may operate only if a carrier received a special authorisation (licence) issued by the relevant municipality (Article 35).

To transport passengers by taxi, as of 2010, renewing the car park must be done by ensuring that the vehicles are not older than 8 years.

The Control Service of the Riga City Traffic Department controls compliance with this regulation and other binding rules.

5.2.11 ROME

Urban public transport operators: urban public transportation is provided by the following operators:

- *ATAC S.p.A.* The principal transport operator ATAC provides urban surface transport lines (trams, buses), urban transport underground lines (metro), urban and extra urban light rail transport, school transport and bus service for the disabled. ATAC also manages the exchange parking points, where the users may leave their cars and take the public transport towards the centre of the city.
- *Roma TPL Scarl*, provides local bus transportation. The company was awarded, following a tender procedure, the contract service to cover around 20 per cent of urban local transport and the urban peripheral lines.
- *COTRAL S.p.A.* is the bus service company in charge of regional transportation in the Lazio Region. COTRAL also provides urban public transport to those municipalities outside Rome departing from interchange metro stops and train stations.

Local train service is provided by a branch of Trenitalia S.p.A., *Ferrovie dello Stato trasporto locale*.

Following the reorganisation of urban public transport companies, the *Agenzia Roma Servizi per la Mobilità* was created specifically to plan, monitor, and control urban mobility.

Public service contracts: urban public transportation is regulated by public service contracts between the operators and the Municipality of Rome, or by public service contracts between the operators and the Region for urban public transportation covered by regional competence, such as local rail transport. PSCs executed between the Municipality of Rome and ATAC include provisions related to the supply of service, quality, monitoring, mobility charters, and the relationship with the users.

According to Article 3 of the PSC, ATAC has the duty to provide the Charter of Service for the UPT in Rome, and the duty to survey the level of customer satisfaction.

Service monitoring includes sending data every month on the volume of service provided and of the regularity of the lines. ATAC should introduce an automatic system to conduct surveys and which should transmit this information directly to the Municipality.

The PSC between the Municipality of Rome and Roma TPL is not available, but from the information reported on the website, the contract includes specific provisions in term of quality of service. Specifically, the company is

required to perform the service with a new generation of buses that have low environmental impact and are fully accessible to all categories of users.

Tickets and fares: in Rome and the surrounding areas, it is possible to take different means of transport operated by different transportation companies thanks to single zone tickets (Metrebus Roma and Metrebus Lazio). Combined ticket fares are calculated solely with reference to the distance travelled regardless of the carrier

Quality charters: both ATAC and Cotral adopted quality charters which recognise the following passenger rights: security; continuity and certainty of services also through a rational integration of means of transport; publication and availability of frequencies and times with particular regard to coordinating the means of transport necessary to complete the journey; access to information on travel, tariffs and transport modes in the stations, boarding platforms and on vehicles, as well as information on onward journeys using alternative means (if possible) due to malfunction or accidents; compliance with departure times and frequency consistent with the general traffic situation; hygiene and cleanliness of vehicles, stations and terminus; efficiency of support equipment and infrastructure; containment of waiting times at counters (ticket offices, information); accessibility to the suggestion and complaint process and their responses; compliance with provisions relating to the "smoking ban" in vehicles and in public places.

Agenzia Roma per la mobilità is not a transport operator, although it adopted its own charter.

Survey and monitoring: the ATAC survey on quality is carried out each year by a specialised company, COTRAL, which developed an index (CSI, the Customer Satisfaction Index) to measure customer satisfaction with the quality of the service provided and the overall satisfaction, as perceived by all customer groups, with the image of the company.

Complaints: lodging complaints with both ATAC and COTRAL must be addressed to the competent office via e-mail, Internet, phone, fax or letter. Complaint must clearly indicate the reasons there for with the relevant documents attached to support the request. The ATAC Charter does not contain any timeline for response to complaints. COTRAL also provides for staff availability to assist customers submitting complaints and, if possible, to provide immediate responses. COTRAL provides responses within 30 days.

Accessibility: a special transport service, whose reservations are managed by ATAC, is available for the disabled and the visually impaired. The service is free of charge and maybe used for travel necessary for study, work, and health care.

Taxis: In 1998, the Municipality of Roma adopted a resolution on the organization of its taxi service. The resolution provides the instruments for regulating taxis (rates, shift service, supply limitation, consumer protection), the Code of Conduct (obligations of the driver), the Guarantee Commission, the contents of the charter of services.

Some taxi companies adopted their own charter based on the quality requirements indicated in the municipal charter.

The charter provides for the passengers' right to reimbursement for delay of service exceeding 30 minutes for service without reservations, and 15 minutes for services with prior reservation. Reimbursement is not provided if delays are due to unpredictable factors.

5.2.12 STOCKHOLM

Urban public transport operators: the Stockholm City Council procures transportation services through its subsidiary SL AB, the public transport company (*Storstockholms Lokaltrafik*, literally: Greater Stockholm Public Transport, hereinafter referred to as “SL”)⁴⁸.

SL’s network consists of:

- the Stockholm Metro (*Tunnelbana*);
- two urban rail systems (*Roslagsbanan* and *Saltsjöbanan*);
- a suburban rail system: the Stockholm commuter rail (*Pendeltåg*);
- three light rail systems (*Nockebybanan*, *Lidingöbanan*, and *Tvärbanan*);
- a tramway (*Spårväg City*);
- a large number of bus lines,
- the inner-city boat line (*Djurgårdsfärjan*).

Public service contracts: SL’s procurement of services are founded on gross cost contracts⁴⁹, through which quality or revenue incentives make the operator focus not only on the production and costs, but also revenue and passenger satisfaction. Bonuses are related to quality perceived by the customers, number of trips, to sales and for some dimensions.

SL and the operator conclude a series of schemes designed to be practical but contractually-based tools to implement and measure quality improvements.

A model-type of public service contract is represented by the one concluded by SL with MTR Corporation Limited for the subway in Stockholm. The procurement awarded to MTR in 2009, for a period of 8 years with a possible extension for another 6 years, was for full responsibility of running and maintaining the subway in Stockholm.

Accessibility: SL is lowering the tracks at the metro stations so that there will be no height difference between the train and the platform. It is also planning to exchange all commuter train carriages with new ones so that the floor of the carriage and the platform is at the same level. All new buses are provided with ramps.

The operator also introduced some forms of paratransit, such as Nartrafik bus service, consisting of small buses with low floors, for easy boarding and alighting, which goes past shops, sheltered housing and healthcare centres. The service is available to all those having an SL ticket. There are also flexible journeys by wheelchair taxi. The Swedish Special Transport Service Act decreed that SL provide the “special transport service”, which is intended to be a form of public transport for people with permanent disabilities.

Interconnections: as to the intermodality, the Swedish Transport Administration in co-operation with the City of Stockholm, Stockholm County Council, and SL is planning the “City Line Project”, or the Green Tunnel, comprising a 6 kilometre-long commuter train tunnel (in rock and water) beneath Stockholm, with two new stations (Stockholm City and Stockholm Odenplan), and a 1.4 kilometre-long railway bridge at Årsta. As Stockholm Central Station is overcrowded, the purpose of this project is to double the city’s track capacity and

⁴⁸ See the SL website: <http://sl.se/en/Visitor/Plan-your-journey/>.

⁴⁹ K. JANSSON, Quality incentives – quality outcome in procured public transport, case study Stockholm, 2007, available at the following link: http://www.thredbo.itl.usyd.edu.au/downloads/thredbo10_papers/thredbo10-themeC-Jansson-Pyddoke.pdf

improve service efficiency. Operations are scheduled to begin in 2017. SL has a common ticket system throughout the entire Stockholm County, which allows for easy travel between different modes of transport.

Service guarantees: SL is committed to also providing a “travel guarantee”⁵⁰: travellers will receive compensation of up to SEK 800 (EUR 87) for taxi journeys or ticket costs with other traffic service company trains, buses or boats, if they risk being delayed by 20 minutes due to disturbances to service or as a result of poor information provided by SL.

Claims for reimbursement need to be made within three months of the delay. If refused, the claim may be appealed within 3 months from the date of rejection. The refund system does not apply to *force majeure* situations.

Taxis: after the de-regularisation in 1990, the taxi market in Sweden consists of a large number of local taxi markets with very different conditions. Since the deregulation, taxi companies are free to set their fares but are required to inform customers about the fare prior to trips. There are guidelines and agreements on how prices should be presented to customers both inside and outside the taxicab. Taxicabs must also be equipped with receipt writing meters.

5.2.13 WARSAW

Urban public transport operators: Warsaw Public Transport Authority (*Zarząd Transportu Miejskiego Warszawy*, hereinafter “ZTM” or the “Municipal Transport Authority”) is the managing, organising and controlling authority of the local and suburban public transport in the Warsaw metropolitan area. It is an organisational unit of the Warsaw Municipality, dedicated for public transport.

In the field of public transport management, the Municipal Transport Authority in Warsaw contracts those services provided by the three most important operators owned by the municipality⁵¹:

- tram company: Tramwaje Warszawskie (TW);
- bus company: Miejskie Zakłady Autobusowe (MZA); and
- underground railway: Metro Warszawskie (MW).

In addition, there are two smaller bus operators contracted by the Municipal Transport Authority:

- RAPID-BUS Ltd; and
- PPKS Grodzisk Mazowiecki

Public service contracts: with both public and private companies, ZTM signs public service contracts where it sets different quality goals that the operators should meet, subject to penalties. The quality indicators include punctuality, cleanliness, reliability, passenger information completeness, etc. This system guarantees a high level of service for passengers. The service quality is controlled by controllers of ZTM.

Accessibility: ZTM plans to change its fleet considerably over the next 3 to 4 years to have 100 per cent of their buses and 50 per cent of their trams without basic barriers (such as steps in the entrance doors), and immediately offering seats at ground level. At present ZTM already has 70 per cent of such buses operating on weekdays during peak hours, and during any type of holiday as much as 94 per cent.

⁵⁰ Information available on the SL website: <http://www2.sl.se/templates/Page.aspx?id=4664>.

⁵¹ G. Krzywkowska, Next Stop: Sustainable Transport- A Survey of Public Transport in Six Cities of Central and Eastern Europe, 2004, available at the following website: http://archive.rec.org/REC/Programs/environmental_policy/PublicTransport/documents/NextStop.pdf.

Information: ZTM bus stops are marked with traffic signs with a bus or tram pictogram. The sign is usually placed either on a pillar or at the shelter. There are timetables available at stops indicating departure times and listing all stops on the route. Temporary timetables, related with e.g. diversions, are printed on yellow paper.

Punctuality and Regularity: ZTM controls the extent of use and punctuality of individual lines on a regular basis. Specialised software is used to check how a planned change of route or frequency will influence functioning of the whole line.

For unanticipated service interruptions (breakdown/failure) or planned works, the tram traffic may be suspended and substitute means of transport made available.

Complaints: complaints in writing, including those about drivers, may be lodged at Passenger Service Centres. Passengers receive a written response to the complaint. A complaint may also be filed via a contact form on the ZTM website. If a passenger encloses their personal data and address, they will also receive a written response. Passengers can make anonymous complaints by calling the ZTM hotline.

Taxis: in Warsaw, taxi service requires a licence issued by the city authorities. The prices for passenger taxi transport in the city of Warsaw are official prices (maximum prices) and their level is determined by the City Council (in the form of a resolution). All licenced taxis are marked with special emblems and logotypes.

Complaints regarding services (e.g. excessive fees for transport) of taxi drivers must be filed in writing at the Office for Economic Activity and Licenses of City of Warsaw together with the bill/receipt issued by the taxi driver. If the taxi driver refuses to issue a bill/receipt and there appears to be the possibility of fraud (e.g. fare is excessive), the passenger is entitled to ask for Police assistance.

Comparative Charters on passenger rights in the cities examined

All urban public transport modes except taxis

| City | Source of quality criteria | | Quality indicators | | | | | | | | Complaint Handling | Monitoring/ Enforcement | Taxis |
|--------|----------------------------|-------|---|--|---|--|---|--|---|---|---|--|--|
| | PS C | Q. C. | Accessibility | Cleanliness | Comfort | Fight against fare dodging | Information | Punctuality and Regularity | Reception | Safety and Security | | | |
| Athens | | X | Free transportation service for the disabled Improving access of the PRM and disabled on vehicles and at stations. | Maintaining the cleanliness of vehicles and trains as well as station areas. | Integrated ticket. Improving multi modal use of PT through single ticket valid for multiple trips on all UPT options in the urban zone (buses, trolleys, tram, metro, suburban railway), in any direction for up to 90 minutes). | Random checks by inspectors and drivers with special training. | Information in stations and at stops and on vehicles. In particular, departure and arrival times of the first and last vehicles. Information for changes and disruption of service. | Obligations to take all necessary actions to ensure that defects are repaired promptly so as to ensure continuous service. | Fines for rude or inappropriate staff conduct towards passengers. Disciplinary action. Employee obligations to show courtesy (dress appropriately, do not smoke). | Obligation to keep the rolling stock in good condition and operative. | Lodging complaints by post, fax or e-mail within 10 days from the event. 30 days for reply (40 for investigation). Compensation in cash or issuing ticket of equal value. EUR 30 fines for rude or inappropriate conduct of employees in addition to disciplinary action. For disputes, complaints are referred to the Dispute Resolution Commission. For the appeal, the Hellenic Consumers' Ombudsman and/or the Directorate General for Consumers of the Ministry of Employment and Social Security are competent. | A customer satisfaction survey is available on OASA's website for users of its services to complete. | The provisions of Law 4070/2012 also apply to taxi drivers active in the city of Athens. |
| Berlin | X | | Trams and bus fleet with low floor level. Trains with ramp. | Regular cleanliness of vehicles and stations. | Integrated ticket in the area of Berlin/Brandenburg. Single | No information available | Real time information on traffic news, available on line, through a mobile | Free tickets for delays of more than 20 minutes. For delays | Increased helpfulness and courtesy of the staff on ground. | Monitor patrols in the entire metro system. Information | A lump sum for damages to belongings of up to EUR 1,000 unless the negligence of the company is proved. | Market research on customer satisfaction is carried out on an on-going basis, | Obligation of the driver to provide assistance if required. Obligation to |

Comparative Charters on passenger rights in the cities examined

All urban public transport modes except taxis

| City | Source of quality criteria | | Quality indicators | | | | | | | Complaint Handling | Monitoring/ Enforcement | Taxis |
|------|----------------------------|-------|---|--|--|----------------------------|---------------------------------|---|---|--|---|--|
| | PS C | Q. C. | Accessibility | Cleanliness | Comfort | Fight against fare dodging | Information | Punctuality and Regularity | Reception | | | |
| | | | <p>Elevators in the metro stations, guide strips on the floor and acoustic signals for visually impaired.</p> <p>Visual signs for hearing impaired.</p> <p>Courses for the staff to deal with PRM.</p> <p>Paratransit service.</p> <p>Mobile Multimodal Mobility Guide.</p> | <p>Reimbursement of cleaning passengers' clothing if they get dirty on an unclean vehicle.</p> | <p>weekly, monthly and annual tickets available;</p> <p>Special tickets for use UPT for events in the city (concerts, sport events).</p> | | <p>phone and a palm device.</p> | <p>during the night, reimbursement for taxi costs up to EUR 25.</p> | <p>English courses for the staff.</p> <p>Turkish-speaking staff to serve the largest Turkish community.</p> | <p>and emergency columns in all platforms monitored by video. A control centre coordinates all messages and can send rapid assistance.</p> <p>Good maintenance of the vehicles and stations.</p> | <p>using survey tools such as Mystery shopping.</p> <p>Special analyses are performed regularly to evaluate and improve internal quality.</p> | <p>provide a comfortable journey (trunk for the luggage, inside of vehicle clean and free of objects).</p> |

Comparative Charters on passenger rights in the cities examined

| All urban public transport modes except taxis | | | | | | | | | | | | | |
|---|----------------------------|-------|--|--|--|--|---|--|---|---|--|---|--|
| City | Source of quality criteria | | Quality indicators | | | | | | | | Complaint Handling | Monitoring/ Enforcement | Taxis |
| | PS C | Q. C. | Accessibility | Cleanliness | Comfort | Fight against fare dodging | Information | Punctuality and Regularity | Reception | Safety and Security | | | |
| Bratislava | | X | At least six seats for the disabled are reserved for PRMs, one seat for the visually impaired, including place for their guide dog. Place for wheelchair clearly marked. Platform on some vehicles. Assistance must be provided by the driver if required. | Stop points and stop point shelters to be kept in a clean and operational condition. Vehicles cleaned on a daily basis. | Single (daily, hourly, prepaid) or integrated tickets are available via internet or mobile devices. | EUR 30-50 fines for invalid tickets or no ticket at all. | No information available. | Confirmation of delay more than 20 minutes or cancellation of the service. For disruption of service, DPB must arrange for alternative transport. | DPB collects and returns lost property at a special lost property desk where passengers can pick up their lost items. | No information available | For complaints concerning contactless electronic cards, a special procedure is provided. Claims to be submitted in a complaint by giving a brief justification and showing evidence supporting their claims. For damages or injuries, claims must be submitted immediately or within six months, otherwise the rights expire. | Survey on the occupation and overcrowding of vehicles are conducted by DPB. Data is used to modify the network, frequency of lines, etc. | Taxi drivers must help their passengers with loading and unloading their luggage to and from the taxi. As to damage caused to luggage, personal articles and bodily injury caused during e transport, the taxi operator is responsible and liable under relevant provision of the Civil Code. |
| Brussels | | X | Software to make the company website accessible to the blind and visually impaired; upgrade of the visibility of the vehicles, vocal announcements, podotactile materials. | Metro trains are usually cleaned up after the last stop, every day with ecological soap. Vehicles were renovated for better | Drivers trained to ensure comfortable travel to passengers. “Eco - drive” system adopted on the metro to ensure | Inspectors at station and bus stops. Police partnerships. Electronic tickets and gates to access platform. | Information panel on the whole network; announcements given in French, Dutch and English. Interconnections with metro, tram bus with the “transit” notice to the driver of | Increased frequency of the runs. | Capacity of certain Reception Points were increased, modernised and improved for every component. New uniforms for staff to make them easily recognizable. | Ground staff on the surface network. Security cameras in the stations. Points of contact in the stations to report security issues. | A mediator service was created at STIB for second tier complaints. | Certification from AFNOR Bonus-malus arrangement. Fines or reduction of contributions. Committee composed of representatives of the Region, of STIB to assess | Special driver training to assist PRM and the disabled. Payment through taxi- cheques. Flexible night taxi service with a reduced fare (Collecto) Vehicles to be used |

Comparative Charters on passenger rights in the cities examined

All urban public transport modes except taxis

| City | Source of quality criteria | | Quality indicators | | | | | | | Complaint Handling | Monitoring/ Enforcement | Taxis |
|------|----------------------------|-------|--|---------------------|--|--|--|----------------------------|---|---|--|--|
| | PS C | Q. C. | Accessibility | Cleanliness | Comfort | Fight against fare dodging | Information | Punctuality and Regularity | Reception | | | |
| | | | <p>Elevators have been progressively installed in the metro stations.</p> <p>The existent are equipped with automatic equipment.</p> <p>Inclined planes and wider platforms.</p> <p>Creation of a centralised database with accessible stations and stops.</p> <p>Service of on demand transportation for RPM.</p> | <p>maintenance.</p> | <p>constant speed, avoid quick stop and reduce energy consumption</p> <p>MOBIB a multi-function card, which includes various kinds of tickets and additional services (such as Villo, the bike rental city service).</p> | <p>Obligation to get on the bus/tram from the rear door.</p> | <p>the tram/bus to wait for passengers arriving from the metro.</p> <p>Information on next passage of the vehicles.</p> <p>Dynamic and visual information in metro stations and at bus/tram stops.</p> <p>Information at stops on the waiting time.</p> <p>Waiting time at STIB phone lines less than one minute.</p> <p>Guide on Brussels UPT for people with reduced mobility.</p> | | <p>Training for employees on dealing with customers and help.</p> <p>Self-service ticket machines to speed selling tickets.</p> | <p>Obligation of getting on the bus from the rear door to increase the feeling of security on board.</p> <p>Information campaigns on the good use of the UPT in schools and associations working with young people.</p> | <p>quality of the service;</p> <p>Surveys carried out by mail, internet or in loco and with Mystery Clients.</p> | <p>for taxi service must be registered for less than 7 years.</p> <p>Complaints of taxi passengers on company website or at the Directorate for Taxis on the Brussels Mobility website .</p> |

Comparative Charters on passenger rights in the cities examined

All urban public transport modes except taxis

| City | Source of quality criteria | | Quality indicators | | | | | | | | Complaint Handling | Monitoring/ Enforcement | Taxis |
|----------|----------------------------|-------|--|---------------------------|--|--|--|---|--|--|---|---|---|
| | PS C | Q. C. | Accessibility | Cleanliness | Comfort | Fight against fare dodging | Information | Punctuality and Regularity | Reception | Safety and Security | | | |
| Budapest | X | | <p>Platforms for tram lines/low floor trams. Lifts in metro stations.</p> <p>Escalators in some stations of Millennium Underground railway.</p> <p>Full accessible metro line 4 (which is under construction).</p> | No information available. | Automatic door-closing system, with 4 second waiting time. | No information available. | No information available. | <p>For interruption of metro, tram, suburban rail, replacement service provided by bus.</p> <p>No compensation for interruption or delays.</p> <p>For strike, the transport operator provides longer validity period for the pass holder as compensation.</p> | No information available. | No information available. | <p>Customer Service to be contacted by mail, e-mail, fax, phone or in person.</p> <p>All notifications received in its registry are recorded and investigated within 30 days.</p> | <p>Bonus-malus arrangement to evaluate the quality of service.</p> <p>A household survey was carried out moreover, the comments were considered during modifications.</p> | <p>Taxi fares must be visibly displayed on the control panel and the rear window; fixed maximum fares.</p> <p>Information on filing complaints must also be displayed in Hungarian and English.</p> |
| London | X | X | <p>Assistance at the stations for the disabled.</p> <p>Free passes for people with disabilities and the elderly (+65). Reduced fares for other categories.</p> | No information available | No information available | <p>Revenue inspectors.</p> <p>Joint operations with the police.</p> <p>Penalty fares and prosecution</p> | <p>Information on the networks in stations, bus stops, at shelters, in vehicles.</p> <p>Real time information on journey planners, maps, timetables, planned works</p> | Compensation for delay or cancellation of the service. | Staff training to improve the communication with clients and provide clear correspondence. | <p>Intelligence-led policing patrols.</p> <p>Metal detectors.</p> <p>Workplace Violence Units to tackle assaults</p> | <p>Complaints must be submitted to the operator. London Travel Watch opens an investigation and takes over the second-tier complaints.</p> | <p>London Travel Watch has published its own Charter of Passenger Rights; is consulted on proposed changes to services.</p> <p>Surveys are carried out amongst</p> | <p>Promotion of the service of taxi sharing. Lady minicab taxi service for women.</p> <p>Taxi card for PRMs and people with disabilities available 24 hours.</p> |

Comparative Charters on passenger rights in the cities examined

All urban public transport modes except taxis

| City | Source of quality criteria | | Quality indicators | | | | | | | Complaint Handling | Monitoring/ Enforcement | Taxis | |
|------|----------------------------|-------|---|-------------|---------|---|--|----------------------------|-----------|---|-------------------------|---|--|
| | PS C | Q. C. | Accessibility | Cleanliness | Comfort | Fight against fare dodging | Information | Punctuality and Regularity | Reception | | | | Safety and Security |
| | | | <p>Replacement of the metro rolling stocks with new full accessible trains.</p> <p>Dial-a-Ride.</p> <p>Audio guide or an audio map of the network for the visually impaired.</p> <p>Information on fully accessible stations are available at the customer centre and via call centres.</p> | | | <p>of fare evaders.</p> <p>Innovative tickets to avoid fare evasion.</p> <p>Marketing campaigns against fare evasion.</p> | <p>and disruption of service.</p> <p>Mobile apps for live traffic news.</p> <p>Proposal for a unique integrated website to plan the journey.</p> | | | <p>against staff; security and surveillance measures at bus garages, depots, sidings and trackside.</p> <p>Design changes including anti-scratch graffiti surfaces.</p> | | <p>passengers, through website.</p> <p>Surveillance by the London Greater Authority. Investigation.</p> | <p>Capital Call, a service is for Taxi card members.</p> <p>Taxi driver is obliged to accept certain courses.</p> <p>Survey on how satisfied taxi and private hire passengers are with services in London.</p> |

Comparative Charters on passenger rights in the cities examined

All urban public transport modes except taxis

| City | Source of quality criteria | | Quality indicators | | | | | | | | Complaint Handling | Monitoring/ Enforcement | Taxis |
|--------|----------------------------|-------|---|---------------------------|---------------------------|----------------------------|---|--|--|---------------------------|--|--|---|
| | PS C | Q. C. | Accessibility | Cleanliness | Comfort | Fight against fare dodging | Information | Punctuality and Regularity | Reception | Safety and Security | | | |
| Madrid | | X | <p>For buses, low floors, kneeling systems and ramps for wheelchair users. Bars to facilitate ascent and descent of the vehicle. Central platform for use by people in wheelchairs and/or baby strollers.</p> <p>Metro, lifts and escalators, maps on accessibility. Visual and vocal signs and announcements for the hearing and visually impaired.</p> <p>Reserved seats for PRMs, special seats for babies under</p> | No information available. | No information available. | Ticket inspections. | <p>Clearly displayed information on prices, timetables, metro itinerary with stations and interconnection points.</p> <p>For changes of ticket price, passengers have to be clearly informed.</p> | <p>For interruption of service, bus service is provided, if the interruption is known in advance or when the estimated duration is longer than expected</p> <p>Refund of the metro ticket or offer of another ticket for delays.</p> | Customer Service Office gives information on trips and on the point where to submit a complaint. | No information available. | <p>Lodging complaints via email, fax, phone, letter service.</p> <p>Assistance in filling out the complaint form.</p> <p>Both operators reply within 30 days.</p> <p>Injuries due to accidents are covered by the insurance policy of the companies.</p> | <p>Metro --Madrid obtained various certifications by AENOR.</p> <p>A survey was carried out by Metro Madrid; the results are to design new improvement projects and to set up annual objectives.</p> | <p>At the taxi stands, the priority should be given to sick, disabled or elderly, persons with children and pregnant women.</p> <p>Euro taxi service with taxis adapted for disabled.</p> |

Comparative Charters on passenger rights in the cities examined

All urban public transport modes except taxis

| City | Source of quality criteria | | Quality indicators | | | | | | | Complaint Handling | Monitoring/ Enforcement | Taxis |
|------|----------------------------|-------|---|-------------|---------|----------------------------|-------------|----------------------------|-----------|--------------------|-------------------------|-------|
| | PS C | Q. C. | Accessibility | Cleanliness | Comfort | Fight against fare dodging | Information | Punctuality and Regularity | Reception | | | |
| | | | 3yrs with belts, special wide seat. Booklets on accessibility via website or information points. | | | | | | | | | |

Comparative Charters on passenger rights in the cities examined

All urban public transport modes except taxis

| City | Source of quality criteria | | Quality indicators | | | | | | | Complaint Handling | Monitoring/ Enforcement | Taxis | |
|--------|----------------------------|-------|---|---------------------------|---|--|---|--|---|--|--|--|--|
| | PS C | Q. C. | Accessibility | Cleanliness | Comfort | Fight against fare dodging | Information | Punctuality and Regularity | Reception | | | | Safety and Security |
| Paris | X | | Plans for new investments on infrastructure with the new plan Greater Paris. PAM system (accessible demand responsive transport service). Large fleet of lift equipped minibuses. Staff and drivers trained to handle the transport of disabled people. Infomobi service with real time information on the accessibility of the public transport network. | No information available. | No information available. | No information available. | STIF Vianavigo website (timetables, maps, itinerary, traffic information of all the different operators). Information about line's plan and timetables must be provided especially at stop points and on vehicles. Real time information in stations. Information on strikes to be given 48 h in advance. | Providing passenger information in situations of perturbations (expected or not) on lines, via SMS or calling the information centre. Minimum service guarantee during strikes. | Increased number of staff for reception of passengers. Staff and drivers trained to handle the transport of disabled people. | Increased number of security staff. More train stations are open until the last train; In the more dangerous zones trains running after 9pm are accompanied by agents. | Submission of complaints to the operator. <i>Mediateur public</i> at RATP and SNCF. | Financial incentives of bonus-malus type. STIF monitors compliance with the contracts. Publication of on line survey results. Survey addressed to passengers and consumer associations. <i>Comités de Ligne.</i> | A survey was carried out asking some questions to users getting off from taxis concerning the quality of the service provided. The results showed that the most important problem of the French taxi system is the lack of supply. |
| Prague | X | | Low floor vehicles (tram, buses), platform at transit stops, | Obligation to keep stops | Various selling points, including internet or via | Authorised inspectors to check whether | Information on terms and conditions, timetables, | For delays of more than 60 minutes or for | No information available | No information | Complaints and claims against transit inspectors in writing or orally at the information/contact | Once/twice a year customer satisfaction surveys are organised. | Every taxi must be marked with a black and yellow illuminated |

Comparative Charters on passenger rights in the cities examined

All urban public transport modes except taxis

| City | Source of quality criteria | | Quality indicators | | | | | | | Complaint Handling | Monitoring/ Enforcement | Taxis | |
|------|----------------------------|-------|---|---|---------|--|--|---|-----------|--------------------|---|--|--|
| | PS C | Q. C. | Accessibility | Cleanliness | Comfort | Fight against fare dodging | Information | Punctuality and Regularity | Reception | | | | Safety and Security |
| | | | guidance and information system for the blind and visually impaired. Elevators. Information on accessible UPT stops on the PPTC's website. On the vehicles: at least two seats reserved for disabled persons per carriage. Moving platform. Free transport for elderly (+65) and children up to 6yrs. | clean. Obligation to clean the vehicles. | SMS. | tickets are valid/have been validated. | transport fares, validity of the tickets. Signals (visual and vocal) means of signs. Information on places for the disabled. | cancellation, the ticket price is reimbursed. Alternative transportation for delays/interruption of service. | | available | point. Compensation for injury of the passenger or damages to luggage. | Measurements are performed both directly (i.e. SW records) as well as via the Mystery Shopping method. | "TAXI" sign on its roof. -Both of its front doors must carry its identification number and the basic fare rates. The same information, in greater detail, should also be available inside the taxi, along with the driver's permit and a taximeter. |

Comparative Charters on passenger rights in the cities examined

All urban public transport modes except taxis

| City | Source of quality criteria | | Quality indicators | | | | | | | | Complaint Handling | Monitoring/ Enforcement | Taxis |
|------|----------------------------|-------|---|---------------------------|--|--|---|--|--|--|---|---|--|
| | PS C | Q. C. | Accessibility | Cleanliness | Comfort | Fight against fare dodging | Information | Punctuality and Regularity | Reception | Safety and Security | | | |
| Riga | | X | <p>New fleet with modern low-floor trams and trolleybuses;</p> <p>Bigger vehicles with more space for people and to reduce pollution. Equipment and reserved places for the disabled, wheelchairs and PRMs.</p> <p>Electronic panel indicate stops.</p> | No information available. | <p>Ensuring optimal air temperature, air quality, light in the vehicles and the permitted level of noises and vibration;</p> <p>E- ticketing with different form of tickets.</p> | <p>Personalised e- ticketing with holders' data (photo, name and surname).</p> | <p>Information to be provided in vehicles, at stops, on the website and by phone;</p> <p>Route Planner is available on the website.</p> | <p>Change of the vehicle, free of charge, for disruption of service; possibility to board other available means of transport.</p> <p>Compensation if ticket is not working or carrier's fault;</p> | <p>New Customer services centres were introduced;</p> <p>Multi use ticket machine for vending, re-loading and reading e-tickets.</p> <p>Reimbursement for non-use of subscription tickets.</p> | <p>Vehicles provided with first aid kits and fire extinguishers;</p> <p>Drivers trained to provide the first aid and to act in extraordinary situations and accidents.</p> | <p>Customer complaints are received by telephone via the toll free information number available 24-7, by e-mail, by social media and by Customer Service; on average, it takes ten(10) days to provide the reply to a client.</p> <p>A Special method to handle complaints related to the failure to provide accessibility.</p> | <p>Once every 2.5 years customer surveys on satisfaction with public transport are conducted in general and to the satisfaction of certain factors.</p> | <p>Regulation 468 on carriage of passengers by taxi defines the procedure of taxi transport, terms and conditions for the rights and obligations of taxi driver and the rights and obligations of passengers.</p> <p>The Control Service of Traffic Department of Riga City is in charge of enforcement.</p> |

Comparative Charters on passenger rights in the cities examined

All urban public transport modes except taxis

| City | Source of quality criteria | | Quality indicators | | | | | | | Complaint Handling | Monitoring/ Enforcement | Taxis | |
|------|----------------------------|-------|--|----------------------------------|--|--|---|---|----------------------------------|--|--|---|---|
| | PS C | Q. C. | Accessibility | Cleanliness | Comfort | Fight against fare dodging | Information | Punctuality and Regularity | Reception | | | | Safety and Security |
| Rome | | X | <p>New generation of buses which are fully accessible to all categories of users;</p> <p>Paratransit service</p> | <p>No information available.</p> | <p>Interoperability of the ticket.</p> <p>Introduction of POS for payment with electronic cards.</p> | <p>New generation of buses which have photocells to count the number of persons at stops and a control system.</p> | <p>Obligation to provide information to passengers at stops and in stations on the number of rides, first and last ride of the day, stops, timetable and days of the week of the provision of the service.</p> <p>Through ATAC internet website: information must include journeys, tariff system, timetable, and all the events that may disturb or disrupt public urban transport.</p> <p>New generation of buses with signs per listing in electronic visual "next stop" and indicators of path; external signs and internal sign the next</p> | <p>Reimbursement for delays of more than 30 minutes. (not applicable to unpredictable factors).</p> <p>Publication and availability of frequencies and times with particular regard to interconnections.</p> <p>Containment of waiting times at counters (ticket offices, information).</p> <p>Minimum service guarantee.</p> | <p>No information available.</p> | <p>New generation of buses with 4 video surveillance cameras; the one on the front window frames the state of the roads.</p> | <p>Complaints to be lodged with the competent office via e-mail, internet form, phone, fax and letter;</p> <p>The ATAC Charter does not contain any timeline for the response. COTRAL will provide an answer within 30 days.</p> <p>Companies have an insurance to cover liabilities for damages towards persons and goods for accidents while travelling on the vehicles.</p> | <p>Fee for non-compliance with the passenger charter.</p> <p>A third company in charge of monitoring the level of satisfaction of the users.</p> <p>The CSI, the (Customer Satisfaction Index) was developed to measure customer satisfaction.</p> <p>ATAC must inform, each month, the Municipality on the evolution of the survey activity.</p> <p>Involvement of citizens directly or through users' associations.</p> | <p>Priority to persons with handicaps, elderly and disadvantaged people.</p> <p>Obligation of continuity, equity and emergency service if required.</p> <p>Discount fares for women travelling alone at night and for trips to hospitals.</p> |

Comparative Charters on passenger rights in the cities examined

All urban public transport modes except taxis

| City | Source of quality criteria | | Quality indicators | | | | | | | | Complaint Handling | Monitoring/ Enforcement | Taxis |
|------|----------------------------|-------|--------------------|-------------|---------|----------------------------|-------------|----------------------------|-----------|---------------------|--------------------|-------------------------|-------|
| | PS C | Q. C. | Accessibility | Cleanliness | Comfort | Fight against fare dodging | Information | Punctuality and Regularity | Reception | Safety and Security | | | |
| | | | | | | | stop | | | | | | |

Comparative Charters on passenger rights in the cities examined

| All urban public transport modes except taxis | | | | | | | | | | | | | |
|---|----------------------------|-------|---|---------------------------|--|--|---|---|--|---|---|---|---|
| City | Source of quality criteria | | Quality indicators | | | | | | | Complaint Handling | Monitoring/ Enforcement | Taxis | |
| | PS C | Q. C. | Accessibility | Cleanliness | Comfort | Fight against fare dodging | Information | Punctuality and Regularity | Reception | | | | Safety and Security |
| Stockholm | X | | Lowering the tracks at the metro stations to eliminate steps between the train and the platform. New trains for commuters fully accessible. New buses provided with ramps. Nartrafik bus service (paratransit for disabled and elderly). | No information available. | Common ticket system throughout the entire Stockholm County. | More ticket checks at the Metro and commuter rail barrier; High glass barriers. | Digital information displays on all buses, in Metro carriages, on the Tvärbanan trains, and in the new commuter trains, showing line information and the name of the approaching station. | Refund system for delayed or cancelled journeys which applies to all means of transport offered; Reimbursement of taxi fares up to EUR 87 or ticket with other traffic companies for delays of more than 20 minutes on SL service. | No information available | Ignition interlocks and investments on new technologies. New fire alarm system was installed and conceived to react both to the fire and to the gas given off when producing graffiti; Trained security guards ("safety resources" or "safety patrol"). | Written complaints, including those on drivers, can be filed at Passenger Service Centres. Passengers receive a written response to the complaint. 3 months to ask for reimbursement of taxi fares for delays of SL service. | "Rolling benchmark" contracts. Evaluation from an independent company jointly appointed by both parties around 4 times a year. SL carries out twice a year a Customer satisfaction survey. Children and Young People's Committee are required to provide an opinion. | Taxi companies are free to set their fares but are required to inform customers about the fare prior to trips. Guidelines and agreements on tariffs. Flexible journeys by wheelchair taxi free of charge. |
| Warsaw | | | Low floor buses and trams equipped with platforms. Possibility to lower the entrance to | No information available | No information available | No information available | Destination outside the vehicle. In each metro wagon there is a voice system announcing | For unanticipated service interruptions (breakdown/failure) or planned works, the tram traffic | Drivers cannot smoke or eat/drink while driving. | | Written complaints maybe lodged in Passenger Service Centres via an e-form on the ZTM website. It is possible to submit complaints via phone calling ZTM hotline. | Remarks and suggestions can be submitted in person, by e-mail or by phone. Passengers can also voice their comments to | Taxi fares are fixed by the Council of the City. Complaints regarding services of taxi drivers shall be filed in writing |

Comparative Charters on passenger rights in the cities examined

All urban public transport modes except taxis

| City | Source of quality criteria | | Quality indicators | | | | | | | Complaint Handling | Monitoring/ Enforcement | Taxis | |
|------|----------------------------|-------|--|-------------|---------|----------------------------|--|--|-----------|--------------------|--|--|--|
| | PS C | Q. C. | Accessibility | Cleanliness | Comfort | Fight against fare dodging | Information | Punctuality and Regularity | Reception | | | | Safety and Security |
| | | | <p>eliminate steps.</p> <p>Information of accessible vehicles on timetables.</p> <p>Reserved seats with special backrests and safety belts.</p> <p>Lifts installed at the southern entrances. The lifts are clearly marked with a pictogram.</p> | | | | <p>upcoming stations to passengers.</p> <p>Timetable information apps for mobile phones.</p> | <p>may be suspended and alternative transport made. The examined quality charters must be prepared in accordance to the Act No. CLXXXIII of 2005 on Rail Transportation specifies the required contents of the quality charter, which are: scope of passenger transport; detailed terms and conditions of taking part in public transportation; rules on informing the passengers; use of tickets and other documents necessary for taking part in</p> | | | <p>A written response is provided to passengers.</p> | <p>regional or district offices.</p> <p>Special software is used to check how planned changes of the route or frequency will influence the functioning of the whole line.</p> <p>Penalties in case ZTM does not comply with quality goals.</p> | <p>to Office for Economic Activity and Licenses of City of Warsaw.</p> <p>If the taxi driver refused to issue a bill/receipt and there is the possibility of fraud, the passenger is entitled to ask for Police assistance.</p> <p>All licenced taxis are marked with special emblems and logotypes.</p> |

Comparative Charters on passenger rights in the cities examined

All urban public transport modes except taxis

| City | Source of quality criteria | | Quality indicators | | | | | | | | Complaint Handling | Monitoring/ Enforcement | Taxis |
|------|----------------------------|-------|--------------------|-------------|---------|----------------------------|-------------|--|-----------|---------------------|--------------------|-------------------------|-------|
| | PS C | Q. C. | Accessibility | Cleanliness | Comfort | Fight against fare dodging | Information | Punctuality and Regularity | Reception | Safety and Security | | | |
| | | | | | | | | transportation; rights and obligations of the parties; rules on carrying animals and baggage; rules of notification and handling of passenger complaints; responsibilities of the fixed-rail transportation service provider companies; and other rules. Night bus service is provided from 11 p.m. until 5 a.m. | | | | | |

6. STAKEHOLDER CONSULTATION

As required by the Task Specifications (Task F), Grimaldi e Associati carried out a consultation with the main stakeholders at various levels, primarily at the national and European levels.

The objectives of the consultation were the following:

- to identify the quality charters and voluntary agreements adopted by transport operators;
- to identify the quality indicators used to evaluate the operators' performance;
- to describe the existing complaint procedures and reporting mechanisms, as well as other forms of promoting passenger rights;
- to evaluate the level of users' satisfaction.

The following stakeholders were contacted: national transport operators, national users' associations, European transport operators and employers and employees' associations, European users' associations, associations of municipalities, universities and association of public management authorities.

The invitation to participate in the questionnaires was sent to 150 stakeholders. The questionnaires were approved by the Commission services and are in Annexes 4 and 5.

Around 15 per cent of the contacted stakeholders answered. We received replies from five (5) European associations. Among these, there are three transport operators' and employees' associations and two users associations. Some of the transport operators contacted informed us that they would not reply, since their position on the subject was represented by the association already involved.

From the national stakeholders, we received a total of 19 replies from France (1), Portugal (4), Spain (1), Malta (1), Austria (1), Denmark (2), Germany (1), Sweden (1), Bulgaria (1), Slovenia(1), Hungary (1), the Czech Republic (1), Poland (1), Romania (2). In Latvia a phone interview was carried out with a UPT operator.

This chapter reports the contents of the answers received by the stakeholders. However, we consider it important to clarify that, in order to obtain more information on UPT users' satisfaction and to carry out the assessment, we analysed the replies of users to the authorities' surveys, where published, in order to collect the most amount of information.

6.1 Analysis of the contribution from the transport operators

Seventeen national transport operators replied to the questionnaire (including a taxi association) and two European transport operators associations and one European employees' association.

- ✓ **Quality charter and/or voluntary agreements:** first of all, we asked the transport operators if they have quality charters or any kind of voluntary agreements in place to ensure the protection of the passenger rights, and what is the basis (whether legal or voluntary) of these charters or agreements.

The approach from the operators on this subject was varied. Only a few transport operators, among those who replied to the consultation, adopted a quality charter. The majority of them provide services guarantees that are included in the terms and conditions of the carriage contracts or in the service contract.

Some urban transport operators have customer promises that explain to passengers what they can expect when travelling.

Some operators only apply the quality indicators included in the contract with the public management authority.

Other operators have an integrated management system of quality, environment, safety and health at work. The Charters adopted in this context are the result of the certification process.

Some urban public transport operators, as UITP members, signed and applied the UITP Charter on sustainable development.

The quality charters or the customers' promises are adopted by operators as a commercial means of communication with clients. In some cases, the quality charters are adopted with the purpose of obtaining quality certification of services, specifically ISO 9001 that is the international standard for quality control and management. All urban public transport operators who replied to the questionnaire consider the adopted charters as voluntary agreements as there are no legal obligations to adopt them.

From the answers collected, the quality charters seem more common among urban public transport operators in the EU Member States of Southern Europe (Portugal and Spain).

Some operators informed us that they adopted quality charters in the context of the quality certification process for the service provided. One operator replied to question number 4 of the transport operators' questionnaire saying that its passengers' charter is certified by the national certification entity that is a member of the IQnet.

The data collected from the replies received show an inconsistent situation: some urban public transport operators adopted quality charters while others provide some service guarantees. A third group of operators apply the quality service provisions included in the service contract.

- ✓ **Content:** we asked the stakeholders to indicate the contents of the quality charters or voluntary agreements.

The charters described contain information addressed to passengers on the urban transport modes, on the adopted provisions to ensure passenger safety, on the services provided and on the carriers' obligations towards passengers (e.g. timetable, punctuality, information, cleanliness, customer support), including towards people with disabilities. The charters also contain information on the complaint procedures, responsibilities and insurance of the company.

Some charters also contain provisions on the quality management of the transport company and on compliance with environmental protection.

A significant part of the charters is devoted to monitoring and surveying of the satisfaction level of users.

The most common features that appear in most of the Charters are the following: customer information, safety and security, characteristics of the transport service, timetable and accessibility, survey and responsibilities' of the transport operator.

- ✓ **Users' association involvement:** with regard to the involvement of the users' associations, all transport operators claim to involve and to consider the users' position. No information is provided as to how such involvement takes place. Although, in one case, the transport operator circulated the draft charter inside the users' association. With regard to the involvement of employees' associations or their representatives in the preparation of charters, no answers were given.
- ✓ **Quality indicators:** the central part of the questionnaire focuses on the quality indicators adopted by transport operators to assess the quality of the service. The indicators chosen were common to the quality charters and service guarantees examined during desk research, as well as to public service contracts. The usefulness of the indicators are twofold: not only do they allow urban public transport operators to monitor the quality of the service provided, but they also help management authorities evaluate whether or not to concede subsidies or impose fines.

Question number 7 required the transport operators to reply, with "yes" or "no", if the indicators listed therein are taken into consideration.

The indicators are:

1. **Information and tickets:** all the operators replied "yes" except one;
2. **Punctuality of services:** all the operators replied "yes";
3. **Cancellation of services:** four operators replied "no";
4. **Interconnections:** the majority of the stakeholders replied "yes"; few others replied "no";
5. **Cleanliness of means of transport and station facilities:** only three operators replied "no";
6. **Safety of services:** only two operators replied "no";
7. **Customer satisfaction surveys:** all the operators carry out customer satisfaction surveys;
8. **Complaint handling, refunds and compensation:** only two operators replied "no";
9. **Assistance to disabled persons and persons with reduced mobility:** only three operators replied "no";
10. **Rerouting:** half of the operators reply "no";
11. **Liability for persons and luggage:** only four operators replied "yes".

In analysing the replies to the questionnaire received by the urban public transport operator we have noticed that the indicators, which are always included, are the punctuality of the service provided and the customer satisfaction surveys, followed by information and tickets. The rerouting and liability for persons and luggage are the least used.

- ✓ **Service guarantees:** with regard to the question on service guarantees, the replies show a varied picture: some operators include travel punctuality and the ticket refunds in their service guarantees ; others also include accessibility, i.e. low floor connection for surface transit. Only one urban public transport operator of those who replied to the questionnaire offers a free taxi ride to compensate for bus service delays of more than 20 minutes,. Another urban public transport operator provides taxi service reimbursement of up to EUR 11per ride, and only during night hours, if service is delayed for more than 20 minutes and no further connecting service is provided. An operator replied that the only service guarantees offered is service transportation. One urban public transport operator replied that, given the specific characteristics of urban transport, its company does not take responsibility for cancelled departures, less frequency or shorter travelling distance. One operator offers cleaning costs of up to EUR 11 if passenger clothing is soiled during the journey due to the fault of the driver of the vehicle.

In general, ticket exchanges and ticket refunds are the main guarantees offered by urban public transport operators.

- ✓ **Liability of the operator:** three questions on the questionnaire were dedicated to the liability of the operator for accidents suffered by passengers and to the insurance or compensation offered (questions numbers 10, 11 and 12). The urban public transport operators are, in principle, liable for any damages suffered by passengers based on the national legal rules on carrier obligations and responsibilities. The documents issued by the companies (Quality Charters, Terms and Conditions of carriage) essentially inform passengers of the procedures for submitting claims, how they are handled and the level of compensation and insurance for each type of damage. For damages exceeding the limits set by insurance, the amount is set by a judge. In some cases, the company asks passengers to directly contact the insurance company.
- ✓ **Delays or interruption of service:** question number 13 deals with the effective actions adopted by urban public transport operators for delays or interruptions to service transportation, in particular using the bus reserve. All operators organise alternative transport modes based on the possibilities available. One multimodal operator informed us that, since its urban public transport system has five means of transportation (bus, trolleybus, metro, tram, suburban railway), which could characterise it as having a dense network, there is no compensation for delays or interruption of service. Consequently, it does not provide other extra transportation alternatives.
- ✓ **Handling of complaints:** questions numbers 14, 15, 16 and 17 deal how complaints are handled. All the operators who replied to the questionnaire have a system set up to lodge and handle complaints. In general, passengers may contact the customer/passenger service desk via mail, e-mail, fax, phone or directly by contacting the company staff.

Complaints are forwarded to the responsible department. In general, customers must receive a reply within 30 days. Some operators indicated the time needed for company employees to deal with complaints. The replies inform us that employees generally need between four to 10 days. Even if the general deadline to provide answers to passengers is 30 days, the by-laws of some operators allow more time if an in-depth investigation is required. In these cases, 60 days is the maximum time limit to reply.

With regard to the number of complaints, distinction should be made between operators who manage multimodal networks (bus, metro, tram, etc.) in large to medium-sized cities, and operators in small urban areas and single mode operators. In the former case, those companies deal with complaints ranging from 3,000 to 9,000 cases; in one case, a company from a big city had 11,900 complaints in 2011.

Operators in small urban areas and one single mode operator had, on average, between 300 and 1,200 complaints submitted.

The most frequent reasons for complaints are delays, surcharges, interruption of service, tariffs, lack of information, and cleanliness. The most common reason for complaints is the imbalance between the price of the ticket and the quality of the service.

With regard to the handling of complaints, we note a similar situation among those operators who have customer service desks to deal with these specific issues. The time allowed to deal with these

issues is around 30 days. The most frequent reasons for complaints are for the quality of services offered and the ticket tariffs.

- ✓ **Accidents:** concerning the safety of the services provided and the accidents involving different transport modes, we asked the companies to provide us with data on the number of accidents that occurred over the last 12 months and the average number of accidents during the last five years.

The data collected was inconsistent which made it difficult to analyse. Since the question did not specify distinctions between different types of accidents, the collected information was difficult to compare.

Inconsistencies were also noted because some operators, those which are larger-sized, operate in metropolitan areas where the number of accidents (and of complaints) are larger due to more passengers using transportation, while small operators or single mode operators show lower rates.

Moreover, not all operators replied to this question, and those who replied collected inconsistent data. Some operators did not provide data because they consider such data as confidential.

The rate was very low for one operator providing information on accidents involving passengers.

One operator showed an average rate of 50 accidents over the last five years, and 57 accidents in 2011.

Another operator, who provided information for only 2011, made a distinction among vandalism cases, reported assaults, accidents, collisions, persons injured and fatalities. In this case, the rates were quite different, with 1,365 vandalism cases, 4,377 collisions, 590 accidents, 779 persons injured, 38 assaults and 29 fatalities.

One single mode operator in 2011 had 988 accidents, with a total of 5,015 over the last five years. Some operators only considered those accidents involving people. One operator reported 188 accidents involving people in 2011. Another operator only signalled one accident in 2011. Another operator reported 680 accidents during the last 12 months including accidents involving passengers while climbing into the vehicles.

Another operator indicated an average of 1,600 accidents over the last five years and 1,331 in 2011, including collisions, falls, pedestrian accidents and doors closing on passengers.

One operator divided the number of accidents according to the categories of subjects injured: employees (72 accidents in the last five years and 19 in 2011), passengers (1,841 in the last five years), pedestrians (374 in the last five years and 64 in 2011) and collision with cars (567 in the last five years and 86 in 2011).

In conclusion, with regard to the data on accidents, the data collected provides inconsistent information and the results cannot be compared due to the varied sources of the data.

- ✓ **Accessibility:** with regard to the question on accessibility, the questionnaire required urban public transport operators to provide information on the actions and investments adopted to grant full accessibility of their transport modes to all people, including those with reduced mobility and disabilities.

In general, all operators have to comply with the rules and obligations imposed by law and by the regulations on vehicles and common spaces. In particular, with regard to the metro, all stations and trains are wheelchair accessible and step-free thanks to elevator routes. Textured surfaces are provided for guiding the sight impaired. Other operators have installed or renewed elevators, mechanical escalators, reserved seats trains, Braille buttons on trains and elevators and other measures to enhance overall station accessibility, including voice announcements at train stops, ramp and slipways at stops, additional side signs written in big letters and differentiated handrails in vehicles.

With regard to the bus operators, all have informed us that they have a number of places reserved for the physically impaired, pregnant women, the elderly, and people carrying infants. The buses are generally equipped with ramps that can be activated when people with wheelchairs need to embark or disembark. New generation vehicles are low floor built. One bus operator informed us that only 45 per cent of their fleet have ramps for wheelchairs. Only one operator informed us that their bus fleet is 100 per cent low-floor and 65 per cent of the fleet has folding ramps, audio-visual equipment in the bus, Braille identification for bus stops and additional information in Braille.

Platforms are adapted at floor level for tramlines where low floor vehicles are in service.

One ferry operator introduced special entries in waiting rooms, rest seats, large corridors on land and on board, elevators on some boats; and adapted vendor machines and ticket posts, adapted WCs and eliminated stairs. All passengers on vessels have seats and no one travels standing up. The ferry operator also offers training courses to its employees to provide correct assistance to those with special needs.

In general, stops are provided with written information in Braille and vocal information. Some operators installed video surveillance systems and internal visual and voice devices that announce stops.

One metro operator informed us that its public service contract includes punitive fees if the operator does not use low floor vehicles or lifts in the stations.

One train and bus operator replied that they do not include accessibility to their service, and infrastructure in its charters and voluntary agreements.

With regard to accessibility, all urban public transport operators adopted or are in the process of adopting the prescribed requirements on accessibility. The replies, even though giving a very different description of their initiatives, showed a general orientation towards disabled passengers and people with reduced mobility. The main provisions are low floor vehicles, visual and vocal information for deaf and the visually impaired and lifts for access to underground platforms.

- ✓ **Monitoring and surveys:** the last part of the questionnaire concerns the monitoring activities and the surveys adopted by urban public transport operators to monitor the satisfaction level of users. Moreover, the questionnaire asked to rank, on a scale from 1 (lowest) to 5 (highest), the level of users' satisfaction.

All operators have some kind of monitoring actions/initiatives. Their frequency is varied among operators: some of them hold annual surveys, while others carried them out two to four times per year. Only one operator carried out the last survey many years ago (in 2005). Some operators combined their surveys to create a national customer satisfaction index so the survey on the operator is carried out with others.

A metro operator linked its survey to the national index of customer satisfaction, a survey that evaluates the satisfaction levels of the country's whole industry, divided by clusters. The metro operator also carried out, in 2011, its own market study for customer profiling covering several aspects of service quality.

Some operators also conduct personal interviews with customers.

The quality surveys carried out to assess the level of satisfaction often overlap with the surveys conducted by the management authority within the context of public service contracts. The management authority requires conducting surveys on a periodical basis to determine the application of bonus-malus arrangements. The management authority often requires that the study be carried out by an independent company to ensure the reliability of the data..

In other cases, the quality surveys are carried out within the context of certification of the lines of transport. Certification authorities require annual customer satisfaction surveys.

In general, these surveys are carried out via mystery client/shopping initiatives. The biggest operators also have a strategic marketing department that analyses the results of the studies in order to adapt company policy to customer management and propose service innovations to retain customer loyalty and increase the number of users. This strategy includes new products for specific segments, new communication tools, and improving the environment of the stations.

The results of the surveys generally show appreciation of users for transport operators' management , with an average evaluation grading of 3.5 out of 5 for all 20 national urban public transport operators who replied to the questionnaire.

The transport operators consider the results of the survey and the suggestions submitted, and use them in planning and following-up their daily operations. When the results are presented, the management of the company evaluates the results and analyses the arguments, and considers whether there is room for improvement.

In some contexts, suggestions are used to modify the quality charters. In some cases, the quality charters are reviewed monthly, while they are reviewed quarterly in others. However, more often the reviews are annual.

6.2 Analysis of the contribution from the national users' association

Only two national users' associations replied to the questionnaire. Both associations are located in France.

The questions forwarded to the users' associations resumed those included in the transport operators' questionnaire, with the scope to have a mirror view of the situation. Moreover, this questionnaire included more evaluation questions to provide a qualitative assessment of the services provided by operators.

- ✓ **Customer charters:** with regard to the first question, i.e. whether customer charters are offered to passengers by the transport operators, only one participant replied, informing that some cities adopted some kind of charter (*code de la rue*) dealing with various matters including urban public transport. This charter intends to promote transport modes other than cars, alternative transports, a shared place for

consultation among the various user categories. The main urban public transport operators in the region of Ile-de-France signed an agreement with the association of consumers to inform them on the principal contents of the commitments concluded with the political authority in charge of all urban public transportation in the region. The city of Paris has a public customer charter on public services in general and the commitments adopted to ensure compliance of the property and accessibility.

- ✓ **Users' association involvement:** one stakeholder stated that the involvement of the users' association in preparing the charters is very low; it observed that such involvement took place only when the organising authority set up a *comité*, including some passengers' representatives with a view to setting up quality indicators. The other association informed us that they are consulted for the process of preparing quality criteria to give to the consumers and for monitoring.
- ✓ **Service guarantees:** concerning the type of guarantees that charters offer to passengers, one association considers that only the certification of urban public transport offers service guarantees. On this subject, this association considers that the certification must evolve towards more qualitative criteria, overtaking the criteria included by law to attain service that approaches, as close as possible, the needs of those to whom they intend to offer it.

Passengers do not seem to be aware of the rights they are entitled to by existing charters or by service guarantees. However, according to these stakeholders, there are no additional guarantees to the rights provided by the transport contract. Some companies provide certain refunds in some exceptional cases. The information is more detailed on tariffs and the fines for non-payment for the service.

- ✓ **Information:** question number 5 asks users if the information provided by the operators is clear. According to the replies received, the clarity and the size of the information varies from one operator to the other. In general, the larger operators provide better information than the smaller ones. In France, the whole network lacks information on interconnections, since the operators provide information on their network only, but not on the lines served by other operators.
- ✓ **Clarity of information:** the following marks and results were obtained: a good mark (4-5) for information and tickets; a very low mark (1-2) for interconnections; a good mark (3-4) for punctuality (the spread was evident, since one association gave 1 and the other 5); a sufficient mark (2-3) for the customer satisfaction survey; (3) for complaints handling; a good mark (3-4) for assistance to the , a sufficient mark (2-3) for rerouting; and for liability to persons and luggage, low for one (1) and sufficient for the other (3).
- ✓ **Overall quality:** with regard to the assessment of the overall quality of urban public transport service, the evaluation provided the following results: punctuality (4), cleanliness (2-4), safety (4-5), price (3), interconnections (1-3), information and tickets (3-4), assistance to the disabled and persons with reduced mobility (3), complaints handling (3-4) and liability for persons and luggage (1-3).

In general, the marks show a good level of passenger satisfaction with the services provided, with a good perception of the safety of the service and of information while the interconnections and the liability of the carrier seem to be ignored by the operators.

- ✓ **Interconnections:** on the travel interconnections, one stakeholder replied that the waiting time between one ride and another is on average 10 minutes in the city. The other respondent claimed that there is no coordination between the transport modes, also when they are managed by a single operator. The points

of multimodal exchange in the cities are very rare, they exist only at the regional level. The French users' associations replied and they did not take into consideration the situation on the Ile-de-France, where there is an integrated managed UPT system. However, from the point of view of interconnections, the replies are useful in showing the differences of perception with the provided services between the capital and the other cities.

- ✓ **Accessibility:** on the accessibility of urban public transport modes, the respondents find that those with disabilities have good access to urban public transport since the operators have taken into consideration the obligations imposed by law on the equality of people.

With regard to the general level of satisfaction with urban public transport, the respondents find that the level of quality is generally satisfactory in France.

- ✓ **Compensation:** with regard to compensation/insurance for accidents or damages to passengers and their belongings, the transport operators do not provide compensation for delays. For accidents on buses, they must apply the law of the compensations to the victim of road accidents. For the trains, the compensation amount is established by the Court.
- ✓ **Problems:** question number 15 asked users to indicate the five most important problems that passengers experience.

One of the respondents identified the following problems: passengers who have to wait without information, insufficient space/seats on board, aggressions, prolonged delays and stops .

The other respondent identified the following problems: complex tariffs, consistency of supply (lack of services during the night in Paris), value for money, cleanliness, reception of foreign tourists, slow transport and too many disruptions.

- ✓ **Overall satisfaction:** with regard to the overall level of satisfaction, one of the respondents gave an evaluation of 3, while the other considered that user satisfaction is not a criterion (if they use it they are satisfied), but that we should measure the general level of satisfaction of the population towards the urban public transport. The respondents make a distinction among small towns, where the level of satisfaction is 1, metropolitan areas, where the level of satisfaction is 3 and Paris where the level of satisfaction is quantified in 4.

On the utility of quality indicators included in the public service contracts, users claim that they are not informed since they concern only the engaged actors.

The improvements considered necessary are better interconnections, increased fluidity, especially for road transport, and all necessary measures to overcome the drawbacks mentioned in their answers.

6.3 Analysis of the European transport operators and employees' associations' replies.

A European association for public transport operators and authorities, a European employers' association and a European transport workers' federation replied to the transport operator and employees' questionnaire.

The first two respondents welcome the initiative of the European Commission designed to make urban public transport a "natural choice". They express some concerns on the intention of putting "*a set of voluntary commitments*

in place, including quality indicators, to protect the rights of travellers and of persons with reduced mobility” in urban public transport. In their opinion, the specificities of the local public transport make it difficult to apply the rules on liability of the carriers provided for public transport operators by the European Regulations. In fact, in local transport, many conditions are not under the sole control of the operator and many accidents are due to the conduct of a third party.

Moreover, concerning buses, the first two respondents observed that Regulation (EU) No 181/2011, which contains some provisions also applicable to local transport buses, would become applicable in 2013, so they considered that it would be better to wait until the new legislation is fully implemented before adopting new rules.

One of the respondents considers that the quality of the local and regional public transport service is already an important issue for operators, since the service provided is customer-oriented. In this context, many operators in Europe adopted quality charters or service guarantees on a voluntary basis. In some cases, the quality charters are imposed by national law, such as in Italy.

With regard to the specific questions on the transport operators' questionnaire, the association for operators and authorities provided some quality charter examples adopted by some urban public transport operators in various Member States. According to the association, although these charters are very different among them, their number is constantly increasing as a sign of the growing attention towards passengers. Among these charters, they sent us an example of a “customer promise” which is a document containing a small number of clear promises to passengers on what they can expect when the company is operating a commercial service (the service is not regulated by the contract services with the public authority).

- ✓ **Quality charters or voluntary agreements:** question number 2 asked the respondents to indicate if the charters or the voluntary agreements are based on the requirements imposed by public service contracts. On this subject, the association for operators and authorities replied that the public service contract and passenger charters should not be linked per se, since the public service contracts are concluded between a responsible authority and an operator and define the level, quantity and often the quality of the public transport service and the financing of public transport service. On the other side, passenger charters are introduced by operators or authorities as an instrument of communication and relations towards their customers.
- ✓ **Contents of the quality charters:** question number 3 asked to indicate the main contents of the quality charters. The association for operators and authorities indicated the following elements: safety/security, customer information, reliability/punctuality, cleanliness, condition of facilities, journey comfort, accessibility, customer comments and complaints, and customer obligations. In general, the contents of passenger charters takes into account the fact that public transport operators work in a complex urban environment where the quality of the service and, in particular, the issues of punctuality and reliability are affected by the design and management of the urban transport network, especially where buses or tram/light rail systems are operated together with other road traffic.

When a public transport company certified parts of its activity, often the charters are included in the certification assessment, as well as the whole operation on a given line or network.

- ✓ **Users' association involvement:** according to the first two respondents, both the passengers' consumers' associations and the employees' association or their representatives are involved in the preparation of the charters since, according to the respondent, the direct link between operators and

their customers is the key element of the charters. The consultation of the parties involved may happen at various levels, through consultative groups called when it is necessary to plan or construct a new line, or improve or change timetables, or design accessible vehicles and stations, passenger surveys, information from complaints and comments from customers.

However, according to the transport workers' trade unions and users' associations, they should be involved in a more systematic way since, in many cases, monitoring passenger service quality is only a market issue and the workers' involvement is very poor.

- ✓ **Indicators:** with regard to the indicators that are taken into consideration when preparing a quality charter, the respondent considers that the liability for luggage is not very relevant in urban public transport since luggage is not handled by the transport operator.

The same is true in the case of delays, since the urban public transport line vehicles run frequently and passengers would not necessarily be concerned by delays if there were a bus/train every 5 minutes.

- ✓ **Information and service guarantees:** according to the association for operators and authorities, customer feedback shows that most passengers do not expect "to get money back" but rather expect good information on possible delays or disruption of service due to various reasons especially in dense urban traffic without laying fault on the public transport operators. This is why many public transport operators and authorities are continuously making efforts to provide better and real time passenger information. With regard to the action taken by the transport operators for disruption or delays, the respondents signalled the offering of alternative transport modes or refund taxi rides within a maximum amount. Some operators offer free tickets or reduction on monthly/annual passes or small gifts such as cinema tickets.
- ✓ **Complaints handling:** with regard to complaints handling, transport operators offer a complaint management system as part of their service to customers with various channels offered to passengers to submit complaints or feedback. With regard to the time for the reply, it is suggested replying within three weeks. The association has no data on the number of complaints submitted by passengers or on the reasons for the complaints. In their experience, the most frequent reasons for complaints or comments are due to out of order ticket vending machines and reliability/punctuality. Some complaints also address the cleanliness and the safety or security of vehicles and stations.
- ✓ **Accessibility:** on the issues of accessibility, on the one hand one of the respondents replied that there are many initiatives to promote accessibility in public transport. Most Member States have rules that have to be applied while planning the infrastructures and designing the vehicles. Many public transport operators or authorities also introduced specific charters/guidelines/information for passengers on accessibility. Moreover, public transport operators invested massively in the past years in making their public transport infrastructures and vehicles continuously more accessible. On the other hand, another respondent observes that it is impossible to guarantee the possibility to have reserved seats on a bus to all people with reduced mobility, since the places reserved for wheelchairs could also be occupied by prams or child pushchairs.

All European associations that replied to the questionnaire agree on the fact that many investments are already being made to ensure accessibility to all passengers, as well as many initiatives to train staff on the needs of persons with reduced mobility.

- ✓ **Surveys:** with regard to the survey initiatives to monitor the level of satisfaction of the users, they confirm that operators conduct regular passenger surveys, including satisfaction surveys, and the results of these initiatives, together with other sources' feedback, are used to plan and improve public transport services, and very often form part of an internal quality management.

In conclusion, we can observe that transport operators and employers' associations are aware of the importance of the initiatives to promote passenger rights in UPT. Accordingly, transport operators consider that many initiatives have already been adopted such as quality charters, service guarantees and guidelines to protect passenger rights. According to them, the issue of accessibility has already been included in many legislative provisions imposed on the operator for infrastructures and vehicles. Many voluntary initiatives in this sector are in place, so an intervention from the European Commission is not considered necessary. Moreover, in times of budgetary constraints, any additional commitments, even on a voluntary basis, can add costs on the transport operators. The associations consider that it would be appropriate to wait for the full implementation of Regulation (EU) No 181/2011.

On the other side, workers' representatives consider that a higher level of involvement of their representatives would be useful and could help improve operational safety.

6.4 Analysis of the replies of the European users' associations

We received replies from two European users' associations. Both associations support the initiative of the European Commission to boost action around the Action Plan on Urban Mobility. These organisations are very active in supporting the rights of passengers, especially those with disabilities and the elderly people.

They consider that the quality charters offered so far from the authorities and transport operators are too few and they vary greatly between cities, Member States and transport operators/management authorities. While one association considers that its own involvement, and that of its members, in preparing the charters is quite satisfactory (also thanks to the users' group at the European level and to the common European methodology for measuring accessibility of public transport), the other association considers that its involvement and that of its members is not systematically followed and the situation differs across Europe. In particular, they believe that there is a lot of confusion from the urban transport operators/management authorities on information, consultation and cooperation with the associations.

According to them, the charters fail to provide a comprehensive accessibility to all passengers, especially those with disabilities and the elderly, since accessibility should be considered in a broad sense and should concern all services, from the ticket machines to the stops, from vehicles to the comprehensive pre-trip information, in *itinere*, and once the trip is over if the passenger needs it.

- ✓ **Information:** passengers are not always aware of their rights or of the guarantees offered by operators, especially to the elderly. The situation is more complicated if passengers have to deal with trips that require changing to various transport modes. Sometimes, passengers do not claim their rights to avoid the burden of administrative procedures. In this context, information is crucial. One of the respondents drew our attention to a French website which opened in March 2012 and which informs passengers with reduced mobility about their rights. At present, it covers only national and international rail journeys, but at the end of 2012, it should cover all transport modes.

With regard to the clarity of information provided by transport operators, the respondent gave the following marks:

8. **Information and tickets:** (1-4) and (3-5)
9. **Interconnections:** (1-3) and (2-4)
2. **Punctuality of services:** (1-3) and (3-4)
3. **Cancellation of services:** (1-3) and (2-4)
4. **Customer satisfaction surveys:** (1-2) and (1-4)
5. **Complaint handling, refunds and compensation:** (1-3) and 3
6. **Assistance to disabled persons and persons with reduced mobility:** (1-3) and (2-4)
7. **Rerouting:** (1-3) and (2-3)
8. **Liability for persons and luggage:** (1-3) and (3-4)

The respondents clarified that the situation greatly differs between cities and Member States, so the marks were given as a range.

Note: We can observe that the marks are inconsistent and do not permit a comparison, since the range covers all levels and shows results from insufficient to highly satisfactory.

- ✓ Users' satisfaction: with regard to the general level of satisfaction of the users for the service provided, the respondents provided the following marks:

1. **Punctuality:** (2-4) and (3-5)
2. **Cleanliness:** (2-4) and (3-4)
3. **Safety:** (2-3) and (3-4)
4. **Price** (1-3) and 2
5. **Interconnections:** (2-3) and 3
6. **Information and tickets:** (2-4) and (3-5)
7. **Assistance to disabled people and persons with reduced mobility:** (1-3) and (2-3)
8. **Complaints handling, refunds and compensation:** (1-3) and (3-4)
9. **Liability for persons and luggage:** (1-3) and (3-4).

In general, we note an average level of satisfaction, the urban public transport service generally receiving a mark of 3 out of 5, with some exceptions (price and assistance).

- ✓ **Interconnections:** with regard to interconnections, the respondent observes that there is, in Europe, a great variety in the quality of the interconnections, ranging from really satisfactory situations with short waiting times to unsatisfactory situations where users must wait for up to 60 minutes. For the disabled, interconnections are difficult unless all elements of the transport chain are accessible. For the elderly, interconnections work if there is enough time to switch between one to another and if there are short distances between stops, in order to avoid walking difficulties.
- ✓ **Users' friendliness:** with regard to the user-friendliness of the urban public transport for people with disabilities and special needs, it seems that there is a gap among the big cities where there is more attention given to the implementing accessibility prescriptions and the small to medium-sized cities where accessibility is sometimes set up without respecting legal standards and without considering the mobility needs of the elderly. Passengers with disabilities complain about inaccessibility of vehicles for people with wheelchairs, communication problems for the hard-of-hearing or the hearing-impaired,

since some information, such as change of tracks, is only available through loud-speaking announcements while other information is only available through visual indications that, in turn, excludes the visually impaired or blind people.

Quality charters are not sufficient to ensure a high service level, but they are considered a good measure. Moreover, their enforcement is difficult because they are adopted on a voluntary basis and there is a lack of feedback on their application.

- ✓ **Users' main problems:** on the basis of the feedback received by their members, the respondent considers that the 5 most important problems experienced by passengers are: lack of accessibility, lack of information, staff not properly trained to help people with special needs/lack of assistance, reliability/punctuality of the service, high prices and administrative burden.

In this context, the improvements that could be introduced are: improved punctuality, improved assistance through trained staff, lower prices and reconciliation among the different concessionary fare systems, better information regarding timetables, interlink connections and complaint submissions, improved attention given passengers at stops (shelters, toilets, help buttons), more consultation with the association for the disabled while preparing charters or planning improvements to the transport vehicles and equipment.

In conclusion, we can observe a critical approach of the European users' associations towards the current situation to protect passenger rights in urban public transport. They agree that although much has been done, they also believe that a lot still remains to be done.

7. LEGAL ASSESSMENT

7.1 Introduction

Tasks A and B of the Task Specifications required the legal assessment of the legal provisions and enforcement tools at the national level protecting passenger rights in urban public transport in Member States, South Africa and the United States. This assessment will have to take into consideration also the rules on accessibility of passengers with disabilities or reduced mobility.

A second legal assessment must be conducted on passenger rights provisions included and quality service requirements included in public service contracts concluded between the urban authorities and the urban public transport operators in Member States.

A third level of legal assessment concerned the effectiveness of voluntary actions adopted by urban public transport operators and other competent bodies to strengthen passenger rights. The assessment concerned the existing quality indicators related to the application of passenger rights, of reporting mechanisms and complaint procedures, and of sanction mechanisms.

The assessment also concerned the overlap between the EU Regulations on passenger rights and national provisions, and between the passenger rights and quality provisions in voluntary agreements and public service contracts.

7.2 Overview on the protection of passenger rights

From an initial analysis, we noticed that MS present a varying range of situations on the protection of passenger rights in urban public transport. While some MS introduced detailed legislation at national or local levels, others left passenger protection to general transport rules or to the initiatives of the transport operators. Among the MS that adopted detailed national legislation on passenger rights are Cyprus, Malta, Estonia, Hungary, Finland, Latvia, Lithuania, Slovakia and Slovenia. In the first two cases, it was motivated by the small size of the countries concerned.

As we observed, the primary source of protection of passenger rights are the national laws that establish the general framework on the responsibilities of the carriers towards passengers and their belongings.

National legislations contain, in general, the principle of the responsibility of the carrier, the obligation of insurance and non-discrimination of the disabled. National laws also contain the standards applicable to urban public transport vehicles. Moreover, since the urban public transport is included in the public service obligations, its specific regulation is referred to in the public service contracts. Whereas the national legislation on the obligations of transport operators is very detailed, such as in Lithuania, PSCs contain few provisions and the quality charters are mainly absent.

The national legislations, which contain very detailed provisions on the protection of passenger rights were those most, recently adopted in Europe, and this certainly is the result of the influence of European legislation on the protection of passenger rights. In the MS where the legislation on the urban public transport is older, the protection of passenger rights was introduced by subsequent legislation or regulations that created a stratification of the applicable rules.

In Spain, we noticed an inconsistent situation where the national legislation establishes few rules on passengers rights in UPT since the competence on this issue belongs to the Regions and independent municipalities. However, not all of the regions disciplined this subject and where legislation was introduced it varies from one region to another.

A unique case in Europe is represented by Italy, where the contents of the quality charters that must be adopted by public transport operators are established by a national Legislative Decree. In this sense, the quality charters are not voluntary commitments adopted by operators but are based on legislation, and they can be enforced by the passengers as legal rights. On the other side, a recent law adopted in 2009 introduced a class action that can be used against private companies operating mass transport for any disruption that occurs to the service.

Another case of national legislation that takes into consideration passenger rights at a national level is represented by Greece, where the 2011 reform of urban public transport attributed the responsibility of defining the level of passenger service to the public authority. The new system has not completely entered into force since there are three years (until 2014) to adopt a system to ensure the quality of service.

Sweden introduced a new legislation on passenger rights in 2012: the new measures also includes a Passenger Information Act that indicates the information that the public transport operators have to provide to passengers. It is a unique legislation specific on the right of information. Moreover, from information received by the Swedish Ministry of Transport, there is a programme to adopt a law on passenger rights that will cover all transport modes and will implement the recent EU Regulations on railway, ferry, bus and coach passenger rights.

With regard to the protection of passenger rights, the other source of rights is the contracts of transport stipulated to between the carrier and passengers that is implicit with the purchase of a ticket. In fact, the ticket incorporates the Terms or Conditions of Carriage, which are accepted by the passenger at the moment of purchase and which contain the rights and the obligations of passengers. Terms and Conditions of Carriage provide the rights of the passengers, as well as the obligations.

The rights include, in general, the right to travel on the transportation mode for which the ticket was purchased, the right to have a safe and comfortable journey, the obligation for the operator to ensure that the staff is polite and attentive, the obligation of the operator to inform passengers of disruptions or delays, the right to reimbursement for trip cancellations or delayed arrivals. An exception is represented by the terms of carriage of the bus company in Ljubljana, where the terms of carriage do not specify passenger rights and the use of the public transport service, since passenger rights are specified by the general national legislation.

The terms of carriage often include rules that exempt the transport operator from any responsibility for disruption of service due to traffic, delays, accidents or any occurrence on which the transport operator has no control. They also contain the limitation of liability of the transport operators for damages or injuries suffered by passengers.

An important form of UPT passenger rights protection, which was introduced in some Member States, is the obligation to provide “minimum service”. For strikes of UPT workers, the UPT operator must cover some courses especially during peak hours (work hours) to allow passengers to reach their workplace/school and return. If minimum service is not guaranteed, the UPT operator will have fines imposed. The obligation to provide minimum service is the result of an agreement reached at the national level between UPT operators, the governments and the trade unions. In this context, the information to passengers is crucial to avoid as many drawbacks as possible.

In the examined non-EU countries, South Africa and the United States, we do not find proper legislation protecting passenger rights in urban public transport. In the USA, there exist strong obligations to provide accessibility, with very strict requirements for facilities and vehicles, but there are no general provisions on protecting passengers' rights. In South Africa, the legislation obliges reimbursement of passengers for damages or injury. However, the legislation emphasises the safety and security of the passengers. Safety, security, satisfaction monitoring are linked only to the newest urban transport service, the Gautrain.

In general, we observed a different treatment of passengers in UPT across Europe. Whilst all transport operators must generally comply with a minimum set of requirements, which include punctuality, accessibility, cleanliness and safety, in some countries passengers are entitled to reimbursements for delays or disruption of service or having alternative transport modes available.

7.3 Liability of the transport operator for damages or injuries

In all Member States, as a general rule, the relationship between the transport operator and the passenger is based on the underlying contract of transport. As a consequence, the duties and responsibilities of the transport operator are of a contractual nature and must be proven according to the national rules for contractual responsibilities.

Some form of injuries or damages may also give rise to responsibilities under Criminal or Tort Law.

The liability of the UPT operator for accidents suffered by passengers is fault-based responsibility, as the operator is not liable for death or personal injuries, the causation of which was beyond their control. The transport operator is exempted from responsibility only if he proves that he has done everything within his power to avoid the damage.

Legislation, however, does not accept the limitation of the carrier's liability to the extent that the damage arose from the carrier's act or omission when the carrier is unable to demonstrate that he used all necessary diligence to avoid such damage.

The liability is provided not only for damages or for injuries suffered while on the transport vehicles, but also for those that happened in the surrounding areas that are under the responsibility of the urban public operators, such as stops, shelters and platforms. However, it must be demonstrated that the driver and, in general, the transport operator did not operate with all the necessary attention and prudence.

With regard to the extent of the liability of the UPT operator, it is worth mentioning that in Italy, the Supreme Court stated that the responsibility introduced by the Civil Code is strictly linked to the obligation to safely transport passengers and goods to their destination, with the obligation to control and protect the safety of passengers. That means that the urban public transport operator installed all measures to avoid any damages, first of which is driving conduct considers the situation of instability of the passengers. Consequently, hard accelerations and braking are forbidden, and it is considered extremely dangerous to move vehicles before completely closing the doors. The carrier is released from responsibility only by proving that everything possible was done to avoid any risk.

On the other side, passengers must have "cooperative" conduct without initiating any actions or omissions that may place themselves or other passengers in danger.

Passengers who intend to obtain reparation for damages or injuries under the general provision of the law must prove in Court the casual link between the damage or injury and the operator's conduct to show that the operator did not use the due attention required.

UPT accidents are often caused by the negligent operation of the vehicles. Drivers may violate traffic controls, fall asleep at the wheel or have their attention diverted by non-driving-related distractions. Bus drivers involved in bus accidents may be held personally responsible for the injuries sustained by passengers. As a practical matter, however, companies employing bus drivers, and their insurance companies, will typically be held financially responsible for bus crashes and accident injuries. In all MS, the UPT operators have insurance policies that cover an amount of damages that are recognised to passengers.

Calculation of damages in UPT accidents depends on factors such as the claimant's injuries, current earnings and impairment of future earning capacity, the nature and extent of the injuries, and the amounts of past, present and future medical expenses.

Since the burden of proof is on the passenger who, as customer, is always considered the weak part of the contract, in some countries, such as Belgium and France, a special provision was introduced to relieve the burden of proof. In Belgium, the passengers of urban public transport service are considered "weak users" (*usagers faibles*) with the consequence that the injured or damaged passengers have the right to an automatic refund of the damage suffered without having to demonstrate the fault of the carrier. Although the fault of the passenger contributed to the damage, the passenger is entitled to the refund unless there is wilful misconduct and the victim is older than 14 years.

In France, Law No 85-677 provides for the acceleration of compensation procedures for victims of bus transport accidents. Moreover, the French *Cour de Cassation* interprets the notions of *force majeure* and fault of the passenger very restrictively with the consequence that the operator may be considered liable for the grossest passenger misconduct (for example moving along on the running board of a moving train after having deliberately forcing open the automatic door-locking mechanism).

In the Netherlands, the law sets a cap on the maximum amount of compensation that the carrier must pay.. However, the Supreme Court provided that, in cases where the liability limitation is unacceptable on the grounds of reasonableness and fairness, and when the carrier acted recklessly by omitting to take adequate safety measures, courts may order that the total damages must be reimbursed. This is however exceptional.

In Slovenia, the law expressly provides that, for accidents, insurance must cover the injuries suffered by the passenger travelling on UPT modes regardless of whether the person possesses a valid ticket or not. In this case, the responsibility of the carrier is separate from the underlying transport ticket contract.

For other minor damages, different from personal injuries or damages to carried belongings, suffered by passengers such as delays or interruption of services, in the majority of MS, the UPT operators consider themselves exempt from any form of responsibility.

Some exceptions to this general rule exist. In some countries, such as Finland, the UPT railway transport is obliged to compensate passengers for damages incurred by train schedule delays up to a certain amount. However, under Finnish Law, there is no liability for damages caused by delays that passengers may reasonably expect to receive due to the nature of the transportation, the time required to change vehicles, or any other condition related to transport.

In Latvia, the Law on Carriage by Road provides for carriers compensating passengers for the value of tickets and direct losses if arrivals or departures of road transport fails to comply with the timetable. In Lithuania, a similar provision is included in the national Rules of Carriage of Passengers. In Slovakia, the law on road transport of passengers is very recent (adopted in January 2012 and entered into force in March 2012) and includes the right of passengers to have their fares refunded if the transport did not take place, or seek a reduction on the fare provided if the transport took place with a delay, or if the transport operator did not comply with its obligations under the passenger transport agreement (see Chapter 4.2.23 and Annex 2).

On the contrary, in Germany, a non-performance or an underperformance of the contractual obligations by the operator will not lead to any entitlement, reimbursement or compensation. In fact, the Federal Regulation on General Conditions of Carriage expressly relieves the UPT operators from their liability for damages or disadvantages that follow from delays, service breaks, interruption or non-performance due to insufficient space in the means of transport. A similar provision, which deprived passengers of the right to claim any damage for delay, cancellation or misconduct of the buses and trains, exists in Luxembourg.

Where legislations do not provide any form of compensation or damages for delays or interruption of services, many UPT operators have introduced such compensations via quality charters or in the form of service guarantees. We examined these best practices in Paragraph 8.6.

7.4 Relationship and possible overlap between national rules and European Regulations

With regard to the European legislation concerning the protection of passenger rights in Europe, the only regulation applicable at present is the Regulation (EC) No 1371/2007 on rail transport. The Regulation (EC) No 1177/2010 concerning the rights of passengers when travelling by sea and inland waterways will enter into force in December 2012 while the Regulation (EU) No 181/2011 on protection and assistance of passengers in bus and coach transport, which contains provisions applicable to regular domestic service, will enter into force on 1 March 2013.

We did not find, during the preparation of the Study, any information on an anticipated application of Regulation (EU) No 181/2011. On the contrary, some MS, such as the United Kingdom, are currently consulting on the implementation of bus/coach passenger rights specifically regarding the possibility of introducing all available exemptions (for four years from 1 March 2013), in order to delay costs for the industry and give them more time to prepare⁵². In Sweden there is a proposal for a law on the protection of passenger rights that would cover all transport modes and implementing the European regulations, but nothing has been done yet.

The communication on passenger rights in all transport modes, which indicates the main rights of the passengers that should be respected by all transport operators, has certainly played an important role in introducing passenger rights in UPT in those countries, such as Slovakia and Slovenia that recently, between 2011 and 2012, adopted a new legislation on UPT. However, no direct references to the communication were found in the legislation or preparatory works.

⁵² On 30 July 2012 the UK government published a consultation on the implementation of Regulation EC No 181/2011, particularly on the following issues: “Utilising the available exemptions with the directive to exempt UK domestic services and regular services with at least one stop outside the EU from the application of the Regulation for four years from 1 March 2013; exempting drivers from the requirement for disability awareness training for personnel of carriers and terminal managing bodies for five years from 1 March 2013; and exempting domestic regular services from the application of all or some of the provisions of the chapter on disabled persons and persons with reduced mobility, provided that they ensure that the level of protection of disabled persons and persons with reduced mobility under their national rules is at least the same as under the Regulation; Developing the enforcement measures needed to ensure compliance with the Regulation including the designation of a national enforcement body(ies), designation of body(ies) to which complaints can be made and the penalties applicable for infringements of the Regulation; and Designating the bus and coach terminals at which assistance will be provided to disabled people and people with reduced mobility on long-distance services, subject to certain conditions being met.”

Article 2 (3) of Regulation (EC) No 1371/2007 contains the “core” provisions, which related to rules on availability of tickets, through tickets and reservations (Article 9); liability of railway undertakings for passengers and their luggage (Article 11); minimum level of insurance for railway companies (Article 12); right of passengers with reduced mobility to be transported (Article 19); information on accessibility of rail services (Article 20(1)) and obligations on passengers' personal security (Article 26).

These rules are mandatory for all kinds of railway services within the European Union and cannot be derogated from. While rail transport is often a small part of the UPT network of a city, which is primarily constituted by tram, buses, trolleybuses, metro and taxis, it plays an important role as a mode of transport for commuters in the metropolitan areas.

The mandatory rules provide essential protection to passengers on urban rail transport, including compensation for injuries or damages as provided by Article 11 of the mentioned Regulation also where urban rail transport is exempt from the application of the Regulation.

With regard to UPT on rail, the majority of MS opted for exemption from the application of the Regulation. Only few MS, at present, extended the protection of the Regulation to the UPT, such as the Czech Republic, Denmark, Italy, Lithuania, and Slovenia.

In general, the national instruments adopted to give effective implementation of the Regulation contain provisions concerning the relationship between domestic law and European regulation and the regulatory enforcement of European legislation. Moreover, the European Regulation requires the designation of enforcement bodies to take the necessary measures for its effective implementation.

However, we found some inconsistencies among the mandatory provisions of Article 2(3) of the Regulation and the national applicable provisions. While the MS adopted measures at the national level to coordinate the European and the national rules that will permit enforcement of the provisions, some provisions, specifically those for the claim of damages are subject in the MS to stricter rules with regard to the time of submitting the claim of damages and compensation. On the other side, national legislations and, in particular, the assessment of the national courts on the notion of responsibility and “exceptional circumstances”, which relieve the carrier from responsibility (see Paragraph 7.3), seems more in favour of the passengers than the notion included in the Regulation at Title IV, Chapter I, Article 26.

Regulation (EU) No 1177/2010 concerning the rights of passengers when travelling by sea and inland waterways will be applicable from 18 December 2012. However, MS may exempt, for two years starting from 18 December 2012, seagoing ships of less than 300 gross tons operated in domestic transport or passenger services covered by public service obligations, provided passenger rights are adequately protected under national law.

The Regulation prevents discrimination and obliges the offer of assistance to the disabled and persons with reduced mobility, gives rights to passengers for cancellation or delays, ensures that a minimum degree of information is provided to passengers, requires carriers to issue tickets or other documents to give entitlement to transport, prevents discrimination of tariffs or conditions based on the nationality of the passenger or place of establishment of the carrier or ticket vendor.

At the time of the desk research, no MS adopted the measures to implement the Regulation. We are informed that the Ministry of Transport in Italy started, at the end of 2011, the consultations with users associations on the instruments to implement the Regulation. Greece adopted a recent legislation to enhance the quality of the ferry

service and to protect passenger rights, however, there are no provisions on compensation for delays as imposed by Regulation (EU) No 1177/2010.

We compared the contents of the Regulation with the existing passenger rights in Venice (where the UPT is mainly operated via ferry service due to the canals and lagoons), Malta and the United Kingdom. In Venice, the UPT operator in charge of managing the ferry service applies the rules established at a national level for the protection of passengers' rights including the adoption of the quality charter that, combined with the conditions of carriage of the company, provides good passenger protection and compensation for delays. Moreover, the operator already introduced the single ticket, which is one of the main points of the Regulation.

From the findings that emerged in the country report regarding Malta, where ferry service is a consistent part of transport, the level of protection of the local ferry transport service does not seem very high, since the charter of the ferry company exempted the carrier for liability even for the loss of luggage due to the fault of the crew members. In this case, the implementation of the Regulation will certainly prove a higher level of protection of passenger rights.

With regard to the United Kingdom, ferry and cruise passengers and those travelling on passenger vessels on the inland waterways do not have statutory rights to compensation for delays, and there are at present only limited rights for persons with reduced mobility or disabilities as provided by the anti-discrimination law⁵³. London has an extensive network of river bus transport along the Thames. TfL owns the piers while the river bus service is managed by private companies. No particular rules on the protection of passenger rights emerged from the desk research.

7.5 Public service contracts

The main tool that regulates the urban public transport in Europe and also constitutes a source of rights for passengers is the public service contract between the municipal authorities and the transport operators. Regulation (EC) No 1370/2007 defines how, in accordance with the rules of Community law, competent authorities may act in the field of public passenger transport to guarantee the provision of services of general interest that are more numerous, safer, of a higher quality or provided at lower cost than those that market forces alone would have allowed. The Regulation establishes the conditions under which competent authorities, when imposing or contracting for public service obligations, compensate public service operators for costs incurred and/or grant exclusive rights in return for discharging public service obligations.

PSCs based on the Regulation must contain *“qualitative criteria in order to maintain and raise quality standards for public service obligations, for instance with regard to minimal working conditions, passenger rights, the needs of persons with reduced mobility, environmental protection, the security of passengers and employees as well as collective agreement obligations and other rules and agreements concerning workplaces and social protection at the place where the service is provided. In order to ensure transparent and comparable terms of competition between operators and to avert the risk of social dumping, competent authorities should be free to impose specific social and service quality standards”*⁵⁴.

However, quality criteria may also be found in directly awarded contracts since a certain level of quality must always be included.

The first actions to introduce the notion of service quality coupled with the idea of a citizen's right to certain quality levels of service for local public services emerged in the early '90s. In particular, UPT was amongst the

⁵³ Note from the House of Commons of 30 July 2012, SN3163, *Transport: passenger rights, representation and complaints*.

⁵⁴ Whereas No 17 of Regulation (EC) No1370/2007.

first areas where service quality levels, including its monitoring and quantification, were investigated. The underlying idea was that by improving the quality of service, more users would be attracted to use UPT.

In general, also when the service is operated directly by the municipality through its own company, a set of rules on the obligations of the service provider and on compliance with quality parameters to obtain compensation for the PSO is always present. This is mainly due to two main factors related to service supply: first the need for the public transport operator to deliver services in relation to customer demand based on performance standards; and second, the budgetary constraints, which compel cost reductions and require production improvements.

Despite the provisions of the Regulation (EC) No 1370/2007 to make public the contents of PSCs, we need to emphasise that in some MS, PSCs are not available to the public.

Analysing PSCs is required since the quality criteria includes raising, indirectly, the level of protection of passenger rights. If those quality criteria cannot be considered rights that may be enforced directly by passengers, they can however be enforced by the authorities through surveys and the application of bonus-malus arrangements. Therefore, they may be indirectly considered passenger rights.

The PSCs in general include obligations to provide a certain level of quality of the service in terms of punctuality, cleanliness, information and interconnections. In some cases, UPT operators are asked to increase the company friendliness towards the customer.

These criteria are used to define the operator's remuneration. Together with a bonus-penalty system, remuneration based on performance should increase the service quality level. In Denmark, incitement contracts (*Incitamentskontrakter*) were introduced to encourage operators to focus on passenger needs, such as traffic information, reliability and comfort.

The level of detail of the provisions towards passengers and of the quality criteria introduced by the PSCs and service agreements varies among MS.

As said above, the PSCs contain a form of bonus-malus arrangement that obliges the transport operator to comply with the indicators included in the PSCs. Compliance will give the right to the remuneration/contributions for the service while non-compliance may lead to the imposition of fines. PSCs usually contain a short list of quality indicators and the level of performance that the operator must meet (especially in terms of number of rides and punctuality) to receive remuneration.

Punctuality, frequency and information seem to be the most valuable quality indicators in PSCs followed by accessibility, cleanliness and security. Compliance with the quality indicators is monitored using surveys whose frequency maybe monthly, quarterly or semi-annual.

In MS, the PSCs are very detailed. An example is the agreement of public transport service adopted by the Municipal Government of Kaunas (Lithuania) in which the authority described the duties of the carrier in the detail, including the obligation to respond to passenger complaints within 30 days, the obligation to arrange a gratuitous toll-free telephone line for complaints and the obligation to arrange a yearly survey among passengers. These very specific detailed conditions also concern the quality of the service provided: the vehicle must be clean, the vehicle must be heated when the temperature is lower than 0 degrees and ventilated in the warmest periods, and the seats of the vehicle must be washed no less than 8 times per year.

Another example of a PSC that contains very detailed prescriptions imposed on the urban transport operator also with regard to the rights of passengers, including accessibility and safety, is the Romanian Framework Statute and Framework Book of Tender. The Romanian legislation is an example of a much-regulated service, with a very detailed list of responsibilities and duties for the carrier and a clear list of passenger rights included in the PSC. In this case, legislation is fairly recent and it has certainly been affected by the European legislation and initiatives in the sector of public transport.

In the Netherlands, the PSCs must include an indication of the tariffs and their entry into force, the timetable and the period of validity, the requirement for the accessibility of public transport for the disabled, punctuality, the percentage of seat availability and the service level provided to travellers in stations and on the vehicles.

However, it is quite rare to find such detailed provisions on service that must be provided to the passengers in the PSCs.

In MS like Slovenia, where PSCs do not contain a bonus-malus arrangement, the authorities do not have instruments to enforce compliance with the quality criteria included in the PSCs.

In general, PSCs with bonus-malus arrangements and surveys to monitor compliance have the effect of focusing on the attention to passengers' interests and increase transparency in the authority-operator relationship. Moreover they produce a close monitoring of risks and a more precise risk allocation between the authority and the operator, based on the concept that each signatory is accountable for the risks that he has the power to monitor and control.

In the end, PSCs with good quality criteria and monitoring initiatives may promote incentives to develop operator initiatives, which can potentially increase economic and commercial performance and ensure fulfilment of the authority's expectations.

7.6 Quality charters

Quality charters in UPT have widely spread throughout Europe in recent years.

We found some good examples of quality charters among the Member States and the examined cities. In some cases, such as Portugal, where the national legislation contains only the basic principles on passenger rights, the quality charters adopted by transport operators have particular importance for the protection and the enforcement of passenger rights.

When quality charters have not been adopted, there are service guarantees that strengthen passenger rights, such as the "10-minutes-guarantee" of the Frankfurt UPT operator, granting their passengers the right to have their tickets refunded if their transport is delayed by 10 minutes or more.

In the Netherlands, bus carriers provide compensation as a service guarantee for delays or cancellations. The amount of compensation varies between EUR 3.50 to EUR 15.

As already stated above, in some MS such as Italy, Greece and Slovakia, all transport operators are required to adopt quality charters under law. In Greece, charters are issued by the public authority responsible for managing and planning urban public transport. In this context, these charters have the same force as law and cannot be considered voluntary commitments.

We found some cases of operators who adopted quality charters as voluntary agreements or promises towards passengers, such as the CFL Luxembourg (rail) and Arriva. These charters are unilateral commitments towards passengers and do not bind the operator. However, it is unclear how compliance with these “promises” can be enforced by passengers.

Some charters, such as those of DBV Berlin, TfL, Metro Madrid and Translink in Northern Ireland, provide reimbursement for delays of more than 20 minutes and reimburse taxi rides up to a fixed amount. Reimbursements, complaint handling and satisfaction surveys are the most important elements to be considered in quality charters.

Among the MS, the United Kingdom is considered to have the best overall level of customer care in public transport. The main reasons for the good score that the UK achieved are: a wide diffusion of service guarantees and customer charters, a good performance of those schemes, well-developed standards to handle complaints and a good user representation.

We found some examples of quality charters (passenger bill of rights) also in the United States: they are promises of the operators towards passengers, but do not create any binding obligation and are not enforceable in court.

An in-depth analysis of the quality charters and service guarantees was clearly carried out in the City Report where the obligations of the transport operators towards passengers were analysed in detail.

In Paris, we do not find quality charters. The PSCs between STIF and the operators regulate the UPT and establish the obligations of service providers towards passengers. The PSCs contain the following quality indicators: regularity of service, updating information to users, functioning equipment, welcome by representatives and ticket sales, and cleanliness.

In the city report, a list of cities where quality charters were adopted are London, Brussels, Bratislava, Madrid, Rome, Athens, Berlin, Riga and Stockholm.

Although other cities -Prague, Budapest and Warsaw - do not have quality charters, in some cases they have introduced service guarantees, providing for refunds for delays or disruptions of service.

When we compared the quality charters in the cities assessed, and we found that all charters contain at least:

- Obligation of information
- Schedule and timetable
- Ticket prices and reductions (if available)
- Cleanliness of the vehicles and stations
- Rules of travel (luggage, prams, bicycles, animals)
- Staff conduct
- Accessibility
- Complaints: contact numbers and offices, places where to find the book of complaints.

Comparing the abovementioned elements with the “Ideal Charter” in the Annex, we could say that the main elements are included, so the examined charters provide a satisfactory level of protection of passenger rights. Due to the very low level of participation of users’ associations in the stakeholder consultation, we do not have information on the real enforcement of the rights provided. However, from what emerged from the research of the websites of the national users’ associations, passengers are frequently unaware of their rights or of the

existence of charters, and they do not usually submit requests for reimbursements, when available. Passengers tend to rely more on the opportunities available to complain for poor service.

Some of the users' associations are very active in reminding passengers to enforce their rights by using available instruments.

Among the criteria indicated above, information is considered one of the most important elements. Operators seem to invest more infrastructures to provide real-time information on trips at facilities and on vehicles, by introducing new technology such as electronic panels, software for information to passengers via mobile devices and smartphones. In Sweden, a Passenger Information Act containing specific legislation on the right of passengers to information was adopted.

As said above, in those cities where transport operators do not issue charters but have terms of carriage with some service guarantees, the effectiveness of the provisions is the same, although a quality charter (i.e. a document which encloses all the duties and rights of passengers and operators) has the advantage of being clearer.

This is particularly evident in a town like Paris, which does not have quality charters: the websites of the UPT operators contain a large number of useful information, but they are not organised in a systematic way and it takes time to look for the obligations of the transport operators and the rights of passengers.

In general, the charter has the benefit of clearly listing and describing the same information on all passenger rights already provided in PSCs in a single document, especially with regard to service guarantees and the handling of complaints. Moreover, it includes a set of useful information for passengers (contact numbers, services). Quality charters definitely improve communication between UPT operators and passengers.

One of the very recent initiatives taken at a national level in France to protect the quality of public transport and passenger rights is the adoption of Legislative Decree 2012, which created an Authority for Transport Service Quality with an online platform that enables users to access all data regarding delays, cancellations and lost baggage. At present, it works only for air transport, but it will be extended to all the public transport modes, including urban transport, before the end of 2012.

An important initiative in the field of quality charters is the UITP Passenger Charter, which was established with the purpose of creating a customer-focused operator. The Charter was produced by UITP as a sector recommendation to its members on how to design a passenger charter. It is to be regarded, in the UITP intentions, as a framework recommendation that can be complemented by additional aspects, taking into account specific local situations.

According to the Charter "Depending on various local circumstances, operators and local authorities have different areas of responsibility for the delivery of the service to the customers, their aim will be to work together to secure improvements for customers; they will agree how their responsibilities are allocated and will keep this under regular review".

The Charter establishes recommendations on the minimum requirements of the charter. According to the UITP, the Charter should cover the statement of operator commitment to its customers; safety and security of customers; customer information; reliability and punctuality; clean condition of facilities and vehicles, journey comfort, accessibility, customer comments and complaints, and customer obligations.

The Charter suggests that operators include the following: 1) statement of the operator's commitment to their customers; 2) safety and security of workers and passengers; 3) customer information, which must be provided in a number of ways to adapt to the needs of customers in light of local circumstances; 4) high level of punctuality; 5) clean facilities and vehicles; 6) journey comfort; 7) accessibility; 8) customer comments and complaints; and 9) customer obligations.

The UITP Passenger Charter and the quality charters of Brussels' STIB, London's TfL and Arriva are included in Annex 9.

7.7 Accessibility

Accessible public transport systems are understood in the present case to be systems that integrate all people – including those with mobility, sensory and cognitive impairments, mental health problems, environmental sensitivities and allergies – when delivering public transport services. This includes the entire journey; to be able to understand how the public transport system works, to get to and from terminals or stops, to move around and find one's way in terminals, to get on and off vehicles, to buy tickets and to travel with confidence.

National legislations generally contain prescriptions on protecting the disabled and PRMs from discrimination. Accessibility is a requirement that UPT operators must observe when providing service. It regards the technical requirements of the fleet of vehicles as well the provisions regarding information, price and ticket reductions. National rules and PSCs require that UPT operators grant accessibility to all the persons. Accessibility is an essential criterion of the PSCs or the agreements between the public authority and the operators.

Directive 2001/85/EC⁵⁵ describes the technical requirements for vehicles used to carry passengers: more than eight seats in addition to the driver's seat with the technical requirements to allow access for persons with reduced mobility. The Directive provides that all MS adopt the same requirements either in addition to, or in place of, their existing rules to specifically allow EC type-approval procedures, which is the subject of Council Directive 70/156/EEC of 6 February 1970 on the approximation of the laws of Member States relating to type-approval of motor vehicles and their trailers.

In general, all MS introduced laws that provide obligations to adopt specific requirements for vehicles and infrastructures (such as numbers of seats reserved for PRMs, positioning of the stickers indicating reserved seats, positioning of wheelchair ramps and activation buttons) for UPT vehicles. In the Netherlands, the obligation to provide accessible facilities will enter into force in January 2016. In the United Kingdom, the 2000 Public Services Vehicle Accessibility Regulations address the accessibility of public transport for the disabled, providing vehicle approval and certification. However, although Regulation (EU) No 181/2011 provides that full accessibility on buses be reached by 2020, it is still under implementation.

UPT operators provide information on accessibility on their websites and in their terms of carriage.

The findings of the study show that the level of accessibility is higher where new fleets of vehicles were introduced by UPT operators. Old vehicles and infrastructures have low accessibility due to the high costs of adapting them.

New vehicles have low floor access and lifts, visual and vocal signals on the vehicles and at the stations, Braille information, a minimum number of seats reserved for PRMs (EMT also installed special small chairs with

⁵⁵ Directive 2001/85/EC of the European Parliament and of the Council of 20 November 2001 relating to special provisions for vehicles used for the carriage of passengers comprising more than eight seats in addition to the driver's seat, and amending Directives 70/156/EEC and 97/27/EC.

seatbelts for babies of up to three years, which is a good solution in terms of security) and spaces reserved for wheelchairs. In accessible stations and at bus stops, there are elevators, ramps and signalling platforms with longitudinal buttons, signs for obstacles, Braille labels and vocal information and light signals for the hearing impaired.

The national legislations allow UPT operators the possibility of organising alternative transport modes for people with disabilities, in particular for those with severe disabilities. Alternative transport modes were also introduced for the elderly. Such kinds of alternative transports are a good option for places where the local UPT offer is scarce, such as rural areas and for cities where the accessibility of infrastructures still needs to be improved.

Sweden and Denmark are pioneers in introducing “paratransit service” and route services. As emerged from the city report, the paratransit service for disabled people in Copenhagen was publicly founded in 1979 and service routes operated with small low floor vehicles were introduced for senior citizens. In Rome, there is a gratuitous bus service available by reservation managed by ATAC. In Paris, the PAM (*Paris Accompagnement Mobilité*) was introduced with a large fleet of lift-equipped minibuses with drivers who provide assistance to passengers. In all the cities examined in the City Report, similar services were introduced. London has a transport service (Dial-a-Ride) that may be reserved in advance.

While the purpose of the provisions on accessibility is to allow all the categories of the users the possibility to use UPT modes, the paratransit service is a useful solution to fill the gaps that still exist on accessibility. In fact, even if the ultimate goal of accessibility is to provide full access to all vehicles, stations and surrounding areas, old infrastructures, old vehicles and architectural barriers are the main obstacles to this goal. It takes time and investment to renovate UPT infrastructures and, in this context, paratransit service provides a valuable solution.

However, the organisation of paratransit service should be the result of an integrated discussion by the authorities, the UPT operators and the users’ associations to identify the needs and explore possible solutions for the disabled and PRMs, taking into account the economic impact on the operators and authorities, and the necessity to provide full UPT accessibility to all categories of users.

Some user organisations consider the use of paratransit service as a temporary solution to fill the existing gaps in accessibility until they are removed. Transport operators and authorities think that the promotion of paratransit service should take into consideration the economic impact on cities, since it could be an expensive solution for some cities.

As said above, comparing the findings between the Country Report and the City Report, accessibility seems better in the metropolitan areas than in small cities and local areas.

Replies from the transport operators to the questionnaire consider that a lot was done to make vehicles and infrastructures accessible and, within a few years once the process of modernising transport fleets is complete, UPT services will be fully accessible.

Assistance to PRMs and the disabled is still an open issue. In general, bus drivers are required to activate lifts for wheelchairs if passenger so require and, in some cases, they provide assistance in getting on and off the vehicles if required, although we did not find a general obligation of assistance. However, in the Code of Conduct of Greater Manchester Integrated Transport Authority, bus companies participating in the quality scheme are required to train their drivers to help people who need assistance. The training is based on the accessibility guidelines published by the Authority.

According to some user organisations, assisting PRMs and the disabled should become one of the main issues of dialogue among stakeholders, and guidelines on training should be developed. Other stakeholders consider that a possible obligation to assist should be considered carefully, since it is up to UPT operators and local users' organisations to evaluate which practices are good as they pertain to their own situation and circumstances.

Information on accessibility is considered a very important issue, as imposed by Regulation (EC) No 1371/2007, Regulation (EU) No 1177/2010 and Regulation (EU) No 181/2011. In fact, according to the users' associations that replied to the stakeholder consultation, the possibility the disabled to obtain information on barrier-free vehicles and accessible stations for their journey is the first essential step to ensure that people with disabilities or reduced mobility may use the UPT.

Moreover, for people with reduced mobility or disabilities, the "trip chain" is very important. A typical trip chain consists of many links (for example, home to curb, curb to vehicle, ride in vehicle, transfers, vehicle to curb, curb to entrance of building, entrance to destination). If any link is not accessible, then the journey becomes impossible. Information on accessible vehicles and infrastructures is necessary to prepare a trip chain in advance. In general, as emerged from the city report, the UPT operators publish maps indicating accessible stations and infrastructures.

In Berlin and London, UPT operators introduced mobile multimodal mobility guides in the form of audio guides of transport networks and city maps for the visually impaired.

In almost all MS, passengers with disabilities and senior citizens are entitled to a ticket price reduction. Sweden is an exception.

Sweden and Denmark also provide public funds to buy cars when disabled individuals live in locations where UPT is unavailable.

Taxis are considered a valid alternative to UPT, especially because they provide door-to-door service and a viable solution for the elderly and people with disabilities. These are a safe solution for late night trips, especially for women travelling alone. In Rome, women travelling alone after 10 p.m. may request a discount fare.

Many municipalities establish the percentage of taxis that must be fully accessible. In Spain, there is a taxi service (Eurotaxi) which provides vehicles adapted for people with wheelchairs.

In the USA, accessibility is the main goal of passenger rights protection in UPT. The ADA prohibits discrimination and directly ensures that all passengers have equal opportunity to access public transport.

The ADA has also adopted guidelines on the standards for constructing and altering transportation facilities covered by the ADA. They became effective on 29 November 2006. The Department of Transportation (DOT) adopted these standards based on updated guidelines issued by the Board.

The ADA is unique in that it covers public and private transportation providers and services in all modes, regardless of funding sources. The Federal Transit Administration became active in complaint investigations and compliance reviews related to the ADA.

Under ADA provisions, trip information is very important. Not only must the operators announce all transfer points, major intersections, and destination points sufficient to permit a person with visual or cognitive disabilities to become oriented on their location but also, if required, they must announce any stops.

Moreover, the public transit service that receives financial assistance and employs more than 15 persons is required to establish a procedure for prompt and equitable solutions to complaints for ADA violations. Riga has introduced a similar procedure where a member of staff in charge of handling complaints deals only with the complaints on accessibility. The Portuguese operator Comboios de Portugal has an advisor for clients with special needs.

7.8 Enforcement

With regard to the protection of passenger rights, we must make a distinction between two different forms of enforcement: private litigation (also called private enforcement) which concerns submitting, individually or collectively, complaints before the competent body or court; and public enforcement, which includes all instruments available to the public authorities to obtain compliance with the obligations of the carrier, by using surveys, compensations or bonus-malus arrangements, including the possibility of levying fines on the carrier.

Public enforcement

With regard to public enforcement, the situation varies amongst MS. In general, there are public authorities that are in charge of monitoring compliance with the obligations of the operators in UPT.

For serious infringements of the UPT operators' obligations, the competent authority may cancel the permit or the authorisation to carry out the UPT, such as in Finland, Germany, Luxembourg and Malta. In Luxembourg, infringements committed in violation of the Public Transport Regulation are sanctioned with a fine.

In Romania, for breach of legislative requirements and those in the relevant local tendering book, the law establishes a set of administrative fines that may be imposed by the municipalities.

In the majority of MS, compliance with the quality criteria and indicators included in PSCs are obtained by the authority with the introduction, in the contract, of bonus-malus arrangements and compensation systems that can be seen as an incentive for operators to provide the most efficient and best quality services.

Based on the study on '*Contracting in urban public transport*'⁵⁶, authorities consider passenger rights as non-direct incentives, enabling the authority to implement an incentive scheme without bearing the costs of its management and control (e.g. financial compensation for not meeting punctuality requirements). According to the study, this type of incentive raised customer satisfaction sharply while costs are usually lower than expected.

To evaluate the compliance with quality criteria, the authority or the company must carry out regular surveys to monitor the level of passenger satisfaction.

A case where surveys demonstrated passenger dissatisfaction and forced the authority to respond appropriately is the situation of the S-Bahn of Berlin. Due to a series of disruptions to the urban rail transport service, unresolved technical problems and lack of punctuality, the payments made by the State of Berlin to S-Bahn were

⁵⁶ D.M. Van de Velde, A. Beck, J.-C. Van Elburg and K.-H. Terschüren, '*Contracting in urban public transport*'[2008] Report for the European Commission - DG TREN, Brussels, 75.

consistently reduced in 2010, and the city council announced its intention to consider other options at the expiration of the service contract with S-Bahn (see Chapter 5.2.2 and Annex 3).

Also in France, both RATP and SNCF had penalties imposed for non-compliance with some objectives set in their PSCs.

These examples proved that bonus-malus arrangements might be useful in protecting passenger rights. However, in some MS, such as Hungary and Slovakia, surveys are not carried out by the authorities. In this case, we do not have information on the effective application of the quality criteria included in the PSCs.

In Greece, disciplinary action may be taken by OASA against the responsible carrier if the necessary services are not provided or are unsatisfactory, in accordance with internal regulations, and the decision of the Disciplinary Committee notifies the passenger concerned.

In London, the investigation carried out at the beginning of 2012 by the Greater London Authority on TfL customer service lead the operator to reconsider and restructure its service to passengers, specifically the information service and complaint handling, to increase the quality of its customer service (see Chapter 5.2.6 and Annex 3).

At the end, we want to indicate a peculiarity that we found in the Code of Conduct of Greater Manchester Integrated Transport Authority where the results of the surveys and the compliance of the bus operators with the objectives of the quality partnership are not only published by the authority, but are rendered public to passengers by the operator with a notice on each of its vehicles for a period of four weeks.

Private enforcement

➤ Court procedure

Passengers may enforce their rights through individual legal proceedings or, when available, through collective redress.

The legal basis for the enforcement of passenger rights is the general principles of contract and tort law. This kind of enforcement requires an action before the Court. Even if the liability of the transport operator is presumed, the defendant must prove that it was not in their power to avoid damages; the Court decision is a lengthy procedure and is subject to the right of appeal. This means that a passenger may have to wait years before seeing their rights recognised.

As resulted from the Green Paper on collective redress, the main barrier to court proceedings are high litigation costs and complex and lengthy procedures. High costs and the risk of litigation make it financially prohibitive for consumers to pay court costs, lawyers and expert fees that may exceed their compensation. Procedures are so complex and lengthy that consumers may find themselves entangled without any clear perception of when (or if) their case will be satisfactorily resolved. In some instances, but not all, consumers can have access to individual alternative dispute resolution mechanisms.

Many countries such as Italy, the Netherlands, and Portugal, allow some kind of class action or collective redress brought by users' associations on behalf of injured parties for collective damages to passengers due to disruption of service. Although the results are binding for all injured parties, they have an opt-out right.

However, the communication on collective redress found that the situation on current consumer redress in the EU is unsatisfactory and does not allow large numbers of consumers affected by a single breach of the law to obtain redress and compensation.

➤ Out of Court procedures

In most Member States there are ADR entities to deal with UPT passenger disputes, but their presence is inconsistent throughout Europe.

In Belgium, Denmark, France, the Netherlands, Poland, Spain and the United Kingdom, there are some forms of alternative dispute resolutions (ADR) established by law or by the authorities competent for the management of the urban public transport. Passengers who have claims towards the transport operators have to submit the complaint before these bodies. In the majority of the cases, the enforcement body is entitled to adopt a decision that is binding for the parties, while in other case they only check the violation but cannot order the public transport carrier to award damages (i.e. the Dutch national enforcement body of the Ministry of the Infrastructure).

In Germany, a mediation body was created in 2009 in the State of Berlin for UPT in the region. In Greece, if passengers are not satisfied with the reply from the UPT operator to the complaint, they may refer the case to the Hellenic Consumers' Ombudsman and/or the Directorate General for Consumers of the Ministry of Employment and Social Security.

Spain created some special sections of the court to deal with the issues of public transport including urban public transport.

Denmark, France, the Netherlands and the United Kingdom have some of the best ADR bodies on UPT issues for which we also found detailed information reported in the Country Chapters.

In Belgium, a mediator was created at the STIB in Brussels. The mediator is an independent subject, named by the Brussels Government who is in charge of the appeal against STIB decisions on the submitted complaints. The complaints may only have STIB activities as their object. Although the appeal is free of charge, some conditions must be satisfied. The mediator examines the complaint and adopts a decision within 30 days.

In Denmark, passengers' complaints are submitted to the Appeal Board. The complaint fees for the passenger covering the procedure are 160 DKK (approximately EUR 21.50) reduced to 80 DKK (approximately EUR 11) if the value of the complaint is lower than 160 DKK. The decisions of the Appeal Board are binding for the parties and if the Traffic Company does not comply with the decision, the Appeal Board may submit the case to the Danish Consumer Authority, which may initiate legal proceedings before the court on behalf of the passengers. This system has proved to be faster and less expensive than a court procedure. In fact, the time for adopting a decision is six months, but the average in 2011 was 68 days.

In France, the main UPT companies introduced a mediator to which complaints must be submitted. The time for the decision of the mediator varies between 45 and 60 days. Passengers may adhere to FNAUT by paying a subscription fee (around EUR 35 to EUR 50) and the users' association carries out the procedure on the passenger's behalf.

In the Netherlands, a public transport committee was created to appeal the decision of the UPT operator for complaints lodged by passengers. The cost of this procedure is EUR 25. Decisions are made within several weeks and are binding for the parties.

In the United Kingdom, Passengers Focus takes up second tier complaints for passengers who received unsatisfactory replies from rail operators. For buses, the Bus Appeals Body (BAB) deals with complaints on operational issues, such as poor reliability. From analysing BAB procedures, decisions are made in no more than 8 weeks. Differently from the bodies in the Netherlands and Denmark, BAB cannot force the bus company to make payments. However, the companies usually accept BAB decisions since they are published as they prefer to avoid negative feedback.

The analysis showed that there are significant gaps in coverage. In some countries, no recognised ADR entities appear to exist or the system needs further developments. As a result, European passengers do not enjoy the same level of access to out-of-court resolution across the EU.

In general, where ADR bodies were introduced, the data shows a decrease for the years where complaints are filed before them. The UPT operators seems more attentive in handling first tier complaints to avoid appeals before the ADR body, since its decisions are public and can produce negative feedback that impacts the quality level of service. Moreover, these procedures are fast and inexpensive (the average cost is around EUR 20) and a good tool for passengers to assert their rights.

Given that mass transport is a characteristic of UPT that can lead to an elevated number of claims, we should agree that the introduction of some ADR or mediation bodies could be very useful and improve the quality of service and protection of passenger rights. In fact, the lack of fast and effective enforcement systems dissuade passengers from claiming their rights there by leaving these rights empty of value.

Moreover, ADR bodies should respect the quality criteria established by the European Commission Communications on the new ADR package proposed in 2011, such as impartiality, transparency, effectiveness and fairness. According to the provisions of the proposal, competent authorities in the Member States should also monitor ADR entities to ensure that they function properly.

7.9 Involvement of users associations and workers' representatives.

In many MS, users' associations are involved in monitoring UPT services. As emerged during the stakeholders' consultation, community discourse is extremely important to achieve the best quality service for passengers and should be improved at European level. However, the consulted users' associations consider that their involvement is poor and inconsistent. Workers' associations have complained about the low level of workers' involvement in defining and monitoring passenger service quality. In their opinion, only the more advanced companies that consider the quality of service an issue not only towards passengers but also towards human resources involve workers' representatives in defining and implementing the quality criteria/indicators.

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| UPT operators and authorities consider that the level of involvement of workers' representatives and users' associations is high. However, the representatives of these categories consider that their involvement is inconsistent and is mainly at a consultancy level since the opinions expressed by the workers and users' associations are, for the most part, not binding. |
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France and Luxembourg introduced permanent consultative organisms that reunite the representatives of public transport operators and users' associations. In France there are "*comité de lignes*" while in Luxembourg there is the

committee of public transport users that is an information platform for organising and running public transport between users and associations.

In the Netherlands, the public authority must consult the PROV, which represents different consumer organisations, to guarantee the interests of the passengers prior to the publication of the tender notice to select the UPT operator. A similar consultative process is set up in the United Kingdom where the local authority must consult the interested stakeholders prior to adopting a quality contract scheme.

In Italy, the users' association must be consulted when preparing the charters of service through the conference of services, which unites all interested stakeholders. Moreover, the UPT operator must set up a permanent monitoring observatory to monitor compliance with and implementation of the qualitative criteria of the PSCs and their responsiveness to the users' needs by involving the users' associations .

In France and the United Kingdom, the transport users associations are very active in protecting passenger rights, as reported in the following chapter. In France, they also organise mediation services with the main transport operators to resolve disputes without initiating legal proceedings in court.

In England, Passengers Focus is the independent passenger watchdog for rail service that conducts research to obtain information, like the National Passenger Survey, and represents the opinions of passengers before the industry, and national and local governments to secure journey improvements and respect of passenger rights. As mentioned earlier, organisations like Passengers' Focus and BAB in the United Kingdom are also ADR bodies that take up second tier complaints in disputes with transport operators. In London, London TravelWatch represents the interests of transport users in and around the capital and carries out surveys on TfL performance. London TravelWatch is very active in encouraging passengers to claim their rights, especially for reimbursements for the delays or disruption to TfL service.

In Germany, passenger advisory boards (*Fahrgastbeiräte*) are the most frequently used form of 'formal' transport user involvement. Characteristics of passenger advisory boards include:

- institutions with an advisory role;
- consisting wholly or mainly of public transport users and/or members of organisations representing user interests;
- set up on a long-term basis or permanently;
- to discuss and express the users' views on public transport, both on current matters and future plans;
- they have some formal 'foundation' due to their links to an operator or transport authority.

From 2004 to 2006, the Berlin Transport Services (BVG) employed a special form of customer participation. In December 2004, the BVG changed timetables and a large portion of Berlin's bus and street tram network. In the preliminary phases of the Metrolinien-Plan, or the 'metro route planning', the BVG carried out a first-time citizen participatory practice. The core of this practice, called 'customer dialogue', offered the possibility to discuss alternative routing options in the early phases of the planning process.

When the users' associations are very active, passenger rights appear to receive better protection. In general, the involvement of the users' associations is not systematic. In some countries, such as Italy, operators must submit the draft of quality charters to the association, but they are not bound to that opinion.

We consider that the involvement of users' associations and workers' representatives should be systematic not only at the enforcement level but also when preparing the PSCs and quality charters.

7.10 Conclusions of legal assessment on UPT

The analysis of the various forms of passenger rights protection, both direct and indirect, based on legal or voluntary provisions, showed the presence of a common background of minimum legal rights for damages and injury that may be enforced before a court. In general, it is possible to submit a complaint to the UPT operator, however there is not always a clear complaint procedure with an indication of a deadline for the operators' reply. Out-of-court procedures are developed in the majority of the MS, but the powers of the ADR bodies and the procedures vary significantly from MS to MS. In many cases, there are limits to the kind of complaints that are brought before the ADR bodies and often their decisions are not binding for the parties.

With regard to public enforcement of the indirect passenger rights (quality requirements of the service), the application of a bonus-malus or rewarding arrangements by the public authority would ensure better protection of the quality of the UPT service. However, due to the variety of contractual forms in between the UPT operators and the authority, these arrangements are not always present. Surveys proved to be good tools to ensure monitoring of the service and involving users in the assessment of the quality.

In general, we found rules protecting passenger rights and minimum quality requirements for the UPT service in all the MS. However, there are different options on enforcing passenger rights and the quality criteria of the service.

7.11 Taxis

In the majority of the MS, different legal rules regulate taxis, since they are considered urban public transport but not part of mass transport. All national legislations on taxis are focused on passenger tariffs, with the scope of avoiding abuses.

Taxis are included in the urban public transport service, but in most cases there are taxi-specific regulations. The taxi business requires a licence issued by the municipalities that are in charge of regulating the activity.

Taxis are a very important form of UPT transport specifically for the disabled and the elderly thanks to door-to-door service.

In South Africa, minivans or mini-buses are the most common form of taxi service and they are an important form of UPT, due to the lack of security and availability of other UPT services.

Taxis are included in the urban public transport service but often they are subject to taxi-specific regulations. The taxi business requires a licence issued by the municipalities that are in charge of regulating the activity.

In most of the Member States price are voluntarily fixed. While some national regulations provide for a maximum tariff (Belgium, Bulgaria, Finland and the UK), other Member States, such as Ireland or Italy, allow taxi drivers to grant fare discounts.

There are few national regulations specifically focused on the quality of taxi services. On the contrary, most of the provisions have operational requirements and do not directly regulate the contractual relationship between taxi operators and their passengers.

Most Member States provide for a minimum set of passenger rights. In this respect, national regulations generally provide for a duty of information on tariffs, rights and conditions of transports. It is also important to establish that every single passenger can clearly see the taximeter. In principle, the taxi driver cannot refuse transportation service to anyone, except in some specific circumstances. In addition, there are also some provisions for cases in which refusing to board luggage and animals is allowed. Lastly, on the subject of taxis for passengers with reduced mobility, the mentioned taxis shall be duly adapted (Malta, Portugal, Romania, Slovakia and Slovenia).

Almost all national regulations on taxis do not contain specific provisions on the quality of the service provided. However, some other Member States adopted quite detailed provisions on quality and defined the quality standards of taxi services. For example, the Finnish regulation on taxis include rules on: punctuality; the condition of a vehicle; polite and due conduct and appropriate driver clothing and the driver's duty to consider customers' special needs; selection of the most appropriate and affordable route; the duty to follow traffic rules and drive carefully; drivers' secrecy obligation; methods of payment; drivers' duty to observe the confirmed or agreed fares; assistance to customers and assistance with luggage.

The majority of the Member States did not adopt quality charters. However, in Germany, some service providers adopted their own quality charters based on national and local rules. The principal commitments are politeness and helpfulness of the employees, the cleanliness of the vehicle, the easy identification of the driver and his company, as well as an appropriate driving style.

In Italy, as well as in Slovakia and Romania, with regard to the specific rules on protecting passenger rights, operators are required to adopt a charter of service, which indicates the rights of passengers and the minimum service that the operator provides. In Romania, taxi passenger charters contain a description of the way the service has to be performed, including a flexible way to communicate with the client, the provision of touristic information if requested by the client, the observance of the route indicated by the client.

As to the accessibility to the taxi service for the impaired, the relative regulations vary in the Member States.

In France, beside the drivers' examination (test), which may focus on the transportation of persons with mobility handicaps, continuing education of taxi drivers must also focus on developments made in the field of rules and regulations related to transporting persons with mobility handicaps.

Finland adopted a specific decree on quality standards regarding the equipment of taxi cars with unimpeded access, which regulates the equipment standards of special taxi cars other than the actual taxis for disabled persons. Such taxi cars are built and equipped especially for transporting persons with wheelchairs.

In Lithuania, the legislation on taxi services establishes which persons have a right of priority to use taxi services, i.e. persons needing medical help, the disabled, persons with small children, and pregnant women. In Malta, taxi drivers who drive wheelchair accessible taxis must give priority for hire to people with wheelchairs.

Another important aspect is related to the enforcement tools of passenger rights provided by the Member States.

Some Member States, such as Denmark, created a specific body to mainly ensure that there is a satisfactory taxi arrangement in the capital region primarily concerning the number of vehicles in circulation, the standard of those vehicles, the prices and customer service. The same body plays an important role in enforcing customers' rights. In Denmark, complaints from the passengers in the capital region can be sent to the taxi board if they cannot be solved by the individual taxi company or if the complaints are particularly fastidious.

In Estonia, the Taxi Commission, whose main function is to examine applications for transport licenses and vehicle cards for taxis and to control the applicants' compliance with the acts regulating passenger transport by taxis, also has the function to handle complaints.

In Finland, there is a Taxi Quality Centre whose purpose is to coordinate and develop the quality of taxi traffic services in the whole country. The Centre defines the criteria for the certificates it awards to the taxi entrepreneurs who adhere to their quality system.

In Germany, customers may individually participate in discussions on the performance, quality and organisation of the Taxi Service on internet platforms and they may also report their dissatisfaction with the quality of service to local authorities. Furthermore, private national associations such as the German Automobile Association (*Allgemeiner Deutscher Automobil Club/ADAC*) regularly carry out nationwide ratings and tests of taxi services.

In Ireland, passengers in taxis also have a right to complain about the service provided. A complaints procedure is provided by the 2003 Taxi Regulation Act, which states that the NTA shall set up a procedure to consider complaints from members of the public and users and intending users of SPSV. The complaints may be on a number of issues such as fares, cleanliness, driver conduct, etc.

To conclude, it is possible to infer that the taxi service regulations on passenger rights are extremely different from one Member State to another. Furthermore, only few provisions may be considered as a common set of essential passenger rights. Besides that, while rules on accessibility are widespread, voluntary requirements to improve the quality of the service were adopted only by a few.

8 CONCLUSION AND RECOMMENDATIONS

Task D of the Task Specifications requires the provision of conclusions and recommendations for the implementation of voluntary commitments, including quality indicators to protect passenger rights.

In general, we observed that Urban Public Transport (UPT) does not lack rules and provisions of various natures, both legal and voluntary, to protect passenger rights, but it seems quite difficult to obtain a clear picture of the situation. There is an evident need to coordinate different approaches already taken.

Moreover, the passenger rights provided by the European Regulations (EC) Nos 1371/2007, (EU) 1177/2010 and 181/2011 have not been completely implemented by the Member States (MS). With regard to the Regulation on the protection of passenger rights in rail transport, which entered into force in 2009, many MS opted to exempt domestic rail services for five years, until 2014. The Regulation provides that, with the exception of the core rights, MS may exempt urban and sub urban rail transport service from the application of the Regulation. Few MS opted for the full application of the Regulation to urban transport. Other Regulations on ferry and bus and coach transport will enter into force in December 2012 and March 2013, respectively.

In all MS, passengers are protected by law for damages to persons or property, but this is certainly the hardest way to get compensation. The protection seems more effective where statutory Alternative Dispute Resolution (ADR) bodies exist. Moreover, some MS have a high level of users' association involvement, both at a consultative level and in the resolution of disputes between UPT operators and passengers. The users' associations also play an active role in informing passengers on their rights.

Apart from legal actions, there is a variety of situations in Europe on voluntary actions adopted by the transport operators. At the public level, the attention to passengers has become increasingly important in managing public service contracts. Public transport is progressively moving towards a more customer-oriented approach, and in recent years, the inclusion of quality requirements in contracts has become a common practice.

The entry into force of Regulation (EC) No 1370/2007 and the following modifications, which established a list of essential quality indicators for Public Service Obligations (PSO) against which the performance of operators should be assessed for the payment of contributions, certainly plays an important role developing the consumer-oriented approach.

The implementation of Public Service Contracts (PSCs) is more effective in the MS where the contracting authorities have included a bonus-malus or compensation arrangement for compliance/non-compliance with the quality criteria included in the PSCs. Moreover, in this case, passengers are more involved in protecting their rights since monitoring of compliance is carried out through periodic surveys on the quality of the service.

Quality criteria in PSCs and surveys on the compliance of the UPT operators should be promoted, since it appears that in many MS, surveys are occasional, entirely omitted, or carried out only for marketing purposes. Moreover, PSCs are often confidential and consequently not available to the public. This may be justified by confidentiality (i.e. business secret), however, a non-confidential version should be made available with the quality criteria adopted and an explanation of the monitoring procedures.

Alongside the quality criteria included in PSCs, many UPT operators adopted quality charters to improve their communication with passengers. However, the diffusion of the quality charter is inconsistent across MS. The use of quality charters should be promoted and they should ensure clear lines of communication and accountability,

setting challenging targets for the operator and then publicly demonstrating how the transport operators have met them, by providing regular performance reports.

UPT operators often adopt service guarantees, in particular the right to compensation for delays of service, but their diffusion is inconsistent amongst MS.

It would also be important to promote coordination between transport operators and their associations for a better application of existing rules, such as the EU legislation on passenger rights in various transport modes.

The questionnaires submitted by the stakeholders showed the main problems encountered by passengers in using the UPT services. It appears that passengers place a lot of attention on the reliability of the services, punctuality, information and interconnections (especially for commuters) and price of tickets. Specifically, passengers complained about the lack of information on other transport services (i.e. in the metro station there is no information on bus timetables) especially when operated by different providers. This makes it difficult to organise an “intermodal” trip. The lack of interconnections also jeopardises accessibility. Solutions, such as the French multimodal information system Vianavigo, which is a journey planner created by STIF that allows trips to be planned with different UPT operators, should be taken into consideration by the operators.

Complaint handling is an open issue, since in some cases there are institutionalised procedures and different levels of appeal, while in other cases passengers may only lodge complaints with the operator as mere opinions on service. ADR bodies are important to manage passengers’ complaints with rapidity and at low costs.

Accessibility in UPT services is good, but there is still room for improvements. Among MS, UPT operators are renovating the fleet and the facilities with access requirements for people with reduced mobility and with disabilities. However, the process for fully accessible networks will take some years. Assistance to people with reduced mobility (PRM) and those with disabilities should be provided by the drivers (as required, for example, by the Irish 2010 Regulation) and by the staff on the vehicles and at the facilities. An example of good practice is that of the Code of Conduct of Greater Manchester Integrated Transport Authority, which requires that the driver training takes into account the needs of people with reduced mobility and with disabilities and is based on the guidelines issued by the authority on the accessibility of UPT services.

Many operators are introducing paratransit or fixed route services for the elderly or with the disabled, which proved to be a good alternative to UPT services, especially for areas not served with accessible transport or not served at all. Information on accessible services should be improved with the use of advanced IT systems, but also with traditional means (in print) for the elderly.

Users’ associations and workers’ representatives should be involved in the planning of the special transport service, in the preparation of quality charters and in the actions for widespread information.

Taxis need a separate and more incisive approach, since their regulations lack information on passenger rights. In some countries, such as Italy, they are obliged to adopt quality charters, but the options available to passengers for non-respect of the requirements are not clear. In general and with few exceptions, GeA found either a lack of or very general information on passenger rights. However, some MS introduced the obligation, through legislation or local regulations, for taxi drivers to assist people with reduced mobility and with disabilities and undergo specific training. In many countries, municipalities impose a minimum number of taxis adapted to transport people with disabilities. Some MS also introduced ADR bodies to deal with taxi passengers’ complaints and involve users’ associations in planning taxis service.

Based on the conclusions above and of the findings of the study, the following recommendations are proposed.

Recommendation: With regard to PSCs and/or the service agreements between UPT operators and the competent authorities, GeA noticed that in many MS their content is not available. Taking into consideration that the PSCs contain some sensitive information that parties do not intend to disclose, we recommend that parts of the contract regarding the quality of the service, quality indicators and passenger rights –if present – should be made public, to inform passengers about the quality criteria adopted and the level of service granted.

Recommendation: A culture of quality charters should be promoted more intensely than has been done before, especially within small and medium-sized providers of urban transport services. Passengers are rarely aware of their rights when using urban public transport services. Measures should be introduced to reinforce the idea that they have rights and how those rights may be enforced for conflicts with the operator. The quality charters have proven to be a good tool on informing passengers on their rights, including information on complaint handling. Their development should be promoted across the MS. It would be particularly useful if users' and workers' associations were actively involved in the preparation of the charters.

Recommendation: Workers and users' associations should be constant and active parties with regard to the management of UPT, especially for workers' protection and passenger rights. Their opinions should be taken into consideration by the management authorities and UPT operators. Consultative permanent systems such as the French *comité de lignes* are good solutions in terms of the involvement of all interested parties.

Recommendation: With regard to public enforcement, the introduction of surveys to monitor compliance with the quality requirements should be mandatory through PSCs across the MS. The importance and utility of the surveys increase when they are used to apply a compensation scheme or a bonus-malus arrangement provided by PSC. As the case of Berlin has shown, the poor service provided resulted in a reduction in the compensation, which is a good tool to enforce the provisions of PSCs. As can be seen from the Berlin and London case studies, surveys carried out under PSCs can increase the pressure on the UPT operator to comply with the requirements and to improve the customer offer.

Recommendation: With regard to private enforcement, ADR bodies for UPT passenger rights protection represent good practice. Their creation should be promoted across MS. It would be important to involve the users' association in their creation as with the Bus Appeals Body (BAB) in England. In addition, the possibility of collective redress, for example for damages to various passengers arising from disruption of the service, (brought by the consumers' association on behalf of the passengers) has proven to be a useful tool to protect passenger rights. ADR bodies should be introduced respecting the recommendations of the European Commission proposals on alternative dispute resolution for consumer disputes in the single market and from the initiatives already proposed on consumers' collective redress.

Recommendation: The successful operation of connected transport services cannot be separated from unified schedules of all modes available at certain interchange points, providing both short transfers and waiting times. Improvements in this sense could be directly achieved by optimising the timetabling of services. In the case of interconnected multimodal transport chains, it is necessary for users to obtain information quickly and easily. Often, many sources of information only deal with a subset of the modes and services required to complete the journey, and information on offered intermodal services is generally still rare. Clearer and better information is also important in the context of a multiple operator environment, where passengers may find difficulty in identifying which operator they are dealing with, especially when using a single integrated ticket. Passengers have the right to be informed on who is carrying out a service in a city and how they may file a complaint.

Recommendation: Initiatives to promote information about accessibility in UPT are good in the main cities and metropolitan area, but from the findings of the country reports, the same level is not reached in every MS. Improving public information on accessible stations and facilities is a practice that should be promoted throughout the MS. Emphasis should be put on providing assistance to people with reduced mobility and with disabilities. UPT operators should also take initiatives to promote assistance to people with reduced mobility and to the disabled. Assistance should be provided by the drivers and the staff who are on the vehicles and at the stops. In fact, information about the assistance is quite scarce and in general, the driver is required to activate the ramp (if the activation is not automatic). The practice in Manchester that requires UPT drivers to be trained to help people who need assistance is very good and should be followed. Development of paratransit or alternative transport service for the elderly or the disabled is an example of good practice, especially for cities with a low level of accessible facilities and vehicles, and in areas not served by local transport. These “alternative” services should be developed involving all interested parties, authorities, UPT operators and users’ associations(as indicated in Paragraph 7.7), in order to deliver the best solution in terms of users’ needs and economic impact for operators. Another example of good practice that should be promoted by the UPT operators is the “American with Disabilities Act” (ADA) procedure of the USA to resolve complaints related to accessibility issues. Similar procedures should be adopted by UPT operators, also based on the model of the Riga UPT operator, which has a person at the complaint office in charge of complaints related to accessibility.

Recommendation: Taxis should adopt quality charters or service guarantees for passengers. Special attention (such as reduced fares) for certain categories, such as people with reduced mobility and the disabled as well as women travelling alone and people going to hospitals, should be examined. In particular, a service of night taxi sharing at reduced fares should be promoted to enforce security as well as taxis dedicated only to female passengers, such as the Lady Minicab taxi service in London, which also provides fully accessible taxis.

9 PROPOSALS AND POSSIBLE INITIATIVES AT THE EUROPEAN LEVEL

Task E of the Task Specifications required the drafting of possible initiatives at the European level on how to protect passenger rights in Urban Public Transport (UPT) and their legal assessment.

At the stakeholder workshop, GeA proposed five initiatives (four on a voluntary basis and one possible legislative initiative). The discussion on the proposals was primarily directed towards creating a permanent EU platform and the possibility of having some legal obligations on passenger rights in UPT.

With regard to the proposals and possible initiatives, transport operators, authorities, and city organisations have stressed the importance of respecting the principle of subsidiarity. According to them, the UPT regulations and initiatives should be made at the local level, as this is the most appropriate level to better comprehend the problems and solutions related to UPT.

The proposals in this Study respect the principle of subsidiarity. According to the principle of subsidiarity “*in areas which do not fall within its exclusive competence, the Union shall act only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States, either at central level or at regional and local levels, but can rather, by reason of the scale or effects of the proposed action, be better achieved at Union level*”.

In the field of transport, the European Union is competent under Title VI of TFEU, which also covers urban public transport. Some problems and solutions could be examined at local level; however, the principles of passenger rights should be uniform across the Member States.

The recent EU Regulations covering the different transport modes established some principles applicable to the UPT. However, the rights of exemption applied by the MS have led to an inconsistent situation and application of these rights, and a variety of actions and solutions.

Intervention in the field of passenger rights in urban public transport constitutes part of the competences conferred upon the EU by the Treaties, and in the context of competences shared with Member States, the European level would be the most relevant to meet the objectives set by Title VI of TFEU and create a body of common passenger rights in UPT.

The proposed initiatives in the field of UPT could have the advantage of collecting information and data on the situation regarding the protection of passenger rights in UPT in the MS as well as on the quality of the service provided, which would allow for the evaluation of the necessity of an intervention from the European Union.

These proposals principally aim to promote the best practice developed by UPT operators across the MS and raise the level of awareness among operators and users through an exchange of information.

Regarding possible legal obligations on passenger rights in UPT, transport operators, authorities and city organisations agreed that the European Commission should wait for the full implementation of the existing EU Regulations on passenger rights on transport before adopting a new legislative proposal. However, some user organisations do see scope for possible future legislation and an EU platform could be the place to discuss this. Some participants agreed that there is already much legislation in place, but coordination and collaboration on information is lacking.

1. Proposal for a European Model Quality Charter in UPT

In general, GeA found an inconsistent situation in Europe, with very different sets of service guarantees and quality charters amongst UPT operators.

GeA therefore proposes a Model Quality Charter (Model Charter in Annex I), that could be used by UPT operators to prepare their own charters.

The Model Charter contains a list of minimum requirements that operators should adhere to: information, price tickets, punctuality, cleanliness, and safety, accessibility, re-routing, monitoring and complaint procedures.

The Model Charter will have the advantage of proposing a unified model of a voluntary charter that, once adopted, will provide a minimum set of passenger rights and transport operators' commitments that will be common across MS.

The Charter should also be aimed at improving the communication and good relationship between UPT operators and the passengers.

GeA recommends involving users and employees' organisations in the preparations of the charters and their monitoring.

GeA would like to suggest having an English version of the national charters. We found few examples across Europe of charters that are in a language other than the national ones. In fact, one obstacle for people who have difficulties with UPT services abroad is the fact that the quality charters are in the national languages.

2. *Proposal for a European Permanent Platform*

A second proposal, which emerged from the findings of the Study, is the possible creation of a Permanent Platform for the exchange of views among the urban public transport operators and users. The creation of a Platform, or the expansion of a future horizontal Transport Platform on passenger rights with related urban transport issues, would be in line with the objectives of Action 4 of the Action Plan on Urban Mobility.

This proposal for a Platform received the interest of some users' associations. However, transport operators and authorities would first like to receive a work plan for this. The permanent platform should benefit as there are already working groups on passenger rights in place.

The Permanent Platform would be a place where representatives of the stakeholders involved, such as UPT operators, transport management authorities, employees' associations and users' representatives may monitor the situation in the MS, raise issues concerning UPT and present proposals.

The benefit of the initiative would be to offer a place to all stakeholders involved in the process to meet and discuss their implementation of the relevant legislation and best practice in the field.

Although the UPT has some specific characteristics, linked to its model of governance, financing, volume of people transported, necessity of satisfying the cities' inhabitants demand and sustainability, it cannot be considered separate from other public transport modes. In the urban context, public transport services need to be integrated to best serve the needs of users and to provide a reliable service. Developments in the protection of passenger rights in urban public transport could be monitored through the Platform.

The Platform could be organised into periodic meetings (two or three a year) where the representatives of the European Commission, public authorities, urban public transport operators, workers' associations and users' associations can meet to discuss the state of the implementation of the Regulations on passenger rights, the gaps that could emerge in the process of implementation and the areas of passenger rights that lack protection. Dedicated working groups on particular issues could also be established. Transport operators and authorities' associations have commented that various working groups on application of passengers' rights in public transport are already in place. In this case, the working groups could be moved under the Permanent Platform. In order to do so, it would be useful to map the existing working groups on the UPT passenger rights at the European level.

The Platform could also work on some particular case studies that the participants consider important for the development of UPT passenger rights protection. It would be important, in our opinion, that the Platform publishes, once a year, a report of its activities with some guidelines that should be followed by the stakeholders involved in the protection of passenger rights.

A Permanent Platform promoted and supervised by the European Commission would certainly have a high profile and its results and publications would certainly influence the development of passenger rights' protection in UPT.

Moreover, since many operators considered that any initiative, for example the training for the UPT staff in order to help the passengers who need assistance, should be taken at the local level and the UPT operators should decide by themselves the appropriate actions. The Permanent Platform represents a place where a similar discussion may be carried out.

The user organisations, which support the idea of a Permanent Platform, stressed the importance of the Platform being a place to exchange best practice on the protection of passenger rights and identify gaps in this area, to promote raising awareness and communicating with passengers and, possibly, discussing guidelines on UPT staff training. The latter is a sensitive issue since some UPT operators objected that discussions on the possible guidelines for staff training should be carried out carefully among the stakeholders, taking into consideration the situation and the circumstances as well as the priorities for UPT operators set up by the agreements with the management authorities.

3. Cooperation among local authorities and UPT operators to promote the quality of the service in UPT

A third proposal is based on the recent experience of the Authority on the quality of the transport services created in France at the beginning of 2012. It is a department of the General Council for the Environment and Development at the French Ministry of the Ecology, Transport and Development.

The scope of the Authority is to promote improving the quality of the services in transport, including urban public transport, by publishing reliable indicators of regularity, punctuality and quality of information disseminated to travellers, and by informing travellers in a clear and transparent way about their rights and the steps to take to enforce them. The Authority has a website and a smartphone application that explain, divided by modes of transport, the rights that passengers are entitled to and the way to enforce them.

GeA considers that such an initiative could also be adopted by other MS at a regional/local level, in connection with an information service on intermodality and interoperability, to allow passengers to organise their trips. Taxis should be included in the transport network.

4. *An EU portal on UPT*

Another possibility is the creation of a website to collect all the information from the MS on the protection of passenger rights in UPT. It could contain an update of legislation, the initiatives taken, information on accessibility, etc. The website could contain a direct link to the European cities' management authorities' websites, and constitute a source of information and comments open to the users. Operators could share information on a protected site.

The portal could also be linked to the Permanent Platform and be an instrument to promote information on common positions or initiatives promoted by the Platform.

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| Some user organisations support the creation of the EU portal that should be accessible to people with disabilities. The information released from the portal should also be available in print and through hotlines. |
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Annex 1: Model for European Quality Charter

| QUALITY CHARTER PROPOSAL FOR URBAN PUBLIC TRANSPORT | | | | | | | | |
|---|------------------------|---|---|-------|--|-------|------|--|
| Quality Factor | Quality indicator | All means of transport | Bus | Metro | Tram and Light Rail | Ferry | Taxi | |
| Information | Complaints | Providing the –toll free telephone number to call or the website for complaints | | | | | | |
| | | Providing the name of the insurance company involved for accidents | | | | | | |
| | | Establish maximum deadline to deal with complaints | | | | | | |
| | | Ease of submitting complaints. | | | | | | |
| | On board communication | | For connectivity, the signal “transit” informs the driver of the arrival of passengers from the metro | | If there is a connectivity to transit, the signal “transit” informs the driver of the arrival of other passengers from the metro | | | |
| | External Communication | The contact point answers telephone calls in less than one minute during peak hours | | | | | | |
| | | Information relating to transport associations | | | | | | |
| | | On line information | | | | | | |

| | | | | | | |
|------------------------------|---|--|--|--|--|---|
| | service | | | | | |
| | Printed information | | | | | |
| | Information provided in several languages | | | | | |
| | Journey planner | | | | | |
| | | Surface network stops provided with indicators of real waiting time | Surface network stops provided with indicators of the real waiting time | Surface network stops provided with indicators of the real waiting time | Surface network stops provided with indicators of the real waiting time | |
| | | Announcement system to pre-announce stops. | Announcement system to pre-announce stops. | Announcement system to pre-announce stops. | Announcement system to pre-announce stops. | |
| Communication in the station | | Announcements in the local language(s) and in English | Announcements in the local language(s) and in English | Announcements in the local language(s) and in English | Announcements in the local language(s) and in English | |
| Schedules | | Dynamic and visual information | Dynamic and visual information | Dynamic and visual information | | |
| Timetables | | Timetable to be posted at each stop | Timetable to be posted at each stop | Timetable to be posted at each stop | Timetable to be posted at each stop | |
| Inter- connectivity | | Coordination of timetables to ensure optimal connections between all means of transportation | Coordination of timetables to ensure optimal connections between all means of transportation | Coordination of timetables to ensure optimal connections between all means of transportation | Coordination of timetables to ensure optimal connections between all means of transportation | |
| Punctuality and regularity | Overall regularity | | Ticket sales available on the transport operator's website. | Ticket sales available on the transport operator's website. | Ticket sales available on the transport operator's website. | Ticket sales available on the transport operator's website. |
| | Amplitude of the service (frequency) | | Higher frequency during peak hours | Higher frequency during peak hours | Higher frequency during peak hours | |
| | | | Night service | | | |
| | Average distance between stops | | | | | |
| | Commercial speed | | Dedicated lanes | | Dedicated lanes | |
| | On time arrivals | | | | | |
| On time departures | | | | | | |
| | Staff trained and available | Respect of the minimum | Respect of the minimum | Respect of the minimum | Respect of the minimum | |

| | | | | | | |
|--|---|---|--|--|--|--|
| | to assist the disabled and persons with reduced mobility | pavement width and height with moderate inclination/gradient | pavement width and height with moderate inclination/gradient | pavement width and height with moderate inclination/gradient | pavement width and height with moderate inclination/gradient | |
| | | 1 dedicated seat for the disabled (at least one wheelchair-user per bus trip) | 1 dedicated seat for the disabled | 1 dedicated seat for the disabled | 1 dedicated seat for the disabled | |
| | | Bus equipped with fold-out ramp and low floor | | | | |
| | | | | | | Application of reduced or minimum tariffs for the disabled |
| | Accessible ticket machines also for intermodal trips | Accessible ticket machines for intermodal trips | Accessible ticket machines for intermodal trips | Accessible ticket machines for intermodal trips | Accessible ticket machines for intermodal trips | |
| | User-friendly design of the ticket machines | User-friendly design of the ticket machines | User-friendly design of the ticket machines | User-friendly design of the ticket machines | User-friendly design of the ticket machines | |
| | Making the website accessible to blind and visually impaired people | | | | | |
| | Adapting information and orientation signs to the needs of the disabled and persons with reduced mobility | | | | | |
| | Implementing visual tool to give a real time view of equipment in stations and vehicles | | | | | |
| | Adapting vocal and visual announcements to the modes of transport for the disabled. | | | | | |
| | Creating a centralised database of the accessible stations and stops | | | | | |
| | Creating a tool displaying all accessible station points | | | | | |
| | | Offer of demand-responsive buses | | | | |

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|-------------|---|--|--|--|--|--|---|
| | | | | Minibus service for the disabled to compensate for gaps of accessibility at metro stations | | | |
| | | | | | | | Vehicles to be outfitted to lift and hoist wheel chairs with a safety belt to secure the chair during the travel. |
| | | | | | | | Drivers especially trained to assist and safely board these clients. |
| | | | Adapting vocal and visual announcements to the modes of transport for the disabled | Adapting vocal and visual announcements to the modes of transport for the disabled | Adapting vocal and visual announcements to the modes of transport for the disabled | Adapting vocal and visual announcements to the modes of transport for the disabled | |
| | | | Studying of a supple podotactile material for blind and visually impaired people | Studying of a supple podotactile material for blind and visually impaired people | Studying of a supple podotactile material for blind and visually impaired people | Studying of a supple podotactile material for blind and visually impaired people | |
| Comfort | Percentage of seated passengers at rush hours | | | | | | |
| | Age of the fleet | | | | | | |
| | Driving comfort | Drivers trained to ensure comfortable travel to passengers the whole journey | | | | | |
| | | | | | Implementing a cruise-control system to ensure constant speed, avoid quick stops and reduce energy consumption | | |
| | | | | Providing the metro station with automatic escalators with a totally automatic rearmament | | | |
| Cleanliness | Daily cleaning | Daily cleaning services with ecological detergents | | | | | |
| | | | | | Cleaning up the metro trains after the end stop. | | |
| | | | | | Differentiated waste disposal to be provided in metro stations | | |
| Reception | Helpfulness and courtesy of the ground staff | Organisation of courses on customer management for drivers | | | | | |

| | | | | | | | |
|----------------------------|------------------------|---|--|---|--|--|--|
| | | and ground staff. | | | | | |
| | | | Presence of the staff to help customers in their transfer | Presence of the staff to help customers in their transfer | Presence of the staff to help customers in their transfer | | |
| Fight against fare dodging | | | Embarking the bus at the rear door of the bus | | | | |
| | | | | Installation of access gates at metro stations to limit access to ticket holders | | | |
| Security | Accidents' rate | Setting security cameras in stations | | | | | |
| | | Important to provide lights, signs, information and assistance. | | | | | |
| | | | | Placing a point of contact in the station to allow passengers to report potential security issues | | | |
| Safety of the staff | | Good lighting at stops or in station buildings | | | | | |
| Safety of the passengers | | Good lighting at stops or in station buildings | | | | | |
| | | | Stationing ground staff on the surface network to prevent crimes | | Stationing ground staff on the surface network to prevent crimes | | |
| | | Security guaranteed to all passengers without discrimination. | | | | | |
| Monitoring | | Providing bi-annual surveys on the level of user satisfaction. | | | | | |
| | External Communication | The contact point answers telephone calls in less than one minute during peak hours | | | | | |
| | | Information relating to transport associations | | | | | |
| | | On line information service | | | | | |
| | | Printed information | | | | | |
| | | Information provided in several languages | | | | | |

| | | | | | | | |
|----------------------------|--|--|--|--|--|---|--|
| | Journey planner | | | | | | |
| | | Surface network stops provided with indicators of real waiting time | Surface network stops provided with indicators of the real waiting time | Surface network stops provided with indicators of the real waiting time | | | |
| | | Announcement system to pre-announce stops. | Announcement system to pre-announce stops. | Announcement system to pre-announce stops. | Announcement system to pre-announce stops. | | |
| | Communication in the station | Announcements in the local language(s) and in English | Announcements in the local language(s) and in English | Announcements in the local language(s) and in English | Announcements in the local language(s) and in English | | |
| | Schedules | Dynamic and visual information | Dynamic and visual information | Dynamic and visual information | | | |
| Timetables | | Timetable to be posted at each stop | Timetable to be posted at each stop | Timetable to be posted at each stop | Timetable to be posted at each stop | | |
| Inter- connectivity | | Coordination of timetables to ensure optimal connections between all means of transportation | Coordination of timetables to ensure optimal connections between all means of transportation | Coordination of timetables to ensure optimal connections between all means of transportation | Coordination of timetables to ensure optimal connections between all means of transportation | | |
| Punctuality and regularity | Overall regularity | | Ticket sales available on the transport operator's website. | Ticket sales available on the transport operator's website. | Ticket sales available on the transport operator's website. | Ticket sales available on the transport operator's website. | |
| | Amplitude of the service (frequency) | | Higher frequency during peak hours | Higher frequency during peak hours | Higher frequency during peak hours | | |
| | | | Night service | | | | |
| | Average distance between stops | | | | | | |
| | Commercial speed | | Dedicated lanes | | Dedicated lanes | | |
| | On time arrivals | | | | | | |
| On time departures | | | | | | | |
| Accessibility | Staff trained and available to assist the disabled and persons with reduced mobility | Respect of the minimum pavement width and height with moderate inclination/gradient | Respect of the minimum pavement width and height with moderate inclination/gradient | Respect of the minimum pavement width and height with moderate inclination/gradient | Respect of the minimum pavement width and height with moderate inclination/gradient | | |
| | | 1 dedicated seat for the disabled (at least one | 1 dedicated seat for the disabled | 1 dedicated seat for the disabled | 1 dedicated seat for the disabled | | |

| | | | | | | |
|--|---|---|---|---|---|--|
| | | wheelchair-user per bus trip) | | | | |
| | | Bus equipped with fold-out ramp and low floor | | | | |
| | | | | | | Application of reduced or minimum tariffs for the disabled |
| | Accessible ticket machines also for intermodal trips | Accessible ticket machines for intermodal trips | Accessible ticket machines for intermodal trips | Accessible ticket machines for intermodal trips | Accessible ticket machines for intermodal trips | |
| | User-friendly design of the ticket machines | User-friendly design of the ticket machines | User-friendly design of the ticket machines | User-friendly design of the ticket machines | User-friendly design of the ticket machines | |
| | Making the website accessible to blind and visually impaired people | | | | | |
| | Adapting information and orientation signs to the needs of the disabled and persons with reduced mobility | | | | | |
| | Implementing visual tool to give a real time view of equipment in stations and vehicles | | | | | |
| | Adapting vocal and visual announcements to the modes of transport for the disabled. | | | | | |
| | Creating a centralised database of the accessible stations and stops | | | | | |
| | Creating a tool displaying all accessible station points | | | | | |
| | | Offer of demand-responsive buses | | | | |

| | | | | | | | |
|-------------|---|--|--|--|--|--|---|
| | | | | Minibus service for the disabled to compensate for gaps of accessibility at metro stations | | | |
| | | | | | | | Vehicles to be outfitted to lift and hoist wheel chairs with a safety belt to secure the chair during the travel. |
| | | | | | | | Drivers especially trained to assist and safely board these clients. |
| | | | Adapting vocal and visual announcements to the modes of transport for the disabled | Adapting vocal and visual announcements to the modes of transport for the disabled | Adapting vocal and visual announcements to the modes of transport for the disabled | Adapting vocal and visual announcements to the modes of transport for the disabled | |
| | | | Studying of a supple podotactile material for blind and visually impaired people | Studying of a supple podotactile material for blind and visually impaired people | Studying of a supple podotactile material for blind and visually impaired people | Studying of a supple podotactile material for blind and visually impaired people | |
| Comfort | Percentage of seated passengers at rush hours | | | | | | |
| | Age of the fleet | | | | | | |
| | Driving comfort | Drivers trained to ensure comfortable travel to passengers the whole journey | | | | | |
| | | | | | Implementing a cruise-control system to ensure constant speed, avoid quick stops and reduce energy consumption | | |
| | | | | Providing the metro station with automatic escalators with a totally automatic rearmament | | | |
| Cleanliness | Daily cleaning | Daily cleaning services with ecological detergents | | | | | |
| | | | | | Cleaning up the metro trains after the end stop. | | |
| | | | | | Differentiated waste disposal to be provided in metro stations | | |
| Reception | Helpfulness and courtesy of the ground staff | Organisation of courses on customer management for drivers | | | | | |

| | | | | | | | |
|----------------------------|-----------------|---|--|---|--|--|--|
| | | and ground staff. | | | | | |
| | | | Presence of the staff to help customers in their transfer | Presence of the staff to help customers in their transfer | Presence of the staff to help customers in their transfer | | |
| Fight against fare dodging | | | Embarking the bus at the rear door of the bus | | | | |
| | | | | Installation of access gates at metro stations to limit access to ticket holders | | | |
| Security | Accidents' rate | Setting security cameras in stations | | | | | |
| | | Important to provide lights, signs, information and assistance. | | | | | |
| | | | | Placing a point of contact in the station to allow passengers to report potential security issues | | | |
| Safety of the staff | | Good lighting at stops or in station buildings | | | | | |
| Safety of the passengers | | Good lighting at stops or in station buildings | | | | | |
| | | | Stationing ground staff on the surface network to prevent crimes | | Stationing ground staff on the surface network to prevent crimes | | |
| | | Security guaranteed to all passengers without discrimination. | | | | | |
| Monitoring | | Providing bi-annual surveys on the level of user satisfaction. | | | | | |

Annex 2 Country Reports

AUSTRIA

Introduction

The country report was prepared using desk research and with a reply from one UPT operator to the transport operators' questionnaire.

➤ *National legislation*

Several laws regulate public transport in Austria, but none of them contains provisions that explicitly deal with passenger rights on urban public transport.

However, it has to be emphasised that the purchase of a ticket for an urban public transport service constitutes a contract under Austrian Civil Law between the carrier of that service and the passenger. Therefore, passengers can enforce their contractual rights especially with regard to personal injury and damage to their belongings based on the general principles of contract and tort law within the scope of the Austrian Civil Code. Furthermore, passengers may claim damages for personal injury and damage to their belongings under the Austrian Railway and Motor Car Liability Act, which provides for strict liability by the operator in the event of a road or railway accident.

The 1957 Austrian Railway Act ("*Eisenbahngesetz 1957*") regulates public rail transport. That act contains a very wide definition of "railways", which, apart from railways within the meaning of European law, also includes tramways, underground railways, trolleybuses and rapid transit railways ("*Schnellbahn*"). The Austrian Railway Act does not directly address the issue of passenger rights, but establishes general obligations of the operator of railway infrastructure and railway services such as the obligation under Section 19 of the Act to adhere to particular safety standards.

Rules concerning the legal relationship between passengers and railway undertakings are established in the Austrian Federal Act on Rail Transport ("*Eisenbahnbeförderungsgesetz*"). However, pursuant to its Section 1, the Austrian Federal Act on Rail Transport only applies, *inter alia*, to the carriage of passengers and luggage by public railways, but not to tramways and cable railways.

For this reason, the Austrian Federal Act on Rail Transport, as far as public urban transport is concerned, only applies to real railways including rapid transit railways, but not to trolleybus, tram and underground services.

In the cases where the Austrian Federal Act on Rail Transport applies to urban public transport, it creates an obligation of the operators to carry passengers if (i) they comply with the relevant regulations for the transportation, (ii) the transportation is possible with the generally used number of vehicles, and (iii) the transportation is not prevented by circumstances that cannot be prevented and removed by the operators (Section 3 of the Austrian Federal Act on Rail Transport). Further, according to Section 29 of this Act, operators are obliged to refund ticket prices fully or partially if tickets are unused or just partially used, or if passengers cannot use their tickets for first or second class due to lack of space. Pursuant to Section 46 and subsequent sections of the Austrian Federal Act on Rail Transport, operators have to pay compensation for damaged luggage and compensate for lost luggage, as far as it was handed over for carriage.

However, Section 23 and subsequent sections of the Austrian Federal Act on Rail Transport excludes any compensation in the event a passenger misses a train or if a train is cancelled or delayed.

With regard to the protection of passenger rights provided by Regulation (EC) No 1371/2007, it does not apply, in general, to urban public transport since Austria chose the option to exempt urban public transport from Regulation (EC) No 1371/2007. The only case where the EU rules are applicable to urban public transport is when it is provided by railways operators, as in the case of rapid transit.

Urban public transport by buses is regulated in the Austrian Federal Act on Lines operated with Motor Vehicles (*“Kraftfahriniengesetz”*). That Act mainly establishes rules concerning market access and the duties of the bus line operators; in this context, passenger rights only play a subordinate role. However, as a by-law to the Austrian Federal Act on Lines operated with Motor Vehicles, the Austrian Federal Minister for Economic Affairs issued general terms and conditions that regulate the relationship between the bus line operator and passengers, which, to a certain extent create passenger rights. For example, pursuant to Section 3 and Section 14 of this Act, bus line operators are obliged to carry passengers in accordance with the existing space and as long as they (i) have a valid ticket, (ii) do not suffer from infectious diseases, (iii) do not disturb other passengers with their inappropriate behaviour or their apparent condition, (iv) do not contaminate the bus, (v) do not carry loaded fire arms, and (vi) follow the instructions of the staff of the bus line operator. Further bus line operators are obliged to carry passengers along the entire route between all stops appearing on the timetable.

The organisation and public funding of public transport services, including urban public transport except taxi services, is regulated by the Austrian Federal Act on Local and Regional Public Transport (*“ÖffentlicherPersonennab- und Regionalverkehrs-gesetz 1999 – ÖPNRV-G 1999”*). According to that Act, the Austrian *Länder* and municipalities are mainly responsible for planning, organising and funding urban public transport. That Act does not directly provide for passenger rights, but Section 31 requires operators to meet the following quality criteria to receive financial support through state resources:

- Accessibility of public transport systems by means of:
 - consideration of the needs of persons with reduced mobility;
 - user-friendly design of the vehicles and ticket machines, good accessibility of stations, short transfer ways and ways to stations;
 - user-friendly design of tickets by transport associations, and season tickets;
 - connecting important destinations to the regional and local public transport system;
 - coordination of timetables to ensure optimal connections between all means of transportation;
 - demand-oriented means of transportation to connect rural and peripheral regions.
- Personal and operational safety, in particular under consideration of:
 - technical and operational provisions;
 - the quality of illumination in station buildings;
 - the qualification of the staff.
- No serious infringements of social and labour law.
- Travelling comfort by means of:
 - shortening transfer and waiting times; improving reliability and frequency of public transport services;
 - cleanliness and convenience of the means of transport.

- Uniform and comprehensive information systems on ticket prices, timetables and possibilities to change between different transport services.
- Reduction of pollutant emissions.
- Possibility to use means of transport with tickets from transport associations.

These rules and quality requirements are applicable to all urban public transport since all urban public transport receives public funding.

Moreover, Section 18, Paragraph 1 of the Austrian Federal Act on Local and Regional Public Transport provides for the establishment of transport associations and establishes their possible tasks. Although that provision does not itself constitute passenger rights, the following possible tasks of transport associations may have an impact on passenger rights:

- development and application of a standardised fare system;
- control and monitoring of quality criteria as well as of the provisions established in service contracts;
- exercise of sale and marketing activities;
- provision of customer information relating to the transport association.

➤ **Regional/Municipal legislation**

In Austria, regional/municipal legislation on urban public transport only exists to a very small extent. Only with regard to taxi services, has each of the Austrian *Länder* enacted a by-law dealing with the operation of taxi services (see below).

When the UPT operators are members of transport associations established by the Austrian *Länder*, there are uniform tickets and ticket prices within the limits of the *Länder*.

➤ **Public service contracts**

As mentioned above, the Austrian "*Länder*" and the Austrian municipalities are mainly responsible for the planning, organisation and funding of urban public transport. Based on Regulation (EC) No 1370/2007, the main tool in that context is public service contracts between the regional/municipal authority and the operator. Civil law governs such contracts and provide, apart from the parameters relating to compensation for providing the relevant services, also for rights and obligations of the operators.

Although Article 7 of Regulation (EC) No 1370/2007 requires the respective authorities to provide information about the content of the abovementioned public service contracts, no such information could be found publicly available in Austria.

➤ **Quality Charters**

Operators of urban public transport in Austria provide their services based on general terms and conditions of carriage ("*Beförderungsbedingungen*") which, *inter alia*, set up rights and duties of the passengers. With regard to urban public transport, we examined those from the operators in the capitals of the Austrian *Länder*.

In general, the terms and conditions exclude the right for compensation in the event that a passenger misses a means of transport or a connection due to a delay because of the interruption of a transport service or because lack of space as far as the damage is not caused by the transport operator intentionally or due to gross negligence. However, in cases of delays, cancellations or lack of space, the operators are obliged to help

the passengers to continue their journey with the next appropriate means of transport without paying any additional fees.

Vienna

The main operator of urban public transport in Vienna is Wiener Linien; a 100 per cent subsidiary of Wiener Stadtwerke Holding AG, which itself is a 100% subsidiary of the city of Vienna. A public service contract exists between the city of Vienna and Wiener Linien, which covers in detail the scope of the services that Wiener Linien must provide, for example routes, frequency, minimum number of services on each line, etc. Unfortunately, more detailed information on this agreement was not publicly available.

In addition to the criteria established in this public service contract, Wiener Linien commits itself (i) to increase their share in the modal split, (ii) to ensure a well-functioning range of mobility services for every passenger, regardless of age or physical disability, (iii) to ensure passenger safety and (iv) to protect the environment.

Wiener Linien operates 5 underground lines and 28 tramlines. Moreover, Wiener Stadtwerke Holding AG, the parent company of Wiener Linien, is the main shareholder in Wiener Lokalbahnen AG, which operates an interurban tram link between Vienna's city centre and Baden.

Approximately two thirds of the inner-city bus routes in Vienna are operated by Wiener Linien. The remaining routes are operated by private bus operators such as Dr. Richard and Blaguss as subcontractors of Wiener Linien.

The Austrian Federal Railways (ÖBB), a 100% subsidiary of the Republic of Austria, operates the inner urban railway and rapid transit network.

Moreover, the "VOR" (Transport Association Eastern Region) exists as a transport association for the eastern part of Austria. Apart from Vienna, it also covers large parts of Lower Austria and Burgenland. Within the limits of the geographical area covered by VOR, uniform tariffs and uniform general terms and conditions for passenger transport apply.

As typical for Austria, also the terms and conditions for VOR do not put passenger rights in the foreground. For example, the terms and conditions of VOR exclude the right for compensation in the event a passenger misses a means of transport or a connection due to a delay or lack of space, as far as the damage is not intentionally caused by the transport operator or due to gross negligence. Since the intervals of Vienna's means of public transport are in general five to ten minutes, the terms and conditions of VOR does not contain timetables or information regarding punctuality, but there is an electronic timetable enquiry device.

With regard to Wiener Linien, complaints can only be addressed to the customer service of Wiener Linien via email or phone.

➤ ***Accessibility***

The "Austrian Disabled Equalisation law" (*Osterreichisches Bundesbehindertengleichstellungsgesetz*) is a national law, enacted in January 2006. It bans the discrimination of people with disabilities and their access to goods and services. The Austrian Ministry of Social Affairs enforces the law.

Accessibility of the vehicles is important when new vehicles are bought. Old vehicles are generally not accessible, and it takes a long time for old vehicles (especially old rail vehicles) to be replaced by new ones. About 90 per cent of city buses and trams in Austria provide low floor and ramps for barrier-free boarding and alighting for wheelchair users.

People with disabilities are also entitled to a reduction of the ticket price.

In several cities (e.g. Vienna, Graz, and Linz,) there is a special taxi service for people with disabilities. The conditions for this service vary from province to province: e.g. in Graz, people with disabilities, who are not able to use public transport and who do not own a car, get a certain number of rides (6 trips per month) with the “*Behindertaxi*” financed by the city of Graz; if they need more trips, they have to pay for the service; e.g. in Vienna people with walking disabilities and blind people can use the “*Fahrtendienst*” services at the same price as public transport. “*Fahrtendienst*” services must be ordered 1 to 2 days in advance.

We do not have any information on special training for staff of the urban public transport operators to assist the disabled and PRMs in Austria.

➤ **Enforcement**

Private enforcement

The purchase of a ticket constitutes a contract between the carrier and the passenger under civil law. Therefore, rights and obligations arising from that contract may be enforced before the civil courts.

Further means of enforcement exist in connection with urban public transport by railways. Pursuant to Section 8 of the Austrian Federal Act on Rail Transport, railway undertakings must establish an in-house claim management, and pursuant to Section 78a, Paragraph 1 of the Austrian Railway Act, railway passengers may also complain before the Austrian railway regulator *Schiene-Control Kommission*, in particular for a violation of passenger rights under Regulation (EC) No 1371/2007. However, since the Regulation only applies to urban passenger services by “classical” railways and rapid transit railway, for violation of passenger rights on other urban rail transport modes, passengers are not entitled to lodge complaints with the Commission. Therefore, since there are no comparable arbitration bodies for disputes between passengers and operators of tramways, underground services and trolleybus services, passengers of these means of transport can only enforce their contractual rights before the civil courts. The same applies to disputes between passengers and bus line operators.

In Graz and Vienna, there are *Ombudsmen* to deal with the issues of passengers in urban public transport. Their task is, in principle, to inform neighbours and passengers about construction sites having an influence on neighbouring rights and the operation of public transport services e.g. the risk of delays. With regard to these tasks, neighbours and passengers can direct their individual questions, suggestions and complaints to these ombudsmen. However, for this reason ombudsmen are not entitled to rule on rights arising from contracts between passengers and public transport operators.

Public enforcement

Only two public transport operators (Wiener Linien and Holding Graz Linien) recently took part in a survey on passenger satisfaction.

With regard to Wiener Linien, the survey, which the Omniphon Institute carried out in 2010, revealed that 93 per cent of Vienna's population was satisfied with the range of public transport services offered. Six out of ten inhabitants believed that the range of services offered by Wiener Linien had improved in recent years. The benefits of public transport compared to private motorised traffic – reliability, safety and environmental friendliness – were reflected in changes to the modal split. Therefore, in 2010, 36 per cent of all journeys made in Vienna were by public transport. This meant that public transport had relegated car-based traffic to second place, with 31 per cent.

Graz is participating in a survey carried out by ENERQI, which is still on going until March 2013. However, an intermediate result shows that the overall satisfaction of 350 respondents (passengers) so far has an average rating of 2.3 (school grading system with one being the best and five being the worst mark). In particular, the testers rated the individual questions as follows: “friendliness” with an average rating of 1.83, “the ability of the staff to provide information” with 1.71, “punctuality” with 2.0 and “the feeling of safety in the means of transport” with 1.81.

➤ ***Taxis***

The Austrian Federal Act on Occasional Passenger Services (“*Gelegenheitsverkehrsgesetz*”) regulates the transportation of passengers by taxi. That Act mainly deals with issues of market access and does not contain provisions on passenger rights. However, Section 13 of the Act entitles the Federal Minister of Economic Affairs and the governors of the Austrian *Länder* to enact by-laws on the operators' conduct during the provision of taxi services. Such by-laws deal, in particular, with the personal behaviour of the taxi drivers and quality standards regarding vehicles. For example, taxi drivers have (i) to choose the shortest route to their destination, (ii) to help passengers during loading and unloading of baggage, and (iii) to assist the passenger when getting into and out of the vehicle, if such assistance is necessary.

Moreover, such by-laws very often also entitle the passenger to choose any taxi in line at a taxi stand. The abovementioned by-laws have the appearance of operational requirements and do not directly regulate the contractual relationship between taxi operators and their passengers. However, they create passenger rights indirectly, and therefore have an impact on the content of the respective transportation contracts. From that follows also that, in many cases, such provisions can be enforced by the passenger before the civil courts.

BELGIUM

Introduction

The country report was prepared using desk research since we did not receive any reply to the questionnaires.

➤ ***National legislation***

Urban public transport in Belgium is regulated at the regional level where the regions hold the responsibility for the urban public service in the respective territory.

The Belgian Federal State is divided into three Regions: the Brussels - Capital Region, the Flemish Region and the Wallonia Region.

After the regionalisation of Belgium started in 1980⁵⁷, competence in the field of transport (except for the railways, which are regulated at federal level) was devolved to the Regions.

Because of the regionalisation, three public transport companies remained active in Belgium:

- ✓ The *Société des Transports Intercommunaux* (hereinafter, the “STIB”), which operates bus, tram and metro lines throughout the Brussels - Capital Region.
- ✓ The *Transport en commun en Wallonie* (hereinafter, the “TEC”), which organises transport from the outskirts of Brussels to the rural area of Brussels situated in the Walloon region.
- ✓ The *Vlaamse Vervoermaatschappij* (hereinafter, the “DE LIJN”), which is the manager of all urban and regional transport in the Flemish region and its services include trams, buses and metros with numerous stops throughout Brussels.

Railway transport is still held by *Société Nationale des Chemins de fer Belge* (hereinafter, the “SNCF”).

Rail Passenger Rights

The Law of 14 February 2011⁵⁸ provides for the system of sanctions for infringing the provisions contained in Regulation No 1371/2007 on rail passenger rights and obligations. Belgium does not apply the Regulation to the urban, sub urban and regional service⁵⁹.

Compensation for accidents

The Law of 21 November 1989⁶⁰ establishes compulsory motor insurance for accidents [Article 29–bis of this Law] includes also automatic compensation for the damages suffered by “weak users” (*usagers faible*). The definition includes all accident victims excluding the driver.

For damage, the victim may obtain a compensation for their damage. The compensation is due independently from the assessment of the liability of the drivers and thus from the launching of an inquiry or the lodging of claims. Differently from the civil liability system, the victim does not have the burden of proving the fault of the driver. The compensation is due even for fault of the victim. The damage to be compensated is body injuries or the death of the user.

The urban transport companies have to subscribe to a compulsory motor insurance for the circulation of both motor vehicles and railway vehicles. For accident, the user has to file a complaint against the insurance company.

➤ **Regional/Municipal legislation**

As said in the introduction, the competence on urban public transport is assigned to the three Regions that provide the service through their regional companies. The Brussels area region, which coincides with the perimeter of the city, is analysed in the City Report, see Annex 3.

- ✓ The Flemish region and the DE LIJN

⁵⁷ Special Law of 8 August 1980 on institutional reforms, in Belgian OJ of 15 August 1980, No 1980080801 page 9434.

⁵⁸ *Arrêté royal déterminant le régime des sanctions applicables en cas de violation des dispositions du Règlement (CE) n° 1371/2007 du Parlement européen et du Conseil du 23 octobre 2007 sur les droits et obligations des voyageurs ferroviaires*, of 14 February 2011, in OJ of 22 February 2011.

⁵⁹ *Regulation 1371/2007 on rail passenger rights Summary Table - Information on national exemptions (situation as of 12 April 2012)*, available at the following link: http://ec.europa.eu/transport/passengers/rail/doc/summary_table.pdf.

⁶⁰ *Loi relative à l'assurance obligatoire de la responsabilité en matière de véhicules automoteurs* of 21 November 1989, in OJ of 8 December 1989.

DE LIJN operates bus, tram and demand responsive transport services. It also runs the Belgian coast tram (the *Kusttram*), the interurban tram line along the whole of the Belgian coast, between De Panne and Knokke.

The legislation regulating the public transportation in the Flemish Region is represented by:

- the Decree of 31 July 1990 which established the transport company *Vlaamse Vervoermaatschappij*,⁶¹ known with the commercial name of DE LIJN;
- the Decree on basic mobility of 20 April 2001⁶²;
- the Decree on the administrative policy providing a general scheme of management contracts for all public companies⁶³.

Article 3 of the Decree of 31 July 1990 granted to DE LIJN a monopoly for the organisation of the transport in, to and from the Flemish region. As a result, the Flemish company can organise bus transport from the outskirts of Brussels to the rural areas around Brussels that are situated in the Flemish region⁶⁴.

With regard to passenger rights, Article 6 of the Decree on basic mobility establishes that DE LIJN has to organise and assure basic mobility, which is to say to guarantee a minimum offer of organised transport to the user/consumer. This implies a minimum service frequency and maximum distance to and waiting time at bus stops⁶⁵. The Decree foresees that, if these minimum standards are not respected, the citizen may lodge a complaint when the minimum standards on organised transport are not fulfilled. A compensation mechanism will be determined by the Flemish Government.

✓ The Wallonia and the TEC Group

The legislation regulating the public transportation in the Walloon Region is represented by: the Decree of 21 December 1989 establishing the TEC Group (hereinafter, the “TEC”), composed of five independent companies in charge of running public transport in Wallonia (TEC Brabant Wallon, TEC Charleroi, TEC Hainaut, TEC Liège-Verviers and TEC Namur-Luxembourg), headed by a parent company, named SRWT (*Société Régionale Wallonne du Transport*, hereinafter the “SRWT”).

The SRWT is in charge of coordinating and supervising the actions of the 5 TEC companies. It has the power to propose fare structures and programme investments in infrastructure and facilities to the Government of Wallonia. It can also develop common actions within the regional interest (marketing policy, promotion, etc.), or because they generate economies of scale (grouped orders, pooling of human and technical potential, etc.).

The 5 TEC operating companies are in charge of defining and operating the public transport network within the operating perimeter entrusted to them.

➤ **Public service contracts**

Under the legal point of view, each region maintains public ownership of the transport service with outsourcing of bus lines to private operators, and holds its own framework regulation. The three operators

⁶¹ *Décret relatif à l'agence autonomisée externe Vlaamse Vervoermaatschappij - De Lijn*, of 31 July 1990, in OJ of 27 October 1990.

⁶² *Décret relatif à l'organisation du transport de personnes par la route* of 20 April 2001, in OJ of 21 August 2001.

⁶³ See Articles 14 to 16 of the *Décret Cadre de la politique administrative of 18 July 2003*, in OJ 22 August 2003, which provides for a general scheme of management contract.

⁶⁴ *Arrêté du Gouvernement flamand fixant les statuts de la « Vlaamse Vervoermaatschappij - De Lijn » (Société flamande des Transports - De Lijn)* of 16 December 2011, in OJ of 1 May 2012.

⁶⁵ Verhoest K., Sys J., *Liberalisation, privatisation and regulation in the Belgian local public transport sector*, November 2006, page 7.

are public entities subject to public law and the public budget, and provide local transport services under exclusivity within their respective regional areas.

The transport operators are subject to governmental regulation and are bound to the corresponding regional government by *management contracts*. Those agreements contain the objectives to be attained by the parties, the principles on building and transforming the network, the investment plan, regulating tariffs and benefits where sanctions are committed. The management contract specifies the obligations related to the quantity and quality of services to be provided, as well as commitments by the authority as to the budgets available to the operator itself.

Flemish Region

DE LIJN and the Flemish Government are bound by a management contract⁶⁶, which defines the relationships between the Flemish Government and the transport operator (*Article 44-bis*). The last management contract concluded by the Flemish government and DE LIJN concerns the period 2011 to 2015.

According to the latter, DE LIJN has to organise all activities on urban and regional public transport in the Flemish Region.

The management contract also contains the obligations for DE LIJN:

- to fulfil the obligations contained in the Mobility Decree of 31 July 1990;
- to organise a survey every two years to assess customer satisfaction and, based on the results, to formulate the proposal to improve the quality of the services;
- to increase the customer appeal of the company;
- to draw up an investment plan every year;
- to respect certain rules on quality and management of the fleet of buses.

The management of the contract is evaluated yearly. Non-compliance with the obligations of the management contract entails the imposition of sanctions.

The management contract also contains some provisions on tariffs, which are applied by the transport operator. While the Flemish Government fixes the maximum tariffs applicable, DE LIJN can change the tariff only once a year. Furthermore, the average increase of tariffs cannot exceed the increase of the regular consumer price index.

Wallonia Region

The relationship between the five TEC and the Walloon Government is regulated by a management contract. On 7 February, the 4th Management Contract in the history of the TEC Group was signed for the period 2006 to 2010, which was renewed and will remain in force until the adoption of the next contract.

There are five trilateral management contracts within the region, SWRT and the five TEC municipal companies⁶⁷

⁶⁶ According to Article 44-*bis* of the Decree of 31 July 1990, the relationship between the Flemish government and DE LIJN is regulated by a management contract.

⁶⁷ C. Goethals, *Les transports publics urbains en Belgique*, in CIRIEC No 2010/11, page 16.

With regard to the content of the management contracts, they provide some rights to the passengers.

One of the “general commitments” of TEC is the obligation to provide the minimum service contract and, for interruption of the service (except for *force majeure*, which comprehends all situations that could not be predicted and prevented by the operator with diligence), the right of reimbursement of the ticket. According to the contract, TEC must reimburse passengers, who submitted requests for reimbursement within two months from the day of the interruption, a lump sum calculated on the price of the seasonal ticket and of the ratio between the days of the duration of the interruption and the days of validity of the tickets.

Moreover, for interruption to service, TEC is considered to have a debt toward the region for a sum corresponding to the net savings realised, because of the interruption, increased by 10 per cent. The increase is not due for general strikes.

TEC has to provide the list of the interruption to service to the General Direction for Transport of the Region Wallonia.

The company has to inform passengers of the possibility to obtain a reimbursement. The possibility must be advertised in the papers or on buses. TEC must provide users with the forms for reimbursement.

With regard to the “specific commitments” of SRWT and TEC indicated in the contract, TEC has to:

- optimise the timetable and the itineraries according to user demand;
- integrate student transport with the urban public transport;
- integrate the urban public transport with the urban and extra-urban rail network;
- develop rapid transport toward the centre of the cities or the main cities’ attractions;
- cooperate with the taxis to set up special services especially at night;
- put in place PPPs to serve rural areas.

With regard to the quality of the service, TEC has put in place a “quality booklet” on 10 points of daily service:

- welcome to the customers on the phone;
- welcome and information to the customer at the counters;
- behaviour of the staff toward customers;
- obligation to wear uniforms and dress code for employees;
- shelters at the bus stops;
- information to passengers at bus stops in normal conditions;
- information to passengers at bus stops for disruption of the service;
- external and internal cleanliness of the vehicles;
- punctuality of the service;
- complaints handling.

In order to fulfil their contractual obligations, both DE LIJN and TEC adopted some initiatives in the field of tickets and information.

Tickets

DE LIJN provides various categories of tickets according to the various types of users. There is the possibility to create a customised ticket for frequent travellers. Otherwise, there are many solutions that

mirror the needs of the passengers. Reductions are provided for groups and the elderly. People older than 65 and disabled are entitled to an annual free pass (Omnipas 65+, Buzzyfree or Omnipas). Reductions and exemptions are also provided for people accompanying the disabled, unemployed, police agents and veterans.

De LIJN also introduced an SMS ticket via mobile phone: a person can pay for the journey with their mobile phone and receive via SMS a valid ticket for a journey with the bus or tram throughout Flanders.

TEC Group also developed a diversified range of tickets, with different fares.

A free pass to travel on the TEC network is distributed free of charge to children aged 6 to 11 and to those over 65. Those under 6 travel free of charge. Schools organised or subsidised by the French- and German-speaking Community issue, upon request, a certificate entitling the holder to a 50 per cent reduction of the pass price.

There are also TEC passes combinable with the SNCB (Belgian Rail) and De LIJN (Flemish Public Transport).

The tickets for the journey can be bought at fixed points of sale, which can be found on the website or at mobile points of sale (Infobus).

Information

TEC introduced TECxto, the disruption information service via mobile telephone, to inform passengers of disruption to service such as routing changes, of construction/repair work, local festivities, or unexpected disruption due to inclement weather, accidents, heavy traffic, etc. This service enables passengers to receive information by SMS on disrupted service on the bus lines that they are using.

Timetable and travel plans are available on the TEC website only on request. The passenger must fill the form and send it on line to the company.

DE LIJN provides information through its website and information points. Information may be obtained on the website regarding the route planner and ticket prices, as well as the contact offices. The website also contains a list of the offices where passengers may ask for information and lodge complaints. The website also contains a phone number to contact.

➤ **Quality Charters**

No quality charters are provided by the DE LIJN or TEC Group. The only quality charter available is issued by STIB in Brussels and was examined in the relevant city report.

➤ **Accessibility**

Accessibility has become a key issue at a regional level. The Regions also adopted their own decree on anti-discrimination and equal treatment.

Federal law provides the possibility to contest discrimination, based on age, gender, and disability, before the court. The federal anti-discrimination law includes the principle of 'reasonable adjustment' (i.e. reasonable

measures in the environment you may expect of an employer to adjust the environment to the disabled person).

A centre of equal opportunities and opposition to racism (federal institution) was created that also deals with the issues of the disabled. The centre is competent to deal with complaints, also on issues related to urban public transport.

With regard to the measures adopted by the urban public transport operator in the Flemish Region, since not all transport networks can guarantee that wheelchair users can travel, on some city lines, DE LIJN offers an electronic reservation system whereby mobility-impaired persons may request an accessible bus/tram ride by calling the “Belbus”-call centre (demand-responsive buses)⁶⁸.

According to DE LIJN, the following criteria constitute the definition of “accessible line”:

- there is a seat available on the bus (one wheelchair-user for each bus trip);
- the bus is accessible and equipped with fold-out ramp and low floor;
- the bus/tram stop is accessible (minimum width in height of pavement and moderate inclination/gradient).

When a request for an accessible trip is received and one of the above conditions is not fulfilled, the dial-a-ride call centre operator looks for an alternative and suggests an earlier or later trip, or another bus stop. Only when there is no feasible alternative available, DE LIJN sends a special bus equipped with an elevator. On top of this, the dial-a-ride call centre operator informs the mobility-impaired passenger of alternative operators offering accessible transport services (subsidised services for adapted transport and taxi services).

With regard to the accessibility in the Wallonia Region, TEC implemented several measures aimed at ensuring the accessibility of disabled people to the means of transport through:

- transport on demand;
- door-to-door service;
- application of the minimum tariff.

➤ **Enforcement**

Private enforcement

The Federal Decree on basic mobility also foresees the mechanisms to be implemented if these minimum standards are not respected. Every citizen may lodge a complaint when the minimum standards concerning organised transport are not respected.

Complaints maybe submitted on-line on the website of TEC. No information is provided on the time for the reply or on the company dealing with the submissions. As an alternative, the website provides contacts (addresses, fax, and phone numbers) of the regional TEC companies to enable passengers to contact them directly.

DE LIJN does not indicate any method for lodging complaints. Since a phone number and address is available, complaints may be submitted directly at the office or via letter.

⁶⁸ Information available on the following link:
http://ec.europa.eu/transport/road/consultations/doc/passengers_rights/contributions/companies/de_lijn_02_belgium.pdf.

An action before the court for damages and injuries is always possible.

Quality Survey

Flemish Region

The management contract also provides that DE LIJN organise a Customer Satisfaction Survey⁶⁹ with its travellers, at least once every two years. DE LIJN thus introduced a Quality Monitor in 2006, intended as an integrated measurement tool to measure the strategic quality aspects and reports them in order to improve business processes and operations.

The Quality Monitor measures customer satisfaction in 2 different ways:

- Biannual customer satisfaction surveys: 3,600 in-depth face-to-face interviews at home concerning satisfaction over the last year. The survey is carried out by an independent market research company (Significant GfK);
- Continuous customer satisfaction surveys: on a yearly basis 90,000 paper and pencil questionnaires on board the vehicles concerning satisfaction during the actual travel experience - data is collected all year round.

The quality criterion on which the survey is based is divided into two main groups. Accordingly, the transport operator is able to attribute priorities to improvement actions, i.e. by defining the areas where improvements will produce the greatest gain in customer satisfaction.

A. High priority strategic quality factors:

- Information and communication before going to the stop (website, folders, DE LIJN shops,...), at the stop, for delays and detours before boarding and during the trip on board;
- Punctuality;
- Driver conduct and attitude (driver friendliness, driver driving skills);
- Regularity and frequency.

B. Less priority strategic quality factors:

- Comfort and Space;
- Routes;
- Crowding on board;
- Safety;
- Cleanliness.

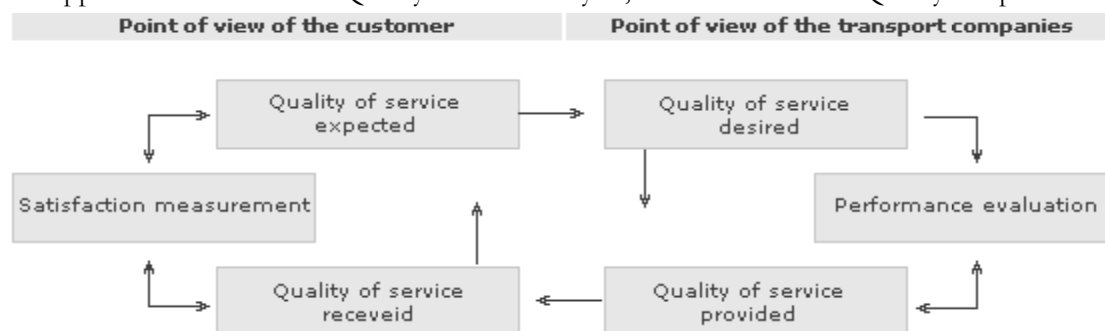
Wallonia Region

The Management contract includes compliance with certain quality criteria to obtain public financing. The operator has to improve the quality of the service: in the past, the customer satisfaction improvement was fixed at 2 per cent in 2006, and 2 per cent in 2008, bringing the overall customer satisfaction rate to 83 per cent.

⁶⁹ Information available on the following website: <http://dec2010.wordpress.com/2010/06/01/customer-satisfaction-survey-in-transportation-services/>.

To this end, TEC embarked on a “Quality approach” to better meet the needs and expectations of its users. The aim is to involve public transport in a Quality Programme, specifically to improve management practices, to oversee the performance of the said public transport and to stimulate the attention paid to customers.

This approach is based on the Quality Evaluation Cycle, also known as the “Quality Loop.”



The Quality approach entered a new phase in 2005 with the establishment of a permanent structure in charge of regularly monitoring the quality offered.

The ten points of the quality booklet included in the PSC are systematically studied thanks to the mystery customer⁷⁰ technique. The results of these field surveys are compared against a reference.

Each year SRWT has to report to the Walloon Region on the service quality to measure the evolution of the quality through the ten criteria listed above.

➤ **Taxis**

Following the regionalisation of Belgium, the legislation on taxis is included in the competence of the single Regions. Therefore, the Federal Law of 20 March 1974 concerning the authorisation and the taxi licence has been substituted by regional legislation in all of the three Regions⁷¹.

The Regions organise the service in an independent manner and each of them adopted their respective legislation that replaced the previous federal legislation.

Prices are freely fixed but the determination of the maximum tariff is the competence of the Ministry of Economic Affairs under Law of 22 January 1945 on the economic regulation and prices⁷². However the latter may, in certain circumstances foreseen by law, allow for derogation from the maximum price.

✓ Brussels- Capital Region

See Brussels City Report, Chapter 5.

✓ Flemish Region

In the Flemish Community, the Law on Taxi service is coordinated by:

⁷⁰ Some members of the personnel travel incognito on different transport routes to observe different quality criteria.

⁷¹ OECD, Policy Roundtable, *Taxi Services: Competition and Regulations, Belgium*, 2007, pages 87-92.

⁷² Law on the economic regulation and prices of 22 January 1945, in OJ of 24 January 1945.

- Decree of the Ministry of the Flemish Community of 20 April 2001 concerning the organisation of road transport of persons and the establishment of the Counsel of Mobility in the Flemish Community⁷³;
- Decision of the Flemish Community of 18 July 2003 concerning the service of taxi and of services of rental cars with driver⁷⁴.

Article 2, Paragraph 4, of the Decree of the Ministry of the Flemish Community of 20 April 2001 defines the taxi service as the transport services of individuals by car with driver, which comply with the following conditions: the vehicle is adapted for transporting a maximum of 9 persons and the final destination is decided by the client.

The taxi service is subject to an authorisation released by the Municipality of the place in which the service will be provided (Article 26), which is valid for 5 years and renewable. However, the Flemish Government fixes the framework under which it is possible to release the authorisation, taking into account the drivers' good repute, the professional requirements and the financial capability (Article 27). The authorisation is strictly personal and cannot be transferred to another driver.

The number of taxis authorised to run the service in a Flemish city depends on the number of inhabitants (1 vehicle for one thousand inhabitants). This numeric limit can be changed subject to certain conditions and, in case it is, with the Authorisation of the competent ministry.

The tariff is fixed by the Municipality within the limits determined by the Ministry of Economy and the regional authority or, when it is not provided, is determined by the limits contained in the authorisation. The conditions of the taxi service are provided by the municipalities. The conditions differ from one another within the Flemish Region.

The Flemish Region concluded an agreement with the taxi operators aimed at ensuring public transportation during evening hours or for rural areas. The DE LIJN management contract for 2011 to 2015 already foresees the use of taxis during the night hours. As of one year, the network of the city Belbus du Limbourg uses mini-buses to integrate public transportation and DE LIJN is currently studying the possibility to extend their use to other areas.

✓ Wallonia

The legislative framework on taxi service is composed by:

- Decree of 18 October 2007, which replaced Federal Law of 27 December 1974 used until 2007.⁷⁵

The Decree defines taxi service as transport services for individuals by car with driver that complies with the following conditions, the vehicle is adapted to transport a maximum 9 persons and the final destination is decided by the client.

The taxi service is subject to an authorisation released after a three-step procedure involving two different entities: the City Council decides whether to release the authorisation, submits it to the approval of the Walloon Government, and releases the taxi licence following approval.

⁷³ Decree of 20 April 2001 concerning the organisation of persons' road transport and the creation of the Flemish mobility committee, in OJ of 21 August 2001.

⁷⁴ Decision of Flemish government of 18 July 2003 concerning taxi service and the service of car rental with driver.

⁷⁵ Decree of 18 October 2007 concerning taxi service and the service of car rental with driver in OJ 20 November 2011.

The competence belongs to the Municipality of the place where the service will be provided which is delivered for 5 years and renewable. The authorisation is released if the driver meets the following requirements: i) good repute; ii) professional requirements, and iii) possession of the financial capability requirements. The authorisation is strictly personal and cannot be transferred to another driver.

These conditions of taxi service are provided by the Municipality in compliance with the minimum compulsory requirements under the legislation of the Walloon Government. The number of taxis authorised to run the service in the city depends on the number of inhabitants (1 vehicle for every 2,500 inhabitants). This numeric restriction is justified by public utility reasons and it is defined by the Walloon Government according to specific needs (*i.e.* constant and elevated traffic congestion due to the presence of a railway station, airport, tourist sites, etc.).

Cooperation with the public transport operator, however, is still at a minimum level. The only initiative, named Taxitex, is a night taxi service that is reserved to those holding a season transport ticket. The tariff is very advantageous; the service, however, is limited to the city of Namur and Nivelles.

BULGARIA

Introduction

The country report was prepared using desk research and with one reply to the transport operator questionnaire from a UPT operator.

➤ ***National Legislation***

In Bulgaria, all urban public transport modes are present. Bus and taxi are the most common transport modes while the metro is present only in the capital Sofia.

The bulk of passenger rights consist in various benefits conferred on certain categories of passengers, predominantly in the form of price discounts or other privileges. These are scattered around primary statutes and secondary (delegated) regulations (the latter commonly termed ‘ordinances’ in Bulgaria).

The Bulgarian existing framework mainly consists of prevailing regulations on passenger transport by bus and taxi compared to other modes of passenger transport (*i.e.* tram, metro and trolley bus).

The main national legislative instruments regulating urban public transport is the Law on Road Carriage, which prescribes the standards applicable to transport and vehicles in urban public transport, including the licensing/authorisation regime for urban public transport and taxis.

The urban public road transport is operated by carriers that obtained the required licence from the Minister of Transportation, Information Technologies and Communications. Licences are non-transferrable and are valid for 5 years open to renewal. By way of exception, taxi operators are subject to registration with the Executive Agency “Automotive Administration” at the Ministry of Transport, Information Technologies and Communications. In addition, vehicles used for the purposes of conducting urban public transportation are registered with the Executive Agency “Automotive Transportation”.

The authorisation regime (i.e. licencing and registration) guarantees passenger safety and security by ensuring that holders of a licence or registered operators comply with minimum standards set forth by law. These standards generally include:

- Good standing of the operator (i.e. no record of previous road offences/ crimes);
- Professional competence (i.e. skills and experience acquired through education or practice);
- Financial stability (i.e. sufficient resources to conduct operations; capital adequacy requirements apply).

Licensed or registered operators may transport passengers with motor vehicles registered specifically for public transport of passengers⁷⁶. Licensed or registered operators may operate transportation only with personnel (i.e. drivers) qualifying under the requirements of Ordinance No 33 of 3 November 2011 on public transport of passengers and freight in the territory of the Republic of Bulgaria⁷⁷.

With regard to passenger rights, the Law on Road Carriage provides certain statutory terms and conditions, which are implied, incorporated into passenger transportation contracts. The primary right included in the terms and conditions is the right to be carried from the point of departure to the point of destination.

Article 42 of the Law on Road Carriage provides for the carrier's responsibility for the life of the passengers, as well as for every corporal or mental injury suffered by a passenger as a result of an accident that the carriage was involved in, while the passenger was on board the vehicle, while disembarking or embarking, or inflicted during loading and unloading of luggage.

The liability of the transport operator is fault-based as the operator is not liable for death or personal injuries, the causation of which was beyond its control. By way of exception, the transport operator remains liable in the event that the driver and/or any other person involved in the transportation are not fit for service (i.e. suffering from either physical or mental illness). The same applies when the vehicle employed is defective or malfunctioned.

Mandatory Insurance

The Insurance Code requires a mandatory insurance policy to be purchased by operators carrying out public passenger transportation⁷⁸. All modes of transport are included within the scope of this provision: track-based (i.e. trams/metro); trolley buses; buses; taxis; etc.

The life, health and physical integrity of passengers are insured against accidents on public transport during transportation in the respective vehicle or when standing in proximity to the vehicle at the time of getting on or off. The insurance is not valid in the event that passengers get on or off the transport vehicle while the vehicle is still running or at a place not designated as a stop, unless passengers have to leave the vehicle due to an emergency.

In the event of death or permanent disability caused by accidents, the insurer shall provide compensation. The minimum insurance amount is BGN 20,000 per passenger for each insurance event. The insurer is not liable to pay compensation when death or permanent disability is caused by one of the following events:

- War, rebellion, civil commotion or other events of similar nature;

⁷⁶ The only exception to this rule is when the carrier is a holder of a Community licence for carriage.

⁷⁷ Ordinance № 33 of 3 November 1999 on public transport of passengers (promulgated in State Gazette № 101 of 23 November 1999, last amended in State Gazette № 13 of 11 February 2011).

⁷⁸ Insurance Code, promulgated in State Gazette № 103 of 23 December 2005, last amended in State Gazette № 21 of 13 March 2012.

- Terrorist attack, unless expressly included in the insurance policy;
- An attempt to commit an offence or commission of an offence by a passenger;
- An attempt at suicide or suicide of a passenger;
- Illness of a passenger, unless such illness is a result of an insured accident;
- Premature birth, abortion, unless caused by an insured accident;
- Temperature fluctuations (cold, freezing, heat or sun stroke), operations, radiation, injections or other health care operations, unless related to an insured accident;
- Alcohol poisoning or other injuries caused as a result of or use of drugs; or
- Earthquake or nuclear explosions, radioactive products or pollution caused by them, ionising radiation.

Secondary legislation, Extended Risks Ordinance⁷⁹, specifies that the following shall also be deemed an accident for the purposes of insurance coverage:

- dislocations, stretching and ripped tissues caused by overstrain;
- infections; and
- personal injuries or death caused during transportation in an effort to save own or another passenger's life or property.

Standards for the Conduct of Transport Operators

Regardless of the type of tender, Ordinance № 2 of 15 February 2002 prescribes statutory obligations on the part of the transport operator, requirements for fitness for service of drivers and vehicles. In this respect, references are made to the qualification requirements under the Law on Road Carriage and vehicle safety standards under the Law on Road Traffic.

For instance, transport operators shall not exceed the maximum duration of the working day, time for rest and stay in-between days and weeks. Medical examinations of drivers shall be conducted. Vehicles shall also be examined before service.

Drivers of public passenger vehicles shall comply with the following statutory obligations:

- Route schedules shall be strictly performed;
- Vehicles shall stop at the designated bus stops;
- No services shall be operated on routes not awarded to the transport operator; and
- Signs showing the number of the route and end stops shall be placed on the bus.

Reduced Public Passenger Fares, No Cost Passenger Transport

There are a number of statutes and secondary legislation providing for price discounts or transport at no cost for various categories of passengers, such as veterans, members of Parliament or Ministries and civil servants.

The Council of Ministers passed a decree (Decree № 66 of 15 April 1999) specifying minimum discounts from transportation fares for pupils, students, including PhD students and pensioners.⁸⁰ Children under the

⁷⁹ Ordinance № 24 of 8 March 2006 on mandatory insurance under Article 249 of the Insurance Code and the Methodology for Claims Settlement for Damages Caused by Motor Vehicles.

⁸⁰ Decree of the Council of Ministers № 66 of 15 April 1991 for determination of minimum amounts of price reductions for certain categories of passengers using transportation by bus.

age of 7 years are allowed to board on passenger transport free of charge. These price discounts shall be compensated by the state budget.

➤ **Regional/Municipal legislation**

Each municipal council in Bulgaria may issue secondary (delegated) legislation (i.e. ordinances) to supplement national public passenger transport regulations. Below the local legislation of *Sofia (capital): Urban Public Transport (bus/tram/trolley bus/metro)* is examined.

In Bulgaria, Municipalities adopt ordinances to deal with passenger rights issues in urban public transport. One of the most detailed regulations is that adopted by the Municipality of Sofia.⁸¹ This is the most detailed local regulation covering all modes of transport in the capital: by bus; tram; trolley bus and metro.

The valid transportation document represents the public transportation contract with the respective transport operator. The prices of tickets and transportation cards are regulated and attached in detail in Appendix № 2 of the regulation.

Luggage and Other Objects

Passengers may carry luggage free of charge on public transport. There is a limitation on the size of free luggage - it shall not exceed 60x40x40 cm. The passenger is required to buy an extra ticket for luggage above the limit. Perambulators (or prams) are always allowed free of charge on public transport vehicles.

Passengers are allowed to carry bicycles on public transport vehicles under the following terms:

- On working days – only after 9.00 p.m.;
- On non-working days/holidays – at any time;
- The bicycle shall be in a condition that will not dirty the transport vehicle; and
- An additional ticket shall be purchased for the metro.

Privileges and Reduced Transportation Fares

Passengers, except for children under 7 years old, shall buy a valid transportation document, namely a ticket or a transportation card. There is a wide variation of tickets and transportation cards.

There are certain categories of passenger who are entitled to preferential terms of carriage, such as members of parliament, veterans, some state officials, etc. In addition, there is a very large list of passengers who may also benefit from preferential terms: disabled people; pensioners; students, etc. The benefits conferred on passengers eligible for preferential terms of carriage are generally compensated by either the state or municipal budget.

Certain categories of disabled persons may also be attended by an assistant. The assistant is entitled to use passenger transport by virtue of the transportation document of the disabled person.

⁸¹ *Ordinance on Passenger Transportation and Terms of Carriage with the Urban Passenger Transport on the Territory of the Capital Municipality* adopted by Decision № 458 under Protocol № 17 of 24 July 2008 (entered into force on 1 September 2009), last amended by Decision № 508 under Protocol № 95 of 28 July 2011.

Claims and Reimbursements

The passenger may raise an objection at the point of purchase of transportation documents for the incorrect recording of their personal details or incorrect change return (if any).

The value of an unused transportation document providing for preferential terms of carriage may be reimbursed in one of the following events:

- Change of workplace or home address of the passenger;
- Sickness/ illness of the passenger lasting longer than 10 days;
- Death of the passenger;
- Change of the route of the vehicles used by the passenger for longer than 5 working days; or
- Closure of transportation route used by the passenger.

The transportation document issued for one route of transport may be replaced for a transportation document for another transport route in the event of change to the original route of transportation or other reason. A replacement may be required without reason. In any such case, the passenger shall be liable to pay BGN 5.00 for this service.

Passenger Insurance

Passengers holding a valid transportation document are insured against accidents. In the event of an accident, the passenger shall notify the transport operator or the insurance company.

Transport Operators and Other Service Providers in Sofia

On the territory of Sofia, there are three transport operators that are owned and controlled by the municipality – “*StolichenAvtotransport*” EAD; “*StolichenElektrotransport*” EAD; and “*Metropoliten*” EAD.

In addition, there are few other private transport operators (i.e. bus operators) conducting transportation services on the territory of Sofia.

Finally, “Centre for Urban Mobility” EOOD is another undertaking owned and controlled by the municipality of Sofia. It was contracted to manage the revenue, organisation, quality control and account/ financial reporting of passenger transport as an integrated process.

Sofia (capital): Route taxis

A new mode of transport emerged and is widely popular in recent years, the route taxi. The Municipal Council of Sofia adopted a separate ordinance governing this mode of transport⁸². Route taxis serve additional routes of transportation on the territory of the municipality of Sofia: small buses with 10 to 26 seats, including the driver’s seat. Route taxis supplement the main urban transport routes without replicating them. These route taxis are designed and equipped to enable passengers to get on and off at their convenience.

⁸² Ordinance for the conduct of public passenger transport under additional transportation routes of the municipal transport scheme on the territory of the Capital municipality, adopted with Protocol 55 of 8 March 1999, last amended with Protocol 167 of 23 March 2006.

Route taxis shall display on the front of the vehicle and its right side the route number, start and end stops, as well as at least two intermediate stations. The price of a single trip shall also be displayed. Tickets shall be purchased when embarking the vehicle. No standing passengers shall be allowed during transportation.

➤ **Public service contracts**

The urban public transport by bus is operated based on public service contracts awarded via a tender procedure or directly to an in house company of the authority. The text of the public service contracts is not available to the general public. A formal procedure on access to public information must be followed in order to seek disclosure of public service contracts. Accordingly, no such contracts were reviewed for the purposes of this study. Based on the statutory provisions concerning contract tendering, there is an indication however that these contracts do contain passenger rights.

With regard to the content of the public service contract, the national law provides that (New, SG No. 17/2011) carriage via bus lines shall be assigned upon completing a procedure under the Concessions Act or the Public Procurement Act and in compliance with Regulation (EC) No 1370/2007 of the European Parliament and of the Council of 23 October 2007 on public passenger transport services by rail and by road and repealing Council Regulations (EEC) No 1191/96 and 1107/70, when the assigning party permits compensating the carriers for expenses incurred and/or gives them exclusive rights in return for the execution of a public service obligation.

If public compensation is provided, the rules regulating the public service contract are those of Regulation (EC) No 1370/2007.

When this procedure is applied, the tender notice must include:

- The obligations of the public transport operator;
- Quality standards of public transport services; and
- Admissibility and terms of subcontracting.

For contracts without public service compensations, the award is based on national legislation (Ordinance № 2 of 15 February 2002⁸³).

Municipalities determine the routes and the number of runs, which shall be served by buses equipped with facilities for persons of reduced mobility, which has to be at least 35 per cent of the total runs. Cities with a population exceeding 100,000 inhabitants shall have at least one main and one additional bus route that will be served by buses equipped with facilities for persons of reduced mobility. The total number of buses equipped shall be no less than 10 per cent of the total number of buses for all main and additional routes.

Municipal councils establish the selection and appraisal criteria for ranking tender participants. By law, the following criteria shall be included in the tender procedures:

- Environmental performance of vehicles to be used;
- Prices and social support;
- Equipment for persons of reduced mobility; and

⁸³ Ordinance № 2 of 15 February 2002 on the terms and procedure for approval of transport schemes and carriage of passengers by bus (promulgated in State Gazette № 32 of 29 March 2002, last amended by law in State Gazette № 44 of 2011).

- Other criteria.

Insofar as awarding contracts for track-based modes of transport is concerned, other modes are put on the same footing as transportation by bus. The Ministry of Transport issued a letter addressed to the Union of Municipalities in Bulgaria confirming that trams, metros and trolleybuses will be treated as transportation by bus for the purposes of awarding contracts⁸⁴.

➤ **Quality Charters**

There are no quality charters in Bulgaria.

➤ **Accessibility**

The Law on Integration of Disabled Persons guarantees certain social benefits to disabled persons, including privileges in the provision of passenger transportation services⁸⁵.

Each municipality shall guarantee accessible public passenger transport by providing vehicles with equipment for disabled persons. In addition, permanently disabled persons are entitled to financial support for public passenger services. The financial support currently amounts to 15 per cent of the guaranteed minimum income.

The right to non-discrimination in access to transport is seen to emerge as disabled persons are frequently exposed to inaccessible passenger transport, which is not designed to meet their demands. This process may be observed in the context of a different statute, which is not industry-specific (i.e. not related to transportation) - the Law on Protection from Discrimination⁸⁶. For instance, the Commission on Protection from Discrimination issued a decision declaring the Municipality of Sofia to have failed to provide for accessible passenger transport⁸⁷. The Municipality of Sofia was required to secure accessible transportation conditions to the extent feasible taking into account its available funds.

➤ **Enforcement**

Private enforcement

According to the Law on Road Carriage, for injuries or damages, passengers shall put a claim before the transport operator within 30 days. Transportation documents (i.e. passenger's ticket) shall be attached to the claim. If the passenger misses this deadline, they are not deprived of lodging a claim before the court. The statute of limitation for court claims is 3 years for death and personal injury.

In the event of an accident, the transport operator shall immediately notify the insurer. A notification may also be lodged by the passenger suffering from the accident or by their relatives. The transport operator shall issue a statement describing the accident and hand it over to the passenger, unless such a statement was drawn up by the competent traffic authorities.

⁸⁴ This letter is however not publicly available. Indications on its content were provided during an interview with representatives from the "Centre for Urban Mobility" EOOD (Sofia).

⁸⁵ *Law on Integration of Disabled Persons*, promulgated in State Gazette № 81 of 17 September 2004, last amended in State Gazette № 98 of 14 December 2010.

⁸⁶ *Law on Protection from Discrimination* was promulgated in State Gazette № 86 of 30 September 2003, last amended in State Gazette № 39 of 20 May 2005.

⁸⁷ Decision № 209 of 20 September 2010 of the Commission on Protection from Discrimination under Case № 63/ 2005.

A written claim for compensation shall be filed with the insurer. Such claims shall be supplemented by the following:

- Transportation documents (i.e. tickets, transportation cards or any other documents evidencing that the person injured was a passenger);
- Statement describing the accident;
- A copy of the death certificate or protocol from the Labour Expert Medical Commission;
- Medical certificate, etc.

Filing a claim for compensation is not an obstacle to lodging a court claim.

Claims for compensation in contract (i.e. claims for death, body injury, damage to passenger luggage, etc.) may be lodged before Bulgarian civil courts of law. This is a three-instance court procedure. Any such claims shall be heard by civil courts in accordance with the Code on Civil Procedure.

Pursuant to the Law on Road Carriage, the statute of limitations applying to court claims for death and body injury is 3 years. All other claims are time barred by a much shorter period of 1 year.

Public enforcement

The Law on Road Carriage and the Law on Integration of Disabled Persons empowers the Executive Agency “Automotive Administration” at the Ministry of Transport, Information Technologies and Communications to exercise administrative control over regulatory compliance by transport operators (i.e. bus, taxi).

A passenger may submit a complaint about the non-respect of the provisions imposed on the transport operator. Administrative sanctions may be imposed on the transport operator in question.

- Local Municipalities

Similar complaints may be lodged before the municipality exercising administrative control over the respective secondary legislation (i.e. ordinances) concerning public passenger transport.

- Commission on Protection from Discrimination

The Commission on Protection from Discrimination (CPD) is an independent authority charged with the powers to ensure equality in treatment of individuals. Passengers who have suffered from discrimination may lodge a formal complaint before the CPD against the respective transport operator or municipality for failing to guarantee equality in treatment. This is most relevant to passengers with disabilities.

A court claim may also be lodged to establish discrimination and award compensation.

➤ **Taxis**

The Law on Road Carriage and Ordinance № 34 of 6 December 1999⁸⁸ also covers passenger transportation by taxi, which shall be performed by registered operators or drivers acting on behalf of such registered

⁸⁸ Ordinance № 34 of 6 December 1999 on passenger transport by taxi (promulgated in State Gazette № 109 of 14 December 1999, last amended in State Gazette № 13 of 14 February 2012).

operators. Within the framework of urban public passenger rights, mandatory requirements on registration and vehicle standards apply, which ensures the safety, reliability and security of this mode of transportation.

In particular, taxis must be equipped with an electronic taximeter with a fiscal memory. The driver must hold a permit and shall meet the requirements established by the Executive Agency 'Automotive Administration' at the Ministry of Transport. In order to grant safety, vehicles cannot be older than 10 years.

Registration of the operator

Registration requirements include:

- Good standing of the operator (i.e. no record of previous road offences/crimes);
- Professional competence (i.e. skills and experience acquired through education or practice).

A permit for passenger transportation by taxi shall be issued by the mayor of the respective municipality for each vehicle separately.

The driver must also pass an exam in order to get the certificate of taxi driver.

Taxi vehicles shall bear certain marks including a plate on the roof of the vehicle, on which the word "Taxi" is spelled out with black letters against a white background. The plate shall be luminous during the night. Two double lines consisting of chess-like squares shall stretch across the length of the vehicle placed on its sides. The colour of taxi vehicles shall be yellow as a rule or green by exception, only when the vehicle is a hybrid or electric car.

Provision of Service Information to Passengers

Stickers indicating the tariffs charged shall be placed on the front window and the two side windows of the back doors. In addition, a sticker shall be put on the dashboard inside the vehicle. These stickers shall provide passengers with the following information:

- Identification of the operator;
- Price per kilometre during daytime;
- Price per kilometre during night time;
- Price per kilometre outside urban areas;
- Price for calling a taxi, which shall not exceed the respective price per kilometre by 50 per cent;
- Initial charge, which shall not exceed the respective price per kilometre by 50 per cent;
- Price for stay shown as a price per minute, which shall not exceed the respective price per kilometre by 50 per cent;

The telephone number of the operator shall be displayed on the front doors of the vehicle. An additional sticker showing the permit issued by the mayor of the respective municipality shall be fixed on the front fender of the vehicle and its rear side.

Regulated Tariffs

Each municipal council shall determine a ceiling on prices for passenger transport by taxi. The tariff shall be set based on BGN per kilometre. Prices may be reviewed on an annual basis.

Hiring a Taxi, Terms of Transportation

A taxi may be hired through one of the following ways:

- by calling at a taxi slot/bay designated as “Taxi”;
- at any other place, where motor vehicles are permitted to stop or park on the road;
- by raising a hand or showing other signal; or
- by calling a taxi through telephone service.

A passenger may select any vehicle regardless of its parking position and turn in a line of taxis available for hire. The driver shall start the fiscal metering device immediately after a passenger hires its services. The driver shall select the shortest route to the final destination of the journey required, unless the passenger expressly consents to another route. Upon completion of the journey, the driver shall issue fiscal cash receipt for the service. At the request of the passenger, the driver shall also issue an invoice.

Second, third or more passengers may get into the taxi contingent on the express consent of the passenger who has already hired the taxi. The first passenger is liable to pay the bill upon leaving the vehicle. After every payment, the driver shall clear the values on the screen of the fiscal metering device and start billing anew.

In the event that the fiscal metering device becomes dysfunctional, the driver and the passenger shall agree on a tariff to complete the current journey. The driver shall then stop operating until the device is fixed and made operational.

A taxi driver may refuse a hire from a passenger in any of the following events:

- the driver’s personal security is threatened;
- the passenger is obviously intoxicated;
- the passenger is dressed, carries luggage or animals that may damage or dirty the vehicle; or
- the passenger refuses to put on a seat belt.

A taxi driver must not conduct the following services:

- passenger services on the territory of a municipality without the required permit;
- to stop and wait for passengers at stops of the urban public transport;
- to stop and wait for passengers at a place where it creates an obstacle for the traffic;
- to wait for other passengers when the taxi has already been hired;
- to provide services with dirty or inappropriate clothes; and
- to stop and wait at a taxi slot/ bay when the taxi is not in service, its fiscal metering device is switched off or its taxi-plate is removed.

CYPRUS

Introduction

The country report was prepared using desk research since we did not receive any reply to the questionnaire.

➤ **National Legislation**

Urban public transport services in Cyprus in 2011 served the 803,200 inhabitants of the island and the extra visitors whose number per month is nearly a quarter of the residents of the island⁸⁹.

A major development in the policy on public road transport in Cyprus can be observed from the fact that the competent authorities are strict in observing the compliance of the economic operators that contract for public services on the road, with Regulation (EC) No 1370/2007.

The competent authorities seem to be following the social and qualitative criteria to maintain and raise quality standards deriving from public service obligations. These concern working conditions, passenger rights, the needs of persons with reduced mobility, environmental protection and safety of passengers and employees.

The general rules on the duties and responsibilities of the carrier towards the passengers are governed by the ‘Law providing for regulating and controlling the operation of businesses in the occupation of road haulage operator and road passenger transport and related matters’ (Law 101(1)/2001, Cyprus Official Gazette, E.E. Part I(I), No 3513, of 13 July 2001). There are no provisions on passenger rights contained in Law 101(1)/2001.

➤ ***Regional/Municipal legislation***

There is no relevant regional or local legislation on urban public transport.

➤ ***Public service contracts***

According to Article 16C(1) of Law 101(1)/2001, the contracting authority must respect the principles of transparency and non-discrimination in choosing an operator and negotiating the award of a public contract service. A contracting authority in every geographical area may conclude and sign a concession contract for public service only with one concessionaire, unless there are special reasons of public interest justifying the conclusion of more than merely one public service concession for a part of a specified region.

The public service operator, must to satisfy the following conditions (Article 16C(3)) to ensure the quality of the service:

- have a road passenger transport licence under the provisions of Article 5, to perform internal carriage on scheduled lines;
- satisfy the good repute, as set out in Article 7;
- have appropriate financial standing, as defined in Article 8;
- meet the requirement of professional competence, as defined in Article 9;
- hold or is able to acquire as many passenger road vehicles as provided in the concession of the public service contract;
- may respond fully to its commitments by signing of the contract.

The amount of the compensation negotiated between the contracting authority and the urban public transport operator takes into account the provisions of Regulation (EC) No 1370/2007, such as the duration of PSC, the cost of investments, the amount of subsidy and the traffic provisions.

The tender procedure must include, in the award of the contract,

⁸⁹ Statistical office of the Republic of Cyprus, www.pio.gov.cy.

- the responsibilities and obligations of the public service concessionaire operator and any responsibilities or obligations of the contracting authority itself;
- the technical standards for passenger vehicles, which the concessionaire will provide on the public domestic passenger road transport, including the equipment of issue and cancellation of tickets to be installed in passenger vehicles of the concessionaire operator.;
- the quality level of public domestic road passenger transport, including routes, time frames and frequency of service, which the concessionaire will be obliged to provide to the public;
- the obligation to consult with the local authorities to determine the geographical area in which it intends to provide the service;
- the penalty points system, monetary fines and related penalties imposed by the contracting authority to the concessionaire, when it does not comply with the terms of the signed public service concession;
- the economic aid which the contracting authority may grant the concessionaire, including any warranty that will provide such service for loans for funds needed to purchase or renew the fleet of road passenger vehicles of the specific operator; and
- whether the concessionaire will be entitled to provide any service other than the public domestic road passenger transport on regular routes and conditions for the exercise of this right.

The contracting authority shall supervise the concessionaires and/or their employees, as appropriate, regarding the continued compliance of the obligations imposed by the award procedure to ensure the quality of the service.

➤ ***Quality Charters***

In Cyprus, we can find some examples of quality charters adopted by transport operators and containing detailed descriptions of the duties of transport operators towards passengers. In this Report the charter of O.S.E.L. (Transportation Organization of Nicosia) was analysed.

The charter contains prescriptions for personnel and drivers to wear uniforms and behave politely towards the passengers. Personnel must behave with courtesy and provide all possible information related to transportation, avoiding debates and quarrels with the travelling public.

The drivers of O.S.E.L. are obliged to stop the bus for boarding or disembarking of the passengers at all stops and ensures the embarkation or disembarkation of passengers with appropriate caution and safety, especially for people with disabilities or other blocked persons. For these tasks the key requirements of the driver are not to move the bus while the door is open and not to open the door for boarding before the bus stops or not to start the boarding or disembarking of the passengers before opening the doors.

The drivers must respect the Highway Code, to be sure not to endanger passengers, avoid unjustified manoeuvres at high speeds and abrupt braking, and generally drive the bus with the appropriate and proper speed for the performance of the service and the punctual passage of the bus from each bus stop.

The charter prescribes that all the buses must be accessible to the disabled and PRMs, and must be equipped with an access ramp. The drivers must assist boarding and disembarking of disabled people, people with mobility impairments or other disabilities.

O.S.E.L. reserves four seats on the bus for PRMs. Stickers displayed on the seats clearly indicate these positions.

Drivers are required to be particularly cautious while embarking passengers with mobility problems, visual impairment, and disabilities, as well as those in need (pregnant, the elderly, overweight, passengers with small children, etc.) and to ensure their safe transportation (reserved seating, wheelchair safety, etc.).

Drivers are required to perform all schedules, regulating each time to the specific approved program, and adapt to emergencies (congestion, damage to bus, etc.) according to the instructions of the competent organs of the O.S.E.L.

Passenger complaints should be made in writing, either in person at the Department of Passengers' Services of the O.S.E.L., or through a letter addressed to the Manager of the O.S.E.L.

O.S.E.L., as published on their website, aims to establish an integrated fleet of management system machines by 2013 to issue and cancel tickets to make it easier for the public to travel by bus.

➤ ***Accessibility***

There is a national anti-discrimination law existing in Cyprus: the Law for Disabled People (N.127(I)/2000,57(I)/2004) enacted on 1 May 2004. Disability organisations in Cyprus are now represented by one confederation (The Cyprus Confederation of Organisations of the Disabled). Law 143(I)/2006 provides that every governmental authority consult this confederation if a decision on issues related to disabled people has to be made.

There is no specific law for accessible public transport existing in Cyprus, but the Road Transport Department says it is working on creating the infrastructure that will allow the gradual replacement of the Cypriot fleet of buses.

Disabled persons who hold a social card may travel free of charge on the buses.

➤ ***Enforcement***

If a passenger suffers from some kind of discrimination, they may lodge a complaint with the Ombudsman or can apply to the Court to obtain restoration.

Public enforcement

According to Article 16E(1) of Law 101(1)/2001, the contracting authority has the responsibility to observe compliance with the provisions established in Regulation (EC) No 1370/2007 in the Republic of Cyprus.

Failure by the concessionaire and/or any of its employees to respect the provisions of the contract or those provided by law will be fined up to EUR 50,000, depending on the severity of the violation; and for a repeated offences, a further fine not exceeding EUR 1000 for each day during which the offence continues.

Termination of the contract will also be taken into consideration. The penalty is imposed on the contractor and/or the employee, as appropriate, by reasoned decision of the contracting authority confirming the violation. This decision is then communicated to the concessionaire and/or its employee. The decision may be appealed, the right for which is provided by the Minister, within thirty days of notification thereof, but the exercise of such appeal does not suspend the execution of the decision.

Article 3(1) of Law 101(1)/2001, provides a Council of Road Transport with the competences— among other responsibilities -to issue licences for the profession, to exercise disciplinary jurisdiction over licensed hauliers, and to perform any exercise needed under the provisions of law and regulations.

According to Article 3(3) of Law 101(1)/2001, the terms of service of this Council will be for four years.

The president, who heads the Council, shall convene and preside over the meetings and sign the minutes (Article 3(4)).

The responsibility of the president is to make sure that decisions are taken appropriately (Article 3(5)).

The Council has the power to provide the president with any power or responsibility under law or the regulations, excluding the powers to grant, withdraw or suspend licences or to exercise disciplinary jurisdiction. Any act made by the president is deemed an act made by the Council itself. For the absence or incapacity of the president, the authorisation also includes the vice president of the Council (Article 3(7)).

According to Article 3(8) of the Law, the president, vice president and two other members comprise the plenary session. Decisions are taken by the majority and in the case of a draw, the president has the winning vote.

The decisions of the Council that have to do with the refusal to grant, the suspension of or the revocation of licences, are subject to an appeal pursuant to Article 146 of the Constitution of the Republic of Cyprus. (Article 3(10)).

The Ministry of Communications and Works carried out one survey to promote a new era in public transport in Cyprus. The survey was a questionnaire directed to all citizens regarding urban public transport in Cyprus. A total number of 700,743 citizens answered the questionnaire and the results were publicised at a press conference. The large percentage of citizens -94 per cent - who answered the questionnaire found that Cyprus lags behind other EU States on public transport and seeking change in public transport. Moreover, 79 per cent of Cypriot citizens who responded are prepared to use the bus as a means of transportation if offered, and 64 per cent suggested a qualitative upgrading of public transport based on a comprehensive bus network as the most suitable option for reducing traffic congestion. 74 per cent considered that the government's target to increase bus usage from 2 per cent to 10 per cent is feasible.

➤ **Taxis**

Taxis are regulated by the "Traffic Act of 1982 (Law 9/82, Cyprus Official Gazette, E.E. Part I, No 1762, 19 March 1982), which covers vehicles transporting a maximum of six passengers. The Licencing Authority provides urban taxis with a Road Use Permit (A.O.CH.).

Taxi rules are established in Law 9/82, in Part III, that regulates the transportation of passengers by taxis. According to Article 9(2), a licence for driving a taxi is not granted under this Article, unless the vehicle applying for the licence has the relevant plate of recognition, as provided in the provisions of the regulations. In addition, urban taxis must be equipped with a meter, its type to be determined by the regulation.

Article 9(3) provides that the licencing authority consider the needs of the relevant urban traffic area, of the region as a whole in relation to passenger transport, and the capacity of the subject demanding the license.

The law does not contain special provisions on the protection of passenger rights.

CZECH REPUBLIC

Introduction

The Country Report was prepared through desk research and with a reply to the transport operators' questionnaire we received from an urban transport operator.

➤ ***National legislation***

The Civil Code and some Acts regulate urban public transport at the national level. The regulations issued by the Ministry of Transport, which set out the basic rules and limits for the transport operators, supplement the legislation.

Civil Code

As regards the national legislation, the Civil Code provides the basic rules of a transport agreement, such as the responsibility of the transport company for any delay or the responsibility of the transport company for damage caused to the passenger or their luggage. According to Section 427 of the Civil Code, the operators are liable for damage caused to passengers and their luggage. Their strict liability is only excluded if all reasonable efforts were made to prevent such damage.

Further, under the Regulation on the Rules of Transportation, operators' liability for damage caused to passengers' luggage can be excluded in the following situations: (i) the luggage was not packed appropriately for the transported item, (ii) there were prohibited items in the luggage, (iii) the damage was caused by the passenger.

Act on Road and Rail Transport

The Act on Road Transport and the Act on Railways provides some specific rules in this respect, in addition to the Civil Code.

In particular, the Act on Road Transport lays down the requirements for the establishment of the urban public transport operations. The operator must obtain an authorisation from the competent public authority. To obtain such authorisation, the operator needs to be in possession of (i) a valid concession, and (ii) a valid licence for the operation of urban public transport lines.

The Act on Road Transport further covers the following areas: (i) the obligations of the operator, (ii) rights and duties in the relations between the passenger and the operator, (iii) the rules of transportation, and (iv) rules for the operation of a taxi service. However, the obligations are stipulated generally (e.g. requirements on drivers, vehicles and safety) and the specific obligations of the operator and passengers are specified in the Regulation on the Rules of Transportation (see below).

The Act on Railways contains rules similar to the ones contained in the Act on Road Transport, such as (i) conditions regarding the authorisation to operate railways, tramways, trolleybuses and metro, (ii) the rights and duties of the passenger and the operator, and (iii) rules of transportation. The obligations of the operator

include: (i) the provision of transportation, (ii) the establishment of a safety management system, (iii) the publishing of an annual report monitoring the quality of services provided by the operator, (iv) observing timetables and tariffs, (v) creating favourable conditions for transporting families with children and persons with limited orientation or movement abilities, (vi) providing pre-medical first aid in the event of any accident, and (vii) providing alternative transport when services are interrupted.

The Regulation on the Rules of Transportation

The Regulation on the Rules of Transportation constitutes the basic document setting out the conditions under which persons, their luggage, property and animals are transported. As regards the conditions of transportation, the Act on Road Transport does not contain a full list of the required contents of the rules of transportation; instead, it simply refers to a certain regulation of the Ministry of Transport.

The Regulation on Rules of Transportation for Railway and Personal Transport is applicable to railway and road transport as well as to urban public transport. Under the Regulation on Rules of Transportation, the contractual relationship between the operator and the passenger is created on the basis of (i) the rules of transportation, (ii) the tariff⁹⁰, and (iii) the contractual transport terms.

The Regulation on the Rules of Transportation governs key elements of the relationship between the rules of the transport company and the passenger, such as (i) entry into the transport agreement⁹¹, (ii) requirements regarding the design of tickets, (iii) payment for tickets, (iv) reservation of places, (v) conditions of transport of particular groups of passengers (such as children and physically disabled persons), (vi) conditions regarding the transportation of luggage, and (vii) rights and duties of the transport company and the passenger. After entering into the transport agreement the passenger has a right to (i) comfortable transportation, (ii) a seat, (iii) information about timetables, tariffs and possible changes to the planned transport, (iv) safe transportation, (v) quiet transportation, (vi) written confirmation in the event of delay, (vii) a clean and ventilated vehicle which is in good technical condition, and (viii) to arrive at the destination on time etc.

Act on Public Transport Services

Urban public transport in the major cities is usually organised in the form of an integrated transport system, which has its legal basis in the Act on Public Passenger Transport Services.⁹² The Act on Public Passenger Transport Services lists the requirements to be respected when entering into contracts for the provision of UPT services as well as the obligation to provide information to passengers who travel in an integrated transport system.

The municipality (or several municipalities in the same region, collectively) can set up a juridical person – an organiser – which establishes and organises public passenger transport services. Various transport companies can provide their services within the integrated transport system; however, the services of all transport companies are provided according to a unified transport schedule and unified tariff within the given area.

⁹⁰ The tariff in road transport means price lists for individual transport services and the conditions for the provision thereof.

⁹¹ The basic elements of this relationship are as follows: the operator is obliged to transport passengers and their luggage to the destination duly and on time. The passenger is obliged to pay for the transportation and act in accordance with the rules of transportation.

⁹² The contents of the Act on Public Passenger Transport Services comply with Regulation (EC) No 1370/2007 of 23 October 2007 of the European Parliament and of the Council on public passenger transport services by rail and by road and repeals Council Regulation (EEC) Nos 1191/69 and 1107/70.

For the integrated transport system, unified terms and conditions are issued which are binding on all operators in the system as well as on passengers who travel using the system. These unified terms and conditions must comply with the requirements of the abovementioned Acts and Regulations – (i) the Civil Code, (ii) the Act on Road Transport, (iii) the Act on Railway Transport, (iv) the Act on Public Passenger Transport Services, and (v) the Regulation on Rules of Transportation.

➤ ***Regional/Municipal legislation***

There is no relevant regional or municipal legislation on protection of passenger rights in UPT.

➤ ***Public service contracts***

We examined the service contract of two major cities – Prague and Brno. Prague is extensively examined in the City Report, (see Chapter 5.10) where the rights and obligations of the passengers are set out in the Terms and Conditions of the integrated public transport system.

In fact, both cities have an integrated transport system; hence, apart from the abovementioned acts and regulations, the unified terms and conditions of the integrated transport system are essential for determining the rights and duties in the passenger-transport company relationship.

Urban public transport in Brno is organised as a part of the Integrated Public Transport System of the South Moravian Region (“ITSB”). The rights and obligations of the operators and passengers are set out in the Terms and Conditions of the Integrated Public Transport System of the South Moravian Transport Region (“Terms and Conditions of the ITSB”), which became effective on 1 January 2012. The Terms and Conditions of the ITSB are of contractual nature. They are divided into 10 articles and one amendment. The ITSB allows passengers to travel under the same conditions on (i) local trains, (ii) regional buses, (iii) the Brno public transport (trams, buses, trolleybuses), and (iv) city transport (buses) in the cities of Adamov, Blansko, Břeclav, Hodonín, Kyjov, Mikulov and Vyškov.

The operators are required to publish the Terms and Conditions of the ITSB, and the tariffs at their sales points and offices, at stops and in transport vehicles.

Passengers can purchase tickets and passes at railway stations, offices of the Brno Public Transport Company, outdoor vending machines, newsstands, hotels and some shops. It is possible to purchase a single-journey ticket covering both the fare and luggage directly from the driver on all city transport vehicles. However, tickets sold by drivers are more expensive than tickets sold elsewhere.

In the event of closures or changes to timetables, the operator is obliged to inform passengers by all available means – i.e. directly through its staff and by notices placed at stops, sales points and offices. Up-to-date information on cancellations, delays and closures is also published on the operator’s website.

In the event of a delay in transport services, passengers have no right to claim damages. Passengers have no right to claim a rebate on any fares for basic tickets. Only holders of passes and coupons have the right to claim a proportional rebate.

Operators provide full service for the disabled, including seats primarily reserved for disabled persons in each vehicle (passengers occupying such seats are obliged to give them up when they are required by a disabled

person). There are also lines offering easy access to the vehicle and an assistance service for the disabled, which includes assistance with getting on and off the vehicles and help during transportation.

The cleanliness of vehicles and premises designed for transportation is provided by an external company. The vehicles are cleaned each time they return to depot.

Passengers are obliged to keep facilities clean and not to damage them. It is prohibited to smoke in the vehicles, make loud noises, consume drinks and food inside the vehicles and to board vehicles when wearing dirty or smelly clothes. In the event of a breach of this obligation the passenger is asked to cease committing the infringement; if the infringement continues the offender can be requested to leave the vehicle or fined. If a passenger is requested to leave, they have no right to a refund of the fare.

The Terms and Conditions of the ITSB do not contain specific rules regarding liability for personal injuries and luggage. These issues are governed by the provisions of the Civil Code and the Act on Road Transport.

Complaints can be made in person at designated offices, in writing or by email. There is no time limit for submitting a complaint but operators are obliged to address them within 30 days of their filing.

As mentioned above, passengers are not entitled to a refund in the event of delay and they are not entitled to claim compensation for damages caused by such delay.

Satisfaction surveys are undertaken once every two years. They consist of directly interviewing passengers and questionnaires and enquiries in the “Šalina” magazine published by the Brno Public Transport Company. The questions usually cover issues such as the comfort of transportation (e.g. heating in vehicles), the quality of transport logistics and the frequency of connections.

➤ ***Quality Charters***

We did not find quality charters adopted by urban public transport operators.

➤ ***Accessibility***

There are existing laws mainly dealing with equal opportunities for men and women (76/207/EEC, 2002/73/EEC, 2006/54/EC, 2004/113/ECO) and equal opportunities for all races (2000/43/ES). In March 2012, a new anti-discrimination law was approved and will be effective from 1 January 2014. However, there is no specific law on accessible public transport in the Czech Republic. This issue is part of the Public Transport Act Nos 266/1994 and 111/1994. These acts provided that some seating places (in general, 2) have to be reserved for people with disabilities.

General standards for accessibility do not exist. However, the integrated transport system operators are making considerable efforts to provide fully accessible transport. For example, in Prague the Prague Public Transport Company is making considerable efforts to improve the accessibility of public transport stops, stations and vehicles and in general, and all new vehicles have low floors and are accessible to passengers.

In Brno the urban public transport operator provides a fully accessible service not only with adapted vehicles (the majority of the buses have low floors and are accessible with seats reserved for PRMs and wheelchairs) but also through assistance provided by the drivers or staff to those who need help with getting on and off the vehicles.

Disabled people who hold the ZTP/P “disabled card” are entitled to travel free of charge on urban public transport.

➤ **Enforcement**

Private enforcement

Passengers have the right to submit a complaint to the operator and against transit inspectors for damages and injuries suffered during the journey in writing or orally at the places for contact with passengers. The complaint must be submitted within 30 days of the occurrence of the problem in question.

Submitting a complaint does not prevent bringing legal action before a Court in accordance with the Civil Code.

Public enforcement

Apart from enforcement through the Czech Courts, it is also possible to resolve disputes by submitting them to other bodies, such as the permanent Arbitration Court attached to the Economic Chamber of the Czech Republic and the Agricultural Chamber of the Czech Republic. However, an arbitration agreement or an arbitration clause is an obligatory requirement for this kind of dispute resolution.

On the basis of public information provided by the Czech authorities, we are not aware of any survey or other monitoring activity concerning this issue. The only survey was carried out in Prague and the results are reported in City Report 5.10.

Since the PSCs are not publicly available, we were unable to check whether *bonus-malus* schemes are used in PSCs as a form of enforcement.

➤ **Taxis**

Basic principles

The legal basis for taxi services is set by the Implementing Regulation that provides more details concerning the conditions regarding the registration of taxi services, administration issues, provision of taxi services etc. Municipalities issue specific regulations governing the conditions for qualifying for such licence, rules regarding taxi ranks and maximum fees. The regulations issued by the municipal authorities of the examined cities of Prague and Brno are as follows:

- 1) Prague
 - a) The Directive of the City of Prague No 20/2006, setting the maximum taxi fees.
- 2) Brno
 - a) The Local law on regulation of the City of Brno No 28/2005 on establishing the conditions for the operation of taxis in the city of Brno;
 - b) The Local law on regulation of the City of Brno No 16/2010 on taxi ranks, laying down the conditions for the use of taxi ranks and Operating rules of taxi ranks in the city of Brno;
 - c) The Directive of the City of Brno No 1/2001 setting the maximum taxi fees.

As to the terminology, the term “taxi services” is defined as public road transport with a vehicle with maximum capacity of nine persons (including the driver). Taxi services are offered and bookings are taken, either by drivers or at taxi ranks, or by taxi radio dispatchers, on publicly accessible roads and other public places. The fare is paid directly to the driver, usually at the end of the journey.

Taxi licences are issued by the municipalities. An operator of taxi services is only entitled to provide such services with a vehicle that has been registered for such purpose by the municipality. Every taxi must be marked with a black and yellow luminous “TAXI” sign on its roof. Both front doors must carry an identification number and the basic fare rates. The same information, in greater detail, should also be available inside the taxi, along with the driver’s permit and a taximeter.

The general principles of contracting between a passenger and the provider of taxi services are set out in the Civil Code⁹³. Liability for damage (to personal possessions, luggage or health) caused by the operation of a taxi lies with the provider of the taxi services⁹⁴.

Transport Terms and Conditions

The key elements of the relationship between the taxi operator and the passenger are governed by the terms and conditions that are issued by the taxi operators. Since there are a large number of taxi companies, each with their own set of terms and conditions, we set here under a list of the most common issues that are covered in such terms and conditions:

- 1) Rights and obligations of both parties: the passenger and the provider of taxi services;
- 2) Fees;
- 3) Conditions regarding the transportation of luggage; and
- 4) Conditions regarding the transportation of animals.

DENMARK

Introduction

The Country Report was prepared through desk research and with the reply to the transport operators’ questionnaire that we received from two Danish UPT operators.

➤ ***National legislation***

The management of UPT in Denmark is organised on a regional basis through Traffic Companies under the control of the Danish Transport Authority. The Danish Transport Authority is responsible for planning and co-ordinating public transport, and is also in charge of the administration of public procurement through organising tenders for the operation of railway and ferry transport services on behalf of the Danish Government.

The framework conditions for the public transport system in Denmark are to a wide extent established at the international and intergovernmental level.

⁹³ Sections 760-764 of the Civil Code.

⁹⁴ Sections 427-431 of the Civil Code.

Since the 1990s, UPT in Denmark has been considered an example for other countries due to the following factors:

- a multimodal approach;
- a wide cooperation among the actors involved;
- the involvement of customers in monitoring services;
- the integrated planning and traffic management; and
- great attention to accessibility.

Denmark has implemented the European legislation on passenger rights protection in a very extensive way with particular regard to the rules applicable to support, passenger rights, the harmonisation of transport infrastructure and material, environmental requirements and railway tax. The regulations cover train, bus and ferry traffic services to certain extent.

The regulation and the planning of the urban public transport system is the responsibility of national, regional and local authorities while the operators, shipping companies and contractors hold the responsibility for the operational aspects.

The main regulations concerning the urban public transport system are the Railway Act, the Law on Traffic Companies, the Law on ferry services, the Law on bus services, the Act on special requirements for buses and the Taxi Act.

The Railway Act contains the following information:

- 1) Traffic companies are required to prepare a set of terms and conditions. These terms and conditions must include rules about transportation, such as liability for damages concerning passengers' luggage. The terms and conditions also have to include the rules deriving from Regulation (EC) No 1371/2007. Furthermore, they have to be made publicly available and the company is obligated to send a copy thereof to the Danish Transport Authority.
- 2) Rules concerning liability for damages.
- 3) Violations of Regulation (EC) No 1371/2007 are punished by a fine or imprisonment of up to 4months.
- 4) The Danish Rail Regulatory Body (*Jernbanenævnet*) supervises compliance with Regulation (EC) No 1371/2007.

The Law on Traffic Companies contains the following information:

- 1) Passengers within the Region of the relative Traffic Company have to be able to travel with the same ticket even if the passenger interchanges between buses and trains and within the capital region passengers have to be able to travel with the same ticket even if the passenger interchanges between trains, buses and the metro.
- 2) The Traffic Companies must cooperate to create connections between the public transport systems of the companies and to create connections with the remaining public transport system in Denmark, among other things by appropriate organisation of the respective timetables.

- 3) The Traffic Companies have to provide transport services on an individual basis for severely disabled individuals over the age of 18.
- 4) A control fee and an administration fee can be demanded from passengers that do not have a valid ticket.

One of the most relevant aspects of the Danish organisation of the UPT is the cooperation required of the authorities and transport operators to guarantee the users an integrated transport system. In fact, under the national law, transportation through a particular region must function as a single system with complete fare integration. The Traffic companies' responsibilities are establishing fares, planning routes, prescribing service standards, monitoring service contracts, and providing marketing and public relations support. Customers are free to transfer between bus and rail and there are integrated timetables for the entire regions.

The Danish Transport Authority is responsible for administrative matters, regulation of the public transport system and traffic planning, and purchases train and ferry services, coordinates traffic and has various responsibilities concerning public bus traffic services. The Danish Transport Authority regulates fares and monitors that fares for public transport do not exceed the level defined by the fare cap. The Danish Transport Authority administrates the revenue allocation between trains, buses and metro for the fare system covering the Greater Copenhagen Region. Furthermore, the Danish Transport Authority gathers and publishes relevant information and statistics about public transport. From 1 September 2012, the Danish Transport Authority assignments concerning procurements/contracts on the railway and ferry areas have been moved to a department of the Danish Transport Ministry.

In accordance with the Law on traffic, traffic companies and railway operators that are on a state contract, they are responsible for ensuring that passengers can make their travel by rail, bus and metro in the Capital Area by purchasing one ticket.

In accordance with the Law on traffic, collaboration between companies has been established between different actors regarding transport in the Capital Area. The purpose of the cooperation is to ensure that passengers in the Capital Area can use the public transport system of the Capital Area as a whole, although it is actually run by different entities. To achieve this aim the parties coordinate their efforts in the Capital Area, especially concerning customer information, marketing, interchange and timetables.

The parties hold meetings on a regular basis on management level and working group-level to discuss and start joint projects, such as new products for the passengers, better scheduling concerning timetables in connection with track work, better passenger information etc.

Due to the cooperation concerning prices between the transport actors, passengers are ensured a right to free interchange between buses and trains during their travel. In the municipalities, the interchange comprises also the ferry service in cities where ferry is available. Shipping companies are also part of ticket cooperation concerning interchange with bus and trains. Passengers on state ferry routes can thus utilise their ferry ticket for a connecting travel with bus and train at both ends of the travel.

In case of planned transport changes, such as track work or expected big travelling days, the operator must send out a special timetable to the passengers and possibly arrange replacement transport in the form of buses. Furthermore, these planned changes have to be noted in the respective collaborations, so that the other entities have the possibility of adjusting the running of their transport services and traffic information accordingly.

When extraordinary transportation changes occur, such as fallen wires, snow on the tracks, signalling errors, collisions etc. the individual operator is obliged to conduct their traffic services in the best way possible while providing all necessary information to the passengers.

Ferry

Denmark is a country characterised by many islands and fjords. There are approximately 50 ferry routes in Denmark. The ferry services are provided by a number of different companies under contracts with the state or the municipality, or as commercially provided ferry services.

The ticket prices are fixed on the small ferry routes that are provided by municipalities. Furthermore, islanders from small islands have free ferry transport available (the “Island-card”).

The Danish Consumer Ombudsman has issued a set of guidelines, which, even if they are considered soft law, are in general followed stating that operators have obligations towards passengers, such as:

- The operator has to find other means of transportation for the passengers in case of delays.
- There is a requirement to provide comprehensive information to the passengers, for instance about planned changes to timetables.
- Terms and conditions of the operator concerning the travel have to be easily accessible for the passenger, e.g. on stations.
- The Terms and Conditions must contain provisions on e.g. rules on compensation and complaint procedures.
- The operator is required to have a fast and efficient procedure for handling complaints.

➤ ***Regional/Municipal legislation***

The Danish law gives regional authorities (municipalities and provinces) outside the capital region of Copenhagen the power to organise public transport jointly or separately. For this purpose, they can create ‘public transport companies’ that are allowed to provide all services on their own or contract out services.

According to this power, the five regions of Denmark have established 6 regional Traffic Companies⁹⁵ to run public transport consisting of bus services and private railway services.

The ‘Capital region development council’ (HUR) was created to integrate public transport planning in Copenhagen with wider regional issues. The pre-existing ‘Capital region public transport company’ (known as HT), which was responsible for the planning of bus services in the region, was integrated into this new structure. Further five local railways and a metro line have been integrated as well, while regional rail services remain under the responsibility of the Danish State Railways (DSB). Yet, all modalities continue to fall under one integrated fare regime managed by HT. The DSB manages all the rail services in the metropolitan region.

⁹⁵ The six traffic companies are as follows:

1. BAT is the traffic company in the Regional municipality of Bornholm (BornholmsRegionskommune).
2. Movia includes the Zealand Region (Sjælland), the Capital Region (In Danish Hovedstaden) and all of the municipalities therein (except Bornholm).
3. Fynbus includes all municipalities in the Funen part of the Region of Southern Denmark (*den fynskedelaf Region Syddanmark*).
4. Sydtrafik includes all of the municipalities of the Jutlandic part of the Region of Southern Denmark (*den jyskedelaf Region Syddanmark*).
5. Midttrafik includes the Central Denmark Region and all of the municipalities in theMidtjyllandRegion).
6. NordjyllandsTrafikselskab includes the North Jutland Region (Region Nordjylland), and all of the municipalities therein.

In 2006, HUR was integrated into the “Movia” traffic company that now handles the tasks that previously were the responsibility of HUR.

In accordance with the Law on traffic companies (*Lovomtrafikskaber*), the Traffic Companies have the responsibility for ordering of transport services for public procurements and preparation of timetables for the regional and local bus services and for private railway services. The traffic companies conclude contracts with bus operators for the management of the bus services.

Furthermore, the regions are financially responsible for the private railway traffic that is provided by the traffic companies. The municipalities organise and finance the municipal and local public transport.

➤ **Public service contracts**

The Traffic Companies are in charge of the running of the regional and municipal bus routes, normally executed through public procurements to contractors.

With regard to the bus service, the traffic companies conclude contracts with operators through a tender procedure based on “brutto” contracts meaning that the contracts include fixed payment for the provision of the service. However, the fixed payments are often included incentive contracts. In some contracts there are built-in penalty and bonus systems in relation to compliance with the quality and service requirements.

The traffic companies develop their own tender documents in cooperation with the municipalities and regions. Requirements are often included and concern service requirements, driving hours, material and quality.

A new type of bonus has been introduced as the possibility of contract extension. Therefore, many contracts are put out to tender with options for contract extension. There is a tendency of longer contracts. The length of the contracts is typically from 4 to 8 years with an option for a 2-year extension. The most common contracts are 6-year contracts with an option of extension of 1-2 years.

The transport law for Copenhagen made the use of competitive tendering compulsory. The tendering regime developed in Copenhagen started with rather simple gross cost contracts. As in all other regions of Denmark, it was chosen to retain revenue risk.

Quality management features were gradually added. Yet, quality incentives to operators are solely related to operational aspects and not to tactical (service design) aspects. This regime tends to serve as an example for the rest of the country.

Incentive contracts (*Incentivskontrakter*) have been introduced to encourage operators to focus on passenger needs, such as traffic information, reliability and comfort.

The running of railway and ferry traffic is governed by “netto” contracts. In these contracts the operator has a number of responsibilities focused on passenger rights concerning sale and marketing, ticketing, maintenance of waiting facilities, preparation of timetables etc.

Both public procurements and negotiated traffic service include criteria that the operator is required to comply with on a number of requirements concerning service, quality and security of supply for the best possible price – and thus the lowest possible level of public subsidies.

In planning timetables local circumstances have to be taken into account, including the start times of classes at educational institutions and connections to other public means of transport.

COMMISSION DECISION of 24 February 2010 concerning public transport service contracts between the Danish Ministry of Transport and DanskeStatsbaner (Case C 41/08 (ex NN 35/08))

In 2010, the PSC contracts between the Danish Transport Ministry and DBS were examined by the European Commission because part of the compensation scheme introduced in the contract covering period 2000-2004 in favour of DBS was considered state aid.

The EC Decision also examined the PSC concluded between the Danish Ministry of Transport and DSB S-tog a/s concerning the provision of urban public transport services on the electrified metropolitan rail network during the period 2000-2004. For the purpose of this Study it is relevant to observe that the decision analysed the content of the contracts both for the period 2000-2004 and for the period 2004-2014.

This contract follows the same model as the contract relating to main line and regional public transport services and contains similar provisions. It describes in detail the public transport services on the electrified metropolitan rail network that DSB S-tog a/s is expected to provide, and requires DSB S-tog a/s to carry out a certain volume of services (measured in terms of rail kilometres) over the term of the contract. It includes obligations relating to timetables and the frequency of transport services, as well as provisions concerning the use and acquisition of new rolling stock.

In particular, Clause 7 of the main contract lays down the rules relating to timetables and the frequency of transport services. With regard to timetables, Clause 9 provides for the coordination of schedules. Several provisions seek to ensure that DSB will endeavour to create a coherent public transport system with coordination between buses and trains.

Clause 10 contains provisions concerning the use and acquisition of new rolling stock. Clause 12 contains provisions relating to user services; Clause 13 defines the penalties for poor punctuality; Clause 14 lays down the conditions for setting transport prices.

The system of compensation under the contract also corresponds to that in the contract relating to main line and regional public transport services. The contractual payments are determined on the same calculation bases (6 per cent return on equity after tax).

The second contract between the Danish Ministry of Transport and DSB S-tog a/s concerns the provision of public transport services on the electrified metropolitan rail network during the period 1 from January 2005 to 31 December 2014.

The contract is based on a system of provisions similar to those in the contract relating to main line and regional public transport services. It lays down the performance obligations of DSB S-tog a/s with regard to the lines concerned, transport services, requirements in terms of capacity, regularity and reliability of service as well as levels of user satisfaction and service interruptions. The contract also lays down the conditions relating to price fixing, station modernisation and reporting. It specifies the penalties in the event of non-compliance with the contract.

Clause 5 of the contract lists DSB's obligations relating to the operation of transport activities. Those obligations concern, among other factors, information duties, equipment inspections, the obligation to make rolling stock available to operators winning tenders on certain routes, or specific conditions for the issue of tickets or passes for certain categories of passenger.

The system of compensation under the contract also corresponds to that in the contract relating to main line and regional public transport services. The contractual payments are determined on the same calculation basis (6 per cent return on equity after tax).

➤ **Quality Charters**

In the Greater Area of Copenhagen, the metro transport operator, AnsaldoSTS adopted service guarantees as part of the obligations introduced by the contract with Metroselskabet.

The main contract contains provisions to encourage a high quality service. These parameters cover: service availability (punctuality), customer satisfaction survey score (cleanliness and service) and completed maintenance according to plan (strategic service delivery). Meeting or exceeding these targets will qualify the operator for performance and bonus payments and avoidance of penalties.

The contract requires that the operator provides information through Info walls at stations that will be kept updated by Metroselskabet.

Permanent information is information about:

- Map of Metro lines, including station names;
- Rules of travel and codes of conduct;
- Customer Centre functions, phone number and web-address,

With regard to the travel guarantees, the transport operator is responsible for administration and payments under the Travel Guarantee scheme.

The Travel Guarantee applies as follows: if departures are delayed by 30 minutes or more, passengers can take a taxi and get up to DKK 200.00 refunded (Price level as of 1 July 2009) by the operator. Passengers must fill out a Travel Guarantee claim form, which are available at all Metro stations, and send it to the transport operator along with the original taxi receipt. Enquiries concerning the Travel Guarantee are answered within 5 days of receipt.

The transport operator must publish the Rules of Travel on the Metro website and in printed form at stations, where they must always be available. The operator must, upon request of Metroselskabet, forward thereto all correspondence related to claims.

➤ **Accessibility**

Concerning the disabled, in recent years there has been a general improvement in the accessibility of short-distance traffic, e.g. through the introduction of low-floor buses and coaches. In accordance with the Disability Access Policy of the Transport Ministry, the national train traffic service must have facilities that ensure that wheelchair users can get help to use a lift to board a train from the platform.

The Law on Bus Services contains the following obligations on accessibility

- 1) Requirements about the number of sitting and standing places in buses etc. for passengers.
- 2) In a city bus there has to be place for at least one wheelchair and there are also requirements concerning access with a wheelchair to the place/places for the disabled and requirements on bus entrance, lifts/platforms and the installation of a button on the outside of the bus that makes it possible for the disabled to communicate with the bus driver. However, none of the requirements under this point (2) apply to buses registered prior to 13 February 2004.
- 3) In a city bus at least four places have to be reserved for “other physically disabled individuals” and next to at least one of these reserved places there has to be space for a guide dog. However, the requirements under this bullet point (3) do not apply to buses registered before 13 February 2004.

Close to all places under points 2) and 3) a “stop-button” has to be installed, which can be activated.

In accordance with the Law on Traffic Companies, the traffic companies are obliged to run transport services for the disabled on behalf of the municipalities for the physically severely disabled persons over the age of 18. This scheme offers individual door-to-door transport to persons who are unable to use the ordinary public transport services because of their restricted mobility. The disability arrangements vary throughout the country with regard to the prices and the service level, but as a minimum 104 trips have to be offered per year at prices that are not significantly higher than the prices that apply in ordinary public transport. Furthermore, handicap organisations have to be included when the arrangements are made.

The disability transport services offered by the traffic companies are meant as transport to leisure-time activities or social events such as visits, participation in social or cultural activities and do not therefore include transport to treatments, therapies and the like, since disability transportation services for such purposes are already covered by other arrangements.

Transport services for the disabled are financed by the municipalities but are carried out by private operators on contracts with the respective traffic company.

In some cases subsidies can be granted for the purchase of a car if the public transport service or other schemes are unable cover the transport needs. This possibility exists when the person’s freedom of movement is substantially reduced because of a disability if the person in question has no car and is in need of transport in connection with employment, education or training. The possibility also exists if access to a car would make the person’s daily life much easier. A disability car can also be granted to children under 18 years old, since the subsidy is not conditional upon the recipient being able to drive a car themselves.

The subsidy for the purchase of a car is given as a loan that corresponds to the price of a small car. A new car has to be purchased. The loan is interest-free and only part of it is required to be repaid, depending on the recipient’s income.

A larger amount may be granted if a more expensive car is needed because of the applicant’s disability if they need more space to get in and out of the car or for necessary aids.

Subsidies are also granted for obtaining a driver’s licence and for the renewal thereof if health conditions make it necessary to renew the licence regularly. If it is not the disabled person does not drive the car themselves, a subsidy may be granted towards payment for the driving lessons of the “driver”.

People whose freedom of movement is greatly reduced because of their disability may obtain special parking cards. The parking card is issued to the person and not for the car, and it gives the right to park longer than under the general parking rules.

For persons with a disability, who have an approval from the municipality to use the driving arrangement for the disabled, it is also possible to be transported from the station to their home. However such travels have to be ordered at least 72 hours in advance.

In recent years, local authorities have opted for extra services for the elderly, PRMs and people with baby carriage in the Copenhagen area. The routes and timetables for these low-floor service buses, which now run in five metropolitan areas, are carefully planned with the help of the citizens. The buses stop at locations such

as housing projects, shopping centres, downtown locations, homes for the elderly, and public buildings. Those with severe physical disabilities are served with a separate fleet of wheelchair-accessible lift equipped minibuses that provide door-to-door transportation.

The paratransit service in Copenhagen was publicly founded in 1979. The service provides door-to-door trips with minivan, including stair assistance. The service is available 24 hours a day, 7 days a week and eligible persons are allowed around 100 trips per year.

In addition to providing certain accessible fixed-route services and paratransit, there are also “service routes”, a hybrid of fixed routes and paratransit, in Denmark. Service routes are operated with small, low-floor vehicles on a designated route and schedule. The routes have been developed specifically to serve a particular clientele, usually senior citizens, and they tend to be neighbourhood oriented, but they are “open to everyone”. Extra assistance is provided by the driver. Usually it is free of charge to ride on the “service” buses.

➤ **Enforcement**

Private enforcement

a) Out-of-court actions

The passenger may submit a complaint against the transport operator in case of delay, interruption in the service, damage or personal injury. Most public transport companies have a complaints department where complaints can be made.

A private Appeal Board for travellers by public transport (*Ankenævnet* for Bus, *Tog og* for Metro) has been established. Thereby passengers can appeal a decision of an operator or a traffic company concerning a filed complaint.

The Appeal Board for travellers by public transport (hereinafter, the Appeal Board) is precluded from taking in a complaint if a Court has made a decision in the case, an out-of-court settlement has been reached between the passenger and the traffic company, or the matter has been settled by arbitration (however an arbitration settlement is only valid if the passenger has been informed about the possibility to apply to the Appeal Board beforehand).

The passenger has to fill out a complaint form on the website of the Appeal Board or they can contact the secretariat of the Appeal Board to receive a complaint form, and pay a complaint fee of DKK 160. If the amount of the complaint is under DKK 160, the complaint fee is reduced to DKK 80. If the decision is in favour or partly in favour of the passenger, if the complaint is withdrawn before the Board meeting, if the complaint is ended by a settlement before the Board meeting or if the Board is precluded from handling the matter, the complaint fee is refunded to the passenger.

After the complaint fee is received by the Appeal Board, the Appeal Board starts the casework.

Thereafter the secretariat gathers information and remarks from the parties and the parties are asked to comment on the information and remarks of the other party.

The case is then decided in a meeting. The President of the Appeal Board can decide a case if it is based on earlier decisions of the Appeal Board on how the case is to be decided.

The decision is made in writing and sent to the parties. There is normally a time limit of 30 days for the implementation of the decision by the parties.

The decisions of the Appeal Board are published on its website. In some cases during the preparation of the case, the Appeal Board can decide not to mention the name of the traffic company but only if there are “special circumstances” in the case that necessitate not disclosing the name. The name of the passenger is never published.

The decision is binding on the transport company unless it appeals the decision with the Appeal Board in writing within 30 days after the decision was sent to the parties. In this case the Appeal Board can send the case to the Danish Consumer Authority (*Forbrugerstyrelsen*) if the passenger requests the Appeal Board to do so. The Consumer Authority can thereafter commence court proceedings against the traffic company on behalf of the passenger. This system is set up so as to avoid situations in which the Appeal Board makes a decision in favour of the passenger and the traffic company informs that it does not want to be bound by it, but where the passenger might not have the funds to start court proceedings against the traffic company.

While the case is being dealt with by the Appeal Board, the traffic company may suspend the case, meaning that the traffic company cannot start any debt collection procedures against the passenger.

Both parties (the passenger and the traffic company) are precluded from commencing court proceedings or taking the dispute to an arbitration tribunal, as long as the complaint is under consideration of the Appeal Board.

If the dispute is subject to court proceedings, or has been submitted to an arbitration tribunal, and the passenger would prefer that it is handled by the Appeal Board, the case is withdrawn from the court or the arbitration is suspended so that the Appeal Board can decide the matter.

If the decision is not in favour of the passenger, the passenger cannot complain to other appeal boards. If the passenger disagrees with the decision of the Appeal Board or the decision of the President of the Appeal Board they can initiate court proceedings.

Furthermore, the Appeal Board does not handle disputes concerning personal injury since such injuries are covered by the traffic company's or the traffic company's contractor's compulsory liability insurance. However this restriction does not apply to railway passengers that are covered by Regulation (EC) No. 1371/2007 (a further condition is that the passenger's personal injury must have occurred on 3 December 2009 or later).

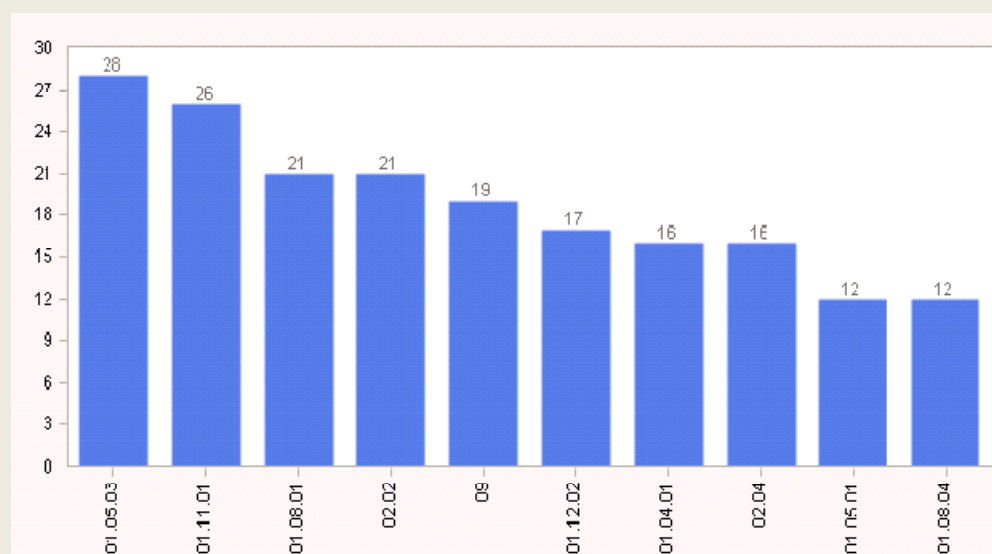
It is the aim of the Appeal Board (hereinafter, the Board) that the time deciding the case should not exceed 6 months from the time when the Board receives the complaint fee to the point where the parties receive the decision in the case. The average casework time in 2011 was 68 days.

Furthermore, the Board has a list of the traffic companies that have not complied with a decision of the Board (and have not started court proceedings). Such information about non-complying traffic companies is removed from the list 12 months after the non-compliance. There are currently no names on the list.

In 2011, the Board registered 284 cases, which is a drop from 2010 when 360 cases were registered. However, the percentage of cases concerning complaints other than about control fees has increased and since such cases are more complicated and time consuming, the average casework time is by and large steady with a small drop on 10 days.

In 2011, the Board held 5 meetings and made 133 decisions.

Top 10 complaints in the registered cases in 2011 are depicted in the following:



01.05.03: Control fee – too few ”zones”

01.11.01 Control fee – SMS ticket. Too few or wrong “zones”

01.08.01: Control fee – no ticket

02.02: Travel time compensation, including taxi bill

09: Casework time

01.12.02: Control fee – bought wrong/used wrong ticket or card

01.04.01: Control fee – the machine could not validate the ticket

02.04: Refund of the ticket price

01.05.01: Control fee –issued ticket

01.08.04: Control fee – lacking immediate ticketing

The Danish Rail Regulatory Body (*Jernbanenævnet*)

The Body supervises compliance with Regulation (EC) No 1371/2007 and was established on 1 July 2010. It is independent from the Ministry of Transport and it is not subject to instruction from the Ministry. The Body can examine complaints on its own initiative or after receiving a complaint.

With regard to passenger rights, the Body deals with complaints concerning rights deriving from Regulation (EC) No 1371/2007 that fall outside of the authority of the Appeal Board for travellers by public transport.

The complaint fee is DKK 4000 and on 1 July 2012, it was decided that the complaint fee is refunded to the complainant if the decision is in their favour.

b) Court Actions

A passenger that has suffered damage or injury may claim compensation against the operator before the Court.

Court proceedings in Denmark are expensive. However, the passenger might be eligible for “free process” (but would have to fulfil requirements such as proof of low income etc.) or the passenger might have an insurance covering all or a part of the legal fees.

As indicated above, if a passenger obtains a favourable decision by the Appeal Board and the traffic company refuses to comply with it, the Consumer Authority, which the Appeal Board submitted to case to, can commence court proceedings against the traffic company on behalf of the passenger.

Public enforcement

The Danish Transport Authority is in charge of the follow-up of performance of contractors.

The Copenhagen bus company authority, Movia, conducts a passenger survey every year to assess the current service and to understand customer priorities. The areas surveyed include the condition of the vehicles, driver knowledge of the network and bus adherence to schedule. The company sets goals for each criterion to determine contract performance. The contractors that meet the standard share a percentage of the contract sum. Operators that do not meet the standards will see a reduction in the contributions. In addition, the contractor must prepare an action plan to ensure future fulfilment of the performance standards.

In Copenhagen the Metroselskabet, the Metro owner, carries out customer surveys quarterly to evaluate the service. Incentives are paid to the metro operator if the quality criteria are met.

➤ **Taxis**

The regulation of the Danish taxi market is extensive and detailed.

There are a number of requirements that apply to the carriers and to the drivers regarding, among other things, economy, professional qualifications and conduct.

All Danish taxicabs are required to have a taximeter that must be activated when starting and turned off upon arrival at the destination. The taximeter shows the fare inclusive of VAT and tipping. Additional payment can be requested if bicycles, prams, suitcases, boxes, etc. have been placed on the exterior of the vehicle and additional payment can also be sought for assistance with luggage or other kind of assistance, and also for waiting time.

Furthermore, taxi drivers are obliged to offer the passenger a receipt with specifications of the journey, including licence number of the car, price, distance covered, and address and phone number of taxi company.

The amount of taxi licences are limited and the number is regulated by the municipal authorities. The aim is that there has to be a sufficient number of taxicabs, and the regulation ensures that there are not too many or too few taxis to serve the citizens of the municipality in question.

There is also a Taxi Board (*Taxinævnet*) for the capital region and it is the Taxi Board's task to ensure that there are satisfying taxi services in the capital region primarily with regard to the number of vehicles, the standard of the vehicles, prices and customer service.

Complaints from passengers in the capital region can be sent to the Taxi Board if they cannot be resolved by the individual taxi company or if the complaints are very complex.

ESTONIA

Introduction

The Country Report was prepared through desk research since we did not receive a reply to the questionnaire.

➤ *National legislation*

In Estonia, the public transport is regulated by laws and regulations at national and municipalities levels. Because of Estonia's small population (1.3 million inhabitants), the report will focus only on urban public transport and tax regulation in Tallinn since the population of Tallinn (400,000 inhabitants represents roughly one third of the Estonian population and is one-half of the entire urban population of Estonia. Moreover, Tallinn's public transport system is unique in Estonia in that it is the only one that includes buses, trams and trolleybuses.

In Tallinn, urban public transport is provided by two companies: Tallinn Bus Company (*TallinnaAutobussikoondis*) and Tallinn Tram and Trolleybus Company (*TallinnaTrammi- jaTrollibussikoondis*). 100 per cent of the shares of these two companies are held by the City of Tallinn. In the beginning of 2012, the Tallinn City Government announced its decision to merge the two companies by the end of the year.

Even though passenger satisfaction surveys are carried out and despite special needs of some groups presumably being taken into account, the regulation of passenger rights remains largely general and abstract.

Estonian national rules on urban public transport can be divided into two groups. The first one concerns the general framework of passenger transport set out in the Law of Obligations Act. The second group comprises acts that were enacted specifically to regulate urban public transport.

The Law of Obligations Act gives a general frame of reference on passenger transport. Its Article 824 defines a passenger transport contract as a contract by which a carrier has an obligation to transport a passenger to a destination with or without their baggage and the passenger has an obligation to pay for the service. The Act also sets out general rules on public transport such as the obligation to compensate for damages, to avoid cancellations of services and to ensure promised reductions.

The special national rules on urban public transport provide a general framework on the organisation of public transport by means of buses, trams, trolleybuses and taxis. These acts stipulate transporters' obligations to ensure the safety of passengers' and their belongings, punctuality and quality of services and timely and accurate information on ticket prices, reductions, timetables etc. The Regulation of 26 May 2004 adds an obligation on municipalities to construct and organise the maintenance of station facilities. The Regulation of 7 June 2000 provides for recommendations to municipalities on the service of passenger transport by buses, trams and trolleybuses with an objective to enhance and harmonise service standards in the public transport sector. It also sets recommended minimum standards to various service quality indicators such as traffic intervals, working hours, distance between stops etc.

In addition, the Estonian Road Administration is working on the creation of the Public Transportation Information Service with the aim of concentrating reliable information on planning, organising, monitoring and use of the public transportation service. The system includes timetables of public transportation lines, information about the service providers, the public transportation permits issued and public transportation stops in a general database. This allows everyone to keep track of the information concerning public transport and guarantees better transparency of the public transport system.

➤ ***Regional/Municipal legislation***

With regards to the regulations at local level, the City of Tallinn has enacted some acts concerning the regulation of the urban public transport and the quality of the service. The most exhaustive of those is the Development Plan for the Tallinn Common Ticket System, Service Level Standards, Investments and Funding Program 2004-2010 that contains measures and aspects to be taken into account when regulating public transport, improving service level standards, raising effectiveness of public transport etc.

For example, the Development Plan enforces the obligation to optimise the timetables once a year according to demand, to invest primarily in modern rolling stocks and to develop quality standards for the vehicles by addressing persons with special needs. In addition, the Plan includes a ticket price policy and a principle that the sum exceeding the planned benefit from selling tickets will be used to improve the quality of the service level.

Also the quality and accessibility of public transport in terms of capacity and adapting it according to demand and to fix ticket prices, reductions and modalities of payment and ticket control.

Moreover, from 19-25 March 2012 the city of Tallinn organised a vote on the question of whether or not to afford free public transport to all inhabitants of Tallinn. 75.5 per cent of the respondents voted for free public transport. The vote gave rise to different opinions and many discussions. On the one hand, it was argued that free public transport would be necessary to increase the use of public transport, to ensure public transport for those who lack financial resources and to improve general life quality by reducing pollution. On the other hand, it was objected, that with free public transport, the quality of the service would decrease remarkably and that the cost of the service would be disproportionately high compared to the benefit gained.

The only commitment imposed on the public transport providers in Tallinn concerning the quality of the service is Annex 3 of the Development Plan regarding service level standards. The Annex sets out requirements including working hours, maximum number of passengers in the vehicles and minimum traffic intervals. These are the minimum requirements imposed but the service providers are free to afford more liberal and passenger-friendly conditions.

➤ ***Public service contracts***

There is no information available on public service contracts in Estonia.

➤ ***Quality Charters***

In Tallinn, there is essentially no service and quality charters or voluntary agreements.

➤ ***Accessibility***

In recent years, Estonia, and in particular Tallinn, has implemented plans to modernise UPT and grant accessibility to all categories of users. In fact, until 2007, Estonia did not have a policy on accessibility to UPT.

The Development Plan 2004-2010 provided for the obligation to invest on accessible vehicles and facilities taking into account the needs of people with disabilities. There is also a project for the new Tallinn Public Transport 2011-2020 Development Plan in progress. Although it largely copies the current Development Plan, it provides for the need to take into account the special needs of children, the disabled and the elderly and to ensure the passengers to their homes, schools, workplaces, leisure areas, shopping centres etc.

All disabled children (until the age of 16), people with extensive disabilities and accompanying persons to the blind and wheelchair users can use public transport free of charge. Subsidies cover the operating costs.

If requested, the staff provides assistance free of charge.

➤ **Enforcement**

Private enforcement

Passengers who have suffered injury or damage to their belongings may submit a complaint before the Court. There are no other specific provisions granting private enforcement to passengers. Regarding voluntary agreements, the public transport providers have not undertaken any self-commitments to grant additional services or compensation to passengers.

Tallinn Bus Company's, Tallinn Tram and Trolleybus Company's, as well as most of the taxi service providers' websites only offer the possibility to submit suggestions or complaints by filling out a feedback form. Officially, the Transport Department of the City Office receives and handles complaints. No information is available on the handling of complaints.

Public enforcement

Monitoring is poor in Estonia. The only survey on the quality of the service that was carried out by the city of Tallinn was published in the Development Plan 2010-2020. These polls reveal that the main problems of the Tallinn public transport are expensive tickets, crowded vehicles, insufficient interconnection and lack of cleanliness. No other surveys were carried out.

➤ **Taxis**

Concerning taxis, two important regulations were adopted in Tallinn. The first one, the Regulation of 3 March 2005 imposes requirements on the vehicles used as taxis and on drivers in the administrative district of Tallinn. It also sets out conditions of service and the rights and obligations of passengers and drivers. The Regulation is an important instrument in protection of passenger rights as it fixes rigorous rules to transport by taxis and fights against illegal taxis. The second regulation, the Regulation of 6 May 2009 institutes the Taxi Commission whose main function is to examine applications for transport licences and vehicle cards for taxis and to control compliance of the applicants with the acts regulating passenger transport by taxis. The Commission's functions also include complaint handling.

FINLAND

Introduction

The Country Report was prepared through desk research since did not receive any reply from the contacted stakeholders.

➤ *National legislation*

Acts and decrees on a national level regulate public transport in Finland. Separate enactments generally regulate the different modes of transport. The most important act in this respect is the Public Transport Act (869/2009) which safeguards the provision of public transport services as a basic service in the whole country. It also aims at increasing the use of public transport in urban areas and in interconnecting traffic.

The Public Transport Act applies to professional public transport on road by buses and to rail traffic for the part of the provision within the field of application of Regulation (EC) No 1370/2007. It also lays down passenger rights provisions.

According to Section 4 of the Public Transport Act, the competent authorities are responsible for defining the service level for public transport in their jurisdiction. The competent authorities are set forth in Section 14.1 of the Act and they include the Centres for Economic Development, Transport and the Environment, which manage the regional implementation and development tasks of state administration, as well as municipal authorities. The Ministry of Traffic and Communications sets the service level for public transport for the whole country, including railway traffic. The Helsinki Region Transport Public Utility sets the service level for railway traffic in its own area of operation.

Furthermore, according to Section 4 of the Public Transport Act, the needs of different groups of population must be considered in the definition of the service level which for a fixed period of time.

Section 6 of the Act lay down the competent authorities' traffic planning principles. The needs of different population groups such as children, young people, women, men, senior citizens and disabled persons must be considered in traffic planning.

Under Section 48, Subsection 1 of the Public Transport Act, a holder of a traffic permit or a consortium of traffic permit holders is obliged to define the quality of the traffic services provided (quality commitment of transport services) and to monitor the fulfilment of the quality commitment. It should be noted that Section 48 only applies to bus traffic but not to rail traffic.

The quality commitment must include definitions of at least the following quality indicators: transport services provided; information about the services, changes in and cancellations of services; tickets and fares; participation in information and ticket systems; information on the vehicles used, whether the vehicles are accessible with wheelchairs, walkers or prams and equipment that facilitates access to the vehicle; measuring customer satisfaction; complaint handling, ticket refunds, rescission of contract, and damages; services for disabled persons and persons with reduced mobility and their assistance as well as how these issues are notified to the public; other means to consider the needs of different groups of population (Section 48(2)).

The quality commitment must be published on the traffic permit holder's Internet pages and it must otherwise be available to the public and passengers easily and free of charge (Section 48(3)). The competent authority and a transport operator may, in a public service contract regulated by Article 4 of the Service Contract Regulation agree that the obligations relating to the service quality commitment lie with the competent authority (Section 48 (4)).

There is public ferry traffic in the city of Helsinki. Chapter 15 of the Finnish Maritime Act (674/1994) applies to transport of passengers and their luggage by ship, including public ferry traffic. According to Chapter 15, Section 10, Subsection 1, the fare paid may be deducted in the following situations: if an interruption in a journey is caused by illness or death of the passenger; if the operation of the ship has been interrupted or the ship has been destroyed; or by virtue of danger of war or rebellion after the start of the journey.

The fare is deducted by an amount determined by taking into account the length of the remaining and agreed journey as well as the time and expenses needed for it. If the carrier has received payment exceeding the amount belonging to it as set forth by Subsection 1, the carrier shall return the exceeding amount (Chapter 15, Section 10(2)).

The carrier is responsible under Maritime Act, Chapter 15, Section 11 for personal injuries caused to a passenger due to an incident that occurred during the journey if the injury resulted from a mistake or negligence of the carrier or someone acting under the responsibility thereof. The same applies to damage caused to passengers for delays, even if the delay was not caused by an incident that occurred during the journey.

The carrier is responsible under Maritime Act, Chapter 15, Section 12, and Subsection 1 for damage caused by lost or damaged luggage due to an incident that occurred during the transportation if the damage resulted from a mistake or negligence of the carrier or someone acting under the responsibility thereof. The same applies to damage caused by delayed luggage, even if the delay was not caused by an incident that occurred during the journey. A delay in delivering luggage to passengers at the destination is considered equal to a delay of the transportation. According to Section 12, Subsection 2, the carrier is not liable to pay indemnity for money, securities, works of art or other objects of luggage of particular value unless the carrier had accepted the said assets for safekeeping.

Section 15, Subsection 1 under Chapter 15 of the Maritime Act sets forth that the amount of the carrier's liability is limited to SDR 175,000 per passenger for a personal injury and to SDR 4,150 for a delay in the transport.

According to Section 15, Subsection 2, the liability for damage to or loss of luggage or delay of transportation may not exceed:

- 1) SDR 1,800 per passenger for hand luggage;
- 2) SDR 6,750 per passenger for an object the value of which the carrier has accepted for safekeeping;
- 3) SDR 10,000 per vehicle; and
- 4) SDR 2,700 per passenger for other luggage.

The liability amounts mentioned in Subsections 1 and 2 above refer to the total liability for all damages caused during one journey. The limitations do not apply to interest or legal expenses (Section 15(3)).

The carrier may, under Maritime Code, Chapter 15, Section 16, Subsection 1, choose to take higher liability by a written commitment than what is provided in Section 15. The carrier is entitled, under Section 16 Subsection 2, to deduct from the amount of damage, as a passenger's responsibility, a maximum of:

- 1) SDR 150 per damaged vehicle;
- 2) SDR 20 of any damage to luggage; and
- 3) SDR 20 of any damage resulting from the delay of a passenger or luggage.

The Finnish Railway Transport Act (1119/2000) regulates railway companies' liability on the basis of a transport agreement. The Act applies to railway transport but not to rail (i.e. metro and tram) transport (Section 1). Commuter train is a mode of public transport in the city of Helsinki. A railway company is obliged to keep the terms on transport of passengers and their luggage available in sales offices (Section 6).

A railway company practicing passenger traffic is obliged to transport passengers and their hand luggage (Section 19(1)). However, no such obligation exists if:

- 1) transportation is obstructed by circumstances that cannot be avoided by the railway company and which the company is not obliged to remove;
- 2) no appropriate transport space can be found; or
- 3) the railway company is entitled to refuse the transportation under another law. (Section 19(2))

Under Section 20, a passenger may carry a limited number of hand luggage in the train free of charge. However, the railway company may collect a fee for live animals carried as hand luggage.

Section 21, Subsection 1 provides that a railway company is liable to compensate passengers for damage incurred due to a delay in train schedules up to EUR 5,000 per passenger. However, there is no liability for damages due to a delay that passengers can reasonably be expected to have observed beforehand on account of the nature of the transportation, weather conditions, the time required for changing the vehicle, or any other conditions related to transportation.

The provisions of Section 21, Subsection 1 apply also if a train is cancelled or if it does not stop at an operating point set out in the timetable (Section 21(2)). A railway company is exempted from liability for damages provided in Subsections 1 and 2 if it can be proved that the company took all reasonable measures to prevent the damage (Section 21(3)).

Nevertheless, the railway company, under Section 5 of the Railway Transport Act, is not entitled to rely on provisions that exclude or limit its liability if the damage was caused by its wilful misconduct or gross negligence.

Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passenger rights and obligations (Railway Liability Regulation) does not apply to interconnecting traffic between Finland and Russia according to Section 8 Subsection 2 of the Railway Transport Act. Further, Article 10 (Travel information and reservation systems), Article 17 (Compensation for the ticket price) and Article 18, Paragraph 2, Sub-Paragraphs a and b (duty to offer meals and accommodation) of the Railway Liability Regulation do not apply to the railway traffic in certain urban areas specified in Section 8, Subsection 3 of the Railway Transport Act. Most of the areas in question are located in the Helsinki metropolitan area with rather short distances.

The Finnish Act on Railway Traffic Liability (113/1999) regulates railway operators' liability for personal damage to passengers and third parties and damage to passengers' hand luggage. As a rule, a railway traffic

operator is strictly liable for the said damages. The Act applies to all modes of railway traffic including train, metro and tram.

➤ **Regional/Municipal legislation**

All Finnish legislation regarding passenger rights is imposed on a national level and there is no regional or municipal legislation on the subject. However, there are regulations adopted by the operators of public transport in different cities as described below.

➤ **Public service contracts**

With regard to PSCs, we examined the situation in the city of Helsinki. There are several modes of public transport in Helsinki: bus, commuter train, metro, tram and ferry to the island of Suomenlinna.

Helsinki Region Transport Public Utility (“HSL”) is responsible for the planning and organisation of public transport services in its member municipalities that, at present, include Helsinki, Espoo, Vantaa, Kauniainen, Kerava, Kirkkonummi and Sipoo.

HSL organises all the public transport services except for the taxi. The production of the services is sub-contracted to transport companies. Several bus companies operate bus transportation including HelsinginBussiliikenneOy, a company owned by the City of Helsinki.

Helsinki City Transport Public Utility (“HKL”) is responsible for providing metro, tram and water transport. HKL also owns Helsinki’s tram lines, metro tracks and metro stations, and plans, builds and maintains the infrastructure (track and stations) required by the public transport in Helsinki.

SuomenlinnanLiikenneOy (“SLL”), a company owned by the City of Helsinki, operates the transport to the island of Suomenlinna. The City’s shares in SLL are held by HKL.

The commuter train traffic is operated by the monopolistic state-owned railway company VR. Quality indicators are included in the sub-contractor agreement called Operating Contract 2006-2017 (*Operointisopimus* 2006-2017) concluded between HSL and VR. A bonus may be paid to train traffic operator VR on the bases of accuracy, customer satisfaction, increase in number of passengers and number of collected fares.

The compensation to VR may be reduced in accordance with the *malus* scheme of the Operating Contract 2006-2017 in case the number of rolling stock available appears to be less than that defined by the traffic operating plan accepted by HSL.

According to the Operating Contract 2006-2017, VR must, every autumn, conduct an assessment of customer service quality criteria. The survey contains three parts: A. Train personnel, B. Quality of the rolling stock and C. Stations and sale of tickets. The results of the survey affect the *bonus-malus* arrangements between HSL and VR.

As laid down by the Operating Contract 2006-2017, inspections on the quality level and cleanliness of the rolling stock are carried out in at least 40 units per month. The inspection consists in three parts: cleaning (floors, walls, doors, windows, equipment, vestibules, toilets and cab); commercial look (exterior painting, walls, floors, vestibules, guides, seats, toilets and windows) and maintenance (heating, ventilation, lightning, driving clutches, public address system, bell, noise level, line sign, stamping devices, external wash).

Helsinki takes part in an international BEST (Benchmarking in European Service of Public Transport) project launched in 2000 with the aim to increase the use of public transport. In 2011, five cities participated in the survey: Helsinki, Copenhagen, Geneva, Oslo and Stockholm.

The public transport in the cities of Tampere and Turku is operated by buses. Both cities organise the public transport by sub-contracting the provision of services to transport companies. Tampere City Transport Public Utility (*TampereenKaupunkiliikenneLiikelaitos*) produces approximately 75 per cent of the bus traffic services in Tampere. TurunKaupunkiliikenneOy, a transport company owned by the City of Turku, produces 16 per cent of the bus traffic services in Turku.

➤ **Quality Charters**

With regard to HSL, the quality standards of its services can be found on its website, which contain information regarding e.g. traffic services, changes to schedules/routes, cancellations, tickets and fares, vehicles, and customer satisfaction surveys. Deviations from normal schedules and routes are clearly notified on the homepage.

Information on departures, which are operated by vehicles (including buses, trains and trams) accessible to persons with a wheelchair, a walker or a pram, can be found on the timetables.

General Travel Conditions which are published on HSL's website offer detailed information relating to e.g. the use of the Travel Card and possible refunds due to personal reasons, refunds due to strikes and other traffic disruptions, penalty fare in case of travelling without a valid ticket and data protection.

Disruptions to transport services, for example a service not running or being delayed or ahead of its timetable, do not generally entitle customers to refunds. Passengers may nevertheless be compensated in case of a substantial disruption to transport services (delayed for more than 30 minutes) if there is no substituting means of transport, based on a case-specific consideration. The principal means of compensation is a price reduction for the season ticket loaded on the Travel Card equalling the duration of the disruption, e.g. a strike. Only in exceptional situations may a reasonable amount of taxi costs be compensated.

Refund is possible in case of changes in the passenger's conditions of life, such as a new place of residence, or work or study place situated outside the area of validity of HSL's regional tickets. Refund is possible also in case of hospitalisation, or in case of death. In case of an accident suffered while travelling with HSL, passenger claims are referred to the operating transport company with statutory traffic insurance. Complaints are usually handled by HSL within two weeks. The estimated total number of complaints is approximately 300 per year.

VR has no liability with regard to railway traffic under Article 10 (Travel information and reservation systems), Article 17 (Compensation of the ticket price) and Article 18, Paragraph 2, Sub-Paragraphs a and b (duty to offer meals and accommodation) of the Railway Liability Regulation within the Helsinki metropolitan area (Railway Traffic Act Section 8(3)).

➤ **Accessibility**

In Finland a Non-Discrimination Act was enacted in 2004, and an ombudsman and advisory board (Ministry of Social Affairs and Health) for victims of discrimination exist.

There is no specific law for accessible public transport but certain other laws deal with the issue. There is no general national standard for Public Transport; however, there are some guiding documents e.g. regarding stops in urban areas, and the national train company has its own standards.

There is a law that requires the municipalities to guarantee mobility for people with disabilities. To comply with this law municipalities provide for people with disabilities a certain amount of trips per month by taxi for the price of normal transport. There is no regular monitoring of the accessibility of public transport on national level.

Municipalities arrange transport services for severely handicapped people to enable them to get to work, study, run errands, to take part in the community and for recreation. Such services are arranged for people whose disability prevents them from using public transport. If necessary, a helper is provided to accompany the client.

In addition to transport to and from work or a place of study, clients are entitled to a minimum of 18 trips a month within their own or a neighbouring municipality. Transport is arranged mainly by taxi through group transport arrangements and transport services are increasing. The fare costs of transport services are the same as for public transport.

Customer service to people with disabilities is generally provided, with assistance to the disabled to get on and off from the vehicles, in particular when a ramp must be activated. Places reserved to PRMs and wheelchairs are always present on the new vehicles. In Finland, the accessibility of public transport vehicles in larger cities is seen as a natural part of service. The accessibility of public transport vehicles in urban areas is quite good; there are only relatively few older buses and trams in operation that are not accessible.

In general, free passes or reduced prices are available to people with disabilities based on the level of disability.

➤ **Enforcement**

Private enforcement

Both administrative and civil procedures are available for enforcement. Legislation defines which option is available at any respective time. Civil procedures are mainly for cases for damages. As an alternative dispute resolution, a complaints may be made to the Office of Ombudsman when services are provided by public bodies. However, the Ombudsman cannot review complaints regarding public utility companies due to their legal nature as private companies.

The procedure regarding the Ombudsman requires that the complaint be made to the Office of Ombudsman. If the complaint is subject to its supervision and if there are grounds to suspect that the authority involved acted illegally or neglected a duty, the Ombudsman can investigate the complaint. Complaints relating to matters over two years old are not investigated after a new amendment regarding Ombudsman came into force in 2011 under Parliamentary Ombudsman Act (197/2002). The complaint must include requirements stated by the law. There is also a complaint form that can be found on the Ombudsman's website. The Ombudsman independently investigates complaints and requests information from officials or authorities. Complaint documents are generally public.

A feedback form can be found on HSL and VR's websites with an option to request an answer. According to VR's website, all customer feedback will be handled and an answer given as soon as possible. Electronic forms are provided by VR for compensation applications.

Public enforcement

The compliance with the quality criteria by the public authority is controlled in various ways. In particular, the authority issuing traffic permits may cancel the permit under Public Transport Act, Chapter 5, Section 34, Subsection 1 in case of severe and substantial breaches or negligence relating to the availability of the service, notifying of prices, vehicles used in traffic or other similar issues.

A warning may be issued instead of cancellation of the traffic permit under Section 35, Subsection 1 of the Public Transport Act if cancellation of the permit would be unreasonable and the breaches, negligence or deficiencies may be rectified or they are minor.

Under the Railway Transport Act, Section 3, a contract term deviating from the provisions of the law to the detriment of a passenger or a person entitled to receive the goods or luggage, is void unless otherwise provided in the Act.

Maritime Act, Chapter 21, Section 5, Subsection 1 sets forth that parties to an agreement on carriage of a passenger or luggage may agree that a claim may only be brought before the maritime court within the jurisdiction in which the respondent resides or has a principal place of business, or where the agreed place of departure or place of destination is situated. An agreement with more extensive limitations to the claimant's choice of jurisdiction under the Maritime Act is null and void.

As it appears from the PSC examined in Helsinki, a *bonus-malus* scheme is included in the PSC and a bonus may be paid to the train traffic operator based on accuracy, customer satisfaction, increase in number of passengers and number of collected fares. Otherwise, the compensation to the operator may be reduced in accordance with the *malus* scheme of the Operating Contract 2006-2017 if the number of rolling stock available appears to be less than that defined by the traffic-operating plan.

In Helsinki, according to the Operating Contract 2006-2017, VR must, every autumn, conduct a customer service quality criteria assessment. The survey contains three parts: A. Train personnel, B. Quality of the rolling stock and C. Stations and sale of tickets. The results of the survey affect the *bonus-malus* arrangements between HSL and VR.

Furthermore, Helsinki takes part in an international BEST (Benchmarking in European Service of Public Transport) project launched in 2000 with the aim to increase the use of public transport. In 2011, five cities participated in the survey: Helsinki, Copenhagen, Geneva, Oslo and Stockholm.

The most recent quality report by HSL was on 1 March 2011 and covers the quality bonus period of autumn 2010. The report reviews the quality of bus, tram and metro services with the criteria set forth in transport service contracts. The level of service at bus and tram terminals, as well as the cleanliness and condition of the buses, trams and metro trains is scored.

Bus services received an average score of 4.93 out of 5.00 for the services provided at the termini and 4.94/5.00 for cleanliness. Tram services received an average score of 5.00 out of 5.00 for the services

provided at the termini and 4.95/5.00 for cleanliness. Metro services received an average grade of 4.98 out of 5.00 for cleanliness while the services at termini were not scored.

Passenger satisfaction with public transport services is measured by HSL year-round by using on-board questionnaires. The latest publication is dated 12 March 2012 and it covers autumn 2011 (1 September - 30 November). HSL's public transport services received an overall grade of 4.01 on a scale from 1 to 5. Either a good or a very good overall grade (4 and 5) was given by 84 per cent of passengers. A poor or very poor overall grade (1 and 2) was given by less than two per cent of passengers. The metro service received the highest overall grade, 4.14, while VR's commuter train received the lowest overall grade, 3.75, given by passengers.

The latest customer-satisfaction survey report regarding the Suomenlinna ferry services covers summer 2011 and was on 9 December 2011. The overall score measuring the performance of the operator was 4.34 on a scale of 1 to 5. The highest score was given for keeping to the timetables (4.68) and for operating without disturbances (4.68). The poorest score was given to the waiting conditions at the departure pier (3.66).

Regarding Tampere, a quality commitment in accordance with the Public Transport Act is published on the website of the Tampere Public Transport Unit. Such quality commitment is also published on the website of the city of Turku regarding the public transport of Turku.

➤ **Taxis**

The Finnish Taxi Traffic Act (217/2007) applies to professional transport of passengers on road by car. The Act regulates taxi permits, the operation of taxi traffic and supervision conducted by the authorities etc. The aim of the Act is to safeguard the availability of high-quality taxi traffic services.

Section 17 of the Taxi Traffic Act defines the quality standards for taxi services. They include rules on the following areas: punctuality; the condition of a vehicle; polite and professional behaviour and appropriate clothing of the driver and the driver's duty to consider customers' special needs; selection of the most appropriate and affordable route; the duty to follow traffic rules and drive carefully; drivers' secrecy obligation; methods of payment; drivers' duty to observe the confirmed or agreed fares; assistance to the customer and assistance with the luggage etc.

The Decree on quality standards regarding the equipment in taxis with unimpeded access (723/2009) regulates the equipment standard of special taxis other than the actual taxis for disabled persons. These taxis are built and equipped especially for the transportation of persons with wheelchairs. The Decree on consumer fares in taxi traffic (778/2011) regulates the maximum chargeable fares in taxi traffic.

Finland's Taxi Association gives overall instructions on how to deal with complaints about taxi services. An unsatisfied passenger should ask for a receipt from the driver. Nevertheless, if the customer does not have a receipt, at least the date, time, area and address relating to the taxi service in question should be known in order to trace the taxi.

Enquiries and complaints with regard to taxi services are primarily referred to taxi inspectors. If there are no taxi inspectors in the area, the feedback may also be referred to a taxi centre or the local taxi association. There are different practices between the cities.

The Taxi Quality Centre is a body operating under the Taxi Association. The purpose of the Taxi Quality Centre is to coordinate and develop the quality of taxi traffic services in the whole country. The Centre defines the criteria for the certificates it awards to the taxi entrepreneurs that are part of their quality system.

A taxi permit may be cancelled under Section 22, Subsection 2 of the Taxi Traffic Act in case of severe and substantial breaches or negligence relating to e.g. the availability of the service, the obligation to carry on taxi traffic, pricing or appropriateness of notifying prices, breach of the obligation of secrecy, handling of customer feedback or a breach of another quality standard under Section 17 of the said Act.

A warning may be issued instead of cancellation of the taxi permit under Section 22, Subsection 5 of the Taxi Traffic Act if cancellation of the permit would be unreasonable and the breaches, negligence or deficiencies may be rectified or they are minor.

FRANCE

Introduction

The Country Report was prepared through desk research and with the replies received from two French users associations.

➤ *National legislation*

The current organisation of local transport in France dates from the 1980s with the “Loi LOTI” (*Loi d'orientation des transports intérieurs*) which manages the local and regional public transport in France. The reform that started in the 1990s completed the reform. In 1995, a Clean Air Act strengthened transport master plans (*Plan de déplacement urbain* or “PDU”) which imposed on local authorities an obligation to draft their own plan. In 1999, the Loi Chevènement encouraged small towns and villages to get together for common administration also for the UPT. At the end of 2000, the SRU Law (*Solidarité et Renouvellement urbain*) was adopted dealing with various subjects including land planning and transportation. With regard to transportation, the SRU Law gave the responsibility of the regional transport organisation to the regional councils, and the Paris regional transport authority was transformed into STIF. For urban and sub-urban transport, a new kind of cooperation between different levels of transport authorities was created.

The organisation of the UPT due to the 2010 reform was incorporated in the Transport Code, which now contains the main provisions on the UPT.

The Transport Code contains provisions regarding the organisation of public transport, the obligations of the operators and the passenger rights, including accessibility.

In general, in France, public transport operators are bound by an obligation of means (“*obligation de moyen*”) and a safety obligation (“*obligation de sécurité*”).

General passenger rights provided by the Code are the right to move in reasonable conditions of access, quality, price and cost (Article L1111-2).

Article L1111-4 provides the right to the users to be informed about the transport means that are available and how they can be used.

According to the provisions of the Transport Code, the transport system must meet users' needs and effectively make the right exercisable to everyone, including those whose mobility is impaired or disabled, to travel and to choose the means of transport, including the right to enforce transportation of property or entrust it to the agency or company of their choice.

Article L2151-1 and L2151-2 set the scope of Regulation (EC) No 1371/2007 in France. UPT on rail were exempted except for the mandatory provisions. Article L2151- 2 provides that urban public transport services on rail have to respect Articles 9, 11, 12, 19, 26 and the first Paragraph of Article 20.

In 2010, the “*Loi du 27 août sur le dialogue social et la continuité du service public dans les transport terrestre réguliers de voyageurs*” provided for the “minimum service obligation”: the authorities competent for the management and planning of urban transport must determine the priorities in case of disruptions to transport, such as strikes, work plans and technical problems, and in the case of climatic emergencies. These authorities must also draft an information plan for the passengers. The companies have an obligation to achieve a result when they implement plans defined by the competent authorities.

➤ **Regional/Municipal legislation**

The Loi LOTI and SRU Law referred the competence of the organisation of local transport to the region, departments and municipalities. The principle of the Loi LOTI was that everybody must be able to travel with public transport modes.

With regard to UPT, the towns are urban transport authorities, i.e. *Autorité Organisatrice de Transport* (“AOT”). Each local transport authority is required to:

- determine a transport policy through a transport mobility plan;
- design the services (routes, timetables and quality);
- determine the fares;
- create and manage the infrastructures and equipment for transport;
- choose the management method of the service and stipulate a contract with the operator.

It is important to point out that in most cases the French competent authorities are the ones who buy the rolling stocks.

The City of Lyon, for example, introduced the following UPT quality indices in its transport mobility plans, which must be respected in the PSC with the transport operator.

- cleanliness,
- information,
- availability,
- hospitality,
- driving skills,
- regularity,
- production,
- environment,
- fare-dodging, and
- certification.

Moreover, the municipalities, the departments and the regions must cooperate to promote the intermodality and coordination among different local transport operators in the framework of the “*schemas de coherence territorial*”.

➤ **Public service contracts**

The Transport Code clarifies the contractual relationship between authorities responsible for the organisation of public transport. Generally, the AOTs choose between two different ways of providing public transport services in France:

- to provide the services themselves directly via a public company (“*régie en droit public français*” or *sociétés publiques locales* since the 2010 law) or
- to delegate the operation of transport services to a private or mixed company.

In the latter case, the operator is chosen through a tender process, based on a specifications document. Most of these contracts are now called “*délégation de service public*”⁹⁶ (hereinafter referred as “DSP”) which is a form of concessions.

In most cases, AOTs choose to contract them out by means of DSP contracts that generally run for five or six years. Therefore, the organising authority and the company operating the public transport network are bound by an agreement that sets out specific and reciprocal responsibilities, along with objectives that are regularly assessed and revised. The company supports the industrial financial risk and all or part of commercial risks related to the use of services (frequency), revenue targets, quality of service (*bonus-malus* system) and/or investments made on transport infrastructure.

The law defines the minimum rules applicable to all contracts. They must mainly specify:

- the duration of the contract,
- the general structure of the service,
- the operating conditions of the services,
- the fares to be paid by passengers.

The DSP Contract provides a set of quality indicators on which both parties agree. These indicators are measurements related to the performance of the public transport operator. In fact, this is an incentive system that consists in rewarding or sanctioning the good or poor performance of the company. Therefore, non-compliance with the obligations set out in the DSP contract entails the imposition of financial sanctions.

Generally, the following criteria are considered for the establishment of such *bonus-malus* system:

- Regularity and punctuality;
- Information to passengers;
- Relation to customer e.g. welcome, availability;
- Accessibility;
- Cleanliness;
- Comfort

⁹⁶ DPS was introduced by Law No 93-122 dated 29 January 1993, also known as the “*Loi Sapin*.” The main goal of this legislation was to moralise public contracting.

The PSC, valid until 2016, between SYSTRAL, the local transport authority of Lyon, and KEOLIS Lyon, for example, contains a *bonus-malus* scheme and an annex detailing the quality criteria to be complied with and the related financial compensations to passengers in case of non-compliance by the operator. The quality indicators mainly concern cleanliness, information to passengers, availability, hospitality, regularity, production, environment, and certification.

In the Ile-de-France region, the only private transport operator that has a contractual relationship with STIF is OPTILE. Even though the relationship between STIF and OPTILE was already disciplined through some financial conventions, the first real contract was signed between STIF and OPTILE only in April 2007 and covers a period of 10 years.

This contract provides for two different contractual phases.

The first part of the contract (« de Type I ») took place between 2007 and 2010. Its objectives were to guarantee the continuity of the use of bus lines, to improve the quality of the offer and service and to improve the transparency of public service compensations and costs suffered by the operators. The second phase (contract « de Type II ») covers the following 6 years.

This is a true public service contract where the commitments of the company are individual and the financial contribution is defined based on the cost of the service.

Furthermore, the companies are encouraged to improve their performance through the adoption of a *bonus-malus* financial incentive mechanism.

The main effect of this contract has been the harmonisation of the bus line standard offered in Ile-de-France. The contract provides for certain objectives to be achieved concerning the regularity and the reliability of the offer of bus lines and the quality of the service.

As for the reliability of the offer, three main commitments were agreed. First, the companies are encouraged to improve the regularity of their bus lines through imposing of a financial sanction if the service is not provided or its continuity is hampered in case of *force majeure*. Moreover, during strike periods the company must provide alternative services and provide users with future traffic information at least 24 hours in advance. A financial penalty is imposed if 70 per cent or more of the service is not provided.

As to the quality of the service, 10 quality standards were introduced to improve the passenger information, the accessibility of persons with reduced mobility and fraud detection.

First of all, the passenger static and dynamic information will be improved. The bus itinerary will be better indicated on boards with timetables and frequency of the line, the name of the company and the description of the itinerary. Moreover, companies must complete the information on the AMIVIF community database providing news on their bus lines to give better-integrated information to the passengers.

Secondly, the buses must comply with some cleanliness and comfort standards. For example, the age of the bus will be taken into account and buses that are older than 15 years may not circulate.

Thirdly, as to the driver, he will comply with civic and courtesy rules and with a list setting out 7 types of conduct that are prohibited.

➤ **Quality Charters**

There is no official obligation in France to adopt a quality service charter. We examined the SNCF Charter and the SYSTRAL Charter.

SNCF is committed towards customers to ensure:

- The security of travel, physical integrity of the passengers and staff through the adoption of high standard security criteria;
- Punctuality of the service;
- Information: In ordinary situations, SNCF provides the passengers with all the information necessary for their travel.
In case of accidents or disruption of the service, the company will provide all the information necessary to explain the problem and continue the travel with other means of transport. In case of a strike, SNCF is committed to inform the passengers in advance of the minimum service offered;
- Modern services and vehicles, and stations cleaned, with a particular attention to PRMs;
- Mobility: the company will take all possible action to restore the perturbed traffic in case of accident or exceptional events;
- Equity and non-discrimination;
- Cooperation and intermodality;
- Social dialogue with the purpose to reduce the number of strikes;
- Innovation;
- Environment

No information is provided on the submission of complaints and their handling.

For the Urban Community of Lyon, the Quality Charter of SYTRAL centres mainly on six key areas:⁹⁷

- Travel times,
- Passenger information,
- Hospitality and Reactivity to Passengers,
- Comfort and cleanliness,
- Accessibility,
- Respect for the environment.

➤ **Accessibility**

Article L1112-1 and the subsequent articles of the Transport Code, introduced by Article (V) of Ordonnance No 2010-1307 of 28 October 2010, establish that all the public transport must be accessible to PRMs or people with disabilities. The authorities organising the public transport must put in place a programme to ensure the accessibility of all means of transport. Furthermore, the law provides that when an authority or an operator buys new vehicles, they have to be fully accessible. If it is not possible to have a fully accessible infrastructure, the authority has to provide an alternative means of transport for the disabled people.

⁹⁷ SYTRAL's Quality Charter is available on the following website: <http://charte-clients.tcl.fr> (last visited on 7 June 2012).

The Handicapped Person's Orientation Act (Law No 75-534 dated 30 June 1975) specifies that regulations should be adopted progressively to adapt, plan and manage all public transport services (both infrastructure and vehicles). The Transport Code also determines the principles of accessibility.

Act Nos 91-663 (13 July 1991) and Decree Nos 94-84 (26 January 1994), together with the implementing Order and Circular, confirm and detail further the accessibility obligation for all facilities for the public (in particular, public transport stations and stops). This applies both to new constructions and to modifications or extensions of existing ones. The different measures are set out in the "*Code de l'Urbanisme*" and the "*Code de la Construction*".

French Law No 2005-102 of 11 February 2005 on "equal rights and opportunities, participation and citizenship of the persons with disabilities" amended the Act of 30 June 1975 and is currently the main text dealing with accessibility of public transport systems.

It establishes, among other rights for disabled people, the right of access to buildings and to public transport. Article 45 stipulates that public buildings must not only be accessible, but must also ensure a continuous chain of access: access to railway stations, public transport, kerbs and ramps. All rented housing, public buildings and public transport should be made accessible by 2015.

The ministerial directive dated 13 April 2006 deals with the application of provisions related to the accessibility to public transport service set out in Article 45 of the 2005 Law.

Public transport authorities (PTA) must include an accessibility appendix in their urban transport plan (*PDU*s – "*Plan de Déplacements Urbains*") and in which a timetable for implementation of accessibility measures is set out.

If, for technical reasons, access cannot be achieved, an alternative transport service must be made available within three years by PTAs (Article L. 1112-4, Transportation Code).

The 2005 Act and the 2006 ministerial directive on its implementation set out the obligations of alternative transport services.

- The alternative transport service must be suitable to meet the needs of people with disabilities and reduced mobility (Article L. 1112-4, Transportation Code)
- The fare may not be superior to the one charged by the existing public transport which cannot be made accessible to them (Article L. 1112-4, Transportation Code)
- As the alternative transport service has the object of substituting a public transport, it must be made available and accessible to the public.

Annex 11 of the Decree dated 3 May 2007 modifying Decree of 2 July 1982 on passenger public transport sets out rules on audio and visual information (signals) that must be made available to disabled people. This is an integral and important part of accessibility.

Other aspects of accessibility to urban transport services include:

- The award of a driver's licence with the status of "*accompagnateur*."

This is applicable for transport services specifically organised for persons with disabilities or reduced mobility and where the driver has to assist the passenger beyond the simple use of the vehicle's equipment (e.g. the use of elevator, etc.). This is only applicable for vehicles that have no more than 10 seats. Provisions are set out by the "*Accord du 7 juillet 2009 relatif à l'emploi de conducteur accompagnateur.*"

- Priority Access for persons with disabilities.

The French Code des Transports sets out the provisions related to the right of priority access for persons with mobility handicaps in public transport (Article L1112-8, French Code des transports). The "*Code de l'action sociale et des familles*" sets out the modalities related to the priority access in public transport (Articles L. 241-3 and L. 241-3-1).

- Access to public transport for guide dogs: compulsory and free-of-charge (Article L1112-9 of Code des transports; Article 88 of the French Law No 87-588).
- Special Fares are applicable to persons with mobility handicaps (Article 123 of the Law of Solidarity and Urban Renewal).

In some cities initiatives have been adopted to measure the level of accessibility of the UPT.

For example, the Urban Transport Plan (UTP) in Lyon covers the territory of the 55 municipalities of the urban community of Lyon. It defines the mobility management policy on the territory for a period of 10 years, with a revision foreseen every 5 years⁹⁸.

The measures taken for specific needs (handicaps, poor resources) and to ensure equity and fair transport (accessibility) are the following:

- accessible tariff system (65 per cent to 85 per cent reduction for the poorest).
- accessible transport (elevators, accessible bus platforms, accessible buses, tramway).
- transport upon request for people with serious disabilities - services available in the whole territory.
- same tariffs in the entire territory.

With regard to SNCF certain categories of people (e.g. war veterans) and persons accompanying have special fares according to their degree of invalidity⁹⁹. Persons accompanying a disabled traveller with a degree of invalidity over 80 per cent obtain a reduction of 50 per cent and are allowed to travel free if the invalidity card of disabled people person has an indication "Accompanying Person". Furthermore, people in wheelchairs are systematically upgraded to first class.

➤ **Enforcement**

Private enforcement

In case of dispute, the passenger may apply for the "mediation" procedure. The main transport operator companies, SNCF and RATP, have established a mediation service, which resolves disputes amicably when

⁹⁸ BOSSUET, P., (2007), "The Urban Transport Plan in the Urban Community of Lyon," Osmose Case Study produced in the framework of the Pilot project (2005-2007). The study is available online at <http://www.osmose-os.org>

⁹⁹ SNCF's table on the fares applicable to persons with disabilities is available online on the following link: http://www.voyages-sncf.com/guide/voyageurs_handicapes/preparation-voyage/prix/ (last visited 8 June 2012).

they cannot be solved through the various customer services. Mediators are independent of other services. SNCF and RATP re-examines the travellers' records, which may lead the operators to review their positions. The principal French association of users, FNAUT, signed agreements with SNCF and RATP that allow them to either introduce or refer to their respective mediators to find solutions in case of disputes that would persist between the user and the operator.

The Mediateur in the UPT

A "mediation" service was introduced by SNCF and the RATP to resolve amicably disputes between the transport operators and the passengers when they cannot be solved through the customer services. SNCF and RATP Mediators are independent from the other services.

The task of the Mediators at SNCF and RATP is to re-examine the travellers' records, which may lead the operators to review their positions.

Once the complaints have been referred, the Mediator gives an opinion in two months for the SNCF and in 45 days for the RATP.

The principal French association of transport users, FNAUT, signed two agreements with SNCF and RATP that allow them to refer to their respective mediators to find a common solution in case of disputes that would persist between the user and the operator. FNAUT has a "filter" role between the company and the passenger and it gives advice to the passengers on complaints. In particular, FNAUT verifies that the submission is consistent and that all the information and documents are included in the file.

The passenger may also submit the complaint directly to the Mediator.

The reasons for the submission of complaint to the Mediator are the following:

- the bad organisation of the journey by the transport operator;
- the passenger suffered injuries or damages during the travel and intends to claim for compensation;
- strikes or late running of the transport which have caused the passenger inconvenience and costs for which he requires reimbursement;
- the bad quality of the service, which forced the passenger to travel in bad conditions.

One of the most frequent reasons for complaints are fines on the passenger when the passenger considers that a fine is not warranted. If the passenger refuses to pay a fine imposed by the controllers, they draw up minutes that can be opposed before the Mediator within two months.

Before contacting the mediation service the passenger must submit the complaint to the UPT customer service.

In general, when a complaint is submitted regarding a fine or poor performance of the transport contract by the operator, must FNAUT try, as a first step, to reach an amicable solution with SNCF or RATP service? In some cases mediation is possible but certain conditions must be fulfilled: the passenger is in good faith, it is the passenger's first complaint to SNCF/RATP, a written reply to the operator is considered unsatisfactory and the passenger has adhered to FNAUT

If the abovementioned conditions are satisfied, FNAUT starts the mediation procedure. FNAUT keeps the passenger informed on the development of the procedure until it ends.

Where the mediation service is not possible or the passenger is not satisfied, the passenger may submit an action to the Court. The passengers have to produce evidence that they paid their ticket and that they suffered damage.

The Court claim may be submitted for the following reasons:

- to obtain compensation for harm suffered in case of poor organisation of the trip.
- to obtain compensation for injury or damage.
- to obtain a refund of expenses incurred in case of strikes or delays.
- lost luggage.

In case of accident or damages, Law No 85-677 dated 5 July 1985 to improve the situation of traffic accident victims and to accelerate compensation procedures applies for bus services. With regard to rail services, the rules are set out by the Courts.

In case of violation of the provisions on accessibility, under Decree of 26 January 1994 and its implementing regulations, a licence to operate may be withheld if accessibility rules are not complied with.

The Code of Criminal Procedure provides that all associations representing disabled people have the right to claim civil damages in criminal cases of non-compliance with accessibility rules.

Under Article 45-1 of French Law No 2005-102 dated 11 February 2005, public transport authorities had three years from its publication to establish a complaint system enabling persons with mobility handicaps to express their dissatisfaction about the standard of service or any issue encountered in the course of their trip using public transport services.

Submission of complaints to the UPT transport companies is always possible. The companies inform the passengers on the possible means to submit the complaints. No information was found at the time of reply.

Public enforcement

The activities of the transport operators are monitored by the authorities that carry out surveys, usually quarterly, on the compliance with the quality and performance criteria by the transport operators if the UPT operators have a *bonus-malus* scheme or quality incentives. Penalties are imposed by the authority on the operators if they do not fulfil their contractual obligations and in case of disruption, if they do not respect the planning and information obligations imposed by the legislation on “minimum service”.

The “Autorité de la qualité de service dans les transports (AQST)” – Authority for Transport Service Quality

The recent legislative Decrees No 2012-211 of 14 February 2012 and No 2012-216 of 15 February 2012 established the Authority for Transport Service Quality and its online platform that enables users to access statistical data regarding delays, cancellations and lost baggage during journeys starting and/or finishing in France.

In fact, the fundamental purpose of the Authority for Transport Service Quality is to improve the quality of air, land and maritime transport services throughout the country by providing a clear and transparent information system to all users. Particular emphasis was placed on the continuity and punctuality of the service and the quality of the information provided to users in case of delay or interruption in the service. It also provides information on passenger rights and the enforcement of these rights.

At the moment, the online platform contains information on long-distance trains and planes only. It is foreseen that the website will also feature information for TER regional trains, urban transport, coaches and boats but no date has yet been set for that.

Involvement of passengers and AUT in the management of the urban rail transport

With regard to the urban public transport in France, notably those via rail (including trains, tram, metro) the SRU Law provided the opportunity to create the *comité de lignes*, composed by representatives of users, transport operators and the communities concerned to discuss problems or improvements desired by users more concretely.

These committees were created also at city level with the main operators of urban public transport in the Ile-de France, SCNF and RATP. The STIF *"in its capacity as the organising authority, in respect of the principle set out in the charter on the functioning of the committees, will establish these committees according a schedule to be set every six months by the monitoring committee. STIF will present to these committees its policies on the development and coordination of transport, on development of rolling stock and improved quality of service on the lines"*.

A relevant part of the Transport Code concerns the organisation of the UPT previously included in the Loi LOTI that requires drawing up a UPT plan by the competent authority in consideration of the opinion of the parties involved.

The representatives of the professions and public transport users as well as associations of people with disabilities or whose mobility is reduced, chambers of commerce and industry, and recognised associations of environmental protection referred to in Article L. 141-1 of the Environmental Code, may submit their opinion on the project.

➤ **Taxis**

According to the Transport Code a taxi is a vehicle with up to nine seats, equipped with a taximeter and lights and providing transportation of passengers and their luggage. For operation, the individual or the company must hold a parking permit issued by the Mayor of the municipality of attachment. In Paris, the vehicle must have a sealed plate, visible from the outside, right side of the vehicle, stating the municipality of attachment and the authorisation number. On the illuminated sign the word "TAXI" and the name of the municipality of attachment must be displayed. The driver must be able to present a Municipal parking permit.

Rules and regulations related to the activities of taxis aim at offering quality taxi services that meet the needs of users, at an accessible price, and which are an integral part of public road traffic.

These rules include:

- Access to the profession. The examination (test) may focus on the transportation of persons with mobility handicaps (Annex 2 of the French Decree dated 3 March 2009 related to the organisational procedures for the examination of the certificate of taxi professional competences).
- General provisions on the activities and profession of taxi driver are set out by Article L3121-1 of the French *"Code des transports"* and Articles L. 2212-2 and L. 2213-3 of the French *"Code Général des collectivités territoriales"*.

- Setting rates and tariffs is governed by Article L. 410-1 of the French “Code de Commerce.”

In addition, continuing education of taxi drivers must also focus on the development made in the field of rules and regulations related to transport of persons with mobility handicaps (Article 1 of the French Decree dated 3 March 2009 on the continuing education of taxi drivers).

One of the rights specified in the legislation for passengers is the right to choose the route they prefer.

In case of complaints, the claims must be submitted to the taxi company, the taxi service, the local prefecture or to the local branch of the competition, consumers and anti-fraud agency.

GERMANY

Introduction

The Country Report was prepared through desk researches and with the reply to the transport operator questionnaire from a German UPT operator.

➤ *National legislation*

Germany is considered an example of successful policies for promoting public transportation through regionally integrated timetables and fare structures, as well as high levels of service with modern attractive rolling stock. German urban public transport (UPT) has been studied as a UPT model in other countries, especially the United States, since its integration at regional level is an excellent model for countries with large urban and suburban areas.

Though a variety of legislation on public transport exists in Germany, it has to be emphasised that most of the relevant provisions governing UPT are of administrative nature and do not directly apply on the relation between a customer and an operator. The rights and claims of passengers mainly derive from general civil law, predominantly the German Civil Code (*BürgerlichesGesetzbuch/BGB*). Additionally, the Civil Liability Act (*Haftpflichtgesetz/HPf/G*) applies especially in respect to damages claimed by rail road and tram passengers.

The current legal framework for the urban public transport sector distinguishes between two forms of UPT with different regulatory framework:

- The urban public transport with trains (*Schienerpersonennahverkehr/SPNV*) which includes, according to the railway act, regional trains and S-Bahn transit with short distance transport as a regulatory framework;
- The remaining urban public transport (*ÖffentlicherStraßenpersonennahverkehr/ÖSPNV*) which includes all the remaining public urban transport systems: trams, trolleybuses, buses. Trams also include aerial railways, underground and cable railway but not the suburban railway (S-Bahn transit). The main regulatory framework is the Passenger Transportation Act.

The legal framework at national level includes three Federal laws and special regional laws of the Federal States:

the *Regionalisierungsgesetz des Bundes*, which is the basis for the regional acts of the Federal States; the Common Railroad Law (*AllgemeinesEisenbahngesetz*) concerning railway traffic;

The Passenger Transportation Law *Personenbeförderungsgesetz* concerning urban public transport without trains.

The most important piece of legislation governing the law on passenger transportation in Germany is the Passenger Transportation Act (*Personenbeförderungsgesetz/PBefG*). It is applicable to road transport as well as tram transport. Regular rail transport is governed by the General Railway Act (*Allgemeines Eisenbahngesetz/AEG*) and in case of damages by the Civil Liability Act (*Haftpflichtgesetz/HPfLG*).

When travelling via rail, Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights applies, while for travellers using road transport and tram transport no such uniform legislation exists as of today.

The Passenger Transportation Act primarily states that Public Transport may not be offered without a specific authorisation and stipulates that operating public transport without the relevant authorisation will result in a fine of up to EUR 20,000 (Section 2, 61 Paragraph 2, the Passenger Transportation Act).

An authorisation will only be available for a limited period. For road transport with buses, it may not exceed eight years (Section 16 of the Passenger Transportation Act). After this period, a new application is necessary. Once authorised, the operator is obliged to offer transport to any potential customer if the regulatory framework is not violated (Section 22 of the Passenger Transportation Act), and no exemption applies¹⁰⁰. Furthermore, once the authorisation is issued, the operator is obliged to keep up with services at all times in accordance with the applicable technical standards, Section 21 I of the Passenger Transportation Act.

Under Section 25 of the Passenger Transportation Act, if the operator does not comply with the legal requirements, its operation licence will be revoked unless the operator can prove compliance. Not only is compliance with legal requirements of importance for the validity of the licence, the operator will have to fulfil his financial duties, too.

The operator is required to issue a timetable for the transport offered, which has to be authorised by the competent authority (Section 40 I, Paragraph 1 of the Passenger Transportation Act). It has to clarify the starting point, destination and route.

On the basis of the Passenger Transportation Act, the Federal Ministry of Transport enacted with consent of the Federal Council (*Bundesrat*) the Regulation on General Conditions of Carriage (*Verordnung über die Allgemeinen Beförderungsbedingungen für den Straßenbahn- und Obusverkehr sowie den Linienverkehr mit Kraftfahrzeugen/ BefBedV*). In addition, the relevant authority must approve the conditions of carriage that each transport company may develop.

Specific legislation concerning passenger rights in case of under- or non-performance of the operator only exists with regard to rail transport. Here, Regulation (EC) No 1371/2007 is applicable.

However, with regard to travel on road or tram, the Regulation is not applicable. Accordingly, passenger rights are limited to those granted by the general civil law, e.g. Section 823 and following sections on Tort of the German Civil Code. Most notably, under or non-performance may lead to contractual claims under Section 631 of the German Civil Code.

¹⁰⁰ Such can be found in the Regulation on the Operation of Motor Carriers in Passenger Transport (*Verordnung über den Betrieb von Kraftfahrunternehmen im Personenverkehr / BOKraft*), the German Ordinance on the Construction and Operation of Rail Systems for Light-Rail Transit (*Verordnung über den Bau und Betrieb der Straßenbahnen/ BOStrab*) and the German Regulation on General Conditions of Carriage (*Verordnung über die Allgemeinen Beförderungsbedingungen für den Straßenbahn- und Obusverkehr sowie den Linienverkehr mit Kraftfahrzeugen/ BefBedV*).

It has to be emphasised that in the majority of cases, even a violation of Section 631 of the German Civil Code (e.g. under or non-performance of contractual obligations by the operator) does not lead to an entitlement, reimbursement or compensation. This is due to Section 16 of the Regulation on General Conditions of Carriage (*Verordnung über die Allgemeinen Beförderungsbedingungen für den Straßenbahn- und Obusverkehr sowie den Linienverkehr mit Kraftfahrzeugen/ BefBedV*), which relieves operators from their liability for damages or disadvantages that follow from delays, service breaks or interruptions or non-performance due to insufficient space in the medium of transport. Nevertheless, if no transport is provided at all, sold tickets have to be refunded (Section 10 of the German Regulation on General Conditions of Carriage).

Several regulations applicable to road and tram transport also apply to regular rail transport. Accordingly, operators are obliged to render their services to any potential passenger (Section 10 of the General Railway Act). Fares have to be authorised (Section 12 of the General Railway Act). The issuing of operating licences is usually limited, and can be revoked if the operator does not comply with the relevant legislation (Section 6, 7 of the General Railway Act).

However, the liability is excluded in case of *force majeure*.

In addition, each railway company has their own conditions of carriage. The conditions of carriage determine the rights and obligations of transport companies and passengers.

➤ **Regional/Municipal legislation**

Since 1996, within the federal structure of Germany, the Federal States have been formally in charge of the public transport system. The intention is to tie together the responsibilities for planning, organising, and financing the entire public urban transport to provide an integrated and adapted offer to the passengers. Municipal transport companies under the local authority carry out the urban public transport. Local authorities and municipal transport companies regulate the quantity and the quality of transport.

In particular, they set the price, the level of the investments and the employment conditions. For the formal definition of public transport service according to the quality demands and the legal regulations, there are the “*Zweckverbände*” (single-purpose administrative associations) at public administration level.

Granting the concession among competing companies is organised at the management level by the “*Aufgabenträger*”. These organisations often include transport networks (*Verkehrsverbund*) which regulate the coordination and scheduling of the urban public transport service and the comprehensiveness of the ticket system (according to the idea that passengers only need one ticket for travelling in an area even if they have to change the tram, bus or railways). Since the reform, most metropolitan areas have integrated transport systems and fares.

The service on the transport lines is provided at the operator level. We analysed the situation in two cities, Berlin and Frankfurt. For the detailed description of the City of Berlin, please see Chapter 5.2.2 and Annex 3.

In the State of Hesse, including the City of Frankfurt, the Act on Local Public Transport in Hesse (*Gesetz über den öffentlichen Personennahverkehr in Hessen/ ÖPNVG*) applies.

Similar to the Act on the Tasks and the Development of Urban Public Transport in the State of Berlin, the Hessian Act does not aim at granting rights to passengers, but rather governs the general framework for

planning; organisation and financing of local public transport in the State of Hesse (see Section 1 of the Act on Local Public Transport in Hesse).

At regional level, the city of Stuttgart and the Deutsche Bahn have formed a regional public transit authority, Stuttgart Transport and Fares associations (VSS), to coordinate fares and services, oversee marketing and public information and plan the transport service. The common regional fare system encompasses more than 40 private bus operators who have joined VVS. The fare structure is zoned and applies uniformly to bus, light rail and commuter rail modes. Stuttgart has implemented project STORM (Stuttgart Transport Operation by Regional Management) which involved monitoring six key areas: travel information and booking, dynamic park and ride information, travel link information for bus and rail, individual route guidance, freight and fleet management and emergency calls from vehicles.

➤ **Public service contracts**

German law does not expressly regulate the technical requirements and quality indicators. The award of PSCs, however, must comply with Regulation (EC) No 1370/2007 when public service compensation is involved. Nevertheless, there are regulations that potential operators have to comply with if they want to operate public transport. The German situation of PSCs in UPT is quite peculiar, since the Passenger Transportation Act made a distinction between UPT in quasi-cost covering transport service and transport service of public interest. This first model is financed through tickets, and the owner of the operator (i.e. the local authorities) compensates for the deficit. This kind of compensation is not considered as allowance by German law but as “an income under commercial law” and the service is not awarded through a public tender procedure. This situation led to the famous *Altmark* judgement of the General Court of the European Union.

Hence the German financing model was allowed and few transport services of public interest must be awarded by competitive tendering.

With regard to the quality criteria to be included in the contracts, the Passenger Transportation Act (*Personenbeförderungsgesetz*) and the General Railway Act (*Allgemeines Eisenbahngesetz*) establishes several requirements:

Section 13 I of the Passenger Transportation Act (*Personenbeförderungsgesetz*) states that the “safety” of the operations has to be ensured before operators may be licensed.

Sections 7a I and II of the General Railway Act (*Allgemeines Eisenbahngesetz*) requires operators of railroad systems to possess a safety certificate, which can only be obtained if the operator complies with Directive (EC) No 49/2005. Nevertheless, there are certain exemptions for regional transport (Section 7a I S.2 General Railway Act).

➤ **Quality Charters**

Many regional transport associations (*Verkehrsverbände*) have introduced specific guarantees, granting the passenger the right to use a taxi or a long-distance train at their expenses if their bus or train is delayed by more than 20 minutes. Furthermore, cleanliness and punctuality are often covered by those guarantees. Transport networks or associations usually extend over several rural districts or include larger urban areas. The passenger will need only one ticket to travel within the association’s area. Furthermore, the associations

offer a better route network and provide uniform information and tariffs. Nationwide there are approximately 50 public transportation networks in Germany.

North Rhine-Westphalia is the first German state to offer a uniform solution for the entire state by initiating the “mobility guarantee NRW” (*Mobilitätsgarantie NRW*). This guarantee covers punctuality for the eight biggest regional transport associations throughout North Rhine-Westphalia (*VRR, VRS, AVV, VGM/VRL, OWL, VPH, VGWS, VGN*).

Moreover, regional transport associations and providers adopted their own quality charters or customer guarantees. The transport association for the Münster region (*VerkehrsgemeinschaftMünsterland/VGM*) for example recently renewed their customer guarantee (*VGM-Kundengarantie*), which includes punctuality, information, cleanliness and response to customer complaints.

Within the greater Dresden, Saxony region (*VerkehrsverbundOberelbe/VOO*) the customer guarantee covers punctuality, connections, cleanliness, information and response.

In Munich, the municipal transport authority (*MünchnerVerkehrsgesellschaft/MVG*), which is part of the regional transport association (*MünchnerVerkehrs- und Tarifverbund/ MVV*), has been offering a punctuality guarantee named “MVG guarantee” (*MVG Garantie*) since 2000. For a delay of 20 minutes or more the customer will get his money back. The guarantee is limited with reference to extreme weather conditions, blocked roads, strikes, illegally parked cars etc.

City of Frankfurt

The Rhine-Main-Traffic-Association (*Rhein-Main-Verkehrsverbund/RMV*) is a parent company responsible for the coordination of individual transport operators. However, the main responsibility for the particular realisation of public transport lies with the Local Public Traffic Transport Frankfurt Main LLC (*traffiQLokaleNabverkehrsgesellschaft Frankfurt am Main mbH*), which is responsible for issuing transport licences to the relevant transport operators (currently seven).

The Rhine-Main-Traffic-Association has set up its own Conditions of Carriage. As passengers usually enter into a contract with the relevant transport operator, those Conditions of Carriage will only apply in addition to the relevant conditions of carriage of the respective transport operator (see Section 1, Paragraph 2 of Conditions of Carriage of the Rhine-Main-Traffic-Association).

The rights granted to passengers therein are comparable to those granted by the Transport Association of Berlin and Brandenburg; in case of rail transport, that is to say when Regulation (EC) No 1371/2007 applies, the Terms of Transport refer to compensation in accordance with the Regulation. Where the Regulation is not applicable the general rules of the German Civil Code (Section 823 and following sections) apply.

In addition, the Rhine-Main-Traffic-Association and its relevant partners operating in the city of Frankfurt have introduced the “10-minutesguarantee” (*10-Minuten-Garantie*), granting their passengers the right to have their tickets refunded if their transport is delayed by 10 minutes or more. Single fare tickets will be fully refunded; if monthly or weekly passes are used, the passenger will be refunded proportionately.

The process of reimbursement, however, is arduous. Passengers have to complain about the delayed service online via the Rhine-Main-Traffic-Association’s website, where they have to file a form. In case they are

eligible for a refund, they will be informed and can thereafter visit the operator's nearest office and collect their refund in cash.

In addition to that, holders of personalised annual tickets are given a "mobility guarantee" (*Mobilitätsgarantie*) by the Rhine-Main-Traffic-Association. This guarantee's goal is to prevent passengers on regional means of transport from being stuck because they have to stick to the vehicle they are on (since their respective annual ticket does not cover other forms of transport).

The mobility guarantee applies if either the passenger suffers a delay of more than 20 minutes on one single ride or if they suffer a delay of more than five minutes which leads to an overall delay (taking into account other means of transport that form the respective passenger's journey) of more than 20 minutes. The passenger is then entitled to make use of either long-distance trains or a taxi.

However, this guarantee predominantly covers regional train and long-distance bus routes outside the City of Frankfurt or those used by commuters to make their journey into the city. For transport within the city limits, its scope of application is quite narrow.

In case of non-performance, no relevant quality charter exists. It has to be said though, that several provisions concerning the reimbursement of paid tickets in case of not being able to travel exist. For example, the ticket price may be refunded in cases where the passenger bought a ticket in advance which is valid for more than one day but the passenger is unable to travel or if the passenger bought a one-way ticket but the transport could not be carried out due to reasons falling within the sphere of the transport operator, Section 9, Paragraph 1 of the Conditions of Carriage.

➤ **Accessibility**

Since the change in the federal law in the early 1990s providing that disabled peoples should have equal rights, a social national law (*Sozialgesetzbuch*) was drafted, where the integration of disabled people becomes a legal requirement. This refers also to accessibility of the public transport system. In general, the requirements for barrier-free UPT transport are set at federal level. The institute of design without barriers and mobility developed a guidance document for public transport vehicles. This is mainly used in the call for tenders.

A new national anti-discrimination law has been in place since 2006 (*Allgemeines Gleichbehandlungsgesetz/AGG*).

The regulation is mainly at federal state level, e.g. *Hessisches OEPNV Gesetz*, and is a law to regulate the accessibility to public transport in the federal state Hessen. It includes general guidelines on the level of accessibility. However, the technical specifications are not part of the law. These are developed by the '*Hessisches Strassen- und Verkehrswesen*'. All public transport funding has to be in line with the technical requirements.

All public transport funding requires direct accessibility standards. However, in Hessen, this is decreasing due to diminishing governmental influence and the market oriented public transport model.

There is no monitoring conducted although there is a discussion on whether the railways federal agency (*Eisenbahnbundesamt*) should monitor accessibility. Disabled groups have the opportunity to take railway operators to Court if the new stations do not meet the requirements (e.g. elevator instead of lift at stairs).

With regard to tariffs, people with disabilities may either choose a reduction to their car tax or a reduced yearly ticket. The government is paying for the additional costs. Every transport operator receives an average added budget for the reduction on the tickets.

➤ **Enforcement**

Private enforcement

Section 1 of the Civil Liability Act states that a railroad or tram passenger may claim damages for death or injury of a person or damage to property while travelling.

Arbitration/mediation body

In December 2009, a mediation body for public transport (*söpschlichtungsstelle öffentlicher Personenverkehrs V.*) was set up in Berlin. It operates nationwide, but only with regard to complaints concerning operators that are members of the conciliation body (which is set up within the legal structure of a registered association, under Section 21 and following sections of the German Civil Code). As of January 2012, most of the relevant operators were members of the conciliation body, so that 95 per cent of regional public transport was covered. The German Conciliation Body for Public Transport deals with complaints regarding travel by train, bus, air or ship.

In June 2010, the European Commission notified the conciliation body that it had fulfilled the requirements of Recommendation 98/257/EC for alternative dispute resolution of consumer disputes.

Customers who are not satisfied with the services provided can report their complaints to the conciliation body. The conciliation body will then hear the respective operator concerning the complaint and will subsequently come up with a scheme of arrangement.

The members of the conciliation body deciding on the scheme's contents are, without exemption, entitled to work as judges in Germany. Nevertheless, as the scheme only serves as a proposal, it is legally non-binding to the claimant, so that they can apply to the competent ordinary court.

From 1 December 2009 to 1 December 2011, 6,800 travellers asked the conciliation body for an out-of-court settlement. 4,400 of these complaints concerned rail traffic, 2,300 air traffic and approximately 100 long-distance busses, ships and public urban transport (bus, tram and subway). Around 300 complaints reach the conciliation body on a monthly basis.

An amicable out-of-court settlement would resolve 90 per cent of passenger complaints pertaining to rail traffic.

Public enforcement

If operators in road transport and tram transport sectors do not comply with the relevant provisions, their operation permit will be revoked (Section 25, Paragraph 2 of the Passenger Transportation Act).

Furthermore, the operator can be severely fined, up to EUR 20,000, if he violates certain provisions of the Passenger Transportation Act, particularly provisions regarding operating without permit, charging unauthorised fares and violating the duty to offer transport to any potential customer.

Similar provisions apply for operators of regular rail services: They will lose their operating licence according to Section 7 of the General Railway Act and can be fined with up to EUR 50,000 pursuant to Section 28 of the General Railway Act.

Independent market research institutions have conducted studies to evaluate the levels of service in respect of transport operators in urban public transport. Thirty-five (35) transport operators participated in a study of TNS Infranet, a market research institution, in 2011. In this regard, TNS Infranet interviewed 20,450 travellers.

The transport authority also carries out surveys to determine revenue distribution. VVB in the State of Berlin carries out transport surveys on passenger satisfaction once a year. Many transport networks conduct their own studies (*Kundenbarometer*) to enhance customer satisfaction and to ensure a high level of quality standards.

➤ **Taxis**

National Legislation

The legal basis for Taxi Services in Germany is the German Passenger Transportation Act (*Personenbeförderungsgesetz/ PBefG*), the Regulation on the Operation of Motor Carriers in Passenger Transport (*Verordnung über den Betrieb von Kraftfahrzeugunternehmen im Personenverkehr/ BOKraft*), the municipal taxi regulations and taxi fare regulations (*Taxiordnungen* and *Taxitarifordnungen*).

National law defines the general scale of the operation and licensing procedures whereas local and municipal provisions contain more detailed rules on transportation, such as the order at the local taxi stands. A big variety of service providers ranging from one-person-enterprises to large-scale businesses with more than a hundred employed drivers is typical for the German Taxi market.

According to Sections 46 and 47 of the Passenger Transportation Act (*Personenbeförderungsgesetz*), the municipalities are enabled to determine the modalities for Taxi Services (*Taxiordnung*) such as the conditions of transportation, payment issues, obligations of the drivers and the Taxi fares within their own territory (*Pflichtfahrgebiet*). The rules made by the municipalities regularly concretise national laws and often exceed national rules.

Some Service Providers have adopted their own quality charters based on national and local rules. The principal commitments are politeness and helpfulness of the employees, the cleanliness of the vehicle, the easy identification of the driver and his company as well as an appropriate driving style.

To ensure a high standard of service a potential taxi driver has to apply for a licence to the local authorities proving practical driving experience of a minimum of two years as well as knowledge of the local conditions.

To guarantee easy recognition by the customers the colour of the Taxis has to be light ivory. However, in some regions of Germany also other colours are permitted since 2003.

Within the municipal territory (*Pflichtfahrgebiet*) Taxi drivers are obliged to transport any passenger irrespective of distance or destination. Nonetheless, Taxi drivers may reject a passenger if the operating safety is endangered, e.g. when the passenger is highly aggressive or under the influence of alcohol. Smoking is not permitted.

Taxi Drivers are obliged to choose the shortest possible route unless the passenger chooses a differing route. The taxi fare may not exceed the amount shown on the taximeter, which must be clearly visible to the customer at all times while travelling. In particular, the taxi fare regulation (*Tarifordnung*) determines prices, which are not subject to negotiation.

Customers can participate in the discussions on the performance, quality and organisation of the Taxi Service on internet platforms and may report to local authorities if they are not satisfied with the quality of the service. Furthermore, private national associations such as the German Automobile Association (*Allgemeiner Deutscher Automobil Club/ADAC*) are carrying out nationwide ratings and tests of the taxi services on a regular basis.

All service providers have an insurance to cover liability for damage to persons and goods that may occur while travelling.

City of Frankfurt Main

The municipal regulations are based on the national legal framework. In accordance with the power delegated by Sections 47, 3, 51 and 1 of the Passenger Transportation Act, the Municipality of Frankfurt am Main approved local procedures for Taxi Services on 18 May 1999 (*Taxiordnung Stadt Frankfurt/Main*).

The “*Taxiordnung Stadt Frankfurt/Main*” concretises national rules, in particular, the conditions of transportation, the cleanliness of the vehicles, obligations of the drivers, the order at the Taxi Stands, the obligation to carry provisions and documents and administrative offences.

According to the provisions of the “*Taxiordnung Stadt Frankfurt/Main*”, the vehicles must be kept clean on the inside and outside. The driver has to wear clean and neat clothing and shoes, which are suitable for driving. In addition, the driver has to meet the needs of the passenger, if proper and safe passenger transport and the safety of the driver are not endangered. In particular, the driver has to open or close the sunroof and the windows of the taxi at the request of the passenger. The trunk is generally to be kept free for the passengers’ luggage. The driver must be able to change a EUR 50 note at any time and is obliged to issue a receipt at the passenger’s request. Also on request, the passenger has the right of access to the local “*Taxi Ordnung*” and the “*Taxitarifordnung*”, which have to be carried by the driver at all times.

To ensure a high standard of service, a potential taxi driver has to apply for a licence to the local authorities proving practical driving experience of a minimum of two years as well as knowledge of the local conditions. All service providers have an insurance to cover any liability for damage to persons and property, which may occur while travelling. Additionally, private taxi providers are obligated to keep records from the beginning to the end of their taxi’s daily service times.

”MAIN TAXI Frankfurt”, “Taxi Frankfurt” and “Frankfurter Taxi” are parent companies for the majority of taxi companies in Frankfurt. They provide a centralised call centre service to customers. A customer may call a taxi by phone, facsimile, online and via several I-phone apps, e. g. “cab4me” or “taxi68”.

The companies’ websites do not display quality charters or customer guarantees. Local Frankfurt authorities established a “Taxi Support Desk” for customer complaints. Moreover, customers who are not satisfied with the services may report to the Trade and Crafts Association of Taxi Service Providers as well as to Taxi call

centres. Customers may also participate in the improvement of the quality of services via internet platforms where individual ratings of the Taxi Companies are possible.

GREECE

Introduction

The Country Report was prepared through desk research since we did not receive any reply from the contacted stakeholders.

➤ *National legislation*

In Greece, public transport is regulated at national level. Specifically, as regards urban rail, metro, tram, thermal and trolley bus services, the Greek Parliament has adopted legislation governing provision thereof in the region of Attica. Bus services in Thessaloniki are regulated by a specific national law while, suburban and interurban bus and rail transport is subject to other legislative provisions. Similarly, laws enacted for this purpose by the Greek Parliament regulate taxi and ferry services. In addition, for each sector, various charters of duties towards consumers were issued. In this report, the legislative framework in place for each of the above modes of transport is outlined, while, where relevant, also the quality charters that apply are identified and enforcement mechanisms outlined.

Urban rail, metro, tram, thermal and trolley bus services are organised nationally as follows:

1. *Attica*

Following the introduction of Law 3920/2011 on the reform of urban public transport in Attica, Athens Urban Transport Organisation SA ("OASA") has the responsibility for the strategic and business planning, and coordination and control of urban public transport in Attica, although not in relation to the islands that fall under the authority of this region (Article 4(1)). The city of Athens and the port of Piraeus are located in Attica.

OASA is a private law company, operating based on market economy principles, wholly owned by the Greek State and subject to the legal provisions applicable to public undertakings and enterprises (Law 3429/2005). The Ministry of Infrastructure, Transport and Networks supervise it.

According to Article 4(2)(a) of Law 3920/2011, the programming, organisation and execution of transport services is conducted by the public transport operators, namely, Road Transport SA ("OSY") and Rail Transport SA ("STASY") as well as all public transport providers in Attica (including local authorities active in transportation) and the Funds for Interurban Buses ("KTEL"):

- OSY and STASY are private law companies wholly owned by OASA. They are also subject to the provisions of Law 3429/2005 relating to public undertakings and enterprises. OSY aims at the operation and use of transport services provided by thermal and trolley buses in the metropolitan area of Athens, while STASY is responsible for the operation and use of rail, metro and tram services provided in the same area. OASA has the authority to execute agreements with OSY and STASY to determine their activities and obligations, while also setting quality indicators, including minimum levels of customer satisfaction (referred to as "agreements for the provision of transport services") (Article 5(1)(18) of Law 3920/2011).

- Under Article 5(1)(22)(aa) of Law 3920/2011, OASA may enter into agreements with local authorities for the provision of transport services following the approval of the Ministry of Infrastructure, Transport and Networks.
- According to Article 5(1)(2) of Law 3920/2011, KTEL's activities, which extend beyond the Attica region (see below), are subject to the supervision and control of OASA. Furthermore, OASA is obliged to cooperate with KTEL to ensure better coordination in the provision of transport services (Article 5(1)(24)). OASA may also enter into agreements for the provision of transport services with KTEL.

OASA is not responsible for Hellenic Railways Organisation SA ("OSE"), and the provisions of Law 3920/2011 do not apply to OSE's operations or those of its subsidiaries. In this respect, it is noted that OSE, through its subsidiary Transport Services for Passengers and Cargo SA ("TRAINOSE"), provides suburban and interurban rail services across various parts of Greece (see below). TRAINOSE, however, and all rail transport providers are required to cooperate with OASA in planning rail transport services provided in the geographic region where TRAINOSE's suburban rail service operates (Article 4(2)(b)). For the sake of integrity, Law 3891/2010 on the reform of the OSE Group and TRAINOSE regulates OSE and TRAINOSE.

Law 3920/2011 provides that OASA is responsible for serving the public, quality of life and the needs of persons with disabilities (Article 5(1)(1)). It can recommend the Ministry of Infrastructure, Transport and Networks the price of tickets (Article 5(1)(13)). OASA has the authority to prescribe the level of passenger service, considering the need for different transport modes to interconnect (Article 5(1)(19)). It is also responsible for providing the public with transport related information and for displaying messages of any type on all urban transport systems and vehicles (Article 5(1)(27)-(28)).

Most importantly, OASA and the companies within its group are required to implement within three years from the entry into force of Law 3920/2011 (i.e. from 3 March 2011) a system for ensuring the quality of passenger services, following the model of the European Union (Article 5(3)).

Public undertakings and enterprises governed by Law 3429/2005, which are involved in providing services to consumers, were required to prepare a charter of duties to consumers, for approval by the relevant inter-ministerial committee, within six months from the entry into force of Law 3429/2005 (i.e. six months from 31 December 2005) (Article 7(3)). This obligation was also applicable under the law in force prior to Law 3429/2005 (see Article 9 of Law 2414/1996). OASA issued a charter of duties to consumers on the basis of Article 9 of Law 2414/1996, as required under the law that governed its operations at the time (see Article 6(16) of Law 2669/1998 on the organisation of urban transport in Athens-Piraeus), an updated version of which was published on 18 November 2008 ("OASA's Charter").

In addition, the Ministry of Development, Competitiveness and Maritime has issued a charter relating to public undertakings' duties towards consumers. This is a charter which applies to all public undertakings but includes sections relevant to OASA and OSE (the "Ministry's Charter").

2 *Thessaloniki*

Although there is a metro system currently under construction, the public transport needs of the metropolitan area of Thessaloniki and its suburbs are catered by a bus service for which the Organisation of Urban Transportation of Thessaloniki ("OASTH") is responsible. Interurban connections are achieved through both KTEL and OSE (see below).

OASTH is a private law entity established by Legislative Decree 3721/1957 to provide public transport services in Thessaloniki. This is achieved by way of consecutive concession agreements signed with the Greek State, as described below. OASTH's shares are widely dispersed, with the majority held by bus drivers.

Law 2898/2001 established Thessaloniki's Integrated Transport Authority ("SASTH"), which has the authority to decide on the planning, supervision and control of urban transport in the prefecture of Thessaloniki (Article 1(6)(a)(aa)) as well as on measures for improving the level of passenger service and urban transport in general in the same prefecture (Article 1(6)(a)(bb)). It may assign the provision of public transport to local authorities based in the area where OASTH is active (Article 1(6)(a)(ee)). In addition, SASTH is responsible for approving the charter of duties towards consumers prepared by OASTH ("OASTH's Charter"). This was required to be adopted pursuant to the terms of the concession agreement (Article 1(6)(e)). An outline of OASTH's Charter is provided below.

3 *Other districts*

For the rest of Greece, bus services, either urban or interurban, are mainly provided through the various KTEL that exist (currently, 59 across Greece). By Law 2963/2001 on the organisation of bus transport, the relevant service was assigned to KTEL until 31 December 2019 (Article 2(1)). This does not affect any concessions that may already have been granted to OASA, OASTH and the municipal undertakings of Rhodes and Kos islands (Article 2(2)). According to Law 2963/2001, it was possible for each KTEL to be converted into a company limited by shares, subject to the provisions of the Law (Article 3(1)). Agreements can be entered into with local authorities for the performance of urban or interurban transportation (Article 19). Special provisions apply to isolated islands (Article 20).

Article 15 of Law 2963/2001 lists the obligations that the KTEL have (including as regards the cleanliness of buses) while it is provided that, by 31 March 2002, a charter of duties towards consumers was required to be issued, specifying their rights and the compensation payable to passengers ("KTEL's Charter"). For a summary of KTEL's Charter, please see below. Interurban connections are also provided by rail by OSE's subsidiary, TRAINOSE, as mentioned above.

➤ ***Regional/Municipal legislation***

Urban public transport and the passenger rights are laid down at national level and no local rules exist.

➤ ***Public service contracts***

As mentioned above, by way of a concession agreement signed for this purpose with the Greek State, OASTH has the responsibility for providing public transport services in Thessaloniki. The most recent concession agreement was entered into on 30 April 2001 and its terms are included in Article 8 of Law 2898/2001. Its duration was extended by Law 3652/2008 and it is due to expire two years after completion of the metro in Thessaloniki. Art. Ten of the concession agreements mention that OASTH's Charter was required to be adopted by 30 June 2001 for approval by SASTH (see below). There is no provision in the agreement for reduction of compensation due to OASTH by the Greek State in the event that its service is underperforming or unsatisfactory to users.

➤ ***Quality Charters***

As regards urban rail, metro, tram and thermal and trolley bus services, the applicable quality charters provide the following:

1 *Attica*

OASA's Charter sets out the operating hours of the various public transport modes for which it is responsible, it describes the obligations of its employees (drivers, stationmasters, ticket issuers, etc.), the requirement to provide the public with information, imposition of fines, applicable complaint handling procedure and payment of compensation. It also establishes the rules for transporting bicycles, prams and baggage using public transport. OASA's Charter also applies to TRAINOSE.

The Ministry's Charter, which is applicable to all public undertakings but also includes sections relevant to OASA and OSE (for OSE, see below), defines the procedure for consumers submitting requests (including complaints) to the organisation, employees' code of conduct, the level of compensation payable for proven misconduct as well as access measures for persons with disabilities.

It is interesting that both the Hellenic Consumers' Ombudsman and the Hellenic Ombudsman submitted proposals to the Ministry of Infrastructure, Transport and Networks in February 2012 recommending that measures be taken to compensate consumers affected by the strike actions of OASA's employees (e.g. amendment to OASA's Charter and all other relevant charters to allow passengers to be compensated in the event of a strike).

2 *Thessaloniki*

The current OASTH Charter, which supersedes those previously adopted, entered into force on 1 November 2009. Essentially, OASTH's Charter lists employees' obligations, rules for the service of citizens, the transportation of baggage, bicycles, prams and pets, passenger safety as well as the procedure for submitting complaints and other requests, the obligation of OASTH to keep the public informed on any matter relating to their service, passengers' right to compensation and dispute resolution.

3 *Other districts*

In general, KTEL's Charter, which was published in the Government Gazette on 10 July 2002, elaborates the service providers' obligations, the rights of consumers to claim compensation, employees' responsibilities and the penalties applicable in the event of breach. The special responsibilities of KTEL's employees are also provided for in KTEL's employee regulation which was adopted, pursuant to Article 14 of Law 2963/2001, by Presidential Decree 246/2006 (see Article 14 and 18 of the Presidential Decree).

As regards the interurban connections provided by TRAINOSE, the Ministry's Charter primarily mentions that passengers have the right to seek compensation in the event of delay or suspension of the service and defines the limits of such compensation.

➤ **Accessibility**

According to Article 21(6) of the Greek Constitution, "*persons with disabilities have the right to enjoy measures which guarantee their independence, professional inclusion and participation in the social, economic and political life of the country*". In addition, it is noted that Greece recently ratified the UN Convention and Protocol on the Rights of Persons with Disabilities (the "Convention") by Law 4074/2012 (Article 1). Article 9 of the Convention provides that,

among other things, appropriate measures should be taken to ensure that persons with disabilities have access, on an equal basis with others, to transportation.

Accessibility to public transport is quite good in cities such as Athens and Thessaloniki, but small towns still experience certain lack of accessibility. All tram stops, underground stations and train stations in urban areas are generally accessible to persons with disabilities. In Athens, city buses (including trolleys), tram, metro and local trains are equipped with non-slippery floors, automatic doors, low-floors, high platforms and, in general, offer the necessary services for accessibility for persons with disabilities. The interior of these vehicles provides a lot of space for manoeuvring and storing wheelchairs. City buses and trolleys, trams, metro and local trains have priority seats for persons with disabilities.

Bus stations (especially in Athens) as well as metro and train stations (only in Athens) provide accessible counters and information desks staffed by trained personnel regarding the various needs of persons with disabilities. Persons with cognitive/learning disabilities should usually be accompanied. Whether public transport operators offer assistance at the stations depends on the kind of impairment and on the staff on duty. In general, accessibility is lower for visually and hearing impaired persons who, in general, require assistance.

According to OASA, persons with disabilities or special needs, holding a relevant authorisation from the Ministry of Health, are entitled to free public transport. In general, persons with a degree of disability over 67 per cent and low income are entitled to free transportation.

➤ **Enforcement**

Private enforcement

For urban rail, metro, tram and thermal and trolley bus services, the tools available to passengers to have their rights protected and the consequences for operators are described in the various quality charters, as set out below. In addition, claims for damages in case of negligence could, in theory, be brought against the operators (which are private law companies) before civil courts based on Article 914 of the Greek Civil Code, provided that causation and the damage suffered can actually be proven.

1 Attica

According to OASA's Charter, in the event of breach, passengers holding a valid ticket or pass may claim compensation, in writing, within 10 days from the event referred to in the claim. The amount of compensation payable is set (e.g. for improper conduct of employees towards passengers, it is EUR 30). Compensation can be paid in cash or in kind (by issuing tickets of equal value). If a dispute with a passenger cannot be resolved, it is to be handled by the Dispute Resolution Committee. It is noted that compensation can be paid without the case first having to be heard by the Dispute Resolution Committee.

In the event that a passenger is not satisfied with the outcome, he or she can also refer the case to Hellenic Consumers' Ombudsman and/or the Directorate General for Consumers of the Ministry of Employment and Social Security. If the necessary services are not provided or are unsatisfactory, OASA may take disciplinary action against the persons responsible, in accordance with internal regulations, and the decision of the Disciplinary Committee is notified to the passenger concerned.

OASA's Charter does not apply in case of *force majeure* events (e.g. strikes, adverse weather conditions, etc.), if any of its terms are contrary to existing laws, internal regulations or other provisions or the performance of its obligations is subject to acts or competencies of third parties (e.g. police, local council, etc.).

2 *Thessaloniki*

If the terms of OASTH's Charter are not complied with, a passenger may claim compensation. The level of compensation that may be awarded is not specified. The claim must be submitted in writing within 10 days from the occurrence of the event to which it refers and the case is heard by the Amicable Settlement Committee. If an employee is found liable for the breach, they must be subjected to disciplinary action. If disciplinary action is taken, the passenger concerned is informed within 10 days. Compensation cannot be claimed in the case of *force majeure* events (e.g. snow, rain, road closure due to works or emergency, etc.) and unexpected occurrences which cannot be dealt with by OASTH (e.g. strike, unexpected bus breakdown, etc.).

3 *Other districts*

KTEL's Charter specifies that in the event of a failure to comply with its terms and those of the employee regulation, the relevant cases are referred to the competent Transport and Communications service of the prefecture where the operator is based so that the relevant bodies may impose the applicable sanctions. The KTEL Charter sets the level of compensation payable to passengers in certain specific circumstances (e.g. for loss of luggage, a minimum of EUR 30).

Operators' governing bodies and bus owners who breach the terms of the KTEL Charter are subject to administrative penalties set out in Article 17 of Law 2963/2001. According to this provision, fines of between 50,000 GRD and 1,000,000 GRD are payable (i.e. approximately EUR 146.74 to EUR 2,934.70). Employees are liable to sanctions provided in their internal regulations, depending on the seriousness of the offence, as well as the administrative penalties mentioned in Article 14(3) and 17 of Law 2963/2001. Article 14(3) refers to the obligation of the employees to wear a uniform. In the event of breach, a fine of 50,000 GRD is payable (approximately EUR 146.74).

Public enforcement

As regards compliance with the various quality charters, surveys do not appear to be carried out systematically by the competent authorities to assess their effectiveness. From OASA's website, however, it appears that a customer satisfaction survey of its services is available for users to complete. The survey asks for the following information:

- age and sex of participant and their place of residence (whether inside or outside metropolitan Attica);
- the mode of public transport used (bus, trolley, metro, rail, tram, suburban rail);
- frequency of use;
- satisfaction levels (as regards service provided in their area, frequency and reliability of service, access to stations, their cleanliness, comfort levels and safety as well as cleanliness, comfort and safety of vehicles or trains, conduct of employees, availability of ticket booths and types of tickets and cards);
- sources of information on services provided and changes to schedule as well as satisfaction with the level of information supplied;
- whether they have ever contacted OASA in any way and how satisfied they have been with their contact with the company.

However, the results of the survey have not yet been published.

➤ ***Taxis***

Regarding taxis, these are classified by national law as public use passenger motor vehicles and the legislation governing their use was recently reformed by a new law that entered into force on 10 April 2012 (Law 4070/2012). Law 4070/2012 repeals the majority of provisions contained in Law 3109/2003, which had regulated the sector until now.

Article 98 of Law 4070/2012 lists the obligations of taxi drivers (e.g. not smoking in the vehicle) and imposes administrative penalties in the event of breach. For smoking in a taxi, the driver (if he does not also own the vehicle) is fined EUR 400 by the Disciplinary Committee for first offence (for second offence the fine is increased to EUR 700, and for third or subsequent offences, it is EUR 1,200). According to Article 99, a regulation imposing rules on the operation of taxis is to be issued by a presidential decree. The rules will apply to taxi owners and drivers, relating to the manner in which they serve the public (e.g. requirement to be dressed decently), and further administrative penalties may be imposed in the case of non-compliance.

It is noted that on 13 October 2000, by decision of the Ministry of Infrastructure, Transport and Networks, a charter of duties towards consumers applying to taxi drivers was issued, which was last updated on 6 August 2010 ("Taxi Charter"). The Taxi Charter states that taxis have an obligation to provide the public with certain information regarding their service, it lists drivers' obligations, including as regards their conduct towards passengers and, at the same time, imposes upon passengers certain rules (e.g. the requirement to wear a seat belt). The manner in which taxi fares are determined is outlined while also specifying that taxi drivers are liable to administrative penalties if the regulation governing the operation of taxis is breached.

➤ ***Ferries***

In relation to ferry services, these are generally provided by entrepreneurs and privately owned ships. The Ministry of Development, Competitiveness and Maritime supervises the operation in this sector and has various responsibilities, including the safeguarding of free competition and ensuring that the rights of passengers are protected (Article 2 of Law 2932/2001). In case of unprofitable shipping lines, the Greek State may award their service to ship owners, following a tender, by entering into public service contracts with them (Article 8 of Law 2932/2001).

Legislative framework for the protection of users of ferry services was implemented by Law 3709/2008. The purpose of this law is to ensure passengers receive high level of service, strengthening their rights and the impression that the Greek State is concerned about their safety and protection, while also promoting competition. A complaint handling procedure was instituted based on Law 3709/2008 (Article 12), through the adoption of a relevant decision by the Ministry of Mercantile Marine, Aegean and Island Policy, competent at the time, on 23 February 2009.

More specifically, Law 3709/2008 covers the situations of delay or cancellation of a ferry service and defines the passengers' right to compensation (see Articles 4-13). Furthermore, the obligations of passengers are listed (e.g. prompt arrival to port before the ferry's departure) (Article 14) and those of the service provider (e.g. to keep passengers informed of any changes to scheduled departures) (Article 15).

HUNGARY

Introduction

The Chapter was prepared through desk research and with the replies of a UPT operator to the urban public transport operators' questionnaire.

➤ *National legislation*

In Hungary, local transportation is mostly carried out by bus lines. There are only a few exceptions to this: e.g. in Budapest, the largest city in Hungary, the main local transportation methods are buses, trams, trolley buses and subways. Local tramlines are also operated in Miskolc and Szeged. Szeged also has trolley bus lines. Waterway transportation is not a typical method of local transportation.

Public transport in Hungary is regulated at two different levels. Generally, the framework rules of passenger transport are regulated under different legislation, which sets out the general principles and the main terms and conditions of these services. The second (subsidiary) level of legislation is the local regulations and resolutions adopted by different municipalities.

The Road Transportation Act, which provides a framework for the rights and obligations of users of road transportation and the associated state and municipality responsibilities, clearly sets out the main tasks of the state and municipalities in relation to public transportation, including, (i) planning, (ii) development, (iii) organisation, (iv) control, (iv) development of the road network, (v) determination of the conditions of use of road transportation, and (vi) technical examination of vehicles participating in road transportation, etc.

Some general rights of passengers are included in the Road Transportation Act, such as: the right to use road transportation; obligation of the carrier to respect the schedule, right of information; obligation for the carrier not to alter the routes included in the schedule, accessibility.

Additional passenger rights are determined in the relevant legislative provisions on public transportation, for example: passengers may file a complaint against the service provider in relation to the service, and students, disabled people and pensioners may travel at discounted ticket/seasonal ticket rates.

The fares for passenger transport as a public service are regulated in various pieces of legislation regulating bus and fixed rail transportation. The various fares are required to be regulated in public service contracts, together with discounted rates (applicable to students, pensioners and disabled people), which must comply with the applicable governmental decree. It must also be ensured that:

1. if higher standards are required, those are proportionate to the supplementary fees (e.g. in case of seat reservation, the supplementary fee must be proportionate);
2. there may be no competitive disadvantages between the methods of transportation due to different systems of supplementary fees and services;
3. a unified fee system must be implemented both at local and country levels;
4. different travel cards and tickets must be mutually accepted by different services providers.

It should be noted that a new Act will be applicable for passenger transportation in Hungary following the summer of 2012. However, the new Act does not seem to bring any substantial changes to the public transportation system. The regulation of public transportation (e.g. the two level regulation) will not cease to

exist but the new legislation will rather unify the requirements of different passenger transportation services (fixed-rail transportation, bus transportation).

➤ **Regional/Municipal legislation**

The Constitution grants the municipalities (and their representative bodies) the right to adopt regulations and resolutions on local matters, and the Municipality Act determines the main tasks of the municipalities, one of which is the organisation of local public transport. The provision and organisation of inter-city transportation remains the responsibility of the state.

The organisation of transportation by bus to the highest possible standard is the responsibility of the municipalities (local transportation) and the Hungarian state (inter-city transportation). The tasks of the municipality are carried out by the representative body (in Hungarian “*képviseelőtestület*”), while state tasks fall under the responsibility of the relevant ministry. The tasks of the municipality include, *inter alia*, determining the public service tasks associated with transportation and selection of the service provider deemed best to perform these public service tasks. However, a municipality may assign the organisation of transportation to a transport organisation company in which the municipality holds more than 50 per cent of the votes or has the right to appoint and remove more than half of the executive officers or members of the supervisory board of the company (e.g. in case of Budapest, transport organisation tasks are assigned to the BK Budapesti Közlekedési Központ Zrt by the representative body of Budapest on the basis of a municipal regulation).

It is also the municipalities’ responsibility to ensure the operation and development of the waterway transportation that falls within the scope of local public services. For this purpose, a public service contract may be concluded, the contents of which may be regulated by a decree issued by the municipality. The service company must prepare its business rules setting out the main terms and conditions of transportation of passengers. Passengers must be informed of the schedule, and of any changes there to or cancellations.

➤ **Public service contracts**

Regular passenger transportation by bus can only be provided based on a public service contract, which must be concluded by the mayor on behalf of the municipality or the minister on behalf of the Hungarian state. The mandatory provisions of a public service contract include (i) the tasks and obligations of the service provider, (ii) any supplementary services, (iii) the rules on the ticket pricing and system, and (iv) the reimbursement of fares and sanctions for breach of contract, etc. As referred to above, particular requirements of a public service contract may be specified by the representative bodies of the local municipalities e.g. in a call for tenders.

However, the Bus Passenger Transportation Act sets forth some guidelines that need to be taken into account when determining the special requirements, including the following:

- (i) accessibility to the respective city centre in accordance with the needs of the inhabitants must be provided;
- (ii) requirements associated with the service, e.g. frequency, punctuality and cleanliness of vehicles must be determined;
- (iii) transportation possibilities for disabled people must be properly arranged;
- (iv) the quality of the service must be maintained; and
- (v) certain requirements in relation to the staff of the vehicles must be ensured.

The Public Service Contract between the municipality of Balassagyarmat and Nógrád Volán Rt. was concluded for passenger transport in the city of Balassagyarmat. The contract sets out the following requirements directly affecting passengers:

- cleanliness of the vehicles;
- appropriate information must be provided to passengers if the schedule changes (or in case of cancellation);
- compulsory passenger insurance must be arranged; and
- fares paid for unused tickets purchased in advance are reimbursed to passengers.

The Public Service Contract between the municipality of Makó and Tisza Volán Zrt. was concluded for the passenger transport in the city of Makó. However, Tisza Volán Zrt. provides local bus transportation services based on public service contracts concluded with the respective municipalities in nearby cities, such as Szeged, Csongrád, Szentes and Hódmezővásárhely. Some of the specific requirements in the contracts directly affecting passengers (the quality of the service) are listed below:

- cleanliness of the vehicles;
- appropriate information must be provided to passengers if the schedule changes (or in the case of cancellation);
- travel inquiries must be possible in advance in person or by telephone;
- compulsory passenger insurance must be arranged;
- polite manner of the staff of the vehicles shall be ensured; and
- fares paid for unused tickets that have been purchased in advance are reimbursed to passengers.

Fixed-rail transportation

At the local level, municipalities may conclude public service contracts for the provision of fixed-rail transportation. The mandatory provisions of these contracts are set out in the relevant legislative provisions (these include tasks related to public transportation in case of any obstacle arising from the provision of fixed-rail transportation, provisions on the ticketing system, obligations of the services provider, and when the provision of the public service must commence). Further specific requirements may also be determined by the municipalities in regulations issued by the representative body of the respective municipality and implemented in the contract itself. The guidelines for the determination of the special requirements are mostly the same as for bus transportation.

However, there are some further obligations on providers of regular fixed-rail passenger transport, such as:

- publication of schedules on the service provider's website, at the stations and on each vehicle;
- providing correct information to passengers on the terms of transportation (on the vehicle and at the stations);
- proper information must be given to passengers regarding both the temporary or final changes in the schedule at least 14 days prior to the change;
- preparation and publication of its business rules (including rights and obligations of passengers) on its website.

The PSC between the Municipality of Miskolc and Miskolc Városi Közlekedési Zrt., as service provider, was concluded for passenger transport within Miskolc and Felsőlőzsolca and between the two cities (both for bus and tram transportation). According to the contract, the service provider is required to ensure the following: regular cleaning of vehicles and stations; polite communication with passengers by the staff at the station/vehicle; providing passengers with regular information on the schedule of the lines and any changes

to the schedule or cancellations; passenger complaints maybe filed with the service provider and they will be handled properly, and; vehicles must be suitable for disabled persons.

➤ **Quality Charters**

Fixed-rail public transport providers must prepare and publish their business rules (quality charters) on their website. There are no specific requirements for bus transportation providers to do the same. Nevertheless, as many fixed-rail transportation service provider companies also provide bus transportation service, in most cases the quality charter covers the whole company, i.e. both fixed-rail and bus transportation services (e.g. in Budapest, Budapesti Közlekedési Zrt. provides both fixed-rail and bus transportation services and its quality charter applies for both services).

However, as of 1 July 2012, companies providing bus transportation services are also required to prepare a quality charter (business rules) containing general terms and conditions in accordance with the new Act on Passenger Transportation.

Act No CLXXXIII of 2005 on Rail Transportation specifies the required contents of the quality charter, which are:

- 1- scope of passenger transport;
- 2- detailed terms and conditions for use of public transportation;
- 3- rules on informing passengers;
- 4- use of tickets and other documents necessary to use transportation;
- 5- rights and obligations of the parties;
- 6- rules on carrying animals and baggage;
- 7- rules of notification and handling of passenger complaints;
- 8- responsibilities of fixed-rail transportation service provider companies; and
- 9- other rules

In this section, we briefly outline the quality charter of Szegedi Közlekedési Kft., a company that carries out local transportation services in Szeged based on a public services contract concluded with the Municipality of Szeged in 2006.

- *Scope*

The basic service provided by Szegedi Közlekedési Kft. is the provision of local public transportation and the maintenance of the required infrastructure.

- *Detailed terms and conditions for use of public transportation*

The quality charter provides that anybody who has a valid ticket, pass or other document verifying the right to travel (excluding people with infectious diseases and certain people who may be excluded from travel, e.g. people under the influence of alcohol etc.) is entitled to use public transportation.

- *Informing passengers*

The schedules of the lines are required to be indicated at each stop of the respective vehicle. The quality charter also requires that passengers are kept constantly informed of any circumstances affecting their travel.

- *Tickets and other documents verifying the right to travel*

The quality charter contains a detailed list of the types of the tickets and passes that may be purchased (including passes for students and retired persons under a specific age).

- *Rights and obligations of the parties*

The basic obligations of the service provider include safe transport of the passenger and stopping at every stop indicated in the schedule. The basic obligations of the passenger include compliance with the rules regarding transport safety, protection of the vehicles and refraining from any behaviour that may disturb other people. The basic right of the passenger is to travel with the respective vehicle with a valid ticket, pass, etc.

- *Rules on carrying animals and baggage*

The quality charter specifies the number and size of the baggage that may be carried. It also includes a list of live animals that may be taken on vehicles and the method of carrying them (in a basket, etc.).

- *Rules of notification and handling of passenger complaints*

The passenger may file complaints with the company for service within fifteen days following the occurrence of the respective event in writing, via fax or e-mail, or in person.

- *Responsibilities of fixed-rail transportation service provider companies*

The company has a transport obligation, i.e. it cannot refuse to provide transportation services. It is also responsible for the safety of the passengers during travel.

➤ **Accessibility**

A national law (26/1998) for accessible public transport in Hungary has existed since 1999. Essentially, the law establishes and enforces equal opportunities for people with disabilities and declares that it is the responsibility of the State. At present, only new vehicles are fully accessible. New buses are equipped with moving platforms enabling barrier-free getting on and off the vehicles, with extra places for wheelchairs and pushchairs, and lower floors. According to the new Act on Public Transportation Services, equal accessibility to vehicles, stations and railway stations has to be ensured by 1 January 2013 at the latest.

With regard to the policy to guarantee mobility for people with disabilities, such services were provided in 2003. However, these services require payment and only cover the capital of Hungary.

Children, students, elderly people, persons entitled to social services (e.g. wards of the state, special pensions) and people with disabilities pay discount fares. There are also certain group reductions available for children and student groups.

Persons with disabilities may purchase single tickets or season tickets at discounted rates when using inter-city or local transportation system. These reductions are available for (i) persons with visual impairments, (ii) persons with hearing impairments, (iii) children entitled to a higher child raising entitlement, or their parents, (iv) severely handicapped persons, (v) servicemen disabled in the line of duty, (vi) military widows, (vii) person accompanying a person described in points (i),(ii),(iii),(iv), and (viii) persons entitled to disability benefits. The discounts vary between 50 and 100 per cent. The persons entitled to discounts may only purchase tickets at reduced rates if they are holding the relative certification.

➤ **Enforcement**

Private enforcement

When a passenger purchases a ticket for public transport services and enters a public transportation service provider's vehicle with the intention to travel, a contract is concluded by implied acceptance by conduct. By this implied acceptance, the passenger also accepts the general terms and conditions of the specific public transportation provider. As indicated above, the business rules (quality charters) must contain detailed rules on the handling of passenger complaints. Furthermore, as a background statutory provision, the provisions of the Civil Code govern the rights and obligations of the parties and the performance of public transportation service.

Insurance companies typically insure public transportation service providers. In the event of damage, the passenger must immediately report the damage to a public transportation provider in accordance with the general terms and conditions of the given public transportation service provider. These general terms and conditions also include the procedure for handling passenger complaints.

The public transportation service provider will pay damages (which are typically paid by the insurance company) to those passengers who suffer any damage during the travel provided that the liability of the service provider is clearly established. According to the quality charter of Szegedi Közlekedési Kft. and BKV Zrt. (the Budapest Transport Company), passengers must immediately report to the driver their complaints arising from any accident, damage to luggage or personal injury, etc. during travel.

Passengers may also submit complaints to the transportation and railway transportation authorities if the public transportation service provider does not handle the complaint satisfactorily. The transportation and railway transportation authorities decide on the necessary administrative measures to be taken and inform the complainant of the relevant measures.

The passengers may also file a complaint to the transportation authority if the public transportation service provider does not comply with its obligations contained in the relevant legislative provisions.

Furthermore, in relation to transportation by bus, the transportation company is required to reimburse passengers using inter-city scheduled services for the following: (i) any damage incurred by the passenger for any delay in excess of 30 minutes; and (ii) cancellation of any scheduled services if the ticket was purchased in advance. However, certain transportation companies may exclude their liability for these events in their general terms and conditions.

Public enforcement

The transportation and railway transportation authorities monitor compliance with the regulations on passenger rights. The authorities control and analyse *ex officio* whether the public transportation service providers' activities are in compliance with (i) Regulation (EC) No 1370/2007, (ii) Regulation (EU) No 181/2011, (iii) the Act on Railway Transportation and the regulation on bus transport services, and (iv) their own quality charters. In the event that the authorities find a violation of the regulations that affects a number of passengers, the authorities may (i) order the public transportation service provider to take the necessary steps to comply with the regulations, (ii) ban the public transportation service provider from continuing the unlawful practice, (iii) impose a fine, and/or (iv) order the public transportation service provider to pay the costs of the proceedings. In case of serious and repeated violations, the authorities may suspend or withdraw the public transportation service provider's permit.

If the passenger cannot seek damages from the public transportation service provider for personal injuries or damage to baggage following the procedures described above, the passenger may commence an action before the Court for damages under the Civil Code within the general limitation period of five years.

➤ **Taxis**

Taxi services may only be provided with a taxi licence issued by the transportation authority. A decree sets out the main technical requirements for the cars used for taxi services in the territory of Hungary. The provisions on the setting up and use of taxi stations are set out by local municipal decrees. For example, in Budapest, the tasks related to the setting up and operation of taxi stations are carried out by a non-profit limited liability company established by the Municipality of Budapest based on a decree of the General Meeting of Budapest. Personal requirements applicable to drivers may be determined by each taxi company e.g. local knowledge, communication skills, etc.

The following rights of the customers can be identified:

- there must be a taximeter (measuring the fees to be paid for the service) in each taxi, which must be turned on when the taxi driver starts to provide the service;
- the customer is obliged to pay the amount indicated by the taximeter;
- tipping is at the sole discretion of the customer;
- since taxi fares are determined by local municipal decrees following negotiations with the consumer protection authority, the local commercial chamber and the taxi representative organisations, the customer is not required to pay more for the service than the fares determined by the respective decree;
- the customer is free to file any complaints in relation to the service;
- the fare for the service must be properly indicated in each taxi;
- the customer may request an invoice for the service provided.

IRELAND

Introduction

The Country Report was prepared through desk research since we did not receive any reply to the questionnaires.

➤ **National Legislation**

In Ireland, a number of different levels provide passenger rights on urban public transport, including Acts of the Oireachtas¹⁰¹, Statutory Instruments¹⁰² and pursuant to provisions of the passenger charters of various public transport operators. These, *inter alia*, prescribe the duties and responsibilities of public transport carriers to their passengers.

The Dublin Transport Authority Act 2008 was the first stage in the programme of legislative reform in the area of public transport that the then Irish Government had committed to in their 2007 Programme for Government. The Dublin Transport Authority Act 2008, in conjunction with the passage of the Public

^{101.} I.e. legislation issued by the Irish parliament.

^{102.} Statutory Instruments are primary legislation in Ireland issued in the form of regulations or orders. Under the Statutory Instruments Act 1947, Statutory Instruments are defined as "an order, regulation, rule, scheme or bye-law made in exercise of a power conferred by statute."

Transport Regulation Act 2009, comprehensively overhauled the legal framework in respect of the planning, regulation and control of public passenger land transport in the State¹⁰³.

The Dublin Transport Authority Act 2008 provides, *inter alia*, that the National Transport Authority (“NTA”) must secure the provision of public passenger transport services by means of public transport services contracts. That Act prescribes how bus, rail, metro, and light rail passenger transport services are to be secured and sets out the main provisions that are to be included in the public transport services contracts. Sections 52 and 53 of the Act provide that the NTA must enter into a Direct Award Contract (i.e. public service contract) with Dublin Bus, Bus Éireann and Irish Rail to secure the provision of public bus and rail services.

The European Communities (Rail Passengers' Rights and Obligations) Regulations 2010 (Statutory Instrument No 646/2010 (the “2010 Regulations”)) was introduced for the purpose of giving full effect to Regulation (EC) No 1371/2007. The purpose of the 2010 Regulations was to designate the NTA as the enforcement body for the 2010 Regulations and to provide for penalties for infringement of the Regulation. However, the urban rail transport is exempted and only the mandatory provisions of the Regulation are applicable.

Pursuant to Regulation (EC) No 1371/2007, passengers on domestic rail services in urban areas and throughout Ireland now benefit from the mandatory measures requiring rail operators to: (a) facilitate ticket purchasing for rail passengers (Article 9), (b) compensate passengers where the operator is liable for the loss of luggage (Article 11), (c) have adequate insurance (Article 12), (d) ensure non-discriminatory access for persons with disabilities or reduced mobility relating to rail transport including stations, ticket reservations and ticket purchases, and at no additional cost to the passenger (Article 19), (e) provide information on the accessibility of rail services to persons with disabilities and persons with reduced mobility (Article 20(1)), (f) ensure passengers’ personal security in railway stations and on trains (Article 26), and (g) compensate passengers in the event of death or personal injury (Article 13).

The 2010 Regulations also prescribe certain rights for rail passenger when using urban public transport rail facilities. For example, should a rail passenger have a complaint to make concerning their rights, Regulation 4(1) of the 2010 Regulations provides that:

“where the NTA, on its own initiative or following a complaint to it by a rail passenger, is of the opinion that an activity being or likely to be carried on by or under the control or on behalf of a provider and the activity involves, or is likely to involve a contravention of the Regulation (EC), the NTA may give a direction in writing to an urban transport provider requiring the submission to the NTA, within a time specified in the direction of a plan (“improvement plan”) specifying the remedial action proposed to be taken to rectify the matters set down in the direction.”

➤ **Regional/Municipal legislation**

There are no regional or municipal rules regarding public transport.

➤ **Public service contracts**

In 2007, Regulation (EC) No 1370/2007 on public passenger transport services by rail and by road (“Regulation 1370/2007”) was adopted. Regulation (EC) No 1370/2007 creates a framework regulating how Member States award exclusive rights and pay compensation for services deemed to be Public Service

¹⁰³ Any references in this chapter to the State or Ireland are to the Republic of Ireland.

Obligations (“PSO”). A number of public service contracts have been entered into with transport operators in Ireland to provide urban public transport to passengers.

The NTA¹⁰⁴ is the designated national authority that awards public service obligation contracts to public transport operators. Funding is provided for socially necessary, but financially unviable public transport services in Ireland. Dublin Bus, Iarnrod Éireann and Bus Éireann provide these services, known as Public Service Obligation (“PSO”) services, under contract to the NTA. Public Transport Contracts between the NTA and these three companies govern the funding of PSO services.

On 1 December 2009, Dublin Bus signed a direct award public service contract with the NTA to provide a network of Public Service Obligation bus services across the Dublin region. The contract is effective for a period of 5 years and requires Dublin Bus to achieve certain standards of service delivery and quality performance, which will be reported to the NTA at agreed intervals (currently quarterly).

On 1 December 2009, the NTA entered into a direct award public service contract with Bus Éireann. The contract enables the continued operation of Bus Éireann’s existing Public Service Obligation Services. These services include City, Town, Local Stage Carriage and Commuter Services. The contract is effective for 5 years.

On 1 December 2009, the NTA entered into a direct award public service contract, which imposes public service obligations, with Irish Rail to secure the provision of rail passenger services. The contract is effective for 10 years.

Each of the above public service contracts provide for compensation to be paid to the operators for running the services (by way of example, in respect of the period from 1 December 2009 to 31 December 2009, the NTA paid EUR 2,060,000 to Dublin Bus under its public service contract). It is also worth noting that each of the above public service contracts provide that the compensation to be paid to the operators under those contracts is determined in accordance with the Annex to Regulation (EC) No 1370/2007. The public service contracts also provide that performance related payments are made to operators if they satisfy the performance targets or levels prescribed in the contracts. These performance targets include areas such as (a) punctuality, (b) provision of customer telephone information line, (c) complaint reporting, (d) cleanliness, (e) staff to be well presented, friendly, helpful and courteous at all times and (f) accessibility. The operators are also required to ensure delivery of prescribed service levels as set out in the contracts.

Dublin’s Light Rail System (Luas) is not operated under a public service contract. In December 2001, the Transport (Railway Infrastructure) Act 2001 was enacted and the Transport (Dublin Light Rail) Act 1996 was repealed. The new Act facilitated the exploitation of the benefits of Public-Private Partnerships (“PPPs”) in developing Luas and Metro systems and provided for the establishment of the Railway Procurement Agency (“RPA”) as an independent statutory agency responsible for the procurement of railway infrastructure systems.

Veolia Transdev Ireland (“Veolia Ireland”) operates Luas on behalf of the RPA following a successful public procurement tender run by the RPA. However, the RPA oversees the day-to-day operations of Veolia Ireland thus ensuring that frequency, schedule, timetable and ticketing agreements are met. According to their

¹⁰⁴. As per the National Transport Agency website (available at: <http://www.nationaltransport.ie/public-transport-services/public-service-obligation-contracts/>).

website, Veolia Ireland are committed to excellent customer service and quality systems and in Ireland they hold an ISO 9001: 2008 certificate¹⁰⁵.

➤ **Quality Charters**

A number of the urban public transport providers have developed charters that set out the rights and entitlements that passengers have with the relevant mode of transport. These charters are often aggrieved passengers' first port of call when they feel their rights have been infringed.

Irish Rail has developed its own customer charter, which sets out the levels and standards of service customers are entitled to expect as a customer of Irish Rail (which includes DART and Iarnrod Éireann). The customer charter deals with passengers' rights such as performance and quality standards, customer information, ticket refunds, compensation payments, and complaints procedures. It is also worth noting that many aspects of the customer charter go beyond the requirements of Regulation (EC) No 1371/2007, particularly in relation to domestic rail travel.

There are a number of principles set out in the Irish Rail charter which operators must adhere to ensure that passenger rights are respected. Targets have been set in areas of reliability¹⁰⁶, punctuality, improvements to tracks, stations and signalling, passengers with special needs, phone enquiries, public address systems, station customer facilities, up-to-date information on all services and customer service.

The Irish Rail charter also provides for passenger rights concerning refunds for tickets purchased at ticket offices or ticket vending machines, tickets bought in advance, unused tickets purchased at ticket offices, tickets purchased online, and changes and cancellations to pre-purchased tickets¹⁰⁷.

This Irish Rail charter reflects the standards of service and initiatives outlined in the principles of quality customer service for customers and clients of the public service set out in Appendix C of the code of practice for the governance of state bodies published by the Department of Finance¹⁰⁸. Passenger rights provided for under this code of practice include quality service, equality in treatment, access, information and courtesy. Irish Rail also welcomes contact from customers who have queries or complaints, and contact details are available on their website at www.irishrail.ie.

Bus Éireann is a major urban area public transport provider in Ireland. It also has a charter setting out passenger rights available to members of the public who use their services. Bus Éireann has an integrated network of local, city, commuter and long-distance services, which connects communities throughout Ireland by enabling passengers to travel between all urban areas across the country.

Bus Éireann seek to ensure that their passenger's rights are respected in a number of ways. Their charter sets out a range of commitments in areas such as (a) service reliability and punctuality, (b) bus cleanliness and on-board comfort, (c) displaying route number and destination on buses, (d) safety and enforcement of regulations on smoking and consumption of alcohol, (e) appearance, courtesy and helpfulness of bus drivers and station staff, (f) provision of information on services, and (g) efficient response times to enquiries and complaints, station cleanliness, facilities and services¹⁰⁹.

¹⁰⁵ The ISO 9001: 2008 certificate specifies requirements for a quality management system.

¹⁰⁶ It is stated that Irish Rail will ensure that 98 per cent of all timetabled InterCity, DART and commuter rail services run as planned, on schedule.

¹⁰⁷ <http://www.irishrail.ie/index.jsp?p=115&n=156#HelpUsHelpYou>

¹⁰⁸ <http://www.finance.gov.ie/documents/publications/other/codeofpractice.pdf>

¹⁰⁹ <http://www.buseireann.ie/inner.php?id=292>

Dublin city's urban light rail tram system, Luas, also has a charter, which provides for passenger rights. Luas commits to (a) providing passengers with a safe and comfortable tram journey, (b) providing passengers with real-time passenger information at stops 99 per cent of the time, (c) responding to all passenger letters and emails within 1 week, (d) providing passengers with a 99 per cent reliable tram service and publishing their performance every 12 weeks, (e) giving 1 week notice to passengers/residents in the event of planned maintenance work, (f) informing and updating passengers in case their tram journey is going to be longer than usual, (g) ensuring that Luas meets the highest standards of accessibility and that their staff are trained in disability awareness to assist passengers if required, (h) cleaning the trams every night and every stop at least once a day, (i) providing passengers with an environmentally friendly transport option, releasing 3.5 times less CO₂ than taking the same trip by car and (j) advising passengers on the cheapest fare for passengers if they contact Luas Customer Care or visit www.luas.ie.

The main provider of bus services in Dublin city is Dublin Bus. To ensure effective protection of passenger rights whilst using their services, Dublin Bus also has a charter that provides for the effective implementation of measures safeguarding passenger rights. Dublin Bus endeavours to (a) treat all customers equally and accommodate diversity, (b) offer a service that everyone can use, (c) provide a service that is reliable, (d) ensure passengers are well-informed, and (e) provide an effective system for the making and handling of complaints.

The above charters therefore demonstrate that in Irish urban areas, there is a high level of transparency from public transport operators in relation to their passengers' rights. Each charter provides the mechanism whereby the transport operators determine the factors on which they base the quality of their service. A number of common themes are visible in each charter. The charters generally contain provisions regarding issues such as (a) performance and quality standards, (b) customer information, (c) ticket refunds, (d) compensation payments, and (e) complaints procedures. Reimbursement procedures for customers who do not use tickets they have purchased are also set out. Transport operators do however tend to limit their responsibility regarding the issue of refunds when a delay or interruption in services is caused by a factor outside of their control, such as strikes, inclement weather conditions, security alerts, *force majeure*, etc. In these cases, passengers have no right to refunds. The charters also provide for annual or quarterly auditing of their charters to ensure that they are kept up to date. Finally, details regarding the procedure for making complaints and the timely responses thereto are included.

➤ **Accessibility**

In Ireland there are two anti-discrimination laws, but there is no specific law for accessible public transport. However, the National Disability Authority published "Recommended Accessibility Guidelines for Public Transport Operators" in 2005. The Guidelines are intended to help public transport operators provide a good, comprehensive and readily usable service to people with disabilities. They cover information provision, infrastructure and buildings, vehicle design, customer relations, disability awareness training and procedures for disruption and emergencies.

Some companies have a fully accessible network, such as Luas, which also has staff trained in disability awareness to assist passengers if required.

➤ **Enforcement**

Private enforcement

Reimbursement procedures for customers who do not use tickets they have purchased are also set out. Transport operators do however tend to limit their responsibility regarding the issue of refunds when a delay or interruption in services is caused by a factor outside of their control, such as strikes, inclement weather conditions, security alerts, *force majeure*, etc. In these cases, passengers have no right to refunds.

Public enforcement

To ensure that passenger rights are being adhered to, Veolia Ireland conduct their own customer satisfaction surveys quarterly called “Meet the Luas Manager”. This involves management of Veolia Ireland and Railway Procurement Agency surveying Luas passengers and obtaining feedback. According to their website, in 2010, the results of these surveys show customer satisfaction recording at 95 per cent.

Moreover, Veolia Service quality is monitored by monthly customer satisfaction surveys and mystery calls.

➤ **Taxis**

The NTA is responsible for the licensing and regulation of small public service vehicles (“SPSV”) in Ireland. SPSV means taxis, wheelchair accessible taxis, hackneys, wheelchair accessible hackneys and limousines. The Taxi Regulation Act 2003 established the Commission for Taxi Regulation. The principal function of the Commission for Taxi Regulation is the development and maintenance of a regulatory framework for the control and operation of SPSV and their drivers. However, the Commission for Taxi Regulation was dissolved when Part 4 of the Public Transport Regulation Act 2009 came into force on 1 January 2011. Its functions were transferred to the NTA.

Section 34 of the Taxi Regulation Act 2003 provides a legislative basis for the regulation of the licensing, ownership, control and operation of SPSV and their drivers and it empowers the NTA to make regulations. Section 34 also establishes a benchmark to the overall focus of the licensing regime relating primarily to qualitative standards.

Section 51 provided for the establishment by the Commission for Taxi Regulation of a complaints procedure for members of the public, users and potential users of SPSV. As noted above, the Commission’s functions are now exercised by the NTA following the enactment of Part 4 of the Public Transport Regulation Act 2009.

Traditionally, one way in which passenger rights were impinged upon was by charging excessive tariffs by taxi drivers. However, there are now detailed rules in place regarding how fares for taxi, hackney and limousine services are structured and set. The Taxi Regulation Directorate of the National Transport Authority has overall responsibility for determining fares for these services.

Section 42 of the Taxi Regulation Act 2003 empowers the NTA to make all of Ireland one taximeter area. A National Maximum Taxi Fare is in place and fixes maximum fares for Ireland. This means that all taxi fares for all taxi journeys are calculated on the meter. This is of significant benefit to passengers in taxis as they know the charge they will incur will not fluctuate from one taxi to the next. Under Section 39 of the Taxi Regulation Act 2003, it is an offence for a taxi or hackney driver to charge a passenger more than the maximum fee shown on the meter or the fee agreed at the start of the journey.

Passengers in taxis have the right to request a discount before engaging a taxi. Drivers have the right to charge the maximum amount calculated on the meter, or a lower sum at their discretion. A fare card must be

displayed in taxis at all times ensuring that a passenger is informed as to how the tariff is calculated. The card includes details on distance, time and extras. The fare card should be displayed clearly where it is easily visible to the passenger. All licenced taxis are obliged to display passenger information in the front and back of the vehicle. The passenger information card (which is supplied by the NTA to licenced drivers) includes the passenger's rights and the driver's responsibilities as well as fare information.

Section 39 (2) (f) of the Taxi Regulation Act 2003 provides that passengers also have the right to demand that a taxi driver and their vehicle have the proper licences awarded by the NTA on display in their SPSV's¹¹⁰. Section 48 of the Taxi Regulation Act 2003 also specifies a passenger's right to expect that the service that the taxi driver provides amounts to a quality service that meets the specified requirements and performance criteria.

Passengers in taxis also have the right to make a complaint about the service provided. A complaints procedure is provided for by Section 51 of the 2003 Taxi Regulation Act, which states that the NTA must set up a procedure to consider complaints from members of the public and users and potential users of SPSV. Complaints can be made on a number of issues such as fares, cleanliness, driver conduct, etc.

Section 39 of the Taxi Regulation Act 2003 also provides at sub-section (h) that a passenger has the right to be brought to their destination via the shortest possible route, while sub-section (i) provides for the facilitation of the needs of any person with mobility, sensory or other difficulties in the provision and reception of a taxi hire.

ITALY

Introduction

The Country Report was prepared through desk research since we did not receive any reply to the questionnaire.

➤ *National legislation*

Public transport in Italy is regulated at various levels. The Italian Civil Code contains a chapter on transport contracts and responsibilities of the carrier towards passengers. The protection of passenger rights is also laid down by the national Directive of 27 January 1994 regarding the provision of public services and by a legislative decree that requires transport operators to implement Service Charters.

Since 1997, the task of managing public transport has been assigned to the local public entities as an area of their competence. The national law only contains the framework.

The Regions and the Autonomous Provinces of Trento and Bolzano are in charge of planning, coordination, financing and control of local public transport.

Article 1, Paragraph 3 of Legislative Decree No 422/1997 defined as local public transport services all transport services of freight and passengers, which include all transport systems on land, sea, river, estuary, lake and aircraft operating with continuous and periodic itineraries and pre-fixed rates and tariffs with general access in an area which is usually regional or sub-regional.

^{110.} Section 43(1) of the Taxi Regulation Act 2003 provides that "a person shall not drive or use a mechanically propelled vehicle in a public place (within the meaning of the Act of 1961) for the carriage of persons for reward unless the person holds a licence to drive a small public service vehicle and there is a small public service vehicle licence in force in respect of the vehicle."

Regional laws contain the framework for public service contracts, which have to be entered into between the municipality and the selected transport operators. The public service contract must comply with the provisions set out by Regulation (EC) No 1370/2007 and contain the minimum quality standards of the service and specify the tariffs and the guarantees required to be provided by the operators.

According to the public service contracts and the DPCM of 30 December 1998, the operators must adopt a service charter containing all the essential elements of the services provided as well the quality indicators and the service guarantees.

The principles introduced at national level are applicable to all transport modes. Furthermore, European regulations introduce certain specific rules for trains and buses.

Civil Code

Article 1681 of the Italian Civil Code provides that *“without prejudice to liability for delay and non-performance in providing transportation, the carrier is liable for accidents which injure the person of a passenger during the journey, or for loss or damage to the property which the passenger carries with him, unless the carrier proves that it took all appropriate measures to prevent the damage. Any clause limiting the liability of the carrier is void. The provisions of the article are applicable also to free transport of passengers”*.

The passenger has to prove the responsibility of the carrier in court and the restoration is due only if a causal link between the carrier's fault and the damage can be proven.

With specific reference to urban public transport, the case law has affirmed that the liability under the Civil Code is strictly linked to the obligation to safely transport passengers and property to their destination, with the obligation to control and protect the safety of the passengers. This means urban public transport operators have to put in place all the measures necessary to avoid any damage, especially, driving in a way that takes into consideration the safety of the passengers. Consequently, hard accelerations and braking are forbidden and it is considered extremely dangerous to move the vehicle before the doors have been closed completely. The carrier is released from liability only if it is proved that the carrier did everything possible to avoid any risk. On the other hand, the carrier's obligations are mitigated by the attention and prudence required of the passenger¹¹¹.

DPCM of 27 January 1994

The Directive of the Prime Minister of 27 January 1994 sets out the principles that providers of public services, including transport, must comply with.

These principles are:

- equality: the service must be available to all users without discrimination. The principle of equality operates also from a geographical point of view, meaning that all users have the right to the service even if they are in areas that are difficult to reach;
- impartiality;
- continuity;
- right of choice;

¹¹¹ Cass Civ. n. 1034 of 29.04.1964; Cass. Civ. n. 2020 of 1.03.1994; Cass. Civ. n. 3285 of 15.02.2006; Cass. Civ. n. 12694 of 19.05.2008.

- participation;
- efficiency and efficacy;
- information and relationship with the users;
- obligation to evaluate the services;
- reimbursement;
- complaints.

➤ ***Regional/Municipal legislation***

The Regions, according to Article 7 of Legislative Decree No 422/1997, must assign management of local public transport, which does not fall within the competence of the Regions, to local entities (provinces and municipalities). This implies that urban public transport is within the exclusive competence of the municipalities.

Decree 442/1997 did not only transfer competence for local public transport to regions and municipalities but has also rationalised organisation of regional transport. The Decree contains the rules on service contracts, which are the main instrument for public transport management. The competence for local public transport is assigned to municipalities, which can stipulate their own public service contracts with the transport operators.

In this context each Region and the Autonomous Provinces of Trento and Bolzano have adopted their regional laws that contain the principles that regulate urban public transport at local level.

The Regional laws do not contain express provisions on the protection of passenger rights. However, they do contain general provisions on the minimum level of services that are sufficient to satisfy the needs of the users. The definition of minimum service has to take into account the integration between the transport networks, commuting workers and students, and availability of services for users to access administrative services, health care and socio-cultural events.

The minimum level of services is included in the three-year plans on local transport adopted by the Regions.

Regional laws also contain general provisions on public service contracts. There are no rules at regional level on the protection of passenger rights. The specific contents refer to contracts between the management authority and public transport operators. Public service contracts are adopted pursuant to Regulation EC (No) 1370/2007 and they have to include quality indicators to ensure the quality of the service and the monitoring of the quality expected and provided.

We examined the Regional Law of Lombardy that regulates regional public transport covering all transport modes, including taxis.

The planning of urban transport includes also the creation of two consultation entities composed of all stakeholders' representatives, including consumer representatives. The consultation committee is involved in the planning of new regional initiatives. The guarantee committee is created with the purpose of monitoring the adopted initiatives in the field of public transport and compliance with public service contracts between the Region and the transport operators.

Article 20 of the Regional Law of Lombardy requires the region to adopt an Urban Mobility Plan and finance the intervention for the requalification of local public transport.

Article 32 provides for monitoring of transport operators and their obligation to provide information on the service provided. Article 33 lays down sanctions for transport operators that do not comply with the obligation under Article 32. The sanctions consist of suspension of public contributions for the service provided.

Article 40 defines the minimum service level quantitatively and qualitatively necessary to satisfy the needs of the local population. The definition of the minimum service level has to take into consideration the needs of workers and students, intermodality, accessibility to urban areas, incentive to use environmentally sustainable transport modes and modal balance thereof.

With regard to the general rules on service contracts at regional level, the law provides that the exercise of public transport services must be regulated by the service contract concluded with the region or local entities. The region drafts a contract type to be used also by local entities. The Region, together with local entities, develops a monitoring system to collect, elaborate and archive the data on local public transport.

➤ **Public service contracts**

The contents of the public contract services are regulated at national level by Legislative Decree 422/97. Article 19.3 of the Decree provides that the service contracts have to comply with the conditions laid down by Regulation (EC) No 1191/69 (now replaced by Regulation (EC) No 1370/2007), as modified by Article 1 of Regulation (CEE) No 1893/91, and they must indicate, *inter alia*:

- the period of validity of the contract;
- the characteristics of services offered and the programme to carry them out;
- the minimum qualitative standards, including age, maintenance, comfort and cleanliness of vehicles and regularity of service;
- the guarantees provided by the transport operator;
- sanctions in case of non-compliance with the provisions of the contract.

Article 2, Paragraph 461 of Law No 244 of 24 December 2007 provides that public entities, which intend to stipulate a public service contract, comply with the provisions that require the operator to adopt a Charter of Service, which must be prepared in accordance with the users association and the stakeholders involved.

The Charter must include the qualitative and quantitative standards for the service and indicate the procedure to access information, complaint handling and access to alternative dispute resolution procedures or legal action to obtain compensation.

The transport operator must create a permanent monitoring system together with the users associations. The main purpose of the system is to monitor compliance with and implementation of the quantitative and qualitative criteria and the extent to which they meet the users' needs.

The only PSC publicly available, that between the Municipality of Rome and ATAC for management of the UPT for the period from 2005 to 2011, extended up to 2012, is included in the Rome City Report at Para 5.2.11 and Annex 3. The contract outlines ATAC's activity and quantifies the economic compensation due to the operator in consideration of traffic volume revenues.

➤ **Quality Charters**

The contents of the quality charters for public transport sector are set out, at national level, by DCPM of 30 December 1998. The DCPM provides that the operators have to determine the factors on which quality of the service is based; to adopt quality and quantity standards, and to implement annual plans to improve the quality of the service.

The principles that the operators must comply with when providing the services are equality and fairness, accessibility, continuity in providing services, information, user participation through involvement in users associations, efficiency and effectiveness.

Since the quality charters are imposed by a legislative act and not voluntarily adopted by the operators, they amount to a general administrative act reflecting their effects on the administrative or contractual relationship with the users. The rules included in the quality charters are not of contractual but of legal nature. This implies that the users are entitled to the rights in relation to quality of service and legitimate interests in the correct organisation of the service.

The DCPM specifies the quality indicators that are relevant for the users. They are defined at point 2.2 as the *“quantitative variables or qualitative parameters able to adequately represent, in relation to each quality factor, the performance levels of the service provided”*. Identifying quality indicators is the starting point to begin the process of continuous measurement and improvement of quality level of the services, meaning the ability to meet the expectations of users over time.

The DCPM introduces a structure for the quality charters. The charters must contain:

- Section I: Presentation of the transport operator.
- Section II: Quality indicators: definition of standards and commitments and the auditing standards.
- Section III: Complaints procedure and procedure for reimbursement and compensation.

Moreover, the charters must contain information about relations and communication with users, conduct of the employers, dialogue procedure between the operator and users, procedure and case studies for reimbursements, and insurance for personal injury and damage to property.

According to point 2.4 of the DCPM, the quality indicators of the journey are: security of the journey, security of the person and property of the users, regularity and punctuality of transport modes, comfort, additional services, service for disabled people, information to passengers, service at the counter, modal integration, and environmental impact.

With regard to the protection of passengers, point 2.6 *“Protection of the passenger/user”* of the DCPM provides that the charters must specify the procedure for complaints and suggestions taking UNI 10600 as reference procedure, publish addresses and positions of persons in charge of the complaints in the book of complaints, specify the steps and response timing, provide information on procedures and dealing with complaints, explain the situation that gives rise to reimbursements and formalities to obtain them and set out the operative and accounting procedures, set out the timelines for obtaining reimbursements, the types of situations and case studies that give rise to compensation setting out the procedures, addresses and timing.

Point 4.2 indicates the rights of the passengers on public transport and their obligations. Passengers are entitled to secure and tranquil journey, continuity and certainty of the journey when using different transport modes, accessibility to information on transport modes and tariffs, fast updates on schedule changes and alternative means available in case of accident, strike or other interruption, respect of departure and arrival

times, cleanliness of the rolling stock and stations, identification of the staff, the possibility to contact a staff member easily during the journey, correspondence between purchased services and those actually provided, short waiting times at counters, compliance with the non-smoking policy on the rolling stock, stations and open public spaces, convenient complaint procedure and fast response to complaints.

We examined some of the Charters adopted by the operators in the main Italian cities. In general, the responsibility of the transport operator is excluded in case of delays, interruption in the service due to *force majeure* or public security issues, including strikes (announced or unannounced), calamities, orders of the authorities.

In these cases the passengers are not entitled to reimbursements. Also in case of changes to the indicated times of arrival or departure, the operators, in general, decline any liability and the charters specify that no tickets will be refunded. The ACTV Venezia, in the service contract, clarifies that only in case of interconnection, when the connection is interrupted for reasons attributable to the operator, the company will help the passenger continue the journey with other means of transport without an additional fee. ACTV reimburses tickets only where the travel interruption was unexpected and due to the negligence of the company.

With regard to security, some cities, such as Milan, have introduced the Radio bus, which is an on-call bus service that operates during the night to enable passengers to move safely around the city.

Trains

Regulation (EC) No 1371/2007 is directly applicable and the protection of passenger rights introduced by the Regulation was included in the General Conditions of transport of passengers by Trenitalia S.p.A., the main train operator in Italy, which also provides local train transport.

The General Conditions contain a paragraph on the provisions applicable to regional and local transport. With regard to protecting passenger rights, the General Conditions set out the following obligations.

- Information in case of delay, interruption in the service;
- Reimbursements;
- Assistance to disabled people; and
- Tariffs.

With regard to reimbursement in case of cancellation of a train service or in case of delay of more than one hour, it is possible to recover the full price of the ticket, directly at the counter, if possible, or by returning the ticket to the General Direction with a completed reimbursement form.

Indemnities are provided in case of delay in the scheduled arrival time at the destination point if the conditions set out are fulfilled.

- Accessibility

The General Conditions provide information on how to obtain assistance for people with reduced mobility or special needs.

- Tariffs

The General Conditions set out the tariffs that are applied to passengers, different categories and different regions.

- Ferry

The local public transport by water is regulated by various rules, primarily by the Italian Shipping Code.

Under Article 409 the carrier is liable for personal injury claims for harm occurred between when the boarding started until the completion of disembarkation unless it can be established that the event is attributable to causes attributable to the passenger.

Inland water transport is regulated also at regional and local level, but there are no particular provisions on protection of passenger rights.

With regard to urban public transport via ferry service, the main city in Italy that provides this service as a relevant part of its urban public transport service is Venice.

In the Venice area, ferry navigation is the principal urban means of transport across the various islands that compose the city.

The competence for regulating the transport service is assigned to the special the maritime administration judiciary power (*Magistrato alle acque di Venezia*) and to the Province of Venice. The transport operator is ACTV Venezia.

Pursuing its obligations as a transport operator, ACTV adopted its recent Charter in May 2012 to provide a Charter of Services.

The Charter lays down the principles with which the transport operator must comply. With regard to passenger rights and accessibility, the Charter provides the following:

- Tickets: passengers younger than 6 years can travel without a ticket. People with reduced mobility are entitled to a reduction in the price of the tickets.

- People with reduced mobility: according to the Charter, PRMs may use the vehicles, by water or land, when they are equipped for PRMs.

- Responsibility of the carrier: *“ACTV does not accept any liability to customers for any delays, failure to carry out all or part of UPT services due to force majeure and/or reasons of public order or security, or in any case for the interruption or suspension in UPT service for reason beyond its control or outside its domain, such as, but not limited to: strikes of any kind, whether planned or not, riots, high tides, natural disasters, actions by competent authorities, etc. Temporary detours and temporary route deviations due to actions of competent authorities concerned do not give rise to changes in price or right to refunds. Where there is a service interruption due to a breakdown of the means of transport, ACTV undertakes to restore the service as quickly as possible. The carrier's liability is governed by Article 1681 of the Civil Code, starting from the beginning of the journey to its end, and in the company premises?”.*

- Reimbursement: Customers will be entitled to reimbursement of travel within the limits of the value of paid travel documents, in cases where, for gross negligence of the company, the service has been

suspended without prior notice to users in a newspaper or notices at the premises of the company. For these refunds, national rules and regulations will be adopted. A specific form of reimbursement may be made or given for special tickets (booking services, etc.). In the event of changes to ticket prices, the tickets can be replaced within six months from the date of entry into force of the new prices.

- Complaints: complaints are submitted in accordance with the Charter, via fax, letter, email or by using the specific registry. The Company responds by letter within 30 days from the submission.

➤ **Accessibility**

Law No 118/71, as amended by DPR No 384/78 and Law No 41/86, provides that the public transport services, in particular tram and metro, have to be accessible to people with disabilities and reduced mobility.

With Decree of the Ministry of Transport of 18 July 1991 all the buses, private and public, with a number of places higher than 9 have to comply with technical specifications to allow access to people with wheelchairs and reduced mobility.

Article 26 of Law No 104/92 requires local entities (regions and municipalities) to ensure the mobility of disabled people also in areas where urban public transport is not accessible.

Law No 21/1992 provides that taxis must be accessible to disabled people. Municipalities have to indicate the number of vehicles that are adapted to transport disabled people.

DPR No 503/96 requires that public transport vehicles are equipped to transport disabled passengers with maximum security. Article 24 requires metro vehicles to have at least 3 places available for people with reduced mobility, space available for wheelchairs and facilitated access to the platform with elevators.

DM No 236/89 imposes the obligation to install sound devices that signal the proximity of sources of danger especially for blind people, as well as signs written in Braille and light signals for the hearing impaired.

Furthermore, disabled people are entitled to free or reduced-priced tickets on public transport vehicles on the basis of the level of disabilities. The local entities also manage various transport services for disabled people, such as bus on call and a door-to-door transport service, which can be reserved. In Naples there are some collective taxis and public transport services (minibus) for people with disabilities with reduced costs. These taxis are adapted to transport people with wheelchairs. In Milan the transport operator organises transport services with special buses which service lines where there are various schools and centres for disabled people.

All transport operators and municipalities indicate, on their websites, the lines that are accessible to disabled people and people with reduced mobility.

➤ **Enforcement**

Private enforcement

The rules on the responsibilities of the carrier may be enforced in court.

When a passenger claims for damages that occurred while travelling on a vehicle, they have to bring an action before the Court according to the provisions of the Code of Civil Procedure. No alternative dispute resolution procedures are provided.

The responsibility of the carrier is extended to damages to the property of the passenger during travel. The Italian Supreme Court has recently established that the responsibility is extended also to the boarding and alighting from the vehicles.

Law 99/2009, modified by Law 27/2012, introduced, from January 2010, the possibility to bring a class action against private companies, including those operating mass transport for any disruption in the service. The lawsuit may be filed with a summons to the competent court by an individual, association or a committee. If individuals have more claims regarding the same issue the procedures are combined.

Public enforcement

If, during the monitoring period, a public transport operator underperforms or the service does not correspond to the quality criteria imposed by the public service contract, the awarding authority may reduce or suspend contributions for the service. Public service contracts always contain a clause to this effect. The procedures for monitoring the compliance with the obligations imposed by the PSC are laid down by the Regions with the consumers' organisations.

➤ **Taxis**

Other public transport is regulated at national level by Law No 21/1992. The Law contains the principles regarding the regulation of taxi services and renting buses with drivers, but makes reference to the regional level in the description of the obligations. The Law contains rules on regional and municipal competences, licensing, car features and tariffs.

Article 14 of Law No 21/1992 provides that all the taxis have to be accessible to disabled people.

The Regions have the competence in determining, within the framework of the Law, the criteria the municipalities have to respect in preparation of municipal regulations.

With regard to the specific rules on protection of passenger rights, the operators have the obligation to adopt a charter of service, which indicates the rights of passengers and the minimum service that the operator provides. Each taxi operator or consortium issues its own charter, but some elements are common to all charters. In particular, the charters of service regard:

- transparency of the tariffs: the tariffs must be clearly visible in so that it is possible to check them before the start of the journey and they must be illuminated during the night. On the vehicle, there should be a device that indicates the start, the duration and the end of the journey in compliance with the municipal regulations. When the taxi driver is going outside the urban area he has to inform the passenger that the extra-urban rate is applicable.
- security of the passenger: the taxi driver has to drive according the road rules without creating dangerous situations. The driver must not eat or smoke while driving. The drivers cannot take on board people different from the passenger and the passenger's companions.

- certainty and continuity of the service: the service has to be performed in a continuous way without interruption. The journey maybe interrupted only if requested by the passenger. In case of interruption for any reason the client is obliged to pay only the journey travelled.
- easiness in getting the relevant information on tariffs and service.
- compliance with the estimated arrival time: when the taxi is reserved, it has to respect the estimated time of arrival.
- cleanliness of the vehicles: the taxi driver has to provide a clean vehicle.
- complaints: the passenger has the right to know how to submit a complaint and where to submit it. The taxi driver has to provide complaint forms.
- choice of taxi: the passenger has the right to choose the car he prefers, even if they are in a line.

There are no general rules for disabled people. However, some municipalities have adopted regulations to ensure that there are vehicles suitable for disabled people.

Rome has introduced some specific provisions for the transport of disabled people by taxis, introducing compensation measures for the operators. Specifically, the municipal regulation indicates the minimum number of cars that have to be accessible for disabled people and the municipality pays for the adaptation of the vehicles.

The municipal regulation establishes the minimum hours of service and the obligation to provide service in emergency situations such as calamity etc. If it is necessary to satisfy the needs of the population, the minimum service hours can be increased.

In Rome it is possible to apply discounted rates (10 per cent of the fee), in particular to women that travel alone during the night and for journeys to hospitals. Taxi operators can arrange special tariffs for frequent passengers or introduce special passes.

LATVIA

Introduction

The Country Report was prepared through desk research and with a phone interview with one UPT operator.

➤ ***National legislation***

Generally, legal relations, which arise when transporting passengers by road, are regulated by the Law on Carriage by Road, the Law on Public Transport Services, the Civil Law and other regulatory enactments. On the basis of these laws the Cabinet of Ministers (Government) has issued various regulations setting out more detailed terms and conditions regarding specific issues where so authorised by the relevant provisions of the laws. Furthermore, taking into account that the autonomous functions of municipalities are, among other things, organising public transport services¹¹², each municipality passed its own regulations regarding public transportation, which are binding, within the territory of a particular municipality. In addition, a particular company providing public transport services may have its own rules regarding particular public transport service matters.

With regard to the organisation of these public transport services, public transport services within a route

¹¹² Art.15, Point 19, the law “On Municipalities”.

network, a route or a trip are provided on the basis of an agreement on the public transport services¹¹³. Such rights to provide public transport services within a route network, a route or a trip are granted to a carrier by a contracting authority¹¹⁴, either the state or a municipality, which organises the public transport services within their competence¹¹⁵. In practice, there are two possibilities to organise the public transport services: (1) either a procurement regarding the rendering of public transport services under the Public Procurement Law or the law regulating the granting of concessions, insofar as it is not specified otherwise¹¹⁶, or (2) to establish a company for the rendering of public transport services by the contracting authority itself and to grant the company the respective rights. In case of the second option, it has to be taken into account that a contracting authority may grant the rights to provide public transport services to this company without the procurement procedures of public transport services if this capital company was established by a contracting authority and all shares or voting shares are owned by the relevant contracting authority¹¹⁷.

On the other hand, a passenger uses public transport services within a route network on the basis of a contract of regular carriage of passengers, in accordance with which the carrier undertakes to carry the passenger for a specific fee to the stop selected thereby on the relevant route and the passenger undertakes to pay for the public transport service¹¹⁸. The respective contract of regular carriage of passengers comes into effect at the time the passenger commences to use the public transport service (gets on a public transport vehicle) and the ticket confirms that the passenger has paid for the public transport service provided by the carrier¹¹⁹.

Laws

The Law on Carriage by Road, in force since 26 September 1995, regulates legal relations between a carrier, which performs carriage of passengers and goods by road transport vehicles as a professional activity and a consignor, consignee or passengers (Article 2) including the following:

Art. 1, Point 22: Definition of “passenger”.

A person who, in accordance with a contract (ticket) or on another lawful basis, utilises a road transport vehicle for a journey and carriage of baggage, as well as utilises other services provided by the carrier

Art.29: Road transport vehicles for carriage of passengers.

Carriage of passengers is performed by road transport vehicles (buses, cars, etc.) intended for such purpose. A passenger taxi is a car intended for the carriage of passengers upon an individual order and is equipped with a device that shows the payment for the service and ensures registration of income.

Art.34: Timetables of those road transport vehicles that perform regular carriage of passengers.

Art. 35: Carriage of passenger by taxis

Art. 36: Contract regarding carriage of passengers and baggage.

Art. 39: Fare for travel (Tariffs).

Art. 40: Duties and liability of a carrier

Art. 41: Liability of a passenger for the violation of transport regulations and causing damage

Art. 42: Rights of a carrier

¹¹³ Art.13 Part 2, the Law on Public Transport Services.

¹¹⁴ Art.8 Part 1, the Law on Public Transport Services.

¹¹⁵ Art.1 Point 5, the Law on Public Transport Services.

¹¹⁶ Art.8 Part 2, the Law on Public Transport Services.

¹¹⁷ Art.8 Part 3, the Law on Public Transport Services.

¹¹⁸ Art.13 Part 6 of the Law on Public Transportation Services.

¹¹⁹ Art.13 Part 7 of the Law on Public Transportation Services.

Art. 43: Rights of a passenger. A passenger has the right to utilise a road transport vehicle of a carrier for travelling in accordance with a contract (ticket) or other document attesting to the right to travel and to utilise the services related to carriage.

A passenger has the right to carry baggage with them if the sizes and characteristics thereof comply with the provisions for carriage.

A passenger has the right to refuse to travel and to return the previously bought ticket in accordance with the procedures specified in regulatory enactments of carriage of passengers.

A passenger has the right to request compensation for direct losses in accordance with this Law from a carrier.

The Law on Public Transport Services, in force since 15 July 2007, applies to public transport services within the territory of Latvia and determines the competence of the authorities in the field of public transport services and the conditions for operation and organisation of public transport services, and provides for the sources of financing necessary for the provision of public transport services and the financing principles (Article 3) including also the following:

Art. 17: Contract regarding the provision of services within a route network (route).

The contract regarding provision of services within a route network (route) has to provide, *inter alia*, the rules regarding the quality of the provision of services.

Regulations of the Cabinet of Ministers

Regulations of the Cabinet of Ministers set forth more detailed regulations regarding various matters and issues, among other things, the following:

Regulation No 634 on the Organisation of Public Transport Services within a Route Network (in force since 5 August 2010) defines determining a route network, the procedure to determine the demand for public transport services and the scope of route network, as well as the procedure where by public transport services are organised in a route network.

Regulation No 843 on the Order of Providing and Using of Public Transport Services (in force since 15 December 2007) defines the order determining how the services of public transportation are to be provided and used. It includes regulation of various issues related to providing and using public transport services, including:

Point 2: A carrier has to ensure that there is information inside the vehicle on carrying of passengers' baggage and hand luggage.

Point 4: A passenger is prohibited from damaging a vehicle and its inventory, as well as to perform activities, which could endanger traffic security.

Point 12: A carrier has to ensure that the information regarding the stops of public transport in the route is accessible in both audio and visual forms.

Point 13: If the duration of a regional intercity route (trip) exceeds three (3) hours, a public transportation vehicle has to be equipped with ergonomic chairs and the place inside of a vehicle for hand luggage. If a public transportation vehicle is not equipped with a toilet, then in the middle of the route (trip) the stop of vehicle in a place where sanitary facilities are available has to be ensured.

Point 16: A public transportation vehicle has to be accommodated according to technical requirements set forth by applicable legal acts to facilitate entry into the vehicle for disabled persons,

pregnant women and persons with babies (including with a baby buggy) and to ensure the transportation of these persons.

Chapter III Purchasing, using, changing and handing-over of a ticket, includes also:

Point 49: A carrier is obliged to compensate direct losses (except for loss of profit) incurred if the arrival or departure of a road transport vehicle of regular carriage of passengers (except city routes) does not take place in accordance with the traffic schedule, or if a journey in a regional inter-city or regional local route for which a passenger obtained a ticket has been cancelled.

Chapter V Hand luggage and transportation of animals.

Chapter VI Reservation of places, getting on and occupation of places.

Chapter VIII Control of passengers and transportation of baggage.

Regulation No. 872 on Categories of Passengers Entitled to Use the Allowances on Fares in Routes of the Route Network (in force since 1 September 2009) defines the categories of passengers, which are entitled to use fare allowances in routes of the route network, as well as the order of usage of these allowances and their scope.

➤ **Regional/Municipal legislation**

As noted above, the law “On Municipalities” stipulates that the autonomous functions of municipalities are, *inter alia*, organising public transport services¹²⁰ and, therefore, each municipality has passed its binding regulations regarding public transportation.

The City of Riga

The City of Riga is examined in the relevant City Report, see 5.2.10 and Annex 3.

The City of Jekabpils

On the basis of the law “On Municipalities”¹²¹ and Regulation of the Cabinet of Ministers No.843 “Order of Providing and Using of Public Transport Services”¹²², the Jekabpils City Council adopted its binding regulation No 21 “Rules on Usage of Public Transportation (bus) of Jekabpils”, dated 18 August 2011. This Regulation sets forth the order describing carriage of passengers and baggage in the local routes of buses organised by the Jekabpils City Municipality. Among other things, this Regulation includes provisions regarding general matters, transportation and carriage of baggage, administrative liability for non-compliance

¹²⁰ Art.15, Part 1, Point 19, the law “On Municipalities”.

¹²¹ Art. 15 Part 1, Point 19 of the law “On Municipalities”- the autonomous functions of municipalities are, *inter alia*, organising public transport services; and Art. 43, Part 1, Point 8 of the law “On Municipalities” – a council is entitled to issue binding regulations that provide administrative liability for violating them, if such is not provided for in law, regarding the use of public transport.

¹²² Art. 34 of the Regulation “Order of Providing and Using Public Transport Services”- the municipality may establish other terms on the validity of a ticket and its usage in public transport vehicles in the city.

Art.58 of the Regulation “Order of Providing and Using Public Transport Services”- the setting of fees payable for the carriage of baggage.

Art.62 of the Regulation “Order of Providing and Using Public Transport Services”- the terms regarding allowances for fees payable for the carriage of baggage.

Art. 66 of the Regulation “Order of Providing and Using Public Transport Services” – there may be other rules on carriage of baggage regarding public transport vehicles in the city.

with this regulation and imposition of penalties.

➤ **Public service contracts**

Research of publications/announcements of public procurement procedures on the data base available on the homepage of the Procurement Monitoring Office (www.iub.gov.lv) illustrates that there are several such publications. In relation to procurement contracts there are certain considerations on whether or not public procurement contracts are considered as classified information or whether they are considered as unclassified information and may be accessed also by third parties. Therefore, regarding the accessibility to procurement contracts concluded pursuant to the Public Procurement Law, decision No 4-1.2/07-135 of the Commission for Reviewing Submissions of the PMO can be referred to. This decision of PMO explains that Article 35, Part 3¹²³ of the Public Procurement Law sets forth what is to be recognised as unclassified information, while the content of classified information is described in Article 69¹²⁴ of the Public Procurement Law.

According to these provisions a concluded procurement contract is not considered unclassified information and it is not publically available to third parties. Third parties may only obtain particular information if it is unclassified.

Granting rights to provide public transport services to a company established by a contracting authority, where all shares or voting shares are owned by the relevant contracting authority, is another possibility to conclude a public service contract:

Information on public service contracts available is contained in the decision of the Riga City Council to enter into a contract with Riga Municipality SIA “RIGAS SATIKSME” for urban public transport services in Riga of 1 January 2012.

The draft contract, which was described and accepted by this decision, includes the following terms and conditions:

1. The subject matter of the contract. In addition to other specific terms, the provision of public transportation services by buses, trams and trolleybuses.
Clause 2.3.: A carrier ensures departure from the departure point and stops according to the timetable.
2. The term of contract.
Clause 4.1.: The contract became effective on 1 January 2012 and it is effective for fifteen (15) years, that is, until 31 December 2026.
Clause 4.2.: The contract is automatically extended until 30 June 2033 if the stipulated conditions regarding low-floor trams and other matters are fulfilled.
3. The obligations of both parties regarding the organisation of public transportation services.
Clause 5.1.1.: A contracting authority determines the quality requirements for public transportation services.
4. The quality requirements set forth by the contracting authority.
Clause 9.1.: A contracting authority assigns and a carrier undertakes to comply with the

¹²³ Art. 35, Part 3 of the Public Procurement Law – Protocols setting out separate stages of procurement procedure, the report, documents of procurement procedure, except for submitted tenders, are unclassified information.

¹²⁴ Art. 69 of the Public Procurement Law – Accessibility to Information on the Procurement Contracts:
The following unclassified information is included in a procurement contract: (1) the title/name of contracting authority; (2) the title/name of supplier; (3) the subject matter of procurement, its scope, price and description according to the information provided by the report; (4) the order of payments; (5) the term and place of execution of contract; (6) the liability of contracting parties regarding non-compliance with contract; (7) terms, how amendments to a contract are to be made, as well as terms for the termination of the contract.

minimum quality requirements set forth by normative acts regarding public transportation services and with the quality requirements set forth by the contracting authority to ensure the effective provision of public transportation services in the network routes, and to improve the quality of public transportation services, the quality indicators (availability, accessibility, accessibility to information, time, services to passengers, comfort and security) and the result indicators.

Clause 9.3.: A contracting authority has set forth the quality requirements by the Planning of Development of Electro-transportation of Riga City for Year 2004-2018 and the Planning of Development of Public Transportation of Riga City for Year 2005-2018 and other documents.

Certain quality requirements are set forth in the respective appendixes of the contract.

5. The tariff rates for public transportation services.
6. The ticket system for public transport.
7. Fare allowances.
8. Control of public transportation
9. The order on how to review proposals, applications and complaints
10. The determination of the scope of compensation and its payment.
11. Control of performance of the contract.

The draft contract includes also the following appendixes:

1. Routes.
2. Justified reasons and unjustified reasons for non-performance of trips.
3. The description of quality management system processes to ensure the quality of the public transportation services.
4. The description of a personnel management system.
5. Quality requirements for the provision of information.

In this appendix, among other things, it is provided that:

- A carrier is obliged to ensure accessibility to information on it as the provider of services and the public transportation services (Point 1);
- A carrier provides information regarding the services to the extent possible, comfortably, quickly and accessibly to the respective community group by using the necessary means of communication – mass media, websites, informative phone, client service centres, stops, public transportation vehicles etc.

The appendix includes more detailed provisions regarding (1) the information on the carrier and its employees involved in the provision of services; (2) the information on the public transportation vehicles and other places where services are provided; (3) the information on stops; (4) the information on the website of the carrier; (5) the informative phone.

6. Quality requirements for research and other intangible investments.

In this appendix, among other things, it is provided that in cooperation with particular institutions a carrier has to organise passenger polls and to carry out certain research regarding specified matters.

7. Quality requirements for the public transport vehicles and their equipment.

In this appendix, among other things, it is provided that:

- A carrier must ensure the comfortable transportation of passengers in consideration of the capacity (roominess) of its vehicles.
 - Certain equipment and utilities have to be provided in a public transportation vehicle.
 - In a public transportation vehicle there has to be a first-aid kit; fire extinguishers and other equipment in accordance with applicable legislation.
 - A carrier must ensure that all public transportation vehicles, which are providing services, have optimal air temperature, air content, and the permitted level of noise and vibration and light in the vehicle.
8. Quality requirements for the infrastructure.

9. Quality requirements for the personnel (including drivers) involved in the performance of the contract.
In this appendix, among other things, it is provided that a driver has to have the professional knowledge, the skills necessary for transportation of passengers and sufficient knowledge of the official language required for a particular position. A driver has to be trained to provide first aid and to act in extraordinary situations and accidents.
10. The accounting of public transportation income and expenses.
11. The determination of the scope of compensation and the procedure for submission of reports.
12. The compensation payment procedure.

➤ **Quality Charters**

We are not aware of any quality charters for transport operators, provided that quality charters are recognised as statements of transport operators to commit themselves to ensure certain services and the quality thereof. However, various quality measures have been implemented by transport operators themselves in their daily business and several terms and conditions regarding the quality of provided services have been introduced in contracts on public transportation services.

➤ **Accessibility**

The Law on Public Transport Services states that its purpose is to ensure the accessibility of public transport services to people (Article 2). Furthermore, the same law (Article 1, Point 2) defines a route network as a set of routes created using the existing network of motorways, streets or railway tracks, in which public transport services are organised, ensuring state-guaranteed public transport services of a certain quality and amount, which are available to every member of the society, including the categories of passengers determined by the state subject to preferential conditions, and adjusted for specific passenger categories with special needs.

The Disability Law provides that the consequences of a disability are reduced by ensuring the right for the persons with a Group I or Group II disability, the persons with a disability up to the age of 18 years and the person who accompanies a person with a Group I disability or a person with a disability up to 18 years of age to use all types of public transport free of charge within the territory of Latvia, except for air transport, taxis and passenger carriage on inland waters (Article 12, Part 1, Point 7).

The City of Riga has set out rules for the accessibility to the UPT for PRMs and disabled people, with specific regard to the requirements that the fleet of the operator must have and the organisation of alternative transport modes, such as paratransit, for disabled people.

The Planning of Development of Electro-transportation of Riga City for years 2004 to 2018 provides that the development of modern low-floor trams must be recognised as a priority by maintaining and possibly increasing the significance of electronic transportation; it may be necessary to modernise trolleybuses (with low-floors) in the short term, as well to replace trolleybuses with trams and buses on particular routes.

The Planning of Development of Public Transportation of Riga City for Years 2005 to 2018 includes identifying several problems, solutions and tasks in relation to the following: (i) special traffic road/tract for public transportation in the city; (ii) the unified Riga public transportation company; (iii) Riga electro-transportation; (iv) the integration of passenger carriage by railway into the system of Riga public transportation; (v) cycle-transportation; (vi) car-taxis; (vii) route-taxis.

➤ **Enforcement**

Private enforcement

Therefore, it can be concluded that a passenger is entitled to bring a claim against a provider of public transportation services if their rights have been violated and for which the respective provider is liable.

The Law on Carriage by Road regarding the legal remedies available to passengers to protect their rights sets forth also the following:

Art. 40: Duties and liability of a carrier.

A carrier has a duty to ensure a passenger a place indicated on the ticket in a road transport vehicle of regular passenger carriage, as well as a safe journey, and safe-keeping and delivery of the transferred baggage to the place of destination.

A carrier must compensate a passenger for the value of the ticket in accordance with the procedures and in the amount set out in the passenger carriage regulations in cases provided in the Law.

A carrier has a duty to compensate direct losses (except for loss of profit) incurred if the arrival or departure of a road transport vehicle of regular carriage of passengers (in accordance with the requirements of regulatory enactments) fails to comply with the timetable, or if an international route journey for which a passenger obtained a ticket has been cancelled.

If baggage is damaged or lost, a carrier must draw up a relevant deed regarding it and compensate the passenger for losses.

A carrier is liable for losses caused in the course of carriage if a passenger has died or become crippled, or some other health impairment or damage to their property has been caused and the carrier fails to prove that the loss has been incurred due to *force majeure* or due to actions or gross negligence of the victim. A carrier is liable for losses caused during boarding and alighting of passengers and loading or unloading of baggage if the carrier is determined to be at fault.

The general rule (Article 23, Part 1 of the Civil Procedure Law) is that all civil legal disputes are subject to the competence of the Court, unless otherwise provided for by law, but it does not deprive parties of their right to apply, upon mutual agreement, to arbitration to settle the dispute. Taking into account that a passenger and a carrier do not have the possibility to mutually agree on alternative dispute settlement procedures, the general rule applies. Mediation as an alternative dispute resolution mechanism is not regulated in Latvia.

In addition, a passenger may bring a claim to the Consumer Rights Protection Centre if a potential violation of consumer rights has occurred.

Public enforcement

The Administrative Violations Code provides for administrative liability regarding various violations. It includes administrative liability for carriage of passengers (Article 14932 of the Administrative Violations Code), for example, carriage of a greater number of passengers than specified by the vehicle manufacturer or international carriage of passengers in violation of the requirements included in international agreements regarding carriage of passengers. Furthermore, for instance, administrative liability is set forth regarding violations of regulations regarding the use of taxi (Article 1371) providing for liability not only for the refusal to pay for calling the taxi, but also for the refusal to service a passenger.

Furthermore, also the Criminal Law (in force since 1 April 1999) governs criminal offences against traffic safety (Chapter XXI). This liability is set forth, *inter alia*, the use of a vehicle in a state of technical disrepair

(Article 263), the operation of a vehicle by a person under the influence of alcohol, narcotic, psychotropic, toxic and other intoxicating substances (Article 264) and violations of traffic provisions (Article 266).

Carriers carry out passenger surveys to receive certain information regarding passenger satisfaction. For example, Riga Municipality SIA “RĪGAS SATIKSME” periodically organises passenger surveys on satisfaction with the public transport in general and on certain factors of public transportation services provided in particular. However, no surveys to monitor compliance of carriers with any particular quality criteria were carried out. No surveys regarding enforcement actions, either private or public, were carried out either, due to the low numbers of carriers, state institutions and private persons involved. Furthermore, there are no general data bases available to search enforcement cases.

➤ **Taxis**

Regarding carriage of passengers by a taxi¹²⁵, such activities may be performed only if a carrier has received a special authorisation (licence) issued by the relevant municipality. A municipality approves licences and the location of passenger taxi stops, and decides on a distinctive sign and its placement on a taxi vehicle. The special authorisation (licence) grants the right to carry out services by taxis only in the relevant administrative territory, and to transport a passenger to any place outside the territory.

Regulation No 468 on Carriage of Passengers by Taxis (in force since 3 July 2012) sets out the procedure for carriage of passengers by taxis and the specific metrological and technical requirements; the requirements and procedures to check taximeters before their entry into the internal market and delivery for use, and the specific metrological and technical requirements; the requirements and procedures to check taximeters which have already been delivered for use (set up in a taxi).

Furthermore, this regulation provides the terms and conditions for setting up meters in taxis and their design and facilities (Part II of the Regulation), for contracts of carriage (Part III of the Regulation), for the payment procedure (Part IV of the Regulation), for carrying luggage (Part V of the Regulation), for the rights and obligations of the taxi driver (Part VI of the Regulation) and for the rights and obligations of the passengers (Part VII of the Regulation).

As regards the rights and obligations of a taxi driver, it is provided that, *inter alia*, a taxi driver is obliged to ensure safe-keeping of the luggage within the luggage compartment and, upon the request of a passenger, to help a passenger place their luggage in the taxi, and at the end of the trip, upon the request of a passenger, to help take out the luggage from the taxi (Article 28.2). A taxi driver is also obliged to ensure the cleanliness and order inside the vehicle and its baggage compartment (Article 28.9). Furthermore, taxi drivers are prohibited from smoking inside taxis (Article 29.4).

LITHUANIA

Introduction

The Country Report was prepared through desk research since we did not receive a reply to the questionnaire.

➤ **National legislation**

¹²⁵ Article 35 of the Law on Carriage by Road

Public transport in the Republic of Lithuania is regulated by a number of legal acts. The legal framework of public transport services is set out in the Civil Code of the Republic of Lithuania (hereinafter – the Civil Code). On a national level, the passenger rights in public road transport are set out in the Road Transport Code of the Republic of Lithuania (hereinafter – the Road Transport Code) and in the Rules on Carriage of Passengers and Luggage by Road Transport, adopted by the Ministry of Communications of the Republic of Lithuania (hereinafter – the Ministry) (13 April 201, No 3-223) (hereinafter – the Rules on Carriage of Passengers). The passenger rights in public railway transport are established in the Railway Transport Code of the Republic of Lithuania (hereinafter – the Railway Transport Code). The passenger rights in public inland transport are set out in the Inland Transport Code of the Republic of Lithuania (hereinafter – the Inland Transport Code).

Article 6.812 of the Civil Code sets forth the definition of public transport services and general rules regulating public transport contracts: (1) a legal person (an entrepreneur) engaged in the provision of transport services is deemed to be providing public transport services if, subject to the law or an authorisation (a licence), he is obliged to provide regular scheduled freight or passenger services at the request of any individual; (2) a contract for the provision of public transport services is a public contract; (3) public transport undertakings must provide transport services to any individual with the exception of cases provided for by the law in which they are entitled to refuse to enter into contracts of carriage; (4) passengers must conform with the rules governing the activities of public transport undertakings.

It must be noted that prices and other conditions of service under public contracts must be equal to all consumers of the same category, except in cases expressly provided for by laws where preferential conditions may be applied to separate categories of consumers.

According to the provisions of the Transport Code, the contract of carriage of passengers is defined as a contract where the carrier undertakes to provide the passenger with a road carriage service to the point of destination by a vehicle, at the time and along the route specified in his transport ticket or in a certain order, whereas the passenger undertakes to pay a set fare for the carriage.

The general rights and duties of the passenger in public transport are set out in Article 20 of the Transport Code. The passenger has the right to: (1) take the seat indicated on the ticket; (2) in the manner prescribed by the Rules of Carriage of Passengers and their Luggage, carry free of charge luggage of specified weight and size; (3) carry free of charge two children who are 7 years old or younger, if they do not occupy a separate seating place on the buses and trolleybuses providing local (urban and suburban) services or buses carrying passengers on long-distance routes; (4) be carried by the same carrier or, by agreement, by another vehicle with the same ticket and to the same point of destination, if the vehicle specified on the ticket cannot be driven for any reason and not be required to pay a surcharge for a more comfortable vehicle, but be paid the difference in the ticket price if the vehicle is replaced by a less comfortable one than that specified on the passenger's ticket and, in case of failure by the carrier to provide another vehicle, be paid an appropriate compensation in the manner prescribed by the Rules of Carriage of Passengers and their Luggage; (5) before the start of the journey terminate the contract of carriage, return the ticket and receive back the amount paid in the manner prescribed by the Rules of Carriage of Passengers.

The Rules of Carriage of the Passengers and Luggage by Road Transport establish the right of the passenger to return the ticket and recover the price of the ticket before the departure of a vehicle, in the following cases: (1) if the journey has been cancelled or if the departure of the transport vehicle is late for more than 15 min.; (2) if the passenger does not get the seat indicated on the ticket or another seat. The Rules on Carriage of

Passengers does not describe the procedure for remuneration of the price paid for the ticket in the above mentioned cases.

The Act of Passenger Road Transport Format adopted by the Ministry (14 March 2003, No. 3-155) regulates the inside and outside look of the vehicles which are used to perform transport services; the legal act establishes which information must be presented in the bus (information about the carrier, information about the ticket prices, fines for using the transport without a ticket).

The Railway Transport Code, which makes reference to Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations, establishes passenger rights in public railway transport. The Railway Transport Code separately regulates the rights of disabled persons or persons with reduced mobility and establishes the obligation of the carrier to comply with these rights (Article 331). The carrier must guarantee that such passengers using railway transport services receive the help necessary.

Passenger rights in public inland transport are set out in the Inland Transport Code. The Inland Transport Code establishes the right of the passenger to use another ship of the carrier if the current ship cannot perform the voyage; to terminate the contract of carriage and recover the price paid for the carriage.

➤ ***Regional/Municipal legislation***

Public transport services in Vilnius City are governed by the Rules of Carriage of Passengers and Luggage by Bus and Trolleybus in Vilnius City, adopted by the decision of the Council of the Municipal Government of Vilnius (25 January 2012, No 1-402). These rules establish the quality requirements for the transport operator providing transport services in Vilnius. According to Article 4, the carrier undertakes to: (1) observe the transport routes and schedules; (2) perform safe carriage of the persons and their luggage; (3) ensure cleanliness of busses and trolleybuses; (4) make available to the passengers the Rules of Carriage of Passengers and Luggage by Bus and Trolleybus in Vilnius City. According to these rules the driver must be attentive and mindful, announce the names of the bus-stops and inform the passengers about transport services fees (Article 6); the uniform of the driver must be clean and orderly, it is forbidden to smoke in the bus or trolleybus. The rules also establish duties of the passengers using public transport.

Public transport services in Kaunas City are governed by the Rules of Carriage of Passengers and Luggage by Bus, Trolleybus and Shuttle Bus in Kaunas City, adopted by the decision of the Council of the Municipal Government of Kaunas (5 May 2005, No T-246). These rules establish general quality requirements for the transport operator providing transport services in Kaunas City. In Article 2 of these rules it is established that (1) the carrier must secure safe carriage of the passengers and maximum comfort of the vehicles; (2) the staff of the carrier must be polite and attentive and must eliminate any faults of the services. The rules also regulate which information must be visible in the vehicle: the name of the carrier, address and phone numbers, capacity of the vehicle, fines for using the services without a ticket, information about exemptions, information about the driver and the phone number of the controlling authority - the Transport department of the Municipal Government of Kaunas (Article 14).

The Rules of Carriage of Passengers and Luggage by Bus, Trolleybus and Shuttle Bus in Kaunas City also regulate the rights and duties of the staff. According to Article 24 of these rules, the staff must: (1) secure the safe entrance and safe carriage of the passengers; (2) follow routes and schedules; (3) return the price of the ticket to the passengers if the trip is cancelled or the departure of the vehicle is late; (4) deliver the property of the passengers found in the vehicle to the office of the carrier; (5) it is forbidden for the staff to smoke, to

listen to loud music or disturb the peace of the passengers in any other way. Article 26 of these rules establishes the following rights of the passenger: a passenger has a right (1) to take a free seat in the vehicle; (2) to return the ticket and get the money paid for the ticket if the trip is cancelled or the departure of the vehicle is late; (3) to carry two children under 7 years free of charge if they do not occupy a separate seat.

Public transport services in Klaipeda are governed by Rules of Carriage of Passengers by Bus and Taxi in Klaipeda City adopted by the Council of the Municipal Government of Klaipeda (decision dated February 2007, No T2-41). These rules establish the obligation of the carrier to perform safe carriage of the passengers; to provide information to the passengers set forth by the legal acts; to use vehicles, which conform to the specific norms and technical requirements. The legal act also establishes the duty of the carrier to set the norms of impeccable and attentive behaviour for its crew.

➤ ***Public service contracts***

The Agreement of public transport services in Vilnius City is adopted by the Council of the Municipal Government of Vilnius (decision dated 21 September 2011, No 1-223). The agreement establishes a general obligation of the carrier to provide public transport services according to the conditions provided by the municipality, but it does not provide any specific quality requirements for the public transport services. It must be noted that the Agreement of public transport services does not establish any obligations of the carrier relating to the accessibility of the infrastructure and does not regulate the possibility to reduce the compensation paid to the carrier in cases where the services are underperformed.

The quality requirements for the public transport services in Kaunas City are established in the Agreement of public transport services adopted by the Municipal Government of Kaunas. The agreement establishes quality requirements for the vehicles: (1) the inside of the vehicle must be clean; (2) the seats in the vehicle must be ordinary; (3) the vehicles must be heated when the temperature is lower than 0 degrees; (4) in the warm period of time the vehicles must be ventilated, the ventilation system must be functional; (5) the seats of the vehicle must be cleaned with water not less than 8 times per year.

The quality requirements for the public transport services in Kaunas City set forth in the agreement are divided into 6 groups: activity indices (rate of terminated and inappropriately implemented transport lines), cleanliness, heating and ventilation of vehicles, revenue collection (passenger control), adherence to timetable (errors), information at the stations and information in vehicles. The passenger satisfaction index is evaluated according to categories of 7 parameters: reliability (including convenience of network and schedule), safety, information, driving, driver's communication, cleanliness, complaint handling. The agreement establishes a penalty scheme for underperformed services or breach of the quality requirements set forth in the agreement. The agreement also establishes a penalty and bonus scheme related to the customer satisfaction index. According to the information provided by the Department of transport and traffic organisation, the average passenger satisfaction index this year is 7.2 out of 10.

The Agreement of public transport services in Klaipeda City is not publicly available.

➤ ***Quality Charters***

There is no information about the quality charters presented by the transport operators performing public transport services.

➤ ***Accessibility***

Special rights of the passenger relating to the accessibility of public transport are established in the legal acts of the Republic of Lithuania. The Rules on Carriage of Passengers establish that: (1) passengers who are disabled, with small children or pregnant, and elderly passengers have the priority right to use the services, and the priority right to get into the vehicle; (2) the right of disabled passenger to carry equipment in the public transport free of charge; (3) in every public transport vehicle 6 places must be reserved for passengers who are disabled, with small children or pregnant and for elderly passengers; these places must be specially marked. The Railway Transport Code establishes the rights of disabled passengers to receive all necessary help from the personnel at the station and the right to use public transport equipment for the use of disabled passengers.

In the Law on the Principles of the Activities of Transport, it is established that the public transport equipment must be consequently adopted for the practical and safe use of disabled passengers. The requirements thereof are established in the legal act STR 2.03.01:2001 adopted by the Ministry of Environment of the Republic of Lithuania (24 June 2001, No 317). In the legal act, it is established that municipal public transport equipment (stops, end stations) must be designed so as to allow disabled passengers to use the services independently.

➤ **Enforcement**

Public enforcement

In Vilnius City the functions of enforcement of legal acts regulating public transport services are delegated to the municipality enterprise SI “*Susisiekimo paslaugos*” which is also responsible for providing information to the passengers about public transport in Vilnius and information about transport routes, schedules and tickets. This institution does not have the right to impose a fine on public transport operators. This right is not provided for in the agreement for public transport services in Vilnius City adopted by the Council of the Municipal Government of Vilnius.

In Kaunas City the functions of enforcement of legal acts regulating public transport services are implemented by the Department of transport and traffic organisation of the Municipal Government of Kaunas. The department provides information about public transport in Kaunas and information about transport routes, schedules and tickets. The agreement for public transport services in Kaunas City provides for a penalty scheme related to the quality of the services.

In Klaipeda City the functions of enforcement of legal acts regulating public transport services are delegated to the public enterprise “*Klaipėdos kelevinīs transportas*” which was established by the Municipality of Klaipeda. The public enterprise also provides information about public transport in Klaipeda and information about transport routes, schedules and tickets. There is no information available granting the right to impose a fine on public transport operators due to the quality of the services.

Only the PSC of the city of Kaunas establishes a penalty scheme for underperforming the services or breach of the quality requirements set forth in the agreement. The agreement also establishes a penalty and bonus scheme related to the customer satisfaction index. The PSCs for the UPT in Vilnius does not provide a similar scheme.

In accordance with the Regulation establishing the licences to carry passengers by road transport adopted by the Ministry (14 February, No 3-62), the licence may be withdrawn by the municipality which issued it if the

carrier infringes its duties under the contract, violates the Rules on carriage of the Passengers and Luggage by Road Transport or infringes other duties.

Private enforcement

The passenger has the right to protect their rights in accordance with the procedure established under the Law on Consumer Protection of the Republic of Lithuania. The customer (passenger) has the right to submit a claim to the service provider, to the State Consumer Rights Protection Authority or to the Court. The procedure is as follows: (1) the passenger must submit their demands to the service provider. If the service provider does not agree with the demands of the passenger, it must provide a comprehensive and reasoned answer within 10 days from receipt of the demand; (2) if the service provided does not accept the demands of the passenger, the passenger has the right to apply to the State Consumer Rights Protection Authority, which has the right to resolve the dispute. If the service provider does not comply with the decision, the State Consumer Rights Protection Authority makes an official announcement about the decision on its website; (3) the passenger has the right to bring an action against the service provider before the Court (procedure described in step 2 is not necessary to make a claim before the Court).

It must be noted that the transport operators do not provide any information about complaint handling procedures. The Agreement for public transport services in Kaunas (Clauses 8.6 to 8.9) establishes the following duties of the carrier: (1) responding to all complaints of the passengers within 30 calendar days, all complaints must be registered; (2) arranging a free of charge telephone line for complaints; (3) conducting a passenger survey of every year until 31 of October, the questionnaire is provided in the annex to the agreement.

➤ ***Taxis***

Transport of passengers by taxi is regulated by the Rules on Carriage of Passengers by Taxi approved by the Ministry of Transport and Communications of the Republic of Lithuania (27 January 2012, No. 3-80). The rules establish the duty of the carrier to ensure the safety of passengers and to provide the services attentively, and that drivers must be prepared (Article 4). The rules establish which persons have a priority right to use taxi services, i.e. persons who need medical help, disabled persons, persons with small children and pregnant women.

The Act of Passenger Road Transport Format adopted by the Ministry (14 March 2003, No. 3-155) regulates the inside and outside appearance of the taxi and establishes what information must be presented in the taxi: (1) the name of the company; (2) the number and validity date of the licence; (3) phone number of the company responsible for the services; (4) information about the fees for the services.

LUXEMBOURG

Introduction

The Country Report was prepared through desk research since did not receive a reply to the questionnaire from the contacted stakeholders.

➤ ***National Legislation***

The present report covers urban public transport by road and by train in Luxembourg, which includes buses, taxis and trains but excludes metros and tramways that do not yet exist in Luxembourg. The implementation of a tramway in Luxembourg City is currently under construction. As a result, the organisation of public transport will probably be modified over the coming years.

The law of 29 June 2004 on public transport, as amended, (the “Public Transport Law”) applies to public transport of persons:

By train:

- Transport of passengers by train or tram, operating scheduled services or non-scheduled services confined to the national territory;
- Regional Trans-border transport of passengers by trains operating scheduled services or non-scheduled services within the cross-border region (the French, Belgian and German borders regions) having a Luxembourg railway station as a departure point or arrival destination.

By road:

- Transport by motor-vehicle or by a combination of vehicles for scheduled services or special scheduled services; and
- Transport by motor vehicle or by a combination of vehicles containing more than eight (8) seats for special non-scheduled public services if the transport is operated within the national territory or if the transport is operated within the cross-border region from a departure point or with an arrival destination in Luxembourg.

The Luxembourg legislation on public transport and on the rights of passengers is, however, about to change since various bills and draft regulations have recently been filed with the Luxembourg Chamber of Deputies (*Chambre des Députés*) and are currently under Parliament scrutiny (Bill of 22 November 2011, No 6368/2011 on determination of criminal sanctions regime for infringements of provisions of Regulation (EC) on rail passengers’ rights and obligations; Bill of 9 March 2012, No 20/2012 on Public Transport of Irregular Passengers, which amends the Public Transport Law and the Public Transport Regulation).

Regulation (EC) No 1371/2007 applies to local transport by trains. In particular, the following articles apply.

- Availability of tickets through tickets and reservations (Article 9 of Regulation (EC) No 1371/2007);
- Liability for passengers and luggage (Article 11 of Regulation (EC) No 1371/2007);
- Insurance (Article 12 of Regulation (EC) No 1371/2007);
- Information, accessibility and assistance at railway stations for disabled persons or persons with reduced mobility to travel by rail, (Articles 19, 20, Paragraph 1 and Article 22, Paragraph 1 of Regulation (EC) No 1371/2007);
- Personal security of passengers (Article 26 of Regulation (EC) No 1371/2007).

Legal bases of passenger rights

The right to be transported on buses and trains is regulated by Article 3 of the Grand-Ducal regulation of 12 June 2007. The operators must transport passengers from the departure points to the destination points within the official timetable under the condition that:

- the passenger holds a valid ticket, unless otherwise exempted by these regulations;

- the passenger complies with the Grand-Ducal regulation of 12 June 2007 for fixing tariffs for public transport, as amended, and with the general rules set out by the operators;
- the transport of the passenger is not banned by legal or regulatory provisions or by reasons of public order.

With regard to the right to information on tariffs and timetables on buses and trains, timetables and tariffs are in practice available at train stations, bus stops and with the operators and the mobile IT website.

For train passengers, Article 9 of Regulation (EC) No 1371/2007 states that railway undertakings and ticket vendors must offer, where available, tickets, also by reservations.

Passengers are allowed to transport hand luggage, other baggage, bicycles and animals that must not, by their size, nature or smell, injure, obstruct, soil or inconvenience other passengers. Passengers are not allowed to carry motorcycles inside buses (Articles 17 and 18 of the Grand-Ducal regulation of 12 June 2007 on fixing tariff for public transport, as amended).

Control agents are allowed to control the contents and the nature of any item being carried by a passenger, in the presence of the passenger, when there are substantial grounds for believing that the passenger is in violation of applicable regulations.

Abandoned hand luggage or other baggage is handed over to the lost property office of the operators.

With regard to train passengers, according to Regulation (EC) No 1371/2007, Article 11 and Chapter III of Title IV of Annex I on liability for passengers and luggage as applicable, the carrier is not liable for the total or partial loss of, or damage to, articles, hand luggage or animals the supervision of which is the responsibility of the passenger in accordance with Article 15 unless the loss or damage is caused by the fault of the carrier. When the carrier is liable under Article 33(1), it must pay compensation up to a limit of 1,400 units of account per passenger.

- In cases of delay, cancellation or disconnection of buses and trains

A passenger holding a transport ticket is prohibited by the Grand-Ducal regulation of 12 June 2007 on fixing tariffs for public transport, as amended, from starting an action or claiming any damages against the operator or the State in the event of a halt, delay, missed connection, cancellation or insufficient space in public transport.

However, in case of partial or total delay or cancellation of a route, the applicable legislation offers the passenger who would like to continue their journey, the right to be routed as far as possible without any surcharge via another route to allow them to arrive at the destination point with minimum delay (Article 3 of the Grand-Ducal regulation of 12 June 2007 on fixing tariffs for public transport, as amended).

- In case of physical injury suffered while travelling by bus or taxi,

Under Article 1784 of the Luxembourg Civil Code and Article 103 of the Luxembourg Commercial Code, the carrier is liable for loss or damage suffered by passengers, unless it can prove that the loss or damage was caused by external causes that may not be attributed to it.

The carrier can be exonerated from his liability if it is shown that the external cause can be construed as a *force majeure*. Any agreement to the contrary in relation to passengers' injuries will be considered null and void.

The obligation of the carrier to transport passengers in a safe way only applies during transport, i.e. from departure to arrival points.

In case of damage or injuries suffered while travelling by train, the above Article 1784 of the Luxembourg Civil Code and Article 103 of the Luxembourg Commercial Code apply in cases of physical injury caused to train passengers.

However, Article 11 of Regulation (EC) No 1371/2007 states that without prejudice to applicable national law granting passengers further compensation for damages, the liability of railway undertakings to passengers and their luggage is governed by the Regulation and the Annex thereto.

As Luxembourg law provides for full compensation to injured persons for damage suffered, Regulation (EC) No 1371/2007 does not afford further protection than Luxembourg law.

However, Regulation (EC) No 1371/2007 provides for specific compensation notably for the following damage:

- (i) in case of death: any necessary costs following death, in particular those for transporting the body and funeral expenses;
- (ii) in case of personal injury: any necessary costs, in particular those for treatment and transport, and compensation for financial loss due to total or partial incapacity to work or increased needs.

Therefore, Regulation (EC) No 1371/2007 details the specific compensation that can be granted whereas Luxembourg law provides only a general principle of full compensation.

➤ ***Regional/Municipal legislation***

There are no regional or municipal rules on UPT in Luxembourg.

➤ ***Public service contracts***

According to the Law on Public Transport, the Ministry of Transport must define the required standards of service based on objective and non-discriminating criteria, applied in a balanced manner to the whole territory.

The Ministry of Transport enters into a public service contract with the relevant operators¹²⁶ to set the conditions under which they are entitled to operate a public transport service. The Public Transport Regulation specifies that these contracts must comply with Regulation (EC) No 1370/2007 and contain provisions concerning the following points (Article 3):

- the operators' compensation standards and performance criteria;
- the operational conditions of service;
- a schedule of regulations determining rolling and on-board documents;

¹²⁶ In Luxembourg, there are four operators, which are: on city level: the Luxembourg City buses (Autobus de la ville de Luxembourg (the "ATL") and the Inter-municipal Transport of the Canton of Esch for the South West Region of Luxembourg (Transport Intercommunaux du Canton d'Esch ("TICE")); on regional and national levels: the National Company for Railways (Société nationale des Chemins de fer (the "CFL") which operates railway services and the General Regime of Road Transport (Régime général des Transports Routiers (the "RGTR").

- a set of control measures to ensure the proper performance of the service;
- the statistical information to be provided by the operators.

These public service contracts are not available to the public.

➤ **Quality charters**

The only available information on quality charters is that for railway passengers. The CFL has had an internal charter in place since 2003. This internal charter is based on five criteria:

- Punctuality
- Information
- Comfort
- Cleanliness
- Upgrading

The charter also promotes a high level of security and respect for the environment. As this quality charter is an internal document for the CFL, it does not bind the operator towards the passengers. It is therefore not a contractual document but a unilateral commitment from the CFL to maintain the performance level of the service rendered to passenger.

➤ **Accessibility**

There is no specific provision for buses and taxis in relation to the right of access for disabled persons and persons with reduced mobility.

For trains, Regulation (EC) No 1371/2007 provides that railway undertakings must have non-discriminatory access rules in place for the transport of disabled persons and persons with reduced mobility, they must provide disabled persons and persons with reduced mobility with the possibility to book a journey without additional costs, they must provide them with all the relevant information about the transport and accessibility thereto, and they must provide assistance at railway stations (Articles 19, 20 Paragraph 1 and Article 22). These provisions are directly applicable in Luxembourg.

Bus and train passengers can have information in relation to traffic in real time thanks to the use of a specific system called "ITCS" (International Transport Control System).

The infrastructure (equipment, footpath) is the responsibility of local authorities (116 municipalities in total in the country, 4,000 bus stops). However, it seems that in some local areas footpaths are not provided to reach bus stops.

CFL monitors accessibility to train stations and is part of the quality management. 50 per cent of the train stations are staffed.

All buses have to undergo a "technical check" every 6 months. The equipment for people with disabilities is controlled according to the standards defined in the specifications book.

Mobility for disabled people is generally guaranteed for special transport services (very flexible, fixed timetables, but their definition is based on demand and reviewed every year).

For example, Luxembourg City has created a service called “Call a bus”, which is intended for disabled people. This service is available to all from 9 a.m. to 12 p.m., Monday to Saturday. People with wheelchairs can also benefit from extended working hours from Monday to Sunday, between 7 a.m. and 12 p.m.

The person who intends to use this service only needs to call 45 minutes before the wanted departure time. The price is EUR 5 for the first person using the service and EUR 2,5 for each additional passenger.

For all the territory of the Grand-Duchy of Luxembourg, there is also another service called “Novabus”, which is a taxi-bus.

This service is available for:

- people with wheelchairs;
- visually impaired or blind people;
- holders of a B or C class invalidity card.

This service can be used for:

- private trips;
- trips for medical purposes;
- sport-related trips.

This is a year-round service, from 7 a.m. to 10 p.m. in the week and between 7 a.m. and 12 p.m. during the weekend. The cost for a single trip is EUR 5 and EUR 8 for a return ticket.

On trains, a specific service has been implemented for passengers with reduced mobility in collaboration with the neighbouring railway network. It includes software that provides passengers with reduced mobility or disabled persons travel assistance during boarding, transshipment and throughout their journey in a large part of Europe. Luxembourg has also set up an action plan to implement the ONU Convention on rights of disabled persons by taking into account the following issues: access to public transport and its infrastructures and availability of information for every passenger.

➤ **Enforcement**

Private enforcement

b) Out-of-Court procedure

Luxembourg law does not provide any specific procedure for passengers’ out-of-court claims. In practice, the CdT is, however, the competent body to process public bus and train transport passengers’ claims via its Mobility Central.

Regarding taxi service passengers at Luxembourg Airport, complaints can be filled at the Information Desk at the Airport. For other taxi services, out-of-court claims can be lodged with the relevant taxi companies.

In addition, users of public transport, if they want to play an active role, can join the Committee of public transport users, which contributes to the improvement of the quality of bus and train services.

The operator may not be held responsible for a halt, delay, missed connection, cancellation or insufficient space in the public transport or for any damage to luggage and animals taken onto buses and trains.

c) Court procedure

In the event of personal injury to a passenger, there are no punitive damages under Luxembourg law, damages are only compensatory. In addition, an injured person is entitled to full compensation for the damage suffered.

Within a time limit of 2 years, the injured person will be able to bring civil proceedings for damages against the carrier based on the contract of transport.

For claims amounting to EUR 10,000 the “*Justice de Paix*” will be competent and for claims exceeding the amount of EUR 10,001 the “*Tribunal d’arrondissement*” is competent.

In addition, general rules on civil liability apply (Articles 1382 and 1384 of the Luxembourg Civil Code) in cases of injuries that were not caused to passengers during a journey and for which these specific provisions do not apply. These actions can be initiated within 30 years.

Public enforcement

b) Criminal Liability

The Luxembourg Criminal Code provides for a specific criminal liability for railways under Article 422. A person who is liable for an accidental event, which presents a risk to train passengers, may be sentenced to imprisonment of 8 days to 2 months and/or a fine of EUR 251 to EUR 2,000.

In cases of physical injuries caused to passengers, the punishment will be imprisonment of 1 month to 3 years and a fine of EUR 500 to EUR 3,000.

In case of the death of a passenger, the punishment will be imprisonment of 6 months to 5 years and a fine of EUR 500 to EUR 6,000.

c) Other sanctions applicable to both buses and trains

Article 5 of the Public Transport Law provides sanctions in cases where the railway undertaking or the bus carrier does not comply with the applicable legislation. Without prejudice to any criminal action, the certificate of security of a railway undertaking can be withdrawn if, in a repeated or serious manner, it fails to comply with the provisions of the Public Transport Law. In addition, if the railway undertaking is established in Luxembourg, the transport licence can also be withdrawn. In this respect, the delivery, the extension and the renewal of the transport licence can also be rejected. Without prejudice to any criminal action, when a carrier is in serious and repeated breach of the transport of passengers provisions, road traffic legislations, or the employment law provisions, which apply to its staff, the operator’s professional reputation is compromised. In this respect, the Ministry may refuse to deliver a national/community transport licence as well as the cabotage authorisation, or limit or suspend it.

d) Other sanctions specifically applicable to trains

The public train transport service is operated through a specific authorisation, which can be withdrawn, particularly if the operator fails to comply with its obligations.

Infringements committed in violation of the Public Transport Regulation are sanctioned by a fine from EUR 25 to EUR 250 and/or an administrative pecuniary fine (*avertissement taxé*).

e) *Entities acting for the improvement and the performance of Luxembourg's public city transport*

The Transport Community (the "CdT"): CdT was created by the Public Transport Law. The CdT, (*Communauté de Transports* or *Verkéiersverbond*), is a public entity under the Ministry of Sustainable Development. Its role is to promote, develop and improve the operation of public transport services, and to provide alternative means of transport. The CdT aims at improving information and communication for passengers via its website www.mobiliteit.lu. This entity is composed of representatives of the State, Municipalities, operators of the four main methods of transport and passengers.

The Committee of public transport users: the Committee of public transport users was created by the Public Transport Law and is regulated by the Committee of Public Transport Users Regulation. The Committee of public transport users is an information platform for the organisation and running of public transport between users and operators.

On the local and regional levels, the Municipalities, in association with the Ministry of Transport, work together to establish transport plans and to improve mobility in respect of environmental issues and quality of life of local residents and public expenditure.

f) *Surveys*

The Ministry of Transport considers that since January 2009 quality criteria set up in public service contracts have been well-implemented. Controls and opinion polls conducted at the end of 2011 produced objective results about the quality of the service rendered by each operator for the Ministry of Sustainable Development and Infrastructure.

➤ **Taxis**

The law of 18 March 1997 on taxi services, as amended (the "Taxi Law") defines taxis as non-scheduled public transport of passengers by motor vehicles with a minimum of four (4) seats and a maximum of eight (8) seats not including the driver.

- The Grand-Ducal Regulation of 3 December 1997, as amended, on taxi services at the Luxembourg Airport.
- The ministerial regulation (*règlement ministériel*) of 22 December 1997 determining the conditions of application of legislation on taxis (the "Taxi Regulation").
- The Municipal regulation of 8 February 1999 on taxi services for Luxembourg-City.
- The Grand-Ducal regulation of 9 July 2004 setting up maximum fares for taxis.

In addition, municipal regulations are made by municipal authorities in charge of determining the local conditions for operating taxi services. These municipal regulations have to be approved by the Ministry of Transport and the Ministry of the Interior. These municipal regulations contain provisions on the maximum

number of taxis, authorisations for individuals and undertakings operating taxi services, withdrawals of authorisation and taxi service controls.

Specific regulations also apply for operating taxis in the vicinity of Luxembourg airport (“Findel Airport”), which are limited to a certain number of taxis holding a specific authorisation delivered by the Ministry of Sustainable Development and Infrastructure (red plate on the front right side of the car). Unapproved taxis (yellow plate) can nevertheless pick up passengers in an indicated area upon request in writing or by radiotelephone and drop off clients at the airport.

The terms and conditions of taxi companies are in principle applicable to passengers using their services, provided that they comply with Luxembourg’s mandatory legal provisions.

They must drive passengers to their destination using the shortest route, unless otherwise instructed by the passenger;

- provide, at the request of the passenger, a receipt that has to include at least the following information: name of the transporter, date, vehicle number, amount paid, name and signature of the driver of the vehicle;
- ensure the regular and normal operation of the meter for the whole duration of the journey.

The Taxi Regulation states that maximum fares must be clearly visible to the client on taximeters (Article1).

The Municipal Regulation of 8 February 1999 on taxi services for Luxembourg-City states that the indications provided by taximeters must be illuminated so as to make them visible to passengers .

Taximeters must indicate the fares in relation to the distance travelled, including minimum charge and waiting charge (*taxe de prise en charge et taxe d’attente*, Article21).

Taxi drivers may not (Article 56 of the Grand-Ducal decree of 23 November 1955, as amended, on public road transport):

- charge a fee that is higher than the price indicated on the meter;
- start the meter before picking up a passenger or reset it before the passenger is able to check the amount due;
- ensure the regular and normal operation of the meter for the whole duration of the journey;
- charge a fee for time elapsed during breakdown;
- provide, at the request of the passenger, a receipt, which must include at least the following information: name of the transporter, date, vehicle number plate, amount paid, name and signature of the driver of the vehicle.

Regarding passengers of taxi services at Luxembourg Airport, complaints maybe filled at the Information Desk at the Airport. For other taxi services, out-of-court claims can be lodged with the relevant taxi companies.

Sanctions applicable to taxis

Taxi driver authorisation cards may be withdrawn by the Ministry of Transport if the driver refuses short distance journeys (Article 11 of The Grand-Ducal Regulation of 3 December 1997, as amended, on taxi services at Luxembourg Airport).

Authorisation to operate taxi services may be withdrawn or suspended in case of repeated and serious infringements of the Law on Taxis, the Regulation on Taxis, the Law on Road Traffic and the Road Traffic Regulation (Article 9 of the municipal regulation of 8 February 1999 on Luxembourg Airport Taxi Services).

MALTA

Introduction

The Country Report was prepared through desk research and with the reply received from a UPT operator to the transport operator questionnaire.

➤ ***National Legislation***

The protection of passenger rights in urban public transport in Malta is laid down at national level. No regional or municipal provisions can be found.

The Passenger Transport Service Regulations regulates road passenger transport and defines the responsibilities of the carrier towards passengers. The quality charters are generally contained in the Conditions of Carriage that are made available by the operator, in particular with regard to bus transport and transport by ferry.

There is one public transport network made up of 508 buses servicing the island of Malta and a network of buses servicing Gozo. The buses in Malta operate a scheduled bus service whilst the Gozo operators carry out both private and public transport services. There is a ferry service between the islands.

The urban morphology of Malta is also unique in that it consists of one urban area surrounding the capital city and the Grand Harbour. There are very few villages that do not form part of this urban area and therefore all scheduled public transport is considered city transport.

Article 68E of the Passenger Transport Service Regulations provides a detailed description of the duties of the driver of a motor route bus: *“A driver shall not drive or cause the motor route bus to move before all passengers are safely seated or, in the case of standing passengers, are securely holding on to a stanchion, where applicable, or in the case of passengers who are in the process of alighting or disembarking the motor route bus, before such passengers have so alighted or disembarked the motor route bus.”*

Furthermore, this regulation provides that the driver must ensure that the maximum number of passengers is not exceeded. The Driver, who must also be wearing a uniform while performing his duties *“shall not drive or cause the motor route bus to move before all passengers are safely seated or, in the case of standing passengers, are securely holding on to a stanchion, where applicable, or in the case of passengers who are in the process of alighting or disembarking the motor route bus, before such passengers have so alighted or disembarked the motor route bus”*

The driver is obliged to respect the passengers and to always keep his place behind the steering wheel while the route bus is at the terminus, or loading or discharging passengers.

The driver must stop at every bus stop, which has been signalled by an on board passenger or if he can see any passengers waiting at the bus stop. He is not obliged to stop, except for disembarking passengers, if the bus has reached its maximum number of passengers. Before stopping, the driver must drive the vehicle parallel and close to the kerb so as to make it possible for passengers to embark or disembark safely.

The price of tickets for bus transport varies depending on whether the passenger is a Maltese resident, or not. Prices are also reduced for elderly, children and students.

➤ ***Regional/Municipal legislation***

There is no local or municipal legislation in Malta. Due to its particular configuration, only national legislation exists.

➤ ***Public service contracts***

No information on quality service criteria is available with regard to the PSC of Arriva Malta Limited and Gozo Channel Company Limited.

➤ ***Quality Charters***

The UPT operators have not adopted any quality charters. However, the Conditions of Carriage of Arriva contains representations to customers.

Conditions of Carriage

The duties and liabilities of the transport operator are included in the Conditions of Carriage of the two main Maltese urban public transport operators.

Arriva Malta Limited

Arriva Malta has, since July 2011, been entrusted with and is responsible for the provision of public city transport by bus in Malta and Gozo. The Conditions of Carriage of Arriva Malta Limited specify that these conditions are in compliance with the following rules and regulations: the Passenger Transport Services Regulations (S.L.499.56), the Authority for Transport in Malta (Enforcement Officers) Regulations (S.L.499.51) and the Consumer Affairs Act (Chapter 378 of the Laws of Malta), and do not affect the statutory rights of the passengers. These conditions specify further that the public service is not liable for late arrivals in the event of traffic, extreme weather conditions or road work. Arriva Malta Limited may not be held liable for the losses or damages incurred by a passenger due to the “*cancellation, withdrawal, delay, diversion or termination of any service, or in the event of the service being otherwise unavailable*”.

The company is, however, required to inform passengers that a particular bus stop is not in use by putting up a notice at least five days in advance. This also applies for any other changes in timetables, which may affect the duration of the journey. Arriva Malta Limited does not exclude or limit its liability for death or personal injury resulting from the Company’s negligence, nor does it hamper the passengers’ consumer rights.

Arriva customer representations

In the Conditions of Carriage, Arriva outlines the quality of service it promises to provide to passengers.

- The Company intends to ensure that passengers have a safe, comfortable journey on a clean, environmentally friendly, air-conditioned, and well-maintained vehicle.
- Passengers will be able to identify an Arriva bus by its distinctive aquamarine and cream colours.

- The route number and destination of the vehicle will be clearly displayed on the front and nearside of the bus whilst only the route number will be shown at the rear
- For passengers' security and safety all of its buses will be fitted with CCTV surveillance cameras.
- The bus will be driven by a professional driver wearing a uniform and they will be able to communicate fluently in the Maltese language and shall have a basic understanding and use of the English language.
- The Company will always endeavour to be helpful, courteous and treat people with respect.
- The Company is committed to providing a range of good value tickets so the passenger can choose the one that best suits them.

These representations do not bind the company and cannot be enforced by passengers. However, the company has informed us that these promises are based on the quality criteria included in the contract with the authority, Transport Malta.

Cancellation of services

Under the Arriva Conditions of Carriage, for bus transport, any changes to timetables must be published on the relevant bus stops and on the Arriva Malta website at least 5 days in advance. However, the Arriva Conditions of Carriage specify that Arriva is not liable for any occurrences that Arriva has no control over.

Cleanliness of rolling stock and station facilities (air quality in carriages, hygiene of sanitary facilities etc.)

Arriva Malta aims to ensure that passengers have a safe, comfortable journey on a clean, environmentally friendly, air conditioned, and well-maintained bus.

Complaint handling, refunds and compensation for non-compliance with service quality standards

Arriva has a hotline number available from 07.00 a.m. to 7.00 p.m. and feedback may also be given in writing. Customers are guaranteed a reply within 10 minutes to an SMS complaint, within 24hours via email, and 5 days by written correspondence.

Arriva has a no refund policy, without exceptions. Passengers are informed that, by purchasing tickets they acknowledge that they *“have read and agreed to the aforementioned no refund policy”*.

Accessibility

Persons with disabilities that require use of a wheelchair are allowed to travel free of charge on all bus services. The operator must ensure that passengers with disabilities can board safely, with the possibility to position and secure their wheelchair in the reserved space. Furthermore, Arriva bus drivers are responsible for advising passengers of any circumstances where it is not possible to allow wheelchair users to travel safely.

Gozo Channel Limited Company

Gozo Channel Company Limited is responsible for carriage of passengers, goods and vehicles by ferry between Malta and Gozo. The Conditions of Carriage for Gozo Channel Company Limited, Part 3, stipulate that the company is not liable for death or injury, damage, loss, delay or accidents to the passengers. It is not, in any way, liable for the loss or damage of passengers' property even if caused by the company's staff, agents or representatives.

Purchasing a ticket for a ferry is an automatic agreement for exemption of liability, defences and immunities of the Company.

The Master of the ship may refuse to allow a passenger on board if he feels that their presence on board the vessel may be a threat to the safety of other persons on board, or a nuisance or annoyance to other passengers. Commuters may be requested to show their Identity Card prior to boarding and to show their ticket on board the vessel as proof of payment for the fare.

Taxi Service Regulations S.L. 49.59

The Taxi Service Regulations do not specifically provide for the liability of the taxi driver while carrying out his duties at work. While a general overview of the safety measures which the Taxi driver has to undertake is required, for instance, being able to provide first aid assistance to passengers, no mention of liability is made and thus, the liability of a taxi driver would, in general terms, be regulated by the rules on damages contained in the Civil Code, Chapter 16 of the Laws of Malta.

➤ ***Accessibility***

There is a national anti-discrimination law in Malta. The Equal Opportunities (Persons with Disability) Act 2000 which defines discrimination in the various circumstances and sectors of employment, education, access, provision of goods, facilities or services, accommodation and exemptions. The Act also defines reasonableness in terms of amendments to rules, policies and practices, the removal of any barriers (architectural, communication or transport) and in provision of additional assistance or services. The Act establishes and defines the functions of the National Commission for Persons with Disabilities and defines the procedures for the handling of complaints, investigations and enforcement of the Act. Through this Act, the Commission may initiate investigations on acts of discrimination and take the necessary steps to assist the claimant. It may proceed to take legal action by referring the matter to the First Hall of the Civil Court.

Public Transport access is regulated under the Equal Opportunities (Persons with Disability) Act of 2000. The law regulates disability discrimination in terms of employment, education, access, provision of goods, facilities or services, accommodation and exemptions.

There are specifications for procurement of new buses that include the provision for motor impaired access. All new buses bought are required to be low-floor and have folding seats in the area reserved for wheelchairs. Special considerations include adequate access for persons with wheelchairs (1996). Low-floor buses purchased after 2000 are to be fitted with at least one type of boarding aid (manually or automatically operated), such as a ramp or a lift.

Arriva has included accessibility for all passengers in their terms and conditions of carriage, providing prior information to passengers in case the vehicles are not accessible. According to Arriva terms and conditions persons with disabilities that require the use of a wheelchair will be allowed to travel free of charge on all services. This concession is given to ensure these passengers safe boarding, and the positioning and securing of their wheelchair in the space allocated for wheelchairs. Furthermore, the conditions of carriage of Arriva impose priority seating to PRMs, persons carrying infants, and the elderly. Arriva has introduced buses with a ramp and space for a wheelchair.

➤ ***Enforcement***

Private enforcement

In relation to enforcement of the legal provisions on liability of transport operators and those contained in the Conditions of Carriage, a passenger that has suffered damage as a result of breach of contract or the duty of care to be exercised by the operator may claim compensation for damages under the provisions of the Maltese Civil Code.

In the event that a passenger has suffered damage as a result of breach of contract or tort, they may have the damage compensated under the provisions contained in the Civil Code of Malta (Chapter 16 of the Laws of Malta), and subsidiary legislation enacted there under, which regulates, *inter alia*, the rules on compensation for damage suffered. Under Maltese Law, liability in damages may arise either in contract or in tort.

Where compensation for damage suffered can be derived from an agreement between the passenger and the person liable, then liability in damages arises in the event that the person fails to discharge an obligation under the agreement (Article 1125 of the Civil Code). In case of breach of contract, one would have to prove a breach of an obligation derived from the contract. In the absence of a contractual relationship with the person who caused the damage suffered by the victim, it is the rules on liability in tort that regulate the rules on compensation (Article 1029 and following articles of the Civil Code).

In both law on contract and tort, compensation is the court's calculation of what it would cost to put the passenger back into the position he would have been in, but for the wrongdoing. In contract law this amounts to the value that has been lost due to the breach of the contract. In tort, damages are more difficult to assess but are generally taken to represent the pecuniary or monetary value of the claimant's loss in terms of damage to property, personal injuries and quality of life, where applicable. Under the law on compensation, insofar as money can do it, the plaintiff is entitled to receive fair, just and reasonable compensation for all injuries and losses, past and future, which have been caused by the defendant's breach.

In relation to the specific case of an action instituted by a passenger against a public transport operator, such a relationship will generally be founded on contract. If the relationship between the parties is contractual, then an action for compensation for economic loss will be more straightforward since the defaulting party will be liable in damages as soon as the breach of an obligation is determined. This is subject to the exception that the defendant may raise a legitimate defence such as a vice of consent or the occurrence of a fortuitous event.

Public enforcement

The contract between Malta transport and Arriva requires the company to conduct a survey every six months. Since Arriva has operated from 2011, only one survey has been carried out and the level of satisfaction of the users was 71 per cent in Malta and 98 per cent in Gozo. Transport Malta regularly inspects the service standards that the company is expected to deliver across a diverse range of functions. If the authority considers that the company has not met a specific requirement of a contractual obligation, it has the legal right to impose a financial penalty for non-compliance.

➤ **Taxis**

Taxis are regulated by the Taxi Service Regulations (S.L. 499.59). In terms of Regulation 3 of the Taxi Service Regulations, no person may carry out a taxi service unless they are in possession of a valid licence, and no person is to hire a taxi service from a person who is not in possession of a taxi licence. A taxi licence will only be given if the person applying for it is of good repute and good conduct. Insofar as the safety of passengers is concerned, Article 25 of the Taxi Service Regulations provides that the taxi driver must ensure that the taxi

is fit and safe for use by passengers and should a taxi not comply with the standards required for the comfort of the passenger, the licence may be revoked.

Taximeters must be affixed in a place where they can be seen by all passengers and they have to be checked by the Malta Standards Authority (Regulations 36 and 37 of the Taxi Service Regulations). A tracking device must be installed in all taxis and should be kept on at all times. Taxis are also to be fitted with a surveillance camera, having full view of the back seat and they must be switched on at all times to ensure the safety of the passengers. The footage may also be used by the Police as evidence if a case is brought against the taxi driver (Regulation 44 of the Taxi Service Regulations).

While on hire, the driver is not to allow other persons in the taxi without the consent of the hirer. The driver must also ensure that the luggage compartment is safely closed. The driver is required, immediately after the termination of any hiring, to search the taxi and, if any property that may have been left therein is found, surrender the property to the Police within twenty-four hours from finding it.

The taxi driver must comply with strict orders and not carry more passengers than provided in the taxi registration certificate. A taxi driver is required to stay in control of the vehicle comply with all rules to ensure the safety of the passengers. The driver is also obliged to drive in a prudent manner so as not to cause any discomfort or danger to the passengers. Taxis that are also wheelchair accessible are required to have a sign clearly indicating this.

Moreover, taxi drivers who drive wheelchair accessible taxis must give priority for hire to people who use wheelchairs. An operator must keep affixed within the taxi in the manner determined by the Authority for Transport in Malta, a copy issued by the Authority for Transport of the maximum tariffs together with any percentage discount of the said tariffs established by the operator (see Annex I of this Report).

Finally, in terms of Regulation 67 of the Tax Service Regulations, any taxi driver who is found to be in breach of the rules on operator licence, taxi driver permit, taximeters or tracking devices, is guilty of an offence and will, on conviction, be liable to a fine (*multa*) not exceeding EUR10,000 (ten thousand euros) or imprisonment for a period up to six months, or both. Furthermore, the Court may order the immediate revocation of any authorisation, licence or permit held pursuant to these regulations by the person found guilty of the above offence.

THE NETHERLANDS

Introduction

The Country Report was prepared through desk research since did not received a reply to the questionnaire from the contacted stakeholders.

➤ National legislation

In the Netherlands public transport is regulated at various levels. The Dutch Civil Code (hereinafter: 'DCC') contains a regulation on 'the contract of domestic public carriage of persons' in Title 2, Section 5 of Book 8 of the DCC, titled 'The Law on Carriage and Means of Transportation' and – within the stratified structure of the DCC – provides for specific regulations on different types of carriage contracts, means of transport and carriage of goods as well as (domestic public) carriage of persons. Accordingly, Book 8 DCC provides for the civil law framework.

Title 2, Section 5 of Book 8 of the Dutch Civil Code (Articles 8:100 to 8:121 DCC) incorporates the '*Wet Overeenkomst Binnenlands Openbaar Personenvervoer*' (The Law on Agreements for Domestic Public Carriage of Persons).

Unless explicitly otherwise provided, Title 2, Section 5 of Book 8 DCC contains directory law. Title 2, Section 4 of Book 8 DCC ('the contract of carriage of persons') can be applied as a safety net scheme to contracts of public carriage of persons which fall outside the scope of Title 2, Section 5, such as transport without timetable, transport on airport grounds etc. Title 2, Section 6 of Book 8 of the DCC governs contract of combined carriage of persons. Dutch law supports the 'network-system'.

Article 8:100 of the DCC provides the definition of a domestic public transport contract. It reads: "*A contract of carriage of persons within the meaning of this Section is a contract of carriage of persons whereby one party (the carrier) binds himself towards the other party to transport, on board a transportation vehicle other than an aircraft or hovercraft, one or more persons (travellers) with or without their hand baggage, within the Netherlands, either by rail or otherwise and according to a scheme of travel possibilities (timetable) which can be consulted by the public. To the extent that it does not concern carriage by rail, a time-charter or a voyage-charter is not a contract of carriage of persons within the meaning of this Section.*"

Article 8:102 DCC defines the carriage period. This includes the period during which the traveller is on board of the means of transportation and is embarking or disembarking it, but does not include the period during which the traveller is present on, for example, a pontoon or a terminal before or after actual carriage. Article 8:103 DCC defines the carriage period with respect to hand baggage.

Articles 8:105 and 8:106 DCC contain the primary obligations of the carrier and form the core of the liability system under Title 2, Section 5. The carrier is obliged to arrange safe public transport without causing damage.

Article 8:105, Paragraph 1 DCC states: "*A carrier shall be liable for loss caused by the death of, or bodily injury to the traveller as a consequence of an accident which occurred in connection with and during carriage*". Paragraph 2 contains a *force majeure* provision: "*In derogation of paragraph 1, the carrier is not liable to the extent that the accident was caused by a fact which a prudent carrier would have not been able to avoid, and to the extent that such carrier would not have been able to prevent the consequences thereof*".

Article 8:106, Paragraph 1 DCC reads: "*A carrier shall be liable for loss caused by total or partial loss or damage to hand baggage, a vehicle or vessel accepted as baggage for carriage and the things on board thereof, to the extent that such loss or damage arose during the carriage and was caused: a) by an accident to the traveller and for which the carrier is responsible; or b) by a fact which a prudent carrier would have been able to avoid and the consequences of which such carrier would have been able to prevent*".

Physical or mental disabilities of the driver of the vehicle, as well as any defect in or malfunctioning of the means of transportation are circumstances that are always considered preventable. The carrier is of course liable for the acts and omissions of his employees. The conduct of third parties is only taken into account if the carrier is not responsible for any other action contributing to the accident.

Provided that the conditions of Article 8:105, Paragraph 1 and Article 8:106, Paragraph 1 DCC are satisfied the starting point is that the carrier is liable. No fault from his side is required (for liability). The carrier is only found not liable in case of *force majeure* as set out in these provisions.

Article 8:108 BW provides that, except in cases of wilful misconduct or negligence, the carrier is not liable for damages as a consequence of delay or other interruptions in the schedule. Liability for loss due to delay has been excluded in public transport. Some carriers have however voluntarily adopted compensation procedures.

If the carrier is liable on the basis of Title 2, Section 5 DCC, its liability is in principle limited to an amount or the amounts determined pursuant to an administrative decree (Article 8:110, Paragraph 1 DCC). This administrative decree is the ‘*Besluit ex artikel 110 van Boek 8 van het Burgerlijk Wetboek*’ (Decree pursuant to Article 110 of Book 8 of the DCC). The Decree has been amended several times since 1991 and to a considerable extent in 2008.

The following diagram gives an overview of the current amounts:

| Decree pursuant to Article 110 of Book 8 of the DCC | Reference to statutory provision | Maximum amounts |
|---|----------------------------------|---|
| Art. 1, Subpara a | Art. 8:105 DCC | EUR1,000,000 per traveller with a maximum of EUR 15,000,000 per incident in case of road transport or transport by local and urban railways and tramways pursuant to Article 1, Paragraph 1 of the Local Rail and Tramway Act. |
| Art. 1, Subpara b | Art. 8:105 DCC | EUR 175,000 Special Drawing Rights (“SDR”) per traveller in case of transport by main railway lines referred to in Article 2, Paragraph 1 of the Railways Act. |
| Art. 1, Subpara c | Art. 8:105 DCC | EUR 137,000 in case of transport by sea or inland waterways |
| Art. 2, Paragraph 1 | Art. 8:106 DCC | <u>Hand luggage:</u> Road, local and urban railways and tramways as well as sea and inland waterways: EUR 1,500 (Article 1, Subparagraphs a and c of the Decree) Main railways: 1,400 SDR (Article 1, Subparagraph b of the Decree) |
| Art. 2, Paragraph 1 | Art. 8:106 DCC | In case of vehicle or vessel accepted as baggage: EUR 9,100 per vehicle or vessel. |

Article 8:111 DCC states: “A carrier may not raise any limitation of his liability to the extent that the damage has arisen from his own act or omission, either with the intent to cause such damage or recklessly and with the knowledge that such damage would be likely to result there from”. The limitation of liability and the limitation amounts in (public) passenger transport have been criticised (internationally), also in the Netherlands. Please note that, although the carrier is liable in general for the acts and omissions of his employees, this does not also apply to this breakthrough rule. Under Dutch civil transport law only the intent or wilful recklessness of the carrier himself is relevant (“[...] on his own [...]”). Since the Dutch Supreme Court has interpreted the notion ‘wilful recklessness’ subjectively, the standard for a breakthrough is very high.

Case law has however affirmed that in case limitation of liability is unacceptable on the grounds of reasonableness and fairness as well as in case the carrier has wilfully acted recklessly failing to take adequate safety measures, the Courts can decide that the total damages have to be reimbursed. This, however, is exceptional.

The carrier is not liable for damages as a consequence of a fault or negligence of the traveller himself. In that case he will be entirely or partially released of liability (Article 8:109 DCC).

In case the carrier does not voluntarily pay compensation, the passenger will have to serve a writ to enforce their rights. The general time bar for claims under Title 2, Sections 4 and 5 DCC is one year (Article 8:1750 DCC). In case of death or personal injury the limitation of actions is three years (Article 8:1751 DCC).

Other national legislation on public transport

‘Wet Personenvervoer 2000’ (Wp 2000) (‘the Passenger Transport Act 2000’) has a twofold object. Firstly, this law aims to facilitate a selective and regionally differentiated growth of public transport system. Secondly, it aims to substantially improve the cost-recovery ratio.

The Wp 2000 is applicable to all forms of collective public transport. The aim of this act is to provide a selective and regionalised approach for effective growth in the public transport sector. The law encourages competition between transport companies, which leads to cost efficiency and quality improvement. It applies especially to ‘public transport’ by train, bus, car, tram or metro. According to Article 1h Wp 2000, public transport includes any way of transport open for passengers operating according to a fixed timetable. The law also applies to transport by taxi and private bus transport, which fall outside the scope of the definition of public transport under Article 1h Wp 2000.

The Wp 2000 provides for the necessary legal basis on which the decentralised governments can issue decrees. Public transport is regulated and subsidised by the government. The central government is only responsible for the national railway. Regional public transport (bus, tram, metro and a few regional train services) is decentralised to regional governments (provinces and municipalities) which are responsible for tendering and monitoring of concessions. The Wp 2000 and the ‘*Besluit Personenvervoer 2000*’ (hereinafter, ‘Bp 2000’, i.e. the ‘Passenger Transport Decree 2000’) contain the obligation of decentralised governments to tender public contracts to provide public transport. The Bp 2000 is based on the Wp 2000. This decree contains more specific information regarding travel information, concessions and travel tickets. The Bp 2000 is the legal framework that assigns several obligations to be regulated in greater detail by ministerial regulations.

There is no specific national regulation for passenger rights in case of public transport by bus. The general terms and conditions of public urban and regional transport of ‘*Koninklijke Nederlands Vervoer*’ (KNV) (Royal Dutch Transport) are applicable to public bus transport. These general terms include the Wp 2000 and the Bp 2000 as well as the applicable articles of Book 8 DCC. The general terms contain certain passenger rights. The main obligations are:

- to provide safe transport of passengers and hand baggage in accordance with the timetable;
- to take due care of the personal data, obtained in connection with registered travel passes;
- a published timetable;
- compensation in case of death or personal injuries. The liability is reduced to a maximum of EUR 137,000.

The public transport dispute committee handles disputes between passengers and the carrier. The carrier is not responsible for any damages resulting from delays. An infringement of these rights may result in criminal sanctions.

➤ ***Regional/Municipal legislation***

There is no local/regional legislation on urban public transport

➤ **Public service contracts**

Based on Article 20 Wp 2000 in conjunction with Article 104 of the 'Wet Gemeenschappelijke Regelingen' (hereinafter, 'WGR', i.e. the 'Joint Regulations Act'), the Netherlands is subdivided into 18 public transport authorities ('OV-authorities') which set tender specifications and are increasingly involved in regulating fare levels. Recently, the Dutch government decided to abolish the obligation to tender public transport in the main cities. This is a result of the Public Services Obligation Regulation (EC) No 1370/2007. The PSO regulation contains an exception for big cities, where the government can decide to award the contract directly. After discussion, the Dutch Parliament concluded that main cities (Amsterdam, Rotterdam and The Hague) should have the choice between subjecting the public contract to competitive tendering and awarding the public contract directly. This means that these cities are not obliged to tender contracts. Utrecht is a big city as well but is considered as a less complex city for public transport since there is no tram or metro transport.

Article 32, Paragraph 1, Subparagraphs a) to k) of the Wp 2000 sets out specific aspects that need to be included in concession contracts. These are:

- the matter the concession holder seeks the advice on from consumer organisations, specifying the organisations;
- the issues on which the concession holder needs to inform these organisations;
- providing information to the authority granting the concession in view of compliance monitoring;
- tariffs, tickets design, carriage conditions and the publication thereof;
- financial account of implementing the concession;
- amendment, publication, entry into force and period of validity of the timetable;
- the requirements for accessibility to public transport for disabled persons;
- safeguarding safety of travellers and personnel;
- punctuality;
- percentage-wise guarantee of availability of seats;
- service level provided to travellers on stations and on the train.

The concession contract needs to contain information on some basic passenger rights and service levels. The public service contract must respect the provisions laid down by the applicable regulations and must contain the minimum quality standards of the service and set out the tariffs and guarantees required to be provided by the carriers.

Example: Rotterdam

In Rotterdam there is a separate public service contract for the various modes of public transport. As from this year, the public transport by bus must be tendered. In September 2011, a new tender programme was published; the concession will be granted for a period of 7 years. The programme contains several requirements on passenger rights. For example, under normal circumstances seats have to be available to passengers and the passenger must have complete possibilities to travel from A to B with the fastest connection. The bus must drive according to the schedule, it must be comfortable, suitable for passengers with limited mobility, travel information must be clear and available to all passengers and certain safety standards must be reached. For tram and metro transport, a concession is granted to the carrier, RET, until 2016.

➤ **Quality Charters**

The more detailed rules regarding passenger rights are set out for each means of public transport. The quality charters or charters of service adopted by the carriers must be included in the public service contract. Adoption of a quality charter is compulsory for the carrier and it is an essential part of the service contract. The contract states that the selected regions are obligated to consult consumer organisations to guarantee that the interests of the passengers are respected.

This consultation is carried out with the *‘Platform Reizigersbelangen Openbaar Vervoer’* (‘PROV’, i.e. the Traveller’s Public Transport Interests Platform). The PROV advises the city area with regard to tendering public service contracts and other important issues for travellers. The PROV represents a variety of different consumer organisations and has an independent chairperson.

Article 44 Wp 2000 requires the concession contract to include terms of reference. These terms of reference consist of specific criteria for a specific type of public transport within one region. For example, the terms of reference for buses in the city region of Rotterdam, which are only available in Dutch, contain 13 chapters and 37 articles (49 pages in total). The terms of reference start with an explanation of the main definitions and define the area of the concession. Chapter 2 sets out the general obligations of the carrier. Chapters 3 to 7 contain several articles on providing transport services, the infrastructure, the material the carrier uses and staff requirements. Chapters 8 to 11 deal with travel information for passengers, social security, tickets and rates, and contain a section on complaint handling. The final chapters contain rules on how information should be provided to the city area and which circumstances are considered extraordinary.

Bus carriers provide compensation as a service guarantee in case of delay or cancellation. Herein below we set out a table showing the different types of compensation provided by the carriers¹²⁷.

| Place and carrier | When is compensation provided? | Compensation | Source |
|---|---------------------------------------|---------------------|--------------------|
| <i>Amstelland-midden Connexxion</i> | > 20 minutes delay | EUR 3.50 | Connexxion website |

¹²⁷ An example of a scheme from the master thesis *‘The bus komt zo, toch?’* of M.R. van Dam, June 2011. In the final paper the scheme is titled *‘Table 2 overzicht concessiegebieden met compensatieregeling d.d. 1 mei 2011’*.

| | | | |
|---|---|--|--------------------|
| Groningen/Drenthe <i>Qbuzz Groningen Drenthe</i> | Early departure, > 30 min delay or cancellation | 1 free journey with Qbuzz | Qbuzz website |
| Haaglanden Region <i>Veolia Transport</i> | >30 minutes delay. >45 minutes delay | 50 per cent of ticket price | Veolia website |
| Midden-Overijssel <i>Syntus Overijssel</i> | > 60 minutes delay | According to conditions | Syntus website |
| Region Flevoland <i>Connexxion</i> | > 30 minutes delay | EUR 5,- | Connexxion website |
| Eindhoven City region <i>Hermes</i> | > 30 minutes delay | EUR 15,- | Hermes website |
| Rotterdam City region <i>Qbuzz</i> | Early departure or cancellation | 1 free journey with Qbuzz | Qbuzz website |
| Utrecht (province) <i>Connexxion</i> | Cancellation | a refund | Connexxion website |
| Veluwe <i>Syntus Gelderland</i> | > 60 minutes delay | According to the Regulation for train passengers | Syntus website |
| Zaan Area <i>Connexxion</i> | > 30 minutes delay | EUR 3.50 | Connexxion website |
| South east Friesland <i>Qbuzz Fryslan</i> | Early departure, cancellation, > 30 minutes delay | 1 free journey with Qbuzz | Qbuzz website |

Ferry

The Regulation on the Rights of Passengers when travelling by Sea and Inland Waterways will enter into force on 18 December 2012. From that date passengers who travel on boats having more than 12 seats, at least 3 crewmembers and who travel more than 500 meters have the following rights. In case of a delay of departure of more than 90 minutes the carrier should guarantee reimbursement of the ticket or alternative transport, and provide for snacks and refreshments. If necessary, an overnight stay will be refunded at a maximum of EUR 80 per night, for maximum 3 nights. The carrier should apply minimum information standards before and during the trip. Furthermore, there must be an independent national enforcement body. For the liability and other main duties of the carrier, we refer to the DCC, Wp 2000 and the Bp 2000.

➤ **Accessibility**

The aim of the Dutch government is to guarantee optimal access for disabled persons in city and regional transport from 1 January 2016. This means that about 70 per cent of all buses have to be made accessible. The law on Equal Treatment of People with Disabilities or Chronic Illness (*Wet gelijke behandeling op grond van*

handicap of chronische ziekte) is also applicable on public transport since the beginning of 2012. This has the following consequences.

The following conditions apply to transport by bus:

- Almost all buses in the city and regional transport need to have low floor, which means that 98 per cent of all busses are accessible for disabled persons.
- From 1 January 2016, the most frequently used bus stops have to be accessible for disabled persons, which includes 46 per cent of all bus stops.

The following conditions apply to tram transport:

- As of the beginning of 2012, all ‘*Randstadrail*’ trams (three light rail connections between Rotterdam, The Hague and Zoetermeer) and part of the city trams in the inner cities of Amsterdam, Rotterdam and the Hague should be accessible for disabled persons.

The following conditions apply for metros:

- All metros should be accessible for disabled persons. As of 1 January 2015, all metro stations and metro stops should be suitable for disabled persons.

The following conditions apply to transport by train:

- Every new train should be independently accessible for disabled persons.
- All ‘sprinters’ (special trains on short distances) should be independently accessible for disabled persons by the year 2025.
- The carrier attempts to find a solution for the gap between the trains and platforms to improve accessibility. In this respect, the Dutch government is holding a competition to find the best solution to improve accessibility.
- Assistance at train stations can be requested up to one hour before the journey. At 7 stations with most applications for assistance, the passengers can ask for assistance up to 15 minutes in advance.
- Information at train stations should be made accessible for blind and deaf people.
- All train stations must be accessible for blind or deaf people by 2016.
- As of 1 January 2020, 70 per cent of train stations must be accessible for physically disabled persons.

Furthermore, following the application of the law on Equal Treatment of People with Disabilities or Chronic Illnesses is that disabled persons will have a right to submit complaints to the carrier if they are not treated equally. If the complaint is not handled properly, the complainant is entitled to bring an action before the Committee of Equal Treatment (*‘Commissie gelijke behandeling’*) or before a Court.

➤ **Enforcement**

Private enforcement

Out-of-court procedure

Pursuant to the Wp 2000 and the Bp 2000, the Dutch national enforcement body is the ‘*Ministerie van Infrastructuur en Milieu*’ (Ministry of Infrastructure and Environment). Passengers may file a complaint against a public transport carrier on the website. The enforcement body only ascertains violations of the law but cannot order the public transport carrier to pay damages.

In case the public transport company is registered with the '*Geschillencommissie Openbaar Vervoer*' (Public Transport Disputes Committee) it is possible to file a complaint with this committee. This is a quick and cheap alternative to going to court.

Public Transport Disputes Committee

Before filing a complaint with the Committee, the applicant should first make a written complaint to the public transport carrier. The carrier has four weeks to respond to the complaint. If the carrier does not respond or if the parties do not find a satisfactory solution, the applicant can file a complaint with the Public Transport Disputes Committee. To file a complaint correctly, an online form has to be filled out and the following documents should be attached: a copy of the letter sent to the carrier, the carrier's reply (if the carrier responded), the bill of the carrier and the contract between the carrier and the applicant.

The costs of the investigation of a complaint are EUR 25. If the passenger wins the case, the carrier has to pay the costs. Once the Committee receives the complaint and the payment, the complaint will be investigated. The Committee will ask the carrier to set up a defence. If the carrier replies in writing, the applicant will receive a copy of the defence; in case the carrier does not reply, the complaint will be investigated as usual. If necessary, the Committee will seek the advice of an expert. Once the Committee has all the necessary information, a hearing will be held. During the hearing both parties have the opportunity to express their opinions and an impartial Committee of three members will judge the complaint. A decision can be expected several weeks after the hearing. The decision is binding (unless one of the parties files a writ of summons with a Court within two months). If one of the parties does not fulfil its obligations, the other party has to contact that party. If that does not change the situation, the party should notify the Committee in writing. The committee will then ask the party to fulfil its obligations.

It is not possible to appeal a decision of the Committee. If one does not agree with the decision, the case can be brought before a Court. This has to be done within two months after the decision of the Committee has been sent to the parties. If the court decides that the decision is not reasonable and fair, it will be invalid.

Committee of Equal Treatment

A complaint to the Committee of Equal Treatment is free of costs and does not require a lawyer. The decision of the Committee is authoritative but not binding. However, in most cases the decision will be followed. One can decide to first have the Committee investigate the complaint and then go to court for a binding judgment. This Committee does not handle complaints on any other aspects of public transport.

Numbers

In 2011, the Public Transport Dispute Committee received 96 new complaints and was still investigating 96 complaints of previous years. The total number of complaints was 134. In 2 cases the carrier was not registered at the Committee and 4 cases fell outside the competence of the Committee. In 13 cases the applicant did not file the complaint as required. A settlement was reached in 31 cases and in 45 cases the Committee decided the case. The Committee still has to investigate 32 cases in the next year.

Public enforcement

Before a concession is granted, the law requires that advice is sought from a consumer organisation (Article 27 Wp 2000). According to Article 12 Wp 2000 the carrier is also required to set up an independent dispute committee to protect the rights of passengers and to provide a cheaper and faster alternative to court proceedings.

Furthermore, Article 14 Wp 2000 sets out two additional obligations for providers of public transport. Firstly, the carrier must provide information about its services for the purposes of a travel information system. Secondly, carriers who arrange public transport on a national level are obliged to pay a financial contribution to the Ministry of Infrastructure and Environment for the purposes of maintaining a national travel information system.

The authority granting the concession can include a *bonus-malus* scheme in the concession for less serious issues or to guarantee quality in the implementation of the concession. In that case the authority may make a payment when a target is achieved. The authority can also impose a financial *malus* when certain targets, for example, punctuality, frequency and neatness of material are not achieved. Article 32, Paragraph 5 of the Wp 2000 forms the basis for *malus* arrangements and Article Wp 2000 for granting bonuses.

➤ **Taxis**

On national level public transport by taxi is regulated by the Wp 2000. Chapter V contains rules with respect to taxi transport in the Netherlands. The Bp 2000 contains rules with respect to complaints, disputes, professional competence, tariffs etc. Details of the new tariff system for taxis is set out in the *Regeling maximumtarief and bekendmaking tarieven taxivervoer* (the Regulation on maximum tariff and publication of taxi transport tariffs). The *Regeling taxibestuurders 2005* (Regulation on taxi drivers 2005) describes how taxi drivers can meet the professional competence requirements.

The Regulation on maximum tariffs and publication of tariffs contains the following obligations for transport by taxi. According to Article 1, the rate should either be fixed or variable per kilometre. Article 1c contains an obligation on the driver to automatically give the passenger a receipt at the end of the journey with the following information: rate, distance, date and time of start and end of the journey, total price, licence number, the phone number of the *Landelijke Klachtenmeldpunt Taxivervoer* (national complaint reporting centre) and the website of the disclosures office (www.taxiklacht.nl). The taxi driver is obliged to display the rate so that it is visible for the passenger inside as well as outside the car (Article 2).

To simplify the complaint system, the name and address of the carrier or the phone number of the dispute committee and the phone number of the *Landelijke Klachtenmeldpunt Taxivervoer* and the website of the Disclosures must be shown inside and outside the car. It is sufficient to set out the information on the complaint procedure on a taxi information card, as provided in an example given in the Regulation. According to Article 2a, a breach of the abovementioned obligations under the Regulation amounts to a criminal offence within the meaning of Article 1 of the *Wet op de Economische Delicten* ('WED', the Economic Offences Act).

POLAND

Introduction

The Country Report was prepared through desk research and with the reply of one UPT operator to the transport operator questionnaire.

➤ **National legislation**

Public transport law in Poland is regulated in various acts both at national and at local level.

Since the political shift at the turn of the 1980s and 1990s, collective public transport has been one of the tasks of the municipalities (*communes*). According to Article 7 of the Municipal Act, local collective transport is one of the municipalities' responsibilities. Due to this fact, the municipalities, until recently, were responsible for organising public transport (usually through a municipality-owned enterprise).

However, the Collective Transport Law, which entered into force in March 2011, changed the whole concept of the organisation of urban public transport.

First of all, the statute introduced a term “collective public transport organiser” (*organizator publicznego transportu zbiorowego*). In case of urban transport, the competent municipality is responsible for the functioning of urban public transport. Its assignments include:

- transport development planning;
- organisation of collective public transport;
- governance of collective public transport.

Another new feature is the “collective public transport operator” (*operator publicznego transportu zbiorowego*). According to the statute a unit of a municipality and/or entrepreneur authorised within the sphere of public passenger transport concludes a contract with the collective public transport organiser. The contract must concern the collective public transportation services in a certain area.

Transport Law

Part of the regulation concerning collective transport is set out in the Transport Law. Article 4 of the statute states that a carrier or the organiser of collective public transport is authorised to issue specific regulations covering, *inter alia*, the conditions of the service provided to the passengers. Article 15 specifies that in the case of municipality transport, the municipality council is the body authorised to enact such a regulation.

Pursuant to the Article 14 of the Transport Law, the carrier is obliged to provide the passengers appropriate/suitable (*odpowiedni*) conditions of safety and hygiene together with comfort and proper service. Moreover, the carrier has to take action to facilitate passengers, especially those with disabilities, to use the means of transport.

Article 16 of the Transport Law sets out how the contract between the passenger and the carrier is concluded. Although there are various conditions specified in this article, the contract may simply be concluded by entering the carrier's vehicle.

Article 18 of the Transport Law requires the carrier, in case of any obstacles in performance of the services covered by the contract between the passenger and the carrier, to immediately inform passengers regarding the hindrance and to provide them with an alternative way of transportation without additional charge. If the connection in question is interrupted in a way that it cannot be continued, the passenger has the right to a full refund of the costs incurred. If it is possible for the carrier, the passenger must be given an opportunity to return to the place of departure without additional charge.

Civil law – general regulation

Although the transport contract is regulated by the Civil Code (Articles 774 to 793), its provisions are applicable only when the provisions regarding the transport contract are not regulated by any other legal provision (*lex generalis - lex specialis* rule). Notwithstanding the above, for the purposes of this report, it is appropriate to emphasise the provisions covering the quality of the service provided to passengers. According to Article 776 of the Civil Code the carrier is obliged to provide passengers the corresponding type of transport safety and hygiene¹²⁸ conditions and level of comfort considered necessary for the specific type of transport. Please note however that the standard of “comfort considered necessary for the specific type of transport” is described neither in provisions of law nor in case law. A corresponding regulation can be found in Collective Transport Law.

➤ **Regional/ Municipal legislation**

Due to the fact that one of the municipalities’ responsibilities is local collective transport and that municipalities are collective public transport organisers, their legislative bodies issue local acts of law that cover the regulation on conditions of the service provided by the collective public transport operator (Article 7 of the Municipal Law together with Articles 4 and 15 of the Transport Law).

It should be noted that regulations covering rules of transport in particular cities do not include specific rules referring to the quality of service, since it is set out by national legislation and repeated in the contracts between collective public transport organisers and collective public transport operators (e.g. Ordinance Wroclaw).

Rules of Transport (in Warsaw, Krakow, Poznan, Wroclaw) only include some of the regulation covering passenger rights and quality of service.

Provisions set out in Rules of Transport (Warsaw, Krakow, Poznan, Wroclaw) covering passenger rights may be divided into two groups:

- rules covering the obligations of collective public transport operators:
- the duty to place Rules of Transport in all operator’s vehicles so that they are visible for all passengers together with the address for the person responsible for the operator’s unit for all passenger complaints and claims;
- the responsibility of the carrier for damages incurred by passengers resulting from the condition the vehicles.
- rules covering passenger rights (mainly the obligation of a passenger, who has taken a place of a disabled person, to give that place to a disabled person when needed).

Although Rules of Transport cover not only passengers’ duties, but also the duties of the operator, only Rules of Transport in some major cities refer to the certain level of service that is required of the collective public operator (e.g. punctuality).

➤ **Public service contracts**

¹²⁸ The standard of safety and hygiene is provided in the provisions of numerous legal acts (in the Polish legal system there are provisions stipulating that certain means of transport must fulfill technical criteria i.e. be equipped with seat belts etc.).

It should be noted that although the Collective Transport Law states that the collective public transport organizer is allowed to carry out collective public transport [Article 19 (2) of the Collective Public Transport Law], this is not the case in urban areas covered by this report.

The collective public transport contract must be concluded between the collective public transport organiser and an entity that provides collective public transport services in a certain area.

This entity is chosen by the public transport organiser on the basis of the Tender Law (consolidated text in the Journal of Law of the Republic of Poland of 2010, No. 113, pos. 759 with amendments) [*ustawa z dnia 29 stycznia 2004 r. Prawo zamówień publicznych – tekst jedn. Dz. U. z 2010 Nr 113, poz. 759 z późn. zm.*] or the Licence on Construction Work Law of 9 January 2009 (Journal of Law of the Republic of Poland of 2009, No. 19, pos. 101 with amendments) [*ustawa z dnia 9 stycznia 2009 r. o koncesji na roboty budowlane lub usługi (Dz. U. Nr 19, poz. 101, z późn. zm.)*].

With regard to passenger rights included in the collective transport contract, Articles 21 and 25 of the Collective Transport Law provide that a collective public transport contract must contain provisions regarding:

- the technical solutions used in the means of transportation, especially for the purposes of a high quality service provided to the passengers, including persons with physical disabilities and limited physical abilities;
- the standard of the equipment in the means of transportation;
- the quality standard of the service and improvement thereof;
- the procedure of lodging complaints by a passenger, as well as considering it by the operator (including the procedure for awarding damages).

According to Article 46(1), Paragraph 1 of the Collective Transport Law, collective public transport is carried out by using means of transport that are suitable to the aim thereof, that is, for collective public transport or people, and appropriate for the type of the transport. Nevertheless, this part of this article enters into force on 1 January 2017. This long (almost six years) *vacatio legis* was probably introduced to give the collective public transport operators sufficient time to adjust their vehicles to the certain standards set out in the new regulation.

➤ **Quality Charters**

In Poland there are no quality charters regarding passenger rights in urban public transport.

➤ **Accessibility**

The Polish national legislation does not provide for clear rules on accessibility standards in UPT although there is legislation concerning persons with disabilities (for example, there is an anti-discrimination law of 3 August 1997 as well as the Act on Professional and Social Rehabilitation and Employing Disabled People of 8 August 1997). The Collective Transport Law only stipulates that one of the prerequisites for conclusion of a public service contract by a public transport organiser with a collective public transport operator is the ability

to provide the services to disabled persons (including sufficient technical standards, organisation schemes and the required number of vehicles suitable for disabled people on each line).

Notwithstanding that the above public transport organisers provide in their rules of transport for standards of accessibility, such as (i) designation of seats for disabled persons, (ii) designation areas in vehicles for disabled persons using special equipment (i.e., wheelchairs), (iii) right of priority access to the vehicle before other passengers. In addition, service providers provide for discounts for disabled passengers.

Moreover, in public service contracts the collective public transport operator commits itself to buy and use only vehicles that are adapted for disabled or handicapped people. In general, all new buses and trams should have low floors, a specially marked door for wheelchair-users, appropriate space for wheelchairs inside the vehicle, designated seats for people with disabilities, and handrails to assist in entering or embarking the vehicle. Announcements and visual information are available in some of the newer vehicles.

In addition, the public transport operators follow the policy to increase the use of public transport by people with disabilities.

In general, on local level it has become common (in the past 20 years) for local councils to issue resolutions on the importance and necessity to eliminate architectural and transport barriers and for new infrastructures to be barrier free.

However, the responsibility for enforcement of this law has been defined neither at national nor local level. The enforcement is only based on a construction law; particular requirements are obligatory in the design and implementation phase. To this end, all modernised and newly built stops are adjusted for disabled people in accordance with Polish building law (e.g. lower curbs for pedestrian passes), however, the accessibility in general is better in the cities than in rural areas.

➤ **Enforcement**

Private enforcement

Generally, the enforcement of passenger rights in urban public transport (as in other branches of transport) is a two way procedure.

In case of non-performance or improper performance of transport, passengers may lodge a complaint with the service provider (to this end, public service contracts we examined provide that the collective public transport operator is obliged to compensate for all substantiated claims raised by passengers and third parties with regard to losses suffered in connection with performance of public transport services). Apart from the above form of “pre-trial” settlement of claims, in case of non-performance or improper performance of transport, passengers may initiate court proceedings based on provisions of the Transport Law (*lex specialis*) and provisions of the Civil Code (as *lex generalis*).

Public enforcement

There is no specific public enforcement with regard to the quality of urban public transport. Notwithstanding the above, collective public transport operators are required to comply with health and safety etc. regulations and other binding provisions of law. If they are in violation of these rules, public enforcement (by competent agencies) is possible.

It is emphasised that the public service contracts (we are aware of) do not provide for *bonus-malus* schemes or fines for underperformance of a collective public transport operator. On the other hand, since public service contracts provide for quality standard of services of collective public transport organisers (like other entities), passengers have the right to start civil action against collective public transport operators in case of underperformance or non-performance of the contract.

➤ ***Taxis***

Taxi drivers have to comply with conditions laid down by the Road Transport Statute (OJ of 2001, No. 125 pos. 1371 with amendments; pol. *Ustawa o transporcie drogowym*). Taxi services are not recognised as collective public transport in Poland (and taxi drivers are regular entrepreneurs), hence neither the Collective Transport Law nor its rules on passenger rights apply in case of taxi transport.

Until 1 January 1999, national regulation set out specific rules for taxi transport services and passenger rights in connection therewith. However, after the territorial reform, each local government authority sets out their own rules, which must be fulfilled when performing taxi transport services. These rules include, e.g., conditions regarding the route chosen by the passenger, fares and calculation thereof, hygiene, passengers' claims and lodging thereof as well as conditions that apply to the passenger.

Although each major city in Poland has established their own conditions and rules regarding taxi transport, the rules applicable to taxi transport services are very similar (please see above).

PORTUGAL

Introduction

The Country Report was prepared through desk research and on the basis of replies of four Portuguese UPT operators to the transport operator questionnaire.

➤ ***National legislation***

Urban public transport in Portugal is regulated by both national and regional legislation.

The national legislation applicable to the two main cities in Portugal, which are also metropolitan areas, are examined below. Although the legislation refers to regional/municipal regulation, it was enacted by the central government and not by any regional/municipal legislative bodies.

With regard to local trains and urban rail transport, the mandatory provisions of Regulation (EC) No1371/2007 are applicable in Portugal. These provide for the right not to be discriminated in access to transport, right to mobility (assistance with, no additional costs, to all passengers with reduced mobility or disabilities), right to information in the several phases of the trip (especially in cases of interruption), right to cancel the trip in case of disruption (with the reimbursement of the ticket price), right to a new reservation or an alternative route to the intended destination in case of disruption, right to obtain assistance in case of considerable delay, right to an indemnity under certain circumstances, right to accessible processing of complaints and right to the effective application of passenger rights.

In case of damages suffered by passengers, Decree-Law (“*Decreto-Lei*”) No 270/2003 of 28 of October, as amended, and Decree-Law (“*Decreto-Lei*”) No 58/2008 of 26 of March provide for the obligation of the carrier to compensate passengers who have suffered a damage.

Concerning Decree-Law (“*Decreto-Lei*”) No 270/2003 of 28 of October, the relevant articles are Articles 51 and 61.

Decree-Law (“*Decreto-Lei*”) No 58/2008 of 26 March 2008 in its Articles 25 and 26 establish the operator and manager’s liability for damages caused to passengers or to their luggage during the journey. However, Article 30 provides some limits to compensation for loss or damage to luggage and vehicles.

➤ ***Regional/Municipal legislation***

Lisbon (“*Lisboa*”)

With regard to the city of Lisbon, railway transport in the city is regulated by Decree-Law (“*Decreto-Lei*”) No 78/2005 that approves the basis of the concession for development of passenger railway transport of Lisbon. The Portuguese State signed this contract of concession with Fertagus – Travessia do Tejo, Transportes, S.A., but it does not contain specific reference to passenger rights.

Metro transport is regulated by Decree-Law (“*Decreto-Lei*”) No 148-A/2009, which approves the legal regime applicable to the Metropolitano de Lisboa, E.P.E. (the “metro”) and the respective statutes. This Decree does not contain specific reference to passenger rights.

The Resolution (“*Resolução*”) of the Council of Ministers No 150/2004 approves the strategic guidelines of the reform of public passenger transport and the restructuring of collective passenger system in the metropolitan areas of Lisbon and Porto.

Porto

Decree-Law (“*Decreto-Lei*”) No 192/2008 makes reference to the Statutes of the Metro of Porto. However, this decree does not contain specific reference to passenger rights.

Resolution (“*Resolução*”) of the Council of Ministers No 150/2004 of 30 of October approves the strategic guidelines of the reform of public passenger transport and the restructuring of collective passenger system in the metropolitan areas of Lisbon and Porto.

➤ ***Public service contracts***

With regard to Road Passenger Transport, it should be noted that in Portugal such activity is classified as a public service and carried out under a state concession. The respective organisation is subject to close coordination with other Public Passenger transport, such as railway and ferries. The freedom to set prices is limited.

The public service is linked to the provision of a service that is intended to meet collective needs, in this specific case, the need for collective transport.

The existence of urban transport public service is considered essential, since it is extremely important to ensure that people can benefit from urban public transport service. In the opinion of Cabaço Martins, president of ANTROP, “a service that has a cost to the user must have a social component so it can be affordable”. Finally, the state must define what is considered a public service and ensure that it is provided.

According to the answers to the questionnaires of Transtejo/Soflusa and STCP, there is no PSC. Therefore, the Regulation applies in general terms.

With regard to Carris, there is a PSC (“*concessão do Serviço Público*”) regarding collective passenger transport of Lisbon, which is valid for 50 years and will end in 2023 (Decree-Law No 688/73 of December 21).

➤ **Quality Charters**

At national level

In relation to urban public train transport, Comboios de Portugal (“CP”) is the company in charge of national train network.

CP was the first European company that introduced the concept of a “Quality Charter”. In fact, though under a different name and structure, CP produced, both in 2003 and 2004, a brochure called “Customer Commitment”. The company is now in the final phase of producing the Report on Quality Service for 2011, which was expected to be published in May 2012.

The indicators taken into consideration to assess the quality of the service are the following: information and tickets, punctuality of services, cancellation of services, cleanliness, safety, customer satisfaction surveys, complaint handling, refunds and compensation, assistance to the disabled and persons with reduced mobility.

With regard to service guarantees offered to passengers, please note the ticket price reimbursement procedure in certain situations of delay and in case of rerouting by rail or by other mode of transport. In this situation, the ticket price paid by the passenger is fully reimbursed in case of delays of over 50 per cent of the time scheduled. In certain circumstances tickets are partially reimbursed.

Another guarantee granted to passengers is the right to be informed in case of delay or cancellation at the time of departure. In case of delay or interruption in the transport service, CP is required to guarantee that both the passenger and the luggage reach the final destination station without additional costs and with the shortest possible delay. Thus, CP provides another trip by train (in the same line or an alternative route) or, if the passenger refuses the alternatives offered by the company, refunds the ticket price.

With regard to claims for damages, the passenger may submit complaints and requests for compensation online, by sending a complaint form, complaint book or by telephone or post. In case of damages suffered by the passengers, CP is obliged to offer compensation, under the terms of Article 12 of the Decree-Law (“*Decreto-Lei*”) No 270/2003, as amended. The amount of compensation is provided in Decree-Law (“*Decreto-Lei*”) No 58/2008.

The average response time to complaints submitted by passengers was, in 2011, thirty days, and there are no restrictions on the language of the complaint. The average response time is around 30 days to people with reduced mobility, disabilities or special needs, and the CP has an advisor for clients with special needs. In

2011, the total number of complaints was 18,886, mainly on rail traffic, sales system and tariff regulation. 88 accidents were registered.

CP offers some facilities to its passengers, notably, low floor and standard platforms, removable ramps for wheelchairs, multipurpose space for wheelchairs and wide corridors, assistance on boarding by the conductor on board, and some stations have special equipment to help people to board and alight with wheelchairs.

The main characteristics for evaluation regarding rail mobility are: inter-modality, safety and security, availability and travel time, attendance, comfort and cleanliness.

Porto

Regarding urban public transport by road, Sociedade de Transportes Colectivos do Porto, S.A. ("STCP") is the company responsible for bus transport in Porto.

STCP has an integrated management system in the areas of Quality (NP EN ISO 9001:2008 standards), Environment (NP EN ISO 14001:2004) and Hygiene, Health and Safety in the Workplace (OHSAS 18001:2007). STCP does not have a public service contract with the public authority, but has a quality charter certified by APCER, the Portuguese Certification Association. On the subject of quality charters, both customers and local authorities are involved in preparing and monitoring them.

To assess the quality of the service, the parameters taken into consideration are the following: information, punctuality of service, cancellation of service, hygiene of the means of transport and station facilities, safety of services, customer satisfaction surveys, rerouting, complaints handling and compensation.

If a passenger has an accident during the trip, the injured passenger may submit a claim directly to the insurance company of STCP, which covers the injuries or damage suffered by the passengers up to a maximum amount of EUR 50.000,00.

In case of interruption in the transport service, the company must offer an alternative route by bus or, in exceptional situations (e.g. strikes), alternative transport. However, in case of delay the company does not offer alternative transport.

With regard to complaints, the company assesses the liability in every claim. In 2011, the company took, in average, 36 days to deal with a complaint and received 1,246 complaints, most of them related to delays with respect to the timetable.

In terms of transport infrastructure, which is user-friendly for persons with disabilities or special needs, the company offers low-floor vehicles and 65 per cent of them have folding ramps. In addition, the company offers audio-visual equipment on the buses, Braille identification of bus stops and additional information in Braille.

To evaluate the level of passenger satisfaction, the company launches bi-annual satisfaction surveys with a scale of 1 to 5 (in 2011, the overall passenger satisfaction reached 3,4) and analyses the results. Depending on the results, the company may propose certain action to be taken to improve passenger satisfaction.

Finally, the company reviews the quality charters once a year, aiming at continuous improvement. It is relevant to mention that the company also has a Customer Ombudsman that embraces the principle of

impartiality and celerity, and is available to customers to examine their complaints, suggestions and comments.

Lisbon

With regard to urban public transport by road, Carris is the company responsible for bus and trolley transport in Lisbon.

Carris has an Integrated Management System of Quality, Environment & Safety and Health at Work, which is certified in accordance with the following norms: NP EN ISO 9001, NP EN ISO 14001 and NP 4397/OSHAS 18001, awarded by APCER, the Portuguese Certification Association. This guarantees public and credible quality of the service through compliance with the relevant Norm, NP EN 13816:2003 and the Technical Specifications of CERTIF (Product Certification Association).

The company also has “The Customer Charter” which includes, notably, the following commitments: to provide information, ensure customers’ safety, regularly evaluate customer satisfaction level and analyse customer complaints and suggestions to improve the service. It can also be said that the “Customer Charter” is a result of the certification process and not of the existence of a public service contract between the company and the public authority and includes the commitments and obligations to customers.

To access the quality of the service, the parameters used are: information, punctuality, hygiene of means of transport and station facilities, safety of services, customer satisfaction surveys and assistance to disabled people.

In what concerns the type of compensation/insurance offered for damages suffered by the passengers, the compensation must be given in cash and/or medical care and without exceeding the maximum value for civil liability (EUR 50 million per claim). In addition, in case of temporary interruption, the client must be informed and the route changed or the transportation replaced by another means of transport (trams and buses).

The complaints submitted by the passengers must be replied to in approximately 8 days. In 2011, the company responded to 3,052 complaints, mainly based on irregularities, issues related to ticketing and insufficient information. There were 1,331 accidents, including collisions, falls, pedestrian accidents and doors closing on passengers.

On the topic of the facilities introduced, the following should be noted: kneeling beside the entrance door; low-floor vehicles, access ramps for wheelchairs. On board, the stop buttons have "STOP" written in Braille and the number of “stop bus” is also written in Braille.

The level of passenger satisfaction had an average index of 67.3 out of 100 for 2011.

Ferry

In what concerns maritime urban transports, Transtejo (and its subsidiary “Soflusa”) is the company responsible for maritime transport in the city of Lisbon, linking the north and south banks of river Tejo.

The company has no express commitment offer to passengers on quality and does not have a public services contract or a Quality Charter. Regarding the Quality Offer Index, the following indicators must be taken into

account in the management objectives: number of complaints, regularity and number of accidents with passengers. The indicators used to assess the quality of the service are: information and tickets, punctuality of services, cancellation of services, interconnections, cleanliness of means of transport and station facilities, customer satisfaction surveys, complaint handling, refunds and compensation, assistance to disabled persons and persons with reduced mobility, rerouting and liability.

On the subject of service guarantees offered to passengers, the company refunds tickets and pays damages if the service was not provided partially or completely. In case of accidents of passengers, the injured passengers may report the occurrence to the Master of the vessel or to the Head of the Terminal station, who must fill out a "Notice of Occurrence", after which the passenger will be compensated for damages. In fact, the company has a public liability insurance for transported passengers. The insurance guarantees compensation for personal injuries and damage to property caused to passengers on vessels or when using fixed (stations) and floating (pontoons and walkways) installations. However, to benefit from these measures the passenger must be in possession of a valid transport ticket.

Regarding the alternative in case of delay or interruption in the transport service, alternative services are bus to the nearest waterborne terminal.

In addition, in case of complaints submitted by passengers, Transtejo produces a statistic map and provides a Passenger Support Service, which is responsible for receiving all complaints and replying to them by mail or email. Usually, a reply will be given in approximately 15 days.

Another relevant matter concerns people with disabilities or special needs. Transtejo has special areas in waiting rooms, resting seats, large corridors on land and on board, elevators on some boats, adapted selling machines and ticket posts, adapted WCs, no stairs to climb, and all passengers are provided seats. The company also provides training courses to employees on correct assistance to all persons with special needs.

Transtejo acquired the entire share capital of Soflusa in 2001, and now the company is called Transtejo/Soflusa.

➤ ***Accessibility***

In Portugal several laws regulate accessible transport, including: Res. Cons. Ministros No 120/2006 (Plan for integration of people with disabilities/impairments 2006-2009), Res. Cons. Ministros No 9/2007 (National Plan for promoting Accessibility), DL 163/2006 (Accessibility requirements for buildings and other constructed sites, including stations and bus stops), Lei 46/2006 (anti-discrimination law). At national level there are general national standards for public transport, including accessibility issues. With regard to the issue of policy that guarantees mobility for people with disabilities, most existing solutions are municipal or local. Some municipalities offer specific transport services for people with disabilities.

Carris and SCTP also offer services for people with accessibility issues. For instance, Carris offers specific transport services for people with disabilities. These companies offer disabled passengers low-floor vehicles, folding ramps for wheelchairs, Braille bus stop identification and additional information in Braille.

There are special tariffs for people with disabilities. CP (the railway operator) has a specific tariff for people with motor impairments (over 80 per cent disability level) called 2 in 1, meaning that if the disabled person needs to travel with a second person, only one ticket will be charged. The loss of revenue is supported by the national government.

The accessibility to public transport vehicles in Portugal varies among public transport operators. It is highly dependent on the level of fleet renovation. There are no mandatory accessibility requirements for vehicles bought before 2005.

In Porto, in terms of transport infrastructure that is user-friendly for persons with disabilities or special needs, the urban public transport operated by SCTP has low-floor vehicles and 65 per cent of them have folding ramps. In addition, the company offers audio-visual equipment on the buses, Braille bus stop identification and additional information in Braille. Carris has introduced kneeling beside the entrance door; low-floor vehicles, access ramps for wheelchairs and reserved seats for PRMs in Lisbon. On board, the stop buttons have "STOP" written in Braille and the number of "stop bus" is also written in Braille.

Transtejo has special areas in waiting rooms, resting seats, large corridors on land and on board, elevators on some boats, adapted selling machines and ticket posts, adapted WCs, no stairs to climb, and all passengers are provided seats. The company also gives training courses to employees on correct assistance to all persons with special needs.

In addition, special train services (like Alfa or Intercidades) provide special assistance. At bus stations, the driver usually provides assistance with boarding/alighting and assistance with vehicles and luggage.

➤ **Enforcement**

Private enforcement

In case of violation of applicable provisions of Regulation (EC) No 1371/2007, a passenger may contact the railway company or the Station Manager and submit a complaint with the National Enforcement Body ("*Organismo Nacional de Execução*")

It is important to point out that the abovementioned Regulation only applies, as we mentioned above, to railway transportation. Thus, only complaints related to railway transport may be submitted to the body ("*Organismo Nacional de Execução*").

Regarding any urban public transport, the passenger may submit a complaint with the relevant company bodies.

In Porto, in 2011, SCTP took, on average, 36 days to deal with a complaint and received 1,246 complaints, most of them related to delays with respect to the timetable. In Lisbon in 2011, Carris, responded to 3,052 complaints, mainly based on irregularities, issues related to ticketing and lack of information.

Passengers may also submit a complaint with the competent consumer protection entities or associations (e.g., DECO) or bring an action before the competent Court.

DECO ("*Associação Portuguesa para a Defesa do Consumidor*") is a consumer assistance organisation, namely providing relevant information, conflict mediation between consumers and transport operators and managers, reporting situations where there is a violation of consumer rights and promoting adoption of or amendments to relevant legislation to protect consumers' interests.

The passengers may also, and by their own initiative, bring an action before the competent court.

Public enforcement

The transport companies conduct surveys regularly to assess the level of user satisfaction.

The results/outcome of these surveys are important to the companies because they give them the possibility to improve their services, to change their targets/aims and to provide feedback to their staff.

Alternatively or together with the possibility of submitting a complaint to the relevant bodies, passengers may also submit a complaint to the Official Complaint Book ("*Livro de Reclamações*"). These complaints must be sent to the transport sector's monitoring entity ("IMTI"), which will then analyse contents thereof and act accordingly.

➤ ***Taxis***

The specific regulation on taxis is set out at local level, meaning that municipalities are competent in the matter of access and organisation of taxi transport market.

Under the terms of Decree-Law No 251/98, all taxi drivers must have a licence to operate and comply with the requirements of reliability, technical and professional capacity and financial capacity.

With regard to passenger rights, it is important to note that every single passenger must be able to clearly see the taximeter in the superior part of the *tablier* (Article 11) and, in principle, the taxi driver may not refuse the service of transportation to anyone, except in some specific circumstances (Article 17). In addition, luggage and animal transport may only be rejected if the specific circumstances thereof would damage the vehicle.

On the subject of taxis for passengers with reduced mobility, the taxis may be duly adapted, under the terms of Article 22 of Decree-Law ("*Decreto-Lei*") No 41/2003, meaning that it is not mandatory for a taxi to satisfy the conditions for passengers with reduced mobility. In fact, a taxi driver may obtain a licence to transport passengers with reduced mobility, although there is no obligation to do so. The license is granted by the competent City Hall ("*Câmara Municipal*").

Article 5 of Decree-Law ("*Decreto-Lei*") No 263/98 establishes the obligations of the taxi driver. The Article also sets out the abovementioned obligations of the taxi driver and other duties, such as, the duty to comply with the specifications provided by the passenger regarding the itinerary, not to smoke in the vehicle, to ensure the vehicle's cleanness and issue a receipt showing the amount/value of the service provided. Accordingly, the passenger is entitled to these conditions during the journey.

ROMANIA

Introduction

The Country Report was prepared through desk research since we did not receive a reply to the questionnaire.

➤ ***National legislation***

From a structural point of view, the regulation of urban public transport services in Romania has several levels.

The first layer comprises the regulation of public utilities in general. Law 51/2006 sets out the framework for the tendering process and the procedure for granting public service agreements by local public authorities. Law 92/2007 is also part of the first level as it (i) contains general provisions relevant for all public transport services, (ii) sets out the bodies having jurisdiction over public transport services, and (iii) outlines the methods for undertaking and awarding the management of public transport services without going into too much detail.

When regulating the background for carrying out public transport services, Law 92/2007 defines local public transport services as transport services of social and general economic interest provided to the public, developed at municipality level, under the control, management or coordination of local public administration authorities with the aim of addressing local and county level needs for public transportation.

In this respect, local public transport services cover three service areas: passenger transport services comprising transport by regular routes (including bus, tram, trolley, metro), transport by special regular routes, transport with cars operating as taxi, transport with cars operating under the rent-a-car regime;

In carrying out public transport services, transport operators must observe several milestone principles set out by Law 92/2007, such as, ensuring respect of the rights and interests of public transport users, the efficient use of public funds in the management or carrying out of local public transport service, travel in safe and comfortable conditions, also by insuring the goods and passengers transported together with their belongings by concluding specific insurance policies and the provision of local public transportation for a reasonable transport tariff.

Since Law 92/2007 covers only general principles related to each type of public transportation, a second level of regulation is needed for the implementation of general rules set out by Law 92/2007. Therefore, the second level of regulations, comprising the orders of the National Regulatory Authority for Municipal Services, deal, among other things, with (i) the procedural steps to be observed for award of public service agreements, (ii) the procedure for the authorisation of transport operators to meet the eligibility criteria for the award of these services (iii) the form and content of the main documentation to be used in the tendering process, such as, the framework tender book related to public local transport services and the framework statute for performing public local transport, and (iv) the methods used to set tariff caps for transport services.

➤ ***Regional/Municipal legislation***

Regional/municipal regulations must satisfy at least the minimum requirements set out by the Framework Statute and Framework Tender Book of the service. Each municipality may implement supplementary requirements besides the minimum standard set out in the framework regulations. However, since the study of the regulations issued by each specific municipality is not the purpose of this study it will not be detailed in the this section.

➤ ***Public service contracts***

Taking into account the regulatory structure of the public transport service described above and due to the fact that the UPT services are considered to be in the sphere of public utilities, as mentioned before, the local

authorities have the obligation to provide, organise, regulate, coordinate and control the supply of public transport services in their area of jurisdiction. In carrying out their obligations, local municipalities may provide public transport services either (i) directly through transport operators of the relevant municipality or a specific division of the municipality, also known as direct management (*gestiune directă*), or (ii) indirectly by concluding a public service agreement for the supply of public transport services with one or several independent transport operators (*gestiune delegată*).

By way of background, the relevant municipality, when awarding a public service contract, approve the tender documentation (which mainly consists in (i) a public service contract, (ii) the public service statute, and (iii) the public service tender book) in line with the second level regulations.

When awarding supply of public transport services to a third party operator following the completion of a public tender procedure, the local authority enters into a public service contract with the transport provider. The awarding procedure as well as the subsequent carrying out of the public service is largely regulated by the tender documentation. Even though each local authority approves its own tender documentation comprising the service regulation and the tender book, to ensure a standard approach towards these services, the Ministry of Transport issued Order 972/2007 establishing a minimum set of standard provisions (i.e. the Framework Statute and Framework Tender Book) to be implemented by each local authority in their specific regulations and tender books.

Even if those documents differ between municipalities due to the specific needs at local level, they should all include the minimum conditions set out by the Framework Statute and Framework Tender Book approved with Order 972/2007 issued by the Ministry of Transport. Therefore, in light of the provisions of these two documents which are part of the public service contract, to ensure high quality of public transport services, the operators must, *inter alia*:

- 1 observe the performance and quality indicators established by the beneficiary/awarding local authority through the concluded public service agreements or set out in the decisions of the relevant local public authority granting the administration right over the public transport service;
- 2 display in the front and on the right side of the vehicle, the identification number and the end-of-line; at the rear of the vehicle at least the identification number should be indicated. The informative elements specified above should be illuminated appropriately during the night or when visibility is reduced;
- 3 inform the passengers inside the vehicle, by visual and auditory means, as regards the next stop and the links with other local public means of transportation for passengers;
- 4 Indicate, inside the vehicle, the name of the driver, (i) a map which should allow the visualisation of the route and of the transportation network, (ii) instructions regarding the use of public transportation, (iii) passengers' obligations, and (iv) other information for public use regarding the transportation established by the law in force;
- 5 ensure the sale of travel cards and tickets within all the stations/stops as provided together with the relevant local public authority and noted in a schedule to the service awarding documentation;
- 6 indicate for the information of passengers in specific stations/stops the route code, the intervals between services and the simplified maps of transport routes;
- 7 observe the regulations in force when issuing travel cards for passengers, including travel cards issued for special categories benefiting from transportation facilities/subsidies;
- 8 ensure free and non-discriminating access to transportation to the passengers who benefit from transportation facilities/subsidies;
- 9 ensure free transportation for children under 5 years;

- 10 ensure that the transportation vehicle has reserved seats for people with disabilities, old people, pregnant women and people with children;
- 11 monitor embarking/disembarking of passengers; the transportation vehicle may not move with the doors open or with passengers on the stairs of the vehicle, or with passengers standing in the corridor of the vehicle;
- 12 not embark passengers over the maximum capacity of the vehicle in terms of seats;
- 13 ensure the necessary space for the passengers' hand luggage;
- 14 embark/disembark passengers only in the specially set up stations/stops provided in the route programme;
- 15 use only travel cards/tickets approved by the local relevant public authority;
- 16 allow the passengers' transportation only with valid travel cards/tickets or other documents provided by the regulations in force;
- 17 insure the passengers and their luggage for risks that fall under the responsibility of the transport operator;
- 18 keep evidence of each course at the end of line;
- 19 inform in advance the passengers as regards changes to/cancellation of the traffic schedule or route due to *force majeure*.
- 20 clean, wash and disinfect the vehicles daily and whenever necessary;
- 21 ensure the transportation in conditions of regularity, safety and comfort;
- 22 equip the vehicles with functional air conditioning and heating systems;
- 23 ensure that the vehicles have an aesthetic aspect;
- 24 indicate the name of the transport operator on both sides of the vehicle;
- 25 equip the vehicle with equipment for fire prevention and extinguishment and a hammer to break the windows if necessary;
- 26 ensure that the vehicles undergo the periodic technical inspection or, as the case may be, periodical technical revision;
- 27 ensure that the vehicles meet the requirements established by the law in force regarding traffic safety and environmental protection;
- 28 ensure the continuous information to passengers as regards the routes, traffic schedules, costs and any changes thereto;
- 29 ensure the financing for professional training and for medical and psychological examinations of the employees;
- 30 develop management strategies for the purpose of reducing the operation costs, including the application of the competition procedures required by the laws in force regarding acquisitions of goods and services and the administration of the public service on criteria for competition and economic efficiency;
- 31 submit programs for the development, modernisation and efficient exploitation of the technical-material aspects of the service provided; and
- 32 observe any other specific conditions required by the relevant local public authority.

These conditions may be further extended by the local public authority according to the local public transportation needs.

Since, according to paragraph (a) above, (i) the transport operator is required to observe the quality and performance indicators set out by the public authority with the tendering documentation, and (ii) the performance indicators are closely linked to the quality of the service, and the performance indicators for carrying out local public transportation of passengers through regular routes usually set out by public authorities are largely the following:

- a the number of journeys, routes on which the operator has suspended or delayed the execution of the transportation according to schedule;
- b the number of routes on which the operator did not carry out public transportation of passengers for a period greater than 24 hours;
- c the number of passengers affected by the situations provided by paragraphs (a) and (b);
- d the total number of vehicles used daily compared to the necessary number required for the transportation services to operate according to schedule;
- e the number of complaints from passengers regarding the quality of the vehicles, including:
 - the number of justified complaints;
 - the number of solved complaints;
 - the number of complaints which were not solved during the period of time stipulated by law.
- f the number of vehicles that are Euro 3 or Euro 4 certified, compared to the total number of vehicles necessary for the execution of the traffic schedule;
- g the age of the vehicles and comfort facilities for the passengers;
- h the compensation paid by transportation operators/authorised operators for non-compliance with the requirements regarding quality and environment-related conditions;
- i the number of acknowledged and sanctioned misconduct by staff in breach of legal requirements; or
- j the number of traffic accidents occurred due to staff misconduct of staff or the transportation operator/authorised operator.

Public transport services

In order to ensure further protection to the public, the Framework Statute establishes also a set of scrutiny rights for users of public transport services, including:

- the right of access to public information on local public transport services and to be informed about any decision of the public authority in relation to local public transport;
- the right to challenge such decision to prevent or repair any direct or indirect damage;
- to request and receive any indemnification or compensation for damages caused by transport operators by the breach of the obligations undertaken through the concluded public service agreements;
- to notify local public authorities regarding any shortcomings in the supply of public transport services and make reasoned proposals for their mitigation; or
- to be heard directly or indirectly by non-governmental organisations during the process of drafting and adoption of the decisions, strategies and regulations regarding public transportation services.

➤ **Quality Charters**

The structure of the public transport regulations in the three levels mentioned above does not provide for a specific quality charter to be adopted by the transport operators. Under the present structure, the local municipality imposes the required quality standards through the service contract, the statute of the transport service and the tender book adopted.

The Bucharest metro operator, Metrorex S.A., has adopted a quality charter in the context of a quality management system to improve the service provided to the passengers. The charter focuses on the safety and comfort for passengers.

➤ **Accessibility**

According to the provisions of Law 448/2006 regarding the protection and promotion of the rights of disabled persons the local municipalities must acquire public transport vehicles and/or equip the existing vehicles for easy access for disabled persons and develop special programmes for transport of disabled people.

Therefore, local transport operators provide specially fitted vehicles the access of wheelchairs. In Bucharest, RATB recently changed its entire bus rolling-stock and now all the buses have an automatic access ramp and signalling buttons as well as special places for wheelchairs and reserved seats for the disabled and elderly (passengers occupying these seats are obliged to give them up when they are required by a disabled, old or pregnant person). The subway (METROREX) is in the process of implementing the installation of 75 elevators in 34 tube stations, out of which 29 were already installed at 13 subway stations. The remaining 46 elevators should be installed at another 22 stations, by the end of 2012. These elevators are destined to facilitate the access of the disabled and elderly to subway stations. In addition, the metro rail wagons have specially reserved places for the disabled, elderly and pregnant women.

Furthermore, a supplementary benefit granted under the provisions of Law 448/2006 is that severely disabled people benefit from free public over ground transportation. The same benefit also applies to retired persons having their domicile in Bucharest, for the transport services offered by RATB, according to Decision no. 139 of 1 June 2006 of the Bucharest municipality.

➤ **Enforcement**

Public enforcement

One of the main rights of the municipalities in relation to transport operators carrying out public transport services is that local municipalities have the right to periodically verify the way in which the transport operators provide the service and to apply penalties if the service is not carried out according to the standards established with the public service contract and the tender book.

Therefore, to prevent the transport operators from breaching the requirements set out by the relevant statute on local public transport services and the relevant local tendering book, Law 92/2007 also establishes a set of administrative fines which vary between RON 10,000 and RON 30,000 (the equivalent of approximately EUR 2,273 to EUR 6,818). The municipalities may apply these administrative penalties for breaches of the obligations undertaken by the operator under service contracts, the statute on public transport and the relevant local tender books. For material breaches, the local municipalities may go even further and terminate the public service contract and/or request the annulment of the transport licence of the transport operator in breach.

Furthermore, to ensure the acknowledgement of such breaches in due time and the imposition of the relevant penalties, Law 92/2007 establishes also an administrative penalty between RON 5,000 and RON 10,000 (the equivalent of approximately EUR 1,136 to EUR 2,273) for officers of the local municipality failing to penalise the transport operators failing to supply the public service at the quality standards, efficiency and performance established through the public service contract and the relevant tender book.

Metrorex S.A. carries out periodic surveys to assess the level of passenger satisfaction. The passengers' feedback is used to establish corrective/preventive action to improve the quality of the service. After a recent survey, new methods of ticket payment have been introduced, such as the introduction of new ticket selling machines at the most trafficked metro stops, payments through SMS and contactless cards. In order to

improve passenger information on travel cards and metro travel rules, informative posters have been placed at the stations with tariffs and other information of general interest.

Private enforcement

If a passenger has suffered damage or an injury he may bring an action at Court. However, the issue falls under the competence of the administrative court, since the urban transport operators are assimilated to a public authority by Law No 554/2004 on administrative litigation (“Law 554/2004”).

Law 554/2004 states that *“any person who deems that their legitimate right or interest has been aggrieved by a public authority, through administrative action, or as a consequence of such authority's failure to decide on such person's petition within the timeframe provided by law may approach the jurisdictional Administrative Court with a request to rescind the contested action, or to recognise the claimed right or legitimate interest, and for reparation of the damage sustained as a consequence thereof. The legitimate interest may be both private and public.”*

In order to carry out the administrative procedure, the passenger must first, as a compulsory preliminary procedure, file a complaint before the urban public transport operator. In case of failure to reply or unsatisfactory reply, the passenger may bring an action with the administrative Court.

Furthermore, considering the right of the municipality to apply fines for the failure to observe the obligations of the operators under the tender book and statute on transport services, a simple notification of a breach may lead to an investigation and application of an administrative fine. However, municipalities are not required to start an investigation on the basis of a notification from one of the passengers.

➤ **Taxis**

Due to the specific nature of transport services carried out with cars used as taxi or under a rent-a-car regime, these services are specifically regulated by Law 38/2003.

This law restates the qualification of local public transport services with cars operating as taxis and under a rent-a-car regime as a public utility service, entailing all the specific requirements resulting from this qualification, including the conclusion of a public service agreement with the relevant local authority on the basis of tender documentation.

As in all tendering procedures for the award of public service agreements, the taxi and rent-a-car operators must be authorised to undertake such activity by the relevant local authority prior to participating in the tendering process. The specific authorisation procedures and specific technical requirements for vehicles, taximeters, professional certifications of taxi drivers and the main obligations of authorised taxi operators, taxi drivers, clients and taxi dispatches are expressly regulated by Law 38/2003.

Following the same approach as for the other types of public transport services, the specific service provisions set out by Law 38/2003 on transport with cars operating as taxis and transport under a rent-a-car regime, supplemented by the general provisions of Law 92/2007 on local public transport services, establish that the local authorities have the obligation to draft and approve the form and contents of the (i) regulation on organising and performing the service, (ii) the tender book of the service, and (iii) the public service agreement also for local public transport services with cars operating as taxis or under a rent-a-car regime.

Since the decisions of local public authorities are publicly available (and following our review of the documentation approved by several Romanian local public authorities), it may be noted by way of example, that the approved regulations and tender books comprise among other things also the following quality requirements for transport operators:

- to observe the quality and performance standards set out in the public service agreement;
- to issue fiscal receipts;
- to provide specialised means of transport for disabled people;
- to use only the tariff list approved by the authority in charge of authorisations;
- to embark clients from their address in case of phone orders via the taxi dispatch;
- to offer an insurance related to risks to customers and their luggage;
- to ensure rerouting (continuity of the service);
- to ensure on a daily basis and as often as needed the cleaning of the means of transport;
- to ensure safe and comfortable transport conditions; or
- to equip the vehicles with operational air conditioning.

The taxi drivers also have several specific obligations when supplying taxi transport services, specifically:

- to apply only the regulated tariffs;
- to wear a neat outfit and have disciplined and civilised conduct towards clients;
- to transport the clients on the back seat of the vehicle, or should the clients be transported in the front seat, to be asked to wear the seatbelt;
- to transport the client on the optimal, requested or agreed route;
- to maintain the vehicle clean both in the interior and exterior;
- not to smoke or use audio/video equipment without the prior consent of the client; or
- to comply with legal requirements of the client; any refusal must be justified and the taxi dispatch must be informed immediately.

The quality measures for the supply of the transport service, included in the statute and framework service agreements approved by local councils may include less or more restrictive requirements on a case by case basis. A good example is the requirement set by the regulation on local public transport services with cars operating as taxis in Brasov, which states that the authorised taxi operators with more than 50 taxi authorisations must ensure that at least one vehicle is accessible to disabled persons. Moreover, the same statute provides that taxi drivers should help, upon express request, the clients to get in and out of the car, especially disabled people, aged persons and pregnant women. This requirement is not included in the regulations approved for other cities, such as Cluj Napoca or Bucharest. Nevertheless, Law 448/2006, provides as a general rule that all taxi operators must have at least one car specially fit for the transport of disabled persons who use wheelchairs.

The Bucharest taxi association has adopted a passenger charter which is focused on the attitude of the drivers towards passengers, notably the use of polite language, the obligation to provide touristic information if requested by the passenger and the observance of the route indicated by the client. The driver must avoid conflicts with clients, other drivers and colleagues. If a complaint is submitted by a passenger on the conduct of the driver, a disciplinary commission examines the complaint and takes the necessary measures, which may lead to the termination of the employment contract.

In December 2009, the National Authority for Consumer Protection (*Autoritatea Națională pentru Protecția Consumatorilor*) conducted surveys on the quality of taxi transport services and the most frequent breaches

were regarding the failure to provide a fiscal receipt, the lack of insurance for passengers and their property, inconsistency in the display of tariffs and lack of identification of compulsory requirements.

SLOVAKIA

Introduction

The Country Report was prepared through desk research since we did not receive a reply to the questionnaires from the contacted stakeholders.

➤ *National legislation*

Public transport in the Slovak Republic is governed at national level primarily by national legislation adopted by the National Council of the Slovak Republic. The legislation contains basic rules and limits to the PTOs or taxi drivers when drawing up their Charter of Service. Even if the legal framework regulating public transport applies to the whole Slovakia, this Study closely focuses only on Bratislava and Košice since only these two cities use all three modes of transport (buses, trams and trolley buses). Passengers can also use taxis.

The Road Transport Act and the Rail Transport Act allow for urban transport to be operated as a unified transport system, where tram, bus and trolley modes are harmonised, and have one Charter of Service and one ticket selling system. Both cities of Bratislava and Košice operate this unified system and accordingly public transport in these two cities is operated by a single PTO: DPB in Bratislava and DPMK in Košice.

Both the Road Transport Act and the Rail Transport Act require that the PTOs set out passenger rights and obligations in the Charter of Services. Although the Road Transport Act and the Rail Transport Act set some limitations on the contents of the Charter of Services, it remains for the PTOs to determine the specific contents of their Charter of Service.

With respect to public transport, the Civil Code is *lex generalis* and the Road Transport Act and the Rail Transport Act are *lex specialis*.

The Road Transport Act was passed on 31 January 2012 and took effect on 1 March 2012. For the sake of completeness, we note that the Road Transport Act replaced the former Act No 168/1996 Coll. on Road Transport.

The Road Transport Act lays down the general requirements for opening and closing business in road transport. In addition, the Road Transport Act defines, to the extent specified below: (i) passengers rights, (ii) public transport operator's obligations (the "PTOs") and (iii) mandatory information to be included in charters of service (the "Charter of Service")

Passengers have the right to:

- 1 safe, peaceful and comfortable transport by bus line for which they have a ticket and seat reservation until the stop point for which fare was paid;
- 2 transport of hand luggage and, provided that terms of service or passenger transport agreement allows it, other luggage and a live pet on the same bus;

- 3 seek the necessary travel information from the bus crew or dispatch officer concerning terms of service, which information they must provide without delay; and
- 4 have their fare refunded if the transport did not take place, or seek a reduction on the fare if the transport took place with a delay or the transport operator did not comply with its obligations under the passenger transport agreement.
- 5 PTO's obligation to:
- 6 operate regular transport on a bus line in compliance with the transport licence granted thereto;
- 7 transport passengers in accordance with transport tariffs;
- 8 enter into a passenger transport agreement with each passenger who is at the stop point in the bus line route.

Another mandatory condition is that the PTO is obliged to publish its Charter of Service on its website and by other suitable means.

The above legal framework only provides the minimum requirements for the Charter of Service, while it is fully up to the PTO to draft its own Charter of Service provided that all mandatory requirements are met.

Regulation of trams and trolley bus

Generally, an almost identical legal framework to that explained above applies to trams and trolley buses operating in urban transport subject to the regulation defined in the Rail Transport Act and the Rail Act. In view of technical specificity of trams and trolley buses, the Rail Transport Act contains regulation on passenger rights, PTO obligations and mandatory information to be inserted in the Charter of Service that is similar to that found in the Road Transport Act for bus transport. The Rail Transport Act also gives a PTO an option to provide urban transport in the form of a unified urban transport system, which is the same as in the Road Transport Act.

➤ **Regional/Municipal legislation**

There is no relevant legislation issued by regional or municipal authorities.

➤ **Public service contracts**

Under the Road Transport Act and the Rail Transport Act, the Contractor is responsible for arranging public transport in its relevant area. For this reason, the Contractor draws up a transport service plan (the "Transport Service Plan") that is generally based on public requirements, capacity of buses, trams, trolleybuses, etc. The next step in accordance with the Transport Service Plan for the Contractor is to enter into an agreement with the PTO.

In Bratislava and Kosice, the PTO is a private company owned by the relevant city.

The Road Transport Act and the Rail Transport Act define the contents of an Agreement on Public Services ("*Zmluva o službách vo verejnom záujme*") (the "Agreement") with the PTO and the process for amending it. The Agreement between the City of Bratislava and Transport Company of Bratislava (*Dopravný podnik Bratislava*) ("DPB") was signed in 2009, and is valid until 2018, and amended every year due to changes in urban transport.

The Agreement between the City of Košice and Transport Company of Košice (*Dopravný podnik mesta Košice*) (“DPMK”) was concluded in 2009 and is valid until the end of 2018. The Agreements contain no regulation of passenger rights but are rather the basis on which the PTOs provide transport. The Agreements contain the contract between the PTOs and the Cities or a self-governing region (the “Contractor”).

The protection of passenger rights is provided by the quality charters that the PTO under PSCs must adopt as a part of the PSC.

➤ **Quality Charters**

Every PTO must adopt its own Charter of Service.

According to the Road Transport Act, the Charters of Service must contain, *inter alia*, the following:

1. PTO's rights and obligations;
2. scope of passenger rights and obligations before, during and after transport, also in case of failure to provide, or delay of, the transport;
3. complaints procedure;
4. transport tariffs;
5. conditions for animals and hand luggage transport;
6. rules of ticket validation and ticket control.

In this report we examine the contents of the quality charter adopted by Kosice public transport operator. The quality charter of Bratislava is examined in the City Report, Chapter 5.2.3.

Košice

KE Charter of Service was concluded on 1 January 2009 and is still in effect, as amended. KE Charter of Service comprises 14 articles.

Information for passengers

As for passenger information, DPMK must publish transport timetables for each line of public transport. Permanent changes to transport timetables must be published in time and made available to the public in writing. DPMK is responsible for the correctness of the information. DPMK informs the passengers about all changes made to the organisation of public transport in an appropriate manner at stop points, by local radio and television and on DPMK's internet site (www.dpmk.sk).

Tickets

Passengers are required to hold a valid ticket. DPMK sells several types of tickets, generally categorised as (i) standard paper tickets (for various periods of time; for 15 minutes, 30 minutes, 1 hour etc.); (ii) mobile text message tickets; (iii) prepaid tickets, and (iv) contactless electronic cards. Passengers are required to buy a ticket before getting on the vehicle and validate them immediately after they get on. DPMK ticket controllers carry out ticket controls and impose fines of EUR 55 for an invalid ticket.

Cancellation and punctuality of services

If DPMK fails to provide transport for passenger, it must provide transport using another vehicle of the same or another line, without requiring passengers to pay for any other tickets. Passengers have the right to be carried only if the vehicle is not full.

On a passenger's request, DPMK will issue a confirmation about a service delay of over 20 minutes or a service cancellation.

Assistance provided to disabled persons and persons with reduced mobility

Special attention is given to disabled persons, the elderly, pregnant women, children, people on wheelchairs and persons with pushchairs. In each vehicle, DPMK must reserve and clearly mark at least six seats for these classes of people. Other passengers must give up their seats for them if there is no free seat. If a person on a wheelchair or a mother with a pushchair gets on a vehicle, passengers are required to clear the space marked with a picture sign indicating such person. Visually disabled persons have the right to travel with their guide dog in the same vehicle.

Cleanliness of means of transport and station facilities

Two different cleaning companies are responsible for cleaning buses and trolley buses, and trams respectively. Buses and trolley buses are cleaned every other day and trams are cleaned every day at the DPMK service depot.

If a driver finds that the vehicle is substantially dirty or soiled, they must call the dispatch centre and the dirty vehicle will be replaced with a clean one.

Liability for persons and luggage

Lost luggage and other personal items are temporarily kept at the depot (Lost Property desk of DPMK).

Complaint handling, refunds and compensation

With regard to submission of complaints, the Charter of Service provides that the passenger must make the complaint in writing within six months of the day when transport occurred. If the complaint is made orally, the company registers the complaint in writing. In the complaint, the eligible passenger must specify the claims, give a short justification and give evidence of the claims. In general, no reimbursement of refunds is provided.

Customer satisfaction surveys

At present, DPMK conducts no customer satisfaction surveys but plans to carry them out in the future. In the meantime, customer satisfaction surveys are carried out by emails or mail to DPMK. Passengers can contact DPMK for their suggestions.

➤ **Accessibility**

There are two laws that include aspects which relate to the accessibility of public transport: Law No 168/96Z.z. (on road transport) stating that the tendering/contracting authority of public transport services should develop a strategy for PT services with respect to the needs of disabled people, and Law No 164/96

(on railway) dealing with requirements for public spaces (e.g. barrier-free access to platforms, stops, buildings), but there are no specifications for vehicles. There are no general national standards for public transport in Slovakia.

In Slovakia there exist specific public transport tariffs for people with disabilities and their accompanying person: usually they get a 50 per cent fare reduction, but in some cities (e.g. in Bratislava) they can use public transport free of charge.

By 2015 it is planned that all vehicles will be barrier-free. At present, only new vehicles are fully accessible. In the cities, the accessibility to stations and bus stops is good while in the rural area it is still an issue.

The quality charters require the PTO to reserve seats for PRMs and space for wheelchairs. Drivers must provide assistance to passengers if required.

Accessibility is an important issue in the quality charter of the Bratislava PTO, which provides that places must be reserved on vehicles for PRMs and wheelchairs, and assistance must be provided by the driver to passengers in wheelchairs on getting on and off the vehicles by using the moving platform.

➤ **Enforcement**

Private enforcement

Generally, claims arising from bodily injuries or luggage damage are enforced through courts in line with Section 106, 427 to 431 and 763 and 764 of the Civil Code.

Under the Civil Code, the operator is required to have an insurance covering damage caused to passengers or third persons in its vehicles, and all damages are paid out from the policy.

Claims for any bodily injury or damage to luggage will be enforced through Courts as set out in Section 106 of the Civil Code.

With regard to the provisions introduced by the quality charters on the enforcement of passenger rights, according to the KE Charter of Service passengers must make their complaints in writing within six months of the day when the transport occurred. If a complaint is made orally, the company registers the complaint in writing. In the complaint, the eligible passenger must specify their claims, and give a short justification and evidence proving them.

For complaints concerning contactless electronic cards, a special procedure applies that is governed by different terms and reasons for accepting the complaint, which is due to the specific subject matter of the complaint, i.e. contactless electronic card.

As explained above, in the event that the transport operator fails to provide transport for the passengers, it is obliged to provide transport using another vehicle of the same or another service, without passengers having to pay any extra costs.

Public enforcement

No user satisfaction surveys were carried out by the PTO and there are no provisions requiring doing so in the Road Transport Act. However, the PTO in Kosice is planning to carry out surveys in the near future.

➤ **Taxis**

Taxi operators are associated with taxi trade organisations, which are special-interest associations. Taxi trade organisations inform potential passengers about their rights and obligations and provide them with recommendations about taxi operators. Not all taxi operators are affiliated with a taxi trade organisation. Passengers can also find useful information on the organisations' websites.

Legal framework

The legal framework for taxi services is provided under the Road Transport Act and the Road Transport Decree. Taxi service operation is defined as an operation of personal transport by vehicles with a maximum capacity of nine persons (driver included). Operating taxi services is allowed only to persons who have been granted a taxi concession. Taxi concessions are granted or revoked by the Regional Transport Authority.

The Road Transport Act

A taxi driver is entitled to provide transport services by publishing basic terms and conditions of taxi services at taxi stands, in taxis, by advertising or by taxi dispatch centre.

Under the Road Transport Act, the taxi driver must carry the passenger their destination, use the shortest route to the destination, etc. The taxi driver's card must be visible to the passenger and the passenger must be able to see the taximeter during the whole journey. The taxi driver must provide passengers with confirmation of payment. Taxi drivers must also help their passengers with loading and unloading their luggage to and from the taxi.

The Road Transport Act also includes exceptions for when the taxi driver has the right to refuse to carry a passenger. These situations include:

- passenger behaves aggressively;
- the passenger might make the taxi dirty or soiled;
- the passenger's luggage is too large for the taxi; or
- the passenger smokes, eats or drinks in the vehicle despite being previously warned by the driver not to do so.

However, if the passenger's luggage is too large or too many, the driver must call the dispatch centre to have them send an appropriate vehicle with the capacity to transport the luggage.

The Road Transport Act further modifies technical specifications for taxis. Taxis must not be older than 5 years from the date on which they were put into operation and must not have driven more than 100,000 kilometres (petrol engine) or 150,000 kilometres (diesel engine).

Road Transport Decree

The Road Transport Decree sets the requirements to be met by anyone wishing to become a taxi driver. In addition, the exam process is set out in the Road Transport Decree. The Road Transport Decree also contains the rules on visualisation of the taxi driver's card.

Taxi's Charter of Service

According to the Road Transport Act, the taxi operator must have a Charter of Service. The Charter of Service specifies the conditions of taxi service and defines the rights and obligations of the taxi operator and the passenger. Due to the high number of taxi services in Slovakia, we will describe the basic mandatory provisions, which must be included in a taxi's Charter of Service.

The Taxi's Charter of Service includes similar rights and obligations as the Charter of Service in urban public transport. Generally, the taxi's Charter of Service must include the following information:

- the taxi operator's rights and obligations;
- passenger rights;
- dealing with lost luggage and other personal belongings;
- liability for damage caused to the passenger;
- handling of complaints.

As to damage to luggage, personal articles and bodily injury caused during the transport, the taxi operator is responsible and liable under the relevant provisions of the Civil Code.

A complaint can also be submitted independently to the Slovak Trade Inspection (SOI). SOI has the power to investigate the taxi operator by taking a control ride and the inspections mainly focus on whether information duties are met, i.e. whether the passenger is informed about the fares, whether a receipt is issued on demand and whether the passenger is informed about the shortest route available. Finally, under Section 45(6) of the Road Transport Act, a municipality has the responsibility to supervise taxi services, and passengers may submit complaints to the municipality.

SLOVENIA

Introduction

The Country Report was prepared through desk research and the information provided by one UPT operators in response to the questionnaire.

➤ ***National legislation***

The urban public transport system in Slovenia is constantly developing; however, there is still much room for improvement. The major part of urban public transport in Slovenia is performed by buses (and taxis) since there are no underground trains or over ground trams operating in Slovenia. Train transport is limited to inter-city routes. Taxis are numerous, effective and very reasonably priced, so they represent a good alternative to public transport (especially on short routes).

Bus transport is sufficiently regulated from a legal standpoint; however, there is a lack of quality charters and *bonus-malus* schemes that would provide a stronger incentive for transport operators to provide the highest quality service to passengers.

It must be noted that the general provisions applicable regardless of the transport mode are included in the Code of Obligations (Official gazette no. 97/2007), which contains provisions on contract for transport of

passengers, i.e. the liability of the transport operator for delays, responsibility for the safety of the passengers and their cargo (luggage) and liability in the event of damage to cargo or injury to passengers. A passenger can always rely on the provisions of the Code of Obligations, regardless of the mode of transport and other legislation.

Bus sector

Inter-city bus transport of passengers is considered to be in the interest of the public and is thus provided by the state as a commercial public utility service. On the basis of a public procurement procedure, the state grants concessions to transport operators. The procedure for granting of a concession is regulated by the Public Utilities Act (for specifications on all the legislative acts mentioned in this report, please see Annex 1) (Official gazette of the Republic of Slovenia, no. 32/1993, as amended) and the Public-Private Partnership Act (Official gazette of the Republic of Slovenia, no. 127/2006). The performance of public service by operators is monitored by the Slovenian Road Agency (operating within the framework of the Ministry of Transport) and the Traffic Inspectorate.

The competent authorities for the organisation of intra-city bus transport are the local communities (municipalities). The Road Transport Act (Official gazette of the Republic of Slovenia, no. 5/2007, as amended, hereinafter “RTA”) dictates that the regulation of urban public transport rests within the competence of local authorities (municipalities). Pursuant to the RTA, public transport must be organised as a local public utility service in all municipalities with more than 100,000 inhabitants. There are only two such municipalities in Slovenia (Ljubljana and Maribor). The RTA also provides requirements and other details concerning the granting of licences to perform road transport (of passengers and/or cargo).

The bus transport sector is generally covered by the RTA, with the Road Transport Contracts Act providing some additional regulation (Official gazette of the RS, no. 49/2011, hereinafter “RTCA”).

The RTA provides that urban public bus transport is organised as a public utility service; it also includes general provisions on ticketing and notifications of delays and financing. The RTA provides that the transport operators are obliged to adopt General Terms and Conditions for transport, which must be publicly available. The RTCA provides rules on the mandatory content of contracts for transport of passengers (i.e. contracts between the passenger and the transport operator, not between the transport authority and the transport operator). In particular, this concerns the liability of the transport operator for any damage or injury caused to the passenger, as well as liability of the operator or damage caused to the passenger as a result of a delay in or termination of the transport.

Pursuant to the provisions of the RTA and the RTCA, transport operators adopted the General Terms and Conditions for transport, which provide specifications concerning the contractual relationship between the passenger and the transport operator, which is established by purchasing a ticket. The General Terms and Conditions specify the following rights and obligations of the passenger/operator:

- persons entitled to free of charge transport (children under 6 years of age, disabled persons);
- persons entitled to discounts on the ticket purchase price (the elderly, children, students, the unemployed);
- liability of the transport operator in the event of termination of or disruption to transport;
- liability of the transport operator for damage or injury caused to the passenger during transport;
- the transport operator is not liable for any loss or damage to the passenger’s luggage which occur during transport (this is an important difference between urban public transport and inter-city

transport – in the latter mode, the transport operator is liable also for the loss or damage to the passenger's luggage).

Train sector

According to Article 6 of the Railway Transport Act (Official gazette of the RS, no. 11/2011), railway transport of passengers is provided by the state, as a mandatory public utility service.

Train transport service is provided by the state as a public utility service for the entire territory of the Republic of Slovenia. As such, it is regulated at national level only. The main regulatory acts in this field (all in effect at national level) are:

- the Railway Transport Act (Official gazette of the RS, no. 11/2011)
- the Railway Traffic Safety Act (Official gazette of the RS, no. 36/2010, as amended)
- the Rules on railway stations and stops facilities (Official gazette of the RS, no. 72/2009, as amended)
- the Regulation on implementation of Regulation (EC) No. 1371/2007 of the European Parliament and of the Council on rail passengers' rights and obligations (Official gazette of the RS, no. 67/2011).
- the Decree on the mode of providing public service obligations in inland and cross border regional railway passenger transport (Official gazette of the RS, no. 99/2008)

The Railway Traffic Safety Act provides several rules on safety and comfort of passengers on trains. Mainly, they concern the obligation of the transport provider to ensure access to trains for the disabled, the obligation to equip train cars (which are meant for passengers) with heating and air conditioning and the prohibition to undertake any action that would endanger the safety of the passengers on the train.

The Rules on railway station and stop facilities contain specifications on the requirements for various aspects of the rail transport infrastructure (i.e. stations and stop-over facilities). Namely, the Rules provide specifications for all station-related infrastructures (entrances, hallways, access to piers, stairs, wardrobes, waiting rooms, luggage rooms, sanitary facilities, information desks, etc.) and obligations of the station manager with regard to this. The competent authority responsible for control and supervision of enforcement of the Rules is the Traffic Inspectorate.

With respect to train passenger transport, the Slovenian Parliament has adopted the Regulation on implementation of Regulation (EC) No 1371/2007 of the European Parliament and of the Council on rail passengers' rights and obligations (Official gazette of the RS, no. 67/2011). Regulation (EC) No 1371/2007 and all rules referred to therein are directly applicable, whereas the Regulation on its implementation sets forth only the fines for infringements of passenger rights, which are included in Regulation (EC) No 1371/2007, Articles 5-29. The fines vary between EUR 1,000 and EUR 40,000 for the transport operator and EUR 250 to EUR 2,500 for the person responsible (employee) of the transport operator.

The Decree on the mode of providing public service obligations in inland and cross border regional railway passenger transport includes a provision concerning the obligation of the transport provider to guarantee a certain quality of service, although it does not provide any parameters on the basis of which the quality of the service would be calculated. Passenger satisfaction is measured annually by conducting a survey on all trains in service. The transport operator is obliged to inform the transport authority about the results of the survey.

Insurance of Passengers

With regard to all three abovementioned modes of public transport (train, bus, taxi, or other means of transport), the transport operators (proprietors of the vehicles used for transport) are under the obligation to conclude an insurance contract covering accidents. This obligation is set forth in the Compulsory Motor Third-Party Liability Act (Official gazette of the RS, No 93/2007) and is binding on all owners of vehicles that are being used for the purpose of passenger transport. The CMTL defines a passenger as “any person travelling in any means of transport, with which the service of passenger transport for a fee is offered, regardless of whether the person possesses a valid ticket or not” (Articles 9-10 of the CMTL).

➤ **Regional/Municipal legislation**

As an example of regional legislation, we refer to the Decree on the Organisation and Management of the Urban Public Line Transport of Passengers (Official gazette of the Republic of Slovenia, no. 55/2009, as amended), issued by the City Council of Ljubljana, which imposes obligations on the transport provider to provide a certain quality and level of service in the urban public transport sector in the Capital of Slovenia (Ljubljana). The Decree regulates the following:

- organisational and spatial layout of the public service;
- scope and type of the public service provided;
- conditions and requirements for the use of the public service;
- rights and obligations of the passengers;
- financing of the public service;
- type and scope of the communal infrastructure, required for the performance of the public service.

With respect to passenger rights and quality of service, it is noted that the decree imposes certain obligations on the transport provider, especially:

- to ensure the prescribed frequency of buses and punctuality of arrivals;
- to ensure the required equipment on bus stops (electronic panels notifying the passengers of arrivals, etc.) and on buses (air conditioning and heating systems, information panels, sound systems which alert passengers about next stop; accessibility for the disabled and passengers with wheelchairs; safety mechanisms which prevent driving with open doors);
- to ensure other means of transport if the service is interrupted (i.e. if a certain vehicle malfunctions and cannot continue to operate, the transport operator must immediately provide another vehicle)

The Decree does not specify passenger rights in addition to “the right to use public transport services in compliance with this decree,” under the condition that they purchase a valid ticket (Article 22). Accordingly, other (abovementioned) legislation, such as the RTA and the Code of Obligations, sets out passenger rights.

➤ **Public service contracts**

The public service contract which we reviewed (the contract for the operation of bus transport service in the Ljubljana area, the largest urban area in Slovenia) includes no *bonus-malus* scheme or compensation scheme which would provide for any reductions in fees, linked to the performance of the service. The contract does not include any provisions concerning rights and obligations of the carrier.

➤ **Quality Charters**

We were not able to find any quality charters or other forms of commitments imposed on the transport providers, which would provide for the obligation of the transport provider to deliver a certain quality of

service, aside from those obligations of transport providers which are set forth by the legislation listed in the Annex below and the general terms and conditions of carriage adopted by the operators.

➤ **Accessibility**

There are no specific regulations in Slovenia on accessibility. In general, the PSCs regulate accessibility of public transport for disabled people. In Slovenia there is an efficient system (but not as part of public transport) to guarantee certain level of basic mobility for disabled people. This kind of special transport is organised by associations to transport disabled people to working places and educational institutions.

With regard to UPT, disabled people get, in general, six free tickets per year and a 70 per cent discount on the seasonal ticket. The accompanying person gets a 100 per cent discount. Some city buses and local trains are accessible for people with motor impairments. Nevertheless, in general accessibility of vehicles is poor.

There are some plans to improve accessibility to city busses (some of them already have two designated places for wheelchair users). New vehicles are fully accessible with visual and vocal information for hearing and visually impaired people, with seats reserved for PRMs and spaces for wheelchairs. The older vehicles are not fully accessible but the substitution of the fleet is planned in the next years. Some municipal legislations, such as the Decree adopted by the city of Ljubljana, require ensuring PRMs and the disabled accessibility to the UPT vehicles. In Ljubljana a “Service on Demand” for PRMs and people with disabilities is being tested.

With regard to trains, boarding is possible only on some local trains for motor impaired people, but not on long-distance trains. For people with visual, hearing or cognitive/learning impairments, barrier-free boarding is not offered. The reliability of technical equipment is high in local trains and train stations in urban areas, but quite low elsewhere.

The bus system (city and regional) is very punctual in Slovenia. With regard to assistance, customer service provided for people with disabilities is considered poor; there are no specially equipped services for people with motor impairments and there are no specially designated desks for people with motor or visual impairments in Slovenia.

➤ **Enforcement**

Private enforcement

In the first instance, the passenger may lodge a written complaint directly with the transport operator (the majority of complaints deal with inappropriate conduct of drivers or controllers; delays; insufficient amount of buses on a given route etc.). The transport operator analyses complaints and, if appropriate, acts accordingly (issues warnings or pecuniary fines to those persons, adopts certain changes regarding timetables or routing, etc.).

Should the actions pursued by the transport operator in response to a complaint by a passenger be deemed insufficient (or non-existent), the passenger may lodge a written complaint to the second instance, which is the Municipal Inspectorate (each larger urban area has its own inspectorate). The Municipal Inspectorates are competent for supervision over enforcement of legislation governing urban transport and can issue pecuniary and other administrative fines to transport operators in breach of the regulations. For inter-city transport, the competent authority is the Traffic Inspectorate, organised under the Ministry of Transport.

If transport operators do not comply with their obligations set forth in the legislation, the competent authority (the Municipal Inspectorate and the Traffic Inspectorate) can issue pecuniary and other administrative fines. If the transport operator breaches its obligations deriving from a public service contract, the contract may be terminated under general rules of law on contracts.

If a passenger has suffered an injury or damage to his property during transport, they can lodge a written complaint to the transport operator and the latter will forward the request (if it deems it justified) to its insurance company, which will handle the request and pay the damages to the passenger.

If the transport operator or the insurance company refuses to pay the requested damages, the passenger may lodge a civil lawsuit pursuant to the general rules on civil liability, included in the Code of Obligations.

Public enforcement

In Ljubljana the UPT operators carry out a survey among passengers twice a year. The surveys only have a market purpose and they are not linked to the monitoring of compliance of the operator with contractual obligations.

➤ **Taxis**

In Slovenia, the taxi transport sector is regulated by the following pieces of legislation:

- the Code of Obligations, Official gazette of the RS, no. 97/2007;
- the Road Transport Act, Official gazette of the RS, no. 5/2007, as amended;
- the Road Transport Contracts Act, Official gazette of the RS, no. 49/2011
- the Decree on auto-taxi transport (for the municipality of Ljubljana), Official gazette of the RS no. 77/2010;
- the Decree on auto-taxi transport (for the municipality of Novo mesto), Official gazette of the RS, no. 85/2004;
- the Compulsory Motor Third-Party Liability Act, Official gazette of the RS, no. 93/2007.

Taxi transport is performed on the basis of a permit issued by the municipal authority. The permit defines the territory in which transportation services may be performed. It is prohibited to perform transport services outside the area defined in the permit. The RTA Article 57 provides that the municipality may determine the maximum fare tariff for voyages that begin and end within the territory of the municipality. The taximeter and the tariff must be located in a visible place in the taxi, the taximeter must be turned on for the entire duration of travel and the fare must be an accurate calculation of the length of the trip and the published tariff.

The auto-taxi transport sector is governed at regional level by decrees, issued by municipal authorities. We reviewed decrees for the cities of Ljubljana (the capital) and Novo Mesto. In general, the decrees specify the following:

- conditions and requirements of transport operators (the operator must hold a valid licence, drivers must pass an exam on the knowledge of the city area, knowledge of the Slovenian language and basic knowledge of at least one other foreign language);
- method of performance of transport (taxi stops, environmental fees, cleanliness of the means of transport (cars), rights and obligations of drivers and passengers, etc.)

- supervision (the performance of taxi transport is supervised by the Inspectorate and the Municipal Police authority).

With respect to the rights of the passengers during transport, the decrees provide that:

- the driver must charge the fare pursuant to the passenger's request for the shortest possible route or the route specifically requested by the passenger;
- the driver must always act politely towards the passengers;
- the driver must provide other means of transport to the passenger in the event that he is unable to finish the transport;
- the driver must accept the passenger's luggage if can fit within the cargo space of the car;
- the driver may refuse to perform the transport if the passenger is likely to damage the car or render it squalid by their actions, clothes or luggage, unless it is necessary to offer assistance in the event of a road accident.

Insurance of passengers

With regard to all three abovementioned modes of public transport (train, bus, taxi, or other means of transport), the transport operators (proprietors of the vehicles used for transport) are under the obligation to conclude an insurance contract covering accidents. This obligation is set forth in the Compulsory Motor Third-Party Liability Act (Official gazette of the RS, no. 93/2007) and is binding on all owners of vehicles being used for the purpose of passenger transport. The CMTL defines a passenger as "any person travelling in any means of transport, with which the service of passenger transport for a fee is offered, regardless of whether the person possesses a valid ticket or not" (Article 9-10 of the CMTL).

SPAIN

Introduction

The Country Report was prepared through desk research and with the information provided by one UPT operator that replied to the transport operator questionnaire.

➤ ***National legislation***

The protection of passenger rights in urban public transport is essentially contained in public (administrative), not private (or contractual), legal instruments. Among the public law instruments, a few rules on specific issues on this topic are found in national legislation, but it is mainly up to the regional legislation to deal (almost) exclusively with this matter. The regional governmental structure in Spain is complex, and it is divided, as a rule, in three levels. On top, there is the "*Comunidad Autónoma*", the most important regional structure. Below that, some regions have intermediate governmental bodies such as the "*Diputación*" or "*Cabildo*", with provincial scope. Moreover, at the bottom, there is the "*Municipio*", the local entity governed by the "*Ayuntamiento*". Legislation on urban public transport is mainly the responsibility of the "*Comunidad Autónoma*" with enforcement powers being granted to the other bodies and, particularly, the local entities. In the paragraphs below we will provide a summary of this legislation.

It should also be taken into account that passengers are regarded as consumers and are therefore protected by the legislation applicable to this category ("*Real Decreto Legislativo 1/2007, de 16 de noviembre, por el que se aprueba el texto refundido de Ley general para la defensa de los consumidores y usuarios y otras leyes complementarias*").

Private law legislation

In Spain, the protection of passenger rights in urban public transport is not covered by specific legal rules applicable to the contract for the carriage of passengers by land, which, as a rule, would be the most proper and adequate means for the protection of those rights against the operator entrusted with the performance of urban transport services.

In fact, in Spain there are no rules in this area for protection of rights of passengers in regional or national transport (apart from those specific rights covered by Regulation (EU) No 181/2011 of 16 February 2011 of the European Parliament and of the Council concerning rights of passengers in bus and coach transport, amending Regulation (EC) No 2006/2004, which will be applicable in EU Member States from 1 March 2013).

There was an attempt in 2007 to regulate those rights as part of a more comprehensive regulation on contracts for carriage of passengers by land, when a bill was proposed for the introduction of a new act on contracts for carriage by land of goods and passengers ("*Anteproyecto de Ley de Contrato de Transporte Terrestre*", *Ministerio de Justicia, Año LXI, Suplemento al núm 2041, 15 de Julio de 2007*). This bill introduced Title II named "*El contrato de transporte de viajeros*" (contract for carriage of passengers), which provided full regulation of these contracts, including passenger and carrier rights and duties (Articles 77-99). However, the Spanish Parliament ("*Cortes Generales*") approved a more restricted set of rules (applicable only to cargo) under Act 15/2009 of 11 November on Contracts for Carriage of Goods by Land, and any intention to regulate contracts for carriage of passengers was abandoned, presumably (as we were told) on the assumption that the EU would take over this task in the near future, as it could be provided for by the adoption of Regulation (EC) No 2006/2004. It was thought that legislative efforts should not be duplicated in this particular area.

It should be mentioned that the powers to produce private law rules in this area rest exclusively on the national Spanish Parliament as this is a matter assigned to it under Article 149.16 of the Spanish Constitution (CE). This article grants exclusive powers to the national parliament to legislate in the field of commercial law ("*legislación mercantil*"), which, without any doubt, is part of the law that includes the regulation of contractual rights and obligations in contracts for carriage of passengers.

Public law legislation

The two most important pieces of public law legislation applicable to this area are the following:

1. *Ley 16/1987, de 30 de julio, de ordenación de los transportes terrestres* (BOE, 31 de enero de 1987) (hereinafter "LOTT")
2. *Real Decreto 1211/1990, de 28 de septiembre, por el que se aprueba el Reglamento de la Ley de ordenación de los transportes terrestres* (hereinafter "ROTT").

In their original version, both LOTT (Articles 113-118) and ROTT (Articles 141-143) provided for specific rules for the organisation of urban land transportation system, but the Constitutional Court of Spain ("*Tribunal Constitucional*") in its decision ("*Sentencia*") 118/1996, declared those articles to be unconstitutional because they infringed article 148.15^a CE, which grants the power to legislate on these matters to the regions ("*Comunidades Autónomas*"). Therefore, no Spanish region may rely on national rules on urban transport. Regions need to have their own public law rules in this particular field.

The only sections of LOTT and ROTT applicable to carriage of passengers within the scope of this report are the following:

a) Articles 39-41 LOTT, which made up Chapter called “Transport Users” (“*Los usuarios del transporte*”), where transport users are granted the right to participate (through their associations) in the elaboration of legal rules applicable to them (Article 39) and the right to be informed of the features (and changes) of the transportation system (Article 40.1). They also establish that transport authorities must prepare a catalogue of rights and duties of transport users, which will become part of the general conditions of carriage (Article 40.2 and 41 LOTT and Article 13 ROTT). So far, at the national level, transport authorities have not complied with these articles, (some) regional authorities being the ones undertaking this task, as we will see below.

b) Articles 37-38 LOTT and Articles 6-12 ROTT, which, respectively, created and developed the regulation applicable to the “*Juntas Arbitrales del Transporte*”, a (public) arbitration tribunal with powers to decide on legal (private law) disputes deriving from, *inter alia*, contracts for carriage of passengers, including urban transport.

➤ **Regional/Municipal legislation**

According to Article 148.1.5^a CE, “the Self-Governing Communities may assume competences over the following matters: (...) Railways and roads whose routes lie exclusively within the territory of the Self-governing Community and transport by the above means or by cable fulfilling the same conditions” (“Self-governing Community” is a straightforward translation of what we know as “*Comunidad Autónoma*”).

Therefore, in accordance with this article of the Spanish Constitution, the regulation applicable to urban transport (and, in general, to all land transportation within a region’s boundaries) falls exclusively within the realm of the legislative powers of those regions that have decided to opt for (“may assume”) incorporating the subject matter into their regional legislation framework. As shown in the Annex hereto, the majority of the Spanish regions have chosen to produce specific legislation applicable to public transport operating within the region’s boundaries, including, obviously, urban public transport.

Regions also have the powers to complement and/or enforce national transportation legislation (LOTT and ROTT), beyond the scope of Article 148.1.5^a CE, in those areas that according to their nature are better suited to be dealt with by regional authorities. This is expressly provided for by Organic Act 5/1987 of July 30 (“*Ley Orgánica 5/1987, de 30 de Julio, de delegación de facultades del Estado en las comunidades autonomas en relación con el transporte por carretera y por cable*”).

In addition, as it was mentioned above, regional legislation may be enforced through regulations issued by mid-level (provinces) or local (town, city) entities within each region.

The bulk of the regional legislation affecting regional (and urban) transportation focuses on the organisation and control of the transportation system within the particular region. However, it also deals with two issues of interest for this report on the protection of passenger rights in urban transport in Spain, which will be analysed immediately below (passenger rights) and in the following section (Public sector contracts).

As a rule, regional legislation provides some catalogues or lists of user/passenger rights. These rules usually produce their effects on a double and different level.

On the one hand, they are considered as part of the contract of carriage between the passenger and the transport services provider by the force of law itself. In other words, they are statutory rights applicable as

such on a contractual basis and, therefore, parties to the contract of carriage (passengers) are entitled to enforce them within the contractual boundaries (if the rights are defined in a clear and enforceable way).

On the other hand, the passenger rights listed in the public legislation also create duties for the transport services operator, which may result in (administrative or public) sanctions being imposed on the operator by the transport authorities in case of infringement of those rights.

In any case, when it comes to the regulation of passenger rights, unfortunately regional legislation (especially at the top regional level) is, as a rule, brief, scarce and quite general in scope.

A good example is Article 16 of the recent statute on mobility of the Community of Valencia (Ley 6/2011), which is surely the most recent, updated and modern piece of legislation on this matter in Spain. This statute establishes the following rights for people domiciled in the Municipality of Valencia in relation to mobility: the right to choose the most adequate available mode of transportation, the right to have access to the public transportation system irrespective of the place of domicile, the right to have safe, comfortable and quality mobility alternatives, the right to receive services with adequate quality and safety levels, the right of access to information necessary to choose the most proper transportation mode, the right to file claims, complaints, suggestions and recommendations before the mobility authorities, without cost, regarding public transportation services and the right to take part in public consultations on mobility.

Other regional legislation follows the same structure and we can find list of passengers' rights, but they are indeed not that helpful as they are written in very broad and general terms and are therefore seldom used in the context of the contractual relationship between passengers and the specific transport services provider (i.e., Article 8 of the Basque Region Act on the Transportation of Passengers by Road).

In some regions, there are rules dealing specifically with passengers that provide more comprehensive regulation on their legal position, including rights (and duties). These rules are normally focused on particular traffic and/or transport operators. Two good examples of these "*Reglamentos de Viajeros*" ("Passenger Regulations") is the one applicable to users of the Madrid subway (Metro) (*Reglamento de Viajeros del comunidad de Madrid*); and the one applicable to passengers of the "Empresa Municipal de Transportes de Madrid, S.A." (EMT) (Decreto 206/2000), mainly on the bus transportation system.

A significant and remarkable exception to the rule is Decreto 8/2011 of the Region of Murcia, which, among other issues, covers in some detail (in 25 Articles) the rights and duties of public road transportation passengers, as well as the duties of the road transport operators. Decreto 8/2011 is based on Articles 40 and 41 LOTT, which set out the principle that the transport authorities (national, regional and/or local) are obliged to issue a list of rights and duties of road transport services for passengers. Up to date, the national authorities have not produced such list and only the one approved, at regional level, in Murcia in 2011, can be considered as such and, therefore, should be given special attention as a model for the evolution of this matter in Spain if other regions are to follow this particular path.

Article 1 (Chapter I) defines the scope of application of the Decreto, meaning regional road transportation (mainly inter-urban, but also urban transportation).

Articles 2-6 (Chapter II) deal with transport passes.

In Chapter III, the regulation focuses on the rights and duties of passengers and general conditions of carriage. Section 1 (Articles 7-9) deals with passengers' right to information with respect to stops (Article 7),

vehicles (Article 8), changes in prices and transport passes (Article 9) and modifications to and suspension of services (Article 10).

In Section 2 of Chapter III, Articles 11 and 12 regulate passenger rights and Article 13 covers passengers' duties. Regarding passenger rights, Article 11 sets out a list of rights while Article 12 focuses on the right of access of the handicapped and people with reduced mobility. The list in Article 11 contains up to twelve specific rights. With respect to passengers' duties, these amount to 21 in number.

Chapter IV covers the duties of the undertakings providing transport services, which, in turn, might be seen as also contemplating passenger rights regarding travel information (Art.14), safety and health conditions (Art.15), cleanness of vehicles (Art.16), safety of vehicles (Art.17), vehicle driving conditions (Art.18), employees' duties (Art.19), damages and accidents to passengers (Art.20), ticket price reimbursements (Art.21) and passenger complaint books (Art.22).

Decreto 8/2011 ends with Chapter V on infringements and sanctions, essentially repeating national legislation on this matter and contained in LOTT and ROTI.

➤ **Public service contracts**

National, regional and local legislation deals with regulation of public service contracts between the transport services provider and the transport authorities. The contents and scope of these rules are very similar in all of the regions and one common feature among them is that none or few direct and extensive references to passenger rights are mentioned therein. As a way of an example of how this legislation works, we refer to Article 32 of Ley 6/2011 of the Municipality of Valencia, whereby it is mentioned that after the public service contract is authorised, the transport operator must draft a document within one month detailing the exact service conditions to be provided to passengers, who will in turn need to be informed of the service conditions therein established by the transport operator.

However, the lack of references to passenger rights in the regulations applicable to public service contracts, or in the public service contracts themselves, is balanced by the fact that, as we have seen, the regulations identify, more or less, broadly those rights in other sections.

➤ **Quality Charters**

In Spain, service charters ("*Cartas de Servicio*") are a relatively recent feature in the field of (urban) public transport. The Spanish Government, through its Department of Transport, has been very active in the promotion of those charters among operators and the results yielded by this process are now being reviewed. In this respect, we refer to a handbook edited by this Department in 2006 and prepared by Fundación CETMO, where guidelines are provided for the preparation of a quality service charter (see, "*Manual de apoyo para la implantación de la gestión de la calidad según norma UNE-EN 13816, Capítulo 3 (Elaboración del manual de características básicas del servicio y la Carta de servicio)*", Fundación CETMO-Ministerio de Fomento 2006).

Presently, not all urban transport operators provide service charters or, at least, real service charters. On the other hand, in some cities service charters are provided directly by local authorities in charge of urban transport regulation enforcement. A good example of this approach is the "*Carta de servicios del Consorcio Metropolitano de Transporte del Área de Málaga*", which, among other features, contains a list of urban transport passenger rights and duties.

There are several examples of good practices in the field of service charters in Spain and below we will focus briefly on the service charter of BILBOBUS, the urban public bus transportation operator of Bilbao, one of Spain's most important cities.

This service charter ("*Carta de Servicios*") was issued for the first time (1st edition) in February 2011 and covers the period 2011-2012. Both the service charter and the passenger transportation system have been certified by AENOR ("*Asociación Española de Normalización*"), the Spanish Association for Standardisation and Certification. This service charter was issued in the form of a 20-pages long well-designed and attractive leaflet. The contents of this service charter are the following:

1. Introduction
2. Mission.
3. What services do we offer?
4. Rights and duties of persons related to the services

In this section, there are three listings, one for certain passenger rights, another for passengers' duties and finally one describing Bilbobus' duties.

Passenger rights mentioned therein are the following:

Passengers holding a defective Creditrans pass will be entitled to a reimbursement of the unused credit or to the issuance of a new pass of equal value.

Children have free access up to 4 years of age.

Passengers with Bilbotrans pass have the right to a reduced tariff.

When a particular service is interrupted, if a new bus cannot be provided shortly, passengers are entitled to a refund of the ticket price through the procedure established therein.

The blind are allowed to be accompanied by specially-trained dogs

Passengers have access to the Complaints Book ("*Libro de Reclamaciones*") on the bus or at the premises of the Department of Traffic and Transports of Bilbao City.

Transfers between Bilbobus lines are free of charge for 45 minutes from when the first ticket cancellation was made. A20 per cent price reduction applies to transfers with other companies.

Reduced-mobility passengers have reserved seats and spaces in the vehicles.

All passenger information requests will be duly taken care of.

Reduced-mobility passenger seats will also be available for passengers holding children in their arms.

5. Applicable legislation

Under this section, reference is made to the specific national and regional legislation applicable to urban public transportation of passengers.

6. User participation channels

Section 6 mentions two participation channels available to transport users. One is the Department of Quality and Evaluation of the City of Bilbao, where users may make suggestions for the improvement of Bilbobus' Service Charter. Moreover, the second one is a reminder of the users' right to file complaints and make suggestions to improve the transportation service.

7. Filing of suggestions, complaints and claims

Section 7 lists all available methods or channels to file suggestions, complaints and claims. These methods are:

- a) Complaints Book which must be available in the bus vehicle
- b) Transport Operator (Veolia) Office of Client Care: in writing or by email (clientes@veoliabilbao.com)
- c) Bilbao City Department of Traffic and Transport: in writing or by email (quejascirculacion@ayto.bilbao.net)
- d) Any Registration Office of the Bilbao City Town Hall
- e) Through the Bilbao City webpage (www.bilbao.net) link “*Tu Ayuntamiento te ecucha*”
- e) By phone: 010 (Bilbao City Information Phone)

There is a promise to answer all suggestions, complaints and claims with 15 working days.

8. What is our compromise and how do we control it?

Under this section, there is a chart showing different promises assumed by Bilbobus and control thereof. For instance, one promise is that the occupation ratio in Bilbobus vehicles will not exceed 4 persons per square metre and Bilbobus will control this by calculating the number of passengers/square metre.

9. Substitution and compensation measures for certain infringements

This section deals with the problem of service interruption due to a defect of a vehicle or due to any other cause attributable to the transport operator. In these cases, the operator must provide a new vehicle as soon as possible (substitution) or, in the absence of a substitution vehicle, refund the ticket price or provide the passenger with a new ticket.

10. How do we communicate our compliance with the promises in the services charter?

11. Duration of the service charter

12. Map

13. Addresses and timetables

➤ **Accessibility**

There are two anti-discrimination laws in Spain: a national law on “Social Integration of Disabled Persons” (Law 13/1982) relating to the accessibility to public transport, and the law for “equal opportunities, non-discrimination and universal accessibility of disabled people” (Law 51/2003) which extends the accessibility responsibility to all levels of administration and private organisations.

There are no standard criteria for the implementation of accessibility measures at stops, stations, buses, trains, etc. Each regional government has its own criteria under its regional legislation. The national, regional and local administrations are dedicating considerable efforts to the topic of accessibility of disabled people. They are particularly vigilant in the enforcement of these laws in all new infrastructure construction and use of accessible vehicles. The process is slower when it comes to adapting the existing infrastructure and vehicles. There is not an entity dedicated to following up and monitoring the accessibility of transport services. There are several studies and local assessment committees that pursue the activities of certain bodies/ regions.

In Spain some operators offer fare reductions to people with disabilities. For example, the Madrid bus operator offers a special pass (10-trip ticket) called BONOTET to disabled people who must prove that their

income is below the threshold set by the government). However, reduced fares for disabled people are not applied everywhere in Spain (e.g. at ALSA (a large Spanish bus operator) the regular ticket prices without reduction are applied to disabled users).

➤ **Enforcement**

Private enforcement

The enforcement of passenger rights against the transport operator may be carried out through different measures and proceedings.

On the one hand, there are “soft” enforcement proceedings such as “Complaints Books”, Client Service Departments, etc.

Passengers also have “hard” methods to proceed against the transport operator. It is quite common to have recourse to arbitration before Consumer Arbitration Panels, which are available for all consumers (not only passengers) or, more specifically, before the “*Juntas Arbitrales del Transporte Terrestre*” (Land Transport Arbitration Tribunal), which were created by the LOTT and developed by the ROTT and other supporting legislation. The “*Juntas*” are arbitration tribunals, which organically are a unit of the Spanish transport authorities, and deal with private law claims between transport users (i.e., passengers) and transport operators.

Lastly, passengers may also bring their claims before the Commercial Courts.

Public enforcement

In addition to the above private law measures, transport operators may be fined by the transport authorities if they do not comply with the obligations assumed in the public service contracts regarding, passenger rights and other conditions of service affecting passengers.

➤ **Taxis**

A taxi is a public service created to meet the transportation needs of citizens in appropriate conditions of safety, with special attention to disadvantaged and disabled people, as enshrined in the LOTT Law, which intends to harmonise conditions of competition between different modes and carriers, preventing unfair competition and protecting the right of free user choice and freedom of enterprise management.

Taxi services are covered by the general LOTT Law (Articles 123-135) and are subject to a municipal authorisation. According to the provisions, taxi services benefit from certain prerogatives (lanes, free access to any area of the city, exclusive parking stops, etc.) and must therefore be regulated to be in the interest of citizens (easy access to service, long opening hours, visible fee, cleaning the car, driving safety, shortest route, setting charges, respect and deference to client, etc.).

In February 2011, the Spanish Committee of Representatives of Persons with Disabilities (CERMI) and ONCE Foundation presented the Eurotaxi White Paper "A Taxi for All". The paper analyses the main issues and courses of action for the design of taxis and implementation of accessible taxi services in all Spanish municipalities.

The White Paper summarises the procedures, discusses the perspective of various actors and describes the strategies to position the accessible taxi services in Spain among the most competitive and sustainable Europe.

Specifically, the perceived disadvantages or problems that users confront relate to the difficulty in the provision of the service, prices, long waiting times (and very early booking) due to fleet shortages and lack of uniformity of service from one municipality to another.

For its part, the industry is concerned about accreditation systems, security and comfort of the vehicles and the costs of adaptations.

SWEDEN

Introduction

The Country Report was prepared through desk research and with the reply of one UPT operator to the transport operator questionnaire.

➤ *National legislation*

Public transport in Sweden is regulated at national and regional levels. The framework for the public transport system consists of EU regulations and national legislation. In June 2010, a new fundamental piece of legislation on public transport was passed and later came into force in January 2012.

In summary, Swedish public transport is primarily governed by national law that imposes the responsibility for public transport on the regions (or sometimes regions and municipalities). In most cases, the regions or municipalities have formed companies that procure transport services. However, a regional political body sets out the aims and targets for the area's public transport. Please note that a significant part of the publicly held transport companies have introduced quality charters that include reimbursements for travel delays. The taxi market is operated on a commercial basis and rarely contains quality charters.

The Swedish Transport Administration (*Transportstyrelsen*) is the public body responsible for public transport on a national level. It is also authorised to issue supplementary legislation on transport.

Inter-regional public transport in Sweden should as far as possible be operated on commercial terms. For example the market for long-distance coach transport is entirely free. This means that the supply of inter-regional public transport in the first place should be defined and provided by market participants and that the state should only supplement the commercial supply where there are clear accessibility deficiencies that the market cannot solve.

The interconnection between different forms of transport is secured by several collaborations, *Resplus*, (bus and train cooperation), *Res i Stockholm* (cooperation in the Stockholm area) and *Samarbetet i Öresundsregionen* (cooperation in the Sound region, linking Sweden and Denmark). Routing, interchanges, traffic information, fare systems and marketing is coordinated through these collaborations.

The new Public Transport Act (SFS 2010:1065) (*Lag om kollektivtrafik*) (the "Transport Act") came into force on 1 January 2012 and introduces changes to modernise Sweden's public transport legislation and adapt it to a new EU regulatory framework. Please note that as the Transport Act is very recent there are still certain

procedures under the act being put in place. Furthermore, the Transport Act implements the European Parliament and Council Regulation (EC) No 1371/2007 concerning public railway and road transport and European Union regulation concerning public transport (EEC) No1107/70 .

Chapter 1, Article 2, Paragraph 1 of the Transport Act provides a definition of local public transport as all transport services that take place within an administrative county as well as all the transport services that stretch over several administrative counties considering that the selection of the means of public transport benefits commuters or other everyday travellers

Pursuant to the Transport Act, each administrative county must have an authority responsible for local regional public transport.

Brief facts about the new Act:

- The Act will be a modern and intermodal regulatory framework for the local and regional public transport.
- Regional public transport authorities will replace previous transport authorities.
- The regional public transport authorities will decide on regional transport security programmes and public service.
- Public transport companies are free to establish commercial public transport anywhere in the country.
- Commercial transport companies must provide information on their traffic services to a common system for user information.

Please note that in a proposal from March 2012 the legislator suggests expanding the scope of the Transport Act to cover public transport on water. Moreover, Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on public passenger transport services by rail and by road would also be applicable to public transport on water. Reference would also be made to Council's regulation (EEG) 3577/92. Furthermore, a regional public transport authority may also become responsible for cross border public transport, on the condition that the traffic is dominated by commuters. Finally, several other administrative changes are proposed as well as changes to the Railway Act (SFS 2004:519) (*SW: Järnvägslag*).

Initially a passenger rights law was also planned but it was withdrawn. According to verbal information received from the Ministry of Justice, the reason for the withdrawal was that two EU regulations were recently adopted on railway, bus and ferry transports. However, the regulations, even though directly applicable in Sweden, require supplementary legislation. Therefore, the Ministry's view has been to combine the supplementary legislation with the proposed passenger rights law for a more efficient legislative process.

The Act (SFS 2006:1116) on passenger information (*Lag om information till passagerare*) (the "Information Act") applies to passenger transports by buses, trains, trams and subways. Pursuant to Article 2 of the Information Act, traffic operators must put in place a refund system for passengers that suffer delays or other traffic obstacles. Subject to Article 3 of the Information Act, the operator must inform passengers about:

- The price.
- Departure and arrival time.
- Which company performs the journey and if the performing company is a different company than the one selling it.
- Applicable refund system, that is, the passengers facing delays and other disruptions can receive compensation from the bus company.

➤ **Regional/Municipal legislation**

Local and regional public transport is a term commonly used for traffic within a municipality and between municipalities within the same county. The regime, originating in now obsolete legislation, makes it clear that this type of public transport should primarily be initiated by a municipal responsibility in that it controls the traffic services and the basis for pricing.

Historically, the Swedish legislator has held the position that inter-regional transport should be operated on commercial terms. The Communication on Transport Policy for Sustainable Development (Prop. 1997/98: 56, bet. 1997/98: TU10 1997/98: 266) stipulated that inter-regional public transport in Sweden should as far as possible be operated on commercial terms. This means that the supply of inter-regional public transport in the first place should be defined and provided by market participants and that the state only supplements the commercial supply where there are clear accessibility deficiencies that the market cannot resolve.

Pursuant to Chapter 2, Article 1 of the Public Transport Act, the management of local public transport is assigned to the current county council and the municipality of the appropriate county. A sole assignment of one of the abovementioned organs may exist as well. A common structure for management of local public transport is that each administrative county establishes a public transport company. These companies later procure public transport services from operators. However, many of the counties and municipalities have transformed such companies into organisations coordinating and purchasing the transport service rather than operating it. County public transport is primarily responsible for the local buses in big cities and rural regional buses. Some county transport companies are also responsible for rail or other modes.

In accordance with Chapter 2, Articles 8 and 9 of the Transport Act, each regional public transport authority in each county is responsible for developing and adopting regional transport security programs. Planning regional public transport must be strategic and have long-term character.

➤ **Public service contracts**

As an example of a PSC we report the contract between SL AB and the City of Stockholm. More detailed information may be found in the Stockholm City Report.

The council of Stockholm procures traffic through its subsidiary SL AB. We will briefly describe below the public service contract between SL AB and MTR Corporation Limited, a Hong Kong registered entity regarding the subway in Stockholm. The procurement, which was made in 2009, awarded, for a period of 8 years with a possible extension for another 6 years, the full responsibility for running and maintaining the subway in Stockholm to MTR. The contract is estimated to be worth 35 billion SEK (approximately EUR 3,7 billion) and is one of the biggest procurements in the world.

The contract between SL AB and MTR lists customer service and satisfaction as parts of the assignment. The main features in the contract between SL AB and MTR concerning passenger rights are regulated in appendices to the main agreement. MTR is responsible for maintaining traffic regulations and tariffs as set out by SL AB. The appendices, especially Appendices 2D and 4D are linked to passenger rights and regulate *inter alia* accessibility to infrastructures. We are aware of a *bonus-malus* scheme but have not been provided with one.

➤ **Quality Charters**

We will provide below the main features for quality charters concerning public transport in Sweden's three most populated urban areas: Stockholm, Göteborg and Malmö.

Stockholm

Applicability

The public transport company for Stockholm, SL AB, has in place a refund system for delayed or cancelled journeys. The transport refund system applies to all Stockholm urban transport services in the Stockholm region and some cross county commuter trains. The refund system does not apply to chartered traffic or other special services, or transport by boat.

General conditions

SL AB's refund system applies when a passenger risk running more than 20 minutes late. The refund system applies to all means of transport offered by SL AB. A passenger can be reimbursed up to SEK 800 (EUR 87) for travel by taxi, car or train. Claims for reimbursement need to be made within three months of the delay. If refused, the claim may be appealed against within 3 months from the date of rejection. The refund system does not apply to *force majeure* situations.

Skåne (Malmö and surroundings)

Applicability

The transport refund system applies to all travels with public transport company for the region of Skåne, Skånetrafiken ("ST") ticket in or outside the Skåne region.

General conditions

ST has in place a refund system for delayed or cancelled journeys. The refund system applies to all means of transport offered by ST. ST's transport refund system applies when passengers risk running more than 20 minutes late. In case of a delay for journeys in Skåne a passenger will be reimbursed by either vouchers entitling the passenger to one day's free travel in Skåne or, if the passenger was forced to complete the journey by other means, the reimbursement will cover costs up to SEK 500 (EUR 54). If the delay occurred while travelling to Denmark with a subscription card the passenger's card will be compensated with a return ticket with same validity.

Göteborg

Applicability

The public transport company for Göteborg, Västtrafik ("VT") has in place a refund system for delayed or cancelled journeys. The refund system applies to all means of transport offered by VT. The transport refund system does not apply to:

- Travel on demand and supplementary services, or transport for the disabled/elderly and sick.
- On inter-regional routes the refund system covers only the part of the journey undertaken on a VT pass or ticket.
- Chartered services or special services, which require special tickets.

General conditions

VT's refund system applies when a passenger risks running more than 20 minutes late. A passenger can be reimbursed up to SEK 300 (EUR 32) for travel by taxi, car or train.

Trains

The European Parliament and Council Regulation (EC) No 1371/2007 on the rights and obligations of rail passengers applies in Sweden. The regulation contains rules regarding entitlement to assistance and reimbursement for delays and cancellations.

The Swedish Railway Company has a refund system that will be described below. The Swedish Railway Company has in place a refund system for delayed or cancelled journeys. The General Terms of the system are the following. Tickets may be reimbursed for delayed or cancelled journeys either with cash or with vouchers. The compensation is calculated in relation to the price of the ticket. Reimbursement with vouchers refunds the passenger with double reimbursement in comparison to cash reimbursements. For day trains, if the delay is more than:

- 30 minutes the reimbursed amount is 50 per cent of ticket price.
- 60 minutes the reimbursement is 100 per cent of ticket price.

For night trains, if the delay is more than:

- 60 minutes the reimbursement is 50 per cent with voucher and 25 per cent with cash.
- 120 minutes the reimbursement is 100 per cent with voucher and 50 per cent with cash.

Vouchers must be used at the same time and are valid for one year from the date of issue.

Veolia Trains, a company operating a train between Malmö and Stockholm, has in place a refund system for delayed or cancelled journeys. The General Terms of the refund system are the following. Veolia Trains refund system applies when a passenger risks running more than 60 minutes late. A passenger can be reimbursed with cash or with an entirely new journey of the same value as the original trip. The new ticket can be used within six months.

➤ ***Accessibility***

In 1979, Sweden passed legislation mandating that public transport be adapted, over a 10-year period, to the needs of disabled people. This legislation led to a holistic approach, with automobile subsidies and accessible urban and intercity transport services. Regulations published in 1985 define adapted public transport for buses, trains, trams, subways, taxis, ships, and aircraft.

In 2000, the Swedish government came to an agreement to make Sweden accessible for all. This decision signalled the commencement of a nationwide project 'From Patient to Citizen: A national Action Plan for Disability Policy'. On the basis of the action plan, UPT vehicles should have been barrier-free by 2010.

In Sweden there are no special tariffs in UPT for people with disabilities. The rebates that exist are only for retired people. However, Sweden has a very well developed paratransit service for PRMs and people with disabilities and in the cities all the buses are low-floor.

Gothenburg has a hub and spoke bus line where all the lines at a specific terminal leave at the same time to reduce transfer time between lines. This results in simpler transfers and timetables and more transfer options for passengers.

➤ **Enforcement**

Private enforcement

Passengers may submit a complaints to the company. In case of damages or injury a Court action is always possible.

Public enforcement

If the company does not comply with the Act on passenger information sanctions are very limited. During the legislative period several consultative bodies pointed to the fact that the Act lacks sanctions and regulatory rules. The government defended its position by stating that an inquiry will be launched to supplement the Act to further strengthen passenger rights. Moreover, the government stated that a large part of the responsibility (and sanctions) could be dealt with through contracts. The government stressed that an agency should be appointed within a few years to review how the Act is complied with. The agency should then also study if there is a need for further legislation.

Surveys are regularly carried out by the operator to assess the quality of the service. Further details may be found in the Stockholm chapter (Chapter 5.2.13).

➤ **Taxis**

The Swedish market for taxi services was deregulated in 1990. In principle, there is free competition and free pricing on the market. Mandatory requirements, including taxi licence requirements are regulated in the Professional Transport Act (1998:490). Furthermore, price indicators and exposure should be displayed on taxi windows. Taxi transport is not covered by public traffic regulations. Nevertheless, the Swedish Government has pursuant to proposition 2011/12:80 proposed a new Commercial and Taxi Transport Act. The main purpose of the proposed amendments is to align commercial law with the entry into force of the European Parliament and Council Regulation (EC) No 1071/2009 of 21 October 2009.

Pursuant to the Transport Agency's Regulation TSFS 2010:192 on taxis, price indicators should be visible on the exterior and interior of the vehicle. The indicators should comply with Appendix 1 of the regulation.

To our knowledge, few (if any) taxi companies in Sweden have introduced quality charters except for various ISO certifications.

THE UNITED KINGDOM

Introduction

The Country Report was prepared through desk research since did not received a reply to the questionnaires from the contacted stakeholders.

➤ **National legislation**

Public transport in the United Kingdom is regulated at both national and regional levels through various pieces of legislation as well as quality charters provided by the transport operators. When examining the

legislation in the United Kingdom, distinction is made between England and Wales, Scotland and Northern Ireland.

Passenger rights in urban public transport, as outlined above, are provided for mainly through various pieces of legislation throughout different areas of the UK. The enactment of the Rail Passengers' Rights and Obligations (Exemptions) Regulations 2009 and the Rail Passengers' Rights and Obligations (Exemptions) Regulations (Northern Ireland) 2011, provided the UK with an exemption for domestic rail passenger services from provisions of Regulation (EC) No1371/2007.

Part II of the Transport Act 2000 (the "TA 2000") delegates authority for urban public transport in England and Wales to the local authorities, which co-ordinate public services in the respective regions within the countries, and provides a framework for the issues to be addressed to ensure consistency throughout the country. The TA 2000 was amended by the Local Transport Act 2008.

In Scotland and Northern Ireland, urban public transport legislation is provided for separately under, *inter alia*, the Transport (Scotland) Act 2005 and the Transport Act (Northern Ireland) 2011.

England and Wales

Transport Act 2000

Under the TA 2000 as amended by the Local Transport Act 2008, each local authority in England and Wales must develop policies for the promotion and encouragement of safe, integrated, efficient and economic transport facilities and services to and from their area. Local authorities may act jointly (or independently) to make a quality contracts scheme and/or a quality partnership scheme if they consider this to be the best way to implement their policies for bus services. Both schemes require the local authority to comply with notice and consultation provisions set out in the TA 2000. The legislation also requires the approval of the appropriate national authority¹²⁹.

A quality partnership scheme is a scheme under which:

- a local authority provides specified facilities in their area, such facilities might include bus lanes or other bus priority measures, or enhanced facilities for passengers at bus stops and bus stations; and
- operators of local services who wish to use such facilities must undertake to provide those services to a particular standard when using those facilities.

A quality contracts scheme is a scheme under which:

- a local authority determines what local services should be provided in the area to which the scheme relates and any additional facilities or services which should be provided in that area; and
- local services may be provided in that area only in accordance with quality contracts entered into by a local authority with a bus operator following a competitive tendering process, unless they are explicitly excluded from the scheme.

A scheme may comprise one or more contracts relating to services that form part of the overall scheme.

The local authority, or the local authorities acting jointly, must invite tenders for the provision of services to which the scheme relates, except in cases where it appears to the local authority that action is urgently

¹²⁹ Transport Act 2000 Part 1 ss. 108-124 as amended under Part 2 and Part 3 of the Local Transport Act 2008.

required to maintain an existing service, secure the provision of a service in place of a service which has ceased to operate or secure the provision of a service to meet any public transport requirement which has arisen unexpectedly and ought in the opinion of the local authority to be met without delay.

Many local authorities enter into quality partnerships with public transport operators to establish better links between operators and a common quality standard. An example of the aims of a quality partnership scheme for buses in England (Cheshire East Council¹³⁰) is as follows:

- provide and maintain a modern high quality shelter at main stops;
- provide and maintain a bus departure time display at each stop;
- install raised kerbs at each stop to allow easier boarding onto the bus;
- prevent parking by other vehicles at bus stops through road markings, bus clearway orders or redesign of the road layout;
- implement bus priority where buses experience significant delays;
- monitor bus patronage and modal split along the route; and
- improve the overall bus publicity and information service.

A number of local authorities have entered into agreements with bus operators independently of the statutory provisions contained in the TA 2000. Such voluntary agreements are used as a means of improving the quality of bus services in a particular area, but without the restrictions, which are imposed by the statutory schemes. The majority are bilateral agreements between one authority and one operator. Many have been in place since before the TA 2000 provisions on quality partnership schemes were brought into force, while others were made subsequently in preference to using the statutory route described above.

Under the Public Service Vehicles (Conduct of Drivers, Inspectors, Conductors and Passengers) Regulations 1990 (as amended), a driver or conductor of a public transport vehicle is responsible for taking all reasonable precautions to ensure the safety of passengers who are on, or who are entering or leaving the vehicle. If a passenger is injured or suffers damage to their property as a result of an accident for which they are not liable whilst travelling on public transport they will be able to bring a claim against the public transport operator.

Passenger rights and responsibilities when travelling by rail in England, Wales and Scotland are set out in the *National Rail Conditions of Carriage*¹³¹. These are available at any ticket office and online and set out the agreement that a passenger enters into with a train operating company when he or she buys a ticket. *Inter alia*, Section 1E sets out passenger rights regarding refunds where a service is cancelled or delayed and a ticket is not used, and section 1H sets out the right to compensation in the event of a delay. At the moment this provides that where delays, cancellations or poor service arise for reasons within the control of a train company or rail service company, a passenger is entitled to compensation in accordance with the arrangements set out in that train company's passenger's charter. This can be obtained from the relevant train company's ticket offices, customer relations office or internet site.

The amount of compensation offered by each train company in its passenger's charter varies depending on the train company in question. However, if a passenger is more than one hour late at their destination station they will, as a minimum, be entitled to compensation in the form of travel vouchers in accordance with the table below:

¹³⁰ www.cheshireeast.gov.uk/transport_and_travel.aspx

¹³¹ www.nationalrail.co.uk

| Ticket held | Amount in vouchers |
|---|--|
| Single ticket | 20 per cent of the price paid |
| Return ticket with delay on outward or return journey | 10 per cent of the price paid |
| Return ticket with delay on both the outward and return journey | 20 per cent of the price paid |
| 7-Day Season Ticket for each day a delay occurs | 20 per cent of the price paid ÷ 7 |
| Monthly or longer period Season Ticket | The discount or compensation arrangements in the relevant train company's passenger's charter apply. |

Due to European legislation there may be changes in this area in the future, though the UK Government has obtained derogation from European rules laid down by Regulation (EC) No1371/2007 until 2014 on passenger rights and obligations, which sets out minimum quality standards that have to be guaranteed to all passengers.

As the Regulation is directly applicable under Community law, it automatically came into force in December 2009. In August 2009, the Government published a consultation paper on the implementation of the Regulation under which it proposed the implementation of the whole Regulation in its entirety but asked whether the UK should take up any of the possible derogations from the Regulation. Consequently, the Government made a statutory instrument to exempt domestic rail services from the Regulation “to the maximum possible extent”, pending consideration of the results of the consultation and the finalisation of the implementing instrument. Thus the Rail Passengers’ Rights and Obligations (Exemptions) Regulations 2009, is a transitional measure only. The exemptions apply until December 2014 unless the UK Government decides to end the exemption early and extend it to England, Wales and Scotland (an equivalent exemption is in place to cover Northern Ireland through separate legislation, as noted below).

Further passenger rights are also provided for under the Rail Passengers' Rights and Obligations Regulations 2010, which sets out the rights of railway passengers in relation to fatal accidents in England, Wales and Scotland and rights to compensation claims by disabled users.

With regard to the ferry service for local transport, in the United Kingdom, as clearly emerged from a note of the House of Commons¹³², passengers do not have statutory rights to compensation in case of delays of the ferry and there are at present only limited rights for PRMs and people with disabilities set out under the disability discrimination Act.

➤ **Regional/Municipal legislation**

In contrast to the widespread privatisation and deregulation of public transport operations in the rest of the United Kingdom, the provision of public transport in Northern Ireland remains regulated at a regional level.

¹³² House of Commons, Note N. SN3163 of 30 July 2012, *Transport: passenger rights, representation and complaints*.

In Northern Ireland, the Department for Regional Development ("DRD") is responsible for securing the provision of public transport services with due regard to accessibility, economy, efficiency, safety of operation and sustainability. For these purposes, DRD may enter into agreements with operators for the provisions of public transport services in accordance with Regulation (EC) No 1370/2007¹³³. However, like the position in the rest of the UK, Northern Ireland has an exemption from the requirements of Regulation (EC) No 1371/2007 under the Rail Passengers' Rights and Obligations (Exemptions) Regulations 2011.

Translink is the brand name for the co-ordinated public transport services of Citybus, NI Railways and Ulsterbus, which provide the majority of public transport services in Northern Ireland. Translink publishes a 'Passenger's Charter Monitor', a fundamental quality assurance tool used within Translink. The Translink Passenger's Charter outlines standards and targets in relation to service delivery in terms of service reliability, punctuality, waiting time, standing on buses and trains, etc. The methodology used is bench-marked on the best practice available throughout Europe via the Union Internationale de Transport Public (UITP). Further analysis methods are used to optimise the usefulness of the research outputs. Perceptions of service delivery in relation to a large range of service attributes are measured and gaps between perceived and expected delivery levels quantified.

In addition, respondents prioritise areas for improvement. The size of the sample along with the use of analysis permits results to be presented to local levels of operation e.g. a specific service or depot within the Translink network. Thus, very locally specific performance gaps and subsequent action plans may be readily identified by Translink.

Under the Translink Passenger's Charter, Translink will provide compensation vouchers and refunds if a service is delayed or cancelled for any reason within their control. They treat each claim on an individual basis but operate a 'Delay-Repay' compensation scheme, for NI Railways. Passengers will be entitled to claim compensation vouchers as follows:

- If the journey is delayed by 30 to 59 minutes, Translink will pay compensation vouchers to the value of half the cost of a single ticket or half of either part (the outward or the return part of the journey) of a return ticket.
- If the journey is delayed by 60 to 119 minutes, Translink will pay compensation vouchers to the value of the full cost of a single ticket or the full cost of either part of a return ticket.
- If the journey is delayed by more than 119 minutes, Translink will pay compensation vouchers to the value of the cost of a return ticket for the journey, even if the passenger only bought a single ticket.
- The same compensation arrangements will apply to weekly, monthly and annual (yearly) tickets. For these tickets, Translink will work out compensation based on how much the passenger pays each day for the ticket.

➤ ***Public service contracts***

In the United Kingdom the bus market outside London is deregulated and bus companies operate on commercial basis, providing services where relationships are directly with the passenger, and operators bear the revenue and the costs risks. Where there is the social need for services, local authorities may contract out

¹³³ s. 1(1)-(2) Transport Act (Northern Ireland) 2011.

services to operators. In this context, as indicated in the paragraph on the national legislations, authorities may enter into a quality contracts scheme with the operators following a tender procedure.

In London the bus market is regulated and contracted out by the city transport authority, TfL. Contracts specify the required routes, vehicles and timetables and are closely monitored to ensure the high quality services with TfL bearing the revenue risk under gross cost contracts.

Local public transport is in general organised through a quality contracts scheme (QCS) which is the overarching scheme made by the local transport authority; once in operation, a scheme will comprise one or more individual quality contracts. Each quality contract is a contractual agreement between the local transport authority and an operator under which the operator is to provide specified services. A quality contract may include provision for payment of a subsidy by the local transport authority to the operator (or possibly of a premium to the local transport authority by the operator, in relation to highly profitable routes). A quality contract may normally be entered into only after a competitive tendering process, and the usual requirement that the local transport authority will select the tenderer(s) offering best value for money applies.

Prior to the adoption of a QCS the local transport authority must consult all the interested stakeholders (Bus operators, employee representatives, passenger representatives - including representatives of disabled persons - and other external parties are likely to be able to offer significant expertise).

According to the transport Act the QSC must contain the “public interest criteria” which include also the criteria of bringing benefits to passengers by improving service quality. According to the Guidelines published by the UK Government Department of Transport in 2009, quality of service is likely to include matters such as the standard of the vehicles used to provide services (e.g. accessibility for disabled persons, emissions standards, audio-visual information), the frequency or timing of services, punctuality, reliability, standards of driver training (e.g. in customer care) and arrangements for integration of ticketing with other services or transport modes.

➤ **Quality Charters**

Quality charters are very developed in United Kingdom.

First ScotRail operates the largest rail service in Scotland. It has a passengers' charter in addition to the legal rights of passengers as set out in the National Rail Conditions of Carriage (as set out above). The passengers' charter outlines standards relating to punctuality, reliability of services and customer care provided by First ScotRail as well as a complaints procedure and details of compensation available to passengers.

We examined the Quality Bus Partnership between the Transport for Greater Manchester and the bus companies. The Quality Bus partnership was developed by the Greater Manchester Integrated Transport Authority (GMITA) and Greater Manchester Passenger Transport Executive (GMPTE), in partnership with the Greater Manchester Bus Operators Association (GMBOA) to establish a set of partnership working agreements and minimum standards for local bus services operated by Code partners.

The Quality Bus Partnership is a code of conduct that covers the following areas

- punctuality
- reliability
- regularity of services
- cleanliness of buses

- driver attitude and conduct
- ensuring last journeys run
- customer service

The objective of the Code is to set common minimum, Greater Manchester-wide standards for service level punctuality, regularity and reliability. Improvement targets to bring the performance of all Code partners up to these standards will be agreed between GMPTE and individual operators.

The Code promotes the use of accessible, low-emission buses, maintained and presented to a high standard and which display the correct route number and destination, and headline tariff information in a manner visible from outside the vehicle.

The Code promotes safe and courteous driving at all times. Drivers will be expected to recognise passenger needs when boarding and alighting, and to drive with an awareness of both passenger comfort and the need to minimise energy use, in line with wider environmental objectives.

For scheduled bus services - those with a frequency greater than 10 minutes standards have been agreed for the monitoring of both reliability and punctuality. In cases where the operator has registered a “frequent” service – where the service interval is 10 minutes or less with no advertised timetable - passengers are looking for their services to have even intervals (“headway”), as opposed to being ‘on-time’. Therefore, for frequent services, regularity is more important than ‘punctuality’.

For all buses, Code partners will:

- maintain high standards of internal and external cleanliness, including the removal of litter and graffiti;
- maintain seating and other fittings to a good standard;
- maintain ventilation and heating systems to ensure a comfortable environment appropriate to the outside temperature.

Code partners will work together to develop a consistent and cost effective method for measuring and tracking passenger satisfaction with bus services in general, and with particular aspects of those services, including GMPTE’s current monitoring of passenger satisfaction through the use of existing telephone surveys of passengers and the targeted use of mystery shoppers. The work will include the collection, analysis and presentation, and reasonable cost apportionment of such data.

The Code of conduct contains a section on the Driver Standards, which includes also drivers’ training. It is important to underline that the driver training programmes should recognise the requirements of disabled passengers and adopt good practice principles. In this respect, the guidelines set out in the GMPTE booklet “Easier Access on Greater Manchester’s Buses” are recommended.

The Code requires the bus operators to adopt a series of commitments that customers can expect when using their bus services. This should include, among other things, a guarantee to complete designated last journeys, where advertised in public timetables; a commitment to take complaints and comments seriously and act upon them in a timely manner, and to be treated fairly and with dignity.

GMPTE and the individual operators will undertake annual reviews, or more frequently, if appropriate, to consider performance and agree targets for the following period.

GMPTE will publish aggregated statistics on the performance of Code partners against targets on its website, together with updates on what is being done to improve the performance should targets fail to be achieved. Operators agree to display on board their vehicles, in an agreed format, summary statistics on network performance during the previous review period. Such information has to be displayed for a period of at least 4 weeks following the publication by GMPTE.

➤ **Accessibility**

In 1988, the British government published a recommended specification for local buses that would be easy for elderly and disabled people to use. Metropolitan legislation has required all new taxis in London to be wheelchair accessible since 1989.

In 1995, the Disability Discrimination Act (DDA) set the general framework for accessibility legislation. In 2010, a new Equality Act was adopted.

The DDA (as amended) imposes legal duties on public transport service providers not to discriminate against disabled people and authorises the establishment of regulations relating to enforceable standards for accessible public transport vehicles. The Act allows the government to regulate access to all types of land-based public transport vehicles. The Rail Vehicle Accessibility (Non-Interoperable Rail System) Regulations 2010 and the Public Services Vehicle Accessibility Regulations 2000 both address the accessibility of public transport for disabled passengers, providing for vehicle approval and certification.

Buses or coaches may need to meet the Public Service Vehicle Accessibility Regulations 2000 allowing access to the vehicle for disabled passengers. Whether the vehicle has to meet the regulations depends on its age and purpose. In general, vehicles must meet the regulations if they carry more than 22 passengers and were bought into service from 2000 onwards.

Buses and coaches covered by the regulations must have:

- space for a standard wheelchair
- a boarding device to enable wheelchair users to get on and off
- a minimum number of priority seats for disabled passengers
- handrails to assist disabled people
- colour contrasting of handrails and steps to help partially sighted people
- easy to use bell pushes
- equipment to display the route and destination.

Older buses do not have to be accessible to wheelchair users or fitted with accessibility facilities until between 2015 and 2020. The speed at which older buses are being replaced by wheelchair user friendly vehicles varies from area to area.

The DDA requires taxi drivers to carry a disabled passenger who uses a wheelchair either while he remains in his wheelchair; or if the passenger chooses to sit in a passenger seat, to carry the wheelchair; to take such steps as are necessary to ensure that the disabled passenger is carried in safety and reasonable comfort; and to give such assistance as may be reasonably required. The DDA also imposes comparable requirements on taxi drivers in relation to the treatment of disabled persons with guide dogs and hearing dogs. The taxi driver may not make any additional charges for doing so.

The Equality Act 2010, which extends to cover the whole of the UK, provides for accessibility to various modes of public transport for disabled passengers.¹³⁴

➤ **Enforcement**

Private enforcement

In the United Kingdom the passengers' organisations and independent regulator have a double role in the private and public enforcement. On one hand, they handle the passengers' complaints and act as ADR bodies; on the other side they are also in charge of carrying out surveys to monitor the quality of the service and the compliance of the operator with the quality requirements.

Passenger Focus is the official, independent regulator that acts on behalf of all rail and bus passengers. It is a single organisation, covering England, Wales and Scotland, which replaced the previous Rail Passengers Council and regional Rail Passengers Committees in July 2005. Its function is to get the best deal for Britain's rail passengers. It conducts research such as the annual National Passenger Survey and campaigns. It also takes up second tier complaints for passengers who have had an unsatisfactory response from train operators.

The interests of public transport passengers in Northern Ireland are represented by the Consumer Council for Northern Ireland (the "Consumer Council"). The Consumer Council seeks to influence public transport policy and obtain improvements in levels of service and handles individual passenger complaints. For example, under the Transport Act (Northern Ireland) 1967, the Consumer Council has the responsibility for dealing with complaints in relation to railway services and can refer the matter to DRD¹³⁵.

Under the Public Transport Users' Committee for Scotland Order 2006, passengers have a right to make a complaint in relation to a bus service to a sub-committee set up under this legislation¹³⁶. The sub-committee also has the power to appeal decisions made on behalf of such passengers. The Public Transport Users' Committee for Scotland first met in April 2007 and operates under the name Passengers' View Scotland ("PVS"). The committee's purpose is to advise Scottish Ministers in relation to public transport policy. PVS seeks to contribute to the Scottish Government's strategic objectives to improve public transport and encourage modal shift. PVS works in partnership with the Scottish Government.

There are no statutory passengers' shipping bodies that represent passengers. However, complaints may be submitted to the passenger Shipping Association (PSA) a trade association for cruise and ferry industry if the company is a member of PSA. If the passenger is not satisfied by the reply from the company, he may appeal to the PSA asking for further investigation or to send the complaint to the Conciliator. The opinion of the Conciliator is not binding for the parties.

Public enforcement

Bus companies must register timetables with the statutory local Traffic Commissioner, who also licenses the operators. The Commissioners are also responsible, through the Government's Vehicle and Operator Services Agency (VOSA), for monitoring bus fitness and safety and adherence to drivers' hours regulations.

¹³⁴ Equality Act 2010 Part 12.

¹³⁵ s. 59 Transport Act (Northern Ireland) 1967

¹³⁶ s. 10 The Public Transport Users Committee for Scotland Order 2006.

Commissioners can - and do - bring operators to book (by fines, restriction of services or even putting them off the road altogether in extreme cases) for regular infringement of these aspects of bus operations, including timekeeping. Traffic Commissioners are located in Eastbourne, Birmingham, Leeds, Cambridge, Bristol and Edinburgh.

Bus Appeal Body

The Bus Appeals Body (BAB) is a joint undertaking by Bus Users UK and the Confederation of Passenger Transport that revisits the complaints of passengers of buses and coaches when the passenger is not happy with the way the bus company has dealt with the issue.

The Body deals with appeals arising from the operations of any UK bus or coach company (whether or not it belongs to CPT) except where a statutory body fulfils this function. At present, the only statutory bodies that can deal with complaints about bus companies are the London Travelwatch, Bus Passengers' Platform (BPP) and the General Consumer Council for Northern Ireland. London Travelwatch acts as a "watchdog" for all Transport for London services, Bus Passengers' Platform (BPP) for bus users in Scotland and the GCCNI performs a similar role in Northern Ireland.

In such situations bus passengers try to broker a solution with the bus company, and where this cannot be achieved for whatever reason, they submit the complaint to the Bus Appeals Body. Most operators of scheduled bus and coach services in Britain are members of the Confederation of Passenger Transport, and agree to abide by Bus Appeals Body decisions as part of their CPT membership. However it has no statutory remit. It deals with cases in England and Wales, excluding London: London, Scotland and Northern Ireland all have statutory bus passenger representation.

The Body will normally consist of three people. A passenger representative nominated by Bus Users UK, a bus company representative nominated by CPT and an independent chairperson. Administrative support is provided by Bus Users UK.

The BAB will invite the company involved to make observations and then consider these alongside the applicant's comments undertaking further investigation if necessary. In looking at the facts of the case, it will consider the extent to which the company has followed the CPT Code of Conduct on Customer Suggestions and Complaints.

The Body will give a written opinion on whether it considers the complaint was satisfactorily handled.

The BAB will suggest an appropriate form of redress to the company (if any), considering any offer already made. The recommended redress may be financial or take some other form. In normal circumstances, the operator would then communicate directly with the complainant.

The BAB aims to take no more than eight weeks to reach a decision, in the majority of cases.

The BAB has no power to force companies to make payments, or to take any other action. However, most companies are likely to accept its findings.

There are two good reasons why companies are likely to act on the recommendations of the BAB.

1. The BAB's findings are public. The applicants let the local media know the outcome of their appeal, as can Bus Users UK, the Confederation of Passenger Transport, the company or the Body itself.
2. Bus and Coach Companies need an operator's licence to continue in business. The Traffic Commissioner who licenses all bus operators will be made aware of the complaint, the appeal and the outcome where there has been an apparent infringement of a matter over which he has statutory responsibility. The Commissioner can take the matter into account when reviewing the company's licence.

Bus Appeals Body 2011 annual report

Passenger Focus's major investigation into how bus passenger complaints are dealt with across the board was published during the year, as later was a similar report about coaches. The Bus Appeals Body has cooperated fully with these investigations and the implementation of their recommendations. Passenger Focus started its full role in representing bus passengers in April 2010, though the BAB had been working closely with them throughout their 'shadow' operation in the previous year.

2011 Cases

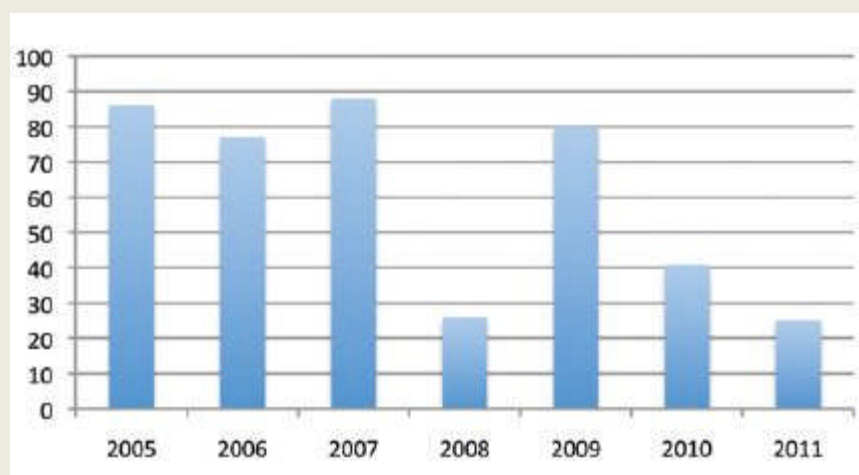
During 2011 Bus Users UK handled a total of 805 complaints, 518 in England and 287 in Wales. 25 complaints reached the Bus Appeals Body, 22 from England and three from Wales; this is a lower figure than 2010 and reflects

continuing work by all parties to resolve situations amicably without referral. Because of the continuous nature of complaint referral and resolution some 2010 complaints were referred in 2011 and some 2011 complaints will be referred in 2012 but the general relationship between complaints received and referred may be inferred from the yearly totals. Of the 25 2011 referrals, six were withdrawn before the Bus Appeals Body had had the opportunity to decide them, largely due to belated decisions by the bus companies to resolve the issue before a BAB Decision was issued.

According to the Report, it has results that at least three medium sized operators have been less co-operative than it would have liked and this has led to them being referred to the relevant Traffic Commissioner. This latter, however, represents an interesting new dimension to the BAB process: In the three cases the Traffic Commissioner has called In-Chambers Meetings with the operators and stressed that failure to implement BAB Decisions is considered to affect adversely the 'repute' of operators.

Once again most cases were found in favour of the appellant. Just three were found in favour of the operator, and two found fault on both sides.

| | | |
|---------------------|----|----|
| No of cases | 25 | |
| Found in favour of: | | % |
| Appellant | 14 | 56 |
| Operator | 3 | 12 |
| Result awaited | 2 | 8 |
| Withdrawn | 6 | 24 |



Bus Appeals Body cases 2005-2011

Issues dealt with by Bus Appeals Body, 2011

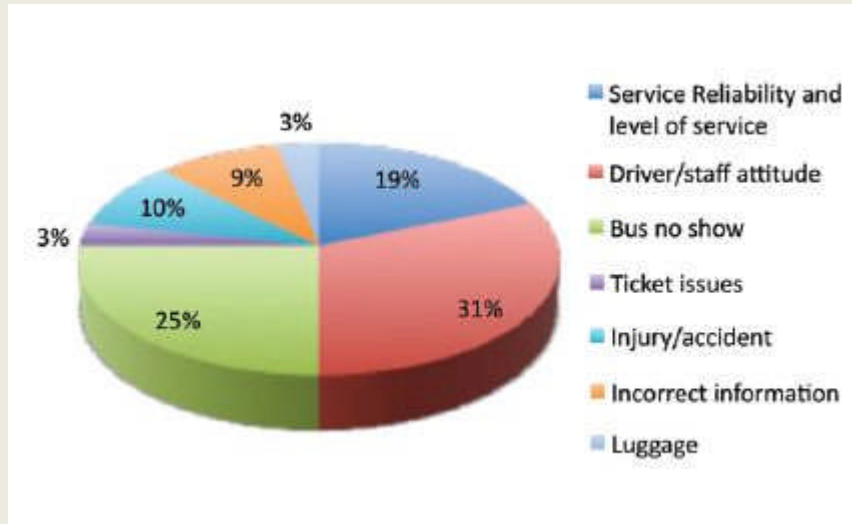
These are small numbers so not too much should be drawn from these statistics (see analysis of all complaints referred to Bus Users UK in the Bus Users UK Annual Report). Staff attitude is the largest category nonetheless, of drivers and also of staff dealing with complaints. Buses not stopping or turning up at all comes second.

| Issue | No of cases | % |
|--|-------------|-------|
| Service Reliability and level of service | 6 | 18.75 |
| Driver/staff attitude | 10 | 31.25 |
| Bus no show | 8 | 25 |
| Ticket issues | 1 | 3.1 |
| Injury/accident | 3 | 9.4 |
| Incorrect information | 3 | 9.4 |
| Luggage | 1 | 3.1 |
| Total | 32 | 100 |

NB: some cases refer to more than one issue and two included the non-standard 'other' category; figures shown exclude six cases withdrawn before decision and the 'others'.

No of cases dealt with by Bus Appeals Body, 2005-2011

| Year | No of cases |
|------|-------------|
| 2005 | 86 |
| 2006 | 77 |
| 2007 | 88 |
| 2008 | 26 |
| 2009 | 80 |
| 2010 | 41 |
| 2011 | 25 |



Bus Appeals Body issues 2011

Footnote: The Welsh Assembly Government requires Bus Users UK Cymru to take on any complaint referred immediately, whether or not the complainant has approached the bus company. In England, Bus Users UK will engage with referrals that have had no bus company involvement, but does not classify such issues as a complaint until the bus company has had a chance to deal with it and been found wanting by the complainant. The total number of complaints recorded in Wales does not, thus, compare exactly with the number recorded in England.

➤ **Taxis**

The legislation relating to taxi services in the UK is mainly focused on licensing and fares, complaints procedures and compensation to be dealt with by the taxi service operators. Bus and rail operators are also responsible for establishing their own set of rules and procedures relating to passenger rights, compensation and complaints through passenger charters.

The licensed taxi market regulations are generally applied by local licensing authorities who are responsible for the licensing of taxis in England and Wales under the Local Government (Miscellaneous Provisions) Act 1976¹³⁷. The application of the regulations varies from area to area but falls into three broad categories:

- **quantity regulation** – the licensing authorities can limit the supply of taxis by imposing a cap on the number of licences for taxi vehicles. Some licensing authorities do this, others do not;

¹³⁷ s.48 Local Government (Miscellaneous Provisions) Act 1976.

- **quality and safety regulation** – the licensing authorities also regulate quality in terms of service, safety and technical efficiency; and
- **fare regulation** – licensing authorities can regulate the fares charged by taxis by specifying either a mandatory or a maximum fare.

The Taxis Act (Northern Ireland) 2008 gives the Department of the Environment authority to licence taxi drivers and taxi vehicles, introduce or change by-laws for the provision of taxi-stands and to regulate maximum fares¹³⁸. Currently Taxi operators can choose to apply for one of three classes of licence:

- Belfast public hire;
- Public hire outside of Belfast; and
- Private hire.

Alternatively they can operate as a taxi bus along a pre-approved route. The Taxi Act 2008 aims to introduce a single tier licensing system across Northern Ireland. A new single tier for licensing of Taxis is proposed which will allow all taxis to be pre-booked and to be hailed on the street, but only wheelchair accessible ones to stand at Taxi Ranks. (The Public Service Vehicle (Conditions of Fitness, Equipment and Use) Regulations (Northern Ireland) 1995 lay down certain rules for issues such as the safety of passengers.

Under the Civic Government (Scotland) Act 1982, the local authority is responsible for the licensing and regulation of taxis and for setting a scale for the fare and other charges¹³⁹.

SOUTH AFRICA

Introduction

In 2003, the Department of Transport released the first National Household Travel Survey, which reported that there were approximately 3.9 million public transport commuters in South Africa. The 2.5 million taxi commuters accounted for over 63 per cent of public transport work trips. Bus services accounted for 22 per cent of public transport commuters and the balance are carried to work by train. In addition to the 2.5 million commuters who use minibus-taxis as the main mode of travel, there were another 325,000 commuters who used taxis either as a feeder mode to other public transport services, or as a distribution service from the main mode to their places of work. The Survey revealed that nearly two-thirds of households in South Africa do not have access to public transport.

Public transport in South Africa needs to be understood within the historical context of apartheid. The Department of Transport has inherited many harsh realities and difficulties brought about by past governmental policies of segregated development. Apartheid's spatial planning ensured that the townships in which black people were required to live were established far from urban centres. Accordingly the need for public commuter transport services to ensure that workers can commute from their homes to their places of work is essential. The demographic pattern of public transport use in South Africa reflects this apartheid history.

A General Overview

¹³⁸ s.16(1) Taxis Act (Northern Ireland) 2008.

¹³⁹ s.17(3) The Civic Government (Scotland) Act 1982.

South African cities and towns are increasingly congested as a direct result of the lack of efficient and safe public transport. Taxis, which transport 60 per cent of commuters in the country, are seen to be unsafe and passengers often become the victims of rivalry and internal feuding. Buses on the other hand, exist only in the larger cities and are often unreliable and in short supply. Railway services are still plagued by delays, crime and safety problems.

The Integrated Rapid Public Transport Networks (IRPTNs) developed during the 2010 World Cup was intended to accelerate improvements in public transport in South Africa. The long-term goal of the strategy is to have 85 per cent of a metropolitan city's population within 1 kilometre of the network, and provide a transport service that is clean, comfortable, reliable, fast, secure, safe and affordable.

However, there is no legislation that deals specifically with commuter/passenger rights. There are different pieces of legislation, regulations and service level agreements that stipulate that the safety of public transport users is paramount, but only in a few instances is provision made for some sort Regulatory Authority that deals with commuter rights, for example the South African Rail Commuter Corporation. Much is left to law enforcement and the judicial system. Passengers/commuters are forced to take rights infringements to court, which is costly and fraught with delays.

➤ **National legislation**

The Department of Transport has said that the safety and rights of commuters remains one of the Department of Transport's main priorities. The Government has, through the voice of the Minister of Transport, expressed the objective to renew public transport fleets such as trains, buses, and taxis and to make sure that commuter rights, comfort, safety and dignity are respected in all spheres of transport services. However, there is no act that specifically deals with or provides for commuter rights.

It is important to remember that the Constitution is the supreme law in South Africa, and every South African has rights under the Bill of Rights. The rights of a person consist of, *inter alia*, the right to life, to freedom from all forms of violence from private sources and to human dignity. Organs of states are bearers of obligations in respect of the rights conferred by the Bill of Rights. The case of *Rail Commuters Action Group & others v Transnet Ltd t/a Metrorail & others* [2005] JOL 13509 (CC) raised the question of who bears responsibility for ensuring the safety of passengers travelling on commuter trains. It was held that the Minister of Transport and the Minister of Safety and Security had the positive obligation to ensure that reasonable measures are taken to provide for the security of rail commuters whilst they are making use of rail transport services.

Road

Notwithstanding the above, there are various pieces of legislation that do provide passengers with certain rights. The Road Accident Fund was established under the Road Accident Fund Act, 1996. It is a public entity which was set up to pay compensation to people (including passengers) injured in road accidents or the dependants of people killed in road accidents arising from the negligent driving of a motor vehicle in South Africa. The Fund gets its money from a fuel levy included in the price of petrol and diesel, which is paid by drivers of motor vehicles. Under this act, as amended by Road Accident Fund Amendment Act, 2005, passengers can claim from the fund their medical expenses (past and future), funeral expenses, loss of earnings or income if a person is disabled, (past and future) support for a dependant of a deceased victim (past and future) and general damages for pain, suffering and disfigurement in the case of bodily injury.

Rail

Metrorail is an operator of commuter rail services in the major urban areas of South Africa. It is estimated that about half of all rail commuters earn a monthly income of less than R2,500, and are therefore dependent on reliable yet cheap transport means. As a government-controlled organisation, Metrorail is constantly faced with the challenge of providing cost-effective and safe rail commuter services to its daily volume of 1,7 million paying passengers, while maintaining its profit margins and running costs. In terms of safety, the South African government implemented a Rail Safety Regulator in the country in the wake of a number of serious rail tragedies between 2002 and 2006, as well as easing the bureaucracy involved in financing the South African Rail Commuter Corporation's aim of spending more than R400 million on the rail infrastructure to upgrade and improve safety standards. The National Railway Safety Regulator Act 2002 was also introduced as a means of improving rail safety conditions. The Regulator may, after considering various factors, including gravity of the contravention including the damage, danger and loss caused to the environment and the public, impose a penalty on an operator who contravenes the provisions of the Act. A strong police presence has also been established to reduce the incidences of crime on trains and at stations across the country. Metrorail's Conditions of Carriage state that Metrorail is only liable for the death or injury of a commuter which is caused by the negligent actions of Metrorail and/or its employees, and for this purpose introduced a commuter insurance cover, based on a no fault system to all valid train ticket holders or those killed in train accidents.

Buses

The National Land Transport Act, 2009 provides that the Minister must promote, within overall land transport objectives, the safety of passengers. It also provides that the municipal sphere of government is responsible for promoting safety and security in public transport.

➤ **Public service contracts**

South Africa's transport sector is characterised by limited private sector participation outside of road transport (passenger and freight) and the absence of independent regulators. The following entities report to the Minister of Transport: the South African National Roads Agency Limited (Sanral), South African Maritime Safety Authority, Cross-Border Road Transport Agency, South African Civil Aviation Authority, Road Accident Fund, Urban Transport Fund, Air Traffic and Navigation Services Company, Airports Company South Africa (Acsa) and the National Transport Information System.

The rail sub-sectors of public transportation are state-owned monopolies. The inadequate service provided by Spoornet and SAPO is widely attributed to the fact that they are publicly owned, yet unregulated monopolies, acting as private monopolies. Despite the fact that there is a remarkable lack of economic regulation, such as price or revenue regulation and other controls commonly used in economic regulation, there is a strong emphasis on safety and standard regulation in these contracts.

Unlike the rail system, which is controlled by one centralised organisation (Metrorail), bus services are the responsibility of private (yet government-subsidised) companies or municipal sub-divisions in each of the major urban centres. The main operator in each of the three largest cities in South Africa is briefly mentioned below, although it should be noted that numerous other (smaller) operators operate in the larger metropolitan areas:

Cape Town - Golden Arrow Bus Services (Pty) Ltd

Golden Arrow was originally established as the Cape Town and Green Point Tramway Company in 1861. Through numerous management changes, consolidations, acquisitions and mergers, Golden Arrow has emerged as Cape Town's only bus service, owned and operated by one of the premier black empowerment companies, Hosken Consolidated Investments Limited. As part of an economic empowerment venture, Golden Arrow subcontracts its Atlantis-based operations to Sibanye Bus Services as a means of assisting and supporting previously disadvantaged bus operators.

City of Johannesburg - Metrobus

The City of Johannesburg established Metrobus in 2000, and to date this is the second-largest municipal bus operator in the country. With a (weekday) daily passenger volume of approximately 90,000 people, Metrobus provides Johannesburg's majority of public road transport requirements. In addition to regular public transport needs, Metrobus also caters for the disabled with special bus services when required - making it one of the only operators in the country that does so.

Pretoria and Johannesburg - PUTCO

One of South Africa's oldest bus operators, the Public Utility Transport Corporation (PUTCO) (now referred to only as PUTCO Limited) has been operating since 1945. As of 2008, PUTCO Limited owns more than 1,600 buses, although less than half of these are truly suitable for urban operations in Gauteng. The company therefore also caters for the rural market and in fact has more buses operating in decentralised areas than within urban areas. More than 73 million people depend on PUTCO Limited's service for the transport needs every year.

The policy applicable to the commuter industry in the country is found in the White Paper on National Transport Policy of 1996 and in a number of other documents such as the Moving South Africa Strategy, the National Land Transport Transition Act 2000 as well as a Model Tender Document and the Heads of Agreement between organised labour, the Department of Transport and the Southern African Bus Operators Association that regulates aspects of the tendering system. Part of the policy is also to be found in interim contracts with subsidised operators as an interim measure between the previous policy of lifelong operating rights and passenger subsidies, and the tender for contract system. The official policy of the Department of Transport is that any bus service that requires a subsidy should be competitively tendered. Provision is also made for negotiated contracts, especially for provincial and local government-owned bus companies as a once-off measure to enable such companies to recapitalise as well as prepare for the competitive regime.

➤ **Taxis**

The informal public transport system in South Africa is dominated by minibus taxis. This is the cheapest form of transport and the daily lifeline of the bulk of the working population. Taxis transport over 60 per cent of South Africans to their destinations every day. Minibus taxis are the only form of public transport that penetrates every last sector in cities, including the poorest shack settlements. Transport by minibus taxis has unfortunately also provided some of the most serious threats to road safety. Many of the minibus taxis tend to be old and in poor condition.

The Department of Transport began scrapping old taxi vehicles in October 2006. This is part of the much debated Taxi Recapitalization Strategy. Initial indications by the Department of Transport was that at least R7,7-billion will be spent on the taxi industry under the recapitalisation programme. This programme required operators to offer affordable, yet safe and convenient transport by means of 18- and 35-seat minibuses instead of the traditional and ageing 15-seaters. Traditional manual fare collection would also be

replaced by electronic systems so that tax revenue could be established, and vehicle tracking systems would be employed to monitor and control movements and operations from a central control point. The scheme has encountered enormous problems and the scrapping and replacement process is far behind schedule. It has been severely tainted by poor communication on the part of both Government and taxi organisations. Questions also remain about the preparedness of law enforcement structures to ensure fair implementation, and the State's capacity to administer complicated processes relating to the issuing of Operating licences many of which overlap and over trade.

Despite its informal origins, the taxi industry does boast two national trade unions for workers, namely the South African Transport and Allied Workers' Union (SATAWU) - a subsidiary of the Congress of South African Trade Unions (COSATU) - and the National Taxi Drivers' Organisation (NATDO), although together these two unions only account for 20 per cent of the people employed by the industry. The South African Black Taxi Association (SABTA), established in 1979, and the South African Long Distance Taxi Association (SALDTA), established in 1982, united most of the existing local taxi associations of the time and thereby paved the way for their modern counterpart, the South African National Taxi Council (SANTACO), to act as the association management organisation. The function of the taxi associations is the management of trade union issues, the regulators of fees, permits and route establishment, as well as providing valuable business support to its members. It is through SANTACO that the taxi associations have a direct link to Government and any negotiations that affect the industry on a national level are easily managed and resolved. Passengers themselves have a means of having their complaints about the taxi industry heard, through the South African Commuters' Organisation.

➤ **Accessibility**

For many persons with disabilities transport remains a challenge. There have been attempts, by provincial and local governments, to provide for accessible transport, most notable in the cities of Cape Town and Durban. Sukuma buses and Dial-A-ride transport caters for people unable to use traditional buses and other forms of public transport and travels within the Metro area. However, while Dial-A-Ride and the MyCity bus service are valuable resources, many people are excluded from using them, specifically those people residing outside of the metropolis who cannot afford their own transport. There are inadequate resources available, and current attempts made to ease public transport for the disabled remain insufficient.

In some places change appears to be driven more from the top down, with offices for disability affairs being established at the highest government level. Examples include the Office on the Status of Disabled Persons in South Africa's President's Office. These offices appear to be effective at starting to create an awareness of disability issues in Government, but by and large their ability to promulgate integrated policies (including accessible transport) and, more importantly, to source adequate funding for implementation, is still open to question. There is no legislation specifically requiring that public transportation be accessible to disabled people, but South Africa does have legislation dealing with disability, namely the Promotion of Equality and Prevention of Unfair Discrimination Act 2000. The object of this act is to provide for measures to facilitate the eradication of unfair discrimination, hate speech and harassment, particularly on the grounds of, *inter alia*, disability. The State, institutions performing public functions and all persons have a duty and responsibility, in particular to eliminate discrimination on the grounds of race, gender and disability and to promote equality in respect of race, gender and disability. In doing so the State, institutions performing public functions and, where appropriate and relevant, juristic and non-juristic entities, must audit laws, policies and practices with a view to eliminating all discriminatory aspects thereof, enact appropriate laws, develop progressive policies and initiate codes of practice in order to eliminate discrimination on the grounds of race, gender and disability

and adopt viable action plans for the promotion and achievement of equality in respect of race, gender and disability.

➤ ***The Gautrain***

Gautrain is an 80-kilometre mass rapid transit railway system in Gauteng Province, South Africa, which links Johannesburg, Pretoria, and OR Tambo International Airport. This modern train offers international standards of public transport with high levels of safety, reliability, predictability and comfort. The Gautrain project was led by the Gauteng Provincial Government, and is the first of its kind in South Africa. The rail system was built by Bombela Consortium, a partnership between Bombardier Transportation, Bouygues Travaux Publics, Murray & Roberts, the Strategic Partners Group and RATP Développement, the J&J Group and Absa Bank. It is 50 per cent owned by its international partners and 50 per cent by Murray & Roberts and the Strategic Partners Group, the consortium's black economic empowerment component. Gautrain is the largest Public Private Partnership (PPP) yet launched in South Africa, the project value amounting to around R20 billion.

Camera surveillance and visible policing are just some of the security measures in place when passengers enter station precincts. Once inside the train, additional security systems further ensure that passengers safely reach their destinations. Over 650 Closed Circuit Television (CCTV) cameras monitor the entire system. In addition, just over 400 security guards are on duty at any given time. Inside each train, CCTV cameras monitor passenger movements. Live footage is examined by train drivers and at the central control centre where backups are stored for future reference. Train drivers are in radio contact with the central control centre and drivers have the option to communicate with passengers, should the need arise. To further enhance safety and security for passengers, each train is manned by two security guards who also function as train conductors. Panic buttons placed inside the train can be used to call the security guards if needed. Technology ensures that all doors are locked when the train is moving. When stopping at stations, trains only start moving once all doors are securely locked. CCTV systems monitor each station concourse, parking area and station precinct. In addition, the SAPS Railway Police patrol each station. Adequate lighting ensures that there are no dark corners, which offer hiding places for unwanted elements. Travel rules are posted at all stations, trains and buses. Gautrain travel penalties (civil and criminal) can be imposed on any person who does not comply with the rules that relate to security and conduct on or in the Gautrain network, premises and vehicles.

All station environments, as well as the trains and buses, are specifically designed to provide easy access for the mobility impaired and to accommodate sight and hearing impaired passengers. Wheelchair access is provided on all trains, buses, stations, toilets, lifts, fare gates, ticket offices and ticket vending machines. Non-slip surfaces, handrails and handholds aid people with difficulties in walking, gripping, reaching or balancing. The blind and partially sighted are assisted by the consistent use of colour contrasts, clear signage, good lighting and non-reflective surfaces. There are audible as well as visual service announcements. The deaf or hard of hearing are assisted by induction loops (earphone jacks) at ticket vending machines, as well as clear signage.

The Concession undertakes regular Passenger Satisfaction Surveys and there is a call centre for customer comments and complaints.

Again, it must be emphasised that the Gautrain is the first public transport venture of its kind in South Africa, and it is overall incomparable to the standard of other forms of public transport currently available in the rest of the country.

THE UNITED STATES OF AMERICA

Introduction

In the United States, the only pieces of national legislation addressing the rights of passengers of intraurban transportation are the Americans with Disabilities Act and the Civil Rights Act. Both of these laws address access to public transit. The other rights enjoyed by passengers (and the enforcement of those rights) can vary widely by location. Unlike Europe, public transit systems in the United States are generally operated directly by the government agency and not through a public service contract.

➤ *National legislation*

Other than the two statutory provisions described below, both of which address accessibility, there are no nationally applicable “rights” afforded to passengers of public urban transportation (air passengers have a recently-created nationally applicable set of rights) under Americans with Disabilities Act of 1990 (“ADA”).

The ADA prohibits discrimination and ensures equal opportunity for access by persons with disabilities. The transportation provisions of the ADA cover public transportation services, such as city buses and public rail transit (e.g., subways, commuter rails, Amtrak). In general, public transportation authorities may not discriminate against people with disabilities in the provision of their services. They must comply with requirements for accessibility in newly-purchased vehicles, make good-faith efforts to purchase or lease accessible used buses, remanufacture buses in an accessible manner, and, unless it would result in an undue burden, provide paratransit service to supplement fixed-route bus or rail systems.

It is important to note that there is nothing in the ADA that says public transportation must be provided. The ADA requires only that where public transportation does exist, it be operated in a non-discriminatory manner. A transit provider may elect to offer programmes and benefits to passengers beyond what is required by the ADA. The elimination of such additional programmes and benefits would not implicate the ADA.

Transit facilities

All transit facilities (stations, terminals, and bus stops) constructed after 1992, and any alterations made to such transit facilities, must be readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs. Because retrofitting every transit facility existing prior to 1992 would have been prohibitively expensive, the ADA required instead that certain “key” stations be identified that would be made accessible in the short term. Key stations include transfer stations, end stations, stations identified as having high usage, and stations serving major interchange points or major activity centres. Transit providers must maintain, in operative condition, those features needed to make facilities readily accessible to and usable by individuals with disabilities, including wheelchair users; if accessible features are damaged or out of order, the transit provider must make repairs promptly and must take reasonable steps to accommodate individuals with disabilities who would otherwise use that feature.

Transit vehicles

All transit vehicles (light and rapid rail cars and buses) purchased after 1990 must be accessible to individuals with disabilities, including individuals with wheelchairs. Specifically, buses must be fitted with lifts, ramps, or other accessibility features and drivers must be trained to operate such lifts or ramps on demand. For rail

vehicles, space for two wheelchairs must be made available within each car. The transit operator must maintain these features so that they are operative while the vehicle is in use. Vehicles must also include a clearly-marked priority seating area for persons with disabilities; if non-disabled persons are sitting in that area, the transit operator is required to ask them to move to accommodate passengers with disabilities, but they are not authorised or required to force them to move.

Use of the transit system

Public transit systems must make information regarding their services and schedules available to people with all types of disabilities. Therefore, written schedules and service information must be made available in an accessible format (such as Braille, large print, audio recordings, electronic formats, or websites accessible to screen readers or other assistive technology) that the disabled person is able to use.

Operators must announce, at a minimum, all transfer points, major intersections, destination points, and other intervals along a route sufficient to permit individuals with visual or cognitive disabilities to be oriented to their location. In addition, the operator is required to announce any stop upon request of an individual with a disability.

➤ **Enforcement**

A public transit service that receives federal financial assistance and employs 15 or more persons (which would include almost all U.S. transit systems) is required to establish procedures for the prompt and equitable resolution of complaints related to discriminatory action. If the transit agency is part of a city or county government and that city or county government has 50 or more employees, they are required to employ an ADA coordinator designated to oversee ADA compliance.

The ADA also allows individuals with disabilities three opportunities to resolve complaints related to public transit: (i) filing a complaint with the Federal Transit Administration (“FTA”) Office of Civil Rights, (ii) filing a complaint with the Department of Justice (DOJ) for broader issues related to non-discrimination requirements of the ADA for local government entities, or (iii) filing a lawsuit in a court of competent jurisdiction.

Title VI of the Civil Rights Act of 1964

Under Title VI of the Civil Rights Act, no transit provider that receives federal financial assistance from the Department of Transportation shall, on the grounds of race, colour, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination. Thus, a transit operator may not deny access to service to a person based on race, colour, or national origin. In addition, a public transit provider must collect demographic information from the area it serves in order to be aware of how its service levels affect various populations.

➤ **State/Municipal law**

In the United States, most regulation of transit systems occurs at the state or municipal level, and the rules, regulations, and policies of various transit systems can vary substantially depending on their location.

State statutes and legislation

Almost all urban transportation providers are created, organized, and governed by state statutes. However, these statutes are generally silent with regard to the level of service expected from the transit provider or how such systems are supposed to protect the rights and interests of passengers. For example, the Chicago Transit Authority (“CTA”), which provides light rail and bus service in the Chicago metro area, was created pursuant to the Metropolitan Transit Authority Act, 70 ILCS 3605¹⁴⁰. While the statute defines the structure and power of the transit agency, it does not contain any provisions establishing rights of passengers using the CTA. The only provision of the statute dealing with the rights of passengers using the CTA is actually one that limits the rights of passengers: it requires any personal injury civil action brought by a passenger against the CTA be commenced within one year from the date the cause of action accrued¹⁴¹.

One exception to this rule is the Washington Metropolitan Area Transit Authority (“WMATA”), which was created by the United States Congress as an interstate compact¹⁴² between the District of Columbia, the State of Maryland, and the Commonwealth of Virginia. As a government agency, the compact grants WMATA sovereign immunity by all three jurisdictions in which it operates, and except for certain limited exceptions, WMATA cannot be successfully sued unless it waives immunity.

State common law

Injuries to passengers or damage to their belongings, for example, are generally handled through state tort law. For example, if the injury was caused by the transportation provider’s negligence, the passenger can recover after filing a lawsuit. To recover, a passenger must generally prove three things: the transportation provider owed the passenger a duty of care, that duty was breached, and the passenger was injured. While the general aspects of tort law are uniform across all states, certain aspects, such as the standards by which a passenger must prove each element of the tort, may vary by state.

Most forms of urban transport are “common carriers” and therefore owe their passengers the highest duty of care to transport them and their belongings safely to their destination. This means that transit providers generally have a higher duty of care to their passengers than other businesses do to their customers. However, the passenger still must demonstrate an injury that was proximately caused by the transportation operator; injuries caused by intentional actions of third parties (such as another passenger) are generally not recoverable from the transportation provider. Moreover, passengers cannot recover if they are delayed in transit, or otherwise receive subpar service from the transit operator.

➤ ***Public service contracts***

This section addresses the ways in which various public transit operators protect the rights of their passengers and the incentives, disincentives, and other tools those operators use to provide satisfactory service for passengers.

Urban public transit is handled differently in the United States than in Europe. In Europe, many public transit systems are operated by a company that has been granted, by the state or other government authority, a monopoly to operate a specified service of public transport for a specified period of time for a given

¹⁴⁰ Similarly, the Southeastern Pennsylvania Transit Authority (“SEPTA”), which provides bus and rail service in the Philadelphia metro area, was created pursuant to a state statute, 74 Pa. Cons. Stat. § 1711. Sections 1741-53 set forth the powers and duties of SEPTA, but there are no provisions related to the rights of passengers using the SEPTA system.

¹⁴¹ 70 ILCS 3605/41. By contrast, Illinois’ statute of limitations for personal injury actions involving any private defendant is two years.

¹⁴² An interstate compact is a special type of contract or agreement between one or more states, which, pursuant to the Compact Clause of the U.S. Constitution, must be approved by Congress.

subsidy. In contrast, in the United States, public transit systems are generally operated directly by the government authority that owns and controls the infrastructure. Subsidies are frequently provided by the federal and state government, but are generally not tied to service performance of the transit system.

For example, since WMATA's inception, the federal government has contributed 65 per cent of the capital costs. Fares and other revenue fund 57.6 per cent of the daily operations while state and local governments fund the remaining 42.4 per cent. However, these payments are not tied to the performance of the system or to passenger satisfaction; instead, the subsidy is determined based on a formula that equally considers three factors: population density, as of the 2000 Census; average weekday ridership; and number of stations in each jurisdiction.

Some transportation providers have promulgated their own "passenger bill of rights," in which the transportation provider guarantees a certain level of service, but such promises have generally not been found to rise to the level of a contract, and have therefore generally been held unenforceable. The Massachusetts Bay Transportation Authority, which operates light rail, metro, bus, and ferry service in the Boston metro area, has a "Customer Bill of Rights"¹⁴³ containing the following commitments:

- A safe ride every time
- Courteous, clean, accessible, and dependable service
- Accurate and timely information
- Improved communications
- Transparent performance measures

However, these "rights" are merely a list of aspirational goals of the MBTA, and are not required by either federal or state legislation, and are unenforceable in court. In addition, the specific "rights" are highly malleable: MBTA used to offer a refund to any passenger who was delayed by more than 30 minutes, but dropped that provision from its "Customer Bill of Rights" when it could no longer afford it¹⁴⁴.

Similarly, the Long-Island Rail Road and the Metro-North Railroad (commuter rail lines operated by the Metropolitan Transit Authority ("MTA") and serving customers in the greater New York City area) recently adopted a "pledge to customers" that is posted in all stations, trains, and on its website.¹⁴⁵ The pledge encompasses the following nine points:

- A safe, reliable ride
- Accurate and timely information
- Courteous employees
- A clean environment
- Alternate transport when service is disrupted
- Immediate assistance to riders affected by a service disruption
- Notifications of weather emergencies
- Procedures for severe service disruptions
- Refunds without payment of a fee in the event of service cancellation

¹⁴³ http://mbta.com/customer_support/customer_bill_of_rights/.

¹⁴⁴ See, e.g., http://www.boston.com/news/local/massachusetts/articles/2011/02/23/mbta_forges_plan_to_reduce_deficit/. In 2008, the MBTA refunded 88,998 claims totalling \$1 million, in 2009 it reimbursed 64,587 claims for late service for a cost of \$786,272 and in 2010 it paid \$441,348 to 55,053 bus, subway and commuter rail riders for delayed trips. See http://bostonherald.com/news/regional/view/2011_0223mbta_riders_rail_against_axing_of_refund_program.

¹⁴⁵ <http://www.mta.info/news/stories/?story=569>.

Again, these passenger “rights” are merely aspirational – they do not create any binding obligations on Metro North, and there are no enforcement mechanisms available to passengers. Passengers are encouraged to email Metro North with any complaints about the level of service they receive, but Metro North makes no guarantees regarding its response to such communications.

Almost all public transit systems collect information about performance and passenger satisfaction. However, this information is not explicitly tied to a compensation scheme for the transit operator the way it is in Europe.

➤ ***Enforcement***

This section addresses the tools available to the passengers to protect their rights and consequences to operators that do not comply with those legal/regulatory provisions.

The basic enforcement scheme for passenger rights in the United States is a lawsuit in a court with jurisdiction over the transit agency that is alleged to have violated a passenger’s rights. There are additional avenues for relief for disabled passengers who want to assert that a transit agency is not in compliance with the ADA (such as filing a complaint with the FTA or with the DOJ). Generally, the only “rights” that are enforceable by passengers are the right to accessibility for disabled passengers and for any injury to a passenger’s person or belongings. “Rights” to timely service, information, cleanliness, or other aspects of passenger satisfaction are not enforceable in the United States.

Moreover, protection of passenger rights is not covered by separate, passenger-specific laws; a passenger seeking recovery from an injury must file a lawsuit to recover from a transit agency in the same manner as if the injury were caused by a private company.

Transit operators that injure a passenger are liable to compensate that passenger for the injury caused. Operators that provide sub-par passenger experience may face repercussion in the form of reduced ridership and reduced fare-box revenue. They may also face reduced funding from the states or federal agencies that subsidise the bulk of their capital improvements, but they do not face any explicit penalty for failing to meet performance metrics.

➤ ***Taxis***

In the United States, taxis are generally regulated at the municipal level, and regulations can vary widely by location. In general, taxi drivers and their vehicles must meet certain minimum requirements for competence, safety, and passenger comfort, and the metered rates and fees charged by taxis are set by the government.

The quality of service provided by a city’s taxis – including the fares, availability, and passenger amenities – can also vary significantly by location. For example, one recent study found that the fare for a 5-mile trip with 5 minutes of wait time varied from \$18.90 in Boston, to \$16.15 in San Francisco, \$14.10 in New York City, \$12.72 in Chicago, and a low of \$11.50 in Washington, DC¹⁴⁶. Taxis in Washington DC used to charge based on a complicated zone-based system, but at the behest of Congress switched to the more conventional meter-based system in 2008.

¹⁴⁶ <http://chicagodispatcher.com/how-does-your-city-fare-p1381-1.htm>.

Individual taxis are generally not required to be wheelchair accessible. In Chicago, for example, fleet owners of between 15 and 49 taxi licences are required to provide at least one vehicle equipped with wheelchair access, fleet owners of more than 49 licenses are required to provide two such vehicles, and for each additional 25 licenses the fleet owner must provide at least one additional wheelchair-accessible vehicle.

However, in December 2011, a federal judge ruled that the New York City Taxi and Limousine Commission failed to comply with the ADA because only about 230 cabs out of a total of more than 13,200 were accessible for people with disabilities. Pursuant to the judge's ruling, all new taxi medallions issued in New York City must go to wheelchair accessible vehicles until such time as the Commission proposes a comprehensive plan to provide meaningful access to taxicab services for disabled wheelchair-bound passengers.

As with other modes of urban transportation, personal injuries or property damage caused by taxis are generally comparable through the civil tort system.

Annex 3

City Reports

ATHENS

A private company, Athens Urban Transport Organisation SA ("OASA"), is responsible for the strategic and business planning, coordination and control of urban public transport in the city of Athens. Athens is part of the broader Attica region. The relevant legislation by way of which this power has been granted to OASA was adopted in 2011 and concerns the reform of urban public transport in Attica (Article 4(1) of Law 3920/2011). It is noted that OASA is wholly owned by the Greek State and overseen by the Ministry of Infrastructure, Transport and Networks.

The actual operation and exploitation of transport services in the city of Athens is conducted by private companies, Road Transport SA ("OSY") and Rail Transport SA ("STASY"), (Article 4(2) of Law 3920/2011). OSY is responsible for thermal and trolley buses, while STASY controls rail, metro and tram services. Both OSY and STASY are wholly owned subsidiaries of OASA and are subject to its supervision.

Article 5(1) of Law 3920/2011 lists the powers and obligations of OASA, which include the following:

- to place special emphasis and care on serving the public, quality of life and persons with disabilities (Paragraph 1);
- to check the timetables of transport providers and to create transfer hubs/stations between various modes of transport as well as between private passenger vehicles and public transport (Paragraphs 7 and 8);
- to collect and process data on the exploitation of transport services from OSY and STASY and to recommend appropriate fares to the Ministry of Infrastructure, Transport and Networks as well as the financing of their investment and development programmes (Paragraph 13);
- to promote the sale, programming, collection and checking of tickets (Paragraph 17);
- to enter into agreements with OSY and STASY for the purpose of defining their activities and obligations while also setting quality indicators, including minimum levels of customer satisfaction that have to be met (referred to as "*agreements for the provision of transport services*"). These agreements will also specify the annual consideration due to OSY and STASY for the provision of services as well as the consequences arising from their failure to comply with the agreed terms (Paragraph 18);
- to define the specifications relating to the level of passenger service, taking into account the interconnection of various transport modes (Paragraph 19);
- following the approval of the Minister of Infrastructure, Transport and Networks, to enter into agreements with local authorities for the provision of transport services in their area of responsibility (Paragraph 22);
- to provide information services to citizens and the general public (Paragraph 27);
- to display messages of any type on all urban transport systems and vehicles (Paragraph 28).

Most importantly, according to Article 5(3) of Law 3920/2011, the OASA and the companies within its group must implement a system for ensuring the quality of passenger services within three years from the entry into force of Law 3920/2011 (i.e. from 03 March 2011). It appears that this system has not been implemented yet.

Public service contracts

The agreements for the provision of transport services referred to above and which the OASA is required to enter into with OSY and STASY have yet to be published and are therefore not available for review. These agreements will contain quality indicators, including minimum levels of customer satisfaction, which have to be met.

Tickets and fares

Currently, a unified fare is payable for the use of all public transport modes. This is valid for multiple trips on all public transport options, in the urban zone (buses, trolleys, tram, metro, suburban railway), in any direction for up to 90 minutes). That is, passengers are entitled to travel to any destination within or outside the city centre of Athens by bus, trolley, metro, rail, tram and suburban rail (only for the segment Magoula - Piraeus - Koropi). The full fare is EUR 1.40 while the reduced fare is EUR 0.70. Use of only one ticket for single journeys is available for travel by bus, trolley and tram and these are priced at EUR 1.20 for full fare and EUR 0.60 for reduced fare. Different fares apply for travel from the city centre to the airport. In addition, it is possible for passengers to purchase monthly, biannual or annual travel cards either for use on all transport modes or only on buses, trolleys and tram to achieve further savings on transportation. Specifically, the monthly card for unlimited travel on all modes of transport costs EUR 45 (EUR 23 reduced fare), while the travel card for use only on buses, trolleys and tram is EUR 20 (EUR 10 reduced fare). The corresponding annual travel cards are valued at EUR 450 and EUR 200, with no further reduced fares applying.

Certain categories of persons are entitled to free public transport, including the following:

- Police officers;
- Fire fighters;
- Coast guard personnel;
- War invalids and their carers;
- Members of Greek and European Parliaments;
- Soldiers on military service;
- Children under the age of 6;
- Persons with disabilities or special needs (holding the relevant authorisation from the Ministry of Health to travel for free).

The persons entitled to a reduced fare include:

- Greek university students;
- University students studying abroad (up to the age of 25);
- Those studying in private institutions (up to the age of 22);
- primary and secondary school students above the age of 18;
- those with many children and their families;
- children aged between 7 to 12;
- young persons aged between 13 to 18;
- persons above the age of 65.

As for reduced tickets and fares, the agreement between the OASA and the State describes the manner in which they are financed. However, the agreement is not available for review. Financial aid granted cannot exceed 40 per cent of the group's operational costs (Article 6(6) of Law 3920/2011).

Failure to hold a valid ticket results in the imposition of fines that are equal to 60 times the price of the fare. For instance, the fine amounts to EUR 84 for failure to pay the standard fare of EUR 1.40 for accessing all transport modes. As for the reduced fare EUR 0.60, the fine is EUR 42. Criminal penalties, in the form of either detention or a fine, may also be imposed pursuant to the Greek Criminal Code (Article 391).

According to the OASA's estimates, between 20 and 25 per cent of commuters do not buy a ticket. In order to avoid fare evasion, random checks on 1,800 buses and 200 trolley buses operating in the greater Athens area are conducted by 24 inspectors and 230 drivers who are not specially trained for the job. The Athens metro is the best covered, with 90 inspectors, while the tram has 20. The OASA aims to improve this record by employing 158 new inspectors.

Quality charters

As a public undertaking involved in providing services to consumers, the OASA was obliged by the relevant law applicable to public undertakings and enterprises to prepare a charter of duties towards consumers (see Article 9 of Law 2414/1996 - currently, Article 7(3) of Law 3429/2005). This was issued on the basis of Article 6(16) of Law 2699/1998 on the organisation of urban transport in Athens - Piraeus, which governed its operations at the time, an updated version of which was published on 18 November 2008 (the "*OASA's Charter*").

The OASA's Charter sets out in details the following:

- the operating hours of various modes of public transport for which it is responsible (i.e. bus, trolley, tram, metro and rail as well as limited sections of suburban rail) (Section 2);
- the general obligations under the OASA's Charter (including the development and maintenance of a system for keeping the public informed, in cooperation with OSY and STASY) (Section 3);
- the general obligations of the companies operating urban public transport (now, OSY and STASY) (Section 4), such as:
 - maintaining the cleanliness of vehicles and trains as well as station areas;
 - taking all necessary actions to ensure that defects are promptly repaired so as to guarantee the continuity of service operations;
 - taking measures to ensure that persons with disabilities and/or in need of assistance (e.g. pregnant women, young children, etc.) have access to public transport;
 - ensuring proper signage is in place as well as information boards (including details on departure and arrival times of the first and last vehicles or trains as well as the regularity of service during the day);
 - informing passengers in due time of any sudden or temporary changes to the travel schedule;
- the obligations of its employees (drivers, stationmasters, ticket issuers, etc.), e.g. to dress appropriately, to refrain from smoking and to treat passengers with respect (Section V);
- the operating hours of the lost and found offices (Section VI.3);
- the details of the offices where fines can be paid, noting that the payment has to take place within 20 days from their imposition (otherwise, in the event of delay, the initial amount is increased by 10 EUR and is payable at the competent tax office) (Section VI.4);
- applicable complaint handling procedure and payment of compensation, as elaborated further below (Sections VIII and IX);
- the rules for transporting luggage, bicycles, prams and pets (Section XI.A-E);
- the rules for transporting passengers (including their obligation to hold a proper valid ticket, to refrain from smoking, eating or drinking, or playing musical instruments on board of vehicles or trains, to behave appropriately, etc.) (Section XI.F).

Service guarantees

Where the OASA's Charter is not observed, the affected passengers or citizens may claim compensation from the company responsible for the breach (Section 9). The compensation due can either be paid in cash or by issuing tickets of equal value.

For rude or inappropriate behaviour towards passengers, the compensation payable is EUR 30. Disciplinary action must also be taken against the employee responsible for such conduct. The same amount (EUR 30) is also due in the event of failure to provide a timely response to a valid claim raised by a citizen or user of the company's transport services. In addition, the failure to provide services or the inadequate provision of services to the public results in disciplinary action being taken against the responsible bodies and the decision of the Disciplinary Council has to be forwarded to the concerned passenger or citizen.

Both the Hellenic Consumers' Ombudsman and the Hellenic Ombudsman submitted proposals in February 2012 to the Ministry of Infrastructure, Transport and Networks recommending that measures be taken to compensate consumers affected by OASA's employees' strike actions (e.g. amendment to OASA's Charter to allow for passengers to be compensated in the event of a strike). However, we are not aware of the competent authorities taking steps to implement these proposals.

OSY provides a free transportation service to persons with disability who are not able to use the conventional public transport modes. In particular, it has three vehicles that offer different seating capacities and options, i.e. from three to seven passenger seats, from three to four seats for wheelchairs and one seat for companions that can only be used after making a booking.

As for other persons with hampered or reduced mobility, equipment has been made available at certain stations to improve their access to public transport (e.g. ramps, lifts, etc.). If vehicles are parked illegally and are blocking access to bus stations, passengers can directly contact the OASA, which will arrange for their removal by crane.

It is interesting to note that, according to the OASA, the mobility of 42.5 per cent of the Greek population is considered to be hampered. This includes not only persons with any type of disability (10 per cent) but also those between the ages of 60-74 (14 per cent), elderly persons aged 75 and above (6 per cent), infants from 0-4 years and their guardians (11 per cent) as well as pregnant women (1.5 per cent).

Complaints

Any citizen can submit complaints to the OASA, OSY or STASY in writing (by post, fax) or electronically (by e-mail) on matters falling within their competence. The competent company is obliged, within 30 days from submission of the complaint, to examine it and respond to the interested party. In cases where an on-site investigation has to be conducted, this deadline is increased to 40 days.

If a dispute with a citizen cannot be resolved, it is referred to the Dispute Resolution Commission that is set up for this purpose by the OASA and each of the operating companies OSY and STASY.

Insurance/damages

The OASA's Charter does not contain specific provisions on insurance/damages.

Survey and monitoring

On the OASA's website, it is possible for users to participate in a customer satisfaction survey that covers the following information:

- age and gender of the participant and their place of residence (whether inside or outside metropolitan Attica);
- the mode of public transport used (bus, trolley, metro, rail, tram, suburban rail);
- frequency of use;
- satisfaction levels of the service provided in their area, the frequency and reliability of service, access to stations, their cleanliness, comfort levels and safety as well as the cleanliness, comfort and safety of vehicles or trains, the conduct of their employees, the availability of tickets at the booths and types of tickets and cards;
- satisfaction with the services provided in case of changes to schedule and timetables as well as satisfaction with the level of information supplied;
- whether they had ever contacted the OASA in any way and how satisfied they have been with their contact with the company.

However, the results of the survey have yet to be published.

Taxis

The law governing the operation of taxis is national in scope and is therefore applicable to taxi drivers active in the city of Athens (Law 4070/2012). For further information in this regard, please refer to the Greece Country Report Chapter 4.2.11.

Conclusions

The city of Athens is provided with a Quality Charter issued by the OASA and details the duties towards consumers.

The OASA's Charter sets out the operating hours of various public transport modes for which it is responsible, it describes the obligations of its employees (drivers, stationmasters, ticket issuers, etc.), the requirement to provide the public with information, imposition of fines, applicable complaint handling procedure and payment of compensation.

BERLIN

For the State of Berlin, the Act on the Tasks and the Development of Urban Public Transport in the State of Berlin (*Gesetz über die Aufgaben und die Weiterentwicklung des öffentlichen Personennahverkehrs im Land Berlin*) applies.

This Act mainly contains “political” provisions that are not directly applicable, such as the one stating that public transport should enjoy preferential treatment in comparison to individual transport e.g. cars (Section 2, Paragraph 7 of the Act on the Tasks and the Development of Urban Public Transport in the State of Berlin).

Furthermore, it provides that the State of Berlin is entitled to set up a transit system scheme (*Nahverkehrsplan*) together with the relevant operators (Section 5 of the Act on the Tasks and the Development of Urban Public Transport in the State of Berlin).

The State of Berlin has adopted a Berlin's urban transportation development plan (*StadtentwicklungsplanVerkehr*) which establishes the course for a modern mobility policy in Berlin for the upcoming years. It includes a transportation strategy and considers the mobility needs of all traffic participants. For the purpose of a sustainable transport development, the integrated transport strategy serves as a political framework for concrete measures.

The Verkehrsverbund Berlin-Brandenburg (VBB) is a transport association run by public transport providers in the German states of Berlin and Brandenburg. It is a private limited company jointly owned by the states of Berlin and Brandenburg (with one third each) and the 18 counties and cities of Brandenburg with 1.85 per cent each. It was founded on 30 December 1996 and is currently one of the largest transport associations in the world.

The tasks of the VBB include, among other things, the further development of the single joint tariff, quality assurance for regional rail passenger transport (SPNV) and the award, planning and ordering of transport services within the SPNV. Furthermore, VBB informs passengers comprehensively about the local transport services offered.

BVG is the largest municipal public transportation company in Germany. Together with the S-Bahn Berlin GmbH (a subsidiary of the Deutsche Bahn AG), which operates the urban rail, the BVG manages the mobility in the State of Berlin. The new contract between the State of Berlin and BVG went into effect at the beginning of 2008.

BVG operates 9 metro lines, 22 tram lines and nearly 150 bus lines. The bus lines include “Express bus” lines that ensure fast service to the city centre and to the airports. BVG also runs six ferry lines that are included in its urban public transport network and which do not require additional fares.

The other main urban public transport operator is the S-Bahn Berlin, a company fully controlled by Deutsche Bahn AG, which is responsible for the management of local rail trains.

Public service contracts

On the basis of the Municipal Transport Development Plan, the Berlin Senate regularly adopts a local transport plan as a guideline for public transport services in the Land Berlin, to ensure access to public transport for all citizens. This concerns mobility for the disabled, gender equity, easier access to employment and participation in public life for socially disadvantaged parts of the population.

A transport contract between the federal State of Berlin and the BVG, covering both operations and infrastructure, was negotiated before the PSO Regulation (Regulation (EC) No 1370/2007) was passed by the European Parliament, but the legislative process was taken into consideration during contract development.

Even for the BVG as a public-law institution, a change in the law on companies owned by the state (*Betriebsgesetz*) was necessary to ensure sufficient control to comply with the parameters of the in-house award. The public service contract will expire in 2020.

Berlin is a unique case in Germany because no tax affiliation exists there, and the definition of public transport operations, infrastructure services and compensation were subject to negotiation and not

predetermined by tax constraints. This has led to a relatively straightforward contract with real compensation and *bonus-malus* schemes for quality. Bad service reduces the compensation of the BVG.

The quality indicators used to monitor the quality of the system are:

- Operations
- Vehicles
- Personnel
- Safety
- Information and customer assistance
- Sales marketing
- Cooperation with VBB.

The contract is concluded by a public transport authority at *Senatsverwaltung für Stadtentwicklung* and managed by a Public Transport Executive (PTE). The PTE tasks (5-year transport plan, coordinating timetable changes with the BVG, monitoring of the contract etc.) is put to tender at regular intervals.

Quality Charter

In the State of Berlin, the relevant charters granting rights to passengers in case of under- or non-performance of the operator are the Terms of Transportation (*Allgemeine Beförderungsbedingungen*) of the Transport Association of Berlin and Brandenburg (*Verkehrsverbund Berlin-Brandenburg / VBB*).

This regional transport association covers over two German states, Berlin and Brandenburg. Nearly all of the relevant Service Providers operating within the State of Berlin are part of the VBB and have therefore adopted these Terms of Transportation. Section 14 I of the Terms of Transportation directly refers to Regulation (EC) No 1371/2007. Therein, the rail road passenger's entitlements to reimbursement and compensation are regulated.

Since 1997, the Berlin Transport Authority (*Berliner Verkehrsbetriebe/BVG*), which is part of the Transport Association of Berlin and Brandenburg (*Verkehrsverbund Berlin-Brandenburg/VBB*), provides for a customer guarantee including punctuality (*Fahrzeit-Garantie*) and cleanliness (*Saubere-Sachen-Garantie*).

The BVG signed the Sustainability Charter of the International Association of Public Transport (UITP) in April 2005.

The efforts of the BVG in these three areas are documented in its Annual Report as well as in the latest versions of its Personnel/Social and Environmental Reports.

To summarise all three of these documents, the BVG's business policy and orientation clearly show that the company places the customer at the centre of its activities. Its operations always seek environmental compatibility and "meaningful" economic policy by taking into account employees' concerns.

Terms of Carriage

The conditions of carriage are included in Part A of the current VBB tariffs. Passengers who hold a valid ticket can travel free of charge with

- children up to the age of 6 (a maximum of three children on ferries),

- luggage and
- a pram/pushchair.

Common ticketing among all the lines of all of the VVB operators was launched in April 1999.

Carriage of severely disabled persons

Passengers who hold a disabled person's pass with supplement and a valid stamp can use all means of transport within the VBB fare zones free of charge within the scope of the statutory provisions (Severely Disabled Law Article 145 Paragraph 1 Social Code - Volume Nine (SGB IX)). Persons accompanying severely disabled persons can generally travel with them free of charge if the disabled person's pass indicates the need for them to be constantly accompanied. In this case, the disabled person can also travel with a dog free of charge in place of an accompanying person.

Tickets and Information

There are various ticket fares and target offers. In particular, from April 2009, the VVB introduced a pass for people older than 65 years allowing them to travel the whole Berlin-Brandenburg area inexpensively and which is accompanied by a booklet containing tips for excursions and ticket discounts to events.

The VVB's offer of tickets and fares is wide, from a single trip ticket to a whole journey ticket. Monthly and seasonal tickets are offered for zones A, B and C of Berlin with the possibility to combine the zone with one or more areas outside the city for commuters, in Brandenburg and Potsdam. A single VVB ticket giving access to the overall network is available as a monthly or annual ticket. Reductions are provided for students and apprentices and school holiday tickets are available.

Information on trips is available online. It is possible to organise the journey through the website or their call centre. Timetables are available at the stations and bus stops. Real time information is provided.

A service for mobile phones called "*Fabrinfo Mobil*" was introduced to check the status of trains and buses and to find connections using the GPS-function of smart phones with other handy functions, like network maps or alerts in case of delay.

Interconnections

Berlin is a classic example of a rail-based city and has a series of regional train stations and a dense urban rail network. Together with the urban metro (U-Bahn), the local rail trains form an integrated urban rapid rail system. This network enables passengers to travel long distances rapidly and conveniently without any fear of traffic jams. The urban rail and the metro are closely linked with each other and allow joint transfer stations. As a result, most of all the U-Bahn lines connect to the S-Bahn ring line (Ringbahn) around the city centre. At many stations, escalators and elevators make transfers more convenient. A number of regional rail lines, with several stations in the city, provide access to outlying communities.

The BVG introduced a single ticket (Eco-pass) for the area of the State of Berlin. The State is divided in three areas (A, B, C). The area covered depends on the fares. For an additional fee it is possible to travel on the local train and in the sub-urban areas. The Eco-pass can be weekly, monthly or annual. The Annual Eco-pass is paid in advance and has a reduction of 23 per cent compared to the entire price of the annual tickets.

Moreover, for the passengers who do not wish to travel any further than three urban rail or underground stations or no more than six bus or tram stops, there is the Short Trip Ticket. On Express Bus lines, the stops, which the bus passes without stopping, are also included.

The BVG runs also the Metro lines, which consists in selected tram and bus lines that supplement Berlin's rapid rail network. These lines are scheduled to run "around the clock" with daytime intervals of no more than 10 minutes.

When large-scale events are planned in the city of Berlin, event tickets often offer a ride on BVG transports.

Service guarantees

When delays of more than 20 minutes are observed for daytime arrivals, the customer receives a free ticket unless the delay was caused by *force majeure* (i.e. blocked roads, sudden detours or other unforeseen events).

During nights (from 11 p.m. to 5 a.m.), the customer will be reimbursed for taxi costs up to EUR 25. The guarantee is based on the respective timetable with its latest changes and additions taken at an appropriate time as a basis for reaching the connection. For customers with monthly passes or other subscriptions, the BVG accepts the free ticket in payment for other travel tickets. A subscription customer can also receive a direct debit discount instead of the free ticket.

The BVG ensures that vehicles are cleaned on a regular basis. Therefore, the BVG offers to refund costs for the cleaning of passengers' clothing if contamination or stains on the clothing are caused by the condition of an unclean vehicle.

Accessibility

The BVG adopted measures enabling disabled people to have access to the urban public transport network. Bus and tram services are now provided by low-floor vehicles, the metro and trains are equipped with a platform enabling people on wheelchairs to enter vehicles. Special features such as guide strips on the floor and acoustic signals are assisting those who are blind or partially sighted, visual signs for the deaf or hard of hearing have been introduced at the stations and on trains.

In addition, the BVG provides trainings for their staff to learn how to help and assist passengers with disabilities.

From October 2008, the personnel of the free Bus & Bahn escort service have been supporting passengers with limited mobility to safely reach their destinations in Berlin with busses and trains. According to the VVB, the demand was huge; passengers were delivered from door to door about 12,000 times in 2010. All these measures have been adopted to guarantee the accessibility of disabled persons to the majority of the stations.

The Senate Department for Urban Development charged the VBB with a feasibility study for the "3M Guide" Project (Mobile Multimodal Mobility Guide). The project is intended to develop a navigational aid system for vision-impaired and blind passengers. The purpose is to integrate data from barrier-free, cross-modal timetable information into the navigation and audio devices for blind persons.

Customer service satisfaction

The BVG carried out several market studies assessing the satisfaction level of customers. Data collected from the passengers show a rise in the satisfaction level of customers. The results of this survey have been compared to other European cities through the BEST initiatives (Benchmarking in European Service of Public Transport). In 2006, Berlin received the top mark in the urban public transportation category.

The BVG engaged itself to assess quality in comprehensive terms. Market researches on customer satisfaction are carried out on an on-going basis, using survey tools such as the Mystery shopper. Special analyses are regularly performed to evaluate and improve quality.

In 2008, two major surveys were conducted on the daily mobility in Berlin and Brandenburg, namely “Mobility in Germany” (MiD) and “System Representative Transportation Surveys” (SrV). The mobility prerequisites, transportation count, transportation performance, purpose of trips, frequencies, duration and length of trips as well as the modal splits and connections between climate and mobility were investigated. The results showed a growing satisfaction of Berliners in using UPT. 21 per cent of all trips in Berlin are made with public transportation, which is considered as a peak in Germany.

Quality of the service

The BVG adopted various initiatives to ensure the quality of the service provided. With regard to the internal management, a quality management system was adopted to help raise the employee performance on a continuous basis. A “balanced scorecard” system is employed to measure the company efficiency with respect to targets and major indices. The results are assessed from different perspectives, which ensure that the process is balanced. This applies not only to the commercial activities but also to personnel development.

With regard to the staff of the BVG, a comprehensive qualification and a training programme have been introduced. This includes obligations for the staff in stations, call centres and on vehicles to be friendly and use appropriate language. A particular aspect is also the multilingualism of the employees. The 2006 Football World Cup hosted by Germany revealed an increasing willingness on the part of the BVG’s employees to provide information in foreign languages. English courses are offered on repeated basis and the BVG has developed its own lesson book and CD “English on buses and trains” which have also been made available to other public transportation companies in Germany and Austria.

Moreover, Berlin has one of the largest Turkish communities in Europe. Therefore, many employees are Turkish-speaking Berliners and serve this large community from the call centres.

Safety

In the entire metro system, there are monitor patrols to maintain security of passengers. All platforms also feature information and emergency columns that passengers can use to get information or call for help if needed. These columns, as well as many trains and buses, are monitored by video. A control centre coordinates all messages and can send rapid assistance.

Moreover, passenger safety is ensured by renewing the tracks and by carrying out a wide array of construction and maintenance.

In 2008, a project investigation called “The Subjective Security – Test and Evaluate Selected Measures research group - SuSiteam” was launched to understand the needs of passengers in terms of physical security.

The investigations of the SuSiteam clearly demonstrate that in precarious situations passengers feel better protected by personnel than by technical infrastructure such as video cameras or emergency telephones.

Various forms of deployment of security and service personnel were tested during the research period:

At the OVG

- The use of passenger service agents in school transportation
- A supportive poster campaign about passenger service agents
- A joint information and awareness campaign for parents and pupils about illegal graffiti and its consequences

At the VBB

- Every tram is accompanied by a trained security person in service uniform after 5 pm
- A station sponsorship where pupils of a neighbouring school assume the responsibility for the condition and care of “their station”
- Communication measures for security-relevant passenger information

At the S-Bahn Berlin GmbH

- Accompaniment of line S5 by security personnel and the Federal Police.

At the end of the investigation period, these measures were evaluated by TU Berlin with regard to their effect on the passengers’ sense of security, their mutual impact and cost benefit.

Responsibilities of the carrier

The VBB Terms of Transport provides at Paragraph 15 (*Haftung*) of Part A that, in case of harm to people or their property, the liability of the carrier is assessed by the Court on the basis of tort law. A lump sum for damage to belongings is set up at EUR 1,000, unless negligence of the company is proven. In this case, a higher amount can be set by the Court.

In 2009, intense snow paralysed the traffic trains managed by S-Bahn creating many difficulties for commuters. The company offered EUR 55 million in total to the passengers as compensation for the interruption in the service.

Local Trains

S-Bahn Berlin manages 15 local rail lines, which connect the city and the surrounding areas. S-Bahn also provides the train connection with the Berlin airports.

S-Bahn has a service contract with the State of Berlin until 2017. In May 2009, the company experienced a severe crisis following a train accident due to the lack of safety checks. In this context, the company was forced to withdraw many local trains due to the results of the check by the authorities. The company was subject to an extensive restructuring with the help of the holding company, Deutsche Bahn, and has since renewed its train fleet.

S-Bahn applies the VVB Terms of Transport.

Surveys

Services performed under service contracts with the State of Berlin are continuously monitored. An example of a survey reporting an underperforming service is the one carried out to monitor the S-Bahn services. Due to poor services, unresolved technical and maintenance-related problems, lack of punctuality (in 2011, only 77 per cent of trains were on time but the degree of punctuality agreed in the transportation contract was fixed to 96 per cent), the Federal Railway Authority did not renew the operational permit (which is due to expire) for the usual 15 years, but rather limited the permit to the end of 2013.

In the beginning of 2010, the State of Berlin informed that it would consider three different alternatives for the long-term handling of the transportation contract when the current one expires.

As a result of continuing cancellation of trains and poor service, payments to the S-Bahn Berlin GmbH have been reduced by about EUR 130 million (in 2010 alone, by about EUR 55 million).

Taxi

The Berlin municipal regulations are based on national legal framework.

In accordance with the power delegated by Section 47 3 and Section 51 1 of the German Public Transportation Act, the Municipality of Berlin passed local modalities for Taxi Services in June 2001 (*Taxiordnung Berlin/TaxO*) which were modified in August 2004. In 2005, the municipality of Berlin has adopted a regulation on taxi fares (*Verordnung über Beförderungsentgelte im Taxenverkehr /TaxTarifO*) which addresses all fares related issues such as tariff levels, waiting time, surcharges etc.

The “*Taxiordnung Berlin*” concretises the national rules, in particular, the operating obligation, the radio operation, the order at the Taxi Stands, the obligation to carry on documents and disciplines administrative offences.

According to the provisions of the “*Taxiordnung Berlin*”, passengers have the free choice of seat. All passenger seats, and especially the front passenger seats, must be kept clear of objects. In particular, at the passenger’s request, the driver has to open or close the sunroof and the windows of the taxi. The trunk is generally to be kept free for the passengers’ luggage. The driver has to assist passengers requiring assistance for boarding and disembarking, using and removing the seat belt as well as the loading and unloading of luggage. This is required particularly for passengers using wheelchairs. If this is not possible, the driver has to call another taxi, which can perform the carriage of passengers with special needs such as disabled people or persons with limited mobility. Furthermore, the driver should have a reasonable amount of change. The easy recognition of the driver was facilitated by the latest amendment to the “*Taxiordnung Berlin*”.

“*Taxi Berlin*” is the parent company controlling the majority of Berlin Taxi companies. It provides a centralised call centre service for Taxis in the city. A total number of 4,800 vehicles and 15,000 taxi drivers are operating under “*Taxi Berlin*” in the Berlin area. Customers may call a taxi via telephone, the Internet or via the iPhone application “*Taxi.eu*”.

Quality charters or customer guarantees are not displayed on the companies’ websites. Customers who are not satisfied with the services provided may report to the local authorities (“*Landesamt für Bürger- und Ordnungsangelegenheiten*“), to the Trade and Crafts Association of Taxi Service Providers and/or to the Taxi call centre. In addition, customers may also participate in the improvement of the service quality via Internet platforms where individual ratings of the Taxi Companies are possible.

Conclusions

Berlin has an extensive transport network covering one of the biggest metropolitan areas in the world. The city has a good level of interconnection, tickets integration and a large choice of ticket fares. The VVB Terms of Transport put a lot of emphasis on the tariff systems, but very little is said about carrier's liability, which is governed by tort law. This situation creates difficulties for passengers to assert their rights in case of damages. On the other hand, the BVG introduced some additional service guarantees to ensure the punctuality of its services. The quality surveys have shown an increased appreciation towards the BVG while S-Bahn received many complaints over the last years that have resulted in VVB reducing the agreed contributions on the basis of the PSC and will therefore not renew the contract upon its expiry.

BRATISLAVA

Dopravný podnik Bratislava (DPB), a limited liability company, is the sole provider of public transport in the city of Bratislava, including suburban transit and regular international bus lines. DPB operates trolleybus, bus and tram lines.

Transport regulations of public transport of Bratislava were issued pursuant to NR SR Act (National Council of the Slovak Republic) No 164/1996 Coll. on railways, as amended, and on amendment of Act No 455/1991 Coll. on trade enterprise, as amended, and Act NR SR No. 168/1996 Coll. on road transportation, as amended, and pursuant to regulation of MDPaT (Department of Transport, Post and Telecommunications) SR No 363/1996 Coll. on template for transport regulations on roads and regulation of MDPaT SR No 249/1997 Coll. on template for transport regulations on railways.

The Charter of Service was adopted on 14 January 2009 and is still valid. It has been amended regularly, with the last amendment coming into effect on 1 January 2012. The BA Charter of Service is made up of 20 articles covering various areas as required by law. Bratislava PTO (DPB) operates as a unified urban transport system with a network of interconnected bus, tram and trolley bus lines. The following rights and obligations can be found in the BA Charter of Service.

Information for passengers

Under the Service Charter, DPB must publish its Charter of Service, fares, and information on transport services at the selling points. DPB provides passengers with general information on all changes made to the organisation of public transport at stop points and on its internet site (www.dpb.sk). In addition, DPB must give information to passengers in vehicles through icons/picture signs.

Tickets

Ticket information is included in Articles 13 to 16 of the Charter of Service. DPB sells various types of tickets of various categories, such as single journey tickets, one-hour tickets, one-day tickets or prepaid tickets for a longer period of time.

Tickets can be bought at newspaper stands, at DPB's points of sale or in ticket machines at stop points. Prepaid tickets are available at DPB's points of purchase, and passengers can buy them online. Passengers can also buy tickets by sending a text message to the dedicated number.

Ticket checks are performed by ticket controllers. Tickets are validated once they have been stamped at the machines located inside the vehicle. If a passenger has no ticket or has an invalid ticket, the controllers are entitled to impose a fine of EUR 40 either on the spot, or within 30 days, payable by cash or bank transfer (of EUR 50).

Cancellation and punctuality of services

DPB must issue a confirmation regarding delays of more than 20 minutes or cancellations. A transport driver may interrupt the transport service in case of extreme weather conditions, which can affect the road or rails, used to perform the service. In this case, DPB must provide an alternative solution, either by using the same transport mode or by using another line, to guarantee that passengers reach their destination without an extra cost.

In general, passengers are not entitled to claim damages for delays or interruption in the service. The operator has the commitment to inform the passengers of any delay or interruption and to provide alternative transport modes. If the passenger uses an alternative transport, he or she cannot claim damages. In such event, the validity of the ticket is extended by the amount of time equal to the delay incurred. A failure to provide the transport service or late arrival of the transport vehicle does not entitle passengers to claim damages.

Assistance provided to disabled persons and persons with reduced mobility

Transport of disabled people and of persons with reduced mobility is set out in Article 4 of the BA Charter of Service. In each vehicle, DPB must reserve and clearly mark at least six seats for disabled and people with reduced mobility, one seat for visually impaired persons, including place for their guide dog. If these people need additional seats, other passengers are required to give up their seats.

Some vehicles are equipped with a moving platform enabling barrier-free access to the vehicle for persons with disabilities and reduced mobility such as wheelchair passengers.

Furthermore, places for wheelchairs and pushchairs must be clearly marked by picture signs. Elderly people, pregnant women and people with small children have the priority right to sit. The BA Charter of Service requires passengers to give up their seats when additional seats are needed.

Cleanliness of transport means and station facilities

DPB must keep stop points and stop shelters in a clean and operational condition. People, objects or animals not authorised into public transport vehicles are not allowed at stop points or under stop shelters.

Passengers must immediately clean any dirt they have caused. If DPB is required to clean such dirt, the responsible passenger must refund the cleaning costs.

On a daily basis, vehicles are cleaned by an external cleaning company. Stop points and stop shelters are cleaned as frequently as DPB's personnel capacity allows. Cleaning teams work on a daily basis. However, due to insufficient capacity, the DPB is unable to clean all stop points within one day.

Liability for persons and luggage

The DPB is not responsible for any lost or stolen luggage but there is an exception to this rule. If the driver finds lost property, they should hand it to the relevant DPB service depot. Passengers can recover their lost items from the driver on the first day. If the property was not claimed at the relevant DPB service depot within seven days of recovery, it is transferred to a special Lost and Found desk.

Customer satisfaction surveys

The DPB conducts a service survey to obtain up-to-date data on the real functioning of public transport, on the occupation and the overcrowding of vehicles. The DPB uses the collected data to assess and adjust its network, frequency of lines, etc.

Complaint handling, refunds and compensation

Under the BA Charter of Service, passengers have the right to claim damages they have suffered to their luggage only provided that the luggage is held suitable for transport under the BA Charter of Service and the driver was informed about the damage caused.

If the DPB does not plan the transport service on a particular line, passengers have the right to use other lines or vehicles for their transport.

Under the BA Charter of Service, passengers must claim their rights immediately or within six months, otherwise their rights are no longer enforceable. Passengers must specify their claims in a complaint, provide a brief justification and show evidence supporting their claims. If the complaint does not meet the requirements set in the BA Charter of Service, the DPB must contact the passenger who filed the complaint.

In the event the DPB fails to provide the service, it has the obligation to provide for an alternative transport to ensure that passengers reach their destination, either by using the same transportation mode or by providing another transport service, at no additional cost.

Taxis

Taxi operators providing services in Bratislava must meet the requirements provided by the Road Transport Act and the Road Transport Decree, as indicated in Chapter 4.2.24. Furthermore, taxi stands, their capacity and identification are set out by the City of Bratislava. The Municipal Decree No 5/2010 on tax from public premises, as amended, governs the use of public premises for taxi services as follows:

1. Public premises defined by the City of Bratislava as taxi stands could be used only in line with the permit issued by the City of Bratislava; and
2. Tax for taxi stands is set according to a rate ranging from EUR 0.07 to EUR 0.40 per square meter and per day.

As for passengers' complaints, the relevant competent authorities are the City of Bratislava and SOI.

Conclusions

Under the BA Charter of Service, the Bratislava's sole transport operator must publish its Charter of Service, fares and information on transport services.

It pays particular attention to the accessibility to the urban public transport of persons with disabilities and reduced mobility.

BRUSSELS

In the city of Brussels, the urban transport system is served by the public transport operator Société des transports intercommunaux de Bruxelles (STIB). It is the largest operator in Belgium and serves the 19 municipalities of the Brussels Capital Region as well as 11 other outlying municipalities. Its network includes 4 metro lines, 18 tram lines, 50 bus lines and 11 night bus lines.

Other companies serving Brussels are:

- The SNCB. With some thirty stations in greater Brussels, the Belgian rail is complementary to other networks. The three main Brussels stations are Brussels South, Brussels Central and Brussels North.
- DE LIJN. About sixty bus lines connect the Brussels region with different towns and important cities in Flanders.
- The TEC. Seven bus lines connect Brussels with Brabant-Walloon and Charleroi.

Some tickets are valid on the STIB's network and on the network of these three companies.

Public service contract

The STIB is an organisation of public interest fully owned by the Brussels-Capital Region. The relationship between the STIB and the Brussels-Capital Region is regulated by Law of 22 November 1990¹⁴⁷, which established the new legal framework for the management of public transport in Brussels. On the basis of the Law, STIB is the concessionaire of the public transport within the region.

The Law also regulates the relationship between the Region and the STIB, which is based on a double mechanism: the contract specification (*cahier des charges*) and the management contract (*contrat de gestion*).

The contract specifications, approved for the first time on 6 December 1990, provided for the STIB's public service obligations. Based on the contract specification of 1990, the STIB and the Government concluded a management contract through which they observe the objectives set in the contract specification¹⁴⁸. The STIB has to comply with specific obligations taking into consideration the fundamental principles of public services (i.e. equality, continuity and neutrality) and related principles (i.e. transparency, liability, simplicity accessibility, trust, reliability, participation and adaptation).

To date, four management contracts were signed, and the last one, signed for the period 2006-2011¹⁴⁹, was renewed.

¹⁴⁷ Ordonnance du 22 novembre 1990 relative à l'organisation des transports en commun dans la Région de Bruxelles-Capitale, modifiée par l'ordonnance du 19 juillet 1996 et l'ordonnance du 19 avril 2007.

¹⁴⁸ Article 2 of *Cahier des charges de la STIB 18 JUILLET 1996*, in OJ of 24 September 1996.

¹⁴⁹ *Contrat de gestion entre la Région de Bruxelles-Capitale et la Société des Transports Intercommunaux de Bruxelles 2007 - 2011*, available at the following web site: http://bernard.arkonis.be/pdf/contratgestion2007_2011.pdf.

The management contract establishes the contractual relationship between the Region and the STIB. The management contract for 2006-2011 defines in its Article 1 the scope of the contract, and in particular:

- 1) the objectives imposed on the parties;
- 2) the principles related to the construction and modification of the network;
- 5) the investment plan;
- 6) the financial regulation of the service including tariffs and subsidies;
- 7) the benefits and fines imposed to grant the realisation of the objectives;
- 8) general outline of the company business plan;
- 9) the review of the contract conditions.

Section 4 of the management contract addresses customer care and quality of the services provided by the transport operator. For this purpose, the Region has set a specific fine that could be imposed with the purpose to encourage the UPT operator to improve the quality of the service provided by the STIB. If the STIB does not meet these objectives, it might be subject to the payment of a “*malus*” equal to the maximum *bonus* a transport operator could gain during a year¹⁵⁰.

Article 19 of the management contract provides for four different types of incentive:

1. a “*bonus-malus*” compensation of EUR 2 million when the transport service obtained a basic quality certification by an independent body (AFNOR);
2. a bonus of EUR 500,000 awarding new initiatives of the STIB concerning the quality service;
3. a “*bonus-malus*” compensation of EUR 500,000 when the satisfaction level of consumers significantly improved compared to the results of the previous year;
4. a bonus of EUR 250,000 when the consumers’ perception of new elements of the offer had a positive outcome.

In addition, the STIB has to offer a certain level of quality service. In order to assess the quality of the service provided by the STIB, Article 19.2 lists the following basic criteria:

1. reception and ticket sale;
2. information;
3. punctuality and regularity;
4. comfort;
5. cleanliness;
6. accessibility and availability of the related equipment (escalators, elevators and moving pavements).

Section 4 of the management contract provides the following additional criteria:

1. localisation and equipment of the stops;
2. interconnectivity between different modes of transport;
3. ticket control;
4. safety of customers and staff.

Quality Charter

¹⁵⁰ Article 71 of the management contract.

On the basis of Article 31.1 of the management contract, the STIB adopted a customer chart (*Charte du Client* or *Charte Confiance*)¹⁵¹ through which it engaged in respecting quality standards for urban transport.

The STIB adopted specific measures to give access to public urban transport services to persons with reduced mobility (“PRM”)¹⁵², by considering their specific needs in every urban project, in improvement plans dedicated to accessibility and in the research for specific financial resources.

The service quality obligation led the STIB to be the first Belgian transport operator that obtained the certification of “Quality Service” under the European rules on quality standards in passenger transport service (EN 13816).

Compliance with quality service criteria is constantly assessed by a French independent observer, AFNOR. AFNOR is responsible for controlling the quality performance of the STIB.

The quality standard is assessed on the basis of certain criteria listed below¹⁵³:

- Information;
- Punctuality and regularity;
- Accessibility;
- Comfort;
- Cleanliness;
- Fight against fare dodging;
- Reception.

There are different methods for assessing the quality criteria.

Firstly, a Committee composed of representatives of the Region, the STIB and the customers meet several times a year to assess the quality performance of the STIB and when necessary, to find solutions to improve it. The results of the survey are published once a year.

Secondly, classical methods are used to assess the satisfaction level of users i.e. through surveys carried out by mail, the Internet or phone.

Thirdly, the STIB carries out surveys through Mystery Clients (“*Cliente Mystère*”). Some staff members of the STIB travel on different transport routes to review different quality criteria. Their evaluation schemes are used to draft a monthly report.

On the basis of the results of the quality service surveys, the STIB laid down the following priorities

Punctuality

To comply with this parameter, in recent years, the STIB increased the frequency of its vehicles. The drivers have to respect the timetable i.e. arrival and departure time, and to facilitate the connectivity to transit, especially when the interval of vehicles is less frequent.

To this end, the STIB:

¹⁵¹ The chart is available at the following link: http://www.stib.be/irj/go/km/docs/STIB-MIVB/INTERNET/attachments/Charte_FR.pdf.

¹⁵² Information is available at the following link: http://www.unica-network.eu/sites/default/files/MIVB_STIB_EN_0.pdf.

¹⁵³ Information is available on the STIB website at the following link: <http://www.stib.be/quality.html?l=fr>.

- has posted timetables in each stop and in the metro station.
- if there is an interconnection point with a vehicle on transit the signal “transit” informs the bus or tram driver on the arrival of other passengers coming from the metro;
- all the travellers are informed of the next passage of the vehicle through a dynamic support system or the SMS Syncro system;
- all the stops at the surface are provided with indicators of the real waiting time;
- the purchase of tickets has improved through the extension of sales points (BOOTIK, KIOSK and GO).
- it is possible to purchase tickets on the STIB’s website.

Accessibility

With regard to access to information, the STIB has adopted the following measures:

- making the website accessible to the blind and visually impaired people;
- adapting the information signs to the needs of PRM;
- visual real time announcements in vehicles and at stops;
- creating a centralised database of accessible stations and stops;
- creating a tool for station accessibility;
- Information;
- Updating the guide on Brussels transports for the person with reduced mobility;

For the blind and visually impaired people, the STIB aims at:

- generalising the vocal announcements in the 3 modes (metro, tramway, bus).
- upgrading the visibility of the vehicles, doors, destination markings and certain seats.
- studying of soft tactile material.
- defining a set of norms for the accessibility to new vehicles for the blind and visually impaired people.

In addition, there is a service of on demand transportation for PRMs. A Minibus service for disabled people was implemented several years ago to compensate the accessibility gap to metro stations.

Security

The drivers are trained to drive in a way to grant the passengers the highest possible comfort and security.

Furthermore, technical staff checks the vehicle and the infrastructure on a daily basis.

For this purpose:

- the ground staff have been increased and their uniform is easily recognisable. Some agents of security check the stations to reassure the passengers and to avoid safety issues.
- some ground staff are present on the surface network to prevent crimes;
- there are security cameras at stations (images are strictly reserved to the employees, respecting the private life of people);
- points of contact have been placed at the station to allow passenger to report any security issues;
- prohibiting getting on the bus from the rear door of the bus increased the perceived security on board;
- installation of gates at metro stations limits the access to those having a ticket;

- information campaigns on appropriate use of public transport have been carried out in schools and associations working with young people;
- security staff have the Government approval that establishes their professionalism and legitimacy.

Customers' reception

The STIB pays attention to customers' needs and has a proactive attitude towards them. Concretely, this means that

- the reception capacity of certain Reception Points was increased and all aspects thereof have been modernised and improved;
- the staff are easily recognisable thanks to the new uniform;
- training on customer reception have been organised for drivers and ground staff;
- the staff are always present at the stations to assist customers in their transfer.

Comfort

The new vehicles are wider, more silent and equipped with air conditioners. Easier access to ticket machines, validating machines, elevators and escalators is provided. Stations and stops have been modernised. For this purpose:

- the drivers are trained to ensure the passengers a comfortable travel for the whole journey;
- the "Eco-drive" system adopted in the metro ensures a constant speed, avoids quick stops and reduces energy consumption;
- accessibility to the transport network has been increased. Elevators have progressively been installed in metro stations. New projects have been agreed by the Region and the STIB;
- all the 550 escalators have been provided;
- all the stations and the surface stops have been provided with inclined planes and wider platform to ease access for disabled people;
- the MOBIB card, a pass on which the passenger can store transport contracts that best suit their needs, has been progressively introduced.

Information

The STIB provides customers with information system mechanism about the transport network, the timetable, and the tariffs. More specifically, STIB aims at providing information on line disruptions, their origins, the estimated waiting time and possible alternatives.

To this end, the following actions have been taken:

- new information panels have been progressively introduced on the whole network;
- the announcements are made in French, Dutch and English;
- dynamic and visual information has been introduced at the metro stations and some surface stops;
- the new vehicles have been provided with a system announcing the next stops;
- the new website, as well as the BOOTIK shop, offers useful, reliable and updated information allowing easier use of urban transport in the Brussels-Capital Region.
- The contact point answers phone calls in less than one minute during the week, from 8 a.m. to 7 p.m. and on Saturdays from 8 a.m. to 5 p.m.

Cleanliness

Another priority is related to the *cleanliness* of equipment and vehicles of the STIB and their good maintenance:

- metro trains are usually cleaned up after the end stop;
- new vehicles have been created to allow for easier maintenance;
- cleaning services are carried out every day, and with ecological soaps;
- differentiated waste disposal is provided in metro stations;
- the station pavement is often renewed to allow better maintenance.

Enforcement

The STIB adopted several tools to ensure the quality of service. First, a French organisation, AFNOR, is in charge of monitoring the services that the STIB provides. Each year, this body issues, renews or withdraws the "service" label. Secondly, service quality is guaranteed by a *bonus-malus* system that awards the operator whose performance lives up to expectations and imposes penalties when it does not attain the quality standards.

The Government created a mediator service with the STIB. The mediator is an independent subject who has also advisory tasks. The mediator takes up second tier complaints if the passenger's complaint with the STIB has been unsuccessful. Some conditions have to be met: the facts at the basis of the complaint took place less than three months before the submission of the complaint at STIB, the complaint must be introduced 30 days after the submission of complaint with the STIB, and the complainant must have a personal interest in the complaint. Only underperformance of the STIB may be the subject matter of the complaint. The mediator will reply within 30 days.

Taxi

The legislative framework on taxi services is regulated by:

- the Ordonnance of 27 April 1995 on taxi services and other services of rental car with driver¹⁵⁴;
- the Decision of the government of 29 March 2007 of the Brussels Capital Region on taxi services and other services of rental car with driver¹⁵⁵.

The Ordonnance defines the taxi service as the transport services of persons by car with driver, which comply with the following conditions: 1) the vehicle is adapted for the transport of maximum 9 persons; 2) the vehicle is available for the transport of 9 persons; 3) the final destination is decided by the client.

Taxi services are subject to an authorisation granted by the Brussels Government in the place where the service will be provided. The authorisation is valid for 7 years and is renewable. The authorisation is released when the driver meets the following requirements: driver's good repute, professional requirements and financial capability. The authorisation is strictly personal and cannot be transferred to another driver. This provision was introduced to avoid any kind of fraud.

¹⁵⁴ Ordonnance du 27 avril 1995 relative aux services de taxis et aux services de location de voitures avec chauffeur, in OJ 1 June 1995.

¹⁵⁵ Arrêté du gouvernement du 29 mars 2007 de la Région de Bruxelles Capitale relatif aux services de taxis et aux services de location de voitures avec chauffeur, in OJ 3 May 2007.

To improve the quality of the service, the licence is released only if the vehicle that will be used for the service was registered within 7 years. The licence is granted only to those drivers who have passed an exam of capability and behavioural tests designed for drivers of public transport.

The conditions of exploitation of the taxi service are provided by the Regional Government. The number of taxis authorised to run the service in the city depends on the number of inhabitants (one vehicle for one thousand inhabitants). This restriction is justified by public utility reasons and it is defined by the Regional Government according to local needs.

To increase the use of taxi services, in 2008 the Region launched the “Collecto” service, which is a flexible night taxi service with a tariff of EUR6 (EUR5 for those having a STIB season ticket). Given its success with Collecto, the Region decided to increase the number of the taxi licences for this service¹⁵⁶.

Several measures have been adopted to ensure the accessibility of taxi services for persons with reduced mobility. The city of Brussels offers around 100 vehicles equipped to answer to the needs of persons with reduced mobility. It is possible to call the taxi service and ask for one of these taxis. The drivers have received particular training for the assistance and safe boarding of these clients. The vehicles are able to lift a wheelchair, there is space for it inside the vehicle, and they have a belt to secure the chair during travel. The service is offered at the same price of a normal taxi. It is possible to pay with taxi-cheques created for this service.

Enforcement

In general, for any complaints about the service, including the quality, the customer has different tools at their disposal: they can send a complaint by mail, file an online form, or e-mail or call a toll free number available on the Directorate for Taxi of Brussels Mobility website¹⁵⁷.

Conclusions

Urban transport in the city of Brussels is provided with a Quality Charter. One of the main gaps to the service quality is the accessibility to the transport means. However, the STIB has tried to fill it through the use of alternative means, such as the minibus service.

The taxi service does not have a Charter, but several provisions on quality standards are contained in the legislation on taxis.

BUDAPEST

The urban public transport in Budapest is run by *Budapesti Közlekedési Vállalat* (BKV) that operates 27 city tram lines and 4 commuter railway lines in the suburban area and the city fleet of buses. In addition, Budapest’s urban transport also includes boat services on the Danube, which is frequently used by the residents but which is also very important for touristic activities. BKV carries about 1.4 billion passengers a year.

¹⁵⁶ Information available at the following link: <http://www.bruxellesmobilite.irisnet.be/articles/taxi/>.

¹⁵⁷ Information available at the following link: <http://www.bruxellesmobilite.irisnet.be/articles/taxi/signaler-une-plainte>.

BKV informed us that the Service Contract between Budapest Municipality and BKV was to expire on 30 April 2012. From 1 May 2012, a new organisational structure was to be launched and a new Contract concluded.

The service contract between BKV and the Municipality of Budapest contains the following service quality indicators:

- Basic service parameters: network coverage (by areas), operating hours, frequency of lines, etc. as a minimum level of service.
- Performance requirements: the required supply in place-kilometre by transport modes
- The *Parameter Book* i.e. very detailed service parameters (mainly quantitative and partly qualitative), with operating calendar, number of runs, number of vehicles in circulation, by modes, by lines, etc.
- Quality requirements: a *bonus-malus* scheme based on indicators like 'cancelled departures', punctuality, safety/security, etc.
- Insurance: involved in the fares. It is a voluntary quality commitment of BKV (not required by law or by the Contract).

BKV does not have a quality charter. However the Annex to the Service Contract includes quality requirements, which are the basis of a *bonus-malus* system. There are specific quality standards at the company, but they have not been written in a form of charter. The service contract includes the basic service parameters of public passenger transport as well.

In order to improve the comfort of passengers, BKV introduced an automatic door-closing system on trams and buses, ensuring that the doors of the vehicles close after 4 seconds if the driver uses the closing back mode.

The *bonus-malus* system is used for evaluating the quality of the service. The performance-based classification could be done on the basis of the data published in the annual report sent to the Municipality, but the evaluation of the operator is not carried out. This might change in the new system but at present there is no information.

The passengers and other injured parties may submit their reasonable claims supported by evidence to the company (by addressing the appropriate contact point), which the company investigates, transmits to the insurance company, and notifies to the customer.

Liability

BKV only ensures liability-based settlement of claims (general liability insurance, compulsory motor vehicle insurance, liability insurance of railway companies) and a damage surveyor is also involved.

The amount of compensation is equal to the extent damage caused by the company is proven and justified. The insurances are limited (partly to the limit specified in the effective act of compulsory motor vehicle insurance or to the purchased limits in liability insurances). For damages exceeding these limits, the company pays compensation pursuant to the Hungarian Civil Code.

Interruption/delay/rerouting

In case of interruption in rail-bound lines (metro, tram, suburban rail) – if the traffic is stopped on the line – BKV provides replacement services by bus.

The public transport system operated by BKV has 5 modes (bus, trolleybus, metro, tram, suburban railway) and can be characterised by frequent services, which create a dense network. This is why in case of delay, or interruption in a service there is no compensation and the operator does not provide other transport alternatives. It considers that, thanks to the dense network, it is not forced to suggest a unique solution but that passengers can find their alternative means of transport.

When a strike took place, BKV provided a longer validity period for the pass holder as compensation.

Customer service/ complaint handling

Passengers can contact the Customer Service by mail, e-mail, fax, phone or personally. BKV records all received notifications in its registry. In case of oral notification, if an immediate action is required, the Customer Service endeavours to give a correct and immediate answer and find a solution for the customer. If this is not possible, a notification is forwarded to the relevant department for investigation. Written notifications are sent to the competent departments to investigate the cases, and an answer is sent to the customers on the basis of the department's investigation. If the Customer Service is competent in the case, it will respond to the customer.

According to the by-laws, each complaint has to be investigated. The deadline to respond, set out in the by-laws, is 30 days, but the deadlines for investigations are often extended. In these cases the company informs the customer regarding the delay by mail. In any case, the reply must be sent to the customer within 60 days.

The most common reasons for complaints are the conduct of employees, for example the ticket inspectors, drivers, traffic officers and ticket officers. Other common complaints relate to the services not being punctual and the technical and aesthetic condition of the rolling stock, as well claims of imbalance between the service and price.

Accessibility

For tram lines where low-floor vehicles are in service, platforms have been built which are appropriate for their floor level. In case of newly-built or renovated lines platforms are also designed, and at certain metro stations lifts have been installed.

Some stations of Millennium Underground railway have stair lifts.

At all stations of metro line 4 (which is under construction) lifts assist transport of persons with disabilities or special needs.

When expanding the fleet by purchasing new vehicles, the vehicles purchased must be low-floor.

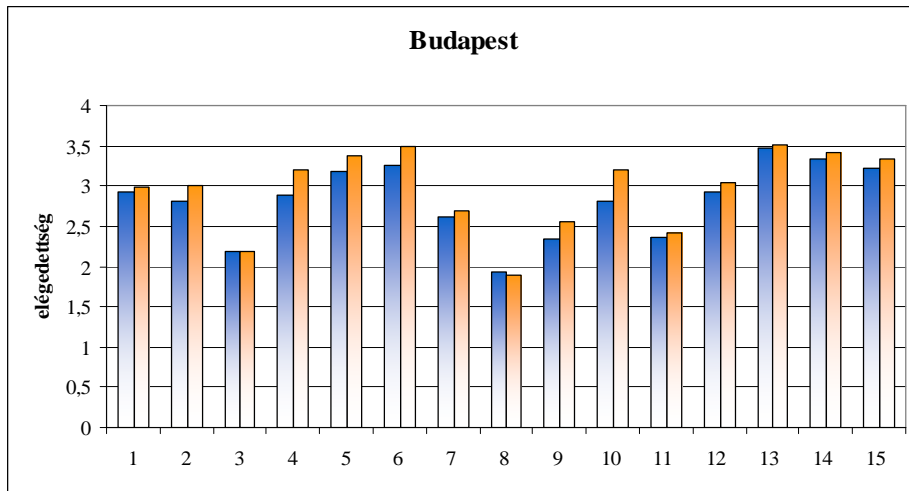
Surveys on customer satisfaction

In 2004-2005, BKV made a household survey on a vast sample of 50,000 households in the capital, including car drivers. BKV considers that studies of such magnitude can be conducted very rarely. A satisfaction survey was part of the survey as well.

The operator provided us with the results of the survey.

How satisfied are you with BKV by the following criteria?

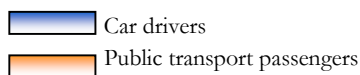
The Survey asked respondents to mark the satisfaction on a scale from 1 (worst) to 5 (best). Please, see the diagram below.



Criteria

- 1 keeping to the timetables
- 2 calculation of travelling time
- 3 crowdedness on board the vehicles
- 4 number of the necessary changes during the whole journey
- 5 choice of tickets and passes
- 6 number of services (lines)
- 7 frequency of lines
- 8 fares
- 9 discounts offered
- 10 ticket/pass purchase possibilities
- 11 cleanliness of vehicles, stops and stations
- 12 safety of vehicles, stops and stations
- 13 behaviour of BKV staff
- 14 quality of passenger information
- 15 image of BKV, uniformed appearance

Please note, the car users were also asked.



In the Survey, the conduct of BKV staff and the number of lines got the highest score, and the worst were the fares (considered as too expensive) and the crowdedness of vehicles.

BKV forwarded the passengers' comments to a special department responsible for the service, and the comments were considered in the course of modifications, developments and their follow-up.

Taxis

The local regulations relating to taxi services in Budapest provide for the establishment and use of taxi stations, the capping of taxi fares, a smog alarm plan, and the use of public premises and parking. In respect of passenger rights, the only relevant decree is the taxi fare decree.

Taxi fares in Budapest are capped by the Municipality of Budapest. The caps are determined in two categories: day-time (for services rendered between 6.00 a.m. to 10.00 p.m.) and night-time (for services rendered between 10.00 p.m. to 6.00 a.m.). Taxi fares may only consist of the following elements and are currently capped as follows:

- base fee: charged as a one-off fee irrespective of distance or time (day-time fee maximum: HUF 300, night-time fee maximum: HUF 420),
- distance-related rate: charged according to the distance travelled (day-time fee maximum: HUF 240 per kilometre, night-time fee maximum: HUF 336 per kilometre),
- time-related rate: charged in proportion to time lapsed (day-time fee maximum: HUF 60 per minute, night-time fee maximum: HUF 84 per minute).

The specific taxi fares used by the taxi must be displayed in a visible place on the control panel and the rear window. Next to the fare chart on the control panel, information on filing complaints must also be displayed in Hungarian and English, including the name and address of at least the following bodies: Consumer Protection Inspectorate ("*Fogyasztóvédelmi Felügyelőség*") and Customer Service of the Municipality of Budapest ("*Fővárosi Önkormányzat Ügyfélszolgálat*").

The licence required for providing taxi services in Hungary is issued by the National Transportation Authority ("*Nemzeti Közlekedési Hatóság*") if the applicant meets the specific requirements set out in Decree No 21 of 1992 (X. 27.) of the Ministry of Transportation, Telecommunication and Energy on Particular Terms of Rendering Taxi Services.

Conclusions

The city of Budapest does not have a Quality Charter. However, the results of the satisfaction survey carried out by the transport operators in 2004-2005 shows that the conduct of BKV staff and quality of passenger information are considered the most satisfying criteria. On the other side, cleanliness and safety of vehicles, stops and stations have been considered less satisfying. The worst scores have been assigned to the fares (considered too expensive) and the crowdedness of vehicles.

LONDON

The urban transport in London is managed by Transport for London (TfL), which is the integrated body responsible for the Capital's transport system. Its main role is to implement the Mayor's Transport Strategy for London and manage transport services across the Capital for which the Mayor has responsibility. TfL is a statutory body created by the Greater London Authority Act 1999 (the "GLA"). The GLA gives the Mayor of London a general duty to develop and implement policies to promote and encourage safe, integrated, efficient and economic transport facilities and services to, from and within London.

These services include: London's buses, London Underground, Docklands Light Railway (DLR), London Overground Tramlink, London River Services and Victoria Coach Station. TfL also has a number of other responsibilities: managing the congestion charge; maintaining 580 kilometres of main roads and all of London's traffic lights; regulating the city's taxis and private hire trade; making London's transport more

accessible through coordinating schemes for people with impaired mobility and running Dial-a-Ride alongside the London boroughs' Taxicard scheme; and promoting a range of walking and cycling initiatives.

TfL signed with the operators the "quality incentive contracts" which keep standards high by measuring the quality of service passengers received from the operators.

In particular, TfL is required to provide and secure the provision of public passenger transport services, to, from or within Greater London.

TfL also has certain other powers and duties. As a highway and traffic authority for roads in the Greater London area TfL regulates how the public uses highways and is responsible for:

- Traffic signs;
- Traffic control systems;
- Road safety; and
- Traffic reduction

TfL is also the licensing authority for hackney carriages (taxis) and private hire vehicles (minicabs).

The GLA sets down TfL's powers and duties. In general, TfL can delegate agencies to act on its behalf. However, in case of certain specified activities, that delegation is limited. Those activities specified by the Transport for London (Specified Activities) Order 2000 must be carried out by TfL through a company limited by shares (which may be a subsidiary of TfL).

London Transport Users Committee

The London Transport Users Committee, officially known as London TravelWatch, is the official watchdog organisation representing the interests of transport users in and around London. It was established in July 2000 under the GLA.

London TravelWatch is sponsored and funded by the London Assembly, which is part of the Greater London Authority, and is independent from the transport operators. The Assembly also appoints the board members of London TravelWatch, supported by staff that carries out the day-to-day work.

London TravelWatch promotes integrated transport policies and presses for better public transport, with higher standards of quality, performance and accessibility. It liaises with transport operators, providers, regulators and local authorities. In turn, transport operators consult it on proposed changes to services or closures of lines or stations.

It assists with complaints about transport in London when the service provider has not satisfactorily resolved them. It also deals with services operated or licensed by TfL.

In its role of enforcer of passenger rights, the London TravelWatch published its own Passenger Charter, which indicates the rights that the passengers should be entitled to. According to London TravelWatch

- networks should provide good access to all areas, have adequate capacity, and offer easy and convenient interchange between different types of transport;
- vehicles should be accessible, comfortable, clean, as safe as possible, quiet, identifiable, and suitable for passengers travelling with luggage, shopping or children;
- staff should be helpful, informed, alert and committed to offering high quality customer service;

- journeys should be safe and free from crime and the fear of crime; Information should be understandable, relevant, up-to-date, accurate and available in suitable formats before and during travel;
- fares should be affordable, represent good value for money, and structured in ways which encourage frequent use;
- tickets should be easy to use, easy to understand, flexible and integrated between different operators and modes of transport;
- stations and stops should be well designed, properly maintained, fully accessible and offer a decent waiting environment;
- streets should be clean, properly signed, uncongested and properly maintained so they can be used confidently and jointly by motorists, pedestrians and cyclists;
- transport providers should communicate well with their users, be approachable, be receptive to suggestions, take complaints seriously and have proper mechanisms for redress when things go wrong.

TfL Conditions of Carriages

Conditions of Carriage published by TfL set out the minimum level of service to which passengers are entitled. These conditions outline rights and restrictions for passengers and provide contact details for TfL customer service advisors and outline penalty fares, refunds and compensation. Rights for those in wheelchairs, buggies and pushchairs are also dealt with under the Conditions of Carriage.

TfL Customer Charter

TfL has adopted a quality charter, which provides information on the transport service provided, tickets fares, and service guarantees in case of delays or suspensions of the UPT service.

If the train is severely delayed or cancelled passengers may claim a refund from their train operator. Generally, they are entitled to compensation based on the train operator's individual policy set out in their Passenger Charter (found on the individual company websites or ticket offices).

For rail in London, the TfL charters provide:

| | |
|----------------------|---|
| Delay of 30-59 mins | 50 per cent of fare for affected journey |
| Delay of 60-119 mins | 100 per cent of fare for affected journey |
| Delay of 120 mins + | 100 per cent of return fare |

Compensation will usually be paid in national rail travel vouchers. However, if the passenger has a monthly or annual season ticket, some companies will only provide compensation if the average punctuality throughout the year falls below a minimum standard rather than based on his actual journey. The passenger must claim with 21-28 days (depending on which company is involved).

London Underground: In case of delays on London Underground for over 15 minutes if the circumstances are within TfL's control, the passengers are entitled to compensation. Compensation is paid in vouchers, and the passenger must claim within 14 days.

Docklands Light Railway: in case of a delay on the DLR of over 15 minutes or if it is not possible to complete the journey, passengers receive the single fare for the affected journey.

Oyster: in case of a lost or stolen Oyster Card it is possible to get a refund.

Information

TfL provides information to passengers on the networks in the stations, bus stops, at the shelters, in the vehicle through classical modes, pintables, electronic tables, timetables and maps.

In the station information is available to the counters.

Information on journey planners, maps, timetable and planned works is available through the website and call centres. Via website and smartphones, it is possible to get live traffic news. Departure boards provide live information about the next three trains or ferries due to arrive at a station or pier. Not all of the lines are available, at present, on the departure boards. A journey planner is available on line.

Survey and Monitoring

TfL is required, as part of the Local Government Act 1999, to publish a Best Value Performance Plan. As part of this survey, TfL is required to report on Best Value Performance Indicator surveys carried out by the London Boroughs on a three-yearly basis to collect data for satisfaction and performance in relation to local transport information and local bus services. The latest available results on the TfL website are from 2007:

| Satisfaction with public transport information | | | | | |
|---|---------|---------|---------------------------|---------|---------------------------|
| Per cent satisfied | 2000-01 | 2003-04 | Change 2000-01 to 2003-04 | 2006-07 | Change 2003-04 to 2006-07 |
| London Boroughs | 47 | 51 | +4 | 60 | +9 |
| Metropolitan Boroughs | 54 | 53 | -1 | 57 | +4 |
| National Average | 47 | 59 | +3 | 54 | +4 |
| <p>Comment on performance</p> <p>Levels of satisfaction with public transport information have increased nationally. However, performance in London has both exceeded the absolute level and is also improving at a faster rate.</p> <p>The figure for London is above the national top quartile per cent of 59.5.</p> | | | | | |

| Satisfaction with local bus services | | | | | |
|---|---------|---------|---------------------------|---------|---------------------------|
| % satisfied | 2000-01 | 2003-04 | Change 2000-01 to 2003-04 | 2006-07 | Change 2003-04 to 2006-07 |
| London Boroughs | 49 | 58 | +9 | 69 | +11 |
| Metropolitan Boroughs | 58 | 57 | -1 | 61 | +4 |
| National Average | 50 | 54 | +4 | 60 | +6 |
| <p>Comment on performance</p> | | | | | |

Customer satisfaction with bus services in London continues to improve at a rate above the Metropolitan Boroughs average and the national average. Satisfaction in London in 2006/07 was 9 points higher than that of the national average and is also above the top quartile per cent of 68.

TfL carries out many surveys among passengers in order to have their opinion on the changes of routes, works planning, additional lines and runs. They have a section of their website that is dedicated to consultations.

Complaints

If a passenger has a complaint or problem with any aspect of London's transport, they must first contact the operator that provides the service. If the passenger is unhappy with the operator's response, or they do not receive a response within a reasonable timeframe, they may appeal to London TravelWatch, who will investigate. If the passenger is not satisfied with any response from the transport provider or operator London TravelWatch can investigate the passengers concerns or try to resolve any problems. A passenger also has the right to appeal to London TravelWatch in writing, by email or via an online form available on the London TravelWatch website.

Taxi

The role of TfL Taxi and Private Hire includes the licensing of taxi and private hire services in London. After the introduction of the Private Hire Vehicles (London) Act 1998, the licensing of private hire services is now complete.

There are now around 3,200 licensed private hire operators, 60,000 licensed private hire drivers, and roughly 50,000 licensed private hire vehicles in London. In addition, there are approximately 22,000 licensed taxis (black cabs) and almost 25,000 licensed taxi drivers.

All taxi driver applicants must demonstrate a thorough awareness of London's streets and places of interest.

TfL are also responsible for:

- Reviewing and setting taxi fares;
- Appointing taxi ranks;
- Improving travel information;
- Making services safer and more accessible; and
- Helping the Mayor of London integrate public transport within London.

Unless they have a good reason not to, taxi drivers must:

- Accept any hiring up to 12 miles or any hiring up to one hour duration, if the destination is in Greater London
- Accept any hiring up to 20 miles if starting at Heathrow Airport
- Accept any hiring up to one hour duration, if the destination is in Greater London

Fares for destinations outside Greater London may be negotiated between the passenger and driver before the journey. If no fare is agreed before the start of the journey then the maximum fare will be that shown on the meter at the end of the journey

TfL published a guide on the tariffs of taxi and private hiring cabs.

TfL researched how satisfied taxi and private hire passengers are with services in London.

The research covered taxi trips from ranks, hailing on the street and bookings by telephone, and private hire trips booked by telephone as well as in person at operating centres across London.

TfL carried out approximately 1,000 interviews with residents and visitors to London who have used taxi or private hire services over a two-week period. The overall scores were then converted to a score out of 100. For 2009/10 the overall satisfaction scores out of 100 were:

- Taxis - 85
- Private hire - 85

Passengers have the right to make a complaint in relation to a taxi journey or driver conduct via the TfL website.

TfL promotes the service of taxi sharing in order to reduce costs for passengers, traffic jams and pollution. In fact, sometimes passengers have a common destination and taxi sharing is of benefit: passengers pay lower fares for door-to-door journeys than they would if travelling alone and if there is a long queue of passengers or a local shortage of taxis, passenger waiting times will be reduced.

Fixed-fare taxi sharing operates as follows:

- regular weekday morning services from Paddington to central London and other important destinations
- regular weekday morning services from Euston to central London
- services between the All England Lawn Tennis Club and Wimbledon and Southfields Tube stations during the Wimbledon tennis tournament
- from Buckingham Palace at the end of royal garden parties to destinations around central London.

Accessibility

TfL grants the accessibility to its transport network through the following means¹⁵⁸:

- Dial-a-Ride is a door-to-door multi-occupancy transport service for disabled people who cannot use buses, trains or the Tube. The majority of vehicles used by Dial-a-Ride are wheelchair and scooter accessible.
- Taxi card is for some people with impaired mobility. The service is available 24 hours a day and provides reduced fares. It offers a limited number of trips each year and it is limited to social trips –

¹⁵⁸

Information available at the following website: <http://www.tfl.gov.uk/assets/downloads/assisted-transport-october-2011.pdf>.

not for travelling to important appointments. It is appropriate for wheelchair users as all vehicles are wheelchair accessible.

- Capital Call: the service is for Taxicard members in some London boroughs. It provides fixed cost trips up to a fixed budget. The service is run with licensed minicabs, some of which are not accessible to wheelchair users who are unable to transfer into the seat of a saloon car.
- Freedom pass: a pass to travel for free on TfL network for people older than 65 years, people with disabilities who are residents in London.

A tool is available on the TfL website to plan a journey through all the fully accessible transport modes, with the possibility for visually impaired people to demand or download an audio guide or an audio map of the network. Information on fully accessible stations is available at the customer centre and via a call centre.

Safety and Security

In order to ensure the safety of the passenger, TfL adopted the following measures:

- Intelligence-led policing patrols at key times, in key areas identified through analysis of crime and incident data;
- Targeted covert policing operations;
- A zero tolerance approach to the carrying of weapons on the transport system which includes metal detecting scanners;
- Use of CCTV to help deter, target and detect offenders;
- Crime prevention advice;
- Continuing the valuable work of the Workplace Violence Units to tackle assaults against staff;
- Security and surveillance measures at bus garages, depots, sidings and trackside;
- Design changes including anti-scratch graffiti surfaces;
- Withdrawal of free travel concessions for young people who are found to be in breach of TfL's Behaviour Code;
- Alcohol ban on public transport.

Fare evasion

The cost of fare evasion is estimated to be almost £75m. The cost of fare evading takes public money away from developing the transport system. It also impacts upon the TfL ability to maintain its current service. Therefore, TfL adopted several measures to avoid fare evasion:

- Intelligence-led deployment of around 500 revenue inspectors
- Joint revenue operations with the police
- Penalty fares and prosecution of fare evaders
- Changing ticket technology and fare strategies to make evasion more difficult
- Marketing campaigns to warn potential evaders of the consequences.

Transport for London's Customer Service – A Case Study

The Transport Committee of the London Greater Authority prepared a report, published in January 2012, where the TfL's customer service was investigated a) to assess TfL's effectiveness and efficiency in dealing

with customer enquiries, identify any difference in standards across its service and assess how it uses such customer feedback to develop its services; and b) to investigate how Project Horizon and other organisational changes might affect TfL's customer service in the future and make recommendations which aim to increase the quality of customer service.

Investigation –January 2012

The report used best practice outlined by customer service experts, as well as the valued insights and experiences from passenger groups and Londoners themselves, to establish a set of principles that should guide TfL's current and future customer service provision. It was established that these principles will also serve as the basis for the Committee's continued scrutiny of customer service provision in the future.

Principle 1: It should be clear to passengers who they should contact and what they should expect in response.

From the results of the investigation it emerged that it is not always clear to passengers how to contact TfL: There are currently 12 phone numbers on the TfL website and an overly complex online form system. According to the investigation, TfL should work towards reducing the current system into one number, form and postal address and ensuring this information is freely available at stations and bus stops. TfL will also have to do more to improve the overall quality of responses to ensure a consistent level of information and context is given to each passenger. A new Customer Charter should be published which outlines TfL's responsibilities with regards to customer services which provides information to passengers on the entire process and which is made available at each station.

Principle 2: TfL should set itself challenging customer service targets that reflect what matters to passengers and publish performance against them.

According to the investigation TfL is currently examining its internal customer service targets to investigate how they can be rationalised across the organisation. Once these targets have been established, TfL should become a standard bearer for publishing performance information on customer service by examining best practice from other transport providers and sectors. These reports should also benchmark performance against a range of organisations to provide reports, which offer meaningful information to passengers and help to drive internal improvement.

Principle 3: There should be a one-stop shop for TfL customer information.

The investigation considers the forthcoming 'My TfL' online portal as an opportunity to create a resource that modernises the relationship between TfL and passengers and reduces the need for passengers to contact TfL repeatedly. To achieve this, TfL should: ensure the site contains all relevant contact and performance information; allow passengers to track their enquiry or complaint online; and provide real-time updates on issues directly affecting customer service. For those with Freedom Passes (a pass for elderly and disabled people), who may not have access to online resources, TfL should also provide a free 0800 number for information and complaints.

Principle 4: Passenger complaints should be viewed as an opportunity and not a threat.

Suggestions and complaints from customers are an invaluable source of 'free intelligence'. This intelligence

should be embedded at all levels of TfL, helping to both drive day-to-day improvements and the broader strategic goals of the organisation. To help ensure this, TfL must: continue to examine ways to make providing on-going feedback easier for passengers by examining how other organisations create a more customer focused outlook; and make customer service reporting, particularly around key recurring themes, a part of the TfL Board's regular monitoring activities.

TfL Reply –June 2012

In June 2012, TfL published the responses to the recommendations, informing about the steps already taken to improve the dialogue between the company and the customers. In particular, TfL is updating completely its website to make straightforward the business with clients. It includes making it easier to submit complaints across a range of products and services and provide other feedback. They have already started to reduce the phone numbers to have access to information. The company is also providing training to its staff to improve the communication with clients and provide clear correspondence. TfL recognised that all the work should be brought together in a new Charter of service but also some flexibility is needed to take into account various needs of the customers and the different services provided by TfL. Since some contracts are outsourced, TfL is engaging to introduce the principle of best customer care in the contracts. TfL announced that it is already working on a revised charter for all the rail transport that should be published before the end of the year.

To assess its performance, TfL joined “Top 50 Contract Centre”, an organisation that independently assesses and benchmarks its performance against other organisations. TfL also started mystery shopping of their contact centres. The results will be published and will be part of their financial and operating performance reports made to the TfL Board. The company is also working with the TfL Board to develop a rigorous performance monitoring regime on customer service.

TfL is working to update its websites, to consolidate into one allowing customers to have information on tickets, fares, journeys of all the transport modes without having to switch from a website to another and to be able to plan an integrated journey and requiring customers to log on only once to obtain multiple services.

Conclusions

The quality of transport in London is ensured by the “quality incentive contracts” signed by TfL with the operators who keep high standards by measuring the quality of service passengers received from the operators. However, the situation of TfL is going under the review of the City of London, due to a necessity to provide a higher level of customer service. Pressure from the users associations and from London TravelWatch have pushed the administration to require more efforts and attention from the company.

MADRID

The organisation of the Madrid UPT is based on Decree No 79/1997, which approves the Regulation on Travellers on Inter-Urban transport of the Municipality of Madrid. This regulation applies only to road transport. It lays down a detailed list of passenger rights.

The By-Laws of Autonomous Municipality of Madrid establish the full legislative competence and regulatory powers in the field of road transport, with respect to the itineraries that are developed entirely within its own territory. Within this framework of competence, Law No. 5/1985 entrusts the Regional Consortium of

Regular Public Transport of Madrid with a series of functions on regular public transport of travellers and subjects it to the *Consejería* of Territorial Policy, now *Consejería* of Public Works, Urbanism and Transport.

The Travellers Regulation on Inter-Urban transport of the Municipality of Madrid was approved by Decree No. 79/1997. This Travellers Regulation falls within the policy of promotion of public transport in the Municipality of Madrid and was reinforced through the creation and functioning of the Regional Consortium of Public Transport (CRTM), which has permitted to obtain, together with the efforts of the different administrations involved, outstanding results. This piece of legislation develops the mandate included in Law No 16/1987, in that it establishes the general conditions of utilisation of the service and the obligations of users of inter-urban transport. It fills a legal vacuum, which had left the contents of rights and obligations of passengers undefined, and it has allowed regulating the characteristics of the transport provided within the area of influence of the Municipality of Madrid.

In 2009, the Municipality of Madrid adopted a modernisation plan, which also contains a quality plan of the service for urban road transport. This plan has the objective to create a general model of service contract and to introduce the minimum standards to ensure the quality of the bus service. The plan also intends to provide homogeneous and compulsory criteria for the certification of the services, and the criteria to follow the evolution of the quality during the years.

A quality plan was adopted also by the Madrid metro operator (Metro de Madrid SA), with the purpose to offer to passengers a better service. This plan is based on a management system called “booklet of quality” (*buque de la calidad*). It contains reports and indicators of the expected quality and reports and indicators of perceived quality. The indicators are the regularity and punctuality of the service, the quality of reception, the cleanliness of the metro stations, the availability of employers, the functioning of the escalators and elevators and the handling of complaints. The overlapping of the results in terms of service expectations/service provided will define the area for the intervention of the transport operator in terms of improvement of the service.

CRTM carries out frequent surveys to assess compliance with the quality parameters by the transport operators.

The main transport operators in Madrid are: Metro Madrid SA, which is in charge of the management and operation of the metro network, and EMT (*Empresa Municipal de transporte de Madrid*) which operates the surface road transports.

Metro

Metro de Madrid S.A. is a public company integrated in the Regional Transport Consortium of Madrid, an organisation created in 1986 to group the activities of public and private entities working in public transport related areas to co-ordinate services, networks and prices and provide users with a range of services with greater capacity and more quality.

Metro de Madrid, which is under the protective administration of the Autonomous Municipality of Madrid, is entrusted with the operation of the Metro network lines in service, planning and improvements related to the quality of the transport service, and the maintenance and optimisation of Madrid's underground network facilities.

The Metro Madrid Regulation was approved on May 1987 with Decree 49/1987. It contains a list of passenger rights. According to Article 2 of the Regulation, passengers are entitled:

- to choose among different types of tickets according to the indicated prices and the journey;
- to be carried by the operator to the point of destination with their belongings, luggage or animals according to the conditions established;
- to renounce the trip in case of disruption or cancellation and have the price of the ticket reimbursed;
- to receive help, assistance and information from the metro Madrid staff;
- to be informed as to stations with a point open to the public where it is possible to submit a complaint;
- to receive an answer from the operator to the complaint submitted in a maximum of 30 days;
- to receive compensation in case of injury due to an accident according to the insurance policy subscribed by the Madrid metro.

Section 3 provides that the information to passengers must be clearly displayed, especially regarding the ticket prices, timetable and metro itinerary with the stations and interconnection points. With regard to the stations, the information must indicate the depth and if there are more than two flights of stairs to reach the platforms.

The passengers have the right to be clearly informed about any changes to ticket prices.

Section 4 of the Regulation provides that travellers may state in writing their claims in the official book, endorsed by the Regional Transport Consortium that is available at stations indicated for that purpose in the Information Box hallways and sidewalks.

With regard to quality and security of the rolling stock and facilities, Metro Madrid obtained various certifications by AENOR.

To make the UPT attractive and incentivise the use of the metro, the Municipality of Madrid introduced various initiatives such as a public library in the underground, some cultural spaces for young artists and a suburban museum.

Quality Charter

Metro Madrid adopted a quality charter, which is the result of extensive and detailed opinion studies carried out to investigate the needs and expectations of passengers. The main provisions of the charter regard reimbursement for disruption or delays.

Metro de Madrid offers its customers a complementary bus service in case of planned interruptions or when despite not being planned, the estimated duration is longer than expected and the Authority of Transport decides to implement an alternative transport. Customers will have the right to a refund for the price of the ticket they have purchased or to receive another ticket (excluding passes in both cases), provided that the journey has not been performed and one of the following circumstances exists:

- a) the service is suspended.
- b) the interval between trains is greater than fifteen minutes in cases where the Service Timetable contemplates intervals of less than eight minutes.
- c) an interval of more than double that established occurs on those routes for which the Service Timetable specifies periods between trains of more than eight minutes.

The Charter was recently adopted and it is in its first version, however a revision is planned every two years.

Survey

Metro de Madrid ran surveys to obtain customers' opinions about different aspects of the service (Signalling, Train and station lighting, Cleanliness, Upkeep, Duration of train trip, Space in trains, etc.).

The functioning of mechanical escalators, platform waiting times, claims and suggestions, etc. and other elements are surveyed to obtain information on the perception of security, the information provided by Metro, its corporate website and commercial publicity.

This feedback is the main input to our Service Quality System and therefore to our company Strategy. It is used among other factors such as internal KPI, budget, to design new improvement projects and to set up annual objectives.

Bus

The Municipal Transport Company of Madrid (*Empresa Municipal de Transporte de Madrid- EMT*) is a corporation owned by the Madrid City Council, responsible for the provision of public transport by over ground collective urban bus in the city of Madrid. The EMT is integrated into the Regional Transport Consortium of Madrid, the *supra*-institutional entity responsible for the planning of public transport in the city and in the autonomous Municipality of Madrid.

The Municipal Transport Company has a fleet of 2,092 buses operating 216 lines. Of the 216 operated EMT lines, 171 lines are conventional day-time lines, 7 are lines that only serve university in semester, 26 are conventional night lines, and 12 are night lines of '*Metrobúhos*' (replacing the Metro network in nights on weekends and the eve of public holidays).

The EMT Regulation was approved by Municipal Decree No 206/2000.

“Article 9. Passenger rights.

1. Travellers, as recipients of urban transport services provided by the Company, enjoy the rights under any and all existing provisions generally issued in transport, and specifically those set forth in this chapter and of those resulting from other provisions of this Regulation.

2. In particular, passenger rights are the following:

- a) to be transported with the only requirement to carry a valid ticket and to choose freely between different types of tickets in force at all times, and according to current rates.*
- b) To be treated well by staff of the Company, who shall comply with requests for help and information that are requested by users, and service-related issues.*
- c) To request and obtain at the points specified in Article 25.1 of this Regulation complaint forms, to make any complaints or suggestions about the service.*
- d) To make a claim against the Company, without prejudice to the possibility of using other means, and to receive an answer to those within a month of submission.*
- e) To be informed about the characteristics of transport service provision in the terms provided in Article 12.*
- f) That the state of the vehicle is suitable for the use that is made in appropriate conditions of comfort, hygiene and safety.*
- g) To be covered by compulsory insurance pertaining to the movement of vehicles in urban transport.*
- h) To obtain reimbursement of the trip, under the terms of Article 24.*

- i) To carry objects or hand luggage, provided they do not inconvenience or danger other travellers, according to the driver.*
 - j) For persons with disabilities, to get off the vehicle through the door intended for passengers, except for buses that have special devices to accommodate them. At least two seats per vehicle must be reserved for these people .*
 - k) The blind or seriously visually impaired, accompanied by guide dogs, have access to vehicles within the terms established by Law 23/1998 of December 21 of the Municipality of Madrid.*
- 3. Travellers have the general right to be transported undersupply conditions on the established service in vehicles that meet the certification standards for such service, and driven by a suitably trained driver in possession of the administrative authorisation that enables them to do so”.*

Accessibility

All EMT buses have low floor, kneeling system and ramp for wheelchair users, an external button to request that the access ramp be deployed, bars to facilitate getting on and off the vehicle, central platform for use by people in wheelchairs and/or baby strollers, wheelchair support and vertical bar to prevent tipping, "stop ramp extension requested" button that activates audible and optical illuminated signs, handles, adhesive symbols or pictograms.

With regard to people with reduced mobility, the EMT Buses have reserved seats in a different colour, armrests for easier access to the seats, a special wide seat and a user-friendly warning stop button also in Braille. The EMT fleet also has special seats for children up to three years with belts.

EMT published a booklet, also available on its website, with all the information on the accessibility and the service provided.

Metro Madrid published the map of accessible stations. While there is already a high level of accessibility, the company is still working to adapt the stations and the rolling stock to the needs of all the people, in particular by installing elevators, escalators and/or ramps, signalling platform edge with longitudinal pavement markers, signalling platforms with security zone with grooved pavement, signs for obstacles and pillars with red vinyl bands, removing obstacles and danger points, adequacy of railings and access gates and braille labels.

Customer Service Office

Both Metro Madrid and ETM created an office that is expressly dedicated to assistance to passengers, the Customer Service Office (*Oficina de Atencion al Cliente-OAC*).

The Customer Service Office is seeking to improve, through a major effort, the quality of the services provided to process requests, suggestions and complaints, manage luggage lost by travellers and provide information on Metro Madrid EMT services mainly to citizens using these services.

The objectives of the OACs are to:

- provide the services requested by the operators, especially those relating to management of requests, suggestions and complaints, and information to citizens, with maximum efficiency, friendliness and quality to satisfy the greatest number of citizens and ensure their loyalty to the companies, “bringing the companies to their customers”;
- maintain on-going processes of modernisation and improvement of working methodology for the development of the services;
- promote a culture of efficiency and customer orientation;
- improve care, information and customer service;
- comply with statutory and regulatory requirements applicable in the OACs.

Complaints handling

Both companies have a service, included in the OAC, to allow the passengers to submit a complaint via email, fax, phone or letter. The passenger may also ask for assistance in filling the complaint form. In general, the companies reply in 30 days. Metro Madrid has a special department to deal with the complaints. The refunds allocated in case of damage depend on the injury or damage and are covered by the insurance policy of the companies.

Taxi

In Madrid, the majority of the taxi service providers are members of the *Federación Profesional del Taxi de Madrid*, a trade union, which is part of the national Federation and provides assistance to the taxi operators and lays down the sector regulations.

The Municipality of Madrid has regulated the service through a municipal decree (*Ordenanza Reguladora del Servicio de Vehículos de Alquiler con Aparato Taxímetro* of 27 June 1980) which establishes the rules for the taxi service, such as the colour of vehicles, the time of the service and the taximeter.

The regulation establishes that the service must be provided Monday through Friday, for 16 hours maximum daily between 6.00 am and 6.00 am the following day. Exceptionally, in case of taxi licences having at least two driver identification cards, the driver being full-time employee, the maximum daily duration is 18 hours. For this purpose, taxi licensees must incorporate appropriate control elements in the operation of the taximeter of the vehicle.

The regulation also provides that, when several people require a taxi at the same time, the driver must comply with the following standards of preference: 1) the sick, disabled or elderly. 2.) persons accompanied by children and pregnant women. 3) persons who are on the sidewalk in the direction of the vehicle.

In Madrid there is also the Eurotaxi available for disabled people, which can be reserved in advance.

Conclusions

Madrid has a very well-developed UPT where there is a high level of accessibility and services for disabled people or people with reduced mobility. The municipal decree that regulates the services contains an extensive list of passenger rights and obligations of the transport operators.

Furthermore, since 2009, the CRTM has implemented a new quality plan to ensure the highest standard of quality of service through the obligation imposed on transport operators, which are constantly surveyed. Metro Madrid has also adopted a voluntary quality charter that includes commitments towards passengers. In this context, the passenger rights in UPT seem well provided for, with a good accessibility plan.

PARIS

The city of Paris is one of the 8 areas of the Ile de France Region. As previously explained in the French national report, the public transport system of Ile de France is served by three transport operators RATP, SNCF and OPTILE. Those operators were put in charge by a specific organisation for public transport of

passengers, le *Syndicat des Transports d' Ile de France* (STIF)¹⁵⁹, which is responsible for the public transport in the Ile-de-France Region, namely the city of Paris and the 7 areas of Ile-de-France.

On the basis of Article 1241 of the Transport Code¹⁶⁰, the STIF appointed the two public entities, the RATP and the SNCF, to provide transport services in Paris by train and RER, tramway, underground, buses and sea shuttles. OPTILE is operating in all the Regions except for Paris and its closest municipalities.

The RATP Group (*Régie Autonome des Transports Parisiens*) is a state-owned public transport operator headquartered in Paris, France. Formed in 1948, the group has its origins as the public transport operator for the city of Paris. Today RATP is still responsible for most of public transport in Paris and its surrounding Île-de-France region, including the Paris Metro, tram and bus services and part of the *Réseau Express Régional* (RER) network. In Paris, RATP carries out about 75% of public transport in the city. In Paris RATP has a monopoly because of its exclusive right to exploit the transport infrastructures recognised by Law No. 48-506 of 21 March 1948¹⁶¹ on the reorganisation and coordination of passenger transport in the Paris region.

The SNCF (*Société Nationale des Chemins de fer*) is France's national state-owned railway company. SNCF operates the country's national rail services, including the TGV, France's high-speed rail network. Today SNCF is still responsible for 17% of public transport in Paris with reference to tramway, RER and bus services.

The urban public transport is composed of¹⁶²:

- *Train and RER*: The Transilien network is composed of 13 networks:
 - 8 networks which are exploited by the SNCF for trains which only stop at stations which are start of the line in Paris;
 - 5 networks are exploited by the RATP and the SNCF for RER local trains,
- *Underground*: the underground is made up of 16 metro lines. Line 14 and line 1 are fully automatic and equipped with front doors, and the other lines will be fully automatic and equipped as well at the end of 2013. The total length of the network is 212.1 kilometres, of which 168.4 kilometres is in Paris *intra muros* et 43.7 kilometres is in the *banlieue*.
- *Tramway*. The tramway network is made up of 4 lines for a total amount of 42 kilometres.
- *Bus*. The RATP is exploiting 61 bus lines in Paris during the day and 35 during night.
- *VOGUEO*. The STIF has launched a project in order to create a new type of passenger public transport on the water of the Seine river. The Vogueo network should be composed of 3 lines of service from Vitry to Suresnes.

¹⁵⁹ Ordinance of 7 January 1959 No 59-151 *relative à l'organisation des transports de voyageurs en Ile de France* in OJ of 10 January 1959 No 0008.

¹⁶⁰ Article 1241 of the Transport Code lists the STIF's functions: the authority is in charge of choosing service connections and operators and defining terms and conditions of execution, general operating and financing conditions, and defining price behavior.

¹⁶¹ Law No 48-506 of 21 March 1948, *relative à la réorganisation et à la coordination des transports de voyageurs dans la région parisienne*, in O.J.of 26 March 1948 Page 2970.

¹⁶² Website STIF, *Les transports en chiffre*, available at: http://www.stif.info/IMG/pdf/TCC_2000-2009_Bd.pdf

STIF has launched a public tender procedure in order to choose the operator that will exploit the sea shuttles. Candidates are now preparing their offers which will be submitted to STIF in the summer of 2012 and will be subject to public tender proceedings. The Vogueo will start to provide this service before the end of 2013¹⁶³.

Public Transport Contracts

With the adoption of Law No. 2009-1503 of 8 December 2009 relating to the organisation of rail and track guided transport and various provisions relating to transport¹⁶⁴, public transport is executed by a state-owned company in the form of a public company or by a company or an association in a contractual relationship with the competent authority (Transport Code L. 1221-3).

The two transport operators operating in the city of Paris are two state-owned companies and STIF entered into an agreement with them starting from 2000.

Decree No. 2000-634 of 6 July 2000¹⁶⁵ provides that the relationship between the public entity and STIF should be regulated with operating contracts.

Those contracts each provide 4 years for determining the offer of the operator, the remuneration of the operator for each year of the contract and some mechanism of financial interest.

Through this contract the public operators are obliged to comply with i) the standard of transport supply and ii) the quality of the service prescribed by STIF in return for fixed compensation. This can change according to some mechanism of financial incentive which can increase or decrease this amount.

i) As to the supply, STIF calculated a theoretical amount of kilometres that public operators are obliged to provide (namely for RATP 7 sub-networks and for SNCF 13 sub-railroad networks and 2 sub-road networks). If there are some occasional modifications the STIF should be informed, but if the modification is long-lasting, the contract should be amended.

ii) As to the standards of quality, they are defined in the contract for each network. The amount of the financial incentive is proportionate to the standards which are more important for the user. Quality standards are different for each company or network concerned according to the level of quality established in the contents of the contract.

Those standards are submitted to some financial incentives of a *bonus-malus* type; if the annual result is better than the fixed objective the compensation will be higher. On the contrary, if the annual result is not achieved, also the compensation will be lower.

The contract between STIF and the transport operators, SNCF and RATP, lists 5 quality standards:¹⁶⁶

- Regularity
- Information to users (assessed on the basis of static and dynamic information).

¹⁶³ Website Vogueo, *Faire aux Questions*, available at: <http://www.vogueo.fr/spip.php?rubrique8>.

¹⁶⁴ Law No 2009-1503 of 8 December 2009 *relative à l'organisation et à la régulation des transports ferroviaires et portant diverses dispositions relatives aux transports* (ORTF), in O.J. of 9 December 2009 No 0285.

¹⁶⁵ Decree No 2000-634 of 6 July 2000 *modifiant le décret n° 59-157 du 7 janvier 1959 relatif à l'organisation des transports de voyageurs dans la région parisienne et le décret n° 59-1090 du 23 septembre 1959 portant statut du Syndicat des transports parisiens* in OJ No157 of 8 July 2000.

¹⁶⁶ Website STIF, *Qualité service dans les contrats*, available at: <http://www.stif.info/les-transports-aujourd-hui/les-programmes-amelioration-qualite-service/les-indicateurs-qualite/qualite-service-dans-les-contrats-3620.html>

- Equipment functionality (assessed on the basis of functioning of escalators, elevators and tolls, in case they are not functioning for 48 hours, or on the date of return to service).
- Welcome and sale of tickets (assessed on the basis of welcoming at the information kiosk or desk, the service of the driver or functioning of sales machinery, in case of failing to give assistance to passengers in 3 minutes).
- Cleanliness, (assessed on the basis of station and train cleanliness).

A new contract for the period from 2012 to 2015 was recently adopted by STIF with RATP and SNCF.

The financial incentives are relocated on the basis of the most important standards from the passenger's point of view. Therefore, they will concentrate on the achievement of objectives concerning regularity and punctuality, information to passengers even in situations of disturbance, other criteria (readability, availability, update and pertinence), welcome/assistance to passengers (quality of welcome/assistance, availability, quality of information provided) and cleanliness (smell, deterioration).

Every two months STIF publishes the results of the surveys on its website.

Punctuality and Regularity

Regularity of the metro was assessed on the basis of two criteria assessing waiting time and the offer during the peak hours. The first criterion is the indicator of average waiting time for passengers on the whole network and the second the number of vehicles travelling in the peak hours. For this second criterion, a ratio is calculated between the offer of the service during peak hours indicated in the contract and the real offer. In case the ratio is below the offer included in the contract a penalty is imposed.

From the last data available on the STIF websites on the application of a *bonus-malus* scheme and related to 2009, it appears that the criteria of regularity of the metro were achieved by RATP and SNCF. On the contrary, on the RER, penalties have been imposed for non-compliance with the objectives.

The punctuality of trains was assessed on the basis of the standard of the punctuality of the user assessing whether the passenger arrived more than 5 minutes late at the destination metro station. SNCF did not achieve the contractual objective for any train lines because of delays of the rolling stock or infrastructure.

The punctuality of the tramway was assessed on the basis of the standard comparing the theoretic and real interval between two trains with a range of compliance of 2 minutes.

The goal set in the offer was for at least 98 per cent of the rolling stock to be punctual. RATP did not achieve the objective.

For other indicators, in 2009, such as availability of ticket vending machines, availability of counters and staff cleanliness, functioning of lifts and escalators, both companies, were imposed fines for poor service on lifts and escalators.

With regard to compliance with the objectives in 2011, the Bulletin published on STIF's website shows, on the following criteria, the following results:

1. Regularity:

For metro services provided by the RATP

- Offer of vehicles in the peak hours: the contractual objective of 96.5 per cent was reached for only half of the metro lines.
- Waiting times: the contractual objective of 98 per cent was reached for all lines.

For the RER lines provided by RATP and SNCF, the regularity objective was not reached for all the lines.

For the tram service provided by RATP, both indicators of regularity were reached.

For Bus Mobilien provided by RATP, the regularity objective set at 93 per cent was reached (the result is 95 per cent).

For other indicators (assistance to passengers at counters and info points, availability of ticket vending machines, lines at counters, escalators, lifts, cleanliness of rolling stocks and cleanliness of stations, information), the results show a high level of compliance for both companies except for four lines of RER where there are no lifts.

With regard to the bus service, the quality criteria included the assistance provided by the driver to the passengers. The assistance was very well considered (8.7 out of 10).

Accessibility

According to Article 45 of Law No. 2005-102 of 11 February 2005 for equality of rights and opportunity, the participation and citizenship of disabled people¹⁶⁷, some measures should be taken to ensure the accessibility to disabled people or persons with reduced mobility to public urban transport.

The accessibility to the network should be put in place before February 2015 and the work schedule and the financial commitments (exceeding EUR 1,600 million) should be detailed in advance in a specific document, *Schéma Directeur de l'Accessibilité* (SDA), which was adopted by the Council of STIF.

The problem faced by STIF in delivering 'fully accessible' public transport services in both the city of Paris and the wider Ile-de-France region, by 2015, is great. Plans are in place to invest in the mainstream public transport network in order to make as much of the network as possible accessible to as many people as possible, and there have recently been investments in new tram rolling stock and infrastructure.

Regarding trains, 258 stations have been chosen as having priority to make them accessible on the basis of frequency of trains, their distance from the closest accessible station and the need to carry out the work. With regard to buses, all bus lines had been made reachable by the end of 2010¹⁶⁸.

In the meantime, accessibility for all of the region's citizens was secured through investment in a showcase, accessible demand-responsive transport service, the PAM system (*Paris Accompagnement Mobilité*). This service consists of a large fleet of lift-equipped minibuses, staffed by full-time, uniformed drivers and escorts, and controlled by a state-of-the-art booking and control facility¹⁶⁹.

¹⁶⁷ Law No. 2005-102 of 11 February 2005 *pour l'égalité des droits et des chances, la participation et la citoyenneté des personnes handicapées* in OJ No. 36 of 12 February 2005.

¹⁶⁸ Website STIF, *L'accessibilité aux réseaux de transport*, available at: <http://www.stif.info/les-transports-aujourd-hui/les-programmes-amelioration-qualite-service/accessibilite/accessibilite-aux-reseaux-transport-292.html>.

¹⁶⁹ Information available at the following link: <http://www.transportbenchmarks.eu/pdf/final-reports/FINAL-UTB3-A5-DISABLED-TRANSPORT-REPORT.pdf>

Public transport drivers, who might have passengers with wheelchairs and other disabled travellers, are specifically trained. Additionally, the Ile-de-France also provides training for metro station staff and other personnel who may come into contact with disabled people.

Furthermore, STIF also provides Infomobi service which collects all the necessary real time information about accessibility to the public transport network, to allow travellers to make an informed decision about the accessibility of their journey, given current conditions. The service gathers information from RATP (bus, tramway, metro, heavy rail), SNCF (suburban rail) and OPTILE (a federation of 80 private bus operators), and includes information such as whether the station lifts are fully operational.

Information to the passenger

Article 27-1 of the law LOTI¹⁷⁰, confer on STIF the responsibility for passenger information in multimodal transport situations.

This information can be communicated both through traditional static information devices such as maps or road signs and through other new technological devices which allow informing a user by remote control about the transport offer.

STIF has together with SNCF, RATP and OPTILE set up a common multimodal information system which is available online, both for day and night transport.

This database provides information about the transport offer (timetables, maps, itinerary, traffic information) of all the operators instead of partial information which was previously provided by each operator.

Moreover, each operator is obliged to provide information about the line plan and timetables on the network especially at stop points and on the vehicles and real time information at the stations, stop points and inside the vehicles¹⁷¹.

According to the assessment of 2011, the dynamic information is very good on the entire urban transport. The contract in force from 2012 to 2015¹⁷² is focused on providing passenger information in situations of perturbations (expected or not) online, via text message or by calling the information centre. In case of strikes, they should inform passengers about the risk of a strike 48 hours in advance and about the location and timing of the strike 17 hours in advance, and provide a real time service describing how the situation evolves on the day of the strike online and on the site.

Security

Even if security is not one of the quality standards explicitly mentioned in the contracts with RATP and SNCF, it remains one of the main priorities for STIF.

¹⁷⁰ Law No. 82-1153 of 30 December 1982 *d'orientation des transports intérieurs* in OJ of 31 December 1982 Page 4004

¹⁷¹ Website STIF, *L'information voyageur*, available at: <http://www.stif.info/les-transports-aujourd-hui/les-programmes-amelioration-qualite-service/information-voyageurs/information-voyageur-1418.html>.

¹⁷² Press Release, *Un nouveau contrat entre le STIF et la SNCF pour améliorer le quotidien des voyageurs franciliens*, available at http://www.stif.info/IMG/pdf/STIF_-_Contrat_STIF-SNCF.pdf

STIF has decided to increase human presence in the SNCF and RATP network by hiring more than 5,000 people in welcoming users services and security. According to 58 per cent of the users this was the most important means to improve the level of security through prevention, mediation and guarding especially in more dangerous areas.

At present, 236 train stations are open until the last train and in certain more dangerous zones there is security staff aboard trains running after 9p.m.

Enforcement

STIF decided to pay more attention to passengers' perception of the quality of the service and its coherence with the standards adopted. First of all, it conducted a survey¹⁷³ of more than 20,000 passengers a year. Secondly, it put in place some special committees (*comités de ligne*) to create a forum to exchange views of passengers' representatives, elected representatives, operators and the STIF.

New contracts for the period from 2012 to 2015 have recently been adopted by STIF with RATP and SNCF¹⁷⁴.

To allow passengers to follow the evolution of their transport conditions, STIF has decided to put the data provided by the operators online every three months.

Furthermore, the survey will go further involving up to 60,000 passengers and will put in place new means in order to exchange views with passengers, for example, feedback on experiences to understand the causes of worst accidents, the information coming from the users association, the attention given to complaints treatment, and personnel have been hired to control most of the operator lines.

Taxi

According to Article L 3121-1 of the Transport Code the notion of "taxi" applies to each vehicle with less than nine seats including the driver whose owner or holder is entitled to a parking licence on public roads while waiting for customers in order to provide a special transport service for people or baggage in return for remuneration.

The legislative framework on taxis regulating the access to the profession and the activity is composed of:

- Decree No 95-935 of 17 August 1995¹⁷⁵;
- Law of 13 March 1937¹⁷⁶;
- Ministerial Decree No 2010-00032 of 15 January 2010¹⁷⁷;
- Decree No 70-214 of 12 March 1970¹⁷⁸;

¹⁷³ Website STIF, L'observation de la mobilité, available at: <http://www.stif.info/les-developpements-avenir/observation-mobilite/185.html>

¹⁷⁴ Press Release, *Le CA de la RATP approuve le nouveau contrat STIF RATP pour la période 2012 2015* available at: http://www.stif.info/IMG/pdf/STIF_-_contrat_STIF_RATP.pdf.

¹⁷⁵ Decree No 95-935 of 17 August 1995 *portant application de la loi n° 95-66 du 20 janvier 1995 relative à l'accès à l'activité de conducteur et à la profession d'exploitant de taxi* in OJ No.196 of 24 August 1995.

¹⁷⁶ Law of 13 March 1937 *ayant pour objet l'organisation de l'industrie du taxi*, in OJ of 14 March 1937 Page 3082.

¹⁷⁷ Ministerial Decree n° 2010-00032 of 15 January 2010 *portant statut des taxis parisiens modifié par l'arrêté n° 2011-00577 du 20/07/2011* in RAA of 22 January 2010.

¹⁷⁸ Decree No. 70-214 of 12 March 1970 *portant transfert des attributions du Préfet de Paris au Préfet de Police en matière de voitures de place et d'industrie du taxi*.

In order to practice this profession, candidates have to pass a professional exam to guarantee the quality of the service and then obtain a parking authorisation by buying that of another driver or by applying the Prefect of Police of Paris for a new one. In the last years, the number of licences delivered by the Prefect increased by one hundred each year (15,300 in 2007).

Tariffs of taxis are regulated by Decree No 87-238 of 6 April 1987¹⁷⁹; this is an exception allowed for reasons of security and public order to the principle of free determination of price which is provided by Article L. 410-1 of the Trade Code. The text of the decree details the elements of the price of the taxi service, notably, the pick-up charge, some hourly fees or rate per kilometre and some supplements.

In Paris, three different hourly fees and rates per kilometres should be applied according to the zone (Paris *intra muros*, city or suburb), the day (during the week, weekend or holiday) and the hour (at night, peak hours).

One of the biggest problems is the inadequacy of the supply in comparison to the demand in big cities like Paris. This situation affects the price of the licences which increased by more than 50 per cent in the years from 2004-2007 (up to EUR 18,000).

The same conclusions on the lack of supply were reached by a survey¹⁸⁰ on user satisfaction in Paris conducted in December 2010 by the Union Nationale Des Industries des Taxis. A survey of 866 users getting off from taxis was carried out concerning the quality of the service provided and counting the taxis in the taxi stations overtime periods of 15 minutes to assess the standard of supply of the service.

As to the quality of the service, almost everyone is satisfied about the vehicle itself, the cleanliness, conditions and comfort of the vehicle but only half of the users thought that the quality of the vehicle was excellent.

Concerning the driver, almost everyone was satisfied with the drivers, the driving behaviour and their choice of route, but only half of the users think that the quality of the drivers was excellent. Only taxis having as their destination the airport have better results for the supply and choice of route.

Concerning the supply of the taxi service, almost everyone was satisfied with the place of taking the taxi and with the waiting time, but only half of the users thought the quality was excellent. The waiting time before the pick-up was 9 minutes on average, and 2 minutes in taxi stations.

As for the number of taxis and taxi users, there were 5 people waiting and 3 taxis on average. A higher average was assessed in Gare du Nord (30 people waiting per 6 taxis) and on Place de Clichy where the supply is clearly inadequate (5 people for 2 taxis).

Between 1 p.m. and 5 p.m., the number of taxis is more than the number of users but between 8 a.m. and 1 p.m. and 5 p.m. and 8 p.m. the number of taxis is inadequate.

Only 70 per cent of the users are satisfied with the price of the service and only 18 per cent of them think that its quality is excellent.

Conclusions

¹⁷⁹ Decree No 87-238 of 6 April 1987 *réglementant les tarifs des courses de taxi* in OJ of 7 April 1987 Page 3872.

¹⁸⁰ *Baromètre de satisfaction UNIT 2011*, available at : <http://www.unit-taxi.fr/img/fichiers/21/synthese-barometre-unit-2011.pdf>

Paris has not adopted a Quality Charter but quality requirements are contained in the contract concluded with the transport operator.

The STIF decided to pay more attention to passengers' perception of the quality of the service and its coherency with the standards adopted. First of all, it made a survey¹⁸¹ of more than 20,000 passengers in a year. Secondly, it put in place some special committees (*comités de ligne*) which intend to create a forum for the exchange of views of the passengers' representatives, elected representatives, operators and the STIF.

PRAGUE

The Prague Public Transit Co. Inc. (PPTC) is among the most important urban mass transit operators in the Czech Republic.

The Terms and Conditions of Transport of the Prague Integrated Transport (the "Terms and Conditions of the PIT") became effective on 14 December 2008 and have been amended seven times since then. The last amendment became effective on 10 February 2012. The Terms and Conditions contain 18 articles specifying issues imposed by the Civil Code, the Act on Road Transport, the Act on Railways, the Act on Inland Waterway Navigation and the rules of transportation (as described below).

From a legal point of view, the Terms and Conditions of the PIT represent a public offer for entering into a contract on the transport of persons. Urban public transport in Prague is organised as an integrated urban transport system, which includes a public network of metro lines, trams, buses, ships and a funicular provided by the operators within the integrated transport system. The coordination of this integrated structure is ensured by a separate legal entity – Regional Organiser of Prague Integrated Transport – in cooperation with the Prague City Hall.

Quality standards

To ensure the quality of its services, the PPTC employee Quality Standards, part of its Service Quality Programme, defines the standard level (limit of unacceptable performance) and procedures in case these levels are not reached, including responsibility for implementing appropriate measures in relevant areas. The public management authority ROPID Co defined Quality Standards for Prague Integrated Transit (PIT), which also respects the principles of EN 13816.

PIT quality standards address the following areas: on-time operation, providing information, welcoming passengers, uniforms, ticket dispensers, barrier-free facilities in the metro, adherence to the timetable, transit accessibility in metro stations, metro operations safety and metro energy efficiency.

PPTC quality standards are: operational accuracy, information to the public, welcoming passengers, uniforms, functionality of ticket dispensers, availability and convenience of barrier-free facilities in the metro (elevators and lifts), meeting the metro train timetable, transport availability at metro stations, and vehicle cleanliness and appearance. In 2012, new quality standards are in test operation, concerning metro operation safety and metro energy efficiency.

Apart from its own and stricter quality standards, the PPTC also meets Prague Integrated Transit quality standards defined by its organiser (ROPID), which currently apply only to bus transport.

¹⁸¹ Website STIF, L'observation de la mobilité, available at: <http://www.stif.info/les-developpements-avenir/observation-mobilite/185.html>

Certification takes place pursuant EN 13816 only for metro operations. The Service Quality Programme is managed by a company-wide coordination group consisting of managers of relevant PPTC departments.

The indicators listed in the questionnaire for transport operators are all adopted by the quality service except the liability for persons and luggage.

Accessibility

The PPTC Quality Programme includes the following criteria: I- Reachability and II- Accessibility pursuant EN 13816. The operator provides, for people with disabilities or special needs, low-floor vehicles (tram, buses), structural modifications to surface transit stops, a guidance and information system for various types of handicaps (primarily for the blind and visually impaired), installing elevators in below-surface stations and information on barrier-free travel on the PPTC's website.

Disabled persons have a priority right to the specifically reserved seats for the disabled. There must be at least two seats reserved for the disabled per carriage.

Some vehicles are equipped with a moving platform enabling entry to and exit from the vehicle. The driver of a vehicle uses the moving platform to help disabled persons if the vehicle is equipped with such a platform.

Information to passengers and tickets

As regards provision of information, the Operator has the following obligations:

- i. to provide information about the Terms and Conditions of the PIT, timetables, closures and the transport rates at the premises assigned for contact with passengers;
- ii. to post an extract from the Terms and Conditions of PIT in metros, trams, buses, and in the metro stations; similar rules apply to information about closures; to provide information about fares and about the way tickets are to be used.

The Operator is further obliged to provide orientation and information for passengers by means of signs. In case of disabled persons, places primarily intended for use by them need to be designated.

Tickets

Tickets are divided into several tariff categories. The basic tickets are paper tickets, SMS tickets and transit passes (valid for various time periods, such as one day, one week, one month, or longer). Tickets can be bought at selected newspapers stands, at DPP sales points and from ticket vending machines at public transport stops. Transit passes are sold at DPP sales points, or the passenger can pay for the prepaid ticket over the Internet. SMS tickets can be bought by sending a text message. Authorised inspectors are empowered to check whether tickets are valid/have been validated.

Within Prague, children up to the age of six can travel free of charge. Except for trains in Prague, persons above the age of 70 (an ID card or passport is required as proof of age) and physically disabled persons¹⁸² are transported free of charge.

The tariff also defines other groups of persons who are entitled to transport free of charge (members of the police force and armed services, members of parliament, etc.).

Cancellation and punctuality of services

In the event of a delay or cancellation of a connection the operator of urban public transport (unlike other kinds of transport operators) is not obliged to issue a confirmation about such delay or cancellation.

Passengers are entitled to request the return of their transport fare if transport is cancelled for reasons that fall under the responsibility of the provider or if the delay is longer than 60 minutes. If transport is interrupted for reasons that fall under the responsibility of the transport operator, replacement transportation must be arranged by the transport operator. There is no possibility to claim a fare rebate if the passenger uses such replacement transportation.

Cleanliness of rolling stock and station facilities

The Operators are obliged to keep the stopping points and the stopping point shelters operational and clean.

Passengers are obliged to help maintain the cleanliness of a means of transport or risk a sanction of CZK 400 for infringement.

Liability for persons and luggage

The rules concerning liability of operators caused to passengers and their luggage are not specifically governed in the Terms and Conditions of the PIT but are governed by the respective stipulations of the Civil Code and the Act on Road Transport.

Under these, the operators are liable for damage caused to passengers and their luggage. Their strict liability is only excluded if all reasonable efforts were made to prevent such damage. Further, under the Regulation on the Rules of Transportation, operators' liability for damage caused to passengers' luggage can be excluded in the following situations: (i) the luggage was not packed appropriately for the transported item, (ii) there were prohibited items in the luggage, (iii) the damage was caused by the passenger.

Service guarantees

The service guarantees offered to passengers are the regular monitoring of whether given quality levels (an overall assessment of the given quality standard) are being met, and defining corrective measures if these levels are not met. Passengers are offered specific guarantees by providing low-floor connections for surface transit (marked in timetables).

Claim for damages/ insurance/ compensation

¹⁸² Who are holders of "ZTP" and "ZTP-P" cards. The exemption from the travel fees applies also to wheelchairs, guides and guide dogs, if these are accompanying the cardholder.

Passengers can claim compensation for damage by reporting its occurrence to employees of the carrier or to police officers that are investigating the accident, or damage caused to a passenger is noted and recorded during an investigation. Damage to a passenger is thus recorded, reported to the insurance company by the carrier and the passenger then makes a claim for compensation by providing proof of the degree of injury or property loss suffered to the carrier or directly to the carrier's insurance company, which makes the payment.

All of carrier's vehicles have operation liability insurance, and the carrier is also insured for any damage that may occur in areas and facilities where it operates providing public mass transit. The insurance is used to compensate passengers for damages to health and property, and for monetary compensation for non-property losses imposed by a court verdict.

The amount of compensation is determined by the insurance company based on documents regarding the true amount of the loss claimed by the injured party from the carrier or directly from the carrier's insurance company.

Delay/interruption in transport service

PPTC has internal guidelines for providing alternative transport (for example, the metro service is replaced by bus service or by a more frequent surface transport, primarily trams, depending on the area or time/duration and the reason why alternative transport needs to be provided).

Handling of complaints

Passengers have the right to submit complaints and claims against transit inspectors in writing or orally at the places designed for contact with passengers. The complaint needs to be submitted within 30 days of the occurrence of the matter in question. As mentioned above, passengers are entitled to request the return of their transport fare if their transport is cancelled for reasons that fall under the responsibility of the operator or it is delayed for longer than 60 minutes; however, the passenger is not entitled to claim compensation for damage caused by such a delay.

The company takes 21 days to process the submissions. In 2011, a total of 6,200 complaints were submitted with a reduction compared to the previous year. The most frequent reasons for complaints regard the failure to adhere to the transit service timetable (late arrivals from to 3 to 5 minutes) and failures in boarding passengers (running for connections, closing doors on passengers).

Survey

Once or twice a year customer satisfaction surveys are organised. One such survey is planned for 2012. Those surveys are usually conducted by issuing questionnaires to passengers.

PPTC makes *ad hoc* surveys, in light of their specific focus, and it considers that the total level of passenger satisfaction cannot be gauged. However, according to various evaluation surveys that have taken place in recent years, the passenger satisfaction can be estimated in the upper portion of the scale from 1 to 5.

All the passenger feedback is taken into account in the Service Quality Programme and in the daily management of all PPTC processes. The Quality standards are assessed every quarter and subsequently modified if needed. No important modifications have occurred recently.

Measurements are performed both directly (i.e. SW records) as well as via the Mystery Shopping method. Data is evaluated regularly and utilised by all levels of PPTC management.

Taxis

The only act regulating taxi service in Prague is the Directive of the City of Prague No 20/2006, setting the maximum taxi fees.

Even though there were various directives of the City of Prague regulating taxi services in Prague in the past, only the directive setting the maximum taxi fees is currently in force and it is the only local regulation to date.

The City of Prague issues taxi licences. An operator of taxi services is only entitled to provide such services with a vehicle that has been registered for such purpose by the municipality. Every taxi must be marked with a black and yellow luminous “TAXI” sign on its roof. Both of its front doors must carry its identification number and the basic fare rates. The same information, in greater detail, should also be available inside the taxi, along with the driver’s permit and a taximeter. These requirements are stipulated in Section 21 of Act No 111/1994 Coll., on road transportation. The competent body for taxi services in Prague is the Magistrate of the Capital City of Prague.

Taxi operators must adopt terms and conditions of service containing:

- Rights and obligations of the passenger and the provider of taxi services;
- Fees;
- Conditions regarding transportation of luggage; and
- Conditions regarding transportation of animals.

Conclusions

To ensure the quality of its services, the PPTC employee Quality Standards, part of its Service Quality Programme, defines standard level (limit of unacceptable performance) and procedures in case these levels are not reached, including responsibility for implementing appropriate measures in relevant areas. The public management authority, ROPID Co, defined Quality Standards for Prague Integrated Transit (PIT), which also respects the principle of EN 13816.

RIGA

The public transport in Riga is operated by Rigas SATIKSME, a limited liability company owned by Riga Municipality. It operates buses, trolleybuses and trams. From 1 January 2012, the company took over the private passenger transport (shuttle bus service).

The legislation on public transport, including urban transport, was adopted in 2007. It contains, among other issues, rules regarding the quality of services, the procedures for reviewing proposals and submission of complaints. The public transport service standards are determined by regulation of the Cabinet of the Ministry of Transport.

On the basis of the “Law on Municipalities”¹⁸³ and the Regulation of the Cabinet of Ministers No.843 “Order

¹⁸³ Article 43, Part 1, Point 8 of the Law on Municipalities – a council is entitled to issue binding regulations that provide administrative liability for violating them, if such is not provided for in law, regarding the use of public transport.

of Providing and Using of Public Transport Services”¹⁸⁴, the Riga City Council adopted its binding regulation No.165 “On the Usage of Public Transportation of Riga City”, dated 28 February 2012.

This Regulation sets forth the terms and conditions of use of public transport (tram, trolleybus and bus) in the public transport route network of Riga City.

In addition to other issues, this Regulation includes provisions regarding general matters, embarking and alighting of passengers, carriage of baggage and persons, administrative liability for non-compliance with the regulation and imposition of penalties.

Fares are regulated by the Riga City Council binding regulation No.89 “On Allowances on Fares in the route network of public transport of Riga City”.

Public service contracts

On 18 October 2011, the Riga City Council adopted its decision No 3783 “On the conclusion of public transportation services contract with Rigas SATIKSME for rendering public transport services in the route network of Riga City Public Transport”. The decision contains the draft of the service contract agreement between the company and the authority. The draft PSC included a good number of quality requirements set forth by the contracting authority¹⁸⁵:

1. Public transportation services tariff rate;
2. Public transport ticket system;
3. Allowances on fares;
4. Public transportation control;
5. The order on reviewing proposals, applications and complaints;
6. Determining the scope of compensation and payment thereof; and
7. The control of performance of contract.

The draft contract includes also the following appendixes:

1. Routes.
2. Justified reasons and unjustified reasons for non-performance of trips.
3. The description of quality management system processes to ensure the quality of public transportation services.
4. The description of a personnel management system.
5. Quality requirements for provision of information

This appendix provides, *inter alia*, that:

- The carrier is obliged to ensure accessibility to information regarding it as the provider of

¹⁸⁴ Article 34 of the Regulation Order of Providing and Using of Public Transport Services”–municipalities may establish other terms on the validity of tickets and their usage in public transport vehicles of the city.

Article 66 of the Regulation “Order of Providing and Using of Public Transport Services” – there may be other rules on carriage of baggage regarding public transport vehicles of the city.

¹⁸⁵ *Article 9.1.:* A contracting authority assigns and a carrier undertakes to comply with the minimum quality requirements set forth by normative acts regarding public transportation services and with the quality requirements set forth by the contracting authority, to ensure effective provision of public transportation services in the network of routes, and to improve the quality of public transportation services, the indicators of quality (availability, accessibility, accessibility of information, time, service for passengers, comfort and security) and the indicators of results.

Article 9.3.: A contracting authority has set forth the quality requirements by the Conception of Development of Electro-transportation of Riga City for Year 2004-2018 and the Conception of Development of Public Transportation of Riga City for Year 2005-2018 and other documents.

- services and the public transportation services
- The carrier must provide the information regarding services as comfortably, quickly and accessibly as possible, by using the appropriate communication means in the municipality concerned (mass media, websites, informative phone, client service centres, stops, public transportation vehicles etc.).
 - The appendix includes more detailed provisions regarding (1) the information on the carrier and its employees providing the services; (2) the information in public transportation vehicles and other places where services are provided; (3) the information at stops; (4) the information on the website of the carrier; (5) the informative phone.
6. Quality requirements for research and other intangible investments.
This appendix requires, *inter alia*, the carrier to organise passenger polls and to carry out certain research regarding specified matters in cooperation with certain institutions.
 7. Quality requirements for public transport vehicles and equipment therein.
 - The carrier must ensure the comfortable transportation of passengers taking into account the capacity (roominess) of its vehicles.
 - Certain equipment and utilities have to be provided in a public transportation vehicle.
 - In a public transportation vehicle there has to be a first aid kit; fire extinguishers and other equipment according to the applicable acts.
 - The carrier must ensure that all public transportation vehicles providing services ensure optimal air temperature, air contents, the permitted level of noises and vibration and light in the vehicle.
 8. Quality requirements for the infrastructure.
 9. Quality requirements for the personnel (including drivers) involved in the performance of a contract.
This appendix provides, *inter alia*, that the driver must have the professional knowledge, the knowledge necessary for transportation of passengers and adequate knowledge of the official language required for a particular position. A driver must be trained to provide first aid and to act in extraordinary situations and accidents.
 10. Accounting public transportation income and expenses.
 11. Determination of scope of compensation and the procedure for submission of complaints.
 12. The procedure for compensation.

As noted above, the contracting authority set forth certain quality requirements by referring to the Planning of Development of Electro-transportation of Riga City for Years 2004-2018 which provides the obligation for the carrier to provide modern low-floor trams and to modernise the trolleybus fleet with low-floor vehicles, and were possible, to replace trolleybuses with trams and buses on particular routes.

Quality Charters

The quality charter of Riga SATIKSME refers to the quality criteria included in the PSCs.

The company engages itself in the improvement of passengers' safety, information and comfort, accessibility to disabled persons and persons with reduced mobility and other quality indicators.

As regards the contents of the quality charter, the main objectives indicated are to provide an efficient route network of public transport services and to improve public transport service quality indicators (accessibility, availability, time, passenger service, comfort and safety). Other quality requirements include the provision of information, the quality requirements for public transport vehicles and equipment, the quality requirements for infrastructure, the quality requirements for staff and the quality requirements for research and other intangible assets that can improve the quality of public transport performance.

In Riga the customer and passenger associations are not directly involved in the preparation or monitoring of the quality charters, but Rigas SATIKSME takes into account the customer surveys on the recommendations and proposals submitted by phone and e-mail.

As regards the employee associations or representatives involved in the preparation and monitoring of quality charters, the staff of the department responsible are involved therein.

Service guarantees

The service guarantees offered to the passengers by the company are:

- (i) offering all passengers the chance to change vehicle (free of charge) if the current one is out of order for technical reasons. If a vehicle breaks down due to technical reasons, the driver issues a transfer ticket free of charge. This ticket is valid for one hour on any vehicle of Rigas SATIKSME;
- (ii) offering subscription ticket price compensation if the ticket not working or valid due to the carrier's fault. If the issued subscription ticket is not working or is not valid due to the carrier's fault, Rigas SATIKSME changes it to anew subscription ticket applying all benefits of the damaged ticket or returns the unused amount.
- (iii) offering to return the money paid for a subscription ticket if it has not been used.

If a subscription ticket has not been used, the passenger is entitled to a refund against a document evidencing payment as follows:

-90 per cent of the ticket cost before the first journey authorisation, but not later than one year from the purchasing of the ticket;

-75 per cent of the ticket cost for remaining time or unused journeys, but not later than one year from the purchasing of the ticket;

-100 per cent of the ticket cost before the first journey authorisation, if the ticket type fare is changed.

In case of delay of or interruption in the transport service, the Riga Municipality SIA RĪGAS SATIKSME is planning substitute means of transport and offering free transportation in an alternative means of transport.

Complaints

Rigas SATIKSME registers complaints in accordance with the subject matter of the complaint, analyses the reasons thereof and assesses the complaint itself, the cause thereof and the impact on the quality of service provided and responds to the complainant. It takes 10 days on average to respond.

Customer complaints are received: (i) by telephone via the free information number 80001919 (95 per cent), (the lines are open 24 hours a day and 7 days a week); (ii) by e-mail (4.5 per cent); (iii) by social media (0.29 per cent), and (iv) by the Customer Service (0.21 per cent).

The most frequent reason for complaints are (i) cancellation (public transport is not provided in accordance with a schedule); (ii) schedule information; (iii) customer service (route schedule delays, failure to comply with traffic rules), and (iv) electronic ticketing system out of order.

Accessibility

On the basis of the Planning for Development of Electro-transportation for the period 2004-2018, the company has started to modernise the fleet.

At the end of January 2011, a new fleet of trams, with a capacity of 300 passengers each replaced two 2-tramcar sections in service until the end of 2010. The trams are composed of three interconnected sections allowing passengers to move through the vehicle. They are equipped with a movable platform for the disabled, as well as special ventilation and air conditioning systems. Seats reserved for PRMs are indicated in different colours and with stickers and there are electronic panels indicating the stops.

Furthermore, the company introduced a special section for handling of complaints exclusively with regard to failures to comply with accessibility requirements. The complaint procedure is the same for other types of complaints but a dedicated member of the staff is in charge of these complaints.

E-ticketing

One of the new means to improve the interconnectivity and interoperability of the service and to avoid ticket falsification is the introduction of the Electronic ticket system, called "e-ticket".

The personalised e-ticket contains the holders' data (photo, name and surname) and is valid for 5 years. It is compulsory for those passengers who use fare discounts in public transport, except for those enjoying a 100 per cent fare discount granted by the state (except for groups 1 and 2 disabled persons and disabled persons up to the age of 18).

It is designed for one-month tickets and tickets for a certain number of trips.

It can be topped up in ticket vending machines, kiosks and on the Internet.

If the ticket is lost, it can be blocked and restored without losing the services paid.

They have to be used within 12 months from the moment of purchase, except when the tariff of the ticket type changes or the ticket type is cancelled and the Riga municipal company "*Rīgas satiksme*" sets a transition period for the validity of the ticket type.

Insurance/Damages

A passenger can claim for damages for an accident suffered according to civil law and the Compulsory Civil Liability Insurance of Owners of Motor Vehicles Law.

Survey and monitoring

According to the New Contract for public services between the City council and the company, the following parameters are taken into consideration to assess the quality of services: information and tickets; punctuality of services; cancellation of services; interconnections; cleanliness of means of transport and station facilities; safety of services; customer satisfaction surveys; complaint handling, refunds and compensation; assistance to disabled persons and persons with reduced mobility. The liability for personal injuries and damage to luggage is not considered when assessing the quality of services.

At least once every two and half years, Riga SATIKSME organises customer satisfaction surveys on public

transport in general and on certain factors. From April to May 2011, a research centre "SKDS" RP conducted Rigas SATIKSME" customers satisfaction survey in Riga. The study revealed that public transport passengers are generally satisfied with the current state of tram, trolleybus and bus transport in the city of Riga, the average score being 7.4 points (6.8 points in 2008), rated on a scale from 1 to 10.

The feedback received from transport users serves as a basis for further upgrading of the services provided by Rigas SATIKSME.

According to the New Contract of public services between Rigas SATIKSME and the Riga City Council, the quality requirements are reviewed in accordance with legislative and customer requirements. In the last version of the quality charters the exact requirements regarding the availability of transport, the access to information, time, the service of passenger, comfort and safety were defined.

Taxis

Generally (irrespective of the municipality involved), the carriage of passengers by a taxi is regulated by the Law on Carriage by Road. According to this law, such activities may be performed only if a carrier received a special authorisation (licence) issued by the relevant municipality (Article 35).

The special authorisation (licence) grants the right to perform carriage by passenger taxis only in the relevant administrative territory, as well as to transport a passenger to any place outside such a territory. Besides, a municipality approves the provisions for licensing and the location of passenger taxi stops, and defines a distinctive sign and its placement on a taxi vehicle.

Regulation No 468 on Carriage of Passengers by Taxis (valid since 3 July 2012) is the general regulation adopted by the Cabinet of Ministers and it is applicable also to carriage of passengers by taxi in Riga. This regulation defines, *inter alia*, the procedure determining how carriage of passengers by taxis is to be carried out, the terms and conditions for the rights and obligations of taxi drivers (Part VI of the Regulation) and for the rights and obligations of passengers (Part VII of the Regulation).

In addition, the Riga City Council passed several binding regulations regarding carriage of passengers by taxis. These regulations include:

1. Regulation No 62 "Licensing of Carriage of Passengers by Taxis", dated 11 May 2004, adopted in accordance with Article 43, Part 4 of the law "on municipalities" and Article 35, Part 1 of the Law on Carriage by Road;
2. Regulation No 155 "on Charge regarding Issuing of the Special Permission (Licence) Fee for Carriage of Passengers by Taxi", dated 13 December 2011, adopted in accordance with Article 21, Part 1 of the law "on municipalities" and Article 35, Part 1 of the Law on Carriage by Road;
3. Regulation No 118 "on the Maximum Fees (tariffs) for Carriage of Passengers and Luggage by Taxi", dated 29 March 2011, adopted in accordance with Article 44, Point 4 of the law "on municipalities" and Article 39, Part 5 of the Law on Carriage by Road";
4. Regulation No 2519 "on Parking Places of Taxis", dated 12 June 2007."

In order to perform carriage of passengers by taxi, starting from year 2010, the fleet must be renewed ensuring that vehicles not older than 8 years are used for servicing passengers.

The Control Service of the Traffic Department of Riga City is controlling the compliance with this regulation and other binding rules.

Conclusions

The Regulation on the Usage of Public Transportation of Riga City sets forth the terms and conditions of use of public transport (tram, trolleybus and bus) in the route network of public transport of Riga City and includes provisions regarding general matters, embarking and alighting of passengers, carriage of baggage and persons, administrative liability for non-compliance with the regulation and imposition of penalties.

The quality requirements are included in the contract of public services with the Council of Riga City. The improvements are aimed at improving passenger safety, information and comfort, accessibility to disabled persons and persons with reduced mobility and other quality indicators.

As regards the contents of quality charters, the main tasks are to provide an efficient public transport services route network and to improve public transport service quality indicators (accessibility, availability, time, passenger service, comfort and safety). Besides, certain quality requirements include the quality requirements for provision of information, the quality requirements for public transport vehicles and equipment, the quality requirements for infrastructure, the quality requirements for staff and the quality requirements for research and intangible assets that can improve the quality of public transport performance.

ROME

Rome is the second largest city in Europe in terms of surface area and is a powerful magnet for tourists from all over the world. ATAC S.p.A. (ATAC), the *in-house* urban public transport operator of the Municipality of Rome, serves the Italian capital and is one of the largest European local transport companies in terms of vehicles used and territory covered. ATAC operates over a territory of 1,285 square kilometres where more than two and half million people are on the move. The other public transport operator in Rome is Roma TPL, a fully private company, which was awarded a contract in 2010 to cover 20 per cent of urban public over ground transport.

In 2010, ATAC was restructured and it incorporated Met. Ro, the company in charge of metro transport in the city. Following the reorganisation of the urban public transport companies, the *Agenzia Roma Servizi per la Mobilità* was created, which is specifically dedicated to planning, monitoring, and control of urban transport. The monitoring of the quality of urban public transport services in the capital is the main task of this agency, which also supports the public authority, the Municipality of Rome, in drafting public transport service contracts with the operators, ATAC and Roma TPL. The agency is also in charge of awarding taxi licences.

The agency is in charge of monitoring compliance of the urban public transport services provided with the quality indicators included in the public service contracts between the municipality and the two operators. The compliance regards principally punctuality, cleanliness and maintenance of rolling stock and facilities. The agency is responsible for carrying out quality surveys to assess the quality perceived by the users.

Another task of the agency is to ensure constant information to users, through tools that provide updated information on urban transportation in real time.

The charter set out the results in terms of compliance with the quality indicators, with regard to service to customers, in particular at info points, call centres and the accessibility centre. The transport information

service has shown a remarkable increase in the use of the IT tools to obtain real time information on urban public transport.

The urban public transport is provided by the following operators:

ATAC S.p.A. is the principal transport operator providing over ground urban transport lines (tram, bus), urban transport underground lines (metro), urban and extra-urban light rail transport, school transport and bus service for disabled people. ATAC also manages exchange parking points, where the users may leave their cars and take public transport towards the centre of the city.

Roma TPL Scar provides local bus transport. The company was awarded, following a tender procedure, the service contract to cover around 20 per cent of urban local transport and urban peripheral lines.

COTRAL S.p.A. is the bus services company in charge of regional transport in the Lazio Region. COTRAL provides also the urban public transport to municipalities outside Rome from interchange points at metro and train stations.

The local train service is provided by a branch of Trenitalia S.p.A., Ferrovie dello Stato trasporto locale.

Public service contracts

- ATAC S.p.A.

The provision of urban public transport is regulated through public service contracts between the operators and the Municipality of Rome or the region for urban public transport falling under regional competence, such as local rail transport.

The PSC between the Municipality of Rome and ATAC includes provisions regarding provision of service, quality, monitoring, mobility charters and relations with users.

According to Article 3 of the PSC, ATAC has the duty to provide a Charter of Service for the UPT in Rome, and the duty to survey the level of customer satisfaction.

Monitoring the service includes transmission, each month, of data on the volume of the service provided and the regularity of the lines. ATAC should introduce an automatic system for the survey which would transmit this information directly to the municipality.

Article 7 obliges ATAC to survey the level of user satisfaction in terms of expected/perceived quality. The monitoring should be performed by an independent company. ATAC must inform the municipality each month on the development of the survey activity and the public authority can send inspectors to check the correct implementation of the survey procedures.

Article 9 establishes the obligation for ATAC to draft, each year, a Charter of Service and provides for a penalty of EUR 10,000 in case of non-compliance with the provision.

Articles 15 and 16 impose on ATAC an obligation to provide information to passengers at the stops and in the stations on the number of rides, first and last transport of the day, stops, timetable and days of the week of the provision of the service.

Other information services to the passengers must be provided through the ATAC website; the information must include the journey, tariff system, timetables, and any events that may disturb or disrupt the public urban transport.

- Roma TPL

The PSC between the Municipality of Rome and Roma TPL is not available, but based on the information reported on the website, the contract includes specific provisions on quality of the service. In particular, the company has to perform the service with a new generation low-environmental-impact buses fully accessible to all categories of users. Among the technological innovations of this new generation of buses there are on-board computers, 4 video surveillance cameras in one on the front windows that frames the state of the road, photocells counting the number of persons at stops and a control system; speakers for internal audio, placed in the front and the rear of the vehicle; an external speaker on the front door, electronic signs outside in front, side and rear; indicating "next stop" and the itinerary on an electronic visual display; external and internal signs for the next stop.

Tickets and fares: in Rome and the surrounding areas it is possible to take different transport modes operated by different transport companies thanks to single zone tickets (Metrebus Roma and Metrebus Lazio). Combined ticket fares are calculated solely with reference to the distance travelled regardless of the carrier. The Region has been divided into fare zones. Zone A corresponds to the Rome Area where the single ticket is valid on Cotral, and Trambus and Metro, both operated by ATAC.

Quality charters

- ATAC

ATAC adopted a quality charter (*Carta dei servizi* 2011) that provides information on the services offered, the quality indicators and improvements thereto, and constitutes an instrument for the dialogue with citizens and transport users. In this context, the transport operator already adopted an initiative for more security, better accessibility for all categories of users, more comfort in the modes of transport, the protection of the environment and quality of life.

Quality indicators are: assistance to passengers, accessibility, selling points (numbers/inhabitants), punctuality, comfort, cleanliness, information and communication, environmental protection, interconnection points for sub-urban transport.

On the basis of the public service contract with the Municipality of Rome, ATAC pursues the following goals: efficient and reliable urban public transport promoting use of public transport and reducing use of private cars; reduction of environmental impact; increased security for the company employees and compliance with ethical principles underlying corporate social responsibility.

ATAC has ISO 9001, ISO 14001, SA 8000 and OHSAS 18001 certification.

- COTRAL

The principles on which the Passenger Charter and Cotral's services are based are as follows.

Equality and impartiality The company provides services that are accessible to all on a non-discriminatory basis. The company treats customers with objectivity, impartiality, courtesy and transparency. The company guarantees equal treatment for all social groups such as the disabled and senior citizens in all areas of the region through the improvements required by this Charter.

Continuity

Cotral engages itself in guaranteeing the continuity and regularity of its services through limiting disruptions and inconvenience caused by strikes to the fullest extent possible by promptly providing advance notice of industrial action.

Participation

Customers have a right to the proper and fair use of services and Cotral facilitates their participation, and cooperation by ensuring the availability and accessibility of information on the services offered. Cotral hereby undertakes to measure the quality of services provided, survey customer satisfaction and promptly respond to customer complaints. Another factor fostering participation is staying in constant and continuous contact with local authorities

Agenzia Roma per la mobilità

Since the agency is not a transport operator it is not legally obliged, pursuant toDCPM30/1998, to publish a charter of services. However, pursuing the goal of transparency and better quality of service, they have decided to adopt a quality charter. This charter was submitted to the user and consumer associations in the view of ensuring dialogue and cooperation on urban transport.

Passenger rights

Both ATAC and Cotral recognise the passengers the following rights: security; continuity and certainty of the services also through rational integration of modes of transport; publication and availability of frequencies and times with particular regard to the coordination of transport modes necessary for the completion of the journey; access to information on travel, tariffs and transport modes at the stations, boarding platforms and on vehicles, as well information on the onward journey by alternative modes(if possible) in case of malfunctions or accidents; respect of departure times and frequency of vehicles consistent with the general traffic situation; hygiene and cleanliness of vehicles, stations and terminus; efficiency of support equipment and infrastructure; shortening of waiting times at counters (ticket offices, information); procedure for dealing with suggestions and complaints and response thereto; compliance with provisions relating to the "smoking ban" on vehicles and in public places.

Survey and monitoring

ATAC has a survey on quality which was carried out by a specialised company.

Below is the level of consumer satisfaction indicated in the quality charter 2011.

| Services | Per cent of satisfied users |
|----------|-----------------------------|
|----------|-----------------------------|

| | 2009 | 2010 |
|--------------|-------------|-------------|
| Bus, tram | 70 per cent | 72 per cent |
| Metro | 74 per cent | 73 per cent |
| Paid parking | 66 per cent | 91 per cent |

COTRAL developed an index, (CSI, the Customer Satisfaction Index) to measure customer satisfaction that serves to ensure the quality of the service provided and perceived by all customer groups, the image of the Company and the overall satisfaction.

Complaints

For both ATAC and COTRAL any submission of complaints must be addressed to the competent office via e-mail, online form, phone, fax or letter. The submission must clearly indicate the reasons of the complaints and the relevant documents to support the application attached. The ATAC Charter does not indicate any timeline for response. COTRAL also provides that the staff should be available to help the customer in submitting the complaint and, if possible, to provide an immediate response. COTRAL provides an answer in 30 days.

Insurance/damages

The ATAC Charter indicated the maximum operation liability insurance for damage to persons, property and animals during transport. The customer must address claims for damages suffered while travelling over ground and underground to the company's insurer whose name is indicated on the charter. The request must contain the time and date of the accident, a copy of the travelling ticket, plate of the vehicle or a serial number and the name of the driver. The COTRAL Charter does not contain any mention of insurance.

Taxis

In 1998, the Municipality of Rome adopted a resolution on the basis of a framework national law and regional law granting the municipality the management and organisation of other public transport services. The resolution provides the instruments for regulating taxis (rates, shift, supply limitation, consumer protection), the Code of conduct (obligations of the driver), the Guarantee Commission and the contents of the charter of services.

This regulation was consolidated in resolution No 68 of 8-9 November 2011.

Municipal resolution No 1405/1999 defines the contents of the charter of service for the taxis. The principle of the charter is the equal rights of citizens and impartiality. No distinction or discrimination is allowed for reasons of sex, race, language, religion or political opinion in provision of the service. Drivers must pay particular attention to persons with disabilities, the elderly and people belonging to weaker sections of society.

According to the charter, taxi drivers are required to perform the transport service continuously without interruptions. If there are any special mobility needs, taxis must undertake to perform services in an

emergency. In case of service or interruption due to a strike, a minimum service must be ensured in accordance with the rules governing strikes in the sector.

Citizens can participate in the discussion on the organisation and performance of the service either individually or through associations that represent them and they have access to the information regarding the non-line public transport services through a dedicated free number that was established for that purpose by Department VII of Rome.

Some taxi companies have adopted their own charters on the basis of the quality requirements of the municipal charter.

The main commitments towards passengers are politeness of the call centre employees when a passenger calls to reserve a taxi, the clarity of information, punctuality of the service, cleanliness of the vehicles, identification of the drivers and easiness in submitting complaints.

The charter undertakes to ensure the clarity of tariffs by introducing POS for payment with electronic cards.

The charter provides that the passenger has the right to reimbursement in case of delay of over 30 minutes in the service if the customer has no reservation and in case of delay of 15 minutes if the customer has a prior reservation. No reimbursement is provided if the delay is due to unpredictable conditions.

The companies have an insurance to cover liability for personal injuries and damage to property in case of an accident while travelling.

For people with disabilities and the blind, a special transport service managed by ATAC is available, which must be reserved. The service is free of charge and can be used for journeys which are necessary for study, work or health care. Furthermore, in February 2010, ATAC created six public transport lines equipped with a moving platform for people on wheelchairs. Trains are equipped with a camera and an automatic system for opening/closing the doors and tactile maps for blind people and a vocal system for information.

Conclusions

The Italian capital has an extensive transport network. The compulsory provisions of the Italian legislation on the adoption of the quality charters, also for taxi operators, clearly set out passenger rights and their enforcement.

STOCKHOLM

Public transport in Sweden is regulated at national and regional levels. The main piece of legislation is the new Public Transport Act (SFS 2010:1065) (*Lag om kollektivtrafik*, the “Transport Act”) which came into force on 1 January 2012. The Transport Act defines local public transport as all transport services within an administrative county as well as all transport services that stretch over several administrative counties considering that the selection of the means of public transport benefits commuters or other everyday travelling¹⁸⁶. Pursuant to the Transport Act, each administrative county has an authority responsible for local regional public transport.

¹⁸⁶ See Chapter 1, Art. 2, Para 1 of the Transport Act.

The management of local public transport is assigned to the current county council and the municipality of the appropriate county¹⁸⁷ but a sole assignment to one of the abovementioned organs may exist as well. A common structure for management of local public transport consists of each administrative county establishing a public transport company. These companies then procure public transport services from operators. However, many of the counties and municipalities have transformed such companies into organisations coordinating and purchasing transport services rather than operating it.

County public transport companies are primarily responsible for local buses in big cities and rural regional buses. Some county transport companies are also responsible for rail or other modes. Each regional public transport authority in each county is responsible for developing and adopting regional transport security programmes¹⁸⁸. Planning of regional public transport must be strategic and have long-term character.

The Stockholm City Council of the city procures transport through its subsidiary, SL AB, the Public Transport company (*Storstockholms Lokaltrafik*, literally: Greater Stockholm Public Transport, hereinafter referred to as “SL”)¹⁸⁹.

SL’s network consists of:

- the Stockholm Metro (*Tunnelbanan*);
- two urban rail systems (*Roslagsbanan* and *Saltsjöbanan*);
- a suburban rail system: the Stockholm commuter rail (*Pendeltåg*);
- three light rail systems (*Nockebybanan*, *Lidingöbanan*, and *Tvärbanan*);
- a tramway (*Spårväg City*);
- a large number of bus lines, and
- the inner-city boat line (*Djurgårdsfärjan*).

Public service contracts

SL maintains the long-term planning and integration of the system and delegates the operation and maintenance of public transport services to several contractors. The operators are responsible for the daily planning and operation and for quality management.

SL’s procurement of services are founded on gross cost contracts¹⁹⁰, through which quality or revenue incentives make the operator focus not only on the production and costs but also on revenue and passenger satisfaction. A bonus is related to quality perceived by the customers, number of trips, sales and some other dimensions.

SL and the operator conclude a series of schemes designed to be practical but contract-based tools for implementation and measurement of quality improvements. Failure to achieve improvements in quality would result in the contract not being prolonged. Examples on perceived quality are cleaning and staff conduct, local line quality, ridership growth and fraud reduction.

¹⁸⁷ See Chapter 2, Art.1 of the Public Transport Act.

¹⁸⁸ See Chapter 2, Art 8 and Art 9 the Transport Act.

¹⁸⁹ See the SL website: <http://sl.se/en/Visitor/Plan-your-journey/>.

¹⁹⁰ K. JANSSON, Quality incentives – quality outcome in procured public transport, case study Stockholm, 2007, available at the following link: http://www.thredbo.itls.usyd.edu.au/downloads/thredbo10_papers/thredbo10-themeC-Jansson-Pyddoke.pdf

There is systematic quality management by cooperation of the Public Transport Authority and the operator with the operator's own internal control and SL's customer interviews and surveys as well as random controls. These contracts state that they are each subject to measurement by an independent company jointly appointed by both parties. Normally measurement takes place around 4 times a year. In addition, SL carries out a Customer satisfaction survey twice a year.

The spirit of the contract between SL and the operator is that the latter should require the transport operator to achieve both challenging and realistic targets every year if they are to deliver continual service quality improvement.

The spirit of the contracts is also that of a "rolling benchmark": until the transport operator achieves the final goal set – after one improvement, it does not have the opportunity to earn more money unless it improves on that previous level achieved.

A model type of public service contract is represented by the one concluded by SL with MTR Corporation Limited, regarding the Stockholm subway. The procurement in 2009 awarded, for a period of 8 years with a possible extension for another 6 years, the full responsibility for running and maintaining the subway in Stockholm to MTR.

It is noteworthy that the contract between SL and MTR lists customer service and satisfaction as parts of the assignment. The main features in the contract between SL and MTR concerning passenger rights are regulated in appendices to the main agreement. MTR is responsible for maintaining traffic regulations and tariffs as set out by SL. The appendices, especially Appendices 2D and 4D are linked to passenger rights and regulate, *inter alia*, accessibility to infrastructures.

Accessibility

SL is committed to making public transport in Stockholm accessible to everyone. To this end, SL is working to improve accessibility¹⁹¹ in the SL service network all the time.

The SL is lowering the tracks at the metro stations so that there will be no height difference between the train and the platform. It makes it easier to get off and on. This work is nearly completed.

The Stockholm transport operator is also planning to replace all commuter train carriages with new ones, where the floor of the carriage and the platform are at the same level. Now, both new and old carriages are used.

All new buses are provided with ramps, so that a wheelchair user or a walker user (frame device) can easily get on and off even at bus stops where there is a height difference between the bus floor and the ground. In Stockholm City most buses are of the floor-level type, which enables easy boarding and alighting.

However, if the traveller is not able to use regular public transport, the SL has provided some alternatives.

The first is represented by the Nartrafik bus service, consisting of small buses with low floors, for easy boarding and alighting, which goes past shops, sheltered housing and healthcare centres. Although the service

¹⁹¹ Information available on the SL website: <http://sl.se/en/Visitor/Plan-your-journey/Accessibility/>.

is available to all those having a SL ticket, the service is conceived to be of use mostly for pensioners because it runs only during daytime at off-peak times. Drivers are trained to help passengers with wheelchairs.

The second means is represented by the flexible journey by wheelchair taxi. SL has been entitled by the Swedish Special Transport Service Act to provide the “special transport service”, which is intended to be a form of public transport for people with permanent disabilities. This special service grants public transportation to persons with reduced mobility through specialised vehicles or wheelchair taxis, depending on the traveller’s disability. The vehicles are purpose-built cars with space for a wheelchair and ordinary seats and are provided with a wheelchair lift or ramp. The reservation is made spontaneously just like an ordinary taxi. Both services are provided free of charge.

Stockholm’s transport operator introduced Digital information displays and automatic service announcements in more and more bus terminals. Notably, there are digital information displays on all buses, in Metro carriages, on the *Tvårbanan* trains, and in the new commuter trains, showing line information and the name of the approaching station. Not only is this good for the hearing impaired, but it is also helpful for those that do not understand Swedish very well.

An important initiative is represented by the Children and Young People’s Committee, consisting of special transport service travellers, aged 10 to 20, with varying disabilities. The aim of the committee is to deal with the views and suggestions for improvements that are received so that public transport can be improved.

Fight against fare dodging

The transport operators have adopted several measures to fight against the fare dodging. There are more effective ticket checks at the Metro and commuter rail barriers, more exit checks, high glass barriers and a new card which is difficult to forge.

Interconnections

As to intermodality, it is noteworthy that the Swedish Transport Administration, in co-operation with the City of Stockholm, Stockholm County Council, and SL, is planning a City Line Project, or the Green Tunnel, comprising a 6 kilometres-long commuter train tunnel (in rock and water) beneath Stockholm, with two new stations (Stockholm City and Stockholm Odenplan), and a 1.4 kilometres-long railway bridge at Årsta. As Stockholm Central Station is overloaded, the purpose of this project is to double the city’s track capacity and improve service efficiency. Operations are scheduled to begin in 2017. SL has a common ticket system in the entire Stockholm County, which allows for easy travel between different modes of transport.

Security and safety

To enhance security, all SL service vehicles have been equipped with an alcohol ignition interlocks and new technologies are being investigated. A new fire-alarm system has been installed and conceived to react both to fire and gas produced when making graffiti. The system will enable detection of both fire and damage at an early stage.

To ensure the safety of staff and passengers, the SL has trained security guards (“safety resources” or “safety patrol”) and distributed them on different modes of transport. Special safety rooms have been installed in 5 main stations where persons who have been detained can wait for the arrival of the police.

Frequency and Regularity

The public transport company for Stockholm, SL AB, has put in place a refund system for delayed or cancelled journeys. The transport refund system applies to all Stockholm urban transport services in the Stockholm region and some cross-county commuter trains. The refund system does not apply to chartered traffic or other special services, or transport by boat. The refund system applies to all means of transport offered by SL AB.

The SL is committed to providing also a “travel guarantee”¹⁹²: the traveller will receive compensation up to SEK 800 (EUR 87) for a taxi journey or ticket costs with another traffic service company’s trains, buses or boats, if the traveller risks being delayed by 20 minutes or more as a result of disturbances to the service or as a result of poor information provided by SL.

Claims for reimbursement must be made within three months of the delay. If refused, the claim may be appealed against within 3 months from the date of rejection. The refund system does not apply to *force majeure* situations.

Taxi

The Swedish taxicab market was deregulated in 1990, and accordingly Sweden has plenty of experience of a taxi market exposed to competition.

The taxi market in Sweden consists of a large number of local taxi markets with very different conditions. Since deregulation, taxi companies are free to set their fares but are required to inform customers about the fare prior to trips. There are guidelines and agreements on how prices should be presented to customers both inside and outside the taxi. Taxis must also be equipped with receipt writing meters. There are however still some problems with price comparison and information asymmetry.

The main positive effect of deregulation is the increased competition in the taxi market and the consequent increased accessibility to customers. In addition, deregulation has made purchasing in competition possible for public purchasers, companies and authorities.

Conclusions

The contracts concluded by SL and the transport operators are based on an efficient system of quality incentives: until the transport operator achieves the final goal set, it does not have the opportunity to earn more money unless it improves on that previous level achieved (“rolling benchmark”). This goal-based approach grants a high level of quality of the transport service.

The most important quality indicators in urban public transport are duly taken into consideration. Special attention is paid to accessibility to the network, especially for persons with reduced mobility.

Finally, as the taxi market is operated on a commercial basis, it rarely contains quality charters. However, the deregulation of the market has entailed a more competitive market structure and lower prices.

In conclusions, the Swedish overall management of the quality of the urban public transport is positive.

¹⁹² Information available on the SL website: <http://www2.sl.se/templates/Page.aspx?id=4664>.

WARSAW

Warsaw Public Transport Authority (*Zarząd Transportu Miejskiego Warszawy*, hereinafter “ZTM” or the “Municipal Transport Authority”) is the managing, organising and controlling authority of local and suburban public transport in the Warsaw metropolitan area. It is an organisational unit of the Warsaw Municipality, dedicated for public transport.

On behalf of the City of Warsaw and 30 surrounding municipalities, ZTM carries out the tendering and contracting out of the public transport services. The counterparts are public and private enterprises, the former being owned by the city (bus company, tram company, metro company and railway company) or by the region (2 suburban railway companies).

In the field of public transport management, the Municipal Transport Authority of Warsaw contracts out the services provided by the three most important operators owned by the municipality¹⁹³:

- tram company: Tramwaje Warszawskie (TW);
- bus company: Miejskie Zakłady Autobusowe (MZA); and
- underground railway: Metro Warszawskie (MW).

In addition, there are two smaller bus operators contracted by the Municipal Transport Authority:

- RAPID-BUS Ltd; and
- PPKS Grodzisk Mazowiecki

ZTM signs public service contracts with both public and private companies setting different quality goals the operators are required to meet, subject to penalties. The quality indicators include punctuality, cleanliness, reliability, completeness of passenger information etc. This system guarantees a high level of service for the passengers. The service quality is controlled by controllers of ZTM.

High quality in terms of a good service speed and punctuality is guaranteed by ZTM in the phase of transport planning where ZTM tries to give public transport services a high level of priority in the road traffic. Dedicated lanes for public transport vehicles (buses, trams or both) are subsequently introduced; trams are prioritised at intersections and road crossings etc.

Accessibility

ZTM is planning to change its fleet considerably during the following 3 to 4 years – as they want to operate 100 per cent of the buses with no basic barriers (such as steps in the entrance doors), and offer seats immediately from the level of the floor, and 50 per cent in case of trams. At present, ZTM already has 70 per cent of such buses operating on weekdays during peak hours, and as much as 94 per cent during all holidays.

Low-floor buses and trams are equipped with a platform enabling access for baby carriages. The platform is installed on the second door from the driver’s cabin. The passenger wishing to use the platform should signal the driver. They may do so by pressing buttons placed on the outside of the vehicle or by the door, as well as

¹⁹³ G. Krzywkowska, Next Stop: Sustainable Transport- A Survey of Public Transport in Six Cities of Central and Eastern Europe, 2004, available at the following website: http://archive.rec.org/REC/Programs/environmental_policy/PublicTransport/documents/NextStop.pdf.

inside the vehicle by the seat for the passenger using the wheelchair. The buttons and the seat are marked by a wheelchair pictogram.

Designated seats with a special backrest equipped with safety belts ensure safe travelling.

Low-floor buses also offer a possibility to lower the entrance threshold to minimise the difference between the levels of the threshold and the pavement. This is a considerable facilitation for persons with impaired mobility.

Low-floor vehicle services are marked in the timetable by a frame surrounding the departure hour.

There is a lift available at each metro station to facilitate transport between the ground level and the platform. At some stations the lifts are installed only at the southern entrances. The lifts are clearly marked with a pictogram.

Information

ZTM bus stops are marked with traffic signs with a bus or tram pictogram. The sign is usually placed either on a pillar or the shelter. There are timetables available at stops indicating times of departure, and listing all stops on the route. Temporary timetables, with, e.g. diversions, are printed on yellow paper.

The automatic voice message system broadcasting information about the route and stops is available on 25 per cent of the trams, and it is currently being installed on buses. Passengers are informed about the name of the current stop and, immediately after the vehicle is moving, the name of the next one.

It is also possible to display the line number and its destination outside the vehicle.

In each metro carriage there is a voice system operated to give passengers the name of the subsequent stations.

An online timetable information system for mobile phones is also available.

Punctuality and Regularity

ZTM controls the extent of use and punctuality of individual lines on a regular basis. Specialised software is used to check how a planned change of a route or frequency will influence functioning of the whole line.

ZTM also considers systematically all feedback from passengers. Remarks and motions can be submitted in person, by e-mail or by phone. Passengers can also make comments to regional or district offices.

In case of unanticipated service interruptions (breakdown/failure) or planned works, the tram traffic may be suspended and substitute means of transport made available.

Night bus services are provided from 11 p.m. until 5 a.m.

Reception

According to the Traffic Law Act of the 20th of June 1997 (Article 63, Paragraph 5) it is strictly forbidden for motor vehicle drivers who transport other persons to smoke or eat while driving.

Complaints

Complaints in writing, including those about drivers, can be filed with Passenger Service Centres. Passengers receive a written response to the complaint.

A complaint can also be filed via a contact form on the ZTM website. If a passenger encloses their personal data and address, they will also receive a written response.

A complaint may also be made anonymously.

Passenger can make such complaint by calling the ZTM hotline.

Taxis

In general, each local government authority in Poland sets out rules that have to be met when performing taxi transport. These rules include conditions regarding the route chosen by the passenger, fare and calculation thereof, hygiene, passengers' claims and lodging thereof as well as conditions that apply to the passenger.

In case of Warsaw the taxi services can be performed upon sufficient licence issued by the city authorities. The prices for passenger taxi transport in the city of Warsaw are official prices (maximum prices) and their level is determined by the City Council (in the form of resolution). All licensed taxis are marked with special emblems and logotypes.

Complaints regarding services (e.g. excessive fee for transport) of taxi drivers must be filed in writing with the Office for Economic Activity and Licences of City of Warsaw together with the bill/receipt issued by the taxi driver. If the taxi driver refuses to issue a bill/receipt and there is a risk of fraud (e.g. fare is excessive) the passenger is entitled to ask for the assistance of police.

Conclusions

ZTM carries out the tendering and contracting out of public transport services. The counterparties are public and private enterprises, the former being owned by the city (bus company, tram company, metro company and railway company) or by the region (2 suburban railway companies).

In Warsaw there are no quality charters regarding passenger rights in UPT. ZTM signs public service contracts with both public and private companies setting out different quality goals that the operators are required to meet, subject to penalties. The quality indicators include punctuality, cleanliness, reliability, completeness of passenger information etc. This system guarantees a high level of services for the passengers. The service quality is controlled by controllers of ZTM.

Annex 4: Questionnaire

Transport operators and employees associations' questionnaire

1. Could you provide a short overview of the quality charters that you offer to passengers and of the voluntary agreements that you have adopted or intend to adopt to ensure a high level of quality of the transport service offered?

2. Are those quality charters and voluntary agreements based on provisions applicable to the contract of public services between your company and the public authority? Do they improve those requirements?

If yes, please indicate the improvements you have adopted in respect of the requirements imposed by the contract of public service.

3. What is the content of the quality charters?

4. Are the charters certified by a certification operator?

5. Are the customers and passengers associations involved in the preparation or monitoring of the quality charters?

6. Are the employees associations or representatives involved in the preparation and monitoring of the quality charters?

7. What are the indicators used to assess the quality of the service?

| Please, indicate which of these parameters are taken into consideration. | Yes | No |
|--|--------------------------|--------------------------|
| - Information and tickets | <input type="checkbox"/> | <input type="checkbox"/> |
| - Punctuality of services | <input type="checkbox"/> | <input type="checkbox"/> |
| - Cancellation of services | <input type="checkbox"/> | <input type="checkbox"/> |
| - Interconnections | <input type="checkbox"/> | <input type="checkbox"/> |
| - Cleanliness of means of transport and station facilities | <input type="checkbox"/> | <input type="checkbox"/> |
| - Customer satisfaction surveys | <input type="checkbox"/> | <input type="checkbox"/> |
| - Complaint handling, refunds and compensation | <input type="checkbox"/> | <input type="checkbox"/> |
| - Assistance to disabled persons and persons with reduced mobility | <input type="checkbox"/> | <input type="checkbox"/> |
| - Rerouting | <input type="checkbox"/> | <input type="checkbox"/> |
| - Liability for persons and luggage | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. What are the service guarantees offered to passengers? | | |
| 9. Please detail the content of the service guarantees that are offered to passengers. | | |
| 10. In case of an accident suffered while travelling on your vehicles, how can the passenger assert a claim for damages? | | |
| 11. What kind of compensation/insurance is offered for damage suffered by the passengers? | | |
| 12. What is the amount of compensation/insurance? | | |
| 13. In case of delay or interruption in the transport service, what kind of alternative transport service or restoration do you offer? | | |
| 14. How are you dealing with the various complaints submitted by the passengers? | | |
| 15. How long does it take to deal with a complaint on average? | | |
| 16. How many complaints do you receive year? | | |

17. What are the most frequent reasons for complaints (e.g. cancellation, price, safety etc.)?

18. How many accidents happened on your means of transport in the last 12 months? And over the last five years?

19. What kind of facilities have you introduced to make your transport infrastructure user-friendly for persons with disabilities or special needs?

20. Have you made any enquiry to evaluate the level of satisfaction of passengers and users?

If yes, please indicate the results of the surveys.
In a scale from 1 to 5 please indicate the level of satisfaction of the users.

21. How do you take into consideration the feedback received from the transport users?

22. How often do you review the quality charters and service guarantees each year?

If yes, what are the main changes you have introduced in the last version of the quality charts in respect of the previous version? Please explain the reasons for these changes.

Annex 5: Questionnaire

Users associations questionnaire

1. With reference to urban public transport in your country, please provide information on the customer charters offered by the transport operators and/or management authorities.
2. Are the consumers and passengers associations involved in the preparation and monitoring of the quality charters?
3. What kind of guarantees do those charters offer to the passenger?
4. Are the customers aware of the guarantees and rights offered by the transport operators?
5. Is the information provided by the operators clear?
On a scale from 1 to 5, please assess the clarity of information provided by operators on each of the following issues.
 - Information and tickets
 - Interconnections
 - Punctuality of services
 - Cancellation of services
 - Customer satisfaction surveys
 - Complaint handling, refunds and compensation
 - Assistance to disabled persons and persons with reduced mobility
 - Rerouting
 - Liability for persons and luggage
6. On a scale from 1 to 5, please assess the quality of public transport services in your country on each of the following criteria:

- punctuality
- cleanliness
- safety
- price
- interconnections
- information and tickets
- assistance to disabled persons and persons with reduced mobility
- complaint handling, refunds and compensation
- liability for persons and luggage

7. When a journey requires the use of different means of transport, are the interconnections satisfactory? How long it is necessary to wait, on average, between a means of transport and another?
8. Are the urban means of public transport user-friendly for people with disabilities or special needs?
9. Do you consider the quality charters and voluntary agreements proposed by the transport operators sufficient to assure a high level quality of the service?
10. How are these voluntary commitments enforced?
11. How long does the transport operator take to deal with a complaint?
12. What kind of compensation/insurance is offered for damage suffered by a passenger?
13. What is the amount of compensation/insurance offered?
14. How many complaints from users do you receive year?
15. Based on the feedback you receive, what do you think are the 5 most important problems experienced by passengers?
16. With regard to urban public transport in your country, could you indicate the level of satisfaction of the users?
On a scale from 1 to 5 could you give a mark to the level of satisfaction of the users?
17. What improvements could be made?
18. Are you aware of any quality indicators included in the quality charters by transport operators? If yes, are they useful?

Annex 6: Output from existing studies

Summary of Existing Studies

- Nexus Institute, *Evaluation and monitoring of trends with regard to passenger needs and the level of service and treatment of passengers*

The Study, commissioned in 2006 by the Directorate General for Energy and Transport, examines to what extent European transport operators already offer voluntary agreements and compensation to their passengers e.g. in the case of delay, missed connections or overbooked flights. The Study covers all means of public transport across Europe.

The Study illustrated service guarantees offered by railway companies, bus operators, shipping companies and airlines and evaluated qualitatively how operators deal with complaints and guarantees and to what extent passengers and consumer groups are satisfied with the operators' initiatives.

The conclusions of the Study showed differences among the European countries in terms of introduction of service charters, attractiveness, and coverage. The differences concern not only the countries but also the different means of transport, with differences between the long-distance travel sector and local transport and rail.

In general, it emerged that, across all sectors, the use of voluntary schemes is limited to a minority of operators. Few exceptions emerged from the Study in cases where political or consumer pressure has pushed more operators to adopt them, such as in the UK, Sweden, Italy and Greece.

- Mediate, *Methodology for describing the Accessibility of transport in Europe*

The work was anchored on a review of a sample of some 30 projects and initiatives undertaken at National, European and International level, with either a clear or a potential focus on accessibility of public transport and on measuring levels of accessibility. The Study identified and selected a set of common indicators in order to measure accessibility in public urban transport in Europe.

The review stressed the fact that accessibility requires the integration of multiple dimensions for accessibility measurement, ranging from the need for accurate, clear and concise information for users, to the provision of a barrier-free built environment, adoption of universal design, provision of high operational standards, solution between individual and mainstream transport options, appropriate, effective and accessible vehicle design and high levels of perceived comfort and safety.

- *The Consumer Market Scoreboard 2011*

The Consumer Markets Scoreboard is the Commission's main tool for identifying potentially underperforming sectors in the single market. In a second stage, the markets that appear to be underperforming are analysed in depth in order to gain a better insight into the problems and identify measures that can be taken to address them. Ranking different markets, based on consumer views of their functioning on a comparable basis, provides an important indication of where markets are failing consumers.

The Market Performance Indicator (MPI) is a composite index based on the results of survey questions on the four key aspects of consumer experience:

- 1) the ease of comparing goods or services;
- 2) consumers' trust in retailers/suppliers to comply with consumer protection rules;
- 3) the experience of problems and the degree to which they led to complaints;
- 4) consumer satisfaction (the extent to which the market lives up to what consumers expect).

The four components of the index are equally weighted. The MPI ranks 51 consumer markets at EU level according to the consumers' assessments. It provides a “signal” of how consumers perceive markets rather than being a full assessment of the actual functioning of markets.

Among the market surveys, there is the market of urban transport. The level of performance of the urban transport varies among the 27 Member States, with a higher score in countries such as Austria, Finland and the Czech Republic, and with the lowest score in Bulgaria, Cyprus and Greece.

One of the most striking findings with regard to local transport serviced is the gap between “problems” experienced by consumers and “complaints” eventually reported. Even though consumers report only slightly fewer problems with local transport than with other service markets, the proportion of the consumers who complained when they experience a problem is the lowest out of all 51 market surveyed. From the scoreboard, it has emerged that the gap between problems and complaints is widest in “train services”, “tram, local bus and metro services” and “airline services”. According to the Scoreboard, businesses and complaint handling bodies in these sectors should consider improving the accessibility of their services.

➤ *Euro test, City mobility depends on good local public transport 2010*

The Federation International de l'Automobile (FIA) carries out the EuroTest of local public transport systems in 23 European Cities on the level of satisfaction of the citizens with regard to the public transport. The results of the survey indicate, in general, a good performance of public transport in Europe but leave open some areas of intervention, since the reduction of the congestion of the cities depends on efficient transport and efficient connections. Travel time, ease of transfers, information provision, ticketing and fares were the criteria examined in the EuroTest.

➤ *User Friendly and Secure Passenger Transport 2010¹⁹⁴*

TRCK Consortium, on behalf of DG MOVE, published a brochure focused on improving passenger transport services. These are defined as services provided by a transport operator, whether by road, rail, air or water, where in most cases services run according to a timetable, and passengers pay a fare to use them. In return for their fare payment, users would normally expect a certain level of service, such as an acceptable level of reliability, comfort, cleanliness, safety, security, information and customer service.

Policy and research into the above aspects aim to make passenger transport more attractive to users, as well as safer and more secure. The brochure presents recent policy issues and related research in these areas, with the exception of safety. Some national initiatives were included on a very selective basis where they were considered relevant and where information was made available.

➤ *Urban transport benchmarking initiative 2008¹⁹⁵*

¹⁹⁴http://www.transportresearch.info/Upload/Documents/201006/20100603_115250_87424_TRKC_PassengerTransport.pdf

The Urban Transport Benchmarking Initiative has sought to apply the concept of benchmarking to the urban transport systems present in cities across the European Union (EU), including the New Member States. In the field of urban transport the exchange and promotion of best practices is one of the main policy tools that the European Commission has. The initiative has compared the differences between the participating cities' transport systems in order to identify and promote effective practices in urban transport.

The initiative is focused on accessibility to urban transport to all the users especially people with special needs. The working group examined the investment on the accessibility to urban transport in two cities, Hasselt (Belgium) and Paris and Ile-de-France examining the different approaches to the needs of disabled people.

➤ *Survey on perception of quality of life in 75 European cities (Euro barometer)*

The Survey was conducted in November 2009 to measure local perception in the EU, Croatia and Turkey. The survey is based on questions to citizens to assess the level of satisfaction of their cities. This survey also contains questions about transport modes and the usage of public transport. The results showed that in about half of the surveyed cities two thirds of respondents were satisfied with their city public transport. The largest proportions of frequent public transport users were found in Paris, London, Prague, Stockholm and Budapest.

➤ *Social and Commercial factors in urban public transport: fares and timetable¹⁹⁶*

The paper has examined the correlation between commercial factors and social factors in the fares in urban public transport, trying to understand, through the use of economic data, the behaviour of the urban transport management authorities fluctuating between the need to impose commercial fares on passengers to have a return for their investments and the accessibility of the prices to the users, with particular regard to the weakest sectors of population (elder and young people, unemployed people).

The paper examined the situation existing in 63 cities, with more than 200,000 inhabitants, chosen among 11 Member States.

➤ *UITP Report, Contractual Relationship between Authorities and Operators¹⁹⁷*

The Report contains the results of the study carried out by UITP and the UITP-EMTA Conference in 2003. The Report focuses on the different types of contract between public authorities and transport operators in Europe, and examines all the essential aspects of contractual provisions with a clear identification of objectives in relation to sharing risks and allocation of responsibilities between the parties as well as their impact on public transport systems, with the objectives to improve knowledge and help different actors to negotiate different contracts for quality of public transport systems.

¹⁹⁵ Study available at the following website: <http://www.transportbenchmarks.eu/pdf/final-reports/UTB3-A0-FINAL-REPORT.pdf>

¹⁹⁶ Association for European Transport and contributors, 2006.

¹⁹⁷ Study available at the following website http://www.emta.com/IMG/pdf/Workshop_Vienna.pdf

The Study produces orientations to allow policy makers to adopt the best solution adapted to their local situation. The analysis is also illustrated with an array of good practice examples and 20 European cities' case studies.

Annex 7: List of abbreviations (in alphabetical order)

| | |
|---------|--|
| ADR | Alternative Dispute Resolution |
| APUM | Action Plan on Urban Mobility |
| EC | European Community |
| EU | European Union |
| TFEU | Treaty on the Functioning of the European Union |
| DG MOVE | European Commission Directorate General for Mobility and Transport |
| GeA | Grimaldi e Associati |
| MS | Member States |
| OJ | Official Journal |
| PRM | People with reduced mobility |
| PSC | Public Service Contract |
| PSO | Public Service Obligation |
| PTO | Public Transport Operator |
| QC | Quality Charter |
| UITP | International Association of Public Transport |
| UPT | Urban Public Transport |

Annex 8: List of definitions

- ‘Public service contract’ (PSC) means one or more legally binding acts confirming the agreement between a competent authority and a public transport operator to entrust to that public transport operator the management and operation of public passenger transport services subject to public service obligations¹⁹⁸.
- ‘Public service obligations’(PSO) means obligations which the transport undertaking in question, if it were considering its own commercial interests, would not assume or would not assume to the same extent or under the same conditions¹⁹⁹.
- ‘Carrier’ means the contractual railway undertaking with whom the passenger has concluded the transport contract or a series of successive railway undertakings that are liable on the basis of this contract²⁰⁰.
- ‘Transport contract’ means a contract of carriage for reward or free of charge between a railway undertaking or a ticket vendor and the passenger for the provision of one or more transport services²⁰¹.
- ‘Travel pass’ or ‘season ticket’ means a ticket for an unlimited number of journeys which provides the authorised holder with rail travel on a particular route or network during a specified period²⁰².
- ‘disabled person’ means any person whose mobility when using transport is reduced due to any physical disability (sensory or locomotory, permanent or temporary), intellectual disability or impairment, or any other cause of disability and whose situation needs appropriate attention and adaptation to his or her particular needs of the service made available to all passengers²⁰³.
- ‘Person with reduced mobility’ includes the following categories: wheelchair users (persons who due to infirmity or disability use a wheelchair for mobility). Other mobility impaired including people with limb impairment; people with ambulant difficulties; people with children; people with heavy or bulky luggage; elderly people; pregnant women; visually impaired; blind people; hearing impaired; deaf people; communication impaired (meaning persons who have difficulty in communicating or understanding the written, or spoken language, and including foreign people with lack of knowledge of the local language, people with communication difficulties, people with sensory, psychological and

¹⁹⁸ Art.2, I of Regulation (EC) No 1370/2007 of the European Parliament and of the Council of 23 October 2007 on public passenger transport services by rail and by road and repealing Council Regulations (EEC) Nos 1191/69 and 1107/70.

¹⁹⁹ Art.2 of Council Regulation No 1191/69 of 26 June 1969 (OJ L 156 of 28 June 1969) concerning PSOs in inland transport.

²⁰⁰ Art.3 of Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers’ rights and obligations.

²⁰¹ Art.3 of Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers’ rights and obligations.

²⁰² Art.3 of Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers’ rights and obligations.

²⁰³ Art.3 of Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers’ rights and obligations.

intellectual impairments); people of small stature (including children). Impairments may be long-term or temporary, and may be visible or hidden²⁰⁴.

- ‘(Urban) rail services’, which are operated on railway systems like tramway, Light Rail and metro.
- ‘Collective redress’ is a notion which indicates a wider category of redress mechanisms than those based on litigation: it can also involve public enforcement by regulators or ombudsmen (see also the Consumer Protection Cooperation Regulation), the use of ADR mechanisms, or various compensation schemes or funds (see no-fault compensation)²⁰⁵.
- ‘Class action’ is a much narrower concept than collective redress, and indicates actions before courts, initiated by or on behalf of a group of persons, or against a group of persons²⁰⁶.
- ‘Paratransit’ is an alternative transport service alternative to fixed routes buses operated with small vans or taxis for people who are elderly or PRMs or with physical disabilities. Service is provided door-to door with some personal assistance from the driver. In general, public funds subsidise the costs of the service.
- ‘Service routes’ are a hybrid of fixed routes and paratransit. Service routes are operated with small, low-floor vehicles on a designated route and schedule. The routes were developed specifically to serve a particular clientele, usually senior citizens, and tend to be neighbourhood oriented.
- ‘Water taxi’ is a watercraft used to provide public transport, usually but not always in an urban environment. Service may be scheduled with multiple stops, operating in a similar manner to a bus, or on demand to many locations, operating in a similar manner to a taxi.
- ‘Quality Charters’ are defined as voluntary self-commitments of an urban public transport provider to deliver a certain quality of service. The quality parameters are defined in qualitative and/or quantitative terms and are communicated to the public often as marketing tool.
- ‘Service Guarantees’ are usually based on customer charters and promise the customer a pre-defined compensation if certain parameters are not met.
- ‘Customer promises’ are the promises of the urban public transport operator to deliver a certain level of service as a commitment. However, promises cannot be enforced by the passengers.
- ‘Complaint handling’ is defined as the urban public transport operator’s general standards and procedure to deal with passengers contacting them with comments, complaints and suggestions and the means they make available to submit them. In contrast to charters and guarantees, passengers are generally free to contact operators if they wish, so all providers can be assumed to have some routine for handling complaints in place. However, these are not normally made public.
- Tort Law: UK common law and the legal jurisdictions whose legal system developed from the English common law have the concept of tortious liability which concerns the civil liability for the

²⁰⁴ Art. 2, point 2 of Commission Decision of 21 December 2007 concerning the technical specification of interoperability relating to ‘persons with reduced mobility in the trans-European conventional and high-speed rail system.

²⁰⁵ <http://europeanjusticeforum.org/faq/glossary/class-actions-group-actions.html>

²⁰⁶ <http://europeanjusticeforum.org/faq/glossary/class-actions-group-actions.html>

wrongful infliction of injury by one person upon another. Negligence is a key topic and other topics include interference with economic interest; trespass; defamation; vicarious liability as well as defences and remedies. The paradigm tort consists of an act or omission by the defendant which causes damage to the claimant. The damage must be caused by the fault of the defendant and must be a kind of harm recognised as attracting legal liability²⁰⁷.

²⁰⁷ Deakin, Johnston and Markesinis (2008). *Markesinis & Deakin's Tort Law*. Oxford: Oxford University Press.

Annex 9: Examples of Passenger Charters

[UITP, Stib, Arriva, Tfl Passengers Charters -41 pages]

UITP Euro Team

Rue Sainte-Marie, 6

1080 Brussels, Belgium

www.uitp.com/eupolicy



This charter has been jointly developed by the UITP Corporate Management Commission and the UITP European Union Committee.

October 2006



A charter for a customer-focused operator

Customer focus is an essential element in the development of high quality public transport. This passenger charter represents a tool which provides an opportunity to reinforce the dialogue between operators, authorities and customers.

Depending on various local circumstances, operators and local authorities have different areas of responsibility for the delivery of service to customers. Their aim will be to work together to secure improvements for customers; they will agree how their responsibilities are allocated and will keep this under regular review.

UITP Passenger Charter



Recommendations for content

1.

Statement of operator commitment to its customers

This charter is a voluntary commitment by public transport operators and is designed to increase the quality of service by better meeting the needs of customers. Operators will endeavour to meet the passenger expectations laid out in this charter.

2.

Safety and Security of customers

The safety of customers and of employees is the operator's highest priority. Operators will make every endeavour to provide high levels of safety in operation.

Within their responsibilities operators will provide high levels of security by co-operating with the appropriate authorities and in accordance with the rights of individuals and privacy.

3.

Customer information

Information for passengers will be accurate and relevant. It is provided in a number of ways that are adapted to meet the needs of customers in the light of local circumstances, including:

- Information, timetables, fares and other service information is available via leaflets, internet, information points or by telephone. Telephone enquiry services will aim for a prompt reply with short waiting times.
- Each station/bus stop is clearly identified (sign, name). Route numbers, destinations and up-to-date timetable information is provided at stops and interchanges.
- Information will be available on board vehicles. All vehicles display a clearly identifiable route number and destination. Staff on board vehicles and at stations are able to inform customers about the location of stops and interchanges.

4.

Reliability, punctuality

Public transport services are provided as indicated in the timetables with a high level of punctuality. Staff will make all reasonable endeavours to run in accordance with published timetables.

Where external factors affect the punctuality and reliability of services, every effort will be made to minimise the inconvenience to customers. Where suitable, information about punctuality and reliability problems will be provided.

5.

Cleanliness, condition of facilities and vehicles

Within their responsibilities operators will ensure that public transport facilities such as stations, shelters and vehicles are cleaned regularly and kept in good condition. Damaged or unserviceable installations such as lifts or escalators are repaired as quickly as possible.

6.

Journey comfort

In order to provide a pleasant and comfortable journey regular inspections take place to ensure that all vehicles have adequate ventilation, heating and lighting. Drivers have been fully trained in safe driving techniques to optimise customer comfort. Vehicles are driven with proper regard to the comfort and safety of customers.

7.

Accessibility

Operators, in co-operation with authorities, will make every endeavour to ensure a high level of accessibility to the public transport system taking into account different types of public transport operation, local conditions and situations and the needs of all passengers including those with reduced mobility¹.

8.

Customer comments and complaints

In order to improve the quality of service customer feedback is encouraged. Operators will provide information about how customers and potential customers can contact them to make their views known.

Customer suggestions and complaints are handled as quickly as possible, preferably with a response time within three weeks as a maximum. Replies will give reasons for acceptance or rejection of the comment or complaint.

It is helpful if customers give as many details as possible when making a complaint or suggestion, such as the date, time, line, station/bus stop, contact phone number or address, etc.

1. UITP Focus Paper „Access to Public Transport“, June 2001:

- “UITP encourages its members and local governments as co-responsible:
 - to invest in low-floor technology, whenever the local operating environment makes it feasible and appropriate, with measures to ensure safe movement within vehicles.
 - to design accessible infrastructure, when refurbishing older facilities or planning new ones, including interchanges (level boarding, signalling, lifts, ramps, passenger information etc.)...

Good co-operation with local and national associations of disabled and elderly people and with associations of wheelchair manufacturers is crucial.”;
UITP Core Brief “Wheelchair Access in Metro Systems”, August 2002;
ECMT and UITP “Improving Access to Public Transport”, 2004

9.

Customer obligations

Customers must be in possession of a valid ticket throughout their journey and must present it to a representative of the operator on request.

The actions of customers can have an impact on the quality of service provided. Customers are asked to recognise the needs of all passengers and in particular are requested:

- To help keep vehicles safe and clean by not depositing litter, by keeping luggage or dirty items off seats and by avoiding the use of loud or intrusive devices or equipment
- Not to smoke in any part of a vehicle or in other designated non-smoking areas.
- To behave in a responsible and respectful manner both to employees and to other customers
- To respect the operator's rules about travelling with certain types of luggage or animals
- To allow customers with reduced mobility to travel in those parts of vehicles that are designed for them, including the use of priority seating areas, and to offer appropriate help as necessary
- Not to speak to or distract the driver while the vehicle is moving
- To report to the driver or a representative of the operator any problem they find with a vehicle, particularly any damage or any need for urgent cleaning
- To help the service to run punctually and reliably by giving a clear signal to board the vehicle or alight from it (where required to do so by the operator) and to be ready to board or alight promptly, taking into account at all times the need to ensure the comfort and safety of all customers

Customer Charter

February 2011



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Our commitment

We aim to deliver the best possible service to London Overground customers by providing a safe, reliable, welcoming and value for money service at all times.

Since we started in 2007, we have provided staff at all our stations during operating hours and accept Oyster pay as you go across the London Overground network. We have opened up new stations and sections of lines across the network.

During 2011 we will be refurbishing all our stations. To help keep our customers safe and our stations secure, we are also installing improved lighting and signage, more CCTV, extra help points and enhanced information systems. Our continued programme of station maintenance and cleaning will ensure that they remain clean, safe and secure places.

We have replaced our old trains with brand new fleets which have provided increased capacity, air conditioning, on board audio and visual announcements and a much improved travelling environment. We have also invested in improvements to track and signalling so that we can deliver a more frequent and efficient train service.

Our commitment (continued)

In May 2010 we opened the newly extended line which runs between Dalston Junction in the north and New Cross, Crystal Palace and West Croydon in the south. In Spring 2011 the line will be extended from Dalston Junction to Highbury & Islington, improving interchange connections even further.

In 2012 we will also extend the line from Surrey Quays to Clapham Junction, completing the orbital network.

In this Customer Charter we set out to explain:

- The minimum standards we expect to achieve
- How we will compensate you if things go wrong
- How we will tell you about our performance
- How you can contact us with your suggestions and concerns

We will review this charter every two years in consultation with London TravelWatch, Transport for London (TfL) and other relevant bodies. Copies of the Customer Charter leaflet are available from all stations served by our trains, from our Customer Services Team or on our website tfl.gov.uk/overground

Finding out about London Overground train times, fares and station facilities

Online

A wide range of information, including real time information, timetables, maps and accessibility information, is available from our website tfl.gov.uk/overground

You can easily plan complete journeys at tfl.gov.uk/journeyplanner

The following websites also provide information about public transport services across the country:

- www.nationalrail.co.uk for rail times, fares and information
- www.transportdirect.info offers information for door-to-door travel, for both public transport and car journeys around Great Britain

At your local station

Free copies of our timetables are available from all stations London Overground serves. Timetable posters are displayed at all London Overground stations and the London Overground network is included on the Tube map, which is widely available.

Finding out about London Overground train times, fares and station facilities (continued)

We will inform you at least five days in advance of any planned disruptions to the service by displaying posters at prominent sites at stations, whenever possible. These posters will include any alternative travel arrangements available to complete your journey. Additional notice will be given for any extended periods of disruption or timetable changes.

When we introduce a new timetable, we will make details of it available at our stations and on the TfL website four weeks before changes start, wherever possible.

Phone

There are two telephone enquiry services which you can use to find out about our train times and fares:

- London Travel Information
0843 222 1234*
- National Rail Enquiries
08457 48 49 50

*You pay no more than 5p per minute if calling from a BT landline. There may be a connection charge. Charges from mobiles or other landline providers may vary.

Your ticket

Making ticketing easier for you

We are working hard to make ticketing much easier with a variety of options available to suit you. Oyster pay as you go and valid Travelcards can be used for all London Overground journeys.

Self service ticket machines are available at all London Overground stations, allowing you to top up credit or add a season ticket to your Oyster card or buy a ticket to most National Rail and Tube stations. Ticket offices are available at our busier stations.

If you prefer to buy your ticket online, you can get an Oyster card, top up your pay as you go credit or add a Travelcard at tfl.gov.uk/oyster

For more information about using your ticket or Oyster card on London Overground services please refer to the London Overground ticketing and travel guide, available online at tfl.gov.uk/overground

Your ticket (continued)

Penalty fares

A Penalty fare of £50 applies on London Overground services. This is reduced to £25 if paid in full within 21 days starting the day after the Penalty fare notice was issued.

You may be issued with a Penalty fare or you may be prosecuted if you are travelling within a compulsory ticket area on London Overground services without:

- A ticket that is valid and available for the journey you are making
- An Oyster card containing a valid season ticket
- A validated Oyster card, where you are using pay as you go, showing a record of the start of your journey
- Where necessary, a valid photo card

If you are issued with a Penalty fare notice, the appeals process is outlined on the Penalty fare notice issued at the time – see the London Overground ticketing and travel guide at tfl.gov.uk/overground

Penalty fares also apply on other National Rail and London Underground services that call at our stations.

Ticket refunds

Refunds are generally available on tickets purchased from a London Overground station if you choose not to travel, provided the ticket is handed in before or on the day of travel. An administration fee may be deducted from the refunded amount.

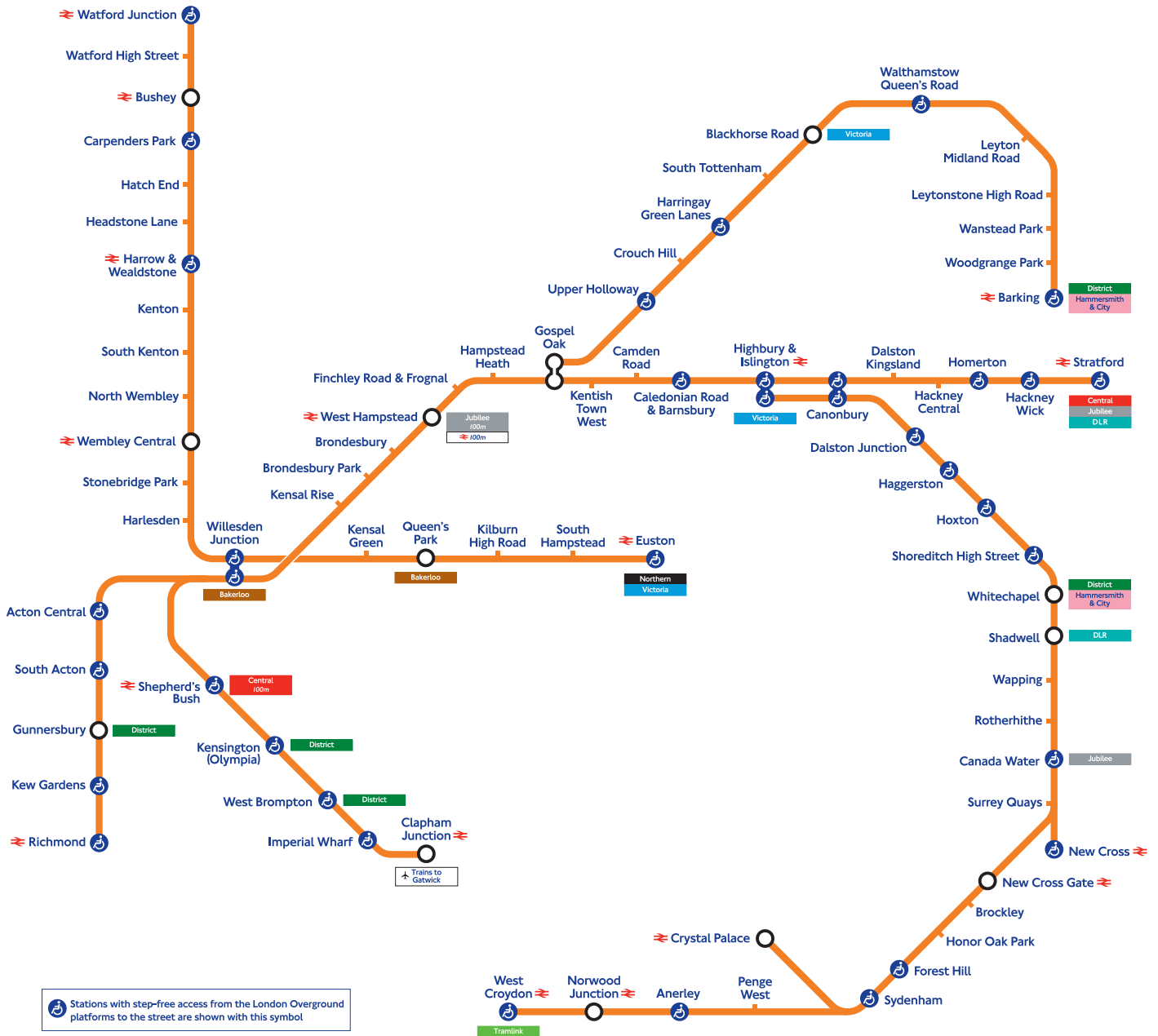
Refunds are also available for Travelcards and season tickets. However, if a charge for the period used (ie up until the date of the refund application) plus the administration fee exceeds the original price, a refund will not be given.

Ask at any London Overground station for a refund application form and hand it in with the ticket(s). The method of refund will depend on how you purchased the ticket(s). Staff at our ticket offices will advise how your refund will be issued.

If you no longer need your credit to pay as you go, visit any Tube station ticket office where the balance will be cancelled and refunded to you, up to a maximum £5. Where the balance is greater than £5, your application will be forwarded to the TfL Oyster Ticketing and Refunds Office where arrangements will be made for the refund to be sent to you.

Refunds for delayed journeys are covered later in this leaflet.

London Overground network map



Train service performance

We are committed to achieving year-on-year improvements in train service punctuality and reliability. The Public Performance Measure (PPM) shows the percentage of trains that arrive at their destination within five minutes of their scheduled arrival time. It includes every London Overground train shown in the current timetable with no exclusions.

| Year ending | PPM Target |
|---------------|------------|
| 31 March 2011 | 93.2% |
| 31 March 2012 | 94.0% |
| 31 March 2013 | 94.2% |

Our PPM target for the year ending 31 March 2011 is 93.2 per cent; this means that we expect 93.2 per cent of our trains to arrive on time or within five minutes of their scheduled arrival time.

Keeping you updated on London Overground's performance

We will keep customers regularly updated on our performance. Every four weeks we publish and display performance results showing our PPM figure for the preceding four week period. This will be displayed on our trains, except between Gospel Oak and Barking where it will be displayed at stations. Performance information is also available on tfl.gov.uk/overground

When things go wrong

If you experience a delay to your journey of more than 30 minutes, for reasons within our control, we will issue/send you a Rail Travel Voucher to the value of the single delayed journey. This applies to all ticket types.

The easiest way to claim is to log on to our website tfl.gov.uk/fares and follow the London Overground refund links. Alternatively, you can complete a 'Comments and Customer Charter refund application form', available from all London Overground stations.

Please complete the form and include either your ticket(s), photocard number (where applicable) or Oyster card number and send it to the prepaid address within 28 days of your delayed journey.

Note: Refunds cannot be made if a delay is beyond our control, such as security alerts or adverse weather conditions. This also applies to service changes advertised in advance.

Refunds for industrial action are not payable under this charter but are covered by special rules which will be advertised at the London Overground stations affected and on our website.

When things go wrong (continued)

If you have touched in with your Oyster card or bought a ticket but decide or find you are unable to commence your journey due to service disruption, we will give you a full and immediate refund where a ticket office is available at the station.

Where there is no ticket office please contact the Oyster Help Desk on 0845 330 9876.

If you have used Oyster pay as you go but have paid more than the advertised single Oyster fare, TfL will refund the amount overpaid subject to you having correctly touched in and touched out. You will need to call the Oyster helpline after 24 hours but within 28 days of making the journey. Claims cannot be made after this time.

During extended periods of planned disruption special ticket acceptance rules may apply. This will be widely advertised at London Overground stations and on our website tfl.gov.uk/overground

Further information regarding fares and refunds is available in the London Overground ticketing and travel guide, available at tfl.gov.uk/overground

Journeys involving more than one Train Operating Company

Compensation arrangements vary between companies. If you are delayed, the responsibility for compensation rests with whichever Train Operating Company you were travelling with at the time.

If you are delayed or have a complaint about the service of another company and you write to us, we will ensure that your letter gets to the right people at the Train Operating Company involved. We will let you know who we have forwarded your letter to.

Lost property

Property found on London Overground trains or stations may be held locally for a few days before being sent onto TfL's Lost Property Office, typically arriving between two and seven days after it was found. You can register lost property online at tfl.gov.uk/lostproperty or by calling 0845 330 9882.

Carriage of cycles and luggage

For information on the carriage of cycles and luggage please refer to the London Overground ticketing and travel guide, available at tfl.gov.uk/overground

Older and disabled customers

At London Overground, we are committed to providing you with a safe, reliable and friendly service. We want to make sure that you can use our services safely and comfortably. We have invested in new trains and improved our stations to provide a better journey experience.

Our 'Making rail accessible: helping older and disabled customers' leaflet provides information on the services we provide and includes details of station accessibility. Copies of the leaflet are available at London Overground stations, from our Customer Services Team and online at tfl.gov.uk/overground

If you need assistance for your journey, please contact our Customer Services Team, giving them at least 24 hours notice, where possible, especially when your journey continues beyond London Overground. If you are unable to arrange your assistance in advance, we will make every effort to provide assistance to you although this cannot be guaranteed.

Your comments and enquiries

If you have any complaints or suggestions about how we can improve our service you can contact us in a number of ways:

- Via our website at **tfl.gov.uk/contactoverground**
- Pick up a 'Comments and Customer Charter refund application form' from any London Overground station and hand it to a member of staff
- Email us at **overgroundinfo@tfl.gov.uk**
- Call the Customer Services Team on: **0845 601 4867**
Monday to Friday 09:00 to 17:00
(excluding public holidays)
- Write to us at:
**London Overground
Customer Services Team
125 Finchley Road
London NW3 6HY**
- Fax: **0870 928 9805**

We aim to acknowledge 95 per cent of correspondence received in one working day and to provide a full response within seven days. If we are unable to do this we will keep you updated on progress until the case is fully resolved.

Your comments and enquiries (continued)

If you wish to make a complaint, please include your telephone number in any correspondence. We find that a telephone conversation is often much more effective than lengthy correspondence.

If you are unhappy with our response you can write to London TravelWatch. This is an independent statutory body, established to assist customers with unresolved complaints. Correspondence should be addressed to:

London TravelWatch

6 Middle Street

London EC1A 7JA

Telephone: **020 7505 9000**

Email: **enquiries@londontravelwatch.org.uk**

Web: **www.londontravelwatch.org.uk**

Conditions of Carriage

TfL Conditions of Carriage set out your rights and duties as a customer of TfL. Copies of this document can be obtained online at **tfl.gov.uk**

The National Rail Conditions of Carriage set out the legal contract you have with us when you purchase a ticket and travel with London Overground. A copy of the National Rail Conditions of Carriage can be obtained free of charge from any London Overground ticket office, from our Customer Services Team or online at **www.nationalrail.co.uk**

Railway Byelaws

Britain's Railway Byelaws cover trains, tracks and stations across the country. To ensure ease of travel and safety on the railway system, including customers, staff, property and equipment, the Byelaws need to be observed by everyone.

The Byelaws prohibit smoking and the carriage of open alcohol containers on London Overground trains and stations. The Railway Byelaws can be found online at www.dft.gov.uk

LOROL

London Overground is operated on behalf of TfL by London Overground Rail Operations Limited (LOROL).

Contact information

London Overground Customer Services Team

Phone: **0845 601 4867**
(09:00 to 17:00 Monday to Friday)

Write to us: **London Overground
Customer Services Team**

125 Finchley Road
London NW3 6HY

Email: **overgroundinfo@tfl.gov.uk**

The information within this leaflet is also available
from **tfl.gov.uk/overground**

Information correct at time of going to print
February 2011



Website

tfl.gov.uk



24 hour travel information

0843 222 1234*



Lost Property Office

0845 330 9882



National Rail Enquiries

08457 48 49 50



British Transport Police

0800 405040

*You pay no more than 5p per minute if calling from a BT
landline. There may be a connection charge.
Charges from mobiles or other landline providers may vary.

Passenger's Charter



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Welcome

Arriva Trains Wales is part of the Arriva Group, a leading provider of passenger transport in Europe.

We operate services and stations in Wales and the border counties including:

- South Wales Valleys, the Vale of Glamorgan and Cardiff suburban routes, including services to Ebbw Vale Parkway;
- Services from Birmingham International to Aberystwyth;
- Services on the Cambrian Coast line to Pwllheli;
- Services from Chester to Crewe;
- Services from Birmingham International to North Wales;
- Services from Holyhead and Llandudno along the North Wales coast to Manchester and Crewe;
- Services from Cardiff to Holyhead;
- Services from Maesteg to Gloucester and Cheltenham Spa;
- Services from South and West Wales to Manchester;
- Services on the "Heart of Wales Line" from Swansea to Shrewsbury;
- Services from Swansea to Milford Haven, Pembroke Dock and Fishguard Harbour.

See the network map on page 22-23.

Welsh Language Version /Fersiwn Gymraeg

If you would like a copy of this publication in Welsh please contact Customer Relations. Contact details are on page 15

Introduction

This Charter is a statement of our commitment to provide the safe and high quality service you have the right to expect. We publish it so that you know the standards we are determined to achieve.

You can obtain copies of this Charter from all our staffed stations and our Customer Relations Department. This Charter is also available on our website, www.arrivatrainswales.co.uk

We intend to provide you with the best possible standard of service and your views are invited and will be taken into account when the Charter is reviewed, at least once a year.

We will cooperate with other train operators, stakeholders and transport providers to deliver integrated and 'seamless' transport.

Where possible we will make other relevant train operators' Passenger's Charters available at all our staffed stations.

Standards

We aim to run all of our trains on time. We continue to strive to improve standards of punctuality and reliability, reviewing our performance standards annually.

We are committed to meeting Charter standards. Our performance figures for the previous four weeks and year will be available on posters at our staffed stations (see pages 18 to 19), on our website www.arrivatrainswales.co.uk, and from Customer Relations (see page 15) every four weeks. These figures are independently audited each year.

Performance figures of the other train operators who call at those staffed stations will also be available.

Punctuality and Reliability

Our punctuality standards for trains arriving on time at their final destinations and our reliability standards for the following Service Groups, Monday to Saturday, excluding Bank Holidays are:

| Charter Group | Measure | Season Ticket Discount Triggers | | | |
|-----------------------------|---------|---------------------------------|-----------|-------------|-----------|
| | | Punctuality | | Reliability | |
| | | Standard | Trigger* | Standard | Trigger* |
| Cambrian | T-10 | % 92.0 | % 89.0 | % 99.5 | % 98.5 |
| Cardiff Local & Valleys | T-5 | 92.0 | 89.0 | 99.5 | 98.5 |
| Marches | T-10 | 92.0 | 89.0 | 99.5 | 98.5 |
| Wales-England | T-10 | 92.0 | 89.0 | 99.5 | 98.5 |
| South, West & Central Wales | T-10 | 92.0 | 89.0 | 99.5 | 98.5 |
| North Wales Interurban | T-10 | 92.0 | 89.0 | 99.5 | 98.5 |
| North Wales Branches | T-5 | 92.0 | 89.0 | 99.5 | 98.5 |

Notes:

Measure for punctuality and reliability:

T – 5: means trains arriving at their final destination within 5 minutes of their scheduled time.

T – 10: means trains arriving at their final destination within 10 minutes of their scheduled time.

* Trigger means the performance level below which compensation becomes payable to holders of season tickets valid for one month or longer and is explained in the section 'What we will do if things go wrong'.

Train cleanliness & facilities

We will clean the outside of our trains every two days and the inside at least once a day, where practicable, complemented by inservice cleaning. We will not normally allow a train to enter service without a working toilet. A team of mobile technical staff will be deployed to rectify faults that occur on trains in service wherever such repairs are possible.

Getting a seat

We plan our services so that you should usually be able to get a seat, although in peak times you may have to stand for a short period (less than 20 minutes). On certain long distance services, particularly during busy periods we would encourage you to make a reservation in order to be certain of getting a seat.

Keeping you informed

Timetables

Timetable information will be displayed on platforms and concourses, and bilingual timetable booklets will be available free of charge at staffed stations, from our website www.arrivatrainswales.co.uk or by post by telephoning Customer Relations on 0845 6061 660. Timetable information will be available in alternative formats, including large type for visually impaired passengers by calling 0845 6061 660.

At larger stations information will also be provided by TV monitors, electronic information screens and public address systems.

By telephone

Timetable information is also available from National Rail Enquiries (NRE):

- 08457 48 49 50** English language service 24 hours a day
0845 60 40 500 Welsh language service (0700 - 2200)
0845 60 50 600 Textphone enquiries can be made 24 hours a day with calls returned between 0900 and 1630 Mondays to Fridays

All calls are charged at local rate from a BT line and may be monitored.

Train Tracker

Train Tracker 0871 200 49 50*

Train Tracker Text: 484950*

For live train times for today and train timetables across the UK for the next three months.

(*Charges and terms and conditions apply.)

For information about how to use these services visit:

www.nationalrail.co.uk

Website

Information on National Rail products, timetables and up-to-the-minute train running information is also available through National Rail's website www.nationalrail.co.uk and our website www.arrivatrainswales.co.uk, from where you can create your own personalised timetable. Go to the Plan Your Journey section to try it out.

Information in advance of new timetables

When new timetables are introduced, copies of Arriva Trains Wales' timetables will be available at all staffed

stations at least 14 days before the commencement of new services. Timetables can also be downloaded from the website www.arrivatrainswales.co.uk. New timetable posters will be displayed at stations before the commencement of the new service. Timetable information will be available through NRE 12 weeks ahead of any timetable change dates.

We will also display a summary of significant alterations to the train service four weeks in advance of each timetable change. In the case of planned engineering work there will be at least seven days notice of revised timetables and travel arrangements. We will aim to keep any disruption caused by engineering works to a minimum.

Delays to services

If services are severely disrupted, we will aim to issue information through travel bulletins on local radio and television, National Rail Enquiries and with messages at stations. We have equipped many of our stations with real-time information points so that passengers may obtain information regarding delays and cancellations. Details of which stations have information points is available at www.arrivatrainswales.co.uk

Whilst every endeavour is made to fully inform our customers of service changes to the advertised timetable we would strongly recommend that you check your journey details before travelling.

Catering services on trains

An at-seat catering service of hot and cold drinks, sandwiches and snacks is provided on many longer distance services. Trains with this service are detailed in the appropriate pocket timetable. If, for any reason an advertised, on-board catering service is not provided we will try to advise waiting customers prior to arrival of the train.

Use of the Welsh and English languages

We are committed to providing information in both Welsh and English and are working with the Welsh Language Board to ensure that we achieve this. We operate a bilingual service in the following areas:

- Responses to written correspondence
- Customer Relations telephone calls*
- e-mail correspondence
- Timetable information – via NRES Welsh Language Service

- Signage is now almost 100% bilingual. Our ultimate aim is to ensure that all our signage is bilingual at stations in Wales
- Producing bilingual promotional material as appropriate
- Pocket Timetables and guides to services are produced as bilingual publications
- Providing Welsh language passenger announcements where possible on stations.

* Between 0900 and 1700 on Mondays to Fridays (excluding Bank Holidays).

Plain English

We are committed to providing all of our literature in plain English.

Buying a ticket

Tickets for travel should be bought before your journey commences if there is a staffed ticket office, or a self service ticket vending machine is provided. Where such facilities are available, and you travel without a ticket, reduced rate tickets will not normally be offered on the train or at your destination. Where fraudulent travel is involved it is our policy to prosecute in all cases.

There are a number of ways in which you can purchase a ticket for your journey. Whichever method you choose we will provide accurate, timely and up-to-date details of services, fares and facilities. We will provide impartial information and will always sell you the most appropriate ticket for your journey.

At the station

Ticket office opening times and the times of peak demand will be clearly displayed at each staffed station, together with information on how to buy a ticket outside these hours. Sufficient staff will be employed in ticket offices so that you do not have to wait for more than five minutes at peak times and three minutes at other times. Ticket office opening times are also shown on the list of stations found later in this leaflet. When the ticket office is closed tickets may be purchased on board the train. Certain types of payment card cannot be accepted on trains. Check with your card issuer for details or call our Customer Relations on 0845 6061 660 for further information. At Taffs Well and Llandaf stations the full range of tickets are not currently available. These include advance purchase tickets, monthly and longer period season tickets, reservations and Railcards. In these cases, tickets can be bought at most other staffed stations, by telephone, on-line

or from National Rail appointed travel agents. Railcards can also be used to obtain a discount when purchasing tickets. Credit cards, debit cards and cash can be used to purchase tickets. If your ticket has been purchased in advance using a credit card or debit card, the same card must be used when collecting the tickets.

Buying a ticket

Although you can buy your ticket at the station you may find it easier to purchase your ticket before you travel.

- **Online** - Tickets can be purchased online at www.arrivatrainswales.co.uk
- **By telephone** - We provide a facility for purchasing tickets and making advance reservations by telephone on 0870 9000 773. Lines are open from 0800 to 2000 Mondays to Sundays and calls are charged at the National Rate.

These tickets will be posted first class (please allow five working days for postal delivery). They can also be collected from your local staffed station two hours after you have made your booking (according to opening hours), or from any ticket vending machine if you request this facility at the time of booking and follow the instructions. However, when you book by telephone you will have to enquire whether your preferred station for collection can issue "tickets on departure" from its ticket vending machines.

Ticket Barriers and Ticket Vending Machines

A number of our stations operate automatic ticket barrier systems. These incorporate wider gates for wheelchairs and for those who are unable to use the standard gates. When gates are unstaffed, they will be locked open to permit access.

The gates will retain your ticket at the end of your journey and it cannot be returned. If you need a receipt for your ticket please request one at the time of purchase. Please explain to staff at the ticket gate if you need to retain your original ticket to send to the Customer Relations Department before going through the gate.

Accessible ticket vending machines are also provided at all stations where ticket barriers operate and permit the purchase of tickets when the ticket office is closed. These machines issue tickets with national railcard discounts. You can also collect pre-ordered tickets from these machines.

A list of stations with ticket vending machines and ticket barriers is in Appendix 1 on page 21.

National Rail appointed travel agents

Tickets are also available from National Rail appointed travel agents.

Connections

Connecting trains are shown in our pocket timetables and on the National Rail website www.nationalrail.co.uk. Guidance on the minimum time to allow at principal stations is also shown in our pocket timetables and on the National Rail website www.nationalrail.co.uk. We always consider the need to hold connections when trains are running late, and cooperate very closely with other train operators to ensure inconvenience is minimised. However, it is not always possible to make a connection if trains are late, as we have to minimise the overall delay to the majority of people. Every effort is made to ensure 'last train of the day' connections are held and that you will have an alternative service within an hour at other times. Please advise the conductor on your train if services are subject to delay and you are trying to make a connection.

Customers with disabilities and reduced mobility

We welcome customers with disabilities and those who have reduced mobility or who need extra help and we have a guide called, "Making Rail Accessible: Guide to Policies and Practices" that details the services that you should expect when travelling with us. A summary of this guide is contained in "Making Rail Accessible: Helping Older and Disabled Passengers" available from Arriva Trains Wales staffed stations, by post, by telephoning 0845 6061 660 or to download from www.arrivatrainswales.co.uk.

We give you our best possible service if we are notified of your requirements at least 24 hours in advance. This ensures that staff are in the right place at the right time to assist people. However, we are happy to assist at shorter notice whenever this is possible. We will consider appropriate compensation if arrangements made in advance for travel on our services and at our stations are not provided.

Our commitment to customers who need extra help: Assisted travel booking service

To ensure that customers are met and assisted throughout their journey: 0800 – 2000, seven days a week.

0845 300 3005 0800 – 2000, seven days a week
0845 758 5469 textphone (for booking assisted travel and for ticket purchase)

Calls charged at local rates from a BT line

See 'Buying a ticket' for more details

Induction loops

All Arriva Trains Wales booking offices and all Arriva Trains Wales station based ticket agencies are now fitted with induction loop systems.

Visually impaired

Service information is available in large print and audio format on request by telephoning 0845 60 61 660.

Assistance Dogs

Arriva Trains Wales and Assistance Dogs (UK) are working together to improve access for disabled customers who travel with the aid of professionally trained Assistance Dogs. Assistance Dogs represent Canine Partners, Dogs for the Disabled, Hearing Dogs for Deaf People, Support Dogs and Guide Dogs for the Blind.

Assistance Dog owners can also take advantage of a new scheme that offers a protected space in front of a seat to ensure the dog can travel in safety and comfort. For more information please contact the Customer Relations Department (please see page 15).

Wheelchair access

We have equipped all our trains and principal stations with ramps for wheelchair access. Trains with wide, power-operated doors and dedicated wheelchair spaces operate on nearly all our services. Accommodation for wheelchairs can be pre-booked on 0845 300 3005 to guarantee availability. Wheelchairs up to 700mm in width can be conveyed on almost all train services. Certain scooters can be conveyed on our trains provided they have been properly assessed in advance and meet our safety requirements. For further details please contact our Customers Relations Department (see page 15).

We will do as much as possible to ensure ease of access into all of our stations and onto our trains.

We will consult with the Royal National Institute for the Blind and the Royal National Institute for the Deaf to improve the provision of information.

Car Parking

All Arriva Trains Wales station car parks, where the surface and space allows, will have designated car parking spaces for Blue Badge holders. They will be provided at a convenient location on a concrete or tarmacadam surface with flush dropped kerbs and non slip pavements where appropriate.

There is a charge for Blue Badge holders at stations with Pay and Display car parks and the use of the disabled car parking spaces at these locations is regularly monitored.

Information about car parks at stations is available at www.arrivatrainswales.co.uk

More information

Many Arriva Trains Wales stations are fully accessible for mobility impaired customers and a complete list can be found in our leaflet 'Making Rail Accessible: Helping Older and Disabled passengers'.

What we will do if things go wrong

Keeping you informed

If delays occur after your train journey has started, we will endeavour to:

- provide as much information as possible on the train
- pass messages on to people who may be meeting you or be worried about you
- get you to the destination on your ticket
- get you to your bus destination where your journey includes train/bus through ticketing
- arrange alternative transport in certain circumstances
- arrange overnight accommodation or transport home in certain circumstances
- get you back to an appropriate station if your journey is not possible
- issue complimentary non-alcoholic drinks, where refreshment facilities are provided and subject to stocks being available, if your journey is delayed by more than one hour.

Compensation

Season Tickets

Season Tickets of one month or longer but less than a year

If performance falls by more than 3% below the published standard for punctuality or 1% below the published standard for reliability, discounts will be given when season tickets are renewed. For discount purposes,

where a season ticket's journey crosses more than one Service Group as shown on page 5, the ticket will belong to that Service Group which incorporates the longest part of the journey. Information on which Service Group applies to your season ticket is available from ticket offices.

If average punctuality is below 89%, or if average reliability is below 98.5%, for your Service Group for the preceding complete 52 weeks you will receive a 5% discount on renewal. If both average punctuality and average reliability performance fall below these trigger levels, a 10% discount will be given on renewal.

Annual Season Tickets

We have an improved compensation scheme for annual season ticket holders because we value your commitment. For each complete four-weekly period during the validity of your ticket that average annual punctuality or reliability fall below our standards and trigger a discount to other season ticket holders we will give you an additional 1% discount on renewal to a maximum discount of 8% for each. The combined maximum potential discount will be 16%.

Season Tickets of one month or longer

In certain instances when severe disruption to a large number of services means that we are unable to offer either an effective train service or replacement bus service on a specific day we may declare this day void and we will then extend the duration of your season ticket by an extra day, on renewal, for each affected day. In these cases, that day's performance will be excluded from our performance statistics. To be eligible for any compensation due upon renewal, the renewal must take place within 28 days of the expiry of the ticket. Your new ticket must be for the same journey and the same or a shorter period.

If you hold a season ticket of one month or longer and are not renewing your ticket you will be entitled to National Rail travel vouchers in lieu of the discount/extension which you would have received.

All other ticket holders

We will as a minimum provide compensation for you, to the value of 20% in National Rail travel vouchers for holders of single tickets and 10% if you hold a return ticket if your journey on Arriva Trains Wales is delayed by a period of 30 minutes to one hour. You will receive compensation of 100% for holders of single tickets and 50% in the case of a return ticket if your journey on Arriva Trains Wales is delayed by more than one hour.

Compensation will be in National Rail travel vouchers. If you are delayed for more than two hours we will consider increasing the level of compensation. For holders of weekly season tickets the value for compensation will be the value of that day's return travel and will be treated as a return ticket.

Seat Reservations

Seat reservations are available on our longer distance services. If for any reason, we cannot honour your seat reservation we will try to find you another seat on the train. If this is not possible and you have to stand for more than fifteen minutes of the journey we will give you vouchers to the value of 5% or more of your journey ticket.

Customer comment forms may be obtained from conductors, on request at staffed stations or by post from:

The Customer Relations Department
Arriva Trains Wales, St. Mary's House,
47 Penarth Road, Cardiff CF10 5DJ

Any compensation will be provided in the form of National Rail travel vouchers that are valid for 12 months and will also be accepted by all the other train operating companies. We may, in exceptional circumstances, offer a cash alternative.

We cannot accept claims when the delay is caused by matters outside the rail industry's control such as vandalism, terrorism or exceptionally severe weather conditions affecting most modes of transport.

If the train you intend to use is cancelled, delayed or your reservation will not be honoured and you decide not to travel, we will give you an immediate full refund, if we are in a position to do so. Simply return your unused ticket to any ticket office.

If you decide for some reason other than delay or cancellation, not to use a ticket you have bought you can apply for a refund within 28 days. We will ask for supporting information and may charge an administration fee. Specific conditions apply to certain tickets, for example to those with advance purchase requirements. Details on how to claim refunds are available from ticket offices and National Rail appointed travel agents.

Any claim for compensation or refund must be received within 28 days of the expiry date of your ticket and will only be considered if the original tickets (not copies) are provided to us.

How to contact us

The Customer Relations Department

Notices on board Arriva Trains Wales vehicles give details of how to contact us and how to contact Passenger Focus.

When you write to us, we will send you a full response within 10 working days. If your complaint requires detailed investigation, which means we may not be able to give you a full response within 10 working days, we will acknowledge your letter within five working days and provide a full response within 20 working days. If you contact us by telephone we aim to respond within three working days if the issue cannot be resolved by telephone.

If you send us your original travel documents (for example, your tickets or receipts) it will help us to deal with your comments or complaint more quickly.

If you contact us with a comment you will be given a contact name if you need to follow up your comment.

If your complaint relates to another train operating company, we will pass your correspondence on to them and advise you when we have done so. We are always pleased to hear the views of our customers and will take account of them when planning our services.

All personal details supplied to us will remain confidential unless the individual has made an attempt to defraud the business, or the details are needed by other train operating companies or Passenger Focus to investigate the complaint.

How to contact us:

Telephone

Customer Relations on:

0845 6061 660 0800 - 2000 Monday-Saturdays
1100 - 2000 Sunday (welsh language
service opening times Mon-Fri 0900 - 1700)

Calls charged at local rates from a BT line

By Post

Customer Relations Department, Arriva Trains Wales,
St. Mary's House, 47 Penarth Road, Cardiff CF10 5DJ

E-mail

customer.relations@arrivatrainswales.co.uk

If you are not satisfied with our response, we suggest that you write to Passenger Focus.

Passenger Focus is the organisation whose remit is to protect the interests of rail users. It monitors the policies and performance of train and station operators and has the legal right to make recommendations for changes. Its special tasks include following up complaints and assessing the services offered.

Passenger Focus
FREEPOST (RRRE-ETTC-LEET)
PO BOX 4257
Manchester
M60 3AR

Telephone: 0300 123 2350

Fax: 0845 850 1392

Email: info@passengerfocus.org.uk

Website: www.passengerfocus.org.uk

In person

All our trains have a conductor on board who will be happy to assist you with any queries you may have concerning your journey. Ticket office and platform staff will also be happy to help.

Passenger Panel

A panel of our customers meet with our senior managers several times a year to give feedback on our services. For more details of their activities visit our website.

Additional Information

Stations

Our customer facing staff aim to: present a good image; have name badges; be able to answer specific enquiries; and provide assistance and reassurance when needed. Training needs will be identified and regular training given to improve our customer service skills.

All staffed stations will have daily inspections for cleanliness and general condition of public areas and car parks. Remedial action will be taken where necessary. All public areas will be cleaned at least once a day with public toilets receiving regular attention throughout the day. Unstaffed stations will be inspected and cleaned in the same manner at least twice a week.

When clocks, public address systems or information screens at our stations fail they will be repaired or replaced as soon as possible.

Every station will display the following information:

- the name and location of the Manager responsible for that station together with a telephone number for contact with Arriva Trains Wales
- the location of the nearest public telephone
- the telephone number for National Rail Enquiries
- details of local ticket sales outlets
- details of taxi and other public transport services
- arrangements for purchasing tickets on trains or by telephone
- directional information
- timetables
- guidance for mobility impaired customers
- arrangements for passenger complaints/comments

Security will be regularly reviewed at all our stations and car parks and, where appropriate, additional security measures, such as CCTV, will be provided.

Smoking

Passengers are not allowed to smoke anywhere on Arriva Trains Wales trains or stations.

Bicycles

Bicycles can be carried on most journeys and further details on our provision of cycle facilities can be found in our leaflet 'Cycling by Train'. Reservations are required on some services, but there is no reservation charge for carrying cycles on Arriva Trains Wales services.

Car Parking

The number of car park spaces available at each station is shown on our website www.arrivatrainswales.co.uk

Lost Property

Details on how to claim lost property will be available on information posters displayed at staffed stations, from our Customer Relations Department and our website www.arrivatrainswales.co.uk.

Safety

We are committed to running a safe railway and to ensuring that appropriate resources are available to do so. We will protect the safety of our customers, staff, contractors and the general public where affected by our actions and will ensure that property and the environment are protected.

The identification, control and minimisation of hazards and risks is contained in our Safety Policy which is translated into measurable actions in the Safety Plan which is produced annually and reviewed regularly.

Environment

Our promise is that we are dedicated to the continual improvement of our environmental performance.

Our main aims are:

- to comply with all our legal obligations
- to make efficient use of renewable and nonrenewable resources
- to keep abreast of technological developments impacting on environmental performance and adopt those where practicable
- to engender an environmental culture which enables employees to be fully involved and aware of their environmental responsibilities
- to specify, monitor and review annual environmental objectives for key managers

National Rail Conditions of Carriage

The Passenger's Charter is our commitment to you to raise our standards. It does not create any new legal relationship with you as a result of what we promise to do and it does not affect your legal rights. Your legal rights are set out in the National Rail Conditions of Carriage which is a legal contract and available at all ticket offices.

Ticket office opening hours

The following ticket offices are operated by Arriva Trains Wales

| | M-F Open | M-F Close | Sat Open | Sat Close | Sun Open | Sun Close |
|------------------|-------------|--------------|-------------|--------------|-------------|--------------|
| Aberdare | 0650 | 1320 | 0800 | 1430 | Closed | |
| Abergavenny | 0545 | 1845 | 0545 | 1845 | 1200 | 1830 |
| Aberystwyth | 0710 | 1740 | 0715 | 1740 | Closed | |
| Bangor | 0545 | 1815 | 0545 | 1815 | 0800 | 1830 |
| Barry | 0650 | 1320 | 0745 | 1415 | Closed | |
| Bridgend | 0545 | 1900 | 0700 | 1900 | 0740 | 1915 |
| Cadoxton | 0600 | 0945 | 0800 | 1215 | Closed | |
| Caerphilly | 0645 | 1745 | 0800 | 1745 | Closed | |
| Cardiff Central | 0540 | 2130 | 0540 | 2130 | 0800 | 2130 |
| Cardiff Queen St | 0700 | 2000 | 0800 | 2100 | 1000 | 1730 |
| Carmarthen | 0645 | 1800 | 0800 | 1800 | 1015 | 1745 |
| Chester | 0545 | 2300 | 0630 | 2230 | 0730 | 2200 |

| | M-F Open | M-F Close | Sat Open | Sat Close | Sun Open | Sun Close |
|-----------------|-------------|--------------|-------------|--------------|-------------|----------------------------------|
| Colwyn Bay | 0615 | 1915 | 0615 | 1915 | 1115 | 1815 |
| Cwmbran | 0630 | 1800 | 0800 | 1800 | Closed | |
| Flint | 0615 | 2115 | 0615 | 2115 | 0915 | 1545 |
| Haverfordwest | 0700 | 1330 | 0700 | 1330 | Closed | |
| Hereford | 0520 | 1830 | 0645 | 1830 | 0915 | 1840 |
| Holyhead | 0610 | 1910 | 0610 | 1910 | 1030 | 1700 |
| Leominster | 0700 | 1530 | 0700 | 1530 | Closed | |
| Llandaf | 0640 | 1140 | 0840 | 1440 | Closed | |
| Llandudno | 0830 | 1500 | 0915 | 1545 | 1000 | 1730 |
| Llandudno Jct | 0525 | 1825 | 0600 | 1900 | 1100 | 1830 <small>Jul - Aug</small> |
| Llanelli | 0610 | 1240 | 0700 | 1330 | Closed | |
| Machynlleth | 0515 | 1815 | 0515 | 1815 | 0830 | 1730 |
| Merthyr Tydfil | 0715 | 1530 | 0815 | 1630 | Closed | |
| Neath | 0530 | 1830 | 0700 | 1845 | 0920 | 1650 |
| Newport | 0545 | 2000 | 0630 | 2030 | 0800 | 1945 |
| Penarth | 0650 | 1420 | 0830 | 1500 | Closed | |
| Pontypridd | 0600 | 1415 | 0830 | 1645 | Closed | |
| Porth | 0630 | 1300 | 0845 | 1515 | Closed | |
| Port Talbot | 0530 | 1830 | 0600 | 1900 | 1000 | 1730 |
| Prestatyn | 0700 | 2000 | 0700 | 2000 | 0930 | 1700 |
| Radyr | 0630 | 1300 | 0830 | 1500 | Closed | |
| Rhyl | 0620 | 1920 | 0700 | 2000 | 0915 | 1645 |
| Runcorn East | 0700 | 1200 | 0800 | 1315 | Closed | |
| Shotton | 0730 | 1030 | 0845 | 1345 | Closed | |
| Shrewsbury | 0520 | 2040 | 0520 | 1930 | 0730 | 1930 |
| Swansea | 0515 | 2000 | 0615 | 2000 | 0800 | 2000 |
| Taffs Well | 0700 | 1000 | Closed | Closed | | |
| Trefforest | 0600 | 1800 | 0800 | 1430 | Closed | |
| Wrexham General | 0615 | 1915 | 0645 | 1945 | 1130 | 1900 |
| Ystrad Mynach | 0630 | 1300 | 0800 | 1430 | Closed | |

The following ticket retail facilities at Arriva Trains Wales station are operated by other parties and the hours of opening are subject to change.

| | M-F Open | M-F Close | Sat Open | Sat Close |
|------------------------|---|--------------|-------------|--------------|
| Aber | 0630 | 1000 | 0800 | 1200 |
| Barmouth | 0830* | 1630* | 0830* | 1630* |
| Chepstow | 0630 | 1100 | 0630 | 1100 |
| Gobowen | 0715** | 1600** | 0715 | 1200 |
| Llandrindod | 0845 | 1645 | 0645 | 1200 |
| Ludlow | 0600 | 1700 | 0700 | 1400 |
| Milford Haven | Various times Please ring 01646 692268 | | | |
| Newtown | 0750 1330 | 1240 1440 | 0750 | 1240 |
| Pembrey & Burry Port | 0730 | 1400 | 0800 | 1230 |
| Pengam | 0630 | 1100 | 0800 | 1300 |
| Severn Tunnel Junction | 0630 | 1030 | Closed | |

Note: These facilities are closed on Sundays.

* Barmouth ticket office is open May to September and closed from October to April inclusive

** Gobowen ticket office is closed on Monday between 1300-1345

Other stations served by Arriva Trains Wales

Network Rail

| | |
|-----------------------|---------------|
| Birmingham New Street | 0121 654 4288 |
| Manchester Piccadilly | 0161 228 4562 |

Virgin Trains 0870 789 1234

| | |
|--------------------------|----------------------|
| Birmingham International | Stockport |
| Crewe | Warrington Bank Quay |
| Stafford | Wolverhampton |

London Midland 0121 634 2040

| | |
|------------|-------------------------|
| Albrighton | Shifnal |
| Billbrook | Smethwick Galton Bridge |
| Codsall | Telford Central |
| Cosford | Wellington |
| Oakengates | |

Northern Rail 0845 000 0125

| | |
|------------------------|-------------------|
| Earlestown | Newton-le-Willows |
| Manchester Oxford Road | Wilmslow |

First Great Western 0845 7000 125

| | |
|------------|------------|
| Cheltenham | Gloucester |
|------------|------------|

Mersey Rail 0151 702 2071

Bidston

Appendix 1

Ticket gates and ticket vending machines are at the stations indicated by a dot:


| Station | Ticket Vending Machine | Ticket Gate |
|----------------------|------------------------|-------------|
| Aberdare | • | |
| Abergavenny | • | |
| Aberystwyth | • | |
| Bangor | • | |
| Barry | • | |
| Bridgend | • | • |
| Caerphilly | • | |
| Cardiff Central | • | • |
| Cardiff Queen Street | • | • |
| Carmarthen | • | |
| Cathays | • | • |
| Chester | • | • |
| Colwyn Bay | • | • |
| Crosskeys | • | |
| Ebbw Vale Parkway | • | |
| Flint | • | |
| Hereford | • | • |
| Llandudno Junction | • | |
| Llanelli | • | |
| Llanhilleth | • | |
| Neath | • | • |
| Newbridge | • | |
| Newport | • | • |
| Pontypridd | • | • |
| Prestatyn | • | |
| Rhyl | • | • |
| Risca & Pontymister | • | |
| Rogerstone | • | |
| Shotton | • | |
| Shrewsbury | • | • |
| Swansea | • | • |
| Trefforest | • | |
| Wrexham Central | • | |
| Wrexham General | • | |

Installation is planned during the coming 12 months at the stations indicated by a dot:

| Station | Ticket Vending Machine |
|------------|------------------------|
| Barry Dock | • |

Arriva Trains Wales / Trenau Arriva Cymru

Trenau Arriva Cymru  Arriva Trains Wales

Trenau eraill nad ydy'n cael eu gweithredu gan Trenau Arriva Cymru  Other services not operated by Arriva Trains Wales

Gorsaf â peiriant gwerthu tocynnau  Stations with ticket vending machines

Peiriant gwerthu tocynnau yn gynllunio yn 2010/11  Ticket vending machines planned 2010/11

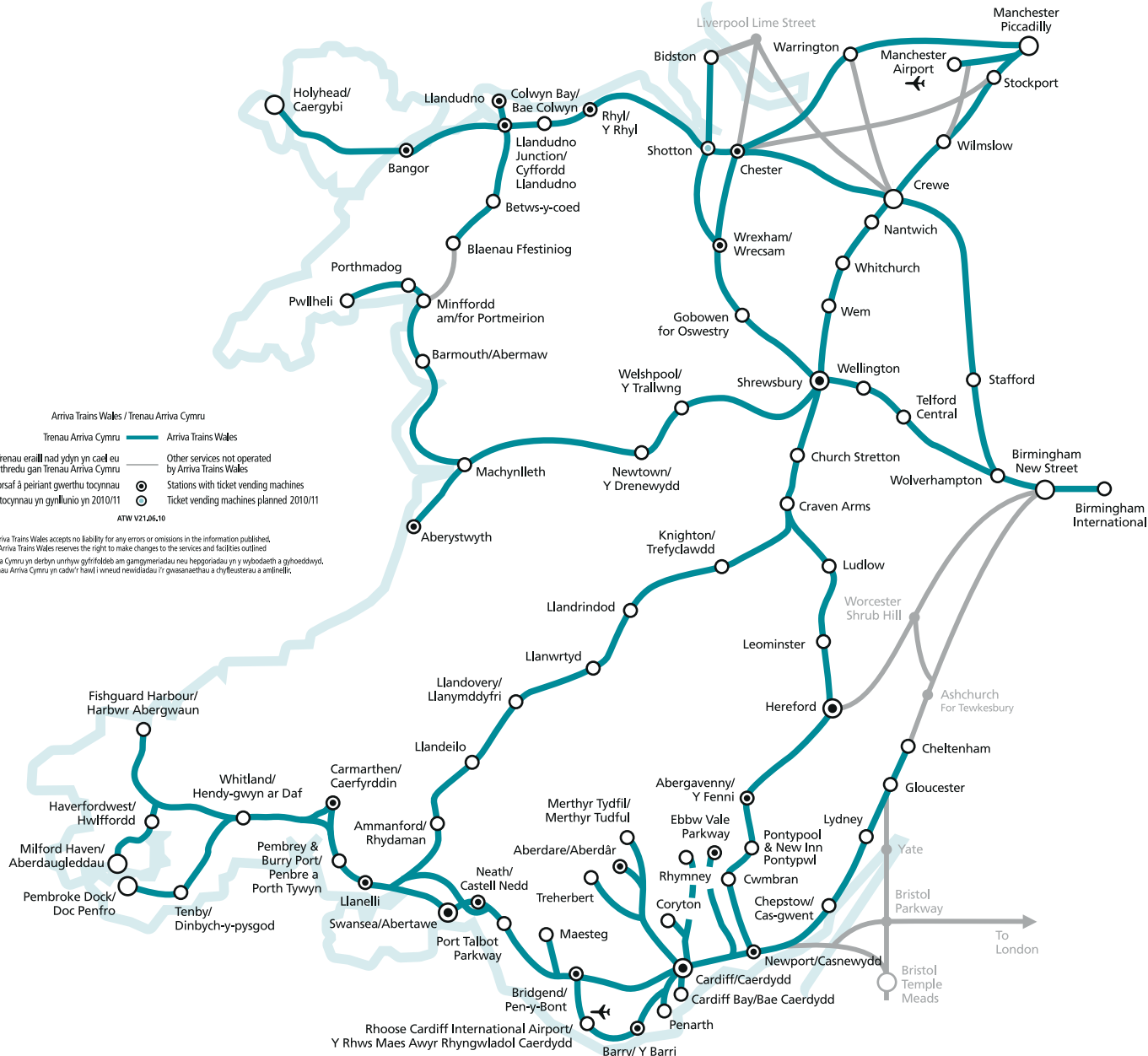
ATW V21.06.10

Arriva Trains Wales accepts no liability for any errors or omissions in the information published.

Arriva Trains Wales reserves the right to make changes to the services and facilities outlined.

Nid yw Trenau Arriva Cymru yn derbyn unrhyw gyfrifddeb am gangymeriadau neu hepgoriadau yn y wybodaeth a gyhoeddwyd.

Mae Trenau Arriva Cymru yn cadw'r hawl i wneud newidiadau i'r gwasanaethau a chyflusteru a amlinellir.





Charte - confiance

Chacun s'y engage

Mars 2009



www.stib.be
Société des Transports Intercommunaux de Bruxelles





Avec la charte-confiance de la STIB, chacun s'engage!

**Une charte est un contrat de confiance.
Et en même temps, un engagement.
Entre la STIB et ses clients.**

La Charte-confiance précise les standards de qualité que la STIB s'engage, en tant que transporteur, à offrir à ses clients lors de leurs déplacements. Les performances réalisées sont régulièrement mesurées et des efforts constants sont entrepris pour les améliorer.

La Charte-confiance n'est pas un document figé : elle évolue. Avec les clients de la STIB et grâce à eux. En fonction de leurs besoins, tenant compte des exigences d'un transport public moderne dans une ville et une région en constante mutation.

La STIB et ses 6.500 collaborateurs croient fermement en la priorité du transport public, cœur de la mission que la Région de Bruxelles-Capitale leur confie.

En tant que client, par de simples gestes, par de justes comportements et par un respect mutuel, vous pouvez contribuer à améliorer la qualité des déplacements sur le réseau de transport public. Vous aussi êtes invité à vous engager.

Alain Flausch
Administrateur – Directeur général



La qualité de service

La priorité de la STIB est d'assurer au quotidien un service de qualité qui donne satisfaction à ses clients. Améliorer la qualité de service est un défi volontariste pour lequel la STIB s'engage de manière permanente. C'est pour cela qu'elle investit en ressources humaines d'abord, mais aussi, en collaboration avec la Région, en matériel et en infrastructures.

La STIB est engagée dans un processus respectueux des exigences de ses clients, mais aussi de la société actuelle.

Elle collabore étroitement avec l'Union Internationale des Transports Publics (UITP) et soutient ses recommandations; elle a notamment signé la Charte de l'UITP pour le Développement durable.

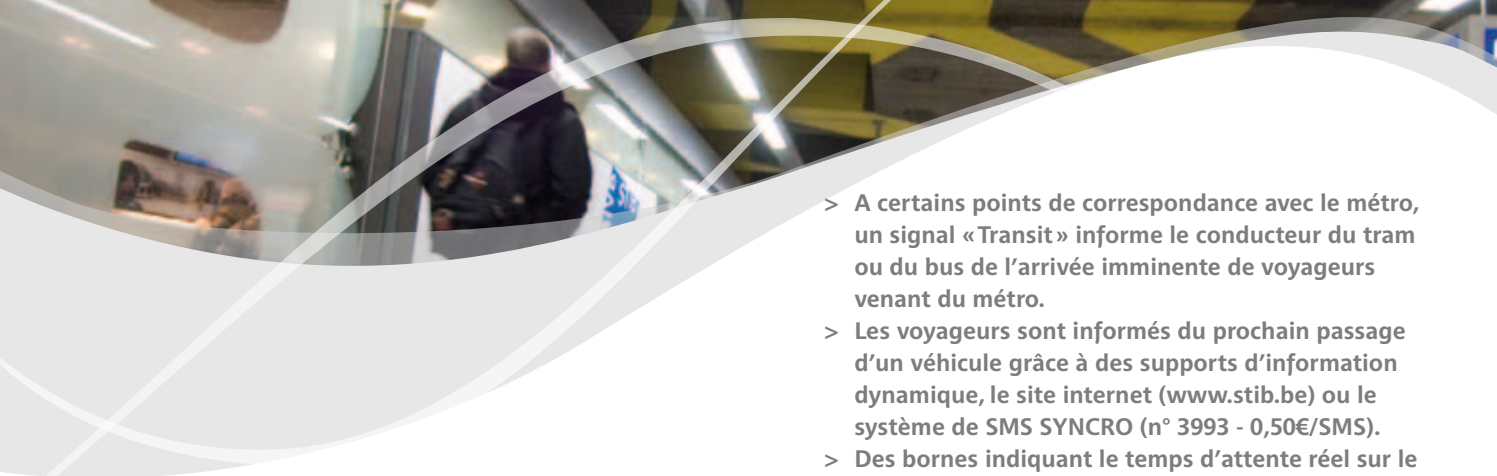
La STIB est le premier transporteur belge à avoir obtenu la certification « qualité de service » selon la norme européenne (EN 13816). Un label difficile à obtenir et encore plus difficile à conserver. La STIB est particulièrement fière de voir ses efforts ainsi reconnus.

Des critères concrets de performances à réaliser ont été définis. Ils sont mesurés en continu par des observateurs indépendants. Les résultats sont publiés annuellement (notamment sur le site Internet www.stib.be). Cette évaluation permet d'apporter constamment des améliorations au service offert aux clients.

Comment les critères de performance sont-ils définis?

- > Les clients de la STIB sont régulièrement interrogés sur leurs attentes par des enquêtes menées sur le terrain, par courrier ou Internet.
- > La norme européenne fixe des objectifs prioritaires à atteindre. Un Comité tripartite composé de représentants des clients, de la Région, et de la STIB valide les domaines d'intervention prioritaires.
- > La Région, liée à la STIB par un contrat de gestion, s'implique aussi dans les actions qui favorisent la mobilité à Bruxelles.





La STIB et vous

Les collaborateurs du tram, du métro, du bus et des points de vente s'engagent à respecter les critères de qualité de service.

En voici quelques exemples concrets :

Temps d'attente et correspondances

Maîtriser le temps passé dans les transports publics, faciliter les déplacements, limiter le temps d'attente et assurer les correspondances : La STIB s'engage.

Le temps est précieux. Chacun souhaite être ponctuel dans ses activités. La STIB partage ce souci légitime ; c'est dans cet esprit qu'elle construit ses horaires. Aux heures de pointe, elle veille à assurer des passages fréquents. Les conducteurs sont tenus de respecter l'horaire (l'avance sur horaire est interdite) et de faciliter les correspondances.

Assurer les correspondances, c'est réduire les temps de parcours. Les conducteurs de tram et de bus sont particulièrement attentifs aux correspondances surtout lorsque les fréquences de passage sont moins élevées ; cette disposition fait partie intégrante de leur formation.

Concrètement :

- > La STIB affiche ses horaires à tous les arrêts et dans les stations de métro.

- > A certains points de correspondance avec le métro, un signal « Transit » informe le conducteur du tram ou du bus de l'arrivée imminente de voyageurs venant du métro.
- > Les voyageurs sont informés du prochain passage d'un véhicule grâce à des supports d'information dynamique, le site internet (www.stib.be) ou le système de SMS SYNCRO (n° 3993 - 0,50€/SMS).
- > Des bornes indiquant le temps d'attente réel sur le réseau de surface sont progressivement installées.
- > La STIB souhaite limiter les temps d'attente lors de l'achat des titres de transport, c'est pourquoi les points de ventes ont été étendus : BOOTIK, KIOSK et GO.
- > Le site internet vous permet aujourd'hui d'acheter les titres en ligne (www.stib.be).


Sûreté et sentiment de sécurité

Sécuriser le matériel comme le réseau : La STIB s'engage

Les conducteurs sont spécialement formés pour transporter les clients dans les meilleures conditions de confort et de sécurité. Les techniciens veillent quotidiennement à la fiabilité du matériel et à l'entretien des infrastructures. D'importants moyens sont consacrés à l'amélioration du sentiment de sécurité dans les véhicules et les installations de la STIB.

Concrètement :

- > La présence de personnel en station a fortement augmenté. Grâce à leur nouvelle tenue, ces agents de terrain sont facilement reconnaissables. De plus, des agents de prévention parcourent les stations en soirée pour rassurer les voyageurs et dissuader les incivilités.
- > Une présence humaine à caractère préventif est également mise en place sur le réseau de surface tram et bus.
- > Souriez, vous êtes filmé ! Pour renforcer la sécurité,



le réseau est équipé de caméras de surveillance (stations et véhicules). L'usage des images est réservé à des agents assermentés, dans le respect strict de la vie privée de chacun.

- > Des bornes-contact ont été placées dans les stations pour permettre aux voyageurs de signaler les anomalies.
- > La mise en place de la montée par la porte avant dans les autobus a permis d'améliorer le sentiment de sécurité à bord des bus.
- > La mise en place progressive de portillons dans les stations de métro limitera strictement l'accès aux quais aux voyageurs munis d'un titre de transport valable.
- > Des campagnes de sensibilisation au bon usage du transport public sont organisées pour les écoles et les associations qui travaillent avec les jeunes.
- > Le service de Sécurité de la STIB est agréé par le Ministère de l'Intérieur, ce qui en assure le professionnalisme et la légitimité. Le personnel qui y travaille bénéficie d'une formation spécifique.

Accueil

Offrir un accueil attentionné: La STIB s'engage

La qualité de l'accueil, c'est d'abord une écoute attentive et un comportement proactif de la part du personnel. C'est ensuite être mieux visible sur le réseau pour être plus disponible.

Concrètement:

- > Les différents points de contact avec la clientèle ont vu leur nombre et leur capacité d'accueil augmenter (ex.: Gare du Midi), les services ont été partout modernisés et améliorés dans toutes leurs composantes (BOOTIK, KIOSK,...).
- > Le personnel est facilement reconnaissable grâce

à son nouvel uniforme. Les agents de terrain et les chauffeurs en particulier suivent régulièrement des formations à l'accueil attentionné des clients.

- > Le personnel en stations est disponible aux différents moments de la journée pour aider les clients dans leurs déplacements.

Confort

Faciliter les déplacements et assurer le confort: la STIB s'engage

Les nouveaux véhicules sont climatisés, silencieux et offrent plus d'espace. Ils sont tous équipés d'un plancher bas et utilisent des matériaux de qualité. Le confort des voyageurs est aussi assuré par un accès aisé aux appareils de vente et de validation, aux escalators et aux ascenseurs.

La STIB modernise ses arrêts et ses stations pour les rendre plus accessibles et plus confortables. Dans le métro, elle multiplie les commerces et les équipements.

Concrètement:

- > Les conducteurs de la STIB s'engagent à offrir aux voyageurs un bon confort de conduite pendant tout le trajet. Ils sont formés à l'adoption d'une conduite douce, souple et proactive pour améliorer la qualité des déplacements.
- > En métro, le système « Ecodrive » permet de rouler à vitesse constante, en évitant accélérations et freinages brusques tout en réduisant fortement la consommation d'énergie.
- > La STIB poursuit ses efforts afin de renforcer l'accessibilité du réseau. Les ascenseurs installés progressivement dans les stations de métro facilitent grandement les déplacements des clients. De nouvelles installations sont prévues par la STIB et la Région.

- > Progressivement, les 550 escalators sont équipés d'un système de réarmement automatique pour accélérer leur remise en route.
- > Les stations et les arrêts de surface sont progressivement équipés de plans inclinés et de quais plus larges; ils sont aménagés pour les clients à besoins spécifiques.
- > Le confort, c'est aussi la carte MOBIB et les facilités qu'elle offre.

Information

Informier à heure et à temps: la STIB s'engage

La STIB met à disposition des clients de multiples supports d'information reprenant le plan de réseau, les horaires, les tarifs, ...

Elle s'engage à fournir une meilleure information en temps réel sur les perturbations de ses lignes, leur cause, leur durée estimée et les alternatives éventuelles. C'est de cette façon aussi que la STIB facilite les déplacements de ses clients dans la ville.

Concrètement :

- > De nouveaux panneaux d'orientation et d'information sont progressivement mis en place sur le réseau.
- > Les annonces générales en stations sont faites en français, néerlandais et plus récemment en anglais.
- > La STIB assure une information dynamique et visuelle en station et à certains arrêts de surface (progression des véhicules en temps réel).
- > Des équipements permettant l'annonce du prochain arrêt sont placés à bord des véhicules les plus récents.
- > La nouvelle version du site Internet (www.stib.be) offre toutes les informations utiles, fiables et actualisées permettant de faciliter les déplacements en transport public en Région de

Bruxelles-Capitale. Il est consulté par plus d'un demi-million d'internautes par mois.

- > Ces mêmes informations sont disponibles dans les BOOTIK.
- > Le Contact Centre (070 23 2000) prend en charge, en temps normal, les appels téléphoniques en moins d'une minute du lundi au vendredi de 8h à 19h, ainsi que le samedi de 8h à 17h. L'accueil est aimable et personnalisé.

Propreté

Des installations et des véhicules propres: La STIB s'engage

La propreté fait partie des priorités de la STIB. Elle met à disposition de ses clients des véhicules, des installations et des arrêts propres et en bon état. Elle y veille en étroite collaboration avec tous les partenaires concernés. Ainsi la propreté des arrêts est-elle assurée par les Communes et la Région.

Concrètement :

- > Les rames de métro sont fréquemment nettoyées lors de leur passage au terminus.
- > Les nouveaux véhicules ont été conçus de façon à permettre une plus grande facilité d'entretien.
- > Les stations sont nettoyées tous les jours avec des produits écologiques.
- > Du personnel d'entretien effectue des rondes de manière à maintenir la propreté des stations.
- > Le tri des déchets est favorisé dans les stations. Des poubelles sélectives sont mises à la disposition des voyageurs et des commerçants du métro.
- > Les revêtements de sol des stations sont renouvelés progressivement afin d'en faciliter l'entretien.

Au plaisir de vous accueillir sur nos lignes.



Vous et la STIB

Dans l'intérêt et pour le confort de tous, la STIB invite ses clients à contribuer à la réalisation des objectifs « qualité » du réseau bruxellois de transport public. La qualité du transport public dépend de tous.

Certaines « règles » sont parfois mal connues ou oubliées. Voici quelques conseils pour voyager en toute convivialité.

A propos de fair-play:

- > Remercier le chauffeur ou l'agent de la STIB pour le service rendu ou l'information donnée, encourager les initiatives du personnel.
- > Garder un langage serein et positif.
- > Dans le bus, respecter le sens de circulation à l'intérieur du véhicule : monter par la porte avant et descendre à l'arrière afin de faciliter la fluidité.
- > Veiller à laisser sortir les passagers avant de monter dans le véhicule.
- > Se tenir à droite sur les escalators et dans les escaliers pour laisser passer les personnes pressées.
- > Etre courtois(e). Céder sa place assise aux personnes qui en ont besoin, aider les personnes en difficulté et les malvoyants à se repérer, notamment vis-à-vis des équipements mobiles (ascenseurs, escalators). Lorsqu'on voyage avec une poussette ou un objet encombrant, utiliser les plateformes dédiées et dans tous les cas veiller à gêner le moins possible les autres passagers.
- > S'abstenir de boire et de manger dans les véhicules ou sur les quais.
- > Respecter l'interdiction de fumer dans les installations et à bord des véhicules.
- > Montrer spontanément son titre de transport lors des contrôles.
- > N'emporter son vélo, en le tenant toujours à la main,

que dans les trams à plancher bas et les métros ainsi que dans les stations et s'abstenir aux heures de pointe (7-9; 16-18h30). Placer son vélo dans les endroits qui lui sont réservés et ceux-là seulement.

Lorsqu'on utilise son véhicule personnel ou son vélo...

- > Laisser toujours la priorité au tram même sur les passages pour piétons.
- > Respecter la priorité du bus lorsqu'il quitte son arrêt.
- > Garer sa voiture aux arrêts de bus et de tram est interdit pour garantir la montée et la descente aisée des passagers en toute sécurité.

A propos d'environnement:

- > De manière générale, respecter le véhicule emprunté comme le sien. Prendre en considération le confort des autres passagers.
- > Il en va de même aux arrêts et dans les stations. Eviter d'abandonner cannettes, mégots et chewing-gum. Conserver les journaux ou en faire bénéficier d'autres personnes. A défaut, les jeter dans les poubelles sélectives.
- > Dans les stations de métro, contribuer au tri sélectif en se servant des conteneurs – bleus (plastique) – jaunes (papier, carton) – blancs (tous autres déchets, hors encombrants).
- > Utiliser les cendriers mis à disposition à l'entrée des stations.
- > Adapter le volume de son téléphone portable et de son lecteur de musique pour ne pas gêner les autres voyageurs. De même, éviter d'écouter de la musique via les haut-parleurs de son lecteur MP3 ou de son GSM.



A propos de sécurité:

- > Faire signe à temps au conducteur de bus ou de tram pour demander l'arrêt afin d'éviter tout freinage brutal.
- > Sonner bien à temps lorsqu'on désire descendre du véhicule.
- > Dans le bus, dégager la plateforme avant pour assurer la visibilité du conducteur.
- > Dans les stations de métro et aux arrêts de tram qui le prévoient, respecter la ligne de sécurité.
- > Dans les véhicules, éviter de s'appuyer sur les portes.
- > Se tenir aux mains courantes pour sa propre sécurité et celle des autres voyageurs.
- > Dans les stations de métro et de prémétro, il est interdit et extrêmement dangereux de traverser ou de descendre sur les voies. En cas d'incident ou d'anomalie, contacter l'agent le plus proche ou utiliser la borne-contact.
- > Sur les quais comme dans les escalators, observer les consignes de sécurité telles qu'elles figurent sur les pictogrammes et dans le guide du voyageur (voir www.stib.be).
- > Lorsque l'on voyage avec un chien, le garder dans les bras si c'est possible, le tenir en laisse et lui mettre une muselière.
- > L'utilisation de rollers et de skateboards est interdite.
- > En tant que piéton, être toujours bien visible et chercher le contact visuel avec le conducteur du bus ou du tram.

Vivre en société, s'organiser et observer les règlements :

- > Préparer son voyage, s'informer au préalable des horaires et de l'itinéraire à emprunter. Etre suffisamment à temps à l'arrêt.
- > Acquérir un titre de transport en BOOTIK, au KIOSK, sur internet ou aux automates de vente « GO » comme dans les autres points de vente coûte moins cher que s'il est acheté dans les véhicules. Le point de vente le plus proche est renseigné sur les horaires affichés aux arrêts (coin supérieur gauche) et dans les valves du métro.
- > En cas d'achat à bord d'un véhicule, s'assurer d'avoir le change. Les conducteurs disposent de peu de monnaie et ne sont pas tenus d'assurer le change au delà de 5 Euros.
- > Valider son titre de transport à chaque montée et lors de chaque correspondance, même pour les clients qui bénéficient de la gratuité du transport. Ce respect des procédures évite les amendes et surtaxes.
- > Eviter d'entrer ou de sortir du véhicule lorsque le signal sonore de fermeture des portes retentit.
- > Utiliser les boutons d'alarme uniquement en cas d'urgence.



N'hésitez pas à vous exprimer! Plus d'infos ?

La STIB donne régulièrement la parole à ses clients à travers des enquêtes mais aussi en les invitant à exprimer commentaires, suggestions et critiques. Les réclamations et les félicitations écrites sont traitées rapidement et avec sérieux.

En savoir plus sur les services de la STIB ?

- > Informez-vous auprès de nos BOOTIK, nos KIOSK et de manière générale auprès de notre personnel. Des dépliants « Votre avis nous fait avancer » sont disponibles en BOOTIK, dans les KIOSK et auprès des agents de conduite.

Pour nous contacter :

- > Consultez notre site internet : www.stib.be et envoyez-nous vos messages via la rubrique « Contacts ».
- > Le Contact centre est accessible par téléphone au 070 23 2000 du lundi au vendredi de 8h à 19h, ainsi que le samedi de 8h à 17h. L'accueil est aimable et personnalisé.
- > Envoyez un e-mail à relationsclientele@stib.irisnet.be
- > Ecrivez-nous à :
Société des Transports Intercommunaux de Bruxelles
Rue Royale 76 - 1000 Bruxelles.

Legislative Sources

Austria

Introduction of the relevant legislation

- Austrian Civil Code (“*Allgemeines bürgerliches Gesetzbuch* - ABGB”).
- Austrian Railway and Motor Car Liability Act (“*Eisenbahn- und Kraftfahrzeughaftpflichtgesetz* - EKHG”), Federal Law Gazette No 48/1959.
- Austrian Federal Act on Equal Opportunities for Handicapped People (“*Bundes-Behindertengleichstellungsgesetz* BGStG”), Federal Law Gazette I No 2005/82

National legislation

- Austrian Railway Act 1957 (“*Eisenbahngesetz 1957* - EisbG”), Federal Law Gazette No 60/1957.
- Austrian Federal Act on Rail Transport (“*Eisenbahnbeförderungsgesetz* - EBG”), Federal Law Gazette No.180/1988.
- Austrian Federal Act on Passenger Rights and Obligations in Railway Traffic (“*Rechte und Pflichten der Fahrgäste im Eisenbahnverkehr*”), Federal Law Gazette I No. 25/2010.
- Austrian Federal Act on Motor Vehicle Traffic (“*Kraftfahrlineigesetz* - KfLG”), Federal Law Gazette I No. 203/1999.
- Federal Regulation concerning General Conditions of Carriage With Motor Vehicles (“*Allgemeine Beförderungsbedingungen für den Kraftfahrlinienverkehr* – Kfl-Bef Bed”), Federal Law Gazette II No. 47/2001.
- Austrian Federal Act on Local and Regional Public Transport (“*Öffentlicher Personennab- und Regionalverkehrsgesetz 1999* – ÖPNRV-G 1999”), Federal Law Gazette I No 204/1999.

Regional/ municipal legislation

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- Regional Law No 20 of 15 April 1995 containing provisions for the transport of passengers with taxis and rental of vehicles with driver.
- Resolution of Regional Government No 7/11948 of 24 January 2003 regulating the transport with taxis in the area of Lombardy airports.
- Resolution of Regional Government No 7/20831 of 16 February 2005 regulating the transport with taxis in the area of Lombardy airports.

Marche

- Regional Law No 10 of 6 April 1998 on transport of people with taxis and bus with driver.
- Regional Law No 45 of 24 December 1998 containing provisions of the new regulation of the local public transport.

Molise

- Regional Law No 19 of 24 March 2000, provisions on the reorganisation of the local public transport.

Piedmont

- Regional Law No 1 of 4 January 2000 containing provisions on local public transport.
- Regional Law No 24 of 23 February 1995 regulating the non-line road public transport.

Puglia

- Regional Law No 18 of 31 October 2002, Consolidated provisions on local public transport
- Regional Law No 14 of 3 April 1995 implementing Law No 21/1992 containing the general framework for the transport of passengers with non-line public service.

Sardinia

- Regional Law No 21 of 7 December 2005 containing provisions and organisation of the local public transport.

Sicily

- Regional Law No 29 of 6 April 1996 containing provisions on non-line road public transport service.
- Resolution of Regional Government No 265 of 7 August 2002 concerning the reform of local public transport in Sicily.

- Regional Directive No 7/1 of 22 December 2003 containing the principles to be adopted in drafting the Charters of service for public transports.

Tuscany

- Regional Law No 42 of 31 July 1998 on the local public transport as amended by Regional Law No 33 of 8 July 2003.
- Regional Law No 36 of 16 June 2008 on the public transport of passengers on bus with drivers as amended by Law No 22 of 5 May 2009.
- Regional Law No 67 of 6 September 1993 on transport of passengers with taxis and rental services.
- Resolution of Regional Council No 131 of 1 March 1995 concerning the criteria that the municipalities are required to follow for the adoption of the regulation on the non-line public service transport.

Trentino Alto Adige

- Provincial Law No 16 of 9 July 1993 containing provisions on public service transport in the province of Trento.
- Provincial Law No 16 of 2 December 1985 containing the provisions on public service transport in the province of Bolzano.

Umbria

- Regional Law No 37 of 18 October 1998 containing the provisions on local public transport.
- Regional Law No 17 of 14 June 1994 on transport of passengers with non-line public service.

Valle d'Aosta

- Regional Law No 27 of 1 September 1997, provisions on the local public transport lines.
- Regional Law No 92 of 9 August 1994 containing provisions on transport of passengers with non-line public service.

Veneto

- Regional Law No 25 of 30 October 1998 containing the provisions and the organisation of local public transport.
- Regional Law No 22 of 30 July 1996 containing rules for the exercise of the administrative functions concerning non-line road transport services.

Charters of Service and Quality charters examined

- ATAC Roma

- ATM Milano
- ATM Trieste
- ACTV Venezia
- ANM Napoli

Latvia

- The Law on Carriage by Road, valid since 26 September 1995, published in *Latvijas Vēstnesis* No 138 on 12 September 1995.
- The Law on Public Transport Services, in force since 15 July 2007, published in *Latvijas Vēstnesis* No 106 on 4 July 2007.
- The Administrative Violations Code, in force since 1 July 1985, published in *Ziņotājs* No 51 on 20 December 1984.
- The Criminal Law, in force since 1 April 1999, published in *Latvijas Vēstnesis* No 199/200 on 8 July 1998.
- Regulation of the Cabinet of Ministers No 634 “Organisation of Public Transport Services within a Route Network”, in force since 5 August 2010, published in *Latvijas Vēstnesis* No 122 on 4 August 2010.
- Regulation of the Cabinet of Ministers No 843 “Order of Providing and Using of Public Transport Services”, in force since 15 December 2007, published in *Latvijas Vēstnesis* No 201 on 14 December 2007.
- Regulation (of the Cabinet of Ministers) on Categories of Passengers Entitled to Use the Allowances on Fares in Routes of the Route Network, No 872, in force since 1 September 2009, published in *Latvijas Vēstnesis* No 126 on 11 August 2009.
- Regulation (of the Cabinet of Ministers) on Carriage of Passengers by Taxis, No 380, in force since 6 June 2008, published in *Latvijas Vēstnesis* No 87 on 5 June 2008.
- Regulation No 165 of Riga City Council “On the Usage of Public Transportation of Riga City”, dated 28 February 2012.
- Regulation No 21 of Jekabpils City Council “Rules on Usage of Public Transportation (bus) of Jekabpils”, dated 18 August 2011.
- Regulation No. INA-NOT/2009/6 of Riga Municipality *SLA RIGAS SATIKSME* “The Order of Usage of Subscription Tickets”, approved by the decision of Management Board, dated 2 April 2009 (Protocol No 6).

- Regulation No INA-NOT/2010/12 of Riga Municipality *SLA RIGAS SATIKSME* “The Control of Passengers Carriage”, approved by the decision of Management of Board, dated 9 September 2010 (Protocol No 19).
- Regulation No INA-NOT/2010/13 of Riga Municipality *SLA RIGAS SATIKSME* “The Order of Granting Allowances on Fares”, approved by the decision of Management of Board, dated 21 October 2010 (Protocol No 22).
- Regulation No INA-NOT/2011/5 of Riga Municipality *SLA RIGAS SATIKSME* “Order on the Carriage of Bicycles in the Public Vehicles”, approved by the decision of Management of Board, dated 14 July 2011 (Protocol No 16).
- The decision of the Riga City Council on 18 October 2011. No 3783 “On the conclusion of public transportation services contract with Riga Municipality SIA “*RIGAS SATIKSME*” regarding the rendering of public transport services in the route network of Riga City Public Transport”.
- Replies by Riga Municipality SIA “*RIGAS SATIKSME*” to the “Transport operators and employees associations questionnaire”.

Lithuania

- The Civil Code of the Republic of Lithuania (2000, No 74-2262).
- The Road Transport Code of the Republic of Lithuania (1996, No 119-2772).
- The Railway Transport Code of the Republic of Lithuania (2004, No 72-2489).
- The Inland Transport Code of the Republic of Lithuania (1996, No. 105-2393).
- The Law on Public Administration of the Republic of Lithuania (1999, No 60-1945; 2006, No 77-2975).
- The Rules on carriage of passengers and luggage by road transport (2011, No 46-2190).
- The Act of passenger road transport format (1998, No 24-628).
- The Rules of carriage of passengers and luggage by bus and trolleybus in the city of Vilnius, adopted by the decision of the Council of the Municipal Government of Vilnius (25 January 2012, No 1-402).
- The Rules of carriage of passengers and luggage by bus, trolleybus and shuttle bus in the city of Kaunas, adopted by the decision of the Council of the Municipal Government of Kaunas (5 May 2005, No T-246).
- The Agreement of public services, adopted by the decision of the Council of the Municipal Government of Vilnius (21 September 2011, No 1-223).

- The Agreement of public services presented by the Municipal Government of Kaunas.
- The Rules of carriage of passengers by bus and taxi in Klaipeda, adopted by the decision of the Council of the Municipal Government of Klaipeda (15 February 2007, No. T2-41).

Luxembourg

- The law of 14 February 1955, as amended, on public road traffic.
- The Grand-Ducal decree (*Arrêté grand-ducal*) of 23 November 1995, as amended, on public road traffic.
- The law of 29 June 2004 on public transport, as amended.
- The Grand-Ducal regulation of 27 September 2005 (*règlement grand-ducal*) concerning the enforcement of the Public Transport Law.
- The Grand-Ducal regulation of 12 June 2007 fixing the tariffs for public transport, as amended.
- The Grand-Ducal regulation of 9 July 2007 determining the composition and functioning of the Comity of public transport users, as amended.
- The Grand-Ducal regulation of 23 April 2009 fixing the tariff conditions for national public transportation of passengers and luggage.
- The Law of 19 June 2009 on order and security in public transport.
- The Grand-Ducal regulation of 2 February 2011 on administrative pecuniary sanctions for public transport (*avertissements taxés en matière de transport public*).

Rail

- The law of 11 June 1999, as amended, on the access and operation of the railway infrastructure.
- The law of 29 July 2009, as amended, on railway security which established the Administration of the Railways (*Administration des Chemins de Fers*).
- The Grand-Ducal regulation of 1 December 2009 on rail passengers' rights and obligations, derogates from Regulation (EC) No 1371/2007 dated 23 October 2007.
- The Grand-Ducal Regulation of 1 June 2010 on the interoperability of railways.
- The law of 14 December 2011 which implemented the EU Directive 2008/110/EC of 16 December 2008 on safety on the Community's railways.

Taxi

- The law of 18 March 1997 on taxi services.

- The Grand-Ducal Regulation of 3 December 1997, as amended, on taxi services at the Luxembourg Airport.
- The ministerial regulation (*règlement ministériel*) of 22 December 1997 determining the conditions of the application of the legislation on taxis (the “Taxi Regulation”).
- The Communal regulation of 8 February 1999 on taxi services for Luxembourg-City.
- The Grand-Ducal regulation of 9 July 2004 setting up maximum prices for taxis.

Malta

- Subsidiary legislation 499.56, passenger transport service regulations.
- Chapter 499, authority for transport in Malta act.
- Chapter 16, civil code.
- Subsidiary legislation 499.31, goods passenger and goods service (fares) regulations.
- Subsidiary legislation 499.55, water taxi services regulations.
- Subsidiary legislation 499.59, taxi services regulations.

The Netherlands

Civil law on the contract of domestic public carriage of persons

- Dutch Civil Code (DCC), articles 8:100 – 8:121 (title 2, section 5 DCC, ‘the contract of domestic public carriage of persons’).
- Decree pursuant to Article 110 of Book 8 of the DCC.

Other relevant national legislation and regulations on urban public transport.

General

- ‘*Wet Personenvervoer 2000*’.
- ‘*Besluit Personenvervoer 2000*’.
- ‘*Wet Gemeenschappelijke Regelingen*’.

Taxi

- ‘*Regeling maximumtarief and bekendmaking tarieven taxivervoer*’.

- *'Regeling taxibestuurders 2005'*.

Bus

- The general terms and conditions public urban and regional transport of *'Koninklijk Nederlands Vervoer'* (KNV) - branch conditions.

Train

- *'Concessiewet Personenvervoer per trein'*.
- *'Spoorwegwet'*.
- *'Regeling Tarieven Spoorwegwet 2012'*.

Local railway and tram

'Locaalspoor- en tramwegwet'.

Poland

National legislation

- Ustawa z dnia 23 kwietnia 1964 r. Kodeks cywilny (Dz. U. z dnia 18 maja 1964 r. z późn. zm.)
[Civil Code of 23 April 1964 (Journal of Law of the Republic of Poland 1964 No. 16, pos. 93)]
- Ustawa z dnia 8 marca 1990 r. o samorządzie gminnym (tekst jedn. Dz. U. z 2001 Nr 142, poz. 1591 z późn. zm.)
[Communal Self-Government Law of 8 March 1990 (consolidated text Journal of Law of the Republic of Poland 2001 No. 142, pos. 1591 with amendments)].
- Ustawa z dnia 15 listopada 1984 r. Prawo przewozowe (tekst jedn. Dz. U. z 2000 Nr 50, poz. 601 z późn. zm.)
[Transport Law of 15 November 1984 (consolidated text Journal of Law of the Republic of Poland from 2000 No. 50, pos. 601 with amendments)].
- Ustawa z dnia 16 grudnia 2010 r. o publicznym transporcie zbiorowym (Dz. U. z 2011 r. Nr 5, poz. 13 z późn. zm.)
[Collective Public Transport Law of 16 December 2010 (text Journal of Law of the Republic of Poland from 2011No. 5, pos. 13 with amendments)].

Regional legislation (regarding main Polish areas namely: Warsaw, Krakow, Poznan and Wrocław):

- Uchwała Nr XXX/596/2004 Rady miasta stołecznego Warszawy z dnia 13 maja 2004 roku w sprawie regulaminu przewozu osób i bagażu środkami lokalnego transportu zbiorowego w m.st. Warszawie
[Resolution No. XXX/596/2004 Warsaw City Council of 13 May 2004 on the rules of carriage of passengers and baggage of municipal public transport in the City Warsaw].

- Uchwała Nr XLIV/544/08 Rady Miasta Krakowa z dnia 28 maja 2008 r. (z późn. zmianami) w sprawie przepisów porządkowych dotyczących przewozu osób i bagażu pojazdami Komunikacji miejskiej w Krakowie. [RESOLUTION NO XLIV/544/08 Krakow City Council of 28 May 2008 (with amendments)
[The police regulations relating to the carriage of passengers and baggage vehicles of public transport in Krakow].
- Zarządzenie nr 450/2011/P Prezydenta Miasta Poznania z dnia 14.07.2011 r. w sprawie wprowadzenia Regulaminu przewozów określającego warunki obsługi podróżnych oraz przewozu osób i rzeczy w lokalnym transporcie zbiorowym (komunikacji miejskiej) organizowanym przez Zarząd Transportu miejskiego w Poznaniu
[Ordinance No. 450/2011/P of the President of Poznan of 07.14.2011 on the introduction of Regulations setting out the conditions of carriage of passengers and the dealing with passengers and goods in the local public transport (public transport), organized by the Transport Authority in Poznan].
- Zarządzenie Nr 2346/07 Prezydenta Wrocławia z dnia 27 grudnia 2007 roku w sprawie zasad zlecania i rozliczania z realizacji zadań powierzonych do wykonywania aktem założycielskim spółce Miejskie Przedsiębiorstwo Komunikacyjne z ograniczoną odpowiedzialnością z siedzibą we Wrocławiu
[Ordinance No. 2346/07 the President of Wrocław of 27 December 2007 on the principles of ordering and billing of the tasks to carry out the Act of the Public Transport Company of limited liability company based in Wrocław].
- Regulamin przewozu osób i bagażu środkami lokalnego transportu zbiorowego Miejskiego Przedsiębiorstwa Komunikacyjnego Spółka z ograniczona odpowiedzialnością we Wrocławiu
[Rules on passengers and baggage of municipal public transport, Municipal Transport Company, limited liability company Wrocław].

Portugal

- Law (“Lei”) No. 10/90, of 17 March, which corresponds to the Basic Law Regarding Land Transport.
- Civil Code (“Código Civil”) contains the general rules of liability.
- Decree-Law (“Decreto-Lei”) No. 152/2008 of 5 August, which establishes the legal regime of National Network of Logistical Platforms.
- Resolution (“Resolução”) of the Council of Ministers No. 97/2010 of 14 December, which approves the National Strategy for Disability.
- Law (“Lei”) No. 28/2006, of 4 July, which approves the legal regime of sanctions applicable to the occurred transgressions related to collective passenger transport.
- Normative Regulation (“*Despacho Normativo*”) No 21/2004 of 3 May, determining which studies or actions aim to increase the service quality of urban passenger transport.

- Decree-Law (“Decreto-Lei”) No. 58/2008 of 26 March, the General Conditions of Carriage, approved by the Regulatory Body.
- Decree-Law (“Decreto-Lei”) No. 141/2008 of 22 July, which establishes the Statute of Reference, E.P.E.. The mentioned law is relevant for the purposes of understanding the regime of the national railway network (“Rede Ferroviária Nacional”) but does not contain a specific provision regarding passenger rights.
- Decree-Law (“Decreto-Lei”) No. 3/2001 of 10 January, applicable to road passenger transport.
- Decree-Law (“Decreto-Lei”) No. 58/2008 of 26 March, which establishes the legal regime applicable to the contract of railway transport of passengers, luggage, pets and cycles.
- Ordinance (“Portaria”) No. 719/88, of 28 October, which establishes the mandatory free transport under certain circumstances provided by law.
- Ordinance (“Portaria”) No. 161/85 of 23 March, which provides for the legal discount regime for tickets for students covered by the Decree-Law (“Decreto-Lei”) No. 299/84 of 5 September.
- Decree-Law (“Decreto-Lei”) No. 299/84 of 5 September, which regulates the transfer, title municipalities, of the competence to organise the functioning and control of School Transport.
- Ordinance (“Portaria”) No. 545/2007 of 30 April, containing the Statutes of IMTT. This regulation does not contain specific reference to passenger rights.
- Law (“Decreto-Lei”) No. 13/2006 of 17 April, related to the collective transport of children.
- Resolution (“Resolução”) of the Council of Ministers No. 23/2011 of 18 April, on the offer of the transport public service.
- Decree-Law (“Decreto-Lei”) No. 59/2012 of 14 March, containing the Statutes of CP (“Comboios de Portugal”). This law does not contain specific reference to passenger rights.

Legislation with regional/ municipal relevance

Lisbon

- Decree-Law (“Decreto-Lei”) No. 78/2005 of 13 April, which approves the basis of the concession of the development of passengers’ railway transport of Lisbon. The Portuguese state signed this contract of concession with Fertagus – Travessia do Tejo, Transportes, S.A., but it does not contain specific reference to passenger rights.
- Decree-Law (“Decreto-Lei”) No. 148-A/2009 of 26 June, which approves the legal regime applicable to the Metropolitano de Lisboa, E.P.E. (“metro”) and the respective Statutes. This diploma does not contain specific reference to passenger rights.

- Resolution (“Resolução”) of the Council of Ministers No. 150/2004 of 30 October, approving the strategic guidelines for the reform of public passenger transport and the restructuring of collective passenger system in the metropolitan areas of Lisbon and Porto.

Porto

- Decree-Law (“Decreto-Lei”) No. 192/2008 of 1 October, which sets out the Statutes of the Metro of Porto. However, this diploma does not contain specific reference to passenger rights.
- Resolution (“Resolução”) of the Council of Ministers No. 150/2004, of 30 of October, approving the strategic guidelines for the reform of the public passenger transport and the restructuring of the collective passenger system in the metropolitan areas of Lisbon and Porto.

Romania

General provisions

- Law no. 51/2006 regarding the municipal services of public utilities (“Law 51/2006”) in OJ no. 254 from 21 March 2006.
- Law no. 92/2007 regarding the public local transport services (“Law 92/2007”) in OJ no 262 from 19 April 2007.
- Order no. 353/2007 of the Ministry of Internal Affairs and Administrative Reform approving the implementing rules of Law 92/2007 in OJ no. 824 from 3 December 2007.
- Order no. 207/2007 of the National Regulatory Authority for Municipal Services approving the framework regulation for granting transport authorisation in the public local transport services sector in OJ no. 756 from 7 November 2011.
- Government Emergency Ordinance no. 109/2005 on road transports in OJ no. 655 from 22 July 2005.
- Regulation (EC) No 1370/2007 of the European Parliament and of the Council of 23 October 2007 on public passenger transport services by rail and by road and repealing Council Regulations (EEC) no. 1191/69 and 1107/70.

Legal framework applicable to the public transport services except for the transport services carried out with cars operating as taxis, cars operating under rent-a-car regime and transport carried out on internal navigable waterways

- Order no. 972/2007 of the Ministry of Transport approving the framework statute for performing public local transport (the “Framework Statute”) and the framework tender book related to public local transport services in OJ no. 807 of 27 November 2007 (the “Framework Tender Book”).
- Order no. 206/2007 of the National Regulatory Authority for Municipal Services approving the framework regulation for certifying the authorities in charge of local public transport services authorisations in OJ no. 756 of 7 November 2011.

- Order no. 263/2007 of the National Regulatory Authority for Municipal Services approving the framework rules on the award proceedings for the conclusion of concession agreements of the public local transport services in OJ no. 890 of 27 December 2007.
- Order no. 272/2007 of the National Regulatory Authority for Municipal Services approving the framework rules on setting, adjusting, and amending the tariffs for local public passenger transport services.

Legal framework issued by two municipalities pursuant to the enactments in sections 1.1 and 1.2 above

- Decision no. 258/2011 of Cluj County Council approving the Regulation regarding the performance of county passenger public transport within Cluj County and the tender book of county public transport services.
- Decision no. 267 of Bucharest Municipality General Council, approving the programme of road passenger transport through regular services within Bucharest and Ilfov County, the route framework licence and the public transport contract concluded by and between RATB (i.e. the Bucharest road public transport operator) and Ilfov County cities/municipalities.

Legal provisions regarding the transport carried out on internal navigable waterways

- Government Ordinance no. 42/1997 regarding the maritime transport and the transport on internal navigable waterways in OJ no. 210 of 10 March 2004.

Taxi

- Law no. 38/2003 on transport with cars operating as taxi and transport under rental car regime (“Law 38/2003”) in OJ no. 45 of 28 January 2008.
- Order no. 356/2007 of the Ministry of Internal Affairs and Administrative Reform approving methodological rules for the implementation of Law no. 38/2003 on transport with cars operating as taxis and transport under rental car regime.
- Order no. 243/2007 of the National Regulatory Authority for Municipal Services approving the methodological rules for setting, adjusting and amending tariffs for public local transport services with cars operating as taxi for people, goods or merchandise in OJ no. 851 of 12 December 2007.
- Order no. 3/2008 of the Ministry of Transport approving the Rules on professional certifying of car drivers who perform passenger transport with cars operating as taxis or transport under rental car regime and vehicles which perform transport with cars operating as taxis in OJ no. 34 of 16 January 2008.
- Order no. 825/2009 of the Ministry of Transport and Infrastructure approving implementation rules of section 2¹ provisions of Law no. 38/2003 on transport with cars operating as taxi and transport under rent a car regime, and the Framework Statute on activities carried out in the waiting areas.

Legal framework issued by three municipalities pursuant to the legal provisions in section 7.1 above

- Decision no. 148/2008 of Cluj-Napoca Municipality Local Council, as amended, on transport with cars operating as taxi, regulation within Cluj-Napoca territory.
- Decision no. 178/2008 of Bucharest Municipality General Council, as amended, approving the Framework-Regulation, the Tender Book and the delegated contract management award for organising and performing public local transport with cars operating as taxi.
- Decision No 159/2008 of Brasov Municipality Local Council, as amended, on transport with cars operating as taxi and transport under a car regime in Brasov.

Slovakia

- Act No. 40/1964 Coll. Civil Code, as amended (the “Civil Code”).
- Act No. 56/2012 Coll. on Road Transport, as amended (the “Road Transport Act”).
- Act No. 514/2009 Coll. on Rail Transport, as amended (the “Rail Transport Act”).
- Act No. 513/2009 Coll. on Railways, as amended (the “Rail Act”).
- Decree of the Ministry of Transport No 124/2011 Coll., as amended (the “Road Transport Decree”).
- Charter of Service of Bratislava Transport Company (*Prepravný poriadok Dopravného podniku Bratislava*) “BA Charter of Service”.
- Charter of Service of Košice Transport Company (*Prepravný poriadok Dopravného podniku mesta Košice*) “KE Charter of Service”.

Slovenia

- Public Utilities Act, Official gazette of the Republic of Slovenia (“RS”), No 32/1993, as amended.
- Public-Private Partnership Act, Official gazette, No 127/2006.
- Road Transport Act, Official gazette, No 5/2007, as amended.
- Railway Transport Act, Official gazette, No 11/2011.
- Code of Obligations, Official gazette, no. 97/2007.
- Railway Traffic Safety Act, Official gazette, No. 36/2010, as amended.
- Rules on railway station and stop facilities, Official gazette, No 72/2009, as amended.
- Regulation on implementation of Regulation (EC) No 1371/2007 of the European Parliament and of the Council on rail passengers’ rights and obligations, Official gazette, No 67/2011.

- Decree on the mode of providing public service obligations in inland and cross border regional railway passenger transport, Official gazette No 99/2008.
- Road Transport Contracts Act, Official gazette, No 49/2011.
- Decree on the Organisation and Management of the Urban Public Line Transport of Passengers, Official gazette, no. 55/2009.
- Decree on auto-taxi transport (for the municipality of Ljubljana), Official gazette No 77/2010.
- Decree on auto-taxi transport (for the municipality of Novo Mesto), Official gazette, No 85/2004.
- Compulsory Motor Third-Party Liability Act, Official gazette, No 93/2007.

Spain

National legislation

- Anteproyecto de Ley de Contrato de Transporte Terrestre”, Ministerio de Justicia, Año LXI, Suplemento al núm 2041, 15 de Julio de 2007, Title II, Articles 77-99.
- Act 15/2009, of 11 November, on the Contract for the Carriage of Goods by Land in OJ No. 273, dated 12 November 2009.
- Ley 16/1987, de 30 de julio, de ordenación de los transportes terrestres (BOE, 31 de enero de 1987).
- Real Decreto 1211/1990, de 28 de septiembre, por el que se aprueba el Reglamento de la Ley de ordenación de los transportes terrestres (BOE 8-10-1990).
- Act 13/1982, of 7 April on the Social Integration of Disabled Persons (Ley de Integración Social de los Minusválidos) (LISMI) BOE número 103 de 30/4/1982.
- La Ley 51/2003, de 2 de diciembre, de igualdad de oportunidades, no discriminación y accesibilidad universal de las personas con discapacidad) (LIONDAU) BOE número 289 de Miércoles 3 diciembre 2003.

Regional legislation

- Ley Orgánica 5/1987, de 30 de Julio, de delegación de facultades del Estado en las comunidades autónomas en relación con el transporte por carretera y por cable”, (BOE 31 Julio 1987).

Passenger rights

- Art. 8 of the Basque Region Act on the Transportation of Passengers by Road.

- LEY 6/2011, de 1 de abril, de la Generalitat, de Movilidad de la Comunidad Valenciana, Diari Oficial de la Comunitat Valenciana 6495, 5 abril 2011.
- Decreto N° 8/2011, de 11 de febrero, por el que se aprueba el reglamento o de derechos y obligaciones de viajeros del transporte por carretera de la Región de Murcia y de condiciones generales de su utilización y prestación (Boletín Oficial de la Región de Murcia 39, 17 de febrero de 2011).

Madrid

- Decreto 254/2000, de 30 de noviembre, del Consejo de Gobierno, por el que se modifica el Decreto 49/1987, de 21 de octubre, por el que se aprueba el Reglamento de Viajeros del Ferrocarril Metropolitano de Madrid y el Decreto 79/1997, de 3 de julio, por el que se aprueba el Reglamento de Viajeros del Transporte Interurbano de la Comunidad de Madrid. (BOCM de 12 de diciembre de 2000).
- Décret 206/2000, de 14 de septembre, port el que se apurera el Reglamento de Viajeros de la «Empresa Municipal de Transportes de Madrid, Sociedad Anónima» (EMT)(BOCM 19 de enero de 2001).

Charters examined

- Carta de servicios del Consorcio Metropolitano de Transporte del Área de Málaga.
- Carta de Servicios BILBOBUS.

Sweden

National Legislation on urban public transport

- Public Transport Act (SFS 2010:1065).
- Public Transport Regulation (SFS 2011:1126).
- Railway Act (SFS 2004:519).
- Municipal Act (SFS 1991:900).
- Act (SFS 2006:1116) on passenger information.
- Professional Transport Act (SFS 1998:490).
- Transport Agency's Regulation TSFS 2010:192 on taxis.

Charters examined

- Quality Charter of Skånetrafiken.

- Quality Charter of SL AB.
- Quality Charter of Västtrafik AB.

The United Kingdom

National and Regional Legislation on urban public transport

- Transport Act 2000.
- Local Transport Act 2008.
- Transport (Scotland) Act 2005.
- Transport Act (Northern Ireland) 2011.
- Public Service Vehicles (Conduct of Drivers, Inspectors, Conductors and Passengers) Regulations 1990.
- Rail Passengers' Rights and Obligations (Exemptions) Regulations 2009.
- Rail Passengers' Rights and Obligations Regulations 2010.
- Local Government (Miscellaneous Provisions) Act 1976.
- Disability Discrimination Act 1995.
- Rail Vehicle Accessibility (Non Interoperable Rail System) Regulations 2010.
- Public Services Vehicle Accessibility Regulations 2000.
- Equality Act 2010.
- Transport Act (Northern Ireland) 1967.
- Taxis Act (Northern Ireland) 2008
- Public Service Vehicle (Conditions of Fitness, Equipment and Use) Regulations (Northern Ireland) 1995.
- The Rail Passengers' Rights and Obligations (Exemptions) Regulations (Northern Ireland) 2011.
- Public Transport Users' Committee for Scotland Order 2006.
- The Civic Government (Scotland) Act 1982.

(All of the above are available on <http://www.legislation.gov.uk>)

European Legislation on urban public transport

- Regulation (EC) No. 1371 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations.
- Regulation (EC) 1370/2007 of the European Parliament and of the Council of 23 October 2007 on public passenger services by rail and by road and repealing Council Regulations (EEC) No. 1191/69 and 1170/70.

Charters of Service and Quality Charters examined

- National Rail Conditions of Carriage.
- First ScotRail Passengers' Charter.
- Translink Passengers' Charter.
- Cheshire East Council Quality Partnership Scheme.

National Transport Authorities / Regulatory Bodies.

- Department for Transport (England and Wales)- see: www.dft.gov.uk/
- Scottish National Transport Agency (Transport Scotland)- see: www.transportscotland.gov.uk
- Department of the Environment Northern Ireland- see: www.doeni.gov.uk
- The Office of Rail Regulation – see: <http://www.rail-reg.gov.uk>

South Africa

- Administrative Adjudication of Road Traffic Offences Act 46 of 1998.
- National road traffic act 93 of 1996.
- Road Traffic Management Corporation Act, 20 of 1999.
- South African National Roads Agency Limited and National Roads Act,7 OF 1998.
- NLTA 2009.
- 2010 FIFA World Cup South Africa Special Measures Act.

- Architectural Profession Act.
- Council For The Built Environment Act.
- Engineering Profession Act.
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