

CEEP Opinion

on the Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws COM(2008) 817 final)

CEEP represents providers of services of general interest (SGIs) employing more than 30% of the EU workforce and is recognised as a cross-sectoral social partner at EU level for public employers. CEEP transport member enterprises are represented by the CEEP Transport Committee. The transport sector accounts for, inter alia, 170 million public passenger transport journeys a day.

CEEP welcomes initiatives from the European Commission designed to make public transport a natural mobility choice. High quality public transport services are an important determining factor in encouraging modal shift from private vehicles, particularly in an urban environment. Whilst CEEP members continually strive to meet such expectations, they have serious concerns with the draft Regulation mentioned above, not the least as concerns its impacts on urban transport providers and on citizens.

Local transport is designed to serve citizens with a frequent, short distance, wide spread coverage and capillary service. And often this service is organised in multimodal networks.

The text of the Regulation does not consider these characteristics while it is aimed at long distance and international bus and coaching services.

It is ill-suited to local and regional services.

Indeed some of the obligations in the Regulation are impossible for local public transport providers to meet. CEEP is particularly concerned with the following:

- Regulation 1370/2007, entering into force on 3 December 2009, provides for the possibility to conclude contracts in order to provide public passenger transport services. Within this legal framework, quality standards, hence passenger rights, can be introduced.
- The liability provisions are onerous and take no account of incidents which are beyond the control of bus undertakings. Accordingly, CEEP believes that an undertaking should not be liable for an incident due to the behaviour of a third party.

- The issues of delay, damage to luggage, assistance on board, alternative services, etc. are not consistent with the characteristics of local transport and day-to-day mobility. Furthermore, local public transport services are provided in a complex context where many conditions are not under the control of the sole operator.
- It is impossible to guarantee that all people with reduced mobility will be able to board a bus service in an urban context. For example the space reserved for a wheelchair user might be occupied by a number of child pushchairs. In such circumstances a driver cannot make them or ask them to leave the bus. Since most services are operating at a high frequency, in case of occupied space passengers do not lose much time waiting for the next bus. **Many operators are already committed to delivering high standards of service** and many positive examples can be found in terms of accessibility, measures devoted to people with reduced mobility and liability.

Furthermore, in many cities public transport is an integrated network and the same company offers the service through different modes. This proposed Regulation means that the operator should provide different treatment to different travellers (bus, tram, metro).

At the same time, the same citizen would have different rights depending on the mode of transport he/she is using.

The draft regulation creates legal uncertainty and would hardly be enforceable in integrated networks.

CEEP urges the European institutions to exempt all local and regional public transport services from the scope of the Regulation which is much better suited to long distance and international services.

Instead, CEEP proposes that the European Commission supports the exchange of best practices on local public transport services in Europe covering the rights and obligations of passengers. The Action Plan on Urban Mobility provides the platform for doing so.
