Local Government and Transport Committee

6th Meeting, 2006

Tuesday 28 February 2006

The Committee will meet at 2 pm in Committee Room 6

1. Declaration of interests: The new member of the Committee will be invited to declare any relevant interests.

2. Subordinate legislation: The Committee will consider the following negative instrument—
   
   the Ethical Standards in Public Life etc. (Scotland) Act 2000 (Codes of Conduct for Members of Certain Scottish Public Authorities) Order 2006

3. Local Electoral Administration and Registration Services (Scotland) Bill: The Committee will take evidence at Stage 1 from—

   Panel 1
   
   George Lyon MSP, Deputy Minister for Finance and Parliamentary Business;

   Rab Fleming, Head of Division, Local Governance and Licensing Division, Scottish Executive;

   Russell Bain, Local Democracy Team, Local Governance and Licensing Division, Scottish Executive; and

   Shazia Razzaq, Office of the Solicitor, Scottish Executive

   Panel 2
   
   George Lyon MSP, Deputy Minister for Finance and Parliamentary Business;

   Paul Parr, Deputy Registrar General, General Register Office for Scotland;

   Alex White, General Register Office for Scotland; and

   Graham Fisher, Office of the Solicitor, Scottish Executive

4. Freight transport inquiry: The Committee will take evidence from—
Panel 1
Alan Mitchell, Assistant Director, CBI Scotland;
Julia Williams, Category Manager UK Logistics, Diageo; and
Peter Smith, Head of Corporate Relations, Diageo

Panel 2
Duncan McLaren, Chief Executive, Friends of the Earth Scotland; and
Colin Howden, Director, Transform Scotland

5. **Petition PE 758**: The Committee will consider petition PE 758 by Jim Black of the Home Safety Committee of the Scottish Accident Prevention Council calling for the Scottish Parliament to urge the Scottish Executive to place a statutory requirement on all local authorities to employ Home Safety Officers and to provide the necessary funding to achieve this.

6. **European document**: The Committee will consider a European Commission consultation document on strengthening the protection of the rights of passengers travelling by sea or inland waterway in the European Union.

Martin Verity
Clerk to the Committee
0131 348 5217
e-mail: martin.verity@scottish.parliament.uk

**Agenda item 2**

Covering note on the Ethical Standards in Public Life etc. (Scotland) Act 2000 (Codes of Conduct for Members of Certain Scottish Public Authorities) Order 2006

Copy of the instrument

**Agenda item 4**

Submission from CBI Scotland
Submission from Diageo
Submission from Friends of the Earth Scotland

**Agenda item 5**

Petition Paper from the Clerk

**Agenda item 6**

Paper from the Clerk
SSI Cover Note For Committee Meeting

SSI title and number: The Ethical Standards in Public Life etc. (Scotland) Act 2000 (Codes of Conduct for Members of Certain Scottish Public Authorities) Order 2006

Type of Instrument: Negative

Meeting: 6th meeting, 28 February 2006

Date circulated to members: 30 January 2006

SSI drawn to Parliament’s attention by Sub Leg Committee: No

Purpose: This Order specifies the Scottish public bodies for which Scottish Ministers will be required to issue codes of conduct for Members of in terms of part 4 of the Ethical Standards in Public Life etc. (Scotland) Act 2000.
CBI SCOTLAND’S RESPONSE TO THE LOCAL GOVERNMENT AND TRANSPORT COMMITTEE’S FREIGHT TRANSPORT INQUIRY

Introduction

CBI Scotland welcomes the opportunity to assist this inquiry by the Local Government and Transport Committee.

Freight transport policy is important to the economy of Scotland and this inquiry represents an opportunity to assess the benefits of all modes of freight transport in that context. The Scottish Executive must take a balanced view when it assesses the different modes of freight transport. Issues of cost to business, practicality of mode and reliability must be afforded adequate consideration.

CBI Scotland represents a broad spectrum of business in Scotland, the majority of whom are affected by the Scottish Executive’s policy decisions on freight transport, whether they are freight transport providers or users. The Scottish business community is relying on the Executive to take decisions with regard to freight policy that will help in achieving the Scottish Executive’s primary stated objective – economic growth. The road haulage industry provides an essential service to the Scottish business community and is a key factor in supporting the growth of the economy.

The future prospects for the Scottish road haulage industry and the impact of changes affecting the road haulage industry on the Scottish economy

In recent years, there has been a tendency of government at both EU and UK levels to influence a modal change of freight transport away from road. Environmental objectives largely lie behind this. Business accepts that protecting the environment and tackling climate change are important policy objectives for the Scottish Executive. However, the Scottish Executive must realise that it is very difficult to move significantly away from road transportation. Road will be the dominant mode of freight transport for the foreseeable future. Even if freight is transported by rail, water or air, it usually involves road transportation at the beginning and end in order to complete each journey.

The road haulage industry in Scotland is facing many challenges. Scotland’s historically low levels of economic growth places an immediate constraint on the industry. It is hard to grow your business if your market is not growing,
Customers, particularly but not exclusively in manufacturing, are demanding greater efficiency, reliability and responsiveness from hauliers. This is a natural consequence of increasingly fierce global and national competition. The hauliers customers have no option but to take this approach with all of their suppliers/supply chain partners. Increasingly, their own survival in the global market depends on their ability to reduce their costs and improve their efficiency. Hauliers are expected to provide the high levels of service that manufacturing industry, for example, needs to develop the just-in-time production processes that enable them to remain competitive. These demands are not unique to Scottish hauliers. Their counterparts elsewhere in the UK and Europe will have to respond to the very same demands.

Nor is there any doubt that the Scottish road haulage industry is capable of rising to the challenge. On a level playing field, they can compete with anyone and provide Scottish industry with a quality, value-add service.

What they currently lack at this time is a level playing field in terms of government-imposed costs:
- High fuel duty means that UK diesel fuel is the highest in Europe;
- The impact of The Road Transport (Working Time) Regulation is particularly marked in Scotland because many Scottish-produced goods have to travel further to get to market;
- There has been a significant rise in the overall tax burden placed on business in recent years;
- The growing burden of red tape and regulation has added considerable cost to business, and eroded many of the competitive advantages that the UK (and, therefore, Scotland) has traditionally enjoyed over the rest of the EU. This is most marked in the area of labour market flexibility.

Faced with rising costs, hauliers will seek to raise their prices. They will not always be able to do so, and their own profit margins will be squeezed as a consequence, impacting on investment and training. Where they can push through higher prices it is their customers, who may themselves be working on small profit margins, who may have their competitiveness undermined.

We recognise that the Scottish Executive has no direct powers to intervene in many of these areas but it needs to act to address these burdens where it can (where it balances environmental and economic interests when it implements EU environmental legislation), and it needs to influence UK Government policy as much as possible.

The Scottish Executive also needs to work more closely with the road haulage industry to provide effective and targeted support and assistance. There are already some good examples. CBI Scotland welcomes the commitment that the Scottish Executive has already made in addressing key problems within the road haulage industry such as the recruitment and retention of LGV drivers. The Scottish Road Haulage Modernisation Fund demonstrates recognition of the key role that Scottish road haulage industry plays in developing the economy. This fund is central to improved environmental and fuel efficient operations within the industry and the following initiatives must be commended:
- Safe and Fuel Efficient Driving (SAFED) ‘in-cab’ Training Scheme;
- Retrofitting of vehicle emission reduction technology.

More of this type of support and partnership working is required to alleviate concerns about the long-term prospects for the road haulage industry in Scotland. There are potentially worrying implications for Scotland’s economy arising from a major decline in our ‘local’ road haulage industry. It would not be in Scotland’s interests to be overly reliant on EU registered firms to
support our industrial base. Potentially there will be less competition, which could drive up prices and undermine manufacturing cost-competitiveness. Continuity of supply and speed of response could be adversely affected, which again could undermine prospects for Scottish businesses, particularly manufacturers, who are trying to ‘re-engineer’ their operations to make them more efficient and competitive. It is important, therefore, that Scotland preserves an indigenous haulage industry. It is the industry itself that will have the main responsibility for achieving this, but the Scottish Executive can and must support it.

The present and potential contribution of all modes of freight transport, including road, rail, water and air, including the environmental impact

There are two factors that dominate businesses’ decision on which mode of transport to move freight – cost and practicality. Before considering the present and potential contributions of individual modes of transport, the Executive must understand that these factors are the key motivators behind decisions on modal choice of freight transportation.

Road haulage offers flexibility to businesses that other forms of transport cannot. Haulage operators can triangulate their activities, meaning there is less movement of empty containers. As has been mentioned, road freight transport is vital in supporting Scotland’s economy. There must be increased investment in Scotland’s road infrastructure to assist haulage firms in playing this support role to businesses. Increased investment will also positively influence congestion – currently one of road haulage’s biggest challenges.

If there is to be increased use of the rail network in Scotland to transport freight, a choice that has undoubted benefits for the environment and assists in reducing road congestion, it should be encouraged for longer distance journeys. Freight transport by rail is expensive to businesses and shorter journeys are more practical by road. We are supportive of Network Rail’s Route Utilisation Strategy (RUS) in Scotland and hope that it will achieve its aim of more effective use of the network in Scotland – an outcome that should also improve the efficiency of the current service for businesses.

Both water and airfreight transportation are, similarly to rail, expensive. There is potential for increased use of these modes over longer distances, but they must be co-ordinated with road freight transportation as it is rare for these modes to offer the complete journey for freight from the origin to destination. Also, when considering freight transportation by water, the area of flow of the freight often makes this mode impractical.

There is undoubtedly scope for all of the mentioned modes of transport to offer freight services. It is important that there is an effective infrastructure that assists in co-ordinating all modes, as many journeys are dependant on more than one mode from start to finish.

The Scottish Executive’s targets in encouraging the transfer of freight from road to rail and water

Businesses in Scotland do not dispute the environmental benefits of transferring freight from road to rail and water but believe that prerequisites of such modal transfers are:

- That journeys concerned are over longer distances that will justify the higher costs of these modes of transport to businesses and will demonstrate significant environmental and road congestion benefits. These types of journeys commonly involve the transportation of aggregates and coal.
• That the mode utilised is the one that is most practical. For freight transport to be moved from road to rail or water, the freight corridor must be two-way and encompass the start and finish of the journey for the transported goods.

We welcome the priority that the Executive is showing in enabling the carriage of freight by rail, which contrasts favourably with England. However, it is important that the Executive does not ignore the critical role that Scotland’s road haulage industry provides in moving raw materials to manufacturers and goods to market. Over 70% of Scottish firms sell more than half of their goods/services in Scotland. This is a higher percentage than anywhere else in the UK. While the figure for manufacturing goods is probably lower, it nonetheless clearly indicates the high proportion of goods/product movement in Scotland that requires a relatively short journey and that can only be economically transported by road. This highlights the importance of the road haulage industry to Scotland.
Local Government & Transport Committee
The Scottish Parliament
Edinburgh
EH99 1SP

Submission by Diageo to the Committee’s inquiry
into freight transport in Scotland

Diageo is grateful for the opportunity to share its views of freight transport in Scotland.

Diageo is the industry’s and the country’s leading producer of alcoholic beverages, operating 50 sites including maltings, distilleries, bonded warehouses and packaging plants across the country. In terms of the movement of goods, the operation involves the supply of raw materials; transport between sites as part of the conversion process; delivery of packaging materials; and then onward distribution of cased goods into the supply chain.

Overall, we produce over 50 million cases of spirits per year. Around 85% of this total is exported from Scotland to over 180 different markets.

Our manufacturing operation involves:

The delivery of around 460,000 tonnes of cereals comprised of barley and wheat – 90% of which comes from farmers in Scotland and therefore involves local journeys from farm to store and from store to maltings.

Following processing, malted barley is then supplied, again by local transport, to our distilleries. As well as producing spirit, the distillation process also creates over 200,000 tonnes of animal feeds per year from the ‘spent grains’. These are recovered and sold to farmers locally as wet feeds, with about 70,000 tonnes dried and further processed for distribution by road across Scotland. Around 10,000 tonnes is exported from Speyside by boat to mainland Europe.

The spirit created at our malt and grain distilleries is, in the main, transported by tanker or in casks by lorries to maturation warehouses in the central belt and from warehouses to packaging plants. These movements amount to around 16,000 road shipments per year.
In addition to Scotch whisky, our operations in Scotland also produce gin and vodka and a range of other white spirits. These are produced at Cameronbridge Distillery and bottled at the nearby packaging plant at Leven. This development alone has led to 2,000 tanker shipments per year.

More recently, we have taken over the maturation, blending and bottling of certain rums and other spirits. This involves the import of spirit from the Caribbean and South America which is then transported by road to warehouses near Stirling and then, following maturation, by road to Leven for packaging.

Overall, the delivery of dry goods (cartons, labels, cases, capsules, glass etc) to our packaging plants and the subsequent shipment of cased goods to railheads or ports add a further 70,000 road movements per year. Our packaging plants feature the fastest bottling lines in the industry and this means operating with just-in-time production – with the consequent pressures that puts on our hauliers.

A proportion of mature spirit is exported in bulk spirit tankers (around 500 a year) for packaging in-market. The majority of the spirit we produce, however, is as finished cased goods for export – each year this amounts to around 25,000 export containers. These are taken by road transport to Grangemouth for shipping to ports such as Rotterdam for onward deep-sea shipment to global markets. There are also around 7,000 rail movements of containers from the rail terminal at Grangemouth to a warehouse complex in the Midlands.

All our freight transport requirements are contracted out to a small number of logistics companies. If any erosion of their competitive position should be transmitted through as rising costs to us, it reduces our global competitiveness with Scotland ‘becoming an expensive place to do business’.

Freight transport and the efficient distribution of goods are crucial to the economy of Scotland and our business in terms of raw materials in and goods out for export. As the cost pressures increase there is real concern about the sustainability of the haulage industry for the future.

Current issues include:

1. Upward pressure on costs as a result of the Working Time Directive – reducing the driver hours available.

2. National shortage of appropriately-qualified HGV drivers in the UK - particularly those qualified for the transport of dangerous goods such as bulk spirit. Costs increasing as hauliers have to pay a premium for quality labour.

3. Continued congestion on the road network particularly in central Scotland adds to journey times and therefore costs. Proposals for road pricing would not necessarily solve the problem as tolls would place an additional burden on business.
4 Increased costs of fuel and the burden of duty in the UK is higher than parts of mainland Europe – Scottish firms being undercut by international freight entrants who can take advantage of lower labour rates and lower fuel costs.

5 Rail requires significant investment to ensure there are strategic freight interchanges between road and rail. We actively pursue rail options where commercially viable. Our rail shipments from Leven via Grangemouth to the south of England have increased by 10 per cent in the last year. We are also trialling the movement of containers by rail from our packaging plants in the west of Scotland to Grangemouth port thus helping to alleviate congestion on the Kingston Bridge.

6 Lack of deep sea access from Scotland. Dependency on the feeder operation to ports such Rotterdam continues to disadvantage Scotland over manufacturers on mainland Europe. The proposed development of Hunterston would have secured significant lead time and cost advantages.

7 Developments in emerging markets such as China have introduced a new dynamic in the global shipping market. Exports from China have attracted vessel capacity to service the Pacific. Consequently, costs for the Europe to America routes (one of the industry’s biggest export markets) have increased.

22nd February 2006
Freight Transport Inquiry - oral evidence Tuesday 28th February 2006

A brief ‘Aide Memoire’ from Friends of the Earth Scotland

Introduction

Friends of the Earth Scotland thanks the Committee for the invitation to give oral evidence. We hope the following aide memoire will be helpful to Committee Members in identifying topics of mutual concern and interest for the hearing.

Freight and the economy

Scotland’s economy, somewhat unsurprisingly, is becoming less freight-intensive. This trend can be expected to continue if the Executive and Scottish Enterprise are successful in the aspirations set out in Smart, Successful Scotland and the Green Jobs Strategy. This implies that general investment or activity to support the freight transport industry would not be in Scotland’s economic interests. Friends of the Earth Scotland believes that interventions in this should be motivated principally by environmental and social objectives.

Theoretical analysis of the role of transport, and the effect of transport improvements in a relatively peripheral economy back up this conclusion. Improving transport links risks further undermining peripheral economies by exposing them to more efficient centralised competition.

The environmental impacts of freight

Road and air-freight make important contributions to Scotland’s emissions of climate changing gases, especially in comparison to the alternatives (rail and shipping). Road-freight currently dominates freight transport and Friends of the Earth Scotland submits that the single highest priority in this sector should be reducing emissions through a combination of modal shift, more efficient vehicles and support for economic localisation.
Air freight is relatively small in volume, but the most damaging freight mode per tonne kilometre, and rapidly growing (approx 10% per year since 1990). Support from the Scottish Parliament and Executive for measures to bring air freight within the emissions trading scheme, and to impose appropriate fuel duties would be welcome. Local measures to constrain growth, rather than enable it, should also be pursued.

**Demand management**

In other words, ‘predict and provide’ is no longer appropriate as a public policy response to demand for increased freight transport. As with other sectors where the environmental or social impact of continued growth is unacceptable, measures for demand management must be introduced. Friends of the Earth Scotland therefore supports measures to ensure all road and air traffic pays its full external costs (thus reducing demand). Decisions on the most appropriate tool (national road-user charging or fuel duties) rest elsewhere.

Within Scotland there is a strong case to pursue traffic reduction (for both freight and passenger journeys) through land-use planning, and we would urge the Committee to examine whether the current Planning Bill creates the best framework for such measures. Such measures can be effectively supported through Scottish Enterprise and other support for sustainable local economic development such as public procurement.

**Alternative modes**

There are targeted opportunities to stimulate further modal shift, especially to rail but also to water. We would particularly urge the Committee to support investment in upgrading substantial sections of the Scottish rail network to take new large containers (the so-called W10 grade). Currently only the West Coast Main Line meets this standard: connections to this standard are merited through to Inverness, Aberdeen and the eastern central belt.

In addition we would target two further areas for upgrading – both to take larger containers, but also to provide dual tracks and/or improved railhead facilities. Both would be environmentally preferable to planned road capacity increases. One is the Glasgow and South West Route which is currently
operating at capacity, and is a bottleneck especially when maintenance closes the West Coast Main Line. This route and its connecting spurs have significant potential to remove freight from the roads in South-West Scotland and Glasgow. The second is ensuring provision of a north of Aberdeen rail-head to replace the Aberdeen Guild Street freight terminal. This could provide a suitable road-rail interchange for heavy goods from the north-east, including paper, whisky and fish, taking heavy traffic off the roads through Aberdeen.

Targeted investments such as these would likely increase the positive returns from investment in Freight Facilities Grants and Track Access Grants which should be continued and expanded.

_Duncan McLaren, 24th February 2006_
Introduction

1. This paper relates to Committee’s second consideration of Petition PE 758.

   Petition PE 758 by Jim Black of the Home Safety Committee of the Scottish Accident Prevention Council calling for the Scottish Parliament to urge the Scottish Executive to place a statutory requirement on all local authorities to employ Home Safety Officers and to provide the necessary funding to achieve this.

2. The paper sets out proposals for the Local Government and Transport Committee to take written and oral evidence on the issues raised by the petition.

Background

3. The Local Government and Transport Committee considered this petition for the first time at a meeting on 13 December 2005. At the meeting, the Committee considered work which had been undertaken on this issue by the Public Petitions Committee (PPC).

4. The PPC had written to the Scottish Executive, COSLA and each local authority to seek their views on the petition. Responses were received from the Executive, COSLA and 14 local authorities. These responses were circulated to members of the Local Government and Transport Committee. Additional copies are available from the Clerk on request.

5. The Scottish Executive expressed its opposition to the proposal in the petition, stating in its letter to the PPC that—

   ‘All local authorities have key roles in their Community Safety Partnerships which promote co-ordination and collaboration among all the organisations with different interests in home safety matters. Imposing a statutory responsibility on local authorities is inconsistent with that shared responsibility, and could alter the perception and participation of these partners, and perhaps undermine the progress that has been made in recent years.’

6. COSLA was also unwilling to support the proposal, suggesting that while it was supportive of the work of Scottish Accident Prevention Council, it
considered it to be for individual local authorities to determine whether or not to appoint Home Safety Officers. The individual local authorities held a variety of views on Home Safety Officers, varying from support for the proposal within the petition to support for the position outlined by COSLA.

Oral and written evidence on the petition

7. The Local Government and Transport Committee discussed the petition at its meeting on 13 December 2005. A copy of an extract from the Official Report of the meeting can be found at Annex A. The Committee discussed whether to take oral and/or written evidence on the petition and agreed that the Clerk should produce a paper outlining options for future consideration of the petition.

8. It would be possible to hold a committee meeting dedicated to taking oral evidence on the issues raised by the petition. The Committee could take oral evidence from—

- The petitioners – Scottish Accident Prevention Council (SAPC). Representatives of the Royal Society for the Prevention of Accidents could also be invited to attend (SAPC is allied to RoSPA);
- COSLA (or a panel of representatives from local authorities reflecting the different views expressed by councils on the issue); and
- The Minister for Finance and Public Service Reform.

9. At the meeting on 13 December 2005, some committee members also suggested taking evidence from individuals working for the health service and the fire and rescue service who had experience in relation to safety in the home. One option is that members could take either written or oral evidence from—

- A member of Home Safety Scotland who works for a Scottish health board1; and
- The Community Fire Safety Champion for Scotland from the Scottish Fire and Rescue Service.

Recommendation

10. The Committee is invited to consider who it wishes to take written or oral evidence from in relation to the issue of home safety officers, including the possible witnesses listed at paragraphs 8 and 9.

Martín Verity
Clerk to the Committee

Alastair Macfie
Senior Assistant Clerk

1 The aim of Home Safety Scotland is to provide a forum for the exchange of information and ideas for officers working in the field of Home Safety and to undertake specific campaigns/projects to highlight public awareness of Home Safety.
The Convener: The third item is consideration of petition PE758. The petition was lodged by Jim Black of the Scottish Accident Prevention Council’s home safety committee and calls on the Parliament to urge the Executive to place a statutory requirement on local authorities to employ home safety officers and to provide the funding for that. This is the first occasion on which the Local Government and Transport Committee has considered the petition, although the petition has been before the Public Petitions Committee.

A paper has been prepared setting out three options for the committee. Option A is for the committee to undertake further consideration of the issues that the petition raises and, potentially, to carry out some research into them—that could take the form of letters or oral evidence taking. Option B would be for us to come to a view on the petition and conclude the petition, as set out in paragraph 12 of the paper. Option C would be any other action that members suggested in response to the petition. I seek members’ views on how we should deal with the petition.

Mr Andrew Arbuckle (Mid Scotland and Fife) (LD): It is significant that only half of Scotland’s local authorities responded to the petition before it went to the Public Petitions Committee. That leads me to believe that we should seek the views of the Convention of Scottish Local Authorities before we take the matter further. I have concerns not only about the financial implications, but about how, in larger local authorities, a home safety officer would contribute effectively. We need to look into the matter further, but our first step should be to get a better response from local authorities through COSLA.

The Convener: The papers that accompany the petition contain a response from COSLA to a letter from Michael McMahon, although you may not believe that that is a sufficient response.

Mr Arbuckle: I realise that, but I would like a further response. The financial implications for local authorities could be onerous.

Michael McMahon (Hamilton North and Bellshill) (Lab): Having dealt with the petition at the Public Petitions Committee, I think that there is much merit in what is proposed. I agree with Andrew Arbuckle that there are cost implications, but there are also cost implications in not having home safety officers. We are talking about simple things, such as an elderly person tripping over their carpet because it is not nailed down properly.

The point is that savings can be made from not having people ending up in accident and emergency units in hospitals. If we spend money on having home safety officers in local authorities, we will save a lot more through
reducing the burden of rehabilitation on the health service and local authorities. That money can be saved simply by giving people good advice.

The committee could investigate the matter in detail. I hope that we will invite the petitioners, representatives of COSLA and, if possible, the Minister for Finance and Public Service Reform to come before us so that we can examine the cost implications in detail. Andrew Arbuckle may look at the petition from the perspective of costs but, having dealt with the petition, I am convinced that there is a much bigger issue. The petition proposes something that local authorities could do not only to help themselves, but to help the health service. If the committee can look further into that, we might do the Parliament a service.

**Paul Martin (Glasgow Springburn) (Lab):** That is exactly where I am coming from. If we can prevent accidents, that will have an impact on the health service. The Parliament has not covered that debate in any substance. It would be helpful to hear not only from the minister with responsibility for local government, but from the Minister for Health and Community Care, to see whether there would be any mileage in research or in an inquiry to identify the possible savings to the public purse that would result from the prevention of accidents.

The issue has been discussed for a long time—there were discussions about it when I was in local government. Several local authorities have considered the matter, but nobody has gone to the trouble of taking action. Doing what the petition suggests would be to take action, although I am not convinced that it would not be a knee-jerk reaction, so I would like to see more evidence that home safety officers would make a difference. The Parliament's debate on the issue must cover a wide range of areas, including health and local government. I would like to hear from the Executive how it intends to respond to the petition.

**Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP):** Reading through the papers, I was impressed by the petitioners' arguments. Nevertheless, I understand the rationale behind the varied responses of local authorities—some authorities supported the petition, whereas others said that they were already doing equivalent things. I agree with Michael McMahon and Paul Martin that we should give the matter more serious consideration. We should ask COSLA to come before us, although I note from its short response to the petition that it seems unwilling to support the proposal.

There are other ways in which to deliver the objectives of the petition than simply having designated home safety officers. I do not want to imply any insult to any local authorities, because many of them, including Aberdeen City Council, have demonstrated that they are already tackling the issue in different ways.

COSLA and the petitioners should come before the committee. It would be useful to hear the petitioners' response, particularly given that, as Michael
McMahon will know from his work on the Public Petitions Committee, one of them works as a home safety officer.

I suggest that, if we have an evidence-taking session, it might be useful to have an exchange of correspondence first to give people notice and to give members more time to think about other ideas. Social work departments and health boards also play a part in the prevention of falls. I know from my work with the National Osteoporosis Society that the financial and human costs of falls in the home are colossal. For example, after a lady has had one fracture because of osteoporosis, her mortality is very much reduced. The costs to the national health service are colossal.

The petition raises a serious issue, although I am not convinced that having extra employees as home safety officers is the way to solve the problem. I hope that, as well as hearing from COSLA and the petitioners, we can consider having witnesses from the National Osteoporosis Society and voluntary bodies such as Crossroads that work with the elderly and so have an insight into the issues to which Michael McMahon referred.

Mr David Davidson (North East Scotland) (Con): I support the suggestion that we should take a close look at the matter. There is a requirement for a cost-benefit analysis of every scheme that is suggested. The issue that the petition raises relates to community planning, under which local government works with health boards, the fire and rescue service and various other organisations, such as the Scottish Ambulance Service. Could we get somebody—perhaps somebody whom COSLA nominates—to come to the committee to talk about the issue from a community planning perspective?

One of the problems is the silo system of budget control. That system will change with the new community health partnerships, as local government will also participate. The CHPs seem a natural forum for taking forward the issue. We certainly need to know more about the costs. I agree with Mr Ewing that we should write to organisations such as the NHS Confederation, which could give us documented figures so that we can understand the scale of the problem in relation to the health service and all the aftercare that must be provided. Of course, the issue is also relevant to care homes and so forth, as they operate under strict regulations, so perhaps we should hear from the Scottish Commission for the Regulation of Care. We should take some time and examine the issue properly.

Bruce Crawford (Mid Scotland and Fife) (SNP): We should have evidence sessions for all the good reasons that have been mentioned. However, I sound a note of caution. Local authorities are not statutorily required to lay on public toilets, provide skips for waste, look after town halls or provide football pitches and swimming pools, even though those are many of the basic services that local authorities deliver. Having a statutory requirement does not necessarily mean that a service will be provided effectively. Local authorities could be providing an appropriate service now without there being a statutory requirement, although I recognise that such a requirement would be an inducement to authorities to do it properly. I add that caveat. We must
examine the issues properly and consider whether we need a statutory requirement to make what the petition suggests happen.

Dr Sylvia Jackson (Stirling) (Lab): From a past life as a teacher and teacher trainer, I know that safety was a key aspect in the science curriculum. If we think that it is worth while instructing children about safety, we should tackle the issue in the wider community. I agree with the comments made by David Davidson and Fergus Ewing that the issue is not just about local authorities; it applies across the board in the health sector and so on.

Fergus Ewing mentioned some groups that we might try to access for information. The opportunities that those groups present might be as important in ensuring safety as having people who inspect in the home, although I am not sure about that particular angle. If local authorities or other bodies decide that the suggestion should be pursued, we might want to tag on other safety issues. Water safety has been raised with me; it, too, might be brought in under this umbrella.

Tommy Sheridan (Glasgow) (SSP): I agree that we should not dismiss the issue. Everyone is agreed that we should investigate further. At the very least COSLA, the petitioner and the Executive should be invited to give evidence on the petition.

Dundee City Council's letter in support of the petition is persuasive. It provides statistics on deaths from home accidents and refers to how the council already works effectively with home safety officers. Some people ask whether employing one person in a big authority will make a difference. A lot of symbolism and message sending is involved. If the employment of home safety officers in each local authority was a statutory requirement, the profile of home safety would automatically be raised. The committee can ensure that that happens and I would like us to investigate the issue further.

The Convener: There is a clear consensus that we should have at least one evidence-taking session and there is broad consensus around Michael McMahon's proposal that we should have a minimum of three invitees—the petitioner, the Executive and the local authorities through COSLA.

To draw together the issues that were raised by Fergus Ewing and others, we could take evidence from witnesses from the health service on the overall health impact, such as the number of people involved and the effect of accidents at home on their health and the health service. We could take evidence from a representative of the health professions. We could also hear from a representative of the fire and rescue service on its role in responding to fires and on its advisory role with regard to fire safety in the home. Local authority representatives could perhaps talk us through housing and social work issues and the work that they have undertaken.

If members are content to take those suggestions on board, I will ask Martin Verity to draft a programme for a meeting and to try to identify witnesses. We
will bring the paper back to the committee, but we will commit to having at least one session on the issue.

**Mr Davidson:** I suggested the NHS Confederation because it represents management across the service. It also has a statistical back-up system, so we might be able to get some facts and figures from it. Those seem to be the issue, as opposed to how one particular health board might have a problem.

**Bruce Crawford:** I have one tiny matter by way of background, which might help us to fashion our thoughts on whether there should be a statutory requirement for officers. It would be useful to have from the Scottish Parliament information centre a list of things that local authorities do for which they are and are not statutorily responsible, so that we can decide on priorities.

**The Convener:** In committing to carry out work on the issue, we are not saying that the solution has to be a statutory officer. We are saying that a legitimate and significant issue has been raised by the petitioner and we want to explore the best way to respond.

**Bruce Crawford:** I accept that.

**Fergus Ewing:** Plainly, there is unanimous approval for the idea that the petition is worth spending time on. Lots of ideas are coming forward. Would it be helpful if the committee clerk prepared a paper suggesting the way forward? Perhaps some of us have other suggestions about possible witnesses and the shape of the inquiry. Might we revisit the issue with the benefit of a paper from the clerks, to whom we can feed in other suggestions?

**The Convener:** I think that I said five minutes ago that we would bring a paper back to the committee.

**Fergus Ewing:** I should pay closer attention to you, convener.

**The Convener:** In that spirit of consensus, I suggest that we agree to take the issue forward and carry out further work on the petition as discussed.

**Members** indicated agreement.

**The Convener:** We should also write to the petitioner to ensure that he is aware of the action that we intend to undertake.

That brings us to the end of the public items on the agenda.
LOCAL GOVERNMENT AND TRANSPORT COMMITTEE

EUROPEAN DOCUMENT – RIGHTS OF PASSENGERS TRAVELLING BY SEA OR INLAND WATERWAY

Introduction

1. This paper relates to a public consultation document issued by the European Commission on strengthening the protection of the rights of passengers travelling by sea or inland waterway in the European Union.

2. The paper invites members to consider what action they might wish to take in relation to this consultation. The document is attached at Annex A.

Background


4. The consultation document states that the Commission intends to “examine the current situation as regards the protection of passenger rights in the maritime transport sector for all types of maritime traffic (domestic traffic, including inland waterways, shipping inside and outside the Community, and tourist voyages/cruises) and the needs which are identified as a result, with particular emphasis on the rights of persons with reduced mobility (PRM)”.

5. According to the Commission, the consultation aims to allow interested parties to express:
   - their views on whether the broad lines of existing Community policy on the protection of users of other means of transport should be applied to maritime transport;
   - how they view the general situation and the laws concerning the protection of the rights of passengers carried by sea and information provided to travellers;
• their opinions and suggestions on how best to make any improvements that might be needed, and what general and legal means should be used to make them.

6. The Commission states that responses to the consultation will provide it with information about whether new legislative proposals in this area should be put forward.

Possible role of the Local Government and Transport Committee

7. Any new legislative proposals on the rights of maritime passengers which may eventually be brought forward could have implications for Scotland.

8. The Commission’s thinking on this issue appears to be at an early stage. However, the Committee might wish to take some evidence on the issues raised by the Commission consultation in order both to scrutinise the Executive’s position in relation to the consultation and, potentially, provide a response on behalf of the Committee to the consultation.

9. Responses to the Commission consultation must be received by 30 April 2006. The Committee has a full work programme for the period up to the end of April, with witnesses already invited to give evidence on the Committee’s freight inquiry and Part 9 of the Planning (Scotland) etc. Bill.

10. It would, however, be possible to schedule an evidence session with the Minister on the issue of maritime passengers’ rights and the Commission’s consultation. If this was scheduled for the committee meeting on 28 March (the last meeting before the two-week Easter recess) the Clerks could draft any response from the Committee to be issued to the Executive or the Commission in time to be considered before the 30 April deadline.

11. In order to inform the evidence session with the Minister, the Committee could seek written evidence from all ferry companies operating Scottish services, as well as groups representing ferry passengers, and any other organisations suggested by members.

Recommendation

12. The Committee is invited to consider whether it wishes to carry out a short examination of the issues raised by the Commission consultation on maritime passengers’ rights and whether to adopt the suggested approach outlined at paragraphs 10 and 11.

Martin Verity
Clerk to the Committee

Alastair Macfie
Senior Assistant Clerk
COMMISSION STAFF WORKING PAPER

STRENGTHENING THE PROTECTION OF THE RIGHTS OF PASSENGERS TRAVELLING BY SEA OR INLAND WATERWAY IN THE EUROPEAN UNION

Public consultation document of the Directorate-General for Energy and Transport

This document has been prepared by the Commission for consultation purposes. It does not in any way prejudice, or constitute the announcement of, any position on the part of the Commission on the issues covered.
Practical information

- The consultation is being launched in three languages (English, French and German), with an electronic and paper version of the document. If you have received the document by mail and wish to reply electronically, please go to the website indicated below or send an e-mail to the address given below.

- Interested parties are invited to send their comments, suggestions and replies to the following questionnaire to the Commission by 30 April 2006 at the latest using one of the following means of communication:
  
  - Internet: [http://europa.eu.int/yourvoice/index_en.htm](http://europa.eu.int/yourvoice/index_en.htm)
  - E-mail: TREN-MARITIME-PASS-RIGHTS@cec.eu.int
  - Fax: 
    
    European Commission  
    Directorate-General for Energy and Transport  
    Unit A-5 Services of General Economic Interest and Users’ Rights  
    For the attention of Ms Flor Díaz Pulido  
    Tel.: +32 2 298 65 40  
    
    - Post:  
      
      European Commission  
      Directorate-General for Energy and Transport  
      Unit A-5 Services of General Economic Interest and Users’ Rights  
      For the attention of Ms Flor Díaz Pulido  
      Tel.: +32 2 298 65 40  
      
  - Electronic contributions received in reply to the consultation will be published on the Internet at the abovementioned address. Publication will be regarded as acknowledgement of receipt of your contribution by the Commission. For replies sent in paper form, an acknowledgement of receipt will be sent within 15 working days of receipt.

  If you do not wish your contribution to be made public, please indicate this clearly at the beginning of your reply. In that case, your reply will also not be mentioned in future documents which may refer to this consultation.

  If you are replying on behalf of an organisation, please state your name, address and official title in your reply. Any reply on behalf of an organisation which does not state the interests which it represents or the extent to which it is representative of the sector (number of members, size of organisation in relation to the sector to which its members belong) will be regarded as an individual reply and not a collective one.

  At the end of the period during which contributions are accepted, after reading and analysing all the replies received the Commission will prepare a report summarising how the consultation was carried out and the main points emerging. Contributions that you do not wish to be made public will not be mentioned in this document.
1. Introduction

The Directorate-General for Energy and Transport of the European Commission, in particular the Unit ‘Services of General Economic Interest and Users’ Rights’, intends to examine the current situation as regards the protection of passenger rights in the maritime transport sector for all types of maritime traffic (domestic traffic, including inland waterways, shipping inside and outside the Community, and tourist voyages/cruises) and the needs which are identified as a result, with particular emphasis on the rights of persons with reduced mobility (PRM).

This examination of the rights of the users of maritime transport is part of the follow-up to the Commission’s communication entitled “Strengthening passenger rights within the European Union”,¹ which announced that the Commission intended to consider whether the protection already enjoyed by air passengers should be extended to other transport users, in particular maritime transport users, with particular reference to the protection of PRM.

Against this background, the Commission believes it is necessary to launch a public debate focusing in particular on the following two considerations:

a) protection of the rights of PRM during a journey by sea;

b) protection of the rights of passengers, particularly in the event of denied boarding, interruption, delay or cancellation of a journey by sea.

Given these two considerations, and taking due account of all types of maritime transport, the aim of this consultation is to enable interested parties to express from the start of the consultation period:

their views on whether the broad lines of existing Community policy on the protection of users of other means of transport should be applied to maritime transport;
• how they view the general situation and the laws concerning the protection of the rights of passengers carried by sea and information provided to travellers;
• their opinions and suggestions on how best to make any improvements that might be needed, and what general and legal means should be used to make them.

Contributions received in reply to this consultation will provide the Commission with valuable information about whether new legislative proposals in this area should be put forward.

The Commission has prepared the text of this consultation in such a way as to make the issues involved easier to understand and as a basis for interested parties to submit comments. It does not in any way prejudge, or constitute the announcement of, any position on the part of the Commission on the issues covered.

***************

2. General background

Europe is a continent with many islands. Four Member States of the European Union are islands (United Kingdom, Ireland, Malta and Cyprus) and six others (Portugal, Spain, France, Italy, Greece and Denmark) have archipelagos and large islands with big populations. Europe is also a continent where sea borders between some States are very close to each other, making it easy to use maritime transport.²

For some passengers who travel by ship, especially in the outlying and outermost regions of the European Union, there is often no alternative, similarly priced means of transport by means of which they can travel within the EU. For these passengers, any journey by coach or train or in their own car always means having to make a sea crossing first, even for journeys of less than 100 km.

Taking account of all means of inland transport,³ about 405 million passengers currently pass through European ports each year. The list of the 15 largest ports in the EU⁴ includes the main passenger port of nearly half the EU’s coastal States (these being all the larger Member States with a shoreline except Portugal and Poland), and

² A few distances by way of example: Palermo (Italy) – La Valetta (Malta): 427 km; Tallinn (Estonia) – Helsinki (Finland): 89 km; Helsingor (Denmark) – Helsingborg (Sweden): 3.7 km; Dover (United Kingdom) – Calais (France): 34 km).
³ Source: Eurostat. Even taking account of the possible “double counting” of passengers (at the port of departure and at the port of arrival), the number of passengers travelling by sea in Europe is still very high.
⁴ United Kingdom, France, Sweden, Denmark, Italy, Greece, Finland, Spain, Germany.
the routes concerned are equally important in both northern and southern Europe.\(^5\) Given the new, ever faster and more comfortable vessels coming into service, maritime transport is likely to play an increasingly important role in carrying passengers, especially on short journeys.

The process of opening up the market for the carriage of passengers by sea began in 1986.\(^6\) A further step in this process was taken in 1992 when maritime transport markets were opened up within the Member States\(^7\) as part of the process of opening up the market for all means of transport. The most highly developed sector of this market is currently passenger aviation which has seen extremely strong growth.

The Commission is aware that the process of opening up the transport markets has also enabled competition to develop between different modes of transport. Shipping companies today therefore face competition not only from new market entrants, but also from low-cost airlines and high-speed railways, as well as from infrastructure such as the Øresund bridge between Denmark and Sweden which provides a fixed motorway link between the coasts of these two Member States.

This explains why the Commission has concerns about the competitiveness of the carriage of passengers by sea. In the context of the Lisbon Strategy, the Commission would like to boost the competitiveness of this mode of transport since it requires less fuel and causes less damage to the environment than travel by road or air. Boosting competitiveness will mean improving the quality of services provided and strengthening the protection of passengers’ rights to raise them to the levels currently enjoyed by users of other means of transport. Given the global competition between different transport modes, there is the likelihood, if no action is taken, that travellers will opt for the transport modes which explain their rights to them more clearly and where these rights are better protected, and that they will shun maritime transport despite the fact that it is less costly and cleaner.

### 2.1 Opening up of the markets and protecting passenger rights

Following the opening-up of the transport markets, the Commission has developed legislation to protect passenger rights, in particular those of air passengers, over the past few years. In its communication “Strengthening passenger rights within the European Union”,\(^8\) when presenting two new air transport proposals, the Commission announced its intention of considering whether the level of protection afforded to air passengers should be extended to users of other transport modes, in particular maritime transport.

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\(^5\) Calais (France) to Dover (United Kingdom); Helsingborg (Sweden) to Helsingor (Denmark); Helsinki (Finland) to Tallin (Estonia); Messina (Italy) to Reggio di Calabria (Italy) and Pireaus (Greece to Paloukia-Salaminas (Greece).


We do not wish to reproduce the data already given in the communication, which you are invited to read in addition to this consultation document\(^9\) and will therefore merely say that Community rules on passenger protection are currently limited to air transport. The Commission proposed extending this policy to the railway sector in 2004, and put forward a proposal for a Regulation setting out the rights and obligations of international rail passengers. This proposal, which is currently being considered by the legislative authorities of the European Union, covers among other things compensation and assistance in the event of the interruption of a journey, the liability of railway companies in the event of an accident and the rights of PRM.

With regard to maritime transport, Directive 2003/24 on the safety of passenger ships already provides for a series of measures concerning disabled access and the mobility of PRM. The Commission has instructed an independent consultant to carry out a study to analyse and evaluate the level of protection of passenger rights in the field of maritime transport in the EU; which due to be completed in the last quarter of 2006. In July 2005, it also launched a public consultation on the rights of international bus and coach passengers. The present consultation document is intended to launch a debate with interested parties on the need to guarantee the same rights in the maritime transport sector at EU level.

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2.2 Protecting the rights of persons with reduced mobility travelling by sea

As far as access for persons with reduced mobility to the different means of transport is concerned, the Commission has always taken great pains to ensure that the needs of these citizens are not overlooked during the process of opening up the transport markets. The special attention paid to persons with reduced mobility is part of the framework established by the Commission communication “Equal opportunities for people with disabilities: a European action plan”\(^10\).

Council Directive 2003/24 amending Council Directive 98/18 on safety rules and standards for passengers ships\(^11\) already defines persons with reduced mobility as far as maritime transport is concerned and lays down guidelines concerning the safety requirements applicable to these persons. However, it is limited to safety aspects. Looking beyond safety and considering the measures adopted for air transport and proposed for the railways, the Commission believes that other aspects of protecting the rights of persons with reduced mobility also merit consideration with a view to possible further action. In particular we would mention:

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\(^9\) This communication is available at the following website: [http://europa.eu.int/comm/transport/air/rights/doc/com_2005_046_en.pdf](http://europa.eu.int/comm/transport/air/rights/doc/com_2005_046_en.pdf)


\(^11\) OJ L 123, 17.5.2003, p.18. Article 1 amending Article 2 of Directive 98/18/EC defines persons with reduced mobility as anyone who has a particular difficulty when using public transport, including elderly persons, disabled persons, persons with sensory impediments and wheelchair users, pregnant women and persons accompanying small children.
– access to ports and means of maritime transport, as well as to other modes of transport from ports (accessibility);
– the right not to be denied permission to travel by sea on the grounds of reduced mobility (discrimination);
– the right to receive all necessary information and assistance throughout a journey at no extra cost;
– the need to determine how to quantify any additional costs, who should bear them and who is best placed in the sector to ensure the proper provision of assistance (port management authorities, shipping companies, an independent manager, etc.);
– being able to rely on a standard legal framework which ensures equal protection of rights throughout Europe.
N.B. For the purposes of this questionnaire, the expression “maritime transport” means the carriage of passengers by sea and inland waterway between any two Member States, between a Member State and a third country or within a single Member State.

I.- THE NEED FOR REGULATION

Question 1

Protection of the rights of passengers in the European Union should be governed by the same principles whatever the mode of transport used, subject to the requirements of each mode of transport. Do you:

☐ fully agree
☐ agree to some extent
☐ disagree to some extent
☐ totally disagree

with this statement.

Comments:

Question 2

2.1. Passengers travelling by sea should enjoy a clear, standard level of protection which applies equally to:

a) travel between Member States;
b) travel within a Member State;
c) international travel;
d) short and long-haul travel;
e) passengers travelling on package trips.

Do you:

☐ fully agree
☐ agree to some extent
☐ disagree to some extent
totally disagree
with this statement.

Comments:

2.2. If you think that this common level of protection of passenger rights
should not apply to any of the five types of transport mentioned above,
please indicate the trip(s) which should be excluded:

☐ Travel between Member States;

☐ Travel within a Member State;

☐ International travel;

☐ Short and long-haul travel;

☐ Passengers travelling on package trips.

Comments:

Question 3

The following table shows four different ways of protecting the rights of
passengers travelling by sea. Please indicate your attitude towards each of them
by ticking the appropriate box.

Please give a brief explanation to justify your preferences.

<table>
<thead>
<tr>
<th></th>
<th>Very negative</th>
<th>Negative</th>
<th>Positive</th>
<th>Very positive</th>
</tr>
</thead>
<tbody>
<tr>
<td>Binding agreements in the context of the international maritime organisations</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>Regulations at EU level</td>
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<td>National regulations</td>
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<td>Voluntary agreements between companies and/or ports</td>
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</tbody>
</table>

Comments:
WHAT RIGHTS SHOULD BE PROTECTED?

II. AUTOMATIC AND IMMEDIATE MEASURES IF A JOURNEY IS INTERRUPTED

The Commission has been informed about specific cases of denied boarding of ships, e.g. the refusal to allow passengers with bicycles or motorcycles to board while allowing passengers in cars to do so. It has also heard of cases similar to denied boarding, such as the non-availability of reserved cabins at the time of boarding, as a result of which the passengers are able to make the journey in question, but not on the terms shown on their tickets.

The Commission has also been informed that maritime transport companies often operate vessels with departures and arrivals up to more than an hour behind the published schedule. Sometimes, these delays may result from the cancellation of a planned departure. It seems that passengers receive no information about the reasons for such delays and cancellations either before or after boarding and, generally speaking, companies fail to provide compensation in the event of long delays or cancellation.

If boarding is denied, a journey by sea is cancelled or there is a long delay, the rights of passengers travelling by sea could, for example, be adequately protected by providing financial compensation along the lines of what has already been agreed in the air transport sector and is being proposed in the rail transport sector.

Passengers would directly benefit from such measures, which would also help to improve service quality by discouraging denied boarding, long delays and cancellation without warning.

Question 4

4.1. Can you provide the Commission with figures for and examples of boarding denied by shipping companies?

4.2. Can you provide the Commission with figures for and examples of cancellation by shipping companies of a planned journey where cancellation was not justified by weather conditions?
4.3. Can you provide the Commission with figures for and examples of long delays compared with the published timetable?

4.4. Do you think that passengers travelling by sea should receive proper assistance in the event of denied boarding, cancellation of their journey or a long delay, as provided for in Regulation (EC) No 261/2004 on air transport (right to make a telephone call, right to receive food and drink, right to a hotel, etc.)?

☐ Yes
☐ No

Comments:

4.5. Do you think that financial compensation similar to that provided for in the case of air transport should apply to the maritime transport sector in the event of denied boarding or cancellation?

☐ Yes
☐ No

Comments:

4.6. If you have replied “yes” to the above question, what, in your view, would constitute exceptional, unforeseeable circumstances which could justify exonerating a company from liability in the three abovementioned cases (denied boarding, cancellation and long delay)?
4.7. If you are in favour of financial compensation, what sums, in your view, would be most appropriate in the case of maritime transport to compensate for damage caused by denied boarding and cancellation?

4.8. Do you think that different ceilings should be set depending on whether the transportation provided is maritime transport by inland waterway, domestic or international maritime transport, or a cruise?

☐ Yes

☐ No

Comments:

III.- PASSENGERS WITH REDUCED MOBILITY

Passengers with reduced mobility (PRM) should never find themselves in the position of being refused to be carried or to be given a reservation because of their reduced mobility. They should be guaranteed appropriate assistance, wherever they are going and whatever mode of transport they are using, so that they can travel with confidence, both through ports and on board ships, throughout the European Union.

Furthermore, as far as information about a journey is concerned, they should receive full information about access during all parts of their journey, and access should be optimised as far as possible. Lastly, the application of these four principles (non-discrimination, access, assistance and proper information) should not entail any additional cost for such passengers.

Question 5

5.1. Do you:

☐ fully agree

☐ agree to some extent

☐ disagree to some extent

☐ totally disagree
5.2 Can you provide the Commission with figures for and examples of denied boarding or the refusal to sell a ticket to passengers with reduced mobility?

5.3 Do you consider that the assistance given by shipping companies and ports to the various kinds of persons with reduced mobility and access to ports and ships are sufficient?

☐ Yes
☐ Sufficient in some cases
☐ No

Comments:

5.4 Do you think that the information provided by shipping companies and ports to persons with reduced mobility about assistance and access during all parts of the journey, and the means by which this information is provided, are sufficient?

☐ Yes
☐ Sufficient in some cases
☐ No

Comments:

5.5 Do you think that the information and the means by which it is delivered
(recording, written text, website, etc.) could be improved?

☐ Yes

☐ No

Comments:

5.6. Do you agree that the additional costs of these measures should not be borne only by persons with reduced mobility themselves?

☐ Yes

☐ No

What system for financing these additional costs do you think would be most appropriate?
IV. DEALING WITH COMPLAINTS AND MEANS OF REDRESS

If passengers are inconvenienced during a journey (long delay, cancellation of the journey, lost or damaged luggage or car, lack of assistance, etc.), legal action to claim their rights may be too expensive, too slow or too complicated for this to be a satisfactory solution.

Exercising these rights must be made as simple as possible. The best possible protection of passenger rights will allow for fast, transparent, flexible and straightforward out-of-court procedures for settling disputes.

Question 6

6.1. Do you agree with the above statement?

☐ Yes
☐ No

Comments:

6.2. Do you know of any voluntary means currently offered by shipping companies to settle disputes quickly? If so, can you provide information about how they work?

☐ Yes
☐ No

Comments:

6.3. Regulation (EC) No 261/2004 requires the Member States to ensure and supervise general compliance by air carriers with the Regulation and to designate an appropriate body to carry out the enforcement tasks. It
provides, through these control bodies, for a mechanism for dealing with complaints without going to court.

Do you agree that Member States should provide for means of redress similar to those that exist for air passengers, in particular a national body for handling complaints and providing means of redress?

☐ Yes

☐ No

Comments:

6.4. If you replied “no”, what other means would you suggest for settling complaints and giving passengers means of redress while guaranteeing a satisfactory level of uniformity and transparency?

6.5. Do you think that consumer and passenger organisations have a role to play in handling complaints and providing means of redress?

☐ Yes

☐ No

Comments:

6.6. Do you think that companies should publish an annual list of complaints received, broken down by the subject of the complaint and how it was resolved?

☐ Yes

☐ No

Comments:
V.- OTHER ISSUES

Integrated ticketing systems

It should be simple for passengers to combine different modes of transport for a journey, but the conventional way in which transport is organised (mode by mode) makes it by no means easy to change from one mode of transport to another in the course of a particular journey. Passengers are all too often discouraged from combining different modes of transport for the same journey and encounter problems in obtaining information and ordering tickets if a journey involves different modes of transport.

7. What are your views about including scheduled shipping routes in integrated ticketing systems?

Information

8.1. Do you think that sufficient information is provided on tickets for journeys by sea about the contractual terms of the journey, the fares, etc.?

☐ Yes

☐ No

Comments:

8.2. Do you think that a charter of passengers’ rights summarising the main rights of passengers making a journey by sea would be a good way of providing passengers with more information about their rights?

☐ Yes
Quality of services

9.1. Do you think it is necessary to draw up service quality standards for journeys by sea?

☐ Yes

☐ No

Comments:

Do you think such quality standards should be laid down:

☐ in the form of regulations,

☐ on a voluntary basis

9.2. In your view, what indicators should be used to monitor the application of these standards?

☐ Punctuality

☐ Cleanliness

☐ Whether luggage and cars are properly managed

☐ Whether passenger facilities are in good condition

☐ Whether enough information is provided and it is easily obtainable

☐ Whether there is proper access for persons with reduced mobility and adequate information is provided to them
9.3. Should companies inform the public about how they meet these quality standards through reports based on these indicators?

☐ Yes
☐ No

Comments:

The role of ports

10. The proposal for a regulation on the rights of passengers with reduced mobility travelling by air currently being discussed by the EU’s legislative bodies gives airport authorities a major role in providing services for passengers with reduced mobility. Do you think that ports should provide the same kind of services for passengers with reduced mobility travelling by sea?

☐ Yes
☐ No

Comments:

Package holidays

11. For the purposes of the questions in this consultation paper, should the same principles, measures and compensation apply to tourist voyages (cruises)?

☐ Yes
☐ No
12. Do you think a forum should be set up for shipping companies and consumer organisations, including persons with reduced mobility, to define more clearly the problems of passengers travelling by sea and possible ways of dealing with them?

☐ Yes

☐ No

Comments: