

# Rail passenger rights

Revision of Regulation (EC)  
1371/2007 on rail passengers'  
rights and obligations

**SECTORAL DIALOGUE COMMITTEE  
RAIL TRANSPORT  
Friday, 1st December 2017**

Ruth Lopian, DG MOVE – Unit B5  
Social Aspects, Passenger Rights  
and Equal Opportunities

 @Transport\_EU

Mobility and  
Transport

**CONNECTING  
EUROPE**



# Regulation (EC) 1371/2007 on Rail Passengers' Rights and Obligation

- Entry into force on 3 December 2009
- Basic rights for rail passengers in the EU:
  - Travel information, ticketing and transports contracts
  - RU liability for passengers and their luggage in the event of an accident
  - RU obligations in the event of delays (information, reimbursement, re-routing, assistance, compensation)
  - Protection of and free of charge assistance to persons with disabilities and reduced mobility (PRM)
  - Service quality standards
  - General rules on complaint handling and enforcement



# Why is there a need for a revision?

The 2013 Report on the **application** of the Regulation (Art. 36) identified a number of shortcomings:

- Extensive exemptions granted by Member States  
(→ fragmentation, passengers cannot fully benefit from their rights)
- Rights of persons with disabilities or reduced mobility outdated (in view of UNCRPD)
- Issues with complaint handling and enforcement
- Unclear terms and definitions
- Risk of unfair treatment of the rail sector in case of major disruptions



**Problems risk worsening in a more liberalised EU rail market**

## Problems with the Regulation and solutions provided in the proposal (recast)

<b>Exemptions</b>	<ul style="list-style-type: none"> <li>• Advancing removal of exemptions for long distance domestic services</li> <li>• Removal of exemptions for urban, suburban and regional services when they are intra-EU cross-border services</li> <li>• If services with third countries are exempted, adequate passenger protection is required on EU territory</li> </ul>
<b>PRM rights</b>	Improve the access of PRMs to information, introduce staff training, strengthened complaint handling mechanisms
<b>Information</b>	Improve information provision for all passengers
<b>Connected services (through-ticketing)</b>	Clarify through-tickets and linked obligations
<b>Complaint handling and enforcement</b>	Clarify NEB complaint handling and cooperation
<b>Discrimination</b>	Non-discrimination on the basis of residence or place of establishment of RU or ticket vendor
<b>Contingency planning</b>	Burden sharing between rail actors in the event of massive disruption, involving also station and infrastructure managers
<b>Compensation in the event of "force majeure"</b>	Clause to exempt rail companies from paying compensation for long delays which could not be foreseen or prevented and which were caused by severe weather conditions and major natural disasters endangering the safe operation of the service



# Exemptions

## *Scope of application:*

- Regulation applies to **domestic and international** journeys and services
- MS can no longer exempt long distance national services (currently exemptions can be renewed until 2024).
- MS can still exempt:
  - urban, suburban and regional services, **except when they are cross-border services within the EU**
  - Services with non-EU countries, provided that **adequate provisions for passenger protection** exist under national law for the part carried out on EU territory
- **"Mandatory articles"** broadened to include new Article 5 on non-discrimination and all articles related to PRM passengers (Chapter V - right to transport, assistance, mobility equipment).



# Non-Discrimination

NEW Article on non-discriminatory conditions of the transport contract:

- Introduction of a new non-discrimination clause → Alignment with passenger rights legislation for other modes of transport (air, waterborne, bus & coach),
- Citizens who consider that they have been discriminated upon ticket purchase or during travel can report their complaint to the NEBs



# PRM Rights I

## Scope:

- Provisions under Chapter V become mandatory and thus apply to all services (can no longer be exempted)

**Information:** Article 8 "Information on discontinuation of services", Article 9 "Travel Information", Article 20 "Information to PRMs", Article 22 "Assistance at railway stations", Article 30 "Information to passengers about their rights"

- ***All information to be provided in accessible formats for PRMs***  
→ Update of Regulation in the light of the UNCRPD and alignment with obligations laid down in the future European Accessibility Act

## Availability of Tickets

- Where no ticket office or accessible ticket machine is available, PRM passengers can buy tickets on-board at no extra cost (where on-board purchase is offered)



# PRM Rights II

## Chapter V "Persons with disabilities and persons with reduced mobility"

### Right to transport

- Access rules apply to PRMs and their **personal assistants**. PRMs are allowed to travel with an **assistance dog** in accordance with national rules.

### Assistance at stations and on-board

- Assistance shall be available during all times when rail services operate.

### Compensation of mobility equipment

- Compensation shall be equal to cost of repair or replacement
- Temporary replacement shall be similar to lost or damaged equipment.





# PRM Rights III

## Chapter V "Persons with disabilities and persons with reduced mobility"

### NEW Article on Staff training

- RU and SM have to train their staff at different levels of intensity depending on their interaction with the travelling public → Alignment with passenger rights legislation in other modes which contain training obligations

### Complaints

- New obligations for complaint handling for station and infrastructure managers (of middle-sized stations). PRM passengers can complain directly to SM or IM → Alignment with APR, where PRMs can complain to airports



# Information

## **Travel Information**

- Provision of information during the journey has been reinforced.
- Real-time data shall be made available to RUs and ticket vendors in a non-discriminatory manner

## **Information to passengers about their rights**

- When selling tickets, RUs, SM and ticket vendors shall provide information to passengers about their rights notably in the event of disruption via a notice on the ticket (e.g. by printing on the ticket or providing in electronic format)



# Through-Tickets

## Availability of tickets, through-tickets and reservations

- Strengthened provision on selling through-tickets: RUs and ticket vendors shall make **all possible efforts** to offer through-tickets, including for cross-border journeys and with different RUs.
- Information requirements regarding the type of ticket are strengthened: When passengers buy tickets related to one journey in a single purchase operation, RUs, their agents or ticket vendors have to **explicitly** inform passengers **in writing** if they are **not** covered under a single transport contract on the whole journey.
- In the absence of such information the ticket or tickets will be considered as being under one contract of carriage (through-ticket). **Rights to assistance and compensation then apply to the whole journey.**



# Complaint handling and enforcement

## Enforcement tasks

- Obligation of rail sector to cooperate with NEBs
- New reporting requirements for NEBs on their enforcement activities

## NEB complaint handling

- Complaint handling tasks can be separated from enforcement tasks
- NEBs to inform complainants about their right to seek alternative dispute resolution as per Directive 2013/11/EU
- Detailed provisions on the complaint handling process and competence of NEBs will facilitate, harmonise and accelerate the process

## Exchange of information and cooperation between NEBs

- Exchange of information and cooperation between NEBs is strengthened to improve the handling of cross-border cases. Detailed instructions on the cooperation process are set out in a new Annex



# Contingency planning

## Assistance

- **A new paragraph on contingency planning** has been inserted in Article 18. It relates to **assistance and care for passengers** in the event of major transport disruption (e.g. natural catastrophes, strikes, terrorist attacks etc.).
- Provisions on contingency planning in the 4<sup>th</sup> railway package place the burden of care on railway undertakings only.
- **Objective:** to reduce the burden on RUs in such very specific situations and share it with other actors, e.g. national authorities and station and infrastructure managers.



# Force Majeure

## Compensation of the ticket price

- A NEW clause exempting RUs from having to **pay financial compensation** in the event of long delays which were caused by severe weather conditions or major natural disasters endangering the safe operation of the service (Force Majeure) and which could not be foreseen or prevented.
- All other obligations (e.g. information or assistance) must still be fulfilled.
- Why a FM clause?
  - To ensure correct application of principles of **legal fairness and proportionality**.
  - To ensure **consistency with other pieces of EU legislation** which contain a "force majeure" clause (e.g. passenger rights legislation for other modes, Package Travel Directive).
- Restricted definition of "force majeure" situations to avoid legal uncertainty and conflicts between passengers and rail companies (as in air transport)



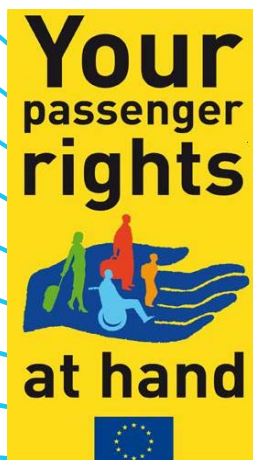
**Your Passenger Rights:**  
**[europa.eu/youreurope/citizens/travel/passenger-rights](http://europa.eu/youreurope/citizens/travel/passenger-rights)**

**Info Campaign**

**[http://ec.europa.eu/transport/themes/passengers/campaign/index\\_en.htm](http://ec.europa.eu/transport/themes/passengers/campaign/index_en.htm)**

**Europe Direct: 00 800 6 7 8 9 10 11**

**European Consumer Centre:**  
**[ec.europa.eu/consumers/ecc](http://ec.europa.eu/consumers/ecc)**



 @Transport\_EU

Mobility and  
Transport

CONNECTING  
EUROPE