
Joint Position Paper

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Rail passenger rights – standard form for reimbursement and compensation requests

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1. Introduction

CER and CIT members consider the protection of their customers first and foremost as the sector's own long-standing commitment. CER and CIT members are well aware that the passenger experience is the decisive factor when customers pick their transport mode. It is worth pointing out, the railway sector is committed to the recently adopted Regulation (EC) 2021/782 on rail passengers' rights and obligations and it is that light that we welcome the proposed standard form for reimbursement and compensation requests.

We understand that a standardized form could help passengers to understand what information is required and could contribute to process claims in a consistent manner in parallel to each RU's own form. While we are generally happy with the proposed form, we would like to suggest a few modifications that we believe would be beneficial, both for passengers and railway undertakings. We believe that the form should be as user-friendly as possible, with clear and concise instructions that are easy to understand. It is important that the form is designed to minimize the amount of information that passengers need to provide, while still providing enough information to process their claims effectively. We also would like to emphasize the importance of distinguishing between reimbursement and compensation in the form, as defined in the Rail Passenger Rights Regulation. We believe that these two concepts should be clearly distinguished, and the form should be structured in a way that makes it easy for passengers to understand the difference. We would like to point out that there are railway undertakings whose conditions regarding the passenger's compensation are more generous than provided for in Regulation (EC) 2021/782 on rail passengers' rights and obligations, in some cases in application of specific national legal and regulatory provisions. For example, some railway undertakings offer a better compensation scheme or grant compensation earlier than foreseen in the Regulation (e.g. after 30 minutes or more). In addition, if the passenger holds a travel pass or season ticket, the conditions are set by the railway undertakings and may be more favourable for passengers. Therefore, the use of an own form for railway undertakings is crucial and should remain a persistent solution.

We believe that passengers should use the railway undertakings working language(s) when submitting the standardized form and that railway undertakings may answer the passenger in their working language. This procedure would be in line with Article 28.1 sentence 2 ("Complaints") of Regulation (EC) 2021/782 which states that "*They* (i.e. the railway undertaking or station manager) *shall make their contact details and **working language, or languages, widely known to passengers.***" A clarification in this respect would however be beneficial, to avoid wrong expectations of passengers and to guarantee a smooth processing of the forms submitted.

At CER and CIT, we appreciate the opportunity to provide feedback on the proposed standard form for reimbursement and compensation requests for rail passenger rights. As representatives of the European rail industry, we are committed to working with DG MOVE

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and other stakeholders to improve the rights and experience of rail passengers and are happy to provide any further clarifications on our views.

2. CIT and CER comments on the implementing regulation

a) Point 4

Original text: (4) For the sake of transparency and ease for passengers, both the request for reimbursement and compensation should be integrated into one single common form, in which passengers would have to specify whether they apply for reimbursement, compensation, or both.

Recommendation: to modify the text: *4) For the sake of transparency and ease for passengers, both the request for reimbursement and compensation should be integrated into one single common form, in which passengers would have to specify whether they apply for reimbursement or compensation, ~~or both.~~*

Explanation: Passenger cannot apply both for reimbursement and compensation (as pointed out correctly in the “**” of the Annex to the Implementing Regulation).

b) Point 6

Original text: (6) In order to simplify the procedure for passengers to apply for compensation and/or reimbursement, passengers should have the possibility to submit the common form for reimbursement and compensation requests either as a physical document or by electronic means. Taking into account Article 18(5), first sentence, and Article 19(6), first sentence, of Regulation (EU) 2021/782, Member States may require railway undertakings to accept requests for reimbursement and compensation by particular means of communication. The obligation incumbent upon railway undertakings, ticket vendors and tour operators to enable the use of the common form does not prevent them from offering also an electronic form on their website. The latter should be subject to the same conditions and contain the same entries as the common form.

Recommendation: to modify the text: *(6) In order to simplify the procedure for passengers to apply for compensation ~~and/or~~ reimbursement, passengers should have the possibility to submit the common form for reimbursement and compensation requests either as a physical document or by electronic means. Taking into account Article 18(5), first sentence, and Article 19(6), first sentence, of Regulation (EU) 2021/782, Member States may require railway undertakings to accept requests for reimbursement and compensation by particular means of communication. The obligation incumbent upon railway undertakings, ticket vendors and tour operators to enable the use of the common form does not prevent them from offering also an **own** electronic form on their website ~~and/or a physical document to gather the information necessary to process the reimbursement and compensation requests. The latter should be subject to the same conditions and contain the same entries as the common form.~~ The passengers’ right to submit the common form by electronic means could be also guaranteed if railway undertakings, ticket vendors and tour operators allow passengers to submit their reimbursement or compensation request by filling in the railway undertakings own web form, which are updated to also contain the same information as the common form.*

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Explanation: Passenger cannot apply both for reimbursement and compensation (as pointed out correctly in the “**” of the Annex to the Implementing Regulation).

Railway Undertakings (and ticket vendors or tour operators) should be allowed to offer not only an own electronic but also a physical document.

Regulation (EU) 2021/782 does not specify that the own form offered by railway undertakings (and ticket vendors or tour operators) must be subject to the same conditions or concordant to the entries of the common form. It goes without saying that the railway undertakings own form must be compliant with the requirements of the Regulation (EU) 2021/782, in particular, ensure accessibility for passengers with disabilities or passengers with reduced mobilities. Railway undertakings may simplify the conditions or add other specific data.

For some railway undertakings it is important to retain the possibility to use their own/simple form so they can promote their own and even better compensation scheme for passengers. As an example: In Denmark, compensations of 25% of the ticket price are already granted for a 30-minute delay on national tickets. Therefore, especially for those carriers it is important to include this information for example on their own electronic form and physical document.

Railway undertakings (and ticket vendors or tour operators) should not be precluded from updating their own webforms already in use, so that these can contain all the information of the common form, in addition to their better compensation schemes and travel pass or season ticket conditions. In case railway undertakings would need to offer the common form on their website besides their own form, this could cause major costs for operators without benefit of simplification for passengers, who instead would face an increased complexity of the procedures and tools available.

3. CIT and CER comments on the Annex to the Implementing Regulation (the draft common form):

a) Point 1

Original text: 1. Reason(s) of your request Please indicate with a cross [X] the reason that applies to your request and fill out the relevant parts of the form clearly in block letters

[] Delay [] Missed connection [] Cancellation

Recommendation: We would suggest deleting this point and to take it over in a remark at the beginning of the form that passengers are entitled to ask for a reimbursement or compensation in case of delay, missed connection, cancellation.

Explanation: this column is not supporting railway undertakings to process the form, as passengers might cross not only one choice but more of them (as missing connection is caused all the time by delay or cancellation). Also, passengers should not need to fill in information that is not needed.

b) Point 2.1

Original text: 2.1. Name of Railway company (*and ticket vendor or tour operator, where relevant*)

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Recommendation: To update the text and clarify which railway undertaking should be addressed and to use the term *Name of contractual carrier* instead of “Name of Railway company”.

In addition, it would be useful to explain passengers in which cases they should refer to a ticket vendor or tour operator.

Explanation: For passengers, it should be clear to whom they should address the form. The contractual carrier is the one a passenger might identify the easiest way because usually, contractual carriers are indicated on the ticket. A clear identification of the railway company/contractual carrier concerned by the passenger would simplify the procedure as well for undertakings involved.

Railway undertakings should not receive the requests for reimbursement and compensation according to Art. 12.4 which must be sent to ticket vendors or tour operators.

c) Point 2.2.6

Original text: 2.2.6 Category of train/train no:.....

Recommendation: To put “*train no*” first.

Explanation: “Train no” is the term widely used in the railway sector. Therefore, we suggest putting this term first.

d) Point 2.2.7

Original text: 2.2.7. Booking Reference/Ticket Number:

Recommendation: To update the text allowing also plural as alternative [(e.g. *ticket number(s)*)]. In addition, we suggest putting “*Ticket Number*” first.

Explanation: According Art. 12 ticket or tickets purchased in a single commercial transaction represent(s) one single contract of carriage (through-ticket), meaning there can be more than one ticket per one claim of the passenger and so in case of a through-ticket passenger will need to submit only one claim.

Ticket Number is the term widely used in the railway sector. Therefore, we suggest putting this term first.

e) Point 2.2.8

Original text: 2.2.8. Ticket price:

Recommendation/Explanation: We would propose to delete this column as it doesn't give any benefit for the claim handling process, and it can confuse passengers. The ticket price would be known by the RU as the ticket/reservation must be attached including its costs (see attachments). If the Commission does not want to delete this entry, we want to point out that the compensation/reimbursement would be paid in some cases (through-tickets) not only from the price of one ticket, but from a sequence of tickets (sum of all tickets). Therefore, ticket price(s) would be correct.

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f) Point 2.3

Original text: Possible additional information related to your ticket/journey:

(Maximum 4000 characters - Please state any additional costs made for other providers of transport services or other costs here)

Recommendation/Explanation: We would propose to make clear that this is not a mandatory field. Passengers can add something here, but they don't have to.

We would also propose to place this page at the end of the form with the non-implicit service, that additions are possible here if needed.

In addition, we would limit the number of characters more clearly. 4,000 characters is a well-filled Word page in font size 10. The longer the free text, the longer it takes to process the form and passengers might have to wait a bit longer.

g) Point 3

Original text 3. Nature of your request

Please specify your claim(s) with a cross [X].

Reimbursement from railway undertaking of the ticket*,**

Recommendation: To update the text allowing also plural as alternative [(*Reimbursement from railway undertaking of the ticket(s)*)].

Explanation: According to Art. 12 ticket or **tickets** purchased in a single commercial transaction represent(s) one single contract of carriage (through ticket). Therefore, reimbursement is made from one or more tickets, meaning there can be more than one ticket per one claim of the passenger and so in case of a through-ticket passengers will need to submit only one claim.

h) Point 3

Original text:

- Reimbursement from railway undertaking of the ticket*,***
 - Due to a cancelled train or missed connection leading to a delay at arrival at the final destination of 60 minutes or more.*
 - For a delay at arrival at the final destination of 60 minutes or more.

First bullet point:

Recommendation: To update the text: Due to a cancelled or delayed train or missed connection **which would lead ~~leading~~** to a delay at arrival at the final destination of 60 minutes or more.

Explanation: According to Art. 18, passengers have a right for reimbursement also in case of the delay (not only in case of cancelled or missed connection), if it is expected a delay in passenger's departure station (see text in Art. 18 "*either at departure*"...), that will lead to the delay of 60 minutes or more in passenger's final destination; then (s)he has a right not to travel and get refund of the ticket.

Second bullet point:

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Recommendation: To delete the second bullet point:...

- *Due to a delayed, cancelled train or missed connection leading to a delay at arrival at the final destination of 60 minutes or more.*
- ~~□ *For a delay at arrival at the final destination of 60 minutes or more.*~~

Explanation: The concept of reimbursement and compensation should not be mixed. According to Art. 18.1 (a), passengers are allowed to ask for reimbursement of the full cost/part of the costs of the ticket if the journey is no longer serving any purpose. This means that a passenger in this case decides not to travel or “interrupts” the journey and does not reach the final destination. Therefore, in case of reimbursement the late arrival of the train at the final destination is only expected.

Instead, in the case the passenger decides to travel and reaches the final destination with a delay of 60 minutes or more, the passenger has a right to get a delay compensation. Therefore, as pointed out under “**” passengers can apply either for reimbursement of the price of the ticket or for delay compensation.

i) Point 3

Original text:

- *Compensation from **railway undertaking*****
 - *For recurrent delays or cancellations of more than 60 minutes suffered by a passenger holding a travel pass or season ticket.*
 - *For recurrent delays of less than 60 minutes suffered by a passenger holding a travel pass or season ticket.*

Recommendation: To update the text and merge the two sentences on compensation for passengers holding a travel pass or season ticket into one more general sentence to be used by passengers:

- *For recurrent delays or cancellations suffered by a passenger holding a travel pass or season ticket.*

Explanation: These kinds of compensations and the requirements are largely ruled in the specific conditions of the railway undertakings (see Art. 20.2 of the Regulation (EU) 2021/782 “the railway undertaking’s compensation arrangements”). Railway Undertakings therefore provide different conditions to their customers. The wording as suggested by the reimbursement and compensation form could be misleading for passengers asking for a delay compensation in this respect.

j) Point 3

Original text:

- *Reimbursement of the costs from railway undertaking for using other providers of transport services or other costs (bills for other railway undertaking, bus, coach, taxi, hotel or other accommodation, meals, refreshments, phone call bills)*

Recommendation: To update the text: *Reimbursement of the costs from railway undertaking for using other providers of transport services or other costs (bills for other railway undertaking, bus, coach, taxi, hotel or other accommodation, meals,*

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refreshments, phone-call bills) provided that they are appropriate according to Article 18.3 and 20.2 of REGULATION (EU) 2021/782 on rail passengers' rights and obligations.

Explanation: It should be noted that, according to Art. 18.3 of the Regulation (EU) 2021/782, the consent of the railway undertaking is required for taxi costs. In addition, according to Art. 20.2, meals and refreshments are usually directly offered by the railway undertaking and should not be organised by the passengers themselves.

k) Point 4

Original text:

Personal details

4.5 *Payment details* (...)

Recommendation: to amend the payment details as follows:

4.5.1 IBAN (account number)

4.5.2 SWIFT/BIC (routing number)

4.5.3 Other means of payment used by the passenger to purchase the ticket (e.g. PayPal, Apple pay etc.)

4.5.4 Name of account holder (first name, last name)

Explanation: IBAN, SWIFT/BIC pertain to European bank accounts and although most of the passengers are European, not all of them are and for those "IBAN" and "SWIFT" do not apply. For international payments, one would usually need an Account number and Routing number.

In addition, the common form should also provide the possibility for passengers to receive the money by the same means of payment they used to purchase the ticket (PayPal, Apple pay....).

l) Point 4

Original text:

PLEASE ATTACH RELEVANT DOCUMENTS

(e.g., copy of ticket or reservation, including its cost, delay/cancellation confirmation where appropriate)

Recommendation: To update the text (e.g. copy of ticket(s) or reservation(s), including documentation for ~~its~~ additional costs which incurred; delay/cancellation confirmation where appropriate).

Explanation: According to Art. 12 ticket or tickets purchased in a single commercial transaction represent(s) one single contract of carriage (through-ticket). Therefore, passenger will probably submit more tickets and reservations. The remark on "including its costs" should be clarified as well (does it mean other costs, like hotel etc., or which costs in relation with the ticket? However, the bills for hotels etc. must be attached). In addition, as Art. 20.4 stipulates that railway undertakings shall inform affected passengers how to request certification that the rail service has suffered a delay, led to a missed connection or that it has been cancelled and that this certification shall also apply in

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connection with the provisions laid down in Article 19, this delay or cancellation confirmation should be mentioned as document to be attached (where appropriate).

m) Point 4

Recommendation/Explanation: Although it is clearly pointed out in the Implementing Regulation text (point 9) that the European Data Protection Supervisor was consulted but an opinion is still pending, we would already suggest including a clearer and more specific consent statement as currently contained in the European Commission's standard form. The consent statement should be in line with the principle of "data economy" in the context of data protection (GDPR). Not all railways need all the information indicated in the form. In this context, it should be made clear for passengers that the personal details of the passengers are not (all) mandatory fields. The form's fields could be diversified by marking the mandatory ones clear with an asterisk. Furthermore, customers should rely on the fact that they do not have to enter data that is afterwards not used.

In addition, the data protection consent statement should explain more clearly to customers why railway undertakings ask for all this data (different processes/purposes).

n) Point 4

Original text: *I hereby declare that all of the information provided in this form is true and accurate in all respects and for all the passengers*

Recommendation: To update the text: *I hereby declare that all of the information provided in this form is true and accurate in all respects and for all the passengers. I declare that I do not submit additional claims for the same disruption of train services.*

Explanation: It should be clear for passengers that concerning the same disruption of trains services, they should only submit one claim.

About CER

The Community of European Railway and Infrastructure Companies (CER) brings together railway undertakings, their national associations as well as infrastructure managers and vehicle leasing companies. The membership is made up of long-established bodies, new entrants and both private and public enterprises, representing 78% of the rail network length, 81% of the rail freight business and about 94% of rail passenger operations in EU, EFTA and EU accession countries. CER represents the interests of its members towards EU policy makers and transport stakeholders, advocating rail as the backbone of a competitive and sustainable transport system in Europe. For more information, visit www.cer.be or follow [@CER_railways](https://twitter.com/CER_railways) on Twitter or [LinkedIn](https://www.linkedin.com/company/cer).

About CIT

The International Rail Transport Committee (CIT) is an association of over 200 railway undertakings and shipping companies that operate international passenger and/or freight transport services. The aim of the CIT is to ensure practically oriented implementation of the railway law in force at undertaking level - such as the CIV Uniform Rules and the PRR in the passenger sphere. In addition, it strives the standardisation of the corresponding contractual relations and represents its members' interests vis-à-vis authorities and other associations. For more information, visit www.cit-rail.org.

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