



# IMPLEMENTATION OF THE REGULATION ON RAIL PASSENGERS' RIGHTS (EC)

No 1371/2007: THE RAIL SECTOR'S REPORT  
OCTOBER 2012

Design and production: Tostaky - [www.tostaky.be](http://www.tostaky.be)

Photos: Kindly provided by CER members & purchased at [www.shutterstock.com](http://www.shutterstock.com)

Printed in Belgium in October 2012

Publisher: Community of European Railway and Infrastructure Companies (CER)  
Avenue des Arts 53, 1000 Brussels - Belgium - [www.cer.be](http://www.cer.be)

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# FOREWORD: RAIL PASSENGERS' RIGHTS: THE VIEW OF THE PASSENGER, BY THE EUROPEAN PASSENGER FEDERATION



## What's in it for the passenger?

EPF has engaged with CER and CIT on the subject of passengers' rights for a number of years now. Although we don't always agree, discussions have always been constructive. We do agree, for example, that there should be greater consistency in the way in which the national enforcement bodies throughout the EU exercise their responsibilities. We also both advocate greater use of alternative dispute resolution.

## We have just started

It's good to see in this report that operators have taken action to comply with the regulation and to see examples of what they are doing. However, much more needs to be done. Passengers rights' provisions are only just starting to be implemented in many places and continuing efforts are needed. For example there should be greater effort to inform passengers of their rights, especially at stations. Or to educate railway staff about passengers' rights, because unfortunately, their lack of familiarity with those rights can be a problem. Simple measures, such as posters at stations, can already go a long way towards delivering these goals as can already be found in some countries.

Another issue many passengers complain about is the availability of information and the possibility to book tickets, in particular for international journeys. Especially information about planned disruptions, which is often published quite late, and the limitations of booking online are subject to many complaints. Lack of information during disruptions is the principal driver of passenger dissatisfaction. These are clearly areas where much improvement is needed.

## The way forward

Finally, we'd like to mention a good practice which we didn't find in the report: in Germany, almost all railway undertakings are cooperating and are using one central system for handling compensation for delay claims. This is much more passenger-friendly. And what's more, the whole journey is taken into account, not just the delayed train, regardless of the number of railway undertakings involved. This is the direction operators should be going: clear and simple practices that take the passenger's point of view into account.

**Trevor Garrod**  
EPF Chairman

**CER is the Community of European Railway and Infrastructure Companies.** CER brings together more than seventy European railway undertakings, infrastructure companies and vehicle leasing companies, including long-established bodies, new entrants, and both private and public-sector organisations. In EU, EFTA and EU accession countries, CER members represent about 75% of the rail network length, more than 85% of the rail freight business and over 90% of rail passenger operations, with 1.2 million jobs directly created by CER members. The CER promotes a strong rail industry that can form the basis of a long-term sustainable European transport system.

**The CIT is the International Rail Transport Committee,** an association of more than 120 railway undertakings and shipping companies from Europe, the Maghreb and the Near East; it is based in Bern. The CIT helps its members implement international rail transport law. To achieve that, it draws up and maintains legal publications and boilerplate documents for international traffic by rail, standardises the contractual relationships between customers, carriers and infrastructure managers and represents the interests of carriers by rail vis-à-vis legislators and authorities.

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# EXECUTIVE SUMMARY

The European regulation on the rights and obligations of rail passengers (Regulation (EU) No 1371/2007) came into force on 3 December 2009. Three years later, as railways review the progress made in implementing the regulation, they note that although a lot has been achieved, there is still work for them to improve services to passengers even further.

CER is pleased to report quite respectable punctuality; passenger operators record levels above 95% on average. More precisely, 98% of all trains arrive within 15 minutes of their scheduled time and even with a 10 minute threshold the figure is still 96%. Furthermore, nearly 100% of trains arrive within 60 or 120 minutes of their scheduled time (60 and 120 minutes are the two thresholds set in the regulation for payment of compensation to passengers).

European railways are also investing resources to improve the way passengers' complaints are handled. Although the number of complaints has increased since the European regulation came into effect (something which shows that passengers are more and more aware of their rights), CER members report that the time needed to send a response to passengers is generally less than the minimum required (one month). In addition, customers can increasingly make use of alternative dispute resolution systems, which are less costly and time consuming for them than taking action in the courts.

Railways have taken initiatives to improve the way passengers are informed about their rights, especially in the event of disruption where they have to handle hundreds, even thousands of stranded passengers. In this way railways are responding to passengers' evolving needs and expectations.

Cooperation on ticketing has also increased: CER, CIT and their members are working together to develop systems which can apply right across Europe.

Investments have also been prioritised to make rail services accessible to disabled persons and persons with reduced mobility; railways are developing innovative solutions to assist passengers with special needs. Railways are also working together to share best practice and to develop guidelines to improve their services to passengers with special needs, for instance with the development of a common assistance booking tool.

We are pleased to say that the achievements of the past years have been made possible thanks to a close working relationship with passengers' representatives. CER and CIT initiated this dialogue in 2003 by setting up bi-annual meetings bringing railways and European federations representing passengers (including organisations representing disabled persons and persons with reduced mobility) together. Within individual countries, dialogue between railways and customer federations, including associations of disabled persons and persons with reduced mobility, is taking place all the time.

Earlier this year, on 10 May, in this spirit of open dialogue and transparency, we held a workshop in Brussels with the national bodies enforcing Regulation (EC) No 1371/2007. This represented the first attempt to discuss issues with enforcement bodies. As a result of this successful first meeting, follow up discussions will take place on a number of key elements in the regulation. The outcome of these discussions will be shared at a second workshop next year.

The European Commission has announced its intention to draft guidelines for the implementation of the regulation on rail passengers' rights.

We hope that this report, which summarises the experience of rail passenger operators and the outcome of their discussions with their passengers and national enforcement bodies, will be a useful contribution and a helpful basis for future discussions with all transport stakeholders.



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# RAIL PASSENGERS' RIGHTS: FIRST A UNILATERAL INDUSTRY COMMITMENT

# 1

Passengers are close to the heart of the European railway business. Even before European legislation was enacted, rail passenger operators took action at national and international levels to improve the quality of their services.

In 2002, the European railways drafted and signed a **Charter on Rail Passenger Services in Europe**. This charter committed the European railways to raise the quality of services provided to their customers. In this way, the railways committed themselves to apply common practices to assist passengers with reduced mobility, to provide information to passengers about services such as taking luggage and bicycles, and to handle complaints, amongst other issues.

In 2007, the European Community took the issue on board with the publication of Regulation (EC) No 1371/2007 on rail passengers' rights and obligations (hereafter called "the regulation"). The regulation came into effect on 3 December 2009. It defines fundamental rights applicable to all services in the EU together with non-fundamental rights, subject to exemptions for domestic long distance, regional, suburban and urban traffic.

Interestingly, almost all the elements of the European regulation were present in the 2002 Charter and the CIT General Terms and Conditions for the International Carriage of Passengers by Rail (GTC-CIV) applicable from December 2004. These provided, for example, for a minimum 20% compensation after 60 minutes of delay on a day train.



► CER-UIC-CIT Charter on Rail Passenger Services



# A EUROPEAN OVERVIEW OF THE IMPLEMENTATION OF REGULATION (EC) No 1371/2007

# 2



*REGULATION (EC) No 1371/2007 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 23 October 2007 on rail passengers' rights and obligations (hereafter called "the regulation" or "PRR") came into force on 3 December 2009.*

It defines six fundamental rights, i.e. rights applicable to all train services in Europe:

- availability of tickets in stations, at selling machines and travel agents and, in most cases, via the internet;
- compensation for personal injury and death in the event of an accident;
- railway undertakings must ensure compensation for liability;
- non-discriminatory access rules for the transport of passengers with reduced mobility;
- information on the accessibility of rail services;
- passenger's personal security in stations and on-board trains.

Furthermore, the regulation specifies other rights, which are subject to exemptions for national, regional, urban and suburban traffic. Those other rights define the level of compensation and assistance which railways should provide their customers in the event of delays and cancellation, as well as rules for re-routing, continuation or reimbursement:

- compensation of 25% of the fare for 60 minutes delay;
- compensation of 50% of the fare for 120 minutes delay;
- provision of hotel accommodation when the last connection of the day is missed;
- various alternatives for refund or rerouting must be offered in case of delay or cancellation.

Importantly, it also includes requirements for making rail transport accessible to disabled persons and persons with reduced mobility; it refers to making conditions for access known, providing assistance in stations and on-board, and complying with the Technical Specifications for Interoperability – Persons with Reduced Mobility.

Finally, and this is unique to the rail regulation compared to passengers' rights in other modes, railways have to report on a number of quality standards. These are defined in Annex III of the regulation: punctuality, cleanliness, assistance to persons with reduced mobility, for example.

The full text of the regulation may be downloaded from the European Commission website: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:315:0014:0041:EN:PDF>

## 2.1 Exemptions



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*In accordance with the regulation, Member States may choose to apply the same rights to domestic services as those applicable to international services.*

*Article 2(4) says that “a Member State may, on a transparent and non-discriminatory basis, grant an exemption for a period no longer than five years, which may be renewed twice for a maximum period of five years on each occasion, from the application of the provisions of this Regulation to domestic rail passenger services”. As far as regional, urban and suburban rail passenger services are concerned, Article 2(5) states that “a Member State may exempt [those services] from the application of the provisions of this Regulation”.*

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As a result, the picture varies across Member States, as shown in Annex III (source: CIT based on information from CIT and CER members, last update June 2012).

This differentiation is due to the characteristics of domestic and regional rail passenger services, often subject to public service contracts. The level of quality and financing of regional passenger services subject to public service obligations is then a matter for negotiation between a client, i.e. the competent authority, and potential suppliers, i.e. railway companies. For a certain level of support, some authorities might choose volume over punctuality. Accordingly, defining a particular compensation regime for delay may simply not respond to the needs of some client authorities, remembering that these authorities normally expect to define the way that the services they pay for are financed and run.

In addition, railways may have already passengers’ rights’ schemes in place for their domestic and regional services and these may go beyond the requirements of the European regulation.

**Considering that the implementation of passenger’s rights differs between Member States, it is of great importance to ensure accurate and updated information is given to passengers whenever it is relevant and whenever they want it.** As seen later in this report (Chapter 2.6), railways are constantly working to improve the level of information which they make available to their customers.

## 2.2 Punctuality

### Publication of quality report



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*The rail mode is the only mode which has a legal requirement to report about quality arising from the European regulation on passengers' rights. According to Article 28(2) of the regulation, "Railway undertakings shall each year publish a report on their service quality performance together with their annual report. The reports [...] shall be published on the Internet website of the railway undertakings. In addition, these reports shall be made available on the Internet website of the ERA."*

*Annex II of the regulation defines a set of minimum quality standards that should be included in railways' quality reports:*

- *information and tickets;*
  - *punctuality of services, and general principles to cope with disruptions to services;*
  - *cancellations of services;*
  - *cleanliness of rolling stock and station facilities;*
  - *customer satisfaction survey;*
  - *complaint handling, refunds and compensation for non-compliance with service quality standards;*
  - *assistance provided to disabled persons and persons with reduced mobility.*
- 

All railways produce annual reports which contain information on the quality of the services they provide. Some have produced specific quality reports to fulfil the requirements of the regulation. In addition to the minimum quality indicators required in accordance with the regulation, railway undertakings also report on further activities such as the percentage of occupied car parks and welcome services in stations.

A number of railways have already published their quality reports on the European Railway Agency's website (ERA). Railways receive specific access codes and information about the procedure from ERA in order to up-load their reports. Access codes are provided once the ERA gets confirmation of the authorised railway undertakings operating in each Member State from the national enforcement bodies (NEB). Some railways have not yet received their access codes to allow them to fulfil this obligation.

Railways' quality reports are available on a dedicated page on the ERA website: <http://www.era.europa.eu/Search/Advanced-Search/Pages/results.aspx?k=ALL%28quality%20report%29&start1=1>



## Punctuality

“Service punctuality” is one of the main drivers of customer satisfaction and is an essential contributor to quality perception.

Everyone knows that only delayed trains make the headlines in newspapers and on TV. Trains on-time never do. This may contribute to the general perception that “trains are always late”. But is this perception in line with reality?

The CER has run a survey on train punctuality across Europe. The results show that the punctuality of passenger trains is far from being poor. In fact, based on a (non-weighted) average, **passenger operators report punctuality levels well above 95%**. More precisely, nearly 100% of trains arrive within 120 minutes or within 60 minutes of their scheduled time (120 and 60 minutes are the two thresholds set in the regulation for payment of compensation to passengers). Long-distance international trains tend to be more affected by significant delays with an average punctuality of 99% at 120 minutes and 97% at 60 minutes.

However, as a general rule, a 60-minute threshold is much too long to be used to monitor punctuality under today’s conditions. Passenger operators therefore tend to benchmark their performance using lower thresholds: 30 minutes, 15 minutes and even 10 minutes. Even then, as shown in the table below, the average overall punctuality performance remains significantly higher than common perception acknowledges: 99% at 30 minutes; 98% at 15 minutes and 96% at 10 minutes.

Where punctuality performance is very high (as in Switzerland and Austria), punctuality monitoring only becomes meaningful when measured against thresholds as low as 5 minutes (ÖBB), or even 3 minutes (SBB). Overall, using a 5 minute punctuality threshold, the European average passenger train punctuality lies at 93%.



**Figure 1 Average punctuality of trains in 2011**

Unweighted average PUNCTUALITY 2011	Punctuality using a threshold of up to 120 minutes	Punctuality using a threshold of up to 60 minutes	Punctuality using a threshold of up to 30 minutes	Punctuality using a threshold of up to 15 minutes	Punctuality using a threshold of up to 10 minutes	Punctuality using a threshold of up to 5 minutes
<b>ALL SERVICES</b>	100%	100%	99%	98%	96%	93%
<b>INTERNATIONAL Long-Distance Services</b>	99%	97%	93%	90%	87%	81%
<b>Long-Distance DOMESTIC Services</b>	100%	99%	98%	95%	92%	86%
<b>REGIONAL-LOCAL-SUBURBAN-URBAN (PSO)</b>	100%	100%	99%	98%	97%	94%

Source: CER members

Punctuality improved slightly between 2010 and 2011, by 1 to 3% depending on the categories of delays and of services. The table below shows the 2010 figures in detail.

**Figure 2 Average punctuality of trains in 2010**

Unweighted average PUNCTUALITY 2010	Punctuality using a threshold of up to 120 minutes	Punctuality using a threshold of up to 60 minutes	Punctuality using a threshold of up to 30 minutes	Punctuality using a threshold of up to 15 minutes	Punctuality using a threshold of up to 10 minutes	Punctuality using a threshold of up to 5 minutes
<b>ALL SERVICES</b>	100%	99%	99%	97%	95%	92%
<b>INTERNATIONAL Long-Distance Services</b>	99%	97%	92%	88%	84%	79%
<b>Long-Distance DOMESTIC Services</b>	99%	99%	97%	93%	89%	83%
<b>REGIONAL-LOCAL-SUBURBAN-URBAN (PSO)</b>	100%	100%	99%	98%	96%	93%

Source: CER members

It is worth saying that, on more detailed analysis, punctuality levels tend to be highly correlated with the level of public financing of the railway system.

## 2.3 Handling passenger claims



*The regulation obliges railways to put “complaint handling mechanisms for the rights and obligations covered in this Regulation” in place.*

*The regulation also defines time limits for railways to respond to passengers’ claims (one to three months); however, passengers do not have yet time limits to submit claims, although this is the case in other regulations, i.e. maximum three and two months in the road and maritime regulations. Indeed, to ensure that complaints can be handled in the most efficient way (with a proper record of incidents, delays, cancellation), it is important that passengers submit a complaint to transport operators or national enforcement bodies within a given time limit.*

Most railway undertakings have experienced an increase in the number of claims since December 2009. This is partly linked to informing passengers about their rights, thereby raising their awareness. It is also linked to major, unusual traffic disruptions. The volcanic ash cloud crisis and the major disruption caused by harsh winter conditions in 2010 led to a substantial and exceptional increase in complaints.

**Despite this increase in the resources needed to handle claims, railway undertakings do their utmost to comply with the timescale imposed by the regulation for replying to their passengers**, i.e. one/maximum three months. In Finland, VR reported that over 50% of complaints are even handled within one week. In Slovakia, while 14 days were necessary to handle a claim in 2010, ZSSK reported that it was possible to handle claims in only 9 days in 2011. In Bulgaria, BDZ treats passengers’ claims within 3 to 5 hours if the information necessary is available, otherwise within 10 days. In 2010, Trenitalia managed to answer 99% passengers’ complaints for medium and long distance services within 30 days; 92% of complaints received for regional and urban train services received an answer within one month. DB has defined criteria to ensure a minimum service level: 80% of complaints must be answered within 72 hours when submitted by e-mail, and 10 days when submitted by post.

Railway undertakings put complaint handling systems in place long before the European regulation came into force. This is also the case at international level. Railways indeed have had an agreement on how to handle international claims for journeys involving more than one carrier since the 1920s (see Chapter 3.1).

In the event of disruption covered by the regulation on passengers’ rights, railway undertakings provide their passengers with a claim form which may also be available on the company’s website or distributed by railway staff. For instance VR uses a specific dynamic IT system named “KUNDI”.

Passengers normally have a choice of at least two languages in which to submit their complaints, sometimes three (for example, VR accepts complaints in English, Finnish, Swedish) or four (Thalys accepts complaints in Dutch, English, French or German).

## 2.4 Passengers with reduced mobility



*The regulation dedicates a full chapter to the rights of disabled persons and persons with reduced mobility. In addition to basic rights such as the right to transport and the right to be supplied with information about access conditions of stations and rolling stock, Chapter V of the regulation also defines the conditions in which assistance is provided, including timescales for persons with reduced mobility to pre-notify their need for assistance. Importantly, the regulation recognises the provision of assistance as a way to ensure problem-free travel for all users.*

Railways are committed to the common objective of making travel accessible to all users, and are working continuously to improve access to stations and rolling stock. In this work **cooperation with other railways, and also with national and European federations representing disabled persons and persons with reduced mobility, is essential.**

### Right to transport



*According to Article 19(1), railway undertakings and station managers shall, “with the active involvement of representative organisations of disabled persons and persons with reduced mobility, establish, or have in place, non-discriminatory access rules for the transport of disabled persons and persons with reduced mobility”. In addition and in accordance with Article 19(2), “reservations and tickets shall be offered to disabled persons and persons with reduced mobility at no additional cost”.*

**All railway undertakings offer disabled persons and persons with reduced mobility (PRM) the option to purchase tickets at no additional cost.** Generally, tickets can be purchased through normal distribution channels: website, call centres, stations. In addition, accompanying persons may get discounts. For example, in Thalys, passengers accompanying persons with reduced mobility and persons in wheelchairs may access first class with a second class ticket, or even travel free of charge, as in Belgium.

In Spain, in order to make it easy to get a train ticket, RENFE offers the option of having your ticket delivered to your home in the provinces of Madrid, Barcelona and Seville.



## Requesting assistance



*Article 24 defines the conditions in which assistance can be provided, including the need to be “notified of the person’s need for such assistance at least 48 hours before the assistance is needed”.*

**Most railway undertakings have tools for pre-booking assistance** prior to the journey, be it by calling a specific number, sending an e-mail or a fax. In Germany, DB set up a mobility service call centre as early as 1999.

Some operators offer toll-free numbers, such as MÁV Start and SBB; however it should be noted that this is forbidden in some countries, for example, in Sweden where “positive discrimination” is not allowed. Some operators have integrated a common PRM assistance booking tool in their system (see Chapter 3.1). Although the European regulation defines a prior notice period of 48 hours, PRM can ask for assistance below this threshold in some countries, e.g. 24 hours when booking assistance from SNCB in Belgium, from ČD in the Czech Republic, from SJ in Sweden, from BDZ in Bulgaria or from Trenitalia in Italy (for seats). Furthermore, passengers are asked to arrive at the station a minimum time before the train leaves, for example, 30 minutes in Spain (60 minutes under the European regulation) to ensure that the assistance requested can be organised properly. Indeed, if passengers arrive late, there may not always be enough time for them to join the train if it is to depart on time. In any case, even if assistance is not booked in advance, railway undertakings and station managers will do their best to provide the service.

In a few cases, Eurostar, for example, passengers with reduced mobility do not have to pre-book assistance prior to their journey provided they arrive at least 60 minutes before the scheduled departure of the train. This is also the case in Helsinki railway station, where customers can contact the station service desk directly. Likewise, in Spain, in stations equipped with a permanent ATENDO service, passengers just have to be at the meeting point, with a valid ticket, more than 30 minutes before departure of the train. In stations equipped with an on-request ATENDO service, travellers must notify at least 12 hours before their journey and check in 30 minutes before the departure of the train.

## Assistance on board and in stations



*Article 22 requests stations managers to provide assistance free of charge to a disabled person or a person with reduced mobility on departure from, transit through or arrival at, a staffed railway station. In addition, Article 23 says that “railway undertakings shall provide disabled persons and persons with reduced mobility assistance free of charge on board a train and during boarding and disembarking from a train”.*

**“Interfaces” between the station manager and carrier, for example for joining and alighting from trains, are often managed through commercial agreements between the station manager and the railway undertaking.** In many cases the assistance request received is delivered automatically to the carrier and station manager. In Poland, rules for providing assistance are defined in a document which sets down the responsibilities of the railway undertaking and the infrastructure manager. In Bulgaria, BDZ informs the station manager of a request for assistance; transport is organised and controlled by the dispatching centres for people with reduced mobility in Sofia, Plovdiv, Stara Zagora, Burgas and Varna.

In Belgium, the infrastructure manager does not intervene. The staff of the operator NMBS/SNCB in the station where the assistance is requested give their agreement before the journey. Practical information (meeting place, type of disability) is sent by e-mail; dedicated station staff then wait for the passenger at the agreed location, i.e. in the station or on the platform.

In the Czech Republic, ČD usually provides the assistance. The operator however has a contract with the infrastructure manager to provide assistance in stations where no ČD staff are available.

In Romania, CFR Calatori staff provide services to passengers with reduced mobility in stations. The company also reports that it took organisational action to ensure specific assistance services and information on accessibility rules were available before the European regulation came into effect. For instance, an interface was launched on the [www.cfrcalatori.ro](http://www.cfrcalatori.ro) website through which passengers can request specific assistance services and an e-mail address was created for suggestions and complaints.

Slovakian railways reported that if there is no lifting device available in the station where the assistance is required, ZSSK arranges manual assistance to help passengers join or alight from trains. In any case, ZSSK works with the infrastructure manager, ŽSR, to ensure passengers have problem-free access to or from the train. This procedure is coordinated by the ZSSK Call Centre, which sends an email to ŽSR’s dispatcher one day before the planned assistance. ŽSR’s dispatcher then informs the employees at the stations in question who provide the problem-free access.

In Switzerland, SBB has developed an internal information tool providing daily updates on the status of infrastructure and rolling stock; information on every train service can be obtained very quickly. This information, together with problem-free access to stations and modified platform heights, enables customers with reduced mobility to access trains independently.

Sweden is a special case; responsibilities are divided between operators, station managers and infrastructure managers. The Ministry of Transport decided that assistance should be

provided by a neutral body accessible to all operators. These services were put out to tender and are now provided by the Riksfärdtjänsten company. The company is in charge of bringing the customer to the platform and the train. Then the operator's staff helps the customer to join the train. Riksfärdtjänsten is fully financed by operators/railway undertakings for providing the service. Although the system is rather complex, the cooperation between the various actors providing assistance works well. It is also interesting to note that Riksfärdtjänsten's main activity is to facilitate people with reduced mobility making journeys to relatives and friends. To this end, the Swedish municipalities cover some of the related costs, whilst the individual person pays a fee that is equal to what a normal public transport ticket would have cost.

On top of the usual means (phone, website), passengers with reduced mobility travelling in Italy may notify their need for assistance to the dedicated service centres set up by the infrastructure manager RFI, which has provided assistance in stations since December 2010. Fourteen major stations in the country have these service centres, the "Sale Blu", and assistance is offered in 252 further stations. Specialised ground staff, dedicated to supporting persons with reduced mobility, help passengers who have asked for assistance to join or alight from trains.

**In principle, all railway undertakings accept disabled persons and persons with reduced mobility on their services.** However, some carriers, for example, LDZ, state in their general conditions that they may refuse to carry a person with disabilities if full-time assistance is needed on board or medical help has to be provided by railway staff. In addition, it may be impossible to carry a disabled person or a person with reduced mobility if all the seats for disabled people in the train requested are already occupied. In such cases, the carrier will look for an alternative train, route or service to meet the passenger's demand. Carriage of a passenger with reduced mobility may also be impossible in cases where no lifting device is available and railway undertakings and station managers cannot find enough staff to provide manual assistance.

**But, in general, only very few cases of refusal to carry a passenger because of safety or rolling stock/assistance capacity were reported.** In Slovakia, ZSSK had to refuse seven assistance requests in 2011 because there were no lifting devices and the passengers were not prepared to accept manual boarding with the aid of railway staff. PKP Intercity reported only eight refusals in 2010 out of 986 requests for assistance. These were because the company could not guarantee an assistance service that was completely safe. Some operators, ČD for example, may have to refuse to transport a passenger using a wheelchair if for instance the rolling stock does not provide space for it, or if assistance cannot be provided at connecting points. In such cases, an alternative is proposed by e-mail or phone, or by post if the passenger applied in that way.

In Sweden, SJ reported a particular case where all the wheelchair lifts for high speed trains had to undergo a technical safety check; SJ then offered persons with reduced mobility a taxi journey to get to their destinations with no additional costs for the passenger.

**Carriers report that they answer practically all requests for assistance. Operators always try to answer passengers' request for assistance right away. When this cannot be done, passengers are contacted as soon as possible with a reason and with an alternative proposal using an alternative train, route or service.**



## Information about accessibility rules



*In accordance with Article 20, “upon request, a railway undertaking, a ticket vendor or a tour operator shall provide disabled persons and persons with reduced mobility with information on the accessibility of rail services and on the access conditions of rolling stock [...] and shall inform disabled persons and persons with reduced mobility about facilities on board.”*

Generally, information on accessibility rules, i.e. the availability of ramps, accessible toilets, platform levels, services at stations as well as whether assistance is available and where the meeting point is situated, is available on carriers’ websites, in specially produced brochures and on demand via call centres or at station counters. Information on the accessibility of trains is also available from pictograms in timetable leaflets, and in railway undertakings’ conditions of carriage. In most cases, the information is available in written and audio formats (including in text in large type).

**Some companies have also developed innovative solutions such as the application for mobile phones** m.bahn.de developed by DB. Using this DB application, disabled persons and persons with reduced mobility can find information about accessibility via their mobile phone; the application offers a journey planner, an estimate of the actual arrival time and options to book tickets.

**Information about the composition of trains is also available on boards and posters in stations.** In addition, in some cases, in Spain for example, when the request for information or assistance is made in a station, the information can be provided in sign language. Still in Spain, accessibility rules are available from a central office customised for people with reduced mobility, with telephones and devices adapted for telematics, induction loops and informative leaflets in accessible formats.

In Great Britain, the National Rail Enquiries website includes information about station and train accessibility. In addition, railway undertakings produce their own detailed information leaflets which show access arrangements at stations and the range of rolling stock used.

**On top of information on websites and at ticket offices, some railway undertakings provide information on accessibility rules via toll free numbers,** in Hungary for example.

During the journey, passengers with auditory and/or visual impairment can be informed by train personnel onboard the train at any time. In many countries, e.g. Slovakia and Czech Republic, information on the nearest station providing assistance to board and alight is available at unstaffed stations.

**In addition, most carriers are working closely with their national disability organisations.**

As a result of this cooperation, guides on accessibility rules for disabled persons and persons with reduced mobility have been published in a number of countries, France, UK, Finland, for example. Those guides are available to all customers upon demand in stations and on the carriers' website.

## Continuous improvement

Railway undertakings continuously look for ways in which to improve their services. This includes an **ongoing dialogue with national federations of disabled persons and persons with reduced mobility** on, for example, making carriages suitable for guide dogs, or during the planning phase of refurbishment and renewal projects.

In Great Britain for instance, ATOC liaises closely with the Disabled Persons Transport Advisory Committee (a statutory committee responsible for advising government about accessibility), as well as with Passenger Focus, an organisation representing passengers. In Austria, ÖBB also works with national PRM organisations in order to elaborate common standards and solve specific problems. In Italy, the holding company, Ferrovie dello Stato Italiane regularly organises round-table discussions with national associations representing persons with reduced mobility and discusses the services provided by Trenitalia and RFI. In Sweden, Samtrafiken, the organisation responsible for issues relating to persons with reduced mobility over the whole country, started working closely with national PRM organisations long before 2009. In Luxembourg, CFL organises annual meetings with the representatives of associations representing the various kinds of disabilities. Furthermore, every project for rebuilding stations or constructing new ones is submitted to the technical consultants of the parent-association for handicapped people for their comments.

**In addition, access conditions have been improved in numerous stations and trains since 2009.**

In Finland, 90% of the rolling stock now has PRM services, and all rolling stock meets the TSI PRM requirements. In Slovakia, ZSSK is also making its rolling stock TSI PRM compliant: ten electric multiple units, ten push-pull units and twelve diesel motor units will be put into service in urban, suburban and regional transport by 2013. In addition, ZSSK plans to invest in 53 lifting platforms for 41 stations, together with the stations and infrastructure manager and the Ministry of Transport, Construction and Development. In Slovenia, special lifts have been purchased to enable wheelchair users to board trains in the major stations in Ljubljana, Maribor, Celje and Koper. In Belgium, SNCB put an automatic system to manage assistance requests and their follow-up in place in 2011; the system also applies to international services. In the Netherlands, all the Arriva trains have a sliding step and are therefore accessible for people in wheelchairs; disabled people can get on and off trains without assistance. In Luxembourg, 25% of all investments made in 2010 and 2011 relate to making rolling stock and stations more accessible for disabled persons and persons with reduced mobility.



In Spain, the number of accessible stations has increased thanks to the RENFE Accessible Plan. While there were 62 accessible commuter stations in 2009, there are now 99. RENFE cooperates with both national disability organisations, CERMI and ONCE. RENFE discusses all changes and improvement of services in terms of accessibility of trains, information channels, customer services and ticket sales with them. In 2009 CERMI awarded the CERMI prize in the universal accessibility category to RENFE, thus acknowledging the work which has been done.

Still in Spain, ADIF, in collaboration with the CNSE (National Confederation of Deaf Spaniards) and CERMI (Spanish Committee of Representatives of People with Disabilities), has designed and implemented a service to facilitate deaf people's access to information and communication in stations. This covers people with any kind of hearing disability. The "Dialoga service", complies with the commitments imposed by national law which recognises Spanish sign languages and regulates media support for communicating with deaf people, people with any kind of hearing disability and people who are both blind and deaf. The "Dialoga service" provides:

- telephone information through mobile and communication via text;
- sign language videos pre-recorded in Spanish and Catalan, as well as text messages on the information monitors of stations which reproduce public address announcements;
- sign language video-interpretation service for the benefit of passengers;
- training in basic sign language for staff in customer offices (60 hour course).

The "Dialoga Service" has currently been implemented in twenty stations, providing coverage to more than 50% of travellers using multi-operator stations. This service was awarded the "Premio Corresponsables" for being one of the most innovative and sustainable initiatives in the field of social responsibility. More recently, in March 2012, the service was awarded the "CNSE 2011 Foundation Award", in the "Institutional" category.

In Sweden, SJ reported that all new rolling stock and rolling stock being refurbished has Braille text for all written signs on board.

In the UK, ATOC launched a new web-based passenger assistance booking tool in March 2011. The tool represents an investment of € 500 000 and allows booking requests to railway undertakings to be continuously updated. It is part of a new passenger assistance strategy which also involves improving staff delivery of assistance and educating passengers about how assistance works in practice.

In Portugal, CP signed a protocol with the six main associations which represent the interests of PRM. It involves them in discussions related to seamless travel. The PRM associations are invited to send proposals for improvement, and CP then discusses how to introduce them into its PRM policy. In addition, CP provides a service for people with special needs. The service is described in a document called "SIM", Integrated Mobility Service, and is centralised through a call centre at the cost of a local call. CP also has a "2 for 1" tariff which allows the person accompanying a passenger with reduced mobility (holder of a valid disability card) 80% discount on the same train, on the same route and in the same class.



**A number of railways have also started using a common assistance booking tool** (see Chapter 3.1).

**Finally, in some European States, railway undertakings are working with the national and regional authorities to enhance the accessibility of rail transport for disabled persons and persons with reduced mobility.** The Act on Equality for People with Disabilities, adopted in Switzerland in 2004, ensures that SBB passengers with reduced mobility will eventually have the opportunity to travel independently by train. To comply with the act, SBB is modifying its rolling stock, infrastructure and passenger information services. By the end of 2014, all the information, communication and sales systems in stations and trains will facilitate barrier-free movement of PRM, and by 2024 all services provided on SBB property, all station categories and all train categories will be fully accessible.

## 2.5 Availability of tickets



*One fundamental right defined by the regulation relates to the availability of tickets. In accordance with Article 9, “Railway undertakings and ticket vendors shall offer, where available, tickets, through-tickets and reservations”.*

*The regulation proposes a number of channels which railways should use to make tickets available to their customers, including “ticket offices or selling machines, telephone, on board trains, via internet or any other widely available information technology”.*

**All railway undertakings offer tickets sales through various distribution channels, including websites, contact centres, ticket offices, travel agencies.** In stations with no distribution channels, passengers are informed about how they can purchase tickets. In addition, some companies provide a tool on their website to look for the fastest trip and cheapest fare.

Carriers are also looking at paperless solutions. **Thanks to commercial agreements between carriers, passengers can use home printed tickets to travel on international services.** This is the case, for instance, when travelling in Central Europe with ČD, DB, MÁV-START, ÖBB and SZ. In Western Europe, paperless solutions have also been developed by Thalys, SNCF, Trenitalia and Eurostar.

**The availability of through tickets is also being extended with more and more origin-destination pairs available on various selling channels. Commercial agreements between operators** make this possible too. For instance, in Bulgaria BDZ has concluded multilateral agreements with other Eastern European countries and added special tickets like the Balkan Flexipass to its regular offer. Agreements have also been concluded between ZSSK and ČD, MÁV-START, PKP, ÖBB, DSB, SBB, DB as well as with UZ in Ukraine, RZD and FPK in Russia and BC in Belarus to offer advantageous ticket prices for journeys to and from those countries. Trenitalia’s long distance service sells through tickets combining a long distance international service and an internal service, but also tickets for ÖBB-DB international trains by agreement with the Austrian and German carriers. Being in the centre of the main Western European high speed network, SNCB Europe has a distribution system in place which is interoperable with airline systems (AirRail), as well as with the French reservation system (Resarail) and the German system (EPA). The Luxembourg railways, CFL, offer through tickets with most European railway undertakings.

**Offering through tickets for a journey operated by multiple carriers also requires commercial agreements where open reservation systems, i.e. where reservation is not mandatory, combined with closed reservation systems, i.e. with mandatory reservation.** In Germany, DB mostly offers tickets with no compulsory integrated reservations. Based on commercial analysis and agreement with the other carriers involved, the German railways have implemented systems allowing tickets such as the “London Spezial”, which includes a Eurostar ticket (with reservation) and a ticket for the DB ICE train (no reservation required) to be reserved in German stations. Similarly, with the “Europa-Spezial Schweden” offer, passengers can book a reservation from Germany to Stockholm using the train in Germany first (no reservation required), and then in Sweden (with reservation).

Railway undertakings are also looking at **multimodal ticket offers** more and more. For instance in Finland, VR offers tickets combining a train and bus service, sold as one transport contract. SNCB offers tickets combining train and urban public transport, available on line and in stations. In the same vein, Trenitalia has concluded agreements with ferry companies. When selling long distance train tickets to passengers, the Italian railways also issue vouchers for sea travel. Looking at new technologies, the use of chip cards and near field technology is expanding. In the Netherlands, Arriva has launched the OV-chipkaart, a debit card which can be used throughout the country on all urban public transport operators.

In Great Britain, when rail domestic passenger traffic was liberalised in 1995, national regulations on the availability of tickets and through ticketing were introduced. Consequently, train operators are legally required to work together to sell all operators' products impartially, so customers get the best product for their travel needs, regardless of which operator sells the ticket. The only exceptions are special promotional tickets that meet a regulatory definition (e.g. offered only for a short period of time) where the product owner is allowed to restrict the distribution to the channel of its choice. On top of normal ticket sales channels, ATOC also licenses independent travel agents who account for a significant proportion of sales. It is also a regulatory requirement that all train operators are party to a common ticketing and settlement agreement that provides mandatory through ticketing between all origin-destination pairs on the national network. Inter-operator settlement is handled through a common back-office run on behalf of the industry by ATOC.

Sweden, where rail domestic services have been progressively opened to competition since the mid '90s, has developed quite an advanced reservation system for domestic services. SJ provides through ticketing in the "Resplus" system, managed by the (neutral) Swedish organisation "Samtrafiken" and regulated by domestic law. With "Resplus", customers can buy a ticket for SJ combined with another Swedish train operator and/or bus, metro, local train services operated by local and regional transport authorities. All Swedish transport companies, local and regional transport authorities are members of the Samtrafiken and the Resplus system. In the Resplus system carriers have agreed to guarantee that customers will reach their final destination, even if they are delayed by one (or more) of the carriers involved in the journey. It is called the "arrival guarantee". On top of this, SJ also has commercial agreements with the other main Swedish rail transport companies to sell their tickets, with Veolia, for example. These tickets are sold subject to the carrier's own conditions, i.e. no through ticketing and no arrival guarantee. In that case SJ states explicitly that it is only "acting as retailer and has no responsibility for the performance of the transport/service". These tickets are available through all SJ's sales channels (web, ticket vending machines, manual sales via contact centres, SJ travel shops in stations as well as travel agencies).

**The Swedish and UK examples show that when markets are fully open, the state is tempted to re-regulate what was previously done by the incumbent company.**

In Poland, where seven companies operate rail passenger services, operators have concluded agreements on mutual ticket sales.

In Portugal, particularly in Lisbon and its conurbation, CP offers the "Lisboa Card". The Lisboa Card allows people to use public transport in Lisbon (buses, lifts, trams, metros and the railway on the Sintra and Cascais Lines), to visit museums and monuments, and to receive a discount of up to 50% in many other places of tourist interest. In addition, the "Zapping" ticket is sold and used in each of the operators members of the system. This system is based on loading monetary value on a card, value is then deducted to reflect the journey being made as the customer uses the card to travel with the operators members of the system.



In Switzerland, SBB offers a wide variety of channels to purchase tickets. In addition to distribution via outlets in stations, SBB offers a telephone service and more importantly internet and mobile options. Customers may purchase domestic as well as international tickets online and print their e-tickets at home. A growing number of Swiss customers also take advantage of the paperless option to purchase e-tickets with their smartphones through the SBB-Mobile application. Ticketing in Switzerland always means an integrated multimodal offer where the vision “one trip – one ticket” has become a reality. Many public transport companies have joined the common organisation to provide a customer focused offer all over Switzerland.

**It should, however, be emphasised that putting procedures in place to offer through tickets or intermodal tickets, including sharing the liability among carriers if the transport contract can eventually not be fulfilled, has a cost. Commercial agreements between rail operators, and with other modes, are based on a business analysis and imply transaction costs.** In addition, international rail services are now open to competition, and the market for domestic rail services will follow soon. **Liberalisation impacts on the way operators cooperate: distribution is now based on commercial interest, and depends on bi- and multilateral commercial agreements.**

## 2.6 Information to passengers

### Travel information



*In accordance with Article 8 of the regulation, “railway undertakings and ticket vendors offering transport contracts on behalf of one or more railway undertakings shall provide the passenger, upon request” information about the general terms and conditions related to their transport contract as well as:*

- *time schedules and conditions for the fastest trip;*
- *time schedules and conditions for the lowest fares;*
- *accessibility, access conditions and availability on board of facilities for disabled persons and persons with reduced mobility;*
- *accessibility and access conditions for bicycles;*
- *availability of seats in smoking and non-smoking, first and second class as well as couchettes and sleeping carriages;*
- *any activities likely to disrupt or delay services;*
- *availability of on-board services;*
- *procedures for reclaiming lost luggage;*
- *procedures for the submission of complaints.*

*In addition, railway undertakings shall provide the passenger during the journey with information about on-board services, next station, delays, main connecting services, and security and safety issues.*

#### Before the journey

**As far as pre-contractual information is concerned, the carriers’ conditions of carriage contain all information that passengers need to know.** They are standardised at international level by the CIT (GCC-CIV/PRR) and UIC (SCIC-NRT) or by the Eurail GIE (SCIC-RPT) depending on the type of tickets. They are supplemented **at national level by the railway undertaking’s own conditions.**

Passengers can get information when booking their travel via operators’ websites, call centres, ticket offices, as well as sales agents. More and more railway undertakings provide this information in two languages, the country’s language and English. Some international operators or grouping of operators provide the information in more languages, e.g. Eurostar (Dutch, English and French) and Thalys (Dutch, English, French and German).

In Austria, ÖBB provides timetable information on all the passenger trains of all the railway undertakings using the network, including details of the services offered on the trains. Six major stations are equipped with “InfoPoints” where ÖBB employees provide information to customers directly. Real time information and information on the fastest journey for each operator can be seen on [www.oebb.at](http://www.oebb.at).

**Planned traffic disruption, due for instance to engineering work, is often published on railway undertakings' website as well as on boards in stations.** Some railway undertakings also make this information available on a Facebook page.

**Station managers are often responsible for providing information in stations.** Announcements are made and real time information provided on electronic displays in the main station halls and on platforms.

### **During the journey**

**During the journey, travel information on board is the responsibility of the carrier.** Train managers make onboard announcements. More and more trains are equipped with electronic displays giving information about the next station and connecting services. Passengers may also request information from the train manager at any time. In addition, passengers can consult operators' websites to get information on on-board services, delays, connecting services and safety and security issues. Some operators are also developing innovative solutions, offering passengers the option to be alerted of an unexpected delay via sms or e-mail, or via Smartphone applications, usually downloadable for free.

In February, DB launched a pilot "push-service" project; in the event of a delay expected to be more than 10 minutes, or the risk of a missed connection or traffic coming to a stand, customers who subscribe to the service will get a notification by e-mail, on the internet, or on their Smartphone (if they have the right application).

In Italy, passengers on Trenitalia's trains may also gather real time information during the journey by means of "OBOE", an interphone system, or by means of their tablets or smartphones by consulting the website [www.viaggiatreno.it](http://www.viaggiatreno.it).

Another example is CFL which also offers to its customers in Luxembourg a smartphone application to provide details of the timetable and real-time information.

**In the event of traffic disruption, most operators provide additional means of getting information, e.g. dedicated webpage, call centres with recorded messages, and social media.** For instance, Facebook users who are "fans" of one carrier can obtain all kinds of real time and updated information. This is the case in Great Britain, where National Rail Enquiries send sms to customers who register for it, provide Facebook notifications and Twitter feeds and alerts. Customer comments are submitted to the dedicated customer relations team, who either respond directly to the customer, or pass the comment to the relevant train company. Passengers in Great Britain can also use the real time journey planner to plan journeys using real time schedules; the planner offers alternative journeys if there is a cancellation or a missed connection.

**But operators do not only look at innovative technological solutions. In crisis situations, staff presence in stations is increased to deal with passengers' requests and distribute leaflets.** In some cases operators also issue press releases or TV and radio announcements to inform people before they start their journey.

## Informing passenger about their rights



*In accordance with Article 29 of the regulation, “when selling tickets for journeys by rail, railway undertakings, station managers and tour operators shall inform passengers of their rights and obligations”.*

**Where national rules were in place before 2009, railway undertakings had been informing passengers about their rights on their websites, via brochures, leaflets, etc. before the European regulation came into effect.** Railway undertakings own material provide details of their own compensation packages rather than the levels of compensation specified by the European regulation since the European regulation does not systematically apply to domestic, regional, urban and suburban traffic as a function of national exemptions.

For example, Trenitalia will soon distribute more than 600 000 copies of the second edition of a specially produced brochure informing passengers about their rights. The brochure is in both Italian and English and will be distributed in stations and ticket offices in Italy. In Luxembourg, all relevant documents concerning passengers' rights and obligations under the European regulation are published on [www.cfl.lu](http://www.cfl.lu) under a special tab “Les droits des voyageurs”. In addition, all the sales staff are instructed to provide all the information which passengers require and to print out any relevant documents if asked.

**A number of operators, in particular those who had not launched individual communication campaigns before 2009 or international operators providing only international services, e.g. Thalys, are using the posters developed by the European Commission for its campaign “Your rights at hand”.** Other railway undertakings, e.g. CP, CFR Calatori and NMBS/SNCB, have put a link to the European Commission's website “Your rights at hand” on their own website. Some, NMBS/SNCB for example, use, besides their own brochures dedicated to passengers' rights, the Commission's brochures in the country's major international stations, i.e. in Belgium Brussels-Midi, Brussels-Central, Antwerp-Central and Liège-Guillemins. In Bulgaria, BDZ also uses the Commission's posters and brochures.

**It may be relevant to note that some railway undertakings have reported that they do not use the Commission's material because the posters and/or brochures contain mistakes in their national languages, mistakes which would confuse passengers.** This is the case in France, where the text as translated lost the distinction between rights applicable to all international services, and rights applicable to domestic services only if no exemption applies. In Slovakia, the posters were corrected after ZSSK pointed out translation mistakes too. In Sweden, Swedish operators are not using the Commission's material because it may mislead passengers since it does not cover Swedish circumstances properly, for example, luggage cannot be registered in Sweden.



## 2.7 Handling passengers in the event of disruption



In Articles 16, 17 and 18, the regulation provides for support for passengers in the event of disruption, i.e. when their transport contract cannot be fulfilled. These arrangements include:

- compensation of 25% of the fare for 60 minutes delay on arrival, which gives rail the most stringent requirement compared to other modes;
- compensation of 50% of the fare for 120 minutes delay on arrival;
- provision of meals, refreshment in case of a delay on arrival or departure of more than 60 minutes;
- provision of hotel accommodation in the event of a delay on arrival or departure of more than 60 minutes and when last connection of the day is missed;
- various alternatives for refund or rerouteing must be offered “where it is reasonably to be expected that the delay in the arrival at the final destination under the transport contract will be more than 60 minutes”.

**As a general rule, all train operating companies offer compensation and assistance to passengers stranded as a result of disruption caused by circumstances under the control of the railway undertakings.** On-train staff will make appropriate announcements and may hand out claim forms where appropriate. **Staff are trained to pay particular attention to the needs of passengers with disabilities and reduced mobility.**

### Continuation and rerouteing

**Continuation or rerouteing at the earliest opportunity is always possible when passengers hold tickets that are not linked to a particular train.** The situation for tickets linked to a specific train or operator is considered case by case depending on the circumstances. **In the vast majority of cases, operators offer their passengers the option of travelling on an alternative train (amongst those which they run). Depending on bilateral commercial agreements, carriers may accept passengers having a ticket for another carrier’s train.**

For instance in Poland, special agreements between the seven passenger operators on mutual recognition of tickets allow passengers to continue their journeys on other operators’ trains without additional cost. In Sweden, if a SJ train is delayed and customers have missed their scheduled connections, new tickets for the first available SJ train are issued (via SJ’s travel shops or customer service points) without any additional cost. This is also the case if the customer has a “Resplus” ticket, i.e. a combined ticket for SJ and local/regional transport or SJ plus another Swedish train operator. If the customer does not have a Resplus ticket but another point-to-point ticket for another train operator, rerouteing can only be made by SJ if there is a commercial agreement between SJ and that train operator. In practice, this means that in the worst case the passenger will have to wait for the other operator’s next train and will be compensated by that operator as a function of the delay sustained at his destination point.



Passengers however have to ask for the new ticket before getting on another train. **In the event of major disruption, or for the last connecting train of the day, experience shows that carriers ease the rules to offer passengers the service they paid for and thus to make sure passengers reach their final destination.**

**Railway staff are also responsible for helping customers find alternatives.** Railway undertakings include the handling of passengers in crisis situations in staff training. Some, e.g. VR, also provide train managers with a special handbook with guidance on how to handle crisis situations.

### Rerouting with other modes of transport

When major traffic disruptions affect rail, carriers have supplied rail replacement bus services, for example shuttles were provided by Eurostar between Lille and Brussels during the general strike in Belgium in 2011.

In other situations, if passengers are on a train when a delay occurs and continuation cannot be arranged by an alternative train or bus, other modes of transport are offered, mainly taxi.

### Getting confirmation of delays

In some cases, for example in Slovakia, **passengers must ask for the delay to be confirmed. Train staff in the delayed train, staff at ticket counters in stations or at the information office of the railway undertaking are all able to do that.** The delay confirmation has to be submitted together with the request for reimbursement of the ticket and, if any, the costs of accommodation, refreshment, alternative transport services. Passengers suffering a disruption which entitles them to compensation in Spain also need to get their ticket stamped before claiming compensation. This is also the case for passengers travelling with the Czech railways in trains without compulsory reservation; a member of the train staff or an agent at the ticket counter will issue a confirmation of the delay on request.

## Compensation for delays

As a general rule, **passengers claiming compensation for delays are expected to send their original tickets back to the railway undertaking which issued them.** If passengers need their tickets back for further reimbursement (by their employer, for taxation reasons...), they should mention it when sending their claim in; the undertaking dealing with the request will then send the tickets back to the passengers, once the claims are processed. To avoid the risk of fraud, the undertaking might then put a stamp “reimbursed” (or equivalent) on the ticket.

In Germany, following the procedure put in place by DB, DB customers get a copy of the original back, it is stamped “Original lag vor” (original of the ticket has been presented). No case of customers having a problem with this procedure, either with tax authorities or with employers (claiming expenses) is known even though it has been nearly three years since passengers' rights came into effect in Germany,

**Although the statutory basis for calculating compensation is the fare paid for the delayed train, many operators do offer better compensation.** This commercial compensation is usually calculated on the full amount of the ticket.

**In case of multimodal journeys passengers may claim compensation for the part of the journey where the delay occurred, unless they were offered combined rail-air or rail-ferry tickets that provide for special conditions.** When there is no combined offer, compensation for missing flight/ferry connections depends on national law, likewise for theatrical performances, concerts, examinations, or for loss of working hours. For instance, a passenger missing his flight at Roissy Charles de Gaulle airport because his TGV was delayed into Paris-Montparnasse cannot legally require SNCF to reimburse the fare for the flight he missed. Additional costs incurred as a result of the delay or cancellation of transport to the airport can be covered by special cancellation insurance. In practice, railway undertakings treat multimodal claims case by case, and may take a more conciliatory approach.

## Information

**Some companies have put innovative solutions to inform their passengers and staff of traffic disruption in place.** For instance, the Czech railways have implemented the “MIMO” programme, in which real time timetable information is provided on the internet and applications for mobile phones. Thanks to “MIMO”, passengers can also get information about the fastest journey and, in the case of a domestic journey, about the cheapest and standard price. Ticket selling points are connected to “MIMO”, thus passengers buying their tickets in stations get informed of the status of the traffic. “MIMO” also makes more information available during the journey, be it about the next station, on-board services, or about connecting services.

Still in the Czech Republic, on un-staffed stations, passengers facing disruption can call a special number which will connect them 24 hours a day to the dispatching system; they will then receive a unique code which they can then use to continue their journey in another way, for example by taxi, bus, or with another rail carrier.

In Spain, real-time information in case of traffic disruption is provided through the dynamic information voice system (monitors and tele-indicators), continuously coordinated with the ADIF 24 hour Network Management Centre. Furthermore, this information is also available at counters, at Customer Service Points and the dedicated Customer Information phone number.

## In-kind assistance: meals and refreshments

**If major traffic disruption is announced, railway undertakings will always try to provide refreshments and small snacks whenever possible.** Some have even concluded agreements with local catering providers in stations to make sure stranded passengers get some food and drinks. This is the case for instance in Sweden, SJ has an agreement with Pressbyrå, the main newsagent and tobacco shop chain in Sweden with shops almost everywhere, very often close to or within the station area. In case of traffic disruption, SJ may offer vouchers for food and drink in the Pressbyrå kiosks. These Pressbyrå vouchers can be issued either via SJ's central customer centre, the customer service centres in the stations or via SJ's call centres. In Luxembourg, CFL provides their passengers with a specific lunch package for delays over 60 minutes, including a sandwich and a drink.

## Force majeure cases

**Whilst the regulation requires operators to provide information or assistance in-kind in all circumstances, when it comes to the payment of delay compensation or accommodation costs, Article 32 of Annex I of the regulation relieves the carrier from his liability in the event of circumstances beyond his control.** The regulation indeed has the same basis as the international system provided by the CIV Uniform Rules, as mentioned in Recitals 6 and 14. This means that carriers cannot be held liable for force majeure, nor for the fault of the passenger or the behaviour of a third party amounting to force majeure. The linkage between the regulation and the CIV Uniform Rules (included in Annex I) has nonetheless been challenged in a case brought to the European Court of Justice by the Austrian Administrative Court (C-509/11).

**In real life however, railway operators always provide the best possible assistance to their passengers in all circumstances. They will refund unused rail tickets and help passengers getting to their final destination.**

## 2.8 Carriage of bicycles



*Article 5 of the regulation states that “railway undertakings shall enable passengers to bring bicycles on the train, where appropriate for a fee, if they are easy to handle, if this does not adversely affect the specific rail service, and if the rolling-stock so permits”.*

Some trains, intercity or regional trains, for example, are marked with a bicycle symbol to indicate facilities to carry bicycles on board. In most cases information is also available on the website and in timetable leaflets. In all trains accepting bicycles the number of spaces is however limited and often bicycles cannot be transported during rush hours from Monday to Friday. When changing trains, customers have to transfer their bicycle to the other train themselves.

Some railways, e.g. VR, offer the option for groups to make arrangements in advance for the transport of bicycles. The carriage of a bicycle on board a train is often subject to a limited fee, e.g. in Finland € 9 for a normal bike and € 20 for a tandem.

In Germany, the rules for carrying bicycles on regional services operated by DB Regio are defined by regional authorities. Passengers who want to carry their bicycles on a regional train have to pay a fee of € 5. On long distance trains operated by DB Fernverkehr, the opportunities to carry bikes have expanded over the last few years. Today, reservations can be made to carry bikes on board 400 Intercity, Eurocity and City Night Line trains. By the end of 2014, the new double-deck IC trains will allow for an additional capacity of 150 bikes on board. In addition, DB Fernverkehr offers a door-to-door service in which the operator carries the bike over the same journey that the passenger makes.

There is an increasing demand for carrying folding cycles. They are usually considered as hand luggage on long distance and commuter trains, and are therefore not subject to the payment of a fee, as in Finland.

In Portugal, bicycles are carried free of charge every day and at all times on suburban trains in Lisbon (the Sintra, Cascais, Azambuja and Sado lines), suburban trains in Porto (the Aveiro, Braga, Guimarães and Caíde lines) and on regional services. They are however subject to the following conditions of carriage:

- each customer can carry only one bicycle;
- CP is not responsible for damage caused to bicycles and/or to third parties during their transport;
- getting bicycles on and off trains is the responsibility of the customer;
- bicycles must be transported in a way that does not obstruct doors or hamper the entry and exit of customers;
- customers must not ride bicycles in stations, atriums, interchanges or underpasses;
- transport is only authorised in the carriages marked for the purpose.



Still in Portugal, on long distance services (Alfa and Intercity), a maximum of one bicycle per passenger can be transported on Alfa Pendular and Intercity trains if disassembled and properly packed as luggage, able to fit in the luggage rack or under the seats (and not exceeding the space to which the passenger is entitled). Under these conditions, the transport of bicycles in these services is also free. For international services, the transport of bicycles is free of charge but only allowed in sleeping compartments, with a maximum of two bicycles per compartment.

**This particular element of allowing passengers to carry bikes on trains is currently on the agenda of the CER-CIT-UIC group gathering railways and representatives of passengers.**

## 2.9 Liability for passengers and luggage



*The regulation refers to the CIV Uniform Rules, annexed to the regulation, when it comes to the liability of railways for passengers and luggage. The CIV Uniform Rules define the liability of railway undertakings, including advance payment and assistance, in the event of the death or accident sustained by passengers, as well as the lost of or damage to luggage.*

**The CIV Uniform Rules recognise three grounds for relief of liability:**

- **circumstances not connected with the operation of the railway and which the carrier, in spite of having taken the care required in the particular circumstances of the case, could not avoid and the consequences of which he was unable to prevent**
- **fault of the passenger**
- **behaviour of third party (unavoidable, unpreventable)**

This definition of grounds for relief from liability, drafted by experts in transport law, is **unique to the rail mode** compared with other transport modes.

Annexing the CIV Uniform Rules to the regulation made them applicable to domestic traffic within EU Member States. This was a positive move in order to reduce non-physical barriers within the internal market, especially as concerns liability for accidents. **Indeed, EU Member States may not exempt their railways from most of the CIV provisions relating to accidents, leading therefore to a full harmonisation of rail transport law at both international and domestic levels within the EU.**

However the regulation itself reduces the extent of this harmonisation by referring to “national law granting passengers further compensation for damages” in its Article 11. This means that national law relating to rail transport is to remain in place. It is not yet clear how to solve the conflict between these two sets of rules when they apply to the same accident. We shall unfortunately only be able to clarify this situation for the future by learning from the outcome of accidents.

## 2.10 Enforcement



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*In accordance with Article 30(1) of the regulation, “each Member State shall designate a body or bodies responsible for the enforcement of this Regulation. Each body shall take the measures necessary to ensure that the rights of passengers are respected”.*

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**Whilst a few EU Member States have not yet set up any administrative authority to supervise the implementation of the regulation, most national enforcement bodies (NEBs) were in place when the regulation came into force.** In some states, e.g. in Sweden or Denmark, there is actually more than one authority dealing with PRR issues: one body dealing with passengers' claims (sometimes for other modes as well), another one for general consumer issues and yet another one for rail technical issues (like the Computerised Information and Reservation System for Rail Transport).

Railway operators face a complex situation if they operate on several networks. The power of an NEB to impose sanctions in case of infringements against the regulation, for instance, seems to have been regulated very differently in the various EU Member States and likewise the size of the fines to be imposed is also very different. This tends to create an uneven playing field for operators, especially if one considers that NEBs do not always share the same interpretation of the regulation.

**Enforcement is therefore an issue to be tackled at EU level so as to ensure a uniform interpretation and application of the regulation.**



## 2.11 Costs of implementing the regulation

**Most railway undertakings have experienced an increase in the number of passenger claims since December 2009.** This is partly linked to information being made available to passengers about their rights, thereby raising their awareness. It is also linked to major, exceptional disruption to traffic. The volcanic ash cloud crisis and the major traffic disruption caused by harsh winter conditions in 2010 led to substantial once-off increases in complaints.

**Although most railway undertakings do not maintain separate financial information on the costs of implementing the regulation, substantial time and resources have been applied throughout their businesses in implementing it, complying with it and monitoring it.** The costs of this work may eventually be factored into pricing decisions. The examples below illustrate the scale of the costs of handling complaints.

Finnish railways, VR, estimate that the costs of providing the information required by the regulation amounts to about € 50 000. Costs of providing assistance to persons with reduced mobility and disabled people are up to € 100 000/year. Costs of compliance with TSI PRM for existing rolling stock are up to € 715 000. Just in 2011, the total costs for rerouteing, compensation and assistance for 2010 were estimated at € 1.7 Mio and € 2.5 Mio.

In Belgium, SNCB Europe handled 14 600 complaints in 2011, of which 4 500 were requests for reimbursement following a delay, for a total cost of € 77 000 (these figures do not include claims addressed to Thalys and Eurostar). On average, each claim needs 50 minutes to be handled. SNCB Mobility received 57 032 claims for long delays (LD) and 14 909 claims for frequent delays (FD); this represented a cost of € 226 749 for LD and € 800 002 for FD. In the year of introduction of the regulation (2009), these costs amounted to € 61 965 for LD (16 825 claims) and € 79 495 for FD (2 304 claims).

In Slovakia, ZSSK reported more than a double of the amounts reimbursed to the passengers between 2010 and 2011.

In Switzerland, SBB reported an increase of customers' claims from 35 500 in 2008 to almost 42 000 in 2011.

In Italy, the number of claims received by Trenitalia between 2010 and 2011 is basically the same and corresponds to 7.1 claims every 10 000 passengers. The cost of handling claims for international, medium/long distance services is estimated at about € 3 Mio in both years. In addition, the Italian railways estimate that in 2011 the costs of providing assistance to passengers travelling on medium and long distance services were about € 482 000 for food/water/blankets, and € 88 000 for accommodation. As far as assistance to persons with reduced mobility is concerned, Trenitalia records a yearly cost of over € 6.2 Mio; from the infrastructure side, the Italian infrastructure manager RFI has internal costs of about € 4 Mio (staff only), on top of € 4.5 Mio for the outsourcing of services. Rerouteing costs are estimated at € 7 700 Mio per year, and reimbursement to passengers amount to more than € 2 Mio yearly.

In Romania, CFR Calatori mentioned that more than 10% of the amount reimbursed to passengers in 2010 (on international services) was linked to the reimbursement of hotel accommodation.

In Spain, RENFE has received more than 110 000 passengers' complaints every year since 2009, representing more than € 7.5 Mio paid to passengers annually (all claims taken together).

In the Czech Republic, ČD paid more than € 30 000 in 2011 just in compensation to passengers, internationally and domestically, whilst the income from fares (only passenger transport) in 2011 was approximately € 240 Mio. In 2008, this figure was estimated at less than € 550.



## 2.12 Misuse of the regulation

Since the regulation came into force in December 2009, some examples of misuse of the regulation by passengers have been reported.

In Belgium, NMBS/SNCB has a generous compensation system for domestic passenger services: 100 % refund in the event of an occasional delay of at least 60 minutes. In case of recurrent delays, the passenger can claim compensation within a period of 6 months dating from the first delay experienced during his usual journey:

- either a minimum of 20 delays of at least 15 minutes each. Compensation will be:
  - 25% for each delay of at least 15 minutes;
  - 50% for each delay of at least 30 minutes.
- either a minimum of 10 delays of at least 30 minutes each. Compensation will be 50% of the fare paid for the journey.

NMBS/SNCB records a lot of abuse of this compensation system. Below are some examples:

- a number of customers exchange information between each other to introduce claims for recurrent delays. The customer service receives an abnormal number of identical lists of 10 or 20 delays from different passengers. It is impossible to check if these people were effectively on the delayed trains.
- the Network Railcard allows travelling all day long on the whole Belgian rail network. Some customers are screening the infrastructure manager's real time webtool to look for delays for which they can ask for compensation.

In Luxembourg, CFL reported cases where passengers using an InterRail ticket try to choose trains with short connectional margins in order not to reach their final destination and thus to get a night in a hotel at the expense of the railway.





## 3.1 Collaboration to enhance the level of service to all passengers

Since the 1920s, European railways have been working together to set internationally recognised standards to facilitate international travel by rail. This has ensured a high level of interoperability between carriers. This benefits international passengers, especially as regards ticketing. There have also been other operational standards, such as an agreement on the handling of complaints in the case of journeys involving more than one carrier since 1928. This text has been continuously revised since then and improvements have been based on the experience and evolving needs of carriers.

In addition, even before Regulation (EC) No 1371/2007 came into force railway associations have been providing support to their members in various areas.

### Cooperation between railways

Ever since the CIV Uniform Rules were enacted the CIT has provided its members with the standards necessary to comply with the legal requirements so as to make passengers' journeys as simple as possible throughout the whole COTIF area, remembering that the COTIF area is now much larger than the EU. Since the 1970s the CIT has worked closely with the UIC on drafting **conditions for the contract of carriage**, especially for open tickets (i.e. without mandatory reservation) that are still standardised at international level by means of the GCC-CIV/PRR and the SCIC-NRT. As mentioned above, the CIT also provides its members with a **multilateral agreement on how to handle international claims**. All these CIT and UIC documents were updated to prepare for Regulation (EC) No 1371/2007 coming into force in 2009.

### Cooperation with passengers' representatives

CER, UIC and CIT have provided a forum for discussions between railways and customers by means of a working group bringing representatives of railway undertakings and passengers, including passengers with reduced mobility, the elderly and cyclists, together since early 2003. Initially set up to implement the voluntary 2002 Charter, the group is now looking at the implementation of the regulation on rail passengers' rights. It is also considering other elements linked to the European political agenda such as questions related to public service obligations and mechanisms for alternative dispute resolution.



### Cooperation to enhance accessibility

Even before 2009 the UIC set up a dedicated ad-hoc group in close cooperation with the European Disability Forum in order to agree on **uniform access conditions for disabled persons and persons with reduced mobility**. The work of this group, which had fulfilled its initial remit by the end of 2009, was very much appreciated by a number of European railways and passenger associations, and raised awareness for the growing importance of PRM affairs, **so it was decided to continue the work by establishing a project named PASSAGE (Passenger Accessibility Solutions Support and Action Group of Experts), dedicated to exchange best practice on PRM assistance.**

Still in the field of accessibility, a number of European railways have developed a **common assistance booking tool for disabled persons and persons with reduced mobility** within the framework of work led by the UIC. The tool was launched in autumn 2010 with a number of basic functionalities, and is now used by eleven railway undertakings and one infrastructure manager (as a function of the way responsibilities are attributed by national legislation). This tool will **facilitate coordination of PRM assistance for cross-border journeys** and consequently allow the railway community to comply with the 48-hour deadline for pre-notification of assistance stipulated in the regulation. Moreover, it is intended to make booking assistance more reliable than traditional communication methods, such as phone and fax.

## 3.2 Collaboration to serve passengers under severe climatic conditions

In 2010, the volcanic ash cloud in April and heavy snow falls in December left thousands of passengers stranded at airports and on roads. Rail was also affected. Operations were slowed down and railways had to cope with massive flows of stranded air passengers.

During the ash cloud crisis, when European air transport was effectively paralysed for two weeks, many railway companies made an exceptional effort to provide alternative transport. On top of the 22 million European citizens served every day, the reaction of the railways was rapid and resourceful: national contingency plans were implemented and additional trains were organised to satisfy the extraordinary demand. In total, from 15 to 28 April 2010, the railways involved provided:

- about 406 050 extra seats, e.g. more than 7 500 by RENFE in Spain, more than 30 000 by Eurostar, and more than 100 000 by SNCF in France;
- more than 620 additional trains, e.g. more than 160 extra trains in Switzerland and more than 200 in Finland;
- more than 4 245 extra coaches added to existing services;
- about 1 700 additional staff called back to work in stations and on board, e.g. Trenitalia in Italy, CP in Portugal, ÖBB in Austria, and in the UK;
- special price offers, e.g. MÁV-START in Hungary, Eurostar;
- extra information and assistance to passengers, e.g. extra information points in stations and in airports set up by CP, extended opening hours in ticket offices of ÖBB, MÁV-START, and special emergency numbers in Portugal.

In December 2010, when snowfalls led to blocked roads and hundreds of flights being cancelled, most domestic and international rail services could be kept going despite the bad weather conditions. They thus offered a viable alternative for customers. In France, SNCF cancelled less than one percent of their high speed services, and delays, mostly for safety reasons, rarely exceeded one hour. In Germany, passengers could exchange their domestic flight tickets for rail tickets and use domestic DB services. Likewise, in Switzerland, train tickets were distributed to air travellers whose domestic flights were cancelled. All in all, railways managed to provide:

- more than 1 800 additional coaches;
- more than 108 500 additional seats;
- thus allowing more than 850 000 additional passengers to travel.

Moreover, most delays arose because the maximum speed of trains had to be reduced to ensure passenger safety under extreme weather conditions.

**Railways drew lessons from those two recent major crises: better communication between railways and with other modes before and during a crisis is essential.**

Therefore, in addition to the railway undertakings' own contingency plans, the European railways took the lead in drawing up **“Recommended Practices in Crisis Situations”** and invited the European airports to join. Better communication between railways, airport operators and airlines before and during a crisis is a central element of the leaflet. These recommended practices are intended as a guideline to air and rail operators, and are in no way set in stone. They may evolve over time, taking practical experience into account.



Railways have also set up a European Directory of Rail Operational Units, i.e. the units at the forefront in the event of traffic disruption. With this directory, railways, and also airports, know whom to contact in case of a crisis affecting the rail and/or the air mode.

**However, although railways do their best to serve their customers in all possible circumstances, very extreme conditions may still require services to be decelerated or suspended for passenger safety.**

### 3.3 Best practice to enhance the level of service to passengers at company level

As seen previously, railways are working together to enhance the level of service and assistance to all passengers. This goes from bilateral agreements to work coordination right across Europe.

But railways also work within their own organisations to improve the quality of their services continuously, also involving national federations of passengers, including organisations representing disabled persons and persons with reduced mobility.

The following case studies show some examples of action taken by SNCF in France, Deutsche Bahn in Germany, RENFE in Spain, SNCB Europe in Belgium, ÖBB Personenverkehr and ÖBB Infrastruktur in Austria, ATOC in Great Britain and Trenitalia in Italy. They are designed to make passenger services better quality, more reliable and more accessible.



## “La Garantie Voyage”: a full set of (new) rights

“La Garantie Voyage”, launched by SNCF in March 2012, relates to the quality of service, information to passengers and providing assistance in the event of need. It is made up of six commitments applying to passengers going on a journey in France: some go beyond the rights granted to railway passengers by the European regulation on passengers' rights, some offer new services to customers.



### “Garantie Information” (information)

SNCF provides real time information to passengers in stations and trains, on-line, by phone or by a mobile application, before and during the trip. The information includes details of the timetable and the traffic conditions of the train as well as the punctuality figures for the train over the last 60 days.

### “Garantie Place Assise” (seat)

For a journey lasting more than 90 minutes, where bookings are still being taken although all the seats have already been reserved (“surréservation”) (tickets are marked “sans place attribuée”), the train manager will help passengers to find seats on the train or, if there are no seats available, offer a discount voucher.

### “Garantie Report ou Remboursement” (exchange and refund)

If the departure of the train is delayed for more than 1 hour or cancelled, SNCF offers passengers two options: either making the journey later by exchanging tickets in order to continue the journey within 48 hours, or cancelling the journey completely and getting a refund for the entire ticket, including for the return journey if it is no longer serving any purpose.

### “Garantie Assistance” (assistance)

If a major problem causing a delay of at least an hour occurs during the journey, in a station or between stations, SNCF offers the passengers proportionate and adequate assistance: helping to find a way to continue the journey, offering a drink, a snack or meal, depending on the time of the day and, if necessary, offering accommodation.

### “Garantie Ponctualité” (punctuality)

If the arrival of the train is delayed by more than 30 minutes, SNCF informs passengers of their rights: if the delay is attributable to SNCF, passengers may claim compensation ranging from 25% to 75% of the fare, depending on the delay.

### “Garantie Réclamation” (claim)

SNCF responds to any on-line claims within a maximum of five days if the passenger has an e-ticket. SNCF is streamlining its procedures so that the same period will apply to any other type of ticket before the end of 2012.



## Deutsche Bahn: Customer Advisory Board

**When it established its Customer Advisory Board in 2004, Deutsche Bahn AG became the first national transport company in Germany to provide an institutional means of customer participation, clearly indicating its desire to increase customer involvement. DB's objectives since then have been to cooperate with customers to provide increased benefits and satisfaction, as well as giving customers confidence in the company over the long term.**

The thirty members of the Customer Advisory Board were selected from DB AG customers and represent a broad spectrum of customer groups: frequent business travellers, commuters on regional services, older passengers, university students, families with children, and the disabled. Representatives from formal associations are not included in the group. It is intended to be a forum solely for customers, where ideas for improving products and services from the customer's point of view can be voiced, and be separate from the (political) interests of the associations. The members of the Customer Advisory Board are appointed to a term of three years and may be reappointed.

The Customer Advisory Board holds meetings twice a year in which the Management Board and customer representatives discuss various issues and try to develop ideas and solutions to optimise services. Members of the Customer Advisory Board are also involved in various Deutsche Bahn projects, which are discussed in separate workshops.



► *Members of the DB Customer Advisory Board (2012)*

One of the issues dealt with in these projects was the creation of a passengers' rights form. This was discussed with the members of the Customer Advisory Board in the development phase, along with options for informing customers of their new right to compensation. As part of this discussion, the clarity and effectiveness of the form was evaluated from both the customers' and the company's point of view, and measures to raise awareness among customers were developed. After the European regulation on rail passengers' rights came into effect in 2009, measures for improving customer service in this area were developed together with the Customer Advisory Board, the Association of German Transport Companies (VDV), the Verkehrsclub Deutschland (VCD) and PRO BAHN e.V. (both passenger associations), based on experience of the new passengers' rights and the form in the first few months. These improvements were subsequently implemented. Plans are in place to involve the Customer Advisory Board in the ongoing improvement process.

The Customer Advisory Board, together with continuous dialogue and in-depth discussion with associations for the disabled, provides a tool for Deutsche Bahn AG to learn about the experiences and thoughts of its customers and to identify additional synergies to make rail travel more attractive for all customers in future. The specific needs of disabled persons and passengers with reduced mobility are thus considered in all standard procedures and processes, and are also taken into account in improving quality.



### **ATENDO SERVICE: personal service for disabled persons and persons with reduced mobility**

**ATENDO is the service provided by RENFE that looks after passengers with disabilities and/or reduced mobility. RENFE continues to move forward in making rail services accessible to all. The process provides for continuous improvement, for developing plans to provide access to facilities and trains and is always fully coordinated with the social partners involved.**

The ATENDO service looks after passengers with a disability and/or reduced mobility. It is a personalised service that briefs passengers on rail facilities, welcomes them to stations and helps them board and alight from trains.

The service may be requested:

- at the time the ticket is bought, in the train, at RENFE sales offices, travel agencies and through the internet;
- by calling 902 24 05 05 or immediately before travelling at the meeting point in the station at least 30 minutes before departure.

The service includes confirmation of the request for assistance by sms or return call, reception at the entrance of the station, information, being accompanied to the platform, boarding the train and being taken to appropriate accommodation, attention by the staff aboard the train, assistance in leaving the train and the station or transferring to other modes of transport in the vicinity of the station.

Currently RENFE has permanent staff available to provide the service in 66 stations so that passengers may use it without prior request. Passengers only need to show up with their ticket at the designated meeting point at least 30 minutes before the departure of the train. In addition, in 59 further stations assistance is provided upon request made at least 12 hours before departure of the train. A total of 125 stations are thus accessible for medium

and long distance services. RENFE-Operator has also laid out a total of 100 commuter stations to be fully accessible without the need for staff assistance.

ATENDO has also developed a manual to explain to the staff providing assistance how they should attend to passengers with reduced mobility.

ATENDO has mobility staff specifically trained for the needs of passengers with reduced mobility, as well as computer tools for managing assistance and passengers' claims and suggestions.

There is also a guide to the ATENDO service for passengers, describing how to access railway services and the procedure for getting assistance en route. The ATENDO service has a phone line available 24 hours a day, providing information on access to rail services, rolling stock and the facilities on board. Passengers can also book assistance and buy tickets with home delivery.

### Central coordination office

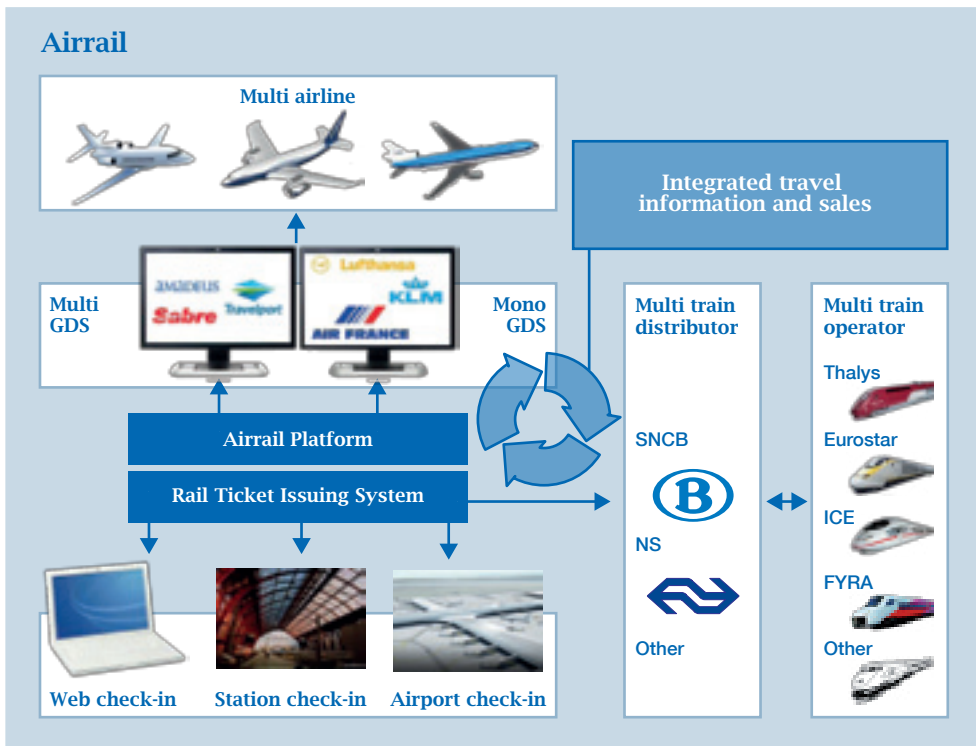
The central office coordinates assistance in stations where the ATENDO service is provided; it provides information about access to services, the trains and the facilities on board. It also centralises information about intermodal journeys, claims handling and customer suggestions. ATENDO also provides assistance to passengers who make journeys between Spain and France by train, in agreement with the French railway company SNCF.

Since the ATENDO service started in July 2007, 1 163 944 passengers have been assisted. In the last survey in December 2011, customers rated the service as 8.79/10.



**AirRail is a project launched by SNCB Europe & NS Hispeed, in cooperation with various parties (BeNe, Accesrail, Syntigo). The key goal of the AirRail project is to enable and promote air and rail operator partnerships through one generic IT platform, ready for multiple airline and railway operators in Western Europe, and able to support interline and code share business models.**

This project facilitates air and rail operators in developing a seamless, high quality and high speed inter-modal offer, directly connecting major airport-hubs with a large number of city centres. These partnerships will allow airlines to replace short haul feeder flights with high speed rail services, a cost effective and environmentally friendly alternative. This will be achieved by offering the option to book trains through GDS (global distribution systems) in travel agencies, or through the airlines' websites.



### How it was made possible

A major business requirement of air and rail operators is to facilitate free flow bookings and seamless travel for AirRail passengers. This requires an IT system bridging the gap between airline and rail systems, processes and procedures. These processes cover a complete process chain from pre-sales and booking to check-in, boarding and settlement.

The translation of “airline language” into “railway language” and vice versa requires a thorough understanding of both languages and cultures behind them. This has been a constant challenge and a critical success factor in the project.

### **What is innovative with this project?**

Traditional air-rail co-operation including seat reservations is based on the creation of reserved spaces in airline inventory systems and on the exchange of plane tickets for train tickets in railway stations. When booking, there is no communication between the computerised reservation systems/global distribution systems (CRS/GDS) and the rail inventory system. The whole operation involves many manual procedures (back office included), is costly and not customer friendly.

The BeNe AirRail project is designed to integrate the distribution of both types of transport, i.e. selling rail segments in the flight mode of GDS/CRSs on the primary screen, based on real time communication with the rail inventory system. Not only do the business processes and procedures in the rail world and the airline world differ, the message protocols differ as well. In the rail world, several protocols are in use, while world standards apply in the air.

The BeNe Rail, Accesrail and Syntigo teams have made a great success of this project and the number of AirRail partnerships is growing steadily.

BeNe is a joint venture between SNCB Europe and NS Hispeed with the objective of sharing the “BeNe Sales and Distribution System” for the sales and distribution of international and high speed train tickets and shaping the BeNe-carrier system.

Syntigo works with BeNe and provides all the hardware and software solutions.

Accesrail works with BeNe in order to be able to distribute tickets worldwide through GDSs and CRSs just like an airline.

## Tackling punctuality

**In Austria, a whole package of measures has helped to improve punctuality from year to year. The infrastructure manager, ÖBB Infrastruktur, and the rail passenger operator, ÖBB-Personenverkehr AG, have worked together to improve punctuality by as much as 11.3% for long distance traffic between 2010 and 2011.**

ÖBB has been investing heavily in maintaining and improving the rail network. In addition, speed restrictions were removed and maintenance work was adjusted to minimise disruption. The introduction of a precisely timed departure countdown (“every second counts”) has encouraged drivers, train crew, platform staff, signalling staff and many other staff members to work even more closely together to achieve a punctual departure. A programme of activities for the last five minutes before departure from the origin destination has been drawn up; it is meticulously maintained and monitored to ensure punctuality. In addition, modernised and improved customer information systems have been installed at many railway stations throughout Austria.

Furthermore, the ÖBB has invested in staff and facilities so that it is well prepared for the challenges of the winter season. Examples include investments in high-tech switch heaters, in an accurate and early-warning system for weather events (snow, wind, temperature extremes) in order to be able to mobilise staff in good time. Weaknesses are analysed during the winter season and improvements are developed before the next winter season starts.

### Full transparency on [www.oebb.at](http://www.oebb.at)

Punctuality statistics have been published on the website for the whole of Austria and for each province since June 2011. Punctuality statistics are updated monthly, using a clear and transparent approach. A short accompanying text provides additional background information.

The punctuality of all types of trains was significantly improved in 2011 by comparison with 2010 and delays to all types of trains operated by ÖBB-Personenverkehr AG on the ÖBB network were reduced.

**Figure 1 Punctuality of passenger traffic in 2011 - 5 minute punctuality threshold (trains operated by ÖBB-Personenverkehr AG)**

<b>Total all passenger traffic (5min punctuality threshold)</b>	96.6%	2.4% compared with 2010
<b>Long distance (5min punctuality threshold)</b>	87.0%	11.3% compared with 2010
<b>Short distance (5min punctuality threshold)</b>	97.0%	1.8% compared with 2010
<b>Vienna suburban trains (5min punctuality threshold)</b>	98.4%	0.8% compared with 2010



## Disabled Persons Railcard – business growth amongst disabled passengers

The Disabled Persons Railcard (DPRC) was introduced in 1981, during the International Year of Disabled People, as part of British Rail’s efforts to encourage more passengers to use rail services. On privatisation the card was given “protected status” so that railway undertakings are obliged to participate in the scheme and continue to offer discounts to disabled passengers. The DPRC celebrated its 30th anniversary last year, in 2011.

The card gives one third off rail travel for disabled adult passengers and a companion. The card is run entirely on a commercial basis, receives no public subsidy and is targeted at those disabled passengers who face the greatest difficulty when travelling.

This means that the card is not intended for use by disabled people at large; proxy qualifying criteria are used to determine whether or not a passenger is eligible. This also means that card fulfilment is undertaken via a specialist retail route and passengers need to submit evidence that they meet the qualifying standards used when they first apply. However after this the card can be renewed on line, by post or by telephone.



In 2005 ATOC, who manage the card on behalf of GB train operating companies, undertook market research with both users and non-users of the card. This resulted in further improvements to the product offer based upon the feedback. The improvements included the introduction of a three year variant, alongside the one year card, and a range of additional third party discounts, for example on hotel accommodation at the Holiday Inn range of hotels. The research also revealed that the key barrier to disabled people having a card was lack of knowledge of the product rather than restrictive qualifying criteria.

The one year DPRC currently costs £ 20 (+/- € 25.20) whilst the 3 year card costs £ 54 (+/- € 68).

### Growth in cards in circulation and journey numbers

Whilst the growth of cards in circulation has been positive, it is also clear that more DPRC holders are travelling more frequently. Fare revenue from the card over the past three years has grown by an average of 13.7%. When added to card sales revenue this means that DPRC generates approximately £ 30 Mio (+/- € 37.8 Mio ) each year for train operators. Growth continues to be strong, reflecting disabled passengers growing confidence in using the rail network.

Figure 2 Disabled Persons Railcard in figures

Year	Cards in circulation	Journeys made	Average journeys per card
1997	44 000	1 000 000	22
2007	81 000	1 900 000	23
2010	109 000	2 900 000	26
2013	137 000	4 000 000	29

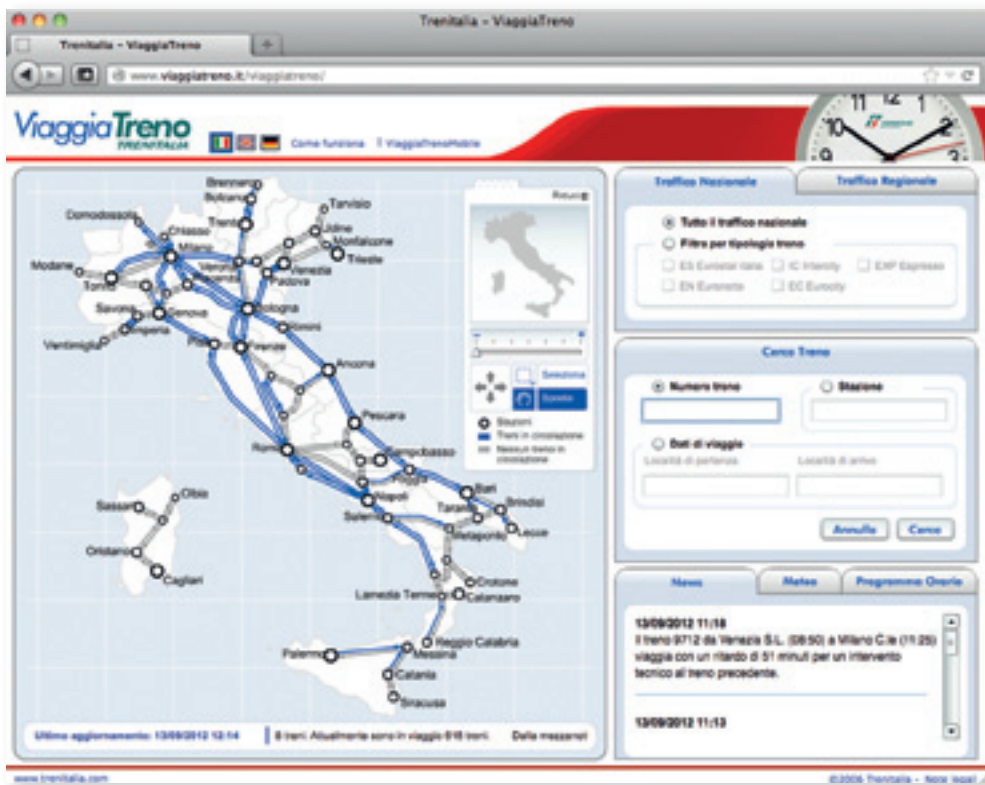
## Trenitalia “ViaggiaTreno”

The “ViaggiaTreno” tool – [www.viaggiatreno.it](http://www.viaggiatreno.it) – has provided Trenitalia customers with real time traffic monitoring, giving information about last minute changes to departures and arrivals at main Italian stations since 2006. ViaggiaTreno is available free of charge and in English, Italian and German.

Two types of search are possible:

### Search by route

A map of Italy on the homepage provides access to information about medium and long distance trains. Routes on which trains are running at the time of the request are highlighted in blue. If customers click on a major station, they can see all the information regarding arrivals in and departures from that station starting from 15 minutes before the request up to 90 minutes after it.



### Search by train number

A table shows all relevant data concerning a specific train. A search may be made either by train number or by inputting the station of departure and arrival. Local traffic may be selected by clicking on a specific region. Additional information about connections and the weather is available.

Recently ViaggiaTreno has been made even more complete, it now provides information about operational changes, such as total and partial train cancellations, additional and missed stops, disruption and changes of train numbers. In addition, the number of the platform to be used is available for several stations.

### ViaggiaTreno Mobile

Real time traffic monitoring is also possible on a mobile phone via <http://mobile.viaggiatreno.it>

At the moment Trenitalia is renewing the graphics and the technology of the website. In the near future ViaggiaTreno will be available from every tablet and smartphone.



### “Trenitalia All Inclusive”: the partnership with Mondial Assistance

It has been possible to buy cancellation and assistance insurance on [www.trenitalia.com](http://www.trenitalia.com) when buying a train ticket since May 2012.

The insurance costs € 3.70 and is “all inclusive”, not only valid when travelling by rail but also during the period between the outward and the return journey.

A number of services are provided:

Before departure:

- the journey may be cancelled if anything unexpected (that can be proved) should happen to the policy holder or to a relative.

During the journey:

- in the event of theft of the luggage, any expenses necessary are refunded;
- health assistance operates all year round, 24hours a day.

After the journey:

- the stay may be extended if the policy holder has to return later than expected;
- credit cards are protected;
- a doctor can be called if necessary.





## 4.1 Liability for delay: reaching an agreement between railway undertakings and between railway undertakings and infrastructure managers

When a delay occurs on the network it usually induces many secondary delays over the whole network. Under Article 32 of Annex I of the regulation, the carrier is liable to his passengers for all delays associated with the operation of the railway, including delays caused by infrastructure managers or by other operators on the same network. **The strict liability that the carrier is put under in this way would be a heavy burden without the possibility of having recourse against the undertakings causing the delays.**

Such recourse is proving difficult against competing railway undertakings but at least it may be covered in the contractual relationship between carriers and infrastructure managers. It is partly covered by the CUI Uniform Rules – Appendix E to COTIF – although for the time being this appendix is only applicable in a dozen or so EU Member States. Recourse is also subject to the European General Terms and Conditions (GTC) of Use of Railway Infrastructure. These GTC were agreed at the beginning of 2011 between the international associations representing carriers and infrastructure managers. They will be implemented by those infrastructure managers and carriers willing to do so at starting from the timetable change 2012/2013.

When a delay occurs in a chain of cooperating carriers offering a single contract of carriage to passengers, liability for delays may be split among the carriers. The carriers are actually free to organise themselves in the most simple and cost-effective way, and Article 64 of Annex I of the regulation actually provides for that. **There are therefore many multilateral or bilateral agreements between railway operators for that purpose.**

## 4.2 Cooperation with the National Enforcement Bodies

The regulation gives Member States a great deal of freedom to decide the structure of the National Enforcement Bodies (NEBs). Some Member States split the functions into various bodies; others concentrate them into one body. As a consequence, there is a great deal of variation in the resources dedicated. These aspects impact on the effectiveness of the enforcement of the regulation and might question the level playing field between railway undertakings operating in different Member States.

The reality of the financial situation of railway undertakings in some Member States also has an effect on the services and assistance they provide to passengers. **Enforcement measures must take the financial framework in which a railway undertaking is operating into account, in order to avoid them resulting in services being reduced or withdrawn rather than being improved.** Above all it should be understood that, where the financial framework is faulty, rail operators suffer the double punishment of being badly financed on the one hand and having to pay penalties for the lack of quality resulting from poor financing on the other hand. For example, in Romania, where the railway system has been run down by years of poor infrastructure financing and under-compensation of PSO contracts, applying the regulation may just accelerate the decline of the railway system by imposing extra burdens on an already extremely burdened system.

**In any event, close cooperation and dialogue among NEBs and between railway undertakings and NEBs should be encouraged.**

As a first step, CIT and CER organised a workshop to exchange feedback between NEBs and railway undertakings. The workshop took place in Brussels on 10 May 2012. On this occasion, more than 80 participants from railway undertakings, national enforcement bodies, European institutions and other transport stakeholders exchanged views on the implementation of the regulation in practice, in particular the issue of liability for delay, the grounds for relief of liability, the challenge of cooperating in an increasing competitive environment and the procedure for handling passengers' complaints. The discussions clearly underlined the importance of more dialogue between stakeholders when implementing the European regulation.



CER and CIT therefore decided to continue to provide a forum for all the stakeholders to exchange ideas and at the same time a unique opportunity to network and make contacts across borders. Accordingly, follow-up meetings will be called in the coming months, and a similar workshop will be organised in spring 2013.







# FACTORS INFLUENCING THE FUTURE OF RAIL PASSENGERS' RIGHTS

# 5

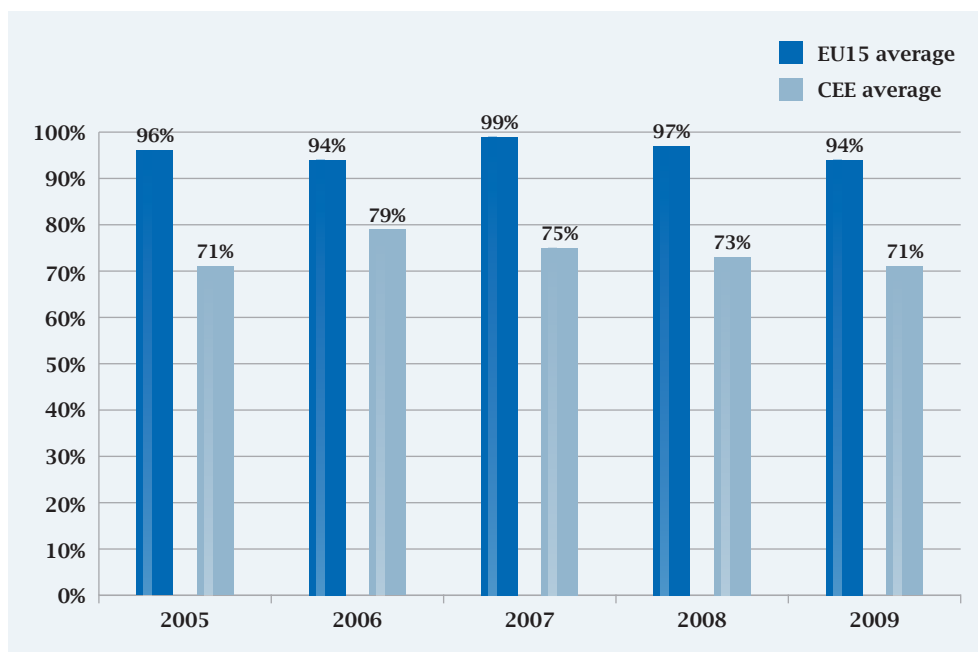
## 5.1 Railway finances

The level of service and assistance provided to passengers is linked to a number of factors beyond the control of the railways. Those factors include the level of infrastructure financing by national and European authorities and the level of compensation for public service obligations by competent authorities. The charts below show variations in these economic factors in EU Member States. As a result, railways cannot offer the same level of service, the same level of assistance and satisfy passengers' rights to the same degree in all Member States.

### Public service compensation in EU15 and Central and Eastern Europe (CEE) states

PSOs are undercompensated in practically all Member States. The problem is more acute in CEE countries.

Figure 1 Percentage of state compensation of total cost minus ticket sales



Source: CER members

## Track access charges in 2008

Figure 2 Typical intercity passenger trains (€/train-km)

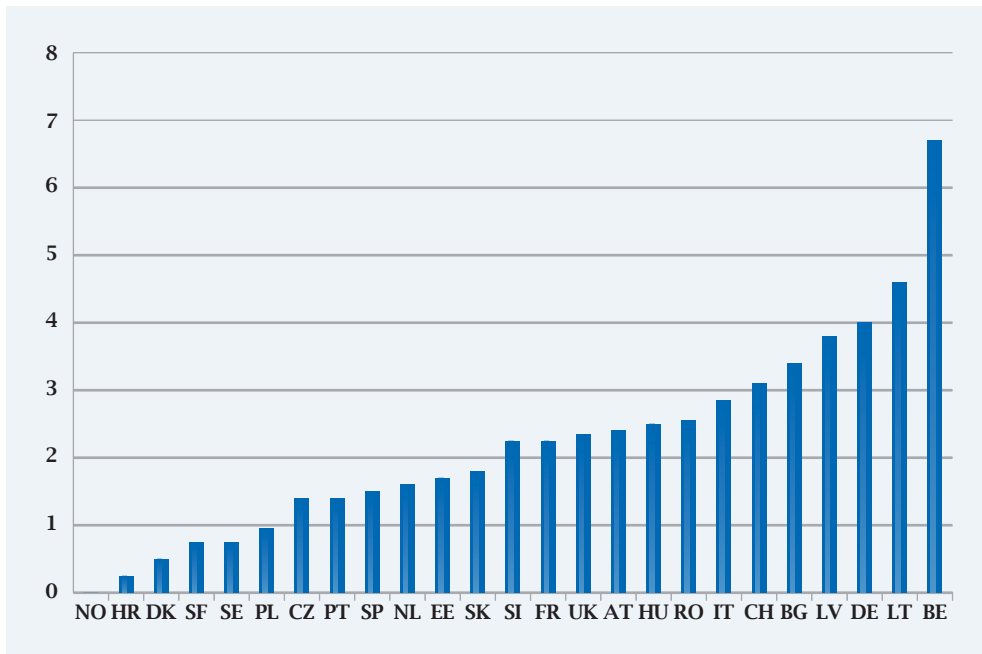
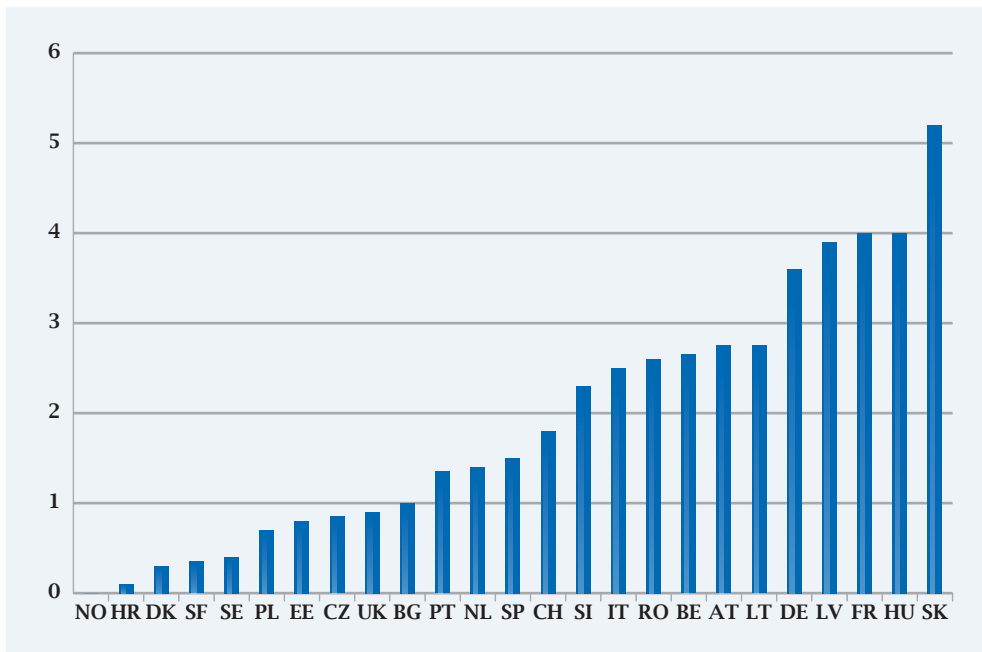
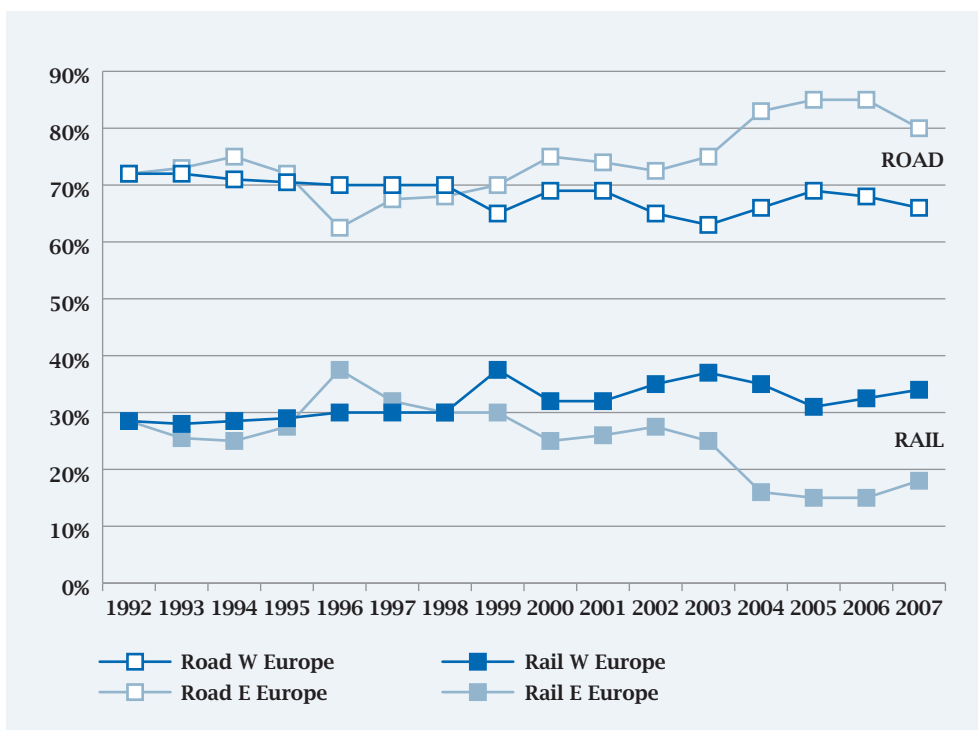


Figure 3 Typical local and suburban trains (€/train-km)



Source: OECD/ITF 2008

Figure 4 Modal split of total investments in rail/road infrastructure



Source: ITF/ECMT 2009

Where infrastructure investment is reducing whilst the level of track access charges is increasing, railway undertakings find delivering even the minimum quality of service to their customers something of a challenge.

**The role of the competent authorities be they national, regional or local, is crucial.**

Proper infrastructure financing and charging and fair competition between the modes is essential to preserve an acceptable level of service and assistance to rail passengers.

**Passengers’ organisations, i.e. the European Passenger Federation (EPF) and the European Disability Forum (EDF), share railways’ concerns that sustainable framework conditions should be ensured to guarantee a good level of service to passengers.**

There are already provisions in European law that can assist in removing obstacles which prevent an open and competitive European railway market functioning smoothly and that includes those things that distort pan-European market conditions. The European Commission and Member States should therefore take steps at European and national level to ensure that these provisions are implemented and enforced properly. Specifically this means:

- ensuring sufficient infrastructure financing – in particular through the implementation of multi-annual contracts – and sufficient financing of PSO transport;
- enforcing the provisions of Directive 2001/14 concerning the allocation of railway infrastructure capacity and the principles of track access charging.



- considering the above, no additional derogations to Regulation (EC) No 1371/2007 should be granted;
- facilitating the development of intermodal journey planners that would enable prospective passengers to obtain the information on schedules, services and tariffs necessary to enable them to make informed choices on potentially competitive journey options, thereby facilitating the development of a more competitive consumer market;
- working together to ensure that the decisions of national enforcement bodies on matters covered by Regulation (EC) No 1371/2007 are consistent with one another throughout the EU and that the findings of those national enforcement bodies are recorded in the public domain as evidence of the effectiveness and transparency of their deliberations;
- providing a level playing field with other transport modes, in particular in the field of taxes and the internalisation of external costs.

## 5.2 Passengers' rights in all four transport modes

European legislation on passengers' rights has now been enacted for all four transport modes:

- air: Regulation (EC) No 261/2004 on denied boarding, cancellation and delays (came into force: 17 February 2005) and Regulation (EC) No 1107/2006 on PMR travelling by air (partly 26 July 2007, completely 26 July 2008);
- rail: Regulation (EC) No 1131/2007 on rail passengers' rights and obligations (came into force: 3 December 2009);
- maritime: Regulation (EU) No 1177/2010 on rights of passengers travelling by sea and inland waterway (came into force: 18 December 2012);
- road: Regulation (EU) No 181/2011 on rights of passengers in bus and coach transport (came into force: 1 March 2013).

However, passengers' rights are neither equal nor comparable across modes, as shown in an analysis by CIT legal experts (see Annex II). **Different rights not only make it confusing for passengers when travelling on various modes, but also make the playing field between modes uneven.**

The European Commission published a Communication on passengers' rights in all transport modes on 19 December 2011 (COM/2011/898). In comparing passengers' rights by air, rail, bus and sea, the document states that in many areas the rail regulation is the most stringent. For example, in defining accessibility for persons with reduced mobility by using the legal requirements of the technical specifications for interoperability (TSI PRM), in requiring reports about minimum quality standards, in requiring rerouting /reimbursement /continuation after the shortest delay. **CER and CIT share the Commission's desire to tackle these inconsistencies using an intermodal approach.** In addition, the recast of any passengers' rights regulation should address fundamental issues, such as consistency between European and international law.

In the communication (point 7.2) the European Commission draws attention to the passengers' rights regulation for rail relieving the carrier from his liability when delays are caused by "the fault of a third party or of a passenger, or by circumstances not connected to railway operation and which the carrier could not avoid and whose consequences could not be prevented". CER and CIT fully support this definition of extraordinary circumstances, which is similar to the one in Annex I of Regulation (EC) No 1371/2007 (Article 32, paragraph 2). This definition was drafted by experts in international transport law, and could be applied to other modes of transport. **Indeed, carriers should not be legally liable for situations beyond their control.** Applying this definition consistently would also reduce the number of cases brought to the courts by passengers and national enforcement bodies. **In practice rail staff will always do their utmost to help stranded passengers, including where the situation is beyond their control.**

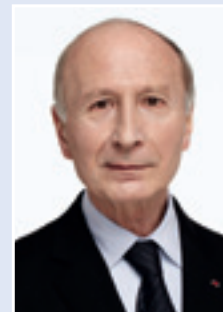
The Commission makes some proposals to facilitate mobility in the EU and beyond, including further development of through tickets and intermodal rerouting. **CER and CIT would like to underline that intermodal rerouting, depends on commercial bilateral agreements between carriers in a liberalised market just as much as intramodal rerouting on another carrier's service does.** A number of such bilateral agreements already exist, or are under negotiation. It should also be remembered that passengers cannot just take the next departure without getting a green light from the carrier with whom they have the original transport contract. In addition, such a "forced cooperation" is not applied in other modes, and is contrary to the principle of liberalisation and market opening.

## 5.3 Solving conflicts: judicial procedures versus out-of-court dispute resolutions

Railways have noticed that the number of court cases arising from conflicts between passengers or national enforcement bodies and operators is continuously growing, not only in the rail mode but also in the air mode. Such judicial procedures are usually costly and long; in addition, if they are brought to the European Court of Justice, any judgment may have a serious financial impact for the whole industry because they apply right across Europe.

**Mediation and other means of alternative dispute resolution (ADR) rather than administrative enforcement should be encouraged**, as they offer the opportunity to solve conflicts without launching long and costly judicial procedures.

Some Member States, such as Denmark, have established bodies with tripartite representation: state, railway undertaking and consumer. This system is quick, efficient, cost effective and issues are dealt with by experts in their fields. In France, the SNCF Ombudsman, who was put in place in 1998 and has no hierarchical link with SNCF, has also been proven to solve conflicts between passengers and SNCF in an effective way. The 2011 report of the SNCF Ombudsman shows how balanced decisions are (the report is available on <http://www.sncf.com/mediateur/pdf/mediateur.pdf>).



► Bernard Cieutat, SNCF Ombudsman

In Germany, the Conciliation Body for Public Transport (Schlichtungsstelle für den öffentlichen Personenverkehr - söp) deals with complaints related to journeys by rail, bus, air or sea. Söp's main task is to settle individual disputes between passengers and the transport companies out-of-court (3 500 demands for conciliation in 2011). The söp approach is particularly suited to journeys by more than one mode, since söp resolves the interface issues between the carriers and the customer has only one contact person within söp ("one face to the customer" approach).

In Italy, if complainants have not received a satisfactory response or have not received a response within sixty days from submission, they can apply for mediation through one of the twelve consumer associations that have signed up to the Memorandum with Trenitalia.

This kind of alternative dispute resolution, as well as any other form of legal or private mediation, is favoured by rail associations and passengers' representatives for solving passengers' claims, provided:

- it is independent;
- it requires decisions made by the ADR body to be treated as binding unless any of the parties continue to the courts;
- it is free to complainants;
- it is transparent about the outcomes and regularly publishes information about the different categories of complaint and their outcome;
- it is consistent in its application.

In December 2011 the European Commission published a proposed Directive on consumer alternative dispute resolution for effective, impartial and transparent ADR schemes for all kinds of consumer disputes.

**The European railways, together with the European Passenger Federation (EPF) and the European Disability Forum (EDF), support the European Commission's proposal for a Directive on consumer alternative dispute resolution and underline that existing systems, favouring such out-of-court conflict resolution should be considered within the scope of the Directive.**

Finally, when revising the Directive on consumer ADR, it will be important to avoid the pitfall of transforming the conciliator into an arbitrator. These two functions are different and should not be mixed. Conciliation should come first, as a way to handle conflicts in a more peaceful way. Arbitration should only come when conciliation failed – and this can be the role of national enforcement bodies. From this standpoint the conciliation does not have to be outside the company providing the service; conciliation is a subtle mechanism that cannot be totally controlled by legislation.





# CONCLUSION

Since the European regulation on rail passengers' rights came into force in December 2009, the European railways have been working to ensure it is implemented smoothly. They have strengthened their cooperation with other railways but also with passengers' representatives and national enforcement bodies.

As mentioned earlier in this report, passengers' rights are not new to the European railways. European railways committed themselves to minimum quality standards when they signed the Passenger Charter right back in 2002. The experience provided by this voluntary agreement not only allowed for preparing but also for building a basis for implementing EU passengers' rights properly. The railways' relatively long experience in the field of passengers' rights will certainly be useful when discussing any changes to Regulation (EC) No 1371/2007.

Last year, the European legislator completed the package of passengers' rights with the publication of a regulation for carriage by sea (Regulation (EU) No 1177/2010 on rights of passengers travelling by sea and inland waterway, coming into force on 18 December 2012) and carriage by road (Regulation (EU) No 181/2011 on rights of passengers in bus and coach transport, coming into force on 1 March 2013).

When looking at the future of passengers' rights, an intermodal approach should be pursued, i.e. not restricting the work to modal initiatives as until now. The European Commission started down this intermodal approach when it published a Communication on passengers' rights in all transport modes (2012/2067(INI)) last December. It will then become even more important to involve all stakeholders in the discussions, i.e. carriers in the four modes of transport covered by EU legislation, passengers' representatives and national enforcement bodies. CER and CIT have initiated this dialogue and invite the European legislator to join their initiative.

Today, the European railway landscape is changing in a major way and the upcoming Fourth Railway Package will just accelerate this trend. Passenger satisfaction and safety are more than ever priorities for the European railways given that the market is becoming more and more open to competition. When discussing future passengers' rights, the challenges of a deregulated market will make it even more important to ensure a balance between passengers' expectations and the industry's constraints.



# ANNEX I

## List of CER members (rail passenger operators)

ASTOC	Branschföreningen Tågoperatörerna
ATOC	Association of Train Operating Companies
BDŽ	HOLDING BDZ
BDZ Passenger Transport	BDZ Patnicheski prevozi EOOD
BLS	BLS AG
ČD	České Dráhy
CFL	Société Nationale des Chemins de Fer Luxembourgeois
CFM	Calea Ferată din Moldova
CFR Călători	Societatea Națională de Transport Feroviar de Călători
CP	Comboios de Portugal, E.P.E.
DB Mobility Logistics	Deutsche Bahn Mobility Logistics
DSB	Danske Statsbaner
Eurostar	Eurostar International Ltd
Fachverband der Schienenbahnen	Fachverband der Schienenbahnen
FEVE	Ferrocarriles Españoles de Vía Estrecha
GYSEV/RoeEE	Győr-Sopron-Ebenfurth Vasút/Raab-Oedenburg-Ebenfurter Eisenbahn
HRA	Hungrail
HSH	Hekurudha Shqiptare
HŽ Holding	Hrvatske Željeznice Holding
IE	Iarnród Éireann
JR East	East Japan Railway Company
LDZ	Latvijas Dzelzceļš
LG	Lietuvos Geležinkeliai
MÁV	Magyar Államvasutak
MÁV-START	MÁV-START
NS	Nederlandse Spoorwegen
NSB	Norges Statsbaner
ÖBB-PV	ÖBB-Personenverkehr
PE MZ Transport	Makedonski Železnici Transport
PKP Intercity	PKP Intercity
Przewozy Regionalne	Przewozy Regionalne
RegioTrans	RegioTrans Brasov

RENFE Operadora	RENFE Operadora
SBB/CFF/FFS	Schweizerische Bundesbahnen/Chemins de Fer Fédéraux Suisses/ Ferrovie Federali Svizzere
SLB	Salzburger Lokalbahn
SNCB/NMBS	Société Nationale des Chemins de Fer Belges/Nationale Maatschappij der Belgische Spoorwegen
SNCF VOYAGES	SNCF VOYAGES
SŽ	Slovenske Železnice
SZ – Passenger transport	Slovenske železnice – Potniški promet, d.o.o.
TCDD	Türkiye Cumhuriyeti Devlet Demiryolları
Thalys	Thalys International
TRAI NOSE	TRAI NOSE
Trenitalia	Trenitalia
VDV	Verband Deutscher Verkehrsunternehmen
Veolia	Veolia Transdev
VR	VR Group Ltd
Westbahn Management	Westbahn Management GmbH
ŽFBH	Željeznice Federacije Bosne i Hercegovine
ŽRS	Željeznice Republike Srpske
ŽS	Željeznice Srbije
ZSSK	Železničná Spoločnosť Slovensko

# ANNEX II

## Comparison of passengers' rights in four transport modes

The rights are described below in very general terms for an average EU Member State that applies wholly every piece of international and EU law:

- Reference to international and EU law applicable at the end;
- Varying scope of application of each piece of legislation not detailed here.

## Comparison of passengers' rights in four transport modes

	RAIL	AIR	SEA	ROAD
<b>LIABILITY FOR ACCIDENTS</b>	<ul style="list-style-type: none"> <li>• <b>strict liability</b> with 3 grounds for relief (see below)</li> <li>• amount of damages determined by national law</li> <li>• no limit to amount of damages, unless provided for in national law; however maximum limit may not be lower than <u>175'000SDR<sup>1</sup></u></li> <li>• joint and several liability: implies both principal and substitute carrier effectively carrying at the moment of the accident</li> </ul>	<ul style="list-style-type: none"> <li>• under 113'100SDR; <b>strict liability</b> with one ground for relief (see below)</li> <li>• above 113'100SDR: <b>liability for fault</b> with reversal of the burden of proof possible on other grounds (see below)</li> <li>• amount of damages determined by national law</li> <li>• <b>punitive or exemplary damages expressly excluded</b></li> <li>• joint and several liability: implies both principal and substitute carrier effectively carrying at the moment of the accident and, if expressly declared to assume liability for the whole journey, the 1st carrier</li> <li>• under 113'100SDR: contributory fault of the passenger</li> <li>• above 113'100SDR: <ul style="list-style-type: none"> <li>◦ no negligence or other wrongful act or omission of the carrier</li> <li>◦ the only cause of the damage is the negligence or other wrongful act or omission of a third party</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• under 250'000SDR; <b>strict liability</b> with 3 grounds for relief (see below)</li> <li>• between 250'000SDR and 400'000SDR: <b>liability for fault</b> with reversal of the burden of proof</li> <li>• above 400'000SDR; <b>no liability</b> unless reckless fault or intent</li> <li>• if damage not caused by shipping accident, passenger must prove the fault of the carrier</li> <li>• amount of damages determined by national law; <b>punitive or exemplary damages expressly excluded</b></li> <li>• joint and several liability: implies both principal and "performing" carrier effectively carrying at the moment of the accident</li> <li>• "force majeure" (=act of war, hostilities, civil war, insurrection, or natural phenomenon of an exceptional, inevitable and irresistible character)</li> <li>• act or omission done with the intent to cause the incident by a third party</li> <li>• fault or neglect from passenger (but judge will apply its own law to decide whether to exonerate carrier wholly or partly)</li> </ul>	<ul style="list-style-type: none"> <li>• liability in accordance with applicable <b>national law</b></li> <li>• amount of damages determined by national law; however maximum limit may not be lower than <u>220'000€</u></li> <li>• joint and several liability: implies both carrier and its auxiliaries ("performing parties")</li> </ul>
<b>grounds for relief</b>	<ul style="list-style-type: none"> <li>• "force majeure" (= circumstances not connected with the operation of the railway and which the carrier, in spite of having taken the care required in the particular circumstances of the case, could not avoid and the consequences of which he was unable to prevent)</li> <li>• fault of the passenger</li> <li>• behaviour of third party (unavoidable, unpreventable); other RUs and IM are not considered as third parties</li> </ul>	<ul style="list-style-type: none"> <li>• in EU: implies EU carrier only (under Montreal Convention other scheme possible if provided by national law)</li> <li>• within 15 days</li> <li>• to meet <b>immediate economic needs</b></li> <li>• min. 21'000€ in the event of death</li> <li>• not refundable, <b>unless fault of passenger</b> or person not entitled</li> </ul>	<ul style="list-style-type: none"> <li>• implies "carrier who actually performed the whole or a part of the carriage when the shipping incident occurred" (i.e. not the principal carrier if replaced by a substitute carrier)</li> <li>• within 15 days</li> <li>• to meet <b>immediate economic needs</b></li> <li>• min. 21'000€ in the event of death</li> <li>• not refundable, unless <b>carrier not liable</b>, passenger contributed by fault or neglect to the damage, or person not entitled</li> </ul>	<ul style="list-style-type: none"> <li>• implies both carrier and its auxiliaries ("performing parties")</li> <li>• reasonable and proportionate assistance with regard to immediate <b>practical needs</b> (accommodation for max. of 2 nights at 80€ per night, food, clothes, transport, facilitation of first aid)</li> </ul>
<b>advance payments / assistance</b>	<ul style="list-style-type: none"> <li>• implies both principal and substitute carrier effectively carrying at the moment of the accident</li> <li>• within 15 days</li> <li>• to meet <b>immediate economic needs</b></li> <li>• min. 21'000€ in the event of death</li> <li>• not refundable, <b>unless fault of passenger</b> or person not entitled</li> </ul>	<ul style="list-style-type: none"> <li>• in EU: implies EU carrier only (under Montreal Convention other scheme possible if provided by national law)</li> <li>• within 15 days</li> <li>• to meet <b>immediate economic needs</b></li> <li>• min. 16'000SDR in the event of death</li> <li>• not refundable, unless <b>carrier not liable</b> or person not entitled</li> </ul>	<ul style="list-style-type: none"> <li>• implies both carrier and its auxiliaries ("performing parties")</li> <li>• reasonable and proportionate assistance with regard to immediate <b>practical needs</b> (accommodation for max. of 2 nights at 80€ per night, food, clothes, transport, facilitation of first aid)</li> </ul>	<ul style="list-style-type: none"> <li>• implies both carrier and its auxiliaries ("performing parties")</li> <li>• reasonable and proportionate assistance with regard to immediate <b>practical needs</b> (accommodation for max. of 2 nights at 80€ per night, food, clothes, transport, facilitation of first aid)</li> </ul>

<sup>1</sup> SDR = 1,13€ (2011-03-14); see [www.imf.org](http://www.imf.org)

	RAIL	AIR	SEA	ROAD
<b>LIABILITY FOR ACCIDENTS</b>	<p>• <b>strict liability</b> with special grounds for relief (inherent defect, order given by passenger, etc.)</p> <ul style="list-style-type: none"> <li>• implies all successive carriers</li> <li>• amounts limited to 80SDR/kg or 1200SDR per unit if amount proven</li> <li>• however, if amount not established amounts limited to 20SDR/kg or 300SDR per unit</li> </ul>	<p>• <b>strict liability</b> with special grounds for relief (inherent defect of luggage)</p> <ul style="list-style-type: none"> <li>• implies both principal and substitute carrier effectively carrying at the moment of the accident and, if expressly declared to assume liability for the whole journey, the 1st carrier</li> <li>• amounts limited to 1131SDR, unless passenger paid extra sum and declared a special interest in delivery</li> <li>• the limit may be lifted if the claimant proves the special fault of the carrier</li> </ul>	<p>• <b>liability for fault</b> with reversal of the burden of proof</p> <ul style="list-style-type: none"> <li>• implies both principal and substitute carrier effectively carrying at the moment of the accident</li> <li>• amount limited to 3375SDR per passenger per carriage, except if valuables (money, gold, jewellery, works of art, etc.) deposited with the carrier and higher limit of liability agreed upon between carrier and passenger</li> </ul>	<p>• liability in accordance with applicable <b>national law</b></p> <ul style="list-style-type: none"> <li>• amount of damages determined by national law; however maximum limit may not be lower than 1'200€</li> </ul>
	<p>• <b>strict liability</b> if passenger hurt, up to 1400SDR</p> <ul style="list-style-type: none"> <li>• <b>liability for fault</b> if passenger not hurt (no explicit limit to amount of damages)</li> </ul>	<p>• <b>liability for fault</b> up to 1131SDR insofar as proven by claimant</p> <ul style="list-style-type: none"> <li>• the limit may be lifted if the claimant proves the special fault of the carrier</li> </ul>	<p>• <b>liability for fault</b> up to 2250SDR per passenger per carriage (fault presumed in case of shipping incident)</p>	<p>• liability in accordance with applicable <b>national law</b></p> <ul style="list-style-type: none"> <li>• amount of damages determined by national law; however maximum limit may not be lower than 1'200€</li> </ul>
<b>LIABILITY FOR DELAYS</b>	<p>• <b>strict liability</b> with 3 grounds for relief (controversial!) (see below)</p> <ul style="list-style-type: none"> <li>• implies all successive carriers</li> </ul>	<p>• <b>liability for fault</b> limited to 4694SDR (except if special fault of the carrier), with exoneration possible if carrier proves sufficient care or contributory fault of the passenger</p> <ul style="list-style-type: none"> <li>• new type of liability (the so-called "measures of immediate and standardised assistance" based on case law /ATA) with special EU rules going beyond the general regime</li> </ul>	<p>• <b>strict liability</b> with 2 or 3 distinctive grounds for relief for each type of damage (see below)</p>	<p>-- (no general system)</p>
	<p>in general</p>			

	RAIL	AIR	SEA	ROAD
LIABILITY FOR DELAYS	abandon / return + refund	<ul style="list-style-type: none"> <li>if expected delay at (final) destination of more than <b>60 minutes</b></li> <li>refund within 1 month in voucher or money</li> </ul>	<ul style="list-style-type: none"> <li>if expected cancellation or delay at departure more than <b>90 minutes</b></li> <li>refund within 7 days in cash, bank transfer/order/cheque or vouchers</li> </ul>	<ul style="list-style-type: none"> <li>if expected cancellation, overbooking or delay at departure more than <b>120 minutes</b></li> <li>refund <b>within 14 days in money</b> or other form if passenger accepts it</li> </ul>
	continuation / re-routing	<ul style="list-style-type: none"> <li>if expected delay at (final) destination of more than <b>60 minutes</b>:                             <ul style="list-style-type: none"> <li>as soon as possible</li> <li><b>at a later date at the passenger's convenience</b></li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>if denied boarding or <b>cancellation</b>:                             <ul style="list-style-type: none"> <li>as soon as possible</li> <li><b>at a later date at the passenger's convenience</b></li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>if expected cancellation or delay at departure more than <b>90 minutes</b>:                             <ul style="list-style-type: none"> <li>as soon as possible</li> </ul> </li> </ul>
compensation	<ul style="list-style-type: none"> <li>if delay at arrival between 60 and 119 minutes: <b>25%</b> of fare actually paid for delayed service</li> <li>above 120 minutes: 50% of fare actually paid for delayed service</li> <li><b>3 general grounds for relief</b> see below (controversial)</li> <li><b>2 special grounds for relief</b>:                             <ul style="list-style-type: none"> <li>passenger was informed before he bought his ticket,</li> <li>delay caused outside EU</li> </ul> </li> <li>no compensation under <b>4€</b></li> <li>payment within 1 month</li> </ul>	<ul style="list-style-type: none"> <li>if involuntary denied boarding, cancellation or delay of more than over 3 hours (based on case law <i>Sturgeon</i>):                             <ul style="list-style-type: none"> <li>compensation of:                                     <ul style="list-style-type: none"> <li><b>250€</b> for flight &lt;15000km</li> <li><b>400€</b> for flight &gt;1500 &lt;3000km</li> <li><b>600€</b> for flight &gt;3000km</li> </ul> </li> <li><b>1 ground for relief</b>: "force majeure" (= extraordinary circumstances which could not have been avoided even if all reasonable measures had been taken); <i>strict interpretation of ECJ; technical incidents usually not seen as ground for relief</i></li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li><b>25%</b> of fare actually paid for delayed service:                             <ul style="list-style-type: none"> <li>after <b>1 hour</b> if journey &lt;4h</li> <li>after 2 hours if journey &gt;4&lt;8h</li> <li>after 3 hours if journey &gt;8&lt;24h</li> <li>after 6 hours if journey &gt;24h</li> </ul> </li> <li><b>50%</b> of fare actually paid for delayed service:                             <ul style="list-style-type: none"> <li>after 2 hours if journey &lt;4h</li> <li>after 4 hours if journey &gt;4&lt;8h</li> <li>after 6 hours if journey &gt;8&lt;24h</li> <li>after 12 hours if journey &gt;24h</li> </ul> </li> <li><b>grounds for relief</b>:                             <ul style="list-style-type: none"> <li>fault of the passenger,</li> <li>"weather conditions endangering the safe operation of the ship"</li> <li>"force majeure" (=extraordinary circumstances hindering the performance of the passenger service which could not have been avoided even if all reasonable measures had been taken)</li> </ul> </li> <li>passenger was informed before he bought his ticket</li> <li>no compensation under <b>6€</b></li> </ul>	<ul style="list-style-type: none"> <li>if expected cancellation, overbooking or delay at departure over 120 minutes and if continuation from terminal not provided, compensation of <b>50%</b> of fare on top of refund</li> <li>payment within 1 month</li> </ul>



RAIL	AIR	SEA	ROAD
<ul style="list-style-type: none"> <li>• if missed connection at night (PRR: where and when physically possible)</li> <li>• reasonable costs for hotel + phone calls</li> <li>• amounts determined by national law</li> <li>• <b>3 grounds for relief</b> see below (controversial!)</li> </ul>	<ul style="list-style-type: none"> <li>• if denied boarding, cancellation, or delay expected to last until next day</li> <li>• accommodation + transfer</li> <li>• 2 phone calls</li> <li>• no amount specified</li> <li>• no ground for relief</li> </ul>	<ul style="list-style-type: none"> <li>• if cancellation and delay in departure, where stay becomes necessary</li> <li>• accommodation on board</li> <li>• accommodation ashore (<b>max. 80€ per night for 3 nights</b>) + transfer</li> <li>• <b>grounds for relief:</b> <ul style="list-style-type: none"> <li>◦ fault of the passenger,</li> <li>◦ “<i>weather conditions endangering the safe operation of the ship</i>”</li> <li>◦ passenger was informed before he bought his ticket</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• if scheduled journey of more than 3 hours and if cancellation or delay in departure of <u>more than 90 minutes</u>, and where necessary</li> <li>• hotel room or other accommodation (<b>max. 80€ per night for 2 nights</b>) + transfer</li> <li>• <b>grounds for relief:</b> <ul style="list-style-type: none"> <li>◦ “<i>severe weather conditions</i>”</li> <li>◦ “<i>major natural disasters endangering the safe operation of bus or coach</i>”</li> </ul> </li> </ul>
<p>hotel</p>	<ul style="list-style-type: none"> <li>• if cancellation</li> <li>• information on cancellations, and on <b>alternative transport services</b></li> </ul>	<ul style="list-style-type: none"> <li>• if cancellation or delay in departure of <u>more than 90 minutes</u></li> <li>• information on delays, <b>asap</b> but <b>no later than 30 minutes</b> after scheduled time of departure, in accessible formats for PRM</li> <li>• information on <b>alternative connections</b> if passenger expected to miss his connection</li> </ul>	<ul style="list-style-type: none"> <li>• if cancellation or delay in departure from <b>terminal</b></li> <li>• for passengers departing from <b>bus stops</b>: info by electronic means if passenger has requested it and provided the necessary contact details to the carrier</li> <li>• information on delays, <b>asap</b> but <b>no later than 30 minutes</b> after scheduled time of departure, in accessible formats for PRM</li> <li>• reasonable efforts to <b>inform on alternative connections</b> if passenger expected to miss his connection</li> </ul>
<p>information</p>	<ul style="list-style-type: none"> <li>• if delay in arrival or departure <u>over 60 minutes</u></li> <li>• information on delays, <b>asap</b></li> </ul>	<ul style="list-style-type: none"> <li>• if denied boarding (involuntary), cancellation or delay <u>over 120minutes</u> (for flight &lt; 1500km) or <u>3 hours</u> (for flight &gt;1500km &lt;3500km) or <u>4 hours</u> (for flight &gt;3500km)</li> <li>• meals + refreshments</li> <li>• 2 phone calls</li> </ul>	<ul style="list-style-type: none"> <li>• if scheduled journey of more than 3 hours and if cancellation or delay in departure of <u>more than 90 minutes</u></li> <li>• snacks, meals or refreshments, if available or can reasonably be supplied</li> </ul>
<p>assistance (snacks, drinks + calls) free of charge</p>	<ul style="list-style-type: none"> <li>• if delay in arrival or departure <u>over 60 minutes</u></li> <li>• meals + refreshments, if available on train/station or if can reasonably be supplied</li> </ul>	<ul style="list-style-type: none"> <li>• if cancellation or delay in departure of <u>more than 90 minutes</u></li> <li>• snacks, meals or refreshments, if available or can reasonably be supplied</li> </ul>	<ul style="list-style-type: none"> <li>• if scheduled journey of more than 3 hours and if cancellation or delay in departure of <u>more than 90 minutes</u></li> <li>• snacks, meals or refreshments, if available or can reasonably be supplied</li> </ul>

LIABILITY FOR DELAYS

LIABILITY FOR DELAYS

	RAIL	AIR	SEA	ROAD
alternative transport means	<ul style="list-style-type: none"> <li>• if delay in arrival or departure <u>over</u> 60 minutes</li> <li>• <b>organisation</b> of alternative transport services, asap</li> <li>• if train blocked on track, transport to departure or destination, where and when physically possible</li> </ul>	<ul style="list-style-type: none"> <li>• if cancellation</li> <li>• <b>information</b> on alternative transport services</li> </ul>	<ul style="list-style-type: none"> <li>• if cancellation or delay in departure of more than 90 minutes</li> <li>• <b>information</b> on alternative connections if passenger expected to miss his connection</li> </ul>	<ul style="list-style-type: none"> <li>• if passenger expected to miss his connection because of cancellation or delay reasonable efforts to <b>inform on alternative connections</b></li> <li>• if bus becomes inoperable, <b>transport to suitable waiting point</b> where continuation becomes possible</li> </ul>
denied boarding	--	<ul style="list-style-type: none"> <li>• obligation to call for volunteers to step down and wait for further carriage &gt; negotiated arrangement (+ continuation or abandon/return + refund)</li> <li>• if involuntary denied boarding: compensation of 250/400/600€ + full assistance (carriage, drinks, hotel, road carriage, calls)</li> <li>• application of grounds for relief controversial</li> </ul>		<ul style="list-style-type: none"> <li>• abandon /return + refund (within 14 days in money or other form if passenger accepts it)</li> <li>• continuation or re-routing asap</li> <li>• if continuation from terminal not provided, compensation of 50% of fare on top of refund (within 1 month)</li> </ul>
consequential damages (e.g. missed holidays)	<ul style="list-style-type: none"> <li>• if provided for by national law</li> </ul>	<ul style="list-style-type: none"> <li>• <b>liability for fault</b> limited to 4694SDR (except if special fault of the carrier),</li> <li>• 2 grounds for relief: <ul style="list-style-type: none"> <li>○ reasonable or sufficient care (= carrier took all measures that could reasonably be required to avoid the damage or it was impossible for it to take such measures)</li> <li>○ contributory fault of the passenger</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• if provided for by national law, including under Dir. 90/314 on package travel</li> </ul>	<ul style="list-style-type: none"> <li>• if provided for by national law</li> </ul>
grounds for relief	<ul style="list-style-type: none"> <li>• "force majeure" (= circumstances not connected with the operation of the railway and which the carrier, in spite of having taken the care required in the particular circumstances of the case, could not avoid and the consequences of which he was unable to prevent)</li> <li>• fault of the passenger</li> <li>• behaviour of third party (unavoidable, unpreventable); other RUs and IM are not considered as third parties</li> </ul>	<ul style="list-style-type: none"> <li>• see above for each "event"</li> </ul>	<ul style="list-style-type: none"> <li>• see above for each "event"</li> </ul>	<ul style="list-style-type: none"> <li>-- (depends on national law)</li> </ul>

	RAIL	AIR	SEA	ROAD	
TICKETS	form	<ul style="list-style-type: none"> <li>paper or electronic, but form not an essential condition of contract</li> </ul>	<ul style="list-style-type: none"> <li>paper or electronic</li> <li>mandatory to issue ticket, unless other documents give entitlement to transport under national law</li> </ul>	<ul style="list-style-type: none"> <li>paper or electronic</li> <li>mandatory to issue ticket, unless other documents give entitlement to transport under national law</li> </ul>	
	distribution / sales	<ul style="list-style-type: none"> <li>minimum point of sales (stations, vending machines, internet, etc.)</li> </ul>	--	--	
	information and reservation systems	<ul style="list-style-type: none"> <li>obligation to adapt CIRSRT to requirements set out in TAP TSI</li> <li>no disclosure of personal data on passengers to other RUs</li> </ul>	<ul style="list-style-type: none"> <li>Reg. 80/2009 on CRS</li> <li>interdiction for carriers to discriminate CRS</li> <li>interdiction for CRS to discriminate carriers</li> </ul>	--	
	fares	<ul style="list-style-type: none"> <li>?</li> </ul>	<ul style="list-style-type: none"> <li>no discrimination based on nationality of passenger or on place of establishment of carrier / ticket vendors</li> </ul>	<ul style="list-style-type: none"> <li>no discrimination based on nationality of passenger or on place of establishment of ticket vendor, except for "social tariffs" (not defined)</li> </ul>	<ul style="list-style-type: none"> <li>no discrimination based on nationality of passenger or on place of establishment of ticket vendor, except for "social tariffs" (not defined)</li> </ul>
INFORMATION	precontractual	<ul style="list-style-type: none"> <li><b>list of information</b> in Rail PRR annex II, part I (e.g. GTC, time schedules for fastest trip and lowest fares, PRM, bicycles, onboard services, etc.)</li> <li>rights under Rail PRR (possibly distribute summary prepared by EU)</li> </ul>	<ul style="list-style-type: none"> <li>rights under Reg. 889/2002 on liability for <b>accidents</b> (obligation to use <b>summary annexed to Regulation</b>)</li> <li>obligations of <b>transparency</b> relating to the <b>fares</b> under Reg. 1008/2008</li> <li>obligation to clearly <b>identify</b> the operating carrier under Reg. 2111/2005</li> </ul>	<ul style="list-style-type: none"> <li><b>"adequate" information</b> throughout the travel in accessible formats</li> <li>rights under Sea PRR (possibly distribute summary prepared by EU) and under Sea Accidents Reg. in most appropriate formats (obligation to use summary prepared by EU)</li> </ul>	<ul style="list-style-type: none"> <li>rights under Bus&amp;Coach PRR (possibly distribute summary prepared by EU) at the latest on departure, at terminals and on internet</li> </ul>

	RAIL	AIR	SEA	ROAD
INFORMATION	<p>during performance of contract</p> <ul style="list-style-type: none"> <li>• <b>list of information</b> in Rail PRR annex II, part II (e.g. on-board services, next station, delays, connections, etc.)</li> </ul>	<ul style="list-style-type: none"> <li>• obligation to display at check-in a clearly legible and <b>visible notice</b>: <i>"if you are denied boarding or if your flight is cancelled or delayed for at least two hours, ask at the check-in counter or boarding gate for the text stating your rights, particularly with regard to compensation and assistance"</i>.</li> <li>• obligation to <b>distribute leaflet</b> on compensation and assistance in case of denied boarding, cancellation or delay over 120 minutes</li> </ul>	<ul style="list-style-type: none"> <li>• <b>"adequate" information</b> throughout the travel</li> </ul>	<ul style="list-style-type: none"> <li>• <b>"adequate" information</b> throughout the travel</li> </ul>
	<p>format</p> <ul style="list-style-type: none"> <li>• particular attention to needs of people with auditory and/or visual impairment</li> </ul>	<ul style="list-style-type: none"> <li>• appropriate alternative means for blind and visually impaired persons</li> </ul>	<ul style="list-style-type: none"> <li>• accessible formats, with particular attention to the needs of PRM</li> <li>• same languages as those in which information is generally made available to all passengers</li> </ul>	<ul style="list-style-type: none"> <li>• accessible formats where feasible, with particular attention to the needs of PRM</li> <li>• same languages as those in which information is generally made available to all passengers</li> </ul>
COMPLAINTS	<p>handling</p> <ul style="list-style-type: none"> <li>• any RU involved</li> <li>• reply within 1 month (max. 3)</li> </ul>	<ul style="list-style-type: none"> <li>• for PRM only: right to complain to carrier or airport manager</li> <li>• (no general provision for all passengers)</li> </ul>	<ul style="list-style-type: none"> <li>• carriers and terminal operators</li> <li>• <b>submission within 2 months</b> from the date on which the service was performed or when a service should have been performed</li> <li>• reply within 1 month (max. 2)</li> </ul>	<ul style="list-style-type: none"> <li>• carriers only</li> <li>• <b>submission within 3 months</b> from the date on which the regular service was performed or when a service should have been performed</li> <li>• reply within 1 month (max. 3)</li> </ul>
	<p>reporting</p> <ul style="list-style-type: none"> <li>• annually</li> <li>• <b>number + categories of received / processed complaints</b>, response time, actions for improvement</li> </ul>	<p>--</p>	<p>--</p>	<p>--</p>
	<p>NEBS</p> <ul style="list-style-type: none"> <li>• right to complain <b>to any NEB</b></li> <li>• information on contact details of NEBS <b>in station and trains</b></li> </ul>	<ul style="list-style-type: none"> <li>• for PRM: right to complain if does not obtain satisfaction by complaining to carrier or airport</li> <li>• information on contact details of NEBS in <b>leaflet</b> on compensation and assistance</li> </ul>	<ul style="list-style-type: none"> <li>• Member States can oblige passengers to submit their complaint first to carriers and <b>appeal to the NEB</b> if not satisfied</li> <li>• information on contact details of NEBS on <b>board of ships, in ports and in port terminals</b></li> </ul>	<ul style="list-style-type: none"> <li>• Member States can oblige passengers to submit their complaint first to carriers and <b>appeal to the NEB</b> if not satisfied</li> <li>• information on contact details of NEBS included in <b>general information</b> to be provided at the latest on departure at terminals and where applicable on internet</li> </ul>

	RAIL	AIR	SEA	ROAD
PRM	right to transport	<ul style="list-style-type: none"> <li>no extra fare</li> <li>no refusal / no obligation to be accompanied, unless strictly necessary to comply with access rules</li> <li>access rules established with organisations of PRM</li> </ul>	<ul style="list-style-type: none"> <li>no extra fare</li> <li>no refusal / no obligation to be accompanied, unless to comply with statutory safety requirements, or unless design of ship or port infrastructure and equipment make it impossible to embark in a safe or operationally feasible manner</li> <li>alternative transport on ship or cruise must be proposed if refusal</li> </ul>	<ul style="list-style-type: none"> <li>no extra fare</li> <li>no refusal, unless to comply with statutory safety requirements, or unless design of the vehicle or infrastructure (bus stops or terminals) makes it physically impossible to take on board, alight or carry in a safe or operationally feasible manner</li> <li>info on alternative transport must be given if refusal</li> <li>if refused after purchasing of ticket, right to refund + return / re-routing where feasible</li> <li>access rules established with organisations of PRM</li> </ul>
	accessibility	<ul style="list-style-type: none"> <li>information on access conditions to rail services, rolling stock, on-board services</li> </ul>	--	<ul style="list-style-type: none"> <li>information on access conditions available on internet, in accessible formats on request</li> <li>list set up by Commission and Member States of accessible terminals on internet</li> <li>training of staff detailed in annex II</li> </ul>
	assistance	<ul style="list-style-type: none"> <li>if notified <b>48hours</b> in advance</li> <li>free of charge</li> <li>at staffed stations</li> </ul>	<ul style="list-style-type: none"> <li>if notified <b>48hours</b> in advance</li> <li>free of charge</li> <li><b>responsibility of airport detailed</b> in Reg.1107/2006, annex I</li> <li><b>responsibility of carrier detailed</b> in Reg.1107/2006, annex II</li> </ul>	<ul style="list-style-type: none"> <li>if notified <b>36hours</b> in advance</li> <li>free of charge</li> <li>at terminals listed by Member States: <b>responsibility of terminal managing bodies and carriers detailed</b> in annex I a</li> <li>on board: <b>responsibility of carriers detailed</b> in annex I b</li> </ul>
	compensation for damaged equipment	<ul style="list-style-type: none"> <li>if RU liable, <b>no financial limit applicable</b> (overrules the CIV limit applicable)</li> </ul>	<ul style="list-style-type: none"> <li>compensation <b>in accordance with international, EU and national law</b></li> </ul>	<ul style="list-style-type: none"> <li>liability for fault (presumed in case of a shipping incident) for carriers and terminal operators</li> <li>compensation corresponds to <b>replacement value of equipment or to costs relating to repairs</b></li> <li>best efforts to provide temporary replacement equipment</li> </ul>

	RAIL	AIR	SEA	ROAD
<b>SECURITY</b>	<ul style="list-style-type: none"> <li>• RU, IM, SM</li> <li>• adapt to level of security defined by public authorities</li> </ul>	--	--	--
<b>QUALITY</b>	<ul style="list-style-type: none"> <li>• list of <b>minimum items</b> to be covered in PRR annex III</li> </ul>	--	--	--
<b>NEBS</b>	<ul style="list-style-type: none"> <li>• <b>annually</b></li> <li>• on RU website + <b>ERA website</b></li> </ul>	--	--	--
<b>reporting powers, coordination, cooperation,</b>	<ul style="list-style-type: none"> <li>• all measures necessary to ensure that rights are respected</li> <li>• effective, proportionate and dissuasive penalties in national law</li> </ul>	<ul style="list-style-type: none"> <li>• all measures necessary to ensure that rights are respected</li> <li>• effective, proportionate and dissuasive penalties in national law</li> </ul>	<ul style="list-style-type: none"> <li>• all measures necessary to ensure that rights are respected</li> <li>• effective, proportionate and dissuasive penalties in national law</li> </ul>	<ul style="list-style-type: none"> <li>• measures necessary to ensure compliance with PRR</li> <li>• <b>report every two years</b> on their activity</li> <li>• effective, proportionate and dissuasive penalties in national law</li> </ul>
	--	<ul style="list-style-type: none"> <li>• Reg. 1107/2006 (PRM): NEB must <b>forward claim to other NEB</b> if not competent</li> </ul>	<ul style="list-style-type: none"> <li>• <b>exchange</b> of information and practices to the extent necessary for the coherent application of PRR</li> </ul>	<ul style="list-style-type: none"> <li>• <b>exchange</b> of information, decision-making principles and practices</li> <li>• <b>support of Commission</b> in this task</li> </ul>

(Source: CIT)

## Passengers' rights: texts applicable

Texts applicable	international law (with date of entry into force)	EU law (with date of entry into force)
<b>RAIL</b>	CIV Uniform Rules 1999 (2006-07-01)	EC Reg. 1131/2007 on rail passengers' rights and obligations (2009-12-03)
<b>AIR</b>	Montreal Convention 1999 (2003-11-04, for EU 2004-06-29)	EC Reg. 889/2002 on liability of air carriers in the event of accidents (2002-05-30) EC Reg. 261/2004 on denied boarding, cancellation and delays (2005-02-17) EC Reg. 2111/2005 on black listing of high-risk carriers and informing passengers on identity of operating air carrier (2010-09-09) EC Reg. 1107/2006 on PMR travelling by air (partly 2007-07-26, wholly 2008-07-26) EC Reg. 1008/2008 on operation of air services (including indication of full fare) (2008-11-01) EC Reg. 80/2009 on Computerised Reservation Systems ("CRS") (2009-03-29)
<b>SEA</b>	Athens Convention 2002 (not yet in force)	EC Reg. 392/2009 on liability of carriers of passengers by sea in the event of accidents (2013-01-01)
<b>ROAD</b>	CMR 1973 (1994-04-12)	EU Reg. 1177/2010 on rights of passengers travelling by sea and inland waterway (2012-12-18) EU Reg. 181/2011 on rights of passengers in bus and coach transport (2013-03-01)

(Source: CIT)

# ANNEX III

## National exemptions from Regulation (EC) No 1371/2007

NOTE: this list is based on information received from CIT/CER members; we do not guarantee that it is complete (status: 17 February 2012).



		Exemptions for					
state	RU	urban services	suburban services	regional services	national long distance services	international services with part outside EU	Comments
Austria	ÖBB	Exemption for all non mandatory articles	Exemption for specific articles: 13§2, 16, 17, 18§2, 18§4, 27§3, 28, 28;	Exemption for specific articles: 13§2, 16, 17, 18§2, 18§4, 27§3, 28 and under specific conditions for art. 8: only if corresponding information is not available;	No exemption		Exemptions for urban/ suburban/ regional services permanent.
Belgium	SNCB	Exemption for article 8	Exemption for article 8	Exemption for article 8	Exemption for article 8	Exemption for article 8	Exemption limited to 5 years for 111 specific old trains (to be replaced by new ones in the next years).
Bulgaria	BDZ	Exemption for all non mandatory articles	Exemption for all non mandatory articles	Exemption for all non mandatory articles	Exemption for all non mandatory articles	Exemption for all non mandatory articles	Exemptions for urban/ suburban/ regional services permanent. Exemption for other services limited to 5 years.
Czech Republic	ČD	Exemption for specific articles: 1) PRR: 8, 10, 17, 18§2a+b, 18§3 2) annex 1: 7§2b, 17§2b, 24§3b, 32 CIV 3) annex 2: part I	Exemption for specific articles: 1) PRR: 8, 10, 17, 18§2a+b, 18§3 2) annex 1: 7§2b, 17§2b, 24§3b, 32 CIV 3) annex 2: part I	Exemption for specific articles: 1) PRR: 8, 10, 17, 18§2a+b, 18§3 2) annex 1: 7§2b, 17§2b, 24§3b, 32 CIV 3) annex 2: part I	Exemption for specific articles: 1) PRR: 8, 10, 17, 18§2a+b, 18§3 2) annex 1: 7§2b, 17§2b, 24§3b, 32 CIV 3) annex 2: part I	Exemption for specific articles: 1) PRR: 8, 10, 17, 18§2a+b, 18§3 2) annex 1: 7§2b, 17§2b, 24§3b, 32 CIV 3) annex 2: part I	All exemptions limited to 5 years.

state	RU	Exemptions for					international services with part outside EU	Comments
		urban services	suburban services	regional services	national long distance services			
Denmark	DSB	No exemption	No exemption	No exemption	No exemption	No exemption	(no info)	
Estonia	EVR							
Finland	VR	Exemption for specific articles: 10, 17, 18§2. a+b	Exemption for specific articles: 10, 17, 18§2. a+b	--	No exemption	Exemption for all non mandatory articles	All exemptions permanent – however reviewable after 5 years.	
France	SNCF	Exemption for all non mandatory articles	Exemption for all non mandatory articles	Exemption for all non mandatory articles	Exemption for all non mandatory articles	--	Exemptions for urban/ suburban/ regional services permanent. Exemption for other domestic services limited to 5 years (renewable).	
Germany	DB	Exemption for specific articles: 8§2, 18§2a, 27§3, 28, 29§1 (1st sentence)	Exemption for specific articles: 8§2, 18§2a, 27§3, 28, 29§1 (1st sentence)	Exemption for specific articles: 8§2, 18§2a, 27§3, 28, 29§1 (1st sentence)	No exemption	No exemption	Permanent exemptions for regional services, as well as for regional train service operated for touristic and / or historical purposes.	
Great Britain	ATOC	Exemption for all non mandatory articles until December 2014	Exemption for all non mandatory articles until December 2014	Exemption for all non mandatory articles until December 2014	Exemption for all non mandatory articles until December 2014	--	These exemptions have been granted as a transitional measure, pending further consideration by the UK Government.	
Greece	TRAIN OSE						(no info)	
Hungary	MÁV-START GYSEV	Exemption for all non mandatory articles	Exemption for all non mandatory articles	Exemption for all non mandatory articles	Exemption for specific articles: 10§§1,2,4; 18§2.a+b,18§5, 21§1, 23	Exemption for specific articles: 10§§1,2,4; 18§2.a+b,18§5, 21§1, 23	Exemptions for urban/ suburban/ regional services permanent. Exemption for other domestic services limited to 5 years (renewable).	
							Additional exemption for services without supplement or reservation fee: 8§2, 17	

		Exemptions for					
state	RU	urban services	suburban services	regional services	national long distance services	international services with part outside EU	Comments
Ireland	GIE	Exemption for all non mandatory articles	Exemption for all non mandatory articles	Exemption for all non mandatory articles	Exemption for all non mandatory articles	No exemption	All exemptions limited to 5 years.
Italy	Trenitalia	No exemption	No exemption	No exemption	No exemption	No exemption	
Latvia	LDZ	Exemption for all non mandatory articles	Exemption for all non mandatory articles	Exemption for all non mandatory articles	Exemption for all non mandatory articles	Exemption for all non mandatory articles	All exemptions limited to 5 years.
Lithuania	LG	Exemption for specific articles: 8 §§2+3, 13, 21, 22, 23, 24	Exemption for specific articles: 8 §§2+3, 13, 21, 22, 23, 24	Exemption for specific articles: 8 §§2+3, 13, 21, 22, 23, 24	Exemption for specific articles: 8 §§2+3, 13, 21, 22, 23, 24	Exemption for all non mandatory articles	All exemptions from 8 October 2011 to 3 December 2014. National law on PRM grants temporarily (til 2014) similar rights as 21-24 PRR on domestic services.
Luxembourg	CFL	Exemption for all non mandatory articles	Exemption for all non mandatory articles	Exemption for all non mandatory articles	--	No exemption	Permanent exemptions for all services between 2 stations in Luxembourg, including cross-border regional services to Germany, Belgium and France.
Netherlands	NS	No exemption	No exemption	No exemption	No exemption	No exemption	
Norway	NSB	No exemption	No exemption	No exemption	No exemption	No exemption	
Poland		Exemption for specific articles: 6, 7, 8§2, 8§3, 10, 13-15, 17, 18, 20§2, 21§1, 25	Exemption for specific articles: 6, 7, 8§2, 8§3, 10, 13-15, 17, 18, 20§2, 21§1, 25	Exemption for specific articles: 6, 7, 8§2, 8§3, 10, 13-15, 17, 18, 20§2, 21§1, 25	Exemption for specific articles: 6, 8§2, 8§3, 10, 13*-15, 17*, 18, 20§2, 21§1,	Exemption for specific articles: 6, 8§2, 8§3, 10, 13*-15, 17*, 18, 20§2, 21§1,	Exemptions for urban/ suburban/ regional services permanent. Other exemptions until 2 December 2014.
Portugal	CP	No exemption notified as yet – situation to be clarified	No exemption notified as yet – situation to be clarified	No exemption notified as yet – situation to be clarified	No exemption notified as yet – situation to be clarified	No exemption notified as yet – situation to be clarified	Permanent exemption for specific articles (3, 4, 5, 6, 7, 18§1+3, 21-25, 29-36; as well as 16-25 in Annex I) asked by CP for urban/suburban/ regional services. Same exemptions asked for 5 years for domestic services. Information sent to DG MOVE by the NEB (partially correct) but no law has been enacted officially. Situation is thus still to be clarified.

<sup>7</sup> articles 13 and 17 are to be applied to the following services: Ekspres, InterCity, Express InterCity, EuroCity and EuroNight

state	RU	Exemptions for					international services with part outside EU	Comments
		urban services	suburban services	regional services	national long distance services	international services with part outside EU		
Romania	GFR Calatori	Exemption for all non mandatory articles	Exemption for all non mandatory articles	Exemption for all non mandatory articles	Exemption for all non mandatory articles	Exemption for all non mandatory articles	Exemptions for urban/ suburban/ regional services permanent. Exemption for other services limited to 5 years.	
Slovakia	ZSSK	Exemption for all non mandatory articles	Exemption for all non mandatory articles	Exemption for all non mandatory articles	Exemption for specific articles: 8, 13, 15, 17, 18, 21, 22, 23, 25, 28	Exemption for all non mandatory articles	Exemptions for urban/ suburban/ regional services permanent. Exemption for domestic services limited to 5 years.	
Slovenia	SZ	--	--	No exemption	No exemption	No exemption		
Spain	RENFE	Exemption for specific articles: 10, 21-24	Exemption for specific articles: 10, 21-24	Exemption for specific articles: 10, 21-24	Exemption for specific articles: 27,	Exemption for article 10 permanent. Exemption for other articles limited to 5 years. Regional and "local" services defined in the law.		
Sweden	SJ	No exemption	No exemption	No exemption	No exemption	No exemption	Contractual application of PRR (articles 15 to 18) by SBB until Switzerland legislates.	
Switzerland	SBB	--	--	--	--	--		

**Mandatory articles:** 9, 11, 12, 19, 20 § 1, 26

**Non mandatory articles:** 4, 5, 6, 7, 8, 10, 13, 14, 15, 16, 17, 18, 20 § 2, 21, 22, 23, 24, 25, 27, 28, 29

Source: CIT, based on information supplied by CIT and CER members (June 2012)

# ANNEX IV

## List of abbreviations

**AIV:** Agreement concerning the Relationships between Transport Undertakings in respect of International Passenger Traffic by Rail (CIT document)

**CER:** Community of European Railway and Infrastructure Companies

**CIT:** International Rail Transport Committee

**CIV:** Uniform Rules concerning the Contract of International Carriage of Passengers by Rail (CIV), Appendix A to the Convention concerning International Carriage by Rail (COTIF) of 9 June 1999

**COTIF:** Convention concerning International Carriage by Rail

**GCC-CIV/PRR:** General Conditions of Carriage for Rail Passengers (CIT document)

**IM:** Infrastructure Manager

**NEBs:** National Enforcement Bodies

**PRM:** Persons with Reduced Mobility

**PRR:** Regulation (EC) No 1371/2007 on rail passengers' rights and obligations

**RUs:** Railway Undertakings

**UIC:** International Union of Railways





