

Rail passenger rights and obligations

Regulation (EC) [1371/2007](#) of the European Parliament and of the Council on rail passengers' rights and obligations

This briefing is one in a series of 'Implementation Appraisals' on the operation of existing EU legislation in practice. Each such briefing focuses on a specific EU law, which is likely to be amended or reviewed, as foreseen in the European Commission's Annual Work Programme. Implementation Appraisals aim to provide a succinct overview of material publicly available on the implementation, application and effectiveness of an EU law to date – drawing on available input from the EU institutions and external organisations. They are provided to assist parliamentary committees in their consideration of the new proposals, once tabled.

EP committee responsible at time of adoption of the EU legislation:

The Committee on Transport and Tourism (TRAN)

Date of adoption of original legislation in plenary: 25 September 2007

Entry into force of original legislation: 3 December 2009 (Article 37, Regulation (EC) 1371/2007)

Planned date for review of legislation:

- According to Article 12 (2) of the regulation, the Commission was obliged to report to the European Parliament and the Council on the setting of a minimum amount of insurance for railway undertakings by 3 December 2010.¹
- According to Article 36 of the regulation, the Commission was obliged to report to the European Parliament and the Council on the implementation and the results of the regulation by 3 December 2012.²
- According to Article 2(7) of the regulation, the Commission was obliged to report to the European Parliament and the Council on the exemptions granted pursuant the regulation, by 3 December 2014.³

Timeline for new amending legislation:

– The amendment of Regulation (EC) 1371/2007 is neither included in the [Commission Work Programme 2016](#) (CWP 2016) nor in the [Commission Work Programme 2017](#) (CWP 2017). However, according to the [list of planned Commission initiatives](#) (dated 1 September 2016), such an amendment is supposed to be submitted in December 2016 as an 'other legislative initiative'.

¹ The European Commission did not present an individual report to Parliament on the issue of the minimum amount of insurance for railway undertakings. However, this issue is partially covered in reports COM (2013) 587 final and COM (2015) 117 final. In November 2011, the Commission also acknowledged the absence of a report ([Answer given by Mr Kallas on behalf of the Commission](#) to a [written question by Michael Cramer \(Greens/EFA, Germany\)](#), October 2011).

² The European Commission presented this report in August 2013. See COM (2013) 587 final.

³ The European Commission presented this report in March 2015. See COM (2015) 117 final.

1. Background

The framework of the [common transport policy](#) contains measures to protect passengers and their rights. The need to protect passengers' rights in all types of transport was already included in the European Commission's 2001 [White Paper](#) on 'European transport policy for 2010: time to decide'. One of the goals of the paper was to introduce passenger protection measures to all modes of transport including rail transport.⁴ In 2007, Regulation (EC) 1371/2007 on rail passengers' rights and obligations was adopted. The rights included in this act provide the passengers with the minimum protection when travelling by train.⁵ Apart from this regulation, which is the main object of this briefing, passengers travelling by train can also enjoy supplementary protection under the [Package Travel Directive](#) (Council Directive 90/314/EEC) if the 'travel' package includes train transport.⁶ In 2011, the European Commission published a [White paper](#): 'Roadmap to a Single European Transport Area – Towards a competitive and resource efficient transport system'.⁷ In this paper, the Commission outlines its key measures and initiatives to reach its transport policy goals. These measures include, for example, the development of a uniform interpretation of EU law on passenger rights and its effective enforcement, and assembling common principles applicable to passengers' rights in all transport modes.⁸

In 2013, the Commission proposed the '[fourth railway package](#)'. This package does not specifically deal with passenger rights, but proposes improvement to rail sector competitiveness and the quality of rail services. However, improvement of rail service quality and increased competition in domestic passenger services can have an impact on passengers' rights.⁹ The individual parts of this package are presently at different stages in the legislative process.¹⁰ In June 2016, a part of this package entered into force and established the European Union Agency for Railways, replacing the European Railway Agency.¹¹ The [mission](#) of the European Union Agency for Railways is to 'make the railways system work better for society'.

Regulation (EC) [1371/2007](#) of the European Parliament and of the Council on rail passengers' rights and obligations

Regulation (EC) 1371/2007 was adopted to ensure minimum protection for rail travellers throughout the European Union. The regulation should also help to increase the share of rail transport in relation to other modes of transport.¹² It is applicable to all *rail journeys* and *services* provided by 'licensed railway undertakings'.¹³ The regulation establishes general rules with regard to:

- *Information provided by railway undertakings to passengers, the conclusion of transport contracts and the issuing of tickets.* For example, passengers have the right to information about practical and organisational aspects of the journeys for which a transport is offered, such as any activities likely to disrupt or delay services; time schedules and conditions for the fastest trip; or availability of on-board services (Article 8);

⁴ COM(2001) 370 final, p. 17.

⁵ Passengers are entitled to this minimum protection, for example, with regard to transport contracts, the information to be provided, railway undertakings' liability, delays, missed connections and cancellations. See also, European Commission communication on European vision for passengers: communication on passenger rights in all transport modes ([COM \(2011\) 898 final](#)).

⁶ This directive is applicable until 30 June 2018. It is replaced by the new [Package Travel Directive](#) (EU) 2015/2302.

⁷ COM(2011) 144 final.

⁸ *ibid.*, p. 23.

⁹ The Fourth Railway Package includes two pillars: first, the technical pillar consisting of proposals amending Directive 2008/57/EC on [interoperability](#); Directive 2004/49/EC on [railway safety](#) and the proposed [regulation on the European Union Agency for Railways](#); and second, the market pillar consisting of proposals amending Directive 2012/34/EU on [governance and market opening](#), Regulation EC/1370/2007 on [awarding public service contracts](#), and a proposal to repeal Regulation 1192/69 on [normalisation of accounts of railway undertakings](#).

¹⁰ See, for example, EPRS [Briefing](#), 'Fourth Railway Package still divides Member States' (2014).

¹¹ [Regulation EU/2016/796](#) on the European Union Agency for Railways.

¹² Recital 1, Regulation (EC) 1371/2001.

¹³ Originally, railway undertakings were licensed in accordance with [Council Directive 95/18](#) on the licensing of railway undertakings. This directive was replaced by [Directive 2012/34](#) of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area.

- *Railway undertakings' liability and their insurance obligations for passengers and their luggage*, for instance, the obligation of the railway undertaking to be adequately insured (Article 12);
- *Railway undertakings' obligations towards passengers in cases of delay and cancellation*, for instance, in the case of a delay in arrival at the final destination of more than 60 minutes, passengers should have a right to choose between a reimbursement of the full cost of the ticket, continuation to the final destination at the earliest opportunity, or continuation at a later date (Article 16);
- *Protection of, and assistance to, disabled passengers or passengers with limited mobility*. For example, railway undertakings have to adopt non-discriminatory access rules for the transport of disabled persons (Article 19);
- *Service quality standards and handling of complaints*. For example, an obligation to set up a complaint handling mechanism for the rights covered by the regulation (Article 27);
- *Rules on enforcement*, including an obligation on the part of the Member States to designate independent bodies responsible for the enforcement of the regulation (Article 30).¹⁴

Annex I to the regulation contains an extract from the Uniform Rules concerning the contract for international carriage of passengers and luggage by rail, and Annex II includes minimum information to be provided by railway undertakings and/or by ticket vendors.

Although the provisions of the regulation demand the railway undertakings, Member States, and their [national enforcement bodies](#) carry out various obligations, at the same time, the regulation allows Member States to temporarily opt out from a vast majority of these obligations.¹⁵ According to Article 2 of the regulation, Member States may **grant exemptions from the application** of the provisions of the regulation. The exemptions can be granted to domestic rail passenger services, but also to urban, suburban and regional passenger rail services. Exemptions for domestic rail passenger services can be granted for a period no longer than five years and can be renewed twice, up to a maximum of 15 years.¹⁶ The exemptions have to be granted in a transparent and non-discriminatory manner. The exemptions for urban, suburban, and regional services are not limited by the regulation and can be granted for an unlimited period of time.¹⁷

Only the application of Article 9 (Availability of tickets, through tickets and reservations), Article 11 (Liability for passengers and luggage), Article 12 (Insurance), Article 19 (Right to transport), Article 20(1) (Accessibility), and Article 26 (Personal security of passengers) of the regulation cannot be limited by Member State exemptions.

2. EU-level reports, evaluations and studies

2.1 European Commission implementation reports

European Commission [Report](#) on the application of Regulation (EC) 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations (2013)

According to the European Commission report,¹⁸ railway undertakings implemented Regulation (EC) 1371/2007 'relatively effectively'.¹⁹ According to the report, 'no systematic non-compliance or major ambiguities with any provision of the regulation' were noted.²⁰ The report assessed compliance with Regulation (EC) 1371/2007 on the basis of ten core passenger rights.²¹ In this regard, the report noted that

¹⁴ See Article 1 Regulation (EC) 1371/2007.

¹⁵ For example, Member States can grant exemptions with regard to railway undertakings' liability for delays and missed connections, for reimbursement and re-routing, for compensation of the ticket price or for assistance to disabled persons or persons with reduced mobility at railway stations. See, Article 2 (3)-(6), Regulation (EC) 1371/2007.

¹⁶ After 3 December 2024, Member States cannot grant any exemptions to the application of the regulation.

¹⁷ Article 2 (5) Regulation (EC) 1371/2007.

¹⁸ COM (2013) 587 final.

¹⁹ *ibid.*, p. 2.

²⁰ *ibid.*

²¹ For the main EU passenger rights, see the European Commission communication on European vision for passengers: Communication on passenger rights in all transport modes (2011), mentioned further in point 2.2.

these rights are complied with in the majority of cases. In certain cases, such as the right to mobility or the right to compensation, the railway undertakings may go beyond the national legal provisions. In only two instances (the right to the fulfilment of the transport contract in case of disruption and the right to assistance), the report notes some deviations. In the case of the right to fulfilment of the transport contract in case of disruption, the option of re-routing is not always offered and the implementation of the right to assistance could be improved, notably through pro-active enforcement activities.²²

In general, the report concludes that the overall application and enforcement of the regulation is satisfactory.²³ Nonetheless, it points to some problematic issues with the regulation, notably clarification of some terms and definitions such as 'missed connection', 'ticket vendor', 'regional rail passenger services' or 'force majeure'. The report also acknowledges that some of the objectives of the regulation, such as an increased rail market share, have not yet been reached. In this regard, it describes Member States' ability to exempt the majority of their rail services from most of the provisions of the regulation as 'a major issue inherent in the regulation'. The report considers this Member State capacity to be a 'serious obstacle to the fulfilment of the regulation's objectives'.²⁴

2.2 Other reports and communications

European Commission [communication](#) on a European vision for passengers: Communication on passenger rights in all transport modes (2011)

The European Commission communication²⁵ explains that passenger rights are based on three cornerstones: non-discrimination; accurate, timely and accessible information; and immediate and proportionate assistance. It also enumerates and discusses in some depth ten core EU passenger rights applicable to all modes of transport:

- (1) the right to non-discrimination in access to transport,
- (2) the right to mobility,
- (3) the right to information,
- (4) the right to renounce travelling (reimbursement of the full cost of the ticket),
- (5) the right to the fulfilment of the transport contract in case of disruption,
- (6) the right to assistance,
- (7) the right to compensation,
- (8) the right to carrier liability towards passengers and their baggage,
- (9) the right to a quick and accessible system of complaint handling and
- (10) the right to full application and effective enforcement of EU law.

According to the report, these principles and rights have been introduced 'in all transport modes to make travelling in the EU an easier and more pleasant experience', and they are an 'integral part of the European vision of transport policy'.²⁶ According to the Commission, the main objective is to make them understandable, and to consolidate their implementation and enforcement.

European Commission [final evaluation report](#) of Regulation (EC) 1371/2007 (2012)

The evaluation²⁷ assessed the application of Regulation (EC) 1371/2007 while focusing on 17 selected Member States.²⁸ Data was gathered from various stakeholders and supplemented with desk research. In general, the evaluation has not identified a single major problem with the implementation of the regulation

²² *ibid.*, p. 6.

²³ *ibid.*, p. 9.

²⁴ *ibid.*, p. 10.

²⁵ COM (2011) 898 final.

²⁶ *ibid.*, p. 15.

²⁷ The evaluation was outsourced by the European Commission and carried out in 2012 by Steer Davies Gleave.

²⁸ Belgium, Czech Republic, Denmark, Germany, Spain, France, Italy, Lithuania, Hungary, the Netherlands, Austria, Poland, Portugal, Romania, Finland, Sweden, and United Kingdom.

or any evidence of systematic non-compliance with its provisions.²⁹ However, the evaluation found that there are other specific issues, due to which the objectives set by the regulation have only been partially achieved.

The evaluation identified several problematic issues linked with the implementation of the regulation, including:

- Very broad exemptions granted by the Member States. The evaluation estimates that 37 % of services have the maximum possible exemption from the regulation and 27 % have partial exemption;³⁰
- Various problems linked with the enforcement of the regulation, for example: inadequate sanctions; few independent inspections are undertaken; sanctions are not imposed if infringements are found, or national enforcement bodies lack independence;³¹
- Several issues included in the regulation allow more than one interpretation, for example: the terms of 'force majeure' or 'missed connections'.³²

The final report makes a number of recommendations in order to deal with the issues identified, for example:

- A recommendation to the European Commission to consider whether to continue permitting exemptions;³³
- A recommendation to the European Commission, the Member States, and national enforcement bodies, to improve awareness of passenger rights;³⁴
- A recommendation to the European Commission to improve complaint handling and enforcement of the regulation by encouraging Member States to comply with these obligations.³⁵
- A recommendation to the European Commission to review guidance provided to Member States on the content of the service quality reports.³⁶

European Commission [inception impact assessment](#) on revision of Regulation EC/1371/2007 on rail passengers' rights and obligations (2015)

The inception impact assessment³⁷ concentrates on the issues that can negatively affect rail passengers. These issues include:

- *Insufficient passenger protection under the regulation*, in two respects: (a) lack of legal certainty and a lack of transparency about rail passengers' rights, usually caused by broad exemptions granted by Member States; (b) incomplete implementation of the rights of persons with disabilities or reduced mobility;
- *Unequal treatment of railway undertakings* operating in different Member States mainly due to broad exemptions granted by the Member States;
- *Risk of discrimination against railway undertakings with regard to other means of transport*, for instance, railway undertakings obliged to pay financial compensation to passengers, when providers of other types of transport are not (e.g. road transport).³⁸

The inception impact assessment notes that these particular issues will be addressed by a new initiative. The document also identifies the main causes of the existing problems. Probably the most serious identified in the document is the extensive use of exemptions by the Member States, which has led to 'patchy application' of the regulation. The impact assessment reiterates the conclusions of the above-mentioned evaluation and

²⁹ Final report of the evaluation, p. 1.

³⁰ *ibid.*, p. 2.

³¹ *ibid.*, pp. 2 - 3.

³² *ibid.*, p. 4.

³³ *ibid.*, p. 136.

³⁴ *ibid.*, pp. 138 -139.

³⁵ *ibid.*, pp. 139 -142.

³⁶ *ibid.*, pp. 142 -145.

³⁷ The [Better Regulation Guidelines](#) (SWD (2015) 111 final) describe 'inception impact assessment' as a roadmap for initiatives subject to an impact assessment. It sets out a description of the problem in greater detail, issues related to subsidiarity, the policy objectives and options, as well as the likely impacts of each option.

³⁸ Inception impact assessment, pp. 3-4.

notes that approximately 64 % of all rail services are covered by an exemption.³⁹ Furthermore, the document points to several vague or unclear provisions in the regulation that limit its uniform enforcement. Other problematic issues raised include inconsistency among Member States when dealing with major transport disruption, the concept of 'force majeure', a lack of clarity on the relation between the regulation and its Annex I, and the fact that several provisions of the regulation are already outdated.⁴⁰

The inception impact assessment also states that the overall policy objective of the regulation's review is 'to strengthen and improve the rights of passengers when travelling by rail in the EU'. Thus, its aim is to improve the existing policy and to reinforce passenger rights while balancing it against the economic and technical constraints of the rail sector.⁴¹

European Commission [communication](#) on interpretative guidelines on Regulation (EC) 1371/2007 of the European Parliament and of the Council on rail passengers' rights and obligations (2015)

According to the communication,⁴² the interpretive guidelines on Regulation (EC) 1371/2007 it contains are intended to tackle the issues raised by national enforcement bodies and other stakeholders. The guidelines provide additional explanations to some of the regulation's provisions. However, the recommendations are not legally binding. The Commission rather provides explanatory statements with regard to several of the regulation's provisions, including the scope of the regulation, definitions,⁴³ issues related to transport contracts, liability, or persons with reduced mobility.

European Parliament [study](#) on codification of passenger rights: Cost of Non-Europe Report (2015)

The study⁴⁴ analyses 'the costs for citizens and businesses due to the absence of a consolidated framework for passenger rights and the feasibility of such a consolidation in a single legislative instrument'. It concentrates on four modes of transport including rail transport. The study analyses passenger rights in European legislation and identified at least 82 gaps and inconsistencies across the four modes of transport.⁴⁵ The study notes that all 10 core passenger rights were affected by these inconsistencies, with the right to information being the most affected. The study also points to problematic aspects of implementation. The effective enforcement of passenger rights is weakened by the lack of a consolidated legal framework. This affects the quality of service and, consequently, passenger rights. The study estimates the existing shortcomings to cost at least €335 million per year,⁴⁶ with the highest cost of more than €100 million annually falling in the areas of intermodality and transparency. The study concludes that 'the codification of passenger rights has the potential to benefit all the stakeholders involved'.⁴⁷ In this regard, the study notes that the codification of passenger rights could address 'the lack of transparency and the inequality of passenger rights across the transport modes, while taking into account the costs and benefits for passengers, carriers and the EU economy'.⁴⁸

European Commission [report](#) on exemptions granted by Member States under Regulation (EC) 1371/2007 on rail passengers' rights and obligations (2015)

This report⁴⁹ concentrates on the exemptions granted by Member States under Article 2 of Regulation (EC) 1371/2007, between 3 December 2009 and 2 December 2014. There were differences among Member States as to the extent to which they applied the regulation or granted exemptions. However, the report concludes that the extensive use of exemptions by the Member States, notably in domestic services,

³⁹ *ibid.*, p. 5.

⁴⁰ *ibid.*

⁴¹ *ibid.*, p. 7.

⁴² C(2015) 4089 final.

⁴³ For example, terms as 'carrier' or 'delay'.

⁴⁴ The study was requested by the Committee on Transport and Tourism of the European Parliament and produced by the European Added Value Unit of the European Parliamentary Research Service.

⁴⁵ *ibid.*, p. 238.

⁴⁶ *ibid.*, p. 4.

⁴⁷ *ibid.*, p. 244.

⁴⁸ *ibid.*, p. 240.

⁴⁹ COM(2015) 117 final.

has led to a 'patchwork of different rights for rail passengers in the EU'.⁵⁰ According to the Commission, this fact 'deprives rail passengers of legal certainty and of full enjoyment of their rights'.⁵¹

Scheme 1 – Exemptions from Regulation (EC) 1371/2007 granted by the Member States between December 2009 and December 2014⁵²

Exemptions	Member States
No exemptions (full application of Regulation (EC) 1371/2007)	Denmark, Italy, the Netherlands, Slovenia,
Exemptions of all services (domestic, urban, suburban and regional)	Bulgaria, France, Ireland, Latvia, Romania
Exemptions of domestic services	Belgium, Czech Republic, Lithuania
Exemptions of urban, suburban and regional services	Austria, Germany, Luxembourg, Finland, Sweden
Exemptions granted for certain articles of the regulation on certain services	Belgium, Spain
Exemptions granted for a number of articles on all national services	Croatia, Estonia, Greece, Hungary, Poland, Portugal, Spain, Slovakia, the United Kingdom
Full or partial exemptions granted regarding cross-border services with non-EU countries	Bulgaria, Croatia, Estonia, Finland, Greece, Hungary, Latvia, Lithuania, Poland, Romania

Source: European Commission report, COM(2015) 117 final

According to the report, between 2015 and 2020, Belgium, Bulgaria, Estonia and Poland intend to reduce the number of granted exemptions. The Czech Republic, Germany, France, Greece, Croatia, Latvia, Lithuania, Hungary, Austria, Romania, Slovakia, and Finland, intend to maintain the status quo, while Sweden intends to broaden the exemptions. The UK advised that it would prolong the existing exemptions and review them after 2014.

3. European Parliament position/MEP questions

3.1 European Parliament resolutions

European Parliament [resolution](#) of 9 September 2015 on the implementation of the 2011 white paper on transport: taking stock and the way forward towards sustainable mobility

Parliament underlined⁵³ 'the need to complete the established legislative framework for passenger rights with measures aimed at eliminating all possible loopholes in the legislation'. Parliament also reiterated its call for a Charter of Passenger Rights which 'would set out the fundamental passenger rights applicable to all modes of transport' (point 36). Furthermore, Parliament asked for measures that would facilitate the transport of elderly people, passengers with reduced mobility, and passengers with special needs, such as cyclists. It also called for 'an EU roadmap, aimed at establishing the framework for a European seamless multimodal passenger transport system' (point 39). With regard to rail transport, Parliament called for 'the development and implementation of integrated ticketing systems for national and international rail transport, and the elimination of extra charges applicable to rail passengers travelling cross-border' (point 65).

⁵⁰ *ibid.*, p. 4.

⁵¹ *ibid.*

⁵² The exemptions from the application of Regulation (EC) 1371/2007 included in this scheme can only provide a general overview. For a full list of exemptions, please see the Summary Table included in the European Commission report on p. 6.

⁵³ P8_TA(2015)0310.

In its [follow-up](#) document,⁵⁴ the European Commission noted that 'an impact assessment of options on how to better protect passengers in rail transport is prepared'. However, the Commission did not react to Parliament's call for a Charter of Passenger Rights. At the same time, the European Commission explained that 'multimodality is a key concept in its transport policy approach.' However, the Commission does not intend to define and introduce 'a formal EU roadmap aimed at establishing the framework for a European seamless multimodal passenger transport system'. Nevertheless, it is considering 'a new legislative proposal for passenger rights in a multi-modal context under a single contract of carriage'.

European Parliament [resolution](#) of 7 July 2015 on delivering multimodal integrated ticketing in Europe

In this resolution,⁵⁵ the European Parliament points out that 'European passenger rights are limited to the extent that they apply separately to each contract of carriage individually'. Hence, in the case of multimodal transport, they cannot be guaranteed. Because of that, Parliament urged the Commission to bring forward a proposal for a charter of passenger rights covering all forms of transport 'with clear and transparent protection of passenger rights in the multimodal context, taking account of the specific characteristics of each transport mode, and integrated multimodal ticketing' (point 15). The Commission is asked to submit a proposal by the end of 2017.

In its 2015 [follow-up](#) document, the European Commission did not specifically react to the point raised by Parliament, although it noted that, with regard to multimodal transport, it intended to launch a study 'to prepare an impact assessment in order to assess options of how to better protect passengers for multimodal journeys within the EU'.⁵⁶

European Parliament [resolution](#) of 23 October 2012 on passenger rights in all transport modes

In this resolution,⁵⁷ the European Parliament reacted to several issues linked to passenger rights, including information obligations, transparency, application and enforcement of the existing rules, liability, and passengers with disabilities. Within these areas, Parliament called on the Commission to carry out various actions. As an example, Parliament called on the European Commission to 'review and oversee the implementation of comprehensive regulations which avoid ambiguities and misunderstandings relating to passenger rights and the responsibilities of service providers' (point 7). Parliament also called on the Commission 'to draw up guidelines on the application and implementation of rights in all transport modes which will not have the effect of either standardising the laws or watering down passenger rights' (point 10). Parliament underlined the need to inform passengers about their rights and obligations and 'called for the list of rights common to all modes to be circulated widely' (point 15). With regard to transparency, Parliament asked for an extension of 'the obligation to report on the standard of service, which already applies to railway undertakings, so as to cover carriage by other modes, taking account of their respective specificities' (point 28). Furthermore, with regard to better enforcement of the passenger laws, Parliament urged the Commission to 'provide a clear set of rules for the establishment of national enforcement bodies, in order to facilitate a more transparent and easier access of passengers to those bodies' (point 42). The Commission was also called on 'to establish harmonised minimum rules across modes on the minimum level of care to be provided in case of long delays' (point 66).

The European Commission reacted to the resolution in its [follow-up](#) document in 2013.⁵⁸ It addressed several points raised by Parliament noting, for instance, that its website includes information on passenger rights in all Union languages, complemented by smartphone applications and other information channels. With regard to transparency, the Commission pointed out that the issues on price transparency are already covered by existing European legislation.⁵⁹ The Commission agreed that enforcement has to be more effective and explained that it was working with national enforcement bodies to share information and best

⁵⁴ SP(2015)748.

⁵⁵ P8_TA(2015)0246

⁵⁶ SP(2015)575.

⁵⁷ P7_TA(2012)0371.

⁵⁸ SP(2013)71.

⁵⁹ For example, Regulation [1008/2008](#) and Directives [2011/83](#) and [2005/29](#).

practices to address these problems. Furthermore, the Commission announced that it intends to work with industry stakeholders to develop standards applicable to persons with reduced mobility. The Commission also expressed its commitment to work with industry to press for the improvement of multimodal travel planning and information tools.

European Parliament [resolution](#) of 15 December 2011 on the roadmap to a single European transport area – Towards a competitive and resource efficient transport system

Parliament called⁶⁰ for a Charter of Passengers' Rights covering all forms of transport, and for the Commission to produce the charter by 2012. The charter should take individual transport mode characteristics into account and should include a chapter on passengers with reduced mobility and disabilities (point 18). Under the same point of the resolution, Parliament also called for uniform interpretation and consistent application, implementation and enforcement of passenger rights.

The Commission, in its [follow-up](#) document, pointed to its work in cooperation with national authorities and stakeholders on the guidelines for consistent application, implementation and enforcement of passenger rights. However, the Commission only mentioned air transportation, and no other means of transport, including rail transport. The Commission also noted that it already adopted a [communication](#) on passenger rights in all modes of transport which includes a chapter on the rights of passengers with disabilities.

In addition to the above-mentioned resolutions, Parliament also adopted several legislative resolutions which are not included in the text of this briefing.⁶¹

3.2 Written questions by Members of the European Parliament

[Written question by Lucy Anderson \(S&D, United Kingdom\), 8 October 2015](#)

The Member asked the European Commission whether it was aware of alleged cases of price discrimination on the grounds of language or otherwise related to nationality practised by rail ticketing websites. The Member pointed particularly to SNCF practices regarding the Paris-Barcelona route. Furthermore, the Member inquired whether the Commission intended to investigate this issue and take forward measures to grant fair access to rail booking system data to all appropriately licensed and regulated retail companies.

[Answer given by Violeta Bulc on behalf of the Commission, 9 November 2015](#)

The Transport Commissioner answered that the Commission was aware of the alleged cases of price discrimination in rail transport on the grounds of the language used by passengers to purchase their tickets. The Commission replied that the situation mentioned by the Member was caused by a technical problem which had been solved in the meantime. Nevertheless, the Commission asked the French and Spanish authorities to investigate the issue, in accordance with Regulation (EC) 1371/2007. Furthermore, the Commission promised to draw this issue to the attention of the competent national authorities of the other Member States.

[Written question by Siôn Simon \(S&D, United Kingdom\), 17 April 2015](#)

The Member inquired how the European Commission planned to enforce rules in Member States on rail travel disruption for passengers. Furthermore, Mr Simon asked for data on the number of rail passengers affected by travel disruption in 2014 in the EU, including those which had not received the help they should.

⁶⁰ P7_TA(2011)0584.

⁶¹ See, for example, European Parliament legislative [resolution](#) of 25 September 2007 on the joint text approved by the Conciliation Committee for a regulation of the European Parliament and of the Council on rail passengers' rights and obligations; European Parliament legislative [resolution](#) of 11 March 2014 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) 91/2003 of the European Parliament and of the Council of 16 December 2002 on rail transport statistics, as regards the collection of data on goods, passengers and accidents.

[Answer given by Violeta Bulc on behalf of the Commission, 19 June 2015](#)

The Transport Commissioner recalled that the designated authorities of the Member States are entrusted with the enforcement of Regulation (EC) 1371/2007. These enforcement activities are closely monitored by the Commission. The Commissioner noted that the 2013 report⁶² 'found that, overall, application [of Regulation (EC) 1371/2007] by Member States and the railway industry was satisfactory.' Furthermore, Ms Bulc stated that the regulation does not include the obligation for railway undertakings to report on the number of passengers affected by travel disruption, which is why the Commission does not possess this data. The Commissioner pointed out the obligation on these undertakings to define services, monitor their quality standards, and to report on their service quality performance. These reports are published on the [website](#) of the European Railway Agency database of interoperability and safety.

[Written question by Pavel Telička \(ALDE, Czech Republic\), 19 March 2015](#)

The Member asked the Commission how it intended to guarantee that Regulation (EC) 1371/2007 ensured respect of passenger rights with regard to numerous Member State exemptions. Furthermore, the Member asked how the Commission intended to safeguard the application and respect of passenger rights under integrated ticketing schemes. And lastly, Mr Telička inquired about the measures undertaken to ensure that the single market and a single European transport area become a reality in the EU.

[Answer given by Violeta Bulc on behalf of the Commission, 27 May 2015](#)

The Transport Commissioner noted that passengers were protected under 'passenger rights legislation according to the mode of transport'. With regard to exemptions, the Commissioner referred to the Commission's [report](#) on exemptions applied by the Member States and recalled that the removal of these exemptions is a matter for Member States. The Commissioner also informed the Member that the Commission was assessing the options at its disposal with regard to integrated ticketing. Ms Bulc also explained that the Commission closely monitored the application and enforcement of passenger rights legislation in all the Member States.

In addition to the above-mentioned questions, MEPs also asked various questions about rail passenger rights and obligations, including questions on the European passenger name record system and rail safety [E-012577-15](#), [E-012475-15](#) or [E-015008-15](#); questions on rail ticket pricing [E-013686-15](#), [E-007152-13](#), [E-001574-13](#); the issues linked with the rights of passengers [E-010116-15](#), [E-004161-14](#) or [E-003227-14](#); or the fourth railway package [E-006049/2016](#), [E-004222-16](#), [E-000617-16](#) or [E-000415-16](#).

4. European Economic and Social Committee

Although the European Economic and Social Committee (EESC), in its 2013 [opinion](#) on the fourth railway package, dealt primarily with the package itself, it also called on the European Commission to draw up 'an assessment of (...) the consequences of the railway packages in relation to meeting the needs of the public, the modal shift, regional planning, development of cross-border connections, factual measures of the quality of rail services, accessibility, improvement of passenger rights and so on' (point 1.1). The EESC furthermore called 'for the adoption of clear targets on improving accessibility for disabled people and on passenger involvement' (point 1.7). In its 2012 [own-initiative opinion](#) on the quality of rail services in the EU, the EESC called for improvement and reinforcement of passenger rights, including the right to compensation for delays, or rights to disabled access, by making it compulsory to restore accessibility rapidly (point 1.8). Furthermore, the Commission and the Member States were called to conduct a joint study into the areas of passenger rights to information and their security rights (1.9).

⁶² COM (2013) 587 final.

5. AskEP and citizens' petitions

Several petitions have been submitted to the European Parliament relating to passenger rights in rail transport, including petitions dealing with passenger rights in the case of delays and their right to compensation (petition 0360/2016, petition 0303/2016, petition 1241/2014, petition 0236/2010 or petition 1228/2008) and petitions dealing with gaps in the existing legislation (petition 0209/2014). Similarly, European citizens, on various occasions, addressed enquiries regarding passenger train transport rights to the European Parliament.

6. European Commission public consultation

Between 9 February and 5 May 2016, the European Commission carried out a stakeholder [consultation](#) on Regulation (EC) 1371/2007 on rail passengers' rights and obligations. At the time of finalising this briefing (November 2016), the European Commission had not yet published the results of this consultation.

7. Court of Justice of the European Union

On several occasions, the Court of Justice of the European Union has reacted to preliminary questions from national judiciaries and provided them with an authoritative interpretation of various principles included in Regulation (EC) 1371/2007. For example, in case [C-136/11](#), the Court clarified passenger rights to information which, according to the Court, 'must be interpreted as meaning that the information on main connecting services must, in addition to scheduled departure times, also include delays to or cancellations of those connecting services, whichever railway undertaking operates them'.⁶³ Furthermore, in case [C-509/11](#), the Court explained that 'a railway undertaking is not entitled to include in its general terms and conditions of carriage a clause under which it is exempt from its obligation to pay compensation in the event of a delay where the delay is attributable to force majeure (...)'.⁶⁴ In case [C-261/15](#), the Court clarified that Regulation (EC) 1371/2007 does not interfere with application of national provisions with regard to some aspects of contractual relationship between a person and a railway undertaking, namely travelling without a valid ticket.⁶⁵

8. Stakeholders

Several stakeholders have been active in the field of rail passenger rights. In their 2012 [report](#) on Implementation of the Regulation on Rail Passengers' Rights (EC) 1371/2007, the **European Passengers' Federation** (EPF) together with the **Community of European Railway and Infrastructure Companies** (CER) and the **International Rail Transport Committee** (CIT), note that European railways have been working to ensure smooth implementation of the regulation and strengthening their cooperation with passengers' representatives and national enforcement bodies. The report calls for an intermodal approach, while involving all stakeholders in the discussions. In this regard, the report notes that passenger rights are not comparable across different modes of transport, which is confusing for passengers. The report includes examples of best practice to enhance the level of service to passengers, such as German Deutsche Bahn, Spanish RENFE, or Belgian SNCB. Furthermore, it notes that the issue of enforcement should be tackled at EU level to 'ensure a uniform interpretation and application of the regulation'.⁶⁶

The **European Disability Forum**, the European umbrella organisation representing people with disabilities, launched the [Freedom of Movement campaign](#) in 2011. Created to promote the removal of all barriers for

⁶³ Case [C-136/11](#) Westbahn Management, para. 43.

⁶⁴ Case [C-509/11](#) ÖBB-Personenverkehr, para. 52.

⁶⁵ See, Case [C-261/15](#) Demey, para. 35.

⁶⁶ [Report](#), p. 38.

people with disabilities, including in the train transport, the campaign envisages the adoption of the European accessibility act.⁶⁷

9. Conclusions

Regulation (EC) 1371/2007 provides passengers with minimum protection when travelling by trains. The rights applicable to train passengers included in the regulation reflect the 10 core passenger rights applicable to all modes of transport. The regulation obliges Member States, their respective authorities and railway undertakings to implement these provisions in their practice, not only to safeguard passengers' rights, but also to increase the share of train transport compared to other modes of transport. In this context, Regulation (EC) 1371/2007 is an important harmonisation tool which should ensure that all passengers travelling by train in the EU have the same rights.

However, the regulation provides Member States with a very wide discretion towards the application of its provisions. Member States can grant broad exemptions from the application of the regulation. Although these exemptions are granted temporarily, not exceeding a maximum period of 15 years, they have a considerable impact on uniform application of the regulation. Currently, only four Member States apply the regulation without any exemption, while the remaining 24 Member States have granted numerous exemptions for their domestic, urban, suburban or regional train services. The extensive application of these exemptions, despite being permitted legally, impairs the uniform application and enforcement of Regulation (EC) 1371/2007. Train passengers thus have different rights in different Member States.

The European Parliament has called for stronger passenger rights and for their implementation in a manner that would remove all ambiguities and misunderstandings. Parliament has also called several times for the adoption of a Charter of Passengers' Rights covering all forms of transport. Similarly, the European Economic and Social Committee has noted the need to strengthen passenger rights. Finally, the European Commission itself has expressed a willingness to strengthen and improve rail passenger rights when travelling in the EU.

10. Other sources of reference

- EPRS In-depth Analysis, [The fourth railway package: Another step towards a Single European Railway Area](#) (2016)
- EPRS Briefing, [Strengthening air passenger rights in the EU](#) (2015)
- EPRS Briefing, [Fourth railway package still divides Member States](#) (2014)
- EPRS At a glance, [The European Union Agency for Railways](#) (2016)
- EPRS At a glance, [Rail security in the EU](#) (2015)
- EPRS At a glance, [The European Railway Agency](#) (2015)
- Fact Sheet on [the Passenger rights](#) (2016)
- Fact Sheet on [Common Transport Policy: overview](#) (2016)
- House of Commons [Briefing](#), Transport: passenger rights, compensation and complaints (2015)

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www.europarl.europa.eu/thinktank (Internet) – www.eptthinktank.eu (blog) – www.eprs.sso.ep.parl.union.eu (Intranet)

⁶⁷ An act is [currently](#) in legislative proceedings.