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*Committee on the Internal Market and Consumer Protection*

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**2012/2067(INI)**

17.7.2012

# **OPINION**

of the Committee on the Internal Market and Consumer Protection

for the Committee on Transport and Tourism

Passenger rights in all transport modes  
(2012/2067(INI))

Rapporteur: Sirpa Pietikäinen

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## SUGGESTIONS

The Committee on the Internal Market and Consumer Protection calls on the Committee on Transport and Tourism, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

1. Emphasises that a high level of consumer protection is guaranteed in Article 169 of the Treaty on the Functioning of the European Union and Article 38 of the Charter of Fundamental Rights of the European Union;
2. Reiterates that passenger rights have to be addressed as consumer rights; calls on the Commission to ensure coherent enforcement of these rights;
3. Urges the Commission to carry out continuous extensive consultation with all stakeholders in the tourism industry, especially consumers and operators, on the enforcement of rights and compensation, with a view to ensuring the adoption of a single simplified, uniform and comprehensive approach to the rights of tourists as consumers;
4. Stresses that consumers have the right to a high level of effective and equal protection regardless of their means of transport; calls for greater harmonisation of provisions and principles relating to passenger rights in different transport modes – such as the right to cancel travel when a trip is disrupted, the right to choose between reimbursement or re-routing and the right to assistance and care in the event of long delays – in order to reduce fragmentation and reconcile inconsistencies across the different areas of passenger rights; stresses that such harmonisation should in no way lead to a reduction in existing passenger rights, but rather eliminate inconsistencies and align those rights for all transport modes, based on the highest standards; considers in particular that the definitions of delays and cancellation should not create any distortion between the rights applicable in different transport modes;
5. Suggests that further research be carried out to examine the advisability and feasibility of establishing a single regulation encompassing all the provisions and principles relating to passenger rights, including for passengers with disabilities or reduced mobility;
6. Recognises that, with the entry into force of the Waterborne<sup>1</sup> and Bus<sup>2</sup> Regulations in December 2012 and March 2013 respectively, the EU will establish the first integrated area of passenger rights for all modes of transport in the world; notes that the relevant EU legislation will now need to be implemented fully in a concerted and coordinated manner by all Member States in order to transform EU passenger transport policy from being strategically purely modal to being intermodal;
7. Stresses that, once all the regulations concerning passenger rights and transport have entered into force, the Commission, together with the Member States, must carry out an immediate assessment of their implementation in practice;

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<sup>1</sup> OJ L 334, 17.12.2010, p. 1.

<sup>2</sup> OJ L 55, 28.2.2011, p. 1.

8. Notes that existing commercial practices (such as fees for check-in, priority boarding, card payment and luggage) can lead to substantive differences between the advertised and the final price, and stresses, therefore, the need for transparency regarding the total ticket price and what is included, so that passengers can make fully informed choices before purchasing a ticket;
9. Stresses the need to ensure effective implementation and enforcement of the legislation on price transparency in line with the provisions of the Consumer Rights Directive<sup>1</sup>; calls for the definition of core passenger transport services which must be consistently included in the basic fare regardless of transport mode;
10. Urges the Commission to extend its monitoring activity to the websites of companies and transport service providers so as to increase transparency for passengers, particularly regarding online ticket purchases, and to seek to prevent such websites from misleading consumers, for instance by banning the use of pre-ticked boxes or supplementary charges about which proper information is not given in advance; calls on the Commission to draw up guidelines including examples and evaluations of commercial practices, such as contractual terms relating to the transferability of tickets, *force majeure*, the prohibition on using tickets separately and mishandled, delayed or damaged luggage, thus informing both consumers and businesses about unfair contractual terms in the transport field;
11. Believes that the hard core of services to be included in the basic fare should at least cover all operational costs indispensable to transport passengers (including those linked to the carrier's legal obligations, such as safety, security and passenger rights), all aspects essential for travel from the passenger's perspective (such as the provision of tickets and boarding cards and the carrying of a minimum amount of luggage and personal belongings) and all costs related to payment (such as credit card costs);
12. Notes that there is a problem with the existing Regulation (EC) 261/2004<sup>2</sup> where non-EEA air carriers refuse to pay compensation to passengers flying from third countries to the Union, when operating air carrier services on behalf of EEA air carriers; calls on the Commission to remedy this situation by applying the important principle that the EU operator with whom the passenger has a contract must ensure that EU passenger rights are respected, even when the EU operator is not responsible for transporting the passengers itself;
13. Calls for full implementation, in all forms of transport, in all Member States and in all types of cross-border travel, of the 10 rights of passengers as laid down by the Commission in its communication; suggests that the Commission, when implementing its public awareness campaign on EU passenger rights, seriously consider adopting the Citizens' Rights Charter as proposed in a recent opinion submitted by Parliament's Committee on the Internal Market and Consumer Protection on 'the EU Citizenship Report 2010: dismantling the obstacles to EU citizens' rights'; believes that the inclusion of EU passenger rights in this proposed handbook for EU citizens will be essential in ensuring that they are fully informed as to what is or is not available to them under EU legislation when encountering problems during their travels;

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<sup>1</sup> OJ L 304, 22.11.2011, p. 64.

<sup>2</sup> OJ L 46, 17.2.2004, p. 1.

14. Stresses the need to ensure consistency among the different aspects of legislation on passenger rights and to ensure that passengers buying seat-only tickets are equally effectively protected in the event that a company becomes insolvent or loses its operating licence, as is already the case for package travellers, in order to prevent any discrimination against passengers based on the type of ticket purchased or unfair competition between different service providers;
15. Insists that passengers should be better protected when using different successive transport modes during a single journey and have a single integrated ticket, and that in such circumstances they should benefit from the most extensive rights applicable in any one of those transport modes;
16. Stresses the need to ensure that passengers receive timely, accurate and comprehensive information on their rights before purchasing travel services, and that such information, especially on rights and procedures for receiving help in the event of long delays/cancellation and requesting compensation, is made available throughout the various stages of travel and is always available on the travel service's website; believes that efforts to publicise passenger rights could be extended and combined by means of cooperation between national authorities, consumer organisations, national enforcement bodies, transport companies, etc.; calls for action to strengthen the role of consumer centres in resolving consumer problems and disputes and increase the resources allocated to them, and to ensure that effective mechanisms for alternative dispute resolution and collective redress are available with a view to protecting passenger rights effectively and guaranteeing proper compensation; invites the Commission to set fixed deadlines for responding to passenger's complaints which are identical for all transport modes; calls on the Commission to set up a single, easy-to-understand helpline website, available in all official EU languages, to provide information on passenger rights ([www.travel.eu](http://www.travel.eu));
17. Takes the view that the shift in approach from modal to intermodal EU passenger rights will prove successful only if accessible complaint handling procedures, alternative dispute resolution mechanisms and consumer complaint centres are equipped with the necessary human and economic resources and fully interlinked, thus enabling passengers to obtain quick, cheap and expedient redress on matters relating to quality of service and the conditions they experience when travelling;
18. Draws special attention to the rights of consumers booking package travel, either via a travel agent or by themselves online;
19. Calls for the development of EU-wide tools to ensure optimised multimodality in efficient, high-quality and interoperable cross-border public transport services, in order to vouchsafe both the free movement of people and the competitiveness of such services vis-à-vis the use of private vehicles; considers that cross-border passengers should be given the possibility of buying a single ticket when travelling across more than two countries;
20. Calls for a holistic approach to people with limited mobility, especially elderly people; believes that the whole transport chain from home and back has to be taken into consideration, including access to public transport; wishes to address the need for a coherent focal point system in order to help people with limited mobility;

21. Expects the Commission, in its revision of the Package Travel Directive<sup>1</sup>, to examine fully the impact of e-commerce and digital markets on consumer behaviour within the European tourism industry; takes the view that the Commission must step up its efforts to improve the quality and content of information provided to tourists and that such information should be reliable and easily accessible to consumers;
22. Points out that it is often not possible to improvise solutions on the spot and that it must be ensured that carriers have the necessary competent staff and tools at terminals in order to allow passengers to make choices quickly;
23. Stresses that, at each terminal or airport from which a carrier operates, it should post at least one representative, and/or provide a complaint desk, authorised to take immediate decisions in the event of disruption;
24. Calls on the Commission to propose measures aimed at setting up harmonised and accessible complaint handling procedures and means of redress which will ensure effective protection of passenger rights and make sure passengers receive the compensation to which they are entitled in a timely and efficient manner;
25. Is concerned about the difficulties passengers face, in particular when travelling across borders, in obtaining enforcement of their rights vis-à-vis companies which fail to respect those rights; considers, in this connection, that independent national enforcement bodies should have the task of mediating between passengers and companies so that passengers can obtain enforcement of their rights without having to bear court costs; stresses that cooperation between these national enforcement bodies would be much needed in order to address the difficulties encountered by cross-border passengers seeking to obtain enforcement of their rights;
26. Stresses that the enforcement of existing passenger rights should be a key priority; invites the Commission to consider introducing complementary measures to improve the application and enforcement of the legislation on passenger rights, for instance by publishing and updating documents providing information on passenger rights on its website and fostering the dissemination of best practices and collaboration between Member States, national enforcement bodies, consumer organisations and transport companies; calls on the Member States to deploy adequate resources to ensure effective enforcement and collaboration with national enforcement bodies in other Member States; underlines the importance of uniform, effective, dissuasive and proportionate sanctions and compensation schemes in order to create a level playing field and introduce powerful economic incentives for all actors involved to comply with the provisions on passenger rights;
27. Calls on the Commission to clarify the definition of ‘extraordinary circumstances’ and draw up guidelines on what is covered, and to include this definition in future amendments of the legislation on passenger rights so as to prevent incorrect interpretations of circumstances having led to cancellations or delays and to create legal certainty for the benefit of both consumers and companies;

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<sup>1</sup> OJ L 158, 23.6.1990, p. 59.

28. Stresses that passengers with reduced mobility or disabilities must be given equal travel opportunities and unrestricted, barrier-free access to transport infrastructure, vehicles, assistance services and all the information they need;
29. Emphasises the need to provide staff with suitable training in serving passengers with disabilities or reduced mobility and to harmonise booking procedures, procedures for requesting assistance and security control policies, including policies on the handling of mobility and medical equipment; stresses the need to provide better information on these issues, in accessible format, from the time of booking until the passenger has reached his or her destination; stresses that no additional fees connected with a person's disability, reduced mobility or medical equipment can be charged, or boarding denied, except on strictly safety grounds;
30. Calls on the Commission to formulate a general set of standards regarding the accessibility of transport infrastructure and services, including aspects such as the issuing of tickets, real-time travel information and online services, so as to ensure equal and unrestricted access for people with disabilities to products and services in the transport sector.

## RESULT OF FINAL VOTE IN COMMITTEE

<b>Date adopted</b>	10.7.2012
<b>Result of final vote</b>	+: 32 -: 0 0: 0
<b>Members present for the final vote</b>	Pablo Arias Echeverría, Adam Bielan, Cristian Silviu Buşoi, Sergio Gaetano Cofferati, Birgit Collin-Langen, Lara Comi, Anna Maria Corazza Bildt, António Fernando Correia de Campos, Cornelis de Jong, Vicente Miguel Garcés Ramón, Evelyne Gebhardt, Louis Grech, Philippe Juvin, Sandra Kalniete, Edvard Kožušník, Toine Manders, Hans-Peter Mayer, Sirpa Pietikäinen, Phil Prendergast, Mitro Repo, Robert Rochefort, Heide Rühle, Christel Schaldemose, Andreas Schwab, Catherine Stihler, Emilie Turunen, Barbara Weiler
<b>Substitute(s) present for the final vote</b>	Raffaele Baldassarre, Jürgen Creutzmann, María Irigoyen Pérez, Emma McClarkin, Anja Weisgerber