

Passengers' rights in the European Union

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Commission Communication on Passengers' rights

Communication from the Commission to the European Parliament and Council on strengthening passenger rights within the European Union, published 16 February 2005

- *Use the experience gained in the aviation sector as an example to strengthen passengers' rights in other transport modes*
- *Strong focus on rights for persons with reduced mobility (PRM)*
- *Same pattern of regulation in every transport mode: compensations for denial of access, cancellation or long delays; liabilities and damage claim procedures*

In line with White Paper on transport policy, published in 2001

White Paper on European Transport Policy 2010

Part III of the White Paper:

« *Placing users at the heart of European Transport Policy* »

Part B of this chapter:

Rights and obligations of users

- User rights
- User obligations
- A high-quality public service

Passengers' rights are a central issue in White Paper!

Goal of the Commission:

« Passengers must be able to invoke their rights, both vis-à-vis the transport company and vis-à-vis the public service. The Commission's aim over the next 10 years is to develop and define the rights of users, to which end it will work with consumer and user organisations. »

(Page 79 of the White Paper, September 2001)

What has been done so far?

- *EU directives on consumer protection that have been adopted in recent years usually exclude the transport sector from their scope*
- *Until now no horizontal legislation for all transport modes*
- *Focus of European policy until now mainly on air passengers' rights, that serve as an example for expansion of rights into other transport modes (rail, sea, road)*

Air passengers' rights

Aviation is only transport mode with extensive EU legislation:

- *Reg 2027/97 on air carrier liability in case of accidents and loss of baggage, mail and freight; possibility for damage claims*
 - *(amended by Reg 889/2002 + insurance rules laid down in Reg 785/2004 after 9/11)*
- *Reg 261/2004, the basis for EU air passengers' rights*
- *Reg 2111/2005 on black list of air carriers*
- *Reg concerning the rights of persons with reduced mobility when travelling by air (COM(2005)47)*

Reg 261/2004 on air passengers' rights

Financial compensation in case of denied boarding, cancellation of flights:

- 250 € (*flights up to 1.500 km*)
- 400 € (*EU flights more than 1.500 km, all other flights between 1.500 and 3.500 km*)
- 600 € (*all other flights*)

Accommodation & assistance in case of delays, refund of ticket if delay longer than 5 hours

Other rights:

- *Refund of ticket possible in some cases*
- *Rescheduling to other flight if cancelled / boarding denied*
- *Free meals, accomodation & transport, communication, medical care for stranded passengers*

Problems with Reg 261/2004

- *Strong opposition of aviation industry (court case of IATA, low fare airline association ELFAA, Hapag-Lloyd express)*
- *Some problems with implementation and enforcement by some National Enforcement Bodies in Member States (infringement procedures against Austria, Belgium, Italy, Luxembourg, Malta, Sweden)*
- *European Court of Justice confirms validity of Regulation 261/2004 in January 2006*

Reg 2111/2005 on black list of air carriers

- *European list of air carriers with an operating ban in the EU because they do not respect certain safety and security criteria (decided via comitology)*
- *Entry into force probably March 2006*
- *List will be made public, passengers will have access to it (e.g. via internet)*
- *Passengers will be informed about identity and operating ban status of air carrier they are travelling with (e.g. even if travel contractant is not an air carrier, but a travel agent), from July 2006*
- *Right to refund of ticket if carrier is added to black list and ticket reservation is cancelled, from July 2006*

Rights for air passengers with reduced mobility

Commission proposal COM(2005)47

- *Air carriers, air carrier agents, travel agents cannot refuse reservations of boarding of persons with reduced mobility (PRM)*
- *If PRM is refused, other flight or refund should be proposed*
- *PRM gets on-board assistance by adequately trained staff*
- *Airports provide lifts, wheelchairs, and other necessary infrastructure*
- *Already amended by Council and Parliament, publication in Official Journal pending*

Further developments

« The next step is to extend the Community's passenger protection measures to the other modes of transport, notably rail and maritime navigation and, as far as possible, urban transport services. »

(Page 79 of the White Paper, September 2001)

Rail passengers' rights

Third Railway Package, published March 2004

4 proposals on further development of the European railway market

- *One proposal for a Regulation on international rail passengers' rights and obligations (COM(2004)143)*

Comprehensive text on passengers' rights and obligations, and insurance and liability rules, based on premises included in Part III of White Paper

Rail passengers' rights

Commission proposal (COM(2004)143):

- *Rules on train ticket distribution and dissemination of information to passengers*
- *Liability of railway companies in case of death, injury, loss of baggage or freight, or damages because of delays*
- *Compensation of passengers in case of delays (financial, accomodation for stranded passengers)*
- *Rights for persons with reduced mobility (no refusal to sell tickets to PRM's, assistance in railway stations, on board support)*

Rail passengers' rights

State of play: Parliament will now debate about Council position in second reading

Some hot issues:

- *Parliament wants scope of Reg to be expanded to national rail traffic, not only international traffic*
Council wants only international traffic to be covered by Reg
- *Parliament presses for simple rules in case of delays (25% refund on ticket if delay is longer than 1 hour, 50% if longer than 2 hours, 75% if longer than 3 hours),*
Council wants no 75% in case of 3 hour delay

Next debate in Parliament expected before summer.

Road passengers' rights

Public consultation on road passengers' rights for international bus and coach services has just been concluded:

- *Same principle as in air transport: (e.g. compensations in case of denied boarding, delays, cancellations, rules for liabilities)*
- *Strong focus on rights for persons with reduced mobility, acknowledgement of the fact that persons with lower incomes that are most vulnerable in society use bus or coach most frequently*
- *In line with philosophy of Commission Communication 'Strengthening passenger rights within the European Union'*

Road passengers' rights

Legislative initiative expected from Commission in the fourth quarter of 2006 (Working Programme of Commission),

Stakeholders' meeting on 29 March in Brussels, but positions already published

Some key discussion points:

- *Scope of a regulation: inclusion of national / regional / extra-EU bus and coach traffic?*
- *Scope of a regulation: inclusion of buses and coaches for public transport?*

Sea passengers' rights

Public consultation on sea passengers' rights:

- *Same principle as in air transport: (e.g. compensations in case of denied boarding, delays, cancellations, rules for liabilities)*
- *Strong focus on rights for persons with reduced mobility*
- *In line with philosophy of Commission Communication 'Strengthening passenger rights within the European Union'*

Possible legislative initiative by Commission after consultation

Sea passengers' rights

Erika III Package, November 2005

7 proposals to enhance safety and security at sea, one proposal on the liability of carriers of passengers by sea or inland waterway in the event of accidents:

- *Compulsory insurance against liabilities*
- *Damage claim possibilities for passengers in case of death, injury, loss or damage of baggage*
- *Compensations in case of death or injury (e.g. immediate payment of 21.000 € in case of death)*
- *Brings EU law in line with Athens Convention (International Maritime Organisation, 1974, amended by protocol in 2002)*

Current debate on passengers' rights: some questions

- *Is there a need for horizontal legislation covering all transport modes?*
- *Should passengers' rights also be applied to regional and traffic between EU and third countries?*
- *What can be done for passengers of public transport companies?*

Role of European Parliament

- *Codecision: Parliament and Council have to agree on Transport issues, so Parliament has important role*
- *Sometimes different opinion:*

Parliament wants to expand rail passengers' rights to national traffic, Parliament wants more compensations for travellers than Council, more assistance to stranded and disabled passengers, ...

Parliament is a strong advocate of passengers' rights!



Thank you for your attention!

