

Stakeholder consultation on Regulation (EC) 1371/2007 on rail passengers' rights and obligations (Version for organisations)

Agreement on personal data

(Mandatory) Please indicate your preference as regards publication of your contribution:

- My contribution may be published mentioning the name of my organisation, but not my personal details (name, email address, etc.)
- My contribution may only be published anonymously
- I do not wish my contribution to be published at all

(Mandatory) May the Commission contact you, in case further details on the submitted information in this questionnaire are required?

- Yes
- No

PART I. IDENTIFICATION OF THE RESPONDENTS

(Mandatory) Please provide your first name

Rian

(Mandatory) Please provide your last name

van der Borgt

(Mandatory) Please provide your email address

rian.vanderborgt@epf.eu

(Mandatory) Which of the following categories best describes your activity or that of your members?

- Organisation representing passengers/consumers
- Organisation representing persons with disabilities or persons with reduced mobility
- Railway undertaking
- Station staff (station manager, other)
- Infrastructure manager
- Public authority (Member State representative, Ministry, Agency, National Enforcement body, other)
- Consultancy
- Workers' organisation
- Ticket vendor
- Tour operator
- Industry federation
- Research / Academia
- Organisation representing environmental / climate stakeholders
- Other

(Optional) If other, please specify

(Mandatory) Please identify clearly which organisation / association / authority you represent?

(Mandatory) Is your organisation registered in the Transparency Register of the European Commission?

- Yes
- No

(Mandatory) If yes, please enter the identification number (numbers only)

(Mandatory) Please specify your main country(ies) of operations (max. 3)

between 1 and 3 choices

- | | | |
|---|---|---|
| <input checked="" type="checkbox"/> EU-wide | <input type="checkbox"/> Global | <input type="checkbox"/> Austria |
| <input type="checkbox"/> Belgium | <input type="checkbox"/> Bulgaria | <input type="checkbox"/> Croatia |
| <input type="checkbox"/> Cyprus | <input type="checkbox"/> Czech Republic | <input type="checkbox"/> Denmark |
| <input type="checkbox"/> Estonia | <input type="checkbox"/> Finland | <input type="checkbox"/> France |
| <input type="checkbox"/> Germany | <input type="checkbox"/> Greece | <input type="checkbox"/> Hungary |
| <input type="checkbox"/> Ireland | <input type="checkbox"/> Italy | <input type="checkbox"/> Latvia |
| <input type="checkbox"/> Lithuania | <input type="checkbox"/> Luxembourg | <input type="checkbox"/> Malta |
| <input type="checkbox"/> Netherlands | <input type="checkbox"/> Poland | <input type="checkbox"/> Portugal |
| <input type="checkbox"/> Romania | <input type="checkbox"/> Slovenia | <input type="checkbox"/> Spain |
| <input type="checkbox"/> Sweden | <input type="checkbox"/> Slovakia | <input type="checkbox"/> United Kingdom |
| <input type="checkbox"/> | | |

Other (please specify)

(Optional) Please specify Other

PART II. QUESTIONS ON THE GENERAL RELEVANCE AND EFFECTIVENESS OF THE REGULATION AND WAY FORWARD

The Regulation aims to improve the attractiveness of rail passenger transport and its market functioning. This is meant to be achieved by ensuring a minimum level of protection for rail passengers across the EU, enhancing social inclusion for persons with disabilities or with reduced mobility (PRM) as well as by promoting a wider level playing field for rail operators in the EU with regard to passenger protection.

The Regulation establishes rules with regard to:

- the information to be provided by railway undertakings, the conclusion of transport contracts and the issuing of tickets;
- the liability of railway undertakings towards passengers, their luggage and their insurance obligations;
- railway undertakings' obligations with regard to assistance and financial compensation to passengers in the event of long delay(s) or missed connection(s).
- the prohibition of discrimination of, and the provision of assistance to, persons with disabilities or with reduced mobility, to allow them to use rail transport on an equal footing with other passengers;
- the definition and monitoring of service quality standards, and the handling of complaints;
- in cooperation with public authorities, the management of risks to ensure the personal security of passengers;
- and general rules on enforcement.

The 2013 [Commission Report](#) identified the following areas for improvement:

1. Extensive use of [exemptions](#) that Member States have granted to certain domestic services
2. Enforcement by Member States
3. Transport disruptions and mobility continuity
4. Delays caused by unforeseen and unavoidable events "Force Majeure"
5. Assistance to persons with disabilities or with reduced mobility
6. Definitions and some other issues.

(Optional) 1. Are you familiar with the provisions of the Regulation?

- Yes, very well
- Yes, well
- No, not well
- No, not at all
- No opinion

2. To what extent do you agree with the following statements?

*(**) Assistance in case of disruption: In the case of a delay in arrival or departure, passengers (including disabled persons and persons with reduced mobility and any accompanying persons) shall be kept informed of the situation and of the estimated departure and arrival time. In the case of delays of more than 60 minutes, passengers shall also be offered, free of charge, meals and refreshments or hotel and other accommodations, alternative transport services whenever necessary [see Article 18].*

	Strongly disagree	Somewhat disagree	Neutral	Somewhat agree	Fully agree	No opinion/not sure
(Mandatory) Passengers are well-informed about their passenger rights	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
(Mandatory) Passengers receive correct, complete and transparent information about the full ticket price	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
(Mandatory) Passengers are well-informed about the details of the journey (schedule, on-board facilities including for disabled passengers, etc.)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
(Mandatory) Passengers are well informed in the event of disruptions (such as long delays, cancellations)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
(Mandatory) Passengers receive assistance(**) in	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

the event of disruptions						
<p>(Mandatory) Passengers with a travel pass or season ticket are adequately compensated when they encounter recurrent delays or cancellations during the pass's /ticket's validity period</p>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<p>(Mandatory) Passengers are well informed about where they can complain if their rights are not respected also in case of cross-border journeys</p>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

(Optional) 3. Overall, do you think that the Regulation has improved the protection of rail passengers?

- Yes, substantially
- Yes, to a limited extent
- No
- No opinion

(Optional) Comments

1500 character(s) maximum

- Compensation for delay is now available more generally.
- Some RUs provide better information, both before and during the journey
- Customer services generally try to keep the deadline mentioned in the Regulation.
- Information and assistance in case of delay and missed connections still leave to be desired; passengers are largely unaware of their rights in this respect so RUs can often get away with non-compliance.
- Missing tools to minimise overall passengers' delay (affected passengers x total journey delay)
- Delays are often just measured per train or per ticket (piece of paper), not for the total journey. The fact that article 17 of the Regulation refers to

the destination on the ticket rather than the destination of the contract of carriage or the journey does not help in this respect.

(Optional) 4. What do you think are the main benefits of the Regulation? Please explain.

1500 character(s) maximum

Passengers' rights have been standardised, despite the many exemptions that still exist.

5. How do you assess the **impact** of the Regulation in the following areas?

	Very low	Low	No impact	High	Very high	No opinion
(Mandatory) Information provided by railway companies or their agents to passengers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
(Mandatory) Conclusion of transport contracts	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
(Mandatory) Ticketing (eg. availability, choice, sales channels)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
(Mandatory) Liability of railway undertakings in the event of accidents and their obligations towards passengers and their luggage	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
(Mandatory) Obligations of railway undertakings to passengers in the event of delays, cancellations or missed connections (information, assistance, compensation)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
(Mandatory) Travel opportunities for persons with disabilities or with reduced mobility (prohibition of discrimination, assistance)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

(Mandatory) Accessibility of railway stations and rolling stock for persons with disabilities or with reduced mobility	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
(Mandatory) Service quality and complaint handling	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
(Mandatory) Personal security of passengers in railway stations and on-board trains	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
(Mandatory) Mobility continuity in the event of major disruption	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
(Mandatory) Enforcement by national authorities (NEBs)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

(Optional) Comments

1500 character(s) maximum

The impact of the Regulation would be much bigger if

- The Regulation explicitly stipulated that all tickets for one journey constitute a through contract of carriage. This would have a positive impact on e.g. compensations for delay and transport continuity in case of missed connections and disruptions.
- Passengers were more aware of their rights.

(Optional) 6. In your opinion what are the main negative aspects of the Regulation, if any?

1500 character(s) maximum

The fact that the Rail Passenger's Rights Regulation exists, is not negative; it is a good thing.

However:

- There are too many exemptions, some of which can last forever.
- Enforcement varies a lot between member states and should be better coordinated.
- The current regulation is not really fit for travelling with smartcards, with check-in and check-out. It should be clarified that multiples actions of check-in or check-out during the journey, e.g. when changing trains, do not lead to separate contracts of carriage. Currently, some railway undertakings take the view that a change of operator automatically means a separate contract of carriage, which is highly undesirable for passengers.
- Making use of your rights should be easy and unbureaucratic. E.g., many tickets are bought online via a website or app on a mobile phone. It should then also be possible to claim compensation via that way.

Possible problem 1: Use of exemptions by Member States

Under Article 2 of the Regulation, Member States are allowed to grant exemptions from the full application of the Regulation. These exemptions can be applied to domestic services including long-distance national services (for a period of 5 years renewable twice, i.e. until 2024), to urban, suburban and regional services for an unlimited period of time, and to services or journeys where a significant part is carried out outside the Union for a period of 5 years which can be renewed without specifying how often this may be done (see also the [Report](#) from the Commission to the European Parliament and the Council on exemptions granted by Member States under Regulation (EC)1371/2007 on rail passengers' rights and obligations).

7a. How far do you agree/disagree with the following statements about the current exemptions for long distance national services [Article 2(4)]?

	Strongly disagree	Somewhat disagree	Neutral	Somewhat agree	Fully agree	No opinion/not sure
(Mandatory) They are necessary to safeguard certain services	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
(Mandatory) They facilitate the operation of rail services for new entrants	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
(Mandatory) They lead to legal uncertainty for railway undertakings	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
(Mandatory) They lead to legal uncertainty for passengers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
(Mandatory) They should stay the same (i.e. max. until 2024)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
(Mandatory) They should be removed before 2024	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Other						

	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
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(Optional) Please specify Other

(Optional) Comments

1500 character(s) maximum

7b. How far do you agree/disagree with the following statements about the current exemptions for services of which a significant part is operated outside the EU (Article 2 (6))?

	Strongly disagree	Somewhat disagree	Neutral	Somewhat agree	Fully agree	No opinion/not sure
(Mandatory) They are necessary to safeguard certain services	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
(Mandatory) They facilitate operation of rail services for new entrants	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
(Mandatory) They lead to legal uncertainty for railway undertakings	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
(Mandatory) They lead to legal uncertainty for passengers	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

(Mandatory) They should stay the same	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
(Mandatory) They should be removed for the part carried out on EU territory	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
(Mandatory) They should be limited in time	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
(Mandatory) They should be limited in scope (e.g. the number of mandatory articles should be increased)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Other	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

(Optional) Please specify Other

(Optional) Comments

1500 character(s) maximum

Passengers' rights must be clear and easy to understand and should therefore be consistent over all means of transport. No part should be exempted.

(Mandatory) 8. Should exemptions for urban, suburban and regional services be modified (Article 2 (5))?

- Yes, they should be removed
- Yes, they should be limited in time
- Yes, they should be limited in scope (e.g. the number of mandatory articles should be increased)
- Yes, they should be removed when cross-border services are concerned
- No, the current system should be maintained
- No opinion

(Optional) Comments

1500 character(s) maximum

Passengers' rights must be clear and easy to understand and should therefore be consistent over all means of transport. No part should be exempted.

(Optional) 9. What would be the main benefits in your view from phasing out and/or removing of exemptions? If possible, please include quantifiable examples.

1500 character(s) maximum

Clear and easy to understand passengers' rights can attract more passengers, which is good for public transport itself and for the environment.

(Optional) 10. What would be the main negative impacts or costs in your view from phasing out and/or removing of exemptions? If possible, please include quantifiable examples.

1500 character(s) maximum

There will probably be some costs but they should be offset to the increased income due to the higher quality of the transport. If done right, the costs should be lower than the additional income from extra passengers.

(Mandatory) Do you think that a phasing out and/or removal of exemptions will increase the economic burden on railway undertakings?

- Yes, significantly
- Yes, to a limited extent
- No
- No opinion

(Optional) If your reply is yes, please explain why you believe that the economic burden on railway undertakings would increase (significantly or to a limited extent)?

1500 character(s) maximum

Depending on the situation, there will initially be some extra costs, but over time they will be refinanced by the increased number of passengers.

Possible problem 2: Enforcement by Member States

Member States are in charge of ensuring the correct application of the Regulation. The current Regulation leaves the definition of the precise roles and enforcement tasks of national enforcement bodies (NEBs) to the Member States and does not impose any rules and deadlines for complaint handling or on the nature of sanctions for infringements. While the Regulation requires NEBs to cooperate, it does not define provisions regarding cooperation on cross-border issues.

In addition, the evaluation report highlighted that missing rules for complaint handling by actors other than railway undertakings (e.g. station managers) also impede passengers' access to redress.

11. Role and tasks of NEBs

	Strongly disagree	Somewhat disagree	Neutral	Somewhat agree	Fully agree	No opinion/not sure
(Mandatory) The role of the NEBs is clear	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
(Mandatory) The tasks of the NEBs should be harmonised in all Member States	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
(Mandatory) The tasks and enforcement powers of the NEBs should be clearly spelled out in the Regulation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
(Mandatory) The role of the NEBs needs to be strengthened through new						

obligations (such as reporting, deadlines for complaint handling)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
(Mandatory) The Regulation should harmonise and specify the nature of sanctions for infringements	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Other	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

(Optional) Please specify Other

(Optional) Comments

1500 character(s) maximum

Very few passengers file a complaint with the NEB because of unfamiliarity with the NEB, the bureaucracy, the time involved and the uncertainty that it will help, even in cases of clear infringements against the Regulation. A simple, well-known and accessible procedure can improve this.

(Mandatory) 12. Should actors other than railway undertakings (e.g. station managers) also have a role in dealing with complaint handling?

- Yes
- No
- No opinion

(Optional) If yes, which actors and which role?

1500 character(s) maximum

- Station managers: maybe, for cases where a passenger has a complaint about services in the station. Although it should also be able to file a complaint with the carrier that is on the contract of carriage.
- Ticket vendors: yes, especially independent ticket vendors, for complaints about the ticket sale. They should also be able to forward compensation requests to the correct carriers.
- Information platforms/journey planners, for complaints about information they provided to passengers.

Possible problem 3: Transport disruptions and mobility continuity

In the event of major transport disruptions (e.g. massive, unannounced strikes, natural catastrophes, terrorist attacks etc.), Member States and transport industry responses vary or are inconsistent.

(Mandatory) 13. Do you think that passengers in all EU countries are sufficiently protected and assisted in case of major disruptions?

- Yes, in my country
- Yes, in some EU countries
- Yes, in all EU countries
- No, nowhere
- No opinion

(Optional) Comments

1500 character(s) maximum

Actually, it's rather "in some cases" rather than "in some countries". Complaints suggest that there's still staff who apparently do not know enough about the passengers' rights and do not offer the assistance required, or even refuse assistance. Research may be needed to determine how, in case of major incidents, different aspects of the Regulation are handled in different countries and by different carriers; including for multi-carrier journeys. This research should also look at the contingency plans carriers have and what happens in practice.

(Mandatory) 14. Do you think that the economic burden for passenger assistance is appropriately shared between railway undertakings and other parties in case of major disruption?

- Yes
- No
- No opinion

(Optional) If the reply is no, should the Regulation contain obligations for other parties to share responsibilities with railway undertakings for the provision of assistance in the event of major rail transport disruption?

- Yes
- No
- No opinion

(Optional) If yes, which parties?

1500 character(s) maximum

The economic burden for passenger assistance is distributed over all passengers via the ticket price.

(Mandatory) 15. Should the requirement for contingency planning(**) for rail transport operators in case of major rail transport disruption be part of the framework of rail passenger rights?

*(**) Contingency planning means to have measures in place to preserve passengers' mobility in the event of a major transport disruption and to provide information and assistance to passengers (see also the Commission Staff Working Paper on the [Continuity of passenger mobility following disruption of the transport system](#)).*

- Yes, there should be obligations for contingency planning
- Yes, the Commission should develop guidelines on contingency planning
- Yes, the operators and other actors involved should agree on and coordinate contingency planning

- No, a requirement for contingency planning should not be part of the framework
- No opinion

(Optional) Comments

1500 character(s) maximum

Contingency plans are in the interest of the passenger.

(Optional) 16. In your opinion, what would be the main benefits of contingency planning? If possible, please provide quantifiable examples.

1500 character(s) maximum

Contingency plans help to keep the impact of a disruption as small as possible and minimise the time needed to have alternative transport options ready. They raise passenger satisfaction in case of disruptions. From UK research we know that a major dissatisfier is the lack of information and assistance when things go wrong.

(Optional) 17. In your opinion, what would be the main negative impacts of contingency planning? If possible, please provide quantifiable examples.

1500 character(s) maximum

There is no negative impact.

Possible problem 4: Delays caused by unforeseen & unavoidable events ("Force Majeure")

According to the European Court of Justice ruling in [case C-509/11](#), railway undertakings cannot be exempted from having to pay compensation for delays caused by unforeseen and unavoidable events which they could not have prevented even if all reasonable measures had been taken ('Force Majeure'). This puts railway undertakings in a different situation from all other modes of transport (notably air, bus & coach and waterborne transport), where passenger rights legislation includes a clause according to which carriers do not have to compensate passengers in such situations.

(Mandatory) 18. Do you think that railway undertakings should have to pay compensation to passengers even in cases where delays were caused by events beyond the control of railway undertakings and which they were not able to prevent?

- Yes, in the event of long delays (>60 minutes) railway undertakings should always have to pay compensation to passengers irrespective of the cause of the delay.
-

Yes. If the cause of the delay was beyond the control of the railway undertaking and could not be prevented, railway undertakings should **only** pay compensation in the event of **very long** delays (e.g. >180 minutes).

- No, railway undertakings should not have to pay compensation in cases where delays were caused by events beyond their control and which they were not able to prevent.
- No opinion

(Optional) 19. In your view, what would be the main benefits if railway undertakings were exempted from having to pay compensation in cases where delays were caused by events beyond the control of railway undertakings and which they were not able to prevent? If possible, please provide quantifiable examples.

1500 character(s) maximum

Railway undertakings would have to pay a slightly lower amount in compensations. EPF has always suspected that the compensation for delay paid in case of force majeure were fairly low. We have asked CER more than once to supply the (approximate) amounts of compensation paid in case of force majeure but they were not able to. The Austrian NEB confirmed that the amounts were low and their collected data even suggests that they are negligible. When money is not an issue, the solution that is most passenger-friendly should be chosen, meaning no exceptions in case of force majeure. Further, it is much fairer to distribute the risk over all passengers than to lay the burden on a small number of passengers affected by an incident of force majeure.

(Optional) 20. In your view, what would be the main negative impacts or costs if railway undertakings were exempted from having to pay compensation in cases where delays were caused by events beyond their control and which they were not able to prevent? If possible, please provide quantifiable examples.

1500 character(s) maximum

Exempting railway undertakings will bring back the behaviour of some of them to claim that many delays were caused outside of their control, so as to avoid paying compensation. This will deter passengers from claiming compensations, also in cases where claims are justified. It will lower the pressure to have good contingency plans because railway undertakings can again claim force majeure and cover up their own failed planning or lacking contingency plans. It will bring back discussions about what constitutes a force majeure, with RUs declaring many circumstances as a force majeure. This will lower the image of rail transport, make it less reliable in the eyes of passengers and will hardly return any advantages for RUs (see question 19). If the conditions for all modes of transport should be made equal, then it is much more passenger-friendly to remove the force majeure exemptions for the other modes of transport. Making a level playing field shouldn't mean that the lowest common denominator is used.

Possible problem 5: Assistance to persons with disabilities or with reduced mobility

The Regulation provides for non-discriminatory access conditions for passengers with disabilities or with reduced mobility (PRM). It imposes certain obligations on railway undertakings and station managers in order to allow PRM passengers to use rail services under comparable conditions as other passengers. However, from various sources, including passenger complaints, it appears that notably the assistance provided to passengers at stations and to embark and disembark trains still leaves room for improvement. Moreover, the Regulation is not fully aligned with the revised [technical specifications for interoperability for PRM](#) (PRM TSI) and the UN Convention on the rights of persons with disabilities ([UNCRPD](#)) that specify certain new obligations eg. regarding accessibility of stations and rolling stock, and the provision of disability awareness and assistance training.

22. How do you assess the following services offered to persons with disabilities or with reduced mobility when travelling?

	Very bad	Bad	Neither good or bad	Good	Very good	No opinion
(Mandatory) The general information about the accessibility of rail services and on the access conditions of rolling stock	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
(Mandatory) Accessibility of travel information to be provided before and during the journey (including its provision in alternative formats)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
(Mandatory) Accessibility of stations, platforms, rolling stock and other facilities	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
(Mandatory) Assistance provided at stations, during boarding, disembarking and on-board	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
(Mandatory) Financial compensation in case of loss or damage to mobility equipment	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Other	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

(Optional) Please specify Other

(Mandatory) 23. Does the assistance provided to persons with disabilities or with reduced mobility at stations, including to embark and disembark, need to be reinforced?

- Yes, strongly
- Yes, to a limited extent
- No
- No opinion

(Optional) Comments

1500 character(s) maximum

(Mandatory) 24. Is there a need to enshrine provisions for minimum compulsory awareness and assistance training for staff in the legal framework?

- Yes
- No
- Do not know

(Optional) Please explain why

1500 character(s) maximum

(Optional) 25. What would be the main benefits of staff training? If possible, please provide quantifiable examples.

1500 character(s) maximum

(Optional) 26. What would be the main additional negative impacts or costs for staff training? If possible, please provide quantifiable examples.

1500 character(s) maximum

(Optional) 27. Which other measures should be taken to facilitate rail travel for persons with disabilities or with reduced mobility so that they would increasingly use rail transport? If possible, please provide quantifiable examples.

1500 character(s) maximum

Possible problem 6: Definitions and other issues

In spite of the [interpretative guidelines](#) on the Regulation adopted in July 2015 some rules (e.g. related to railway undertakings' liability in case of accidents) and certain definitions (e.g. "carrier") remain unclear.

In addition, there could be potential conflicts between the Regulation and the internationally applicable Convention on International Carriage by Rail ([Uniform Rules CIV of COTIF](#)) reproduced partly in Annex I to the Regulation, which focuses on the contractual relationship between railway undertakings and passengers. The link between the CIV rules in Annex I and the provisions of the Regulation is not always clear. Moreover, amendments of the Uniform Rules CIV could not automatically be reflected in the Regulation and its annex.

28. Do you consider that certain terms or rules in the Regulation are unclear / missing / or obsolete in the Regulation which might cause problems to the stakeholders involved?

	Yes, this is unclear	Yes, this is (partly) missing	Yes, this is (partly) obsolete	No	No opinion
(Mandatory) Notion of "carrier" (including in an intermodal context)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
(Mandatory) Notion of "missed connection" (including in an intermodal context)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

(Mandatory) Concept of "through tickets" (notably in the context of assistance and compensation in the event of delays and missed connections)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
(Mandatory) Rules on railway undertakings' liability for passengers and luggage in case of accidents	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Other	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

(Optional) Please specify Other

1. The notion of a "through ticket".
2. The notion of "comparable transport conditions" in article 16 b and c.
3. The definition of force majeure.

(Optional) Comments

1500 character(s) maximum

On no. 1: The current Regulation doesn't say that multiple connecting tickets for one journey have to be one through ticket or one contract, so this is determined by the RU's conditions of carriage and national legislation. Many RUs regard separate tickets (pieces of paper) as separate contracts, even if they are bought at the same time for one journey and deny compensation or assistance for the whole journey normally resulting from articles 16-18. Many complaints result from this. Any ticket combination bought for one journey should be one contract. Further, such an important issue shouldn't be left to RUs and national legislation to decide.

On no. 2: Many RUs limit what they regard as comparable. They often exclude services from other RUs or other modes of transport, even if this means several extra hours of delay. Some RUs even say that re-routing under 16b or 16c should be under exactly the same conditions (type of day, type of train, peak/off-peak services, etc.). A better definition is needed, using the principles laid out in the interpretative guidelines.

On no. 3: Clarification is needed as to what circumstances can be regarded as "force majeure" and what cannot be regarded as such, to prevent RUs making up their own rules.

(Mandatory) 29. Should the general framework for rail passenger rights prohibit direct or indirect discrimination on grounds of nationality in addition to Article 18 of the TFEU, notably as regards contract conditions and tariffs (without prejudice to social tariffs)?

Yes

- No
- No opinion

(Optional) Comments

1500 character(s) maximum

(Mandatory) 30. In your opinion, what would be the best way to deal with inconsistencies between the Regulation and the uniform rules CIV in its Annex I?

- Separate the body of the Regulation from the Uniform Rules (UR) CIV in its Annex I
- Keep the body of the Regulation and the UR CIV together in a single piece of legislation and include a clause/article allowing amendment or updates
- No change is necessary
- Other
- No opinion

(Optional) Please specify Other

(Optional) Comments

1500 character(s) maximum

The relation between the Regulation and the CIV needs to be clear. In case of conflicts, it needs to be clear, which rules or combination of rules are to be used.

(Optional) 31. The 2012 evaluation report on the application of Regulation (EC) N° 1371/2007 identified a number of issues with its application in Member States who are in charge of monitoring and enforcing the Regulation. The issues relate, among others, to the adequacy and use of sanctions, NEBs' enforcement activities, the performance of inspections or cross-border cooperation. How could Member States ensure a better application of Regulation (EC) N° 1371/2007?

1500 character(s) maximum

- Make passengers more aware of their rights.
- A well-known and easy process of complaining to an NEB.
- Sanctions should be substantial.
- NEB cooperation should be strengthened and facilitated.

32. In any policy initiative, the Commission must consider whether the level of EU intervention is appropriate, i.e. whether certain policy measures should be dealt with at EU level or at the Member State level.

a) In your view, is **national level** the most appropriate to address the following issues?

	Voluntary agreements	New national legislation	Other	No opinion
(Mandatory) Information provided to passengers	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
(Mandatory) Liability of railway undertakings in the event of accidents and their obligations towards passengers and their luggage	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
(Mandatory) Obligations of railway undertakings to passengers in the event of delays, cancellation or missed connections (information, assistance, compensation)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
(Mandatory) Liability of railway undertakings to compensate passengers for delays caused by unforeseen and unavoidable events (force majeure)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
(Mandatory) Accessibility and assistance for disabled passengers and passengers with reduced mobility	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
(Mandatory) Enforcement	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
(Mandatory) Complaint handling	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

(Optional) Comments

1500 character(s) maximum

The EU level is the most appropriate level.
 Different legislation in every country is highly undesirable. This wouldn't make passengers rights clear and easy to understand.

b) In your view, is **EU level** the most appropriate to address the following issues?

	Voluntary agreements	New legislation	Revision of Regulation 1371/2007	Other	No opinion
(Mandatory) Information provided to passengers	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
(Mandatory) Liability of railway undertakings in the event of accidents and their obligations towards passengers and their luggage	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
(Mandatory) Obligations of railway undertakings to passengers in the event of delays, cancellation or missed connections (information, assistance, compensation)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
(Mandatory) Liability of railway undertakings to compensate passengers for delays caused by unforeseen and unavoidable events (force majeure)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
(Mandatory) Accessibility and assistance for disabled passengers and passengers with reduced mobility	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
(Mandatory) Enforcement	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
(Mandatory) Complaint handling	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

(Optional) Comments

1500 character(s) maximum

The EU level is the most appropriate level.
Different legislation in every country is highly undesirable. This wouldn't make passengers rights clear and easy to understand.

PART III. OTHER QUESTIONS

(Optional) 33. Are there any other issues with the operation of the current Regulation to which you would like to draw our attention, or which you consider should be changed? Please give details.

3000 character(s) maximum

1. In its ruling on cases C-145/15 and C-146/15, the European Court of Justice says NEBs cannot take action in individual cases. Although this case is about air passenger rights, we assume this will also apply to the NEBs for other modes of transport because they're defined in much the same way in the respective regulations. In some cases this could mean that passengers can only go to court if they don't agree with a railway undertaking's reaction to a complaint. Going to court is a big threshold for passengers, so this will rarely happen. That means RUs will be able to get away with more non-compliant behaviour than is currently the case. We would expect the EC to evaluate the court ruling to see what can be done in the interest of the passengers, for example by making sure an alternative dispute resolution possibility is always available (and advertised) for passengers if they don't agree with the RU's decision.

2. Compensation schemes (and other provisions) for different modes of transport (rail, air, ship and bus/coach) should be harmonised. This doesn't mean that they should be exactly the same and that legal framework should be exactly the same, but there should be a consistent logic. Further, passenger rights for multi-modal journeys should be introduced.

(Optional) 34. Please provide references to any studies or documents that you think are relevant for this consultation, with links for online download where possible.

1500 character(s) maximum

(Optional) 35. Please provide information on any successful initiatives at regional, national or international level related to rail that could support the Commission in the impact assessment exercise.

1500 character(s) maximum

(Optional) 36. Please upload any additional documents (e.g. position papers) to support your contribution to the consultation.

Useful links

About this consultation

(http://ec.europa.eu/transport/themes/passengers/consultations/2016-02-03-rail-rights-and-obligations_en.htm)

Contact

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