



Rail Passengers' Rights: A Missed Opportunity?

A Brief Assessment from the European Passengers' Federation

› EPF : The Voice of Passengers



- A voice since 2002 to promote interests of Public Transport users on the European level
- 37 member organisations in 21 countries
- Financed by member organisations
- Dealing with all modes of transport: local, regional and national on rail and road, by air and waterborne



› EPF's “Four Fundamental Passengers’ Rights” in Regulation 1371/2007



- End of national exemptions
- Including PSO regional and suburban services in the scope of the Regulation (accounting for 9/10 rail passengers in the EU)
- Deleting Force Majeure excuse
- Protecting “Through Tickets”

› **Vote on April 29, 2021 : A
Great Disappointment and a
Few Satisfactory Results**



- **Protection of “Through Tickets” – But only if same operator on journey’s different legs – Market opening? International journeys?**
- **Force Majeure: Strike not recognized as a FM case**
- **PRMs assistance: Advanced notice from 48 hrs. to 24 hrs.**
 - But predominantly adhered to by less frequent passengers
- **Bikes on board: 4 spaces on each train – But initiative left to rail undertakings**
- **Compensation in case of train cancellations – not only delays**

› The Case of Stranded Passengers



Article 18 a b c : if missed connection or train cancellation with arrival at the final destination delayed of 60 mn or more :

- **Reimbursement of full cost of the ticket**
- **Or continuation/rerouting at the earliest opportunity**
- **If nothing proposed within 100 mn, passenger entitled to travel with other carriers (rail or road) and reimbursed by the rail company**

➤ Conclusion : Towards Multimodal Passengers' Rights



- Commission's "Sustainable & Smart Mobility Strategy" considering *"options and benefits to go further with a multimodal framework for passenger rights more consistent and harmonised"*.
- ➡ Opportunity for passengers' representatives, public transport authorities with multimodal interests (like many UITP members) and EU Institutions to focus on :

Working together for the benefit of all.

➤ Thank you for your attention!

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Beyond Regulation 1371/2007: Some Good Practices in the European Union

› Authorities and Operators already beyond Regulations' Provisions



- Compensations: mainline and regional railways, local public transport
- Passenger facing staff training to disability awareness
- Authorities, operators and passenger associations cooperating for service quality

› Compensations: The Way Forward (1)

– Great Britain



Delay Repay” scheme in Great Britain

- If train delayed or cancelled and passenger chooses not to travel -> Refund without any fees
- If delay experienced at passenger’s destination -> compensation available from train company with claim to “Delay Repay”

Delays triggering compensation according to PTA or operators

- 15 mn for suburban services (incl. London Tube & DLR), Greater Anglia, Transpennine...  **TRANSPENNINE EXPRESS**
- 30 mn for mainlines: LNER, GWR, Cross Country  **crosscountry**
- 50% compensation if 30 to 59 mn delay/100% if 60 + mn delay

› Compensations: The Way Forward (2) - France



SNCF “Garantie G30”: On mainlines



- If 30 mn to 1 h = voucher
- If 1 h+ = cash or voucher
- Automatic: no excuse of Force Majeure or external cause

Île-de-France: Refunding season tickets



- Agreement signed on 14/04/2021 between Transport authority IDFM and operator RATP to compensate season tickets in case of repeated delays

Ongoing same process in Regions (Centre-Val-de-Loire...)

PSO services -> Region involved in the process

› **Compensations: The Way Forward (3)** **- Germany**



Frankfurt/M: “RMV-10-Minuten-Garantie”:



- **RMV = Transport authority – Population: 5 million**
- **Compensation if PT delayed by 10 mn or more**
- **Taxi cost reimbursement during evening and night hours (25€ max.)**

Munich: “MVG-20-Minuten-Garantie”:



- **MVG = PT operator – Population: 1.666 million**
- **Metro, tram, bus: compensation if delay by 20 mn or more**
- **If connection missed with last service, taxi refund (25€ max.)**

Regional and suburban rail services (S-Bahn) excluded (R 1371/2007 applicable...)

› Staff Training to Disability Awareness – Great Britain




Article 26: “RUs and station managers shall ensure that all staff (...) providing (...) assistance to persons with disability (...) receive disability related training in order to know how to meet the needs of persons with disabilities (...)”

- In Great Britain, by the end of 2021, 30 000 passenger facing staff will have undertaken disability awareness
- Requirements set out in the Office of Rail & Road’s Accessible Travel Policy Guidance
- Programme implemented by all 24 train and station operators
- 11 train operating companies extending the training from frontline staff to all colleagues

➤ Île-de-France “Line Watch”: Increasing Service Quality in Partnership with Passengers – France



- Agreement between Transport Authority IDFM, RATP and Transdev (PT operators) and FNAUT (PT passenger association) signed on 4 April 2021 associating passengers to quality assessment
- On a voluntary basis, Transdev clients evaluate daily service quality on bus and coach lines in the outskirts of Île-de-France Region – Assessment form on line
- 100% financed by IDFM (since 2012) 
- Regular meetings IDFM/Operators/FNAUT on quality improvements
- Assessment process open to other operators in the Region

› “Big Hearted Employee” in Germany



Action initiated by “Allianz Pro Schiene” association federating about 200 companies and non-profit organisations from the railway sector (EPF members: Deutscher Bahnkunden Verband, Pro Bahn & Verkehrsclub Deutschland)

Eisenbahner mit Herz gesucht



- Passengers invited every year to select employees from railway companies who have distinguished themselves through exceptional customer service
- Aimed at Customer Attendants, Train Managers, Train Drivers
- About 20 nominated and 3 winners

Rail Passengers' Rights are an integral part of service quality to be delivered to the passenger

Service quality is an absolute prerequisite to increase rail market share

→ Effective and strong Rail Passengers' Rights essential to meet mobility objectives of the Green Deal

➤ Thank you for your attention!

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National passengers' rights
beyond EU regulations
paving the way for better
consumer protection
based on the Swedish situation





National act for public transport passenger rights in Sweden

Aim

Increase the share of public transport - therefore it was claimed that attractiveness must be strengthened
Provide financial incentives for carriers in order to prevent delays
Harmonize rights amongst different operators – to facilitate for the user

Extent

1. right to information about services, traffic disruptions and passenger rights
2. right to compensation in the event of delays longer than 20 minutes
3. right to a refund for seasonal tickets at significant changes in the services

Applicable for short distance journeys (<150 km) by train, metro, tram or bus

The length of the line determines whether the national act or EU Passenger Rights apply

National act's compatibility with EU Passenger Rights

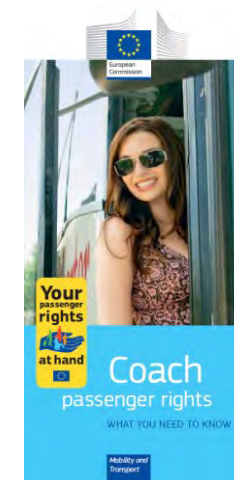
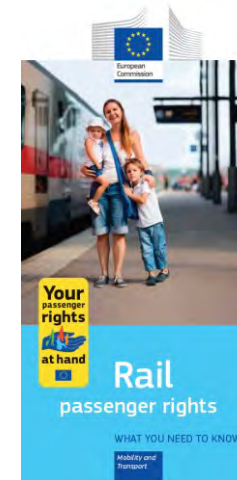


The national act uses national exemption under Article 2(5) in EU Rail Passengers' Rights Regulation 1371/2007 for railway services shorter than 150 km

The Swedish regulation consists of an extension of the right to compensation in the event of delays and other provisions on travel information in accordance with EU Bus Passengers' Rights 181/2011 for bus journeys over 150 km

EU Waterborne Passengers' Rights Regulation 1177/2010 does not provide the possibility of exempting shorter routes from its application, which resulted in short distance waterborne journeys not being included in the national act

Aviation is not covered



Information obligations for carriers

The act requires carriers to provide information on:

- timetables for the services offered
- ticket prices, terms and conditions and passenger rights
- delays, disruptions and their cause, duration and consequences
- accessibility information about vehicles, stations and stops
- ability to carry bicycles and conditions for it
- safety and security issues
- contact information to the carrier

Information should be provided in an appropriate form to the attention of persons with disabilities

Regulatory oversight is handled by the Swedish Consumer Agency that can apply sanctions in the event of non-compliance



Compensation in the event of disruptions

Passengers are entitled to compensation for delays longer than 20 min

Reimbursement for alternative carriage (taxi or own car) amounts up to 120 EUR **or**:

- 50% of ticket price for delays > 20 min
- 75% of ticket price for delays > 40 min
- 100 % of ticket price for delays > 60 min

The act prescribes a minimum level and allows more advantageous applications

Contract terms which are non beneficial to passengers in relation to the act are invalid

Planned changes in the timetable must be published at least three days in advance

No force majeure is applied

Since 2018 railway undertakings can claim compensation from Swedish infrastructure managers (right of recourse) if that part is responsible for the delay



Evaluations

Early follow up by the Swedish Consumer Agency

Executed 2017 and comprised 27 of the most important carriers in Sweden

- All carriers had shortcomings in their marketing of passenger rights
- A majority of the audited companies had invalid conditions for compensation
- The authority stated that there are no clear rules on how and what information should be provided

Parliamentary investigation

Currently the Swedish Parliament's Committee on Civil Affairs conducts a follow-up investigation involving a national public survey with 4,000 respondents and user focus groups in different regions

- 20% of respondents in national survey stated they had claimed compensation according to the act
- Among the focus group participants, no one had claimed compensation according to the act, but half of the participants had requested compensation at long-distance journeys. A majority requested simplified application processes or development of automatic compensation systems, which are already applied for some place booked long distance services
- 25% of the focus group participants indicated that better information in the event of disruptions could make them travel by public transport to a greater extent

Summary

General

Market liberalization requires more uniform rules

Higher reliability creates greater confidence in public transport services and increases demand

Strengths of the Swedish act

Basic purpose of the act is consumer-oriented

It creates financial incentives for carriers to offer more reliable services

Weaknesses of the Swedish act

The scope of the act is relatively unknown

Lack of detailed regulations on how information about passenger rights should be provided

Demarcation between national and EU regulations depending on the line length is not customer-oriented

Opportunities

Development of a EU-wide multimodal passenger rights can learn from Swedish experiences

Personalized tailored information through digitalization enables simplified application processes

Thank you for your attention!

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