

# Recast of Regulation (EC) 1371/2007 on rail passengers' rights and obligations

EPF statement to Regulation proposal 2017/0237 replacing Regulation 1371/2007

The main axes of the new proposal can be summarized:

- Member States can still derogate from the Regulation for **regional and suburban** rail services and urban transport. But **mainline** and national services are no more exempted.
- **Compensation principle** in case of delays for connecting trains – but railway undertakings can escape it if they inform customers that they don't accept this principle.
- **More obligations** for ticket vendors (different from rail undertakings), infrastructure managers and station managers.
- **Exemption of compensation** obligation for delays caused by strong meteorological or major natural circumstances.

1. The rail passenger rights recast is suffering from the same shortcomings as those of the present Regulation: numerous provisions are just **positions of principle** without any legal significance and binding force.
2. We must come back to **simple rules of contract law**: the carrier has to guarantee what he sells. If an operator sells journeys including connections, these have to be safeguarded pursuant to operator's information, assistance and compensation obligations.
3. On **compensation in case of delay**, the new proposal is unbalanced: on the one hand, the principle of compensation has been acted upon, however exemptions (natural or meteorological circumstances) are broad, which is not generally acceptable for a guided system.
4. **Through ticket** selling is recognized and encouraged but rail undertakings can easily escape their obligations in case of connections. A ticket for travelling by several companies should be regarded as covering the whole journey, from the origin to the final destination. Connections between the services of more than one company should be assured where the ticket sold is for the whole journey. Where a connection is broken the companies involved should be obliged to provide collaborate in

providing support and assistance in getting the passenger to their destination at the earliest appropriate opportunity.

5. Regarding **regional and suburban** services, which account for the vast majority of rail passenger journeys, it is still possible for rail undertakings to derogate from the Regulation. (UITP reports that suburban and regional rail accounts for 90% of passenger journeys and 50% of passenger kilometers across the EU.)
6. This mix of **principles and limits** comes partly from a shaky compromise with rail undertakings' interests.
7. Information about the **accessibility to trains and stations** must be offered by the authorities or by some institution that is selected by the authority. Easy access to information also has to include station services, which is necessary for PRM as well as for all other passengers. Easy-to-find information makes travel easier.

8. Main **modifications requested** are:

- 8.1 Sold connections have to be guaranteed (exemption of article 10.6 to be deleted). The Regulation should take into account the **final destination** (as in air transport). A real "passenger right to rail connections" should be established
- 8.2 Exemption of **regional rail** to be deleted
- 8.3 Compensation for delay should kick in after **30 minutes** (and not 1 hour) and apply to the complete journey
- 8.4 Obligation for rail undertakings to compensate 50% of the train ticket in addition to its reimbursement and/or rerouting if the passenger has been informed of the cancellation less than 7 days in advance (as Regulation 261/2004 for air passenger does)
- 8.5 Rail undertakings to set up applicable measures in case of **disruptions**: committed implementation, information, transfer and rerouting times (c.f. EPF position paper "Dependability" from September 2016).

9. **Quality** assurance and strengthening **customer benefit**

Quality of public transport needs to be regularly monitored in a way that is independent of the operators, with the focus on passengers satisfaction. Publicly funded organizations and passenger associations are a suitable instrument for determining customer satisfaction. EPF-members like Transport Focus, London TravelWatch or Passagierpulsen regularly publish up to date analysis of passenger satisfaction data and other information of practical interest to users, operators, infrastructure managers, regulators and public authority's intent on improved service provision.

Gent/Brussels 19.11.17