

## Passenger rights overview

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**This paper provides an in-depth analysis of all the existing passengers' rights ensured by carriers and managing bodies of the different transport modes. The aim of such a work consists in facing a compared analysis between the same right considered in the light of the various Regulations concerning the protection of passengers' rights.**

The evolution of passengers' rights towards an effective protection of passengers' needs traces its roots back to the publication of the Transport White Paper adopted in 2001 by the EU Commission. On that occasion, the Commission established a set of measures to be taken comprising the development of inter-modality as well as the introduction of passenger protection rights.

Following the Transport White Paper, the efforts of the Commission focused on ensuring basic passenger rights covering all transport modes, including air, rail, waterborne and road transportation.

The first piece of EU legislation on passenger protection rights involves the Regulation concerning air passengers' rights, Reg. 261/2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation of flights. As a consequence, the air passenger rights, as set forth in 2004, have been treated as a role model for all other transport modes. In chronological order, the legislation has continued to develop involving the rail transport field (Reg. 1371/2007), sea and inland waterway (Reg. 1177/2010) and bus and coach transport (Reg. 181/2011).

That being said, the purpose of the aforementioned Regulations is to set the minimum standards for passengers' rights and the quality of services to be fulfilled by transport undertakings.

Indeed, the decision to take action in this field by adopting regulations indicates the commitment of the EU Institutions in building a solid legislation on passenger protection rights to be shared within each member State under equal conditions.

Concerning the analysis carried out, the highlighted perspective is based on the opportunities granted to passengers in case of breaches of the transport contract, regardless any type of discrimination, also by focusing on carriers' liability in case of accidents occurred during the journey.

Furthermore, in order to have a full awareness of rights' range at passenger disposal, it is necessary to pay attention to the scope of application of the concerned EU legislation:

- Air passenger rights are applicable to flights departing from European Union airports or operated by EU air carriers when departing outside the European Union;
- Rail passenger rights are in force for all intra-Community journeys;
- The rights of passengers travelling by sea and inland waterway apply on services where the port of origin is situated in the territory of a Member State or where the port of origin is situated outside the territory of a Member State but the territory of the destination is situated within the territory of a Member State;
- The rules foreseen for bus and coach apply to regular services where the boarding or the alighting is within the European Union and where the scheduled distance of the service is 250 km or more.

The provisions for consumer protection follow the overall criteria of non-discrimination and equal treatment, accessibility, fulfillment of the transport contract, timely and accessible information and appropriate assistance.

## RIGHT TO NON – DISCRIMINATION

**RIGHT TO ACCESS TO TRANSPORT:** same fares to book and pay tickets without any direct or indirect discrimination based on the nationality of the final customer or on the place of establishment of the carriers, or ticket vendors within the Union.

**RIGHT TO HAVE FULL ACCESS FOR DISABLED PASSENGERS AND PERSONS WITH REDUCED MOBILITY:** in cooperation with organizations representative of disabled persons or persons with reduced mobility, carriers and terminal managing bodies shall establish, or have in place, non-discriminatory access conditions for transport.

## ACCESSIBILITY AND RIGHT TO ASSISTANCE FOR DISABLED PASSENGERS AND PRM

### AIR



**Reg. (EC) No. 1107/2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air**

**MANAGING BODIES OF AIRPORTS:**  
overall responsibility for assistance on departure, arrival and transit

**AIR CARRIERS:**  
assistance on board of aircrafts (i.e. transport of wheelchairs, carriage of guide dogs, movements to toilet facilities)

At least 48 hours' notice before departure

### RAIL



**STATION MANAGERS:**  
responsible for providing assistance on departure from, transit through or arrival at

**RAILWAY UNDERTAKINGS:**  
responsible for offering on board assistance to ensure the same services provided to other passengers

At least 48 hours' notice before departure

### BUS / COACH



**ASSISTANCE AT DESIGNATED TERMINALS:**  
communication of the arrival and request of assistance, movement to check-in counter, boarding the vehicle, proceeding to seat and carrying of a recognized assistance dog on board

**ASSISTANCE ON BOARD:**  
provision of essential information on journey and board /alight during pauses

At least 48 hours' notice before departure

### WATERWAY



**IN PORTS:**  
all the necessary arrangements to enable disabled passengers and PRM to communicate the arrival, move to check-in counter, register baggage, proceed to the ship, disembark from the ship with the provision of lifts / wheelchairs /other assistance needed

**ON BOARD SHIPS:**  
carriage of assistance dog, medical equipment, arrangement of seating, assistance in moving to toilet facilities

At least 48 hours' notice before departure

## RIGHT TO INFORMATION

**FULLY INFORMED PURCHASE:** transparency on ticket price as well as on all the applicable conditions and the breakdown of airfare, taxes, charges, surcharges and fees

**ACCESSIBLE INFORMATION PROVIDED IN A TIMELY MANNER:** easily accessible information about circumstances of the journey (delays or other disruptions) and on passengers' rights

### AIR



Clearly legible notice at check-in about the options available in case of denied boarding, cancellation or delay

### RAIL



#### PRE-JOURNEY INFORMATION:

- General applicable contract conditions
- Time scheduled and conditions for the fastest and cheapest trip
- Accessibility and access conditions
- Any activities likely to disrupt or delay services
- Procedure for claiming luggage and for the submission of complaints

#### TRAVEL INFORMATION:

- On-board services
- Next station
- Delays
- Main connecting services
- Security and safety issues

### BUS / COACH



#### TRAVEL INFORMATION:

- Cancellation or delay in departure: the carrier or the terminal managing body must inform passengers of the situation as soon as possible and no later than 30 minutes after the scheduled departure time.
- Missing a connecting service due to cancellation or delay: information about alternative connections

#### INFORMATION ON PASSENGERS' RIGHTS:

- Appropriate and comprehensible information, at the latest on departure, provided by carriers and terminal managing bodies within their areas of competence

### WATERWAY



Cancellation or delay in departure of a passenger service or a cruise: carriers and terminals must inform passengers departing from ports or port terminals of the situation as soon as possible and no later than 30 minutes after the scheduled departure time.

## RIGHTS IN THE EVENT OF DISRUPTION

Mandatory minimum level of care: assistance provided on the spot whenever a disruption takes place. The measures concerned must be proportionate and related to the waiting period, reasonable and adapted to the circumstances of the disruption.

**RIGHT TO CLAIM REIMBURSEMENT:** reimbursement of the full price paid in case of decision to not travel, long delays, cancelled journeys and denied boarding

**RIGHT TO DEMAND THE FULFILLMENT OF THE TRANSPORT:** alternative means of transport or, alternatively, rebooking of the trip according to the best convenience

**EXTRAORDINARY CIRCUMSTANCES:** circumstances not inherent in the normal exercise of the carrier activity. The concept includes circumstances beyond the control of the carrier (such as natural disasters and strikes) that make the carrier itself unable to avoid the disruption. The event of extraordinary circumstances allows to derogate the right to compensation only, but it never releases the carrier from the duty to provide care nor from giving passengers the option to renounce travelling or rebook the journey.

### 1. RIGHT TO ASSISTANCE IN CASE OF LONG DELAYS

#### AIR



- Refreshments, meals, accommodation
- Transport to / from accommodation
- 2 phone calls, fax messages or e-mails

Under the following circumstances:

- Delay > 2 hours for flights up to 1.500 km
- Delays > 3 hours for intra-Community flights > 1.500 km
- Delay > 3 hours for non-intra-Community flights between 1.500 - 3.500 km
- Delay > 4 hours for all other flights.

#### RAIL



- Snacks, meals and refreshments
- Accommodation and alternative means of transportation in case of delays over 60 minutes at final destination or rerouting causing delay

#### BUS / COACH



- Snacks and meals
- Up to 2 nights of accommodation with financial cover of up to 80€ per night: cancellation or departure delayed for more than 90 minutes for journey longer than 3 hours

#### WATERWAY



- Accommodation for up to 3 nights in the amount of 80€ per night: cancellation or delays of 90 minutes

## AIR

Right to reimbursement of the cost of the ticket or cost corresponding to the part of the journey not travelling or rerouting

## RAIL

Right to reimbursement of the cost of the ticket or the cost corresponding to the part of the journey not travelling: delays > 60 minutes even in case of extraordinary circumstances

## BUS / COACH

Right to reimbursement or rerouting for delays exceeding 120 minutes

## WATERWAY

Right to reimbursement or rerouting for delays exceeding 90 minutes

## 2. RIGHT TO COMPENSATION

### AIR



**DOWNGRADING:**  
Right to reimbursement for the price of the ticket paid:

- 30% for flights of 1.500 km or less
- 50% for all intra-Community flights of > 1.500 km
- 75% for all other flights

**LONG DELAYS AND CANCELLATION (EXCEPT EXTRAORDINARY CIRCUMSTANCES), DENIED BOARDING:**

- 250€: flights of 1.500 km or less.
- 400€: intra-Community flights > 1.500km
- 400€: non-intra-Community flights 1.500 - 3.500 km
- 600€: all other flights

### RAIL



- Right to be compensated 25% of the ticket price for delays of 60 to 119 minutes or in the case of cancellation
- Right to be compensated 50% of the ticket price for delays of 120 minutes or more and cancellation

Within 1 month after the submission of the request

### BUS / COACH



Right to compensation of 50% of the ticket price in the event of delays of more than 120 minutes, cancellation and failure to offer either rerouting or reimbursement

Within 1 month after the submission of the request

### WATERWAY



**AT LEAST 25% OF THE TICKET PRICE:**

- 1 hour delay in case of a scheduled journey of up to 4 hours
- 2 hours delay in case of a scheduled journey between 4 and 8 hours
- 3 hours delay in case of a scheduled journey of more than 24 hours
- 6 hours delay in case of a scheduled journey of more than 24 hours.

**COMPENSATION OF 50% OF THE TICKET PRICE:**  
delay exceeding double the abovementioned time frames

## CARRIER LIABILITY

**RULES UNDER INTERNATIONAL CONVENTIONS:** protection rights of individuals and provision for compensation for damage

**RULES UNDER EU REGULATIONS ON TRANSPORT:** collective remedies and focus on the application of standard measures.

### AIR



**Reg. (EC) No 889/2022 on air carrier liability in the event of accidents**

**LIABILITY FOR PASSENGERS:**

- Compensation for death or injury claimed before court
- Advance payments within 15 days since the identification of the person entitled to compensation (at least 16.000 SDRs)
- Compensation for damages in case of passenger delays limited to 4.150 SDRs

**LIABILITY FOR LUGGAGE:**

- Compensation for damages in case of luggage delays limited to 1.000 SDRs
- Compensation for damages in case of destruction, loss of or damage to baggage up to 1.000 SDRs

Time limit for action before court: within 2 years from the date of arrival of the aircraft, or from the date on which the aircraft ought to have arrived.

### RAIL



**LIABILITY FOR PASSENGERS:**

- Compensation for damages in case of death or personal injury: lump sum limited to 175.000 units of account (compensation for financial loss and in case of loss of, or damage to, articles that passenger has on or with him)
- Compensation for loss or damages resulting from the interruption of the journey in the same day due to cancellation, late running of a train or missed connection (reasonable costs of accommodation and notification of the disruption occurred)

**LIABILITY FOR LUGGAGE:**

- Compensation for total or partial loss of registered luggage (1.200 units of account per item in case of proven damage /300 units of account per item in case not established damage)
- Compensation for damages to registered luggage
- Compensation for delay in delivery of registered luggage (in respect of each whole period of 24h after delivery has been requested, but subject to a maximum of 14 days).

### BUS & COACH



**LIABILITY FOR PASSENGERS:**

- Compensation for damages in case of death or personal injury due to accidents arising out of the use of the bus or coach, in the amount of at least 220.000€ per passenger

**LIABILITY FOR LUGGAGE:**

- Compensation for loss of or damage to luggage due to accidents arising out of the use of the bus or coach, in the amount of at least 1.200€ per item of luggage

## EASY COMPLAINT MECHANISM

### AIR



- Right to complain to the air carrier as soon as possible in case of damaged, delayed, lost or destroyed luggage
- Right to complain to the carrier within 7 days in case of damage to checked baggage / within 21 days in case of delayed checked baggage

### RAIL



- Right to submit a complaint to any railway undertaking involved for rights and obligations covered by Reg. 1371/2007
- Right to receive a reasoned reply from the addressee of the complaint within 1 month and in any case within a period of less than 3 months.

### BUS / COACH



- Right to make a complaint within 3 months from the date on which the service was or should have been performed: the carrier must give notice to the passenger about the status of the complaint within 1 month of receiving the complaint.
- Right to receive the final reply on the complaint within 3 months from its receipt.

### WATERWAY



- Right to make a complaint within 2 months from the scheduled date of the service performance: the carrier or terminal operator must give notice to the passenger about the status of the complaint within 1 month.
- Right to receive the final reply on the complaint within 2 months from its receipt.

## SOURCES

- Regulation (EC) No 889/2002 of the European Parliament and of the Council of 13 May 2002 amending Council Regulation (EC) No 2027/97 on air carrier liability in the event of accidents;
- Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91;
- Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air;
- Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations;
- Regulation (EU) No 1177/2010 of the European parliament and of the Council of 24 November 2010 concerning the rights of passengers when travelling by sea and inland waterway and amending Regulation (EC) No 2006/2004;
- Regulation (EU) No 181/2011 of the European Parliament and of the Council of 16 February 2011 concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004;
- L. Ortiz Blanco and B. Van Houtte (2017). EU Regulation and Competition Law in the Transport Sector, Oxford University Press. Chapter 4: Passengers' Rights in the European Union.