

Passenger Mobility Package Passenger Rights proposals

EPF response – March 2024

On 29. November 2023, the European Commission adopted a “Passenger Mobility Package”, [a set of proposals](#) designed to improve the experience of passengers and travellers by strengthening their rights, focusing on three aspects:

1. Stronger passenger rights
 - ❖ A new proposal on passenger rights in the context of multimodal journeys
 - ❖ A proposal to amend the existing Passenger Rights’ Regulations, strengthening their enforcement
2. Protection of package travellers
 - ❖ A proposal for a revision of the Package Travel Directive
3. Data and digitalization / automation in the transport sector
 - ❖ A Commission recommendation on how to address the impact of automation and digitalization on the transport workforce
 - ❖ A proposal to amend the Delegated Regulation on Multimodal Travel Information Services (MMTIS)
 - ❖ A Communication on the Creation of a European Mobility Data Space.

Below, we provide EPF’s main feedback to the new proposals under point 1 – stronger passenger rights, considering also how they address the topics originally within the scope of the “Better Protection for Passengers and their Rights” initiative. For our position on the Package Travel Directive review, we refer to our separate position paper ([website](#)).

KEY TAKEAWAYS FOR EPF:

- **Missing** from the Passenger Mobility Package:
 - * legislative proposal on Multimodal Digital Mobility Services (MDMS)
 - * provisions on insolvency protection and self-cancellation in case of major crisis
- **Multimodal passenger rights:** welcome as a first step in the right direction; better protection needed for combined multimodal tickets
- **Enforcement:** some improvements but no game-changing new provisions

Missing from the Passenger Mobility Package

The new proposals deal with 3 out of 5 elements that the “[Better Protection for Passengers and their Rights](#)” initiative – launched in 2021 – originally planned to address:

- passenger rights for multimodal journeys
- improved enforcement of passenger rights in all transport modes
- reimbursement of air passengers booking via an intermediary ticket vendor.

Two more topics are, on the other hand, *not* covered by the Passenger Mobility Package:

- protection for air passengers against the risk of a liquidity crisis or an insolvency
- reimbursement in case of cancellation by air passengers due to a major crisis.

These aspects are planned to be included in the (ongoing) review of the Air Services Regulation, whereby it is unclear a) when to expect the proposal for a revision and b) whether the proposed measures therein will be sufficient to address the identified issues.

Another important missing element from the Package is a legislative proposal on Multimodal Digital Mobility Services (MDMS). In EPF's view (see our [position paper](#)), to make it easier to plan, book and execute a multimodal journey, passengers should have access to unbiased, dynamic journey information, enabling informed choices when planning and making their journeys. In addition, buying multimodal tickets should be easy, affordable and offer protection in case something goes wrong.

Whereas the Passenger Mobility Package includes proposals related to real-time data sharing (MMTIS revision) and (very basic) multimodal passenger rights, it fails to address the market challenges hampering MDMS development, data sharing and readiness to conclude distribution agreements between operators and MDMS – under FRAND (Fair, Reasonable and Non-Discriminatory) terms – being important enabling factors. Thus, an important piece of the puzzle is missing – a lost opportunity, as multimodal information, ticketing and passenger rights should go hand in hand to ensure real impact.

Passenger rights for multimodal journeys

An adequate level of protection to passengers when using combinations of different transport modes is needed to make multimodal travel a convenient, reliable and safe choice. Therefore, EPF welcomes the new proposal for a Regulation on passenger rights for multimodal journeys as a *first step* in the right direction.

Unfortunately, for now, the **scope** (§3) of the new Regulation is **very limited**:

- Only combinations of transport services covered by existing Passenger Rights' Regulations, meaning long-distance and even then, (too) many exemptions;
- All the main passenger rights – except the right to information about a disruption – only apply in case of “single contracts”¹.

In EPF's view (see our [position paper](#)), all core passenger rights² should also apply to multimodal trips.

For *single contracts*, the new proposal on multimodal passenger rights introduces basically the same rights as those under the different mode-specific Regulations. However, for *combined tickets*, better protection is needed.

Non-discrimination in access to transport

As requested by EPF in its position paper and aligned with the revised Rail Passenger Rights' Regulation (EU) 2021/782, the new proposal contains a provision on *non-discriminatory contract conditions and tariffs* (§4), specifying that carriers and intermediaries shall offer contract conditions and tariffs to the general public without

¹ The proposal (§3, Definitions) distinguishes between three types of tickets:

- “Single multimodal contact” means a transport contract for a multimodal journey containing successive transport services operated by one or more carriers;
- “Combined multimodal ticket” means a ticket or tickets for a multimodal journey, representing separate transport contracts which are combined by a carrier or intermediary on its own initiative, and which are purchased by means of a single payment by the passenger;
- “Separate multimodal tickets” mean tickets for a multimodal journey representing separate transport contracts which are offered together by a carrier or intermediary, and which are purchased by means of separate payments by the passenger.

² A European vision for Passengers: Communication on Passenger Rights in all transport modes, COM(2011) 898 final, available [here](#)

direct or indirect discrimination on the basis of the passenger's nationality or of the place of establishment within the Union of the carrier or intermediary. Likewise, social tariffs are not to discriminate based on a passenger's nationality.

Travel information for passengers

In line with EPF's suggestions, the proposal stipulates (§5) that passengers must be informed – by carriers and intermediaries – *prior to purchase* on (at least) the type of multimodal ticket and associated rights, as well as general conditions, time schedules and conditions for the fastest trip and all available fares (highlighting the lowest fares), disruptions and delays (planned and in real-time) and complaint handling procedures.³ Also, guidance on minimum connection times has been added, as proposed by EPF – to be provided by carriers, intermediaries and multimodal hub managers alike.

During the journey, multimodal passengers should receive information about disruptions and delays (planned and in real-time); connecting services; security and safety issues on board and at terminals. In EPF's view, both carriers *and* intermediaries should (be able to) provide real-time information to passengers during the journey; not only in case of single contracts but *also in case of combined tickets*.

To enable the provision of – real-time – travel information for passengers, data exchange between *all involved parties* – infrastructure managers, transport operators, ticket vendors, tour operators, station/hub managers – must be guaranteed. The new proposal (§6) *partially* covers this for multimodal travel, only requiring *carriers* offering *single* multimodal contracts to provide other carriers and intermediaries which sell their contract with the necessary travel information.

We therefore suggest to amend §5 and §6 of the new Regulation accordingly, ensuring a similar information flow between all parties as already foreseen in the revised Rail Passenger Rights' Regulation and in line with the (soon also real-time) data sharing requirements under the MMTIS Regulation.

Missed connections: Reimbursement, re-routing, assistance, compensation

The new proposal on multimodal passenger rights foresees that passengers, in case of a missed connection, are entitled to reimbursement or re-routing (§7) and assistance (§9).

On *re-routing*, we welcome the specifications that this shall not generate additional costs to the passenger; that carriers should avoid additional connections and keep the delay in total travel time as short as possible; that a comparable level of accessibility and assistance shall be provided for persons with a disability or reduced mobility.

On *reimbursement*, we welcome the specifications that this should be paid within 14 days – accompanied by B2B rules in case the reimbursement is processed by an intermediary, facilitating a smooth and timely process and aligned with the new rules under the Package Travel Directive; and that reimbursement in the form of vouchers or other services is only acceptable if the passenger explicitly agrees to it.

While it is positive as such that some basic passenger rights are proposed for multimodal trips in case they are disrupted – because until now, there were none at all – it is regrettable that the scope of such protection remains limited to *single contracts only*. For *combined tickets*, i.e., in all cases whereby passengers buy a ticket in a one-stop-shop (also without it being explicitly or implicitly assumed a 'through ticket'), better passenger protection is needed.

³ It is to note that in §5.4, "before the journey" should be replaced by "prior to purchase".

Likewise, while it is positive that the new proposal to a certain extent clarifies the role of *intermediaries* – providing information to passengers, including about the type of ticket and associated passenger rights and reimbursement process, handling requests and complaints –, in EPF's view the responsibilities of intermediaries selling multimodal combined tickets should be extended in that they should assume co-responsibility for helping passengers to re-route and, failing to do so, reimburse passengers for the costs they incur as a consequence of the disruption (accompanied with a right to B2B redress).

Generally, in case of disruption, journey continuation is passengers' main priority. Re-routing should be offered to passengers, as is the case under the current mode-specific passenger rights Regulations, under comparable transport conditions, and possibly making use of other carriers and/or modes if that is faster and/or more convenient. If the carrier or ticket vendor does not re-route passengers within a given time limit, e.g. 100 minutes, then passengers should be entitled to make their own alternative arrangements, the cost of which should be refunded to them. If journey continuation is not possible in an acceptable manner, e.g. during night time, having to stand, having a much longer travel time by bus instead of rail or air, ... then passengers should have the option to choose between immediate continuation or next day travel (and being offered accommodation).

As described in our position paper, a *universal journey continuation guarantee* would be helpful and desirable as the next step, building further upon existing agreements as exist already in air and rail. Before accepting any objections on cost grounds, operators should be challenged to identify actual avoidable costs – in EPF's view, in most cases the marginal cost of taking one more passenger on the next train/bus/flight is negligible –, while also considering what can be gained: more passengers will be inclined to travel with sustainable / multimodal modes if they feel more sure about reaching their final destination. Price increases or supplements – if any – for full journey continuation guarantee should reflect such actual marginal cost, net of any income growth that can be attributed to additional passengers taking the journey because they have the guarantee.

Disabled passengers / passengers with reduced mobility

In line with EPF's recommendations, persons with disabilities or persons with reduced mobility (PRM) should receive assistance when switching between different transport modes – ideally through a Single Point of Contact, as already foreseen in the Rail Passenger Rights' Regulation (recast). Also welcome is the addition that, in case carriers require an accompanying person, this person should travel free of charge (as is currently already the case for other modes and introduced for air travel as well) and if possible be seated next to the person with disability or reduced mobility.

Nevertheless, the following pain points remain:

- Firstly, PRM assistance is only guaranteed in case of single contracts, which means that the impact will be limited;
- Secondly, the proposed 48 hour pre-notification period for requesting assistance is too long, considering that some mode-specific Passenger Rights' Regulations apply shorter notification periods (24h for rail, 36h for bus);
- In the future, we would like to see assistance being offered at more multimodal hubs, beyond those listed in the annex to the Regulation (TEN-T nodes).

Complaints handling and enforcement

As proposed in EPF's position paper, passengers should have the possibility to complain to carriers, ticket vendors and terminal managers about problems occurring during their multimodal journey. Carriers, ticket vendors and terminal managers should have, to this purpose, an online and offline multimodal complaint-handling mechanism.

We are happy to see that the proposal on multimodal passenger rights covers these issues. In addition, it is welcome that carriers, intermediaries and multimodal hubs are required to set up and monitor service quality standards; and that enforcement provisions are foreseen, in line with those of mode-specific Passenger Rights Regulations and those specified in the new “omnibus” proposal on enforcement (see below).

Enforcement of passenger rights

Currently, the enforcement of passenger rights varies greatly across the EU and is not effective enough. The European Commission’s new proposal to amend existing passenger rights’ regulations as regards their enforcement, is therefore welcome.

However, looking back at EPF’s suggestions to improve monitoring and enforcement, only a few (and no game-changing) elements have been introduced.

As positive elements in the new Regulation, we can mention:

- Stronger reporting obligations (by operators, infrastructure managers and tour operators / ticket vendors to NEBs, and by NEBs to the Commission), e.g. on number of complaints, service quality,... (all modes);
 - Intermediaries, where relevant, should also be able to provide such reports;
- Stronger cooperation between NEBs, sharing experiences and best practices, and bundling forces to address cross-border, EU-wide infringements and multimodal travel;
- Information on passenger rights when booking, both by carriers and intermediaries, including the procedures to be followed and whom to contact in case of complaints or disruptions;
 - Information on cause of disruption to be provided as well (extraordinary circumstances or not?)
- Simplified complaint handling mechanisms, including a standardized EU complaint form available in all EU languages;
- Ability for individuals to address complaints to NEBs.

We propose to reconsider also the following, additional, measures:

- Stronger mandates and more resources for NEBs to do their job effectively;
- Truly dissuasive sanctions in case of non-compliance, e.g. a % of annual turnover;
- Mandatory participation of operators in Alternative Dispute Resolution bodies (ADR);
- ADR bodies’ and NEBs’ decisions being made binding upon traders and applicable to all passengers in the same situation (e.g., all passengers on the same delayed flight having the same right to compensation);
- Introducing automatic reimbursement and compensation schemes, where possible;
- Strict deadlines for dealing with complaints.

Therefore, we invite the Commission to take a step further with this proposal, in terms of enforcement but also in terms of harmonization and alignment between the different passenger rights’ regulations, for example looking at definitions (e.g., extraordinary circumstances, re-routing at the earliest opportunity and under comparable transport conditions), information about the cause of disruption to be provided to passengers, deadlines for dealing with complaints, While this exercise has been conducted to a certain extent, we see further opportunities for improvement and harmonization, ensuring in such effort that the highest level of consumer protection should be aimed for or maintained.