

EU Policy Update Passenger rights

EDF webinar

Delphine Grandsart
European Passengers' Federation
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New passenger rights – context

- Sustainable and Smart Mobility Strategy (Dec. 2020) → action point 63
- Evaluation existing passenger rights + special reports European Court of Auditors

→ **Better protection for passengers and their rights** ([link](#) – 20.12.2021)

- protection against the risk of a liquidity crisis or an insolvency (air)
- reimbursement in case of cancellation due to a major crisis (air)
- reimbursement when booking via an intermediary ticket vendor (air)
- passenger rights for multimodal journeys
- improved enforcement of passenger rights in all transport modes

→ **Passenger Mobility Package: two new proposals** ([link](#) – 29.11.2023)

- Multimodal journeys
- Enforcement (all modes) + a few additional changes for air passengers

Multimodal journeys COM(2023) 752 final

Passenger rights

however you travel

1. Non-discrimination
2. Access and assistance for disabled passengers and passengers with reduced mobility
3. Information
4. Choice to cancel trips due to disruption
5. Rerouting or rebooking
6. Assistance in event of long delay
7. Compensation
8. Carrier liability
9. Easy complaint handling
10. Effective enforcement of rights

Source: European Commission Communication: A European vision for passengers: communication on passenger rights in all transport modes



Scope?

New Regulation, complements existing passenger rights' regulations

→ Multimodal = at least two transport services and at least two modes

→ Only combinations of transport services covered by existing EU passenger rights

→ Main rights apply only in case of 'single contracts'

Three types of multimodal journeys/ contracts are considered:

- Single multimodal ticket: one contract of carriage
- Combined multimodal ticket: single payment but separate contracts of carriage
- Separate multimodal ticket: separate payments and separate contracts of carriage

Transport contracts and information

Non-discriminatory contract conditions and tariffs

- No discrimination based on nationality or place of establishment
- Social tariffs acceptable if they don't discriminate on the basis of nationality

Travel information for passengers

- Prior to purchase: type of ticket and associated rights, guidance on minimum connecting times, general conditions, time schedules, ...
- During the journey: disruptions and delays (planned and in real-time), main connecting services, security and safety issues
- Using appropriate communication technologies, in accessible format, also by electronic means, where possible based on real-time information

Access to travel information for carriers and intermediaries

Missed connections

SINGLE MULTIMODAL TICKETS ONLY:

- **Choice between reimbursement, rerouting, rebooking**
 - Reimbursement: B2B rules and deadlines when booked via an intermediary (7+7+14 days)
 - Re-routing: no additional cost, comparable level of assistance and accessibility
- **Assistance (meals, refreshments, accommodation)**
 - Special attention to the needs of people with disabilities/ reduced mobility
 - Extraordinary circumstances: accommodation can be limited to 3 nights
- **Compensation?**
 - Mode-specific passenger rights regulations apply

COMBINED MULTIMODAL TICKETS:

- **Reimbursement + 75% compensation**, to be paid within 14 days
- **UNLESS** if the passenger is **informed beforehand**
 - that the tickets represent separate transport contracts and that there are no rights in case of a missed connection (burden of proof with carrier or intermediary)

Persons with disabilities and reduced mobility

Right to transport

- Non-discriminatory access rules (single contracts, multimodal hub managers)
- Tickets & reservations to be offered at no additional cost (all ticket types)
- No right to refuse; derogations → to be justified within 5 working days; reasonable efforts to propose alternatives
- If accompanying person required → free of charge & seated next to the person

Information on accessibility of hubs & services

- To be provided by carriers, intermediaries, hub managers
- Upon request in accessible format

Compensation for mobility equipment, assistive devices and assistance dogs

- Single contract + multimodal hubs
- Compensate loss/ damage; provide temporary replacements

PRM assistance

Assistance to persons with disabilities and persons with reduced mobility

- Assistance free of charge & through a single notification mechanism → only for single contracts
- Pre-notification period of 48 hours; otherwise, all reasonable efforts to provide assistance
- Ticket vendors unable to process notifications → indicate alternative points of purchase or of making the notification

Single points of contact for assistance at multimodal passenger hubs

- Accepts requests for assistance and communicates requests to terminal operators and carriers
- Obligation for Member States to establish hubs at main urban nodes (TEN-T), possibility for MS to require additional ones

Other provisions

Service quality standards

- Carriers offering single contracts + multimodal hub managers

Complaints handling

- Obligation for carriers, intermediaries and multimodal hub managers
- Procedure & contact details to be made widely known and accessible

National Enforcement Bodies (NEBs)

- Risk-based approach to the monitoring of compliance with passenger rights
- After having complained unsuccessfully to the carrier, intermediary or multimodal hub manager, passengers may complain to the NEB

Enforcement COM(2023) 753 final

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‘Omnibus’ Regulation – amends existing Passenger Rights’ Regulations:

- Regulation (EC) No 261/2004 (air)
 - Complementing the 2013 amending proposal COM(2013) 130 final
- Regulation (EC) No 1107/2006 (air PRM)
- Regulation (EU) No 1177/2010 (sea and inland waterways)
- Regulation (EU) No 181/2011 (bus and coach)
- Regulation (EU) No 2021/782 (rail)

→ Make public enforcement and individual redress more efficient

→ Harmonise rules

7 overarching enforcement measures introduced

1. Carriers, terminal managers and intermediaries to provide national enforcement bodies (NEBs) with relevant information/ documents at NEBs' request
2. Carriers and terminal managing bodies to adopt and implement service quality standards and report about their implementation
3. Common forms for reimbursement and compensation requests
4. NEBs to inform passengers about their right to approach alternative dispute resolution bodies to seek individual redress
5. The Commission may request NEBs to investigate suspected breaches of passenger rights
6. NEB to develop and conduct a risk-based monitoring programme
7. Operators to improve informing passengers about their rights, notably when they book a journey or a transport disruption occurs – digital by default

Air Passenger Rights – additional amendments

Air tickets booked through intermediaries (EC 261/2004)

- Both the intermediary and the carrier have to inform passengers about the reimbursement process at the time of booking
- B2B and B2C deadlines introduced for reimbursing passengers – in case the intermediary paid the air tickets from their own accounts (7+7+7 days)
- Intermediary must provide the contact and booking details of the passenger to the air carrier, so that the air carrier can fulfil its obligations (information, reimbursement, compensation to passenger, re-routing, safety and security, ...)

Accompanying person travelling free of charge (EC 1107/2006)

- In case an airline requires a person with disabilities to travel accompanied by someone who can assist him or her to comply with the safety requirements, this accompanying person shall travel free of charge and if feasible next to the person with disabilities assisted → aligned with other transport modes

Key takeaways

EPF's conclusions

Missing from the Passenger Mobility Package:

- Complementary legislation on Multimodal Digital Mobility Services
- 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. Priorities:

- Journey continuation guarantee;
- Practical information, advice and support;
- Straightforward and appropriate compensation.

Enforcement: some improvements, but game-changing provisions missing such as:

- Stronger mandates (binding decisions) and more resources for NEBs;
- Mandatory participation of operators in Alternative Dispute Resolution bodies;
- Truly dissuasive sanctions in case of non-compliance, ...

Discussion – Q&A



Thank you!

Delphine Grandsart

Delphine.Grandsart@epf.eu

