

# Passenger Rights: An overview

Consumer Law Ready workshop  
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**European  
Passengers'  
Federation**

**We are the voice of public  
transport users in Europe.**

- European association of national and regional passengers' organisations
- 39 member organisations
- 21 countries



# Main objectives

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Advocate passengers' views at EU level

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Promote sustainable mobility

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Improve end-to-end journey experience

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Tackle transport poverty

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Defend better passenger rights

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Always ask *'What's in it for users?'*



**European  
Passengers'  
Federation**

# 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

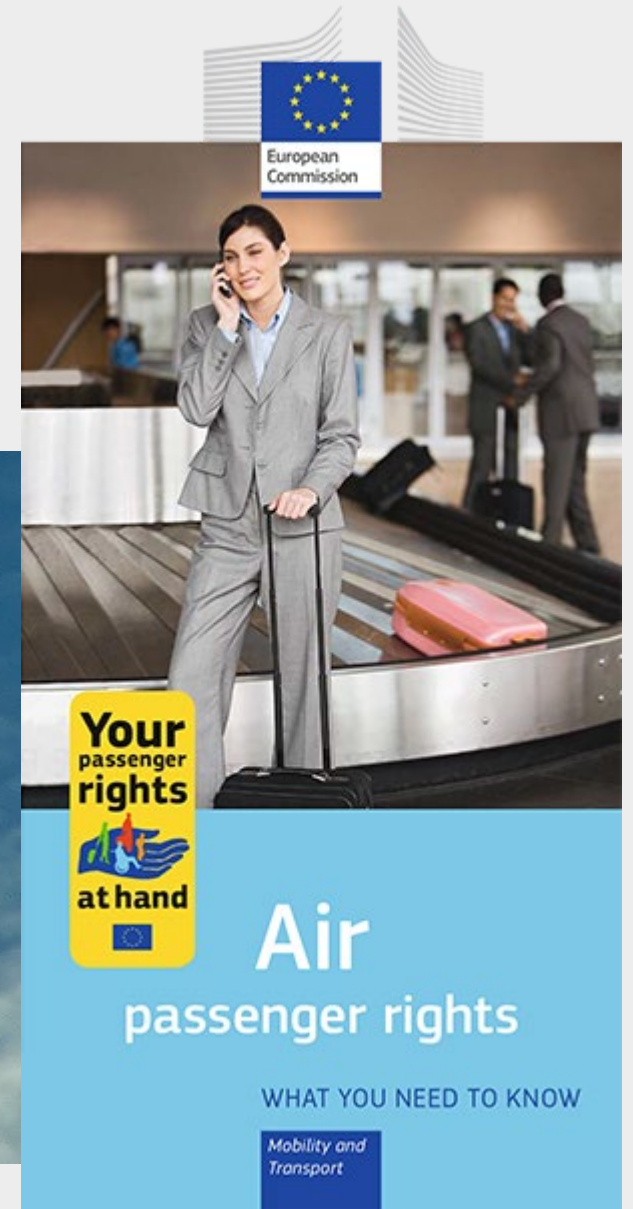
Source: European Commission Communication: A European vision for passengers: communication on passenger rights in all transport modes





# AIR

[Regulations \(EC\) No 261/2004](#) and [\(EC\) No 1107/2006](#)



# Scope



- Flights within the EU
- Flights departing from the EU to a non-EU country (EU or non-EU airline)
- Flights arriving in the EU from outside the EU, operated by an EU airline

EU = 27 EU Member States, including Guadeloupe, French Guiana, Martinique, Mayotte, Réunion, Saint Barthélemy, Saint-Martin (French Antilles), Azores, Madeira and Canary Islands, but not Faeroe Islands. EU rules also apply to flights to and from Iceland, Norway and Switzerland.

## Exceptions:

- ☐ Passengers travelling free of charge or at a reduced fare not directly available to the public
- ☐ Passengers who already received benefits under the relevant law of a non-EU country

# Cancellation



## → CHOICE BETWEEN REFUND – RE-ROUTING – REBOOKING

- ☐ Refund within 7 days + if needed return flight to the first point of departure
- ☐ Re-routing: at the earliest opportunity or at a later date, mutually agreed

## → CARE AND ASSISTANCE

- ☐ Meals, refreshments, 2 free calls, telex or fax messages, or e-mails
- ☐ Accommodation + transport to/ from accommodation

## → COMPENSATION

- ☐ Flights of < 1.500 km: 250€
- ☐ Intra-EU flights > 1.500km & other flights 1.500-3.500km: 400€
- ☐ All other flights: 600€
- ☐ Unless: Informed beforehand & not re-routed timely OR “extraordinary circumstances”
- ☐ Re-routing: -50% if delay in reaching final destination is 2 – 3 – 4 hours

# (Long) delays



## → CARE AND ASSISTANCE (delay at departure of 2-3-4 hours depending on flight distance)

- ☐ Meals, refreshments, 2 free calls, telex or fax messages, or e-mails
- ☐ Accommodation + transport to/ from accommodation

## → REIMBURSEMENT (delay at departure > 5 hours)

- ☐ Right to refund + if needed return flight to the first point of departure

## → COMPENSATION (delay at arrival > 3 hours)

- ☐ Flights ≤ 1.500 km: 250€
- ☐ Intra-EU flights > 1.500km & other flights 1.500-3.500km: 400€
- ☐ All other flights: 600€
- ☐ Unless: “extraordinary circumstances”



# Cancellation or delay?



## Also counts as a cancellation

- Original flight schedule abandoned → transferred to another scheduled flight
- Departure time brought forward by more than 1 hour
- Aircraft took off but was forced to return

## Flight arrives at another airport

- Counts as a cancellation, unless
  - It is part of accepted re-routing to the final destination → delay
  - Airport serves the same town, city or region → delay

## Missed connecting flight

- Single reservation → same right to compensation for delays > 3 hours

## Self-cancellation

- No passenger rights!

# Denied boarding



## → **PASSENGERS MAY BE DENIED BOARDING FOR THE FOLLOWING REASONS:**

- ☐ Safety, security or health reasons
- ☐ Not having the correct travel documents
- ☐ Not having taken the outbound flight included in the reservation
- ☐ Not having taken the previous flight included in the reservation
- ☐ Not present on time for check-in
- ☐ Not having a confirmed flight reservation

## → **DENIED BOARDING FOR OPERATIONAL REASONS OR DUE TO OVERBOOKING?**

- ☐ First: call for volunteers
- ☐ Denied boarding against passengers' will → passenger rights apply (= cancellation)

# Upgrading and downgrading



→ **Upgrading**: carrier may not request extra payment

→ **Downgrading**: refund within 7 days

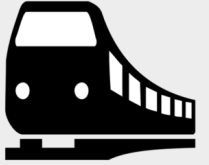
- 30% (flights  $\leq$  1.500km)
- 50% (intra-EU flights  $>$  1.500km – except between EU countries and French overseas departments – and all other flights between 1.500 and 3.500 km)
- 75% (all other flights, including between EU countries and French overseas departments)

# RAIL

[Regulation \(EC\) No 2021/782](#)



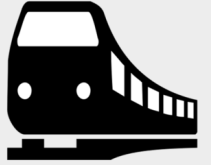
# Scope



All rail journeys in the EU, BUT Member States can decide to exempt:

- urban, suburban, regional, long-distance domestic trains and trains which are operated strictly for historical or touristic purposes
- international trains travelling from their territory to non-EU countries - where most of the journey occurs outside the EU and includes at least one scheduled stop in a non-EU country.

# Cancellation, delay > 60 minutes



## → CHOICE BETWEEN REFUND – RE-ROUTING – REBOOKING

- ☐ Refund within 30 days + if needed return journey to the first point of departure
- ☐ Re-routing: at the earliest opportunity or at a later date, mutually agreed
- ☐ NEW: right to self-rerouting (if no solution is proposed within 100 minutes)

## → CARE AND ASSISTANCE

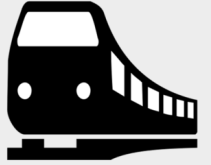
- ☐ Meals, refreshments
- ☐ Accommodation + transport to/ from accommodation
  - ☐ 3 nights maximum in case of extraordinary circumstances

## → COMPENSATION

- ☐ IF passengers do NOT opt for reimbursement
- ☐ 25% for delays between 1 and 2 hours; 50% for delays > 2 hours
- ☐ Unless: Informed before purchase OR “extraordinary circumstances”



# Missed connections?



## ‘Through tickets’ → passenger rights also in case of missed connections

- Long-distance & regional rail operated by one railway operator (or subsidiary) → obligation to provide a through-ticket. Other rail journeys: all reasonable efforts should be made to provide through-tickets & operators should cooperate.
- Obligation to inform passengers: through-ticket or not?
- Tickets bought in a single transaction = considered a through-ticket, except if the passenger is clearly informed it is not
- Through tickets sold by railway operators → right to reimbursement, assistance, compensation in case of missed connections
- Through tickets sold by intermediaries → reimbursement + 75% compensation in case of missed connections

# WATERBORNE

[Regulation \(EU\) No 1177/2010](#)



# Scope



- Ships sailing from an EU port
- Ships sailing to an EU port from a port outside the EU, if the service is operated by an EU transport company
- Ships sailing from an EU port on a pleasure/recreational cruise if accommodation is offered together with other facilities, with more than 2 overnight stays on board

## Exceptions:

- ☐ Ships with max. 12 passengers
- ☐ Ships with max. 3 crew members
- ☐ Trips until 500m (one way)
- ☐ Most historical ships
- ☐ Most excursion & sightseeing ships

# Cancellation or delay



## → CHOICE BETWEEN REFUND – RE-ROUTING (NOT FOR CRUISE PASSENGERS)

- ☐ Cancellation or delay at departure > 90 minutes
- ☐ Refund within 7 days + if needed return journey to the first point of departure
- ☐ Re-routing: at the earliest opportunity

## → CARE AND ASSISTANCE

- ☐ Cancellation or delay at departure > 90 minutes
- ☐ Snacks, meals, refreshments
- ☐ Accommodation + transport to/ from accommodation
  - ☐ Restricted to max. 3 nights and 80€/night
  - ☐ NOT if the cancellation or delay is caused by bad weather

# Cancellation or delay



## → **COMPENSATION** (NOT FOR CRUISE PASSENGERS)

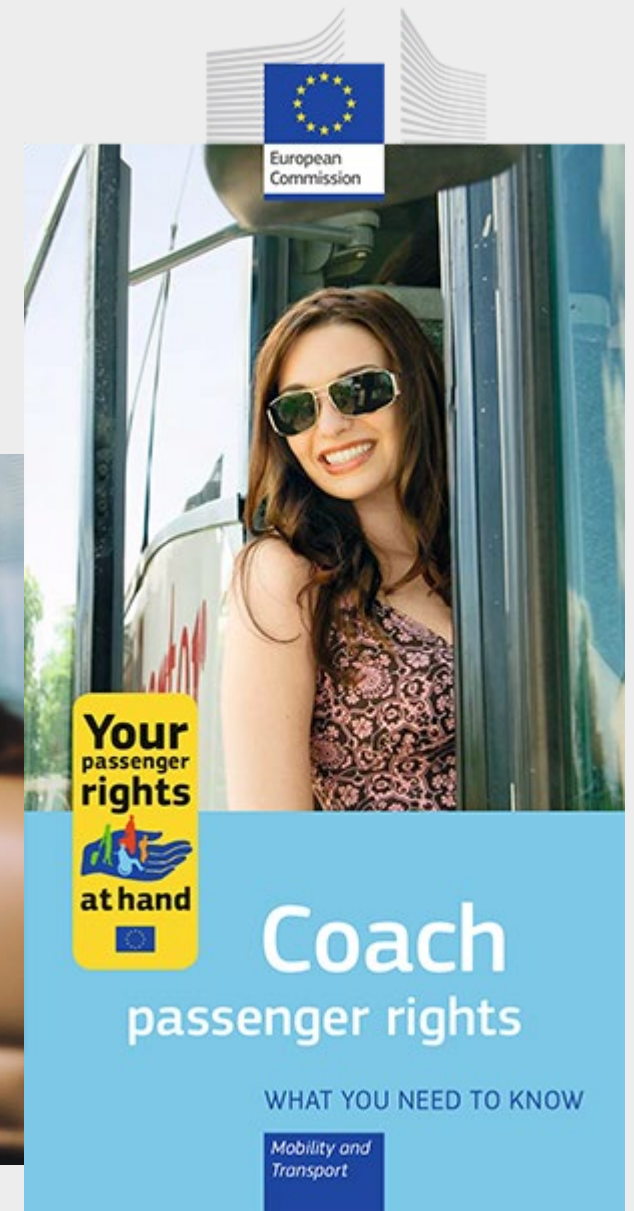
- ☐ IF passengers do NOT opt for reimbursement
- ☐ In case of delay at arrival (incl. for re-routing)
- ☐ To be paid within 1 month
- ☐ 25%-50% of the ticket price, depending on the delay & length of the trip
- ☐ Unless: “extraordinary circumstances”

Compensation	25% of the ticket price	50% of the ticket price
Journey ≤ 4 hours	Delay ≥ 1 hour	Delay ≥ 2 hours
Journey 4 - 8 hours	Delay ≥ 2 hours	Delay ≥ 4 hours
Journey 8 - 24 hours	Delay ≥ 3 hours	Delay ≥ 6 hours
Journey ≤ 24 hours	Delay ≥ 6 hours	Delay ≥ 12 hours



# BUS & COACH

[Regulation \(EU\) No 181/2011](#)





# Scope



- Journeys that start or finish in an EU country
- Regular services, along specified routes, with predefined stops and a set timetable
- Scheduled distance (of the service, not the individual trip) > 250km
- BUT ... some basic rules apply also to services < 250km:
  - Non-discrimination based on nationality (prices, contract conditions)
  - Persons with disabilities and persons with reduced mobility:
    - Non-discriminatory treatment
    - Compensation for loss or damage of mobility equipment during accidents
    - Disability training for drivers
  - Travel information & information on passenger rights
  - Complaint handling and enforcement



# Cancellation or delay

## → CARE AND ASSISTANCE

- ☐ Cancellation or delays of > 90 minutes (at departure) & journey of > 3 hours
- ☐ Snacks, meals, refreshments
- ☐ Accommodation + transport to/ from accommodation
  - ☐ Restricted to max. 2 nights and 80€/night
  - ☐ NOT if the cancellation or delay is caused by severe weather conditions or natural disasters

## → CHOICE BETWEEN REFUND – RE-ROUTING

- ☐ Cancellation, delay (at departure) > 120 minutes
- ☐ Refund within 14 days + if needed return journey to the first point of departure
- ☐ Re-routing: at the earliest opportunity
- ☐ If NOT offered the choice → **COMPENSATION** – 50% of the price, payable within 1 month

# People with reduced mobility

## → Right to information

- In accessible format (incl. digital)
- On specific availabilities on board

## → Right to non-discrimination in transport services

- Cannot be refused transport – except because of safety reasons or because of the design of the vehicle or infrastructure
- Accompanying person → travels for free (except air)

## → Right to assistance, free of charge

- Notification period 48h (air, ship), 36h (bus & coach), 24h (rail)
- No notification → reasonable effort to help

## → Liability for damage to mobility equipment

**Disabled person or person with reduced mobility:** any person whose mobility when using transport is reduced due to any physical disability (sensory or affecting mobility, whether permanent or temporary), intellectual disability or impairment, or any other cause of disability, or age, who needs appropriate attention and adaptation of the service made available to all passengers to his or her particular needs.

# Claim your rights

- If passengers think their rights have not been respected, there are several forms of redress they can use.
  - Always complain to the **operator** first
  - Complain to **national authorities**
  - **Alternative Dispute Resolution** (ADR & ODR)
  - Going to **court** (European Small Claims Procedure)

# Differences between modes

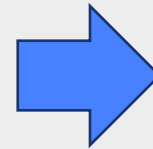
- Delay at departure vs. delay at arrival
- Different time thresholds per mode
- Right to accommodation (not) limited (in “extraordinary circumstances”)
- Deadlines for paying reimbursement or compensation
- Deadlines for submitting complaints & for operators to answer to them
- Different notification periods to request PRM assistance
- Person accompanying person PRM (not) travelling for free
- ...

# To follow-up

## Better Protection for Passengers and their Rights

(December 2021)

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



## Passenger Mobility Package

(November 2023)

- Revision Package Travel Directive
- New 'Omnibus' proposal amending existing Passenger Rights' Regulations, focus on enforcement + role of intermediaries
- New proposal on multimodal journeys



# More info

Your Europe website section on [“Passenger Rights”](#)

European Parliament factsheet on [“Passenger Rights”](#)

Passenger Rights app ([Android](#), [iOS](#))





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# **Thank you**

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