

Passenger rights in all transport modes

2012/2067(INI) - 19/12/2011 - Non-legislative basic document

PURPOSE: to provide a general overview of all passengers rights in the European Union and discuss a EU vision in this area.

BACKGROUND: in the [2001 White Paper](#), the Commission set the objective of introducing passenger protection measures to all modes of transport. This has now been achieved. With the adoption of passenger rights for bus and coach transport in 2011 the EU now has a **comprehensive integrated set** of basic passenger rights rules in all modes: air, rail, waterborne and road transport.

In spite of the success of the work achieved until now some **fundamental questions remain open:**

- the full set of rights is not yet completely and correctly implemented;
- passengers are not yet aware of the rights that they have, or they give them up in frustration because it is costly and cumbersome to defend them;
- national authorities still apply the law in different ways, which confuses passengers and carriers alike and creates distortions in the market.

In its [2011 White Paper on Transport](#), the Commission has therefore insisted on the need to reinforce the implementation of current rules, improving them where necessary.

This Communication is a **first step towards consolidating the existing work**. It is part of the Commission's action to remove obstacles that prevent citizens from effectively exercising their rights under EU law, launched by the [EU Citizenship Report 2010](#). It is also one of the measures envisaged in the Communications on a [Single Market Act](#). In parallel, the Commission is launching a public consultation on a possible revision of the air passenger rights regulation.

CONTENT: this Communication - which draws on years of experience with applying the legislation and on the interpretations of the EU Court of Justice - aims at helping:

- **carriers** towards a more coherent and effective application of EU law;
- **national authorities** towards a harmonised enforcement of passenger protection across all modes;
- passengers towards a better understanding of what they can legitimately expect (and what they cannot) as minimum quality service when travelling.

To do so, the Communication summarises in a simple manner the rights and principles which apply to all modes. It also identifies some areas where further convergence of current legislation can be achieved and loopholes that can be filled.

Principal passenger rights in the EU: passenger rights are based on **three cornerstones:** (i) non-discrimination; (ii) accurate, timely and accessible information; (iii) immediate and proportionate assistance. The following **ten rights** that stem from these principles form the core of EU passenger rights:

1. Right to non-discrimination in access to transport

2. Right to mobility: accessibility and assistance at no additional cost for disabled passengers and passengers with reduced mobility (PRM)
3. Right to information before purchase and at the various stages of travel, notably in case of disruption
4. Right to renounce travelling (reimbursement of the full cost of the ticket) when the trip is not carried out as planned
5. Right to the fulfilment of the transport contract in case of disruption (rerouting and rebooking)
6. Right to get assistance in case of long delay at departure or at connecting points
7. Right to compensation under certain circumstances
8. Right to carrier liability towards passengers and their baggage
9. Right to a quick and accessible system of complaint handling
10. Right to full application and effective enforcement of EU law

Intermodality: as multimodal transport becomes a reality, through for example the integration of carrier contracts, the legislative framework for passenger rights will need to be adapted to tackle the issue of disruption at connecting points in an intermodal journey.

(1) Directive 2010/40/EC (**Intelligent Transport Systems Directive**) includes the development of binding specifications for the provision of EU-wide multimodal travel information services. The Rail Regulation (Regulation (EU) n°454/2011) obliges railway undertakings and ticket vendors to adapt their computerised travel information and reservation systems in accordance with a set of common standards adopted in 2011 ("TAP TSI"). These standards will provide for interfaces for the inclusion of other modes.

(2) The ash cloud crisis in 2010 have highlighted the **need for more flexibility in Europe's transport systems** and for more effective, intermodal solutions to preserve the mobility of passengers and businesses, through enhanced preparedness, coordination and cooperation between all actors involved.

(3) The EU is so far the only part of the world where there are **minimum standards** across all transport modes, which benefit all passengers in Europe, including third country nationals travelling on transport services covered by EU regulations. To improve passenger protection beyond EU borders, passenger rights issues will be addressed in bilateral and international agreements for all modes of transport.

European vision: the Commission states that passenger rights will remain an integral part of the European vision of transport policy even if conditions and modalities of application vary and evolve.

The main objective now is to make these rules easily understandable and to consolidate their implementation and enforcement in all modes of transport to ensure a convergent approach in this area. The Commission will continue working on both regulatory and non-regulatory issues to enhance effective passenger protection and to ensure that EU legislation is applied in a proportionate and effective manner.

1. In coordination with the revision of the Package Travel Directive (90/314/EEC), the Commission will analyse in 2012 whether to propose to **modernise** the first regulation in passenger rights: Regulation (EC) No 261/2004 on aviation.

2. The Commission will work with NEBs to agree on guidance for applying EU law, notwithstanding any future interpretation of the EU Court of Justice. It will do so firstly for the smooth application of the Regulation for Air disabled passengers and passengers with reduced mobility, notably in view of the Olympic and Paralympics Games in 2012; then for passengers in rail (2013), waterborne (2014) and road transport (2015).

At the same time, the Commission:

- will enhance **enforcement action** through reinforced cooperation with NEBs and more systematic exchange of good practices, information and statistics with NEBs and stakeholders ;
- will also examine together with **third countries** how to extend the application of EU principles of passenger protection to journeys outside the EU.

In the shorter term, passengers need to **know and understand their rights**. They need to be confident that their rights will be applied and that authorities will effectively protect them if necessary.