

Passenger rights in all transport modes

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The Committee on Transport and Tourism Georges BACH (EPP, LU) on passenger rights in all transport modes in response to the Commission communication on the subject.

General framework: Members welcome the communication and feel that the common criteria, together with the ten specific passenger rights listed in the communication, correspond to the main rights cutting across modes and form a solid basis for establishing a legally enforceable charter of passenger rights. They recommend that the Commission include in its list of passenger rights the **right to a minimum quality services standard** on the part of carriers and that it set out a **clear definition of such a standard**.

The report points to the need for the forthcoming Commission initiatives concerning passenger rights to tackle what is missing in the fragmented state of the existing regulations, namely a **seamless travel chain for all passengers across all modes of transport**. In the upcoming reviews of the EU rules on passenger rights (for air, rail, waterborne and road transport), **improved convergence between the different legislation in those four areas should be considered as a priority** and amendments introduced accordingly.

Members call upon the Commission to prepare a **Common Frame of Reference (CFR)** for passenger law, containing principles, definitions and model rules for passenger legislation for all modes of transport, in order to form a basis for the further consolidation of passenger law. They draw particular attention to the new challenges posed by **intermodal travel** and the associated information and reservation systems for both passengers and travel companies, underling the need to adapt travellers' rights and operators' obligations, in the field of **package travel**, to reflect the current state of affairs. They call on the Commission speedily to put forward a revised proposal to remedy the current shortcomings affecting the scope of rules, the online sale of travel packages and abusive clauses in contracts.

Information: Members welcome the Commission's decision to maintain its information campaign on passenger rights up to 2014. They call on all transport operators to make greater efforts to inform passengers more fully, recommending that **adequately staffed information points and helpdesks** which are physically and ICT-accessible and whose staff are adequately trained to respond to persons with disabilities or with reduced mobility need be set up at visible and centrally located places of departure and arrival (airports, railway stations, bus terminals, and ports) in order to provide more comprehensive assistance to passengers in the event of individual or collective travel disruption. Such points must pay particular attention to **passengers travelling with children and to persons with disabilities or reduced mobility**. The committee further recommends that there should be properly trained personnel at hand who are able to take **immediate decisions on rerouting or rebooking**, assist in cases of lost luggage, and deal with claims for compensation or reimbursement.

Transparency: Members call on the Commission to:

- oblige Member States to gather and analyse statistical data on **infringements of passenger rights and ways of dealing with all complaints**, on the number and length of delays, and on lost, delayed or damaged baggage;
- enable the current legislation on price transparency and unfair commercial practices to be implemented and enforced effectively, in accordance with Directives 2011/83/EC and 2005/29/EC, and to **consider introducing a system of penalties** to be applied should it be established that EU

legislation on price transparency has been infringed in view of the fact that the websites of many transport operators are still rather unclear and can mislead consumers when they are booking tickets;

- ensure that, notably in computerised reservation systems governed by Regulation 1008/2008/EC, **non-optional operational costs are included in fares**, and that genuinely optional items are published and bookable with all necessary information and fees for ancillary services (such as charges for payment by credit card or handling luggage), **so that no extra costs are added just before a purchase is made** and passengers can clearly differentiate between non-optional operational costs included in fares and bookable optional items;
- ensure **closer monitoring of websites** and to notify the national enforcement bodies where there are misapplications of the existing regulations;
- ensure that ticketing and transparent pricing are available to everybody without discrimination, independently of the location of the consumer or the travel agency, and that **price discrimination against passengers on the basis of their country of residence** is fully eliminated.

Application and enforcement: the committee notes that EU passenger rights law is still not being applied and enforced in the same way in all transport modes and in all parts of the EU, and urges the Commission to **provide a clear set of rules for the establishment of national enforcement bodies**, and ensure that the latter work more closely together, adopt more uniform working methods, and exchange information intensively. It further calls on the Commission to use its influence to create **joint complaint-handling machinery** for the national enforcement bodies, in the form of a central electronic clearing house, which should advise passengers lodging complaints and, to save time and costs, refer them to the appropriate national enforcement body. The Commission is asked to:

- produce a **specific standard EU-wide complaint form for each transport mode**, translated into all Member States' official languages and accessible for all passengers, including the blind, and available in different modes, at the booking stage, at all terminals and online;
- propose a **maximum time limit** which should be laid down for all modes and should apply to both passengers submitting complaints and transport operators and national enforcement bodies handling complaints.

Liability: Members point to the need for an unambiguous definition of the relevant terms and especially of 'extraordinary circumstances', as this would reduce the variations that now exist as regards national enforcement and calls on the Commission to draw up the **necessary legislative proposals**, noting that technical failure should not be considered as an extraordinary circumstance and falls within the liability of a carrier. The committee further considers that **current levels of consumer protection in the event of airline bankruptcy or insolvency are inadequate**, and that optional insurance policies are not a substitute for statutory entitlements. The Commission is asked to submit a **legislative proposal encompassing suitable measures to protect passengers**, which would cover such areas as the repatriation of stranded passengers, compulsory airline insurance or the creation of a guarantee fund. It is also asked to deal with the matter of **liability for damage to baggage** and specifically to mobility or other assistive devices.

People with disabilities or reduced mobility: Members consider it essential to establish minimum standards for assisting people with disabilities and reduced mobility in all modes of transport. They call on the Commission to review the safety standards relating to persons with disabilities and persons with reduced mobility and establish harmonised minimum rules across modes on the minimum level of care to be provided in case of long delays at the transport terminal/station or on the vehicle/train/boat/plane.

Intermodality: the report recognises that, with the entry into force of the [Waterborne](#) and [Bus](#) Regulations in December 2012 and March 2013 respectively, the EU will have established the first integrated area of passenger rights for all modes of transport in the world. It calls on Member States to make every effort to refrain from making use of derogations, in order to reduce the problems posed by intermodal travel. The Commission is strongly urged to continue its efforts to develop a European multimodal travel planner, considered as a key element of the deployment of Intelligent Transport Systems.