Transport: enforcement of passenger rights in the Union

2023/0437(COD) - 29/11/2023 - Legislative proposal

PURPOSE: to revise the Passenger Rights regulatory framework

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: a number of amendments should be made to Regulation (EC) No 261/2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, Regulation (EC) No 1107/2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air, Regulation (EU) No 1177/2010 concerning the rights of passengers when travelling by sea and inland waterway, Regulation (EU) No 181 /2011 concerning the rights of passengers in bus and coach transport and Regulation (EU) 2021/782 on rail passengers' rights and obligations of the European Parliament and of the Council, in order to ensure effective protection of passengers' rights in the Union when travelling by air, rail, sea and inland waterways and bus and coach transport.

Simplification, consistency and harmonisation of the abovementioned Regulations is required especially as regards rules dealing with the information to passengers on their rights before and during the journey, enforcement of passenger rights and complaint handling for passengers. The existing rules in those Regulations should be amended to complement those of the recently adopted as regards forms to request reimbursements and compensation, service quality standards, obligations for carriers to share information with national enforcement bodies, and information of passengers by national enforcement bodies on alternative dispute resolution.

The revision of the Passenger Rights regulatory framework will help to **incentivise the use of collective modes of transport** and consequently also to implement the Green Deal.

CONTENT: the Commission is proposing to revise the Regulations on Passenger Rights to address shortcomings in implementation and enforcement which are preventing passengers from fully benefiting from these rights. It aims to address these shortcomings by strengthening the enforcement mechanisms and introducing rules for air passengers who booked their flights via an intermediary, including on reimbursement.

The proposal contains provisions concerning:

- the **reimbursement** when tickets were booked via an intermediary: where the passenger has bought a ticket through an intermediary, the operating air carrier may make the reimbursement through that intermediary. The passenger should be informed of the reimbursement process in a clear, comprehensible and easily accessible manner at the time of booking and on the booking confirmation. Reimbursement through the intermediary shall be free of charge for passengers and all other parties concerned. The air carrier should reimburse the intermediary within **seven days**, in one transaction through the same payment method which was used at the time of booking, and linking the payment to the original booking reference. The intermediary should reimburse the passenger via the original payment method, at the latest within a further seven days, and inform the passenger and the air carrier thereof;

- improving **information** to passengers on their rights at the time of booking and during journey disruptions should lead to enhanced awareness. Such information should be concise and made easily, prominently, and directly available. It should be provided in a clear and comprehensible manner, and by electronic means as far as possible;

- service quality standards: air carriers and airport managing bodies should establish service quality standards and implement a quality management system to maintain service quality;

- a **common form for reimbursement and compensation requests**: the Commission should adopt an implementing act establishing a common form for compensation and reimbursement requests. That common form should be established in a format which is accessible to persons with disabilities and persons with reduced mobility;

- risk-based approach to the **monitoring** of compliance: the national enforcement bodies should develop a compliance monitoring programme to monitor compliance of carriers, terminal operators, port authorities, travel agents, tour operators and ticket vendors with the obligations laid down in this Regulation based on a risk assessment. The programme should allow for the detection and correction of recurrent non-compliance in the implementation of passenger rights;

- **sharing of information** with national enforcement bodies and information about alternative dispute resolution ADR by national enforcement bodies;

- cooperation between Member States and the Commission and Passenger Rights Committee;

- means of **communication to passengers**: where information is provided by electronic means of communication, carriers, terminal operators, port authorities, travel agents, tour operators and ticket vendors should ensure that the passenger can keep any written correspondence, including the date and time of such correspondence, on a durable medium. All means of communication should enable the passenger to contact them quickly and communicate efficiently.