

# Stakeholder consultation on Regulation (EC) 1371/2007 on rail passengers' rights and obligations (Version for organisations)

## Agreement on personal data

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**(Mandatory)** Please indicate your preference as regards publication of your contribution:

- My contribution may be published mentioning the name of my organisation, but not my personal details (name, email address, etc.)
- My contribution may only be published anonymously
- I do not wish my contribution to be published at all

**(Mandatory)** May the Commission contact you, in case further details on the submitted information in this questionnaire are required?

- Yes
- No

## PART I. IDENTIFICATION OF THE RESPONDENTS

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**(Mandatory)** Please provide your first name

Detlef

**(Mandatory)** Please provide your last name

Neuss

**(Mandatory)** Please provide your email address

detlef.neuss@pro-bahn.de

**(Mandatory)** Which of the following categories best describes your activity or that of your members?

- Organisation representing passengers/consumers
- Organisation representing persons with disabilities or persons with reduced mobility
- Railway undertaking
- Station staff (station manager, other)
- Infrastructure manager
- Public authority (Member State representative, Ministry, Agency, National Enforcement body, other)
- Consultancy
- Workers' organisation
- Ticket vendor
- Tour operator
- Industry federation
- Research / Academia
- Organisation representing environmental / climate stakeholders
- Other

(Optional) If other, please specify

**(Mandatory)** Please identify clearly which organisation / association / authority you represent?

Fahrgastverband PRO BAHN e.V.

**(Mandatory)** Is your organisation registered in the Transparency Register of the European Commission?

- Yes
- No

**(Mandatory)** Please specify your main country(ies) of operations (max. 3)

*between 1 and 3 choices*

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> EU-wide                | <input type="checkbox"/> Global         | <input type="checkbox"/> Austria        |
| <input type="checkbox"/> Belgium                | <input type="checkbox"/> Bulgaria       | <input type="checkbox"/> Croatia        |
| <input type="checkbox"/> Cyprus                 | <input type="checkbox"/> Czech Republic | <input type="checkbox"/> Denmark        |
| <input type="checkbox"/> Estonia                | <input type="checkbox"/> Finland        | <input type="checkbox"/> France         |
| <input checked="" type="checkbox"/> Germany     | <input type="checkbox"/> Greece         | <input type="checkbox"/> Hungary        |
| <input type="checkbox"/> Ireland                | <input type="checkbox"/> Italy          | <input type="checkbox"/> Latvia         |
| <input type="checkbox"/> Lithuania              | <input type="checkbox"/> Luxembourg     | <input type="checkbox"/> Malta          |
| <input type="checkbox"/> Netherlands            | <input type="checkbox"/> Poland         | <input type="checkbox"/> Portugal       |
| <input type="checkbox"/> Romania                | <input type="checkbox"/> Slovenia       | <input type="checkbox"/> Spain          |
| <input type="checkbox"/> Sweden                 | <input type="checkbox"/> Slovakia       | <input type="checkbox"/> United Kingdom |
| <input type="checkbox"/> Other (please specify) |   |   |

(Optional) Please specify Other

## PART II. QUESTIONS ON THE GENERAL RELEVANCE AND EFFECTIVENESS OF THE REGULATION AND WAY FORWARD

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The Regulation aims to improve the attractiveness of rail passenger transport and its market functioning. This is meant to be achieved by ensuring a minimum level of protection for rail passengers across the EU, enhancing social inclusion for persons with disabilities or with reduced mobility (PRM) as well as by promoting a wider level playing field for rail operators in the EU with regard to passenger protection.

The Regulation establishes rules with regard to:

- the information to be provided by railway undertakings, the conclusion of transport contracts and the issuing of tickets;
- the liability of railway undertakings towards passengers, their luggage and their insurance obligations;
- railway undertakings' obligations with regard to assistance and financial compensation to passengers in the event of long delay(s) or missed connection(s).
- the prohibition of discrimination of, and the provision of assistance to, persons with disabilities or with reduced mobility, to allow them to use rail transport on an equal footing with other passengers;
- the definition and monitoring of service quality standards, and the handling of complaints;
- in cooperation with public authorities, the management of risks to ensure the personal security of passengers;
- and general rules on enforcement.

The 2013 [Commission Report](#) identified the following areas for improvement:

1. Extensive use of [exemptions](#) that Member States have granted to certain domestic services
2. Enforcement by Member States
3. Transport disruptions and mobility continuity
4. Delays caused by unforeseen and unavoidable events "Force Majeure"
5. Assistance to persons with disabilities or with reduced mobility
6. Definitions and some other issues.

(Optional) 1. Are you familiar with the provisions of the Regulation?

- Yes, very well
- Yes, well
- No, not well
- No, not at all
- No opinion

2. To what extent do you agree with the following statements?

*(\*\*) Assistance in case of disruption: In the case of a delay in arrival or departure, passengers (including disabled persons and persons with reduced mobility and any accompanying persons) shall be kept informed of the situation and of the estimated departure and arrival time. In the case of delays of more than 60 minutes, passengers shall also be offered, free of charge, meals and refreshments or hotel and other accommodations, alternative transport services whenever necessary [see Article 18].*

	Strongly disagree	Somewhat disagree	Neutral	Somewhat agree	Fully agree	No opinion/not sure
<b>(Mandatory)</b> Passengers are well-informed about their passenger rights	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>(Mandatory)</b> Passengers receive correct, complete and transparent information about the full ticket price	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>(Mandatory)</b> Passengers are well-informed about the details of the journey (schedule, on-board facilities including for disabled passengers, etc.)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>(Mandatory)</b> Passengers are well informed in the event of disruptions (such as long delays, cancellations)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>(Mandatory)</b> Passengers receive assistance(**) in the event of disruptions	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

<p><b>(Mandatory)</b>  Passengers with a travel pass or season ticket are adequately compensated when they encounter <b>recurrent</b> delays or cancellations during the pass's /ticket's validity period</p>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<p><b>(Mandatory)</b>  Passengers are well informed about where they can complain if their rights are not respected also in case of cross-border journeys</p>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

(Optional) 3. Overall, do you think that the Regulation has improved the protection of rail passengers?

- Yes, substantially
- Yes, to a limited extent
- No
- No opinion

(Optional) Comments

*1500 character(s) maximum*

Information about the legal situation with regard to passenger rights has improved in Germany, but still passengers are not very well informed. Passengers in Germany are usually well informed about schedule, price and other details of the journey, but in case of delays and disruptions such information is often not provided as quickly and timely. Also, sometimes it is difficult for passengers to find out about the cheapest option for train journeys.

Compensation with records to recurrent delay is a problem because of the low thresholds for compensation in Germany, especially in regional transport.

One of the members of our organization told us:

- Most passengers who I talk to are unaware of the regulation, especially the right for compensation in the case of delay. Also passengers are deterred by the high bureaucratic effort of filing a claim.

- on-Board info can be very slow. I missed an ICE train, which was supposed to be delayed, but turned out to be on time.
- I have NEVER witnessed a member of staff informing passengers about their right for delay compensation nor received meals or refreshments. Sometimes staff actively misinforming passengers, e.g. at Bruxelles Midi passengers for cancelled ICEs are often told they cannot take THALYS instead. Staff can be incredibly rude.
- SNCB, SNCF and TRENITALIA are terrible in their way of passenger information.

(Optional) 4. What do you think are the main benefits of the Regulation? Please explain.

1500 character(s) maximum

The regulation has introduced compensation for long delays in rail transport in Germany as a basic legal requirement - this was new in Germany and a big step forward compared to the situation before. Gradually, the process of awarding passengers compensation has become more and more professional and integrated into the normal business of railway enterprises. Nowadays consumers usually do not have to complain and sue before they get compensated. Still improvements is possible.

one of the members of our organization told us:

My experience with train travel is mainly AFTER the implementation of the regulation.

Still, I am under the impression the the regulation must have significantly improved passenger rights. This was a big step towards a well integrated and efficient European rail transport.

The next step is to fine-tune the regulation and to enforce it.

5. How do you assess the **impact** of the Regulation in the following areas?

	Very low	Low	No impact	High	Very high	No opinion
<b>(Mandatory)</b> Information provided by railway companies or their agents to passengers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>(Mandatory)</b> Conclusion of transport contracts	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>(Mandatory)</b> Ticketing (eg. availability, choice, sales channels)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>(Mandatory)</b> Liability of railway undertakings in the event of accidents and their	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

obligations towards passengers and their luggage						
<b>(Mandatory)</b> Obligations of railway undertakings to passengers in the event of delays, cancellations or missed connections (information, assistance, compensation)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
<b>(Mandatory)</b> Travel opportunities for persons with disabilities or with reduced mobility (prohibition of discrimination, assistance)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>(Mandatory)</b> Accessibility of railway stations and rolling stock for persons with disabilities or with reduced mobility	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>(Mandatory)</b> Service quality and complaint handling	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>(Mandatory)</b> Personal security of passengers in railway stations and on-board trains	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>(Mandatory)</b> Mobility continuity in the event of major disruption	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>(Mandatory)</b> Enforcement by national authorities (NEBs)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

#### (Optional) Comments

*1500 character(s) maximum*

The main impact of the regulation is in the area of handling the consequences of delays and cancellation. In other areas the regulation also has had some positive impact, but the regulation needs fine tuning:

- 1) The regulation has improved compensation, but it has not led to a consistent improvement of the quality of rail transport, especially with regards to missed connections.
- 2) The procedure of handling a claim is still quite cumbersome and is not based on electronic communication, which passengers often expect.
- 3) Accessibility of railway stations and wagons to persons with reduced mobility still needs improvement.
4. Personal security still needs improvement.

(Optional) 6. In your opinion what are the main negative aspects of the Regulation, if any?

1500 character(s) maximum

The regulation has left out the important areas of regional transport (see question Nr. 8).

Also the regulation does not offer sufficient compensation in case of delays of more than 2 hours - here a compensation of the complete ticket price would be adequate.

One of our members of our organization told us:

The regulation needs fine-tuning:

- enforce responsibility for missed connections, when the connecting service is operated by a different company and regardless of where/how the tickets were bought. Delayed passengers should receive compensation in relation to the total delay at the final destination und the total price of the whole journey. Ideally introduce "inter-modal" passenger rights.
- companies not complying with the regulation should be immediately and effectively penalized. Most passengers are deterred by the massive bureaucracy of appealing against rail companies.
- simplifiy compensation procedures. It should be possible via e-Mail for tickets bought online - at the moment in Germany you have to send the compensation request by normal mail - no other ways are accepted. For passengers with an online account at the rail company, where they bought the ticket, compensation should be claimable with a few clicks.
- prevent rail companies from overcharging for local domestic services, when these are included in a long distance ticket.

### Possible problem 1: Use of exemptions by Member States

Under Article 2 of the Regulation, Member States are allowed to grant exemptions from the full application of the Regulation. These exemptions can be applied to domestic services including long-distance national services (for a period of 5 years renewable twice, i.e. until 2024), to urban, suburban and regional services for an unlimited period of time, and to services or journeys where a significant part is carried out outside the Union for a period of 5 years which can be renewed without specifying how often this may be done (see also the [Report](#) from the Commission to the European Parliament and the Council on exemptions granted by Member States under Regulation (EC)1371/2007 on rail passengers' rights and obligations).

7a. How far do you agree/disagree with the following statements about the current exemptions for long distance national services [Article 2(4)]?

	Strongly disagree	Somewhat disagree	Neutral	Somewhat agree	Fully agree	No opinion/not sure
(Mandatory) They are necessary to safeguard certain services	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



(Mandatory) They facilitate the operation of rail services for new entrants	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
(Mandatory) They lead to legal uncertainty for railway undertakings	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
(Mandatory) They lead to legal uncertainty for passengers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
(Mandatory) They should stay the same (i.e. max. until 2024)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
(Mandatory) They should be removed before 2024	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

(Optional) Please specify Other

(Optional) Comments

*1500 character(s) maximum*

In Germany only limited use was made of the possibility for exemptions and this has not been a problem for neither railway undertakings nor passengers. With the aim of creating a level playing field it would be helpful to abolish the exemption at an earlier point of time.

One of the members of our organization told us:  
These exemptions create confusion among passengers. They do not seem necessary.

Now in the light of reached agreements for the 4th railway package mid of april 2016 it should be seen, that new competitors should strive high quality

standards.

In fact, new competitors seem to be disadvantaged by the exemptions. This is because new companies tend to service only on a few routes in their starting phase. Established rail companies tend to service more routes. In order to convince passengers to split booking between new and established companies, connections between these different trains need to be guaranteed by passenger rights.

7b. How far do you agree/disagree with the following statements about the current exemptions for services of which a significant part is operated outside the EU (Article 2 (6))?

	Strongly disagree	Somewhat disagree	Neutral	Somewhat agree	Fully agree	No opinion/not sure
<b>(Mandatory)</b> They are necessary to safeguard certain services	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>(Mandatory)</b> They facilitate operation of rail services for new entrants	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>(Mandatory)</b> They lead to legal uncertainty for railway undertakings	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>(Mandatory)</b> They lead to legal uncertainty for passengers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

(Mandatory) They should stay the same	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
(Mandatory) They should be removed for the part carried out on EU territory	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
(Mandatory) They should be limited in time	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
(Mandatory) They should be limited in scope (e.g. the number of mandatory articles should be increased)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Other	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

(Optional) Please specify Other

(Optional) Comments

*1500 character(s) maximum*

**(Mandatory)** 8. Should exemptions for urban, suburban and regional services be modified (Article 2 (5))?

- Yes, they should be removed
- Yes, they should be limited in time
- Yes, they should be limited in scope (e.g. the number of mandatory articles should be increased)
- Yes, they should be removed when cross-border services are concerned
- No, the current system should be maintained
- No opinion

(Optional) Comments

*1500 character(s) maximum*

In Germany only limited use has been made of the possibility for legal exemptions for urban, suburban and regional services, but still these services fall out of the scope of the regulation in practice because

1. delays mostly are less than 60 minutes in urban, suburban and regional services and
2. the german legislation implementing the Regulation has introduced a threshold of 4 Euro for compensation - i.e. in case of a 60 minutes delay the passengers are entitled for compensation only if the ticket price was 16 EUR or more - which is hardly the case in regional transport.

One of the members of our organization told us:  
Urban and regional services often connect to long-distance services. Hence delays can have big consequences for passengers. Otherwise extra "time buffer" needs to be added, which increase the total journey time and decrease the competitiveness of rail travel. High reliability is essential in order to motivate travelers to switch to public transport.

(Optional) 9. What would be the main benefits in your view from phasing out and/or removing of exemptions? If possible, please include quantifiable examples.

1500 character(s) maximum

Rail companies would be encouraged to invest in measures that improve punctuality and quality.

Passengers would be encouraged to use public transport, with positive effects on the environment and climate change.

If intermodal passenger rights were to be introduced, passengers would also be able to substitute domestic connecting flights with trains.

(Optional) 10. What would be the main negative impacts or costs in your view from phasing out and/or removing of exemptions? If possible, please include quantifiable examples.

1500 character(s) maximum

**(Mandatory)** Do you think that a phasing out and/or removal of exemptions will increase the economic burden on railway undertakings?

- Yes, significantly
- Yes, to a limited extent
- No
- No opinion

(Optional) If your reply is yes, please explain why you believe that the economic burden on railway undertakings would increase (significantly or to a limited extent)?

1500 character(s) maximum

### **Possible problem 2: Enforcement by Member States**

Member States are in charge of ensuring the correct application of the Regulation. The current Regulation leaves the definition of the precise roles and enforcement tasks of national enforcement bodies (NEBs) to the Member States and does not impose any rules and deadlines for complaint handling or on the nature of sanctions for infringements. While the Regulation requires NEBs to cooperate, it does not define provisions regarding cooperation on cross-border issues.

In addition, the evaluation report highlighted that missing rules for complaint handling by actors other than railway undertakings (e.g. station managers) also impede passengers' access to redress.

11. Role and tasks of NEBs

	Strongly disagree	Somewhat disagree	Neutral	Somewhat agree	Fully agree	No opinion/not sure
<b>(Mandatory)</b> The role of the NEBs is clear	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
<b>(Mandatory)</b> The tasks of the NEBs should be harmonised in all Member States	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
<b>(Mandatory)</b> The tasks and enforcement powers of the NEBs should be clearly spelled out in the Regulation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
<b>(Mandatory)</b> The role of the NEBs needs to be strengthened through new						

obligations (such as reporting, deadlines for complaint handling)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>(Mandatory)</b> The Regulation should harmonise and specify the nature of sanctions for infringements	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Other	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



(Optional) Please specify Other

(Optional) Comments

*1500 character(s) maximum*

1) In Germany the role of the NEB (here the EISENBAHNBUNDESAMT) is not clearly distinguished from the role of the ADR scheme in the transport sector (Schlichtungstelle Öffentlicher Personenverkehr - [www.soep-online.de](http://www.soep-online.de)) In principle, it make sense, that there are two institutions, one overseeing the compliance of railway undertakings with the regulation and sanctioning infringements, the other helping consumers to get what they are entitled to under the regulation. The two roles should, however, be distinguished from each other more clearly.

2) Especially with regards to international rail journeys it would help to have a European institution overlooking the NEB and ADR schema and ensuring consistent handling procedures.

One of the members of our organization told us:

I have the personal experience, that railway companies of refuse legitimate claims from customers. This included DB, EUROSTAR, SNCB, SNCF and TRENITALIA. Issues encountered were:

- no reply at all,
- reply only after several months,
- customer is referred to another company, which in run refers back to the first company
- the procedure to refund is made as complicated as one could possibly imagine

It seems to be essential to implement sanctions for railway companies who fail to comply.

These sanctions should be substantial, e.g. 20 times of the ticket price. They should be imposed immediately if any infringement is discovered. NEBs should in detail investigate all cases !

**(Mandatory)** 12. Should actors other than railway undertakings (e.g. station managers) also have a role in dealing with complaint handling?

- Yes  
 No  
 No opinion

(Optional) If yes, which actors and which role?

*1500 character(s) maximum*

- Consumers need personal assistance at stations- not only limited to disabled persons and not only following prior notice. Of they find it hard to get

solutions for practical problems such as getting the right ticket or getting help with heavy luggage.

- Ticket vendors should take complaints and compensation requests from their customers and forward these to the rail companies.

- Station staff should inform passengers about their rights and to provide accurate and timely information about next possible connections in case of delays.

If train operators do not have an office/infopoint in a station, they should be obliged to name another train operators office/station manager, who will step in for them in case of delays. (e.g. DEUTSCHE BAHN AG operates train from Brussels to Germany, but do not have any DB Staff at the station in Bruxelles).

### **Possible problem 3: Transport disruptions and mobility continuity**

In the event of major transport disruptions (e.g. massive, unannounced strikes, natural catastrophes, terrorist attacks etc.), Members States and transport industry responses vary or are inconsistent.

**(Mandatory)** 13. Do you think that passengers in all EU countries are sufficiently protected and assisted in case of major disruptions?

- Yes, in my country
- Yes, in some EU countries
- Yes, in all EU countries
- No, nowhere
- No opinion

(Optional) Comments

*1500 character(s) maximum*

Hard to judge. Rail transport is open to access from many side and therefore hard to protect, especially against terrorist attacks. On the other side, open accesses a strong quality aspect of rail transport compared to air transport, and with the great number of stations and access points it is both difficult to imagine and certainly not desirable to have strong control at all points of access.

**(Mandatory)** 14. Do you think that the economic burden for passenger assistance is appropriately shared between railway undertakings and other parties in case of major disruption?

- Yes
- No
- No opinion

(Optional) If the reply is no, should the Regulation contain obligations for other parties to share responsibilities with railway undertakings for the provision of assistance in the event of major rail transport disruption?

- Yes

- No
- No opinion

(Optional) If yes, which parties?

1500 character(s) maximum

At the moment the economic burden for passenger assistance is equally shouldered by all passengers via the price of a ticket. This seems to be the fairest way.

Small rail companies might be at a disadvantage, because a major transport disruption poses a more existential threat to them. Therefore it might be a good idea to create an insurance against "force majeure" . All rail companies would pay in and later would claim refunds in case where they are effected by a major transport disruption.

**(Mandatory)** 15. Should the requirement for contingency planning(\*\*) for rail transport operators in case of major rail transport disruption be part of the framework of rail passenger rights?

*(\*\*) Contingency planning means to have measures in place to preserve passengers' mobility in the event of a major transport disruption and to provide information and assistance to passengers (see also the Commission Staff Working Paper on the [Continuity of passenger mobility following disruption of the transport system](#)).*

- Yes, there should be obligations for contingency planning
- Yes, the Commission should develop guidelines on contingency planning
- Yes, the operators and other actors involved should agree on and coordinate contingency planning
- No, a requirement for contingency planning should not be part of the framework
- No opinion

(Optional) Comments

1500 character(s) maximum

Contingency planning seems to be in the interest of all European citizens. It helps the European integrations. Citizens will become aware of the benefits of the Union

(Optional) 16. In your opinion, what would be the main benefits of contingency planning? If possible, please provide quantifiable examples.

1500 character(s) maximum

Consumers would greatly benefit from

- intermodal passenger rights and
- real-time multi-modal information and planning services

(Optional) 17. In your opinion, what would be the main negative impacts of contingency planning? If possible, please provide quantifiable examples.

*1500 character(s) maximum*

No long-term negative effects identified.

#### **Possible problem 4: Delays caused by unforeseen & unavoidable events ("Force Majeure")**

According to the European Court of Justice ruling in [case C-509/11](#), railway undertakings cannot be exempted from having to pay compensation for delays caused by unforeseen and unavoidable events which they could not have prevented even if all reasonable measures had been taken ('Force Majeure'). This puts railway undertakings in a different situation from all other modes of transport (notably air, bus & coach and waterborne transport), where passenger rights legislation includes a clause according to which carriers do not have to compensate passengers in such situations.

**(Mandatory)** 18. Do you think that railway undertakings should have to pay compensation to passengers even in cases where delays were caused by events beyond the control of railway undertakings and which they were not able to prevent?

- Yes, in the event of long delays (>60 minutes) railway undertakings should always have to pay compensation to passengers irrespective of the cause of the delay.
- Yes. If the cause of the delay was beyond the control of the railway undertaking and could not be prevented, railway undertakings should **only** pay compensation in the event of **very long** delays ( e.g. >180 minutes).
- No, railway undertakings should not have to pay compensation in cases where delays were caused by events beyond their control and which they were not able to prevent.
- No opinion

(Optional) 19. In your view, what would be the main benefits if railway undertakings were exempted from having to pay compensation in cases where delays were caused by events beyond the control of railway undertakings and which they were not able to prevent? If possible, please provide quantifiable examples.

*1500 character(s) maximum*

Obviously this would result in a higher financial gain for rail companies, which might or might not lead to a cheaper tickets.  
But basically it would mean that passengers are totally unprotected in case of a natural disaster. It seems to be fairer and more ethical to distribute the risks among society then concentrating the risk on a small number of citizens.

(Optional) 20. In your view, what would be the main negative impacts or costs if railway undertakings were exempted from having to pay compensation in cases where delays were caused by

events beyond their control and which they were not able to prevent? If possible, please provide quantifiable examples.

1500 character(s) maximum

The European Court of Justice has found that with regards to the obligation to compensate passengers in the case of longer delays there is no exemption in the case of "extra-ordinary circumstances" - in difference to the area of flight passenger rights. This is often argued to be a disadvantage of rail transport - but

- First , compensation in the case of flight passenger rights is more costly to the airlines,
- second, while it may be hard for railway undertakings to bear the consequences of such extraordinary circumstances, it is even harder for passengers to do so, and
- third, the consequences should be rather to abolish the exemption for extraordinary circumstances in the case of air passenger rights then to extend such an exemption into the area of rail passenger rights.

### Possible problem 5: Assistance to persons with disabilities or with reduced mobility

The Regulation provides for non-discriminatory access conditions for passengers with disabilities or with reduced mobility (PRM). It imposes certain obligations on railway undertakings and station managers in order to allow PRM passengers to use rail services under comparable conditions as other passengers. However, from various sources, including passenger complaints, it appears that notably the assistance provided to passengers at stations and to embark and disembark trains still leaves room for improvement. Moreover, the Regulation is not fully aligned with the revised [technical specifications for interoperability for PRM](#) (PRM TSI) and the UN Convention on the rights of persons with disabilities ([UNCRPD](#)) that specify certain new obligations eg. regarding accessibility of stations and rolling stock, and the provision of disability awareness and assistance training.

22. How do you assess the following services offered to persons with disabilities or with reduced mobility when travelling?

	Very bad	Bad	Neither good or bad	Good	Very good	No opinion
<b>(Mandatory)</b> The general information about the accessibility of rail services and on the access conditions of rolling stock	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>(Mandatory)</b> Accessibility of travel information to be provided before and during the journey (including its provision in alternative formats)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

(Mandatory) Accessibility of stations, platforms, rolling stock and other facilities	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
(Mandatory) Assistance provided at stations, during boarding, disembarking and on-board	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
(Mandatory) Financial compensation in case of loss or damage to mobility equipment	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Other	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

(Optional) Please specify Other

(Mandatory) 23. Does the assistance provided to persons with disabilities or with reduced mobility at stations, including to embark and disembark, need to be reinforced?

- Yes, strongly
- Yes, to a limited extent
- No
- No opinion

(Optional) Comments

*1500 character(s) maximum*

Some stations have a fairly good standard with regards to accessibility to people with reduced mobility, but other stations, especially in regional transport, lag behind. Just in these stations, it is also hard to get personal assistance. To do so, passengers have to make a notice in advance of their journey, which requires lengthy planning process to get out of the city.

(Mandatory) 24. Is there a need to enshrine provisions for minimum compulsory awareness and assistance training for staff in the legal framework?

- Yes
- No
- Do not know

(Optional) Please explain why

*1500 character(s) maximum*

(Optional) 25. What would be the main benefits of staff training? If possible, please provide quantifiable examples.

*1500 character(s) maximum*

It is not only about training, but probably more about availability of staff in the first place. Many trains and train stations, especially in regional, urban and suburban transport, do not provide for any staff in the trains and in the stations.

(Optional) 26. What would be the main additional negative impacts or costs for staff training? If possible, please provide quantifiable examples.

*1500 character(s) maximum*

(Optional) 27. Which other measures should be taken to facilitate rail travel for persons with disabilities or with reduced mobility so that they would increasingly use rail transport? If possible, please provide quantifiable examples.

*1500 character(s) maximum*

Provide more staff present in stations and trains - this will also help a lot to improve security.

**Possible problem 6: Definitions and other issues**

In spite of the [interpretative guidelines](#) on the Regulation adopted in July 2015 some rules (e.g. related to railway undertakings' liability in case of accidents) and certain definitions (e.g. "carrier") remain unclear.

In addition, there could be potential conflicts between the Regulation and the internationally applicable Convention on International Carriage by Rail ([Uniform Rules CIV of COTIF](#)) reproduced partly in Annex I to the Regulation, which focuses on the contractual relationship between railway

undertakings and passengers. The link between the CIV rules in Annex I and the provisions of the Regulation is not always clear. Moreover, amendments of the Uniform Rules CIV could not automatically be reflected in the Regulation and its annex.

28. Do you consider that certain terms or rules in the Regulation are unclear / missing / or obsolete in the Regulation which might cause problems to the stakeholders involved?

	Yes, this is unclear	Yes, this is (partly) missing	Yes, this is (partly) obsolete	No	No opinion
<b>(Mandatory)</b> Notion of "carrier" (including in an intermodal context)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>(Mandatory)</b> Notion of "missed connection" (including in an intermodal context)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>(Mandatory)</b> Concept of "through tickets" (notably in the context of assistance and compensation in the event of delays and missed connections)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>(Mandatory)</b> Rules on railway undertakings' liability for passengers and luggage in case of accidents	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Other	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

(Optional) Please specify Other

Full liability of railway companies for combined railway journeys should be introduced - this requires the concept of "through tickets" to be expanded to cover any combinations of tickets that form a reasonable journey from a starting point to a final destination.

(Optional) Comments

*1500 character(s) maximum*

Article 18.2. a " meals and refreshments in reasonable relation to the waiting time " is unclear and therefore often ignored by railway companies. This needs to be defined more clearly. For example, a certain amount of money could be



handed out to passengers per hour of delay. This should be in relations to the price level at the train stations and in on-board restaurants and bistros.

**(Mandatory)** 29. Should the general framework for rail passenger rights prohibit direct or indirect discrimination on grounds of nationality in addition to Article 18 of the TFEU, notably as regards contract conditions and tariffs (without prejudice to social tariffs)?

- Yes
- No
- No opinion

(Optional) Comments

*1500 character(s) maximum*

**(Mandatory)** 30. In your opinion, what would be the best way to deal with inconsistencies between the Regulation and the uniform rules CIV in its Annex I?

- Separate the body of the Regulation from the Uniform Rules (UR) CIV in its Annex I
- Keep the body of the Regulation and the UR CIV together in a single piece of legislation and include a clause/article allowing amendment or updates
- No change is necessary
- Other
- No opinion

(Optional) Please specify Other

(Optional) Comments

*1500 character(s) maximum*

The scope of the regulation and the CIV seems to be slightly different. Hence it should be more clearly described, that these are two different pieces of legislation, which in most cases, apply simultaneously.

(Optional) 31. The 2012 evaluation report on the application of Regulation (EC) N° 1371/2007 identified a number of issues with its application in Member States who are in charge of monitoring and enforcing the Regulation. The issues relate, among others, to the adequacy

and use of sanctions, NEBs' enforcement activities, the performance of inspections or cross-border cooperation. How could Member States ensure a better application of Regulation (EC) N° 1371/2007?

1500 character(s) maximum

Stronger use of ADR schemes to help passengers get what they are entitled to.

As outlined, it seems to be essential to implement clear sanctions for railway companies, who fail to comply with the regulation. Only a small number of passengers who were treated unfairly will actually report this to an NEB or an ADR organization in their country.

Therefore, to maximize the effectiveness of the NEBs and to ensure smooth and even application of the regulation, these steps would be useful:

1. Sanctions should be substantial, e.g. 20 times of the amount of a ticket price
2. Sanctions should be imposed immediately for every infringement of the regulation,
3. Complaining to an NEB should be as easy a possible - online form sheet !
4. NEBs should investigate all cases.
5. A European central enforcement body should supervise the NEBs, take complaints and advice all citizens.

32. In any policy initiative, the Commission must consider whether the level of EU intervention is appropriate, i.e. whether certain policy measures should be dealt with at EU level or at the Member State level.

a) In your view, is **national level** the most appropriate to address the following issues?

	Voluntary agreements	New national legislation	Other	No opinion
<b>(Mandatory)</b> Information provided to passengers	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
<b>(Mandatory)</b> Liability of railway undertakings in the event of accidents and their obligations towards passengers and their luggage	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
<b>(Mandatory)</b> Obligations of railway undertakings to passengers in the event of delays, cancellation or missed connections (information, assistance, compensation)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
<b>(Mandatory)</b> Liability of railway undertakings to compensate passengers for delays caused by unforeseen and unavoidable events (force majeure)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

(Mandatory) Accessibility and assistance for disabled passengers and passengers with reduced mobility	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
(Mandatory) Enforcement	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
(Mandatory) Complaint handling	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

(Optional) Comments

1500 character(s) maximum

b) In your view, is **EU level** the most appropriate to address the following issues?

	Voluntary agreements	New legislation	Revision of Regulation 1371/2007	Other	No opinion
(Mandatory) Information provided to passengers	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
(Mandatory) Liability of railway undertakings in the event of accidents and their obligations towards passengers and their luggage	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
(Mandatory) Obligations of railway undertakings to passengers in the event of delays, cancellation or missed connections (information, assistance, compensation)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
(Mandatory) Liability of railway undertakings to compensate passengers for delays caused by unforeseen and unavoidable events (force majeure)	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
(Mandatory) Accessibility and assistance for					

disabled passengers and passengers with reduced mobility	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
(Mandatory) Enforcement	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
(Mandatory) Complaint handling	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

(Optional) Comments

*1500 character(s) maximum*

All these areas have been dealt with European legislation and to provide for a consistent European legal framework for passengers, the European level remains the right level for legislation.

## PART III. OTHER QUESTIONS

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(Optional) 33. Are there any other issues with the operation of the current Regulation to which you would like to draw our attention, or which you consider should be changed? Please give details.

*3000 character(s) maximum*

1. include effective provisions for delays, cancellations and recurrent irregularities in the area of regional, urban and suburban rail transport. It would greatly help to introduce a provision allowing for compensation, if a delay is longer than 30 minutes. There should not be a minimum threshold for compensation request.
2. for very long delays compensation should be 100 percent of the ticket price.
3. Compensation schemes for different modes of transport (railway, airplane, ship and bus) should be harmonized - not meaning that there is exactly the same amount of compensation and exactly the the same legal framework, but a consistent logic. The logic of the railway compensation scheme in principle is more convincing the one for air passengers: When traveling by train, passengers are sure to a compensation starting from a relatively low minimum delay of 60 minutes, but compensation is limited to a percentage of the ticket price. When traveling by plane, passengers will get compensation only when the delay is more then 3 hours - in this case, compensation is substantial, sometimes more than the ticket price, but airlines often take recourse to "extra-ordinary circumstances " to avoid liability.

(Optional) 34. Please provide references to any studies or documents that you think are relevant for this consultation, with links for online download where possible.

1500 character(s) maximum

(Optional) 35. Please provide information on any successful initiatives at regional, national or international level related to rail that could support the Commission in the impact assessment exercise.

1500 character(s) maximum

(Optional) 36. Please upload any additional documents (e.g. position papers) to support your contribution to the consultation.

## Useful links

About this consultation

([http://ec.europa.eu/transport/themes/passengers/consultations/2016-02-03-rail-rights-and-obligations\\_en.htm](http://ec.europa.eu/transport/themes/passengers/consultations/2016-02-03-rail-rights-and-obligations_en.htm))

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## Contact

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