

Procedure file

Basic information		
INI - Own-initiative procedure	2012/2067(INI)	Procedure completed
Passenger rights in all transport modes		
Subject		
3.20.01 Air transport and air freight		
3.20.02 Rail transport: passengers and freight		
3.20.03 Maritime transport: passengers and freight		
3.20.05 Road transport: passengers and freight		
4.60.06 Consumers' economic and legal interests		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	TRAN Transport and Tourism		23/01/2012
		PPE BACH Georges	
		Shadow rapporteur	
		S&D SEHNALOVÁ Olga	
		ALDE SAVISAAR-TOOMAST Vilja	
		Verts/ALE TAYLOR Keith	
		ECR BRADBOURN Philip	
	Committee for opinion	Rapporteur for opinion	Appointed
	IMCO Internal Market and Consumer Protection		29/02/2012
		PPE PIETIKÄINEN Sirpa	
European Commission	Commission DG	Commissioner	
	Mobility and Transport	KALLAS Siim	

Key events			
19/12/2011	Non-legislative basic document published	COM(2011)0898	Summary
20/04/2012	Committee referral announced in Parliament		
18/09/2012	Vote in committee		
26/09/2012	Committee report tabled for plenary	A7-0287/2012	Summary
22/10/2012	Debate in Parliament		
23/10/2012	Results of vote in Parliament		
23/10/2012	Decision by Parliament	T7-0371/2012	Summary

23/10/2012	End of procedure in Parliament		
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Technical information	
Procedure reference	2012/2067(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Initiative
Legal basis	Rules of Procedure EP 54
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/7/09309

Documentation gateway					
Non-legislative basic document		COM(2011)0898	19/12/2011	EC	Summary
Committee draft report		PE489.540	30/05/2012	EP	
Amendments tabled in committee		PE492.578	04/07/2012	EP	
Committee opinion	IMCO	PE489.552	17/07/2012	EP	
Committee report tabled for plenary, single reading		A7-0287/2012	26/09/2012	EP	Summary
Text adopted by Parliament, single reading		T7-0371/2012	23/10/2012	EP	Summary
Commission response to text adopted in plenary		SP(2013)71	01/03/2013	EC	

Passenger rights in all transport modes

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.

Passenger rights in all transport modes

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, underlining 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 Commissions 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.

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- ensure closer monitoring of websites and to notify the national enforcement bodies where there are misapplications of the existing regulation;
- address the proliferation of unfair terms in air carrier contracts, such as the unfair requirement that passengers must use the outgoing part of a return ticket in order to be able to use the return part and that they must use all the tickets for a journey in consecutive order;
- 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.

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the Commission, to remove the obstacles now existing to access to public traffic data and data transfer, without prejudice to appropriate data protection arrangements.