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Railway Gazette
INTERNATIONAL

Passenger groups raise concerns about EU passenger rights recast

2 October 2020



EUROPE: Following three years of negotiations the European Parliament and EU Council reached a provisional agreement on October 1 for changes to EU rail passenger rights legislation. However, customer groups immediately raised concerns about limitations in the scope of the recast.

Announcing the agreement, European Commissioner for Mobility & Transport Adina Vălean said the new regulation 'means better protection for our European passengers in case of delays, cancellations, missed connections or discrimination. It also means more trust in the rail companies. I particularly welcome the progress to better respond to the needs of people with disabilities or reduced mobility and the legal clarity we achieved, both for consumers and companies.'

However Monique Goyens, Director General of the European customer rights association BEUC – which represents 44 consumer organisations from 32 countries – described the compromise as 'a real missed opportunity to promote trains among consumers by giving passengers strong and enforceable rights, applicable to all types of rail services across the EU.'

Changes

The text of the proposed agreement will be only published once the Council formally adopts its first reading position.



According to the Commission, the changes are intended to clarify rules on enforcement and complaint handling, provide better access to information, and improve the rights of passengers with reduced mobility. The scope of the statutory passenger rights would also be expanded to cover regional trains, as well as the existing long-distance services.

If delays of over 100 min occur, the operator would be obliged to reroute passengers and assist them to find the best alternatives for completing their journey.

Operators would be obliged to provide through ticketing covering all legs of journeys on routes operated by themselves or their wholly-owned subsidiaries, removing the current situation where they can sell tickets as separate legs to bypass compensation, re-routing and assistance obligations.

Passengers with reduced mobility would only be required to notify the operator of their plans 24 h in advance on order to obtain assistance, a reduction from the current 48 h.

All trains would have to be equipped with dedicated bicycle facilities.

Force majeure

A significant change in the recast proposals is that a *force majeure* exemption would be introduced, bringing rail into line with other modes of transport.

This would clarify the circumstances such as natural disasters, extreme weather, terrorist attacks or pandemics under which train operators could avoid paying compensation; passengers would still have the right to a reimbursement of the ticket price, re-routing and assistance.

BEUC said this clause would significantly weaken existing passenger rights, and by covering disruption from causes such as damaged cables and trespassers it 'risks creating more disputes than it solves'.

Response

The European Passengers' Federation said it was 'very disappointed' with the proposals, as it had hoped the recast would end existing exemptions and establish the principle that 'one journey = one contract of carriage'.

The agreement 'doesn't constitute a significant improvement for passengers, just small improvements in some areas, against considerable deterioration in other areas', said EPF. It argued that 'better, not worse, passenger rights are needed to get passengers back in the trains after the



Covid-19 crisis:

BEUC said new rule on through ticketing was a 'false victory', as it would only cover operators 100% owned by the parent company. As an example, a Lyon – Paris – Brussels journey involving both SNCF and Thalys trains would not be covered, as Thalys is only 70% owned by the national operator.

A similar view was expressed by the ALLRAIL association of new market entrants, which said the negotiators had 'reached political agreement on stronger rights for state rail incumbents, enabled thanks to their dominant lobby which is in turn funded by EU taxpayers'.

ALLRAIL believed that the agreement could lead to further erosion of the availability of through tickets. Mandatory through ticketing with liability for any delay compensation lying with the causer of that delay would have been the 'fairest and most effective way' to improve performance, it said, suggesting that making passenger rail travel more attractive would generate additional revenue outweighing the potential cost of compensation.

"By rejecting mandatory through ticketing, EU negotiators decided against the interests of rail



passengers’, said ALLRAIL General Secretary Nick Brooks. ‘They rejected a measure that would have made searching and booking a rail journey with different operators much easier.’

Noting that current national exemptions mean that two-thirds of EU rail services (mostly suburban and regional trains) are exempted from the application of the passenger rights legislation, BEUC said it was ‘unacceptable’ that the recast would allow member states to renew some exemptions for five more years.

Next steps

The provisional agreement is still subject to approval by the EU Council. The German Presidency is due to brief the Council’s Permanent Representatives Committee on the outcome of the trilogue meeting on October 7, and intends to submit the agreement for endorsement in the coming weeks.

The European Council would adopt its first reading position once both institutions have confirmed the provisional agreement. The European Parliament will vote on the agreed text in the second reading.

The new rules would enter into force 24 months after they are published in the Official Journal of the EU.