

Ms Adina Vălean
Commissioner for Transport
European Commission

The Consumer Voice in Europe

By email

Ref.: BEUC-X-2023-090/MGO/UPA/rs

23 June 2023

Subject: Time is running out for EU Commission to finally roll out sustainable mobility strategy – consumers need it.

Dear Commissioner,

We are writing to you on behalf of BEUC, The European Consumer Organisation, to convey our disappointment and our major concerns about the European Commission's lack of any legislative initiative enabling European consumers to embrace the move towards more sustainable mobility and to empower them to enforce their passenger rights.

Back in December 2020, the Commission committed, in its Sustainable and Smart Mobility Strategy, to ensure that passengers, "enjoy a seamless multimodal experience throughout their journey, through a set of sustainable mobility choices. Planning and purchasing tickets for multimodal journeys is cumbersome, as a conducive framework for EU-wide, integrated, multimodal information, ticketing and payment services is lacking. (...) Sustainable [transport] alternatives must be made widely available now in a fully integrated and seamless multimodal mobility system."

As the Commissioner for Transport, you were indeed expected to set the ambition high to accompany consumers in their journey to sustainable transport. Your mandate is a major opportunity for the Commission to demonstrate that the interests of its citizens are at the centre of the EU's priorities. Just a few months ahead of crucial European elections, a demonstration of inclusivity is crucial to boost the credibility and the legitimacy of the European institutions.

Yet nearly three years after the publication of the above Strategy, not a single legislative proposal is on the table to address the long-standing issues around multimodality, which you personally identified as a key driver to tackle transport's growing emissions.

We struggle to understand the reasons behind this lack of action, despite all the evidence brought to you by your services and repeated messages of concern from stakeholders across the board.

Below we list the major files on which action is urgently needed, but so far has been delayed or which will require more ambitious solutions than currently envisaged:

On multimodality: For two years, your services have been preparing the policy options and the impact assessment for the Multimodal Digital Mobility Services (MDMS) initiative. You commissioned a consultancy to help you with the drafting, while BEUC and other stakeholders respectfully contributed. We participated to and held expert meetings, we submitted written and oral contributions based on sound evidence, highlighting the main issues to be addressed in the proposal. Despite several delays, your services presented policy options which responded to the identified challenges to a certain extent.

.../...

However, a new, unsubstantiated policy option (the “re-linking” option) is now on the table. One that has never been discussed and is a recipe for failure, as it would not provide a convenient multimodality and ticketing solution for consumers. The presentation of this new policy option by your services to all stakeholders on 19 June 2023 was a major ‘U-turn’ and raises our greatest concerns on the success of the MDMS initiative.

What we ask : We urgently call on you to revert to the [initial policy options](#) proposed by your services and [deliver for consumers](#).

On passenger rights: In the wake of the COVID-19 pandemic, you announced your intention to learn the lessons from the crisis and to ensure that consumers would be able to easily enforce their rights. This materialised in the preparatory work for the “Better protection of Passengers and their Rights” initiative where you made strong commitments to address five well-known consumer issues. These were: 1) the difficulties for consumers to exercise their rights as passengers; 2) the lack of consumer protection in the event of airline insolvency; 3) the need to clarify the liability of online booking intermediaries; 4) the absence of multimodal passenger rights; 5) and the lack of statutory rights for passengers to be refunded at no cost when they cancel their tickets in a major crisis situation.

However, despite these strong statements, recent signals about the progress of the initiative are alarming and seem to imply that no effective solutions will be provided to address the problems encountered by European travellers.

When it comes to **enforcement** - the Achilles’ heel of all passenger rights - no game changer proposal is envisaged, that would really empower consumers to easily enforce their rights and deter operators from breaching Passenger Rights Regulations (automated refund, truly dissuasive fines etc.)

On protection against airline insolvency, you announced that, “The EU must help passengers when transport operators go bankrupt,” and that, “Stranded passengers need to be repatriated and their tickets have to be reimbursed in case of cancellations by carriers [...]” BEUC and eight co-signatories (from consumer to industry representatives) fully supported your engagement to correct this well-known legal gap and jointly called on you via two successive [letters](#) for the introduction of a mandatory insolvency protection scheme for airlines, by providing ample evidence of the damage suffered by consumers and other stakeholders. However, despite your strong commitment and all the evidence brought to your attention, you have not shown any signal that you are seriously considering such an option.¹

Regarding **multimodal passenger rights,** the last mile to ensure the multimodal shift, you announced that the Commission will, “examine the options and benefits of a simplified, more coherent and harmonised multimodal framework for passenger rights” and the need, “to ensure that there is an adequate framework of rules for the protection of passengers who suffer [multimodal] disruption”. The reality seems quite different, however, as the policy measures envisaged will establish an empty shell protection for travellers, as with a simple disclaimer, online booking intermediaries will escape any further liability.

Establishing clear **obligations for online booking intermediaries** was also one of your strong announcements. Your intention to clarify by law who is responsible for refunding consumers is welcome, but much more is needed to better protect consumers, especially because often, intermediaries are the only consumer interlocutor. They should have more obligations, such as having to proactively inform consumers about their rights and how to exercise them, informing them of the next re-routing options available etc.

Finally, it seems that your commitment to consider **introducing a statutory right for passengers to cancel their tickets at no cost during times of crisis** is now a thing of the past, despite an obvious need for action.

¹ Ares(2023)2107646 – 23/03/2023 and Ares(2023) 4298995 – 21/06/2023.

What we ask: We need a truly ambitious "[Better Protection of Passengers and their Rights](#)" proposal that empowers consumers to swiftly exercise their passenger rights. This initiative should aim at [correcting the legal gaps](#) between the Package Travel Directive and the passenger rights regulations by harmonising statutory passenger cancellation rights and by introducing mandatory protection against airline insolvencies. The introduction of core multimodal passenger rights for all types of contracts (care and assistance, re-routing etc.) is fundamental to achieve the multimodal shift and should go hand-in-hand with clear liabilities and obligations for booking intermediaries - who are key actors in this sector - towards travellers.

For all these files, there is more than enough evidence for you and the Commission to act. The framing of the regulatory action has been prepared and has followed an inclusive process. There is therefore no reason to further delay the Commission's publication of its long-awaited proposals so that they are democratically discussed by the co-legislators in order to correct long and well-substantiated legal gaps in travellers' rights legislation.

This Commission has an ever-narrowing window to deliver on the regulatory incentives and safeguards that consumers need to participate in the transition to sustainable mobility. We urge you not to waste this opportunity and to embrace the initiatives that will deliver multiple wins to the climate, the environment, public health and consumers' wallets. It will also allow the Commission to demonstrate that it cares for EU citizens.

The above-mentioned policies would be fully consistent with your mission letter, that mandated you to ensure, "that we have a transport sector fit for a clean, digital and modern economy," and to ensure that transport, "remains affordable, reliable and accessible, notably for those on a low income or living in remote areas, and that passenger rights are respected". They would be also in line with your Sustainable and Smart Mobility Strategy where you indicated that, "**we must shift the existing paradigm of incremental change to fundamental transformation.**"

This letter is shared with the team of Executive Vice-President Frans Timmermans.

Yours sincerely,

Monique Goyens
Director General

Ursula Pachtl
Deputy Director General