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Reform of rail passenger rights - EU policymakers fail to meet passenger expectations

Reviewed European rail passenger rights agreed today by the Member States and the European Parliament lack ambition and are a missed opportunity to promote rail travel. Despite hopes of rail being central to the green recovery and ahead of the 2021 [European Year of Rail](#), EU decision-makers made small improvements in limited areas, but watered down passenger rights in others in today's compromise.

EU negotiators have agreed on revised rail passenger rights legislation that will have wide-reaching consequences for consumers. The new rules give passengers some very limited improvements – such as the introduction of a mandatory offer of through-tickets for railway services operated by a sole railway operator, meaning passengers will be protected by their passengers rights for their whole connected journey, as well as better assistance for people with reduced mobility and more space for bicycles.

However, they significantly weakened current EU passenger rights by introducing a broad *force majeure* clause which will remove the current obligation for rail operators to compensate and assist passengers even when disruptions are caused by extraordinary circumstances.

KEY TAKEAWAYS FOR PASSENGERS:

THROUGH-TICKETING: A FALSE VICTORY

When passengers buy a combined ticket sold by a railway undertaking or its 100% subsidiaries, they will benefit from passenger rights for the whole journey. This is an improvement as currently rail operators tend to sell tickets for segments of a journey only, which allows them to bypass obligations relating to compensation, re-routing and assistance, to the detriment of passengers. However, although this is an improvement, its scope will be limited as railway undertakings will benefit from loopholes to exempt themselves from the obligations to provide through-tickets. The new rules state that affiliated undertakings must be 100% owned by the parent company to be subject to this obligation. *De facto*, this excludes many connected tickets (i.e. a combined journey Lyon>Paris - Paris>Brussels respectively operated by SNCF and Thalys, will not be covered). EU policy-makers have not been ambitious enough as passengers expect to be protected for their whole journey. The type of train used, and the number of railway operators should be irrelevant.

FORCE MAJEURE: CONSUMERS TO LOSE OUT WHEN THINGS GO WRONG

The agreed compromise will introduce a broad *force majeure* clause, which does not currently exist in rail. Rail operators will be exempt from giving passengers compensation in numerous situations, such as extreme weather conditions, major public health crises, but also for situations which clearly fall under the responsibility of the railway operator,

such as ensuring that cables are not damaged or that no one is on the tracks. In addition to weakening passenger rights, the broadness of the exemption clause risks creating more disputes than it solves. The introduction of this clause will also remove assistance to stranded passengers.

Unfortunately, all the innovations and incentives proposed by the European Parliament to encourage railway operators to better comply with their obligations and respect passenger rights, such as an increase in the amount of compensation in case of delays or cancellations, or to strengthen the enforcement of passenger rights, were not included in the final compromise. Such signals would, however, have reinforced passengers' confidence in rail and would have corrected the problem of lack of enforcement of passenger rights.

NATIONAL EXEMPTIONS WILL STILL BE POSSIBLE

Because of the current national exemptions granted by Member States to rail companies, two thirds of rail services in the EU are exempted from the application of the EU passenger rights legislation, mainly suburban and regional services. These exemptions are unacceptable and a real obstacle to making train travel more attractive. Unfortunately, the new rules will allow Member States to renew some of their exemptions for five additional years, except for long distance national railway services that will end in 2024.

BEUC Director General Monique Goyens commented: "This is 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. There are some minor improvements such as protection for through tickets. But national exemptions will still apply, and passenger rights will be weakened by a new 'extraordinary circumstances' clause. This comes as 2021 is supposed to be the European Year of Rail and ahead of the publication of the upcoming European Commission strategy on 'sustainable and smart mobility'. EU decision-makers should have seized this moment to send a strong positive signal to rail passengers. Instead, they've missed a golden opportunity to boost the shift to rail".

ENDS

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