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POSITION PAPER

PRISE DE POSITION
STELLUNGNAHME

OF THE INTERNATIONAL ASSOCIATION OF PUBLIC TRANSPORT

DE L'UNION INTERNATIONALE DES TRANSPORTS PUBLICS
DER INTERNATIONALE VERBAND FÜR ÖFFENTLICHES VERKEHRSWESEN

RECAST OF REG. 1371/2007 ON RAIL PASSENGERS' RIGHTS AND OBLIGATIONS:
THE POSITION OF PUBLIC TRANSPORT OPERATORS AND ORGANISING AUTHORITIES



In the European Union, UITP brings together more than 400 urban, suburban and regional public transport operators and authorities from all member states. It represents the perspectives of short distance passenger transport services by all modes: bus, regional and suburban rail, metro, light rail and tram and waterborne.

These services are often organised in integrated public transport networks covering metropolitan areas and other specific territories.

Key facts for public transport in the EU 28
Passenger journeys: 60 billion/year, more or less equally shared between road modes (mainly bus) and rail modes (urban, suburban and regional rail).

Economic value of public transport services:
€ 130 - 150 billion/year or 1 – 1.2% of GDP.

Employment: direct employment 1.2 million and indirect employment 2 - 2.5 indirect jobs for each direct job on average.

1. **Passengers** are at the centre of public transport operations.
2. Defining appropriate, easy to understand and reasonable rights will guarantee a successful implementation of this regulation, while ensuring a continuity of **reliable, frequent and good quality services**.
3. Experience demonstrates that a legal text does not make it all; **dialogue with passengers and their representatives** at local, regional, national levels remains essential to understand their needs and enhance their satisfaction. In the same vein, **local passenger right's policies** go sometimes beyond the requirements of the EU regulation. The revised PRR regulation should not hinder, but **promote and encourage** such local initiatives.
4. The proposed recast applies to all rail services operated by a railway undertaking licensed in accordance with Directive 2012/34/EU. For rail services not operated by a licensed railway undertaking, UITP members agreed in 2006 to apply common passengers' rights defined in a **UITP Passenger Charter**. In order to remain coherent with the EU passenger rights legislation, and include new digital technologies, UITP members are today, in parallel of the recast of regulation 1371/2007, updating the UITP Passenger Charter.
5. Railway undertakings generally approve the application of the regulation to through-tickets. However it should be made clear that through tickets are meant when the passenger buys their tickets from one single selling point, and when **operators involved in one journey are aware of the connections**, and have put in place the necessary resources to provide adequate assistance and compensation. Only then will passengers be **secured to receive the needed assistance** during the journey, **and compensation** after the journey.
→ see **amendments 8 and 9**
6. The idea of reintroducing **force majeure** as an exoneration clause for compensation is in line with passenger rights' regulation in other modes of transport, and brings a better level playing field. However, the proposal is **too restrictive** as it does not reflect either the reality faced by the railway operators, or the legal concept of extraordinary circumstances. As such, it would trigger still undue financial burden to rail operators for events beyond their control, and does not prevent from conflicting interpretations.
→ see **amendment 10**
7.  The **Chapter V related to passengers with reduced mobility** would apply to all services. The **Commission's impact assessment** estimates that extending the scope of the regulation, incl. Chapter V on all services, would represent a cost of 5Mio€: considering that there are about 

50,000 railway stations in the EU (excluding suburban and urban stations), this gives about 100€ / station. This looks rather **underestimated**, and the costs of adding PRM trained staff in all urban and suburban trains, often running without personnel on board, is not even taken into account. Therefore it is important to **ensure reasonable rights, which can be implemented by all rail services** in the EU, including urban, suburban and regional. Otherwise, a distinction should be made for those services.

→ see **amendments 11 to 14**

8. To ensure a smooth implementation of the text, the proposed recast should contain requirements which are **clear and understandable both to the operators and to the passengers**.

→ see **amendments 1 to 7**

Considering the above, UITP suggests the following amendments:

I. **Ensure clear requirements and realistic implementation**

Amendment 1

Article 2 (2) (c) NEW

Commission's proposal	UITP amendment
	(c) vehicles reserved for strictly local, historical or tourist use
<i>Justification:</i> This derogation is in line with existing EU rail legislation, namely directives 2016/797 on the interoperability of the railway system in the European Union and 2016/798 on the railway safety; applying the requirements of EU legal texts may indeed represent a disproportionate burden for local, historical services, sometimes used during a limited period in the year.	

Amendment 2

Article 2 (4)

Commission's proposal	UITP amendment
Articles 5, 10, 11 and 25 and Chapter V shall apply to all rail passenger services	Articles 5, 10, 11, 19 and 25 and Chapter V shall apply to all rail passenger services

referred to in paragraph 1, including services exempted in accordance with points (a) and (b) of paragraph 2.

referred to in paragraph 1, including services exempted in accordance with points (a) and (b) of paragraph 2.

Justification:

Considering the requirements of Chapter V, which would apply to all services, all services should benefit from the right of redress defined in article 19.

Amendment 3

Article 3

Commission's proposal	UITP amendment
	(20) 'competent authority' means any public authority or group of public authorities of a Member State or Member States which has the power to intervene in public passenger transport in a given geographical area or anybody vested with such authority.
<p><i>Justification:</i> <i>In the case of passenger transport services running under public service contracts, it is up to the competent authorities, not to the Member State, to decide what level of services they want.</i> <i>The definition of competent authorities should therefore be added, together with a modification in article 10(2), as in UITP amendment 6.</i></p>	

Amendment 4

Article 6

Commission's proposal	UITP amendment
Passengers shall be entitled to take bicycles on board the train, where appropriate for a reasonable fee. They shall keep their bicycles under supervision during the journey and ensure that no inconvenience or damage is caused to other passengers, mobility equipment, luggage or rail operations. The carriage of bicycles may be refused or restricted for safety or operational	Passengers shall be entitled to take bicycles on board the train, where appropriate for a reasonable fee. Unless bikes are carried in a dedicated area , they shall keep their bicycles under supervision during the journey and ensure that no inconvenience or damage is caused to other passengers, mobility equipment, luggage or rail operations. The carriage of bicycles may be

reasons, provided that railway undertakings, ticket vendors, tour operators and, where appropriate, station managers inform passengers of the conditions for such a refusal or restriction in accordance with Regulation (EU) No 454/2011.

refused or restricted for safety or operational reasons, provided that railway undertakings, ticket vendors, tour operators and, where appropriate, station managers inform passengers of the conditions for such a refusal or restriction in accordance with Regulation (EU) No 454/2011.

Justification:

In some cases, for space or security reasons, luggage are carried in separate, dedicated areas. Requiring passengers to keep them under supervision during the journey would restrict the possibility of carrying bicycle on board of trains, at the detriment of the passengers.

Amendment 5

Article 10 (2)

Commission's proposal	UITP amendment
Member States may require railway undertakings to provide tickets for services provided under public service contracts through more than one point of sale.	Competent authorities may require railway undertakings to provide tickets for services provided under public service contracts through more than one point of sale.
<i>Justification:</i> <i>This paragraph concerns services under public service contracts; it is up to the competent authorities, not to the Member State, to decide what level of services they want for public service contracts.</i>	

Amendment 6

Article 16 (2)

Commission's proposal	UITP amendment
2. For the purposes of point (b) of paragraph 1, comparable re-routing may be operated by any railway undertaking and may involve the use of transport of a higher class and alternative modes of transport without generating additional costs to the passenger. Railway undertakings shall make	2. For the purposes of point (b) of paragraph 1, comparable re-routing may be operated by any railway undertaking and may involve the use of transport of a higher class and, when possible , alternative modes of transport without generating additional costs to the passenger. Railway

reasonable efforts to avoid additional connections. The total travel time when using an alternative mode of transport for the part of the journey not completed as planned shall be comparable to the scheduled travel time of the original journey. Passengers shall not be downgraded to transport facilities of a lower class unless such facilities are the only re-routing means available.

undertakings shall make reasonable efforts to avoid additional connections. **~~The total travel time when using an alternative mode of transport for the part of the journey not completed as planned shall be comparable to the scheduled travel time of the original journey.~~** Passengers shall not be downgraded to transport facilities of a lower class unless such facilities are the only and/or the quickest re-routing means available.

Justification:

One train carries about 1000 passengers. When there is a problem on the infrastructure, there can be dozens of trains impacted. Rerouting thousands of railway passengers on busses or airplanes is logistically not possible. Neither the air nor the road sector would have the capacity to do it, and even less in the proposed time limits.

Amendment 7

Annex III

Commission's proposal	UITP proposal
<p>I. Requirements concerning railway undertakings</p> <p>By 30 June of each year, railway undertakings shall publish on their website the service quality report corresponding to the previous business year and send it to the national enforcement body and to the European Union Agency for Railways for publication on its website. The undertaking shall publish on its website the report in its official national language(s) and, if possible, also in other Union languages, including a summary in English.</p> <p>The service quality reports shall include information on at least the following:</p> <p>1) Punctuality of services, and general principles of how railway undertakings cope</p>	<p>I. Requirements concerning railway undertakings</p> <p>By 30 June of each year, railway undertakings shall publish on their website the service quality report corresponding to the previous business year and send it to the national enforcement body and to the European Union Agency for Railways for publication on its website. The undertaking shall publish on its website the report in its official national language(s) and, if possible, also in other Union languages, including a summary in English.</p> <p>The service quality reports shall include information on at least the following indicators:</p> <p>Information provided to the passenger</p>

~~with disruptions to services~~

~~(a) delays~~

~~(i) overall average delay of services as a percentage per category of service (international, domestic long-distance, regional and urban/suburban);~~

~~(ii) percentage of services delayed at departure;~~

~~(iii) percentage of services delayed at arrival;~~

~~—percentage of delays of less than 60 minutes;~~

~~—percentage of delays of 60–119 minutes;~~

~~—percentage of delays of 120 minutes or more;~~

~~(b) cancellations of services~~

~~(b) — cancellations of services~~

~~cancellation of services as a percentage per category of service (international, domestic long-distance, regional and urban/suburban);~~

~~(c) — application of the Regulation in relation to delays and cancellations of services:~~

~~(i) — number of passengers to whom care and assistance were provided;~~

~~(ii) — cost of this care and assistance provision;~~

~~(iii) — number of passengers to whom compensation was granted;~~

~~(iv) — cost of the compensation granted;~~

~~(2) — Customer satisfaction survey~~

~~Minimum set of categories to be included:~~

~~(i) — punctuality of trains;~~

~~(ii) — information to passengers in the event of delay;~~

~~(iii) — accuracy and availability of information on trains;~~

~~(iv) — quality of maintenance/condition of trains;~~

~~(v) — level of security on trains;~~

~~(vi) — cleanliness of inside of the train;~~

~~(vii) — provision of useful information~~

before, during and after the journey

Availability of tickets

Punctuality of services, and general principles to cope with disruptions to services

Cancellations of services

Cleanliness of rolling stock and station facilities (air quality in carriages, hygiene of sanitary facilities, etc.)

Customer satisfaction survey

Complaint handling, refunds and compensation for non-compliance with service quality standards

Assistance provided to disabled persons and persons with reduced mobility.

throughout the journey;

~~(viii) — availability of good quality toilets on every train;~~

~~(ix) — cleanliness and maintenance of stations to a high standard;~~

~~(x) — accessibility of trains and on-board facilities, including accessible toilets;~~

~~(xi) — number of incidents and quality of assistance effectively provided to persons with disabilities and persons with reduced mobility on board in accordance with Article 24, irrespective of the prior notification of a request of assistance.~~

~~(3) — Complaint handling~~

~~(i) — number of complaints and outcome;~~

~~(ii) — categories of complaints;~~

~~(iii) — number of processed complaints;~~

~~(iv) — average response time;~~

~~(v) — possible improvements, actions undertaken.~~

~~(4) — Assistance provided to persons with disabilities and persons with reduced mobility~~

~~number of cases of assistance per category of service (international, domestic long-distance, regional and urban/suburban).~~

~~(5) — Disruptions~~

~~existence and short description of contingency plans, crisis management plans.~~

~~II. — Requirements concerning station managers and infrastructure managers~~

~~The service quality reports shall include information on at least the following:~~

~~(1) — Information and tickets~~

~~(i) — procedure for handling information requests at the station;~~

~~(ii) — procedure and means for providing information about train schedules, tariffs and platforms; quality of the information;~~

~~(iii) — display of information on rights and obligations under the Regulation and on contact details of national enforcement bodies;~~

~~(iv) — ticket buying facilities;~~

~~(v) — availability of staff at the station to provide information and sell tickets;~~
~~(vi) — provision of information to persons with disabilities or reduced mobility;~~
~~(2) — General principles to cope with service disruptions~~
~~(i) — number of passengers to whom care and assistance were provided;~~
~~(ii) — cost of this care and assistance provision;~~
~~(3) — Description of measures in place to ensure cleanliness of station facilities (toilets, etc.);~~
~~(i) — cleaning intervals;~~
~~(ii) — availability of toilets;~~
~~(4) — Customer satisfaction survey~~
~~Minimum categories to be included:~~
~~(i) — information for passengers in the event of delay;~~
~~(ii) — accuracy, availability and accessibility of information on train times/platforms;~~
~~(iii) — level of security in the station;~~
~~(iv) — time taken to respond to information requests at stations;~~
~~(v) — availability of good quality toilets in the station (including accessibility);~~
~~(vi) — cleanliness and maintenance of stations;~~
~~(vii) — accessibility of station and station facilities.~~
~~(viii) — number of incidents and quality of assistance provided to persons with disabilities and persons with reduced mobility at the station.~~

Justification:

The new information requirements mentioned in Annex III are far too detailed. Some of them are hardly possible to collect on a reliable manner (e.g. number of passengers to whom care and assistance were provided; cost of this care and assistance provision) and without imposing a disproportionate burden on the public transport operators. Under the current regulation, railway undertakings are already annually reporting about a

number of key indicators, which at the same time allow for standardized information and tailor made reporting by companies.
The complex list proposed by the Commission does not represent an added value for the customers compared to the current version. Therefore, the indicators defined in the current annex should be used, and improved, instead of a list of detailed information.

II. Improve the definition of through-tickets to guarantee assistance and compensation to passengers

Amendment 8

Article 3 (15)

Commission's proposal	UITP amendment
'missed connection' means a situation where a passenger misses one or more services in the course of a journey as a result of the delay or cancellation of one or more previous services;	'missed connection' means a situation where, under a single transport contract , a passenger misses one or more services in the course of a journey as a result of the delay or cancellation of one or more previous services;
<i>Justification:</i> There are connections only in case of a single transport contract, i.e. when operators are aware of the connections and have put in place adequate measures to assist passengers in the event of missed connections. This definition is in line with the proposed revision of reg. 261/2004.	

Amendment 9

Article 10 (6)

Commission's proposal	UITP amendment
Where a passenger receives separate tickets for a single journey comprising successive railway services operated by one or more railway undertakings, his rights to information, assistance, care and	Where a passenger receives from a single selling point separate tickets for a single journey comprising successive railway services operated by one or more railway undertakings, his rights to information,

compensation shall be equivalent to those under a through-ticket and cover the whole journey from the departure to the final destination, unless the passenger is explicitly informed otherwise in writing. [...]

assistance, care and compensation shall be equivalent to those under a through-ticket and cover the whole journey from the departure to the final destination, unless the passenger is explicitly informed otherwise in writing. [...]

Justification:

In cases of through tickets, i.e. the passenger has bought separate tickets for a single journey from a single selling point, i.e. one website (be it of a carrier or a ticket vendor), or in a station, the successive rail operators have committed to, are aware of the intended connections and have compensation and assistance mechanisms in place. Only then will passengers be ensured to receive appropriate assistance and compensation if needed.

III. Introduce a clear and useful definition of extraordinary circumstances

Amendment 10

Article 17 (8) NEW

Commission's proposal	UITP amendment
<p>Article 17</p> <p>8. A railway undertaking shall not be obliged to pay compensation if it can prove that the delay was caused by severe weather conditions or major natural disasters endangering the safe operation of the service and could not have been foreseen or prevented even if all reasonable measures had been taken.</p>	<p>Article 17</p> <p>8. A railway undertaking shall not be obliged to pay compensation if it can prove that the delay was caused by severe weather conditions or major natural disasters endangering the safe operation of the service or by extraordinary circumstances hindering the performance of the passenger service which could not have been foreseen or prevented avoided even if all reasonable measures had been taken.</p>

Justification:

The Commission's intention is to apply force majeure only to "acts of god". However, severe weather conditions represent only a very low percentage of cases where rail passenger operators have to pay compensation for events beyond its control. The definition of extraordinary circumstances in reg. 1177/2010 on maritime passenger

rights is much closer to the reality of the transport sector, and to the legal concept of extraordinary circumstances.

IV. Make public transport accessible to all in a realistic manner

Amendment 11

Article 20 (1) – last sentence

Commission's proposal	UITP amendment
The rules shall allow the passenger to be accompanied by an assistance dog in accordance with any relevant national rules.	The rules shall allow the passenger to be accompanied by a certified assistance dog in accordance with any relevant national rules.
<i>Justification:</i> For safety and clarity reasons, this should apply to certified assistance dogs only.	

Amendment 12

Article 22 §4 last sentence

Commission's proposal	UITP proposal
4. [...] Assistance shall be available in stations during all times when rail services operate.	4. [...] Assistance shall be available in stations during all times when rail services operate. Also, for services defined in article 2 paragraph 2(a), including cross border regional services, such assistance may be provided in some cases upon request.
<i>Justification:</i> In regional, suburban and urban rail staffed stations, the agents present might not always have the possibility to assist the passengers embark/disembark, e.g. a metro station with one agent in a sales office. Also, in some cases, a pre-notification is required. For instance, in the partly deregulated market of Sweden, the 24h pre-notification was accepted by the PRMs as it gives them a guarantee that they will receive appropriate assistance.	

Amendment 13

Article 23 §4

Commission's proposal	UITP proposal
4. Assistance shall be available on board trains during all times when rail services operate.	4. Assistance shall be available on board trains during all times when rail services operate. Also, for services defined in article 2 paragraph 2(a), including cross border regional services, such assistance may be provided in some cases upon request.
<p><i>Justification:</i> Assistance resources should be used where useful, for instance for people with cognitive disabilities when traveling alone. Otherwise, assistance resources should be in stations, helping passengers. Besides, in many regional, suburban and urban services, there is no staff on board trains. The text should therefore leave the possibility to provide assistance upon request, which will also allow to continue using alternative transport solutions, sometimes door to door, which have been proven useful for the passengers. .</p>	

Amendment 14

Article 26 (c)

Commission's proposal	UITP proposal
(c) ensure that, upon recruitment, all new employees receive disability-related training and that personnel attend regular refresher training courses.	(c) ensure that, upon recruitment, all new employees who will deal directly with the travelling public receive disability-related training and that personnel attend regular refresher training courses
<p><i>Justification:</i> Training on the needs of passengers with reduced mobility should be given to employees who deal with the traveling public. Not only this makes sense, but this is also coherent with passenger rights legislation in other modes.</p>	