

The New Rail Passenger Rights' Regulation¹

1 - Through-tickets.....	2
2 - Real-time travel information.....	2
3 - The right to self-rerouting.....	3
4 - Dedicated spaces for bicycles.....	3
5 - Protections for persons with disabilities and persons with reduced mobility..	4
6 - Improvements to the enforcement of passenger rights.....	6
7 - Compensations for cancellations and delays.....	6
8 - Equal treatment of passengers.....	7
9 - Contingency planning for mass disruptions.....	7
10 - Rail services covered by the new rules.....	7

¹ New provisions in the new Rail Passenger Rights' Regulation (EU) 2021/782 on rail passengers' rights and obligations
<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32021R0782&from=CS>

Regulation 2021/782 entered into force on 7 June 2021. It applies as of 7 June 2023 (Article 41). Only Article 6 (4) related to procurement procedures for new or major upgraded rolling stock which shall ensure equipment for the carriage of bicycles will apply as of 7 June 2025.



1 - Who has to offer a through-ticket?

The new obligation is for carriers that qualify as a “sole undertaking” to offer all their long-distance (international and domestic) or regional rail services as a through-ticket (Article 12 (1)).

This aims to ensure a more comprehensive protection of passengers in cases of missed connections and will increase the availability of the through-tickets on the market. In that context, several separate legal persons may qualify as a “sole undertaking”, based on their ownership structure.

For example: where company A owns at 100% companies B and C; or where companies A, B and C are all 100% owned by the same entity (for example by the State), then A+B+C represent a “sole undertaking” and their long-distance (international and domestic) or regional services will have to be offered as a through-ticket, leading to increased protection of passengers in cases of missed connections.

The **increased protection** regards the right to reimbursement of the ticket price or re-routing; compensation (except where the ticket was reimbursed), the right to accommodation (if the journey cannot continue the same day), meals and refreshments (in reasonable relation to the waiting time).

2 - How about real-time travel information?

Infrastructure managers and railway undertakings have the new obligation to provide real-time dynamic traffic data² and travel information³ (Article 10), not only to other railway undertakings but also to ticket vendors and tour operators.

The possibility to have access to information on delays, reservations and availability requests would boost the dynamic within the rail ticketing market and would support the offer of more innovative tickets, enabling different rail carriers and ticket vendors/tour operators to sell bundled tickets of different carriers and for a variety of connections not offered until now. Furthermore, it would also lift the current discrimination between passengers where only those who bought the ticket directly from the carrier have the full information about delays (happening in real-time, if the carrier offers such information for example in an app), further connection possibilities for the continuation of the journey.

² Infrastructure managers shall distribute real-time traffic data - relating to the arrival and the departure of trains - to railway undertakings, ticket vendors, tour operators and station managers.

³ Railway undertakings shall provide other railway undertakings, ticket vendors and tour operators that sell their services with access to real-time travel information related to:

- i. *pre-journey information* (concerning amongst others: the fastest trip; all available fares highlighting the lowest fares; accessibility, access conditions and available facilities for passengers with disabilities or reduced mobility on board the train; access conditions for the carriage of bicycles; availability of seats in the 1st/2nd class or couchette cars/sleeping carriages; disruptions and delays; information whether tickets on offer constitute through-tickets (Annex II Part I);
- ii. *during the journey information* (e.g. disruptions and delays - both planned and happening in real-time; main connecting services; security and safety issues (Annex II Part II); and
- iii. *operations regarding reservation systems*: requests for availability and tariffs of rail services; requests for reservations and requests for cancellation of reservations (Annex II Part III).



If there is a real technical impossibility for infrastructure managers to present real-time traffic data (i.e. this data cannot be provided to any entity), then a Member State may apply an exemption from this obligation until 2030. However, the Member State would need to re-assess the situation and report to the European Commission every 2 years – which makes the difficulties transparent and may help to accelerate the solutions to such technical problems.

3 - What does the new right to self-rerouting entail?

Where passengers have not been offered a timely solution for the journey continuation, they will have a new right to self-rerouting (Article 18 (3)):

- a. Where a solution is not offered within a window of up to 100 minutes from the scheduled departure time of the delayed or cancelled service or the missed connection, the passenger may ask for the carrier's consent and re-route him/herself to another "transport service" (transport mode not specified), which would enable the passenger to reach the final destination under comparable conditions. The carrier shall reimburse the passenger for the costs that he or she incurs.
- b. Where a solution is not offered even after 100 minutes have elapsed, the passenger no longer needs the carrier's consent and can re-route him/herself to an alternative "rail, coach or bus" public transportation. The carrier has to reimburse the 'necessary, appropriate and reasonable' cost of the additional ticket.

4 - Will trains now have dedicated spaces for bicycles?

Dedicated spaces for the carriage of assembled (not just folded) bicycles (Article 6) on-board new and major upgraded trains will also be ensured.

To this end, procurement procedures for new and major upgraded trains shall include this requirement in the technical specifications as of 2025. The carrier should establish its plans for the carriage of bicycles after consulting the public. If the carrier does not set up such a plan (or the number of bicycles is not determined in the plan), the dedicated places for bicycles shall be, as a rule, at least four per train composition. Fewer than four would only be possible in specific and justifiable cases (e.g. winter in Northern Europe where there is no market demand for the carriage of bicycles but rather for skis). Member States may set a higher number than four as the minimum adequate number for certain types of services.



5 - Has the protection of persons with disabilities and persons with reduced mobility (PRM) been improved?

Persons with disabilities and persons with reduced mobility (PRM) would have the shortest pre-notification period for requesting travel assistance (24 hours ahead of the journey, Article 24 (a)) when travelling by rail (compared to 36h in the bus & coach and 48h in the air and waterborne sectors).

Should a Member State decide to apply a longer (up to 36h) pre-notification period for rail travel, then it can do so only until 30 June 2026, and it will have to explain why this is necessary and what measures have been foreseen to overcome the shortcomings which made the longer pre-notification period necessary. The COM will gather and publish the information with the comparison of the applicable conditions for PRM assistance in the different Member States. This obligation to provide assistance on shorter notice (24h compared to the currently applicable 48h) would help to make travelling by rail more inclusive.

There are also a number of **other improvements to PRM protection** (Chapter V):

- i. Where a railway undertaking requires that a PRM is accompanied on-board the train (request permissible only where strictly necessary to comply with the access rules), the accompanying person shall be entitled to travel free of charge and to be seated, where feasible, next to the PRM.
- ii. An assistance dog shall be permitted to accompany the PRM passengers in accordance with any relevant national law. (The recitals indicate that, on their respective territory, Member States may also allow for trials with other assistance animals).
- iii. At unstaffed stations/trains: Railway undertakings or station managers shall make all reasonable efforts to enable PRM to travel (currently only easily accessible information regarding the nearest staffed stations and directly available assistance for PRM has to be displayed).
- iv. At staffed stations, the station manager or the railway undertaking shall provide assistance free of charge in such a way that the person is able to board the train, to transfer to a connecting rail service for which he or she has a ticket, or to alight from the train, *provided* there is trained staff on duty. Where the need for assistance has been notified in advance, the station manager or the railway undertaking *shall ensure* that assistance is provided *as requested*.
- v. Where the journey cannot continue the same day and the railway undertaking offers accommodation for the night, it is now foreseen that the needs of assistant dogs shall also be taken into account, whenever possible.
- vi. Information on the accessibility of stations, access conditions to rolling stock and available services and facilities shall be presented to PRM in an accessible format. The rules on the technical specifications for interoperability relating to accessibility of the



Union's rail system for PRM⁴ and the European Accessibility Act (to be applied as of 2025)⁵ must be respected.

- vii. Member States may request the establishment of Single Points of Contact, which will assist PRM with information regarding their journey and will ensure that PRM cannot be asked to submit multiple requests for assistance, even if their journey requires the services of different railway undertakings and in different Member States.
- viii. The new rules foresee the railway undertaking's or station manager's liability for the lost or damaged mobility equipment or assistive devices, which entails the provision of compensation for (i) the lost or damaged mobility equipment or assistive devices, (ii) the cost of replacement or the treatment of the injury of an assistance dog; and (iii) reasonable costs of temporary replacement for mobility equipment, assistive devices or assistance dogs.
- ix. Staff dealing with PRM assistance should receive targeted disability-related training in order to know how to meet the needs of PRM. Regular refresher training courses are also foreseen. Railway undertakings and station managers may accept the participation in the training PRM passengers and organisations representing them, and consider their participation when designing it.
- x. Rules protecting PRM are mandatory, with some exceptions (see more details below under point 10 on exemptions).
- xi. Representative organisations and, where relevant, representatives of persons with disabilities and persons with reduced mobility will be involved in the development of rules and the monitoring of the application of the rules:
 - 1. Railway undertakings and station managers shall, with the active involvement of these representative organisations establish or have in place non-discriminatory access rules for the transport of persons with disabilities, including their personal assistants recognised as such in accordance with national practices, and persons with reduced mobility.
 - 2. Railway undertakings and station managers shall establish service quality standards covering at least the items listed in Annex III. (Annex III lists among other points the assistance provided to persons with disabilities and persons with reduced mobility, and discussions concerning this assistance with representative organisations and, where relevant, representatives of persons with disabilities and persons with reduced mobility).

⁴ https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2014.356.01.0110.01.ENG

⁵ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32019L088>



6 - Has the enforcement of passenger rights been improved?

The new rules introduce an **improved enforcement framework** including (i) an amended complaint-handling mechanism (clear deadlines (Article 28 (2), Article 33 (1), (3), obligation for having a complaint-handling mechanism also for station managers of big stations (Article 28 (1) and for ticket vendors/tour operators (Article 12 (7))).

Where National Enforcement Bodies (NEB) ask railway undertakings, station managers, infrastructure managers, ticket vendors and tour operators for relevant documents and information, they are all under the obligation to provide that information and relevant documents without undue delay and, in any event, within one month from the request (in complex cases, the NEB may extend this period to a maximum of three months), Article 32 (2).

There is also (ii) a reinforced obligation for cooperation between the National Enforcement Bodies (Article 33 (4-6), Article 34). Furthermore, (iii) in order to make it easier for passengers to request reimbursement or compensation in accordance with this Regulation, forms that are valid throughout the Union should be established for such requests (Article 18 (6), Article 19 (5)).

Passengers should have the possibility to submit their requests by using such an **EU-wide standardised compensation and reimbursement form**, which will be in an accessible format for PRM. The European Commission has to adopt an Implementing Act for the details for this form. The form is not obligatory for passengers, but railway undertakings cannot reject dealing with the request solely on the grounds that the passenger has not used that form. If a request is not sufficiently precise, the railway undertaking shall ask the passenger to clarify the request and shall assist the passenger to do so (Article 18 (7), Article 19 (6)).

7 - Do railway undertakings have to pay compensations for cancellations and delays also in case of a pandemic or extreme weather conditions?

To establish a level playing field with the other transport modes, railway undertakings would not have to pay compensation for delays or cancellation in the case of **extraordinary circumstances (force majeure clause)**.

These extraordinary circumstances relate to situations that are not connected with the operation of the railway, such as extreme weather conditions, pandemics or terrorist attacks. The provision would apply only if the carrier could neither prevent such events nor avoid their consequences – irrespective of the due care taken. Strikes by rail carriers' staff do not qualify as extraordinary circumstances. Also, acts or omissions attributable to other railway undertakings using the same infrastructure or to station and infrastructure managers cannot qualify as extraordinary circumstances.

The force majeure clause would only release the railway undertaking from the payment of compensation, not from other obligations: The rights concerning the reimbursement of the ticket price or re-routing to another service, meals and refreshments, advance payments for injured people or death, liability for damaged mobility equipment or injured assistance dogs



will not be limited, with the exception of the right to accommodation (it can be limited to three nights in such extraordinary circumstances – this corresponds to the rules for the passenger rights in the bus & coach and the sea & inland waterways sectors; such a solution has also been proposed for the revision of the air passenger rights regulation).

Recital 37 clarifies that, where a communication or a document, indicating the extraordinary circumstances, stems from an independent public body and is available to the railway undertakings, they should bring such communications or documents to the attention of passengers and of other authorities concerned (for example, the information shall be presented to the relevant NEB at their request and within the set period of time which would normally be no longer than one month, Article 32 (2)).

8 - How is equal treatment of passengers ensured?

There is a new provision on ‘**non-discrimination**’ which prohibits any discrimination based on the passenger’s nationality or the place of establishment within the Union of the carrier or the ticket vendor/tour operator (Article 5). Such a provision exists already for all other modes, but until now there was no such rule in the rail sectoral legislation and recourse had to be made to the general non-discrimination provision of the Treaty (Article 18 TFEU). This enhances legal certainty.

9 - Are there any rules for contingency planning in case of mass disruptions?

Crisis management: *In cooperation with infrastructure and station managers*, railway undertakings should prepare **contingency plans** (Article 20 (6)). The railway undertakings shall coordinate with the station manager and infrastructure manager in order to prepare them for the possibility of major disruption and long delays leading to a considerable number of passengers being stranded in the station. Such contingency plans shall include requirements for the accessibility of alert and information systems.

10 - Are all rail services covered by the new rules?

Regarding exemptions (Article 2): *No rail services are per se exempted.* However, a Member State may decide to grant a number of exemptions from the Regulation:

- a. If Member States decide to exempt certain rail services from the application of certain provisions of this Regulation, they shall inform the Commission accordingly. When providing this information, Member States shall present the reasons for granting such exemptions⁶.

⁶ Recital 10 clarifies that, when informing the Commission about exemptions granted, Member States will have to explain the reasons for granting those exemptions and the measures which they have taken or envisage to take in order to comply with the obligations under the Regulation when the exemptions concerned expire.



- b. No exemptions for **cross-border international journeys between Member States** are possible – which is already the case under the currently applicable Regulation.
- c. For **long-distance domestic services**:
- i. To allow a smooth transition from the framework established pursuant to Regulation (EC) No 1371/2007 to the one under the new Regulation (EU) 2021/782, earlier national exemptions should be phased-out gradually to ensure the necessary legal certainty and continuity. Therefore, only the currently applicable exemptions remain in place, as foreseen under Regulation (EU) No 1371/2007, i.e. **until 2024**. Currently 11 Member States make use of this possibility: Bulgaria, Estonia, Greece, Hungary, Ireland, Latvia, Lithuania, Poland, Portugal, Romania and Slovakia⁷.
 - ii. Afterwards,
 - for 5 years maximum (i.e. until no longer than 2029)
 - only those 11 Member States which currently apply exemptions
 - may exempt only 5 concrete provisions whereas the rest of the Regulation fully applies (incl. the entire PRM Chapter).These 5 provisions relate to the advance payments (Article 15), liability for delays, missed connections and cancellations (Article 17), compensation (Article 19), accommodation and refreshments (Article 20(2)(a) and (b)), and information to passengers presented by the railway undertakings and station managers in an appropriate manner (Article 30(2)).
- d. Member States can still exempt their **urban, suburban and regional rail passenger services** from the provisions of the Regulation. Urban, suburban and regional rail passenger services are different in character from long distance rail passenger services. Member States are therefore allowed to exempt such services from certain provisions of this Regulation. Such exemptions should however not apply to essential rules.

Therefore, a number of mandatory provisions shall always remain applicable. The mandatory provisions are:

- non-discriminatory contract conditions and tariffs, Article 5;
- availability of tickets and reservations, Article 11;
- liability for passengers and luggage, Article 13;
- insurance and coverage of liability; Article 14;
- PRM-Right to transport; Article 21;
- PRM-Information, Article 22;
- personal security of passengers, Article 27; and
- complaint-handling mechanism, Article 28

Regional services are more integrated in the rest of the Union rail system and the journeys concerned are longer. For regional rail passenger services, possible

⁷ For exemptions applied across different Member States, please see https://ec.europa.eu/transport/sites/transport/files/summary_table.pdf



exemptions should therefore be restricted even further. Therefore, in addition to the above-listed provisions, the following rules will also be mandatory:

- The carriage of bicycles will always be mandatory for regional services (irrespective of whether these are commercial services or performed under a PSO contract), Article 6;
- The rule on “through-tickets” provided by “sole railway undertakings”, Article 12;
- The right to self-rerouting, Article 18(3);
- The entire Chapter V on PRM.

With regard to regional rail services, however, a Member State may decide to postpone the mandatory application of the provisions on through-tickets and the new right to self-rerouting until 2028, in the case of justifiable reasons, which will need to be explained to the European Commission.

Currently, 15 Member States apply exemptions to urban, suburban and regional rail services: Austria, Bulgaria, Estonia, Germany, Greece, Ireland, Latvia, Lithuania, Luxembourg, Poland, Portugal, Romania, Slovakia, Spain and Sweden⁸.

- e. Member States may exempt **international rail services to third countries**, where a significant part of the journey, including at least one scheduled station stop, is operated outside the EU;
- f. **Services which are operated strictly for historical or touristic use** may be exempted from the application of the Regulation by Member States. This exemption does not apply in relation to the liability for passengers and luggage (Article 13) and the insurance and coverage of liability (Article 14).

Disclaimer:

Please note that the information presented was prepared by Directorate-General for Mobility and Transport and does not commit the European Commission. The views expressed cannot prejudice any future position of the European Commission on the matter. Moreover, only the Court of Justice of the European Union is competent to authoritatively interpret Union law.

⁸ For exemptions applied across different Member States, please see https://ec.europa.eu/transport/sites/transport/files/summary_table.pdf

