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Ämne: Remiss av ny EU-förordning om rättigheter för resenärer vid resor med kombinerade trafikslag och nya regler om tillsyn av resenärsrättigheter Svar senast 29/3

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Remiss av ny EU-förordning om rättigheter för resenärer vid resor med kombinerade trafikslag och nya regler om tillsyn av resenärsrättigheter

Remissinstanser

1. AB Storstockholms lokaltrafik
2. Allmänna reklamationsnämnden
3. A-train AB
4. BRA Sverige AB
5. Delaktighet, Handlingskraft, Rörelsekraft
6. FlixBus

7. Funktionsrätt Sverige
8. Föreningen Svenskt Flyg
9. Föreningen Svensk Sjöfart
10. Göta hovrätt
11. Hörselskadades Riksförbund
12. Jernhusen AB
13. Keolis Sverige AB
14. Konsumentverket
15. Malmö tingsrätt
16. MTR Nordic Group
17. Myndigheten för delaktighet
18. Norwegian Air Shuttle
19. Rederi AB Gotland
20. Regelrådet
21. Resenärsforum
22. Riksförbundet för Rörelsehindrade Barn och Ungdomar
23. Samtrafiken i Sverige AB
24. SAS AB
25. SEKO Trafik
26. SJ AB
27. Sjöfartsverket
28. Skånetrafiken
29. Stockholms universitet
30. Svensk försäkring
31. Svensk Kollektivtrafik
32. Svensk Turism AB
33. Svenska färdtjänstföreningen
34. Svenska Kommunalarbetareförbundet
35. Svenska resebyråföreningen
36. Svenska Taxiförbundet
37. Svenskt Näringsliv
38. Sveriges advokatsamfund
39. Sveriges Kommuner och Regioner

40. Sveriges Bussföretag
41. Sveriges Konsumenter
42. Swedac
43. Skärgårdsredarna
44. Synskadades Riksförbund
45. Tallink Silja
46. Tillväxtverket
47. Trafikanalys
48. Trafikverket
49. Transdev Sverige AB
50. Transportföretagen
51. Transportstyrelsen
52. Tågföretagen
53. Veddige Buss
54. Visita
55. Visit Sweden AB
56. Vy tåg
57. Västtrafik AB

Europeiska kommissionen har presenterat ett förslag till en ny förordning om rättigheter för resenärer vid resor med kombinerade trafikslag och en förordning med ändringar i befintliga förordningar om resenärsrättigheter för resor med flyg, tåg, buss och fartyg.^[1] Syftet med den nya förordningen är att stärka rättigheter för resenärer som kombinerar transportmedel och syftet med förordningsändringarna är att komma till rätta med brister i efterlevnaden av förordningarna.

Mer information om förslagen finns på [kommissionens webbplats](#).

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Remissvaren kommer att publiceras på regeringens webbplats.

Mikael Hjort

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Regeringskansliet

^[1] Europaparlamentets och rådets förordning (EG) nr 261/2004 av den 11 februari 2004 om fastställande av gemensamma regler om kompensation och assistans till passagerare vid nekad ombordstigning och inställda eller kraftigt försenade flygningar och om upphävande av förordning (EEG) nr 295/91; Europaparlamentets och rådets förordning (EG) nr 1107/2006 av den 5 juli 2006 om rättigheter i samband med flygresor för personer med funktionshinder och personer med nedsatt rörlighet; Europaparlamentets och rådets förordning (EU) 2021/782 av den 29 april 2021 om rättigheter och skyldigheter för tågresenärer; Europaparlamentets och rådets förordning (EU) nr 181/2011 av den 16 februari 2011 om passagerares rättigheter vid busstransport och om ändring av förordning (EG) nr 2006/2004; Europaparlamentets och rådets förordning (EU) nr 1177/2010 av den 24 november 2010 om passagerares rättigheter vid resor till sjöss och på inre vattenvägar och om ändring av förordning (EG) nr 2006/2004.



Justitiedepartementet

Enheten för immaterialrätt och transporträtt

Remiss av ny EU-förordning om rättigheter för resenärer vid resor med kombinerade trafikslag och nya regler om tillsyn av resenärsrättigheter

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¹ Europaparlamentets och rådets förordning (EG) nr 261/2004 av den 11 februari 2004 om fastställande av gemensamma regler om kompensation och assistans till passagerare vid nekad ombordstigning och inställda eller kraftigt försenade flygningar och om upphävande av förordning (EEG) nr 295/91; Europaparlamentets och rådets förordning (EG) nr 1107/2006 av den 5 juli 2006 om rättigheter i samband med flygresor för personer med funktionshinder och personer med nedsatt rörlighet; Europaparlamentets och rådets förordning (EU) 2021/782 av den 29 april 2021 om rättigheter och skyldigheter för tågresenärer; Europaparlamentets och rådets förordning (EU) nr 181/2011 av den 16 februari 2011 om passagerares rättigheter vid busstransport och om ändring av förordning (EG) nr 2006/2004; Europaparlamentets och rådets förordning (EU) nr 1177/2010 av den 24 november 2010 om passagerares rättigheter vid resor till sjöss och på inre vattenvägar och om ändring av förordning (EG) nr 2006/2004.

enligt lagen (2018:1937) om tillgänglighet till digital offentlig service.
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Remissvaren kommer att publiceras på regeringens webbplats.

Mikael Hjort
Ämnesråd



Brussels, 29.11.2023
COM(2023) 752 final

2023/0436 (COD)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on passenger rights in the context of multimodal journeys

(Text with EEA relevance)

{SEC(2023) 392 final} - {SWD(2023) 386 final} - {SWD(2023) 387 final} -
{SWD(2023) 389 final}

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• Reasons for and objectives of the proposal

The Sustainable and Smart Mobility Strategy confirms the ambition of the European Green Deal to achieve a 90% reduction in transport emissions by 2050.¹ A key element of making transport more sustainable is achieving effective multimodality, where passengers who wish to travel long distances can do so by combining several modes of collective transport, thereby using the most sustainable and efficient mode for each leg of the journey. Protecting passengers along the way, in particular during travel disruptions, is key to enhance the attractiveness of such multimodal travels. Moreover, a failure to provide this protection could itself affect market growth for multimodal travel, with some passengers choosing to travel by car instead of collective transport (judging car travel to be both more convenient and more reliable).

The Sustainable and Smart Mobility Strategy announced measures to strengthen the regulatory framework for passenger rights. In that context, it observed that EU passenger rights should be better implemented and clearer for both carriers and passengers and that they should offer adequate assistance, reimbursement, possibly compensation when disruptions arise, and appropriate sanctions if the rules are not properly applied. The Commission announced that it will consider options and benefits to go further with a multimodal framework for passenger rights that is simplified, more consistent and harmonised.

Multimodal journeys occur when passengers combine at least two collective transport modes to reach a final destination, such as a flight with a rail service, or a rail service with a coach service. Firstly, multimodal travel typically involves travelling with a number of separate tickets that passengers buy individually ('category C' tickets). In addition, some intermediaries bundle such separate tickets into a multimodal product on their own initiative and sell it as such to passengers in one single commercial transaction ('category B' tickets). Finally, a limited number of carriers also offer multimodal journeys under a single contract of carriage ('category A' ticket). It is estimated that 91 million passengers performed multimodal journeys in 2019, and the number is expected to grow to 103.6 million in 2030 and 150.9 million in 2050. Expressed as share of the total number of passengers, multimodal passengers are estimated to increase from 0.7% in 2019 to 0.8% by 2050.

Today, while passengers who travel with only one collective transport mode (i.e. only by air, rail, bus or ship) enjoy rights in the event of travel disruptions,² they are not entitled to the same

¹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - Sustainable and Smart Mobility Strategy – putting European transport on track for the future, COM(2020) 789 final, 9.12.2020.

² Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91 (OJ L 46, 17.2.2004, p. 1); Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by (OJ L 204, 26.7.2006, p. 1); Regulation (EU) 2021/782 of the European Parliament and of the Council of 29 April 2021 on rail passengers' rights and obligations (recast) (OJ L 172, 17.5.2021, p. 1); Regulation (EU) No 1177/2010 of the European Parliament and of the Council of 24 November 2010 concerning the rights of passengers when travelling by sea and inland waterway and amending Regulation (EC) No 2006/2004 (OJ L 334, 17.12.2010, p. 1); Regulation (EU) No 181/2011 of the European Parliament and

rights when switching to another mode as part of their journey. This implies that there is also no clear framework for determining the respective obligations and liabilities of the different travel service providers involved in a multimodal journey. National legal frameworks generally do not include provisions covering multimodal transport either. In addition, the current offer of travel insurances for multimodal journeys remains limited. The rights of passengers in the context of multimodal journeys depend therefore on the terms and conditions of the specific contract(s) of carriage.

Consequently, passengers lack information on the extent of their rights before and during multimodal travel and are not given information in real-time on possible travel disruptions and security alerts when they need to switch between modes. Moreover, they can possibly suffer a different treatment with regard to contract conditions and tariffs for multimodal journeys on the basis of their nationality or of the place of establishment of the carrier or intermediary. In addition, those passengers do not receive assistance (e.g. reimbursement, re-routing, accommodation, meals and refreshments) during their journey in the event of a travel disruption that occurs when switching between transport modes. Furthermore, passengers have difficulties to complain to carriers and other possible relevant actors (e.g. terminal operators, ticket vendors) about the lack of information or assistance, nor do they have clarity on which national authority to contact in such cases. This lack of a specifically designated authority also leads to uncertainty on the enforcement of information to and assistance of passengers during multimodal travel. The consequences of the lack of information and assistance to passengers when switching modes include loss of connections and money for citizens and biased decisions from citizens towards less sustainable/climate and environmentally friendly solutions.

The lack of rules for multimodal journeys also means that persons with disabilities and persons with reduced mobility (PRM) are not entitled to any particular assistance under EU law when transferring between transport modes, including at multimodal connecting points such as air-rail hubs. In the absence of such assistance, they will not be able to benefit from a seamless travel experience similar to that of other passengers.

Therefore, the objectives of this proposal are to ensure:

- non-discrimination between passengers with regard to transport conditions and the provision of tickets;
- minimum and accurate information to be provided to passengers in an accessible format and in a timely manner to passengers;
- passengers' rights in the event of disruption, in particular in the context of a missed connection between different transport modes;
- non-discrimination against, and assistance for, persons with disabilities and persons with reduced mobility;
- the definition and monitoring of service quality standards;
- the handling of complaints;
- general rules on enforcement.

of the Council of 16 February 2011 concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004 (OJ L 55 28.2.2011, p. 1).

This initiative is part of the Commission Work Programme 2023 under Annex II (REFIT initiatives), under the heading ‘An Economy that Works for People’.

- **Consistency with existing policy provisions in the policy area**

The Union law on passenger rights already raises the standards of protection for passengers when they travel by air, rail, sea and inland waterways, and bus and coach. In particular, these Regulations contain provisions on information and assistance to passengers which apply to each of these transport modes considered separately. This proposal aims to complement these existing rules by ensuring that passengers enjoy a similar level of protection where they switch between these transport modes during a journey.

This proposal is consistent with the proposal amending Regulations (EC) No 261/2004, (EC) No 1107/2006, (EU) No 1177/20, (EU) No 181/2011 and (EU)2021/782 as regards enforcement of passenger rights in the Union.³ The rules on better application and enforcement of Union rules on passenger rights in this Regulation are fully aligned with that Regulation.

- **Consistency with other Union policies**

This proposal is consistent with the Commission Delegated Regulation (EU) 2017/1926 on Multimodal Travel Information Services (MMTIS).⁴ This Regulation requires data holders (e.g. transport authorities, transport operators and infrastructure managers) to make data on transport networks (including data on transport services such as timetables and hours of operation) accessible to data users, via national access points established by the Member States, when the data is available in a digital machine-readable format. It is also consistent with the proposal for the revision of the Commission Delegated Regulation (EU) 2017/1926⁵. This revision extends this requirement by gradually adding, from December 2025 to December 2028, dynamic data types such as real-time arrival and departure times. This is of essential importance for this proposal regarding real-time information to passengers about travel disruptions when switching modes. This will be further supported by the proposed amendment of the ITS Directive.⁶ This amendment should ensure that ITS applications in the field of road transport enable seamless integration with other modes of transport, such as rail or active mobility, thus facilitating a shift to those modes whenever possible, to improve efficiency and accessibility.

This proposal is also consistent with the Communication on a common European mobility data space (EMDS), which outlines the proposed way forward for the creation of a common European mobility data space, including its objectives, main features, supporting measures and milestones. Its objective is to facilitate access, pooling and sharing of data from existing and future transport and mobility data sources.⁷ With regard to the exchange of real-time information in a business-to-business context, this proposal is also relevant in the context of the

³ COM(2023)753 final of 29.11.2023.

⁴ Commission Delegated Regulation (EU) 2017/1926 of 31 May 2017 supplementing Directive 2010/40/EU of the European Parliament and of the Council with regard to the provision of EU-wide multimodal travel information services (OJ L 272, 21.10.2017, p. 1).

⁵ https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12912-EU-wide-multimodal-travel-new-specifications-for-information-services_en.

⁶ Proposal for a Directive amending Directive 2010/40/EU on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport, COM(2021)813 final - 2021/0419 (COD) - (EP and Council agreed on the provisional text in June 2023).

⁷ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – Creation of a common European mobility data space, COM(2023)751 final of 29.11.2023.

proposal for a Data Act, which addresses important aspects of data sharing, such as compensation, dispute settlement or technical protection measures.⁸ The proposal on establishing a framework for a European Digital Identity could also play a role where it introduces European Digital Identity Wallets.⁹ In light of the benefits in terms of security, convenience and accessibility, Member States should encourage the use of European Digital Identity Wallets for identification and authentication in multimodal transport scenarios, particularly aiding vulnerable persons or persons with disabilities.

Moreover, it should be clarified that the rules on package travel under Directive (EU) 2015/2302¹⁰ and the proposal to revise it,¹¹ are also consistent with this proposal. Albeit both deal with travel, they concern two separate markets. Whereas this proposal – in line with the existing legislation on passenger rights and the proposal to amend these¹² – exclusively deals with passenger transport services (e.g. a combination of a rail and bus service), the rules on package travel cover a combination of different travel services offered by an organiser (e.g. a package combining a flight and hotel accommodation). This proposal also clarifies that where a right to reimbursement arises under Directive (EU) 2015/2302, it should apply instead of this Regulation with regard to single multimodal contracts. Moreover, it specifies that this Directive should apply where an organiser combines transport services for the purpose of a multimodal journey as part of a package.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

• Legal basis

Article 91(1) of the Treaty on the Functioning of the European Union (TFEU) serves as the legal basis for the adoption of EU legislation related to a common transport policy. Furthermore, pursuant to Article 100(2) TFEU the Union legislator may lay down appropriate provisions for sea and air transport. The proposal is based on Article 91(1) and Article 100(2) TFEU.

• Subsidiarity (for non-exclusive competence)

Passenger rights for travel by air, rail, bus and coach (for long distance journeys), sea and inland waterways are already enshrined in EU law,¹³ and it is only urban/short-distance passenger transport that has been mostly left within the jurisdictions of Member States. The current proposal seeks to address the lack of rights for passengers who travel using a combination of these modes. Without harmonisation of the rules protecting passengers during such journeys, carriers, intermediaries and multimodal hub managers would have to work under different regimes. Passengers would be subject to multiple rules and find it difficult to know and insist

⁸ Proposal for a Regulation of the European Parliament and of the Council on harmonised rules on fair access to and use of data (Data Act), COM(2023)68 final of 23.2.2022.

⁹ Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 910/2014 as regards establishing a framework for a European Digital Identity, COM(2021)281 of 3.6.2021.

¹⁰ Directive (EU) 2015/2302 of the European Parliament and of the Council of 25 November 2015 on package travel and linked travel arrangements, amending Regulation (EC) No 2006/2004 and Directive 2011/83/EU of the European Parliament and of the Council and repealing Council Directive 90/314/EEC (OJ L 326, 11.12.2015, p. 1).

¹¹ Proposal for a Directive of the European Parliament and of the Council amending Directive (EU) 2015/2302 to make the protection of travellers more effective and to simplify and clarify certain aspects of the Directive, COM(2023)905 final of 29.11.2023.

¹² Proposal amending Regulations (EC) No 261/2004, (EC) No 1107/2006, (EU) No 1177/20, (EU) No 181/2011 and (EU)2021/782 as regards enforcement of passenger rights in the Union, COM(2023)753 final of 29.11.2023.

¹³ See footnote 2 above.

on their rights. Moreover, several regimes might apply to transport contracts for multimodal journeys between Member States. For these reasons, national rules, even assuming that they gave passengers a high level of protection, would not achieve essential Union objectives and would even frustrate their achievement. In sum, this initiative seeks to address a gap in EU legislation which, if left at national level, would create the risk of distortions or potential negative spill-over effects.

- **Proportionality**

As detailed in chapter 7 of the Impact Assessment accompanying this proposal, none of the policy options goes beyond what is necessary to reach the overall policy objectives.

- **Choice of the instrument**

The impact assessment evidenced that regulatory measures are necessary to achieve the objective of the initiative, whose main objective is to ensure an adequate level of protection of passenger in the context of multimodal journeys. The rules established by the present proposal should be applied in a uniform and effective manner across the European Union. A Regulation that is directly applicable appears to be the most appropriate instrument to ensure a coherent implementation of the measures envisaged in all EU Member States, while reducing the risk of distortion within the single market, which could result from differences into how EU Member States transpose the requirements into national law. A Regulation as a legal instrument has already been chosen by the EU in order to protect the rights of passengers travelling respectively by air, railways, bus and coach, and sea and inland waterways.

3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- **Ex-post evaluations/fitness checks of existing legislation**

Since no legislation currently exists, no ex-post evaluation or fitness check was carried out.

- **Stakeholder consultations**

For the impact assessment, stakeholders' input was gathered by various means, including an open public consultation (OPC) and targeted consultations by an external contractor through online questionnaires, interviews and workshops. Both qualitative input (opinions, views, suggestions) and quantitative information (data, statistics) were sought.

The stakeholders included participants from the industry, groups representing passengers/consumers, persons with disabilities and persons with reduced mobility (PRMs), and public authorities, i.e. those affected by the policy, those who apply it and those with a vested interest in it.¹⁴

Problem aspects

“Passengers are not protected by existing rights when switching between transport modes”: 89 out of 145 respondents to the targeted questionnaire strongly or somewhat agree that the problem is important, while 26 respondents fully or somewhat disagree. The latter are mainly carriers (for all modes) and their umbrella organisations, who during the interviews and the dedicated workshop argued that it is too early to regulate the sector, as a legislative framework

¹⁴ For more information on the stakeholder consultation, see the Synopsis report in Annex 2 of the Impact Assessment SWD(2023)386.

might disrupt an underdeveloped but emerging industry. In the OPC, 70% (117 out of 166) of respondents agreed somewhat/fully that the problem is important. In reply to the call for evidence, one passenger organisation claimed that the certainty of reaching the destination must be always guaranteed, even in the case of serious delays and independently from the travel mode(s) used.

“Persons with disabilities or reduced mobility (PRM) are not provided with assistance when switching between transport modes”: 50% (69 out of 138) of respondents agree that this is an important problem, while 16% (22 out of 138) strongly or somewhat disagree, 14% (19 out of 138) are neutral and 20% (28 out of 138) expressed no opinion. In the OPC, 57% (95 out of 167) of respondents consider this to be an important problem.

Policy objectives

71% (101 out of 143) of respondents to the targeted questionnaire agree with the objective of proposing an adequate framework of rules for the protection of passengers who experience travel disruptions when changing from one transport mode to another, while 11% (16 out of 143) disagree with this objective. In the OPC, 63% (104 out of 165) of respondents assess the objective’s relevance as high or medium-high, while 16% (26 out of 165) believe it is of low/medium-low relevance.

Policy measures

Most consumer organisations replying to the targeted questionnaire expressed support for a legislative measure to **ensure that carriers and ticket vendors provide additional information to multimodal passengers**. Airlines and their representative organisations indicated that they could not be legally bound to provide information that they often do not have (connecting times and connecting journeys) and pointed out that providing real-time information on journey disruption is unfeasible if passengers booked via a ticket vendor. Umbrella organisations explained that this measure would increase operational costs mainly due to the necessary updates of the IT systems supporting booking arrangements and to additional resources needed to identify the relevant information. Ticket vendors were less supportive of the provision of real-time information and claimed that such a solution would only be feasible if carriers were obliged to share information with intermediaries.

As to the **introduction of a right for passengers to be reimbursed or re-routed in case of a travel disruption**, most passenger organisations replying to the targeted survey stated that the legislative measure would bring a very strong or strong contribution, while a slight majority of carriers for rail, waterborne, bus and coach, believe that the legislative measure would have a moderate or slight contribution. Nearly all intermediaries replying to the targeted survey agreed that the proposed measure would have a strong contribution, if implemented as a legislative measure, and provided that there are B2B agreements with respective liabilities. As to the introduction of a **single point of contact for PRMs at multimodal passenger hubs**, one PRM representative underlined during the dedicated workshop that, as PRMs require different types of assistance, there would be many issues to consider in defining the role/scope of the SPC and expressed concerns if the measure was soft law. One interviewed PRM organisation remarked that the SPC would be of considerable help to PRMs to obtain assistance and relevant information. 10 out of 17 airlines stated that the measure would bring a (very) strong contribution. During the workshop, airlines and their umbrella organisation expressed their support for it, while stressing the importance of establishing clear channels of communication and defining the scope of the services to be provided. One interviewed organisation of airlines argued that the SPC should be the terminal operator, as in the case of air transport. 6 out of the

11 infrastructure and terminal managers replying to the targeted survey believe that the measure would (very) strongly contribute towards the policy objective.

- **Collection and use of expertise**

Exploratory study

The Commission carried out an exploratory study on passenger rights in the multimodal context that was published in 2019.¹⁵ The results of this study were taken into account, in particular with regard to the identification of the legal gaps and the size of the multimodal passenger market. The study observes that the mode-oriented approach of the five existing passenger rights Regulations can potentially lead to legal gaps and, overall, an insufficient coverage of passenger rights in a multimodal context. The availability of data also constitutes a limitation in terms of both the scope and the detail of the analysis.

Impact assessment

The impact assessment has been based on research and analyses done by the Commission. The Commission also contracted an external, independent consultant to support the impact assessment in specific tasks, i.e. the assessment of the costs and benefits as well as the open public consultation and targeted consultation (by means of interviews and workshops). The external support study will be published alongside this proposal.

- **Impact assessment**

An impact assessment report was submitted to the Regulatory Scrutiny Board (RSB) on 7 June 2023. The RSB subsequently issued a positive opinion with reservations on 7 July 2023. In particular, it identified a number of shortcomings in the report pertaining to the description of the scale of the problem and the magnitude of its consequences; the description of the benefits of the options and the assessment of the proportionality of the preferred option; as well as the outline of the administrative and adjustment costs as part of the One In, One Out assessment¹⁶. These shortcomings were all addressed in the final impact assessment report which is submitted together with this proposal, in particular by an improved description of the size of the multimodal market and the current market failure in mitigating the problem; the magnitude of the consequences of the problem in terms of the lack of information and assistance during multimodal journeys; the benefits in terms of hassle costs savings for consumers, carriers, intermediaries and national public authorities; the comparison of the options, including with regard to proportionality; and the classification of one-off costs for implementing real-time information provisions and integrating the communication systems to multimodal passengers as adjustment costs rather than administrative costs.

The policy measures included in the three policy options addressing problem 2 of this impact assessment (“Insufficient protection of passengers during multimodal journeys”) are differentiated between the three ticket categories (A-B-C) presented above. The table below contains an overview of the different policy options, while taking into account these different ticket categories.

¹⁵ <https://op.europa.eu/en/publication-detail/-/publication/fl76da6f-d9ca-11e9-9c4e-01aa75ed71a1>.

¹⁶ SWD(2023)386, Annex 1.

	Category A (Single contract)	Category B (Separate tickets combined and sold by ticket vendor)	Category C (Separate tickets at passenger's own initiative)
PO 2.1	Pre-purchase information (<i>PM B.1</i>) Basic set of passenger rights (<i>PM B.3a</i>) Complaint-handling by industry and NEBs (<i>PM B.7 & B.8</i>)	Pre-purchase information (<i>PM B.1</i>) Complaint-handling by industry and NEBs (<i>PM B.7 & B.8</i>)	Pre-purchase information (<i>PM B.1</i>) Complaint-handling by industry and NEBs (<i>PM B.7 & B.8</i>)
PO 2.2	Pre-purchase information (<i>PM B.1</i>) Real-time information (<i>PM B.2</i>) Basic set of passenger rights (<i>PM B.3a</i>) Single Point of Contact (<i>PM B.5 & B.6</i>) Complaint-handling by industry and NEBs (<i>PM B.7 & B.8</i>)	Pre-purchase information (<i>PM B.1</i>) Real-time information (<i>PM B.2</i>) Information on separate nature of tickets (<i>PM B.4a</i>) Single Point of Contact (<i>PM B.5 & B.6</i>) Complaint-handling by industry and NEBs (<i>PM B.7 & B.8</i>)	Pre-purchase information (<i>PM B.1</i>) Single Point of Contact (<i>PM B.5 & B.6</i>) Complaint-handling by industry and NEBs (<i>PM B.7 & B.8</i>)
PO 2.3	Pre-purchase information (<i>PM B.1</i>) Real-time information (<i>PM B.2</i>) Enhanced set of passenger rights (<i>PM B.3b</i>) Single Point of Contact (<i>PM B.5 & B.6</i>) Complaint-handling by industry and NEBs (<i>PM B.7 & B.8</i>)	Pre-purchase information (<i>PM B.1</i>) Real-time information (<i>PM B.2</i>) Information on separate nature of tickets (<i>PM B.4b</i>) Single Point of Contact (<i>PM B.5 & B.6</i>) Complaint-handling by industry and NEBs (<i>PM B.7 & B.8</i>)	Pre-purchase information (<i>PM B.1</i>) Single Point of Contact (<i>PM B.5 & B.6</i>) Complaint-handling by industry and NEBs (<i>PM B.7 & B.8</i>)

The impact assessment concluded that policy option PO 2.2 was the preferred option. The impact assessment found that it is the most efficient and effective policy option, as it ensures a fair balance between the effectiveness of the intervention in achieving the objective of increasing the protection of passengers (including PRM) in the context of multimodal journeys on the one hand, and efficiency in terms of costs for industry, on the other, given that this market is under development. PO 2.2 was found to also be the most proportionate measure and the most coherent in terms of internal and external coherence as well.

Sustainable Development Goals

The initiative contributes towards **Sustainable Development Goals (SDG) #10** Reduce inequality within and among countries (regarding passengers with disabilities and reduced mobility), **#13** Climate action (enhanced passenger rights may incentivise people to use more public transport instead of private cars), and **#16** Provide access to justice for all and build effective, accountable and inclusive institutions (enhanced and accessible means of redress for passengers and better tools for enforcement for the administration).

Climate consistency check

The proposal is consistent with climate neutrality objective set out in the European Climate Law and the Union 2030 and 2050 targets and contributes to achieve SDG #13 Climate action as mentioned above.

- **Regulatory fitness and simplification**

This initiative is part of the Commission Work Programme 2023 under Annex II (REFIT initiatives), under the heading ‘An Economy that Works for People’. It has an important REFIT dimension in terms of the simplification of the rules for passengers travelling in a multimodal context.

In particular, a strong simplification potential resides in the improved information on the type of ticket that passengers are travelling with during a multimodal journey. Currently, they would not have easy access to such information, if at all available. Multimodal passengers would also have improved redress tools by means of complaint-handling procedures on the level of both industry and national authorities, making it easier for them to assert their rights. Together with increased rights in the event of missed connections between transport services (reimbursement or re-routing), this corresponds to a potential for cost savings for passengers. For PRM in particular, there is also an important efficiency potential where they would not only have a right to free assistance when travelling with a single multimodal contract, but would also have the possibility to receive a coordinated assistance when transferring at multimodal hubs (Single Points of Contact), where they currently would have to submit several assistance requests to carriers and terminal operators.

The proposal would necessarily imply a regulatory burden given that there are currently no rules protecting passengers undertaking multimodal journeys. However, there is a significant mitigating factor in this context, especially for transport operators, where they already apply most measures in the context of travels within a single mode of transport (e.g. reimbursement or re-routing, care, PRM assistance) – only the part of the journey when the passenger is switching between transport modes was not taken into consideration until now. In addition, carriers and intermediaries that qualify as SMEs would be exempted from the proposed rules on the provision of real-time information (Articles 5 and 6 of the proposal.)

The impact on EU competitiveness or international trade is expected to be largely neutral.

The proposal takes the digital environment into account, in particular with regard to the provision of real-time information on e.g. disruptions and delays - which are ideally also delivered by digital communication means – and the suggested rules on complaint-handling, where both companies and national enforcement bodies need to ensure that passengers can submit complaints both offline and online. The proposal also considers the increasing presence of online travel agents who would be willing to offer a combination of transport services to prospective passengers. This is not only reflected in terms of rules on the sharing of travel information, but also with regard to the liability of intermediaries selling a combination of ticket for different transport services.

- **Fundamental rights**

Article 38 of the Charter of Fundamental Rights requires that Union policies ensure a high level of consumer protection. Article 26 of the Charter calls for the integration of persons with disabilities and requires Member States to take measures to ensure their independence, social and occupational integration, and participation in the life of the community. Strengthening the

rights of passengers travelling in a multimodal context in the EU will further raise the overall high level of consumer protection.

The obligation to share passengers' personal data has an impact on the right to protection of personal data under Article 8 of the Charter. This obligation is necessary and proportionate in light of the objective of ensuring that consumers are effectively protected in accordance with Article 38 of the Charter. In addition, to further mitigate the effects on data protection, data protection safeguards are implemented, namely purpose limitation and a clear retention period. Further provisions of the proposal concerning the use of passengers' details contribute to respect the right to protection of personal data under Article 8 of the Charter by clearly laying down which personal data can be used for specified purposes (for informing, reimbursing and rerouting the passenger as well as for safety and security reasons) and under which conditions.

4. BUDGETARY IMPLICATIONS

The proposal has no implications for the EU budget.

5. OTHER ELEMENTS

- **Implementation plans and monitoring, evaluation and reporting arrangements**

The Commission will monitor the implementation and effectiveness of this initiative on the basis of progress indicators mentioned in chapter 9 of the Impact Assessment. Five years after the entry into force of the proposed legislation, the Commission will evaluate whether its objectives were reached.

In its Communication on 'Long-term competitiveness of the EU: looking beyond 2030'¹⁷, the Commission committed to rationalise and simplify reporting requirements without undermining the related policy objectives. This proposal is in line with those aims. Although it creates a new obligation for carriers offering single multimodal contracts to publish every two years a report about the implementation of their service quality standards with key performance indicators related to passenger rights (e.g. missed connections, complaint handling, cooperation with the representatives of persons with disabilities), these reports are absolutely necessary for monitoring and enforcing passenger rights. Carriers indicated in the stakeholder consultation that they already collect the data in question, and the frequency of reporting (only every two years) was chosen to keep the costs of implementing these measures low. In addition of being a valuable source of information for NEBs with limited resources to carry out their monitoring and enforcement tasks, these reports will allow passengers to take informed decisions about which carrier to choose based on the quality of their performance and could also encourage competition between carriers based on the quality of their performance. In the same vein, the obligation for a biennial reporting by NEBs on actions taken to ensure the application of the Regulation and relevant statistics on e.g. complaints would allow the Commission in its task to verify the implementation of the Regulation.

- **Detailed explanation of the specific provisions of the proposal**

The structure of the Regulation is inspired by the existing Regulations on passenger rights, and in particular the most recent Regulation (EU) 2021/782 on rail passengers' rights and obligations. It will consist of the following main chapters:

¹⁷ COM(2023)168.

Chapter I: General provisions

Chapter I contains the general provisions of the Regulation specifying the subject matter and objectives, the scope and the definitions. In addition, the complementary nature of the proposal to the existing Union law on passenger rights is outlined.

Chapter II: Transport contracts and information

Chapter II contains provisions on transport contracts and information to passengers by carriers, intermediaries and multimodal hub managers. It describes the information to be given to passengers before and during their journey (in real-time), and the modalities for exchange and cooperation on the matter between different types of undertakings involved.

Chapter III: Liability in the event of missed connections

Chapter III contains provisions on the assistance of passengers (reimbursement, re-routing, care) having a single multimodal contract in the event of a missed connection of a subsequent transport service. In addition, it spells out the reimbursement process where such contract was acquired with an intermediary. It also clarifies the liability of carriers and intermediaries offering combined multimodal tickets. Finally, it introduces a common form for reimbursement and compensation requests.

Chapter IV: Persons with disabilities and reduced mobility

Chapter IV outlines rules for the protection and assistance of persons with disabilities and reduced mobility (PRM) in the context of multimodal travel. Next to detailing the right to transport and the assistance of PRM having a single multimodal contract, it introduces the establishment of Single Points of Contact at multimodal passenger hubs. These hubs correspond to the multimodal passenger hubs that have to be developed in every urban node of the TEN-T network by 2030 under the proposal for a Regulation on Union guidelines for the development of the trans-European transport network.¹⁸

Chapter V: Service quality and complaints

Chapter V contains rules on service quality and on the handling of complaints by carriers, intermediaries and multimodal hub managers.

Chapter VI: Information and enforcement

Chapter VI contains provisions on information to passengers on their rights as well as the enforcement of the Regulation. With regard to the latter, it includes rules on the designation of a national enforcement body, the risk-based approach to the monitoring of compliance with passenger rights, the sharing of information by the relevant undertakings with national enforcement bodies and cooperation between Member States and the Commission.

Chapter VII: Final provisions

¹⁸ Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on Union guidelines for the development of the trans-European transport network, amending Regulation (EU) 2021/1153 and Regulation (EU) No 913/2010 and repealing Regulation (EU) 1315/2013, COM/2021/812 final of 14.12.2021 - 2021/0420(COD).

Chapter VII contains provisions with regard to reporting obligations and the committee procedure.

Annexes

Annex I sets out the list of urban nodes where multimodal passenger hubs and the corresponding Single Points of Contact need to be established and operated.

Annex II contains the minimum service quality standards that carriers offering single multimodal contracts and multimodal hub managers need to uphold.

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on passenger rights in the context of multimodal journeys

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91(1) and Article 100(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee¹

Having regard to the opinion of the Committee of the Regions²

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) The Union legislation on passenger rights³ has significantly improved the protection of the rights of passengers travelling by air, sea and inland waterways, bus and coach, and rail when their travel plans are disrupted by long delays and cancellations.
- (2) The implementation of the rights established and protected under those Regulations has however revealed shortcomings for passengers who perform or intend to perform a journey involving a combination of transport modes, thereby preventing the full potential of passenger rights to be realised.

¹ OJ C [...], [...], p. [...].

² OJ C [...], [...], p. [...].

³ Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91, OJ L 46, 17.2.2004, p. 1, ELI: <http://data.europa.eu/eli/reg/2004/261/oj>; Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air, OJ L 204, 26.7.2006, p. 1, ELI: <http://data.europa.eu/eli/reg/2006/1107/oj>; Regulation (EU) 2021/782 of the European Parliament and of the Council of 29 April 2021 on rail passengers' rights and obligations (recast), OJ L 172, 17.5.2021, p. 1, ELI: <http://data.europa.eu/eli/reg/2021/782/oj>; Regulation (EU) No 1177/2010 of the European Parliament and of the Council of 24 November 2010 concerning the rights of passengers when travelling by sea and inland waterway and amending Regulation (EC) No 2006/2004, OJ L 334, 17.12.2010, p. 1, ELI: <http://data.europa.eu/eli/reg/2010/1177/oj>; Regulation (EU) No 181/2011 of the European Parliament and of the Council of 16 February 2011 concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004, OJ L 55, 28.2.2011, p. 1, ELI: <http://data.europa.eu/eli/reg/2011/181/oj>.

- (3) In the framework of the common transport policy, it is important to safeguard the rights of passengers switching modes of transport in order to assist the development of multimodal travel and improve the choice for passengers in terms of travel options.
- (4) The Union standards of protection set by Regulations (EC) No 261/2004, (EC) No 1107/2006, (EU) 2021/782, (EU) No 1177/2010 and (EU) No 181/2011 for travelling using one mode of transport should therefore be extended to cover the rights of passengers switching between modes of transport and to ensure that undertakings which are involved in a multimodal journey operate under harmonised rules.
- (5) Legal protection should be provided for passengers who perform multimodal journeys where there is no specific sectoral Union legislation on the matter.
- (6) The rights for passengers who perform multimodal journeys established in this Regulation should complement the protection that those same passengers already enjoy under the Union legislation on passenger rights. Therefore, this Regulation should be without prejudice to the rights and obligations under that legislation.
- (7) This Regulation should not apply to single multimodal contracts where they are part of a package and a right to reimbursement arises under Directive (EU) 2015/2302 of the European Parliament and Council⁴. In view of the protection to passengers foreseen under that Directive, this Regulation should also not apply to combined multimodal tickets where they are combined by an organiser as part of a package.
- (8) Member States should ensure that discrimination on the basis of the nationality of the passenger or the place of establishment within the Union of the carrier or intermediary is prohibited when carriers or intermediaries offer contract conditions and tariffs for multimodal journeys to the general public. Social tariffs should not be prohibited, provided that such measures are proportionate and independent of the nationality of the passenger concerned. In light of the development of online platforms selling passenger transport tickets, Member States should pay special attention to ensuring that no discrimination on the basis of nationality of the passenger or the place of establishment within the Union of the carrier or intermediary occurs during the process of accessing online interfaces or purchasing tickets. Furthermore, regardless of how a certain type of a ticket is purchased, the level of protection of the passenger should be the same.
- (9) Member States should ensure that carriers and intermediaries offering transport contracts for the purpose of a multimodal journey inform the passenger of the type of ticket or tickets associated to that journey and their corresponding rights, in particular with regard to missed connections.
- (10) Access to travel information, including real-time data, makes multimodal travel easier and provides passengers with a wider range of journey possibilities. In this regard, Commission Delegated Regulation (EU) 2017/1926⁵ sets out the accessibility of such travel and traffic information data to National Access Points, in order to ensure that ticket vendors can inform passengers before and during their journey. In order to avoid any unnecessary burden for carriers offering single multimodal contracts, they should

⁴ Directive (EU) 2015/2302 of the European Parliament and of the Council of 25 November 2015 on package travel and linked travel arrangements, amending Regulation (EC) No 2006/2004 and Directive 2011/83/EU of the European Parliament and of the Council and repealing Council Directive 90/314/EEC (OJ L 326, 11.12.2015, p. 1, ELI: <http://data.europa.eu/eli/dir/2015/2302/oj>).

⁵ Commission Delegated Regulation (EU) 2017/1926 of 31 May 2017 supplementing Directive 2010/40/EU of the European Parliament and of the Council with regard to the provision of EU-wide multimodal travel information services (OJ L 272, 21.10.2017, p. 1, ELI: http://data.europa.eu/eli/reg_del/2017/1926/oj).

be able to comply with provisions under this Regulation to provide travel information to other carriers and intermediaries selling their services to the extent where they provide this data to such National Access Points.

- (11) Carriers and intermediaries that are small and medium-sized enterprises (SMEs) fulfilling the criteria laid down in Annex I to Commission Regulation (EU) No 651/2014⁶ often have limited resources, which may restrict their access to information, notably in the context of new technology. Therefore, such carriers and intermediaries should be exempted from the requirements on the provision of real-time information to multimodal passengers.
- (12) Passengers having a single multimodal contract and who miss a connection due to a delay or cancellation of a preceding service under that contract should be able either to obtain reimbursement of their tickets or to obtain re-routing under satisfactory conditions, and they should be adequately cared for while awaiting a later connection.
- (13) Where a single multimodal contract is booked via an intermediary, the intermediary and the contracting carrier should inform the passenger about the reimbursement process. In particular, the contracting carrier should state publicly whether it cooperates with intermediaries for the processing of reimbursements, and if so with which it does so.
- (14) Correct information as regards a multimodal transport service is also essential when passengers buy tickets from intermediaries. Where intermediaries sell separate tickets for different transport services as a bundle in the form of a combined multimodal ticket, they should clearly inform the passenger that those tickets do not offer the same level of protection as single multimodal contracts and that those tickets have not been issued as single multimodal contracts by the carrier or carriers providing the service. Where intermediaries fail to comply with this requirement, their liability should include the reimbursement of the ticket amount and an additional compensation equivalent to 75% of that amount.
- (15) In light of the United Nations Convention on the Rights of Persons with Disabilities and in order to give persons with disabilities and persons with reduced mobility opportunities for multimodal travel comparable to those of other citizens, rules for non-discrimination and assistance during their multimodal journey should be established. In particular, special attention should be given to the provision of information to persons with disabilities and persons with reduced mobility concerning the accessibility of transport services, access conditions of vehicles and the facilities on board when switching modes. If information to persons with disabilities and reduced mobility is provided in accessible formats, it should be provided in accordance with the applicable legislation such as the accessibility requirements set out in Annex I to Directive (EU) 2019/882⁷. In light of the benefits in terms of security, convenience and accessibility, Member States should encourage the use of European digital identity wallets for identification and authentication in multimodal transport scenarios, particularly aiding vulnerable persons or persons with disabilities.
- (16) Carriers and multimodal hub managers should actively cooperate with organisations representing people with disabilities in order to improve the quality of accessibility of

⁶ Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty (OJ L 187, 26.6.2014, p. 1, ELI: <http://data.europa.eu/eli/reg/2014/651/oj>).

⁷ Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70), ELI: <http://data.europa.eu/eli/dir/2019/882/oj>.

transport services. In order to facilitate access to multimodal passenger services for persons with disabilities and persons with reduced mobility, Member States, carriers and terminal managers should set up national Single Points of Contact to coordinate information and assistance at multimodal passenger hubs in certain major urban nodes.

- (17) In addition, Member States should have the possibility to require carriers and terminal managers to set up national Single Points of Contact to coordinate information and assistance at additional multimodal passenger hubs.
- (18) Carriers and terminal managers should define, manage and monitor service quality standards for multimodal passenger services. Carriers should also make information on their service quality performance publicly available.
- (19) This Regulation should not affect the rights of passengers to file a complaint with a national body or to seek legal redress through national procedures.
- (20) In order to maintain a high level of consumer protection in multimodal transport, Member States should be required to designate national enforcement bodies to monitor closely the application of this Regulation and to enforce it at national level. Those bodies should be able to take a variety of enforcement measures. Passengers should be able to complain to those bodies, or any other body designated by a Member State to this effect, about alleged infringements of the Regulation. It should be noted that Member States may choose to designate a national enforcement body that is also designated as the body responsible for the enforcement of other Union rules on passenger rights.
- (21) Processing of personal data should be carried out in accordance with Union law on the protection of personal data as laid down in Regulation (EU) 2016/679 of the European Parliament and of the Council.⁸ Any processing of personal data must in particular take place in accordance with the requirements set out in Article 5(1) and Article 6(1) of that Regulation. It should also be noted that the obligations to provide information to passengers concerning their rights are without prejudice to the obligation of the controller to provide information to the data subject pursuant to Articles 12, 13 and 14 of Regulation (EU) 2016/679.
- (22) In order to ensure that a passenger receives travel information about a multimodal journey, both before and during that journey, the sharing of passenger contact details with the carrier could be necessary. The carrier may use these contact details exclusively for the purpose of fulfilling the information obligation under this Regulation and to fulfil the carrier's obligations under applicable Union law on safety and security. This personal data should not be processed for any other purposes and should be deleted within 72 hours after the completion of the contract of carriage unless further retention of the contact details is justified to fulfil obligations in respect of the passenger's right to re-routing, reimbursement or compensation.
- (23) Member States should lay down penalties applicable to infringements of this Regulation and ensure that these penalties are applied. The penalties should be effective, proportionate and dissuasive.
- (24) Since the objectives of this Regulation, namely the development of the Union's market for multimodal passenger transport and the establishment of passengers' rights in the context of multimodal journeys, cannot be sufficiently achieved by the Member States,

⁸ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1, ELI: <http://data.europa.eu/eli/reg/2016/679/oj>).

and can therefore be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.

- (25) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council.⁹ The examination procedure should be used for the adoption of the common forms for reimbursement and compensation requests.
- (26) This Regulation respects fundamental rights and observes the principles recognised in the Charter of Fundamental Rights of the European Union, in particular Articles 21, 26, 38 and 47 concerning, respectively, the prohibition of any form of discrimination, the integration of persons with disabilities, the ensuring of a high level of consumer protection, and the right to an effective remedy and to a fair trial. The Member States' courts must apply this Regulation in a manner consistent with these rights and principles,
- (27) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council and delivered an opinion on [],

HAVE ADOPTED THIS REGULATION:

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject matter

This Regulation establishes rules applicable to multimodal transport as regards the following:

- (a) non-discrimination between passengers with regard to transport conditions and the provision of tickets;
- (b) information to passengers;
- (c) passengers' rights in the event of disruption, in particular in the context of a missed connection between different transport modes;
- (d) non-discrimination against, and assistance for, persons with disabilities and persons with reduced mobility;
- (e) the definition and monitoring of service quality standards;
- (f) handling of complaints;
- (g) general rules on enforcement;
- (h) penalties.

⁹ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13, ELI: <http://data.europa.eu/eli/reg/2011/182/oj>).

Article 2

Scope

1. This Regulation shall apply to multimodal journeys, of which all the transport services concerned fall under the scope of the Union legislation on passenger rights¹⁰, offered by carriers or intermediaries to passengers in the form of:
 - (a) a single multimodal contract,
 - (b) a combined multimodal ticket,
 - (c) separate multimodal tickets.
2. This Regulation shall apply to carriers, intermediaries and terminal managers. It shall also apply to multimodal hub managers operating Single Points of Contact at multimodal passenger hubs at the urban nodes listed in Annex I.
3. This Regulation is without prejudice to the following rules laid down by other Union legislation regulating other aspects of the protection of passengers, and complements that protection:
 - (a) Union legislation on passenger rights;
 - (b) Union legislation on package travel and linked travel arrangements¹¹;
 - (c) Union legislation on consumer protection¹².

¹⁰ Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91, (OJ L 46, 17.2.2004, p. 1), ELI: <http://data.europa.eu/eli/reg/2004/261/oj>; Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air, (OJ L 204, 26.7.2006, p. 1, ELI: <http://data.europa.eu/eli/reg/2006/1107/oj>); Regulation (EU) 2021/782 of the European Parliament and of the Council of 29 April 2021 on rail passengers' rights and obligations (recast), (OJ L 172, 17.5.2021, p. 1, ELI: <http://data.europa.eu/eli/reg/2021/782/oj>); Regulation (EU) No 1177/2010 of the European Parliament and of the Council of 24 November 2010 concerning the rights of passengers when travelling by sea and inland waterway and amending Regulation (EC) No 2006/2004, (OJ L 334, 17.12.2010, p. 1, ELI: <http://data.europa.eu/eli/reg/2010/1177/oj>); Regulation (EU) No 181/2011 of the European Parliament and of the Council of 16 February 2011 concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004, (OJ L 55, 28.2.2011, p. 1, ELI: <http://data.europa.eu/eli/reg/2011/181/oj>).

¹¹ Directive (EU) 2015/2302 of the European Parliament and of the Council of 25 November 2015 on package travel and linked travel arrangements, amending Regulation (EC) No 2006/2004 and Directive 2011/83/EU of the European Parliament and of the Council and repealing Council Directive 90/314/EEC (OJ L 326, 11.12.2015, p. 1, ELI: <http://data.europa.eu/eli/dir/2015/2302/oj>).

¹² Regulation (EU) 2017/2394 of the European Parliament and of the Council of 12 December 2017 on cooperation between national authorities responsible for the enforcement of consumer protection laws and repealing Regulation (EC) No 2006/2004 (Text with EEA relevance) (OJ L 345, 27.12.2017, p. 1, ELI: <http://data.europa.eu/eli/reg/2017/2394/oj>); Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive') (Text with EEA relevance) (OJ L 149, 11.6.2005, p. 22, ELI: <http://data.europa.eu/eli/dir/2005/29/oj>); Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Directive on consumer ADR) (OJ L 165, 18.6.2013, p. 63, ELI: <http://data.europa.eu/eli/dir/2013/11/oj>); Directive (EU) 2020/1828 of the European Parliament and

4. This Regulation shall not apply to combined multimodal tickets where they are combined by an organiser as part of a package under Directive (EU) 2015/2302¹³.
5. Paragraph 1, point (a) of Article 7 shall apply to passengers whose single multimodal contracts form part of a package, unless where a right to reimbursement arises under Directive (EU) 2015/2302¹⁴.

Article 3

Definitions

For the purposes of this Regulation, the following definitions apply:

- (1) ‘multimodal journey’ means a journey of a passenger between a point of departure and a final destination covering at least two transport services and at least two modes of transport;
- (2) ‘carrier’ means a natural or legal person, other than an intermediary, offering transport services to the general public, including:
 - (a) operating air carriers as defined in point (b) of Article 2 of Regulation (EC) No 261/2004;
 - (b) railway undertakings as defined in point (1) of Article 3 of Regulation (EU) 2021/782;
 - (c) carriers as defined in point (d) of Article 3 of Regulation (EU) No 1177/2010;
 - (d) carriers as defined in point (e) of Article 3 of Regulation (EU) No 181/2011;
- (3) ‘ticket vendor’ means any natural or legal person, other than a carrier, acting on behalf of a carrier or a passenger for the conclusion of transport contracts;
- (4) ‘intermediary’ means a ticket vendor or an organiser or retailer as defined in points (8) and (9) respectively of Article 3 of Directive (EU) 2015/2302 other than a carrier;
- (5) ‘ticket’ means valid evidence, regardless of its form, of the conclusion of a transport contract;
- (6) ‘transport contract’ means a contract of carriage between a carrier and a passenger for the provision of one or more transport services;
- (7) ‘single multimodal contract’ means a transport contract for a multimodal journey containing successive transport services operated by one or more carriers;
- (8) ‘combined multimodal ticket’ means a ticket or tickets for a multimodal journey representing separate transport contracts which are combined by a carrier or

of the Council of 25 November 2020 on representative actions for the protection of the collective interests of consumers and repealing Directive 2009/22/EC (OJ L 409, 4.12.2020, p. 1 ELI: <http://data.europa.eu/eli/dir/2020/1828/oj>); Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts (OJ L 95, 21.4.1993, p. 29, ELI: <http://data.europa.eu/eli/dir/1993/13/oj>).

¹³ Directive (EU) 2015/2302 of the European Parliament and of the Council of 25 November 2015 on package travel and linked travel arrangements, amending Regulation (EC) No 2006/2004 and Directive 2011/83/EU of the European Parliament and of the Council and repealing Council Directive 90/314/EEC (OJ L 326, 11.12.2015, p. 1, ELI: <http://data.europa.eu/eli/dir/2015/2302/oj>).

¹⁴ Directive (EU) 2015/2302 of the European Parliament and of the Council of 25 November 2015 on package travel and linked travel arrangements, amending Regulation (EC) No 2006/2004 and Directive 2011/83/EU of the European Parliament and of the Council and repealing Council Directive 90/314/EEC (OJ L 326, 11.12.2015, p. 1, ELI: <http://data.europa.eu/eli/dir/2015/2302/oj>).

intermediary on its own initiative, and which are purchased by means of a single payment by the passenger;

- (9) 'separate multimodal tickets' mean tickets for a multimodal journey representing separate transport contracts which are offered together by a carrier or intermediary, and which are purchased by means of separate payments by the passenger;
- (10) 'transport service' means a passenger transport service that operates between terminals according to a timetable, including transport services offered for re-routing;
- (11) 'managing body of the airport' means a body as defined in point (f) of Regulation (EC) No 1107/2006;
- (12) 'airport' means an airport as defined in point (j) of Regulation (EC) No 1107/2006;
- (13) 'railway station manager' means a station manager as defined in point (3) of Article 3 of Regulation (EU) 2021/782;
- (14) 'railway station' means a station as defined in point (22) of Article 3 of Regulation (EU) 2021/782;
- (15) 'port terminal' means a terminal as defined in point (k) of Article 3 of Regulation (EU) No 1177/2010;
- (16) 'port terminal operator' means a terminal operator as defined in point (s) of Article 3 of Regulation (EU) No 1177/2010;
- (17) 'bus or coach terminal' means a terminal as defined in point (m) of Article 3 of Regulation (EU) No 181/2011;
- (18) 'bus terminal managing body' means an entity as defined in point (o) of Article 3 of Regulation (EU) No 181/2011;
- (19) 'terminal' means an airport, railway station, port terminal or bus or coach terminal;
- (20) 'terminal manager' means a managing body of the airport, a railway station manager, a port terminal operator or a bus terminal managing body
- (21) 'multimodal passenger hub' means a connection point between at least two transport modes for passengers, where access to public transport and transfers between modes, including Park and Ride stations and active modes, are ensured and which act as an interface between urban nodes and longer-distance transport networks;
- (22) 'multimodal hub manager' means a terminal manager responsible for the management of a multimodal passenger hub;
- (23) 'missed connection during a multimodal journey' means a situation where a passenger misses one or more transport services in the course of a multimodal journey, as a result of the delay or cancellation of one or more previous transport services, or of the departure of a transport service before the scheduled departure time;
- (24) 'person with disabilities' and 'person with reduced mobility' mean any person who has a permanent or temporary physical, mental, intellectual or sensory impairment which, in interaction with various barriers, may hinder his or her full and effective use of transport on an equal basis with other passengers or whose mobility when using transport is reduced due to age;
- (25) 'small and medium-sized enterprises' or 'SMEs' means undertakings fulfilling the criteria laid down in Annex I to Commission Regulation (EU) No 651/2014;

CHAPTER II

TRANSPORT CONTRACTS AND INFORMATION

Article 4

Non-discriminatory contract conditions and tariffs

1. Without prejudice to social tariffs, carriers or intermediaries shall offer contract conditions and tariffs for multimodal journeys to the general public without direct or indirect discrimination on the basis of the passenger's nationality or of the place of establishment within the Union of the carrier or intermediary.
2. Social tariffs shall be acceptable provided that they do not discriminate on the basis of nationality of the passenger.

Article 5

Travel information for passengers

1. Carriers and intermediaries offering transport contracts on behalf of one or more carriers shall provide the passenger with information prior to purchase on whether the ticket or the tickets offered for a multimodal journey constitute a single multimodal contract, a combined multimodal ticket or separate multimodal tickets, as well as on the rights associated with the type of contract or ticket.
2. Prior to purchase, carriers and intermediaries offering transport contracts on behalf of one or more carriers for the purpose of a multimodal journey shall provide the passenger with general guidance on minimum connecting times between the different types of transport services offered in a multimodal journey.
3. Multimodal hub managers shall also provide general guidance on minimum connecting times between the different types of transport services that operate at the multimodal hub.
4. Carriers and intermediaries offering transport contracts on behalf of one or more carriers for the purpose of a multimodal journey shall provide the passenger, with the following information before the multimodal journey:
 - (a) general conditions applicable to the contract;
 - (b) time schedules and conditions for the fastest trip for the multimodal journey;
 - (c) time schedules and conditions for all available fares for the multimodal journey, highlighting the lowest fares;
 - (d) disruptions and delays affecting the multimodal journey, planned and in real time;
 - (e) procedures for the submission of complaints under Article 18.
5. Carriers offering single multimodal contracts and combined multimodal tickets and, where possible, intermediaries offering combined multimodal tickets shall provide the passenger during the journey with the following information:
 - (a) disruptions and delays (planned and in real time);
 - (b) main connecting transport services;

- (c) security and safety issues occurring on board the transport service and at terminals.
6. The information referred to in paragraphs 1 to 5 shall be provided in the most appropriate format, including by using appropriate communication technologies. This information shall be provided in an accessible format.
 7. The information to passengers shall be provided also by electronic means, where technically possible. Where information is provided by electronic means of communication, carriers and intermediaries shall ensure that the passenger can keep any written correspondence, including the date and time of such correspondence, on a durable medium. All means of communication shall enable the passenger to contact them quickly and to communicate effectively.
 8. Where the passenger does not acquire a single multimodal contract directly from the carrier, but via an intermediary, this intermediary shall provide the contact details of the passenger and the booking details to the carriers concerned. The carrier may only use these contact details to the extent necessary to comply with its obligations under this Regulation to provide information, provision of care, reimbursement, re-routing and compensation, and to fulfil the carrier's obligations under applicable Union law on safety and security. The carrier shall delete the contact details within 72 hours after the completion of the contract of carriage unless further retention of the contact details is justified to fulfil obligations in respect of the passenger's right to re-routing, reimbursement or compensation.
 9. Carriers and intermediaries which are SMEs shall be exempted from the provisions on real-time information under this Article.

Article 6

Access to travel information for carriers and intermediaries

1. Without prejudice to Article 10 (1) of Regulation (EU) 2021/782, carriers offering single multimodal contracts shall provide other carriers and intermediaries which sell their contracts with access to the travel information set out in Article 5(2) to (5).
2. Carriers offering single multimodal contracts shall distribute this information and grant access in a non-discriminatory manner and without undue delay. A one-off request shall be sufficient to have continuous access to information. The carrier obliged to make available information in accordance with paragraph 1 may request the conclusion of a contract or other arrangement on whose basis information is distributed or access is granted. The terms and conditions of any contract or arrangement for the use of the information shall not unnecessarily restrict possibilities for its reuse. The terms and conditions shall not be used to restrict competition. Carriers offering single multimodal contracts may require from other carriers and intermediaries a fair, reasonable and proportionate financial compensation for the costs incurred in providing the access.
3. Information shall be distributed, and access shall be provided by appropriate technical means, such as application programming interfaces. It shall be ensured that these application programming interfaces are in compliance with the specifications laid down in the implementing acts adopted under Directive (EU) 2016/797.
4. Where the information covered by paragraph 1 is provided in accordance with other Union legal acts, in particular delegated acts adopted under Directive 2010/40/EU of

the European Parliament and of the Council¹⁵, the corresponding obligations under this Article are equally fulfilled.

CHAPTER III

MISSED CONNECTIONS

Article 7

Reimbursement and re-routing

1. Where a missed connection of a subsequent transport service during a multimodal journey, concluded under a single multimodal contract, occurs or is reasonably to be expected to occur due to a delay or cancellation of a preceding transport service under that same contract, the contracting carrier shall immediately offer the passenger the choice between one of the following options:
 - (a) reimbursement of the full cost of the ticket, under the conditions by which it was paid for the part or parts of his or her journey not made and for the part or parts already made if the journey is no longer serving any purpose in relation to the passenger's original travel plan, together with, when relevant, a return service to the first point of departure at the earliest opportunity;
 - (b) continuation or re-routing, under comparable transport conditions, to the final destination at the earliest opportunity;
 - (c) continuation or re-routing, under comparable transport conditions, to the final destination at a later date at the passenger's convenience.

The contracting carrier shall make the arrangements necessary for the option chosen by the passenger.
2. Where, for the purposes of points (b) and (c) of paragraph 1, comparable re-routing is operated by the same carrier or another carrier is commissioned to perform the re-routing, this shall not generate additional costs to the passenger. That requirement also applies where the re-routing involves the use of transport of a higher service class and alternative modes of transport. Carriers shall make reasonable efforts to avoid additional connections and to ensure that delay in the total travel time is as short as possible.
3. Re-routing transport service providers shall provide persons with disabilities and persons with reduced mobility with a level of assistance and accessibility comparable to the missed transport service when offering an alternative service. Re-routing transport service providers shall pay particular attention to provide persons with disabilities and persons with reduced mobility with alternative services which are appropriate to their needs, and which differ from those offered to other passengers.
4. The reimbursement referred to in point (a) of paragraph 1 shall be paid within 14 days after the receipt of the request. Member States may require contracting carriers to accept such requests by particular means of communication, provided that the requirement does not create discriminatory effects. The reimbursement may take the

¹⁵ Directive 2010/40/EU of the European Parliament and of the Council of 7 July 2010 on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport (OJ L 207, 6.8.2010, p. 1, ELI: <http://data.europa.eu/eli/dir/2010/40/oj>).

form of money, vouchers or the provision of other services provided that the terms of those vouchers and services are sufficiently flexible, in particular regarding the validity period and destination, and that the passenger expressly agrees to accept those vouchers and services. The reimbursement of the ticket price shall not be reduced by financial transaction costs such as fees, telephone costs or stamps.

Article 8

Reimbursement when the single multimodal contract was booked through an intermediary

1. Where the passenger has bought the single multimodal contract through an intermediary, the contracting carrier may make the reimbursement referred to in Article 7(1) point (a) through that intermediary in accordance with this Article.
2. The intermediary and the contracting carrier shall inform the passenger about the reimbursement process as provided for in this Article in a clear, comprehensible and easily accessible manner at the time of booking and on the booking confirmation.
3. Reimbursement through the intermediary shall be free of charge for passengers and all other parties concerned.
4. The carrier shall state publicly, in a clear, comprehensible and easily accessible manner, whether it agrees to process reimbursements through intermediaries, and with which intermediaries it accepts to do so.
5. The following shall apply in the case of reimbursement through intermediaries which have paid the contracting carrier for the single multimodal contract from their own accounts:
 - (a) the contracting carrier shall reimburse the intermediary within seven days, in one transaction through the same payment method which was used at the time of booking, and linking the payment to the original booking reference. The seven-day period shall start on the date of the passenger's choice of a reimbursement in accordance with Article 7(1), point (a), of this Regulation. The intermediary shall reimburse the passenger via the original payment method, at the latest within a further seven days, and inform the passenger and the carrier thereof;
 - (b) if the passenger does not receive the reimbursement within 14 days as of the date of choosing a reimbursement in accordance with Article 7(1), point (a) of this Regulation, the contracting carrier shall contact the passenger at the latest on the day following the expiry of the 14-day period in order to receive the payment details for the reimbursement. Upon receipt of these payment details, the contracting carrier shall reimburse the passenger within 14 days and inform the passenger and the intermediary thereof.

Article 9

Assistance

1. In the case of a missed connection of a subsequent transport service during a multimodal journey concluded under a single multimodal contract, which is due to a delay or cancellation of a preceding transport service under that same contract, the contracting carrier shall offer the passengers the following free of charge:

- (a) meals and refreshments in reasonable relation to the waiting time, if they are available on the transport service or in the terminal, or can reasonably be supplied, taking into account criteria such as the distance from the supplier, the time required for delivery and the cost;
 - (b) hotel or other accommodation, and transport between the terminal and place of accommodation, in cases where a stay of one or more nights or an additional stay becomes necessary, where and when physically possible. In cases where such a stay becomes necessary due to the circumstances referred to in Article 19(10) of Regulation (EU) 2021/782, the carrier may limit the duration of accommodation to a maximum of three nights. The access requirements of persons with disabilities and persons with reduced mobility and the needs of assistance dogs shall be taken into account, whenever possible.
2. In applying paragraph 1, the operating carrier shall pay particular attention to the needs of persons with disabilities and persons with reduced mobility, as well as to those of any accompanying persons and assistance dogs.

Article 10

Liability for combined multimodal tickets

1. A carrier or intermediary which sells a combined multimodal ticket shall be liable to reimburse the total amount paid for that ticket and, moreover, to pay compensation equivalent to 75 % of that amount if the passenger misses one or more connections. The right to reimbursement or to compensation shall be without prejudice to applicable national law granting passengers further compensation for damage.
2. The liability set out in paragraph 1 shall not apply if it is explicitly and clearly mentioned on the tickets, or on another document or electronically in such a manner that allows the passenger to reproduce the information for future reference, that the combined multimodal ticket consists of separate transport contracts with no right under this Regulation to reimbursement, re-routing, assistance or compensation in case of missed connections, and if the passenger was clearly informed of this prior to the purchase. The burden of proof that the passenger was provided with the information shall lie with the carrier or intermediary that sold the combined multimodal ticket.

The burden of proof that the passenger was provided with the information shall lie with the carrier or intermediary which sold the combined multimodal ticket.
3. The carriers or intermediaries which sold the combined multimodal ticket shall be responsible for handling requests and possible complaints of the passenger under paragraph 1.
4. The reimbursement and the compensation referred to in paragraph 1 shall be paid within 14 days after the receipt of the request.

Article 11

Common form for reimbursement and compensation requests

1. The Commission shall adopt an implementing act establishing a common form for compensation and reimbursement requests under this Regulation. That common form shall be established in accessible formats. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 26(2).

2. Passenger shall have the right to submit their requests using the common form referred to in paragraph 1. Carriers and intermediaries shall not reject a request for reimbursement or compensation solely on the grounds that the passenger has not used that form. If a request is not sufficiently precise, the carriers and intermediaries shall ask the passenger to clarify the request and shall assist the passenger in doing so.
3. Carriers and intermediaries shall provide details on their website such as an e-mail address to which requests under paragraph 1 may be sent by electronic means. That requirement shall not apply where other electronic means of communication allowing passengers to request reimbursement or compensation are available, such as a form on a website or mobile applications, provided that such means offer the choice and information set out in the common form and are also available in an official language of the Union and in the language internationally accepted in this field. When using such means, passengers shall not be prevented from providing information in any of the languages of the Union.
4. The Commission shall make the common form available in all Union languages on its website. The body or bodies designated by Member States in accordance with Articles 20(1) and 21(1) shall ensure that passengers have access to the common form.

CHAPTER IV

PERSONS WITH DISABILITIES AND PERSONS WITH REDUCED MOBILITY

Article 12

Right to transport

1. Carriers offering single multimodal contracts and multimodal hub managers shall establish non-discriminatory access rules for the transport of persons with disabilities, and the transport of persons with reduced mobility. Those rules shall comply with the relevant provisions on the limitation of transport of persons with disabilities and persons with reduced mobility in the Union law on passenger rights.
2. Reservations and tickets for multimodal journeys, whether in the form of a single multimodal contract, a combined multimodal ticket or separate multimodal tickets, shall be offered to persons with disabilities and persons with reduced mobility at no additional cost. A carrier or intermediary may not refuse to accept a reservation from, or to issue a ticket to, a person with disabilities or a person with reduced mobility or require that such person be accompanied by another person, unless this is strictly necessary in order to comply with the access rules referred to in paragraph 1.
3. The access rules referred to in paragraph 1 shall be established with the active involvement of representative organisations for persons with disabilities and persons with reduced mobility and, where relevant, representatives of persons with disabilities and persons with reduced mobility.
4. Carriers offering single multimodal contracts and multimodal hub managers shall publish the access rules referred to in paragraph 1 and provide them, upon request, in accessible format.
5. Where a carrier requires that a disabled person or person with reduced mobility be accompanied by another person who is capable of providing the assistance required in accordance with paragraph 2, the accompanying person shall be entitled to travel free

of charge and to be seated, where practicable, next to the person with disabilities or to the person with reduced mobility.

6. When a carrier or intermediary makes use of the derogation provided for in Article 12 (2), it shall, upon request, inform in writing or, where necessary, in any accessible format the person with disabilities or person with reduced mobility concerned of the reasons for making use of that derogation within five working days of the refusal to accept the reservation or to issue the ticket or of the imposition of the condition of being accompanied. The carrier or intermediary shall make reasonable efforts to propose acceptable alternative transport to the person in question taking into account his or her accessibility needs.

Article 13

Information on accessibility to persons with disabilities and persons with reduced mobility

Carriers and intermediaries offering transport contracts on behalf of one or more carriers, and multimodal hub managers, shall provide persons with disabilities and persons with reduced mobility with information on the accessibility of the multimodal hub and associated facilities and of services. This information shall be provided upon request in accessible format.

Article 14

Assistance to persons with disabilities and persons with reduced mobility

In the context of single multimodal contracts, carriers, terminal managers and intermediaries shall cooperate to provide assistance free of charge to persons with disabilities and persons with reduced mobility, in accordance with the access rules referred to in Article 12(1), and offer a single notification mechanism, in accordance with the following:

- (a) assistance shall be provided where the carrier, the intermediary with which the single multimodal contract was purchased, the terminal manager or the Single Point of Contact referred to in Article 15, where applicable, is notified of the passenger's need for such assistance at least 48 hours before the assistance is needed; a single notification per journey shall be required; the notification shall be forwarded to all carriers, terminal managers and Single Points of Contact involved in the journey;
- (b) the notification shall be accepted without additional costs, irrespective of the means of communication being used;
- (c) carriers, terminal managers and intermediaries shall take all measures necessary for the reception of notifications; where ticket vendors are unable to process such notifications, they shall indicate alternative points of purchase or alternative means to make the notification;
- (d) if the notification is made in accordance with point (a), carriers and terminal managers shall provide assistance in such a way that the person is able to take the transport services for which he or she holds a reservation as part of the single multimodal contract;
- (e) if the notification is not made in accordance with point (a), or no such notification has been made, the carriers and terminal managers shall make all reasonable efforts to provide assistance in such a way that the person with disabilities or person with reduced mobility may travel;

- (f) an assistance dog shall be permitted to accompany a person with disability or person with reduced mobility in accordance with any relevant Union¹⁶ or national law.

Article 15

Single points of contact for assistance at multimodal passenger hubs

1. Member States shall ensure that terminal managers and carriers on their territory cooperate to establish and to operate single points of contact for persons with disabilities and persons with reduced mobility at multimodal passenger hubs in the urban nodes referred to in Annex I. The terms for the operation of the single points of contact shall be established in the access rules referred to in Article 12(1). Those single points of contact shall have the responsibility to:
 - (a) accept requests for assistance at terminals;
 - (b) communicate individual requests for assistance to terminal operators and carriers.
2. Member States may require that terminal managers and carriers on their territory cooperate to establish and to operate single points of contact at other multimodal passenger hubs than those referred to in paragraph 1.

Article 16

Compensation in respect of mobility equipment, assistive devices and assistance dogs

1. Where terminal managers and carriers assisting persons with disabilities and persons with reduced mobility from one transport service to a connecting transport service, either in the context of a single multimodal contract or at a multimodal passenger hub, cause the loss of, or damage to, mobility equipment, including wheelchairs, and assistive devices, or the loss of, or injury to, assistance dogs used by persons with disabilities and persons with reduced mobility, they shall be liable for that loss, damage or injury, and provide compensation without undue delay. That compensation shall comprise:
 - (a) the cost of replacement or repair of the mobility equipment or assistive devices lost or damaged;
 - (b) the cost of replacement or the treatment of the injury of an assistance dog that was lost or injured;
 - (c) reasonable costs of temporary replacement for mobility equipment, assistive devices or assistance dogs where such replacement is not provided or is not to be provided, by the carrier or terminal manager in accordance with paragraph 2.
2. Where paragraph 1 applies, carriers and terminal managers shall rapidly make all reasonable efforts to provide immediately needed temporary replacements for mobility equipment or assistive devices. The person with disabilities or the person with reduced mobility shall be permitted to keep that temporary replacement equipment or device until the compensation referred to in paragraph 1 has been paid.

¹⁶ Regulation (EU) No 576/2013 of the European Parliament and of the Council of 12 June 2013 on the non-commercial movement of pet animals and repealing Regulation (EC) No 998/2003 Text with EEA relevance (OJ L 178, 28.6.2013, p. 1.

3. Where a carrier or terminal manager pays compensation under paragraph 1, no provision of this Regulation may be interpreted as restricting their right to seek compensation from any person, including third parties, in accordance with the applicable law.

CHAPTER V

SERVICE QUALITY AND COMPLAINTS

Article 17

Service quality standards

1. Carriers offering single multimodal contracts shall establish service quality standards and implement a quality management system to maintain service quality. The service quality standards shall at least cover the items listed in Annex II.
2. Carriers offering single multimodal contracts shall monitor their performance as reflected in the service quality standards. They shall publish a report on their service quality performance on their website by [2 years after the day of application of this Regulation], and every two years thereafter. That report shall not contain personal data.
3. Multimodal hub managers located in a Member State shall establish service quality standards based on the relevant items listed in Annex II. They shall monitor their performance pursuant to those standards and provide access to the information on their performance to the national public authorities on request.

Article 18

Complaints

1. Each carrier offering single multimodal contracts or combined multimodal tickets, each intermediary offering combined multimodal tickets and each multimodal hub manager shall set up a complaint-handling mechanism for the rights and obligations covered by this Regulation in their respective fields of responsibility. They shall make their contact details and working language, or languages, widely known to passengers.
2. Details of the complaint-handling procedure shall be accessible to the public, including to persons with disabilities and to persons with reduced mobility. That information shall be available upon request in the official language or languages of the Member State in which the carrier, intermediary or multimodal hub manager is operating.

CHAPTER VI

INFORMATION AND ENFORCEMENT

Article 19

Information to passengers on their rights

1. When selling tickets for a multimodal journey, carriers and intermediaries shall inform passengers of their rights and obligations under this Regulation. In order to comply with that information requirement, they may use a summary of the provisions of this

Regulation prepared by the Commission in all official languages of the Union and made available to the public.

2. Carriers and intermediaries offering multimodal journeys shall also inform passengers of the contact details of the body or bodies designated by Member States pursuant to Article 20(1), on board and on their website.
3. Carriers and intermediaries shall provide the information under this Article, in either paper or electronic format, or by any other means, including in accessible formats. In the event of cancellation, missed connection or long delay, they shall specify where such information can be obtained.

Article 20

National enforcement body

1. Each Member State shall designate a body or bodies responsible for the enforcement of this Regulation. To this effect, Member States may designate a body which is already responsible for the enforcement of the Union law on passenger rights. Each body shall take the measures necessary to ensure that the rights of passengers are respected.
2. Member States shall inform the Commission of the body or bodies designated in accordance with this Article and of its or their respective responsibilities. The Commission and the bodies designated shall publish that information on their websites.
3. By 1 June XXXX [2 years after the Regulation becomes applicable] and every 2 years thereafter, the national enforcement bodies shall publish a report on their website on their activity in the previous 2 calendar years, containing in particular a description of actions taken in order to implement this Regulation and statistics on complaints and sanctions applied.

Article 21

Complaint handling by national enforcement bodies and other bodies

1. Member States shall designate the national enforcement body or any other body as the entity responsible for the handling of complaints under paragraph 2 of this Article.
2. Where different bodies are designated under paragraph 1 and Article 20(1), reporting mechanisms shall be set up to ensure the exchange of information between them in order to help the national enforcement body to carry out its tasks of supervision and enforcement, and in order to enable the complaint-handling body designated under this paragraph to collect the information necessary to examine individual complaints.
3. Without prejudice to the possibility for consumers to seek alternative redress pursuant to Directive 2013/11/EU, after having complained unsuccessfully to the carrier, intermediary or multimodal hub manager pursuant to Article 18, passengers may complain about an alleged infringement of this Regulation to the body designated under paragraph 1.
4. Passenger complaints about an incident in the context of a single multimodal contract shall be handled by the body designated under paragraph 1 of the Member State where the contracting carrier is established.
5. Passenger complaints about an incident in the context of a combined multimodal ticket offered by carriers shall be handled by the body designated under paragraph 1 of the

Member State where the carrier offering this ticket is established or, if the carrier is established outside of the Union, of the Member State where the legal or natural person acting as its legal representative is based. If the carrier does not have such a representative, the complaints shall be handled by the body designated under paragraph 2 of the Member State where the journey starts or ends.

6. Without prejudice to paragraphs 3 and 4, passenger complaints about an intermediary shall be handled by the body designated under paragraph 1 of the Member State where the intermediary is established or, if the intermediary is established outside of the Union, of the Member State where the legal or natural person acting as its legal representative is based. If the intermediary does not have such a representative, the complaints shall be handled by the body designated under paragraph 2 of the Member State where the journey starts or ends.
7. Where a complaint relates to alleged infringements by multimodal hub managers, the complaint shall be handled by the body designated under paragraph 1 of the Member State on whose territory the incident occurred.

Article 22

Risk-based approach to the monitoring of compliance with passenger rights

1. The national enforcement bodies shall develop a compliance monitoring programme to monitor compliance with the obligations laid down in this Regulation on the basis of a risk assessment. The programme shall allow for the detection and correction of recurrent non-compliance in the implementation of passenger rights. The compliance monitoring programme shall include a representative sample of monitoring activities.
2. The risk assessment shall be based on a factual assessment that takes into account complaints made by passengers to these bodies, where available, findings of the monitoring activities carried out by these bodies, information referred to in Article 23 (1) and (3), as well as other sources of information pertaining to the application of this Regulation on the territory of the respective Member State.
3. The risk assessment shall be carried out for the first time by 30 June XXXX [1 year after the Regulation becomes applicable], and every two years thereafter.
4. Compliance monitoring activities shall be based on the assessment of risks and carried out by means of audits, inspections, interviews, verifications and examination of documents as appropriate. They shall include both announced and unannounced activities. The monitoring activities shall be proportionate to the risks identified.
5. National enforcement bodies shall ensure the swift rectification of non-compliance by carriers and terminal managers as identified during their monitoring activities. They shall require carriers to submit an action plan to remedy non-compliance, as appropriate.
6. The compliance monitoring programme under paragraph 1, the risk assessment under paragraph 2 as well as their findings shall be communicated to the Commission by 30 June XXXX [2 years after the Regulation becomes applicable], and every two years thereafter. Where applicable, they shall be included in the reports referred to in Article 20 (3).

Article 23

Sharing of information with national enforcement bodies

1. Carriers, intermediaries, terminal managers and multimodal hub managers shall provide the national enforcement bodies with relevant documents and information at their request without undue delay and, in any event, within one month from the receipt of the request.
2. In complex cases, the national enforcement body may extend this period to a maximum of three months from the receipt of the request.
3. In carrying out their functions, the national enforcement bodies shall take account of the information submitted to them by the body designated to handle complaints, if this is a different body.

Article 24

Cooperation between Member States and the Commission

1. The Member States shall regularly send relevant information concerning the application of this Regulation to the Commission, which will make this information available in electronic form to other Member States.
2. At the request of the Commission, the national enforcement bodies shall investigate specific suspected practices of non-compliance with the obligations laid down in this Regulation by one or several carriers, terminal managers and intermediaries and report its findings to the Commission within four months of the request.'

CHAPTER VII

FINAL PROVISIONS

Article 25

Penalties

Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall notify the Commission of those rules and measures and shall notify it without delay of any subsequent amendment affecting them.

Article 26

Committee procedure

1. The Commission shall be assisted by the committee established under Article 38 of Regulation (EU) 2021/782.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Article 27

Report

By XXX [five years after the date of application pursuant to Art. 28], the Commission shall report to the European Parliament and the Council on the implementation and the results of this Regulation.

The report shall be based on information to be provided pursuant to this Regulation.

Article 28

Entry into force and application

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from [1 year after entry into force].

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the European Parliament
The President

For the Council
The President



Brussels, 29.11.2023
COM(2023) 753 final

2023/0437 (COD)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Regulations (EC) No 261/2004, (EC) No 1107/2006, (EU) No 1177/2010, (EU) No 181/2011 and (EU) 2021/782 as regards enforcement of passenger rights in the Union

(Text with EEA relevance)

{SEC(2023) 392 final} - {SWD(2023) 389 final} - {SWD(2023) 386 final} -
{SWD(2023) 387 final}

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• Reasons for and objectives of the proposal

This legislative proposal for the revision of the Passenger Rights regulatory framework¹ will help to incentivise the use of collective modes of transport and consequently also to implement the Green Deal. It is a key action of the Sustainable and Smart Mobility Strategy² (SSMS) adopted by the Commission in 2020.

Passenger rights rely on a dozen separate and complementary rights prior, during and after the journey, including inter-alia a right to accessibility and assistance for persons with disabilities and reduced mobility (PRM), a right to information before and at the various stages of travel, a right to the fulfilment of the transport contract in case of disruption, a right to compensation under certain circumstances, a right to a quick and accessible system of complaint handling. As the EU passenger rights apply annually to more than 13 billion passenger travels in the EU, the protection of passengers has become a flagship initiative of the EU. Nevertheless, despite substantial progress made in the last 20 years, many challenges remain.

This revision addresses two problematic areas, which were confirmed by an impact assessment. First and foremost, shortcomings in the implementation and enforcement of passenger rights prevent passengers of all modes of transport from enjoying their rights fully. This problem has been recurring since the adoption of the various passenger rights Regulations. It was already identified in reports and studies of the Commission.³

As shown by several Eurobarometer surveys, the lack of awareness of passengers on their rights and the problems with enforcing these rights are recurrent issues. The last survey of 2019⁴ shows that only about one in three EU citizens knows that they are protected by specific rights when travelling via collective transport in the EU.

The lack of passenger awareness and problems with the enforcement of their rights were also highlighted by the European Court of Auditors (ECA) in its report “EU passenger rights are comprehensive, but passengers still need to fight for them” of 2018⁵. The COVID-19 pandemic showed this, too: passengers were not aware of their rights and often did not know whom to turn to when they wanted to enforce them. The ECA’s Special report of 2021 ‘Air passenger rights during the COVID-19 pandemic: Key rights not protected despite Commission efforts’ came to the same conclusion⁶.

¹ The passenger rights regulatory framework consists of five Regulations: Regulation (EC) No 261/2004 and Regulation (EC) No 1107/2006 for air, Regulation (EU) No 1177/2010 for waterborne, Regulation (EU) No 181/2011 for bus and coach, and Regulation (EU) 2021/782 replacing Regulation (EC) No 1371/2007 for rail transport.

² COM(2020)789 final: Sustainable and Smart Mobility Strategy – Putting European transport on track for the future.

³ See impact assessment SWD(2023)386, section 2 on problem definition.

⁴ https://ec.europa.eu/commission/presscorner/detail/en/ip_19_6814. [A new Eurobarometer survey on passenger rights is under preparation, the results are expected for Q1/2024.](#)

⁵ European Court of Auditors’ Special Report 30/2018: [EU passenger rights are comprehensive, but passengers still need to fight for them.](#)

⁶ [European Court of Auditors’ Special Report 15/2021: Air passenger rights during the COVID-19 pandemic: Key rights not protected despite Commission efforts.](#)

The second problem addressed in this proposal is more targeted: it focuses on the right to reimbursement of the full cost of an airline ticket when the flight is not carried out as planned, an issue which was exacerbated in the COVID-19 pandemic. Currently, reimbursement rules are unclear when air passengers make their bookings via an intermediary.

In conjunction with this proposal, a third problem, the protection of passengers during multimodal journeys, is addressed in another legislative proposal dealing with the extension of passenger rights to cover multimodal journeys⁷.

As regards shortcomings in the implementation and enforcement of passenger rights in all modes of transport, objectives are twofold: first, to ensure effective and efficient enforcement across all Member States, allowing national enforcement bodies (NEBs) to have more effective tools for the monitoring of operators' compliance with passenger rights and second, to ensure a more effective complaint handling for passengers, providing them with a quick, simple and accessible system. The proposal will contribute to harmonising rules for the various modes, making best use of recent developments in the new rail passenger rights Regulation (EU) 2021/782 and of the Commission proposal of 2013 to amend Regulation (EU) No 261/2004⁸. All passengers benefiting from passenger rights would benefit from these new measures potentially.

As regards the reimbursement of air passengers having made their booking via an intermediary, the objective is to ensure a clear reimbursement procedure for all actors involved (e.g., carriers, intermediaries and passengers). Around 450 million passengers a year who booked their tickets via intermediaries would potentially benefit from these measures.

The question of standardised dimensions for carry-on luggage has been raised recently by the European Parliament in a resolution⁹. The Commission proposal of 2013 to amend Regulation (EU) No 261/2004 already addresses some of the concerns of the European Parliament, notably the obligation of air carriers to inform passengers of the baggage allowance applicable to their respective bookings. However, passengers also often face confusion as regards the permitted hand luggage depending on airline and fare class, due to the proliferation of different dimensions and weights permitted by different airlines and for different classes of tickets. While noting air carriers' freedom to set air fares, there should be a small number of common sizes and weights to reduce the confusion. Air carriers should work with aircraft manufacturers and luggage manufacturers as necessary to agree on these standards, but also inform about their adherence to industry standards on weight and dimensions of hand luggage in the context of their service quality standards on which they have also to report.

Finally, in other transport modes than air, a carrier which requires a person with disability to travel accompanied by an assistant has to let the assistant travel free of charge. The rules related to the different transport modes aimed at further implementing accessibility as set forth in Article 9 of the UN Convention on the Rights of Persons with Disability (UNCRPD) should be further aligned and include also air transport. If an air carrier requires a person with disability to travel accompanied by an assistant in order to comply with the statutory aviation safety requirements, the air carrier should be required to transport the accompanying person free of

⁷ See proposal for a Regulation of the European Parliament and of the Council on passenger rights in the context of multimodal journeys, COM(2023)752 final of 29.11.2023.

⁸ Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EC) No 261/2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights and Regulation (EC) No 2027/97 on air carrier liability in respect of the carriage of passengers and their baggage by air, COM(2013)130 final of 13.03.2013.

⁹ https://www.europarl.europa.eu/doceo/document/TA-9-2023-0344_EN.html.

charge. This is an important precondition for persons with disability and persons with reduced mobility to use air transport comparable to others. Therefore, this will be a significant step to implement the accessibility obligations set forth in the UNCRPD in EU law.

Overall, the reform addresses the shortcomings in the implementation and enforcement of existing passenger rights and does not establish any new passenger rights as such. It strikes a balance between the protection of passengers and the obligations of carriers and infrastructure managers.

This initiative is part of the Commission Work Programme 2023 under Annex II (REFIT initiatives), under the heading ‘An Economy that Works for People’.¹⁰

- **Consistency with existing policy provisions in the policy area**

The Commission committed in the Sustainable and Smart Mobility Strategy to take action to ensure that EU passenger rights are better implemented, clearer for both carriers and passengers, offer adequate assistance and reimbursement, including when disruptions arise, and appropriate sanctions are applied if the rules are not properly observed as well as to consider options and benefits to go further with a multimodal framework for passenger rights (Action 63). The proposal is therefore in line with the passenger rights policy.

To a significant extent, proposed amendments dealing with enforcement take stock of both the new rules in the new rail Regulation (Regulation (EU) 2021/782) and of the Commission proposal of 2013 to amend Regulation (EU) No 261/2004. This would make possible the simplification and harmonisation of the regulatory framework to the benefit of the European passengers.

The new Regulation on rail passenger rights has introduced several new rules which could also be useful for the protection of passengers travelling with other modes of transport, such as the obligation for operators to share relevant information with NEBs, better tools for NEBs and a new EU-wide standardised form for compensation and reimbursement. The policy measures presented in this proposal are therefore complementary to the new rail passenger rights Regulation.

With regard to air passenger rights, the Commission, already in 2013, proposed changes to regulation (EC) No 261/2004 to clarify passenger rights and to make them more effective. In the Commission’s view, the rules proposed in 2013 for the better enforcement of air passenger rights are still fit for purpose. It has been a priority pending file in its past annual work programmes and remains a priority pending file for 2024.¹¹ The three EU institutions established common legislative priorities for 2023 and 2024, on which they want to achieve substantial progress, and the proposal of 2013 is also listed there.¹²

In this context, the proposed rules on better enforcement identified in the 2013 air proposal (such as the possibility for the Commission to request NEBs to investigate specific suspected practices by operators) are also useful for the protection of passengers using other modes. It is, therefore, proposed to extend those rules to the other modes of transport. Regarding air

¹⁰ Commission Work Programme 2023 A Union standing firm and united, COM(2022)548 final of 18.10.2022.

¹¹ Commission Work Programme 2024 Delivering today and preparing for tomorrow, COM(2023)638 final of 17.10.2023, Annex III, p. 26, no 109.

¹² See the interinstitutional procedure 2013/0072(COD)
[https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2013/0072\(COD\)&l=en](https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2013/0072(COD)&l=en)
and the list of common legislative priorities for 2023 and 2024:
<https://oeil.secure.europarl.europa.eu/oeil/popups/thematicnote.do?id=41380&l=en>.

passenger rights, the policy measures presented in this proposal are therefore complementary to the legislative proposal of 2013.

In 2021, the Commission published three evaluations of the regulatory framework for passenger rights for waterborne, bus and coach transport, as well as for PRM travelling by air¹³. The three evaluations show inter alia that there is room for improvement when it comes to enforcement of these Regulations.

As shown by several Eurobarometer surveys, the lack of awareness of passengers of their rights and the problems with enforcing these rights are recurrent issues. The last survey of 2019¹⁴ shows that only about one in three EU citizens knows that they are protected by specific rights when using air, rail, bus and coach and waterborne transport in the EU (a similar result as the 2014 Eurobarometer). For this reason, the Commission regularly organises campaigns to promote passenger rights awareness, and offers information on the Single Digital Gateway ‘Your Europe’ as well as on a passenger rights app that is available in all official EU languages.

The lack of passenger awareness and problems with the enforcement of their rights were also highlighted by the European Court of Auditors (ECA) in its reports of 2018 and 2021 mentioned above.

- **Consistency with other Union policies**

The proposal takes into consideration other EU legislation that is currently also being revised or developed, to ensure harmonisation and coherence. These include in particular the ongoing initiatives on consumer protection - which include the EU passenger rights Regulations – which are also complementary, but not overlapping with this initiative.

Regarding the review of Directive (EU) 2015/2322 on package travel and linked travel arrangements (PTD), the rules on package travel under the PTD and the proposal to revise it,¹⁵ are also consistent with this proposal: Albeit both deal with travel, they concern two separate markets. Whereas this proposal – in line with the existing legislation on passenger rights and the proposal to amend these – exclusively deals with passenger transport services (e.g. a combination of a rail and bus service), the rules on package travel cover a combination of different travel services offered by an organiser (e.g. a package combining a flight and hotel accommodation). Nevertheless, if a service provider (carrier) cancels the service, the organisers under the proposal for the PTD as well as the intermediaries who paid for transport tickets from their own account for the passenger under this proposal have the right to receive the reimbursement from these service providers within 7 days. Passengers who book an air ticket via an intermediary will also be reimbursed within 14 days like package travellers. While the proposal for the package travel Directive covers also issues like prepayments and insolvency protection, the protection of passengers in the event of insolvency of air carriers and major crisis will be addressed in the ongoing revision of Regulation (EC) No 1008/2008 (Air Services

¹³ SWD(2021)417, SWD(2021)413 and SWD(2021)415
https://transport.ec.europa.eu/news-events/news/evaluation-confirms-better-protection-air-ship-and-bus-passengers-thanks-eu-law-2021-12-15_en.

¹⁴ Special Eurobarometer 2019 survey on EU citizens' views on passenger rights, <https://europa.eu/eurobarometer/surveys/detail/2200>.

¹⁵ Proposal amending Regulations (EC) No 261/2004, (EC) No 1107/2006, (EU) No 1177/20, (EU) No 181/2011 and (EU)2021/782 as regards enforcement of passenger rights in the Union, COM(2023)753 final of 29.11.2023.

Regulation), namely through measures to improve the financial fitness and resilience of air carriers and pre-empt situations of bankruptcy or liquidity crisis.¹⁶

The enforcement of consumer protection legislation rests on two complementary pillars. Firstly, consumers can make use of private enforcement tools: redress before a court or out-of-court settlement. The Commission adopted in 2023 a proposal amending Directive 2013/11/EU (the Alternative Dispute Resolution Directive) to further enhance out-of-court settlement¹⁷, either individually or as a group. This proposal enhances Alternative Dispute Resolution, because it requires national enforcement bodies to inform passengers about the possibilities of Alternative Dispute Resolution. Secondly, consumers can be protected by public enforcement, which is carried out mainly by public authorities protecting the collective interest of consumers. Passenger rights are primarily enforced by the national enforcement bodies responsible for the EU passenger rights Regulations. Regulation (EU) 2017/2394 (the Consumer Protection Cooperation Regulation) is a complementary instrument establishing a cooperation framework to allow national authorities from all countries in the European Economic Area to jointly address breaches of consumer rules (including passenger rights) when the service provider and the consumer are established in different countries. Actions based on the Consumer Protection Cooperation Regulation against airlines and intermediaries have shown that the dialogues can be a useful instrument to support enforcement of passenger rights, but also that the rules in force need to be strengthened, especially when an intermediary was involved in buying the ticket.¹⁸

This proposal is consistent with the Commission Delegated Regulation (EU) 2017/1926 on Multimodal Travel Information Services (MMTIS).¹⁹ This Regulation requires data holders (e.g. transport authorities, transport operators and infrastructure managers) to make data on transport networks (including data on transport services such as timetables and hours of operation) accessible to data users, via national access points established by the Member States, when the data is available in a digital machine-readable format. It is also consistent with the proposal for the revision of the Commission Delegated Regulation (EU) 2017/1926²⁰. This revision extends this requirement by gradually adding, from December 2025 to December 2028, dynamic data types such as real-time arrival and departure times. This is of essential importance for this proposal regarding real-time information to passengers about travel disruptions when switching modes. This will be further supported by the proposed amendment of the ITS Directive:²¹ This amendment should ensure that ITS applications in the field of road transport enable seamless integration with other modes of transport, such as rail or active mobility, thus facilitating a shift to those modes whenever possible, to improve efficiency and accessibility.

¹⁶ https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13255-Revision-of-the-Air-Services-Regulation_en.

¹⁷ Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2013/11/EU on alternative dispute resolution for consumer disputes, as well as Directives (EU) 2015/2302, (EU) 2019/2161 and (EU) 2020/1828, COM(2023)649 final, 17.10.2023.

¹⁸ https://commission.europa.eu/live-work-travel-eu/consumer-rights-and-complaints/enforcement-consumer-protection/coordinated-actions/air-travel_en.

¹⁹ Commission Delegated Regulation (EU) 2017/1926 of 31 May 2017 supplementing Directive 2010/40/EU of the European Parliament and of the Council with regard to the provision of EU-wide multimodal travel information services (OJ L 272, 21.10.2017, p. 1).

²⁰ https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12912-EU-wide-multimodal-travel-new-specifications-for-information-services_en.

²¹ Proposal for a Directive amending Directive 2010/40/EU on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport, COM(2021)813 final - 2021/0419 (COD) - (EP and Council agreed on the provisional text in June 2023).

This proposal is also consistent with the Communication on a common European mobility data space (EMDS), which outlines the proposed way forward for the creation of a common European mobility data space, including its objectives, main features, supporting measures and milestones. Its objective is to facilitate access, pooling and sharing of data from existing and future transport and mobility data sources.²²

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

• Legal basis

Article 91(1) of the Treaty on the Functioning of the European Union (TFEU) serves as the legal basis for the adoption of EU legislation related to a common transport policy. This provision is the legal basis for the passenger rights Regulations currently in force. Furthermore, pursuant to Article 100(2) TFEU the Union legislator may lay down appropriate provisions for sea transport.

• Subsidiarity (for non-exclusive competence)

The level of protection of passengers was rather limited before the passenger rights Regulations were adopted. Within the single market, many carriers (not only airlines but also railway undertakings and shipping companies, and increasingly bus companies) provide their services in different Member States and even beyond. Harmonisation of passenger rights at EU level is therefore necessary to ensure a level playing field for all actors involved in the provision of transport services (e.g., carriers, infrastructure managers (especially relevant for PRM), intermediaries, etc.) which are often cross-border. It remains that effective enforcement rests on the cooperation between Member States and that monitoring activities are performed at national level. Regarding reimbursement by intermediaries, the air travel market in the EU is essentially cross-border, with some of the largest intermediaries being international market players. Action at national level may lead to distortions of the internal market while passengers must be able to assert their rights in the same manner and to benefit from the same protection regardless of the Member State where they travel.

The new measures related to enforcement would allow making existing rights more effective by ensuring that NEBs' enforcement practices would incentivise carriers, terminal operators and intermediaries (especially those who do not always apply the existing rules on passenger rights rules in a fully compliant way) to deliver the best protection to passengers and by removing obstacles that prevent citizens from effectively exercising their rights under EU law. A more effective implementation of passenger rights will incentivise people to use more public transport instead of private cars and contribute this way to the Green Deal. Finally, the new measures will contribute to enhance the protection for air passengers across the EU, ensuring that they will be reimbursed also if they booked via an intermediary. For these reasons, the problems identified above require action at EU level.

• Proportionality

As detailed in chapter 7 of the Impact Assessment accompanying this proposal and below under point 3, none of the two options dealing with enforcement goes beyond what is necessary to reach the overall policy objectives to ensure the proper functioning of the single market for passenger transport and to achieve a high level of consumer protection for passengers when travelling within one mode or when switching modes during their journey, by enabling carriers,

²² Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – Creation of a common European mobility data space, COM(2023)751 final of 29.11.2023.

intermediaries and (especially for PRM) terminal operators and national administrations to apply and enforce these rights in an efficient and effective manner. The same applies to policy options addressing the lack of clarity of reimbursement rules when a flight is booked via an intermediary.

- **Choice of the instrument**

Since this is a proposal for revising five existing Regulations, the instrument chosen is also a Regulation.

3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- **Ex-post evaluations/fitness checks of existing legislation**

In 2020-2021, the Commission performed evaluations of the passenger rights Regulations for air PRM (Regulation (EC) No 1107/2006), waterborne (Regulation (EU) No 1177/2010) and bus and coach (Regulation (EU) No 181/2011). The three evaluations highlight that there are still challenges in particular when it comes to applying these rules and monitoring and enforcing them. They showed that the magnitude of compliance monitoring activities across Member States varies significantly, and national enforcement bodies (NEBs) are often not sufficiently aware whether and how passenger rights are protected. The total amount of complaints submitted to NEBs remains low or very low overall: around 15 complaints per million passengers as regards for Air PRM passenger rights, around 1 complaint per million passengers for waterborne passenger rights and around 1.5 complaints per million passengers for bus and coach passenger rights, but it remains unclear whether this is the case because the passenger rights are well protected or whether passengers do not complain, and if so for which reasons, including because they are unaware of the passenger rights.

- **Stakeholder consultations**

The objective of the consultations was to collect qualitative and quantitative evidence from relevant stakeholder groups and from the general public.

The relevant stakeholder groups consist of organisations representing consumers and passengers (including persons with disabilities), NEBs and other public authorities, alternative dispute resolution bodies, carriers (airlines, railway undertakings, bus and coach companies, shipowners) and their associations, terminal operators (airport managing bodies, railway station managers, bus and coach terminal operators, port terminal operators) and their associations; intermediaries (intermediary ticket vendors, online travel agents, package travel organisers) and their associations, insurance companies and insolvency protection funds, credit card companies and claim agencies.

The Commission consulted stakeholders via the following methods: responses to the Call for Evidence, online Open Public Consultation, targeted public consultation of the relevant stakeholder groups by online questionnaires, interviews, workshops and NEB expert group meetings²³.

²³ For more information on the stakeholder consultation, see the Synopsis report in Annex 2 of the Impact Assessment SWD(2023)386.

- **Collection and use of expertise**

Court of Auditors

The European Court of Auditors Special Report no 30/2018: “EU passenger rights are comprehensive but passengers still need to fight for them” as well as the Special Report 15/2021 on Air passenger rights during the COVID-19 pandemic, were taken into account. These recommendations are aiming to improving the coherence, the clarity, and the effectiveness of the EU passenger rights framework and further empowering the national enforcement bodies and enhancing the mandate of the Commission.

Evaluation studies

The three evaluations of the passenger rights for waterborne, and bus and coach transport as well as for PRM travelling by air, published in 2021, also served as external expertise.

Other studies and surveys

External studies on the current level of protection of air passenger rights in the EU²⁴ (2020) and on passenger rights in multimodal transport²⁵ (2019) were also considered as well as the Eurobarometer survey on passenger rights carried out in 2019.²⁶

Impact assessment

An external study was carried out to support the impact assessment.

The proposal for a Regulation amending Regulations (EC) No 261/2004, (EC) No 1107/2006, (EU) No 1177/2010, (EU) No 181/2011 and (EU) 2021/782 as regards enforcement of passenger rights in the Union is accompanied by an impact assessment report, which received a positive opinion with reservations from the Regulatory Scrutiny Board (RSB) on 7 July 2023. The impact assessment report was revised in accordance with the Board’s findings and recommendations. The problem analysis and the analysis of benefits were strengthened, especially with regard to the expected consumer benefits. A more detailed assessment of the impacts on competitiveness of the most affected economic actors was added.

The impact assessment considered in detail policy options addressing the two problem areas which are covered by this proposal: (1) passengers not fully benefitting from their rights due to shortcomings in implementation and enforcement and (2) unclear reimbursement rules when flights were booked via an intermediary.

As far as this proposal is concerned, the impact assessment’s preferred option is a combination of those options scoring best for each problem area, i.e., policy option (PO) 1.2 for enforcement and PO 3.2 for reimbursements.

As regards the area of enforcement, two policy options were considered:

²⁴ [Study on the current level of protection of air passenger rights in the EU – Publications Office of the EU \(europa.eu\).](https://publications.ec.europa.eu/publication-detail/-/publication/f176da6f-d9ca-11e9-9c4e-01aa75ed71a1)

²⁵ Exploratory study on passenger rights in the multimodal context (June 2019): <https://op.europa.eu/en/publication-detail/-/publication/f176da6f-d9ca-11e9-9c4e-01aa75ed71a1>.

²⁶ Special Eurobarometer 2019 survey on EU citizens’ views on passenger rights, <https://europa.eu/eurobarometer/surveys/detail/2200>.

PO 1.1 aims to harmonise enforcement and complaint handling rules by introducing measures which exist in the new Regulation (EU) 2021/782 on rail passenger rights (measures a) to d)) or in the Commission's 2013 proposal on air passenger rights (measure e)) in other modes of transport:

- (a) carriers, terminal managers and intermediaries will have to provide NEBs with relevant data at NEBs' request; the measure will have a very positive impact on the supervision activity performed by NEBs as it will substantially develop their knowledge on stakeholders' behaviours.
- (b) carriers and terminal managing bodies will have to adopt and implement service quality standards and report about their implementation; carriers will also have to inform passengers and NEBs about their in the implementation of passenger rights.
- (c) mandating the Commission to adopt standardised reimbursement and compensation request forms to make easier for passengers to make their claims; these forms will help citizens to submit a complete file with all the relevant details and operators will be obliged to accept them, keeping in mind that existing forms from operators or NEBs would remain valid.
- (d) NEBs will have to inform passengers, where necessary, about their right to seek individual redress using alternative dispute resolution bodies.
- (e) the Commission may request investigations by NEBs, especially in cases involving several Member States to trigger relevant cooperation between Member States.

PO 1.2 consists of all the measures in PO 1.1 plus two additional measures:

- (f) Improving the information to passengers on their rights as a passenger with the aim to raise their awareness of these rights, in particular at the time of booking and during journey disruptions.
- (g) Obliging NEBs to perform compliance monitoring activities on the basis of a risk assessment; NEBs will make best use of data received from stakeholders and will develop a monitoring programme based on the assessment of the risk of recurrent non-compliance with passenger rights rules. Carriers and terminal managers will ensure that non-conformities identified during NEB monitoring activities are corrected promptly.

The preferred policy option for the enforcement area is PO 1.2, which is the policy option that best ensures that carriers and terminal operators comply with their respective obligations, contribute to the effective complaint handling for passengers, and best ensure that NEBs enforce passenger rights most effectively and efficiently across all Member States. PO 1.2 generates higher additional costs to carriers, terminal operators and NEBs than PO 1.1, but the difference is marginal (EUR 130.7 million for PO 1.1 versus EUR 138 million for PO.1.2, expressed as present value over 2025-2050 relative to the baseline) and the additional costs are outweighed by the increased effectiveness of the measures presented. PO 1.2 is also the most effective option. It goes further aligning enforcement efforts across Member States.

As regards reimbursements in money when air tickets were booked via intermediaries, three options were considered in the impact assessment: PO 3.1: the option that the passenger may only request the reimbursement from the carrier, PO 3.2: the option that the carrier can decide whether the passenger has to request the reimbursement from the intermediary (provided the intermediary agrees to this) or the carrier, and PO 3.3: the passenger can choose whether to request the reimbursement to the intermediary, or the air carrier. POs 3.1 and 3.2 were

considered to be equally effective in ensuring clarity on the reimbursement process, since both intermediary and air carrier would establish clarity upfront, prior to booking. In terms of efficiency, PO 3.2 scored best, with the least costs for all affected parties, followed by PO 3.3 and lastly PO 3.1. POs 3.2 and 3.3 were considered as equally coherent, in particular since they create an alignment with the Package Travel Directive and its ongoing review. As regards subsidiarity and proportionality, PO 3.2 scored much better than the other two. It is the only option which reflects the current air carrier distribution models and is least invasive in terms of market practice. For these reasons, PO 3.2 was chosen as preferred option. It is assumed to generate administrative costs for air carriers of 0.07 million EUR and administrative costs for intermediaries of 57.42 million EUR, as well as hassle cost savings for consumers of EUR 1,679.1 million (all figures expressed as present value over 2025-2050 relative to the baseline).²⁷

The preferred option is expected to have very limited employment and environmental impacts. It will result in increased confidence of passengers in enforcement of passenger rights, including when buying air tickets via an intermediary, which will in turn support the shift towards more sustainable transport choices by consumers on a given journey. The preferred option is consistent with the environmental objectives of the European Green Deal and the European Climate Law. It contributes towards Sustainable Development Goal 13 (Take urgent action to combat climate change and its impacts). The impact on SMEs in terms of additional costs is estimated to be very limited.²⁸

- **Regulatory fitness and simplification**

This initiative is part of the Commission Work Programme 2023 under Annex II (REFIT initiatives), under the heading ‘An Economy that Works for People’.²⁹ It has an important REFIT dimension in terms of harmonisation of rights across modes. For passengers and NEBs, the proposed EU-wide standardised claim form that passengers can always resort to (instead of using claim tools that vary across operators) will simplify passengers’ lives, as well as possibly those of the operators and NEBs. For transport operators it will be clearer how to comply with the existing rights, making implementation more efficient. For operators applying passenger rights in a compliant manner, the additional obligations will be performed at the lowest cost. For operators whose non-compliance is recurrent in the application of certain rights, the new obligations will encourage change. The work of the NEBs will be made more efficient because transport operators will have to share more data with them about their compliance with the rules, enabling a risk-based approach to their oversight activities.

The initiative also presents simplifications for passengers who use intermediaries to buy their air tickets, as it becomes clear how they will be reimbursed (most importantly: by whom and when). Clear deadlines for intermediaries’ reimbursement payments to passengers will save the passenger the hassle of having to check different terms and conditions, in which currently, the payment delays are often not stipulated. For air carriers and intermediaries alike, the reimbursement process will be made more efficient as the process and the deadlines, and the information channels, will be clear for all parties.

²⁷ SWD(2023)386.

²⁸ SWD(2023)386.

²⁹ COM(2022)548 final, Annex II REFIT proposals, p. 7, No 6.

SMEs impacted by the initiative account for 95% of air intermediaries, 85% of bus and coach operators and 99% of waterborne passenger operators.³⁰

The impact on EU competitiveness or international trade is expected to be largely neutral.

All but one of the measures in the area of enforcement regulate the relationship between NEBs and operators or the Commission and NEBs, and they are adapted to the digital environment. The only measure that has a direct impact on citizens is the introduction of standardised reimbursement and complaint claim forms. Such forms will be available both in physical and digital format: it is expected that most citizens will use the digital format, but those citizens who for any reasons do not use digital solutions will not be excluded.

The measures foreseen in the area of reimbursements are appropriate for both the physical and the digital environment. Passengers should be informed about the online, telephone postal contact details of the body to whom the passenger should request the reimbursement. The air carrier's single point of contact is foreseen to offer telephone, postal and online means of contact. Air intermediaries and air carriers should inform passengers on the reimbursement process on their websites, but also on the booking receipt.

Sustainable Development Goals

The initiative contributes towards **Sustainable Development Goals (SDG) #10** Reduce inequality within and among countries (regarding passengers with disabilities and reduced mobility), **#13** Climate action (enhanced passenger rights may incentivise people to use more public transport instead of private cars), and **#16** Provide access to justice for all and build effective, accountable and inclusive institutions (enhanced and accessible means of redress for passengers and better tools for enforcement for the administration).

Climate consistency check

The proposal is consistent with climate neutrality objective set out in the European Climate Law and the Union 2030 and 2050 targets and contributes to achieve SDG #13 Climate action as mentioned above.

Fundamental rights

The proposal respects fundamental rights and observes the principles recognised in the Charter of Fundamental Rights of the European Union, in particular Articles 21, 26, 38 and 47 concerning, respectively, the prohibition of any form of discrimination, the integration of persons with disabilities, the ensuring of a high level of consumer protection, and the right to an effective remedy and to a fair trial.

The obligation to share passengers' personal data has an impact on the right to protection of personal data under Article 8 of the Charter. This obligation is necessary and proportionate in light of the objective of ensuring that consumers are effectively protected in accordance with Article 38 of the Charter. In addition, to further mitigate the effects on data protection, data protection safeguards are implemented, namely purpose limitation and a clear retention period. Further provisions of the proposal concerning the use of passengers' contact details contribute to respect the right to protection of personal data under Article 8 of the Charter by clearly laying

³⁰ SWD(2023)386.

down which personal data can be used for specified purposes (for informing, reimbursing and rerouting the passenger as well as for safety and security reasons) and under which conditions.

4. BUDGETARY IMPLICATIONS

The proposal has no implications for the EU budget.

5. OTHER ELEMENTS

- **Implementation plans and monitoring, evaluation and reporting arrangements**

The Commission will evaluate the implementation and effectiveness of this initiative on the basis of progress indicators listed in the Impact Assessment such as the number of complaints that NEBs, alternative dispute resolution bodies and European Consumer Centres receive, the number and type of monitoring activities that NEBs carry out and the number of sanctions they impose on operators.³¹ In addition, the Eurobarometer surveys will serve as an indicator to measure passengers' knowledge about their rights and their satisfaction with the way transport operators comply with EU passenger rights. The reports of carriers on the implementation of their service quality standards will also be a useful tool to evaluate the intervention. As regards reimbursements when the air ticket was booked via an intermediary, the number of passenger enquiries and complaints with NEBs about being ping-ponged between carriers and intermediaries, and complaints with NEBs regarding intermediaries (to be expected to rise as currently, NEBs do not cover intermediaries), which NEBs report to the Commission, will be important indicators.

In its Communication on 'Long-term competitiveness of the EU: looking beyond 2030'³², the Commission committed to rationalise and simplify reporting requirements without undermining the related policy objectives. This proposal is in line with those aims. Although it creates a new obligation for air, bus and coach and waterborne carriers³³ to publish in every two years a report about the implementation of their service quality standards with key performance indicators related to passenger rights (e.g. punctuality, complaint handling, cooperation with the representatives of persons with disabilities), these reports are absolutely necessary for monitoring and enforcing passenger rights. Carriers indicated in the stakeholder consultation that they already collect the data in question, and the frequency of reporting (only every two years) was chosen to keep the costs of implementing these measures low. In addition of being a valuable source of information for NEBs with limited resources to carry out their monitoring and enforcement tasks, these reports will allow passengers to take informed decisions about which carrier to choose based on the quality of their performance and could also encourage competition between carriers based on the quality of their performance.

- **Detailed explanation of the specific provisions of the proposal**

The proposal will have limited impact on the structure of the five amended Regulations. It will complement the existing regulatory framework by adding to the existing modal-based rules a set of comprehensive requirements. The structure of the new Regulation will consist of the following articles.

Recitals

³¹ SWD(2023)386.

³² COM(2023)168 final.

³³ Railway undertakings have already this obligation under Article 29 of Regulation (EU) No 2021/782 on rail passenger rights and obligations.

The recitals will put the focus on the contribution of the passenger rights to the common transport policy, the consumer protection policy, the objectives of the Sustainable and Smart Mobility Strategy. The recitals also highlight the problems and objectives addressed by the proposal and the rationale of the proposed measures.

Article 1: Amendments to Regulation (EC) 261/2004 (on air passenger rights)

The article contains definitions of the new elements in the amended Regulation and specific provisions for the new requirements: reimbursement when ticket was booked via an intermediary; improving information to passengers on their rights at the time of booking and during journey disruptions; service quality standards, common form for reimbursement and compensation requests, risk-based approach to the monitoring of compliance, sharing of information with national enforcement bodies and information about alternative dispute resolution ADR by national enforcement bodies.

Article 2: Amendments to Regulation (EC) No 1107/2006 (on rights of disabled persons and persons with reduced mobility when travelling by air)

Following definitions of the new elements in the amended Regulation, the article contains the specific provisions for the new requirements: service quality standards, common form for reimbursement and compensation requests, risk-based approach to the monitoring of compliance, sharing of information with national enforcement bodies, information about ADR by national enforcement bodies, cooperation between Member States and the Commission and Passenger Rights Committee.

Article 3: Amendments to Regulation (EU) No 1177/2010 (on waterborne passenger rights)

Following definitions of the new elements, the article contains the specific provisions for the new requirements amending the Regulation; common form for reimbursement and compensation requests, improving information to passengers on their rights at the time of booking and during journey disruptions; service quality standards, risk-based approach to the monitoring of compliance, sharing of information with national enforcement bodies, information about ADR by national enforcement bodies, cooperation between Member States and the Commission and Passenger Rights Committee.

Article 4: Amendments to Regulation (EU) No 181/2011 (on passenger rights for bus and coach)

Following definitions of the new elements in the amended Regulation, the article contains the specific provisions for the new requirements: common form for reimbursement and compensation requests, improving information to passengers on their rights at the time of booking and during journey disruptions; service quality standards, risk-based approach to the monitoring of compliance with passenger rights, sharing of information with national enforcement bodies, information about ADR by national enforcement bodies, cooperation between Member States and the Commission and Passenger Rights Committee.

Article 5: Amendments to Regulation (EU) 2021/782 (on rail passenger rights)

The article contains definitions of the new elements in the amended Regulation and the specific provisions for the new requirements: means of communication to passengers, the risk-based approach to the monitoring of compliance with passenger rights, and cooperation between Member States and the Commission.

Articles 6 contains the common provisions of the Regulation with regard to entry into force.

Finally, annexes of the Regulation contain detailed specifications dealing with service quality standards in all modes except rail.

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Regulations (EC) No 261/2004, (EC) No 1107/2006, (EU) No 1177/2010, (EU) No 181/2011 and (EU) 2021/782 as regards enforcement of passenger rights in the Union

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,
 Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91(1) and Article 100(2) thereof,
 Having regard to the proposal from the European Commission,
 After transmission of the draft legislative act to the national parliaments,
 Having regard to the opinion of the European Economic and Social Committee¹
 Having regard to the opinion of the Committee of the Regions²,
 Acting in accordance with the ordinary legislative procedure,
 Whereas:

- (1) A number of amendments should be made to Regulation (EC) No 261/2004,³ Regulation (EC) No 1107/2006⁴, Regulation (EU) No 1177/2010⁵, Regulation (EU) No 181/2011⁶, and Regulation (EU) 2021/782⁷, of the European Parliament and of the Council, in order to ensure effective protection of passengers' rights in the Union when travelling by air, rail, sea and inland waterways and bus and coach transport.
- (2) Effective passenger rights should encourage an increase in travel by public transport, which is an objective set by the Sustainable and Smart Mobility Strategy adopted by the Commission in December 2020.

¹ OJ C , , p. .

² OJ C , , p. .

³ Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91, OJ L 46, 17.2.2004, p. 1, ELI: <http://data.europa.eu/eli/reg/2004/261/oj>.

⁴ Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air, OJ L 204, 26.7.2006, p. 1, ELI: <http://data.europa.eu/eli/reg/2006/1107/oj>.

⁵ Regulation (EU) No 1177/2010 of the European Parliament and of the Council of 24 November 2010 concerning the rights of passengers when travelling by sea and inland waterway and amending Regulation (EC) No 2006/2004, OJ L 334, 17.12.2010, p. 1, ELI: <http://data.europa.eu/eli/reg/2010/1177/oj>.

⁶ Regulation (EU) No 181/2011 of the European Parliament and of the Council of 16 February 2011 concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004, OJ L 55, 28.1.2011, p. 1, ELI: <http://data.europa.eu/eli/reg/2011/181/oj>.

⁷ Regulation (EU) 2021/782 of the European Parliament and of the Council of 29 April 2021 on rail passengers' rights and obligations (recast) (OJ L 172, 17.5.2021, p. 1, ELI: <http://data.europa.eu/eli/reg/2021/782/oj>).

- (3) The Commission concluded in the comprehensive evaluations of Regulation (EC) No 1107/2006, Regulation (EU) No 1177/2010 and Regulation (EU) No 181/2011 which it carried out between 2019 and 2020 that the effectiveness of Union passenger rights legislation is compromised by a lack of awareness among passengers of their rights and the existing provisions about exercising them. In addition, these evaluations also concluded that passengers including persons with disabilities and persons with reduced mobility do not fully benefit from their rights due to shortcomings in their application by carriers, airport managing bodies, station managers, port terminal operators, bus terminal managing bodies and intermediaries, on the one hand, and shortcomings in their enforcement by the national enforcement authorities, on the other hand.⁸
- (4) Simplification, consistency and harmonisation of the rules of Regulation (EC) No 261/2004, Regulation (EC) No 1107/2006, Regulation (EU) No 1177/2010, and Regulation (EU) No 181/2011 is required especially as regards rules dealing with the information to passengers on their rights before and during the journey, enforcement of passenger rights and complaint handling for passengers. The existing rules in those Regulations should be amended to complement those of the recently adopted Regulation (EU) 2021/782 of the European Parliament and of the Council⁹ as regards forms to request reimbursements and compensation, service quality standards, obligations for carriers to share information with national enforcement bodies, and information of passengers by national enforcement bodies on alternative dispute resolution.
- (5) At present, as regards air tickets booked via an intermediary, the reimbursement process is unclear and should therefore be clarified. The intermediaries are involved in the reimbursement process in two different ways: either they transmitted the passenger's (credit card) payment details directly to the carrier ('pass-through' intermediary), and the air carrier reverses the original payment flow so that the reimbursement arrives directly on the passenger's account. Or the intermediary paid the air carrier from its own account ('Merchant of Record' intermediary), and when the air carrier reverses the payment flow, the reimbursement payment arrives on the intermediary's account. The intermediary then transfers the final reimbursement payment to the passenger. Passengers are often not aware which reimbursement process the intermediary chooses. The intermediary and the air carrier should inform the passenger about the reimbursement process. In particular, the air carrier should state publicly whether it cooperates with intermediaries for the processing of reimbursements, and if so with which it does so.
- (6) Processing the reimbursement payment through the intermediary that made the payment to the air carrier from its own account ('Merchant of Record' intermediary) is a widespread air industry practice. This possibility should therefore be provided for the air carrier.
- (7) If the air carrier processes reimbursements through this type of intermediary, the payment deadline to the passenger should be extended to a maximum of 14 days to take account of the two steps in the reimbursement process. The air carrier should accordingly transfer the reimbursement payment to the intermediary within a maximum of seven days, and the intermediary should transfer it to the passenger within a further seven days. If the passenger is not reimbursed at the latest within 14 days, the passenger

⁸ SWD(2021)417, SWD(2021)413 and SWD(2021)415.

⁹ Regulation (EU) 2021/782 of the European Parliament and of the Council of 29 April 2021 on rail passengers' rights and obligations (recast) (OJ L 172, 17.5.2021, p. 1, ELI: <http://data.europa.eu/eli/reg/2021/782/oj>).

should however be entitled to receive the reimbursement directly from the operating air carrier.

- (8) Regulation (EU) 2016/679 of the European Parliament and the Council¹⁰ applies to the processing of personal data by air carriers and intermediaries. Any processing of personal data must in particular take place in accordance with the requirements set out in Article 5(1) and Article 6(1) of Regulation (EU) 2016/679. It should be noted that the obligations to provide information to passengers concerning their rights are without prejudice to the obligation of the controller to provide information to the data subject pursuant to Articles 12, 13 and 14 of Regulation (EU) 2016/679.
- (9) When the passenger acquires a ticket from an intermediary, the air carrier should be able to contact the passenger directly where necessary in order to ensure that the passenger receives the relevant travel information, and that the air carrier fulfils its obligations under this Regulation and under applicable Union law on aviation safety and security and on the operating carrier under Regulation (EC) No 2111/2005¹¹. The carrier may use these contact details exclusively for the purpose of fulfilling these obligations and should not process the contact details of the passengers for any other purposes. This personal data should be deleted within 72 hours after the completion of the contract of carriage unless further retention of the personal data is justified to fulfil obligations in respect of the passenger's right to re-routing, reimbursement or compensation.
- (10) A risk-based approach to the monitoring of compliance with passenger rights, which is based not only on complaints received but also on compliance monitoring activities such as inspections should ensure that national enforcement bodies are better able to detect and correct non-compliance by carriers and terminal managers with the existing rules.
- (11) Information provided to passengers on their rights before and during their journeys should lead to enhanced awareness. Such information should be concise and made easily, prominently, and directly available. It should be provided in a clear and comprehensible manner, and by electronic means as far as possible.
- (12) National enforcement bodies should cooperate with each other in order to ensure a harmonised interpretation and application of the Regulations concerned. A regular flow of information from carriers, terminal managers and intermediaries to national enforcement bodies on all aspects related to the application of the Regulations concerned should enable national enforcement bodies to better fulfil their monitoring role.
- (13) Carriers and terminal managers should define, manage and monitor service quality standards for all passenger services, reflecting the operational features of each mode. Those service quality standards should refer inter alia to delays, cancellations, assistance to persons with disabilities and persons with reduced mobility, complaint handling mechanisms, customer satisfaction, and cleanliness. Carriers should also make information on their service quality standards publicly available.
- (14) Regarding air passenger rights, air carriers should strive to establish industry standards on the weight and dimensions of hand luggage with a view to limiting the current

¹⁰ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (Text with EEA relevance) (OJ L 119, 4.5.2016, p. 1).

¹¹ Regulation (EC) No 2111/2005 of the European Parliament and of the Council of 14 December 2005 on the establishment of a Community list of air carriers subject to an operating ban within the Community and on informing air transport passengers of the identity of the operating air carrier, and repealing Article 9 of Directive 2004/36/EC (OJ L 344, 27.12.2004, p. 15).

proliferation of different practices and enhancing the passenger travel experience, and report on their adherence to those standards as part of their service quality management systems. The publication of implementation reports by carriers on their quality standards should allow users to compare and make informed choices, encourage competition based on the quality of services, and facilitate uniform monitoring and enforcement by the national enforcement bodies.

- (15) To make it easier for passengers to request reimbursement or compensation in accordance with the Regulations concerned, forms that are valid throughout the Union should be established for such requests. Passengers should have the possibility to submit their requests by using such a form.
- (16) Passengers seeking individual redress should be made aware about the possibilities to complain to alternative dispute resolution bodies about alleged infringements of the Regulations concerned. The national enforcement bodies are best placed to do this.
- (17) In the light of Article 9 of the United Nations Convention on the Rights of Persons with Disabilities and in order to give persons with disabilities and persons with reduced mobility opportunities for air travel comparable to those of other citizens, if an air carrier, its agents or a tour operator requires a person with disabilities or person with reduced mobility to be accompanied by another person who is capable of providing the assistance required by applicable safety requirements established by international, Union or national law or by the competent authorities, the accompanying person should travel free of charge. In addition, it should be aligned with the existing rights in rail, bus and coach and waterborne transport modes in the Union. In addition, if information to persons with disabilities and reduced mobility is provided in accessible formats, it should be provided in accordance with the applicable legislation such as the accessibility requirements set out in Annex I to Directive (EU) 2019/882¹².
- (18) Since the objectives of this Regulation, namely ensuring the effective enforcement of air, rail, bus and coach, and waterborne passengers' rights, cannot be sufficiently achieved by the Member States, but can rather, by reason of the need to have the same rules within the single market, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.
- (19) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹³. The examination procedure should be used for the adoption of the common forms for reimbursement and compensation requests.
- (20) This Regulation respects fundamental rights and observes the principles recognised in the Charter of Fundamental Rights of the European Union, in particular Articles 21, 26, 38 and 47 concerning, respectively, the prohibition of any form of discrimination, the

¹² Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70), ELI: <http://data.europa.eu/eli/dir/2019/882/oj>.

¹³ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

integration of persons with disabilities, the ensuring of a high level of consumer protection, and the right to an effective remedy and to a fair trial.

- (21) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council ⁽¹⁴⁾ and delivered an opinion on [],

HAVE ADOPTED THIS REGULATION:

Article 1

Amendments to Regulation (EC) No 261/2004

Regulation (EC) No 261/2004 is amended as follows:

- (1) in Article 2, the following definition is added:
- ‘(z) ‘intermediary’ means any ticket vendor, organiser or retailer as defined in points (8) and (9) respectively of Article 3 of Directive (EU) 2015/2302 other than a carrier.’;
- (2) the following Article 8a is inserted:

‘Article 8a

Reimbursement when the ticket was booked through an intermediary

1. Where the passenger has bought a ticket through an intermediary, the operating air carrier may make the reimbursement referred to in Article 8(1) point (a) through that intermediary in accordance with this Article.
2. The intermediary and the air carrier shall inform the passenger of the reimbursement process as provided for in this Article in a clear, comprehensible and easily accessible manner at the time of booking and on the booking confirmation.
3. Reimbursement through the intermediary shall be free of charge for passengers and all other parties concerned.
4. The air carrier shall state publicly, in a clear, comprehensible and easily accessible manner, whether it agrees to process reimbursements through intermediaries, and with which intermediaries it accepts to do so.
5. The following rules shall apply in the case of reimbursement through intermediaries which have paid the air carrier for tickets from their own accounts:
 - (a) the air carrier shall reimburse the intermediary within seven days, in one transaction through the same payment method which was used at the time of booking, and linking the payment to the original booking reference. The seven-day period shall start on the date of the passenger’s choice of a reimbursement in accordance with Article 8 (1) (a), first indent. The intermediary shall reimburse the passenger via the original payment method, at the latest within a further seven days, and inform the passenger and the air carrier thereof.
 - (b) if the passenger does not receive the reimbursement within 14 days as of the date of choosing a reimbursement in accordance with Article 8 (1) (a), first indent, the operating air carrier shall contact the passenger at the latest on the

¹⁴ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1245/2002/EC (OJ L 295, 21.11.2018, p. 39).

day following the expiry of the 14-day period in order to receive the payment details for the reimbursement. Upon receipt of these payment details, the operating air carrier shall reimburse the passenger within seven days and inform the passenger and the intermediary thereof.

6. This Article shall not affect any obligations of operating air carriers under Directive (EU) 2015/2302.’;

(3) the following Article 14a is inserted:

‘Article 14a

Transfer of information

1. The information for passengers under this Regulation shall be provided also by electronic means, where technically possible. Where information is provided by such means, air carriers and intermediaries shall ensure that the passenger can keep any written correspondence, including the date and time of such correspondence, on a durable medium. All means of communication shall enable the passenger to contact them quickly and to communicate effectively.

2. Where the passenger does not acquire a ticket directly from the air carrier, but through an intermediary, this intermediary shall provide the contact details of the passenger and the booking details to the air carrier. The air carrier may only use these contact details to the extent necessary to comply with its information, provision of care, reimbursement, re-routing and compensation obligations under this Regulation and to fulfil the air carrier’s obligations under applicable Union law on aviation safety and security and to provide information to passengers on the operating carrier in accordance with its obligations under Chapter III of Regulation (EC) No 2111/2005.

3. The carrier shall delete the contact details within 72 hours after the completion of the contract of carriage unless further retention of the contact details is justified to fulfil obligations in respect of the passenger’s right to re-routing, reimbursement or compensation.

4. Where an intermediary acquires a ticket on behalf of a passenger, the intermediary shall inform the air carrier at the time of booking about the fact that it has booked the ticket as an intermediary. It shall provide the air carrier with its own postal and electronic contact details. If the intermediary requests to receive the information which the passenger receives from the air carrier to fulfil its obligations in accordance with paragraph 2, it shall inform the air carrier thereof and the air carrier shall provide the information under paragraph 2 simultaneously to the intermediary and to the passenger.

5. The air carrier shall provide the possibility for the intermediary to transmit and to request the information under paragraphs 2 and 4 as part of the booking process.’;

(4) the following Article 15a is inserted:

‘Article 15a

Service quality standards

1. Air carriers shall establish service quality standards and implement a quality management system to maintain service quality. The service quality standards shall at least cover the items listed in Annex II.

2. Air carriers shall monitor their performance as reflected in the service quality standards. They shall publish a report on their service quality performance on their website by [2 years after the Regulation becomes applicable], and every two years thereafter. This report shall not contain personal data.

3. Airport managing bodies located in a Member State shall establish service quality standards based on the relevant items listed in Annex II. They shall monitor their performance pursuant to those standards and provide access to the information on their performance to the national public authorities on request.’;

(5) the following Article 16aa is inserted:

‘Article 16aa

Common form for reimbursement and compensation requests

1. The Commission shall adopt an implementing act establishing a common form for compensation and reimbursement requests under Articles 7 and 8. That common form shall be established in a format which is accessible to persons with disabilities and persons with reduced mobility. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 38 (2) of Regulation (EU) 2021/782 of the European Parliament and the Council¹⁵.

2. Passengers shall have the right to submit their requests using the common form referred to in paragraph 1. Operating air carriers and intermediaries shall not reject a request solely on the grounds that the passenger has not used that form. If a request is not sufficiently precise, the carrier shall ask the passenger to clarify the request and shall assist the passenger in doing so.

3. Air carriers and intermediaries shall provide details on their website such as an e-mail address, to which requests under paragraph 1 may be sent by electronic means. This requirement shall not apply where other electronic means of communication allowing passengers to request reimbursement or compensation exist, such as a form on a website or mobile applications, provided that such means offer the choice and information set out in the common form and are also available in an official language of the Union and in the language internationally accepted in this field. When using such means, passengers shall not be prevented from providing information in any of the languages of the Union.

4. The Commission shall make the common form available in all Union languages on its website. The body or bodies designated by Member States in accordance with Articles 16(1) and 16a(3) shall ensure that passengers have access to the common form.

(6) the following Articles 16ba, 16bb and 16bc are inserted:

‘Article 16ba

Risk-based approach to the monitoring of compliance with passenger rights

1. The national enforcement bodies shall develop a compliance monitoring programme to monitor compliance of air carriers, airport managing bodies and intermediaries with the obligations laid down in this Regulation on the basis of a risk assessment. The programme shall allow for the detection and correction of recurrent

¹⁵ Regulation (EU) 2021/782 of the European Parliament and of the Council of 29 April 2021 on rail passengers’ rights and obligations (recast) (OJ L 172, 17.5.2021, p. 1, ELI: <http://data.europa.eu/eli/reg/2021/782/oj>).

non-compliance in the implementation of passenger rights. The compliance monitoring programme shall include a representative sample of monitoring activities.

2. The risk assessment shall be based on a factual assessment that takes into account complaints made by passengers to these bodies, where available, as well as findings of the monitoring activities carried out by these bodies, information referred to in Article 16bb (1) and (3), and other sources of information pertaining to the application of this Regulation on the territory of the respective Member State.

3. The risk assessment shall be carried out for the first time by 30 June XXXX [1 year after the Regulation becomes applicable], and every two years thereafter.

4. Compliance monitoring activities shall be based on the assessment of risks and carried out by means of audits, inspections, interviews, verifications and examination of documents as appropriate. They shall include both announced and unannounced activities. The monitoring activities shall be proportionate to the risks identified.

5. National enforcement bodies shall ensure the swift rectification of non-compliance by air carriers, airport managing bodies and intermediaries as identified during their monitoring activities. They shall require carriers to submit an action plan to remedy non-compliance, as appropriate.

6. The compliance monitoring programme under paragraph 1, the risk assessment under paragraph 2 as well as their findings shall be communicated to the Commission by 30 June XXXX [2 years after the Regulation becomes applicable], and every two years thereafter.

Article 16bb

Sharing of information with national enforcement bodies

1. Carriers shall provide the national enforcement bodies with relevant documents and information at their request without undue delay and, in any event, within one month from the receipt of the request.

2. In complex cases, the national enforcement body may extend this period to a maximum of three months from the receipt of the request.

3. In carrying out their functions, the national enforcement bodies shall take account of the information submitted to them by the body designated to handle complaints, if this is a different body.

Article 16bc

Information about alternative dispute resolution by national enforcement bodies

The national enforcement body to which the passenger complains, or any other body designated by a Member State for that purpose, shall inform the complainant about his or her right to approach alternative dispute resolution bodies to seek individual redress.’;

(7) Annex I to this Regulation is added as Annex II.

Article 2

Amendments to Regulation (EC) No 1107/2006

Regulation (EC) No 1107/2006 is amended as follows:

- (1) in Article 4 (2), the following sentence is added:

‘Air carriers, their agents or a tour operator shall ensure that such an accompanying person travels free of charge and, where practicable, sits next to the person with disabilities or to the person with reduced mobility.’;

- (2) the following Article 10a is inserted:

Article 10a

Service quality standards for air carriers

1. Air carriers shall establish service quality standards and implement a quality management system to maintain service quality. The service quality standards shall at least cover the items listed in Annex III.

2. Air carriers shall monitor their performance as reflected in the service quality standards. They shall publish a report on their service quality performance on their website by [2 years after the Regulation becomes applicable], and every two years thereafter. This report shall not contain personal data.’

- (3) the following Articles 14a to 14d are inserted:

Article 14a

Risk-based approach to the monitoring of compliance with passenger rights

1. The national enforcement bodies referred to in Article 14(1) shall develop a compliance monitoring programme to monitor compliance of air carriers, airport managing bodies and tour operators with the obligations laid down in this Regulation on the basis of a risk assessment. The programme shall allow for the detection and correction of recurrent non-compliance in the implementation of passenger rights. The compliance monitoring programme shall include a representative sample of monitoring activities.

2. The risk assessment shall be based on a factual assessment that takes into account complaints made by passengers to these bodies, where available, as well as findings of the monitoring activities carried out by these bodies, information referred to in Article 10a and Article 14b (1) and (3), and other sources of information pertaining to the application of this Regulation on the territory of the respective Member State.

3. The risk assessment shall be carried out for the first time by 30 June XXXX [1 year after the Regulation becomes applicable], and every two years thereafter.

4. Compliance monitoring activities shall be based on the assessment of risks and carried out by means of audits, inspections, interviews, verifications and examination of documents as appropriate. They shall include both announced and unannounced activities. The monitoring activities shall be proportionate to the risks identified.

5. National enforcement bodies shall ensure the swift rectification of non-compliance by air carriers, airport managing bodies and tour operators as identified during their monitoring activities. They shall require air carriers, airport managing

bodies and tour operators to submit an action plan to remedy non-compliance, as appropriate.

6. The compliance monitoring programme under paragraph 1, the risk assessment under paragraph 2 as well as their findings shall be communicated to the Commission by 30 June XXXX [2 years after the Regulation becomes applicable], and every two years thereafter.

Article 14b

Sharing of information with national enforcement bodies

1. Air carriers, airport managing bodies and tour operators shall provide the national enforcement bodies with relevant documents and information at their request without undue delay and, in any event, within one month from the receipt of the request.
2. In complex cases, the national enforcement body may extend this period to a maximum of three months from the receipt of the request.
3. In carrying out its functions, the body designated in accordance with Article 14(1) shall take account of the information submitted to it by the body designated to handle complaints, if this is a different body.

Article 14c

Information about alternative dispute resolution by national enforcement bodies

The national enforcement body to which the passenger complains, or any other body designated by a Member State for that purpose under Article 15(2), shall inform the complainant about his or her right to approach to alternative dispute resolution bodies to seek individual redress.

Article 14d

Cooperation between Member States and the Commission

1. The Member States shall regularly send relevant information concerning the application of this Regulation to the Commission, which will make this information available in electronic form to other Member States.
2. At the request of the Commission, the national enforcement bodies shall investigate specific suspected practices of non-compliance with the obligations laid down in this Regulation by one or several air carriers, airport managing bodies and tour operators and report its findings to the Commission within four months of the request.

(4) the following Article 16a is inserted:

Article 16a

Passenger Rights Committee

1. The Commission shall be assisted by the committee referred to in Article 38 of Regulation (EU) 2021/782 of the European Parliament and the Council¹⁶.
 2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.’;
- (5) Annex II to this Regulation is added as Annex III.

Article 3

Amendments to Regulation (EU) No 1177/2010

Regulation (EU) No 1177/2010 is amended as follows:

- (1) Article 16 is amended as follows:
 - (a) paragraph 1 is replaced by the following:

‘1. In the case of a cancellation or a delay in departure of a passenger service or a cruise, passengers departing from port terminals or, if possible, passengers departing from ports shall be informed by the carrier or, where appropriate, by the terminal operator, of the situation and of their passenger rights under this Regulation as soon as possible and in any event no later than 30 minutes after the scheduled time of departure, and of the estimated departure time and estimated arrival time as soon as that information is available.’;
 - (b) the following paragraph is added:

‘4. The information required under paragraphs 1 and 2 shall be provided by electronic means to all passengers, within the time-limit stipulated in paragraph 1, if the passenger has agreed to it and has provided the necessary contact details to the carrier or, where appropriate, to the terminal operator, when purchasing the ticket.’;
- (2) the following Article 19a is inserted:

‘Article 19a

Common form for reimbursement and compensation requests

1. The Commission shall adopt an implementing act establishing a common form for reimbursement and compensation requests under Articles 18 and 19. That common form shall be established in a format which is accessible to persons with disabilities and persons with reduced mobility. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 38 (2) of Regulation (EU) 2021/782.¹⁷
2. The passengers shall have the right to submit their requests using the common form referred to in paragraph 1. Carriers shall not reject a request for reimbursement or compensation solely on the grounds that the passenger has not used that form. If a request is not sufficiently precise, the carriers shall ask the passenger to clarify the request and shall assist the passenger in doing so.

¹⁶ Regulation (EU) 2021/782 of the European Parliament and of the Council of 29 April 2021 on rail passengers’ rights and obligations (recast) (OJ L 172, 17.5.2021, p. 1, ELI: <http://data.europa.eu/eli/reg/2021/782/oj>).

¹⁷ Regulation (EU) 2021/782 of the European Parliament and of the Council of 29 April 2021 on rail passengers’ rights and obligations (recast) (OJ L 172, 17.5.2021, p. 1, ELI: <http://data.europa.eu/eli/reg/2021/782/oj>).

3. Carriers shall have electronic means for passengers on their website, such as an e-mail address, to which requests under paragraph 1 may be sent. This requirement shall not apply where other electronic means of communication exist allowing passengers to request reimbursement or compensation, such as a form on a website or mobile applications, provided that such means offer the choice and information set out in the common form and are available in an official language of the Union and in the language internationally accepted in this field. When using such means, passengers shall not be prevented from providing information in any of the languages of the Union.

4. The Commission shall make the common form available in all Union languages on its website. The body or bodies designated by Member States in accordance with Article 25(1) and (3) shall ensure that passengers have access to the common form.’;

(3) Article 23 is amended as follows:

(a) paragraph 1 is amended as follows:

(i) the following sentence is inserted before the first sentence:

‘When selling tickets for services falling within the scope of this Regulation, carriers, ticket vendors, travel agents, tour operators and terminal operators shall, within their respective areas of competence, ensure that passengers are provided with appropriate and comprehensible information regarding their rights under this Regulation.’;

(ii) the second sentence is replaced by the following:

‘Carriers, terminal operators and, when applicable, port authorities, shall also, within their respective areas of competence, ensure that information on the rights of passengers under this Regulation is publicly available on board ships, in ports, if possible, and in port terminals.’;

(b) paragraph 3 is replaced by the following:

‘3. Carriers, terminal operators and, when applicable, port authorities shall inform passengers in an appropriate manner on board ships, in ports, if possible, and in port terminals, of their contact details and the contact details of the enforcement body designated by the Member State concerned pursuant to Article 25(1).’;

(4) the following Article 23a is inserted:

‘Article 23a

Means of communication with passengers

The information referred to in Articles 16, 22 and 23 shall be provided in the most appropriate format, where technically possible by electronic means.

Where information is provided by electronic means of communication, carriers, terminal operators, port authorities, travel agents, tour operators and ticket vendors shall ensure that the passenger can keep any written correspondence, including the date and time of such correspondence, on a durable medium. All means of communication shall enable the passenger to contact them quickly and communicate efficiently.’;

(5) the following Article 24a is inserted:

‘Article 24a

Service quality standards

1. Carriers shall establish service quality standards and implement a quality management system to maintain service quality. The service quality standards shall at least cover the items listed in Annex V.
2. Carriers shall monitor their performance as reflected in the service quality standards. They shall publish a report on their service quality performance on the Internet by [2 years after the day of application of this Regulation], and every two years thereafter. This report shall not contain personal data.
3. Terminal operators shall establish service quality standards based on the relevant items listed in Annex V. They shall monitor their performance pursuant to those standards and provide access to the information on their performance to the national public authorities on request.’;

(6) the following Articles 25a, 25b and 25c are inserted:

Article 25a

Risk-based approach to the monitoring of compliance with passenger rights

1. The national enforcement bodies shall develop a compliance monitoring programme to monitor compliance of carriers, terminal operators, port authorities, travel agents, tour operators and ticket vendors with the obligations laid down in this Regulation on the basis of a risk assessment. The programme shall allow for the detection and correction of recurrent non-compliance in the implementation of passenger rights. The compliance monitoring programme shall include a representative sample of monitoring activities.
2. The risk assessment shall be based on a factual assessment that takes into account complaints made by passengers to these bodies, where available, as well as findings of the monitoring activities carried out by these bodies, information referred to in Article 25b(1) and (3), and other sources of information pertaining to the application of this Regulation on the territory of the respective Member State.
3. The risk assessment shall be carried out for the first time by 30 June XXXX [1 year after the Regulation becomes applicable], and every two years thereafter.
4. Compliance monitoring activities shall be based on the assessment of risks and carried out by means of audits, inspections, interviews, verifications and examination of documents as appropriate. They shall include both announced and unannounced activities. The monitoring activities shall be proportionate to the risks identified.
5. National enforcement bodies shall ensure the swift rectification of non-compliance by carriers, terminal operators, port authorities, travel agents, tour operators and ticket vendors, when applicable, as identified during their monitoring activities. They shall require carriers to submit an action plan to remedy non-compliance, as appropriate.
6. The compliance monitoring programme under paragraph 1, the risk assessment under paragraph 2 as well as their findings shall be communicated to the Commission by 30 June XXXX [2 years after the Regulation becomes applicable], and every two years thereafter. Where applicable, they shall be included in the reports referred to in Article 26.

Article 25b

Sharing of information with national enforcement bodies

1. Carriers, terminal operators and port authorities, when applicable, shall provide national enforcement bodies with relevant documents and information at their request without undue delay and, in any event, within one month from the receipt of the request.
2. In complex cases, the national enforcement body may extend this period to a maximum of three months from the receipt of the request.
3. In carrying out their functions, the national enforcement bodies shall take account of the information submitted to them by the body designated under Article 25(3) to handle complaints, if this is a different body.

Article 25c

Information about alternative dispute resolution by national enforcement bodies

The national enforcement body to which the passenger complains, or any other body designated by a Member State for that purpose under Article 25(3), shall inform the complainant about his or her right to approach alternative dispute resolution bodies to seek individual redress.’;

- (7) the following Article 27a is inserted:

Article 27a

Cooperation between Member States and the Commission

1. The Member States shall regularly send relevant information concerning the application of this Regulation to the Commission, which shall make this information available in electronic form to other Member States.
2. At the request of the Commission, the national enforcement bodies shall investigate specific suspected practices of non-compliance with the obligations laid down in this Regulation by one or several carriers, terminal operators, port authorities, travel agents, ticket vendors and tour operators and report its findings to the Commission within four months of the request.’;

- (8) the following Article 28a is inserted:

Article 28a

Passenger Rights Committee

1. The Commission shall be assisted by the committee referred to in Article 38 of Regulation (EU) 2021/782¹⁸.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.’;

- (9) Annex III to this Regulation is added as Annex V.

¹⁸ Regulation (EU) 2021/782 of the European Parliament and of the Council of 29 April 2021 on rail passengers’ rights and obligations (recast) (OJ L 172, 17.5.2021, p. 1, ELI: <http://data.europa.eu/eli/reg/2021/782/oj>).

Article 4

Amendments to Regulation (EU) No 181/2011

Regulation (EU) No 181/2011 is amended as follows:

- (1) the following Article 19a is inserted:

‘Article 19a

Common form for reimbursement and compensation requests

1. The Commission shall adopt an implementing act establishing a common form for reimbursement and compensation requests under Article 19 of this Regulation. That common form shall be established in a format which is accessible to persons with disabilities and persons with reduced mobility. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 38 (2) of Regulation (EU) 2021/782¹⁹.

2. The passengers shall have the right to submit their requests using the common form referred to in paragraph 1. Carriers shall not reject a request for reimbursement or compensation solely on the grounds that the passenger has not used that form. If a request is not sufficiently precise, the carrier shall ask the passenger to clarify the request and shall assist the passenger in doing so.

3. Carriers shall have electronic means for passengers on their website, such as an e-mail address, to which requests under paragraph 1 may be sent. This requirement shall not apply where other electronic means of communication allowing passengers to request reimbursement or compensation exist, such as a form on a website or mobile applications, provided that such means offer the choice and information set out in the common form and are available in an official language of the Union and in the language internationally accepted in this field. When using such means, passengers shall not be prevented from providing information in any of the languages of the Union.

4. The Commission shall make the common form available in all Union languages on its website. The body or bodies designated by Member States in accordance with Article 28(1) and (3) shall ensure that passengers have access to the common form.’;

- (2) Article 20 is amended as follows:

- (a) paragraph 1 is replaced by the following:

‘1. In the event of cancellation or delay in departure of a regular service, passengers departing from terminals shall be informed by the carrier or, where appropriate, the terminal managing body, of the situation and of their passenger rights under this Regulation as soon as possible and in any event no later than 30 minutes after the scheduled departure time, and of the estimated departure time as soon as this information is available.’;

- (b) paragraph 4 is replaced by the following:

‘4. The information required under paragraphs 1 and 2 shall also be provided by electronic means to all passengers, including those departing from bus stops, within the time-limit provided in paragraph 1, if the passenger has agreed to it

¹⁹ Regulation (EU) 2021/782 of the European Parliament and of the Council of 29 April 2021 on rail passengers’ rights and obligations (recast) (OJ L 172, 17.5.2021, p. 1, ELI: <http://data.europa.eu/eli/reg/2021/782/oj>).

and has provided the necessary contact details to the carrier or, where appropriate, to the terminal managing body, when purchasing the ticket.’;

(3) the title of Chapter V is replaced by ‘General rules, quality of service and complaints’;

(4) Article 24 is amended as follows:

(a) the first sentence is replaced by the following:

‘Carriers and terminal managing bodies shall, within their respective areas of competence, provide passengers with adequate information throughout their travel in formats which are accessible to all and in the same languages as those in which information is generally made available to all passengers.’;

(b) the second sentence is deleted;

(5) in Article 25, paragraph 1 is replaced by the following:

‘1. When selling tickets for bus and coach services, carriers and terminal managing bodies shall, within their respective areas of competence, ensure that passengers are provided with:

(a) appropriate and comprehensible information regarding their rights and obligations under this Regulation,

(b) contact details of carriers or, where appropriate, terminal managing bodies,

(c) contact details of the enforcement body or bodies designated by the Member State pursuant to Article 28(1).

This information shall also be provided by electronic means if feasible including at terminals and, where applicable, on the Internet. At the request of a person with disabilities or person with reduced mobility the information shall be provided, where feasible, in an accessible format.’;

(6) the following Article 25a is inserted:

‘Article 25a

Means of communication with passengers

The information referred to in Article 20, Article 24 and Article 25(1) shall be provided in the most appropriate format, where technically possible by electronic means.

Where information is provided by electronic means of communication, carriers, terminal managing bodies, ticket vendors, travel agents and tour operators shall ensure that the passenger can keep any written correspondence, including the date and time of such correspondence, on a durable medium. All means of communication shall enable the passenger to contact them quickly and communicate efficiently.’;

(7) the following Article 26a is inserted:

‘Article 26a

Service quality standards

1. Carriers shall establish service quality standards and implement a quality management system to maintain service quality. The service quality standards shall at least cover the items listed in Annex III.

2. Carriers shall monitor their performance as reflected in the service quality standards. They shall publish a report on their service quality performance on the

Internet by [2 years after the day on which this Regulation becomes applicable], and every two years thereafter. This report shall not contain personal data.

3. Terminal managing bodies shall establish service quality standards based on the relevant items listed in Annex III. They shall monitor their performance pursuant to those standards and provide access to the information on their performance to the national public authorities on request.’;

(8) the following Articles 28a, 28b and 28c are inserted:

‘Article 28a

Risk-based approach to the monitoring of compliance with passenger rights

1. The national enforcement bodies shall develop a compliance monitoring programme to monitor compliance of carriers, terminal managing bodies, travel agents, ticket vendors and tour operators with the obligations laid down in this Regulation on the basis of a risk assessment. The programme shall allow for the detection and correction of recurrent non-compliance in the implementation of passenger rights. The compliance monitoring programme shall include a representative sample of monitoring activities.

2. The risk assessment shall be based on a factual assessment that takes into account complaints made by passengers to these bodies, where available, as well as findings of the monitoring activities carried out by these bodies, information referred to in Article 28b (1) and (3), and other sources of information pertaining to the application of this Regulation on the territory of the respective Member State.

3. The risk assessment shall be carried out for the first time by 30 June XXXX [1 year after the Regulation becomes applicable], and every two years thereafter.

4. Compliance monitoring activities shall be based on the assessment of risks and carried out by means of audits, inspections, interviews, verifications and examination of documents as appropriate. They shall include both announced and unannounced activities. The monitoring activities shall be proportionate to the risks identified.

5. National enforcement bodies shall ensure the swift rectification of non-compliance by carriers, terminal managing bodies, travel agents, ticket vendors and tour operators as identified during their monitoring activities. They shall require carriers to submit an action plan to remedy non-compliance, as appropriate.

6. The compliance monitoring programme under paragraph 1, the risk assessment under paragraph 2 as well as their findings shall be communicated to the Commission by 30 June XXXX [2 years after the Regulation becomes applicable], and every two years thereafter. Where applicable, they shall be included in the reports referred to in Article 29.

Article 28b

Sharing of information with national enforcement bodies

1. Carriers and terminal managing bodies shall provide the national enforcement bodies with relevant documents and information at their request without undue delay and, in any event, within one month from the receipt of the request.

2. In complex cases, the national enforcement body may extend this period to a maximum of three months from the receipt of the request.

3. In carrying out their functions, the national enforcement bodies shall take account of the information submitted to them by the body designated under Article 28(3) to handle complaints, if this is a different body.

Article 28c

Information about alternative dispute resolution by national enforcement bodies

The national enforcement body to which the passenger complains, or any other body designated by a Member State for that purpose under Article 28(3), shall inform the complainant about his or her right to approach alternative dispute resolution bodies to seek individual redress.’;

(9) the following Article 30a is inserted:

‘Article 30a

Cooperation between Member States and the Commission

1. The Member States shall regularly send relevant information concerning the application of this Regulation to the Commission, which will make this information available in electronic form to other Member States.

2. At the request of the Commission, the national enforcement bodies shall investigate specific suspected practices of non-compliance with the obligations laid down in this Regulation by one or several carriers, terminal managing bodies, ticket vendors, travel agents and tour operators and report its findings to the Commission within four months of the request.’;

(10) the following Article 31a is inserted:

‘Article 31a

Passenger Rights Committee

1. The Commission shall be assisted by the committee referred to in Article 38 of Regulation (EU) 2021/782²⁰.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.’;

(11) Annex IV to this Regulation is inserted as Annex III.

Article 5

Amendments to Regulation (EU) 2021/782

Regulation (EU) 2021/782 is amended as follows:

(1) the following Article 30a is inserted:

‘Article 30a

Means of communication with passengers

Where information under this Regulation is provided to passengers by electronic means of communication, railway undertakings, station managers, ticket vendors and tour operators shall ensure that the passenger can keep any written correspondence,

²⁰ Regulation (EU) 2021/782 of the European Parliament and of the Council of 29 April 2021 on rail passengers’ rights and obligations (recast) (OJ L 172, 17.5.2021, p. 1, ELI: <http://data.europa.eu/eli/reg/2021/782/oj>).

including the date and time of such correspondence, on a durable medium. All means of communication shall enable the passenger to contact them quickly and communicate efficiently.’;

- (2) the following Article 32a is inserted:

‘Article 32a

Risk-based approach to the monitoring of compliance with passenger rights

1. The national enforcement bodies shall develop a compliance monitoring programme to monitor compliance of railway undertakings, station managers, ticket vendors and tour operators with the obligations laid down in this Regulation on the basis of a risk assessment. The programme shall allow for the detection and correction of recurrent non-compliance in the implementation of passenger rights. The compliance monitoring programme shall include a representative sample of monitoring activities.

2. The risk assessment shall be based on a factual assessment that takes into account complaints made by passengers to these bodies, where available, as well as findings of the monitoring activities carried out by these bodies, information referred to in Article 32(2), and other sources of information pertaining to the application of this Regulation on the territory of the respective Member State.

3. The risk assessment shall be carried out for the first time by 30 June XXXX [1 year after the Regulation becomes applicable], and every two years thereafter.

4. Compliance monitoring activities shall be based on the assessment of risks and carried out by means of audits, inspections, interviews, verifications and examination of documents as appropriate. They shall include both announced and unannounced activities. The monitoring activities shall be proportionate to the risks identified.

5. National enforcement bodies shall ensure the swift rectification of non-compliance by railway undertakings, station managers, ticket vendors and tour operators as identified during their monitoring activities. They shall require carriers to submit an action plan to remedy non-compliance, as appropriate.

6. The compliance monitoring programme under paragraph 1, the risk assessment under paragraph 2 as well as their findings shall be communicated to the Commission by 30 June XXXX [2 years after the Regulation becomes applicable], and every two years thereafter. Where applicable, they shall be included in the reports referred to in Article 32(3).’;

- (3) the following Article 34a is inserted:

‘Article 34a

Cooperation between Member States and the Commission

1. The Member States shall regularly send relevant information concerning application of this Regulation to the Commission, which will make this information available in electronic form to other Member States.

2. At the request of the Commission, the national enforcement bodies shall investigate specific suspected practices of non-compliance with the obligations laid down in this Regulation by one or several railway undertakings, infrastructure managers, station managers, ticket vendors and tour operators and report its findings to the Commission within four months of the request.’.

Article 7

Entry into force and application

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply as of [1 year after entry into force].

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the European Parliament
The President

For the Council
The President