



## **European Commission QUESTIONS AND ANSWERS**

29 November 2023

# **Questions and Answers on the revision of the passenger rights Regulations**

## **What are the passenger rights Regulations? Why do we need them?**

Passenger rights are at the heart of EU transport and consumer policy. The EU is the only area in the world where citizens are protected by a full set of passenger rights – whether they travel by plane, train, ship, bus or coach. A solid EU framework has been in place for all transport modes since 2004, with the adoption of four Regulations for air, waterborne, bus and coach and rail transport, plus a fifth Regulation addressing air transport for passengers with disabilities and reduced mobility.

Prior to the adoption of the Regulations, passenger rights were given little attention in the terms and conditions of the contract between the passenger and the carrier. This meant that it was often costly, cumbersome and frustrating for passengers to defend their rights. The introduction of passenger rights Regulations covering all modes of transport removed these obstacles and created a level playing field by ensuring the same rules apply across all Member States. These rules cover rights for passengers when a disruption occurs, information provision to passengers both before and during travel, rights of non-discrimination for persons with disabilities and persons with reduced mobility, and complaint options if rules are not followed.

The '[Your Europe](#)' website and the passenger rights app ([Google Android](#), [Apple iOS](#)) provide detailed information and advice for passengers on their rights and how they can exercise them.

## **Why are the existing five passenger rights Regulations being revised?**

Certain gaps that undermine the effectiveness of the passenger rights Regulations were identified in [evaluations](#) of the current Regulations (2021), the 2020 [Eurobarometer on passenger rights](#), and reports by the European Court of Auditors published in [2018](#) and [2021](#). They found that shortcomings in implementation and enforcement are preventing passengers from fully benefiting from these rights. For flights booked via an intermediary, air carriers will receive the contact details of passengers respecting the General Data Protection Regulation (GDPR) in order to contact them directly for important matters such as re-routing, reimbursements, compensation payments, providing care and information about disruptions. The proposal to revise the Regulations addresses these problem areas by strengthening the enforcement mechanisms and introducing rules for air passengers who booked their flights via an intermediary.

## **Why do we need a new passenger rights Regulation for multimodal journeys?**

The [Sustainable and Smart Mobility Strategy](#) is a roadmap towards achieving the [European Green Deal](#) ambition of a 90% reduction in transport emissions by 2050. A key element of making transport more sustainable is achieving effective multimodality, whereby passengers combine several modes of transport during a journey, using the most sustainable and efficient mode for each leg.

However, while passengers who travel with one mode (i.e. only by plane, train, bus or ship) currently enjoy rights in the event of travel disruptions, they are not entitled to similar rights if they switch to another mode. Consequently, passengers undertaking multimodal journeys lack information on possible travel disruptions and on the extent of their rights. There is also a lack of assistance (e.g. reimbursement, re-routing, accommodation, meals and refreshments) in the event of a travel disruption that occurs when switching between transport modes during a single journey; it is difficult to complain to carriers and other possible relevant actors (e.g. terminal operators, ticket vendors) about the lack of information or assistance, and clarity on which national authority to contact regarding multimodal travel disruptions is lacking.

Insufficient passenger rights rules for multimodal journeys also mean that persons with disabilities and persons with reduced mobility (PRM) are not entitled to 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, these passengers are unable to benefit from the seamless travel experience available to other passengers.

The proposal for a new Regulation on passenger rights in the context of multimodal journeys aims to address these gaps in the current EU legislation on passenger rights.

## **How will the revision of the existing passenger rights Regulations benefit passengers?**

The ultimate beneficiaries of this initiative are passengers: the proposed revisions will ensure that they are more aware of their rights, which will be better applied and enforced as a result of action by carriers, terminal managers, intermediaries and enforcement authorities. In particular:

- Passengers seeking individual redress will face fewer obstacles when claiming their rights. Passengers will be able to use standard EU-wide reimbursement and compensation forms provided by the Commission: these will be easy to understand, accessible for persons with disabilities, and available in all official EU languages. Passengers will not be obliged to use such forms, but if a carrier receives a request via such a form, it will not be allowed to refuse it.
- Passengers will be able to make more informed decisions about which carrier to travel with, as carriers will have to regularly publish reports on their implementation of passenger rights (e.g. provision of information, handling complaints, punctuality of services, assistance for persons with disabilities and reduced mobility).
- Passengers will benefit from more effective work by the national enforcement bodies to detect potential non-conformities by carriers and terminal managers when implementing passenger rights.
- For air travel,

- Passengers can receive all relevant information for their journey (including delays, cancellations, provision of care, re-routing, reimbursement, compensation requests) directly from the air carrier, even if they booked through an intermediary: intermediaries have to transmit the contact details of the passengers to the air carrier – but for this purpose alone. Air carriers will face sanctions if they use these data for any other purpose, and must respect strict data retention periods in line with the General Data Protection Regulation (GDPR).
- Passengers will also benefit from full clarity on whom to contact for the reimbursement of their tickets when they book through intermediaries, and clear upfront information from both the air carrier and any intermediary on how the reimbursement procedure will be carried out, free of charge.
- If the reimbursement is processed via an intermediary that paid for the ticket from its own bank account, both the air carrier and the intermediary will need to ensure that the passenger receives the reimbursement within 14 days. The air carrier has to reimburse the intermediary within 7 days, and the intermediary the passenger within another 7 days.
- If passengers communicate their phone number or email address, they will receive all important information in digital format (if feasible for the carrier, e.g. small bus companies may not be able to do so yet).

## **How will the new passenger rights Regulation for multimodal journeys benefit passengers?**

For the first time, passengers will have rights when they travel using different types of transport, like buses, trains, and planes, all in one trip. These new rights add to the ones passengers already have when they travel using just one type of transport.

Passengers will get better information and will be more protected when they travel on a single ticket that covers their entire journey. If there's a problem with their trip, they can get their money back or be rerouted, and they'll get help if they need it. This could save them a lot of money.

If passengers buy a combination of separate tickets for different transport modes in one payment and miss a connection, they can get their money back from the seller or operator from whom they bought these combined tickets if they weren't told that the tickets were separate. In that case, they should also get 75% of the ticket price on top.

People with reduced mobility will get help when they switch from one type of transport to another at big transport hubs. They'll only have to ask for help once, and they won't have to wait as long to get it.

Lastly, passengers can, as proposed for the mode-specific rules, use standard reimbursement and compensation forms provided by the Commission.

## **How will the revision benefit passengers with disabilities or reduced mobility?**

If an airline obliges a passenger with disabilities or a person with reduced mobility to travel accompanied by someone because the passenger needs assistance to comply with aviation safety requirements (e.g. to fasten the seatbelt), the airline will be obliged to **transport the accompanying person free of charge**, and when practical, seat this person next to the passenger they are assisting. This right already exists when travelling by rail, ship or bus/coach.

Carriers will be obliged to adopt service quality standards and publish reports on the implementation of such standards. These reports will provide **more transparency** on various issues, including a **carrier's compliance with rules on the rights of persons with disabilities**: they will be obliged to report on the number of persons with disabilities to whom they deny transport, the amount of mobility equipment lost or damaged, the number of complaints received and the outcome of the complaints.

Special attention is paid to the needs of passengers with disabilities or reduced mobility. Persons with reduced mobility who **switch from one transport mode to another during their journey will be assisted at connecting points** by carriers and terminal operators when they travel under a single contract of carriage or when they travel through multimodal passenger hubs.

Passengers with disabilities will also benefit from the general rules for passengers (see above), e.g. the standard EU-wide reimbursement and compensation forms provided by the Commission will be accessible for persons with disabilities. They will also benefit from better enforcement of the rules, e.g. regarding denied boarding for air passenger rights or training obligations for staff.

## **How will the revision of the passenger rights Regulations benefit carriers?**

For the **reimbursement of air tickets booked** via intermediaries, air carriers will have the choice between (1) reimbursing the passenger directly, and (2) reversing the payment flow to the intermediary that originally paid for the ticket from its bank account, provided that the intermediary agrees to this. They will be able to choose the process that best suits them, and the involvement of the intermediary will be subject to certain rules. By default, **the intermediary needs to share the contact and booking details of the passenger** with the air carrier; the carrier may use these for informing, reimbursing and paying compensation to the passenger and re-routing the passenger. Air carriers will know when a ticket was booked by an intermediary on behalf of a passenger.

For **multimodal** passenger rights, carriers will have more clarity on their role and responsibilities towards passengers when they offer multimodal journeys themselves. The proposal also confirms that in the event of missed connections, the onus for providing information to passengers and liability lies with third party ticket vendors who combine transport services from several carriers and offer them to passengers as a multimodal journey in one single payment.

## **How will the revision of the passenger rights Regulations benefit terminal operators?**

The establishment of Single Points of Contact at multimodal passenger hubs (places where passengers can switch transport modes, e.g. from a train to a bus) for the assistance of

passengers with disabilities or a person with reduced mobility will improve communication channels for terminal operators, not only with other carriers, but also with other terminal operators where several operate at the same hub.

### **How will the revision of the passenger rights Regulations benefit intermediaries?**

Intermediary vendors of air tickets will have an official role in the reimbursement process, when the airline so decides.

Intermediaries will have to identify themselves when booking for passengers, which has the following advantages: the intermediaries can request to receive the same information from the air carrier as their client, the passenger. This enables the intermediaries to offer their services immediately if they wish to do so. They do not have to worry about timely information of the passenger, because they can transmit the contact details of the passenger to the airline. The proposal creates a legal basis for such transfers in line with the General Data Protection Regulation (GDPR), and the intermediary does not have to ask the passenger before transmission. If intermediaries respect these rules, air carriers will be open to cooperate with them on that basis. Air carriers are not allowed to use the contact details for any other purpose than fulfilling their listed obligations. If air carriers do not respect this, they face the sanctions foreseen for such data breaches – and for violating the passenger rights rules.

Also, intermediaries may be exempt from liability towards the passenger in the event of a missed connection during a multimodal journey. This exemption is conditional upon the intermediary having informed the passengers that the tickets bought constitute separate transport contracts.

### **How will the revision of the passenger rights Regulations benefit national enforcement bodies?**

National enforcement bodies for all transport modes will receive a stronger mandate to perform supervisory activities in relation to carriers and terminal managers so that non-conformities identified are corrected promptly. National public authorities dealing with air passenger rights will be able to enforce reimbursement rules that apply to intermediaries which cause many difficulties, especially for the cancellations in the context of COVID-19, but also more generally. Often cases with the involvement of intermediaries take more time and effort to be solved.

In addition, Member States will have to designate a national authority responsible for enforcing multimodal passenger rights and complaint handling *vis-à-vis* multimodal passengers, thereby creating much-needed clarity for both passengers and national authorities. This body can be an existing national enforcement body for one or more of the current passenger rights Regulations.

## **Will this framework not be too complex and burdensome for SMEs?**

While most carriers in air and rail transport, like terminal operators, are large companies, most intermediaries, bus and coach operators, and waterborne passenger operators are SMEs. Ensuring that the burden of the revision is not too costly for SMEs has been a priority for the Commission. An SME test concluded that although net costs per SME will arise for the bus, coach and waterborne sectors for enforcement and multimodal passenger rights, these costs are limited. Impacts on SMEs can be minimised by ensuring flexibility in the implementation of certain measures. It is important to ensure that the impact on SMEs' financial and staff turnovers are monitored throughout the implementation period.

## **How do these new proposals relate to the proposal on air passenger rights of 2013?**

The current proposal builds on the [air passenger rights proposal of 2013](#) amending [Regulation 261/2004](#). The rules proposed by the Commission in 2013 for the better enforcement of the air passenger rights Regulation are still fit for purpose and the Commission stands by its proposal. The topics dealt with in that proposal (e.g. tarmac delays, knock-on effects leading to delays of several flights, clearer definition of extraordinary circumstances, rules in contingency plans and providing care in crisis times, enforcement, reporting by NEBs to the Commission) have all to be solved still. The proposal of 2013 also covers amendments to Regulation (EC) 2029/97 (Montreal Convention – baggage rules) and proposes solutions for compensations for damaged mobility equipment for passengers with disabilities or reduced mobility.

## **How do these new proposals relate to the Regulation on rail passenger rights that is applicable as of 7 June 2023?**

Regulation (EU) 2021/782, which is applicable as of 7 June 2023, introduces several new rules for rail passengers that could also be useful for the protection of passengers travelling with other modes of transport (or even multimodal), such as the provision of real-time dynamic traffic and travel information and the establishment of a new EU-wide standardised form for compensation and reimbursement requests. Additionally, the Regulation establishes better tools for national enforcement bodies (NEBs), such as the regular publication of service quality standards by carriers. The measures presented in these proposals are therefore complementary to the rail passenger rights Regulation. The current initiative tops up the rules on rail passenger rights with rules on cooperation between Member States and the Commission, as well as improving enforcement by national authorities by way of risk-based compliance monitoring of carriers.

## **How do these new proposals relate to the proposal to amend the package travel Directive published today?**

The Commission services have worked closely together to ensure coherence between related policy initiatives offering reimbursement for cancelled flights. When reimbursement for single air tickets is processed via intermediaries, we propose to align the reimbursement deadline with the existing deadline of 14 days for package travellers (as of the termination of the package travel contract) when an intermediary is involved. In addition, we are aligning the reimbursement deadline for the transfer from the airline to the intermediary (for single tickets booked via intermediaries: seven days) with the proposed reimbursement deadline (of seven days) that is part of the PTD proposal.

The proposal on passenger rights in a multimodal context also ensures consistency with the Package Travel Directive by clarifying that the rules are without prejudice to the application of that Directive. 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 types of travel services offered by an organiser (e.g. a package combining a flight and hotel accommodation).

### **How do these new proposals relate to the Communication on a common European mobility data space (EMDS)?**

These proposals are consistent with the Communication on a common European mobility data space (EMDS) published today. This Communication outlines the proposed way forward to create a common European mobility data space, including its objectives, main features, supporting measures and milestones. Its objective is to facilitate access, and the pooling and sharing of data from existing and future transport and mobility data sources. For example, enabling access and exchange of real-time data between different actors will ultimately help passengers and travellers to stay informed of the transport situation, traffic conditions and potential delays, and thus allows them to plan their journeys better. Many service providers and public authorities already offer real-time updates, but more comprehensive data-sharing would raise the quality of services and facilitate more system integration, multimodality, road safety and sustainability.

### **How do these new proposals relate to the Delegated Regulation on multimodal travel information services (MMTIS)?**

The proposals are consistent with the Commission Delegated Regulation (EU) [2017/1926](#) on Multimodal Travel Information Services (MMTIS). 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.

They are also consistent with the proposal to revise this Delegated Regulation, also published today. This revision extends the requirement to make data accessible by gradually adding, from December 2025 to December 2028, dynamic data types such as real-time arrival and departure times. Real-time information on travel disruptions is essential for passengers.

### **What other measures does the Commission take apart from proposing legislation?**

The Commission has started to update the interpretative guidelines for air passenger rights and for the rights of passengers with disabilities and persons with reduced mobility when using air transport. They date back to 2016 and 2012 respectively. Stakeholders concerned will be consulted on the draft updated texts which will be published after their adoption in the Official Journal of the European Union in all the official EU languages. These updated texts will help those who have to apply them as well as the legislators to have a good overview on the state of play for these passenger rights under the current legislation.

## **Is the Commission following up on the EP resolution regarding hand luggage?**

As stated in the Commission's reply to the EP resolution, the Commission agrees on the importance of a positive travel experience for passengers, including through sufficient and transparent information on airlines' baggage policies and the prices for different ticket options.

To support transparency and comparability of air ticket prices, the Air Services Regulation already contains rules designed to ensure that passengers have clear information about the price of air tickets, including for ancillary services. Freedom for air carriers to set air fares has enabled the unbundling of certain services, allowing airlines to offer genuinely lower prices to customers who do not want to use those supplementary services.

The Commission is monitoring the situation and is aware of the many different policies applied by airlines in respect of dimensions and weight of carry-on luggage and understands that those varying policies can sometimes create inconvenience and/or confusion for passengers.

The Commission's review of the Air Services Regulation is ongoing. Due to the complexity of the file, including ongoing changes in market dynamics, further analysis is needed. Although final decisions on concrete policy measures are outstanding, the Commission can confirm that hand luggage pricing policies are among the topics being looked at in this context.

In its Recitals, the air passenger rights proposal calls on air carriers to strive to establish industry standards on the weight and dimensions of hand luggage with a view to limiting the current proliferation of different practices and enhancing the passenger travel experience. Air carriers should 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. Commissioner Vălean is interested in hearing from industry about their progress on this matter and will be following up directly.