

## Measure 66: Extending protection of users' rights to other transport modes

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*Policy package:*

**2D:** Rail safety, quality and environment

**4D:** Sea and inland waterway safety, quality and environment package

*Measure 66:*

By 2004 extend the Community measures protecting passengers' rights to include other modes of transport and in particular the railways, maritime transport and, as far as possible, urban transport services. This concerns in particular service quality and the development of quality indicators, contract conditions, transparency of information to passengers and extra judicial dispute settlement mechanisms.

*What is the problem being addressed ?*

The measure is promoted through two legislative proposals:

- Proposal COM (2003) 375 which aims at setting up a regime of carrier's liability in order to ensure an adequate protection of passengers on board ship; this would contribute to extend to the maritime navigation arrangements already existing in the aviation sector, where the Community, through Regulation 2027/97/EC on air carrier liability in case of accidents, has already established a comprehensive EU-wide passenger liability regime for air carriers.
- Proposal COM (2004) 143 which includes a set of rules for reinforcing and improving the rights and obligations of passengers in international rail transport. It contains provisions concerning:
  - Information and tickets (travel information, travel contract and tickets, access to information, availability of tickets);
  - Liability of the railway undertaking (death and injury of passenger, hand luggage, delay);
  - Damage ad compensation (damage in case of death or injury of passenger, advance payments, compensation for luggage, compensation for delay, missed connections and cancellations)
  - Persons with reduced mobility (assistance at railway station and on board);
  - Quality and security of service (service quality standards, complaints, addressee of claims, passenger obligations).

The two proposals address in a wider scope also the need for a better consumer protection as indicated in the COM (2002) 208, Consumer Policy Strategy 2002-2006.

*Measure's costs and/or benefits:*

Costs foreseen in the proposal COM (2003) 375 are:

1. Compulsory insurance shall be not less than 250,000 units of accounts (about € 198,750) per passenger on each distinct occasion;
2. The liability of the carrier for the loss of or damage to cabin luggage shall in no case exceed 2,250 units of account (about € 1,790) per passenger per carriage;
3. The liability of the carrier for the loss of or damage to vehicles including all luggages carried in or on the vehicle shall in no case exceed 12,700 units of account (about € 10,100) per vehicle, per carriage;
4. The liability of the carrier for the loss of or damage to luggage other than that mentioned in cases 1 and 2 shall in no case exceed 3,375 units of account (about € 2,685) per passenger, per carriage;
5. The carrier and the passenger may agree that the liability of the carrier shall be subject to a deductible not exceeding 330 units of account (about € 265) in the case of damage to a vehicle and not exceeding 149 units of account (about € 120) per passenger in the case of loss of or damage to other luggage, such sum to be deducted from the loss or damage.

A rough estimate of the cost foreseen by the Proposal COM (2004) 143 for the introduction of a compensation scheme is also available, and it amounts to less than 1% of the turnover of the railway undertaking for international transport.

*Legislative implementation at EU level:*

COM (2003) 375: Proposal for a decision concerning the conclusion by the European Community of the Protocol of 2002 to the Athens convention relating to the carriage of passengers and their luggage by sea.

COM(2004)143: Proposal for a Regulation of the European Parliament and of the Council on International Rail Passengers' Rights and Obligations.

*What are the objectives ?*

The two proposals extend passengers' rights to other modes of transport, i.e., maritime transport (the proposal addressing only luggage) and international railways (the proposal addressing comprehensively passengers' rights and obligations). Objective achievement will be monitored thanks to a reporting mechanism similar to that in force for monitoring compensation to air transport. Indeed, concerning in particular the Proposal COM(2004)143, the Commission shall report to the European Parliament and the Council on the implementation and the results of it three years after its entry into force, assessing the service quality levels.

However, in a recent intervention at the 28 July Meeting of the Transport and Tourism Committee of the European Parliament, the DGTREN Director, Mr. Lamoureux, declared the intention of the Commission to pursue with the proposal on users rights in the rail sector, but not for the other transport modes (sea and road transport).

*Interactions with other WP measures:*

As it has been mentioned describing the system of compensation to air passenger (measure 65), this measure will complete the protection of the users rights for the other transport modes, and in so doing will contribute to eliminate current distortions.

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*Output indicators:*

The key output indicator is the adoption of forms of "Quality Commitments" for the different transport modes in the EU member States.

*Outcome indicators: intermediate impacts on transport markets*

The key market impacts will concern:

- Delivered quality indicators: punctuality (number of delays) and reliability (number of cancellations) of international services
- Modal split: shift of passenger trips from road to rail due to the better quality assurance introduced in the rail services

*Outcome indicators: final impacts on transport users and non users*

- Access to public transport: it should increase due to improved services, in particular concerning information services provided to users.
- Improved customer satisfaction, to be appraised through periodic surveys