Passenger's rights in railway transport
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Have you programmed a journey with the train in Europe and you don't know if legally you are protected from unpleasant situation that could arise? Do you ask yourself in the transport operator is liable for the delay or cancelation of a train? Your registered luggage has been lost and you don't know how to proceed to be compensated? The answers to these questions can be found in the present info sheet giving you the information and advice on your rights as railway passenger.

The train transports have increased in numbers in the last years, European citizens becoming aware not only of the safety and comfort the train gives, but also on their rights. In this context regulating the railway passengers' rights has become a constant preoccupation of the EU and common rules have been established to ensure a balance between the passengers and the transport operators.

These rules are established through Regulation 1371/2007 of the European Parliament and the Council from 23 October 2007 on rights and obligations of railway passengers.

What are the common rights of the passengers for all member states?

Regulation 1371/2007 applies to all international railway transport services from EU. Member states may grant, in a transparent and non-discriminatory way, a temporary exemption from the Regulation for the national railway transport for a period of maximum 5 years, which can be renewed twice for the same extent (maximum 15 years) and a permanent exemption for urban, suburban and regional railway transport.

More information on national exemptions can be found at http://ec.europa.eu/transport/passengers/rail/national_exemptions_en.htm.

Nevertheless some rules must apply for the railway transport, such as those on transport titles' availability, direct tickets and reservations, minimum level of insurance for transport companies, right to transport for passengers with reduced mobility, accessibility of railway services, obligations on passengers' personal safety.

What are the rights of disabled or reduced mobility passengers? Can they travel in the same conditions as those offered to the rest of passengers or must they have supplementary expenses?

Regulation 1371/2007 establishes the right to transport also for disabled or reduced mobility passengers in identical conditions to those offered to the rest of passengers and with no supplementary expenses.

The train companies and the station chiefs must develop and apply nondiscriminatory access rules for the transport of disabled and reduced mobility passengers, such as old persons.

The railway transport companies, ticket sellers and travel agencies must also inform upon request and free the disabled or with reduced mobility persons regarding the accessibility of railway services, the access conditions to the trains, on board facilities, the boarding from and to the train.
**What information must you receive from ticket vendors?**
The minimal information ticket sellers must give is different depending on the moment it is offered.

**Before the journey**, ticket sellers must offer you information on:
- general conditions applicable to the contract;
- timetables and conditions for the fastest journey;
- timetables and conditions for the smallest prices;
- accessibility, access conditions and on board availability of disables and reduced mobility passengers’ equipment;
- accessibility and access conditions for bicycles;
- availability of places in smoker and non-smoker cars, in first and second class, in sleepers and berths;
- any activity that could interrupt or delay the services;
- availability of on board services;
- procedures for complaints for lost luggage;
- procedures for sending complaints.

**During the journey** the information you must receive regard:
- on board services;
- next station;
- delays;
- main links;
- safety details.

**Warning! In order to get assistance the passenger must notify the transporter, the station chief, the ticket seller or the travel agency on his need for assistance with at least 48 hours before getting it, with an obligation to be present in the designated point with at least one hour before the published departure hour or the hour when all passengers are asked to be present, with at least 30 minutes before.**

**What information must be found on the tickets?**
No matter the way it was issued, on paper or electronically, the ticket proves the conclusion and the contents of the contract and must contain information on:
- the transport company
- the company that issued the ticket
- the route, price and validity of the ticket
- general and special conditions of transport
- name of the passenger, date, train number and reserved seat.

**Warning! When receiving the ticket the passenger must ensure it was filled according his indications. The ticket is not valid if these indications or if the compulsory validation has not been made by the traveler or if the ticket was modified or falsified.**
What are the passengers' rights for international railway transport?
For international transport services the transporter must give assistance for delays or train cancelation, accidents, but also compensation, as it follows:

1. **Train cancelation or delay before the departure**
   If the train is canceled or delayed before the departure or during the journey with more than 60 minutes, the passenger can choose between:
   - reimbursement of the entire cost of the ticket, for the part or the parts that has not been made, if the journey becomes useless by report to the initial plan, accompanied by the ensuring the transport to the point of departures in the shortest time;
   - continuation or redirection, in comparable transport conditions, to the final destination, as soon as possible;
   - continuation or redirection, in comparable transport conditions, to the final destination at a later time, at the passenger’s choice.
   It is good to know that if the passenger chooses to continue or to be redirected, but also in the case the train, even if it has respected the departure hour, arrives at destination with a delay of over 60 minutes, the passenger can ask the transporter to pay a compensation for the delay between the departure and arrival places mentioned on the ticket, the minimal compensation being established:
   - 25% from the price of the ticket for a delay between 60 and 119 minutes;
   - 50% from the price of the ticket for a delay of 120 minutes or more.
   The payment, in vouchers or cash, must be made in a month from the moment the passenger has sent the complaint.

2. **Delay of the train to the arrival point**
   In case of foreseen delays of more than 60 minutes, the traveler must be given freely meals and refreshments according the waiting time, but also accommodation and transport between the train station and the accommodation place, if the stay for one nights or more is necessary.
   In case the train is blocked on the tracks, the railway company must ensure the passenger is transported to the station, to a departure point or to the final destination, if this is possible.
   If the service cannot be continued, the company must organize as soon as possible alternative transport services.

3. **Connection loss**
   The accommodation expenses will be reimbursed by the transporter in case the connection with the last train of the day is lost. In this situation also expenses for calling the family or persons awaiting for the passenger at destination will be reimbursed.
   **Warning! The compensation will not be paid if it is less than the equivalent of 4EUR. Also, the passenger has not the right to a compensation in case he is informed on the delay before buying the ticket or if the delay due to the continuation of the journey on board another train or to rerouting is less than 60 minutes.**

   **Warning! The above rules regarding reimbursement of the accommodation and supplementary expenses apply only if the delay or the connection loss is due to the transporter. Can the transporter be exempted of his liability?**
The transporter is exempted of liability only when the cancelation, delay or connection loss is due to one of the following reasons:

- circumstances independent of the train company the transporter could not avoid and whose consequences could not be averted;
- passenger’s fault;
- a third person’s behavior the transporter could not avoid and whose consequences could not be averted.

What are the passengers' rights in the case of loss/damage or delay of the registered luggage?

The transporter is also liable for the loss, damage, delay of registered luggage as it follows:

1. **Loss or damage due to total/partial loss of luggage**
   For this situation the transporter must pay as compensation:
   - in the limit of the amount proven by the passenger, but not over 80 account units per kg of lost quantity or 1200 account units per luggage, if the amount of loss or damage is proven;
   - in the limit of 20 account units per kg of lost quantity or 300 account units per luggage in case the amount of loss or damage is not proven.

2. **Luggage damage**
   The compensation in this situation must not be over the amount that would have been paid in case of total loss of luggage, respectively the amount that would have been paid in case of loss of the damaged part.

3. **Delay**
   If the passenger proves the loss or the damage is the result of the delay, the transporter must pay for every day of delay, from the moment when the delivery was asked, but no more than 14 days, a compensation equal to the amount of loss or damage, in the limit of 0.80 account units per kg of lost quantity.
   If the passenger cannot prove the loss or damage is the result of delay, the transporter must pay a compensation of 0.14 account units per kg and 2.80 account units per kg of delayed luggage.

**Warning!** The transporter is exempted of his liability if the loss, damage or delay has been caused by the fault of the passenger.

What are the obligations of the transporters in case of passenger's death or injury?

When the passenger dies or is injured due to the transporter he has the obligation to give compensation. He may give an immediate advance. For death the value of the advance is 21,000 EUR, and for injury it must correspond to reasonable expenses, but no more than 21,000 EUR per passenger.
Warning! The interested person must send a request in written to the transporter in 12 months from the moment has been aware of the damage.

Advice for passengers:
- before programming your travel in Europe with the train check the program of international trains on the website of the railway company from the country you want to go to and verify if the train stops in the city you want to go to;
- verify if the ticket is filled according your indication;
- verify if the train timetables, arrival hours and names of stations before the station where you must descend;
- verify the electrical panels in the stations to find out information on boarding line, arrival time, and also on the place where the car on your ticket will stop;
- verify the panels on the trains regarding destination, class and/or number of the car next to the doors to be sure you are boarding in the right train;
- if you are disabled or have reduced mobility verify if there are on board specific equipments, notify the transporter on the need to give assistance with at least 48 hours before;
- in case of cancelation, delay, loss of connection or loss of luggage, make contact with the train station chief for assistance and information on your rights;
- in case of cancelation ask the company personnel to make mention on your ticket that it wasn’t used;
- keep receipts and invoices proving you bought food, accommodation and transport to the hotel to be reimbursed;
- if you are not happy with the way your complaint was solved you can contact the national organism that applies Regulation 1371/2007; the list can be found at http://ec.europa.eu/transport/passengers/rail/rail_en.htm.