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To Whom It May Concern:

European Commission Directorate-General for Energy and Transport
International Rail Passengers Rights and Obligations

Airport Express Ltd is responding to this Consultation paper on behalf of its constituent members, National Express Group, which operates Gatwick Express and Stansted Express, and BAA plc, which operates Heathrow Express. These companies provide rail services between London and its main airports at Gatwick, Stansted and Heathrow.

Airport Express Ltd believes having read this document that it is not intended to apply to the type of domestic rail services to airports operated by its members. However we also consider that certain sections are drafted in such a way that they could be construed to encompass such services and therefore urges that clarification is incorporated into this legislation to ensure that there is no misunderstanding over that issue.

Airport Express Ltd is also concerned to avoid suggestion that the Directive should be enlarged to encompass such domestic rail services. For example, in the introduction to the Directive page 5, five reasons are set out why for a segment of the market, international rail services have a captive market which depends solely on train. None of those reasons are applicable to the airport rail services provided to the London airports where alternative public transport and taxis/car offer more than adequate competition or alternative ways to travel to the airport.

Moreover there are other compelling reasons to view airport rail services, over and above the competitions from other rail services, bus and coach services, and taxis/car. These include:

- (i) There is no common mode or carrier for such journeys and neither is rail the principle mode of travel;

- (ii) The short duration of rail journey to the airport compared with the overall journey time for most international air passengers;
- (iii) The wide spread of type of rail services serving UK airports – for example dedicated airport to City Centre services; commuter, regional and mainline rail services franchised by the Strategic Rail Authority or Strathclyde Passenger Transport Executive which include airport station as just one of the many points served en route; London Underground subway services; and Light Railways such as Docklands to London City Airport and the Tyneside Metro system to Newcastle Airport;
- (iv) The low value of rail tickets compared with average air fares;
- (v) Air Passengers normally decide which mode of transport to use to and from the airport and purchase tickets for rail or coach journeys independently and at a different time to their decision to purchase an air ticket.

Airport Express Ltd's members fully support and implement measures which have been introduced to comply with domestic UK legislations and requirements from its regulators to:

- (a) Monitor service levels and publish figures for reliability and punctuality;
- (b) To publish its conditions of carriage including provision for consumer protection. However these are specific to the specialist type of rail services offered and in some cases are different and more onerous to those which cover other types of rail services to UK airports.

If at any time there is a move to extend this Directive to encompass or include domestic rail services to international airports, Airport Express Ltd requests that the Directorate ensure that a full consultation process is initiated. In the meantime because none of the services operated by our members are international rail services, we do not consider it appropriate to respond to the individual questions in the consultation document.

Yours sincerely



Vernon Murphy
Chairman