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### **International rail passengers' rights and obligations**

Enclosed are our views on the consultation document issued in October. I hope you find them useful: I would, of course, be happy to discuss them with you if you think this would be worth-while.

Some members of this organisation will be making their own responses: in a diverse organisation like this, incorporating railways, airports, airlines and the supply industry world wide, it is difficult to say that they all agree all of the points made. Nonetheless they have been consulted.

With best wishes,

Andrew Sharp

Director General

## **International rail passengers' rights and obligations**

### **Introduction**

There is some ambiguity about the coverage of the proposed rights. Is a passenger travelling from Paddington to Heathrow on their way to Frankfurt an "international passenger", for the purposes of this exercise?

Clearly, passengers accessing Kastrup from Malmö on the Øresund link or Charles de Gaulle on Air France "flights" from Brussels are international passengers.

The comments below are given in the light of that ambiguity.

### **General principles**

I suggest to you three general concepts.

1. Wherever possible, legislation should be avoided. Legislation implies absolutes, rigidity, definitions, enforcement, unwilling compliance - all discouraging innovations in thinking, marketing and service. People comply with legislation because they have to, not because they want to.
2. Instead, operators should be encouraged to follow good practice (and the point is re-iterated below in a number of responses to specific questions). They will do this because they want to, because they want business, because it is in their own interests. This is in the spirit of part of COM(2002)18, and the voluntary charters like that under development by the CER. The European Union has encouraged good practice in the field of benchmarking, with some success: no doubt participants in the BEST and BOB conferences could offer guidance on how to spread good practice. I use the phrase "good practice", incidentally, rather than "best practice" - some good practices are excellent but equally good, and it is somewhat arrogant to describe some as "best", implying that the others are less good. This point emerged from discussions at one of the BEST benchmarking conferences.
3. Where it is sensible to do so, passengers' rights and obligations in air travel and in rail travel should be harmonised, or at least brought as close together as possible. Lufthansa passengers travel between Stuttgart and Frankfurt by air or rail according to their own choice. Air France passengers between Paris and Brussels, and KLM passengers between Antwerp/Rotterdam and Amsterdam travel by train as a matter of course. KLM passengers who buy their flight ticket in the Netherlands can travel free on NS's trains to or from Schiphol. Passengers of many German holiday airlines do the same within Germany: air passengers checking in at Nuevos Ministerios travel free on the metro to Madrid Barajas. The distinction between air travel and rail travel is increasingly irrelevant, especially as the high speed train network grows. Passengers travel by air one day, by rail the next: they increasingly expect comparable standards from each mode.

## **The questions**

### Question 4 - regulation of customer consultation

There are two kinds of passenger organisations - pressure groups (people who get together voluntarily to influence policy and practice) and consumer representatives (formally appointed by due process of Government). The views of latter should carry more weight, especially where Government money is involved - they are acting as the purchaser of part of the service. If passenger revenue funds the entire service, it is then in the commercial interests of the provider to listen to the consumers - so what is the role of either kind of passenger organisation? This needs more debate.

### Question 5 - issues to be covered in customer consultation

Yes, to all points.

### Question 6 - monitoring customer satisfaction

Probably yes, although it is difficult to see how it would influence the passenger. It may stimulate railways to improve, but at the moment very few passengers have a choice of carrier.

### Question 7 - indicators to be used

Those suggested in the text are all reasonable. Railway performance indicators comparable with airline indicators could be valuable - and not just European indicators. Major carriers in the US report quarterly on issues like punctuality, reliability, complaints, and baggage handling: these indicators are used by the airlines themselves as marketing and public relations tools. It would be useful for a Frankfurt - Berlin passenger to be able to compare air and rail on the same bases, for example.

### Questions 8 and 9 - conditions of carriage on tickets

Conditions of Carriage are boring and of no interest or importance to the vast majority of passengers in the vast majority of cases. They only matter when things go wrong or when there is a dispute. Therefore the only requirements should be

1. that passengers are told of their existence and where they can get them
2. they should be written in uncomplicated language.

In some countries there are legal problems with selling tickets on trains. Passengers, by buying a ticket, enter into a contract with the a carrier: some argue that, if they do this on a train, it is too late to dispute the contract terms. If you don't like the terms of contract in a shop, you can refuse to buy: if you do the same on a train, you have already used some of the service you are paying for and it's too late! This may need clarification if it is a point of dispute anywhere in the EU.

### Question 13 - Obligation to provide information about competitors

In Great Britain, there is an obligation of impartial retailing on railway franchise holders, and an obligation on the network provider to produce a national timetable. This works.

Impartial retailing means that someone going to a ticket office and asking either the cheapest or the fastest way to get from point to point must be given that information (although only for the rail mode). There is no obligation on either air or road carriers to do the same, or for any of the three modes to provide information about each other. While an intermodal extension would be valuable - it would be good to be able to compare prices and journey times between London and Manchester without having to go to 5 web sites - it would be difficult! No transport operator would want to do it: it would need an independent body.

The last paragraph of section 2 discusses air-rail intermodality - a topic of some interest to us.

First, I believe that a reasonable amount of airport access information is provided by good European Union air carriers in both in-flight magazines and timetables - and, increasingly, on web-sites. I watch this point and comment to airlines when I see inaccurate information. Look at the timetables of SAS, Lufthansa and BA, for example.

Second, purchase of integrated air-rail city centre to city centre tickets (Milano Cadorna - Stockholm Central, for example) is inhibited by EU regulations on GDSs. These have been taken to mean that an identical flat GDS charge must be made for each sector of the journey - and a 15 Euro airport express ticket cannot stand the same 3 Euro GDS charge as a 500 Euro air ticket: there is too little money left for the rail carrier, especially if agency commission and BSP charges have to be paid as well.

### Question 14 - range of journeys sold

I certainly do not believe that this should be a legal obligation. The ticket machines of some companies are unable to sell a full range of national rail tickets, leave alone international ones. The machines are cheaper than fully comprehensive ones, but the carrier does not get the commission it could earn by selling tickets on other railways. This should be a commercial decision. A parallel is that of low-cost airlines, where the ability to book as one ticket a journey from (for example) Prestwick to Hahn via Stansted is limited, and there is certainly no long-distance discount given for doing so.

### Question 15 - Should existing railways sell the tickets of new incumbents?

Impartial retailing, as done by franchised operators in Great Britain, works and (I believe) works to the benefit of passengers. It is commended as a model for others, with two provisos.

First, there should be provision for a reasonable commission to be paid

Second, if extra costs are involved in selling tickets of another operator, those costs should be borne by that operator (directly or through the fare charged).

Question 16 - Cross border services

Given the final paragraph of 1.1, is there a case for the EU to be the public service contract awarding body for cross-border services? Or at least to have an involvement?

Question 17 - should there be quality standards for International services?

Quality standards are very difficult to define. We tried, for both airport express services and metros to airports - and, more recently, for airports (still in draft form). Members providing airport express services took on board the spirit of what we were trying to do, but felt unable to commit themselves to precise forms of words.

Question 18 - is the list in the document adequate?

Yes - adequate and sensible

Question 19 - how should standards be monitored?

An impartial multi-national body, if it is to be done properly.

Question 20 - should contingency plans be developed, and if so, for what?

Yes, against most common major sources of delay (which will vary from railway to railway and place to place). The most impressive ones I have come across are those of Stansted Express.

Question 22 - should representatives of people with reduced mobility (PRM) help improve conditions?

Yes, but it is easy to go too far on this. There is clearly a difference between the requirements on short- and long-distance services. On a commuter service, for example, is an accessible toilet worth losing four seats?

Question 23 - training, information and accessibility issues around PRM.

Yes. Intermodal issues are also relevant - for example a rail-air-rail journey should be seamless. This needs organisational co-operation. I am not sure how far it exists and, where it does not, what needs to be done (or by whom).

Question 24 - should there be impact assessments when rolling stock or stations are modified to make them more accessible?

There is a level below which this should not apply, but it is difficult to define. See for an excellent example Modern Railways of August 2002, page 23, where modifying a carriage built in 1894 used on a heritage railway so that it could carry a wheelchair took an incredible amount of high-level paperwork. Did this process really add anything?

Question 25 - should railways be obliged to carry bikes on International services, or should they develop bike rental at major stations?

Encouraging bike rental facilities is an excellent idea.

While accepting all of the green credentials of bikes, they have sharp edges, and parts which are greasy and covered in oil: these do not mix well with passengers or with high quality train interiors.

Question 26 - should there be impact assessments when rolling stock or stations are modified to make them more accessible to bikes?

No.

Question 27 - should railways be obliged to offer registered baggage facilities for PRM?

No, but encouraging the kind of commercial baggage collection and delivery service which works in Switzerland would be a good idea. A door-to-door service, operating for anyone who wanted baggage taken off their hands would be valuable. This could be used by people travelling between cities, for people wanting parcels delivered, or for people wanting to travel by air and not wanting to carry their bags to the airport. The presence or absence of heavy baggage is an important determinant of mode to airport: a home check-in service (possibly as part of a general collection and delivery service), would be an encouragement to air-rail intermodality

Question 28 - should railways be obliged to offer safe or secure areas for baggage in long distance trains?

They should be encouraged but not obliged. Dissemination of good practice, on this and on security checks, would contribute.

Question 29 - should cleanliness and noise levels be part of a regulation or quality charter?

No - but encourage good practice.

Question 30 - When stations are modified, should there be a public security analysis?

No - but encourage good practice.

Question 32 - should there be a standard form for reporting theft and petty crime?

Probably, and probably across all modes. Some public transport police and other agencies use a multi-lingual phone service for help and assistance in such cases - again, spreading good practice will help here.

Question 33 - is legislation necessary to improve intermodality?

Funding and support for in-town check-in and in-town check-out and perhaps for baggage collection would be beneficial. But legislation is probably unnecessary.

Question 35 - should railway companies be obliged to publish statistics on complaints?

See response to question 7. It is important to publish information on the positive (commendations) as well as on the more negative (complaints).

Question 40 - dispute settlement procedures

This may well need to be country-specific - local law and practice differs across the Community. Spreading good practice may be valuable here.

Question 46 - Should there be an EU-wide policy on refunds

Again, just encourage good practice.

Question 47 - should consequential damages be given?

If passengers pay very little for a ticket - 5 Euros on a ticket from London to Heathrow on London Underground, for example - there is little money to pay for what could be major consequential loss. Perhaps some kind of insurance scheme could be developed to cover such issues?

Question 48 - compensation for delays

We spread information on good practice in this area through our newsletter, "Air Rail Express". The policies of some airport railways - Arriva Northern, Arlanda Express, Airport Express Oslo and Heathrow Express - are excellent.

Question 49 - should all passengers be compensated for delays?

If you have paid for a journey and are badly delayed, a no-argument refund policy is good customer service. It is notoriously easier to retain an old customer than to win a new one: this is part of the cost of retention.

Question 50 - Should there be common EU rules on travel without a ticket? Is there a distinction between travelling without a ticket and travelling without a valid ticket?

No and no. However, travelling in a superior class of accommodation (and being willing to pay an appropriate supplement) should not be regarded as travelling without a valid ticket.

Question 52 - should there be common rules for denying boarding?

Only if the existing rules are inadequate.