

European Passenger Rights: proposals by the Commission to revise the Regulation on Passenger Rail Rights (1371/2007)

London TravelWatch is the statutory multi-modal consumer body representing passengers in and around London in the United Kingdom. We welcome the proposals by the Commission to revise the Regulation on Passenger Rail Rights (1371/2007) that strengthen these rights in the ten areas (Non-discrimination; Right to mobility; Information; Right to reimbursement for delay, cancellation or denial of boarding; Re-routing and re-booking; Assistance; Compensation for cancellation or long delays; Carrier liability for death or injury or loss or damage to luggage; Easy complaint handling ; Effective enforcement of passenger rights) identified in the proposals.

In the United Kingdom these minimum standards are for the most part already in place, and exceeded to a great extent than the Commissions proposals, for example around cancellation, long delays, complaint handling and enforcement of rights. We would therefore endorse these.

However, we think that the removal of exemptions for long distance services, particularly around the requirement to make passengers aware of their rights on their ticket is not appropriate for the United Kingdom, because of the nature of journeys taken here and the potential for confusion amongst passengers.

At present the proposals centre around whether individual trains make a qualifying journey for regulatory purposes, rather than the journey that a passenger is making. For example a passenger may travel from Reading to London (a distance of 41 miles and have the choice of suburban, regional or long distance service, but using the same ticket and / or means of payment. In the case of a return journey, they may travel outward by one type of train and return by another. However, if a passenger were travelling from Reading to Brussels via London, using a through ticketing arrangement, as this is a cross-border journey, it is not unreasonable to suggest that EU passenger rights should apply to this journey regardless of whether the trains used are urban, suburban, regional, long distance or international. **We would therefore urge the Commission to redefine the scope of rail passenger rights legislation to be based around the journeys made by passengers rather than the movement of individual trains.**

In the United Kingdom long distance trains are part of an integrated common ticketing system, this includes all urban, suburban and regional services. Tickets purchased via the internet could accommodate the proposals by an additional disclaimer at the time of sale. However, for non-internet transactions at booking offices and ticket vending machines a common small wallet sized paper ticket or smartcard is used, that would not have the capacity to list out the passenger rights as proposed by the Commission. To overcome this other means of explaining these rights would be needed. In addition, smartcard and mobile phone based ticketing is increasingly based on charges calculated after the journey has been completed so as to give the passenger the best price for the journey they have made. This strengthens the case for basing passenger rights on the journey made by the passenger rather than by the train.

In the course of their journeys many long distance trains will also act as an urban, suburban or regional service. Examples of this would include:-

- Greater Anglia long distance journeys also act as short distance urban services within London.
- Great Western Railway long distance services act as suburban and regional services throughout their journeys:
- Virgin West Coast services between London and the North West also provide a regional function between North Western towns and also locally within the West Midlands.
- Caledonian Sleeper services are part of the daytime local service within Scotland

The Commission should also be aware of the potential for transport operator behaviour to change if the proposal is proceeded with in its current form. Experience from the deregulation of long distance coach services and local bus services in the United Kingdom, has seen operators reclassify services to fit the easiest regulatory hurdle. Examples included reclassifying long distance coach services (that were not eligible for Fuel Duty Rebate) as local bus services (which are eligible for Fuel Duty Rebate or Bus Service Operator Grant as it is now known), but registered as a string of services of less than 15 mile lengths (A to B, B to C, C to D etc.) or reclassifying local bus services as long distance coaches or excursions in order to be exempt from the use of vehicles meeting the needs of disabled people.

London TravelWatch 20th November 2017.