

# IMPLEMENTATION OF THE CHARTER ON RAIL PASSENGER SERVICES IN EUROPE



PROGRESS REPORT

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*The Voice of European Railways*



COMMUNITY OF EUROPEAN RAILWAY AND INFRASTRUCTURE COMPANIES  
COMMUNAUTÉ EUROPÉENNE DU RAIL ET DES COMPAGNIES D'INFRASTRUCTURE  
GEMEINSCHAFT DER EUROPÄISCHEN BAHNEN UND INFRASTRUKTURGESELLSCHAFTEN





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## FOREWORD

This is the third report to be published by the Community of European Railway and Infrastructure Companies (CER) on progress with the *Charter on Rail Passenger Services*, adopted in 2002 by CER, UIC and CIT<sup>1</sup>. Thirty-three railway companies in 29 countries – practically all of CER’s members that provide passenger train services – have contributed to this report.

This year our report once again demonstrates that customer service development in the passenger rail business is far from static. In this context, ‘progress’ means innovation and business development: whether this is through major service investments, modern technology, process improvements or sales and marketing advances. The report provides plenty of evidence of this, including the response to air competition: it also shows that, as a whole, railway companies are delivering on the overall intention of the Charter.

A completely new delay compensation scheme for international rail passenger services was successfully introduced in December 2004. Working together, EU railway companies will review experience with the scheme – the first of its kind for any mode of transport – this year.

It is now over a year since ten more countries became members of the European Union. Before May 2004, railways in these countries were already committed to the *Charter on Rail Passenger Services*. These railways face fundamental challenges on backlog investment funding and in some cases on the institutional framework. This affects the speed at which they can adjust to transport policy expectations and obligations. However, this is not stopping progress on customer service improvement, as this report shows. This quote from one of these railway companies illustrates this only too well:

“Anyway, it is more than self-explanatory that only a customer-oriented approach has the power to attract passengers: it is our task to know the needs of our customers and try to meet them in the maximum possible way, to make the train the favourite transport mode of the general public.”

At the European level, too, CER works with the customer. It is not so long ago that professional consumer organisations started operating at a European level as well as nationally. CER appreciates its continuing dialogue with these organisations, and the opportunity it presents for advice and cooperation on improvement to rail passenger services and the issues involved. Of course customer organisations and railway companies have different responsibilities and opinions, but they can help each other. For this reason, CER is once again pleased to include an independent Commentary from European customer organisations in Chapter V (“Working with our customers”) – of this Report.

1. UIC – Union Internationale des Chemins de Fer (International Union of Railways)  
CIT – Comité international des transports ferroviaires (International Rail Transport Committee)



## FOREWORD

The last twelve months have seen the start of the legislative process for the Third Railway Package: the proposed Regulation on international passenger rights and obligations directly relates to the Charter and rail passenger business innovation.

The first rounds of discussions in the Parliament and in the Council have raised important questions about the scope of this proposed Regulation and the way it fits with existing obligations and market conditions. We comment in more detail on this in Chapter VI. Of course, CER recognises the concept of consumer rights: we simply make a plea that, in keeping with the Lisbon Agenda, the rail passenger business does not fall victim to rigid over-regulation in a way that constrains business flexibility and innovation.

Let the *Charter on Rail Passenger Services*, coupled with a permanent dialogue with consumer organisations, do its work.

We hope that you find this report an interesting and informative read.



Johannes Ludewig

CER Executive Director



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CER Deputy Executive Director

# I. IMPLEMENTATION OF THE CHARTER ON RAIL PASSENGER SERVICES



The CER/UIC/CIT *Charter on Rail Passenger Services* (Charter) was adopted in October 2002 as a clear commitment by Europe's railway companies to customer service requirements. It covers all rail services (national and international), except where public authorities set different specific conditions.

Implementation of the Charter was expected to be a gradual process: this report – the third in a series since 2003 – assesses progress by the summer of 2005.

The Charter itself is in Annex I to this report.

## 1. THE BASIS FOR THIS REPORT

This year, 33 CER member railway companies<sup>2</sup> in 29 countries contributed to this Report – many more than the 13 companies reporting in 2004. They carried out a check for CER on their implementation of the Charter. The results have been assessed<sup>3</sup> and are summarised here, according to the main themes in the Charter. The 33 companies that contributed are listed in Annex III to this Report.

2. Two of the 32 are national railway undertaking associations – in Sweden (ASTOC) and the UK (ATOC)

3. Assessment method: the railway companies carried out a check on their compliance with each Charter Article on a self-assessment basis, using a standard format provided by CER in Brussels. The results were then collated and scored by CER in Brussels. The percentage compliance was established for each company through a simple score (no – 0; part – 1-2; yes – 3 points) on each Charter Article. For transparency, the assistance and delay compensation elements of Article 10 (Delays) were scored separately. The results were then weighted according to the business volume (passenger/kilometres per year) for each company. With the much improved response to this 2005 survey, it has been possible to arrive at a representative overall result (although the Charter itself, and therefore measurement of compliance with it, is not an exact science).

## 2. CONCLUSIONS

It is evident that further good progress has been made over the last year. For example, national delay compensation schemes of various kinds are now widespread across the EU, with only a few exceptions.

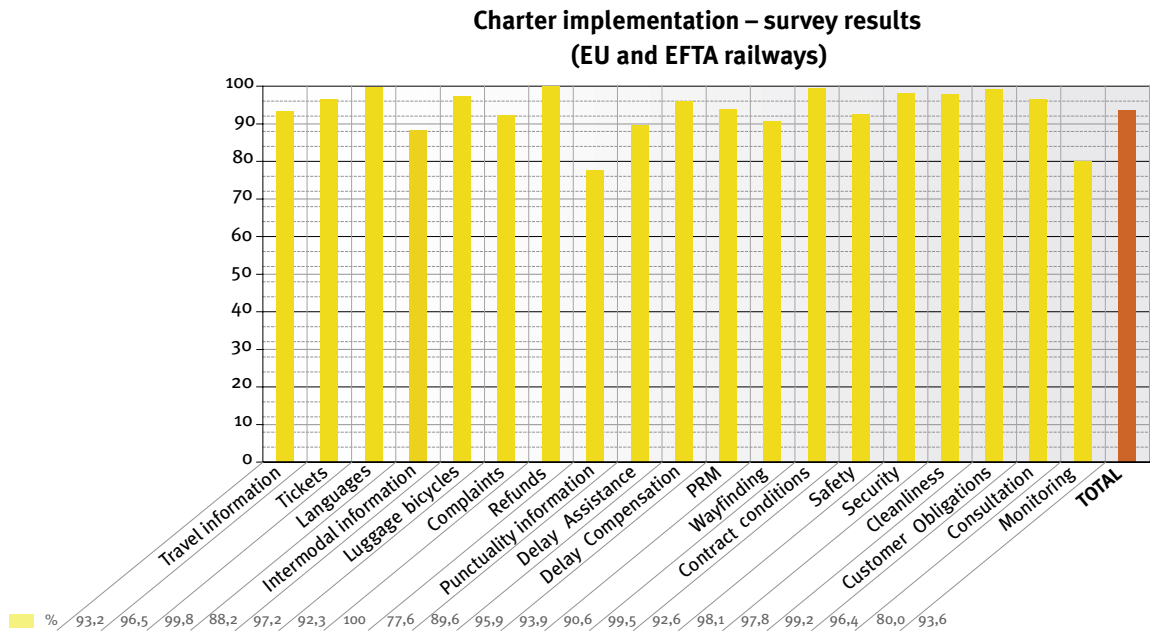
The general level of Charter implementation is now high: the assessment shows an overall absolute achievement level of **over 93 % in the EU**.

Companies achieving more than 85% compliance now account for 93% of passenger traffic in the EU.

The assessment shows that 23 companies in 19 countries have either actually published their own charters (or equivalent publications) for their customers, or have linked the CER Charter with national terms and conditions which offer more generous service-related commitments than conventional “conditions of carriage”.

# I. IMPLEMENTATION OF THE CHARTER ON RAIL PASSENGER SERVICES

The chart below shows the level of achievement by each of the Articles in the Charter.



Source: CER

On some specific Charter items, national policies have evolved differently over time. For example, the publication of complaints and quality indicators (such as train punctuality) varies between CER members and this accounts for the lower scores for Articles 9 and 19 in the chart.

One year after accession, it is still possible to see some differences between the EU-15 and the new EU Member States. It is apparent that the issues facing new EU members (see Chapter V of this Report) are still affecting the speed with which some of those railways are able to move forward on Charter commitments. However, much has been achieved recently in many cases, as Chapter II of this Report shows.



## I. IMPLEMENTATION OF THE CHARTER ON RAIL PASSENGER SERVICES



Outside the EU, NSB (Norway) now has its own charter, and CFR (Romania) has now published customer commitments; BDZ (Bulgaria) intends to publish a limited charter after restructuring in 2005, and Serbian Railways are considering work on a charter this year.

Individual elements of the Charter are discussed further in Chapter II of this Report, alongside news of recent developments and innovations by railway companies.

## II. THE CHARTER IN ACTION – RECENT DEVELOPMENTS AND INNOVATION

### 1. DELAY COMPENSATION AND ASSISTANCE TO CUSTOMERS

#### Delay compensation

2005 has seen further progress on the important topic of delay compensation. No less than 19 companies<sup>4</sup> in 14 countries now offer national delay compensation schemes<sup>5</sup>, an increase of 6 on our Report last year. These schemes are generally legally enforced. The map below is a simple summary of the national position across Europe.



#### **Delay compensation schemes**

*(These are predefined and published compensation schemes giving direct economic compensation – e.g. 20% of ticket price for over 1 hour delay – for train delay caused by the railways). Other rights may also exist.*

#### **Other forms of compensation**

*(Other commitments to the customer concerning train delay, with terms and conditions specified and published in national conditions of carriage/transport contracts).*

#### **No liability/no data**

4. ASTOC, ATOC, CD, CIE, Connex (Sweden), CP, DB, Eurostar, FS, Gysev, MÁV, NS, ÖBB, OSE, RENFE-O, SBB, SNCF, Thalys, ZSSK
5. “Delay compensation scheme” means a predefined and published level of economic compensation against the payment made, for train delays exceeding a predefined threshold.

## II. THE CHARTER IN ACTION – RECENT DEVELOPMENTS AND INNOVATION

### Recent developments

New national delay compensation schemes were introduced in Germany and Austria in late 2004.

The national schemes reported for the first time this year include Hungary, Sweden, Czech Republic, Slovakia, Greece, and the most recent in Switzerland (SBB) from June 2005. The new Swiss scheme provides for a flat-rate compensation in “Sorry Railchecks” (vouchers) on all national long-distance services, for delays of more than 60 minutes.

See page 11 for details of the new international scheme.

In Ireland, Netherlands, Spain, Sweden and the UK, the schemes apply to all national services. Elsewhere, they apply to specified types of national long-distance or regional services. In Germany, connecting trains are included because of the nature of the network.

Compensation takes the form of vouchers, or cash refunds in some cases; with various compensation values applied, depending on the train service type and on the extent of the delay involved. The compensation ‘trigger’ (or threshold) typically varies between 25 and 60 minutes, and is ‘stepped’ in some cases. The compensation varies: from a refund of supplements and reservation charges (for as little as 15 minutes delay in Hungary); to a percentage refund (from 20% to 100%) of the fare itself. The new Swiss scheme offers flat rate, rather than percentage compensation. Premium services can offer more generous terms: the exceptional RENFE scheme – for ‘AVE’ high speed services – of 100% compensation for more than 5 minutes delay shows what can be possible in certain market and railway system conditions.

Nine other railway companies accept legal liability for delay and the right to claim compensation. In Denmark and Norway, this includes an automatic reimbursement of alternative transport costs when delay exceeds 30/60 minutes. SNCB are currently considering the application of a new delay compensation scheme.

## II. THE CHARTER IN ACTION – RECENT DEVELOPMENTS AND INNOVATION



Only Luxembourg of the EU-15 gives no formal commitment on delays to national services. This comes as no surprise, for geographic reasons: long-distance services in Luxembourg are international, and are covered by the new international scheme – see below.

It is also apparent that services operated under a public service contract do not always have compensation schemes included in the contract. This explains why many local or regional services in Germany do not offer compensation, whether operated by DB or the private operator Connex.

Annex II lists the basic national scheme details for each country/railway company.

## II. THE CHARTER IN ACTION – RECENT DEVELOPMENTS AND INNOVATION

### UIC delay compensation scheme for international rail passengers

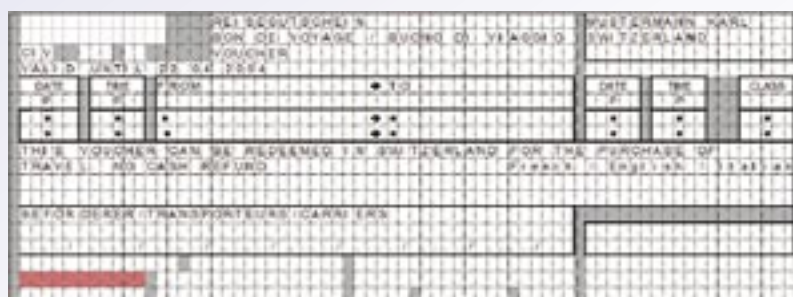
In 2004 CER and UIC members decided to establish a standard scheme for international services, in support of the principles in the Charter on Rail Passenger Services.

This UIC scheme was successfully implemented on 12th December 2004. It has legal force through the CIV General Terms and Conditions (GTC-CIV) and the International Passenger Agreement (AIV) between railway companies.

The scheme provides 20% compensation for a delay to an international train of more than 1 hour (2 hours for night trains) caused by the railways. Scheme conditions are summarised in the Panel. Some companies offer even better terms on their international services (see Annex II).

This is the first time such a pan- European approach to delay compensation has been successfully achieved by the railways, and there is no such scheme in place for any other international passenger transport mode.

Experience with the new scheme will be reviewed jointly by the railways later in 2005.



## II. THE CHARTER IN ACTION – RECENT DEVELOPMENTS AND INNOVATION



### Delay Compensation scheme for international services Summary

#### *Field of application:*

- *EU railway undertakings plus Switzerland and Norway; enlargement possible through bilateral agreements*

#### *Eligibility*

- *Over 60 minutes delay for international day trains*
- *Over 120 minutes delay for international night trains*
- *Includes delay caused by cancellations when the passenger takes the next available international train [2005 scheme improvement]*
- *Passenger must hold an international travel ticket for a minimum value of 50 euro per single journey*
- *50 euro includes reservation and supplement*
- *Travel pass products (InterRail, EuroDomino, Eurail, etc.) are excluded*
- *Special trains, car carrying trains are excluded*
- *Application must be made within two months*

#### *Compensation:*

- *Compensation consists of 20 % of the price of the ticket concerned (rounded off to the nearest 0.10 euro)*
- *Compensation is in the form of a journey voucher (or equivalent compensation for Railway Undertakings that do not have vouchers)*
- *This compensation is a minimum amount, railway undertakings may offer a higher amount of compensation.*

#### *Delay causes excluded:*

- *"Acts of God" (including strikes)*
- *The fault of the customer*
- *The fault of a third party (suicide, accident, etc.)*
- *Scheduled works (with prior information provided to customers)*
- *Intervention by state bodies e.g. security alerts,*

#### *Procedure*

- *The application for compensation may be sent to any railway undertaking involved in the journey*
- *Customer applications for compensation must be submitted within 2 months after the journey*
- *Requests will normally be processed within 4 weeks (or within a maximum of three months)*
- *Compensation will be granted only on submission of the original travel ticket validated and stamped plus the reservation or an attestation of the delay, where relevant*

## II. THE CHARTER IN ACTION – RECENT DEVELOPMENTS AND INNOVATION

### Assistance to customers

Fifteen railway companies make arrangements for, or refund the cost of, overnight accommodation or alternative transport when passengers are unable to complete their journey. These are generally exceptional events. For international journeys, these provisions are in the new international legal obligations under COTIF-CIV<sup>6</sup>, which will soon enter into force (see Chapter III).

The survey also confirms that the majority of railway companies provide refreshments if trains are seriously delayed. Some railways provide refreshment well before the three-hour threshold in the Charter. However, it is not always practicable to do this in all circumstances, and it is notable that companies in some smaller countries do not do so as a matter of policy.

6. COTIF – Convention concerning International Carriage by Rail as amended by the Vilnius Protocol 1999

CIV – Uniform rules concerning contract of international carriage of passengers by rail



## II. THE CHARTER IN ACTION – RECENT DEVELOPMENTS AND INNOVATION

### 2. CUSTOMER INFORMATION

#### **Before the journey (timetable and fares)**

Firstly, information on all domestic services is provided at regional or national points of sale, including seat availability if applicable. Information about international services is provided at international points of sale. At these sales points, comprehensive information is available about international trains operating to or from the country concerned. Information about international trains between other countries is generally provided for commercially significant destinations, i.e. for journeys where a sufficient local demand is known to exist. Most countries provide information about the lowest fare available.

Secondly, many other information channels are used. In particular information available at international sales points is commonly provided by telephone, travel agencies and the Internet. The DB website, for example, is the largest and most visited travel website in Germany.

#### **Recent developments**

In Eastern Europe, we see new developments in customer information. The Slovakian railways are extending their chain of customer centres, and the extent of services provided (to include tourism information); the new MÁV Direct call centre opened in January 2005 in Hungary, for contact via fax, e-mail and telephone; and Slovenian railways will launch an information and news services for WAP mobile phone users later in 2005.

Meanwhile a new Contact Centre in Finland has won a national award. NSB has developed a SMS service which provides information about timetables.



*New call centre in Hungary - MÁV Direct launched January 2005*



## II. THE CHARTER IN ACTION – RECENT DEVELOPMENTS AND INNOVATION

### 2. CUSTOMER INFORMATION

The conclusion is that these new information channels are increasingly important for information provision (and ticket sales – see Section 3 of this Chapter). This development has in some countries affected the number of railway points of sale for international services, where customers could previously find the most important information.

The role of travel agents, providing information about almost all products, has remained about the same in all countries.

There is further news on information provision in sections of this Chapter dealing with persons needing assistance (or PRM), bicycle transport, and the new international website for rail passengers.

#### The PRIFIS project – international ticket and timetable information



PRIFIS enquiries

In 2004 we reported progress with a new European timetable information system known as MERITS<sup>7</sup>, and the PRIFIS<sup>8</sup> system for ticket price information.

These two elements have now been integrated in a single project – PRIFIS – managed by UIC, and funded by 32 UIC member railways. In brief, the new system will allow railway companies to access other companies' and timetable and ticket price information from a central database. The user can easily access the information using normal interrogation procedures.

Good progress is being made in 2005 on standardising data protocols, and creating the necessary disciplines for data upload to the central database at regular intervals.

When this work is complete in early 2006, the system will be ready for use by the railways' customer information staff dealing with international travel.

With practical experience of using the system, railway companies will later consider possible changes to the system, including extended functionality and the option of use by the end-customer.

- 7. Multiple European Railways Integrated Timetable Storage
- 8. PRIFIS and Fare Information System

## II. THE CHARTER IN ACTION – RECENT DEVELOPMENTS AND INNOVATION

### Real-time train service information

The railways have long worked hard to provide the best possible real-time information on services, in particular on incidents and train delays. This has always presented a challenge and sometimes a source of complaint: this is because of the communication chain involved, and the need to update reports when the cause and the extent of the delay become clearer.

#### Recent developments

The railways are starting to harness modern technology with new services in this important area.

In Italy, the “sms2go” system now allows customers to receive real-time information on delay to trains: and there are similar systems in, for example, Norway, Slovakia, Slovenia (end 2005) and the UK (Train Tracker Text and Journey Check). Real-time information is available on the internet in Austria.



In the Netherlands, you can get real-time information and departure platform information for the top 83 stations via the internet and I-mode.

In the UK, the national Departure Boards service provides the same information for all the stations in the UK, winning an innovation award last year. There is a further UK system – Train Tracker – that links sophisticated speech recognition technology with operational data management systems to provide real-time information for telephone callers. This advanced system successfully handled 15,000 calls on one day in May. Of course, on-train staff still play a vital role. ‘Line Assistants’ now travel on Italian regional services to provide information and listen to customer suggestions. The international operator Thalys is automating its routine (multi-lingual) on-train announcements, to free train staff to help customers when they need it, for example shortly before departure. There is on board equipment (OBOE) on certain Italian trains, providing real-time information during the journey.

Thalys is using satellite navigation systems to pinpoint the exact real-time location of all its trains. This new system allows control staff to anticipate operational problems, advise customers much more quickly and devise the best solution.

## II. THE CHARTER IN ACTION – RECENT DEVELOPMENTS AND INNOVATION

### New international website for rail passengers

2005 saw the launch of the new international website for rail passengers:



[www.railpassenger.info](http://www.railpassenger.info)

This website has been developed as part of the implementation of the Charter in consultation with European rail customer organisations. The website has been developed by UIC with active support and joint funding from CER and CIT.

The new site is targeted at the customer planning a rail journey, with or without special needs. It is designed to improve international communication on a range of issues that are relevant to the Charter, and it provides easy links to individual railway company websites on specific issues such as contacts for passengers needing assistance and bicycles on trains, where international communication needed to be improved.



The topics covered are:

Journey planning; information on tickets and timetables; help during the journey; Passenger Charter; passenger rights; passengers needing assistance; passengers with bicycles; useful addresses; rail dictionary.

The first English language version was created in June 2005: French and German language pages are to be added by September 2005

## II. THE CHARTER IN ACTION – RECENT DEVELOPMENTS AND INNOVATION



### 3. TICKET ISSUING

As a general rule, tickets for national services can be bought at all sales points in the country concerned. In almost all cases this is also the case if different operators are involved in one domestic journey.

Ticket ticketing methods are undergoing significant change: with more and more emphasis on the internet and ticket machines.

In many cases, tickets for practically all international services to and from the customer's own country are available via the Internet. These international tickets are, of course, also available via international points of sale and via travel agencies.

In some cases, this kind of development has affected the number of conventional railway points of sale for international services, where customers could previously find the most important information. The role of travel agents in ticket sales has remained about the same in all countries.

Tickets for international service outside the customer's own country, but between main European destinations, are available via international points of sale and travel agencies, and, to some extent, via the Internet. Telephone sales are mostly restricted to international trains to and from the customer's own country.

Europe has well over 25,000 train stations, and about a quarter of them are included in international ticket distribution arrangements. However the picture is significantly affected by geography and the train service offered, as well as by the reservation and pricing system used. Railway companies at the centre of the Europe offer tickets to thousands of destinations in practically all other countries: others (for example, in Spain, Portugal and Italy) sell to a reduced (but still very significant) number of destinations and/or to fewer peripheral countries, mainly because of journey distance. The train service offered is an important factor: for example, there are 17 day-time trains from Brussels to Paris, but no day trains between Madrid and Lisbon. In the UK, for example, train companies themselves sell only the Eurostar service to Paris and Brussels (and at a limited number of stations), but railway agencies offer over 7,000 other destinations in Europe. However, the opening of the new high speed link to London in 2007 (built to European technical standards) may well change the train service offer and therefore the business dynamics of ticket distribution.

## II. THE CHARTER IN ACTION – RECENT DEVELOPMENTS AND INNOVATION



### Recent developments

Last year we reported that it was possible to buy tickets through SMS-services in Italy; and that in Germany and the Netherlands, tickets for the most popular destinations were widely available from automatic ticket machines.

This trend has continued in 2005. In Germany there are now 3,000 ticket machines selling tickets to the top 1,000 international destinations.

New Ticket machines have now been introduced by MÁV in Hungary.

In 2003, SNCF introduced a 'print your own ticket' service via the internet for specified types of fare offers. Now in 2005 "ticketless" bookings are increasing via the internet or telesales: the customers either print their own ticket at home, or use a reference number to get a ticket at stations or in some cases on trains. Such systems have arrived for example in Austria, Belgium, Finland, Germany, Italy, the Netherlands, Norway, Portugal, Sweden and progressively in Slovakia; and are planned in Hungary. The international operator Thalys is extending its own successful scheme this year.

In the UK, Virgin Trains report that the use of the internet and Fast Ticket machines has increased – the latter by as much as 68% – for their high speed services to/from London, and that more tickets are now sold that way than through ticket offices.

In the Netherlands, trials have started this year on a completely new ticketing system, using a contact-less chip or "smart" card. Customers will use the card to pay for rail and other public transport and other services (such as station car parking) with fully automated accounting.



## II. THE CHARTER IN ACTION – RECENT DEVELOPMENTS AND INNOVATION



### On-train ticket sales

The extent of on-train ticket sales varies widely in Europe and is determined by basic system characteristics. For example, train staff in Norway can sell most types of train tickets. Elsewhere, however the rail system is very different:

- many train services (national and international) are marketed on a “compulsory reservation” basis, either completely or in part, for passenger comfort and business management reasons;
- many train services (in particular in urban areas) are closed to passengers without tickets, to protect revenue (and staff);
- it is not practical to issue tickets on trains in many situations (at peak periods, with frequent station stops);
- the economic justification for on-train sales varies.





## 4. SPECIAL NEEDS – PASSENGERS NEEDING ASSISTANCE (OR PRM)

The railway's awareness of, and attention to, the issue of PRM accessibility is steadily increasing. The railways have for some time taken physical accessibility issues into account as far as possible with station premises and new equipment, and new rolling stock design. However the age and physical layout of many stations (particularly small ones) and existing trains continues to constrain ideal solutions: because of this, improvements will be made only gradually. The railway community has continued to work with the European Commission in 2005 on developing the Technical Specification for Interoperability (TSI) for PRM access at train and stations. This TSI will need to find the right balance between the business cost of implementation and actual market needs. Meanwhile, individual operators take action: for example, VR in Finland has recently incorporated customers' special needs in the design and development of its new passenger-car fleet.

All railway companies provide assistance services for, in particular, wheelchair users. All companies provide information on this service in, at the least, leaflets available at points of sale and often on the internet.



### Recent developments

Last year we reported on significant developments on this topic:

- trials at selected stations in Germany with way-finding systems in Braille, and a central PRM customer service centre for journey planning and assistance;
- the Trenitalia CD-Rom with software giving access to the Trenitalia website through voice recognition;
- the 'one-stop' helpdesk in the UK for PRM to book assistance.



## II. THE CHARTER IN ACTION – RECENT DEVELOPMENTS AND INNOVATION



In spring 2005, SNCF launched “Senior Plus”, a new paying service dedicated to senior citizens (more than 60 years old). This helps them transfer from home to their train seat (assistance with luggage, shutting the house, transport to the station and transfer to their train).

The service operates for journeys between stations in Paris and nominated provincial destinations, and has to be reserved 7 days in advance through a dedicated call-centre.

ÖBB now has a dedicated PRM telephone hotline/on-line centre for information ticket sales and reservations, a Bahnbuch giving comprehensive PRM information, and offers a similar door-to-door service to SNCF.

Trenitalia launched its new website in March 2005: this applies the international standards WAI of W3C for blind people. Trenitalia is also developing its network for assistance to PRM (at up to 225 stations).

In the UK, the National Rail Map for People with Reduced Mobility has been a real success. This is a comprehensive map of the national rail network, showing the stations which have step free access, giving some indication of staffing levels, and specific contact details for organising the journey. Over 70,000 people have now received copies including visitors to the annual national Mobility Roadshow in 2005.

In Sweden, the Resplus booking and information system provides maps and information on station layout and facilities, which persons with reduced mobility can use to plan their journeys.

Better access to information on PRM services in other countries is an important feature of the new international website for rail passengers – see page 17.

Overall, the increased attention to this topic is a result of the railways’ dialogue with consumer organisations at both national and European level.







## II. THE CHARTER IN ACTION – RECENT DEVELOPMENTS AND INNOVATION

### 5. AFTER-SALES SERVICE ARRANGEMENTS (GENERAL CONDITIONS OF TRAVEL, REFUNDS, COMPLAINTS AND MEDIATION PROCEDURES)

The applicable terms and conditions are readily available in brochure form and in many cases on the internet. Summaries of the terms and conditions are published in timetables, in the media and – less commonly – through poster displays at stations. In Germany, this kind of information is now provided via automatic ticket vending machines.

In general, claims and complaints may be submitted at all manned stations. No distinction is made in this respect between national and international services. Some companies provide special forms to submit claims or complaints, but in most cases a simple letter is sufficient. In practice all letters are accepted handled as efficiently as possible, irrespective of the language in which they are written.

For international trains, the right of refund is respected for most types of tickets sold, also including refunds for a journey involving another railway company. In the latter case, all applications received are processed either directly by the customer service department of the company itself, or in cooperation with the customer service of the other company involved in the journey.

#### **Recent developments**

Last year we reported a dedicated customer feedback system in use in Finland; the use of the internet, e-mail and telephone is increasing. In Italy, special customer points (“Punti di ascolto”) are provided at main stations for customers to hand in complaints and claims.

Slovakian railways are starting an information campaign this year aimed at raising customer awareness on how to submit complaints and claims as well as other observations. Customers will have the possibility to contact ZSSK via a special telephone line, to help simplify and speed up the process and cut bureaucracy.

Only two railways allow longer for the complaints process than the 4 weeks stated in Article 7 of the Charter. The use of e-mail to receive and process individual cases makes it possible to reply much more quickly – frequently within 2-3 days.

It is clear that all passengers have the right of appeal and legal action. Some form of mediation procedure before going to court is reported to exist in all but three countries.

## II. THE CHARTER IN ACTION – RECENT DEVELOPMENTS AND INNOVATION



### 6. BICYCLES ON TRAINS

The services for conveying bicycles on trains have remained generally the same, but with some individual service changes. Increasing passenger volume and new train design are presenting a practical challenge in some areas, particularly during peak periods on commuter services, and on some high speed trains. The railways are concentrating on the improvement of information on this subject and on improving the actual service provided on a case-by-case basis.

The level of service for bicycles on trains and in stations varies very quite significantly between different parts of Europe. This variation stems mainly from demand differences (driven by social and geographical factors) and not from a lack of interoperability. However, this very varied service calls for high quality information on taking bicycles on international journeys.

#### Recent developments

After consultation with the bicycle customer organisation ECF, railway companies began an international cooperation in 2004 to clarify the various train access and charging arrangements in several different countries. The immediate result of this work can be seen in the bicycle section of the new international website for rail passengers (see page 17), which provides a lot of specific information (in a harmonised format) about bicycle conveyance on trains.

Meanwhile, Trenitalia has now introduced “Pedala Allegro”: special offers for taking bicycles on trains between Italy and Austria.

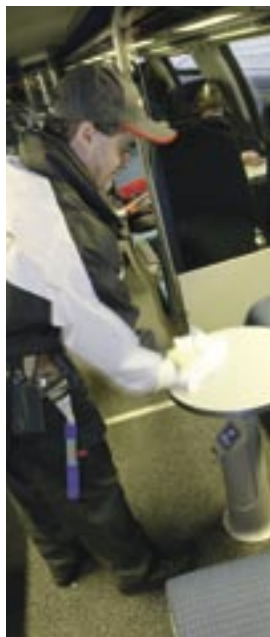
In the Netherlands, it is now possible to rent a bicycle cheaply at stations through a membership scheme ‘PublicTransport-bike’ with easy debit payment arrangements.

In the UK, bicycle storage facilities are being fitted at all stations in Scotland, and a free cycle rescue service has been introduced.

Trenitalia has even introduced a service to take motorbikes on some trains!



## II. THE CHARTER IN ACTION – RECENT DEVELOPMENTS AND INNOVATION



### 7. SAFETY, SECURITY, CLEANLINESS, MONITORING

**Safety** remains the number one priority for all railways. It is not without reason that the safety performance of the railways is very high compared to other transport modes. The new European Railway Agency in Valenciennes (France) has the task (inter alia) of harmonising the various safety management standards and procedures found across Europe, that can often complicate the development of the rail system. The Agency is starting work in summer 2005.

While safety is priority number one, communication about safety results is a matter for national decision. Some railway companies do publish their safety record on the website and in their annual report. In other countries, safety bodies publish an overview.

On **security**, all companies take appropriate measures according to the risks. The attack on several trains in Madrid in 2004 and the London transport bombs in summer 2005 dramatically illustrate the importance of security and the vulnerability of public transport. Most railway companies communicate actively to passengers on this issue, again in accordance with the local risk. The development of controlled access to stations, trains and platforms is a live issue in several countries.

On the question of **cleanliness**, all railways set out to maintain cleanliness standards on their system.

In its survey response on this topic, MÁV admits to significant problems with graffiti on trains in Hungary. Many other companies share this problem to a lesser or greater extent.

The assessment shows that every railway surveyed has some form of **service or quality monitoring system**, covering at least service performance and customer satisfaction. However, a minority of railways do not, as a matter of business policy, publish the monitoring results.

Monitoring of the number and type of complaints is carried out in most companies as part of their business policy. However, some railway companies do not actively communicate these results to the customer.

Likewise, around one-third of railways do not publish performance results for different passenger service groups, as set out in Article 9 of the Charter. As with publishing quality and complaints information, professional opinions on this topic seem genuinely to differ.

## II. THE CHARTER IN ACTION – RECENT DEVELOPMENTS AND INNOVATION

### Recent developments

Last year we reported that Trenitalia had the number of complaints about thefts as an indicator in their Passenger Charter. This year, the company has contracted private security companies to provide a targeted presence at high-risk locations.

In the Netherlands, all trains on a local service line are equipped with surveillance cameras to improve security and customer confidence and to reduce the costs of vandalism.



Late in 2004, Trenitalia launched its campaign “A clean train” for Eurostar Italia trains: customers are invited to put personal rubbish into a special bag, which they can find in the pocket of their seats.

### III. INTERNATIONAL PASSENGER RIGHTS UNDER THE LAW

#### Introduction

The passenger rights Regulation proposed by the European Commission in April 2004 has now been considered by both the European Parliament's Transport & Tourism (TRAN) Committee and the Council of Transport Ministers in the first stages of the legislative process.

Both the Parliament and the Council have proposed that the Regulation should be firmly based on the COTIF-CIV regulations under international law. This legislation has now been ratified by the great majority of European countries and the ratification process is expected to be completed in early 2006.

This Chapter provides a summary of the rights of international passengers, as provided under the new legislation and the international contract conditions<sup>9</sup> and agreements established between railway companies.

#### Train delays

If an international train is delayed by more than 1 hour, the customer may be entitled to compensation of 20% of the price paid for the journey.

For international night trains, the delay involved must be over two hours (because of the longer distance).

Compensation will normally be in the form of travel vouchers: the original validated ticket may be sent to any of the railway companies involved in the international service, within 2 months of the delay happening.

To qualify, the ticket for the delayed journey must cost 50 Euros or more per single trip (including any reservation or supplement). Certain reduced-price pass tickets are excluded; and delays outside the railways' control (such as severe weather, externally-caused emergencies) are not covered.

This is a basic commitment for international train services agreed from December 2004 between railway companies across the European Union and the European Free Trade Association (EFTA) area. There are even better commercial compensation terms for some international train services.

9. General Terms and Conditions for the International Carriage of Passengers by Rail (GTC-CIV) and International Passenger Agreement / Accord International Voyageur (AIV)

### III. INTERNATIONAL PASSENGER RIGHTS UNDER THE LAW



#### **Cancellations and missed connections**

International train cancellations are a rare event, especially for journeys over a long distance: If, following a cancellation, the customer travels on the next available international train, delay compensation will be given (on the terms and conditions described above) if that train arrives more than 1 hour after the scheduled arrival time of the cancelled train. Alternatively, if the customer decides not to travel, a full refund of the fare will be paid.

Every effort is made to ensure train connections, but it is not always possible to guarantee them.

In both cases, the railways will help customers to re-plan their journey, and give them the assistance described for Disrupted Journeys, if this applies to the case in question.

### III. INTERNATIONAL PASSENGER RIGHTS UNDER THE LAW

#### Disrupted journeys

If railway undertakings are responsible for a delay, train cancellation or missed connection, they will help customers who as a result cannot reasonably complete their journey the same day. They will pay for reasonable costs of contacting other people, for taxis and/or for overnight accommodation as necessary.

Also, the customer is free to abandon the journey and get a full or partial refund if it no longer makes sense to continue the trip<sup>10</sup>. For delays over three hours, the railways will arrange refreshments, if this is at all possible.

#### Injury and death

Customers or their dependants are entitled to compensation for injury or death in a rail accident caused by the railways. For injury, this covers costs of transport and treatment, and incapacity to work: for death, this covers immediate costs and loss of support to dependants. The amount and form of damages payable is governed by national law, with an international upper limit set at 175,000 Special Drawing Rights [SDR<sup>11</sup>] where national law provides for an upper limit of less than that amount.

#### Luggage

Passengers or their dependants are entitled to compensation for the loss of, or damage to, personal luggage in a rail accident caused by the railways. There is an international upper limit of 1,400 SDR.

Companies offering separate luggage dispatch services have to give compensation for delay, loss or damage.

#### How customers can claim their rights

Customers can claim their rights by approaching the railway undertaking concerned during or after the journey and by providing evidence where this is necessary.

If not satisfied with the railway undertaking's immediate response to the problem, the customer can make a formal complaint. This can be submitted in the language used by the railway undertakings involved, or in another commonly used language. The railway undertaking will normally reply within 4 weeks.

10. Does not apply in the UK and Ireland.

11. 1 SDR = 1.2 Euro in July 2005. For the current exchange rate, contact Europe Direct (<http://europa.eu.int/europedirect>)

## IV. BEYOND THE CHARTER – PASSENGER BUSINESS DEVELOPMENT

While the Charter is primarily concerned with customer service issues, the development of the rail product itself – travel prices and the actual services on offer – is perhaps even more important. This chapter covers developments in this area.

### 1. NEW TRAVEL PRICES

At the strategic level, the prices customers have to pay are governed by operating costs (including the level of rail infrastructure access charges paid by the railway undertaking), and the amount of financial support provided by public authorities, whether at national or local level, for services provided under a public service contract. Imbalances exist at the national level, which can have consequences for the competitiveness of passenger rail services.

However, it is very clear that the prices customers are willing to pay also have to be taken into account, particularly where there is strong competition from other transport modes. For long-distance national and international services, the rise of low cost airlines has presented a marketing challenge to railway companies.

Railway companies are rising to this challenge with new pricing offers: here are some examples.

#### Germany

To tackle aggressive airline competition, DB offers various special international offers.

The *Europa Spezial* from 19 Euro is a limited availability offer for 37 selected routes between major centres (e.g. Cologne – Brussels, Cologne – Amsterdam, Stuttgart – Zürich).

Between Germany and Austria there is a new Sparpreis (SaverPrice) 50. This half-price offer has to be booked three days in advance on selected trains only.

London can be reached from Cologne for 49 Euro this year, through a special cooperation between DB, Thalys and Eurostar. The offer is subject to availability – between Cologne and Brussels customers can book on either the ICE or a Thalys train.

For night travel, a new *SparNight* (NightSaver) offer was introduced in spring 2005 for connections from Germany to Brussels and Paris.

An innovative Kombiticket offer has been developed for business travellers between Germany and Switzerland. DB has teamed up with the *Swiss* airline on this “Night&Flight” return fare offer, with one journey by *CityNightLine* sleeping car, the other by air.



## IV. BEYOND THE CHARTER – PASSENGER BUSINESS DEVELOPMENT



### Austria

In 2005, ÖBB has launched wide ranging *SparSchiene* (Railsaver) offers for international travellers.

Prices range from 29 Euro for a seat, up to 69 Euro for a sleeper berth.

These are limited availability offers on day and/or night trains to selected destinations in Germany, Switzerland, Poland, Hungary and France and Italy.

There are also new Last Minute offers for travel between Austria and Germany and Italy.

### Italy

Market prices have been introduced on all international trains to France, Austria and Germany.

In addition, “smart prices” tickets are marketed to France, Austria and Germany at the low price of 15 Euro. A limited number of seats is available.

On domestic long-distance services, “*TrenOK*” low cost trains have been introduced between Rome and Milan, and between Rome and Bari at a price of only 9 Euro; also the “*Trenitalia’s Saturday*” programme offers prices of 15 or 30 Euro for all Italian destinations; seat availability is limited, and bookings have to be made online.



## IV. BEYOND THE CHARTER – PASSENGER BUSINESS DEVELOPMENT

### Norway

NSB now offers “*Minipris*” low-cost tickets on all national long-distance routes. This ticket has to be bought at least one day before the journey and can only be booked through the website [www.nsb.no](http://www.nsb.no). The offer is “travel as far as you like on a NSB regional train for 199 kroner”, as it says in the advert.



### Slovakia

New commercial products are being gradually introduced for both domestic and international passenger services.

#### **Domestic services:**

- “Kilometric Bank” – pre-paid kilometres for future journeys;
- discounts for young and senior people (conditioned by purchasing a card qualifying its holder to a certain proportional discount of the basic fare);
- pre-paid tickets for certain lines (weekly, monthly, quarterly tickets for chosen lines);
- new family discounts;
- special travelling offers for weekends and during summer holidays;
- discounts in case of return-ticket purchase.

#### **International services:**

- special discounts based on agreements with neighbouring railways;
- special tariffs for selected connections between regions of various countries;
- multilateral offer of City Star tickets (to lots of European countries);
- special discounts for certain international relations.



## IV. BEYOND THE CHARTER – PASSENGER BUSINESS DEVELOPMENT

### Sweden

SJ has introduced Right Now tickets, depending on availability: advance purchase is normally cheaper than late booking, but young people, senior citizens and students who wait until the last minute can get very cheap deals.

### United Kingdom

Individual rail companies in the UK offer a wide range of promotional fares.

On Virgin Trains' new high-speed services between London and Birmingham, Manchester and the North West of England, the fares are set to compete strongly with the airline offer. Based on advance booking, the Value Advance 14 Return fare costs just £24 compared to the cheapest British Airways return fare of £65. For extra luxury, the Virgin Value Advance First 14 provides return travel for £54, less than VLM's cheapest standard class airline single fare of £50 plus £8.40 tax.

For overnight sleeper trains between London and Scotland, “bargain berths” are again available for on-line booking.

These few examples demonstrate how the railways have revitalised their sales and marketing strategies to meet the competition. It is also clear that such strategies have consequences for ticket distribution systems. With new and cheaper distribution channels, it can no longer be the case that all ticket offers are available through conventional points of sale.

## IV. BEYOND THE CHARTER – PASSENGER BUSINESS DEVELOPMENT

### 2. NEW SERVICES

New service developments range from new train services to initiatives aimed at particular parts of the market. Here are some examples: the list is not exhaustive, but demonstrates the dynamic business environment in which railway companies now operate.

#### Train Services

The new high speed line between Hamburg and Berlin opened on 12 December 2004. The journey time between the two cities dropped to 90 minutes, with an average speed of 189 km/hr – the fastest city link in Germany.

The new high speed service between Rome and Naples will be introduced in December 2005. This will be a “shuttle service” using ETR 500 high speed trains and fast trains restyled by the Italian designer Guigiaro.

The Czech Railways’ high-speed tilting train is expected to enter service in December 2005. It is due to operate on the international routes Berlin – Prague – Vienna, Prague – Warsaw and Prague – Budapest.



## IV. BEYOND THE CHARTER – PASSENGER BUSINESS DEVELOPMENT



Virgin Trains launched faster and more frequent Pendolino high speed services on the key business route between London and Manchester last September. In the four months to January 2005 there was a 29% increase in passenger numbers compared to the previous year – one of the biggest increases on the UK rail network, despite heavy competition from coach and air operators, as well as the car. Journey time, service frequency (compared to air) and on-board facilities, such as laptop plug-ins, are causing business travellers to switch allegiance.

In an important development for the future of the European high speed network, the German and French railway companies have signed a letter of intent on the linking of their national high speed services. In January 2006, a joint venture based in Saarbrücken will develop the introduction in June 2007 of German ICE and French TGV trains between Paris, Eastern France and Southwest Germany. DB and SNCF plan journey times from Paris to Frankfurt of under 4 hours and expect business to increase by more than 50%.

In December 2004, SBB introduced a major timetable improvement (Bahn 2000) affecting most of its long-distance network. The improvement was linked with the completion of a new route section between Olten and Bern: more trains were introduced, with journey time improvements between 5 and over 30 minutes, and extension of half-hourly service intervals across the network. Customers are responding to the new service: passenger numbers have increased in 6 months by 7.5% overall, doubling the long term trend. Between Zurich and Bern, (thanks to the “new route section effect” between Olten and Bern), numbers were 11% up.

New international train services were introduced by DB this summer. A ‘Holiday Express’ and a car-train service started running between major German cities and Slovenia and Croatia.

In Greece, new international trains started running in June – July 2005 between Thessaloniki and Istanbul and Sofia – the latter with new high-quality rolling stock.

## IV. BEYOND THE CHARTER – PASSENGER BUSINESS DEVELOPMENT



### On-board service

In Norway, NSB has launched a new NSB Family Service. This service is designed for adults who travel with children aged up to 12 years. The children's playroom is separated from the adult seating area by a perspex wall. Here the kids can play, read books or watch a movie. This arrangement allows kids to enjoy themselves and adults to relax while still staying in contact with each other.

A new travel concept - IDTGV - has been launched by SNCF on the route between Paris Avignon, Marseille and Toulon. Based on customer studies and user recommendations, the trains offer facilities tailored to customer expectations, especially concerning quality and comfort. Reservable on-line via its own website, the train service offers dedicated relaxation and entertainment areas, innovative catering and other on-board services.

The international operator Thalys is working with the European Space Agency and 21NET, testing the latest WI-FI technology in commercial service on its high-speed trains between France and Belgium, the Netherlands and Germany. The system will for the first time give customers quality wireless connections to information systems while travelling at high speed. Programmed over several months, the tests will confirm the system's technical performance and assess customer reaction. The service is eagerly awaited by Thalys customers, who want to take advantage of such 'roaming' technology.

### Stations

NS has started a pilot in offering improved and new services at stations in the Netherlands, by introducing a new type of station restaurant, with high quality business meeting facilities. The new formula has been entitled 'De Tijd' (the time).





## IV. BEYOND THE CHARTER – PASSENGER BUSINESS DEVELOPMENT

NS is upgrading car parking at its stations. In November 2004, the first 33 improved and extended car parks were opened. Quality is improved by appropriate lighting, service and supervision. The complete project covers 110 stations and will double the total amount of parking spaces available to 20,000. The objective is to increase comfort and convenience for rail customers using the car to get to the station.

### **Intermodality**

Intermodality is developing on a structured basis in Budapest. The aim is to significantly improve suburban interchange connections between MÁV train services and the bus services operated by the Volánbusz national bus company. Key interchange points have been identified at Budapest suburban stations (Érd, Vác, and others) in formal agreements between the two companies. Intermodal centres are being created, with the first opening – at Érd alsó station – expected in August 2005. The plan includes establishing common information systems in the future.

A similar urban intermodality scheme is on the way for the city, with the creation of BKSZ (Budapest Transportation Association) involving MÁV, Volánbusz and the urban transport operator BKV (Budapest Transportation Company).

Sweden offers another good example of intermodal cooperation, known as ResPlus. Combined bookings can be made on one ticket for journeys on trains, buses, boats, light rail and metro services between 3,000 locations in the Resplus system in Sweden.

## V. WORKING WITH OUR CUSTOMERS

### 1. CUSTOMER ORGANISATIONS LIAISON

Consultation with customer (or consumer) organisations at a national level exists almost everywhere, except for some countries in Central Europe. However, these arrangements only partly cover international services. In our dialogue with consumer organisations at a European level, we set out to discuss issues at a specifically European level, without intruding into the business responsibilities of the companies themselves.

The Charter on Rail Passenger Services includes an international commitment to consultation with customer organisations. In support of this, CER started a dialogue early in 2003, bringing together a number of bodies at a European level.

The customer organisations involved cover the whole spectrum of railway users, embracing both general and special interests. Those invited to attend are:

- European Passenger Federation (EPF)/Probahn
- European Passenger Federation (EPF)/FNAUT
- European Disability Forum (EDF)
- European Older People's Platform (AGE)
- European Blind Union (EBU)
- European Cyclist Federation (ECF)
- Association of European Consumers (AEC)
- Confédération des Organisations familiales de la Communauté Européenne (COFACE)

Eleven group meetings have been held up to June 2005, including representatives from several CER member railway companies, the UIC and CIT. CER continues to appreciate the opportunity to share and debate views on transport policy and railway initiatives with customers' representatives.

In 2005, the customer organisations have received presentations on a number of issues, where they made helpful contributions:

- The implementation of the new Delay Compensation Scheme for international train services (see Chapter II , Section 1);
- The PRIFIS project for the international exchange of timetable and ticket price information (see Chapter II, Section 2.1);
- The new international website [www.railpassenger.info](http://www.railpassenger.info) (see Chapter II, Section 2.3);
- The service offered by DB for persons needing assistance (or PRM), as an example of rail companies attention to this topic.



## V. WORKING WITH OUR CUSTOMERS

First ideas have been exchanged on the way forward for the Charter, and on the European Commission's proposed consultation on intermodal passenger transport.

Open discussions on progress with the Third Railway Package in the European Parliament and the Council have demonstrated the very different perspectives of railway companies and customers on what can be achieved for the railways – by legislation or otherwise. However, the customer organisations have agreed that the passenger rail transport should receive balanced treatment by legislators, compared to other modes.

The forward work programme is proposed to include:

- Presentation by the customer organisations on their proposal for a new version of the Charter and the CER response;
- Continued monitoring of, and input to, related work-streams at the international level;
- Further presentations on specific important issues – including the business challenge facing new Member States such as Poland;
- Dialogue on the evolution of the Passenger Rights and Obligations Regulation through the EU legislative process; and on other proposals such as the European Commission's intermodal passenger transport consultation.

The customer organisations have, as in 2004, been invited to make a contribution to this report.





## V. WORKING WITH OUR CUSTOMERS

### 2. CUSTOMER ORGANISATIONS COMMENTARY

“The Charter is a first step, in ensuring high-quality, accessible and efficient railway services for all, and can be developed into a useful instrument to guide the relationship between rail operators and their customers. Passengers’ organisations welcome the Charter as a tool to improve the quality of service to passengers on a European basis, and to increase rail’s market share versus road and air, thereby improving the quality of the environment. Through dialogue with CER and other stakeholders, we as consumer organisations hope to spread good practice.

Passengers want good value for money and expect services that are easy to access and easy to use. Passenger rights should apply not only to rail but to all modes of public transport services. The Charter must be applied every day on every train and at every ticketing or information outlet.

A key point for further development is to monitor passenger satisfaction. It is a first step when railway undertakings start to do this in their own organisation and present the results to the public. However, to get a broad reflection of the situation for every relevant passengers group, there is a need for an independent monitoring system with consumer organisations involved. Passenger organisations sometimes feel that railway undertakings often look at the passengers’ situation only from the operating point of view.

More improvement is needed in the field of information. By making information on passenger service and travel better and more easily accessible for persons who are blind, visually impaired, hard of hearing or deaf, travelling by train becomes more convenient for all passenger groups. In cases of delay or disruption especially, passengers need quick and effective information to solve their problems. Too often you receive the information only after missing your connecting train. Many passengers are forced to look themselves for alternatives. Good practice can be seen for example on most railways. When delays happen, good information in the train, staff on the platform at interchange stations and vouchers for the passengers affected all give the feeling that the railways have the customer “in focus”.

## V. WORKING WITH OUR CUSTOMERS



The original version of the Charter was adopted in 2002 and Passenger Associations had already asked last year for a re-launch of the Charter. We understand that implementation by all CER members is a hard task. But five years after the first discussions, 2006 should be the starting time for a new voluntary charter, demonstrating the will to be the most customer-friendly mode of transport.

The French railway users organisation Fnaut has prepared a “Charte des Voyageurs Ferroviaires” as a basic protocol between passengers and the railway industry. European Passenger Associations will prepare on this basis a proposal for a revised European Rail Passenger Charter.

We are in good favour, that the railway industry, decision-makers and passengers organisations together can develop European Railways as a fully accessible and preferred mode of transport for Europe of the future. Travel by rail should be the first choice for more and more travellers both on long-distance and short-distance journeys. Working together with passengers will contribute to more sustainable and integrated, seamless European railway services that consider the rights, needs and expectations of all customers.”

European Passengers Federation EPF  
European Disability Forum EDF  
European Blind Union EBU



## VI. EU TRANSPORT POLICY – WHAT ARE THE REAL ISSUES?

This report has shown how railway companies have continued to make progress over the last year on passenger customer service commitments and business innovation. How, then, does this relate to overall transport policy in the European Union?

This Report is directly relevant to the passenger rights Regulation in the Third Railway Package, published by the European Commission in April 2004, and currently in the EU legislative process. CER believes the Package is only partially relevant to achieving policy objectives through the development of an international licence for train drivers and international passenger service liberalisation. Provided that this liberalisation is implemented carefully alongside national rail service frameworks, CER acknowledges that it could contribute to the development of passenger rail transport.

However, CER believes that the proposed **Regulation on international passenger rights** will not make a significant contribution to the long-term prospects for rail. CER acknowledges the legitimacy of consumer rights, and is working hard to ensure that any regulation is proportionate, consistent with railway system and market realities, and sensibly aligned with existing national and international obligations. As it is, the proposal strays into marketing and competition policy areas; and proposes liabilities and obligations for railways that are disproportionate when compared to those for other modes and that are sometimes simply impractical. The international passenger rail market is highly differentiated and already faces stiff competition, most recently with the success of low cost airlines. CER questions the notion, inherent in the detail of the Regulation, that international passenger rail services can be integrated across the whole of Europe, and that service quality can be ‘legislated into place’. This position in no way compromises the railways’ commitment to customer service improvement, as evidenced in this Report.

In October 2004, CER proposed around 80 amendments to the proposal to the European Parliament. These reflected concerns about the scope; the fit with COTIF-CIV; the delay liabilities and compensation proposal; the marketing and other railway business obligations sandwiched in a proposal on passenger rights and other detailed practical concerns (such as, for example, on-train ticket sales). The Parliament then complicated matters by proposing the Regulation should apply to all services (national and international) – an extension of scope that CER does not support. After a winter of discussion, the April 2005 TRAN Committee meeting voted to adopt the proposed extension of scope in a “mixed bag” of 128 amendments. These improved the Commission’s proposal in several areas (notably on delay compensation and consequential damages) but left much work to do on other practical and business concerns. The plenary vote is expected in Autumn 2005.

## VI. EU TRANSPORT POLICY – WHAT ARE THE REAL ISSUES?



The first signs in the Council were encouraging: the April 2005 Transport Council agreed on the need to anchor the proposal on the COTIF-CIV, to limit the scope to international services, and to ensure that railway companies' liabilities were limited to events that were under their own control. CER is ready to engage on various elements of the proposal that still need to be improved in the spirit of avoiding "over-regulation".

In February 2005, the Commission published its ideas on how to strengthen passenger rights in all transport modes, building on air and the proposed rail legislation. In principle, CER supports this concept. It is perhaps overdue, and needs a firmer commitment to legislate in other modes beyond what is already proposed for rail and air. For example, delay compensation is unique to rail. The opportunity for a reasonable, balanced approach across the modes should not be missed.

What, then, are the **strategic policy issues** for rail transport?

**Infrastructure access pricing** is first and foremost for rail overall. In a market economy, consumers decide between the modes based, mostly, on price. If consumer prices do not reflect environmental or 'external' costs, the market outcome is inefficient.

The Eurovignette Directive, which sets principles for charging trucks to use Europe's motorways, is of paramount importance to railway development and therefore deserves a mention in this passenger report. If trucks have to pay their external costs, demand for rail freight will increase, and profits can be used to invest in infrastructure capacity. The April 2005 Transport Council agreement on Eurovignette remains disappointing as it does not allow Member States to internalise all external costs - contrary to numerous public commitments by governments to implement the '*polluter pays*' principle. However, CER recognises the progress made by Council and urges the European Commission and the European Parliament to work towards a compromise. The Parliament's position does allow for the full internalization of external costs as proposed by the 2001 Commission White Paper<sup>12</sup>.

12. White Paper on European Transport Policy for 2010: Time to Decide, COM (2001)370 COM (2000) 7 and COM (2002) 107.



## VI. EU TRANSPORT POLICY – WHAT ARE THE REAL ISSUES?

This economic distortion is not limited to freight access. For instance, a trip by train emits, on average, around 18% of the carbon of an equivalent short-haul flight. Yet kerosene for air is tax-exempt, while railways face higher electricity prices under the new EU carbon trading scheme, and pay standard VAT in most countries on top. This cannot be defended – it is neither a sensible environmental policy, nor a rational basis for raising tax revenue. We will work towards a European-wide kerosene tax, which will help alleviate the clear market distortion between high-speed passenger rail and airlines in Europe.

These changes are essential to help finance **rail infrastructure capacity improvements**. While there has been progress with new high-speed lines, taking advantage of rail technology advances, much of Europe's general railway infrastructure was designed and built more than a hundred years ago, for very different business and societal conditions; and overall investment progress has been very slow. CER warmly welcomed, therefore, the Trans-European Transport Networks (TEN-T) Guidelines revision in 2004, with its new list of 30 priority projects (22 of which concern rail), and the appointment of Corridor Coordinators in July 2005, to make things happen. However, the new Guidelines alone are not enough: much more money is needed over time to make up for decades of under-investment. Government funding alone is not the solution: we need progress on the central issue of pricing and taxation discussed earlier.

In July 2005 the Commission published a new proposal revising **public service** Regulation 1191/69. This has to complement the liberalisation proposal mentioned earlier. CER welcomes in particular the simplified and more pragmatic approach adopted by the Commission when compared to the approach foreseen in the two previous texts of recent years. It takes better account of the variety of situations in the European Union through a wider implementation of the subsidiarity principle: CER will propose such amendments as are needed to recognise the rail market's specificities. Stable and properly funded public service requirements are a prerequisite to rail passenger business development.

Particular challenges in the **new Member States (CEEC)** have to be addressed. Track access charges are often abnormally high, driving up passenger fares: Commission guidance is needed for CEEC on track access charges calculation. The practice of cross subsidisation of passenger operations from freight revenues needs to be terminated:

## VI. EU TRANSPORT POLICY – WHAT ARE THE REAL ISSUES?

most CEEC member states have started to negotiate public service contracts but the funding requirement is far from balanced, and Commission monitoring of the process is needed. Finally, rolling stock in these countries is virtually life-expired: the urgency of resolving the investment backlog in passenger (and freight) rolling stock investment has been recognised, and CER calls on the Commission urgently to establish a financing scheme for this purpose.

Last but not least, the new **European Railway Agency** is now starting its work and is expected to be fully operational early in 2006. There is much at stake with the successful progress of the Agency's work on railway safety harmonisation and interoperability. CER expects that the economic case for system and safety harmonisation will be a vital ingredient in the Agency's work. If technical harmonisation does not take this properly into account, this could well increase prices and drive customers away from rail.

While these subjects are different from the detail of customer service commitments, it is only by progress on these key issues that the balance will shift decisively between transport modes, at the same time as helping to improve passenger rail service quality.



# ANNEX I – THE CER/UIC/CIT CHARTER ON RAIL PASSENGER SERVICES



## Charter on Rail Passenger Services

(Adopted on 22 October 2002)

### 1. Purpose of the Charter

This charter is a voluntary commitment by European railway undertakings to raise the quality standards of services provided to their customers.

It covers all rail services. Services operated in agreement with public authorities may be subject to specific conditions.

### 2. Information on passenger services and travel tickets

Customers will be provided with adequate information at all relevant points of sale and through the appropriate information channels regarding:

- the most convenient timetables,
- seat availability (where applicable),
- lowest fares in relation to customer requirements,
- the terms and conditions applicable.

For international services, if available at points of sale, this information will be provided for journeys between the most European railway stations as well as for the international lines that are available.

### 3. Ticket issuing

Tickets will be available through various distribution channels (international and long distance counters, internet, telephone or accredited travel agents).

### 4. Communication languages

The language used for communication with customers on board trains and/or at stations shall be the language(s) in use at the time when the customer is travelling. For international services railway undertakings will endeavour to communicate with customers in at least one other commonly used language.

### 5. Intermodal information

Customers will be provided with information on access to and from stations and on connections with other modes.

### 6. Information about services such as luggage arrangements, bicycles, etc.

Passengers may travel with up to three pieces of luggage provided that this luggage will not endanger other passengers and that it will fit in the designated luggage space. Larger pieces of luggage (rucksacks, bicycles, etc.) are subject to special conditions.

Information about dedicated services for carriage of bicycles and/or for registered luggage to passengers' destinations, in particular international destinations, is available at the point of sale or through the appropriate information channels.

### 7. Complaints and claims

Complaints and claims will be handled as early as possible and normally within four weeks. The reply will indicate the reasons for acceptance or rejection of the complaint.

Each railway undertaking will create and indicate the contact point to which complaints and claims can be addressed in writing and/or by other means. Complaints or claims may be submitted in the languages used by the different railway undertakings involved in a customer's journey and/or in at least one other commonly used language.

In the event that a claim is rejected, customers have a right of appeal to consumer organisations or to an official consumer body or mediator.

### 8. Refunds

Refundable tickets will be reimbursed in a fair and simple procedure at the point of sale of the railway undertaking which issued the ticket and/or at any other designated location.

Requests for refund of tickets purchased from travel agents must be submitted to the travel agent concerned.

Customers will be provided with clear information about refund conditions and procedures at the points of sale.

### 9. Punctuality

The public will be informed in stations, on posters or by other means about the goals and particular performance concerning the level of punctuality for the different passenger services.

In the event of delays, cancellations or diversions, railway undertakings will endeavour to provide customers on board trains and in stations with information about the reasons for the delay, the duration of delays and the consequences regarding the customer's rail journey.

### 10. Delays

In the event of a delay, customers concerned will be provided with:

- refreshments if possible in the event that a disruption in a service exceeds three hours,
- overnight accommodation when it is impossible to continue a journey on the same day and when alternative means of transport cannot be provided at reasonable cost.

In the event that the responsibility lies with the railway company:

- Appropriate compensation for main delays exceeding a certain time limit as indicated in the conditions governing a ticket.

Compensation which may take the form of financial compensation or pre-paid vouchers for future journeys.

- In the event of a disruption in services, passengers will be offered reimbursement or accommodation in another train (suppressed tickets included) or alternative travel arrangements at a reasonable cost, depending on circumstances and type of charge.

### 11. Passengers with reduced mobility

Current practice regarding assistance to rail passengers with reduced mobility will be applied as reflected in standards agreed by the European railways in summary of the contents of these standards is appended. This will cover information on assistance in stations, assistance and facilities in board (derived from routes and on-board information).

Information on services available for persons with reduced mobility on the main international routes is available at points of sale and on the appropriate information channels.

### 12. Passenger wayfinding in stations

User-friendly wayfinding systems to facilitate passenger access to trains and station facilities will be based on best practice in Europe as reflected in standards agreed by the European railways in summary of the contents of these standards is appended.

Common transfer facilities between railways and other modes will be provided.

### 13. Conditions of contract

Passengers may request all contractual conditions at the point of sale and on the appropriate information channels (for e.g. internet).

### 14. Railway safety

The railway operators will meet high safety standards (maintaining staff) and as the safest transport mode. This includes the continuous high attention for safety of infrastructure and rolling stock, for operational procedures and for safety qualifications of the railway staff. The safety record will be communicated on an at least annual basis.

### 15. Security

The level of security in trains and in stations will continue to be developed in cooperation with the relevant authorities. Campaigns to raise public awareness will be launched in order to promote active cooperation by customers on ensuring security levels.

### 16. Cleanliness

It will be ensured that all areas under our responsibility are kept clean and secure in cooperation with other railway and intermodal stakeholders to ensure comparable levels of cleanliness in station infrastructures and transfer facilities.

### 17. Customer obligations

- Passengers must conduct themselves in such a manner as to avoid causing disturbance to other passengers and/or jeopardising the safety of railway operations.
- Passengers must follow the instructions of the train personnel and respect the rules applied in designated areas on trains and at stations, e.g. non-smoking areas, silent areas, etc.
- Passengers must be in possession of a valid rail ticket and where applicable a valid reservation as well as the requisite travel documents.
- Passengers must comply with regulations concerning luggage.

### 18. Permanent consultation of customers

Railway undertakings or their representative bodies will take part in consultation forums, notably with organisations representing customers.

Railway undertakings will take part in discussions on the implementation of this Charter, monitoring of service levels, changes in service levels including fare changes and the quality of rail services in general and will seek advice on their design and organisation.

### 19. Monitoring

All railway undertakings will monitor customer satisfaction and the level of punctuality on a regular basis. In addition, railway undertakings will collect customer complaints in national and international passenger transport by rail, classifying them in the appropriate categories and publish an overview.

Railway undertakings will take continuous action to improve their services in order to meet customer needs.



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## ANNEX II – DELAY COMPENSATION SCHEMES OPERATED BY CER MEMBERS (EXCLUDING UIC INTERNATIONAL SCHEME)

Country/ Company	Service	Delay	Compensation
<b>EU</b>			
Austria ÖBB	long distance day train	over 60 mins	20% of the price of the ticket in question – voucher
	long distance night train	over 120 mins	
Belgium SNCB Holding	TGV Brussels – France	over 30 mins	1/3 of ticket price – refund
	all national		legal liability for delay costs – maximum is ticket price paid. New compensation scheme under development with public authorities
Czech Republic CD	EC/IC trains in domestic traffic only	over 60 mins	refund of EC/IC supplement
Denmark DSB	all services	over 60 mins	DSB pays other ways of transport e.g. taxi – in business conditions
Estonia EVR			no formal commitment
Finland VR		if train is delayed or train failing to stop at a station	VR legally liable for passenger loss or damage not exceeding EUR 5,000
France SNCF	TGV: Corail journey more than 100km	over 30 mins	1/3 of the price of the ticket in «Bons voyage» vouchers
Germany DB	mainline train (ICE, IC/EC, IR, MET and Thalys and CIS on national relation)	journey over 60 mins (missing connection included)	20% of the ticket price (one way) in voucher
	ICE-Sprinter	over 30 mins	value of the ICE-Sprinter supplement – voucher
	DB NZ, Uex, CNL, EN, D	journey over 120 mins (missing connection included)	20% of ticket price (one way; additional charge included) – voucher
Greece OSE	long distance services	details not supplied	cost of supplements reservations refunded
Hungary MAV/GySEV	InterCity	over 15 mins	cost of IC supplement refunded
Ireland CIE	all	60-120 mins	50% of the fare paid – in vouchers
		over 120 mins	100% of the fare paid – in vouchers

ANNEX II – DELAY COMPENSATION SCHEMES  
OPERATED BY CER MEMBERS  
(EXCLUDING UIC INTERNATIONAL SCHEME)

Country/ Company	Service	Delay	Compensation
<b>EU</b>			
Italy FS	Eurostar Italy trains	over 25 mins	bonus voucher for 50% of the ticket price
	InterCity and EuroCity trains on domestic sections	over 30 mins	bonus voucher for 30% of the ticket and reservation price issued
	InterCity Notte and Espresso trains	over 60 mins	bonus voucher for 30% of the ticket and reservation price issued for seats and 20% of the price of the couchette or wagon lits service
Latvia LDZ			not known
Lithuania LG			legal liability for delay established
Luxemburg CFL			no formal commitment
Netherlands NS	all domestic journey, but no refund on NoordNed, Connexion, Syntus	30-60 mins irrespective of cause	50% of fare refunded – cash
		over 60 mins irrespective of cause	100% of fare refunded – cash
Poland PKP			delay liability legally established –complaints considered on their merits
Portugal CP	quality mainline tilting and conventional IC trains	60-90 mins	50% of the fare paid
		over 90 mins	100% of the fare paid
Slovakia ZSSK	EC trains	over 30 mins	refund of the EC supplement paid and the seat reservation (if purchased) –voucher
	IC trains	30-59 mins	refund of the IC supplement paid –voucher
	IC trains	over 60 mins	reimbursement of the IC supplement paid and the seat reservation – voucher
Slovenia SZ			delay liability legally established –proven damages paid

ANNEX II – DELAY COMPENSATION SCHEMES  
OPERATED BY CER MEMBERS  
(EXCLUDING UIC INTERNATIONAL SCHEME)

Country/ Company	Service	Delay	Compensation
<b>EU</b>			
Spain RENFE Operadora	Grandes Líneas: Lusitania, Surex and Talgos to Montpellier (International trains)	up to 50% of the planned travel time (min.1 hour)	25% – cash
		50-100% of the planned travel time (min.1 hour)	50% – cash
		more than 100% of the time foreseen with min. 1 hour and any other delay over 3 hours	100% – cash
	Grandes Líneas: Elipsos (International trains)	up to 50% of the planned travel time (min.1 hour)	25% – cash
		50-100% of the planned travel time (min.1 hour)	50% – cash
		more than 100% of the time foreseen with min. 1 hour	100% – cash
	Grandes Líneas: Altaria, Euromed and Alaris	21-40 mins	25% – cash
		41-60 mins	50% – cash
		more than 60 mins	100% – cash
	Grandes Líneas: rest of the products	61-90 mins	50% – cash
		more than 90 mins	100% – cash
	Alta Velocidad AVE Larga Distancia Madrid-Sevilla; AVE Media Distancia Sevilla-Córdoba y Madrid-Ciudad Real y Puertollano	more than 5 mins	100% – cash
	Alta Velocidad Talgos200 Madrid- Málaga and AVE Larga Distancia Madrid- Zaragoza-Lleida and Madrid-Huesca	21-40 mins	25% – cash
		41-60 mins	50% – cash
		more than 60 mins	100% – cash
	Regionales: TRD and R-598	over 14 mins	20% – cash
		30-59 mins	50% – cash
		over 60 mins	100% – cash
Regionales: rest of the products	61-90 mins	50% – cash	
	more than 90 mins	100% – cash	

## ANNEX II – DELAY COMPENSATION SCHEMES OPERATED BY CER MEMBERS (EXCLUDING UIC INTERNATIONAL SCHEME)



Country/ Company	Service	Delay	Compensation
<b>EU</b>			
Sweden ASTOC (incl.Connex)	all	over 20 mins journey < 1 hour	100%
		over 40 mins journey 1-2 hours	100%
		over 60 mins journey > 2 hours	100%
United Kingdom ATOC*	all	over 30 mins	20-50%
		over 60 mins	40-100%
		over 90 mins	40-100% - mainly vouchers
Thalys	only for international journeys	over 30 mins	20% – vouchers (Germany cash)
		over 60 mins	50% – vouchers (Germany cash)
		over 120 mins	100% – vouchers (Germany cash)
Eurostar	all services (other than Avignon and the ski train –special terms apply)	60-180 mins	50% voucher or free one way journey
		over 180 mins	cash refund

\* ATOC includes 22 companies, scheme details for each are available from the individual company.  
Compensation schemes for season ticket holders are reported in Austria, Germany and UK.

<b>Non-EU</b>			
Switzerland BLS			delay liability accepted
Switzerland SBB	all long distance trains	over 60 mins	15 SFr 1st 10 SFr 2nd flat rate – “Sorry” vouchers
Norway NSB	local and regional service	over 30 mins	alternative transport is covered as well as direct cost due to the delay
	national service	over 60 mins	
Bulgaria BDZ			no formal commitment
Romania CFR			no formal commitment
Bosnia-Herzegovina ZFBH			no formal commitment
Croatia HZ			no formal commitment
Serbia-Montenegro JZ			no formal commitment

## ANNEX III – CONTRIBUTORS TO THE 2005 CER PASSENGER CHARTER PROGRESS REPORT

CER Member		Country
<b>EU + EFTA</b>		
ASTOC		Sweden
ATOC		United Kingdom
BLS		Switzerland
ČD		Czech Republic
CFL		Luxembourg
CIE		Ireland
Connex		International
CP		Portugal
DB		Germany
DSB		Denmark
EVR		Estonia
FS		Italy
GySEV/ RoeEE		Hungary
LDZ		Latvia
LG		Lithuania
MÁV		Hungary
NS		Netherlands
NSB		Norway
ÖBB		Austria

CER Member		Country
OSE		Greece
PKP		Poland
RENFE Operadora		Spain
SBB/CFF/ FFS		Switzerland
SNCB/ NMBS		Belgium
SNCF		France
SŽ		Slovenia
Thalys		International
VR		Finland
ŽSSK		Slovakia
<b>Non EU</b>		
CFR		Romania
HŽ		Croatia
JŽ		Serbia
ŽFBH		Bosnia –Hercegovina



International Union of Railways,  
Paris



International Rail Transport  
Committee, Bern

### Disclaimer

Every reasonable effort has been made to ensure the accuracy of this Report. However, CER does not accept responsibility for any errors or omissions in its contents. Information on transport contract conditions is available from railway companies.

The Report provides examples of business developments reported by CER members: other examples may well exist.



The Community of European Railway and Infrastructure Companies (CER) brings together 45 railway undertakings and infrastructure companies from the European Union, the accession countries (Bulgaria, Croatia and Romania) as well as Bosnia/Hercegovina, Serbia/Montenegro, Norway and Switzerland. It is based in Brussels and represents its members' interests vis-à-vis the European Parliament, Commission and Council of Ministers as well as other policy makers and transport actors. CER's main focus is promoting the development of rail as essential to the creation of a sustainable transport system which is both efficient and environmentally sound. A key priority in this respect for CER is the achievement of a more balanced modal split in the transport system, minimising external costs arising to society and improving economic efficiency. In parallel to the railways' own initiatives for improving the quality of rail services, CER sees ensuring sufficient investment in infrastructure rail projects as a prerequisite for achieving the desired modal split. All policy areas of significance to railway transport are dealt with by CER, which offers advice and recommendations to European policy makers. CER monitors and contributes to railway policy making. Its interests span the whole spectrum of European transport policy: infrastructure planning, passenger and freight services, public service, the environment, research and development and social dialogue.

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