

Public consultation: Better protection for passengers and their rights

Introduction

Passenger rights are at the heart of the EU's transport and consumer policy. Passengers on all collective modes of transport are protected before, during and after their journey by a comprehensive regulatory framework. In particular, passenger rights provide a solution to passengers when they are faced with journey disruptions throughout the various modes of transport (air, rail, bus and ship). Despite significant progress made in the last 18 years, major challenges still remain to be tackled, as further demonstrated during the COVID-19 pandemic and during the summer of 2022.

The objective of this public consultation is to allow the general public and stakeholders to express their views on the current state of play and on the need for additional policy action at European level. Under this initiative, the Commission is considering policy measures covering the following aspects:

1. improved financial protection for air passengers against the risk of a liquidity crisis or an insolvency regarding the reimbursement of tickets and if needed their repatriation
2. reimbursement of air passengers in case of a booking via an intermediary
3. reimbursement in case of cancellation by air passengers in the event of major crisis such as a pandemic or a natural disaster
4. passenger rights for multimodal journeys
5. improved enforcement of passenger rights in all transport modes.

The first three issues concern [air passenger rights](#) only. The fourth topic, 'passenger rights for multimodal journeys', concerns the combinations of [bus and coach](#), [rail](#) and [waterborne transport](#), and in some cases also air. The fifth topic, better enforcement, concerns all modes of transport.

Other issues relating to **air** tickets are dealt with already in the proposal of the European Commission COM(2013)130 final, which is a priority pending file according to an agreement between the Commission, the European Parliament and the Council of 2022 (see the joint declaration [here](#)). Other aspects relating to **bus and coach and waterborne** tickets will be dealt with by additional actions. Concerning other aspects regarding **rail** passenger rights, the new [rail passenger Regulation \(EU\) 2021/782](#) will be applicable as of 7 June 2023, (you can see what will change in more detail under [this link](#)).

The initiative also takes into account the 2021 [special report](#) from the European Court of Auditors on air passenger rights during the COVID-19 pandemic.

Instruction about replying to the questionnaire:

In case of multiple choice questions, please insert an “X” before or after the selected option

Please send the completed questionnaire to the following email address: MOVE-B5-PR-REVIEW-IA@ec.europa.eu

Section A: About you

It is mandatory to reply all the following questions

Question A1. Language of my contribution

Your contribution can only be accepted in one of the following languages.
Please insert capital letter "X" at the end of line with your selected language.

- Bulgarian
- Croatian
- Czech
- Danish
- Dutch
- English X
- Estonian
- Finnish
- French
- Gaelic
- German
- Greek
- Hungarian
- Italian
- Latvian
- Lithuanian
- Maltese
- Polish
- Portuguese
- Romanian
- Slovene
- Slovak
- Spanish
- Swedish

Question A2. I am giving my contribution as

Please choose the appropriate choice from the listed options below. Please choose only one that is more accurate in your case and type capital letter 'X' at the end of line of your selected option. In case you choose the last option 'Other', please type capital letter 'X' at the end of line followed by your own text.

- Academic/research institution
- Business Association
- Company/Business organisation
- Consumer organisation
- Environmental organisation
- Organisation representing passengers with disabilities X
- EU citizen
- Non-EU Citizen
- Non-governmental organisation (NGO) X
- Public Authority
- Trade Union
- Other

Question A2.1. If you give your contribution as a citizen, please provide following details

Please type the answer for each listed item after the colon symbol.

- First name:
- Surname:
- E-mail address (this will not be published):

Question A2.2. If you give your contribution on behalf of an organisation, please provide following details

Please type the answer for each listed item after the colon symbol below.

- Organisation's name: European Disability Forum (EDF)
- Organisation's size: Small

Also, please choose the appropriate choice from the listed options below. Please choose only one that is more accurate in your case and type capital letter 'X' at the end of line of your selected option.

- Micro (1 to 9 employees)
- Small (10 to 49 employees) X
- Medium (50 to 249 employees)
- Large (250 or more employees)
- Transparency register number: 57868523887-16

Question A3. Country of origin

Please add your country of origin, or that of your organisation in the table cell following this paragraph.

Belgium

Section B: Views on the problems

The present initiative aims at addressing five distinct sets of problems, which are described below. The Commission intends to assess the appropriateness of various measures that address the problems identified.

Problem 1:

The air passenger rights [Regulation \(EC\) 261/2004](#) provides for the reimbursement of the ticket price, among others, in case of cancellation of the flight by the air carrier. However, in situations where a carrier becomes insolvent or faces a liquidity crisis, passengers might not be reimbursed and, in addition, might be stranded abroad and have difficulties to be repatriated.

Problem 2:

The air passenger rights [Regulation](#) provides for the reimbursement of the ticket price within 7 days in case of cancellation of the flight by the air carrier.

There are no specific provisions under this Regulation ensuring the reimbursement of passengers where they booked their ticket with a ticket vendor (e.g. travel agent, online booking platform) acting as an intermediary between the passenger and the airline.

Problem 3:

The air passenger rights [Regulation](#) does not give passengers a right to receive reimbursement of the ticket price in case passengers choose to cancel the ticket themselves due to a major crisis at the place of departure or destination.

Problem 4:

A multimodal journey is a journey where at least two different transport modes are combined, e.g. a train journey combined with a flight, or a rail with a bus or coach service. There are currently no EU rules on the protection of passengers who undertake multimodal journeys and experience travel disruptions when switching between different transport modes (for example on receiving appropriate information or re-routing in the event of a missed connection).

Problem 5:

Enforcement across the EU is insufficiently effective and uniform.

1. To what extent do you agree that the following are important problems?

B.1. Improved financial protection for air passengers against the risk of a liquidity crisis or an insolvency regarding the reimbursement of tickets and if needed their repatriation

Question B1.1. Air passengers are currently not effectively protected when the airline goes bankrupt or faces a liquidity crisis, meaning that they will not receive a refund from the airline with which they booked their flight.

To what extent do you agree that this is an important problem?
Please choose the appropriate choice from the listed options below.
Please choose only one that is more accurate in your case and type capital letter 'X' at the end of line of your selected option.

- Fully agree X
- Somewhat agree
- Neutral
- Somewhat Disagree
- Fully Disagree
- No opinion

Question B1.2. When passengers are stranded abroad because their airline went bankrupt or faces a liquidity crisis, they have difficulties to be repatriated

To what extent do you agree that this is an important problem?
Please choose the appropriate choice from the listed options below.
Please choose only one that is more accurate in your case and type capital letter 'X' at the end of line of your selected option.

- Fully agree X
- Somewhat agree
- Neutral
- Somewhat Disagree

- Fully Disagree
- No opinion

B.2. Reimbursement of air passengers in case of a booking via an intermediary ticket vendor

Question B2.1. When passengers book their flight via an intermediary ticket vendor (travel agent, online booking platform, ...) and the flight is cancelled, the reimbursement takes longer than seven days.

To what extent do you agree that this is an important problem?
Please choose the appropriate choice from the listed options below.
Please choose only one that is more accurate in your case and type capital letter 'X' at the end of line of your selected option.

- Fully agree
- Somewhat agree X
- Neutral
- Somewhat Disagree
- Fully Disagree
- No opinion

Question B2.2. Air carriers cannot always respect the obligation to reimburse passengers within seven days following the cancellation when the flight was booked via an intermediary ticket vendor (for example if the carriers do not have the payment data to make payments to the passenger directly).

To what extent do you agree that this is an important problem?
Please choose the appropriate choice from the listed options below.
Please choose only one that is more accurate in your case and type capital letter 'X' at the end of line of your selected option.

- Fully agree X
- Somewhat agree
- Neutral
- Somewhat Disagree

- Fully Disagree
- No opinion X

Question B2.3. Intermediary ticket vendors are not obliged to reimburse passengers who booked with them when the flight was cancelled by the air carrier.

To what extent do you agree that this is an important problem?
Please choose the appropriate choice from the listed options below.
Please choose only one that is more accurate in your case and type capital letter 'X' at the end of line of your selected option.

- Fully agree X
- Somewhat agree
- Neutral
- Somewhat Disagree
- Fully Disagree
- No opinion

Question B2.4. Where intermediary ticket vendors reimburse passengers, but have not yet received the money from the air carrier, they have no effective right to obtain the relevant amount from air carriers.

To what extent do you agree that this is an important problem?
Please choose the appropriate choice from the listed options below.
Please choose only one that is more accurate in your case and type capital letter 'X' at the end of line of your selected option.

- Fully agree
- Somewhat agree
- Neutral
- Somewhat Disagree
- Fully Disagree
- No opinion X

B3. Reimbursement in case of cancellation by air passengers in the event of a major crisis

Question B3.1. Air passengers have no right to be reimbursed in case they cancel the ticket themselves in the event of a major crisis.

To what extent do you agree that this is an important problem?
Please choose the appropriate choice from the listed options below.
Please choose only one that is more accurate in your case and type capital letter 'X' at the end of line of your selected option.

- Fully agree X
- Somewhat agree
- Neutral
- Somewhat Disagree
- Fully Disagree
- No opinion

B4. Passenger rights for multimodal journeys

Question B4.1. Passengers are not protected by the existing passenger rights rules when switching between different transport modes.

To what extent do you agree that this is an important problem?
Please choose the appropriate choice from the listed options below.
Please choose only one that is more accurate in your case and type capital letter 'X' at the end of line of your selected option.

- Fully agree X
- Somewhat agree
- Neutral
- Somewhat Disagree
- Fully Disagree
- No opinion

Question B4.2. Persons with disabilities and persons with reduced mobility receive no assistance when switching between different transport modes.

To what extent do you agree that this is an important problem?
Please choose the appropriate choice from the listed options below.
Please choose only one that is more accurate in your case and type capital letter 'X' at the end of line of your selected option.

- Fully agree X
- Somewhat agree
- Neutral
- Somewhat Disagree
- Fully Disagree
- No opinion

B5. Better enforcement of passenger rights

Question B5.1. The enforcement of passenger rights varies greatly across the EU.

Please choose the appropriate choice from the listed options below.
Please choose only one that is more accurate in your case and type capital letter 'X' at the end of line of your selected option.

- Fully agree X
- Somewhat agree
- Neutral
- Somewhat Disagree
- Fully Disagree
- No opinion

Question B5.2. The enforcement of passenger rights is not effective enough.

Please choose the appropriate choice from the listed options below.
Please choose only one that is more accurate in your case and type capital letter 'X' at the end of line of your selected option.

- Fully agree X
- Somewhat agree
- Neutral
- Somewhat Disagree
- Fully Disagree
- No opinion

Please explain your answers in max 2000 characters to the problem statements (optional).

Please type your text in the table cell following this paragraph.

Proper enforcement of passenger rights is a challenge that people with disability (PWD) and reduced mobility (PRM) face when their rights are violated. The lack of accessible means of information and communication (e.g. complaint forms), disability related training, resources and staff of some National Enforcement Bodies (NEBs), and the vagueness of some key parts of the legislation explain in part this situation.

As an example of the later, some Passenger Rights Regulations lack clear mandatory provisions to make information on passenger rights accessible (which is important to seek redress in NEBs), provide a vague definition of the role, responsibility, and mandate of NEBs and do not require to make complaint procedures accessible. This leads to a heterogenous application of relevant laws and hamper enforcement of the rights.

Addressing the gaps in multimodal transport is also important, as travel is often a chain of different transport modes. PWD and PRM, who already face challenges when traveling by a single transport mode, face additional ones in a multimodal context. For this reason, the rights that exist in sectorial legislation (right to transport, liability for damaged or lost mobility and assistive equipment, accessibility of information and right to assistance) should also be guaranteed, especially in case of disruption in a segment of the trip or in the connecting points, which could be used as an excuse by operators not to comply with them. Therefore, when considering measures, the Commission should guarantee, among others, the coverage of passenger rights throughout the journey, single booking of assistance for the whole journey, the accessibility of information about travel and passengers' rights and a simple and accessible redress and complaint mechanism. It is important to keep in mind that multimodality is not only about single ticket long-distance trip that combines different transports modes, but also about multimodal trips that combine different tickets, some of which are excluded from the scope of the regulations (i.e. short distance buses or regional trains used to reach an airport).

Are there any other problems not mentioned here which you think should be addressed relating to ...? (optional)

<open field> 3000 character(s) maximum (3000 characters left)

Please type your text in the table cell following this paragraph.

When addressing reimbursement practices, the problem is not only the existence of situations in which passengers are not yet entitled to it (i.e. airline bankruptcy or liquidity crisis) but also the fact that, even in situation already covered by law, passengers sometimes find it hard to get their tickets reimbursed or to receive the compensation they are entitled to.

In cases of delay (which foresee compensation) and denied boarding (which foresee reimbursement in the case of people with disabilities and reduced mobility), we are aware of passengers' experiences dealing for a long time, and sometimes with no success, with air carriers. This leads to fatigue and frustration of the passenger, who sometimes prefers not to take things further. The lack of awareness of passenger rights, not knowing where or how to complain, the inaccessibility and complexity of procedures are also problems that should be addressed to improve this situation.

As highlighted by the [2018 Report of the European Court of Auditors](#), when travel disruptions occur, most of the benefits are not available automatically and the number of people making the request is usually smaller than the number of passengers affected. Automatic reimbursement and compensation practices could be a solution to this situation.

Beyond the problems identified by the Commission, for people with disabilities and reduced mobility, it is also important that compensation is extended to situations that are not yet covered by the relevant air passenger rights regulation:

1. compensation in case of denied boarding for safety reasons,
2. full compensation in case of lost or damaged mobility equipment / assistive devices, and
3. compensation in case of lack of assistance.

Any attempt to expand the cases where reimbursement should be provided, as proposed by the Commission in this consultation, should also ensure that the process to request it is simple and accessible and, when possible, automatic.

Section C: Views on objectives and possible policy measures

The general objective of this initiative is to ensure a better protection of passengers and their rights, to enhance the crisis resilience of passenger rights and to improve their effective enforcement across all transport modes, in line with the [Sustainable and Smart Mobility Strategy](#).

Question C1. Please indicate your level of agreement with this general objective:

Please choose the appropriate choice from the listed options below. Please choose only one that is more accurate in your case and type capital letter 'X' at the end of line of your selected option.

- Fully agree
- Somewhat agree X
- Neither agree nor disagree
- Somewhat disagree
- Fully disagree
- No opinion

The specific objectives of the initiative are intended to respond in more detail to the problems described above, and will guide the choice of policy measures. Five possible specific objectives have been identified.

Question C2. Please rate the relevance of the objectives

In the table below, for each objective listed in the first column please type your rating in the second column. Rate the objectives from 1 (low relevance) to 5 (high relevance). More than one objective can be given the same rating. Not all of them need to be rated.

Objectives	Relevance rating from 1 to 5
Improved financial protection for passengers against the risk of a liquidity crisis or an insolvency regarding the reimbursement of tickets and if needed their repatriation	4
Reimbursement of air passengers in case of a booking via an intermediary ticket vendor	4
Reimbursement in cases where air passengers cancel the ticket in the event of a major crisis	4
Passenger rights for multimodal journeys	5
Improved enforcement of passenger rights in all transport modes	5

Question C3. Please explain your choice in maximum 2000 characters
(optional)

Please type your text in the table cell following this paragraph.

We agree with the relevance of these problems, but we strongly believe the Commission should take the opportunity to address the most important barriers for the rights of passengers with disabilities. These are the ones that have been explained in previous answers, namely:

1. Denial of boarding to persons with disabilities (right to transport)
2. Lack of proper and timely provision of assistance
3. Lack of accessibility related to passengers' rights (information, complaint mechanisms, booking of assistance...)
4. Loss or damage of mobility equipment and assistive technologies when traveling by air

Question C4. Should any other specific objectives be considered in response to the problems described above? If your answer is affirmative, please explain in maximum 3000 characters(optional)

Please type your text in the table cell following this paragraph.

Apart from the objectives described by the Commission, we believe that the following general objectives should also be considered (taking into account the specificities and differences between the different regulations):

ACCESSIBILITY: people with disabilities and reduced mobility are still confronted with the problems stemming from inaccessible vehicles, infrastructure, information and complaint mechanisms, among others. While this is partly explained by the fact that mandatory accessibility provisions for vehicles and infrastructure are outside of the scope of the regulations, other shortcomings related to accessibility are caused by the vagueness of the legislation. For instance, Regulation 1177/2010 (sea and inland waterway) lacks clear mandatory provisions to make information on passenger rights accessible and it does not specify the accessibility of complaint procedures. A similar situation exists with Regulation 181/2011 (bus and coach), in which accessible information of passenger rights is only provided where feasible. Regulation 261/2004 (air) obliges to provide alternative means to inform blind and partially sighted people about their rights, while not mentioning other disabilities and their needs (i.e. people with intellectual disabilities prefer easy to read information).

ASSISTANCE: while assistance is one of the key rights that PWD and PRM enjoy when traveling throughout Europe, they still encounter problems related to its booking (not always accessible), its quality (due to the lack of staff, poor working conditions, lack of training and prioritisation of cost over other aspects), its cost (sometimes telephone lines to request it are not free), the pre-notification time or restrictions (in some transport modes, assistance is only provided in specific terminals or specific hours). PWD and PRM still face situations where they are forgotten or assistance showed up late. In air travel, assistance modalities and quality may vary between airports of departure and arrival.

COMPENSATION: another issue that should be tackled is the fact that when PWD and PRM travel by air, they are not entitled to compensation in the event of denied boarding for safety reasons (only reimbursement) and the compensation in case of lost or damaged mobility equipment / assistive devices does not cover the total cost of replacement / reparation and the moral damage and suffering, for instance being stranded helpless and immobile in a strange country. Another issue to consider would be a potential new compensation for lack of assistance. Considering that there is a certain compensation for passengers when there is a case of long delay or cancelation (up to 250-400 EUR), a similar scheme could be explored for delays in the provision of assistance. This is relevant because, if a passenger cannot travel for the reasons stated above,

the reimbursement of the ticket does not compensate for the other costs related to that trip (i.e., hotel, non-remunerated work, etc.).

ALLOCATION OF RESPONSABILITIES: when traveling by air, some passenger face problems related to the lack of clarity in the allocation of responsibilities between airports, PRM assistance companies, ground handlers. Due to this lack of clarity, in case of broken or lost mobility equipment the different stakeholders involved can blame each other and not assume responsibility, making the process long and tiresome for passengers seeking redress.

C5. Please rate the relevance of possible policy measures to address the five problem areas.

Below there are statements on a number of possible policy measures to address the five problem areas.
 The policy measures described below are without prejudice to the instrument used, and may entail a mix of legislative and soft law measures (including guidelines). Given the complexity and multifaceted nature of the problems, these approaches are not necessarily mutually exclusive.

Question C5.1. A Improved financial protection for passengers against the risk of a liquidity crisis or an insolvency regarding the reimbursement of tickets and if needed their repatriation

Please rate the policy measures from 1 (least relevant) to 5 (most relevant). Not all of them need to be rated, and you can indicate if you do not have an opinion about the relevance of a specific policy measure.

Possible policy measures	Relevance rating from 1 (least relevant) to 5 (most relevant)
1. Passengers should be better informed about airline insolvency insurance available to them and other protection against airline insolvency available to them when they pay by credit card (In some Member States purchases made by credit card allow consumers to claim a refund from the card provider when they used the credit card to pay for a service that was not delivered because of the service provider’s insolvency.)	2
2. Insurance against airline insolvency should be widely available to passengers.	2
3. Passengers should be better protected when they have accepted a travel voucher instead of a refund in money.	No opinion

Possible policy measures	Relevance rating from 1 (least relevant) to 5 (most relevant)
4. In each Member State, a public authority should be responsible for coordinating repatriation efforts when passengers are stranded abroad as a result of an airline's bankruptcy.	4

Question C5.2. Reimbursement of air passengers in case of a booking via an intermediary ticket vendor

Please rate the policy measures from 1 (least relevant) to 5 (most relevant). Not all of them need to be rated, and you can indicate if you do not have an opinion about the relevance of a specific policy measure.

Possible policy measures	Relevance rating from 1 (least relevant) to 5 (most relevant)
1. When passengers booked an air ticket via an intermediary ticket vendor, they should only be entitled to turn to such intermediary to obtain a reimbursement in case of a cancellation, and not to the air carrier.	1
2. Intermediary ticket vendors should reimburse passengers in the event of a cancellation, also where the air carrier did not provide the amount to be reimbursed to the intermediary first. 5	No opinion

Question C5.3. Reimbursement in case of cancellation by air passengers in the event of a major crises

Please rate the policy measures from 1 (least relevant) to 5 (most relevant). Not all of them need to be rated, and you can indicate if you do not have an opinion about the relevance of a specific policy measure.

Possible policy measures	Relevance rating from 1 (least relevant) to 5 (most relevant)
1. Passengers should have the right to reimbursement when cancelling their tickets themselves in the event of a major crisis without having to pay a fee.	5
2. Passengers should have the right to reimbursement when cancelling their tickets themselves in the event of a major crisis (such as pandemic or natural disaster), but the passenger may be asked to pay a termination fee.	1

Question C5.4. Passenger rights for multimodal journeys

Please rate the policy measures from 1 (least relevant) to 5 (most relevant). Not all of them need to be rated, and you can indicate if you do not have an opinion about the relevance of a specific policy measure.

Possible policy measures	Relevance rating from 1 (least relevant) to 5 (most relevant)
1. When one part of the multimodal journey is delayed or cancelled, passengers should be informed in real-time about the disruption and the possible next connections.	4
2. Passengers should have the possibility to complain to carriers, ticket vendors and terminal managers about shortcomings which occur during their multimodal journey.	4
3. Persons with disabilities or with reduced mobility should receive assistance at connecting points when switching between different transport modes.	5

Possible policy measures	Relevance rating from 1 (least relevant) to 5 (most relevant)
4. All passengers who missed a connection to another mode because of the delay or the cancellation of the previous transport service should be offered assistance on how to continue the journey.	5

Question C5.5. Better enforcement of passenger rights

Please rate the policy measures from 1 (least relevant) to 5 (most relevant). Not all of them need to be rated, and you can indicate if you do not have an opinion about the relevance of a specific policy measure.

Possible policy measures	Relevance rating from 1 (least relevant) to 5 (most relevant)
1. Transport carriers and terminal operators should regularly publish data on how they have complied with EU passenger rights (e.g. data on delays and cancellations of their services, assistance to persons with disabilities and reduced mobility etc.).	5
2. The Commission should, in cooperation with the national authorities, ensure a more uniform application of EU passenger rights.	5
3. The Commission should be able to request national enforcement bodies to investigate specific cases of infringements of passenger rights.	5

Question C6. Are there any other changes to passenger rights that should be considered? Please elaborate in maximum 2000 characters.

Please type your text in the table cell following this paragraph.

Despite their importance, the specific objectives considered by the Commission in this consultation do not address some core issues that affect people with disabilities (PWD) and reduced mobility (PRM):

1. Denied boarding, continues to take place, constituting a clear violation of the right to transport. The term 'safety reasons', which allows for such practice, should be clarified to avoid misuse by carriers.
2. Some passengers are obliged to travel with a safety assistant and, apart from being a discriminatory practice, this is not always provided nor paid by the carrier (i.e Regulation 1107/2006 on Air Passenger Rights for PWD and PRM).
3. In case of denied boarding, PWD and PRM traveling by air are not compensated. A cash compensation should be granted to a passenger with disability or reduced mobility who was denied boarding against their will (as it is the case for passengers without disabilities under Regulation 261/2004).
4. When traveling by air, Airlines are not liable for the full value of damaged, lost, or destroyed mobility equipment or injured assistance animals resulting in a huge burden on the passenger (which is not the case in the other transport modes).
5. Regarding assistance, PWD and PRM face several challenges: right to assistance is not guaranteed in all services of the transport modes (i.e. bus and coach), telephone lines for assistance booking are not always free, booking assistance procedures are sometimes complex and inaccessible and the quality of the service could be improved.
6. Accessibility is a precondition for the full enjoyment of passenger rights and it must be guaranteed and strengthened in the relevant provisions (accessible travel information, accessible complaint mechanisms, accessible information on passenger rights...)
7. Exceptions from the application of the regulations, or no application at all, to important transport services such as regional and urban buses and trains (Regulation 181/2011 on bus and coach and Regulation 2021/782 on rail). PWD and PRM use local transport systems in their daily life.

- 2. You may also attach any document(s) to provide evidence to support your responses.**
The maximum file size is 1 MB

Only files of the type pdf, txt, doc, docx, odt, rtf are allowed