

# Item 1.1: Passenger Traffic

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CIT General Assembly 2017

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## Summary

- Passengers rights: legal framework in motion
- Strategy prevention
- Outlook on CIT documents
- Ticketing

## Update on EU law on passengers' rights

Revision of the Rail PRR	27 September 2017	European Commission's proposal for a recast of the PRR
	by December 2017	Council might outline a first reading position
	Spring 2018	1 <sup>st</sup> reading within the European Parliament
Multimodal PRR	22 December 2016	EC Roadmap on Multimodal Passenger Rights: all options open including a new Regulation
	23 February – 25 May 2017	Public consultation by the European Commission
	Q1-2 2018	Impact assessment Proposal



## Main issues with the revision of the PRR

Link between PRR and CIV

Only two remaining exemptions

Force majeure as excuse for delay compensation

Information on separate and through tickets

Continuation and re-routing

More obligations towards PRMs

Notice accompanying tickets



# Positive outcome of the revision of the PRR

## ... are just procedural rules!

- deadline of **6 months** to introduce claims to RUs
- claims must go to RUs first (before going to NEBs)
- the competent NEB has 3 months to answer (max. 6)
- the “competent NEB” = the one which delivered the licence to the RU
- the NEB must also inform passengers about alternative dispute resolution to handle individual claims
- NEBs must better communicate and coordinate



## Prevention strategy

**Problem with Court of Justice of the EU**

- customer-friendly decisions
- teleological interpretation of the PRR

**Decision of CIT Executive Committee in 2012**

- avoid the ECJ
- support the RU with arguments in pending cases

Letter of 8 June 2012  
Appendix 2

**Strategy paper n° 2 to ensure the uniform application of PRR:  
→ International coordination**

The CIT proposes a strategy, in close cooperation with CER and UIC, to follow up the implementation of PRR where difficult issues leading to judgements from the European Court of Justice (ECJ) and decisions from National Enforcement Bodies (NEBs) could be detrimental to all RUs in the EU and beyond.

This paper is addressed to those departments within RUs that are dealing with PRR issues at domestic and international level (depending on the internal organisation of each RU): legal dpt, claims dpt, marketing dpt, communication dpt, long distance traffic dpt, international affairs or strategy dpt.

The objectives of this strategy paper are:

- to organise the circulation of the information between the associations and the RUs in a proactive and preventive way
- to support the RU concerned by a difficult case
- to try to influence the judicial proceedings
- to try to influence the doctrine
- to ensure a dialogue with NEBs (workshops, Commission's meetings, etc.)
- to try to get the support from the air, road or maritime sector (where legal certainty is at stake)

In order to achieve these objectives the CIT recommends the following measures:

objective	what	when	who	com-ments
Circulate sensitive information to the CIT	Information on <ul style="list-style-type: none"> <li>&gt; relevant claims from passengers</li> <li>&gt; relevant pending legal actions (by passengers or RU) and legal decisions already made</li> <li>&gt; questions, recommendations, decisions from NEBs</li> <li>&gt; decisions from other authorities on the following sensitive issues:                             <ol style="list-style-type: none"> <li>"one ticket = one contract"</li> <li>grounds for relief from liability</li> <li>calculation of compensation for delays</li> <li>limits to compensation for hotel and assistance</li> <li>rerouting under "comparable transport conditions"</li> <li>indirect damage: missed flights or holidays</li> <li>obligation of information</li> <li>the scope of the PRR (Article 2: exemptions)</li> <li>procedural issues: applicable law, forum, time limitations</li> <li>other problems of articulation between PRR and CIV in the annex</li> </ol> </li> </ul>	as soon as possible	a contact person is nominated within each RU (from the legal, claims, marketing, communication, long distance, international affairs and strategy dpt) in order to send email to <a href="mailto:isabelle.oberson@cit-rail.org">isabelle.oberson@cit-rail.org</a> , or if absent, <a href="mailto:cesare.brand@cit-rail.org">cesare.brand@cit-rail.org</a> (see CIT strategy paper 1 on internal coordination for more details)	



## Strategy prevention

### Latest cases related to the Rail PRR

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NEB request: change the conditions of carriage on re-routing so as to include also re-routing on other modes of transport or with other RUs

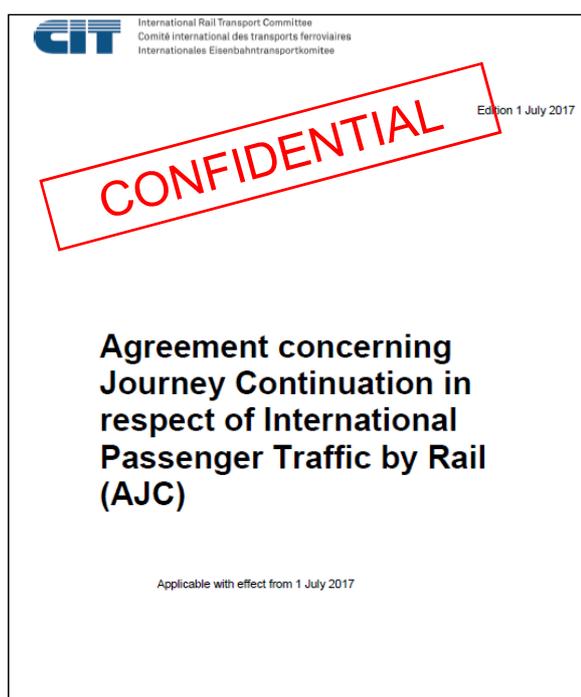
CIT support: arguments in favour of a strict interpretation of continuation only with the same carriers



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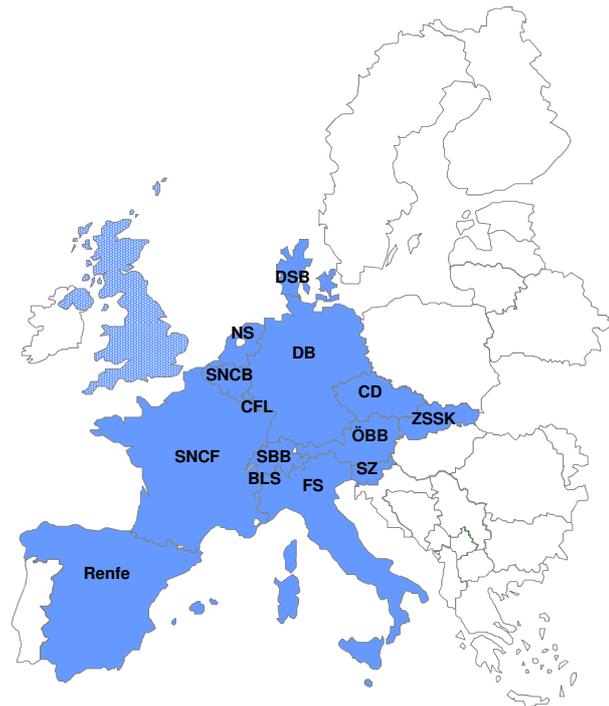
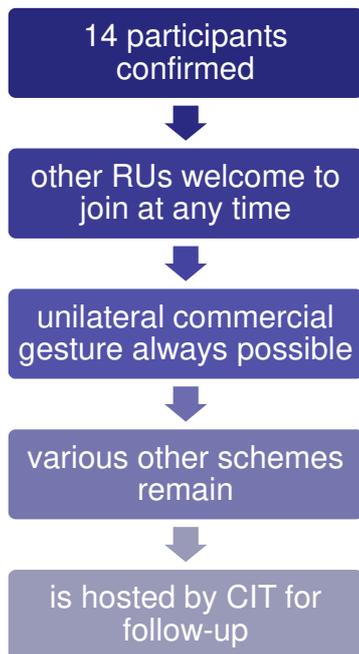
## New Agreement on Journey Continuation (AJC)

- Approved by the CEOs at their High Passenger Level Meeting on 23 March 2017
- Approved as CIT document by the CIV Committee on 22 June 2017
- Entered into force on 1 July 2017 (replacing the Pilot project)
- **Must remain confidential:**
  - commercial gesture only
  - must not be given to passengers
  - may be given to authorities upon explicit request



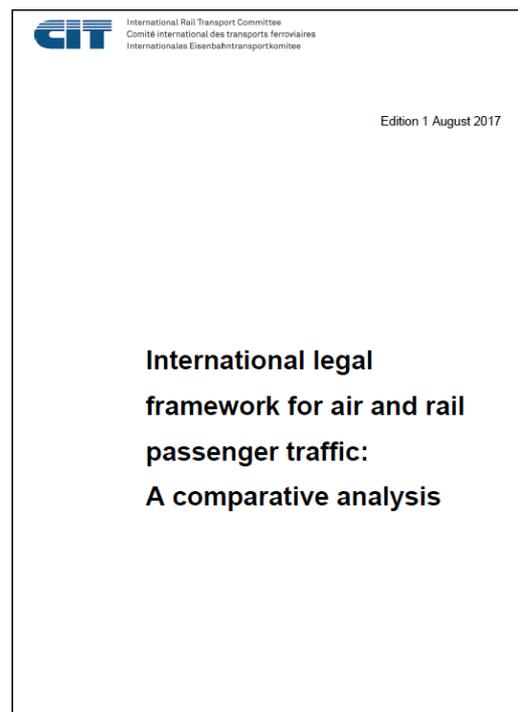
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## AJC: scope and next steps



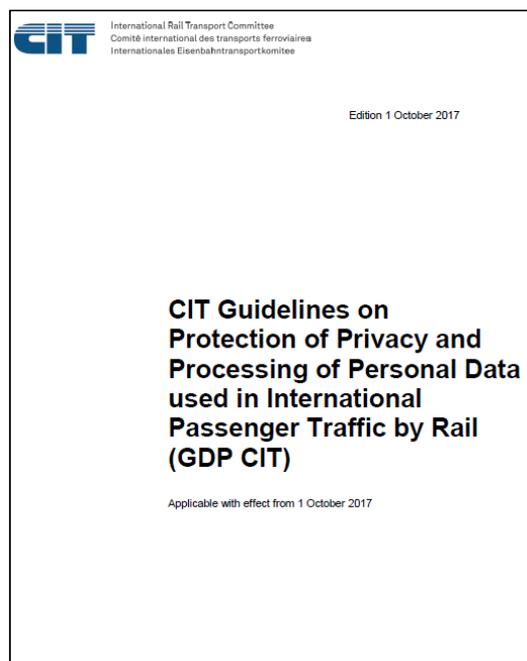
## New Comparative Table Air and Rail

- New tool for lawyers working on air-rail cooperation agreements: presentation of all important provisions from EU and international law
- Available since 1 August 2017
- Will be followed by a check-list on air-rail cooperation agreements



# New Data Protection Guidelines (GDP CIT)

- New tool for lawyers and experts in passenger traffic working on compliance with the new EU GDPR: new obligations fallen on railway undertakings that are processing personal data
  - Relevant especially in e-ticketing and claims handling
  - Available since 1 October 2017
  - EU GDPR: 25 May 2018
- New Expert Group on Data Protection for legal-technical issues



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## CIT ticketing issues

### Manual for International Rail Tickets (MIRT)

- Covering all relevant processes in international ticketing from classic paper tickets to new e-ticketing solutions
- Ongoing revision of content taking into account new developments in e-ticketing, new UIC standards for ticket layouts, new barcodes, nominative tickets etc.



### CIT Security Background 2012

- Users expanding : printing data already delivered to 17 RUs; in 2017: negotiations with the German TBNE on introduction among the private German RUs
- Important tool in the fight against fraud
- End date for the old security background 1996/2006 is set to 31 December 2021



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# CIT cooperation with other bodies in ticketing

## CIT provides:

- Legal advice
- Legal compliance with existing and new upcoming legislation
- Help in creating clear definitions of actors, functions and processes
- Support in processes where the CIT has a deep knowledge such as ticketing, fulfillment, after sales, etc.

## UIC groups developing new ticketing standards

- ticket lay-out on mobile phones
- New barcodes
- New UIC Leaflets 918-8, 918-9
- Nominative tickets

## Sector initiatives in ticketing (e.g. FSM)

## EU Agency for Railways (EUAR) and the revision of TAP TSI



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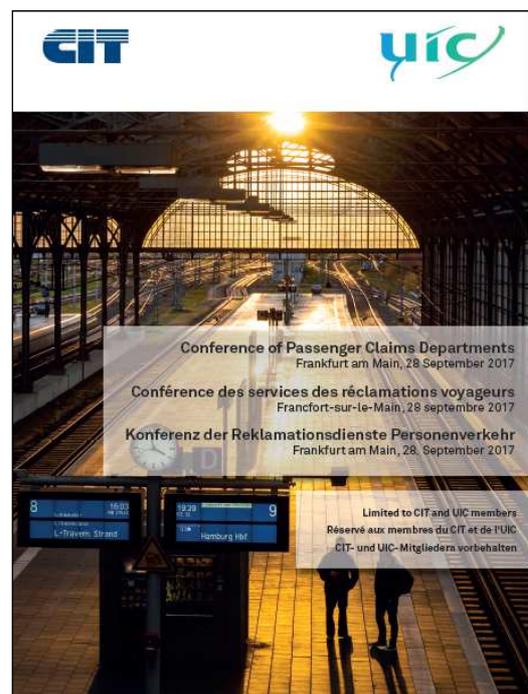
## CIT/UIC Conference for Passenger Claims Departments, 28 September 2017 at DB in Frankfurt

**Big success - more than 60 participants this year**

### Feedback:

- PRR Revision, Data Protection, new agreement on continuation, rail passes - some of the most interesting themes
- Main focus on workshops with practical cases: exchange of best practices on assistance and missed connections
- The choice of Frankfurt was considered very good

**Next conference: 20.09.2018, venue still to be decided**



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International Rail Transport Committee  
Comité international des transports ferroviaires  
Internationales Eisenbahntransportkomitee

# General Assembly of the CIT

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**Bern, 16 November 2017**