Council of the European Union

Brussels, 7 June 2024
(OR. en)

10542/24

**Interinstitutional File: 2023/0436(COD)**

TRANS 259
CODEC 1383

**REPORT**

| | |
|---|---|
| From: | Presidency/General Secretariat of the Council |
| To: | Permanent Representatives Committee (Part 1) |
| No. prev. doc.: | 7638/24 |
| No. Cion doc.: | 16307/23 + ADD 1 |
| Subject: | Preparation of the Council meeting (Transport, Telecommunications and Energy) on 18 June 2024<br>Proposal for a Regulation of the European Parliament and of the Council on passenger rights in the context of multimodal journeys<br>- Progress report |

## I. INTRODUCTION

1. On 29 November 2023, the Commission adopted a passenger mobility package, consisting of: (i) a proposal for a Regulation on passenger rights in the context of multimodal journeys ('multimodal journeys' proposal')[1], (ii) a proposal for a Regulation amending existing Regulations as regards enforcement of passenger rights in the Union ('Omnibus proposal')[2], and (iii) a proposal to amend the Package Travel Directive[3].

1 Proposal for a Regulation of the European Parliament and of the Council on passenger rights in the context of multimodal journeys, COM(2023) 752 final, doc. 16307/23 + ADD1.

2 Proposal for a Regulation of the European Parliament and of the Council amending Regulations (EC) No 261/2004, (EC) No 1107/2006, (EU) No 1177/2010, (EU) No 181/2011 and (EU) 2021/782 as regards enforcement of passenger rights in the Union, COM(2023) 753 final, doc. 16284/23 + ADD1.

3 Proposal for a Directive of the European Parliament and of the Council amending Directive (EU) 2015/2302 to make the protection of travellers more effective and to simplify and clarify certain aspects of the Directive, COM(2023) 905 final, doc. 16338/23 + ADD1.

The overarching objective of the package is to consolidate and simplify the passenger rights regulatory framework as well as to enhance its crisis resilience.

2. The Working Party on Transport - Intermodal Questions and Networks was mandated to deal with the first two proposals, while the third one is being discussed in the Working Party on Consumer Protection and Information and is, therefore, not covered in this report.

## II. CONTENT OF THE PROPOSALS

3. The multimodal journeys' proposal aims at setting up a legal framework for determining the respective obligations and liabilities of the different travel service providers involved in a multimodal journey.

4. The draft Regulation provides for:

- the prohibition of discrimination between passengers with regard to transport conditions and the provision of tickets;
- the obligation to provide minimum and accurate information to passengers in an accessible format and in a timely manner;
- the protection of passengers' rights in the event of disruption, in particular in the context of a missed connection between different transport modes during a multimodal journey; and
- non-discrimination against, and assistance for, persons with disabilities and persons with reduced mobility.

5. The Omnibus proposal addresses shortcomings in the implementation and enforcement of passenger rights in all modes of transport and, for the aviation sector, clarifies the right to reimbursement of the full cost of an airline ticket when the flight is not carried out as planned.

6. The Omnibus proposal was examined once, on 19 April 2024, and delegations made only preliminary comments on the text. Therefore, this progress report focuses only on the multimodal journeys' proposal.

## III. WORK IN OTHER INSTITUTIONS

7. Within the European Parliament, the legislative proposal has been assigned to the Committee on Transport and Tourism (TRAN) which designated Jens GIESEKE (EPP, DE) as the rapporteur. The Committee held an exchange of views with the representatives of the Commission on 9 April 2024. The draft report is expected under the next legislature. Internal Market and Consumer Protection committee (IMCO) is expected to give an opinion on the proposal.

8. The European Data Protection Supervisor issued its opinion on 24 January 2024[4].
The European Economic and Social Committee adopted its opinion on 20 March 2024[5].
The Commission for Territorial Cohesion Policy and EU budget of the European Committee of the Regions (CoR) decided at its meeting on 9 February 2024 not to issue an opinion on this proposal and not to include the dossier into the ongoing work of the CoR, in view of its content.

---

4 EDPS Opinion 5/2024 on the Proposal for a Regulation on passengers rights in the context of multimodal journeys.

5 EESC Opinion "Review of the passengers' rights framework".

## IV. WORK AT THE COUNCIL PREPARATORY BODIES

9. The multimodal journeys' proposal and the Omnibus proposal were presented at the Working Party on Transport - Intermodal Questions and Networks on 12 January 2024. The delegations enquired about the coherence of approaches between different transport modes and with the existing EU sectoral legislation on passenger rights[6] and stressed the need to take exemptions provided for or allowed in that legislation into account. While they all agreed that the rights of passengers, notably those most vulnerable, must be protected, many expressed concerns about the potential red tape and administrative burden entailed by the proposals, particularly for a nascent market.

10. The Presidency focused during its term on the multimodal journeys' proposal, which consequently was examined in detail on six occasions between 26 January and 31 May 2024.

11. All delegations entered, and still maintain, **general scrutiny reservations**, and the discussion of specific topics gathered a variable number of interventions and positions.

[6] Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91, (OJ L 46, 17.2.2004, p. 1); Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air, (OJ L 204, 26.7.2006, p. 1); Regulation (EU) 2021/782 of the European Parliament and of the Council of 29 April 2021 on rail passengers' rights and obligations (recast), (OJ L 172, 17.5.2021, p. 1); Regulation (EU) No 1177/2010 of the European Parliament and of the Council of 24 November 2010 concerning the rights of passengers when travelling by sea and inland waterway and amending Regulation (EC) No 2006/2004, (OJ L 334, 17.12.2010, p. 1); and Regulation (EU) No 181/2011 of the European Parliament and of the Council of 16 February 2011 concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004, (OJ L 55, 28.2.2011, p. 1).

## A. Scope

12. Following the initial article-by-article examination of the entire proposal, the Presidency focused mainly on the issues related to the scope of the multimodal journeys' proposal. The majority of delegations considered that the scope as set out in the Commission proposal should be better specified, notably in terms of articulation with the exemptions applied by Member States in accordance with EU sectoral legislation on passenger rights. Several delegations also questioned the imposition of additional obligations on the carriers in case of separate multimodal tickets[7], as the carriers would not be aware that the tickets were purchased as parts of a multimodal journey.

13. The Presidency considered different options for the definition of the scope of the Regulation and their consequences, which resulted in an in-depth discussion.

14. Ultimately, in the working party meeting on 31 May, the Presidency presented for consideration a compromise text based on a **redefined approach of the scope**[8] and clarifying several aspects. Delegations broadly welcomed the proposed approach as a good basis for further discussions at the technical level.

15. The aim of the proposal to provide a better level of protection for passengers' rights in the context of multimodal journeys remains in the Presidency compromise, with a more precise definition of what these journeys cover, so that carriers and intermediaries can better identify their obligations, and passengers their rights.

---

7 "Separate multimodal tickets" are defined in the last Presidency compromise as "tickets for a multimodal journey representing separate transport contracts, containing successive transport services, having each a specified schedule, which are offered together by a carrier or intermediary, or combined by the passenger on their own initiative, and which are purchased by means of separate payments by the passenger".

8 Cf. doc. 7638/24.

16. As regards first the **journeys covered**, on the basis of several requests from Member States, the Presidency compromise clarifies the conditions that the journey needs to fulfil for the Regulation to apply: (i) the journey is composed of transport services which all fall under the scope of the sectoral Union legislation on passenger rights and none of which are covered by an exemption granted by Member States under that legislation, (ii) where the journey is composed of a regular transport service by bus or coach, the scheduled distance of that transport service is 250 km or more, and (iii) the journey is composed of transport services for all of which a specific time of departure is explicitly and clearly indicated. The Presidency also clarifies that if one segment of the multimodal journey does not fulfil those conditions, the proposed Regulation should still apply to those parts of the journey that consist of at least two consecutive transport services that comply with those conditions.

17. With certain exceptions, the Presidency proposed to exclude from the scope seasonal tickets and travel passes.

18. As regards secondly the **type of multimodal ticket covered**, the Presidency compromise excludes separate multimodal tickets from the scope of the Regulation. Accordingly, the proposed Regulation applies only to single multimodal tickets[9] and combined multimodal tickets[10].

19. However, the Presidency compromise provides for an obligation of the carriers and intermediaries to inform passengers on the type of tickets offered, and on the rights and obligations attached to such tickets, regardless the type of tickets offered (i.e., also for separate multimodal tickets) and whether the conditions mentioned in point 16 of this note are fulfilled or not.

---

9 "Single multimodal contract ticket" is defined in the last Presidency compromise as a "ticket, purchased by means of a single payment by the passenger, for a multimodal journey representing a single transport contract and containing successive transport services, having each a specified schedule, operated by one or more carriers having concluded underlying corresponding arrangements between them and with the intermediary where an intermediary is involved".

10 "Combined multimodal ticket" is defined in the last Presidency compromise as "a ticket or tickets for a multimodal journey representing separate transport contracts and containing successive transport services, having each a specified schedule, which are combined by a carrier or intermediary on its own initiative, and which are purchased by means of a single payment by the passenger.

20. Thirdly, the Presidency compromise also clarifies the **scope of the provisions of the draft Regulation relating to multimodal passenger hubs**. Multimodal passenger hubs are defined in line with the new TEN-T Regulation[11]. Some delegations took the view that the application of this Regulation to all multimodal passenger hubs located in the EU might be disproportionate. Hence, the Presidency proposed to limit the application to hubs which serve as a connection point between transport services, of at least two different modes of transport, that are covered by the Regulation, according to the conditions recalled in point 16 of this note.

## B. Other specific issues

21. **Multimodal passenger hub managers** – As the proposal sets some obligations for the multimodal passenger hub managers, the Presidency deemed necessary to clarify the text by providing explicitly for the obligation to designate such a manager.

22. **Information to passengers** – In order to enhance clarity of information requirements under this Regulation, the Presidency clustered provisions related to passengers' information, including Articles 10 and 19, in Chapter II.

## V. CONSIDERATIONS FOR FURTHER WORK

23. The Presidency made considerable progress to clarify the **scope of the Regulation**. The text has been redrafted to ensure consistency with the scope of existing EU sectoral legislation on passenger rights, to avoid the risk of legal uncertainty. However, it might still be necessary to clarify the **articulation between this Regulation and EU sectoral legislation on passengers' rights**.

24. Regarding passengers' information, further discussion will be needed on the **type of information** to be shared and at what stage of the journey.

[11] Cf. doc. PE-CONS 56/24 INIT.

25. Moreover, further work will be required with regard to the definition of possible **thresholds to limit the multimodal passenger hubs** covered by this Regulation. It is to be noted that the threshold of more than 10 000 passengers on average per day over a year, inspired by the rail passengers' rights regulation, which has been added in Article 18 ('Complaints to the carriers, intermediaries and multimodal passenger hub managers') may need to be reviewed if a general threshold were to be included in the definition of the scope of the Regulation. The Presidency also took good note of the delegations' request for a more generous deadline for adoption of the rules for the designation of the multimodal passenger hub manager than the currently suggested "six months after the entry into force of this Regulation". Whether provisions in the Regulation as regards the **designation process of multimodal passenger hub managers** and criteria should be more prescriptive remains also a subject for discussion.

26. Some balancing might be needed regarding the **deadlines for reimbursement**, which differ significantly between different modes of transport, stretching from seven days from the receipt of the request in case of air transport to 30 days in rail.

27. Special attention will need to be given to the **rights of persons with disabilities and persons with reduced mobility**, covered in Chapter IV. While all delegations agree on the importance of protecting the rights of those most vulnerable passengers in multimodal journeys, certain clarifications will need to be added in the text to ensure efficient implementation of the obligations introduced by the Regulation.
    One of the aspects already mentioned is a clear identification of the multimodal passenger hubs, relevant for the establishment of the Single Points of Contact.
    There is also a question of **compensation in respect of mobility equipment**, assistive devices and assistance dogs, which requires further consideration in the light of international law.
    Finally, given that an EU-wide definition of **assistance dogs** is missing, the Presidency attempted to provide such a definition. It will need to be further examined in the context of the ongoing work in the Commission and taking into account different national approaches.

28. Certain **provisions** in the draft Regulation are practically **identical to those included in the Omnibus proposal**: service quality standards, risk-based approach to the monitoring of compliance with passenger rights, sharing of information with national enforcement bodies, and cooperation between Member States and the Commission. Those provisions would need to be further analysed when discussing the Omnibus proposal.

## VI. CONCLUSION

29. Against this background, it is suggested that the Committee of Permanent Representatives invites the Council to take note of this Presidency progress report as an 'A' item in its forthcoming meeting.