



Brussels, XXX
[...] (2023) XXX draft

COMMISSION IMPLEMENTING REGULATION (EU) .../...

of XXX

establishing a common form for rail passengers' reimbursement and compensation requests for delays, missed connections and cancellations of rail services in accordance with Regulation (EU) 2021/782 of the European Parliament and of the Council

(Text with EEA relevance)

This draft has not been adopted or endorsed by the European Commission. Any views expressed are the preliminary views of the Commission services and may not in any circumstances be regarded as stating an official position of the Commission.

COMMISSION IMPLEMENTING REGULATION (EU) .../...

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(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2021/782 of the European Parliament and of the Council of 29 April 2021 on rail passengers' rights and obligations ⁽¹⁾, and in particular Article 18(6) and Article 19(5) thereof,

Whereas:

- (1) Regulation (EU) 2021/782 establishes rules applicable to rail transport in order to provide for effective protection of passengers and encourage rail travel.
- (2) In accordance with Articles 18(7) and 19(6) of Regulation (EU) 2021/782, passengers have the right to submit their reimbursement and compensation requests using a common form, and railway undertakings should not reject a request for reimbursement solely on the grounds that the passenger has not used that form.
- (3) The use of the form should allow passengers to provide a comprehensive overview of relevant personal details and journey details to railway undertakings, ticket vendors and tour operators, thereby facilitating the processing of reimbursement and compensation requests by these undertakings.
- (4) For the sake of transparency and ease for passengers, both the request for reimbursement and compensation should be integrated into one single common form, in which passengers would have to specify whether they apply for reimbursement, compensation, or both.
- (5) Passengers should be able to submit the common form for reimbursement and compensation requests to railway undertakings, ticket vendors and tour operators as defined in Article 3 of Regulation (EU) 2021/782, taking into account their respective liabilities under that Regulation.
- (6) In order to simplify the procedure for passengers to apply for compensation and/or reimbursement, passengers should have the possibility to submit the common form for reimbursement and compensation requests either as a physical document or by electronic means. Taking into account Article 18(5), first sentence, and Article 19(6), first sentence, of Regulation (EU) 2021/782, Member States may require railway undertakings to accept requests for reimbursement and compensation by particular means of communication. The obligation incumbent upon railway undertakings, ticket vendors and tour operators to enable the use of the common form does not prevent

¹ OJ L 172, 17.5.2021, p. 1.

them from offering also an electronic form on their website. The latter should be subject to the same conditions and contain the same entries as the common form.

- (7) For the purposes of encouraging the use of the common form for reimbursement and compensation, the Commission should disseminate that form in all official languages of the Union on its website, including in a version which is accessible to persons with disabilities and persons with reduced mobility. The body or bodies designated by Member States in accordance with Articles 31(1) and 33(2) of Regulation (EU) 2021/782 should also ensure that passengers have access to the common form, for example by publishing it on their website or by providing a link on their website to the website of the Commission where this form can be found.
- (8) In order to ensure consistent application between this Regulation and Regulation (EU) 2021/782, this Regulation should apply from 7 June 2023.
- (9) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council ⁽²⁾ and delivered an opinion on [...].
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Railway Safety and Interoperability Committee,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation establishes a common form for reimbursement and compensation requests, as referred to in Articles 18(6) and 19(5) of Regulation (EU) 2021/782.

Article 2

For the purposes of this Regulation, ‘electronic means’ are means of electronic equipment for the processing - including digital compression- , storage and transmission of data, employing wires, radio, optical technologies, or any other electromagnetic means.

Article 3

Passengers shall have the right to submit a reimbursement and/or compensation request to railway undertakings, ticket vendors and tour operators by means of the common form set out in the Annex to this Regulation, taking into account their respective liabilities under Regulation (EU) 2021/782.

The common form may be submitted either as a physical document or by electronic means.

Article 4

The Commission shall make the common form available in all official languages of the Union on its website, together with a version which is accessible to persons with disabilities and persons with reduced mobility.

² Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

The body or bodies designated by Member States in accordance with Articles 31(1) and 33(2) of Regulation (EU) 2021/782 shall ensure that passengers have access to the common form.

Article 5

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 7 June 2023.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the Commission
The President
Ursula von der Leyen*