

COMP 10 on compensation of ticket price and force majeure (Article 17)

Paragraph 1 (AM 31, 362, 359, 360, 361, 363, 364, 365, 373, 381, 366, 367, 372, 378, 380, 382, 384, 385, 409, 368, 376, 369, 408)

1. ***Without losing*** the right of transport, a passenger may request compensation for delays from the railway undertaking if he or she is facing a delay between the places of departure and destination stated ***in the transport contract*** for which the cost ***of the ticket*** has not been reimbursed in accordance with Article 16. The minimum compensations for delays shall be as follows:

(a) **25 %** of the ticket price for a delay of 60 to 119 minutes,

(b) **50 %** of the ticket price for a delay of 120 minutes or more.

1. ***Whilst keeping*** the right of transport, a passenger may request compensation for delays from the railway undertaking if he or she is facing a delay between the places of departure and destination stated ***on the ticket or tickets representing a single transport contract*** for which the cost has not been reimbursed in accordance with Article 16. The minimum compensations for delays shall be as follows:

(a) **40 %** of the ticket price for a delay of 60 to 119 minutes,

(b) **60 %** of the ticket price for a delay of 120 ***to 179*** minutes or more,

(c) **80 %** ***for the ticket price for a delay of 180 minutes or more.***

Paragraph 2 (AM 32, 386, 387)

2. Paragraph 1 also applies to passengers who hold a travel pass or season ticket. If they encounter recurrent delays or cancellations during the period of validity of the travel pass or season ticket, they may request adequate compensation in accordance with the *railway undertaking's* compensation arrangements. These arrangements shall state the criteria for determining delay and for the calculation of the compensation. *Where delays of less than 60 minutes occur repeatedly during the period of validity of the travel pass or season ticket, the delays shall be counted cumulatively and passengers shall be compensated in accordance with the railway undertaking's compensation arrangements.*

2. Paragraph 1 also applies to passengers who hold a travel pass or season ticket. If they encounter recurrent delays or cancellations during the period of validity of the travel pass or season ticket, they may request adequate compensation in accordance with the *arrangements set out under paragraph 1 (a), (b) and (c). The railway undertakings compensation* arrangements shall state the criteria for determining delay and for the calculation of the compensation.

Paragraph 3 (AM 392) not: AM 391 (Schmidt), AM 393 (Anderson)

3. Compensation for delay shall be calculated in relation to the full price which the passenger actually paid for the delayed service. Where the transport contract is for a return journey, compensation for delay on either the outward or the return leg shall be calculated in relation to half of the price paid for the ticket. In the same way the price for a delayed service under any other form of transport contract allowing travelling several subsequent legs shall be calculated in proportion to the full price.

3. Compensation for *cancellation or* delay shall be calculated in relation to the full price which the passenger actually paid for the *cancelled or* delayed service. Where the transport contract is for a return journey, compensation for *cancellation or* delay on either the outward or the return leg shall be calculated in relation to half of the price paid for the ticket. In the same way the price for a *cancelled or* delayed service under any other form of transport contract allowing travelling several subsequent legs shall be calculated in proportion to the full price.

Paragraph 4 (unchanged)

4. The calculation of the period of delay shall not take into account any delay that the railway undertaking can demonstrate as having occurred outside the territories of the Union

4. The calculation of the period of delay shall not take into account any delay that the railway undertaking can demonstrate as having occurred outside the territories of the Union

Paragraph 5 (AM 392, 396, 397, 398, 399, 401, 402, 404, 405)

5. The compensation of the ticket price shall be paid within one month after the submission of the request for compensation. The compensation may be paid in vouchers and/or other services if the terms are flexible (in particular regarding the validity period and destination). The compensation shall be paid in money at the request of the passenger.

5. The compensation of the ticket price shall be paid within one month after the submission of the request for compensation. ***In duly justified extraordinary circumstances the compensation may be paid within three months after the submission of the request.*** The compensation shall ***be possible to be paid with the same payment system as the ticket was bought, such as at the sales point and online,*** in vouchers and/or other services, ***or through an automatic compensation system where in place*** if the terms are flexible (in particular regarding the validity period and destination). The compensation shall be paid in money at the request of the passenger. ***No bureaucratic forms, that discourage the passenger to request for compensation, shall be allowed.***

Paragraph 6 (AM 407)

6. The compensation of the ticket price shall not be reduced by financial transaction costs such as fees, telephone costs or stamps. Railway undertakings may introduce a minimum threshold under which payments for compensation will not be paid. This threshold shall not exceed EUR **4 per ticket**. 6. The compensation of the ticket price shall not be reduced by financial transaction costs such as fees, telephone costs or stamps. Railway undertakings may introduce a minimum threshold under which payments for compensation will not be paid. This threshold shall not exceed EUR **5**.

6. The compensation of the ticket price shall not be reduced by financial transaction costs such as fees, telephone costs or stamps. Railway undertakings may introduce a minimum threshold under which payments for compensation will not be paid. This threshold shall not exceed EUR **5 per ticket**.

COMP 10.7 (AM 408)

7. The passenger shall not have any right to compensation if **he is** informed of a delay before **he buys** a ticket, or if a delay due to continuation on a different service or re-routing remains below 60 minutes.

7. The passenger shall not have any right to compensation if **they are** informed of a delay before **buying** a ticket, or if a delay due to continuation on a different service or re-routing remains below 60 minutes.

COMP 10.8 (AM 34, 415, 416, 417, 418, 419, 420, 421, 422, 423)

8. A railway undertaking shall not be obliged to pay compensation if it can prove that the delay ***was caused by severe weather conditions or major natural disasters endangering the safe operation of the service and could not have been foreseen or prevented even if all reasonable measures had been taken.***

8. A railway undertaking shall not be obliged to pay compensation if it can prove that the delay ***or cancellation was attributable to one of the causes listed below in Article 32(2) of the extract from Uniform Rules concerning the contract for international carriage of passengers and luggage by rail (CIV) set out in Annex I to this Regulation. In order to provide passengers with legal certainty, the following exhaustive list of events is provided:***

***(a) the interruptions or traffic restrictions imposed by the public authorities for reasons of public security (in particular the fight against terrorism) or by rescue or fire-fighting services; or***

***(b) accidents (including fires, explosions, collisions with road vehicles) or criminal acts (vandalism, malicious acts, acts of terrorism) by third parties, if the railway undertaking shows that it has taken reasonable measures to prevent such acts from being carried out; or***

***(c) major weather events involving a limitation of, or disruption to, traffic.***