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COMMISSION STAFF WORKING DOCUMENT

Continuity of passenger mobility following disruption of the transport system

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Continuity of passenger mobility following disruption of the transport system

1. INTRODUCTION

Transport is one of the most important pillars of the European economy and society. Efficient transport promotes economic growth and job creation because it is of strategic importance in matching the supply and demand of economic resources. Besides its role as a facilitator, the transport industry in itself represents an important part of the economy: it directly employs around 10 million people in the EU and accounts for about 5 % of its GDP.

Hundreds of millions of passengers currently travel across Europe each year in different modes of collective transport (air, rail, water, and bus and coach transport). Transport is vital for the quality of their lives, making places accessible and bringing people together.

In the last two decades the number of cross-border passengers has grown significantly due to the integration of the European economy, the lowering of travel costs and the creation of the European area without borders. This trend is likely to continue in the future. The importance of a reliable and efficient transport system is growing as personal travel patterns change.

However, natural and man-made disasters or events may interfere with the European transport system, interrupting the continuity of passenger services.

Recent disasters have shown that, besides obstacles of a structural nature such as the lack of interconnection between certain important elements of the transport network and the absence of alternative services to substitute modes affected by disruption, the difficulties in handling major disruptions are linked to an inadequate level of preparedness and cooperation between all actors resulting in inefficient crisis management mechanisms, inefficient information management and insufficient institutional coordination.

The 'volcanic ash crisis' which led to a major disruption of the air transport system in 2010 showed the importance of a better coordinated response at European level in a widespread crisis situation. The Council of Transport Ministers in its meeting of 4 May 2010 strongly supported the Commission's intention to make concrete proposals to ensure a more efficient reaction in the event of a sudden transport crisis within the EU[1].

The 2010 volcanic ash crisis

[1] Council of the European Union — Extraordinary Council meeting Transport, Telecommunications and Energy -Brussels, 4 May 2010, Press Release 9280/10 (Presse 98).

In April 2010, the ash cloud caused by the eruption of the Eyjafjallajökull volcano in Iceland brought air traffic in Europe to a standstill for more than a week. In total around 110 000 flights were cancelled and approximately 10 million passengers were affected, with millions of them spending days far from their homes in precarious circumstances.

At that time very few Member States had emergency mechanisms in place to maintain passenger mobility in the event of major disruption of the transport system. Procedures for handling crises across companies and national borders barely existed in the transport industry.

Access to information and sharing information between involved actors was both insufficient and inefficient; consequently operators and national competent authorities often lacked the necessary information to take well-informed decisions.

Member States' reaction to the 2010 volcanic ash crisis was mostly unilateral (focusing on the repatriation of their own nationals stranded in the territory of other Member States and /or third countries) and was in most cases uncoordinated. Cooperation between them was very limited, and only occurred bilaterally.

Consequently, in its White Paper of 2011[2], the Commission stressed the importance of preserving the mobility of passengers in crisis situations. The Commission consulted Member States on various aspects of transport crisis management in 2011 and 2012.

This Staff Working Document aims to take stock of relevant developments since the 2010 volcanic ash crisis in preventing and coping with major disruptions of the European transport system. Since 2010 new tools have been created to allow more efficient handling of major disruptions and to minimise their adverse effects for passengers. In addition, relevant elements for ensuring mobility continuity form part of other transport policy initiatives.

2. WHAT ISSUES NEED TO BE ADDRESSED IN THE EVENT OF MAJOR TRANSPORT DISRUPTION

A wide range of events can cause major transport disruption, e.g. extreme weather conditions (e.g. storms, snow, exceptional cold and drought), natural disasters (earthquakes, volcanic eruptions and floods), the collapse of traffic management systems, the collapse of electricity transmission grids, criminal or other unlawful acts, massive strikes or social crises, technological, nuclear or environmental disasters as well as major marine or river pollution.

Any of these events can lead to a situation where a transport system is unable to function properly for a certain period: the infrastructure may be destroyed or unusable, planes may not be able to take off or land, trains may be stopped between stations, etc. Although the consequences are usually restricted to a local or regional level, sometimes severe disruption in a Member State may also have an impact on neighbouring Member States or even the entire EU, due to the interconnection and interdependency of today's transport systems.

[2] 'Roadmap to a Single European Transport Area — Towards a competitive and resource efficient transport system', Annex I, Action 23 (COM(2011) 144 final).

The response to such disruption should not only aim to restore the material elements of the transport system (infrastructure, equipment and facilities and information systems) but should also focus on citizens and passengers who are most directly affected by the disruption[3].

Appropriate strategies to prevent and respond to unexpected disruption affecting cross-border passenger transport could therefore involve actions at several levels:

- *Prevention:* competent authorities and operators need to strengthen their risk assessments and consider the need to improve the resistance and resilience of their transport infrastructure and information management networks;

- *Preparedness*: competent authorities and operators need to take the appropriate emergency planning measures (procedural provisions for crisis handling, availability of rerouting scenarios, emergency exercises, etc.) necessary to ensure a rapid response to major transport disruption. Exchange of information and coordination of preparatory measures increase the effectiveness of crisis prevention and the reaction to disruptive events;

- *Information*: carriers and terminal managers, as far as their competence allows, should inform passengers of developments in the transport situation, alternative routes, changed schedules, etc. If passengers are provided with comprehensive information, they can play an active role in the crisis response, for example by choosing alternative routes or postponing a planned trip, thus mitigating the negative effects of the transport disruption;

- *Assistance*: carriers should provide appropriate care for stranded passengers (food, refreshment and accommodation if necessary);

- *Alternative transport arrangements*: carriers should reroute affected passengers to their final destinations in the shortest time and under the most convenient conditions possible (or return them to their point of departure if this is more convenient for the passengers);

- *Re-establishing the flow of passenger traffic*: competent authorities and operators need to cooperate with each other to re-establish the functioning of the transport system following a disruption;

- *Respect of passenger rights*: there should be an effective complaint-handling mechanism to ensure that passenger rights are respected also in the event of major disruptions (e.g. clear procedures and deadlines, and alternative dispute resolution options to help passengers enforce their rights).

3. CONTINUITY OF PASSENGER MOBILITY DURING MAJOR TRANSPORT DISRUPTIONS

Since April 2010 significant progress has been made at EU level, at national level and at the level of the transport industry in improving continuity of passenger mobility in the event of

[3] However authorities may have to take transport restriction measures for overriding security or safety purposes, which would of course take precedence over ensuring continuity of passenger mobility.

unforeseen disruption of the transport system. Some of these measures are specific to the transport sector, while others form part of other policies (e.g. civil protection or the protection of critical infrastructure).

The measures adopted or being prepared deal both with enhancing preparedness for transport disruption and the immediate response to such events, as well as with their aftermath.

3.1. Before the crisis: risk management of and preparedness for major disruptions of the transport system

Preparedness plays a key role in protecting against the negative effects of unforeseen transport disruption; in this respect, the Commission has since 2010 launched several legislative proposals and non-legislative initiatives to spur Member States and industry into action.

3.1.1. Contingency plans to deal with transport disruption

Contingency plans are essential to ensure an integrated approach to disaster management, linking risk prevention, preparedness and response action. Airports and some railway lines play a crucial role in cross-border transport; therefore the Commission, in its revision of EU legislation related to aviation and rail transport, has proposed that certain operators who play a key role in cross-border transport should be obliged to adopt contingency plans. The three proposals described below are currently being deliberated in the European Parliament and in the Council:

Air transport: The Commission, in its legislative proposal on the revision of the Air Passenger Rights Regulation[4], proposed that airports with at least three million passengers per year shall be required to ensure that the operation of the airport and of the airport users is coordinated through a contingency plan in the event of multiple cancellations and/or delays of flights leaving a considerable number of passengers stranded at an airport. The purpose of the contingency plan is to ensure that stranded passengers are provided with adequate information and assistance.

In addition, the proposal on revising the Ground Handling Services Directive[5] requires major EU airports to have a contingency plan in place to ensure that ground handling at these airports is possible even in the event of sudden transport disruption.

Rail transport: In the 4th railway package the Commission proposes that railway undertakings operating passenger services be required to put in place contingency plans aimed

[4] Article 1(4)(c) of the proposal for a regulation amending Regulation (EC) No 261/2004 (COM(2013) 130 final).

[5] Article 30(2)(b) of the proposal for a Regulation on ground-handling services at Union airports and repealing Council Directive 96/67/EC (COM(2011) 824 final).

at providing assistance to passengers in the event of major disruption to railway services. Railway undertakings would be obliged to coordinate their contingency plans[6].

3.1.2. Protecting key infrastructure against major threats

Disruption of certain critical infrastructure such as airports, ports, railway stations, intermodal facilities, railway and mass transit networks as well as traffic management and control systems, may have a serious impact on the functioning of the European transport network. Moreover, growing interdependence and interconnection of such infrastructure would create widespread cascade effects in many sectors of the economy and the risk of paralysis on a European scale.

Critical infrastructure: In its Communication of 12 December 2006 on the European Programme for Critical Infrastructure Protection[7], the Commission set out an overall policy approach and framework for the protection of infrastructure located in Member States that is of the highest importance for the economy and security of the EU and whose disruption or destruction may have serious effects in other Member States. It led to the adoption of Council Directive 2008/114/EC[8] calling on Member States to identify and designate European critical infrastructure, as well as accompanying measures such as an electronic information and communication system, the Critical Infrastructure Warning Information Network (CIWIN), operational between Member States since January 2013 for exchanging and discussing critical infrastructure-related information, studies and good practices. A review of the programme carried out in 2012 by the Commission showed that relatively little critical infrastructure had been designated and that the current sector-focused approach represented a challenge to a number of Member States. To address these shortcomings, the Commission proposed a new cross-sectoral approach in August 2013[9], focusing on four pan-European critical infrastructure systems, including Eurocontrol in the transport sector.

Security: Terrorism and other criminal acts are among the highest threats to key transport infrastructure at European level. In 2012 the Commission published a Staff Working Document on Transport Security[10] which concludes that preventing criminal acts (including terrorist attacks) against passengers and transport infrastructure, and handling the consequences of such acts is much more challenging for the trans-European high-speed rail network than for the aviation and maritime sectors, because there are no comprehensive safety and security measures at EU level requiring at least certain common minimum standards. The document therefore suggests that national authorities and transport operators should develop and exchange between themselves contingency and recovery plans and organise crisis-simulation exercises to ensure that such plans work. These security-related measures could

6 Article 1(7) of the proposal on the revision of Directive 2012/34/EU (COM(2013) 29 final).
7 Communication from the Commission of 12 December 2006 on a European Programme for Critical Infrastructure Protection (COM(2006) 786 final).
8 OJ L 345, 23.12.2008, p. 75.
9 SWD(2013) 318 final, 28.8.2013.
10 SWD(2012) 143 final.

also be used in the event of other types of incidents. A committee consisting of national experts[11] has been set up to address these issues.

3.1.3. Emergency exercises

Conducting large-scale emergency exercises is recognised as an appropriate way to appraise the effectiveness of the preparatory measures relating to crisis prevention and disruptive events, and the real level of protection for infrastructure/systems against major threats.

Member States and operators are encouraged to perform such exercises; these exercises also need to be organised at European level as appropriate. For instance, the European Aviation Crisis Coordination Cell (EACCC) successfully organised several exercises simulating volcanic ash cloud and cyber-security crises in 2012 and 2013.

3.2. During the crisis: ensuring the continuity of passenger services

3.2.1. European Civil Protection Mechanism — an improved response to natural and man-made disasters

Natural and man-made disasters which have an adverse impact on human life, on the environment or on property may also disrupt passenger transport.

A mechanism to facilitate better cooperation in providing civil protection assistance was first established in 2001[12].

The Union's new Civil Protection Mechanism

In December 2013, the Union's new Civil Protection Mechanism was adopted with a view to promoting solidarity between the Member States through practical cooperation and coordination in the prevention of, preparedness for and response to disasters[13], whilst recognising Member States' primary responsibility to protect people on their territory against disasters.

A permanent Emergency Response Coordination Centre (ERCC) with a permanent operational capacity serves as a central point for sharing disaster information and exchanging requests for and offers of civil protection assistance and teams, to support and coordinate the civil protection response at EU level.

The Union's Civil Protection Mechanism enables Member States, in principle, to request civil protection support (in-kind assistance, teams and means) from other Member States, including

[11] The EU Land Transport Security Expert Group (E/02821).

[12] Council Decision 2001/792/EC, Euratom (OJ L 297, 15.11.2001, p. 7), recast by Council Decision 2007/779/EC, Euratom (OJ L 314, 1.12.2007, p. 9).

[13] Decision No 1313/2013/EU of the European Parliament and of the Council of 17 December 2013 on a Union Civil Protection Mechanism (OJ L 347, 20.12.2013, p. 924).

situations where transport disruptions have a major adverse impact on passengers and the Member State affected does not have the necessary resources to address the situation.

In a major crisis it could support the efforts of national authorities to provide assistance to passengers stranded at transport terminals, provide emergency transport solutions or restore the transport system.

The Emergency Response Coordination Centre, if activated, could enhance the exchange of information and crisis response coordination, particularly if the disruptive event triggering the civil protection intervention occurs in the rail, road or maritime transport system, because, unlike aviation, these transport modes do not have an EU-level crisis-handling mechanism.

3.2.2. Reacting to major disruptions in the European transport system

Many unforeseen events may cause major disruption to the European passenger transport system without actually directly threatening human lives, the environment or property or triggering a call for assistance under the European Civil Protection Mechanism. In such cases, the crisis should be resolved by the enhancing cooperation between competent national authorities and industry.

- Crisis response cooperation in the aviation sector: the creation of the European Aviation Crisis Coordination Cell (EACCC)

Aviation is fundamentally an international activity, where major disruptions cannot be efficiently remedied at national level. Therefore crisis response can be better achieved at EU level.

As a direct consequence of the 2010 volcanic ash cloud crisis, the European Aviation Crisis Coordination Cell (EACCC) was established in July 2011 to assist the ATM (air traffic management) Network Manager[14]. The EACCC has a permanent structure and brings together representatives of all actors having an important role in European aviation (the Council Presidency, the Commission, Eurocontrol, the European Aviation Safety Agency, the military, the airports, the airspace users and the air navigation providers). It aims to ensure efficient cooperation between the political and operational aspects, as well as between the European and national levels. It relies on a network of crisis focal points designated in all the Member States.

How does the EACCC improve preparedness and response in the event of major disruption?

The role of the EACCC is to help the Network Manager plan, prepare and elaborate mitigating measures in the event of a crisis affecting aviation. In times of crisis, the EACCC

[14] Article 18 of Commission Regulation (EU) No 677/2011 of 7 July 2011 laying down detailed rules for the implementation of air traffic management (ATM) network functions and amending Regulation (EU) No 691/2010 (OJ L 185, 15.7.2011, p. 1).

would also disseminate clear, coherent and timely information to the public authorities and to the aviation community (e.g. to help implement intermodal solutions).

The permanent nature of the EACCC not only facilitates an effective response in the event of sudden transport disruption, but also systematic work for better preparedness. One example is the Pan-European crisis simulation exercise in May 2013 for the aviation sector, to which representatives of other transport modes were also invited as observers. Such exercises help to improve communication between the different actors involved and to raise their awareness of typical problems that transport disruption can cause.

- Crisis coordination of the other transport modes

The rail, road and water transport modes are more fragmented in terms of organisation than the aviation sector, as they lack European-level infrastructure management such as the Network Manager for aviation, do not have specific EU-level mechanisms such as the EACCC to resolve crises, and in the case of road and water transport the operators are predominantly small- and medium-sized companies.

One major reason for the lack of mechanisms to resolve crises in these sectors at EU level is that the volume of cross-border transport of passengers is relatively low in comparison to domestic passenger transport; hence response at national level is more appropriate. However, given the rapid development of the European high-speed railway system and multimodal hubs in the future, there could be a need to reflect on how to foster the exchange of information and cooperation between the relevant actors of these modes. Possible actions to improve crisis management in a multi-modal context could be examined within the framework of the revised Trans-European Transport Networks (TEN-T) policy (*see Annex, paragraph 1*). In addition, crisis coordination can be addressed in the context of the cooperation between rail infrastructure managers. In the 4th railway package, the Commission proposed to establish a formal network of infrastructure managers[15]. In the meantime, it has launched a Platform for Rail Infrastructure Managers (PRIME) which allows for cooperation and exchange of best practice in dealing with major operational disruption and emergency situations.

Where transport network disruption does not result in the activation of the EU Civil Protection Mechanism, but nevertheless constitutes a major cross-border emergency necessitating the coordinated response of the Member State, the Commission might also make its Emergency Response Coordination Centre facilities available, including the use of its operation rooms with associated monitoring systems for meetings, to facilitate the collection and distribution of information.

- Cooperation at industry level in crisis response

[15] Article 1(4) of the proposal for a Directive amending Directive 2012/34/EU on a single European railway area, as regards the opening of the market for domestic passenger transport services by rail and the governance of the railway infrastructure COM(2013) 029 final

Voluntary practices

In the aftermath of the 2010 volcanic ash crisis, certain industry associations realised the importance of crisis response cooperation between their members and with other stakeholders.

Industry recommendations for railways and airports

The Community of European Railway and Infrastructure Companies (CER) and the Airport Council International (ACI) – Europe have developed a joint recommendation for railways and airports.

The first part of the recommendations deals with cooperation between operators within the rail sector. Rail operators should designate operational units, which are at the forefront in the event of traffic disruption, and crisis communication units. The CER maintains an updated directory of such units. The CER recommends that rail operators develop specific crisis management procedures. The CER also calls on its members not to take advantage of crisis situations by applying unjustified fare increases.

The second part of the recommendations relates to cooperation between airports and railways. Better communication between railways and airports during a crisis is the central element of these recommendations. They maintain a list of each other's crisis communication units.

Airports should inform railways of the number of passengers affected by the transport disruption. They should indicate to passengers the nearest railway stations, provide timetable information and information on how to reach the stations. The railway operators should make sure that passengers are able to check the availability of flights in railway stations close to airports in order to avoid an unnecessary influx of passengers to airports when there is aviation disruption. Railway operators should indicate to airports the number of possible additional seats or coaches they can offer on trains to the different destinations.

Cross-modal agreements

Several commercial agreements across modes have been set up with a view to improving the efficiency and quality of day-to-day services. They include agreements between airlines and rail or bus operators to carry passengers between airports and their origins or final destinations (national or international). Such established contractual arrangements could be beneficial in the event of unforeseen service disruption, especially in the air sector. The relevant rail or bus companies may in these cases be well placed to provide service alternatives. Authorities, on the other hand, may also draw on them in the event of unforeseen land transport disruption.

In addition to their general commercial agreements, some transport operators have already concluded specific agreements to respond to unforeseen travel disruption.

'Good for trains': a cooperative air-rail initiative in the case of flight cancellation or missed connecting flight

The airlines Lufthansa, Germanwings and Air Berlin have concluded an agreement with the major German railway operator Deutsche Bahn which, in the event of flight cancellations or missed connecting flights, enables affected passengers to take the train to reach their destination, if it is served by Deutsche Bahn within Germany and abroad (but in the latter case the place of departure must be in Germany).

Overall, it seems that the transport industry will be able to contribute to 'mobility continuity' for international passengers where the infrastructural and regulatory framework provides it with business opportunities for 'co-modal transport chains'. Public authorities might consider including provisions in contractual arrangements for handling unforeseen disruption where both sides would benefit from established business practices.

3.3. Protecting passenger rights during and after major transport disruptions

3.3.1. Passengers' right to information

Timely and accurate information about a journey, including possible transport disruption and alternatives, gives passengers the opportunity to adapt their trip to the changed circumstances. When provided with reliable information, passengers can play an active part in mitigating the adverse effects of any transport disruption —by finding the most convenient rerouting possibility, cancelling when circumstances prevent them getting to their final destination in time (and being reimbursed for their ticket) or postponing their trip (re-booking). Proactive action on the part of passengers could help to avoid situations where passengers are stranded at transport terminals and mitigate the costs of assistance. This could be facilitated by means of effective information management in the form of state-of-the-art information and communication technology (such as websites, text messages and emails). Particular consideration should be given to the needs of disabled passengers and passengers with reduced mobility. The right to information about transport disruption was first granted to rail passengers[16] in 2009, but after the volcanic ash crisis of 2010 it was gradually extended to waterborne passengers[17] and bus and coach passengers[18].

This right does not currently apply to air passengers; however the Commission's proposal to amend Regulation (EC) No 261/2004 would oblige operating air carriers and airport managing bodies to inform passengers of flight disruption as soon as the information is available[19].

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16 Articles 8 and 18(1) of Regulation (EC) No 1371/2007 on rail passengers' rights and obligations (OJ L 315, 3.12.2007, p. 14).

17 Article 16 of Regulation (EU) No 1177/2010 concerning the rights of passengers when travelling by sea and inland waterway (OJ L 334, 17.12.2010, p.1).

18 Articles 20 and 24 of Regulation (EU) No 181/2011 concerning the rights of passengers in bus and coach transport (OJ L 55, 28.12.2011, p.1).

19 Article 1(13) of the proposal for a regulation amending Regulation (EC) No 261/2004 (COM(2013) 130 final).

3.3.2. Passengers' right to assistance

EU legislation for all modes of collective transport establishes a minimum level of care to be provided on the spot to passengers when a service is cancelled or whenever a delay exceeds the scheduled time of departure by a certain threshold (which is different for each mode of travel). The right to assistance was granted first to air[20] and rail passengers[21], and after the volcanic ash crisis it was extended to waterborne[22] and bus and coach transport[23].

The level of care that the carrier should provide must be proportionate, reasonable and adapted to the circumstances of the disruption, of the passengers and of the mode concerned, and should normally include the provision of meals and refreshments and, if necessary, accommodation (however the provision of accommodation is excluded for waterborne, and bus and coach transport in specific cases of extraordinary circumstances).

3.3.3. Adapting passenger rights to changing mobility patterns and traveller behaviour

In recent years, new trends have emerged in the ways in which citizens organise their mobility. In particular, they increasingly plan their journey on the internet and combine different transport modes (in particular, air and rail) and/or travel-related services (transport, accommodation, car-rental, etc.). More complex arrangements mean that major disruption affecting one aspect of a journey will often result in additional difficulties for passengers, especially when they have been issued with combined tickets.

The proposed revised Regulation on air passenger rights would represent an important step forward in this respect, as the legislation would become applicable to carriage contracts combining air transport with other modes of transport[24].

As regards travel arrangements combining transport and other services, the Commission recently proposed updating the current legislative framework under Directive 90/314/EEC on package travel, package holidays and package tours. Package travellers already enjoy all passenger rights under EU transport regulations, but the Commission saw a need to clarify certain matters and lay down specific rules for liability and assistance under a package travel contract in the event of transport disruption. It therefore put forward a proposal for a directive on package travel and assisted travel arrangements, amending Regulation (EC) No 2006/2004 and Directive 2011/83/EU and repealing Council Directive 90/314/EEC[25].

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20 Article 9 of Regulation (EC) No 261/2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights (OJ L 46, 17.12.2004, p.1).

21 Article 18 of Regulation (EC) No 1371/2007. It should be noted that for rail passengers the full set of rights to assistance and right to compensation remains applicable even in the case of extraordinary circumstances, as confirmed by the European Court of Justice in the case C-509/11.

22 Article 17 of Regulation (EU) No 1177/2010.

23 Article 21 of Regulation (EU) No 181/2011.

24 Article 1(2)(b) of the proposal for a regulation amending Regulation (EC) No 261/2004 (COM(2013) 130 final).

25 COM(2013) 512.

3.3.4 *Toward a more efficient complaint handling*

After the 2010 volcanic ash crisis airlines could not handle satisfactorily the sudden increase in the number of complaints. The lack of precise complaint-handling rules in the Air Passenger Rights Regulation[26] deterred many passengers from claiming their rights: there were no clear rules on submitting complaints, and passengers did not know when they could expect their case to be resolved.

The EU legislator learned from this shortcoming and in subsequent legislation relating to other modes of transport, it has always imposed an obligation on operators to handle complaints and established compulsory time limits for replying to complaints.[27]

In addition, the Commission's proposal to amend Regulation (EC) No 261/2004 would oblige airlines to have clear complaint-handling procedures. It would also oblige both airlines and national enforcement bodies to reply to passengers' complaints within given deadlines.[28]

After the 2010 volcanic ash crisis airlines often did not acknowledge their responsibility for breaching passenger rights and they only paid compensation in a small proportion of the cases.[29] Although dissatisfied passengers can submit their complaints to the NEBs, the latter are not authorised to impose an obligation on carriers to pay compensation. The only option open to passengers is to launch a legal action at a national court to receive compensation. However, normal court proceedings are time-consuming and expensive, and there is a risk that at the end of the litigation the court will hold the passengers liable for the operator's legal costs. This deters many passengers from pursuing their right to compensation, so the need for alternative solutions became evident.

Many Member States operate successful alternative dispute resolution bodies, which are less costly and a much faster way for passengers to enforce their rights compared to normal court procedures. Consequently, the Commission's proposal to amend Regulation (EC) No 261/2004 contains an obligation for Member States which currently do not have alternative dispute resolution procedures to settle air passenger complaints to establish one offering the choice for air passengers between regular court procedures and alternative dispute settlement[30].

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26 Article 16 of Regulation (EC) No 261/2004.

27 Article 27 of Regulation (EC) No 1371/2007, Articles 24 and 25(3) of Regulation (EU) No 1177/2010, Articles 26-28 of Regulation (EU) No 181/2011.

28 Article 1(15) of the proposal for a regulation amending Regulation (EC) No 261/2004 (COM(2013) 130 final).

29 See for example 'Exploratory study on the application and possible revision of Regulation 261/2004 — Final report July 2012' by Steer Davies Gleave: (http://ec.europa.eu/transport/themes/passengers/studies/doc/2012-07-exploratory-study-on-the-application-and-possible-revision-of-regulation-261-2004.pdf).

30 Article 1(15) of the amended Regulation (EC) No 261/2004 (COM(2013) 130 final). In addition, it should be mentioned that the importance of this flexible dispute-solving mechanism for the proper functioning of the single market has been fully recognised in EU law through the adoption of Directive 2013/2011/EU on alternative dispute resolution for consumer disputes (OJ L 165, 18.6.2013, p.63).

4. CONCLUSION

Current challenges such as increasing demand for transport, rising oil prices, growing congestion and impending climate change require the creation of a fully integrated, modern and reliable transport network, capable of exploiting the strengths of each transport mode individually and in combination with others. Moreover, the increase in mobility, with passengers using different modes of transport during their journeys, is also a trend that will require a more integrated multi-modal approach to handling transport disruption.

In this context, taking into account the progress already achieved since 2010, the Commission services do not consider that there is a need, at this stage, for a specific new legislative initiative at European level to further address the mobility continuity of passengers following disruption of in the transport system. However, the issue of mobility continuity should be taken into consideration in all modes of transport when revising existing EU transport legislation or adopting new proposals. A similar approach should also be considered by the Member States. The industry should also take this into consideration when adopting voluntary practices or cross-modal agreements.

Particular attention should be paid to the following objectives:

- To progress further with setting up an integrated core transport network across the 28 Member States, through the Trans-European Transport Networks (TEN-T) policy, that will be better prepared for and more resilient to unforeseen transport disruption (*see Annex, paragraph 1*). Attention should be given to contingency planning and crisis response in core intermodal nodes of the network, such as Europe's largest cities.

- To make full use of the potential of modern information technologies to provide passengers, public authorities and the industry with the tools to better manage travel and traffic information in the context of multi-modal transport disruption (*see Annex, paragraph 2*).

- To further encourage increased cooperation between the transport actors, at industry or administrative level, with a view to improving preparedness for and response to major disruptions affecting several modes of transport.

- To consider including new provisions when revising existing EU transport legislation or adopting new proposals obliging operators to have contingency plans in place to provide practical assistance for passengers' immediate needs following transport disruption and to offer them alternative transport services should the transport disruption last more than a few hours.

- To explore a more multimodal approach to passenger rights, which are still being addressed in a fragmented way today, with the objective to better protect passengers through more uniform and efficient rules and mechanisms.

ANNEX

Towards a multi-modal approach to mobility continuity in the EU transport system

1. Ensuring high-quality multi-modal passenger services in the EU's core transport network corridors

The new TEN-T policy

Greater integration of the modal networks will result in better modal choices. Based on the 2011 Transport Policy White Paper, and on a comprehensive infrastructure policy review, a new legal basis for the trans-European transport network policy[31] entered into force in 2014. It includes 'Union Guidelines', which steer the development of transport infrastructure (including intelligent and innovative equipment) for the next decades, and the 'Connecting Europe Facility' which governs EU funding until 2020.

Amongst the key innovations of the new Guidelines are the development of a multi-modal core network, to be completed by 2030, and the setting-up of core network corridors as an EU instrument to facilitate the coordination and advance implementation of projects. While boosting the implementation of major projects (e.g. cross-border projects, the removal of bottlenecks, intermodal connections and key telematics projects), the new Guidelines also attach increasing importance to areas which enhance the continuity, quality and efficiency of transport services. In this respect, the policy objectives include: support for mobility in the event of natural or man-made disasters, securing accessibility for emergency/rescue services or vulnerability considerations. The complementarity between the core network and the denser, comprehensive network improves accessibility for all parts of the Union, and the inclusion of provisions for urban areas allows for better connections between long-distance and urban transport.

This promises significant progress in terms of the quality, frequency and continuity of public passenger transport within the EU. The development of an integrated transport system where passengers can choose between using different modes — alone and in combination — provides more alternatives for rerouting if certain modes or geographic points are affected by transport disruption. As a result, the European transport system will gradually become better prepared for unforeseen transport disruptions as well.

Possibilities for the new TEN-T policy to support a 'mobility continuity approach'

The new EU legislation on the trans-European transport network policy aims to strengthen the infrastructure basis of the common transport policy. It defines infrastructure in the broad

[31] Regulation (EU) No 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European network and repealing Decision No 661/2010/EU (OJ L 348, 20.12.2013, p. 1) and Regulation (EU) No 1316/2013 of the European Parliament and of the Council of 11 December 2013 establishing the Connecting Europe Facility, amending Regulation (EU) No 913/2010 and repealing Regulations (EC) No 680/2007 and (EC) No 67/2010 (OJ L 348, 20.12.2013, p. 129).

sense, including interoperability measures, equipment for the provision of intelligent transport services and alternative clean fuel transport solutions. It places particular focus on multi-modality and physical as well as 'intelligent' connections between transport modes. Transport and other relevant EU policy *acquis* has been incorporated into the infrastructure provisions where necessary, to provide an overall transport system which is sustainable, safe, efficient, accessible for all users and resilient.

Generally, the new TEN-T legislation is a strong basis for promoting seamless passenger transport chains. In combination with recent EU policy measures in the field of railways and a series of other transport areas, it can bring significant progress in terms of quality, frequency and continuity of public passenger transport throughout the Union. Important in this context also is the inclusion of urban nodes as an integral part of TEN-T policy. This implies that transport connections within urban areas — both within TEN-T elements (such as airports or ports and railway or bus stations) and between TEN-T elements and urban transport systems — have gained significant importance. 'Last mile' aspects are now also part of TEN-T policy.

Overall, TEN-T policy has become a genuine network approach which not only deals with the implementation of projects but also with the operation of all infrastructure within and across modes. Within a transport system approach promoting a stronger link between infrastructure development and transport policy, this involves issues of efficient capacity management (for example with the help of performance indicators). All this contributes to enhancing the quality of the transport system, for the sake of better integrated, more sustainable and higher quality passenger (and freight) services. As a result, the system should gradually become better prepared for unpredictable disruption resulting from natural or man-made disasters.

The new TEN-T corridor approach, as the key coordination instrument, entails a number of possibilities to 'pilot' specific action to promote a 'mobility continuity approach'. This may in particular relate to two main areas:

- promoting projects which enhance integrated passenger services across transport modes on an everyday basis, thereby improving preparedness (inter-modal connections, optimisation of capacity use, ITS / information management, urban transport connections, and networking between infrastructure managers and operators / other relevant players, etc.);

- piloting risk assessments for 'critical' TEN-T elements (in particular key sections such as border crossings, crossings of natural barriers or key EU-wide projects such as the European Rail Traffic Management System), developing corresponding scenarios for mobility continuity in case of their interruption and, where relevant, piloting action on enhanced resilience to the impact of climate change.

2. Providing real-time multimodal travel information and planning services to passengers

The 2011 White Paper also set the goal to develop a door-to-door European multimodal transport information, management and payment system, by 2020, to enable passengers to seamlessly plan, book and buy a journey, combining the different modes of transport available, regardless of whether the point of departure and the destination are in the same or different Member States. Such a system should enable passengers to choose the best combination of different public transport modes for their journeys, according to their needs and preferences. The availability of such journey planners, providing real-time information and updates, would also benefit passengers when they are affected by unforeseen travel disruption, by enabling them to choose between rerouting options more independently.

In order to help EU-wide multimodal travel information and planning services emerge, the Commission firstly identified the barriers to be removed — namely insufficient access to and availability of multimodal travel and traffic data, the lack of interoperability of data formats and exchange protocols as well as the absence of efficient and effective cooperation mechanisms between stakeholders. The Commission services are currently assessing what measures are necessary to remove these barriers, including removing the data-related obstacles to enable non-discriminatory access and on improving the availability of multimodal travel and traffic data in the EU.