

Marcus Clements
Head of Consumer Policy
Telephone 020 7282 2000
consumer.compliance@orr.gov.uk



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To: RDG-licensed third party rail ticket retailers and ABTA (on behalf of tour operators)

cc: Department for Transport, Transport Focus, London TravelWatch, Rail Delivery Group

Rail Passengers' Rights and Obligations Regulation (1371/2007/EC)

I am writing to inform you of some changes in legislation that will affect the responsibilities of rail **ticket vendors** and **tour operators** offering rail tickets as part of their tour packages.

From 4 December 2019, rail ticket vendors will be obliged to comply with obligations in the areas of provision of travel information, availability of tickets, and accessibility information and assistance for disabled persons. Tour operators will have these obligations too, and also in relation to the provision of information to passengers about their rights.

These obligations arise under the Rail Passengers' Rights and Obligations Regulation¹ (Regulation 1371/2007/EC) (which we will refer to as "the European Regulation"). Until now, ticket vendors and tour operators have been in scope of the European Regulation, but have been exempted from the non-mandatory requirements in relation to domestic services. However, the exemption will expire on 3 December 2019, and the Department for Transport (DfT) has decided that the exemption will not be renewed. We understand that DfT sent an email on 11 July 2019 to ticket vendors (via Rail Delivery Group) and ABTA (on behalf of tour operators) to explain that the exemption will not be renewed.

In **Annex A**, we have set out which articles in the European Regulation are applicable to ticket vendors and tour operators.

Background

The European Regulation came into effect on 4 December 2009 and was immediately enforceable by individuals through civil action. The Government laid a Statutory Instrument² ("the RPRO 2010") before Parliament which specified ORR as the enforcement body for the European Regulation and gave ORR the powers to modify the

¹ The Rail Passengers' Rights and Obligations Regulation 1371/2007/EC - <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32007R1371&from=EN>

² The Rail Passengers' Rights and Obligations Regulations 2010 - http://www.legislation.gov.uk/ukxi/2010/1504/pdfs/ukxi_20101504_en.pdf



relevant train operator licences so that we can use the licensing system as the main enforcement mechanism.

Effect on ticket vendors and tour operators

Ticket vendors³ (i.e. third party rail ticket retailers licensed by the Rail Delivery Group) and tour operators⁴ are affected even though ORR does not license either of these groups. The RPRO 2010 implementing the European Regulation provides that the licence breach provisions in the Railways Act 1993 apply to such ticket vendors and tour operators if they breach relevant terms of the European Regulation.

This means that ORR, as the National Enforcement Body for the European Regulation, has the power to enforce against these parties as if they were licence holders (i.e. follow our [economic enforcement policy](#) substituting references to licence holders for ticket vendors and tour operators as the case may be).

Ticket vendors and tour operators may wish to remind themselves of their obligations in the European Regulation, particularly those new obligations which will become applicable once the exemption expires.

Impact assessment

Any activity we undertake in relation to ticket vendors and tour operators to reflect and enforce the changes arising from full implementation of the European Regulation are necessary under European and domestic law, and therefore imposes no additional costs to those required by law.

Next Steps

If you have any queries, please get in touch with us at consumer.compliance@orr.gov.uk.

Yours sincerely

A handwritten signature in black ink, appearing to read 'M. Clements', is enclosed in a thin black rectangular border.

Marcus Clements

³ Defined as an organiser or retailer, other than a railway undertaking, within the meaning of Article 2(2) and (3) of Directive 90/314/EEC – 13 June 1990 on package travel, package holidays and package tours.

⁴ We have written separately to relevant train and station operators setting out the modifications required to their licences as appropriate – these letters are available [here](#).

Annex A – applicable provisions in the European Regulation

1. The following provisions apply to independent ticket vendors:

- a) Article 8(1) (travel information);
- b) Article 9(1) (availability of tickets, through tickets and reservations);
- c) Article 10 (travel information and reservation systems);
- d) Article 19(2) (right to transport);
- e) Article 20 (information to disabled persons and persons with reduced mobility); and
- f) Article 24 (conditions on which assistance is provided).

Of these, Articles 9, 19(2) and 20 are ‘mandatory’ provisions and are already fully applicable.

The other listed Articles will become applicable for domestic services as well as international services once the exemption expires on 3 December 2019.

2. The following provisions apply to tour operators:

- a. Article 8(1) (travel information);
- b. Article 19(2) (right to transport);
- c. Article 20 (information to disabled persons and persons with reduced mobility);
- d. Article 24 (conditions on which assistance is provided); and
- e. Article 29(1) (information to passengers about their rights).

Of these, Articles 19(2) and 20 are ‘mandatory’ provisions and are already fully applicable.

The other listed Articles will become applicable for domestic services as well as international services once the exemption expires on 3 December 2019.