

# Office of Rail Transport

<https://utk.gov.pl/en/new/16688,Four-years-of-Rail-Passenger-Rights-Ombudsman.html>  
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## Four years of Rail Passenger Rights Ombudsman

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On February 1, 2017, the first Rail Passenger Rights Ombudsman was appointed. The Ombudsman helps in out-of-court dispute resolution between rail passengers and companies operating on railway market.

The possibility of amicable settlement of disputes with companies operating on railway market was introduced in the Railway Transport Act 2003 in 2016. Consumers obtained a tool which allows for a faster and easier solving of a conflict situations when a dispute with a seller, service provider or carrier occurs. Previously, after receiving a negative response to a complaint, a consumer could only apply to court and follow a long and complicated procedure. Currently, independent and impartial institutions help to reach an agreement. For rail passengers it is the Rail Passenger Rights Ombudsman.

The basic feature of arbitration is its voluntary nature. The arbitration proceedings may be conducted only after both parties consent to this mode of dispute resolution. Most rail operators are willing to participate in this procedure and the withdrawals from this procedure occur rarely.

Within four years, the Rail Passenger Rights Ombudsman conducted 872 conciliatory proceedings, 63% of which led to the dispute being resolved. These statistics do not include cases of refusal to conduct proceedings or withdrawal of one of the parties. Proceedings should be completed within 90 days from the receipt of a complete application by the Ombudsman, but usually they are shorter. The average duration of the proceedings is 40 days. Thus, it is possible to obtain a decision much faster than in a court.

The proceedings mostly concern appeals against requests for payment, compensation for delay or cancellation of a train, reimbursement for unused tickets and compensation for reduced travel comfort. Travellers' complaints concern also a theft or damage of luggage or injuries sustained during the trip, but these cases are rare.

In nearly 10% of cases the Ombudsman had to refuse to resolve the dispute (for example when a passenger did not submit a complaint to the carrier before submitting the application). Sometimes a subject of a complaint is beyond the competence of the Ombudsman (i.e. beyond

the categories of cases considered by the Ombudsman, for example, bus transport). The Ombudsman may refuse to instigate proceedings when the value of the dispute is too low or exceeds limits set by law. The Ombudsman may conduct proceedings when a claim is not lower than PLN 10 and not higher than PLN 20,000. Moreover, an arbitration is not possible when a case has been already brought to a court.

Every year the Rail Passenger Rights Ombudsman publishes recommendations, describing most common cases and ways to avoid conflict situations by passengers and rail companies. Such recommendations concern handling of complaints regarding appeals against requests for payment issued due to purchase of the wrong ticket or lack of ticket, return of unused tickets and proper documenting of claims, as well as clarifying the provisions regarding promotional offers.

*- The data show that almost two-thirds of the procedures end in reaching an agreement which is acceptable to both the passenger and the company. This is a very positive trend. Arbitration proceedings mostly concern requests for payment issued due to the purchase of the wrong ticket or the lack of it - says Joanna Marcinkowska, the Rail Passenger Rights Ombudsman. - In these cases it is difficult thing to find a way to end the proceedings which would satisfy both parties. I hope that with time in such cases it will be easier and easier to find a compromise - adds Marcinkowska.*

On February 1, 2017, Joanna Marcinkowska was appointed the Ombudsman. She worked at the Office of Rail Transport as a legal advisor. She has extensive experience in dispute resolution. Her professional interests focus on rail transport.

The most common disputes and ways to avoid them are described by the Ombudsman in a blog <https://www.pasazer.gov.pl/blog/>. More information on the Rail Passenger Rights Ombudsman, rules of participation in arbitration proceedings, as well as the application form can be found at [www.pasazer.gov.pl](http://www.pasazer.gov.pl). The application may also be sent by post or e-mail via the ePUAP system or delivered in person to the Office of Rail Transport or one of its regional divisions.

Supervision over passenger rights in rail transport is exercised by the President of the Office of Rail Transport. Travellers' complaints of a possible violation of passenger rights by rail companies (for example regarding an obligation to provide passenger information) should be filed with the President of the Office of Rail Transport.

**SUBJECT OF PROCEEDINGS CONDUCTED BY THE RAIL PASSENGER RIGHTS OMBUDSMAN**

