

Office of Rail Transport

<https://utk.gov.pl/en/passenger-rights/passenger-rights-in-rail-trans/20197,Passenger-rights-in-rail-transport.html>
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Passenger rights in rail transport

Regulation 2021/782 on rail passengers' rights and obligations^[1] gives rail travellers several basic rights, including but not limited to:

- complete information,
- purchasing rail tickets without undue difficulty,
- making a safe journey,
- compensation in certain situations,
- lodging a complaint if the journey did not meet the passenger's expectations,
- travel assistance for people with reduced mobility.

Passenger rights may vary depending on the category of train. Some provisions are excluded for urban, suburban and regional passenger services.

COMPLAINTS AND CLAIMS – WHAT IS THE DIFFERENCE?

Every rail operator has a duty to provide passengers with adequate service, comfort, hygiene and safety on their journey. What can you do if you are not satisfied with the quality of your journey?

You have the right to make a complaint or claim. The terms "complaint" and "claim" are often used interchangeably and treated as synonyms. However, there is a fundamental difference between the two. A claim contains a demand for a specific financial compensation on the part of the passenger, whereas with a complaint the traveller may make comments that are not related to monetary compensation.

WHERE TO ADDRESS A CLAIM?

Incorrect performance of the contract of carriage concluded with the carrier may constitute grounds for a claim. Where to address a claim? Preferably directly to the carrier whose service you have used - [rail carriers' contact details](#)

In order to make it easier for passengers to submit claims for ticket reimbursement or compensation under Regulation 2021/782, the European Commission has planned to establish

a common form for such claims that will be valid throughout the European Union. Passengers will be able to submit their claims to carriers using a single form. [More information](#).

Be sure to enclose with your claim the ticket for the journey and other documents proving the additional travel costs you have incurred. Remember that this must be done within 1 year of the date of travel. According to Regulation 2021/782, the limitation period is two years for a claim relating to damage that is a result of an act or omission of the carrier, either associated with the intent to cause damage or arising from the carrier's negligence with knowledge of the likelihood of allowing damage to occur.

If a train is cancelled or delayed by at least 60 minutes, you have the following rights:

- refund of the cost of the ticket or offer of another connection to your destination;
- refreshments and meals adequate to the waiting time, if they are available on the train or in the station or can be supplied reasonably – in Poland this applies to long-distance trains only;
- if you need to stay for one or more nights, an accommodation and transfer between the hotel and the station, if physically possible – in Poland only applies to long-distance trains;

The amount of compensation depends on the length of the delay and the ticket price:

- 25% of the price in case of a delay of between 60 minutes and 119 minutes,
- 50% of the price in case of a delay of more than 120 minutes.

Passengers who have not exercised their right to reimbursement shall be entitled to compensation. Rail carriers may introduce a minimum threshold below which compensation will not be paid – the threshold may not be lower than €4 per ticket.

In Poland the compensation rules apply only to long-distance trains of the Express Intercity Premium (EIP), Express InterCity (EIC), InterCity (IC), Twoje Linie Kolejowe (TLK), interREGIO (IR), ŁKA Sprinter (ŁS) and international trains for journeys between EU countries.

It is important to remember that EU rules allow the carrier not to pay compensation if the delay is caused by force majeure, the sole fault of the traveller or a third party – natural disaster, accident involving a random person, etc.

The carrier should respond to your claim within 30 days of receiving it. If the decision you receive is not to your liking, you may appeal against it once (provided you present new circumstances of the case which would support a favourable outcome for you).

WHERE TO LODGE A COMPLAINT?

A passenger has the right to complain in any situation where rail transport does not meet their expectations. Comments received from travellers are important information for rail operators about areas in need of improvement. If you are fully convinced that your opinion is about an important issue, you should forward it to the correct addressee.

So where to address a complaint? Preferably directly to the company that is responsible for the part of the transport service in question. If your comments relate to:

- train travel (e.g. comfort of travel or quality of service) – write to the relevant carrier ([rail carriers' contact details](#));
- railway station infrastructure – write to the station operator via this [form](#) or send an email to kontakt@pkp.pl (Polskie Koleje Państwowe S.A.);
- track renovation, platforms, megaphone announcements and passenger information – write to the rail infrastructure manager using this [form](#) (PKP Polskie Linie Kolejowe S.A.).

The time limit for lodging such a complaint is three months from the event to which it relates.

Within one month of receipt of the complaint, the addressee should give you a reply, with reasons, or, in justified cases, inform you that you will receive a reply in less than three months from the date of receipt of the complaint.

If you are not satisfied with the explanations received from the rail carrier or infrastructure manager, write – enclosing the full documentation of the case to date – to the [Office of Rail Transport](#).

If your complaint to the rail carrier or manager is rejected, you have the right to lodge a complaint with the Office of Rail Transport within three months of being informed of the rejection of the original complaint.

You should attach the following documents to a complaint about violation of passenger rights in rail transport addressed to the President of the Office of Rail Transport:

1. a copy of the claim or complaint addressed to the entity concerned;
2. the entity's response to the complaint or claim, if any;
3. a ticket for a given route and, in the case of an electronic ticket, data enabling identification of the terms and conditions of the concluded transport agreement, in particular the ticket number, the date and times of carriage and the type of train, or a

confirmation of the reservation;

4. other relevant documents proving the infringement of the rail passengers' rights.

ALTERNATIVE DISPUTE RESOLUTION

If the rail carrier has not accepted your complaint and you do not agree with its decision, an alternative solution is to apply for an amicable procedure before the [Rail Passenger Rights Ombudsman](#) at the President of the Office of Rail Transport. If the action you have taken does not bring the desired result, you can also take legal action.

You can also try to resolve your dispute by using other [alternative dispute resolution \(ADR\)](#) methods. If your train ticket was purchased online, you can submit a complaint via the [Online Dispute Resolution \(ODR\)](#) platform. ADR and ODR are only available to residents of the European Union.

You may also decide to take legal action and make a claim for damages under EU legislation using the [European Small Claims Procedure](#). You also have the right to bring a case before the court in the country where the rail transport operator is registered.

Another option is to contact the [European Consumer Centre](#) for help and advice in relation to rail passenger rights issues.

LEGAL BASIS

Regulation (EU) 2021/782 of the European Parliament and of the Council of 29 April 2021 on rail passengers' rights and obligations (recast), OJ L 172, 17.5.2021, p. 1-52

Ordinance of the Minister for Transport and Construction of 24 February 2006 on the determination of the condition of consignments and the complaint procedure

Transport law. Act of 15 November 1984

YOUR EUROPE

More information on rail passenger rights can be found on the [Your Europe](#) portal:



[\[1\]](#) Regulation (EU) 2021/782 of the European Parliament and of the Council of 29 April 2021 on rail passengers' rights and obligations (recast), OJ L 172, 17.5.2021, p. 1-52.