TRAVELLING BY TRAIN: Passenger rights in Germany

Guideline for European consumers
This brochure provides you with information on your rights as a passenger on journeys by train from Germany to other EU countries or within Germany.

December 2014
After the European Union established rules on air passengers’ rights in 2006, further rules enhancing consumer protection followed with a Regulation on railway passengers. As to the Regulation (EC) No 1371/2007 on rail passengers’ rights and obligations, unitary rules of compensation should apply throughout Europe - whether they concern delays or cancellation of trains or even train accidents. In addition, the railway companies are obliged to inform passengers of their rights and obligations and to establish complaint boards according to the Regulation that is directly applicable in all EU Member States since 3 December 2009.

Therefore, the Regulation constitutes a further step towards a liberalisation of the Single European Transport Market and a harmonisation of legislation that has been partly different from State to State. Corresponding regulations for busses and ships have been developed since to strengthen the protection of consumers and the environment within the whole European transport system.

The Regulation is part of the so-called third railway package in the railway sector. This package is supposed to encourage competition in cross-border passenger transportation as well as to standardise the locomotive driving licence throughout the EU. It replaces some providers’ voluntary commitments, e.g. the Charter on Rail Passenger Services on EU-level as well as the customer charter of the Deutsche Bahn (German railway operator) on national level.

**SHORT-DISTANCE TRAINS**

All exceptions concerning urban, suburban and regional rail passenger services will be pointed out in red boxes below. Again, local traffic services that are operated mainly due to historical interest or intended for touristic use like museum trains are excluded.
EXAMPLE

You travel from Berlin to Warsaw:
In the evening, after experiencing a short walking tour through the city, you want to travel on to the Polish coast, so you buy a ticket. Afterwards, you find out that the last train is cancelled and you will have to spend a night in the capital. If you had a direct ticket from Berlin to the Polish coast, in other words, if you are on a cross-border journey, you would be reimbursed for the hotel accommodation. In case Poland stipulates an exemption of the EU-regulation for national journeys, you will have to pay for it yourself. Thus, read up on the legal situation in the country you intend to visit.

Basically, national as well as international train journeys within Europe are affected by this Regulation. However, the individual Member States are allowed on a transparent and non-discriminatory basis to grant exemptions on their national railway traffic until 2024.

The following Articles of the Regulation applied imperatively in the sector of national and cross-border railway traffic from December 2009: availability of tickets, through tickets and reservations (art. 9), liability for passengers and luggage (art. 11), insurance (art. 12), right to transport for passengers with reduced mobility (art. 19), information on accessibility of rail services (art. 20, 1) and passengers’ personal security (art. 26).

The Regulation entered into force in December 2009.

The German legislation

In Germany, the Parliament (“Deutscher Bundestag”) passed the law on adaptation of railway law regulation to the Regulation (EC) 1371/2007 on the 24 April 2009. Consequently, the EU-Regulation applies since 29 July 2009 to all national and cross-border rail journeys and services in Germany.

Whilst more consumer-friendly national laws for the national rail traffic may also be adopted, it is by no means allowed to derivate from the European Regulations in terms of cross-border rail journeys. In Germany, exceptions to the Regulation are exclusively intended for local traffic.
Since July 2009, rail passengers in Germany have to be informed comprehensively and in the most appropriate way: Before departure, railway companies and ticket vendors have to provide various information upon consumer inquiries. During the journey, the train staff has to take the initiative to inform the passengers. Particular attention shall be paid in this regard to the needs of people with auditory and/or visual impairment.

**Pre-journey information**

- Which general conditions apply to the contract?
- Which is the fastest connection and has the lowest fares?
- Are there facilities for disabled persons and persons with reduced mobility as well as for passengers with bicycles while entering the train and on board?
- Are there seats in in first and second class as well as couchettes and sleeping carriages?
- Will the journey be disrupted or delayed?
- Which services are offered on board?
- Where and how can I reclaim lost luggage and submit my complaint?

**Information during the journey**

- Which services are offered on board?
- Which is the next station?
- Is the train delayed and if yes, when it is expected to arrive?
- Which main connecting services are available?
- What do I have to take into account in terms of security issues?

**SHORT-DISTANCE TRAINS**

Concerning short-distance traffic, there is no duty to provide information on the main railway connections.
**Tickets**

In principle, the traveller has to purchase a train ticket before departure. In exceptional cases, according to the Regulation, it also has to be possible to obtain tickets on the train, sometimes including surcharge. In case the traveller refuses to pay the carriage charge and/or the surcharge upon demand on the train, he may be refused transportation.

When booking a ticket online, you have to consider that you will not have the right of withdrawal. Besides, you may encounter problems with the acceptance of your credit card while booking on foreign websites in terms of payment procedure or pickup at the vending machine.

The railroad pass may only be transferred to another person if it is not issued for a specific name and if the journey has not started yet.

**Hand luggage, registered luggage**

The railway company is entitled to exclude certain items from transport and to examine pieces of luggage to check if articles comply with the conditions of carriage – the passenger must be invited to attend the examination. If he does not appear or cannot be reached, the carrier must require the presence of two independent witnesses. The hand luggage has to be easily transportable, i.e. it must not cause disturbance in any way.

It is your own duty to indicate your name, address and place of destination on your registered luggage. In Germany, you do not have to inscribe your hand luggage – however, this is required on the French TGV.

**HINT**

If you cannot buy a ticket, the best thing to do is to refer to the conductor, if possible even before departure on the platform.

**HINT**

Have a look at the general terms and conditions and check what kind of luggage may be carried!
Bicycles

The EU-Regulation stipulates that railway companies shall enable passengers to bring their bicycles on to any train, if they are easy to handle, do not affect the specific rail service in a negative way, and the train company is able to provide

Carriage of bicycles in Germany
In Germany, bicycles can be taken in all long-distance trains (EC, IC, CNL, D, EN) of the Bahn AG, except for the Intercity-Express (ICE). When you take your bicycle on board of long-distance trains, you need a bicycle ticket and a reservation, which is included in the price of the bicycle ticket (single journey EUR 6,00 with Bahncard and EUR 9,00 without a Bahncard). The Deutsche Bahn advises a reservation until one day before the start of the journey at the latest.

Something different applies for folding bicycles. Folded up, they can be taken in all long-distance trains, even in the ICE.

International Carriage of bicycles
Those who are travelling to other European countries need an international bicycle ticket. This ticket costs 10 EUR in Germany, including a reservation, and is valid until the final destination without additional charge. If you change into a short-distance train abroad, you should inform yourself about possible additional restrictions in the respective country.

SHORT-DISTANCE TRAINS
In short-distance trains the carriage of bicycles is possible as far as the capacity of the train allows it. On many local routes or in some transport associations the carriage of bicycles is free of charge (either in general or at specific time periods). Should this not be the case, you can buy a ticket for your bicycle within a transport association. Depending on the aim of your journey, it is worth to buy a bicycle ticket for the whole day (DB-Fahrradtageskarte), which costs EUR 5,00 and which can be used in several transport association.
Thanks to the EU-Regulation railway travellers are legally entitled to a partial refund of the fare in case of exceeded delays – beforehand, such provisions were to be found in the company’s conditions of transport at the most. Passengers are also entitled to a reduction of the fare if they missed a train connection due to a relatively short delay. It is the very difference between the actual and the scheduled time of arrival on the destination that is taken into consideration in order to determine delays.

In case a delay is expected

Once a delay of at least 60 minutes is foreseeable, the passenger shall immediately have the choice between:

1. **Reimbursement of the full or partial cost of the ticket,**
   - for the part of the journey that has not taken place yet;
   - for the parts of the journey that did take place but the journey is no longer serving any purpose in relation to the passenger’s original travel plan. Furthermore, in this case, the passenger is eligible for a return service to the first point of departure at the earliest opportunity.

2. **Continuation of the journey** or re-routing under comparable conditions
   - to the final destination at the earliest opportunity or
   - to the final destination at a later date at the passenger’s convenience.
**Alternative transport**

If the train is blocked on the track, the Deutsche Bahn has to offer you, in the event of a delay of more than 60 minutes, the transport to an alternative departure point or to the destination of the train - but only if it is possible. If the transport cannot be continued (cancellation, no replacement trains) the Deutsche Bahn has to organise an alternative transportation (for example by bus). Before using a taxi you should clarify the situation with the railway company. If the conditions are met you can apply, in addition, for financial compensation for the delay.

According to the FAQ of the Deutsche Bahn, passengers can use a more expensive train if the delay exceeds at least 20 minutes. In this case you have to pay the costs in advance.

**Important:** This does not apply, if you have bought a «Schönes-Wochenende-Ticket» or a «Länder-Ticket».

In the event of an expected delay of at least 60 minutes at the destination and a scheduled arrival time between 0 and 5 am, passengers have the right to use an alternative form of transport, for example a bus service or taxi. The passenger will receive a refund of up to 80 EUR for the expenses paid. The same applies, when the last train is cancelled and you cannot reach the destination before 0:00 am. If the Deutsche Bahn offers a shuttle-service, you are obliged to use it.

**In case a delay occurs**

**Compensation of the ticket price**

In case the passenger continues his journey despite a delay, he is entitled to receive a compensation. The minimum compensation for delays is:

- 25% of the ticket price for a delay of 60 to 119 minutes,
- 50% of the ticket price for a delay of at least 120 minutes.

---

**SHORT-DISTANCE TRAINS**

Short-distance travellers are entitled - if places available - to use a faster train with compulsory reservation, if the local train was at least 20 minutes behind schedule.

In case the passenger was supposed to arrive at the final destination between 0 and 5 a.m., but the train is at least 60 minutes behind schedule, he may continue his journey using other means of transport (e.g. bus or taxi). The same applies for passengers who miss the last connection of that day and are not going to arrive at their final destination until 12:00 pm. However, the journey by taxi must not exceed 80 EUR.

---

*Foto © Rainer Sturm / pixelio.de*
ATTENTION
In case you booked an online ICE-train ticket from Frankfurt to Berlin and you buy your Subway ticket to Frankfurt Main Station just before starting your journey at a vendor machine, this is not considered as one single journey. If your suburban train is behind schedule and you miss the ICE, you will therefore not obtain any compensation. The same applies for bus and tube passengers arriving to late at the train station.

If you bought a ticket for a return journey but the delay concerned only a one leg of the journey, you will only get a compensation for the part affected.

The compensation will be paid within one month, but no later than three months after you submitted the request.

Compensation in cases of force majeure!
In September 2013, the European Court of Justice (ECJ) has decided that compensations must also be paid in cases of force majeure, e.g. bad weather, strike or if a truck blocks the rails (ECJ, 26 September 2013 - C-509/11).

Passes for local or national networks
Travellers are entitled to a compensation of maximum 25% of the ticket price for delays exceeding 60 minutes:

| Passes of local networks:          | 1,50 € (2nd class) / 2,25 € (1st class) |
| Passes in national networks:       | 5,00 € (2nd class) / 7,50 € (1st class)  |
| Mobility BahnCard 100:             | 10,00 € (2nd) / 15,00 € (1st)           |

No compensation will be paid,
• if the amount of reimbursement accounts for less than 4 €,
• if the traveller has already been informed of the delay before buying the ticket.
**Assistance**

First and foremost, the company has the duty to inform travellers of delays and cancellations of trains as soon as such information is available. In case of any delay of at least 60 minutes, passengers have to be offered free **meals and refreshments** in reasonable relation to the waiting time.

Moreover, the railway company has to offer free hotel or other accommodation as well as the transport between railway station and the place of accommodation, in cases where a stay of one or more nights becomes necessary due to a delay of at least 60 minutes or a cancellation.

If the train is blocked on the track, the railway company has to arrange transport from the train to the railway station, to an alternative departure point or to the final destination of the service, if possible. If the railway service cannot be continued anymore, the company has to organise as soon as possible **alternative transport services**.

**Further consequential damages**

Delays often cause consequential damages: The hotel reservation cannot be met or the passenger misses his or her flight. **ATTENTION:** Railway companies have no duty whatsoever to compensate for those damages!

**SHORT-DISTANCE TRAINS**

There is no duty to provide meals and refreshments on short-distance services in case of a delay of 60 minutes and more.
As a general rule, the supervision of your hand luggage is your own responsibility, unless the loss or damage thereof is caused by a fault of the carrier. Of course, this is different for registered luggage: In this case, the railway company in charge of the luggage is liable for assumed fault.

The transporter is neither liable for damages to luggage nor for damages to persons, if the damage can be attributed to circumstances on which the transporter did not have any influence. This applies, for example, if the luggage was packed inadequately.

### Damaged or lost luggage

In case you discover damages to your luggage upon delivery, you should ask to have your damages recorded on the spot. If the transporter refuses to do so, you may refuse to accept your luggage to be able to prove afterwards that the damages did not occur after the delivery.

<table>
<thead>
<tr>
<th>CONDITION OF LUGGAGE</th>
<th>COMPENSATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Damaged hand luggage</td>
<td>up to 1400 UOA per traveller</td>
</tr>
<tr>
<td>Damaged registered luggage</td>
<td>Limit see “lost luggage”</td>
</tr>
<tr>
<td>Delayed registered luggage (until a delay of 14 days)</td>
<td>up to 0,80 UOA per kg and day, respectively 14 SDR per piece of luggage; without proof of precise damage: 0,14 per kg, respectively 2,80 SDR per piece</td>
</tr>
<tr>
<td>Lost registered luggage (from the 14th day on)</td>
<td>up to 80 UOA per kg or 1,200 UOA per piece of luggage; without proof of precise damage: 20 per kg, respectively 300 UOA per piece</td>
</tr>
</tbody>
</table>

1 UOA (= unit of account) complies with about 1, 12 € (date: Feb. 2014)
In case the luggage was not delivered, the traveller may ask for a certification including a statement of day and hour of the designated delivery.

According to Art. 2 par. 3 and 5 of the EU regulation, the liability for damaged luggage also applies without any exception for local transportation.

**Dead or injured passengers**

If a passenger is killed or injured during a train accident, the train company is, within 15 days, bound to advance payments that meet the costs for the immediate needs of the affected passenger or his dependants.

Moreover, the carrier is obliged to compensate for damages that emerged from essential treatment, e.g. costs for treatment and care, but also for financial loss due to total or partial incapacity to work or to economic loss.

If, through the death of a passenger in the event of train accident, persons whom he had or would have had a legal duty to maintain are deprived of their support, such persons shall also be compensated for that loss. The company has to compensate for transport of the body and funeral expenses.

Altogether, the EU regulation stipulates that companies are liable for personal injuries up to an amount of 175,000 units of account. The different EU Member States may also increase that maximum limit of liability.

For example, the German law of liability stipulates maximum limits of 600,000 EUR or 36,000 EUR annuity for killed or injured persons.

According to Art. 2 par. 3 and 5 of the EU regulation, the liability for damages to persons also applies without any exception for local transportation.

---

**TIP**

Keep your luggage receipt! It will serve as a proof of condition and number of pieces of luggage:

In case it was not registered that your suitcase already contained dints, it will be assumed that the company is liable for damages upon delivery.
Step 1:
**Collect receipts!**

To be able to complain you need the documents: ticket, luggage receipt, transport pass, invoices etc. According to the Regulation, you have to submit the original document or a copy.

Step 2:
**Find the appropriate contact person!**

Claims of compensation in case of death of or personal injury to passengers may only be brought against the carrier referred to in the contract. Any other claim may be brought only against the first carrier, the last carrier or the carrier having performed the part of carriage on which the event causing the claim occurred.

Step 3:
**Mind deadlines to enforce your claims!**

You obtain credit vouchers or reductions on the ticket price in the event of delays or cancellation of trains if you submit your complaint within one year after expiration of the ticket's validity to the company concerned.

**Damages to luggage**

As soon as the traveller accepts the registered luggage after the transportation, his claim expires, unless he discovers at that very moment that something is missing or that the luggage is damaged. In this case, the company has to document this damage immediately as well as the date and is obliged to deliver a copy to the traveller. In case the circumstances are not described correctly, the passenger may insist on calling an authorized expert for assistance.

---

**TIP**

As a start, just send copies by mail — in case the letter disappears or was sent to the wrong company.

**TIP**

Once you arrive at the destination, you should check your luggage for hidden damages — if possible in front of witnesses.
If a traveller does not notice that his luggage is damaged until he is at home, he should ask for an evaluation of the facts within **three days** in order to prove that the damage existed before he received the luggage.

In case the luggage is delivered late, the traveller’s right to compensation expires if he does not assert his rights within **21 days**. A lost suitcase has to be notified within **14 days**.

**Personal injuries**

Any entitlement due to personal injury expires if the accident is not reported to the transporter within **twelve months** after the damage was noticed. Where the person only gives notice of the accident orally, the company has to provide him with an acknowledgement of this approach.

**Step 4:**
**Write to the adequate railway company!**

First of all, you should approach the company in writing. The companies are obliged to set up a complaint handling mechanism to deal with rights and obligations covered by the Regulation. Contact details and working language(s) have to be made available to passengers. The complaints have to be answered within one month. In exceptional cases, the passenger has to be informed by what date (within a period of less than three months from the date of the submission of the complaint) a reply can be expected.

**ATTENTION**

Claims against railway companies are also subject to limitation of actions. In case of doubt, ask for the deadline.

**ASK FOR CONFIRMATION**

Ask the train staff to confirm the delay by marking the corresponding form or ask the railway station staff at the Service Point to do so right upon your arrival. A barcode will be stamped into the corresponding field of the form, allowing to verify later the delay. Staff in the «Reisezentren» is not authorized to confirm your delay.

**Servicecenter Passenger right**

In order to spare clients the search for the right contact in order to claim compensation, the participating railway companies assigned the Servicecenter Fahrgastrechte to handle reimbursement and compensation claims. Using the Passenger Rights Form (available in the train, at the DB Service Points or in the DB Reisezentrum),
you can submit your complaint together with the ticket (original or copy) and evidence of incurred additional costs at the DB Reisezentrun or send it by mail to the Servicecenter. The form is also available online. More information [www.fahrgastrechte.info](http://www.fahrgastrechte.info)

**Extrajudicial mediation**

**Step 5: Contact a mediator!**

The European Consumer Centres handle [claims of European passengers](#) against railway companies from other EU countries: for example, you are Italian and take a German ICE-train from Munich to Berlin. Therefore, if you use the service of a railway company from another EU-country, you can approach the ECC Centre of your home country.

Lawyers at the ECC work free of charge for each individual traveller by forwarding the matter to a competent, foreign mediation organisation or trying to find an amicable out-of-court settlement with the company involved.

In case of complaints against national train companies or travel organisations, a national mediation body is competent, the «Schlichtungsstelle für den öffentlichen Personenverkehr (söp)». If the complaint concerns a journey with a regional company, you may also contact a regional mediation organisation, if available.

You find all important addresses on pages 21 and 22.
What kind of rights do elderly and disabled travellers have?

Railway companies and station managers have to establish non-discriminatory access rules for the transport of disabled persons and persons with reduced mobility. They may exceptionally arrange special regulations of access (e.g. the condition that persons with restricted mobility have to be accompanied by another person).

Railway companies, ticket vendors and tour operators inform about the accessibility of rail services, access conditions and its reasons upon request.

What kind of assistance is available at stations and on board trains?

Without prejudice to the access rules, railway companies shall provide disabled persons and persons with reduced mobility free of charge assistance on board a train and during boarding and disembarking from a train. Assistance is provided on condition that the railway company, the station manager, the ticket vendor or the tour operator where the ticket was purchased is notified of the need for assistance at least 48 hours beforehand. When the ticket entitles to various journeys, one notification shall be sufficient provided that adequate information on the timing of subsequent journeys is given.

If a specific time of arrival of the disabled person is arranged, this shall not be more than 60 minutes before scheduled departure time or the time at which all passengers are asked to check in. If no time is determined, the person shall present himself at the designated point at least 30 minutes before the scheduled departure time or the time at which all the passengers are asked to check in.

Compensation for mobility equipment or other specific equipment

Unlike in the case of common luggage, there is no financial limit of liability applicable for mobility equipment: in this case, the railway company is completely liable for the total or partial loss of, or damage to, mobility equipment or other specific equipment used by disabled persons or persons with reduced mobility.
**USEFUL ADDRESSES**

**European Consumer Centres Network (ECC-Net)**
The EU-wide network of European Consumer Centres (ECC-Net) offers free consumer help and advice.

There is a European Consumer Centre in every EU country as well as in Norway and Iceland, so you can get help and advice at home for problems abroad.


**Servicecenter Fahrgastrechte**
60647 Frankfurt am Main
Tel. 0180 5 20 21 78 (20 ct/Min. aus dem deutschen Festnetz)
Web: [www.fahrgastrechte.info](http://www.fahrgastrechte.info)

Here you’ll find the Passengers Rights online form: [www.bahn.de/wmedia/view/mdb/media/intern/fahrgastrechte/fahrgastrechte-formular.shtml](http://www.bahn.de/wmedia/view/mdb/media/intern/fahrgastrechte/fahrgastrechte-formular.shtml)

**Schlichtungsstelle für den öffentlichen Personenverkehr e.V. (söp)**
Fasanenstraße 81
10623 Berlin
Mail: kontakt@soep-online.de
Web: [www.soep-online.de](http://www.soep-online.de)

**Schlichtungsstelle Nahverkehr Nordrhein-Westfalen**
Mintropstraße 27
40215 Düsseldorf
Tel. 0211 / 3809-380 (Mo.-Do. 10.00 bis 12.00 Uhr)
Mail: info@schlichtungsstelle-nahverkehr.de
Web: [www.schlichtungsstelle-nahverkehr.de](http://www.schlichtungsstelle-nahverkehr.de)
Schlichtungsstelle Nahverkehr Niedersachsen und Bremen e. V. (SNUB)
Postfach 6025
30060 Hannover
Fax: 0511 16 68 96 20 00
Mail: kontakt@nahverkehr-snub.de
Web: www.nahverkehr-snub.de

Ombudsstelle Nahverkehr Bayern
c/o VDV-Landesgruppe Bayern
Postfach 202052
80020 München
Tel. 089 / 470 24 84
Web: www.vdv.de/ombudsstelle-nahverkehr-bayern.aspx

Ombudsstelle Nahverkehr Baden-Württemberg
c/o VDV-Landesgruppe Baden-Württemberg
Postfach 80 10 06
70510 Stuttgart
Tel. 0711-7885 7201
Mail: vdv.bw@mail.ssb-ag.de

Schlichtungsstelle Nahverkehr Mitte e.V.
c/o söp Schlichtungsstelle öffentlicher Personenverkehr e.V.
Fasanenstraße 81
10623 Berlin
Tel. 030.6449933-0 (Monday to Friday from 10 to 16 h)
E-Mail: info@schlichtungsstelle-nahverkehr-mitte.de
Web: www.schlichtungsstelle-nahverkehr-mitte.de
Resources


You may find any EU regulation via:
http://www.eur-lex.eu/

You may find German law via:
http://www.gesetze-im-internet.de/