

Annex II

Passengers' Rights under the EC Regulation

1. General provisions

1.1 The rights of passengers in the European Union (hereinafter EU) are governed by Regulation (EC) No. 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations in railway transport (hereinafter the EC Regulation).

1.2 The Regulation is applied in international transport in all member states in the full extent. In the Czech Republic, the EC Regulation is not applied in inland transport for articles 8, 10, 17, Art. 18 para. 2 a) and b), and Art. 18 para. 3, and further Art. 7 para. 2 b), Art. 17 para. 2 b), Art. 24 para. 3 b), and Art. 32 of Annex 1 and Annex 2 in the sense of law No. 266/1994 Coll., on railways. A passenger in international transport is considered to be a passenger who can identify himself/herself with an international travel document, except for segment travel documents issued for railway stations inside the Czech Republic.

1.3 International travel documents are considered to be those marked CIV (travel documents issued electronically, written, or documents from the internet).

1.4 Passengers' rights in the sense of the EC Regulation are published by ČD by means of the General Conditions of Carriage for Rail Passengers (GCC-CIV/PRR). These Conditions are publicly accessible and can be viewed at all ČD ticket counters which issue international travel documents, and online on www.cd.cz.

1.5. The Railway Authority, as a state administrative body, exercises oversight over the fulfilment of obligations concerning the observance of passengers' rights in rail transport according to the directly applicable regulations of the European Community, and the processing of complaints for violations of these obligations.

2. Train cancellations and train delays

2.1 If a train is cancelled, delayed by more than 60 minutes, or if it is evident that the passenger's destination station will be reached with a delay of more than 60 minutes, the passenger has the right to choose one of the following options:

- to request a refund of the price of the fare for the unrealised journey, the unrealised part of the journey, or the part of the journey which there is no longer a point in realising, and free transport back to the originating station, or
- to continue his or her journey using the next suitable connection; if necessary, the carrier will permit a change of route or extend the validity of the travel document.

2.2 If the travel document is for a return journey and the passenger has used it in one direction, only the portion of the fare price corresponding to a one-way travel document is refunded.

3. Compensation in the event of a train delay or cancellation

3.1 The passenger is entitled to compensation if he or she did not exercise claims per item 2.1 a) above and was transported to his or her destination under the transport contract with a delay of:

- 60 minutes or more – compensation amounts to 25% of the fare price in one direction if the amount of the fare is at least EUR 16,
- 120 minutes or more – compensation amounts to 50% of the fare price in one direction if the amount of the fare is at least EUR 8;
- in the case of network travel documents, compensation is subject to special conditions (SCIC-RPT).

If the fare amount is less than the above-mentioned values, the passenger is not entitled to compensation.

3.2 The passenger is also entitled to the above-mentioned compensation (see item 3.1), if his or her train was cancelled and as a result he or she was transported to the destination station with a delay of 60 or 120 minutes, respectively.

3.3 The fare price, which is considered the basis for calculating compensation, also includes reservations and supplements; possible service fees are not taken into consideration.

3.4 Passengers must exercise their claim to compensation within two months after termination of the journey by presenting the originals of the travel documents. The passenger must also present documents confirming his or her claim to compensation (confirmation of a delay, reservation, etc.) and must complete a request for compensation in international transport.

4. Impossibility of continuing a journey on the same day

4.1 The passenger is entitled (except for circumstances per Art. 6.2) to a reasonable reimbursement for accommodation and informing waiting persons, including essential transport to the place of accommodation, if he or she could not continue to the destination station on the same day due to a cancellation, delay, or due to having missed a connecting train.

4.2 Over and above EC Regulation 1371, the passenger has the right to alternative transport within the Czech Republic in the sense of the SPPO. At variance with the SPPO, the maximum amount in international transport is set at EUR 50. This provision does not change rights and obligations in the sense of EC Regulation 1371.

5. Processing a request for compensation

5.1 The appropriate place for processing a request for compensation is always the railway which issued the document. A list of foreign service centres authorised to process requests for compensation is available at all ČD ticket counters which issue international travel documents, or online on www.cd.cz.

5.2 The appropriate place for processing a request for compensation from ČD is the ČD Claims Processing Facility in Olomouc (hereinafter OPT) Address:

ČD, a.s. – Claims Processing Facility (OPT)

Department of Passenger Transport

Vídeňská 15

772 11 Olomouc

5.3 You can obtain a request form for compensation in international transport online on www.cd.cz or at any ČD ticket counter which issues international travel documents. The passenger can send the completed request form along with all originals of travel documents and documents confirming the compensation claim (see item 3.4) to OPT on the address specified above, or submit it at any ČD ticket counter which issues international travel documents.

5.4 Compensation is processed within one month after submission of the request in the form of a credit note. If the passenger requires the compensation in a different form than a credit note (bank transfer, postal money order), he or she must specially request this.

5.5 If the passenger is not entitled to compensation, he or she will be informed of this in writing with an explanation.

6. Exemption from responsibility

6.1 The carrier is exempt from responsibility (the passenger is not entitled to compensation) if the delay (see item 3) can be attributed to transport performances which:

a) took place outside the territory of an EU member state, outside the territory of Switzerland and Norway;

b) took place in part outside the territory of an EU member state, outside the territory of Switzerland and Norway;

c) if the delay occurred outside the territory of these states or is exempted from the EC Regulation;

d) are not part of the transport contract (bus, tram, metro, etc., e.g. between railway stations within the same urban agglomeration);

e) were performed as part of maritime or river transport.

6.2 The carrier is further exempt from responsibility (the passenger is not entitled to compensation, see items 3 and 4) if any of the following facts obtain:

a) the passenger was informed of the delay prior to purchasing the travel document (station notice boards, information on the carrier's website, information in the media);

b) the delay was caused by circumstances outside the purview of railway transport;

c) the delay was the fault of the passenger;

d) the delay was caused by a third party (e.g. suicides, accidents, strikes, etc.);

e) the delay was caused by a *force majeure* (floods, inclement weather, etc.).

7. Credit notes

7.1 A credit note, as a form of passenger compensation in international transport, is issued and sent to passengers by OPT by post. The credit note is valid for 1 year and the passenger can use it, during its term of validity, to effect payment at a ČD ticket counter equipped to issue travel documents electronically,

7.2 Credit notes can be used to pay for all inland and international travel documents and reservations (seat reservations, couchette and sleeper reservations), including commuter and network tickets, and Kilometric Banks. Only one credit note per transaction can be used for payment.

7.3 It is not possible to use a credit note to pay for merchandise, to charge up an electronic wallet on an In-karta card, or to pay for documents purchased through the eShop or using the TeleTiket service.

7.4 If the value of the travel document is greater than the value of the credit note, the passenger may pay the difference in CZK. It is not possible to pay the difference cashlessly or in EUR. If the value of the credit note is greater than the value of the travel / reservation documents being purchased, an overpayment arises which is not returned. One credit note can be used to pay for multiple documents at the same time.

7.5 In the case of travel and reservation documents paid for with a credit note, it is not possible for the passenger to exercise his or her right under the transport contract.

8. Climatic conditions in sleeper and couchette carriages

Over and above EC Regulation 1371/2007, passengers in international transport have the right to compensation in the form of a credit note in the amount of 25% of the price of the fare and reservation, if in a sleeper or couchette carriage included according to the train composition plan a comfortable temperature was not maintained (non-functional air-conditioning or heating) and the passenger could not be relocated to a seat of the same or higher category in a different carriage on the same train with functional air-conditioning or heating.

9. Information about compensation

9.1 Information about passenger compensation in international transport is provided online on www.cd.cz, where it is also possible to obtain an application form for compensation. Passengers can send questions concerning compensation by email to vaseprava@cd.cz.

9.2 Detailed information on passenger rights including a list of exceptions to the EC Regulation and a list of contacts at the service centres of foreign railway companies responsible for compensation can be found online on www.railpassenger.info.