

[Click here to print](#)

# MailOnline

## Train operators must pay passengers compensation for delays even if it's not the firm's fault, rules European Court of Justice

- Passengers will be compensated even when companies cannot control delays, such as bad weather or striking employees
- Passengers must be paid just the same as for delays caused by the firm's own operations

By [Anna Edwards](#)

**PUBLISHED:** 23:00, 26 September 2013 | **UPDATED:** 23:10, 26 September 2013

•  
•  
•  
•

60 shares

[64](#)

[View comments](#)

Passengers forced to hang around when their train journeys are delayed could finally be reimbursed for their bad experiences, a court has ruled.

European railway operators must pay passengers compensation for delays - even if the cause is beyond the company's control, the bloc's top court decided today.

The ruling will benefit millions who have faced cancelled or delayed journeys because of bad weather or striking employees.



---

**Austrian railway operator OBB's policy of refusing to pay compensation for delays caused by acts of nature was invalid, a court ruled**

---

The European Court of Justice found that Austrian railway operator OBB's policy of refusing to pay compensation for delays caused by acts of nature was invalid.

Passengers must be paid just the same as for delays caused by the firm's own operations, the Luxembourg-based court said.

Under EU rules, railway operators must reimburse a quarter of the ticket price for delays of up to two hours and 50 percent for longer delays.

Train travel is a major form of transportation across the 28-nation European Union. The railway operators of Germany and France alone carry about 3.5 billion passengers per year.



---

**Under EU rules, railway operators must reimburse a quarter of the ticket price for**

The ruling won't have an immediate financial effect on Austria's OBB since it had already started paying compensation in 2011 when it had been ordered by its regulator to do so, spokeswoman Sarah Nettel said.

Other European railway firms, however, have until now been invoking reasons beyond their control like adverse weather to avoid paying compensation.

Germany's Deutsche Bahn, which has annual revenues of about 40 billion euros (\$54 billion), said it welcomed the decision because it established legal certainty. The company claimed it had only rarely invoked force majeure to avoid compensation payments.

Consumer advocacy groups cheered the ruling.

"For passengers, it's the delay that counts, not the carrier's attempt seeking to avoid his legal duty to pay compensation," said Gerd Aschoff, spokesman for the German railway passenger association Pro Bahn.

The railway operator in the EU's second-largest economy, France's SNCF, did not immediately return requests for comment. SNCF, with revenues of about 34 billion euros (\$45.9 billion), says it ferries about 4 million passengers per day through France.

The court also clarified that railway firms aren't liable for passengers' losses due to train delays, only partial reimbursements of their ticket.

## MOST WATCHED NEWS VIDEOS

- [Previous](#)
- [1](#)
- [2](#)
- [3](#)
- [Next](#)



• [Child accidentally kills man at shooting range with single...](#)



• [Graphic: News report shows horrific effects of new drug...](#)



• ['Singing' sloth belts out 'I Will Always Love You'](#)



• [Terrifying real-life moment thief holds motorcyclist at...](#)



• [Alpine ibex walking on dam wall at Italy's Gran Paradiso...](#)



• [SHARKS caught in feeding frenzy off the coast of Cornwall](#)



• [Fans crowd Hillary Clinton at Chatham House, London](#)



• [World Cup: Steven Gerrard is ecstatic to be going to Brazil](#)



• [SCENE FOOTAGE: British racing driver killed in Porsche](#)



• [Mother of murdered Stephen Lawrence made a Baroness in HoL](#)



• [Spanish basketball team pretended to be disabled to win gold](#)



• [Moment of car crash horror in latest episode of Doc Martin](#)

## MOST READ NEWS

- [Previous](#)
- [1](#)
- [2](#)
- [3](#)
- [Next](#)



• [EXCLUSIVE: The sisters who are the first proof that Russian...](#)



• [A palace on wheels it ain't! A naff blue bath, cheapo...](#)



• [A new low for binge drink Britain: Woman nightclub reveller...](#)



• [Labour's new spokesman for women and a topless shoot at 15:...](#)



• [Dancer dies in blaze after car hits a deer: Fireball on dual...](#)



- [Savile and the tapes that damn the police: Revealed, the...](#)



- [Fearless London traffic warden places ticket on Hillary...](#)



- [Crimewatch callers 'name' Maddie suspect: McCanns delighted...](#)



- [Life and death in the fast lane: Chinese police leave dead...](#)



- [Who did the key witness see? Police say it is possible that...](#)



- [Fans reeling as car crash horror hits Doc Martin: After...](#)



- [Brazil here we come! England book place in 2014 World Cup...](#)



## Comments (64)

Share what you think

- [Newest](#)

- [Oldest](#)
- [Best rated](#)
- [Worst rated](#)

[View all](#)

[Report comment](#)

[Bazza](#), Birkenhead, United Kingdom, 2 weeks ago

My rail company already operates a compensation scheme, 5% of the cost of your ticket if the train is over an hour late. The ticket is only £6.05p for a return, so I'd get about 30p back. Considering an hour in lost wages is about £10-20 for a lot of people it's pretty pathetic really. They should compensate you for the exact amount you've lost in wages, then maybe the trains would run on time.

$\frac{3}{3}$

[Click to rate](#)

[Report comment](#)

[MartinS1968](#), Burntwood, 2 weeks ago

That will put ticket prices up

$\frac{0}{4}$

[Click to rate](#)

[Report comment](#)

[DD](#), Hants, United Kingdom, 2 weeks ago

All previous posters have forgotten that most fares are capped in line with inflation. car park fees may go up though.

$\frac{0}{1}$

[Click to rate](#)

[Report comment](#)

[MikeinSpain](#), Alicante, 2 weeks ago

There is no free money. This compensation will come from higher fares.

$\frac{0}{3}$

[Click to rate](#)

[Report comment](#)

[retired](#), Thomasburg, 2 weeks ago

But what about the airlines?

$\frac{1}{1}$

[Click to rate](#)

[Report comment](#)

[Marty](#), Nottingham, United Kingdom, 2 weeks ago

And what makes me believe they will just raise the ticket price....mmm,I wonder.

$\frac{0}{2}$

[Click to rate](#)

[Report comment](#)

[Colin](#), Aberdeenshire, United Kingdom, 2 weeks ago

This is simply ridiculous. One aspect of compensation awards for below level service, is that the company is incentivised to improve - to avoid future compensation claims and pay-outs. How does compensation pay-outs for issues beyond a company's control act as a deterrent against poor service? All that will happen is that costs will be increased (ie fares) to

insure against such pay-outs.

0  
4

[Click to rate](#)

[Report comment](#)

[Phil Smith](#), London, 2 weeks ago

Just look at that modern Austrian train. Compare that to the expensive disgusting rubbish we have to ride on in this third world backwater which is the UK.

0  
2

[Click to rate](#)

[Report comment](#)

[smg](#), edinburgh, 2 weeks ago

Good!!!!!! at last!!!! But the payment will be delayed due to paperwork

2  
0

[Click to rate](#)

[Report comment](#)

[bluesman](#), Redditch, 2 weeks ago

This will indeed be compensated for in advance by higher fares that will make more money for the operators than they will lose from compensation. It is a stupid ruling though that have no sense at all behind it because we all accept that there are certain things beyond reasonable control. Mind you, if the EU Courts are passing such laws, then it could work to the advantage of the public in many areas, including failures by the EU itself that is often accompanied by an apology. A precedent can be claimed that compensation needs to be given to all citizens of the EU if anything that they decide does not work.

0  
0

[Click to rate](#)

The views expressed in the contents above are those of our users and do not necessarily reflect the views of MailOnline.



Who is this week's top commenter? [Find out now](#)

**Like**  
MailOnline

**Follow**  
@MailOnline

Find this story at [www.dailymail.co.uk/news/article-2434080/Train-operators-pay-passengers-compensation-delays-rules-Court.html](http://www.dailymail.co.uk/news/article-2434080/Train-operators-pay-passengers-compensation-delays-rules-Court.html)

---

Published by Associated Newspapers Ltd

Part of the Daily Mail, The Mail on Sunday & Metro Media Group

[© Associated Newspapers Ltd](#)

---