

Office of Rail Transport

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Delayed train? Find out when you are entitled to compensation

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If your train is delayed, you are entitled to claim compensation. It is worth knowing what you are entitled to and when the carrier can refuse or limit the amount of compensation.

Compensation for train delays is currently governed by Article 19 of Regulation (EU) 2021/782 of the European Parliament and of the Council on rail passengers' rights and obligations.

According to this provision, the minimum amount of compensation is:

- 25% of the single ticket price - in case of a delay from 60 to 119 minutes,
- 50% of the single ticket price for a delay from 120 minutes or more.

The basic prerequisite for determining whether compensation is due is a minimum delay in the arrival of the train at the traveller's final station (i.e. 60 minutes). If this condition is met, a claim can be made to the carrier.

Apart from the ticket or data allowing identification of the transport contract (e.g. internet ticket number), it is not necessary to enclose a certificate of train delay. The carrier has data on the punctuality of its trains in its IT system and will check the exact time of arrival.

The request for compensation must be sent to the carrier online (as indicated on its website), by post or submitted to the carrier's ticket office selling its tickets. The carrier shall pay the compensation in the form of a voucher entitling to a discount on the purchase of the next ticket (25% or 50% respectively) and, if the passenger expressly indicates a wish to be paid in cash, the carrier must comply with the passenger's request and pay the corresponding equivalent (by postal order or bank transfer). Compensation for delays is paid when the value of the compensation in question per person exceeds a minimum threshold set by the carrier. This threshold may not exceed €4 (e.g. for PKP Intercity S.A. it is currently PLN 16.00).

However, it should be noted that this provision currently applies in Poland only to delays of domestic long-distance trains. In practice, passengers on Express Intercity Premium (EIP),

Express InterCity (EIC), InterCity (IC), Twoje Linie Kolejowe (TLK), interREGIO (IR), ŁKA Sprinter (ŁS) and international connections are entitled to compensation.

Delays for which the railway carrier can prove that they occurred outside the territory of the European Union shall not be taken into account in the calculation of train delay times. According to EU law, in case of a train delay of 60 minutes or more, the railway carrier should offer passengers free of charge:

- meals and refreshments in reasonable relation to the waiting time, where they are available on the train or in the station or their delivery is possible, taking into account criteria such as distance from the supplier, time required for delivery and cost;
- in so far as it is physically possible, accommodation in a hotel or other place and transport between the railway station and the place of accommodation in cases where a stay of one or more nights becomes necessary or an additional stay becomes necessary;
- in so far as it is physically possible, transport from the train to the railway station, to the alternative departure point or to the final destination if the train is blocked en route.

In Poland, this rule applies only to long-distance national and international trains (e.g. EIP, EIC, IC, TLK categories). It does not apply to urban, suburban or regional services.

RAILWAY CARRIER SHOULD TAKE INITIATIVE

While the means of compensating travellers for the inconvenience caused by the delay or cancellation of a train should be offered by railway carriers on their own initiative, practice varies. Usually, the way in which these obligations are fulfilled is further regulated by the railway carriers' internal procedures. If refreshments are to be dispensed at a station on behalf of the station manager, it is to be expected that this information will be given through a megaphone indicating where and to whom we must go with our ticket.

If, after a 60-minute delay, you do not see any initiative on the part of the rail company, it is worth to contact a train driver and ask if, and what, assistance is available. If the response is negative and the rail company fails to respond for a longer period of time, you may consider purchasing a meal or refreshment yourself and then, by means of a claim, request reimbursement on the basis of submitted receipts and a description of the circumstances of the case.

WHEN A CARRIER CAN REFUSE TO COMPENSATE

According to the EU Regulation, a railway carrier may refuse to pay compensation if it can prove that the delay, missed connection or cancellation was caused directly by the following causes or their consequences, such as:

- extraordinary circumstances not connected with the operation of the railway, such as extreme weather conditions, major natural disasters or major public health crises, which the railway carrier, in spite of having taken the care required in the particular circumstances of the case, was unable to avoid or the consequences of which it was unable to prevent;
- the fault of the passenger; or
- the behaviour of a third party which the railway carrier, in spite of having taken the care required in the particular circumstances of the case, was unable to avoid and the consequences of which it was unable to prevent, such as persons on the track, theft of infrastructure assets, a train emergency, law enforcement action, sabotage or terrorism.

In addition, on the basis of Article 2(6) of the EU Regulation, Poland has indefinitely excluded the application of the described compensation for urban, suburban and regional trains (Article 3a of the Railway Transport Act). This exclusion therefore applies to passenger trains of all regional carriers (Koleje Mazowieckie, Koleje Dolnośląskie, Koleje Śląskie, Koleje Małopolskie, Koleje Wielkopolskie, Arriva RP, Łódzka Kolej Aglomeracyjna, Szybka Kolej Miejska w Warszawie, PKP SKM w Trójmieście, Warszawska Kolej Dojazdowa, POLREGIO), with the exception of long-distance trains operated by regional carriers, e.g. "Słoneczny" (Warsaw - Gdynia / Ustka) of Koleje Mazowieckie, interREGIO (IR) of POLREGIO (Łódź - Warsaw), ŁKA "Sprinter" (ŁS) of Łódzka Kolej Aglomeracyjna (Łódź - Warsaw).

LEGAL BASIS:

Article 20(2) of Regulation (EU) 2021/782 of the European Parliament and of the Council of 29 April 2021 on rail passengers' rights and obligations (OJ EU L 172, 17.05.2021, p. 1)

Article 3a of the Railway Transport Act of 28 March 2003 (Journal of Laws of 2023, item 1786)

Article 62(2) of the Act of 15 November 1984. - Transport Law (Journal of Laws of 2020, item 8, as amended)