

Activity report of the President of the Office of Rail Transport

Regulation (EU) 2021/782 on rail passengers' rights and
obligations

Year of 2023 and 2024

1. Information on the national system

The President of the Office of Rail Transport („President of the UTK”) is the body designated in accordance with Article 31 paragraph 1 of Regulation (EU) 2021/782¹ responsible for enforcing this Regulation in the territory of the Republic of Poland.

The President of the UTK is the national safety authority and the national regulator of rail transport within the meaning of European Union regulations on safety, interoperability and regulation of rail transport, competent in matters of:

- 1) regulation of rail transport,
- 2) licensing of rail transport,
- 3) technical supervision over the operation and maintenance of rail infrastructure and rail vehicles,
- 4) rail traffic safety,
- 5) interoperability and technical coherence of rail transport,
- 6) licenses and certificates of train drivers².

In addition, the President of the UTK is the body competent in matters of supervision over the observance of passenger rights in rail transport³.

In accordance with national regulations⁴, the tasks of the President of the UTK in the scope of supervision over the observance of passenger rights in rail transport include supervision over compliance with the provisions of Regulation (EU) 2021/782.

The President of the UTK is appointed by the Prime Minister from among persons selected through an open and competitive recruitment process⁵. The term of office of the President of the UTK is 5 years from the date of appointment⁶.

¹ Regulation (EU) 2021/782 of the European Parliament and of the Council of 29 April 2021 on rail passengers' rights and obligations (OJ L 172, 17.05.2021, p. 1) („Regulation (EU) 2021/782”)
² Art. 10 section 1 points 1-6 of the act of 28 March 2003 on The Railway Transport Act (Journal of Laws of 2024, item 697) („The Railway Transport Act”)
³ Article 10, paragraph 1a of The Railway Transport Act
⁴ Article 13, paragraph 1b, point 1 of The Railway Transport Act
⁵ Article 11, paragraph 1 of The Railway Transport Act
⁶ Article 11b section 1 of The Railway Transport Act

The services of the President of the UTK are provided by the Office of Rail Transport („UTK”)⁷.

UTK is a budgetary unit of the public finance sector without legal personality, which covers its expenses directly from the budget and transfers the collected revenues to the state budget income account⁸.

In the organizational structure of the Office of Rail Transport, the organizational unit responsible for supervising the observance of passengers' rights in rail transport is the Passenger Transport Department, which is responsible in particular for⁹:

- 1) supervision over compliance with regulations concerning the rights and obligations of passengers in rail traffic,
- 2) conducting administrative proceedings in cases of violation of regulations on the protection of passenger rights and in cases of imposing fines related to identified violations,
- 3) supervision over systems guaranteeing the personal safety of passengers and their luggage,
- 4) supervision over the implementation of obligations in the scope of information for passengers by rail carriers, infrastructure managers and station managers, as well as activities for the development of integrated information systems,
- 5) supervision over ensuring non-discriminatory access to rail services for persons with disabilities and persons with reduced mobility and coordination of activities for full access,
- 6) monitoring the quality of passenger service and the preparation and functioning of procedures in this area, including supervision over quality management systems at rail carriers and station managers,
- 7) activities aimed at disseminating knowledge about the rights of passengers, promoting the use of public transport rail, facilitating access to comprehensive information helpful in planning and carrying out travel,
- 8) creating optimal conditions for resolving disputes between passengers and carriers, infrastructure managers, ticket sellers and tour operators,

⁷ § 1 section 1 of the Statute of the Office of Rail Transport constituting an annex to Order No. 159 of the Prime Minister of 7 November 2017 (Journal of Laws of 2023, item 541)

⁸ Act of 27 August 2009 on public finances (Journal of Laws of 2024, item 1530)

⁹ § 29 paragraphs 1 and 2 of Order No. P.021.6.2025 of the President of the Office of Rail Transport of 13 February 2025 on the organizational regulations of the Office of Rail Transport

- 9) receiving and considering passenger complaints,
- 10) cooperation with the relevant administration bodies, economic entities and non-governmental organizations in initiating and taking actions aimed at improving the quality and development of passenger rail transport, including the accessibility of rail transport for persons with disabilities and reduced mobility.

2. Use of exemptions - rail market developments

The Republic of Poland has made use of the possibility to exclude¹⁰ the application of some provisions of Regulation (EU) 2021/782 in relation to individual services.

In accordance with national regulations¹¹:

1. The provisions of Regulation (EU) 2021/782 shall not apply to rail passenger transport:
 - 1) which is provided exclusively for historical or tourist purposes, with the exception of the provisions of Article 13 and Article 14 of this Regulation;
 - 2) urban and suburban, with the exception of the provisions of Articles 4-8, Article 9 par. 1, Article 10, Article 11, Article 12 par. 1, 2 and 4-7, Article 13, Article 14, Article 16, Article 18 par. 1, 2, 4, 5 and 7, Article 20 par. 1 and Articles 21-30 of this Regulation, provided that:
 - a) Article 6 par. 4 of this Regulation shall apply from 7 June 2025,
 - b) Article 10 of this Regulation shall apply from 7 June 2030;
 - 3) regional, with the exception of the provisions of Article 4-14, Article 16, Article 18, Article 20 par. 1 and Articles 21-30 of this Regulation, provided that:
 - a) Article 6 par. 4 of this Regulation shall apply from 7 June 2025,
 - b) Article 9 par. 2 and 3 of this Regulation shall apply from 10 December 2028,
 - c) Article 10 of this Regulation shall apply from 7 June 2030,
 - d) Article 18 par. 3 of this Regulation shall apply from 7 June 2028;
 - 4) international, of which at least one planned stop is performed outside the European Union, with the exception of the provisions of Articles 4-8, Article 9 par. 1 and 2,

¹⁰ Article 2, paragraph 2 and 6, letter b of Regulation 2021/782/EU

¹¹ Article 3a, sections 1-3 of The Railway Transport Act

Article 10, Article 11, Article 13, Article 14, Article 16, Article 17, Article 18 par. 1, 2, 4, 5 and 7 and Article 19-30 of this Regulation, provided that:

a) Article 6 par. 4 of this Regulation shall apply from 7 June 2025,

b) Article 10 of this Regulation shall apply from 7 June 2030.

2. The provisions of Article 6 par. 4 of Regulation (EU) 2021/782 for long-distance national passenger transport and international passenger transport performed within the European Union shall apply from 7 June 2025.

3. The provisions of Article 10 of Regulation (EU) 2021/782 shall apply to long-distance national passenger transport services and international passenger transport services performed within the European Union from 7 June 2030.

3. Complaint handling process

The President of the UTK examines complaints regarding violations of passenger rights in rail transport¹².

In accordance with applicable regulations, the passenger should attach the following documents¹³ to the complaint addressed to the President of the UTK:

1) a copy of the complaint or claim addressed to the rail carrier, passenger station operator, platform manager, ticket seller, tour operator or entity facilitating the purchase of related tourist services within the meaning of the provisions of the Act of 24 November 2017 on tourist events and related tourist services (Journal of Laws of 2020, item 2139 and of 2021, item 1641);

2) the response of the entity referred to in point 1 to the complaint or claim, if it has been provided;

3) a ticket for a given route, and in the case of an electronic ticket - data enabling the identification of the terms of the concluded transport agreement, in particular the ticket number, date and time of transport and type of train, or confirmation of reservation;

4) other relevant documents confirming the violation of passenger rights in rail traffic.

National regulations do not introduce a deadline for a passenger to submit a complaint to a national body regarding a violation of passenger rights in rail transport.

¹² Article 13 sec. 3c point 4 of The Railway Transport Act

¹³ Article 14a sec. 5 of The Railway Transport Act

After sending a complaint to the UTK, the passenger receives automatic confirmation of its receipt, along with an indication of the body's scope of activity.

The average time it takes the national complaint handling body to handle complaints is:

- in standard cases - immediately, no later than within 14 days,
- in complex cases - no later than within 1 month,
- in cases involving court proceedings - depending on the court's decision.

However, in order to resolve disputes between passengers and railway undertakings out of court, the Rail Passenger Rights Ombudsman („RPPK”) was established at the President of the UTK¹⁴. Arbitration proceeding may be conducted when the passenger has previously submitted a complaint to the carrier (containing a request for payment of a specified amount, e.g. due to improper performance of the transport contract), but has not received a satisfactory resolution¹⁵. Such proceedings are voluntary for both parties, are similar in nature to mediation, and their aim is to agree on a compromise solution that both the passenger and the carrier could accept.

RPPK is a member of Travel-Net - a network of entities conducting proceedings on out-of-court resolution of consumer disputes, facilitating the resolution of cross-border disputes in the transport sector.

The President of the UTK, during inspections of railway entities, also carried out in connection with passenger complaints, finds irregularities and, if they occur, orders their removal within a specified period. He also issues decisions restricting the use of railway vehicles or suspending rail traffic and conducts proceedings on the order to remove violations.

The UTK considers complaints that are received via:

- e-mail,
- the form posted on the website (available only in Polish)¹⁶,
- hotline,
- traditional mail,
- ePUAP / eDoręczenia system

¹⁴ Article 16a of The Railway Transport Act

¹⁵ Article 16e, paragraph 2 of The Railway Transport Act

¹⁶ <https://utk.gov.pl/pl/urząd/kontakt/formularz-kontaktowy/11290,Formularz-kontaktowy.html>

- in person at the UTK headquarters.

In the event of a complaint received in English, the response is provided in two languages - Polish (official) and English.

The UTK maintains a website and special subpages for passengers using rail transport, where passengers are informed about their rights and the possibility of filing a complaint. The pages are published in Polish¹⁷.

Passengers are also informed about the possibility of filing a complaint to the President of the UTK through:

- information posters available, among others, at railway stations,
- educational activities carried out periodically at the largest passenger stations as part of the campaign under the slogan „Passenger Days”,
- publications by carriers and managers of passenger stations on websites.

The UTK also conducts inspections of railway entities, during which it verifies the obligation to publish information on passenger rights and contact details of the body supervising compliance with Regulation (EU) 2021/782.

¹⁷ <https://utk.gov.pl/pl/pasazerowie>) and English (<https://utk.gov.pl/en/passenger-rights/passenger-rights-in-rail-trans/20197,Passenger-rights-in-rail-transport.html>)

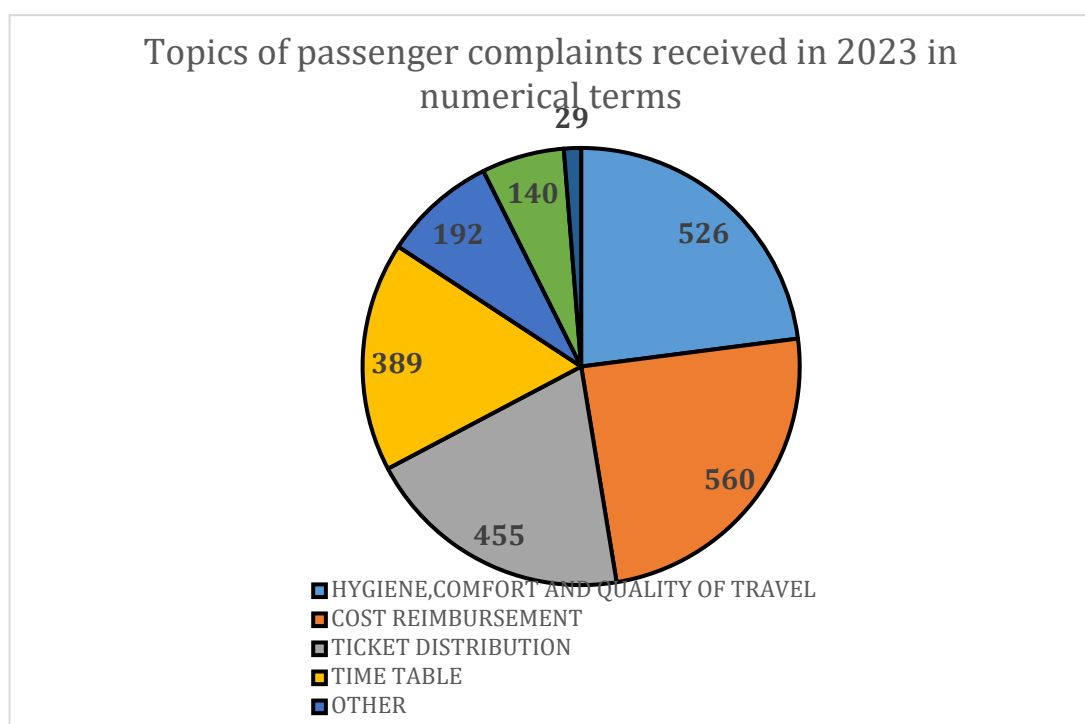
4. Complaint statistics

Table 4.1 - Statistical data of complaints submitted to the National Enforcement Body								
Year	Number of complaints ¹⁸	Reason for complaint						Comments
		* If possible, please indicate the article from the corresponding Chapter.						
		Transport contract, information, and tickets (Chapter II)	Liability of Railway undertaking for passengers and their luggage (Chapter III)	Delays, missed connections and cancellations (Chapter IV)	Persons with disabilities and persons with reduced mobility (Chapter V)	Security, complaints and quality service (Chapter VI)	Others	
From 1 January to 31 December 2023	1811	476	10	597	47	140	474	
From 1 January to 31 December 2024	2180	471	8	761	56	252	662	

¹⁸ Due to the possibility of classifying one receipt into several categories, the sum of reports divided by category is higher than the total number of receipts from passengers received by UTK.

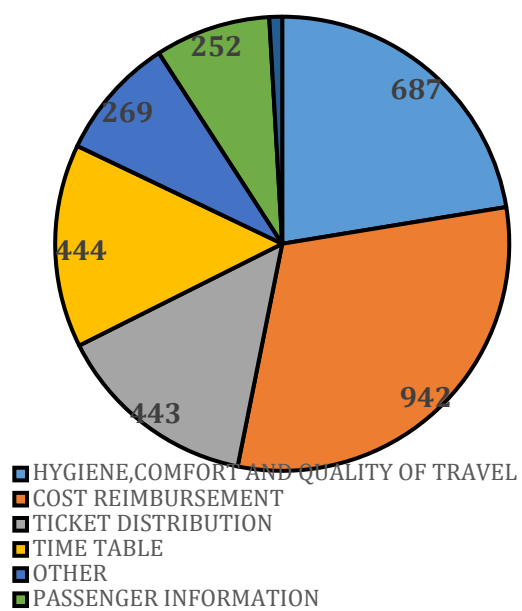
In 2024, 2,180 passenger inquiries, complaints and applications were received. This is the highest number of registered cases per year in the history of the UTK. Compared to 2023, there was an increase of over 20% in the number of complaint receipts, i.e. 369 more.

It should be recognized that the increase in the number of cases handled is related to the significant increase in interest in rail transport and the transport records recorded by passenger carriers in Poland in 2024 (from 374.4 million in 2023 to 407.5 million in 2024)¹⁹.



¹⁹ <https://utk.gov.pl/pl/dokumenty-i-formularze/opracowania-urzedu-tran/22058,Podsumowanie-2024-r-w-przewozach-pasazerskich-i-towarowych.html>

Topics of passenger complaints received in 2024 in numerical terms



Explanation of the subject of passenger reports submitted to the Office of Rail Transport

cost reimbursement	hygiene, comfort and quality of travel	timetable
Complaints about train delays, additional travel costs and requests for refunds for unused travel tickets.	Complaints about passenger safety, high train traffic, inappropriate temperature, rude service, faulty railway vehicles.	Correspondence on the subject of punctuality, communication and inconvenient timetables.

ticket distribution	passenger information	internet	other
Queries regarding statutory discounts and complaints about unavailability of tickets or sale at an incorrect price.	Complaints about incorrect passenger information at railway stations and on trains.	Correspondence regarding the improper functioning of electronic ticketing systems and connection search engines.	Passenger signals about the lack of timely response from railway entities and other passenger suggestions.

5. Penalties

In accordance with the requirements of Regulation (EU) 2021/782²⁰, the Republic of Poland has adopted provisions on sanctions applicable in cases of infringement of this Regulation and has taken all necessary measures to ensure their implementation.

In accordance with national law²¹, a financial penalty shall be imposed on a manager, rail carrier, passenger station operator, platform manager, ticket seller, tour operator, entity facilitating the purchase of related tourist services within the meaning of the Act of 24 November 2017 on tourist packages and related tourist services, who does not comply with or violates the provisions of Article 4, Article 6 and Articles 8-30 of Regulation (EU) 2021/782 that apply to him.

In order to ensure that the sanctions applied are effective, proportionate and dissuasive, national law provides for the mandatory imposition of a financial penalty for each infringement of the regulations established by an administrative decision.

For a breach by an entity of each of the above-mentioned provisions of Regulation (EU) 2021/782, the President of the UTK shall impose, by way of a decision, a fine of up to 2% of the entity's annual revenue achieved in the previous financial year²².

When determining the amount of the fine, the President of the UTK shall take into account the scope of the breach of the provision, the entity's previous activity and its financial capabilities²³

The President of the UTK, may impose, by way of a decision, a fine in the amount equivalent to EUR 5,000 for each day of delay in the execution of decisions specified in the Railway Transport Act or court judgments in cases specified in the Railway Transport Act²⁴.

No fine shall be imposed if the rail carrier, manager, passenger station operator, platform manager, ticket seller, tour operator, entity facilitating the purchase of related tourist services within the meaning of the Act of 24 November 2017 on tourist events and related tourist services, before the date of issue of the decision establishing

²⁰ Article 35, paragraph 1 of Regulation 2021/782/EU

²¹ Article 66, paragraph 1, point 6 of The Railway Transport Act

²² Article 66, paragraph 2 of The Railway Transport Act

²³ Article 66, paragraph 2b of The Railway Transport Act

²⁴ Article 66, paragraph 2aa point 1-2 of The Railway Transport Act

the breach of the provisions, voluntarily removed the breach or fulfilled the obligations arising from Regulation (EU) 2021/782²⁵.

Regardless of the financial penalty specified in the Railway Transport Act, the President of the UTK may impose a financial penalty on the manager and the railway carrier, but this penalty may not exceed 300% of his monthly remuneration²⁶.

During the reporting period, the President of the UTK did not find any breach of the provisions of Regulation (EU) 2021/782 and did not impose a fine for this reason.

6. Actions taken to implement and monitor the Regulation

The President of the UTK conducted a number of training courses and meetings for rail market entities (railway passenger carriers, infrastructure managers, station managers, ticket sellers, tour operators, transport organizers) in the scope of amending the provisions of Regulation (EC) 1371/2007²⁷. Consumer rights advocates also took part in the training. During the training courses, the President of the UTK presented legal changes resulting from the Regulation (EU) 2021/782, which entered into force on 7 June 2023, replacing the previous Regulation (EC) 1371/2007 in this area. In addition, general issues related to the protection of passenger rights in rail transport, practical problems in applying the provisions of the previous Regulation (EC) 1371/2007, case law and the reasons for amending this legal act were discussed.

In addition, the most important changes resulting from the amended version of the above-mentioned regulation were signaled. Particular attention of the participants was paid to the new obligations of railway entities in the scope of passenger service and protection of their rights, in particular mandatory training for rail transport employees in the service of persons with disabilities or persons with reduced mobility. Questions of the training participants were also answered. The series of trainings and meetings was initiated by the regulatory body and they were attended by 128 participants in 2022, 123 participants in 2023, and 111 participants in 2024.

Implementation and monitoring of Chapter V related to accessibility and information as well as Articles 23 and 24 related to assistance and the conditions under which it is provided

²⁵ Article 66, paragraph 2c of The Railway Transport Act

²⁶ Article 66, paragraph 3 of The Railway Transport Act

²⁷ Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations (OJ L 315 3.12.2007, p. 14) („Regulation (EC) 1371/2007")

The President of the UTK exercises constant supervision over the activities of entities providing services on the passenger rail transport market, including in the scope of ensuring non-discriminatory access to rail services for persons with disabilities or persons with reduced mobility.

In 2023 and 2024, UTK received passenger reports regarding irregularities in providing assistance during rail transport for persons with disabilities and possible violations of the provisions of Regulation (EU) 2021/782 in relation to the obligations of individual railway entities in this respect. The President of the UTK received signals directly from passengers, and they were also forwarded by the Office of the Government Plenipotentiary for Disabled Persons.

In connection with the above, UTK issued intervention statements, which focused on individual irregularities related to providing assistance to persons with special needs. The President of the UTK also drew attention to the need to remove barriers limiting the mobility of passengers with special needs and took action in the event of failures of mobility aids at stations and railway stations.

At the same time, the President of the UTK received passenger reports regarding difficulties in the travel of persons with disabilities, which occurred on international trains operated in cooperation with several rail carriers. As part of the cooperation, individual cases of irregularities were reported to the bodies responsible for enforcing passenger rights and supervising compliance with the provisions of Regulation (EU) 2021/782 - in accordance with their territorial jurisdiction.

In addition, in connection with the commencement of application from 7 June 2023 of the new act of European law - Regulation (EU) 2021/782, the President of the UTK carried out verification activities in 2023 and 2024, including checking the accuracy of informing passengers with disabilities or with reduced mobility by railway entities about the possibility of support during their travel. The verification activities consisted of verifying information on the websites of rail carriers and infrastructure managers and information materials available at stations, platforms and on trains. In the event of outdated information, the President of the UTK requested the railway entities to update the information.

In the reporting period, the UTK carried out inspection activities in the scope of inspections of railway stations and passenger stations. The most common irregularities identified during the inspections were the lack of publication of timetables and information on the rights of rail passengers, as well as the lack of making the regulations for using these facilities available to passengers. On the other hand, in the scope of accessibility of facilities and adaptation to the needs

of persons with disabilities or persons with reduced mobility, irregularities concerned the lack of contrasts of the lines leading for the blind, the lack of marking of transparent obstacles and incorrect marking of services in the facility on the installed typhlographic plans.

The UTK also received passenger signals regarding inappropriate behavior of employees of railway entities towards passengers. The reports concerned, among others, conductor teams and railway station security. In justified cases, the President of the UTK requested the employers of the above-mentioned persons to conduct explanatory proceedings regarding the circumstances described by the passengers.

UTK also carried out the task of providing information to passengers with disabilities and their carers on the applicable statutory discounts in rail transport and their rights when travelling by train. Passenger inquiries were directed to UTK both in traditional and electronic correspondence, as well as via the passenger hotline.

In 2023, 47 notifications, while in 2024, 56 notifications concerned issues related to travel by persons with disabilities or persons with reduced mobility, to which UTK provided a comprehensive response each time.

Implementation and monitoring of Article 26 on disability-related training

As part of verification activities after receiving passenger complaints, UTK always asks railway entities to provide information on whether employees who are the subject of complaints from passengers with disabilities participated in training in serving passengers with special needs.

The President of the UTK also manages the work of the Task Force for People with Disabilities, which brings together rail market entities and discusses issues related to the implementation of support for persons with special needs during cyclical meetings.

In addition, the President of the UTK is implementing a project co-financed by the European Union entitled „Ensuring uniform standards and a training system for employees of the railway sector in the field of serving persons with disabilities and persons with special needs in the field of movement and communication”, based on Agreement no. FERS.03.03-IZ.00-0001/24 on co-financing the project from the European Social Fund.

The main objective of the project is to ensure uniform standards of service for persons with disabilities and persons with special needs in the rail passenger transport sector. According to the project assumptions, in order for railway entities to ensure proper implementation of assistance for persons with disabilities and persons with special

needs, employees will be trained who will then become accessibility guardians and at the same time internal trainers in their organizations.

The most important indicators to be achieved in the project include:

6000 - number of people trained online to perform specific tasks related to direct service to persons with disabilities or persons with special needs;

230 - number of people trained in person to prepare for the role of an accessibility supervisor in the organization;

75 - number of management staff representatives trained in person;

12 - number of entities whose representatives will take part in the training.

The project also assumes the creation of an e-learning platform based on the developed solutions.

The task is co-financed by the European Union (European Funds for Social Development 2021-2027 program). Value of EU funding (ERDF) in PLN: 8 252 000.00.

Implementation and monitoring of Articles 18, 19 and 20 on reimbursement and re-routing, compensation and assistance in the event of a cancelled or delayed departures

As part of the authority's activities, verifications are carried out of the websites of railway entities, passenger transport regulations and other commercial information in which passenger carriers inform passengers about their rights to reimbursement and rerouting, compensation and assistance in the event of a train cancellation or delay.

Passengers apply to the President of the UTK with requests to verify the correctness of the consideration of complaints addressed to railway entities. As part of monitoring passenger reports, the UTK requests railway entities to provide case documentation and analyzes the correctness of complaint decisions.

In 2023 and 2024, the President of the UTK received correspondence from passengers who incurred additional costs due to the cancellation of trains, while their claims addressed to the carrier were not recognized. UTK analyzed each case of evasion of liability by railway entities and in many cases intervened, which resulted in a change of the complaint decision by railway carriers in favour of the passenger.

In addition, the President of the UTK monitors the market of passenger rail transport and press information regarding difficulties in rail travel. Based on the collected material, UTK asks railway entities to provide explanations, and in the event of finding irregularities, calls on the entities to remove them and take corrective measures.

In the event of justified doubts about the incorrect handling of the complaint by the railway carrier, the President of the UTK each time calls on the entity to provide full documentation of the case in order to conduct an analysis.

Implementation and monitoring of Article 30 on information on passenger rights

In connection with the entry into force of the provisions of Regulation (EU) 2021/782, the President of the UTK monitored the degree of preparation and implementation of the provisions by railway undertakings in 2023.

UTK informed on its website about changes in the scope of passengers' rights and obligations, including the reduction of the time required to report the need for assistance/assistance during travel by persons with disabilities or persons with reduced mobility from 48 hours to 24, the rules for the sale of the so-called joint ticket and cases enabling the carrier to be released from liability for compensation for delays.

As part of the inspection activities at railway stations, the President of the UTK verified publications for passengers on their rights and obligations resulting from the EU regulation on passenger rights in 2023 and 2024.

In addition to the obligation to publish information on the rights of rail passengers, the facility manager is also obliged to provide contact details to the President of the UTK - as the body responsible for enforcing the provisions of the aforementioned regulation. The websites of rail entities were also verified.

Implementation and monitoring of Article 33 on complaint handling

The President of the UTK regularly verified the websites of rail carriers and the internal documents of entities that regulate the process of handling passenger complaints.

As part of monitoring the correctness of the complaint handling process, the UTK asked rail entities to provide copies of the case documentation.

7. Conclusion and evolutions observed since the previous reporting

The new regulations on the rights and obligations of passengers in rail traffic were adopted by rail entities without significant problems. The President of the UTK influenced the appropriate preparation of the market for the entry into force of the amendment to Regulation (EC) 1371/2007, organizing both training and through

information activities. The Republic of Poland fulfilled the obligation to designate a body responsible for enforcing the provisions of Regulation 2021/782/EU and specified in national regulations sanctions applicable in cases of infringement of this Regulation. The Republic of Poland used the possibility of excluding the application of some provisions of Regulation 2021/782/EU in relation to individual services.

Due to the growing number of passengers on the railway, the number of cases reported to the UTK is also growing. The increase in the popularity of rail and the development of this sector observed over the last few years lead to the conclusion that the number of reports to the UTK will increase. Both in 2023 and 2024, passengers most often complained about hygiene, comfort and quality of travel and ticket distribution. These results are undoubtedly related to the high turnout of passengers, who - due to the crowding in the trains and the punctuality of trains - repeatedly filed complaints about the time and quality of the journey. The indicated areas require improvement, and the President of the UTK will continue to supervise all areas covered by Regulation 2021/782/EU.

Due to the fact that the reporting obligation is being fulfilled for the first time, no observation of changes is indicated due to the lack of possibility to compare reporting periods.