

## Overview of the year 2024

The Agency for Passenger Rights (apf) is legally obliged to compile an annual report on its activities and results pursuant to section 8 par. 2 Federal Passenger Agency Act<sup>1</sup> and section 9 AStG<sup>2</sup>. The content of the 2024 report is summarised below. The full report can be [downloaded](#) from the apf website.

### About the Agency for Passenger Rights

The apf is the statutory arbitration board and enforcement body for rail, bus, waterborne and air transport in Austria. As part of its arbitration activities, it is responsible for settling claims out of court. In doing so, it helps passengers assert their rights in cases of disputes with companies.

In its function as an enforcement body, the apf informs rail, bus, waterborne and air passengers about their rights. It monitors whether the passenger rights embedded in the EU regulations are upheld and, if necessary, takes further steps to ensure the companies concerned comply with their obligations.

### apf organisation

The apf is a department of Schienen-Control and has no separate legal identity. In 2024, applicants' concerns (questions, arbitration requests, procedures) were handled directly by the director of the apf and a team of up to 15 employees.

### apf funding

The apf is funded pro rata by contributions from the companies involved in the arbitration procedures and by contributions from the budget of the Republic of Austria. Companies participating in arbitration procedures are liable for costs. At present, these are fixed at 78 Euro per procedure in accordance with the PFAG Cost Contribution Ordinance 2015<sup>3</sup>. These contributions are calculated to cover 40 percent of the apf's costs<sup>4</sup>. The remaining costs are covered by the Federal Ministry of Innovation, Mobility and Infrastructure (BM IMI) using funds from the federal budget.

### apf tasks

Passengers and customers of railway, bus, waterborne, and airline companies; ticket vendors and airline ticket sellers; station operators, bus terminal operators, ports and terminals; as well as civil airport operators (e.g., airport authorities), transport associations, urban transport companies, tour operators, travel agents, travel companies, and companies commissioned by them (e.g., debt collection agencies, security services) can submit arbitration requests to the apf, provided they have first attempted to resolve the issue directly with the company concerned.

In certain cases of unresolved arbitration proceedings in the rail sector, the apf is required to inform the Schienen-Control Commission — for example, when allegedly unlawful provisions in the terms and conditions of carriage are involved.

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<sup>1</sup> Federal Passenger Agency Act, Federal Law Gazette (BGBl) I 2015/61 (current version).

<sup>2</sup> Alternative Dispute Resolution Act – AStG, BGBl I 2015/105 (current version).

<sup>3</sup> PFAG Cost Contribution Ordinance 2015, BGBl II 2015/150.

<sup>4</sup> Pursuant to section 4 par. 3 Federal Passenger Agency Act.

## apf competences

Since the entry into force of the 2024 amendment to passenger rights, the apf has been helping passengers and customers of railway companies, bus services, airlines, and shipping companies to assert their rights. The apf can assist in nearly any matter related to a transport contract and/or the course of transportation. In the event of a dispute, the apf ensures swift and binding resolutions as well as appropriate compensation.

If no solution remedying the violation of the respective passenger rights regulation can be found during the arbitration procedure, the apf, in its capacity as the enforcement body, will notify the competent legal authority accordingly. The same applies if a company does not participate in the arbitration procedure.

The amendment to the Aviation Act (LFG)<sup>5</sup> granted the apf the status of a party to administrative penalty proceedings in the air transport sector. The apf is thus authorised to view all case files, request all the relevant information, and appeal to the Federal Administrative Court and Supreme Administrative Court.

In the year 2024, the apf has opened 230 legal proceedings.

## apf arbitration procedures

The apf does not replace the respective company's complaints management. Before the apf can take action, passengers must attempt to reach a mutual agreement with the respective company themselves.

Detailed information about the apf's competences for each mode of transport, i.e. who can submit an arbitration request to the apf, which issues can be addressed, which arbitration requests must be rejected, the exact course of the arbitration procedure, the costs of the procedure etc. is provided in German in the section on "Arbitration procedures" beginning on page 30 of the full report.

## Validation of arbitration requests relating to rail transport

In the case of arbitration requests from rail passengers relating to non-existent or insufficient fare compensation for train delays and cancellations, the Schienen-Control Kommission can declare the apf's proposed solution binding and award the compensation to the passenger<sup>6</sup>. This regulation is enforced in cases where no agreement can be reached with the railway undertaking. The Schienen-Control Kommission does not possess this competence in the other three transport sectors. Even in the rail transport sector, it extends only to fare compensation in the event of train delays and cancellations and not to any other claims.

## Publication and review of conditions of carriage

Railway undertakings and integrated ticket organisations in the railway transport sector are obliged to present their conditions of carriage to Schienen-Control pursuant to section 22b Railway Act (EisbG).

These conditions of carriage must be presented both when they are first published and after subsequent amendments. Pursuant to section 78b EisbG, the Schienen-Control Kommission has the right to examine whether

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<sup>5</sup> Aviation Act – LFG, BGBl 1957/253 (current version).

<sup>6</sup> Pursuant to section 78a par. 5 EisbG.

the conditions of carriage published by the railway undertakings and integrated ticket organisations comply with the law; in the event of any violations, Schienen-Control may declare them void. The review encompasses all Austrian and European legislation (e.g. KSchG<sup>7</sup>, EisbBFG<sup>8</sup> and the Rail Passenger Rights Regulation<sup>9</sup>).

### apf annual assessment

The year 2024 was once again marked by a record in railway and air-travel arbitration requests at the apf. A total of 7,333 arbitration requests were filed. The aviation sector saw 5,850 requests, the rail-sector 1,412. Both represent the highest number since the foundation of the apf.

The record numbers in the rail and air transport sectors were due, among other things, to difficulties in providing the required compensation payments and care services. In addition, airlines increasingly cited “extraordinary circumstances” as the reason for delays and flight cancellations in the proceedings, which are assessed individually by the apf.

There was a noticeable increase in complaints about Ryanair during the summer.

In the rail sector, the apf frequently dealt with issues related to the cancellation or purchase of online tickets, penalty charges, reduced service quality in night train travel, and missed deadlines.

### Arbitration requests and enquiries

In 2024, the apf received a total of 7,333 written arbitration requests and enquiries (2023: 6,610), 5,850 of which related to air transport (2023: 5,219), 1,412 to rail transport (2023: 1,307), 62 to bus transport (2023: 77) and nine to waterborne transport (2023: seven). These numbers show an increase of overall arbitration requests by eleven per cent compared to 2023.

### Arbitration procedures initiated

Not every arbitration request will ultimately result in a procedure being opened. In all, 5,426 arbitration procedures were initiated in 2024 (2023: 4,878); this means an increase by eleven percent compared to 2023. Most of these (4,313) related to air transport (2023: 3,858), followed by rail transport with 1,087 (2023: 991) and bus transport with 325 (2023: 31) procedures. No procedures were initiated in the waterborne transport sector (2023: no procedure).

### Compensation, reimbursements and penalty rebates

In 2024, the apf obtained a sum of 2.4 million Euro in monetary compensation, reimbursements and penalty rebates for applicants (2023: 2.5 million Euro) which is mostly on par with the previous year.

At 2.2 million Euro, the lion's share of the total amount fell to the air transport sector (2023: 2.3 million Euro), while 186,673 Euro were obtained in the rail transport sector (2023: 203,705 Euro) and 1,016 Euro in the bus transport sector (2023: 3,387 Euro).

<sup>7</sup> Consumer Protection Act – KSchG, BGBl 1979/140 (current version).

<sup>8</sup> Railway Carriage and Passenger Rights Act – EisbBFG BGBl I 2013/40 (current version)

<sup>9</sup> Regulation (EC) 1371/2007 OJ L 2007/315, 14.

## Reaction time and duration of procedures

In 2024, the average time taken for an initial response to be sent to the applicant was around one day (2023: one day). The apf was thus able to maintain its reaction time despite the increased number of requests.

The average duration of the apf's arbitration procedures was around 40 days (2023: 52 days). This marks an increase in efficiency compared to the previous year, where arbitration procedures involving extraordinary circumstances in the aviation sector were a major factor. These cases need to be assessed individually and the evidence provided by the airline needs to be reviewed by the apf-team.

## Rail transport

### Arbitration requests and enquiries

In 2024, the apf received 1,412 arbitration requests relating to rail transport (2023: 1,307), an increase of eight percent and once again the highest number recorded since the apf was established.

24 per cent of these requests were rejected by apf. 77 percent of these were repudiated on the grounds that the passenger had not yet lodged a claim with the company concerned (2023: 70 percent).

### Arbitration procedures

In all, 1,073 arbitration procedures were concluded in 2024 (2023: 978).

More than 97 percent of all procedures in the rail transport sector reached an outcome to the satisfaction of both parties (2023: 97 percent). Despite intensive effort, no mutual agreement could be reached in three percent of procedures (2023: one percent).

### Company obligation to cooperate and complaints filed with district administrative authorities

In 2024, none of the companies in the rail transport sector refused to participate in an arbitration procedure (2023: no companies).

### Grounds for procedures and distribution among companies

The most common reason for proceedings in 2024 was ticket refunds, accounting for 42 percent of cases (2023: 39 percent). These apf cases primarily concerned the exclusion of Sparschiene tickets or tickets issued as PDFs from refunds, as well as refund claims due to downgrades or service reductions in night train travel.

21 percent of the proceedings involved compensation for other expenses (2023: 17 percent), such as reimbursement for hotel stays, taxi rides, and alternative transportation, as well as compensation for delays. In cases of delay compensation for ticket costs, the apf primarily initiated proceedings when passengers had not received the compensation owed to them from the rail company within the required timeframe.

Around 19 percent of the cases related to penalty charges and fees (2023: 22 percent). ÖBB-Personenverkehr continues to take a strict approach when it comes to penalties. Most of these fines were issued for traveling without a ticket or without a valid ticket on ÖBB local and regional trains.

94 percent of the cases involved ÖBB-Personenverkehr (2023: 95 percent), two percent involved WESTbahn (2023: two percent), and one percent each concerned One Mobility GmbH (Klimaticket), transport associations, and urban public transport operators.

### **Compensation, reimbursements and penalty rebates**

The sum obtained by the apf from all the rail transport procedures concluded in 2024 amounted to 186,673 Euro (2023: 203,705 Euro).

### **Duration of procedures**

In 2024, the apf was able to resolve 81 percent of rail transport procedures in less than two weeks (2023: 77 percent). Another 15 percent of procedures were concluded in less than one month (2023: 15 percent) and one percent in less than two months (2023: one percent).

In 2024, the average duration of all arbitration procedures in the rail transport sector was around ten days (2023: ten days).

## **Bus transport**

### **Arbitration requests and enquiries**

In 2024, the apf received a total of 62 arbitration requests relating to bus transport (2023: 77).

66 per cent of these requests were rejected by apf. 81 percent of those rejected were repudiated on the grounds of non-competence due to jurisdiction (2023: 88 percent). This includes requests for arbitration for bus-lines that do not exceed a distance of 250 km.

### **Arbitration procedures**

In all, 27 arbitration procedures were concluded in the bus transport sector in 2024 (2023: 31).

92 percent of the procedures in the bus transport sector reached an outcome to the satisfaction of both parties (2023: 96 percent).

### **Company obligation to cooperate and complaints filed with district administrative authorities**

In 2024, none of the companies in the bus transport sector refused to participate in an arbitration procedure (2023: no companies).

### **Grounds for procedures and distribution among companies**

At 48 percent, cancellations, delayed departures and overbooking were the main reasons why arbitration procedures were initiated in the bus transport sector in 2024 (2023: 67 percent cancellations).

32 percent of procedures related to forms of assistance such as meals and accommodation (2023: 17 percent).

78 percent of all procedures concluded in 2024 involved Flixbus (2023: 94 percent). Eleven percent involved ÖBB-Postbus. The rest of the proceedings were concluded with Blaguss Reisen and Transport-Associations.

### **Compensation and reimbursements**

In 2024, the apf obtained 1,016 Euro in monetary compensation and reimbursements for bus passengers (2023: 3,3871 Euro).

### **Duration of procedures**

42 percent of the procedures initiated in 2024 were concluded within two weeks (2023: 42 percent). 25 percent of procedures were concluded in less than one month (2023: 56 percent) and another 33 percent within two months.

The average duration of the bus transport procedures concluded in 2024 was around 21 days (2023: 21 days).

## **Waterborne transport**

### **Arbitration requests, enquiries and arbitration procedures**

In 2024, the apf received a total of nine arbitration requests relating to waterborne transport (2023: seven). No procedures were initiated (2023: no procedure). In 2024, as in previous years, all the requests rejected were repudiated on the grounds of non-competence (cases without context to Austria).

## **Air transport**

### **Arbitration requests and enquiries**

In all, 5,850 arbitration requests and enquiries relating to air transport were processed in 2024 (2023: 5,219).

19 per cent of these requests were rejected by apf. This concerned flights with no EU jurisdiction, or when passengers did not file claim with the airline first.

### **Arbitration procedures**

A total of 4,243 procedures were concluded in the air transport sector in 2024 (2023: 4,258).

96 percent of the cases were decided within the scope of the EU-passenger rights regulation. The companies and passengers concerned were able to reach a mutual agreement in 74 percent of cases. In 17 percent of cases, the Airline was able to prove extraordinary circumstances, thus exempting them from payments. Five percent were concluded because the passengers were late to check-in/boarding, or the delay was too short. Despite intensive effort, no mutual agreement could be reached in four percent of cases (2023: four percent).

The airlines were held liable for costs in 3,760 of the procedures concluded in 2024 (2023: 3,760).

### **Company obligation to cooperate and complaints filed with district administrative authorities**

Since the apf is not only an arbitration board but also one of the bodies responsible for enforcing European passenger rights regulations, non-compliance with regulations has to be sanctioned with appropriate consequences.

When the apf's attention is drawn to violations of this kind, it brings administrative charges against the airline's authorised representatives (e.g. the managing director or board) through the competent district administrative authorities.

230 procedures of this kind were initiated during 2024 (2023: 152).

### **Grounds for procedures and distribution among companies**

In 2024, around 52 percent of the procedures were initiated due to delays (2023: 38 percent). 42 percent of the arbitration procedures related to cancellations (2023: 52 percent) and almost four percent to denied boarding (2023: four percent).

29 percent of the procedures concluded in 2024 were initiated against Austrian Airlines, the biggest Austrian carrier (2023: 35 percent). There was a notable increase in proceedings with Ryanair, which ranks second with 26 percent of proceedings (2023: eleven percent). Further air-carrier include: WizzAir (twelve percent) and Air Dolomiti (five percent) among others.

### **Compensation and reimbursements**

In 2024, the apf obtained a sum of 2.4 million Euro in monetary compensation and reimbursements for applicants in the air transport sector (2023: 2.3 million Euro).

### **Duration of procedures**

In 2024, apf was able to conclude 18 percent of arbitration procedures within two weeks (2023: 17 percent). Solutions that were mutually acceptable to both passenger and company were found within one month in 32 percent of cases (2023: 43 percent) and in less than two months in 23 percent of cases (2023: 63 percent). 30 percent of the procedures in 2024 took more than two months to resolve (2023: 37 percent).

In 2024, the average duration of arbitration procedures in the air transport sector was around 48 days.

## Focal areas of arbitration activity

Based on the large number of arbitration requests received, the apf is able to determine on a year-by-year basis where systematic, significant problems exist and where there is room for improvement. These issues are dealt with in depth while mediating between the passengers and companies, and are also addressed afterwards if necessary. Moreover, personal meetings are held with certain companies several times a year, mainly to discuss topics that are particularly relevant for a larger group of people.

Significant issues have arisen particularly in the rail, bus and air transport sectors. These are described in detail in the section "Focal areas of arbitration activity", which is available in German only and begins on page 73 of the full report.

In the rail transport sector, the apf's activities largely focused on issues such as online ticket purchases, fines/fare recovery, reimbursements, downgrades and multimodal transport.

Important topics addressed during arbitration procedures in the air transport sector included long delays, extraordinary circumstances and internal (technical issues with Ryanair customer-service leading to a large number of claim-requests being rejected without being processed).

## International cooperation

The passenger rights regulations applicable to all EU member states require regular intensive dialogue between the national enforcement bodies (NEBs) in order to guarantee a uniform cross-border approach. Along with regular meetings and participation in working groups, the measures adopted include ongoing discussions at informal meetings, events jointly organised with stakeholders, and written communications relating to general questions on dealing with current challenges.

More information about the European Commission's meetings with the NEBs, cooperation with other NEBs and other activities in this area in 2023 is provided in the section on "International cooperation", available in German, beginning on page 95.

## Passenger rights

### Rail transport

#### Violations of the Rail Passenger Rights Regulation and the Railway Carriage and Passenger Rights Act

When handling arbitration requests, the apf occasionally finds that applicable provisions in the Rail Passenger Rights Regulation and/or the Railway Carriage and Passenger Rights Act (EisbBFG) have been violated. These cases are generally resolved by arbitration; however, the Schienen-Control Kommission had to be notified in a few cases.

In 2024, key issues in this area included non-compliance with deadlines for the payment of compensation for delays, refusals to issue refunds and violations relating to the issue and reduction of passenger fines.

#### Review of conditions of carriage



As part of its mandate to scrutinise conditions of carriage and during the course of arbitration procedures initiated in response to arbitration requests, the apf addresses possible violations of the law on the companies' part. In several procedures initiated by the Schienen-Control Kommission, certain sections of conditions of carriage were ultimately declared invalid, while other procedures impelled the companies in question to amend their conditions of carriage.

Further information is provided in the section on "Court rulings and implementation of passenger rights in the rail transport sector" is available in German in the full report, beginning on page 102.

### **Passenger rights audits**

During 2024, the apf performed an audit of the City Airport Train (CAT).

Afterwards, the apf team discussed the results with the respective companies, recommended or stipulated measures for improvement, and monitored the implementation of these insofar as they were able.

First and foremost, the apf examined whether the fare conditions and conditions of carriage were lawful and whether information obligations were complied with, for example by displaying posters listing passenger rights and fares.

### **Schienen-Control Kommission procedures**

In 2024, the Schienen-Control Kommission handled numerous passenger rights procedures relating to fare conditions of the KlimaTicket, compensation for delays, refunds for Accommodation, the first-class upgrade of KlimaTicket, conditions for cancelling a PDF-Ticket as well as a review of the general terms of business.

## **Air transport**

### **Relevant rulings during 2024**

The revision of the Air Passenger Rights Regulation is still ongoing. In 2024, the European Court of Justice (ECJ) again had to deal with multiple issues relating to the interpretation of passenger rights legislation. Rulings relevant to the apf's activities include the question whether a compensation is just if the passenger doesn't arrive at the airport and whether it is an extraordinary circumstance if there is a hidden construction-error on a plane.

### **Enforcement activities in the air transport sector**

#### **Notifications and party status in administrative procedures**

As the designated National Enforcement Body for the Air Passenger Rights Regulation<sup>10</sup> and the PRM Air Passenger Rights Regulation<sup>11</sup>, the apf has in recent years submitted a number of notifications to the competent authorities. In 2023, its enforcement activities largely focused on administrative penalty proceedings. The apf continued to file notifications due to violations of the regulations mentioned or breaches of the duty to

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<sup>10</sup> Regulation (EC) 261/2004 OJ L 2004/46, 1.

<sup>11</sup> Regulation (EC) 1107/2006 OJ L 2006/204, 1.

participate in arbitration procedures set out in the LFG. Section 169 LFG specifies administrative penalties of up to 22,000 Euro for violations of these regulations and failure to participate in the apf's arbitration procedures.

Since the amendment to the LFG and the new regulations in section 139a LFG ("Alternative Dispute Resolution"), the apf now has the status of a party to administrative penalty proceedings. The apf is thus authorised to view all case files, request all the relevant information and appeal to the Federal Administrative Court and Supreme Administrative Court.

230 procedures of this kind were initiated during 2024 (2023: 152).

### **Audits**

In 2024, the apf audited the PRM services of the Graz Airport.