



Rail passengers must be given information on delays to or cancellations of trains which are main connecting services, whichever railway undertaking operates them

The railway infrastructure manager is obliged to provide railway undertakings in real time with all information on connecting services operated by other undertakings

The railway undertaking Westbahn Management GmbH operates passenger rail transport services on the Vienna-Salzburg line in Austria. ÖBB-Infrastruktur AG is the railway infrastructure manager in Austria and manages the major part of the Austrian rail network, including the Vienna-Salzburg line. It has at its disposal real-time data on the positions of all trains operating on the Austrian rail network it manages. The data is communicated to the various railway undertakings where it concerns those undertakings' trains.

Westbahn Management requested ÖBB-Infrastruktur to provide it with real time data relating to trains of other railway undertakings, in order for it to be able to inform its passengers of the actual departure times of connecting trains. ÖBB-Infrastruktur refused to grant access to that information, on the ground that, in principle, it only transmitted data relating to the railway undertaking concerned. It advised Westbahn Management to reach an agreement with the other railway undertakings by which those undertakings would agree to the transmission of the data relating to them.

No such agreement was reached, however, between Westbahn Management and the other railway undertakings. As it considered that the failure to transmit the data was contrary to EU law¹, Westbahn brought an application before the Schienen-Control Kommission, the tribunal with jurisdiction to rule on disputes concerning the rail market.

By the questions it has referred to the Court of Justice for a preliminary ruling, the Schienen-Control Kommission seeks to know, first, whether information on main connecting services must include, as well as scheduled departure times, delays to or cancellations of those connecting trains, in particular those of other railway undertakings. Secondly, it asks the Court whether the infrastructure manager is under an obligation to make available, in a non-discriminatory manner, real time data on the positions of trains operated by other railway undertakings, where those trains provide main connecting services.

In its judgment of today, the Court of Justice stresses that, in order to observe the interests of passengers and the general objectives pursued by EU law, the information supplied to passengers must be of use to them.

Information concerning delays or cancellations affecting connecting trains which the passenger could have found out by consulting the screens before departure, if the delays or cancellations had been known at that time, is information which must also be communicated to him where the delays or cancellations occur after departure. Passengers would otherwise only be informed of the

¹ Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations (OJ 2007 L 315, p. 14) and Directive 2001/14/EC of the European Parliament and of the Council of 26 February 2001 on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure (OJ 2001 L 75, p. 29, and corrigendum OJ 2004 L 220, p. 16), as amended by Directive 2004/49/EC of the European Parliament and of the Council of 29 April 2004 (OJ 2004 L 164, p. 44).

scheduled timetable of the main connecting services, and not of any changes occurring after departure, the information communicated to them thus being out of date. **Railway undertakings are therefore obliged to provide information relating to the main connecting services in real time.**

The Court finds that **that obligation relates to all main connecting services**, both those **of the railway undertaking concerned and those operated by other undertakings**. A restrictive interpretation of the information to which passengers must have access would hinder transfers by them. It would compromise the objective of providing information pursued by EU law, by encouraging passengers to give preference to large railway undertakings which would be in a position to provide them in real time with information relating to all stages of their journey.

As to the obligations of the railway infrastructure manager, the Court observes that, to ensure fair competition on the passenger rail transport market, it must be ensured that all railway undertakings are in a position to provide passengers with a comparable quality of service. **Railway undertakings must therefore, for the purposes of the exercise of the right of access to railway infrastructure, be given information by the infrastructure manager in real time relating to the main connecting services operated by other railway undertakings.**

In this connection the Court notes that information which is available on screens at the various stations cannot be regarded as being of a confidential or sensitive nature which would prevent its disclosure to the various railway undertakings concerned.

The Court therefore holds that the infrastructure manager is required to make available to undertakings, in a non-discriminatory manner, real time data relating to trains operated by other undertakings, in so far as those trains provide main connecting services.

NOTE: A reference for a preliminary ruling allows the courts and tribunals of the Member States, in disputes which have been brought before them, to refer questions to the Court of Justice about the interpretation of European Union law or the validity of a European Union act. The Court of Justice does not decide the dispute itself. It is for the national court or tribunal to dispose of the case in accordance with the Court's decision, which is similarly binding on other national courts or tribunals before which a similar issue is raised.

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The [full text](#) of the judgment is published on the CURIA website on the day of delivery.

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