

AMENDMENTS 001-135

by the Committee on Transport and Tourism

Report

Bogusław Liberadzki

Rail passengers' rights and obligations

A8-0340/2018

Proposal for a regulation (COM(2017)0548 – C8-0324/2017 – 2017/0237(COD))

Amendment 1

Proposal for a regulation

Recital 1

Text proposed by the Commission

(1) A number of amendments are to be made to Regulation (EC) No 1371/2007 of the European Parliament and of the Council²⁴. In the interests of clarity, **that Regulation** should be recast.

²⁴ 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).

Amendment

(1) A number of amendments are to be made to Regulation (EC) No 1371/2007 of the European Parliament and of the Council²⁴ **in order to provide improved protection for passengers and encourage increased rail travel, with due regard to Articles 11, 12 and 14 of the Treaty on the Functioning of the European Union in particular. In view of these amendments and** in the interests of clarity, **Regulation 1371/2007** should **therefore** be recast.

²⁴ 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).

Amendment 2

Proposal for a regulation
Recital 3

Text proposed by the Commission

(3) Despite considerable progress made in protecting consumers in the Union, further improvements in protecting the rights of rail passengers ***are still to be made.***

Amendment

(3) Despite considerable progress made in protecting consumers in the Union, further improvements ***are still to be made in protecting the rights of rail passengers and in ensuring they are compensated for delays, cancellations and any material damage.***

Amendment 3

Proposal for a regulation
Recital 5

Text proposed by the Commission

(5) Granting the same rights to rail passengers taking international and domestic journeys should raise the level of ***consumer protection*** in the Union, ***ensure a level playing-field for railway undertakings and guarantee a uniform level of rights for passengers.***

Amendment

(5) Granting the same rights to rail passengers taking international and domestic journeys should raise the level of ***passenger rights*** in the Union, ***in particular as regards their access to information and compensation in case of delay or cancellation.*** Passengers ***should receive as precise information as possible on their rights.***

Amendment 4

Proposal for a regulation
Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) This Regulation should not adversely affect the ability of the Member States or competent authorities to establish social tariffs for services regulated under a public service obligation, and for commercial services.

Amendment 5

Proposal for a regulation Recital 6

Text proposed by the Commission

(6) Urban, suburban **and regional** rail passenger services are different in character from long-distance services. Member States should therefore be allowed to exempt urban, suburban **and regional** rail passenger services **which are not cross-border services within the Union** from certain provisions on passengers' rights.

Amendment

(6) Urban **and** suburban rail passenger services are different in character from long-distance services. Member States should therefore be allowed to exempt urban **and** suburban rail passenger services from certain provisions on passengers' rights.

Amendment 6

Proposal for a regulation Recital 8

Text proposed by the Commission

(8) However, the exemptions should not apply to the provisions of this Regulation that facilitate the use of rail services by persons with disabilities or persons with reduced mobility. Furthermore, exemptions should not apply to the rights of those wishing to purchase tickets for travel by rail to do so without undue difficulty, to the provisions on railway undertakings' liability in respect of passengers and their luggage, to the requirement that railway undertakings be adequately insured, and to the requirement that they take adequate measures to ensure passengers' personal security in railway stations and on trains and to manage risk.

Amendment

deleted

Amendment 7

Proposal for a regulation Recital 9

Text proposed by the Commission

(9) Users' rights to rail services include the receipt of information regarding **the service** both before and during the journey. **Whenever possible**, railway undertakings and ticket vendors should provide this information **in advance and** as soon as possible. That information should be provided in accessible formats for persons with disabilities or persons with reduced mobility.

Amendment

(9) Users' rights to rail services include the receipt of information regarding **those services and related matters** both before and during **and after** the journey. Railway undertakings and ticket vendors should provide this information, as soon as possible, **in advance, or at least at the start of the journey**. That information should be provided in accessible formats for persons with disabilities or persons with reduced mobility **and should be available publicly**. **Railway undertakings should provide this information to ticket vendors and other railway undertakings selling their services.**

Amendment 8

Proposal for a regulation Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) Access to all real-time operational data and tariffs on non-discriminatory and viable terms makes rail travel more accessible to new customers and provides them with a wider range of journey possibilities and tariffs to choose from. Railway undertakings should provide ticket vendors with their operational and tariff data in order to facilitate rail travel. Efforts should be made to allow passengers to book through-tickets and optimal single rail journeys.

Amendment 9

Proposal for a regulation Recital 9 b (new)

Text proposed by the Commission

Amendment

(9b) Intensive multimodal passenger

transport will help to achieve climate goals. Railway undertakings should also therefore advertise combinations with other modes of transport so that rail users are aware of them before making their travel reservations.

Amendment 10

Proposal for a regulation Recital 9 c (new)

Text proposed by the Commission

Amendment

(9c) Well-developed multimodal passenger transport systems will help to achieve climate goals. Railway undertakings should therefore also advertise combinations with other modes of transport so that rail users are aware of them before making their travel reservations.

Amendment 11

Proposal for a regulation Recital 12

Text proposed by the Commission

Amendment

(12) In the context of the sale of tickets for the transport of passengers, Member States should take all necessary measures to prohibit discrimination on the basis of nationality or residence, regardless whether the passenger concerned is present, permanently or on a temporary basis, in another Member State. Those measures should cover all covert forms of discrimination which, by the application of other criteria, such as residence, physical or digital location, may have the same effect. In light of the development of online platforms selling passenger transport tickets, Member States should pay special attention to ensuring that no

(12) In the context of the sale of tickets for the transport of passengers, Member States should take all necessary measures to prohibit discrimination on the basis of nationality or residence, regardless whether the passenger concerned is present, permanently or on a temporary basis, in another Member State. Those measures should cover all covert forms of discrimination which, by the application of other criteria, such as residence, physical or digital location, may have the same effect. In light of the development of online platforms selling passenger transport tickets, Member States should pay special attention to ensuring that no

discrimination occurs during the process of accessing online interfaces or purchasing tickets. However, transport schemes involving social tariffs should not be **automatically** precluded, provided that they are **proportionate and** independent of the nationality of the persons concerned.

discrimination occurs during the process of accessing online interfaces or purchasing tickets. However, transport schemes involving social tariffs should not be precluded, provided that they are independent of the nationality of the persons concerned.

Amendment 12

Proposal for a regulation

Recital 13

Text proposed by the Commission

(13) The increasing popularity of cycling across the Union has implications for overall mobility and tourism. An increase in the use of both railways and cycling in the modal split reduces the environmental impact of transport. Therefore, railway undertakings should facilitate the combination of cycling and train journeys as much as possible, in particular by **allowing** the carriage of bicycles on board trains.

Amendment

(13) The increasing popularity of cycling across the Union has implications for overall mobility and tourism. An increase in the use of both railways and cycling in the modal split reduces the environmental impact of transport. Therefore, railway undertakings should facilitate the combination of cycling and train journeys as much as possible, in particular **they should provide sufficient bicycle stands for the carriage of assembled bicycles in areas intended for that purpose on board all types of passenger trains, including high speed, long distance, cross-border and local services. Passengers should be informed of the space available for bicycles. These requirements should apply to all railway undertakings from ... [two years after the date of entry into force of this Regulation].**

Amendment 13

Proposal for a regulation

Recital 14

Text proposed by the Commission

(14) Railway undertakings should facilitate the transfer of rail passengers from one operator to another by the provision of through-tickets, **whenever possible**.

Amendment

(14) Railway undertakings should facilitate the transfer of rail passengers from one operator to another by the provision of through-tickets.

Amendment 14

Proposal for a regulation

Recital 15

Text proposed by the Commission

(15) In the light of the United Nations Convention on the Rights of Persons with Disabilities and in order to give persons with disabilities and persons with reduced mobility opportunities for rail travel comparable to those of other citizens, rules for non-discrimination and assistance during their journey should be established. Persons with disabilities and persons with reduced mobility, whether caused by disability, age or any other factor, have the same right as all other citizens to free movement and to non-discrimination. Inter alia, special attention should be given to the provision of information to persons with disabilities and persons with reduced mobility concerning the accessibility of rail services, access conditions of rolling stock and the facilities on board. In order to provide passengers with sensory impairment with the best information on delays, visual and audible systems should be used, *as appropriate. Persons with disabilities and persons with reduced mobility should be enabled to buy tickets on board a train without extra charges.* Staff should be adequately trained to respond to the needs of persons with disabilities and persons with reduced mobility, notably when providing assistance. To ensure equal travel conditions, such persons should be provided with assistance *at stations and on board at all times when trains operate and not only at certain times of the day.*

Amendment 15

Proposal for a regulation

Recital 15 a (new)

Amendment

(15) In the light of the United Nations Convention on the Rights of Persons with Disabilities and in order to give persons with disabilities and persons with reduced mobility opportunities for rail travel comparable to those of other citizens, rules for non-discrimination and assistance during their journey should be established. Persons with disabilities and persons with reduced mobility, whether caused by disability, age or any other factor, have the same right as all other citizens to free movement and to non-discrimination. Inter alia, special attention should be given to the provision of *accessible* information to persons with disabilities and persons with reduced mobility concerning the accessibility of rail services, access conditions of rolling stock and the facilities on board. In order to provide passengers with sensory impairment with the best information on delays, visual and audible systems should be used *which are appropriate and comprehensible to those passengers.* Staff should be adequately trained to respond to the needs of persons with disabilities and persons with reduced mobility, notably when providing assistance. To ensure equal travel conditions, such persons should be provided, *free of charge*, with assistance *to board and disembark.*

Text proposed by the Commission

Amendment

(15a) If no accessible ticket vending facilities are available at the station, persons with disabilities and persons with reduced mobility should be able to purchase tickets on board the train.

Amendment 16

Proposal for a regulation Recital 16

Text proposed by the Commission

Amendment

(16) Railway undertakings and station managers should take into account the needs of persons with disabilities and persons with reduced mobility, through compliance with ***the TSI for persons with reduced mobility***. In addition, in accordance with Union public procurement rules, in particular Directive 2014/24/EU of the European Parliament and of the Council²⁶, all buildings and rolling stock should be made accessible through the progressive elimination of physical obstacles and functional hindrances when acquiring new material or carrying out construction or major renovation work.

(16) Railway undertakings and station managers should take into account the needs of persons with disabilities and persons with reduced mobility, through compliance with ***Commission Regulation 1300/2014 (TSI)^{25a} and Directive XXX when complementing TSI***. In addition, in accordance with Union public procurement rules, in particular Directive 2014/24/EU of the European Parliament and of the Council²⁶, all buildings and rolling stock should be made accessible through the progressive elimination of physical obstacles and functional hindrances when acquiring new material or carrying out construction or major renovation work.

^{25a} Commission Regulation (EU) No 1300/2014 of 18 November 2014 on the technical specifications for interoperability relating to accessibility of the Union's rail system for persons with disabilities and persons with reduced mobility (OJ L 356, 12.12.2014, p. 110).

²⁶ Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65).

²⁶ Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65).

Amendment 17

Proposal for a regulation Recital 17

Text proposed by the Commission

(17) It is desirable that this Regulation create a system of compensation for passengers in the case of delay which is linked to the liability of the railway undertaking, on the same basis as the international system provided by the COTIF and in particular CIV Uniform Rules thereto relating to passengers' rights. In the event of a delay of a passenger service, railway undertakings should provide passengers with compensation based on a percentage of the ticket price.

Amendment

(17) It is desirable that this Regulation create a system of compensation for passengers in the case of delay which is linked to the liability of the railway undertaking, on the same basis as the international system provided by the COTIF and in particular CIV Uniform Rules thereto relating to passengers' rights. ***Purchased tickets should be fully refundable.*** In the event of a delay of a passenger service, railway undertakings should provide passengers with compensation based on a percentage ***up to 100%*** of the ticket price.

Amendment 18

Proposal for a regulation Recital 18

Text proposed by the Commission

(18) Railway undertakings should be obliged to be insured, or to make equivalent arrangements, for their liability to rail passengers in the event of accident. Where Member States set a maximum amount for compensatory damages in the event of death or personal injury to passengers, that amount should be at least equivalent to the amount set out in the CIV Uniform Rules.

Amendment

(18) Railway undertakings should be obliged to be insured, or to make equivalent arrangements, for their liability to rail passengers in the event of accident. Where Member States set a maximum amount for compensatory damages in the event of death or personal injury to passengers, that amount should be at least equivalent to the amount set out in the CIV Uniform Rules. ***Member States should have the possibility to increase the amount for compensatory damages in the event of death or personal injury to passengers at any time.***

Amendment 19

Proposal for a regulation

Recital 20

Text proposed by the Commission

(20) In the event of delay, passengers should be provided with continued or re-routed transport options under comparable transport conditions. The needs of persons with disabilities and persons with reduced mobility should be taken into account in such an event.

Amendment

(20) In the event of delay, passengers should be provided with continued or re-routed transport options under comparable transport conditions. The needs of ***appropriate information for*** persons with disabilities and persons with reduced mobility should ***in particular*** be taken into account in such an event.

Amendment 20

Proposal for a regulation

Recital 21

Text proposed by the Commission

(21) However, a railway undertaking should not be obliged to pay compensation if it can prove that the delay was caused by severe weather conditions or major natural disasters endangering the safe operation of the service. Any such event should have the character of an exceptional natural catastrophe, as distinct from normal seasonal weather conditions, such as autumnal storms or regularly occurring urban flooding caused by tides or snowmelt. Railway undertakings should prove that they could neither foresee nor prevent the delay even if all reasonable measures had been taken.

Amendment

deleted

Amendment 21

Proposal for a regulation

Recital 22

Text proposed by the Commission

(22) In cooperation with infrastructure managers and railway undertakings, station managers should prepare contingency

Amendment

(22) In cooperation with infrastructure managers and railway undertakings, station managers should prepare ***and make***

plans to minimise the impact of major disruptions by providing stranded passengers with adequate information and care.

publicly available contingency plans to minimise the impact of major disruptions by providing stranded passengers with adequate information and care.

Amendment 22

Proposal for a regulation

Recital 23

Text proposed by the Commission

(23) This Regulation should not restrict the rights of railway undertakings to seek compensation from any person, including third parties, **in accordance with applicable national law**.

Amendment

(23) This Regulation should not restrict the rights of railway undertakings, **ticket vendors, railway station or infrastructure managers** to seek compensation, **where applicable**, from any person, including third parties, **for meeting their obligations to passengers under this Regulation**.

Amendment 23

Proposal for a regulation

Recital 27

Text proposed by the Commission

(27) Rail passengers should be able to submit a complaint to any railway undertaking involved regarding the rights and obligations conferred by this Regulation, and be entitled to receive a response within a reasonable period of time.

Amendment

(27) Rail passengers should be able to submit a complaint to any railway undertaking, **ticket vendor, railway station or infrastructure manager** involved regarding the rights and obligations conferred by this Regulation, and be entitled to receive a response within a reasonable period of time.

Amendment 24

Proposal for a regulation

Recital 28

Text proposed by the Commission

(28) Railway undertakings and station managers should define, make publicly available, manage and monitor service

Amendment

(28) Railway undertakings and station managers should define, make publicly available, manage and monitor service

quality standards for rail passenger services.

quality standards for rail passenger services ***including those for persons with disabilities and persons with reduced mobility.***

Amendment 25

Proposal for a regulation

Recital 29

Text proposed by the Commission

(29) To maintain a high level of consumer protection in rail transport, Member States should be required to designate national enforcement bodies to monitor closely and enforce this Regulation at national level. Those bodies should be able to take a variety of enforcement measures. Passengers should be able to complain to those bodies about alleged infringements of the Regulation. To ensure the satisfactory handling of such complaints, the bodies should also cooperate with each other.

Amendment

(29) To maintain a high level of consumer protection in rail transport, Member States should be required to designate national enforcement bodies to monitor closely and enforce this Regulation at national level. Those bodies should be able to take a variety of enforcement measures ***and to provide the option for passengers of binding alternative dispute resolution in accordance with Directive 2013/11/EU^{1a}.*** Passengers should be able to complain to those bodies about alleged infringements of the Regulation, ***and to use online dispute resolution established under Regulation 524/2013/EU^{1b} where agreed. It should also be provided that complaints may be made by organisations representing groups of passengers.*** To ensure the satisfactory handling of such complaints, the bodies should also cooperate with each other ***and this Regulation should continue to be listed in the Annex to the Regulation 2017/2394/EU of the European Parliament and of the Council^{1c}. Each year national enforcement bodies should publish reports with statistics on their websites detailing the number and type of complaints that they have received, and detailing the outcome of their enforcement actions. In addition, those reports should be made available on the website of the European Union Agency for Railways.***

^{1a} ***Directive 2013/11/EU of the European Parliament and of the Council***

of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (OJ L 165, 18.6.2013, p. 14).

^{1b} Regulation 524/2013/EU of the European Parliament and of the Council of 21 May 2013 on online dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (OJ L 165, 18.6.2013, p. 1).

^{1c} Regulation 2017/2394/EU of the European Parliament and of the Council of 12 December 2017 on cooperation between national authorities responsible for the enforcement of consumer protection laws and repealing Regulation (EC) No 2006/2004 (OJ L 345, 27.12.2017, p. 1).

Amendment 26

Proposal for a regulation Recital 31

Text proposed by the Commission

(31) Member States should lay down penalties applicable to infringements of this Regulation and ensure that these penalties are applied. The penalties, which might include the payment of compensation to the person in question, should be effective, proportionate and dissuasive.

Amendment

(31) Member States should lay down penalties applicable to infringements of this Regulation and ensure that these penalties are applied. The penalties, which might include the payment of compensation to the person in question, should be effective, proportionate and dissuasive ***and should include, but not be limited to, a minimum fine or a percentage of the relevant undertaking's or organisation's annual turnover, whichever is the higher.***

Amendment 27

Proposal for a regulation Recital 33 a (new)

Text proposed by the Commission

Amendment

(33a) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to adopt a standardized Union complaint form that passengers may use to apply for compensation in accordance with this Regulation. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council^{1a}.

^{1a} ***Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).***

Amendment 28

Proposal for a regulation Article 1 – title

Text proposed by the Commission

Amendment

Subject matter

Subject matter ***and objectives***

Amendment 29

Proposal for a regulation Article 1 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

This Regulation establishes rules applicable to rail transport as regards the following:

This Regulation establishes rules applicable to rail transport ***to provide for effective protection of passengers and encourage rail travel*** as regards the following:

Amendment 30

Proposal for a regulation

Article 1 – paragraph 1 – point a

Text proposed by the Commission

(a) non-discrimination between passengers with regard to transport conditions;

Amendment

(a) non-discrimination between passengers with regard to transport **and ticketing** conditions;

Amendment 31

Proposal for a regulation

Article 1 – paragraph 1 – point d

Text proposed by the Commission

(d) passengers' rights in the event of cancellation or delay;

Amendment

(d) passengers' rights **and compensation** in the event of **disruption, such as** cancellation or delay;

Amendment 32

Proposal for a regulation

Article 1 – paragraph 1 – point e

Text proposed by the Commission

(e) minimum information to be provided to passengers;

Amendment

(e) minimum, **accurate and timely** information to be provided **in accessible format** to passengers, **including the conclusion of transport contracts and the issuing of tickets**;

Amendment 33

Proposal for a regulation

Article 1 – paragraph 1 – point f

Text proposed by the Commission

(f) non-discrimination against , and mandatory assistance for , persons with disabilities and persons with reduced mobility ;

Amendment

(f) non-discrimination against, and mandatory assistance **by trained staff** for persons with disabilities and persons with reduced mobility;

Amendment 34

Proposal for a regulation Article 1 – paragraph 1 – point h

Text proposed by the Commission

(h) *the* handling of complaints;

Amendment

(h) ***proper procedures for filing and*** handling of complaints;

Amendment 35

Proposal for a regulation Article 2 – paragraph 2 – point a

Text proposed by the Commission

(a) urban, suburban ***and regional*** rail passenger services as referred to in Directive 2012/34/EU, except cross-border services within the Union;

Amendment

(a) urban ***and*** suburban rail passenger services as referred to in Directive 2012/34/EU, except cross-border services within the Union;

Amendment 36

Proposal for a regulation Article 2 – paragraph 2 – point b

Text proposed by the Commission

(b) international rail passenger services of which a significant part, including at least one scheduled station stop, is operated outside the Union, ***provided that passengers' rights are adequately ensured under relevant national law on the territory of the Member State granting the exemption.***

Amendment

(b) international rail passenger services of which a significant part, including at least one scheduled station stop, is operated outside the Union;

Amendment 37

Proposal for a regulation Article 2 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(b a) domestic rail passenger services where such exemption was granted by Member States under Regulation (EC) No 1371/2007 for a maximum of 12 months after ... [date of entry into force of this Regulation].

Amendment 38

Proposal for a regulation Article 2 – paragraph 3

Text proposed by the Commission

Amendment

3. Member States shall inform the Commission of exemptions granted pursuant to points (a) **and (b) of paragraph 2, and on the adequacy of their national law on their territory for the purposes of point (b)** of paragraph 2.

3. Member States shall inform the Commission of exemptions granted pursuant to points (a), (b) **and (ba)** of paragraph 2.

Amendment 39

Proposal for a regulation Article 2 – paragraph 4

Text proposed by the Commission

Amendment

4. Articles 5, **10, 11 and 25** and Chapter V shall apply to all rail passenger services referred to in paragraph 1, including services exempted in accordance with **points (a) and (b)** of paragraph 2.

4. Articles 5, **6, 11, 12, 17** and Chapter V shall apply to all rail passenger services referred to in paragraph 1, including services exempted in accordance with **point (a)** of paragraph 2.

Amendment 40

Proposal for a regulation Article 2 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. This Regulation shall not apply to services which are operated strictly for

their historical interest.

Amendment 41

Proposal for a regulation

Article 3 – paragraph 1 – point 1 a (new)

Text proposed by the Commission

Amendment

(1 a) ‘carrier’ means the contractual railway undertaking with whom the passenger has concluded the transport contract or a series of successive railway undertakings which are liable on the basis of this contract;

Amendment 42

Proposal for a regulation

Article 3 – paragraph 1 – point 1 b (new)

Text proposed by the Commission

Amendment

(1 b) ‘substitute carrier’ means a railway undertaking, which has not concluded a transport contract with the passenger, but to which the railway undertaking party to the contract has entrusted, in whole or in part, the performance of the transport by rail;

Amendment 43

Proposal for a regulation

Article 3 – paragraph 1 – point 4

Text proposed by the Commission

Amendment

(4) ‘tour operator’ means an organiser ***or retailer***, other than a railway undertaking, within the meaning of Article 3 ***points (8) and (9)*** of Directive (EU) 2015/2302 of the European Parliament and of the Council³⁰ ;

(4) ‘tour operator’ means an organiser, other than a railway undertaking, within the meaning of ***point (8)*** of Article 3 of Directive (EU) 2015/2302 of the European Parliament and of the Council³⁰ ;

³⁰ Directive (EU) 2015/2302 of the

³⁰ Directive (EU) 2015/2302 of the

European Parliament and of the Council of 25 November 2015 on package travel and linked travel arrangements, amending Regulation (EC) No 2006/2004 and Directive 2011/83/EU of the European Parliament and of the Council and repealing Council Directive 90/314/EEC (OJ L 326, 11.12.2015, p. 1).

European Parliament and of the Council of 25 November 2015 on package travel and linked travel arrangements, amending Regulation (EC) No 2006/2004 and Directive 2011/83/EU of the European Parliament and of the Council and repealing Council Directive 90/314/EEC (OJ L 326, 11.12.2015, p. 1).

Amendment 44

Proposal for a regulation

Article 3 – paragraph 1 – point 5

Text proposed by the Commission

(5) ‘ticket vendor’ means any retailer of rail transport services concluding transport contracts and selling tickets on behalf of a railway **undertaking** or for its own account;

Amendment

(5) ‘ticket vendor’ means any retailer of rail transport services concluding transport contracts and selling tickets, **separate tickets or through-tickets** on behalf of **one or more** railway **undertakings** or for its own account;

Amendment 45

Proposal for a regulation

Article 3 – paragraph 1 – point 5 a (new)

Text proposed by the Commission

Amendment

(5a) ‘distributor’ means a retailer of rail transport services selling tickets on behalf of a railway undertaking, and which does not have any obligation under the contract concluded between the passenger and the railway undertaking.

Amendment 46

Proposal for a regulation

Article 3 – paragraph 1 – point 6

Text proposed by the Commission

(6) ‘transport contract’ means a contract of carriage for reward or free of charge

Amendment

(6) ‘transport contract’ means a contract of carriage for reward or free of charge

between a railway undertaking **or a ticket vendor** and the passenger for the provision of one or more transport services;

between a railway undertaking and the passenger for the provision of one or more transport services;

Amendment 47

Proposal for a regulation

Article 3 – paragraph 1 – point 6 a (new)

Text proposed by the Commission

Amendment

(6a) ‘ticket’ means a valid evidence that entitles the passenger to rail transport, regardless of its form, paper, e-Ticket, Smartcard, travel card;

Amendment 48

Proposal for a regulation

Article 3 – paragraph 1 – point 6 b (new)

Text proposed by the Commission

Amendment

(6b) ‘combined journey’ means a ticket or tickets representing more than one transport contract for successive railway services operated by one or more railway undertakings;

Amendment 49

Proposal for a regulation

Article 3 – paragraph 1 – point 8

Text proposed by the Commission

Amendment

(8) ‘through-ticket’ means a ticket or tickets representing a single transport **contract** for successive railway services operated by one or more railway undertakings;

(8) ‘through-ticket’ means a ticket or **separate** tickets representing a single **or several** transport **contracts** for successive railway services operated by one or more railway undertakings, **purchased from the same ticket vendor, tour operator or railway undertaking for an end-to-end journey;**

Amendment 50

Proposal for a regulation
Article 3 – paragraph 1 – point 10

Text proposed by the Commission

(10) ‘journey’ means the carriage of a passenger between a station of departure and a station of arrival ***under a single transport contract***;

Amendment

(10) ‘journey’ means the carriage of a passenger between a station of departure and a station of arrival;

Amendment 51

Proposal for a regulation
Article 3 – paragraph 1 – point 13 a (new)

Text proposed by the Commission

Amendment

(13 a) ‘arrival’ means the moment when, at the destination platform, the doors of the train are open and disembarkation is allowed;

Amendment 52

Proposal for a regulation
Article 3 – paragraph 1 – point 15

Text proposed by the Commission

Amendment

(15) ‘missed connection’ means a situation where a passenger misses one or more services in the course of a journey as a result of the delay or cancellation of one or more previous services;

(15) ‘missed connection’ means a situation where, ***under a single transport contract***, a passenger misses one or more services in the course of a journey as a result of the delay or cancellation of one or more previous services;

Amendment 53

Proposal for a regulation
Article 3 – paragraph 1 – point 16

Text proposed by the Commission

Amendment

(16) ‘person with disabilities’ and ‘person with reduced mobility’ means any person who has a permanent or temporary physical, mental, intellectual or sensory

(16) ‘person with disabilities’ and ‘person with reduced mobility’ means any person who has a permanent or temporary physical, mental, intellectual or sensory

impairment which, in interaction with various barriers, may hinder their full and effective use of transport on an equal basis with other passengers or whose mobility when using transport is reduced *due to age*;

Amendment 54

Proposal for a regulation Article 3 – paragraph 1 – point 19 a (new)

Text proposed by the Commission

impairment which, in interaction with various barriers, may hinder their full and effective use of transport on an equal basis with other passengers or whose mobility when using transport is reduced;

Amendment

(19a) ‘extraordinary circumstances’ means circumstances beyond the control of the railway undertaking in the normal exercise of its activity and outside the obligations imposed by the relevant safety and security rules to be observed.

Amendment 55

Proposal for a regulation Article 5 – paragraph 1

Text proposed by the Commission

Without prejudice to social tariffs, railway undertakings or ticket vendors shall offer contract conditions and tariffs to the general public without direct or indirect discrimination on the basis of the final *customer’s* nationality or residence, or the place of establishment of the railway undertaking or ticket vendor within the Union.

Amendment

Without prejudice to social tariffs, railway undertakings, *tour operators* or ticket vendors shall offer *transport* contract ***and ticketing*** conditions and tariffs to the general public ***and shall sell tickets, through-tickets and accept reservations from passengers in line with Article 10 of this Regulation,*** without direct or indirect discrimination on the basis of the final *passenger’s* nationality or residence, or the place of establishment of the railway undertaking, *tour operators* or ticket vendor within the Union ***or the means through which passengers bought the ticket.***

Amendment 56

Proposal for a regulation Article 6 – paragraph 1

Text proposed by the Commission

Passengers shall be entitled to take bicycles on board the train, **where appropriate for a reasonable fee. They shall keep their bicycles under supervision during the journey and ensure that no inconvenience or damage is caused to other passengers, mobility equipment, luggage or rail operations.** The carriage of bicycles **may be refused or restricted for safety or operational reasons, provided that** railway undertakings, ticket vendors, tour operators and, where appropriate, station managers inform passengers of the conditions **for such a refusal or restriction** in accordance with Regulation (EU) No 454/2011.

Amendment

Passengers shall be entitled to take bicycles on board the train, **including on high speed, long distance, cross-border and local services. All new or refurbished passenger trains shall at the latest by ... [two years after the date of entry into force of this Regulation] include a well indicated designated space for the carriage of assembled bicycles with a minimum of eight spaces.** Railway undertakings, ticket vendors, tour operators and, where appropriate, station managers **shall** inform passengers **at the latest when purchasing the ticket** of the conditions for **bicycle carriage on all services** in accordance with Regulation (EU) No 454/2011.

Amendment 57

**Proposal for a regulation
Article 7 – paragraph 1**

Text proposed by the Commission

1. Obligations towards passengers pursuant to this Regulation may not be limited or waived, notably by a derogation or restrictive clause in the transport contract.

Amendment

1. Obligations towards passengers pursuant to this Regulation may not be limited or waived, notably by a derogation or restrictive clause in the transport contract. **Any contractual conditions which purport directly or indirectly to waive, derogate from or restrict the rights resulting from this Regulation shall not be binding on the passenger.**

Amendment 58

**Proposal for a regulation
Article 7 – paragraph 2**

Text proposed by the Commission

2. Railway undertakings may offer contract conditions more favourable for the passenger than the conditions laid down in

Amendment

2. Railway undertakings, **tour operators or ticket vendors** may offer contract conditions more favourable for the passenger than the conditions laid down in

this Regulation.

this Regulation.

Amendment 59

Proposal for a regulation Article 8 – paragraph 1

Text proposed by the Commission

Railway undertakings or, where appropriate, competent authorities responsible for a public service railway contract shall make public by appropriate means, including in accessible formats for persons with disabilities in accordance with accessibility requirements laid down in Directive XXX³¹, and before their implementation, decisions to discontinue services either permanently or temporarily.

³¹ Directive XXX on the approximation of the laws, regulations and administrative provisions of the Member States as regards the accessibility requirements for products and services (European Accessibility Act) (OJ L X, X.X.XXXX, p. X).

Amendment 60

Proposal for a regulation Article 9 – paragraph 1

Text proposed by the Commission

1. Railway undertakings and ticket vendors offering transport contracts on behalf of one or more railway undertakings shall provide the passenger, upon request, with at least the information set out in

Amendment

Railway undertakings or, where appropriate, competent authorities responsible for a public service railway contract shall make public by appropriate means, **and without delay**, including in accessible formats for persons with disabilities in accordance with accessibility requirements laid down in Directive XXX³¹ **and in Commission Regulation 1300/2014**, and **in good time** before their implementation, **proposals** to discontinue **or substantially reduce** services either permanently or temporarily, **and shall ensure that those proposals are subject to meaningful and proper consultation with stakeholders before any implementation takes place.**

³¹ Directive XXX on the approximation of the laws, regulations and administrative provisions of the Member States as regards the accessibility requirements for products and services (European Accessibility Act) (OJ L X, X.X.XXXX, p. X).

Amendment

1. Railway undertakings, **tour operators** and ticket vendors offering transport contracts on **their own** behalf **or on behalf** of one or more railway undertakings shall provide the passenger, upon request, with

Annex II, Part I in relation to the journeys for which *a* transport contract *is* offered by the railway undertaking concerned. Ticket vendors offering transport contracts on their own account, and tour operators, shall provide this information *where available*.

at least the information set out in Annex II, Part I in relation to the journeys for which transport *contracts are* offered by the railway undertaking concerned. Ticket vendors offering transport contracts on their own account, and tour operators, shall provide this information. ***In order to ensure compliance with this Regulation, railway undertakings shall provide this information to ticket vendors and other railway undertakings, selling their service.***

Amendment 61

Proposal for a regulation Article 9 – paragraph 2

Text proposed by the Commission

2. Railway undertakings ***and, where possible***, ticket vendors shall provide the passenger during the journey, including at connecting stations, with at least the information set out in Annex II, Part II.

Amendment

2. Railway undertakings, ***and where applicable***, ticket vendors shall provide the passenger during the journey, including at connecting stations, with at least the information set out in Annex II, Part II. ***In order to ensure compliance with this Regulation, railway undertakings shall provide this information to ticket vendors and other railway undertakings, selling their service.***

Amendment 62

Proposal for a regulation Article 9 – paragraph 3

Text proposed by the Commission

3. The information referred to in paragraphs 1 and 2 shall be provided ***in the most appropriate format including by using*** up-to-date communication technologies. Particular attention shall be paid to ensuring that this information is accessible to persons with disabilities in accordance with the accessibility requirements laid down in Directive XXX

Amendment

3. The information referred to in paragraphs 1 and 2 shall be provided ***by railway undertakings, tour operators and ticket vendors to passengers using easily accessible, commonly used and, concerning paragraph 2, in real-time***, up-to-date communication technologies, ***and in writing, where possible, in order to provide passengers with all the***

and Regulation 454/2011.

information required by Annex II to this Regulation. Particular attention shall be paid to ensuring that this information is accessible to persons with disabilities in accordance with the accessibility requirements laid down in Directive XXX, Regulation 454/2011 ***and Commission Regulation 1300/2014.*** ***The availability of formats accessible to persons with reduced mobility shall be clearly advertised.***

Amendment 63

Proposal for a regulation Article 9 – paragraph 4

Text proposed by the Commission

4. Station managers and infrastructure managers shall make real-time data relating to trains, including those operated by other railway undertakings available to railway undertakings and ***ticket vendors, in a non-discriminatory manner.***

Amendment

4. ***Railway undertakings,*** station managers and infrastructure managers shall make real-time data relating to trains, including those operated by other railway undertakings ***publicly available in real-time so as to eliminate any discrimination between passengers.***

Amendment 64

Proposal for a regulation Article 9 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Railway undertakings in cooperation with station managers and infrastructure managers shall indicate in timetables information about accessible train connections and stations.

Amendment 65

Proposal for a regulation Article 10 – paragraph 1

Text proposed by the Commission

1. Railway undertakings and ticket vendors shall offer tickets and, **where available**, through-tickets and reservations. **They shall make all possible efforts to offer through-tickets**, including for journeys across borders **and** with more than one railway undertaking.

Amendment

1. Railway undertakings and ticket vendors shall offer tickets and through-tickets and reservations including for journeys across borders **or involving night trains and journeys** with more than one railway undertaking.

Amendment 66

Proposal for a regulation

Article 10 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Member States may require railway undertakings to provide tickets for services provided under public service contracts through more than one points of sale.

Amendment

Competent authorities referred to in Regulation (EC) No 1370/2007 may require railway undertakings to provide tickets for services provided under public service contracts through more than one point of sale.

Amendment 67

Proposal for a regulation

Article 10 – paragraph 3

Text proposed by the Commission

3. Railway undertakings shall offer the possibility to obtain tickets for the respective service on board the train, unless this is limited or denied on grounds relating to security or antifraud policy or compulsory train reservation or reasonable commercial grounds.

Amendment

3. Railway undertakings shall offer the possibility to obtain tickets for the respective service on board the train, unless this is limited or denied on **well justifiable** grounds relating to security or antifraud policy or compulsory train reservation or reasonable commercial grounds, **including limitation on space or seat availability**.

Amendment 68

Proposal for a regulation

Article 10 – paragraph 5

Text proposed by the Commission

5. Where there is no ticket office or accessible ticketing machine in the station of departure, ***persons with disabilities and persons with reduced mobility*** shall be permitted to buy tickets on board the train at no extra cost.

Amendment

5. Where there is no ticket office or accessible ticketing machine in the station of departure, ***or any other means of purchasing tickets in advance, passengers*** shall be permitted to buy tickets on board the train at no extra cost.

Amendment 69

**Proposal for a regulation
Article 10 – paragraph 6**

Text proposed by the Commission

6. Where a passenger receives separate tickets for a single journey comprising successive railway services operated by one or more railway undertakings, his rights to information, assistance, care and compensation shall be equivalent to those under a through-ticket and cover the whole journey from the departure to the final destination, ***unless the passenger is explicitly informed otherwise in writing. Such information shall in particular state that when the passenger misses a connection, he or she would not be entitled to assistance or compensation based on the total length of the journey. The burden of proof that the information was provided shall lie with the railway undertaking, its agent, tour operator or ticket vendor.***

Amendment

6. Where a passenger receives ***from a single entity and in respect of a single commercial transaction***, separate tickets for a single journey comprising successive railway services operated by one or more railway undertakings, his rights to information, assistance, care and compensation shall be equivalent to those under a through-ticket and cover the whole journey from the departure to the final destination.

Amendment 70

**Proposal for a regulation
Article 10 a (new)**

Text proposed by the Commission

Amendment

Article 10a

Provision of travel information through application programming interfaces

- 1. Railway undertakings shall provide non-discriminatory access to all travel information, including real-time operational information on timetables and tariffs data, as referred to in Article 9, through application programming interfaces (APIs).**
- 2. Railway undertakings shall provide tour operators, ticket vendors and other railway undertakings, selling their service, non-discriminatory access to reservation systems through APIs, so that they can conclude transport contracts and issue tickets, through-tickets and reservations, in such a way that they provide the most optimal and cost-effective journey, including cross-border.**
- 3. Railway undertakings shall ensure that the technical specifications of the APIs are well-documented and openly accessible at no charge. The APIs shall make use of open standards, commonly used protocols and machine-readable formats to make them interoperable.**
- 4. Railway undertakings shall ensure that, except for emergency situations, any change to the technical specification of their APIs is made available to tour operators and ticket vendors in advance as soon as possible and no less than three months before a change is implemented. Emergency situations shall be documented and documentation shall be made available to the competent authorities upon request.**
- 5. Railway undertakings shall ensure that access to the APIs is provided in a non-discriminatory way, at the same level of availability and performance, including support, access to all documentation, standards, protocols and formats. Tour operators and ticket vendors shall not be disadvantaged as compared to the railway undertakings themselves.**
- 6. APIs shall be established in accordance with Commission Delegated Regulation (EU) 2017/1926 of 31 May**

2017.

Amendment 71

Proposal for a regulation

Article 16 – paragraph 1 – introductory part

Text proposed by the Commission

1. Where it is **reasonably** to be expected, either at departure or in the event of a missed connection in the course of a journey **with a through-ticket**, that arrival at the final destination under the transport contract will be subject to a delay of more than 60 minutes, the passenger shall immediately have the choice between one of the following:

Amendment

1. Where it is expected, either at departure or in the event of a missed connection in the course of a journey that arrival at the final destination of an end-to-end journey under the transport contracts will be subject to a delay of more than 60 minutes **or cancelled**, the passenger shall immediately have the choice between one of the following:

Amendment 72

Proposal for a regulation

Article 16 – paragraph 1 – point b

Text proposed by the Commission

(b) continuation or re-routing, under comparable transport conditions, to the final destination at the earliest opportunity;

Amendment

(b) continuation or re-routing, under comparable transport conditions **and at no additional costs**, to the final destination at the earliest opportunity, **including in the event of missed connection due to delay or cancellation of the passengers' earlier leg in the course of a journey. In such case, the passenger shall be allowed on the next service available to the final destination even if there is no specific reservation or the next train is operated by another railway undertaking.**

Amendment 73

Proposal for a regulation

Article 16 – paragraph 1 – point c

Text proposed by the Commission

(c) continuation or re-routing, under comparable transport conditions, to the final destination at a later date at the passenger's convenience.

Amendment

(c) continuation or re-routing, under comparable transport conditions, to the final destination at a later date at the passenger's convenience **but no later than one month after the reestablishment of service**.

Amendment 74

**Proposal for a regulation
Article 16 – paragraph 2**

Text proposed by the Commission

2. For the purposes of point (b) of paragraph 1, comparable re-routing may be operated by any railway undertaking and may involve the use of transport of a higher class and alternative modes of transport without generating additional costs to the passenger. Railway undertakings shall make reasonable efforts to avoid additional connections. The total travel time when using an alternative mode of transport for the part of the journey not completed as planned shall be comparable to the scheduled travel time of the original journey. Passengers shall not be downgraded to transport facilities of a lower class unless such facilities are the only re-routing means available.

Amendment

2. For the purposes of point (b) of paragraph 1, comparable re-routing may be operated by any railway undertaking and may involve the use of transport of a higher class and alternative modes of **land** transport without generating additional costs to the passenger. Railway undertakings shall make reasonable efforts to avoid additional connections. The total travel time when using an alternative mode of transport for the part of the journey not completed as planned shall be comparable to the scheduled travel time of the original journey. Passengers shall not be downgraded to transport facilities of a lower class unless such facilities are the only re-routing means available.

Amendment 75

**Proposal for a regulation
Article 16 – paragraph 3**

Text proposed by the Commission

3. Re-routing transport service providers shall **pay particular attention to providing** persons with disabilities and persons with reduced mobility **with** a comparable level of accessibility **to the**

Amendment

3. Re-routing transport service providers shall **provide to** persons with disabilities and persons with reduced mobility a comparable level **of assistance and** of accessibility **when offering an**

alternative service.

alternative service. *This alternative service may be common to all passengers or it may, upon decision of the carrier, be an individual means of transport adapted to the specific needs of certain persons with disabilities or with reduced mobility.*

Amendment 76

Proposal for a regulation Article 17 – paragraph 1

Text proposed by the Commission

1. ***Without losing*** the right of transport, a passenger may request compensation for delays from the railway undertaking if he or she is facing a delay between the places of departure and destination stated ***in the transport contract*** for which the cost ***of the ticket*** has not been reimbursed in accordance with Article 16. The minimum compensations for delays shall be as follows:

- (a) **25 %** of the ticket price for a delay of 60 to 119 minutes,
- (b) **50 %** of the ticket price for a delay of 120 minutes ***or more***.

Amendment 77

Proposal for a regulation Article 17 – paragraph 2

Text proposed by the Commission

2. Paragraph 1 also applies to passengers who hold a travel pass or season ticket. If they encounter recurrent delays or cancellations during the period of validity of the travel pass or season ticket, they may request adequate compensation in accordance with the ***railway undertaking's***

Amendment

1. ***Whilst keeping*** the right of transport, a passenger may request compensation for delays from the railway undertaking if he or she is facing a delay between the places of departure and destination stated ***on the ticket or tickets representing a single or several transport contracts*** for which the cost has not been reimbursed in accordance with Article 16. The minimum compensations for delays shall be as follows:

- (a) **50 %** of the ticket price for a delay of 60 to 90 minutes,
- (b) **75%** of the ticket price for a delay of ***91 minutes to*** 120 minutes,
- (ba) 100% of the ticket price for a delay of 121 minutes or more.***

Amendment

2. Paragraph 1 also applies to passengers who hold a travel pass or season ticket. If they encounter recurrent delays or cancellations during the period of validity of the travel pass, ***reduction card*** or season ticket, they may request adequate compensation in accordance with the

compensation arrangements. *These arrangements shall state the criteria for determining delay and for the calculation of the compensation. Where delays of less than 60 minutes occur repeatedly during the period of validity of the travel pass or season ticket, the delays shall be counted cumulatively and passengers shall be compensated in accordance with the railway undertaking's compensation arrangements.*

arrangements set out in points (a), (b) and (ba) of paragraph 1.

Amendment 78

Proposal for a regulation Article 17 – paragraph 3

Text proposed by the Commission

3. Compensation for delay shall be calculated in relation to the full price which the passenger actually paid for the delayed service. Where the transport contract is for a return journey, compensation for delay on either the outward or the return leg shall be calculated in relation to half of the price paid for the ticket. In the same way the price for a delayed service under any other form of transport contract allowing travelling several subsequent legs shall be calculated in proportion to the full price.

Amendment

3. Compensation for ***cancellation or*** delay shall be calculated in relation to the full price which the passenger actually paid for the ***cancelled or*** delayed service. Where the transport contract is for a return journey, compensation for ***cancellation or*** delay on either the outward or the return leg shall be calculated in relation to half of the price paid for the ticket. In the same way the price for a ***cancelled or*** delayed service under any other form of transport contract allowing travelling several subsequent legs shall be calculated in proportion to the full price.

Amendment 79

Proposal for a regulation Article 17 – paragraph 6

Text proposed by the Commission

6. The compensation of the ticket price shall not be reduced by financial transaction costs such as fees, telephone costs or stamps. Railway undertakings may introduce a minimum threshold under which payments for compensation will not

Amendment

6. The compensation of the ticket price shall not be reduced by financial transaction costs such as fees, telephone costs or stamps. Railway undertakings may introduce a minimum threshold under which payments for compensation will not

be paid. This threshold shall not exceed EUR 4 per ticket.

be paid. This threshold shall not exceed **EUR 5 per ticket.**

Amendment 80

Proposal for a regulation Article 17 – paragraph 7

Text proposed by the Commission

7. The passenger shall not have any right to compensation if **he is** informed of a delay before **he buys** a ticket, or if a delay due to continuation on a different service or re-routing remains below 60 minutes.

Amendment

7. The passenger shall not have any right to compensation if **they are** informed of a delay before **buying** a ticket, or if a delay due to continuation on a different service or re-routing remains below 60 minutes.

Amendment 81

Proposal for a regulation Article 17 – paragraph 8

Text proposed by the Commission

8. A railway undertaking shall not be obliged to pay compensation if it can prove that the delay was caused by severe weather conditions or major natural disasters endangering the safe operation of the service and could not have been foreseen or prevented even if all reasonable measures had been taken.

Amendment

deleted

Amendment 82

Proposal for a regulation Article 17 – paragraph 8 a (new)

Text proposed by the Commission

Amendment

8a. Where no proof of the existence of extraordinary circumstances is provided by the railway undertaking in a written form, the compensation referred to in Article 17 (1) shall be paid by the railway undertaking.

Amendment 83

Proposal for a regulation Article 18 – paragraph 1

Text proposed by the Commission

1. In the case of a delay in arrival or departure, passengers shall be kept informed of the situation and of the estimated departure time and estimated arrival time by the railway undertaking or ticket vendor or by the station manager as soon as such information is available.

Amendment

1. In the case of a delay in arrival or departure, passengers shall be kept informed of the situation and of the estimated departure time and estimated arrival time, by the railway undertaking, ticket vendors or by the station manager, ***in accordance with Article 9***, as soon as such information is available.

Amendment 84

Proposal for a regulation Article 18 – paragraph 2 – point b

Text proposed by the Commission

(b) hotel or other accommodation, and transport between the railway station and place of accommodation, in cases where a stay of one or more nights becomes necessary or an additional stay becomes necessary, where and when physically possible;

Amendment

(b) hotel or other accommodation, and transport between the railway station and place of accommodation, in cases where a stay of one or more nights becomes necessary or an additional stay becomes necessary, where and when physically possible, ***the access requirements of persons with disabilities and with reduced mobility and the needs of certified service animals being taken into account***;

Amendment 85

Proposal for a regulation Article 18 – paragraph 4

Text proposed by the Commission

4. Railway undertakings shall, ***at the request of the passenger***, certify on the ticket or by any other means that the rail service has suffered a delay, led to a missed connection or that it has been

Amendment

4. ***With regard to the affected passengers***, railway undertakings shall ***offer to*** certify ***on their tickets*** or by any other means that the rail service has suffered a delay, led to a missed

cancelled, as the case might be.

connection or that it has been cancelled, as the case might be. *This certification shall apply in connection with the provisions laid down in Article 17, subject to the proof by the passenger holding a travel pass or season ticket that he or she was travelling on the affected service.*

Amendment 86

Proposal for a regulation Article 18 – paragraph 5

Text proposed by the Commission

5. In applying paragraphs 1, 2, 3 and 4, the operating railway undertaking shall pay particular attention to the needs of persons with disabilities **and** persons with reduced mobility **and** any accompanying persons.

Amendment

5. In applying paragraphs 1, 2, 3 and 4, the operating railway undertaking shall pay particular attention to the needs of persons with disabilities, persons with reduced mobility, any accompanying persons **and certified service animals.**

Amendment 87

Proposal for a regulation Article 18 – paragraph 6

Text proposed by the Commission

6. In addition to the obligations on railway undertakings pursuant to Article 13a(3) of Directive 2012/34/EU, **the station manager of a railway station handling at least 10 000 passengers per day on average over a year shall ensure that the operations of the station, the railway undertakings and the infrastructure manager are coordinated through a proper contingency plan in order to prepare for the possibility of major disruption and long delays leading to a considerable number of passengers being stranded in the station. The plan shall ensure that stranded passengers are provided with adequate assistance and information, including in accessible formats in accordance with the**

Amendment

6. In addition to the obligations on railway undertakings pursuant to Article 13a(3) of Directive 2012/34/EU, **Member States, railway undertakings, station managers and infrastructure managers shall cooperate to ensure that contingency plans referred to in Article 13a(3) of Directive 2012/34/EU include requirements for the accessibility of alert and information systems.**

accessibility requirements laid down in Directive XXX. Upon request, the station manager shall make the plan, and any amendments to it, available to the national enforcement body or to any other body designated by a Member State. Station managers of railway stations handling fewer than 10 000 passengers per day on average over a year shall make all reasonable efforts to coordinate station users and to assist and inform stranded passengers in such situations.

Amendment 88

Proposal for a regulation Article 19 – paragraph 1

Text proposed by the Commission

Amendment

Where a railway undertaking pays compensation or meets its other obligations in accordance with this Regulation, no provision of this Regulation or national law may be interpreted as restricting its right to seek compensation for costs from any person, including third parties, in accordance with the law applicable. In particular, this Regulation shall in no way restrict the railway undertaking's right to seek reimbursement from a third party, with whom it has a contract and which contributed to the event which triggered compensation or other obligations. No provision of this Regulation may be interpreted as restricting the right of a third party, other than a passenger, with whom a railway undertaking has a contract, to seek reimbursement or compensation from the railway undertaking in accordance with applicable relevant laws.

deleted

Amendment 89

Proposal for a regulation

Article 20 – paragraph 1

Text proposed by the Commission

1. Railway undertakings and station managers shall, with the active involvement of representative organisations of persons with disabilities and persons with reduced mobility, establish, or shall have in place, non-discriminatory access rules for the transport of persons with disabilities and persons with reduced mobility including their personal assistants. The rules shall allow the passenger to be accompanied by ***an assistance dog*** in accordance with any relevant national rules.

Amendment

1. Railway undertakings and station managers shall, with the active involvement of representative organisations of persons with disabilities and persons with reduced mobility, establish, or shall have in place, non-discriminatory access rules for the transport of persons with disabilities and persons with reduced mobility including their personal assistants. The rules shall allow the passenger to be accompanied by ***a certified service animal or an accompanying person free of charge if independent mobility is not possible***, in accordance with any relevant national rules, ***and shall ensure that rail transport for persons with disabilities and persons with reduced mobility is immediate wherever possible.***

Amendment 90

Proposal for a regulation Article 20 a (new)

Text proposed by the Commission

Amendment

Article 20a

Railway undertakings and station managers shall, when complying with the TSI for persons with reduced mobility, also ensure that the station, platforms, rolling stock and other facilities are accessible to persons with disabilities and persons with reduced mobility.

Amendment 91

Proposal for a regulation Article 21 – paragraph 1

Text proposed by the Commission

1. Upon request, a station manager, a railway undertaking, a ticket vendor or a tour operator shall provide persons with disabilities and persons with reduced mobility with information, including in accessible formats in accordance with the accessibility requirements laid down in Regulation (EU) No 454/2011 and Directive XXX, on the accessibility of the station and associated facilities, rail services and on the access conditions of rolling stock in accordance with the access rules referred to in Article 20(1) and shall inform persons with disabilities and persons with reduced mobility about facilities on board.

Amendment

1. Upon request, a station manager, a railway undertaking, a ticket vendor or a tour operator shall provide persons with disabilities and persons with reduced mobility with information, including in accessible formats in accordance with the accessibility requirements laid down in Regulation (EU) No 454/2011 and Directive XXX **and Regulation No 1300/2014**, on the accessibility of the station and associated facilities, rail services and on the access conditions of rolling stock in accordance with the access rules referred to in Article 20(1) and shall inform persons with disabilities and persons with reduced mobility about facilities on board.

Amendment 92

**Proposal for a regulation
Article 21 – paragraph 2**

Text proposed by the Commission

2. When a railway undertaking, ticket vendor or tour operator exercises the derogation provided for in Article 20(2), it shall upon request inform in writing the person with disabilities or person with reduced mobility concerned of its reasons for doing so within five working days of the refusal to make the reservation or to issue the ticket or the imposition of the condition of being accompanied. The railway undertaking, ticket vendor or tour operator **shall make reasonable efforts to** propose an alternative transport option to the person in question taking into account his or her accessibility needs.

Amendment

2. When a railway undertaking, ticket vendor or tour operator exercises the derogation provided for in Article 20(2), it shall upon request inform in writing the person with disabilities or person with reduced mobility concerned of its reasons for doing so within five working days of the refusal to make the reservation or to issue the ticket or the imposition of the condition of being accompanied. The railway undertaking, ticket vendor or tour operator **shall** propose an alternative transport option to the person in question taking into account his or her accessibility needs.

Amendment 93

Proposal for a regulation

Article 22 – paragraph 1

Text proposed by the Commission

1. On departure from, transit through or arrival at, a staffed railway station of a person with disabilities or a person with reduced mobility, the station manager or the railway undertaking or both shall provide assistance free of charge in such a way that that person is able to board the departing service, or to disembark from the arriving service for which he or she purchased a ticket, without prejudice to the access rules referred to in Article 20(1).

Amendment

1. On departure from, transit through or arrival at, a staffed railway station of a person with disabilities or a person with reduced mobility, the station manager or the railway undertaking or both shall provide assistance free of charge in such a way that that person is able to board the departing service, or to disembark from the arriving service for which he or she purchased a ticket, without prejudice to the access rules referred to in Article 20(1).
The booking of assistance shall always be done without extra cost, irrespective of the communication channel being used.

Amendment 94

Proposal for a regulation Article 22 – paragraph 2

Text proposed by the Commission

2. In the absence of staff at a station, railway undertakings and station managers shall make all reasonable efforts to enable disabled persons or persons with reduced mobility to have access to travel by rail.

Amendment

2. In the absence of ***accompanying staff on board a train or*** staff at a station, railway undertakings and station managers shall make all reasonable efforts to enable disabled persons or persons with reduced mobility to have access to travel by rail ***in conformity with the accessibility requirements of Directive XXX [European Accessibility Act] and Regulation (EU) No 454/2011.***

Amendment 95

Proposal for a regulation Article 22 – paragraph 3

Text proposed by the Commission

3. In unstaffed stations, railway undertakings and station managers shall ensure that easily available information,

Amendment

3. In unstaffed stations, railway undertakings and station managers shall ensure that easily available information,

including in accessible formats in accordance with the accessibility requirements laid down in Directive XXX, is displayed in accordance with the access rules referred to in Article 20(1) regarding the nearest staffed stations and directly available assistance for persons with disabilities **and** persons with reduced mobility.

including in accessible formats in accordance with the accessibility requirements laid down in Directive XXX, **and in Regulation No 1300/2014** is displayed in accordance with the access rules referred to in Article 20(1) regarding the nearest staffed stations and directly available assistance for persons with disabilities **and** persons with reduced mobility.

Amendment 96

Proposal for a regulation Article 22 – paragraph 4

Text proposed by the Commission

4. Assistance shall be available in stations during all times when rail services operate

Amendment

deleted

Amendment 97

Proposal for a regulation Article 23 – paragraph 2

Text proposed by the Commission

(2) In the absence of accompanying staff on board a train, railway undertakings shall **make reasonable efforts to** enable persons with disabilities or persons with reduced mobility to have access to travel by rail.

Amendment

(2) In the absence of accompanying staff on board a train, railway undertakings shall **nevertheless** enable persons with disabilities or persons with reduced mobility to have access to travel by rail.

Amendment 98

Proposal for a regulation Article 23 – paragraph 3

Text proposed by the Commission

(3) **For the purposes of this Article, assistance on board shall consist of all reasonable efforts to offer assistance to a person with disabilities or a person with reduced mobility in order to allow that**

Amendment

(3) A person with disabilities or a person with reduced mobility **must be offered assistance** in order to allow that person to have access to the same services in the train as other passengers, should the extent

person to have access to the same services in the train as other passengers, should the extent of the person's disability or reduced mobility not allow him or her to have access to those services independently and in safety.

of the person's disability or reduced mobility not allow him or her to have access to those services independently and in safety.

Amendment 99

Proposal for a regulation Article 23 – paragraph 4

Text proposed by the Commission

Amendment

4. Assistance shall be available on board trains during all times when rail services operate.

deleted

Amendment 100

Proposal for a regulation Article 24 – paragraph 1

Text proposed by the Commission

Amendment

Railway undertakings, station managers, ticket vendors and tour operators shall cooperate in order to provide assistance to persons with disabilities and persons with reduced mobility in line with Articles 20 and 21 in accordance with the following points:

Railway undertakings, station managers, ticket vendors and tour operators shall cooperate in order to provide assistance **free of charge** to persons with disabilities and persons with reduced mobility in line with Articles 20 and 21 in accordance with the following points:

Amendment 101

Proposal for a regulation Article 24 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) assistance shall be provided on condition that the railway undertaking, the station manager, the ticket vendor or the tour operator with which the ticket was purchased is notified of the person's need for such assistance **at least 48 hours** before

(a) assistance **in stations** shall be provided **during times rail services operate** on condition that the railway undertaking, the station manager, the ticket vendor or the tour operator with which the ticket was purchased is notified of the person's need

the assistance is needed. Where a ticket or season ticket permits multiple journeys, one notification shall be sufficient provided that adequate information on the timing of subsequent journeys is provided. Such notifications shall be forwarded to all other railway undertakings and station managers involved in the person's journey;

for such assistance **at least 12 hours** before the assistance is needed. ***In stations where daily traffic exceeds 10 000 passengers per day, no pre-notification is needed, however, the person in need of assistance shall be at the respective station at least 30 minutes before the departure of the train. In stations where daily traffic is between 2 000 and 10 000 passengers per day, the notification shall be reduced to maximum three hours.*** Where a ticket or season ticket permits multiple journeys, one notification shall be sufficient provided that adequate information on the timing of subsequent journeys is provided. Such notifications shall be forwarded to all other railway undertakings and station managers involved in the person's journey;

Amendment 102

Proposal for a regulation Article 24 – paragraph 1 – point e

Text proposed by the Commission

(e) assistance shall be provided on condition that the person with disabilities or person with reduced mobility presents ***him or herself*** at the designated point at a time stipulated by the railway undertaking or station manager providing such assistance. Any time stipulated shall not be more than 60 minutes before the published departure time or the time at which all passengers are asked to check in. ***If no time is stipulated by which the person with disabilities or person with reduced mobility is required to present him or herself, the person shall present him or herself at the designated point at least 30 minutes before the published departure time or the time at which all passengers are asked to check in.***

Amendment

(e) assistance shall be provided on condition that the person with disabilities or person with reduced mobility presents ***themselves*** at the designated point at a time stipulated by the railway undertaking or station manager providing such assistance. Any time stipulated shall not be more than 60 minutes before the published departure time or the time at which all passengers are asked to check in.

Amendment 103

Proposal for a regulation Article 25 – paragraph 1

Text proposed by the Commission

1. Where railway undertakings and station managers cause loss of, or damage to, wheelchairs, other mobility equipment or assistive devices and **assistant dogs** used by persons with disabilities and persons with reduced mobility, they shall be liable for and compensate that loss or damage

Amendment

1. Where railway undertakings and station managers cause loss of, or damage to, wheelchairs, other mobility equipment or assistive devices and **certified service animal** used by persons with disabilities and persons with reduced mobility, they shall be liable for and compensate that loss or damage **as soon as possible**.

Amendment 104

Proposal for a regulation Article 25 – paragraph 2

Text proposed by the Commission

2. The compensation referred to in paragraph 1 shall be equal to the cost of replacement **or** repair of the equipment or devices lost or damaged.

Amendment

2. The compensation referred to in paragraph 1 shall be **paid in a timely manner and shall be** equal to the **full** cost of replacement **based on the actual value,** or **on the full costs of** repair of the **wheelchair,** equipment or devices lost or damaged, **or the loss or injury of the certified service animal. The compensation shall also cover the costs of temporary replacement in case of repair, where such costs are borne by the passenger.**

Amendment 105

Proposal for a regulation Article 26 – paragraph 1 – point a

Text proposed by the Commission

(a) ensure that all **personnel**, including those employed by any other performing party, providing direct assistance to persons with disabilities and persons with reduced mobility, know how to meet the

Amendment

(a) ensure that all **staff**, including those employed by any other performing party, providing direct assistance to persons with disabilities and persons with reduced mobility, **receive disability-related**

needs of persons with disabilities and of persons with reduced mobility, including those with mental and intellectual impairments;

training in order to know how to meet the needs of persons with disabilities and of persons with reduced mobility, including those with mental and intellectual impairments;

Amendment 106

Proposal for a regulation Article 26 – paragraph 1 – point c

Text proposed by the Commission

(c) ensure that, upon recruitment, all new **employees** receive disability-related training and **that personnel** attend regular refresher training courses.

Amendment

(c) ensure that, upon recruitment, all new **staff who will deal directly with the travelling public** receive **an introduction to disability-related issues for passengers and the railway undertaking, and that employees who provide direct assistance to passengers with reduced mobility** receive disability-related training and attend regular refresher training courses.

Amendment 107

Proposal for a regulation Article 26 – paragraph 1 – point d

Text proposed by the Commission

(d) **accept upon request** the participation, in the training, of employees with disabilities, passengers with disabilities and with reduced mobility,

Amendment

(d) **may accept** the participation, in the training, of employees with disabilities, **and consider the participation of** passengers with disabilities and with reduced mobility, **and/or organisations representing them.**

Amendment 108

Proposal for a regulation Article 28 – paragraph 1

Text proposed by the Commission

1. All railway undertakings, ticket vendors, station managers **and**

Amendment

1. All railway undertakings, ticket vendors and stations managers **shall set up**

infrastructure managers of stations handling more than 10 000 passengers per day on average over a year shall each set up a complaint-handling mechanism for the rights and obligations covered in this Regulation in their respective field of responsibility. They shall make their contact details and working language(s) widely known to passengers.

a complaint-handling mechanism for the rights and obligations covered in this Regulation in their respective field of responsibility. They shall make their contact details and working language(s) widely known to passengers. ***Passengers should be able to file complaints in the official language(s) of the Member State in which the respective railway undertaking, ticket vendor and station manager are established and in any event in English.***

Amendment 109

Proposal for a regulation Article 28 – paragraph 2

Text proposed by the Commission

2. Passengers may submit a complaint to any railway undertaking, ticket vendor, ***railway station or infrastructure manager*** involved. Complaints shall be submitted within six months of the incident that is the subject of the complaint. Within one month of receiving the complaint, the addressee shall either give a reasoned reply or, in justified cases, inform the passenger ***by what date*** within a period of less than three months from the date of receipt of the complaint ***a reply can be expected.*** ***Railway undertakings, ticket vendors, station managers and infrastructure managers shall keep the incident data necessary to assess the complaint for two years and make them available to national enforcement bodies upon request.***

Amendment

2. Passengers may submit a complaint to any railway undertaking, ticket vendor ***or station manager*** involved. Complaints shall be submitted within six months of the incident that is the subject of the complaint. Within one month of receiving the complaint, the addressee shall either give a reasoned reply or, in justified cases, inform the passenger ***that the passenger will get a reply*** within a period of less than three months from the date of receipt of the complaint.

Amendment 110

Proposal for a regulation Article 28 – paragraph 3

Text proposed by the Commission

3. Details of the complaint handling

Amendment

3. Details of the complaint handling

procedure shall be accessible to persons with disabilities and with reduced mobility.

procedure shall be ***easily available to passengers and*** accessible to persons with disabilities and with reduced mobility. ***This information shall be available upon request in the official language(s) of the Member State in which the railway undertaking is established.***

Amendment 111

Proposal for a regulation Article 28 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. The Commission shall adopt implementing acts setting out a standardised Union complaint form for passengers to use in order to apply for compensation in accordance with this Regulation. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 37a(2).

Amendment 112

Proposal for a regulation Article 29 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Railway undertakings and station managers actively cooperate with organisations representing people with disabilities to improve the quality of accessibility of transport services.

Amendment 113

Proposal for a regulation Article 30 – paragraph 1

Text proposed by the Commission

Amendment

1. When selling tickets for journeys by rail, railway undertakings, station

1. When selling tickets for journeys by rail, railway undertakings, station

managers, ticket vendors and tour operators shall inform passengers of their rights and obligations under this Regulation. In order to comply with this information requirement, they may use a summary of the provisions of this Regulation prepared by the Commission in all official languages of the Union and made available to them. In addition, they shall provide **a notice on the ticket**, in either paper or electronic format or by any other means, including in accessible formats for persons with disabilities and persons with reduced mobility in accordance with the requirements laid down in **Directive XXX**. **That notice shall specify** where such information can be obtained in the event of cancellation, missed connection or long delay.

managers, ticket vendors and tour operators shall inform passengers of their rights and obligations under this Regulation. In order to comply with this information requirement, they may use a summary of the provisions of this Regulation prepared by the Commission in all official languages of the Union and made available to them. In addition, they shall provide **information**, in either paper or electronic format or by any other means, including in accessible formats for persons with disabilities and persons with reduced mobility in accordance with the requirements laid down in **Regulation 1300/2014 that specifies** where such information can be obtained in the event of cancellation, missed connection or long delay.

Amendment 114

Proposal for a regulation Article 30 – paragraph 2

Text proposed by the Commission

2. Railway undertakings and station managers shall inform passengers in an appropriate manner, including in accessible formats in accordance with the accessibility requirements in **Directive XXX**, at the station and on the train, of their rights and obligations under this Regulation, and of the contact details of the body or bodies designated by Member States pursuant to Article 31.

Amendment

2. Railway undertakings and station managers shall inform passengers in an appropriate manner, including in accessible formats in accordance with the accessibility requirements in **Regulation 1300/2014**, at the station, on the train **and on their website**, of their rights and obligations under this Regulation, and of the contact details of the body or bodies designated by Member States pursuant to Article 31.

Amendment 115

Proposal for a regulation Article 31 – paragraph 3

Text proposed by the Commission

Member States shall inform the

Amendment

Member States shall inform the

Commission of the body or bodies designated in accordance with this Article and of its or their respective responsibilities.

Commission of the body or bodies designated in accordance with this Article and of its or their respective responsibilities **and shall publish them in a suitable place on their website.**

Amendment 116

Proposal for a regulation Article 32 – paragraph 1

Text proposed by the Commission

1. The national enforcement bodies shall closely monitor compliance with this Regulation and take the measures necessary to ensure that the rights of passengers are upheld. For this purpose, railway undertakings, station managers and infrastructure managers shall provide the bodies with relevant documents and information at their request. In carrying out their functions, the bodies shall take account of the information submitted to them by the body designated under Article 33 to handle complaints, if this is a different body. ***They may also decide on enforcement actions based on individual complaints transmitted by such a body.***

Amendment

1. The national enforcement bodies shall closely monitor compliance with this Regulation and take the measures necessary to ensure that the rights of passengers are upheld. For this purpose, railway undertakings, station managers and infrastructure managers shall provide the bodies with relevant documents and information at their request ***without delay and in any event within one month.*** In carrying out their functions, the bodies shall take account of the information submitted to them by the body designated under Article 33 to handle complaints, if this is a different body. ***Member States shall ensure that national enforcement and complaint handling bodies shall be given sufficient powers and resources for the adequate and effective enforcement of individual complaints from passengers under this Regulation.***

Amendment 117

Proposal for a regulation Article 32 – paragraph 2

Text proposed by the Commission

2. The national enforcement bodies shall publish statistics on their ***activity***, including ***on*** sanctions applied, ***every year, at the latest at the end*** of April of the ***following calendar*** year.

Amendment

2. The national enforcement bodies shall ***each year*** publish ***reports with*** statistics on their ***websites detailing the number and type of complaints that they have received, detailing the outcome of their enforcement actions***, including ***the***

sanctions *that they have* applied. ***This shall be done for each year by no later than the first day of April of the succeeding year. In addition, these reports shall be made available on the website of the European Union Agency for Railways.***

Amendment 118

Proposal for a regulation

Article 32 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The national enforcement bodies, in collaboration with representative organisations of persons with disabilities and with reduced mobility, shall conduct regular audits of the assistance services provided in accordance with this Regulation and publish the results in accessible and commonly used formats.

Amendment 119

Proposal for a regulation

Article 33 – paragraph 1

Text proposed by the Commission

Amendment

1. Without prejudice to the rights of consumers to seek alternative redress pursuant to Directive 2013/11/EU of the European Parliament and of the Council³², after having complained unsuccessfully to the railway undertaking, ***ticket vendor***, station or infrastructure manager pursuant to Article 28, the passenger may complain to an enforcement body. Enforcement bodies shall inform complainants about their right to complain to alternative dispute resolution bodies to seek individual redress.

1. Without prejudice to the rights of consumers to seek alternative redress pursuant to Directive 2013/11/EU of the European Parliament and of the Council³², after having complained unsuccessfully to the railway undertaking, station or infrastructure manager pursuant to Article 28, the passenger may complain to an enforcement body. Enforcement bodies shall inform complainants about their right to complain to alternative dispute resolution bodies to seek individual redress. ***Member States shall ensure that enforcement or complaint-handling bodies are recognised for the purposes of alternative redress schemes pursuant to***

Directive 2013/11/EU, and that where passengers seek alternative redress, the railway undertaking, ticket vendor, station or infrastructure manager concerned is required to participate and the outcome shall be binding on, and effectively enforceable against, them.

³² Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (OJ L 165, 18.6.2013, p. 14).

³² Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (OJ L 165, 18.6.2013, p. 14).

Amendment 120

Proposal for a regulation Article 33 – paragraph 2

Text proposed by the Commission

2. Any passenger may complain to the national enforcement body, or any other body designated by a Member State for that purpose, about an alleged infringement of this Regulation.

Amendment

2. Any passenger may complain to the national enforcement body, or any other body designated by a Member State for that purpose, about an alleged infringement of this Regulation. ***Complaints may also be made by organisations representing groups of passengers.***

Amendment 121

Proposal for a regulation Article 33 – paragraph 3 – subparagraph 1

Text proposed by the Commission

The body shall acknowledge receipt of the complaint within two weeks of receiving it. The complaint-handling procedure shall take a maximum of three months. For complex cases, the body may, at its discretion, extend this period to six months. In such a case, it shall inform the passenger of the reasons for the extension and of the expected time needed to

Amendment

The body shall acknowledge receipt of the complaint within two weeks of receiving it. The complaint-handling procedure shall take a maximum of three months. For complex cases, the body may, at its discretion, extend this period to six months. In such a case, it shall inform the passenger ***or organisation representing passengers*** of the reasons for the extension

conclude the procedure. Only cases that involve legal proceedings may take longer than six months. Where the body is also an alternative dispute resolution body within the meaning of Directive 2013/11/EU, the time limits laid down in that Directive shall prevail.

and of the expected time needed to conclude the procedure. Only cases that involve legal proceedings may take longer than six months. Where the body is also an alternative dispute resolution body within the meaning of Directive 2013/11/EU, the time limits laid down in that Directive shall prevail ***and the use of online dispute resolution in accordance with Regulation 524/2013/EU^{1a} may be made available with the agreement of all parties involved.***

^{1a} Regulation 524/2013/EU of the European Parliament and of the Council of 21 May 2013 on online dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (OJ L 165, 18.6.2013, p.1).

Amendment 122

Proposal for a regulation Article 33 a (new)

Text proposed by the Commission

Amendment

Article 33 a

Independent conciliation bodies

The Member States shall install well-equipped independent conciliation bodies that will be easily accessible and affordable for passengers in case of conflicts with rail undertakings and ticket vendors on the enforcement of their rights.

Amendment 123

Proposal for a regulation Article 35 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall lay down the rules on penalties applicable to

1. Member States shall lay down the rules on penalties applicable to

infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall notify the Commission of those rules and measures and shall notify it without delay of any subsequent amendment affecting them.

infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive, **and shall include, but not be limited to, a minimum fine or a percentage of the relevant undertaking or organisation's annual turnover, whichever is the higher.** Member States shall notify the Commission of those rules and measures and shall notify it without delay of any subsequent amendment affecting them.

Amendment 124

Proposal for a regulation Article 37 a (new)

Text proposed by the Commission

Amendment

Article 37a

Committee procedure

- 1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.**
- 2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.**

Amendment 125

Proposal for a regulation Annex II – part I – indent 3

Text proposed by the Commission

Amendment

- Time schedules and conditions for the lowest *fares*

- Time schedules and conditions for **all available fares, including** the lowest **ones**.

Amendment 126

Proposal for a regulation

Annex II – part I – indent 5

Text proposed by the Commission

- Access **conditions** for bicycles

Amendment

- Access **arrangements** for bicycles

Amendment 127

Proposal for a regulation

Annex II – part I – indent 6

Text proposed by the Commission

- Availability of seats in **smoking and** non-smoking, first and second class as well as couchettes and sleeping carriages

Amendment

- Availability of seats **for all applicable fares** in non-smoking (**and, where applicable, smoking**), first and second class as well as couchettes and sleeping carriages

Amendment 128

Proposal for a regulation

Annex II – part I – indent 7

Text proposed by the Commission

- **Any activities likely to disrupt or delay services**

Amendment

- **Disruptions and delays (planned and in real time)**

Amendment 129

Proposal for a regulation

Annex II – part I – indent 8

Text proposed by the Commission

- Availability of on-board services

Amendment

- Availability of on-board services, **including wifi and toilets**

Amendment 130

Proposal for a regulation

Annex II – part II – indent 1

Text proposed by the Commission

Amendment

- On-board services

- On-board services, *including wifi*

Amendment 131

Proposal for a regulation Annex II – part II – indent 3

Text proposed by the Commission

Amendment

- *Delays*

- *Disruptions and delays (planned and in real time)*

Amendment 132

Proposal for a regulation Annex III – part I – paragraph 2 – point 1 – point a – point iii – indent 2

Text proposed by the Commission

Amendment

- percentage of delays of **60-119** minutes;

- percentage of delays of **91-120** minutes;

Amendment 133

Proposal for a regulation Annex III – part I – paragraph 2 – point 2 – indent 1 – point vii

Text proposed by the Commission

Amendment

(vii) provision of useful information throughout the journey;

(vii) provision of useful information throughout the journey, *including in relation to Wi-Fi and other on-board services*;

Amendment 134

Proposal for a regulation Annex III – part II – paragraph 1 – point 4 – indent 1 – point vii

Text proposed by the Commission

Amendment

(vii) accessibility of station and station facilities.

(vii) accessibility of station and station facilities, *including step-free access, escalators, elevators and luggage ramps*.

Amendment 135

Proposal for a regulation Annex IV – paragraph 1

Text proposed by the Commission

In complex cases such as cases involving multiple claims or a number of operators, cross-border travel or accidents on the territory of a Member State other than that which granted the undertaking's licence, in particular where it is unclear which national enforcement body is competent, or where it would facilitate or accelerate the resolution of the complaint, national enforcement bodies shall cooperate to identify a 'lead' body, which shall serve as single point of contact for passengers. All national enforcement bodies involved shall cooperate to facilitate the resolution of the complaint (including by sharing information, assisting with the translation of documents and providing information on the circumstances of incidents). Passengers shall be informed which body is acting as 'lead' body.

Amendment

In complex cases such as cases involving multiple claims or a number of operators, cross-border travel or accidents on the territory of a Member State other than that which granted the undertaking's licence, in particular where it is unclear which national enforcement body is competent, or where it would facilitate or accelerate the resolution of the complaint, national enforcement bodies shall cooperate to identify a 'lead' body, which shall serve as single point of contact for passengers. All national enforcement bodies involved shall cooperate to facilitate the resolution of the complaint (including by sharing information, assisting with the translation of documents and providing information on the circumstances of incidents). Passengers shall be informed which body is acting as 'lead' body. ***In addition, in all cases, national enforcement bodies shall in any event ensure compliance with Regulation 2017/2394/EU^{1a} of the European Parliament and of the Council.***

^{1a} Regulation (EU) 2017/2394 of the European Parliament and of the Council of 12 December 2017 on cooperation between national authorities responsible for the enforcement of consumer protection laws and repealing Regulation (EC) No 2006/2004, OJ L 345, 27.12.2017.