



**2017/0237(COD)**

26.2.2018

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## **DRAFT REPORT**

on the proposal for a regulation of the European Parliament and of the Council  
on rail passengers' rights and obligations (recast)  
(COM(2017)0548 – C8-0324/2017 – 2017/0237(COD))

Committee on Transport and Tourism

Rapporteur: Bogusław Liberadzki

(Recast – Rule 104 of the Rules of Procedure)

### ***Symbols for procedures***

*	Consultation procedure
***	Consent procedure
***I	Ordinary legislative procedure (first reading)
***II	Ordinary legislative procedure (second reading)
***III	Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

### ***Amendments to a draft act***

#### **Amendments by Parliament set out in two columns**

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

#### **Amendments by Parliament in the form of a consolidated text**

New text is highlighted in ***bold italics***. Deletions are indicated using either the ■ symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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## **DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION**

**on the proposal for a regulation of the European Parliament and of the Council on rail passengers' rights and obligations (recast)**

**(COM(2017)0548 – C8-0324/2017 – 2017/0237(COD))**

**(Ordinary legislative procedure – recast)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2017)0548),
  - having regard to Article 294(2) and Article 91(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal (C8-0324/2017),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to the opinion of the European Economic and Social Committee of 18 January 2018<sup>1</sup>,
  - having consulted the Committee of the Regions,
  - having regard to the Interinstitutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts<sup>2</sup>,
  - having regard to the letter of 24 July 2017 from the Committee on Legal Affairs to the Committee on Transport and Tourism in accordance with Rule 104(3) of its Rules of Procedure,
  - having regard to Rules 104 and 59 of its Rules of Procedure,
  - having regard to the report of the Committee on Transport and Tourism and the opinion of the Committee on the Internal Market and Consumer Protection (A8-0000/2018),
- A. whereas, according to the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission, the Commission proposal does not include any substantive amendments other than those identified as such in the proposal, and whereas, as regards the codification of the unchanged provisions of the earlier acts together with those amendments, the proposal contains a straightforward codification of the existing texts, without any change in their substance;
1. Adopts its position at first reading hereinafter set out, taking into account the recommendations of the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission;

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<sup>1</sup> Not yet published in the Official Journal.

<sup>2</sup> OJ C 77, 28.3.2002, p. 1.

2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
3. Instructs its President to forward its position to Council, the Commission and the national parliaments.

## Amendment 1

### Proposal for a regulation

#### Recital 7

*Text proposed by the Commission*

(7) It is an aim of this Regulation to improve rail passenger services within the Union. Therefore, Member States should be able to grant exemptions for services in regions where a significant part of the service is operated outside the Union, ***provided that an adequate level of passenger rights is ensured on the part of such services provided on those Member States' territory, in accordance with their national law.***

*Amendment*

(7) It is an aim of this Regulation to improve rail passenger services within the Union. Therefore, Member States should be able to grant exemptions for services in regions where a significant part of the service is operated outside the Union.

Or. en

#### *Justification*

*Bilateral governmental agreements and contractual agreements between EU and non-EU carriers govern the protection of passengers in rail services between EU and non-EU countries. A reference to applying national law cannot be implemented on these services.*

## Amendment 2

### Proposal for a regulation

#### Recital 7 a (new)

*Text proposed by the Commission*

*Amendment*

***(7 a) Railway undertakings in some Member States might experience difficulty in applying the entirety of the provisions of this Regulation on its entry into force. Therefore, Member States should be able to grant temporary exemptions from the application of the provisions of this Regulation to long-distance domestic rail passenger services. The temporary exemption should, however, not apply to***

*the provisions of this Regulation that grant persons with disabilities or persons with reduced mobility access to travel by rail, nor should it apply to the right of those wishing to purchase tickets for travel by rail to do so without undue difficulty, nor to the provisions on railway undertakings' liability in respect of passengers and their luggage, the requirement that undertakings be adequately insured, and the requirement that those undertakings take adequate measures to ensure passengers' personal security in railway stations and on trains and to manage risk.*

Or. en

### *Justification*

*Member States still applying exemptions to domestic long-distance services are predominantly situated in the central and eastern part of Europe, where rail services are impacted by a historical underinvestment in the railway sector. The possibility for Member States to grant such limited exemptions will terminate on 3 December 2024, as provided by the existing Regulation. Changing this deadline ahead of its planned termination may interfere with implementation plans at Member State level. This amendment is inextricably linked to the revision proposed by the Commission (Article 2; non-codified part of the proposal).*

## **Amendment 3**

### **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. In particular by *providing bicycle stands for* the carriage of *assembled* bicycles on board *all kinds of*



*trains, including high-speed, long-distance and cross-border trains.*

Or. en

*Justification*

*Bicycles are an important means of transport. Combining rail and bicycle travel should be encouraged on all kinds of trains.*

**Amendment 4**

**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

*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 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. 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***.

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.*

Or. en

#### *Justification*

*Assistance to board and disembark should always be provided free of charge. Furthermore, as per the 'right to transport' in Art. 20, railway undertakings should always enable PRMs to have access to rail services. In this context, when assistance to board and disembark cannot be provided, e.g. at unstaffed stations or in trains, or when on board ticket sales are not possible, railway undertakings should inform PRMs of alternative ticketing solutions or means of transport, e.g. to the next accessible stations.*

#### **Amendment 5**

##### **Proposal for a regulation Recital 16**

###### *Text proposed by the Commission*

(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 Council<sup>26</sup>*, 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.

###### *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 **Commission Regulation 1300/2014<sup>25a</sup>**. In particular, all buildings and rolling stock should be made accessible, **in accordance with the National Implementation Plans set up according to Article 8 of that Regulation**, through the progressive elimination of physical obstacles and functional hindrances when acquiring new material or carrying out construction or major renovation work.

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<sup>25a</sup> **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**

<sup>26</sup> *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).*

Or. en

*Justification*

*Ongoing and future national investment plans aimed at progressively eliminating physical obstacles are based on the sector-specific accessibility requirements included in Regulation 1300/2014 (PRM TSI).*

**Amendment 6**

**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*

(21) However, a railway undertaking should not be obliged to pay compensation if it can prove that the delay *attributable to one* of the *causes referred to in Article 32(2) of Annex I to this Regulation*. 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.

Or. en

*Justification*

*Force majeure/Extraordinary circumstances as described in the CIV Uniform Rules should apply since they are already established. Well-formulated solutions which are based on*

*established international law should be taken on board.*

## **Amendment 7**

### **Proposal for a regulation**

#### **Recital 22**

*Text proposed by the Commission*

*Amendment*

**(22) In cooperation with infrastructure managers and railway undertakings, station managers should prepare contingency plans to minimise the impact of major disruptions by providing stranded passengers with adequate information and care.** *deleted*

Or. en

#### *Justification*

*The provisions regarding contingency planning are covered by the Fourth Railway Package (Art.13a of Directive 2016/2370), where obligation on railway undertakings to provide assistance to passengers, in the sense of Art.18 of this Regulation, are coordinated at the level of the Member State. Hence, there is no need to create double or conflicting obligations. Station managers, for instance, are not the appropriate subject of provisions on coordination, as their structure and responsibility differ across the EU.*

## **Amendment 8**

### **Proposal for a regulation**

#### **Recital 23**

*Text proposed by the Commission*

*Amendment*

**(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.** *deleted*

Or. en

#### *Justification*

*This is a Business to Consumer Regulation. The contractual relationship between a carrier*

*and a passenger should remain the focus of the proposal.*

## **Amendment 9**

### **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.

Or. en

*Justification*

*Bilateral governmental agreements and contractual agreements between EU and non-EU carriers govern the protection of passengers in rail services between EU and non-EU.*

## **Amendment 10**

### **Proposal for a regulation**

#### **Article 2 – paragraph 2 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

***(ba) domestic rail passenger services where such exemption was granted under Regulation (EC) No 1371/2007. In such case exemptions shall no longer be valid after 3 December 2024.***

Or. en

*Justification*

*Member States still applying exemptions to domestic long-distance services are predominantly situated in the central and eastern part of Europe, where rail services are impacted by a historical underinvestment in the railway sector. The possibility for Member States to grant such limited exemptions will terminate on 3 December 2024, as provided by*

*the existing Regulation. Changing this deadline ahead of its planned termination may interfere with implementation plans at Member State level.*

## **Amendment 11**

### **Proposal for a regulation**

#### **Article 2 – paragraph 4**

##### *Text proposed by the Commission*

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.

##### *Amendment*

4. Articles 5, 10, 11, **12** and 25 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.

Or. en

##### *Justification*

*The exemption to international rail passenger services, when a significant part of services is operated outside the EU, must be retained to allow for the continuation of important rail links between the central and eastern EU Member States and non-EU countries.*

## **Amendment 12**

### **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 mainly for their historical interest or their touristic value, as referred to in Article 1(2) of Regulation (EC) No 1370/2007.***

Or. en

##### *Justification*

*This amendment aligns the scope of application of this Regulation with Regulation 1370/2007.*

## **Amendment 13**

### **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;***

Or. en

#### *Justification*

*This amendment aligns this Regulation with the regulations governing passenger rights in other transport modes, where the role of the carrier is also central. The contractual relationship between the carrier and the passenger should remain the focus of this Regulation.*

## **Amendment 14**

### **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;***

Or. en

#### *Justification*

*This amendment aligns this Regulation with the regulations governing passenger rights in other transport modes, where the role of the carrier is also central. The contractual relationship between the carrier and the passenger should remain the focus of this Regulation.*

## Amendment 15

### Proposal for a regulation

#### Article 3 – paragraph 1 – point 4

##### *Text proposed by the Commission*

(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 Council<sup>30</sup> ;

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<sup>30</sup> 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).

##### *Amendment*

(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 Council<sup>30</sup> ;

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<sup>30</sup> 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).

Or. en

##### *Justification*

*For pressing reasons relating to internal logic of the text, the word ‘retailer’ should be deleted. This is in line with the Package Travel Directive, where there are two different definitions for ‘organiser’ and ‘retailer’, which show that they are two distinctive entities with different responsibilities and liability.*

## Amendment 16

### 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 selling tickets on behalf of a railway undertaking;



*Justification*

*The transport contract is concluded between the carrier and the passenger. This more accurate definition is necessary for internal logic of the text as the Commission introduces obligations for ticket vendors in Articles 9, 10, 18 (i.e. in non-codified parts of the proposal).*

**Amendment 17****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 between a railway undertaking ***or a ticket vendor*** and the passenger for the provision of one or more transport services;

*Amendment*

(6) ‘transport contract’ means a contract of carriage for reward or free of charge between a railway undertaking and the passenger for the provision of one or more transport services;

Or. en

*Justification*

*The transport contract is concluded between the carrier and the passenger. This amendment is linked for internal logic of the text to the amendment of point 5 of Article 3, paragraph 1.*

**Amendment 18****Proposal for a regulation****Article 3 – paragraph 1 – point 13***Text proposed by the Commission*

(13) ‘delay’ means the time difference between the ***time the passenger was scheduled to arrive in accordance with the published*** timetable and the ***time of his or her actual or expected arrival at the final station of*** destination ;

*Amendment*

(13) ‘delay’ means the time difference between the ***arrival*** scheduled ***in the*** timetable, ***including alterations that are announced to passengers at least two weeks in advance of a train’s departure,*** and its ***real-time at*** destination ;

Or. en

### *Justification*

*The amendment is inextricably linked to Articles 16 - 17 related to compensations (non-codified), where the definition of “delay” is cornerstone. In the aviation sector, passengers are required to inform themselves about any changes to the flight schedule. According to Regulation (EC) 261/2004, passengers shall not receive the compensation if they have been informed of the cancellation of a flight two weeks before the scheduled flight. This deadline is even shorter if the airline notifies passengers of the new flight times at the same time. The same principles should apply for the rail sector.*

## **Amendment 19**

### **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;**

Or. en

### *Justification*

*The term arrival should be defined in order to protect passengers from disadvantaging interpretation of “arrival” by railway undertakings. E.g. sometimes trains have arrived at the platform but the opening of doors is delayed due to technical default. This amendment is inextricably linked to the definition of “delay”, therefore to Articles 16-17 (non-codified).*

## **Amendment 20**

### **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;

Or. en

### *Justification*

*If a definition of missed connection is included, it should be aligned with passenger rights governing other modes of transports.*

## **Amendment 21**

### **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, where appropriate for a reasonable fee **or as registered luggage**. **Where possible**, 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 **and** tour operators inform passengers of the conditions for such a refusal or restriction. **The information about the restriction or refusal of carriage of bicycles should be given to the passengers** in accordance with section **4.2.7 of Annex I to** Regulation (EU) No 454/2011.

Or. en

### *Justification*

*It is not always possible for passengers to keep their bicycles under supervision, e.g. when bikes are carried as registered luggage in a separate area.*

## **Amendment 22**

### **Proposal for a regulation Article 8 – paragraph 1**

#### *Text proposed by the Commission*

Railway undertakings or, where

#### *Amendment*

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 XXX<sup>31</sup>, and before their implementation, decisions to discontinue services *either permanently or temporarily*.

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<sup>31</sup> 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).

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 XXX<sup>31</sup> *and in Commission Regulation 1300/2014*, and before their implementation, decisions to discontinue services.

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<sup>31</sup> 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).

Or. en

#### *Justification*

*The Regulation should continue to refer to the sector-specific accessibility requirements, on which ongoing and future investments plans at Member States level are based. Provisions about customer information in the event of temporary discontinuation is already governed in Article 9 of this Regulation.*

### **Amendment 23**

#### **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 shall provide the passenger during the journey, including at connecting stations, with at least the information set out in Annex II, Part II.

Or. en

#### *Justification*

*The transport contract is concluded between the carrier and the passenger. Legal obligations for ticket vendors to provide continuous travel information are not appropriate.*

## Amendment 24

### Proposal for a regulation Article 9 – paragraph 4

*Text proposed by the Commission*

*Amendment*

**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.** **deleted**

Or. en

#### *Justification*

*This is Business to Consumer Regulation. The contractual relationship between a carrier and a passenger should be the focus of this Regulation. Provisions of information (pre-journey and during the journey) to customers is governed under Article 9 and Annex II.*

## Amendment 25

### Proposal for a regulation Article 10 – paragraph 2 – subparagraph 2

*Text proposed by the Commission*

*Amendment*

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

**Competent authorities, as 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.

Or. en

#### *Justification*

*This amendment aligns this Regulation with Regulation 1370/2007. Competent authorities decide what level of services they want for public service contracts.*

## Amendment 26

### 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 accessible means of buying tickets in advance***, persons with disabilities and persons with reduced mobility shall be permitted to buy tickets on board the train at no extra cost.

Or. en

##### *Justification*

*On board ticket sales are not always possible, as indicated in paragraph 2 and 3, be it for security, antifraud, commercial or operational reasons. Alternative accessible ticketing solutions must be provided in these cases, e.g. when ticketing machines are not accessible. On board ticket sales are not always possible, as indicated in paragraph 2 and 3, be it for security, antifraud, commercial or operational reasons. Alternative accessible ticketing solutions must be provided in these cases, e.g. when ticketing machines are not accessible. On board ticket sales are not always possible, as indicated in paragraph 2 and 3, be it for security, antifraud, commercial or operational reasons. Alternative accessible ticketing solutions must be provided in these cases, e.g. when ticketing machines are not accessible.*

## Amendment 27

### 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

##### *Amendment*

6. Where a passenger receives separate tickets for a journey comprising successive railway services operated by one or more railway undertakings, his rights to information, assistance 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 ***through the general conditions of carriage***. Such information shall in particular state that

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***.

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 entity which sold the ticket***.

Or. en

#### *Justification*

*It is important to clarify that the burden of proof and the responsibility lies within the entity which sold the ticket to the customer. The term “care” is a repetition of the word “assistance”.*

### **Amendment 28**

#### **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 72 hours after the reestablishment of service***.

Or. en

#### *Justification*

*This amendment aligns with the Regulation on air passenger rights, where there is a limitation of the period when re-routing or continuation can be claimed. This amendment is necessary for reasons of internal logic and reflects changes in the Commission proposal (Article 16(2) and (3); non-codified).*

### **Amendment 29**

#### **Proposal for a regulation**

#### **Article 16 – paragraph 2**

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.*

*deleted*

Or. en

#### *Justification*

*Re-routing and continuation is covered under Art. 16(1). The suggested wording seem to lead to unfeasible requirements, because of the higher capacity of rail transport in comparison to other modes. The Commission's list of best practices included in the 2015 Commission's Guidelines should be used as guidance by railway companies.*

### **Amendment 30**

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

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 alternative service.

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 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.*

Or. en

*Justification*

*This amendment is proposed in order to align as much as feasible the protection of passengers in all transport modes. The AM aligns with the Regulation on air passengers' rights, where there is a limitation of the period when re-routing or continuation of the journey can be claimed. The amendment responds to a pressing reason of internal logic of the EU legislation on passengers' rights.*

**Amendment 31**

**Proposal for a regulation**

**Article 17 – paragraph 1 – introductory part**

*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:

*Amendment*

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 ***on the ticket*** for which the cost has not been reimbursed in accordance with Article 16. The minimum compensations for delays shall be as follows:

Or. en

*Justification*

*Places of departure and destination are stated on the ticket, not in the transport contract.*

**Amendment 32**

**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

*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 or season ticket, they may request adequate compensation in accordance with the railway undertaking's 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.***

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 compensation arrangements. These arrangements shall state the criteria for determining delay and for the calculation of the compensation.

Or. en

#### *Justification*

*More stringent delay thresholds for passes and season tickets are disproportionate in the context of the financial framework in which many companies operate across the EU.*

### **Amendment 33**

#### **Proposal for a regulation Article 17 – paragraph 5**

##### *Text proposed by the Commission*

5. The compensation of the ticket price shall be paid within one month after the submission of the request for compensation. The compensation may be paid in vouchers and/or other services if the terms are flexible (in particular regarding the validity period and destination). The compensation shall be paid in money at the request of the passenger.

##### *Amendment*

5. The compensation of the ticket price shall be paid within one month after the submission of the request for compensation. ***In duly justified extraordinary circumstances the compensation may be paid within three months after the submission of the request.*** The compensation may be paid in vouchers and/or other services if the terms are flexible (in particular regarding the validity period and destination). The compensation shall be paid in money at the request of the passenger.

Or. en

### *Justification*

*Compensation and complaint procedure should be aligned. A well-balanced approach in the compensation procedure allowing extraordinary circumstances will establish a level playing field with other modes of transport. This amendment is inextricably linked to the new article proposed by the Commission on complaint handling (Articles 25, 28 and 33; non-codified).*

## **Amendment 34**

### **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*

8. A railway undertaking shall not be obliged to pay compensation if it can prove that the delay *or cancellation was attributable to one of the causes listed in Article 32(2) of the extract from Uniform Rules concerning the contract for international carriage of passengers and luggage by rail (CIV) set out in Annex I to this Regulation.*

Or. en

### *Justification*

*This amendment aligns this Regulation with the regulations governing passengers' rights in other modes. Force majeure/Extraordinary circumstances is indeed a concept common to all sectors and modes of transport.*

## **Amendment 35**

### **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 or by the station manager as soon as such information is available.

*Justification*

*The transport contract is concluded between the carrier and the passenger. Legal obligations for ticket vendors to provide continuous travel information are not appropriate.*

**Amendment 36**

**Proposal for a regulation**  
**Article 18 – paragraph 6**

*Text proposed by the Commission*

*Amendment*

**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 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.*

*deleted*

### *Justification*

*The provisions regarding contingency planning are covered by the Fourth Railway Package (Art. 13a of Directive 2016/2370), where obligation on railway undertakings to provide assistance to passengers, in the sense of Art. 18 of this Regulation, are coordinated at the level of the Member States. Hence, there is no need to create double or conflicting obligations. Station managers, for instance, are not the right entity of such a provision on coordination, as their structure and responsibility differ across the EU.*

### **Amendment 37**

#### **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*

Or. en

### *Justification*

*This is Business to Consumer Regulation. The contractual relationship between a carrier and a passenger should be the focus of this Regulation.*

## Amendment 38

### 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** assistance dog in accordance with any relevant national rules **at no extra cost**.

Or. en

##### *Justification*

*Fraud regarding the transportation of animal of non-PRMs/passengers with disabilities must be avoided.*

## Amendment 39

### Proposal for a regulation

#### Article 20 a (new)

##### *Text proposed by the Commission*

##### *Amendment*

##### *Article 20 a*

##### *Accessibility*

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

### *Justification*

*Ongoing and future national investment plans aimed at progressively eliminate physical obstacles are based on the sector-specific accessibility requirements included in Regulation 1300/2014 (PRM TSI).*

## **Amendment 40**

### **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 free of charge, irrespective of the communication channel being used.***

Or. en

### *Justification*

*While the Regulation makes clear that providing assistance shall be free of charge, it does not provide that booking of assistance shall also be free of charge. Consequently, certain railway undertakings charge passengers for booking assistance. It should also be specified that the means of communication, e.g. phone call, online booking, etc. shall be free of charge. This amendment is in line with the Commission's Interpretative Guidelines on Regulation (EC) No 1371/2007 on rail passengers' rights and obligations, which already clarify that booking of assistance shall be free of charge. This amendment is needed for pressing reasons of internal logic.*

## Amendment 41

### 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 persons **with disabilities** or persons with reduced mobility to have access to travel by rail.

Or. en

*Justification*

*Unstaffed and/or driverless trains are a reality and are important for the competitiveness of the rail sector vis-à-vis other transport modes. Passengers with disabilities and PRMs must have access to travel by rail via the provision of assistance to board and disembark trains free of charge. This amendment is also needed for reasons of legal coherence of the text.*

## Amendment 42

### 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**

Or. en

*Justification*

*Small stations are often unstaffed and have no equipment (e.g. mobile ramps or mobile lifts for wheelchairs) to allow for embarking/disembarking.*

## Amendment 43

### 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**

Or. en

*Justification*

*Small stations are often unstaffed and have no equipment (e.g. mobile ramps or mobile lifts for wheelchairs) to allow for embarking/disembarking.*

#### **Amendment 44**

##### **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 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;

(a) assistance 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 for such assistance at least **24 hours** before 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;

Or. en

*Justification*

*The entire railway system in the EU should be accessible to PRM's within a 24 hours notification. This amendment is needed for pressing reasons of coherence of the text, as its aim is to reinforce the PRM's rights.*

## Amendment 45

### 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*** assistant dogs used by persons with disabilities and persons with reduced mobility, they shall be liable for and compensate that loss or damage.

Or. en

*Justification*

*Fraud regarding the transport of animals of non-PRMs/passengers with disabilities must be avoided.*

## Amendment 46

### 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 ***for loss or damage*** referred to in paragraph 1 shall be ***timely executed and*** equal to the ***full*** cost of replacement ***based on the actual value, or on the full costs of*** repair, of the ***wheelchair***, equipment, devices lost or damaged, ***or the loss or injury of the certified assistance dog. The compensation shall also include the cost of temporary replacement in case of repair, when those costs are borne by the passenger.***

Or. en

*Justification*

*It should be ensured that damaged, lost, or destroyed equipment is replaced and compensated for accordingly at real value. Most equipment, such as a wheelchair, is tailor-made to the person who uses it and thus often costly to replace.*

**Amendment 47**

**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 employees ***who provide direct assistance to passengers with disabilities and passengers with reduced mobility*** receive disability-related training and that personnel attend regular refresher training courses.

Or. en

*Justification*

*Resources should be efficiently spent on employees who deal with passengers with disabilities or reduced mobility, as they will be the ones directly concerned with handling the special needs of these passengers.*

**Amendment 48**

**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, and/or organisations representing them.

*Amendment*

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

Or. en

### *Justification*

*The valuable expertise of organisations representing persons with disabilities or reduce mobility should be used for the design trainings. They should participate in companies' internal training sessions in agreement with the relevant railway undertaking.*

## **Amendment 49**

### **Proposal for a regulation Article 28 – paragraph 1**

#### *Text proposed by the Commission*

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

#### *Amendment*

1. All railway undertakings shall 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.

Or. en

### *Justification*

*Passengers require a one-stop-shop in case of complaint handling. The focus of this Regulation should remain the contractual relationship between the carrier and the passenger.*

## **Amendment 50**

### **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

#### *Amendment*

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.*

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.

Or. en

#### *Justification*

*Passengers require a one-stop-shop in case of complaint handling. The focus of this Regulation should remain the contractual relationship between the carrier and the passenger.*

### **Amendment 51**

#### **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. 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. *The national enforcement body shall be granted the powers and shall have the capacity to enforce individual complaints from passengers under this Regulation.*

Or. en

## *Justification*

*Powers of NEBs are not harmonised across the EU: some have enforcement powers while other can only provide information. As a general principle, NEBs must have the necessary enforcement powers as well as the capacity to enforce individual claims of passengers. In addition, Member States should set up a specialised Alternative Dispute Resolution (ADR) Body that only deals with complaints in the transport sector. Such ADR Body should also have the necessary powers and capacity to deal effectively with the redress complaints from passengers according to Article 33 (1).*

### **Amendment 52**

#### **Proposal for a regulation**

#### **Article 32 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3 a. The national enforcement bodies, in collaboration with Disabled Persons' Organisations (DPSOs), shall conduct regular audits of the assistance services provided and publish the results in formats accessible to the public.***

Or. en

## *Justification*

*National enforcement bodies should do regular audits of the assistance services provided in stations and on-board of trains. Ideally, the results of those audits should be publicly available in accessible formats and done together with Disabled Persons' Organisations to test their “real life experience”. This would help to ensure a high quality standard and accountability on behalf of the railway undertakings or the service providers that they have contracted.*

### **Amendment 53**

#### **Proposal for a regulation**

#### **Annex III – part -I (new)**

*Text proposed by the Commission*

*Amendment*

***-I Information and tickets  
Punctuality of services, and general  
principles to cope with disruptions to***

*services*

*Cancellations of services*

*Cleanliness of rolling stock and station facilities (air quality in carriages, hygiene of sanitary facilities, etc.)*

*Customer satisfaction survey Complaint handling, refunds and compensation for non-compliance with service quality standards Assistance provided to disabled persons and persons with reduced mobility.*

Or. en

*Justification*

*Reporting obligations should be proportionate and deliver added-value for passengers.*

#### **Amendment 54**

##### **Proposal for a regulation Annex III – part I**

*Text proposed by the Commission*

*Amendment*

*[...]*

*deleted*

Or. en

*Justification*

*Reporting obligations should be proportionate and deliver added-value for passengers.*

#### **Amendment 55**

##### **Proposal for a regulation Annex III – part II**

*Text proposed by the Commission*

*Amendment*

***II** Requirements concerning station managers and infrastructure managers*

*deleted*

*The service quality reports shall include information on at least the following:*

- (1) Information and tickets**
  - (i) procedure for handling information requests at the station;**
  - (ii) procedure and means for providing information about train schedules, tariffs and platforms; quality of the information;**
  - (iii) display of information on rights and obligations under the Regulation and on contact details of national enforcement bodies;**
  - (iv) ticket-buying facilities;**
  - (v) availability of staff at the station to provide information and sell tickets;**
  - (vi) provision of information to persons with disabilities or reduced mobility;**
- (2) General principles to cope with service disruptions**
  - (i) number of passengers to whom care and assistance were provided;**
  - (ii) cost of this care and assistance provision;**
- (3) Description of measures in place to ensure cleanliness of station facilities (toilets, etc.)**
  - (i) cleaning intervals;**
  - (ii) availability of toilets;**
- (4) Customer satisfaction survey**
  - Minimum categories to be included:**
    - (i) information for passengers in the event of delay;**
    - (ii) accuracy, availability and accessibility of information on train times/platforms;**
    - (iii) level of security in the station;**
    - (iv) time taken to respond to information requests at stations;**
    - (v) availability of good quality toilets**



*in the station (including accessibility);*

*(vi) cleanliness and maintenance of stations;*

*(vii) accessibility of station and station facilities.*

*(viii) number of incidents and quality of assistance provided to persons with disabilities and persons with reduced mobility at the station.*

Or. en

#### *Justification*

*Reporting obligations should be proportionate and deliver added-value for passengers.*

## EXPLANATORY STATEMENT

### Introduction

The railway sector went through major changes since 1991, when the first legislative proposal at EU level was published<sup>1</sup>. Since then we have seen the complete restructuring of the so-called incumbents, the emerging of new entrants and the partial implementation of a real single EU railway space, based on common technical and administrative standards. However, many things still remain to be accomplished, among them is the migration of new technologies such as European Rail Traffic Management System (ERTMS).

One of the key achievements in the railway sector is the establishment of a legal framework for the protection of passengers' rights, as part of a broader EU policy regarding consumer rights. In its implementation report<sup>2</sup>, the Commission acknowledged that Regulation (EC) No 1371/2007 on rail passengers' rights and obligations has been correctly applied by the sector. However, several Member States, in full compliance with this Regulation, grant exemptions to some articles of the Regulation due to lack of financial means for upgrading neglected rail infrastructure or outdated rolling stock. Such exemptions should, however, not be possible as from December 2024. Rail passenger's rights will therefore soon be ensured equally in all EU Member States.

Despite some necessary and constant improvements, it should be stressed that the EU railway system, compared to many countries in the world, is one of the most efficient, modern and consumer-friendly. Your Rapporteur, nevertheless considers that improvements and modernisation of the railway sector should remain permanent goals for the sector, including for the protection of railway passengers.

This Recast provides momentum to further improve the EU railway system and set an even clearer framework for the relationship between the carriers and the customers.

Your Rapporteur therefore welcomes the proposal of the Commission in particular, with regard to the provision of assistance to person with reduced mobility or disabilities and to compensation in case of travel disruptions.

Your Rapporteur is of the opinion that it is essential to achieve a framework with enforceable rights which, on one hand encourages more Member States to implement existing EU legislation and on the other hand protects customers in a more coherent way, while taking into consideration that travel by rail should remain affordable and become increasingly accessible to people with reduced mobility.

Your Rapporteur stresses that, in order to be competitive, the railway sector has to provide excellent and modern services to customers at an affordable price. It is, indeed, of utmost

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<sup>1</sup> Directive 91/440 (EC)

<sup>2</sup> Report on the Application of Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on Rail Passengers' Rights and Obligations, COM(2013)587 FINAL, 14 August 2013

importance for ensuring sustainability of transport and social cohesion, that new passengers are attracted to rail transport. In this context, it is necessary that railways operate on equal footing with other modes of transport. Competition should be fair! Therefore the unquestionable priority of increasing the protection of EU citizens when travelling by rail should go hand in hand with the need of keeping the administrative burden to the railway sector as low as possible. Therefore, this Recast should avoid measures which are overlapping with existing EU legislation.

## **Main concerns**

### Scope

In general, your Rapporteur supports the proposal of the European Commission to reduce as much as possible the possibility for Member States to grant exemptions. However, international rail passenger services between non-EU and EU countries should be kept out of the scope of this Recast, as EU railway companies should not be liable for the condition of rail infrastructure in non-EU countries or for the performance of non-EU carriers for which they provide traction services.

Regarding long-distance domestic services, Member should not be allowed to exempt these services after 2024, as provided by the existing Regulation. An earlier termination should be avoided in order to take into account the financing of the rail system in the Central and Eastern part of Europe. This is where the long-distance services (apart from the UK), are still partly exempted.

In addition, your Rapporteur would like to stress that consumer rights legislation should focus on the relation between the customer and the service provider. In case of this Recast it is the railway undertaking, in other words, the carrier. Business-to-Business relationships should be addressed by other legislation such as the Railway Packages. The Rapporteur accordingly took the “data sharing requirements” (Article 9 (4)), the so called “contingency planning” (Article 18 (6)) and the “right of regress” (Article 19).

### Accessibility

Your Rapporteur strongly supports the need to facilitate access of railway transport to person with disabilities or reduced mobility (PRMs). Trains should be easily accessible for all EU citizens on an equal basis. In this respect, your Rapporteur recalls that the 4th Railway Package has set the legal framework to adapt the railway infrastructure to PRMs in order to provide them with the opportunity to enjoy a full independence. It should be stressed that in an aging society accessibility will become an increasingly important challenge for the transport sector.

Your Rapporteur therefore is of the opinion that the railway sector should do its utmost to provide accessible train stations and trains. Therefore, your Rapporteur proposes to guarantee PRM's access to the entire EU railway system with a prenotification notice as short as possible and not exceeding 24 hours. Assistance, when needed, shall be provided during times rail services operate. It should be free of charge. National enforcement bodies shall audit the

quality of the accessibility to the railway system in order to allow targeted improvements.

Your Rapporteur acknowledges that mobility equipment such as wheelchairs or assistive devices are not only essential to PRM's but also tailor-made and often expensive. Therefore it is very important that compensation for loss or damage is timely executed and that the full cost of replacement based on its actual value is ensured.

Your Rapporteur believes that training of staff is crucial to provide adequate and high quality assistance to PRMs. Therefore, your Rapporteur proposes that resources for staff training be dedicated to employees who are in direct contact with PRMs or who need to provide services in relation to PRMs. This will allow better and more focused training.

### Tickets

Making access to rail as attractive as possible in order to support the modal shift towards rail, as highlighted in the White Paper on Transport<sup>1</sup>, is a key objective for your Rapporteur. Through-tickets are highly valued by rail passengers. Their availability is a key element to increase the attractiveness of rail travel. However, your Rapporteur thinks that it is not up to the legislator to impose mandatory business-to-business cooperation in the ticketing area, in a framework of market opening. The rail sector should be treated in the same way of other modes. Similarly to the airline sector, where no mandatory 'co-sharing' is imposed, railway companies should be free to choose with which actors they are cooperating, also in order to boost intermodal competition, one of the key elements of the EU policy for decades.

In this context, the implementation of an industry initiative of railways and ticket vendors, called "the full service model" (FSM) is already providing the first tangible results. For instance on [www.bahn.com](http://www.bahn.com) one can now book the entire portfolio of domestic and international Trenitalia and ÖBB tickets, allowing passengers to book, pay and issue a ticket for multicarrier journeys from e.g. northern Germany via Austria to southern Italy in one go.

Nevertheless, your Rapporteur thinks that the legislator should play a key role in ensuring an adequate level of protection for rail customers, in particular by ensuring that rail passengers are duly informed when purchasing all kind of tickets, thus benefiting from the compensation and assistance regime set up in this Regulation.

The railway system is highly complex, not only from the technical point of view but also when it comes to the security and safety of passengers. At the same time, railway companies are innovating and automation is already a reality. Therefore, measures requiring the sale of tickets from specific channels should be flexible, e.g. acknowledging that the sale on board a train is not always possible, as already mentioned in the current Regulation itself in Article 9(4). In parallel, it is of outmost importance that railway undertakings continue and increase the possibilities to purchase tickets via alternative accessible channels.

### The role of ticket vendors and retailers

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<sup>1</sup> White Paper on Transport 2011

Your Rapporteur sees it as crucial to avoid unclear competences within this Regulation and to ensure legal clarity. Some definitions in Article 3 have therefore been amended. Such as “tour operator” where your Rapporteur aligns the definition with already existing legislation<sup>1</sup>.

The core business of ticket vendors as retailer of rail transport services is selling tickets on behalf of railway undertakings. In this context your Rapporteur amended Article 9 (2) relieved ticket vendors from the legal obligation from providing continuous travel information to passengers.

### Force Majeure

Since 2013 through a European Courts of Justice’s ruling, railway undertakings are not exonerated from their obligations to compensate for delays that are caused by extraordinary circumstances. Your Rapporteur considers that extraordinary circumstances exist for all transport modes. This is even more important when looking at multimodality, where a basic minimum set of principles should apply across the modes, also in order to avoid a distortion of intermodal competition. The Commission’s Recast takes this into account. However, it limits extraordinary circumstances to severe weather conditions and major natural disasters, while neglecting other circumstances which are not connected to the railway operation but which may have a serious impact on the functioning of the system, such as terrorist attacks. In Article 17 (8), your Rapporteur proposes to introduce the definition of the force majeure set out in Article 32.2 of Annex I (CIV Uniform rules) which covers all unexpected circumstances which are out of control of the railway undertakings.

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<sup>1</sup> Directive (EU) 2015/2302 on Package Travel and linked travel arrangements

## ANNEX: LETTER FROM THE COMMITTEE ON LEGAL AFFAIRS

[...]

ANNEX: OPINION OF THE CONSULTATIVE WORKING PARTY OF THE LEGAL  
SERVICES OF THE EUROPEAN PARLIAMENT, THE COUNCIL AND THE  
COMMISSION



GROUPE CONSULTATIF  
DES SERVICES JURIDIQUES

Brussels, 19 February 2018

OPINION

FOR THE ATTENTION OF      **THE EUROPEAN PARLIAMENT**  
   **THE COUNCIL**  
   **THE COMMISSION**

**Proposal for a Regulation of the European Parliament and of the Council on rail passengers' rights and obligations (recast)**

**COM(2017) 548 final of 27.9.2017 - 2017/0237 (COD)**

Having regard to the Inter-institutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts, and in particular to point 9 thereof, the Consultative Working Party consisting of the respective legal services of the European Parliament, the Council and the Commission met on 27 October and 14 December 2017 and 18 January 2018 for the purpose of examining, among others, the aforementioned proposal submitted by the Commission.

At those meetings<sup>1</sup>, an examination of the proposal for a Regulation of the European Parliament and of the Council recasting **Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations** resulted in the Consultative Working Party's establishing, by common accord, as follows.

1. The following should have been marked with the grey-shaded type generally used for identifying substantive changes:

- in recital 10, the replacement of the current reference to '*Directive 2001/16/EC of the European Parliament and of the Council of 19 March 2001 on the interoperability of the conventional rail system*' with a reference to '*Commission Regulation (EU) No 454/2011*';
- in recital 14, the deletion of the words '*cooperate to*';
- in recital 15, the deletion of the words '*freedom of choice*';
- in recital 16, the replacement of the words '*so as to ensure that*' with the words '*In addition*';

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<sup>1</sup> The Consultative Working Party worked on the basis of the English language version of the proposal, being the master-copy language version of the text under discussion.

- in point 17 of Article 3, the replacement of the word '*carrier*' with the words '*railway undertaking*';
- the entire text of Article 6;
- in Article 9(1), the deletion of the initial words '*Without prejudice to Article 10*';
- in Article 9(3), the deletion of the words '*the needs of people with auditory and/or visual impairment*';
- in Article 10(1), the deletion of the words '*where available*' before the word '*tickets*' and the adding of the words '*and, where available*' before the word '*through-tickets*';
- in Article 10(2), first subparagraph, the adding of the words '*and 4*';
- the entire text of Article 10(2), second subparagraph;
- in Article 17(2), the adding of the initial words '*Paragraph 1 also applies to*';
- in Article 25(1), the deletion of the words '*no financial limits shall be applicable*';
- in Annex III, the deletion of the existing text of Annex III of **Regulation (EC) No 1371/2007**.

2. In recital 32, the words '*on European Union*' should be added after the word '*Treaty*'.

In consequence, examination of the proposal has enabled the Consultative Working Party to conclude, without dissent, that the proposal does not comprise any substantive amendments other than those identified as such. The Working Party also concluded, as regards the codification of the unchanged provisions of the earlier act with those substantive amendments, that the proposal contains a straightforward codification of the existing legal text, without any change in its substance.

F. DREXLER  
Jurisconsult

H. LEGAL  
Jurisconsult

L. ROMERO REQUENA  
Director General



## **ANNEX: LIST OF ENTITIES OR PERSONS FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT**

The following list is drawn up on a purely voluntary basis under the exclusive responsibility of the rapporteur. The rapporteur has received input from the following entities or persons in the preparation of the draft report, until the adoption thereof in committee:

Entity and/or person
Allianz Pro Schiene (ApS)
Allrail/Trainline
Community of European Railway (CER)
Blogger Mark SMITH (Seat61)
Deutsche Bahn (DB)
Deutscher Reiseverband
European Cyclists' Federation (ECF)
European Commission - DG MOVE
European Disability Forum (EDF)
European Passengers' Federation (EPF)
European Rail Infrastructure Managers (EIM)
Eurostar
Eurotunnel
Fahrgastverband Pro Bahn
Fédération nationale des associations d'usagers des transports (FNAUT)
International Association of Public Transport (UITP)
Société nationale des chemins de fer français (SNCF)
Polskie Koleje Państwowe SA (PKP)
The European Travel Agents' and Tour Operators' Associations (ECTAA)
Trenitalia
Verband Deutscher Verkehrsunternehmen (VDV)
Verbraucherzentrale Bundesverband