



2017/0237(COD)

1.3.2018

DRAFT OPINION

of the Committee on the Internal Market and Consumer Protection

for the Committee on Transport and Tourism

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))

Rapporteur for opinion: Dennis de Jong

PA_Legam

SHORT JUSTIFICATION

In September 2017, the European Commission presented their proposal for a recast of the European Regulation on rail passengers' rights and obligations (Regulation (EC) 1371/2007). The rapporteur is of the opinion that rail travel should become more attractive for consumers by strengthening information requirements for railway undertakings, creating more legal certainty for rail passengers and by making rail travel more accessible for people with disabilities or reduced mobility. Although the Commission proposal includes a number of important improvements, the rapporteur is of the opinion that more ambition in some areas of the recast is needed in order to make sure rail passengers are better protected and informed before, during and after their journey.

Force majeure and compensation

After introducing a 'force-majeure' clause in the air passengers rights Regulation, the Commission proposes to add a specific clause in the rail passengers rights Regulation. This clause states that railway undertakings should not be obliged to pay compensation in case of severe weather conditions or major natural disasters. However, travel by air and rail are incomparable. Moreover, a clause like this lacks sufficient specificity to avoid future litigations. The Rapporteur therefore proposes to delete this clause. In addition, the Rapporteur proposes to extend the rules on compensation of the ticket price by proposing a compensation scheme for high-speed trains that will give passengers the right to claim compensation when they suffer a delay of 30 minutes or more.

Information, service and assistance

Too often, passengers are faced with unclear conditions when rail tickets are bought. Especially if multiple operators are used during a journey, passengers face differences in ticket pricing, connection protection and assistance. The rapporteur therefore proposes to set up an on-line platform where all possible international connections, their time schedules and prices are mentioned in order to give passengers the possibility to make an informed decision when purchasing tickets. This aim should also be achieved by a duty for ticket vendors and railway undertakings to inform passengers when the price of a so-called through-ticket varies from the accumulated prices paid when buying tickets separately from the different operators.

Persons with disabilities and persons with reduced mobility

The Commission proposal contains a number of improvements towards reaching the goal of making European rail travel more accessible for persons with disabilities and persons with reduced mobility. However the most important problem faced by these persons is not solved, namely the 48-hours pre-notification procedure prior to travel to book the assistance needed. This drastically decreases the mobility and freedom of persons with disabilities or reduced mobility and is not in line with Article 9 of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) that states that the possibility of traveling independently, spontaneously and without assistance should be achieved. A number of Member States already have a well-functioning system in place in which a much shorter notice is required. The Rapporteur therefore proposes to change the Commission proposal from 48 to three hours prior to needed assistance. Other proposals to make rail travel more

accessible include making information more easily available through internet or staff-operated distribution channels and the duty for railway undertakings to make information on discontinuation of services directly available in accessible formats.

AMENDMENTS

The Committee on the Internal Market and Consumer Protection calls on the Committee on Transport and Tourism, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a regulation

Recital 5

Text proposed by the Commission

Amendment

(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.*

deleted

Or. en

Amendment 2

Proposal for a regulation

Recital 9

Text proposed by the Commission

Amendment

(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.

(9) Users' rights to rail services include the receipt of information regarding the service both before and during the journey. Railway undertakings and, **where possible**, 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.

Or. en

Justification

This recital refers to paragraph 2 of Article 9, which is part of the recast.

Amendment 3

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, whenever possible. ***Where the prices of such through-tickets are different from the prices of tickets bought from the operators separately, railway undertakings should clearly indicate this. In the case of international rail passengers and services, railway undertakings should be encouraged to co-operate in setting up a European on-line platform indicating all possible connections between European cities and their time schedules, so that passengers are aware of all options before buying an international through-ticket.***

Or. en

Justification

This amendment is linked to the amendment on Article 17(8), which is part of the recast.

Amendment 4

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

Amendment

deleted

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.

Or. en

Amendment 5

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(ba) rail passenger services making use of vehicles reserved for strictly local, historical or tourist use.

Or. en

Amendment 6

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

Or. en

Amendment 7

Proposal for a regulation

Article 3 – paragraph 1 – point 12 a (new)

Text proposed by the Commission

Amendment

(12a) 'high-speed rail passenger service' means rail passenger service using lines that operate in excess of 200 kilometres per hour;

Or. en

Amendment 8

Proposal for a regulation

Article 5 – paragraph 1

Text proposed by the Commission

Amendment

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.

Without prejudice to social tariffs, railway undertakings or ticket vendors shall offer contract conditions and tariffs **and shall sell tickets, through-tickets and provide reservations** to the general public without direct or indirect discrimination on the basis of the final **consumer's** nationality or residence, or the place of establishment of the railway undertaking or ticket vendor within the Union.

Or. en

Amendment 9

Proposal for a regulation

Article 6 – paragraph 1

Text proposed by the Commission

Amendment

Passengers shall be entitled to take bicycles on board the train, where appropriate for a reasonable fee. **They** shall keep **their**

Passengers shall be entitled to take bicycles on board the train, where appropriate for a reasonable fee. **Unless a dedicated area is**

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.

provided for the storage of bicycles, passengers shall keep *them* 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 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.

Or. en

Amendment 10

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

Railway undertakings or, where appropriate, competent authorities responsible for a public service railway contract shall, *without delay*, 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 *of the European Parliament and of the Council of ...* on the approximation of the laws, regulations and administrative provisions of the Member States as regards the accessibility requirements for products and services (OJ L X, X.X.XXXX, p. X).

Or. en

Justification

The proposed changes in this recast aim to include the obligation to provide information on the discontinuation of services, including in accessible formats for persons with disabilities. To ensure that information in accessible formats for persons with disabilities will be presented simultaneously with a public statement on the discontinuation of services, the Rapporteur proposes to add the words 'without delay' to the proposed text.

Amendment 11

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 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.

Amendment

1. Railway undertakings and ticket vendors offering transport contracts on behalf of one or more railway undertakings shall provide the passenger, upon request, ***at least via internet or staff-operated distribution channels***, with at least the information set out in 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.

Or. en

Justification

To ensure persons with disabilities or reduced mobility have easy access to at least the information set out in Annex II, this addition was made to paragraph 1. This is in line with the accessibility requirements laid down in Directive XXX and Regulation 454/2011 which is referred to in paragraph 3 of Article 9.

Amendment 12

Proposal for a regulation Article 9 – paragraph 3

Text proposed by the Commission

3. The information referred to in

Amendment

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 and Regulation 454/2011.

paragraphs 1 and 2 shall be provided in ***real-time using*** 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 and Regulation 454/2011.

Or. en

Amendment 13

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, 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 ***and shall clearly indicate if the prices of those through-tickets vary from the accumulated price of tickets bought from the operators separately.***

Or. en

Amendment 14

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

Amendment

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

at no extra cost.

Or. en

Amendment 15

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 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.

Or. en

Amendment 16

Proposal for a regulation Article 17 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

However, in the case of high-speed rail passenger services, the following minimum compensations for delay shall apply:

- (a) 25 % of the ticket price for a delay of 30 to 59 minutes;*
- (b) 50 % of the ticket price for a delay of 60 to 119 minutes;*
- (c) 100 % of the ticket price for a delay of 120 minutes or more.*

Or. en

Justification

Adjusting the rules concerning the compensation of the ticket price is an important step in incentivising passengers to travel by rail and railway undertakings to reduce unnecessary delays. Since the Commission proposal does entail compensation of the ticket price for travel pass or season ticket holders, the overall subject of ticket price compensation should be touched upon in this recast.

Amendment 17

Proposal for a regulation Article 17 – paragraph 8

Text proposed by the Commission

Amendment

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. **deleted**

Or. en

Amendment 18

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

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.

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. 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.

Or. en

Amendment 19

Proposal for a regulation

Article 24 – paragraph 1 – point a

Text proposed by the Commission

(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

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 **3** 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;

notifications shall be forwarded to all other railway undertakings and station managers involved in the person's journey;

Or. en

Justification

The 48 hours pre-notification procedure is a direct disincentive for persons with disabilities or reduced mobility to travel spontaneously. It is therefore in violation with Article 9 of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) which states that persons with disabilities or reduced mobility should be able to travel independently and spontaneously. One of the aims of this recast proposal is to bring the Regulation in line with the UNCRPD.

Amendment 20

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, 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 ***the details of the complaint-handling procedure, their contact details and working language(s) widely known to passengers, including by offering the required forms, if any.***

Or. en

Justification

This proposal is consistent with paragraph 3 of Article 28 which states that the details of complaints handling procedures shall be accessible to persons with disabilities and with reduced mobility. Making widely known the details of the complaint-handling procedure, including by offering the required forms, if any, their contact details and working language(s) contributes to the accessibility of complaint-handling procedures.

Amendment 21

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

Text proposed by the Commission

(1) Punctuality of services, and general principles of how railway undertakings cope with disruptions to services

(a) delays

(i) overall average delay of services as a percentage per category of service (international, domestic long-distance, regional and urban/suburban);

(ii) percentage of services delayed at departure;

(iii) percentage of services delayed at arrival:

- percentage of delays of less than 60 minutes;

- percentage of delays of 60-119 minutes;

- percentage of delays of 120 minutes or more;

(b) cancellations of services

- cancellation of services as a percentage per category of service (international, domestic long-distance, regional and urban/suburban);

(c) application of the Regulation in relation to delays and cancellations of services:

(i) number of passengers to whom care and assistance were provided;

(ii) cost of this care and assistance provision;

(iii) number of passengers to whom compensation was granted;

(iv) cost of the compensation granted;

Amendment

(1) Punctuality of services, and general principles of how railway undertakings cope with disruptions to services

Amendment 22**Proposal for a regulation
Annex III – part I – paragraph 2 – point 2***Text proposed by the Commission**Amendment*

(2) Customer satisfaction survey

(2) Customer satisfaction survey

Minimum set of categories to be included:

- (i) punctuality of trains;***
- (ii) information to passengers in the event of delay;***
- (iii) accuracy and availability of information on trains;***
- (iv) quality of maintenance/condition of trains;***
- (v) level of security on trains;***
- (vi) cleanliness of inside of the train;***
- (vii) provision of useful information throughout the journey;***
- (viii) availability of good-quality toilets on every train;***
- (ix) cleanliness and maintenance of stations to a high standard;***
- (x) accessibility of trains and on-board facilities, including accessible toilets;***
- (xi) number of incidents and quality of assistance effectively provided to persons with disabilities and persons with reduced mobility on board in accordance with Article 24, irrespective of the prior notification of a request of assistance.***

Amendment 23

Proposal for a regulation

Annex III – part I – paragraph 2 – point 3

<i>Text proposed by the Commission</i>	<i>Amendment</i>
(3) Complaint handling	(3) Complaint handling
(i) <i>number of complaints and outcome;</i>	
(ii) <i>categories of complaints;</i>	
(iii) <i>number of processed complaints;</i>	
(iv) <i>average response time;</i>	
(v) <i>possible improvements, actions undertaken.</i>	

Or. en

Amendment 24

Proposal for a regulation

Annex III – part I – paragraph 2 – point 4

<i>Text proposed by the Commission</i>	<i>Amendment</i>
(4) Assistance provided to persons with disabilities and persons with reduced mobility	(4) Assistance provided to persons with disabilities and persons with reduced mobility
- <i>number of cases of assistance per category of service (international, domestic long-distance, regional and urban/suburban).</i>	

Or. en

Amendment 25

Proposal for a regulation

Annex III – part I – paragraph 2 – point 5

Text proposed by the Commission

Amendment

- (5) Disruptions
- *existence and short description of contingency plans, crisis management plans.*

- (5) Disruptions

Or. en

Amendment 26

Proposal for a regulation

Annex III – part II – paragraph 1 – point 1

Text proposed by the Commission

Amendment

- (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;*

- (1) Information and tickets

Or. en

Amendment 27

Proposal for a regulation

Annex III – part II – paragraph 1 – point 2

Text proposed by the Commission

Amendment

(2) General principles to cope with service disruptions

(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;*

Or. en

Amendment 28

Proposal for a regulation

Annex III – part II – paragraph 1 – point 3

Text proposed by the Commission

Amendment

(3) Description of measures in place to ensure cleanliness of station facilities (toilets, etc.)

(3) Description of measures in place to ensure cleanliness of station facilities (toilets, etc.)

(i) *cleaning intervals;*

(ii) *availability of toilets;*

Or. en

Amendment 29

Proposal for a regulation

Annex III – part II – paragraph 1 – point 4

Text proposed by the Commission

Amendment

(4) Customer satisfaction survey

(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