



2017/0237(COD)

5.6.2018

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 45 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. This opinion therefore contains a clearer definition of through-ticket and a proposal to set up online programming interfaces (API's) through which railway undertakings shall provide non-discriminatory access to all travel information, including real time operational, timetable and tariffs data. In order to give passengers the possibility to make an informed decision when purchasing tickets through a duty for ticket vendors and railway undertakings to inform passengers when the price of a so-called through-ticket substantially 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 24 hours at small stations and a 'turn-up and go' system for larger staffed stations. 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 3

Text proposed by the Commission

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

Amendment

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

Amendment 2

Proposal for a regulation

Recital 5

Text proposed by the Commission

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

Amendment

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

Amendment 3

Proposal for a regulation

Recital 6

Text proposed by the Commission

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

Amendment

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

Amendment 4

Proposal for a regulation

Recital 9

Text proposed by the Commission

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

Amendment

(9) **Consumers'** rights to rail services include the receipt of information regarding **all available rail options and** the service before, during **and after** the journey. Railway undertakings, ticket vendors **and tour operators** should provide **that** information in advance and **in real-time**. That information should be provided in accessible formats for persons with disabilities **and** persons with reduced mobility **and should be available publicly**.

Justification

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

Amendment 5

Proposal for a regulation

Recital 9 a (new)

Text proposed by the Commission

Amendment

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

Justification

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

Amendment 6

Proposal for a regulation

Recital 12 a (new)

Text proposed by the Commission

Amendment

(12a) The requirement to provide access to travel information data on a non-discriminatory basis includes real-time operational information on schedules or timetables, intermodal connections, available seats, applicable fares and tariffs, mandatory reservations and any applicable special conditions. Railway undertakings should enable all tour operators and ticket vendors to successfully conclude transport contracts, the result of which is the issuance of tickets, through-tickets, reservations and related commercial offers, for example tickets for the carriage of a bike or bulky luggage, whenever required. This should make travel more accessible to passengers and should provide passengers with a wider range of journey possibilities and tariffs to choose from.

Justification

Related to recital 12, which is part of the recast.

Amendment 7

Proposal for a regulation Recital 12 b (new)

Text proposed by the Commission

Amendment

(12b) When providing access to travel information or reservation systems through application programming interfaces (APIs), railway undertakings should ensure that the APIs make use of open standards, commonly used protocols, and machine-readable formats. Where those standards, protocols or formats do not exist, they should make use of open processes for documentation, development and standardisation in the creation of standards, protocols or formats. Railway undertakings should make them accessible free of charge.

Justification

Related to recital 12, which is part of the recast.

Amendment 8

Proposal for a regulation Recital 12 c (new)

Text proposed by the Commission

Amendment

(12c) If technical measures are established that prevent or disadvantage parties from retrieving travel information from publicly available sources other than the application programming interfaces, such as their websites, that should be considered discriminatory.

Justification

Related to recital 12, which is part of the recast.

Amendment 9

Proposal for a regulation Recital 13

Text proposed by the Commission

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

Amendment

(13) The increasing popularity of cycling across the Union has implications for overall mobility and tourism. An increase in the use of both railways and cycling in the modal split reduces the environmental impact of transport. Therefore, railway undertakings should facilitate the combination of cycling and train journeys as much as possible, in particular by **providing adequate capacity for the safe** carriage of bicycles on board **of all types of** trains, **including on long-distance and cross-border** trains.

Amendment 10

Proposal for a regulation
Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) The carriage of bicycles on board of the train should only be refused or restricted for duly justified safety reasons. Such reasons should be related to the safety of passengers, in particular, keeping emergency exit routes clear and avoiding physical harm to passengers.

Justification

Related to recital 13, which is part of the recast.

Amendment 11

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**

Amendment

(14) Railway undertakings, **ticket vendors and tour operators** should facilitate the transfer of rail passengers from one operator to another by the provision of **through-tickets. They should**

possible.

clearly indicate when prices of through-tickets are substantially different from the prices of tickets bought separately. In issuing through-tickets they should take into account that there should be sufficient time for the passenger to transfer between one service and another.

Justification

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

Amendment 12

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

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 ***before and*** 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 ***when there is no other way to purchase tickets in advance***. Staff should be adequately trained to respond to the

mobility, notably when providing assistance. To ensure equal travel conditions, such persons should be provided with assistance at stations and on board at all times when trains operate and not only at certain times of the day.

needs of persons with disabilities and persons with reduced mobility, notably when providing assistance. To ensure equal travel conditions, such persons should be provided with *free* assistance at stations and on board at all times when trains operate and not only at certain times of the day.

Justification

It is not always possible to buy a ticket in the train. Not all trains have staff on board to sell tickets. Clear rules should therefore be laid down to cover this eventuality. This amendment is linked to Article 10(5), which is part of the recast.

Amendment 13

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 Council²⁶, all buildings and rolling stock should be made accessible through the progressive elimination of physical obstacles and functional hindrances when acquiring new material or carrying out construction or major renovation work.

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

Amendment

(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 *and Directive XXX when complementing TSI*. In addition, in accordance with Union public procurement rules, in particular Directive 2014/24/EU of the European Parliament and of the Council²⁶, all buildings and rolling stock should be made accessible through the progressive elimination of physical obstacles and functional hindrances when acquiring new material or carrying out construction or major renovation work.

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

Justification

When the accessibility requirements are not covered by TSIs acts, then the European Accessibility Act (Directive XXX) should apply. Directive XXX is intended to complement existing sectorial Union legislation by covering aspects not yet covered by that legislation.

Amendment 14

Proposal for a regulation

Recital 17

Text proposed by the Commission

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

Amendment

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

Amendment 15

Proposal for a regulation

Recital 18

Text proposed by the Commission

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

Amendment

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

amount for compensatory damages in the event of death or personal injury to passengers at any time.

Amendment 16

Proposal for a regulation Recital 18 a (new)

Text proposed by the Commission

Amendment

(18a) Accidents within the meaning of this Regulation should also include adverse effects on the health of passengers resulting from the overcrowding of compartments of passenger trains, except where the passenger trains are transporting passengers in accordance with Article 16(2) of this Regulation. Accidents within the meaning of this Regulation should furthermore include adverse effects on the health of passengers resulting from the absence, failure to use or non-functioning of air-conditioning systems and associated temperature or air humidity conditions which are intolerable for passengers.

Justification

In order to avoid legal loopholes to the detriment of the passenger and in particular, but not exclusively, in keeping with the spirit of recitals 3 and 5 of the Regulation, other adverse effects on the health of passengers should be regulated, where they arise due to the fault or neglect of the carrier and can be equated to an accident a broader sense.

Amendment 17

Proposal for a regulation Recital 20

Text proposed by the Commission

Amendment

(20) In the event of delay, passengers should be provided with continued or re-routed transport options under comparable

(20) In the event of delay, passengers should be provided with continued or re-routed transport options under comparable

transport conditions. The needs of persons with disabilities and persons with reduced mobility should be taken into account in such an event.

transport conditions. The needs of persons with disabilities and persons with reduced mobility should *in particular* be taken into account in such an event.

Amendment 18

Proposal for a regulation

Recital 21

Text proposed by the Commission

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

Amendment

deleted

Amendment 19

Proposal for a regulation

Recital 22

Text proposed by the Commission

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

Amendment

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

Amendment 20

Proposal for a regulation

Recital 23

Text proposed by the Commission

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

Amendment

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

Amendment 21

Proposal for a regulation

Recital 27

Text proposed by the Commission

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

Amendment

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

Justification

As laid down in Article 28 paragraph 2, rail passengers may submit a complaint to any railway undertaking, ticket vendor, railway station or infrastructure manager involved.

Amendment 22

Proposal for a regulation

Recital 28

Text proposed by the Commission

(28) Railway undertakings and station managers should define, make publicly

Amendment

(28) Railway undertakings and station managers should define, make publicly

available, manage and monitor service quality standards for rail passenger services.

available, manage and monitor service quality standards for rail passenger services ***including those for persons with disabilities and persons with reduced mobility.***

Justification

This amendment is related to the Recital 15 with regard to the UN CRPD. Service quality standards should also include persons with disabilities and persons with reduced mobility.

Amendment 23

Proposal for a regulation

Recital 29

Text proposed by the Commission

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

Amendment

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

detailing the outcome of their enforcement actions. In addition, those reports shall be made available on the website of the European Union Agency for Railways.

^{1a} Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (OJ L 165, 18.6.2013, p. 14).

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

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

Amendment 24

Proposal for a regulation Recital 31

Text proposed by the Commission

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

Amendment

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

percentage of the relevant undertaking's or organisation's annual turnover, whichever is the higher.

Justification

The lack of proper enforcement provision was one of the principal reasons justifying the recast of this Regulation. It is therefore of the utmost importance to ensure that penalties are dissuasive so as to discourage undertakings from acting outside the provisions of the Regulation. This is also inextricably linked to other amendments on enforcement in Chapter VII, including those on enhancing the capabilities and effectiveness of enforcement bodies and assisting passengers to make complaints

Amendment 25

Proposal for a regulation
Article 1 – title

Text proposed by the Commission

Amendment

Subject matter

Subject matter **and objectives**

Justification

The recast Regulation was recast in a balance between strengthening rail passenger rights and taking account of the public interest generally in supporting rail as a mode of transport. The objectives are laid out within this article and should thus be acknowledged in the title, as this is inextricably linked to other amendments in the text and is also a matter of good legal drafting practice.

Amendment 26

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

Text proposed by the Commission

Amendment

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

In order to provide for effective protection of passengers and encourage rail travel, this Regulation establishes rules applicable to rail transport as regards the following:

Justification

See the justification in the previous amendment.

Amendment 27

Proposal for a regulation

Article 1 – paragraph 1 – point d

Text proposed by the Commission

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

Amendment

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

Amendment 28

Proposal for a regulation

Article 1 – paragraph 1 – point e

Text proposed by the Commission

(e) minimum information to be provided to passengers;

Amendment

(e) minimum information to be provided to passengers **by railway undertakings, ticket vendors and tour operators in an accurate and timely manner and in an accessible format**;

Justification

This amendment is inextricably linked to Chapter II in particular.

Amendment 29

Proposal for a regulation

Article 1 – paragraph 1 – point h

Text proposed by the Commission

(h) **the** handling of complaints;

Amendment

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

Justification

In order to meet the goal of improved enforcement within the recast Regulation, it is important that both consumers and national enforcement bodies are able to rely on robust procedures that will facilitate easier and timelier processing of complaints. This is inextricably linked to amendments to Chapter VII in particular.

Amendment 30

Proposal for a regulation

Article 2 – paragraph 2 – point a

Text proposed by the Commission

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

Amendment

(a) **metros, trams and other light rail passengers** services as referred to in Directive 2012/34/EU **and further defined in Directive 2016/797/EU**;

Amendment 31

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, **only for the part that is not operated** on the territory of the Member State granting the exemption;

Amendment 32

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 historical or tourist use.

Amendment 33

Proposal for a regulation

Article 2 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Amendment 34

**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 **4, 5, 6, 7, 11 and 12** 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) and (b) of paragraph 2 of this Article. Articles 10 and 17 shall apply to all rail** passenger services referred to in paragraph 1 **of this Article**, including services exempted in accordance with **point (b)** of paragraph 2 **of this Article**.

Amendment 35

**Proposal for a regulation
Article 3 – paragraph 1 – point 5**

Text proposed by the Commission

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

Amendment

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

Justification

This amendment is linked to Article 10(1) and (6), which are part of the recast.

Amendment 36

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

Justification

Tickets can take many different forms, especially in light of the development of online platforms. Therefore it should be clear that it is a valid evidence, regardless its form, that entitles the passenger to run on a rail service.

Amendment 37

Proposal for a regulation

Article 3 – paragraph 1 – point 8

Text proposed by the Commission

Amendment

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

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

Justification

This amendment is linked to Article 10(1) and (6), which are part of the recast.

Amendment 38

Proposal for a regulation

Article 3 – paragraph 1 – point 10

Text proposed by the Commission

Amendment

(10) 'journey' means the carriage of a passenger between a station of departure and a station of arrival **under a single**

(10) 'journey' means the carriage of a passenger between a station of departure

transport contract;

and a station of arrival;

Amendment 39

Proposal for a regulation

Article 3 – paragraph 1 – point 10 a (new)

Text proposed by the Commission

Amendment

(10a) ‘optimal single rail journey’ means the most optimal (for instance the cheapest, fastest or most convenient) one-way rail journey between any two rail stations (both within a Member State and across internal Union borders), which may include one, two or more successive railway services and respects minimum standard connection times as provided for by official railway planners, and which may comprise more than one successive ticket or transport contract, depending on which solution suits the passenger best.

Justification

Current technology allows passengers to book successive railway journeys and choose the best solution for their journey (e.g. cheapest, fastest or most convenient) regardless of the number of tickets (single or separate successive). The definition clarifies Art. 3(8) and brings legal consistency to the Regulation. This AM aligns this Regulation with those governing passenger rights in other transport modes (e.g. air). The term 'optimal single rail journey' allows the passenger to choose the most suitable travel option and is duly justified with the development of new technologies.

Amendment 40

Proposal for a regulation

Article 3 – paragraph 1 – point 16

Text proposed by the Commission

Amendment

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

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

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

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

Amendment 41

Proposal for a regulation

Article 3 – paragraph 1 – point 18 a (new)

Text proposed by the Commission

Amendment

(18a) ‘light rail passenger service’ means a service carried out by an urban and/or suburban rail transport system with a crashworthiness of C-III or C-IV (in accordance with EN 15227:2011) and a maximum strength of vehicle of 800 kN (longitudinal compressive force in coupling area); light rail systems may have their own right of way or share it with road traffic and usually do not exchange vehicles with long-distance passenger or freight traffic;

Justification

This amendment is linked to Article 2(2), which is part of the recast.

Amendment 42

Proposal for a regulation

Article 3 – paragraph 1 – point 19 a (new)

Text proposed by the Commission

Amendment

(19a) ‘application programming interface’ means an electronic interface for the retrieval of information on schedules and timetables, intermodal connections, including real-time information of possible delays, available seats, applicable fares, mandatory reservations and special conditions, the accessibility of transport services, that also allows purchasing tickets, through-tickets, and reservations.

Justification

This new definition is necessary with the introduction of the new provisions in Article 10(a) (new).

Amendment 43

Proposal for a regulation Article 5 – paragraph 1

Text proposed by the Commission

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

Amendment

Without prejudice to social tariffs, railway undertakings, ticket vendors *and tour operators* shall offer contract conditions and tariffs *and shall sell tickets and through-tickets* to the general public *and accept reservations from passengers* without direct or indirect discrimination *in particular* on the basis of the final *passenger's* nationality, *origin* or residence, the place of establishment of the railway undertaking or ticket vendor within the Union. *In addition, railway undertakings, ticket vendors and tour operators shall not, within the range of means of payment accepted by them, apply, for reasons related to a passenger's nationality, place of residence, the location of the payment account, the place of establishment of the payment service provider or the place of issue of the payment instrument within the Union, different conditions for a payment transaction, where:*

(a) the payment transaction is made through an electronic transaction by credit transfer, direct debit or a card-based payment instrument within the same payment brand and category;

(b) authentication requirements are fulfilled pursuant to Directive (EU) 2015/2366; and

(c) the payment transactions are in a

currency that the railway undertaking, ticket vendor or tour operators accepts.

Amendment 44

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, *whether assembled or not*, on board the train, *including on high-speed, long-distance and cross-border trains.* *That service shall be offered free of charge or in exceptional cases* for a reasonable fee. *All new or refurbished rolling stock shall include sufficient, well-indicated, dedicated spaces for the carriage of assembled bicycles.* The carriage of bicycles may *only* be refused or restricted for *duly justified* safety reasons, provided that railway undertakings, ticket vendors, tour operators and, where appropriate, station managers inform passengers, *at the latest at the time of the purchase of the ticket*, of the conditions for *bicycle carriage on all services* in accordance with Regulation (EU) No 454/2011.

Amendment 45

Proposal for a regulation Article 7 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Justification

This acknowledges that it is not simply railway undertakings offering tickets to passengers and this does not affect the B2B relationship/freedom of contract between the railway undertakings and tour operators/ticket vendors and is in keeping with the Commission's text in chapter II.

Amendment 46

Proposal for a regulation

Article 8 – title

Text proposed by the Commission

Amendment

Obligation to provide information concerning discontinuation of services

Obligation to provide information **and consultation** concerning discontinuation **or substantial reduction** of services

Justification

Bearing in mind the intention of this regulation and the Commission's proposed amendments thereto, to strengthen the rights of persons with disabilities and of persons with reduced mobility, and also to improve passenger rights generally, it is important to ensure passengers are treated fairly by railway undertakings. This amendments therefore is inextricably linked to other proposals, including those on information to be provided by undertakings and on non-discrimination against passengers in Article 1 and related Chapters and all accessibility provisions in Chapter V and otherwise.

Amendment 47

Proposal for a regulation

Article 8 – paragraph 1

Text proposed by the Commission

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 XXX³¹, and before **their** implementation, **decisions** to discontinue services either permanently or temporarily

Railway undertakings or, where appropriate, competent authorities responsible for a public service railway contract shall make public by appropriate means, **and without delay** including in accessible formats for persons with disabilities in accordance with accessibility requirements laid down in Directive XXX³¹, and **in good time** before implementation, **proposals** to discontinue **or substantially reduce** services either

permanently or temporarily, **and shall ensure that those proposals are subject to meaningful and proper consultation with stakeholders before any implementation takes place.**

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

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 48

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

Justification

In order to keep with the internal logic and the aims of the Regulation, it is important to ensure that customers receive accurate and timely information about their journey from the relevant retailer of their ticket. This is inextricably linked to the provisions on information including Annex II as a whole.

Amendment 49

Proposal for a regulation Article 9 – paragraph 2

Text proposed by the Commission

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

Amendment

2. Railway undertakings and, where possible, **tour operators and** 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 50

Proposal for a regulation Article 9 – paragraph 3

Text proposed by the Commission

3. The information referred to in paragraphs 1 and 2 shall be provided **in the most appropriate format including by** using up-to-date communication technologies. Particular attention shall be paid to ensuring that this information is accessible to persons with disabilities in accordance with the accessibility requirements laid down in Directive XXX and Regulation 454/2011.

Amendment

3. The information referred to in paragraphs 1 and 2 shall be provided using **easily accessible, commonly used and real-time** up-to-date communication technologies **and in writing, where possible**. 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. **The availability of accessible formats shall be clearly advertised.**

Amendment 51

Proposal for a regulation Article 9 – paragraph 4

Text proposed by the Commission

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

Amendment

4. Station managers, infrastructure managers **and railway undertakings** 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, **in the most**

appropriate format, in an interoperable technical interface using the latest communication technologies so that railway undertakings and ticket vendors provide passengers with all the information required under this Regulation.

Amendment 52

Proposal for a regulation

Article 9 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Railway undertakings and ticket vendors offering transport contracts on behalf of one or more railway undertakings shall provide passengers with information on any connections with other transport modes.

Justification

This amendment is inextricably linked to Articles 9 and 14.

Amendment 53

Proposal for a regulation

Article 9 – paragraph 4 b (new)

Text proposed by the Commission

Amendment

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

Justification

This amendment is related to the Article 1. This information should facilitate travelling by train for persons with disabilities and persons with reduced mobility.

Amendment 54

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, ticket vendors **and tour operators** shall offer tickets, **through-tickets** and reservations, including for journeys across borders **or involving night trains and journeys** with more than one railway undertaking. **Booking of those tickets shall be accessible and non-discriminatory, including for persons with disabilities and persons with reduced mobility. Railway undertakings, ticket vendors and tour operators shall develop suitable application programming interfaces and data formats to allow the exchange of information across network, regional and national boundaries and the booking of tickets via the internet.**

Amendment 55

Proposal for a regulation Article 10 – paragraph 2

Text proposed by the Commission

2. Without prejudice to paragraphs 3 and 4, railway undertakings **and** ticket vendors shall distribute tickets to passengers via at least one of the following points of sale:

- (a) ticket offices or ticketing machines;
- (b) telephone, **the Internet** or any other widely available information technology;
- (c) on board trains.

Member States may require railway undertakings to provide tickets for services provided under public service

Amendment

2. Without prejudice to paragraphs 3 and 4, railway undertakings, ticket vendors **and tour operators** shall distribute tickets, **through-tickets and reservations** to passengers via **the Internet and** at least one of the following points of sale:

- (a) ticket offices or ticketing machines;
- (b) telephone or any other widely available information technology;
- (c) on board trains.

contracts through more than one point of sale.

Amendment 56

Proposal for a regulation

Article 10 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Justification

To get more people using the rail service in Europe, there need to be clear and strengthened passenger rights as per the aims of the Regulation. Any restriction of a passenger's opportunity to buy tickets on board a train should be both reasonable and justifiable. Security/antifraud policy and space availability are both legitimate reasons for limiting this whereas "reasonable commercial grounds" is too vague. This amendment is therefore necessary for pressing reasons of internal logic and also because it is inextricably linked to its subject-matter in Article 1 and overall aims as expressed in impact assessments and explanatory statements.

Amendment 57

Proposal for a regulation

Article 10 – paragraph 4 – introductory part

Text proposed by the Commission

4. Where there is no ticket office or ticketing machine in the station of departure, passengers shall be informed at the station:

Amendment

4. ***Tickets shall be reprinted for passengers on the day of travel on request, either at the ticket office or through a ticketing machine.*** Where there is no ticket office or ticketing machine in the station of departure, ***or when the ticket office or ticketing machine is not fully accessible***, passengers shall be informed at the station:

Justification

Printed tickets are often necessary for reimbursement of passengers' travel fees by employers. When it is impossible for a station to print them then passengers' should be entitled to be informed of this at the station. This amendment is necessary as it is inextricably linked to accessibility provisions and other Commission changes to Article 10.

Amendment 58

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 **open** ticket office or **correctly-functioning** ticketing machine in the station of departure, **passengers** shall be permitted to buy tickets on board the train. **Tickets bought on board the train shall not cost more than the relevant standard fare for the journey concerned with any applicable discounts**.

Amendment 59

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**

Amendment

6. Where **passengers receive** separate tickets for a single journey comprising successive railway services operated by one or more railway undertakings, **their** 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.

information was provided shall lie with the railway undertaking, its agent, tour operator or ticket vendor.

Amendment 60

Proposal for a regulation Article 10 a (new)

Text proposed by the Commission

Amendment

Article 10a

Provision of travel information through application programming interfaces

- 1. Railway undertakings shall provide non-discriminatory access to all travel information, including real-time operational information on timetables and tariffs data, as referred to in Article 9, through application programming interfaces (APIs).*
- 2. Railway undertakings shall provide tour operators, ticket vendors and other railway undertakings, selling their service, non-discriminatory access to reservation systems through APIs, so that they can conclude transport contracts and issue tickets, through-tickets and reservations, in such a way that they provide the most optimal and cost-effective journey, including cross-border.*
- 3. Railway undertakings shall ensure that the technical specifications of the APIs are well-documented and openly accessible at no charge. The APIs shall make use of open standards, commonly used protocols and machine-readable formats to make them interoperable.*
- 4. Railway undertakings shall ensure that, except for emergency situations, any change to the technical specification of their APIs is made available to tour operators and ticket vendors in advance as soon as possible and no less than three months before a change is implemented.*

Emergency situations shall be documented and documentation shall be made available to the competent authorities upon request.

5. Railway undertakings shall ensure that access to the APIs is provided in a non-discriminatory way, at the same level of availability and performance, including support, access to all documentation, standards, protocols and formats. Tour operators and ticket vendors shall not be disadvantaged as compared to the railway undertakings themselves.

6. APIs shall be established in accordance with Commission Delegated Regulation (EU) 2017/1926 of 31 May 2017.

Justification

This amendment is linked to Article 10(1), which is part of the recast.

Amendment 61

Proposal for a regulation

Article 16 – paragraph 1 – introductory part

Text proposed by the Commission

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

Amendment

1. Where it is reasonably to be expected, either at departure or in the event of a missed connection in the course of a journey, that arrival at the final destination will be subject to a delay of more than **45** minutes, the passenger shall immediately have the choice between one of the following:

Justification

Passengers should be entitled to have the choice regardless of whether they are on a through ticket, a single trip on one ticket, a return journey or a combined journey. The wording “transport contract” has been removed for the sake of legal clarity as there may be more than one contract involved. This is in keeping with our other amendments within chapter IV

Amendment 62

Proposal for a regulation

Article 16 – paragraph 2

Text proposed by the Commission

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

Amendment

2. For the purposes of point (b) of paragraph 1, ***in the case of a missed connection due to delay or cancellation of an earlier leg of the passenger's journey, the passenger shall be allowed to take the next service available in order to reach his or her final planned destination.*** Comparable re-routing may be operated by any railway undertaking and may involve the use of transport of a higher class and alternative modes of transport without generating additional costs to the passenger. Railway undertakings shall make reasonable efforts to avoid additional connections. The total travel time when using an alternative mode of transport for the part of the journey not completed as planned shall be comparable to the scheduled travel time of the original journey. Passengers shall not be downgraded to transport facilities of a lower class unless such facilities are the only re-routing means available.

Amendment 63

Proposal for a regulation

Article 16 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Amendment 64

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 *for the journey*, a passenger *shall be entitled to* 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 and* 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:

Justification

The precise compensation scheme is an important aspect of the overall effectiveness of the Regulation and is therefore inextricably linked to its underlying aims and to Chapters VI and VII especially.

Amendment 65

Proposal for a regulation
Article 17 – paragraph 1 – point a

Text proposed by the Commission

(a) 25 % of the ticket price for a delay of **60 to 119** minutes,

Amendment

(a) **50** % of the ticket price for a delay of **45 to 89** minutes,

Justification

The precise compensation scheme is an important aspect of the overall effectiveness of the Regulation and is therefore inextricably linked to its underlying aims and to Chapters VI and VII especially.

Amendment 66

Proposal for a regulation
Article 17 – paragraph 1 – point b

Text proposed by the Commission

(b) 50 % of the ticket price for a delay of **120** minutes or more.

Amendment

(b) **75** % of the ticket price for a delay of **90 to 119** minutes or more,

Justification

The precise compensation scheme is an important aspect of the overall effectiveness of the Regulation and is therefore inextricably linked to its underlying aims and to Chapters VI and VII especially.

Amendment 67

Proposal for a regulation

Article 17 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) 100 % of the ticket price for a delay of 120 minutes or more.

Justification

The precise compensation scheme is an important aspect of the overall effectiveness of the Regulation and is therefore inextricably linked to its underlying aims and to Chapters VI and VII especially.

Amendment 68

Proposal for a regulation

Article 17 – paragraph 2

Text proposed by the Commission

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.

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 **shall be entitled to** 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 **pro rata** compensation **in accordance with the assessment basis referred to in paragraph 1**. Where delays of less than **45** 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.

Amendment 69

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 ***to the railway undertaking, tour operator or ticket vendor***. The compensation may be paid in vouchers and/or other services, ***or through an automatic compensation system where in place***, if the terms are flexible (in particular regarding the validity period and destination). The compensation shall be paid in money ***within the same payment system as that with which the ticket was bought*** at the request of the passenger. ***Passenger shall be informed in a comprehensible manner about all options of compensation, including financial, from which he or she can choose. The passenger shall not, by any means, be discouraged from requesting compensation.***

Amendment 70

Proposal for a regulation Article 17 – paragraph 7

Text proposed by the Commission

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

Amendment

7. ***Passengers*** shall not have any right to compensation if ***they are*** informed of a delay before ***buying*** a ticket – ***unless the actual delay is more than 45 minutes longer than the delay announced***, or if a delay due to continuation on a different service or re-routing remains below **45** minutes.

Justification

This amendment is linked to Article 17(2), which is part of the recast.

Amendment 71

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**

Amendment 72

Proposal for a regulation

Article 18 – paragraph 1

Text proposed by the Commission

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 ticket vendor or by the station manager as soon as such information is available.

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, **tour operator** or ticket vendor or by the station manager as soon as such information is available. **Station managers, infrastructure managers and railway undertakings provide ticket vendors with information in real time and in the appropriate format.**

Justification

Proper, interoperable and real-time data sharing between ticket vendors and railway undertakings is essential for the consumer, if we want to ensure that the consumer is given the best information - including the ticket options and price options for the requested journey - in the real-time as well as the possibility to buy the preferred type of ticket at the ticket vendor.

Amendment 73

Proposal for a regulation

Article 18 – paragraph 2 – introductory part

Text proposed by the Commission

2. In the case of any delay as referred to in paragraph 1 of more than **60** minutes, passengers shall also be offered free of charge:

Amendment

2. In the case of any delay as referred to in paragraph 1 of more than **45** minutes, passengers shall also be offered free of charge:

Justification

This amendment is necessary because it is inextricably linked to our other amendments on delay time in article 17.

Amendment 74

Proposal for a regulation

Article 18 – paragraph 2 – point a

Text proposed by the Commission

(a) meals and refreshments in reasonable relation to the waiting time, if they are available on the train or in the station, or can reasonably be supplied ***taking into account criteria such as the distance from the supplier, the time required for delivery and the cost;***

Amendment

(a) meals and refreshments in reasonable relation to the waiting time, if they are available on the train or in the station, or can reasonably be supplied;

Justification

The indicative list of criteria in the legal text, notably the cost, is not helpful for determining whether or not it is reasonable to deliver refreshments and meals.

Amendment 75

Proposal for a regulation

Article 18 – paragraph 2 – point c

Text proposed by the Commission

(c) if the train is blocked on the track,

Amendment

(c) if the train is blocked on the track,

transport from the train to the railway station, to the alternative departure point or to the final destination of the service, where and when physically possible.

accessible transport from the train to the railway station, to the alternative departure point or to the final destination of the service, where and when physically possible.

Justification

In line with the intention of this Regulation to strengthen the rights of persons with disabilities and of persons with reduced mobility, and the provisions of Chapter V in particular, any alternative transportation from the train and on the onward journey must be accessible for all passengers. It has to be a clear requirement that the needs of those passengers are taken into account as they may require additional assistance, for example in case of an evacuation

Amendment 76

Proposal for a regulation Article 18 – paragraph 3

Text proposed by the Commission

3. If the railway service cannot be continued anymore, railway undertakings shall organise as soon as possible alternative transport services for passengers.

Amendment

3. If the railway service cannot be continued anymore, railway undertakings shall organise as soon as possible alternative **accessible** transport services for passengers.

Justification

This amendment is related to the provisions on accessibility, which are part of the recast.

Amendment 77

Proposal for a regulation Article 18 – paragraph 4

Text proposed by the Commission

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

Amendment

4. Railway undertakings shall **offer to** certify **for affected passengers in writing, on their** ticket or by any other means that the rail service has suffered a delay, led to a missed connection or that it has been cancelled, as the case might be.

Amendment 78

Proposal for a regulation Article 18 – paragraph 6

Text proposed by the Commission

6. In addition to the obligations on railway undertakings pursuant to Article 13a(3) of Directive 2012/34/EU, the station manager of a railway station handling at least 10 000 passengers per day on average over a year shall ensure that the operations of the station, the railway undertakings and the infrastructure manager are coordinated through a proper contingency plan in order to prepare for the possibility of major disruption and long delays leading to a considerable number of passengers being stranded in the station. The plan shall ensure that stranded passengers are provided with adequate assistance and information, including in accessible formats in accordance with the accessibility requirements laid down in Directive XXX. ***Upon request***, the station manager shall make the plan, and any amendments to it, available ***to the national enforcement body or to any other body designated by a Member State***. Station managers of railway stations handling fewer than 10 000 passengers per day on average over a year shall make all reasonable efforts to coordinate station users and to assist and inform stranded passengers in such situations.

Amendment 79

Proposal for a regulation Article 20 – paragraph 1

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 ***pay particular attention to the needs of persons with disabilities and persons with reduced mobility and 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 plan shall also include requirements for accessibility of alert and information systems***. The station manager shall make the plan, and any amendments to it, ***publicly available, including on the station's webpage***. 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.

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 **rules for barrier-free and independent** access for the transport of persons with disabilities and persons with reduced mobility including their personal assistants. The rules shall allow the passenger to be accompanied by **a certified service animal or an accompanying person, both free of charge**, in accordance with any relevant national rules, **and shall ensure that spontaneous rail travel without the need for lengthy planning is possible for persons with disabilities and persons with reduced mobility**.

Amendment 80

**Proposal for a regulation
Article 21 – paragraph 1**

Text proposed by the Commission

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

Amendment

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

undertaking in an accessible manner.

Amendment 81

Proposal for a regulation Article 21 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Amendment 82

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).
Any booking of assistance shall always be free of charge, irrespective of the method of communication used.

Justification

While it is clear that the service of providing assistance has to be free of charge for the passenger, it is not explicitly stated in the Regulation that booking assistance has to be free of charge as well and some railway undertakings currently charge passengers for this. The recast regulation aims to strengthen rail passenger rights, particularly for disabled persons, and this amendment follows the internal logic of chapter V and our other amendments on that.

Amendment 83

Proposal for a regulation

Article 22 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States may provide for a derogation from paragraph 1 in the case of persons travelling on services which are the subject of a public service contract awarded in conformity with Union law, on condition that the competent authority has put in place alternative facilities or arrangements guaranteeing an equivalent or higher level of accessibility of transport services.

Justification

This amendment is inextricably linked to article 22 paragraph 2. There are no reasons not to allow for alternative arrangements to guarantee an equivalent or even higher level of accessibility to transport services.

Amendment 84

Proposal for a regulation

Article 22 – paragraph 3

Text proposed by the Commission

Amendment

3. In unstaffed stations, railway undertakings and station managers shall ensure that easily available information, including in accessible formats in accordance with the accessibility requirements laid down in **Directive XXX**,

3. In unstaffed stations, railway undertakings and station managers shall ensure that easily available information, including in accessible formats in accordance with the accessibility requirements laid down in **Regulation**

is displayed in accordance with the access rules referred to in Article 20(1) regarding the nearest staffed stations and directly available assistance for persons with disabilities and persons with reduced mobility.

1300/2014, is displayed in accordance with the access rules referred to in Article 20(1) regarding the nearest staffed stations and directly available assistance for persons with disabilities and persons with reduced mobility.

Amendment 85

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

4. ***Without prejudice to paragraph 3 of this Article***, assistance shall be available in stations during all times when rail services operate.

Amendment 86

Proposal for a regulation Article 24 – paragraph 1 – introductory part

Text proposed by the Commission

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

Amendment

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

Justification

This amendment is inextricably linked to the Article 1 point a). Since the Commission proposes the non-discrimination between passengers with regard to transport conditions, this amendment ensures that the service of providing assistance to persons with disabilities and persons with reduced mobility has to be free of charge for the passenger.

Amendment 87

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

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 ***upon booking the ticket or upon arrival at the staffed station or in the case of unstaffed stations*** at least **3** hours before the assistance is needed. ***An exemption shall apply for rail stations handling less than 10 000 passengers per day, they shall ensure assistance with at least 24 hours pre-notification. The passenger shall be able to book such assistance free of charge.*** 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;

Justification

This amendment is inextricably linked to the Article 1 point a). Since the Commission proposes the non-discrimination between passengers with regard to transport conditions, this amendment ensures that the service of providing assistance to persons with disabilities and persons with reduced mobility has to be free of charge for the passenger.

Requiring a 48 hours notification will largely limit the mobility of persons with disabilities, hindering therefore their ability to integrate well with the society. An exemption for local rail station (with less than 10 000 passengers per day) is needed to ensure the right quality of assistance and to allow rail operators to perform their duties towards passengers with disabilities.

Amendment 88

Proposal for a regulation

Article 24 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) assistance shall also be provided if the specially trained staff of the railway undertaking or station manager are made aware of the need for assistance and if it

is actually possible for them to provide such assistance.

Justification

To clarify the text, in the interests of a service-oriented offer, as an expression of mutual support in society and in the light of the spirit and purpose of the Regulation, in particular of recitals 3 and 5 of the Regulation, assistance should always be offered in an unbureaucratic manner whenever appropriate and possible.

Amendment 89

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

Amendment 90

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 **paid within one month of submission of a claim and be** equal to the cost of replacement **based on the actual value, or on the full costs of** repair, of the **wheelchair, other mobility** equipment **or assistive** devices lost or damaged **or the loss or injury of the service animal. The compensation shall also include the cost of temporary replacement in case of repair, when those costs are borne by the**

passenger.

Justification

The compensation for loss or damage property in case of people with disabilities should be prompt and dealt with no extra delay. This is to avoid additional discrimination and mobility restrains caused to this particular kind of passengers.

Amendment 91

Proposal for a regulation Article 25 – paragraph 3

Text proposed by the Commission

3. Where necessary, railway undertakings and station managers shall ***make every reasonable effort rapidly to*** provide temporary replacements for specific equipment or assistive devices, which shall, where possible, have technical and functional features equivalent to those lost or damaged. The person with disabilities or reduced mobility shall be permitted to keep the temporary replacement equipment or device until the compensation referred to in paragraphs 1 and 2 has been paid.

Amendment

3. Where necessary, railway undertakings and station managers shall ***at their expense and without delay*** provide temporary replacements for specific equipment or assistive devices, which shall, where possible, have technical and functional features equivalent to those lost or damaged. The person with disabilities or reduced mobility shall, ***where possible and if they so desire***, be permitted to keep the temporary replacement equipment or device until the compensation referred to in paragraphs 1 and 2 has been paid.

Amendment 92

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

Text proposed by the Commission

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

Amendment

(a) ensure that all ***staff***, including those employed by any other performing party, ***receive disability-related training in order to*** know how to meet the needs of persons with disabilities and of persons with reduced mobility, including those with mental and intellectual impairments;

Amendment 93

Proposal for a regulation

Article 26 – paragraph 1 – point b

Text proposed by the Commission

(b) **provide** training to raise awareness of the needs of persons with disabilities among all personnel working at the station who deal directly with the travelling public;

Amendment

(b) **guarantee** training to raise awareness of the needs of persons with disabilities among all personnel working at the station who deal directly with the travelling public;

Amendment 94

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 **and those who, due to the nature of their activity, might provide direct assistance to passengers with disabilities and passengers with reduced mobility** receive disability-related training and that personnel attend regular refresher training courses.

Justification

The employees who are in direct contact with passengers should be at all times able to provide adequate help and need assistance to the passages that require it.

Amendment 95

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) **encourage actively** the participation, in the training, of **staff** with disabilities, **as well as** passengers with disabilities and with reduced mobility, **and** organisations representing them;

Amendment 96

Proposal for a regulation

Article 26 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) involve organisations representing persons with disabilities and with reduced mobility in the design and delivery of disability-related training.

Amendment 97

Proposal for a regulation

Article 28 – paragraph 1

Text proposed by the Commission

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 their contact details and working language(s) widely known to passengers.

1. All railway undertakings, ticket vendors ***and tour operators***, station managers and infrastructure managers of stations 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. ***The complaint form shall be offered to passengers and shall be available in one or more languages that most passengers will understand.***

Amendment 98

Proposal for a regulation

Article 28 – paragraph 2

Text proposed by the Commission

Amendment

2. Passengers may submit a complaint to any railway undertaking, ticket vendor,

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.

station *manager* or infrastructure manager involved. ***Passengers shall have the right to submit complaints in the same manner in which they received their ticket.***

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

Amendment 99

Proposal for a regulation Article 28 – paragraph 3

Text proposed by the Commission

3. Details of the complaint handling procedure shall be accessible to persons with disabilities and with reduced mobility.

Amendment

3. Details of the complaint handling procedure shall be ***easily available to passengers and*** accessible to persons with disabilities and with reduced mobility. ***This information shall be made freely available in writing upon request in the domestic language of the railway undertaking.***

Amendment 100

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

Text proposed by the Commission

Amendment

4a. The Commission shall adopt a standardised EU complaint form that passengers may use to apply for compensation in accordance with this

regulation.

Justification

In the spirit of non-discrimination set out in Article 5 and in light of Recital 12, passengers should be able to file a complaint regardless of the language. The passenger may decide to use the standardised EU complaint form instead of the one provided by the railway undertaking, ticket vendor, station manager, infrastructure manager involved if they wish so, and it should be equally valid. Especially for passengers travelling outside their own Member States, it could be easier to lodge a complaint by using an EU complaint format.

Amendment 101

Proposal for a regulation

Article 29 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

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

Justification

There is an internal logic between Article 26 and 29 as the Commission proposes staff training and demands service quality standards. This amendment could facilitate the use of rail services for persons with disabilities and improve the quality of services offered to them.

Amendment 102

Proposal for a regulation

Article 30 – paragraph 2

Text proposed by the Commission

Amendment

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

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

States pursuant to Article 31.

designated by Member States pursuant to Article 31.

Amendment 103

Proposal for a regulation

Article 31 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Justification

Publishing on the internet provides more transparency for passengers and also contributes to the European Union's objective of creating a digital single market. At the time of the publication of the original Regulation, the Digital Single Market Strategy had not yet entered into force.

Amendment 104

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

Amendment

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

complaints *transmitted by such a body*.

shall ensure that national enforcement and complaint handling bodies shall be given sufficient powers and resources for the adequate and effective enforcement of individual complaints from passengers under this Regulation.

Amendment 105

Proposal for a regulation Article 32 – paragraph 2

Text proposed by the Commission

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

Amendment

2. *Each year* the national enforcement bodies shall publish *reports with* statistics on their *websites detailing the number and type of complaints that they have received, and detailing the outcome of their enforcement actions*, including *the* sanctions *that they have* applied. *This shall be done for each year by no later than the first day* of April of the *succeeding* year. *In addition, those reports shall be made available on the website of the European Union Agency for Railways.*

Amendment 106

Proposal for a regulation Article 32 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

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

Amendment 107

Proposal for a regulation

Article 33 – paragraph 3 – subparagraph 1

Text proposed by the Commission

The body shall acknowledge receipt of the complaint within two weeks of receiving it. The **complaint-handling** procedure shall take a maximum of three months. For complex cases, the body may, at its discretion, extend this period to six months. In such a case, it shall inform the passenger of the reasons for the extension and of the expected time needed to conclude the procedure. Only cases that involve legal proceedings may take longer than six months. Where the body is also an alternative dispute resolution body within the meaning of Directive 2013/11/EU, the time limits laid down in that Directive shall prevail.

Amendment

The body shall acknowledge receipt of the complaint within two weeks of receiving it. The **complaint-handling** procedure shall take a maximum of three months. For complex cases, the body may, at its discretion, extend this period to six months. In such a case, it shall inform the passenger **or organisation representing passengers** of the reasons for the extension and of the expected time needed to conclude the procedure. Only cases that involve legal proceedings may take longer than six months. Where the body is also an alternative dispute resolution body within the meaning of Directive 2013/11/EU, the time limits laid down in that Directive shall prevail **and the use of online dispute resolution in accordance with Regulation 524/2013/EU may be made available with the agreement of all parties involved.**

Amendment 108

Proposal for a regulation

Annex II – title

Text proposed by the Commission

MINIMUM INFORMATION TO BE PROVIDED BY RAILWAY UNDERTAKINGS AND TICKET VENDORS

Amendment

MINIMUM INFORMATION TO BE PROVIDED BY RAILWAY UNDERTAKINGS, **TOUR OPERATORS** AND TICKET VENDORS

Justification

This amendment is necessary because it is inextricably linked to our other amendments on information provision by the various retailers of rail journeys concerned, in particular "tour operators" in articles 5, 7, 9 and 10.

Amendment 109

Proposal for a regulation Annex II – part I – indent 1

Text proposed by the Commission

- General conditions applicable to the contract

Amendment

- General conditions applicable to the contract **or contracts that form part of the journey or combined journey**

Justification

For the sake of legal clarity within the regulation overall it is important to note that combined journeys will require more than one contract. This is linked to our amendments in chapter II.

Amendment 110

Proposal for a regulation Annex II – part I – indent 2

Text proposed by the Commission

- Time schedules and conditions for the fastest trip

Amendment

- Time schedules and conditions for the fastest trip **and best connections**

Justification

Combined journeys represent a much wider set of rail options than the limited range of through tickets, and combined journeys across different tickets are already technically possible so it makes sense for undertakings to provide the information to passengers on the optimal way of completing the journey. This is inextricably linked to our amendments on the subject in Chapter II.

Amendment 111

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

Text proposed by the Commission

- Time schedules and conditions for the lowest fares

Amendment

- Time schedules and conditions for the lowest **and all available** fares

Justification

Combined journeys represent a much wider set of rail options than the limited range of through tickets, and combined journeys across different tickets are already technically possible so it makes sense for undertakings to provide the information to passengers on the optimal way of completing the journey. This is inextricably linked to our amendments on the subject in chapter II.

Amendment 112

Proposal for a regulation Annex II – part I – indent 5

Text proposed by the Commission

Amendment

– Access **conditions** for bicycles

– Access **arrangements** for bicycles

Justification

This is inextricably linked to our other amendments on the subject on Article 6.

Amendment 113

Proposal for a regulation Annex II – part I – indent 6

Text proposed by the Commission

Amendment

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

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

Justification

This amendment is necessary for pressing reasons of logic and emphasis of the text. In most member states now smoking is generally not allowed on trains so the text should not be drafted in a misleading fashion and follows the internal logic of chapter II.

Amendment 114

Proposal for a regulation Annex II – part I – indent 8

Text proposed by the Commission

Amendment

– Availability of on-board services

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

Justification

In light of the regulation as a whole and its focus on improving passenger rights, it is important that certain basic facets of human dignity are recognised and that toilets are provided on board trains. This can be particularly important for disabled persons and persons of reduced mobility. The Wi-Fi element is important as it is in keeping with the move to increased digitalisation and will assist passengers to be able to book an onward journey at short notice in the event a booking office or ticket machine is not working. This is inextricably linked to the aims of the Regulation and information provisions in particular in Chapter II, and the accessibility provisions in Chapter V.

Amendment 115

Proposal for a regulation

Annex II – part II – indent 1

Text proposed by the Commission

Amendment

– On-board services

– On-board services, ***including wifi***

Justification

In keeping with the regulation as a whole, the Wi-Fi element is important as it is in keeping with the move to increased digitalisation and will assist passengers to be able to book an onward journey at short notice in the event a booking office or ticket machine is not working. This is inextricably linked to the aims of the Regulation and information provisions in particular in Chapter II, and the accessibility provisions in Chapter V.

Amendment 116

Proposal for a regulation

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

Text proposed by the Commission

Amendment

– percentage of delays of less than **60**
minutes;

– percentage of delays of less than **45**
minutes;

Amendment 117

Proposal for a regulation

Annex III – part II – paragraph 1 – point 4 – point 1 – point vii

Text proposed by the Commission

(vii) accessibility of station and station facilities.

Amendment

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

Amendment 118

Proposal for a regulation

Annex IV – paragraph 1

Text proposed by the Commission

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

Amendment

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

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Rail passengers' rights and obligations (recast)		
References	COM(2017)0548 – C8-0324/2017 – 2017/0237(COD)		
Committee responsible Date announced in plenary	TRAN 5.10.2017		
Opinion by Date announced in plenary	IMCO 26.10.2017		
Rapporteur Date appointed	Dennis de Jong 4.12.2017		
Discussed in committee	21.2.2018	21.3.2018	16.5.2018
Date adopted	4.6.2018		
Result of final vote	+: –: 0:	29 1 1	
Members present for the final vote	John Stuart Agnew, Pascal Arimont, Carlos Coelho, Sergio Gaetano Cofferati, Daniel Dalton, Nicola Danti, Dennis de Jong, Pascal Durand, Liisa Jaakonsaari, Philippe Juvin, Nosheena Mobarik, Jiří Pospíšil, Virginie Rozière, Christel Schaldemose, Olga Sehnalová, Jasenko Selimovic, Mylène Troszczynski, Anneleen Van Bossuyt, Marco Zullo		
Substitutes present for the final vote	Cristian-Silviu Buşoi, Birgit Collin-Langen, Roberta Metsola, Marc Tarabella, Sabine Verheyen		
Substitutes under Rule 200(2) present for the final vote	Asim Ademov, Clara Eugenia Aguilera García, Klaus Buchner, Peter Liese, Emilian Pavel, Annie Schreijer-Pierik, Tomáš Zdechovský		

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

29	+
ALDE	Jasenکو Selimovic
ECR	Daniel Dalton, Nosheena Mobarik, Anneleen Van Bossuyt
ENF	Mylène Troszczynski
GUE/NGL	Dennis de Jong
PPE	Asim Ademov, Pascal Arimont, Cristian-Silviu Buşoi, Carlos Coelho, Birgit Collin-Langen, Philippe Juvin, Peter Liese, Roberta Metsola, Jiří Pospíšil, Annie Schreijer-Pierik, Sabine Verheyen, Tomáš Zdechovský
S&D	Clara Eugenia Aguilera García, Sergio Gaetano Cofferati, Nicola Danti, Liisa Jaakonsaari, Emilian Pavel, Virginie Rozière, Christel Schaldemose, Olga Sehnalová, Marc Tarabella
VERTS/ALE	Klaus Buchner, Pascal Durand

1	-
EFDD	John Stuart Agnew

1	0
EFDD	Marco Zullo

Key to symbols:

+ : in favour

- : against

0 : abstention