Rail passengers' rights and obligations in the EU

In the EU, Regulation (EC) No 1371/2007 governs rails passengers' rights and obligations, and provides for all passengers a harmonised level of information, assistance and compensation. In September 2017, the European Commission adopted a new proposal, which aims to strike a better balance between strengthening passengers' rights and reducing the burden on rail companies. The European Parliament is expected to vote at second reading during its April plenary session on the agreed text resulting from interinstitutional negotiations.

Background

To improve rail passengers' protection, the EU adopted Regulation (EC) No 1371/2007, applicable since the end of 2009. It provides passengers with a range of rights, such as to information, liability for themselves and their luggage, reimbursement or continuation of the journey in case of a delay or cancellation, compensation and assistance. Disabled persons or those with reduced mobility (DPRMs) can benefit from assistance at stations and on board, and compensation in case of damage to their mobility equipment. In its 2013 report on the application of the regulation and in the 2017 impact assessment, the European Commission noted some shortcomings such as uneven application or weak enforcement of the rules, and expressed its intention to align further passengers' rights on rail with those of other transport modes.

European Commission proposal

On 27 September 2017, the Commission adopted a proposal to modify the existing Regulation with a view to finding a better balance between passengers' rights and rail operators' obligations. It proposed to remove the exemptions for long-distance domestic services and for cross-border urban, suburban and regional services. It would reinforce information provisions for customers, including on their rights, in particular about through-tickets. It proposed to reinforce DPRM's rights and to offer rail staff disability-awareness training. To enhance enforcement, it clarifies the procedure for lodging a complaint. Very importantly, the proposed text introduced a *force majeure* clause exempting rail companies from paying compensation for delays caused by severe weather conditions or major natural disasters.

European Parliament position

Parliament's Committee on Transport and Tourism (TRAN) adopted its report in October 2018, with the Parliament then adopting its first-reading position in November. The EP sought to grant higher compensation levels to passengers in case of delay, strengthen the assistance and compensation for DPRMs, remove the *force majeure* clause and facilitate the carriage of bicycles aboard. The Council agreed on its general approach on 2 December 2019. It wanted to keep exemptions on urban, suburban and regional services and introduce a broader definition of the *force majeure* clause. Parliament and Council reached a provisional agreement on 1 October 2020. It reduces pre-notification to 24 hours for DPRMs to book assistance on board, keeps the *force majeure* provision and the existing compensation rates for delays, and provides rerouting for passengers not able to make their connection due to a delay. The final text resulting from interinstitutional negotiations was adopted at first reading by the Council on 25 January 2021. The TRAN committee voted on 16 March 2021 to approve the text, which now needs to be formally adopted by Parliament at second reading, with the vote scheduled during the April plenary session.

Recommendation for second reading: 2017/0237(COD);
Committee responsible: TRAN; Rapporteur: Bogusław Liberadzki (S&D, Poland). For further information see our 'EU Legislation in progress' briefing.