

Railway transport: international rail passengers' rights and obligations. 3rd package

2004/0049(COD) - 23/10/2007 - Final act

PURPOSE: to establish international rail passengers' rights and obligations in order to improve the efficacy and the attractiveness of international rail passenger services (third rail package).

LEGISLATIVE ACT: Regulation (EC) N° 1371/2007 of the European Parliament and of the Council on rail passengers' rights and obligations.

CONTENT: the Council adopted three legislative proposals forming the third rail package, namely:

- this Regulation on rail passengers' rights and obligations;
- a Directive on the development of the Community's railways (see [COD/2004/0047](#));
- and a Directive on the certification of onboard personnel ensuring the operation of locomotives and trains (see [COD/2004/0048](#)).

The three legal acts were adopted pursuant to the joint draft texts, agreed by the Council and the European Parliament through an exchange of letters on 20 and 21 June 2007, in the framework of the conciliation procedure.

This Directive on rail passengers' rights and obligations aims to strengthen and improve the rights of rail passengers. It applies to all rail journeys and services throughout the Community provided by one or more railway undertakings. Member States may exempt from the application of the provisions of this Regulation urban, suburban and regional rail passenger services, with the exception of the following provisions which will apply to all rail passenger services as from the entry into force of the Regulation: availability of tickets, responsibility for passengers and luggage, insurance, the right to transport for disabled persons and persons with reduced mobility and personal safety of travellers.

Member States will be granted a transition period of 5 years, which can be renewed twice for a maximum length of 5 years, in order to apply the provisions of the Regulation on national rail passenger services. The Commission shall take appropriate measures if an exemption granted by a Member State does not comply with the provisions of the Regulation.

Concretely, the Regulation establishes rules concerning:

- information that railway undertakings must provide, the conclusion of transport contracts, the issue of tickets and implementation of a computerised information and booking system for rail transport;
- the responsibility of railway undertakings to passengers in the event of delay, missed connection or cancellation: compensation is set at 25 % of the ticket price for a delay of 60 to 119 minutes and at 50 % of the ticket price for a delay of 120 minutes or more. In the case of any delay of more than 60 minutes, passengers shall also be offered free of charge: (a) meals and refreshments in reasonable relation to the waiting time, if they are available on the train or in the station; and where physically possible: (b) hotel or other accommodation, and transport between the railway station and place of accommodation; (c) if the train is blocked on the track, transport from the train to the railway station;
- the definition and monitoring of service quality standards, the management of risks to the personal security of passengers and the handling of complaints. Railway undertakings must define service quality standards and publish an annual report on how these standards have been observed. These

reports on shall be published on the Internet website of the railway undertakings and made available on the Internet website of the European Railway Agency;

- assistance to disabled persons and persons with reduced mobility travelling by rail: railway undertakings must establish rules of non-discriminatory access to transport for these persons. In unstaffed stations, railway undertakings must take all reasonable measures to ensure access to rail transport for disabled persons and persons with reduced mobility. The transport of pushchairs and wheelchairs is covered by the provisions of the Regulation concerning disabled persons and persons with reduced mobility and by the Convention Concerning International Carriage by Rail (COTIF);
- general rules in terms of monitoring application: each Member State shall designate a body or bodies responsible for taking the measures necessary to ensure that the rights of passengers are respected. Each passenger may complain to the appropriate body about an alleged infringement of this Regulation.

The Regulation also sets out that railway undertakings shall enable passengers to bring bicycles on to the train, where appropriate for a fee, if they are easy to handle, if this does not adversely affect the specific rail service, and if the rolling-stock so permits.

Regarding the committee procedure, the Regulation lays down that measures designed to amend non-essential elements of this Regulation by adapting the Annexes thereto, except Annex I, shall be adopted in accordance with the regulatory procedure with scrutiny.

The Commission shall report on the implementation and the results of this Regulation, by 3 December 2012, and in particular on the service quality standards. The report shall be accompanied, where necessary, by appropriate proposals.

ENTRY INTO FORCE: 03/12/2009.