

Procedure file

Basic information

COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	2017/0237(COD)	Procedure completed
Rail passengers? rights and obligations. Recast Repealing Regulation (EC) 1371/2007	2004/0049(COD)	
Subject 3.20.02 Rail transport: passengers and freight		

Key players

European Parliament	Committee responsible	Rapporteur	Appointed
	TRAN Transport and Tourism	 LIBERADZKI Bogusław	25/10/2017
		Shadow rapporteur	
		 HORTEFEUX Brice	
		 BAUZÁ DÍAZ José Ramón	
		 DEPARNAY-GRUNENBERG Anna	
		 HAIDER Roman	
		 POREBA Tomasz Piotr	
Former committee responsible			
	TRAN Transport and Tourism		25/10/2017
		 LIBERADZKI Bogusław	
Former committee for opinion			
	IMCO Internal Market and Consumer Protection		
Former committee for opinion on the recast technique			
	JURI Legal Affairs		
Council of the European Union	Council configuration	Meeting	Date
	Transport, Telecommunications and Energy	3658	03/12/2018

European Commission European Economic and Social Committee European Committee of the Regions	Transport, Telecommunications and Energy Commission DG <u>Mobility and Transport</u>	<u>3623</u> Commissioner BULC Violeta	07/06/2018
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Key events			
Date	Description	Document reference	Summary
27/09/2017	Legislative proposal published	COM(2017)0548	
05/10/2017	Committee referral announced in Parliament, 1st reading		
07/06/2018	Debate in Council	3623	
09/10/2018	Vote in committee, 1st reading		
18/10/2018	Committee report tabled for plenary, 1st reading	A8-0340/2018	Summary
14/11/2018	Debate in Parliament		
15/11/2018	Results of vote in Parliament		
15/11/2018	Decision by Parliament, 1st reading	T8-0462/2018	Summary
03/12/2018	Debate in Council	3658	
24/09/2019	Committee decision to open interinstitutional negotiations after 1st reading in Parliament		
09/10/2019	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 72)		
29/10/2020	Approval in committee of the text agreed at early 2nd reading interinstitutional negotiations		
04/02/2021	Council position published	12262/1/2021	
11/02/2021	Committee referral announced in Parliament, 2nd reading		
16/03/2021	Vote in committee, 2nd reading		
17/03/2021	Committee recommendation tabled for plenary, 2nd reading	A9-0045/2021	Summary
28/04/2021	Debate in Parliament		
29/04/2021	Decision by Parliament, 2nd reading	T9-0150/2021	Summary
29/04/2021	Final act signed		
29/04/2021	End of procedure in Parliament		
17/05/2021	Final act published in Official Journal		

Technical information			
Procedure reference	2017/0237(COD)		

Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Recast
Legislative instrument	Regulation
	Repealing Regulation (EC) 1371/2007 2004/0049(COD)
Legal basis	Treaty on the Functioning of the EU TFEU 091-p1
Other legal basis	Rules of Procedure EP 159
Mandatory consultation of other institutions	European Economic and Social Committee European Committee of the Regions
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/9/01273

Documentation gateway					
Legislative proposal		COM(2017)0548	27/09/2017	EC	Summary
Document attached to the procedure		SWD(2017)0317	27/09/2017	EC	
Document attached to the procedure		SWD(2017)0318	27/09/2017	EC	
Economic and Social Committee: opinion, report		CES4887/2017	18/01/2018	ESC	
Committee draft report		PE618.100	26/02/2018	EP	
Amendments tabled in committee		PE619.398	03/04/2018	EP	
Amendments tabled in committee		PE619.400	03/04/2018	EP	
Committee opinion	IMCO	PE619.085	05/06/2018	EP	
Committee report tabled for plenary, 1st reading/single reading		A8-0340/2018	18/10/2018	EP	Summary
Text adopted by Parliament, 1st reading/single reading		T8-0462/2018	15/11/2018	EP	Summary
Commission response to text adopted in plenary		SP(2018)838	19/12/2018	EC	
Committee draft report		PE663.272	27/01/2021	EP	
Commission communication on Council's position		COM(2021)0040	02/02/2021	EC	
Council position		12262/1/2020	04/02/2021	CSL	
Amendments tabled in committee		PE689.552	02/03/2021	EP	
Committee recommendation tabled for plenary, 2nd reading		A9-0045/2021	17/03/2021	EP	Summary
Text adopted by Parliament, 2nd reading		T9-0150/2021	29/04/2021	EP	Summary
Draft final act		00010/2021/LEX	29/04/2021	CSL	

Additional information	
Research document	Briefing

Rail passengers? rights and obligations. Recast

PURPOSE: to update EU rules on rail passenger rights in order to better protect users in the event of delays, cancellations or discrimination.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: by virtue of [Regulation \(EC\) No 1371/2007](#), which entered into force in December 2009, rail passengers have rights to information, reservations and tickets, assistance, care and compensation in the event of a delay or cancellation, free of charge assistance (for persons with disabilities), compensation in the event of an accident or quick access to a complaint handling system.

In its [2013 report](#) on the application of the Regulation, the Commission highlighted certain problematic areas which were confirmed by an impact assessment in 2016/2017.

With this proposal to recast the existing legislation, the Commission wishes to better protect passengers no matter where they travel in the EU. It aligns rail with general aspects of passenger rights legislation on other transport modes, notably non-discrimination, contingency planning, disability training, complaint handling and enforcement.

IMPACT ASSESSMENT: policy options were broken down, in a sequential approach analysing and comparing costs and benefits and selecting a preferred policy scenario per theme: (i) exemptions; (ii) the applicability of the rights of persons with reduced mobility to all services; (iii) information for persons with reduced mobility; (iv) assistance to persons with reduced mobility; (v) handling of complaints and monitoring of enforcement by national enforcement agencies; (vi) definition of throughticket; (viii) force majeure; (ix) information for all travellers; (x) non-discrimination.

CONTENT: the main elements of proposal recasting Regulation (EC) No 1371/2007 are as follows:

Uniform application of rules: to date, many Member States have frequently used national exemptions, which deprive travellers to a large extent of their rights. The proposal:

- removes exemptions for long-distance domestic services by 2020;
- removes exemptions for cross-border urban, suburban and regional services;
- requires that Member States grant exemptions only if they can prove that passengers are adequately protected on their territory.

The Commission proposal updates the existing rules on rail passenger rights in five key areas:

Information and non-discrimination: in order to improve provision of information about passenger rights at booking, the proposal:

- requires such information to be printed on the ticket or electronically. Notices informing passengers of their rights have to be placed in prominent positions in stations and on board;
- provides for passengers to be given fuller information on through tickets. Railway undertakings and ticket vendors have to make efforts to offer through tickets. They must prove that they informed passengers where their passenger rights do not apply to the whole journey but only to its segments;
- introduces a general clause prohibiting any form of discrimination, e.g. based on nationality, residence, location or currency of payment.

Better rights for persons with disabilities or reduced mobility: mandatory right to assistance on all services and full compensation for loss or repair of mobility equipment. Relevant information has to be given in accessible formats and rail staff must receive disability awareness training.

Enforcement, complaint-handling and sanctions: the proposal clarifies the procedure and deadlines for passengers to lodge complaints. It specifies the responsibilities of national enforcement bodies in cross-border cases and requires them to cooperate effectively.

Force majeure: in 2013, the Court of Justice of the European Union ruled that the current Regulation does not allow for railway undertakings to be exempted from compensating passengers for delays caused by force majeure, thus creating a distinction between rail and other modes of transport.

The proposal introduces a 'force majeure' clause which would exempt railway undertakings from paying compensation for delays only in very exceptional situations caused by severe weather conditions and natural disasters.

DELEGATED ACTS: the proposal contains provisions empowering the Commission to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union.

Rail passengers? rights and obligations. Recast

The Committee on Transport and Tourism adopted the report by Bogusław LIBERADZKI (S&D, PL) on the proposal for a regulation of the European Parliament and of the Council on rail passengers rights and obligations (recast).

The committee recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the Commission's proposal as follows.

Purpose and objectives: Members considered that the Regulation should establish rules applicable to rail transport to provide for effective protection of passengers and encourage rail travel as regards the following:

- non-discrimination between passengers with regard to transport and ticketing conditions;
- passengers' rights and compensation in the event of disruption such as cancellation or delay;
- minimum, accurate and timely information to be provided in accessible format to passengers, including the conclusion of transport contracts and the issuing of tickets.

Passenger rights and information: users rights to rail services include the receipt of information regarding those services and related matters both before and during and after the journey. Railway undertakings and ticket vendors shall provide this information, as soon as possible, in advance, or at least at the start of the journey. That information shall be provided in accessible formats for persons with disabilities or persons with reduced mobility and shall be available publicly. Railway undertakings shall provide this information to ticket vendors and other railway undertakings selling their services.

Information to travellers shall also be provided on possible connections with other modes of transport. Railway undertakings in cooperation with station managers and infrastructure managers shall indicate in timetables information about accessible train connections and stations.

Tickets: 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.

Members called for the booking of those tickets to 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.

Any restriction on the possibility of purchasing tickets on board a train should be both reasonable and justifiable.

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. Tickets bought on board the train shall not cost more than the relevant standard fare for the journey concerned with any applicable discounts.

An amendment stipulated that railway undertakings shall provide non-discriminatory access to all travel information, including real-time operational information on timetables and tariffs data, through application programming interfaces (APIs).

Bicycles: 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. No later than two years after the entry into force of the Regulation, all new or refurbished trains should have a well indicated designated space for the carriage of at least eight assembled bicycles. Passengers should be informed of the space available for bicycles.

Compensation for delays: Members supported an increase in compensation, which means that a traveller who is delayed between the place of departure and the destination indicated on the ticket would be entitled to request compensation of:

- 50% of the ticket price for a delay of between 45 and 89 minutes;
- 75% of the ticket price for a delay of between 90 and 119 minutes;
- 100% of the ticket price for a delay of 120 minutes or more.

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.

Persons with disabilities: Members clarified rules to ensure free assistance in stations for people with reduced mobility or disabilities. Railway undertakings and station managers shall, when complying with the TSI for persons with reduced mobility, also ensure that the station, platforms, rolling stock and other facilities are accessible to persons with disabilities and persons with reduced mobility. Where necessary, the needs of certified service animals would also be taken into account.

Assistance in stations shall be provided during the operating hours of the railway services provided that the railway undertaking has been notified, at least 12 hours in advance, of the need for assistance of the disabled person or person with reduced mobility.

Members also specified that railway operators and station managers have a responsibility to fully and promptly compensate passengers for any damaged or lost mobility equipment, or for the loss or injury of a service animal.

Complaints: rail passengers may 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. Complaints may be made by organisations representing groups of passengers. The Commission shall adopt a standardised EU complaint form that passengers may use to apply for compensation in accordance with this regulation.

Rail passengers? rights and obligations. Recast

The European Parliament adopted by 533 to 37, with 47 abstentions, a resolution on the proposal for a regulation of the European Parliament and of the Council on rail passengers rights and obligations (recast).

The European Parliament's position adopted at first reading under the ordinary legislative procedure amends the Commission's proposal as follows.

Purpose and objectives: the Regulation should establish rules applicable to rail transport to provide for effective protection of passengers and encourage rail travel as regards the following:

- non-discrimination between passengers with regard to transport and ticketing conditions;
- passengers' rights and compensation in the event of disruption such as cancellation or delay;

- minimum, accurate and timely information to be provided in accessible format to passengers, including the conclusion of transport contracts and the issuing of tickets.

Passenger rights and information: users rights to rail services include the receipt of information regarding those services and related matters both before and during and after the journey.

Railway undertakings and ticket vendors should provide this information, as soon as possible, in advance, or at least at the start of the journey. That information shall be provided in accessible formats for persons with disabilities or persons with reduced mobility and shall be available publicly. Railway undertakings shall provide this information to ticket vendors and other railway undertakings selling their services.

Travellers shall also be provided with information on possible connections with other modes of transport as well as information on accessible train connections and stations. An amendment also stipulates that railway undertakings should provide non-discriminatory access to all information on journeys, including real-time operational data and tariffs through application programming interfaces (APIs).

Tickets: railway undertakings, ticket vendors and tour operators shall offer direct tickets, through-tickets and reservations, including for journeys across borders or involving night trains and journeys with more than one railway undertaking. They should also offer the possibility of purchasing tickets on board a train unless this is limited or denied on well justifiable grounds.

Where there is no ticket office or accessible ticketing machine in the station of departure, or any other means of purchasing tickets in advance, passengers should be permitted to buy tickets on board the train at no extra cost.

Passengers with bicycles: 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. No later than two years after the entry into force of the Regulation, all new or refurbished trains should have a well-indicated designated space for the carriage of at least eight assembled bicycles. Passengers should be informed of the space available for bicycles.

Compensation for delays: Parliament supported an increase in compensation, which means that a traveller who is delayed between the place of departure and the destination indicated on the ticket would be entitled to request compensation of:

- 50% of the ticket price for a delay of between 60 and 90 minutes;
- 75% of the ticket price for a delay of between 90 and 120 minutes;
- 100% of the ticket price for a delay of 121 minutes or more.

Members rejected the Commissions proposals aiming to exempt railway operators from paying compensation in the event of exceptional circumstances.

Missed connection: where it is expected, either at departure or in the event of a missed connection in the course of a journey that arrival at the final destination of an end-to-end journey under the transport contracts will be subject to a delay of more than 60 minutes or cancelled, the passenger shall have the possibility of continuing or re-routing, under comparable transport conditions and at no additional costs, to the final destination at the earliest opportunity, including in the event of missed connection due to delay or cancellation of the passengers earlier leg in the course of a journey. In such case, the passenger shall be allowed on the next service available to the final destination even if there is no specific reservation or the next train is operated by another railway undertaking.

Members specified that where a passenger receives separate tickets for a single journey or combined 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 or combined journey from the departure to the final destination.

Persons with disabilities: Parliament clarified rules to ensure free assistance in stations for people with reduced mobility or disabilities. Railway undertakings and station managers shall, when complying with the TSI for persons with reduced mobility, also ensure that the station, platforms, rolling stock and other facilities are accessible to persons with disabilities and persons with reduced mobility.

Assistance in stations shall be provided during the operating hours of the railway services provided that the railway undertaking has been notified, at least 12 hours in advance, of the need for assistance of the disabled person or person with reduced mobility. In larger stations, no pre-notification is needed, however, the person in need of assistance shall be at the respective station at least 30 minutes before the departure of the train. In stations where daily traffic is between 2 000 and 10 000 passengers per day, the notification shall be reduced to maximum three hours.

Members also specified that railway operators and station managers have a responsibility to fully and promptly compensate passengers for any damaged or lost mobility equipment, or for the loss or injury of a service animal.

Complaints: rail passengers may 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. Complaints may be made by organisations representing groups of passengers. The Commission shall adopt a standardised EU complaint form that passengers may use to apply for compensation in accordance with this regulation.

Rail passengers? rights and obligations. Recast

The Committee on Transport and Tourism adopted the recommendation for second reading contained in the report by Bogus?aw LIBERADZKI (S&D, PL) on the Council position at first reading with a view to the adoption of a regulation of the European Parliament and of the Council on rail passengers rights and obligations (recast).

The committee recommended that Parliament approve the Council position at first reading.

The Council position is in line with the provisional agreement reached during the interinstitutional negotiations.

The main elements of the agreement are as follows:

People with reduced mobility

From 30 June 2026, people with reduced mobility (PRM) should be able to receive assistance during their journey by giving the company only

24h pre-notification. A 36h pre-notification should apply in the meantime.

PRMs should be able to travel if needed with an accompanying person or an assistant dog free of charge.

Re-routing

In the event of a delay of more than 100 minutes, rail operators would be obliged to offer rerouting options to passengers, regardless of the circumstances, and help them find the best alternative. If circumstances require, meal and refreshment should be provided and accommodation costs reimbursed.

Bicycle parking

Railways should provide dedicated space on board for bicycles: all new or refurbished rolling stock should be equipped with at least four bicycle spaces, with the possibility of providing more. If bicycles are not accepted on board a particular train, reasons should be given and the passenger may be entitled to a refund.

Through tickets

Operators should be obliged to offer through-tickets for journeys involving successive rail services. This new obligation should apply from the date of application of the regulation for international and long-distance services and after five years also for regional services.

Passenger information and force majeure

Overall provisions on information to passengers have been strengthened, especially in case of delays where an obligation to keep them informed of developments as soon as the information is available will be mandatory. Operators would not be obliged to pay compensation for delays in cases of force majeure resulting from unforeseen circumstances such as extreme weather conditions, a major natural disaster or a major public health crisis outbreak. However, other reimbursements would still have to be made.

Application of the derogations

The new rules should apply after two years. The current derogations for domestic rail services should be eligible for a final extension of five years for those Member States that make use of them. Member States may decide, under specific circumstances to partly exempt cross-border regional, urban and suburban services.

However, Member States may not grant derogations to cross-border services with regard to the rights of persons with reduced mobility, the carriage of bicycles and the provisions on through-ticketing and re-routing.

Rail passengers? rights and obligations. Recast

The European Parliament adopted a legislative resolution approving the Council position at first reading with a view to the adoption of a regulation of the European Parliament and of the Council on rail passengers' rights and obligations (recast).

The general objective of the proposal is to strengthen rail passenger rights by better protecting train travellers in case of delays, cancellations or discrimination and reduce the burden on railway undertakings in specific cases, in particular related to delays caused by external reasons and outside the control of the railway undertaking (force majeure).

Disabled persons and persons with reduced mobility (PRM)

The Council position aligns the rights of persons with reduced mobility in the regulation with other legal instruments, including in particular the EU accessibility legislation (Directive (EU) 2019/882 on accessibility requirements for products and services) and the UN Convention on the Rights of Persons with Disabilities, and to ensure consistency with them.

Requests for assistance at stations should be sent 24 hours before the journey, instead of the current 48 hours, and at no extra cost; however, Member States should authorise, until 30 June 2026, the extension of this deadline to 36 hours. People with reduced mobility should be able to travel if needed with accompanying person or an assistant dog free of charge.

Installation of bicycle spaces on board rolling stock

In order to encourage green mobility, railway companies should provide specific spaces on board for bicycles: all new or renovated rolling stock should be equipped with at least four bicycle spaces, with the possibility of providing more. If bicycles are not accepted on board a particular train, reasons must be given and the passenger may be entitled to a refund. The railway undertaking may, where appropriate, charge a reasonable fee.

The railway undertaking should also publish information on the availability of such bicycle spaces.

Right to self-rerouting

If delays of over 100 minutes occur, rail operators will be under the obligation to offer rerouting options to passengers whatever the circumstances and help them find the best alternatives, as it is the case with air carriers. In case circumstances so require, meal and refreshment will need to be provided and accommodation costs will be reimbursed.

The minimum amount of compensation for delays remains unchanged (25% of the ticket price for a delay of 60 to 119 minutes and 50% of the ticket price for a delay of 120 minutes or more).

Through-tickets

Operators are obliged to offer through-tickets for services that are operated by a sole railway undertaking. This new obligation should apply from the date of application for international and long-distance services and after five years for regional services.

Real-time passenger information and force majeure

In the event of delays, where it will be mandatory to communicate all information to passengers as soon as it becomes known. In specific cases, the Member State can grant an exemption of nine years to the infrastructure manager.

In case of force majeure resulting from unforeseen circumstances such as extreme weather conditions, a major natural disaster or the occurrence of a serious public health crisis, including pandemics, operators would only be discharged of paying the compensation, whereas other reimbursements would still need to be made.

Complaint handling

The Commission should develop a template for requesting compensation and reimbursement and to ensure such forms are available in an accessible format for people with reduced mobility. Further, the cooperation between National Enforcement Bodies is improved, in particular through the introduction of the concept and the designation of a "lead body" for complex cases.

Use of exemptions

The new rules will enter into force after 24 months so as to allow operators and authorities to prepare for a smooth transition. The Council position foresees that current exemptions for domestic rail services should be eligible for a final extension of five years for those Member States that have been making use of these derogations. Member States can also decide, under specific circumstances and for an undetermined period, to partly exempt cross-border regional, urban and suburban services.

However, Member States cannot exempt the rights of persons with reduced mobility, bicycle carriage and the provisions on through-tickets and re-routing from cross-border services.