













# Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	2017/0237(COD) Awaiting Council's 1st reading position
Rail passengers? rights and obligations. Recast Repealing Regulation (EC) 1371/2007	<a href="#">2004/0049(COD)</a>
Subject 3.20.02 Rail transport: passengers and freight	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 <a href="#">Transport and Tourism</a>		25/10/2017
		S&D <a href="#">LIBERADZKI Bogusław</a>	
		Shadow rapporteur	
		 <a href="#">HORTEFEUX Brice</a>	
		 <a href="#">BAUZÁ DÍAZ José Ramón</a>	
		 <a href="#">HAIDER Roman</a>	
		 <a href="#">DEPÁRNAY-GRUNENBERG Anna</a>	
		 <a href="#">POREBA Tomasz Piotr</a>	
		 <a href="#">FERREIRA João</a>	
	Former committee responsible		
 <a href="#">Transport and Tourism</a>			25/10/2017
	S&D <a href="#">LIBERADZKI Bogusław</a>		
	Former committee for opinion		
 <a href="#">Internal Market and Consumer Protection</a>			04/12/2017
	GUE/NGL <a href="#">DE JONG Dennis</a>		
	Former committee for opinion on the recast technique		
 <a href="#">Legal Affairs</a>			
Council of the European Union	Council configuration	Meeting	Date
	<a href="#">Transport, Telecommunications and Energy</a>	<a href="#">3658</a>	03/12/2018
	<a href="#">Transport, Telecommunications and Energy</a>	<a href="#">3623</a>	07/06/2018
European Commission	Commission DG	Commissioner	
	<a href="#">Mobility and Transport</a>	BULC Violeta	
European Economic and Social Committee			

### Key events

27/09/2017	Legislative proposal published	<a href="#">COM(2017)0548</a>	Summary
05/10/2017	Committee referral announced in Parliament, 1st reading/single reading		
07/06/2018	Debate in Council	<a href="#">3623</a>	
09/10/2018	Vote in committee, 1st reading/single reading		
18/10/2018	Committee report tabled for plenary, 1st reading/single reading	<a href="#">A8-0340/2018</a>	Summary
14/11/2018	Debate in Parliament		
15/11/2018	Results of vote in Parliament		
15/11/2018	Decision by Parliament, 1st reading/single reading	<a href="#">T8-0462/2018</a>	Summary
03/12/2018	Debate in Council	<a href="#">3658</a>	
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		

### 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 <a href="#">2004/0049(COD)</a>
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	<a href="#">European Economic and Social Committee</a> <a href="#">European Committee of the Regions</a>
Stage reached in procedure	Awaiting Council's 1st reading position
Committee dossier	TRAN/8/11122

### Documentation gateway

Legislative proposal	<a href="#">COM(2017)0548</a>	27/09/2017	EC	Summary
Document attached to the procedure	<a href="#">SWD(2017)0317</a>	27/09/2017	EC	

Document attached to the procedure		SWD(2017)0318	27/09/2017	EC	
Economic and Social Committee: opinion, report		<a href="#">CES4887/2017</a>	18/01/2018	ESC	
Committee draft report		<a href="#">PE618.100</a>	26/02/2018	EP	
Amendments tabled in committee		<a href="#">PE619.398</a>	03/04/2018	EP	
Amendments tabled in committee		<a href="#">PE619.400</a>	03/04/2018	EP	
Committee opinion	IMCO	<a href="#">PE619.085</a>	05/06/2018	EP	
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A8-0340/2018</a>	18/10/2018	EP	Summary
Text adopted by Parliament, 1st reading/single reading		<a href="#">T8-0462/2018</a>	15/11/2018	EP	Summary
Commission response to text adopted in plenary		<a href="#">SP(2018)838</a>	19/12/2018	EC	

### Additional information

Research document

[Briefing](#)

## 2017/0237(COD) - 27/09/2017 Legislative proposal

**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 through ticket; (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.

## 2017/0237(COD) - 18/10/2018 Committee report tabled for plenary, 1st reading/single reading

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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.

## 2017/0237(COD) - 15/11/2018 Text adopted by Parliament, 1st reading/single reading

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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.