

Rail passengers? rights and obligations. Recast

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.