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

2004/0049(COD) - 14/08/2013 - Follow-up document

This report **on the Application of Regulation (EC) No 1371/2007 on Rail Passengers' Rights and Obligations** is presented by the Commission in accordance with Article 36 of the Regulation. It also provides elements regarding an adequate coverage of railway undertakings' liabilities in case of accidents, as required by Article 12 of the Regulation.

The report's main conclusions are as follows:

- The overall application and enforcement of the Regulation is satisfactory under the current market situation, even if not all objectives of the Regulation have been reached (e.g. an increased rail market share). Further market opening, as proposed in the 4th railway package, **will, however, require further efforts by railways and Member States to ensure appropriate passenger protection**.

- According to national enforcement bodies (NEBs) and consumer organisations, the railway industry generally shows a **positive approach** towards implementation. **No deliberate, severe or systematic non-compliance has been detected**.

- However, despite the overall positive picture, certain Member States and railway undertakings need to make **additional efforts** to improve application and enforcement.

- A major issue inherent in the Regulation is that it allows Member States to exempt the majority of their railway services from most of its provisions. The Commission considers the extensive use of exemptions as a serious obstacle to the fulfilment of the Regulation's objectives. The application of different regimes for domestic and intra-EU international services is not consistent with the wider policy objective of a single European Railway Area and creates barriers for operators who operate in several Member States.

- Moreover, **enforcement is lagging behind** in some Member States. Either there is no fully-fledged NEB, or the NEB is not fully empowered or not sufficiently independent. **Some Member States still need to define effective, appropriate and dissuasive sanctions**.

Another issue of concern is the **insufficient cover for liabilities in case of accidents** in two Member States.