

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

2004/0049(COD) - 11/03/2015 - Follow-up document

The Commission adopted a report on the exemptions granted by Member States under Regulation (EC) 1371/2007 on rail passengers' rights and obligations.

The aim of the Regulation is to protect the rights of rail passengers in the EU, particularly when travel is disrupted, and to improve the quality and effectiveness of rail passenger services.

Whilst, in principle, the Regulation applies to all rail passenger services in the EU, the Regulation allows Member States to grant exemptions to domestic long distance rail passenger services to ease the phasing-in of the Regulation.

In view of the specific character of urban, suburban and regional rail passenger services, the Regulation also allows Member States to exempt these services from the application of the Regulation.

Status quo of exemptions: from the entry into force of the Regulation on 3 December 2009 to the end of the first five year period on 2 December 2014, the report noted that:

- **only four Member States have decided to apply the Regulation in full without opting for any exemptions:** *Denmark, Italy, the Netherlands and Slovenia*;
- five Member States have decided to adopt full exemptions so that only the mandatory provisions referred to in the Regulation apply: *Bulgaria, France, Ireland, Latvia and Romania*;
- three Member States have granted exemptions to their long distance domestic services but not to their urban, suburban or regional services: *Belgium, Czech Republic and Lithuania*;
- five Member States have not applied any exemptions for domestic (long distance) services, but only for urban, suburban and regional services: *Austria, Finland, Germany, Luxembourg and Sweden*;
- *Belgium* has exempted its long distance national services only from the right to information during the journey. *Spain* has only exempted long distance domestic services from an Article on complaints handling;
- nine Member States have granted exemptions in relation to specific articles: *Croatia, Estonia, Greece, Hungary, Poland, Portugal, Spain, Slovakia and the UK*;
- ten Member States have granted either full or partial exemptions to rail passenger services or journeys of which a significant part is operated outside the EU: *Bulgaria, Croatia, Estonia, Finland, Greece, Hungary, Latvia, Lithuania, Poland and Romania*.

Outlook after 3 December 2014: the report also looked at the future situation as regards the application of the Regulation and notably the potential renewal of exemptions by Member States. According to the

information received from Member States, **the situation will not change significantly after 3 December 2014**, with potentially only five Member States which will apply the Regulation in full and 21 which will continue to grant exemptions to varying degrees.

In conclusion, the report noted that Member States granted extensive exemptions during the first five years of application of Regulation (EC) No 1371/2007, and **only very modest improvements can be expected in the near future**.

The Commission considered that a level playing field for railway undertakings and a high level of protection for passengers in the EU is thus still far from a reality.