

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

2004/0049(COD) - 19/04/2005

The committee adopted the report by Dirk STERCKX (ELDR, BE) amending the proposal under the 1st reading of the codecision procedure:

- a new clause specified that the Regulation would implement certain provisions of the international COTIF Convention, while also containing a number of supplementary provisions. MEPs argued that incorporating the COTIF provisions would create a framework applicable in 42 countries (the Member States plus a number of countries bordering on the EU);
- the rights and obligations established by the Regulation should apply to all rail passengers and not just to international rail passengers. MEPs said that the scope of the regulation as proposed by the Commission was confusing, in that passengers travelling on the same train would be subject to different rules depending on whether they were undertaking a domestic or an international journey;
- the committee amended the over-elaborate definition of "delay", which it said should simply be defined as "the time between the arrival scheduled in the timetable and real-time arrival of the service". It added that alterations to the timetable which are announced to passengers at least 48 hours in advance should not be defined as delays;
- the definition of "consequential damages" should be deleted and replaced by a more realistic formulation to align it with the regulation on denied boarding in air travel. A new paragraph should be inserted into Article 15 to make it clear that the regulation is without prejudice to passengers' rights to further compensation, e.g. on the basis of rights derived from domestic law;
- to achieve a more coherent structure, all provisions on death or injury of passengers should be placed in a single chapter, as should all provisions concerning damage and loss and all provisions concerning delays;
- railway companies should not be liable in the event of death or injury caused by accidents due to natural disasters, acts of war or terrorism;
- the provisions on compensation for death and injury should be brought into line with those relating to air travel;
- the limit on compensation for the loss of hand luggage should be raised in the case of loss or damage to the mobility equipment (i.e. wheelchairs) of people with reduced mobility;
- compulsory compensation should apply only in the case of delays which exceed one hour, rather than 30 minutes as proposed by the Commission. The committee proposed that the distinction between ordinary services and high-speed services for the purpose of determining compensation should be abolished. MEPs proposed the following minimum compensation to be paid to passengers for delays: 25% of the fare for a delay of 60 minutes or more; 50% for a delay of 120 minutes or more; 75% for a delay of 180 minutes and more. This compensation should be paid no later than one month after the application has been made;
- passengers who hold a season ticket and encounter repeated delays or cancellations should receive compensation in the form of free journeys, price reductions or an extension of the period of validity of a season ticket;

- lastly, it should be ensured that passengers with disabilities should not have to pay higher fares than non-disabled passengers.