

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

2004/0049(COD) - 28/09/2005 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted the resolution drafted by Dirk **STERCKX** (ELDR, BE) amending the Proposal and making some important changes to the Commission's text. (Please see the summary dated 19/04/2005 for the principal amendments.) The most significant is the extension of the proposal's scope to cover national services. All passengers in all national and international trains would for example be eligible for financial compensation in the event of significant delays. The European Commission only proposed compensation in the context of cross-border services. Parliament suggested that passengers with season tickets should be offered free trips, price reductions or an extension of the validity of their season ticket to compensate for delays and train cancellations. It also reviews levels of compensation proposed by the Commission:

- 25% of the fare for a delay of 60 minutes or more;
- 50% for a delay of 120 minutes or more and
- 75% for a delay of 180 minutes or more.

The system is therefore simplified in relation to the initial proposal, which provided for compensation calculated according to the extent of the delay and the type of service (high-speed train or other services), with scope for full refunds.

Regarding liability of rail companies in the event of death or injury to passengers, a parliamentary amendment exonerated operators in the event of natural catastrophes or acts of terrorism.

In addition, there were the following amendments:

-Public service contracts, too, must guarantee at least the level of protection provided for in the Regulation. Member States may provide for more extensive rights in domestic legislation or public service contracts. For a period of five years from the entry into force of this Regulation, Member States may request a derogation from this provision. When adopting its decision on the derogation, the Commission shall take into account the situation and development of the rail market in the Member States concerned;

-Parliament amended several definitions, including those of "main railway station" and "reservation" as well as "delay";

-a new clause states that tickets issued in the framework of public service contracts must be distributed at least certain prescribed points of sale;

-If there is no ticket office or selling machine in the railway station of departure, passengers must at least be informed in the railway station of certain alternatives;

-The first priority for railway undertakings shall be to ensure connections and avoid cancellations by with all available means;

-Railway undertakings and station managers must progressively improve the accessibility of stations, platforms and trains to people with reduced mobility by eliminating all remaining obstacles when trains are renewed or replaced, or when platforms and/ or stations are renewed or newly developed;

-During the training of the railway and station staff responsible, particular attention will be paid to the main problems facing people with reduced mobility when travelling by train, so that they can provide the right assistance; this shall be done in consultation with the organisations concerned.