

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

2004/0049(COD) - 18/09/2006 - Commission communication on Council's position

The Commission had made the following general comments on the common position:

- the Council revises the **structure of the regulation** and clearly distinguishes eight chapters (I - General provisions, II - Transport contract, information and ticketing, III - Liability of railway undertakings for passengers and their luggage, IV - Delays, missed connections and cancellation, V – Persons with reduced mobility, VI – Security, complaints and quality of service, VII – Enforcement and VIII – Final provisions). The number of annexes is reduced from four to three, whereby Annex I and II of the Commission proposal are slightly adapted and merged in II, Annex II is incorporated into the text (delay compensation) and the provisions of COTIF/CIV relevant for chapters II, III and V become Annex I;
- the application of Chapter IV on delays is limited to international services and Chapter V on persons with reduced mobility has an extended scope covering also domestic journeys on international services. The Council thus adjusted the scope of the different chapters according to their respective needs;
- contrary to the Commission's proposal, the Council, as well as the European Parliament, limit the duty of railway undertakings to provide **tickets**, through-tickets and respective travel information throughout the EU rail network, to the cases where such information or tickets are available to the rail operator receiving the request;
- the Council and the European Parliament favour the establishment of a **computer reservation and information system** for rail journeys throughout the EU. The relevant legislative measure will be subject to a comitology procedure launched on a proposal to be elaborated with the assistance of the European railway agency;
- the Council, in line with a similar request from the European Parliament, has replaced the Commission's proposal in relation to liability of railway undertakings for passengers or luggage in case of accidents and damage due to delay, missed connection or cancellation by the COTIF/CIV framework. Although such an approach will considerably limit passenger rights for damage compensation, the Commission can accept this modification. Once experience has been gained with the application of the present regulation the Commission may reconsider the issue. Unlike the European Parliament, the Council weakens the request for a minimum level of obligatory insurance cover for liability in case of accidents;
- Council and Parliament want a simplification of the framework originally proposed by the Commission for **ad-hoc compensation and assistance in case of delay, missed-connection or cancellation**, in order to allow its straightforward application to the advantage of passengers. The Commission agrees fully with this simplification;
- the Council is very supportive of rights of **persons with reduced mobility**, and attempts to extent their scope, while, however, limiting some of the duties on station managers and railway undertakings. In general the Commission agrees to the modification, but finds it unfortunate that the Council grants the station manager the right to limit assistance already confirmed in case of purely commercial impediments;
- contrary to Parliament's wishes, the Council has confirmed obligations on the definition and monitoring of quality standards.

The Commission concludes that, whilst it would have preferred an obligation on railway undertakings to offer information on timetables and through-tickets throughout the European railway network as well as a higher commitment by station managers and railway undertakings in relation to the assistance offered to persons with reduced mobility, it considers that the common position adopted unanimously does not alter the aims and approach of its proposal.