

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

2004/0049(COD) - 18/01/2007 - Text adopted by Parliament, 2nd reading

The European Parliament voted on the "third rail package" - three separate reports on opening up rail networks to competition (**COD/2004/0047**), minimum rights for passengers and a European licence for train drivers (**COD/2004/0048**). Wide differences remain between Parliament and the Council, and this legislation is now expected to go to conciliation.

In this report by Dirk **Sterckx** (ALDE, BE) on minimum rights for rail passengers, Parliament stated that it was desirable to extend the scope of the Regulation and protect not only international passengers but domestic passengers too. This conflicts with the Council's position.

The other principal amendments were as follows:

- The Regulation will apply to all rail journeys and services throughout the Community provided by licensed railway undertakings. Temporary exemptions to the provisions applicable to national passenger transport systems should be allowed (for a maximum of 10 years) for some Member States which will be required to make major adjustments, in particular as regards ticket and information systems and reimbursement and compensation schemes. Moreover, those Member States in which public service contracts currently in force already contain arrangements for reimbursement and compensation for delays, missed connections and cancellations may accord railway undertakings a temporary exemption, for a maximum of 10 years. However, new contracts will have to comply immediately with the provisions of the regulation;

- Parliament also redrafted Article 17 to make it clear that persons with reduced mobility can only be denied access to transport in accordance with non-discriminatory access rules determined in advance by railway undertakings and station managers, with the active involvement of representative organisations of persons with reduced mobility. Rail undertakings and station managers must ensure that persons of reduced mobility have access to rolling stock and stations, platforms and other facilities, and that when renovations are carried out or any new rolling stock is purchased accessibility for such persons is guaranteed. New provisions on assistance to persons of reduced mobility were introduced into the regulation, including clarification of the obligations of the station manager and the rail undertaking in an unstaffed station;

- a new clause states that there shall be no financial limits to a rail undertaking's liability for damages in the event of the death or physical injury of a passenger;

- passengers who hold a rail season ticket and who encounter recurrent delays or cancellations during the period of validity of their season ticket may request compensation. This may be paid either in the form of a price reduction on the purchase of a new season ticket or in the form of an extension of the period of validity of the existing season ticket;

- compensation for delays shall always be calculated in relation to the price which the passenger actually paid for the delayed service. In the case of a transport contract such as a travel pass entitling the holder to a number of journeys, compensation shall be calculated in relation to the price for a single journey;

- all trains, including cross-border and high-speed trains, shall provide, where appropriate for a fee, a specially designated area enabling passengers to bring on to the train baby carriages, wheelchairs, bicycles and sports equipment;

- on contesting liability, a new clause states that, even if the railway undertaking contests its responsibility for bodily injury to a passenger whom it conveys, it shall remain the passenger's sole interlocutor and the only entity from which the passenger may claim compensation, without prejudice to redress on grounds of liability which the railway undertaking may seek from third parties;

- lastly, railway undertakings shall publish each year a report on their service quality performance together with their annual report. These results shall be published on the internet website of the railway undertakings and on the website of the competent authorities; they shall also be published on the website of the European Railway Agency, where they shall be presented in an accessible manner, making it possible to compare the results of the railway undertakings.