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

2004/0049(COD) - 22/02/2007 - Commission opinion on Parliament's position at 2nd reading

The Parliament has made certain changes to the common position that are mostly acceptable because they favour the approach taken by the Commission in its proposal and address the Commission’s concerns in relation to the weak commitment by station managers and railway undertakings concerning assistance to be made available to persons with reduced mobility.

The Commission is however also aware that the question of the scope of the regulation, mainly international rail transport services as the Council defends or all EU rail passenger transport, including national services, as requested by the European Parliament, remains the stumbling point to be solved before regulation's final adoption. Although the Commission favours a wide scope to the benefit of a large number of passengers, it is ready to offer all possibly assistance in order to find a workable compromise.

The amendments accepted by the Commission concern the following:

Scope: the Commission can align itself to amendments concerning the extension of the scope to domestic services or any compromise to be found with Member States on this question. The Commission has no difficulties with the request to transport bicycles and sports equipment against charge.

Liability: the Commission accepts a request for unlimited liability in case of fault or negligence of railway undertakings, whereas the Council's common position based on COTIF/CIV allows for national thresholds. The wording of the sole interlocutor provision will need clarification, because, against the EP's own justifications, it seems to restrict passenger's freedom to claim damage.

Rights of persons with reduced mobility: the Commission appreciates, in particular, the re-enforcement of the of station managers' duties in unstaffed stations.

Delay compensation and assistance: the Commission accepts the EP clarification requests, in particular, concerning tickets giving an unlimited access right during a limited period of time to routs or networks ("season tickets").

Information & ticketing, quality and enforcement: the Commission accepts these amendments and appreciates, in particular, the EP's support for the monitoring of quality performance.

Comitology procedure: these amendments align the comitology provisions to Council Decision 2006/512 /EC of 17 July 2006.

With two exceptions the Commission can thus accept all the amendments proposed by the European Parliament. It refuses however the amendment which introduced a legal obligation into this legislation requiring railway operators and station managers to render stations and trains accessible for persons with reduced mobility. Further on the Commission partly refuses the amendments offering railway undertakings the possibility to request a fee for transporting wheelchairs or baby carriages from passengers needing such equipment for reasons of mobility.