

Basic information	
2004/0049(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Railway transport: international rail passengers' rights and obligations. 3rd package	
See also 2005/0241(COD) See also 2008/0237(COD) See also 2008/0246(COD) Repealed by 2017/0237(COD) See also 2000/0145(COD) See also 2001/0305(COD) See also 2005/0007(COD) See also 2006/0130(COD)	
Subject 3.20.02 Rail transport: passengers and freight	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	CODE EP Delegation to Conciliation Committee	STERCKX Dirk (ALDE)	29/01/2007
	Former committee responsible	Former rapporteur	Appointed
	TRAN Transport and Tourism	STERCKX Dirk (ALDE)	26/09/2006
	TRAN Transport and Tourism	STERCKX Dirk (ALDE)	01/09/2004
	Former committee for opinion	Former rapporteur for opinion	Appointed
	IMCO Internal Market and Consumer Protection	The committee decided not to give an opinion.	
	Council configuration	Meetings	Date
	Competitiveness (Internal Market, Industry, Research and Space)	2747	2006-07-24
	Transport, Telecommunications and Energy	2589	2004-06-10

	Agriculture and Fisheries	2819	2007-09-26
	Education, Youth, Culture and Sport	2802	2007-05-24
European Commission	Commission DG	Commissioner	
	Energy and Transport	BARROT Jacques	

Key events			
Date	Event	Reference	Summary
03/03/2004	Legislative proposal published	COM(2004)0143 	Summary
08/03/2004	Debate in Council		
10/06/2004	Debate in Council		
15/09/2004	Committee referral announced in Parliament, 1st reading		
19/04/2005	Vote in committee, 1st reading		Summary
21/04/2005	Debate in Council		Summary
28/04/2005	Committee report tabled for plenary, 1st reading	A6-0123/2005	
27/06/2005	Debate in Council		Summary
27/09/2005	Debate in Parliament		
28/09/2005	Decision by Parliament, 1st reading	T6-0356/2005	Summary
28/09/2005	Results of vote in Parliament		
24/07/2006	Council position published	05892/1/2006	Summary
28/09/2006	Committee referral announced in Parliament, 2nd reading		
19/12/2006	Vote in committee, 2nd reading		Summary
22/12/2006	Committee recommendation tabled for plenary, 2nd reading	A6-0479/2006	
17/01/2007	Debate in Parliament		
18/01/2007	Decision by Parliament, 2nd reading	T6-0005/2007	Summary
18/01/2007	Results of vote in Parliament		
24/05/2007	Parliament's amendments rejected by Council		Summary
05/06/2007	Formal meeting of Conciliation Committee		
31/07/2007	Final decision by Conciliation Committee		
31/07/2007	Joint text approved by Conciliation Committee co-chairs	03637/2007	
12/09/2007	Report tabled for plenary, 3rd reading	A6-0313/2007	
24/09/2007	Debate in Parliament		
25/09/2007	Decision by Parliament, 3rd reading	T6-0403/2007	Summary

25/09/2007	Results of vote in Parliament		
26/09/2007	Decision by Council, 3rd reading		
23/10/2007	Final act signed		
23/10/2007	End of procedure in Parliament		
03/12/2007	Final act published in Official Journal		

Technical information	
Procedure reference	2004/0049(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	See also 2005/0241(COD) See also 2008/0237(COD) See also 2008/0246(COD) Repealed by 2017/0237(COD) See also 2000/0145(COD) See also 2001/0305(COD) See also 2005/0007(COD) See also 2006/0130(COD)
Legal basis	EC Treaty (after Amsterdam) EC 071-p1
Stage reached in procedure	Procedure completed
Committee dossier	CODE/6/45218

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A6-0123/2005	28/04/2005	
Text adopted by Parliament, 1st reading/single reading		T6-0356/2005 OJ C 227 21.09.2006, p. 0087-0490 E	28/09/2005	Summary
Committee draft report		PE378.806	31/10/2006	
Amendments tabled in committee		PE380.842	13/12/2006	
Committee recommendation tabled for plenary, 2nd reading		A6-0479/2006	22/12/2006	
Text adopted by Parliament, 2nd reading		T6-0005/2007	18/01/2007	Summary
Report tabled for plenary by Parliament delegation to Conciliation Committee, 3rd reading		A6-0313/2007	12/09/2007	
Text adopted by Parliament, 3rd reading		T6-0403/2007	25/09/2007	Summary
Council of the EU				
Document type	Reference	Date	Summary	

Council position	05892/1/2006 OJ C 289 28.11.2006, p. 0001-0029 E	24/07/2006	Summary
Draft final act	03637/2007/LEX	24/10/2007	

European Commission

Document type	Reference	Date	Summary
Document attached to the procedure	COM(2004)0140 	03/03/2004	Summary
Legislative proposal	COM(2004)0143 	03/03/2004	Summary
Commission communication on Council's position	COM(2006)0517 	18/09/2006	Summary
Commission opinion on Parliament's position at 2nd reading	COM(2007)0079 	22/02/2007	Summary
Follow-up document	COM(2013)0587 	14/08/2013	Summary
Follow-up document	COM(2015)0117 	11/03/2015	Summary

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	PT_PARLIAMENT	COM(2013)0587	02/04/2014	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
CofR	Committee of the Regions: opinion	CDR0161/2004 OJ C 071 22.03.2005, p. 0026-0029	17/11/2004	
EESC	Economic and Social Committee: opinion, report	CES0119/2005 OJ C 221 08.09.2005, p. 0008-0012	09/02/2005	
CSL/EP	Joint text approved by Conciliation Committee co-chairs	03637/2007	31/07/2007	

Additional information			
Source	Document	Date	
National parliaments	IPEX		
European Commission	EUR-Lex		

Final act

Regulation 2007/1371
OJ L 315 03.12.2007, p. 0014

Summary

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

2004/0049(COD) - 21/04/2005

The Council held a policy debate on the basis of a questionnaire presented by the Presidency on the proposal for a Regulation on International Rail Passengers' Rights and Obligations (Third Railway Package). The Council instructed the Permanent Representatives Committee to continue proceedings on the proposal in the light of the guidelines drawn up at the close of the debate.

The arrangements which the Commission wishes to introduce are prompted partly by the provisions of the COTIF (the Convention concerning International Carriage by Rail) and its CIV Appendix (Uniform Rules concerning the Contract for International Carriage of Passengers and Luggage by Rail), and partly by Community rules adopted for air passengers. At the same time the Commission is proposing new measures.

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 extend 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.

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

2004/0049(COD) - 25/09/2007 - Text adopted by Parliament, 3rd reading

The European Parliament adopted a resolution on the joint text approved by the Conciliation Committee for a regulation of the European Parliament and of the Council on rail passengers' rights and obligations. It approved the joint text.

The key points of the agreement reached on the scope of the Regulation (Article 2) can be summarised as follows:

- the Regulation will apply to all rail journeys and services provided by licensed railway undertakings;
- when the Regulation enters into force in late 2009, all rail passengers will enjoy a set of basic rights (covering, for example, companies' liability for passengers and their luggage, and the right to transport of people with reduced mobility);
- Member States may exempt long-distance domestic rail services from the other provisions of the Regulation for an initial period of five years, which may subsequently be extended for two further periods of up to five years;
- with the exception of the basic rights which will apply universally, Member States may grant urban, suburban and regional services an indefinite exemption;
- the Commission is required to take appropriate action if an exemption granted by Member States is deemed to be not in accordance with the provisions of Article 2.

Other important elements of the overall agreement are:

- if Member States grant exemptions from the Regulation, they should encourage railway undertakings, in consultation with organisations representing passengers, to put in place arrangements for compensation and assistance in the event of major disruption of a rail service;
- railway undertakings must inform passengers of their rights and obligations under the Regulation. They may make use of a summary of its provisions to be drawn up by the Commission in all official languages;
- companies must put in place non-discriminatory access rules for the transport of disabled people and persons with reduced mobility. At unmanned stations, railway undertakings must make every reasonable effort to give disabled people and persons with reduced mobility access to travel by rail;
- carriage of baby carriages and wheelchairs is covered by the provisions of the Regulation dealing with disabled people and persons with reduced mobility, and by COTIF. A new Article in the Regulation provides that railway undertakings must enable passengers to bring bicycles on to a train, if appropriate for a fee, provided they are easy to handle, that the rolling stock permits this, and that the railway service is not adversely affected;
- railway companies must define service quality standards and publish an annual report on how far they have met these. These reports must be put on the website of the railway company concerned, and will also be made available through the website of the European Railway Agency.

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

2004/0049(COD) - 27/06/2005

The Council took note of the Presidency progress report on the proposal for a Regulation on International Rail Passengers' Rights and Obligations (third Railway Package). The Council held a policy debate at the TTE Council meeting on 21 April 2005 during which the Member States expressed their positions on the key points of the proposal. On this basis, the Luxembourg Presidency has prepared a new text of the Regulation on which the Council bodies are still working.

The proposal includes provisions concerning:

- the establishment of an international, integrated information and reservation system;
- greater liability for railway undertakings in the event of death or injury of passengers in comparison with the COTIF/CIV system;
- a more generous compensation scheme than under the COTIF/CIV system in the event of a delay, missed connection or cancellation of services;
- assistance for persons with reduced mobility.

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.

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

2004/0049(COD) - 03/03/2004

The European Commission presents a communication on the further integration of the European rail system: third railway package. The introduction of the new European regulatory framework for rail transport is progressing in line with the reform objectives set out in the White Paper European transport policy for 2010: Time to decide. These objectives place the revitalisation of the rail sector at the heart of the sustainable mobility strategy and, to this end, seek to improve the attractiveness and competitiveness of more environmentally friendly modes of transport. They also seek to put customers, and in particular passengers, at the centre of a high-quality transport system. In its Communication introducing the second railway package, the Commission put forward an implementation schedule for the measures set out in the White Paper for the phase following the second railway package. This document discusses the current status of the measures proposed in that package. The implementation of the measures is now set to continue by means of four new proposals: -a proposal for a Directive on the certification of locomotive and train drivers engaged in the carriage of passengers and goods in the Community. To enable train drivers to operate in the future integrated European railway area, it is important that action be taken now to set up a certification system which fully recognises the specific skills needed to drive a train and at the same time facilitates driver movement and mobility. The certification system thus needs to be based on a clear and logical distinction between two levels. Firstly, general knowledge, which is comparable to basic training, acquired by each individual. This general knowledge does not relate to a specific infrastructure or a particular network. It needs to be recognised and to be valid throughout the Community. Its recognition needs to be authenticated by a licence granted to the individual

driver. Secondly, specific knowledge, relating to a specific route. This needs to encompass line knowledge, the rolling stock and the operating procedures of the particular railway undertaking. Accordingly, recognition of this knowledge must necessarily be restricted to a specific context. The Community instrument proposed observes these simple principles, in that it provides for a single document valid throughout the Community for the first level, and a series of certificates for the second. To be able to operate, drivers will therefore need to be in possession of a licence and a certificate (or several certificates) relating to the railway undertaking which employs them, the line they will be working on and the rolling stock they will be operating. - a proposal for a Regulation on international rail passengers' rights. Access to information and fares, and the option of buying international rail tickets easily, are the very least that is needed to make rail services attractive. In addition, a framework is required for liability in the event of accidents or incidents during a journey or in the event of delay. The principle of compensation also needs to be acknowledged, and thresholds set for the amount of compensation depending on the type of journey. The various channels for making appeals and handling complaints need to be clearly identified so as to facilitate passenger transactions. Lastly, account needs to be taken of the particular needs of people with reduced mobility. These arrangements to protect passengers' rights will be all the more vital once the market is opened up for certain services. The combination of an open market and a rigorous framework of passengers' rights should generate a positive dynamic in which international rail services improve in quality and become more attractive compared with competing modes, notably air travel, which has its own increasingly detailed framework to protect passengers' rights. - a proposal for a Directive on opening up the market for rail passenger transport services. There are two models for opening up to competition. Firstly, a competitive procedure can be used to award a public service contract, accompanied, if necessary, by exclusive rights for a certain period and, where appropriate, by compensation for the public service. This model works well for suburban and regional services. It underpins the Commission's proposal to modernise Regulation No 1191/69 on public service obligations. The other model consists, as for rail freight, in opening up access to the infrastructure for operators wishing to provide services. It should be noted that opening up access rights is not in itself sufficient to create a situation of genuine competition right away. Before operating, potential competitors will need to have: - rolling stock and drivers authorised to move through the Member States in which they plan to operate; - a railway undertaking licence in a Member State; - a safety certificate issued by the national safety authority of each Member State; - infrastructure capacity. This second model, based on free access to the infrastructure, is better suited to long distance services and to specific services where a commercial innovation is likely to attract new customers (e.g. occasional trains, car trains). The high-speed trans-European network, which will be linked up by 2010, could also provide scope for the appearance of new competing services. That is why the proposal now being put forward is designed to take account of the diversity of markets segments by providing a clear and simple link between the area covered by public service contracts (within the meaning of Regulation No 1191/69) and the area open to new initiatives. Under the proposal, all international services would be opened up to competition on 1 January 2010, except for services operating between two specific locations under a public service contract. - a proposal for a Regulation on the quality of rail freight services. The Commission proposes a common base which will apply by default if the railway undertaking and its customer fail to introduce a specific system to improve quality. To that end, the proposal establishes mandatory minimum clauses for transport contracts, failure to include which will make the latter null and void. These clauses include a requirement for the parties to provide for a system of compensation in the event of freight being delayed or damaged. In addition, the directive introduces minimum ceilings for compensation in the event of delay: the parties have to set the amount by mutual agreement in the transport contract, but in order to provide a reasonable economic incentive the compensation may not be less than 5% of the cost of the transport. The Commission believes this proposal will act as a strong incentive for railway undertakings and their customers to take a contractual approach to quality management.

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

2004/0049(COD) - 23/10/2007 - Final act

PURPOSE: to establish international rail passengers' rights and obligations in order to improve the efficacy and the attractiveness of international rail passenger services (third rail package).

LEGISLATIVE ACT: Regulation (EC) N° 1371/2007 of the European Parliament and of the Council on rail passengers' rights and obligations.

CONTENT: the Council adopted three legislative proposals forming the third rail package, namely:

- this Regulation on rail passengers' rights and obligations;
- a Directive on the development of the Community's railways (see [COD/2004/0047](#));
- and a Directive on the certification of onboard personnel ensuring the operation of locomotives and trains (see [COD/2004/0048](#)).

The three legal acts were adopted pursuant to the joint draft texts, agreed by the Council and the European Parliament through an exchange of letters on 20 and 21 June 2007, in the framework of the conciliation procedure.

This Directive on rail passengers' rights and obligations aims to strengthen and improve the rights of rail passengers. It applies to all rail journeys and services throughout the Community provided by one or more railway undertakings. Member States may exempt from the application of the provisions of this Regulation urban, suburban and regional rail passenger services, with the exception of the following provisions which will apply to all rail passenger services as from the entry into force of the Regulation: availability of tickets, responsibility for passengers and luggage, insurance, the right to transport for disabled persons and persons with reduced mobility and personal safety of travellers.

Member States will be granted a transition period of 5 years, which can be renewed twice for a maximum length of 5 years, in order to apply the provisions of the Regulation on national rail passenger services. The Commission shall take appropriate measures if an exemption granted by a Member State does not comply with the provisions of the Regulation.

Concretely, the Regulation establishes rules concerning:

- information that railway undertakings must provide, the conclusion of transport contracts, the issue of tickets and implementation of a computerised information and booking system for rail transport;

- the responsibility of railway undertakings to passengers in the event of delay, missed connection or cancellation: compensation is set at 25 % of the ticket price for a delay of 60 to 119 minutes and at 50 % of the ticket price for a delay of 120 minutes or more. In the case of any delay of more than 60 minutes, passengers shall also be offered free of charge: (a) meals and refreshments in reasonable relation to the waiting time, if they are available on the train or in the station; and where physically possible: (b) hotel or other accommodation, and transport between the railway station and place of accommodation; (c) if the train is blocked on the track, transport from the train to the railway station;
- the definition and monitoring of service quality standards, the management of risks to the personal security of passengers and the handling of complaints. Railway undertakings must define service quality standards and publish an annual report on how these standards have been observed. These reports shall be published on the Internet website of the railway undertakings and made available on the Internet website of the European Railway Agency;
- assistance to disabled persons and persons with reduced mobility travelling by rail: railway undertakings must establish rules of non-discriminatory access to transport for these persons. In unstaffed stations, railway undertakings must take all reasonable measures to ensure access to rail transport for disabled persons and persons with reduced mobility. The transport of pushchairs and wheelchairs is covered by the provisions of the Regulation concerning disabled persons and persons with reduced mobility and by the Convention Concerning International Carriage by Rail (COTIF);
- general rules in terms of monitoring application: each Member State shall designate a body or bodies responsible for taking the measures necessary to ensure that the rights of passengers are respected. Each passenger may complain to the appropriate body about an alleged infringement of this Regulation.

The Regulation also sets out that railway undertakings shall enable passengers to bring bicycles on to the train, where appropriate for a fee, if they are easy to handle, if this does not adversely affect the specific rail service, and if the rolling-stock so permits.

Regarding the committee procedure, the Regulation lays down that measures designed to amend non-essential elements of this Regulation by adapting the Annexes thereto, except Annex I, shall be adopted in accordance with the regulatory procedure with scrutiny.

The Commission shall report on the implementation and the results of this Regulation, by 3 December 2012, and in particular on the service quality standards. The report shall be accompanied, where necessary, by appropriate proposals.

ENTRY INTO FORCE: 03/12/2009.

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

2004/0049(COD) - 24/05/2007

The Council decided not to accept all the European Parliament's second reading amendments to three legislative proposals, which form a so-called third railway package:

- proposal for a directive amending Council directive 91/440/EEC on the development of the Community's railways;
- proposal for a directive on the certification of train crews operating locomotives and trains on the Community's railway network;
- proposal for a regulation on international rail passengers' rights and obligations.

It accordingly decided to convene the Parliament-Council conciliation committee with a view to negotiating a joint text.

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

2004/0049(COD) - 03/03/2004 - Legislative proposal

PURPOSE: continuation of the reform of the rail sector by strengthening International Rail Passengers' Rights and Obligations (Third Railway Package). PROPOSED ACT: European Parliament and Council Regulation. CONTENT: As announced in the White Paper 'European transport policy for 2010: time to decide', the Commission is presenting a proposal with a view to strengthening international rail passengers' rights and obligations. This is one of several measures being proposed to complement the First Rail Package (2001) and the Second Rail Package, which is to be formally adopted in the near future (directive on rail safety, the Rail Agency and the opening of the freight market). Along with this current proposal on the opening of the market, the Commission is also proposing to open up to competition the international transport of passengers within the EU (COD/2004/0047), to establish a certification system for locomotive drivers (COD/2004/0048) and to step up the quality of freight services (COD/2004/0050). As has already been introduced in the aviation sector, with the protection of passengers rights in the event of denied boarding and delays, the Commission is proposing to establish a framework to protect the rights of passengers using international rail services. The proposal will lay down provisions on the minimum requirements for information to be provided to passengers before, during and after their journey; contract conditions; the liability of railway undertakings in cases of accidents, delays or cancellations of services; the conditions under which persons with reduced mobility shall be assisted and, finally, the conditions under which railway undertakings shall co-operate to achieve the aims of the Regulation. Furthermore, this proposal aims at defining the obligations passengers have to comply with, such as the obligation to purchase a ticket and to avoid any behaviour likely to inconvenience train staff or other passengers. This regulation constitutes the basis for the introduction of more favourable measures which will be encouraged through voluntary agreements between the industry and passenger organisations.

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

2004/0049(COD) - 24/07/2006 - Council position

Out of the 122 amendments adopted by the Parliament in first reading, 63 were fully taken on board by the Council in its Common Position and 9 were partially accepted.

The Common Position establishes rules concerning the following:

- information to be provided by railway undertakings, the conclusion of transport contracts, the issuing of tickets and implementation of a computerised information and reservation system for rail transport;
- liability of railway undertakings and their insurance obligations for passengers and their luggage;
- minimum obligations of railway undertakings to passengers in the event of delay, missed connections and cancellations;
- protection of and assistance to persons with reduced mobility travelling by rail;
- definition and monitoring of service quality standards for international services, the management of risks to the personal security of passengers and the handling of complaints;
- general rules on enforcement.

The **key policy issues** were as follows:

Compatibility with COTIF/CIV: some of the arrangements which the Commission presented in its proposal were prompted by the provisions of the COTIF (the Convention concerning International Carriage by Rail) and its CIV Appendix (Uniform Rules concerning the Contract for International Carriage of Passengers and Luggage by Rail). In order to ensure coherence between Community legislation and the international agreement, the Council decided to incorporate certain COTIF/CIV provisions into the new text. This was done by means of introductory Articles that refer to extracts from the COTIF/CIV contained in Annex I of the Regulation. The provisions in question allow compatibility with the COTIF/CIV and avoid the need to legislate on matters already covered by the COTIF/CIV (rules on transport contracts, liability of railway undertakings in respect of passengers and their luggage, delays, missed connections and cancellations). The Council states that the European Parliament followed a similar approach by adopting amendments which - in full or in part - call for the application of the respective COTIF/CIV provisions. Parliament had also suggested the deletion of a series of CIV-incompatible provisions from the original Commission text.

Scope: the overall scope of Council's Common Position covers international journeys throughout the

Community undertaken on domestic and international services, which are provided by one or more railway undertakings.

1) Limitations: domestic services: the Council decided to limit the scope with regards to delays, missed connections and cancellations (Chapter IV) and service quality standards (Chapter VI, Article 25). In order to avoid an excessive financial burden, the following provisions shall only apply to international

journeys on international services and exclude providers of domestic services:

- for parts of an international journey, the obligations concerning reimbursement and rerouting, compensation of the ticket price, and of assistance in case of delays in arrival or departure;
- all the obligations concerning the setting up and monitoring of, and reporting on, service quality systems and their management.

2) Limitations: temporary exemptions: the Council also decided to limit the scope of its Common Position in so far as it provides for temporary exemptions granted to Member States for certain regional cross-border services and international services where a significant part of the service is being operated outside the Community. Member States applying such provisions will have to notify the Commission,

which will then determine whether an exemption is in accordance with the provisions of the draft Regulation. In providing the possibility of granting such exemptions, the Council intended to leave it to the Member States to address those issues in such exceptional situations, thus avoiding an additional financial burden for the service providers.

3) Enlarged scope: persons with reduced mobility: one of the main goals of the proposal is to make rail travel more accessible to persons with reduced mobility (PRM). Consequently, the Council decided to go further than the Commission had done in its proposal and to make the provisions for PRMs also applicable to domestic journeys on international services.

In its opinion in first reading, the European Parliament had decided to follow a different path and to make the provisions of the draft Regulation applicable to all rail passengers. The Council considers that such an approach is premature and prefers to see its Common Position as complementing the Market Access Directive, which legislates only on the opening of the international rail passenger market.

Computerised Information and Reservation system for Rail Transport (CIRSRT): in order to ensure the provision of information and the issuance of tickets in accordance with the draft Regulation, the Council decided to introduce an obligation for railway undertakings and ticket vendors to make use of a Computerised Information and Reservation system for Rail Transport. The procedures for establishing this system are set out in the Common

Position and rely on the Technical Specifications of Interoperability of Directive 2001/16/EC(Chapter II and Annex II, 2.5). By setting up this system the Council moved away from the Commission proposal, which based the access to travel information on the concept of system vendors. The Council considered the involvement of such intermediaries as unnecessary and therefore decided to address the relevant provisions directly to the railway undertakings and ticket vendors.

Delays, missed connections and cancellations: as mentioned above, the Council chose to align the provisions concerning a railway undertaking's liability in case of delays, missed connections and cancellations with the relevant chapter of COTIF/CIV. Moreover, the Council decided to include special provisions for reimbursement and re-routing, the compensation of the ticket price and the obligation to provide assistance to passengers in case of a delay in arrival or departure. As for the compensation of the ticket price, the Common Position is more in line with the European Parliament's position and provides for a simpler and more transparent scheme than that proposed by the Commission. The provision adopted is determined by the length of the delay which functions as the basis for the amount of compensation. In addition, the Council made the form of payment of compensation more flexible (vouchers and/or other services or cash), which also follows a suggestion of the European Parliament.

Special Provisions for Persons with reduced mobility: in order to facilitate travelling by rail, the Common Position establishes special provisions as regards the rights to transport, the assistance to be provided at railway stations and on board trains and the conditions under which such assistance is available, compensation in respect of mobility equipment and information to be given to persons with reduced mobility. By doing so, the Council seeks to ensure equal access to rail travel at no additional cost for the passengers concerned.

Other issues

Security, Complaints and Quality of Service: the personal security of passengers has recently become a core principle in the field of transport. The Common Position contains provisions obliging the stakeholders to take adequate measures - in agreement with public authorities - to ensure the passengers' personal security at railway stations and on trains and to manage risks. By extending these obligations to station managers, the Council followed a suggestion of the European Parliament. The Common Position also obliges railway undertakings - in cooperation with their ticket vendors - to establish a complaint handling mechanism for the rights and obligations covered in the draft Regulation. Moreover, railway undertakings will have to publish an annual report listing the complaints received and their handling. Concerning the quality of service, the Common Position contains provisions obliging railway undertakings to define service quality standards and to implement a system to maintain service quality. Annex III of the draft Regulation contains a minimum list of items, which have to be covered in these standards. Railway undertakings will also be obliged to publish a report on their service quality performance on an annual basis.

Enforcement: the Common Position stipulates an obligation for Member State to designate a body responsible for the enforcement of the draft Regulation. Moreover, it requires these enforcement bodies to cooperate and to exchange information with a view to promoting coordinated decision-making principles across the Member States.

The Council states that its Common Position has taken full account of the proposal of the Commission and the European Parliament's opinion in first reading. With respect to the amendments proposed by the European Parliament, the Council observes that a considerable number of amendments have - in spirit, partially or in full - already been covered in its Common Position. The decision to avoid "double legislation" and therefore to integrate certain COTIF/CIV provisions clearly underlines the spirit of understanding between the two co-legislators. As regards the main issue of disagreement - the inclusion of domestic rail passenger transport within the scope of the draft Regulation - the Council considers its approach to be a balanced and appropriate response.

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.

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 possible 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 routes 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.

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

2004/0049(COD) - 14/08/2013 - Follow-up document

This report on the Application of Regulation (EC) No 1371/2007 on Rail Passengers' Rights and Obligations is presented by the Commission in accordance with Article 36 of the Regulation. It also provides elements regarding an adequate coverage of railway undertakings' liabilities in case of accidents, as required by Article 12 of the Regulation.

The report's main conclusions are as follows:

- The overall application and enforcement of the Regulation is satisfactory under the current market situation, even if not all objectives of the Regulation have been reached (e.g. an increased rail market share). Further market opening, as proposed in the 4th railway package, will, however, require further efforts by railways and Member States to ensure appropriate passenger protection.
- According to national enforcement bodies (NEBs) and consumer organisations, the railway industry generally shows a positive approach towards implementation. No deliberate, severe or systematic non-compliance has been detected.
- However, despite the overall positive picture, certain Member States and railway undertakings need to make additional efforts to improve application and enforcement.
- A major issue inherent in the Regulation is that it allows Member States to exempt the majority of their railway services from most of its provisions. The Commission considers the extensive use of exemptions as a serious obstacle to the fulfilment of the Regulation's objectives. The application of different regimes for domestic and intra-EU international services is not consistent with the wider policy objective of a single European Railway Area and creates barriers for operators who operate in several Member States.
- Moreover, enforcement is lagging behind in some Member States. Either there is no fully-fledged NEB, or the NEB is not fully empowered or not sufficiently independent. Some Member States still need to define effective, appropriate and dissuasive sanctions.

Another issue of concern is the insufficient cover for liabilities in case of accidents in two Member States.

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

2004/0049(COD) - 11/03/2015 - Follow-up document

The Commission adopted a report on the exemptions granted by Member States under Regulation (EC) 1371/2007 on rail passengers' rights and obligations.

The aim of the Regulation is to protect the rights of rail passengers in the EU, particularly when travel is disrupted, and to improve the quality and effectiveness of rail passenger services.

Whilst, in principle, the Regulation applies to all rail passenger services in the EU, the Regulation allows Member States to grant exemptions to domestic long distance rail passenger services to ease the phasing-in of the Regulation.

In view of the specific character of urban, suburban and regional rail passenger services, the Regulation also allows Member States to exempt these services from the application of the Regulation.

Status quo of exemptions: from the entry into force of the Regulation on 3 December 2009 to the end of the first five year period on 2 December 2014, the report noted that:

- only four Member States have decided to apply the Regulation in full without opting for any exemptions: *Denmark, Italy, the Netherlands and Slovenia*;
- five Member States have decided to adopt full exemptions so that only the mandatory provisions referred to in the Regulation apply: *Bulgaria, France, Ireland, Latvia and Romania*;
- three Member States have granted exemptions to their long distance domestic services but not to their urban, suburban or regional services: *Belgium, Czech Republic and Lithuania*;
- five Member States have not applied any exemptions for domestic (long distance) services, but only for urban, suburban and regional services: *Austria, Finland, Germany, Luxembourg and Sweden*;
- *Belgium* has exempted its long distance national services only from the right to information during the journey. Spain has only exempted long distance domestic services from an Article on complaints handling;
- nine Member States have granted exemptions in relation to specific articles: *Croatia, Estonia, Greece, Hungary, Poland, Portugal, Spain, Slovakia and the UK*;
- ten Member States have granted either full or partial exemptions to rail passenger services or journeys of which a significant part is operated outside the EU: *Bulgaria, Croatia, Estonia, Finland, Greece, Hungary, Latvia, Lithuania, Poland and Romania*.

Outlook after 3 December 2014: the report also looked at the future situation as regards the application of the Regulation and notably the potential renewal of exemptions by Member States. According to the information received from Member States, **the situation will not change significantly after 3 December 2014**, with potentially only five Member States which will apply the Regulation in full and 21 which will continue to grant exemptions to varying degrees.

In conclusion, the report noted that Member States granted extensive exemptions during the first five years of application of Regulation (EC) No 1371 /2007, and **only very modest improvements can be expected in the near future**.

The Commission considered that a level playing field for railway undertakings and a high level of protection for passengers in the EU is thus still far from a reality.