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From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
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To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	SWD(2017) 317 final
Subject:	COMMISSION STAFF WORKING DOCUMENT EXECUTIVE SUMMARY OF THE IMPACT ASSESSMENT Accompanying the document Proposal for a Regulation of the European Parliament and of the Council on rail passengers' rights and obligations (recast)

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Delegations will find attached document SWD(2017) 317 final.

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Encl.: SWD(2017) 317 final



Brussels, 27.9.2017  
SWD(2017) 317 final

**COMMISSION STAFF WORKING DOCUMENT**  
**EXECUTIVE SUMMARY OF THE IMPACT ASSESSMENT**

*Accompanying the document*

**Proposal for a Regulation of the European Parliament and of the Council**  
**on rail passengers' rights and obligations**

**(recast)**

{COM(2017) 548 final}  
{SWD(2017) 318 final}

<b>Executive summary sheet</b>	
<b>Impact assessment: revision of Regulation (EC) No 1371/2007 on rail passengers' rights and obligations</b>	
<b>A. Need for action</b>	
<b>What is the problem and why is it a problem at EU level?</b>	
The main problems with the Regulation are linked to excessive national exemptions, the rights of passengers with disabilities or reduced mobility (PRMs), inadequate information, through-ticketing, complaint-handling, enforcement, discrimination based on nationality and compensation following <i>force majeure</i> events. These problems negatively affect the single market and prevent consistent enforcement. They may be exacerbated in a liberalised EU rail market.	
<b>What should be achieved?</b>	
<ol style="list-style-type: none"> <li>1. to promote equal and strengthened rights for rail users in the EU; and</li> <li>2. to enhance the rail sector's competitiveness without negatively impacting the rights of passengers.</li> </ol>	
<b>What is the added value of action at EU level (subsidiarity)?</b>	
The current Regulation leaves room for interpretation, preventing consistent levels of passenger protection across the EU. The Member States cannot address these problems by acting alone. It therefore seems appropriate for the EU to act.	
<b>B. Solutions</b>	
<b>What are the options for achieving the objectives? Is there a preferred option? If not, why?</b>	
Exemptions	<ul style="list-style-type: none"> <li>- Remove exemptions for long-distance domestic services by 2020</li> <li>- Limit exemptions for services with non-EU countries</li> <li>- Remove exemptions for cross-border urban, suburban and regional services</li> </ul>
PRM rights	New rules to improve PRMs' access to rail services and information
Information	New rules to improve information for passengers
Through-ticketing	Clearer rules on through-tickets
Complaint-handling and enforcement	Clearer rules for NEB complaint-handling and cooperation
Discrimination	New non-discrimination clause
<i>Force majeure</i>	Clause to exempt rail companies from having to pay compensation for delays caused by severe weather conditions or natural disasters and which could not be foreseen or prevented
<b>What are the various stakeholders' views? Who supports which option?</b>	
Most Member States and rail companies are reluctant to remove exemptions. Citizens are in favour of reducing exemptions and support measures to strengthen passengers' rights. Most stakeholders are in favour of clearer rules, e.g. on assistance, complaint-handling and enforcement. Most rail companies and Member States are in favour of, and citizens are against, a <i>force majeure</i> clause.	
<b>C. Impacts of the preferred option</b>	
<b>What are the benefits of the preferred option (if any, otherwise of main ones)?</b>	
The combination of preferred options provides a balanced approach to the potentially conflicting policy objectives. Reducing exemptions will increase passenger protection and legal certainty. Improvements for PRMs will encourage them to travel by rail and promote their social inclusion. Clear rules on through-ticketing will improve passengers' rights on connecting services. A <i>force majeure</i> clause will ensure legal fairness and proportionality.	
<b>What are the costs of the preferred option (if any, otherwise of main ones)?</b>	
Rail companies' costs are expected to increase by 4.98 % from the baseline scenario over a 15-year period.	
<b>What are the impacts on SMEs and competitiveness?</b>	
Only limited indirect effects on SMEs are expected.	
<b>Will there be significant impacts on national budgets and administrations?</b>	
Minor impacts are expected in view of enhanced NEB enforcement and complaint-handling.	
<b>Will there be other significant impacts?</b>	

No major additional impacts are expected.
<b>Proportionality?</b>
The current divergent application of the rules hinders the single market and prevents harmonised levels of passenger rights across the EU. Guidelines have not yielded sufficient results.
<b>D. Follow-up</b>
<b>When will the policy be reviewed?</b>
The Commission will evaluate the application of the new Regulation five years after its entry into force.