



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 22.2.2007
COM(2007) 79 final

2004/0049 (COD)

OPINION OF THE COMMISSION

**pursuant to Article 251 (2), third subparagraph, point (c) of the EC Treaty,
on the European Parliament's amendments
to the Council's common position regarding the
proposal for a**

**REGULATION OF THE EUROPEAN PARLIAMENT
AND OF THE COUNCIL**

on international rail passengers' rights and obligations

**AMENDING THE PROPOSAL OF THE COMMISSION
pursuant to Article 250 (2) of the EC Treaty**

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(Text with EEA relevance)

1. INTRODUCTION

Article 251(2), third subparagraph, point (c) of the EC Treaty requires the Commission to deliver an opinion on amendments proposed by the European Parliament at second reading. The Commission sets out its opinion below on the amendments proposed by Parliament.

2. BACKGROUND

Date of transmission of the proposal to the EP and the Council 4 March 2004

(document COM(2004)143 final – C6-311/2006 - 2004/0049(COD)):

Date of the opinion of the European Economic and Social Committee: 9 February 2005

Date of the opinion of the European Parliament, first reading: 28 September 2005
A6 – 0123/2005

Date of adoption of the common position: 24 July 2006

Date of the opinion of the European Parliament, second reading: 18 January 2007
A6 – 0479/2006

3. OBJECTIVE OF THE COMMISSION PROPOSAL

The proposal for a **Regulation of the EP and of the Council on International Rail Passengers' Right and Obligations** is one of four measures proposed in 2004 in the context of the Third Railway Package together with proposals on a certification system for train drivers, on the quality of rail freight services and on market opening of the international rail passengers transport services. Rail passenger rights are in line with the ideas laid down in the

Commission Communication Strengthening Passenger Rights within the European Union¹. The regulation introduces passenger rights already applied in the aviation sector.

The regulation will lay down provisions on the minimum requirements for information to be provided to passengers before, during and after their journey plus ticketing; liability of railway undertakings in cases of accidents; compensation and ad-hoc assistance in case of delays or cancellation of services; the conditions under which persons with reduced mobility shall be offered assistance. Further on the regulation obliges to foresee a complaint handling mechanism and the mandatory installation of enforcement bodies.

4. OPINION OF THE COMMISSION ON THE AMENDMENTS ADOPTED BY THE PARLIAMENT

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.

With two exceptions the Commission can thus accept all the amendments proposed by the European Parliament. It refuses however amendment 44, 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 refuses the part of amendments 59 and 69 offering railway undertakings the possibility to request a fee for transporting wheelchairs or baby carriages from passengers needing such equipment for reasons of mobility.

Amendments on scope (1, 2, 3, 4, 5, 6, part of 8, 9, 10, 11, 13, 14, 17, 18, 19, 20, 21, 22, 23, 27, 28, 29, 58, 59 and 69): 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.

Amendments on liability (part of 8, 32, 34, 35, 50, 60, 63, and 64): 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.

¹ Communication from the Commission to the European Parliament and the Council Strengthening passenger rights within the European Union, COM(2005)46 final of 16.2.2005

Amendments in relation to rights of persons with reduced mobility (7, 25, 42, 43, 44, 45, 46, 47, 48, 49 and 66): The Commission appreciates, in particular, the re-enforcement of the of station managers' duties in unstaffed stations.

Amendments on delay compensation and assistance (24, 36, 37, 38, 39, 40, 41 and 54): 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").

Amendment on information & ticketing, quality and enforcement (12, 16, 26, 30, 31, 55, 56, 61 and 68): The Commission accepts these amendments and appreciates, in particular, the EP's support for the monitoring of quality performance.

Amendments on comitology procedure (15 and 57): These amendments align the comitology provisions to Council Decision 2006/512/EC of 17 July 2006.

5. CONCLUSION

Pursuant to Article 250(2) of the EC Treaty, the Commission amends its proposal as set out above.