

# EUROPEAN PASSENGERS' FEDERATION

## APPENDIX 1:

### Suggested amendments to the proposal for a regulation of the European Parliament and of the Council on rail passengers' rights and obligations (recast) (COM(2017)0548 – C8-0324/2017 – 2017/0237(COD))

#### **Amendment 1:**

#### **Proposal for a regulation**

#### **Recital 6**

<i>Text proposed by the Commission</i>	<i>Amendment</i>
Urban, suburban and regional rail passenger services are different in character from long-distance services. Member States should therefore be allowed to exempt urban, suburban and regional rail passenger services which are not cross-border services within the Union from certain provisions on passengers' rights.	<b><i>Deleted</i></b>

#### **Justification**

Urban, suburban and regional services account for the greater part of train travel. UITP data demonstrates that more than 90% of passenger journeys and 50% of passenger kilometers are incurred on those services. Most longer-distance journeys involve a local leg: their inclusion is therefore vital to any meaningful interpretation of 2018 being the Year of Multimodality.

#### **Amendment 2:**

#### **Proposal for a regulation**

#### **Recital 21**

<i>Text proposed by the Commission</i>	<i>Amendment</i>
However, a railway undertaking should not be obliged to pay compensation if it can prove that	<b><i>Deleted</i></b>

<p>the delay was caused by severe weather conditions or major natural disasters endangering the safe operation of the service. Any such event should have the character of an exceptional natural catastrophe, as distinct from normal seasonal weather conditions, such as autumnal storms or regularly occurring urban flooding caused by tides or snowmelt. Railway undertakings should prove that they could neither foresee nor prevent the delay even if all reasonable measures had been taken</p>	
---	--

### Justification

There is no case for reducing passengers' legal certainty or making a simple system complicated.

### Amendment 3:

#### Proposal for a regulation

#### Recital 29

<i>Text proposed by the Commission</i>	<i>Amendment</i>
<p>To maintain a high level of consumer protection in rail transport, Member States should be required to designate national enforcement bodies to monitor closely and enforce this Regulation at national level. Those bodies should be able to take a variety of enforcement measures. Passengers should be able to complain to those bodies about alleged infringements of the Regulation. To ensure the satisfactory handling of such complaints, the bodies should also cooperate with each other</p>	<p>To maintain a high level of consumer protection in rail transport, Member States should be required to designate national enforcement bodies to monitor closely and enforce this Regulation at national level. Those bodies should be able to take a variety of enforcement measures. Passengers should be able to complain to those bodies about alleged infringements of the Regulation. To ensure the satisfactory handling of such complaints, the bodies should also cooperate with each other. <b><i>Enforcement bodies shall each year publish reports on their websites detailing the number and type of complaints that they have received, detailing the outcome of their enforcement actions. In addition, these reports shall be made available on the website of the European Union Agency for Railways.</i></b></p>

## Justification

Historically there has been concern at the perceived wide variance in the performance of the different enforcement bodies and at the related lack of transparency. This should be remedied by applying similar provisions to those proposed in Article 29 (relating to service quality standards). Putting this material in the public domain should help inform consumers and comparative exposure should encourage railway undertakings and enforcement bodies to raise their game generally.

### Amendment 4:

#### Proposal for a regulation

#### Article 2

<i>Text proposed by the Commission</i>	<i>Amendment</i>
Subject to paragraph 4, Member States may exempt the following services from the application of this Regulation: <b><i>(a) urban, suburban and regional rail passenger services as referred to in Directive 2012/34/EU, except cross-border services within the Union; (b)</i></b> international rail passenger services of which a significant part, including at least one scheduled station stop, is operated outside the Union, provided that passengers' rights are adequately ensured under relevant national law on the territory of the Member State granting the exemption.	Subject to paragraph 4, Member States may exempt the following services from the application of this Regulation: international rail passenger services of which a significant part, including at least one scheduled station stop, is operated outside the Union, provided that passengers' rights are adequately ensured under relevant national law on the territory of the Member State granting the exemption.

## Justification

Urban, suburban and regional services account for the greater part of train travel. UITP data demonstrates that more than 90% of passenger journeys and more than 50% of passenger kilometres are incurred on those services. Most longer-distance journeys involve a local leg: their inclusion is therefore vital to any meaningful interpretation of 2018 being the Year of Multimodality.

## Amendment 5:

### Proposal for a regulation

#### Article 3 (8)

<i>Text proposed by the Commission</i>	<i>Amendment</i>
'through-ticket' means a ticket or tickets <b>representing a single transport contract</b> for successive railway services operated by one or more railway undertakings;	'through-ticket' means a ticket or tickets for successive railway services operated by one or more railway undertakings <b>forming part of an end-to-end journey</b> ;

#### Justification

An end-to-end journey may involve the services of more than one railway undertaking or more than one transport contract. The combination of several transport contracts may provide passengers with cheaper journeys, faster journey times or greater flexibility as to travel times. This enhances passenger choice, is likely to result in more journeys being made by rail and encourage the rail sector to perform more competitively. No evidence has been produced that, by doing so, implementation of the Full Service Model would be put at risk (in view of the 2022 “rendezvous” clause in the 4th railway package). On the contrary, passenger rights should cover all reasonable rail travel options rather than give preferential treatment to incumbent-dominated single transport contracts.

## Amendment 6:

### Proposal for a regulation

#### Article 9 (4) addition

<i>Text proposed by the Commission</i>	<i>Amendment</i>
	<b>Railway undertakings, station managers and infrastructure managers shall make real-time data relating to train, including those operated by other railway undertakings, available to third parties in a non-discriminatory way.</b>

#### Justification

Mandating the release of data to anyone who needs it, including ticket vendors, other operators, app developers etc. will allow passengers to plan their journeys more effectively, facilitating a more competitive Single European Railway Area whilst creating new commercial opportunities for developers with the associated benefits for jobs and growth. The success of this approach has been demonstrated successfully by Transport for London, amongst others. Its feeds have been taken up by several thousand developers, generating several hundred smartphone apps.

**Amendment 7:**

**Proposal for a regulation**

**Article 10 (6)**

<i>Text proposed by the Commission</i>	<i>Amendment</i>
<p>Where a passenger receives separate tickets for a single journey comprising successive railway services operated by one or more railway undertakings, his rights to information, assistance, care and compensation shall be equivalent to those under a through-ticket and cover the whole journey from the departure to the final destination, <b><i>unless the passenger is explicitly informed otherwise in writing. Such information shall in particular state that when the passenger misses a connection, he or she would not be entitled to assistance or compensation based on the total length of the journey. The burden of proof that the information was provided shall lie with the railway undertaking, its agent, tour operator or ticket vendor.</i></b></p>	<p>Where a passenger receives separate tickets for a single journey comprising successive railway services operated by one or more railway undertakings, his rights to information, assistance, care and compensation shall be equivalent to those under a through-ticket and cover the whole journey from the departure to the final destination.</p>

**Justification**

The provision for negating the standard obligation is both cumbersome and hostile to passengers. 14 railway undertakings currently operate a scheme called the Agreement for Journey Continuation whereby if a train is late and results in an onward connection being missed, passengers can continue their journey by a later

train at no extra charge, even where they have a train-specific, no-refund booking. Although this Agreement is not publicised and therefore unknown to passengers, major national operators are party to the scheme, including SNCF, DB, ÖBB, Trenitalia, Renfe, SBB, BLS, CD, SNCB, NS, CFL, DSB, SZ and ZSSK.

**Amendment 8:**

**Proposal for a regulation**

**Article 17 (6)**

<i>Text proposed by the Commission</i>	<i>Amendment</i>
The compensation of the ticket price shall not be reduced by financial transaction costs such as fees, telephone costs or stamps. Railway undertakings may introduce a minimum threshold under which payments for compensation will not be paid. This threshold shall not exceed EUR 4 per <b><i>ticket</i></b> .	The compensation of the ticket price shall not be reduced by financial transaction costs such as fees, telephone costs or stamps. Railway undertakings may introduce a minimum threshold under which payments for compensation will not be paid. This threshold shall not exceed EUR 4 per <b><i>through-ticket</i></b> .

**Justification**

For a single journey, there may be multiple connecting tickets, constituting one through-ticket. The threshold should apply only once for such a journey.

**Amendment 9:**

**Proposal for a regulation**

**Article 17 (8)**

<i>Text proposed by the Commission</i>	<i>Amendment</i>
A railway undertaking shall not be obliged to pay compensation if it can prove that the delay was caused by severe weather conditions or major natural disasters endangering the safe operation of the service and could not have been foreseen or prevented even if all reasonable measures had been taken.	<b><i>Deleted</i></b>

## Justification

There is no case for reducing passengers' legal certainty or making a simple system complicated.

### Amendment 10:

#### Proposal for a regulation

#### Article 18 (7) addition

<i>Text proposed by the Commission</i>	<i>Amendment</i>
	<i>In case of a missed connection due to the delay or cancellation of a train on an earlier leg of the journey the passenger should be allowed to take the next service enabling them to reach their destination station in the most convenient reasonable manner.</i>

## Justification

This seeks to provide a sensible, passenger-friendly solution when connections are missed due to delay or cancellation. It replicates the provisions of the Agreement for Journey Continuation.

### Amendment 11:

#### Proposal for a regulation

#### Article 24

<i>Text proposed by the Commission</i>	<i>Amendment</i>
(a) assistance shall be provided on condition that the railway undertaking, the station manager, the ticket vendor or the tour operator with which the ticket was purchased is notified of the person's need for such assistance at least <b>48</b> hours before the assistance is needed.	(a) assistance shall be provided on condition that the railway undertaking, the station manager, the ticket vendor or the tour operator with which the ticket was purchased is notified of the person's need for such assistance at least <b>24</b> hours before the assistance is needed.

## Justification

The 48 hours pre-notification procedure is a disincentive for persons with disabilities or reduced mobility to travel spontaneously.

**Amendment 12:**

**Proposal for a regulation**

**Article 32 (2) addition**

<i>Text proposed by the Commission</i>	<i>Amendment</i>
The national enforcement bodies shall publish statistics on their activity, including on sanctions applied, every year, at the latest at the end of April of the following calendar year.	The national enforcement bodies shall <b><i>each year publish reports with statistics on their websites detailing the number and type of complaints that they have received, detailing the outcome of their enforcement actions, including the sanctions that they have applied. This shall be done for each year by no later than the first day of April of the succeeding year. In addition, these reports shall be made available on the website of the European Union Agency for Railways.</i></b>

**Justification**

Historically there has been concern at the perceived wide variance in the performance of the different enforcement bodies and at the related lack of transparency. This should be remedied by applying similar provisions to those proposed in Article 29 (relating to service quality standards). Putting this material in the public domain should help inform consumers and comparative exposure should encourage railway undertakings and enforcement bodies to raise their game generally.