



## EUROPEAN COMMISSION

*Brussels, 21.3.2018  
C(2018) 1632 final*

*Dear President,*

*The Commission would like to thank the Senato della Repubblica for its Opinion on the proposal for a Regulation of the European Parliament and of the Council on rail passengers' rights and obligations (recast) {COM(2017) 548 final}.*

*In proposing these measures, the Commission is delivering on its promise to ensure a deeper and fairer Internal Market where consumer interests and social policy are at the core of the single market. The proposal aims to improve the protection of rail passengers in the European Union and facilitate their access to these rights, whilst striking the right balance with regard to the economic situation of the rail sector as a sustainable mode of transport in a competitive environment.*

*The current Regulation has had overall a positive impact on increasing the protection of rail passengers. However, two major problem areas were identified with the application of the Regulation. These relate, on the one hand, to the rights of passengers, including persons with disabilities or reduced mobility and, on the other hand, to the burden on railway undertakings. Firstly, passengers cannot always fully enjoy their rights under the Regulation when using rail services. This is notably due to the fragmentation of the rail sector owing to extensive exemptions granted by Member States to domestic services. Also, the rights of persons with disabilities or reduced mobility were not fully in line with the United Nations Convention on the Rights of Persons with Disabilities. The second major problem area concerns the burden on railway undertakings due to the inconsistent application of the Regulation and the risk of unfair treatment of the rail sector in comparison to other modes of transport.*

*The Commission welcomes the Senato della Repubblica's broad support for the aims of the proposal. It notes its concerns relating to the issues of information, the availability of and limits to issuing through-tickets and re-routing under comparable travel conditions in the event of a missed connection caused by a delay of a service and the clause on force majeure, which exempts railway undertakings from having to pay compensation for delays under certain specific circumstances. The Commission takes note of the concerns expressed and suggestions made by the Senato della Repubblica on these issues.*

*Mr Pietro GRASSO  
President of the Senato della Repubblica  
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*As regards urban, suburban and regional services, the revised proposal continues to allow Member States to grant exemptions for these services when they are purely national services. As the Senato della Repubblica will know, Italy does not grant exemptions to any domestic services. Member States are free to design the content of public service contracts in line with the requirements of Regulation (EC) 1370/2007.*

*The proposal strengthens passengers' rights to information that should be provided inter alia by using up-to-date communication technologies in order to ensure that passengers, including persons with disabilities or reduced mobility, receive relevant information as soon as it is available and that they are also well informed about their rights as passengers and where and how they can lodge complaints. The proposal also reinforces railway undertakings' obligations to cooperate in order actively to offer through tickets. The right of passengers to receive clear information on what type of ticket (through-ticket or separate contracts) they are purchasing is also strengthened. This allows passengers to make an educated decision prior to purchase. The Regulation does not, however, regulate the setting of fares, which falls within the remit of the railway undertakings.*

*As regards re-routing in the event of long delays, the proposal explicitly specifies in Article 16(2) that comparable re-routing can be provided by any railway undertaking or alternative mode of transport. This would also include journeys carried out by car (e.g. a taxi) if this is an option offered by the railway undertaking to stranded passengers.*

*The potential reduction of passenger rights through the introduction of a force majeure clause has been limited by a narrow definition of which situations can count as force majeure, i.e. only where delays are caused by severe weather conditions or major natural disasters endangering the safe operation of the rail service. The existence of such a situation alone is, however, not sufficient to exempt carriers from having to pay compensation since the carrier must also prove that it has taken all reasonable measures to prevent the delay.*

*The Commission notes the Senato della Repubblica's suggestion to leave Member States to set a passenger threshold for stations which have to draw up contingency plans.*

*Rules related to assistance and information to persons with disabilities or with reduced mobility have been strengthened in line with the requirements of the United Nations Convention on the Rights of Persons with Disabilities. The required assistance must be provided in such a way that passengers with disabilities or with reduced mobility have access to travel by rail. This includes assistance at connecting services and in the environment of the station as well as on board trains. Information on the journey and on passengers' rights, including compensation, must always be provided in accessible formats. The Commission notes the Senato della Repubblica's suggestion to require as a rule the involvement in staff training of employees with disabilities or associations representing persons with disabilities.*

*As regards service quality standards, the proposal considerably broadens the requirements that railway undertakings as well as station managers and infrastructure managers have to respect and clearly specifies the areas that need to be covered in the service quality reports. As these actors have to establish the quality standards themselves and are also in charge of monitoring, they will also set the benchmarks for compliance.*

*Finally, the Commission notes the Senato della Repubblica's comments and suggestions for clarifications regarding the strengthened enforcement rules for national enforcement bodies. The Commission recalls that Article 32 of the proposal requires national enforcement bodies to take the measures necessary to ensure that the rights of passengers are upheld. This implies that national enforcement bodies may take appropriate action in individual cases.*

*The Senato della Repubblica's Opinion has been made available to the Commission's representatives in the ongoing negotiations with the co-legislators and will inform these discussions.*

*The points made above are based on the initial proposal presented by the Commission which is currently in the legislative process involving both the European Parliament and the Council. A number of meetings in the Council working party have already taken place under the Estonian Presidency and further meetings have been scheduled under the Bulgarian Presidency. It is hoped that further progress will be made on this file with the co-legislators.*

*The Commission welcomes the pro-active comments from the Senato della Repubblica and looks forward to continuing the political dialogue in the future.*

*Yours faithfully,*

*Frans Timmermans  
First Vice-President*

*Violeta Bulc  
Member of the Commission*