



EUROPEAN COMMISSION

*Brussels, 21.2.2018  
C(2018)981 final*

*Dear President,*

*The Commission would like to thank the Senat 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 aims to contribute to creating a deeper and fairer internal market, with an adequate system to protect consumer rights as a core element. The proposal aims at improving the protection of rail passengers in the European Union and at facilitating their access to these rights while 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 an overall positive effect on increasing the protection of rail passengers. However, two major problem areas were identified with its application. 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 possibility of excessively burdensome obligations for 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 possibility that excessive costs for railway undertakings would result from an inconsistent application of the Regulation in the event of "force majeure", which might in turn create a competitive disadvantage for the rail sector compared with other transport modes.*

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*The Commission welcomes the Senat's broad support for the aims of the proposal. It notes its concerns relating notably to the issue of defining cases of "force majeure", the anticipation of the removal of exemptions for long distance national services as well the issue of on-board ticket purchase for all passengers, irrespective of disability or reduced mobility. The Commission takes seriously the concerns expressed by the Senat on these issues. In particular, as regards the introduction of a "force majeure" clause the Commission intends to limit its impact through a narrow definition of the situations which can count as "force majeure", i.e. only where delays were caused by severe weather conditions or major natural disasters endangering the safe operation of the rail service.*

*As regards exemptions for long distance domestic services, these would end by 2024 under the current rules. The recast is merely slightly advancing that date to reduce fragmentation of the rail market and to ensure better legal certainty for passengers. Financial aid e.g. under the European Fund for Strategic Investments is available to support a faster implementation of the proposed reform and should help to avoid a negative impact on the financial situation of the economic operators involved. The European Investment Advisory Hub can provide assistance in this regard<sup>1</sup>.*

*The Commission is pleased that the Senat welcomes the new rules for persons with disabilities or reduced mobility. On-board ticket purchase where no accessible sales channel is available at the station should specifically allow persons with disabilities access to rail services on an equal basis with other passengers.*

*The Senat'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 it is hoped that further progress will be made on this file with the co-legislators.*

*The Commission hopes that the clarifications provided in this reply address the issues raised by the Senat and looks forward to continuing the political dialogue in the future.*

*Yours faithfully,*

*Frans Timmermans  
First Vice-President*

*Violeta Bulc  
Member of the Commission*

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<sup>1</sup> <http://www.eib.org/eiah/>.