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REPORT

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
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Subject:	Proposal for a Regulation of the European Parliament and of the Council on rail passengers' rights and obligations – Progress report

I. INTRODUCTION

The Commission submitted the above-mentioned proposal to the European Parliament and to the Council on 27 September 2017. The proposal was presented using the recasting technique.

The main reasons for the Commission to present the revision were to address the perceived problems relating notably to *force majeure* situations, use of exemptions, rights of persons with disabilities and reduced mobility, and the availability of, and information on, the so-called *through-ticket*.

II. WORK AT OTHER INSTITUTIONS

The European Parliament designated the Committee on Transport and Tourism (TRAN) as the responsible committee on this proposal and Mr Bogusław LIBERADZKI (SD, PL) as the rapporteur. The Committee on Legal Affairs (JURI) adopted an opinion on the recast technique, dated 28 February 2018, and the Committee on Internal Market and Consumer Protection (IMCO) adopted its opinion on the substance of the proposal, dated 5 June 2018.

TRAN voted on the report on 9 October 2018. On 15 November 2018, the Parliament voted in its plenary session on the report and adopted it as its first reading position.

The European Economic and Social Committee adopted its opinion on the proposal at the 531st plenary session, on 18 January 2018. The European Committee of the Regions decided not to issue an opinion.

The Consultative Working Party of the Legal Services of the European Parliament, the Council and the Commission issued an opinion on the use of the recast technique on 19 February 2018.

III. WORK AT THE COUNCIL AND ITS PREPARATORY BODIES

The Working Party on Land Transport started its work on the proposal on 29 September 2017 with a general presentation of the proposal. On 5 October 2017 the impact assessment was analysed. The proposal was presented also to the Working Party on Consumer Protection and Information for information.

The Council (TTE, Transport) was informed, under *Any Other Business*, on the intermediate state of play of the first examination on 5 December 2017 (doc. 14637/17).

The first examination was finalised during spring 2018 and a progress report was presented at the TTE Council (Transport) on 7 June 2018 (doc. 8721/18). A second progress report was presented at the TTE Council (Transport) on 3 December 2018 (doc. 14277/18).

IV. WORK TOWARDS A COMPROMISE

The article-by-article examination continued in spring 2019, on 11 and 22 March and on 1 April 2019. Following this work, the Presidency drafted a compromise proposal (doc. 8673/19) which was examined on 14 May 2019 in the Working Party on Land Transport.

Denmark and the United Kingdom have a parliamentary reservation on the proposal. All Member States maintain scrutiny reservations on the Presidency compromise proposal. The Commission maintains a general reservation.

V. CONCLUSIONS

Based on the work carried out so far, the Presidency draws the following conclusions:

1. While the Member States largely agree with most of the objectives of the draft Regulation, there are a number of practical details which need to be examined in the light of the reality in the sector and adequate protection of rail passengers.
2. Adaptations may be necessary in particular:
 - in cases where the Member States have already applied the derogations allowed by the Regulation in force. Abrupt changes in the legal requirements could create major unwanted impacts in the relations between the public authorities and railway undertakings, notably for situations involving public service obligations;
 - because the character of urban, suburban and regional services is special, irrespective of whether they are organised nationally or cross-border. Thus several Member States consider that they should be allowed to exempt these services from a number of requirements that are developed to protect passengers travelling long distances;

- in a number of cases where the requirements appear to be too prescriptive. These requirements cover, *inter alia*, provision of assistance to passengers with disabilities and reduced mobility in unstaffed stations and trains; proportionate treatment of ticket vendors and tour operators; practical arrangements for receiving complaints; service quality standards and reporting obligations which are proportionate and coherent with the market opening; and training of personnel.

3. While the Presidency considers that the first compromise text is an important step towards a compromise, there still remains further preparatory work to do.

In the light of the above, the Permanent Representatives Committee and the Council are invited to take note of this progress report made on the work regarding the proposed revision to the Regulation on rail passenger rights.

