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### **OUTCOME OF PROCEEDINGS**

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From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	11795/20
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Subject:	Proposal for a Regulation of the European Parliament and of the Council on rail passengers' rights and obligations (recast) – Outcome of proceedings

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The Permanent Representatives Committee agreed on the provisional agreement, as set out in the Annex and ADD 1 to this outcome of proceedings.

The European Parliament's Committee on Transport and Tourism (TRAN) is expected to vote on the political agreement on 28-29 October, following which the TRAN Chair will address a letter to the Presidency confirming that, should the Council approve the text in first reading, after legal-linguistic revision, the Parliament would approve the Council's position in their second reading.

Proposal for a Regulation of the European Parliament and of the Council on rail passengers' rights and obligations (recast)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91 (1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee<sup>1</sup>,

Having regard to the opinion of the Committee of the Regions<sup>2</sup>,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) A number of amendments are to be made to Regulation (EC) No 1371/2007 of the European Parliament and of the Council<sup>3</sup> in order to provide improved protection for passengers and encourage increased rail travel, with due regard to Articles 11, 12 and 14 of the Treaty on the Functioning of the European Union in particular. In view of these amendments and in the interests of clarity, Regulation (EC) No 1371/2007 should therefore be recast.
- (2) In the framework of the common transport policy, it is important to safeguard users' rights for rail passengers and to improve the quality and effectiveness of rail passenger services in order to help increasing the share of rail transport in relation to other modes of transport.
- (3) Despite considerable progress made in protecting consumers in the Union, further improvements in protecting the rights of rail passengers are still to be made.

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<sup>1</sup> OJ C , , p. .

<sup>2</sup> OJ C , , p. .

<sup>3</sup> Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations (OJ L 315, 3.12.2007, p. 14).

- (4) Since the rail passenger is the weaker party to the transport contract, passengers' rights in this respect should be safeguarded.
- (5) Granting the same rights to rail passengers taking international and domestic journeys seeks to raise the level of consumer protection in the Union, ensure a level playing-field for railway undertakings and guarantee a uniform level of rights for passengers. Passengers should receive as precise information as possible on their rights. As certain modern formats of tickets do not allow physically printing information on them, it should be possible to provide the information prescribed in this Regulation by other means.
- (5a) Rail services offered strictly for historic or touristic use do not usually serve normal transport needs, are isolated from the rest of the Union rail system and the technology used may limit the accessibility of those services. With the exception of certain provisions which should apply to all rail passenger services throughout the Union, Member States should be able to grant exemptions from the application of the provisions of this Regulation to rail services offered strictly for historic or touristic use.
- (6) 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 from certain provisions on passengers' rights.

However such exemptions should not apply to essential rules, in particular provisions relating to non-discriminatory conditions of transport contracts, on the rights of those wishing to purchase tickets for travel by rail to do so without undue difficulty, on railway undertakings' liability in respect of passengers and their luggage and on the requirement that railway undertakings be adequately insured and to the requirement that adequate measures are taken to ensure passengers' personal security in railway stations and on trains. Regional services are more integrated to the rest of the Union rail system and the journeys concerned are longer. For regional rail passenger services, possible exemptions should therefore be narrowed even more. Exemptions from the provisions of this Regulation that facilitate the use of rail services by persons with disabilities or reduced mobility should be completely phased out as regards regional rail passenger services. For regional rail passenger services, exemptions should also not apply as regards provisions of this Regulation that promote the use of bicycles. In addition, the possibility to exempt regional services from certain obligations as regards provision of through-tickets and rerouting should be limited in time.

(7) It is an aim of this Regulation to improve rail passenger services within the Union. Therefore, Member States should be able to grant exemptions for services in regions where a significant part of the service is operated outside the Union.

(7a) Furthermore, to allow a smooth transition from the framework established pursuant to Regulation (EC) 1371/2007 to the one under this Regulation, earlier national exemptions should be phased out gradually to maintain necessary legal certainty and continuity. Member States, which have granted exemptions pursuant to paragraph 4 of Article 2 of Regulation 1371/2007, should be only allowed to exempt domestic rail passenger services from the provisions of this Regulation that require significant adaptation and for a limited period in time.

Member States should also be allowed, for a transitional period, to grant an exemption from the obligation to distribute traffic and travel information between operators only where it is not technically feasible for the infrastructure manager to provide the data in question to any railway undertaking, ticket vendor, tour operator or station managers. The assessment as regards technical feasibility should be made at least every two years.

(7b) Member States should inform the Commission when they exempt rail passenger services from the application of provisions of this Regulation. When providing this information, Member States should explain the reasons for granting such exemptions and the measures taken or envisaged to comply with the obligations under this Regulation when the exemption concerned expires.

(8a) Where there are several station managers responsible for one station, the Member States should have the possibility to designate the body in charge for the responsibilities referred to in this Regulation.

(9) Access to real-time travel information, including that on tariffs makes rail travel more accessible to new customers and provides them with a wider range of journey possibilities and tariffs to choose from. Railway undertakings should provide other railway undertakings, ticket vendors and tour operators, that sell their services, with the access to travel information and the possibility to make and cancel reservations in order to facilitate rail travel.

Infrastructure managers should distribute real-time data relating to the arrival and the departure of trains to railway undertaking and station managers, as well as to ticket vendors and tour operators in order to facilitate rail travel.

- (10) More detailed requirements regarding the provision of travel information are set out in the technical specifications for interoperability (TSIs) referred to in Commission Regulation (EU) No 454/2011<sup>4</sup>.
- (11) Strengthening of the rights of rail passengers should build on the existing international law contained in Appendix A — Uniform rules concerning the Contract for International Carriage of Passengers and Luggage by Rail (CIV) to the Convention concerning International Carriage by Rail (COTIF) of 9 May 1980, as modified by the Protocol for the modification of the Convention concerning International Carriage by Rail of 3 June 1999 (1999 Protocol). However, it is desirable to extend the scope of this Regulation and protect not only international passengers but domestic passengers too. On 23 February 2013, the Union acceded to the COTIF.
- (12) Member States should prohibit discrimination on the basis of the nationality of the passenger or the place of establishment of the railway undertaking, ticket vendor or tour operator within the Union. However, social tariffs and encouragement of wider use of public transport should not be prohibited, provided that such measures are proportionate and independent of the nationality of the passenger concerned. Railway undertakings, ticket vendors and tour operators are free to determine their commercial practices, including special offers and promotion of certain sales channels. In light of the development of online platforms selling passenger transport tickets, Member States should pay special attention to ensuring that no discrimination occurs during the process of accessing online interfaces or purchasing tickets.

Furthermore, regardless of how a certain type of a ticket is purchased, the level of protection of the passenger should be the same.

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<sup>4</sup> Commission Regulation (EU) No 454/2011 of 5 May 2011 on the technical specification for interoperability relating to the subsystem 'telematics applications for passenger services' of the trans-European rail system (OJ L 123, 12.5.2011, p.11).

- (13) The increasing popularity of cycling across the Union has implications for overall mobility and tourism. An increase in the use of both railways and cycling in the modal split reduces the environmental impact of transport. Therefore, railway undertakings should facilitate the combination of cycling and train journeys as much as possible. In particular, when acquiring new rolling stock or making a major upgrade to existing rolling stock, they should provide adequate number of spaces for bicycles unless the acquisition or upgrade concerns restaurant cars, sleeping cars and couchettes cars.

In order to avoid negative impacts to the safety performance of the existing rolling stock, this obligation should only apply in cases of a major upgrade requiring a new vehicle authorisation for placement on the market

- (13-1) The adequate number of bicycle spaces for a train composition should be determined taking into consideration the train composition size, the type of service and the demand for transport of bicycles. Railway undertakings should have the possibility to establish plans defining the concrete numbers for their services after consulting the public. However, where railway undertakings fail to establish plans a statutory number should apply. The statutory number should also be guidance for the railway undertakings. A number which is below the statutory number should be considered adequate only where this is justified by special circumstances such as operation of rail services in winter time where there is clearly no or low demand for the transport of bicycles. Furthermore, in some Member States demand for the transport of bicycles is particularly high as regards certain types of services. Therefore, Member States should have the possibility to determine the minimum adequate number of bicycle spaces for certain types of services which should prevail over any plans of the railway undertakings. This should not impede the free movement of railway rolling stock within the Union. Passengers should be informed of the space available for bicycles.

- (13a) The rights and obligations regarding carriage of bicycles on trains should apply to bicycles that can be readily ridden prior to and after the rail journey. Carriage of bicycles in packages and bags, where applicable, is covered by the provisions of this Regulation relating to luggage.

(13b) Users' rights to rail services include the receipt of information regarding the service both before and during the journey. Railway undertakings, ticket vendors and tour operators should provide general information on the rail service in advance. That information should be provided in accessible formats for persons with disabilities or persons with reduced mobility.

Railway undertakings and, where possible, ticket vendors and tour operators, should provide the passenger during the journey with further information prescribed in this Regulation.

Where a station manager has such information, it should also provide the information to the passengers.

(13c) The size of ticket vendors varies substantially from micro to large enterprises and some of them offer their services only off- or on-line. Thus the obligation to provide travel information to passengers should be proportional to the capacity of the ticket vendor.

(13d) This Regulation should not limit railway undertakings, tour operators or ticket vendors from offering more favourable conditions for the passenger than the ones laid down in this Regulation.

However, this Regulation should not lead to a railway undertaking being bound by more favourable contractual conditions offered by a tour operator or ticket vendor, unless an arrangement between the railway undertaking and the tour operator or the ticket vendor so provides.

(14a) Through-tickets allow seamless journeys for passengers and thus reasonable efforts should be made to offer such tickets for domestic, international, urban, suburban and regional services, including also rail services exempted in this Regulation. For the calculation of the period of delay for compensations, delays occurred during the parts of the journey relating to rail services exempted from this Regulation should be possible to be excluded.

(14aa) Regarding services operated by the same railway undertaking the transfer of rail passengers from one service to another should be facilitated by an obligation for provision of through-tickets, since no commercial agreements between railway undertakings are needed. The requirement to provide through-tickets should also apply as regards services operated by railway undertakings belonging to the same owner or which are wholly owned subsidiaries of one of the railway undertakings providing rail services comprised in the journey.

The railway undertaking should have the possibility to specify on the through-ticket the time of departure of each rail service for which the through-ticket is valid, including regional services.

(14ab) Passengers should be clearly informed whether tickets sold by a railway undertaking in a single commercial transaction constitute a through-ticket. Where passengers are not correctly informed, the railway undertaking should be liable as if those tickets were a through-ticket.

(14b) The offer of through-tickets should be promoted. However, correct information concerning the rail service is essential also when passengers buy tickets from a ticket vendor or a tour operator. Where the ticket vendors or the tour operators sell, as a bundle, separate tickets, they should clearly inform the passenger that those tickets do not offer the same level of protection as through-tickets and that those tickets have not been issued as through-tickets by the railway undertaking or railway undertakings providing the service. In case ticket vendors or tour operators fail to comply with this requirement, they should carry a proportionate liability, going beyond the reimbursement of the tickets.

(14c) When offering through-tickets, it is important that the railway undertakings take into account realistic and applicable minimum connection times when originally booked, as well as any relevant factors such as the size and location of the respective stations and platforms.

(15) In the light of the United Nations Convention on the Rights of Persons with Disabilities and in order to give persons with disabilities and persons with reduced mobility opportunities for rail travel comparable to those of other citizens, rules for non-discrimination and assistance during their journey should be established. Persons with disabilities and persons with reduced mobility have the same right as all other citizens to free movement and to non-discrimination.



Inter alia, special attention should be given to the provision of information to persons with disabilities and persons with reduced mobility concerning the accessibility of rail services, access conditions of rolling stock and the facilities on board. In order to provide passengers with sensory impairment with the best information on delays, visual and audible systems should be used, as appropriate. Persons with disabilities should be enabled to buy tickets on board a train without extra charges where there is no accessible means to buy a ticket prior to boarding the train. Furthermore, there should be a possibility to limit this right in circumstances relating to security or compulsory train reservation. Staff should be adequately trained to respond to the needs of persons with disabilities and persons with reduced mobility, notably when providing assistance. To ensure equal travel conditions, such persons should be provided with assistance at stations and on board or, in the absence of trained accompanying staff on board the train and at the station, all reasonable efforts should be taken to allow access to travel by train.

(15aa) Railway undertakings and station managers should actively cooperate with organisations representing people with disabilities to improve the quality of accessibility of transport services.

(15a) In order to facilitate access to rail services for persons with disabilities and persons with reduced mobility, Member States should have the possibility to require railway undertakings and station managers to set up national Single Points of Contact to coordinate information and assistance.

(15b) To ensure that the assistance to persons with disabilities and persons with reduced mobility is provided, for practical reasons it is necessary to notify to the railway undertaking, the station manager, the ticket vendor or the tour operator in advance of the need for assistance. While this Regulation establishes a common maximum time period for such pre-notifications, voluntary arrangements offering for shorter periods are valuable to improve the mobility of persons with disabilities and persons with reduced mobility. To guarantee the widest possible distribution of information of such reduced time periods, it is important that the Commission includes in its report on the implementation and results of this Regulation information on the development of reduced pre-notification arrangements and related dissemination of information.

- (16) Railway undertakings and station managers should take into account the needs of persons with disabilities and persons with reduced mobility, through compliance with Directive (EU) 2019/882 and Commission Regulation (EU) No 1300/2014. Where this Regulation refers to provisions of Directive 2019/882, those provisions are to be applied by the Member States from 28 June 2025 and in accordance with the transitional measures in Article 32 of that Directive. With regard to rail passenger services, the scope of those provisions is set out in Article 2(2)(c) of that Directive.
- (16a) Certain animals are trained to assist persons with disabilities to bring about independent mobility. For such mobility it is essential that those animals can be taken on board trains. This Regulation establishes common rights and obligations as regards assistant dogs. However, Member States should have the possibility to conduct trials using other mobility assistance animals and allow them on board trains in their domestic rail services. It is important that the Commission monitors the development regarding this matter in view of future work on mobility assistance animals.
- (17) It is desirable that this Regulation create a system of compensation for passengers in the case of delay, including in cases where the delay is caused by a cancellation of a service or a missed connection. In the event of a delay of a passenger service, railway undertakings should provide passengers with compensation based on a percentage of the ticket price.
- (18) Railway undertakings should be obliged to be insured, or to have adequate guarantees, for their liability to rail passengers in the event of accident.
- (19) Strengthened rights of compensation and assistance in the event of delay, missed connection or cancellation of a service should lead to greater incentives for the rail passenger market, to the benefit of passengers.
- (20) In the event of delay, passengers should be provided with continued or re-routed transport options under comparable transport conditions. The needs of persons with disabilities and persons with reduced mobility should be taken into account in such an event.

(21) However, a railway undertaking should not be obliged to pay compensation if it can prove that the delay was caused by extraordinary circumstances such as extreme weather conditions or major natural disasters endangering the safe operation of the service, or major public health crises, including pandemics. 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. Furthermore, where the delays are caused by the passenger or by certain acts by third parties, the railway undertaking should not be obliged to compensate the delay. Railway undertakings should prove that they could neither foresee nor avoid such events nor prevent the delay even if all reasonable measures had been taken, including appropriate preventive maintenance of their rolling stock. Strikes by the personnel of the railway undertaking, and action, or lack of that, by other railway operators using the same infrastructure, infrastructure manager or stations managers should not relieve from the liability for delays.

The circumstances in which railway undertakings are not obliged to pay compensation should be objectively justified. Where a communication or a document of the railway infrastructure manager, a public authority or other body independent from the railway undertakings, indicating the circumstances on which the undertaking alleges that it is exempt from the obligation to pay compensation is available to railway undertakings, they should cite such communications or documents to passengers and, where relevant, to authorities concerned.

(21b) Railway undertakings should be encouraged to simplify the procedure for passengers to apply for compensation or reimbursement. In particular, Member States should have the possibility to require that railway undertakings accept applications by certain means of communication, such as on web-sites or using mobile applications, provided that such requirements are not discriminatory.

(21c) In order to facilitate passengers in requesting reimbursement or compensation in accordance with this Regulation, forms for such requests applicable throughout the Union should be established. Passengers should have the possibility to submit their requests by using such a form.

- (22) In cooperation with infrastructure and station managers, railway undertakings should prepare contingency plans to minimise the impact of major disruptions by providing stranded passengers with adequate information and care.
- (25) It is also desirable to relieve accident victims and their dependants of short-term financial concerns in the period immediately after an accident.
- (26) It is in the interests of rail passengers that adequate measures be taken, in agreement with public authorities, to ensure their personal security at stations as well as on board trains.
- (27) Rail passengers should be able to submit a complaint to any railway undertaking involved, or to the station managers of certain stations, or, where appropriate, ticket vendors and tour operators, regarding their respective fields of responsibilities on the rights and obligations conferred by this Regulation. Rail passengers should be entitled to receive a response within a reasonable period of time.
- (27a) In the interest of efficient handling of complaints, railway undertakings and station managers should have the right to establish joint customer services and complaint handling mechanisms. Information on the complaint handling procedures should be publicly available and easily accessible to all passengers.
- (27b) The provisions of this Regulation should not affect the rights of passengers to file a complaint to a national body or to seek legal redress under national procedures.
- (28) Railway undertakings and station managers should define, manage and monitor service quality standards for rail passenger services. Railway undertakings should also make information on their service quality performance publicly available.
- (29) 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.

- (29a) Member States which have no railway system, and no immediate prospect of having one, would bear a disproportionate and pointless burden if they were subject to the enforcement obligations as regards station managers and infrastructure managers provided for by this Regulation. The same applies to enforcement obligations as regards railway undertakings for as long as a Member State has not licensed any railway undertaking. Therefore, such Member States should be exempted from these obligations.
- (30) Processing of personal data should be carried out in accordance with Union law on the protection of personal data, in particular with Regulation (EU) 2016/679 of the European Parliament and of the Council<sup>5</sup>.
- (31) Member States should lay down penalties applicable to infringements of this Regulation and ensure that these penalties are applied. The penalties, which might include the payment of compensation to the person in question, should be effective, proportionate and dissuasive.
- (32) Since the objectives of this Regulation, namely the development of the Union's railways and the introduction of passenger rights, cannot be sufficiently achieved by the Member States, and can therefore be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.

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<sup>5</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

- (33) In order to ensure a high level of passenger protection, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated on the Commission to amend Annex I in respect of the CIV Uniform Rules and to adjust the minimum amount of the advance payment in the event of death of a passenger in view of changes in the EU-wide Harmonised Index of Consumer Prices. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making<sup>6</sup>. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.
- (33a) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>7</sup>.
- (34) This Regulation respects fundamental rights and observes the principles recognised in the Charter of Fundamental Rights of the European Union, in particular Articles 21, 26, 38 and 47 concerning, respectively, the prohibition of any form of discrimination, the integration of persons with disabilities, a high level of consumer protection, and the right to an effective remedy and to a fair trial. The Member States' courts must apply this Regulation in a manner consistent with these rights and principles,

HAVE ADOPTED THIS REGULATION:

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<sup>6</sup> OJ L 123, 12.5.2016, p. 1

<sup>7</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

## **Chapter I**

### **General provisions**

#### *Article 1*

#### **Subject matter and objectives**

In order to provide for effective protection of passengers and encourage rail travel, this Regulation establishes rules applicable to rail transport as regards the following:

- (a) non-discrimination between passengers with regard to transport conditions and provision of tickets;
- (b) the liability of railway undertakings and their insurance obligations for passengers and their luggage;
- (c) passengers' rights in the event of an accident arising from the use of railway services and resulting in death, personal injury or loss of, or damage to, their luggage;
- (d) passengers' rights including compensation in the event of disruption, such as cancellation or delay;
- (e) minimum, accurate and timely information to be provided in accessible format to passengers, including on the issuing of tickets;
- (f) non-discrimination against, and assistance for, persons with disabilities and persons with reduced mobility;
- (g) the definition and monitoring of service quality standards and the management of risks to the personal security of passengers;
- (h) the handling of complaints;
- (i) general rules on enforcement.

## Article 2

### Scope

1. This Regulation shall apply to domestic and international rail journeys and services throughout the Union provided by one or more railway undertakings licensed in accordance with Directive 2012/34/EU of the European Parliament and of the Council<sup>8</sup>.
  - 1a. Member States may exempt from the application of this Regulation services which are operated strictly for historical or touristic use. That exemption does not apply in relation to Articles 11 and 12.
  - 1b. Exemptions granted in accordance with paragraphs 4 and 6 of Article 2 of Regulation 1371/2007 before [OJ: *add the date of entry into force*] shall remain valid until the date they expire. Exemptions granted in accordance with paragraph 5 of Article 2 before [OJ: *add the date of entry into force*] shall remain valid until [OJ: *add the date of application*].
  - 1c. For an additional period of no more than five years after the expiry of an exemption to the domestic rail passenger services granted pursuant to paragraph 4 of Article 2 of Regulation 1371/2007, Member States may exempt such domestic rail passenger services from the application of Articles 13, 15 and 17, Article 18(2)(a) and (2)(b) and Article 30(2) of this Regulation.
  - 1d. A Member State may until [OJ: *add the entry into force + 9 years*] provide that Article 9a shall not apply where it is not technically feasible for an infrastructure manager to distribute real-time data within the meaning of Article 9a(1) to any railway undertaking, ticket vendor, tour operator or station manager. The Member States shall reassess the extent to which it is technically feasible to distribute such data at least every two years.
2. Subject to paragraph 4, Member States may exempt the following services from the application of this Regulation:
  - “(a) urban, suburban and regional rail passenger services”

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<sup>8</sup> OJ L 343, 14.12.2012, p. 32.



“(b) international rail passenger services of which a significant part, including at least one scheduled station stop, is operated outside the Union”

3. Member States shall inform the Commission of exemptions granted pursuant to paragraphs 1a, 1c and 1d and paragraph 2 and present the reasons thereof.
4. Exemptions granted in accordance with point (a) of paragraph 2 shall not apply in relation to Articles 5, 10, 11, 12, 20, 21, 27 and 28.

Where those exemptions concern regional rail passenger services, they shall also not apply in relation to Articles 6, 10a, 16(2a) and Chapter V.

Notwithstanding the second subparagraph, exemptions concerning regional rail passenger services from the application of Articles 10a(1) and 16(2a) may apply until [*OJ: date of application + 5 years*] at the latest.

### Article 3

#### **Definitions**

For the purposes of this Regulation the following definitions shall apply:

- (1) ‘railway undertaking’ means a railway undertaking as defined in Article 3(1) of Directive 2012/34/EU;
- (2) ‘infrastructure manager’ means an infrastructure manager as defined in Article 3, point (2) of Directive 2012/34/EU;
- (3) ‘station manager’ means an organisational entity in a Member State, which has been made responsible for the management of one or more railway stations and which may be the infrastructure manager;
- (4) ‘tour operator’ means an organiser or retailer, other than a railway undertaking, within the meaning of points (8) and (9) of Article 3 of Directive (EU) 2015/2302 of the European Parliament and of the Council<sup>9</sup>;

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<sup>9</sup> Directive (EU) 2015/2302 of the European Parliament and of the Council of 25 November 2015 on package travel and linked travel arrangements, amending Regulation (EC) No

- (5) ‘ticket vendor’ means any retailer of rail transport services selling tickets, including through-tickets, on the basis of a contract or other arrangement between the retailer and one or more railway undertakings;
- (6) ‘transport contract’ means a contract of rail carriage for reward or free of charge between a railway undertaking and the passenger for the provision of one or more transport services;
- (6a) ‘ticket’ means a valid evidence of conclusion of a transport contract, regardless of its form;
- (7) ‘reservation’ means an authorisation, on paper or in electronic form, giving entitlement to transportation subject to previously confirmed personalised transport arrangements;
- (8) ‘through-ticket’ means a ticket or tickets as defined in Article 3(35) of Directive 2012/34/EU;
- (9) ‘service’ means a passenger rail transport service that operates between rail stations according to a timetable. It covers also transport services offered for re-routing;
- (10) ‘journey’ means the carriage of a passenger between a station of departure and a station of arrival;
- (11) ‘domestic rail passenger service’ means a rail passenger service which does not cross a border of a Member State;
- (11a) ‘urban and suburban rail passenger service’ means a rail passenger service as defined in Article 3(6) of Directive 2012/34/EU;
- (11b) ‘regional rail passenger service’ means a rail passenger service as defined in Article 3(7) of Directive 2012/34/EU;
- (11c) ‘long-distance rail passenger service’ means a rail passenger service which is not an urban, a suburban or a regional rail passenger service;

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2006/2004 and Directive 2011/83/EU of the European Parliament and of the Council and repealing Council Directive 90/314/EEC (OJ L 326, 11.12.2015, p. 1).

- (12) 'international rail passenger service' means a passenger service where the train crosses at least one border of a Member State and where the principal purpose of the service is to carry passengers between stations located in different Member States or in a Member State and a third country;
- (13) 'delay' means the time difference between the time the passenger was scheduled to arrive in accordance with the published timetable and the time of his or her actual or expected arrival at the station of final destination;
- (13a) 'arrival' means the moment when, at the destination platform, the doors of the train are open and disembarkation is allowed;
- (14) 'travel pass' or 'season ticket' means a ticket for an unlimited number of journeys which provides the authorised holder with rail travel on a particular route or network during a specified period;
- (15) 'missed connection' means a situation where a passenger misses one or more services in the course of a rail journey, sold as a through-ticket, as a result of the delay or cancellation of one or more previous services, or of the departure of a service before the scheduled departure time;
- (16) 'person with disabilities' and 'person with reduced mobility' means any person who has a permanent or temporary physical, mental, intellectual or sensory impairment which, in interaction with various barriers, may hinder their full and effective use of transport on an equal basis with other passengers or whose mobility when using transport is reduced due to age;
- (20) 'station' means a location on a railway where a passenger train service can start, stop or end.

## **Chapter II**

### **Transport contract, information and tickets**

#### *Article 4*

#### **Transport contract**

Subject to the provisions of this Chapter, the conclusion and performance of a transport contract and the provision of information and tickets shall be governed by the provisions of Title II and Title III of Annex I.

#### *Article 5*

#### **Non-discriminatory contract conditions and tariffs**

Without prejudice to social tariffs, railway undertakings, ticket vendors or tour operators shall offer contract conditions and tariffs to the general public without direct or indirect discrimination on the basis of the passenger's nationality or the place of establishment of the railway undertaking, or ticket vendor or tour operator within the Union.

The first paragraph of this Article also applies to railway undertakings and ticket vendors when accepting reservations from passengers in accordance with Article 10.

#### *Article 6*

#### **Bicycles**

1. Passengers shall be entitled to take bicycles on board the train subject to limitations referred to in paragraph 2, and where appropriate a reasonable fee may be charged.

In trains where a compulsory reservation is required, it shall be possible to make a reservation for the carriage of a bicycle.

Where a passenger has made a reservation for a bicycle and where the carriage of that bicycle is refused without a duly justified reason, the passenger is entitled to re-routing or reimbursement in accordance with Article 16, compensation in accordance with Article 17 and assistance in accordance with Article 18(2).

- 1a. Where designated places for bicycles are available on board the train, passengers shall stow their bicycles in such places. Where such places are not available, passengers shall keep their bicycles under supervision and make all reasonable efforts to ensure that they cause no harm or damage to other passengers, mobility equipment, luggage or rail operations.
2. Railway undertakings may restrict the right to bring bicycles for safety or operational reasons, in particular capacity limits during peak hours, or where rolling stock does not permit it. Railway undertakings may also restrict the carriage of bicycles based on their weights and dimensions. They shall publish their conditions for the transport of bicycles, including up-to-date information on the availability of capacity, by using the telematics applications referred to in Commission Regulation (EU) No 454/2011 on their official websites.
3. When initiating procurement procedures for new rolling stock or when performing a major upgrading of existing rolling stock resulting in the need for a new vehicle authorisation for placing on the market pursuant to paragraph 12 of Article 21 of Directive 2016/797, railway undertakings shall ensure that train compositions, in which that rolling stock is used, are equipped with an adequate number of spaces for bicycles. This sub-paragraph shall not apply in relation to restaurant cars, sleeping cars and couchettes cars.

Railway undertakings shall determine the adequate number of spaces for bicycles taking into consideration the size of the train composition, the type of the service and the demand for transport of bicycles. The adequate number of spaces for bicycles shall be defined in plans referred to in paragraph 4. Where there are no such plans or the plans do not define such a number, each train composition shall have at least four spaces.

Member States may set a number higher than four as the minimum adequate number for certain types of services, which shall apply instead of the number identified in accordance with the second subparagraph.

This paragraph shall apply from four years after the date of entry into force of this Regulation.

4. Railway undertakings may establish, and keep up-to-date, plans on how to increase and improve the transport of bicycles, and other solutions encouraging combined use of railways and bicycles.

The competent authorities, as defined in Regulation (EC) No 1370/2007, point (b) of Article 2, may establish such plans for services provided under public service contracts. Member States may require that such plans are established by those competent authorities or by railway undertakings operating on their territory.

5. The plans referred to in paragraphs 3 and 4 shall be established following a consultation of the public and relevant representative organisations. Those plans shall be published on the website of the railway undertaking or the competent authority, respectively.

#### *Article 7*

#### **Exclusion of waiver and stipulation of limits**

1. Obligations towards passengers pursuant to this Regulation may not be limited or waived, notably by a derogation or restrictive clause in the transport contract. Any contractual conditions which purport directly or indirectly to waive, derogate from or restrict the rights resulting from this Regulation shall not be binding on the passenger.
2. Railway undertakings, tour operators or ticket vendors may offer contractual conditions more favourable for the passenger than the conditions laid down in this Regulation.

Railway undertakings or, where appropriate, competent authorities responsible for a public service railway contract shall make public by appropriate means, including in accessible formats in accordance with the provisions of Directive (EU) 2019/882\* and in Commission Regulations 454/2011 and 1300/2014, and before their implementation, decisions to discontinue services either permanently or temporarily.

## *Article 9*

### **Travel information**

1. Railway undertakings, tour operators and ticket vendors offering transport contracts on behalf of one or more railway undertakings shall provide the passenger, upon request, with at least the information set out in Annex II, Part I in relation to the journeys for which a transport contracts are offered by the railway undertaking concerned.
2. Railway undertakings and, where possible, ticket vendors and tour operators, shall provide the passenger during the journey with at least the information set out in Annex II, Part II. Where a station manager has such information, he or she shall also provide the information to the passengers.
3. The information referred to in paragraphs 1 and 2 shall be provided in the most appropriate format, where possible based on real-time travel information, including by using appropriate communication technologies. Particular attention shall be paid to ensuring that this information is accessible in accordance with the provisions of Directive (EU) 2019/882 and Commission Regulations 454/2011 and 1300/2014.

## *Article 9a*

### **Access to traffic and travel information**

1. Infrastructure managers shall distribute real-time data relating to the arrival and the departure of trains to railway undertakings, ticket vendors, tour operators and station managers.
2. Railway undertakings shall provide other railway undertakings, ticket vendors and tour operators that sell their services with access to minimum travel information referred to in Annex II, Parts I and II, and to the operations on reservation systems referred to in Annex II, Part III.

3. Information shall be distributed and access shall be granted in a non-discriminatory manner and without undue delay. A one-off request shall be sufficient to have continuous access to information. The infrastructure manager and the railway undertaking obliged to make available information in accordance with paragraphs 1 and 2 may request the conclusion of a contract or other arrangement on whose basis information is distributed or access is granted.

The terms and conditions of any arrangement for the use of the information shall not unnecessarily restrict possibilities for its reuse or be used to restrict competition.

Railway undertakings may require from tour operators, ticket vendors and other railway undertakings a fair, reasonable and proportionate financial compensation for the costs incurred in providing the access, and infrastructure managers may require a compensation in accordance with the applicable rules.

4. Information shall be distributed and access shall be provided by appropriate technical means, such as application programming interfaces (APIs).
5. To the extent that data covered by paragraphs 1 or 2 of this Article is provided in accordance with other Union legal acts, in particular Delegated Regulation (EU) 2017/1926, the corresponding obligations under this Article shall be deemed to be complied with.



## *Article 10*

### **Availability of tickets and reservations**

1. Railway undertakings, ticket vendors and tour operators shall offer tickets and, where available, through-tickets and reservations.
2. Without prejudice to paragraphs 3 and 4, railway undertakings shall sell, either directly or by way of ticket vendors or tour operators, tickets to passengers via at least one of the following means of sale:
  - (a) ticket offices, other points of sale or ticketing machines;
  - (b) telephone, the Internet or any other widely available information technology;
  - (c) on board trains.

The competent authorities, as defined in Regulation (EC) No 1370/2007, point (b) of Article 2, may require railway undertakings to provide tickets for services provided under public service contracts through more than one means of sale.

4. Where there is no ticket office or ticketing machine in the station of departure, passengers shall be informed at the station:
  - (a) of the possibility of purchasing tickets via telephone or the Internet or on board the train, and of the procedure for such purchase;
  - (b) of the nearest railway station or place at which ticket offices or ticketing machines are available.
5. Where there is no ticket office, or no accessible ticketing machine in the station of departure and no other accessible means to purchase a ticket in advance, persons with disabilities shall be permitted to buy tickets on board the train at no extra cost. Railway undertakings may limit or deny this right on justifiable grounds relating to security or compulsory train reservation.

Where there is no staff on board the train, the railway undertaking shall inform the persons with disabilities on whether and how to purchase the ticket.

Member States may allow railway undertakings to require that persons with disabilities are recognised as such in accordance with relevant national law and practices of the country of their residence.

Member States may extend the right referred to in the first subparagraph to all passengers. Where Member States apply this option, they shall inform the Commission accordingly. The European Railway Agency shall publish the information on its website relating to the implementation of Commission Regulations 1300/2014 and 454/2011.

#### *Article 10a*

#### **Through-tickets**

1. Where long-distance or regional rail passenger services are operated by a sole railway undertaking it shall offer a through-ticket for those services. For other rail passenger services, railway undertakings shall make all reasonable efforts to offer through-tickets and shall cooperate to that end among themselves.

For the purpose of the first subparagraph the term “sole railway undertaking” shall also include all railway undertakings which are either wholly owned by the same owner or which are wholly owned subsidiary undertakings of one of the railway undertakings involved.

2. For journeys including one or more connections, a passenger shall be informed prior to purchasing a ticket or tickets whether that ticket or those tickets constitute a through-ticket.
3. A ticket or tickets, purchased in a single commercial transaction from a railway undertaking, shall constitute a through-ticket and the railway undertaking shall be liable in accordance with Articles 16, 17 and 18 if the passenger misses one or more connections.

4. Where a ticket or tickets are purchased in a single commercial transaction and the ticket vendor or tour operator has combined the tickets on its own initiative, the ticket vendor or tour operator that sold the ticket or tickets shall be liable to reimburse the amount paid in that transaction for the ticket or tickets and, moreover, to compensate 75% of that amount in case the passenger misses one or more connections.
- 4a. The liabilities set out in paragraphs 3 and 4 shall not apply if it is mentioned on the tickets, or on another document or electronically in such a manner that allows the passenger to reproduce the information for future reference, that the tickets represent separate transport contracts, and the passenger was informed of the matter prior to the purchase.
5. The burden of proof that the information referred to in this Article was provided shall lie with the railway undertaking, tour operator or ticket vendor that sold the ticket or tickets.
6. The ticket vendors or the tour operators shall be responsible for handling of requests and possible complaints of the passenger under paragraph 4. The reimbursement and the compensation referred to in paragraph 4 shall be paid within 30 days after the receipt of the request. The right referred to in this paragraph is without prejudice to applicable national law granting passengers further compensation for damage.

### **Chapter III**

#### **Liability of railway undertakings for passengers and their luggage**

##### *Article 11*

#### **Liability for passengers and luggage**

Subject to the provisions of this Chapter, and without prejudice to applicable national law granting passengers further compensation for damages, the liability of railway undertakings in respect of passengers and their luggage shall be governed by Chapters I, III and IV of Title IV, Title VI and Title VII of Annex I.

## *Article 12*

### **Insurance and coverage of liability**

A railway undertaking shall be adequately insured or have adequate guarantees under market conditions for cover, in accordance with Article 22 of Directive 2012/34/EU.

## *Article 13*

### **Advance payments**

1. If a passenger is killed or injured, the railway undertaking as referred to in Article 26(5) of Annex I shall without delay, and in any event not later than fifteen days after the establishment of the identity of the natural person entitled to compensation, make such advance payments as may be required to meet immediate economic needs on a basis proportional to the damage suffered.
2. Without prejudice to paragraph 1, an advance payment shall not be less than EUR 21 000 per passenger in the event of death.
3. An advance payment shall not constitute recognition of liability and may be offset against any subsequent sums paid on the basis of this Regulation but is not returnable, except in the cases where damage was caused by the negligence or fault of the passenger or where the person who received the advance payment was not the person entitled to compensation.

## *Article 14*

### **Contestation of liability**

Even if the railway undertaking contests its responsibility for physical injury to a passenger whom it conveys, it shall make every reasonable effort to assist a passenger claiming compensation for damage from third parties.

## **Chapter IV**

### **Delays, missed connections and cancellations**

#### *Article 15*

#### **Liability for delays, missed connections and cancellations**

Subject to the provisions of this Chapter, the liability of railway undertakings in respect of delays, missed connections and cancellations shall be governed by Chapter II of Title IV of Annex I.

#### *Article 16*

#### **Reimbursement and re-routing**

1. Where it is reasonably to be expected, either at departure or in the event of a missed connection or a cancellation, that arrival at the final destination under the transport contract will be subject to a delay of 60 minutes or more, the railway undertaking operating the delayed or cancelled service shall immediately offer the passenger the choice between one of the following, and make the necessary arrangements:
  - (a) reimbursement of the full cost of the ticket, under the conditions by which it was paid, for the part or parts of his or her journey not made and for the part or parts already made if the journey is no longer serving any purpose in relation to the passenger's original travel plan, together with, when relevant, a return service to the first point of departure at the earliest opportunity.
  - (b) continuation or re-routing, under comparable transport conditions, to the final destination at the earliest opportunity;
  - (c) continuation or re-routing, under comparable transport conditions, to the final destination at a later date at the passenger's convenience.

2. Where, for the purposes of points (b) and (c) of paragraph 1, comparable re-routing is operated by the same railway undertaking or another undertaking is commissioned to perform the re-routing, this shall not generate additional costs to the passenger. This requirement also applies where the re-routing involves the use of transport of a higher service class and alternative modes of transport. Railway undertakings shall make reasonable efforts to avoid additional connections and that delay in the total travel time is as short as possible. Passengers shall not be downgraded to transport facilities of a lower class unless such facilities are the only re-routing means available.
- 2a. Without prejudice to paragraph 2, the railway undertaking may agree, upon the request of the passenger, that the passenger concludes contracts with other providers of transport services which enable the passenger to reach the final destination under comparable conditions, and reimburse for the costs incurred.

Where the available options for rerouting are not communicated to the passenger within 100 minutes from the scheduled departure time of the delayed or cancelled service or the missed connection, the passenger shall be entitled to conclude such a contract with other providers of public transport services by rail, coach or bus. The railway undertaking shall reimburse necessary, appropriate and reasonable costs incurred.

This paragraph shall not affect laws, regulations or administrative provisions in Member States which grant more favourable rerouting conditions to passengers.

3. Re-routing transport service providers shall provide to persons with disabilities and persons with reduced mobility a comparable level of assistance and of accessibility when offering an alternative service. Re-routing transport service providers may provide persons with disabilities and persons with reduced mobility with alternative services appropriate to their needs different from those offered to other passengers.

4. The reimbursements referred to in paragraph 1(a) and in paragraph 2a shall be paid within 30 days after the receipt of the request. Member States may require railway undertakings to accept such requests by certain means of communication, provided that the request does not create discriminatory effects. The reimbursement may be paid in vouchers and/or other services if the terms are flexible (in particular regarding the validity period and destination) and if the passenger agrees. The reimbursement of the ticket price shall not be reduced by financial transaction costs such as fees, telephone costs or stamps.”
5. The Commission shall adopt an implementing act establishing a common form for reimbursement requests under this Regulation at the latest by [OJ: add the date of entry into force + 24 months]. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 37a(2). The form shall be established in an accessible format for persons with disabilities and persons with reduced mobility.
6. The passengers shall have the right to submit their requests using the form referred to in paragraph 5. Railway undertakings shall not reject a request for reimbursement solely on the grounds that the passenger has not used this form. If a request is not sufficiently precise, the railway undertaking shall ask the passenger to clarify the request and shall assist the passenger in doing so.

### *Article 17*

#### **Compensation**

1. Without losing the right of transport, a passenger is entitled to compensation for delays from the railway undertaking if he or she is facing a delay between the places of departure and final destination stated in the ticket or through-ticket for which the cost has not been reimbursed in accordance with Article 16. The minimum compensations for delays shall be as follows:
  - (a) 25 % of the ticket price for a delay of 60 to 119 minutes,
  - (b) 50 % of the ticket price for a delay of 120 minutes or more.

2. Paragraph 1 also applies to passengers who hold a travel pass or season ticket. If they encounter recurrent delays or cancellations during the period of validity of the travel pass or season ticket, they are entitled to adequate compensation in accordance with the railway undertaking's compensation arrangements. These arrangements shall state the criteria for determining delay and for the calculation of the compensation. Where delays of less than 60 minutes occur repeatedly during the period of validity of the travel pass or season ticket, the delays may be counted cumulatively and passengers may be compensated in accordance with the railway undertaking's compensation arrangements.
3. Without prejudice to paragraph 2, compensation for delay shall be calculated in relation to the full price which the passenger actually paid for the delayed service. Where the transport contract is for a return journey, compensation for delay on either the outward or the return leg shall be calculated in relation to the price indicated for that leg on the ticket. Where there is no such indication of the price of the individual legs of the journey, the compensation shall be calculated in relation to half of the price paid for the ticket. In the same way the price for a delayed service under any other form of transport contract allowing travelling several subsequent legs shall be calculated in proportion to the full price.
4. The calculation of the period of delay shall not take into account any delay that the railway undertaking can demonstrate as having occurred outside the territories of the Union.
- 4a-a. The Commission shall adopt an implementing act establishing a common form for compensation requests under this Regulation at the latest by [*OJ: add the date of entry into force + 24 months*]. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 37a(2). The form shall be established in an accessible format for persons with disabilities and persons with reduced mobility.
- 4a. Member States may require railway undertakings to accept requests for compensation by certain means of communication, provided that the request does not create discriminatory effects. The passengers shall have the right to submit their requests using the form referred to in paragraph 4a-a. Railway undertakings shall not reject a request for compensation solely on the grounds that the passenger has not used this form. If a request is not sufficiently precise, the railway undertaking shall ask the passenger to clarify the request and shall assist the passenger in doing so.



5. The compensation of the ticket price shall be paid within one month after the submission of the request for compensation. The compensation may be paid in vouchers and/or other services if the terms are flexible (in particular regarding the validity period and destination). The compensation shall be paid in money at the request of the passenger.
6. 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 ticket.
7. Passengers shall not have any right to compensation if they are informed of a delay before buying a ticket, or if a delay due to continuation on a different service or re-routing remains below 60 minutes.
8. A railway undertaking shall not be obliged to pay compensation if it can prove that the delay, cancelation or missed connection was caused directly by, or inherently linked with:
  - (a) extraordinary circumstances not connected with the operation of the railway, such as extreme weather conditions, major natural disasters or major public health crises, which the railway undertaking, in spite of having taken the care required in the particular circumstances of the case could not avoid and the consequences of which he was unable to prevent;
  - (b) fault on the part of the passenger; or
  - (c) the behaviour of a third party which the railway undertaking, in spite of having taken the care required in the particular circumstances of the case, could not avoid and the consequences of which he was unable to prevent, such as persons on the track, cable theft, on-board emergencies, law enforcement activities, sabotage or terrorism.

Strikes by the personnel of the railway undertaking, acts or omissions by another undertakings using the same railway infrastructure and acts or omissions of the infrastructure and station managers are not covered by the exemption referred to in first subparagraph of this point.

*Article 18*

**Assistance**

1. In the case of a delay in arrival or departure, or cancellation of a service, passengers shall be kept informed of the situation and of the estimated departure time and estimated arrival time of the service or the replacement service by the railway undertaking or by the station manager as soon as such information is available. Where ticket vendors and tour operators have such information, they shall also provide it to the passenger.
2. In the case of any delay as referred to in paragraph 1 of 60 minutes or more, or cancellation of a service, the railway undertaking operating the delayed or cancelled service shall offer the passengers free of charge:
  - (a) meals and refreshments in reasonable relation to the waiting time, if they are available on the train or in the station, or can reasonably be supplied taking into account criteria such as the distance from the supplier, the time required for delivery and the cost;
  - (b) hotel or other accommodation, and transport between the railway station and place of accommodation, in cases where a stay of one or more nights becomes necessary or an additional stay becomes necessary, where and when physically possible. In cases where such a stay becomes necessary due to the circumstances referred to in paragraph 8 of Article 17, the railway undertaking may limit the duration of accommodation to a maximum of three nights. The access requirements of persons with disabilities and with reduced mobility and the needs of assistant dogs shall be taken into account, whenever possible.
  - (c) if the train is blocked on the track, transport from the train to the railway station, to the alternative departure point or to the final destination of the service, where and when physically possible.
3. If the railway service is interrupted and cannot be continued anymore or within a reasonable delay, railway undertakings shall offer as soon as possible alternative transport services for passengers and make the necessary arrangements.

4. With regard to the affected passengers, railway undertakings shall inform them how to request certification that the rail service has suffered a delay, led to a missed connection or that it has been cancelled. This certification shall also apply in connection with the provisions laid down in Article 17.
5. In applying paragraphs 1 to 4, the operating railway undertaking shall pay particular attention to the needs of persons with disabilities, persons with reduced mobility, any accompanying persons and assistant dogs.
6. Where contingency plans are established pursuant to Article 13a(3) of Directive 2012/34/EU, the railway undertakings shall coordinate with the station manager and infrastructure manager in order for them to be prepared for the possibility of major disruption and long delays leading to a considerable number of passengers being stranded in the station. Such contingency plans shall include requirements for the accessibility of alert and information systems.

## **Chapter V**

### **Persons with disabilities and persons with reduced mobility**

#### *Article 20*

#### **Right to transport**

1. Railway undertakings and station managers shall, with the active involvement of representative organisations and, where relevant, representatives of persons with disabilities and persons with reduced mobility, establish, or shall have in place, non-discriminatory access rules for the transport of persons with disabilities, including their personal assistants recognised as such in accordance with the national practices, and persons with reduced mobility. Those rules shall take into account the agreements referred to in point 4.4.3 of the Annex to Commission Regulation (EU) No 1300/2014, notably as to the entity responsible to provide the assistance to persons with disabilities and persons with reduced mobility.
2. Reservations and tickets shall be offered to persons with disabilities and persons with reduced mobility at no additional cost. A railway undertaking, ticket vendor or tour operator may not refuse to accept a reservation from, or issue a ticket to, a person with disabilities or a person with reduced mobility, or require that such person be accompanied by another person, unless this is strictly necessary in order to comply with the access rules referred to in paragraph 1.

#### *Article 21*

#### **Information to persons with disabilities and persons with reduced mobility**

1. Upon request, a station manager, a railway undertaking, a ticket vendor or a tour operator shall provide persons with disabilities and persons with reduced mobility with information, including in accessible formats in accordance with the provisions of Commission Regulations (EU) No 454/2011 and No 1300/2014 and Directive (EU) 2019/882, on the accessibility of the station and associated facilities, rail services and on the access conditions of rolling stock in accordance with the access rules referred to in Article 20(1) and shall inform persons with disabilities and persons with reduced mobility about facilities on board.

2. When a railway undertaking, ticket vendor or tour operator exercises the derogation provided for in Article 20(2), it shall upon request inform in writing the person with disabilities or person with reduced mobility concerned of its reasons for doing so within five working days of the refusal to make the reservation or to issue the ticket or the imposition of the condition of being accompanied. The railway undertaking, ticket vendor or tour operator shall make reasonable efforts to propose an acceptable alternative transport option to the person in question taking into account his or her accessibility needs.
3. In unstaffed stations, railway undertakings and station managers shall ensure that easily available information, including in accessible formats in accordance with the provisions of Commission Regulations (EU) 454/2011, 1300/2014 and Directive (EU) 2019/882, is displayed in accordance with the access rules referred to in Article 20(1) regarding the nearest staffed stations and directly available assistance for persons with disabilities and persons with reduced mobility.

#### *Article 22*

#### **Assistance at railway stations and on board**

1. Persons with disabilities or persons with reduced mobility shall be assisted as follows:
  - a) The personal assistant, recognised as such in accordance with national practices, may travel with a special tariff and, if applicable, free of charge and be seated, where practicable, next to the person with disabilities;
  - b) Where a railway undertaking requires that a passenger needs to be accompanied on board the train in accordance with Article 20(2), the accompanying person shall be entitled to travel free of charge and be seated, where feasible, next to the person with disabilities or with reduced mobility;
  - c) They shall be allowed to be accompanied by an assistant dog in accordance with any relevant national law;

- ca) For unstaffed trains, station managers or railway undertakings shall provide assistance free of charge, in conformity with the access rules referred to in Article 20(1), during boarding and alighting from a train when there is trained staff on duty at the station;
- d) On departure from, transit through or arrival at, a staffed railway station, the station manager or the railway undertaking shall provide assistance free of charge in such a way that that person is able to board the train, to transfer to a connecting rail service for which he or she has a ticket, or to alight the train, provided there is trained staff on duty;

Where the need for assistance has been notified in advance in accordance with point (a) of Article 24, the station manager or the railway undertaking shall ensure that assistance is provided as requested;

- e) At unstaffed stations, railway undertakings shall provide assistance free of charge on board a train and during boarding and alighting from a train if the train is accompanied by trained staff;
- f) In the absence of trained accompanying staff on board a train and at a station, railway undertakings or station managers shall make all reasonable efforts to enable persons with disabilities or persons with reduced mobility to have access to travel by rail.
- g) the railway undertaking shall make all reasonable efforts to provide access to the same on-board services as other passengers, where these persons cannot have access to those services independently and safely.

- 2. The rules referred to in Article 20(1) shall establish the modalities for the rights referred to in paragraph 1.

#### *Article 24*

#### **Conditions under which assistance is provided**

Railway undertakings, station managers, ticket vendors and tour operators shall cooperate in order to provide assistance free of charge to persons with disabilities and persons with reduced mobility, as specified in Articles 20 and 22 offering a single notification mechanism, in accordance with the following points:

- (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, or the Single Point of Contact referred to in point (f), where applicable, is notified of the passenger's need for such assistance at least 24 hours before the assistance is needed. A single notification for a rail journey shall be sufficient. Such notifications shall be forwarded to all railway undertakings and station managers involved in the journey.

Such notifications shall be accepted without additional costs, irrespective of the means of communication being used.

Where a ticket or season ticket permits multiple journeys, one notification shall be sufficient provided that adequate information on the timing of subsequent journeys is provided, and in any case at least 24 hours before the first time the assistance is needed. The passenger or his/her representative shall make all reasonable efforts to inform of any annulment of such subsequent journeys at least 12 hours in advance.

Until 30.06.2026 Member States may permit that the 24h period for notifications referred to in the preceding subparagraphs is extended up to 36 hours. In that case, Member States shall notify the Commission of the permission and provide information on the measures taken or envisaged to reduce the period.

- (b) railway undertakings, station managers, ticket vendors and tour operators shall take all measures necessary for the reception of notifications. Where ticket vendors are unable to process such notifications, they shall indicate alternative points of purchase or alternative means to make the notification;
- (c) if no notification is made in accordance with point (a), the railway undertaking and the station manager shall make all reasonable efforts to provide assistance in such a way that the person with disabilities or person with reduced mobility may travel;
- (d) without prejudice to point (f) of this Article, the station manager or any other authorised person shall designate points at which persons with disabilities and persons with reduced mobility can make known their arrival at the railway station and request assistance. The responsibilities regarding designation of, and distribution of information about, such points shall be established in the accessibility rules referred to in Article 20(1);

- (e) assistance shall be provided on condition that the person with disabilities or person with reduced mobility presents him or herself at the designated point at a time stipulated by the railway undertaking or station manager providing such assistance. Any time stipulated shall not be more than 60 minutes before the published departure time or the time at which all passengers are asked to check in. If no time is stipulated by which the person with disabilities or person with reduced mobility is required to present him or herself, the person shall present him or herself at the designated point at least 30 minutes before the published departure time or the time at which all passengers are asked to check in.
- (f) Member States may require that station managers and railway undertakings on their territory cooperate to establish and to operate Single Points of Contact for persons with disabilities and persons with reduced mobility. The terms for the operation of the Single Points of Contact shall be established in the accessibility rules referred to in Article 20(1). Those Single Points of Contact have the responsibility to:
  - (i) accept requests for assistance at stations;
  - (ii) communicate individual requests of assistance to station managers and railway undertakings; and
  - (iii) provide information on accessibility.

*Article 25*

**Compensation in respect of mobility equipment,  
assistive devices and assistant dogs**

1. Where railway undertakings and station managers cause loss of, or damage to, mobility equipment including wheelchairs, to assistive devices, or loss or injury of assistant dogs used by persons with disabilities and persons with reduced mobility, they shall be liable for that damage, loss or injury, and provide compensation without undue delay.



2. The compensation referred to in paragraph 1 shall be equal to the cost of replacement or repair of the mobility equipment or assistive devices lost or damaged. For assistant dogs, the compensation referred to in paragraph 1 shall be equal to the cost of replacement or the treatment of the injury. The compensation shall also cover reasonable costs of temporary replacement where such replacement is not provided by the railway undertaking or the station manager in accordance with paragraph 3.
3. Where paragraph 1 applies, railway undertakings and station managers shall rapidly make all reasonable efforts to provide immediately needed temporary replacements for mobility equipment or assistive devices. The person with disabilities or reduced mobility shall be permitted to keep that temporary replacement equipment or device until the compensation referred to in paragraphs 1 and 2 has been paid.

#### *Article 26*

#### **Staff training**

1. Railway undertakings and station managers shall:
  - (a) ensure that all staff, including those newly recruited, providing, in their regular duties, direct assistance to persons with disabilities and persons with reduced mobility, receive disability-related training in order to know how to meet the needs of persons with disabilities and of persons with reduced mobility, including those with mental and intellectual impairments;
  - (b) provide training and regular refresher training courses to raise awareness of the needs of persons with disabilities and persons with reduced mobility among all staff, working at the station and on board trains, who deal directly with the travelling public.
2. Railway undertakings and station managers may accept the participation, in the training, of employees with disabilities, and consider the participation of passengers with disabilities and with reduced mobility, and/or organisations representing them.

## Chapter VI

### Security, complaints and quality of service

#### *Article 27*

##### **Personal security of passengers**

In agreement with public authorities, railway undertakings, infrastructure managers and station managers shall take adequate measures in their respective fields of responsibility and adapt them to the level of security defined by the public authorities to ensure passengers' personal security in railway stations and on trains and to manage risks. They shall cooperate and exchange information on best practices concerning the prevention of acts, which are likely to deteriorate the level of security.

#### *Article 28*

##### **Complaints**

1. All railway undertakings and station managers of stations handling more than 10 000 passengers per day on average over a year shall each set up a complaint-handling mechanism for the rights and obligations covered in this Regulation in their respective field of responsibility. They shall make their contact details and working language(s) widely known to passengers. This mechanism does not apply to Chapter III.
2. Under the mechanisms referred to in paragraph 1, passengers may submit a complaint to any railway undertaking, or station manager regarding their respective fields of responsibilities. Complaints shall be submitted within three months of the incident that is the subject of the complaint. Within one month of receiving the complaint, the addressee shall either give a reasoned reply or, in justified cases, inform the passenger that he or she will get a reply within a period of less than three months from the date of receipt of the complaint. Railway undertakings and station managers shall keep the data necessary to assess the complaint for the duration of the entire complaint handling procedure, including the complaint handling procedures referred to in Articles 33 and 34, and make it available to national enforcement bodies upon request.

3. Details of the complaint handling procedure shall be publicly accessible, including to persons with disabilities and with reduced mobility. This information shall be available upon request at least in the official language(s) of the Member State in which the railway undertaking is operating.
4. The railway undertaking shall publish in the report referred to in Article 29 the number and categories of received complaints, processed complaints, response time and possible improvement actions undertaken.

#### *Article 29*

#### **Service quality standards**

1. Railway undertakings shall establish service quality standards and implement a quality management system to maintain service quality. The service quality standards shall at least cover the items listed in Annex III.
2. Railway undertakings shall monitor their own performance as reflected in the service quality standards. Railway undertakings shall publish a report on their service quality performance on their website at the latest by 30 June [OJ: Add the year of entry into force + 2 years], and every two years thereafter. In addition, these reports shall be made available on the website of the European Union Agency for Railways.
3. Station managers shall establish service quality standards based on the relevant items listed in Annex III. They shall monitor their performance pursuant to these standards and provide access to the information on their performance to the national public authorities on request.

## **Chapter VII**

### **Information and enforcement**

#### *Article 30*

##### **Information to passengers about their rights**

1. When selling tickets for journeys by rail, railway undertakings, station managers, ticket vendors and tour operators shall inform passengers of their rights and obligations under this Regulation. In order to comply with this information requirement, they may use a summary of the provisions of this Regulation prepared by the Commission in all official languages of the Union and made available to them. In addition, they shall provide information, in either paper or electronic format or by any other means, including in accessible formats in accordance with the provisions of Directive (EU) 2019/882 and in Commission Regulation (EU) No 1300/2014. They shall specify where such information can be obtained in the event of cancellation, missed connection or long delay.
2. Railway undertakings and station managers shall inform passengers in an appropriate manner, including in accessible formats in accordance with the provisions of Directive (EU) 2019/882 and in Commission Regulation (EU) No 1300/2014, at the station, on the train and on their website, of their rights and obligations under this Regulation, and of the contact details of the body or bodies designated by Member States pursuant to Article 31.

#### *Article 31*

##### **Designation of national enforcement bodies**

1. Each Member State shall designate a body or bodies responsible for the enforcement of this Regulation. Each body shall take the measures necessary to ensure that the rights of passengers are respected.
2. Each body shall be independent in its organisation, funding decisions, legal structure and decision-making of any infrastructure manager, charging body, allocation body or railway undertaking.

3. Member States shall inform the Commission of the body or bodies designated in accordance with this Article and of its or their respective responsibilities. The Commission and the bodies designated shall publish that information on their websites.
4. The enforcement obligations as regards station managers and infrastructure managers provided for in this Chapter shall not apply to Cyprus or Malta for as long as no railway system is established within their respective territories and as regards railway undertakings for as long as no railway undertaking has been licensed by a licensing authority designated by Cyprus or Malta in accordance with Article 2(1).

### *Article 32*

#### **Enforcement tasks**

1. The national enforcement bodies shall closely monitor compliance with this Regulation, including with Commission Regulations 454/2011 and 1300/2014 as far as those Regulations are referred to in this Regulation, and take the measures necessary to ensure that the rights of passengers are upheld. For this purpose, railway undertakings, station managers, infrastructure managers, as well as ticket vendors and tour operators, shall provide the bodies with relevant documents and information at their request without undue delay and, in any event, within one month. For complex cases, the national enforcement body may extend this period for no longer than three months from the receipt of the request. In carrying out their functions, the bodies shall take account of the information submitted to them by the body designated under Article 33 to handle complaints, if this is a different body. They may also decide on enforcement actions based on individual complaints transmitted by such a body.
2. The national enforcement bodies shall publish reports with statistics on their activity, including on sanctions applied, every two years, at the latest at the end of June of the following calendar year.

In addition, these reports shall be made available on the website of the European Union Agency for Railways.

3. Railway undertakings shall give their contact details to the national enforcement body or bodies of the Member States in which they operate.

*Article 33*

**Complaint handling by national enforcement bodies**

1. Without prejudice to the rights of consumers to seek alternative redress pursuant to Directive 2013/11/EU of the European Parliament and of the Council<sup>10</sup>, after having complained unsuccessfully to the railway undertaking or station manager pursuant to Article 28 the passenger may complain to a body referred to in paragraph 2 within 3 months from receiving information on the rejection of the original complaint. Where no reply is received within 3 months from making the original complaint, the passenger has the right to complain to the body referred to in paragraph 2. Where necessary, that body shall inform the complainant about his or her right to complain to alternative dispute resolution bodies to seek individual redress.
2. Any passenger may complain either to the national enforcement body, or any other body designated by a Member State for that purpose, about an alleged infringement of this Regulation.
3. The body shall acknowledge receipt of the complaint within two weeks of receiving it. The complaint-handling procedure shall take a maximum of three months from the date of the establishment of the complaint file. For complex cases, the body may extend this period to six months. In such a case, it shall inform the passenger of the reasons for the extension and of the expected time needed to conclude the procedure. Only cases that involve legal proceedings may take longer than six months. Where the body is also an alternative dispute resolution body within the meaning of Directive 2013/11/EU, the time limits laid down in that Directive shall prevail.

The complaint handling procedure shall be made accessible to persons with disabilities and to persons with reduced mobility.

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<sup>10</sup> Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (OJ L 165, 18.6.2013, p. 14).

4. Passenger complaints about an incident involving a railway undertaking shall be handled by the body, referred to in paragraph 2, of the Member State that granted that undertaking's licence.
5. Where a complaint relates to alleged violations by station or infrastructure managers, the complaint shall be handled by the body referred to in paragraph 2 of the Member State on whose territory the incident occurred.
6. In the framework of cooperation pursuant to Article 34 the bodies may derogate from paragraphs 4 or 5 where for justified reasons, in particular language or residence, this is in the passenger's interest.

#### *Article 34*

#### **Exchange of information and cross-border cooperation between national enforcement bodies**

1. Where different bodies are designated under Articles 31 and 33, reporting mechanisms shall be set up to ensure the exchange of information between them, in accordance with Regulation (EU) 2016/679, in order to help the national enforcement body to carry out its tasks of supervision and enforcement, and so that the complaint-handling body designated under Article 33 can collect the information necessary to examine individual complaints.
2. National enforcement bodies shall exchange information on their work and decision-making principles and practice for the purpose of coordination. The Commission shall support them in this task.
3. In complex cases such as cases involving multiple complaints or a number of operators, cross border travel or accidents on the territory of a Member State other than that which granted the undertaking's licence, in particular where it is unclear which national enforcement body is competent, or where it would facilitate or accelerate the resolution of the complaint, national enforcement bodies shall cooperate to identify a 'lead' body, which shall serve as single point of contact for passengers. All national enforcement bodies involved shall cooperate to facilitate the resolution of the complaint (including by sharing information, assisting with the translation of documents and providing information on the circumstances of incidents). Passengers shall be informed which body is acting as 'lead' body.

## **Chapter VIII**

### **Final provisions**

#### *Article 35*

##### **Penalties**

1. Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall notify the Commission of those rules and measures and shall notify it without delay of any subsequent amendment affecting them.
2. In the framework of cooperation referred to in Article 34 the national enforcement body which is competent for the purposes of Article 33(4) or (5) shall, upon request of the national enforcement body handling the complaint, investigate the infringement of this Regulation identified by that body and, if necessary, impose sanctions.

#### *Article 36*

##### **Delegation of powers**

The Commission is empowered to adopt delegated acts in accordance with Article 37 in order to:

- (i) adjust the financial amount referred to in Article 13(2) to take account of changes in the EU-wide Harmonised Index of Consumer Prices excluding energy and unprocessed food, as published by the Commission (Eurostat);
- (ii) amend Annex I in order to take account of amendments to the Uniform Rules concerning the Contract for International Carriage of Passengers and Luggage by Rail (CIV), as set out in Appendix A to the Convention concerning International Carriage by Rail (COTIF).



## *Article 37*

### **Exercise of the delegation**

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 36 shall be conferred on the Commission for a period of five years from [date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.
3. The delegation of power may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect on the day following its publication in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making<sup>11</sup>.
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
6. A delegated act adopted pursuant to this Article shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

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<sup>11</sup> Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making (OJ L 123, 12.5.2016, p. 1).

### *Article 37a*

#### **Committee procedure**

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

### *Article 38*

#### **Report**

The Commission shall report to the European Parliament and the Council on the implementation and the results of this Regulation [five years after the adoption of this Regulation].

The report shall be based on information to be provided pursuant to this Regulation. The report shall be accompanied where necessary by appropriate proposals.

### *Article 39*

#### **Repeal**

Regulation (EC) 1371/2007 is repealed with effect from [*OJ: add the date on entry into force + 24 months*].

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex V.

### *Article 40*

#### **Entry into force**

This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

It shall apply from [*OJ: add the date on entry into force + 24 months*]

This Regulation shall be binding in its entirety and directly applicable in all Member States.