



COMMISSION OF THE EUROPEAN COMMUNITIES

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Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**on International Rail Passengers' Rights and Obligations**

(presented by the Commission)

## **EXPLANATORY MEMORANDUM**

This proposal includes a set of rules for reinforcing and improving the rights and obligations of passengers in international rail transport. It follows from the White Paper ‘European transport policy for 2010: time to decide’<sup>1</sup>, in which the Commission clearly announced that users of the transport system need to be put back at the heart of the transport policy, regardless the mode of transport. The need for Community action in this respect was further demonstrated by the Commission in its Communication ‘Towards an integrated European railway area’<sup>2</sup> where, on the basis of a study<sup>3</sup> carried out for the Commission to assess the actual and potential market for international rail passenger services, many shortcomings in service levels of international passenger transport by rail were identified.

The need for a better protection of passengers in international rail transport is also underlined by the complaints sent to the Commission by European citizens concerning the inadequate quality of service provided by railway undertakings on international rail passenger services. These inadequacies relate to many different areas, such as insufficient provision of information on timetables, fares, delays and disruption of services; cleanliness of trains or inaccessible carriages or platforms for persons with reduced mobility (PRMs).

Furthermore, this proposal also attempts to address in a generic way the concerns on the quality and quantity of international rail services, as expressed in the written and oral questions by Members of the European Parliament<sup>4</sup>.

The Consumer Policy Strategy 2002-2006<sup>5</sup> recognised the need for better consumer protection for international rail passenger transport, notably as passenger transport by rail is often excluded from the scope of EU legislation on consumer protection.

The Convention concerning International Carriage by Rail (COTIF) of 9 May 1980 currently in force includes Uniform Rules concerning the Contract for International Carriage of Passengers and Luggage by Rail, the CIV appendix. These provisions have been agreed by the States that are members of the Intergovernmental Organisation for International Carriage by Rail (OTIF). Currently 41 states are members of OTIF. All the EU Member States take part on OTIF as well as the accession countries with railways, the only exception being Estonia. The OTIF has developed a uniform system of law applicable to the carriage of passengers, luggage and freight in international rail traffic. The COTIF has been amended by the Vilnius Protocol of 3 June 1999. There is a proposal for an agreement on the European Community’s accession to the COTIF<sup>6</sup>. The accession of the Community will be possible

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<sup>1</sup> COM(2001) 370, 12/9/2001. Full text: [http://europa.eu.int/comm/energy\\_transport/en/lb\\_en.html](http://europa.eu.int/comm/energy_transport/en/lb_en.html).

<sup>2</sup> Communication from the Commission to the Council and the European Parliament, COM(2002)18 final, 23/1/2002. Full text: [http://europa.eu.int/comm/transport/rail/newpack/np\\_en.htm](http://europa.eu.int/comm/transport/rail/newpack/np_en.htm). Please note that the text of this consultation document, as well as the links to the EU legal provisions mentioned in this document can be found on the internet site of the Rail Transport and Interoperability Unit: [http://europa.eu.int/comm/transport/rail/index/index\\_en.html](http://europa.eu.int/comm/transport/rail/index/index_en.html).

<sup>3</sup> Developing EU (International) Rail Passenger Transport: Assessment of the actual and potential market for international rail passenger services’, by OGM, Brussels, February 2002. This report gives a comprehensive overview of the problems international rail passengers face and have to cope with when they travel by train. Full text: <http://europa.eu.int/comm/transport/rail/library/ogm-report.pdf>.

<sup>4</sup> A comprehensive list of these questions and the answers provided by the Commission is beyond the scope of this consultative paper. An example though can be found in OJ C 172E of 18 July 2002, p. 80: <http://europa.eu.int/eur-lex/en/oj/2002/ce17220020718en.html>.

<sup>5</sup> COM(2002)208 final, 7.05.2002, see: [http://europa.eu.int/comm/consumers/policy/intro/intro\\_en.html](http://europa.eu.int/comm/consumers/policy/intro/intro_en.html)

<sup>6</sup> COM(2003) 696 final, 17.11.2003

once the Vilnius Protocol has entered into force. The Protocol will enter into force following ratification by at least two thirds of the signatories to the Convention, presumably in 2005.

The obligation to carry has been abolished in the new COTIF. The single contract could be seen as the holder of the passenger rights. To a certain extent this will be based on the voluntary co-operation between the railway undertakings. When assessing the rights emanating from COTIF the revised version has been studied. The current proposal on a regulation entails to a large part passenger rights not covered by the COTIF. This is the case for information to be provided to the passenger, availability of tickets, compensation for consequential damages, rights for persons with reduced mobility, security measures and complaint handling. When it comes to liability in case of death or injury of a passenger the proposal goes further than the COTIF with the aim to align the rail transport with the aviation sector. The proposal also goes further in respect of liability and compensation for delays as well as cancellation of services. Whereas the CIV in this regard provides for accommodation and compensation for notifying persons the regulation will also give the passenger right to compensation. The proposal creates an obligation for railway undertakings to co-operate in order to ensure that integrated tickets as well as information on services are provided.

In order to achieve enforceable and equivalent passenger rights for international rail transport a regulation has been deemed the most appropriate way.

Improvement of passengers' rights will be essential to promote rail transport and thus to contribute to the achievement of one of the main aims of the Common Transport Policy: consolidation and, if possible, strengthening of the modal share of rail transport (6,2%<sup>7</sup>) at 1998 levels in 2010. This aim implies that passenger transport by rail has to increase considerably in absolute terms: from 287 bln. passenger kilometres (pkm) in 1998 towards 327 bln. pkm as predicted by the anticipated trend and even to 400 bln. pkm in an optimistic scenario for rail transport. The latter means an increase of almost 40% of rail passenger transport, even though its modal share will only represent a modest 6,7%. The study mentioned above estimated that international rail transport represents approximately 10% to 15% of the turnover of railway undertakings. This study also mentioned the huge potential of international passenger transport by rail since the number of foreign trips is expected to grow substantially as a result of the changing demographic structure of the European population: older people are more likely to travel by train as this is more comfortable and convenient than travel by car, coach or air.

## Consultation

In October 2002, the Commission's services published a Consultation Document<sup>8</sup>, which contained an overview of the main problems and the issues to be addressed at Community level. The issues identified in this document were related to the general provisions and conditions of transport concerning international rail passenger journeys; passengers' rights before, during and after the journey as well as the obligations passengers have to comply with

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<sup>7</sup> EU Energy and Transport in figures, 2003 edition, table 3.5.2, see [http://europa.eu.int/comm/energy\\_transport/etif/lists/transport.html#top](http://europa.eu.int/comm/energy_transport/etif/lists/transport.html#top)

<sup>8</sup> Consultation Document on International Rail Passengers' Rights and Obligations, see: [http://europa.eu.int/comm/transport/rail/passenger/initiative\\_en.htm](http://europa.eu.int/comm/transport/rail/passenger/initiative_en.htm). The reactions and replies on the Consultation Document can be found at this site as well.

whilst travelling on an international service. This document was discussed during a hearing<sup>9</sup> organised in November 2002, which was attended by the main stakeholders, such as the railway undertakings, infrastructure managers, passenger and consumer organisations and representatives of the Member States. The stakeholders replied to the questions raised in the Consultation Document, which have been taken into account in the elaboration of this proposal.

Consumer organisations, representatives of European passengers' organisations as well as the majority of the Member States expressed their support for a regulatory approach at Community level, whereas the railway undertakings and, to a lesser extent, the infrastructure managers rejected this legal approach. The railway undertakings, represented by the Community of European Railways (CER) referred to the activities it had undertaken to develop a passenger Charter to improve passengers' rights on a voluntary basis.

The Commission welcomed the efforts undertaken by the CER to come to a substantial improvement of the quality of railway services, both national and international, and fully acknowledges that the potential scope of the passenger Charter is wider than a Community approach, which will be restricted to international passenger journeys. However, issues raised in the Consultation Document, as the liability of the railway undertaking, compensation in cases of delays and cancellations of services or access to computer reservation systems would need to be addressed in a regulatory approach rather than in a voluntary agreement between railway undertakings in order to ensure enforceable rights to passengers.

A study has been carried out mainly on the subject of compensation for delays<sup>10</sup>. The study was presented to the stakeholders in June 2003, and clearly showed that the introduction of compensation schemes would only slightly raise costs for the railway undertakings: a rough estimate is that it represents less than 1% of the turnover of the railway undertakings for international transport. The benefits of the introduction of compensation schemes are difficult to quantify, due to a persistent lack of reliable data as well as the problems associated with the quantification of the effects of a quality improvement. The costs associated with delays and cancellations are likely to equal or even exceed the costs of the introduction of compensation schemes since the costs for additional staff, overtime and rolling stock should be considered as well. The introduction of a compensation scheme should therefore be an additional incentive for railway undertakings to improve their quality standards.

## Legal Base

The legal base for the proposal is set out explicitly in Article 71 of the EC Treaty, to which applies the co-decision procedure.

## Objectives and Scope

This proposal aims at establishing rights and obligations for international rail passengers in order to improve the effectiveness and attractiveness of international rail passenger transport. The proposal will lay down provisions on the minimum requirements for information to be provided to passengers before, during and after their journey; contract conditions; the liability of railway undertakings in cases of accidents, delays or cancellations of services; the

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<sup>9</sup> Report of the hearing of 15 November 2002, available in English, French and German, see: [http://europa.eu.int/comm/transport/rail/passenger/initiative\\_en.htm](http://europa.eu.int/comm/transport/rail/passenger/initiative_en.htm). A first, explorative hearing was organised in October 2001. The report of that hearing can be found on the same internetpage.

<sup>10</sup> The Landwell report; Etude sur les systemes de penalites dans le domaine ferroviaire, 14 February 2003

conditions under which persons with reduced mobility shall be assisted and, finally, the conditions under which railway undertakings shall co-operate to achieve the aims of the Regulation.

Furthermore, this proposal aims at defining the obligations passengers have to comply with, such as the obligation to purchase a ticket and to avoid any behaviour likely to inconvenience train staff or other passengers.

Specific provisions

## **Chapter 1 General Provisions**

### Article 1

This Article sets out the subject matter and scope of the Regulation

### Article 2

This Article gives the definitions

## **Chapter 2 Information and tickets**

### Article 3

This Article establishes the right for the passenger to obtain information. According to the annex the information is divided into information pre-trip, during the journey and after the journey. The Article deals with the content as well as the format to be used for the presentation of the information.

### Article 4

Article 4 (1) deals with the transport contract as well as its evidential value. In Article 4 (2) the issuing of tickets is dealt with as well as the information the ticket should contain. Article 4 (3) creates a right for the passenger to transfer a ticket made out in his name. Article 4 (4) is to safeguard the evolution of tickets, for instance electronic tickets.

### Article 5

This Article corresponds to Article 3 of Regulation 2299/89 on a code of conduct for computerised reservation systems. It is of great importance that access to these systems is safeguarded in order to assure a non-discriminatory access and customer interests.

### Article 6

This Article establishes the right for a passenger to buy integrated “through-tickets” for the international journey. This right is only ensured if the railway undertakings are obliged to co-operate. The co-operation is a means for the railway undertakings to simplify the international rail transport. Article 6 (3) deals with distribution channels for international rail tickets. This Article also determines the conditions under which a passenger can purchase a ticket on the train.

### **Chapter 3 Liability of the railway undertaking**

#### Article 7

This Article deals with liability in case of death or injury of a passenger. The railway undertaking is liable if the accident took place when the passenger was on the train or while boarding or leaving. The Railway undertaking is in this respect also responsible for the infrastructure manager.

Article 7 (2) lays down an obligation to have an insurance of a certain amount. Corresponding rules are found in aviation field, in Article 3 (2) of Regulation 889/2002.<sup>11</sup>

#### Article 8

This Article deals with liability in respect of hand luggage both in the case when the passenger is injured due to the accident and when he is not. In the first case the railway undertaking is liable in the latter only if at fault.

#### Article 9

This Article deals with liability for luggage. The railway undertaking is liable if the damage took place when the luggage was under its responsibility.

#### Article 10

This Article introduces a right for a passenger to be compensated for delay. The railway undertaking is liable for delay, including a delay leading to a missed connection, or cancellation unless it is the result of exceptional circumstances.

#### Article 11

This Article gives the passenger a right to be compensated for consequential damages due to the delay, the missed connection or cancellation of services.

### **Chapter 4 Damages and compensation**

#### Article 12

This Article brings the railway in line with the aviation sector in the respect that it introduces a strict liability without financial limits in case of death or injury to a passenger.

Up to an amount of 220 000 EUR, which is an approximate to 175 000 Special Drawing Rights (SDR), the railway undertaking can not contest the claim except when caused by the passenger himself. Above this amount he can contest but has the burden of proof that he was not at fault. The liability for passenger death and injury in CIV is also strict, e.g. a liability without fault, but it can under certain circumstances be contested. The liability introduced here is thus stricter. SDR is an international reserve asset created by IMF in 1969. The SDR is defined as a basket of currencies, today consisting of the Euro, Japanese yen, pound sterling and U.S. dollar. It is used in the aviation as well as in the maritime field, and in the COTIF.

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<sup>11</sup> Regulation 889/2002 of the European Parliament and of the Council of 13 May 2002 amending Council Regulation 2027/97 on air carrier liability

From a passenger point of view it has been deemed more appropriate to use the Euro as currency in this regulation. However the basis of the amounts given is in SDRs which explains the somewhat odd figures.

Article 12 (3) creates a right for the descendant.

### Article 13

This Article gives the passenger right to advance payments to cover immediate needs after the occurrence of an accident. It corresponds to what is applied in the aviation field.

### Article 14

This Article states the amount due if luggage has been damaged or destroyed. The amount for hand luggage is equivalent to that of CIV (Article 34), whereas the amount for other luggage is equivalent to the aviation sector. (Art 22 (2) Council decision 2001/539<sup>12</sup>).

### Article 15

This Article lays down the right of compensation for delays. The amounts are given in the annex and are differentiated in relation to service and its duration. The Article further sets the time limit within which the compensation is to be paid as well as the mode. For amounts not exceeding four EUR there is no compensation.

### Article 16

This Article creates a right for the passenger to be reimbursed or re-routed when he has missed a connection due to delay or there has been a cancellation of services. The same is being proposed within the aviation sector for denied boarding and cancellation or long delay of flights.

### Article 17

This Article gives the passenger a right to assistance in case of delay, missed connection or cancellation of a service. The assistance includes meals, accommodation, transport and notifying persons. According to the Article a railway undertaking shall, if requested, certify on the ticket that the service has been delayed or cancelled. This makes it easier for the passenger when exercising its rights.

### Article 18

This Article clarifies that the liability rules of the regulation shall apply even if part of the railway transport is carried out on a ferry, e.g. the railway vehicles are carried on the ferry, unless the legal regime applied on the ferry is more favourable to the passenger.

The Regulation shall apply if the railway transport is temporarily suspended and the railway passengers carried by another mode of transport.

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<sup>12</sup> Council Decision of 5 April 2001 on the conclusion by the European community of the Convention for the Unification of Certain Rules for International Carriage by Air (the Montreal Convention)

## Article 19

This Article is meant to clarify that when an international journey is carried out by several successive railway undertakings then the passenger shall have the right to choose whom to send his claim to and the railway undertakings shall be liable according to the principle all for one and one for all.

## Article 20

This Article is to safeguard the right of the passenger when the railway undertaking with which the passenger has his contract has entrusted the performance of the transport to another railway undertaking.

## Article 21

This Article sets out for whom the railway undertaking is responsible. Besides being responsible for his staff and others whose services he makes use of the railway undertaking is also to be responsible for the staff of the infrastructure manager.

## Article 22

This Article states that a claim based on the regulation can only be brought against the railway undertaking under the conditions and limitations laid down in the Regulation. The same is valid for a claim brought against a person for whom the railway undertaking is responsible.

## Article 23

This Article deals with limitation on actions. Article 23 (1) corresponds to Article 60 CIV whereas Article 23 (2) corresponds to what is applied in the aviation field thus expanding the time limit one year in relation to CIV.

## Article 24

Article 24 states the right of recourse.

## Article 25

Article 25 (1) is to safeguard the passenger a derogation from the obligations of the regulation is null and void. Article 25 (2) clarifies that the rules laid down are minimum and that more favourable conditions can be offered.

## Article 26

This Article stipulates the exception to the liability rules. If the railway undertaking proves that the damage was caused by the passenger himself it will not be liable. This is also valid in the case death or injury of a passenger.

## Article 27

This Article creates the right for a person with reduced mobility to get a ticket and a reservation for an international journey.



## Article 28

Article 28 gives the person with reduced mobility right to assistance under condition that the person has notified the railway undertaking in advance of his needs. The assistance includes boarding, changing to a corresponding service as well as disembarking. This Article introduces the notion station manager which is the person that is to provide the assistance to persons with reduced mobility at the railway station.

## Article 29

This Article points out the person responsible for supplying assistance. It further entails rules on charges.

## Article 30

This Article gives the person with reduced mobility the right to request assistance from the railway undertaking or tour operator on board or when embarking or disembarking; under condition that he has notified his needs in advance.

## Article 31

Article 31 deals with the reception of notifications as well as the communication between the railway undertaking or the tour operator and the managing body at the railway station.

## **Chapter 7 Service Quality**

### Article 32

This Article deals with security at railway stations and on board the train. In order to ensure passenger security the railway undertakings will need to co-operate.

### Article 33

This Article aims at ensuring a certain level of service quality. Service quality standards for international services shall be defined and the performance is to be monitored by the railway undertaking providing the service and made public.

### Article 34

Article 34 establishes a complaint handling mechanism to the benefit of the passenger. It states to whom complaints can be submitted, what language can be used, who is to respond and within what time limit a response is to be given. It further states that railway undertakings are to publish the number of complaints received.

### Article 35

This Article states to whom a claim regarding liability shall be addressed.

### Article 36

This Article lays down the obligations to be met by the passenger. These are being in possession of a valid ticket and behaving appropriately.

## **Chapter 8 Monitoring and Enforcement**

### Article 37

This Article states that a railway undertaking is to inform the public about services that are to be discontinued.

### Article 38

This Article stipulates an obligation for the Member State to designate a body responsible for enforcement of the regulation.

### Article 39

This Article states that the designated bodies shall co-operate and exchange information.

## **Chapter 9 Final Provisions**

### Article 40

This Article determines the penalties shall lay down in case of non-compliance with the provisions of the Regulation.

### Article 41

Article 41 refers to the modification of the Annexes.

### Article 42

This Article provides for the amending of provisions on amounts indicated in the Regulation.

### Article 43

Article 43 determines the committee procedures.

### Article 44

According to this Article the Commission shall report to the European Parliament and the Council on the implementation and the result of this regulation three years after its entry into force.

### Article 45

This Article sets the date when the regulation will enter into force.

Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**on International Rail Passengers' Rights and Obligations**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 71 (1) thereof,

Having regard to the proposal from the Commission<sup>13</sup>,

Having regard to the opinion of the European Economic and Social Committee<sup>14</sup>,

Having regard to the opinion of the Committee of the Regions<sup>15</sup>,

Acting in accordance with the procedure laid down in Article 251 of the Treaty<sup>16</sup>,

Whereas:

(1) In the framework of the common transport policy, it is important to safeguard the quality of rail services and users rights for international rail passengers and to improve the quality and effectiveness of international rail passengers services in order to help the increase of the share of rail transport in relation to other modes of transport.

(2) The Consumer Policy Strategy 2002-2006<sup>17</sup> sets the aim to achieve a high level of consumer protection in the field of transport, and to apply consumer protection in the field of transport as commanded by Article 153 (2) of the Treaty.

(3) User's rights for rail services include the receipt of information regarding the service before, during and after the journey.

(4) The rail passenger is the weaker party to the transport contract, and the passenger's rights in this respect needs to be safeguarded.

(5) Computerised systems used for selling rail passenger tickets can, if properly used, provide an important and useful service to rail passengers. It is therefore necessary to facilitate the access to such systems on a non-discriminatory basis.

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<sup>13</sup> OJ C , , p. .

<sup>14</sup> OJ C , , p. .

<sup>15</sup> OJ C , , p. .

<sup>16</sup> OJ C , , p. .

<sup>17</sup> COM(2002)208 final, OJ C 137, 8.6.2002, p. 2

(6) Railway undertakings should co-operate to facilitate transfer from one network to another as well as from one operator to another and by this co-operation ensure the provision of integrated tickets to the rail passengers.

(7) In order to ensure that the international rail passenger will benefit from the rules laid down in this Regulation, the railway undertakings offering rail passenger services should co-operate. This co-operation should be open on non-discriminatory terms to any railway undertaking offering a rail passenger service.

(8) International rail passenger services should benefit citizens in general. Consequently, persons suffering the disadvantage of reduced mobility, whether caused by disability, age or any other factor, should have equal opportunities for rail travel.

(9) A system of unlimited liability in case of death or injury to passengers is appropriate in the context of a safe and modern rail transport system;

(10) The introduction of liability limits for loss of, or damage to, luggage and for damage occasioned by delay, missed connection or cancellation of the journey should lead to greater clarity and should provide incentives for the international rail passenger market, to the benefit of the passengers.

(11) It is desirable to relieve accident victims and their dependants of short-term financial concerns in the period immediately after the accident.

(12) It is important that the rules of this Regulation apply even when the passenger transport is carried out by other modes, in particular by sea or inland waterway, as a part of the railway journey or because of temporary changes. This prevalence of liability of the railway operator is in line with international conventions, in particular Article 1 (3) of the Uniform Rules concerning the Contract of International Carriage of Passengers by Rail (CIV – Appendix A to the Convention), the “Vilnius Protocol 1999”, and Article 2 (2) of the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea 2002.

(13) In case of travel provided by successive rail undertakings a passenger should be able to claim against any of the railway undertakings taking part in the transport.

(14) It is in the interests of the rail passenger market that a high level of safety is maintained at stations as well as on board the train.

(15) In the interests of other passengers and of the railway undertaking, a passenger needs to comply with certain rules of behaviour.

(16) The effects of this Regulation should be reviewed, in particular, in relation to inflation and to developments of the level of competition on the relevant rail passenger markets.

(17) This Regulation should be without prejudice to Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data<sup>18</sup>.

(18) Member States should lay down penalties applicable to infringements of the provisions of this Regulation.

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<sup>18</sup> OJ L 281, 23.11.1995, p.31

(19) Since the objectives of the action to be taken, i.e. the development of the Community's railways and the introduction of passenger rights in international rail traffic, cannot be sufficiently achieved by the Member States alone in view of the significant international dimensions and the need for international co-ordination in international passenger journeys and can, therefore, be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. 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.

(20) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission<sup>19</sup>,

HAVE ADOPTED THIS REGULATION:

## CHAPTER ONE GENERAL PROVISIONS

### *Article 1*

#### *Subject matter and Scope*

1. This Regulation establishes rights and obligations for international rail passengers.
2. This Regulation shall apply to international journeys undertaken within the Community where the international service is operated by a railway undertaking licensed according to Council Directive 95/18/EC<sup>20</sup>.

If the Community has concluded an agreement on rail transport with a third country, this Regulation shall also apply to international journeys to or from that country or in transit through it.

3. This Regulation shall apply to computerised information and reservation systems for rail transport (CRSTs) when offered for use and/or used within the Community to provide information on international journeys by rail, for the distribution and sale of tickets and/or reservations for that international journey.

### *Article 2*

#### *Definitions*

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

- 1) "railway undertaking" means any public or private undertaking licensed according to the applicable Community legislation, the principal business of which is to provide

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<sup>19</sup> OJ L 184, 17.7.1999, p.23

<sup>20</sup> OJ L 143, 27.6.1995, p.70

services for the transport of passengers by rail and entailing the undertaking's provision of traction;

- 2) “infrastructure manager” means any body or undertaking that is responsible in particular for establishing and maintaining railway infrastructure, or a part thereof, as defined in Article 3 of Directive 91/440/EEC, which may also include the management of infrastructure control and safety systems. The functions of the infrastructure manager on a network or part of a network may be allocated to different bodies or undertakings;
- 3) “allocation body” means the organisation responsible for the allocation of railway infrastructure capacity;
- 4) “charging body” means the organisation responsible for the charging for the use of the railway infrastructure capacity;
- 5) “tour operator” means, an organiser or retailer other than a railway undertaking within the meaning of Article 2, points (2) and (3) of Council Directive 90/314/EEC<sup>21</sup> of 13 June 1990 on package travel, package holidays and package tours;
- 6) “main railway station” means a railway station served by international services and/or national long-distance services of more than 100 kilometres;
- 7) “station manager” means the organisational entity in a Member State, which has been made responsible for the management and/or maintenance of railway stations;
- 8) “transport Contract” means a contract between a railway undertaking and/or tour operator on the one hand and the passenger on the other hand for the provision of one or more international journeys and, where applicable, one or more reservations, regardless by which railway or other transport undertaking the transport will be carried out and/or subcontracted by the railway undertaking and/or tour operator that concludes the contract;
- 9) “ticket” means a valid document serving as proof of the establishment of a transport contract and giving entitlement to transportation, or something equivalent in paperless form, including electronic form, issued or authorised by the railway undertaking;
- 10) “reservation” means evidence that the passenger has a ticket or other proof which indicates that the reservation has been accepted and registered by the railway undertaking or tour operator;
- 11) “through ticket” means a ticket or tickets representing a transport contract necessary to carry out an international journey from origin to destination using a number of services and/or railway undertakings;
- 12) “international journey” means a passenger journey by rail whereby at least one internal Community border is crossed, and which can be effected by means of an

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<sup>21</sup> OJ L 158 of 23.6. 1990, p.59.

international service and/or by means of a national service for the domestic part of the journey;

- 13) “international service” means a rail passenger service where the train crosses at least one internal Community border; the train may be joined and/or split and the different sections may have different origins and destinations, provided that every constituent carriage crosses at least one border;
- 14) “international high-speed service” means an international rail service where at least a part of the service is carried out on dedicated high-speed railway infrastructure as defined in Article 2(a) of Council Directive 1996/48/EC<sup>22</sup>.
- 15) “delay” means the time between departure and/or arrival scheduled in the working timetable or published timetable, including leaflets made available to passengers, at the railway station of departure and/or arrival on the one hand, and real-time departure and/or arrival of the international service or international high-speed service on the other hand;
- 16) “cancellation” means the suspension of a scheduled international service or international high-speed service;
- 17) “consequential damages” means significant damages arising as a result of a delay, a delay leading to a missed connection or a cancellation encountered;
- 18) “working timetable” means the data defining all planned train and rolling-stock movements which will take place on the relevant infrastructure during the period for which it is in force;
- 19) “Computerised Information and Reservation System for Rail Transport (CRST)” means a computerised system containing information about all passenger services offered by railway undertakings; the information stored in the CRST on passenger services includes information on:
  - (a) schedules and timetables of passenger services;
  - (b) availability of seats on passenger services;
  - (c) fares and special conditions;
  - (d) accessibility of trains for Persons with Reduced Mobility;
  - (e) facilities through which reservations can be made or tickets may be issued to the extent that some or all of these facilities are made available to subscribers;
- 20) “system vendor” means any entity and its affiliates which is or are responsible for the operation or marketing of Computerised Information and Reservations Systems for Rail Transport;
- 21) “person with reduced Mobility” means any person whose mobility is reduced due to physical, sensory or locomotory, incapacity, to an intellectual impairment, age,

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<sup>22</sup> OJ L 235 of 17.9. 1996, p.6.

illness, or any other cause of disability when using transport and whose situation needs special attention and the adaptation to a person's need of the service made available to all passengers;

- 22) “successive railway undertaking” means a railway undertaking performing part of the international service.
- 23) “substitute railway undertaking” means a railway undertaking which has not concluded the transport contract with the passenger but to whom the railway undertaking has entrusted, in whole or in part, the performance of the transport.

## CHAPTER II INFORMATION AND TICKETS

### *Article 3*

#### *Travel information*

Railway undertakings and/or tour operators shall provide to the passenger at least the information, set out in Annex I.

The pre journey information, set out in Annex I, shall be provided for services offered also by other railway undertakings.

Information shall be provided in the most appropriate format.

### *Article 4*

#### *Transport contract and tickets*

1. By the transport contract the railway undertaking or railway undertakings shall undertake to transport the passenger as well as hand luggage and luggage to the place of destination. The contract must be confirmed by one or more tickets issued to the passenger. The tickets shall be considered prima facie evidence of the conclusion of the contract.

2. Railway undertakings shall issue tickets, which contain at least the information listed in Annex II.

3. If the tickets and reservations have been made out in the passenger's name they shall be transferable to another person under the conditions specified when purchasing the tickets..

4. The tickets and reservations may be established in the form of electronic data registration, which can be transformed into legible written symbols.



## *Article 5*

### *Access to travel information systems*

1. Without prejudice to the provisions of Council Regulation (EEC) 2299/89 of 24 July 1989<sup>23</sup> on a code of conduct for computer reservation systems, in particular Article 21 b thereof, paragraphs 2 to 7 below shall apply.
2. A system vendor offering distribution facilities in respect of scheduled passenger rail services shall allow any railway undertaking, which submits a request for this, the opportunity to participate, on an equal and non-discriminatory basis, in these facilities within the available capacity of the system concerned, subject to any technical constraints outside the control of the system vendor.
3. A system vendor shall not:
  - (a) attach unreasonable conditions to any contract with a participating railway undertaking;
  - (b) require the acceptance of supplementary conditions which, by their nature or according to commercial usage, have no connection with participation in its information system and shall apply the same conditions for the same level of service.
4. A system vendor shall not make it a condition of participation in its information system that a participating railway undertaking may not at the same time be a participant in another system.
5. A participating railway undertaking shall have the right to terminate its contract with a system vendor without penalty on giving at least six months' notice, expiring no earlier than the end of the first year.
6. Loading and processing facilities provided by the system vendor shall be offered to all participating railway undertakings without discrimination.
7. If the system vendor adds any improvement to the distribution facilities provided or the equipment used in the provision of the facilities, it shall offer these improvements to all participating railway undertakings on the same terms and conditions, subject to current technical limitations.

## *Article 6*

### *Availability of Tickets, Through tickets and Reservations*

1. Railway undertakings and/or tour operators shall offer tickets and/or through tickets for international journeys between at least the main railway stations as well as to railway stations located in a zone with as midpoint the nearest railway station.
2. Railway undertakings shall co-operate, without prejudice to the provisions of Articles 81, 82 and 86 of the Treaty, in order to offer to the passenger through tickets for international

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<sup>23</sup> OJ L 220, 29.07.1989, p. 1.

journeys. The co-operation shall be open to any railway undertaking on a non-discriminatory basis. Services performed for the provision of tickets shall be charged on a cost related basis. Railway undertakings shall notify the co-operation agreement(s) to the Commission one year after the entry into force of this Regulation.

3. Tickets for international journeys must be distributed to passenger at least via the following points of sale:

- (a) ticket offices and, if available, selling machines on all main railway stations, or;
- (b) telephone / internet or any other widely available information technology without additional charges for the use of this distribution channel.

4. Railway undertakings shall, however, offer the possibility to purchase tickets for international journeys on the train, under the conditions laid down in Article 36.

### CHAPTER III LIABILITY OF THE RAILWAY UNDERTAKING

#### *Article 7*

##### *Death and injury of passengers*

1. The railway undertaking shall be liable in the event of death or bodily injury, whether physical or mental, of a passenger, upon condition only that the accident which caused the death or injury took place when the passenger was on the train or while boarding or leaving the train.

2. The obligation of insurance set out in Article 9 of Directive 95/18/EC as far as it relates to liability for passengers shall be understood as requiring that a railway undertaking shall be insured up to a level that is adequate to ensure that all persons entitled to compensation receive the full amount to which they are entitled in accordance with this Regulation.

The minimum insurance coverage per passenger shall be 310 000 EUR

#### *Article 8*

##### *Hand luggage*

1. In the event of death of, or bodily injury to, a passenger the railway undertaking shall be liable for the total or partial loss or damage to personal effects which the passenger had on him or with him as hand luggage.

2. Apart from this the railway undertaking shall not be liable for loss of or damage to personal effects, hand luggage for supervision of which the passenger is responsible, unless the loss or damage is caused by the fault of the railway undertaking.

## *Article 9*

### *Other Luggage*

The railway undertaking shall be liable for damage sustained in the case of total or partial destruction or loss of, or damage to, luggage upon condition that the event that caused the destruction, loss or damage took place when the luggage was under the responsibility of the railway undertaking.

## *Article 10*

### *Delay*

The railway undertaking is liable for a delay, including a delay leading to a missed connection and/or the cancellation of an international service to passengers and/or the transport of luggage.

The railway undertaking shall not be liable for delay or cancellation of an international service if these were the result of exceptional weather circumstances, natural catastrophes, acts of war or terrorism.

## *Article 11*

### *Consequential damages*

In case a railway undertaking is liable of a delay, a delay leading to a missed connection or a cancellation, the railway undertaking shall be, irrespective to the conditions of compensation for delays laid down in Article 10, liable for damage.

Without prejudice to Article 16, for delays less than one hour there is no right to compensation for consequential damages.

## CHAPTER IV DAMAGES AND COMPENSATIONS

## *Article 12*

### *Damages in case of death or injury of passengers*

1. The liability of a railway undertaking for damages sustained in the event of death, or bodily injury of a passenger shall not be subject to any financial limit.
2. For damages arising under Article 7 (1) not exceeding 220 000 EUR for each passenger the railway undertaking shall not be able to exclude or limit its liability. Above that amount, the railway undertaking shall not be liable for damages if it proves that it was not negligent or otherwise at fault.

3. If, through the death of the passenger, persons whom he had, or would have had a legal duty to maintain are deprived of their support, such persons shall also be compensated for that loss.

### *Article 13*

#### *Advance payments*

If a passenger is killed or injured, the railway undertaking shall make an advance payment, to cover immediate economic needs, within 15 days from the identification of the person entitled to damages.

In the event of death this payment shall not be less than 21 000 EUR.

### *Article 14*

#### *Compensation for hand luggage and other luggage*

1. When the railway undertaking is liable under Article 8, it must pay compensation up to a limit of 1 800 EUR per passenger.

2. When the railway undertaking is liable under Article 9, it must pay compensation up to a limit of 1 300 EUR per passenger.

### *Article 15*

#### *Compensation for delays*

1. Without losing the right of transport, a passenger may request compensation for delays, from the railway undertaking if he is facing a delay. The minimum compensations for delays are set out in Annex III.

2. The compensation referred to in paragraph 1 shall be paid within 14 days after the submission of the request for compensation. The compensation can only be paid in vouchers and/or other services with the signed agreement of the passenger.

3. The compensation referred to in paragraph 1 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 four EUR.

### *Article 16*

#### *Missed connections and cancellations*

1. In the case of a delay leading to a missed connection or a cancellation of an international service, paragraph 2 shall apply, except when the railway undertaking can prove that the service was cancelled solely because of exceptional circumstances.

2. When, a railway undertaking is facing a delay that will lead to a missed connection or when, before the scheduled time of departure, a railway undertaking cancels or reasonably expects to cancel an international railway service, it shall make every effort to inform the passengers.

At the very least the passengers shall be offered a choice between:

- (a) reimbursement of the full cost of the ticket, under the conditions by which it was paid, for the part or parts of their journey not made and for the part or parts already made if the international 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. The payment of the reimbursement shall be made under the same conditions as the payment for compensation referred to in Article 15 (2) or (3); or
- (b) continuation or re-routing, under comparable transport conditions, to the final destination at the earliest opportunity; or
- (c) continuation or re-routing, under comparable transport conditions, to the final destination at a later date at the passenger's convenience.

#### *Article 17*

##### *Assistance*

1. In case of a delay, a delay leading to a missed connection or a cancellation of service, passengers shall be kept informed about the situation and the estimated departure time and estimated arrival time by the railway undertaking or by the station operator not later than ten minutes after the planned departure time or after the interruption of service.

2. In case of a delay, a delay leading to a missed connection or a cancellation of service, passengers shall be offered free of charge:

- (a) meals and refreshments in a reasonable relation to the waiting time,; and/or
- (b) hotel accommodation in cases where a stay of one or more nights becomes necessary or an additional stay becomes necessary; and/or
- (c) transport between the railway station and place of accommodation (hotel or other).
- (d) transport between the railway station or the train if it is blocked on the track and the final destination of the service or the place of departure of an alternate transport means.

3. Railway undertakings shall, at the request of the passenger, certify on the ticket that the rail service has suffered a delay, lead to a missed connection or that it has been cancelled.

4. In applying paragraphs 1 and 2, the operating railway undertaking shall pay particular attention to the needs of passengers with reduced mobility and any accompanying persons, as well as to the needs of unaccompanied children.

## CHAPTER V COMMON PROVISIONS

### *Article 18*

#### *Other modes of transport*

1. The provisions relating to liability shall apply when railway vehicles are carried by ferry on part(s) of the international journey, unless the legal regime applied to the maritime transport is more favourable to the passenger.
2. When a transport by rail is temporarily suspended and the passengers are carried by another mode of transport, the railway undertaking is liable according to the provisions of this Regulation.

### *Article 19*

#### *Successive railway undertakings*

If the international journey is performed by successive railway undertakings, the railway undertakings involved in the transport shall be jointly and severally liable in the event of death or personal injuries to the passenger, or the event of damage to or loss of luggage or of delays, delays leading to missed connections or cancellations.

### *Article 20*

#### *Substitute railway undertakings*

Where a railway undertaking has entrusted the performance of the transport, in whole or in part, to a substitute railway undertaking, the railway undertaking shall nevertheless remain liable in respect of the entire transport.

### *Article 21*

#### *Persons for whom the railway undertaking is responsible*

The railway undertaking shall be liable for its staff and other persons whose services it makes use of for the performance of the transport, when that staff and/or other persons are acting within the scope of their functions.

The staff of the manager of the infrastructure on which the transport is performed shall be considered as persons whose services the railway undertaking makes use of for the performance of the transport.

## *Article 22*

### *Basis of claims – aggregation of claims*

In all cases where this Regulation applies, any action in respect of liability, on whatever grounds, may be brought against the railway undertaking only subject to the conditions and limitations laid down in this Regulation.

The same shall apply to any action brought against its staff or other persons for whom the railway undertaking is liable according to Article 21.

The aggregate amount of compensation payable by the railway undertaking, the substitute railway undertaking and their staff and other persons whose services they make use of for the performance of the transport shall not exceed the limits provided for in this Regulation.

## *Article 23*

### *Limitation of actions*

1. The period of limitation of actions for damages based on the liability of the railway undertaking in case of death of, or personal injury to the passengers shall be
  - (a) in the case of the passenger, three years from the day after the accident;
  - (b) in the case of other persons entitled, three years from the day after the death of the passenger, subject to a maximum of five years from the day of the accident.
2. The period of limitation for other actions arising out of the transport contract shall be two years reckoned from the date of the incident.

## *Article 24*

### *Right of recourse*

Nothing in this Regulation shall prejudice the question whether a person liable for damage in accordance with its provisions has a right of recourse against any other person.

The railway undertaking shall have the right to claim compensation from the infrastructure manager to recover the compensation the railway undertaking has paid to the passengers. This infrastructure manager's liability shall be without prejudice to the application of the performance scheme laid down in Article 11 of Directive 2001/14/EC of the European Parliament and of the Council<sup>24</sup>.

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<sup>24</sup> OJ L 75, 15.3.2001, p. 29.

## *Article 25*

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

1. Obligations towards passengers pursuant to this Regulation shall not be limited or waived, notably by a derogation or restrictive clause in the transport contract.
2. Railway undertakings may offer contract conditions more favourable for the passenger than the minimum conditions laid down in this Regulation.

## *Article 26*

### *Exoneration*

If the railway undertaking proves that the damage was caused or contributed to by the negligence or other wrongful act or omission of the person claiming compensation, or the person from whom he derives his rights, the railway undertaking shall be wholly or partly exonerated from its liability to the claimant to the extent that such negligence or wrongful act or omission caused or contributed to the damage.

## CHAPTER VI PERSONS WITH REDUCED MOBILITY

## *Article 27*

### *Prevention of refusal of transport*

A railway undertaking and/or a tour operator shall not refuse, on the grounds of reduced mobility, to issue a ticket and reservation for an international service departing from a main railway station.

## *Article 28*

### *Assistance at railway stations*

1. On departure from, transit through or arrival at a railway station of a person with reduced mobility on an international journey, the station manager shall provide assistance in such a way that the person is able to board the departing service, to change to the corresponding service or to disembark from the arriving service for which he or she purchased a ticket.
2. The assistance referred to in paragraph 1 is provided on condition that notification is made of the person's need for such assistance to the railway undertaking and/or tour operator with which the ticket was purchased, at least 24 hours before the assistance is needed.
3. If no notification is made in accordance with paragraph 1, the station manager of the departure station, transit station or arrival station shall make all reasonable efforts to provide assistance in such a way that the person with reduced mobility on an international journey is



able to board the departing service; to change to the corresponding service or to disembark from the arriving service for which he has purchased a ticket.

### *Article 29*

#### *Assistance at railway stations*

1. The station manager shall be responsible for the provision of the assistance to persons with reduced mobility.
2. The station manager shall designate points, within and outside the railway station, at which persons with reduced mobility can announce their arrival at the railway station and, if need be, request assistance.

### *Article 30*

#### *Assistance on board*

A railway undertaking and/or a tour operator shall provide to a person with reduced mobility the assistance on board of a train and during boarding and disembarking from a train, if that person respects the conditions set out in Article 28(2).

### *Article 31*

#### *Notification of need for assistance*

1. Railway undertakings and tour operators shall take all measures necessary for the reception, at all points of sale, of notifications of the need for assistance by persons with reduced mobility.
2. Railway undertakings and/or tour operators shall communicate the notification 24 hours in advance to allow the provision of assistance according to Article 28(1) to the managing bodies of the railway stations of departure, of transit or arrival.
3. Immediately after the departure of a national or international service, the railway undertaking shall inform the station manager of the railway station of transit and arrival of the number of persons with reduced mobility requiring assistance and the nature of that assistance.

## CHAPTER VII QUALITY AND SECURITY OF SERVICE

### *Article 32*

#### *Security*

1. Railway undertakings shall take adequate measures to ensure a high level of security in railway stations and on trains. They shall prevent risks to passenger security and effectively address these risks where and when they occur within the sphere of their responsibility.
2. Without prejudice to the provisions of Article 81, 82 and 86 of the Treaty, railway undertakings shall co-operate to accomplish and maintain a high level of security and to exchange information on best practices concerning the prevention of activities, which are likely to deteriorate the level of security.

### *Article 33*

#### *Service Quality standards*

1. Railway undertakings shall define service quality standards for international services and implement a quality management system to maintain the service quality. The service quality standards shall at least cover the items listed in Annex IV.
2. Railway undertakings shall monitor their own performance as reflected in the service quality standards. Railway undertakings shall publish each year a report on their service quality performance together with their annual report. These results shall also be published on the internet website of the railway undertakings.

### *Article 34*

#### *Complaints*

1. Railway undertakings offering international services shall set up a complaint handling mechanism. The railway undertaking shall make the contact details of its complaint handling service widely known to passengers.
2. Passengers may submit a complaint concerning international journeys to any of the railway undertakings involved in the service, or to the point of sale where the ticket has been purchased.
3. A complaint may be submitted in the language(s) of the Member States on whose territory the journey has taken place, in the language(s) of the place where the ticket was purchased or in English, French or German.
4. The railway undertaking or point of sale receiving a complaint submitted under paragraph 2 shall respond to the complainant in the same language as the complaint, on behalf of all parties involved in the provision of the international service. This may include responding on behalf of a substitute or a successive railway undertaking, a station manager of

the station, a tour operator and/or an infrastructure manager. In case the point of sale receiving the complaint is different from the railway undertaking or railway undertakings, which carried out part of the service, the point of sale may refer the complaint to the appropriate address while informing the passenger.

5. The railway undertaking or point of sale receiving a complaint submitted under paragraph 2 is obliged to give a reasoned response to the passenger within 20 working days after receipt of the complaint. The response will indicate the possibilities for an out of court dispute settlement procedure and applicable legal redress. Where a substantial response is not possible within 20 working days due to lack of information the complainant shall be notified of the expected delay period. In any case the response to the complaint shall be available within three months.

6. The railway undertaking shall publish in the annual report mentioned in Article 33 the number and categories of received complaints, processed complaints, response time and improvement actions undertaken.

### *Article 35*

#### *Addressee of claims*

Claims relating to the liability of the railway undertaking shall be addressed in writing to the railway undertaking.

In the event of an international journey performed by successive railway undertakings or by one or several substitute railway undertakings the claim may be addressed to any of the railway undertakings involved in the transport. A claim addressed to one of the railway undertakings taking part in the transport shall be regarded as having been addressed also to the others.

### *Article 36*

#### *Passenger obligations*

1. The passenger must ensure, on receipt of the ticket that it has been made in accordance with his instructions. The passenger must be in possession of a valid ticket from the start of the journey, unless the passenger was unable, as a result of closed ticket offices and/or ticket machines out of order, to purchase his ticket on the departure main railway station. In the latter case, the passenger must immediately inform the competent train staff of this. The passenger shall show on request his ticket to the competent train staff.

2. Railway undertakings may request that:

(a) a passenger who does not produce a valid ticket shall pay, in addition to the transport charge, a surcharge, which shall not exceed 100% of the transport charge;

(b) a passenger who refuses to pay the transport charge or the surcharge upon demand shall discontinue his journey.

3. Railway undertakings shall demand the discontinuance of the journey, without entitlement to a refund of the tickets and/or reservations, from a passenger who:

- (a) presents a danger to the safety and security of train staff and/or other passengers; or
- (b) presents a danger to the safety and security of the train; or
- (c) inconveniences train staff and/or other passengers by displaying inappropriate behaviour, such as non-respect of non-smoking areas, vandalism, insults or violence;

## Chapter VIII INFORMATION AND ENFORCEMENT

### *Article 37*

#### *Obligation to provide information*

Railway undertakings shall inform the general public by appropriate means of any plans it has to discontinue international services.

### *Article 38*

#### *Enforcement*

1. Each Member State shall designate a body responsible for the enforcement of this Regulation. Where appropriate, this body shall take the measures necessary to ensure that the rights of passengers are respected.

The body shall be independent in its organisation, funding decisions, legal structure and decision-making from any infrastructure manager, charging body, allocation body or railway undertaking.

The Member States shall inform the Commission of the body designated in accordance with this paragraph.

2. Each passenger may complain to any body designated under paragraph 1, or to any other competent body designated by a Member State, about an alleged infringement of this Regulation.

### *Article 39*

#### *Co-operation of enforcement bodies*

The enforcement bodies referred to in Article 38 (1) shall exchange information about their work and decision-making principles and practice for the purpose of co-ordinating their decision-making principles across the Community. The Commission shall support them in this task.

## Chapter IX

### FINAL PROVISIONS

#### *Article 40*

#### *Penalties*

The Member States shall lay down the rules on penalties applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive. The Member States shall notify those provisions to the Commission by ...<sup>25</sup> at the latest and shall notify it without delay of any subsequent amendment affecting them.

#### *Article 41*

#### *Annexes*

The annexes shall be modified in accordance with the procedure referred to in Article 44 (2).

#### *Article 42*

#### *Amending provisions*

1. The measures necessary for the implementation of Articles 3 to 6 and 27 to 31 shall be adopted in accordance with the procedure referred to in Article 43(2)
2. The amounts referred to in Article 11 and Articles 13 to 15 shall be modified in accordance with the procedure referred to in Article 43(2).

#### *Article 43*

#### *Committee*

1. The Commission shall be assisted by the Committee instituted by Article 11a of Council Directive 91/440/EEC<sup>26</sup>.

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<sup>25</sup> Six months after the entry into force of this Regulation

<sup>26</sup> OJ L 237, 24.8.1991, p.25

2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its Rules of Procedure.

#### *Article 44*

##### *Report*

The Commission shall report to the European Parliament and the Council on the implementation and the results of this Regulation three years after its entry into force, in particular on the service quality levels.

The report will be based on information to be provided pursuant Article 33 (2), Article 34 (6), Article 39 (1) of this Regulation as well Article 10b of Directive 91/440/EEC. The report shall be accompanied where necessary by appropriate proposals.

#### *Article 45*

This Regulation shall enter into force 20 days after the date of its publication in the *Official Journal of the European Union*.

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

Done at Brussels,

*For the European Parliament*  
*The President*

*For the Council*  
*The President*

**ANNEX I**  
**MINIMUM INFORMATION TO BE PROVIDED BY RAILWAY UNDERTAKINGS**

**Pre journey information**

All relevant conditions applicable to the contract;

Time schedules and conditions for the fastest trip;

Time schedules and conditions for the lowest fares;

Accessibility and access conditions for PRM;

Accessibility and access conditions for bikes;

Availability of seats in smoking and non-smoking, first and second class as well as couchettes and sleeping carriages;

Any activities likely to disrupt or delay services;

Availability of on board services

**Information during the journey**

On board services

Next station

Delays

Main connecting services

Security and safety issues

This information shall be provided in at least the languages of the Member States through which the service is carried out.

**Information after the journey**

Procedures and places for lost luggage

Procedures for submission of complaints

**ANNEX II**  
**MINIMUM INFORMATION TO BE PROVIDED ON THE TICKET**

Railway Undertaking(s) carrying out the transport;

Validity of the tickets (dates; services; class);

Indication whether the ticket must be validated before the journey and conditions of use of the ticket;

Price, including taxes and other charges;



**ANNEX III**  
**MINIMUM COMPENSATIONS IN CASE OF DELAYS**

| <b>Service type</b>   | <b>Duration of service</b> | <b>50% compensation in case of</b> | <b>100% compensation in case of</b> |
|---|----------------------------|------------------------------------|-------------------------------------|
| International journeys on (partly) scheduled high speed service | Up to 2 hours              | 30-60 minutes delay                | More than 60 minutes delay          |
|   | Exceeding 2 hours          | 60-120 minutes delay               | More than 120 minutes delay         |
| International journeys on scheduled non-high speed services     | Up to 4 hours              | 60-120 minutes delay               | More than 120 minutes delay         |
|   | Exceeding 4 hours          | 120-240 minutes delay              | More than 240 minutes delay         |

**ANNEX IV**  
**MINIMUM SERVICE QUALITY STANDARDS**

Information and tickets

Punctuality of international services, and general principles to cope with disruptions of services;

Cancellations of international services;

Cleanliness of rolling stock and station facilities (air quality in carriages, hygiene of sanitary facilities, etc.);

Customer satisfaction survey;

Complaint handling, refunds and compensation for non-compliance with quality;

Assistance provided to PRM.