



Brussels, 15 February 2019  
(OR. en)

6485/19

TRANS 115  
FIN 149

## 'I/A' ITEM NOTE

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From: General Secretariat of the Council  
To: Permanent Representatives Committee/Council

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Subject: European Court of Auditors' Special Report No 30/2018: "EU passenger rights are comprehensive but passengers still need to fight for them"  
– Adoption

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### I. INTRODUCTION

1. On 8 November 2018, the European Court of Auditors published Special Report No 30/2018 entitled "*EU passenger rights are comprehensive but passengers still need to fight for them*".
2. Pursuant to the rules set out in the Council conclusions on improving the examination of special reports drawn up by the European Court of Auditors<sup>1</sup>, the Permanent Representatives Committee instructed on 28 November 2018 the Working Party on Transport - Intermodal Questions and Networks to examine the report<sup>2</sup>.

### II. WORK AT THE PREPARATORY BODY

3. The European Court of Auditors presented its Special Report to the Working Party on Transport - Intermodal Questions and Networks on 10 December 2018. The Working Party developed the draft Council conclusions in its meetings on 25 January, 8 February and 15 February 2019, and reached agreement on the text in Annex.

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<sup>1</sup> Doc. 7515/00 FIN 127 + COR 1.

<sup>2</sup> Doc. 14391/18 FIN 898 TRANS 557

### III. CONCLUSIONS

4. The Permanent Representatives Committee is invited to endorse the attached draft Council conclusions and to submit them to the Council (TTE - Energy) for adoption on 4 March 2019.
  5. The Council is invited to adopt the conclusions attached to this note.
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***Draft Council conclusions***  
**on**  
**Special Report No 30/2018 by the European Court of Auditors**

**THE COUNCIL**

1. TAKES NOTE of Special Report No 30/2018 by the European Court of Auditors on passenger rights.
2. AGREES on the importance of an appropriate level of protection for passengers using air, rail, waterborne and bus services in the Union and CONSIDERS that protecting these rights is a fundamental objective of Union transport policies.
3. REMARKS that the Special Report assesses the protection of passenger rights in those modes of transport where the Union has adopted legislation, namely in air, rail, waterborne and bus transport, taking into account the particularities of each transport mode.
4. NOTES that the Special Report finds the Union regulatory framework to be a unique solution world-wide.
5. As regards the application of the current legal framework, NOTES that the Special Report recommends that the Commission should issue guidelines to provide clarity, ACKNOWLEDGES the benefits of clear rules, but RECALLS that guidelines can provide only a voluntary framework and that they cannot prejudice or substitute Union legislation.
6. NOTES also that the Special Report encourages the Commission to take action to increase awareness on passenger rights, AGREES that the application of passenger rights is more efficient when all stakeholders are aware of their respective rights and obligations and therefore RECOGNISES the need for further organisation of information campaigns in this regard.

7. RECALLS that two legislative proposals are currently under negotiation, one on air passenger rights<sup>3</sup> and another one on rail passenger rights<sup>4</sup>.
  8. NOTES that certain recommendations by the European Court of Auditors touch upon key policy choices to be made in the said legislative discussion within and between the co-legislators.
  9. CONSIDERS that developing any positions on those recommendations at this stage could jeopardise the legislative process by prejudging it and, in any case, would substantially overlap with the work that still remains to be done.
  10. Therefore RECOGNISES the work carried out by the European Court of Auditors as a relevant input to the ongoing legislative discussion.
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3 Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 261/2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights and Regulation (EC) No 2027/97 on air carrier liability in respect of the carriage of passengers and their baggage by air, 2013/0072 (COD).

4 Proposal for a Regulation of the European Parliament and of the Council on rail passengers' rights and obligations (recast), 2017/0237 (COD).