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#### COVER NOTE

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To:	General Secretariat of the Council
No. prev. doc.:	12442/17 - COM(2017) 548 final
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on rail passengers' rights and obligations (recast) [12442/17 - COM(2017) 548 final] – Opinion on the application of the Principles of Subsidiarity and Proportionality

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Delegations will find enclosed the copy of the above-mentioned opinion, followed by a courtesy English translation.

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**EN/RO**



Parlamentul României  
Senat

București, 5 decembrie 2017

## OPINIE

**privind *Propunerea de Regulament al Parlamentului European și al Consiliului privind drepturile și obligațiile călătorilor din transportul feroviar (reformare)***

***COM (2017) 548 final***

Senatul României a examinat **Propunere de Regulament al Parlamentului European și al Consiliului privind drepturile și obligațiile călătorilor din transportul feroviar (reformare) – COM (2017) 548 final** conform Protocolului (nr. 2) anexat Tratatului de la Lisabona, de modificare a Tratatului privind Uniunea Europeană și a Tratatului de instituire a Comunității Europene, semnat la Lisabona la 13 decembrie 2007.

Având în vedere raportul Comisiei pentru afaceri europene 587/ 23.11.2017, **plenul Senatului**, în ședința din data de 4.12.2017, a constatat următoarele:

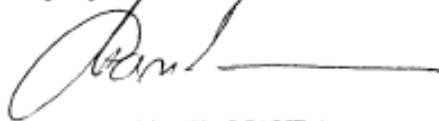
1. **Prezenta propunere de regulament nu încalcă principiul subsidiarității și nu respectă principiul proporționalității.**
2. **În contextul drepturilor și obligațiilor călătorilor din transportul feroviar, se solicită:**
  - a) Necesitatea reexaminării privitoare la dreptul de a cumpăra bilete la bordul trenului, fără taxe suplimentare – așa cum se propune la articolul 10 alineatul (5), – drept ce ar putea fi extins la toți pasagerii, indiferent de posibila mobilitate redusă, în cazurile în care achiziționarea biletelor la plecare este imposibilă.
  - b) Crearea unei noi derogări la articolul 17 alin. 8 (referința C-509/11), mai precis, a unei definiții clare și restrictive a cazurilor de forță majoră (referitoare doar la acest tip de evenimente). În acest sens, ar trebui introduse excepții de la plata compensațiilor financiare către pasageri, în situația întârzierilor din timpul călătoriilor pe calea ferată în următoarele situații: (i) greve spontane (neanunțate), (ii) formalități administrative (control al organelor vamale, al poliției de frontieră, intervenții ale poliției în tren), (iii) influențe externe/acțiuni neprevăzute și (iv) efecte ale stării necorespunzătoare a vremii, calamități naturale.

interventions on the train), (iii) external influences/ unexpected actions and (iv) effects of inadequate weather conditions, natural disasters.

The conclusion is that all these cases, for which it would be useful to make an exception to the financial compensation payment to passengers, in the event of delays during the rail journeys are extreme circumstances not under the control or influence of the Infrastructure Managers / Managers or railway operators, which they could not prevent by reason of their own reasonable technical and organizational measures, for which the measures for re-commissioning the movement imply, irrespective of the extent of the technical and organizational measures, that can reasonably be taken necessary implementation that has a direct and inherent influence on train delays.

- c) The abolition of the possibility of establishing derogations for long-haul national rail transport (2020) compared to the possible derogation period provided for in the current version of the Regulation (by 2024 at the latest) will considerably increase the value of the costs of railway undertakings and road managers infrastructure to meet the requirements of the Regulation, which will further jeopardize the financial situation of all economic operators involved in the provision of Romanian rail passenger services.

**p. Speaker of the Senate**



**Iulian - Claudiu MANDA**



Romanian Parliament  
Senate

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Bucharest, December, 5, 2017

*Courtesy translation*

**OPINION**

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

***COM (2017) 548 final***

**The Romanian Senate** examined the **Proposal for a Regulation of the European Parliament and of the Council on rail passengers' rights and obligations (recast) – COM (2017) 548 final** – according to the provisions of the Treaty of Lisbon (Protocol no. 2).

Taking into account the report of 587/ November, 23, 2017 of our permanent Committee on European Affairs, **the Plenum of the Senate**, during its session of December, 4, 2017, decided as follows:

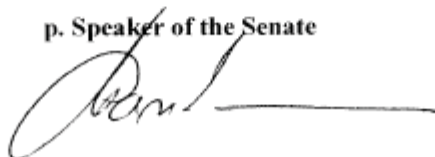
- 1. This Regulation does not violates principles of subsidiarity and violates principles of proportionality.**
- 2. Within the rail passengers' rights and obligations, the following are recommended to pursue:**
  - a) The need to re-examine the right to purchase train tickets without extra charges – as proposed in Article 10 (5), – what could be extended to all passengers, regardless of possible reduced mobility, in cases in which the purchase of tickets at departure is impossible.
  - b) Creation of a new derogation to Article 17 (8) – reference C-509/11, – namely a clear and restrictive definition of cases of force majeure (relating only to such events). In this respect, exceptions to the payment of financial compensation to passengers should be introduced in the event of rail journeys delays in the following situations: (i) spontaneous/unannounced strikes, (ii) administrative formalities (customs control, border police, police

interventions on the train), (iii) external influences/ unexpected actions and (iv) effects of inadequate weather conditions, natural disasters.

The conclusion is that all these cases, for which it would be useful to make an exception to the financial compensation payment to passengers, in the event of delays during the rail journeys are extreme circumstances not under the control or influence of the Infrastructure Managers / Managers or railway operators, which they could not prevent by reason of their own reasonable technical and organizational measures, for which the measures for re-commissioning the movement imply, irrespective of the extent of the technical and organizational measures, that can reasonably be taken necessary implementation that has a direct and inherent influence on train delays.

- c) The abolition of the possibility of establishing derogations for long-haul national rail transport (2020) compared to the possible derogation period provided for in the current version of the Regulation (by 2024 at the latest) will considerably increase the value of the costs of railway undertakings and road managers infrastructure to meet the requirements of the Regulation, which will further jeopardize the financial situation of all economic operators involved in the provision of Romanian rail passenger services.

**p. Speaker of the Senate**



**Iulian – Claudiu MANDA**