No. 1652

MALTA COMPETITION AND CONSUMER AFFAIRS AUTHORITY

Explanatory Notes

1. Introduction

Title of Regulations	Rail Passengers' Rights and Obligations (Implementing) Regulations, 2024 (hereinafter referred to as the "regulations")
Activity to be regulated	Rights of rail passengers
Responsible entity	The Office for Consumer Affairs (OCA) within the Malta Competition and Consumer Affairs Authority (MCCAA)

2. Summary and Background

2.1 Aims & Objectives of the legislation

Regulation (EU) 2021/782 of the European Parliament and of the Council of 29 April 2021 on rail passengers' rights and obligations (recast) (hereinafter referred to as "Regulation (EU) 2021/782") lays down rules applicable to international and domestic 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 of 21 November 2012 establishing a single European railway area, with a view to enhance protection of rail passengers and encourage rail travel.

The aim of the regulations is to implement the provisions of Regulation (EU) 2021/782.

Until the exemption in Article 31(4) of Regulation (EU) 2021/782 remains in effect, the Regulations will apply only to tour operators and ticket vendors as defined in Regulation (EU) 2021/782, and such operators and vendors shall accordingly comply with the requirements applicable to them, namely Articles 5, 9, 11, 12, 20(1), 21, 22, 24, 30 and 32(2) of Regulation (EU) 2021/782.

Regulation (EU) 2021/782 can be accessed through the following links:

https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32021R0782;

https://eur-lex.europa.eu/legal-content/MT/TXT/PDF/?uri=CELEX:32021R0782

Information on Regulation (EU) 2021/782 can be accessed through the following link:

https://transport.ec.europa.eu/transport-themes/passenger-rights/rail_en

2.2 Importance of legislation

To implement the provisions of Regulation (EU) 2021/782 in order to enhance protection of rail passengers and, insofar as the exemption laid down in Article 31(4) of Regulation (EU) 2021/782 remains in effect, to introduce enforcement obligations only on tour operators and ticket vendors which are in breach of the requirements laid down in Regulation (EU) 2021/782.

3. Overview of the structure of the instrument

The proposed regulations consist of five (5) regulations.

4. Commentary

Regulation No. of draft L.N.	Meaning & obligations placed on user
1-Citation and scope	Regulation 1 provides the title and the scope of the regulations that is to implement the provisions of Regulation (EU) 2021/782.
2-Interpretation	a. Regulation 2(1) provides the definitions of the Consumer Affairs Act, the Director General (Consumer Affairs), the Office for Consumer Affairs, person with disabilities, person with reduced mobility and of Regulation (EU) 2021/782; b. Regulation 2(2) provides that passengers, persons with disability and persons with reduced mobility shall be classified as consumers in accordance with article 2 of the Consumer Affairs Act (Cap. 378) for the purpose of the regulations; c. Regulation 2(3) provides that words which are undefined in the regulations, shall have the same meaning as assigned to them in Regulation (EU) 2021/782 and that words which are used in the regulations which are neither defined in the regulations nor in Regulation (EU) 2021/782, shall have the same meaning as assigned to them in the Consumer Affairs Act (Cap. 378).
3- Designated national enforcement body	Regulation 3 designates the Office for Consumer Affairs as the national enforcement body for the purpose of Regulation (EU) 2021/782.
4- Functions and powers of the Director General	Regulation 4 lays down the functions and powers of the Director General of the Office for Consumer Affairs under the regulations, which functions and powers shall be the same as those assigned to the Director General under the Consumer Affairs Act (Cap. 378 of the Laws of Malta).
5- Penalties and proceedings	In sub-regulation (1) thereof, regulation 5 lays down the penalties for infringements of Regulation (EU) 2021/782, which penalties shall be those established in Part XIIA of the Consumer Affairs Act (Cap. 378 of the Laws of Malta); In sub-regulation (2) thereof, regulation 5 specifies that the proceedings that shall apply in relation to any infringements of Regulation (EU) 2021/782 shall be those proceedings that are established in Part IIA of the Consumer Affairs Act (Cap. 378 of the Laws of Malta).

5. Concluding Section

Should more information be required, kindly contact the Office for Consumer Affairs within the Malta Competition and Consumer Affairs Authority.

N.B. This Explanatory Note is not intended to be an exhaustive description of the instrument nor a substitute thereof or a legislative supplement to it. This Note does not purport to be an authoritative ruling on the interpretation of the legislation.

Explanatory notes of the Rail Passengers' Rights and Obligations (Implementing) Regulations, 2024 published on Friday 22nd November, 2024.

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