

COMP 20 on Force Majeure (Recital 21)

Recital 21 (AM 6, 129, 130, 132)

(21) However, a railway undertaking should not be obliged to pay compensation if it can prove that the delay ***was caused by severe weather conditions or major natural disasters endangering the safe operation*** of the ***service***. 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. Railway undertakings should prove that they could neither foresee nor prevent the delay even if all reasonable measures had been taken.

(21) However, a railway undertaking should not be obliged to pay compensation if it can prove that the delay ***is caused by measure imposed by public authorities to suspend or restrict traffic for reasons of public safety, or by criminal or accidental acts by third parties, or by natural disaster. In this context, the impact of force majeure cases on other modes of transport should be taken into consideration.*** Railway undertakings should prove that they could neither foresee nor prevent the delay even if all reasonable measures had been taken.