



Regulation 181/2011 - the experience of persons with disabilities and state of implementation in the Member States

October 2015



Contents

Introduction	3
Assessment of the implementation: where do we stand in 2015?	4
Examples of specific issues in different Member States.....	6
EDF recommendations.....	8
Conclusion	9
Acknowledgments	9
Contact person at the EDF secretariat:	9
Annex I	10
Annex II.....	10



Regulation 181/2011 – the experience of persons with disabilities and state of implementation in the Member States

.....

The European Disability Forum is an independent NGO that represents the interests of 80 million Europeans with disabilities. EDF is a unique platform which brings together representative organisation of persons with disabilities from across Europe. EDF is run by persons with disabilities and their families. We are a front runner for disability rights. We are a strong, united voice of persons with disabilities in Europe.

Introduction

Regulation 181/2011 concerning the rights of passengers in bus and coach transport¹ completed the set of passengers' rights in the European Union with its entry into force on 1 March 2013. Persons with disabilities, especially women and girls with disabilities and persons with disabilities requiring more intensive support have a stake in this because the Regulation also covers assistance at the bus terminal and regarding accessibility both of the infrastructure and the information. These important provisions were included according to the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) which states in Article 9 that persons with disabilities have the right to access transportation “on an equal basis with others”².

The correct transposition and implementation of this Regulation by the Member States is thus essential. More than two years after the entry into force of Regulation 181/2011, EDF is now taking stock as to whether and how persons with disabilities have benefitted. Feedback from EDF members and experts has helped to establish a picture of the level of implementation which we will present in the following paragraphs, including some recommendations at the end on how to improve on persisting problems.

¹ <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1399989115704&uri=CELEX:32011R0181>

² UNCRPD, Article 9 on Accessibility



Assessment of the implementation: where do we stand in 2015?

Regulation 181/2011 is the youngest of the set of passengers' rights Regulations so it is normal that there are still some "teething problems" in the early stages of implementation. In general, EDF is happy to have the cover of passengers' rights completed in all transport modes and that the Regulation also specifies the right to assistance for persons with disabilities. It provides a clear framework of rights and introduces enforcement mechanisms via the designated National Enforcement Bodies (NEBs)³. However, there are certain areas that are more problematic and that EDF would like to mention, keeping in mind that this is an ongoing process and some issues may be resolved relatively soon.

To start with, one thing that became clear during EDF's consultation with members and experts is that the real problem is not just with the implementation of the Regulation, but with accessibility in general. The EU Regulation provides for a "right to transport" (Article 9) but this right remains theoretical as long as the vehicles and bus terminals are not accessible. Due to the lack of accessibility, only relatively few persons with disabilities are using long distance buses and coaches at the moment and so the experience of being a passenger is still largely a privilege of non-disabled people. A relative low level of complaints and comments is the result and the level of implementation is thus difficult to measure. This has to be kept in mind when looking at the issues with the Regulation itself.

Accessibility and information (Art. 11)

Following EDF's research, it seems like Disabled Persons' Organisations (DPOs) have not been consulted systematically in all Member States, even though this is clearly stated in Article 11 on accessibility and information. In Germany, one DPO has proactively addressed the authorities and transport providers to tackle complaints and also serves as a link between passengers, public authorities, transport undertakings and vehicle manufacturers (see

³ List of NEBs reported to the Commission as of 04/05/2015:
http://ec.europa.eu/transport/themes/passengers/road/doc/2011_0181_national_enforcement_bodies.pdf



example below). However, DPOs should be involved in the process from the beginning as they provide valuable expertise and give first-hand feedback.

Designation of terminals (Art. 12)

As stipulated under Art. 12, the Member State have to provide the Commission with a list of designated terminals that are accessible for persons with disabilities and reduced mobility (see Annex I). This exercise has been completed but the result is not exactly satisfying from the point of view of persons with disabilities. The reason are twofold: some Member States have not designated enough terminals (e.g. in the case of Finland, see more information below) and other have designated a disproportionately high number of terminals which suggests that not all of these terminals are likely to be accessible in practice (e.g. in the case of Bulgaria). The accessibility of the terminals is a huge problem and prevents many persons with disabilities from travelling so this should be one of the aspects to be tackled as a priority.

Right to assistance (Art. 13) and conditions for provision of assistance (Art. 14)

EDF is not aware of any cases where assistance has been refused categorically by a transport provider but it has been reported that drivers did not want to assist wheelchair users to move to and from their seats due to concerns about liability. This seems to be mainly a result of a lack of adequate training and can be resolved by putting in place a training course for drivers and assistance providers at terminals. Even though drivers are currently not obliged under Regulation 181/2011 to be trained in the provision of assistance directly, they should receive disability awareness training according to Art. 16 (b) of the Regulation as detailed in Annex II.

Training (Art. 16)

Staff training is a very important part of the implementation of the Regulation and it is good that under Article 16 (1), carriers shall establish training procedures for drivers. However, it is therefore especially regrettable that Member States can be granted an exemption from the obligation to train their staff (Article 16 (2)). Having the appropriate training when helping



somebody to board a vehicle is both important for the safety of the person with a disability as well as the member of staff; a lack of training could mean endangering the health of either or both of the two people involved.

Exemptions (Art. 18)

As mentioned above, EDF is of the opinion that the Regulation allows for too many exemptions. Article 16 (1) of the Regulation stipulates that carriers must organize disability awareness training for their staff, including the drivers. The details are described in Annex II on disability-related training⁴. Unfortunately, by 30 January 2015, 11 Member States had been granted an exemption from this clause until 1 March 2018⁵ (while four Member States had not provided any information).

Examples of specific issues in different Member States

Portugal

The level of awareness of passengers' rights in bus and coach travel is still relatively low but now steadily increasing. City councils have had meetings on the subject and this seems to have had a positive influence on change, which can be noticed little by little. The main problem that persists is the inaccessibility of vehicles.

Luxembourg

There is a low level of awareness of passengers' rights. One reason for this might be the fact that not many long distance coach lines pass through Luxembourg and that there is no centralised place for information campaigns, as it was the case at airports for Regulation 1107/2006. However, a positive side effect of Regulation 181/2011 has been the effect on urban bus services concerning the provisions on training. The main problem that was mentioned is inaccessibility of vehicles and platforms.

⁴ <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1399989115704&uri=CELEX:32011R0181>

⁵ Romania has been granted the exemption until July 2016 only



Finland

The national authorities in Finland have done the minimum necessary and, amongst others, designated 13 accessible bus terminals. Unfortunately, almost all of these terminals are in the South of the country and the Northern part has been largely ignored. There has been no training programme for drivers so far, in contrast to Reg. 1177/2010 concerning the rights of passengers when travelling by sea and inland waterway where this has successfully happened in cooperation with DPOs.

Germany

In Germany, the issue of bus and coach travel has received more attention nationally as the implementation of Regulation 181/2011 coincided with the opening of the market for coach travel which had been heavily regulated before. One German NGO has even set up a report center for accessible bus and coach travel under the Regulation to collect feedback and to inform potential passengers about their rights⁶. They have also published a booklet with accessibility specifications for buses and coaches to help transport undertakings with the practical implementation. The main problems that remain, however, are the accessibility of vehicles and especially the transport of wheelchairs. It was reported that only certain types of wheelchairs (foldable) were allowed on board and electric wheelchairs were refused. It was also mentioned that drivers have refused assistance due to liability issues.

Austria

The transport company “WESTbus” agreed to change the vehicles they use in order to make the service accessible to wheelchair users following a complaint from a user on the grounds of discrimination. These accessible buses will operate on all national “WESTbus” lines. However, no solution was found for providing accessible toilets on those buses.⁷

UK

⁶ <http://www.bsk-ev.org/arbeitsfelder/barrierefreie-fernlinienbusse-infos-meldestelle/>

⁷ <http://www.oea.at/publikationen/archiv/presse/presse-2012/westbus-kuenftig-barrierefrei>



There are some issues with the implementation of the Regulation, especially related to the training of drivers. Unfortunately, the UK has been granted an exemption from the provisions under Article 16 (1) and the training measure in place are not sufficient. Awareness of disability issues is problematic so the provision to make disability related training obligatory under the Regulation would make a big difference. Almost 300 of blind and partially sighted campaigners wrote to the Minister for Transport to tell her how important it is that this vital provision is introduced.⁸

EDF recommendations

As mentioned above, the main problem that goes hand in hand with the implementation of Regulation 181/2011 is the lack of accessibility of the vehicles and the terminals as well as the necessary information. In fact, accessibility is the prerequisite to make full use of ones' passengers' rights and this is why only a limited analysis can be given from the point of view of persons with disabilities at this point. Even with assistance provided, the use of long distance bus and coach services is only possible within limits for many persons with disabilities and reduced mobility, especially women and girls with disabilities and persons with disabilities requiring more intensive support.

EDF thus recommends the following measures to improve the implementation of Regulation 181/2011 including some aspects that go beyond its current scope:

- 1) Disabled Persons' Organisations (DPOs) should be involved more strategically and systematically by the national authorities but also by transport operators
- 2) Current exemptions, especially for requirements regarding the training of drivers and assistance staff, shall be revoked (see Annex II) and drivers should follow both the disability awareness training as well as the assistance training, as this can also be useful in cases of emergency.

⁸ <http://www.rnib.org.uk/campaigning-current-campaigns/bus-campaign>

- 
- 3) To reinforce the implementation and provide a sound background, the Regulation should go hand in hand with EU-wide accessibility legislation and standards for the construction vehicles and for the built environment, such as the planned “European Accessibility Act”. This should be complemented with appropriate EU funding.

Conclusion

Passengers’ rights can only be effective if bus and coach travel are properly accessible for persons with disabilities. Both the physical access as well as access to information are currently the biggest obstacles that stop persons with disabilities from travelling and there is thus relatively little evidence regarding the implementation of Regulation 181/2011. It is absolutely crucial that those accessibility needs are tackled in order to make the Passengers’ Rights legislation meaningful because just the provision of assistance is not enough.

Acknowledgments

This position paper has been prepared in consultation with EDF membership and experts.

EDF would like to thank all those that have actively contributed to the drafting of this paper, especially the Finnish Disability Forum, Info Handicap (Luxembourg) and the Portuguese National Confederation of Organisations of Disabled People.

Contact person at the EDF secretariat:

Marie Denninghaus, Mobility and Transport Officer
Tel: +32 (0) 2 286 51 84, E-mail: marie.denninghaus@edf-feph.org

Should you have any problems in accessing the documentation, please contact the EDF Secretariat. (Tel: +32 (0) 2 282 46 00, E-mail: info@edf-feph.org).



Funded by the Progress Programme of the European Union



Annex I

[List of designated terminals in the EU Member States \(European Commission website\)](#)

Annex II

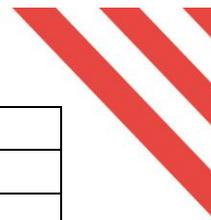
Table on the use of exemptions by Member States from the disability awareness training organised for bus drivers

Article 16(1) of Regulation (EU) No 181/2011 concerning the rights of passengers in bus and coach transport stipulates that carriers must organize disability awareness trainings for their personnel, among others their drivers.

Article 16(2) of the Regulation allows Member States to grant exemption from the drivers' disability awareness training until 1 March 2018.

By 30 January 2015 the Commission has received the following notifications

Member States	Granted derogation from drivers' disability awareness training? [Art 16(2) of the Regulation]
Belgium	Yes
Bulgaria	No
Czech Republic	No
Denmark	Yes
Germany	Yes
Estonia	No
Ireland	No
Greece	Information not available
Spain	No
France	Yes
Croatia	Yes
Italy	Yes
Cyprus	No
Latvia	No
Lithuania	No
Luxembourg	Yes (Until April 2016)



Hungary	Yes
Malta	No
Netherlands	Yes
Austria	Information not available
Poland	Information not available
Portugal	No
Romania	Yes (but only until July 2016)
Slovenia	Yes
Slovakia	No
Finland	Yes
Sweden	No
United Kingdom	Yes