



Recast of rail passengers' rights and obligations regulation: EDF position for Trilogues

March 2020

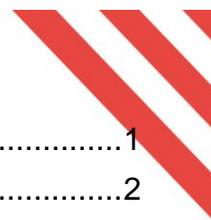
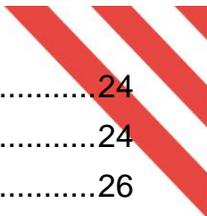


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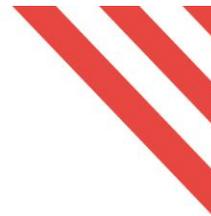
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This publication has received financial support from the European Union. The information contained in this publication does not necessarily reflect the official position of the European Commission.



About EDF

The European Disability Forum is an independent umbrella organisation of persons with disabilities that represents the interests of more than 100 million Europeans with disabilities. EDF is a unique platform which brings together representative organisations of persons with disabilities from across Europe, run by persons with disabilities and their families. EDF is a member of the Social Platform and works closely to the European institutions, the Council of Europe and the United Nations.

Introduction

Following the publication of our [proposed amendments for the Council negotiations in 2019](#), this document is the follow-up position for the Trilogues.

EDF welcomes the recast as an opportunity to improve the regulation. The new proposal strengthens the rights of persons with disabilities and of persons with reduced mobility (PRMs), notably by providing closer alignment with the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). We published [our position paper on the recast of the Regulation on Rail Passengers' Rights \(1371/2007\)](#) in October 2017 with detailed comments about the proposal.

We also support the position of the European Parliament in this regard, especially amendment 101 on the shortened pre-notification times for assistance at stations. The General Approach of the Council, which was adopted in December 2019 however, does not at all fulfil the expectations of the disability movement. It falls short of proposing any significant improvement in the lives of persons with disabilities.

For the Trilogues which started in January 2020 under the Croatian Presidency, we therefore expect that the European Parliament will remain strong and that the Rapporteur will not negotiate on any of the crucial points for persons with disabilities. A Regulation on passengers' rights should honour its title and benefit the citizens, not just industry.



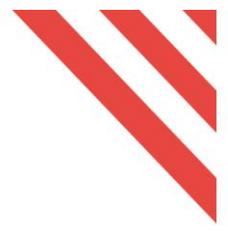
EDF position

Our main demand is to **reduce the pre-notification time for booking assistance at stations** (Art. 24.1(a)), following the text of the Parliament's position.

Furthermore, we also support the following provisions of the Commission proposal and the amended European Parliament text:

- **Availability of assistance during all times rail services operate** (Art. 24.1(a))
- **No exemptions for disability-related provisions** (Art. 2.4)
- **Accessibility of information** (Art. 1.1, 9.3, Art. 9.4, Art. 28.3)
- re-routed and **alternative transport services have to be accessible** (Art. 16.3)
- Possibility to **travel with certified service animal or accompanying person free of charge** if independent mobility is not possible (Art. 20.1)
- **Booking of assistance shall always be free of charge** (Art. 22.1, Art. 24.1)
- **Obligation to train staff on disability issues** (Art. 26)
- **Accessible and easier complaint handling procedure** (Art. 28.3)
- **Involvement of organisations representing persons with disabilities** to improve services (Art. 29.2(a)new)
- **National Enforcement Bodies' tasks and competences are strengthened** and better defined (Art. 32.1, Art. 32.2, Art. 32.3(a)new)

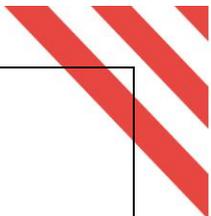
Please find in annex our proposal for amendments.



Annex: Proposals for amendments

Recital 15

| Commission proposal | EP amendments | EDF proposed amendments |
|---|---|---|
| <p>(15) In the light of the United Nations Convention on the Rights of Persons with Disabilities and in order to give persons with disabilities and persons with reduced mobility opportunities for rail travel comparable to those of other citizens, rules for non-discrimination and assistance during their journey should be established. Persons with disabilities and persons with reduced mobility, whether caused by disability, age or any other factor, have the same right as all other citizens to free movement and to non-discrimination. Inter alia, special attention should be given to the provision of information to persons with disabilities and persons with reduced mobility concerning the accessibility of rail services, access conditions of rolling stock and the facilities on board. In order to provide passengers with sensory impairment with the best information on delays, visual and audible systems should be used, as appropriate. Persons with disabilities and persons with reduced mobility should be enabled to buy tickets on board a train without extra charges. Staff should be adequately</p> | <p>(15) In the light of the United Nations Convention on the Rights of Persons with Disabilities and in order to give persons with disabilities and persons with reduced mobility opportunities for rail travel comparable to those of other citizens, rules for non-discrimination and assistance during their journey should be established. Persons with disabilities and persons with reduced mobility, whether caused by disability, age or any other factor, have the same right as all other citizens to free movement and to non-discrimination. Inter alia, special attention should be given to the provision of accessible information to persons with disabilities and persons with reduced mobility concerning the accessibility of rail services, access conditions of rolling stock and the facilities on board. In order to provide passengers with sensory impairment with the best information on delays, visual and audible systems should be used which are appropriate and comprehensible to those passengers. Staff should be adequately trained to respond to the needs of persons with disabilities and</p> | <p>Keep EP amendment in combination with EDF's addition in Recital 15 a (new)</p> |



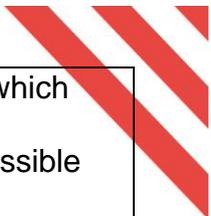
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| <p>trained to respond to the needs of persons with disabilities and persons with reduced mobility, notably when providing assistance. To ensure equal travel conditions, such persons should be provided with assistance at stations and on board at all times when trains operate and not only at certain times of the day.</p> | <p>persons with reduced mobility, notably when providing assistance. To ensure equal travel conditions, such persons should be provided, free of charge, with assistance to board and disembark.</p> | |
| <p>Justification:</p> <p><i>This recital is needed to clarify provisions in article 22 and 24. As evidenced by the European Commission in their 2013 report on the implementation of the regulation, it is not unusual for transport providers to ask persons with disabilities to use a premium rate telephone booking helpline to book assistance and this can be a significant additional cost to passengers with disabilities. Booking assistance should be free.</i></p> <p><i>The cost of a phone call to book assistance should never exceed the regular local call rate because otherwise this is an additional cost for persons with disabilities, in line with point 5.4 of the Commission’s Interpretative Guidelines.</i></p> | | |

Recital 15 a (new)

| Commission proposal | EP amendments | EDF proposed amendments |
|---|---|---|
| <p>n/a</p> | <p>(15a) If no accessible ticket vending facilities are available at the station, persons with disabilities and persons with reduced mobility should be able to purchase tickets on board the train.</p> | <p>(15a) If no accessible ticket vending facilities are available at the station, persons with disabilities and persons with reduced mobility should be able to purchase tickets on board the train free of charge. No “proof of disability” shall be requested by the Railway Undertaking’s staff for this purpose.</p> |
| <p>Justification:</p> <p>An unstaffed station or a broken ticketing machine are not the fault of the PRM passenger so they have to be offered an alternative way of purchasing a ticket at no extra cost. Buying a ticket via a mobile application or online can be an additional sales channel but this cannot</p> | | |

be the only other alternative since it cannot be expected that all PRM passengers, which also includes many older persons, own a smart phone or are comfortable using it. Furthermore, often the website, applications, and payment procedures are not accessible either!

Furthermore, this recital is needed to clarify article 10. It is a fact that many disabilities are invisible and many persons with disabilities are regularly discriminated against because others do not believe that they have a disability. Passengers with disabilities should not be asked by staff to prove that they have a disability under any circumstances.

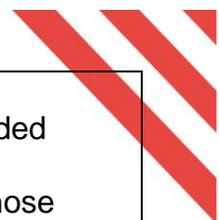


Recital 20

| Commission proposal | EP amendments | EDF proposed amendments |
|--|--|--|
| (20) In the event of delay, passengers should be provided with continued or re-routed transport options under comparable transport conditions. The needs of persons with disabilities and persons with reduced mobility should be taken into account in such an event. | (20) In the event of delay, passengers should be provided with continued or re-routed transport options under comparable transport conditions. The needs of appropriate information for persons with disabilities and persons with reduced mobility should in particular be taken into account in such an event. | (20) In the event of delay, passengers should be provided with continued or re-routed transport options under comparable transport conditions. The needs of accessible information for persons with disabilities and persons with reduced mobility should in particular be taken into account in such an event. |
| Justification: | | |
| “Appropriate” is a very general term whereas what it means is probably “accessible”. | | |

Recital 28

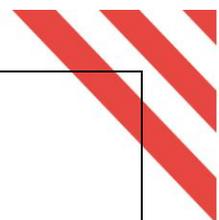
| Commission proposal | EP amendments | EDF proposed amendments |
|--|---|--|
| (28) Railway undertakings and station managers should define, make publicly available, manage and monitor service quality standards for rail passenger services. | (28) Railway undertakings and station managers should define, make publicly available, manage and monitor service quality standards for rail passenger services including those for persons with disabilities and persons with reduced mobility. | (28) Railway undertakings and station managers should define, make publicly available in accessible format , manage and monitor service quality standards for rail passenger services including those for persons with disabilities and persons with reduced mobility. |
| Justification: | | |



Persons with disabilities and persons with reduced mobility should always be provided services of equal quality to other passengers. Therefore, defining, making publicly available, managing and monitoring services provided to them is as important as those provided to all passengers in general. The information that is made publicly available should be accessible.

Recital 29

| Commission proposal | EP amendments | EDF proposed amendments |
|--|--|--------------------------|
| <p>(29) To maintain a high level of consumer protection in rail transport, Member States should be required to designate national enforcement bodies to monitor closely and enforce this Regulation at national level. Those bodies should be able to take a variety of enforcement measures. Passengers should be able to complain to those bodies about alleged infringements of the Regulation. To ensure the satisfactory handling of such complaints, the bodies should also cooperate with each other.</p> | <p>(29) To maintain a high level of consumer protection in rail transport, Member States should be required to designate national enforcement bodies to monitor closely and enforce this Regulation at national level. Those bodies should be able to take a variety of enforcement measures and to provide the option for passengers of binding alternative dispute resolution in accordance with Directive 2013/11/EU. Passengers should be able to complain to those bodies about alleged infringements of the Regulation, and to use online dispute resolution established under Regulation 524/2013/EU where agreed. It should also be provided that complaints may be made by organisations representing groups of passengers. To ensure the satisfactory handling of such complaints, the bodies should also cooperate with each other and this Regulation should continue to be listed in the</p> | <p>Keep EP amendment</p> |



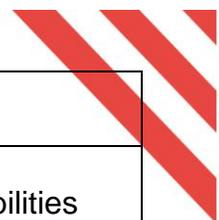
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| | <p>Annex to the Regulation 2017/2394/EU of the European Parliament and of the Council. Each year national enforcement bodies should publish reports with statistics on their websites detailing the number and type of complaints that they have received, and detailing the outcome of their enforcement actions. In addition, those reports should be made available on the website of the European Union Agency for Railways.</p> | |
| <p>Justification:</p> <p>In order to strengthen enforcement, reporting is important to show where the problems are. Currently, the statistics about the complaints are not public and this should be changed.</p> | | |

Article 1 – 1 – e

| Commission proposal | EP amendments | EDF proposed amendments |
|---|--|-------------------------|
| (e) minimum information to be provided to passengers; | (e) minimum, accurate and timely information to be provided in accessible format to passengers, including the conclusion of transport contracts and the issuing of tickets; | Keep EP amendment |
| <p>Justification:</p> <p>Accessibility of information is crucial to ensure that everyone is informed on equal level of the travel options available to them and their rights and responsibilities as a traveller.</p> | | |

Article 1 – 1 - f

| Commission proposal | EP amendments | EDF proposed amendments |
|---|--|-------------------------|
| (f) non-discrimination against, and mandatory assistance for, persons with disabilities and persons with reduced mobility ; | (f) non-discrimination against, and mandatory assistance by trained staff for persons with disabilities | Keep EP amendment |



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| | and persons with reduced mobility; | |
| <p>Justification:</p> <p>Adequate training and awareness regarding services needed by persons with disabilities and persons with reduced mobility during traveling is crucial for ensuring the same quality of travel experience for all passengers. It is also highly important for ensuring non-discrimination of persons with disabilities and persons with reduced mobility during travel. Please refer to Annex VI (new) for further information on disability-related training.</p> | | |

Article 2 – 2 – a

| Commission proposal | EP amendments | EDF proposed amendments |
|--|--|--------------------------|
| (a) urban, suburban and regional rail passenger services as referred to in Directive 2012/34/EU, except cross-border services within the Union; | (a) urban rail passenger services as referred to in Directive 2012/34/EU, except cross-border services within the Union; | Delete completely |
| <p>Justification:</p> <p>While provisions concerning persons with disabilities are anyways protected from the exemptions (see Article 2.4 of the proposal), EDF is in general not in favour of any exemptions to the Regulation. Ideally, all rail passenger services should be covered in their entirety to provide coherence and make the Regulation more effective.</p> | | |

Article 2 – 4

| Commission proposal | EP amendments | EDF proposed amendments |
|--|--|--|
| 4. Articles 5, 10, 11 and 25 and Chapter V shall apply to all rail passenger services referred to in paragraph 1, including services exempted in accordance with points (a) and (b) of paragraph 2. | 4. Articles 5, 6, 11, 12, 17 and Chapter V shall apply to all rail passenger services referred to in paragraph 1, including services exempted in accordance with point (a) of paragraph 2. | Keep EP proposal if Article 1.2(a) stays |
| <p>Justification:</p> <p>As mentioned above, EDF is not in favour of any exemptions but if exemptions are necessary, they shall under no circumstances refer to Chapter V and disability related provisions throughout the Regulation.</p> | | |

Article 9 – 1



| Commission proposal | EP amendments | EDF proposed amendments |
|--|---|---|
| <p>1. Railway undertakings and ticket vendors offering transport contracts on behalf of one or more railway undertakings shall provide the passenger, upon request, with at least the information set out in Annex II, Part I in relation to the journeys for which a transport contract is offered by the railway undertaking concerned. Ticket vendors offering transport contracts on their own account, and tour operators, shall provide this information where available.</p> | <p>1. Railway undertakings, tour operators and ticket vendors offering transport contracts on their own behalf or on behalf of one or more railway undertakings shall provide the passenger, upon request, with at least the information set out in Annex II, Part I in relation to the journeys for which transport contracts are offered by the railway undertaking concerned. Ticket vendors offering transport contracts on their own account, and tour operators, shall provide this information. In order to ensure compliance with this Regulation, railway undertakings shall provide this information to ticket vendors and other railway undertakings, selling their service.</p> | <p>1. Railway undertakings, tour operators and ticket vendors offering transport contracts on their own behalf or on behalf of one or more railway undertakings shall routinely provide the passenger with at least the information set out in Annex II, Part I in relation to the journeys for which transport contracts are offered by the railway undertaking concerned. Ticket vendors offering transport contracts on their own account, and tour operators, shall provide this information. In order to ensure compliance with this Regulation, railway undertakings shall provide this information to ticket vendors and other railway undertakings, selling their service.</p> |
| <p>Justification:</p> <p>It should not be up to the passenger to request this information as this imposes an additional burden. The information should be provided spontaneously to facilitate travelling for all passengers.</p> | | |

Article 9 – 2

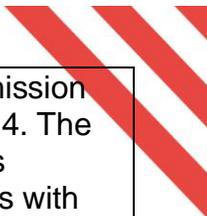
| Commission proposal | EP amendments | EDF proposed amendments |
|---|--|--|
| <p>2. Railway undertakings and, where possible, ticket vendors shall provide the passenger during the journey,</p> | <p>2. Railway undertakings, and where applicable, ticket vendors shall provide the passenger during</p> | <p>2. Railway undertakings, and where applicable, ticket vendors shall provide the passenger during</p> |



| | | |
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| <p>including at connecting stations, with at least the information set out in Annex II, Part II.</p> | <p>the journey, including at connecting stations, with at least the information set out in Annex II, Part II. <i>In order to ensure compliance with this Regulation, railway undertakings shall provide this information to ticket vendors and other railway undertakings, selling their service.</i></p> | <p>the journey, including at connecting stations, with at least the information set out in Annex II, Part II. In order to ensure compliance with this Regulation, railway undertakings shall provide this information to ticket vendors and other railway undertakings, selling their service.</p> |
| <p>Justification:</p> <p>It should not be up to the passenger to request this information as this imposes an additional burden. The information should be provided spontaneously to facilitate travelling for all passengers.</p> | | |

Article 9 – 3

| Commission proposal | EP amendments | EDF proposed amendments |
|--|---|---|
| <p>3. The information referred to in paragraphs 1 and 2 shall be provided in the most appropriate format including by using up-to-date communication technologies. Particular attention shall be paid to ensuring that this information is accessible to persons with disabilities in accordance with the accessibility requirements laid down in Directive XXX and Regulation 454/2011.</p> | <p>3. The information referred to in paragraphs 1 and 2 shall be provided by railway undertakings, tour operators and ticket vendors to passengers using easily accessible, commonly used and, concerning paragraph 2, in real-time, up-to-date communication technologies, and in writing, where possible, in order to provide passengers with all the information required by Annex II to this Regulation. Particular attention shall be paid to ensuring that this information is accessible to persons with disabilities in accordance with the accessibility requirements laid down in</p> | <p>3. The information referred to in paragraphs 1 and 2 shall be provided by railway undertakings, tour operators and ticket vendors to passengers using easily accessible, commonly used and, concerning paragraph 2, in real-time, up-to-date communication technologies, and in writing, where possible, in order to provide passengers with all the information required by Annex II to this Regulation. Particular attention shall be paid to ensuring that this information is accessible to persons with disabilities in accordance with but not limited to the accessibility requirements laid down in Directive XXX, Regulation</p> |



| | | |
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| | Directive XXX, Regulation 454/2011 and Commission Regulation 1300/2014. The availability of formats accessible to persons with reduced mobility shall be clearly advertised. | 454/2011 and Commission Regulation 1300/2014. The availability of formats accessible to persons with reduced mobility shall be clearly advertised. |
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Justification:

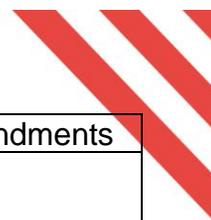
EDF fully supports the EP addition that requires clear advertisement of the availability of accessible formats. However, EDF would like to point out that the accessibility requirements in the legal texts mentioned are not sufficient to make information fully accessible. Therefore, it should be possible to go beyond what is stated in the Accessibility Act, the TAP-TSI, or the TSI-PRM (which doesn't say anything about accessible information) and set more ambitious accessibility requirements as regards provision of information to travellers with disabilities and those with reduced mobility.

Article 9 – 4 – a (new)

| Commission proposal | EP amendments | EDF proposed amendments |
|---------------------|--|---|
| N/A | 4a. Railway undertakings in cooperation with station managers and infrastructure managers shall indicate in timetables information about accessible train connections and stations. | 4a. Railway undertakings in cooperation with station managers and infrastructure managers shall indicate in timetables information about accessible train connections and stations. This information shall be available online or by other means of communication in accessible format, as well as at the station. |

Justification:

The addition by the EP is very useful since it is at the moment not always clear to persons with disabilities and persons with reduced mobility which trains are accessible. Often, old rolling stock is not accessible while refurbished or new trains might be. Of course the passenger needs to know which rolling stock is used for which service to be able to plan their travel. We further propose to clarify that this information is provided to travellers in advance and in accessible format (whether on the website of service providers or available by a telephone contact), as well as at the station, to make travel planning possible. Otherwise, we end up with an absurd situation where passengers with disabilities or with reduced mobility have to speculate whether or not they will have accessible train connections or are able to access the station.



Article 10 – 1

| Commission proposal | EP amendments | EDF proposed amendments |
|--|---|-------------------------|
| 1. Railway undertakings and ticket vendors shall offer tickets and, where available , through-tickets and reservations. They shall make all possible efforts to offer through-tickets , including for journeys across borders and with more than one railway undertaking. | 1. Railway undertakings and ticket vendors shall offer tickets and through-tickets and reservations including for journeys across borders or involving night trains and journeys with more than one railway undertaking. | Keep EP proposal |

Article 10 – 2

| Commission proposal | EP amendments | EDF proposed amendments |
|--|---|---|
| <p>2. Without prejudice to paragraphs 3 and 4, railway undertakings and ticket vendors shall distribute tickets to passengers via at least one of the following points of sale:</p> <ul style="list-style-type: none"> (a) ticket offices or selling ticketing machines; (b) telephone, the Internet or any other widely available information technology; (c) on board trains. <p>Member States may require railway undertakings to provide tickets for services provided under public service contracts through more than one points of sale.</p> | <p>2. Without prejudice to paragraphs 3 and 4, railway undertakings and ticket vendors shall distribute tickets to passengers via at least one of the following points of sale:</p> <ul style="list-style-type: none"> (a) ticket offices or selling ticketing machines; (b) telephone, the Internet or any other widely available information technology; (c) on board trains. <p>Competent authorities referred to in Regulation (EC) No 1370/2007 may require railway undertakings to provide tickets for services provided under public service contracts through more than one point of sale.</p> | <p>2. Without prejudice to paragraphs 3 and 4, railway undertakings and ticket vendors shall distribute tickets to passengers via at least two of the following points of sale:</p> <ul style="list-style-type: none"> (a) ticket offices or selling ticketing machines; (b) telephone, the Internet or any other widely available information technology; (c) on board trains. <p>Competent authorities referred to in Regulation (EC) No 1370/2007 may require railway undertakings to provide tickets for services provided under public service contracts through more than two points of sale.</p> |
| Justification: | | |



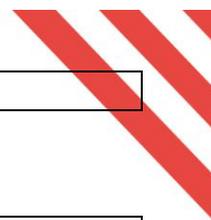
Tickets should be offered to passengers via at least two points of sale, one of which should be a physical point of sale as not everyone has a smartphone or access to the internet. It should also be noted that many stations are unstaffed, which can cause problems when ticket machines are inaccessible to persons with disabilities.

Article 10 – 4

| Commission proposal | EP amendments | EDF proposed amendments |
|--|---------------|---|
| 4. Where there is no ticket office or ticketing machine in the station of departure, passengers shall be informed at the station: | | 4. Where there is no ticket office or ticketing machine in the station of departure, or when the ticket machine is not fully accessible , passengers shall be informed at the station: |
| <p>Justification:</p> <p>Tickets should be offered to passengers via at least two points of sale, one of which should be a physical point of sale as not everyone has a smartphone or access to the internet. It should also be noted that many stations are unstaffed, which can cause problems when ticket machines are inaccessible to persons with disabilities.</p> | | |

Article 10 – 5

| Commission proposal | EP amendments | EDF proposed amendments |
|---|--|-------------------------------|
| 5. Where there is no ticket office or accessible ticketing machine in the station of departure, persons with disabilities and persons with reduced mobility shall be permitted to buy tickets on board the train at no extra cost. | 5. Where there is no ticket office or accessible ticketing machine in the station of departure, or any other means of purchasing tickets in advance , passengers shall be permitted to buy tickets on board the train at no extra cost. | Revert to Commission proposal |
| <p>Justification:</p> <p>It is crucial that the proposed amendment by the EP is deleted. See also justification for Recital 15 (a) new:</p> <p>An unstaffed station or a broken ticketing machine are not the fault of the PRM passenger so they have to be offered an alternative way of purchasing a ticket at no extra cost. Buying a ticket via a mobile application or online can be an additional sales channel but this cannot be the only other alternative since it cannot be expected that all PRM passengers, which also includes many older persons, own a smart phone or are comfortable using it. Furthermore, often the website, applications, and payment procedures are not accessible either!</p> | | |



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Article 16 - 3

| Commission proposal | EP amendments | EDF proposed amendments |
|--|---|---|
| 3. Re-routing transport service providers shall pay particular attention to providing persons with disabilities and persons with reduced mobility with a comparable level of accessibility to the alternative service. | 3. Re-routing transport service providers shall provide to persons with disabilities and persons with reduced mobility a comparable level of assistance and of accessibility when offering an alternative service. This alternative service may be common to all passengers or it may, upon decision of the carrier, be an individual means of transport adapted to the specific needs of certain persons with disabilities or with reduced mobility. | 3. Re-routing transport service providers shall provide to persons with disabilities and persons with reduced mobility a comparable level of assistance and of accessibility when offering an alternative service. This alternative service may be common to all passengers or it may, upon decision of the carrier, be an individual means of transport adapted to the specific needs of certain persons with disabilities or with reduced mobility. Carriers shall ensure that any service animal(s) and/or personal assistant(s) accompanying persons with disabilities or persons with reduced mobility are provided the same re-routing transport. |

Justification:

Passengers with disabilities and passengers with reduced mobility conclude a transport contract with the service provider like everybody else. Therefore, the transport undertaking has the same obligations of providing alternative transport in case of disruptions. This should be on an equal basis with others – ideally the same mode of transport as all passengers but if the only option is individual means of transport this is also acceptable.

Article 18 – 2 - b

| Commission proposal | EP amendments | EDF proposed amendments |
|--|---|---|
| (b) hotel or other accommodation, and transport between the railway station and place of | b) hotel or other accommodation, and transport between the railway station and place of | b) hotel or other accommodation, and transport between the railway station and place of |



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| <p>accommodation, in cases where a stay of one or more nights becomes necessary or an additional stay becomes necessary, where and when physically possible;</p> | <p>accommodation, in cases where a stay of one or more nights becomes necessary or an additional stay becomes necessary, where and when physically possible, the access requirements of persons with disabilities and with reduced mobility and the needs of certified service animals being taken into account;</p> | <p>accommodation, in cases where a stay of one or more nights becomes necessary or an additional stay becomes necessary, where and when physically possible, the access requirements of persons with disabilities and with reduced mobility and the needs of certified service animals being taken into account; any accompanying personal assistant(s) being enabled to stay at the same hotel or other accommodation, and take the same transport between the railway station and place of accommodation as the passenger they are assisting.</p> |
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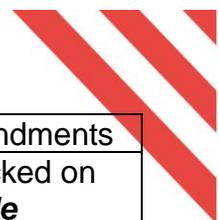
Justification:

Passengers with disabilities and passengers with reduced mobility conclude a transport contract with the service provider like everybody else. Therefore, the transport undertaking has the same obligations of providing hotel accommodation in case of disruptions as everyone else.

In order to fulfil this obligation there has to be accessible accommodation available because what is the other option – the PRM sleeping under a bridge?

Service animals are crucial for the mobility and accessibility of the user, they are as important as a wheelchair or a walking stick. They are not pets. Therefore, they have to be accepted in any hotel as well as alternative transport such as taxis that is allocated to the passengers by the transport undertakings.

It is also crucial to ensure that any personal assistant(s) travelling with the passenger they are assisting stay(s) at the same hotel or other means of accommodation and take(s) the same means of transport to be able to continue providing assistance without interruption. Personal assistance services are vital for many persons with disabilities and persons with reduced mobility as they ensure independent and dignified living (including travelling) for them.



Article 18 – 2 - c

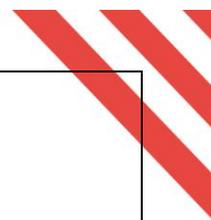
| Commission proposal | EP amendments | EDF proposed amendments |
|---|---------------|---|
| (c) if the train is blocked on the track, transport from the train to the railway station, to the alternative departure point or to the final destination of the service, where and when physically possible. | | (c) if the train is blocked on the track, accessible transport from the train to the railway station, to the alternative departure point or to the final destination of the service, where and when physically possible. Any accompanying certified service animal(s) and/or personal assistant(s) shall be enabled to take the same transport as the passenger they are assisting. |
| Justification: | | |
| See justification for Article 18 – 2 – b | | |

Article 18 - 3

| Commission proposal | EP amendments | EDF proposed amendments |
|---|---------------|---|
| 3. If the railway service cannot be continued anymore, railway undertakings shall organise as soon as possible alternative transport services for passengers. | | 3. If the railway service cannot be continued anymore, railway undertakings shall organise as soon as possible alternative accessible transport services for passengers. Any accompanying certified service animal(s) and/or personal assistant(s) shall be enabled to take the same transport as the passenger they are assisting. |
| Justification: | | |
| See justification for Article 18 – 2 – b | | |

Article 18 - 5

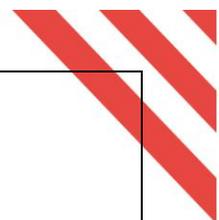
| Commission proposal | EP amendments | EDF proposed amendments |
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|---|---|-------------------------|
| <p>5. In applying paragraphs 1, 2, 3 and 4, the operating railway undertaking shall pay particular attention to the needs of persons with disabilities and persons with reduced mobility</p> | <p>5. In applying paragraphs 1, 2, 3 and 4, the operating railway undertaking shall pay particular attention to the needs of persons with disabilities, persons with reduced mobility, any accompanying persons and certified service animals.</p> | <p>Keep EP proposal</p> |
| <p>Justification:</p> <p>Service animals are crucial for the mobility and accessibility of the user, they are as important as a wheelchair or a walking stick. They are not pets. Therefore, they have to be accepted in any hotel as well as alternative transport such as taxis that is allocated to the passengers by the transport undertakings.</p> <p>Furthermore, service animals need particular attention in the case of long delays, cancellations or other exceptional situations, including the need to drink, eat or be given a run during a delay or upon arrival after a long journey.</p> | | |

Article 20 – 1

| Commission proposal | EP amendments | EDF proposed amendments |
|--|--|-------------------------|
| <p>1. Railway undertakings and station managers shall, with the active involvement of representative organisations of persons with disabilities and persons with reduced mobility, establish, or shall have in place, non-discriminatory access rules for the transport of persons with disabilities and persons with reduced mobility including their personal assistants. The rules shall allow the passenger to be accompanied by an assistance dog in accordance with any relevant national rules.</p> | <p>1. Railway undertakings and station managers shall, with the active involvement of representative organisations of persons with disabilities and persons with reduced mobility, establish, or shall have in place, non-discriminatory access rules for the transport of persons with disabilities and persons with reduced mobility including their personal assistants. The rules shall allow the passenger to be accompanied by a certified service animal or an accompanying person free of charge if independent mobility is not possible, in accordance with any relevant national rules, and shall ensure that rail</p> | <p>Keep EP proposal</p> |



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| | <p>transport for persons with disabilities and persons with reduced mobility is immediate wherever possible.</p> | |
| <p>Justification:</p> <p>Ensuring that certified service animals and/or accompanying personal assistants are able to travel with the passengers they are assisting is vital. This should also not cause additional financial burden on passengers with disabilities or passengers with reduced mobility, otherwise it limits their independence and freedom to travel on equal ground as other passengers.</p> | | |

Article 21 - 2

| Commission proposal | EP amendments | EDF proposed amendments |
|---|--|-------------------------|
| <p>When a railway undertaking, ticket vendor or tour operator exercises the derogation provided for in Article 20(2), it shall upon request inform in writing the person with disabilities or person with reduced mobility concerned of its reasons for doing so within five working days of the refusal to make the reservation or to issue the ticket or the imposition of the condition of being accompanied. The railway undertaking, ticket vendor or tour operator shall make reasonable efforts to propose an alternative transport option to the person in question taking into account his or her accessibility needs.</p> | <p>2. When a railway undertaking, ticket vendor or tour operator exercises the derogation provided for in Article 20(2), it shall upon request inform in writing the person with disabilities or person with reduced mobility concerned of its reasons for doing so within five working days of the refusal to make the reservation or to issue the ticket or the imposition of the condition of being accompanied. The railway undertaking, ticket vendor or tour operator shall propose an alternative transport option to the person in question taking into account his or her accessibility needs.</p> | <p>Keep EP proposal</p> |
| <p>Justification:</p> <p>Persons with disabilities are customers like everybody else and railway undertakings should have the same obligations towards them as regards the transport contract.</p> | | |



Article 22 - 1

| Commission proposal | EP amendments | EDF proposed amendments |
|--|--|--|
| <p>1. On departure from, transit through or arrival at, a staffed railway station of a person with disabilities or a person with reduced mobility, the station manager or the railway undertaking or both shall provide assistance free of charge in such a way that that person is able to board the departing service, or to disembark from the arriving service for which he or she purchased a ticket, without prejudice to the access rules referred to in Article 20(1).</p> | <p>1. On departure from, transit through or arrival at, a staffed railway station of a person with disabilities or a person with reduced mobility, the station manager or the railway undertaking or both shall provide assistance free of charge in such a way that that person is able to board the departing service, or to disembark from the arriving service for which he or she purchased a ticket, without prejudice to the access rules referred to in Article 20(1). The booking of assistance shall always be done without extra cost, irrespective of the communication channel being used.</p> | <p>1. On departure from, transit through or arrival at, a staffed railway station of a person with disabilities or a person with reduced mobility, the station manager or the railway undertaking or both shall provide assistance free of charge in such a way that that person is able to reach the departure platform upon entering the station, board the departing service, move between platforms in case of multiple connections, disembark from the arriving service, for which he or she purchased a ticket, and exit the station upon arrival to the final destination, without prejudice to the access rules referred to in Article 20(1). The booking of assistance shall always be done without extra cost, irrespective of the communication channel being used.</p> |

Justification:

While it is clear that the service of providing assistance has to be free of charge for the passenger, it is not explicitly stated in the Regulation that booking assistance has to be free of charge as well and some railway undertakings currently charge passengers for this. The cost of a phone call to book assistance should never exceed the regular local call rate because otherwise this is an additional cost for persons with disabilities, especially for those that cannot access any other means of communication such as the online booking form. This request is in line with point 5.4 of the Commission's Interpretative Guidelines (Interpretative Guidelines on Regulation (EC) No 1371/2007 of the European Parliament and of the Council on rail passengers' rights and obligations.

Article 22 - 2

| Commission proposal | EP amendments | EDF proposed amendments |
|---------------------|---------------|-------------------------|
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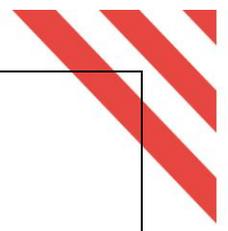
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| <p>2. In the absence of staff at a station, railway undertakings and station managers shall make all reasonable efforts to enable disabled persons or persons with reduced mobility to have access to travel by rail.</p> | <p>2. In the absence of accompanying staff on board a train or staff at a station, railway undertakings and station managers shall make all reasonable efforts to enable disabled persons or persons with reduced mobility to have access to travel by rail in conformity with the accessibility requirements of Directive XXX [European Accessibility Act] and Regulation (EU) No 454/2011.</p> | <p>2. In the absence of accompanying staff on board a train or staff at a station, railway undertakings and station managers shall make all reasonable efforts to enable disabled persons with disabilities or persons with reduced mobility to have access to travel by rail in conformity with the accessibility requirements of Directive XXX [European Accessibility Act] and Regulation (EU) No 454/2011.</p> |
| <p>Justification: <i>Persons with disabilities are customers like everybody else and railway undertakings should have the same obligations towards them as regards the transport contract.</i></p> | | |

Article 23 – 2

| Commission proposal | EP amendments | EDF proposed amendments |
|--|--|-------------------------|
| <p>(2) In the absence of accompanying staff on board a train, railway undertakings shall make reasonable efforts to enable persons with disabilities or persons with reduced mobility to have access to travel by rail.</p> | <p>(2) In the absence of accompanying staff on board a train, railway undertakings shall nevertheless enable persons with disabilities or persons with reduced mobility to have access to travel by rail.</p> | <p>Keep EP proposal</p> |
| <p>Justification: This is a crucial amendment concerning unstaffed stations: it has to be clear that PRM passengers still have a right to transport, even if there is no permanent staff at the station. A ticket is a valid transport contract that has to be respected. Therefore it is up to the transport undertaking to provide a solution for the passenger how they can travel by rail.</p> | | |

Article 23 - 3

| Commission proposal | EP amendments | EDF proposed amendments |
|---|---|-------------------------|
| <p>(3) For the purposes of this Article, assistance on board shall consist of all reasonable efforts to offer</p> | <p>(3) A person with disabilities or a person with reduced mobility must be offered assistance in order to allow</p> | <p>Keep EP proposal</p> |



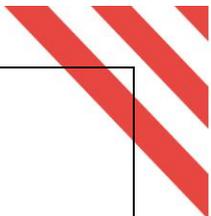
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| <p>assistance to a person with disabilities or a person with reduced mobility in order to allow that person to have access to the same services in the train as other passengers, should the extent of the person's disability or reduced mobility not allow him or her to have access to</p> | <p>that person to have access to the same services in the train as other passengers, should the extent of the person's disability or reduced mobility not allow him or her to have access to those services independently and in safety.</p> | |
| <p>Justification:</p> <p>As long as the existing infrastructure and rolling stock are not fully and independently accessible, unfortunately assistance for PRM is still needed.</p> | | |

Article 24 – 1

| Commission proposal | EP amendments | EDF proposed amendments |
|---|---|-------------------------|
| <p>Railway undertakings, station managers, ticket vendors and tour operators shall cooperate in order to provide assistance to persons with disabilities and persons with reduced mobility in line with Articles 20 and 21 in accordance with the following points:</p> | <p>Railway undertakings, station managers, ticket vendors and tour operators shall cooperate in order to provide assistance free of charge to persons with disabilities and persons with reduced mobility in line with Articles 20 and 21 in accordance with the following points:</p> | <p>Keep EP proposal</p> |
| <p>Justification:</p> <p>This was previously not specified but has been common practice already.</p> | | |

Article 24 – 1 - a

| Commission proposal | EP amendments | EDF proposed amendments |
|--|---|-------------------------|
| <p>(a) assistance shall be provided on condition that the railway undertaking, the station manager, the ticket vendor or the tour operator with which the ticket was purchased is notified of the person's need for such</p> | <p>(a) assistance in stations shall be provided during times rail services operate on condition that the railway undertaking, the station manager, the ticket vendor or the tour operator with which the ticket was</p> | <p>Keep EP proposal</p> |



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| <p>assistance at least 48 hours before the assistance is needed. Where a ticket or season ticket permits multiple journeys, one notification shall be sufficient provided that adequate information on the timing of subsequent journeys is provided. Such notifications shall be forwarded to all other railway undertakings and station managers involved in the person's journey;</p> | <p>purchased is notified of the person's need for such assistance at least 12 hours before the assistance is needed. In stations where daily traffic exceeds 10 000 passengers per day, no pre-notification is needed, however, the person in need of assistance shall be at the respective station at least 30 minutes before the departure of the train. In between 2 000 and 10 000 passengers per day, the notification shall be reduced to maximum three hours. Where a ticket or season ticket permits multiple journeys, one notification shall be sufficient provided that adequate information on the timing of subsequent journeys is provided. Such notifications shall be forwarded to all other railway undertakings and station managers involved in the person's journey; stations where daily traffic is</p> | |
|--|--|--|

Justification:

EDF supports the EP proposal to specify that assistance shall be available at all times passenger rail services operate. EDF also favours shortening the pre-notification time from the 48-hour pre-notification period to book assistance in the Commission proposal. However, this does not go far enough.

The overwhelming majority of rail stations in the EU (97%) have less than 10,000 passengers a day. According to data from the European Commission's 5th Rail Market Monitoring Report there are 28,269 rail stations in the EU but only 874 have more than 10,000 passengers a day (3%). Most rail stations (78.4%) have less than 1,000 passengers a day.

By focusing only on bigger stations it means that persons with disabilities and persons with reduced mobility will still not have equal access to rail transport. Equal access to transportation is a binding provision of the UNCRPD, which has been ratified by all EU



Member States; it should be upheld. All passengers should be able to ‘turn up and go’ at railway stations.

Some Member States such as Spain have abolished the pre-notification period at major stations; others have considerably reduced it. ‘Turn Up And Go’ should be the norm in all EU Member States so that persons with disabilities can travel on an equal basis with others.

Article 24 – 1 - e

| Commission proposal | EP amendments | EDF proposed amendments |
|--|---|--|
| <p>(e) assistance shall be provided on condition that the person with disabilities or person with reduced mobility presents him or herself at the designated point at a time stipulated by the railway undertaking or station manager providing such assistance. Any time stipulated shall not be more than 60 minutes before the published departure time or the time at which all passengers are asked to check in. <i>If no time is stipulated by which the person with disabilities or person with reduced mobility is required to present him or herself, the person shall present him or herself at the designated point at least 30 minutes before the published departure time or the time at which all passengers are asked to check in.</i></p> | <p>(e) assistance shall be provided on condition that the person with disabilities or person with reduced mobility presents <i>themselves</i> at the designated point at a time stipulated by the railway undertaking or station manager providing such assistance. Any time stipulated shall not be more than 60 minutes before the published departure time or the time at which all passengers are asked to check in.</p> | <p>(e) assistance shall be provided on condition that the person with disabilities or person with reduced mobility presents <i>themselves</i> at the designated point at <i>the time stipulated by the railway undertaking or station manager providing such assistance. Any time stipulated shall not be more than 60 minutes before the published departure time or the time</i> at which all passengers are asked to check in. <i>If no time is stipulated by which the person with disabilities or person with reduced mobility is required to present him or herself, the person shall present him or herself at the designated point at least 30 minutes before the published departure time or the time at which all passengers are asked to check in.</i></p> |
| <p>Justification:</p> <p>Persons with disabilities and persons with reduced mobility are customers like everybody else and railway undertakings should have the same obligations towards them as regards the transport contract. In case of adequate training and awareness on how to assist persons with disabilities and persons with reduced mobility no additional time and</p> | | |

obligations would be needed to be put on passengers with disabilities and reduced mobility as regards arrival times. (Please see below on recommendations on disability-related training for services).

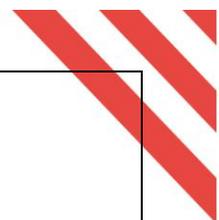


Article 25 – 1

| Commission proposal | EP amendments | EDF proposed amendments |
|--|--|--|
| <p>1. Where railway undertakings and station managers cause loss of, or damage to, wheelchairs, other mobility equipment or assistive devices and assistance dogs used by persons with disabilities and persons with reduced mobility, they shall be liable for and compensate that loss or damage</p> | <p>1. Where railway undertakings and station managers cause loss of, or damage to, wheelchairs, other mobility equipment or assistive devices and certified service animal used by persons with disabilities and persons with reduced mobility, they shall be liable for and compensate that loss or damage as soon as possible.</p> | <p>1. Where railway undertakings and station managers cause loss of, or damage to, wheelchairs, other mobility equipment or assistive devices and certified service animal used by persons with disabilities and persons with reduced mobility, they shall be liable for and compensate that loss or damage as soon as possible but no later than two weeks after cause of loss or damage.</p> |
| <p>Justification:</p> <p>Mobility equipment, assistive devices and certified service animals are vital for many persons with disabilities and persons with reduced mobility to be able to carry out their daily activities independently and with dignity. Loss or damage to a wheelchair for example can confine a wheelchair user within their home, causing them to miss work, school, social or cultural activities, or any other important events in their lives. For this reason it is vital to ensure that loss or damage is compensated as soon as physically possible, without additional administrative and other hurdles for the person affected.</p> | | |

Article 25 – 2

| Commission proposal | EP amendments | EDF proposed amendments |
|--|---|--------------------------|
| <p>2. The compensation referred to in paragraph 1 shall be equal to the cost of replacement or repair of the equipment or devices lost or damaged.</p> | <p>2. The compensation referred to in paragraph 1 shall be paid in a timely manner and shall be equal to the full cost of replacement based on the actual value, or on the full costs of repair of the wheelchair, equipment or devices lost or damaged, or the loss or injury of the certified service animal.</p> | <p>Keep EP amendment</p> |



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| | <p>The compensation shall also cover the costs of temporary replacement in case of repair, where such costs are borne by the passenger.</p> | |
| <p>Justification:</p> <p>Mobility equipment and assistive devices can be very costly to replace. It is important to ensure that passengers with disabilities and reduced mobility are not left in difficult financial or other circumstances as a result of damaged or lost equipment. Since this provision is already included in Regulations 181/2011 (Bus & Coach) as well as Regulation 1177/2010 (Maritime & Inland Waterways), this is a logical addition in the recast of this Regulation.</p> <p>There is currently no EU-wide recognition of what constitutes an ‘assistance dog’ and it is currently left at the discretion of Member States to decide what the term ‘assistance dog’ covers on their territory. There is no EU-wide harmonised certification procedure for assistance dogs or other service animals either. This leads to insecurity as travellers may find that what is recognised as an ‘assistance dog’ in their Member State might not be automatically recognised as such in another. The term ‘service animal’ should replace ‘assistant dog’ throughout the regulation, because not all service animals are dogs; this is what the European Civil Aviation Conference has done in ECAC Doc 30 (PART I)¹.</p> | | |

Article 26 – 1 – a

| Commission proposal | EP amendments | EDF proposed amendments |
|---|---|---|
| <p>(a) ensure that all personnel, including those employed by any other performing party, providing direct assistance to persons with disabilities and persons with reduced mobility, know how to meet the needs of persons with disabilities and of persons with reduced mobility, including those with mental and intellectual impairments;</p> | <p>(a) ensure that all staff, including those employed by any other performing party, providing direct assistance to persons with disabilities and persons with reduced mobility, receive disability-related training in order to know how to meet the needs of persons with disabilities and of persons with reduced mobility, including those with mental and intellectual impairments;</p> | <p>(a) ensure that all staff, including those employed by any other performing party, providing direct assistance to persons with disabilities and persons with reduced mobility, receive disability-related training in order to know how to meet the needs of persons with disabilities and of persons with reduced mobility, including those with mental ill-health and intellectual disabilities;</p> |
| <p>Justification:</p> | | |

¹ [ECAC Doc 30](#)

EDF supports the EP amendment but would like to add a change in the language concerning persons with mental ill-health and persons with intellectual disabilities as those are the correct words.

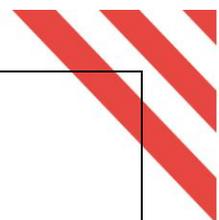


Article 26 – 1 – b

| Commission proposal | EP amendments | EDF proposed amendments |
|--|---------------|---|
| (b) provide training to raise awareness of the needs of persons with disabilities among all personnel working at the station who deal directly with the travelling public; ensure that, upon recruitment, all new employees receive disability-related training and that personnel attend regular refresher training courses. | N/A | (b) provide training to raise awareness of the needs of persons with disabilities and persons with reduced mobility among all personnel working at the station who deal directly or indirectly with the travelling public; ensure that, upon recruitment, all new employees receive disability-related awareness training and that staff attend regular refresher training courses. |
| <p>Justification:</p> <p>Good quality disability-related training should be offered to all staff, including those in “indirect” contact with persons with disabilities and persons with reduced mobility. Providing training to all staff is one of the most effective way to prevent discrimination. Training of all staff, including maintenance and cleaning staff, is very important, because it is not unusual, for example, to see cleaners store their equipment in accessible toilets thus rendering these inaccessible. Maintenance work or equipment can also cause dangerous hazards. This can be avoided through training.</p> | | |

Article 26 – 1- c

| Commission proposal | EP amendments | EDF proposed amendments |
|--|--|-------------------------|
| (c) ensure that, upon recruitment, all new employees receive disability-related training and that personnel attend regular refresher training courses. | (c) ensure that, upon recruitment, all new staff who will deal directly with the travelling public receive an introduction to disability-related issues for passengers and the railway undertaking, and that employees who provide direct assistance | Revert to EC proposal |



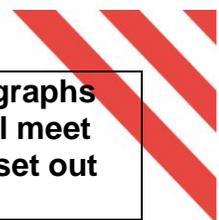
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| | to passengers with reduced mobility receive disability-related training and attend regular refresher training courses. | |
| <p>Justification:</p> <p>Many of the accessibility issues faced by persons with disabilities and persons with reduced mobility are a direct consequence of poor awareness about disability issues among service providers. When staff are well trained it is far less likely that persons with disabilities and persons with reduced mobility will experience poor service. Moreover, staff training ensures that all persons with disabilities and persons with reduced mobility are treated with dignity and respect.</p> | | |

Article 26 – 1 – d

| Commission proposal | EP amendments | EDF proposed amendments |
|---|---|--|
| (d) accept upon request the participation, in the training, of employees with disabilities, passengers with disabilities and with reduced mobility, and/or organisations representing them. | (d) may accept the participation, in the training, of employees with disabilities, and consider the participation of passengers with disabilities and with reduced mobility, and/or organisations representing them. | (c) seek to ensure the participation, in the training, of employees with disabilities, as well as passengers with disabilities and with reduced mobility, and/or organisations representing them.. |
| <p>Justification:</p> <p>Disabled Persons' Organisations (DPOs) should be involved in disability-related training, as required by the UNCRPD.</p> <p>Persons with disabilities and persons with reduced mobility know best what their access needs are, therefore they are experts by experience and can provide valuable information on how to improve services as regards accessibility. This will ensure better trained and more aware staff, which will minimise any risk of injury of the passenger being assisted, or loss or damage caused to their mobility equipment or service animal. Of course, the rights, dignity and comfort of passengers are absolute priority but also from business point of view better adequate disability-related training makes a lot of sense, as service providers would avoid risk of damage or injury to passengers and equipment, hence financial compensations they would have to pay for those.</p> | | |

Article 26 – 1 – e (new)

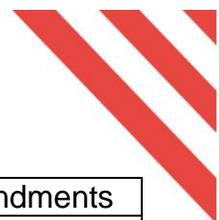
| Commission proposal | EP amendments | EDF proposed amendments |
|---------------------|---------------|--|
| N/A | N/A | (new) Disability-related training courses |



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| | | mentioned in paragraphs (a), (b) and (c) shall meet the specifications set out in annex VI |
| <p>Justification:</p> <p>It is essential to have detailed specifications for disability-related training, as is the case in Regulation 181/2011 on passenger rights in bus and coach travel. While many railway undertakings already organize such trainings, minimum requirements should be harmonised in order to ensure a consistent level of service provision for passengers with disabilities across all Member States. This is an essential and logical addition in the recast of this Regulation; it will ensure consistency of passenger rights across modes of transport. The new proposed annex VI is adapted from Regulation 181/2011.</p> | | |

Article 28 – 1

| Commission proposal | EP amendments | EDF proposed amendments |
|---|--|---|
| <p>1. All railway undertakings, ticket vendors, station managers and infrastructure managers of stations handling more than 10 000 passengers per day on average over a year shall each set up a complaint-handling mechanism for the rights and obligations covered in this Regulation in their respective field of responsibility. They shall make their contact details and working language(s) widely known to passengers.</p> | <p>1. All railway undertakings, ticket vendors and stations managers shall set up a complaint-handling mechanism for the rights and obligations covered in this Regulation in their respective field of responsibility. They shall make their contact details and working language(s) widely known to passengers. Passengers should be able to file complaints in the official language(s) of the Member State in which the respective railway undertaking, ticket vendor and station manager are established and in any event in English.</p> | <p>1. All railway undertakings, ticket vendors and stations managers shall set up an accessible complaint-handling mechanism for the rights and obligations covered in this Regulation in their respective field of responsibility. They shall make their contact details and working language(s) widely known to passengers in accessible format. Passengers should be able to file complaints in the official language(s) of the Member State in which the respective railway undertaking, ticket vendor and station manager are established, in the language(s) of the Member State the passenger is resident of, and in any event in English.</p> |
| <p>Justification:</p> <p>EDF fully supports the creation of a standardised complaint form but it should be fully accessible for persons with disabilities, e.g. to be able to be read by screen-readers for visually impaired persons.</p> | | |

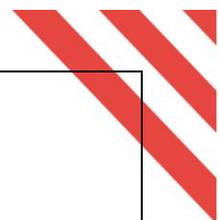


Article 28 – 2

| Commission proposal | EP amendments | EDF proposed amendments |
|---|--|---|
| <p>2. Passengers may submit a complaint to any railway undertaking, ticket vendor, railway station or infrastructure manager involved. Complaints shall be submitted within six months of the incident that is the subject of the complaint. Within one month of receiving the complaint, the addressee shall either give a reasoned reply or, in justified cases, inform the passenger by what date within a period of less than three months from the date of receipt of the complaint a reply can be expected. Railway undertakings, ticket vendors, station managers and infrastructure managers shall keep the incident data necessary to assess the complaint for two years and make them available to national enforcement bodies upon request.</p> | <p>2. Passengers may submit a complaint to any railway undertaking, ticket vendor or station manager involved. Complaints shall be submitted within six months of the incident that is the subject of the complaint. Within one month of receiving the complaint, the addressee shall either give a reasoned reply or, in justified cases, inform the passenger that the passenger will get a reply within a period of less than three months from the date of receipt of the complaint.</p> | <p>2. Passengers may submit a complaint to any railway undertaking, ticket vendor or station manager involved. Complaints shall be submitted within six months of the incident that is the subject of the complaint. Within one month of receiving the complaint, the addressee shall either give a reasoned reply or, in justified cases, inform the passenger that the passenger will get a reply within a period of less than three months from the date of receipt of the complaint. Railway undertakings, ticket vendors, station managers and station managers shall keep the incident data necessary to assess the complaint for two years and make them available to national enforcement bodies upon request.</p> |
| <p>Justification:</p> <p>It is important that incidents are recorded and stored (of course in compliance with GDPR) to enable monitoring and enforcement by NEBs and evaluation of progress. Often lack of data means that there is problems and gaps in implementation and enforcement of laws and regulations, but there is no evidence collected, leaving problems unaddressed.</p> | | |

Article 28 – 3

| Commission proposal | EP amendments | EDF proposed amendments |
|---|---|---------------------------|
| <p>3. Details of the complaint handling procedure shall be accessible to persons with</p> | <p>3. Details of the complaint handling procedure shall be easily available to passengers and accessible</p> | <p>Keep EP amendments</p> |



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| disabilities and with reduced mobility. | to persons with disabilities and with reduced mobility. <i>This information shall be available upon request in the official language(s) of the Member State in which the railway undertaking is established.</i> | |
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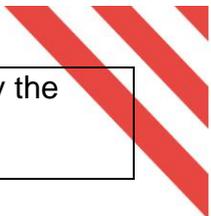
Article 28 – 4 – a (new)

| Commission proposal | EP amendments | EDF proposed amendments |
|--|---|---|
| N/A | 4a. The Commission shall adopt implementing acts setting out a standardised Union complaint form for passengers to use in order to apply for compensation in accordance with this Regulation. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 37a(2). | 4a. The Commission shall adopt implementing acts setting out a standardised and accessible Union complaint form for passengers to use in order to apply for compensation in accordance with this Regulation. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 37a(2). |
| <p>Justification:</p> <p>EDF fully supports the creation of a standardised complaint form but it should be fully accessible for persons with disabilities, e.g. to be able to be read by screen-readers for visually impaired persons.</p> | | |

Article 29 – 2 – a (new)

| Commission proposal | EP amendments | EDF proposed amendments |
|-----------------------|---|--|
| N/A | 2a. Railway undertakings and station managers actively cooperate with organisations representing people with disabilities to improve the quality of accessibility of transport services. | 2a. Railway undertakings and station managers actively cooperate with organisations representing people persons with disabilities to improve the quality of accessibility of transport services. |
| <p>Justification:</p> | | |

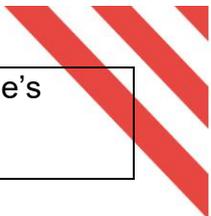
Disabled Persons' Organisations (DPOs) should be involved directly, as required by the UNCRPD.



Article 32 – 1

| Commission proposal | EP amendments | EDF proposed amendments |
|--|--|-------------------------|
| <p>The national enforcement bodies shall closely monitor compliance with this Regulation and take the measures necessary to ensure that the rights of passengers are upheld. For this purpose, railway undertakings, station managers and infrastructure managers shall provide the bodies with relevant documents and information at their request. In carrying out their functions, the bodies shall take account of the information submitted to them by the body designated under Article 33 to handle complaints, if this is a different body. They may also decide on enforcement actions based on individual complaints transmitted by such a body.</p> | <p>The national enforcement bodies shall closely monitor compliance with this Regulation and take the measures necessary to ensure that the rights of passengers are upheld. For this purpose, railway undertakings, station managers and infrastructure managers shall provide the bodies with relevant documents and information at their request <i>without delay and in any event within one month.</i> In carrying out their functions, the bodies shall take account of the information submitted to them by the body designated under Article 33 to handle complaints, if this is a different body. <i>Member States shall ensure that national enforcement and complaint handling bodies shall be given sufficient powers and resources for the adequate and effective enforcement of individual complaints from passengers under this Regulation.</i></p> | <p>Keep EP proposal</p> |
| <p>Justification:</p> <p>NEBs should have the necessary enforcement powers as well as the capacity to enforce individual claims of passengers. In addition, NEBs should conduct regular audits of the</p> | | |

assistance services provided; they should work in collaboration with Disabled People's Organisation to carry out these audits.

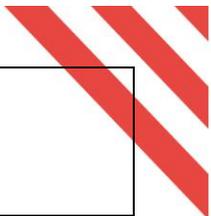


Article 32 – 2

| Commission proposal | EP amendments | EDF proposed amendments |
|--|--|-------------------------|
| 2. The national enforcement bodies shall publish statistics on their activity, including on sanctions applied, every year, at the latest at the end of April of the following calendar year. | 2. The national enforcement bodies shall each year publish reports with statistics on their websites detailing the number and type of complaints that they have received, detailing the outcome of their enforcement actions , including the sanctions that they have applied. This shall be done for each year by no later than the first day of April of the succeeding year. In addition, these reports shall be made available on the website of the European Union Agency for Railways. | Keep EP proposal |
| <p>Justification:</p> <p>EDF strongly supports the EP amendment to strengthen the rights of passengers to complain and enforce their rights.</p> | | |

Article 32 – 3 – a (new)

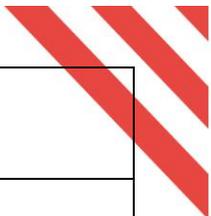
| Commission proposal | EP amendments | EDF proposed amendments |
|---------------------|---|-------------------------|
| N/A | 3a. The national enforcement bodies, in collaboration with representative organisations of persons with disabilities and with reduced mobility, shall conduct regular audits of the assistance services provided in accordance | Keep EP proposal |



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| | with this Regulation and publish the results in accessible and commonly used formats. | |
| <p>Justification:</p> <p><i>EDF strongly supports the EP amendment to strengthen the rights of passengers with disabilities to complain and enforce their rights.</i></p> | | |

Article 33 - 1

| Commission proposal | EP amendments | EDF proposed amendments |
|--|---|-------------------------|
| <p>1. Without prejudice to the rights of consumers to seek alternative redress pursuant to Directive 2013/11/EU of the European Parliament and of the Council²⁰, after having complained unsuccessfully to the railway undertaking, <i>ticket vendor</i>, station or infrastructure manager pursuant to Article 28, the passenger may complain to an enforcement body. Enforcement bodies shall inform complainants about their right to complain to alternative dispute resolution bodies to seek individual redress.</p> | <p>1. Without prejudice to the rights of consumers to seek alternative redress pursuant to Directive 2013/11/EU of the European Parliament and of the Council²⁰, after having complained unsuccessfully to the railway undertaking, station or infrastructure manager pursuant to Article 28, the passenger may complain to an enforcement body. Enforcement bodies shall inform complainants about their right to complain to alternative dispute resolution bodies to seek individual redress. <i>Member States shall ensure that enforcement or complaint-handling bodies are recognised for the purposes of alternative redress schemes pursuant to Directive 2013/11/EU, and that where passengers seek alternative redress, the railway undertaking, ticket vendor, station or infrastructure manager concerned is required to participate and the outcome shall be binding</i></p> | <p>Keep EP proposal</p> |



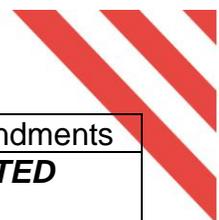
| | | |
|---|--|--|
| | <i>on, and effectively enforceable against, them.</i> | |
| <p>Justification:</p> <p>EDF strongly supports the EP amendment to strengthen the rights of passengers with disabilities and passengers with reduced mobility to complain and enforce their rights.</p> | | |

Article 33 a (new)

| Commission proposal | EP amendments | EDF proposed amendments |
|---|---|-------------------------|
| N/A | <i>Independent conciliation bodies The Member States shall install well-equipped independent conciliation bodies that will be easily accessible and affordable for passengers in case of conflicts with rail undertakings and ticket vendors on the enforcement of their rights.</i> | Keep EP proposal |
| <p>Justification:</p> <p>EDF strongly supports the EP amendment to strengthen the rights of passengers with disabilities and passengers with reduced mobility to complain and enforce their rights.</p> | | |

Annex III – part II – paragraph 1 – point 4 – indent 1 – point vii

| Commission proposal | EP amendments | EDF proposed amendments |
|--|---|-------------------------|
| (vii) accessibility of station and station facilities. | (vii) accessibility of station and station facilities, <i>including step-free access, escalators, elevators and luggage ramps.</i> | Keep EP amendment |
| <p>Justification:</p> <p>Accessibility of stations and station facilities is vital for many passengers with disabilities and passengers with reduced mobility, and it should be applied to all parts of the station and related facilities. Accessibility of toilets, for example, is also very important.</p> | | |



Annex VI (new)

| Commission proposal | EP amendments | EDF proposed amendments |
|---------------------|---------------|---|
| N/A | N/A | <p>DISABILITY-RELATED TRAINING</p> <p>(a) Disability-awareness training Training of staff that deal directly with the travelling public includes:</p> <ul style="list-style-type: none">- awareness of and appropriate responses to passengers with physical, sensory (hearing and visual), hidden or learning disabilities, including how to distinguish between the different abilities of persons whose mobility, orientation, or communication may be reduced,- barriers faced by persons with disabilities and persons with reduced mobility, including attitudinal, environmental/physical and organisational barriers- mental health awareness- service animals, including their role and needs,- dealing with unexpected occurrences,- interpersonal skills and methods of communication with deaf people and people with hearing impairments, people with visual |



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| | | <p><i>impairments, people with speech impairments, and people with a learning disability,</i></p> <ul style="list-style-type: none">- <i>how to handle wheelchairs and other mobility equipment and assistive devices carefully so as to avoid damage (if any, for all staff who are responsible for luggage handling);</i> <p>(b) Disability-assistance training <i>Training of staff directly assisting persons with disabilities and persons with reduced mobility includes:</i></p> <ul style="list-style-type: none">- <i>how to help wheelchair users make transfers into and out of a wheelchair,</i>- <i>skills for providing assistance to persons with disabilities and persons with reduced mobility travelling with a service animal, including the role and the needs of these animals,</i>- <i>techniques for escorting visually impaired passengers and for the handling and carriage of service animals,</i>- <i>basic ability to communicate with deaf passengers and passengers with hearing impairments</i> |
|--|--|--|



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| | | <ul style="list-style-type: none">- awareness on mental health- an understanding of the types of equipment which can assist persons with disabilities and persons with reduced mobility and a knowledge of how to handle such an equipment,- the use of boarding and alighting assistance equipment used and knowledge of the appropriate boarding and alighting assistance procedures that safeguard the safety and dignity of persons with disabilities and persons with reduced mobility,- understanding of the need for reliable and professional assistance. Also awareness of the potential of certain passengers with disabilities and passengers with reduced mobility to experience feelings of vulnerability during travel because of their dependence on the assistance provided,- a knowledge of first aid. |
|--|--|--|

Justification:

It is essential to have detailed specifications for disability-related training, as is the case in Regulation 181/2011 on passenger rights in bus and coach travel. While many railway undertakings already organize such trainings, minimum requirements should be harmonised in order to ensure a consistent level of service provision for passengers with disabilities across all Member States. This is an essential and logical addition in the recast

of this Regulation ; it will ensure consistency of passenger rights across modes of transport. The wording proposed is adapted from Regulation 181/2011.

It is also vital that staff are trained to assist passengers with disabilities and with reduced mobility during evacuation. This includes not only assisting a wheelchair user to leave the train or station, but also basic communication skills with deaf passengers, for example, who might not hear warning announcements or instructions during evacuation. This is of course a very vital but one aspect of why adequate training is needed.

Related documents

- [EDF's proposed amendments for the Council negotiations \(2019\)](#)
- [EDF position on the recast of the Regulation on Rail Passengers' Rights \(1371/2007\) \(2017\)](#)
- [EDF's reply to the consultation on the revision of the Regulation on Rail Passengers Rights \(2016\)](#)
- [EDF's report on the situation of passengers with disabilities \(2015\)](#)

Acknowledgments

EDF would like to thank all those who have contributed to this paper, and in particular the members of the EDF transport e-mail expert group.

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