



# EDF reply to the public consultation on Regulation 1371/2006 on rail passengers' rights and obligations

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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 organisations of persons with disabilities from across Europe. EDF is run by persons with disabilities and their families. We are a strong, united voice of persons with disabilities in Europe.



# EDF reply to the public consultation on Regulation 1371/2006 on rail passengers' rights and obligations

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## Summary

### Introduction

EDF has closely been following the implementation of [Regulation 1371/2007 on rail passengers' rights and obligations](#) since the beginning, its main interest in this context being of course accessibility of rail services for persons with disabilities. It has always been EDF's prior goal to achieve accessibility to such a degree that persons with disabilities can travel independently, spontaneously and without assistance on the European rail network. However, as the relatively long life span both of rolling stock and infrastructure make it difficult to implement radical changes quickly, EDF advocates to ensure in the meantime that appropriate levels of assistance are available at all times so that travel by rail is accessible to all.

While full accessibility for persons with disabilities and independent travel is often regarded as a "luxury" request from Disabled Persons' Organisation, EDF would also like to remind that accessibility and personal mobility are rights under Articles 9 and 20 of the [United Nations Convention on the Rights of Persons with Disabilities \(UN CRPD\)](#). The EU has ratified this Convention and is thus obliged to adjust all new and revised legislation accordingly.

The publication of the [Interpretative Guidelines](#) on Regulation 1371/2006 in 2015 was welcomed by EDF and are a step in the right direction to improve the interpretation of some of the Articles of the Regulation. However, a year after publication of the Guidelines and six years after adoption of the Regulation, the main problem in rail travel for persons with disabilities is still the accessibility of rolling stock, stations, and the surrounding infrastructure.

EDF was hoping that the publication of the proposal for a [European Accessibility Act](#) might at least provide partly a solution to this issue but the scope of the proposal does not cover accessibility of the rail vehicles or the related built environment. While the Commission has reasoned that those aspects are excluded from the scope of the Act because they are already covered by [Regulation 1300/2014](#) on technical specifications for interoperability relating to accessibility of the Union's rail system for persons with disabilities and persons with reduced mobility (TSI-PRM), this is not entirely correct. EDF acknowledges that the rail sector is already a



step ahead by addressing accessibility through this Regulation, but the TSI-PRM only cover the rail-related built environment of the station, which is very limited. It does not at all cover the boarding process and different platform heights, and even the rolling stock the requirements are only a minimum level which does not necessarily mean that persons with disabilities can travel independently.

Due to these shortcomings, EDF would like to address the issue of accessibility of rail travel in more detail and make some recommendations in this consultation that could lead to a better implementation of Articles 9 and 20 UN CRPD. As a final introductory remark, EDF would also like to point out that the consultation survey itself, as published on the Commission's website, is not fully accessible for persons with disabilities. EDF hopes the Commission will take note of this and change the survey style for all future Commission consultations.

## Questions

### **Overall, do you think that the Regulation has improved the protection of rail passengers?**

Yes. As all other transport modes, except air transport, the Rail Regulation applies to all passengers but has one specific section dealing with passengers with disabilities (Chapter V). Similar to Regulation 1107/2006 it establishes rules for the provision of assistance at stations, transport of and liability for mobility equipment as well as the passengers' rights in case of delay or cancellation.

Especially the provision on assistance at railway stations has already improved the access to rail travel for persons with disabilities. It is also important that this has been done in a harmonized approach throughout the EU so that passengers find it easier to travel across borders and know that they can expect a minimum level of assistance services at stations.

According to EDF, there are however still a few aspects that need clarification or strengthening to make rail travel for persons with disabilities easier which will be elaborated on in the following points.

### **What do you think are the main benefits of the Regulation? Please explain.**

As mentioned above, the main benefits of the Regulation is first of all that it establishes non-discriminatory access rules for persons with disabilities and persons with reduced mobility (Article 19). Even though this is a theoretical right which needs enforcement and support in practice, it is very important that this right is enshrined in the Regulation to grant persons with disabilities equal access to rail transport. The same is true for the right under Article 19 (2) that tickets have to be offered to persons with disabilities and persons with reduced mobility and no additional cost.



Furthermore, Article 21 on accessibility is also very important as it establishes the connection with the TSI-PRM and underlines the responsibility of railway undertakings and station managers to make the station, platforms and rolling stock and other facilities accessible.

It is also important that the Regulation provides rules for the provision of assistance, both at the station and on board (Articles 23 – 24). This has enabled many passengers to travel by rail that previously were not able to do so. Additionally, it has increased confidence in travellers that they will be assisted if they wish, which makes many passengers feel more secure and trusting in this mode of transport.

### **What would be the main benefit of contingency planning?**

Contingency planning is helpful in many ways but EDF would like to highlight the example of standardising the evacuation and emergency procedures as they are currently not always taking into account the needs of persons with disabilities and persons with reduced mobility.

It should be a clear requirement that the needs of those passengers is taken into account as they may require additional assistance in evacuation. This should also include requirements for the accessibility of alert- and information systems for example of deaf or hard of hearing persons who might not be able to hear an audible signal or passenger announcement.

### **Does the assistance provided to persons with disabilities or with reduced mobility at stations, including to embark and disembark, need to be reinforced?**

Yes. As mentioned in the introduction, it is also important that rules for assistance, both at stations and on board, are regulated as long as spontaneous, independent access is not always available at all stations.

EDF has also pointed out on several occasions that the 48-hour pre-notification period to book assistance is too long and should be eliminated or at least lowered to a more reasonable time frame. If one imagines that a passenger without a disability would have to call 48 hours in advance to announce that they will be travelling on a specific train, this sounds very strange, especially for local trains. But for persons with disabilities it seems acceptable. Why? The example of a lady with visual impairment which was also mentioned in the survey report makes it clear: If you go shopping with friends or if you have a work meeting, you don't always know exactly two days in advance which train you will take, irrespective of having a disability or not.

Member States such as Spain have completely abolished the pre-notification period at major stations and passengers can now just “turn up and go”<sup>1</sup>. The Netherlands have lowered pre-

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<sup>1</sup> Website of the Spanish railway operator, RENFE, <http://www.renfe.com/viajeros/atendo/>



notification to 1 hour.<sup>2</sup> This should also be the norm in other EU Member States so EDF suggests lowering the pre-notification period also in Regulation 1371/2007.

On the same topic of assistance, EDF would also like to insist that assistance has to be available during the full operating hours of the train station and not only during a restricted time frame, e.g. 09:00 – 17:00 as it is currently the case in some stations. Assistance should be available from the first train arriving/leaving in the station in the morning and the last train arriving/leaving at night so that persons with disabilities are not excluded from activities like going to the cinema or out for dinner like everybody else.

### **Is there a need to enshrine provisions for minimum compulsory awareness and assistance training for staff in the legal framework?**

Yes. Even though staff at stations and on board of trains often already have some level of awareness of persons with disabilities and persons with reduced mobility, this is not enough. Especially the level of awareness that is necessary to give the appropriate assistance is not always reached yet.

When introducing provisions on staff training, EDF recommends that the training is given by or in cooperation with Disabled Persons' Organisation (DPOs) who have the first-hand expertise and knowledge.

### **What would be the main benefits of staff training? If possible, please provide quantifiable examples.**

EDF made a survey in 2014-2015<sup>3</sup> to ask passengers with disabilities what their main obstacles to travelling were. Many mentioned the lack of staff awareness which led to misunderstandings.

The lack of knowledge and awareness how to communicate with passengers with disabilities and how to assist them properly leads to be insecurities on both sides. Many incidents mentioned by the survey respondents could have been avoided with better disability awareness training.

The most extreme example was given by a passenger who is hard of hearing and who was even taken to the police station by train staff after he failed to produce the correct ticket with his disability discount card.

Awareness raising training will also help to eliminate other possible obstacles to accessibility such as boarding equipment placed in inconvenient locations that persons with visual impairments might trip over; cleaning staff that stores their equipment in the disabled toilet; learning to communicate efficiently with persons with intellectual disabilities or deaf persons; etc. This training will benefit all staff and not just the staff in direct contact with the passengers

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<sup>2</sup> Website of the Dutch national railway operator, NS, <http://www.ns.nl/reisinformatie/reizen-met-een-functiebeperking/hulp-onderweg.html>

<sup>3</sup> [EDF report on the situation of passengers with disabilities 2015](#)



Another important benefit of staff training is to guarantee the health and safety of both the member of staff and the passenger, e.g. when helping a wheelchair user board the train using external boarding equipment or when guiding a person with a visual impairment.

Guidelines for staff training similar to the [ECAC Doc 30](#) in air travel could be drawn up to facilitate the implementation of a provision on staff training by the Member States.

### **What would be the main benefit of contingency planning?**

Contingency planning is helpful in many ways but EDF would like to highlight the example of standardising the evacuation and emergency procedures as they are currently not always taking into account the needs of persons with disabilities and persons with reduced mobility.

It should be a clear requirement that the needs of those passengers is taken into account as they may require additional assistance in evacuation. This should also include requirements for the accessibility of alert- and information systems for example of deaf or hard of hearing persons who might not be able to hear an audible signal or passenger announcement.

### **Which other measures should be taken to facilitate rail travel for persons with disabilities or with reduced mobility so that they would increasingly use rail transport? If possible, please provide quantifiable examples.**

From the same survey mentioned above and from wider feedback from EDF members it has become clear that even with the best assistance service provided at stations, the goal of independent access to rail travel, has not been reached in most Member States yet.

The UNRPD requires access “on an equal basis with others” – this is clearly not the case if you have to book assistance two days in advance to be lifted into the train with a platform-based lift which is everything but on an equal basis with others. EDF aims at mainstreaming accessibility in all policy areas, including in the built environment and in the provision of information. In order to achieve this, the disability movement will push for the adoption of European standards as guidelines, such as the Mandate 420 on accessibility in public procurement for public buildings and the Mandate 473 to include “Design for All” in relevant standardisation initiatives. This approach can help to improve accessibility but is by no means sufficient. EDF is also aware that this approach does not always produce consistent results throughout the EU.

A harmonized EU approach is therefore necessary to achieve full accessibility of rail travel, which we hope can be achieved with the help of this Regulation. EDF hopes that accessibility can be further promoted with the rail sector and serve as a positive example for other transport modes to follow. In order to do this, EDF underlines especially that the focus should be on the boarding



process from platform to train (and reverse) as this is currently not covered by the TSI-PRM. Two aspects in particular should be looked at:

1. **Achieving level access to board trains.** This should be done by both improving the design of rolling stock as well as addressing the problem of different platform heights that still exist in and also within different Member States.
2. **Ensuring accessibility of the full transport chain, including rail.** The Regulation should also address the surrounding infrastructure and urban environment of the railway station to ensure full accessibility for persons with disabilities.

Finally, it is especially important to also include provisions on accessibility of information to passengers in the Regulation. This includes timetable information, information about planned engineering works, but also about unforeseen incidents and disruptions about which all passengers should be informed. It is important that this information is available in different alternative formats, perceivable via more than one sensory channel. An example would be loudspeaker announcements and written information on dynamic notice boards so that both persons with hearing impairments and persons with visual impairments can receive the information.

**Are there any other issues with the operation of the current Regulation to which you would like to draw our attention, or which you consider should be changed? Please give details.**

While the implementation of the Regulation is in progress and National Enforcement Bodies (NEBs) are operating, it seems like the knowledge and awareness of the Rail Passengers' Rights is limited. Passengers could be made better aware of their rights and railway undertakings should also be more pro-active in doing so and taking action themselves.

It is also important that the complaints procedures for passengers are easy to use and also accessible for persons with disabilities. A harmonized, accessible complaint form could be helpful to make sure that passengers can lodge complaints effectively.

Finally, there has been a recent trend towards revoking certain discounts and reductions in rail travel that had been granted to persons with disabilities, specifically blind and visually impaired persons and their accompanying person, in the past. While this is not an aspect directly related to the Regulation, it is nevertheless important to flag this is happening in some Member States. The principle of travelling with an accompanying person free of charge was not questioned for many years but it has been made difficult due to the increasing privatization of rail transport. This is an alarming example of denial of a long-lasting established facilitation.





Furthermore, also concerning the accompanying person travelling free of charge, this is a principle that should be valid in all transport modes and for all persons with disabilities, including invisible disabilities.

## Conclusion

While EDF is generally supporting the implementation of the Regulation in its current state, it is important to focus on more accessibility for persons with disabilities in the revision of the Regulation and move towards more independent and spontaneous rail travel, including the boarding process.

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## Related documents

- [EDF report on the situation of passengers with disabilities 2015](#)
- [EDF position paper: EU Passengers' Rights and persons with disabilities 2014](#)
- [EDF position paper: State of Play of Rail Accessibility 2014](#)

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