



Accessible, Independent and Spontaneous Intermodal Transport for all

European Disability Forum

April 2021

**Position Paper on Union Guidelines for the development of
the trans-European transport network (TEN-T Regulation)**



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Introduction

The European Disability Forum

The European Disability Forum is an independent NGO that represents the interests of 100 million Europeans with disabilities. EDF is a unique platform which brings together representative organisation of persons with disabilities from across Europe. EDF is run by persons with disabilities and their families. We are a strong, united voice of persons with disabilities in Europe.

Executive Summary

EDF welcomes the opportunity to further improve the TEN-T Regulation by revising it, to ensure that equal access to transport is achieved and right to freedom of movement of persons with disabilities is fully respected in the EU. To achieve this, the revised TEN-T Regulation must:

Keep existing references to accessibility

- The existing provision on **accessibility** of the trans-European transport network for **all users (Art 37)**. **should definitely be included in the revised law.**

Strengthen accessibility

- Clarify the definition of accessibility with a design for all (universal design) approach in accordance with the UN Convention on the Rights of Persons with Disabilities (UN CRPD).
- Mainstream accessibility throughout the Regulation in addition to the specific article on accessibility, i.e., article 37.

Set clearer targets

- Set deadlines for ensuring accessibility of the core and comprehensive networks.

Expand scope in general and in relation to accessibility

- Include and address accessibility of vehicles in the Regulation.
- Ensure accessibility of urban nodes and door-to-door travel.

Address funding issues

- Ensure that projects funded under TEN-T do not create or maintain accessibility barriers.
- Increase transparency and accountability of funding by providing publicly available, easy to find, easy to understand, and accessible information on award criteria, awarded projects, as well as implementation and outcomes of projects.

Strengthen monitoring and enforcement

- Strengthen monitoring of accessibility of TEN-T projects.
- Strengthen enforcement, reporting and remedy mechanisms.

Ensuring meaningful participation persons with disabilities in implementation of the TEN-T.

EDF Recommendations on Ensuring Accessible, Independent and Spontaneous Intermodal Transport for All

The aim of the EDF Position Paper on TEN-T

This Position Paper aims to contribute to the revision of the [EU Regulation on Union Guidelines for the development of the trans-European transport network \(TEN-T\)](#).¹ It is the basis of our input to the [European Commission's public consultation for finalizing its proposal for revision of TEN-T](#), and future advocacy towards the EU in relation to the TEN-T policy as it raises the needs and interest of persons with disabilities in relation to intermodal transport.

Our involvement in shaping the revised TEN-T Policy

We have actively engaged in the review process of the current TEN-T Regulation. In 2019, we have participated in the European Commission's public consultation on reviewing the TEN-T Regulation² and shared our recommendations with the Relevant Unit of DG Move, European Commission.³ In 2020, we have provided feedback to targeted stakeholder consultations, including to thematic consultations on 1. Seamless and barrier-free mobility TEN-T; 2. TEN-T as an enabler of a future oriented mobility system; 3. role of urban nodes in TEN-T policy; and 4. Digitalization of intermodal transport.

We look forward to the European Commission's proposal for revision of the current TEN-T Regulation which reflects our extensive input and interest of 100 million persons with disabilities in the EU.

Positive aspects of the TEN-T Regulation which should be maintained

The current TEN-T Regulation already recognises the importance of accessible transport infrastructure for persons with disabilities, persons with reduced mobility and older persons, through a specific provision on **accessibility** of the trans-European transport network for **all users (Art 37)**. **This provision is the result of EDF's campaign and advocacy work during the adoption of the original TEN-T Regulation and is therefore very important to be retained.** However, EDF welcomes the opportunity to further improve the Regulation by revising the guidelines

¹ We will use 'the TEN-T', 'the TEN-T Regulation', 'TEN-T Policy', 'the Regulation' in this document instead of the longer name of the Regulation.

² [See our feedback to the public consultation for evaluation of TEN-T \(2019\)](#)

³ Unit B.1 DG MOVE, European Commission

for the trans-European transport network (TEN-T), to ensure that full accessibility of transport in the EU is achieved and right to freedom of movement of persons with disabilities and persons with reduced mobility is fully respected.

We **support** the following provisions of the current Regulation, which **should remain** in the updated guidelines:

- development of the core network as a European priority by 2030 and the development of the comprehensive network by 2050 (Recitals 13, 19, 41; Art 38.3, 41.2, 54.2);
- acknowledgement of accessibility of TEN-T for persons with disabilities, persons with reduced mobility and older persons as one of the conditions for increasing the benefits of TEN-T for its users, as European added value of TEN-T (Art 4.d.v.);
- assurance that projects under TEN-T comply with relevant Union law on accessibility and public procurement (Art 7.4);
- prioritisation of measures involving the improvement and maintenance of infrastructure that take into consideration accessibility for persons with disabilities, persons with reduced mobility and older persons during the development of the comprehensive network (Art 10.e);
- **assurance of seamless mobility and accessibility for all users, in particular of persons with disabilities, persons with reduced mobility and older persons (Art 37).**

Necessary improvements for ensuring accessible, independent and spontaneous intermodal transport for all

Accessibility

The definition of accessibility should be clarified with a design for all approach in accordance with the UN CRPD.

This will allow TEN-T infrastructure to be accessible for wide diversity of persons with reduced mobility, including persons with different disabilities. It will also reduce the risk of misinterpretation and ensure a shared understanding among relevant stakeholders, such as Single Contact Authorities and infrastructure managers. Currently, 'accessibility' is widely used as synonym for 'availability', 'connectedness', and 'affordability' (financial access). There is also different understanding of what level of access to transport by persons with disabilities is 'enough access' among different stakeholders. The Regulation should highlight right of all persons with disabilities to access transport on equal level to persons without disabilities, as required by the UN CRPD.

We recommend a new **Annex detailing accessibility requirements for elements of TEN-T infrastructure** by referencing relevant EU

accessibility laws and standards, such as the European Accessibility Act⁴, European Standard on accessibility and usability of the built environment (EN17210⁵) and European Standard on accessibility requirements for ICT products and services (EN301549⁶). The Regulation should also foresee the development of additional accessibility requirements for elements of TEN-T infrastructure which are not sufficiently covered by existing accessibility laws and standards.

Accessibility should be mainstreamed throughout the Regulation.

Accessibility is vital for persons with disabilities, persons with reduced mobility and older persons. There are over 100 million persons with disabilities living in the EU. Additionally, there are more than 150 million persons older than 50 years of age. Given ageing societies, these numbers are going to rise significantly in the coming years, as are the numbers of persons with reduced mobility that travel in Europe. The latter is already a well acknowledged fact among transport providers and infrastructure managers. However, it is the experience of many persons with disabilities that accessibility is seen as less important than other crucial aspects of transport development, such as environmental and security concerns. This kind of subjective prioritisation greatly reduces the potential and ambition of EU legislation.

We believe that accessibility should be mainstreamed throughout the Regulation in addition to Article 37. Provisions that aim to ensure a safe, sustainable, environmentally-friendly and efficient transport network should incorporate accessibility as one of the other equally important aspects serving the objective of TEN-T (inter alia Recitals 2; 29; Art 3.d; Art 3.f; Art 11.3, etc.).

In addition, the Regulation currently considers accessibility as regards passengers, while accessibility should also be ensured in the operation systems of the network [Art 3 (f), (g), (h), (i), (j) (k), (l)], so that persons with disabilities can be employees of transport infrastructure management bodies.

⁴ [Directive \(EU\) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services](#)

⁵ See [European Standard on accessibility and usability of the built environment \(EN17210\)](#);

⁶ See [European Standard on Accessibility requirements for ICT products and services \(EN301 549\)](#)

Timelines for implementation

The TEN-T should set specific deadlines to make the core and comprehensive networks accessible for persons with disabilities.

In addition to existing deadlines for development of the core and comprehensive networks (in relation to Recitals 13, 19, 41; Art 38.3, 41.2, 54.2), TEN-T should specify the timeline of making infrastructure accessible for persons with disabilities. This will ensure that practical impact for persons with disabilities is achieved in reasonable time.

We recommend **an implementation plan for making TEN-T infrastructure accessible** for persons with disabilities with long-, mid-, and short-term targets.

Scope

The TEN-T Regulation should address accessibility of vehicles in its scope.

To ensure accessibility of intermodal travel for passengers with disabilities, TEN-T infrastructure needs to be interoperable with rolling stock, vehicles, carriers, and vessels. Therefore, the revised TEN-T Regulation should require that vehicles using TEN-T infrastructure are interoperable with it and accessible for persons with disabilities. For example, a TEN-T project aiming to improve accessibility of a train station will still be inaccessible for passengers with disabilities if the trains passing through this station are not made accessible and compatible with the train station.

The TEN-T Regulation should ensure accessibility of urban mobility, including urban nodes.

Leaving local transport outside the scope of TEN-T hugely reduces the impact it can have on millions of persons with disabilities (also applicable to Art 30.d). If a local bus (stop) or train (station) is not accessible, passengers with disabilities cannot arrive at a train station or airport even if these are accessible under TEN-T.

Funding

The TEN-T Regulation should ensure that funding for projects is granted on the condition of making infrastructure accessible for persons with disabilities.

Sufficient funding is essential for making infrastructure accessible. It is crucial that the TEN-T Regulation explicitly forbids using public money, such as EU funds from creating new, inaccessible infrastructure.

Accessibility requirements should be part of obligatory criteria for awarding TEN-T funding.

The TEN-T Regulation should increase transparency related to how EU funding is spent to improve accessibility of infrastructure.

It is important that there is publicly available, easy to find and understand, and accessible information about funding criteria, and project implementation and outcomes. We regularly receive complaints regarding inaccessible infrastructure from persons with disabilities, but often find it difficult to verify whether EU funds were used for these.

We recommend adding accessibility as a TEN-T compliance indicator in the interactive geographical and technical information system for the trans-European transport network (TENtec). It is also crucial that this platform is accessible for persons with disabilities by meeting existing harmonised accessibility standards.⁷

Monitoring and enforcement

Provisions regarding monitoring the progress of TEN-T should be strengthened.

There is still great lack of systematic data on advancement of accessibility of TEN-T infrastructure. As mentioned, we have anecdotal evidence based on feedback we receive from persons with disabilities, but this is not enough to monitor how accessibility requirements of the TEN-T Regulation are implemented. It has also made it difficult to support informed policymaking during the evaluation and revision of the current Regulation.

We recommend incorporating clear indicators for accessibility monitoring based on the accessibility requirements and timelines suggested above.

⁷ See [European Standard on Accessibility requirements for ICT products and services \(EN301 549\)](#)

Enforcement, feedback, and remedy mechanisms are strengthened in the TEN-T Regulation.

To support monitoring of TEN-T, especially in relation to implementing accessibility requirements, the Regulation should clarify the powers and functions of Single Contact Authorities and ensure they have the capacity and means to carry out their mandates efficiently (Art 55).

The Regulation should also ensure simple, accessible means of reporting and feedback mechanisms. When infrastructure under TEN-T is not accessible, persons with disabilities should know who to contact and how. Information, contact means, (telephone, websites, etc.) and feedback forms should be easy to find, understand, and accessible for persons with disabilities. The EU and Member State responsible bodies should be proactive in communicating this information to passengers in a manner and through channels accessible for persons with disabilities.

Meaningful participation of persons with disabilities in implementation of the TEN-T Regulation

The UN CRPD requires that “in the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations.”⁸ So, the TEN-T Regulation should ensure this as well. In practice this means that experts with disabilities should be priority stakeholders when developing and implementing projects under TEN-T, monitoring, complaint, and other feedback mechanisms should be accessible for persons with disabilities, information about implementation of TEN-T is accessible, review of the current Regulation and development of future relevant policies ensure organisations of persons with disabilities are meaningfully consulted and have the opportunity to engage.

Other aspects of TEN-T to improve

Add reference to the UN Convention on the Rights of Persons with Disabilities (UN CRPD) and use UN CRPD language.

The EU is State Party to the UN CRPD, which means that all Union law should comply with the Convention. Explicit reference in the Regulation is

⁸ See [General Obligations - article 4.3 of UN CRPD](#)

therefore necessary to reflect the spirit of the Convention in EU law. This is already done in several EU accessibility and transport laws.⁹

We also recommend that the text of the Regulation in general uses UN CRPD language when referring to persons with disabilities or defining accessibility.

Add reference to EU legislation and standards relevant for persons with disabilities.

At the moment the Regulation makes a very general reference to Union and national law on accessibility and public procurement for projects of common interest (Art 7.4), but does not specify which laws are relevant. This can lead to confusion and misinterpretation. To ensure consistency of the TEN-T Regulation with existing Union laws aiming to improve accessibility and passenger rights, we believe that explicit references are necessary.¹⁰ We also recommend referencing relevant European Standards on accessibility.¹¹

Furthermore, the Disability Rights Strategy 2021-2030 also makes a reference to revision of the TEN-T, so the revised Regulation should also make that connection with the Disability Rights Strategy.

Ensure accessibility of TEN-T infrastructure in cooperation with third countries.

Article 8 of the Regulation notes that the EU may support, including financially, projects of common interest to connect the trans-European transport network with infrastructure networks of neighbouring countries. When this is done, same requirements and conditions for accessibility highlighted in above chapters should be ensured, especially when external cooperation projects are supported by EU funding.

⁹ For example: [Regulation \(EU\) No 1300/2014](#) (TSI-PRM); [Regulation \(EU\) No 181/2011](#) (rights of passenger in bus and coach transport), other passenger rights regulations; [Directive \(EU\) 2019/882](#) (European Accessibility Act), among others.

¹⁰ See [European Accessibility Act](#); legislation on passengers' rights such as [Regulation \(EC\) No 1371/2007](#), [Regulation \(EC\) No 1107/2006](#); the accessibility of transport infrastructure, such as [Regulation \(EU\) No 1300/2014](#); accessibility of ICT products and services: [Directive \(EU\) 2016/2102](#); electronic communication: [Directive \(EU\) 2018/1972](#); and EU public procurement law: [Directive 2014/24/EU](#)

¹¹ See [European Standard on accessibility and usability of the built environment \(EN17210\)](#); and [European Standard on accessibility requirements for ICT services and products](#)

Background information

International and European Legal and Policy Framework

UN Convention on the Rights of Persons with Disabilities

As signatories to the United Nations Convention on the Rights of Persons with Disabilities (UN CRPD), the European Union (EU) and all Member States are legally obliged to take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas (Article 9 – Accessibility).¹²

EU Treaties – Freedom of Movement

Accessible transport is a vital condition for guaranteeing one of the main freedoms granted by Treaties of the European Union - free movement of citizens, including of 100 million persons with disabilities in the EU.

Strategy for the Rights of Persons with Disabilities 2021-2030

Accessibility as an **enabler of rights, autonomy and equality** is highlighted in the European Union's Strategy for the Rights of Persons with Disabilities 2021-2030. The Strategy recognizes that "Millions of persons with disabilities experience barriers to use transport, to access buildings or to receive information"¹³ and proposes revision of TEN-T Regulation in 2021 "to strengthen the provision on accessibility."¹⁴

EU Green Deal

The EU has committed to taking serious measures to tackle climate change. The EU Green Deal was adopted with the aim to make the EU's economy sustainable. **The Deal acknowledges the importance of just and inclusive transition for all.**¹⁵ EDF has further emphasized that accessibility is crucial for ensuring that green transition is inclusive of persons with disabilities and has made recommendations on inclusive sustainable mobility.¹⁶

¹² See [UN Convention on the Rights of Persons with Disabilities \(UN CRPD\)](#); and [General Comment No 2 on Article 9 of the UN CRPD Committee](#)

¹³ P.6 of [Union of Equality: Strategy for the Rights of Persons with Disabilities 2021-2030](#)

¹⁴ P.8 of [Union of Equality: Strategy for the Rights of Persons with Disabilities 2021-2030](#)

¹⁵ [European Commission: A European Green Deal](#)

¹⁶ [EDF Position on An inclusive Green Deal for Europe](#)

EU Sustainable and Smart Mobility Strategy

The EU Sustainable and Smart Mobility Strategy is one of the initiatives under the EU Green Deal. Flagship 9 of the Strategy “Making mobility fair and just for all” concerns persons with disabilities directly. The Strategy recognizes the need for affordable, accessible and fair mobility for passengers, and notes that any future proposal for transport will be compliant with the EU Disability Strategy. Revision of TEN-T is foreseen within implementation of this Strategy.¹⁷

Other relevant policy and legislative initiatives

Other EU-level policy and legislative initiatives which have relevance for persons with disabilities in the context of TEN-T are:¹⁸

- European Accessibility Act (digital aspects of transport infrastructure)
- Rail Accessibility Regulation (TSI-PRM)
- Urban Mobility Package
- EU Directive on Alternative Fuels Infrastructure (recharging for electric cars)
- Intelligent Transport Systems Directive (real-time transport information)
- EU passengers’ rights regulations (for air, rail, bus & coach, waterborne transport)
- EU Green Paper on Ageing (recognizes accessibility for older persons)
- European Standards on 1. accessibility of the built environment (EN17210); and 2. accessibility of digital services and goods (EN301 549)

¹⁷ [EDF analysis of the EU's Sustainable and Smart Mobility Strategy](#)

¹⁸ Please note, the initiatives are not always listed with their official names. Contact EDF if you need clarification.

Document credits

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