



Analysis of the revised Rail Passengers' Rights Regulation

European Disability Forum Position Paper

May 2021



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.

Table of Contents

Table of Contents	2
Preface.....	2
Executive Summary	2
Easy to Read.....	4
EDF analysis of the revised Rail Passengers' Rights Regulation	5
Introduction	5
Analysis.....	5
Conclusion	10
Links	10
Document credits	11

Preface

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

We welcome that:

- Pre-notification time for assistance has been cut in half to 24 hours.
- A "single point of contact" will be established to manage assistance.
- Accessibility of information has been strengthened.
- Exemptions do not fully apply to rules concerning persons with disabilities.
- Liability for mobility equipment and assistance dogs have been included.
- Staff training for assistance to persons with disabilities is obligatory.

However, we regret that:

- Assistance still has to be pre-notified and there is no “Turn-up-and-go” system which is a breach of the UN CRPD¹.
- Railway undertakings can still limit the times during which assistance is provided.
- There are too many exemptions for regional, suburban, urban, and international services.
- Staff training only applies to limited group of staff and it is not obligatory to involve persons with disabilities or their representative organisations; there is no minimum requirements for a harmonized curriculum.

¹ UN Convention on the Rights of Persons with Disabilities

Easy to Read



This page is about a law which gives rights to persons who travel by train.



If you want more of this document in Easy to Read,



+ 32 2 329
00 00



[info@edf-
feph.org](mailto:info@edf-feph.org)

You can phone us at
+ 32 2 329 00 00

Or email us at
info@edf-feph.org

EDF analysis of the revised Rail Passengers' Rights Regulation

Introduction

When the European Commission published its proposal for a revised Regulation on Rail Passengers' Rights in 2016, it was clear for us that this Regulation would have to tackle first and foremost the 48-hour pre-notification period for assistance at stations, which is still an obstacle to travel for many persons with disabilities. Unfortunately, the proposal did not mention this aspect of the Regulation and left this provision completely untouched.

Following our very successful "Turn-up-and-go" campaign which included a petition with almost 60.000 signatures and an open letter to the decision-makers signed by over 60 Members of the European Parliament, we nevertheless managed to include our demands in the position of the European Parliament and followed through with our work during the negotiations.

As a result, we have an improved Regulation which has cut the pre-notification time in half and introduced several other new provisions that improve accessibility – but this is still a missed opportunity for the EU institutions. A lot more could have been done.

Below, we explain the changes that were adopted in the revised Regulation and how they will affect persons with disabilities once the text enters into force in 2023.

Analysis

The provisions below are listed roughly in the order of relevance for persons with disabilities. For more detailed comments and proposed amendments Article by Article you can also consult our previous positions that we published during the Trilogue stage of the negotiations².

Pre-notification

The compromise reached by the Commission, the Council, and the Parliament is 24 hours, regardless of station size. However, until 30 June 2026 Member States (EU countries) can require a 36-hour pre-notification

² See the "Links" section at the end of this paper

time for assistance as a transition phase. The European Commission will publish a comparison of what rules apply by Member State to encourage compliance.

Furthermore, the Regulation still does not specify that assistance has to be available at all times when passenger rail services operate. This is a crucial provision which is missing. It allows railway undertakings to limit assistance for example to the times between 09:00 and 17:00 which means persons with disabilities cannot travel on an equal basis with others and choose freely which train they want to take.

What happens if persons with disabilities do not pre-notify depends on the type of station they use.

- a) At staffed stations, the station manager³ or the railway undertaking⁴ have to provide assistance for people to board the train, alight or transfer to a connecting rail service for which they have a ticket provided there is trained staff on duty.
- b) At unstaffed stations/trains: railway undertakings or station managers have to make "all reasonable efforts" to enable the person to travel.

At present, there is only a requirement to have easily accessible information displayed indicating the nearest staffed station and assistance available.

To facilitate the booking of assistance for persons with disabilities, the providers have to designate a "single point of contact" who will also manage the communication between railway undertakings, station managers, tour operators, and possible sub-contractors. Those "single points of contact" will also provide the information about accessibility of a station. This is a positive change for persons with disabilities because the coordination is now up to the transport providers.

In order to receive the assistance, the transport operator can request the person to be at the station maximum 60 minutes before departure of the train. This is still long, considering that the train ride might only be a short one, but it will at least regulate excessive waiting times.

However, as long as the railway systems in the EU are not accessible and persons with disabilities cannot use them independently and spontaneously, assistance will be required. Unfortunately, the

³ „Station Manager“ can be a different entity in each Member State. It can be for example the Infrastructure Manager or any other organisational entity "which has been made responsible for the management of one or more railway stations".

⁴ Companies that operate passenger rail services such as SNCF in France, Deutsche Bahn in Germany, or Eurostar, Thalys, etc.

“compromise” reached by the EU institutions does not go far enough because it has not achieved the “turn-up-and-go” principle which is needed to travel on an equal basis with others. The long transition period is unnecessary, and we doubt that the comparison published by the Commission will really serve as an incentive to Member States.

Accompanying person:

Where a railway undertaking requires that a person with disability is accompanied on board a train, the accompanying person will be entitled to travel free of charge and “where feasible” be seated next to the person with disability. Persons with disabilities can be accompanied by an assistance dog in accordance with relevant national law; Member States may also allow trials with other assistance animals.

It is positive that this provision has now been included as it was already part of Regulation 181/2011 on Bus & Coach Passengers’ Rights. However, it has to be noted that persons with disabilities can only travel with an accompanying person (for example a personal assistant) free of charge if the Railway Undertaking requires the person to be accompanied, which is ideally not the case.

Purchasing tickets on board:

Where there is no ticket office, or no accessible ticketing machine in the station of departure and no other accessible means to purchase a ticket in advance, persons with disabilities will be permitted to buy tickets on board the train at no extra cost. However, railway undertakings may limit or deny this right on “justifiable grounds relating to security or compulsory train reservation”.

These “justifiable grounds”, unfortunately, are not defined in the Regulation and will be open to interpretation which makes the situation unclear for persons with disabilities. We were also opposed to this formulation because “by any other accessible means”, even if this is only by smartphone and a specific mobile application, can still exclude many passengers with disabilities.

Member States will also be able to allow railway undertakings to further restrict this right and require that persons with disabilities are recognised as such in accordance with relevant national law and practices of the country of their residence. Unfortunately, the EDF ask to explicitly exclude staff requiring ‘proof of disability’ was not included.

Accessibility of information:

Information will have to be more accessible. This concerns specifically information about the discontinuation of service, travel information (where possible based on real-time), information about your rights as a passenger, and information at unstaffed stations. However, the Regulation specifies that accessibility is interpreted in the meaning of the Accessibility Act (Directive (EU) 2019/882), the TSI-PRM (Regulation (EU) No 1300/2014), and the TAP-TSI (Regulation (EU) No 454/2011) and so this limits the definition of “accessible” in the context of EU law.

The railway undertaking, station manager, ticket vendor or tour operator also have to provide information – upon request – about the accessibility of the station and associated facilities such as parking spaces and shops, as well as trains, also in accessible formats. In unstaffed stations, accessible information has to be displayed so that the passenger knows how to obtain assistance and where the next accessible station can be found.

It is also stated that at a minimum, the railway undertaking has to provide information on accessibility, access conditions and availability on board of facilities for persons with disabilities and persons with reduced mobility.

Complaints:

Complaints to the railway undertaking or station manager can be done via a standardized accessible complaint form for reimbursement and compensation. Details about complaints will be accessible to the public, including persons with disabilities, and the railway undertakings will have to publish reports with the number of incidents per category. This will help highlight specific issues, for example with assistance to persons with disabilities.

However, complaints have to be made within 3 months of the incident which was previously not specified.

Accommodation (new):

Where journeys are disrupted and the railway undertaking offers overnight accommodation, it is now explicitly stated that the needs of assistance dogs have to be taken into account “whenever possible”.

Mobility equipment (new):

Liability for lost or damaged mobility equipment will be based on the cost of the replacement equipment or the cost for repair needed. Compensation will also cover the temporary replacement of the mobility equipment.

Railway undertakings will also be liable for compensation as regards loss or injuries of assistance dogs.

Training (new):

Staff directly providing assistance to passengers with reduced mobility (PRM) have to receive targeted, disability-related training, in order to know how to meet the needs of PRM. There will also be regular refresher training courses. Staff who is in direct contact with the travelling public will receive disability awareness training.

However, the provisions in this Regulation are still much weaker than those in the Bus and Coach Passengers' Rights Regulation. Participation and involvement of persons with disabilities in staff training will still not be obligatory but it is up to the railway undertakings if they want to involve DPOs.

Minimum service quality standards (new):

When reporting on applied minimum service quality standards, railway undertakings will have to report on assistance provided to persons with disability and persons with reduced mobility, and dialogue on this assistance with representative organisations.

Exemptions:

Even where long-distance domestic services or regional services are exempted from the Regulation, the rules concerning assistance to persons with disabilities will be mandatory: i.e. right to non-discriminative access to transport, travel information in an accessible format, assistance at stations and on-board the train, conditions for the provision of assistance, compensation for mobility equipment, assistive devices and assistance dogs, staff training for those providing assistance to persons with disabilities.

Unfortunately, for exempted urban and suburban services, assistance rules will be established at national/local level. Only the accessible information rule will be mandatory also for urban and suburban services. For regional services it is also mandatory to include the provisions concerning persons with disabilities, including assistance.

International rail services to and from third countries (meaning countries not within the European Union) can be exempted completely and no mandatory provisions would apply. Assistance does not have to be provided, even if only one scheduled stop of the connection is outside the EU. This is very regrettable seeing as though railways have traditionally

been a link between the EU and its neighbouring countries and assistance to persons with disabilities is still necessary, even if the person does not travel outside the EU themselves.

General non-discrimination clause (new):

The new rules now include a general non-discrimination clause. The UN Convention on the Rights of Persons with Disabilities is also named in the recitals.

Conclusion

The recast of the Rail Passengers' Rights Regulation has brought some improvements for persons with disabilities but overall we see it as a missed opportunity. Especially the fact that pre-notification is still necessary to receive assistance, together with the long transition times and the widening of exemptions, the Regulation still does not allow for independent, spontaneous travel for persons with disabilities.

Links

- [Final text of the recast Regulation \(EU\) 2021/782 of the European Parliament and of the Council of 29 April 2021 on rail passengers' rights and obligations](#)
- [EDF Position Paper on Rail Passengers' Rights for the Trilogues \(March 2020\)](#)

Document credits

This document was prepared by Marie Denninghaus, EDF Policy Coordinator and supported Mher Hakobyan, EDF Accessibility Officer.



The European Disability Forum
Mundo Madou
Avenue des Arts 7-8
1210 Brussels, Belgium.

www.edf-feph.org

info@edf-feph.org

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.

