



Analysis of the Proposal on Multimodal Passenger Rights

European Disability Forum Position Paper
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Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on passenger rights in the context of multimodal journeys



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Introduction

The European Disability Forum

The European Disability Forum is an independent NGO that advocates for the rights 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.

Acknowledgements

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Executive Summary

EDF welcomes the proposal on passenger rights and, in particular, **supports** the following points:

- The provisions of accessible information in Articles 3, 8, 13, 18 and 10 subject to a clearer reference to the European Accessibility Act
- The provision of assistance for persons with disabilities and reduced mobility (Article 14)
- The establishment of a single point of contact to request assistance (Article 15).
- The liability for broken or damaged mobility equipment (Article 16)
- The establishment of quality standards (Article 17) and a risk-based approach to enforcement (Article 22)

EDF **regrets**:

- The limited scope of the proposal (Article 2)
- The 48h hours pre-notification to request assistance under multimodal journeys (Article 14)

The legislative proposal

On 29th November 2023, [the European Commission published a legislative proposal on Passenger Rights for Multimodal Journeys](#). Multimodal journeys occur when passengers combine at least two collective transport modes to reach a certain destination, for example, a plane with a train or train with a bus.

Currently, passengers only enjoy rights under EU law when using separately one collective transport mode (air, waterborne, rail or bus and coach). However, when combining them to reach a certain destination and disruptions occur, their rights as passengers are not guaranteed. For example, persons with disabilities are not entitled to receive assistance when changing from one transport mode to another. The Commission proposal aims at addressing these gaps.

However, as there are many types of multimodal journeys, the proposal only applies to certain types of contracts (tickets) for combined transport services that fall under the existing passenger rights regulations. Under this proposal, passengers with a single multimodal contract¹ will enjoy a level of protection similar to what already exists for each individual transport mode. Passengers with combined multimodal tickets² and separate multimodal tickets³ will enjoy a restricted set of rights (mainly information related).

As in the Passenger Rights Regulations for air, waterborne, rail or bus and coach, the Commission's proposal includes several provisions to ensure equal access for persons with disabilities and reduced mobility.

EDF Comments

EDF welcomes the legislative proposal to address some the gaps that currently exist in multimodal travel, including for persons with disabilities and reduced mobility. In the following paper, EDF makes an analysis of the proposed regulation, highlighting its positive aspects as well as its shortcomings. This position paper also includes

¹ Single transport contract for a multimodal journey containing successive transport services.

² Separate transport contracts combined by a carrier or intermediary that are purchased in a single payment by the passenger.

³ Separate transport contracts which are offered together by a carrier or intermediary and are purchased in separate payments.

suggestions to strengthen the provisions of the proposal in order to make them fully effective.

United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) – Recital 15

EDF approves the clear reference to the UNCRPD in recital 15 of the proposal. As one of its signatories, the EU must guarantee that any new measure is in line with the convention.

Although accessibility of vehicles and infrastructure is not in the scope of the proposal, we would like to stress that this is key to enable equal access to transport services and make the most of EU Passenger Rights. For this reason, this point should go beyond the mere reference to information accessibility and call for the gradual removal of barriers to existing objects, facilities, goods and services aimed at or open to the public with the aim of achieving full accessibility (as contained in CRPD General Comment 2).

The recital should also stress that ‘persons with disabilities and reduced mobility have the same right as all other citizens to free movement and to non-discrimination, as it is currently the case with Rail Passenger Rights Regulation.

European Accessibility Act (EAA) – Recital 15

EDF approves the reference to the European Accessibility Act in order to comply with the obligations to provide accessible information. However, to make this reference binding and avoid confusion, this reference should also be included in the relevant Articles of the Regulation⁴:

- Article 3 on travel Information for Passengers
- Article 8 on reimbursement when the single multimodal contract was booked through an intermediary.
- Article 11 on Common form for compensation and reimbursement requests
- Article 12 on accompanying person traveling free of charge when obliged by carrier
- Article 13 on information on accessibility to persons with disabilities and reduced mobility

⁴ This is already the case in the [Rail Passenger Regulation](#).

- Article 18 on complaints
- Article 19 on information to passengers on their rights

The reference to the EAA in preamble 15 is followed by an encouragement to use European Digital Identity Wallets for identification and authentication, particularly aiding vulnerable persons or persons with disabilities. EDF would like to recall that no identification or authentication should be asked to persons with disabilities to receive assistance under EU law. This part should be clarified accordingly.

Scope (Article 2)

As in the Rail, Air, Waterborne, Bus and Coach Passenger Rights Regulations, the scope of transport services that are covered by the Multimodal Regulation is limited. Firstly, because the sectorial regulations already contain important exceptions for the applications of passenger rights and this is replicated in the multimodal context⁵. Secondly, because the number of passengers potentially covered by multimodal passenger rights only represents 0.7% of the total passengers currently covered by sectorial passenger rights regulations. Thirdly, because the type of multimodal contracts that would be subject to all multimodal passenger rights through a single multimodal contract only represent 5% of the existing multimodal market⁶.

This does not mean that the proposal is irrelevant. The multimodal market is expected to grow in the coming years⁷ and EDF agrees with the need to have a robust legal framework in place. However, it is important to highlight the limited impact that the proposal seems to have in the short and medium term considering the important gaps that still exist in existing legislation (especially when it comes to Air Passenger Rights).

Travel information for passengers (Article 5)

EDF welcomes the requirement for carriers and intermediaries to provide information ahead and during the multimodal journey. This information includes the type of multimodal ticket offered, the rights associated to each of them, general guidance on minimum connecting times between the different segments of the trip, schedules and

⁵ For example, Bus and Coach Passenger Rights mostly apply to services with a distance longer than 250km.

⁶ [Staff Working Document on Passenger Rights Proposal](#) (2023)

⁷ [Staff Working Document on Passenger Rights Proposal](#) (2023)

conditions for all fares, disruptions and delays (including real -time) and procedures to submit complaints.

EDF also welcomes that such provision shall be provided in an accessible format but recommends clarifying the term 'accessible format' by referring to the accessibility requirements of the EAA. Similarly, the means of communication with carriers and intermediaries referred in paragraph 7, should not only be effective and quick, but also accessible.

Reimbursement and re-routing (Article 7)

It is positive that the provisions contained in article 7.3 (re-routing) ensure that persons with disabilities receive a level of assistance and accessibility that is comparable to the missed transport service when offering an alternative service. We also welcome that, when offering re-routing services, providers will have to pay attention to the needs of persons with disabilities and, if necessary, provide alternative services that might differ from those offered to other passengers.

Assistance (Article 9)

EDF welcomes that in an event of a missed connection (due to delay or cancellation), carriers must provide hotel or other accommodation (including transport to them) and that the access requirements of persons with disabilities and assistance dogs are taken into account. It is positive that the needs of persons with disabilities, accompanying persons and assistance needs are taken into consideration in implementing Article 9 as a whole (as this also includes meals and refreshments). It'd be important to specify that paying special attention to the needs of persons with disabilities and reduced mobility also means providing, in the event of delay or cancelation, alternative services that meet the needs of persons with disabilities. This might imply providing services that differ from those offered to other passengers.

Common form for compensation and request (Article 11)

EDF welcomes the introduction of a harmonized form for compensation and requests. This can be a good tool to enforce existing rights, as complaint procedures are often complex, inaccessible and difficult to find.

As stressed in [EDF's reaction to the Commissions Draft Implementation Regulation on a Standard form for reimbursement and compensation requests under Rail Passenger Rights](#), we would like to remind the need to ensure legal coherence and refer to the accessibility requirements of the EAA and that the main form is made accessibility by default. This provision should not lead to the development of alternative 'accessible' solutions for persons with disabilities. In its current form, the article only says that the form 'shall be established in accessible formats' which is not clear enough.

Right to transport (Article 12)

When a person with disabilities and reduced mobility is denied boarding on the basis of the derogations provided in Passenger Regulations, carriers should not only make "reasonable" efforts (Art. 12.6) to propose an alternative transport option but obliged to do so. Persons with disabilities are customers like everybody else and carriers should have the same obligations towards them as regards the transport contract. When making use of the derogations to the rights of transport, carriers or intermediaries should not only provide alternative transport to the person in question but also the accompanying person, if applicable. Access rules should always be published in accessible formats, not only upon request.

Assistance to persons with disabilities and reduced mobility (Article 14)

EDF advocates for the abolition of pre-notification to book assistance, as it means that persons with disabilities and reduced mobility do not have equal access to transport, which is a binding provision of the UNCRPD. Ideally, all passengers should be able to 'turn up and go'. In rail, some Member States have abolished or significantly reduced pre-notification in major stations.

EDF beliefs that pre-notification should not be set at 48h as a general rule. Specially if we consider that prenotification time for rail and bus is 24h and 36h respectively⁸. It makes no sense to request 48h for a multimodal journey combining them.

⁸ Rail: 24h, Bus and Coach: 36h, Air: 48h, Waterborne: 48h

EDF welcomes the provision that the pre-notification will have to be accepted without additional costs, irrespective of the means of communication being used. In some cases, phone calls to request assistance are charged, creating an additional cost for persons with disabilities.

EDF also welcomes that there is a specific mention that assistance dogs can accompany the person receiving assistance. This should be extended to accompanying persons as well.

Single Point of Contact (Article 15)

EDF welcomes the establishment of a single point of contact (SPC) for assistance for multimodal journeys, so persons requiring assistance only have to notify it once. As it is the case in Rail Passenger Rights, SPC should include among its responsibilities, the provision of information on accessibility (article 13).

Compensation in respect of mobility equipment, assistive devices and assistance dogs (Article 16)

EDF welcomes that, for single multimodal contracts or in the context of multimodal passenger hub, terminal managers and carriers will be liable for the full value of the broken or lost mobility equipment, assistive devices or assistance dogs. Such compensation will also include the costs of temporary replacement.

The wording seems to imply that full liability for lost or damaged mobility equipment would only apply to carriers or infrastructure managers in connecting parts of the multimodal trip. This should be changed to ensure that a single multimodal ticket guarantees full liability for the whole trip as the protection in the air segment would still be limited to what the Montreal Convention stipulates.

Another point of concern is the reference to assistance dogs. 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).

Service Quality Standards (Article 17)

EDF warmly welcomes the introduction of quality standards in all transport modes covering the assistance provided to persons with disabilities and persons with reduced mobility. Through these quality standards, carriers and infrastructure managers will have to report on the number and nature of complaints as well as:

- The number of denied transport services (and the reason)
- The number of denied boarding of assistance dogs and mobility equipment (and the reason)
- The number of cases related to the loss or damaged mobility equipment (and the outcome)
- The number of cases that the carrier obliged a person with disability or reduced mobility to travel accompanied.
- The implementation of disability awareness and assistance training
- The discussions with representative organisations

EDF would like to stress that multimodal manager hubs (not only carriers) should also publish quality standards on their website.

Enforcement (Article 20, 21, 22)

EDF welcomes the provision for a risk-based approach to compliance (Article 22) and that the monitoring actions to be carried out by NEBs are listed. The monitoring activities and the risk assessment should always be included in the Reports NEBs publish every two years (not only when applicable). In these reports, NEBs should also gather in the same file all the data on the complaints submitted to carriers and infrastructure managers (not only the complaints submitted to NEBs themselves). Although carriers are obliged to publish them, it will be useful for consumers to have a comparison table with all the available data. This is already the case in the reports that the [US Department of Transportation publishes annually](#).

Despite the positive improvements in enforcement (highlighted in our analysis of the omnibus proposal), we'd like to recall that NEB's powers are not harmonised. While some have actual enforcement powers others only provide information. This creates

uncertainty as well as insecurity for passengers. The proposal should clearly state and harmonise NEBs powers to avoid those situations and allow them to do their job. NEBs should be a recourse instance in order to enforce individual and impose actions. Their decisions should be binding. Ideally, the results of the audits and monitoring activities should be publicly available and carried out in cooperation with organisations of persons with disabilities to test their real-life experience. NEBs should publish information on their powers and how they can support individual claims.

Document credits

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