



# EDF report on the situation of passengers with disabilities 2015

**September 2015**



# EDF report on the situation of passengers with disabilities 2015

---

## Contents

The European Disability Forum (EDF) .....	3
Introduction .....	3
Methodology .....	4
Main findings .....	4
Examples of problems when travelling by train .....	6
Examples of problems when travelling by airplane .....	8
Examples of problems when travelling by bus .....	10
Recommendations and reflections .....	11
Conclusion .....	12
Annexes .....	12
Acknowledgments .....	13
Contact person at the EDF secretariat: .....	13
Annex: EDF questionnaire on passengers rights.....	14



## The European Disability Forum (EDF)

EDF is the European umbrella organisation representing the interests of 80 million persons with disabilities in Europe. It is EDF's mission to ensure that persons with disabilities have full access to fundamental and human rights through their active involvement in policy development and implementation in Europe. EDF is a member of the International Disability Alliance and works closely with the European institutions, the Council of Europe and the United Nations.

### Introduction

When discussing transport accessibility and passengers' rights with public authorities and the transport industry, we often hear that there "are no complaints" from persons with disabilities so everything must be all right. However, EDF regularly receives examples of cases in which the rights of passengers have been ignored, transport is clearly inaccessible, the bureaucracy around lodging a complaint plays against the complainant and service quality is appalling. All this is happening everyday, everywhere in the EU, despite the provision of the [United Nations Convention on the Rights of Persons with Disabilities](http://www.un.org/disabilities/default.asp?id=150) (UNCRPD)<sup>1</sup> and EU legislation that should protect persons with disabilities and enable their participation in society.

Following this experience, EDF decided to compile the complaints received, analyse the most pertinent problems and present some good and bad practices. The purpose is to inform both the transport industry as well as EU decision makers to give feedback about the state of the passengers' rights in the EU. This is a collection of cases that serves to illustrate common problems that persons with disabilities, including women and girls with disabilities, encounter. Admittedly, not all examples are as shocking as that of one respondent with a visual impairment who, when traveling by train, was falsely accused for allegedly using his disabled person's rail card fraudulently and taken to the police station. But it gives a good insight in the difficulties that persons with disabilities are facing every day when using transport in the EU.

---

<sup>1</sup> United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), <http://www.un.org/disabilities/default.asp?id=150> (retrieved on 16 September 2015)



## Methodology

EDF often receives complaints from passengers with disabilities that are looking for advice or help in cases where they have encountered problems either with the transport undertakings or with the public authorities. Most of the times, EDF is not the first point of contact but rather a “last resort” when all other channels have failed the passengers. We advise the passengers as best as we can, based on our knowledge of EU legislation, and always suggest contacting the designated contact points and enforcement bodies under the law so that their complaint will also be registered officially.

Nevertheless, these complaints illustrate the problems that passengers with disabilities encounter regularly and as disturbing as those individual cases can be, they serve also to improve EDF’s approach to making legislation better. In order to get a more representative sample of complaints EDF therefore launched a small survey amongst its members to reach out to individual passengers to share their experiences in all modes of transport.

EDF developed a number of questions in order to guide the passengers through the questionnaire (see Annex I) while leaving all the answer fields open so that specific cases and incidents could be described freely. Different people have different travel habits and this results in a variety of replies and incidents they describe. It was therefore not possible to draw up “statistics” from the answers received as often many issues were interwoven and connected to each other and could not always be described as an isolated incident.

Rather, we drew up a short overview of the types of problems encountered, giving a short example for each field of transport with the most urgent topic to address in the main findings below. The report is therefore rather a snapshot of an individual’s experience rather than a technical document.

## Main findings

All in all, EDF received 23 individual messages by e-mail from different EU Member States, which often contained several complaints or examples so that the actual case number rises to 32 when counted separately. Of these cases, 15 concerned the railway sector, 10 were related to air travel, and seven to bus and coach travel. The main complaints can roughly be categorized as follows:



- Train
  - Denied boarding: 2
  - Problems with assistance: 5
  - Lack of accessibility (both information and physical accessibility): 8
- Air
  - Denied boarding: 2
  - Problems with assistance: 4
  - Lack of accessibility: 3
  - Destroyed, damaged or lost mobility equipment: 1
- Bus
  - Problems with assistance/service provision: 3
  - Lack of accessibility: 4

This short overview does not cover additional specific cases such as the problem of seat allocation on trains and airplanes, the issue of mobility scooters on urban public transport, the inaccessibility and lack of support in complaints procedures (including bureaucratic hurdles). Those are also problems known to EDF but they were named less frequently in the survey.

Even though the main focus of the EDF survey was on EU passengers' rights which was clearly stated in the questionnaire, inevitably there were a relatively high number of complaints related to general accessibility issues of the built environment, vehicles and transport infrastructure. This is not strictly speaking part of the EU's passengers' rights regulations but these replies and comments are nevertheless very important because those two factors are inextricably linked. They are also relevant because they are part of the EU's and the Member States' commitments under the UN CRPD and are therefore a shared responsibility.





## Examples of problems when travelling by train

### Example 1: Denied boarding on the train

„We were on a trip with a group of visually impaired and blind people and some of us were using a white cane and were thus easily identifiable. We were all standing on the platform when the train arrived and while one accompanying person checked if this was really the correct train, the conductor blew his whistle and refused to let us enter.”

- ➔ Denial of boarding for passengers with disabilities, especially in groups, is not only a problem in air travel as this case shows. Denying the sale of tickets or boarding to persons with disabilities is in breach of Article 19 of [Regulation 1371/2007](#)<sup>2</sup> and is a discriminatory practice.

### Example 2: Assistance at train stations

“I’m blind and I use the train frequently, both for work and during my free time. It is very difficult to travel if you have to respect the 24-hour-rule [in Belgium] and the example of the Netherlands shows that you can also do it only one hour in advance. It is impossible to say when I will be returning from my appointments because this depends on many different factors. For a work related trip this might still be ok but how can I plan exactly when I will return from shopping? “

- ➔ Even though the required maximum notice period to book assistance under EU law (Article 24, Regulation 1371/2007) is 48 hours, this notice period is already significantly shorter in many EU Member States. In Belgium it has been reduced to 24

<sup>2</sup> Regulation 1371/2006 on rail passengers' rights and obligations, <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32007R1371> (retrieved on 16 September 2015)



hours<sup>3</sup> and will soon be reduced even further to three hours in 18 major stations, in the Netherlands it is one hour<sup>4</sup>, and in Spain the pre-notification period has been abolished completely at staffed stations<sup>5</sup>. This would be the ideal situation in all EU Member States and should be included in future revisions of the EU Regulation, too.

### Example 3: Accessibility of trains

“I have a mobility impairment and tried to take my rolling walker (rollator) on the train once. It was a horrible experience. I had to stand next to the door with it because there was no other space available and I did not want to leave it unattended. My friends were sitting further away and could not sit next to me. On top of that, I had to move every time somebody wanted to pass by to get to the toilet. I would like to travel more but after this experience I rather stay at home.”

- EU [Regulation 1300/2014](#) (the revised TSI-PRM) gives details about technical specifications in the design of rolling stock, including wheelchair spaces. Each train carriage or “unit” has to have at least one accessible wheelchair space with an adjacent seat for an accompanying person.<sup>6</sup> In practice, railway undertakings often use older trains that don’t fulfil the accessibility requirements and the wheelchair space can sometimes be obstructed by other passengers. Passengers with disabilities, for many of whom traveling is already a stressful experience, get easily discouraged by negative experiences. This is aggravated by the lack of available information on the accessibility of specific trains so that it is difficult to plan in advance (e.g. a persons with a mobility impairment might prefer taking a service with a newer, more accessible train if this is an alternative).

<sup>3</sup> Website of the Belgian national railways company (SNCB/NMBS), retrieved on 12 August 2015, <http://www.belgianrail.be/fr/service-clientele/voyageurs-a-mobilite-reduite.aspx>

<sup>4</sup> Website of the Dutch national railway company (NS), retrieved on 12 August 2015, <https://avg.ns.nl/#begeleiding>

<sup>5</sup> Website of the Spanish national railway company (RENFE), retrieved on 12 August 2015, [http://www.renfe.com/viajeros/atendo/servicio\\_atendo.html](http://www.renfe.com/viajeros/atendo/servicio_atendo.html)

<sup>6</sup> Point 4.2.2.2. (Priority seats) of Regulation 1300/2014 on the technical specifications for interoperability relating to accessibility of the Union's rail system for persons with disabilities and persons with reduced mobility <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1439380791116&uri=CELEX:32014R1300>



## Examples of problems when travelling by airplane

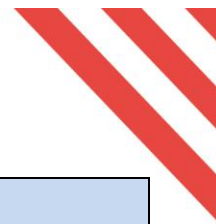
### Example 4: Denied boarding of the airplane

“I was booked on a flight from Budapest to Doha and had indicated that I am a wheelchair user. I have previously undertaken many international flights visiting over 80 countries, and never had a problem. This time, after having completed my check-in, I was stopped by a member of airline staff who asked me straight out if I was “able to pee on my own while airborne.” When I said “no”, the member of staff claimed that I was not able to fly because of my inability to use the on-board toilet, which is not accessible. I still tried to convince the airline staff that I’m perfectly able to travel by myself but they would not let me on-board; they never mentioned anything about a reimbursement of the flight ticket and just sent me home.”

- ➔ This is a classic case of “denied boarding” as it unfortunately happens frequently. It is clearly a violation of [Regulation 1107/2006](#)<sup>7</sup> as not being able to use the on-board toilet does not represent a safety concern but is purely discriminatory. The airline is, in fact, even obliged to assist the passenger in moving to the toilet facilities if required as explicitly mentioned in Annex II of Regulation 1107/2006. The airline took an arbitrary decision and the passenger had to suffer the consequences. Even when complaining to the airline via a lawyer, the airline did not admit to its mistake, not even mentioning an apology for the unacceptable and degrading behaviour towards the passenger. This is also a fairly common problem, leaving the passenger no other option but taking legal action which is costly, stressful and lengthy.

<sup>7</sup> Regulation 1107/2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air, <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32006R1107> (retrieved on 16 September 2015)





### **Example 5: Assistance at the airport**

“I’m blind and when I requested assistance at the airport I was told I would have to be pushed around in a wheelchair. I said that I don’t have a mobility impairment and I can walk fine, I just need some directions to find my way to the gate. But the employee insisted and said either I sit in the wheelchair or I cannot receive assistance. So I decided to try my luck and go by myself.”

- ➔ Regulation 1107/2006 does not specify how a person with a disability has to be assisted in moving around the airport. The assistance provider is thus not doing something illegal when they ask a blind person to use the wheelchair but it should be common sense that this is a demeaning and patronizing practice which is above all totally unnecessary.

### **Example 6: Accessibility of air travel**

“I’m blind and I have noticed that the websites of airlines are often not accessible and booking online is therefore very difficult. Some websites have inaccessible date pickers or drop-down menus and at least one that I checked used a “captcha” to confirm the booking, which I cannot use. Additionally, with at least one airline you cannot check-in online if you have booked assistance even though the website in this case is accessible and the check-in kiosks at the airport are not.”

- ➔ Accessibility of websites and information in general is a big issue in all modes of transport, highlighted here by the example of air travel. Be it the lack of dynamic displays on train platforms, missing audio announcements on urban buses or inaccessible websites, they all create barriers for persons with disabilities when they are travelling. Regulation 1107/2006, however, does not specify any accessibility requirements for websites and only mentions the obligation to provide “information needed to take flights in accessible formats” in the Annexes. This is still too vague and in practice is not always applied properly. Stricter rules for the accessibility of all information such as audio announcements, signage, displays and of course also the



website - including the booking process – are thus necessary.

### Example 7: Damaged mobility equipment

“I was traveling from Frankfurt to Athens and when I arrived, my wheelchair was broken in several places. It seemed like it had fallen from somewhere high up. I declared the damage right there and then but also asked to speak to the person in charge because my wheelchair was completely broken and needed replacement. I had to wait for several hours and the manager only appeared when I got mad and started shouting. He then admitted the extensive damage and the airline agreed to pay for my new wheelchair but it took two months to replace it and I couldn't go to work during this period.”

- ➔ Also a more common case this creates a problem especially because the liability limit for mobility equipment under EU law are currently still capped by the [Montreal Convention](#), an international treaty on air travel. The Montreal Convention does not distinguish between regular check-in luggage and mobility equipment so the maximum amount of compensation in the event of loss, damage or destruction of for example a wheelchair equals approximately 1260 EUR (value of 12 August 2015). An electric wheelchair can of course be worth much more than that, not even counting the cost of not being able to go to work. There are many reasons that speak for the revision of this rule, not least because a wheelchair is not the same as a tennis racket or a suitcase – they are a person's legs and thus essentially a part of their body.



### Examples of problems when travelling by bus

#### Example 8: Bus accessibility

“I use an electric wheelchair. Where I live, the buses are fitted with retractable ramps but some drivers don't use them claiming that the ramps might get damaged by doing so.”

- ➔ This is also a situation many wheelchair users might recognize – or a variation of it. Other persons described the bus passing them without stopping for no apparent



reason, claiming the ramp is already broken, or the driver stating he could not get out of his driver cabin to deploy the ramp for liability reasons. All this may be true but is no excuse for discrimination. A two-part solution is needed: first of all the vehicles have to be accessible and be equipped with the necessary technology, which can be as basic as a manual ramp that is folded out when needed. The second part involves training the drivers to teach them how to use the boarding equipment safely and how to be aware of the rights of persons with disabilities.

### **Example 9: Assistance in the bus**

“I’m hard of hearing and if I ask a question in the bus I can often not hear the driver very well. Especially one regular driver gets impatient and once he even became verbally aggressive towards me. Afterwards, I complained to the transport operator and received a nice letter with an apology and the insurance that they would talk to the driver about this incident. A while later I encountered the same driver and I was the only passenger on the bus; he got aggressive again, mentioning my complaint letter and threatened me. I wrote a second complaint but haven’t heard anything back until today – the incident happened 18 months ago.”

- ➔ Besides that fact that verbal abuse and threatening somebody can be considered an assault and a legal infraction in itself, this is a case of discrimination on the grounds of the person’s disability. There is currently no EU legislation that protects persons with disabilities from discrimination outside the work place but EDF has been lobbying for the adoption of the Commission’s proposal for a [Horizontal Non-Discrimination Directive](#) for a long time. Hopefully, the Council will finally pass this proposal to grant persons with disabilities also protection from discrimination when using public transport.

## **Recommendations and reflections**

Derived from the analysis of the cases reported to EDF in the previous section, there are a few recommendations that can be made to improve the situation of passengers with disabilities in the EU:



1. EU passengers' rights legislation can only be effective if it goes hand in hand with accessibility legislation and the improvement of accessibility to the physical environment (vehicles, stations, and urban environment). EDF therefore urges the European Commission to publish the proposal for the European Accessibility Act and for the Member States to adopt the potential proposal.
2. Complaints related to assistance and service provision can be alleviated fairly easily by providing better/more training and awareness raising for all staff and especially those members of staff that are in direct contact with the passengers as for example drivers, conductors, ticket sales, check-in or assistance staff. This training should also take into account different groups of persons with disabilities, such as women and girls with disabilities or persons requiring more intensive support.
3. Communication is very important: many incidents could have been avoided or solved more amicably if the transport undertakings engaged in an active dialogue with passengers with disabilities. Consulting passengers about their wishes and needs beforehand as well as reacting in a polite, comprehensive and timely manner to complaints and concerns are very important. This also includes giving correct and complete information about passengers' rights.
4. EDF will continue to gather examples of discrimination and breach of EU legislation and channel the complaints to the correct recipients. EDF will also promote an on-going dialogue via its different communication channels, including social media (twitter account @edfaccess) and update the report when relevant.

## Conclusion

A lot has been achieved already by having specific EU legislation for passengers' with disabilities and reduced mobility in place. We are, however, regularly reminded by the individual cases presented in this report that we also still have a long way to go to make the EU transport system accessible for persons with disabilities in practice. Each case reminds us that transport is not just about technical formulas but a means to actively participate in society and that transport accessibility for everybody is a right and not a luxury.

## Annexes

- EDF questionnaire



## Acknowledgments

This report has been prepared in consultation with EDF members and experts and is based on individual feedback received between May 2014 and June 2015.

EDF would like to thank all those that have actively contributed to the drafting of this paper.

## Contact person at the EDF secretariat:

Marie Denninghaus, Mobility and Transport Officer

Tel: +32 (0) 2 286 51 84, Email: [marie.denninghaus@edf-feeph.org](mailto:marie.denninghaus@edf-feeph.org)

Should you have any problems in accessing the documentation, please contact the EDF Secretariat. (Tel: +32 (0) 2 282 46 00, Email: [info@edf-feeph.org](mailto:info@edf-feeph.org)).



Funded by the Progress Programme of the European Union



## EDF questionnaire on passengers rights

**The European Disability Forum (EDF)** is the European umbrella organisation representing the interests of 80 million persons with disabilities in Europe. The mission of EDF is to ensure that persons with disabilities have full access to fundamental and human rights through their active involvement in policy development and implementation in Europe. EDF is a member of the International Disability Alliance (IDA) and is currently chairing its governing body.

It has been a little more than a year now that the European Union has laws on **passengers' rights in all transport modes: air, rail, long-distance bus travel and maritime transport**. What interests us now is to see if these laws have changed anything in the everyday lives of EU citizens – you!

This is why EDF decided to launch a little **survey to learn more about your experiences**. If you have recently used any of those transport modes (or you wanted to but could not because it was not accessible) and you would like to share your stories with us, EDF would like to receive your feedback. We will use this information in our advocacy work to set our priorities and also **to illustrate the problems that persons with disabilities face when travelling** with your real life examples.

Please answer the questions below, if applicable:

- 1) In which transport mode and in which country did the incident occur?
- 2) What happened exactly (lack or low quality of assistance, damaged/lost mobility equipment, denied boarding, lack of information, inaccessible facilities....)?
- 3) Did you lodge a complaint afterwards? If yes, to whom? The transport provider (airline, railway undertaking, bus company, etc.)? The competent authorities or another body (Ombudsman, mediator, other dispute resolution mechanism)? Did you go to court?
- 4) How did the transport provider react? Did you get any reply? Did you get compensation?
- 5) Did you know about your rights as a passenger and especially as a person with reduced mobility?
- 6) What could be improved to avoid these situations in the future?
- 7) Do you agree that EDF can use the information you give anonymously in its advocacy work? You can provide contact details for clarification but this is optional.

You can also send your stories by e-mail to Marie Denninghaus, EDF Transport & Mobility Officer:  
[marie.denninghaus@edf-feph.org](mailto:marie.denninghaus@edf-feph.org)

Alternatively, you can also submit contributions on [facebook](#) or [twitter](#) by using the hashtag #FreeMove. We would be happy if you could forward this request to other interested parties, the more examples the better! Thank you.



