



Mobility and Disability: Recast of the Rail Passengers' Rights Regulation and the EU's Sustainable and Smart Mobility Strategy

Marie Denninghaus, ERA, 17 November 2021

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EDF – Who are we?

- EU umbrella organisation representing persons with disabilities
- Interest representation: secretariat in Brussels
- 101 member organisations (National disability organisations, European NGOs)
- Main topics: Human rights, social policies, accessibility (transport, built environment, ICTs)
- “Nothing about us without us”




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Recast of the Rail Passengers' Rights Regulation (782/2021)

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Rights given under Regulation 1371/2007 (pre-recast)

- Right to transport and to buy tickets (Art. 19)
- Right to information about accessibility of services (Art. 20)
- Right to assistance at stations and on board (Art. 22 – 23)
- Right to compensation in respect of mobility equipment (Art. 25)



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Provision of assistance

- As long as independent mobility is not reality, assistance is necessary
- At stations: Regulation obliges railway undertakings to assist with embarking/disembarking
- On board: “reasonable efforts” to allow passengers with disabilities to access same services as other passengers



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Other non-PRM specific provisions

- Compensation in case of delay or cancellation
- Right to care
- Right to re-routing
- Right to information about your rights
- Complaints mechanism & enforcement (designated National Enforcement Bodies)

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Problems with the Regulation (pre-recast)

- Too many exemptions (urban, suburban, regional services)
- **Need to pre-notify assistance max. 48 h in advance**
- Passenger needs to arrive max. 1 h in advance
- **Assistance not available at all times when trains operate**
- Indirect charge for booking assistance
- No obligation to provide accessible alternative transport in case of disruption
- No obligation to provide information in accessible formats
- No obligation for disability awareness training of staff

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Recast of the Regulation

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Overview of timeline

- Commission proposal was published in 2016
- Regulation was adopted on 29 April 2021
- Will apply from 7 June 2023



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EDF Campaign

„Turn-up-and-Go“ campaign 2019 – 2020

- EU-wide petition with almost 60.000 signatures
- Open letter signed by over 60 Members of the European Parliament
- Active social media and online presence in addition to “classic” advocacy work

Result: An improved Regulation but a lot more could have been done!

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Improvements for persons with disabilities

- 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

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However....

A lot more could have been done! This is a missed opportunity.

EDF regrets that

- Assistance still has to be pre-notified and there is no “Turn-up-and-go” system which is a breach of the UN CRPD.
- 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.

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How does the new text compare to the old one?

- Too many exemptions (urban, suburban, regional services)
- Need to pre-notify assistance max. 48 h in advance
- Passenger needs to arrive max. 1 h in advance (not changed)
- Assistance not available at all times when trains operate
- Indirect charge for booking assistance
- No obligation to provide accessible alternative transport in case of disruption
- No obligation to provide information in accessible formats
- No obligation for disability awareness training of staff

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EU Sustainable and Smart Mobility Strategy

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What is the “Sustainable and Smart Mobility Strategy?”

- Published on 9 December 2020 as part of one of the initiatives under the EU’s Green Deal
- outlines the main milestones to reduce transport emissions by 90% in 2050 under 82 initiatives
- 10 “flagship initiatives”, one of them concerns persons with disabilities directly (Flagship 9, “Making mobility fair and just for all”)



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Flagship 9 – Making mobility fair and just for all

- EU passenger rights should be better implemented
- The Commission will consider a multimodal framework for passenger rights that is simplified, more consistent and harmonised.
- The Commission recognizes the need for affordable, accessible and fair mobility for passengers
- The Commission will consider options to define sustainability criteria for Public Service Obligations (such as national railways for example) to bring about a multimodal PSOs system
- Any future proposal for transport will be compliant with the Commission’s Disability Strategy

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Improvements for persons with disabilities

- Passengers with disabilities and the need for more accessibility and inclusivity are mentioned explicitly under Flagship 9, “Making mobility fair and just for all”
- Any future transport proposal has to be compliant with the new Disability Strategy (to be published in February 2021)
- Accessibility and affordability are seen as part of sustainability
- Possible funding opportunities to make transport accessible via “Recovery and Resilience Facility”

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Shortcomings of the Strategy

- Passengers only mentioned in 1 out of 10 Flagships and accessibility is not mainstreamed throughout the Strategy
- There is no concrete legislative initiatives mentioned to improve accessibility. It is indirectly included in the revision of the Trans-European Network Regulation (TEN-T).
- There are no milestones related to accessibility, which means there is no concrete aim or deadline to achieve an inclusive transport system
- Involvement of persons with disabilities and their organisations in the implementation of the Strategy is not mentioned.
- Recovery and Resilience Facility funding difficult to monitor

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Conclusion

- In both initiatives, the starting points were good but did not go far enough
- Especially on Rail Passengers' Rights it was a missed opportunity
- Political climate is different now compared to 10 years ago
- But we are convinced that we can still achieve changes and improve the implementation of the UN CRPD
- Focus now on climate action and sustainability can be used in favour of disability rights!

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Thank you!



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