

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

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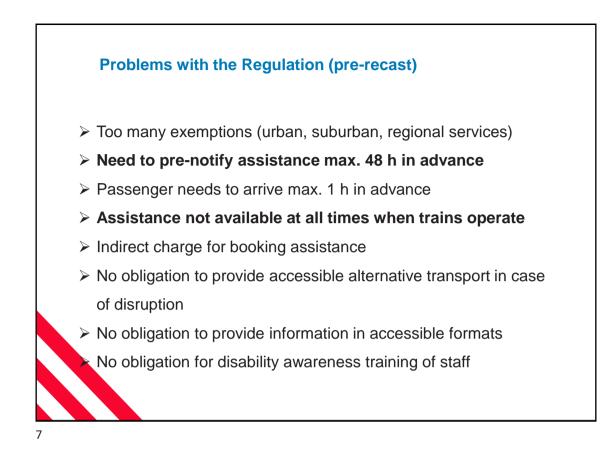
- > Right to transport and to buy tickets (Art. 19)
- > Right to information about accessibility of services (Art. 20)
- > Right to assistance at stations and on board (Art. 22 23)
- > Right to compensation in respect of mobility equipment (Art. 25)



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

Other non-PRM specific provisions

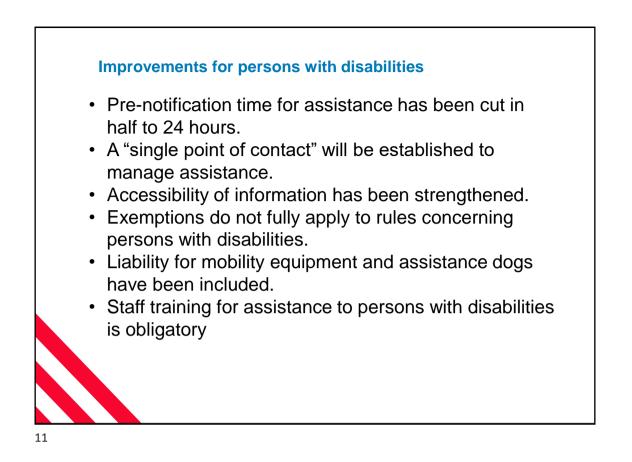
- > Compensation in case of delay or cancellation
- Right to care
- ➢ Right to re-routing
- Right to information about your rights
- Complaints mechanism & enforcement (designated National Enforcement Bodies)









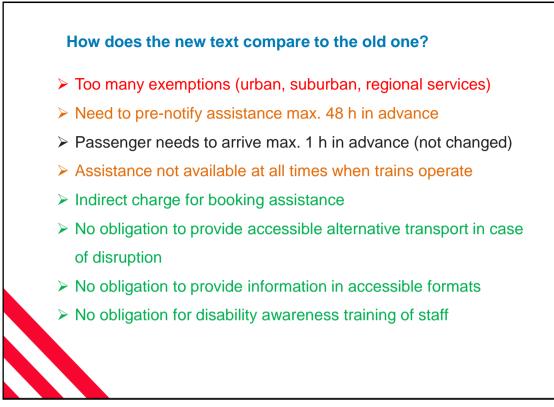


However....

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-upand-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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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

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

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!

