

Accessible EU Report.

Accessible Public Transport in the EU: What the law says and what it means

Working together to build a more accessible European Union for persons with
disabilities

Consortium composed by:



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0. Executive summary

Access to public transport is fundamental to independent living. This Report sets out the EU legislation that deals with technical accessibility standards for vehicles and infrastructure and the Passenger Rights legislation that deals with the quality and level of services that people with disabilities are entitled to receive when they travel.

1. Introduction

Access to public transport is fundamental to freedom of movement and independent living. Without mobility, the opportunity to get employment or education, to have access to health care and to leisure and other activities is very limited.

The EU laws that apply to transport are divided into technical construction standards and general laws dealing with passenger rights.

Detailed technical (construction) regulations are in place for:

- rail
- bus
- maritime (sea and inland waterway) – on a very limited basis.

Passenger rights regulations covering standards of service, rights of redress and complaints and dispute resolution are in place for:

- air
- rail
- bus
- maritime.

In addition, the European Accessibility Act (Directive (EU) 2019/882) ¹ deals with accessibility of goods and services and includes access to “services related to air, bus, rail and waterborne passenger transport”.

Some requirements of the Act, for example, accessible communication (websites, audible and visual announcements etc), are already covered in the more specific legislation set out below but under the Act, accessibility requirements are extended to, for example, ensuring that ticket machines and automatic check in facilities are also accessible to and useable by people with disabilities.

Although there was a requirement for the provisions of the Act to have been implemented by June 2022, to date very few countries have done so.

2. Specific Requirements

2.1. Rail Travel

2.1.1. Technical standards

The key technical requirements for rail accessibility are set out in Commission Regulation (EU) No 1300/2014 of 18 November 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 PRMs)²”.

This Regulation establishes the technical specification for interoperability (PRM TSI) relating to accessibility of the EU's rail system. It applies to all mainline trains operating on the trans-European network³. The requirements apply to all

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019L0882>

² <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014R1300&from=EN>

³ https://transport.ec.europa.eu/transport-themes/infrastructure-and-investment/trans-european-transport-network-ten-t_en

new infrastructure coming into service since 1 January 2015 and all major refurbishment of existing infrastructure since that date.

The stated aim of the PRM-TSI for existing infrastructure and rolling stock⁴ is: *“to achieve compliance with the TSI through the identification and progressive elimination of existing obstacles to accessibility”*. Member States are required to conduct inventories and develop national implementation plans to meet this requirement.

Full compliance with the PRM-TSI standards is required for retrofit work with the following exceptions: *“Compliance is not mandatory if the work would require structural alterations to door portals (interior or external), underframes, collision pillars, vehicle bodies, vehicle over-ride protection, or more generally if the work would necessitate re-validation of the vehicle structural integrity”*.

The Regulation states that: *“Full compliance with the TSI is mandatory for projects which receive EU financial support for the renewal or upgrading of existing rolling stock or parts thereof or for the renewal or upgrading of existing infrastructure, in particular a station or components thereof and platforms or components thereof.”*

For all rolling stock, the requirements cover:

- Seats
- Wheelchair spaces
- Doors
- Lighting
- Toilets

⁴ <http://eur-lex.europa.eu/legal-content/EN/AUTO/?uri=CELEX:32014R1300>

- Clearways
- Customer information
- Height changes
- Handrails
- Wheelchair accessible sleeping accommodation
- Step position for vehicle access and egress.

For stations, the accessibility requirements cover the following areas:

- Parking facilities for people with disabilities
- Obstacle-free routes
- Doors and entrances
- Floor surfaces
- Highlighting of transparent obstacles
- Toilets and baby changing facilities.
- Furniture and free-standing devices
- Ticketing, information desks and customer assistance points
- Lighting
- Visual information: signposting, pictograms, printed or dynamic information.
- Spoken information .
- Platform width and edges of platforms
- End of platforms
- Boarding aids stored on platforms .

- Level track crossings.

In some areas, detailed technical specifications are set (such as access to platforms) and in others (such as accessible parking places) more general functional requirements are specified.

2.1.2. Passenger Rights laws

The *Regulation on Rail Passenger Rights and Obligations (1371/2007)* came into effect originally in 2009. It has now been updated with effect from 7 June 2023 (Regulation EU 2021/782) to strengthen rights for all passengers, including those with a disability⁵.

Specific requirements which apply to passengers with disabilities include that:

- Railway undertakings and station managers must work with people with disabilities to establish “non-discriminatory access rules”
- Reservations and tickets for people with disabilities cannot incur any additional charges
- Information must be made available in accessible formats and must include information about access facilities on board
- Assistance (free of charge) must be provided on departure, in transit through and on arrival at a staffed railway station
- At unstaffed stations (generally those with 250,000 or fewer passengers per year), information and guidance must be available about the nearest staffed station and where to get assistance

⁵ <https://eur-lex.europa.eu/legal-content/EN/AUTO/?uri=CELEX:32021R0782>

- On board assistance must be provided to enable passengers with disabilities to have access to the same services as other passengers
- Requests for assistance should be made 24 hours before departure (reduced from 48 hours in the new rules) but operators must make “all reasonable efforts” to provide the necessary assistance even without that notice.
- Loss or damage to mobility equipment must be compensated in full (without financial limit)
- Complaints can be made to the train company or to the appointed national body.

The new rules also include an important requirement that “where a railway undertaking requires that a PRM is accompanied on-board the train (request permissible only where strictly necessary to comply with the access rules), the accompanying person shall be entitled to travel free of charge and to be seated, where feasible, next to the PRM.

Enforcement and monitoring of compliance with the PRM-TSI is in the hands of a national body appointed in each Member State for the purpose⁶. Tools at their disposal include issuing enforcement notices, cautions and, ultimately, prosecutions.

The Regulation also establishes a requirement for each Member State to produce a National Implementation Plan setting out an inventory of current accessibility of rolling stock and stations and a strategy for the upgrading of accessibility standards. Details of current Implementation Plans provided by Member States are available from the European Commission.⁷

⁶ https://transport.ec.europa.eu/system/files/2022-11/2007_1371_national_enforcement_bodies-2022-10-28.pdf

⁷ https://transport.ec.europa.eu/transport-modes/rail/interoperability-safety/interoperability/persons-reduced-mobility-prm-tsi-nip_en

Guidance on meeting the technical requirements is also available from the European Union Agency for Railways⁸

2.2. Bus and Coach Travel

2.2.1. Technical standards

Since 2003, *Directive 2001/85/EC*⁹ “Relating to special provisions for vehicles used for the carriage of passengers comprising more than eight seats in addition to the driver's seat”, known, simply, as the ‘Bus Directive’ has required that vehicles in ‘Class I’ (vehicles constructed with areas for standing passengers and for more than 22 passengers) must be accessible for people with reduced mobility including wheelchair users according to the technical provisions given in the Directive.

For vehicles of other classes (mainly vehicles for fewer than 22 passengers and coaches), the Directive allows Member States to choose the most appropriate solution to achieve improved accessibility. The Directive also includes requirements for equipment such as lifts and wheelchair tiedowns.

Since 1st November 2014, UNECE (United Nations Economic Commission for Europe) Regulations have replaced the Bus Directive. *UNECE Regulation 107* deals with bus bodywork. Annex 8 covers “Requirements for technical devices facilitating access for passengers of reduced mobility”¹⁰. This has basically been a transposition of the requirements from the Bus Directive with the addition of some minor updates but no changes of substance.

⁸https://www.era.europa.eu/domains/technical-specifications-interoperability/persons-disabilities-and-reduced-mobility-tsi_en

⁹[http://eur-](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2001L0085:20070101:EN:PDF)

[lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2001L0085:20070101:EN:PDF](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2001L0085:20070101:EN:PDF)

¹⁰ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:42018X0237&from=EN>

The requirements include provisions on:

- Steps,
- Priority seats,
- Communication devices,
- Handrails to priority seats,
- Floor slopes,
- Provisions for wheelchairs,
- Seats and standing passengers in the wheelchair space,
- Stability of wheelchairs,
- Door controls,
- Boarding devices.

The UNECE Regulations deal with the construction aspects and approval of the vehicle to enable it to enter service, but once it is registered the conditions of use will depend on the national requirements in each Member State.

Enforcement and monitoring of the technical requirements is a matter for national Governments and is generally in the hands of the national inspection authority for this sector. Details are published by the European Commission¹¹.

¹¹https://transport.ec.europa.eu/system/files/2023-03/2011_0181_national_enforcement_bodies-2023-03.pdf

2.2.2. Passenger Rights laws

These are set out in Regulation (EU) No 181/2011 of the European Council and of the Parliament of 16 February 2011 concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004¹².

However, the requirements only apply currently to cross-border services and certain domestic services above 250 km, excluding many local and regional services.

The Passenger Rights Regulations¹³ set out the similar rights to those for other transport modes. These are primarily:

- Carriers, travel agents and tour operators must work with people with disabilities to establish “non-discriminatory access rules”
- All relevant information must be available in accessible formats
- Assistance must be provided free of charge at the terminal and on board the bus
- Requests for assistance should be made 36 hours before departure
- The terminal managing body shall designate a point inside or outside the terminal at which disabled persons or persons with reduced mobility can announce their arrival and request assistance.
- Access can only be refused where the design of the vehicle and/or the bus stop infrastructure make it impossible for a person with a disability to board for reasons of safety or the design of the vehicles or infrastructure.

¹² <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011R0181>

¹³ <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011R0181&from=EN>

- If an operator refuses to allow a person with a disability to travel alone, they must provide a seat for an accompanying person next to the person with a disability and free of charge.
- All relevant personnel, including drivers, must receive disability related training.
- Operators must publish information on the accessibility features of terminals
- Compensation must be paid for lost or damaged mobility equipment
- National Enforcement Bodies must be established to deal with complaints that cannot be satisfactorily resolved by the operators.

It should be noted that Member States have the right to exempt local bus services from the scope of this passenger rights legislation, but it must apply to all long distance and inter-city travel.

2.3. Air Travel

2.3.1. Technical standards

There are no technical requirements in European law on the accessibility of aircraft. However, many airlines are introducing wider more accessible toilet facilities on larger aircraft and for long haul flights.

2.3.2. Passengers Rights laws

Regulation 1107/2006 “concerning the rights of disabled persons and persons with reduced mobility when travelling by air”¹⁴ came into force on 26 July 2008.

¹⁴ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32006R1107>

It is the only one of the Passenger Rights Regulations which is entirely dedicated to the rights of people with disabilities.

The key principles are:

- non-discrimination/equal treatment
- provision of assistance (in the airport and on board)
- Setting of quality standards for assistance
- Training (of all staff dealing with the travelling public)
- Enforcement (by member States)
- Penalties for non-compliance
- Complaints mechanism.

The Regulation is backed by standards/good practice set out by the European Civil Aviation Conference (ECAC) in their Policy Statement In The Field Of Civil Aviation Facilitation Ecac.Ceac Doc No. 30 (Part I)¹⁵. Section 5 and its Annexes sets out in detail how to implement the legal requirements. Because the ECAC text is mentioned in the Regulation it is considered to be “statutory guidance” and is widely followed by Member States.

The Enforcement Bodies required to be appointed by each Member State to monitor compliance are listed by the Commission .¹⁶

There is also Interpretive Guidance issued by the Commission explaining some of the provisions of the Regulation¹⁷. This clarifies a number of issues, for

¹⁵https://www.ecac-ceac.org/images/documents/ECAC-Doc_30_Part_1_12th_edition_May_2018_Amendment_4_Nov_2020.pdf

¹⁶https://transport.ec.europa.eu/system/files/2022-11/2006_1107_national_enforcement_bodies-2022-11-11.pdf

¹⁷ [https://ec.europa.eu/transparency/documents-register/detail?ref=SWD\(2012\)171&lang=en](https://ec.europa.eu/transparency/documents-register/detail?ref=SWD(2012)171&lang=en)

example, that a person with a disability cannot be asked to produce medical evidence of a disability to justify their request for assistance.

One particular issue is compensation for lost or damaged mobility equipment which comes under the Montreal Convention.¹⁸ The current rules do not provide adequate compensation for damage to powered wheelchairs and other high-cost mobility equipment and work is in progress to make changes. In the meantime, a number of airlines have voluntarily agreed that they will compensate at full replacement value even though they are not legally obliged to do so.

2.4. Maritime Travel (sea and inland waterway)

2.4.1. Technical standards

There are only very basic technical access requirements for domestic and international passenger ships and high-speed passenger craft (*Directive 2009/45/EC on Safety Rules and Standards for Passenger Ships*¹⁹ as amended by *Directive 2010/36*)²⁰.

These apply to vessels that can carry more than 12 passengers and are limited to safety issues, are performance based and are very general in nature.

The Directive covers access to the ship, movement within the ship, signage and means of communication, including in an emergency. The requirements are based on IMO circular MSC/735 of 24 June 1996 “Recommendation on the

¹⁸ <https://www.iata.org/contentassets/fb1137ff561a4819a2d38f3db7308758/mc99-full-text.pdf>

¹⁹ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:163:0001:0140:EN:PDF>

²⁰ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:162:0001:0135:EN:PDF>

design and operation of passenger ships to respond to elderly and disabled persons' needs²¹”.

The main requirements are that:

“Ships should be constructed and equipped in such a way that a person with reduced mobility can embark and disembark easily and safely, and can be ensured access between decks, either unassisted or by means of ramps, elevators or lifts. Directions to such access should be posted at the other accesses to the ship and at other appropriate locations throughout the ship.”

2.4.2. Passenger Rights laws

Like the other modes, travel by sea or inland waterways is covered by passenger rights requirements for people with disabilities. The detail is contained in Regulation (EU) No 1177/2010 “concerning the rights of passengers when travelling by sea and inland waterway and amending Regulation (EC) No 2006/2004”²² This came into effect on 18 December 2012.

The requirements include:

- Ferry undertakings and port managers must work with people with disabilities to establish “non-discriminatory access rules”.
- All relevant information must be available in accessible formats.
- Assistance must be provided free of charge at the port and on board the ship.
- Requests for assistance should be made 48 hours before departure.
- Assistance dogs must be accommodated on board.

²¹ https://www.imorules.com/MSCCIRC_735.html

²² <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32010R1177>

- Carriers and terminal operators shall designate a point inside or outside port terminals at which disabled persons or persons with reduced mobility can announce their arrival and request assistance.
- Quality standards for the delivery of assistance must be set (in consultation with people with disabilities) and published.
- All relevant personnel must receive disability related training.
- Compensation must be paid for lost or damaged mobility equipment.
- National Enforcement Bodies must be established to deal with complaints that cannot be satisfactorily resolved by the operators.

As with other Regulations, monitoring and enforcement is in the hands of each Member State and will generally be the responsibility of the national Maritime authority. Details are available from the European Commission²³.

²³https://transport.ec.europa.eu/system/files/2023-03/2010_1177_national_enforcement_bodies-2023-03.pdf

3. Conclusions

There is a solid framework of laws in the European Union covering both technical requirements for accessibility and clear rights covering the nature and quality of services to be provided to people with disabilities and those with reduced mobility.

However, gaps remain. There are detailed technical requirements for accessibility in rail and bus travel but only very basic requirements for air travel and maritime. Technical requirements also exist for rail infrastructure but not for other modes (although there is guidance from ECAC on airport accessibility).

Enforcement bodies have also been established at national level to oversee the implementation of these laws and to monitor and enforce compliance. However, both the nature of the monitoring and the effectiveness with which enforcement of standards is pursued, varies greatly between Member States.

This means that one of the fundamental goals of the legislation on rights – to provide equivalent standards throughout all stages of a journey (for example by air or rail that crosses borders) is not yet universally being met.

Further work is needed to build the resources available at national levels to monitor and enforce so that the benefit of these requirements can be enjoyed across the EU by travellers with disabilities.