



EU DISABILITY LAW AND THE UN CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

Special regulations on disability matters in the field of transport

Trier, 27 February 2012



Definition

- EU Passenger Regulations: beyond the disability

	UN Convention	EU PASSENGER REGULATIONS
SCOPE	Persons with Disabilities	Persons with Disabilities + Persons with Reduced Mobility
	Those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others	Any person whose mobility when using transport is reduced due to any physical disability (sensory or locomotor, permanent or temporary), intellectual disability or impairment, or any other cause of disability, or age, and whose situation needs appropriate attention and the adaptation to his or her particular needs of the service made available to all passengers

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EU Legal framework

Rights of disabled persons and persons with reduced mobility using transport services:

- **Regulation (EC) No 1107/2006** concerning the rights of disabled persons and persons with reduced mobility when travelling by air
- **Regulation (EC) No 1371/2007** on rail passengers' rights and obligations
- **Regulation (EC) No 1177/2010** concerning the rights of passengers when travelling by sea and inland waterway
- **Regulation (EC) No 181/2011** concerning of passengers in bus and coach transport

Related normative:

- **Directive 2001/85/EC** relating to special provisions for vehicles used for the carriage of passengers comprising more than eight seats in addition to the driver's seat
- **Directive 2009/45/EC** on safety rules and standards for passenger ships

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Scope and Objectives

1. Ensure that PRMs receive professional and seamless assistance so that they can travel
2. No accessibility aspects included, with the only exception of some accessible information (rail upon request, air not covered yet)
3. Protect PRMs against discrimination:
 - PRMs must not be refused booking or embarkation due to their disability. Obligations towards PRMs cannot be limited or waived. Tickets shall be offered at no additional cost
 - Derogation only possible to meet safety requirements established by law or by a competent authority – e.g. the size of the vehicle or its doors make embarkation physically impossible

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Principles

- The managing body of an airport, port terminal, staffed rail stations or train and appointed coach station shall be responsible to provide assistance up to seats inside the vehicle/ship/plane.
- Carriers are mainly responsible for allocating seats in order to meet passenger needs and the carriage of mobility equipment, plus assistance to move inside the vehicle/ship/plane if necessary/ feasible.
- No opt-out for carriers – but infrastructure managing bodies can subcontract for the supply of assistance.
- Assistance without additional charge to PRMs.

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Assistance – General principles

- PRMs to notify need for assistance to carriers, their agents, tickets sellers or tour operators [if no notification: only best efforts].
- Carriers/undertakings receive notification at least **48** hours (maritime, rail, aviation) or **36** hours (coach) before departure time to managing bodies.
- Proof of the pre-notification to be provided to passengers (maritime)
- Recognised assistance dogs to be accommodated in accordance with national rules (rail).

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Assistance

- Managing body of infrastructure shall designate points of arrival and departure for start of assistance or end of assistance.
- For coach, MS shall designate the stations on which the Regulation applies. The Commission shall make such a list available on the Internet.
- PRMs to present themselves at check-in:
 - at the time stipulated by the carrier, or
 - not later than 60m or 30m (coach) before departure time,
- Airports/port terminals shall set quality standards for the assistance; *Exemptions:*
 - - airports < 150.000 commercial passenger/year,
 - - ports < 100.000 passengers/year (to be published in internet)

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Accesibility and information

- Carriers, rail operators and terminal/stations operators shall have in place non-discriminatory access conditions.
- The access conditions shall be made publicly available.
- Information on conditions of carriage, journey conditions and access conditions are to be made available in appropriate and accessible formats for disabled persons and PRM ("where feasible" for coach).
- Confirmation of assistance by any means available including SMS (maritime).

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Compensation in respect of mobility equipment

- Carriers and terminal operators/managing bodies are liable for loss or damage, if the incident was due to their fault or neglect, subject to international conventions or EU law:
 - *Coach: poses exception if national rules provide the same level of protection*
- Compensation = replacement value or repair costs.
 - *Aviation: aviation strict liability under Montreal Convention.*
 - *Maritime: does not apply when Regulation 392/2009 (Liability of carriers of passengers by sea in the event of accidents) applies.*
 - *Rail: no financial limitation to the replacement/repair costs.*
- Every effort to be undertaken to provide temporary replacement equipment.

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Training

- Disability-related training procedures depending on role of staff, including instructions, are to be established for aviation, maritime and coach both (rail not covered).
- Training to be provided both to staff of the infrastructure management and of the transport carriers/undertakings
- For coach, a MS may for a maximum period of 5 years from 1 March 2013, grant an exemption with regard to training of drivers.
- For rail, a quality management system shall be put in place

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Next steps: towards better assistance and accessibility (i)

- Communication from the Commission on EU passenger Rights in all transport modes.
 - To monitor non-discriminatory reservation arrangements made for PRM.
 - PRM should not be discriminated against on reservation, purchase of tickets and embarkation.
 - Guidelines concerning the implementation of provisions related to PRM assistance for air transport.
 - To include quality standards for training and assistance in future legislative revisions → ensure effective and harmonised practical implementation.

Accessibility-related measures

- Information and reservation systems in accessible formats.
- Technical accessibility standards for vehicles and infrastructure
- Accessibility as objective for EU cofinancing Trans-European transport infrastructure (TEN-T Guidelines –COM (2011)650)

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Next steps: towards better assistance and accessibility (ii)

- European Disability Strategy 2010-2020: A Renewed Commitment to a Barrier-Free Europe
 - **8 areas of action.**
 - **Accessibility as one of the main areas for action**, aiming at:
 - Standardisation
 - Optimisation of the built environment access
 - Transport
 - Communications technologies and systems (ICT)
 - Proposal for the **European Accessibility Act**
 - Will include a set of standards on accessible transport infrastructure (inter alia, ticketing, real-time travel information, etc.) recommendations

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