



**Position Paper**  
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# **European Accessibility Act – CER Position Paper**

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# Summary

CER members welcome any legislative initiative that supports the industry's endeavours to continuously improve the travel experience of people with reduced mobility (PRMs) and disabled passengers.

Rail services are by far more accessible than they were in the past and many passengers with disabilities are able to take trains without assistance. In this context, CER shares the purpose of the proposed European Accessibility Act<sup>1</sup> (EAA) and more in general the European Commission's commitment to accessibility as a catalyst for social inclusion.

Accessibility is already extensively regulated in the rail sector at EU level, unlike other sectors or transport modes. Railways are at the forefront of implementing rights of disabled passengers, with clear commitments, investment plans and implementing timelines over the next decades.

In order to make efficient use of the scarce public and private financial resources available, better regulation principles and consistency between different legal texts are key in the area of rail accessibility. In this context, CER notes that

- **the EAA replicates provisions contained in existing EU-wide rail accessibility legislation**, with variations resulting in double and/or conflicting EU legislation; and
- **the proposal lacks applicability thresholds**. This makes the proposed measures unaffordable, as it overturns the 'prioritisation' and step-by-step approach to rail accessibility agreed based on the implementation of existing regulations and the related National Implementing Plans (NIPs).

A step change in accessibility for the whole of society is going to cost a lot of money and require the concerted effort of all the actors involved. For this reason, a careful sector by sector analysis and approach is needed in order to boost accessibility across the whole of society.

The rail sector has been on a clear path for more than a decade, in close cooperation with EU institutions, national authorities, passengers' associations and the European Railway Agency. The EAA's impact on this ongoing work very much depends on the extent to which it supports the existing legal framework in the area of accessibility, without imposing conflicting and unaffordable measures.

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<sup>1</sup> COM(2015)615 final, Proposal for a Directive on the approximation of the laws, regulations and administrative provisions of the Member States as regards the accessibility requirements for products and services

## 1. Making rail travel accessible for all – CER’s strategy

CER members consider the protection of all their customers first and foremost as a unilateral commitment.

In 2002, many years before the entry into force of the EU Regulation, CER members signed a **Charter** on rail passenger services in Europe to agree on common standards in terms of quality services and customer protection, including common practices regarding PRMs and disabled passengers’ services such as the assistance in stations, assistance and facilities to board/disembark from trains and on-board information.

In 2009 the railways established, in close cooperation with the European Disability Forum (EDF), a set of minimum standards<sup>2</sup> based on the principle of non-discrimination, thus creating a framework of duties for the railways and the passengers and establishing the commitment of the sector to train and raise awareness of rail staff regarding the needs of PRMs and disabled passengers. The right to transport is now clearly enshrined in Chapter V of Regulation 1371/2007 on Rail Passenger Rights.

## 2. The way forward: investments, cooperation and an integrated approach

CER members are well aware of the sector’s contribution towards enhancing the social inclusion of disabled people and are dedicated to delivering on their commitments in this area together with public authorities and passengers’ associations.

**Investments.** Billions of euros are and will be invested to continue removing barriers in stations and on trains over the next decade, in order to facilitate the travel experience of disabled passengers and passengers with reduced mobility – and this, despite the scarce resources available. Indeed, although in some Member States fare revenues generated by disabled passengers and PRMs might be sizeable, they are not of the magnitude required to support the continuing capital investment required to increase accessibility. As such, continued third-party funding, either from national governments or directly from the EU, will be needed if the rail network’s accessibility is to be continuously improved along the lines envisaged in the existing EU legislation on rail accessibility. Both the sector and the disability associations are acutely aware of this<sup>3</sup>.

**Cooperation and assistance.** CER members are engaged in an active and continuous dialogue with passengers with disabilities and their national and European federations. For instance, railways generally develop TSI/PRM<sup>4</sup>-compliant equipment (e.g. ticketing machines, vocalisation of screens announcing departures in stations, orientation for visually impaired people thanks to loudspeakers, etc.) in close cooperation with European and national associations representing disabled people. It should also be underlined that provision of assistance remains an essential feature of the rail services provided by CER members to disabled persons and PRMs, as not all the stations and the existing rolling stock allow or will allow in the near future for spontaneous travel. Passengers must be confident about the services they can expect to receive. This is even more true for PRMs

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<sup>2</sup> Uniform access conditions for disabled passengers and passengers with reduced mobility according to Article 19 (1) EU Regulation 1371/2007

<sup>3</sup> In 2012, CER and EDF closely cooperated with the European Parliament to ensure that a specific co-financing rate is provided to projects enhancing the accessibility of transport infrastructure

<sup>4</sup> Commission Regulation 1300/2014 on technical specifications for interoperability relating to accessibility of the Union's rail system for persons with disabilities and persons with reduced mobility

and disabled passengers, in particular in the context of journeys abroad<sup>5</sup>. CER is glad that both reports on the implementation of rail passenger rights, by the European Commission<sup>6</sup> and by Steer Davies Gleave<sup>7</sup> confirmed that railway undertakings are on the right track in terms of service quality and passengers' rights, in particular in the area of assistance to persons with reduced mobility and disabled persons.

**Integrated approach.** A holistic approach taking into account the whole transport sector and beyond is needed. For instance, improvements made in rail stations and on trains to enhance assistance and accessibility may in some cases fail to have the expected impact on the mobility of disabled citizens because they may encounter difficulties to reach the station in the first place. The rail sector, and transport in general, is in fact only one of a number of means of securing access to life opportunities for disabled people.

### 3. Existing EU-wide rail accessibility requirements

As the only transport mode to fulfil specific EU-wide accessibility requirements, the rail sector is at the forefront of implementing rights of disabled passengers. All new railway stations and trains are designed and constructed in accordance with existing EU accessibility standards, focusing on vulnerable passengers.

The European railways are in fact subject to a comprehensive and very concrete legislative framework aiming at better accessibility:

- Commission Regulation 1300/2014 on technical specifications for interoperability relating to accessibility of the Union's rail system for persons with disabilities and persons with reduced mobility ([PRM TSI](#))
- Commission Regulation 454/2011 on the technical specification for interoperability relating to the subsystem 'telematics applications for passenger services' of the trans-European rail system ([TAP TSI](#))
- Regulation 1371/2007 on Rail Passenger Rights ([Rail PRR](#))
- Directive 2016/797 ([interoperability Directive](#)) on the interoperability of the rail system within the Community

These existing requirements cover the built environment, the digital and telematics applications (e.g. booking and information to passengers) as well as assistance to vulnerable passengers. The requirements cover very practical aspects which are key to enhance the day-to-day social inclusion of disabled passengers, such as lifts, escalators, ramps, floor surface, boarding facilities, handrails, pictograms/signage, as well as visible information systems, markings, audio information systems, lighting and contrast.

**Many of the existing requirements overlap with the requirements of the EAA.** A few examples are provided for each of the relevant existing regulations.

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<sup>5</sup> In this context, the sector puts in place measures to ensure a safe, easy and efficient process for passengers and for railway staff when providing the necessary assistance (e.g. to board/disembark) for people in need and when organising the efficient use of the limited resources in place, in particular the dedicated staff to deal with an increased number of assistance requests. In 2009 the rail sector launched a common PRM Assistance Booking Tool (under the work of the International Railway Union (IUC)) in order to organise and improve the assistance of PRMs in the context of cross-border journeys. This tool now supports the railway staff responsible for booking PRM assistance and ensuring a smooth cross-border journey for PRMs.

<sup>6</sup> Final Report, July 2013, the application of Regulation (EC) No 1371/2007

<sup>7</sup> Evaluation of Regulation 1371/2007, Final Report, July 2012

### ***PRM TSI***

- Point 4.2.1.8 on ticketing, information desks and customer assistance points (e.g. accessibility for wheelchair users/people of small stature and induction loop system for hearing assistance)
- Point 4.2.1.10 on essential visual information: signposting, pictograms, printed or dynamic information related, for instance, to the information concerning the departure of trains, the identification of station facilities. Very detailed provisions are provided for the fonts, the symbols, the pictograms, the tactile information, the information presented in digits, etc.
- Point 4.2.1.11 on essential spoken information
- Point 4.2.2.7 on customer information (dynamic visual information, dynamic audible information as well as signage, pictograms and tactile information), in particular safety information, information concerning the route of the train, including information about delays and unplanned stops and information about on-board facilities.
- Point 4.4 on operating rules. Alternative means of ticketing shall always be available at unstaffed stations (e.g. permitting purchasing either on the train or at the destination, for visually impaired people for example), as well as parallel access through control points (e.g. turnstiles).
- 5.3.1.1 on display size, scrolling, design, etc.
- Point 2.2 includes a definition of 'person with disabilities and person with reduced mobility'.
- Point 6.1.1 on how the EC declaration of conformity or suitability for use (in accordance with the Interoperability Directive) shall be drawn up by the manufacturer, in order to place products on the market, and on the conformity assessment of a piece of equipment or a part of the rail system
- Many other requirements of the PRM TSI deal with the built environment (e.g. minimum number of wheelchairs, maximum slope of ramps in trains, platform lifts, toilets, etc.
- In the framework of the TSI PRM Regulation, refurbishment programmes are underway across all EU Member States to also make part of the railway legacy system (existing trains and stations) more accessible. In this context, each Member State will have to prepare National Implementing Plans (NIPs), to be notified to the Commission by 1 January 2017, in order to mobilise billions of euros and prioritise investments to improve accessibility over the next 10 years. Prioritisation rules define which station should be made accessible as priority, based for instance on i) passengers per day ii) distance of the station from a structure specialised in disabled or elderly people iii) a line by line approach (e.g. there should not be a non-accessible station at more than xx Km from an accessible station on the same line).
- The PRM TSI Advisory Board, a Commission-driven forum gathering Member States, passengers' associations, the European Railway Agency (ERA) and railway representatives, meets regularly to oversee the implementation.

### ***TAP TSI***

- Point 4.2.6 on handling of information concerning carriage and assistance of PRMs. This includes measures on how railway undertakings, ticket vendors and station managers must adapt their telematics system to ultimately ensure the provision of information on the carriage and assistance of PRMs.

**RAIL PRR**

- Article 20.1 establishes the right for disabled persons and PRMs to receive information on the accessibility of rail services, the access conditions of rolling stock and about the facilities on board.
- Article 8 requires railways to pay particular attention to the needs of people with auditory and/or visual impairment when providing information in relation to pre- and during-the-journey information.
- According to the access conditions agreed by the railways' associations and by the European Disability Forum (EDF) under Article 19.1, PRMs can purchase tickets on board trains with no surcharge if they could not purchase a ticket at the ordinary selling point for reasons related to their disability/reduced mobility.
- Article 3.15 includes a definition of 'disabled person' or 'person with reduced mobility'.

**Interoperability Directive**

- Accessibility is included in the Directive as an essential requirement for rail infrastructure and rolling stock when newly built, upgraded or renewed. As a consequence, the rules apply to infrastructure (e.g. obstacle-free routes, ticketing, information desks, toilets, visual and spoken information, platform width and height, and boarding aids) and to trains (e.g. doors, toilets, wheelchair spaces and information).
- Article 13(1) and Annex IV on the conformity assessment

**4. Ensure smart regulation, avoid double or conflicting legislation**

The rail sector, public authorities and the EU are investing significantly into implementing these existing requirements. In order not to compromise these existing efforts, **it is key to ensure the EAA's alignment with existing sectorial legislation** to avoid overlapping and potentially conflicting requirements. This includes, for instance, any measure included in the EAA which implies the challenge of adjusting the built environment – e.g. the infrastructure, the train, the stations (including ticketing machines, services on board or at stations such as screens offering information, etc.) – or rapidly evolving sectors such as smart ticketing and real-time information to passengers, as the existing sector-specific legislation already covers this with clear implementation deadlines and processes (e.g. see the principle of gradual implementation agreed within the PRM TSI and implemented via the Member States' NIPs). In order to ensure consistency between different EU legislative tools, **products and services subject to interoperability under the PRM TSI should be generally considered to be in conformity with the accessibility requirements referred to in the EAA.**

Furthermore, CER would like to underline the following aspects of the proposed EAA text:

- **Existing products and services.** The text should include a provision which states that only new products and new services are covered by the scope of the EAA or that service providers would not need to replace or retrofit existing equipment before it has reached the end of its useful life. This is important in order not to compromise the accessibility

programmes and investments (made in perfectly functional and accessible equipment, for instance on ticketing machines), which are based on prioritisation rules enshrined in the implementation of the PRM TSI Regulation and in the upcoming National Implementing Plans (NIPs).

- **The definition of ‘persons with functional limitations’** is different from the existing definitions of ‘disabled person or person with reduced mobility’ included in EU rail accessibility Regulations. The EAA proposes a new concept which includes people with relatively minor or trivial impairments. This definition fails to facilitate an efficient and effective use of the limited resources available and leads to additional legal uncertainty in the sector, as far as accessible rail services are concerned. The Directive should be limited to ‘persons with disabilities’ as defined in the proposal in Article 2(4).
- **There is no definition of Transport ‘services’ under Annex I, section V(A)**, which makes it impossible to understand the scope of the proposed accessibility requirements. These requirements also replicate provisions on information to passengers in the PRR (Articles 20.1 and 8), in the PRM TSI (points 4.2.1, 5.3.1) and in the TAP TSI (point 4.2.6). In addition, the same section V seems to have specific accessibility requirements for websites, apps and ticketing machines, which makes the general character of letter A under section V even more confusing. In order to avoid legal uncertainty, letter A should be deleted.
- **The EAA’s requirements concerning ticketing machines** are already in place in the existing PRM TSI (points 4.2.1.8, 4.4, 4.4.1 and point 5.3.1.1) and in the PRR (access conditions agreed under Article 19.1), which makes the proposed accessibility requirements under section V(D) redundant, potentially conflicting and also unaffordable given the absence of prioritisation rules as defined for the implementation of the PRM TSI. Furthermore, ticket retailing is rapidly changing and rail tickets are now sold through a variety of sales channels going beyond traditional ones, which makes such detailed provisions on ticketing machines outdated. Finally, the current Directive does not consider that in some EU Member States, ticketing machines are not necessary to disabled people as they travel for free on public transport. This makes the adaptation or purchase of fully accessible ticketing machines unnecessary.
- **The EAA’s requirements on websites, apps, smart ticketing and real-time information to passengers** are already partially covered by the PRM TSI (point 4.4), the TAP TSI (points 4.2.6) and the Rail PRR (articles 20(1) and 8). It is also important to note that people with disabilities are able to receive the same web- or app-based services by phone with assistive technology or at the stations with support from staff. Thus, the Directive should allow for alternative ways to meet the overall objective of accessibility of websites and apps. More in general, any legislative activity in the area of digitalisation has to be future-proved as innovation in this area moves very fast. Many rail operators are recognised for continuously working on increasing the accessibility of their websites. The very much detailed requirements proposed in the Directive (Annex I, Section V, points B and C) should therefore be reconsidered, even more in the light of the proposed Directive on the accessibility of websites for public sector bodies<sup>8</sup>, which sets out minimum and much less detailed conditions for websites and mobile applications<sup>9</sup>.

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<sup>8</sup> 2012/0340 (COD)

<sup>9</sup> According to CER’s latest information, these are the final accessibility requirements agreed by the Council and the European Parliament during the triologue discussions: *“Member States shall ensure that public sector bodies take the necessary measures to make their websites and mobile applications more accessible by making them perceivable, operable, understandable and robust.*

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### **About CER**

The Community of European Railway and Infrastructure Companies (CER) brings together more than 70 railway undertakings, their national associations as well as infrastructure managers and vehicle leasing companies. The membership is made up of long-established bodies, new entrants and both private and public enterprises, representing 73% of the rail network length, 80% of the rail freight business and about 96% of rail passenger operations in EU, EFTA and EU accession countries. CER represents the interests of its members towards EU policy makers and transport stakeholders, advocating rail as the backbone of a competitive and sustainable transport system in Europe. For more information, visit [www.cer.be](http://www.cer.be) or follow us via Twitter at @CER\_railways.

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