



EDF Feedback to European Commission's proposal for a decision of the European Parliament and of the Council on a European Year of Rail (2021)

European Disability Forum

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Who we are

We, the European Disability Forum (EDF), are an umbrella organization of persons with disabilities that defends the interests of over 100 million persons with disabilities in the EU. We are a unique platform run by persons with disabilities and their families, and a strong, united voice of persons with disabilities advocating for the implementation of the UN Convention on the Rights of Persons with Disabilities (UN CRPD) in the EU.

Introduction

These are our comments and proposed suggestions to [European Commission's proposal for a decision of the European Parliament and of the Council on a European Year of Rail \(2021\)](#).

The United Nations Convention on the Rights of Persons with Disabilities (UN CRPD) recognizes the importance of accessibility in enabling persons with disabilities to fully enjoy all human rights and fundamental freedoms, accessible transport and infrastructure being one of them. As a State Party to the UN CRPD, the EU has clear obligations to ensure that the rights of persons with disabilities are fully respected. Article 9 of the UN Convention lists the appropriate measures to ensure persons with disabilities access, on an equal basis with others, to transportation among other crucial issues. Furthermore, accessible transport is a vital precondition for persons with disabilities to exercise of one of the four freedoms granted by the EU Treaties - free movement of citizens within the EU.

As a sustainable, innovative and safe mode of transport rail travel is one of the preferred modes of transport by many persons with disabilities. However, millions of persons with disabilities are still unable to exercise their right to free movement through spontaneous and independent rail travel on equal basis with others due to accessibility barriers and weak protection of their rights as passengers.

We welcome the European Commission's proposal to declare 2021 'European Year of Rail' to promote rail transport as part of its strategy for sustainable and smart mobility under the European Green Deal and in support of EU's commitment to the United Nations' 2030 Agenda and the sustainable development goals. We hope the European Union and Member States will take this opportunity to further mainstream accessibility of rail transport and advance rights of passengers with disabilities, including youth and older persons with disabilities, and the wider demographic of persons with reduced mobility. Therefore, we want to highlight that the European Year of Rail should be focusing mainly on the passengers, and not just on the industry. We also emphasize the need to ensure that all campaigns, programmes, projects, and initiatives within the scope of European Year of Rail are accessible to persons with disabilities at Union and Member State-level, as well as in external action.



EDF Comments on the EC proposal for decision on European Year of Rail (2021)

We strongly support the objectives of the proposal under Article 3 and throughout the text to:

- (a) promote rail as a **sustainable, innovative and safe mode of transport**, in particular by highlighting the role of rail as a game changer to help reaching the Union's climate neutrality objective by 2050 and by reaching out to the **wider public, especially youth**. By this, the proposal aims to increase attractiveness and thus the share of passengers moving by rail.
- (b) highlight the European, **cross-border dimension of rail, that brings citizens closer together, allows them to explore the Union** in all its diversity, fosters cohesion and contributes to integrate the Union internal market. The proposal also highlights the role of rail in reaching Europe's most peripheral regions and territories thus fostering cohesion of those regions.
- (c) enhance the contribution of rail to Union economy, industry and society, covering aspects related to regional development, sustainable tourism, innovation, employment, education, youth and culture, and improving **accessibility for persons with disabilities**. Link with other Union policy areas is acknowledged (e.g. Fourth Railway Package, DiscoverEU).
- (d) contribute to promoting rail as an important element of the relations between the Union and neighbouring countries, in particular in the Western Balkans.

We regret however, that:

- EDF and other stakeholders representing passengers' interests were not invited to participate in the discussions of declaring 2021 'European Year of Railways' on 9 December 2019¹. We remind the European Commission of its obligation under the UN CRPD to closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations in the decision-making processes concerning issues relating to persons with disabilities ([Article 4.3 – General Obligations](#)).
- Results of ex-post evaluations, stakeholder consultations and impact assessments have given no conclusion on **fundamental rights** in relation to the proposal. [Charter of Fundamental Rights of the EU](#) notes prohibition of all discrimination including on basis of disability, age, and highlights the rights of children and older persons (title three – equality), and EU citizens' right to move freely within the EU (title five – citizen's rights). The EU has made considerable advancement of ensuring these rights in relation to equal travel and freedom of movement through rail, but full accessibility and equal travel for millions of persons with disabilities is still to be achieved. Therefore, facilitating the implementation of **all citizens' rights and equality** relevant to rail travel should be one of the cornerstones of the European Year of Rail.

¹ The proposal only notes participation of rail sector representatives, the European Union Agency for Railways (ERA), Shift2Rail and Europalia representatives. (p.4)



To reach its full potential and contribute to the increased participation of more than 100 million persons with disabilities in rail travel within the EU, European Year of Rail must ensure:

- That all initiatives, events, including the international arts festival ‘Europalia’, communication channels, campaigns, publications are accessible for persons with disabilities (relevant for Article 3 (a) (b) (c) (d) (e)). We provide a non-exhaustive list of resources to ensure accessibility of initiatives within the European Year of Rail.
- Outreach especially to citizens who are currently excluded from rail travel due to inaccessibility and lack of equal passenger rights², including persons with disabilities, older persons, and persons with reduced mobility, with targeted information on initiatives, policies and programmes that promote their participation. For example, raising awareness on passenger rights among persons with disabilities, or how young persons with disabilities can participate in the DiscoverEU initiative are ways of tailored outreach to persons with disabilities (relevant for Article 3 (b)).
- Sharing of experience and promoting best practice on rail accessibility and equal rights of passengers with disabilities at local, regional, national and EU-level (relevant for Article 3 (c)).
- Ensuring diversity of speakers in public events by inviting speakers with disabilities to talk at mainstream events and conferences
- Undertaking of studies that aim to assess the common barriers to equal travel by persons with disabilities (e.g. what are the main accessibility barriers in rail, what are the main issues in relation to passenger rights, including but not limited to provision of assistance), as well as on potential passenger flow increase if rail is fully accessible and persons with disabilities have equal rights to rail travel (e.g. no requirement for pre-notification for assistance) (relevant for Article 3 (d)). This could motivate the rail sector to invest in accessibility and support services to increase demand and future gains.
- National coordination of activities ensures the involvement of persons with disabilities and their respective organisations in the development and implementation of national initiatives, by ensuring accessibility of all initiatives and related communication, and accessibility of information (e.g. draft documents, webpages, etc.) related to coordination meetings, as well as by covering costs of participation in those meetings by representatives of organisations of persons with disabilities, including of youth and the growing demographic of older persons with disabilities (relevant for Article 4).
- Regular coordination meetings convened by the European Commission effectively engage Disabled Persons’ Organisations (DPOs) and other passengers’ representative organisations by ensuring the accessibility of all relevant information and communication, and by covering costs of participation in those meetings by representatives of organisations of persons with disabilities, including of youth and the growing demographic of older persons with disabilities (relevant for Article 5).
- Accessibility and DPO participation in collaborative initiatives with third-countries (e.g. Western Balkans) and international organisations (relevant for article 6).

² For example, currently EU law requires persons with disabilities to pre-notify for assistance up to 48 hours before travelling, which of course does not allow them the same level of freedom and flexibility for spontaneous and independent travel as everyone else.



- Budget allocated within the European Year of Rail sets accessibility as award criterion so that no initiatives under the funding is inaccessible for persons with disabilities.
- Specific funding is allocated to initiatives aiming to promote and advance accessibility and rights of passengers with disabilities. Meaningful engagement of persons with disabilities from the very offset and throughout the whole cycle of implementation is set as award criterion for any such initiatives.
- activities of the European Year funded under existing Union programmes, such as Horizon Europe, Connecting Europe Facility, the Union structural and investment funds, Creative Europe, Erasmus+, DiscoverEU or Europe for Citizens set accessibility as award criterion. The EU and all Member States must ensure accessibility in accordance to the UN CRPD. Public Procurement Directives, the European Accessibility Act, Rail Accessibility Regulation, TEN-T Regulation, and the European Audiovisual Media Services Directive create further accessibility obligations that EU and Member State initiatives must meet.
- Initiatives aiming to promote attractiveness of rail travel among young people, consider accessibility and support services for young people with disabilities (e.g. in case of DiscoverEU personal assistance costs should be covered).
- Outreach towards other age groups, especially towards older persons with disabilities is ensured, not least due to consideration that this is a growing demographic, often having more financial and time flexibility to travel but at the same time facing significant barriers due to lack of accessibility and equal right to rail travel (e.g. because of long pre-booking times for assistance).
- Outreach towards EU's peripheral regions and territories, as well as rural territories also effectively reaches out to persons with disabilities, including youth and older persons with disabilities as well as women and girls with disabilities in those regions. Targeted initiatives are developed in collaboration with effected stakeholders to advance accessibility of those regions and raise awareness on rights of passengers within persons with disabilities in those regions.

Conclusion:

We welcome the European Year of Rail as an opportunity to highlight the importance of accessible, spontaneous and independent rail travel, to promote best practice and advance accessibility and equal right to travel by persons with disabilities – a growing demographic that is motivated to contribute to EU's climate-neutrality agenda but is largely excluded from this engagement due to existing gaps in rail accessibility and passenger rights policies and implementation of those in practice. We look forward to working with the European Commission on the implementation of the European Year of Rail at EU-level and on the meaningful engagement of our members at national-level.



Useful resources:

EDF position papers on rail accessibility and passenger rights:

- EDF recommendations on the revision of the TSI-PRM 2019 - [PDF](#) | [Word](#)
- EDF Feedback on European Commission Consultation "Trans-European Transport Network (TEN-T) Guidelines – evaluation" [PDF](#) | [Word](#)
- [EDF Amendments on Rail Passengers Rights Regulation for Council negotiations](#)
- [Rail passengers rights – why the pre-notification period for PRM assistance has to be lowered](#)

Other relevant EDF publications:

- [EDF Open letter to EC Executive Vice-President Timmermans: an inclusive green deal must include accessible environments](#)
- [EDF resolution: calling for full accessibility of transport and built environment in the EU](#)
- [EDF Joint letter calling for the inclusion of persons with disabilities in the next EU Action Plan on Human Rights and Democracy 2020-2024](#)
- [DiscoverEU: How Javier, an 18-year old with disabilities, travelled across Europe](#)
- [EDF analysis of the European Accessibility Act](#)
- [EDF toolkit on transposition of the Audiovisual Media Services Directive](#)

EDF resources on accessible communication and events:

- [EDF Guide for accessible meetings for all](#)
- [Accessible online participation checklist](#)
- [Guidelines on accessible campaigns, including communication via web, mobile apps, and social media, accessibility of documents, and events.](#)

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