



## EDF Comments on Regulation (EU) No 1315/2013 on Union guidelines for the development of the trans-European transport network and repealing Decision No 661/2010/EU

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### Who we are

The European Disability Forum is an independent NGO that represents the interests of 80 million Europeans with disabilities. EDF is a unique platform which brings together representative organisations of persons with disabilities from across Europe. EDF is run by persons with disabilities and their families. We are a strong, united voice of persons with disabilities in Europe.

### Introduction

These are EDF's comments and proposed suggestions to [Regulation \(EU\) No 1315/2013 on Union guidelines for the development of the trans-European transport network and repealing Decision No 661/2010/EU](#).

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 when adopting or revising legislation to ensure that the needs and 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 and obligatory condition for guaranteeing the implementation of one of the four freedoms granted by the European Union - free movement within its borders - to its citizens, including the 80 million persons with disabilities in the EU. Finally, accessible transport is also vital for the access to the internal market.

The current TEN-T Regulation already recognises the importance of accessible transport infrastructure for persons with disabilities, persons with reduced mobility and older persons, through a specific provision on **accessibility** of the trans-European transport network for **all users (Art 37)**. **This provision is the result of EDF's campaign and advocacy work during the adoption of the original TEN-T Regulation and is therefore very important to be retained.** However, EDF welcomes the opportunity to further improve the Regulation by revising the guidelines for the trans-European transport network (TEN-T), to ensure that full accessibility of transport in the EU is achieved and right to freedom of movement of persons with disabilities and persons with reduced mobility is fully respected.



## EDF Comments and Proposed Changes

In particular, we **support** the following provisions of the current Regulation, which **should remain** in the updated guidelines:

- development of the core network as a European priority by 2030 and the development of the comprehensive network by 2050 (Recitals 13, 19, 41; Art 38.3, 41.2, 54.2);
- acknowledgement of accessibility of TEN-T for persons with disabilities, persons with reduced mobility and older persons as one of the conditions for increasing the benefits of TEN-T for its users, hence as European added value of TEN-T (Art 4.d.v.);
- assurance that projects under TEN-T comply with relevant Union law on accessibility and public procurement (Art 7.4);
- prioritisation of measures involving the improvement and maintenance of infrastructure that take into consideration accessibility for persons with disabilities, persons with reduced mobility and older persons during the development of the comprehensive network (Art 10.e);
- **assurance of seamless mobility and accessibility for all users, in particular of persons with disabilities, persons with reduced mobility and older persons (Art 37).**

For the **strengthening** of the Regulation, we propose that:

- a clear reference to the UN CRPD is made.

The EU is Party to the UN CRPD, which means that all Union law should comply with the Convention. Explicit reference in the Regulation is therefore important to reflect the spirit of the Convention in EU law. This is already done in a number of EU legal acts, such as [Regulation \(EU\) No 1300/2014](#); [Regulation \(EU\) No 181/2011](#); proposal for [recast of Regulation 1371/2007](#) and should be incorporated in the revised text of the Regulation (EU) No 1315/2013;

- ‘disabled persons’ is changed to ‘persons with disabilities’ to align the language of the Regulation to that of the UN CRPD.

In general, the EU legal texts that refer to persons with disabilities should use language in line with the text and spirit of the UN CRPD. EDF would welcome the opportunity to give feedback on language in case of doubt.

- a clear reference to EU legislation relevant for persons with disabilities is made.

These include, most importantly the newly adopted [European Accessibility Act](#); legislation on passengers’ rights such as [Regulation \(EC\) No 1371/2007](#), [Regulation \(EC\) No 1107/2006](#); the accessibility of transport infrastructure, such as [Regulation \(EU\) No 1300/2014](#);



accessibility of ICT products and services: [Directive \(EU\) 2016/2102](#); electronic communication: [Directive \(EU\) 2018/1972](#); and public procurement laws that ensure accessibility as a criterium for awarding service contracts. Related standards on built environment: prEN 17210 and ICT products and services: [EN 301 549](#) should also be referred to and complied with, at the same time allowing to consider further progress of related legislation and harmonised European standards.

Current EU legislation that aims to ensure accessibility for persons with disabilities is patchy and inconsistent. Different regulations and directives, focusing on particular accessibility, assistance or other relevant issues do not only leave considerable gaps between those, but are often played against each other as a way of limiting the scope of newly proposed legislation during negotiations. This is why, given the absence of comprehensive EU-wide legislation on accessibility, we believe that strong and explicit co-referencing is important.

At the moment the Regulation makes a very general reference to Union and national law on accessibility and public procurement for projects of common interest (Art 7.4), but does not specify which laws are 'relevant'. This can lead to confusion and misinterpretation. Furthermore, we think that noted referencing should be emphasised also in relation to cooperation with third countries (Art 8).

- the definition of accessibility is clarified to reduce the risk of misinterpretation and ensure a shared understanding among relevant stakeholders, including Single Contact Authorities and infrastructure managers.

This can be done by the development of a new Annex detailing relevant accessibility requirements currently not covered by other Union law, and will further strengthen the impact of the Regulation.

- accessibility is mainstreamed throughout the Regulation, in addition to specific mentioning under provisions related more directly to persons with disabilities.

Accessibility is vital for persons with disabilities, persons with reduced mobility and older persons. It is estimated that in 2020 the number of persons with disabilities will be over 100 million in Europe. Additionally, there are currently more than 150 million persons older than 50 years of age. Given ageing societies, these numbers are going to rise significantly in the coming years, as are the numbers of persons with reduced mobility that travel in Europe. The latter is already a well acknowledged fact among transport providers and infrastructure managers. However, it is the experience of many persons with disabilities that accessibility is seen as less important than other crucial aspects of transport development, such as environmental and security concerns. This kind of subjective prioritisation greatly reduces the potential and ambition of EU legislation.

We therefore believe that accessibility should be mainstreamed throughout the Regulation in addition to the welcome highlight through Art 37. Provisions that aim to ensure a safe,



sustainable, environmentally-friendly and efficient transport network should incorporate accessibility as one of the other equally important aspects serving the objective of TEN-T (inter alia Recitals 2; 29; Art 3.d; Art 3.f; Art 11.3, etc.).

More so, the Regulation currently considers accessibility as regards end-users of the network, while accessibility should also be ensured in the operation systems of the network [Art 3 (f), (g), (h), (i), (j) (k), (l)], with the consideration that persons with disabilities might be employees of transport infrastructure management bodies.

- specific deadlines to make the core network and the comprehensive network accessible for persons with disabilities, in addition to existing deadlines for development of the networks are set (in relation to Recitals 13, 19, 41; Art 38.3, 41.2, 54.2).

This would ensure that practical impact for persons with disabilities would be achieved in reasonable time. Taking into account the long life-span of transport infrastructure we need to make the changes as soon as possible in order for people to benefit from it in the coming years. For example, if a piece of infrastructure becomes accessible in 30 years, it is highly likely that a passenger currently over the age of 70 would not benefit from it. A human-centered approach should be at the heart of TEN-T development.

- the Regulation gives the possibility to cover vehicles in addition to infrastructure.

This would ensure accessibility and interoperability, otherwise the objective of a TEN-T project would be undermined unless the vehicles are compatible with the transport infrastructure. For instance, a TEN-T project aiming at improving the accessibility of a train station would bring no benefits for the passenger if the trains passing through this station are not made accessible and compatible with the train station either.

- the Regulation ensures the accessibility of urban nodes.

Leaving local transport infrastructure outside the scope of TEN-T would hugely reduce the impact it can have on millions of persons with disabilities, and would be a missed opportunity (also applicable to Art 30.d).

- the Regulation ensures that TEN-T projects do not create or perpetuate infrastructure that is not accessible to persons with disabilities.

It is crucial to add a new point to prevent EU funding from creating new, inaccessible infrastructure. During the previous funding period it has for example occurred that a bridge was built that was not accessible for persons with disabilities – public money should be used to benefit the EU citizens and not to create new barriers!



- provisions regarding monitoring the progress of TEN-T are strengthened through incorporating clear indicators for accessibility of the infrastructure.
- transparency of project funding is increased by providing publicly available, clear, easy to find and accessible information on award criteria, awarded projects, and implementation and outcomes of the project.

EDF regularly receives complaints regarding inaccessible infrastructure from persons with disabilities, but often finds it difficult to verify whether or not EU funds were used for inaccessible infrastructure projects. Therefore, the Regulation should ensure that information on projects awarded under TEN-T are publicly available, easy to find and accessible.

- finally, enforcement, reporting and remedy mechanisms are strengthened in the Regulation by:
  - clarifying the powers and functions of Single Contact Authorities and ensuring they have the capacity and means to carry out their mandates efficiently (Art 55);
  - ensuring simple, accessible means of reporting. When compliance with the Regulation is not satisfied, persons with disabilities should have the possibility to file a complaint easily, without unnecessary administrative hurdles and in an accessible way;
  - providing publicly available, easy to find and accessible information on complaint mechanisms and enforcement bodies. The EU and Member State responsible bodies should seek proactive ways of communicating this information to end-users.

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