

The European Commission's proposed European Accessibility Act

The European Commission has tabled draft legislation intended to improve the functioning of the internal market for access to goods and services¹. These include access to air, bus rail and waterborne passenger transport services not only by people with disabilities but also by those with what the draft describes as functional impairments (which may be temporary or permanent and may be age related).

The European Passengers' Federation (EPF) **welcomes the continuing priority given by the European Union to improving accessibility, particularly for people with reduced mobility (PRMs)**. However, it makes sense to build on what has already been achieved, minimising the risk of legal confusion which could be to the detriment of some of the most vulnerable people in our society.

Consistency with existing legislation is vital. The draft legislation is not always compatible with existing *acquis* protecting PRMs. These include Regulations covering passengers' rights² and protections for disabled persons and PRMs³ as well as *acquis*⁴ establishing Technical Specifications for Interoperability which safeguard the interests of PRMs using railway services.

The draft legislation could **stifle cost-effective PRM-friendly solutions**. It tends to over-specify *how* outcomes should be delivered rather than focus on the outcomes desired and relying on the transport providers' expertise to provide the best solution. For example, there may be instances where the interests of providers and of passengers are best served by the presence of dedicated staff assistance rather than by specifying complex technology such as automated ticket machines, particularly at a time of rapid technical change.

There is a real risk that the extent of some of the obligations arising from the draft legislation could be found by the courts to give rise to a 'disproportionate burden' on transport providers or the additional costs involved could **trigger the contraction of economically marginal but socially desirable transport services**. EPF would like to see the creation of a framework for the incremental roll-out of service improvements for PRMs (which often bring benefits for passengers more generally). The draft legislation appears to risk creating a 'cliff-edge' for compliance which could result in a significant reduction in service provision throughout Europe.

EPF calls for an urgent review of the likely impact of the Commission's proposals on the range of services offered by transport providers and of their consistency with existing legislation protecting the interests of PRMs when using air, bus, rail or waterborne transport.

¹ <http://ec.europa.eu/social/main.jsp?catId=1202>

² e.g. Regulations 1751/2007, 1177/2010 and 181/2011

³ e.g. Regulation 1107/2006

⁴ e.g. Commission Regulations 454/2011, 1300/2014 and Directive 2016/797