



2015/0278(COD)

3.1.2017

DRAFT OPINION

of the Committee on Transport and Tourism

for the Committee on the Internal Market and Consumer Protection

on the proposal for a directive of the European Parliament and of the Council
on the approximation of the laws, regulations and administrative provisions of
the Member States as regards the accessibility requirements for products and
services

(COM(2015)0615 – C8-0387/2015 – 2015/0278(COD))

Rapporteur: Davor Škrlec

PA_Legam

SHORT JUSTIFICATION

The proposed Directive supports Member States to achieve their national commitments as well as their obligations regarding accessibility under the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), to which the EU is a party, together with 25 of its Member States.

In the Transport sector, the Directive focuses on non-discrimination and the provision of assistance for persons with reduced mobility when using transport especially on the Passenger Rights Regulations for all modes of transport.

As there is EU legislation concerning the accessibility of passenger transport vehicles and technical standards to ensure it for some transport modes, the Directive will not affect their scope of application.

Definitions

Rapporteur extends the definition of “persons with functional limitations” to “persons with reduced mobility” as requested by NGO.

Scope

Some amendments propose to extend the scope of the Directive. Modes of transport should also extend to urban transport. Otherwise intermodality should not be effective. Free mobility is not possible without accessibility arriving at urban centres.

The built environment must also be adapted to really get accessibility to the main transport systems. Rapporteur proposes the Directive to obligate Member States to do so.

Tourism services are also mentioned as a main objective for the Directive’s scope.

European rail legislation is the transport sector best adapted to the new accessibility criteria, but the purpose of this Opinion is to extend these national regulations to the rest of the transport sectors, including in some cases the private sector.

Cut-off date

The cut-off of six years for entry into force of this Directive should be reduced to four, except for adaptation of the built environment and vehicles (remaining at six years).

AMENDMENTS

The Committee on Transport and Tourism calls on the Committee on the Internal Market and Consumer Protection, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a directive

Recital 9

Text proposed by the Commission

(9) This Directive respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union. In particular, this Directive seeks to ensure full respect for the rights of persons with disabilities to benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the community and to promote the application of Article 26 of the Charter of Fundamental Rights of the European Union.

Amendment

(9) This Directive respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union. In particular, this Directive seeks to ensure full respect for the rights of persons with disabilities to benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the community and to promote the application of Article 26 of the Charter of Fundamental Rights of the European Union **and the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD).**

Or. en

Justification

Complete the mention to the main related Charters and Conventions.

Amendment 2

Proposal for a directive

Recital 12

Text proposed by the Commission

(12) In its Article 9, the Convention requires its parties to the Convention to take appropriate measures to ensure that persons with disabilities have access to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas, on an equal basis with others. The United

Amendment

(12) In its Article 9, the Convention requires its parties to the Convention to take appropriate measures to ensure that persons with disabilities have access to the physical environment, to transportation, **mobility and tourism**, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas, on an equal basis

Nations Committee on the Rights of Persons with Disabilities has indicated the need to create a legislative framework with concrete, enforceable and time-bound benchmarks for monitoring the gradual implementation of accessibility.

with others. The United Nations Committee on the Rights of Persons with Disabilities has indicated the need to create a legislative framework with concrete, enforceable and time-bound benchmarks for monitoring the gradual implementation of accessibility.

Or. en

Justification

Extend the scope of the Directive to the mobility and tourism. Extend the scope of the Directive to the mobility and tourism.

Amendment 3

**Proposal for a directive
Recital 13 a (new)**

Text proposed by the Commission

Amendment

(13a) The Union Regulations on the rights of passengers using air, rail, bus and waterborne transport should be reviewed, and such review should cover inter alia intermodal aspects aimed at promoting barrier-free accessibility.

Or. en

Justification

Extend the scope of the Directive to intermodal aspects.

Amendment 4

**Proposal for a directive
Recital 13 b (new)**

Text proposed by the Commission

Amendment

(13b) The Union Regulations on rail, maritime and tourism statistics provide that new data on barrier-free accessibility to the various services and products available in those fields are to be

Justification

Extend the scope of the Directive

Amendment 5

**Proposal for a directive
Recital 13 c (new)**

Text proposed by the Commission

Amendment

(13c) The various Union Regulations on passenger rights and other Union legislation should be the basis for rules on accessibility to transport and mobility services and the Commission should be encouraged to propose greater coherence between those legislative acts and to consider intermodal aspects aimed at promoting barrier-free accessibility.

Justification

New Directive must consider actual transport regulations at EU

Amendment 6

**Proposal for a directive
Recital 13 d (new)**

Text proposed by the Commission

Amendment

(13d) The Commission should encourage urban authorities to integrate barrier-free accessibility to urban transport services into their Sustainable urban Mobility Plans (SUMPs) and regularly publish lists of best practices regarding barrier-free accessibility to public urban transport and mobility.

Justification

Directive must respect subsidiarity principle but must encourage urban authorities to upgraded their urban Mobility Plans.

Amendment 7**Proposal for a directive
Recital 23***Text proposed by the Commission*

(23) In some situations, common accessibility requirements of the built environment would facilitate the free movement of the related services and of persons with disabilities. Therefore, this Directive **enables** Member States to include the built environment used in the provision of the services **under** the scope of this Directive, ensuring compliance with the accessibility requirements set in Annex X.

Amendment

(23) In some situations, common accessibility requirements of the built environment would facilitate the free movement of the related services and of persons with disabilities. Therefore, this Directive **requires** Member States to include the built environment used in the provision of the services **within** the scope of this Directive, ensuring compliance with the accessibility requirements set **out** in Annex X.

Justification

Inclusion of the built environment must be compulsory and no optional for Members States.

Amendment 8**Proposal for a directive
Article 1 – paragraph 2 – point c***Text proposed by the Commission*

(c) air, bus, rail and waterborne passenger transport services;

Amendment

(c) air, bus, rail and waterborne passenger transport, **mobility and the intermodal connection** services **provided in relation thereto, including public urban transport such as underground, rail, tramway, trolleybus and bus systems, as regards:**

(i) **self-service terminals, ticketing**

machines and check-in machines, with at least one easily accessible machine operating in each station area;

(ii) websites, mobile device-based services, smart ticketing and real-time information;

(iii) the built environment, if financially possible;

Member States shall ensure that, within their territory, fleets of taxis and hire cars include an adequate proportion of adapted vehicles.

Or. en

Justification

Extend the scope of the Directive to the intermodal connections, including public urban transport.

Amendment 9

Proposal for a directive

Article 1 – paragraph 2 – point f a (new)

Text proposed by the Commission

Amendment

(fa) tourism services, including the provision of accommodation.

Or. en

Justification

Extend the scope of the Directive to the Tourism services.

Amendment 10

Proposal for a directive

Article 1 – paragraph 3 – point c

Text proposed by the Commission

Amendment

(c) tender procedures for public passenger transport services by rail and by road under Regulation (EC) No 1370/2007

(c) tender procedures for *new contracts, including the direct award of public service contracts, in respect of*

of the European Parliament and of the Council.⁴⁵

public passenger transport services by rail and by road under Regulation (EC) No 1370/2007 of the European Parliament and of the Council.⁴⁵

⁴⁵ Regulation (EC) No 1370/2007 of the European Parliament and of the Council of 23 October 2007 on public passenger transport services by rail and by road and repealing Council Regulations (EEC) 1191/69 and 1107/70 (OJ L 315 *of* 3.12.2007, p.1).

⁴⁵ Regulation (EC) No 1370/2007 of the European Parliament and of the Council of 23 October 2007 on public passenger transport services by rail and by road and repealing Council Regulations (EEC) 1191/69 and 1107/70 (OJ L 315, 3.12.2007, p. 1).

Or. en

Justification

To extend the scope of the tender procedures for public transport services also to the direct award of public service contracts.

Amendment 11

Proposal for a directive

Article 1 – paragraph 3 – point d

Text proposed by the Commission

(d) transport infrastructure in accordance with **Regulation (EU) No 1315/2013** of the European Parliament and of the Council.⁴⁶

Amendment

(d) transport infrastructure in accordance with **Regulations (EU) Nos 1315/2013⁴⁶ and 1316/2013^{46a}** of the European Parliament and of the Council **as well as in accordance with Commission Regulation 1300/2014^{46b}**.

⁴⁶ Regulation (EU) No 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network (OJ L 348, 20.12.2013, p.1).

⁴⁶ Regulation (EU) No 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network (OJ L 348, 20.12.2013, p. 1).

^{46a} **Regulation (EU) No 1316/2013 of the European Parliament and of the Council of 11 December 2013 establishing the Connecting Europe Facility, amending Regulation (EU) No 913/2010 and repealing Regulations (EC) No 680/2007**

and (EC) No 67/2010 (OJ L 348, 20.12.2013, p. 129).

^{46b} Commission Regulation 1300/2014 of 18 November 2014 on the technical specifications for interoperability relating to accessibility of the Union's rail system for persons with disabilities and persons with reduced mobility (OJ L 356, 12.12.2014, p. 110).

Or. en

Justification

To include also other relevant transport regulations.

Amendment 12

Proposal for a directive Article 2 –point 1 a (new)

Text proposed by the Commission

Amendment

(1a) “barrier-free” means understandable, observable and usable without encountering any specific obstacle, and not resulting in any reduced independence;

Or. en

Amendment 13

Proposal for a directive Article 2 –point 3

Text proposed by the Commission

Amendment

(3) “persons with functional limitations” means persons who have any physical, mental, intellectual or sensory impairment, age related impairment, or other human body performance related causes, permanent or temporary, which in interaction with various barriers result in

(3) “persons with functional limitations” means persons who have any physical, mental, intellectual or sensory impairment, *reduced mobility (PRMs)*, age related impairment, or other human body performance related causes, permanent or temporary, which in interaction with

their reduced access to products and services, leading to a situation that requires adaptation to their particular needs of those products and services;

various barriers result in their reduced access to products and services, leading to a situation that requires adaptation to their particular needs of those products and services;

Or. en

Justification

To extend the type of the persons included at the definition of "persons with functional limitations".

Amendment 14

Proposal for a directive Article 3 – paragraph 6

Text proposed by the Commission

6. Air, bus, rail and waterborne passenger transport services, the websites, the mobile device-based services, smart ticketing and real-time information and Self-service terminals, ticketing machines and check-in machines used for provision of passenger transport services shall comply with the corresponding requirements set out in Section V of Annex I.

Amendment

6. Air, bus, rail and waterborne passenger transport services, the websites, the mobile device-based services, smart ticketing and real-time information and Self-service terminals, ticketing machines and check-in machines used for provision of passenger transport, ***mobility and tourism*** services shall comply with the corresponding requirements set out in Section V of Annex I.

Or. en

Justification

To extend the scope also to mobility and tourism.

Amendment 15

Proposal for a directive Article 3 – paragraph 10

Text proposed by the Commission

10. Member States ***may decide***, in the light of national conditions, that the built environment used by clients of passenger transport services including the

Amendment

10. Member States ***shall ensure***, in the light of national conditions, that the built environment used by clients of passenger transport, ***mobility and tourism*** services

environment that is managed by service providers and by infrastructure operators as well as the built environment used by clients of banking services, and customer services centres and shops under the scope of telephony operators *shall comply* with the accessibility requirements of Annex I, section X, in order to maximise their use by persons with functional limitations, including persons with disabilities.

including the environment that is managed by service providers and by infrastructure operators as well as the built environment used by clients of banking services, and customer services centres and shops under the scope of telephony operators *complies* with the accessibility requirements of Annex I, section X, in order to maximise their use by persons with functional limitations, including persons with disabilities.

Or. en

Justification

Inclusion of the built environment must be compulsory and no optional for Members States

Amendment 16

**Proposal for a directive
Article 21 –point b a (new)**

Text proposed by the Commission

Amendment

(ba) when reviewing Union Regulations establishing the rights of passengers using air, rail, waterborne and bus transport, including the intermodal aspects thereof;

Or. en

Justification

To extend the scope of the applicability of accessibility requirement to other Unions acts

Amendment 17

**Proposal for a directive
Article 21 –point c**

Text proposed by the Commission

Amendment

(c) When establishing the accessibility requirements related to social and quality criteria established by competent authorities in tender procedures for public

(c) When establishing the ***barrier-free*** accessibility requirements related to social and quality criteria established by competent authorities in tender procedures

passenger transport services by rail and by road under Regulation (EC) No 1370/2007;

for public passenger transport services by rail and by road under Regulation (EC) No 1370/2007;

Or. en

Justification

To include the barrier-free concept.

Amendment 18

**Proposal for a directive
Article 27 – paragraph 2**

Text proposed by the Commission

2. They shall apply those provisions from [... insert date - **six** years after the entry into force of this Directive].

Amendment

2. They shall apply those provisions from [... insert date - **four** years after the entry into force of this Directive], **save as regards the provisions relating to the built environment and to transport vehicles, which shall be applied by them, where financially possible, from [... insert date: six years after the entry into force of this Directive].**

Or. en

Justification

To shorten the period, except for build environment ant vehicles.

Amendment 19

**Proposal for a directive
Annex I – section V – part A – paragraph 1 – point a – introductory part**

Text proposed by the Commission

(a) providing information about the functioning of the service and about its accessibility characteristics and facilities as follows:

Amendment

(a) providing information about the functioning of the service and about its **barrier-free** accessibility characteristics and facilities as follows:

Or. en

Justification

To point out the necessity of barrier free for people with disabilities

Amendment 20

Proposal for a directive

Annex I – section V – part A – paragraph 1 – point a – point ii

Text proposed by the Commission

Amendment

(ii) alternatives to non-text content shall be provided;

(ii) alternatives to non-text content, **and touch-screens**, shall be provided;

Or. en

Justification

To point out the necessity of including touch-screens in this machines and terminals.

Amendment 21

Proposal for a directive

Annex I – section V – part A – paragraph 1 – point a – point iii

Text proposed by the Commission

Amendment

(iii) the electronic information, including the related online applications needed in the provision of the service shall be provided in accordance with point (b).

(iii) the **digital and** electronic information, including the related online applications needed in the provision of the service shall be provided in accordance with point (b).

Or. en

Justification

To extend the scope to digital information.

Amendment 22

Proposal for a directive

Annex I – section V – part A – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) making websites accessible in a consistent and adequate way for users'

(b) making websites accessible in a consistent and adequate way for users'

perception, operation and understanding, including the adaptability of content presentation and interaction, when necessary providing an accessible electronic alternative, and in a way which facilitates interoperability with a variety of user agents and assistive technologies available at Union and international level;

perception, operation and understanding, including the adaptability of content presentation and interaction, when necessary providing an accessible **digital and** electronic alternative, and in a way which facilitates interoperability with a variety of user agents and assistive technologies available at Union and international level;

Or. en

Justification

To extend the scope to digital information.

Amendment 23

**Proposal for a directive
Annex I – section V – part B – title**

Text proposed by the Commission

B. Websites used for the provision of passenger transport services:

Amendment

B. Websites used for the provision of passenger transport, **mobility and tourism** services:

Or. en

Justification

To extend the scope to mobility and tourism.

Amendment 24

**Proposal for a directive
Annex I – section V – part C – paragraph 1 – point a – introductory part**

Text proposed by the Commission

(a) Providing information about the functioning of the service and about its accessibility characteristics and facilities as follows:

Amendment

(a) Providing information about the functioning of the service and about its **barrier-free** accessibility characteristics and facilities as follows:

Or. en

Justification

To point out the necessity of barrier free for people with disabilities.

Amendment 25

Proposal for a directive

Annex I – section V – part C – paragraph 1 – point a – point ii

Text proposed by the Commission

Amendment

(ii) alternatives to non-text content shall be provided;

(ii) alternatives to non-text content, **and touch-screens**, shall be provided;

Or. en

Justification

To point out the necessity of including touch-screens in mobile device-bases services and smart ticketing.

Amendment 26

Proposal for a directive

Annex I – section V – part D – title

Text proposed by the Commission

Amendment

D. Self-service terminals, ticketing machines and check-in machines used for provision of passenger transport services:

D. Self-service terminals, ticketing machines and check-in machines used for provision of passenger transport, **mobility and tourism services**:

Or. en

Justification

Extend the scope of the Directive to the mobility and tourism.

Amendment 27

Proposal for a directive

Annex I – section V – part D – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

The design and production of products in order to maximise their foreseeable use by

The design and production of products in order to maximise their foreseeable use by

persons with functional limitations, including persons with disabilities and those with age related impairments, shall be achieved by making accessible the following:

persons with functional limitations, including persons with disabilities and those with age **and health**-related impairments, shall be achieved by making accessible the following **on a barrier-free basis**:

Or. en

Justification

The extend the scope to the persons with health impairments. To point out the necessity of barrier free for people with disabilities.

Amendment 28

Proposal for a directive

Annex I – section V – part D – paragraph 2 – point h

Text proposed by the Commission

Amendment

(h) provide for modes of operation with limited reach and strength;

(h) provide for **intermodal and cross-border** modes of operation with limited reach and strength;

Or. en

Justification

The extend the scope to intermodal and cross-border modes of operation.

Amendment 29

Proposal for a directive

Annex I – section IX – part B – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) making accessible the built environment where the service is provided, including transport infrastructure, in accordance with Part C, without prejudice to national and Union legislation for the protection of national treasures possessing artistic, historic or archaeological value;

(a) making accessible the built environment where the service is provided, including **cross-border and intermodal** transport infrastructure, in accordance with Part C, without prejudice to national and Union legislation for the protection of national treasures possessing artistic, historic or archaeological value;

Justification

To extend the services' scope to intermodal and cross-border modes of operation.

Amendment 30

Proposal for a directive

Annex I – section IX – part B – paragraph 1 – point g a (new)

Text proposed by the Commission

Amendment

(ga) guaranteeing free and proper transportation of wheel chairs and dogs accompanying blind persons in transport services.

Justification

To extend the scope of the Directive.