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**European Commission Consultation on Directive 2003/59/EC**

**on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers**

**October 2013**

## Response from the European Blind Union

The **European Blind Union (EBU)** is a non-governmental, non profit making European organisation founded in 1984. It is one of the six regional bodies of the World Blind Union, and it promotes the interests of blind people and people with low vision in Europe. It currently operates within a network of 45 national members including organisations from all 27 European Union member states, candidate nations and other major countries in geographical Europe.

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We are happy for our contribution to be made public.

**Section 1 - Information about our organisation**

**Name of organisation**: European Blind Union

Email contact: ebu@euroblind.org

Country where we operate: All EU Member States

This answer is ‘**on behalf of an organisation or institutions (business organisation, NGO, public authority, etc.)**’

Category of organisation: **‘other interest representation’ (disabled passengers)**

**Our Transparency register number is** **42378755934-87**

**We have limited our responses to the questions that are directly relevant to disabled passengers.**

**2. The general relevance and effectiveness of the Directive**

***(1) Do you think that qualification and education of drivers engaged in the transport of goods or passengers by road have an important contribution to make to road safety?***

*Yes*

***(4) Do you think that the establishment of a common framework for the training and the testing, further harmonisation of the content of the training, and the setting of common requirements for training centres and instructors could further contribute to the objectives of the Directive?***

*Yes*

***Comments:***

The establishment of a common framework for the training and the testing, further harmonisation of the content of the training, and the setting of common requirements for training centres and instructors would definitely enhance the quality of service to passengers and their safety. Road safety is important for all passengers. People with disabilities, including people with sight loss, need to feel safe when travelling. Ensuring that drivers are suitably qualified and trained in disability awareness is an essential part of this.

People who are blind or partially sighted rely heavily on public transport. Bus and coach travel is an affordable means of transport; unfortunately, people with sight loss regularly experience discrimination in accessing this mode of transport because drivers have little or no awareness of the specific needs of disabled passengers. Much of this discrimination could be addressed through good quality disability awareness training. We therefore believe that a review of the Directive is needed, in order to ensure compliance with new provisions set out in the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) which are binding on the EU and Member States.

Raising the level of qualification of drivers and enhancing the effectiveness of CPC in particular are essential pre-requisites to ensure safer and more accessible travel for all. If the CPC training content was updated to include disability awareness as a mandatory requirement, this would ensure that EU citizens with disabilities find the same level of service regardless of where they live in the EU.

***(6): Do you think that the Directive has contributed to the development of the level of professional competence of drivers?***

Yes, but only marginally

***Comments:***

We believe that harmonised training requirements are an important element in the development of the professional competence of drivers across the EU. However, current training requirements do not guarantee an adequate level of service for disabled people. Training requirements should therefore be further harmonised and include mandatory disability awareness training.

***(12) Do you think that a new structure of the training based on modules should be introduced or do you favour the current free system?***

A new system based on modules and credits should be introduced.

***Comments:***

A reorganisation of the training based on a system of modules with clear learning outcomes, specifying what the driver knows, understands and is able to do at the end of each of these modules, would significantly increase the effectiveness of this training. It would also make sense for the modules to be based on a common methodology and a common way of testing knowledge.

**3. Structure and content of the training**

***(18) Are the subjects listed in Annex I for the initial and periodic training relevant for the objectives of the Directive? If there are subjects you consider irrelevant, please indicate them.***

*Yes, somewhat*

***Comments:***

The subjects listed are relevant, but Annex I does not go far enough. It should provide more information about the content. The objectives of the training, as set out in annex I, need to be clarified and integrated with driver training requirements arising from other EU directives and regulations. EU regulation 181/2011 on the rights of passengers in bus and coach transport, for example, sets out mandatory provisions for disability awareness training of bus and coach drivers - detailed specifications are set out in annex II of that regulation. In the interest of consistency, we suggest that the requirements for this training could be integrated within CPC training requirements.

Annex I should be much more specific as to what each ‘topic’ needs to cover. For example, objective 1.5 ‘ability to ensure passenger comfort and safety’, is described as follows: ‘adjusting longitudinal and sideways movements, road sharing, position on the road, smooth breaking, overhang operation, using specific infrastructures (public areas, dedicated lanes), managing conflicts between safe driving and other roles as a driver, interacting with passengers, peculiarities of certain groups of passengers (disabled persons, children).**’** This outline of the “requirements” is wholly inadequate and should therefore be reviewed to take on board recent changes in the EU and International legal frameworks. The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), now ratified by the EU and most Member States, sets out the obligations of States Parties in relation to training in articles 8 (Awareness Raising), 9 (Accessibility) and 20 (Personal Mobility) of the Convention, and the need to take **immediate** action in this area. The detailed obligations, set out below, must be taken on board:

* **Article 8.1 (a)**: *‘States Parties undertake to adopt* ***immediate, effective and appropriate*** *measures to raise awareness throughout society, including at the family level, regarding persons with disabilities, and to foster respect for the rights and dignity of persons with disabilities’*
* **Article 9.2 (c)**: ‘*States Parties shall also take appropriate measures to provide* ***training*** *for stakeholders on accessibility issues facing persons with disabilities’*
* **Article 20 (c):** ‘*States Parties shall take effective measures to ensure personal mobility with the greatest possible independence for persons with disabilities, including by providing* ***training*** *in mobility skills to persons with disabilities and to specialist staff working with persons with disabilities*’.

***(19) Are there other subjects which in your view are relevant to the training but are currently not listed in the Annex? If yes, please list them and explain why.***

*Yes*

***Comments:***

As mentioned in our answer to question 18 above, we believe that mandatory disability awareness training of drivers should be included in Annex I. This should be a mandatory module, and should be based on the specifications for the mandatory disability awareness training for drivers set out in Annex II of EU regulation181/2011.

Some of our members have explored how bus operators instruct and train their drivers to interact with blind and partially sighted customers. The disability training courses they witnessed took drivers through a range of general disability-related topics but did not enable drivers to consider how these issues relate to their own practices and to develop strategies for modifying their own professional practice or behaviour. Our members also found, in contrast, that some bus operators did train their driver teams to address the specific problems that blind and partially sighted customers face. These courses included practical exercises which enable the bus driver to experience some aspects of sight impairment themselves, whilst boarding a bus, moving around on the bus and alighting. It was clear that the training provisions that combined sight loss specific learning outcomes with interactive exercises delivered the most effective solution.

Our conclusion it that disability awareness training is very patchy in the EU. There are differences between Member States and within Member States. What is also of concern is that operators do not routinely assess the outcomes of the training. We therefore believe that clearly defined outcome-based objectives are needed in every disability training course that drivers attend. In our opinion the training provision in the EU regulation 181/2011 could and should be used in CPC training.

EBU members receive regular and consistent evidence from blind and partially sighted people about the poor level of service that they receive on buses. In the UK, for example, the government Department for Transport published research in 2008[[1]](#footnote-2) which highlighted the importance of disability awareness training for bus and coach drivers, and the significant impact this training (or lack of it) has on the travel experience of blind and partially sighted people, and indeed across the disability sector. Indeed the research shows that disabled people were quick to praise when bus or coach transport staff were helpful as it made such an impression on them.

Also, in a recent report[[2]](#footnote-3) from our UK member which surveyed blind and partially sighted people, 9 in 10 people said they cannot see to hail a bus, 8 in 10 miss the bus as a consequence, 6 in 10 are left behind due to buses boarding away from the official bus stop, and 5 in 10 say clear spoken information from the driver is sometimes or always difficult to obtain.

***(22) Do you think there should be a uniform European syllabus for the periodic training?***

*Yes*

***Comments:***

We believe that a mandatory training module on disability awareness for drivers, as referenced in annex II of EU regulation 181/2011 would provide a guarantee of uniformity across all Member States and the assurance that that all relevant aspects are covered. We therefore believe that a uniform, high quality European training syllabus for the periodic training would be hugely beneficial for disabled passengers.

***(23) Do* *you think that there should be a test after the periodic training?***

*Yes*

***Comments:***

We do not agree with the fact that, in most Member States, attendance is sufficient for the issuing of the CPC. Tests should be introduced to verify that drivers have indeed acquired the knowledge covered during the periodic training. This is the only way to measure learning outcomes and ensure consistency.

***(26) Do you think that the Directive should regulate more in detail the requirements training centres have to meet in order to become an approved training centre?***

*Yes*

***Comments***

Regulation of approved training centres (e.g. by means of common quality standards) would help guarantee the same levels of quality of the training in all EU member states. We would strongly recommend that organisations representing disabled people are involved in this process.

**4. Other comments**

***(28) Are there any other aspects of the Directive you would like to comment on?***

Article 4 of the UNCRPD sets out the general obligations of States Parties; we take this opportunity to state some of these obligations, which should guide EU policy makers in future regulatory work:

States Parties undertake:

* **Article 4.1 (a):** ‘*To adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present Convention*’;
* **Article 4.1 (b)**: ‘*To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities*’;
* **Article 4.1 (c)**: *To take into account the protection and promotion of the human rights of persons with disabilities in all policies and programmes*’;
* **Article 4.1 (d)**: ‘*To refrain from engaging in any act or practice that is inconsistent with the present Convention and to ensure that public authorities and institutions act in conformity with the present Convention*’;
* **Article 4.1 (e)**: ‘*To take all appropriate measures to eliminate discrimination on the basis of disability by any person, organization or private enterprise*’;
* **Article 4.1 (i):** ‘*To promote the training of professionals and staff working with persons with disabilities in the rights recognized in the present Convention so as to better provide the assistance and services guaranteed by those rights.*’

In addition, **article 4.3** of the UNCRPD stipulates that ‘*In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations.*’

Lastly, **article 9** of the UNCRPD stipulates that:

**9.1**: *“(...) States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation (…)*

**9.2**. “*States Parties shall also take appropriate measures to: (...)(b) Ensure that private entities that offer facilities and services which are open or provided to the public take into account all aspects of accessibility for persons with disabilities;”*

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1. Assessment of Accessibility Standards for Disabled People in Land Based Public Transport Vehicles [↑](#footnote-ref-2)
2. "Stop for me, Speak to me" [http://www.rnib.org.uk/bus](https://exchange.rnib.org.uk/exchweb/bin/redir.asp?URL=http://www.rnib.org.uk/bus) [↑](#footnote-ref-3)