

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(90) 588 final - SYN 327

Brussels, 28 February 1991

Proposal for a

COUNCIL DIRECTIVE

on minimum requirements to improve the mobility and the  
safe transport to work of workers with reduced mobility

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(presented by the Commission)

Explanatory memorandum

INTRODUCTION

1. Background

1. In 1989 eleven Member States adopted the Community Charter of Fundamental Social Rights for Workers which sets out a number of commitments as regards the disabled with the aim of promoting their occupational and social integration.
2. On that basis the Commission included in its action programme implementing the Charter a proposal for a Directive aimed at promoting an improvement in the travel conditions of workers with reduced mobility.
3. When it put forward the HELIOS programme (COM(87) 342 final), the Commission undertook to present policy initiatives, notably proposals concerning the mobility of disabled people, including transport.
4. When adopting the Helios programme and also when adopting its resolution on the transport of handicapped and elderly persons, Parliament supported this initiative and urged that it should take the form of a directive.
5. In addition, in the course of work carried out over the past five years, the ECMT (European Conference of Ministers of Transport) ad hoc working party on transport for people with mobility handicaps has examined on several occasions measures to modify means of transport and transport infrastructure to make them accessible to disabled people.

After consulting the principal interested parties (manufacturers and users of means of transport, transport companies and local authorities), the working party delivered an opinion that was favourable in principle.

The Council of the European Conference of Ministers of Transport (ECMT) adopted a Resolution on 22.11.1990 on transport for people with mobility handicaps, referring particularly to access to buses, trains and coaches.

This Resolution (see Annex 1) recommends to the Member States of the ECMT (which include the 12 Member States) that any international legislation should take account of the needs of persons with reduced mobility. The Resolution also recommends : "that physical improvements to vehicles and infrastructure be made as part of a broader strategy which encompasses access to stops and terminals, as well as public transport operating procedures, staff training and the provision of information".

11. Commission position

6. This Directive is designed to complement the Community legislation on health and safety at work for workers with reduced mobility. With effect from 1988, the Commission has deemed it necessary to propose provisions at Community level on the health and safety of such persons at their place of work. The Framework Directive on the introduction of measures to encourage improvements in the safety and health of workers at work (89/391/EEC)<sup>(1)</sup> adopted by the Council on 12 June 1989 provides in Article 15 for employers to protect particularly sensitive risk groups - including handicapped workers - from the dangers specifically affecting them.

This general requirement was reiterated in more specific terms in the first individual directive under the Framework Directive on workplaces<sup>(2)</sup> with provisions on the arrangement of workstations, access to premises, internal movements and sanitary facilities.

Finally, the proposal for an individual directive on temporary and mobile work sites likewise provides for minimum requirements regarding the safety and health of workers with a mobility handicap.

It is the Commission's intention to lay down specific provisions regarding workers with reduced mobility wherever necessary in its proposals for directives on the safety and health of workers.

7. Disabled workers may be covered by (existing and projected) Community directives as regards the risks affecting them specifically at the workplace, but this cover does not extend to the journey to and from work.

Clearly, means of transport which are unsuitable for workers with reduced mobility are a safety and health risk for the majority of these people. These risks are specific to them in that they are inherent in the nature of certain physical and mental handicaps.

Research undertaken under the auspices of the European Conference of Ministers of Transport has shown that workers with mobility handicaps are in general more prone than other workers to accidents on the way to work.

8. This Directive also reflects the priority the Commission attaches to the economic and social integration of the disabled in general and to their occupational integration on the labour market in particular. It is broadly believed that the proportion of unemployed disabled persons of working age is relatively higher than that of able-bodied persons despite the positive action taken by several Member States to promote the employment of handicapped persons.

(1) Council Directive No 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work - OJ No L 183, 29.6.1989, p. 1.

(2) Council Directive No 89/654/EEC of 30 November 1989 on minimum safety and health requirements for the workplace (point 20 in Annex 1) - OJ No L 393, 30.12.1989, p. 1.

Access to the place of work by public transport for this group of persons often involves major difficulties, or may be quite impossible, and therefore plays a decisive role in their finding and keeping a job. It is hardly acceptable that the occupational integration of persons with reduced mobility should fall for lack of public transport and the poor mobility of such persons.

9. The Commission included priority for the social and occupational integration for persons with reduced mobility in its guidelines of 15 February 1989 concerning assistance under the European Social Fund for combating long-term unemployment and occupational integration through integrating disabled people in the open economy.(4)

It was reaffirmed on 18 July 1990 when the Commission adopted its draft Communication laying down the guidelines for the Community initiative, HORIZON, concerning, inter alia, vocational training and the promotion of employment for the disabled.

10. Given the absence of a uniform Community-wide definition of disabled persons, the lack of reliable national statistics in certain Member States and the fact that not all disabled people have reduced mobility, it is impossible to indicate the number of disabled workers with reduced mobility who are likely to benefit from this Directive.

An estimate could however be attempted on the basis of the following assumptions:

The World Health Organization estimates that the number of disabled people in the Community is 10 % of the population; for the Community, with a total population of 340 million this would give a number of 34 million disabled people.

Given that the percentage of the population in active employment is estimated at 40%, it can be calculated that in the best possible case the number of disabled workers or potential workers is approximately 12 million, after a deduction for those persons who are unemployable.

It should be mentioned, however, that in the vast majority of Member States (with the exception of Denmark) it is compulsory to recruit a percentage of disabled persons, in certain conditions somewhere between 1.6 and 15 % of workers.

11. A study conducted by the Commission covering, in the first instance, only a small number of Member States showed that the number of workers with mobility handicaps was 1 080 391 in Germany and 352 781 in France. These figures are for workers at ordinary and sheltered workplaces and the registered unemployed. The percentages are 12.1% and 9.8% respectively of all disabled people in Germany and France.
12. The purpose of this Directive is not to adapt all means of transport to make them accessible for workers with reduced mobility. It has a more limited aim, to enable such persons to travel safely either by means of transport or by other equivalent measures.

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(4) OJ No C 45, 24.2.1989.

Flexibility has been allowed, so that facilities can be provided according to the real need for specific types of transport. This calls for a sufficient number and frequency of means of transport, and appropriate timetables.

Moreover, in order to improve the accessibility of means of transport, three technical alternatives are provided for:

- either a technical aid incorporated in the means of transport,
- or a technical aid external to the means of transport,
- or personal aid provided by a specially-trained staff.

In the third place, the possibility of interchanging the various means of transport for the trip to and from work should be seen as an acceptable solution for the persons concerned.

The Commission thus considers that all these provisions take sufficient account of the principle of subsidiarity which is of particular importance in the field of public transport which (except for trains) is organized at local or regional level in almost all the Member States. Consequently, the Directive sets the aim to be achieved - provision of sufficient suitable means of transport for workers with reduced mobility - and leaves each competent authority to choose how best to implement the Directive according to the real needs of these users.

13. Over and above the aims of the Directive, the Commission is very much aware of the general problem of accessibility and mobility of the disabled. Under the HELIOS<sup>(5)</sup> programme the Commission has launched study and analysis work to prepare for initiatives on the accessibility of public buildings and the adaptability of housing.
14. The Commission considered it advisable, in the light of current technical development and experience acquired and being acquired in most Member States, to concentrate the effort at Community level on promoting the mobility of workers. However, in the light of the general problem, the Commission will examine the possibility of presenting initiatives to extend the measures provided for in this Directive to all persons with reduced mobility.

The Commission is confident that the measures it is proposing at present will stimulate the effort being made by a number of Member States to modernize public transport and the associated infrastructure with a view to making them accessible to all.

15. The Commission also feels that future specific directives on the design and construction of means of transport as part of the drive for Community-wide harmonization for the completion of the internal market will have to take account of the aims and provisions of this Directive.

Finally, with a view to achieving these aims, it would be useful for activities receiving Structural Fund financing to take account of the measures laid down in this text.

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(5) Council Decision 88/231/EEC of 18 April 1988 establishing a second Community action programme for disabled people (HELIOS) - OJ No L 104, 23.4.1988, p. 38.

III. Situation in the Member States

16. For some years now all the Member States have been making great efforts to improve access and services for persons with reduced mobility.
17. The Member States' laws vary considerably in substance and scope. Disparities occur not only between Member States, but also between regions and even areas of one and the same Member State (see summary table in Annex II).

However there are many public authorities which have introduced practical schemes at local or regional level, in the absence of national legislation.

18. In most Member States, manufacturers of means of transport have series production lines or have brought out prototypes ready for series production.

As far as buses and trams are concerned, the low-floor option has proved to be the best solution for giving the lowest possible access level.

Most European manufacturers have got beyond the prototype stage and are producing series models of fully accessible means of transport.

The accessibility aspect is most advanced in Germany, France, the United Kingdom, Denmark and the Netherlands.

To take a few examples:

- In Germany, more than 600 low-floor buses are already in operation on existing routes, and 50% of all new equipment ordered for 1991 is for this type of bus.
- In France, the Grenoble tram system was awarded the European Community excellence award in 1989.
- The Lille and Munich underground railway systems are fully accessible.
- TGV trains will also be made fully accessible.
- In Spain, a prototype accessible taxi has been developed and series production will get underway in the near future.
- In the United Kingdom, London taxis are gradually being converted to make them properly accessible.
- In Greece, the Athens city authorities have just decided to place an order for some 20 low-floor buses.

19. According to a Commission study in 1990<sup>(6)</sup>, the extra cost of renewing certain means of transport can be estimated as follows:

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(6) Summary report of transport for disabled people, funding and administrative arrangements in France, Spain, Sweden and the UK, P. R. Oxley and P. Barham, Centre for Transport Studies, Cranfield Institute of Technology, October 1989.

- between 0 and 20% for low-floor buses; the leading manufacturer makes no additional charge for accessibility to the bus as such, but charges for accessibility options as extras (e.g. extending ramps, lifts, etc.)
- 10% for low-floor tram vehicles.

Of course, the large-scale manufacture of accessible vehicles and competition between manufacturers should lead to reductions in the additional costs for all producers.

Transport by a specialized transport service is in general 30% more expensive than transport by accessible bus.

The advantages of the new accessible vehicles are as follows:

- the useful life of the equipment is considerably increased thanks to the use of new materials (carbon fibres, etc.)
- technical progress is leading to the use of low-maintenance equipment.

These two factors militate in favour of more rapid replacement of the existing vehicle fleet.

- The enhanced accessibility of the means of transport makes for shorter stop times and an improvement of approx. 10% in traffic flow rates, avoiding delays caused by limited access for persons with reduced mobility.
- This improved means of transport is faster and more comfortable, and thus attracts a larger number of passengers which in turn makes it more economic.
- Encouragement to use public transport will also have the following secondary effects:
  - \* less traffic congestion in urban areas
  - \* reduction of exhaust fumes
  - \* noise reduction
  - \* improved living conditions in urban areas
  - \* fewer accidents
  - \* savings due to more rational use of energy.

These secondary effects cannot of course be quantified in figures, but will considerably help to improve the performance and conditions of transport with more efficient and accessible vehicles.

Here it is worth asking whether it is valid to consider only economic factors : the cost/benefit ratio has to be set against the rights of disabled workers as expressed by their slogan 'transport for all' in the context of Community solidarity for the reinforcement of the social dimension on completion of the internal market in 1992.

#### IV The Directive

##### (A) Legal basis

20. As things now stand, the Commission's action is limited to workers with reduced mobility, so the legal basis of the proposal is Article 118a EEC.

Although the text is concerned only with the health and safety of workers at the workplace in the strict sense, it does cover the working "environment" in that it is accepted that the journey to and from work does rank as work.

The reference to the "working environment" in Article 118a is preceded by the word "especially" with the idea of extending the scope of this article. Where a particular measure is designed to eliminate a risk to the health and safety of workers at work, this measure can be based on Article 118a.

This is the case for this Directive, given that workers with reduced mobility are exposed to specific risks by virtue of their handicap on the way to work.

##### B) Enacting terms

###### 21. 18. Aims and objectives (Article 1)

This Directive is intended to complement measures already adopted regarding the place of work in terms of the health and safety of workers with reduced mobility. Its aim is to ensure that workers with reduced mobility can travel safely and thus make it easier for them to gain access to employment.

22. Article 2a defines the workers covered by the Directive, that is every worker with reduced mobility whatever his handicap. Given its legal basis, i.e. Article 118a of the EEC Treaty, the Directive focuses only on workers, i.e. to the exclusion of such categories as the unemployed, students, schoolchildren, pensioners and disabled persons working in sheltered workshops, who are not always considered as workers.

Article 2b defines the means of transport covered by this Directive. They are :

- public transport, defined as any transport on public highways and transport networks which is available to any paying passenger;
- transport organized by employers to carry people to and from their place of work in the company's vehicles. Company transport is usually the most practical and simple means for travelling to work. It is therefore very important for workers with reduced mobility. The purpose of Article 2b is to ensure that this category of persons can gain access to company transport in so far as it places an obligation on the employer to ensure that the vehicles used for company transport are accessible.



- special transport services for disabled persons, which are generally provided by public and private bodies. In view of the economic cost and in order to take account of the principle of integration underlying the Commission's policy on the disabled, priority should be given on these special services to the most severely handicapped persons. This is also in keeping with the principle of "transport for all" in the context of Community solidarity.

23. Article 3 imposes the obligation on the Member States to see to it that the aims of Article 1 are met:

- \* either by providing workers with sufficient and adequate means of transport in conformity with the Annex;
- \* or by taking any other steps to facilitate travel for workers with reduced mobility. Such measures must have an effect equivalent to the provision of public transport, by the employer or by specialist transport services.

24. Information and training

Article 4 provides for the necessary accompanying measures to ensure that workers with reduced mobility use the means made available to them in the best way possible. These measures require that:

- workers with reduced mobility be given instruction wherever necessary to familiarize them with technical aids, and particularly such aids which the disabled person does not have permanent access to and which are designed to facilitate use of transport and the associated infrastructure on the way to work;
- the staff of public transport companies providing assistance to workers with reduced mobility be properly trained and, last but not least,
- workers with reduced mobility receive information and advice commensurate with their needs.

These measures are typical of the directives concerning protection of workers' safety and health.

25. Article 5

Occasionally workers with reduced mobility need, because of their handicap, an accompanying person or some other form of help to be able to use public transport. Article 5 obliges the Member States to ensure that workers with reduced mobility who are accompanied by another person do not have an additional financial burden compared with other workers.

26. National provisions

Article 6 points out that the provisions are minimal by specifying that the Directive is without prejudice to provisions which give greater protection to the safety and health of workers with reduced mobility. It is, moreover, a standard article in the directives based on Article 118a.

27. Final provisions

Article 7 sets two different deadlines for implementation of the Directive:

- a short deadline, 31 December 1994, for the provision concerning accompanying persons (Article 5);
- a longer deadline, 31 December 1997, for implementation of Article 3, the minimum requirements in the Annex and Article 4 on training and information for the persons concerned.

In both cases, however, steps must be taken to incorporate the provisions into national law by 31 December 1992 and must include a full timetable.

These deadlines seem reasonable given that public transport equipment is normally renewed every ten years and there is a marked trend towards replacement of current equipment by equipment which takes account of the special needs of persons with reduced mobility.

As regards the implementation of Article 3 and 4, the Commission will present a report to the Council, the European Parliament and the Economic and Social Committee by 31 December 1996 on progress made with the application of the Directive.

This report will be made in connection with the general report on the implementation of the European Charter of Fundamental Social Rights.

28. Article 8 is the standard article on the implementation of directives.

29. The Annex sets out the minimum requirements which have to be met by public transport means made available to workers with reduced mobility. That does not mean that all the buses, trams and trains forming part of a given transport system must be adapted in full; steps must just be taken to ensure only that these facilities made available to workers with reduced mobility are adapted within the meaning of the Directive. Such public transport means must be suitably run and timed in order to meet satisfactorily the specific needs of workers with reduced mobility on their way to work.

Where public transport is concerned, the Annex lays down the minimum requirements to make it accessible under the optimum safety conditions necessary to workers with reduced mobility. These requirements are sufficiently flexible to allow for a choice between sophisticated technical aids or "personal" assistance from transport company staff.

Making means of transport available to workers with reduced mobility means that the related infrastructure has to be adapted too as appropriate with the aim of making it safely accessible to such workers. The Annex accordingly incorporates this principle.

Annexes

- I. ECMT resolution
- II. Table of national legislation

**CONFÉRENCE EUROPÉENNE DES MINISTRES DES TRANSPORTS  
EUROPEAN CONFERENCE OF MINISTERS OF TRANSPORT**

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**RESTRICTED**

Paris, drafted: 23rd November 1990  
dist:

CEMT/CM(90)21 Final

Or. English

**COUNCIL OF MINISTERS**

**TRANSPORT FOR PEOPLE WITH MOBILITY HANDICAPS**

**Resolution on Access to Buses, Trains and Coaches**

At the Council session in Stockholm, conclusions were presented of three ECMT seminars on, respectively, buses, trains and coaches [Document CM(90)4]. These were the conclusions of the wide range of participants, including manufacturers, adaptation specialists, operators and representatives of disabled consumer organisations. Ministers noted the conclusions and asked that they be presented in the form of a Resolution which could be adopted by the Council.

## **RESOLUTION**

The Council of Ministers, meeting in Paris on 22nd November 1990

### **CONSIDERING:**

- the importance of continuing to work towards accessible transport systems in accordance with Resolutions Nos. 54, 63 and 68;
- the essential role of buses, trains and coaches in transport.

### **NOTING:**

- the conclusions of the ECMT Seminars on access to buses, coaches and trains in document CM(90)4;
- that substantial progress is being made towards improving accessibility for many people with mobility handicaps;

### **REALISING:**

- that because of an ageing population in all countries there is a significant and growing demand for transport of all forms from people with mobility handicaps;
- that therefore further efforts must be made, as financial and technical developments permit, to improve access and services for this sector of the market;

### **RECOMMENDS:**

#### **A. In Relation to Buses**

- that international regulations on buses, in particular those drawn up under the aegis of WP29 of UN/ECE, need to take full account of the needs of people with mobility handicaps. These regulations need to be strengthened and widened in scope to include all types of bus used in public transport and additional features, including more handrails and the use of contrasting colours;
- that, given the strong endorsement at the Seminar of low-floor buses as an essential stage towards achieving greater mobility for everybody, international regulations should be drawn up as rapidly as possible to ensure that new buses are designed with low floors, level access and no steps inside the vehicle;
- that, where operating conditions currently preclude the use of low-floor buses, alternative means of achieving level access should be explored and, as a minimum,

buses should be used which have as low a floor and as small a number of low steps as possible;

- that, in the short term, bus manufacturers, bus operators and responsible authorities at local or regional level be urged, in advance of regulation, to seek solutions to the problems of access to existing buses;
- that further research and information exchange are necessary on the safe carriage of wheelchairs on buses.

#### **B. In Relation to Trains**

- that all new rolling stock of every type should be designed and built to be accessible to people with mobility handicaps;
- that, for new urban rail rapid transit systems, the platform and vehicle floor should be at the same height and the horizontal gap between them should be minimised;
- that national and local rail networks should be urged to identify and implement cost-effective improvements that can be made in the short term to improve access for mobility handicapped people;
- that, for national and international railways, guidelines be drawn up urgently to cover common standards both for specialised equipment, such as lifts (including acceptable wheelchair dimensions, lift platform size, lifting capacity and other safety and operational features) and for access to toilets and other facilities within the train. Such guidelines, which should be drawn up in conjunction with the UIC, should also include an international action programme for implementation;
- that for passengers in wheelchairs, access to new station facilities, buildings and rolling stock should not require them to transfer out of their own wheelchairs;
- that railways be encouraged to recognise the benefits of providing better access for all passengers, including people with mobility handicaps.

#### **C. In Relation to Coaches**

- that efforts be made to improve access to, egress from and movement within coaches, for people with mobility handicaps;
- that, in the short term, manufacturers and operators be urged to provide and use vehicles capable of meeting the needs of this market sector. Coach classification systems should include the levels of access provided;
- that, for high-floor coaches, the most practical longer term solution is to fit passenger lifts to vehicles and this solution should be promoted. Common standards should be

defined for acceptable wheelchair dimensions, lift platform sizes, lifting capacity and safety features;

- that implementation of the above three points be pursued in conjunction with the relevant international bodies in order to achieve international regulations in this field;
- that further research and information exchange are necessary on the safe carriage of wheelchairs on coaches.

**D. Generally**

- that physical improvements to vehicles and infrastructure be made as part of a broader strategy which encompasses access to stops and terminals, as well as public transport operating procedures, staff training and the provision of information.

**ASKS:**

- the Committee of Deputies to report as and when appropriate, on progress towards the implementation of this Resolution.

LEGISLATION AND  
FINANCIAL AND NO-FINANCIAL PROVISIONS  
AS REGARDS DIFFERENT MODES OF TRANSPORT  
IN CERTAIN MEMBER STATES

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MEMBER STATE	BELGIUM						FRANCE						UNITED KINGDOM						GERMANY						GREECE					
	NAT.		REG.		SPEC. PROV.		NAT.		REG.		SPEC. PROV.		NAT.		REG.		SPEC. PROV.		NAT.		REG.		SPEC. PROV.		NAT.		REG.		SPEC. PROV.	
	F	NF	F	NF	F	NF	F	NF	F	NF	F	NF	F	NF	F	NF	F	NF	F	NF	F	NF	F	NF	F	NF	F	NF	F	NF
BUS	-	-	-	-	-	-	-	+	-	-	-	-	+	+	+	+	?	?	+	-	-	-	-	-	-	-	-	-	-	-
TRAM UNDERGROUND	-	-	-	-	+	?	-	+	-	-	-	-	?	+	?	+	-	-	+	+	+	+	-	-	-	-	-	-	-	-
RAILWAY	-	-	-	-	?	+	-	+	-	-	-	-	-	?	-	-	-	-	+	+	+	+	-	-	-	-	-	-	-	-
AIRCRAFT	-	-	-	-	+	-	-	+	-	-	-	-	-	-	-	-	-	-	-	-	-	-	+	+	-	-	-	-	-	-
SHIPS	-	-	-	-	-	-	-	+	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
TAXIS	-	-	-	-	+	-	-	?	-	-	-	-	-	-	+	+	-	-	-	-	-	-	-	-	-	-	-	-	-	-
PRIVATE CAR	+	-	-	-	+	-	-	+	-	-	-	-	-	+	-	-	-	-	+	+	-	-	-	-	-	-	-	-	-	-
SPECIAL TRANSPORT	-	-	-	-	-	+	+	+	-	-	-	-	-	-	+	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
INFRASTRUCTURE	?	+	?	+	-	+	-	+	-	-	-	-	?	+	-	-	-	-	+	+	+	+	+	+	-	-	-	-	-	-

nat. = national  
 reg. = regional  
 spec. prov. = special provisions  
 f. = financial  
 n.f. = non-financial  
 + = exists  
 - = does not exist or is not mentioned  
 ? = might exists





Proposal for a  
COUNCIL DIRECTIVE

on minimum requirements to improve the mobility and the  
safe transport to work of workers with reduced mobility

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic  
Community, and in particular Article 118a thereof,

Having regard to the proposal from the Commission<sup>(1)</sup>, drawn up after  
consulting the Advisory Committee on Safety, Hygiene and Health  
Protection at Work,

In cooperation with the European Parliament<sup>(2)</sup>,

Having regard to the opinion of the Economic and Social Committee<sup>(3)</sup>,

Whereas Article 118a of the EEC Treaty provides that the Council shall  
adopt, by means of directives, minimum requirements to encourage  
improvements, especially in the working environment, as regards the  
health and safety of workers;

Whereas, pursuant to the above Article, such Directives must avoid  
imposing administrative, financial and legal constraints in a way which  
would hold back the creation and development of small and medium-sized  
undertakings;

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(1) OJ

(2) OJ

(3) OJ

Whereas, under the terms of point 26 of Title I of the Community Charter of the Fundamental Social Rights of Workers, all disabled persons, whatever the origin and nature of their disablement, must be entitled to additional concrete measures aimed at improving their social and professional integration; whereas these measures must concern, in particular, according to the capacities of the beneficiaries, accessibility, mobility and means of transport;

Whereas it is appropriate to supplement existing or future Community legislation on the safety and health of workers with reduced mobility at the workplace, by provisions that will assist them in gaining access to employment and thus reduce the hazards specifically affecting them during travel to work;

Whereas it is clear that modes of transport which do not take account of the needs of workers with reduced mobility give rise to hazards to the health and safety of these persons;

Whereas it must be possible for workers with reduced mobility to use transport to travel to and from work without running any more risks than other workers; whereas the safety and health in the working environment of workers with reduced mobility must be assured by adopting the requisite measures to enable them to travel safely to and from work;

Whereas the measures to improve mobility and transport concern workers with reduced mobility, regardless of whether their handicap is of a physical - including sensory - or mental origin;

Whereas the choice should be left to the Member States as regards, on the one hand, the options of giving workers with reduced mobility access to public transport, transport organized by the employer or special transport services for the disabled, and on the other hand, creating incentives to assist transport of the disabled on condition that such measures have an equivalent effect;

Whereas it is therefore appropriate to lay down minimum requirements to ensure that workers with reduced mobility can avail themselves of sufficient means of transport adapted to their special needs; whereas such needs include access to transport, the accessibility of the means of transport, facilities enabling workers with reduced mobility to travel safely, and signs identifying such means of transport;

Whereas to take into account the cost of converting means of transport to make them accessible to workers with reduced mobility, it is appropriate to provide for alternative measures which, while guaranteeing safe travel, offer the necessary flexibility for finding solutions adapted to the particular circumstances;

Whereas, where the employer provides the transport to work for his workers, he must be obliged to bear in mind the specific needs of those of his workers, apprentices and trainees with reduced mobility;

Whereas in a large majority of Member States there are special transport services intended for disabled persons, laid on by public and private bodies; whereas for reasons of economic cost and in keeping with the Commission's overall and consistent policy of economic and social integration of the disabled, priority must be given to the most severely disabled for the use of such special transport services;

Whereas special attention needs to be given to the problem of training and informing workers with reduced mobility to enable them to make optimum use of the means of transport at their disposal; whereas, in this respect, appropriate training should be provided for the staff of transport available to workers with reduced mobility to help reduce or eliminate the risk inherent in travel for such persons;

Whereas providing means of transport adapted to the needs of workers with reduced mobility should not engender any additional financial burden for transport for such workers; whereas this should likewise apply to workers with reduced mobility who, because of their handicap, need to be accompanied by another person or a guide dog if they are to make use of transport;

Whereas this Directive makes a contribution to the implementation of the aims set out in the European Parliament resolution of 16 September 1987 on the transport of handicapped and elderly persons<sup>(4)</sup>, which stressed the importance of mobility as being essential in finding and retaining a suitable job;

Whereas it would be advisable, in order to meet the specific requirements of workers with reduced mobility, for schemes receiving financial assistance from the Structural Funds to take account of the aims of this Directive,

HAS ADOPTED THIS DIRECTIVE:

#### Article 1

The purpose of this Directive is to facilitate the safe travel of workers with reduced mobility in order to assist them in gaining access to the place of employment.

#### Article 2

For the purposes of this Directive,

- a) "worker with reduced mobility" shall mean any worker who has special difficulty in using public transport owing to a serious handicap of a physical or mental origin.
- b) "means of transport" shall mean
- public transport,
  - transport provided by the employer,
  - special transport services for the disabled.

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(4) OJ No C 281, 19.10.1987, p. 85.

Article 3

In order to fulfill the aims set out in Article 1, Member States shall take

- a) the requisite measures to ensure that means of transport are provided and are accessible, allowing for the interchangeability of means of transport, or
- b) all measures to facilitate the transport of workers with reduced mobility, on condition that these have an effect equivalent to the measures mentioned in a).

The means of transport provided for workers with reduced mobility must meet the minimum requirements laid down in the Annex.

Article 4

The Member States shall take measures to promote

- a) training schemes to help workers with reduced mobility travel in safety;
- b) the requisite training for the staff of public transport companies to help workers with reduced mobility use the transport provided for them;
- c) information and advice for workers with reduced mobility.

Article 5

When workers with reduced mobility cannot travel without the help of an accompanying person or some other form of assistance, Member States shall take measures to ensure that such assistance does not give rise to additional transport costs for the workers in question.

Article 6

The Commission shall draw up every two years a report on the implementation by the Member States of measures covered by Articles 3, 4 and 5 and shall transmit this to the European Parliament, Council and Economic and Social Committee.

Article 7

This Directive shall not prejudice any existing or future national or Community provisions which are more favourable to the safe travel of workers with reduced mobility.

Article 8

The Member States shall bring into force the laws, regulations and administrative provisions required to conform with this Directive

- a) no later than 31 December 1992 by presenting a timetable for the implementation of the measures referred to in Articles 3 and 4 by 31 December 1999;
- b) no later than 31 December 1992 for the measures referred to in Article 5 to enable the said measures to be implemented no later than 31 December 1994.

They shall inform the Commission directly of their implementation.

When Member States adopt these provisions, these shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The procedure for such reference shall be adopted by Member States.

Article 9

This Directive is addressed to the Member States.

Done at Brussels,

For the Council  
The President

Annex

Minimum requirements

(Article 3a)

General remarks

The obligations laid down in this annex are applicable whenever the characteristics of the public transport facilities or their infrastructure so require.

I. ACCESS TO TRANSPORT

Transport must be made available to workers with reduced mobility in such a way as to meet their special transport needs. This means a sufficient number and frequency of services and appropriate transport schedules.

II. ACCESSIBILITY OF MEANS OF TRANSPORT PROVIDED FOR WORKERS WITH REDUCED MOBILITY

The minimum requirements set out below concern the measures adopted to give application to point I above.

a) Safe access to and from transport facilities (entrance/exit) for workers with reduced mobility should be provided in one of three possible ways:

- either by built-in technical aids such as lowered floors, lifting platforms, etc.



- or by technical aids external to the transport vehicle, for example at the stop or platform, such as mobile ramps, low-lift elevating platform trucks, folding platforms, etc.
  - or by personal assistance from specially trained transport company staff.
- b) At least one entrance/exit must be designed to allow workers with reduced mobility to board/alight from the mode of transport safely.
- c) Accessibility implies compatibility between the means of transport and the corresponding infrastructure to ensure that the worker with reduced mobility has safe access to the said means of transport.

### III. FACILITIES TO BE PROVIDED IN THE MEANS OF TRANSPORT FOR WORKERS WITH REDUCED MOBILITY

The interior of the means of transport must provide the following for workers with reduced mobility, in accordance with the specific requirements of different types of handicap:

- reserved seats in sufficient number and in appropriate positions
- corridors
- toilet and washing facilities.

### IV. SIGNS

Signs for the use of the means of transport for workers with reduced mobility, together with the access facilities to the associated infrastructure, must accord with the special needs of the various types of workers with reduced mobility.

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