

## 14th session of OEWGA - Accessibility, infrastructure and habitat (transport, housing and access)

### National legal and policy framework

**1. What are the national legal provisions and policy frameworks that recognize older persons' rights to accessibility, infrastructure and habitat (transport, housing and access)? This could include, but is not limited to: a) the right of older persons to adequate housing, including land, property and inheritance, b) the right of older persons to access and enjoy, on an equal basis with others, the physical environment, transportation, information and communications (including ICTs), and other facilities and services open or provided to the public, both in urban and in rural areas (e.g. buildings, roads, transportation and other indoor and outdoor facilities, schools, housing, green spaces, medical facilities and workplaces; information, communications and other services, including electronic services and emergency services), c) policies/programmes that enable older persons to live independently and to be included in their communities as they age.**

Building on the **Charter of Fundamental Rights of the EU**, and according to the **European Pillar of Social Rights**, everyone shall have access to essential services in the EU – including transport, financial services and digital communications, and support for access shall be provided for people in need. The European Commission has adopted legislation and put in place several initiatives to ensure that older persons can have equal access to transport and housing and benefit from the EU policies in these areas.

Initiatives that remove and prevent barriers for persons with disabilities can also positively impact the lives of older persons and may help them maintain an active role in society, considering also the possible interrelation and intersection between age and disability. The **Strategy for the Rights of Persons with Disabilities 2021-2030** is the framework for action to implement the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) at EU level. The Strategy places the utmost importance on accessibility as an enabler of rights, autonomy and equality. The **European Accessibility Act**<sup>1</sup> includes obligations to make certain products and services, including some transport, banking and digital services accessible, which improve the opportunities to access key goods and services for everyday life, including through accessible websites and mobile device-based applications.<sup>2</sup> It contains common accessibility requirements across the EU. The European Accessibility act refers to other persons who experience functional limitations, such as elderly persons, who would benefit from this Directive. In the preparation of the standards that will support the implementation of the directive, namely Mandate 587<sup>3</sup>, the European Commission insisted on the participation of organisations representing older persons, given the relevance of accessibility. The M587 requires the revision of 3 standards related to accessibility of ICT, the built environment and design for all as well as the preparation of 3 new standards on accessibility of non-digital information, emergency communications and support services. Under the Strategy the European Commission launched the **European resource centre AccessibleEU** as a flagship initiative to further support the

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<sup>1</sup> Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services.

<sup>2</sup> Other rules related to persons with disabilities and persons with reduced mobility are in place in different areas, also benefiting older persons, including electronic communications (Directive (EU) 2018/1972 establishing the European Electronic Communications Code), audio-visual media services (Directive (EU) 2018/1808, Audio-visual media services Directives), websites and mobile applications of public sector bodies (Directive (EU) 2016/2102, Web Accessibility Directive), in copyright legislation (Marrakesh Treaty (2013) to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled) and passengers' rights (Regulation (EU) No 181/2011 concerning the rights of passengers in bus and coach transport, Regulation (EC) No 1107/2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air, Regulation (EU) 2021/782 on rail passengers' rights and obligations, and Regulation (EU) No 1177/2010 concerning the rights of passengers when travelling by sea and inland waterway).

<sup>3</sup> Please see [here](#).

implementation of EU legislation on accessibility and promote coherence in accessibility policies. The **Web Accessibility Directive**<sup>4</sup> requires public sector websites and mobile applications to be more accessible to users, in particular to persons with disabilities, improving access to public sector digital information and services. The Directive lays down common accessibility requirements for all Member States. As accessibility features are useful to many users, not only those with formally recognised disabilities, the law indirectly supports older persons, regardless of location, in the rapidly evolving digital transformation of public services. EU rules make accessibility requirements compulsory for the Member States to benefit from shared management funds; and buying accessible goods, services and infrastructure is an obligation in public procurement.

The **Green Paper on Ageing**<sup>5</sup> stressed the importance of enhancing older adults' digital skills, to allow them to participate in society. The European Skills Agenda<sup>6</sup> has two targets on this matter: 70% of adults (16-74) with basic digital skills in the EU, and 50% of adults (25-64) participating in learning in the previous 12 month, while the **Digital Decade** Policy Programme set the target to have 80% of European adults with basic digital skills by 2030. Digital technologies can enable Europeans to stay in control of their lives and continue to contribute to the economy and society as they age. The Horizon Europe Coordination and Support Action IDEAHL (Improving Digital Empowerment for Active and Healthy Living) is developing an EU digital health literacy strategy, to empower EU citizens to use such digital tools to actively manage their own health and well-being.

In the area of the design of public transport, Member States retain a large margin of discretion to consider demographic challenges. The **Public Service Obligations Regulation**<sup>7</sup> allows Member States to designate and compensate the provision of public transport. The **EU Passenger Rights Regulations**<sup>8</sup> ensure that persons with disabilities or reduced mobility are not discriminated when travelling and that they receive the necessary assistance to use collective transport on the same footing as other people. This can also be relevant for older persons. The **Trans-European Transport (TEN-T) Regulation**<sup>9</sup> provides that Trans-European transport infrastructure shall allow seamless mobility and accessibility for all users, in particular people in situations of transport poverty or vulnerability, including persons with disabilities or reduced mobility, and people living in remote, rural or sparsely populated areas. The **Urban Mobility Framework** complements the proposal for revised guidelines for the Trans-European Transport Network (TEN-T revision), which obliges all major cities on that network to develop by 2025 a sustainable urban mobility plan (SUMP) and to ensure an inclusive design of urban transport infrastructure. In view of ageing societies, the fourth revision of the **Driving Licence Directive**<sup>10</sup> ensures both that senior drivers are not subject to a disproportionate burden to retain their driving rights and that drivers are fit to drive, before a reduction in fitness leads to accidents. The European Commission has launched the network of **Diversity Ambassadors in**

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<sup>4</sup> Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies.

<sup>5</sup> Green Paper on Ageing, 27 January 2021, European Commission.

<sup>6</sup> See more [here](#).

<sup>7</sup> Regulation (EC) 1107/2006 on rights of persons with disability and persons with reduced mobility concerning the rights of disabled persons and persons with reduced mobility when travelling by air; Regulation (EU) 1177/2010 on waterborne passenger rights concerning the rights of passengers when travelling by sea and inland waterway; Regulation (EU) 181/2011 on bus and coach passenger rights concerning the rights of passengers in bus and coach transport; Regulation (EU) 2021/782 on rail passengers' rights and obligations.

<sup>8</sup> Regulation (EC) 1107/2006 on rights of persons with disability and persons with reduced mobility; Regulation (EU) 1177/2010 on waterborne passenger rights; Regulation (EU) 181/2011 on bus and coach passenger rights; Regulation (EU) 2021/782 on rail passenger rights.

<sup>9</sup> 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.

<sup>10</sup> Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on driving licences, amending Directive (EU) 2022/2561 of the European Parliament and of the Council, Regulation (EU) 2018/1724 of the European Parliament and of the Council and repealing Directive 2006/126/EC of the European Parliament and of the Council and Commission Regulation (EU) No 383/2012 – COM(2023) 127

**Transport** to promote equality, diversity and inclusion, and address discrimination, including of older persons in the transport sector through awareness raising and sharing of good practices. The Commission has also committed in its Sustainable and Smart Mobility Strategy<sup>11</sup> to apply equality mainstreaming to its transport policies to ensure that the needs of transport users and workers in all their diversity are considered.

The European Commission has published the “**Demographic change in Europe: a toolbox for action**”, that proposes actions and policies to address and manage demographic change through comprehensive and integrated solutions, focusing among others on accessibility and infrastructure (transport, housing and access). The “toolbox” builds on best practices from across the Union and complements national-level action. It recognises the need to take on board the territorial dimension of demographic shifts, specifically in regions that experience the phenomenon of population decline. The “toolbox” underlines that respect for older citizens and their well-being is a cornerstone of a thriving ‘longevity society’ at large. This requires working together to adapt work practices and to change preconceived notions and stereotypes about generations. This is in line with the Union of Equality strategies adopted by the European Commission in 2020 and 2021<sup>12</sup> that stress the need to combat stereotypes, fight age-based discrimination within their respective remit, to promote diversity and inclusion in the workplace, and give everyone equal chances to contribute and thrive.

As regards enabling older persons to live independently and to be included in the community as they age, the Demography Toolbox underlines the need to build a “longevity society” that empowers older citizens and sustains their welfare and well-being. The focus is on promoting an overarching person-centred approach to care and support services, which promotes a shift from treatment to health promotion and disease prevention; integration and coordination of services along the continuum of care, autonomy and independent living.

The **European Care Strategy** and the Council Recommendation on access to affordable and high-quality long-term care provide guidance to EU Member States to strengthen the adequacy, availability and quality of long-term care systems for all who need it, as well as improving the situation of carers, both formal and informal. These efforts are supported and complemented by EU funds. Member States are asked to align the offer of long-term care services to needs, and support freedom of choice and participation in decision-making of people in need of care, including by developing and/or improving home care and community-based care; and ensuring that services are well-coordinated with prevention, healthy and active aging, and health services and that they support autonomy and independent living. Actions under the aforementioned Strategy for the Rights of Persons with Disabilities 2021-2030 contribute to supporting independent living and inclusion in the community, including guidance to be published in 2024 “recommending to MS improvements on independent living and inclusion in the community, in order to enable persons with disabilities to live in accessible, supported housing in the community, or to continue living at home”.

In both the areas of housing and mobility and transport, the European Commission provides **technical support** to the Member States. In housing, it provides capacity building to national authorities to set up mechanisms and schemes to boost investment in affordable housing improve accessibility to a wide range of citizens, make affordable premises accessible to persons and support the process of deinstitutionalization. In the area of mobility and transport, the European Commission supports

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<sup>11</sup> COM/2020/789

<sup>12</sup>Gender Equality Strategy 2020-2025; LGBTIQ Equality Strategy 2020-2025; EU Roma Strategic Framework 2020-2030; EU Anti-racism Action Plan 2020-2025; Strategy for the rights of persons with disabilities 2021-2030

Member States in the design and implementation of reforms for the green transition, focusing on the decarbonisation of transportation.

## **2. What are the challenges and barriers faced by older persons for the realization of their right to accessibility, infrastructure use and habitat (transport, housing and access) at the national and international levels?**

In June 2023 the European Commission released the first-ever **Report on Access to Essential Services in the EU**. It consolidates existing evidence regarding the main barriers and groups affected by lack of access to essential services and outlines existing EU and Member States' measures supporting access. While the situation of older people was not the focus of the report, it provides some evidence on the situation of this group. It stresses that physical and online accessibility are a concern when it comes to access to transport, financial services and digital communications, with problems affecting particularly persons with disabilities and older people. It also acknowledges that the concentration of older people on low incomes in rural areas poses a growing number of mobility challenges. Digitalisation applied in public transport use and in financial and bank services often creates barriers for individuals lacking digital skills (in many cases older people).

Older racialised people, ethnic minorities and migrants are more likely to live in accommodations of poorer quality with limited access to facilities. This increases loneliness and social exclusion. According to the **EU anti-racism action plan**, EU cohesion policy funds will remain the key instruments in the 2021-2027 period for supporting non-segregated housing actions and ensuring access to inclusive and high-quality mainstream services. Compliance with the EU Charter of Fundamental Rights, which applies in the implementation of EU law by Member States, will remain essential, and this excludes financial support to actions that would contribute to creating any form of segregation.

Accessibility as set in article 9 of the UNCRPD is an obligation for all State parties. Barriers faced by persons that need accessibility relates to limited availability, fragmentation of accessibility requirements and limited enforcement of the obligations both for public and private organisations.

### **Data and research**

## **3. What data, statistics and research are available at the national level regarding older persons' rights to accessibility, infrastructure and habitat (public transport, housing and access)?**

EUROSTAT data provide statistical information on housing (distribution of population by tenure status, type of households/degree of urbanisation, dwelling type, overcrowding rate by several breakdowns, housing deprivation, housing cost overburden), difficulties doing shopping, and transport (road accidents by age and gender). However, limited statistical data is available in terms of accessibility. To that end, it is necessary to rely on specific studies such as the one related to the Impact Assessment in preparation for the European Accessibility Act.

In the future, additional data will become available on transport and access for persons with reduced mobility, labour and housing conditions, intergenerational transmission of advantages and disadvantages and housing difficulties, access to services and perceived experience when accessing different services or public institutions based on the six grounds of discrimination recognised in the EU Treaties, including age, and on difficulties using various forms of transportation due to long-standing health problems, difficulties accessing public buildings, difficulties attending social activities and social events due to long-standing health problems, difficulties using internet due to long-standing health problems.

According to the Special Eurobarometer that was published in 2023, over a quarter of Europeans have faced barriers when trying to access cultural goods, events, places and services in their country. One

in twenty respondents said that the reason behind this was that they felt too young or too old, while 2% said the reason was the lack of accessibility for people with disabilities.

### **Equality and non-discrimination**

#### **4. What measures are being taken to eliminate ageism, ageist stereotypes, prejudices and behaviours that hinder older persons' rights to accessibility, infrastructure and habitat (transport, housing and access)?**

Equality is a core value of the European Union, enshrined in the **EU Treaties (Articles 8 and 10 TFEU)**. Achieving a Union of Equality is a priority of the European Commission, under the leadership of President Ursula Von der Leyen. This means creating the conditions for everyone to live, thrive, and lead regardless of differences based on gender, racial or ethnic origin, religion or belief, disability, sexual orientation or age.

The European Commission is working closely with the EU Member States in the **High-Level Group on Non-Discrimination, Equality and Diversity**, to promote exchanges of practices on age equality and combating ageism. This includes preparing an output paper on the topic, as announced in the "Demographic change in Europe: a toolbox for action".

The European Commission works towards enhanced participation in supplementary occupational and personal pension schemes that could complement retirement incomes, including through structures aimed at increasing enrolment in occupational pension schemes or the pan-European private pension product.<sup>13</sup>

The European Commission recognises that an ageing society needs investment in adapted mobility and infrastructure solutions which can benefit the whole population and be carried out in a green and digital-friendly manner.<sup>14</sup>

In addition, the **Employment Equality Directive<sup>15</sup>** lays down a general framework for combating discrimination on a series of grounds, including age, as regards employment and occupation. The European Commission adopted legislative proposals to strengthen national equality bodies in the EU Member States by setting minimum standards on how they operate in all grounds of discrimination and areas covered by EU equality rules. These proposals are in the final stages of formal approval by the co-legislators (the Council of the European Union and the European Parliament). Finally, the European Commission has put forward in 2008 a proposal for a Council Directive on implementing the principle of equal treatment (**proposed Equal Treatment Directive<sup>16</sup>**) in the areas of social protection, education and access to and supply to goods and services available to the public, including housing, covering the ground of age.

### **Remedies and Redress**

#### **5. What mechanisms are necessary, or already in place, for older persons to submit complaints and seek redress for denial of their rights to accessibility, infrastructure and habitat (transport, housing and access)?**

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<sup>13</sup> See Final Report of the High-Level Group of Experts on Pensions (2019).

<sup>14</sup> See Final Report of the High-Level Group the Future of Social Protection and of the Welfare State in the EU (2023).

<sup>15</sup> Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.

<sup>16</sup> Proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation {SEC(2008) 2180} {SEC(2008) 2181}

**The EU Passenger Rights Regulations** require Member States to designate national bodies or other bodies to handle the complaints of passengers who consider they are discriminated against because of their disability or reduced mobility or they did not receive the assistance to which they are entitled.

The European Accessibility Act, that will be applicable from June 2025, requires Member States to ensure that adequate and effective means exist to ensure compliance with this Directive, which shall include: (a) provisions whereby a consumer may take action under national law before the courts or before the competent administrative bodies to ensure that the national provisions transposing this Directive are complied with;(b) provisions whereby public bodies or private associations, organisations or other legal entities which have a legitimate interest, in ensuring that this Directive is complied with, may engage under national law before the courts or before the competent administrative bodies either on behalf or in support of the complainant, with his or her approval, in any judicial or administrative procedure provided for the enforcement of obligations under this Directive.