

Legal report on special questions related to the accessibility of the mobility service network and services in accordance with the Act on Transport Services

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1. Abstract

The Act on Transport Services enables the provision of new transport and mobility services. This report studies currently valid legal provisions on accessibility that have an impact on the provision of brokering and dispatch services and integrated mobility services in accordance with the Act on Transport Services.

Having services that are accessible produces benefits for various passenger groups. They are necessary for different passengers with restricted functional capacity. Accessibility provisions applied to brokering and dispatch services and integrated mobility services have been divided into special provisions governing different modes of transport. These special provisions cover the rights of passengers, as well as infrastructure and vehicles. In addition, the Non-discrimination Act and (particularly regarding the authorities) the UN Convention on the Rights of Persons with Disabilities must be applied. The authorities, in particular, must address the directive of the European Parliament and of the Council on the accessibility of the websites and mobile applications of public sector bodies (Web Accessibility Directive).

The Act on Transport Services does not separately define any conditions or requirements for accessibility regarding new services. The Act on Transport Services obligates providers of brokering and dispatch services and integrated mobility services to notify passengers of certain factors related to accessibility. Significant information defined in more detail in regulations must be submitted to an open application programming interface (API) through the National Access Point (NAP) service maintained by the Finnish Transport Agency.

EU regulations on the rights of passengers obligate transport service providers to provide passengers with disabilities or limited mobility with assistance services at stations and terminals and when entering vehicles. The obligations defined in the regulations do not apply to assistance provided when moving from one vehicle to another. This is defined in provisions on non-discrimination and reasonable accommodation that are laid down in the Non-discrimination Act and apply to all service providers.

When offering journeys and travel chains, providers of brokering and dispatch services and integrated mobility services must, if possible, ensure that their service is accessible. Furthermore, service providers must, when planning their services, identify the different needs of their customers and analyse the best way to meet various needs. Service providers must resolve how they can ensure that opportunities to travel are as equal as possible, also for individuals with specifically limited mobility.

Providers of brokering and dispatch services and integrated mobility services largely depend on information available through an open API. Information laid down in the Act on Transport Services and provisions on important information may not themselves necessarily enable the provision of accessible journeys and travel chains for passengers with restricted functional capacity. The aim of providers of brokering and dispatch services and integrated mobility services should be to agree upon the provision of information by means of agreements signed with other service providers.

Brokering and dispatch services and integrated mobility services facilitate new applications and combinations of services, and new services offer excellent opportunities to help people with restricted functional capacity to travel independently. The best way to serve people with restricted functional capacity is to use smart technologies, such as a speaking route guide or a stop application that tells the passenger when to exit the vehicle.



2. Content and goals of the report

The Act on Transport Services (320/2017) entered into force on 1 July 2018. It enables the provision of new kinds of services and travel chains on different vehicles for customers. In the new system, transport is regarded as a service (“Mobility as a Service”, MaaS), which can consist of various transport and mobility services that enable the transport of people and goods.

New types of services include services provided by providers of integrated mobility services or MaaS operators. The term “integrated mobility service” refers to the generation of travel chains and other services for compensation by combining mobility services of different service providers. In this case, an provider of integrated mobility services provides the entire travel chain. An provider of integrated mobility services can also act as a provider of brokering and dispatch services, in which case it provides passengers with a journey they have selected from another service provider. New types of mobility services include acting on someone else’s behalf in which a service provider uses the ticket or payment system of another service provider on behalf of the customer. With regard to these new types of mobility services, it is also important that information flows through the open APIs of service providers. This concerns information using which mobility services can be arranged and used as easily and flexibly as possible.

The accessibility of mobility services is an important factor in order that all user groups can use them. When it comes to accessibility, the diverse attributes of different individuals need to be addressed, and people must be treated equally. Provisions on accessibility are laid down in various laws, such as the Act on Transport Services, the legislation on different modes of transport and the Non-discrimination Act. Standards related to accessibility are also defined in the UN Convention on the Rights of Persons with Disabilities (UNCPRD) and in EU regulations on the rights of passengers.

The purpose of this report is to study the applicability of accessibility provisions on mobility services to the operations of providers of brokering and dispatch services and integrated mobility services and to acting on someone else’s behalf. This report reviews key legal provisions related to accessibility and addressing groups with special needs in the generation of travel chains and when acting on someone else’s behalf. This report describes how providers of brokering and dispatch services and integrated mobility services must address valid obligations. Furthermore, this report includes a review of solution practices and the impact they have on the obligations of service providers. This report describes what assistance customers with restricted functional capacity typically need, and how these needs can be properly addressed. In addition, this report describes the statutory services supporting mobility that municipalities and the Social Insurance Institution of Finland (Kela) provide for special groups, such as elderly people and people with disabilities. The role of the aforementioned services as part of functional and accessible travel chains will need further study in the future. This report also includes various proposals and recommendations regarding how accessibility can be addressed in the provision of functional mobility services that are suitable for all, in agreements and in provisions. This report is based on the legislative perspective.

The Ministry of Transport and Communications has launched the Lippu project as a joint project with the Finnish Communications Regulatory Authority (FICORA), the Finnish Transport Agency and the Finnish Transport Safety Agency (Trafi) to support the establishment of open access points for providers of mobility services in accordance with the Act on Transport Services. This report was assigned by the Lippu project.



A study¹ of the rights of passengers in terms of consumer protection has previously been conducted during the Lippu project. If a service cannot be provided as agreed upon due to it not being accessible, the provisions laid down in the Consumer Protection Act may also become applicable, at least in theory. However, this report does not deal with any questions related to consumer protection.

3. Definitions

The key definitions used in this report and their sources are as follows:

Customer refers to a customer of a provider of brokering and dispatch services, integrated mobility services or an operator acting on someone else's behalf to whom the service provider is providing brokering and dispatch or integrated mobility services or is acting on their behalf. The term customer is used interchangeably with the term passenger. In some contexts, the term user has been used interchangeably with the term customer if this is appropriate from the point of view of the source material. (As defined in this report)

Accessibility refers, above all, to accessibility in the built environment, such as buildings and vehicles. Services are mainly considered to be accessible when referring to qualities of the built environment related to utilising the services. (As defined in this report)

Accessibility provisions refers to provisions on accessibility that are obligatory for providers of brokering and dispatch services and integrated mobility services related to mobility services at the EU and national levels and included in the UN Convention on the Rights of Persons with Disabilities (27/2016). (As defined in this report)

Public transport refers to passenger transport provided by means of a transport service or shared mobility service open or available to all. Public transport can be scheduled, chartered or demand-responsive transport. In addition to generally available public transport and taxi services, for example, school transport and other municipal passenger transport services are considered to be public transport if they are open to all. (Glossary of passenger transport services terms. Guides of the Finnish Transport Agency 1/2018)

Reasonable accommodation refers to proper and necessary actions taken by the authorities, training providers, employers, and providers of goods or services to make it possible for people with disabilities to use official services, to have access to work and generally available goods and services, to cope at work, and to advance in their careers in the same way as others. (Non-discrimination Act, section 15)

Transport service or passenger transport service refers to the professional transportation of passengers. (Act on Transport Services, section 2)

Transport service provider refers to a provider of transport services that offers passenger transport services, or to a party that is fully responsible for arranging passenger transport services in their area or makes purchases to supplement transport services in the market. (Lippu project report 004/2017 J)

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https://www.viestintavirasto.fi/attachments/Julkaisun_004_2017_J_LIITE_1__Selvitys_liikkumispalveluverkoston_kuluttajansuoja-_vahingonkorvaus-_ja_tietosuojakysymyksista.pdf



Transport service refers to any public or private transport-related service or combination of services that is offered for public or private use. (Act on Transport Services, section 2)

Mobility service refers to transport services and directly related support services, such as brokering and dispatch, information and parking services. (Act on Transport Services, section 2)

Mobility service network refers to contractual relationships and cooperation between providers of mobility services in accordance with the Act on Transport Services that enable the provision of uninterrupted travel chains for passengers. (Lippu project report 004/2017 J)

Person with limited mobility refers, in accordance with EU regulations on the rights of passengers, to a person whose mobility is limited when using vehicles due to a (sensory or motor, permanent or temporary) physical disability, intellectual disability or difficulties in comprehension, or another factor resulting from disability or age, and whose situation requires proper attention and the accommodation of services available to all passengers for the specific needs of the person in question. (Regulations (EU) No. 181/2011, (EU) No. 1177/2010, (EC) No. 1371/2007, (EC) No. 1107/2006)

MaaS operator refers to an undertaking that provides, in its name or in the name of a transport service provider, data-based digital services in which passengers are able to acquire, for example, travel chains that combine different modes of transport. (Lippu project report 004/2017 J)

Travel wallet refers to the method of arranging transport services for people with disabilities based on personal budgeting. Personal budgeting is a method to provide customers with freedom of choice regarding health and social services. It was planned in conjunction with the health and social services reform and is currently in the pilot phase. (As defined in this report)

Travel chain refers to a journey acquired from an provider of integrated mobility services with a single purchase to access the destination from the point of departure using different modes of transport. (Lippu project report 004/2017 J)

Passenger refers to a person who uses mobility services. This definition is used interchangeably with the definition of a customer. (As defined in this report)

Sales interface refers to an interface in a ticket and payment system for integrated mobility services. (Lippu project report 004/2017 J)

In accordance with part III, chapter 2, section 2a of the Act on Transport Services, **acting on someone else's behalf** means that a provider of mobility services or integrated mobility services uses, as requested by a customer and on behalf of the customer, the ticket or payment system of another provider of mobility services or integrated mobility services. (Act on Transport Services, part III, chapter 2, section 2a)

Availability refers, above all, to the accessibility of information and digital and other immaterial services. Available digital and other services, and the information content that represents them, have been designed so that all user groups, regardless of any limitations to their functioning, can use them without any additional or assistive equipment. (As defined in this report)

Provider of goods or services refers to a professional party that offers goods or services for general availability. This may be a public or private legal person or a natural person who offers goods or services to an unlimited group of people. (Non-discrimination Act, section 4, and Government Proposal 19/2014, detailed justification)



The concept of **restricted functional capacity** is close to the concept of disability, and they can be seen as concepts with the same meaning or different meanings, depending on the context. In this report, the concept of restricted functional capacity is used as a broader concept, including any short- and long-term restricted functional capacity, limitations resulting from disability or limited mobility, and other reasons, such as old age or similar. (As defined in this report)

The terms **disability** and **disabled person** refer to persons who have a long-term physical, mental, intellectual or sensory disability that, when interacting with various obstacles, can prevent them from fully and effectively participating in society equally with others. (UN Convention on the Rights of Persons with Disabilities, 27/2016, Preamble, items h, i and n.

Authority refers to a body within the administrative system of the state and municipalities. Authorities include governmental and municipal administrative bodies that carry out administrative duties and have the authority to carry them out and to exercise public power. Public corporations and parliamentary offices are also regarded as authorities. The authorisations of the authorities are laid down in the legislation. (As defined in this report)

Brokering and dispatch service refers to the brokerage and dispatch of transport for compensation, excluding services in which the service provider's own transport services are only brokered and dispatched and package travel or combined travel arrangements within the scope of application of the Act on Travel Service Combinations (901/2017). (Act on Transport Services, section 2)

Provider of brokering and dispatch services refers to a service provider that offers brokering and dispatch services as referred to in section 2, subsection 1, paragraph 2 of the Act on Transport Services for general availability. (Definition prepared for this report)

Integrated mobility service refers to the generation of travel chains and other service packages for compensation by combining mobility services from different service providers, excluding services where only the service provider's own services are brokered and dispatched, and also excluding services offering package travel or combined travel arrangements within the scope of application of the Act on Travel Service Combinations (901/2017). (Act on Transport Services, section 2)

Provider of integrated mobility services refers to a service provider that offers integrated mobility services as referred to in section 2(1(5)) of the Act on Transport Services for general availability. (As defined in this report)



4. Different roles of providers of brokering and dispatch services and integrated mobility services in providing mobility services

Key factors in this section

- A provider of brokering and dispatch services provides, against compensation, brokering and dispatch services for transport services other than its own.
- An provider of integrated mobility services (MaaS operator) creates, for compensation, travel chains by combining mobility services from different service providers.
- Acting on someone else's behalf is a system enabled by the Act on Transport Services in which a provider of mobility or integrated mobility services uses a ticket of payment system operated by another service provider as requested by a customer and on behalf of the customer

Providers of brokering and dispatch services and integrated mobility services are undertakings in accordance with the Act on Transport Services that provide new types of mobility services and service packages. *Mobility service* refers to transport services and directly related brokering and dispatch services, information services, parking services and other support services. *Transport service*, which is a subset of mobility services, refers to any public or private transport-related service or combination of services that is offered for public or private use.

Brokering and dispatch service refers to the brokerage and dispatch of transport services for compensation when transport services other than those of the service provider in question are being brokered and dispatched. In brokering and dispatch services, the service provider provides brokering and dispatch services for, for example, a train or bus transport service from the point of departure defined by the customer to the requested destination.

Integrated mobility service refers to the generation, against compensation, of travel chains and other services by combining mobility services from different service providers. Providers of integrated mobility services (MaaS operators) offer full travel chains with which different transport services, such as taxi and train services, can be combined. The role of a provider of integrated mobility services is to provide a travel chain from the point of departure to the point of arrival, as ordered by the customer. Parties to the travel chain typically include a passenger, transport service provider and MaaS operator.

Acting on someone else's behalf in terms of mobility services means that a provider of mobility services or integrated mobility services uses, as requested by a customer and on behalf of the customer, a ticket or payment system operated by another provider of mobility services or integrated mobility services. Section 2a of the Act on Transport Services obligates service providers to allow providers of mobility or integrated mobility services that use services on behalf of customers to use their electronic systems. An operator acting on the customer's behalf acquires tickets or other products that give the right to use mobility services, as requested by a customer and on behalf of the customer. In terms of acting on someone else's behalf, a brokering and dispatch service or provider of integrated mobility services acts in place of the customer and



uses services as requested by the customer. For customers, the question is that they can take care of their various customer accounts as a “one-stop shop” service model².

An operator acting on the customer’s behalf uses the identification and user information existing in the user account of the user (customer).³ When acting on someone else’s behalf, various discounts and seasonal products are also utilised. Acting on someone else’s behalf takes place between different parties via open APIs, and they require an agreement between the parties. Agreements are required between operators acting on someone else’s behalf and the customers, as well as between service providers. In addition, the processing of customers’ personal data when acting on someone else’s behalf is based on an agreement between each customer and the service provider. The processing of personal data is only permitted to the extent that is necessary to verify the customer’s identity and to act on someone else’s behalf.

The open availability of information about mobility services for providers of brokering and dispatch services and integrated mobility services, as well as the interoperability of information and data systems are requirements for the operation of standard brokering and dispatch and integrated mobility services and acting on someone else’s behalf. Therefore, providers of mobility services and integrated mobility services must provide each other with open access to the sales interfaces of their ticket and payment systems.

5. Accessibility

Key factors in this section

- *Accessibility* refers, above all, to accessibility in the built environment, such as buildings and vehicles.
- *Availability*, above all, means the accessibility of information and digital services.
- The accessible provision of mobility services is required in order for all passengers, including those with restricted functional capacity, to be able to use them.

5.1. Concepts of accessibility

Accessibility refers, above all, to accessibility in the built environment, such as buildings and vehicles. Accessibility means that the diversity of people is addressed in the design and construction of the built environment so that it is functional, safe and available to all users. Services can mainly be regarded as accessible when referring to qualities of the built environment related to utilising the service. This means that transport services, for example, are considered to be accessible when a passenger with restricted functional capacity can get on a bus using lifting equipment or access a tram from street level.

Availability refers, above all, to the accessibility of information, and digital and other immaterial services. Available digital and other services, and the information content that represents them, have been designed so that all user groups, regardless of any limitations to their functioning, can use them without any additional or assistive equipment.

² Government Proposal 145/2017, p. 236

³ Government Proposal 145/2017, p. 418



The concepts of physical accessibility and accessibility in terms of services are partly used together, and they overlap in some parts. In the transport sector, the concept of accessibility is largely used to describe accessibility in terms of transport, such as having accessible web services.

According to agreements on the rights of people with disabilities, such as the UN Convention on the Rights of Persons with Disabilities⁴, accessibility is a precondition for people with disabilities to live independently, to participate in society fully and equally, and to enjoy all their human rights and basic liberties without any limitations and in the same way as everyone else.

The Ministry of Transport and Communications has prepared an action plan for the accessibility of digital transport and communications services⁵. In the action plan, accessible services are defined as follows:

“Accessible services are those that people with different kinds of limitations to their functioning and older people can use as independently as possible. They contribute to having an active lifestyle and opportunities to work, study, be active and participate in society. Products and services designed for all must be of a high level of quality and, at best, they will not include any features that mark them out as being special services or devices.”

5.2. Accessible products and services

When a product or service is accessible, everyone can use it equally, regardless of any disability or restricted functional capacity. In terms of communication and the provision of information and services, accessibility means that users can select various ways to communicate and to access information and services. When it comes to electronic services, such as online services, it must be ensured that the content is clear and understandable and, for example, that it can be read using screen readers intended for the visually impaired.

Having accessible digital services includes both the technology and the content. In addition, the usability of the user interface is essential considering accessibility. Technological accessibility means, for example, that digital services can be used by means of technical aids. Technological accessibility includes that services are coded flawlessly, following all relevant standards. The accessibility of digital text can be affected by means of typography, resolution and font type and size. For the visually impaired, in particular, it is important that the use of images as the only source of information be avoided, as screen readers cannot read images.

The accessibility of content means cognitive accessibility, meaning that content is understandable and easy to adopt and use. The accessibility of content can be improved by using a clear standard language, by avoiding special terms that are difficult to understand and by dividing the content into easily perceivable sections.

Accessibility must be addressed on the whole – all parts of digital services must be accessible so that the services are as easy to use as possible. Therefore, compliance with technical standards alone is not sufficient in terms of accessibility.

⁴ UN Convention on the Rights of Persons with Disabilities, 27/2016

⁵ Publications of the Ministry of Transport and Communications 15/2017. Making digital transport and communication services accessible. Action Programme 2017–2021.



6. Restricted functional capacity and resulting needs

Key factors in this section

- Accessibility (both physical and in terms of products and services) produces benefits for a large group of passengers with restricted functional capacity.
- For some passengers with restricted functional capacity, accessibility is a necessary factor in order for them to be able to travel.
- The concepts of disability, limited mobility and restricted functional capacity differ from one another in different instruments.
- In terms of mobility services, it is important to identify any restricted functional capacity and related needs in order to provide suitable services.
- When developing new mobility services, it is important that services are developed from beginning to end to be accessible, in all senses.
- Passengers with restricted functional capacity need reliable and clear solutions so that they

6.1. Concepts of restricted functional capacity, limited mobility and disability

Questions related to accessibility are often thought of as only being about people with disabilities. However, they apply to a significantly larger group of people. In this report, these are defined as *people with restricted functional capacity*. In this report, the concept of restricted functional capacity is used as a broader concept, including any short- and long-term restricted functional capacity, limitations resulting from disability or limited mobility and other reasons, such as old age or similar. In addition, the concept of restricted functional capacity is used but not defined in the Act on Transport Services.

The concept of *restricted functional capacity* is close to the concept of disability, and they can be seen as concepts with the same or different meanings, depending on the context. The concept of restricted functional capacity is related to the ability to function, which is used in various ways. Often, the ability to function has been divided into the following parts:

- physical ability to function
- mental ability to function
- cognitive ability to function
- social ability to function⁶

The International Classification of Functioning, Disability and Health (ICF) describes how illnesses and disabilities affect an individual's life. The ICF regards the ability to function and restricted functional capacity as a multi-dimensional, interactive and dynamic state which consists of the joint effect of the state of health, the individual and environmental factors. The dimensions of the ability to function are intertwined in many

⁶ <https://thl.fi/fi/web/toimintakyky/mita-toimintakyky-on/toimintakyvyn-ulottuvuudet>



ways and linked to the opportunities and requirements set by the environment, as well as the individual's health and other personal qualities.⁷

An individual's restricted functional capacity can be permanent or short-term. Aging or disability cause permanent restricted functional capacity, whereas any limitations resulting from a leg cast are temporary. Parents with pushchairs can also be considered as having a kind of restricted functional capacity.

In this context, *person with limited mobility* refers, in accordance with EU regulations on the rights of passengers, to a person whose mobility is limited due to a (sensory or motor, permanent or temporary) physical disability, intellectual disability or difficulties in comprehension, or another factor resulting from disability or age when using vehicles, and whose situation requires proper attention and the accommodation of services available to all passengers for the specific needs of the person in question.

Disability can be regarded as a form of restricted functional capacity, and the concept of disability often overlaps with the concept of limited mobility. There is no single standard definition for disability or people with disabilities in the legislation. The UN Convention on the Rights of Persons with Disabilities (UNCRPD) includes a broad definition of disability. This definition also covers some people considered to have restricted functional capacity. According to the UNCRPD,⁸ persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

In the UNCRPD, disability is regarded as interaction between a disability and environmental obstacles. According to this view, the effects of a disability depend on the attitudes of people and accessibility. Therefore, if needs regarding accessibility are ignored, these attitudes in combination with disabilities reduce opportunities for equal participation. From the point of view of the CRPD, improving accessibility is an important aspect of non-discrimination. The key meaning of freedom of movement as a human right can be best fulfilled when mobility and mobility services are as accessible as possible. This enables people with various restricted functional capacity to work, interact socially and participate in society.

For example, specific legislation on social welfare and rehabilitation defines disability differently from the UN Convention, and the definition depends on the service being provided. When arranging transport services and related assistance services in accordance with the Act on Disability Services and Assistance, a person is considered to be severely disabled if they have specific difficulties in moving and if, due to their disability or illness, they cannot use public transport without unreasonable difficulty.⁹

Accessibility affects all of the aforementioned groups: people with disabilities and people with restricted functional capacity or limited mobility. An individual person can belong to several groups. For example, a person with a disability can also have restricted functional capacity or limited mobility. A person can also have restricted functional capacity without meeting the definition of being disabled¹⁰.

⁷ <https://thl.fi/en/web/functioning>

⁸ UN Convention on the Rights of Persons with Disabilities, 27/2016, Preamble, items 8, 9 and 14.

⁹ Decree on Disability Services and Assistance, section 5, 759/1987

¹⁰ Decision of the National Non-Discrimination and Equality Tribunal of Finland, 31 January 2018, record no. 301/2017. A claimant needed to use crutches because they had hurt their knee two months earlier. The National Non-Discrimination and Equality Tribunal of Finland held that the claimant cannot be regarded on the basis of a short-term disability as a person with a disability as referred to in the Non-discrimination Act.



6.2. Impact of restricted functional capacity on brokering and dispatch services and integrated mobility services

In terms of mobility services, it is important to properly identify different types of restricted functional capacity and related needs, and to collect relevant information so that it is possible to provide a variety of accessible services and to make reasonable accommodations.

People with restricted functional capacity have highly different specific needs for mobility and mobility services, and no single need or situation that applies to everyone can be indicated.

Needs and situations related to digital services have, for example, been presented in the report “Liikenteen digitaalisten palveluiden esteettömyyden edistäminen” (Promoting accessibility in digital transport services).¹¹ Special questions related to mobility were studied more extensively in the study “Toteutuuko liikkumisen vapaus” (Is freedom of movement a reality?) from the Finnish Association of People with Physical Disabilities and the Rehabilitation Foundation¹².

From the points of view of people with disabilities or limited mobility, there are challenges in the general availability of accessible public transport services and information. When new mobility services and mobility service networks are being developed, it is particularly important that these are planned from the beginning to be accessible and to address different aspects of accessibility. According to a report from Sirola and Nurmi-Koikkalainen¹³, addressing the specific needs in mobility services of people with disabilities or limited mobility would necessitate a generally higher level of service for all passengers on public transport. From the points of view of people with disabilities or limited mobility, key quality factors include:

- accessible vehicles
- safe and reliable journeys
- easy and controllable journeys
- the amount of walking
- travel time
- transport time
- number of changes of vehicle
- availability of services
- time between departures
- keeping to timetables

Journeys and travel chains for people with restricted functional capacity may include various challenges and special needs. In the following example, a person with limited mobility and a speech impediment is traveling from their home in Helsinki to Jyväskylä, during which they may face the following challenges:

- Can the passenger get from their apartment to a taxi without assistance?
- Is the taxi accessible, and can the passenger physically enter the taxi?
- Can the passenger get from the taxi to the service point at the railway station and board the train?
- Has assistance service been ordered, and who takes care of ordering it?

¹¹ Report from the Ministry of Transport and Communications, publications 2/2017

¹² Report from the Finnish Association of People with Physical Disabilities and the Rehabilitation Foundation: https://www.invalidiliitto.fi/sites/default/files/2016-12/toteutuuko_liikkumisen_vapaus-raportti_web.pdf

¹³ Sirola & Nurmi-Koikkalainen 2014



- Can the passenger get to their seat, and does the passenger receive assistance on the train?
- Is information for passengers, such as announcements, accessible to all?
- Can the passenger get from the train to their next connection in Jyväskylä, such as a taxi or bus?
- Is the next connection accessible, and can the passenger physically enter the vehicle?
- Can the passenger get off a bus at a bus stop and reach their destination? How can the passenger make sure that this is possible?
- If the passenger reaches their destination using a taxi, is the taxi accessible, and can the passenger get help to physically enter the taxi and to reach their destination when exiting the taxi?

This list includes questions that a person with restricted functional capacity must be able to answer when ordering a travel chain. If one part of the travel chain is non-functional, such as transferring from the train to the next connection, the entire travel chain becomes non-functional. If the passenger cannot be sufficiently certain that all parts are functional, they may not order the travel chain. Some people with restricted functional capacity require assistance in new and unexpected situations. These situations – and fear of them – may prevent these people from using services intended for everyone. Because a person with restricted functional capacity may not have the physical or mental resources to make use of any special arrangements prepared for unexpected situations, the service provider must ensure that their service is reliable and that backup arrangements are in place in the case of any problems.

Attitudes related to accessibility are also important in all services. It is important to offer training to service employees regarding, for example, customers who cannot speak clearly or have other difficulties in interaction.

7. Statutory and benefit-based mobility services for special groups

Key factors in this section

- Well-functioning public transport is the primary method for offering mobility services suitable for everyone.
- Support and transport services must be provided as a public service for people with restricted functional capacity when public transport solutions are not sufficient to meet individual needs.
- Municipal authorities, the Social Insurance Institution of Finland and insurance companies are responsible for arranging these services.
- Services intended for special groups are in a state of transition as a result of amendments to legislation on people with disabilities and the health and social services reform.
- Integrating mobility services intended for special groups with travel chains produced by MaaS



7.1. Transport services and support for mobility

Well-functioning public transport, including service- and demand-responsive transport, is the primary method for offering mobility services suitable for everyone. This is expedient from the points of view of both non-discrimination and finances. For example, preparations for the Social Welfare Act emphasise the priority of also developing sufficiently accessible public transport to enable mobility services for people with reduced capacity to function.¹⁴

Only when public transport solutions are not sufficient to meet the needs of passengers is there an obligation to provide supporting mobility services that supplement public transport. If public services are not possible or suitable for a customer's needs, and they cannot secure their benefits, services must be provided based on special legislation.

Significant special legislation on the basis of which statutory mobility services must be provided include:

- Social Welfare Act (1301/2014)
- Act on Disability Services and Assistance (380/1987)
- Health Insurance Act (1224/2004)

Transport services in accordance with the Social Welfare Act must primarily be provided for day-to-day activities, such as the use of services, education, work and social interaction. People with disabilities must be provided with transport services based on the Act on Disability Services and Assistance. Disability services can, in certain situations, be used to cover the costs of acquiring a private car, and a person with a disability can be exempted from vehicle tax or receive tax reductions based on tax legislation. Transport services for people with disabilities can also be based on the act on special services for people with intellectual disabilities (519/1977).

With regard to transport based on social welfare, services in accordance with the Social Welfare Act take precedence over services provided based on the Act on Disability Services and Assistance. According to section 23 of the Social Welfare Act, supporting mobility services must be provided for people who are unable to independently use public transport due to an illness, disability or other similar factor that reduces their ability to function, and who need special services for the use of public services or for other day-to-day activities. According to section 8 of the Act on Disability Services and Assistance, a municipality authority must provide a person who has a severe disability with reasonable transport services, including the assistance services required, if the person, due to their illness or disability, necessarily needs services in order to carry out regular day-to-day activities. Transport services and related assistance services must be provided for a person who has specific difficulties in moving and who, due to their disability or illness, cannot use public transport without unreasonable difficulty.

Kela pays compensation for journeys required for the use of healthcare services, such as appointments with doctors or medical rehabilitation, based on the Health Insurance Act. In addition, transport required for pre-school and basic education must be provided for schoolchildren based on the Basic Education Act. The basis for this is specified in more detail in the act. Insurance companies also provide transport services related to motor vehicle and accident insurance.

The figure below illustrates the provision of different transport services and supporting mobility services.

¹⁴ Government Proposal 164/2014, p. 117



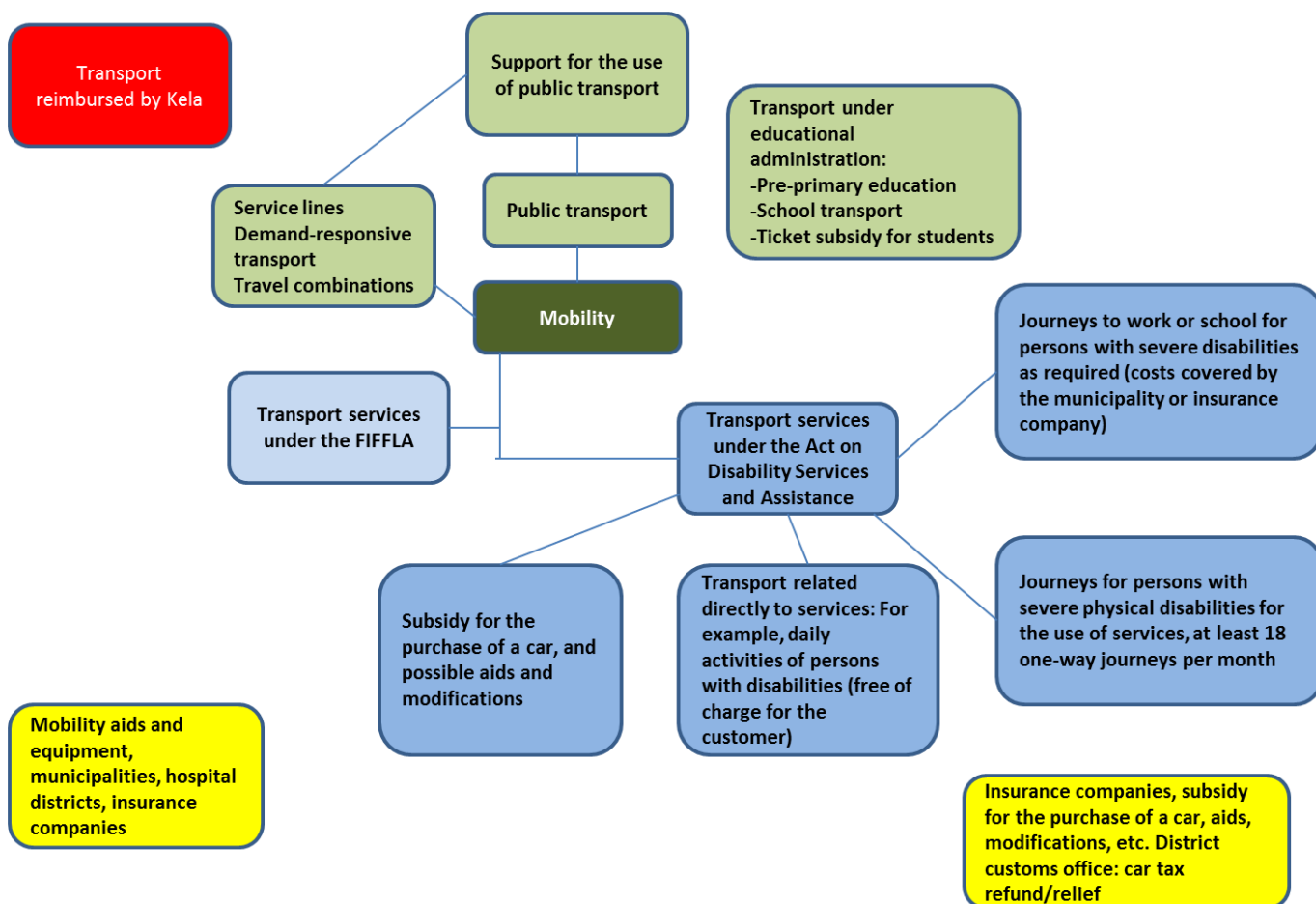


Figure 1. Service and subsidy system that supports mobility (source: Sirola & Nurmi-Koikkalainen 2014a).

7.2. Combining personal budgeting and travel chains

The legislation relating to people with disabilities is currently being amended, and the Government’s proposal is to be presented to Parliament during autumn 2018. In the new act, transport services will support mobility services, which can be provided in highly different ways. Furthermore, disability services will maintain their secondary purpose of supplementing public services. During the legal reform, the definition of a travel wallet in the act has been considered.¹⁵ The travel wallet is related to the freedom of choice permitted by the health and social services reform and to personal budgeting, which is one way to implement freedom of choice. Currently, the possibility of personal budgeting is not stipulated in the valid legislation, but its use has been piloted in different parts of the country. In practice, personal budgeting can be compared to a guaranteed budget, with which a social welfare customer who needs transport services can acquire services defined in a customer plan in a manner they deem appropriate.

¹⁵ A kilometrikukkaro (“mileage wallet”), similar to a travel wallet, has been piloted to some extent in the South Karelia Social and Health Care District (Eksote) in Finland. In the pilot scheme, customers of transport services in accordance with the Act on Disability Services and Assistance have used a mileage wallet, whereby each customer receives a specific mileage allowance per month for taxi services (Eksote 2017, 13).



Using personal budgeting and travel wallets, it is possible, at least in theory, to integrate transport services in accordance with the Act on Disability Services and Assistance with travel chains provided by MaaS operators. In this case, a person with a disability would pay for part of their travel chain using their travel wallet and the remaining part using their own funds. The travel chain would then consist of a journey by taxi in accordance with the Act on Disability Services and Assistance, a section travelling by train, and a taxi journey departing from the railway station. The service could include assistance services as defined in the Act on Disability Services and Assistance or provided by the MaaS operator to help the passenger to get from one vehicle to the next. On one hand, this would allow people with disabilities who need to use transport services to make more flexible and longer journeys, and it may also be the best alternative in terms of overall affordability.

Providers of integrated mobility services also make it possible to test new applications and combinations of services more easily than before. For example, the Valys taxi service in the Netherlands is intended as a supporting mobility service for people with limited mobility. There are three forms of Valys service: Valys Basis is a taxi service from the point of departure to the point of arrival (for example, from home to work). Valys Begeleid (“Valys Guided”) consists of a taxi journey from the point of departure to a railway station, an assistance service at the station (including a temporary wheelchair, if required), on-call service during travel, an assistance service at the destination railway station and a taxi journey to the final destination. The passenger can also be accompanied by a volunteer support person or assistant on the train (Valys Ambassadeur). Valys Vrij (“Valys Free”) consists of a taxi journey from the point of departure to a railway station and a taxi journey from the destination railway station to the final destination.¹⁶ Detailed information about how the service is funded was not available when writing this report.

¹⁶ Autio & Sjöblom 2014, p. 23.



8. Provisions on accessibility related to brokering and dispatch services and integrated mobility services

Key factors in this section

- No standard legislation on accessibility in mobility services exists, and provisions are laid down in different acts.
- The Non-discrimination Act obligates providers to produce their services in accordance with binding accessibility provisions, proactively taking generally known requirements concerning accessibility into account.
- When providing general and public services, service providers must address the diversity of their customers and treat their customers equally.
- Service providers may be obligated to make reasonable accommodations to provide services to people with disabilities.
- Reasonable accommodations are individual actions set out in the Non-discrimination Act that safeguard the opportunities of people with disabilities to use services equally.
- Assistance services provided in conjunction with transport services are defined separately in EU regulations on the rights of passengers in different modes of transport. The key right of passengers regarding bus, rail, air, sea and inland waterway transport is the right to receive assistance based on information they have provided beforehand.

8.1. System of laws regarding accessibility

The accessibility of mobility services is an important factor in order for all user groups to be able to use mobility services. Having accessible services produces benefits for all, but it is a necessity for customers with restricted functional capacity. These include people with disabilities, people with limited mobility and, for example, older people.

There is no standardised legislation on accessibility in mobility services. Provisions on accessibility are laid down in different acts. Provisions that providers of brokering and dispatch services and integrated mobility services must take into account when providing services are laid down in EU regulations, national legislation and official regulations. In addition, the provisions of the UNCRPD must be addressed.

The following table presents the key system of laws applied to providers of brokering and dispatch services and integrated mobility services that include existing provisions on accessibility. The provisions to be taken into account are presented in more detail in sections 8.2–8.5. Their application, in particular, to providers of brokering and dispatch services and integrated mobility services is presented in section 9. The provisions are presented in more detail in Appendix 1 (Summary of laws).

Key provisions on accessibility to be taken into account by providers of brokering and dispatch services and integrated mobility services



Provision	Key significance
Non-discrimination Act (1325/2014)	Direct and indirect discrimination and reasonable accommodations, promotion of non-discrimination, legal protection
Act on Transport Services (320/2017)	Obligation to provide information, obligations regarding taxi services and key information about mobility services
Government decree on essential data about mobility services (643/2017)	Information that providers of brokering and dispatch services and integrated mobility services must provide in an open access point
Finnish decree implementing the UN Convention on the Rights of Persons with Disabilities (27/2016)	Key significance and definition of accessibility, rights of people with disabilities, legal protection
Directive (EU) 2016/2102 on the accessibility of the websites and mobile applications of public sector bodies	Provision of websites and electronic services of public sector bodies in accessible formats. Government Proposal 60/2018 for national legislation on the provision of digital services has been presented to Parliament. The law has not yet been passed.
Regulation (EU) No 181/2011 concerning the rights of passengers in bus and coach transport	Assistance given to people with disabilities and people with limited mobility. The regulation applies to regular transport routes of 250 km and longer.
Regulation (EC) No 1371/2007 on rail passengers' rights and obligations	Assistance given to rail passengers with disabilities or limited mobility
Regulation (EC) 1107/2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air	Assistance given to air passengers with disabilities or limited mobility
Regulation (EC) No 261/2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91	Assistance given to air passengers with disabilities or limited mobility
Regulation (EU) No 1177/2010 concerning the rights of passengers when travelling by sea and inland waterway and amending Regulation (EC) No 2006/2004	Assistance given to people with disabilities and people with limited mobility on ferries and cruise ships travelling by sea, river, lake or canal. Not applicable to trips or tours.

A provider of brokering and dispatch service or integrated mobility services can be a private service provider or an authority. In addition to public agencies and municipal enterprises, authorities related to transport services include joint municipal authorities for public transport, such as the Helsinki Regional Transport Authority (HSL) and Tampere Public Transport (Nysse). When the service provider is an authority, it must follow all provisions on accessibility applied to service providers as well as provisions governing



authorities. Private service providers may also need to follow provisions governing authorities through the obligation related to services of general economic interest (SGEI) or contractual obligations related public procurement. In addition, part IV, chapter 4 of the Act on Transport Services includes provisions on assigning public administrative duties to other parties.

The application of these provisions to private service providers and the authorities is presented in section 9.

8.2. Main obligations laid down in the Non-discrimination Act

8.2.1. *Application of the Non-discrimination Act*

The Non-discrimination Act (1325/2014) defines the promotion of equality and the prevention of discrimination. The Non-discrimination Act applies extensively to different parts of life, and it imposes obligations on authorities and providers of goods and services¹⁷. According to section 1 of the Non-discrimination Act, the purpose of the act is to promote equality and prevent discrimination, and to enhance legal protections for people who have been discriminated against. The promotion of equality also includes accessibility. Providing high-quality customer service requires proactive assessment of accessibility, while ignoring such an assessment may be regarded as indirect discrimination.

The Non-discrimination Act applies to all service providers. Services must be produced in accordance with binding accessibility provisions, proactively taking generally known requirements concerning accessibility into account. When providing general and public services, service providers must address the diversity of their customers and treat their customers equally. This obligation requires service providers to identify and address beforehand any generally known special needs and situations related to accessibility.

The Non-discrimination Act obligates the authorities to actively promote equality. Their actions must be efficient, appropriate and proportionate, taking into account the operating environment, resources and other conditions of the authorities. In addition, the authorities must prepare a plan on the actions required to promote equality as set out in section 5 of the Non-discrimination Act. The aforementioned obligations also apply to the authorities when they produce the services that they are responsible for providing.

8.2.2. *Prevention of discrimination*

The Non-discrimination Act includes a prohibition on discrimination. According to section 8 of the Non-discrimination Act, no-one can be discriminated against on the basis of the following:

- age
- origin or nationality
- language
- religion or religious beliefs

¹⁷ Government Proposal 19/2014. Government proposal to Parliament for Non-discrimination Act and certain related acts, p. 55



- opinions, or political or trade union activity
- family relationships
- health or disability
- sexual orientation
- other personal characteristics

The concept of discrimination in the Non-discrimination Act has been divided into direct discrimination and indirect discrimination, as well as refusing to provide reasonable accommodations. *Direct* discrimination occurs when a person is treated less favourably than another person has been treated, is being treated or would be treated in a similar situation due to a reason related to that person. Different treatment does not comprise discrimination if the treatment is based on legislation, it has an acceptable goal and the means to reach that goal are proportionate.

Government Proposal 19/2014 makes the following statement¹⁸ about direct discrimination:

“The term ‘unfavourable treatment’ refers to a procedure, whether by act or omission, whereby the subject of said procedure is placed in a worse position compared to others. This may mean, for example, that restrictions, requirements, restraints or obligations are only imposed on a specific person or a specific group of people, or that a generally available benefit, service or right is prevented or restricted. For example, an entrepreneur preventing a person with a disability from entering their commercial facilities can be regarded as discrimination.”

Indirect discrimination occurs when a seemingly equal rule, justification or practice that has no acceptable basis places a person in an unfavourable position compared to others based on a reason related to that person. For example, if a generally available service (i.e. a service offered to a group other than a small pre-defined group) is not provided accessibly in accordance with generally known needs, this can be regarded as indirect discrimination.

Positive special activities that are required to safeguard equal treatment and that improve the position and conditions of a specific group are not regarded as discrimination. This type of *positive special treatment* is justified when its purpose is to promote equality or to prevent or eliminate any harmful effects of discrimination. For example, services provided for people with disabilities based on the Act on Disability Services and Assistance are regarded as positive special treatment. Correspondingly, assistance and other support services or special arrangements provided by transport service providers for people with disabilities or limited mobility are regarded as positive special treatment, provided that they are reasonable and justified.

8.2.3. Reasonable accommodations in accordance with the Non-discrimination Act

Reasonable accommodations are individual actions that safeguard the opportunities of people with disabilities to use services equally. Reasonable accommodations are laid down in section 15 of the Non-discrimination Act.

The obligation to make reasonable accommodations applies to the authorities, education providers, employers, and providers of goods and services. Reasonable accommodations, for example, allow people with

¹⁸ Government Proposal 19/2014.



disabilities to use official services, obtain an education, go to work, and use generally available goods and services in the same way as others can.

These provisions only apply to people with disabilities but, since the definition of disability in the Non-discrimination Act is based on the definition used in the UNCRPD, the group of people entitled to reasonable accommodations is a fairly large one, and it also includes people we are accustomed to thinking of as having restricted functional capacity. Short-term restricted functional capacity does not entitle people to obtain reasonable accommodations. According to a decision of the National Non-Discrimination and Equality Tribunal of Finland (31 January 2018, register no. 301/2017), a claimant who was able to move around using crutches was not entitled to obtain reasonable accommodations, as they had hurt their knee two months beforehand.

The obligation set for service providers to make accommodations only applies to *reasonable* accommodations. Here, “reasonable” means that, when assessing the obligation of service providers to make accommodations, their size, financial position, type and scope of operations, and the estimated costs of the accommodations must be taken into account. In addition, any subsidies obtained for making accommodations must be addressed. The reasonableness of accommodations must always be assessed on a case-by-case basis. Making accommodations allows services to be provided to people with disabilities. However, the services thus provided do not need to be identical to the normal services. For example, an accessible entrance to a shop does not need to be the main entrance and, in some cases, sales can take place in a different outlet if a specific outlet is inaccessible¹⁹.

8.3. Accessibility directives and national legislation on the provision of digital services

Directive (EU) 2016/2102 of the European Parliament and of the Council on the accessibility of the websites and mobile applications of public sector bodies (the “Web Accessibility Directive”) entered into force on 22 December 2016.

The EU Web Accessibility Directive applies to accessibility, and the Finnish act on the provision of digital services was presented to Parliament for processing on 4 May 2018. The directive and the proposed act set out requirements for the accessibility of digital services. In other words, services must be available in accessible formats. The Web Accessibility Directive will be enforced by the Finnish act on the provision of digital services. The directive entered into force on 23 September 2018 and the act is expected to enter into force at the end of 2018.

The Web Accessibility Directive defines a minimum level for the availability of online services of public sector bodies and the means to supervise the fulfilment of accessibility. The directive requires that websites and mobile applications, as well as their content, are such that anyone can use them and understand what they say.²⁰

According to the Government proposal (60/2018), the upcoming act on the provision of digital services will generally apply to the digital services of the authorities and public corporations. Public corporations in-

¹⁹ Decisions of the National Non-Discrimination and Equality Tribunal of Finland, 25 November 2016, register no. 185/2016; and 31 March 2016, register no. 47/2015

²⁰ Ministry of Finance <https://www.vm.fi>



clude such organisations, over which official procurement units have direct or indirect control, for example, based on ownership or an authorisation to appoint members to management bodies. In addition, the act will apply to the digital services of companies, foundations, associations and other organisations, the development or use of which is funded by the authorities, covering at least half of total development costs or annual maintenance costs. Therefore, providers of brokering and dispatch services and integrated mobility services would be within the scope of application of the new act if, for example, the conditions set for control or funding were met. However, the content of the act is not final.²¹

The European Accessibility Act (EAA) is also being prepared in the EU. It will apply to public and private service providers. The purpose of the EAA is to define what products and services accessibility requirements concern, but not how these requirements will be implemented. Therefore, the EAA would enable new solutions.

8.4. UN Convention on the Rights of People with Disabilities

The UNCRPD was ratified in Finland in 2016. Therefore, it is valid in Finland like any other legislation. The key purpose of the UNCRPD is to ensure that people with disabilities can live independently and participate fully in all parts of life, equally with others.

Its articles are directly binding on the authorities. The task of the authorities is to ensure that Finland's valid legislation meets the obligations laid down in the UNCRPD. The Non-discrimination Act is the central act related to the implementation of the UNCRPD. If an authority acts as a provider of mobility services, it must comply with the provisions of the UNCRPD and those of other legislation. Because the UNCRPD has legal force, it is possible that, in the case of any conflict, its provisions, which are sufficiently clear and precisely stipulated, will supersede any provisions of older legislation. The authorities must also address the stipulations of the UNCRPD as part of their constitutional obligation to promote the fulfilment of basic and human rights.

The UNCRPD does not directly impose any obligations on private parties, such as service providers. However, it is the duty of the authorities to ensure, through laws, official guidelines, notifications and training, that private parties also address the UNCRPD in their operations.

The provision of services so that they are broadly accessible to all users is a key goal in terms of equality. The fulfilment of this goal can be promoted through *universal design*, a concept defined in the UNCRPD. This concept means that products, environments and services are designed so that all people can use them as extensively as possible without any accommodation or special design. Universal design means, for example, the accessible design of facilities, vehicles, ordering and booking systems, furnishings, communication or support services. Principles applied to universal design are clearly connected to Article 9 of the UNCRPD, which includes general guidelines for accessibility, but they can also promote economic purposes.

²¹ More information about the upcoming legislation is available in Finnish on the website of the Ministry of Finance at <https://vm.fi/saavutettavuusdirektiivi> and in English at <http://www.europarl.europa.eu/news/en/press-room/20170911IPR83596/disabled-persons-to-have-better-access-to-products-and-services-in-the-eu>



8.5. Provisions on accessibility in different modes of transport and the right of passengers to receive assistance services

8.5.1. *Starting points for provisions on accessible transport*

Separate provisions have been issued on accessibility in transport services for different modes of transport. These provisions cover the rights of passengers, the infrastructure and vehicles. Provisions on the infrastructure define, for example, accessibility in station buildings and platform areas. Requirements for accessible vehicles are defined in widely different ways. The fulfilment of accessibility is defined in EU regulations, national legislation and regulations from Trafi. All operational vehicles must fulfil these requirements.

The rights of passengers and their rights to assistance services are laid down in EU regulations on transport by bus, rail, air, sea and inland waterway. These regulations have slightly differing content. EU regulations on the rights of passengers apply to passengers with disabilities and limited mobility. Defining the scope of application of EU regulations is not always unambiguous. In EU regulations, “disabled persons and persons with reduced mobility” refers to a person whose mobility is limited due to a (sensory or motor, permanent or temporary) physical disability, intellectual disability or difficulties in comprehension, another factor resulting from disability or age when using vehicles, and whose situation requires proper attention and the accommodation of services available to all passengers for the specific needs of the person in question.

The key right of passengers regarding bus, rail, air and ship transport is the right to receive assistance based on information provided beforehand. A passenger who needs assistance has the right to obtain their ticket without any extra charge. In addition, transport and terminal operators must apply non-discriminatory accessibility terms and conditions to the transport of people with disabilities or limited mobility, and these terms and conditions must be generally available.

Having separate regulations on the rights of passengers concerning different modes of transport results in challenges when passengers use different vehicles during their travel chain. The regulations do not apply to situations where a passenger needs assistance to get from one vehicle to another. However, agreement on these services can be reached between transport operators. For example, such an arrangement is already in place at Helsinki Airport.

In addition, providers of brokering and dispatch services and integrated mobility services must take the rights of passengers, as laid down in EU regulations, into account in their operations. It is important that providers of integrated mobility services pay attention to how they can coordinate and implement requirements set for different modes of transport in an accessible way.

8.5.2. *Taxi services*

Preconditions for providing taxi services or the rights of passengers are not stipulated in EU regulations. The provision of taxi services is defined in the Act on Transport Services (320/2017), which entered into force on 1 July 2018. According to part III, chapter 1, section 2 of the Act on Transport Services, a licence holder that provides passenger transport services is responsible for ensuring that taxi drivers ensure that



passengers can enter and exit their vehicles safely and provide them with the assistance they need. Drivers must have sufficient interaction and language skills and an ability to identify any special needs resulting from restricted functional capacity.

The Vehicles Act²² and the related Trafi regulation define accessibility requirements for taxis.²³ In the regulation, accessible vehicles have been divided into two subcategories: small accessible vehicles and large accessible vehicles. According to the regulation, the place reserved for a wheelchair in a small accessible vehicle must be slightly larger than what is currently stipulated for accessible taxis. In this respect, a large accessible vehicle corresponds with a current taxi for people with disabilities.

Customers must be clearly told, before the ride and before confirming their order, what special services are included in the price of the taxi ride and what services are subject to a separate charge. Previously, the prices of services subject to a separate charge were specified in a decree. Now, taxi service providers can decide on what services they want to price separately. These special services include pulling wheelchairs up stairs, driving slowly, giving assistance to passengers at the final destination, transporting mobility aids, and any other service offered by a company. Trafi has published a report on key changes in taxi journeys paid for by people with limited mobility or restricted functional capacity²⁴.

8.5.3. Bus transport

The rights of passengers in bus transport are laid down in the EU regulation on the rights of passengers in bus and coach transport. According to the regulation, people with disabilities and limited mobility must be treated equally and provided with assistance in bus transport.²⁵ All provisions of the regulation apply to regular transport routes where the distance operated based on a timetable is 250 km or more. On these routes, customers have the right to obtain free assistance at bus stations and on vehicles, regardless of how long a distance the passenger is travelling on these routes. If a route operated based on a timetable is shorter than 250 km, provisions on non-discriminatory tickets and agreement terms and conditions, the right to travel, driver training and the availability of travel information apply.

People with disabilities and limited mobility must have the same opportunities to use bus transport as other people, and they must have an equal right to free movement, freedom of choice and non-discrimination as other people²⁶. Passengers with disabilities or limited mobility have the right to use bus transport without any extra charge. Transport and terminal operators must publish terms and conditions related to accessibility, prepared in cooperation with disability associations.

A passenger must notify the transport or terminal operator, travel agent or travel organiser of their need for assistance at least 36 hours before they need assistance services and report their arrival in a location designated by the terminal operator no earlier than 60 minutes and no later than 30 minutes before the

²² 1090/2002, amended by act 507/2017.

²³ Trafi/196251/03.04.03.00/2017

²⁴ Liikunta- ja toimintajoitteisten itse maksamien taksimatkojen keskeiset muutokset (Key changes in taxi journeys paid for by people with limited mobility or restricted functional capacity), 1 July 2018. Trafi publications 13/2018

²⁵ Regulation (EU) No. 181/2011 of the European Parliament and of the Council concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004, Article 1.

²⁶ Regulation (EU) No. 181/2011 of the European Parliament and of the Council concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004, preamble, paragraph 7.



departure. Any need for a special seat must be indicated when placing an order, if the need is known at the time. According to the regulation, people with disabilities and limited mobility have the right to receive assistance at terminals and aboard vehicles. Assistance services must be provided at bus stations named by Trafi. Currently, there are 13 such bus stations.²⁷

The assistance and arrangements required must be available at bus stations where assistance services are provided so that any passengers who need assistance can report their arrival and need for assistance in the designated place, can move from there to the check-in desk, waiting area and platform, and can board and disembark from the vehicle. There must be a lift, wheelchair or other assistance as required. Passengers can also be provided with assistance aboard a bus.

An operator can refuse to transport people with disabilities or limited mobility if this is necessary to follow safety requirements, or if the person cannot be assisted in boarding or disembarking from the vehicle, or if the person cannot be transported in a safe and functional way due to the design of the vehicle or the bus stops and terminals. If an operator refuses to transport a passenger due to safety requirements, the transport operator, travel agent and travel organiser must provide the passenger with information about acceptable alternative services offered by the transport operator. Furthermore, if an operator refuses to transport a passenger due to safety requirements, the passenger can request that they be accompanied by another person who is able to assist them. Such an assistant must be transported free of charge.

Transport and terminal operators must have non-discriminatory accessibility terms and conditions regarding the transport of people with disabilities or limited mobility, and these terms and conditions must be available to passengers.

8.5.4. Rail transport

Rights of passengers in rail transport are laid down in the EU regulation on rail passengers' rights and obligations²⁸. According to the regulation, people with disabilities and limited mobility must be treated equally and provided with assistance in rail transport. Passengers have the right to receive assistance to board trains and aboard the train. This right covers receiving assistance from the assistance call point until the train, assistance in boarding or disembarking from trains, and receiving assistance from the train to the assistance call point. An "assistance call point" is a location at or outside a railway station where people with disabilities or limited mobility can report their arrival and ask for assistance. Assistance aboard trains consists of the provision of reasonable assistance so that the passenger can use the same services as other passengers.

Passengers must report their need for assistance to the railway or station operator, ticket seller or travel organiser at least 48 hours before they will need assistance. This report must be presented to the party from which the ticket was purchased. A person who needs assistance must arrive at the designated assistance call point as agreed, no earlier than 60 minutes and no later than 30 minutes before departure. The transport operator may propose a shorter period for reporting any need for assistance and the passenger's arrival at an assistance call point. An example of good practice is offered by the Finnish national railway operator, VR. It has shortened the period for reporting any need for assistance to 36 hours and the period

²⁷ Helsinki (Kamppi), Joensuu, Jyväskylä, Kouvola, Kuopio, Lahti, Lappeenranta, Oulu, Pori, Rovaniemi, Tampere, Turku and Vaasa

²⁸ Regulation (EC) No. 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations



for reporting the arrival of passengers to 20 minutes. If several journeys can be made using a single ticket, it is sufficient that any need for assistance is reported once, provided that sufficient information about the timetables of the following journeys is provided. Even in situations where a passenger requiring assistance has not reported their need for assistance as specified above, railway and station operators must take all necessary action to provide assistance so that passenger is able to travel.

The railway operator, ticket seller or travel organiser must provide people with disabilities or limited mobility with an opportunity to book their journey and buy their tickets without any extra charge. They cannot refuse to accept a booking request or sell a ticket. In certain special situations related to safety, a railway operator can demand that a passenger travel with an assistant.

According to the regulation, the railway operator, ticket seller or travel organiser must, upon request, notify people with disabilities or limited mobility of an opportunity to use railway services and of any arrangements provided aboard a train. Railway and station operators must, with the active help of associations representing people with disabilities or limited mobility, prepare rules and regulations for the rights of people with disabilities or limited mobility to transportation without discrimination, or they must already have such rules and regulations in place.

The EU regulation on the accessibility of the rail system²⁹ is directly enforceable, and its provisions concern the railway station infrastructure and rolling stock. The regulation stipulates that a nationally updated action plan must be prepared. Railway and station operators must ensure that people with disabilities or limited mobility have access to stations, platforms, rolling stock and all services. Trafi's regulation on accessibility in the rail system (Trafi/8596/03.04.02.00/2014) supplements the EU regulation in parts where the regulation remains open and in special cases concerning Finland. Its provisions apply particularly to danger areas on platforms and to level crossings.

8.5.5. *Air transport*

Air transport is governed by two key regulations on the rights of passengers, one of which applies to the general rights of air passengers³⁰ and the other of which applies to the rights of people with disabilities or limited mobility when travelling by air³¹. According to the EU regulation on the rights of people with disabilities or limited mobility when travelling by air, people with disabilities or limited mobility have the right to receive free assistance at the airport before and after their flight, during boarding, during the flight and when disembarking from the plane. In addition, people with disabilities or limited mobility have the right to receive assistance when they pass through an airport or they are transferring to another flight from the flight they had booked. The assistance given must be customised according to the special needs of each passenger, if possible. Passengers must report their need for assistance to the airline, ticket seller or travel organiser at least 48 hours before departure. If a passenger fails to report their need for assistance, the airport operator must take all reasonable action to assist the person with disabilities or limited mobility so that the person can make it to their flight. In order to receive assistance, the person in question must ar-

²⁹ Commission Regulation (EU) No. 1300/2014 on the technical specifications for interoperability relating to accessibility of the Union's rail system for persons with disabilities and persons with reduced mobility.

³⁰ Regulation (EC) No. 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91

³¹ Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air



rive at an assistance call point located in the airport area within the pre-defined time and report their arrival at a check-in desk within the pre-defined time. Unless otherwise agreed, the person must arrive at the check-in desk at least one hour before departure.

Air transport operators cannot prevent passengers from accessing their flight due to a disability or limited mobility. A passenger can be prevented from booking a flight or accessing their flight due to a disability or limited mobility for safety reasons or if the size of the plane or its doors makes boarding and transport physically impossible. For safety reasons, an air transport operator can demand that a passenger with disabilities or limited mobility be accompanied by another person who is able to assist the passenger in order to fulfil safety requirements.

8.5.6. *Sea and inland waterway transport*

The rights of passengers travelling by sea and inland waterway are defined in the EU regulation on the rights of passengers when travelling by sea and inland waterway.³² The regulation applies to passengers who travel on large car ferries or cruise ships by sea, or on a river, lake or canal. However, the regulation does not apply to trips or tours. According to the regulation, people with disabilities or limited mobility have the right to equal treatment and free assistance at ports and aboard vessels, and the right to obtain information about accessibility at port terminals and aboard vessels. The obligation to provide assistance applies to transport and terminal operators, and it also covers assistance when boarding and disembarking from a vessel. Transport operators, travel agents and travel organisers must provide people with disabilities or limited mobility with tickets and booking services free of charge and under the same terms and conditions as those applied to other passengers. However, transport operators, travel agents and travel organisers can refuse to accept a reservation, give a ticket, or allow a person to board a vessel if this is necessary for general safety reasons or if it is not safe for the person to board or disembark from a vessel or to travel on board a vessel due to the infrastructure and equipment at the port. In these situations, it can be required that the passenger be accompanied by another person who is able to provide the assistance needed by the person with a disability or person with limited mobility.

Passengers must report their need for assistance to the transport or terminal operator at least 48 hours before they need assistance. If several journeys are being taken using a single ticket, it is sufficient that any need for assistance is reported once, provided that sufficient information about the timetables of the following journeys is provided. Passengers must indicate any special needs for accommodation, seating or services and the transportation of medical equipment when making a reservation, if this is known at the time. A person requiring assistance must arrive at the assistance call point at the port at the time designated by the transport operator. If no time is designated, the person must arrive at the assistance call point no later than 60 minutes before boarding. Even in a situation where a passenger requiring assistance has not reported their need for assistance, the shipping company and terminal operator must take all reasonable action to provide a passenger with limited mobility with assistance when boarding and disembarking from a vessel and on board the vessel. The shipping company and terminal operator are responsible for providing assistance at the port, when boarding and disembarking from a vessel and on board the vessel. This assistance service must be free of charge. Assistance must be available from the assistance call point at the terminal to the check-in desk and security checkpoint, when boarding and disembarking from a vessel, when carrying luggage to and from a vessel, and when handling and carrying moving aids.

³² Regulation (EU) No. 1177/2010 of the European Parliament and of the Council concerning the rights of passengers when travelling by sea and inland waterway and amending Regulation (EC) No. 2006/2004



Transport and terminal operators must have non-discriminatory accessibility terms and conditions regarding the transport of people with disabilities or limited mobility and people travelling with them.

Trafi has issued a regulation on accessible vessels. It will come into full effect in 2020³³. The accessibility regulation concerns, for example, boarding and disembarking from vessels, signs, communication, alarms and opportunities to move around aboard vessels.

9. Addressing provisions on accessibility in operations of providers of brokering and dispatch services and integrated mobility services

Key factors in this section

- A travel chain involves several parties, each of which must ensure that accessibility is taken into account in its own operations.
- Providers of brokering and dispatch services and integrated mobility services must provide passengers with restricted functional capacity with information about available services and assistance, accessible vehicles and aids that help passengers board vehicles.
- Furthermore, providers of brokering and dispatch services and integrated mobility services must pass on information set out in provisions on important information about mobility services to an open access point. This information must then be sent to the Finnish Transport Agency's NAP service.
- Passengers with restricted functional capacity require information about accessibility during their journey or travel chain in order to select the most suitable journey for them.
- In order to serve passengers with restricted functional capacity, mobility service providers should agree that sufficient information about accessibility is sent to an open access point.
- Providers of digital mobility services must build their services in accessible formats from the moment they begin operating.
- In terms of digital services, "accessibility" refers, for example, to usability with the help of different aids, such as screen readers.
- A passenger with a disability may request that a service provider enable the use of an inaccessible service by making reasonable accommodations.
- The service provider can make the accommodations as they deem appropriate. Such accommodations must be safe, effective and practical.
- Moreover, such accommodations must be financially reasonable for the service provider.
- Providers of brokering and dispatch services and integrated mobility services must follow EU regulations on the rights of passengers and, in particular, their provisions on assistance services.
- However, the legislation does not set out any general obligation for providing an assistance

³³ Trafi/159173/03.04.01.00/2017. The regulation is partly in effect. Some vessels are exempt until 2020.



9.1. General

In their operations, providers of brokering and dispatch services and integrated mobility services must follow the provisions of different regulations on accessibility and equality. This section describes the obligations of providers of brokering and dispatch services and integrated mobility services in such detail as is possible in the light of regulations and application practices. Key regulations are presented at a general level in section 8.

Basically, providers of brokering and dispatch services and integrated mobility services have similar obligations. Services can also be provided on someone else's behalf, in which case the same regulations still apply. If a provider of brokering and dispatch services or integrated mobility services is an authority, regulations set out for the authorities will also apply. A service provider considered to be an authority must also comply with regulations set out for the authorities. These are described in more detail in section 9.5.

A travel chain involves several parties, each of which must ensure that accessibility is taken into account in its own operations. Vehicles must fulfil the accessibility provisions laid down in acts and regulations. Stations and other buildings must fulfil the requirements set out for them in regulations. Passengers must have access to assistance services at terminals and ports and on vehicles as defined in the EU regulations on the rights of passengers.

Initially, providers of brokering and dispatch services and integrated mobility services must offer their services equally to all passengers. Service providers may also be obligated to provide people with disabilities with reasonable accommodations in accordance with the Non-discrimination Act. If services consist of several sub-services, providers of brokering and dispatch services and integrated mobility services should work together with other parties involved in the travel chain to make their services accessible.

Passengers have highly differing needs in terms of accessibility. The applicable regulations do not require that providers of brokering and dispatch services and integrated mobility services must always provide accessible journeys and travel chains to all passengers. What is important is that service providers pay attention to generally known situations and develop their operations so that various needs can be addressed. Section 8.4 describes the concept of universal design as one solution for service providers to design their services and the way they are provided so that they are suitable for all passengers, including people with restricted functional capacity.

9.2. Obligation to provide information in accordance with the Act on Transport Services and to pass on important information

9.2.1. *Obligation to provide information to passengers with restricted functional capacity*

Providers of brokering and dispatch services and integrated mobility services must provide information for passengers with restricted functional capacity in accordance with the Act on Transport Services. According to part III, chapter 1, section 1 of the Act on Transport Services, service providers must provide passengers with information about the following:



- services and assistance available to passengers with restricted functional capacity
- accessible vehicles
- equipment that makes it easier to board a vehicle and interact with the driver
- how to give feedback and what to do in irregular situations

In accordance with preliminary work for the Act on Transport Services, it is important to describe the services provided well enough that, on the basis of the information given, passengers can ensure that the services are suitable for them and select a specific service. The description should at least indicate the following:

- the kinds of services that are provided
- the locations where the services are provided
- what other features the services involve

Information about any changes to services – such as changes to routes, timetables or prices, or cancellations of individual journeys – must be provided as soon as possible.³⁴ Information must be provided to customers in electronic format. If this is not appropriate or reasonable due to the small size or operating area of the company in question, this requirement can be deviated from. In this case, information must be generally made available in written form.

According to part III, chapter 5, section 2 of the Act on Transport Services, providers of brokering and dispatch services and integrated mobility services have a specific obligation to provide information. Providers of brokering and dispatch services and integrated mobility services must, when entering into an agreement, provide passengers with information about who the passengers can turn to in different phases of the travel chain if the service is not provided in accordance with the confirmation given. This also applies when the service is not accessible in accordance with the confirmation given to a passenger. In practice, this means that, for example, information about any changes must be provided and that alternative arrangements should be in place if part of a travel chain is cancelled or delayed.

9.2.2. *Information in accordance with the decree on important information*

According to part III, chapter 2, section 1 of the Act on Transport Services, providers of passenger mobility services must ensure that significant up-to-date information about their mobility service is available via a connection established in a data system, being in a machine-readable and easily modifiable standard format and freely available (*open access point*).

According to the decree on important information issued based on the Act on Transport Services, providers of brokering and dispatch services and integrated mobility services must provide at least the following information about accessibility:

- Information about whether the vehicles used or some of them are accessible, low-floor vehicles or whether they include places for wheelchairs or guide dogs. According to the memorandum concerning the decree³⁵, the rules concerning the accessibility of vehicles apply to taxis, which are di-

³⁴ Government Proposal 161/2016, detailed justification

³⁵ Memorandum of the Ministry of Transport and Communications, 31 August 2017. Government decree on essential data about mobility services, p. 5



vided into specific categories of accessible vehicles, while the rules concerning low-floor vehicles and the availability of wheelchair places apply to buses and trains. As providing information about accessibility concerns vehicles, information covering all scheduled transport routes is not required.

- Locations of scheduled transport stops, stations, terminals and other locations where vehicles stop, and estimated timetables, with departure and arrival times specified, if necessary
- Information about any announcements at stops, and information about any accessibility-related changes in vehicles
- Information about any additional services that a service provider wants to indicate in an API, such as information about baby seats or animal transport and their prices, and the use of announcements at stops
- Estimates of any significant delays or cancellations, and accessibility-related changes in vehicles, as soon as they are known by the service provider and can be reasonably passed on
- Information providing detailed maps of indoor facilities, and information about sign systems in use or a link to a service where such information is available. The decree includes provisions on information about stations, ports and other terminals. This information must be provided by the operator that is responsible for using the building in question as a terminal, unless the operator has agreed that another operator will provide this information.
- Information about assistance services related to EU regulations on the rights of passengers
- Information about factors that make the use of the service easier for groups of users with other special needs

9.2.3. The Finnish Transport Agency's NAP service for the exchange of digital information

The Finnish Transport Agency maintains a mobility service catalogue called the National Access Point (NAP), which is a national open-access point. Mobility service providers must send information about their digital computer-readable APIs for submitting important information to the NAP service. The NAP service contains information about service providers and the services they offer.³⁶ The NAP service includes menus for accessibility information, to which information about the accessibility of vehicles and information services can be added.

9.2.4. Use of information by providers of brokering and dispatch services and integrated mobility services

Before a journey, providers of brokering and dispatch services and integrated mobility services provide a passenger with information that the service provider in question obtains from other service providers via an open access point. Based on the information obtained, the passenger selects a suitable journey or travel chain. For a passenger with restricted functional capacity, important information includes real-time information about the location of accessible buses, the availability of accessible taxis or taxis for people with

³⁶ More information about NAP <https://finap.fi>



disabilities, whether a terminal offers a plain-text sign system or an assistance service, the accessibility of stops, and a map of accessible routes³⁷.

Providers of brokering and dispatch services and integrated mobility services should have as much information as possible about the accessibility of stops, stations and vehicles, and about opportunities for assistance services, so that they can also provide their services to people with disabilities and people with restricted functional capacity or mobility. Service providers can primarily obtain this information through the API and NAP service. If there is insufficient information about accessible options, the provision of an accessible journey or travel chain may not be possible.

9.2.5. Agreements between service providers on information and special needs of passengers

The decree on important information does not require service providers to provide all the information necessary for a successful accessible journey or travel chain. For example, the decree does not require service providers to provide a map of the surroundings of a port, station or terminal, i.e. of the area around a building. However, this information is important in order to show how passengers can get from the stop to the building. What is more, it is not possible to obtain route- or timetable-specific information about accessible vehicles or detailed information about buildings, surroundings and existing services in an API based solely on information saved in the NAP service, for example.

Insofar as provisions on accessibility do not obligate providers to present all necessary information, mobility service providers and providers of brokering and dispatch services and integrated mobility services can mutually agree upon the provision of sufficient information. With sufficient information, services can also be provided for passengers with restricted functional capacity. For example, the provision of the following information can be defined in agreements between service providers:

- detailed timetables for accessible buses and other accessible vehicles
- information about the accessibility of the area around a terminal or stop
- information about the possibility to obtain an assistance service to transfer from one vehicle to the next and to find a seat

In addition, section 6.2 presents possible needs resulting from restricted functional capacity in brokering and dispatch and integrated mobility services. Service providers should reach agreements with each other on issues such as the exchange of this kind of information.

Because passengers with restricted functional capacity have various needs that differ from one customer group to the next and are related to the features of travel chains, it is impossible to provide detailed recommendations concerning the content of such agreements. A more extensive study of the content of such agreements could be conducted in cooperation between disability associations and providers of brokering and dispatch services and integrated mobility services. Many associations employ accessibility specialists who have up-to-date knowledge of accessibility requirements.

It would also be useful for providers of brokering and dispatch services and integrated mobility services to obtain information about the special needs of passengers. This information is important so that service

³⁷ Based on publication of the Ministry of Transport and Communications 2/2017 promoting the accessibility of digital transport services



providers can provide appropriate and well-functioning journeys or travel chains to passengers with restricted functional capacity. Information collected from passengers must be necessary, and each passenger must consent to such information being collected and disclosed. Passengers can be asked to provide information about their special needs by using various methods, particularly in the ordering phase. For example, an electronic application used by a service provider may include checkboxes related to special needs, such as a wheelchair, guide dog, personal assistant or assistance service. Service providers can use the EU Disability Card,³⁸ which was adopted in Finland in 2018,³⁹ to collect information. Using a standard Disability Card, people with disabilities can, in Finland and other EU states, easily indicate that they have a disability or need an assistant when using, for example, public transport. The EU Disability Card is a voluntary tool for communication and participation.

Providers of brokering and dispatch services and integrated mobility services can also transmit information about the special needs of a passenger to other service providers involved in the travel chain, provided that the passenger has given their consent to the disclosure of their information. Requirements set out in the EU General Data Protection Regulation and the upcoming data protection legislation apply to the disclosure of information. As questions related to data protection are examined in a separate report, they are not discussed in more detail in this report.

9.3. Obligations of providers of brokering and dispatch services and integrated mobility services in accordance with the Non-discrimination Act

9.3.1. *Combining services in generally accessible format*

The Non-discrimination Act requires that parties that provide brokering and dispatch services and integrated mobility services for general availability must provide their services so that no one is disadvantaged due to their restricted functional capacity. The provisions of the Non-discrimination Act apply to those service providers that make their services generally available to groups other than small pre-defined groups of people.

Service providers cannot refuse to serve people with restricted functional capacity, or prevent or restrict a service from being provided for people with restricted functional capacity.⁴⁰ Section 8 of the Non-discrimination Act prohibits discrimination based on a person's state of health, disability or other personal characteristics. Restricted functional capacity can be regarded as such a personal characteristic. The prevention of discrimination set out in the Non-discrimination Act includes the prevention of direct and indirect discrimination. Refusing to make reasonable accommodations as stipulated in legislation when a passenger is entitled to them is also regarded as discrimination.

³⁸ <http://www.vammaiskortti.fi/en/in-english/>

³⁹ For example, VR uses the EU Disability Card in its services. Using the card, customers with disabilities can prove that they have the right to a free ticket for an assistant on local and long-distance trains.

⁴⁰ Government Proposal 19/2014.



The provisions of the Non-discrimination Act on discrimination and the related case law require that providers of brokering and dispatch services and integrated mobility services must primarily provide their service in a generally accessible format. Another option is for service providers to arrange an alternative way for customers with restricted functional capacity to use their services. For example, the National Non-Discrimination and Equality Tribunal of Finland held, in a decision dated 20 April 2017, that an option provided for a visually impaired customer to place an order by telephone in place of an electronic service was considered to be justified, without this being regarded as discrimination.⁴¹

9.3.2. *Indirect discrimination and obligation to address the diversity of users*

According to the prohibition on indirect discrimination, a rule, regulation or practical application related to a service from a service provider must not have an actual discriminatory effect based on personal characteristics. The indirect discriminatory effect of a rule, regulation or practical application often occurs when it is more difficult for people belonging to a specific group to fulfil a specific requirement or when the selected implementation method has a negative impact only on that group of people.

In a decision of the National Non-Discrimination and Equality Tribunal of Finland concerning the municipal travel service centre in Rovaniemi⁴², the tribunal held that the travel service centre indirectly discriminated against the claimant based on their being visually impaired, as instructions given to the customer were not readable using a screen reader. In another decision concerning an association, a claimant who required a wheelchair due to a disability was deemed to have been discriminated against, as they were not able to participate in a public event held by a political association due to the facilities not being accessible. The tribunal held that, because the association had not sufficiently identified what accessible facilities would have been available for holding the event and what facilities it could have used to hold the event, the association indirectly discriminated against the claimant⁴³.

Therefore, providers of digital mobility services must, from the moment they start operating, provide their services in accessible formats, addressing all generally known requirements set out for accessible services. In terms of digital services, accessibility means, for example, that a program can be read and used using aids. This concerns different electronic services and programs that are used on a computer or smartphone. More information about the accessibility of digital services and the suitability of services for screen readers, for example, is provided by the Finnish Federation of the Visually Impaired and Tikoteekki, the IT and communications centre of the Finnish Association on Intellectual and Developmental Disabilities.

The obligation to address the diversity of users in the practical provision of services is also indicated in the view of the Non-Discrimination Ombudsman. Based on enquiries sent to the Non-Discrimination Ombudsman, indirect discrimination includes, for example, situations where a service is provided for all customers using an equal service principle that, however, places some customers in a disadvantageous position compared with others. For example, banks require that customers understand the terms and conditions of their service agreements. However, many banks only make these available in Finnish and Swedish. This means

⁴¹ Decision of the National Non-Discrimination and Equality Tribunal of Finland, 20 April 2017, register no. 152/2016.

⁴² Decision of the National Non-Discrimination and Equality Tribunal of Finland, 20 April 2017, register no. 152/2016.

⁴³ Decision of the National Non-Discrimination and Equality Tribunal of Finland, 20 April 2017, register no. 102/2016



that immigrants who cannot properly understand Finnish or Swedish are in a disadvantageous position⁴⁴. Even though this example concerns banking services, this principle also applies to other services.

When an provider of integrated mobility services offers a travel chain, all transfers during the travel chain must be taken into account in the service. For example, requirements set for accessibility can be related to the accessibility of a service transmission program. In addition, service providers must address requirements set for concrete accessibility regarding their travel chain, such as the possibility to use a wheelchair and opportunities of wheelchair users to board a vehicle or enter a station.

Indirect discrimination can also be related to specific terms and conditions or information required from passengers. In its decision 27/2015, the National Non-Discrimination and Equality Tribunal of Finland held that a corporation discriminated against the claimant and other people with disabilities who use assistant tickets, as it demanded that they provide a separate statement in its online shop to indicate that they are visually impaired or require a wheelchair and are entitled to have a free ticket for their assistant⁴⁵.

The National Non-Discrimination and Equality Tribunal of Finland has issued several decisions concerning indirect discrimination in the provision of services. Several of these cases are presented in Appendix 3. Even though not all of these cases concern transport operators, they concern services in general. Therefore, the principles used in interpreting these decisions apply to the provision of all services, including brokering and dispatch services and integrated mobility services. In summary, based on these resolutions, it can at least be stated that, when a company arranges generally available services, it must take into account the diversity of its customers beforehand and identify any possibilities to provide the service in an accessible way. These cases indicate, among other things, that service providers have an obligation to identify any customer needs related to accessibility beforehand when services are provided for general availability. Service providers do not need to change their service concept, but they need to ensure that the provision of services in a specific way does not lead to discrimination. If a company acts otherwise and it has no acceptable goal for its actions, its actions may be regarded as indirect discrimination.

9.3.3. *Reasonable accommodations for passengers with disabilities*

The needs of passengers with disabilities can be so diverse in different situations that not all situations can be anticipated and taken into account in the provision of services. If a service is not accessible for a passenger with a disability, providers of brokering and dispatch services and integrated mobility services may be obligated, at the request of the person with a disability, to make the reasonable accommodations required in each situation as laid down in the Non-discrimination Act. This obligation primarily applies to the services and operations of each service provider.

Reasonable accommodations are actions that ensure that a person with a disability can access generally available goods and services in a similar way to how other people can access them. The obligation to make reasonable accommodations is laid down in section 15 of the Non-discrimination Act. Regarding transport vehicles, reasonable accommodations include different assistance services, seat arrangements, aids and structures that enable access to the vehicle.

⁴⁴ <https://www.syrjinta.fi/yksityiset-palvelut>

⁴⁵ Decision of the National Non-Discrimination and Equality Tribunal of Finland, 7 June 2016, register no. 27/2015



9.3.4. *Need for reasonable accommodations*

The reasonableness of accommodations must always be assessed on a case-by-case basis. Such accommodations must be necessary in each situation. Necessity is indicated by a person with a disability requesting it. An action is deemed to be necessary for a person with a disability when, for example, a service is not accessible to people with disabilities similarly to other people without reasonable accommodations. However, the service does not need to be provided in an identical manner, but it must be made available to people with disabilities by using reasonable accommodations.

Reasonable accommodations are always personal and case-specific. Therefore, no detailed instructions for the accommodations to be arranged can be provided. Some general guidelines are available in the decisions of the National Non-Discrimination and Equality Tribunal of Finland.

For example, an entrance offered to customers with disabilities can be different from the main entrance and, in some cases, service can be provided in a different outlet if a specific outlet is not accessible⁴⁶. In a resolution of the National Non-Discrimination and Equality Tribunal of Finland dated 21 March 2018, as it was impossible for a visually impaired passenger to use a ticket validation device on a vehicle, the service provider offered assistance provided by the driver as a reasonable accommodation. The tribunal did not consider the option offered to be an acceptable reasonable accommodation. According to the tribunal, the use of a mobile ticket as an option was also not considered to be a proper action to ensure equal treatment, as it would have required the claimant to use a smartphone without other users being forced to do so.⁴⁷

In a recent decision issued on 8 March 2018, the National Non-Discrimination and Equality Tribunal of Finland stated that VR Group discriminated against a wheelchair user due to their disability in a situation where accessible alternative transport was not offered due to planned track repairs. Therefore, the claimant was not able to take the planned journey. This case involved a failure to make reasonable accommodations⁴⁸.

9.3.5. *Requests for reasonable accommodations presented by a person with a disability*

Service providers must make the reasonable accommodations laid down in the legislation if a person with a disability so requests. For example, if a station or terminal is not fully accessible, a passenger can request reasonable accommodations.

If a service consists of several sub-services and there are several service providers, the legislation does not explicitly define which service provider such a request should be presented to. Furthermore, the Non-discrimination Act does not state who has the primary or ultimate responsibility to make the accommoda-

⁴⁶ Decision of the National Non-Discrimination and Equality Tribunal of Finland, 25 November 2016, register no. 185/2016; and 31 March 2016, register no. 47/2015

⁴⁷ Decision of the National Non-Discrimination and Equality Tribunal of Finland, 21 March 2018, register no. 178/2016

⁴⁸ Decision of the National Non-Discrimination and Equality Tribunal of Finland, 8 March 2018, register no. 267/2017



tions. A recent decision of the National Non-Discrimination and Equality Tribunal of Finland⁴⁹ dealt with responsibilities for reasonable accommodations between an employer and transport service provider. It was considered that, with regard to journeys to and from work, the employer is primarily responsible for accommodations in relation to the transport service provider. However, the decision is not yet legally valid, as an appeal has been filed with the Administrative Court.

In the case of a brokering and dispatch service, accommodations should probably be requested from the service provider whose service is not accessible. If a brokering and dispatch service or an integrated mobility service is not accessible, the request should be presented to the provider of the brokering and dispatch service or the integrated mobility service. Then again, if a transport service selected via a brokering and dispatch service or an integrated mobility service is not accessible, the request should be presented to the provider of the transport service. Different service providers could also agree upon a procedure to apply to reasonable accommodations. However, agreements cannot reduce the rights of people with disabilities to have accommodations made.

9.3.6. *Assessment of reasonableness*

A reasonable accommodation must be appropriate. This means that it must be appropriate, safe, effective and practical. Moreover, accommodations must be financially reasonable for the operator. This assessment is affected by the operator's size and financial position, the type and scope of its operations, the estimated costs of the accommodations in question, and any financial support for making accommodations obtained from other sources.

Decisions of the National Non-Discrimination and Equality Tribunal of Finland related to the assessment of reasonableness are highly case-specific. However, based on the decisions, it is possible to state that the type of operations and the size of company are significant factors. For example, a small shop was not considered to be obligated to help a person with a disability to collect their goods⁵⁰, whereas VR was considered to be obligated to provide replacement transport in a taxi suitable for people with disabilities,⁵¹ and an airline was considered to be obligated to arrange three seats for a customer⁵². Accommodations must also be such that they enable the use of the specific service, even though the service does not always have to be identical.

⁴⁹ Decision of the National Non-Discrimination and Equality Tribunal of Finland, 21 March 2018, register no.: 178/2016

⁵⁰ Decision of the National Non-Discrimination and Equality Tribunal of Finland, 10 November 2016 register no. 154/2016

⁵¹ Decision of the National Non-Discrimination and Equality Tribunal of Finland, 8 March 2018, register no. 267/2017

⁵² Decision of the National Non-Discrimination and Equality Tribunal of Finland, 20 April 2017, register no. 102/2016



9.4. Compliance with EU regulations on the rights of passengers in brokering and dispatch and integrated mobility services

When offering journeys and travel chains, providers of brokering and dispatch services and integrated mobility services must address EU regulations on the rights of passengers and, in particular, their provisions on assistance services.

In travel chains of integrated mobility services, it is important that accessibility is complied with between different parts of the travel chains, such as when transferring from one vehicle to the next. The legislation does not define any general obligation to assist passengers or provide accessible service when transferring from one vehicle to the next. The obligation to provide an assistance service is only included in EU regulations on the rights of passengers with disabilities and limited mobility regarding train, bus, air and maritime transport. However, this obligation only applies to each mode of transport separately, meaning that there is no obligation to provide smooth transfers.

Service providers can agree upon the provision of assistance services so that passengers can accessibly transfer from one vehicle to the next. Helsinki Airport is a good example of this, where assistance call points for different assistance services have been combined.

The right of passengers to receive assistance services laid down in EU regulations applies to passengers with disabilities or limited mobility. Passengers must report their need for assistance within the time limits set out in EU regulations on the rights of passengers. These are slightly different in each regulation. Detailed limits are presented in sections 8.5.3–8.5.6 and in the attached summary of legal provisions. If a journey or travel chain is provided by a provider of brokering and dispatch services or a provider of integrated mobility services, the provider can make an agreement with the passenger to issue this report on their behalf.

In terms of acting on someone else's behalf, it is probable that a passenger's need for assistance will be known and will have been agreed between the passenger and service provider. Similarly, how the need for assistance will be reported to the operator acting on someone else's behalf will also have been agreed.

Transport, terminal and port operators must ensure that the assistance services required in regulations on the rights of passengers and terms and conditions related to accessibility are available.

9.5. Application of the UNCRPD and the Non-discrimination Act to authorities when they act as a provider of brokering and dispatch or integrated mobility services

If an authority acts as a provider of brokering and dispatch or integrated mobility services, it must comply with the provisions of the UNCRPD and those of other legislation. An operator considered to be an authority must comply with the general principles of the UNCRPD and, in particular, address any precisely outlined and clear articles.



Accessibility is a key principle of the UNCRPD. Article 9 on accessibility obligates the authorities to make sure that the physical environment, transport, announcements and communications are all accessible. This means, among other things, that people with disabilities must be provided with access to information and communications technologies and systems, as well as to other arrangements and services open to or offered to the public. The accessibility requirement also applies to buildings, roads and transport services. Article 9 on accessibility requires the authorities to ensure that private parties that provide facilities and services open to or offered to the public take the need for accessibility into account.

Article 20 on personal mobility obligates the authorities to take effective measures to ensure personal mobility with the greatest possible independence for persons with disabilities, including:

- facilitating the personal mobility of persons with disabilities in the manner and at the time of their choice, and at affordable cost
- facilitating access by persons with disabilities to quality mobility aids, devices, assistive technologies and different kinds of helpers and intermediaries, including by making them available at affordable cost
- providing training in mobility skills to persons with disabilities and to specialist staff working with persons with disabilities
- encouraging entities that produce mobility aids, devices and assistive technologies to take into account all aspects of mobility for persons with disabilities

The obligation to promote equality laid down in section 5 of the Non-discrimination Act only applies to the authorities. They must ensure that equality in their operations is assessed and the requirements are met, and take necessary action to promote equality. Their actions must be efficient, appropriate and proportionate, taking into account the operating environment, resources and other conditions of the authorities. In addition, the authorities must have a plan for the actions required to promote equality.

The authorities are also governed by Section 22 of the Constitution of Finland, which requires them to ensure the observance of basic rights and liberties, and human rights.

10. Legal protections for passengers

Key factors in this section

- A passenger who is discriminated against can file a complaint with the Non-Discrimination Ombudsman or the National Non-Discrimination and Equality Tribunal of Finland.
- Based on the Non-discrimination Act, passengers have the right to receive compensation. This requires that legal action is taken in a district court.
- Based on EU regulations on the rights of passengers, a passenger can file a complaint with an operator.
- If a passenger is not satisfied with the operator's response, they can file a complaint with Trafi.
- As the final means of legal protection, a person with a disability can file a complaint with the Committee on the Rights of Persons with Disabilities (CRPD).



10.1. Legal protection under the Non-discrimination Act

Compliance with the Non-discrimination Act is supervised by the Non-Discrimination Ombudsman or the National Non-Discrimination and Equality Tribunal of Finland. A person discriminated against can file a complaint with the tribunal, and its resolutions can be further raised to the Administrative Court. The tribunal can prevent the operator in question from continuing or renewing their discriminatory activities and impose a conditional fine to enhance compliance with its decision. A concerned party can be obligated to take action, within reasonable time, to fulfil the obligations laid down in the Non-discrimination Act. The tribunal cannot impose any compensation or other reimbursement for payment. A person discriminated against can file a complaint with the district court to demand compensation from the discriminating party, and only the district court can impose that compensation be paid for discrimination.

10.2. Legal protection under EU regulations on the rights of passengers

Passengers have access to the legal protection offered by EU regulations on the rights of passengers. Based on part IV, chapter 1, section 9 of the Act on Transport Services, Trafi supervises the rights of passengers with disabilities or limited mobility laid down in EU regulations on the rights of passengers in Finland, and it can obligate operators to correct any errors or omissions. A conditional fine or the threat of terminating the operations in full or in part, or of having the action taken at the concerned party's expense may be imposed to enhance the decision.

With regard to assistance services, a complaint must first be filed with the party that would have been obligated to provide assistance. A passenger can file a complaint with Trafi if they are not satisfied with the operator's response or do not receive any response. Trafi is authorised to issue a recommendation in individual complaint cases, if necessary. Its recommendations are not decisions against which it is possible to file a complaint. Furthermore, Trafi cannot rule that compensation be paid in individual cases.

Transfers from one vehicle to the next (i.e. travel chains) fall outside the scope of application of EU regulations on the rights of passengers. Therefore, Trafi only processes complaints regarding questions related to individual modes of transport.

With regard to changes and disruptions, the pre-defined agreement between the service provider and passenger applies. Even if no agreement has been made, provisions on giving information and arranging replacement transport laid down in EU regulations on the rights of passengers apply to changes and disruptions.

10.3. Legal protection under the UNCRPD

Because Finland ratified the UN Convention on the Rights of People with Disabilities by also approving the optional protocol, Finnish people can, as a last means of legal protection, file a complaint with the CRPD. The CRPD is an international supervisory body under the UNCRPD, and it issues general comments on the content of the UNCRPD. Its general comments clarify and make concrete the articles of the UNCRPD, and they facilitate the application of the articles.



10.4. Provisions of the Act on Transport Services

Part III, chapter 1, section 1 of the Act on Transport Services requires that providers of brokering and dispatch services and integrated mobility services provide passengers, before the journey begins, with instructions on how to give feedback in the case of a defective procedure.

According to part IV, chapter 1, section 1 of the Act on Transport Services, Trafi supervises compliance with the Act on Transport Services and any provisions, regulations and decisions issued under it. Trafi also supervises the functioning of the transport system and the impact of the Act on Transport Services, and reports the status of the transport system on a regular basis.

According to part III, chapter 5, section 2 of the Act on Transport Services, providers of brokering and dispatch services and integrated mobility services have a special obligation to provide information. Providers of brokering and dispatch services and integrated mobility services must, when entering into an agreement, provide passengers with information about who the passengers can turn to in different phases of the travel chain if the service provided is not in accordance with the confirmation received.

11. Recommendations

The Non-discrimination Act sets requirements for service providers to provide their services in an accessible way. Service providers must identify different needs of their customers beforehand and aim to provide their services in as accessible a way as possible.

Providers of brokering and dispatch services and integrated mobility services primarily obtain information about factors affecting the accessibility of mobility services via information transmitted to an open access point. The open access point includes the information required in the decree on important information about mobility services. In practice, the minimum level of information to be sent as defined in the decree is not sufficient to enable accessible journeys and travel chains to be provided for passengers with restricted functional capacity.

On the basis of information collected from passengers and agreements entered into with other service providers, it is possible to collect additional information in order to provide accessible journeys and travel chains. This improves the opportunities of providers of brokering and dispatch services and integrated mobility services to also offer journeys and travel chains to passengers with restricted functional capacity. In addition, it would be useful to identify any opportunity to supplement the decree on important information with sufficient information about accessibility.

Passengers with diversely restricted functional capacity have highly varied and individual needs. By working together, the authorities, service providers and associations could investigate them in more detail, on the basis of which the decree could be supplemented and services could be provided.

It would be useful in the future to investigate opportunities to combine statutory supporting mobility and transport services intended for special groups with travel chains provided by providers of integrated mobility services. This would probably be in the best interests of society and improve the opportunities of members of special groups to travel independently.

On the basis of the study, it is also proposed that the following changes and new sections be added to the code of conduct for travel chains prepared in the Lippu project (FICORA's publication 004/2017 J):



- Addition to section 4.4 (Examples): a recommendation to provide more detailed information about accessibility.
- Addition to section 6.3 (Quality of travel chains): an addition indicating that agreements on travel chains should address factors related to accessibility.
- A new section regarding the significance and purpose of accessibility, as well as the provision of services in accessible format. Accessibility has only been stated in section 13.5 as part of disruptions. This section could be worded as follows: “Accessibility is part of addressing the diversity of passengers and providing equal services for all.”
- A new section regarding the application of the Non-discrimination Act to service providers. This section could be worded as follows: “When offering services, service providers must address the provisions of the Non-discrimination Act, particularly concerning indirect discrimination. A passenger with a disability may, on a case-by-case basis, present a request to a service provider to make it possible for that passenger to use an inaccessible service by making reasonable accommodations.”

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13. Annexes

Annex 1 Summary of legal provisions

Annex 2 Resolutions on equality

