

Air transport: rights of persons with reduced mobility

2005/0007(COD) - 15/12/2005 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution drafted by Robert **EVANS** (PES, UK) and amended the Commission's proposal. The resolution was adopted by 506 votes to 6 with 1 abstention, and the European Commission and the Council have declared their readiness to accept the amendments adopted:

-The term 'persons with reduced mobility' should be replaced by 'disabled persons and persons with reduced mobility', thereby extending the scope of the regulation to cover certain other categories of passengers, such as the blind, partially sighted, deaf, hard of hearing and those with an intellectual disability, who do not necessarily have limited mobility but may nevertheless encounter difficulties when travelling via airports.

-The objective of the legislation is extended so that it establishes rules to protect and assist disabled persons and persons with reduced mobility travelling by air, both to protect them against discrimination and to ensure they receive assistance;

-Reservations and boarding can only be refused on safety grounds or where the size of the aircraft makes embarkation or carriage physically impossible. The absence, even justified, of sufficient cabin staff will not be considered as legitimate grounds for refusing embarkation, as suggested in the Commission's initial proposal. The passenger may only be refused either in order to meet applicable safety requirements established by international, Community or national law or in order to meet safety requirements established by the authority that issued the air operator's certificate to the air carrier concerned; or if the size of the aircraft or its doors makes the embarkation or carriage of that disabled person or person with reduced mobility physically impossible.

-In the event of a valid refusal, the passenger must be offered the right to reimbursement or re-routing. Again, no such provision was included in the initial proposal.

-When an air carrier, or its agent or a tour operator exercises one of the derogations, it must immediately inform the disabled person or person with reduced mobility of the reasons. On request, the air carrier, its agent or the tour operator shall communicate these reasons in writing to the disabled person or person with reduced mobility, within five working days of the request.

-The managing body of an airport shall designate points of arrival and departure within the airport boundary or at a point under the direct control of the managing body, both inside and outside terminal buildings, at which disabled persons or persons with reduced mobility can announce their arrival at the airport and request assistance. These points of arrival and departure, which have been designated by the managing body of the airport as intended for people with reduced mobility and are labelled as such, shall have basic information about the airport available in accessible formats.

-The period of notification of the person's particular needs for such assistance should be 48 hours (rather than 24 hours as proposed by the Commission). This notification should also cover the return flight, if the outward flight and the return flight have been contracted with the same air carrier;

-A new paragraph states that where use of a recognised assistance dog is required, this shall be accommodated provided that notification of the same is made to the air carrier, its agent or tour operator in accordance with applicable national rules covering the carriage of assistance dogs on board aircraft, where such exist.

-Assistance must be free of charge to the passenger. For the purpose of funding this assistance, a specific charge is levied on the air carriers using the airport. This charge will be shared among the air carriers using the airport in proportion to the total number of all passengers that each carries to and from that airport.

-The managing body may provide such assistance itself. Alternatively the managing body may contract with one or more other parties for the supply of the assistance. In cooperation with the airport users, through the Airport Users Committee where one exists, the managing body may enter into such a contract on its own initiative or on request, including from an air carrier, and taking into account the existing services at the airport concerned. In case of refusal of such a request, the managing body shall provide a written justification.

-Parliament specified that air carriers and airport managing bodies must provide their personnel with training on providing direct assistance to disabled persons and persons with reduced mobility.

-Quality standards for assistance provided to disabled persons and persons with reduced mobility should be established in all airports with annual traffic exceeding 150,000 passenger movements per year. This is considerably more extensive than the Commission proposal which only applied to airports handling more than 2 million passengers a year.

-There are new provisions for compensation for lost or damaged wheelchairs, other mobility equipment and assistive devices.

-A new clause states that the Member States must take measures to inform disabled persons and persons with reduced mobility of their rights under the Regulation and of the possibility of complaint to this designated body or bodies.

-There are several additions and amendments to the Annexes. Notably, Parliament has added that in case a disabled person or person with reduced mobility is assisted by an accompanying person, the air carrier will make all reasonable efforts to give such person a seat next to the disabled person or person with reduced mobility.