Basic information

2005/0007(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Air transport: rights of persons with reduced mobility See also 2000/0145(COD) See also 2004/0049(COD) See also 2005/0241(COD) See also 2006/0130(COD) See also 2008/0237(COD) See also 2008/0246(COD) See also 2001/0305(COD) **Subject** 3.20.01 Air transport and air freight 4.10.06 People with disabilities	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
TRAN Transport and Tourism	EVANS Robert (PSE)	05/04/2005

Committee for opinion	Rapporteur for opinion	Appointed
LIBE Civil Liberties, Justice and Home Affairs	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
Transport, Telecommunications and Energy	2654	2005-04-21
Transport, Telecommunications and Energy	2680	2005-10-06
Transport, Telecommunications and Energy	2735	2006-06-08

European Commission

Commission DG	Commissioner
Energy and Transport	

Key events

Date	Event	Reference	Summary
16/02/2005	Legislative proposal published	COM(2005)0047	Summary

12/04/2005	Committee referral announced in Parliament, 1st reading		
21/04/2005	Debate in Council		
06/10/2005	Debate in Council		Summary
11/10/2005	Vote in committee, 1st reading		Summary
27/10/2005	Committee report tabled for plenary, 1st reading	A6-0317/2005	
13/12/2005	Debate in Parliament		
15/12/2005	Decision by Parliament, 1st reading	T6-0519/2005	Summary
15/12/2005	Results of vote in Parliament		
08/06/2006	Act adopted by Council after Parliament's 1st reading		
05/07/2006	Final act signed		
05/07/2006	End of procedure in Parliament		
26/07/2006	Final act published in Official Journal		

Technical information

Procedure reference	2005/0007(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	See also 2000/0145(COD) See also 2004/0049(COD) See also 2005/0241(COD) See also 2006/0130(COD) See also 2008/0237(COD) See also 2008/0246(COD) See also 2001/0305(COD)
Legal basis	EC Treaty (after Amsterdam) EC 080-p2
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/6/26831

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Amendments tabled in committee		PE362.729	23/09/2005	
Committee report tabled for plenary, 1st reading/single reading		A6-0317/2005	27/10/2005	
Text adopted by Parliament, 1st reading/single reading		T6-0519/2005	15/12/2005	Summary

Council of the EU

Document type	Reference	Date	Summary

Draft final act	03681/3/2005	05/07/2006	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2005)0047	16/02/2005	Summary
Commission response to text adopted in plenary	SP(2006)0053	12/01/2006	
Document attached to the procedure	COM(2011)0166	11/04/2011	Summary
Commission working document (SWD)	SWD(2012)0171	11/06/2012	Summary
Follow-up document	SWD(2014)0156	07/05/2014	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES1059/2005 OJ C 024 31.01.2006, p. 0012-0014	28/09/2005	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Regulation 2006/1107
OJ L 204 26.07.2006, p. 0001-0010 Summary

Corrigendum to final act 32006R1107R(01)
OJ L 026 26.01.2013, p. 0034

Air transport: rights of persons with reduced mobility

2005/0007(COD) - 07/05/2014 - Follow-up document

This Commission staff working document concerns complaint handling and enforcement by Member States of the Air Passenger Rights Regulations.

It seeks to show the Commission's on-going commitment to monitor the implementation of EU legislation on air passenger rights.

The first document on complaint handling and enforcement by EU Member States was published in 2011. It covered the period from 2007 to 2009 and related to Regulation (EC) No 261/2004 of the European Parliament and of the Council 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.

The present document reflects the period from **2010 to 2012** (by comparing data, where possible, with the previous reporting period) and makes a step forward by also providing data related to Regulation (EC) No 1107/2006 of the European Parliament and of the Council concerning the rights of disabled persons and persons with reduced mobility when travelling by air.

The present statistical document responds to the continuous calls from various sources (inter alia the European Parliament, Member States and air transport industry) for statistics on complaint handling and enforcement. The Commission services have taken over the task to present such data in the absence, in the current legislation, of reporting obligations.

To summarise, over the period reported (**2010-2012**), National Enforcement Bodies of the Member States (NEBs) received a total of 201 879 complaints **under Regulation (EC) 261/2004**. The numbers recorded show that **sanctioning as a means to ensure compliance with the Regulation was not widely made use of**. NEBs applied sanctions rather as an exceptional remedy. Moreover, even where sanctions were imposed, Member States had difficulty in collecting them, partly owing to time consuming administrative and/or legal procedures.

As regards Regulation 1107/2006, the number of complaints recorded during the period covered is relatively low (a total of 514 complaints). The fact that the number of complaints reported by NEBs is relatively low might be due to several reasons such as the rate of awareness among persons with disabilities and/or reduced Mobility about their rights when travelling is still relatively low and the fact that they are still facing in air transport, complicated and time-consuming complaint handling procedures which might dissuade them from lodging a complaint.

The statistical document also gives an **overview of the quantitative data for delays** for the period concerned provided by Eurocontrol.

Lastly, the Commission proposed a revision of air passenger rights legislation which mainly aims at confirming and clarifying rights and ensuring a better application of the Regulation. This clarification is needed in the light of the many disputes observed between passengers and airlines. A better coordination of enforcement policies should ensure a more effective and consistent enforcement of these rights across the EU. But the proposal also fine-tunes the existing rights to ensure a more proportionate balance between the interests of passengers and those of the industry.

Air transport: rights of persons with reduced mobility

2005/0007(COD) - 11/06/2012 - Follow-up document

This Commission staff working document presents interpretative guidelines on the application of Regulation (EC) N° 1107/2006 of the European Parliament and of the Council concerning the rights of disabled persons and persons with reduced mobility when travelling by air.

These guidelines to improve and facilitate the application of Regulation (EC) N° 1107/2006 have been prepared in the form of answers to the most frequently asked questions on the Regulation. They are drawn from queries raised by National Enforcement Bodies (NEBs), from passenger complaints, as well as questions raised by the European Parliament and following discussions with organisations representing disabled persons and persons with reduced mobility, elderly people and with airport and air carrier organisations.

They are not intended to be exhaustive nor to cover all scenarios in depth, but to provide a **framework of principles** that can guide NEBs and assist service providers in the application of the Regulation.

The Commission committed itself to providing these guidelines before the 2012 Paralympic Games in its Report to the European Parliament and the Council on the functioning and effects of Regulation (EC) N° 1107/2006.

Air transport: rights of persons with reduced mobility

2005/0007(COD) - 06/10/2005

In public debate, the Council unanimously agreed a general approach on the proposal for a Regulation concerning the rights of disabled persons and persons with reduced mobility when travelling by air, pending the European Parliament's opinion in first reading.

The proposal, which was adopted by the Commission in February 2005, forms part of the overall policy aimed at strengthening passenger rights in the European Union. It prohibits air carriers, their agents and tour operators from refusing, on the grounds of disability or of reduced mobility to accept a reservation for a flight, or to embark a disabled person or a person with reduced mobility at an airport. In addition, it grants disabled persons and persons with reduced mobility the right to specified assistance at airports and on board aircraft without additional charge.

The key features of the draft Regulation as amended by the Council are:

• Disabled persons and persons with reduced mobility shall not be refused air transport on grounds of their disability or reduced mobility, except for justified safety reasons or because it is physically impossible to embark such persons, for instance due to the size of the aircraft doors.

In case of refusal to embark, the persons concerned will be offered the opportunity to rebook on another flight at no additional cost, or, if this is not possible, will be offered reimbursement of the costs of the ticket.

• Disabled persons and persons with reduced mobility will be given assistance at airports and on board aircraft if they inform the airline of their specific needs a reasonable time in advance. If insufficient notice is given, the airport will still be required to make its best efforts to provide the assistance.

• The most difficult issue to reach agreement on was the question of who should be responsible for providing the assistance to disabled persons and persons with reduced mobility at airports. The Council finally agreed that the managing bodies of airports should have the overall responsibility for providing such assistance; the

managing bodies may provide the assistance themselves or, in keeping with this responsibility, may contract with one or more parties, such as air carriers, for supplying the assistance. The managing bodies may recover the costs for the assistance from the airlines. Assistance on board will remain the airlines' responsibility.

• At airports whose annual traffic is 150 000 commercial passenger movements or more, the managing body of an airport will set quality standards for the assistance specified in the Regulation and determine resource requirements for meeting them, in cooperation with airlines and organisations representing disabled persons and persons with reduced mobility. Such standards will take into account internationally recognised policies and codes of conduct concerning the facilitation of transport of disabled persons and persons with reduced mobility.

• A disabled person or person with reduced mobility who considers that this Regulation has been infringed should bring the matter to the attention of the managing body of the airport or to the attention of the air carrier concerned, as the case may be. If the disabled person or person with reduced mobility cannot obtain satisfaction in such way, he/she may make a complaint to the body or bodies designated by the relevant Member State to that effect.

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 sop 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 orin 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 aircraftor its doors makes the embarkation or carriage ofthat disabled person or personwith reduced mobilityphysically 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.

Air transport: rights of persons with reduced mobility

2005/0007(COD) - 16/02/2005 - Legislative proposal

PURPOSE: to strengthen the rights of persons with reduced mobility when travelling by air.

LEGISLATIVE ACT: Regulation of the European Parliament and of the Council.

CONTENT: This proposal is limited to areas where precise Community rules are necessary, and indeed desired by stakeholders. It would prohibit air carriers or tour operators from refusing persons with reduced mobility carriage on the grounds of reduced mobility - apart from certain exceptions and derogations notably for justified safety reasons established by law.

The proposal lists assistance to be given at airports and on-board aircraft, but does not define it in detail nor specify how it should be provided, nor would it cover other topics like facilities on-board the aircraft.

The regulation would guarantee assistance not only in moving from the check-in counter to the aircraft and from the aircraft to the baggage hall, usually the practice at present, but also from a designated point of arrival at the airport to the aircraft and from the aircraft to a designated point of departure from the airport. Giving responsibility to one body at each airport would create the conditions for seamless service, without interruptions and delays, even when a passenger changes carriers and is transferred between terminals.

The solution proposed involves a charge being levied on each airline that would be proportional to the total quantity of passengers that it embarked and disembarked at an airport. The charge would be independent of the number of passengers with reduced mobility carried, so that the airline would little economic incentive to reduce their numbers.

The proposed Regulation requires air carriers to provide assistance on-board aircraft specified in its Annex II, free of charge to persons with reduced mobility. It also requires air carriers and tour operators to make certain arrangements concerning prior notification of the need for assistance.

Air transport: rights of persons with reduced mobility

2005/0007(COD) - 11/04/2011

In accordance with Regulation (EC) No 1107/2006 concerning the rights of disabled persons and persons with reduced mobility (PRIM) when travelling by air, the Commission launched in 2009 two studies on the implementation of Regulation – the first evaluated the functioning of the Regulation in general, while the second study looked more specifically at the penalties applied in Member States to violations of the obligations under this Regulation. This report summarises the studies and draws the necessary conclusions in order to improve the functioning of the existing regulatory instruments.

Main conclusions of the studies: the report states that the legal framework set out in the Regulation and the principal assistance obligations have indeed been implemented in the Member States. This single protection scheme is now operational in Europe. As a result, there is a detailed list of specific assistance services that must be made available to the persons concerned free of charge. There is a clear division of tasks between airports and air carriers. Furthermore, the Regulation has seen establishment of a network of National Enforcement Bodies (NEB) in all Member States and genuine cooperation with the Commission but also with other bodies through the exchange of information and good practices.

Nonetheless, despite these positive aspects, the Commission also found certain problem areas. The adoption of the new rules varies from Member State to Member State and from one airport and one air carrier to another. The main difficulty is the lack of harmonisation and sometimes consistency concerning the different interpretations. The report identifies the following problems:

Difficulties related to the obligations of airports: the report notes that the quality of the service provided and its adaptation to PRMs' individual needs is sometimes insufficient. The information provided to passengers is often considered insufficient, and this remains one of the weakest points of implementation of the Regulation. The handling of mobility equipment is another source of concern.

Difficulties related to the obligations of air carriers: the studies and the complaints both indicate that air carriers have particular difficulties in applying the Regulation when it comes to refusing to accept reservations from or to embark PRMs owing to safety concerns. There seems to be some confusion over the definition of the safety criteria authorising derogations from the principle of non-discrimination. Whilst harmonising safety rules is a complex task that calls for the cooperation of the competent national authorities, nonetheless, the Commission here sets out simple principles for the derogations provided in the Regulation.

It goes on to discuss other problems encountered in relation to the obligations of air carriers, including issues related to in-flight assistance, problems related to mobility equipment, where the definition of mobility equipment that must be carried free of charge has resulted in conflicting interpretations, and problems related to insufficient information provided to PRMs about their rights when making a reservation or if denied boarding.

Difficulties related to the obligations of the national authorities: the report notes that difficulties have been identified concerning the uniform interpretation of the Regulation as well as the handling of passenger complaints and the application of penalties. There are great disparities between Member States. Another problem is that these authorities do not harmonise their actions sufficiently.

Other difficulties identified: the report goes on to discuss disagreements over the amount of and the method of calculating charges,

the difficulty in interpreting certain important definitions (e.g whether pregnant women, overweight people or young children are included

in the definition of persons with reduced mobility) and transporting and supplying medical oxygen. The Regulation does not provide a solution to the latter problem, but the use of medical oxygen on board is nonetheless an issue that must be resolved rapidly, as the present situation is unsatisfactory. The transport and use of medical oxygen must be harmonised in the EU.

Proposals for the future: overall the implementation of the Regulation is satisfactory and will continue to improve in the future, despite certain significant differences between air carriers and Member States and despite the fact that the public is not yet sufficiently well acquainted with the text. However, work still remains to be done. Therefore the Commission proposes a number of axes of improvement within the existing framework.

First axis: uniform interpretation of the Regulation. The Commission will:

- propose that the NEB network be formally established as a group of experts from the national enforcement bodies;
- discuss with this group the guidelines for interpreting the Regulation, guidelines that it will adopt in a Commission document in order to enable as uniform an interpretation as possible of the provisions of the Regulation;
- ensure that a special effort is made to adopt a common interpretation of safety requirements that can be used to justify denial of reservation or boarding, acting with the European Aviation Safety Agency (EASA);
- see to it that a consolidated list common to all Member States of the reasons that can serve as a basis for refusing to transport PRMs or for requiring the presence of an accompanying person is drawn up and made public.

Second axis: improving how the regulatory instruments work in practice. The Commission will:

- see to it that an active information policy aimed at the public concerned by the Regulation is conducted at all times, especially among those who do not consider themselves handicapped but who are nonetheless covered by the definition of PRM;
- encourage the establishment of training programmes together with organisations representing PRMs in order to improve service and strive to apply the relevant European rules more efficiently;
- propose that the group of experts from the national enforcement bodies adopt measures so that notification of the need for assistance is requested already when the reservation is made and that documentary evidence thereof is provided.

Third axis: strengthening the efficacy of the penalties and their supervision by national authorities. The Commission and the group of regulators will discuss the possibility of establishing a common database to follow up the handling of complaints and the administrative and judicial decisions concerning the implementation of the Regulation. The Commission will also:

- aim to introduce an action plan that is harmonised at the EU level and includes a detailed list of the actions national authorities should undertake (regular audits of operators, inspections in the field, etc.);
- encourage airlines to appoint a person that would be in charge of dispute resolution on the spot and would be authorised to immediately take the decisions necessary to settle a dispute with a passenger;
- with the NEBs, discuss the possibility of publishing a list of the penalties imposed and the operators concerned in order to reinforce the dissuasive nature of the penalties.

Fourth axis: handling the issue of medical oxygen. The Commission will encourage negotiations about a voluntary commitment among all parties concerning the use of medical oxygen on board. Failing this, it will consider adopting a general approach, either by a non-binding act or, if it is considered appropriate, by laying down binding rules. Any solutions should target the following three principal elements, in particular:

- establishing certification schemes for the air transport of certain types of equipment that are allowed on board, on condition that the maintenance requirements are met;
- setting a maximum fixed fare applicable throughout Europe for the supply of oxygen on board;
- providing passengers with clear and detailed information on the conditions of supplying medical oxygen on board.

Air transport: rights of persons with reduced mobility

2005/0007(COD) - 05/07/2006 - Final act

PURPOSE : to strengthen the rights of disabled persons and persons with reduced mobility when travelling by air.

LEGISLATIVE ACT : Regulation 1107/2006/EC of the European Parliament and of the Council concerning the rights of disabled persons and persons with reduced mobility when travelling by air.

CONTENT : the aim of this Regulation is to strengthening the rights of disabled persons and persons with reduced mobility when travelling by air.

The regulation establishes rules to protect disabled persons and persons with reduced mobility against discrimination and to ensure that they receive appropriate assistance. Under the regulation a reservation or boarding can only be refused for justified safety requirements or if, due to the size of the aircraft or its doors, the embarkation or carriage of a disabled person or person with reduced mobility is physically impossible. In the event of refusal to accept a reservation, the person concerned will be offered an acceptable alternative. In the event of embarkation being refused, the person will be offered the right to reimbursement or re-routing.

The airport managing body will be responsible for ensuring the provision of the assistance at airports without additional charge. It may provide such assistance itself, or may contract with one or more other parties for the supply thereof. The managing body may levy a specific charge on airport users for the purpose of funding the assistance.

Air carriers will remain responsible for providing assistance to disabled persons and persons with reduced mobility in aircraft, including the carriage of recognised assistance dogs and up to two pieces of medical equipment per person.

Air carriers and airport managing bodies must ensure that their personnel has appropriate knowledge of how to meet the needs of disabled persons and persons with reduced mobility, and should where necessary provide training to that end.

The Member States will take measures to inform disabled persons and persons with reduced mobility of their rights under the regulation and of the possibility of complaint to designated bodies.

ENTRY INTO FORCE : 15/08/2006.