



24.6.2010

## **NOTICE TO MEMBERS**

**Subject: Petition 0126/2010, by C. B. (German), on the disgraceful lack of seating room for economy class air passengers**

### **1. Summary of petition**

The petitioner objects to what she regards as the disgraceful lack of seating room for tourist or economy class air passengers, indicating that passengers of above-average height or corpulence are as a result forced to buy more expensive (premium economy or business class) tickets. She regards this as discrimination against 'non-average' travellers and maintains that excessively restricted seating room is not only uncomfortable but also unhealthy over long distances, and is accordingly seeking European provisions regarding minimum aircraft seating room.

### **2. Admissibility**

Declared admissible on 4 May 2010. Information requested from Commission under Rule 202(6).

### **3. Commission reply, received on 24 June 2010.**

The Commission is aware that an increasing number of passengers complain about the discomfort as well as potential health effects linked to the narrow space between rows in aircraft.

European Union legislation comprises a safety related rule according to which each cabin configuration must be approved by the European Aviation Safety Agency (EASA) on the

basis of Regulation (EC) No 1702/2003<sup>1</sup>, and must comply with the applicable safety requirements, which include standards for emergency evacuation within 90 seconds. Aircraft designers comply with these standards using a range of biometrics, which are also used in other domains.

Emergency evacuation demonstrations and recent studies conducted for the European Aviation Safety Agency (EASA) have evidenced that a larger space in an aircraft cabin may not always be the best option as far as passenger flow and evacuation speed are concerned.

Concerning health of passengers, studies conducted up to now have not evidenced a direct casual link between medical incidents occurred on board aircraft or after a flight, such as deep vein thrombosis, and the distance between seats.

Within the context of passenger rights, the European Commission has recently launched a public consultation on the existing problems and preferred solutions regarding the implementation and the enforcement of Air Passengers' Rights legislation. Although not covered by this legislation, the consultation includes also a question on seat pitch since the Commission is continuously monitoring the current business practices put in place by the industry which might have an impact on passengers' rights and therefore deserve the legislator's attention.

In the public consultation the Commission kindly invites stakeholders to express their opinion regarding any possible need of further regulation on that matter, even through voluntary agreements among air carriers. The period for replying expired on 1 March 2010. The Commission is analysing the answers received and intends to present the outcome before summer.

## Conclusion

The Commission is of the opinion that the data presently at its disposal is not sufficient to justify the requirement referred to by the petitioner within the framework of existing EU legislation in the field of air safety.

The public consultation in the field of passengers' rights launched by the Commission shall not prejudice the Commission's position on the topic.

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<sup>1</sup> Commission Regulation (EC) No 1702/2003 of 24 September 2003 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations (Text with EEA relevance), OJ L 243, 27.9.2003, p. 6–79.