



30.7.2014

## NOTICE TO MEMBERS

**Subject: Petition No 1496/2013 by Mara Zabala Polla (Spanish) on the rights of people with disabilities when travelling by air**

### 1. Summary of petition

The petitioner has mobility problems and travels with a wheelchair. She had no problems in travelling until one airline refused to let her board for safety reasons, a contingency provided for under the relevant European legislation, provided that adequate justification is given. She considers that she has suffered unfair discrimination and calls for a review of the relevant regulations.

### 2. Admissibility

Declared admissible on 8 May 2014. Information requested from Commission under Rule 216(6).

### 3. Commission reply, received on 30 July 2014

The objective of Regulation (EC) 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, is to protect these passengers from discrimination and to allow them to travel by air on an equal footing with other passengers. Following a commitment made by the Commission in its report on the application of Regulation (EC) 1107/2006 of April 2011 (COM(2011)166) and in order to further improve the application of the Regulation, the Commission published, in June 2012, interpretative guidelines to facilitate the application for air transport providers and passengers with disabilities. These guidelines were drafted in cooperation with stakeholders and notably with representatives of disabled persons (European Disability Forum) who fully approved them.

Under Article 3 of the Regulation, passengers should not be refused reservation or boarding on grounds of disability or reduced mobility. Article 4 of the Regulation provides for derogations under certain circumstances from the right to transport, notably "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 issues the air operator's certificate to the air carrier concerned". Safety requirements are defined by external authorities (and not by air carriers) and are aimed at ensuring the safety of all passengers and staff on board aircraft. When denied embarkation, the disabled person or person with reduced mobility shall be offered the right to re-routing.

As regards the issue of accompanying persons, Regulation (EC) 1107/2006 specifies under Article 4 (2), that these are only required to comply with applicable safety requirements. The above mentioned interpretative guidelines provide further explanation on this issue under Q5, insisting on the need for attendants only to meet applicable safety requirements. Furthermore detailed reasons including a clear and precise explanation with reference to the relevant legislation must be given by the air carrier. Finally, the Commission, in these guidelines, recommends that if air carriers require disabled persons to travel accompanied, these attendants should be offered to travel for free or at a reduced rate.

According to statistical data provided to the Commission by national authorities in charge of the enforcement of Regulation (EC) 1107/2006 (NEBs) and published by the Commission services in May 2014, the number of complaints about problems with the application of the Regulation is very low , which shows that, in general, the Regulation seems to work well.

### Conclusion

According to available data, NEBs receive only very few complaints about malfunctioning of Regulation (EC) 1107/2006, which shows that, overall, the Regulation works well.

The interpretative guidelines of 2012 have been welcomed notably by European representatives of disability organisations as a step forward to improve the travelling experience for disabled persons and to allow them to use air transport on an equal footing with other passengers.

The petitioner should be recommended to make use of complaint procedures under Regulation (EC) 1107/2006 and to lodge a complaint with the competent national enforcement body if she considers that her rights have not been respected. A list of NEBs can be found on the website of the European Commission:

[http://ec.europa.eu/transport/themes/passengers/air/doc/prm/2006\\_1107\\_national\\_enforcement\\_bodies.pdf](http://ec.europa.eu/transport/themes/passengers/air/doc/prm/2006_1107_national_enforcement_bodies.pdf).