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**\*\*\*I**

## **REPORT**

on the proposal for a regulation of the European Parliament and of the Council concerning the rights of persons with reduced mobility when travelling by air (COM(2005)0047 – C6-0045/2005 – 2005/0007(COD))

Committee on Transport and Tourism

Rapporteur: Robert Evans

### ***Symbols for procedures***

- \* Consultation procedure  
*majority of the votes cast*
- \*\*I Cooperation procedure (first reading)  
*majority of the votes cast*
- \*\*II Cooperation procedure (second reading)  
*majority of the votes cast, to approve the common position*  
*majority of Parliament's component Members, to reject or amend the common position*
- \*\*\* Assent procedure  
*majority of Parliament's component Members except in cases covered by Articles 105, 107, 161 and 300 of the EC Treaty and Article 7 of the EU Treaty*
- \*\*\*I Codecision procedure (first reading)  
*majority of the votes cast*
- \*\*\*II Codecision procedure (second reading)  
*majority of the votes cast, to approve the common position*  
*majority of Parliament's component Members, to reject or amend the common position*
- \*\*\*III Codecision procedure (third reading)  
*majority of the votes cast, to approve the joint text*

(The type of procedure depends on the legal basis proposed by the Commission.)

### ***Amendments to a legislative text***

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a regulation of the European Parliament and of the Council concerning the rights of persons with reduced mobility when travelling by air (COM(2005)0047 – C6-0045/2005 – 2005/0007(COD))

(Codecision procedure: first reading)

*The European Parliament,*

- having regard to the Commission proposal to the European Parliament and the Council (COM(2005)0047)<sup>1</sup>,
  - having regard to Article 251(2) and Article 80(2) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0045/2005),
  - having regard to Rule 51 of its Rules of Procedure,
  - having regard to the report of the Committee on Transport and Tourism (A6-0317/2005),
1. Approves the Commission proposal as amended;
  2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
  3. Instructs its President to forward its position to the Council and Commission.

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Text proposed by the Commission

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Amendments by Parliament

### Amendment 1 Recital 1

(1) The single market for air services should benefit citizens in general. Consequently persons *suffering the disadvantage of* reduced mobility, whether caused by disability, age or another factor, should have opportunities for air travel comparable to those of other citizens.

(1) The single market for air services should benefit citizens in general. Consequently *disabled* persons *and persons with* reduced mobility, whether caused by disability, age or any another factor, should have opportunities for air travel comparable to those of other citizens. *Disabled persons and persons with reduced mobility have the same right as all other citizens to free movement, freedom of choice and to non-discrimination. This applies to air travel as to other areas of life.*

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<sup>1</sup> OJ C ... / Not yet published in OJ.

### *Justification*

*It needs to be made explicit that disabled persons and persons with reduced mobility have the right to free movement and non-discrimination in air travel. The formulation "persons suffering the disadvantage of reduced mobility" is patronising language which implies a problem with the individual rather than the inaccessibility of the service or infrastructure. The term "person with reduced mobility" is misleading because it does not explicitly include individuals who are, inter alia, blind, partially sighted, deaf, hard of hearing, or who have an intellectual disability. These individuals do not necessarily experience limited "mobility" when travelling, but instead, experience reduced communication, orientation or independence.*

### Amendment 2

#### Recital 2

(2) Persons with reduced mobility should therefore be accepted for carriage and not refused transport on the grounds of their lack of mobility, except for justified safety reasons prescribed by law.

**(2) *Disabled persons and*** persons with reduced mobility should therefore be accepted for carriage and not refused transport on the grounds of their ***disability or*** lack of mobility, except for justified safety reasons prescribed by law. ***The European Aviation Safety Agency should be fully consulted on the implementation of European law and standards in this area.***

### Amendment 3

#### Recital 4

(4) In order to give persons with reduced mobility opportunities for air travel comparable to those of other citizens, assistance to meet their particular needs at airports and on-board aircraft should be provided and, in the interests of social inclusion, the persons concerned should receive this assistance free of charge.

(4) In order to give ***disabled persons and*** persons with reduced mobility opportunities for air travel comparable to those of other citizens, assistance to meet their particular needs at airports and on-board aircraft should be provided ***by the necessary staff using the necessary equipment*** and, in the interests of social inclusion, the persons concerned should receive this assistance free of charge.

### *Justification*

*It needs to be made explicit that disabled persons and persons with reduced mobility have the right to free movement and non-discrimination in air travel.*

### Amendment 4

#### Recital 5

(5) Assistance given at airports situated in the territory of a Member State to which the Treaty applies should, among other things, enable persons with reduced mobility to proceed from a designated point of arrival at an airport to an aircraft and from the aircraft to a designated point of departure from the airport, including embarking and disembarking. **It** should be organised so as to avoid interruption and delay, while ensuring high and equivalent standards throughout the Community and making best use of resources, whatever airport or air carrier is involved.

(5) Assistance given at airports situated in the territory of a Member State to which the Treaty applies should, among other things, enable **disabled persons and** persons with reduced mobility to proceed from a designated point of arrival at an airport to an aircraft and from the aircraft to a designated point of departure from the airport, including embarking and disembarking. **These points should be designated at least at the main entrances to terminal buildings, in areas with check-in counters, in train, light rail, metro and bus stations, at taxi ranks and other drop-off points, and in airport car parks.** The assistance should be organised so as to avoid interruption and delay, while ensuring high and equivalent standards throughout the Community and making best use of resources, whatever airport or air carrier is involved.

Amendment 5  
Recital 6

(6) To achieve these aims, assistance at airports should be **provided by** a central body. As managing bodies of airports play a central role in providing services throughout their airports, they should be given this responsibility.

(6) To achieve these aims, **ensuring high quality** assistance at airports should be **the responsibility** of a central body. As managing bodies of airports play a central role in providing services throughout their airports, they should be given this **overall** responsibility.

*Justification*

*The central body should be able to contract out the provision of the service.*

Amendment 6  
Recital 7

(7) Assistance should be financed in such a way as to spread the burden equitably over all passengers using an airport and to avoid disincentives to the carriage of passengers with reduced mobility. A charge levied on each airline using an airport, proportionate to the number of passengers it carries to or from the airport appears to be the most

(7) Assistance should be financed in such a way as to spread the burden equitably over all passengers using an airport and to avoid disincentives to the carriage of **disabled passengers and** passengers with reduced mobility. A charge levied on each airline using an airport, proportionate to the number of passengers it carries to or from

effective way of funding.

the airport appears to be the most effective way of funding. ***Where the air carrier provides the assistance, this should be taken into account.***

#### *Justification*

*It needs to be made explicit that disabled passengers and passengers with reduced mobility have the right to free movement and non-discrimination in air travel.*

#### Amendment 7

##### Recital 8

(8) To give persons with reduced mobility effective opportunities for air travel, air carriers should be required to provide certain forms of assistance on board aircraft.

(8) To give ***disabled persons and*** persons with reduced mobility effective opportunities for air travel, air carriers should be required to provide certain forms of assistance on board aircraft. ***The provision of assistance to disabled passengers and passengers with reduced mobility in the event of an emergency should be ensured.***

#### *Justification*

*It is evident that assistance for disabled passengers and passengers with reduced mobility must be available in emergency situations.*

#### Amendment 8

##### Recital 8 a (new)

***(8a) All airports and air carriers have a clear duty to ensure that airports and aircraft are planned, designed, built and refurbished in consultation with organisations representing disabled people and people with reduced mobility and in a way which respects their access needs.***

#### *Justification*

*Appropriate consultation is needed to ensure successful design.*

#### Amendment 9

##### Recital 8 b (new)



***(8b) Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data <sup>1</sup>should be strictly enforced in order to guarantee respect for the privacy of persons with disabilities and persons with reduced mobility, and ensure that the information requested serves merely to fulfil the assistance obligations laid down in this Regulation and is not used against the passengers seeking the service in question.***

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<sup>1</sup> ***OJ L 281, 23.11.1995, p. 31***

*Justification*

*Directive 95/46/EC needs to be explicitly mentioned so as to avoid intrusions on the privacy of persons with disabilities or reduced mobility travelling by air and ensure that their data are properly processed.*

Amendment 10  
Recital 8 c (new)

***(8c) All information provided to air passengers should be provided in alternative formats accessible to disabled passengers and passengers with reduced mobility.***

*Justification*

*Information must be accessible to all passengers.*

Amendment 11  
Recital 11

(11) Member States should supervise and ensure compliance with this *regulation* and designate an appropriate body to carry out enforcement tasks. This supervision should not affect the rights of persons with reduced mobility to seek legal redress from courts under *the* national law.

(11) Member States should supervise and ensure compliance with this *Regulation* and designate an appropriate body to carry out enforcement tasks. This supervision should not affect the rights of ***disabled persons and*** persons with reduced mobility to seek legal redress from courts *under*

*national law.*

*Justification*

*It needs to be made explicit that disabled persons and persons with reduced mobility have the right to free movement and non-discrimination in air travel.*

Amendment 12  
Article 1, paragraph 1

1. This Regulation establishes rules for the protection of and assistance to persons with reduced mobility travelling by air.

1. This Regulation establishes rules for the protection of and assistance to **disabled persons and** persons with reduced mobility travelling by air.

*Justification*

*It needs to be made explicit that disabled persons and persons with reduced mobility have the right to free movement and non-discrimination in air travel.*

Amendment 13  
Article 1, paragraph 2

2. The provisions of this Regulation shall apply to persons with reduced mobility travelling by air and departing from, arriving at or transiting through an airport located in the territory of a Member State to which the Treaty applies.

2. The provisions of this Regulation shall apply to **disabled persons and** persons with reduced mobility travelling by air and departing from, arriving at or transiting through an airport located in the territory of a Member State to which the Treaty applies.

*Justification*

*It needs to be made explicit that disabled persons and persons with reduced mobility have the right to free movement and non-discrimination in air travel.*

Amendment 14  
Article 2, paragraph 1, point (a)

(a) "**person with reduced mobility**" means any person whose mobility is reduced due to physical **incapacity** (sensory or locomotors), intellectual **impairment**, age, illness, or any other cause of disability when using transport and whose situation needs **special** attention and the adaptation to a *person's needs* of the service made

(a) "**disabled person and person with reduced mobility**" means any person whose mobility is reduced due to physical **disability** (sensory or locomotors), intellectual **disability**, age, illness, or any other cause of disability when using transport and whose situation needs **appropriate** attention and the adaptation to

available to all passengers;

a person's needs of the service made  
available to all passengers;

*Justification*

*The term “person with reduced mobility” is misleading because it does not explicitly include individuals who are blind, partially sighted, deaf, hard of hearing, or who have an intellectual disability. These individuals do not necessarily experience limited “mobility” when travelling, but instead, experience reduced communication, orientation or independence.*

Amendment 15

Article 2, paragraph 1, point (ia) (new)

***(ia) "airport" means any area of land especially adapted for the landing, taking-off and manoeuvres of aircraft, including ancillary installations which these operations may involve for the requirements of aircraft traffic and services including installations needed to assist commercial air services;***

*Justification*

*Airport must be defined for the purposes of this regulation.*

Amendment 16

Article 2, point (j) (new)

***(j) "airport car park" means one designated as such by the managing body of the airport within the perimeter of the airport or under the jurisdiction of the managing body of the airport;***

*Justification*

*For reasons of transparency, convenience and proportionality the managing body of the airport should designate one special car park for passengers with reduced mobility.*

Amendment 17

Article 3, paragraph 1

1. An air carrier or its agent or a tour operator shall not refuse, on the grounds of reduced mobility, to accept a reservation for a flight departing from an airport to

1. An air carrier or its agent or a tour operator shall not refuse, on the grounds of ***disability or*** reduced mobility, to accept a reservation for a flight departing from an

which this regulation applies.

airport to which this regulation applies.

***The same requirement shall apply to travel operators when the flight forms part of a travel package.***

#### *Justification*

*It needs to be made explicit that disabled persons and persons with reduced mobility have the right to free movement and non-discrimination in air travel.*

*The flight is only one part of a travel package: if other elements of the package constitute a risk for the health and safety of persons with reduced mobility, the travel firm must still have the right to refuse to accept a reservation.*

#### Amendment 18

##### Article 3, paragraph 2, introductory sentence

2. An air carrier or its agent or a tour operator shall not refuse to embark a person with reduced mobility departing from an airport to which this regulation applies:

2. An air carrier or its agent or a tour operator shall not refuse to embark a ***disabled person or a*** person with reduced mobility departing from an airport to which this regulation applies:

#### *Justification*

*It needs to be made explicit that disabled persons and persons with reduced mobility have the right to free movement and non-discrimination in air travel.*

#### Amendment 19

##### Article 4, paragraph 1

1. Notwithstanding the provisions of Article 3 an air carrier or its agent or a tour operator may refuse to accept a reservation from or to embark a person with reduced mobility ***or request that a person with reduced mobility who travels must be accompanied by another person in order to meet applicable safety requirements duly established by law or if the size of the aircraft or the justified absence of cabin crew prevents the carriage of persons with reduced mobility, including their embarking and disembarking.***

1. Notwithstanding the provisions of Article 3, an air carrier or its agent or a tour operator may ***only refuse, on the grounds of disability or of reduced mobility,*** to accept a reservation from or to embark ***a disabled person or*** a person with reduced mobility:

***(a) 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*

*(b) 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 refusal on the grounds of the size of the aircraft or of the justified absence of cabin crew, alternatives must be proposed to the person in question.*

*If the air carrier, its agent or a travel firm request the presence of an accompanying person, that person shall travel at the expense of the requesting party.*

#### *Justification*

- *Arbitrary and discriminatory action must be prevented.*
- *The person affected must not suffer any disadvantage.*
- *Free travel for accompanying persons must not, however, be abused: there have been cases in which VIPs have claimed to be persons requiring assistance.*

#### Amendment 20 Article 4, paragraph 2

2. When an air carrier, or its agent or a tour operator exercises the derogations under paragraph 1, it shall inform in writing the person with reduced mobility concerned of its reasons for doing so, within five working days from the reservation or *embarking* being refused or the condition of accompaniment imposed.

2. When an air carrier, or its agent or a tour operator exercises the derogations under paragraph 1, it shall inform in writing the ***disabled person or*** person with reduced mobility concerned of its reasons for doing so, within five working days from the reservation or *embarkation* being refused or the condition of accompaniment imposed. ***The person in question must be offered full reimbursement of costs or the opportunity to rebook on another flight, at no additional cost, where all safety requirements can be met.***

#### *Justification*

*No disabled or reduced mobility passenger should be penalised financially in the event of a*

*carrier being unable to embark the passenger.*

Amendment 21  
Article 4, paragraph 3

3. An air carrier or its agent shall ***immediately*** make available, ***on request***, the safety rules that it applies to the carriage of persons with reduced mobility, as well as any restrictions on their carriage or on that of mobility equipment due to the size of aircraft or the absence of cabin crew. A tour operator shall ***immediately*** make such safety rules and restrictions available ***on request*** for flights included in package travel, package holidays and package tours, which it organises, sells or offers for sale.

3. An air carrier or its agent shall make ***publicly*** available, ***in accessible formats***, the safety rules that it applies to the carriage of ***disabled persons and*** persons with reduced mobility, as well as any restrictions on their carriage or on that of mobility equipment due to the size of aircraft or the absence of cabin crew. A tour operator shall make such safety rules and restrictions available for flights included in package travel, package holidays and package tours, which it organises, sells or offers for sale.

*Justification*

*It is crucial for disabled persons and persons with reduced mobility to be able to easily find out, in a format that is accessible for everyone, with certainty on beforehand whether he or she will be able to travel or not. Therefore these rules should be available for everyone whom they may concern, in accessible formats, and not only on request. Provision needs to be made so that these rules may be downloaded from the web site in fully accessible formats.*

Amendment 22  
Article 5, paragraph 1

1. ***On departure of a person with reduced mobility from an airport to which this Regulation applies***, the managing body of the airport shall ***provide*** the assistance specified in Annex I, in such a way that the person is able to take the flight on which he or she holds a reservation, provided the notification of the person's particular needs for such assistance is made to the air carrier or tour operator concerned ***at least twenty-four*** hours before the published time of departure of the flight.

1. ***When a disabled person or person with reduced mobility arrives at an airport for onward travel by air***, the managing body of the airport shall ***be responsible for ensuring the provision of*** the assistance specified in Annex I, in such a way that the person is able to take the flight on which he or she holds a reservation, provided the notification of the person's particular needs for such assistance is made to the air carrier, ***its agent*** or ***the*** tour operator concerned ***48 hours*** before the published time of departure of the flight. ***This notification shall also cover the return flight, if the outward flight and the return flight have been contracted with the same air carrier.***

Amendment 23  
Article 5, paragraph 3, introductory part

3. The provisions of *paragraphs 1 and 2* shall apply on condition that:

3. The provisions of *paragraph 1* shall apply on condition that:

Amendment 24  
Article 5, paragraph 4

4. When a person with reduced mobility transits through an airport, or is transferred by an air carrier or a tour operator from the flight for which he or she holds a reservation to another flight, the managing body shall ***make all reasonable efforts to provide*** assistance specified in Annex I, in such a way that the person is able to take the flight on which he or she holds a reservation.

4. When ***a disabled person or*** a person with reduced mobility transits through an airport, or is ***involuntarily*** transferred by an air carrier or a tour operator from the flight for which he or she holds a reservation to another flight, the managing body ***or the agency designated by that body*** shall ***be responsible for ensuring the provision of the*** assistance specified in Annex I, in such a way that the person is able to take the flight on which he or she holds a reservation, ***except in situations beyond the managing body's control.***

*Justification*

*As long as a passenger has given 24 hours pre-notification, all departure and transit airports should be required to provide assistance in such a way that the person is able to take the flight on which he or she holds a reservation.*

Amendment 25  
Article 5, paragraph 5

5. On arrival by air of a person with reduced mobility at an airport to which this Regulation applies, the managing body of the airport shall provide the assistance specified in Annex I, in such a way that the person is able to reach his or her point of departure from the airport as referred to in Article 6, *paragraph 4*.

5. On ***the*** arrival by air of ***a disabled person or*** a person with reduced mobility at an airport to which this Regulation applies, the managing body of the airport shall provide the assistance specified in Annex I, in such a way that the person is able to reach his or her point of departure from the airport as referred to in Article 6***(4)***.

*Justification*

*It needs to be made explicit that disabled persons and persons with reduced mobility have the*

*right to free movement and non-discrimination in air travel.*

Amendment 26  
Article 5, paragraph 5 a (new)

***5a. The assistance provided shall be adapted to the specific needs of the individual passenger.***

*Justification*

*It is crucial for the dignity and independence of each passenger to only receive assistance that corresponds to his or her particular needs. The passenger should be the one deciding what assistance he needs.*

Amendment 27  
Article 5, paragraph 5 b (new)

***5b. Immediately after the departure of a flight, including a delayed or replacement flight, an operating air carrier shall inform the managing body of the airport of destination, if situated on the territory of a Member State to which the Treaty applies, of the number of disabled persons or persons with reduced mobility on that flight requiring assistance specified in Annex I and of the nature of that assistance.***

*Justification*

*This text is needed to clarify the provision.*

Amendment 28  
Article 6, paragraph 1

1. The managing body of an airport shall ***provide*** the assistance specified in Annex I free of charge to persons with reduced mobility. ***The managing body may provide assistance itself or contract with other parties for its supply.***

1. The managing body of an airport shall ***be responsible for ensuring that*** the assistance specified in Annex I ***is provided*** free of charge to ***disabled persons and*** persons with reduced mobility.

***In agreement with the Users' Committee, the managing body shall appoint one or more service providers. If no agreement is reached, the managing body may provide***



*such assistance itself. Alternatively, in keeping with its responsibility, the managing body may contract with one or more other parties for the supply of the assistance, subject to compliance with the quality standards mentioned in Article 7(1).*

*The managing body may enter into such a contract or contracts on its own initiative or on request, including from an air carrier, after consultation of airport users, through the Airport Users' Committee, where one exists, and taking into account existing services at the airport concerned.*

#### *Justification*

*This wording permits the managing body and the airport users to find solutions appropriate to a particular airport. However, it needs to be ensured that the responsible managing body is able to fulfil its legal obligations in the event that no agreement can be reached.*

#### Amendment 29 Article 6, paragraph 2

2. The managing body of an airport ***providing assistance in accordance with paragraph 1*** may levy a charge on the air carriers using the airport for the purpose of funding this assistance.

2. The managing body of an airport may ***on a non-discriminatory basis*** levy a ***specific*** charge on the air carriers using the airport for the purpose of funding this assistance.

#### Amendment 30 Article 6, paragraph 3

3. ***The*** charge ***mentioned in paragraph 2*** shall be cost related, transparent and established after consultation of the Airport Users Committee of the airport, where one exists. It shall be shared among the air carriers using ***an*** airport in proportion to the number of passengers that each carries to and from that airport.

3. ***This specific*** charge shall be ***reasonable***, cost related, transparent and established ***by the managing body of the airport in cooperation with airport users, through the Airport Users' Committee where one exists or any other appropriate entity.*** It shall be shared among the air carriers using ***the*** airport in proportion to the ***total*** number of passengers that each carries to and from that airport.

*Justification* It needs to be made explicit that disabled persons and persons with reduced mobility have the right to free movement and non-discrimination in air travel.

Amendment 31  
Article 6, paragraph 4

4. After consulting airport users, through the Airport *Users* Committee where one exists, and organisations representing passengers with reduced mobility, the managing body of an airport shall designate points of arrival and departure within and outside terminal buildings, at which persons with reduced mobility can, with facility, announce their arrival at the airport and request assistance. It shall designate such points at least at the *entries* to terminal buildings, at check-in counters, in train, **metro** and bus stations, at taxi ranks and in the car parks **closest to terminal buildings**.

4. After consulting airport users, through the Airport *Users'* Committee where one exists, and ***national umbrella*** organisations representing ***disabled passengers and*** passengers with reduced mobility, the managing body of an airport shall, ***taking account of local conditions***, designate points of arrival and departure within and outside terminal buildings, at which ***disabled persons and*** persons with reduced mobility can, with facility, announce their arrival at the airport and request assistance. It shall designate such points at the *entrances* to terminal buildings, at check-in counters, in train, ***underground (metro), light rail*** and bus stations, at taxi ranks ***and other drop off points within the airport premises*** and in the ***airport*** car parks, ***which have been designated by the managing body of the airport as intended for people with reduced mobility and are labelled as such.. These designated points of arrival should have basic information about the airport available in accessible formats.***

*Justification*

*There are many places at an airport at which a person may arrive. Information on the airport in accessible formats will help many disabled persons to get around more easily and independently. In order to give all passengers the possibilities for travelling on an equal basis, this provision is valuable.*

Amendment 32  
Article 7, paragraph 1

1. ***With the exception of airports whose annual traffic is less than two million passenger movements, the*** managing body shall set quality standards for the assistance specified in Annex I and determine

1. ***The*** managing body ***of the airport*** shall, ***taking account of local circumstances***, set quality standards for the assistance specified in Annex I. ***In organising the service, airports and air carriers should***

resource requirements for meeting **them**, **after consulting** airport users, through the Airport Users Committee **where one exists**, and organisations representing passengers with reduced mobility. In the setting of such standards, full account shall be taken of internationally recognised policies and codes of conduct concerning the facilitation of the transport of persons with reduced mobility. The managing body of an airport shall publish its quality standards.

**have regard to the Code of good conduct in ground-handling for persons with reduced mobility of the European Civil Aviation Conference (set out in ECAC doc 30, Part I)**, and determine resource requirements for meeting **the quality standards, in agreement with** airport users, through the Airport Users' Committee, and organisations representing **disabled passengers and** passengers with reduced mobility. In the setting of such standards, full account shall be taken of internationally recognised policies and codes of conduct concerning the facilitation of the transport of **disabled persons and** persons with reduced mobility. The managing body of an airport shall publish its quality standards.

#### *Justification*

*Quality standards will contribute to a reliable and high level of assistance to passengers with disabilities. The set of standards will, however, be adapted to the situation of European airports based on their size or number of passengers.*

#### Amendment 33 Article 8

8. An air carrier shall provide the assistance specified in Annex II free of charge to a person with reduced mobility departing from or in transit through an airport to which this Regulation applies provided the person fulfils the conditions set out in **Article 5, paragraph 3**.

8. An air carrier shall provide the assistance specified in Annex II free of charge to a **disabled person or** person with reduced mobility departing from or in transit through an airport to which this Regulation applies provided the person fulfils the conditions set out in **Article 5(3)**.

#### *Justification*

*It needs to be made explicit that disabled persons and persons with reduced mobility have the right to free movement and non-discrimination in air travel.*

#### Amendment 34 Article 9, paragraph 1

1. An air carrier or a tour operator shall take all measures necessary for the reception, at all its points of sale on the territory of a Member State to which the

1. An air carrier or a tour operator shall take all measures necessary for the reception, at all its points of sale on the territory of a Member State to which the

Treaty applies, including sale by telephone and via the Internet, of notifications of the need for assistance by persons with reduced mobility.

Treaty applies, including sale by telephone and via the Internet, of notifications of the need for assistance by **disabled persons and** persons with reduced mobility. **Air carriers and affiliated tour operators shall ensure fully accessible internet booking sites, that is, compliance with Web Accessibility Initiative (WAI) guidelines.**

#### *Justification*

*If pre-notification of assistance is required then it must be possible for disabled people to communicate their assistance needs during the booking process. This applies in particular when a booking is made on the internet. Booking websites of airlines are rarely designed to be accessible to disabled persons who can not read print. As a consequence, such persons cannot take advantage of reduced fares available to others and who, therefore, experience economic discrimination.*

#### Amendment 35 Article 9, paragraph 2

2. When an air carrier **or a tour operator** receives a notification of the need for assistance, it shall immediately communicate the notification:

- to the managing bodies of the airports of departure, of arrival and of transit, and

- to the operating carrier of a flight, if a reservation was not made with that carrier.

2. When an air carrier receives a notification of the need for assistance, it shall immediately **(no later than 20 hours before the published departure time of the flight)** communicate the notification:

- to the managing bodies, **or where appropriate the third parties with which the managing bodies have contracted and have given public notice thereof**, of the airports of departure, of arrival and of transit, **where these are in the territory of a Member State**, and

- to the operating carrier of the flight, if a reservation was not made with that carrier.

***When a tour operator is notified of a need for assistance, this notification must be forwarded without delay to the relevant air carrier and airport(s). The competent bodies at the airport(s) and air carrier shall confirm receipt of the notification.***

#### *Justification*

*Airlines and tour operators must forward requests for assistance to the managing body of the airports of departure, destination and transit. This is the only way to ensure the smooth*

*operation of assistance provision. Early notification to the airports of transit and destination is also necessary: a period of 20 hours should be enough for this.*

*In order to ensure effective operation, notification should be made direct to the subcontractor with which the managing body has contracted for this purpose.*

Amendment 36  
Article 9, paragraph 2 a, (new)

***2a. A system should be devised to ensure tracking of notifications for assistance, giving a confirmation code to provide prima facie evidence of each notification of a need for assistance.***

*Justification*

*If the transfer of information fails, a disabled passenger risks not being provided with assistance requested upon arrival at the airport. In such a situation where a passenger claims it has notified the need for assistance, it is likely that neither the assistance provider nor the air carrier will take responsibility for the communication breakdown. The passenger needs to be protected against this. Should the system fail, a passenger needs to be protected and to be able to produce evidence that he or she has asked for assistance in advance and by agreed methods.*

Amendment 37  
Article 9, paragraph 2 b (new)

***2b. Binding service level agreements between airlines and service providers should ensure that service providers can track notifications for assistance to airlines and their passengers.***

*Justification*

*PRM services have to be fully integrated into the service-chain. Especially at large hub airports, with many transit passengers and complex operations, binding service level agreements are needed to ensure efficiency and accountability of the services provided.*

Amendment 38  
Article 9, paragraph 3

***3. Immediately after the departure of a flight, an operating air carrier shall inform the managing body of the airport of destination, if situated on the territory of a Member State to which the Treaty*** ***deleted***

*applies, of the number of persons with reduced mobility requiring assistance specified in Annex 1 and of the nature of that assistance.*

Amendment 39  
Article 9, paragraph 3 a (new)

***3a. Where an air carrier or tour operator fails to communicate a notification to the relevant managing body or bodies, in accordance with Article 9(2), or fails to do so in good time, it shall be liable towards the passenger with reduced mobility to the extent that he or she is unable to board the flight or has to take a later flight.***

*Justification*

*The issue of liability is made insufficiently clear in the Commission proposal. In order to guarantee a high quality of assistance to passengers with reduced mobility, there is an urgent need for rules setting out the liability of the parties implied by their responsibilities.*

Amendment 40  
Article 9, paragraph 3 b (new)

***Where an air carrier or tour operator communicates:***

- an incorrect pick-up time or place, or***
- an incorrect number of disabled passengers or passengers with reduced mobility requiring assistance,***

***and where, in consequence, the required assistance cannot be provided by the managing body or its third-party contractor within the meaning of Article 6(1) in spite of making available the necessary staff and equipment, the air carrier or tour operator shall be required to refund the costs thus arising.***

*Justification*

*The issue of liability is made insufficiently clear in the Commission proposal. In order to*

*guarantee a high quality of assistance to passengers with reduced mobility, there is an urgent need for rules setting out the liability of the parties implied by their responsibilities.*

*The issue of liability is not mentioned in the proposal for a regulation. In order to guarantee a high quality of assistance to passengers with reduced mobility, there is an urgent need for rules setting out the liability of the parties (managing bodies, airlines, tour operators and passengers with reduced mobility) implied by their responsibilities.*

Amendment 41  
Article 9 a (new)

**Article 9 a**

**Training**

***Air carriers and airport managing bodies shall:***

- ensure that all their personnel and those employed by any sub-contractor providing direct assistance to disabled persons and persons with reduced mobility have knowledge of how to meet the needs of persons with various disabilities or mobility impairments;***
- provide disability equality and disability awareness training to all their personnel working at the airport who deal directly with the travelling public;***
- ensure that upon recruitment all new employees receive disability related training and that personnel receive refresher training sessions when appropriate.***

Amendment 42  
Article 9 c (new)

**Article 9 c**

**Damage in transit**

***In cases where wheelchairs and other mobility and assistive devices are damaged in transit, the passenger to whom the equipment belongs shall be compensated.***

*Justification*

*Some airlines have asked passengers to sign "a limited release form" exempting the carrier from responsibility. This is unacceptable.*

Amendment 43  
Article 11, paragraph 1

1. Each Member State shall designate a body responsible for the enforcement of this Regulation as regards flights departing from or arriving at airports situated on its territory. Where appropriate, this body shall take the measures necessary to ensure that the rights of persons with reduced mobility are respected, including compliance with the quality standards mentioned in *Article 7, paragraph 1*. The Member States shall inform the Commission of the body that has been designated.

1. Each Member State shall designate a body responsible for the enforcement of this Regulation as regards flights departing from or arriving at airports situated on its territory. Where appropriate, this body shall take the measures necessary to ensure that the rights of ***disabled persons and*** persons with reduced mobility are respected, including compliance with the quality standards mentioned in *Article 7(1) and to ensure that the charge under Article 6(2) is cost related and transparent. The designed body shall also act as mediator between the managing bodies of airports and air carriers in questions relating to responsibility for providing the service.* The Member States shall inform the Commission of the body that has been designated.

*Justification*

*The designated body responsible for the enforcement of this regulation should also be responsible for examining the transparency and cost relatedness of the charges levied by the airports.*

*From a practical point of view different standards across different airports within one country will make it very difficult for national enforcement bodies to monitor compliance. The enforcement shall ensure that charging principles and quality standards are designed to meet the needs of passengers and airlines.*

*It is also important to ensure that the designed body is able to mediate in the possible conflicts on the responsibility to provide the service that may generate between airlines and airports.*

Amendment 44  
Article 11, paragraph 2

2. Complaints may be made to any body designated under paragraph 1, ***or to any other competent body designated by a Member State***, about an alleged

2. Complaints may be made to any body designated under paragraph 1, about an alleged infringement of this Regulation. The Member States shall take measures to



infringement of this Regulation. The Member States shall take measures to inform *people* with reduced mobility of their rights under this regulation and of the possibility of complaint to this designated body.

inform ***disabled persons and persons*** with reduced mobility of their rights under this regulation and of the possibility of complaint to this designated body.

#### *Justification*

*The possibility for different bodies could cause confusion for the disabled passengers wishing to make a complaint. Some airlines have asked passengers to sign a 'limited release form' exempting the carrier from responsibility. This is unacceptable.*

#### Amendment 45 Article 13

13. The Commission shall report to the European Parliament and the Council by 1 January 2010 at the latest on the operation and the results of this Regulation. The report shall be accompanied where necessary by legislative proposals implementing in further detail the provisions of this Regulation, or revising it.

13. The Commission shall report to the European Parliament and the Council by 1 January 2010 at the latest on the operation and the results of this Regulation. The report shall be accompanied where necessary by legislative proposals implementing in further detail the provisions of this Regulation, or revising it.

***The Commission shall also prepare a Community code of practice on the basis of the recommendations included in the Code of good conduct in ground-handling for persons with reduced mobility (ECAC doc 30, Part I), and Member States should seek its implementation.***

#### *Justification*

*The EU already has a wide ranging code in the form of ECAC (European Civil Aviation Authority) Doc 30 Part I on the facilitation of transport of persons with reduced mobility. This recommendation is based on a wide ranging agreement between airlines, airports, Member States' authorities, and disability groups. Instead of drafting yet another code, the EU regulation should be based on ECAC Doc 30 Part I.*

#### Amendment 46 Annex I

Assistance ***by*** managing bodies of airports

Assistance ***under the responsibility of the*** managing bodies of airports

Assistance and arrangements necessary to enable persons with reduced mobility to:

Assistance and arrangements necessary to enable persons with reduced mobility to:

- communicate their arrival at an airport and their request for assistance at the designated points inside and outside terminal buildings mentioned in **Article 5, paragraph 6**;
- move from a designated point to the check-in counter;
- check-in and register baggage;
- proceed from the check-in counter to the aircraft, with completion of emigration, customs and security procedures;
- board the aircraft, with the provision of lifts, wheelchairs or other assistance needed;
- proceed from the aircraft door to their seats;
- store and retrieve baggage on the aircraft;
- proceed from their seats to the aircraft door;
- disembark from the aircraft, with the provision of lifts, wheelchairs or other assistance needed;
- proceed from the aircraft to the baggage hall and retrieve baggage, with completion of immigration and customs procedures;
- proceed from the baggage hall to a designated point;
- reach connecting flights when in transit, with assistance on the air and land sides and within and between terminals as needed.

Ground handling of mobility equipment, including electric wheelchairs (subject to advance warning of **twenty-four hours** and

- communicate their arrival at an airport and their request for assistance at the designated points inside and outside terminal buildings mentioned in **Article 6(4)**;
- move from a designated point to the check-in counter;
- check-in and register baggage;
- proceed from the check-in counter to the aircraft, with completion of emigration, customs and security procedures;
- board the aircraft, with the provision of lifts, wheelchairs or other assistance needed, **as appropriate**;
- proceed from the aircraft door to their seats;
- store and retrieve **hand** baggage on the aircraft;
- proceed from their seats to the aircraft door;
- disembark from the aircraft, with the provision of lifts, wheelchairs or other assistance needed, **as appropriate**;
- proceed from the aircraft to the baggage hall and retrieve baggage, with completion of immigration and customs procedures;
- proceed from the baggage hall to a designated point;
- reach connecting flights when in transit, with assistance on the air and land sides and within and between terminals as needed;

– ***move to the toilet facilities if required.***

***Where a person with reduced mobility is assisted by an accompanying person, this person must, if requested, be allowed to provide the necessary assistance in the airport and with embarking and disembarking.***

Ground handling of **all necessary** mobility equipment, including **equipment such as** electric wheelchairs (subject to advance

to possible limitations of space on board the aircraft).

Temporary replacement of damaged or lost mobility equipment.

Ground handling of *certified service* dogs, when relevant.

Communication of information needed to take flights in accessible formats.

warning of **48 hours** and to possible limitations of space on board the aircraft, ***and subject to the application of relevant legislation concerning dangerous goods***).

Temporary replacement of damaged or lost mobility equipment, ***although not necessarily on a like-for-like basis***.

Ground handling of *recognised assistance* dogs, when relevant.

Communication of information needed to take flights in accessible formats.

#### Amendment 47 Annex II

##### Assistance by air carriers

Carriage of *certified service* dogs in the cabin, subject to national regulations ***and for flights whose scheduled duration is less than five hours***.

Transport of ***one*** piece of mobility equipment per ***passenger*** with reduced mobility, including electric wheelchairs (subject to advance warning of ***twenty-four hours*** and to possible limitations of space on board an aircraft).

Communication of information concerning a flight in accessible formats.

***Arranging of*** seating to meet the needs of individual ***people*** with reduced mobility on request and subject to safety requirements.

##### Assistance by air carriers

Carriage of *recognised assistance* dogs in the cabin, subject to national regulations.

***In addition to medical equipment,*** transport of ***up to two pieces*** of mobility equipment per ***person*** with reduced mobility including electric wheelchairs (subject to advance warning of ***48 hours*** and to possible limitations of space on board an aircraft, ***and subject to the application of relevant legislation concerning dangerous goods***).

Communication of ***essential*** information concerning a flight in accessible formats.

***The making of all reasonable efforts to arrange*** seating to meet the needs of individual ***disabled persons or persons*** with reduced mobility on request and subject to safety requirements ***and availability***.

***Assistance in moving to toilet facilities if required***.

***Where a person with reduced mobility is assisted by an accompanying person, the air carrier shall make all reasonable efforts to give this person a seat next to***

*the person with reduced mobility.*

## **EXPLANATORY STATEMENT**

### **Introduction**

There is broad agreement within the aviation industry and beyond that persons with reduced mobility should have the same effective access to air travel as any other member of the public. Moreover there is a consensus that such access should not be at additional cost for persons of reduced mobility.

The growth in air transport and its increasing importance for business and leisure, coupled with a limited number of incidents, sometimes leading to court proceedings, led the Commission to consult widely on assistance at airports to persons of reduced mobility. The question was how such assistance might best be assured to the common, agreed standards necessary for the maintenance of a level playing field for airlines and airports in this area.

The draft regulation which the Commission has now presented prohibits air carriers and tour operators from refusing carriage to persons of reduced mobility on the grounds of reduced mobility except for duly justified safety reasons. It gives persons with reduced mobility the right to a package of assistance at airports, on departure, arrival and in transit; and it makes the managing bodies of airports responsible for providing this assistance, free of charge. It allows them to levy charges on air carriers to fund it. Airlines will continue to be responsible for on board assistance.

Members will note that the provisions apply to persons of reduced mobility and not simply to the disabled. The elderly therefore in certain circumstances would be entitled to the assistance required by the regulation.

Your rapporteur generally welcomes the draft regulation and accepts the principles underpinning it but believes it stands in need of amendment in a number of areas. The amendments he now proposes follow on from extensive contacts with representatives of airports, air carriers and the disabled.

### **Main issues**

A central question is who should be responsible for the provision of the service which allows persons of reduced mobility to access flights. In some instances airlines currently provide this service for their passengers and there is a view that they should bear primary responsibility. On the other hand this leads to a duplication of effort and investment where more than one carrier operates from an airport. The alternative approach is to make airports responsible for the service from point of arrival at the airport to boarding. However, this leads to questions about equitable funding and the position of airlines that already provide services to passengers with reduced mobility.

If it is accepted that airports should be the primary providers then how should the service be financed? As stated above there is no suggestion that persons with reduced mobility should pay a direct charge. In common with other services it would seem appropriate for airports to

charge carriers for the provision of this service to their passengers. The Commission prefers this option and proposes that the charging regime be based on the total number of passengers each airline carries from a given airport. The charge to the carrier should be proportionate to its share of passengers, and not to its share of passengers with reduced mobility. Pricing and other factors mean that the profile of each airline's clientele differs and some carriers, with for example more elderly passengers, have more passengers with reduced mobility. Nevertheless any charging regime which distributed costs on the basis of the number of passengers with reduced mobility actually carried by airlines would build in disincentives to carrying such passengers and thus defeat the central objective of the proposed legislation.

A related issue is whether carriers should be permitted to "opt-out" of the service regime provided by airports or those contracted by airports to provide it. While acknowledging the high quality of service currently made available by many carriers to persons of reduced mobility, "opting out" would breach the principle of one, integrated service and make such services at a number of airports economically untenable.

Your rapporteur recognises that major providers at their hub airports and terminals already provide a quality service to passengers with reduced mobility and proposes that where airports tender for this service provision such carriers should be permitted to enter the tendering process.

### **Strengthening the proposal**

Article 4 of the draft regulation allows carriers to refuse to embark a person with reduced mobility in order to meet applicable safety standards. To prevent abuse of this provision these requirements should be established at European level by air carriers and organisations representing disabled persons and passengers with reduced mobility. The rules concerned should be made publicly available in accessible formats. The responsibilities of airports' managing bodies should be explicit and binding but at the same time it should also be possible for those bodies to discharge those responsibilities through a contractual arrangement with an entity which specialises in, or has experience of, providing assistance to the disabled and persons of reduced mobility. At a number of airports and terminals this would include air carriers. This should be done in agreement with Airport Users Committees. Air carrier and airport personnel should receive training in disability awareness. Booking by internet should be structured to ensure that persons with reduced mobility can pre-notify their requirements.

In this context the blind should have the possibility of downloading landing forms for pre-completion using braille. Many blind people cannot complete these during flight.

Your rapporteur's view is that there is no need to exclude smaller airports with fewer than two million passengers per annum from the scope of this regulation. Why should passengers flying to and from remoter areas or using airports with low cost carriers not benefit from the provisions of the regulation?

Other amendments proposed at this point tighten definitions. It is important to be explicit and for this reason the term "persons with reduced mobility" is replaced by " disabled persons and passengers with reduced mobility" The latter term explicitly includes the blind, partially sighted, deaf, hard of hearing and those with an intellectual disability who do not necessarily

experience limited "mobility" when travelling but reduced communication, orientation or independence instead.

## **Conclusion**

It is on the basis of the foregoing that your rapporteur presents a limited number of amendments which accept the basic direction of the draft regulation but presents a pragmatic option for the choice of the service provider where major carriers in their principal centres of operation already have the appropriate staff, experience and equipment.

However, no amendment should be adopted which would tend to undo the effect of having an integrated service to facilitate access to air travel for disabled passengers and passengers of reduced mobility and which is not at a specific additional cost for them.

## PROCEDURE

|  |   |           |            |
|--|---|-----------|------------|
| <b>Title</b>   | Proposal for a regulation of the European Parliament and of the Council concerning the rights of persons with reduced mobility when travelling by air   |           |            |
| <b>References</b>  | COM(2005)0047 – C6-0045/2005 – 2005/0007(COD)   |           |            |
| <b>Legal basis</b>   | Articles 251(2) and 80(2) EC  |           |            |
| <b>Basis in Rules of Procedure</b>   | Rule 51   |           |            |
| <b>Date submitted to Parliament</b>  | 17.2.2005   |           |            |
| <b>Committee responsible</b><br>Date announced in plenary                              | TRAN<br>12.4.2005   |           |            |
| <b>Committee(s) asked for opinion(s)</b><br>Date announced in plenary                  | LIBE<br>12.4.2005   |           |            |
| <b>Not delivering opinion(s)</b><br>Date of decision                                   | LIBE<br>30.3.2005   |           |            |
| <b>Enhanced cooperation</b><br>Date announced in plenary                               |   |           |            |
| <b>Rapporteur(s)</b><br>Date appointed   | Robert Evans<br>5.4.2005  |           |            |
| <b>Previous rapporteur(s)</b>  |   |           |            |
| <b>Simplified procedure</b><br>Date of decision  |   |           |            |
| <b>Legal basis disputed</b><br>Date of JURI opinion                                    |   |           |            |
| <b>Financial endowment amended</b><br>Date of BUDG opinion                             |   |           |            |
| <b>European Economic and Social Committee consulted</b><br>Date of decision in plenary |   |           |            |
| <b>Committee of the Regions consulted</b><br>Date of decision in plenary               |   |           |            |
| <b>Discussed in committee</b>  | 13.6.2005   | 30.8.2005 | 10.10.2005 |
| <b>Date adopted</b>  | 11.10.2005  |           |            |
| <b>Result of final vote</b>  | for:  | 32        |            |
|  | against:  | 3         |            |
|  | abstentions:  | 11        |            |
| <b>Members present for the final vote</b>  | Inés Ayala Sender, Philip Bradbourn, Luigi Cocilovo, Paolo Costa, Michael Cramer, Arūnas Degutis, Christine De Veyrac, Armando Dionisi, Petr Duchoň, Saïd El Khadraoui, Robert Evans, Emanuel Jardim Fernandes, Luis de Grandes Pascual, Mathieu Grosch, Ewa Hedkvist Petersen, Jeanine Hennis-Plasschaert, Stanisław Jałowiecki, Georg Jarzembowski, Dieter-Lebrecht Koch, Jaromír Kohlíček, Rodi Kratsa-Tsagaropoulou, Jörg Leichtfried, Eva Lichtenberger, Patrick Louis, Erik Meijer, Michael Henry Nattrass, Robert Navarro, Josu Ortuondo Larrea, Willi Piecyk, Luís Queiró, Reinhard Rack, Luca Romagnoli, Gilles Savary, Renate Sommer, Ulrich Stockmann, Gary Titley, Georgios Toussas, Marta Vincenzi, Corien Wortmann-Kool, Roberts Zīle |           |            |
| <b>Substitutes present for the final vote</b>  | Den Dover, Markus Ferber, Sepp Kustatscher, Pier Antonio Panzeri, Zita Pleštinská, Hannu Takkula  |           |            |



|   |            |              |
|---|------------|--------------|
| <b>Substitutes under Rule 178(2) present for the final vote</b> |            |              |
| <b>Date tabled – A6</b>   | 27.10.2005 | A6-0317/2005 |
| <b>Comments</b>   |            |              |