

Summary of EDF main amendments to the Proposal for a Regulation on enforcement of Passenger Rights

The European Disability Forum is an independent NGO that represents the interests of 100 million persons with disabilities in Europe. EDF is a unique platform which brings together representative organisations of persons with disabilities from across Europe. EDF is run by persons with disabilities and their families. We are a strong, united voice of persons with disabilities in Europe.

Abstract

On 29th November 2023, the European Commission published a legislative proposal to improve the enforcement of passenger rights in all transport modes¹. On February 2024, EDF published an [in-depth analysis of the legislative proposal](#), which was followed by a detailed proposal of additional amendments to improve the provisions relevant for persons with disabilities. This document aims to provide a summary of EDF main suggested amendments.

To receive the list of amendments, contact: Daniel Casas – Accessibility Officer (daniel.casas@edf-feph.org)

Addressing the remaining gaps in Regulation 1107/2006 on Air Passenger Rights for Persons with Disabilities

The proposed changes to this regulation only address one of the existing gaps in air transport for persons with disabilities. It does so by introducing a new obligation to ensure that an accompanying person, when obliged by the carrier, travels free of charge. EDF fully supports this provision, which should be maintained during the negotiations. However, this is far from solving the remaining barriers that people with disabilities still face when traveling by plane. For this reason, further amendments should be introduced to this regulation to establish:

¹ Proposal for a Regulation of the European Parliament and of the Council amending Regulations (EC) No 261/2004, (EC) No 1107/2006, (EU) No 1177/2010, (EU) No 181/2011 and (EU) 2021/782 as regards enforcement of passenger rights in the Union

- **Full liability for lost or damaged mobility equipment².** While Regulations for Rail, Waterborne, Bus and Coach already foresee the carrier and infrastructure manager's full liability for the damage or loss of mobility equipment, air transport is the sole transport mode where such liability is limited. Aware of this situation, the Commission tried to solve the issue in its [2013 proposal amending regulations 261/2004 and 2027/97](#). Unfortunately, this proposal has been blocked in the Council for more than ten years.
- **Elimination of prenotification time to request assistance³.** All passengers should be able to 'turn up and go', but this is not the case for passengers with disabilities. While pre-notification in air transport is set at 48h, in rail this is set at 24h. What is more, some Member States have abolished or significantly reduced pre-notification in major stations. There is no reason why this should not be the case in air transport.
- **Put an end the cases of denial of boarding⁴.** persons with disabilities are still denied boarding or refused to sell a ticket because of their disability, even though they hold a valid ticket and they have indicated their need for assistance in advance to the airline. This happens mainly because of "safety reasons" but are usually not justified or explained sufficiently. The main problems here are that Regulation 1107 clearly allows for "safety reasons" to overrule ones' right to transport, which should not be the case. Instead, the safety arrangement should be made sufficiently inclusive so that persons with disabilities do not have to be discriminated against. In order to ensure that this gap in the Regulation is closed, the right to transport should be guaranteed without exceptions.
- **Application of Service Quality Standards to Airports⁵.** In the Commission's proposal, Service Quality Standards for Regulation 1107/2006 only apply to carriers, while nothing is said about Airports. Although Article 9 of the original Regulation 1107/2006 obliges Airports with more than 150.000 annual passengers to adopt and publish Service Quality Standards, the applicable Annex does not contain any obligation to publish data on the assistance

² New EDF proposed amendment to Article 12 of Regulation 1107/2006

³ New EDF proposed amendments to Article 6(2), Article 7(3) and Annex I of Regulation 1107/2006

⁴ EDF is still working on an amendment for this provision. One way of addressing it would be by removing the exceptions in Article 4 of Regulation 1107/2006.

⁵ New EDF proposed amendment to Article 10a of Regulation 1107/2006

provided to persons with disabilities and the number and nature of disability related complaints. Airport authorities are responsible for the provision of assistance and dealing with mobility equipment and should also be bound by such transparency obligations.

- **Informing passengers about their rights⁶.** Currently, while Article 23 of Waterborne Regulation (1177/2010), Article 25 of Bus and Coach Regulation (181/2011) and Article 29 of Rail Regulation (2021/782) oblige carriers, infrastructure managers and other stakeholders to inform passengers about their rights under the respective regulations, article 15 of Regulation 1107/2006 only oblige Member States to take measures to inform disabled persons and persons with reduced mobility of their rights under this Regulation and of the possibility of complaint to this designated body or bodies. This obligation should be harmonized so carriers and airport authorities inform proactively passengers with disabilities about their rights under this regulation. If they are not aware of them, they will not complain in case of breach.
- **NEBs to publish reports with statistics on their activity, including on complaints and penalties applied⁷.** Currently, Article 26 of Waterborne Regulation (1177/2010), Article 29 of Bus and Coach Regulation (181/2011) and Article 32 of Rail Regulation (2021/782) oblige NEBs to publish a Report on the activities they have carried out to implement the regulation for which they are responsible. Such obligation should also exist of NEBs responsible for Regulation 1107/2006 as the current proposal does not harmonise this key requirement for NEBs.

Improving enforcement provisions in all transport modes

- **Risk based approach to compliance of passenger rights⁸.** While this new provision already gives an indicative list of the monitoring activities that should be carried out by the National Enforcement Bodies (NEBs), it is important to specify other type of initiatives, such as the monitoring of carriers and infrastructure managers websites and applications (in terms of accessibility or

⁶ New EDF proposed amendment to Article 15a of Regulation 1107/2006

⁷ New EDF Proposed amendments to Article 14 of Regulation 1107/2006; Article 25a of Regulation 1177/2010; Article 28a of Regulation 181/201 and Article 32a of Regulation 2021/782

⁸ New EDF proposed amendment to Article 14 of Regulation 1107/2006, Article 25c of Regulation 1177/2010 and Article 28c of Regulation 181/2011

transparency of PRM-related information). When carrying out such monitoring activities, NEBs should rely on the expertise and 'lived experience' of persons with disabilities themselves.

- **Informing passenger about other redress mechanisms, other than Alternative Dispute Resolution Bodies⁹.** Apart from, National Enforcement Bodies and Alternative Dispute Resolution Bodies (ADRs), passenger whose rights have been infringed can seek redress through other venues, including National Equality Bodies. This is especially relevant for persons with disabilities, as ADRs might not always take or have expertise on PRM related complaints.
- **The Commission to publish a report in which all the information published by carriers and infrastructure managers in the Service Quality Standards can be compared¹⁰.** To allow passengers and public authorities to have an overview of carriers and infrastructure managers performance in relation to the Service Quality Standards, it is important that there is a centralised point of information that presents in a homogeneous and comparable manner all the data that has been published, including on PRM-related complaints and data. This is a practice that already exists in the United States, where the [Department of Transportation publishes a yearly report with the number and type of disability related complaints submitted to carriers operating in the United States](#). This is a good practice that should be replicated in the European Union.
- **Accessibility of common form for compensation and reimbursement requests¹¹:** The relevant articles in the regulations should clarify that the implementing act to create such form follow the accessibility requirements of the Directive 2019 / 882 (European Accessibility Act)
- **Accessibility of passenger information¹².** Although several articles on travel or passenger rights information already specify the need to provide in accessible formats. It is important to specify what is meant by accessibility by making reference to Union accessibility legislation, namely the Directive 2019/882 ([European Accessibility Act](#)).

⁹ New EDF Proposed amendment to Article 14c of Regulation 1107/2006

¹⁰ New EDF proposed amendment to Article 14d of Regulation 1107/2006, Article 27a Regulation 1177/2010; Article 30a Regulation 181/2011 and Article 34a Regulation 2021/782.

¹¹ New EDF proposed amendments to Article 23 of Regulation 1177/2010 and Article 19a Regulation 181/2011.

¹² New EDF proposed amendment to Articles 16 and 23 of Regulation 1177/2010, and Articles 20, 24 and 25 of Regulation 181/2011.

- **Means of communication with the passenger¹³.** Accessibility of travel information is one of the key passenger rights for persons with disabilities. It is important to specify that communication with passengers on travel information, including on delays, cancellations and passenger rights is provided through different channels, not only by electronic means. If needed, passengers should also receive this information directly from the carriers and infrastructure manager staff and through non electronic channels.
- **Application of Service Quality Standards to terminal operators¹⁴.** The obligation to publish information on the performance pursuant to the quality standards should also apply to terminal operators. In the current form, only carriers will have to make this information public in their websites. Terminal operators are also responsible for the provision of assistance, one of the key passenger rights for persons with disabilities and should also be accountable for the quality of their service, including on the number and nature of complaints received. This information would provide an accurate picture of the situation in passenger rights, help consumers to choose the transport mode that offers better service and push carriers and infrastructure managers to improve their performance.
- **Application of new service quality standards to rail¹⁵** The introduction of Service Quality Standards with public information on the number and nature of complaints as well as data on the assistance provided to persons with disabilities and reduced mobility is one of the main novelties for the proposal. However, while the proposal obliges air, waterborne and bus and coach carriers to collect and publish information (and infrastructure managers to collect it and share it with public authorities when requested), nothing is said about rail undertakings and infrastructure managers. While it is true that article 29 of Regulation 2021/782 obliges rail undertakings and station managers to monitor and, where appropriate, publish a report on compliance with quality standards, this is based on existing Annex III. In its current form, such Annex provides no reference to the need to monitor and report the

¹³ New EDF proposed amendment to Article 23c of Regulation 1177/2010, Article 25a of Regulation 181/2011 and Article 30a of Regulation 2021/782.

¹⁴ New EDF proposed amendments to Article 24a of Regulation 1177/2010 and Article 26c of Regulation 181/2011.

¹⁵ New EDF proposed amendments to Article 29 of Regulation 2021 / 782.

assistance provided to persons with disabilities (including the cases of denied boarding, damaged or lost mobility equipment or imposition of an accompanying person). For this reason, EDF amendment proposes to create a new Annex V, that mirrors what has already been proposed for the other transport modes.

- **Improve the information published through Service Quality Standards.**

Beyond the information already contained in the proposed new Annexes, carriers and infrastructure managers should also report on the assistance provided (if it was provided or not and if there was a delay) as well as the frequency of disability related training (including whether organisations of persons with disabilities were involved in such training)

Related documents

[EDF Analysis of the Proposal for a Regulation on the Enforcement of Passenger Rights](#) (February 2024)

Contact persons at the EDF secretariat

Daniel Casas Ballester – Accessibility Officer (daniel.casas@edf-feph.org)