



## **Joint Call to the European Commission on stronger protection for the rights of persons with disabilities when travelling by air**

Dear Commissioner for Transport Vălean,

Dear Commissioner for Equality Dalli,

The undersigned European organisations representing passengers, persons with disabilities and persons aged 50+ jointly call on the European Commission to include the revision of [Regulation 1107/2006 on the rights of disabled persons and persons with reduced mobility when travelling by air](#) as part of the upcoming proposal to update the passenger rights' legislative framework.

Since its adoption 17 years ago, Regulation 1107/2006 has been successful in establishing key rights such as non-discrimination in access to transport, assistance free of charge, and accessible journey information and complaints system.

However, air travel is still - by far - the transportation mode in which persons with disabilities experience the most difficulties and human rights violations: compared to transport modes covered by EU legislation, the current regulation protecting the rights of passengers travelling by air has severe shortcomings when it comes to the carriers' and companies' responsibilities towards passengers with disabilities.

Remaining legislative gaps still allow for discrimination of persons with disabilities when travelling by air:

- Varied and untransparent “safety rules”, as well as unclear requirements for mobility equipment and assistive devices applied by carriers, lead to arbitrary cases of denied boarding of persons with disabilities.
- Passengers who are required by the airlines to travel with an accompanying person have to pay for the extra ticket.
- Damage and destruction of assistive equipment, for which there is no full compensation, continues to be common.

- Cases of assistance failing to meet the minimum quality standards (i.e. proper training, adequate equipment, personalisation of services) or even to show up, not only undermining the right to travel independently, but also causing physical harm to the passenger and missed flights.

This situation is in clear contradiction of Art. 3 of Regulation 1107/2006 which grants the right to travel, and with Article 9 of the [United Nations Convention on the Rights of Persons with Disabilities \(UNCRPD\)](#), which obliges state parties, of which the EU and its Member States, to ensure persons with disabilities' access to transport on equal basis with others.

To address this, we call on the European Commission to revise Regulation (EC) No 1107/2006 in order to:

- Eradicate all cases of denial of boarding<sup>1</sup>.
- Introduce a right to swift and fair compensation if an air carrier still denies boarding,<sup>2</sup>.
- Provide an extra ticket free of charge for the passenger who is obliged to travel accompanied<sup>3</sup>.
- Provide quality assistance in the airport and on the plane.

The European Commission should also establish the companies' full liability for damaged and lost mobility equipment – equipment that often costs tens of thousands of euros and that under the current regulation is only classified as luggage – including this provision in the aforementioned regulation or in other appropriate regulations<sup>4</sup>.

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<sup>1</sup> Although Article 3 of [Regulation 1107/2006](#) provides for the right of transport of persons with disabilities, Article 4 provides two exceptions: safety requirements and size of aircraft (Article 4). Safety reasons have often been used by air carriers to deny boarding to passengers with disabilities that held a valid ticket and notified assistance in advance. Such reasons are not always justified or explained sufficiently, leading even to random decisions based on mere prejudice, not facts.

<sup>2</sup> [Regulation 261/2004](#) on compensation and assistance for delay, cancellation and denied boarding in flights, already provides for this for the other categories of passengers who are denied boarding.

<sup>3</sup> This is a provision that already exists in the Passenger Rights Regulations for Train ([Regulation 2021/782](#)), Bus and Coach ([Regulation 181/2011](#)) and Waterborne Transport ([Regulation 1177/2010](#)).

<sup>4</sup> This issue is currently regulated by the Montreal Convention and transposed into the EU law by Council [Regulation 2027/1997](#), which considers such items as luggage and limits carrier liability to 1365 EUR. The Commission presented a [legislative proposal](#) to address this in 2013 but remains blocked in the Council.



The [European Commission studies](#)<sup>5</sup> on the implementation of Regulation 1107/2006 already recognise most of these shortcomings, some of which do not exist in the passenger rights legislation covering other transport modes. As an example, [Rail](#), [Bus / Coach](#) and [Waterborne Transport](#) regulations already contain provisions for a ticket free of charge for the accompanying person and the carriers' full liability for broken and damaged mobility equipment.

Therefore, considering that 17 years in force have been enough to see the implications of the gaps of Regulation 1107/2006 ([see EDF latest report](#)) and that Passenger's rights regulations for other transport modes have been already updated<sup>6</sup>; we believe that revising air passenger rights for persons with disabilities is the next logical step and that the upcoming Commission proposal in this field, expected for mid-2023, represents the opportunity to address this pending issue.

Although we recognise the rationale and the relevance of the other topics brought up by the Commission during the [consultation process](#)<sup>7</sup> and welcome appropriate measures in this respect, we also believe that any measure to that aims to improve in a meaningful way the right to travel for persons with disabilities should address the concerns outlined in this letter.

We sincerely hope that you take all the available measures under your competency to ensure equal rights in flights for persons with disabilities and reduced mobility and put an end to discrimination.

The signatories of this letter find it important that the interests of all passengers are taken into account as equally as possible.

## **Signatories**

[AGE Platform Europe](#)

[European Disability Forum](#) (EDF)

[European Passengers' Federation](#) (EPF)

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<sup>5</sup> [2011 Report from the Commission to the European Parliament and the Council on the functioning and effects of Regulation \(EC\) No 1107/2006](#) and [2021 Commission staff working document evaluation of Regulation \(EC\) No 1107/2006 Working Staff Document](#)

<sup>6</sup> The Rail Passenger Rights Regulation was updated in 2021.

<sup>7</sup> Improved financial protection and reimbursement policies when traveling by air, passenger rights for multimodal journeys and improved enforcement of passenger rights in all transport modes.