



EUROPEAN COMMISSION

## MEMO

Brussels, 14 June 2012

### **Passenger rights: what passengers with reduced mobility need to know when travelling by air**

The Commission has published guidelines clarifying the rights of disabled passengers and people with reduced mobility when they travel by air. The Guidelines are published before the 2012 Olympics – one of the biggest sporting events in the world – which will take place in London this summer, specifically to facilitate the travel of participating athletes and many EU citizens with reduced mobility who still come across problems when travelling by air. The guidelines are based on a detailed assessment of the Regulation concerning the rights of disabled persons and persons with reduced mobility when travelling by air<sup>1</sup>.

#### **What is the problem?**

EU legislation on passengers' rights has been in force for more than four years now. However, some practical problems and uncertainties remain for air carriers and airports on the one hand and for disabled passengers and passengers with reduced mobility on the other.

There are still too many instances where passengers suffer unjustified refusal or restrictions on reservations or boarding based on unclear safety reasons (see below).

A significant number of passengers are not aware of their rights;

Only a limited percentage (around 40%) of passengers pre-notify their assistance needs before travelling. This is a central problem for airports and air carriers in trying to provide assistance;

Inconsistencies in the way the law is applied, has led to passengers facing different requirements and different limitations on different occasions when they travel in airports and airlines.

Some examples include:

- A senior UN official was denied boarding on a flight from Heathrow to Geneva because he was unaccompanied. The official was a paraplegic frequent traveller who had travelled unaccompanied for fifteen years.
- 3 passengers on internal French flights were denied boarding because they were unaccompanied. They later successfully challenged the decision in court. The airline and ground-handling company faced substantial fines for non-compliance.

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<sup>1</sup> "PRM" Regulation 1107/2006

## **What are the current rules?**

Existing EU legislation on air passenger rights came into force in full in July 2008 (Regulation EC 1107/2006) and ensures the right to non-discrimination on the basis of disability or reduced mobility. Disabled persons and persons with reduced mobility have the same right to travel as persons without such mobility limitations.

These rights include:

- The right to non-discrimination during flight reservation and on ticket purchase
- The right to travel on an equal footing to any other passenger
- The right to information about safety rules applied by air carriers
- The right to free assistance at the airport and on-board aircraft
- The right to transport two pieces of mobility equipment free of charge

In order to benefit from these rights disabled passengers and passengers with reduced mobility should be aware of the following:

Notification of your needs for assistance to the airline, travel agent or to the tour operator at least 48 hours before the flight departure is crucial. Managing bodies of airports will be informed accordingly and shall be responsible for providing assistance up to the aircraft gate and to your seat; then the assistance is the responsibility of the airlines. The assistance is free of charge.

Although, pre-notification is not obligatory, it is highly recommended, to ensure that service providers (airport managers and air carriers) can organise the most appropriate assistance according to your needs and the circumstances of your trip.

Requests to transport an electric wheelchair or carriage of other potentially dangerous items must be notified to the air carrier 48 hours in advance.

The safety of all passengers and crew members on board is paramount. If air carriers deny boarding to disabled persons or persons with reduced mobility this must be based on clearly justified safety reasons.

Since its entry into force, the Regulation has allowed easier access to air transport and a smoother travel experience for the more than 2 million disabled and reduced mobility travellers using Europe's main airports annually (2010 figures).

Now, after four years of application there are some lessons learnt which have led to the publication of these guidelines to clarify some of the rights and obligations of the different actors.

## **What are we proposing?**

The guidelines cover travellers at all EU airports and the operations of EU carriers coming into, within and leaving the EU. They also cover non-EU carriers within or leaving Europe.

Their aim is to clarify the rules on access to air travel without discrimination whilst observing the fundamental and overriding principle of safety for all persons on-board.

These guidelines have been thoroughly discussed with all stakeholders: national authorities, aviation industry (airlines' and airports' organisations) as well as consumer and user associations, notably those representing disabled persons and persons with reduced mobility. They provide guidance in the form of 22 questions and answers on a variety of areas.

For the purpose of this memo, we are focusing here on the most common and most practical problems.

## **Who is a passenger with reduced mobility?**

### **What is the problem with the definition?**

The definition provided in the Regulation is very broad, it covers "any person whose mobility when using transport is reduced due to any physical disability (sensory or locomotor, permanent or temporary), intellectual disability or impairment, or any other cause of disability, or age and whose situation needs appropriate attention". This has led to varying interpretations as to who is considered a person with reduced mobility and therefore entitled to assistance.

### **What is the guidance?**

The guidelines make it clear that whilst the largest categories are disabled and elderly passengers, there are some other vulnerable citizens who are deprived of their full mobility that might need assistance depending on the circumstances of their travel.

The guidelines underline that requests for assistance should be proportionate and adapted to the passenger's specific needs, but it is expected that assistance should be provided without undue restriction.

In this context, it is important to note, that a passenger's mobility might be reduced at the airport, e.g. at very large airports with long distances to cover or at connecting points. In such cases assistance would only be required at the airport - the mobility of these passengers would not be considered as reduced on-board a plane.

## **What does pre-notification mean and why is it so important?**

### **What is the problem?**

Pre-notification is central to the airport and airline being able to provide appropriate assistance.

However, currently only a limited number of passengers who need assistance pre-notify their needs prior to departure, thus depriving the service providers adequate preparation time to provide the required assistance. This is a root cause of many problems in the system.

### **What is the guidance?**

In order to ensure the assistance providers are in a position to provide the required service at the best quality, it is essential to inform the air carrier at least 48 hours in advance of departure so that they can make the necessary preparation

The guidelines underline that although service providers need to make reasonable efforts to assist also passengers who have not pre-notified their needs, they may give priority to those who have done so.

## **Can passengers with reduced mobility be obliged to provide a medical certificate to get free assistance? No.**

### **What is the problem?**

Some air carriers ask for medical certificates so that disabled persons and persons with reduced mobility can prove their need for assistance. In some cases there are charges for the provision of assistance.

### **What is the guidance?**

Air carriers and services providers at airports cannot ask for such proof as a precondition for selling a ticket or for allowing the person to fly or to justify a request for assistance.

They can only ask for medical certificates if the health and safety of the passenger, other passengers or crew-members might be at risk. Assistance to disabled persons and persons with reduced mobility must be provided free of charge.

## **I need oxygen on-board. Can I take my own supply or will oxygen be provided by the air-carrier?**

### **What is the problem?**

Air carriers apply different rules on the transport of oxygen which leads to confusing situations for passengers who need oxygen onboard.

### **What is the guidance?**

Airlines are required to carry medical equipment free of charge, subject to any relevant dangerous goods requirements.

For example, if you need oxygen during the flight it is important to clarify directly with the air carrier whether you can bring your own oxygen supply. For safety reasons, the air carrier might not allow this or decide to provide the oxygen itself (although it is not obliged to do so).

There are currently no standardised rules on the carriage of oxygen in the EU. The guidelines therefore underline that airlines are entitled to set their own requirements for the carriage of oxygen based on safety reasons. However, this information must be clearly available to passengers. If the air carrier provides oxygen, the guidelines state that this should be done at a reasonable price.

## **Must passengers with reduced mobility always be accompanied? No.**

### **What is the problem?**

Some carriers unjustifiably deny boarding to disabled persons or persons with reduced mobility if they are not accompanied,

### **What is the guidance?**

If you are self-reliant, the norm is that you are able to travel alone.

Reduced mobility is not a reason for an air carrier to require a disabled person or person with reduced mobility to be accompanied.

A passenger can be required to be accompanied by another person only if it is clear that the passenger cannot meet the appropriate safety requirements.

## **If I travel with an accompanying person, will the person need to purchase a ticket and can the person sit next to me?**

### **What is the problem?**

Air carriers have different policies with regard to whether accompanying persons of disabled passengers and passengers with reduced mobility have to pay for their seat. There have also been situations where the accompanying persons could not sit next to the passengers who needed assistance, despite the Regulation stating that 'all reasonable efforts' should be made to do so.

### **What is the guidance?**

The Regulation does not specify whether the seat for an accompanying person is to be offered for free or at a reduced price. The guidelines therefore leave this to the air carriers' discretion. However, for some carriers this is part of their customer service.

The guidelines underline that whatever carriers' policies are in this respect, they need to provide transparent information to passengers.

Information must also be available if there are particular safety restrictions on seating for disabled persons and persons with reduced mobility- e.g. for example seats where they may impede emergency evacuation.

With regard to seating accompanying persons next to the disabled passenger or passenger with reduced mobility, the PRM Regulation (EC Regulation 1107/2006) puts a clear obligation on air carriers to make all reasonable efforts to do so. The guidelines underline this point.

## **Will my mobility equipment be transported for free?**

### **What is the problem?**

Disabled persons and persons with reduced mobility are not always aware of the rules applicable to the transport of mobility equipment. This can lead to conflicting situations at the airport. Under the PRM Regulation, you are entitled to have two pieces of mobility equipment transported for free.

### **What is the guidance?**

The guidelines underline that passengers and passengers with reduced mobility are allowed to have two pieces of mobility equipment transported for free. A passenger using an electric wheelchair must notify the carrier at least 48 hours in advance. The guidelines further underline that recognised guide and assistance dogs shall travel within the cabin subject to appropriate prior notice.

As for any passenger, sports equipment which is not mobility equipment is covered by the airlines' general rules on luggage

## **What should I do if I feel an air carrier or an airport does not respect my rights?**

### **What is the problem?**

Passengers are often not aware of the steps to take if they feel that their rights have not been respected and they want to complain.

### **What is the guidance?**

The guidelines clarify that:

- If you consider that your rights have not been respected, you should first bring the matter to the attention of the airport manager or the air carrier.
- If you are unsatisfied with their responses, you may lodge a complaint with the competent national enforcement body (NEB) whose role is to ensure that transport operators are treating all passengers in accordance with their rights. The list of enforcement bodies can be found under the following link:

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

### **What are the next steps?**

The guidelines, which will be made public, will assist air carriers and airports to improve the application of the Regulation and thus further facilitate air travel for disabled persons and persons with reduced mobility. They should also help NEBs with regard to the enforcement of the Regulation. They will in particular provide a real added value to the increased travel activity by disabled persons and persons with reduced mobility expected for the Olympics and Paralympics.

### **More information:**

To find out more about the rights of passengers with reduced mobility, visit:

[http://ec.europa.eu/transport/passengers/air/prm\\_en.htm](http://ec.europa.eu/transport/passengers/air/prm_en.htm)

Please see also: [IP/12/602](#)