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COMMUNICATION TO THE COMMISSION

Approval of the content of a draft Commission Notice on the Interpretative Guidelines on Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air

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In 2006 the EU co-legislators adopted Regulation (EC) No 1107/2006 ⁽¹⁾ which grants comprehensive rights for persons with disabilities and persons with reduced mobilities when traveling by air. It establishes rules to protect them against discrimination; and ensures that they receive the assistance they need in order to be able to travel on an equal basis with other citizens. The regulation became fully applicable on 26 July 2008.

In its first evaluation of Regulation (EC) No 1107/2006 ⁽²⁾ in April 2011 the Commission concluded that Regulation (EC) No 1107/2006 has brought undeniable advantages to persons with disabilities and persons with reduced mobility. However, some of its provisions have been interpreted and applied differently by national enforcement bodies (NEBs) dealing with the enforcement of Regulation (EC) No 1107/2006, airports, and air carriers. The Commission published the first edition of its interpretative guidelines in 2012 ⁽³⁾ to provide guidance on the interpretation and application of a number of provisions of Regulation (EC) No 1107/2006. As the interpretative guidelines were published in the form of a staff working document they were not published in all the official languages of the EU.

The NEBs, air carriers, airports, passengers and their associations have since raised questions which are not covered by the 2012 interpretative guidelines. The recent Commission evaluation of Regulation (EC) No 1107/2006 in 2021 also concluded that there is a need to interpret provisions which were not covered by the 2012 interpretative guidelines ⁽⁴⁾.

⁽¹⁾ Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air (OJ L 204, 26.7.2006, p. 1, ELI: <http://data.europa.eu/eli/reg/2006/1107/oj>).

⁽²⁾ Report from the Commission to the European Parliament and the Council on the functioning and effects of Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air – COM(2011) 166 final of 11 April 2011
https://transport.ec.europa.eu/system/files/2016-09/com_2011_166_report.pdf

⁽³⁾ Commission Staff Working Document of 11 June 2012, Interpretative Guidelines on the application of Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air, SWD(2012) 171 final. https://transport.ec.europa.eu/document/download/4a0673a7-27d2-421e-8cf2-5b59d2816c21_en?filename=2012-06-11-swd-2012-171_en.pdf

⁽⁴⁾ Commission Staff Working Document, *Evaluation of Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air*, SWD(2021) 417 final. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52021SC0418>

Accordingly, following the adoption of two legislative proposals in November 2023 ⁽⁵⁾ to review passenger rights the Commission decided to review the interpretative guidelines on Regulation (EC) No 1107/2006.

The Commission is therefore called upon to approve the content of a draft Commission Notice on the Interpretative Guidelines on Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air.

The draft Commission Notice on the Interpretative Guidelines on Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air will be formally adopted by the Commission later, when all language versions are available. It is only from that moment that the Notice will be applicable. The intention is to adopt the Notice before 31 December 2024. The text of the draft Commission Notice is enclosed as Annex to this Communication.

⁽⁵⁾ 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 – COM(2023) 753 final
<https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=COM:2023:0753:FIN>
Proposal for a Regulation of the European Parliament and of the Council on passenger rights in the context of multimodal journeys – COM(2023) 752 final
<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52023PC0752>