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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**

ANNEX

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



Brussels, XXX  
[...](2024) XXX draft

**COMMISSION NOTICE**

**Interpretative guidelines on the application of Regulation (EC) No 1107/2006 of the European Parliament and of the Council concerning the rights of disabled persons and persons with reduced mobility when travelling by air**

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## 1. INTRODUCTION

Regulation (EC) No 1107/2006 of the European Parliament and of the Council <sup>(1)</sup> entered into force on 15 August 2006. It became fully applicable on 26 July 2008 <sup>(2)</sup>.

Articles 21 and 26 of the Charter of Fundamental Rights of the European Union <sup>(3)</sup> recognise the right of persons with disabilities to non-discrimination, independence, social and occupational integration, and participation in the life of the community. Article 9 of the United Nations Convention on the Rights of Persons with Disabilities enshrines the principle of accessibility and requires state parties to take appropriate measures to ensure that persons with disabilities can access, on an equal basis with others, facilities and services that are open or provided to the public, including transportation <sup>(4)</sup>. Regulation (EC) No 1107/2006 plays an important role in the implementation of those fundamental rights because it establishes rules to protect persons with disabilities and persons with reduced mobility travelling by air 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.

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 <sup>(5)</sup> to provide guidance on the interpretation and application of a number of provisions of Regulation (EC) No 1107/2006. 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 <sup>(6)</sup>.

In addition to the obligations laid down in Regulation (EC) No 1107/2006, several standards and recommendations have been adopted in the area by the European Civil Aviation Conference (ECAC) <sup>(7)</sup>. In particular, Section 5 of the ECAC's Policy Statement in the Field of Civil Aviation Facilitation contains guidance on the facilitation of the transport of persons

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<sup>(1)</sup> 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>).

<sup>(2)</sup> Articles 3 and 4 of Regulation (EC) No 1107/2006 started to apply from 26 July 2007.

<sup>(3)</sup> OJ C 326, 26.10.2012, p. 400, ELI: [http://data.europa.eu/eli/treaty/char\\_2012/oj](http://data.europa.eu/eli/treaty/char_2012/oj).

<sup>(4)</sup> <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html>. The European Union and its Member States are all parties to the Convention.

<sup>(5)</sup> 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](https://transport.ec.europa.eu/document/download/4a0673a7-27d2-421e-8cf2-5b59d2816c21_en?filename=2012-06-11-swd-2012-171_en.pdf).

<sup>(6)</sup> 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>

<sup>(7)</sup> The ECAC is an intergovernmental organisation which was established by the International Civil Aviation Organization (ICAO) and the Council of Europe. It currently has 44 member states, including all 27 EU Member States. Its aims are to harmonise civil aviation policies and practices amongst its member states and, at the same time, to promote understanding on policy matters between its member states and other parts of the world.

with disabilities and persons with reduced mobility<sup>(8)</sup>. Article 9(2) of Regulation (EC) No 1107/2006 specifies that, when setting their quality standards, airport managing bodies are to take into consideration the ECAC's Code of Good Conduct in Ground Handling for Persons with Reduced Mobility, which is one of the annexes to ECAC Doc No 30, Part I, Section 5. In addition, recital 10 in the preamble to Regulation (EC) No 1107/2006 states that, when organising assistance to persons with disability and persons with reduced mobility and the training of their personnel, airports and air carriers should have regard to ECAC Doc No 30, Part I, Section 5 at the time of adoption of Regulation (EC) No 1107/2006.

An additional piece of EU legislation that grants rights to persons with disabilities and that is relevant in the context of air transport is Directive (EU) 2019/882 on the accessibility requirements for products and services<sup>(9)</sup> (the European Accessibility Act), which sets accessibility requirements regarding key products and services. Certain accessibility requirements stipulated in Directive (EU) 2019/882 complement Regulation (EC) No 1107/2006.

These interpretative guidelines aim to clarify the provisions of Regulation (EC) No 1107/2006 and to promote best practices in order to ensure a better application and a more effective and consistent enforcement of the provisions of Regulation (EC) No 1107/2006. However, these interpretative guidelines are not intended to cover all provisions in an exhaustive manner and they do not create any new legal provisions. It should also be noted that interpretative guidelines are not legally binding, and they do not affect any interpretation of EU law provided by the Court of Justice of the European Union. These interpretative guidelines replace the 2012 interpretative guidelines.

## 2. GUIDING PRINCIPLES

### 2.1. Persons with disabilities and persons with reduced mobility have the same right as all other citizens to free movement, freedom of choice and non-discrimination

Recital 1 of Regulation (EC) No 1107/2006 states that persons with disabilities and persons with reduced mobility have the same right as all other citizens to free movement, freedom of choice and non-discrimination; and that that right applies to air travel as to other areas of life.

#### 2.1.1. Prevention of refusal to accept a reservation from or embarking a person with disabilities or person with reduced mobility

Article 3 of Regulation (EC) No 1107/2006 stipulates that an air carrier or its agent or a tour operator is not to refuse a reservation for a flight or to embark persons with disabilities or persons with reduced mobility on the grounds of their disability or of their reduced mobility.

Article 4(1) of Regulation (EC) No 1107/2006 envisages two derogations from the prohibition set out in Article 3 of that Regulation:

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<sup>(8)</sup> ECAC Doc No 30, Part I, Section 5. The latest version of the document (13th Edition, December 2023) can be found at: [https://www.ecac-ceac.org/images/activities/facilitation/ECAC-Doc\\_30\\_Part\\_I\\_Facilitation\\_13th\\_edition\\_13\\_Dec\\_2023.pdf](https://www.ecac-ceac.org/images/activities/facilitation/ECAC-Doc_30_Part_I_Facilitation_13th_edition_13_Dec_2023.pdf).

<sup>(9)</sup> Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70, ELI: <http://data.europa.eu/eli/dir/2019/882/oj>).

(i) where it is not possible to transport the person concerned in compliance with safety requirements established either by international, EU <sup>(10)</sup> or national law, or by the authority that issued the air carrier's air operator certificate;

(ii) where the size of the aircraft or its doors makes the embarkation or carriage of that person physically impossible.

Article 4(3) of Regulation (EC) No 1107/2006 requires air carriers, their agents and tour operators to make publicly available the safety rules which apply to the carriage of persons with disabilities and persons with reduced mobility. Such rules should be simple, clear and easy to find <sup>(11)</sup>.

Article 4(4) of Regulation (EC) No 1107/2006 states that, if air carriers, their agents or tour operators refuse to accept a reservation from or to embark persons with disabilities and persons with reduced mobility, they are to inform them about the specific reasons of the refusal. These reasons must be based exclusively on one of the two derogations set out in Article 4 of the Regulation. If a refusal is based on a derogation set out in Article 4(1) of Regulation (EC) No 1107/2006, an air carrier or its agent or a tour operator is required by Article 4(1) to make all reasonable efforts to propose an acceptable alternative for the person in question.

Article 10, in conjunction with Annex II to Regulation (EC) No 1107/2006, obliges air carriers to transport the mobility equipment of persons with disabilities and persons with reduced mobility. Refusal to transport mobility equipment often has consequences comparable with the consequences of refusing to transport persons with disabilities and persons with reduced mobility.

Only the reasons set out in Article 4(1) and Annex II to Regulation (EC) No 1107/2006 related to the size of the aircraft and its doors and the applicable rules for the safe transport of dangerous goods by air and aviation safety legislation can be invoked to justify a refusal of the transport of mobility equipment.

#### 2.1.2. Prohibition against the imposition of special conditions or fees for persons with disabilities or persons with reduced mobility to travel

The general principle of non-discrimination enshrined in Article 1(1) of Regulation (EC) No 1107/2006 prevents carriers from imposing special conditions for travel for persons with disabilities and persons with reduced mobility.

Consequently, pursuant to Article 4(2) of Regulation (EC) No 1107/2006, air carriers may only require persons with disabilities and persons with reduced mobility to be accompanied by another person if they need assistance to meet the applicable safety requirements.

## 2.2. Special assistance free of charge

In order to provide persons with disabilities and persons with reduced mobility with opportunities for air travel comparable with the opportunities available to other citizens, they should receive assistance to meet their particular needs at the airport as well as on board the

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<sup>(10)</sup> Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 296, 25.10.2012, p. 1, ELI: <http://data.europa.eu/eli/reg/2012/965/oj>).

<sup>(11)</sup> See point 5.2.2 for the minimum information which should be published.

aircraft<sup>(12)</sup>. In the interest of social inclusion, persons with disabilities and persons with reduced mobility must receive such assistance without any additional charge, pursuant to Articles 8(1) and 10 of Regulation (EC) No 1107/2006. Accordingly, air carriers, their agents, travel agents, tour operators and airport managing bodies may not apply an extra charge to a person with disabilities or person with reduced mobility for assistance at the airport or on board an aircraft.

### **2.3. Aviation safety**

The fundamental principle of aviation safety for all passengers and crew members must be observed and cannot be compromised. However, it should be ensured that this principle is, wherever possible, implemented in a way that takes into account the special needs of persons with disabilities and persons with reduced mobility and of their right to access transportation on an equal basis with others; and that does not have a disproportionate impact on their ability to travel. Aviation safety rules should be applied in a transparent and consistent manner.

### **2.4. Cooperation with organisations representing persons with disabilities and persons with reduced mobility**

Persons with disabilities and persons with reduced mobility generally know best their specific needs when travelling. It is therefore good practice for managing bodies of airports and air carriers to establish a permanent dialogue with their representatives' organisations in order to better respond to their mobility needs.

The below referred specific provisions of Regulation (EC) No 1107/2006 explicitly require managing bodies of airports to cooperate with organisations representing persons with disabilities and persons with reduced mobility:

Article 5(1) of Regulation (EC) No 1107/2006 requires airport managing bodies to cooperate with organisations representing persons with disabilities and persons with reduced mobility when designating points of arrival and departure at which persons with disabilities or persons with reduced mobility can, with ease, announce their arrival at the airport and request assistance.

In accordance with Article 9(1) of Regulation (EC) No 1107/2006, when managing bodies of airports adopt quality standards for assistance, they have to cooperate with organisations representing persons with disabilities and persons with reduced mobility (among other bodies).

Annex 5-D to ECAC Doc No 30 states that airport managing bodies and air carriers should cooperate with organisations representing persons with disabilities and persons with reduced mobility when developing their training programmes, policies and procedures.

When air carriers and airport managing bodies consult organisations of persons with disabilities and persons with reduced mobility, it is preferable to engage with different organisations that represent a wide array of disabilities and reductions in mobility.

It is advisable for managing bodies of airports and air carriers also to involve organisations representing persons with disabilities and persons with reduced mobility when designing and evaluating services, including the provision of assistance, facilities and equipment.

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<sup>(12)</sup> See recital 4 of Regulation (EC) No 1107/2006.



## **2.5. Seamless high-quality assistance appropriate to the particular needs of each individual passenger.**

The assistance provided must be, as far as possible, appropriate to the particular needs of the individual passenger pursuant to Article 7(7) of Regulation (EC) No 1107/2006.

In particular, the provision of a wheelchair with an attendant to all persons with disabilities and persons with reduced mobility is a simplified approach which ignores the diversity of need. This may for example include the provision of guidance for visually impaired passengers, and the provision of essential information in an accessible format for hard of hearing passengers. The assistance should be organised in such a way that avoids interruption and delay, while ensuring high and equivalent standards throughout the EU <sup>(13)</sup>. This should be understood as the provision of assistance which is adequate, comfortable, safe and seamless. Transfers from one assistance supplier to another should therefore be avoided as far as possible, because such transfers often cause delays and force passengers to wait for new attendants. The assisted passenger should never be left stranded, without assistance or unattended <sup>(14)</sup>, unless otherwise agreed with the passenger.

## **2.6. Provision of information in accessible formats**

Air carriers and airport managing bodies should provide all essential information to air passengers in alternative formats that are also accessible to persons with disabilities and persons with reduced mobility. Information provided to passengers should be accessible for persons with disabilities by default (especially when it comes to websites apps, ticketing machines and help desks) and, with effect from 28 June 2025, it should be aligned with the accessibility requirements of Directive (EU) 2019/882.

‘Alternative formats’ means that information is provided in different formats at the same time, to be accessible to all (for example, if information is provided both on a screen and also via acoustic means, it will be accessible to both blind and deaf passengers). Accessible formats include but are not limited to: large print; Braille version; raised embossed characters; easy-to-read versions; audio formats such as websites; mobile apps; video format (equipped with subtitles and international and national sign language interpretation) and other electronic format. The communication of information to persons who are hard of hearing may be facilitated by the use of telecoils as well as visual information (e.g., pictograms). For example, the information provided could be displayed on monitors. It is good practice to have airport staff fluent in the national and international sign languages during the airport’s opening hours. The information should be provided in at least the same languages as the information made available to other passengers <sup>(15)</sup>.

Pursuant to Article 4(3) of Regulation (EC) No 1107/2006, air carriers and their agents are to make publicly available in accessible formats those of their safety rules that are applicable to persons with disabilities and persons with reduced mobility, as well as any restrictions on the carriage of persons with disabilities or persons with reduced mobility. This information should be accessible, clear, and easy to find (at the very least on the air carriers’ and their agents’ websites).

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<sup>(13)</sup> See recital 5 of Regulation (EC) No 1107/2006.

<sup>(14)</sup> Annex 5-D of ECAC Doc No 30 specifies that persons with disabilities or persons with reduced mobility who require assistance should not be left unattended for more than 30 minutes.

<sup>(15)</sup> See recital 13 of Regulation (EC) No 1107/2006.

Pursuant to Annex II to Regulation (EC) No 1107/2006, air carriers are also required to communicate all the essential information concerning a flight in accessible formats.

Pursuant to Article 5(2) and Annex I to Regulation (EC) No 1107/2006, airport managing bodies are required to provide persons with disabilities and persons with reduced mobility with the basic information about the airport that they need in order to take flights at the designated points of arrival and departure of airports in accessible formats.

Pursuant to Annex I to Regulation (EC) No 1107/2006, airport managing bodies have to provide in accessible formats the information that persons with disabilities and persons with reduced mobility need to take their flights.

As from 28 June 2025, airport managing bodies and air carriers will be required to deliver transport information (including real-time travel information) in accordance with the accessibility requirements laid down Directive (EU) 2019/882. This obligation also applies to websites, mobile device-based services, smart ticketing, self-service terminals and ticketing machines.

### **3. SCOPE OF REGULATION (EC) NO 1107/2006**

#### **3.1. Territorial scope**

Article 1(2) of Regulation (EC) No 1107/2006 states that it applies to persons with disabilities and persons with reduced mobility that are using or intending to use commercial passenger air services on departure from, on transit through or on arrival at an airport, when the airport is situated in the territory of a Member State to which the Treaty applies<sup>(16)</sup>.

Article 1(3) of Regulation (EC) No 1107/2006 extends the scope of Articles 3, 4 and 10 of the Regulation to passengers departing from an airport situated in a third country and arriving in an airport situated in the territory of a Member State to which the Treaty applies, if the operating carrier is an EU air carrier. Regulation (EC) No 1107/2006 therefore does not apply to flights operated by non-EU air carriers (i.e. air carriers that do not have an operating licence issued by an EU Member State) travelling from a third-country airport to an airport located in the territory of the EU.

#### **3.2. Personal scope**

##### **3.2.1. The definition of persons with disabilities and persons with reduced mobility**

Article 2, point (a), of Regulation (EC) No 1107/2006 defines a 'disabled person' or a 'person with reduced mobility' as 'any person whose mobility when using transport is reduced due to

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<sup>(16)</sup> According to Article 355 of the Treaty on the Functioning of the European Union (TFEU), EU law does not apply to the countries and territories listed in Annex II to the TFEU (see Annex II to the TFEU <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12007L%2FTXT>). Those countries and territories are instead subject to the special association arrangements laid down in accordance with Part Four of the TFEU. Moreover, EU law does not apply to the Faeroe Islands, according to Denmark's act of accession. The Faeroe Islands are therefore to be considered as a third country within the meaning of Regulation (EC) No 1107/2006. By contrast, according to Article 355 TFEU, the provisions of the Treaties do apply to French overseas departments (i.e. Guadeloupe, French Guiana, Martinique, Réunion, Saint Barthelemy and Saint-Martin), the Azores, Madeira and the Canary Islands. These territories are therefore part of a Member State to which the Treaty applies within the meaning of Regulation (EC) No 1107/2006.

Regulation (EC) No 1107/2006 is also applicable to Iceland and Norway (in accordance with the EEA Agreement) and Switzerland (in accordance with the 1999 Agreement between the European Community and the Swiss Confederation on Air Transport).

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 and the adaptation to their particular needs of the service made available to all passengers’.

Persons with disabilities are not a homogenous group and have different needs. Some may have more than one disability. Some disabilities are visible, but many disabilities are hidden and not immediately apparent to others (e.g., some cognitive neurological conditions and chronic illnesses)<sup>(17)</sup>. Several airports have implemented the good practice of giving persons with hidden disabilities the option of identifying themselves as needing assistance by wearing a suitably designed lanyard, bracelet or similar.

For the purpose of Regulation (EC) No 1107/2006, disabilities can be permanent or sometimes only temporary (e.g., a broken limb). Disability symptoms may be intermittent, so that persons may be effectively incapacitated or have reduced mobility at certain times but will be perfectly capable at other times.

The growing size and complexity of airports and the limited time available to arrive at a departure gate may cause otherwise self-reliant persons to request assistance. While they might not need assistance in their daily life, they might be unable to walk long distances in airports within a limited time.

It is therefore advisable for airport managing bodies to use user-friendly, easy-to-navigate airport design, and clear unambiguous signage; to minimise long walks); and to inform passengers of any important details of their flights and changes to those details (e.g. the departure gate) as soon as such information becomes available.

When persons with disabilities or persons with reduced mobility seek assistance, each request should be evaluated on its respective merits in order to ensure that the assistance is proportionate to the actual needs of the person concerned in the specific (airport or aircraft) environment and flight conditions, but there is an expectation that assistance will be provided without undue restrictions. It is worth stressing in this context that some passengers may need assistance only at the airport itself (or even only at certain airports, depending on the size and specific features of the airport) but not on board the aircraft.

That means that, if an air carrier limits the number of passengers with disabilities on board in order to comply with aviation safety rules, it can only apply such limitations to passengers that need assistance on board and not to those persons with disabilities and persons with reduced mobility who need assistance only at the airport in order to reach the departure gate and, after arrival, to leave the airport.

### 3.2.2. Requesting proof from persons with disabilities or persons with reduced mobility about their medical condition

Regulation (EC) No 1107/2006 does not require persons with disabilities and persons with reduced mobility to provide evidence of their condition in order to justify their request for

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<sup>(17)</sup> The Airport Council International (ACI) Europe has published in 2024 its guidelines on ‘Assisting passengers with non-visible disabilities’ for managing bodies of airports. These guidelines describe the most common hidden disabilities and provide practical guidance on how to assist persons with these disabilities: <https://www.aci-europe.org/downloads/publications/ACI%20EUROPE%20Guidance%20on%20assisting%20passengers%20with%20non-visible%20disabilities%202024.pdf>.

assistance. Air carriers are therefore not allowed to ask for such evidence as a precondition for providing assistance.

However, a special in-depth enquiry can be carried out if an air carrier or its agent, a tour operator, a managing body of an airport or a company that provides special assistance on behalf of a body managing an airport has reasonable grounds to suspect a potential abuse by a passenger in order to benefit from free assistance. Such an enquiry should be handled with utmost care and caution, taking into consideration the dignity and right to privacy of the passenger concerned. Assistance may be refused if an abuse is detected.

If a passenger has a medical condition that threatens their safe transportation or the health of other passengers and the crew<sup>(18)</sup>, the air carrier, its agent or the tour operator may request medical clearance to ascertain that the passenger is fit to fly. It is good practice for air carriers to accept ‘frequent flyer medical clearance cards’, in which a physician attests that a passenger with a chronic condition is fit to fly there will be no need to obtain a medical clearance for each journey within the validity period of the card<sup>(19)</sup>.

If it is established that a person is not medically fit to fly (either because there is a risk that the transportation cannot be done in a safe manner or because it might jeopardise the safety of the flight), the air carrier is authorised to refuse transportation of that person<sup>(20)</sup>.

Article 2, point (j) of Regulation (EC) No 261/2004 of the European Parliament and of the Council<sup>(21)</sup> also provides that it is permissible for airlines to refuse the transportation of persons who are not medically fit to fly. Thus the passenger rights related to denial of boarding under Regulation (EC) No 261/2004 do not apply to a person who is refused boarding on reasonable grounds (including where the reason for the refusal was that the person was considered medically unfit to fly).

### 3.2.3. Factors that can be a potential cause of reduced mobility:

#### 3.2.3.1. Age

Impairments linked to old age can result in greater reduced mobility than the average passenger. Where necessary, such reduced mobility must be addressed by providing appropriate assistance.

Several air carriers provide an unaccompanied minor service that allows children to travel alone without an adult, relative or guardian under the supervision of airline staff. Such unaccompanied minors are not covered by Regulation (EC) No 1107/2006 and assistance for persons with disabilities and persons with reduced mobility cannot be a substitute for the unaccompanied minor service.

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<sup>(18)</sup> IATA’s Resolution 700 (Acceptance and Carriage of Incapacitated Passengers) (22nd edition, June 2022) specifies the circumstances under which it might be appropriate to require the medical clearance of the passenger concerned.

<sup>(19)</sup> See point 3.1.3 on the Frequent Traveller’s Medical Card (FREMEC) in IATA’s Resolution 700 (Acceptance and Carriage of Incapacitated Passengers) (22nd edition, June 2002).

<sup>(20)</sup> According to CAT.GEN.MPA.105 (Responsibilities of the commander (of the flight)) set out in Annex IV. Subpart A to Commission Regulation (EU) No 965/2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 296, 25.10.2012, p. 1, ELI: <http://data.europa.eu/eli/reg/2012/965/oj>).

<sup>(21)</sup> Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights and repealing Regulation (EEC) No 295/91 (OJ L 46, 17.2.2004, p. 1, ELI: <http://data.europa.eu/eli/reg/2004/261/oj>).

Situations involving adults travelling with young children (particularly infants) whose age might limit their mobility at the airport (e.g., they might not be able to cope with long distances at large airports in a short time or to manage stairs in the absence of lifts) should not be excluded from the provision of assistance under Regulation (EC) No 1107/2006. In such situations, assistance may be provided to carry their baggage at the airport, so that the accompanying adult can focus on assisting the young children in their mobility.

#### 3.2.3.2. Pregnancy

Air carriers have no obligation to carry pregnant passengers when health or safety reasons may not allow them to fly. However, when the mobility of a pregnant passenger is affected (e.g., as regards the ability to move quickly and easily through a large airport) and especially at connecting points, this may be considered as falling within the scope of Regulation (EC) No 1107/2006.

#### 3.2.3.3. Obese persons

If the condition of obese persons clearly reduces their mobility (e.g., by preventing them from moving easily through the airport or the aircraft environment), they may be considered as persons with reduced mobility. As for any other category of persons with reduced mobility, safety requirements may limit access to air travel for obese persons (e.g., due to the lack of availability of appropriate seating, whether regarding the size or robustness of the seat itself or of the seatbelt).

### 4. TRAINING

Training is an important element in ensuring compliance with the requirements of Regulation (EC) No 1107/2006. The personnel of air carriers and airport managing bodies, (including any subcontractors working on their behalf) who deal directly with the travelling public must receive an appropriate level of training.

Airport managing bodies and air carriers should have regard to ECAC Doc No 30, Part I, Section 5 when organising the training of their personnel <sup>(22)</sup>.

Training should be tailored to the particular job requirements and needs to take account of the relevant legal duties stipulated in Regulation (EC) No 1107/2006 or in other international, EU or national legislation.

There are three levels of training obligations, in accordance with Article 11 of Regulation (EC) No 1107/2006.

(a) personnel working on behalf of airport managing bodies and air carriers (including those employed by subcontractors), who provide direct assistance to persons with disabilities and persons with reduced mobility must receive a training that gives them a specific and effective knowledge of how to meet the needs of such passengers <sup>(23)</sup>.

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<sup>(22)</sup> See recital 10 of Regulation (EC) No 1107/2006.

<sup>(23)</sup> For example, booking agents and call centre personnel of air carriers should receive specific training on how to seek information about disability or reduction in mobility; what the typical assistance needs are of a person with that specific disability or reduction in mobility; and how to record the information regarding assistance and to ensure that it is passed on correctly.

The health and safety aspects of providing assistance to persons with disabilities and persons with reduced mobility should also be taught in order to ensure that the health and safety of staff is not compromised while providing assistance.

(b) personnel working on behalf of airport managing bodies or air carriers at the airport, who have direct contact with the general travelling public must receive disability-equality and disability-awareness training<sup>(24)</sup>. This training obligation is less demanding, and the level of training is more general than the training for personnel (in the previous paragraph) who provide direct assistance to persons with disabilities and persons with reduced mobility. However, it does apply to a larger group of personnel.

(c) all new employees of air carriers, and airports managing bodies (including those not working in direct contact with the travelling public)<sup>(25)</sup> must receive disability-related training. The level and intensity of training should depend on whether the staff have direct contact with the travelling public. If there is no such link, the training might be the least demanding and most general of the three types of training set out in Article 11 of Regulation (EC) No 1107/2006.

Airport managing bodies and air carriers must ensure that all their personnel regularly receive refresher training courses.

All staff involved in air transport should receive appropriate training. For example, travel agents should receive training so that they understand the needs and type of assistance required by the different categories of persons with disabilities and persons with reduced mobility. Likewise, security staff should receive training so that they perform security checks with the utmost respect for the dignity of persons with disabilities and persons with reduced mobility.

Organisations representing persons with disabilities and persons with reduced mobility should be consulted regarding the content of training programmes. Airport and aircraft operators should consider involving those organisations in evaluating the content of their training programmes and, where possible, in the provision of the training itself<sup>(26)</sup>.

ECAC Doc No 30, Part I, Section 5 contains guidelines about the scope, content and organisation of the different training programmes<sup>(27)</sup> that air carriers and airport managing bodies should take into consideration when formulating their training programmes<sup>(28)</sup>.

## **5. RULES APPLICABLE TO THE PREPARATION OF THE JOURNEY**

### **5.1. Accessibility of airports' and air carriers' websites and mobile device-based services including mobile applications**

Websites and mobile device-based services (including mobile applications of airports and air carriers) play a key role in providing information to customers when they book flight tickets and notify assistance needs. The design of such accessible websites should always take into consideration existing international guidelines<sup>(29)</sup> and EU standards<sup>(30)</sup> for meeting the needs of persons with disabilities and persons with reduced mobility. Annex 5-J to ECAC Doc No 30, Part I, Section 5 describes in detail the standards that airports and air carriers should follow in

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<sup>(24)</sup> This category should also include commanders of aircraft, so that they can take well informed decisions on the embarkation of persons with disabilities or persons with reduced mobility. Special attention should be given to their training on 'hidden disabilities'.

<sup>(25)</sup> For example, ground handling staff should be trained in handling mobility equipment.

<sup>(26)</sup> See Annex 5-G to ECAC Doc No 30, Part I, Section 5.

<sup>(27)</sup> See notably Annex 5-G to ECAC Doc No 30, Part I, Section 5.

<sup>(28)</sup> See recital 10 of Regulation (EC) No 1107/2006.

<sup>(29)</sup> Currently the Web Content Accessibility Guidelines (WCAG) 2.1: <https://www.w3.org/TR/WCAG21/>.

<sup>(30)</sup> See for example the Harmonised European Standard on ICT Accessibility (EN 301 549): <https://www.etsi.org/human-factors-accessibility/en-301-549-v3-the-harmonized-european-standard-for-ict-accessibility>.

order to make their websites and mobile applications accessible to persons with disabilities and persons with reduced mobility. Such standards specify in particular that information for persons with disabilities and persons with reduced mobility should be easy to find and on a single page that is not more than one click away from the home page of an air carrier's or an airport's website. As from 28 June 2025, managing bodies of airports and air carriers will be required to make their websites and mobile device-based services (including mobile applications) accessible to persons with disabilities and persons with reduced mobility on an equal basis with all other passengers – in line with Article 2(2), point (c)(i) of Directive (EU) 2019/882.

## **5.2. Information on the safety rules and restrictions of airlines related to the transport of persons with disabilities and persons with reduced mobility**

Article 4(3) of Regulation (EC) No 1107/2006 states that an air carrier or its agent 'shall make publicly available, in accessible formats and in at least the same languages as the information made available to other passengers, the safety rules that it applies to the carriage of persons with disabilities 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'. However, a tour operator 'shall make such safety rules and restrictions available for flights included in package travel, package holidays and package tours that it organises, sells or offers for sale'.

Such information should at a minimum<sup>(31)</sup> include: any limitations related to safety requirements or limitations due to the size of the aircraft; situations where an accompanying person is required to provide safety assistance; any lack of accessible toilets; any lack of movable aisle armrests; the dimensions of the seat and the aisle size related to safety requirements or the size of the aircraft; information on accessibility inside the aircraft; whether the airline has on-board wheelchairs to access the toilets; information on the transport of medical equipment and recognised assistance dogs; information on the provision of medical oxygen; how to obtain assistance; and how to complain. The language should be simple and clear. Air carriers should make that information easily available on their homepages and through their customer service, so that persons with disabilities and persons with reduced mobility can make an informed decision on whether to travel on a specific flight on the basis of the safety procedures and the assistance provided on board.

Wherever possible, such information should be available to passengers before they make a booking, or at least as soon as the information becomes available.

## **5.3. Booking**

To ensure improved pre-notification to air carriers of their assistance need (including through their agents and tour operators) and to enable maximum accessibility for persons with disabilities and persons with reduced mobility, customers should be able to make bookings either by telephone or over the internet. Air carriers, their agents and tour operators which encourage customers to book exclusively on a website should make allowance for the fact that some persons may be unable to access their websites for reasons related to their disability<sup>(32)</sup>.

Persons who book their tickets through websites may nevertheless prefer to explain the assistance required by their specific needs by telephone. That allows booking agents to ask relevant questions and better understand the customer's assistance needs. It is good practice for air carriers to establish dedicated free-of-charge telephone lines (including video relay services

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<sup>(31)</sup> See Annex 5-J to ECAC Doc No 30, Part I, Section 5.

<sup>(32)</sup> Consideration should also be given to the provision of a text-phone to allow accessibility for deaf and hearing-impaired persons.

in the national sign language) and to have a team that specialises in handling accessibility matters for assistance requests. Before accepting reservations from persons with disabilities or persons with reduced mobility, air carriers, their agents and tour operators should make all reasonable efforts to verify whether there is a safety reason why such persons cannot board the flight concerned<sup>(33)</sup>.

It is advisable for other intermediaries to follow the same approach. Timely sharing of information by air carriers with those other intermediaries is essential to enable passengers to be correctly informed.

Agents of air carriers should warn customers to check the air carrier's safety and security restrictions before flying, because such restrictions could impact the carriage of medical or mobility equipment (e.g. certain types of batteries for mobility equipment). For travel with mobility equipment, agents of air carriers should advise on the liability rules for the loss or damage of mobility equipment, so that customers can consider whether or not to make a declaration of special interest<sup>(34)</sup> or take out an appropriate insurance policy.

When offering connecting flights to persons with disabilities and persons with reduced mobility, air carriers and travel agents should ensure that passengers have enough time to reach their connecting flight, taking into consideration the fact that they might need more time than other passengers.

#### **5.4. Pre-notification of assistance needs**

Pre-notification is essential in order to ensure that appropriate assistance is provided to persons with disabilities and persons with reduced mobility that request it. This means that the responsible staff are aware of these persons' needs and are ready and able to provide the necessary equipment; and that the resources of air carriers and airport managing bodies are used effectively.

##### **5.4.1. Prior notification of the need for assistance**

Pursuant to Article 7(1) and (2) of Regulation (EC) No 1107/2006, persons with disabilities and persons with reduced mobility must, in order to be entitled to receive appropriate assistance, pre-notify their assistance needs and, where relevant, the need to transport their mobility equipment<sup>(35)</sup> and the need to be accompanied by their recognised assistance dog at least 48 hours before the published time of departure of the flight. In such cases, the managing body of an airport is responsible for ensuring that assistance is provided in such a way that the person in question can take the flight for which they hold a reservation.

Pre-notification must always be free of any additional charge, regardless of how the booking or the pre-notification is made. For example, it is not permitted to require passengers to use premium rate phone lines to pre-notify their assistance needs.

If a person with disabilities or a person with reduced mobility does not pre-notify the assistance need or pre-notifies it less than 48 hours before the published time of departure, the managing body of the airport is nevertheless required by Article 7(3) of Regulation (EC) No 1107/2006 to make all reasonable efforts to provide the assistance in such a way that the person concerned

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<sup>(33)</sup> See recital 2 of Regulation (EC) No 1107/2006.

<sup>(34)</sup> See Chapter 9 of this interpretative guidelines on the topic of declaration of special interest.

<sup>(35)</sup> See Annexes I and II to Regulation (EC) No 1107/2006.



can take the flight for which they hold a reservation. In order to provide appropriate assistance, the following information should be shared with the air carrier:

- (a) the nature and description of the assistance needs (particularly as regards any accompanying persons), luggage and, if possible, an indication of when and where assistance is required;
- (b) a description of any mobility equipment, including quantity, model, dimension, weight, the battery type and watt-hour rating, and the instruction manual (if available);
- (c) a description of any medical equipment (e.g. medical oxygen, ventilator or respirator);
- (d) whether the passenger is accompanied by a recognised assistance dog;
- (e) whether an on-board wheelchair is required<sup>(36)</sup>.

Every disability is different, so persons with disabilities and persons with reduced mobility should be able to provide additional information to supplement their assistance request. It is good practice for air carriers, their agents and tour operators to allow persons with disabilities and persons with reduced mobility to indicate the additional information in ‘free text’ as part of their pre-notification – in addition to the International Air Transport Association’s (IATA) special services request (SSR) code that broadly describes their assistance need. Moreover, persons with disabilities and persons with reduced mobility should also be able to easily submit such additional information after the initial request for assistance, among others, via the ‘manage my booking’ page of the air carrier’s homepage; by email to the air carrier or its agent or to the tour operator; by phone call to the air carrier or to its agent or to the tour operator.

Organisations representing persons with disabilities and persons with reduced mobility, NEBs, air carriers, travel agents and airport managing bodies should play an active role in raising awareness and encourage persons with disabilities and persons with reduced mobility to pre-notify in a timely manner, whenever possible, their assistance needs. When doing so, they should warn of the possible negative consequences of failing to pre-notify their needs. Persons with disabilities and persons with reduced mobility should also be encouraged to pre-notify their assistance needs – preferably at the time of booking their flight and, in all cases, at least 48 hours before the scheduled departure of their flight. For this purpose, wallet-sized cards containing information on how to pre-notify assistance needs and the possible negative consequences of the lack of pre-notification could be distributed at the airport to passengers who have not pre-notified their assistance needs<sup>(37)</sup>.

In order to allow passengers to prove that they pre-notified their assistance needs in due time, it is good practice for air carriers, travel agents and tour operators as well as other intermediaries who receive pre-notifications for assistance to provide a written confirmation of this to the passenger (for example, in an electronic format (e.g. by email) or on the boarding pass). If the transfer of notification between the air carrier, travel agent, tour operator and the airport managing body fails, the passenger can produce such written confirmation as *prima facie* evidence that they have pre-notified their assistance needs in due time and by agreed methods.

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<sup>(36)</sup> Regulation (EC) No 1107/2006 does not explicitly oblige air carriers to carry on-board wheelchairs. However, point 5.5 of ECAC Doc No 30, Part I, Section 5 recommends to ECAC member states to impose an obligation on air carriers to carry at least one on-board wheelchair on new aircraft and on aircraft after major refurbishment if the aircraft in question has 100 or more seats.

Annex II to Regulation (EC) No 1107/2006 requires air carriers to provide appropriate assistance to persons with disabilities and persons with reduced mobility when moving from their seat to toilet facilities if required and on-board wheelchairs are the main tool for them to provide such an assistance.

<sup>(37)</sup> See Annex 5-H to ECAC Doc No 30, Part I, Section 5.

5.4.2. The obligation of air carriers, their agents and tour operators to facilitate pre-notification and transmit it to the appropriate actors

Article 6(1) of Regulation (EC) No 1107/2006 requires air carriers, their agents and tour operators to take all measures necessary to receive notifications of a request for assistance made by persons with disabilities or persons with reduced mobility at all their points of sale in the territories of the Member States to which the Treaty applies. That obligation also applies to sales by telephone and over the internet.

It is also good practice for other intermediaries to follow the rules referred to in Article 6(1) of Regulation (EC) No 1107/2006.

Alternative means of communication (e.g., website booking page, web chat, email and direct phone line<sup>(38)</sup>) should be provided to persons with disabilities and persons with reduced mobility so that they can pre-notify their assistance needs. This will ensure the effective application of the right of persons with disabilities and persons with reduced mobility to assistance laid down in Articles 7(1) and 10 of Regulation (EC) No 1107/2006.

The need for assistance on the ground is often linked to the layout of airport terminals and the walking distances involved. A passenger may therefore need assistance at departure and not on arrival and during connections – or vice versa. Passengers should therefore be able to pre-notify the assistance they need for every flight segment's airport of origin and/or destination, so that airport managing bodies can better allocate their resources and provide better-quality assistance.

Booking agents of airlines must be aware of any rules and restrictions that might prevent carriage of the passenger or the provision of the assistance required. They must also be able to request from the passenger all relevant information needed to establish the nature of assistance required.

In addition to training their own sales agents and relevant customer care staff in contact with passengers requiring assistance, air carriers should proactively engage with their network of travel agents and tour operators to ensure the correct gathering of information from passengers requiring assistance.

It is advisable for other, independent, intermediaries to be aware of any rules and restrictions that might prevent either the carriage of the person with disabilities and persons with reduced mobility or the provision of required assistance. They must also be able to request from the passenger all relevant information needed to establish the nature of assistance required. The timely communication of this information between air carriers and those independent intermediaries is essential to enable passengers to be properly informed (especially in circumstances where specific conditions and rights apply).

Article 7(1) of Regulation (EC) No 1107/2006 states that the notification of a passenger's particular needs of assistance also covers a return flight, if the outward flight and the return flight have been contracted with the same air carrier. This means that persons with disabilities and persons with reduced mobility do not have to pre-notify their needs repeatedly in the case of a return flight. It is good practice to register the assistance needs of a passenger with a permanent disability or mobility impairment who frequently travels with the same air carrier (with the passenger's consent) and to use that information for subsequent bookings so as to avoid the need to make a new pre-notification each time such a passenger books a flight.

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<sup>(38)</sup> See Annex 5-J to ECAC Doc No 30, Part I, Section 5.

The processing of personal data, including the collection and storage of personal data during the pre-notification of assistance needs and its transmission to the airport managing body or operating air carrier to fulfil the assistance obligations must fully respect the EU's data protection legislation <sup>(39)</sup>.

## **5.5. Refusal of reservation or embarkation**

The prohibition against refusing a reservation from or refusing the embarkation of persons with disabilities and persons with reduced mobility is one of the guiding principles enshrined in Article 3 of Regulation (EC) No 1107/2006 <sup>(40)</sup>.

Article 4(1) of Regulation (EC) No 1107/2006 sets out two derogations from this principle: (a) if it is not possible to transport the person concerned and remain in compliance with safety requirements established by law or by the decision of the authority that issued the air carrier's air operator's certificate ; (b) if the size of the aircraft or its doors makes the embarkation or carriage of that person physically impossible.

These two derogations should only be exercised if all reasonable options to allow the person concerned to travel have been considered and found not to be practicable.

In many situations, safety requirements can be met with the help of an accompanying person acting as a safety assistant. In such situations, the air carrier, its agent or the tour operator may (pursuant to Article 4(2) of Regulation (EC) No 1107/2006) request that the passenger is accompanied by someone who can provide the necessary safety assistance.

The fact that a passenger has failed to notify their assistance needs or has not provided sufficient information about those assistance needs does not by itself justify a refusal to accept a reservation or to embark those passengers.

In order to allow passengers to take an informed decision about how to book a flight without the risk of being refused permission to board an aircraft and in order to prevent air carriers from refusing to embark persons with disabilities or persons with reduced mobility, Article 4(3) of Regulation (EC) No 1107/2006 stipulates that air carriers must make publicly available in accessible formats the safety rules that they apply to the carriage of persons with disabilities and persons with reduced mobility, as well as any restrictions on the carriage of mobility equipment due to the size of aircraft.

If an air carrier refuses a reservation or embarkation for a reason set out in Article 4(1), the air carrier, its agent, the tour operator is required by the same provision to make reasonable efforts to offer an acceptable alternative to the passenger. It is good practice for other intermediaries to follow the same practice.

Air carriers are required to inform persons with disabilities and persons with reduced mobility (preferably at the stage of pre-notification but in any case as soon as possible) if they will invoke one of the two derogations set out in Article 4(1). The traveller concerned will then be able to make alternative arrangements. This follows from the wording of Article 4(4) of Regulation (EC) No 1107/2006, which requires the information to be provided 'immediately'.

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<sup>(39)</sup> See recital 12 of Regulation (EC) No 1107/2006. See also Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1, ELI: <http://data.europa.eu/eli/reg/2016/679/oj>).

<sup>(40)</sup> See point 2.1.1. of these guidelines.

Air carriers should therefore inform passengers in advance about any relevant circumstance (such as a change of the operating carrier or aircraft) which might have an impact on their ability to transport persons with disabilities and persons with reduced mobility.

Pursuant to Article 4(1) of Regulation (EC) No 1107/2006, if a passenger is refused boarding because of disability or reduced mobility, the passenger and any person accompanying that passenger as a safety assistant required by the air carrier must be offered (in accordance with Article 8 of Regulation (EC) No 261/2004) either (i) a choice between full reimbursement of the ticket (and the right to a return flight in the case of a flight with multiple stops); or (ii) an alternative flight. The right to a return flight or an alternative flight is conditional on the passenger with disability or the passenger with reduced mobility being able to satisfy the mandatory safety requirement of the return flight or the alternative flight.

If an air carrier refuses boarding to a person with disabilities or a person with reduced mobility contrary to the provisions of Regulation (EC) No 1107/2006, that person is entitled to compensation (in accordance with Article 7 of Regulation (EC) No 261/2004); re-booking or reimbursement of the ticket price; and assistance (in accordance with Articles 8 and 9 of Regulation (EC) No 261/2004) <sup>(41)</sup>.

Pursuant to Article 4(4) of Regulation (EC) No 1107/2006, an air carrier or its agent or a tour operator who refuses to accept a reservation on the grounds of disability or of reduced mobility must immediately inform the person with disabilities or person with reduced mobility of the reasons. This prevents arbitrary refusal to transport persons with disabilities or persons with reduced mobility. Air carriers should provide a clear and precise explanation for the refusal with a specific reference to the relevant national, international or EU safety legislation or decision of the relevant authority. A general reference to Article 4(1) of Regulation (EC) No 1107/2006 is not enough. Where relevant, air carriers should specify what feature of the aircraft makes the embarkation or transportation of the persons with disabilities or persons with reduced mobility in question physically impossible. It is advisable for intermediaries to follow the same rule.

Article 4(4) of Regulation (EC) (No) 1107/2006 requires an air carrier, its agent or a tour operator to communicate – on request – the reasons for refusal in writing to the person concerned, within 5 working days of the request. It is also good practice for intermediaries to follow the same approach.

Air carriers, their agents and tour operators must be able to justify to NEBs (or in any arbitration procedure and/or to a tribunal, if necessary) any refusal to accept a reservation or to embark persons with disabilities and persons with reduced mobility on the basis of Regulation (EC) No 1107/2006. The relevant information therefore has to be recorded and retained for an appropriate period of time, even if the passenger does not request the reasons to be communicated in writing. In the absence of explicit rules in Regulation (EC) No 1107/2006 about the time frames, these bodies should retain the relevant information for the periods of time specified in relevant national legislation.

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<sup>(41)</sup> See Articles 2(j) and 4(3) of Regulation (EC) No 261/2004.

## 5.6. Requirement for an accompanying person acting as a safety assistant

The general principle of non-discrimination prevents an air carrier or its agent or a tour operator from imposing special conditions for a person with disabilities or a person with reduced mobility to travel.

An air carrier or its agent or a tour operator may only require persons with disabilities and persons with reduced mobility to travel accompanied by someone if they are not self-reliant and their transport poses a safety risk because they are unable to meet the applicable safety requirements autonomously<sup>(42)</sup>. In those circumstances, the air carrier or its agent or tour operator may (pursuant to Article 4(2) of Regulation (EC) No 1107/2006) require persons with disabilities or persons with reduced mobility to be accompanied by someone who can provide the assistance needed to meet the applicable safety requirements (a safety assistant).

Air carriers should inform their customers about the conditions in which they require a safety assistant to travel with the person with disabilities or person with reduced mobility.

Persons with disabilities or persons with reduced mobility cannot be denied carriage or required to travel with a safety assistant solely because they are not independently able to carry out actions related to their comfort on board an aircraft (for example, not being able to eat or use the toilet alone). It is for the passenger to decide whether or not to travel with someone who helps with tasks related to personal comfort. However, cabin crew are not required to provide personal assistance to persons with disabilities or persons with reduced mobility (for example, assistance with eating or drinking; assistance in a washroom or in toileting if the passenger is incapable of using the toilet facilities unaided; or administering medication).

In order to help air carriers or their agent or tour operator to determine whether persons with disabilities or persons with reduced mobility can travel unaccompanied, they should ask them questions related to the criteria laid down in the applicable safety rules and should not make any assumption about their independent ability in complying with the safety rules.

Pursuant to Article 4(4) of Regulation (EC) 1007/2006, air carriers, their agents or tour operators need to give detailed reasons when they require persons with disabilities or persons with reduced mobility to be accompanied.

Depending on the particular circumstances, it may be good practice for air carriers to allow a person with disability or a person with reduced mobility to request and obtain the help of another passenger on the flight to volunteer as their accompanying person.

If an air carrier requires a person with disabilities or person with reduced mobility to be accompanied by a safety assistant, it is good practice for the air carrier to offer free transport for that accompanying person acting as a safety assistant<sup>(43)</sup> In case of other transport modes

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<sup>(42)</sup> This includes anyone who is unable to fasten and unfasten their seat belt; leave their seat and reach an emergency exit unaided; retrieve and fit a lifejacket; put on an oxygen mask without assistance; or understand the safety briefing and any advice and instructions given by the crew in an emergency situation (including information communicated in accessible formats).

<sup>(43)</sup> See point 4.2.4.2 of Annex 5-H to ECAC Doc No 30, Part I, Section 5. On 29 November 2023, the Commission submitted a legislative 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). According to the proposal air carriers are to transport such accompanying safety assistants free of charge and, if practicable, to seat them next to the person with disabilities or reduced mobility requiring their assistance in order to comply with applicable aviation safety requirements.

(i.e. rail, bus and coach and waterborne) there is already a right to transport such accompanying safety assistants free of charge.

Persons with disabilities and persons with reduced mobility should be fully informed about the additional costs of the transport of the safety assistant if an air carrier relies on Article 4(2) of Regulation (EC) No 1107/2006 to require them to be accompanied by a person acting as a safety assistant.

### **5.7. Travelling with a recognised assistance dog**

Article 7(2) and Annex II to Regulation (EC) No 1107/2006 state that, in a case where a person with disabilities or a person with reduced mobility requires the use of a recognised assistance dog, managing bodies of airports and air carriers are to accommodate this – provided that (i) this person pre-notifies the air carrier or its agent or the tour operator that they will be travelling with a recognised assistance dog; and (ii) the notification and transport of the dog in question complies with any applicable national rules covering the carriage of assistance dogs on board aircraft.

Regulation (EC) No 1107/2006 uses the wording ‘recognised assistance dogs’ to make it clear that such dogs (i) have been selected and trained to meet the individual needs of a person with disability; and (ii) use the abilities and the skills they have learned when assisting their owners in carrying out their daily activities. In order to ensure that such dogs do not pose an aviation safety risk, in addition to being trained for the specific tasks involved in assisting their owners) they are also trained to move safely in public spaces and to be obedient to their owner. In the interest of aviation safety, the air carrier can ask the owner of the dog to produce proof that the dog has received the necessary training.

Assistance dogs include not only the guide dogs of blind or visually impaired persons, but also dogs that assist persons with other types of disabilities. Examples include hearing dogs that assist deaf and hard-of-hearing persons or mobility dogs that assist persons with physical disabilities (e.g. providing them with balance and stability).

There are currently no EU-level rules on training or certification of assistance dogs. This could hamper air carriers’ and airport managing bodies’ assessment of whether a dog qualifies as a recognised assistance dog. It would be advisable for NEBs, industry organisations, organisations of persons with disabilities and persons with reduced mobility and organisations active in the field of training assistance dogs to agree on a harmonised set of rules for assessing whether a dog has received the training necessary to qualify as a recognised assistance dog.

Regulation (EU) No 576/2013 of the European Parliament and of the Council<sup>(44)</sup> imposes certain requirements before dogs can travel across Member States, in particular with regard to the required identification systems and proof of vaccination. Industry and relevant stakeholders (notably associations of persons with disabilities and persons with reduced mobility) should actively raise the awareness of those requirements on the part of the owners of assistance dogs.

### **5.8. Reservation of seats**

Pursuant to Annex II to Regulation (EC) No 1107/2006, air carriers must make all reasonable efforts to arrange seating during flights on board planes to meet the specific needs of persons

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<sup>(44)</sup> Regulation (EU) No 576/2013 of the European Parliament and of the Council of 12 June 2013 on the non-commercial movement of pet animals and repealing Regulation (EC) No 998/2003 (OJ L 178, 28.6.2013, p. 1, ELI: <http://data.europa.eu/eli/reg/2013/576/oj>).

with disabilities or reduced mobility, upon request and subject to safety requirements and availability.

Air carriers should have seats that are designated for persons with disabilities and persons with reduced mobility. It is good practice for air carriers to keep these seats free and reserved for persons with disabilities and persons with reduced mobility until close to the time of departure of the flight and to ensure that they are the last seats assigned to other passengers that do not need assistance.

Air carriers which allocate seats before the flight should allow persons with disabilities and persons with reduced mobility to pre-book seats that best meet their needs, subject to safety limitations.

Pursuant to Article 10 and Annex II to that Regulation, air carriers which charge for pre-booking seats must waive such pre-booking charges for persons with disabilities and persons with reduced mobility, so that they can select the seat that best meets their needs. The allocation of seats for all passengers is subject to appropriate safety requirements. Persons with disabilities and persons with reduced mobility must not be allocated or occupy seats that permit direct access to emergency exits or occupy seats if their presence could impede crew members in their duties, obstruct access to emergency equipment or impede the emergency evacuation of the aircraft<sup>(45)</sup>. Air carriers should publish their seat allocation policy regarding persons with disabilities and persons with reduced mobility on their webpage. When a person informs the air carrier or its agent or tour operator about the nature of their disability, the latter should inform that passenger of the available seats that are most accessible and allocate that passenger an appropriate seat (for example, with movable armrests, close to the washroom and with adjacent seating for the person with disabilities and the safety assistant).

Seats should be reallocated, if necessary, to ensure that persons with disabilities and persons with reduced mobility and their safety assistants have appropriate seating.

In all circumstances, it should be made clear to persons with disabilities and persons with reduced mobility that allocated seats cannot be guaranteed because operational factors (e.g. a change of aircraft) may affect the seating plan. In such circumstances, however, every effort should be made to accommodate the needs of persons with disabilities (e.g. by trying to allocate a comparable seat).

In addition, in order to allow air carriers to allocate them appropriate seats, it is crucial that persons with disabilities and persons with reduced mobility notify their assistance needs. They should ideally do so at the time of booking their flight and at the latest 48 hours before the scheduled departure of their flight.

## **5.9. Transmission of information to the airport and the operating air carrier**

It is the responsibility of air carriers, their agents and tour operators to transmit all the information collected from persons with disabilities and persons with reduced mobility both to the managing bodies of the airports of departure, arrival and transit, and to the operating air carrier (if the reservation has not been made with that air carrier). Article 6(2) of Regulation (EC) No 1107/2006 states that, if a passenger pre-notifies the need for assistance at least 48 hours before the published time of departure of the flight, then the air carrier, its agents

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<sup>(45)</sup> See AMC1 CAT.OP.MPA.155 c) in Annex IV to Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 296, 25.10.2012, p. 1, ELI: <http://data.europa.eu/eli/reg/2012/965/2014-02-17>).

or tour operators must transmit the information concerned at least 36 hours before the published departure of the flight. Article 6(3) states that they must in all other cases transmit the information as soon as possible.

In accordance with Article 6(4) of Regulation (EC) No 1107/2006, an operating air carrier must, as soon as possible after the departure of the flight, inform the managing body of the airport of destination of the number of persons with disabilities and persons with reduced mobility on board that flight that require assistance at the airport of arrival and about the nature of that assistance. This requirement only applies if the airport of arrival is situated in the territory of a Member State to which the Treaty applies.

In order to provide the appropriate level of assistance, requests from persons with disabilities and persons with reduced mobility should be recorded and transmitted to the operating air carrier and airport managing bodies using the internationally agreed IATA SSR codes<sup>(46)</sup>.

Whenever possible, information on detailed needs of the passenger should be transmitted using the ‘free text’ box that is visible in the Passengers Assistance List (PAL) / Change Assistance List (CAL) messaging system, or in any other suitable format agreed between stakeholders. This is particularly important for persons whose needs are complex and cannot be easily identified through IATA codes. For example, ‘persons with hidden disabilities’ is a very broad category that includes people with diverse needs that are less apparent for the assisting staff, but that are nevertheless covered by the same IATA code.

Persons with disabilities and persons with reduced mobility should be offered solutions which enable them to pre-notify their needs in the easiest, most obvious and understandable way. That information should be shared as soon as possible with all those concerned by their assistance.

## **6. ASSISTANCE AT THE AIRPORT**

### **6.1. Designation of meeting points**

Article 5(1) of Regulation (EC) No 1107/2006 requires airport managing bodies to ensure the provision of officially designated arrival and departure points at which persons with disabilities and persons with reduced mobility can, with ease, announce their arrival at the airport and request assistance. Those points should be designated in cooperation with airport users, through the airport users committee<sup>(47)</sup> (where there is such a committee) and relevant organisations representing persons with disabilities and persons with reduced mobility, taking account of the local conditions.

Article 5(1) of Regulation (EC) No 1107/2006 also requires those points to be within the airport boundary or at a point under the direct control of the managing body, both inside and outside terminal buildings. This means that they 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<sup>(48)</sup>.

Article 5(2) of Regulation (EC) No 1107/2006 requires the points of arrival and departure to be clearly marked and to provide basic information<sup>(49)</sup> about the airport in accessible formats.

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<sup>(46)</sup> For the explanation of the IATA SSR codes, see point 5.8.1 of ECAC Doc No 30, Part I, Section 5.

<sup>(47)</sup> Article 2(g) of Regulation (EC) No 1107/2006 defines ‘airport user’ as ‘any natural or legal person responsible for the carriage of passengers by air from or to the airport in question’. Article 2(h) defines ‘Airport Users Committee’ as ‘a committee of representatives of airport users or organisations representing them’.

<sup>(48)</sup> See recital 5 of Regulation (EC) No 1107/2006.

<sup>(49)</sup> Annex 5-K to ECAC Doc No 30, Part I, Section 5 provides very detailed guidance for managing bodies of airports on setting up and signalling the call points at the airport.



Such basic information should include the layout of the airport and its accessibility features (for example, the maximum likely walking distance within an airport, and any obstructions such as steps or narrow doorways or ongoing works); details of all services available at the airport for persons with disabilities and persons with reduced mobility; and the contact details of the company which actually provides the assistance for persons with disabilities and persons with reduced mobility at the airport. The same information should also be available on the airport's website for consultation by the passengers before their journey.

Signage should be clear and unambiguous, and preferably use international signalling standards.

It is good practice for air carriers, their agents and tour operators to inform persons with disability and persons with reduced mobility about the importance of consulting the airports' websites with regard to departure, arrival and connecting flights of their journey.

## **6.2. Who should provide assistance to persons with disabilities and persons with reduced mobility at airports?**

Pursuant to Article 8(1) of Regulation (EC) No 1107/2006, the managing body of an airport is responsible for the provision of assistance at airports. Those managing bodies play a central role in the provision of all services at the airport. They are therefore best placed to ensure that persons with disabilities and persons with reduced mobility receive high-quality assistance. Pursuant to Article 8(2) of Regulation (EC) No 1107/2006, the managing body of an airport may either directly provide the assistance listed in Annex I to the Regulation to persons with disabilities and persons with reduced mobility either itself; or contract with one or more third parties for the provision of this assistance. In both cases, the managing body of an airport remains responsible for the provision of assistance, and the assistance provided must satisfy the quality standards set by the managing body of the airport in accordance with Regulation (EC) No 1107/2006<sup>(50)</sup>.

The airport users committee and even an individual air carrier may request the managing body of an airport to enter into such a contract.

If the managing body of the airport declines to enter into a contract with a third party for the provision of assistance to persons with disabilities or persons with reduced mobility, it must provide written justification for this in accordance with Article 8(2) of Regulation (EC) No 1107/2006.

Pursuant to Article 8(2) of Regulation (EC) No 1107/2006, if the managing body of an airport decides to contract a third party for the provision of assistance to persons with disabilities or persons with reduced mobility, it must do so in cooperation with the airport users (through the airport users committee, if such a committee exists). Airport users should therefore be consulted on the content of such a contract (e.g., the minimum service requirements; the number of persons employed; and the equipment to be used by the contractor that is to be assigned to provide assistance) as well as on the selection of the third party contractor (i.e. evaluation of the tender bids and awarding the contract).

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<sup>(50)</sup> See point 6.5 below.

### **6.3. Specific charge on airport users to finance assistance**

Article 8(1) of Regulation (EC) No 1107/2006 requires assistance to persons with disabilities and persons with reduced mobility to be provided without additional charge to those particular persons.

If the managing body of the airport does not want to assume the costs of such assistance alone, it can (pursuant to Article 8(3) of Regulation (EC) No 1107/2006) levy on a non-discriminatory basis a specific charge on each air carrier using an airport. This specific charge must be proportionate to the number of passengers each air carrier carries to and from the airport and must finance that assistance in such a way as to spread the burden equitably between all passengers using the airport in order to avoid disincentives to the carriage of persons with disabilities and persons with reduced mobility.

In accordance with Article 8(4) of Regulation (EC) No 1107/2006, that specific charge must be reasonable, cost-related, and transparent.

In order to guarantee that the specific charges levied on air carriers are cost-related (i.e., proportionate to the assistance provided to persons with disabilities and persons with reduced mobility) and that those charges do not finance any activities of the managing body other than those related to the provision of such assistance, the charges should be adopted and applied in full transparency<sup>(51)</sup>.

Pursuant to Article 8(4) of Regulation (EC) No 1107/2006, the specific charge is to be established by the managing body of the airport in cooperation with airport users; through the airport users committee (if there is such a committee) or any other appropriate entity.

It is good practice that a consultation, led by the managing body of the airport, takes place with the airport users along with an exchange of views on the elements of the calculation of the specific charge. Before imposing the specific charge for the first time or when revising it, the managing body of the airport should give appropriate pre-notification to airport users and should give them the opportunity to submit their views. Airport users should be provided with transparent and appropriate financial, operational and other relevant information to allow them to make informed comments. Such information should be provided at a sufficiently detailed level to enable stakeholders to understand the relationship between costs, service levels and cost drivers. In general, consultations should clarify the nature of proposals, the parties most likely to be affected, the specific questions on which feedback is requested, and the deadline for providing the requested feedback. All interested parties should be given the opportunity to present their views. The decision should be duly justified. Users should be given reasonable pre-notification of the final decision on any revision of charges or imposition of new charges.

When the managing body of an airport consults the airport users committee or individual airport users about the specific charge to finance assistance to persons with disabilities and persons with reduced mobility, it should provide at least the following information: a list of the services and infrastructure provided in return for the special charge levied; the methodology used for imposing the specific charge; the revenue of the specific charge; and the total costs of the services covered.

As part of imposing the specific charge to finance assistance of persons with disabilities and persons with reduced mobility, efficiency targets for the assistance should also be established.

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<sup>(51)</sup> See recital 9 of Regulation (EC) No 1107/2006.

They should be reviewed annually in consultation with associations representing persons with disabilities and persons with reduced mobility and air carriers.

An effective consultation process led by the managing body of the airport should take place with the airport's users, along with an exchange of views on the elements of calculation of the charge. However, the managing body of the airport is authorised to make a final decision at the end of the consultation process about the calculation of the charge and the amount of the specific charge that it considers appropriate.

Pursuant to Article 8(5) of Regulation (EC) No 1107/2006, the managing body of an airport must separate the accounts of its activities relating to the assistance provided to persons with disabilities and persons with reduced mobility from the accounts of its other activities, in accordance with current commercial practice. Pursuant to Article 8(6), an audited annual overview of the charges received and of the expenses incurred in respect of the assistance provided to persons with disabilities and persons with reduced mobility is to be made available to the enforcement bodies and the airport users.

Examples of the type of costs that may be covered under this specific charge include the following: direct assistance costs (the costs of the day-to-day running of the assistance (e.g. the salary of assistance staff); other incidental costs of providing assistance (e.g. maintenance costs, purchase of operating material, renting a space in order to have, for example, a dispatch office for assistance staff); capital expenditure on facilities required to provide the assistance<sup>(52)</sup>; the capital expenditure of equipment to be used to assist persons with disabilities and persons with reduced mobility; the cost of building or retrofitting infrastructure to make it accessible for those persons; costs incurred for disability awareness and assistance training for airport staff; and administrative expenses (for example, the time that airport personnel spend in developing the tender for the provision of the assistance and running the contract).

With regard to the financing of mobility infrastructure that is not exclusively used by persons with disabilities and persons with reduced mobility (e.g. lifts and conveyor belts), the obligation to provide separate accounts for activities relating to the assistance provided to persons with disabilities and persons with reduced mobility and other activities should entail that only a part of this mobility infrastructure (proportionate to the use by persons with disabilities and persons with reduced mobility compared with the total use of the mobility infrastructure in question) should be financed by the specific charge.

#### **6.4. Provision of assistance at the airport<sup>(53)</sup>**

##### **Pre-notification and appropriate assistance**

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<sup>(52)</sup> Regulation (EC) No 1107/2006 allows the inclusion of the cost of equity capital in the cost calculation. The cost of equity is to be understood as the expected distribution of an undertaking's profit to its equity investors. It is the rate of return that the airport pays to its equity investors in order to obtain equity capital (net assets) from them.

<sup>(53)</sup> In addition to the assistance tasks for managing bodies of airports that are listed in Regulation (EC) No 1107/2006, the Commission's proposal of 29 November 2023 for a regulation of the European Parliament and of the Council on passenger rights in the context of multimodal journeys (COM(2023) 752 final) would oblige carriers offering single multimodal contracts to cooperate with terminal managing bodies to assist persons with disabilities and persons with reduced mobility using single multimodal contracts, particularly when they connect from one transport mode to another. Carriers that offer single multimodal contracts and terminal managing bodies will have to ensure that persons with disabilities and persons with reduced mobility using single multimodal contracts will have to pre-notify their assistance need only once. Carriers and terminal operators will have to set up and operate single points of contact at certain multimodal hubs listed in Annex I of the proposal to receive assistance requests from persons with disabilities and persons with reduced mobility and transmit it to the entities responsible for providing assistance.

Airport managing bodies are required to provide assistance to persons with disabilities and persons with reduced mobility to enable them 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. This includes embarking and disembarking.

Pursuant to Article 7(7) of Regulation (EC) No 1107/2006, the assistance provided must, as far as possible, be appropriate to the particular needs of the individual passenger and be organised in such a way as to avoid interruption and delay<sup>(54)</sup>.

If a passenger has duly pre-notified their assistance needs, an airport management body is required in accordance with Article 7(1) of Regulation (EC) No 1107/2006 to provide assistance in such a way ‘that the person is able to take the flight’.

The same rule also applies to connecting passengers. pursuant to Article 7(5) of Regulation (EC) No 1107/2006. If a passenger has duly pre-notified their need for assistance, the managing body of the airport must ensure that this passenger is able to take their connecting flight.

In the case of passengers who have not duly pre-notified their need for assistance, an airport managing body is required to make all ‘reasonable efforts’ to provide the assistance that the person concerned requires in order to be able to take the flight. It is therefore allowed, when providing assistance, to give priority to persons with disabilities and persons with reduced mobility who have duly pre-notified their need for assistance – provided that all reasonable efforts are made to also assist those passengers who have not duly pre-notified their need for assistance.

Annex 5-D to ECAC Doc No 30, Part I, Section 5<sup>(55)</sup> contains quality standards for the service that managing bodies of airports should provide for departing and arriving persons with disabilities and persons with reduced mobility.

Pursuant to Annex I to Regulation (EC) No 1107/2006, assistance at airports includes enabling persons with disabilities and persons with reduced mobility to communicate their arrival at the airport and their request for assistance at the designated points; move from the designated point to the check-in counter; check-in and register baggage; and proceed from the check-in counter to the aircraft (including the completion of emigration, customs and security procedures).

The use of the term ‘appropriate assistance’ in Article 7(7) of Regulation (EC) No 1107/2006 means that assistance should also include assistance with hand luggage when requested during check-in, security, customs, immigration, and boarding.

### **Conditions for assistance to departing persons with disabilities and persons with reduced mobility**

Airport managing bodies need time not only to prepare for assisting persons with disabilities and persons with reduced mobility, but also guarantee the timely operation of flights.

Accordingly, and in order to receive assistance from the managing body of the airport, Article 7(4) of Regulation (EC) No 1107/2006 requires persons with disabilities and persons with reduced mobilities to choose between one of the following options:

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<sup>(54)</sup> See recital 5 of Regulation (EC) No 1107/2006.

<sup>(55)</sup> See pages 2, 3 and 4 of Annex 5-D to ECAC Doc No 30, Part I, Section 5.

- a) presenting themselves for check-in at the time stipulated in advance and in writing (including by electronic means) by the air carrier or its agent or the tour operator, or (if no time is stipulated) not later than 1 hour before the published departure time; or
- b) arriving at one of the airport's designated points of arrival or departure<sup>(56)</sup> at the time stipulated in advance and in writing (including by electronic means) by the air carrier or its agent or the tour operator, or (if no time is stipulated) not later than 2 hours before the published departure time.

### **Provision of wheelchairs to ensure the seamless transportation of persons with disabilities and persons with reduced mobility at the airport**

Managing bodies of an airport should, upon request, provide wheelchairs in order to ensure the seamless transportation of persons with disabilities and persons with reduced mobility at airports from the point of their arrival at an airport to the time of boarding an aircraft, and from the time of their disembarkation from an aircraft to the point of their exit from an airport. Managing bodies of an airport should take into consideration the varying needs that persons with disabilities and persons with reduced mobility may have and the number of passengers who may require such assistance. It is accepted that the size of the airport may have an impact on the availability of different types of wheelchairs. Choice may be more restricted at small regional airports, but larger airports are expected to have a wider variety of wheelchairs to meet the needs of such passengers<sup>(57)</sup>. Even if the choice of wheelchairs is restricted, airport managing bodies should nevertheless ensure that the wheelchairs that are available are as comfortable and safe as possible.

In cases where persons with disabilities and persons with reduced mobility come to the airport with their own wheelchairs, it is good practice for managing bodies of an airport to allow them (as far as possible and provided that this remains compliant with the security regulations in place) to use their own wheelchair until they board the aircraft, especially in those cases where the types of wheelchairs that are available in the airport are not suitable for the specific disability of the passenger concerned. Similarly (and, where practicable, taking into account safety-related handling procedures), persons with disabilities and persons with reduced mobility should receive their own mobility equipment immediately after disembarking and should not be obliged to retrieve it at the baggage hall.

### **Ground handling of the mobility equipment of persons with disabilities and persons with reduced mobility**

Annex I to Regulation (EC) No 1107/2006 stipulates that airport managing bodies are responsible for the ground handling of the mobility equipment of persons with disabilities and persons with reduced mobility. This also includes the ground handling of electric wheelchairs – subject to advance warning of 48 hours and to the application of relevant legislation concerning dangerous goods.

### **Temporary replacement of damaged or lost mobility equipment of persons with disabilities and persons with reduced mobility**

Pursuant to Annex I to Regulation (EC) No 1107/2006, airport managing bodies must be prepared to provide temporary replacements for damaged or lost mobility equipment, albeit not necessarily on a 'like-for-like' basis. In accordance with the requirement set out in Article 7(7)

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<sup>(56)</sup> See point 6.1. on the designation of points of arrival or departure.

<sup>(57)</sup> This follows from the obligation in Article 7(7) of Regulation (EC) No 1107/2006 that assistance must, as far as possible, be appropriate to the particular needs of the individual passenger.

of Regulation (EC) No 1107/2006 and in order to provide ‘appropriate assistance’, the replacement should be as similar as possible to the damaged or lost mobility equipment and satisfy the particular needs of the individual passenger. In accordance with Article 8(1) of Regulation (EC) No 1107/2006, the replacement must be provided at no extra charge. It is good practice to allow the passenger concerned to keep the temporary replacement equipment until the damaged one has been fixed or replaced.

### **Assistance at check-in facilities**

Check-in facilities should be designed to be accessible for passengers who use wheelchairs as well as for ambulant persons with different disabilities. It should be ensured that staff can communicate with deaf and hard of hearing- passengers through sign language or alternative means of communication.

Where an airport or airline uses self-service check-in equipment, the accessibility requirements of Directive (EU) 2019/882 will apply as from 28 June 2025. However, Article 32(2) of Directive (EU) 2019/882 contains a transitional measure: Member States may provide that self-service terminals lawfully used by service providers for the provision of services before 28 June 2025 may continue to be used in the provision of similar services until the end of their economically useful life – but no longer than 20 years after their entry into use. It is good practice to provide separate check-in and drop-off desks for persons with disabilities and persons with reduced mobility in order to reduce the queuing time for those who are less able to stand for extended periods.

### **Assistance with immigration, customs and security procedures**

It is good practice to adapt immigration, customs and security procedures to the needs of persons with disabilities and persons with reduced mobility in order to facilitate their clearance in a safe and dignified manner<sup>(58)</sup>.

### **Assistance on boarding**

Pursuant to Article 10 of Regulation (EC) No 1107/2006 and Annex I thereto, the managing body of an airport must also assist persons with disabilities and persons with reduced mobility to board the aircraft, proceed from the aircraft door to their seats and store their baggage on the aircraft.

Information about boarding should be provided via different sensory means (e.g. with loudspeaker announcements and in writing on display boards).

The International Civil Aviation Organization (ICAO)’s non-binding Manual on Access to Air Transport by Persons with Disabilities (the ICAO Manual)<sup>(59)</sup> states that persons with disabilities who self-identify as needing assistance or additional time for boarding should be offered the opportunity to separately pre-board (i.e. before all other passengers), because this is generally more dignified and less stressful for the person and more efficient for the airline. Such pre-boarding is subject to the passenger concerned being at the gate in time and to safety considerations.

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<sup>(58)</sup> See Regulation (EC) No 300/2008 of the European Parliament and of the Council of 11 March 2008 on common rules in the field of civil aviation security and repealing Regulation (EC) No 2320/2002 (OJ L 97, 9.4.2008, p. 72, ELI: <http://data.europa.eu/eli/reg/2008/300/oj>).

<sup>(59)</sup> See point 7.3 of the International Civil Aviation Organization (ICAO) Manual on Access to Air Transport by Persons with Disabilities (document 9989), first edition, 2013.

## **Assistance on arrival**

Pursuant to Article 10 of Regulation (EC) No 1107/2006 and Annex I thereto, managing bodies of airports must provide assistance on arrival to a person with disabilities or a person with reduced mobility to retrieve their baggage on the aircraft; proceed from their seats to the aircraft door; disembark from the aircraft; proceed from the aircraft to the baggage hall and retrieve baggage; complete immigration and customs procedures; and proceed from the baggage hall to a designated point.

It is good practice for the air carrier's cabin crew to ensure at disembarkation that the airport assistants waiting at the aircraft door are introduced to the passengers in need of assistance. This will help to avoid confusing situations or failure to provide assistance, for example when the assistance staff cannot immediately identify the passengers who need assistance (as could be the case for persons with hidden disabilities).

In accordance with the requirement of 'appropriate assistance' pursuant to Article 7(7) of Regulation (EC) No 1107/2006, assistance in proceeding from the baggage hall to a designated point should include transporting persons with disabilities and persons with reduced mobility from the baggage hall to a designated point with their baggage, if they so request.

## **Accommodation of recognised assistance dogs**

Article 7(2) of Regulation (EC) No 1107/2006 states that, where a recognised assistance dog is required, such a requirement is to be met – provided that this requirement is notified to the air carrier or its agent or the tour operator in accordance with applicable national rules covering the carriage of assistance dogs on board aircraft (where such rules exist). Annex I to Regulation (EC) No 1107/2006 stipulates that ground handling of recognised assistance dogs is a responsibility of airport managing bodies.

It is appropriate to provide a well-maintained dog relief area for assistance dogs,

## **'Accessibility days': a good practice of airports and air carriers to help persons with disabilities to familiarise with air travel**

Several airports and air carriers have already implemented the good practice of organising 'accessibility days' in order to enable persons with disabilities and persons with reduced mobility to acquaint themselves with the airport and on-board environments before their journey.

## **6.5. Airport quality standards**

### **Consultation with airport users and representatives of persons with disabilities and persons with reduced mobility**

Pursuant to Article 9(1) of Regulation (EC) No 1107/2006, airports whose annual traffic is at least 150 000 commercial passenger movements must have quality standards for the assistance specified in Annex I to Regulation (EC) No 1107/2006. Managing bodies of airports are to set those quality standards and to determine resources for meeting them, in cooperation with air carriers through the airport users committee (where there is such a committee) and with the organisations representing persons with disabilities and persons with reduced mobility. <sup>(60)</sup> (If an airport does not have an airport users committee, the managing body of the airport should

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<sup>(60)</sup> A managing body of an airport should therefore take into consideration the airport users committee's opinion on the equipment to be purchased in order to assist persons with disabilities and persons with reduced mobility.

arrange an alternative form of consultation that includes all air carriers carrying passengers from or to the airport concerned.

The managing body of an airport should organise regular meetings with representatives of persons with disabilities and persons with reduced mobility; and consult them on setting quality standards; reviewing performance against the quality standards; reviewing performance-monitoring systems; awarding contracts to service providers (excluding the commercially confidential part of such contracts); and providing advice on the accessibility of terminals, equipment and services and training programmes.

It is good practice to invite representatives of persons with disabilities and persons with reduced mobility to inspect compliance with the quality standards.

Documents on quality standards should clearly state that consultation has taken place, together with a list of who was consulted (e.g., airport users and representatives of persons with disabilities and persons with reduced mobility); when the consultation took place; and how the views expressed during the consultation were considered.

### **Content of the quality standards**

Article 9(2) of Regulation (EC) No 1107/2006 states that full account must be taken of internationally recognised policies and codes of conduct (particularly the ECAC Code of Good Conduct in Ground Handling for Persons with Reduced Mobility)<sup>(61)</sup>. The ECAC Code contains specific qualitative and quantitative standards related to the assistance set out in Annex I to Regulation (EC) No 1107/2006.

### **Binding quality standards**

Airport managing bodies are bound by the quality standards for assistance set out in Article 9(1) of Regulation (EC) No 1107/2006, in accordance with Article 14(1) of that Regulation which requires NEBs to take the necessary measures to ensure compliance with those quality standards.

### **Publication of the quality standards**

Pursuant to Article 9(3) of Regulation (EC) No 1107/2006, managing bodies of airports are required to publish their quality standard documents for assistance. Passengers should be able to identify those quality standards quickly and easily on an airport's website.

### **Monitoring performance against quality standards**

There should be regular reviews to check the service provider's performance against quality standards. Service providers 'should be expected to introduce their own performance-monitoring systems and to provide reasonable data as required by the airport community'<sup>(62)</sup>.

Airport managing bodies should collect data that measure performance in relation to the quality standards document and submit those data annually to the NEBs. The data submitted to the NEBs should include data related to performance against ECAC quantitative metrics<sup>(63)</sup>; the results of any passenger surveys; summaries of meetings with the representatives of persons with disabilities and persons with reduced mobility; incidents where a passenger's flight or

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<sup>(61)</sup> See also Annex 5-C to ECAC Doc No 30, Part I, Section 5.

<sup>(62)</sup> See Article 9(2) of Regulation (EC) No 1107/2006, in conjunction with paragraph 9.1 of the ECAC Code of Good Conduct in Ground Handling.

<sup>(63)</sup> See point 7.5 of Annex 5-C to ECAC Doc No 30, Part I, Section 5.



connecting flight has been missed; and incidents where assistance for arriving passengers was not available at the gate within 45 minutes of arrival.

It is good practice for managing bodies of airports to adopt tools (e.g., software systems that give relevant stakeholders real-time viewing access to key performance indicators and performance data related to the provision of assistance to persons with disabilities and persons with reduced mobility). This helps ensure that information on assistance to passengers is accurately transmitted; that the specific charges set by managing bodies of airports for assisting persons with disabilities and persons with reduced mobility are reasonable and cost-related; and that compliance with quality standards is accurately monitored. Such tools should monitor quality standards by measuring services provided to each individual passenger.

#### **6.6. Obligation of air carriers to pay particular attention to persons with disabilities and persons with reduced mobility in the event of delays and cancellations**

In addition to the requirements of Regulation (EC) No 1107/2006 regarding the provision of assistance to persons with disabilities and persons with reduced mobility at airports, Article 9(1) and 9(2) of Regulation (EC) No 261/2004 requires operating carriers to pay particular attention to the needs of persons with reduced mobility and any persons accompanying them in the event of denied boarding, cancellation, or delays of any length. All passengers are entitled to receive care such as meals and refreshments (in a reasonable proportion to the waiting time length); hotel accommodation if an overnight stay is necessary; and the possibility to make two phone calls free of charge and use e-mailing facilities. However, the needs of persons with disabilities and persons with reduced mobility should be prioritised, pursuant to Article 11(2) of Regulation (EC) No 261/2004.

Passengers should be offered such care, free of charge and in a clear and accessible way (including through electronic means of communication). Air carriers should also have processes in place to actively offer care to persons with disabilities and persons with reduced mobility on a relevant flight and provide them with care as a priority. This means that passengers should not be left to make arrangements themselves (for example, finding and paying for accommodation or food). Operating air carriers must instead actively offer care. Operating air carriers should also ensure, where possible, that the accommodation offered is accessible for persons with disabilities and their assistance dogs.

In view of the requirements in the event of denied boarding, long delays and cancellations, it is good practice for airport managing bodies and air carriers to establish and maintain emergency contingency plans to minimise the impact of major flight disruptions on persons with disabilities and persons with reduced mobility at airports (e.g. with a list of accessible accommodation in the airport's vicinity; a list of potential providers of medical equipment; and details of charging points for electric medical equipment).

#### **6.7. Health and safety of assistance staff**

The health and safety of airport staff that provide assistance to persons with disabilities and persons with reduced mobility should not be compromised. For example, when providing assistance, airport staff should, where possible, use mechanical aids such as ground wheelchairs, boarding wheelchairs, ramps and lifts; and manual lifting of persons with disabilities and persons with reduced mobility should be limited to exceptional cases.

Where Member States have national rules governing employers' responsibilities as regards the protection of health and safety of their employees, those rules should be followed when providing assistance.

## **7. REFUSAL TO EMBARK A PASSENGER WITH DISABILITY OR A PASSENGER WITH REDUCED MOBILITY AND MAKING EMBARKATION CONDITIONAL ON SUCH PASSENGERS TRAVELLING WITH A SAFETY ASSISTANT**

Point 5.5 above on refusal of reservation or embarkation is also applicable to situations where an air carrier refuses to embark a passenger on the grounds of safety requirements; or makes the transport of the passenger concerned conditional upon them being accompanied by a person capable of providing the assistance needed to meet the applicable safety requirements.

## **8. ASSISTANCE PROVIDED BY THE AIR CARRIER**

An air carrier is to provide the assistance listed in Annex II to Regulation (EC) No 1107/2006 to persons with disabilities and persons with reduced mobility if those persons have pre-notified their need for assistance at least 48 hours before the published time of departure of the flight; have pre-notified the fact that they are travelling with an assistance dog; and have presented themselves at a designated point of arrival and departure and later at the check-in counter at the time stipulated in Article 7(4) of that Regulation. According to Article 10 of Regulation (EC) No 1107/2006, an air carrier is to provide the assistance listed in Annex II to the Regulation free of charge.

It should be emphasised that the primary responsibility of cabin crew is the safety of all passengers on board an aircraft. They ensure the respect of safety requirements on board and organise safety assistance in the event of emergencies and during day-to-day operations. Any action which could compromise the performance of their duties or their medical fitness (including health and safety considerations) could impact the safety of all passengers on board. Cabin crews are not required to provide personal assistance to persons with disabilities or persons with reduced mobility (e.g. assistance with eating or drinking) which goes beyond the service provided to other passengers. However, they can be expected to assist with opening food containers and describing catering arrangements to blind persons. Similarly, cabin crew are not required to provide assistance in a washroom or in using toilet facilities (in cases where the passenger is unable to use the toilet facilities without assistance). However, cabin crew can be expected to assist a passenger to move through the cabin in an on-board wheelchair (where installed) or by alternative methods. Cabin crew are not required to provide medical services (including the administration of medication to passengers with disabilities or passengers with reduced mobility). If a person with disabilities or a person with reduced mobility is unable to perform such tasks without assistance but needs to perform one or more of these tasks during the flight, an assistant able to provide the required assistance must accompany that person.

As regards the transportation of luggage: besides the air carriers' obligation to transport medical equipment and two pieces of mobility equipment per person with disabilities or person with reduced mobility free of charge (as set out in more details in points 8.2 and 8.3 below), the rules on weight limitations apply to persons with disabilities and persons with reduced mobility in the same way as they apply to any other passengers (i.e. they have to pay the same fee for the overweight luggage as any other passenger). Pursuant to Annex II to Regulation (EC) No 1107/2006, the rules on weight limitations do not apply to the transport of medical and mobility equipment as long as the limitation of two pieces of mobility equipment per person with disabilities or person with reduced mobility is respected and any applicable restrictions related to the transport of dangerous goods, aviation safety or size and certification of the aircraft are complied with.

## **8.1. Carriage of recognised assistant dogs in the cabin**

Subject to national and EU legislation regarding animal movement referred to in point 5.7<sup>(64)</sup>, recognised assistance dogs are to be allowed to travel in the passenger cabin without additional charge in accordance with Article 10 of Regulation (EC) No 1107/2006 and Annex II thereto.

Recognised assistance dogs will normally sit in the space on the floor in front of the seat of their owner. If an assistance dog cannot sit on the floor in front of its owner's seat (for example, because it is too big), the air carrier is to offer a suitable alternative arrangement for the accommodation of the dog without charging additional fees, pursuant to Article 10 of Regulation (EC) No 1107/2006 and Annex II thereto. This can include providing a seat for the assistance dog next to the person with disabilities free of charge.

## **8.2. Transport of mobility equipment**

Pursuant to Article 10 of Regulation (EC) No 1107/2006 and Annex II thereto, an air carrier must transport up to two pieces of mobility equipment (including electric wheelchairs) per person with disabilities or person with reduced mobility, free of charge.

The person concerned must notify the air carrier at least 48 hours before the scheduled time of departure of the flight about the transport of electric wheelchairs. The carriage of such electric wheelchairs is subject to possible limitations of space on board the aircraft. It is also subject to the application of relevant legislation on dangerous goods.

Regulation (EC) No 1107/2006 does not define 'mobility equipment'. However, it can be understood as meaning any equipment that is intended to assist persons with disabilities and persons with reduced mobility with their mobility. The free transport of mobility equipment is not limited to those items needed during the flight but also includes mobility equipment needed at the destination. Electric wheelchairs very often cannot be transported in the aircraft cabin, so their inclusion in Annex II to Regulation (EC) No 1107/2006 in the category of mobility equipment which has to be transported free of charge means that that category includes items which are not needed during the flight but rather at the destination.

To provide the assistance required, air carriers, their agents and tour operators should request in advance persons with disabilities and persons with reduced mobility travelling with their mobility equipment to provide all the necessary information related to its transport.

The 'IATA Guidance on the Transport of Mobility Aids'<sup>(65)</sup> is the result of an IATA initiative to bring together stakeholders involved in the transportation of mobility equipment (including representatives of persons with disabilities, air carriers, ground service providers, airports, regulators, academia, and mobility equipment manufacturers) in order to collect best practices related to the safe transport of mobility equipment. It contains recommendations that help air carriers and managing bodies of airports to fulfil their obligations related to the transport of mobility equipment; and to minimise the number of cases where an air carrier refuses to transport mobility equipment or where mobility equipment is lost or damaged.

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<sup>(64)</sup> See in particular Regulation (EU) No 576/2013.

<sup>(65)</sup> IATA Guidance on the Transport of Mobility Aids – first edition, February 2023, <https://www.iata.org/contentassets/7b3762815ac44a10b83ccf5560c1b308/iata-guidance-on-the-transport-of-mobility-aids-final-feb2023.pdf>

### **8.3. Transport of medical equipment**

Pursuant to Article 10 of Regulation (EC) No 1107/2006 and Annex II thereto, air carriers are required to transport the medical equipment of persons with disabilities or persons with reduced mobility, free of charge.

Given the broad spectrum of passengers which Regulation (EC) No 1107/2006 seeks to cover, there is no definition of medical equipment or the quantity of such items that may be carried (as opposed to mobility equipment, which, as stated above in point 8.2 is limited to two items). The circumstances of each request to carry such items should be considered on its individual merits and taking into consideration the needs of the passenger.

Legislation on dangerous goods could impact on the carriage of medical equipment: liquid medication over a certain quantity or syringes may only be permitted in cabin baggage on presentation of a medical certificate indicating that the use of the equipment or medication during the trip is essential, in accordance with Regulation (EC) No 300/2008.

Air carriers are to transport the medical oxygen of persons with a disability in the cabin free of charge, provided that the equipment meets any statutory requirements that are related to the transport of dangerous goods and that are based on the ICAO's Technical Instructions for the Safe Transport of Dangerous Goods by Air<sup>(66)</sup>; and subject to advance notice to the carrier. Air carriers may also choose to provide medical oxygen directly to passengers. However, they are not obliged to do so and are entitled to charge for the provision of medical oxygen. If air carriers do decide to provide medical oxygen to their passengers, it is good practice to offer it at a discounted rate. Air carriers should publish the fees that they charge for the provision of medical oxygen. Air carriers may require advance notice of the need for oxygen when a person with disabilities wishes to use the air carrier's own supply throughout a flight.

It is incumbent on air carriers to provide all relevant information to passengers, in accordance with the provisions set out in Commission Regulation (EU) No 965/2012 related to the transportation of dangerous goods by air.

### **8.4. Seating that meets the special needs of persons with disabilities and persons with reduced mobility<sup>(67)</sup>**

Pursuant to Article 10 of Regulation (EC) No 1107/2006 and Annex II thereto, air carriers are required to make all reasonable efforts to arrange seating to meet the needs of persons with disabilities or reduced mobility on request and subject to safety requirements and availability<sup>(68)</sup>.

Persons with disabilities and persons with reduced mobility should therefore have access to appropriate seating if it is available at the time of booking. They are not to be charged a fee for access to an appropriate seat, in accordance with Article 10 of Regulation (EC) No 1107/2006 and Annex II thereto. Air carriers' policies regarding the allocation of seats for persons with

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<sup>(66)</sup> ICAO document 9284, 'Technical Instructions for the Safe Transport of Dangerous Goods by Air', applies the basic provisions set out in ICAO's Annex 18 'Safe Transport of Dangerous Goods by Air', which are also referenced in Commission Regulation (EU) No 965/2012.

<sup>(67)</sup> See also point 5.8 above.

<sup>(68)</sup> See Annex II to Regulation (EC) No 1107/2006. For instance, a seat with a movable armrest should be allocated to a passenger who cannot easily transfer over a fixed aisle armrest; a seat that provides additional leg room for a passenger who cannot bend their leg; or a seat close to a washroom or exit for a passenger with a mobility impairment.

disabilities and persons with reduced mobility should be transparent. Air carriers should publish their procedures for the request of an ‘appropriate seat’ on their websites.

Air carriers may request information about a disability or mobility restriction in order to be able to allocate the most suitable seat for the person concerned.

The ICAO Manual states <sup>(69)</sup> that ‘when a person identifies the nature of their disability, the aircraft operator should, before assigning that passenger a seat, inform the passenger of those available seats that are most accessible and then establish with that passenger an appropriate seat assignment (e.g. movable armrests, nearby washroom, adjacent seating for the person with disabilities and the assistant), subject to safety regulations. If seats are not allocated in advance, it is good practice to allow persons with disabilities and persons with reduced mobility to pre-board and choose the seat which best meets their needs, if available, subject to safety regulations’.

Once seats have been allocated, persons with disabilities and persons with reduced mobility should not be moved from the seats that are most appropriate for them, other than for safety reasons. In the event of an aircraft change, persons with disabilities and persons with reduced mobility should be reallocated an appropriate seat.

#### **8.5. Seating of persons accompanying a person with disabilities and persons with reduced mobility**

In accordance with Annex II to Regulation (EC) No 1107/2006, air carriers are to make all reasonable efforts to give a person, who accompanies a person with disabilities or a person with reduced mobility to assist that person, a seat next to the person with disabilities or person with reduced mobility. In addition, on the basis of the Commission Regulation (EU) No 965/2012, the European Union Aviation Safety Agency (EASA) adopted a standard on the carriage of special categories of passengers establishing (among other points) that persons accompanying persons with disabilities and persons with reduced mobility should be seated next to the person with disabilities or person with reduced mobility whom they accompany <sup>(70)</sup>.

Pursuant to Article 10 of Regulation (EC) No 1107/2006 and Annex II to that Regulation, if (i) an air carrier requires a safety assistant to accompany a person with disabilities or a person with reduced mobility in accordance with Article 4(2) of Regulation (EC) No 1107/2006, and (ii) that air carrier is able to seat the accompanying safety assistant next to the person with disabilities or person with reduced mobility; then the air carrier must not impose any additional charge for the reservation of the seat of the accompanying safety assistant.

#### **8.6. Communication of essential information about a flight**

Pursuant to Article 10 of Regulation (EC) No 1107/2006 and Annex II thereto, essential information about flights must be provided in accessible formats. This should always include the safety information related to the aircraft. As from 28 June 2025, the communication of information must comply with the rules stipulated in Directive (EU) 2019/882.

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<sup>(69)</sup> See paragraph 3.2.1 of the International Civil Aviation Organization (ICAO) Manual on Access to Air Transport by Persons with Disabilities (document 9989), first edition, 2013.

<sup>(70)</sup> See European Union Aviation Safety Agency (EASA) standard AMC1 CAT.OP.MPA.155(c): <https://www.easa.europa.eu/sites/default/files/dfu/Annex%20II%20to%20ED%20Decision%2028CAT%209%20v13%2028for%20approval%29.pdf>.

In the context of Regulation (EU) No 965/2012, AMC means ‘acceptable means of compliance’; CAT means ‘commercial air transport’; and OP means ‘operation’.

## **8.7. Assistance in moving to toilet facilities**

Pursuant to Article 10 of and Annex II to Regulation (EC) No 1107/2006, cabin crew are required to provide appropriate assistance to persons with disabilities and persons with reduced mobility in moving from their seat to toilet facilities, where necessary.

However, such assistance should not compromise the health and safety of the cabin crew. Therefore, in the absence of appropriate equipment, cabin crew should not be obliged to assist a person with disabilities or person with reduced mobility in lifting and moving manually from their seat to the toilet facilities. In principle, on-board wheelchairs should be used for that purpose where available (transfer boards or medical grade hoists could be equivalent alternatives).

Persons with disabilities and persons with reduced mobility should not be denied boarding just because they cannot be assisted in moving to the toilet facilities due to the unavailability of an on-board wheelchair or an alternative device. Where possible, they should be informed in advance that an on-board wheelchair or an alternative tool is not available, so that they can make an informed decision as to whether or not to travel under those conditions. The impossibility of persons with disabilities or persons with reduced mobility to use the toilet facilities is not in itself a safety risk and might therefore not be a valid reason to refuse their transportation, especially during short haul flights.

Air carriers should, where possible, take into consideration the needs of persons with disabilities and persons with reduced mobility when deciding on the design of new and newly refurbished aircraft<sup>(71)</sup>. This may include the provision of a suitable on-board wheelchair and the design of accessible toilet facilities. ECAC document No 30, Part I contains specific recommendations about the minimum desirable equipment of aircrafts related to the needs of persons with disabilities and persons with reduced mobility<sup>(72)</sup>.

## **9. LOSS OF OR DAMAGE TO MOBILITY EQUIPMENT**

Mobility equipment is crucial for persons with disabilities and persons with reduced mobility to remain independent in their daily lives. They are often made-to-measure and can be very costly to replace or repair.

Pursuant to Article 12 of Regulation (EC) No 1107/2006, where mobility equipment or assistive devices are lost or damaged while being handled at the airport or transported on board the aircraft, the passenger to whom the equipment belongs should be compensated, in accordance with international, EU and national law.

The Convention for the Unification of Certain Rules for International Carriage by Air (commonly known as the Montreal Convention) regulates air carriers' liability for lost or damaged mobility equipment<sup>(73)</sup>. The Convention states that air carriers are liable for any loss of or damage to personal baggage (including mobility equipment).

In accordance with Annex I to Regulation (EC) No 1107/2006, managing bodies of airports are responsible for the ground handling of mobility equipment. This does not affect air carriers' liability under the Montreal Convention in relation to paying damages in the case of loss of or

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<sup>(71)</sup> See recital 11 to Regulation (EC) No 1107/2006.

<sup>(72)</sup> See point 5.5 of ECAC document No 30, Part I.

<sup>(73)</sup> The EU is a contracting party to the Convention for the Unification of Certain Rules for International Carriage by Air. See Council Decision 2001/539/EC of 5 April 2001 on the conclusion by the European Community of the Convention for the Unification of Certain Rules for International Carriage by Air (the Montreal Convention) (OJ L 194, 18.7.2001, p. 39, ELI: <http://data.europa.eu/eli/dec/2001/539/oj>).

damage to mobility equipment. However, Regulation (EC) No 1107/2006 does not prevent air carriers from seeking to recover the cost of any compensation paid where the loss of or damage to mobility equipment results from the actions of the managing body of the airport or any other third party.

Article 22(2) of the Montreal Convention limits compensation for lost or damaged personal baggage (including mobility equipment) <sup>(74)</sup>. Such compensation often does not cover the true costs of replacement or repair of a mobility equipment. Article 22(2) also allows passengers to make a special declaration of interest in delivery at destination when the baggage is handed over to the air carrier and, if necessary, to pay a supplementary fee. The passenger indicates the value of the baggage in that declaration; and, in the event of loss or damage, the carrier will be liable to pay a sum not exceeding the declared value of the baggage, unless it proves that this sum is greater than the passenger's actual interest in delivery at destination.

It is good practice for air carriers and their agents to proactively offer to persons with disabilities and persons with reduced mobility the option of making a special declaration of interest pursuant to Article 22(2) of the Montreal Convention – already at the time of booking but at the latest when the equipment is handed to the carrier. It is good practice to allow that declaration to be made free of charge <sup>(75)</sup>.

It is advisable for persons with disabilities and persons with reduced mobility travelling with their mobility equipment to consider whether to extend their insurance policy to the loss of or damage to their mobility equipment.

## 10. COMPLAINTS

Article 15(2) of Regulation (EC) No 1107/2006 provides for a person with disabilities or a person with reduced mobility who considers that their rights under Regulation (EC) No 1107/2006 have been infringed to have the possibility of first bringing the matter to the attention of the managing body of the airport or the air carrier concerned (as the case may be).

Pursuant to Article 15(2) of Regulation (EC) No 1107/2006, a person with disabilities or a person with reduced mobility may only submit a complaint to an NEB if (i) they have already submitted a complaint to the air carrier or airport managing body, and (ii) the latter has not replied within reasonable time to the complainant, or the complainant does not consider the reply satisfactory.

A person with disabilities or a person with reduced mobility may complain to any of the NEBs in charge of enforcing Regulation (EC) No 1107/2006 in any of the Member States or to any other authority that is competent to deal with complaints related to that Regulation <sup>(76)</sup>.

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<sup>(74)</sup> The Montreal Convention limits the right to compensation and a carrier's liability to 1 288 special drawing rights (SDRs) (approximately EUR 1 581 on 05.07.2024) in the event of destruction, loss, damage or delay of/to baggage.

<sup>(75)</sup> In 2013, the Commission adopted a proposal for a regulation (COM(2013) 130 final) amending Regulation (EC) No 261/2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights and Regulation (EC) No 2027/97 on air carrier liability in respect of the carriage of passengers and their baggage by air. If adopted, air carriers and their agents would be obliged to offer to persons with disabilities and persons with reduced mobility the option of making a special declaration of interest free of charge (see Article 2(4) of the proposal). The adoption of the proposed regulation by the co-legislators is still pending.

<sup>(76)</sup> If the complaint is related to a cross-border situation, the complainant can turn to the European Consumer Centres network, which might provide practical help to resolve the complaint: <https://ec.europa.eu/info/live->

However, not all the NEBs of every Member State have the jurisdiction to handle such complaints. Pursuant to Article 14(1) of Regulation (EC) No 1107/2006, NEBs are only responsible for its enforcement as regards flights departing from or arriving at airports situated in the territory of their Member States.

It is good practice to follow the incidence-based approach, similar to the attribution of complaints between NEBs for Regulation (EC) No 261/2004 <sup>(77)</sup>.

For complaints linked to the assistance required to be provided by a management body of an airport: the competent NEB should be the one in the Member State where the airport concerned is situated <sup>(78)</sup>.

For complaints linked to the assistance to be provided by an air carrier: if the place of departure is situated in a Member State, the competent NEB should be the NEB in that Member State; but if the place of departure is situated outside the Member States and the flight is operated by a licensed EU carrier, the competent NEB should be the NEB in the first Member State of arrival.

The territoriality principle means that, if an incident occurs during a flight, the NEB from the Member State which issued the air carrier's operating licence may be asked by the NEB handling the complaint to provide assistance in resolving the complaint.

Pursuant to Article 15(3) of Regulation (EC) No 1107/2006, an NEB which receives the complaint but does not have competence to handle it must forward it to the NEB that does have such competence.

In order to ensure the effective application of Regulation (EC) No 1107/2006, NEBs need to cooperate and mutually assist each other, so that the competent NEB in charge of handling a complaint about a specific carrier can obtain the information needed to resolve the complaint (while fully respecting EU and national legislation on data protection).

All relevant entities (air carriers and their agents, tour operators, airport managing bodies and NEBs) should take all necessary measures to enable persons with disabilities and persons with reduced mobility to submit their complaints via accessible means.

## **11. THE ROLE OF THE NEBS: MONITORING AND ENFORCEMENT OF COMPLIANCE**

NEBs should take the measures necessary to ensure that the rights of persons with disabilities and persons with reduced mobility are respected. In accordance with Article 14(1) of Regulation (EC) No 1107/2006, the NEB or NEBs of a Member State are responsible for the Regulation's enforcement as regards flights departing from or arriving at airports situated in their territory.

It is good practice for all NEBs to proactively monitor the application of Regulation (EC) No 1107/2006 and to hold managing bodies of airports and air carriers to account. Monitoring activities could include regular inspections at airports and at air carriers; reviews of the websites of airports and air carriers for accessibility and relevant content for

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[work-travel-eu/consumers/resolve-your-consumer-complaint/european-consumer-centres-network-ecc-net\\_en#contact-ecc-net](https://work-travel-eu/consumers/resolve-your-consumer-complaint/european-consumer-centres-network-ecc-net_en#contact-ecc-net).

<sup>(77)</sup> See in that regard the agreement between NEBs pursuant to Regulation (EC) No 261/2004 at [https://transport.ec.europa.eu/transport-themes/passenger-rights/national-enforcement-bodies-neb\\_en?msclkid=d61cc23ecf8411ec8e7f093788aace20](https://transport.ec.europa.eu/transport-themes/passenger-rights/national-enforcement-bodies-neb_en?msclkid=d61cc23ecf8411ec8e7f093788aace20).

<sup>(78)</sup> See recital 17 of Regulation (EC) No 1107/2006.



persons with disabilities and persons with reduced mobility <sup>(79)</sup>. The NEB of the Member State that has granted the EU air carrier's operating licence should monitor its commercial practices related to Regulation (EC) No 1107/2006; its 'manuals of procedure'; and the tools and procedures the air carrier has put in place to ensure full compliance with the Regulation. They should particularly monitor air carriers' safety rules in order to ensure that they are based solely on safety considerations and should make sure that air carriers do not reduce the number of passengers with disabilities and passengers with reduced mobility for other (e.g. commercial) reasons. NEBs that have detected misapplication on their territory of Regulation (EC) No 1107/2006 linked to the commercial practices, tools and procedures of an air carrier need to draw the attention of the NEB of the Member State granting the EU air carrier's operating licence, in order to allow NEBs (if possible) to coordinate actions with the aim of stopping unlawful practices.

It is good practice for NEBs to regularly consult organisations representing persons with disabilities and persons with reduced mobility and organisations representing the industry (managing bodies of airports, air carriers and tour operators) or to establish advisory boards consisting of the representatives of these stakeholders. When such disability advisory boards are established, NEBs might consider inviting (in addition to the representative organisations of persons with disabilities and persons with reduced mobility) non-affiliated experts that deal with the facilitation of the air transport of persons with disabilities as well as non-affiliated persons with disabilities and persons with reduced mobility who are frequent flyers and who can provide practical advice to NEBs.

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<sup>(79)</sup> On 29 November 2023, the Commission adopted a legislative 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). This would oblige air carriers to establish service quality standards related to the performance of their obligations arising from this regulation and publish every 2 years a report about the implementation of their quality standards. Such reports would significantly help NEBs to carry out their enforcement and monitoring tasks.