

## ANNEX 1

### LEGAL BASIS OF THE PENALTIES

#### 1. AUSTRIA

Art. 169 of the Luftfahrtgesetz [*Air traffic Act*]

§ 169. (1) Wer

(...)

2. (...) der Verordnung (EG) Nr. 1107/2006 über die Rechte von behinderten Flugreisenden und Flugreisenden mit eingeschränkter Mobilität,

(...)

zuwiderhandelt oder zuwiderzuhandeln versucht, begeht, wenn nicht ein gerichtlich strafbarer Tatbestand vorliegt, eine Verwaltungsübertretung und ist von der Bezirksverwaltungsbehörde mit einer Geldstrafe bis zu 22.000 Euro zu bestrafen. Liegen erschwerende Umstände vor, so kann neben einer Geldstrafe auch eine Freiheitsstrafe bis zu sechs Wochen verhängt werden.

(...)

#### **Informal translation:**

Who infringes or attempts to infringe the Regulation (EC) No 1107/2006 concerning the rights of disabled passengers and passengers with reduced mobility, is punishable, unless there is a criminal offense, or an administrative offense and shall be punished by the District Authority with a fine of up to 22.000 €. If there are aggravating circumstances, sanctions may, include a period of imprisonment of up to six weeks.

\* \* \* \* \*

#### 2. BELGIUM

Art. 32 and 45 of the Law of 27 June 1937

Art. 32. Dans le cas où elles ne seraient pas punies d'une peine spéciale par la présente loi, les infractions aux règlements de la Communauté européenne relatifs à l'aviation civile et aux dispositions des arrêtés royaux pris en exécution de cette loi seront punies d'un emprisonnement de huit jours à un an et d'une amende de 200 € à 4.000.000 € ou d'une de ces peines seulement.

(...)

Art. 45. Les infractions visées aux articles (...) et à l'article 32 sont punissables d'une amende administrative sauf si le procureur du Roi a fait application de l'article 38, § 2, alinéa 3, points 1° à 4<sup>o</sup><sup>1</sup>. L'amende administrative est appliquée sans préjudice d'autres sanctions administratives ou disciplinaires.

**Informal translation:**

Art. 32. Except if they are punishable of a specific sanction by this Law, breaches of the regulations of the European Community relating to civil aviation and the Royal Decrees adopted for the implementation of this Law are punishable by imprisonment of eight days to one year and a fine of 200 € to 4.000.000 € or one of those penalties.

(...)

Art. 45. The offenses referred to the Articles (...) and Article 32 shall be punishable by administrative penalties unless the Prosecutor has used the Article 38, § 2, 3, paragraphs 1 to 4. The administrative penalty shall be applied without prejudice to other disciplinary or administrative sanctions.

\* \* \* \* \*

**3. BULGARIA**

Art. 81a and 143 of the Civil Aviation Act

Art. 34 and following of the Administrative Violations and Sanctions Act

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<sup>1</sup> These articles concern a criminal procedure against an Operator.

## **Translation sent by the Bulgarian NEB:**

### Civil Aviation Act

Article 81a. (1) Air carriers shall ensure the implementation of the necessary measures and shall provide assistance, in compliance with Regulation (EC) No 1107/2006, to disabled persons and persons with reduced mobility.

(2) When the implemented measures or the assistance provided to disabled persons or persons with reduced mobility are not in compliance with (EC) No 1107/2006, the air carrier shall owe compensation to the person for the caused trouble.

(3) Any compensation claims shall be brought against the air carrier before the appropriate court.

Article 143. A property sanction of 2.000 to 10.000 BGN shall be imposed to:

1. any air carrier their its agent who denies transportation to a disabled person or to a person with reduced mobility because of their disability or reduced mobility, if the grounds for denying transportation to such persons provided for in Art. 4, par. 1 of the Regulation (EC) No 1107/2006 are not present;
2. any air carrier their its agent who does not provide freely in accessible form the information referred to in Art. 4, par. 3 of the Regulation (EC) No 1107/2006;
3. any air carrier their its agent who fails to fulfill its obligation referred to in Art. 4, par. 4 of Regulation (EC) No 1107/2006;
4. any airport operator who fails to mark the locations specified in Art. 5 of Regulation (EC) No 1107/2006 or does not provide information about those locations in accessible form for disabled persons or persons with reduced mobility;
5. any air carrier or its agent who fails to provide information to an airport operator about the need to provide assistance to a disabled person or to a person with reduced mobility, in accordance with Art. 6 of Regulation (EC) No 1107/2006;
6. any airport operator who fails to provide assistance to a disabled person or to a person with reduced mobility, in accordance with Art. 7 of Regulation (EC) No 1107/2006;
7. any air carrier or airport operator who asks for additional remuneration from a disabled person or to a person with reduced mobility for any provided assistance;
8. any airport operator who fails to fulfill its obligation referred to in Art. 9 of Regulation (EC) No 1107/2006 to establish quality standards for the assistance specified in Appendix I of Regulation (EC) No 1107/2006;

9. any airport operator or air carrier who fails to fulfill its obligation referred to in Art. 11 of the Regulation (EC) No 1107/2006.

#### Administrative Violations and Sanctions Act

##### Article 34

(...)

Administrative-penal proceedings shall not be instituted if a statement of establishment of the violation has failed to be drawn up within three (3) months following the detection of the offender, or if one (1) year has elapsed since the commission of such violation, and in the event of customs, taxation, banking, environmental and currency regulations violations - following the elapse of two (2) years, as well as pursuant to the Public Offering of Securities Act, the Insurance Code and the regulatory acts for their implementation and pursuant to the BULSTAT Register Act.

(...)

##### Article 36

(1) Administrative-penal proceedings shall be instituted by way of drawing up a statement of establishment of the administrative violation committed.

(2) Administrative-penal proceedings shall not be initiated without a statement of establishment attached thereto unless proceedings have been discontinued by the court or the prosecutory officials and forwarded to the relevant penalising authority.

##### Article 37

(1) Statements of establishment of administrative violations may be drawn up by officials who are:

- a) explicitly identified under relevant normative acts;
- b) designated by the heads of administrations, organisations, district governors and mayors of municipalities tasked with the exercise of control over the enforcement of all relevant normative acts.

(2) Statements of establishment can be drawn up by public representatives as well, if duly authorised therefore by an enacted normative act.

##### Article 39

(1) For evidently lesser cases of administrative violations, established upon the commission thereof, the duly authorised authorities shall impose a fine on the spot and

against a receipt in the amount up to the one prescribed by the relevant law or ukaz, but not to exceed BGN 10.

(2) For minor cases of administrative violations established upon the commission thereof and where a law or ukaz so provides, duly authorised controlling authorities may impose fines upon the spot in amounts ranging from BGN 10 up to 50. Issued in evidence of the fine imposed shall be a ticket containing data on the identity of both the controlling official and the offender; time and place of commission of the violation; legal provisions violated, and the amount of the fine imposed. Such ticket shall be signed by the controlling official and by the violator who shall thereby certify his or her consent to pay the fine. The ticket shall be then forwarded to the financial authorities of the respective municipal administration to be collected. A copy shall be handed to the violator to enable him or her to voluntarily pay the fine.

(3) Should an offender dispute a violation or refuse to pay the fine, a statement of the violation shall be drawn up pursuant to the provisions of this Section.

#### Article 40

(1) A statement of establishment of an administrative violation shall be drawn up in the presence of the offender and the witnesses who were present at either the commission or the establishment of such violation.

(2) Where the offender is known, but is nowhere to be found or does not appear for drawing up of a statement after a notice of invitation has been given to him or her, such statement shall be effected in his/her absence.

(3) In the absence of witnesses who have observed by personal presence either the commission or the establishment of a violation, or where the drawing up of a statement in their presence proves impossible, such statement shall be drawn up in the presence of two other witnesses, whereas this shall be explicitly mentioned therein.

(4) Where a violation has been established on the basis of official documents, the statement thereof may be drawn up in the absence of witnesses.

#### Article 41

Upon establishment of administrative violations an official authorised to draw up a statement thereof shall have the right to seize and withhold all physical evidence and exhibits related to the establishment of such violation, as well as all personal effects subject to forfeiture in favour of the state under Articles 20 and 21 hereinabove.

#### Article 42

A statement of establishment of an administrative violation needs to contain:

1. Full name of the official drawing up the statement plus his or her position;
2. Date when the statement was drawn up;
3. Date and place of the commission of the violation;
4. Description of the violation and the circumstances whereunder it was committed;
5. Legal provisions violated;
  
6. The offender's full name and age, full address and place of work, civil number;
7. Witnesses names and full addresses, civil numbers;
8. The offender's explanations or objections, if any;
9. Names and full addresses of persons who have suffered material damages in consequence of the violation committed, civil numbers;
10. A list of written materials and effects seized, if any, and the person tasked with the safekeeping thereof.

#### Article 43

- (1) A statement of establishment shall be signed by the official who drew it up and by at least one of the witnesses identified therein. It shall be then presented to the offender to get acquainted with the contents thereof and sign. Signed offender shall thereby assume an obligation to notify penalising authorities of any change in his or her address.
- (2) Where an offender refuses to sign a statement, this shall be certified by the signature of an eyewitness, whose name and full address shall be put down in the statement.
- (3) Where an offender's identity is impossible to establish by an official drawing up a statement of an administrative violation, such identity shall be established by the nearest municipal administration or a Ministry of Home Affairs' unit.
- (4) Where a statement has been drawn up in the absence of the violator, it shall be forwarded to the relevant office, and should there be no such office - to the municipal administration of the offender's domicile to be subsequently presented to and signed by him. A statement shall be presented and signed no later than within seven days following its receipt and shall be forthwith returned.
- (5) Upon signing of a statement, a copy thereof shall be handed to the offender against a receipt, and the date of signing shall be stated therein.
- (6) Where following a thorough search an offender's whereabouts is unknown, this shall be noted in the statement and the proceedings shall be discontinued.

#### Article 44

(1) Apart from any objections made at the time of drawing up the statement of violation, an offender may additionally lodge in writing his or her objections thereto within three days following said signing.

(2) Where in his or her objections an offender has referred to written or physical evidence, these need to be gathered upon the motion of the relevant office to the maximum possible extent.

(3) Within two (2) weeks following the signing of a statement it shall be forwarded to the penalising authority along with all objections lodged, exhibits collected and other attachments to the case.

(4) If the offender has no permanent residential address in the Republic of Bulgaria the statement that was drafted shall be immediately delivered to the penalizing authority. Explanations or objections on the part of the driver shall be attached in writing thereto.

(...)

#### Article 52

(1) A penalising authority shall be obliged to rule on the administrative-penal case within one (1) month following the receipt thereof. In the cases specified in Article 44 (4) the penalizing authority shall rule on the same day upon receipt of the administrative penalizing file.

(2) Should it be found that a statement of violation has not been presented to the offende, the penalising authority shall forthwith send it back to the official who drew it up.

(3) Following the receipt of a case, a penalising authority shall notify of the statement drawn up the victims, if any, and provided their addresses are known.

(4) Before ruling on a case, a penalising authority shall examine the statement of violation with a view to its lawfulness and validity, and shall appraise all objections lodged and evidences gathered. Where needed, an investigation of controversial circumstances shall also be conducted. Such investigation may be assigned to other officials from the same administration as well.

#### Article 53

(1) Where established that an offender has committed the act guiltily, and if the application of Articles 28 and 29 is unjustified, the penalising authority shall issue a penal decree whereby the relevant administrative sanction shall be imposed on the offender.

(2) A penal decree shall be issued even where an irregularity in the statement has been admitted, provided that the violation, the identity of the offender and his or her guilt have been inarguably established by the commission.

#### Article 54

Where established that an act is not a violation, or that a violation was not committed by the person indicated to be the offender, or that such person may not be charged with the violation in point, a penalising authority shall discontinue the case by way of passing a reasoned resolution. Ruled also shall be the return of all seized effects unless the possession thereof is banned, or the disbursement of their pecuniary equivalence in the events referred to in Article 46, paragraph 4. Effects the possession whereof is prohibited shall not be returned but disposed of as prescribed in the relevant normative acts.

(...)

#### Article 59

(1) A penal decree shall be subject to appeal before the regional court in the area of which the violation was committed or completed, and with regard to violations committed abroad - to the Sofia city court.

(2) An offender and a damage claimant shall be entitled to appeal against a decree within seven days following its delivery, while a prosecutor may file an objection thereagainst within two weeks following the date of issue.

(3) Penal decrees whereby a fine has been imposed in the amount of up to BGN 10 inclusive, or a seizure in favour of the state has been ruled of effects having a summary value of up to BGN 5 inclusive, or damages have been awarded in the same amount, shall not be subject to appeal unless otherwise provided for in a special Act.

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#### **4. CYPRUS**

Art. 5. of the Civil Aviation Regulation of 2008 (Adoption of Measures Implementing Regulation (EC) No 1107/2006) and Art. 243, 245 and 246 of the Civil Aviation Act.

Art. 5. of the Civil Aviation Regulation of 2008 (Adoption of Measures Implementing Regulation (EC) No 1107/2006)

5.1. If after examination of the complaint the competent body finds that the party against whom the complaint was made had acted correctly, the passenger shall be notified thereof by a reasoned decision.

5.2. If after examination of the complaint the competent body finds that there has been an infringement of the provisions of Regulation (EC) No 1107/2006, the party against whom the complaint was made and the passenger shall be notified thereof by a reasoned decision within sixty (60) days after the written complaint was filed.

5.3. Where, in accordance with paragraph 2, the competent body finds that there has been an infringement of the provisions of Regulation (EC) No 1107/2006, the competent body may impose on the infringing party the administrative penalties provided for in Articles 243, 245 and 246 of the Civil Aviation Act.

Art. 243 : Administrative Infringements

1. Anyone who violates the instructions, obligations or prohibitions laid down in the provisions of the present Act or abuses the power vested in him by the present Act commits an administrative infringement.

(...)

4. Are not covered by paragraphs 1, 2 and 3, infringements which under the present or other Acts constitute punishable offences.

Art. 245: Administrative Penalties

1. Anyone who commits an administrative infringement is liable to incur an administrative penalty in the form of a fine and/or the suspension or cancellation of his permit or similar administrative act.

2. The administrative penalty must have an objective connection with and must be in reasonable proportion to the administrative infringement, and must be aimed at preventing a repetition of such infringement.

Art. 246: Fines

1. Without prejudice to Article 184 (fines), the Minister may, by reasoned decision, impose on any natural or legal person, company or group of companies, a fine which, subject to paragraph 3, shall not exceed five thousand pounds or 10 % of the annual turnover in the relevant line of business of the company in question, if the natural or legal person, company or group of companies, either intentionally or out

of negligence, has committed the administrative infringements referred to in Article 243.

2. The Cabinet may, in order to keep in line with international practice, increase or decrease by regulation the amount or percentage of the fine referred to in paragraph 1.
3. The size of the fine referred to in paragraphs 1 and 2 shall take into account the seriousness, duration or repetition of the infringement. The fine must significantly exceed the financial benefit which infringement party derives from the infringement. To this end, the fine may exceed the upper limits set in paragraph 1.
4. Before a fine is imposed, the infringing party will be called upon in writing to account for its actions within a reasonable time, according to the circumstances.

\* \* \* \* \*

## **5. CZECH REPUBLIC**

Art. 93/7 and 93/8 of the Civil Aviation Act

Art. 93/7. Legal or business entities shall have committed an administrative offense if, in conflict with directly applicable EC legislation

- a) as air carriers, they do not make safety rules for the transport of persons with disabilities and persons with reduced mobility and orientation available to the public in a format and languages accessible to other passengers, including rules on the limitation of transporting these persons or transporting their mobility equipment because of the size of the aircraft,
- b) as air carriers, tourist office operators or travel agency operators, they do not make reasonable efforts to recommend acceptable alternative transport for persons with disabilities or persons with reduced mobility and orientation,
- c) as air carriers, tourist office operators or travel agency operators they do not give due regard at all sales outlets, including via telephone sales and internet sales to requests for assistance from persons with disabilities or persons with reduced mobility and orientation, or do not ensure that the request has been duly passed on in a timely manner,
- d) as airport operators, they do not designate quality norms for assisting persons with disabilities or persons with reduced mobility and orientation, do not define the means necessary for their performance or do not make their quality norms public,

- e) as air carriers or airport operators, they do not ensure that all employees, including employees of other entities active at the airport in question who directly assist persons with disabilities or persons with reduced mobility and orientation, meet the special needs of these individuals or do not provide training on equal opportunities for disabled persons and the issue of disabilities to all airport personnel coming into direct contact with passengers from the general public, or do not ensure that all employees have undergone training on disability issues,
- f) as air carriers, operators of a tourist office or travel agency, they do not immediately inform persons with disabilities or persons with reduced mobility and orientation whose reservations have been refused or who have not been allowed to board the aircraft for justified reasons what those reasons are or do not provide information about these reasons in writing within five days from the date request for a written explanation was made,
- g) as air carriers, they do not provide persons with disabilities and persons with reduced mobility and orientation with assistance free of charge during takeoff, landing or transit at the airport in keeping with directly applicable EC legislation,
- h) as airport operators, they do not designate an arrival and departure area at the airport where persons with disabilities or persons with reduced mobility and orientation may easily make notification of their arrival at the airport, or do not provide basic information in these areas about the airport or do not clearly designate the area,
- i) as airport operators, they do not ensure that the assistance designated in directly applicable EC legislation has been offered to persons with disabilities and persons with reduced mobility and orientation free-of-charge,
- j) as airport operators, they do not provide assistance to persons with disabilities and persons with reduced mobility and orientation, in keeping with directly applicable EC legislation, who have come to the airport for departure in a manner which enables these persons to take part in the flight for which they have reservations,
- k) as air carriers, operators of tourist offices or travel agencies, they refuse without grounds to make reservations for persons with disabilities and persons with reduced mobility and orientation on a flight to or from an airport or refuse to accept this person on board if the person possesses a valid ticket and reservation, or
- l) as air carriers, operators of tourist offices or travel agencies, they do not offer persons with disabilities or persons with reduced mobility and orientation who have been refused boarding because of their disability or limited capability for movement and orientation and persons accompanying them reimbursement of expenses or redirection.

Art. 93/8. A fine for administrative offenses may be levied up to

- a) CZK 300,000, if it concerns an administrative offense specified in Paragraph 1 Letters a), b), c) or d) or Paragraph 7 Letters a), b) or c),
- b) CZK 500,000, if it concerns an administrative offense specified in Paragraph 1 Letters e), f), g), h) or i), Paragraph 3 or Paragraph 7 Letters d), e) or f),
- c) CZK 1,000,000, if it concerns an administrative offense specified in Paragraph 1 Letters j), k), l), m or n), Paragraph for Letter a), Paragraph 5 Letters c) or d), Paragraph 6 Letter b) or Paragraph 7 Letters g) or h),
- d) CZK 3,000,000, if it concerns an administrative offense specified in Paragraph 1 Letters o), p), q), r), s), t), u), v) or w), Paragraph 2 Letters a), b), c), d), e) or f), Paragraph 4 Letter b), Paragraph 6 Letter a) or Paragraph 7 Letters i) or j),
- e) CZK 5,000,000, if it concerns an administrative offense specified in Paragraph 2 Letters g), h), i), j), k), l), m), n), o), p), q), r), s), t), u), v), w) or x), Paragraph 5 Letters a) or b), Paragraph 6 Letter c) or Paragraph 7 Letters k) or l).

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## 6. DENMARK

Art. 149 (11) and 149 a. of the Air Navigation Act Order

§ 149. Stk 11. Overtrædelse af bestemmelser i EFforordninger på områder, der omfattes af loven, straffes med bøde eller fængsel indtil 4 måneder, jf. dog § 149 a.

§ 149 a. Den, der i overensstemmelse med regler fastsat i medfør af § 89 b har foretaget anmeldelse om forhold, der ikke har medført et flyvehavari eller en flyvehændelse, kan ikke for det pågældende forhold straffes for overtrædelse af § 42, bestemmelser fastsat i medfør af §§ 31, 52, 54, 82 eller 83 eller bestemmelser i EF-forordninger på områder, der omfattes af loven.

§ 89 b. Transport- og energiministeren kan fastsætte regler om, at der til brug for Statens Luftfartsvæsenes forebyggende flyvesikkerhedsmæssige arbejde af personer, der er omfattet af § 35 eller § 74, virksomheder og ansatte i virksomheder samt ejere af luftfartøjer skal gives indberetning til luftfartsvæsenet om driftsforstyrrelser og andre irregulære forhold af betydning for flyvesikkerheden, der ikke har medført et flyvehavari

eller en flyvehændelse, jf. § 135. Ministeren fastsætter, i hvilke tilfælde der skal gives indberetning, hvornår og i hvilken form indberetningen skal gives, og hvad den skal indeholde.

Stk. 2. Statens Luftfartsvæsens personale, ansatte i andre dele af den offentlige forvaltning og eventuelle tilkaldte sagkyndige er under ansvar efter straffelovens §§ 152 og 152 a-e forpligtet til over for uvedkommende at hemmeligholde oplysninger, som indberettes i henhold til regler fastsat i medfør af stk. 1, jf. dog stk. 3.

Stk. 3. Oplysninger kan videregives til udenlandske myndigheder og internationale organisationer, når det

1) følger af international aftale eller forpligtelse eller

2) er af væsentlig betydning for den udenlandske myndigheds eller internationale organisations forebyggende flyvesikkerhedsmæssige arbejde og den pågældende myndighed eller organisation er undergivet tavshedspligt i mindst samme omfang som Statens Luftfartsvæsen.

Stk. 4. Statens Luftfartsvæsen offentliggør rapporter om oplysninger, som indberettes i henhold til regler fastsat i medfør af stk. 1, jf. Dog stk. 3.

**Official translation:**

Art. 149 (11). Violation of provisions in EEC Regulations in areas covered by this Act will be punished by fine or imprisonment for up to 4 months, cf. however § 149 a.

Art. 149 a. A person who in accordance with rules laid down in pursuance of § 89 b has reported circumstances that have not resulted in an aircraft accident or aircraft incident, cannot be punished for the circumstance in question for violation of § 42, regulations laid down in pursuance of §§ 31, 52, 54, 82 or 83, or regulations in EU regulations in areas covered by the Act.

Art. 89 b. The Minister of Transport and Energy may give regulations stating that, for the use in the Civil Aviation Administration - Denmark's preventive flight safety work, persons covered by § 35 or § 74, companies and employees in companies as well as aircraft owners shall report to the Civil Aviation Administration - Denmark any operational interruption and other irregular circumstance of importance to flight safety that has not resulted in an aircraft accident or aircraft incident, cf. § 135. The Minister determines in which situations reporting shall be made, when and in what form the notification shall be given and what it shall contain.

(2) The Civil Aviation Administration - Denmark's personnel, employees in other parts of the public administration and any experts called in shall, under §§ 152 and 152 a-e of

the Danish Criminal Code, be under the obligation to keep secret any information reported in accordance with regulations laid down in pursuance of subsection (1), cf. however, (3).

(3) The information may be passed on to foreign authorities and international organisations when it

1) follows from international agreement or obligation or

2) is of major importance to the preventive flight safety work of the foreign authority or organisation, and the authority or organisation in question is subject to secrecy at least to the same extent as the Civil Aviation Administration - Denmark.

(4) The Civil Aviation Administration - Denmark publishes reports on information reported according to rules laid down in pursuance of subsection (1), cf. however subsection 3.

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## **7. ESTONIA**

Estonia has not yet adopted rules on penalties applicable to the implementation of the Regulation. On the basis on the Consumer Protection Act, in case of infringement of the Regulation, an Operator could be punished by the fine applicable generally to all the infringements of a consumer rights provisions.

Art. 40 of the Consumer Protection Act

(1) Upon detection of an offence, a supervisory official may issue a precept in which he or she:

- 1) demands that the offence be terminated and, if possible, that the initial situation be restored, or
- 2) requires the offering and sale of goods or services which do not meet the requirements to be suspended and prescribes a term for bringing the goods or services into compliance with the requirements.

(2) A precept shall set out:

- 1) the name and position of the person issuing the precept;
- 2) the date of issue of the precept;
- 3) the name and address of the recipient of the precept;
- 4) the factual and legal basis for the precept;

- 5) a clearly expressed demand together with references to the provisions of relevant legislation;
  - 6) the term for compliance with the precept;
  - 7) the size of the penalty payment to be imposed upon failure to comply with the precept;
  - 8) the procedure for contestation of the precept.
- (3) A precept shall be submitted to the representative of a trader immediately against a signature or sent to the representative of the trader by registered mail with advice of delivery.
- (4) Compliance with precepts is mandatory for traders. Contestation of a precept does not release the trader from the obligation to comply with the precept unless a court decides otherwise.
- (5) Upon failure to comply with a precept specified in subsection (1) of this section, a penalty payment may be imposed pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act (RT I 2001, 50, 283; 94, 580). The upper limit for a penalty payment is 10 000 kroons.

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## **8. FINLAND**

Chapter 1 and 2 of the Uhkasakkolaki 14.12.1990/1113 [*Act on Conditional Imposition of Fine (1113/1990)*]

1 LUKU. Yleiset säännökset

1 § Soveltamisala

Tätä lakia sovelletaan, kun viranomaisen antaman käskyn tai kiellon (päävelvoite) tehosteeksi asetetaan uhkasakko ja kun se tuomitaan maksettavaksi.

Lakia sovelletaan myös teettämisuhan ja keskeyttämisuhan asettamiseen ja määräämiseen täytäntöön pantavaksi.

2 § Soveltamisalan rajoitukset

Tämä laki ei koske oikeudenkäynnin kulun turvaamiseksi asetettavaa uhkasakkoa. (30.4.1999/557)

Lakia ei sovelleta uhkasakkoon, teettämisuhaan tai keskeyttämisuhaan, jonka asettaminen kuuluu yleisen tuomioistuimen tai ulosottoviranomaisen toimivaltaan, ellei muualla laissa erikseen toisin säädetä. (16.8.1996/624)

3 § Lain toissijaisuus

Jos muussa laissa tai ennen tämän lain voimaantuloa annetussa asetuksessa on tästä laista poikkeavia säännöksiä, niitä sovelletaan tämän lain sijasta.

#### 4 § Toimivalta

Viranomaisen voi asettaa uhkasakon, teettämisuhan tai keskeyttämisuhan, jos niin on laissa säädetty.

#### 5 § Vireillepano

Tässä laissa tarkoitettu asia pannaan vireille asianomaisten säännösten ja määräysten noudattamista valvovan viranomaisen aloitteesta tai esityksestä taikka sen hakemuksesta, jonka etua tai oikeutta asia koskee.

## 2 LUKU. Uhkasakko

#### 6 § Uhkasakon asettaminen

Uhkasakko asetetaan määrämällä päävelvoite asianosaisen noudatettavaksi sakon uhalla. Kunkin päävelvoitteen tehosteeksi on asetettava eri uhkasakko.

Uhkasakko asetetaan markkamäärältään kiinteänä tai siten, että sen suuruus määräytyy ajan kulumisen mukaan (juokseva uhkasakko).

Asettamispäätöksestä on käytävä selvästi ilmi, mihin asianosainen on velvoitettu ja milloin, mihin mennessä tai mistä lähtien päävelvoitetta on noudatettava. Määräajan pituutta harkittaessa on otettava huomioon päävelvoitteen laatu ja laajuus, velvoitetun mahdollisuus noudattaa sitä sekä muut asiaan vaikuttavat seikat.

#### 7 § Uhkasakon kohdistaminen

Uhkasakko voidaan kohdistaa vain sellaiseen asianosaiseen, jolla on oikeudellinen ja tosiasiallinen mahdollisuus noudattaa päävelvoitetta. Jos uhkasakko kohdistetaan useisiin asianosaisiin, kullekin on asetettava eri uhkasakko.

Jos päävelvoite koskee yhteisöä tai säätiötä, uhkasakko kohdistetaan joko yhteisöön tai säätiöön taikka sen päätösvaltaa käyttävän toimielimen jäseniin tai toimitusjohtajaan tai vastaavassa asemassa olevaan muuhun henkilöön.

Valtiota koskeva päävelvoite ja uhkasakko kohdistetaan valtioon tai sen puolesta viranomaiseen, jonka tehtävänä on noudattaa päävelvoitetta ja jolla on oikeus käyttää valtion puhevaltaa asiassa.

#### 8 § Uhkasakon suuruus

Uhkasakon suuruutta harkittaessa on otettava huomioon päävelvoitteen laatu ja laajuus, velvoitetun maksukyky ja muut asiaan vaikuttavat seikat.

#### 9 § Juokseva uhkasakko

Juokseva uhkasakko asetetaan määrämällä uhkasakolle kiinteä peruserä sekä lisäerä jokaista sellaista päätöksessä ilmoitettavaa ajanjaksoa (uhkasakkojakso) varten, jonka kuluessa päävelvoitetta ei ole noudatettu.

#### 10 § Uhkasakon tuomitseminen

Uhkasakon asettanut viranomaisen voi tuomita uhkasakon maksettavaksi, jos päävelvoitetta ei ole noudatettu eikä noudattamatta jättämiseen ole pätevää syytä. Edellytyksenä uhkasakon tuomitsemiselle maksettavaksi on, että uhkasakon asettamista koskeva päätös on lainvoimainen, jollei päätöstä ole säädetty tai määrätty noudatettavaksi muutoksenhausta huolimatta.

Uhkasakon lisäeristä voidaan kerralla tuomita maksettavaksi enintään kolme kertaa peruserän suuruinen summa. Tämän ylittävältä osalta lisäerät raukeavat niiltä uhkasakkojaksoilta, jotka ovat alkaneet ennen kuin päätös uhkasakon tuomitsemisesta tehdään.

Tuomitun uhkasakon täytäntöönpanosta ja muuntorangaistuksesta säädetään erikseen.

11 § Uhkasakon tuomitseminen asetettua pienempänä

Uhkasakko voidaan tuomita asetettua pienempänä, jos päävelvoitetta on olennaiselta osalta noudatettu tai velvoitetun maksukyky on merkittävästi alentunut taikka uhkasakon määrän alentamiseen on muu perusteltu syy.

12 § Uuden uhkasakon asettaminen

Uutta uhkasakkoa ei saa asettaa, ellei kysymystä aikaisemman uhkasakon tuomitsemisesta ole käsitelty.

Jos olosuhteet ovat muuttuneet tai asiaan on saatu olennaista uutta selvitystä taikka aikaisempi päätös perustuu ilmeisen väärään lain soveltamiseen, uhkasakon asettanut viranomainen voi poistaa aikaisemman uhkasakon asettamista koskevan päätöksensä ja käsitellä asian kokonaan tai osittain uudelleen. Jos aikaisempaan päätökseen on vireillä muutoksenhaku, asian uudelleen käsittelemisestä on ilmoitettava ja tehty päätös toimitettava muutoksenhakuviranomaiselle.

13 § Uhkasakon vanhentuminen

Uhkasakkoa ei saa tuomita maksettavaksi, ellei sen tuomitsemisen johdosta asianosaiselle ole varattu tilaisuutta 22 §:ssä tarkoitetun selityksen antamiseen kahden vuoden kuluessa siitä, kun uhkasakon asettamispäätös on saanut lainvoiman ja päävelvoitteen täyttämistä koskeva määräaika on päättynyt, taikka jos päävelvoitetta on noudatettava määrätystä ajankohdasta alkaen, kahden vuoden kuluessa siitä, kun päävelvoitetta on rikottu.

### **Informal translation**

Article 1 - Scope of application

This act is applied when a default fine is imposed as a sanction for an order or prohibition given by an authority (primary obligation) and when it is ordered to be paid. The act is also applied to the imposition and ordering of the enforcement of a threat that otherwise something will be ordered done at the defaulter's expense, and of a threatened interruption.

Article 2 - Limitations of scope of application

This act does not apply to a default fine imposed for securing the cost of legal proceedings.

The act shall not be applied to a default fine, a threat that otherwise something will be ordered done at the defaulter's expense, or a threatened interruption, the imposition of which lies within the jurisdiction of a general court or execution authority, unless laid down separately otherwise elsewhere in law.

#### Article 3 - The subsidiarity of the act

If there are provisions different from this act in another law or in a regulation that has been given prior to the entry into force of this act, these are applied instead of this act.

#### Article 4 - Jurisdiction

An authority can impose a default fine, a threat that otherwise something will be ordered done at the defaulter's expense, or a threatened interruption, if this is what is laid down in law.

#### Article 5 - Institution

The matter referred to in this act is instituted on the initiative or on the recommendation of the authority supervising compliance with the provisions and regulations in question or upon application by the party whose interest or right the matter concerns.

#### Article 6 - Imposition of a default fine

A default fine is imposed by ordering the primary obligation to be complied with by the party under penalty of a fine. A separate default fine shall be imposed as a sanction for each primary obligation.

A default fine is imposed in a fixed amount of Finnish marks or whereby its size is determined according to the passage of time (running default fine).

The decision to impose shall clearly indicate what the party has been obligated to do and when, by what date or from what date the primary obligation shall be complied with. When considering the length of the deadline, the nature and extent of the primary obligation, the possibility of the obligated party to comply with it as well as other aspects influencing the matter shall be taken into account.

#### Article 7 - Directing the default fine

A default fine can be directed only at a party that has a legal and actual opportunity to comply with the primary obligation. If a default fine is directed at several parties, a separate default fine shall be imposed on each.

If the primary obligation applies to an organisation or foundation, the default fine is directed either at the organisation or foundation or members of its organ exercising power of decision or managing director or other person in a corresponding position.

A primary obligation and default fine concerning the state is directed at the state or on its behalf at the authority whose task is to comply with the primary obligation and which is entitled to exercise the state's right to be heard in the matter.

#### Article 8 - The size of the default fine

When considering the size of a default fine, the nature and extent of the primary obligation, the financial standing of the obligated party and other aspects influencing the matter shall be taken into account.

#### Article 9 - Running default fine

A running default fine is imposed by ordering for the default fine a fixed basic instalment as well as an additional instalment for each period of time stated in the decision (default fine period), in the course of which the primary obligation has not been complied with.

#### Article 10 - Ordering of a default fine

The authority that has imposed a default fine can order the default fine to be paid if the primary obligation has not been complied with and there is no valid reason for non-compliance. The requirement for ordering a default fine to be paid is that the decision concerning the imposition of the default fine is final, unless the decision has been laid down or ordered to be complied with notwithstanding appeal.

Additional instalments of a default fine can be ordered to be paid in one go in an amount up to three times the size of the basic instalment. In excess of this, the supplementary instalments lapse for those default fine periods that have commenced before the decision to order the default fine is made.

The enforcement of an ordered default fine and conversion of an unpaid fine into imprisonment are laid down separately.

#### Article 11 - Ordering a default fine lower than the one imposed

A default fine can be ordered lower than imposed if the primary obligation has essentially been complied with or the financial standing of the obligated party has significantly reduced or there exists some other justified reason for reducing the amount of the default fine.

#### Article 12 - Imposition of a new default fine

A new default fine must not be imposed unless the question of the ordering of the earlier default fine has been considered.

If circumstances have altered or fundamental new evidence has been obtained on the matter or an earlier decision is based on obviously wrong application of the law, the authority that imposed the default fine can cancel its earlier decision on the imposition of the default fine and consider the matter entirely or partly afresh. If an appeal is pending over the earlier decision, the appeal authority shall be notified of the reconsideration of the matter and supplied with the decision that is made.

#### Article 13 - Limitation of a default fine

A default fine must not be ordered to be paid unless on account of the ordering thereof the party has been provided with an opportunity for giving the account referred to in section 22 within two years of when the decision to impose the default fine has gained legal force and the deadline concerning fulfilment of the primary obligation has ended, or if the primary obligation shall be complied with starting from a prescribed date, within two years of the date when the primary obligation has been violated.

\* \* \* \* \*

## 9. FRANCE

Art. R. 217-6, R.217-8 and R.330-20 of the Civil Aviation Code

Art. R.217-6 : Le ministre chargé de l'aviation civile peut, après consultation de la commission administrative de l'aviation civile prévue à l'article R.160-3, prononcer une amende administrative à l'encontre de l'exploitant d'aérodrome qui ne respecte pas les obligations fixées par le règlement (CE) n° 1107/2006 du Parlement européen et du Conseil du 5 juillet 2006 concernant les droits des personnes handicapées et des personnes à mobilité réduite lorsqu'elles font des voyages aériens.

Art. R.217-8 : Le ministre chargé de l'aviation civile, après consultation de la commission administrative de l'aviation civile fixe, s'il y a lieu, le montant de l'amende prévue à l'article R.217-6 en tenant compte de la nature et de la gravité des manquements constatés. Ce montant ne peut excéder 7.500 € par manquement. Ce plafond est doublé en cas de nouveau manquement commis dans le délai d'un an à compter du précédent.

Art. R.330-20 : Le ministre chargé de l'aviation civile peut, après consultation de la commission administrative de l'aviation civile prévue à l'article R.160-3, prononcer une amende administrative à l'encontre de la personne physique ou morale qui :  
(...)

8. Soit ne respecte pas les obligations fixées par le règlement (CE) n° 1107/2006, du Parlement européen et du Conseil du 5 juillet 2006 concernant les droits des personnes handicapées et des personnes à mobilité réduite lorsqu'elles font des voyages aériens.

### **Informal translation:**

Art. R.217-6: The Minister for Civil Aviation may, after consulting the Administrative Commission of Civil Aviation under Article R.160-3, issue an administrative penalty against the managing body of an airport that does not comply with the obligations imposed by Regulation (EC) No 1107/2006 of the European Parliament and the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when traveling by air.

Art. R.217-8: The Minister for Civil Aviation, after consulting the Administrative Commission of Civil Aviation shall, where applicable, the amount of the penalty provided by Article R.217-6 taking into account the nature and seriousness of the breaches. This amount cannot exceed 7.500 € per infringement. The maximum amount of the penalty is doubled in the case of any new infringement committed within one year after the previous.

Art. R.330-20: The Minister for Civil Aviation may, after consulting the Administrative Commission of Civil Aviation under Article R.160-3, issue an administrative penalty against a natural or legal person who:

(...)

8. Do not comply with the obligations laid down by Regulation (EC) No 1107/2006 of the European Parliament and the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when traveling by air.

\* \* \* \* \*

## **10. GERMANY**

Art. 32.5a, 58.2 and 58.13 of the Luftverkehrsgesetzes (LuftVG) [*Aviation Act*] and Art. 108.4 of the LuftVZO [*Air Navigation Regulation*]

§32 Abs 5a LuftVG: Das Bundesministerium für Verkehr, Bau und Stadtentwicklung wird ermächtigt, soweit dies zur Durchsetzung der Rechtsakte der Europäischen Gemeinschaft erforderlich ist, durch Rechtsverordnung mit Zustimmung des Bundesrates die Tatbestände zu bezeichnen, die als Ordnungswidrigkeit nach § 58 Abs. 1 Nr. 13 geahndet werden können.

§ 58 Abs 2 LuftVG: Die Ordnungswidrigkeit nach Absatz 1 Nr. 2, 3, 8a, 9, 12 und 12a kann mit einer Geldbuße bis zu zehntausend Euro, die Ordnungswidrigkeit nach Absatz 1 Nr. 5 bis 7 und 13 mit einer Geldbuße bis zu fünfundzwanzigtausend Euro, die Ordnungswidrigkeit nach Absatz 1 Nr. 1, 4, 8, 10, 11, 14 und 15 mit einer Geldbuße bis zu fünfzigtausend Euro geahndet werden.

§ 58 Abs 13 LuftVG: (1) Ordnungswidrig handelt, wer vorsätzlich oder fahrlässig

(...)

13. einer unmittelbar geltenden Vorschrift in Rechtsakten der Europäischen Gemeinschaft, die das Luftrecht regeln, zuwiderhandelt, soweit eine Rechtsverordnung nach § 32 Abs. 5a für einen bestimmten Tatbestand auf diese Bußgeldvorschrift verweist.

§ 108 Abs. 4 LuftVZO: Ordnungswidrig im Sinne des § 58 Abs. 1 Nr. 13 des Luftverkehrsgesetzes handelt, wer gegen die Verordnung (EG) Nr. 1107/2006 des Europäischen Parlaments und des Rates vom 5. Juli 2006 über die Rechte von behinderten Flugreisenden und Flugreisenden mit eingeschränkter Mobilität (ABl. EU Nr. L 204 S. 1) verstößt, indem er vorsätzlich oder fahrlässig

1.entgegen Artikel 3 sich weigert, eine Buchung zu akzeptieren oder eine Person an Bord zu nehmen,

2.entgegen Artikel 4 Abs. 1 Satz 3 einen Anspruch auf Erstattung oder anderweitige Beförderung nicht oder nicht rechtzeitig anbietet,

3.entgegen Artikel 4 Abs. 4 einen behinderten Menschen oder eine Person mit eingeschränkter Mobilität nicht, nicht richtig, nicht vollständig oder nicht rechtzeitig unterrichtet oder die Gründe für eine Ausnahme nicht, nicht richtig, nicht vollständig, nicht in der vorgeschriebenen Weise oder nicht rechtzeitig übermittelt,

4.entgegen Artikel 5 Abs. 2 die Ankunfts- und Abfahrtsorte nicht oder nicht richtig ausweist,

5.entgegen Artikel 6 Abs. 1 eine erforderliche Maßnahme nicht ergreift,

6.entgegen Artikel 6 Abs. 2 eine Information über einen Hilfsbedarf nicht, nicht richtig, nicht vollständig oder nicht rechtzeitig weiterleitet,

7.entgegen Artikel 7 Abs. 1 Satz 1, Abs. 5 oder 6 nicht dafür Sorge trägt, dass die dort genannte Hilfe geleistet wird,

8.entgegen Artikel 8 Abs. 1 nicht dafür Sorge trägt, dass die dort genannte Hilfe ohne zusätzliche Kosten geleistet wird,

9.entgegen Artikel 10 die dort genannte Hilfe nicht oder nicht in der vorgeschriebenen Weise leistet oder

10.entgegen Artikel 11 Buchstabe a nicht dafür Sorge trägt, dass ein Mitarbeiter über die dort genannten Kenntnisse verfügt.

#### **Informal translation**

Art. 32.5a: The Federal Ministry of Transport, Building and Urban Development is competent, in so far it is necessary for the enforcement of the acts of the European

Community, to designate, by regulation, with the approval of the Federal Council, the acts which can be punished as a crime under § 58 No 13

Art. 58.2:

The failure to the section 1, No 2, 3, 8A, 9 and 12 A is punished by a fine up to 10.000,-€.

The failure to the section 1, No 5 to 7 and 17 is punished by a fine up to 25.000,-€.

The failure to the section 1, No 1, 4, 8, 10, 11, 14 and 15 is punished by a fine up to 50.000,-€.

Art. 58.13: (1) Acts order-adversely, someone who deliberately or by negligence  
(...)

13. violates a directly applicable prescription of the legal instruments of the European Community which regulate air traffic, in so far a statutory order taken application of §32 paragraph 5a refers for a given fact to the present penalty clause.

Art. 108.4 of the Air Navigation Regulation

Acts unlawfully within the meaning of Art. 58 section 1, No. 13 of the Aviation Act, a person who infringes, intentionally or negligently, the Regulation (EC) 1107/2006 of the European Parliament and the Council of 5 July 2006 on the rights of disabled persons and persons with reduced mobility when traveling by air because he:

1) refuses to accept a reservation or refuses to embark a person on board, in contradiction with Article 3;

2) does not offer or offer illegally damages or other similar right to compensation, in contradiction with Article 4.1, paragraph 3;

3) does not give the necessary information, or incomplete or illegal to a DP or a PRM or does not communicate or not legally, in full and in the forms prescribed, the reasons of an exception, in contradiction with Article 4.4;

4) does not or does not correctly designate points of arrival and departure, in contradiction with Article 5.2;

5) does not take the necessary measures to assist DPs and PRMs, in contradiction with Article 6.1;

6) does not transmit the information concerning assistance needing or does not transmit it correctly, completely and in a form consistent with the law, in contradiction with Article 6.2;

7) does not provide the assistance mentioned in the Article 7.1, section 1, subsections 5 and 6;

8) does not ensure that the assistance to DPs and PRMs is provided without additional

costs, in contradiction to Article 8, Section 1;  
9) does not provide the assistance listed to DPs and PRMs or does not provide it in the manner prescribed, in contradiction with Article 10  
10) does not ensure that the employees have an appropriate training, in contradiction with Article 11, lit. A,

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## **11. GREECE**

We have no available information.

\* \* \* \* \*

## **12. HUNGARY**

Art. 666/A of the 1995. évi XCVII. Törvény [*Air Traffic Act XCVII of 1995*]

Art. 16 of the 2003. évi CXXV. Törvény [*Act on equal treatment CXXV of 2003*]

Art. 66/A of the Air traffic Act

(1) A törvényben, az e törvény felhatalmazása alapján kiadott jogszabályban és közösségi rendeletben előírt

- a) légitársasági, légitársasággal összefüggő tevékenységre,
- b) légitársaság lajstromozására, nyilvántartására, üzemben tartására, biztosítására,
- c) légitársasági akadályra,
- d) nyilvános repülőrendezvényre,
- e) szakszolgálati tevékenységre,
- f) adatszolgáltatásra, tájékoztatásra, bejelentésre,
- g) légitársaság védelmére,
- h) zajkorlátozásra

vonatkozó rendelkezések megsértőivel szemben 3 000 000 Ft-ig terjedő bírság szabható ki. A hatóság a bírság kiszabását akkor mellőzi, ha a bírság kiszabására okot adó tevékenység vagy mulasztás az életet, a testi épséget, a vagyonbiztonságot, a közlekedés biztonságát vagy a közteherrelszállítás kötelezettség teljesítését közvetlenül nem veszélyezteti, harmadik személynek kárt nem okoz, a tevékenység vagy mulasztás

tekintetében a rosszhiszeműség, a hatóság félrevezetésének szándéka nem állapítható meg, és a tevékenység vagy mulasztás első ízben fordul elő.

(2) A bírsággal kapcsolatos eljárást a légiközlekedési hatóság folytatja le. A bírság összegét az eset összes körülményére - így különösen a jogsértés által érintettek körének nagyságára, a jogsértés súlyára, a jogsértő állapot időtartamára, a jogsértő magatartás ismételt tanúsítására, a jogsértés veszélyességére vagy károsító hatására, a bekövetkezett kár mértékére, a helyreállíthatóság lehetőségére és a jogsértéssel elért jogtalan előny mértékére - tekintettel kell meghatározni.

(3) A bírság ismételten is kiszabható.

(4) A bírság összege a légiközlekedési hatóságot illeti meg.

(5) A bírság kivetésének részletes szabályait és a beszedett bírság összegének felhasználási rendjét a miniszter az államháztartásért felelős miniszterrel egyetértésben és a légiközlekedési hatóság által kijelölt zajgátló védőövezet által érintett települési önkormányzatokkal egyeztetve rendeletben állapítja meg.

(...)

Art. 16 of the Act on equal treatment

16. § (1) Ha a hatóság megállapította az e törvényben foglalt, az egyenlő bánásmód követelményét biztosító rendelkezések megsértését

a) elrendelheti a jogsértő állapot megszüntetését,

b) megtilthatja a jogsértő magatartás jövőbeni tanúsítását,

c) elrendelheti a jogsértést megállapító jogerős határozatának nyilvános közzétételét,

d) bírságot szabhat ki,

e) külön törvényben meghatározott jogkövetkezményt alkalmazhat.

(2) Az (1) bekezdésben meghatározott jogkövetkezményeket az eset összes körülményeire - így különösen a sérelmet szenvedettek körére, a sérelem következményeire, a jogsértő állapot időtartamára, a jogsértő magatartás ismételt tanúsítására és a jogsértő teljesítőképességére - tekintettel kell meghatározni.

(3) Az (1) bekezdésben meghatározott jogkövetkezmények együttesen is alkalmazhatóak.

(4) Az (1) bekezdés d) pontja alapján kiszabott bírság összege ötvenezer forinttól hatmillió forintig terjedhet.

(5) Ha a hatóság megállapította, hogy az arra kötelezett munkáltató elmulasztotta az esélyegyenlőségi terv elfogadását, felszólítja a munkáltatót a mulasztás pótlására, és - a (2)-(4) bekezdés megfelelő alkalmazásával - az (1) bekezdés c)-e) pontjaiban meghatározott jogkövetkezményeket alkalmazhatja.

## Informal translation

Art. 66/A of the Air traffic Act

(1) Fine up to 3.000.000 Ft can be imposed by violating the provisions of the law, of the legislation issued pursuant to this law and of the community regulation concerning:

- a) air traffic, air-transport-related activities
- b) aircraft-registration, -register, -operation, -insurance
- c) aviation obstacle
- d) public aviation event
- e) providing information, communication, notification
- f) aviation security
- g) noise limitation

The authority ignores the imposition of the fine if the activity or the negligence which has led to it does not directly jeopardise life, physical integrity, safety of property, transport safety or the redemption of civil obligations; does not cause injury for a third person; lack of intended good faith or misdirection of the authority cannot be observed concerning the activity or the negligence and it is the first time that the activity or the negligence occurs.

(2) The procedure in connection with the imposition of fine is applied by the aviation authority. The composition of the court shall be defined by taking all circumstances into account, including: the extent of the category of those concerned by the infringement, the gravity of the infringement, the duration of the infringing state, the repetition of the infringement, the danger of the infringement or the damaging effects, the extent of the injury, the possibilities for reparation and the rate of the undue advantage.

(3) Fine may be imposed repeatedly.

(4) The amount of the fine shall be granted to the aviation authority.

(5) Detailed rules for application and regime of utilization of fine collected shall be laid down in ministerial order in accordance with the minister for general government and in consultation with the local governments concerned by the safeguard zone for noise-protection notified by the aviation authority.

Art. 16 of the Act on equal treatment

(1) If the Authority has established that the provisions ensuring the principle of equal treatment laid down herein have been violated, they may

- a) order that the situation constituting a violation of law be eliminated,
- b) prohibit the further continuation of the conduct constituting a violation of law,

- c) order that its decision establishing the violation of law be published,
- d) impose a fine,
- e) apply a legal consequence determined in a special act.

(2) The legal consequences set out in Paragraph (1) shall be determined taking into consideration all circumstances of the case, with particular regard to those who have been effected by the violation of law, the consequences of the violation of law, the duration of the situation constituting a violation of law, the repeated demonstration of conduct constituting a violation of law and the financial standing of the person or entity committing such a violation.

(3) The legal consequences set out in Paragraph (1) can also be applied collectively.

(4) The amount of the fine imposed in accordance with Paragraph (1)d) may vary from HUF fifty thousand to HUF six million.

(5) If the Authority established that an employer obliged to approve an equal opportunities plan had failed to do so, it shall call upon the employer to rectify the omission and, with an appropriate application of Paragraphs (2) and (4), the Authority may apply the legal consequences defined in Paragraph (1) c) and e).

\* \* \* \* \*

### **13. IRELAND**

Art. 4, 5 and 6 of the European Communities Regulations 2008 (rights of disabled persons and persons with reduced mobility when travelling by air). Statutory Instruments No. 299 of 2008.

Art. 4. (1) The Commission [*for Aviation Regulation*] may issue general directions to air carriers, their agents, tour operators or the managing bodies of airports in relation to compliance with the Regulation.

(2) A direction under this Regulation should be notified to the persons concerned in such manner as the Commission decides including by the issue of a general notice to the persons concerned or publication on the website of the Commission.

(3) Persons to which a direction under this Regulation has been issued shall ensure compliance with the direction.

Art. 5. Subject to Article 4, an air carrier or its agent or a tour operator who contravenes Article 3 or 6(2) commits an offence and is liable on summary conviction to a fine not exceeding 5.000 €.

Art. 6.

(1) The Commission either on its own initiative or following a complaint to it by a disabled person or person with reduced mobility, being of the opinion that an air carrier or its agent or a tour operator or managing body of an airport is failing to comply with or is infringing the Regulation, may issue a direction to the carrier, agent, operator or body to comply with the Article concerned of the Regulation or cease the infringement and to comply with any requirements of the direction.

(2) The person to whom a direction has been given may, within 14 days of its issue, make representations to the Commission, which the Commission shall consider. The Commission shall where it has received any such representations, reply in writing to the person within 2 months of receipt of them. The Commission in its reply may confirm, vary or withdraw the direction. Where the direction is confirmed (with or without variation) it takes effect on the date the reply is given.

(3) Where a direction has been given to a person who—

(a) has not made representations to the Commission within the period of 14 days of the issue of the direction, after such period, or

(b) has made such representations and the Commission has replied to the carrier confirming the direction with or without variation, after the reply is given, fails, without reasonable excuse, to comply with the direction, the person commits an offence and is liable—

(i) on summary conviction, to a fine not exceeding 5.000 €, or

(ii) on conviction on indictment, to a fine not exceeding 150.000 €.

(4) Where a direction or reply is required to be given to a person, the direction or reply shall be addressed to the person and shall be given to the person in one of the following ways—

(a) by delivering it to the person,

(b) by leaving it at the address at which the person carries on business,

(c) by sending it by post in a pre-paid registered letter addressed to the person at the address at which the person carries on business,

(d) if an address for the service of a direction or reply has been furnished by the person, by leaving it at, or sending it by pre-paid registered post addressed to the person to, that address,

(e) by sending it by means of electronic mail or a facsimile machine, to a device or facility for the reception of electronic mail or facsimiles located at the address at which the person carries on business or, if an address for the service of a direction or reply has been furnished by the person, that address, but only if—

(i) the sender's—

(I) facility for the reception of electronic mail generates a message confirming a receipt of the electronic mail, or

(II) facsimile machine generates a message confirming successful transmission of the total number of pages of the direction or reply,

and

(ii) the direction or reply is also given in one of the other ways mentioned in any of the preceding paragraphs.

(5) For the purposes of paragraph (4) a company registered under the Companies Acts is deemed to be ordinarily resident at its registered office, and every other body corporate and every unincorporated body is deemed to be ordinarily resident at its principal office or place of business.

(6) A copy of a direction or reply, which has endorsed on it a certificate purporting to be signed by a commissioner, the deputy commissioner or an officer of the Commission (authorised in that behalf by the Commission) stating that the copy is a true copy of the direction or reply may, without proof of signature of that person, be produced in every court and in all legal proceedings and is evidence, unless the contrary is shown, of the direction or reply.

(7) In this Regulation—

“direction” means a direction under paragraph (1);

“reply” means a reply by the Commission under paragraph (2).

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## **14. ITALY**

Decreto Legislativo 24 febbraio 2009, n. 24 "Disciplina sanzionatoria per la violazione delle disposizioni del regolamento (CE) n. 1107/2006 relativo ai diritti delle persone con disabilità e delle persone a mobilità ridotta nel trasporto aereo"

*[Law Decree of the 24 February 2009 concerning the sanctions for violation of the provisions of Regulation (EC) No 1107/2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air]*

#### Art. 1: Oggetto

1. Fatto salvo quanto previsto all'articolo 1174 del Codice della navigazione, il presente decreto detta la disciplina sanzionatoria per le violazioni del regolamento (CE) n. 1107/2006 del Parlamento europeo e del Consiglio, del 5 luglio 2006, relativo ai diritti delle persone con disabilità e delle persone a mobilità ridotta nel trasporto aereo, di seguito denominato: «Regolamento».

#### Art. 2 : Organismo responsabile dell'applicazione delle disposizioni

1. L'Ente nazionale per l'aviazione civile (ENAC) e' responsabile dell'accertamento delle violazioni ed irroga le sanzioni previste agli articoli 3, 4, 5, 6, 7, 8 e 9, ai sensi della legge 24 novembre 1981, n. 689, per le finalità di cui all'articolo 16 del regolamento.

#### Art. 3 : Negata prenotazione

1. Salvo che il fatto costituisca reato, e' soggetto alla sanzione amministrativa pecuniaria da euro diecimila ad euro quarantamila il vettore aereo, un suo agente o un operatore turistico, che rifiuta per motivi di disabilità o di mobilità ridotta di accettare una prenotazione per un volo, fatte salve le deroghe previste dall'articolo 4, lettere a) e b) del regolamento.

#### Art. 4 : Negato imbarco

1. Salvo che il fatto costituisca reato, e' soggetto alla sanzione amministrativa pecuniaria da euro trentamila ad euro centoventimila il vettore aereo, un suo agente o un operatore turistico che rifiuta l'imbarco a una persona con disabilità o a mobilità ridotta al di fuori dei casi di deroga di cui all'articolo 4, lettere a) e b) del regolamento.

2. Salvo che il fatto costituisca reato, e' soggetto alla sanzione amministrativa pecuniaria da euro ventimila ad euro ottantamila il vettore aereo, un suo agente o un operatore turistico che, rifiutato l'imbarco a causa di una delle ragioni di deroga di cui all'articolo 4, lettere a) e b) del regolamento, non provvede al rimborso del biglietto o all'offerta di un volo alternativo anche all'eventuale accompagnatore, non rispettando le procedure previste dall'articolo 8 del regolamento (CE) n. 261/2004 del Parlamento europeo e del Consiglio, dell'11 febbraio 2004.

#### Art. 5 : Obbligo di informazione

1. Salvo che il fatto costituisca reato, e' soggetto alla sanzione amministrativa pecuniaria da euro cinquemila ad euro ventimila il vettore aereo, un suo agente o l'operatore turistico che:

a) non mette a disposizione del pubblico, in formati accessibili e almeno nelle stesse lingue rese disponibili ad altri passeggeri, le norme di sicurezza che applica al trasporto di persone con disabilità e di persone a mobilità ridotta, nonché le eventuali restrizioni

al loro trasporto o al trasporto di attrezzature per la mobilità a causa delle dimensioni dell'aeromobile;

b) non informa la persona con disabilità o a mobilità ridotta delle ragioni in base alle quali si è avvalso delle deroghe previste dall'articolo 4, lettere a) e b), del regolamento e non risponde per iscritto, entro cinque giorni lavorativi, ad una richiesta in tale senso;

c) non trasmette almeno trentasei ore prima dell'ora di partenza, purché abbia ricevuto una notifica di assistenza almeno 48 ore prima dell'ora stessa, le informazioni in merito a tale notifica di assistenza ai gestori degli aeroporti di partenza, arrivo e transito nonché al vettore aereo effettivo;

d) non comunica, non appena possibile dopo la partenza del volo, al gestore dell'aeroporto di destinazione, qualora sia situato nel territorio di uno Stato membro al quale si applica il Trattato, il numero di persone con disabilità e di persone a mobilità ridotta, presenti su detto volo, che richiedono l'assistenza di cui all'allegato 1 al presente decreto, specificando la natura dell'assistenza necessaria.

2. Salvo che il fatto costituisca reato, è soggetto alla sanzione amministrativa pecuniaria da euro cinquemila a euro ventimila il gestore aeroportuale che non adotta tutte le misure necessarie per ricevere le notifiche di richiesta di assistenza da parte delle persone con disabilità o a mobilità ridotta presso tutti i punti vendita presenti nel territorio degli Stati membri cui si applica il Trattato, ivi compresa la vendita per telefono o via internet.

Art. 6 : Designazione di punti di arrivo e di partenza

1. Salvo che il fatto costituisca reato, è soggetto alla sanzione amministrativa pecuniaria da euro cinquemila ad euro ventimila il gestore aeroportuale che non designa in modo chiaro i punti di arrivo e di partenza per le persone con disabilità o a mobilità ridotta, sia all'interno che all'esterno dei terminal, mettendo a loro disposizione, in formati accessibili, le informazioni di base sull'aeroporto.

Art. 7 : Mancata assistenza da parte del gestore e norme di qualità

1. Salvo che il fatto costituisca reato, è soggetto alla sanzione amministrativa pecuniaria da euro diecimila ad euro quarantamila il gestore aeroportuale che non adempie agli obblighi di assistenza indicati nell'allegato 1 al presente decreto. Nel caso di subappalto del servizio, la sanzione si applica unicamente al gestore.

2. Salvo che il fatto costituisca reato, è soggetto alla sanzione amministrativa pecuniaria da euro duemilacinquecento ad euro diecimila il gestore aeroportuale che non fissa e rende pubbliche le norme di qualità per l'assistenza di cui all'allegato 1 al presente decreto, ad eccezione degli aeroporti commerciali con transito annuo di passeggeri inferiore a centocinquantamila.

Art. 8: Obblighi di formazione del personale

1. Salvo che il fatto costituisca reato, sono soggetti alla sanzione amministrativa pecuniaria da euro duemilacinquecento ad euro diecimila il vettore aereo e il gestore aeroportuale che:

a) non garantiscono personale, compreso quello alle dipendenze di un subappaltatore, adeguato alle esigenze delle persone con disabilità o a mobilità ridotta;

b) non provvedono affinché tutto il personale che lavora in aeroporto a diretto contatto con i viaggiatori, abbia frequentato corsi di formazione finalizzata alla conoscenza delle problematiche afferenti alla disabilità in modo di essere idoneo all'assistenza alle persone con disabilità o a mobilità ridotta;

c) non garantiscono che tutti i nuovi dipendenti frequentino corsi di formazione sulla disabilità e che tutto il personale segua corsi di aggiornamento in materia.

Art. 9 : Mancata assistenza da parte dei vettori aerei

1. Salvo che il fatto costituisca reato, è soggetto alla sanzione amministrativa pecuniaria da euro diecimila ad euro quarantamila il vettore aereo che non adempie alle disposizioni di cui all'allegato 2 del presente decreto.

Art. 10 : Aggiornamento degli importi delle sanzioni

1. A decorrere dal 1° gennaio 2011, gli importi delle sanzioni di cui agli articoli 3, 4, 5, 6, 7, 8 e 9 sono aggiornati mediante applicazione dell'incremento pari all'indice nazionale dei prezzi al consumo per l'intera collettività, rilevato dall'ISTAT nel biennio precedente.

2. Con decreto del Ministro della giustizia, di concerto con il Ministro dell'economia e delle finanze e con il Ministro delle infrastrutture e dei trasporti, da adottarsi entro il 1° dicembre di ogni biennio, sono aggiornati i nuovi limiti delle sanzioni amministrative pecuniarie che si applicano dal 1° gennaio dell'anno successivo.

Art. 11 : Istituzione fondo speciale

1. È istituito presso il Ministero delle infrastrutture e dei trasporti un fondo speciale per le iniziative di ricerca e di informazione a favore dei passeggeri con disabilità o a mobilità ridotta, da finanziarsi con le entrate derivanti dall'applicazione delle sanzioni previste dal presente decreto.

2. Con decreto del Ministro dell'economia e delle finanze, di concerto con i Ministri delle infrastrutture e dei trasporti, del lavoro, della salute e delle politiche sociali e per le pari opportunità, sono definite le modalità di destinazione al fondo speciale e di impiego delle predette entrate.

Art. 12 : Disposizioni finali

1. Dall'attuazione del presente decreto non devono derivare nuovi o maggiori oneri né minori entrate per la finanza pubblica.

2. L'ENAC provvede ai compiti, di cui all'articolo 2, con le risorse umane, strumentali e finanziarie disponibili a legislazione vigente.

ALLEGATO 1 (Previsto dall'articolo 7, comma 1)

#### ASSISTENZA SOTTO LA RESPONSABILITÀ DEI GESTORI AEROPORTUALI

Assistenza e misure necessarie per consentire alle persone con disabilità e alle persone a mobilità ridotta di:

- 1) comunicare il loro arrivo all'aeroporto e la richiesta di assistenza ai punti designati all'interno e all'esterno dei terminal;
- 2) spostarsi da un punto designato al banco dell'accettazione;
- 3) adempiere alle formalità di registrazione del passeggero e dei bagagli;
- 4) procedere dal banco dell'accettazione all'aeromobile, espletando i controlli per l'emigrazione, doganali e di sicurezza;
- 5) imbarcarsi sull'aeromobile, mediante elevatori, sedie a rotelle o altra assistenza specifica necessaria;
- 6) procedere dal portellone dell'aeromobile al posto a sedere;
- 7) riporre e recuperare il bagaglio a bordo;
- 8) procedere dal posto a sedere al portellone dell'aeromobile;
- 9) sbarcare dall'aeromobile, mediante elevatori, sedie a rotelle o altra assistenza specifica necessaria;
- 10) procedere dall'aeromobile alla sala ritiro bagagli e ritirare i bagagli, completando i controlli per l'immigrazione e doganali;
- 11) procedere dalla sala ritiro bagagli a un punto designato;
- 12) prendere i voli in coincidenza, se in transito, con assistenza a bordo e a terra, all'interno dei terminal e tra di essi, a seconda delle esigenze specifiche;
- 13) recarsi ai servizi igienici in caso di necessità.

Quando una persona con disabilità o una persona a mobilità ridotta è assistita da un accompagnatore, questa persona deve, qualora ne sia richiesta, poter prestare la necessaria assistenza in aeroporto nonché per l'imbarco e lo sbarco.

Gestione a terra di tutte le necessarie attrezzature per la mobilità, comprese le sedie a rotelle elettriche, previo preavviso di quarantotto ore e limitatamente allo spazio disponibile a bordo dell'aeromobile nonché nel rispetto della pertinente normativa relativa alle merci pericolose.

Sostituzione temporanea di attrezzatura per la mobilità danneggiata o smarrita, tenendo presente che la sostituzione con presidi comparabili potrebbe non essere fattibile.

Assistenza a terra per cani da assistenza riconosciuti.

Comunicazione delle informazioni sui voli in formato accessibile.

## ALLEGATO 2 (Previsto dall'articolo 9)

### ASSISTENZA DA PARTE DEI VETTORI AEREI

Trasporto in cabina dei cani da assistenza riconosciuti, nel rispetto della regolamentazione nazionale.

Oltre agli apparecchi medici, trasporto di al massimo due dispositivi di mobilità per persona con disabilità o persona a mobilità ridotta, comprese sedie a rotelle elettriche, previo preavviso di quarantotto ore e limitatamente allo spazio disponibile a bordo dell'aeromobile nonche' nel rispetto della pertinente normativa relativa alle merci pericolose.

Comunicazione delle informazioni essenziali sul volo in formato accessibile.

Realizzazione di ogni sforzo ragionevole al fine di attribuire, su richiesta, i posti a sedere tenendo conto delle esigenze delle singole persone con disabilità o a mobilità ridotta, nel rispetto dei requisiti di sicurezza e limitatamente alla disponibilità.

Se necessario, assistenza alle persone affinché possano raggiungere i servizi igienici.

Qualora una persona con disabilità o una persona a mobilità ridotta sia assistita da una persona di accompagnamento, il vettore aereo effettua ogni sforzo ragionevole per attribuire a tale persona un posto a sedere vicino alla persona con disabilità o alla persona a mobilità ridotta.

### **Informal translation**

#### Article 1: Object

1. Except as provided in Article 1174 of the Code of navigation, this decree shall regulate the penalties imposed for breaches of Regulation (EC) No 1107/2006 of the European Parliament and the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility in air transportation, hereinafter referred to as 'Rules'.

#### Article 2: Body responsible for implementing the provisions

1. The Civil Aviation Authority (ENAC) is responsible for the implementation of these regulations and for imposing sanctions under Articles 3, 4, 5, 6, 7, 8 and 9, of Law 24 November 1981, n . 689, for the purposes of Article 16 of the Regulation.

#### Article 3: Denied reservation

1. Unless the act constitutes a crime, any air carrier, air carrier agent or tour operator who refuses on grounds of disability or reduced mobility to accept a reservation for a flight is subject to a fine of between 10.000 € to 40.000 €, subject to the exceptions provided for in Article 4 a) and b) Regulation.

#### Article 4: Denied boarding

1. Unless the act constitutes a crime, any air carrier, air carrier agent or tour operator who refuses boarding to a person with disabilities or reduced mobility outside of the derogations foreseen in Article 4 a) and b) of the Regulation is subject to fine of between 30.000 € to 120.000 €.

2. Unless the act constitutes a crime, is subject to a fine between 20.000 € to 80.000 € to the air carrier, his agent or tour operator, after having denied boarding because of a reason for exemption under Article 4, a) and b) of the Regulation, do not refund tickets or offer an alternative flight attendant also possible, not respecting the procedures under Article 8 of Regulation (EC) No 261/2004 of the European Parliament and the Council of 11 February 2004.

#### Article 5: Information obligation

1. Unless the act constitutes a crime, any air carrier, carrier agent agent or tour operator is subject to a fine of 5.000 € to 20.000 € who fails to:

a) make available to the public (in accessible formats and at least the same languages made available to other passengers) the safety rules that apply to the carriage of disabled persons and persons with reduced mobility, as well as any restrictions on concerning transportation of mobility equipment due to the size of the aircraft;

b) inform the disabled person or person with reduced mobility of the grounds upon which the exceptions in Article 4 a) and b) of the Regulation are used and/or respond in writing within five working days to a request to that effect;

c) transmit at least thirty-six hours before the departure provided the request of assistance has been notified of at least 48 hours before the service itself, with the information founding that notification of assistance to operators of airports of departure, arrival and transit as well as the operating flying carrier;

d) disclose to the airport operator of destination as soon as possible after the departure of the flight, if situated in the territory of a Member State to which the Treaty applies, the number of disabled persons and persons with reduced mobility present on that flight requiring assistance specified in Annex 1 to this Decree and the specific nature of assistance required by each person.

2. Unless the act constitutes a crime, any airport operator that fails to take all necessary steps to receive notifications of requests for assistance by disabled persons or reduced mobility at all outlets (sales point) in the territory of the Member States to which the

Treaty applies, including sale by telephone or the Internet, is subject to a fine of between 5.000 € to 20.000 €.

#### Article 6: Designation of points of arrival and departure

1. Unless the act constitutes a crime, any airport operator who does not clearly designate points of arrival and departure for people with disabilities or reduced mobility, both within and outside terminal buildings, by making such designations and basic information regarding the airport available to them in accessible formats, is subject to fine between 5.000 € to 20.000 €.

#### Article 7: Lack of assistance from the operator and quality standards

1. Unless the act constitutes a crime, any airport operator that fails to comply with assistance and support obligations set out in Annex 1 of this decree is subject to a fine of between 10.000 € to 40.000 € the. In case of subcontracting the service, the penalty set forth herein applies only to the operator.

2. Unless the act constitutes a crime, any airport operator that does not set and publish quality standards for the assistance specified in Annex 1 of this Decree, except for commercial airports with annual traffic of less than one hundred and fifty thousand passengers, is subject to fine between 2.500 € to 10.000 €.

#### Article 8: Obligations of staff training

1. Unless the act constitutes a crime, air carrier and airport operator is subject to a fine between 2.500 € to 10.000 € that fails to:

- a) provide staff, including those employed by a subcontractor, to fit the needs of people with disabilities or reduced mobility;
- b) ensure that all staff working at the airport in direct contact with travelers have attended training courses aimed at understanding the issues related to disability in order to be able to assist people with disabilities or reduced mobility;
- c) guarantee that all new employees attend training courses on disability and all personnel receive continuous training in the field.

#### Article 9: Lack of assistance by air carriers

1. Unless the act constitutes a crime, any air carrier that fails to comply with the provisions of Annex 2 of this decree is subject to a fine of between 10.000 € to 40.000 €.

#### Article 10: Update the amounts of penalties

1. Beginning on 1 January 2011, the amounts of the penalties referred to in Articles 3, 4, 5, 6, 7, 8 and 9 will be updated by applying the increase of the national consumer price for the entire community, recorded by ISTAT in the previous biennium.
2. By decree of the Minister of Justice, in conjunction with the Minister of Economy and Finance and the Minister of Infrastructure and Transport, the new updated limits of administrative fines that apply from 1 January the following year are to be adopted by December 1 of each biennium.

#### Article 11: Establishment of special fund

1. A special fund shall be established at the Ministry of Infrastructure and Transport for research initiatives and information for passengers with disabilities or reduced mobility, and will be financed by revenue from the penalties provided by this decree.
2. The modalities of destination and use of the abovementioned revenues are to be defined by decree of the Minister of Economy and Finance, in conjunction with the Ministers of Infrastructure and Transport, Labour, Health and Social Affairs and Equal Opportunities.

#### Article 12: Final Provisions

1. No new or greater burdens or less revenue for public finance shall result from the implementation of this Decree.
2. ENAC shall be provided for in Article 2, with human resources, equipment and financial resources available under existing legislation.

#### ANNEX 1 ((Established under Article 7, paragraph 1)

##### ASSISTANCE AND SUPPORT OBLIGATIONS FOR AIRPORT MANAGERS

Assistance and arrangements must be made to enable people with disabilities and persons with reduced mobility to:

- 1) communicate their arrival at the airport and request assistance to designated points inside and outside terminal buildings;
- 2) move from one designated point to the check-in counter;
- 3) comply with all passenger and baggage registration formalities;
- 4) proceed from the counter to the aircraft with the completion of emigration, customs and security;
- 5) board the aircraft with the aid of lifts, wheelchairs or other assistance needed;
- 6) proceed from the aircraft door to their seats;
- 7) store and retrieve baggage on board;

- 8) proceed from their seats to the aircraft door;
- 9) disembark from the aircraft with the aid of lifts, wheelchairs or other assistance needed;
- 10) proceed to the baggage hall and retrieve baggage, with the completion of immigration and customs;
- 11) proceed from the baggage hall to a designated point;
- 12) make connecting flights when in transit with assistance on board, in the airport, and inside and between terminals, depending on specific needs;
- 13) go to the toilet facilities if necessary.

When a disabled person or person with reduced mobility is assisted by a companion, that person must, if requested, provide the necessary assistance for in the airport and for embarking and disembarking.

Ground handling of all necessary mobility equipment, including electric wheelchairs, forty-eight hours 'notice and limitations of space on board the aircraft, and' in accordance with relevant legislation concerning dangerous goods.

Temporary replacement of equipment damaged or lost mobility, bearing in mind that replacement with comparable safeguards may not be feasible.

Ground handling recognized assistance dogs.

Communication of flight information in accessible formats.

## ANNEX 2 (Established under Article 9)

### SERVICE BY AIR CARRIERS

Cabin transportation of recognized guide and assistance dogs is permitted, subject to national regulations.

In addition to medical equipment, transportation of up to two pieces of mobility equipment for the disabled person or person with reduced mobility, including electric wheelchairs, forty-eight hours 'notice and limitations of space on board the aircraft, and' in accordance with relevant legislation concerning dangerous goods.

Communication of essential information about the flight in accessible formats.

Implementation of all reasonable efforts to give, on request, the seats taking into account the needs of individuals with disabilities or reduced mobility, while respecting security requirements and limited availability.

If necessary, assistance to people to get to the toilet.

If the disabled person is assisted by a companion, the flight operator does his best reasonable efforts to grant to this person a place near the disabled person or PRM.

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## 15. LATVIA

Art. 155<sup>14</sup> of the Administrative Violations Code which is in its amendment process and penalties applicable on the basis of Regulation 1107/2006 will be significantly changed.

155<sup>14</sup> pants : Gaisa transporta pasažieru tiesību neievērošana

Par informācijas nesniegšanu pasažieriem par viņu tiesībām sakara ar iekapšanas gaisa kugi atteikšanu vai lidojuma atcelšanu, vai lidojuma ilgu kavēšanos – izsaka bridinājumu vai uzliek naudas sodu juridiskajam personam no piecdesmit līdz simt latiem.

Par citu normatīvajos aktos noteikto gaisa transporta pasažieru tiesību neievērošanu sakara ar iekapšanas gaisa kugi atteikšanu vai lidojuma atcelšanu, vai lidojuma ilgu kavēšanos – izsaka bridinājumu vai uzliek naudas sodu juridiskajam personam no simt līdz septiņsimt latiem.

### **Informal translation:**

Art. 155<sup>14</sup>: Air Passenger Rights Negligence

For failure to provide information to passengers about their rights in connection with boarding an aircraft or the refusal of the flight cancellation or long delay of flight - a warning or impose fines for legal persons from fifty to one hundred Lats.

For the air passenger rights negligence in other laws due to the refusal of boarding an aircraft or a flight cancellation or long delay of the flight - expressed warnings or impose fines for legal persons from one hundred to seven hundred Lats.

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## 16. LITHUANIA

Art. 115<sup>3</sup> of the Code of Administrative offences

115<sup>3</sup> straipsnis. Neįgalių asmenų ir ribotos judėsenos asmenų apsaugos ir pagalbos jiems teikimo taisyklių keliaujant oro transportu (oru) pažeidimas

Neįgalių asmenų ir ribotos judėsenos asmenų apsaugos ir pagalbos jiems teikimo taisyklių keliaujant oro transportu (oru) pažeidimas – užtraukia baudą įmonės vadovui nuo vieno tūkstančio iki trijų tūkstančių litų.

**Translation send by Lithuanian NEB:**

Art. 115<sup>3</sup> : Breach of the procedures of protection of and the provision of help for disabled persons and persons with reduced mobility when travelling by air transport entails a fine for a head of the company from one to three thousand litas.

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**17. LUXEMBOURG**

Art. 43 de la loi modifiée du 31 janvier 1948 relative à la réglementation de la navigation aérienne

*[Civil Aviation Act]*

Art. 43. (1) La Direction de l'aviation civile est l'autorité compétente pour l'application des dispositions relatives aux personnes handicapées et des personnes à mobilité réduite lorsqu'elles font des voyages aériens.

(2) Le ministre ayant les Transports aériens dans ses attributions peut infliger une amende de 2.500 € à 10.000 € à tout transporteur aérien, son agent ou un organisateur de voyages qui refuse, pour cause de handicap ou de mobilité réduite, d'accepter une réservation pour un vol au départ de l'aéroport de Luxembourg

ou d'embarquer une personne handicapée ou une personne à mobilité réduite, si cette personne dispose d'un billet et d'une réservation valables à moins que le transporteur aérien, son agent ou l'organisateur de voyages ne puisse établir une des causes de dérogation énumérées à l'article 4 du règlement (CE) n° 1107/2006 du Parlement européen et du Conseil du 5 juillet 2006 concernant les droits des personnes handicapées et des personnes à mobilité réduite lorsqu'elles font des voyages aériens.

(3) Le ministre ayant les Transports aériens dans ses attributions peut infliger une amende de 1.250 € à 5.000 € à tout transporteur aérien ou son agent qui ne met pas à disposition, sous les formes accessibles et au moins dans les mêmes langues que l'information mise à disposition des autres passagers, les règles de sécurité qu'il applique au transport de personnes handicapées et de personnes à mobilité réduite, ainsi que les éventuelles restrictions à leur transport ou à celui de leur équipement de mobilité en raison de la taille de l'aéronef ainsi qu'à tout organisateur de voyages qui ne met pas à disposition les règles de sécurité et les restrictions concernant

les vols inclus dans les voyages, vacances et circuits à forfait qu'il organise, vend ou offre à la vente.

(4) L'amende ne peut être infligée que si le transporteur aérien, ou son agent, ou l'organisateur de voyages ont été préalablement mis à même de présenter leurs observations. A cet effet, ils sont invités par lettre recommandée avec avis de réception à prendre inspection du dossier et faire valoir leurs observations, le tout dans un délai qui ne peut être inférieur à un mois.

(5) Les décisions du ministre sont susceptibles d'un recours en réformation devant le tribunal administratif, dans le délai d'un mois à partir de la notification

**Informal translation :**

Art. 43. (1) The Director of Civil Aviation is the competent authority for the application of the provisions relating to disabled persons and persons with reduced mobility when traveling by air.

(2) The Minister for Transport by air may impose a fine of 2.500 € to 10.000 € to any air carrier or its agent or tour operator who refuses, on the grounds of the disability or the reduced mobility, to accept a reservation for a flight from Luxembourg airport or to embark a disabled person or a person with reduced mobility if that person has a ticket and reservation valid, unless the air carrier or its agent or tour operator could establish a cause of exemption listed in Article 4 of Regulation (EC) No 1107/2006 of the European Parliament and the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when traveling by air.

(3) The Minister for Transport by air may impose a fine of 1.250 € to 5.000 € to any air carrier or its agent shall not have made available, in accessible formats and in at least the same languages as the information made available to other passengers, the safety rules applicable to the carriage of disabled persons and persons with reduced mobility, as well as any restrictions on their carriage or on that of their mobility equipment due to the size of the aircraft and any tour operator does not provide the safety rules and restrictions available for flights included in package holidays and package tours it organizes, sells or offers for sale.

(4) The fine should only be imposed if the air carrier or its agent or tour operator has previously been enabled to submit comments. To this purpose, they were invited by letter with return receipt to make inspection of the record and give their comments, all in a period of not less than a month.

(5) The Minister's decisions are subject to appeal overruling the Administrative Court, within one month from the notification

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## **18. MALTA**

Art. 4 and 5(2) of Civil Aviation (Rights of Disabled Persons and Persons with Reduced Mobility ) Regulations – Subsidiary Legislation 232.27

### **Translation sent by the Maltin NEB:**

Art. 4.

An air carrier or its agent, a tour operator and the managing body of an airport shall comply with the obligations pertaining to them as specified in Regulation (EC) No 1107/2006.

Art. 5(2)

A person who contravenes any provision of regulation 4 shall be liable to a fine (multa) of not less than 465,87 € and not exceeding 2.329,37 €.

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## **19. POLAND**

Amendment of the Aviation Act waits for the final Parliament's approval.

The penalties to be adopted are the following:

Infringement of Art. 3	from 200 to 4 800 PLN
Infringement of Art. 4 item 3	from 200 to 4 800 PLN
Infringement of Art. 4 item 4	from 200 to 4 800 PLN
Infringement of Art. 5 item 1	8 000 PLN
Infringement of Art. 5 item 2	4 000 PLN
Infringement of Art. 6	2 000 PLN
Infringement of Art. 7 items 1, 5 and 6	from 3 000 to 8 000 PLN
Infringement of Art. 8 item 1	8 000 PLN
Infringement of Art. 8 item 5	3 000 PLN
Infringement of Art. 8 item 6	2 000 PLN
Infringement of Art. 9 item 1	2 000 PLN
Infringement of Art. 9 item 3	2 000 PLN
Infringement of Art. 10	3 000 PLN

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## **20. PORTUGAL**

Art. 7 of the Decreto-Lei n.o 241/2008 de 17 de Dezembro [*Decree-Law No. 241/2008*]  
and Art. 9 of the Decreto-Lei n.o 10/2004 de 9 de Janeiro [*Decree-Law 10/2004*]

### Artigo 7 Decreto-Lei n.o 241/2008 Contra -ordenações

1 — Para efeitos de aplicação do regime das contra-ordenações aeronáuticas civis, aprovado pelo Decreto –Lei n.º 10/2004, de 9 de Janeiro, constituem contra –ordenações muito graves:

- a) A recusa, por parte da transportadora aérea, de uma reserva para um voo com partida num aeroporto situado no território português, com fundamento na deficiência ou na mobilidade reduzida, em violação do disposto na alínea a) do artigo 3.º do Regulamento (CE) n.º 1107/2006, do Parlamento Europeu e do Conselho, de 5 de Julho, desde que a recusa não se enquadre no n.º 1 do artigo 4.º desse mesmo regulamento;
- b) A recusa, por parte da transportadora aérea, de embarque de uma pessoa com deficiência ou com mobilidade reduzida num aeroporto situado no território português, quando a pessoa em causa tenha um bilhete e uma reserve válidos, em violação do disposto na alínea b) do artigo 3.º do Regulamento (CE) n.º 1107/2006, do Parlamento Europeu e do Conselho, de 5 de Julho, desde que a recusa não se enquadre no n.º 1 do artigo 4.º desse mesmo regulamento;
- c) A prestação da assistência prevista no anexo I em violação das normas de qualidade previstas no n.º 1 do artigo 9.º do Regulamento (CE) n.º 1107/2006, do Parlamento Europeu e do Conselho, de 5 de Julho;
- d) A falta de disponibilização ao público, por parte das transportadoras aéreas ou dos seus representantes ou agentes, das regras de segurança aplicáveis ao transporte de pessoas com deficiência e de pessoas com mobilidade reduzida, bem como de eventuais restrições ao seu transporte ou ao transporte do seu equipamento de mobilidade devido às dimensões da aeronave, nos termos e condições previstos no n.º 3 do artigo 4.º do Regulamento (CE) n.º 1107/2006, do Parlamento Europeu e do Conselho, de 5 de Julho;

- e) A falta de disponibilização, por parte dos operadores turísticos, das regras de segurança aplicáveis ao transporte de pessoas com deficiência e de pessoas com mobilidade reduzida, bem como de eventuais restrições ao seu transporte ou ao transporte do seu equipamento de mobilidade devido às dimensões da aeronave, relativamente aos voos que organizam, vendem ou oferecem para venda, integrados em viagens organizadas, férias organizadas ou circuitos organizados, em violação do disposto do n.º 3 do artigo 4.º do Regulamento (CE) n.º 1107/2006, do Parlamento Europeu e do Conselho, de 5 de Julho;
- f) A falta de informação, devidamente fundamentada, por parte das transportadoras aéreas, dos seus agentes ou dos operadores turísticos, à pessoa com deficiência ou à pessoa com mobilidade reduzida, da aplicação das derrogações previstas nos n.os 1 ou 2 do artigo 4.º do Regulamento (CE) n.º 1107/2006, do Parlamento Europeu e do Conselho, de 5 de Julho, em violação do n.º 4 desse mesmo artigo;
- g) A não transmissão, por parte da transportadora aérea, do seu agente ou do operador turístico, da informação relativa à necessidade de assistência, em violação dos n.os 2 e 3 do artigo 6.º do Regulamento (CE) n.º 1107/2006, do Parlamento Europeu e do Conselho, de 5 de Julho;
- h) A falta de informação, por parte da transportadora aérea, à entidade gestora do aeroporto de destino, do número de pessoas com deficiência e com mobilidade reduzida que requerem assistência, bem como da natureza dessa assistência, em violação do disposto no n.º 4 do artigo 6.º do Regulamento (CE) n.º 1107/2006, do Parlamento Europeu e do Conselho, de 5 de Julho;
- i) A entidade gestora do aeroporto não assegurar a prestação da assistência especificada no anexo I ao Regulamento (CE) n.º 1107/2006, do Parlamento Europeu e do Conselho, de 5 de Julho, sempre que um passageiro com deficiência ou com mobilidade reduzida chegue a um aeroporto para efectuar uma viagem, em violação do disposto no n.º 1 do artigo 7.º do mencionado regulamento;
- j) A falta de autorização, por parte da transportadora aérea, do seu agente ou do operador turístico, de assistência, quando for solicitada, de um cão auxiliar reconhecido, em conformidade com as normas nacionais aplicáveis ao transporte de cães auxiliares na cabina de aeronaves, em violação do n.º 2 do artigo 7.º do Regulamento (CE) n.º 1107/2006, do Parlamento Europeu e do Conselho, de 5 de Julho;
- l) A entidade gestora do aeroporto ou a empresa por ela contratada não assegurar a prestação da assistência especificada no anexo I ao Regulamento (CE) n.º 1107/2006, do Parlamento Europeu e do Conselho, de 5 de Julho, sempre que uma pessoa com deficiência ou com mobilidade reduzida esteja em trânsito num aeroporto ou for transferida por uma transportadora aérea ou por um operador turístico do voo para o

- qual tem uma reserva para outro voo, em violação do n.º 5 do artigo 7.º do mencionado regulamento;
- m) A entidade gestora do aeroporto não assegurar a prestação de assistência prevista no n.º 6 do artigo 7.º do Regulamento (CE) n.º 1107/2006, do Parlamento Europeu e do Conselho, de 5 de Julho;
- n) A falta de separação contabilística, em violação do disposto no n.º 5 do artigo 8.º do Regulamento (CE) n.º 1107/2006, do Parlamento Europeu e do Conselho, de 5 de Julho;
- o) A falta de divulgação, a divulgação não atempada ou a divulgação deturpada dos dados relativos à previsão dos custos, por parte da entidade gestora do aeroporto, em violação do disposto no n.º 4 do artigo 8.º do presente decreto -lei;
- p) A falta de disponibilização do quadro anual das taxas recebidas e das despesas efectuadas nos termos e às entidades previstas no n.º 6 do artigo 8.º do Regulamento (CE) n.º 1107/2006, do Parlamento Europeu e do Conselho, de 5 de Julho;
- q) A falta de estabelecimento de normas de qualidade, em violação do disposto no n.º 1 do artigo 9.º do Regulamento (CE) n.º 1107/2006, do Parlamento Europeu e do Conselho, de 5 de Julho;
- r) A transportadora aérea e a entidade gestora do aeroporto não assegurarem que todo o seu pessoal, incluindo o pessoal empregado por subcontratantes, que preste assistência directa a pessoas com deficiência e a pessoas com mobilidade reduzida, disponha dos conhecimentos para satisfazer as necessidades das pessoas com as mais variadas deficiências ou tipos de mobilidade reduzida, em violação do disposto na alínea a) do artigo 11.º do Regulamento (CE) n.º 1107/2006, do Parlamento Europeu e do Conselho, de 5 de Julho;
- s) A transportadora aérea e a entidade gestora do aeroporto não assegurarem nem proporcionarem formação específica a todo o pessoal que tenha contacto directo com pessoas com deficiência ou com mobilidade reduzida, em violação do disposto nas alíneas b) e c) do artigo 11.º do 8880 Diário da República, 1.ª série — N.º 243 — 17 de Dezembro de 2008 Regulamento (CE) n.º 1107/2006, do Parlamento Europeu e do Conselho, de 5 de Julho;
- t) O não cumprimento, por parte da entidade gestora do aeroporto, das modalidades de assistência previstas no anexo I do Regulamento (CE) n.º 1107/2006, do Parlamento Europeu e do Conselho, de 5 de Julho;
- u) O não cumprimento das modalidades de assistência previstas no anexo II ao Regulamento (CE) n.º 1107/2006, do Parlamento Europeu e do Conselho, de 5 de Julho, por parte das transportadoras aéreas.

2 — Para efeitos de aplicação do regime das contra-ordenações aeronáuticas civis, aprovado pelo Decreto –Lei n.º 10/2004, de 9 de Janeiro, constituem contra – ordenações graves:

- a) A violação da forma e do prazo de cinco dias previstos no n.º 4 do artigo 4.º do Regulamento (CE) n.º 1107/2006, do Parlamento Europeu e do Conselho, de 5 de Julho;
- b) A falta de designação de pontos de chegada e de partida, por parte da entidade gestora do aeroporto, nos quais as pessoas com deficiência ou com mobilidade reduzida possam anunciar a sua chegada ao aeroporto e requerer assistência, em violação do n.º 1 do artigo 5.º do Regulamento (CE) n.º 1107/2006, do Parlamento Europeu e do Conselho, de 5 de Julho;
- c) A violação do prazo de antecedência mínima de trinta e seis horas previsto no n.º 2 do artigo 6.º do Regulamento (CE) n.º 1107/2006, do Parlamento Europeu e do Conselho, de 5 de Julho;
- d) A falta de prestação de informação ao INAC, I. P., sobre os critérios utilizados para o apuramento dos custos e para a separação contabilística a que se referem os n.os 4 e 5 do artigo 8.º do Regulamento (CE) n.º 1107/2006, do Parlamento Europeu e do Conselho, de 5 de Julho.

3 — Para efeitos de aplicação do regime das contra-ordenações aeronáuticas civis, aprovado pelo Decreto –Lei n.º 10/2004, de 9 de Janeiro, constituem contra – ordenações leves:

- a) A falta de identificação dos pontos de chegada e de partida, bem como das informações previstas no n.º 2 do artigo 5.º do Regulamento (CE) n.º 1107/2006, do Parlamento Europeu e do Conselho, de 5 de Julho;
- b) A falta de publicação das normas de qualidade, em violação do n.º 3 do artigo 9.º do Regulamento (CE) n.º 1107/2006, do Parlamento Europeu e do Conselho, de 5 de Julho.

#### Artigo 9 Decreto-Lei n.o 10/2004. Montantes das coimas

1 — A cada escalão de gravidade das contra-ordenações aeronáuticas civis corresponde uma coima variável em função do grau de culpa, consoante seja praticada por pessoa singular ou colectiva e, neste último caso, consoante a sua dimensão.

2 — As contra-ordenações leves são puníveis com as seguintes coimas:

- a) Se praticadas por pessoa singular, coima mínima de E 150 e máxima de E 300, em caso de negligência, e coima mínima de E 300 e máxima de E 1000, em caso de dolo;
- b) Se praticadas por microempresa, pequena ou média empresa, coima mínima de E 350 e máxima de E 700, em caso de negligência, e coima mínima de E 500 e máxima de E 2000, em caso de dolo;

c) Se praticadas por grande empresa, coima mínima de E 500 e máxima de E 1500, em caso de negligência, e coima mínima de E 1000 e máxima de E 3000, em caso de dolo.

3 — As contra-ordenações graves são puníveis com as seguintes coimas:

a) Se praticadas por pessoa singular, coima mínima de E 250 e máxima de E 500, em caso de negligência, e coima mínima de E 500 e máxima de E 1500, em caso de dolo;

b) Se praticadas por microempresa, coima mínima de E 400 e máxima de E 1000, em caso de negligência, e coima mínima de E 800 e máxima de E 2000, em caso de dolo;

c) Se praticadas por pequena empresa, coima mínima de E 1000 e máxima de E 2000, em caso de negligência, e coima mínima de E 2500 e máxima de E 4000, em caso de dolo;

d) Se praticadas por média empresa, coima mínima de E 1500 e máxima de E 2500, em caso de negligência, e coima mínima de E 3000 e máxima de E 5000, em caso de dolo;

e) Se praticadas por grande empresa, coima mínima de E 2000 e máxima de E 5000, em caso de negligência, e coima mínima de E 5000 e máxima de E 10 000, em caso de dolo.

4 — As contra-ordenações muito graves são puníveis com as seguintes coimas:

a) Se praticadas por pessoa singular, coima mínima de E 1000 e máxima de E 2500, em caso de negligência, e coima mínima de E 2000 e máxima de E 4000, em caso de dolo;

b) Se praticadas por microempresa, coima mínima de E 1500 e máxima de E 4000, em caso de negligência, e coima mínima de E 4000 e máxima de E 10 000, em caso de dolo;

c) Se praticadas por pequena empresa, coima mínima de E 2500 e máxima de E 8000, em caso de negligência, e coima mínima de E 8000 e máxima de E 20 000, em caso de dolo;

d) Se praticadas por média empresa, coima mínima de E 4500 e máxima de E 15 000, em caso de negligência, e coima mínima de E 15 500 e máxima de E 45 000, em caso de dolo;

e) Se praticadas por grande empresa, coima mínima de E 10 000 e máxima de E 30 000, em caso de negligência, e coima mínima de E 100 000 e máxima de E 250 000, em caso de dolo.

5 — Para efeitos do presente artigo entende-se por:

a) «Microempresa» a que empregar menos de 10 trabalhadores;

b) «Pequena empresa» a que empregar menos de 50 trabalhadores, tiver um volume de negócios anual que não exceda 7 milhões de euros ou um balanço total anual que não exceda 5 milhões de euros e que cumpra o critério de independência definido na alínea seguinte;

c) «Média empresa» a que empregar menos de 250 trabalhadores, tiver um volume de negócios anual que não exceda 40 milhões de euros ou um balanço total anual que não exceda 27 milhões de euros e que cumpra o critério de independência, segundo o qual

25% ou mais do seu capital social ou dos seus direitos de voto não sejam detidos, directa ou indirectamente, por uma grande empresa ou conjunto de médias empresas;

d) «Grande empresa» a que empregar mais de 250 trabalhadores e tiver um volume de negócios anual que exceda 40 milhões de euros ou um balanço total anual que exceda 27 milhões de euros.

6 — O limiar do critério de independência definido na alínea c) do número anterior pode ser excedido nos dois casos seguintes:

- a) Se a empresa for propriedade de sociedades públicas de investimento, sociedades de capital de risco ou investidores institucionais, desde que estes últimos não exerçam, a título individual ou conjuntamente, qualquer controlo sobre a empresa;
- b) Se o capital se encontrar disperso de maneira que não seja possível determinar quem o detém e se a empresa declarar que pode legitimamente presumir que 25% ou mais do seu capital social ou dos seus direitos de voto não são detidos, directa ou indirectamente, por uma grande empresa ou conjunto de médias empresas.

### **Informal translation**

Art. 7 of the Decree Law 241/2008

(1) - For the purposes of applying the provisions relating to civil aeronautical offences, approved by Decree-Law no.10/2004 of 9 January 2004, the following are deemed very serious offences:

- a) Refusal by the air carrier to accept a reservation for a flight departing from or arriving at an airport situated in Portuguese territory, on the grounds of disability or of reduced mobility, in breach of Article 3(a) of Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006, provided that such refusal does not fall within Article 4(1) of the same Regulation;
- b) Refusal by the air carrier to embark a disabled person or a person with reduced mobility at an airport situated in Portuguese territory, where the person concerned has a valid ticket and reservation, in breach of Article 3(b) of Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006, provided that such refusal does not fall within Article 4(1) of the same Regulation;
- c) Provision of the assistance specified in Annex I in breach of the quality standards set out in Article 9(1) of Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006;
- d) Failure on the part of the air carrier or its representative or agent to make publicly available the safety rules applicable to the carriage of disabled persons 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, under the terms and conditions laid down in Article 4(3) of Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006;

e) Failure on the part of the tour operator to make available the safety rules applicable to the carriage of disabled persons 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, for flights included in package travel, package holidays and package tours which it organises, sells or offers for sale, in breach of Article 4(3) of Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006;

f) Failure on the part of the air carrier or its agent or the tour operator to inform the disabled person or person with reduced mobility of the reason for exercising the derogations under paragraphs 1 or 2 of Article 4 of Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006, in breach of Article 4(4) thereof;

g) Failure on the part of the air carrier or its agent or the tour operator to transmit information about the need for assistance, in breach of Article 6(2) and 6(3) of Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006;

h) Failure on the part of the air carrier to inform the managing body of the airport of destination of the number of disabled persons and persons with reduced mobility on that flight requiring assistance and of the nature of that assistance, in breach of Article 6(4) of Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006;

i) Failure on the part of the managing body of the airport to ensure the provision of the assistance specified in Annex I of Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006, whenever a disabled passenger or passenger with reduced mobility arrives at an airport for travel, in breach of Article 7(1) of that Regulation;

j) Failure on the part of the air carrier or its agent or the tour operator to accommodate the use of a recognised assistance dog, where required, in accordance with applicable national rules covering the carriage of assistance dogs on board aircraft, in breach of Article 7(2) of Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006;

i) Failure on the part of the managing body of the airport or the firm contracted by the latter to provide the assistance specified in Annex I of Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006, when a disabled person or person with reduced mobility transits through an airport or is transferred by an air

carrier or a tour operator from the flight for which he or she holds a reservation to another flight, in breach of Article 7(5) of that Regulation;

m) Failure on the part of the managing body of the airport to ensure the provision of the assistance specified in Article 7(6) of Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006;

m) Failure to separate accounts, in breach of Article 8(5) of Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006;

o) Failure on the part of the managing body of the airport to disclose in a timely manner or to disclose accurately data relating to cost projections, in breach of Article 8(4) of this Decree-Law;

p) Failure to make available an annual overview of charges received and expenses made under the terms and to the bodies specified in Article 8(6) of Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006;

q) Failure to set quality standards, in breach of Article 9(1) of Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006;

r) Failure on the part, of the air carrier and the airport managing body to ensure that all their personnel, including those employed by any sub-contractor, providing direct assistance to disabled persons and persons with reduced mobility have knowledge of how to meet the needs of persons having various disabilities or mobility impairments, in breach of Article 11(a) of Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006;

s) Failure on the part of the air carrier and the airport managing body to provide specific training to all their personnel who deal directly with disabled persons or persons with reduced mobility, in breach of Article 11(b) and 11(c) of Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006;

t) Failure on the part of the managing body of the airport to comply with the assistance arrangements specified in Annex I of Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006;

u) Failure on the part of air carriers to comply with the assistance arrangements specified in Annex II of Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006.

(2) - For the purposes of applying the provisions relating to civil aeronautical offences approved by Decree-Law no.10/2004 of 9 January 2004, the following are deemed serious offences:

a) Breach of the form and the five-day period specified in Article 4(4) of Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006;

b) Failure on the part of the managing body of the airport to designate points of arrival and departure, at which disabled persons or persons with reduced mobility can announce their arrival at the airport and request assistance, in breach of Article 5(1) of Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006;

c) Breach of the thirty-six hour minimum notice period specified in Article 6(2) of Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006;

d) Failure to provide information to the INAC, I.P. about the criteria used to determine costs and to separate accounts as referred to in Article 8(4) and 8(5) of Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006.

(3) - For the purposes of applying the provisions relating to civil aeronautical offences approved by Decree-Law No.10/2004 of 9 January 2004, the following are deemed minor offences:

a) Failure to identify points of arrival and departure, as well as the information specified in Article 5(2) of Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006;

b) Failure to publish quality standards, in breach of Article 9(3) of Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006;

#### Art. 9 of the Decree-Law 10/2004

(1) Each level of seriousness of breaches civil aviation accounts for a fine that varies depending on the gravity of the infringement, as is committed by a natural or a legal person and in the latter case, depending on its size.

(2) The offenses are punishable of following fines:

a) if committed by a natural person, a fine of 150 € to 300 € in case of negligence, and of 300 € to 1.000 € in case of intent;

b) if committed by micro, small and medium companies, a fine of 350 € to 700 € in case of negligence, and of 500 € to 2.000 € in case of intent;

c) if committed by a large company, a fine of 500 € to 1.500 € in case of negligence, and of 1.000 € to 3.000 € in case of intent.

(3) The serious offenses are punishable by the following fines:

a) if committed by an individual, a fine of 250 € to 500 € in case of negligence, and of 500 € to 1.500 € in case of intent;

b) if committed by a micro company, a fine of 400 € to 1.000 € in case of negligence, and of 800 € to 2.000 € in case of intent;

- c) if committed by a small company, a fine of 1.000 € to 2.000 € in cases of negligence, and of 2.500 € to 4.000 € in case of intent;
- d) if committed by a medium company, a fine of 1.500 € to 2.500 € in case of negligence, and of 3.000 € to 5.000 € in cases of intent;
- e) if committed by a large company, a fine of 2.000 € to 5.000 € in case of negligence, and of 5.000 € to 10.000 € in case of intent.

(4) – The very serious offenses are punishable by the following fines:

- a) if committed by an individual, a fine of 1.000 € to 2.500 € in case of negligence, and of 2.000 € to 4.000 € in case of intent;
- b) if committed by a micro company, a fine of 1.500 € to 4.000 € in case of negligence, and of 4.000 € to 10.000 € in case of intent;
- c) if committed by a small company, a fine of 2.500 € to 8.000 € in case of negligence, and of 8.000 € to 20.000 € in case of intent;
- d) if committed by a medium company, a fine of 4.500 € to 15.000 € in case of negligence, and of 15.500 € to 45.000 € in case of intent;
- e) if committed by a large company, a fine of 10.000 € to 30.000 € in case of negligence, and of 100.000 € to 250.000 € in case of intent.

(5) - For purposes of this Article the following definitions apply:

- a) 'micro company' to which employ fewer than 10 employees;
- b) 'small company' to which employ fewer than 50 employees, has an annual turnover not exceeding 7.000.000 € or an annual balance sheet total not exceeding 5.000.000 € and satisfies the criteria of independence as defined in the following point ;
- c) 'medium company' to which employ fewer than 250 employees, has an annual turnover not exceeding 40.000.000 € or an annual balance sheet total not exceeding 27.000.000 € and satisfies the criteria of independence, according to which 25% or more of its capital or its voting rights are not owned, directly or indirectly, by a large company or group of medium-sized enterprises;
- d) 'large company' to which employ over 250 employees and has an annual turnover exceeding 40.000.000 € or an annual balance sheet total exceeding 27.000.000 €.

(6) - The criteria of independence as defined in c) above may be exceeded in two cases:

- a) If the company is held by public investment corporations, venture capital companies or institutional investors, provided they do not exercise, individually or jointly, any control over the company;
- b) If the capital is spread in a way that is not possible to determine who is held and if the company declares that it can legitimately presume that 25% or more of its capital or its voting rights are not held, directly or indirectly, by a large company or group of medium-sized businesses.

## **21. ROMANIA**

Art. 2 and 3 of the Hotararea 787 din 17 iulie 2007 (Hotararea 787/2007) privind stabilirea unor masuri pentru asigurarea aplicarii Regulamentului (CE) nr. 1107/2006 al Parlamentului European si al Consiliului din 5 iulie 2006 privind drepturile persoanelor cu handicap si ale persoanelor cu mobilitate redusa care calatoresc pe calea aerului [*Decision No 787/2007 on the introduction of measures to ensure the implementation 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*]

Art. 8 and 9 of the Guvernul Romaniei Ordonanta 2 din 12 iulie 2001 (Ordonanta 2/2001) privind regimul juridic al contravențiilor [*Ordinance of 2 June 2001 (2/2001) concerning the legal regime of contraventions*]

Art. 2. Of the Hotorarea 787/2007

Constituie contravenții următoarele fapte:

- a) nerespectarea de către un transportator aerian, un reprezentant sau agent al acestuia ori un tour operator a obligațiilor ce le revin potrivit art. 3, 4, 10 și 12 din Regulamentul (CE) nr. 1.107/2006;
- b) nerespectarea de către organismul de conducere al unui aeroport a obligațiilor ce îi revin potrivit art. 5, 7, 9 și 12 din Regulamentul (CE) nr. 1.107/2006.

Art. 3. -

(1) Contravențiile prevăzute la art. 2 se sancționează după cum urmează:

- a) contravențiile prevăzute la lit. a), cu amenda de la 1.000 lei la 2.500 lei;
- b) contravențiile prevăzute la lit. b), cu amenda de la 800 lei la 1.800 lei.

(2) Sancțiunile prevăzute la alin. (1) se aplică, după caz, transportatorului aerian, reprezentantului sau agentului acestuia, tour operatorului sau organismului de conducere al aeroportului, potrivit obligațiilor ce le revin conform Regulamentului (CE) nr. 1.107/2006.

(3) Constatarea contravențiilor prevăzute la art. 2, precum și aplicarea sancțiunilor se fac, cu respectarea dispozițiilor legale în vigoare, de către reprezentanții împuterniciți ai Autorității Naționale pentru Persoanele cu Handicap.

(4) Contravențiilor prevăzute la art. 2 le sunt aplicabile dispozițiile Ordonanței Guvernului nr. 2/2001 privind regimul juridic al contravențiilor, aprobată cu modificări și completări prin Legea nr. 180/2002, cu modificările și completările ulterioare.

Art. 8. Of the Ordonanța 2/2001-

(1) Amenda contravențională are caracter administrativ.

(2) Pentru contravențiile stabilite prin hotărâri ale Guvernului se pot prevedea amenzi între 500.000 lei și 100.000.000 lei.

(3) Pentru contravențiile stabilite prin hotărâri ale consiliilor locale ale comunelor, orașelor, municipiilor sau ale sectoarelor municipiului București, ale consiliilor județene ori ale Consiliului General al Municipiului București se pot prevedea amenzi între 250.000 lei și 25.000.000 lei.

(4) Limitele amenzilor prevăzute în actele normative care conțin reglementări cu privire la stabilirea și sancționarea unor fapte ce constituie contravenții, precum și limitele minime și maxime ale amenzilor prevăzute la alin. (2) și (3) pot fi reduse sau majorate periodic prin hotărâri ale Guvernului.

(5) Sumele provenite din amenzi se fac venit la bugetul de stat, cu excepția celor provenite din amenzi aplicate în temeiul hotărârilor autorităților administrației publice locale sau județene prevăzute la alin. (3), care se fac venit la bugetul local respectiv, precum și a celor pentru care legea prevede altfel. Amenzile aplicate în temeiul unei legi sau al unei hotărâri a Guvernului se fac venit la bugetul de stat în cota de 75%, diferența revenind unității din care face parte agentul constatator. Această sumă se reține integral ca venituri extrabugetare, cu titlu permanent, și va fi repartizată pentru dotarea cu mijloace specifice activităților din domeniu.

### **Informal translation**

Article 2. of the Decision No 787/2007

The following facts constitute contraventions:

- a) failure by an air carrier, its representative or its agent or a tour operator of their obligations under Art. 3, 4, 10 and 12 of Regulation (EC) No 1107/2006;
- b) failure of the managing body of an airport of its obligations under Art. 5, 7, 9, and 12 of Regulation (EC). 1107/2006.

Article 3. of the Decision No 787/2007

(1) The contraventions stipulated at Art. 2 shall be punished as follows:

a) the contraventions referred to in point a) with a fine from 236 € (1.000 lei) up to 591 € (2.500 lei);

b) the contraventions referred to in point b) with a fine from 189 € (800 lei) to 425 € (1.800 lei).

(2) sanctions under par (1) applies, if necessary, air carrier or its agent's representative, the tour operator or governing body of the airport, according to their obligations under Regulation (EC) 1107/2006.

(3) The identification of contravention specified at Art. 2, and application of the penalties, with the respect of the legal provision in force, by the appropriate representatives of the National Authority for Disabled Persons.

(4) To the offenses provided at Art. 2, are applicable provisions of Government Ordinance no. 2 / 2001 on the legal regime of contraventions, approved with amendments and completions by Law No. 180/2002, with subsequent amendments.

#### Article 8 of the Ordinance 2/2001

(1) The contraventional fine has an administrative nature.

(2) For the contraventions established by decisions of government can be foreseen fines between 500.000 lei and 100 million lei.

(3) For the contraventions established by decisions of local councils of municipalities, cities, municipalities or sectors of Bucharest Municipality, county councils or the General Council of Bucharest can be foreseen fines between 250.000 lei and 25 million lei.

(4) The limitations of the fines stipulated in the normative acts which contain regulations on the establishment and sanctioning of acts which constitute contraventions, as well as the minimum and maximum fines provided at paragraphs (2) and (3) can be reduced or increased periodically by government decision.

(5) Amounts collected from these fines are revenues to the state budget, with the exception of those imposed under the decisions of local public authorities or county provided at paragraph (3), which are revenues that the local budget, as well as those for which the law provides otherwise. The fines imposed under a law or a decision, of the Government are revenues from the state budget in the rate of 75%, difference unit which includes returning officer noted. This amount shall be retained as extra income, permanent, and will be assigned to specific features means activities in the field.

\* \* \* \* \*

## **22. SLOVAKIA**

Slovakia has not adopted rules on penalties especially applicable to the implementation of the Regulation. However, in case of infringement of the Regulation, an Operator could be punished by the fine applicable generally at all the infringement of a consumer rights provisions. The Consumer Protection Act referred especially at the Regulation (as foot notes of the articles 23 and 24)

ZÁKON z 9. mája 2007 o ochrane spotrebiteľa a o zmene zákona Slovenskej národnej rady č. 372/1990 Zb. o priestupkoch v znení neskorších predpisov [*Consumer Protection Act No. 372/1990*]

#### § 23. Priestupky

- (1) Priestupku sa dopustí ten, kto poškodí práva spotrebiteľa, tým, že poruší tento zákon alebo osobitné predpisy na ochranu spotrebiteľa.
- (2) Za priestupok podľa odseku 1 možno uložiť pokutu do 10 000 Sk.
- (3) Na priestupky a ich prejednávanie sa vzťahuje všeobecný predpis o priestupkoch.
- (4) Výnosy pokút uložených za priestupky obcou sú príjmom rozpočtu obce.

#### § 24. Sankcie

- (1) Za porušenie povinností ustanovených týmto zákonom alebo právnymi aktmi Európskych spoločenstiev v oblasti ochrany spotrebiteľa uloží orgán dozoru výrobcovi, predávajúcemu, dovozcovi alebo dodávateľovi alebo osobe uvedenej v § 26 pokutu do 2 000 000 Sk; za opakované porušenie povinnosti počas 12 mesiacov uloží pokutu do 5 000 000 Sk.
- (2) Orgán dozoru uloží výrobcovi, predávajúcemu, dovozcovi, dodávateľovi alebo osobe uvedenej v § 26, ktorá vyrobila, predala, doviezla alebo dodala výrobok, ktorého vada spôsobila ujmu na živote alebo zdraví, pokutu do 10 000 000 Sk. Rovnakú pokutu uloží tomu, kto takú ujmu spôsobil vadným poskytnutím služby.  
Pokutu nemožno uložiť osobe, ktorá preukáže, že ujme nemohla zabrániť ani pri vynaložení všetkého úsilia, ktoré od nej bolo možné požadovať.
- (3) Výrobcovi, predávajúcemu, dovozcovi a dodávateľovi alebo osobe uvedenej v § 26, ktorá marí, ruší alebo inak sťažuje výkon dozoru, prípadne nesplní záväzný pokyn podľa § 20 ods. 3 písm. h), uloží orgán dozoru poriadkovú pokutu do 50 000 Sk, a to aj opakovane.
- (4) Pokutu podľa odseku 1 nemožno uložiť, ak bola uložená pokuta podľa osobitného zákona alebo ak možno uložiť pokutu podľa odseku 2.

- (5) Pri určení výšky pokuty sa prihliada najmä na charakter protiprávneho konania, závažnosť porušenia povinnosti, spôsob a následky porušenia povinnosti.
- (6) Výnosy pokút uložených podľa odsekov 1 až 3 sú príjmom štátneho rozpočtu.
- (7) Pokutu možno uložiť do jedného roku odo dňa, keď orgán dozoru zistil porušenie povinnosti podľa tohto zákona, najneskôr do troch rokov podľa odsekov 1 a 3 a do desiatich rokov podľa odseku 2 odo dňa, keď k porušeniu povinnosti došlo.

**Informal translation:**

Art. 23. Offences

- (1) An offence is committed by a person who injures the rights of consumers that this violates the law or specific rules for consumer protection.
- (2) For an offence under paragraph 1 may impose a fine of up to 330 €.
- (3) Violations and to discuss the general regulation on infractions.
- (4) Proceeds of fines imposed for violations are community budget revenue of the village.

§ 24th Penalties

- (1) The breach of obligations established by this Act or acts of the European Communities in the area of consumer protection imposes supervisory body manufacturer, seller, importer or supplier or a person referred to in § 26 in fine of 66.000 €, for the re breach of duty during the 12 months to impose a fine of 166.000 €.
- (2) Body surveillance saves the manufacturer, seller, importer, supplier or person referred to in § 26, which manufactured, sold, imported or supplied the product defect caused the injury to life or health, a fine up to 332.000 €. Impose a fine equal to the person who caused injury to a defective provision of services.  
Penalty can be imposed on a person who demonstrates that the injury could not have avoided even with all effort, from which it can be claimed.
- (3) The manufacturer, vendor, importers and suppliers or the person referred to in § 26, which frustrates, repeals or otherwise impedes the exercise of supervision prípadne nesplní binding order following § 20. 3 point h) impose a procedural fine body control to 1.650 €, even repeatedly.
- (4) A fine pursuant to paragraph 1 can not be imposed if the fine was imposed by a special act or akmožno impose a fine pursuant to paragraph 2
- (5) In determining the fine into particular account the nature of the offence, the seriousness of the infringement, the nature and consequences of infringement.
- (6) Proceeds of fines imposed under paragraphs 1-3 are state budget revenue.

(7) Fines may be imposed within one year from the date when the supervisory body found breach of duty under this Act within three years under paragraphs one and three and ten years under paragraph 2 from the date when the breach occurred.

\* \* \* \* \*

## **23. SLOVENIA**

Slovenia has not yet implemented penalties in case of infringements of the Regulation.

\* \* \* \* \*

## **24. SPAIN**

Art. 45 and 55 of the Air Safety Act of the 7 July 2003

Artículo 45. Infracciones en relación con el transporte y los trabajos aéreos.

1. Constituyen infracciones leves en relación con el transporte y los trabajos aéreos las acciones y omisiones siguientes:

(...)

5.a La privación a los interesados de la información legalmente debida sobre los servicios de transporte aéreo ofertados por las compañías aéreas en los sistemas informatizados de reserva.

6.a El trato manifiestamente desconsiderado por parte del personal de la empresa prestadora a los pasajeros de los servicios de transporte aéreo.

(...)

2. Constituyen infracciones graves en materia de transporte y trabajos aéreos las acciones y omisiones siguientes:

(...)

6.a El incumplimiento de la obligación de establecer normas de embarque de pasajeros o de hacer efectivos sin justificación los derechos e intereses de estos en caso de denegación de embarque.

(...)

3. Constituyen infracciones muy graves en materia de transporte y trabajos aéreos las acciones y omisiones siguientes:

5.a La denegación injustificada del libre acceso del público a los servicios de transporte aéreo.

#### Artículo 55. Sanciones.

1. Las infracciones establecidas en el capítulo I de este título serán sancionadas del modo siguiente:

- a) Las infracciones leves con apercibimiento o multa de 60 hasta 45.000 euros.
- b) Las infracciones graves con multa de 45.001 a 90.000 euros.
- c) Las infracciones muy graves con multa de 90.001 a 225.000 euros.

2. Cuando las infracciones fueran cometidas por las entidades colaboradoras de inspección, las compañías que realicen transporte aéreo comercial, las organizaciones de diseño, fabricación o mantenimiento de aeronaves, los proveedores de servicios de navegación aérea, los agentes de servicios aeroportuarios, los gestores de aeropuertos, aeródromos o instalaciones aeroportuarias y, en general, las personas físicas o jurídicas que desarrollen actividades incluidas en el ámbito de aplicación de esta ley con carácter comercial o que las realicen a cambio de una contraprestación económica no salarial las sanciones aplicables serán las siguientes:

- a) Para las infracciones leves, apercibimiento o multa de 4.500 hasta 135.000 euros.
- b) Para las infracciones graves, multa de 135.001 a 450.000 euros.
- c) Para las infracciones muy graves, multa de 450.001 a 4.500.000 euros.

3. Cuando exista y pueda conocerse el beneficio bruto obtenido como consecuencia de los actos u omisiones en que consistan las infracciones, las cantidades que resultasen de la aplicación de lo previsto, respectivamente, en los párrafos b) y c) del apartado anterior, podrán ser incrementadas en la diferencia positiva que se produjera, en su caso, mediante la aplicación de las siguientes reglas:

- a) Por la comisión de infracciones graves, el importe no inferior al tanto ni superior al doble del beneficio obtenido.
- b) Por la comisión de infracciones muy graves, el importe no inferior al tanto ni superior al triple del beneficio obtenido.

(...)

5. Las multas tendrán naturaleza de crédito de Derecho público y su importe podrá ser exigido por la vía administrativa de apremio.

#### **Translation sent by the Spain NEB:**

Article 45. Offences related to air transport and work.

1. The following actions and omissions constitute minor offences in relation to air transport and work:
  - (...)
  - 5. Depriving the persons concerned of their legal right to due information on the air transport services offered by the airlines in the computerised reservation systems.
  - 6. Blatantly impolite treatment by the personnel of the company providing the air transport services for passengers.
  - (...)
2. The following actions and omissions constitute serious offences in matters of air transport and work:
  - (...)
  - 6. Failure to fulfil the obligation to establish rules for passenger boarding, or not to respect, without justification, their rights and interests in the event of boarding being refused.
  - (...)
3. The following actions and omissions constitute very serious offences in matters of air transport and work:
  - (...)
  - 5. Unjustified refusal of free access by the public to the air transport services.

#### Article 55. Penalties

1. The offences established in Chapter I of this Title *[which includes article 45]* shall be penalised as follows;
  - a) Minor offences with admonition or a fine of 60 € to 45.000 €.
  - b) Serious offences with a fine of 45.001 € to 90.000 €.
  - c) Very serious offences with a fine of 90.001 € to 225.000 €.
2. When the offences are committed by entities collaborating in inspection, companies providing commercial air transport, the organisations that design, manufacture or maintain aircraft, suppliers of air navigation services, airport services agents, managers of airports, airfields or airport facilities, and in general individuals or corporations that perform activities included within the scope of application of this Act for commercial purposes, or which perform these in consideration for a non-salary financial remuneration, the applicable penalties shall be as follows:
  - a) For minor offences, admonition or a fine of 4.500 € to 135.000 €.

- b) For serious offences, fine of 135.001 € to 450.000 €.
- c) For very serious offences, fine of 450.001 € to 4.500.000 €.

3. When there is a gross profit obtained as a result of the acts or omissions comprising the offences and it is possible to ascertain its amount, the penalties arising from application of the sums foreseen, respectively, in paragraphs b) and c) of the previous section, may be increased by the positive difference arising, if appropriate, by application of the following rules:

- a) For committing serious offences, an amount no lower than the sum obtained, nor greater than double the profit obtained.
- b) For committing very serious offences, an amount no lower than the sum obtained, nor greater than triple the profit obtained.

(...)

5. The fines shall have the consideration of credit under public law and their amount may be collected by administrative foreclosure proceedings.

\* \* \* \* \*

## **25. SWEDEN**

Sweden has not yet implemented penalties in case of infringements of the Regulation.

\* \* \* \* \*

## **26. THE NEDERLANDS**

Art. 11.15, 11.16 and 11.27 of the Wet Luchtvaart [*Civil Aviation Act*]

Artikel 11.15. Onze Minister van Verkeer en Waterstaat is bevoegd tot oplegging van een last onder bestuursdwang ter handhaving van:  
(...)

b. het bepaalde bij of krachtens de volgende EG verordeningen:

(...)

7°. Verordening (EG) nr. 1107/2006 van het Europees Parlement en de Raad van de Europese Gemeenschappen van 5 juli 2006 inzake de rechten van gehandicapten en personen met beperkte mobiliteit die per luchtvervoer reizen (PbEU L 204).

Artikel 11.16

1. Onze Minister van Verkeer en Waterstaat kan een bestuurlijke boete opleggen bij overtreding van:

(...)

e. het bepaalde bij of krachtens:

(...)

3°. Verordening (EG) nr. 1107/2006 van het Europees Parlement en de Raad van de Europese Unie van 5 juli 2006 inzake de rechten van gehandicapten en personen met beperkte mobiliteit die per luchtvervoer reizen.

(...)

3. De bestuurlijke boete bedraagt ten hoogste:

(...)

e. 74 000 euro bij een overtreding als bedoeld in het eerste lid, onderdeel e.

Artikel 11.27 Onze Minister van Verkeer en Waterstaat publiceert, voor zover van toepassing, uiterlijk met ingang van één maand na de inwerkingtreding van dit artikel en daarna steeds maandelijks, in de Staatscourant een lijst van instanties ten aanzien waarvan in de daaraan voorafgaande periode een beschikking tot oplegging van de bestuurlijke boete, bedoeld in artikel 11.16, eerste lid, onderdeel e, of een beschikking tot toepassing van de bestuursdwang, bedoeld in artikel 11.15, onderdeel b, onder 1°, 6° en 7°, onherroepelijk is geworden.

**Informal translation:**

Article 11.15. Our Minister for Traffic and Water Management is competent for the imposition of a charge under coercive measure in order to maintain:

(...)

b. the stipulations under or regarding to the following European Community regulations:

(...)

7° Regulation No. 1107/2006 of the European Parliament and the Council of the European Communities of 5 July 2006 on the rights of disabled persons and persons with limited mobility who travel by air transportation (PbEU L 204).

Article 11.16

1. Our Minister for Traffic and Water Management may impose a civil penalty in case of violation of:

(...)

e. the stipulations under or regarding to:

(...)

3° Regulation No. 1107/2006 of the European Parliament and the Council of the European Communities of 5 July 2006 on the rights of disabled persons and persons with limited mobility who travel by air transportation.

3. The civil penalty has a maximum of:

e. 74.000 EUR in case of a violation withing the meaning of the first paragraph, component e.

Art. 11.27. Our Minister of Transport publishes, where applicable, the latest from one month after the commencement of this article and then continue monthly in the Gazette a list of companies a decision to apply an administrative fines provided for in Article 11.16, first paragraph, section e, or a decision to apply administrative coercion referred to in Article 11.15, section b, below 1 °, 6 ° and 7 °, has become final.

\* \* \* \* \*

## **27. UNITED KINGDOM**

Art. 3 and 4 of the Civil Aviation Disabled Person Act (28.995/2007)

Art. 3 Offences

(1) An air carrier, an agent of an air carrier or a tour operator who contravenes an obligation imposed by:

- (a) Article 3,
- (b) Article 4,
- (c) Article 6(1), (2) or (3), or
- (d) Article 13,

is guilty of an offence.

(2) An air carrier who contravenes an obligation imposed by Article 10 or 11 is guilty of an offence.

(3) An operating air carrier who contravenes an obligation imposed by Article 6(4) is guilty of an offence.

(4) If the managing body of an airport contravenes an obligation imposed by—

- (a) Article 5,
- (b) Article 7(1), (2), (3), (5) or (6),
- (c) Article 8(1), (2), (5) or (6),
- (d) Article 9(1) or (3),
- (e) Article 11, or
- (f) Article 13,

it is guilty of an offence.

#### Art. 4. Penalties

A person guilty of an offence under regulation 3 is liable:

(a) in relation to any failure to comply with an obligation imposed by Article 8(2), on summary conviction, to a fine not exceeding level 3 on the standard scale;

(b) in relation to any failure to comply with an obligation imposed by:

- (i) Article 4(3),
- (ii) Article 5(2),
- (iii) Article 6,
- (iv) Article 7(1), (2), (3), (5) or (6),
- (v) Article 8(6),
- (vi) Article 9(1) or (3),
- (vii) Article 10, or
- (viii) Article 11,

on summary conviction, to a fine not exceeding level 5 on the standard scale;

(c) in relation to any failure to comply with an obligation imposed by—

- (i) Article 3,
- (ii) Article 4(1) or (4),
- (iii) Article 5(1),
- (iv) Article 8(1) or (5), or
- (v) Article 13,

on summary conviction, to a fine not exceeding the statutory maximum, or on conviction on indictment, to an unlimited fine.