



# Better protection for right of passengers with disabilities

**European Disability Forum Feedback  
January 2022**

**EDF Feedback to Call for Evidence for an Impact Assessment of EU  
Passenger Rights Regulations**



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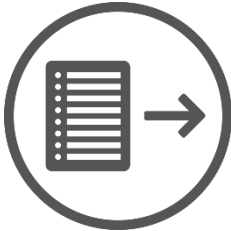



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## Easy to Read



This page is about **stronger rights when travelling** in Easy to read.

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## European Disability Forum

The European Disability Forum is an independent NGO that represents the interests of 100 million Europeans with disabilities. EDF is a unique platform which brings together representative organisation of persons with disabilities from across Europe. EDF is run by persons with disabilities and their families. We are a strong, united voice of persons with disabilities in Europe.

## Introduction

The European Disability Forum (EDF) welcomes the European Commission's initiative to gather evidence for the purpose of assessing the impact of the EU passenger rights regulatory framework, particularly related to Regulations on air passenger rights for passengers with reduced mobility (PRM), waterborne and bus & coach passenger rights.

Based on the impact assessment, including the issues identified during the evaluations of the three regulations on the [rights of passengers with reduced mobility travelling by air](#), [passengers travelling by waterborne transport](#), and [passengers travelling by bus & coach](#), the Commission will suggest one of three actions to address existing issues – 1. soft law (inc. recommendations or interpretative guidelines), 2. targeted amendments to the mentioned regulations, or 3. a new legislative instrument addressing horizontal issues.

EDF would like to stress that to improve rights of passengers with disabilities in the three modes of transport, soft law measures would not be sufficient, as there are gaps not only in the implementation of the Regulations (e.g., enforcement issue,

issues with interpretation of the legal texts, etc.) but also in the legal protections provided by the Regulations (e.g., ‘safety concerns’ still a way of denying boarding to passengers with disabilities, lack of full compensation for damaged or lost mobility equipment in air travel, etc.). Recommendations and interpretative guidelines are of course useful to support proper implementation of EU law, but the laws themselves have to provide sufficient protection to start with.

We provide examples of issues persons with disabilities face in relation to air, waterborne, and bus & coach travel, with recommendations on how to address existing problems.

It is important to point out that data on equal access to relevant transport modes by persons with disabilities is not gathered systematically (e.g. due to absence of reporting obligations for carriers), which makes providing evidence-based policy recommendations more difficult. Lack of data on discrimination against passengers with disabilities therefore should not be interpreted as evidence that passenger rights laws in their current form and implementation provide sufficient protection to persons with disabilities. EDF has tried to fill in the gap in data collection by compiling cases of discrimination and inaccessibility related to travel in all transport modes over the years, and has very recently launched an [online database to gather evidence on transport discrimination](#).

## Regulation 1107/2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air.

Nearly ten years after EU’s accession to the UN CRPD and eleven years since Regulation 1107/2006 has entered into force, millions of persons with disabilities are not able to enjoy equal right to air travel, due to:

- ▶ **Denied boarding and obligatory “safety assistant”:** Despite holding a valid ticket, many persons with disabilities are still refused boarding at the gate or are forced to be accompanied. This discriminatory practice needs to end!
- ▶ **Limited liability for mobility equipment:** Airlines are currently not liable for the full value of damaged, lost, or destroyed mobility equipment or injured assistance animals resulting in a huge burden on the passenger.
- ▶ **Inaccessible and confusing assistance booking procedures:** Lack of clarity and accessibility hinder persons with disabilities in the booking and making arrangements for a smooth trip, as are costs for calling dedicated phone numbers for assistance.
- ▶ **Miscommunication between airlines and airports:** This results in bad travel experiences of persons with disabilities and waste of time and resources for assistance services.

- ▶ **Ineffective enforcement and redress:** Complaints procedures are too complex and not accessible, information is hard to find (and not accessible), National Enforcement Bodies (NEBs) often lack necessary powers and financial/human resources to enforce the law.
- ▶ **Inadequate quality of assistance services:** Cost is often prioritised over quality, resulting in danger to health and safety of the passengers. Adequate pay, work conditions, training for assistance staff and quality of assistance equipment is necessary investment to ensure good passenger experience the least.
- ▶ **Accessibility of aircrafts, infrastructure, and information:** One of the biggest obstacles to enjoying full and equal rights as passengers for persons with disabilities is the fact that the aircrafts, the airports, related infrastructure, and information before and during journeys (airline websites, airport and on board information) are not accessible.

### Examples of discrimination experienced by air passengers with disabilities after the entry into force of Regulation 1107/2006.

1. “Changing between planes. Airport staff tried to reassemble my wheelchair and then doing so jammed bolts into place which then meant when we needed to disassemble the chair for the next flight. This wasn’t easy as a result when we arrived in Tromsø. I spent half an hour waiting at the top of a flight of stairs on an aisle chair outside in -1 degrees waiting ground staff attempted to assemble my chair” – testimony 14.12.2021  
<https://accessibility.edf-feph.org/incidents/damaged-wheelchair/>
2. “On Sunday the 5th of September I flew from Copenhagen airport to fly to Keflavik, Iceland.

On arrival my wheelchair had been badly damaged, so everything was bend. The damage suggest that the wheelchair had fallen from a great height, first itting a hard surface with the upper right corner, close to the push handle, and then tumbling making a mark on the front left side. A damage that would correspond to the really loud noise we heard from the plane at the time, when the wheelchair was to be loaded on the plane.

The wheels of the wheelchair were functioning, even though it was painful to sit in, due to the damage. So, I elected to keep using the wheelchair until I returned to Denmark and just made a registration of the damage.

Unfortunately, the damage itself was the least of the problems.

The airline initially told me there was an 8 to 10 weeks responds time, before they would handle my complaint. Then as I complained to the national aviation authorities, they told me they would not respond until that was settled and now, after more than three months I still haven’t received any response, except for a message through the national authorities, which subtly questions whether I might have made the damage myself but also states they will pay according to the Montreal

convention, which is 1/10 of the actual wheelchair cost. The national aviation authorities still haven't made their final conclusions.

The travel insurance companies say that they shouldn't cover the cost as it isn't me who own the wheelchair (it is owned by the local authorities). And they demand a lot of paperwork.

Part of my job is to travel, but for more than three months that has not been possible due to a damaged wheelchair. Everyone tries to avoid any costs related to this and the worst if, even when I might manage to get a new wheelchair, it is just a matter of time before it happens again, because nothing is being changed.

**Incident submitted by Sif Host, Disability rights advocate. Candidate to the CRPD Committee. Vice-Chair DPOD. Member of the European Economic and Social Committee and Nordic Council's Disability Council. - 05.09.2021**

<https://accessibility.edf-feph.org/incidents/damaged-wheelchair-and-no-help/>

3. "I was discriminated against because I was not allowed to board the plane even though I had a ticket. They said it was because of my disability."  
Testimony - 12.07.2021 <https://accessibility.edf-feph.org/incidents/i-was-denied-boarding-2021-07-12/>
4. Pedro Esquivia along with his guide dog and his partner traveled on July 16 from Madrid to Mallorca to enjoy a few days of vacation. They arrived with Iberia, but the return, on July 19, was scheduled with Ryanair . This visually impaired passenger was vetoed from entering the plane because "my dog's vaccination record was not at hand, despite the fact that the law allows travel on domestic flights without requiring this documentation." [News article in Spanish](https://accessibility.edf-feph.org/incidents/ryanair-and-my-guide-dog/) - 16.07.2020 <https://accessibility.edf-feph.org/incidents/ryanair-and-my-guide-dog/>
5. "Booked on a Ryanair flight to London Gatwick to Dublin on Thursday ninth May and the flight left at 14.50 Ryanair were advised at the time of booking that I required assistance. At the departure gate myself and three other people also requiring assistance were put into a minibus by a female driver who was assisting us. she then drove the minibus as close as she could to the aeroplane.

She then left the minibus and it was some minutes before she returned. was taken back departure area for disabled passengers.

Told that we were being booked on the 21h flight Aer Lingus this time, to Dublin

As we were then delayed over six hours we were given 10 of vouchers to spend in Marks & Spencer and I was also given coffee and a piece of cake. I made enquiries about food for my guide dog and I was told they could not assist with that." -

05.09.2019 - <https://accessibility.edf-feph.org/incidents/assistance-denied-for-the-company/>

6. "Just got to the @British\_Airways lounge here at @Gatwick\_Airport and the lift is out of service, so I can't get up there.

Bang goes my birthday treat to myself, especially after a stressful week of filming and editing! Very disappointed.” – Twitter post (July 2019). -

<https://twitter.com/ellispalmer94/status/1147148469519421441>

7. “@lufthansa @Lufthansa\_DE I can't believe that as a disable human being have to be brought into tears by your workers on the phone line in order to get help. Your attitude is extremely discriminatory, I just called the 6th time now and your worker made as he didn't hear me & laugh” – Twitter thread (June 2019) <https://twitter.com/TamaraDNomad/status/1143137352556142592>
8. Wheelchair user booked assistance with KLM but received a reply saying that “special services/ non paid services are a preference and cannot be guaranteed to be issued”. (April 2019)
9. Blue Air obliged a deaf passenger to sign a form stating that the airline declines of responsibility for ill persons, persons with physical and mental disabilities, for elderly people and women up to 36 weeks pregnant. (March 2019)
10. Broken leg in cast (immobilized), carrier took him to destination but denied his return, arguing that he could not seat properly de to immobilized leg.

He was disembarked from the plane, forced to stay overnight in a hotel and next day they transported him and apologized (March 2019). <https://accessibility.edf-feeph.org/incidents/airline-avianca-broken-leg/>

11. Passenger placed her wheelchair as luggage on the plane and the wheelchair was damaged. Cost of damage is greater than price of wheelchair. (February 2019) <https://accessibility.edf-feeph.org/incidents/wheelchair-as-a-luggage/>
12. A Belgian passengers wanted to go to New York in June with Brussels Airlines and needs a wider seat because of his disability (crooked pelvis). Therefore he has to be in business class but because this is very expensive he had planned to put his assistant in economy just behind the curtain (an additional cost). He does this to lower the price but Brussels Airlines says they must sit next to him. (January 2019)
13. “The airline company does not allow my mother, who is my main carer and uses a wheelchair within the airport ... to sit next to me on the plane. I need her to seat next to me as I have difficulty and need her assistance in eating and getting to the toilet.

...they now allow their passengers to buy their seat. According to their customer services, this option to buy the seats you prefer is not allowed for people with mobility difficulties and that they have designated seats in the aircraft with mobility difficulties and who use a wheelchair. These seats are by the window of the aircraft. This, of course, leaves us the only choice to book a seat 8 hours before the boarding and the risk is that we may end up in different seats and separated, which of course



prevents me from having my carer next to me for my main needs.” (January 2019)  
<https://accessibility.edf-feph.org/incidents/146/>

14. On the flight from Hamburg to Luqa, a passenger had problems with taking her foldable walking frame on the flight. She had received confirmation beforehand that she may take it with her into the passenger cabin. When she arrived at the gate they didn't want to let her take the frame inside the plane. They finally allowed it, but the airline staff was very rude and the passenger stated that she needed “two days to recover”. (February 2014)
15. Two passengers with disabilities, one of them with a visual impairment, had problems with assistance at Heathrow Airport, UK. The flight arrived at 14:42 and the assistance provider (Omniserve) representative finally arrived to collect them at 15:32. 50 mins after arriving at the airport. (October 2013)
16. Despite pre booking access services months in advance, Stansted airport denied access to a disabled woman who missed her flight and was left stranded for two days: <http://reducedmobility.eu/20130215283/The-News/stansted-denies-assistance-disabled-woman-stranded-for-two-days.html> (January 2013)
17. A group of passengers with disabilities traveling from Moscow to Dusseldorf were not allowed to board their flight by an Air Berlin pilot, despite having booked tickets and receiving confirmation from the airline a month in advance: <http://globalaccessibilitynews.com/2012/10/09/air-berlin-refuses-to-board-passengers-with-disabilities/> (October 2012)
18. A group of 22 holiday makers with hearing difficulties were prevented from boarding an Air Méditerranée flight for "security reasons: <http://www.thelocal.fr/page/view/1253#.USSMVPK971U> (September 2012)
19. A deaf group of friends has been refused boarding. This case involving Aegean airlines has been solved through mediation: <http://www.demorgen.be/dm/nl/989/Binnenland/article/detail/1450460/2012/06/07/Luchtvaartmaatschappij-weigert-dove-reizigers.dhtml> (June 2012)
20. Experience of Prof Lisa Waddington: *I wanted to inform you of my experiences whilst travelling back from Madrid from the DREAM joint training event (of which EDF is also a partner) this weekend with Brussels Airlines. I thought these experiences are useful for the EDF dossier of breach of rights of pwd, and may also inform reflection on revisions of EU law in this field.*
  - a. *As background, I have a disability which means that I need to rest a great deal, and feel very ill when I do not get enough rest. Since travelling by plane is tiring and demanding, I nearly always travel with an assistant who helps me out. I do not usually inform the airlines that I am a person "with reduced mobility", as, as long I have enough rest beforehand, I am able to walk around the airport and board the plane without assistance. The situation changes though when there is a long delay or cancellation.*



- b. *Our direct flight from Madrid to Brussels (dep. 17.30 arr. 19.30) on Friday evening was cancelled. As soon as I got the opportunity I informed a rep. of Brussels Airlines that I was a disabled person, and needed to rest immediately / have quick access to the hotel room they would provide. It was already clear than no one was going to be put on a flight that night, and we all had to wait until the next day, so we were all going to get a hotel room eventually. I informed the rep. that I was travelling with someone else, and that, under EU law (the Reg. on rights of passengers in the case of delay / cancellation of flights - not the Reg. on prm) that they had an obligation to provide extra assistance to persons with disabilities - in my case, that meant I needed access to the hotel room. The rep. spoke to someone else at the Brussels Airlines and politely told me that she refused to provide me with extra assistance, and that I was not registered as a prm (true - for the reasons I gave above).*
- c. *There was nothing to do. My asst. waited in line for 3 hours. At 22.30 he was at the front of the line, and I was feeling pretty awful, but joined him. I complained that they had refused to assist me. I got all kinds of excuses - but the story seemed to be that they did not believe that I had a disability and they thought I was trying to get to the front of the line. I explained that all I wanted was access to the hotel room and my asst. would have waited his turn. It seemed I only needed my boarding card to gain access to the hotel - but they had not told me this, so I had to wait for 3 hours for this simple piece of info. The staff member did apologise and said that I should have spoken to her - and not the other representative. However, I communicated my situation and needs to a rep. of the Airline - it was their responsibility to obtain further info. from me if they needed it (she said they needed to know what my disability was, but no one asked me ...). After the first discussion I felt too ill to take further action (so in telling me that I should have taken the matter further, she was also taking no account of the fact that I had a disability), and my asst. needed to stay in line and keep the place. The staff member did accept that I had a disability and that mistakes had been made.*
- d. *Anyway, assistance was denied to me as a disabled person, even though I cited the relevant EU rules. Brussels Airlines failed to comply with their obligations under EU law.*
- e. *Of course, I will be complaining everywhere about this. I inform you because:*
- f. *this seems to reveal a problem with the regulation. Persons with reduced mobility must be provided with extra and priority assistance generally - but if it is the cancellation / delay that means that the passenger becomes a prm, and the airline has no previous record, problems can arise. This situation can apply to people with fatigue*

*related impairments such as myself, but also people with psycho-social disabilities (e.g. have a need to know what happens / feel secure) or people who need to take medicine at certain times. No reduced mobility exists if the flight is on time - but problems arrive in the case of delay / cancellation. Brussels airlines staff seemed to have difficulty understanding this situation, and the Reg. is not specific. On reflection, I think the Reg. should explicitly clarify that airlines also have this duty to people who have a "reduced mobility" as a consequence of the delay / cancellation.*

- g. one option would be allow passengers to note this when booking - at present passengers are only asked if they have trouble boarding etc. - not if they would need extra assistance in the situation that the flight is cancelled / delayed.*
- h. persons with invisible disabilities, such as myself, may not be believed when they say they have a disability - and be seen as trying to get to the front of the line. It seems this is what Brussels Airlines initially believed. This reflects poor staff training / skill.*
- i. To finish the story. We eventually got to an awful hotel around 23.00. We had the possibility to eat and drink then - not offered before. We were rebooked on a flight to Brussels via Zurich. I felt so awful the next day, that I asked for wheelchair assistance. I got that in Madrid and Brussels, and we just had to find a spare wheelchair in Zurich and take care of it ourselves. No voucher for lunch or phone calls was given. The flight to Zurich was late, we just made the connection, our luggage did not. We waited an extra 2 hours to pick it up (not trusting the airlines to get it to us the next day). We arrived in Brussels more than 24 hours later than scheduled (19.45 Sat.) and our luggage got there about 21.45.*

21. A group of 22 deaf persons were refused boarding the Air Méditerranée flight from Marseille to a destination in Turkey, where they had been planning to spend a holiday. The airline justified the denial by "security concerns"; while accepting there has been a "communication error", they refuse to admit discrimination. The French minister for solidarity, nevertheless, criticized the incident as discriminatory. The French Ombudsman is looking into the case. ([http://www.lemonde.fr/societe/article/2011/09/21/des-sourds-indignes-ont-ete-interdits-d-embarquer-dans-un-avion\\_1575650\\_3224.html](http://www.lemonde.fr/societe/article/2011/09/21/des-sourds-indignes-ont-ete-interdits-d-embarquer-dans-un-avion_1575650_3224.html)) (September 2011)
22. A wheelchair user bought her Malev air ticket online, and later contacted the airline to order special assistance. Customer service, having asked for her diagnosis and the measurements of her wheelchair, declared that she could only travel if accompanied by a personal assistance. As the passenger could not afford it, Malev reimbursed her the price of the ticket. In reply to her written complaint, Malev stated that it had the right to require an

accompanying person to travel with the disabled passenger, if she cannot take care of herself. (August 2011)

23. Children's author Corina Duyn won a case in the Irish Equality Tribunal against Aer Arann (subsidiary of Air Lingus) who refused to accept her mobility scooter onboard because of its battery type. She was awarded Ms Duyn €3,000 and ordered Aer Arann to conduct a review of its policies and procedures regarding scooter batteries. The woman had contacted Aer Arann in advance of her flight from Cork to Edinburgh on 19 August 2009 and informed them that her Rio 3 lite scooter was powered by a non-spillable battery compliant with International Air Transport Association standards. However, an hour before departure, she was approached by an employee of Servisair (handling agent) informing that the company did not carry such batteries and she could not fly. The episode damaged her confidence in her ability to travel independently.  
(<http://www.irishtimes.com/newspaper/ireland/2011/0725/1224301314856.html>) (July 2011).
24. A passenger with a disability tried to book the flight tickets with Spanair. However, the airline refused the booking since the wheelchair weighs over 100 kg (actual weight of 162 kg) and suggested the passenger to separate the wheelchair into more pieces each weighing less than 100 kg. Such a manipulation is not possible without risking serious damage to the wheelchair electronics. The airline website does not contain any info specifying the maximum weight of the wheelchair; even if it did, the passenger would still consider such a situation discriminatory. (July 2011)
25. A person with autism was refused boarding a Tunisair flight from Toulouse twice by the same captain, who estimated that the young man who was, according to his mother, lightly kicking the back of the chair in front of him, was excessively agitated. Tunisair promised the mother of the youngster that they would be able to fly on another flight, piloted by a different captain. (June 2011).
26. Alexandra Spencer booked an EasyJet flight from Manchester to Paphos in Cyprus for a holiday with her 12-year-old son Declan, who has Duchenne muscular dystrophy, cannot walk, stand or lift a cup and can only feed himself if his elbows are supported. However, she was later told that the wheelchair, weighing 90 kg, could not be carried onboard unless disassembled, which is impossible without damaging it. Ms Spencer had to rebook her flight with another airline that was prepared to accommodate the passenger and is now seeking legal advice against EasyJet.
  - a. <http://www.guardian.co.uk/money/2011/jun/27/easyjet-discriminatory-wheelchair-policy?CMP=NECNETTXT766> (June 2011)
27. A passenger was forced by Swiss airlines to travel with a personal assistant and initially saw his electric wheelchair refused for boarding due to its gel battery. When the passenger mentioned that the travel was for business

purpose to participate in the EDF annual general assembly, where he would denounce the situation, he was allowed to travel within one hour. (June 2011)

28. A passenger with progressive Parkinson's disease travelling Thai Airways from Bangkok to Milan Malpensa was refused any kind of assistance (medical or otherwise) onboard the plane, despite her prolonged pleadings to call a medical professional onboard to help her alleviate cramps and spasms that are the result of her disability. The passenger complained to the European Commission and demanded compensation from Thai Airways (June 2011).
29. When an EasyJet flight from Rome Fiumicino was cancelled, the person with a disability and his personal assistant were left to sleep in the airport, since the transfer to the hotel and the hotel rooms were not accessible. The person was not even authorised to use the lounge, but had to stay in the main hall. Following the complaint, the person was offered reimbursement of this tickets and a free round trip with EasyJet.
30. A passenger with a disability, the 57-year old Jo Heath, was left at the gate at Luton airport when her ambulift did not arrive on time. Ms Heath had to be carried onboard the Ryanair plane to Brest (France) by her husband. Ryanair was fined 1,750 GBP but appealed against the decision, claiming that it is the airports', not airlines' responsibility to provide assistance to disabled passengers. The company commented that it is Ryanair's policy to refuse boarding of disabled passengers who do not reach the plane on time. (Google translation, <http://www.tic.travel/news/15042011/ny-dom-til-ryanair>) (April 2011)
31. UN Special Rapporteur on Disability and wheelchair user, Shuaib Chalklen was informed that if he planned to travel unaccompanied he would be denied boarding his flight LX 353 London-Geneva. The rationale behind this threat issued by the Swiss Air Medical Department was that the passenger could not independently use the sanitary facilities. The standard flight time for this route, from London to Geneva is 1h40 and Mr Chalklen is a frequent and thus experienced flyer yet, he was refused access on the grounds of his disability. After an extensive media campaign, the airline issued an apology to the passenger (April 2011).
32. Member of the UN Committee on the Rights of Persons with Disabilities (CRPD Committee) and wheelchair user Carlos Rios Espinosa from Mexico was denied boarding by Air France in Mexico the day he was starting his trip to attend the CRPD Committee session. Air France personnel argued that Mr Rios was travelling with "abnormal luggage" – his wheelchair batteries (that were acid-free and dry, as required by many other airlines). There is no warning on the Air France website on the handling of power wheelchairs and the extra requirements Air France asks. When the passenger tried to record the situation on his mobile phone, the airline got agitated and demanded him to turn the recording off and erase the videos, which he refused doing, before being detained by the police. He finally managed to come but with Iberia. (April 2011)

33. A passenger who broke his pelvis while on holiday in Dubai received a “fit to fly” certificate from the doctor prior to her scheduled flight back to the UK with British Airways. The certificate included x-rays and a CT scan, as well as a medical request to accommodate the passenger in first class. At the airport, the passenger was informed that she needed a “blood count” in order to fly and advised to re-book for a later flight. No assistance was provided to the passenger with transporting her from the gate back to the BA counter at the airport or to the hospital for the blood count test, which was performed despite the medical staff’s disagreement over the need for it. The passenger was finally permitted to return to London, where she contacted BA’s medical clearance service, who confirmed that the blood count was unnecessary for the person in this passenger’s situation. She denounced the policies applied by the BA ground staff in Dubai to the airline’s management (June 2010).
34. A paraplegic passenger was not allowed to board the EasyJet flight Paris-Nice without a personal assistant, even though she had traveled from Nice to Paris two days prior unaccompanied. The passenger complained to the French equality body. (March 2010).
35. A passenger with a metallic implant in his knee was travelling from Bucharest. When passing through security, the alarm went off as usual, due to the metallic implant. As a frequent flyer, he knew about the procedures and explained to the security personnel the reason for the alarm and how to check this with the manual stick. However, two men from the security asked the passenger to go into a boot in order to body-search him. The two men thereafter asked the passenger to take off his trousers and *thereafter his underwear* in order to check with their hands where the metal implant was located, despite that the passenger clearly showed them where it was. (January 2010)
36. A wheelchair user was travelling accompanied from Warsaw to Thessaloniki via Dusseldorf. The passenger and assistant had only received their boarding passes to Dusseldorf in Warsaw and were told that they had to get their boarding passes for the leg Dusseldorf-Thessaloniki in Dusseldorf. However, in Dusseldorf, the assisting airport personnel went directly to the gate for the departure and told the passenger and accompanying person that they would be able to get their boarding passes there. As the boarding passes were not at the gate when they arrived there, the assisting airport personnel made several phone calls and thereafter told the passenger and assistant that he would leave for a short moment and thereafter come back to the passengers. However, the time passed and the passenger and assistant were left alone and started to worry that they would miss their connection. The assistant therefore left the gate and went directly to the check in to get the boarding passes himself, leaving the person with a disability alone for 30 minutes. This experience was very stressful for both passengers. (March 2010)
37. A passenger who is blind was travelling with Aegean. Despite having explained to the personnel on board that he was blind, he did not get any



information about the safety procedures in an accessible way and the hostesses were clearly unaware of how to assist a person when serving the meal and how to communicate with the passenger (March 2010).

- 38.** A passenger had to wait for the assistant when arriving from Budapest to Brussels airport for almost an hour at the gate for arrival. She was explained that this was due to a low number of staff available, and that they had to wait for other arriving flights before assisting individual passengers. The assistance was not personalised at all, but several passengers were assisted at the same time. When reporting about this case, the passenger stated that this situation was, according to her experience as a frequent flyer, the general rule at the Brussels airport. (February 2010)
- 39.** A passenger travelling with a heavy electric wheelchair had notified his needs for assistance when booking the ticket and also provided the weight of the wheelchair. Despite this, his flight was delayed with 30 minutes due to the fact that the personnel were not prepared for boarding such heavy equipment. The passenger feels that when the regulation 1107/2006 is requiring pre-notification, it could also be expected that the personnel is prepared for your arrival at the airport and made the arrangements needed in order to make the journey as smooth as possible.
- 40.** A person travelling with EasyJet was asked to disembark a flight Paris-Nice because of her disability as she was travelling unaccompanied, although she is regularly travelling unaccompanied and that she had not been told about these rules prior to boarding. She was told that this was due to "European safety rules". (March 2010)
- 41.** A UK passenger travelling to Nice had her wheelchair being so severely bent that it wouldn't drive straight. The passenger's experience is that the regulation 1107/2006 has not improved the way that passengers or their mobility equipment is treated during air transport (March 2010)
- 42.** A wheelchair user was travelling from Stockholm Arlanda to London Heathrow. Upon arrival at Heathrow airport it became clear that his electrical wheelchair, which he depends upon, was left behind in Stockholm. The passenger only received the wheelchair 24 hours later and had as a consequence, after arriving to his home, to stay in bed when waiting for the wheelchair to arrive. This was a very stressful experience. (November 2009)
- 43.** A person was arrived at the Brussels airport from Helsinki, unaccompanied with her guide dog. The airport arrived in the middle of the airfield, but the assistant provider brought her to the terminal. From the outside she was pushed into a small room, about 10 m<sup>2</sup>. There was already one gentlemen waiting in this same room. When the member of the personnel brought her in the gentleman tried to get out. The lady was taken to a chair and she was told to wait. The assisting person left the room and locked the door behind her. Immediately after this the gentleman in the room started to behave in a very aggressive way. He kicked the door, yelled and shouted, and battered the

window with his fists. The lady could not find out what was the matter with him, because they did not speak any common language. The lady felt very frightened. She tried to find her way out of the room, but there was no open exit. After ten minutes a man came from outside to open the door. The lady told him that she found it unacceptable that persons with disabilities are locked into an isolated room like this without any exit. She also asked why the gentleman was so aggressive. The airport personnel responded that he supposed that the gentleman must have been waiting in the room for too long. (October 2009)

44. A person was travelling from Milan to Brussels with the Alitalia morning flight and was received by a lady from Airport Caddy whom he asked whether they had installed the facilities to call for assistance when arriving at the departure building. She was not able to give this information. In the afternoon the passenger went back to the airport and was let down by the taxi driver quite far away from the entrance so that he was lost and had to request support from other passengers passing by. Those passengers accompanied him to the Alitalia desk where he checked in. From there somebody called the assistance service and after a while somebody came and took him to the place where he was supposed to wait before being taken to the departure gate. This was a very small and uncomfortable "cell" where he was left alone for quite some time without any further explanation. (January 2009)
45. A person who uses an electric wheelchair was flying from Florence to Boston (specifically, a three-wheeled electric scooter) and had difficulty on her departure from the airport, as well as on each of her European trips since the new regulation went into effect. At least from her experience, and conversations and correspondence with airline personnel, it appears that the new regulations might be having a somewhat paradoxical effect on users of powered mobility devices, and are inadvertently making it more difficult in some ways such as the airlines 'refusal on multiple occasions to provide written acknowledge in advance that she has a powered mobility device, followed by the ground crews' repeated refusal to load her chair on connecting flights because whatever documentation about her chair did finally make it into the reservation system of the primary carrier was not passed onto the carrier for the connecting flight. At his particular occasion, she was being pushed and pulled around by the Italian Police at the Florence airport while trying to keep the airport security guards from detaching a delicate electronic control board from the inside of her chair. The methods for checking the chair through security is inconsistent across Europe and it is always stressful for the passenger to pass through security. In Florence she initially asked the security team if they could check her chair with a "sniffer" device instead of removing components from the chair. Once they eventually got a successful dialog going, that's exactly what they did, but it appears that they didn't have the proper equipment and weren't well-trained in using it. (September 2009)
46. A person was travelling from Copenhagen to Brussels. There were some experiences that the passenger found discriminatory. First of all, he could not



check in online, because he is a user of a wheelchair. He found this discriminatory because he had made all the arrangements in advance about his needs and they had all been accepted and confirmed. He therefore found it unfair to have to get to the airport one or two hours on beforehand despite travelling without any luggage and only with a small wheelchair. Secondly, he found it discriminatory to be forced to sit in the back of the plane. Thirdly, he found it unfair to be expected to sit by the window, It is very difficult for him, as a tetraplegic person, to get into that seat. In addition, it becomes very difficult to assist him in event of an emergency. (September 2009)

47. A passenger arriving in Athens with a BA flight had to get his electric wheelchair at the baggage reclaim. This has happened on other occasions, and it is always very stressful because the passenger has to do three lifting transfers instead of two, which is difficult for his body. It is also made worse by the fact that the airport wheelchairs are most uncomfortable for him and make it difficult for him to breathe. The main outcome of this was that his wheelchair was placed on the luggage conveyor belt and when it came through into the reclaim area, the gap was not large enough and hence his wheelchair was knocked over sideways and damaged. There was also another wheelchair user on this flight who had the same problem, as both wheelchairs were together. His control box was broken and they had to reassemble the battery box which had fallen off. As well as this the wheelchair arm was damaged, the back of the wheelchair and the battery box. The other thing that happened was that his personal assistant had to lift his electric wheelchair off the conveyor belt, and this is very dangerous considering its weight. The passenger's experience is that the situation is getting worse for passengers with disabilities despite the new regulation. The passenger feels like giving up travelling by air because of all the difficulties (May 2009)

48. A frequent flyer who is blind but with good mobility used to travel to Brussels airport since many years but felt that there there has recently been a dramatic deterioration of the quality of the assistance provision. According to the passenger, the last two subcontracting companies had proven to have a low level of competence, and organisational problems all the time. At the time when this complaint was made, the company which was delivering the assistance was, according to the passenger, working very badly and with no respect for the dignity and the needs of disabled passengers. What he found particularly upsetting was the way the staff members of the company behave and the fact that the assistance is not provided in a personalized way but putting together regularly different passengers collected from different flights or directed to different flights. This can be accepted in emergency situations but not as a rule. The passenger protested many times against this practice but the staff told him that this was due to lack of personnel. In the past he was not obliged to wait for the assistance. Now he has to do it every time both on arrival and departure. At this occasion, the inconvenience caused by Airport Caddy became intolerable. The passenger had informed them by e-mail about

arrival and departure time but they were not at the gate when he arrived in the morning and they made him wait more than half an hour at the Alitalia check in desk in the evening. This time he protested very strongly pointing out their incapacity to provide efficient and timely assistance. He was treated in a humiliating and offensive way by impolite, arrogant, incompetent staff members. In the end they put him on a golf car with other 4-5 people, and drove through the airport with staff members shouting and yelling. (July 2008)

49. Several passengers with a lung condition raise the difficulty in travelling by air if you require supplementary oxygen. For many people affected in this way, a portable oxygen supply creates the same degree of mobility and independence that a wheelchair gives to people with other disabilities. However, due to the differing policies set by airlines companies, people on supplementary oxygen find it both expensive and difficult to book a flight. Those passengers find it completely unacceptable that many airlines do not allow passengers to bring their own equipment on board while simultaneously charging passengers for the supplementary oxygen that they provide. They question whether this practice is compatible with the EU regulations (August 2009)
50. A blind couple was travelling with their baby on Air France. They were being told that in order to be allowed to travel, they needed to bring an accompanying person, as it was not considered safe that the couple were responsible for their baby on board. (September 2007)
51. A passenger (wheelchair user) travelling with Austrian Airlines was being asked to fill in a medical form in order to travel (the person is a frequent flyer and was not used to be asked to fill in this form as the person has no medical condition which would require notification). In addition, the person was forced to sit by the aisle for "safety reasons". Other air carriers have the opposite rules, also for "safety reasons". Finally, it had not been possible to book the assistance online but only through an additional phone call which the passenger was being charged for. (December 2007)
52. A person (wheelchair user) was travelling with EasyJet and while boarding the flight she was being dropped by the assisting persons. (May 2008)
53. A blind person tried to book assistance for a flight journey through the travel agency TRAVELLINK. He was asked for to pay for the assistance requested (through e-mail). He responded that this must be a misunderstanding, as the regulation 1007/2006 prohibits demanding a fee for receiving assistance. He then got an e-mail saying that they had booked the assistance (at no charge) but no apologize. So everything was arranged in the end, but it's an example of the lack of knowledge of the European legislation on the rights of disabled air passengers. (January 2009)
54. A person who needs to travel on a stretcher due to a back problem has tried since several years to travel out from Oslo to visit friends in the US. She is prepared to pay herself for all the extra seats needed to fix the stretcher. She

would travel accompanied. She has been in contact with all the relevant Norwegian, US and EU authorities but it appears to be impossible for a person who needs to travel on a stretcher (and no additional assistance needs) to take the flight departing from the EU (December 2008).

55. A CityJet pilot was telling the a passenger with a mobility impairment that he had never heard about the regulation 1107/2006 and that there was no need to train the personnel in disability-awareness (October 2008)
56. An electric wheelchair user was supposed to travel together with two accompanying persons from Stockholm Bromma to Brussels with MalmoAviation. It was a shared flight with SNBrussels, using an SN Brussels plane. However, at MalmoAviation check-in the person was being told that he could not be allowed on board as the electric wheelchair was too big for the capacity of the aircraft. The passenger thus missed the funeral of one of his best friends. Afterwards, the SN Brussels stated that the aircraft used was actually large enough for boarding the particular wheelchair used by the passenger, but the MalmoAviation never admitted their fault. (June 2008)
57. A passenger travelling with Jet2 was being told he had to pay extra to bring his prosthetic legs when going on holiday (November 2008)
58. A passenger who is blind was travelling from Paris CDG tried to make use of the destinated call points, but the way-finding was very difficult at the Terminal 2D and the quality of the sound when communicating with the assistance provider made a proper communication difficult. Once the assistant provider showed up, he was proposing a wheelchair to the passenger, despiet the fact that he is blind and has no walking difficulties. The assistant also seemed very unaware of disability awarness and had never heard about the regulation 1107/2006. (September 2008)
59. A Dutch wheelchair user tried to book a ticket with the Turkish Airline Corendon but noticed on their website that it was clearly indicated that they do not accept passengers uring wheelchairs to travel (September 2008)
60. Schiphol airport invested in new wheelchairs for the assistance provision to passengers which did were not at all conform with the requirements in the ECAC Doc 30 (August 2008)
61. The Schiphol disability awareness training to staff was reported by the disability organisations to have been put in place without their cooperation and the content seemed to be very poor (August 2008)
62. Three members of the EDF general assembly were unable to attend the annual meeting due to denied boarding with the air carrier TAP (May 2008)
63. A Canadian citizen travelling out from Paris CDG was forced to check in her wheelchair and being assisted to the aircraft in an airport wheelchair to her great inconvenience. This had never happened to her in Canada. (August 2008)

64. A group of 17 deaf and hard-of-hearing persons were to travel with Luxair, but were refused to travel as they were more than four persons with a disability on the same flight, as they were told. They had been travelling together before a group. (August 2008)
65. A person booked a flight with Jet2 but was told that she could not be accepted to travel because her mobility equipment was too heavy (60 kg). (July 2008)
66. Two persons in need of assistance who were supposed to travel with Air One from Fiumicino to Algher arrived at the check-in well in time and had notified their assistance needs. However, the assisting personnel arrived so late that they both missed their flight and had to wait for seven hours in order to catch the following flight. (March 2008)
67. A wheelchair user travelling with AirLingus out from Dublin was lifted with the onboard lift over seats with no foldable armrests. He was therefore put, before the other passengers, in an aisle seat, meaning that the other passenger had to climb over him to get to her seats by the window. The passenger was also manhandled when being carried onto the aircraft as there was no ambilift available. For the return flight, the passenger had been promised that there would be an ambilift available, but this was not the case. The only means of getting the passenger onboard was to use a Stair climber chair, which meant he had to be transferred from his chair into it by attendants. He was suspended with no support for 10-15 minutes while the Staff consulted on the best way to get him onboard. Because he has a form of Muscular Dystrophy, his legs began to shake and he became very nervous. (May 2008)
68. A passenger travelling with Adria Airlines from Ljubljana to Munich had notified that she was blind and travelled accompanied. Despite this, the hostess asked twice to the passenger in a rude way in front of other passengers whether she was really entirely blind. (May 2008)
69. A person with a severe allergy booked tickets almost one year prior to his journey with AirFrance. He explained that his allergy is so severe that he will not be able to travel without risking his own health if there would be an animal onboard the flight. Despite this, he was being told that it is impossible for the aircarrier to tell him whether there will be an animal on board the flight or not until the day for departure. This means the man had to cancel his plan to travel (May 2008).
70. Blind and partially sighted persons who need to take their guide dogs when travelling by air are refused to bring them with RyanAir and EasyJet when travelling out from Malta. (March 2009)
71. A wheelchair user was being assisted to her gate to take a BA flight from Heathrow terminal 5. The assisting person thereafter left her at the gate without any further explanation and after some time the plane started to get boarded. However, no one came to assist the passenger and when she called for help (she is unable to move) she was told that she had not been

properly checked in why she had to wait for assistance in registering her properly. This delayed the flights with 30 minutes. (June 2009)

72. A person had to get hold of her mobility scooter at the conveyer belt at the Athens airport despite the fact that it had been tagged as 'fragile' and her scooter was in several pieces, one of which fell onto the floor. (May 2009)
73. A wheelchair user who is frequently flying unaccompanied and who does not need any assistance was refused to travel on an EasyJet flight from Paris to Porto (February 2009)
74. A person travelling with Quatar airways coming back to the US was denied boarding as she did not have any accompanying person with her. This was the first time she was requested to travel accompanied and she experienced the situation as very humiliating and upsetting. (April 2007)
75. A person travelling from Athens airport with an electric wheelchair, and who had notified his needs well in advance, as well as the weight of his electrical wheelchair (150 kg) was told at the airport that he could not bring the equipment as it was too heavy. It is unacceptable that a person who is depending on his or her mobility equipment cannot feel certain what rules will apply at an airport. (May 2009)
76. A person who should fly out from Brussels airport with Swiss airlines went to the check-in to ask for the assistance as she had requested through her prior notification. The staff at the desk answered, that the passenger had to go to the assistance desk by her own. The passenger asked the check-in staff to call the assistance to pick her up at the check-in, as she can only walk short distances. The check-in staff was standing up from her chair, looking at the legs of the passenger and at her stick, and then she said that she cannot give any more help and that the passenger had to walk to the assistance desk by herself. The passenger asked about the distance to the assistance desk, and the lady at the check-in desk answered that it is not far away. The passenger was too shocked to complain and started to walk. It was heavy for her and after some meters she felt her knee starting to "burn". There were many other passengers around her, running to their terminals, and one of them was hitting her stick. She nearby felt down to the ground and thought that she would never reach the assistance. Two Ladies from *FlightCare* were seeing her situation and they came to her. One of them was going to bring the passenger a chair, the other lady went to the assistance to get a wheelchair and a person to help the passenger. Finally a man from the assistance picked the passenger up to bring her to the Business Lounge. He told her, that they would pick her up there at 6:00 CET, but no one showed up. Only with the help of a very kind passenger, she was able to get her flight. At home she had to go to the rheumatologist, as she had inflammations in both knees and very strong pain for several days, because of walking too much. (March 2009)
77. A person using a wheelchair had booked a ticket with Swiss Airlines and was asked to fill in a medical certificate as a condition for travelling. When the



passenger protested and said she did not have any medical condition which justified such a certificate, asking detailed questions about her health, she was told her trip would be cancelled unless she filled it in. (November 2009)

78. A blind person informs the EDF she has tried to find the designated points for arrival at as well the Stansted as the Heathrow airports but that she has not been successful. This is very unfortunate as blind passengers would benefit a lot from these devices provided they are easy to locate. Accessible wayfinding is thus an issue. (November 2009)

## EDF Recommendations for addressing existing gaps under Regulation 1107/2006

- ▶ **“Denied boarding”:** In order to ensure that “denied boarding” becomes history and the gap in the Regulation is closed, we demand that the right to transport is guaranteed without exceptions.
- ▶ **Equal right to compensation:** A cash compensation should be granted to a passenger with disabilities who was denied boarding against their will as it is the case for passengers without disabilities under Regulation 261/2004.
- ▶ **Public database on cases of “denied boarding”:** All cases of “denied boarding” and the stated reasons should be recorded in a publicly available and accessible database. This will empower passengers with disabilities to seek redress and facilitate the work of the enforcement bodies.
- ▶ **“Safety reasons”:** The term must be clarified to avoid misuse without restricting the freedom of the passenger. Inclusive aircraft design, providing accessible information on emergency procedures, adapted operating rules on seating of passengers with disabilities, or provision of assistive devices such as on-board wheelchairs can be a solution.
- ▶ **“Safety assistant”:** The concept is discriminatory in itself and should therefore be abolished. But in case a person with disability is asked to be supported by a safety assistant for reasons that are clearly defined and regulated by law, this safety assistant must be either provided or at least paid for by the airline.
- ▶ **Mobility equipment:** Make it obligatory for airlines to publish data; train luggage handling staff; raise the liability limit of airlines to the full value of the damaged, lost or destroyed mobility and other equipment used by persons with disabilities as is the case for EU passenger rights law for rail, bus and coach, and waterway transport, rather than sticking to the limits of the Montreal Convention.
- ▶ **Booking of assistance and information:** Booking of assistance as part of regular ticket booking procedure; booking must be possible free of charge via different communication channels; airlines and airport websites must be accessible; passengers should get written confirmation of their booked assistance to avoid miscommunication at the airport.
- ▶ **Communication between airlines and airports:** better use of IATA codes and free-text field.
- ▶ **Enforcement and Redress:** Easy and accessible complaint procedures, accessible and easy to find information on passenger rights and complaints procedures; National Enforcement Bodies must have powers to make binding

decisions and resources to investigate individual cases and conduct regular audits; data on passenger complaints should be public

- ▶ **Better quality of assistance services:** Quality should be the primary criterion for procurement; decent equipment should be obligatory.
- ▶ **Accessibility aircrafts, infrastructure, and information:** Even though this is not strictly speaking under the scope of the Regulation, these issues urgently need addressing as a pre-requisite for PRMs to enjoy their rights as passengers.
- ▶ **Cooperation with organisations of persons with disabilities (DPOs):** Airports, airlines, assistance providers and NEBs should meaningfully consult and cooperate with [national and European networks representing persons with disabilities](#) when developing, updating and implementing policies and measures affecting persons with disabilities.

Further details of issues and recommendations can be found in the [EDP Position Paper on Rights of Passengers with Disabilities in Air Travel](#).

## Regulation (EU) No 1177/2010 concerning the rights of passengers when travelling by sea and inland waterway

The Regulation 1177/2010 has had an overall positive impact on rights of persons with disabilities when travelling by sea and inland waterway transport, not least because it has raised levels of awareness concerning the rights of passengers with disabilities. This is already an achievement, but it is not sufficient. Some of the remaining issues to be tackled are:

- ▶ **Accessible Information:** While awareness on passenger rights has grown, provision of accessible information is a problem especially on board of the vessels.
- ▶ **Provision of assistance:** In general, assistance seems to be provided at most ports, at least we have not received complaints about this. However, there are some issues with service quality and implementation, as in this testimony from Italy: “Actually all Companies have appointed some crew member assigned to assist persons with reduced mobility, and nothing else. Most of them try to disappear when a PRM approach the vessel and some time helping such persons to accommodate in a room in the car deck; only when the PRM is not so heavy (like children), they will transfer by hand the wheelchair from the garage to the saloon.”

Furthermore, a specific problem at ports which is not prevalent in the other transport modes is the fact that it is not clear from where exactly assistance has to be provided. The entrance to the port area is often very far from the boarding terminal and if you are a foot passenger (not arriving by car) this is problematic. Especially for cruise ships where the passengers board on foot it has been reported to us that the operators do not provide any wheelchair accessible transfers from the entrance of



the port to board the ship and vice versa. The provision of assistance may have to be clarified better under these circumstances.

- ▶ **Additional travel costs:** while ticket fares may be the same, often telephone lines for assistance booking or information are not free, so this puts persons with disabilities in unequal financial position related to other passengers. Also, passengers who require accompanying personal assistance are put in unequal condition as they pay double cost for travel. This is not considered by the Regulation beyond Article 8.4 in reference to requirement of accompanying persons for safety purposes.
- ▶ **Accessibility of ports and vessels:** one of the biggest issues when it comes to waterborne transport travel, is the lack of accessibility of vessels and port infrastructure. From Italy, for example, we received complaints that passengers were forced to stay on the car deck because the old and inaccessible vessels made it impossible to reach the passenger deck for some PRMs. This is of course dangerous and should not be allowed for safety reasons either. In other reported cases, the operator has installed stair lifts but those are often out of order or also not up to the safety standards. These kinds of issues still negatively affect overall travel experience of course. Lack of accessibility leads to safety concerns, discrimination and treatment of PRM as second-class citizens, which is unsignifying for anyone, and leads to breach of UN Convention by EU and Member States.
- ▶ **Accessible and timely feedback and complaint measures:** There is also often lack of clarity where to complain, and how certain provision of the Regulation can be interpreted, so this leads to lower certainty and confidence among passengers with disabilities. There are no clear accessibility requirements for the complaints procedures and information and there is no harmonized complaints form or mechanism that is easy to use and understand for all passengers. The added value of Regulation 1177/2010 should be to provide clear, harmonized rules on this.

The Regulation also is not specific enough on reply time for complaints. It notes 'reasonable time' but that is subject to wide interpretation. Furthermore, the Regulation states that Member States can decide who the 1st point of complaint should be – operator, carrier, NEB or other competent body. This does not help passengers' awareness on their rights as for a non-professional it is difficult to know what the law in their country says. This is further exacerbated when travelling in another country the laws of which passengers are even less familiar with or are not familiar at all. Lastly, the Regulation should be more specific about the accessibility of complaints mechanisms so that NEBs work is more effective. Can passengers file complaint in sign language? Are there easy to read formats of documents? Can deafblind passengers effectively access information about their rights and complaint mechanisms?

- ▶ **Enforcement by national authorities:** The Regulation is rather vague on the role, responsibility, and mandate of NEBs. First of all, when it comes to independence from commercial interest, organisation, funding decisions, legal

structure and decision-making, the Regulation should be more specific. Minimum European standards to ensure this would be very welcome. We often hear in discussions with NEBs that they have lack of resources and staff, so at times only one staff member can deal with PRM issues and just a few hours per their monthly working hours. NEBs also need training on disability awareness and accessibility to be even more effective. Hiring experts with disabilities to work at NEBs can be a very good first step towards this goal.

- **Systematic data collection:** Since the entry into force of the Regulation, EDF has not received systematic feedback, so our opinion is shaped by anecdotal evidence. We believe that this does by far not reflect the number of real cases. Rather, it is a combination of a) not knowing your rights, b) not knowing where/how to complain, c), the complaints procedure/form being inaccessible and/or too complicated, and d) passengers' being so frustrated and worn down by the back-and-forth communication with the operators which leads to nothing that they do not have the energy anymore to keep on complaining. Also, for passengers who are frequent travelers and regularly encounter the same issues there is also a kind of "fatigue" if they see that the complaints do not lead to anything. In this regard, systematic collection of reliable data about experience of passengers with disabilities needs urgent improvement.

### **Examples of discrimination experienced by waterborne transport passengers with disabilities after the entry into force of Regulation 1177/2010.**

1. "... we would like to show you how persons with disabilities are "stowed" onboard the ferries or High speed craft operating in the Gulf of Naples. Many times we are tagged the Italian Administration (Coast Guard, central Administration, local administration), about this matter. Many time we are posted videos of people stowed in the car deck, transferred from car deck to the passenger deck as boxes or avoiding this form of shame they prefer to remain seated in the car in the vessel's garage during the voyage from the land to the gulf's isles.

No results coming from the above authorities, no inspections coming from them, no any circulars, advising, or any improvements or mitigations coming from them in order to remove the architectural barriers.

Some companies (medmar spa, caremar spa), has adopted a stair lift so believing to solve the matter, ma most of the time the same is unusable because out of order, or is inappropriate or more dangerous. Other companies has a dedicated room in the car deck where they can be properly "stowed" with their relatives. Is This kind of passenger ferries, kind of passenger transport remotely comparable to passenger transport in other European Community countries?

During your Inspections recently carried out in Italy, in Naples have you got the chance to inspect this kind of ferries to check if them are in compliance with

minimum requirements of safety, humanity, civilization and respect for people with reduced mobility, for disabled people, and generally speaking for the complete removal of architectural barriers?

For this reason we kindly ask you to perform some unannounced inspection and do not to stop only to inspect documents, plans and whatever is required to the administration show to your inspectors, but to go on the field, to control those ferries, Hsc, passenger ship that are under direct control of the local administration (Coast Guard, Campania Region, Municipality of Naples), for maritime transport.

Further to above please note that we have issued a judgment to the court against one of these shipping companies (Caremar SpA), so that a lift can be set up to transfer people with reduced mobility from the car deck to the passenger salons, that an appropriate boarding system is set up for embarking such persons on hydrofoils and catamarans.

Actually all Companies has appointed some crews as member assigned to persons with reduced mobility, and nothing else.

Most of them try to disappear when a PRM approach the vessel and some time helping such persons to accommodate in a room in the car deck; only when the PRM is not so heavy (like children's), the will transfer by hand the wheelchair from the garage to the saloon." (April 2019).

2. "My husband is a full-time wheelchair user and we take cruises for holidays as they are suitable. However, our problem is that the ports where the ship docks do not provide wheelchair accessible transport to exit the port. This means that you cannot leave the ship. The cruise company state that this is not their responsibility." (June 2017).

## **EDF Recommendations for addressing existing gaps under Regulation 1177/2010**

The Regulation 1177/2010 has been an important step to further complete the set of Passengers' Rights Regulations and has improved many things, including the obligation to provide PRM assistance. However, it has become clear over the last years that the Regulation can only work effectively in the right context. This means for PRMs especially that first, the vessels and the ports must become accessible before they can exercise their full rights as passengers. So, the current priority needs are:

- ▶ **Full accessibility of vessels and ports** (meaning ALL vessels have to be accessible by default, ports have to be fully accessible for everyone)
- ▶ **Exemptions under article 2.2 need to be removed.** Right of all passengers to ensure equal access to all water transport should be guaranteed without limitations. Otherwise, we cannot speak about equal travel and Member States and EU will continue to fail their legal obligations under the UN Convention on the Rights of Persons with Disabilities (CRPD).

- ▶ Similarly, **exemptions in Article 8 based on ‘safety concerns’ and lack of accessibility should be removed.** In contrast, safety information and measures should be made accessible for all passengers and ports and vessels should become accessible by default. Otherwise, the exemption renders the right to equal travel by the Regulation non-achievable and leads to violation of the CRPD.
- ▶ **Stronger enforcement and monitoring of the current Regulation.** One weakness is that there is no coherent and structured monitoring of the implementation and that there is a lack of information, therefore little or no enforcement action has been taken.

## Regulation (EU) No 181/2011 concerning the rights of passengers in bus and coach transport

Despite the many positive requirements in the Regulation 181/2011, there are also several shortcomings, from the perspective of the European Disability Forum.

- ▶ **Scope:** The most serious problem is the limited scope of the Regulation. The Regulation creates a discriminatory distinction between passengers with disabilities travelling with bus services of more than 250 km and the passengers travelling with services where the scheduled distance is shorter than 250 km as it recognizes some rights to passengers with disabilities or reduced mobility only when travelling with regular services where the scheduled distance of the service is 250 km or more.

In addition to the confusion and complexity this distinction implies for passengers, it also means that fundamental passenger rights are not guaranteed to persons with disabilities using all transport services.

- ▶ **Rights recognized to persons with disabilities by the UNCRPD:** According to the UN Convention on the Rights of Persons with Disabilities (UNCRPD) the following rights are of specific relevance for the implementation of this regulation. Those rights are not yet fully respected in the regulation.

- **Obligation of the Member States to take into account the protection and the promotion of people with disabilities’ rights in all policies and programmes** (Article 4 (c) UNCRPD). They also have the obligation to refrain from engaging in any act or practice that is inconsistent with the UNCRPD (Article 4 (d) UNCRPD). They have to ensure that any act done by the public authorities is in conformity with the UNCRPD.
- **Right to equality and non-discrimination** (Article 5 UNCRPD). Passengers with disabilities are equal under the law and should have the same rights as those recognized to any passenger. Member States have the obligation to promote equality for people with disabilities and any discrimination on the basis of the disability should be prohibited. Moreover the article 4 (e) UNCRPD forces Member States to be active

in this prohibition: they have to take all appropriate measures to eliminate discrimination by any person, organization or private enterprise. Thus, when a carrier or a terminal managing body is discriminating a person with disabilities, the Member States have the obligation to intervene actively and to prohibit the discrimination.

- **Right of persons with disabilities to accessibility** to the physical environment, to transportation, to information and communications and to other facilities or services open or provided to the public (Article 9 (1) UNCRPD). Persons with disabilities have the right to equal access to transport. Therefore the terminals, the buses and coaches, the services and the information provided to the passengers should be accessible for passengers with disabilities and appropriate to their needs.
- **Obligation of the Member States to promote the training of professionals and staff working with persons with disabilities.** In general, the training aims to make them aware about the rights recognized to persons with disabilities in the UNCRPD as it will improve their provision of services and assistance guaranteed by the UNCRPD persons with disabilities' rights (Article 4 (i) UNCRPD). Carriers and terminal managing bodies should be trained about the rights recognized to persons with disabilities and should respect those while they provide a service or assistance to a passenger with disabilities: i.e. accessibility issues that persons with disabilities are facing (art. 9 (c)), mobility skills (art. 20), awareness-raising on the capabilities and contributions of persons with disabilities, on their rights and against the stereotypes, prejudices and harmful practices they may be subject of (art. 8).
- **Right of organizations representing persons with disabilities to be closely consulted by Member States** and to be actively involved in the development and implementation of legislation and policies aiming at protecting the rights of persons with disabilities (Article 4 (3) UNCRPD).
- **Obligation of Member States to undertake or encourage the development of universally designed goods, services, equipment and facilities** which should require the minimum possible adaptation to meet the needs of persons with disabilities. Member States also have to promote universal design in the development of standards and guidelines (Article 4 (g) UNCRPD).

► **Exception to the interdiction to deny boarding of a person with disabilities:** The Regulation actually opens up a possibility for carriers, travel agents and tour operators to deny boarding of people with disabilities for “safety reasons” established by International, European or National law, or for “health and safety” requirements established by the competent authorities.

The possibility of denying upon safety reasons seriously weakens the Regulation, as this means that different laws might be adopted in different countries, leading to a situation where a person with disabilities might be accepted to travel with certain bus services and not other.

► **Right to assistance:** As explained in the previous section, the right to assistance is restricted and is thus not guaranteed for all bus services. The EDF considers that the Article 14 of the Regulation leaves much to desire in terms of flexibility of the notification system as the passenger has to notify each time he uses a transportation service and to be present at the appointed time, even if he is a regular user of the services.

► **Right to information:** The article 24 of the Regulation obliges the carriers and terminal managing bodies to provide adequate information during the journey in accessible formats only where feasible.

Also, other provisions in the Regulation, specifies the scope of the right to specific information to only services where the scheduled distance is 250km or more:

- the right to receive all relevant general information concerning the journey and the conditions of carriage
- the right to access to the non-discriminatory access conditions and the relevant law on the safety requirements
- the right to receive as soon as possible information about the cancellation, delay or alternative connections
- the right to access to a list of the bus and coach terminals where assistance for people with disabilities and reduced mobility is provided.

► **Obligation to provide training to the personnel:** The disability-related training processes to be provided by the carriers and, where relevant, the terminal managing bodies to their personnel is not satisfying for the EDF as the article 16 makes a distinction between:

- The training to be given to the personnel, other than drivers, providing direct assistance to the passengers with disabilities which is complete and allows the personnel to be fully aware of the general needs of persons with disabilities. This training must be given only to the personnel of the regular services where the scheduled distance is 250 km or more.
- The training to be given to the personnel, including drivers, who deal directly with the travelling public or with issues related to the travelling public which is partial and doesn't give to the personnel a general understanding of the needs of persons with disabilities. This more limited training should be given to all personnel.

► **Accessibility of the terminals and vehicles:** The Regulation does not contain any provision on the obligation to adapt the terminals or vehicles to the needs of persons with disabilities in accordance with the "design for all" requirements



but only recitals with recommendations addressed to the Member States, the terminal managing bodies and the carriers to take the needs of persons with disabilities into account while designing new terminals, refurbishing some terminals, equipping new and newly refurbished vehicles or improving existing infrastructures (recitals, 9, 10 and 11). However, as the recommendations are not binding the Regulation is not effective in advancing accessibility for persons with disabilities, which remains one of the greatest barriers to bus & coach travel.

► **Exemptions:** The Regulation contains some provisions allowing exemptions to some of its obligations. These exemptions provide the possibility to the Member States to exempt domestic regular services from the application of the Regulation and to have time to adapt the services to the obligations of the Regulation. The EDF considers that Member States shall not resort to these exemptions as the period of two years provided by the Regulation should be sufficient to prepare the services to its direct application two years after the entry into force of the Regulation. The provisions of the Regulation apply directly as from 1 March 2013.

The article 2 (4) states that the Member States may exempt domestic regular services from the application of the Regulation for a period, from the date of application, no longer than four years, which may be renewed once. The affected disability-related provisions for which no exemption is allowed are limited:

- The interdiction to deny the travel to a person on the grounds of disability or of reduced mobility and the interdiction to ask any additional fees because of the disability of the passenger.
- The right to deny the boarding of the passenger if the design of the vehicle or the infrastructure makes the boarding physically impossible.
- The obligation to provide disability-related training to the personnel but also the possibility for the Member State to exempt this obligation for the training of the drivers (developed above).
- The obligation to pay the compensation equal to the cost of replacement or repairmen of the lost or damaged wheelchair, mobility equipment or assistive device.
- The obligation to provide adequate information throughout the, journey where feasible, in accessible formats to passengers.
- The obligation to inform (in accessible format) the passengers about their rights and the way to submit a complaint.
- The obligation to provide an effective complaint handling mechanisms to the passengers.

As you may see, the other rights and obligations are subject to a possibility for exemption for a period of four years which may be renewed once. The article 2 (4) of the Regulation gives a dangerous possibility to the Member States to exempt a broad number of obligations and rights in the Regulation.



## Examples of discrimination experienced by bus & coach passengers with disabilities after the entry into force of Regulation 181/2011.

- ▶ “We wanted to travel to Eger from Budapest. Two weeks before the travel I called the dispatcher (not the travel information) of the Coach Operatory Company in Hungary. The dispatcher told that low floor buses are going to Eger every day but they did not know yet their timetable. The timetable is composed always one day before, so we were asked to call them on the day before our travel and by that time they would know about timetable of low floor buses. So on the day before our travel we went to the bus station to learn at what time low floor buses depart next day and to buy our ticket. At the cash desk we were told that there would be no accessible bus to Eger, and accessible buses have never been put into service on that route. Then I went to the dispatcher complaining for the incorrect information we received before. He informed us that for distances of more than 55 km or farther there are only higher comfort level buses in operation. He referred to a regulation but its number he could not tell me. I myself do not know what are higher comfort level coaches and do not understand why the higher services cannot be provided on accessible coaches.” (Erika, a wheelchair user, Hungary).
- ▶ “Also, something worth mentioning is that even if a bus is accessible, very often the electric ramps don't work or the drivers don't know how to operate them. I remember once, coming back from a trip at the airport very late in the night, I had to explain to the driver how his electric ramp works. All the steps. He thought it doesn't work.” (Kamil, wheelchair user, Greece).

### **“RE: Inaccessibility of transport and lack of adequate service provision to passenger with reduced mobility.**

Dear Sir or Madam,

We, the French Council of Disabled People for European Affairs (CFHE), are submitting this letter on behalf of H. O., who encountered inaccessibility and discrimination while using your services. H.O.'s complaint was forwarded to us through the European Disability Forum with the request to remain anonymous.

H. O., who uses a walking frame as mobility equipment, used your services (bus connection 104/216 from Pézenas to Montpellier) in early April 2019. The issues that they encountered were the following:

- The bus appeared to be accessible and had the button for accessible entry, but there were still 3 large steps to climb in order to enter it. This means that H.O. was misled about the accessibility of the bus, therefore was unable to ask for assistance in order to enjoy a comfortable and pleasant service, as other passengers on the route.
- Upon entering the bus, they were not allowed to use the designated seating for persons with reduced mobility, as a staff member of the transport service asked them to take an alternative seat.

- They were also requested to put their mobility equipment in the luggage area, where it was at risk of being damaged and lost, as it was not in visible vicinity to H.O.

The bus driver, who communicated with H.O. lacked a customer-friendly attitude and adequate understanding of accessibility and assistance requirements by passengers with reduced mobility. H.O. felt discriminated and distressed by this unpleasant experience. They were in effect not able to exercise their right to travel on equal basis with other passengers.

Investment by Herault Transport to ensure that busses are accessible for persons with reduced mobility would be a welcome move. Cities such as Strasbourg have managed to ensure this, therefore exchange of practices and collaboration with local transport organisations and authorities could provide useful for your company. We would of course welcome the opportunity to support you with further feedback and training in ensuring that Herault Transport services are accessible and consider needs of travellers with disabilities.

Please do not hesitate to contact us with any questions or queries.

Respectfully yours,

Farbod Khansari,

Secretary General

French Council of Disabled People for European Affairs”

## **EDF Recommendations to address existing gaps under Regulation (EU) No 181/2011**

The Regulation has been important to further complete the set of Passengers’ Rights Regulations. However, it has become clear over the last decade that the Regulation can only work effectively in the right context. This means for PRMs especially that first, the vehicles and the stations must become accessible before they can exercise their full rights as passengers. So, the current priority needs are:

- ▶ Full accessibility of vehicles and stations (meaning ALL vehicles must be accessible by default, stations have to be fully accessible for everyone)
- ▶ Extend the scope of the Regulation also to urban buses. Long-distance coach services are important but most PRMs use local services in their daily lives and they are currently not covered by EU Passengers’ Rights legislation at all. This would make a real difference.
- ▶ Stronger enforcement of the current Regulation. One example is the designation of “accessible terminals” which is an obligation under the Regulation but it was not taken seriously by Member States. When the list with designated “accessible terminals” was published, it became clear that Member States either listed terminals that were not at all accessible in practice or they listed for example only a single terminal per Member State. This is not a meaningful exercise. It must be followed up by the Commission and there has to be an obligation to make all terminals accessible, such a

limited list is useless. Also, the obligation on training of drivers has not been systematically monitored and enforced.

## **Additional recommendations for ensuring equal right to transport services by persons with disabilities in view of COVID-19.**

Covid-19 and confinement measures have hit persons with disabilities particularly hard. This has occurred mostly due to the fact that governments around Europe have overlooked persons with disabilities and their needs in almost all areas of public and private life. There have also been major shortcomings in provision of essential services such as healthcare, community-based support services, and transport. For example, [one of the services that was suspended once lockdown was imposed in France and Belgium, was assistance to rail passengers with disabilities.](#) This is a violation of [EU law](#) and further limits the equal right to travel for persons with disabilities, who already encounter numerous accessibility and assistance-related barriers.

As countries are easing lockdown measures, public authorities and service providers are making decisions on increasing operation of transport, while trying to ensure that public health is not endangered by increased passenger flow and close personal contact.

We have drafted guidelines to help European and national policy-makers, local public authorities, representatives of transport operators, infrastructure managers, and related services, and other stakeholders ensure that full diversity of passengers are considered when developing and implementing covid-19 exit strategies in relation to all transport modes at city, regional, country and European-level. To avoid the mistakes made during confinement, which reinforced further marginalisation of persons with disabilities, we hope mentioned authorities and services will take full account of our recommendations.

Our main messages are:

- Equal right to travel by persons with disabilities is undebatable and enforced by EU law. This includes assistance during travel. Public health measures should not be justification to violate this right but instead should be developed and implemented in a way that ensures both right to travel and protection of health of passengers with disabilities.
- Accessibility of information, including related to obligations and rights of passengers, travel restrictions, before and during travel must be ensured for all passengers taking into consideration full diversity of passengers with disabilities. Information must be easy to find, clear and easy to understand. Accessibility of transport facilities and services must be ensured as well: this will be beneficial from public health perspective as well (think of an automatic door which you do not need to touch to open).

- Personal protective equipment must be provided to all passengers and transport staff, and hygiene measures must be accessible for persons with disabilities.
- Investment in and upgrading of training and accessibility must be continued to ensure achieved results are not lost due to funding cuts or priority shifts.
- Authorities and services must keep direct and continuous cooperation with organisations of persons with disabilities to ensure that interest of passengers with disabilities are fully considered in the development and implementation of all policies and measures.

See [EDF Recommendations on exit measure for transport services in light of covid-19 for further explanations and details](#).

## Document credits

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