



# EDF recommendations for the negotiations on Air Passenger Rights (Regulation 261/2004)

26 January 2026

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In 2013 the European Commission (EC) published a legislative proposal to improve the Air Passenger rights Regulation (261/2004). By 2025, both the [European Parliament \(EP\) and the Council of the EU \(Council\)](#) have adopted their positions. This document contains the European Disability Forum's (EDF) recommendations for the upcoming negotiations.

## Full compensation for mishandled mobility equipment and assistance dogs (EP and Council)<sup>1</sup>.

EDF welcomes the fact that both institutions address the limited liability for mishandled mobility equipment and assistance dogs, which is one of the biggest barriers for passengers with disabilities. However, the final text should be improved so that:

- The special declaration of interest is offered '**free of charge**' (not without 'an additional fee' as the EP and Council wording suggests).
- The airline **proactively** makes passengers aware of this right (as proposed by the EP position).
- The Commission adopts an **implementing act** laying down the model form to be used for the declaration of interest (as proposed by the EP position)
- That the liability also applies to **assistive devices** (as proposed by the EP in the proposal on the enforcement of passenger rights)<sup>2</sup>

## Compensation for delay or lack of assistance (EP)<sup>3</sup>:

EDF fully supports the proposal by the EP to grant passengers with disabilities the right to compensation and re-routing when they miss their flight due to lack of airport assistance. However, the text should be improved so that:

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<sup>1</sup> Recital 44 and Article 6a(1) of Regulation 2027/97.

<sup>2</sup> Amendment 71, Proposal for a regulation, Article 2 – paragraph 1 – point 2 a (new), Regulation (EC) No 1107/2006 ([European Parliament Report on Enforcement](#))

<sup>3</sup> Regulation (EC) No 261/2004, Article 11 – paragraph 4 b (new). Amendment 143.

- Passengers also have a right to **reimbursement** (as proposed by the EP in the proposal on the enforcement of passenger rights)<sup>4</sup>.
- These rights also apply to **persons accompanying passengers with disabilities** (as proposed by the EP in the proposal on the enforcement of passenger rights)<sup>5</sup>.

## Adjacent seating free of charge (EP and Council)<sup>6</sup>

EDF fully supports the proposal to provide persons with disabilities a seat next to their accompanying person free of charge. However, the wording should be improved so that:

- The possibility to provide adjacent seat is also provided **after the check-in process** (as suggested by the EP position)
- The air **carrier proactively assists the accompanying person to find an adjacent seat**, if the seat is unavailable at check in (as suggested by the EP position)<sup>7</sup>.
- This provision is also available when passengers travel under **different transport contracts**<sup>8</sup>.

## Definition of persons with disabilities and persons with reduced mobility (EP and Council)<sup>9</sup>

If the definition is updated, it should align with the United Nations Convention on the Rights of persons with disabilities (UNCRPD). In that case, EDF supports the definition proposed by the Council:

(i) “person with disabilities” and “person with reduced mobility” mean any person ***who has a permanent or temporary physical, mental, intellectual or sensory impairment which, in interaction with various barriers, may hinder that***

<sup>4</sup> Article 1 – paragraph 1 – point 2 a (new), Regulation (EC) No 261/2004, Article 11 ([European Parliament Report on Enforcement](#))

<sup>5</sup> Article 1 – paragraph 1 – point 2 a (new), Regulation (EC) No 261/2004, Article 11 ([European Parliament Report on Enforcement](#))

<sup>6</sup> Article 1 – paragraph 1 – point 13 Regulation (EC) No 261/2004 Article 11 – paragraph 3, Amendment 140.

<sup>7</sup> Many passengers with disabilities cannot reserve seating at the time of booking the tickets online. Instead, they are required to check-in at the airport the day of travel, which reduces the chances of finding adjacent seats available. Hence, it is important that the airline finds a solution for the passenger.

<sup>8</sup> While most persons with disabilities already buy their tickets together with their accompanying persons, this is not always the case. Personal Assistants (PA) can't always be confirmed by the passenger at the time of booking. Therefore, it is important that this provision also applies when tickets are bought separately.

<sup>9</sup> Regulation (EC) No 261/2004, Article 2 – paragraph 1 – point j. Amendment 60.

***person's full and effective use of transport on an equal basis with other passengers or*** whose mobility when using transport is reduced due to ***age***;

## Re-routing (EP and Council)<sup>10</sup>

EDF welcomes EP clarification that persons with disabilities cannot be subject to any additional connecting flight when rerouted unless agreed by them. Connections add another level of complexity and uncertainty for passengers with disabilities: different safety rules, boarding and disembarking procedures and requests of assistance complicate the journey, increasing the likelihood of denied boarding.

## Assistance and care (EP and Council)<sup>11</sup>

EDF welcomes this provision. However, the wording should be improved so the exception on the limitations on accommodation applies to passengers with disabilities **even if they have not notified assistance** (as suggested by the EP). Not all passengers with disabilities request assistance for a specific journey as they might be able to complete it autonomously if everything goes according to plan. However, disruptions can undermine this autonomy, and specific care might be needed.

## Other disability related provisions

EDF also welcomes the following provisions:

- Priority boarding (EP and Council)<sup>12</sup>
- Respiratory devices and medical oxygen (EP)<sup>13</sup>
- Enforcement (EP)<sup>14</sup>
- Airport contingency plans (EP)<sup>15</sup>

## Consumer rights

[EDF also supports BEUC's recommendations on Regulation 261/2004](#) including on compensation, hand luggage, extraordinary circumstances and enforcement.

## EDF contact

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<sup>10</sup> Recital 31, Amendment 29

<sup>11</sup> Council position, Recital 33, Amendment 33

<sup>12</sup> Article 1 – paragraph 1 – point 13, Regulation (EC) No 261/2004, Article 11 – paragraph 4, Amendment 141

<sup>13</sup> Council position, Recital 33 a (new)

<sup>14</sup> Council position, Article 2 – paragraph 1 – point 7, Regulation (EC) No 2027/97, Article 6a a (new), Amendment 201

<sup>15</sup> Regulation (EC) No 261/2004, Article 10a – paragraph, Amendment 137 and 138