



The voice of blind and partially sighted people in Europe

# European Blind Union response to European Commission's public consultation on the evaluation Regulation (EC) N° 1107/2006

EBU Position Paper | October 2020

## Object of the consultation

Regulation (EC) No 1107/2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air ('the Regulation') became fully applicable on 26 July 2008.

The Regulation aims at ensuring that persons with disabilities and persons with reduced mobility (PRM) have opportunities for air travel comparable to those of other citizens.

**Aim of the consultation:** the European Commission wants to assess how well the Regulation has performed since its adoption and whether it continues to be justified in terms of effectiveness, efficiency, relevance, coherence and EU added value.

## Preliminary remarks

EBU deplores that European Commission public consultations – the platform “Have Your Say” and the questionnaire – are **not accessible by design so as to allow full participation of visually impaired persons**. This is particularly frustrating for a consultation seeking the views of persons with disabilities and/or their organisations. With the rules of the Web Accessibility Directive recently becoming compulsory for public sector websites in the EU, EBU would expect EU institutions to practice what they preach, and even lead by example. Even more disappointing is the fact that our repeated request to DG MOVE to at least receive a Word-format text

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version of the questionnaire that we could circulate to our members across the EU, only received a late reply, after complaining to the relevant unit of DG EMPL. We would like it to be noted that this EBU response consequently builds on EBU Office-internal documentation only, without having had a fair chance to gather additional feedback from our membership. This questions the representativeness of the consultation, in particular as regards the responses of individual citizens.

[In the absence of other suitable area of the questionnaire, we included these remarks in our reply to question 16, in addition to the text reported below.]

## Feedback

The consultation, in the form of a questionnaire, contains a number of questions only for individual citizens – passengers. We have replied only to questions for (or also for) other stakeholders.

**QUESTION 5.** To what extent has the Regulation improved the protection of persons with disabilities and persons with reduced mobility (PRM) traveling by air against discrimination during the past 12 years?

Reply: Significantly.

Comments: The Regulation has been very successful in raising awareness on passengers' rights and established the principle of assistance at airports.

**QUESTION 6.** In particular, do you think that there was any change since 2008 in the following areas? (Improved, Deteriorated, No opinion / not sure)

- a) The opportunities for PRM to use air transport when compared with other citizens. Reply: No opinion / not sure. Explanation: See our remark in reply to 16.
- b) The information for PRM about their passenger rights. Reply: Improved. Explanation: See our reply to question 5.
- c) The information airlines publish about their safety rules (for example if PRM who cannot fasten their safety belts have to travel with an accompanying persons). Reply: No opinion / not sure. Explanation: See our remark in reply to 16.
- d) The assistance that PRM receive from airlines to travel by plane. Reply: No opinion / not sure. Explanation: See our remark in reply to 16.

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- e) The assistance that PRM receive from airports to travel by plane. Reply: No opinion / not sure. Explanation: See our remark in reply to 16.
- f) The training that airline staff receive on how to help PRM. Reply: No opinion / not sure. Explanation: See our remark in reply to 16.
- g) The training that airport staff receive on how to help PRM. Reply: No opinion / not sure. Explanation: See our remark in reply to 16.
- h) The cooperation between airlines and airports to assist PRM. Reply: No opinion / not sure. Explanation: We ticked "no opinion/not sure" by default of option to say that it has neither improved nor deteriorated; in fact, this becomes a problematic area, as pointed also in the European Disability Forum's report.
- i) The connections between airlines and railway undertakings/ bus& coach companies to assist PRM accessing the airport. Reply: No opinion / not sure.
- j) The sharing between airlines and airports of costs of assisting PRM. Reply: No opinion / not sure.
- k) The information for PRM as to whom they can complain to if their rights are not respected. Reply: No opinion / not sure. Explanation: See our remark in reply to 16.
- l) The follow-up of complaints by the airlines/ the airports. Reply: No opinion / not sure. Explanation: See our remark in reply to 16.
- m) The enforcement of passenger rights of PRM by national authorities. Reply: No opinion / not sure. Explanation: We ticked "no opinion/not sure" by default of option to say that it has neither improved nor deteriorated; in fact, this becomes a problematic area, as pointed also in the European Disability Forum's report.

**QUESTION 8.** In your opinion, what have been the main benefits of the Regulation? (e.g. easier access to terminals and means, accessible information and equal opportunities as other citizens when travelling by air).

Reply: The Regulation has been very successful in raising awareness on passengers' rights and established the principle of assistance at airports.

**QUESTION 9.** In your opinion what have been the main negative aspects of the Regulation (e.g. costs, higher administrative burden,

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duration of pre-notification notice, more complex complaint procedures, etc.), and who is affected by them?

Reply: We are not aware of any negative aspect. Our findings rather point at remaining legislative gaps and difficulties (see our reply to 14).

**QUESTION 10.** In your opinion, is the Regulation properly applied in your Member State?

Reply: I don't know.

**QUESTION 11.** Have you experienced differences in the way the Regulation is implemented from one Member State to another?

Reply: No opinion.

**QUESTION 13.** To what extent do you agree with the following statements?

- a) The tasks of NEBs are clear. Reply: Somewhat agree.
- b) Coordination of the NEBs at European level is satisfactory.  
Reply: No opinion/not sure.
- c) The NEBs contribute to the correct application of the Regulation throughout the EU. Reply: Somewhat disagree

**QUESTION 14.** Do you consider any provisions in the Regulation are unclear and/or interpreted differently by carriers and/or NEBs?

Reply: Yes.

Explanation:

- Denied boarding is often poorly or abusively justified with “safety reasons” (but it is the Air Operations Regulation 965/2012 that is unclear).
- Problems frequently arise due to the regulation not saying anything about the booking procedures and the communication between the different parties involved (typically when booking is done via a travel agent or the airline, but assistance is provided by the airport and often sub-contracted to a third party)
- The term “recognized assistance dogs” needs to be revised and clarified in the Regulation
- It should be mentioned that when an airport procures third party PRM assistance provider, lowest price should not be the single criterion and attention should be paid to quality as well.

**QUESTION 15.** Do you consider any provisions in the Regulation are obsolete?

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Reply: No opinion.

**QUESTION 16.** Are there any other issues related to the transport of persons with disabilities and persons with reduced mobility by air which you consider should be tackled?

Reply: Yes.

Details: Disabled people's organisations are insufficiently consulted in practice, despite what the regulation provides on this matter. [Plus the text of our preliminary remark copied here.]

**QUESTION 18.** Please provide references to any studies or documents that you think are relevant for this consultation, with links for online download where possible.

Reply:

- EBU report "Most frequent problems experienced by blind and partially sighted persons when travelling by air" (2019): [link](#)
- EDF Position Paper on Air Passengers' Rights for Persons with Disabilities: [link](#)

## About EBU

The European Blind Union (EBU) – **Interest Representative Register number 42378755934-87** – is a non-governmental, non-profit making European organisation founded in 1984. It is one of the six regional bodies of the World Blind Union, and it promotes the interests of blind and partially sighted people in Europe. It currently operates within a network of 41 national members including organisations from 27 European Union member states, candidate countries and other countries in geographical Europe.

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