



# Legislation and legislative proposals on transport services (accessibility and assistance)

European Commission

Directorate General for Energy and Transport  
Direction générale de l'énergie et des transports



# Rights of passengers - policy



- **In the White Paper “European transport policy for 2010: time to decide”** the European Commission envisaged the establishment of passengers’ rights in all modes of transport.

# Rights of passengers - policy



- **Communication on strengthening passenger rights within the European Union of 16 February 2005:**
- Specific measures in favour of persons with reduced mobility.
- Automatic and immediate solutions when travel is interrupted.
- Passenger information.

# Rights of passengers - policy



- **Communication of 22 June 2006 Keep Europe moving - Sustainable mobility for our continent, Mid-term review of the European Commission's 2001 Transport White Paper (COM (2006) 314 final**
- The Commission committed itself to examine how increased quality of service and assurance of passenger rights can be promoted in all modes of transport.

# Rights of passengers - policy

- The Community has already made significant progress with strengthening the rights of passengers travelling by air.
- REGULATION (EC) NO 261/2004 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights,
- REGULATION (EC) No 2111/2005 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 14 December 2005 on the establishment of a Community list of air carriers subject to an operating ban within the Community and on informing air transport passengers of the identity of the operating air carrier
- REGULATION (EC) NO 1107/2006 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air
- A proposal for a Regulation on the protection of international rail passengers COM (2004) 143 final, 3 March 2004.
- On-going work on legislative proposals for rights of passengers in bus and coach and maritime transport.

## Air Passenger Rights

Having problems with your journey?  
The European Union (EU) has strengthened your rights.  
Here are the most important.\*

### Denied boarding and cancellation

If you are denied boarding or your flight is cancelled, the airline operating your flight must offer you flight-out compensation and assistance. These rights apply provided you check in on time, for any flight, including charters:

- from an EU airport, or
- to an EU airport from one outside the EU, when operated by an EU airline.

### Long delays

#### Immediate assistance

If you check in on time for any flight, including charters:

- from an EU airport, or
- to an EU airport from one outside the EU, when operated by an EU airline,

and if the airline operating the flight expects a delay:

- of 2 hours, or more, for flights of 1 500 km or less,
- of 3 hours or more, for longer flights within the EU, and for other flights between 1 500 and 3 500 km,
- of 4 hours or more for flights over 3 500 km outside the EU.

The airline must give you meals and refreshments, hotel accommodation when necessary (including transfers) and communication facilities.

When the delay is 5 hours or more, the airline must also offer to refund your ticket (with a free flight back to your initial point of departure, when relevant).

**If you do not receive these rights, complain immediately to the airline operating the flight.**

#### Later claims

When an EU airline is responsible for the delay of a flight anywhere in the world, you may claim up to 4 150 SDR\*\* for any resulting damages, if the airline does not agree with your claim, you may go to court.

**You can claim from the airline with which you have a contract or from that actually operating the flight, if they are different.**

### Denial of boarding

When there are too many passengers for the seats available, an airline must first ask for volunteers to give up their seats in return for agreed benefits. These must include the choice of either refund of your ticket (with a free flight back to your initial point of departure, when relevant) or alternative transport to your final destination.

If you are not a volunteer, the airline must pay you compensation of:

- €250 for flights of 1 500 km or less,
- €400 for longer flights within the EU, and for other flights between 1 500 and 3 500 km,
- €600 for flights over 3 500 km outside the EU.

Compensation may be halved if you are not delayed more than 2, 3 or 4 hours, respectively.

The airline must also give you:

- a choice of either a refund of your ticket (with a free flight back to your initial point of departure, when relevant) or alternative transport to your final destination, and
- meals and refreshments, hotel accommodation when necessary (including transfers) and communication facilities.

### Cancelled

Whenever your flight is cancelled, the operating airline must give you:

- a choice of either a refund of your ticket (with a free flight back to your initial point of departure, when relevant) or alternative transport to your final destination, and
- meals and refreshments, hotel accommodation when necessary (including transfers) and communication facilities.

The airline may also have to compensate you, at the same level as for denied boarding, unless it gives you sufficient advance notice. You shall be informed about alternative transport.

**Refunds may be in cash, by bank transfer or cheque or, with your signed agreement, in travel vouchers, and must be paid within 7 days.**

**If you do not receive these rights, complain immediately to the airline operating the flight.**

### Help and further information

If you are affected by denied boarding, a cancellation or a long delay and the airline does not give you what you are entitled to complain to the relevant national enforcement body for its name and address, contact the Europe Direct helpline on 800 67 89 10 or send an e-mail to [mail@europa-direct.europa.eu.int](mailto:mail@europa-direct.europa.eu.int). Europe Direct can also give you details of organisations that advise or help with other complaints.

You may also inform the European Commission's Energy and Transport DG, B-1049 Brussels, of the follow-up given to your complaint by fax (32-2) 29-91015 or by e-mail to [tree-sprights@ec.europa.eu](mailto:tree-sprights@ec.europa.eu).

Leaflets with the information on this poster and more details may be found at the information desk and on the Internet ([http://europa.eu.int/comm/transport/air/airrights/index\\_en.htm](http://europa.eu.int/comm/transport/air/airrights/index_en.htm)).

**YOUR CONTRACT WITH AN AIRLINE SETS OUT OTHER RIGHTS AND OBLIGATIONS. ASK YOUR AIRLINE OR TRAVEL AGENCY FOR A COPY OF THESE.**

### Package holidays

In addition to the rights described above, you may claim damages from your tour operator if it fails to provide the services you have booked within the EU, whatever your destination. These rights apply to failure to provide any flight included in your package. Moreover, if the tour operator does not provide a significant part of the package booked, it is obliged to assist you and make alternative arrangements, including travel, without extra cost to you.

**\* For your information, this document summarises the main elements of the relevant EU legislation. Any legal claim or action taken in the event of a dispute should be based solely on the legal texts concerned.**

\*\* 1 SDR = €118 as 30/2004. For the current exchange rate, contact Europe Direct.

Published by the European Commission, Energy and Transport DG, B-1049 Brussels.

# Air Transport



- [Regulation \(EC\) no 1107/2006 of the European Parliament and of the Council of 5 July 2006](#) concerning the rights of disabled persons and persons with reduced mobility when travelling by air.
- Rules for provision of assistance and prevention of discrimination.

# Air Transport



- Disabled persons and persons with reduced mobility - any person whose mobility when using transport is reduced due to any physical disability, intellectual disability or impairment, or any other cause of disability, or age and whose situation needs appropriate attention and the adaptation to his or her particular needs of the service made available to all passengers.
- Scope: passenger air services on departure from, transit through, or on arrival at an airport, when the airport is situated in the territory of Member State; departure from an airport situated in a third country to an airport situated in the territory of member State, if the operating carrier is a Community air carrier.

# Air Transport



- Prevention of refusal of carriage (reservation, embarking) – however some derogation: safety requirements, insufficient size of aircraft or its door – an acceptable alternative must be offered.
- Right of reimbursement and rerouting in case of denied embarkation on the ground of disability.
- Designation of points of arrival and departure by airport managing body (both inside and outside terminal buildings at which disabled persons or person with reduced mobility can announce their arrival.
- Transmission of notification of the need of assistance

# Air Transport



- Assistance at airports – responsibility of airport managing body, without additional charge to disabled persons and persons with reduced mobility.
- Airport managing body may on non-discriminatory basis levy a specific charge on airport users for the purpose of funding this assistance (reasonable, cost-related transparent and established in cooperation with airport users – shared in proportion to the total number of passengers that each user carries to and from this airport.
- Notification at least 48 hours before the published time of departure of the flight.

# Air Transport



- Assistance necessary to enable to move for a designated point to check-in counter, check-in, board the aircraft/disembark, proceed from the aircraft to the baggage hall/a designated hall, move to toilet facilities, ground handling of all necessary mobility equipment, temporary replacement of damaged or lost mobility equipment, communication of information in accessible formats
- Quality standards for assistance to be set and published by managing body

# Air Transport



- Assistance by air carrier without additional charge: transport of up to two pieces of mobility equipment, communication of information in accessible formats, making all reasonable efforts to arrange seating, assistance in moving to toilet facilities, reasonable effort to seat accompanying person next to persons with disabilities or persons with reduced mobility.
- Training to air carriers and airport managing body personnel.
- Designation of national enforcement bodies.

# Air Transport



- Complaint procedure
- Entry into force on 15<sup>th</sup> August 2006, provisions apply with effect from 26<sup>th</sup> July 2008, provision on prevention of refusal of carriage applicable from 26<sup>th</sup> July 2007.
- Study on the compensation thresholds for damaged or lost equipment and devices belonging to air passengers with reduced mobility

# Rail transport



Proposal for a Regulation of the EP and of the Council on International Rail Passengers' Right and Obligations (Third Rail Package) COM (2004) 143 final, 3 March 2004.

- Railway undertakings may not refuse to issue a ticket and reservation for an international service departing from a main railway station on the grounds of reduced mobility.

# Rail transport



- Persons with reduced mobility on international journeys should be provided with assistance to help them board, change to connecting trains or disembark provided notification of such needs is given at least 24 hours in advance. If no notification is given, railway station managers should make all reasonable efforts to provide such assistance.
- Railway undertakings/tour operators should ensure that notification of such needs for assistance can be given at all points of sale. Assistance should also be provided on board trains and during boarding and disembarking from a train.

# Rail transport



- The Commission proposal is subject to co-decision procedures: The EP endorsed it in first reading on 27 September 2005 subject to 128 amendments. The Council adopted on 24 July 2006 a Common Position. Second reading in the EP on 18 January 2007.
- Broad agreement had been reached on the assistance to be offered to passengers with reduced mobility **in stations and on board of trains.**
  - extension regarding the assistance offered to passengers with reduced mobility also on national journeys undertaken on international services. (EP – all national services)
  - A notification system will allow these passengers to get **free of charge tailor-made help.**

# Maritime transport



- DG TREN launched a public consultation on rights of maritime passengers - *Strengthening the protection of the rights of passengers travelling by sea or inland waterway in the European Union*. Stakeholder meeting took place on 18<sup>th</sup> January 2007.
- Adoption of a proposal is scheduled in CLWP for 2007
- More details can be found on the Website:  
[http://ec.europa.eu/transport/maritime/rights/2006\\_03\\_30\\_consultation\\_en.htm](http://ec.europa.eu/transport/maritime/rights/2006_03_30_consultation_en.htm)

# Bus and coach transport



- A public consultation on the rights of passengers in international bus and coach transport in 2005. A significant part of this exercise was devoted to the issue of the rights of persons with reduced mobility, mainly in terms of accessibility and assistance by bus and coach operators.
- The consultation was concluded by publication of the Report on results of the public consultation and the stakeholders' meeting held in Brussels on 29<sup>th</sup> March 2006.

# Bus and coach transport



- A study on the impact assessment of possible Community action is on-going.
- Adoption of a proposal is scheduled in CLWP for 2007
- More details can be found on the Website:  
[http://ec.europa.eu/transport/road/consultations/passengers\\_rights\\_en.htm](http://ec.europa.eu/transport/road/consultations/passengers_rights_en.htm)

# Studies and research projects

- **References to Research projects dealing with the accessibility of and the passengers' rights in all modes of transport**
- COST (European Cooperation in the field of Scientific and Technical Research) Action 322: “Low Floor Buses”, <http://cordis.europa.eu/cost-transport/src/cost-322.htm>
- COST Action 349: “Accessibility of Coaches and Long-Distance Buses for People with Reduced Mobility”, <http://cordis.europa.eu/cost-transport/src/cost-349.htm>
- UNIACCESS project: “Design of Universal Accessibility Systems for Public Transport”, <http://w3.euve.org/uniaccess/index.asp>

# Studies and research projects

- Call FP6-2005-SSP-5A, Area 2.4: “Quality of life issues relating to handicapped/disabled people (including equal access facilities), Task 1 – Accessibility of public transport systems for people with disabilities”
- ARTS project : “Actions on the integration of Rural transport Services”, <http://www.rural-transport.net>
- CIVITAS demonstration programme (City-VITAlity-Sustainability), <http://www.civitas-initiative.org>

Thank you for your attention

Dr Mariusz Daca

Directorate General for Energy and Transport

Directorate A - General Affairs

Unit A5 - Services of general economic interest, users'  
rights & infringements

Phone: (+32-2) 299 12 08

Fax: (+32-2) 298 65 40

Email : [mariusz.daca@ec.europa.eu](mailto:mariusz.daca@ec.europa.eu)