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EXECUTIVE SUMMARY OF THE EVALUATION

of Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air

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Introduction

Regulation (EC) No 1107/2006 concerning the rights of persons with disabilities and persons with reduced mobility when travelling by air ('the Regulation') complements Regulation (EC) No 261/2004 establishing rights for all air passengers. The Regulation was adopted to provide persons with disabilities and reduced mobility (PRM) with 'opportunities for air transport comparable to those of other citizens'. It aims to ensure that they are not discriminated against and that they receive free assistance when necessary so that they can use air transport. The Regulation has been applicable in the European Economic Area since 2008. It is estimated that in 2018 around 9.8 million PRM benefited from the Regulation.

Purpose and scope of the evaluation

This ex post evaluation aims to assess whether the Regulation has reached its intended purposes and to determine its overall intended and unintended impacts. The evaluation is based on the analysis of published pan-European data covering the period between 2008 and 2018, and information from stakeholders gathered in 2020. Its scope covers the period between June 2008 and February 2020. Therefore, the findings of the evaluation do not consider the impact of COVID-19, unless stakeholders provided specific comments or the effects of the pandemic are already clear and unambiguous. The geographic scope includes the 27 EU Member States and the United Kingdom, Iceland, Norway and Switzerland, collectively referred to as 'EU+4'.

Main findings

Effectiveness – Analysis of the progress made towards achieving the objectives

All stakeholders agreed about the overall effectiveness of the Regulation. The main improvements include the following: operators have a greater awareness of the needs of PRM; PRM assistance is available to any passenger who requests it at all European airports and airlines at no extra charge for the PRM; the treatment of PRM by airlines and airports has become more consistent across the EU; the quality of PRM services has also improved; and the number of incidents of PRM being denied boarding was reduced.

However, several factors have limited the effectiveness of the Regulation, including: the absence of clear requirements for disability-related training for staff who are in direct contact with PRM passengers; the fact that the current pre-notification services do not always allow PRM to provide details of the assistance they will need; certain legal gaps (e.g. no definition of 'recognised assistance dogs', 'mobility equipment' or 'medical equipment'); and denied boarding incidents, which continue to occur. Many national enforcement bodies (NEBs) cannot make binding decisions and the resources deployed for the monitoring and enforcement (including sanctions) remain limited.

Efficiency – Costs and benefits of the EU intervention

The mechanism designed to fund the provision of PRM assistance free of charge to passengers benefiting from it has worked efficiently. The cost of PRM assistance is shared across all air passengers. PRM who request assistance constitute a relatively low proportion of all air passengers: the average cost of PRM assistance amounted to only EUR 0.55 per

passenger in 2019. The average cost of assisting one PRM was EUR 75 in 2019. PRM assistance requests have increased since 2008. The individual costs and workload of NEBs are relatively low: they have so far received a very low number of complaints (on average 14 complaints per million PRM passengers). Many NEBs do not engage in proactive monitoring and enforcement activities. Stakeholders who took part in the public consultation agreed that the costs of operators and NEBs generated by the Regulation are proportionate to the benefits gained by PRM (who have more opportunities to use air transport at a much lower cost). Certain costs could be reduced through increased pre-notification for assistance requests and enhanced scrutiny of the cost of providing PRM with assistance.

Relevance – The objectives of the intervention are still relevant today

There was a consensus among the stakeholders who took part in the public consultation that the original objectives were relevant when the Regulation was adopted and that they remain highly relevant today, and broadly correspond to the current needs of passengers. Without the Regulation, the problems initially identified would most probably remain. However, while the Regulation is largely fit for purpose, a number of problems linked to recent technological developments (e.g. transport of batteries, electric wheelchairs) have arisen.

Coherence – Internal and external coherence of the intervention

The provisions of the Regulation are in general coherent and consistent with each other. The Regulation is also coherent with other EU legislation dealing with consumer rights and air transport, although there are sometimes inconsistencies between the different passenger rights regulations as regards provisions dealing with the same situations (e.g. pre-notification deadline, liability for loss or damage of mobility equipment) which might confuse PRM passengers. The Regulation relies on the provision of assistance to PRM but does not oblige airlines, airports or Member States to make airport infrastructure and aircrafts more accessible. Moreover, there is little scope in the European Accessibility Act (EAA) to progress towards more physical accessibility of air transport, although it should ensure greater digital accessibility. The modal nature of the EU passenger rights legislation causes difficulties for PRM travelling on multimodal journeys, as they may not be legally protected when connecting from one mode of collective transport to another.

EU added value – Additional value resulting from EU interventions

Because aviation is an industry dominated by cross-border services, passengers and operators derive added value from a coherent and single European framework of rights while airlines and airports benefit from a level playing field. Before the Regulation there were no binding rules at international or EU level to regulate this field: only nine Member States had national legislation in force to protect the rights of PRM travelling by air, which did not result in a coherent framework across Europe. By building on industry practices already established in some Member States, the Regulation has helped to ensure a better travelling environment for PRM, enabling them to travel by air with greater confidence and less risk of discrimination. Withdrawing the Regulation would most likely result in a return to varying approaches to the regulation of air PRM rights and the provision of PRM assistance services.