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To
Mr Patrick Ky
Executive Director
European Aviation Safety Agency
P.O. box 10 12 53
50452 Cologne
Germany

Brussels, 27 November 2015

Ref. EDF-015-090-YV

Subject: NPA 2014-01 and Carriage of Special Categories Passengers

Dear Mr Ky,

The European Disability Forum (EDF) is the umbrella organisation that represents the interests of 80 million Europeans with disabilities. It is EDF's mission to ensure that persons with disabilities have full access to fundamental and human rights through their active involvement in policy development and implementation in Europe, amongst others in the areas of transport and mobility, including air travel.

Article 3 of Regulation 1107/2006 clearly states that "An air carrier or its agent [...] shall not refuse, on the grounds of disability or reduced mobility [...] to accept a reservation [...] or to embark a person [...]". Furthermore, Article 9 of the United Nations Convention on the Rights of Persons with Disabilities (UN CRPD) states that "States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, [...] and to other facilities open or provided to the public [...]".¹

Concerning EASA's NPA 2014-01 on Carriage of Special Categories Passengers (SCPs), EDF first of all agrees that Regulation 1107/2006 has to be clarified in certain aspects, namely the "safety requirements" mentioned in Article 4.1(a) which currently regularly lead to cases of denial of boarding of persons with disabilities. EDF is also agreeing that the safety of all passengers as well as crew members are of course paramount.

¹ United Nations Convention on the Rights of Persons with Disabilities (UN CRPD), Article 9: Accessibility, <http://www.un.org/disabilities/convention/conventionfull.shtml>



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However, following EASA's latest consultation on the Notice of Proposed Amendment (NPA) 2014-01 and the expected EASA Decision, EDF is highly concerned. We do not see how this proposal would improve the situation. In fact, it would rather make it worse and result in more cases of discrimination. We are referring specifically to the proposals to make travelling with a so-called "safety assistant" compulsory for persons with disabilities, an issue that we had already raised in a letter to EASA of 7 December 2012.

We are, of course, aware that this is currently not EU legislation and EASA's proposal refers to "guidance material" but such a precedent may lead the way to stricter legislation in the future which will potentially undermine the rights of persons with disabilities to travel independently on an equal basis with others, as mentioned according to the UN Convention and Regulation 1107/2006 above. The fact that it is still left up to the airlines to decide who would need a "safety assistant" and who that could be, including that the financial burden would have to be carried by the passenger, is not acceptable for EDF.

Finally, we would also like to raise the point that neither EDF nor any other organisation representing persons with disabilities have been involved by EASA in the rulemaking procedure prior to the consultation as a full stakeholder. Indeed, to our knowledge not a single passengers' association was represented in the working group on the rulemaking task on SCPs and the drafting of the NPA 2014-01, contrary to the drafting and preparation of Regulation 1107/2006. This practice cannot be considered to be representative and we would like this to be changed.

We very much look forward to your response and to future collaboration.

Yours sincerely,

Ioannis VARDAKASTANIS

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European Disability Forum

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