

Disabled Passengers in Public Transport in Poland – Air Transport



Elżbieta Marciszewska - Transport
Department

Warsaw School of Economics

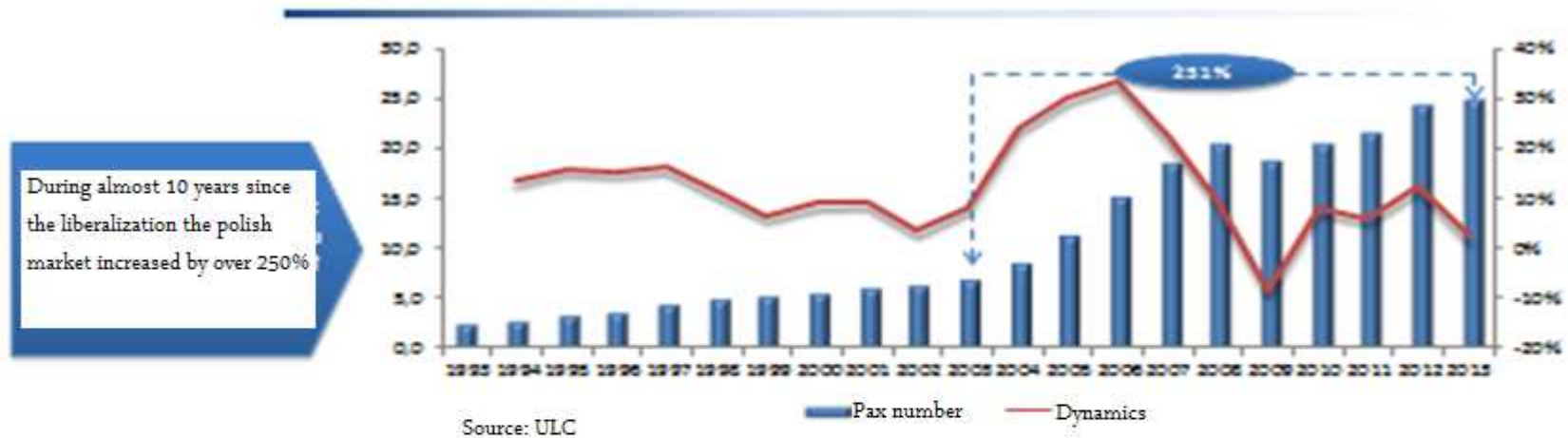
Workshop VF4 - PARDUBICE - 25.11.2014



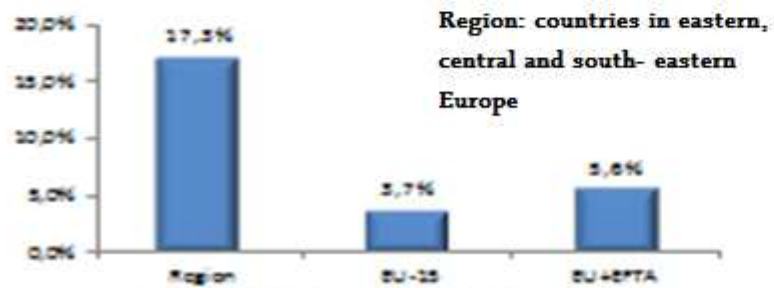
AGENDA

1. Situation in the EU aviation market
2. European regulations in the field of rights of disabled passengers in air transport
3. Polish regulations
4. Conclusions concerning the disabled passenger rights observance in air transport
5. Adjustment of air transportation to the needs of disabled passengers
6. The rights of disabled passengers in air transport in Poland in the light of EU Regulations
7. Conclusions

Market situation- 10 years after EU accession

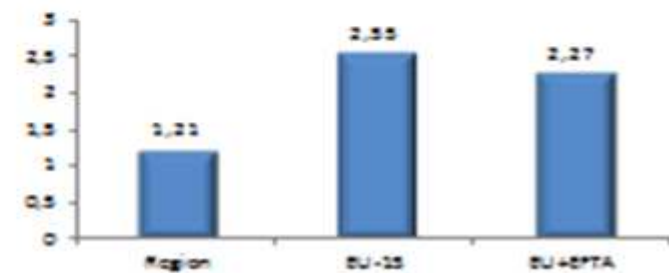


Dynamics of traffic between 2007- 2012



Source: ULC study basing on Eurostat data

The average value change (in millions) - years 2007- 2012



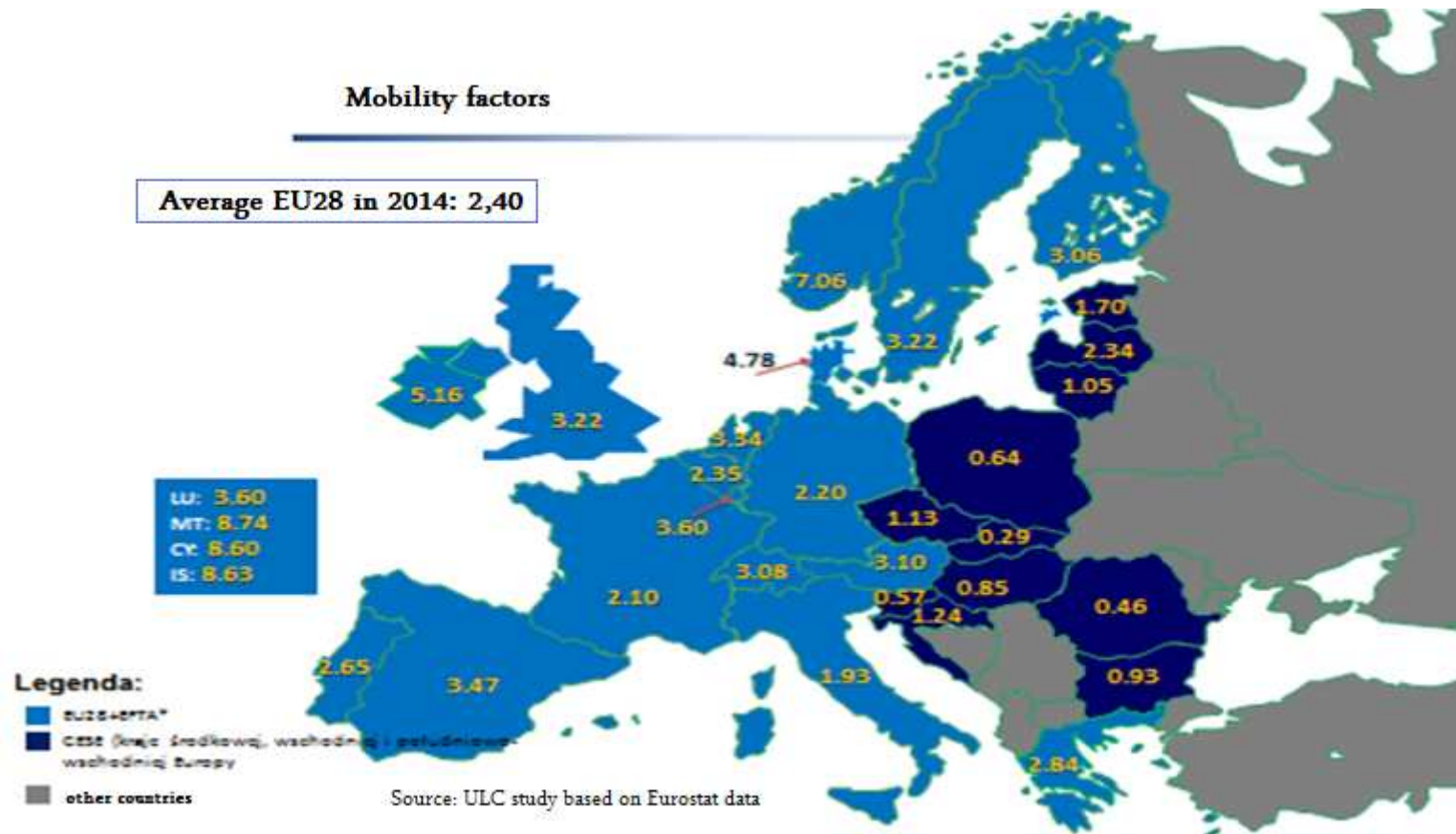
Source: ULC study basing on Eurostat data



Air transport mobility in Poland and the EU



Mobility factors in EU





Availability of transport in air transport

Market- transport availability

- Reduced offer of the seats available
- Reduced number of the available connections
- Reduced frequencies in the sector of LCCs and regular carriers (frequencies reduced by around 30% in the central and eastern Europe compared to EU28)
- Disparities in the LCC flights
- Poorly developed offer of long-haul flights



Air transport has a leading role in the implementation and application of the pro-passenger arrangements for compliance with established standards to protect the interests of passengers, including persons with disabilities.



Activities to protect the interests of persons with disabilities

- 2000 - Charter of Fundamental Rights of the EU (citizens including consumers)
- 2001 - White Paper
- 17.02.2004 Regulation 261/2004 (EC)
- 2006 - Regulation 1107/2006 contains the package to protect the rights of persons with disabilities and limited mobility. International Conventions (ICAO, IATA)
- Code of Good Conduct in Ground Handling for Persons with reduced mobility - European Civil Aviation Conference
- National laws



The regulations in Polish law

- The amendment of the Act of July 3, 2002, „Aviation Law” - implementation of EU legislation on passenger rights
- President of the Civil Aviation Authority in Poland - has control over the observance of these rules
- Committee on the Rights of a Passenger - acting on behalf of the President of the Civil Aviation Authority in Poland
- President of the Civil Aviation Authority in Poland has the ability to impose financial penalties in case of passenger complaints
- The proceedings are administrative in case of claims relating to Regulation 261/2004 1107/2006
- The proceedings are civil in case of a claim for damages (Regulation 889/2002)



Basic rights of passengers

- The right to non-discrimination in access to transport (the Treaty on the Functioning of the EU)
- Additionally in air transport- Regulation No 1008/2008/EC of the European Parliament and of the Council of 24 September 2008 on common rules for the use of air services in the EU.



Advanced care in air travel

- People with disabilities are provided with special care as stated in EU legislation
- It is not acceptable to deny boarding because of reduced mobility
- The derogation described in those regulations can be accepted only if safety procedures and technical parameters of means of transport could be disrupted
- Assistance at the airport provides airport operator
- Carrier may request assistance of the companion during air travel
- Air carriage of the accompanying person may be payable, free- of-charge or at a discount.



Right to assistance for people with disabilities and their access to the means of transport

- Assistance is free of charge
- Assistance concerns information, reservations, sales, accessibility to the means of transport
- Assistance is provided during the whole trip
- **Aid should ensure that persons with disabilities travel on terms comparable to the ones offered to other citizens**
- The training for personnel in terms of assistance should be provided
- Assistance should be professional
- Assistance should be also applicable to the process of boarding and deboarding



Terms of assistance usage

- Notification about need for assistance should be made 48 hours before travel
- Passenger must appear in the pre- defined place
- ...and at a specified time
- Passenger must notify of arrival to the airport (before and after the trip)



Passenger`s rights to information

- One of the most important rights - there is no separate legislation in this area in air transport
- The requirement of transparency in ticket prices
- Full information on additional charges
- Well-marked transfer points (ports)
- Means of communication appropriate to the nature of disability
- The Civil Aviation Authority in Poland has published a Guide for Passengers with Disabilities, available on www.ulc.gov.pl



The carrier's liability for passengers and baggage

- Passengers with disabilities and the equipment they travel with, are subject to special protection
- In accordance with the Regulations 1007/2006 of the EP and of the Council of 5 July 2006, passenger receives compensation for lost or damaged equipment on the same basis as the rest of lost luggage
- There are no special regulations on equipment at EU level
- There are solutions for complaints about the destruction and loss of equipment at national level



Complaints and Appeals

- Right to a fast and accessible complaint handling
- There are no regulations regarding complaints and appeals procedures at the EU level
- Procedures and sanctions are the responsibility of EU Member States in accordance with national regulations
- In Poland it is the responsibility of ULC - Committee on the Rights of the Passenger



Conclusions concerning the rights of passengers in air transport observance

1. 893 statement from the Commission of 19 December 2011:
 - Passengers do not know their rights
 - Passengers give up their investigation because of the cost of its proceeding
 - The Commission found differences in the application of the law by the various national authorities and air carriers
2. In Poland, the Committee on the Rights of Passengers received only two complaints on violation of Regulation No 1107/2006 of the European Parliament.
3. Committee on the Rights of Passengers carries out air carriers control in the airports.
4. There was no infringement of the EU laws.



Conclusions

- Although the aviation sector is the leading sector concerning the protection of the rights of disabled persons, there are still many challenges for aviation carriers and operators; it is mainly due to the fact that market faces growth in air mobility and thus the population of people with disabilities travelling by air;
- There is a need for a transparent and communicative system of information on the availability of air services and the rights of passengers with disabilities
- Polish system of disabled people handling in air transport conforms to the standards presented in the regulations of the European Union



Dziękuję za uwagę
Thank you for your attention
Děkuji za pozornost !

emarci@sgh.waw.pl