



# Guide Dogs in the EU

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## *Information on the access rights of guide dogs in all EU Member States*

The information has been compiled by our country specialists by consulting national sources; contacting national experts and NGOs and with the help of the country dossiers provided by Assistance Dogs International and EBU - the voice of blind and partially sighted people in Europe

Dear Mr Ian DUNCAN,

In this document you find information on the **access rights of guide dogs in all EU Member States** and reported complaints and court cases. The information has been compiled by our country specialists by consulting national sources; contacting national experts and NGOs and with the help of the country dossiers provided by [Assistance Dogs International](#) and [EBU - the voice of blind and partially sighted people in Europe](#). However, we could not find any cases against governments and information on cases is not exhaustive; not available or not recorded.

We briefly summarized the information given by the country specialists in the table below. It appears that a few countries have no legal basis on access for guide dogs (Cyprus, Latvia, Lithuania, the Netherlands); some have general anti-discrimination laws which might or might not contain provisions on guide dogs (Austria, Finland, Germany, Malta, Sweden, United Kingdom, Bulgaria) and some have very specific provisions on access rights (Croatia, Czech Republic, France, Romania, etc.). Complaints are often reported or collected by NGOs dealing with the rights of blind persons and in many countries are settled outside court.

For more information on national legislation or any case law / infringements please consult the country dossiers.

## Summary

Country	Specific law on access	Infringements / case law
AT	Federal law on public transport	No cases found
BE	Yes, 3 different regional laws	17 cases in 2015, several cases in previous years
BG	Yes, law on integration of persons with disabilities	2 cases in last years reported
HR	Yes, Official Gazette no. 131/1998	No cases found
CY	No law	No cases found
CZ	Yes, Public notice 602/2006 of Code, § 51, part (1), letter (e); Health Services Act (Act 372/2011)	No cases found
DK	No specific law but several regulations f.e. on public transport	No cases reported
EE	No specific law but several regulations f.e. on public transport	No reply received
FI	Criminal Law (Rikoslaki 39/1889) and Equality Act (Yhdenvertaisuuslaki 1325/2014) against discrimination; food hygiene decree (Elintarvikehuoneistoasetus 1367/2011);	Several cases reported
FR	•Article L211-30 of the Rural Code, created by Law n° 2005-102 from 11 February 2005 on the Equality of Rights and Chances, the Integration and the Citizenship of Persons with Disabilities	Several complaints: 84 reported in 2014, 20 cases in 2015 but none went to court

	<ul style="list-style-type: none"> <li>•Article 88 of the Law n° 87-588 from 30 July 1987 regarding social measures, modified by Law n° 2005-102 and Ordinance n° 2014-1090 from 26 September 2014 on the implementation of accessibility of public buildings, public transport, housing buildings and roads for the disabled persons</li> <li>•Article R. 241-22 of the Social Action and Families Code, as modified by Decree n° 2005-1414 from 29 December 2005, providing for a fine of category 3 (150 to 450 Euros) in case of refusal of access to a person accompanied by a guide dog</li> <li>•Article 5 of the Decree n° 2014-362 from 20 March 2014, creating new article D.245-24-4 of the Social Action and Families Code</li> </ul>	
<b>DE</b>	No specific law; general law against discrimination	No cases found
<b>EL</b>	Article 16 par. 7 of <a href="#">law 3868/2010</a>	No cases found
<b>HU</b>	Yes, <a href="#">decree 27/2009 SZMM</a>	No cases reported
<b>IE</b>	Equal Status Act 2000; Taxi Regulation Act 2003; Letters of Dept of Health	Several cases in the last years, settled outside court
<b>IT</b>	<a href="#">law No 37 of 14 February 1974</a>	No cases reported
<b>LV</b>	No law	No cases found
<b>LT</b>	No law	No cases found
<b>LU</b>	Law of 22 July 2008 concerning the accessibility of places open to the public to people with disabilities accompanied by assistance dogs	No court cases
<b>MT</b>	Equal Opportunities (Persons With Disability) Act [CAP. 413].	One complaint reported, more assumed
<b>NL</b>	No	No cases found
<b>PL</b>	Act on Vocational and Social Rehabilitation and Employment of Persons with Disabilities of 1997 , Art. 20	No cases found
<b>PT</b>	Portaria 83/82, 19.01.1982, Decreto-Lei 118/99; Decreto-Lei 74/2007	Some formal complaints received
<b>RO</b>	Law no. 448/2006 on the protection and promotion of the rights of persons with disabilities; Law 448/2006 on 'access for all', article 64 (5) of the Law 448/2006	No cases reported
<b>SK</b>	No law on access, only Act 355/2007 Coll. on protection, support and development of public health related to guide dogs	No cases found
<b>SI</b>	Law of Protection of Animals ( <a href="#">Zakon o zaščiti živali</a> , Art. 13	No cases reported
<b>ES</b>	through <a href="#">Real Decreto 3250/1983</a> of 7 December 1983 and <a href="#">Orden de Presidencia</a> of 18 June 1985	Several complaints on refused access
<b>SE</b>	Act against Discrimination, ( <a href="#">Diskrimineringslag 2008:567</a> )	Some cases reported
<b>UK</b>	2010 Equality Act	Several cases in the last years

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## 1) Austria

### Legal situation

The [federal law on disability](#) (Bundesbehindertengesetz) contains some provisions on guide dogs, which have been amended on 1 January 2015. With these amendments, the requirements for the recognition of guide dogs became a profound legal basis. The federal law does however not contain any provisions on access rights for guide dogs.

The [federal law on public transport](#) (KfllG) foresees that guide dogs should be carried free of charge and without muzzle in any means of public transport. This is applied in practice by the national Austrian railway company ÖBB which [allows guide dogs](#) on all of their trains within Austria. There are more specific provisions (such as conveyance obligations for guide dogs) at county level, for example in the Vienna [taxi regulations](#) or the Burgenland [public transport](#) regulations.

Access of guide dogs to buildings is executed on the basis of good will rather than a legal basis. Employers are not obliged to allow blind persons to bring their guide dogs to their working place; neither are restaurant owners or shop keepers in granting guide dogs access to their buildings. Blind people can request an entry in their handicapped ID that they depend on the company of a guide dog. This should in principle give them better access rights to facilities.

In February 2014, the National Council of the Austrian Parliament adopted a [resolution](#) on granting [free access to guide dogs to all areas of social life](#) as far as they do not pose a risk to health or security. There has not been any Government action on this until today; however it is a first step in encouraging public authorities to give guide dogs free access to facilities within their jurisdiction. In May 2015, the Parliament discussed providing means of [financial support](#) to those in need of purchasing a guide dog. Social Minister Rudolf Hundstorfer [announced](#) that there will be a draft law before summer 2015.

**Case law:** no cases found in the main legal database RDB. Confirmed by Stefanie Steinbauer from the Austrian NGO BSVÖ. Ms Steinbauer explained that in case of refused entry, a person can request conciliation at the Federal Ministry for Social Affairs and in case of non-reconciliation, the [national legal support for persons with disabilities](#) ("Behindertenanwaltschaft") can be consulted.

## 2) Belgium

In Belgium this subject is a regional matter and the following legislation is applicable in:

- Wallonia: [Code wallon de l'action sociale et de la santé](#) - see "Chapitre III: Accessibilité aux personnes handicapées accompagnées de chiens d'assistance des établissements et installations destinées au public", **Article 327 ff**

- Brussels: [18 DECEMBRE 2008. - Ordonnance relative à l'accès des chiens d'assistance aux lieux ouverts au public](#)
- Flanders: [20 MAART 2009. - Decreet houdende de toegankelijkheid van publieke plaatsen voor personen met een assistentiehond](#)

As far as your questions concerning infringements and case law is concerned, Mr Mark van Gelder, President of the Belgian Assistance Dog Federation (BADF), informed us that his association tries to collect the complaints and they noted the following:

2009: 10 cases - 2010: 26 - 2011: 26 - 2012: 41 - 2013: 30 - 2014: 58 - 2015: 17 cases so far

This figures cannot be considered as 100% complete, but we believe they can help to make an valuable approximation. Mr. van Gelder also told us that they brought 2 cases before the court and they won both.

### 3) Bulgaria

The Law of integration of the people with disabilities governs all matters related to the access of people using guide dogs as assistance in all public institutions and transports.

#### [Law of integration of the people with disabilities](#)

*- Art. 34. (amend. SG 88/05) The Ministry of Transport shall create conditions for access of the people with disabilities to transport services by developing normative acts and standards for:*

*... 4. ensuring of unhampered access to the public transport for people with disabilities, accompanied by dogs leaders.*

*- Art. 38. The municipalities within the framework of their competence shall ensure:*

*... 3. access of the people with disabilities, accompanied by dogs leaders, to the places for public use;*

*- 14. "Dogs, leaders of people with disabilities" are dogs, trained in specialised schools, which is proven with certificate for passed training, distinction working equipment and signs.*

Regarding infringements of the law, the [Commission for protection against discrimination](#) publishes information about court case-law under the Protection against discrimination act. The last report is from 2011. In 2010 there was a [Decision N°209](#) against the municipality of Sofia about the access of blind people (including those with guide dogs) to public transport. In 2013 there was a Commission's decision for discrimination of person with guide dog impeded from entering in bank office. Except this, I didn't find any other available information. Please, note also that at the beginning of 2013 there were only 45 operational trained guide dogs, according to the [Foundation "Eyes on four paws"](#). In Bulgaria 18000 persons potentially need guide dogs.

### 4) Croatia

[Zakon o kretanju slijepe osobe uz pomoć psa vodiča](#) (Official Gazette no. 131/1998) - **Law on Movement of visually impaired person with the help of a guide dog**, is the legal instrument that regulates the access right of guide dogs for blind persons into buildings. More precisely, **Article 6** of mentioned Law stipulates the following:

(1) A blind person with a guide dog has a right of access to public places such as: offices, hotels, restaurants, banks, post offices, theaters, concert halls, sports facilities, markets, shops, schools, colleges and the like.

(2) A blind person with a guide dog has a right to enter and use the waiting room of medical facilities and pharmacy.

I was not able to find an example of case law related to the issue of access of guide dogs to public places.

## 5) Cyprus

Our contacts at the Permanent Representation of Cyprus confirmed that there is **no specific law** in Cyprus for permitting guide dogs in public/private buildings. Despite this, the existing legislation does not prohibit the entrance of guide dogs in public/private buildings or in buses.

## 6) Czech Republic

The following information was taken from the Assistance Dogs International website:

**Legal basis:** "Legal situation in the Czech Republic is ambiguous and the visitor from abroad may get into trouble very easily especially when he/she is not able to negotiate with the staff members due to language barrier. As there is no law in the Czech Republic that bans on the access with assistance dogs, from purely legal point of view, the access is allowed by the Constitution. But, in the case of any problems, it is almost impossible to persuade the responsible person on the spot that the access right, based on the Constitution, exists. There is only one part of public notice 602/2006 governing access of Guide, Hearing, and Service Dogs to restaurants, grocer's, eating rooms".

- [Law: Public notice 602/2006 of Code, § 51, part \(1\), letter \(e\)](#)  
Website: <http://cms.mava-t.cz/files/attachments/520/478-Vyhl.602.pdf>

I contacted a national expert in order to receive more information. Mr. Ladislav Metelka informed me that a Health Services Act (Act 372/2011) has been adopted in 2011 which has slightly improved the situation. Section 30 paragraph 3 of this act guarantees access to hospitals and other medical facilities for the guide dogs and service dogs. Other Acts from the past remain valid up to now. Mr Metelka is not aware of any cases.

## 7) Denmark

I have been looking for and been calling different Danish organizations asking for information of problems / court cases / discussions about the access of service or guide dogs, but no one has been able to confirm the existence of such an incidence.

### Service dogs

#### **In general:**

A service dog is specially trained to help a person with a physical functional handicap. STH follows the international guidelines and standards described by Assistance Dogs International (ADI) [www.adionline.org](http://www.adionline.org). The service dog is recognised by a blue cover with a clear service dog logo indicating that the dog is at work and has the necessary qualifications to be able to follow and help the user whenever necessary. Accordingly, it is clear to the general public that this is a specially trained dog. Furthermore, the service dog user has an ID card with photo which is presented on request.

#### **What regulations, if any, govern guide dogs access to:**

**Public buildings (administration, hospitals, schools, etc.)** No regulation

**Cultural and sports facilities (cinemas, theatres, museums, libraries, stadiums etc.)** No regulation

#### **Foods enterprises: Leisure facilities (restaurants, hotels, holiday centres, beaches, etc.)**

Restaurants and other facilities selling food are allowed through the law to let guide dogs in. That means when there is no risk of contamination of food, and only in areas for customers

Generally, domestic animals are not allowed access to places where foods are handled, cooked or kept. A service dog, however, has certain rights which a normal family dog does not have. Accordingly, the owner of a foods enterprise is able to allow access to service dogs, for instance, to customer areas in restaurants and in foods enterprises. The service dog must be kept on a leash, and there must be no occasion for the dog to be in contact with foods. (see executive order on foods hygiene no. 773 of 6 July 2006 section 39(1-2))  
Bekendtgørelse om fødevarerhygiejne nr. 773 af 6. juli 2006 § 39 stk. 1-2

#### Kapitel 18

§ 43. Food businesses may in the following cases allow companion and assistance dogs access to the company when the company ensures that such access does not cause contamination of the food:

Adgang til fødevarer virksomheder for kæle- og servicedyr mv.

§ 43. Fødevarer virksomheder kan i følgende tilfælde tillade kæle- og servicedyr adgang til virksomheden, når virksomheden sikrer, at en sådan adgang ikke giver anledning til kontaminering af fødevarerne:

1) kæledyrs adgang til serveringsområder i restauranter o.l., og

2) servicedyrs adgang til kundeområder i butikker, serveringsområder i restauranter o.l.

Stk. 2. Ved servicedyr forstås i denne bekendtgørelse fører- og servicehunde, der er specielt trænet til at udføre en eller flere nytteopgaver for blinde eller stærkt svagsynede personer eller personer med fysisk funktionsnedsættelse.

Stk. 3. Vagthunde, som benyttes ved vagtselskabers runderinger, kan have adgang til fødevarerirksomheder. Det er fødevarerirksomhedens ansvar at sikre, at en sådan adgang ikke giver anledning til kontaminering af fødevarerne.

Stk. 4. Rottehunde, som benyttes af professionelle skadedyrsbekæmpelsesfirmaer, kan have adgang til fødevarerirksomheder. Det er fødevarerirksomhedens ansvar at sikre, at en sådan adgang ikke giver anledning til kontaminering af fødevarerne.

Stk. 5. Fødevareregionen kan i visse tilfælde tillade, at en fødevarerirksomhed giver kæle- og servicedyr adgang til fødevarerirksomheden. Fødevareregionen kan stille vilkår for en sådan tilladelse.

### **Transport:**

**Public transport** They have unrestricted access, backed up by law

**Taxis** Taxis are required to allow guide dogs through the law. Only when the driver is allergic to animals and is able to prove that via a certificate he or she is allowed to say no to a guide dog

The Supervisory Board of STH has been working to improve the circumstances for bringing service dogs everywhere in public spaces. In September 2007, service dogs were then officially equalled to guide dogs for the blind and visually handicapped in relation to taxi driving. A service dog has access to transport in taxies together with the service dog user. (see Denmark's Road Safety and Transport Agency's executive order no. 220 of 31 March 2000.) [Færdselsstyrelsens bekendtgørelse nr. 220 af 31. marts 2000](#)

**Social housing:** It may, in house rules, be decided that it is not allowed to keep pets in social housing. The Supervisory Board of STH has just arranged for persons with physical functional handicap who depend on a service dog to be entitled to keep a service dog in social housing, irrespective of the provisions of the house rules. (see the Ministry of Welfare's executive order on operation of social housing no. 42 of 23 January 2008) [Bek. om drift af almene boliger m.v. 1307 af 15/12 2009](#)

§ 127. Uanset bestemmelserne i husordenen for almene boliger har personer med fysisk funktionsnedsættelse eller blinde og svagtseende personer, der er afhængige af et servicedyr, altid ret til at holde et sådant.

Stk.2. Ved servicedyr forstås førerog servicehunde, som er specielt trænet til at udføre en eller flere nytteopgaver for de personer, der er nævnt i stk. 1.

§ 127. Notwithstanding the house rules for public housing, people with physical disabilities or blind and visually impaired people, who rely on an assistance animal, always entitled to keep such a dog

P. 2. " Assistance animal" is understood to mean service dogs specially trained to perform one or more utility functions of the persons referred to in paragraph. First

- Contact: Anne Frahm  
Email: [info@sth-servicehunde.dk](mailto:info@sth-servicehunde.dk)  
Phone: +45 21 296160 – Open Mo – Fr 9:00 to 10:00 hour CEST
- Updated: 04 May 2010

## 8) Estonia

In Estonia there is **no special legislation** concerning guide dogs and hence I couldn't find any cases of infringement. Although, regulations related to guide dogs have been stipulated in other laws, namely:

**Liiklusseadus (Traffic Act)**, 01.07.2011:

§ 35. Juhi kohustused jalakäija, tasakaaluliikuri juhi ja jalgratturi ohutuse tagamisel  
(3) Juht peab igal pool andma teed valge kepiga või juhtkoeraga liikuvale pimedale jalakäijale. (RT I 2010, 44, 261).

[Translation:

*§ 35. Obligations of driver upon ensuring safety of pedestrians, segway drivers and cyclists*

...

*(3) The driver must always give way to blind pedestrians walking with a white cane or a guide dog.]*

§ 50. Sõidukiiruse valimine

(4) Juht peab sõitma piisavalt väikese kiirusega ja vajaduse korral seisma jääma, kui ta möödub:

3) valge kepiga või juhtkoeraga pimedast jalakäijast.

[Translation:

**§ 50. Choosing driving speed**

*(4) The driver must drive at a sufficiently low speed and, if necessary, stop if they pass:*

*3) a blind pedestrian with a white cane or a guide dog;]*

\*\*\*

**Ühistranspordiseadus (Public Transport Act) 26.01.2000:**

**§27** Tasuta sõit riigisisesel veol

**(1)**Riigisisesel liinil (kaasa arvatud kommertsliin) raudtee-, maantee ja veeliikluses on vedaja kohustatud tasuta vedama:

**(2)**[...]ning nägemispuudega isikut saatvat juhtkoera  
(RT I 2000, 10, 58).

[Translation:

§ 27. Free transportation in domestic regular services

(1) On national lines in railway, road and waterway traffic (including commercial lines), the carriers is required to carry without charge:

...

2) disabled children, persons aged 16 years or more who have a profound disability, person accompanying a person having a profound or severe visual disability or the guide dog accompanying a person having a visual disability.]

\*\*\*

**Sõitjate bussiliiniveo, bussijuhuveo, taksoveo ja pagasiveo üldeeskiri:**

Majandus- ja kommunikatsiooniministri 26. mai 2004. a määrus nr 141

**§7.** Sõitja õigused ja kohustused

**(2)** Nägemispuudega isikul on õigus vedada teda saatvat juhtkoera.

(RTL 2004, 71, 1176).

[Translation:

General regulations on passenger transport ( bus, taxi), and on luggage transport - Regulation no 141, 26 May 2004, Minister of Economic Affairs and Communication

§7. Rights and responsibilities of the passengers

(2) The passenger with visual disability has the right to an accompanying guide dog]

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**Tallinna koerte ja kasside pidamise eeskiri (Regulations for keeping dogs and cats in Tallinn)** (in most cases the regulations of other towns are similar) - April, 2013

**§ 3 Koera või kassiga avalikus kohas viibimine/ Staying with a dog or a cat in the public place**

**(3).** Ühistranspordis peab koeral olema jalutusrihm ja suukorv, välja arvatud koertel, kes on süles või kandmisvahendis.

[(3) A dog or a cat should be on-leash and the dog should have the muzzle in the public vehicle;]

**(5).** Loomapidajal on keelatud:

**2)** viia looma üldkasutatava asutuse ruumi või territooriumile, kuhu on paigaldatud vastavad keelumärgid;

**3)** viibida loomaga rahvakogunemistel ja avalikel üritustel, va selleks ettenähtud kohtades;

(6) Käesoleva paragrahvi lõigete 2 ja 3 ning lõike 5 punktide 2 ja 3 nõudeid ei rakendata vaegnägija juhtkoera ja teenistusülesannet täitva erikoolituse saanud teenistukoera suhtes.

*[(5). The pet-keeper is prohibited:*

*2) take a dog or a cat to the room of the public establishment or territory where the relevant prohibitory signs have been installed;*

*3) stay with a dog or a cat at the gathering of people or public event, except in the place meant for that purpose;*

*(6) The requirements of subsections 2 and 3 and subsection 5 clauses 2 and 3 of this section are not applied to the partially sighted dog and service dog with special training fulfilling the service task.*

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### **Kohalike maksude seadus (Local Taxes Act)**

#### **§ 13. Loomapidamismaks:**

(2) Loomapidamismaksust on vabastatud:

1) politsei, kaitseväge, tolli, Kaitseliidu ning Päästeameti ja vabatahtlike päästjate teenistusloomade pidamine, kui neid kasutatakse teenistusülesannete täitmiseks, samuti pimedate inimeste juhtkoerte pidamine;

[RT I, 29.12.2011, 1 - jõust. 01.01.2012]

*[Translation:*

#### **§ 13. Animal Tax**

*(2) The following are exempt from animal tax:*

*1) the keeping of service animals belonging to the police, the Defence Forces, customs authorities, the Rescue Board and voluntary rescuers if they are used for the performance of their functions, and the keeping of guide dogs by blind persons;*

*[RT I, 29.12.2011, 1 - entry into force 01.01.2012]*

Source of Information: [NGO Estonian Guide Dogs' Association](#)

## **9) Finland**

The Criminal Law ([Rikoslaki 39/1889](#)) includes provisions on discrimination in its Chapter 11, Section 11, according to which no one can be discriminated against or put into unequal or inferior position because of e.g. ethnic origin, sex, age or disability.

According to the [Finnish Federation of the Visually Impaired](#) and the [Finnish Association of People with Physical Disabilities](#) some cases have been brought to court on the basis of discrimination: usually a visually impaired person has been denied access to a restaurant with his/her guide dog, and as the result the restaurant owner has been fined.

The Decree of the Ministry of Agriculture and Forestry on food hygiene in certain food premises ([Elintarvikehuoneistoasetus 1367/2011](#)) states in its Chapter 5 (Personal hygiene and restriction of access to food premises by animals), Section 18, that

“Guide dogs for the visually handicapped, assistance dogs for the physically disabled, and hearing dogs for person with impaired hearing may nevertheless be brought into the customer areas of food premises.” Other pets may be allowed into serving areas of restaurants or other food premises with the consent of the owner/actor.

In addition, there is a new Equality Act ([Yhdenvertaisuuslaki 1325/2014](#)) that came into force 1st of January 2015, that applies also to private sector service providers and forbids all kinds of discrimination in providing goods or services, including discrimination based on disability. There have been no cases yet brought to court on the basis of this new law.

In public transport a blind or visually impaired person uses a full fare ticket while his/her guide dog travels for free.

## 10) France

### 1) Legislation

In France, legislation on guide dogs dates back to **1987**. On 11 February 2005, a new law was adopted reinforcing existing rights. This law guarantees **free access for guide dog users to all places and facilities open to the general public**: public buildings and transports, shops, hotels, restaurants, museums, etc. Other legislative instruments contain complementary provisions, such as sanitary restrictions limiting access to rooms and care units in hospitals, kitchens in catering facilities, etc. Moreover, last year (2014), a decree established a life-long legal status for guide dogs (including the training period and the retirement) creating a **national identification certificate for guide dogs**.

You'll find below links to relevant legislation and a rough translation of the most important provisions.

- [Article L211-30](#) of the Rural Code, created by [Law n° 2005-102 from 11 February 2005 on the Equality of Rights and Chances, the Integration and the Citizenship of Persons with Disabilities](#):

*The dogs accompanying the disabled persons, regardless of the type of disability, motor, sensory or mental, and whose owners can justify animal's education, are exempt from wearing a muzzle in transport, public places, premises open to the public as well as those enabling a professional or educational activity.*

- [Article 88](#) of the Law n° 87-588 from 30 July 1987 regarding social measures, modified by Law n° 2005-102 and [Ordinance n° 2014-1090 from 26 September 2014 on the implementation of accessibility of public buildings, public transport, housing buildings and roads for the disabled persons](#):

*Access to transport, public places, as well as those enabling a professional or educational activity is allowed to guide dogs or assistance dogs accompanying persons holding the invalidity card provided for under Article L. 241-3 of the Social Action and Families Code or the priority card for disabled persons provided for under Article L. 241-3-1 of the same Code or the person responsible for their education throughout their training period.*

*The presence of the guide dog or assistance alongside the disabled person must not lead to additional charges in access to services and benefits to which it is entitled.*

- [Article R. 241-22](#) of the Social Action and Families Code, as modified by Decree n° 2005-1414 from 29 December 2005, providing for a fine of category 3 (150 to 450 Euros) in case of refusal of access to a person accompanied by a guide dog:

*The refusal of access to public places for guide dogs and assistance dogs mentioned in point 5 of Article L. 245-3, accompanying individuals holding the invalidity card referred to in Article L. 241-3, is punishable by a fine foreseen for offenses of the third class.*

Under section 529 of the Code of Criminal Procedure, a police officer, on finding of infringement, may establish a fine without the need to file a complaint.

- [Article 5 of the Decree n° 2014-362 from 20 March 2014](#), creating new article D.245-24-4 of the Social Action and Families Code:

*A National Certificate, for which the model is set jointly by the Minister for Disabled People and the Minister of Agriculture, is given to dog owners, should the dog be in training, in activity or not. This certificate is issued under the responsibility of the centers that hold the label mentioned in Article D. 245-24-1.*

*This certificate proves the dog's training by a certified center and allows access to transport, public places as well as those enabling a professional or educational activity.*

An [ordinance](#) from 20 March 2014 establishes the technical criteria for labelling the training centers for guide and assistance dogs and sets the model for the dogs' national certificate.

Moreover, the guide dogs are admitted to enter the French Parliament's building (Assemblée Nationale), even if there is no specific legal provision for this rule.

## **2) Infringements**

In France, ANMCGA (National Association of Guide Dog Users) deals with the refusals or difficulties of access to public places or a transport notified by guide dogs' owners. The association deals with around **50 cases** of denied access per year. In 2014, **84 cases** of denied access were notified to ANMCGA, which

means almost 1 infringement every 4 days. Since the beginning of 2015, **20 cases** have already been notified.

In 2013 and 2014, FFAC (French Federation of guide dog associations), ANMCGA (National Association of Guide Dog Users), and the associated training centers for guide dogs, conducted a vast survey on guide dog users' access to public places. In **2013**, from February 12 to 27, 1044 places where anyone needs to go (shops, places of resort, public buildings, transports...) were visited by 119 guide dog users. Difficulties were encountered in around **15%**. Now, guide dog users are welcome in **80%** of them. In **2014**, 6 new types of places have been tested: swimming pools, doctor offices, hospitals and clinics, sport centers, animal parks, entertainment parks. 74 guide dog users conducted the survey by phone between February 14 and 24 at 690 places around France. In more than one places out of four, (**26.4%**), a visually impaired person and her guide dog are not allowed to access a public place. The rates of non-acceptance are exceptionally high in swimming pools (47.4%) and sport centers (45.8%). For more details and an infographic, please see the FFAC and ANMCGA document "[Survey on guide dogs users' access to public places](#)".

### 3) Case law

According to the ANMCGA, there are no known successful court cases and there are few complaints about deny of the access because this kind of discrimination is difficult to prove.

## 11) Germany

There is no specific law governing the access of assistance/guide dogs. The general legal bases are Art. 3 [Basic Law](#) ('Grundgesetz') banning discrimination against disabled people, the General Act on Equal Treatment ('[Allgemeines Gleichbehandlungsgesetz](#)') as well as the ('[Behindertengleichstellungsgesetz](#)'), which contains provisions on accessibility. In addition, the federal states ('Länder') have their own laws on dog keeping. Assistance/guide dogs are generally considered an exception; their access to buildings appears to be executed according to good practice.

[The Federal Government Commissioner for Matters relating to Disabled Persons](#) states that – although there are no explicit rules – the access of assistance/guide dogs to doctors' practices, hospitals and other health institutions cannot be prohibited on grounds of health or hygiene.

According to the [Federal Ministry of Food and Agriculture](#), assistance/guide dogs are permitted in food shops.

The association referred to in your request, [EBU \(Euroblind\)](#), provides the following information on the access of assistance/guide dogs:

**Public buildings** (administration, hospitals, schools, etc.): On the basis of Art. 3 Basic Law ... banning discrimination against disabled people, and the General Act on Equal Treatment as well as related laws enacted by the 'Länder' guide dogs users have access to public buildings with their dogs.

**Cultural and sports facilities** (cinemas, theatres, museums, libraries, stadiums etc.): If the facility is privately owned, the owner may refuse access, invoking the householders' rights. The guide dog owner can then take legal action. The facility owner must use strong legal arguments to defend his case, otherwise he risks to be accused of discrimination.

**Leisure facilities** (restaurants, hotels, holiday centres, beaches, etc.): The General Act on Equal Treatment governs civil law contractual relationships, chiefly in the fields of employment, bulk business, and private insurance contracts.

**Retail facilities** (supermarkets, department stores, shops, etc.): See General Act on Equal Treatment above.

## 12) Greece

The Greek Ministry of Labour replied that the entrance of guide dogs in private/public buildings is regulated by Article 16 par. 7 of [law 3868/2010](#), which stipulates that any guide dog can enter

- Public places/public buildings/means of mass transport
- Private buildings, under some restrictions imposed by health regulation (please see the text of the law for more information)

However, we have not received a reply in relation to infringements of the law and successful cases against governments.

## 13) Hungary

1. Access to public buildings: Assistance dogs, their owners and their trainers have unrestricted access without muzzle to all public buildings, institutes and facilities, backed up by law. Assistance dogs are guide dogs for blind and visually impaired persons, mobility assistance dogs for disabled persons, hearing dogs assisting deaf or hearing impaired persons, alert dogs assisting epileptic patients, personal assistance dogs ensuring independent living conditions to disabled persons.

The [decree 27/2009 SZMM](#) (only available in Hungarian language) mentions following examples (non-exhaustive list). Assistance dogs are allowed without any restriction in

- a) public transports
- b) stores, including grocery stores and restaurants
- c) shopping centers

- d) markets
- e) fairs
- f) accommodations
- g) playgrounds
- h) cultural, educational, social institutions, child welfare and child protection institutions
- i) public bathes
- j) zoos
- k) public areas

Therapy dogs are only allowed in cultural, educational, social institutions, child welfare and child protection institutions.

In buildings equipped with an escalator the owner/trainer is entitled to use a standing escalator, if available.

Assistance dogs can only be removed from public areas if they endanger other user's physical safety with their behavior.

Assistance dogs must be identifiable as such (have to wear distinctive marks with the logo of the training organization.)

Problems encountered:

- The decree does not contain control measures and does not regulate the sanctions in case of the violation of the rules.
- The decree only applies for trained dogs, not for dogs under training
- The decree is inconsistent with the [misdemeanor law](#), entered into force on the 15th of April 2012, § 193. points (1) c) and d) which state that travelling with dogs on public transports without muzzle and leash as well as taking or accepting dogs in grocery stores, public bathes and playgrounds is considered as a misdemeanor. The only exceptions are guide dogs for blind and visually impaired persons and mobility assistance dogs for disabled persons. This inconsistency is a discrimination against other groups of assistance dogs (e.g. hearing or alert dogs).

2. and 3. Unfortunately, there are no official data about the number of infringements and the successful cases.

## 14) Ireland

### 1. Legislation

Assistance/guide dogs are covered by the [Equal Status Act 2000](#), which came into operation on 25th October 2000. It prohibits discrimination in the provision of goods, facilities and services, (with some exceptions) on nine grounds including that of disability.

People with disabilities (such as blind or vision impaired people) are entitled to receive the same level of service afforded to other customers.

Under the terms of the legislation, service providers, including providers of services which are free of charge, are required to make reasonable accommodation for people with disabilities who use their services, provided the cost of doing so is not more than a nominal cost.

The Department of Health has issued two circular letters dated 7 June 1991 and circular 15/2000 dated 28 November 2000 titled 'Blind persons who use Guide Dogs'. Both these circulars state that 'bona fide guide dogs for the use of the blind can be exempted from the [Food Hygiene Regulations 1950](#)'.

The [Taxi Regulation Act 2003 \(Small Public Service Vehicles\) \(Licensing\) \(No.2\) Regulations 2006](#), with effect from September 25, 2006, provides for the requirement to carry guide dogs or other assistance dogs.

## 2) Cases

The former [Equality Authority](#), now the [Irish Human Rights and Equality Commission](#), is an independent body that seeks to achieve positive change in the situation and experience of those groups and individuals experiencing inequality by stimulating and supporting a commitment to equality. It provides an information service, legal assistance, carries research and promotes equality of opportunity in relation to equality legislation.

Their annual reports and casework activities report contain accounts of cases involving discrimination of visually impaired persons and their guide dogs. Most cases were settled out of courts and were found in favour of the complainants.

[Pub practices found to be discriminatory](#) (2002): 3 cases

[Annual report 2002](#): 1 case

John Roche v Alabaster Associates Limited t/a Madigans

The Equality Officer found that the service provider in this case unlawfully discriminated against Mr. Roche in refusing to allow him access to the pub with his guide dog. The Equality Officer took account of the fact that "a guide dog is an essential mobility aid for a visually impaired person" and ordered the pub owners to pay €3,000 compensation to the complainant and to display a notice at the entrance to the premises stating that people with disabilities, including people with guide dogs, are welcome.

[Annual report 2003](#): 2 cases

- Refused access to public house because she was accompanied by her guide dog. €2,000 compensation paid.
- A blind woman with a guide dog who was refused a room in a hotel was subsequently provided with accommodation following intervention of the Equality Authority.

[Annual report 2004](#): 1 case

Joan Salmon v Para Equestrian Ireland (2004)

Para Equestrian Ireland were ordered to pay €3,500 in compensation to Joan and to reinstate her to membership of and full participation in the sporting events of Para Equestrian Ireland, and that reasonable accommodation be provided to permit her to participate fully.

[Annual report 2005](#): 1 case

Sr Bríd Smith - v - Dalkey Enterprises Ltd. (Conway's Public House)

The District Justice found that the complainant had been discriminated against and awarded her the maximum amount allowable under the Act, €6,300 and legal costs.

[Annual report 2006](#)

Mr X v A Dublin Pub

In April 2006 following negotiations with the pub a settlement was agreed whereby the complainant accepted an ex-gratia payment and agreed not to pursue any further legal action against the respondent. The respondent also confirmed that all staff had been instructed in detail on door security policies and procedures to avoid a further breach of the Acts.

[Casework activity 2008](#)

Gabriel Moloney v Park House Hotel

The Equality Officer awarded €3,500 compensation to Gabriel and ordered the hotel to produce a written policy on customer service for people with disabilities, which should be used to train all hotel staff immediately. The hotel were also instructed to ensure that a copy of the policy be available at the hotel's reception.

[Casework activity 2009](#)

A Complainant -v- A Taxi Company

Outcome: The complainant received a written apology from Taxi Company with an assurance that there would be no re-occurrence and that staff would be instructed on the treatment of people with guide

dogs. An acceptable payment of compensation for the humiliation and inconvenience caused was also made.

A Complainant –v- A Restaurant

Following negotiations the manager later apologised and paid the complainant an amount in compensation.

[Annual report 2010: 2 cases](#)

Ita J. Carroll v Midleton Cabs Decision

The complainant claimed that she was discriminated against by the respondent when they refused to send a taxi to pick her up because she was accompanied by a guide dog. The Equality Officer found that the complainant failed to establish a prima facie case of discrimination on the disability ground and accordingly, he found in favour of the respondent.

Ms L v A Travel Company

Ms. L claimed that she was treated less favourably by the travel company when they refused to allow her to book the package holiday and put obstacles and barriers in her way for a number of weeks because of her guide dog. Following correspondence between the Equality Authority and the company's solicitors the matter was resolved.

Ms. L was satisfied that she had succeeded in highlighting the issue of the company's obligations to vision impaired customers who travel with their guide dogs. The travel company did not accept liability but they stated that they regretted that the complainant had an experience which did not meet the high standards which the company sets. The complainant also received a holiday voucher.

[Annual report 2011: 2 cases](#)

Daniel Fitzpatrick v Declan McCaul (Mini Bus Hire)

The Equality Officer found that the respondent had discriminated against Mr Fitzpatrick on grounds of his disability and by his failure to provide reasonable accommodation and awarded him the sum of €2,500 for the effects of the discrimination.

A W –v- A Hotel

The Authority contacted the hotel and after some correspondence an acceptable settlement was reached prior to the court hearing. Mr W received a written apology and payment of a sum of money in compensation.

## 15) Italy

### **1) What is the law in your Member State for permitting guide dogs in public/private buildings?**

A short summary of the relevant laws are provided by the [article](#) *La normativa sul Cane Guida*, compiled by Legal Documentation Centre of the [Unione Italiana dei Ciechi e degli Ipovedenti ONLUS](#) (Italian union of blind and visually impaired people) - Lombardy region

The article is in Italian only. For your convenience, I highlights here below the main points and relevant legislation (*not official translation*).

According to the unique Article of the [law No 37 of 14 February 1974](#) guide dogs are allowed on means of transport free of charge.

Furthermore, guide dogs are allowed into all public buildings and business/commercial concerns open to the public (including hotels, restaurants, shops etc.)

A fine (from 500 to 2500 euros) is applicable if a guide dog is denied access on public transport and buildings open to the public. The guide dog must be adequately trained and, upon request of the public transport driver and/or passengers, wear a muzzle. Guide dogs are also allowed on beaches.

Furthermore, the [Letter of the Transport and Infrastructure Minister n. 653/2004](#) also establishes that guide dogs can travel on the car back seats together with the absolute blind. Same principle applies to taxi cars: the taxi driver can deny the access to the guide dog only if the guide dogs do not meet good hygienic and sanitary conditions or if the taxi driver has an official medical certificate proving her/ his allergy to dogs.

### **2) How many infringements of the law have been reported? 3) How many successful cases have been brought against governments?**

I have contacted the [Unione Italiana dei Ciechi e degli Ipovedenti ONLUS](#). Ms Sgroi (ssg@uiciechi.it), responsible for the Guide Dogs Committee, confirmed the following:

In Italy there are not law cases on the topic of your interest. In fact, the Italian legislation is very clear and known to all the relevant parts and, should any conflict occur, this is normally solved on the spot in an informal way between the concerned parts.

Furthermore, she added that most critical cases of denied access for guide dogs indeed occur at EU level, being the guide dogs often refused access to aircrafts on some airlines companies or being subject to the compulsory quarantine before entering, for example, UK territory.

## **16) Latvia**

After consulting [the Association of Blind](#) and [Association of Guide Dogs in Latvia](#), there are no

laws/regulations or government instructions dealing with permission of guide dogs in public/private buildings. Also consulting [Latvian Courts portal](#), it was not possible to identify any case brought before court on access of guide dogs in public/private buildings. However, some companies have their own instructions. For example Latvian Railway grants free ride of guide dogs in its network.

The Association of Blind was repeatedly calling on governmental institutions do draft relevant regulations on access of guide dogs in public/private buildings.

## 17) Lithuania

I contacted the [Lithuanian Association of the Blind and Visually Handicapped](#) and [Parliamentary Research Department](#) in Seimas, both institutions confirmed that there is no Law in Lithuania regulating guide dogs permissions in public/private buildings. Ms Audronė Jozėnaitė, Senior Specialist of *Lithuanian Association of the Blind and Visually Handicapped*, noted that according to information they have there are no guide dogs in Lithuania yet. Therefore I will not be able to reply and other two questions, because they are not relevant to Lithuania yet.

## 18) Luxembourg

### 1) Legislation

In Luxembourg, the access of guide dogs for blind people to public buildings is regulated by the **Law of 22 July 2008** concerning the accessibility of places open to the public to people with disabilities accompanied by assistance dogs ([Loi du 22 juillet 2008 relative à l'accessibilité des lieux ouverts au public aux personnes handicapées accompagnées de chiens d'assistance](#)).

This Law is implemented by two Grand-Ducal regulations: the first one concerns the medals for assistance dogs, as well as the documents identifying them ([Règlement grand-ducal du 11 décembre 2008 relatif à l'aspect et aux conditions d'obtention des médailles de chien d'assistance et portant exécution des articles 2 et 3 de la loi du 22 juillet 2008 relative à l'accessibilité des lieux ouverts au public aux personnes handicapées accompagnées de chiens d'assistance](#)), and the second one relates to **the limitations to the access** of people with disabilities accompanied by assistance dogs to places open to the public ([Règlement grand-ducal du 19 décembre 2008 relatif aux limitations à l'accès des personnes handicapées accompagnées de chiens d'assistance aux lieux ouverts au public](#)).

The legislation is summarized in a [brochure](#) (available in French or German) published by the Ministry of Family and Integration.

Basically, the Law of 22 July 2008 establishes the principle of accessibility of all places open to the public to people with disabilities accompanied by assistance dogs. Places open to the public refer, among others, to transports, cinemas, theatres, restaurants, shops, and places where professional, social,

learning or training activities take place. **Denying access is punished with a fine of € 250** (article 7 of the Law).

However, for security and public health reasons, assistance dogs are not allowed, for example, in the kitchens of restaurants or catering facilities, in certain parts of hospitals (rooms/care rooms), in swimming pools and in prisons (in these last two cases, derogations allowing partial access can be granted at the request of the manager).

## 2) Infringements of the law and legal cases

I contacted the association "[Chiens guides d'aveugles au Luxembourg](#)", which has the agreement of the Ministry of Justice to represent before the courts blind people who are victims of discrimination in this regard. They told me that it has not been necessary so far to go to court because of the deterrent effect of the **fine** and because of the **awareness raising campaign** carried out by the association. Members of the association are advised always to carry with them flyers recalling the principle of accessibility established by the Luxembourgish legislation (and the existence of the fine) and to show them in case of access refusal. The association has also produced special stickers "Assistance dogs welcome - Law of 22 July 2008", distributed to restaurants and other public places where the sign "No dogs" is usually found.

For your information, there are currently 13 or 14 guide dogs for blind people in Luxembourg, according to the association.

## 19) Malta

All legislation and resources cited below are available in English.

### 1) Maltese law granting guide dogs access to public or private buildings/facilities

Guide dogs have access to public buildings under the [Equal Opportunities \(Persons With Disability\) Act \[CAP. 413\]](#).

The definition of 'assistive means' as set out in Part I of this Act includes guide dogs. It is worded as follows: 'assistive means' includes any palliative or therapeutic device, any prosthetic apparatus, or any other apparatus or means, **including trained animals**, that may be required by a person with a disability specifically because of that disability;

Article 5 of Part II of this Act is worded as follows:

'Article 5. (1) **A person shall be discriminating against another person on the grounds of disability if he treats or proposes to treat such other person less favourably than he treats or would treat others who do not have such a disability because of the fact that such other person is accompanied by or possesses any assistive means that is used by such other person or because of any matter related to**

**that fact, whether or not it is the practice to treat in such less favourable manner any person who is accompanied by or is in possession of such assistive means.**

(2) A person shall be discriminating against another person on the grounds of disability if he subjects such other person to harassment in any circumstances relevant for the purposes of any provision of this Act:

Provided that any person who harasses another person as provided in this sub-article shall be guilty of an offence against this article and shall, without prejudice to any greater liability under any other law, be liable on conviction to a fine (*multa*) of not more than two thousand and five hundred euro (€2 500) or to imprisonment for not more than six months or to both such fine and imprisonment.

(3) It shall not be lawful to victimise any person for having made a complaint to the lawful authorities or for having initiated or participated in the proceedings for redress on grounds of an alleged breach of any of the provisions of this Act, or for having disclosed any information, confidential or otherwise, to a lawful authority regarding alleged discriminatory behaviour, activities or practices.

(4) A person shall be discriminating against another person on the grounds of disability if he subjects such other person to a particular disadvantage through an apparently neutral provision, criterion or practice.

(5) A person shall be discriminating against another person on the grounds of disability if he fails to publicise, in an effective manner, those goods, facilities and services provided by him to persons with disability, in order to eliminate discrimination prohibited under this Act.'

## **2) Number of infringements reported**

The Equal Opportunities Compliance unit of the [National Commission 'Persons with Disability' \(KNPD\)](#) of the Ministry for the Family and Social Solidarity publishes [annual reports](#).

The 2013 report notes one incident where advice was given 'to a person with visual impairment who owns a guide dog and who was refused service in a hotel'. I found no reference to guide dogs in the other reports. Nevertheless, this link to a media article (March 2014) seems to imply that there was at least one incident on public bus transport, which is being addressed: [Full access for blind persons with guide dogs, says AD](#).

Most accessibility complaints in Malta would appear to concern building design.

## **3) Successful cases against the government**

Based on the KNPD reports, no cases appear to have been brought against the government in relation to guide dog access. The KNPD acknowledged receipt of an email enquiry asking for further information which might not be readily available to the public but had not responded to the query at time of writing.

[Malta Guide Dogs Foundation](#) does not provide any relevant information on this issue.

## 20) Netherlands

For the time being, the access of guide dogs to public or private buildings is not regulated by law in the Netherlands.

However, legislation is being prepared which will make it very difficult to refuse access for guide dogs to public buildings and services such as taxis.

See in this context the following parliamentary question/answer:

[Beantwoording Kamervragen over begroting VWS 2015 - 11/11/2014](#)

Antwoorden van minister Schippers op schriftelijke vragen van Tweede Kamerleden over de begroting VWS 2015.

Extract:

*Vraag 41:* Wat is de stand van zaken van het wetsvoorstel waarin geregeld wordt dat hulphonden niet meer in publieke ruimtes geweigerd worden, en wanneer kan de Kamer dit voorstel verwachten?

*Antwoord 41:*

In het kader van de ratificatie van het VN Verdrag Handicap, is er een wetsvoorstel tot uitvoering van het verdrag. Dit wetsvoorstel is te samen met de Rijkswet tot goedkeuring van het verdrag 17 juli jl. aan de TK voorgelegd. Momenteel wordt gewerkt aan de nota naar aanleiding van het verslag.

Met de uitvoeringswet, wordt de Wet gelijke behandeling op grond van handicap of chronische ziekte (Wgbh/cz) gewijzigd in die zin dat het terrein van goederen en diensten onder de werkingssfeer van die wet wordt gebracht. Dit heeft tot gevolg dat de verplichting om doeltreffende aanpassingen te treffen, ook op het terrein van goederen en diensten van toepassing zal zijn. Zo ook voor openbare gelegenheden. De toepasselijkheid van die verplichting zal betekenen dat het in openbare gelegenheden in nagenoeg alle gevallen verplicht zal zijn hulp- en blindengeleidehonden toe te laten. Dit betekent dat er sprake moet zijn van een gegronde reden om in een specifieke situatie de toegang van hulphonden te weigeren.

Ten aanzien van de toegang van assistentiehonden in het taxivervoer, wordt de verplichting om assistentiehonden mee te nemen in de taxi, geregeld een aanpassing van het Besluit personenvervoer 2000. Dit treedt naar verwachting medio 2015 in werking.

*Rough translation:*

Answering parliamentary questions about budget VWS 2015 - 11.11.2014 (VWS=Ministry of public health, well-being and sports).

Answers from Minister Schippers to written questions.

Extract:

Question 41: What is the state of affairs regarding the bill providing that assistance dogs can no longer be denied access in public places, and when may (the second) Chamber expect to receive this proposal?

Answer 41:

In the context of the ratification of the UN Convention on Disability, there is a bill to implement the Convention. This bill has been submitted to the Second Chamber on 17 July this year together with the Act approving the convention. [...]

With the implementation law, the Act on equal treatment on the grounds of disability or chronic illness (WGB h/cz) will be amended so that the field of goods and services is brought within the scope of this Act. As a consequence, the obligation to make reasonable modifications according to need [article 2 of the Act on equal treatment] will also become applicable in the field of goods and services. The same will apply for public places. The applicability of this requirement will mean that in almost all cases it will be mandatory to allow access for assistance and guide dogs in public places. This means that only in specific situations and for legitimate reasons it will be possible to deny access to assistance dogs.

Regarding the access of assistance dogs to transport by taxi, the obligation to accept the dogs in the taxi is regulated by amending the Passenger Transport Decision of 2000. This amendment is expected to come into force by mid-2015.

## 21) Poland

The [Act on Vocational and Social Rehabilitation and Employment of Persons with Disabilities](#) of 1997 (with amendments) is the basic act regulating access to guide dogs in Poland. Art. 20a of the consolidated text stipulates that a disabled person with a guide dog is authorized to enter public facilities and in particular buildings and its precincts designed for the needs of public administration, justice culture, education, higher education, research, health, welfare and social services, bank services, trade, catering establishments, services, tourism, sport, service of passengers of rail, road, air, maritime, inland, postal and telecommunication services and other widely accessible buildings designed for similar functions, including office and social buildings.

Furthermore, in the [Act on Food and Nutrition Safety](#) of 2006 (with amendments) a regulation was introduced stating that operators on food market, running factory of food circulation or are obliged to include in procedures for good hygiene practice and the implementation and application of the HACCP system the right to enter and use of these facilities by people with disabilities with assisting dog as defined in the Act on Vocational and Social Rehabilitation and Employment of Persons with Disabilities.

The UN Convention on the Rights of People with Disabilities has been ratified via the [Act on the Ratification of the UN Convention on the Rights of People with Disabilities](#) of 2012.

Source: [European Blind Union](#).

## 22) Portugal

### *Legislation*

Portugal has specific legislation regarding guide dogs.

The first legislation dedicated to it is from [January 1982](#) and it concerned the access of guide dogs in train carriages.

Since the scope was very limited, in 1999 a decree - [Decreto-Lei 118/99](#) - was approved to allow guide dogs into public places, transports, private places open to the public (banks, insurance offices, etc.), and buildings with commercial activity - supermarkets, restaurants, hotels, etc.

In 2007, the 1999 legislation is superseded by the [Decreto-Lei 74/2007](#), establishing the access of guide dogs to all the above mention places and buildings when accompanying disabled people and not only blind people. It also states that guide dogs are exempt of being muzzled.

A [translation](#) of this decree is provided by the [Assistance Dogs International](#).

More information on accessibility of disabled people and guide dogs can be found on the [European Blind Union](#) webpage.

### *Infringements to the law*

I asked for official information to be given, but so far no reply. The responsible institution is the [Instituto Nacional para a Reabilitação](#); if any reply comes, I will forward it.

Browsing the Internet, I could find some cases that made it to the media, but if there was a formal complaint (with the Police) or the outcome is not always clear:

2012 - a guide dog was [denied entrance in court](#) when accompanying a blind man;

2009 - a former para-Olympic athlete was [denied boarding](#) on a TAP flight because the guide-dog was not muzzled;

2008 - a guide dog was [denied access](#) to a bar;

### *Cases against Governments*

I could not find any information on this.

## 23) Romania

According to **article 64 (5) of the Law 448/2006** a guide dog accompanying a person with severe disabilities has free access and free of charge access to all public places and on public transport.

Law 448/2006, also stipulates that public authorities shall promote and implement the concept of 'access for all', to prevent the creation of new barriers and the emergence of new sources of discrimination (article 61, paragraph a).

There is no case law on guide dogs (article 64, paragraph 5) in the legal database Indaco Lege 5 and other Romanian legal databases at my disposal. I was not able to find any case law/articles/reports on guide dogs access to public places (places open for public access) and to public transport.

However, there are [citizens' initiatives](#) asking for sanctions against public authorities which do not grant access of guide dogs in places open to public access and against taxi drivers/taxi companies that refuse to transport guide dogs.

Legal basis

[Law no. 448/2006](#) on the protection and promotion of the rights of persons with disabilities, as republished in the Official Gazette of Romania, Part I, no 1 of 3 January 2008, with subsequent modifications and completions (full text available in Romanian language only).

## 24) Slovakia

There is no regulation generally on access rights for guide dogs in Slovakia into public/private/church buildings or spaces. The access of guide dogs is based more on good will.

There is only one piece of regulation which regulates the access into production and storage accommodations and entry of animals into public catering accommodations:

### [Act 355/2007 Coll.](#) on protection, support and development of public health

§26, 4, A: Natural person - entrepreneur or corporate entity running public catering establishments (further on public catering establishment operator) are obliged

a) to ensure that unauthorized persons do not enter into production and storage accommodations and avoid guiding and entry of animals into public catering accommodations with **exception of accommodation intended for food consumption into which visually impaired persons with guide dogs are allowed to enter.**"

Cases of denied access - information provided by Ms Jarmila Viragova:

In practice there are cases of denied access to people with guide dogs to these establishments. Access to buildings with sign "no access with dogs" is sometimes denied to people with guide dogs.

The Slovak Blind and Partially Sighted Union receives 4-7 complaints of denied access for guide dogs per year (denied entry to post offices, health institutions, shop centres, mainly; and restaurants, public offices in small villages) and the Union is to resolve the concrete complaints directly with concerned service providers.

There has not been any law case for discrimination of people with guide dogs. (Generally guide dogs or assistance dogs are recognised as an assistance aid enabling free movement to a disabled person.)

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Guide Dog Training School - [contacts](#)  
Slovak Blind and Partially Sighted Union - [contacts](#)

Ministry of Labour, Social Affairs and Family of Slovak Republic - Department of Integration with Health Disabilities does not collect any complaints for denied access of guide dogs.

Additional information:

**Antidiscrimination Act 365/2004 Coll** where direct and indirect discrimination are defined and forbidden. ([365/2004 Z.Z. in Slovak](#))

Guide dogs and assistant dogs are recognised as an assistance aid enabling free movement to a disabled person. Not allowing access to guide or assistant dogs means not allowing access to the disabled owner which could be qualified as direct or indirect discrimination. Anyway there were not any law cases for discrimination of people with guide dogs.

**Act No. 282/2002 Coll., which provides some conditions of keeping dogs** ([282/2002 Z.z. in Slovak](#))

According § 4, paragraph (5)

Details on moving dogs in municipalities are set by municipalities via generally binding decree.

1. The municipality can define places where:

- a) the free moving of dogs is prohibited
- b) entrance with a dog is prohibited

2. Places defined in 1. as prohibited Have to be clearly marked

Comment by Ms Viragova: Generally municipalities in their decrees on dogs moving do not limit the guide dogs movement but they are not particularly helping them.

**National Programme for Development of living conditions of persons with disabilities 2014 - 2020**  
[available only in Slovak](#)

This document refers to guide dogs only in one case.

Task for Ministry for Transport, Construction and Regional Development of the Slovak Republic:

4.5.2. Support to keep rebates for people with disabilities in public transport (railway). Passengers with severe disabilities pass have 50 % discount on normal fare in 2nd class by Railway Company Slovakia. Holders of severe disability pass with red stripe are entitled to **free transport of their assistant, a wheelchair or a guide dog.**

## 25) Slovenia

1) The relevant legislation in Slovenia permitting guide dogs in public/private buildings is the Law of Protection of Animals ([Zakon o zaščiti živali](#), published on 3 May 2013 in the Official Gazette of the Republic of Slovenia no. 38), namely its Article 13. The Article 13 states that guide dogs have access to all public spaces, including public transport. The Article 13 also states that there is no need to muzzle a guide dog in public spaces or public transport.

2) According to the information received from the [Administration of the Republic of Slovenia for Food Safety, Veterinary Sector and Plant Protection](#) (AFSVSPP), there haven't been any reported infringements of the mentioned law in 2014. There also haven't been any court judgements regarding infringements of the mentioned law since it has been in force.

3) According to the [Administration of the Republic of Slovenia for Food Safety, Veterinary Sector and Plant Protection](#) (AFSVSPP), the records show that there have been no written complaints against public authorities regarding the access of guide dogs to public spaces. One verbal objection regarding that issue has been recorded however, namely for not allowing a guide dog to enter a public swimming pool.

[More information](#)

## 26) Spain

Regarding question 1, all the relevant [Spanish legislation](#), both at national and regional level, together with a six-page [report](#) on the subject, can be consulted on the [ONCE](#) (National Organisation for the Blind) [Spanish Guide Dog Foundation](#) website. All documents are in Spanish. The right of guide dog users (either blind or visually impaired) to public places or spaces (or for public use) was initially regulated by the State through [Real Decreto 3250/1983](#) of 7 December 1983 and [Orden de Presidencia](#) of 18 June 1985. As a result of the transfer of competencies regarding assistance and social services to the Regional Authorities, all of them have adopted their own specific legislation on the matter, recognising the right of guide dog users to access public (or for public use) places or spaces.

Regarding questions 1 and 2, and after consulting the Spanish Guide Dog Foundation on the subject, they have sent us their [data for 2014](#) (original message in Spanish, summarised in English below).

These data do not reflect the total number of access refusal incidents, as many of them are solved or dealt with directly by guide dog users, without having recourse to the Foundation. Neither are reflected those incidents solved by the Foundation on the spot, as they are not recorded in the incident register. On the other hand, the data do include incidents suffered by the Foundation's dog trainers (in Madrid), as they enjoy the same right of access as blind users.

Thus, the total number of complaints made by guide dog users and/or trainers in 2014 that have been followed by the ONCE Guide Dog Foundation, or on which it has given advice, is 27. Of these, 19 have been already solved and 8 are still pending.

By region, 12 complaints have been filed in Madrid, 3 in Catalonia, 4 in Andalusia, 2 in Valencia, 2 to in the Canaries, 1 in the Basque Country, 1 in Galicia, and 1 in Murcia.

By type of incident, there are 13 complaints for access refusal to bars, restaurants or hotels (hospitality businesses), 5 for refusal of access to taxis or other public modes of transport, 6 for refusal of access to shops or shopping centres and 3 for access refusal to health care centres.

The breakdown by Region is the following:

Region	Nº of complaints	Follow-up situation
MADRID	12	2 pending
CATALUÑA	3	2 pending
ANDALUCÍA	4	2 pending
COMUNIDAD VALENCIANA	2	
PAÍS VASCO	2	1 pending
CANARIAS	2	1 pending

GALICIA	1	
MURCIA	1	

One of the last incidents, widely followed by the media, took place in Las Palmas (Canary Islands) last January, when access to a restaurant was refused to a blind paralympic sportsman:

<http://www.abc.es/videos-espana/20150108/invidente-denuncia-restaurante-dejarle-3977516235001.html>

## 27) Sweden

There are around 300 guide dogs in Sweden. All of them are owned by the Swedish Association of the Visually Impaired ([Synskadades Riksförbund](#)) who has the administrative liability in the allocation and withdrawal of guide dogs. They also provide them with initial training.

The Act against Discrimination, ([Diskrimineringslag 2008:567](#)) states that discrimination is prohibited on the part of a natural or legal person, who outside private and family life, supplies goods, services or housing to the general public. Guide dogs are allowed in public spaces such as post offices, pharmacies and social insurance agencies. Guide dogs may travel for free by bus, rail and domestic flights. From [1 January 2015](#), the lack of accessibility is seen as a form of discrimination in the Act against discrimination. The new ban on discrimination shall serve to increase accessibility in society so that people with disabilities can participate under equivalent conditions.

According to [the Swedish National Food Agency](#) guide dogs should be allowed in in some parts of a food store, provided that this does not present a risk of contamination of foodstuffs. It is for the owner of the shop to decide on measurements on hygiene. Guide dogs are also welcome in bars and restaurants if the business manager's agrees.

To avoid potential conflicts between allergy sufferers and the visually impaired a [Joint declaration](#) was adopted by the Swedish Asthma and Allergy Association and the Swedish Association of the Visually Impaired in 2009. In the declaration they conclude that no party shall have precedence over the other.

### Conflicts

One woman was denied bringing her dog to an eye clinic. She has [notified this to the Equality Ombudsman](#) who will now undertake an investigation and examine the notification against the Discrimination act.

In another case [A woman decided to make an appeal after being refused](#) to bring her dog to a gym.

Entry with a guide dog was denied in a quarter of researched restaurants in Stockholm according to a [radio program](#) by Sweden's national publicly funded radio broadcaster, 2011.

In an [analysis](#) of experiences of discrimination based on disability from 2014 the Equality Ombudsman (Diskrimineringsombudsmannen) gives a number of examples where people have been refused entry to different establishments because of their guide dogs. The report is based on a qualitative analysis of 485 notifications of different kinds of discriminations made in 2012.

## 28) United Kingdom

### **Part 1: UK law on guide dog access to public/private buildings**

Access to public and private buildings is regulated by the 2010 Equality Act. This legislation requires 'reasonable adjustment' to enable access by disabled persons to public and private buildings, including those used for the following purposes:

- provision of goods of services (Article 31)
- a public function (Article 31)
- employment (Article 83)
- schools and higher educational institutions (Article 98)

The law states that if a 'provision, criterion or practice ... puts a disabled person at a substantial disadvantage' (Article 20), it must be adjusted wherever it is reasonable to do so. In practice therefore, a government building, shop, school or office must allow blind people to be accompanied by guide dogs, given that they would be seriously disadvantaged without them.

### **Part 2: How many infringements of the law have been reported?**

Neither of the two main UK NGOs dealing with these issues (Royal National Institute of Blind People; Guide Dogs) compile statistics on refusal of access to buildings. However, earlier this year Guide Dogs carried out a survey of 1118 guide dog owners; 75% of respondents had been refused access somewhere at some point because they had a guide dog with them — nearly half (49%) in the past year, and a third (33%) within the last six months. Please see [attached](#) survey for more information.

### **Part 3: How many successful cases have been brought against governments?**

According to both Guide Dogs and the RNIB, although access is frequently refused to guide dogs, only a tiny fraction of cases end up in court. Refusal of access to buildings is a civil law matter and in the vast majority of cases those refusing access prefer to settle out of court as the legal right of blind persons to access for their guide dogs is unequivocal (by contrast, refusal of access to taxis falls under criminal law and therefore more frequently results in a court case).

Of the examples cited in the attached document, only one led to a court case (which the plaintiff won).

Neither Guide Dogs nor the RNIB were aware of any cases brought against government authorities, as the latter are generally aware of their obligation to ensure access for guide dogs.