



**ECAC POLICY STATEMENT IN THE FIELD OF CIVIL
AVIATION FACILITATION**

ECAC.CEAC Doc No. 30 (PART I)

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ECAC/31- Res.1 ECAC Policy Statement in the Field of Civil Aviation Facilitation

(2009)

- WHEREAS the provisions of the Chicago Convention, in particular its Article 22, provide that each State should agree to adopt all practicable measures to facilitate and expedite navigation by aircraft between the territories of Contracting States, and to prevent unnecessary delays to aircraft, crews, passengers and cargo;
- RECOGNIZING that improving facilitation is in the interest of all air travellers, with particular awareness of the requirements of disabled passengers and passengers with reduced mobility;
- RECOGNIZING that the development of passenger and cargo traffic could present mounting problems in airport ground handling due to inadequate facilitation;
- RECOGNIZING the need to reconcile facilitation and security objectives and to reach a balance between them;
- INVITING Member States to improve facilitation by co-operating with each other in order to seek solutions to common facilitation problems;
- RECOGNIZING the value of co-operating between governments, airlines and airports in efforts to solve facilitation problems;
- INVITING Member States to promote efficient processing of passengers, baggage, cargo and mail traffic carried by air, and in this regard to make optimal use of new technologies;
- WHEREAS all Member States should continue to apply the provisions of Annex 9 to the Chicago Convention relating to facilitation as well as those of the relevant resolutions of the ICAO Assembly;
- DESIRING that all Member States, when determining the scope of measures and methods for improving facilitation, should be guided by the provisions, specifications and guidance material contained in the recommendations reproduced hereinafter;
- DESIRING that each Member State should critically examine any differences that exist in its territory between its national regulations and practices and the following recommendations as well as the provisions of the current edition of Annex 9 and make special efforts to eliminate such differences at the earliest practicable moment,

THE CONFERENCE RESOLVES TO ADOPT the provisions, specifications and guidance material in the field of aviation facilitation, as reproduced in the first part of ECAC/CEAC Doc No. 30, representing a consolidated statement of ECAC policies and associated practices in the field of facilitation.

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TABLE OF AMENDMENTS

Keep this original of ECAC Doc 30 (11th edition/December 2009) up to date by immediately inserting all amendments and checking that all documents mentioned on the amendment sheets have been received.

Amendments are numbered consecutively. Upon receipt of amendments, the number should be crossed out on this list. A break in the sequence of amendment numbers indicates that a particular amendment has not been received. The appropriate authority should immediately request this missing amendment from the ECAC Secretariat.

Amendment number	Date	Applicable	Entered by (name) on (date)
1.			
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- ANNEX 2-A** Guidelines for the removal of deportees
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- ANNEX 2-C** Guidelines for the removal of inadmissible passengers
- ANNEX 2-D** Key principles for Advance Passenger Information Systems
- ANNEX 2-E** Key principles for Crew Member Certificates

SECTION 3 — FACILITATION OF AIR CARGO:

- ANNEX 3-A** Guidelines on facilitation of air cargo

SECTION 5 — FACILITATION OF THE TRANSPORT OF PERSONS WITH REDUCED MOBILITY:

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 - ANNEX 5-B** Guidance material for security staff - Key points for checks of PRMs
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Note: the numbering system of Annexes has been changed in the 11th edition of Doc 30 Part I (December 2009). For ease of reference, the following table indicates, for the Annexes which were in the 10th edition of Doc 30 Part I (December 2006), their new designator in the 11th edition.

<u>Numbering / designation of Annexes</u>		
Doc 30 Part I, 10th edition	Title	Doc 30 Part I, 11th edition
ANNEX D	Guidelines on deportation and escort	ANNEX 2-A
ANNEX E	Guidance leaflet for persons with reduced mobility (PRMs) who may be infrequent, or first time, flyers	ANNEX 5-A
ANNEX F	Guidance material for security staff —Key points for checks of PRMs	ANNEX 5-B
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SECTION 1

GENERAL

1.1 Implementation of Annex 9, Thirteenth Edition

All Member States should:

- a) Intensify their efforts towards fully complying with the Standards and Recommended Practices of Annex 9, Thirteenth Edition;
- b) If they have not yet notified ICAO of the status of implementation of Annex 9, Thirteenth Edition, in their territories, and of any differences from their national regulations and practices, do so without delay; these notified differences should also apply to the provisions of this document; and
- c) If they have continued so far to implement certain Annex 9 provisions solely on the basis of reciprocity, make greater efforts aimed at removing such restrictions and implementing them multilaterally instead.

1.2 Improvement of facilitation through co-operation between States

Each ECAC Member State should:

- a) Improve facilitation by co-operating with States, particularly other Member States, through their civil aviation administrations, with which it has air services in order to seek uniform solutions to common facilitation problems;
 - b) Make available for inclusion on a list to be circulated and updated periodically, details of the office in their administration to which all enquiries concerning facilitation problems, including immigration problems, should be addressed; and
 - c) Establish close co-ordination, adapted to the circumstances, between facilitation and security programmes.
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SECTION 2**FACILITATION OF TRANSPORT OF
PERSONS AND THEIR BAGGAGE****2.1 Entry and departure of persons and their baggage****2.1.1 Issuance and use of machine-readable travel documents and visas**

ECAC Member States should, in compliance with ICAO Standard 3.10 and Recommended Practice 3.11 of Annex 9, Thirteenth Edition:

- a) Commence issuing only machine-readable passports in accordance with the specifications of ICAO Doc 9303 no later than 1 April 2010;
- b) When introducing machine-readable capability in the new passports, strictly adhere to the ICAO specifications in ICAO Doc 9303 in order to ensure readability world-wide in readers of different manufacture; and
- c) When issuing identity documents or visas accepted for travel purposes, issue these in machine-readable form as specified in Doc 9303.

In respect of Crew Member Certificates, Member States should seek guidance from the "Key Principles for Crew Member Certificates", which are provided in **Annex 2-E**.

2.1.1.1 ICAO Public Key Directory

ECAC Member States should, as set out in ICAO Recommended Practice 3.9.1, consider joining the ICAO Public Key Directory:

- a) If presently issuing or intending to issue ePassports; and/or
- b) Implementing automated checks on ePassports at Border Control

2.1.2 Elimination of embarkation/disembarkation cards

ECAC Member States, in compliance with long-standing FAL policies as set forth in relevant ECAC FAL recommendations of the past and of ICAO as contained in Recommended Practice 3.26 of Annex 9, Thirteenth Edition, should make special and continuing efforts to dispense with the requirement for embarkation/disembarkation cards where still in use.

2.1.3 Check of travel documents

- a) Whereas the check of travel documents at the point of entry is primarily the responsibility of the competent authorities of each Member State;

- b) Recalling the provisions in Chapter 3 of Annex 9, Thirteenth Edition, in particular those under 3.33, which address the obligations of operators to check travel documents of passengers;
- c) Recognizing that certain countries of origin or transit are known to be principal sources of inadmissible persons seeking admission to ECAC Member States, creating serious problems for them; and
- d) Considering that the most appropriate moment for preventing the phenomenon of inadmissible persons is at the time of embarkation,

Each Member State should:

- i) Request its operators¹ and encourage other operators serving the countries in question to carry out, with the agreement of the authorities concerned, a supplementary individual check of passengers' travel documents, for entry or transit, immediately prior to embarkation;
- ii) In cases where such final check is required, draw the attention of the operators to the need to ensure that intending passengers are made fully aware of the requirement;
- iii) Co-operate with and assist operators in the establishment of the validity and authenticity of travel documents;
- iv) In the event that a passenger's travel documents are found to be irregular, provide assistance to operators in accordance with particular provisions for dealing with inadmissible persons described in Annex 9, Chapter 5;
- v) Not make operators liable to charges or administrative fines in the event that they disembark passengers who are found inadmissible unless there is evidence of negligence, or failure by the operator in taking adequate precautions to the end that a passenger has been in possession of required travel documents at the time of embarkation; and
- vi) In the case where arrival of an inadequately documented passenger is subject to charges or administrative fines, ensure that such charges or fines take account of the degree of negligence or of the quality of the precautionary checks undertaken by the operator.

Note: The mere absence of travel documents at the time of disembarkation of a passenger should not automatically entail an operator's liability.

2.1.3.1 **Airport Alert on preventing illegal migration**

- a) Each Member State should adopt an active information sharing policy in order to protect national borders and Civil Aviation against the negative consequences of illegal migration;
- b) Each Member State possessing information or strong indications on illegal migration movements which are liable to cause trouble or endanger law and order, public safety or the interests of Member States should, within the national and international legal framework, inform Member States and the ECAC Secretariat, without delay by making use

¹ As defined in Chapter I of Annex 9 to the Chicago Convention.

of the contact address lists referred to in Doc 30, Part I, paragraphs 1.2 and 2.3.5;

- c) Each Member State should ensure regular updates of the lists referred to above;
- d) The information to be transmitted should be limited to methods indicating any abuse of national immigration rules as well as of the principles of Civil Aviation Facilitation as set out in ICAO's Annex 9 and ECAC's Doc 30. It may include:
 - o Information on false, falsified and fraudulently used travel documents, including nationality
 - o Travel route information
 - o Passenger risk assessment information
 - o Information on modus operandi of smugglers and traffickers of human beings.

2.1.3.2 **Advance Passenger Information**

ECAC Member States intending to introduce advance passenger information systems (APIS) are encouraged to seek guidance from the Key Principles for Advance Passenger Information systems in **Annex 2-D**.

2.1.4 **Accident investigation experts**

- 2.1.4.1 In case of aviation accidents, Member States should accept without delay the entry on to their territory, on a temporary basis, of experts required for search, rescue, accident investigation and repair or salvage of damaged aircraft, in conformity with Annexes 12 and 13 to the Chicago Convention, without having to produce any other travel document, when necessary, than a passport.
- 2.1.4.2 When a visa is required, Member States should accept, in cases of necessity, to deliver it on an exceptional basis to investigation experts carrying an order of mission delivered by their competent authority when they present themselves at the entry point of the territory.
- 2.1.4.3 Member States should, if needed, provide investigation teams with the necessary means of transport to enable them to reach the site of the accident without delay.

2.2 **Persons in transit in the territory of a Member State**

2.2.1 **In-transit visas**

Taking into account:

- a) That Standard 3.57 of Annex 9, Thirteenth Edition stipulates that Contracting States shall keep to a minimum the number of States whose nationals are required to have direct transit visas when arriving on an international flight and continuing their journey to a third State on the same flight or another flight from the same airport on the same day;
- b) That there exists a trend among certain Member States towards requiring in-transit visas in an attempt to combat one aspect of the problem of inadmissible persons;

- c) That the establishment of a common, consistent approach to the requirement for in-transit visas is in the interest of all;
- d) The need to take all measures practicable to contain the threat perceived to emanate from certain countries,

Each Member State should:

- i) Limit the introduction of requirements for in-transit visas, in the overall interests of facilitation of air travel, to those countries known to be the principal sources of inadmissible persons;
- ii) Communicate the introduction of in-transit visa requirements to all other Member States and make every effort possible to harmonize with other Member States' national requirements for such visas; and
- iii) Inform the ECAC Secretariat, when it so requests and/or whenever necessary, of any policy changes concerning transit visas.

2.3 Inadmissible persons or deportees

A. Inadmissible persons

2.3.1 Member States should adopt adequate measures in order to:

- a) Facilitate the return of inadmissible persons;
- b) Inform the aircraft operator or their agent as far in advance as possible of the scheduled departure, that an inadmissible person might offer resistance to his removal, so that the aircraft operator or their agent can take precautions to ensure the security of the flight and
- c) Implement the relevant provisions of Annex 9.

B. Deportees

2.3.2 Authorities of Member States who carry out a deportation order should so inform the authorities in transit, destination countries and the aircraft operator or their agent whenever practicable and permitted under national and international law, in cases where that person is liable to cause trouble or endanger law and order or public safety.

The written notification (facsimile, telex, e-mail) should contain the following information:

- a) Identity of the person;
- b) Reason for transporting that person;
- c) Copy of the deportation order, if legislation of the Contracting State allows for it;
- d) Risk assessment by the State and/or any other pertinent information that would help assess the risk to the security of the flight;
- e) Names and nationalities of any escorts;
- f) Nature of available travel document(s) and
- g) Implement the relevant provisions of Annex 9.

2.3.3 Member States which have to admit on to their territory transit passengers who have been turned back or deported by other States, and for whom a

transit visa is mandatory, are invited to provide aid and assistance to these States in order to facilitate the transport of these passengers to their final destination.

- 2.3.4 As regards deportees, direct non-stop flights to the destination country should be used whenever possible.
- 2.3.5 Member States should indicate which authorities should be informed in accordance with paragraph 2.3.2 above in order to establish lists i.e. ECAC INADPAXLIST 1 and ECAC INADPAXLIST 2, which would be continuously updated and made available to the appropriate authorities of Member States.
- 2.3.6 Taking into account the fact that persons deemed to be inadmissible or deportees by an ECAC Member State often require special measures in order to maintain public order or safety, Member States and operators should cooperate. In respect of deportees, Member States should seek guidance from the "Guidelines on deportation and escort", which are provided in **Annex 2-A**. In respect of inadmissible passengers, Member States are invited to seek guidance from the "Guidelines for the removal of inadmissible passengers", developed by the IATA/CAWG, which are provided in **Annex 2-C**.

Annexes

The following Annexes have been added, to complement section 2:

Annex 2-A: Guidance on deportation and escort

Annex 2-C: Guidelines for the removal of inadmissible passengers

Annex 2-D: Key principles for Advance Passenger Information Systems

Annex 2-E: Key principles for Crew Member Certificates.

Note: Annex 2-B: Letter of information to the competent authorities of transit and destination States about inadmissible passengers, has been deleted⁽¹⁾.

¹ DGCA/135, Paris, 7 December 2010.

SECTION 3**FACILITATION OF AIR CARGO****3.1 Customs Treatment of air cargo and automation**

- 3.1.1 In pursuance of Standard 2.9 and Standard 4.13 of Annex 9, Thirteenth Edition, ECAC Member States should encourage the electronic transmission of information required by public authorities for the entry and departure of an aircraft, and work in co-operation with all parties concerned towards procedures where electronic communication, based on internationally agreed standards, has preference above communication based on paper declarations and documents.
- 3.1.2 ECAC Member States should encourage all participants in the transport, handling and clearance of air cargo to simplify relevant procedures and documents and to co-operate or participate directly in the development of electronic systems using internationally agreed standards and other means with a view to enhancing the exchange of information relating to such traffic and assuring inter-operability between the systems of all participants.
- 3.1.3 In pursuance of Recommended Practice 4.20 of Annex 9, Thirteenth Edition, ECAC Member States should support and participate to the extent possible in initiatives to allow the presentation of supporting document by electronic means.
- 3.1.4 ECAC Member States should consider the introduction of arrangements to enable traders to submit all the information required by public authorities in connection with advanced entry or departure formalities and the formalities for the import- or export procedures electronically at the same time, to a single entry point.

For the consideration and implementation concerning this Single Window concept, ECAC Member States should use the recommendations on the Single Window concept and guidelines developed by the United Nations Centre for Trade Facilitation and Electronic Business, which have been published as UN/CEFACT Recommendation 33.

3.2 Pre-arrival and pre-departure formalities

- 3.2.1 ECAC Member States should, for the purposes of pre-arrival and pre-departure formalities:

Refrain from requiring lodgement of a separate pre-arrival declaration for short haul prior to take off and for long haul flights earlier than 4 hours prior to arrival at the first airport in the country of destination;

Refrain from requiring the lodgement of a separate pre-departure declaration earlier than 30 minutes prior to departure from an airport.

Limit the data requirements to those necessary to perform a proper risk analysis for security and safety purposes and include at least the identification of the aircraft, the identification and quantity of the goods at arrival and transport information, accepting that this information may be ascertained from commercial documents. These data requirements should be specified in national legislation and determined in co-operation with all participants involved in the transport and handling of air cargo;

Waive the requirement for a separate general declaration and cargo manifest when at least the data elements contained in these documents are included in the pre-arrival or pre-departure information. ECAC Member States may at entry ask for a separate statement that the goods have arrived or at exit ask for a separate statement before their departure that the goods have arrived at the final point of exit.

Take into account, where appropriate, the available international standards on the secure supply chain and the pre-arrival and pre-departure information relating to entry and departure of air cargo.

Consider:

- i) The development of automatic data processing systems for the lodgement and processing of pre-arrival information and pre-departure information, including systems for automated risk analysis;
- ii) Where appropriate, the use of the lodged pre-arrival information in subsequent procedures for the release/clearance of the goods.
- iii) Where appropriate, the use of already available data in the export declaration for the purpose of the lodgement of pre-departure information.

3.3 Authorised Economic Operators

3.3.1 ECAC Member States should consider the introduction of programmes for Authorised Economic Operators, allowing for specific control measures relating to safety and security, and simplified procedures. Specific control measures could be based on the information available to the public authorities and allow, on the basis of risk analysis, for a reduced level of physical inspections or other specific control measures. Simplified procedures for Authorised Economic Operators and other authorised persons may include:

- a) Release of the goods on the provision of the minimum information necessary to identify the goods and permit the subsequent completion of the final goods declaration;

Clearance of the goods at the declarant's or economic operator's premises, or another place authorised by Customs;

- b) Lodging of a goods declaration based on the entry into the records of the economic operator;
- c) Submission of a single goods declaration for all imports or exports in a given period where goods are imported or exported frequently by the same person;
- d) Transit procedures based on the use of cargo manifest or Master Air Waybill.
- e) Public Authorities should, where appropriate, for the granting of the status of an Authorised Economic Operator, take into account the already fulfilled conditions and criteria for comparable programmes of

authorised operators under the supervision of other public authorities to avoid the duplication of similar requirements by public authorities.

3.4 Miscellaneous provisions

- 3.4.1 ECAC Member States should facilitate the transfer of air cargo from one aircraft to another within the same airport by the use of electronic means for the lodgement of the cargo declaration.
- 3.4.2 ECAC Member States should dispense with documentary controls over air cargo transferred from one flight to another at the same airport and rely, instead, on electronic tracing techniques, where available, and adequate and efficient customs supervision of apron and warehousing areas.
- 3.4.3 ECAC Member States should review warehousing charges at airports with spare space resources and, if necessary, amend them to induce cargo owners and agents to remove their goods as quickly as possible.
- 3.4.4 In the context of Standards 2.21 and 2.22 of Annex 9, Thirteenth Edition, and the reference to penalties, ECAC Member States should allow adequate time for the correction of inadvertent errors in the cargo manifest. These corrections cannot be made after the public authorities already dealt with the information in the cargo manifest, unless the reason for correction is deemed to be valid for the public authorities.
- 3.4.5 ECAC Member States should take into account the Guidelines included in **Annex 3-A**, relating to the tax refund for travellers to facilitate the handling of passengers who have to fulfil the formalities for tax refund.

3.5 Annex

The following Annex has been added, to complement section 3:

Annex 3-A: Guidelines on facilitation of air cargo.

SECTION 4

**FACILITATION AND SERVICES FOR
TRAFFIC ON AIRPORTS**

4.1 Airport signs

ECAC Member States should draw the attention of their airport administrations to the need to be guided by the signs as published in ICAO Doc 9636 when introducing new or modifying existing signs at airports in their respective territories.

4.2 Provision of baggage carts and trolleys

Member States should draw the attention of their airport administrations to the need for making available a sufficient number of baggage carts/trolleys to users in designated locations of the airports.

SECTION 5**FACILITATION OF THE TRANSPORT OF
PERSONS WITH REDUCED MOBILITY****5.1 Objective and scope**

- 5.1.1 The objective of this Section is to define and recommend common rules for the protection of, and provision of assistance to disabled persons and persons with reduced mobility (PRMs) travelling by air, so that they can be implemented on a harmonised basis in ECAC Member States.
- 5.1.2 Member States should establish common rules for the protection of, and provision of assistance to disabled persons and PRMs travelling by air, both to protect them against discrimination and to ensure that they receive assistance.
- 5.1.3 The provisions of this Section should apply to disabled persons and PRMs, using or intending to use commercial passenger air services on departure from, in transit through, or on arrival at an airport, when the airport is situated in the territory of a Member State.
- 5.1.4 The provisions at sub-sections 5.3 (prevention of refusal of carriage), 5.4 (derogations, special conditions and information) and 5.10 (assistance by air carriers) should also apply to passengers departing from an airport situated outside of the ECAC Member States to an airport of destination situated in the territory of an ECAC Member State, if the operating carrier is an air carrier licensed by an ECAC Member State.
- 5.1.5 It is important to recognise that those ECAC Member States who are also EU Member States are legally bound by the provisions of EU law including Regulation 1107/2006 with which this section is aligned. For those ECAC Member States which are not in the EU, it is a matter of choice whether to follow Regulation 1107/2006 and it is, of course, possible for them to take a difference stance on issues such as whether responsibility for meeting the needs of PRMs should lie with the airport or the air carrier. However, the principles of good practice and the quality standards set out in this section and the relevant annexes should continue to be followed wherever the responsibility is placed.

5.2 Definitions

5.2.1 The following definitions apply for the purpose of this Section.

- **'disabled person' or 'person with reduced mobility'** means any person whose mobility when using transport is reduced due to any physical disability (sensory or locomotor, permanent or temporary), intellectual disability or impairment, or any other cause of disability, or age, and whose situation needs appropriate attention and the adaptation to his or her particular needs of the service made available to all passengers;
- **'recognised assistance dog'** means guide and other assistance dogs, which are highly trained to assist a wide range of disabled persons with everyday tasks. Guide dogs which are trained primarily to provide mobility assistance to blind or partially sighted people are trained by an organisation that is accepted by and affiliated to the International Guide Dog Federation (IGDF). Assistance dogs are trained by an organisation that meets the full membership criteria of Assistance Dogs International (ADI).
- **'air carrier'** means an air transport undertaking with a valid operating licence or equivalent;
- **'operating air carrier'** means an air carrier that performs or intends to perform a flight under a contract with a passenger or on behalf of another person, legal or natural, having a contract with that passenger;
- **'tour operator'** means an enterprise organising package tours and tourism services for sale either directly to travellers or through intermediaries;
- **'managing body of the airport' or 'managing body'** means a body which notably has as its objective under national legislation the administration and management of airport infrastructures, and the coordination and control of the activities of the various operators present in an airport or airport system;
- **'airport user'** means any natural or legal person responsible for the carriage of passengers by air from or to the airport in question;
- **'airport users committee'** means a committee of representatives of airport users or organisations representing them;
- **'reservation'** means the fact that the passenger has a ticket, or other proof, which indicates that the reservation has been accepted and registered by the air carrier or tour operator;
- **'airport'** means any area of land specially adapted for the landing, taking-off and manoeuvres of aircraft, including ancillary installations which these operations may involve for the requirements of aircraft traffic and services including installations needed to assist commercial air services;
- **'airport car park'** means a car park, within the airport boundaries or under the direct control of the managing body of an airport, which directly serves the passengers using that airport;
- **'commercial passenger air service'** means a passenger air transport service operated by an air carrier through a scheduled or non-scheduled flight offered to the general public for valuable consideration, whether on its own or as part of a package.

5.2.2 Categories of passengers needing special assistance

5.2.2.1 In order to adapt services supplied to the needs of disabled persons or PRMs, Member States should encourage air carriers, airport managing bodies and travel agents to use a common definition of the different categories of persons needing special assistance and to inform the air carrier or the airport concerned of the type of assistance which is needed. To that end, Member States should refer to the following classification and codification:

- **WCHR** - Passenger who can walk up and down stairs and move about in an aircraft cabin, but who requires a wheelchair or other means for movements between the aircraft and the terminal, in the terminal and between arrival and departure points on the city side of the terminal.
- **WCHS** - Passenger who cannot walk up or down stairs, but who can move about in an aircraft cabin and requires a wheelchair to move between the aircraft and the terminal, in the terminal and between arrival and departure points on the city side of the terminal.
- **WCHC** - This category covers a wide range of passengers. It includes those who are completely immobile, who can move about only with the help of a wheelchair or any other means and who requires assistance at all times from arrival at the airport to seating in the aircraft or, if necessary, in a special seat fitted to their specific needs, the process being inverted at arrival. This category also includes passengers with a disability only affecting the lower limbs who require assistance to embark and disembark and to move inside the aircraft cabin but who are otherwise self-sufficient and can move about independently in their own wheelchair at the airport. Specifying the level of autonomy at the time of booking will avoid the provision of inappropriate assistance.
- **BLIND** - Blind or visually impaired passenger
- **DEAF** - Passenger who is deaf or hard of hearing or a passenger who is deaf without speech.
- **DEAF/BLIND** - Blind and deaf passenger, who can move about only with the help of an accompanying person.
- **DPNA** - Disabled Passenger with intellectual or developmental disability Needing Assistance. This covers passengers with disabilities such as learning difficulties, dementia, Alzheimer's or Down's syndrome who travel alone and will need ground assistance.

5.3 Prevention of refusal of carriage

5.3.1 An air carrier or its agent or a tour operator should not refuse, on the grounds of disability or of reduced mobility:

- to accept a reservation for a flight departing from or arriving to an airport in the territory of an ECAC Member State.
- to embark a disabled person or a person with reduced mobility at such an airport, provided that the person concerned has a valid ticket and reservation

5.4 Derogations, special conditions and information

- 5.4.1 Notwithstanding the provisions of paragraph 5.3.1, an air carrier or its agent or a tour operator should have the possibility to refuse, on the grounds of disability or of reduced mobility, to accept a reservation from, or to embark, a disabled person or a PRM:
- a) in order to meet applicable safety requirements established by international or national law or in order to meet safety requirements established by the authority that issued the air operator's certificate to the air carrier concerned;
 - b) if the size of the aircraft or its doors makes the embarkation or carriage of that disabled person or PRM physically impossible.
- 5.4.2 In the event of refusal to accept a reservation on the grounds referred to under points (a) or (b) of paragraph 5.4.1, the air carrier, its agent or the tour operator should make reasonable efforts to propose an acceptable alternative to the person in question.
- 5.4.3 A disabled person or PRM who has been denied embarkation on the grounds of his or her disability or reduced mobility and any person accompanying this person pursuant to paragraph 5.4.4 should be offered the right to reimbursement or re-routing. The right to the option of a return flight or re-routing should be conditional upon all safety requirements being met.
- 5.4.4 Under the conditions referred to in paragraph 5.4.1(a), an air carrier or its agent or a tour operator may require that a disabled person or PRM be accompanied by another person who is capable of providing the assistance required by that person.
- 5.4.4.1 Air carriers should be encouraged to offer discounts for the carriage of an accompanying person for disabled persons and PRMs in particular when the air carrier considers the presence of such a person necessary for safety reasons.
- 5.4.5 Regarding the conditions referred to in 5.4.1(a), guidance is provided to air carriers at **Annex 5-F** "Advisory note on procedures for carrying disabled passengers and passengers with reduced mobility".
- 5.4.6 An air carrier or its agent should make publicly available, in accessible formats and in at least the same languages as the information made available to other passengers, the safety rules that it applies to the carriage of disabled persons and PRM, as well as any restrictions on their carriage or on that of mobility equipment due to the size of aircraft. A tour operator should make such safety rules and restrictions available for flights included in package travel, package holidays and package tours which it organises, sells or offers for sale.
- 5.4.7 When an air carrier or its agent or a tour operator exercises a derogation under paragraphs 5.4.1 or 5.4.4, it should immediately inform the disabled person or PRM of the reasons therefor. On request, an air carrier, its agent or a tour operator should communicate these reasons in writing to the disabled person or PRM, within five working days of the request.

5.5 Designation of points of arrival and departure

- 5.5.1 In cooperation with airport users, through the Airport Users Committee where one exists, and relevant organisations representing disabled persons and PRMs, the managing body of an airport should, taking account of local conditions, designate points of arrival and departure within the airport boundary or at a point under the direct control of the managing body, both inside and outside terminal buildings at which disabled persons and PRMs can, with ease, announce their arrival at the airport and request assistance.
- 5.5.2 The points of arrival and departure referred to in paragraph 5.5.1, should be clearly signed and should offer basic information about the airport, in accessible formats.
- 5.5.3 The number and location of such points will vary according to the size and layout of individual airports but is likely to include airport short and long term car parks, drop off and pick up points and train, light rail, metro and bus station arrivals and departures. It is essential that disabled persons and PRMs who use that airport are involved in the process of deciding where the points should be designated and how they should be signed. **Annex 5-C** "Code of Good Conduct in Ground Handling for Persons with Reduced Mobility" and **Annex 5-D** "Guidelines on Ground Handling for Persons with Reduced Mobility" include guidance on best practice in these and other areas of airport design and management. Member States should encourage airports to take full account of this guidance.

5.6 Transmission of information

- 5.6.1 Air carriers, their agents and tour operators should take all measures necessary for the receipt, at all their points of sale in the territory of ECAC Member States, including sale by telephone and via the Internet, of notifications of the need for assistance made by disabled persons or PRMs.
- 5.6.2 When an air carrier or its agent or a tour operator receives a notification of the need for assistance at least 48 hours before the published departure time for the flight, it should transmit the information concerned at least 36 hours before the published departure time for the flight:
- a) To the managing bodies of the airports of departure, arrival and transit, and
 - b) To the operating air carrier, if a reservation was not made with that carrier, unless the identity of the operating air carrier is not known at the time of notification, in which case the information should be transmitted as soon as practicable.
- 5.6.3 In all cases other than those mentioned in paragraph 5.6.2, the air carrier or its agent or tour operator should transmit the information as soon as possible.
- 5.6.4 As soon as possible after the departure of the flight, an operating air carrier should inform the managing body of the airport of destination, if situated in the territory of an ECAC Member State, of the number of disabled persons and PRMs on that flight requiring assistance and of the nature of that assistance.
- 5.6.5 Air carriers, their agents and tour operators should observe these requirements and disabled persons and PRMs should be able to understand them. **Annex 5-A** "Guidance leaflet for Persons with reduced Mobility who

may be infrequent or first time flyers” provides guidance in the form of a leaflet for disabled persons and PRMs who may be infrequent or first time flyers. Member States should draw this information to the attention of organisations representing disabled persons and PRMs as well as air carriers and tour operators.

- 5.6.6 **Annex 5-D** “Guidelines on ground handling for persons with reduced mobility” sets out the standards of service that airports should provide for departing and arriving disabled passengers and PRMs with and without the required notice. Member States should draw this guidance to the attention of airport managing bodies and to air carriers and their agents.

5.7 Right to assistance at airports

- 5.7.1 When a disabled person or PRM arrives at an airport for travel by air, the managing body of the airport should be responsible for ensuring the provision of the assistance set out in paragraph 5.8.7 in such a way that the person is able to take the flight for which he or she holds a reservation, provided that the notification of the person's particular needs for such assistance has been made to the air carrier or its agent or the tour operator concerned at least 48 hours before the published time of departure of the flight. This notification should also cover a return flight, if the outward flight and the return flight have been contracted with the same air carrier.
- 5.7.2 Where use of a recognised assistance dog is required, this should be accommodated provided that notification of the same is made to the air carrier or its agent or the tour operator in accordance with applicable national rules covering the carriage of assistance dogs on board aircraft, where such rules exist.
- 5.7.3 If no notification is made in accordance with paragraph 5.7.1, the managing body should make all reasonable efforts to provide the assistance in such a way that the person concerned is able to take the flight for which he or she holds a reservation.
- 5.7.4 The provisions of paragraph 5.7.1 should apply on condition that:
- The person presents himself or herself for check-in:
 - At the time stipulated in advance and in writing (including by electronic means) by the air carrier or its agent or the tour operator, or
 - If no time is stipulated, not later than one hour before the published departure time, or
 - The person arrives at a point within the airport boundary designated in accordance with paragraph 5.5:
 - At the time stipulated in advance and in writing (including by electronic means) by the air carrier or its agent or the tour operator, or
 - If no time is stipulated, not later than two hours before the published departure time.

- 5.7.5 When a disabled person or PRM transits through an airport of an ECAC Member State, or is transferred by an air carrier or a tour operator from the flight for which he or she holds a reservation to another flight, the managing body should be responsible for ensuring the provision of the assistance set out in 5.8.7 in such a way that the person is able to take the flight for which he or she holds a reservation.
- 5.7.6 On the arrival by air of a disabled person or PRM at an airport in an ECAC Member State, the managing body of the airport should be responsible for ensuring the provision of the assistance set out in 5.8.7 in such a way that the person is able to reach his or her point of departure from the airport as referred to in paragraph 5.5. The assistance provided should, as far as possible, be appropriate to the particular needs of the individual passenger.

5.8 Responsibility for assistance at airports

- 5.8.1 The managing body of an airport should be responsible for ensuring the provision of the assistance set out in paragraph 5.8.7 without additional charge to disabled persons and PRMs.
- 5.8.2 The managing body may provide such assistance itself. Alternatively, in keeping with its responsibility, and in accordance with recommended quality standards, the managing body may contract with one or more other parties for the supply of the assistance. In cooperation with airport users, through the Airport Users Committee where one exists, the managing body may enter into such a contract or contracts on its own initiative or on request, including from an air carrier, and taking into account the existing services at the airport concerned. In the event that it refuses such a request, the managing body should provide written justification.
- 5.8.3 The managing body of an airport may, on a non-discriminatory basis, levy a specific charge on airport users for the purpose of funding this assistance.
- 5.8.4 This specific charge should be reasonable, cost-related, transparent and established by the managing body of the airport in cooperation with airport users, through the Airport Users Committee where one exists or any other appropriate entity. It should be shared among airport users in proportion to the total number of all passengers that each carries to and from that airport.
- 5.8.5 The managing body of an airport should separate the accounts of its activities relating to the assistance provided to disabled persons and PRMs from the accounts of its other activities, in accordance with current commercial practice.
- 5.8.6 The managing body of an airport should make available to airport users, through the Airport Users Committee where one exists or any other appropriate entity, as well as to the enforcement body or bodies referred to in 5.14, an audited annual overview of charges received and expenses made in respect of the assistance provided to disabled persons and PRMs.
- 5.8.7 Assistance and arrangements necessary to enable disabled persons and PRMs to use the airport should include means to:
- Communicate their arrival at an airport and their request for assistance at the designated points inside and outside terminal buildings mentioned in paragraph 5.5

- Move from a designated point to the check-in counter,
- Check-in and register baggage,
- Proceed from the check-in counter to the aircraft, with completion of emigration, customs and security procedures,
- Board the aircraft, with the provision of lifts, wheelchairs or other assistance needed, as appropriate,
- Proceed from the aircraft door to their seats,
- Store and retrieve baggage on the aircraft,
- Proceed from their seats to the aircraft door,
- Disembark from the aircraft, with the provision of lifts, wheelchairs or other assistance needed, as appropriate,
- Proceed from the aircraft to the baggage hall and retrieve baggage, with completion of immigration and customs procedures,
- Proceed from the baggage hall to a designated point,
- Reach connecting flights when in transit, with assistance on the air and land sides and within and between terminals as needed,
- Move to the toilet facilities if required.

5.8.8 Arrangements should also be in place to ensure that:

- Where a disabled person or PRM is assisted by an accompanying person, this person should, if requested, be allowed to provide the necessary assistance in the airport and with embarking and disembarking.
- Ground handling of all necessary mobility equipment, including equipment such as electric wheelchairs is provided subject to advance warning of 48 hours and to possible limitations of space on board the aircraft, and subject to the application of relevant legislation concerning dangerous goods.
- Temporary replacement of damaged or lost mobility equipment is made available, albeit not necessarily on a like-for-like basis.
- Ground handling of recognised assistance dogs is provided, when relevant.
- Information needed to take flights is communicated in accessible formats.

5.8.9 Member States should ensure that information for disabled persons and PRMs is harmonised and integrated as soon as practicable into the system used to inform all travellers. This information should be made accessible to all by supplying it in at least two languages, with necessary adaptations to meet the need of people with vision or hearing impairments, and easy to read versions for people with learning disabilities.

5.8.10 Member States should draw to the attention of airport managing bodies the quality standards set out in **Annex 5-C** "Code of Good Conduct in Ground Handling for Persons with Reduced Mobility" and **Annex 5-D** "Guidelines on Ground Handling for Persons with Reduced Mobility". These standards should form the basis of the assistance mentioned in paragraph 5.8.2.

5.8.11 Airport Design

- 5.8.11.1 The layout and design of airport terminals have a major impact on the level and nature of assistance needed by disabled persons and PRMs. A well designed airport enables a far higher level of independent mobility to many disabled persons. The assistance that is needed may also depend on distances through the airport, for example from check in to departure gate.
- 5.8.11.2 Member States should ensure that from the first phase of planning, new plans for building or renovating airport installations open to the public meet the national or international accessibility standards for disabled persons and PRMs. Before final plans are submitted for approval, the advice of experts including experts from disability organisations should be sought to consider, at least, the following matters.
- 5.8.11.3 Means of transport to or from the airport, inside the airport area and between airports, should be organized so as to enable disabled persons and PRMs to be transported in the same conditions of comfort and safety as those available to other passengers.
- 5.8.11.4 Parking spaces should be reserved for disabled persons' and PRMs' cars. Those spaces should be located as close as possible to the terminal and the way to the entrance should be made as easy as possible. Intercoms should be installed near those reserved parking spaces in order to make it easier to communicate with the organization responsible for help to PRMs.
- 5.8.11.5 Pedestrian crossings should be accessible to disabled persons and PRMs.
- 5.8.11.6 Changes in level should be compensated by installations in conformity with accessibility parameters adapted to disabled persons and PRMs.
- 5.8.11.7 All points of access to each building open to the public should be accessible to disabled persons and PRMs and connected to points served by public transport.
- 5.8.11.8 All areas in the terminal building that are open to the public, including all facilities, should be designed in such a way that disabled persons and PRMs can reach and use them without difficulty, in particular:
- Toilets
 - Restaurants
 - Shops
 - Communication equipment
 - Counters.
- 5.8.11.9 Installations which are reserved or designed for disabled persons and PRMs should be appropriately signed, by following internationally agreed standards.

5.9 Quality standards for assistance

- 5.9.1 With the exception of airports whose annual traffic is less than 150 000 commercial passenger movements, the managing body should set quality standards for assistance and determine resource requirements for meeting them, in cooperation with airport users, through the Airport Users Committee

where one exists, and organisations representing disabled passengers and PRMs.

- 5.9.2 In the setting of such standards, full account should be taken of internationally recognised policies and codes of conduct concerning facilitation of the transport of disabled persons or PRMs, notably the present recommendations and its Annexes, such as **Annex 5-C** "Code of Good Conduct in Ground Handling for Persons with Reduced Mobility".
- 5.9.3 The managing body of an airport should publish its quality standards.
- 5.9.4 An air carrier and the managing body of an airport may agree that, for the passengers whom that air carrier transports to and from the airport, the managing body should provide assistance of a higher standard than the standards referred to in paragraph 5.9.1 or provide services additional to those recommended. For the purpose of funding either of these, the managing body may levy a charge on the air carrier additional to that referred to in paragraph 5.8.3, which should be transparent, cost related and established after consultation of the air carrier concerned.

5.10 Assistance by air carriers

- 5.10.1 An air carrier should provide the necessary assistance without additional charge to a disabled person or PRM departing from, arriving at or transiting through an airport in an ECAC Member State provided that the person in question fulfils the conditions set out in paragraphs 5.7.1, 5.7.2. and 5.7.4.
- 5.10.2 The assistance provided should include:
- Carriage of recognised assistance dogs in the cabin, subject to national regulations.
 - In addition to medical equipment, carriage of up to two pieces of mobility equipment per disabled person or PRM, including electric wheelchairs (subject to advance warning of 48 hours and to possible limitations of space on board the aircraft, and subject to the application of relevant legislation concerning dangerous goods).
 - Communication of essential information concerning a flight in accessible formats.
 - The making of all reasonable efforts to arrange seating to meet the needs of individuals with disability or reduced mobility on request and subject to safety requirements and availability.
 - Assistance in moving to toilet facilities if required.
 - Where a disabled person or PRM is assisted by an accompanying person, the air carrier should make all reasonable efforts to give such person a seat next to the disabled person or PRM.
- 5.10.3 Member States should ensure that disabled persons and PRMs be given the necessary assistance on board by airline cabin staff.
- 5.10.4 In case an on-board wheelchair is available this should be easily accessible for any passenger in need of it during the flight.
- 5.10.5 Member States should introduce provisions by which aircraft coming newly into service or after major refurbishment should be equipped as follows:

- a) In aircraft with 30 or more seats at least 50% of all aisle seats should have moveable armrests.
- a) Aircraft with more than one aisle should be equipped with at least one spacious lavatory for PRMs catering for all kinds of disabilities.
- b) Any other aircraft equipped with at least two lavatories should have at least one catering for the special needs of PRMs (door wide enough to assist the PRM passenger, doors should open outwards or sliding doors should be used, fitting of handles, privacy curtains on both sides across the aisle, disappearing threshold if necessary).
- c) Aircraft of 100 or more seats should have at least one on-board wheelchair.
- d) Aircraft of 60 or more seats which are equipped with a lavatory for PRMs should have at least one on-board wheelchair available on any flight.
- e) Aircraft of 60 or more seats not yet equipped with a lavatory for PRMs should carry an on-board wheelchair when this is requested by a PRM at least 48 hours prior to departure.
- f) Aircraft of 100 or more seats should have a priority space in the cabin, designated for storage of at least one vertically folding personal wheelchair not exceeding ISO dimensions.
- g) Particular attention should be paid to colour and tone contrast and also to having an even level of lighting.

5.10.6 Member States should also draw to the attention of their air carriers, the provisions of **Annex 5-E** "Guidelines on awareness and disability equality for all airport and airline personnel dealing with the travelling public".

5.11 Training

5.11.1 Air carriers and airport managing bodies should:

- ensure that all their personnel, including those employed by any sub-contractor, providing direct assistance to disabled persons and PRMs have knowledge of how to meet the needs of persons with various disabilities or mobility impairments;
- provide disability-equality and disability-awareness training to all their personnel working at the airport who deal directly with the travelling public;
- ensure that, upon recruitment, all new employees attend disability related training and that personnel receive refresher training courses when appropriate.

5.11.2 So that disabled persons and PRMs can be informed as they need, priority should be given to training airport, airline and travel agency personnel to communicate information to disabled persons and PRMs needing special assistance. These personnel also need to know how to give practical assistance to disabled persons and PRMs and how to ask disabled persons and PRMs what assistance they need and how best to provide it. The training should be delivered in cooperation with disability organisations.

5.11.3 Member States should draw the attention of airport managing bodies and air carriers to the guidance in **Annex 5-B** "Guidance Material for Security Staff – Key points for checks of PRMs", **Annex 5-E** "Guidelines on awareness and

disability equality for all airport and airline personnel dealing with the travelling public" and **Annex 5-G** "Training".

5.12 Compensation for lost or damaged wheelchairs, other mobility equipment and assistive devices

- 5.12.1 Where wheelchairs or other mobility equipment or assistive devices are lost or damaged whilst being handled at the airport or transported on board aircraft, the passenger to whom the equipment belongs should be compensated, in accordance with rules of international, Community and national law.
- 5.12.2 Disabled persons and PRMs need to have a clear understanding of their responsibilities for mobility equipment as well as their rights if problems arise. Member States should publicise to organisations representing disabled persons and PRMs the information contained in **Annex 5-A** "Guidance leaflet for persons with reduced mobility who may be infrequent or first time flyers".

5.13 Enforcement body and its tasks

- 5.13.1 Each Member State should designate a body or bodies responsible for the implementation of these provisions as regards flights departing from or arriving at airports situated in its territory. Where appropriate, this body or bodies should take the measures necessary to ensure that the rights of disabled persons and PRMs are respected, including taking account of the quality standards referred to in paragraph 5.9 and **Annexes 5-C** and **5-D**.
- 5.13.2 Member States should, where appropriate, provide that the enforcement body or bodies they have designated should also ensure the satisfactory implementation of recommendations set out in paragraphs 5.8.1 to 5.8.9, including as regards the provisions on charges with a view to avoiding unfair competition. They may also designate a specific body to that effect.

5.14 Complaint procedure

- 5.14.1 A disabled person or PRM who considers that they have not received the level or quality of service to which they should be entitled, should have the possibility to bring the matter to the attention of the managing body of the airport or to the attention of the air carrier concerned, as the case may be.
- 5.14.2 If the disabled person or PRM cannot obtain satisfaction in such way, it should be possible to make complaints to any body or bodies designated by the Member State in accordance with paragraph 5.13, or to any other competent body designated by a Member State, about an alleged infringement of the regulations in force in that Member State which are relevant to the provisions in this Section.
- 5.14.3 A body in one Member State which receives a complaint concerning a matter that comes under the responsibility of a designated body of another Member State should forward the complaint to the body of that other Member State.
- 5.14.4 The Member States should take measures to inform disabled persons and PRMs of their rights and of the possibility of complaint to a designated body or bodies.
- 5.14.5 Member States should ensure that information about rights and means of redress are widely publicised to organisations representing disabled persons

and PRMs. In this context, the guidance contained in **Annex 5-A** may also be useful.

5.15 Penalties

5.15.1 Member States should take all necessary measures to ensure that the provisions in this Section are implemented, including by providing for penalties in case of infringements to the regulations applying these provisions in the national framework.

5.16 Annexes

The following annexes have been added to complement Section 5:

Annex 5-A: Guidance leaflet for persons with reduced mobility who may be infrequent, or first time, flyers;

Annex 5-B: Guidance material; for security staff – Key points for checks of PRMs;

Annex 5-C: Code of Good Conduct in ground handling for persons with reduced mobility;

Annex 5-D: Guidelines on ground handling for persons with reduced mobility;

Annex 5-E: Guidelines on awareness and disability equality for all airport and airline personnel dealing with the travelling public;

Annex 5-F: Advisory note on procedures for carrying disabled passengers and passengers with reduced mobility;

Annex 5-G: Training;

Annex 5-H: Guidance on pre-notification of disabled passengers and PRMs;

Annex 5-I: US Air Carrier Access Act Regulation (14 CFR PART 382) and EU Regulation 1107/2006: Compatibility And Potential Conflict.

SECTION 6**VARIOUS FACILITATION MATTERS****6.1 Limitation on the amount of hand baggage**

In order to:

- meet safety requirements in respect of baggage storage in aircraft cabins;
- ease the processing of hand baggage at security check points and ensure passenger flow;
- avoid last-minute refusals of hand baggage at the gate of the aircraft with a subsequent reloading of such baggage into the aircraft hold due to storage capacity restrictions in the aircraft cabin; and
- avoid last-minute refusals of hand baggage at commuter aircraft due to storage restrictions in the aircraft hold/cabin.

Each Member State should request airlines to ensure that, in normal circumstances and subject to security measures being applied at airports, the amount of hand baggage per passenger permitted on board be limited to one item in accordance with applicable industry standards in cases where:

- either the available storage capacity for hand baggage on board;
- or the number of embarking passengers in relationship with total seat capacity,

prevent acceptance of additional hand baggage on board.

Note: Hand baggage comprises all articles, including those which may be carried in addition to the free baggage allowance, as published by each airline via any of the following ways:

- Timetables;
 - Tickets;
 - Ticket envelopes;
 - Ticket/check-in counter signs;
 - In-flight literature;
 - Any other appropriate means.
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ANNEX 2-A

GUIDELINES FOR THE REMOVAL OF DEPORTEES

GUIDELINES FOR THE REMOVAL OF DEPORTEES

1. INTRODUCTION

1.1 This document provides a guide to best practice for the removal of deportees on commercial air services. Voluntary departures of deportees are not covered by these guidelines. Due regard has been given to the International Standards and Recommended Practices set forth in Annex 9, (13th Edition / July 2011), to the Convention on International Civil Aviation, Chapter 5 Section C. However, nothing in this document is to be construed as to contradict national regulations, international agreements, or court decisions.

1.2 These guidelines seeks to address the legitimate needs of both the departing State and the aircraft operator as they normally apply to deportees whose removal is organised by the departing State with the agreement of the aircraft operator. At the same time, the guidelines specifically recognise the right of the pilot-in-command to determine, for reasons of safety, which deportees will be accepted for transportation.

2. TERMS AND DEFINITIONS

For the purpose of this document, the following definitions are applied unless otherwise indicated:

2.1 **Admission** refers to the permission granted to a person to enter a State by the public authorities of that State in accordance with its national laws.

2.2 **Aircraft Operator** means a person, organisation or enterprise engaged in or offering to engage in an aircraft operation.

2.3 **Deportee** means a person who had legally been admitted to a State by its authorities or who had entered a State illegally, and who at some later time is formally ordered by the competent authorities to leave that State.¹

2.4 **DEPA** refers to the industry-approved code for a deportee who is escorted by authorised personnel during the removal.

2.5 **Deportation order**: A written order, issued by the competent authorities of a State and served upon a deportee, directing that person to leave that State.

2.6 **DEPU** refers to the industry-approved code for a deportee who is not escorted during the removal.

2.7 **Departing State** means the State that has organised a deportee's removal from its territory.

2.8 **Escort** means a person authorised by the departing State to accompany a deportee (DEPA) during the removal.

2.9 **MEDA** is the industry-approved code for a person who requires medical assistance, and which is reflected in that person's airline reservation as an Special Service Request (SSR) data element.

¹ Annex 9 to the ICAO Convention on International Civil Aviation, Chapter 1, 13th Edition

2.10 **Pilot-in-command** means the pilot responsible for the operation and safety of the aircraft during flight time.

2.11 **Risk Assessment** is an assessment by a deporting State of a deportee's suitability for escorted or unescorted removal via commercial air services. The assessment should take into account all pertinent factors, including medical, mental and physical fitness for carriage on a commercial flight, willingness or unwillingness to travel, behavioural patterns, and any history of violence.

3. NOTIFICATION REQUIREMENTS AND TRAVEL DOCUMENTS

3.1 Aircraft operators should establish and provide contact numbers for arrangements and policy questions relating to the removal of deportees, both at headquarters and local or regional offices. Deporting States agree to direct any matters regarding deportation arrangements to these contact numbers wherever possible.

3.2 The deporting State should provide a 24-hour contact concerning deportee situations. Deporting States should also provide contact information for an official or office to which questions of policy interpretation can be addressed.

3.3 The deporting State should identify and publish, or otherwise share with other governments, the contact details for the desk or department to which notification of inbound removals should be directed.

3.4 States should adopt as best practice the following ICAO Annex 9 standard¹, which reads:

"Contracting States, when making arrangements with an aircraft operator for the removal of a deportee, shall make available the following information as soon as possible, but in any case not later than 24-hours before the scheduled time of the departure of the flight.

A copy of the deportation order, if legislation of the Contracting State allows for it;

A risk assessment by the State and/or any other pertinent information that would help the aircraft operator assess the risk to the security of the flight; and,

The names and nationalities of any escorts."

3.5 This does not preclude States from making agreements with individual aircraft operators that allow for a shorter notification period.

3.6 States should adopt as best practice the following ICAO Annex 9 standard², which reads:

"A Contracting State deporting a person from its territory shall serve him a deportation order. Contracting States shall indicate to the deportee the name of the destination State".

3.7 The deporting State should inform authorities in transit and destination States of the deportee's movement and of the details surrounding that movement whenever practicable and permitted under national and/or international laws.³

1 Standard 5.19 Annex 9, 13th Edition

2 Standard 5.17, Annex 9, 13th Edition

3 See ECAC Doc 30, Section 2.3 B. Deportees, 2

3.8 The originating agent should ensure that any other aircraft operator involved in the itinerary is informed of the deportee's movement via the aircraft operator's Reservation system. Similar remarks (i.e. Other Service Information remarks) contained within the deportee's Passenger Name Record should be utilised to identify the escort(s) as well.¹

3.9 The departing State should ensure that travel documents required by the transit and/or destination State for transit/entry clearance have been obtained or otherwise arranged.

3.10 States should adopt as best practice the following ICAO Annex 9 standard², which reads:

"A Contracting State, when presenting a deportee for removal, shall ensure that all official travel documentation required by any transit and/or destination State is provided to the aircraft operator."

4. REQUIREMENTS FOR ESCORTS

4.1 When removal of a deportee is under consideration, the departing State should conduct a risk assessment of that deportee to determine whether the use of escort is required, and if so, the number of escorts to be assigned to the removal.

4.2 When official en-route supervision of a deportee is warranted based on the results of risk assessment, the departing State should ensure that escorts travelling with the deportee possess all travel documents required by destination and transit States, or that alternative arrangements have been approved by those States.

4.3 The departing State should inform the aircraft operator, to the extent legally allowed, of the results of its risk assessment to facilitate the aircraft operator's own evaluation and notification process.

4.4 Any limitation on the number of deportees that can be carried on a specific aircraft will be subject to the aircraft operator's policy, and to consultation between the departing State and the aircraft operator involved in the transportation.

4.5 The departing State should use only authorised escort personnel for its removals.

4.6 Departing States should adopt as best practice the following ICAO Annex 9 standard³, which reads:

"Contracting States, when determining that a deportee must be escorted and the itinerary involves a transit stop in an intermediate State, shall ensure that the escort(s) remain(s) with the deportee to his final destination, unless suitable alternative arrangements are agreed, in advance of arrival, by the authorities and the aircraft operator involved at the transit location."

4.7 When an escort is based solely on legal requirements imposed by a State at a transit/transfer point, and not on any finding of risk, that escort requirement may be waived on the connecting flight, subject to applicable local regulations and where agreed by all operators involved.

4.8 Escorts are not allowed to drink alcohol during the removal of deportees. Deportees are not to be served alcohol during the removal.

1 IATA PSC Resolution 701, 3.5

2 Standard 5.21, Annex 9, 13th Edition

3 Standard 5.24, Annex 9, 13th Edition

5. RESERVATIONS AND TICKETING

5.1 States should adopt as best practice the following ICAO Annex 9 standard¹, which reads:

"Contracting States, in making arrangements for the removal of a deportee to a destination State, shall use direct non-stop flights whenever practicable."

5.2 In general, flight reservations are the responsibility of the departing State, and should be agreed with the involved aircraft operator(s).

5.3 When making a flight reservation, the departing State should always indicate that it concerns a deportee who will be escorted (DEPA) or unescorted (DEPU) and who may require medical assistance (MEDA).

5.4 The reservation made for the escort(s) should clearly indicate their status and the name of the deportee being escorted. Where possible, and subject to local agreement, ticketing for deportees and/or escorts should be accomplished well in advance of departure.

5.5 Ticket refunds should only take place at the request of the purchasing departing State.

6. CHECK-IN, BOARDING AND SECURITY PROCESSES

6.1 Check-in and boarding processes should be adapted to fit the specific removal situation and airport infrastructure.

6.2 Check-in and boarding of deportees should be as unobtrusive as possible and kept separate from the normal passenger process to the extent allowed by the existing airport facility.

6.3 Additional check-in and boarding process criteria should be agreed between the departing State and the aircraft operator at the local level.

6.4 The baggage of deportees and escorts should be handled in such a manner as to avoid delaying the flight's departure in the event that the deportee does not travel.

6.5 In general and consistent with the aircraft operators' procedures and requirements, pre-boarding of deportees, especially those who are escorted en-route, is strongly encouraged. Alternative arrangements may be necessary depending on the situation at hand.

6.6 Deportees requiring physical restraints should be boarded with their escort(s) in such a manner as to reduce the possibility of drawing undue attention.

6.7 The Pilot-in-command should be advised by the aircraft operator (or its agent) of the presence and status of the deportee using information provided by the departing State.

6.8 The Pilot-in-command may request clarification of information provided by the State concerning the deportee, and should be given as much additional information as is permitted under applicable laws or regulations.

¹ Standard 5.20, Annex 9, 13th Edition

6.9 The seating of deportees and their escorts on the aircraft is guided by applicable policies established in accordance with International Regulations¹.

6.10 Where deportees are delivered to the aircraft via direct ramp-side transfer, State and airport screening personnel should cooperate with the aircraft operator to ensure that alternative arrangements are made which allow all applicable government-mandated security-screening requirements to be observed prior to embarking the deportee.

6.11 The use of restraining devices, including sedatives or other drugs, with regard to deportees on aircraft must conform to the laws and/or regulations of the States involved (including States of transit) and applicable aircraft operator policy.

6.12 Where their use is anticipated based upon a risk assessment, escorts should be trained in the safe use of restraint devices, including sedatives or other drugs and, subject to government regulation and the transporting aircraft operator's policy, have access to such appropriate devices when accompanying a deportee.

6.13 States that administer sedatives or other drugs to deportees should ensure that the deportee is accompanied to the final destination by a medical attendant, or by an escort authorised to administer the medication during travel.

7. RESPONSIBILITIES OF STATES AND OPERATORS

7.1 States should adopt as best practice the following ICAO Annex 9 standard², which reads:

"Contracting States removing deportees from their territories shall assume all obligations, responsibilities and costs associated with the removal."

7.2 The (delivering) aircraft operator should not be held liable for refusal by a (receiving) connecting aircraft operator; or the transit and/or destination State's authorities.

7.3 If entry into the destination (or transit) State is refused for any reason, the operator should not be penalised or face other obligations or liabilities associated with the return of the deportee.

States should adopt as best practice the following ICAO Annex 9 standard³, which reads:

"Contracting States shall not prevent the departure of an operator's aircraft pending a determination of admissibility of any of its arriving passengers."

7.4 Pilot-in-command's authority:

- a) At the point of the deportee's boarding, and in accordance with national law and international conventions, the Pilot-in-command of the aircraft assumes full authority with respect to the deportee.⁴
- b) That authority may extend to refusing to accept an escorted or unescorted deportee for transportation when the Pilot-in-command considers that action to be in the best interest of flight safety. Such refusal should be based on objective reasons related to the passenger and his or her action or behaviour being exhibited at the time of boarding or at a subsequent time.

1 ICAO Security Manual (Doc 8973) and EU Regulation (EC) 800/2008

2 Standard 5.18, Annex 9, 13th Edition

3 Standard 5.16, Annex 9, 13th Edition

4 Tokyo Convention, 1972

7.5 The aircraft operator should, when so requested by the departing State, provide reasons in writing for any instance in which transportation for a deportee is denied. Where necessary for the purpose of clarification, the response should explain what additional requirements are to be met to enable transportation to occur.

7.6 During transit, the departing State must conform to the laws and regulations of the State(s) of transit. The departing State should ensure that the onward carriage of a deportee beyond a transit point should be within the shortest possible time scale. Any costs incurred as a result of a longer than necessary transit period between flights would be borne solely by the departing State

7.7 States should adopt as best practice the following ICAO Annex 9 Standard¹, which reads:

"A Contracting State shall admit into its territory its nationals who have been deported from another State."

7.8 States should adopt as best practice the following ICAO Annex 9 Standard², which reads:

"A Contracting State shall give special consideration to the admission of a person, deported from another State, who holds evidence of valid and authorised residence within its territory."

1 Standard 5.22, Annex 9, 13th Edition

2 Standard 5.23, Annex 9, 13th Edition

ANNEX 2-B

[DELETED]

ANNEX 2-C

GUIDELINES FOR THE REMOVAL OF INADMISSIBLE PASSENGERS

GUIDELINES FOR THE REMOVAL OF INADMISSIBLE PERSONS

1. INTRODUCTION

1.1 The goal of this document is to present best practice guidelines for the safe and orderly removal of inadmissible persons. However, nothing in this document is to be construed as to contradict national legislation, regulations or court decisions.

1.2 These guidelines seek to recognise the concerns of the air transport industry with respect to inadmissible persons, while addressing States' need to protect their respective national interests.

1.3 In seeking to interdict the travel of inadmissible persons, and to facilitate their removal and return, States and airline operators are encouraged to jointly develop and implement initiatives which seek to ensure that all international passengers and crew hold the required travel documents at the time of embarkation.

1.4 States and airline operators are urged to develop greater levels of cooperation that enhance security, flexibility and, ultimately, border integrity.

2. DEFINITIONS

For the purposes of this document, the following definitions shall be applied unless otherwise indicated.

2.1 **"ADMISSION"** means the permission granted to a person to enter a State by the public authorities of that State in accordance with its national laws.

2.2 **"COMMENCEMENT OF JOURNEY"** means the point at which the person began his journey, without taking into account any airport at which he stopped in direct transit, either on a through-flight or a connecting flight, if he did not leave the direct transit area of the airport in question.

2.3 **"ESCORT"** (for the purposes of these guidelines only) means a person or persons authorised to accompany an inadmissible person under removal order during a flight.

2.4 **"INADMISSIBLE PERSON"** means a person who is refused admission to, or transit through the territory of a State by the authorities of that State.

2.5 **"AIRLINE OPERATOR"** means a person, organisation or enterprise engaged in or offering to engage in an aircraft operation. This aircraft operation may involve the movement of an aircraft owned by the airline operator (or an aircraft it has leased to support its flight activity) on flights for which a single designator applies, or for code-share flights for which more than one operator's designator code and flight number applies.

2.6 **"REMOVAL ORDER"** means a written order served by a State according to its national legislation on the airline operator on whose flight an inadmissible person travelled to that State, directing the airline operator to remove that person from its territory.

3. NOTIFICATION CONCERNING FINDINGS OF INADMISSIBILITY

3.1 The State should not prevent the departure of an airline operator's aircraft pending a determination of admissibility of any person who arrived on the airline operator's

inbound flight.

3.2 When a person is found inadmissible, the State should notify the airline operator or its local representative in writing at the earliest possible opportunity, but in most cases, within 24 hours of arrival.

3.3 To assist in the notification process, the airline operator should provide primary contact names at the port level to whom notices should be delivered.

3.4 When requiring the responsible airline operator to effect the removal of an inadmissible person, the State should provide a written Removal Order to the inbound airline operator prior to removal, which should include, if known, name, age, gender, citizenship, and information concerning the inadmissible person's inbound (arriving) flight.

3.5 States that believe an inadmissible person might offer resistance to his removal should inform the aircraft operator of this concern as far in advance of departure as possible, so that the aircraft operator can take necessary precautions to ensure the security of the flight.

4. ARRANGEMENTS FOR REMOVAL AFTER DETERMINATION OF INADMISSIBILITY

4.1 States ordering the removal of a person may give directions concerning the place to where an inadmissible person may be removed.

4.2 Where appropriate, the aircraft operator may consult with the State ordering the removal regarding the most practicable place to which the inadmissible person should be removed.

4.3 When a person is found inadmissible, the aircraft operator may consult with the authorities of the State ordering the removal on the timeframe for removal of that person. The State should allow the airline operator a reasonable amount of time (in most cases within 24 hours) during which to effect the removal via its own services or to make alternative removal arrangements.

4.4 States ordering the removal of an inadmissible person without a valid travel document should issue the applicable ICAO covering letter in order to provide information regarding the inadmissible person to the authorities at any transit point(s) and at final destination.

4.5 The State should deliver the ICAO covering letter and any other relevant information to the airline operator (or, where applicable, via an escort), who will be responsible for delivering these documents to the authorities at any transit point(s) and/or the inadmissible person's final destination.

4.6 In the event that removal with an ICAO-recommended covering letter is not feasible, the State should not normally require removal of an undocumented inadmissible person from its territory until a replacement travel document has been obtained, or suitable alternate arrangements with the States of destination and/or transit have been agreed.

4.7 The decision to use escorts in supporting an inadmissible person's removal is the responsibility of the airline operator, and should be based primarily upon its own threat assessment and risk analysis.

5. ASSISTANCE AND COOPERATION IN THE REMOVAL PROCESS

5.1 States should cooperate with other States and with the aircraft operator in order to facilitate the removal of inadmissible persons.

5.2 States should accept for examination a person removed from a State where he was found inadmissible, if that person commenced his journey from its territory.

5.3 A Member State should not return such a person to the country where he was earlier found inadmissible.

ANNEX 2-D

KEY PRINCIPLES FOR ADVANCE PASSENGER INFORMATION SYSTEMS

KEY PRINCIPLES FOR ADVANCE PASSENGER INFORMATION SYSTEMS

1. Introduction

Advance Passenger Information (API) involves the capture and transmission of certain elements of a passenger's biographic data contained in the travel document and flight details by the carrier to the border control authorities. API has a number of applications. It can facilitate passenger travel and border control processes. It can also, where appropriate, be a useful tool for law enforcement and anti-terrorism purposes.

2. Key Principles

- i) Member States, when seeking to introduce an API system, should take account of these ECAC Guidelines.
- ii) Member States should consider international Standards and Recommended Practices 3-47 to 3-47.5 contained in Chapter 3 of ICAO Annex 9 on Facilitation (12th edition, July 2005, 21st amendment, November 2009). API data consists of data found in the machine readable zone of the travel document. In cases where no machine readable data is held, the same data required from machine readable travel documents will be required from the travel documents.
- iii) Member States should consider WCO/IATA/ICAO guidelines on API of March 2003 and IATA/CAWG statement of principles for APIS of November 2003. These guidelines refer to data relating to the flight (header data) that are not included in ICAO Annex 9.
- iv) Member States should carefully consider the cost to operators arising from the various options for obtaining API data.
- v) Member States, when requiring API data transfer, should take into account the issues affecting other States and the aircraft operators in their territories, especially with respect to costs and the potential impact on existing infrastructure and operational processes.
- vi) API data should be transmitted in the UN/EDIFACT PAXLIST format. However this should not be seen as constraining the ability to adopt other internationally agreed standards in the longer term.
- vii) Before operational implementation of an API system, Member States should allow reasonable time for operators to establish efficient infrastructure and procedures in order to carry out the requirements effectively.
- viii) The data requirements should originate from a single representative of the requesting authorities (single window concept).
- ix) Stakeholders should be consulted before development and implementation of an API system as early as possible.
- x) Sanctions should only be considered when carriers, as a result of a fault, have failed to transmit data or have transmitted incomplete or false data. Should sanctions be used, operators must have effective means of defence.
- xi) Where appropriate all opportunities for the improvement of service quality and cost efficiency should be realised.

- xii) With regard to API requirements, and taking into account all relevant differences, consideration should be given to non-discriminatory treatment of air transport and other modes of transport.
 - xiii) An API system should be user-friendly and seamless. Where appropriate, it should facilitate the travel of passengers.
 - xiv) An API system should be capable of 24/7 operation. In order to minimise disruption to aircraft operations in the event of system failure, contingency procedures should be in place.
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ANNEX 2-E

KEY PRINCIPLES FOR CREW MEMBER CERTIFICATES

KEY PRINCIPLES FOR CREW MEMBER CERTIFICATES

- In as far as national legislation allows, Member States are encouraged to consider offering Crew Member Certificates (CMCs) and attention is drawn to ICAO Standards and Recommended Practices contained in Annex 9 Chapter 3 Section N *Identification and entry of crew and other aircraft operators' personnel*.
- Where Member States offer CMCs, these should only be issued in the form of machine readable cards in accordance with the specifications of ICAO Doc 9303, Part 3.
- Where Member States offer CMCs, consideration should be given to incorporating biometrics into the card. Interoperability of CMCs is a key goal and Member States should conform to the standards set out in Doc 9303.⁽¹⁾
- Member States should accept CMCs, issued in accordance with the specifications in ICAO Doc 9303,⁽²⁾ for visa-free entrance of crew members when arriving in a duty status on an international flight and seeking temporary entry for the period allowed by the receiving Member State.
- Where Member States offer CMCs, a secure database to maintain CMC records and a mechanism for recording the issue, suspension and withdrawal of CMCs should be established.
- CMCs should be issued by a government department of the Member State.
- Where Member States offer CMCs, regular background checks of applicants should be undertaken.
- Where Member States offer CMCs, these should be made available for both licensed flight crew and cabin crew.
- Member States should undertake to improve the benefit of CMCs by promoting their acceptance in third countries.

(1) If a Member State already produces an identity card meeting ICAO Doc 9303, Part 3, which includes biometrics any CMC issued by this State should also contain biometrics

(2) In order to be acceptable to Member States a CMC should bear the name of the issuing State in the form internationally recognised by the United Nations.

ANNEX 3-A

GUIDELINES ON FACILITATION OF AIR CARGO

GUIDELINES TO DOC 30, PART I, SECTION 3 – FACILITATION OF AIR CARGO

Introduction

It is essential for air cargo facilitation that the provisions in ECAC Doc 30 are interpreted with consistent clarity. These Guidelines, which are designed to help achieve this objective, cast no obligation on ECAC Member States. They are merely explanations and examples of best practices to assist in implementing Doc 30 Recommendations.

Even though Customs can be seen as the main public authority involved in cross border transportation, this term, when used in the Guidelines, includes other relevant official agencies such as veterinary and phytosanitary controllers.

3.1 Customs treatment of air cargo and automation

3.1.1 In pursuance of Standard 2.9 and Standard 4.13 of Annex 9, Thirteenth edition, ECAC Member States should encourage the electronic transmission of information required by public authorities for the entry and departure of an aircraft, and work in co-operation with all parties concerned towards procedures where electronic communication, based on internationally agreed standards, has preference above communication based on paper declarations and documents.

It is common practice for an increasing number of public authorities, including Customs, to exchange such information electronically. Paper declarations will become exceptional in future. Electronic transmission enables Customs to respond to the use of modern concepts of information and communication techniques by the international airline industry. It affords Customs the possibility to receive, send and process information most effectively so as to improve their level of control while, at the same time, facilitating legitimate commercial operations.

As speed of movement is the most important asset of the aviation industry, trade also benefits if the information required by public authorities can be sent electronically. There are special advantages when agents or traders are allowed to supply information directly from their own automated system, normally situated in their own premises, and to receive responses directly from the relevant public authorities.

It is of course necessary that such electronic transmissions are based on the use of internationally recognised standards, including conformity with those in UN Electronic Data Interchange for Administration, Commerce and Transport (UN/EDIFACT). For example, messages sending manifest information are usually based on the UN/EDIFACT CUSCAR Customs cargo report message.

In addition, based on an initiative from the G7 countries, the World Customs Organization (WCO) developed the WCO Data Model, which provides a maximum framework of standards and harmonised/standardised sets of data and standard electronic messages for import/export and transit purposes. The latest version of the WCO Data Model includes not only data required by Customs, but increasingly also data by other public authorities.

The IATA e-Freight programme is an example of a programme for submitting supporting document electronically. Information on that initiative is given at **Appendix 1**.

- 3.1.2 *ECAC Member States should encourage all participants in the transport, handling and clearance of air cargo to simplify relevant procedures and documents and to co-operate or participate directly in the development of electronic systems using internationally agreed standards and other means with a view to enhancing the exchange of information relating to such traffic and assuring inter-operability between the systems of all participants.*

This provision refers to community systems already in use at many airports, which enable public authorities and the trade to exchange information for commercial logistical and official control operations through a single central automated system.

Such community systems use standardised procedures and techniques to exchange information between public authorities, such as Customs, Immigration, Health authorities etc, and the commercial operators such as airline handlers, freight forwarders, shippers, consignees, transporters etc. The same system can be used to exchange information on inbound or outbound air movements, airport authorities, air-traffic control, security authorities etc. A community system can also handle data in respect of Air Waybills, cargo manifests, transport orders, arrival notifications, status information and Customs declarations. In some countries airlines are connected to a community system through the IATA SITA network.

The main purpose of this provision is to encourage public authorities and the trade to develop and use community systems as a proven means of exchanging information between all relevant parties in order to simplify and accelerate all related procedures. Community systems can be established by private initiative, by local, regional or national governments or by co-operative public-private partnerships.

A growing proliferation of individual systems could face global and regional operators and regulatory authorities with the need to devise and maintain an unmanageable variety of different access and communication resources. Essential inter-operability, to avoid these problems, can be achieved by the use of suitable interfaces (transfer points) between the systems in use by the trade and systems in use by public authorities, whereby information can be exchanged electronically.

- 3.1.3 *In pursuance of Recommended Practice 4.20 of Annex 9, Thirteenth edition, ECAC Member States should support and participate to the extent possible in initiatives to allow the presentation of supporting document by electronic means.*

Each air cargo shipment is accompanied by a number of supporting documents; sometimes up to 30 documents per shipment. It is clear that in the age of electronic data exchange, this paper burden has to end and be replaced by electronic information. Many global and regional initiatives are paper-free driven projects.

The International Air Transport Association (IATA) recently launched a project, IATA e-freight, designed to develop an aviation-wide, electronic, paper-free environment to eliminate the need to produce and transport paper documents for air cargo shipments. IATA e-freight impacts the entire cargo supply chain, including airlines, freight forwarders and public authorities. The pilot projects with the airlines, freight forwarders and the Customs of a limited number of countries are designed to test common standards, processes, procedures and systems. One of the standards used is the WCO Data Model. After a pilot phase, the use of electronic documents (IATA e-freight programme) will gradually be

implemented in other countries. The IATA e-freight initiative benefits from integration and alignment with other broader e-commerce initiatives. IATA e-freight will reduce costs by an increased use of electronic messages and improved data quality. Improved data quality and reduced reliance on paper documents will also reduce transport, clearance and delivery times. High quality electronic data exchange will facilitate all stakeholders' compliance with customs and other regulatory requirements.

- 3.1.4 *ECAC Member States should consider the introduction of arrangements to enable traders to submit all the information required by public authorities in connection with advanced entry or departure formalities and the formalities for the import- or export procedures electronically at the same time, to a single entry point.*

For the considerations and implementation concerning this Single Window concept, ECAC Member States should use the recommendations on the Single Window concept and guidelines developed by the United Nations Centre for Trade Facilitation and Electronic Business which have been published as UN/CEFACT Recommendation 33.

The obligation on trade to provide various public authorities with information on cargo and passengers at varying stages of movement may present obstacles to business efficiency. Although this information may be required for different purposes, many data elements required by public authorities including identification of the aircraft, date and time of arrival, airport of departure and cargo information, are identical. If the total requirements of such common elements can be combined into a single message according to international agreed standard data and standardised messages, and sent electronically to a single official destination instead of being sent to individual agencies separately, costs are cut and rapid reliable deliveries are facilitated. This concept is often referred to as a Single Window. In the UN/ECE Recommendation N° 33, a Single Window is defined as: "a facility that allows parties involved in trade and transport to lodge standardised information and documents with a single entry point to fulfil all import, export and transit-related regulatory requirements. If information is electronic, then individual data elements should be submitted once."

A Single Window can expedite and improve the flow of information between public authorities and the trade. The central principle is that the single public or official agency nominated to receive the overall information would redistribute data, as appropriate, to other relevant public authorities.

Further facilitation can be achieved by arrangements between public authorities that any necessary physical checks will be co-ordinated and, if possible, take place at the same time and place. This concept is often called One Stop Shop.

These arrangements can be embodied and based on suitable Memoranda of Understanding (MOU). It is important that public authorities make maximum efforts to combine, harmonise and minimise the necessary information. This will be much facilitated by the use of advanced inter-communication methods, such as community systems mentioned in recommendation 3.1.2.

3.2 Pre-arrival and pre-departure formalities

- 3.2.1 *ECAC Member States should, for the purposes of pre-arrival and pre-departure formalities:*

- a) *refrain from requiring the lodgement of a separate pre-arrival declaration for short haul prior to take off and for long haul flights earlier than 4 hours prior to arrival at the first airport in the country of destination;*
- b) *refrain from requiring the lodgement of a separate pre-departure declaration earlier than 30 minutes prior to departure from an airport.*
- c) *limit the requirements to those necessary to perform a proper risk analysis for security and safety purposes and include at least the identification of the aircraft, the identification and quantity of the goods at arrival and transport information, accepting that this information may be ascertained from commercial documents. These data requirements should be specified in national legislation and determined in co-operation with all participants involved in the transport and handling of air cargo;*
- d) *waive the requirement for a separate general declaration and cargo manifest when at least the data elements contained in these documents are included in the pre-arrival information. ECAC Member States may at entry ask for a separate statement that the goods have arrived or at exit ask for a separate statement before their departure that the goods have arrived at the final point of exit.*
- e) *take into account, where appropriate, the available international standards on the secure supply chain and the pre-arrival and pre-departure information relating to entry and departure of air cargo.*
- f) *consider:*
 - i) *the development of automatic data processing systems for the lodgement and processing of pre-arrival information and pre-departure information, including systems for automated risk analysis;*
 - ii) *where appropriate, the use of the lodged pre-arrival information in subsequent procedures for the release/clearance of the goods;*
 - iii) *where appropriate, the use of already available data in the export declaration for the purpose of the lodgement of pre-departure information.*

As a result of the need for more security in the cross border movement of goods, many countries have introduced requirements for the lodgement of information on shipments before the arrival or departure of the goods. Although Standard 1.5 of Annex 9 currently relates only to pre-arrival formalities, the new security rules of several ECAC Member States also require pre-departure formalities. At first these new rules could be seen as an additional burden for the trade and industry. As a principle of trade facilitation, Public authorities should not burden the international trade with different requirements to secure the international supply chain. This could be avoided to a great extent by using international agreed procedures and standards.

Already from a facilitation point of view, the receipt of pre-arrival and pre-departure information enables public authorities to:

- a) Use rapid processing in risk analysis systems;
- b) Give early permission to load and unload;

- c) Select consignments for examination or grant immediate release or clearance.

This enables public authorities to focus available resources on high-risk areas and reduce constraints on fully compliant traders by minimising interventions in the flow of goods presenting minimal risks.

- a) This practice will facilitate the processing of information by Customs at the earliest possible stage after receipt. To avoid wide variations in the period fixed for advance notification by individual Customs administrations, it is important to note that the WCO Framework has set down time limits for the different modes of transport. For cargo transported by air, in general the time limit should not start before the moment the aircraft has left the country of departure. With internationally agreed time limits, the requirements of public authorities in different Member States can be matched as much as possible to provide a level playing field for commercial operations. The new Customs security legislation of the European Union included in the Community Customs code is to a great extent based on the rules of the WCO Framework.
- b) For outbound flights, the European Customs legislation includes a time limit of 30 minutes prior to departure from the EU airport.
- c) Annex 9 states that data requirements shall be limited to a practicable minimum. The same principle should apply to pre-arrival and pre-departure information. To facilitate the flow of goods through airports as much as possible, public authorities should coordinate their requirement with trade as much as possible. The WCO Framework has introduced a maximum list of data elements for pre-arrival and pre-departure information and includes information relating to both the goods and the mode of transport (General declaration information), and information on the parties involved. This information could already be available in commercial and/or transport documents or commercial electronic records. It is important that all these requirements should be specified in national legislation. These data elements are already included in the new Customs security legislation of the European Union.
- d) When pre-arrival or pre-departure information is received electronically, and the data necessary for control purposes at arrival is correct, an additional request for a formal general declaration or cargo manifest would simply result in unnecessary duplication of information. Public authorities may be prepared to accept a notification of arrival or departure, supplementing the prescribed pre-arrival and pre-departure information as a sufficient formal statement to fulfil the function of the general declaration and the cargo declaration.
- e) The use of international standards is key to an efficient worldwide communication of information. The required information for the pre-arrival and pre-departure formalities should also be based on international standards. The WCO has introduced a "SAFE Framework of Standards to Secure and Facilitate Global Trade", referred to as the "WCO Framework", by which a set of Standards is developed to secure the international movement of goods in the supply chain and, at the same time, satisfy the need to facilitate the legitimate trade. It also contains a set of data elements to be used for the pre-arrival and pre-departure declarations.
- f) There is a constantly growing need for efficient communication. Electronic submissions eliminate the need for paper declarations and, where possible,

supporting documents. Electronic systems used by public authorities may include systems where declarations and other information can be lodged by the trade, preferably from the premises of the declarant, and systems that are able to process the received information, including risk-analysis. The trade can work independently from the actual place where the public authorities are established and receive the results of the processing of the information by the public authorities on short notice. Data duplication can be avoided and, once data has been checked and shown correct, it can be used for other subsequent Customs procedures for release or clearance of the goods, such as import, export or warehousing. Only the additional data related to each such specific procedure should be needed by public authorities as supplements to the information already available in their electronic systems.

3.3 Authorised Economic Operators

3.3.1 ECAC Member States should consider the introduction of programmes for Authorised Economic Operators, allowing for specific control measures relating to safety and security, and simplified procedures. Specific control measures could be based on the information available to the public authorities and allow, on the basis of risk analysis, for a reduced level of physical inspections or other specific control measures. Simplified procedures for Authorised Economic Operators and other authorised persons may include:

- a) Release of the goods on the provision of the minimum information necessary to identify the goods and permit the subsequent completion of the final goods declaration;*
- b) Clearance of the goods at the declarant's or economic operator's premises, or another place authorised by Customs;*
- c) Lodging of a goods declaration based on the entry into the records of the economic operator;*
- d) Submission of a single goods declaration for all imports or exports in a given period where goods are imported or exported frequently by the same person;*
- e) Transit procedures based on the use of cargo manifest or Master Air Waybill.*

The Authorised Economic Operator (AEO) is firstly developed to secure the supply chain of goods. The AEO has to incorporate in their existing business practices pre-determined security measures to provide that their internal business policies and procedures will provide for adequate safeguards against the infiltration of their shipments by unauthorised persons until their final destination. These measures includes, among others, access control to facilities where the goods are stored, the use of reliable transporters, security trained staff and approved administrative procedures and records. As a result of their effort to secure the supply chain, AEO could benefit from fewer physical interventions and controls. The ultimate secure supply chain is possible when all parties involved in the supply chain are granted the status of AEO. The concept of the AEO is also included in the WCO Framework. The European Union and a number of Customs administrations from Member States are involved in programmes with non-EU countries to develop international secure supply chains, with the aims of the mutual recognition of other programmes similar to the AEO concept.

As well as the AEO for safety and security, the new security Customs legislation of the European Union also provides for an AEO for Customs simplification purposes only.

The simplified procedures a) to e) proposed in this recommendation relates mainly to the (Customs) procedures subsequent to (pre-arrival) formalities connected with arrival of consignments at the airport, which can be considered as a first phase. The documents, or their electronic equivalent used in that phase are usually limited to the General declaration or equivalent document and the Cargo manifest or the Air Waybill, as prescribed in Chapter 2 of Annex 9, or the pre-arrival information. Release or clearance is not normally granted on the basis of these summary documents/information. The subsequent procedures, dealing with the onward movement of goods to their (final) destination, for example import or transit, can be regarded as the second phase. In many cases, responsibility for the goods for such subsequent procedures shifts to another person, e.g. a forwarding agent. The simplified procedures, suggested in this Provision, are based on the revised Kyoto Convention on the harmonisation and simplification of Customs procedures and are intended to facilitate rapid release or clearance. They are only offered to authorised persons with a high-quality record of compliance with Customs rules and obligations and relevant requirements of other public authorities. (Customs) warehousing may be dealt with in either the first or second phase, depending on the type of warehousing.

- a) This simplified procedure allows for the release of the goods when all the relevant information may not be immediately available. While information on description, quantity and value is needed to identify the goods, data may be temporarily lacking on transport arrangements, origin or in sufficient detail to complete valuation. A supplementary declaration is then necessary, and this must be lodged within a prescribed time limit, for example, 24 hours, which should be specified in national legislation.
- b) Where Customs declaration are submitted by the declarant electronically and the processing of the declaration is also based on electronic procedures, including risk analysis, it is not always necessary that the goods are presented physically at the Customs office. It would facilitate the logistical process when the goods can be transported directly to the premises of the economic operator or any other approved place, and the Customs informs the declarant electronically of the clearance of the goods.
- c) The simplified procedure by which the goods are placed under a certain (Customs) procedure at the premises of the declarant can be of great benefit for the trade and will also help avoid congestion at airports. Public authorities should be satisfied of the quality of the declarant's compliance and recording systems before granting this procedure. The public authorities are notified immediately of the arrival of the goods at the premises and can then decide, on the basis of risk analysis, whether they need to perform a physical examination at the declarant's premises. This procedure is often combined with periodic declaration, as mentioned under 3. 3.1. d).
- d) When public authorities allow for an incomplete declaration or when local clearance at the premises of the declarant has been allowed, it is often cumbersome to lodge a separate supplementary declaration for each consignment. Suitably compliant declarants can be allowed to lodge a periodic declaration, which summarises all initial declarations or all notifications. Such procedures can be accompanied by the granting of arrangements for payment of duties and taxes on the basis of self-assessment.

- e) A number of countries allow the use of the cargo manifest or the Master Air Waybill as the transit document for movement by air to another airport. This may be conditional on the submission of certain data elements, for example the description of the goods and their status. A guarantee may be required. It is common airline industry practice to move goods by road between airports over short distances (air trucking), and airlines frequently use their own means of transport for this purpose. A transit procedure is often used to cover such movements. It will facilitate this current use of intermodal transport if the Cargo manifest or the Air Waybill can be accepted as meeting the descriptive requirements of the transit document. A precise description of the goods and a statement of destination will normally be required as a pre-condition for such use of the Cargo manifest or Air Waybill. A guarantee is usually needed.

- 3.3.2 *Public Authorities should, where appropriate, for the granting of the status of an Authorised Economic Operator, take into account the already fulfilled conditions and criteria for comparable programmes of authorised operators under the supervision of other public authorities to avoid the duplication of similar requirements by public authorities.*

Within the European Union, concepts comparable with the Customs AEO are introduced to specifically secure the outbound movement of goods by air. The Regulated Agent (RA) and the Known Consignor (KC) are based on EU legislation. The criteria for a RA can, to a certain extent, be compared with the criteria for a security AEO. To avoid duplication of assessment of the criteria in question, the new security Customs legislation of the European Union considers that where the status of a RA is granted, the criteria for a Customs safety and security AEO have been met.

Further information on Authorised Economic Operator is presented at **Appendix 2.**

3.4 Miscellaneous provisions

- 3.4.1 *ECAC Member States should facilitate the transfer of air cargo from one aircraft to another within the same airport by the use of electronic means for the lodgement of the cargo declaration.*

While public authorities must be able to control all airport cargo movements, they should be able to allow rapid transfer once they have received electronic submission of satisfactory pre-arrival, pre-departure or Cargo manifest information. The need for any physical examination should be based on the results from risk analysis, preferably performed by electronic means.

- 3.4.2 *ECAC Member States should dispense with documentary controls over air cargo transferred from one flight to another at the same airport and rely, instead, on electronic tracing techniques, where available, and adequate and efficient customs supervision of apron and warehousing areas.*

Normally goods brought into the territory of a country are subject to controls by public authorities that may include documentary checks. This provision may not cover documentary checks on the Cargo manifest or Master Air Waybill but is mainly intended to minimise the use of accompanying documents issued specifically for the movement of the goods in the airport area. This supervision is also possible with the use of the already available information in the systems of the Public authorities. Although efficient supervision is essential for goods in transfer, minimal delay can be realised by using modern techniques such as

those mentioned in Provision 3.3.3. and the use of electronically submitted Cargo manifest data under 3.3.2.

- 3.4.3 *ECAC Member States should review warehousing charges at airports with spare space resources and, if necessary, amend them to induce cargo owners and agents to remove their goods as quickly as possible.*

Storage accommodation is limited at many airports. Where warehouses are operated by public authorities, charges for storage could be increased, or a certain time limit could be introduced to encourage rapid removal of stored consignments. Based on the Customs legislation in the European Union, the temporary storage is limited to twenty days after the arrival of the goods by air, by which time they must be allocated to a Customs approved treatment or use.

- 3.4.4 *In the context of Standards 2.21 and 2.22 of Annex 9, Thirteenth Edition, and the reference to penalties, ECAC Member States should allow adequate time for the correction of inadvertent errors in the cargo manifest. These corrections cannot be made after the public authorities already dealt with the information in the cargo manifest, unless the reason for correction is deemed to be valid for the public authorities.*

The Cargo manifest is generally created at the airport of departure. It is not unusual that certain consignments, although mentioned in the Cargo manifest, may, at the last moment, be withdrawn from or not be available for loading onto the aircraft. Others may be loaded without being included in the manifest. It is important, therefore, that the carrier be allowed to adjust the information in the Cargo manifest, but this facility should be based on certain limits covered in national legislation, to offer maximum transparency. These limits should specify a time limit after arrival or specify a permitted variation in quantity or in weight. When errors go beyond these legal limits, public authorities should still allow correction when the declarant can provide satisfactory explanations for resulting differences with supporting documents or other methods of proof. Such corrections are generally only permitted in respect of documents used at arrival, e.g. the manifest, and not for documents used in subsequent (Customs) procedures, such as transit.

- 3.4.5. *ECAC Member States should take into account the Guidelines included in Annex 3-A, relating to the tax refund for travellers to facilitate the handling of passengers who have to fulfil the formalities for tax refund.*

One of the benefits for non-EU travellers is that they can apply for the refund of VAT when they return to their country of residence. The procedures for tax-refund may vary in different countries. To give an overview of the procedures and practices in different countries, separate Guidelines have been developed at **Appendix 3.**

APPENDIX 1 TO ANNEX 3-A

INFORMATION ON THE AUTHORISED ECONOMIC OPERATOR

AUTHORISED ECONOMIC OPERATOR

Introduction

1. The international focus on security tightened considerably since the terrorist attacks in 2001 which have changed to world in which we live. That is why the concept of security (security and safety) is now included in the European Customs legislation. Companies involved in the European Union external borders movements of goods and their suppliers, are particularly exposed to this legislation. With the introduction of this legislation, the European Union simultaneously wants to provide trade with better facilities. One of these facilities is the status of an Authorised Economic Operator (AEO), which would lead to a number of benefits such as fewer logistical delays, reduced administrative burdens and priority treatment for customs controls for AEOs in return for meeting a strict security and safety criteria.

2. Within the SAFE Framework of Standards to secure and facilitate global trade of the World Customs Organization (WCO), the AEO is defined as a party involved in the international movement of goods in whatever function that has been approved by or on behalf of a national Customs administration as complying with WCO or equivalent supply chain security standards. Authorized Economic Operators include inter alia manufacturers, importers, exporters, brokers, carriers, consolidators, intermediaries, ports, airports, terminal operators, integrated operators, warehouses, distributors.

3. The AEO is a concept that aims at balancing increased security requirements with facilitation for compliant traders. It constitutes a main element of the Customs security Program of the European Union.

4. The European Customs legislation is in compliance with the WCO SAFE Framework which is in fact the global standard for customs supply chain security. In addition, the EU AEO program is similar to other European Union programs aimed at improving security, such as Regulated agent, the Known consignor and the Account consignor as defined¹ in article 3 of the EU regulation 300/2008 on common rules in the field of civil aviation security.

Main AEO features and benefits

5. AEO programme provides for three categories of AEO certificates:

- Customs simplifications;
- Security and safety;
- combination of Customs simplifications /security and safety.

6. An AEO Certificate Customs Simplifications is issued to any economic operator who is generally established in the Community who fulfils the criteria of Customs compliance, appropriate record-keeping standards and financial solvency. However, an

¹ **'regulated agent'** means an air carrier, agent, freight forwarder or any other entity who ensures security controls in respect of cargo or mail;

'known consignor' means a consignor who originates cargo or mail for its own account and whose procedures meet common security rules and standards sufficient to allow carriage of cargo or mail on any aircraft;

'account consignor' means a consignor who originates cargo or mail for its own account and whose procedures meet common security rules and standards sufficient to allow carriage of that cargo on all-cargo aircraft or mail on all-mail aircraft;

exception exists to allow non-Community based airlines and shipping lines to apply providing they have a regional office in the Community and already benefit from Customs simplification procedures.

7. The holder of this certificate is entitled to:
 - easier admittance to Customs simplifications;
 - fewer physical and document-based controls;
 - priority treatment if selected for control;
 - possibility to request a specific place for control.

8. An AEO Certificate Security and Safety is issued to any economic operator who is normally established in the Community (unless they meet the above mention exception) and who fulfils the criteria of Customs compliance, appropriate record-keeping standards, financial solvency, and maintains appropriate security and safety standards.

9. The holder of this certificate is entitled to:
 - reduced data set for summary entry and departure declarations;
 - possibility of prior notification of control;
 - fewer physical and document-based controls;
 - priority treatment if selected for control;
 - possibility to request a specific place for such control

10. An AEO Certificate Customs Simplifications / Security and Safety is issued to any economic operator normally established in the Community (unless they meet the above mention exception) who fulfils the criteria of Customs compliance, appropriate record-keeping standards, financial solvency, and maintains appropriate security and safety standards and who wants to benefit from all AEO benefits. The holder of this certificate is entitled to all benefits related to the other two categories of AEO certificates.

European legal background

11. With the recent security amendments to the Community Customs Code and its Implementation provisions by the Regulations 648/2005 and 1875/2006 the European Union introduced a number of measures to tighten security on goods crossing the borders of the European Union. The measures will mean enhanced security risk analysis prior to export/exit from and entry into the Community. The measures cover three major areas:

1. Requirement for traders to provide information on goods prior to entry to or export/exit from the European Union;
2. Introduction of the concept of Authorized Economic Operator to provide reliable traders with trade facilitation benefits;
3. Introduction of a risk management framework for setting uniform Community risk-selection criteria for controls, supported by computerised systems.

12. The above measures have been developed in close co-operation and consultation with the trade.

13. The legal provisions on the AEO provide for a process of exchange of information with other EU Member States before granting the status of an AEO. Legislation and accompanying guidelines provide for the implementation with a uniform application process and a level playing field for economic operators within the European Union.

14. The EU Customs Security Programme (CSP) covers activities supporting the development and implementation of the above-mentioned security and facilitation measures. CSP supports the balanced approach, it introduces proper security controls to ensure the protection of the internal market and, in close cooperation with major trading partners in the world, secure the international supply chains and furthermore it provides facilitation to those traders that demonstrate compliant efforts to secure their part of the international supply chains.

Granting the status of Authorised Economic Operator

15. EU Member States are entitled to grant the AEO status to any economic operator involved in Customs activities that meets common criteria relating to the operator's control systems, financial solvency and compliance record. The AEO status granted by one Member State will be recognized by the other EU Member States.

16. The criteria for the status of an AEO includes inter alia:

For the AEO Customs simplifications:

- Appropriate compliance record with Customs requirements;
- Satisfactory system of managing commercial/transport records;
- Proven financial solvency.

For the AEO security and safety:

The above-mentioned requirements for the AEO Customs simplifications and the appropriate security and safety standards such as:

- Buildings constructed of materials that resist unlawful entry;
- Access control measures to premises
- Measures to prevent tampering with goods
- Measures to comply with prohibitions and restrictions
- Clear identification of business partners
- Employee security screening (as permitted by law)
- Security awareness programme

17. The security requirements are deemed to be met with internationally recognised security and safety certificates such as the ISPS code (International Ship and Port facility Security code), the International Organization for Standardization (ISO) and the Regulated agent, if they cover the same standards.

18. In preparation of the pre-audit by Customs, the operator can make a self-assessment to enable him to analyse if he is able to meet the security requirements. Most Customs administrations in the Community have developed such a tool and even if it is not mandatory it is strongly recommended as it is beneficial both for traders and for Customs. The self-assessment is an attempt to identify the risks and threats which might occur in that part of the supply chain in which the applicant is operating, and to look into the measures in place by the applicant to minimise the risks and threats. The applicant should demonstrate in its policy a high-level of awareness on security and safety measures, internally and in its business activities with clients, suppliers and external service providers. The purpose of the AEO Self-assessment is to help to appreciate the requirements and take the necessary steps associated with obtaining the AEO status and provide Customs with additional information about the applicant and its business. To apply for AEO status the applicant has to send to Customs the AEO application,

preferably together with the result of the self-assessment tool (if available in the EU Member State of application), which will facilitate Customs evaluation of the application.

19. The conditions and criteria for AEO authorisation relevant to each category of business will apply to all businesses regardless of their size. However it is accepted that the standard of compliance will vary and be in proportion to the size and complexity of the business, type of goods handled etc. For example, all applicants seeking Security and Safety certificate will have to demonstrate the adequacy of the physical security of their premises. If the applicant is a holder of an internationally recognised security accreditation, this will be taken into account where the AEO requirements are identical or comparable.

20. To facilitate the process of granting the AEO status, the European Commission (DG Taxud) has developed an e-learning tool¹ that is online and designed to help trade to learn about the new AEO legislation and the process for becoming an AEO. Also available on the EU Customs website is a database of economic operators who have an AEO certificate and a list of competent Customs authorities for applying for AEO certificates.

Relation with other EU security initiatives

21. Not only European Customs legislation contains measures taken to tighten security on the cross border movement of goods in and out of the European Union. Several Regulations have been introduced in the area of Air transport security. This legislation falls under the responsibility of the Directorate General Transport and Energy of the European Commission (DG Tren). The legislation on the basic principles is embodied in Regulation 2320/2002. The main objective of this Regulation is to prevent acts of unlawful interference with civil aviation. The Regulation is based on the security provisions of ECAC's Document 30 and ICAO's Annex 17 on security. The implementing provisions on the details are specified in Regulation 820/2008 and Decision 4333/2008.

22. The Commission and the Member States are currently completing work on new aviation security legislation, designed to simplify the current text and achieve more harmonised implementation, taking into account the practical experience gained from inspecting at Member States' airports. The new framework Regulation 300/2008, which will repeal and replace Regulation 2320/2002 from 29 April 2010, was published in January 2008. A second level of legislation, Regulation 272/2009, was published earlier this year, and the full package of detailed implementing provisions will be put to vote in the Aviation Security Regulatory Committee by mid October. Regulation 272/2009 and the new implementing package, if agreed, will also come into force in April 2010 and will repeal Regulation 820/2008 and Decision 4333/2008. The aviation security Regulations and Decision require that cargo (export) be screened unless the appropriate controls have been applied by a Regulated Agent, Known Consignor or, for cargo only flights an Account Consignor and measures taken to protect the consignments until they are loaded on to an aircraft. The qualification, criteria and tasks for Regulated Agents, Known Consignors and Account Consignors are stated in the Regulations and the Decision.

23. There are similarities between the Customs AEO security and safety and the air transport security Regulated agent/Known consignor/Account consignor. Often the same companies may apply for both AEO and Regulated agent/Known consignor status. The disadvantages of separate, complete assessments means that trade is faced with double checks with the result of higher administrative burden. While one system cannot replace the other, as the systems and their objectives are not identical, it would facilitate trade if the different certification processes were more attuned to one another. Some differences that are due to the inherent purpose of the legislation will however always remain but shouldn't lead to an increase of burden for economic operators.

¹ http://ec.europa.eu/taxation_customs/common/elearning/aeo/index_en.htm

24. The first step would be an assessment of the criteria for each entity. This could be followed by the identification of common criteria. Already the Customs legislation for AEO provides for recognition of the status of Regulated Agents. In that case the security requirements for the AEO security and safety are deemed to be met, which expedites the AEO authorisation process and thus facilitates obtaining the AEO status. Based on the new air transport Regulation 300/2008, its implementing provisions will provide for a partially recognition of the AEO security requirements. These would require national appropriate authorities to 'take into account' whether or not an entity held an AEO (security) certificate when assessing suitability for Regulated Agent or Known Consignor status and removes the requirement for prospective Account Consignor already accepted as (security) AEOs to complete a Declaration of Commitments. A European Union database will contain details of all approved Regulated agents and Known consignors. Close cooperation between national Customs authorities and Security authorities would facilitate the application procedures for both security programs.

Relation with WCO instruments

25. The demand for more stringent security procedures made it necessary to develop harmonised security procedures to avoid the situation that trade is faced with different procedures in every country. For that purpose the World Customs Organisation (WCO) developed the WCO SAFE Framework of Standards to secure and facilitate global trade¹. The WCO SAFE Framework represents uniform, minimum international standards required to enhance supply chain security and facilitation and its implementation. At present more than 150 countries have expressed their intention to implement the WCO SAFE Framework.

26. The WCO SAFE Framework standardises and promotes a variety of security concepts, such as pre-arrival/departure information, risk management, outbound inspection of cargo, single window, end to end supply chain security and provides for capacity building. It includes also as a main part a basic set of standards on the AEO, moving towards mutual recognition. These international standards may be supplemented by additional Customs or Economic Union and national requirements.

27. In the development of the WCO AEO Security and Safety requirements, existing security standards for maritime and air transport have been studied and where possible integrated. Integration is very important as mutual recognition of secure AEO status could not be ensured without a globally recognised common base. Furthermore, in order to avoid unnecessary duplication of legal requirements on international and European recognised security and/or safety certificates in maritime, air cargo and surface freight transport, the WCO worked closely together with the relevant European Commission services. In this way requirements can be compatible enabling the authorities to recognise each others' security certifications, where possible.

28. The WCO SAFE Framework incorporates the AEO Guidelines that form an integral part of the WCO SAFE Framework.

1

http://www.wcoomd.org/home_wco_topics_epoverviewboxes_tools_and_instruments_epsafeframework.

Mutual recognition

29. An important benefit for international trade is the mutual recognition of security programs between countries¹ based on mutual recognition agreements.

Examples of other international security programmes

U.S. Initiatives

30. In response to potential terrorist threats, the U.S. Customs authorities have taken initiatives to improve security in the international supply chain. One of these initiatives is the Container Security Initiative (CSI), which pre-selects, according to risk assessment criteria, containers destined for the USA prior to loading on the ship in a foreign port. CSI is currently operational in a large number of ports worldwide. The U.S. has also published a regulation on advanced cargo manifest information, the so-called '24 hour rule'. This regulation obliges carriers to provide electronic manifest data to US Customs, at least 24 hours before loading sea containers bound for the USA. For air cargo, information should be made available immediately after take-off for short-haul flights and at least 4 hours prior to arrival for long-haul flights. This enables US Customs to select high-risk shipments via their automated target system.

31. US Customs have also introduced the Customs and Trade Partnership against Terrorism (C-TPAT) programme comparable with the EU and WCO AEO programmes. The US and the EU are currently working towards the mutual recognition of both programmes.

Canada

32. The Free and Secure Trade (FAST) programme is a joint Canada-U.S. initiative. FAST supports moving pre-approved eligible goods across the land border quickly and verifying trade compliance away from the border. It is a harmonized commercial process offered to pre-approved importers, carriers, and registered drivers. Shipments for approved companies, transported by approved carriers using registered drivers, will be cleared into either country with greater speed and certainty, and at a reduced cost of compliance. Canada has developed the "PIP" (Partners in Protection Program) that is comparable to C-TPAT and AEO. The US and Canada have on 28 June 2008 signed an arrangement on mutual recognition of C-TPAT and PIP.

33. The EU and Canada envisage strengthening their cooperation on supply chain security and AEO.

Australia

34. In Australia Customs and trade are working together to protect Australia. Frontline is a cooperative programme between Customs and trade groups involved in international trade and transport. The programme draws on the knowledge and expertise of people in trade to help prevent illegal activities.

New Zealand

35. The Customs Service is working with trade on improving export security. One of their programmes is Secure Export Partnership (SEP) to secure New Zealand's exports. New Zealand is cooperating with the US on mutual recognition of their SEP and the US Customs C-TPAT.

¹ In case of a Customs Union such as the EU mutual recognition shall be between the Customs Union and the third country.

EU-China cooperation

36. The EU and China have signed an agreement on cooperation and mutual assistance in Customs matters. Based on consensus in the EC-China Joint Customs Cooperation Committee, both sides agreed to closely cooperate on supply chain security. A pilot project on smart and secure trade lanes is currently in progress. Part of this pilot is the exchange of information as well as of close cooperation on AEO matters to pave the way for reciprocity and mutual recognition of security measures, including the mutual recognition of the AEO programmes in the EU and China. China implemented the AEO concept as of 1 April 2008; both sides aim at achieving mutual recognition of AEO in 2010. The WCO Framework of Standards is used as a global principle on which to develop programs and cooperate with other countries.

EU-Japan cooperation

37. The EU and Japan are currently working towards mutual recognition of the EC and Japan AEO. This cooperation is based on conclusions of the EC-Japan Customs Cooperation Committee where consensus was reached between the EC and Japan to strive for mutual recognition of both sides programs. The target date is 2010.

EU- Switzerland and Norway

38. The EU and Switzerland and the EU and Norway reached an agreement on the implementation of equivalent security programs.

Jordan-US

39. Jordan and the US signed in June 2007 an arrangement on mutual recognition of their Golden Client Program with the US C-TPAT.

US-Japan and US-Korea

40. Recently the US and Japan as well as the US and Korea reached mutual recognition agreements of their respective security programs.

APPENDIX 2 TO ANNEX 3-A

INFORMATION ON THE IATA e-FREIGHT PROGRAMME

IATA E-FREIGHT

Introduction

1. IATA e-freight is one of the initiatives of the IATA Simplifying the Business Programme (StB).
2. Sponsored by the IATA Board of Governors, Simplifying the Business (StB) is an industry-wide programme that began in 2004. Its mission is to change the way the air transport industry operates, resulting in better service for passengers and lower costs for the industry.
3. That mission is now more relevant than ever. The airline industry finds itself in the midst of yet another crisis. By working together, the airline industry will be able to produce long-lasting change that will allow the industry to succeed in today's environment. The current programme can save the industry up to US\$14 billion every year.
4. StB concentrates its efforts on four core projects:
 1. IATA e-freight
 2. Bar Coded Boarding Passes (BCBP)
 3. Fast Travel
 4. Baggage Improvement Programme (BIP)
5. The IATA e-freight project aims to take the paper out of air cargo. Facilitated by IATA, the project is an industry-wide initiative involving carriers, freight forwarders, ground handlers, shippers and customs authorities.
6. The e-freight project creates the conditions to replace the existing processes with new ones where the industry and governments rely on the electronic exchange of information between the parties to facilitate the movement of freight.
7. The long-term vision is to eliminate the need to produce and transport all paper for all stakeholders – paperless IATA e-freight. Although the vision is paperless, the mandate for 2010 is paper free. Achieving the vision will require changes in regulatory and legal environments. For now paper free is a more realistic approach and will deliver the majority of business benefits for industry stakeholders. A paper free process is one whereby the supply chain does not transport paper documents. There may be a requirement by exception to produce the paper documents in original, copy or printed e-document form, but not for the purpose of customs clearance.
8. Each air cargo shipment carries with it as many as 30 paper documents, increasing the cost of airfreight and lengthening transport times. IATA e-freight replaces paper documents with electronic messages. Thirteen documents have already been replaced with electronic messages.
9. The e-freight project started in 2007 with six (6) locations. One year later, the number of live locations tripled to eighteen (18). Going forward project efforts will focus in three areas:
 - Increasing the number of e-freight locations; e-freight will go live in five (5) new locations and fourteen (14) new airports in 2009; aiming at forty-four (44) e-freight locations by end of 2010.
 - Increasing the number of electronic messaging standards that replace paper documents to sixteen (16) in 2009 and twenty (20) in 2010

- Increasing the number of stakeholders participating in live locations using e-freight
- Locations that account for 81% of all international air freight will be e-freight capable by the end of 2010.

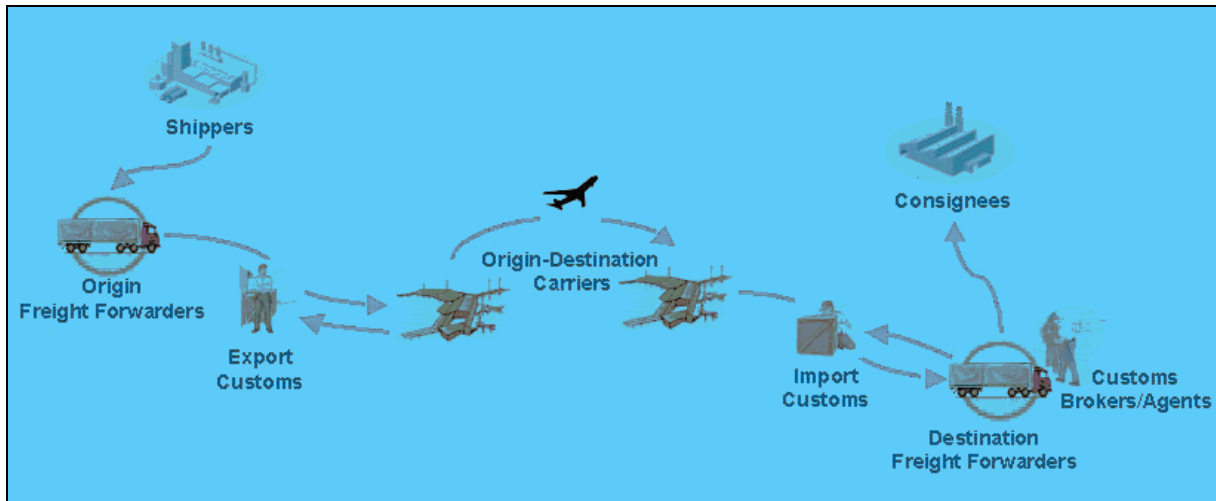
Benefits

10. The benefits for the air cargo supply chain are:

- Lower costs: average annual net savings of between US\$3.1 and US\$4.9 billion for the industry, depending on the level of adoption. This includes:
 - up to US\$ 1.7 billion in reduced documents processing costs;
 - up to US\$ 1.7 billion in inventory savings for shippers;
 - up to US\$ 1.8 billion in savings due to the increased market share from sea-freight.
- Faster supply chain transit times: the ability to send shipment documentation before the cargo arrives can reduce the industry cycle time by an average of 24 hours.
- Greater accuracy by using electronic documents, which allow for one time electronic data entry at the point of origin. Electronic documents also reduce delays to shipments due to inaccurate or inconsistent data entry. Electronic documents also cannot be misplaced; shipments will no longer be delayed because of missing documentation;
- Simplicity: as all supply chain stakeholders follow the same e-freight process and messaging standards the air cargo process will be globally uniform and simpler to execute;
- Regulatory compliance: the e-freight project meets all international and national regulations relating to the provision of electronic documents and data required by customs, civil aviation and other regulatory authorities.
- Environmental effects: the e-freight project will eliminate more than 7,800 tonnes of paper documents, the equivalent of 80 Boeing 747 freighters.

Stakeholders

11. All the key stakeholders of the air supply chain are in scope for the IATA e-freight project.



- Shippers/Consignors
- Origin & destination freight forwarders
- Export & Import customs
- Ground handling agents
- Origin & destination airlines
- Customs agents/brokers
- Consignees
- Freight Forwarders Associations
- Customs Brokers Associations
- Shippers Associations
- IT Solutions Providers

Paper free documents

12. The current list of documents in scope for IATA e-freight are:

1. Invoice
2. Packing List
3. Certificate of Origin (where legally feasible)
4. Letter of instructions
5. Dangerous Goods Declaration
6. Export Goods Declaration
7. Customs Release Export
8. House Manifest
9. Master Air Waybill
10. House Waybill
11. Export Cargo Declaration
12. Flight Manifest
13. Transfer Manifest
14. Import Cargo Declaration
15. Import Goods Declaration
16. Customs Release Import

13. The three additional electronic messages standards are: Shipper's Letter of Instructions, Shipper's Declaration for Dangerous Goods and the Transfer Manifest.

14. Each of the sixteen paper documents in the scope of IATA e-freight is replaced by one or more standard electronic messages with an "agreed international

standard" as defined by IATA, the United Nations Centre for Trade Facilitation and Electronic Business (UN/CEFACT) or the World Customs Organisation (WCO).

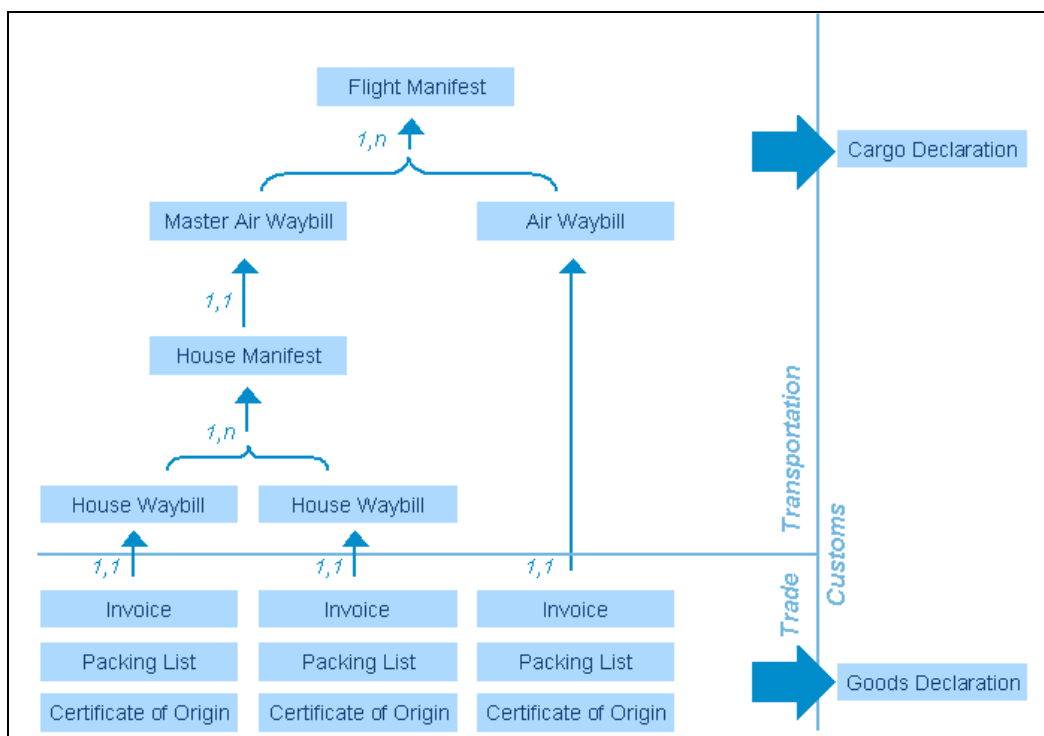
15. The sixteen documents are grouped into three categories;

- (i) trade documents,
- (ii) transportation documents, and
- (iii) customs documents.

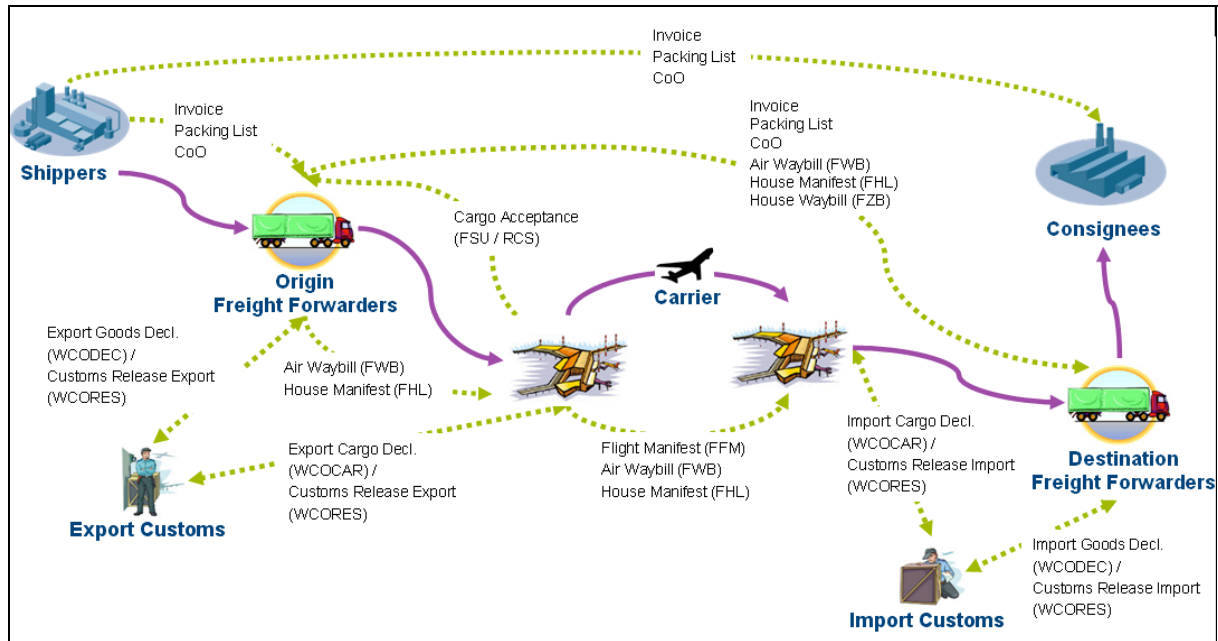
16. With the twenty documents being replaced in 2010, 64% of all paper volume will be removed.

Exchange of information in IATA e-freight

17. The diagram below describes the relations between the main documents currently in scope.



18. The diagram below describes the information exchange between the stakeholders from the supply chain:



E-freight locations

19. In addition to implementing e-freight in all feasible locations, IATA will work with other locations to help them understand the benefits and requirements to implementing IATA e-freight, so they can develop the required legal, technical and business process environment.

20. As capability increases across the world so will e-freight shipment volumes. To ensure the supply chain maximises the benefit of e-freight and increases e-freight shipments, a global campaign is planned to drive industry adoption and implementation.

21. To participate in IATA e-freight, a location, a country or a territory must first pass two assessments (a High Level Assessment and a Detailed Level Assessment).

22. Once these assessments are passed, the location is certified as ready for IATA e-freight, and moves to the implementation phase. In this phase, local stakeholders including ground handlers, airlines, freight forwarders, shippers and customs officials, define an e-freight operational procedure for that location based on the generic one provided by IATA. Once an e-freight operational procedure is in place, the location is ready to go live.

23. Implementation in new locations and existing locations is supported by global IATA network and the IATA e-freight Handbook, a comprehensive implementation guide available for download on the IATA e-freight homepage: www.iata.org/e-freight.

24. By 31st July 2009 twenty-one (21) locations and ninety-one (91) airports were live, involving one hundred and forty-eight (148) stakeholders: twenty-one (21) airlines and one hundred and twenty-seven (127) freight forwarders. A complete overview of the live locations, airports and stakeholders is available on IATA's website: <http://www.iata.org/stb/efreight/scorecards.htm> In 2009 five (5) more locations with fourteen (14) more airports will go live. By the end of 2010, forty-four (44) locations will be live, which account for 80% of international (air) trade.

APPENDIX 3 TO ANNEX 3-A

GUIDELINES ON TAX REFUND FOR TRAVELLERS

GUIDELINES ON TAX REFUND FOR TRAVELLERS

INTRODUCTION

In many countries travellers that are resident outside the customs/fiscal territory can buy goods for personal use with VAT exemption. Nowadays tourism is an important part of the national revenues and therefore the issue of tax refund is a very important for customs administrations that have particular interest in implementing efficient procedures for travellers getting tax-refund.

1. LEGAL BASE

- European level (only for Member States of EU):

VAT exemption based on article 15.2 of the sixth VAT Directive nr. 77/388 (OJ L n. 145, dated 17 May 1977);

- National level:

Provisions based on VAT code. For EU Member States, national legislation based on the EU Directive.

Operational instructions issued by customs and tax administrations.

2. GENERAL CONDITIONS

The conditions for granting the exemption are in general the following:

- The goods must be part of the personal baggage of the travellers and bought for personal use (not for commercial purposes) or as gifts for relatives;
- The traveller is not a resident of the country where the goods are bought. When the purchase took place in the EU, the buyer must be a third country resident;
- The minimum value of the goods, including VAT, varies from country to country. In some countries there is no minimum limit of value while in others it ranges from 135 euros to 250 euros. For the E.U. Member States the minimum limit of value is currently set at 175 euros, but Member States may apply a value of less than that amount. In most ECAC countries a maximum value does not apply;
- Proof of export must be supplied by an invoice or another document stamped by the customs office of exit. In some countries an additional export declaration is required;
- The relevant goods must be exported in general within 30 days after the purchase date; in the EU Member States the goods are transported to a destination outside the Community before the end of the third month following that in which the supply is effected.

The proof of export is in general retained by the seller who directly applies for tax-refund. Specialised companies offer the travellers an immediate

repayment of VAT charging a fee and carrying out all the necessary formalities.

Problems arise by the practical implementation of tax-refund procedure at the Customs office of exit and it is essential to solve them in order to offer a better service to travellers. An electronic data exchange between the seller and the customs office is recommended, if the seller and the customs office are both on the travellers airport of exit.

ECAC Member States, in giving effect to tax-refund should implement clear and harmonized procedures in order to avoid any difficulty for the travellers. The following Guidelines are designed to help achieve the foresaid purposes and cast no obligations on ECAC Member States. They are merely examples of best practices that could be implemented by competent authorities of countries where tax-refund is applied.

3.1 CUSTOMS/FISCAL CONTROL OF PERSONAL BAGGAGE OF TRAVELLERS

In order to facilitate the control of baggage, the competent authorities of ECAC Member States should take proper measures such as:

- Affixing the customs stamps on the invoice, other document or the export declaration, and
- Restricting the further delivery of hold baggage to the check-in counters after the customs control, insuring that goods will leave the customs/fiscal territory.

It has been realised that queues can be formed by travellers waiting for customs visa and stamps. The competent authorities of ECAC Member States should take proper measures to enable the customs offices to refrain from carrying out control when the value (VAT included) of the goods does not exceed the sum of 500 euros or equivalent value in national currency or carry out random checks . In implementing controls for goods whose value exceeds the said sum the customs offices should avoid- as far as possible –making systematic controls but use risk management. In addition ECAC Member States could also seek for cooperation with the specialised companies who offer immediate repayment in order to inform Customs about any irregularities noticed when they deal with the relevant documents and the goods concerned, presented by the traveller. Cooperation with the companies concerned could be concluded with a Memorandum of Understanding (MOU).

3.2 INFORMATION FOR TRAVELLERS

The competent authorities of ECAC Member States should take proper measures to provide clear and complete information for travellers about tax-refund procedures, including brochures, leaflets in different languages and information on customs websites.

ANNEX 5-A

**GUIDANCE LEAFLET FOR PERSONS WITH REDUCED MOBILITY WHO MAY BE
INFREQUENT, OR FIRST TIME, FLYERS**

GUIDANCE LEAFLET FOR PERSONS WITH REDUCED MOBILITY WHO MAY BE INFREQUENT, OR FIRST TIME, FLYERS

As a disabled person or a Person with Reduced Mobility (PRM) you should be able to enjoy the same opportunities to travel by air as everyone else. In EU Member States your rights are protected under Regulation (EC) 1107/2006. Most services you will need will be provided free of charge, e.g. assistance with boarding the aircraft. But it is worth making sure, when booking, that there will be no charges made. In EU Member States, the Regulation sets out the assistance that both the airport and the airline must provide and specifies that this assistance must be free of charge. Non-EU European States should apply similar provisions as recommended by the European Civil Aviation Conference (ECAC).

To ensure all goes smoothly and your journey is as stress free and comfortable as possible there are some simple "points to follow:

- Make sure you have all the information you need before finalising your travel plans
- Be realistic about your own needs, particularly if you cannot walk long distances without help. The distances between the check in desks and the departure gates can be very long.
- Check that the airline or tour operator is able to meet those needs.
- Contact them to make sure they know, understand and can meet your particular needs.
- Don't assume that help will be available "on demand". Pre-booking assistance at least 48 hours in advance is the best approach.
- Don't assume that staff know the best way to lift or transfer you - if they don't ask, tell them! Even though, in all European states they should all have been trained in safe lifting, etc, it is always best to tell them what your particular needs and preferences are.

The airline also has responsibilities to you as a passenger. You must both play your part if the journey is to be as comfortable and stress free as possible.

Under international agreements and EU law, compensation for lost or damaged personal baggage (which includes mobility equipment) is subject to limits that may not cover the true costs of replacement or repair. It is recommended that before you travel you should check the limit of your travel insurance and make sure your travel insurance provides cover for your mobility equipment. You may need to extend your insurance policy in this area.

Getting the information you need

Assistance

There may be specialist organisations in your country who can advise you on the services offered by various airports and airlines. They will generally be well experienced in dealing with disabled persons and PRMs and can offer informed advice on the services available. Some may also be able to make your travel arrangements direct.

Alternatively, you may want to use a particular travel agency or booking agent. It is vital when you make your booking that you tell the agent about your particular travel needs so that they can be recorded as part of your booking. It is recommended that you should request written confirmation to ensure that they have recorded your requirements accurately.

Your needs

Airlines use an internationally recognised coding system to identify the level of assistance they will need to provide to particular disabled persons and PRMs. A copy of that list is attached.

The questions the agent (or through them, the airline) asks may seem intrusive, but they are necessary to ensure that you receive the type of service you need. The following are some examples of the questions you might be asked:

- What are your needs ?
- Are you able to walk through the airport terminal to the aircraft, or will you require a wheelchair/buggy?
- If you require a wheelchair will you be using your own chair?
- Is the chair:
 - collapsible?
 - power operated?¹
- How heavy is your chair and how big is it (width and length)?
- Do you need someone to push you in your wheelchair?
- Are you able to walk up and down aircraft steps, or will you require assistance boarding and disembarking?
- Can you transfer from a wheelchair unaided?
- Are you able to walk about inside the aircraft, or will you need to use an on board wheelchair, if there is one?
- Do you need to know if there will be a toilet on the plane that is accessible to the onboard wheelchair?
- What assistance will you need, if any, during the flight. Please specify. The airline cannot assist with feeding, lifting, communicating, medicating and providing assistance inside the toilets. If you need help with those you will need to be accompanied.
- What type of seat suits you best?
- Are you taking any medical equipment?
- Are you asthmatic or do you have other breathing difficulties?

If you also have a serious medical condition, you must contact the airline and it may be necessary to provide a « Fitness to fly » certificate. You may be asked at the airport to confirm your fitness to fly.

¹ Not all aircraft can accommodate wheelchairs with batteries in the aircraft hold for safety reasons. It is very important to check before you travel.

Booking

You will be able to have access to all types of ticket, e.g. economy, business, etc..., but not all of those types of ticket may be able to offer the facilities you require. For example, if you need extra legroom an economy class seat may be unsuitable. You are strongly advised to make your reservation in advance where possible 7 days in advance, but at least 48 hours before you intend to travel. This should ensure that the assistance you need is made available. It may also save disappointment. Some airlines limit the number of disabled passengers who can travel on any flight; limits are related to the size of the aircraft and the level of service required by the passenger. By booking early you can increase your chances of travelling when you want. Of course, if you need to cancel a reservation you should let the airline know as soon as practicable so that your seat is available for other PRMs.

Boarding and disembarking

If your pre-planning has worked then all your needs should be met in accordance to your booking.

If you use a wheelchair, you need to be aware of what will happen to it during the flight.

It may be possible to store a manual, folding wheelchair in the passenger compartment if suitable accommodation is available.

It is more likely, however, that your wheelchair will be stowed in the luggage hold; this would certainly be the case for all powered wheelchairs.

In either case, airports and airlines should allow you to remain in your own wheelchair to the door of the aircraft. They should also deliver your wheelchair to the same place upon arrival at your destination. In the case of heavy, non-collapsible powered wheelchairs this may not be possible. If, for safety reasons, the wheelchair needs to be stowed in a particular way in the aircraft hold, or at airports where wheelchairs have to be lifted up and down stairs at the gate and staff would be at risk, it may not be able to allow you to remain in your own wheelchair.

You also need to be aware of security arrangements which apply to all passengers but may be particularly significant if you need to use mobility equipment or carry medication with you on the flight. All mobility equipment, including wheelchairs is subject to rigorous security checks. However, these checks should be done in a way that minimises inconvenience or stress.

You may also be subjected to a body search. If you would prefer to have this done in private because of the nature of your disability, you can ask to be taken to a separate screening area.

In some airports you will be required to transfer to an airport wheelchair to pass through the scanning equipment so that your chair can be thoroughly checked. Searches may also be made of the content of your hand luggage. This should always be done with discretion and items should always be replaced in the same order.

There is currently a restriction on the carriage of liquids on board aircraft to a maximum of 100 ml per container. However, you are allowed to carry essential medicines of more than 100ml in your hand baggage, but you will need prior approval from the airline and departure airport and supporting documentation (e.g. a letter from your doctor or a prescription).

Make sure you have any necessary medication in your hand baggage and check that you have packed enough to cover any delays to your flight or in case of a lost or delayed baggage.

On board

If you require the use of an onboard wheelchair then this should have been confirmed when you made your booking. You will not be able to use your own wheelchair on board any flight because the aisles are too narrow to be able to move up and down. If you have a sensory impairment, the airline staff should make themselves known to you and should offer the appropriate level of assistance during the flight. For example, they should explain the emergency procedures and they can assist with food packaging.

If you have breathing difficulties and require supplementary oxygen for the duration of the flight, the airline may provide supplementary oxygen. Some airlines will make a charge for this service. Some airlines will allow you to carry your own oxygen – you should always check with your airline beforehand. Airlines are not required to carry oxygen for first aid purposes although many do. They are only required to carry oxygen for passenger use after a cabin depressurisation and in medical emergencies.

At the end of your journey

If the airline meets all your needs - in accordance with your booking - then your journey should be as comfortable as anyone else's. But if things do go wrong, it is worth notifying the problems promptly to the relevant bodies.

For flights within the European Union or provided by an EU airline, you should complain in the first instance to the managing body of the airport concerned or to the air carrier concerned, or to the tour operator if you do not know the air carrier. If you are not satisfied with the way your complaint is handled through these channels, you can complain to the National Enforcement Body for the country concerned. A list of contacts for such bodies in the European Union is published on the European Commission website¹.

For airports and air carriers outside the EU you should follow the same procedure but you may not have the same level of legal redress. If you are not satisfied with the response you receive then you may want to consider taking it up with the aviation authority or the ministry of transport in your country.

AIRLINE CODES

Air carriers have defined codes to specify the condition and special needs of the passengers they carry. These codes, which are standardised, are essential for each operator (air carriers, airports) in the travel chain to organise the service needed. They are explained hereunder, for information purposes only. Selecting the appropriate code remains the sole responsibility of the air carrier.

WCHR Passenger who can walk up and down stairs and move about in an aircraft cabin, but who requires a wheelchair or other means for movements between the aircraft and the terminal, in the terminal and between arrival and departure points on the city side of the terminal.

¹ http://ec.europa.eu/transport/passengers/air/doc/prm/2006_1107_national_enforcement_bodies.pdf

- WCHS** Passenger who cannot walk up or down stairs, but who can move about in an aircraft cabin and requires a wheelchair to move between the aircraft and the terminal, in the terminal and between arrival and departure points on the city side of the terminal.
- WCHC** This category covers a wide range of passengers. It includes those who are completely immobile, who can move about only with the help of a wheelchair or any other means and who requires assistance at all times from arrival at the airport to seating in the aircraft or, if necessary, in a special seat fitted to their specific needs, the process being inverted at arrival. This category also includes passengers with a disability only affecting the lower limbs who require assistance to embark and disembark and to move inside the aircraft cabin but who are otherwise self-sufficient and can move about independently in their own wheelchair at the airport. Specifying the level of autonomy at the time of booking will avoid the provision of inappropriate assistance.
- DEAF** Passenger who is deaf or hard of hearing or a passenger who is deaf without speech.
- BLIND** Blind or visually impaired passenger.
- DEAF/BLIND** Blind and deaf passenger, who can move about only with the help of an accompanying person.
- DPNA** Disabled Passenger with intellectual or developmental disability Needing Assistance. This covers with disabilities such as learning difficulties, dementia, Alzheimer's or Down's syndrome and who will need assistance.
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ANNEX 5-B

**SPECIALIST GUIDANCE MATERIAL FOR SECURITY STAFF - KEY POINTS FOR
CHECKS OF DISABLED PERSONS AND PRMS**

SPECIALIST GUIDANCE MATERIAL FOR SECURITY STAFF - KEY POINTS FOR CHECKS OF DISABLED PERSONS AND PRMS

Disabled persons and persons with reduced mobility (PRMs) are not exempt from security checks, but it is important that such checks are carried out carefully and sensitively.

General

- Always be discreet
- Use plain clear speech, not jargon words
- Address the person directly and naturally
- Think carefully about the implications of any action you may take
- In all situations security clearance should be performed in a dignified manner
- Explain why a different screening method is necessary
- Always explain the procedures you are following
- Verify that all special needs are correctly identified
- Do not impose help

Screening of persons

- Be aware of hidden disabilities
- Are you able to recognise common medical aids and understand suitable methods to search them?
- Always offer a private search out of the view of other people
- Ask the disabled person or PRM how to best help them and listen carefully to their needs
- Invite the PRM to voice any discomfort and be prepared to use an other technique if necessary
- When searching someone in a wheelchair, crouch down to be at their height
- Use firm but gentle movements. Be discreet.
- Make sure that the person can stand on their own before you take away a stick, walking frame or crutches to search them
- Arrange guidance for a blind person before taking away a white stick or the guide dog

Wheelchair search/assistance dogs

- Airport wheelchairs should be checked regularly
- Special search procedures should be applied to personal wheelchairs

- The harnesses worn by assistance dogs may set off the alarm of the walk-through metal detector

Screening of Baggage

- The person may not be able to lift the bag on, or off, the conveyor of the x-ray machine
- The person may not be able to hear your cry of "Whose bag?" nor see their bag in order to identify it following security screening
- Always call for a witness when searching the bag of a blind person
- Re-pack bags carefully. It is important that the contents of a blind person's bag are replaced exactly as you found them
- Ensure all medication is carefully repacked
- Be discreet especially when handling medical aids and when you require additional information. Maintain the confidentiality of the information communicated by the person. Passengers may not even want those with whom they are travelling to be aware of medication or other personal matters..
- Always remember the option of a private search
- Always remember that the security clearance should be performed in a dignified manner

Note

Remember, it is important to be thorough but applying the procedure does not prevent you from acting with care and sensitivity as long as the job gets done to the necessary standard.

GENERAL PRINCIPLES

DIGNITY

Remember to focus on the person, not the disability. All passengers should be treated with respect.

AWARENESS

Not all disabilities are obvious. For example, some passengers may be deaf or hard of hearing, and others may have learning disabilities.

Always speak clearly and look directly at the passenger. Keep the language simple - this will help people with learning disabilities and others who may not have a good command of your language.

Ask how you can assist and LISTEN to the advice which is offered. Disabled people are best placed to advise on how to deal with their particular needs.

SENSITIVITY

Some people will find it impossible to lift their arms or move in a particular way. Once you have established what they can do be prepared to listen to their comments during the procedure and act upon them. A badly handled search can lead to pain for hours or maybe days afterwards.

After baggage searches remember to replace the contents of blind people's bags in the order you found them.

DISCRETION

Remember that there are private rooms available for searches.

When handling personal possessions, particularly those relating to hygiene or other disability needs, be discrete.

Reverse side of leaflet:

Persons with Reduced Mobility (PRMs) should be subject to security screening in the same way as other passengers. But while it is important to be thorough when searching PRMs, applying the procedure does not prevent you from acting with care and sensitivity, as long as the search is carried out to the necessary standard.

ANNEX 5-C

**CODE OF GOOD CONDUCT IN GROUND HANDLING FOR DISABLED PERSONS
AND PERSONS WITH REDUCED MOBILITY**

CODE OF GOOD CONDUCT IN GROUND HANDLING FOR DISABLED PERSONS AND PERSONS WITH REDUCED MOBILITY

Definition

'disabled person' or 'person with reduced mobility' means any person whose mobility when using transport is reduced due to any physical disability (sensory or locomotor, permanent or temporary), intellectual disability or impairment, or any other cause of disability, or age, and whose situation needs appropriate attention and the adaptation to his or her particular needs of the service made available to all passengers;

This definition does not include people who are sick and who need, for example, to travel on a stretcher or to receive in flight medical attention.

1.1 Introduction

The following specification provides guidance on the general nature and scope of the special assistance services to be provided and delivered at an airport in accordance with local, national & European legislation in order to ensure professional and seamless services to disabled persons and PRMs.

Airport managing bodies should work in partnership with all other operators, including air carriers and Ground Handling Companies, at a local level to organise special assistance for disabled persons and PRMs. Arrangements for the provision of special assistance should be in accordance with the EU Regulation (EC) 1107/2006 and disabled persons and PRMs should not be charged directly for the assistance they require. This does not apply to commercial medical services.

Disabled persons and PRMs have the same rights as other citizens to freedom of movement and freedom of choice. This applies to air travel as to all other areas in life. Discrimination towards disabled persons and PRMs in air travel should be prohibited. Disabled persons and PRMs should not be refused booking or carriage due to their disability. Disabled persons and PRMs should not be charged directly for the assistance they require.

1.2 Strategy for Special Assistance Services

Airport Managing Bodies should work in partnership to review and develop the way that special assistance services for disabled persons and PRMs are organised in order to support the principle of a professional and seamless service set out in the introduction.

Key strategies:

- The service should be delivered in a harmonised, transparent, non-discriminatory way in accordance with the EU Regulation (EC) 1107/2006. The same procedures should be adopted in Member States outside the European Union.
- To improve levels of customer service and safety to disabled persons and PRMs, through a seamless service from quality suppliers, implemented with quality staff, equipment and a quality organisational structure, operating to meet and exceed prescribed customer service and safety standards.

1.3 Scope

The services to be provided should include:

- A booking service that enables the disabled person or PRM to notify his/her specific needs, and that ensures that these needs are recorded in the reservation system, for notification to all concerned entities in the travel chain.
- A pre-booking service, utilising all aspects of all common and modern media (Web sites, e-mail, telephone text etc., both nationally and locally, for all those disabled persons and PRMs requiring assistance on departure and arrival).
- Assistance from a designated point of set down at the airport to check-in.
- Assistance with registration at check-in and with security processes.
- Assistance in proceeding to the gate at the correct time for pre-boarding.
- Assistance in boarding and disembarking, including the provision of a suitable service for passengers who require special access to/from the aircraft (in accordance with local or national regulatory requirements).
- Assistance in the retrieval of baggage, and with immigration and customs processes.
- Assistance from / to connecting flights both for landside and airside, inter and intra terminal connections.
- Assistance up to the designated point of onward travel.
- Enabling the customer to use the airport facilities as requested, subject to sufficient time being available.
- Providing a wheelchair only service (non-assisted) as requested by passengers.
- Adequate assistance in case of (long) delays and/or cancellation of flights (covering the momentary needs of the disabled person or PRM).

1.4 Operating Principles

Provisions regarding the facilitation of the transport of passengers requiring special assistance have been consolidated into the eleventh edition of ICAO - Annex 9, Chapter 8.

The following principles should be reflected in the operation:

- Operating in accordance with the provisions laid down within the EU Regulation (EC) 1107/2006.
- Airports managing bodies are responsible under that Regulation (article 8) for providing assistance to disabled persons and PRMs.
- The airport should not charge the PRM directly. In any case, the service delivered should be in accordance, as a minimum, with the standards set out in Annex 1 of the Regulation and those are in accordance with ECAC Doc.30, Part 1.
- 'Handover' procedures should be avoided where possible. Where they cannot be avoided, procedures must be in place to ensure that there is continuity of service and that the passenger is not forgotten or left for too long.

- Seamless service should be provided where applicable.
- An effective system of prioritising, scheduling and achieving timely assistance should be achieved.
- Clear guidelines for the customer in order that they understand the provisions of the services should be available, including in an easy-to-read version.
- Waiting/meeting areas at strategic points within individual airports should be provided in a suitable manner.
- Where buggies are used, they should be organised and managed in a way that maximises their efficient utilisation.
- The efficiency of the operation, ensuring that the most effective processes for redeploying staff and equipment are utilised, should continually be reviewed and improved.
- Training programmes, based on the recommendations laid down within ECAC Doc 30, Part 1, appropriate to meet local regulations or national legislation, should be developed in partnership with representative disability organisations (see service level).
- All necessary equipment used to provide assistance to PRMs that should comply with local & national legislation and also local airport requirements including national security regulations should be kept in readiness and provided by the service provider.
- Airports in EU Member States must allow blind and other passengers who use them to be escorted by their recognised assistance dogs inside the terminals throughout their stay. The same policy should be adopted in all ECAC Member States.

1.5 Operating Hours and Locations

The suppliers should operate the required service during operational hours in landside, terminal and airside areas according to local requirements, including extended hours when necessitated by ad hoc or disrupted flights.

Set down and pick up points will include forecourts, public car parks, taxi ranks, coach and rail stations or other interchanges (where these exist within airport boundaries). Under EU Regulation (EC) 1107/2006 these points must be agreed at each airport in consultation with organisations representing disabled persons.

1.6 Service Standards and Performance Monitoring

These should be mutually agreed by the Airport Users Committee where one exists.

Service level targets and standards should be included in the service level agreement.

The following standards represent the minimum levels of service to be applied to the handling of disabled persons and PRMs. They are subject to adjustments agreed on by the local Airport Users Committee where one exists and all other stakeholders in accordance with the size of airport and the type of traffic concerned. PRMs and disabled persons should always receive assistance as soon as possible.

For Pre-Booked Departing Customers

Upon arrival at the airport, once they have made themselves known:

- 80% of customers should wait no longer than 10 minutes for assistance
- 90% should wait for no longer than 20 minutes
- 100% should wait for no longer than 30 minutes.

For Non Pre-Booked Departing Customers

Upon arrival at the airport, once they have made themselves known:

- 80% of customers should wait no longer than 25 minutes
- 90% should wait no longer than 35 minutes
- 100% should wait no longer than 45 minutes.

Note: Waiting times over 15 minutes are subject to availability of waiting areas as referred to in 1.5.

For Pre-Booked Arriving Customers

Assistance should be available at the gate-room / aircraft side for:

- 80% of customers within 5 minutes of "on chocks"
- 90% within 10 minutes
- 100% within 20 minutes.

For Non Pre-Booked Arriving Customers

Assistance should be available at the gate-room / aircraft side for:

- 80% of customers within 25 minutes of "on chocks"
- 90% within 35 minutes
- 100% within 45 minutes.

1.7 General

- All customers should be satisfied with the assistance provided
- Subject to pre-notification, 100% of departing customers who are at the designated point within the stipulated time should reach their aircraft in time to enable timely pre-boarding and departure.
- Training is required for all employees including the management who deal directly with the travelling public at airports and shall be tailored to the employee's function. At least they should receive annual customer service training and disability awareness training, which should include the following:
 - Information on the range of disabilities incl. all types of temporary disability (broken legs, arms etc.)
 - Skills needed to communicate with disabled people, particularly those with a hearing impairment or learning difficulties.

- To deliver at least the minimum standards of service as defined in ECAC Doc 30, Part 1, the service provider of the special assistance to disabled persons and PRMs will employ well-trained and educated staff only.

Note: Training Courses should be developed in partnership with recognised national and European forums of people with a disability.

1.8 Performance & Quality Monitoring

There will be regular reviews to monitor the service provider performance against these standards and to continually improve performance-monitoring systems. Performance against some or all of the standards should be used to publicise the services provided and these could also be included within any future passenger charter.

Whilst regular market research surveys will be undertaken to measure performance, the suppliers should be expected to introduce their own performance monitoring systems and to provide reasonable data as required by the airport community.

2. Promoting Awareness

The service provider will be expected to provide useful information to the public and other airport organisations promoting awareness of the special assistance services or arrangements available.

They should also emphasise the importance of pre-booking and exploit the growing use of the Internet ensuring that information provided is in all accessible formats.

ANNEX 5-D

**GUIDELINES ON GROUND HANDLING FOR DISABLED PERSONS AND PERSONS
WITH REDUCED MOBILITY**

GUIDELINES ON GROUND HANDLING FOR DISABLED PERSONS AND PERSONS WITH REDUCED MOBILITY

Introduction

1. Minimum standards of services

1.1 Scope of services

1.2 Quality of service

1.2.1. Minimum Service Requirements

1.2.2. Standard Operating Procedures and Protocol

1.2.3. Conditions

1.2.4. Complaints Handling

1.3 Equipment

2. Staff training

2.1 Training of staff who deal directly with the travelling public

2.2 Training of staff assisting disabled persons and persons with reduced mobility (PRMs)

Introduction

All ECAC Member States should, and EU and EEA Member States must under EU Regulation (EC) 1107/2006, ensure that the necessary measures are put into place at airports for "seamless" assistance to be provided to disabled persons and PRMs by staff trained and qualified to meet their needs.

Particular attention should be given to raising staff awareness of the specific needs of different groups of people with disabilities - physical, sensory (hearing and visual), hidden, or cognitive. the utmost consideration should be given to ensuring that disabled persons and PRMs are treated with respect and dignity and that they are able to maintain their independence.

Assistance should be available from the designated arrival area at the airport to the point at which the disabled person or PRM is seated on board the aircraft and vice versa. Appropriate equipment to assist the disabled person or PRM should be available and provided when necessary. In the EU and EEA Member States, service providers are required under Regulation (EC) 1107/2006 to provide such equipment.

Organisations representing different groups of people with disabilities should be consulted in the development of training programmes, policies and procedures.

Detailed guidelines are provided below.

1. Minimum standards of services

1.1 Scope of services

The services to which this section applies should include assistance and provisions as outlined in "**Annex 5-C**, section 1.3 Scope" of this Document. The scope of services should also include:

- (a) appropriate assistance in locating facilities, including (but not limited to) toilets, baggage delivery, money exchange, connecting modes of transport, arrival meeting points, telephone or other accessible means of communication;
- (b) appropriate assistance with transporting luggage to and from the designated set down points of the airport.

1.2 Quality of service

1.2.1 Minimum Service Requirements

The requirements, to be followed by the provider of assistance to disabled persons and PRMs, shall be agreed following consultation with stakeholders including organisations of disabled persons and PRMs, airlines, and the airport authority.

This consultation will also determine the designated arrival and set down points for disabled persons and PRMs.

These requirements should form the basis of Service Level Agreements (SLA)

1.2.2 Standard Operating Procedures and Protocol

Service providers should have Standard Operating Procedures (SOPs), including normal, contingency and emergency procedures laid down in a Protocol.

1.2.3. Conditions

In addition to **Annex 5-C**, special attention should be given to the following:

- (a) Staff at the airport have a responsibility to ask each PRM about the most appropriate way to provide assistance to them (e.g. how do they like to be guided or escorted, what causes them pain or discomfort etc).
- (b) Lifting a passenger with a physical disability from one wheelchair to another and from or into an aircraft seat should always be carried out by two staff members. The transfer should be performed with the greatest consideration for the dignity, safety and comfort of the PRM.
- (c) Under normal circumstances staff assisting a person with a physical disability should never manually carry him/her in order to provide boarding or deplaning assistance. The only circumstance in which manual lifting could be considered is in aircraft with 19 seats or fewer

where no alternative is available because of lack of space. In this case, health and safety and manual handling issues must have been fully considered.

- (d) The service provider should not leave a passenger with a disability unattended for more than 30 minutes, unless otherwise agreed with that passenger.

1.2.4 Complaints Handling

Service providers must designate staff, who are specially trained and whose responsibility is to investigate and resolve complaints and disagreements.

1.3 Equipment

For optimal assistance the following specifications are recommended. However they are not intended to be exclusive or restrictive or to inhibit the development of new designs:

- (a) **Wheelchairs** (preferably of the non-folding type and capable of being self-propelled) with a rigid seat, high backrest, detachable armrests, adjustable leg-rests, movable footrests and an adequate brake.
- (b) **Boarding wheelchairs**, which would be used to transport PRMs to and from their seat in the aircraft. These should be provided with folding armrests, a solid seat and back-support, an adequate braking system and safety belts
- (c) **Mini-carts/buggies** (electrically powered carts) to transport PRMs in the airport building where required by the airport layout. Use of these vehicles has to be in accordance with airport authority regulations.
- (d) **Accessible vehicle(s)** to transport PRMs between terminals and between a terminal building and remote aircraft stands where other passengers are transported by bus. If the buses provided for other passengers are not accessible to PRMs (wheelchair users), specialised vehicles should be provided which are available on the same basis. Unless they are low floor vehicles on which wheelchair securing is not required, the vehicles must be equipped with a system that securely locks wheelchairs into place and fitted with passenger restraint systems, in accordance with the standards for such a system in the given country. They must also be equipped with a boarding device - ramp or lift - to enable the PRM (wheelchair users) to board and alight from the bus. The vehicles must be designed for the transport of persons.
- (e) **Lifting vehicle(s)** capable of taking a PRM/wheelchair user up to the threshold of the aircraft door when the aircraft is on a remote stand. These vehicles should adhere to all existing standards and regulations on safety.

Such equipment should only be used for those disabled persons or PRMs who need it.

Equipment used for the assistance of PRM passengers should undergo regular safety inspections and maintenance. Maintenance records should be kept up-to-date at all times.

2. Staff training

The training principles listed below are by no means exhaustive. These list only the basic essential principles and should, in time, be supplemented by a detailed training manual. The training must be tailored to the employee's functions. Further guidelines on training matters are provided in **Annex 5-G "Training"**.

Organisations representing different groups of people with disabilities should be consulted in the development of training programmes.

2.1 Training of staff who deal directly with the travelling public

All airport and airline personnel who deal directly with the travelling public, including security personnel, guards and porters, should be trained to be made aware of and, where appropriate, be able to meet the needs of PRMs.

All new recruits should be given disability-related training when starting work. Staff should receive refresher training at least every two years and attendance at the training should be recorded.

This training should be focused on disability awareness training, including training on:

- (a) awareness and appropriate responses to passengers with physical, sensory (hearing and visual), hidden or learning disabilities, including how to distinguish between the different abilities of individuals whose mobility, orientation, or communication may be reduced;
- (b) barriers faced by disabled persons and PRMs, covering attitudinal, environmental/physical and organisational barriers;
- (c) assistance dogs, including the role and the needs of an assistance dog;
- (d) dealing with unexpected occurrences;
- (e) interpersonal skills and methods of communication with deaf and hearing impaired people, visually impaired people, speech impaired people and people with a learning disability;
- (f) general awareness of ECAC recommendations, IATA guidelines and EU legislation on air passenger rights including ECAC Document 30, Section 5 and its relevant Annexes including this one;
- (g) how to handle wheelchairs and other mobility aids carefully to avoid damage, (for all staff who are responsible for baggage handling).

2.2 Training of staff assisting disabled persons and PRMs

All staff assisting disabled persons and PRMs, including new recruits, should be given disability-related training when starting work. On a yearly basis, as an absolute minimum, staff should receive refresher training sessions on assisting disabled persons and PRMs. Attendance at the training sessions should be recorded in each staff member's personnel file.

In addition to the areas of training listed in Section 2.1 above, all staff assisting disabled persons and PRMs at an airport should also be capable of distinguishing between different types of disabilities (and the corresponding IATA code) and should have knowledge of the most appropriate form of assistance for each, including:

- (a) how to help wheelchair users make transfers into and out of a wheelchair;
 - (b) skills for providing assistance to disabled persons and PRMs travelling with an assistance dog, including the role and the needs of those dogs;
 - (c) techniques for escorting blind and partially-sighted passengers and for the handling and carriage of guide dogs and other assistance dogs;
 - (d) an understanding of the types of equipment which can assist disabled persons and PRMs and knowledge of how to handle such equipment;
 - (e) the use of the boarding and deplaning assistance equipment used and knowledge of the appropriate boarding and deplaning assistance procedures that safeguard the safety and dignity of disabled persons and PRMs;
 - (f) sufficient understanding of the need for reliable and professional assistance. Also awareness of the potential for certain disabled passengers to experience feelings of vulnerability during travel, because of their total dependence on the assistance provided.
 - (g) first aid.
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ANNEX 5-E

**GUIDELINES ON AWARENESS AND DISABILITY EQUALITY FOR ALL
AIRPORT AND AIRLINE PERSONNEL DEALING WITH THE
TRAVELLING PUBLIC**

GUIDELINES ON AWARENESS AND DISABILITY EQUALITY FOR ALL AIRPORT AND AIRLINE PERSONNEL DEALING WITH THE TRAVELLING PUBLIC

Introduction

1. Disability awareness and disability equality training for airline and airport personnel is crucial in order to ensure that passengers with disabilities receive the assistance they may need and that they are treated with respect. This training is required under EU Regulation (EC) 1107/2006 at Article 11 and is recommended for all ECAC Member States (see paragraph 5.11 at Section 5 in the main part of this Document).
2. Personnel who have an understanding of disability and its diversity, and the types of barriers people with disabilities experience in society, will be better able to provide a high quality service that respects the safety, independence and dignity of each passenger.
3. These guidelines are intended to be a source of information to identify best practice for personnel employed in the air passenger transport industry dealing directly with the travelling public. They focus mainly on the attitudinal barriers that disabled people are facing in air travel, and they offer solutions to some of those.
4. These guidelines need to be complemented with general information on ECAC recommendations, IATA guidance and relevant EU legislation in order to acquire comprehensive knowledge on the rights of disabled air passengers and how to best provide assistance to those passengers.
5. Training must cover the full range of disabilities. These guidelines provide information on how best to interact with and provide assistance to people with varying special needs. Training should be provided to all employees dealing with the general public, including refresher training when appropriate. Passenger feedback should be constantly analysed and any necessary improvements fed into training programmes. The most important thing to remember when interacting and assisting disabled passengers and people with reduced mobility is to be respectful - what counts is to provide a high quality customer service, rather than necessarily to follow these guidelines word for word.

General Disability Awareness

6. Disabled people make up approximately 10 % of the population in Europe. Disabled people have the same right to non-discrimination and equal treatment as all other citizens and have the right to participate fully in all aspects of life, including air travel.
7. Disabled people are just like everybody else. It is important to remember that a person may have a disability, but the person himself or herself is not the disability. Therefore, the first thing to remember when interacting with a disabled person is to *focus on the person instead of the disability*.
8. Disabled people are a diverse group. They include people with reduced mobility, people who are blind or partially sighted, deaf or hard of hearing, people who have a learning difficulty or people with a mental health problem. There are also many people who have an invisible disability or a chronic / long term illness or some impairment (e.g. speech impairment). Other people have a combination of two or more types of disabilities. It is important to recognize this diversity and that someone's

difficulty in using air travel will vary according to how the environment accommodates their disability.

9. When you are communicating with disabled people, it is important to communicate directly with the person, whenever possible, and not via a personal assistant, a sign language interpreter or any other accompanying person or assistant. It is important to respect a person's privacy when giving assistance.

10. Remember that the specific needs of an individual passenger with a disability are not always visible and may not be covered by a code, such as IATA's classification on disability. When appropriate, you should therefore encourage the disabled passenger to explain about his or her individual needs for assistance when travelling by air. The majority of disabled people are experts in their own needs and are familiar with this procedure.

Providing assistance to disabled air passengers

11. In order to allow disabled air passengers to enjoy a "seamless" travel experience in the same way as able-bodied passengers, your assistance may be needed. Seamlessness is a concept that aims at providing a comfortable, safe and uninterrupted journey, with the provision of assistance that is adapted to the needs of each individual.

12. Most disabled people, irrespective of their disability, are capable of acting for themselves and/ or travelling on their own. Asking for, or receiving, practical assistance from you means that your action can enable the person to retain his or her independence. Always ask the person if he or she needs the assistance and what kind of assistance he or she actually needs in connection with travelling by air in order to understand their capabilities. Bear in mind that the disabled person might have experienced similar situations before.

13. Remember that information about a person's disability is personal. Some passengers are also reluctant to explain their needs in detail and this should be respected. Seek feedback from the disabled person to ensure that you are providing appropriate assistance.

14. Think of your assistance to a disabled person as providing professional service, to which the person is entitled, and avoid giving the impression that you are acting out of compassion or that you are doing them a favour. This could for example be done by avoiding giving the person with a disability special treatment apart from what is needed due to the disability.

15. Remember that some people will not be familiar with a particular airport and/or language and might therefore have difficulty in knowing what their needs are at that airport. Your support and information is needed and appreciated in such cases.

16. Remember also that unexpected occurrences – late gate change, delayed flights, emergency evacuations of an aircraft or of an airport etc – are already stressful for the non-disabled passenger, but are often particularly difficult for disabled people. Be prepared to respond to the individual needs of disabled people in these situations.

17. An understanding of the different barriers that disabled people face will enable you to provide assistance that better meets the needs of the passenger.

18. There are different kinds of barriers and these barriers affect people with different types of disabilities in different ways. You will find some examples of barriers for people with specific impairments in the following section. However, this is not an exhaustive list and is given only as a guide to the challenges you may face.

19. Common for all is the *attitudinal barrier*, which is perhaps the most difficult obstacle for disabled people to overcome. A person is not equal unless you treat him or her as an equal. Negative attitudes towards disabled people exist everywhere, starting at a very early stage in life.

20. When we meet people who are different from what we are used to, we feel unsure about how to react and think. The attitude we have to life, to ourselves and our surroundings, influences our behaviour. If we are able to change our attitude we are able to change our behaviour.

21. Research studies show that non-verbal communication has a significant impact on how people feel they are being treated. Spoken words are only a part of the experience that the passenger will have when interacting with you.

The diversity of disability

22. As disabled people form a heterogeneous group, the specific assistance needs will vary considerably from one individual to the other. In this section you will however find some basic information about the needs of people with some common types of impairment. Keep in mind that you are dealing with individuals and that these guidelines may not always be appropriate. Also, health and safety requirements may in a limited number of cases oblige you to avoid giving a certain kind of assistance to an individual.

Wheelchair users

23. Wheelchairs can be manual or electric and have various functions and dimensions. Wheelchair users rely on their chairs, which are often adapted to their individual needs. The wheelchair is the most vital part of the independence and dignity of the user. Therefore it is important to let the person stay in his or her individually adapted chair as long as possible during the journey. As an example, in order to be able to use an accessible toilet before the departure of the flight, many wheelchair users depend on their own chair. Be aware that the vast majority of wheelchair users are unable to use the small toilets which are provided in aircrafts.

Useful hints:

- Look directly at the wheelchair user. For long conversations, kneel down to the height of the wheelchair user or bring a chair in order to allow for a more comfortable conversation.
- Do not lose eye contact when standing up.
- If the height of a check-in or ticket office desk is not adapted to the needs of wheelchair users, think about coming around to their side of the desk.
- Offer to help opening heavy doors or picking up things that might have fallen on the floor. Ask if the person wants help with luggage or to reach anything that is at a non-accessible level.
- Do not lean on or push the wheelchair without asking first.
- Do not position the wheelchair so that the person is facing a wall or other obstruction.

24. Be aware that the design of the airport infrastructure or the aircraft may prevent wheelchair users from moving around independently. This is the case for example if there are steps in the airport environment or if a ramp is too steep.

People with walking difficulties

25. Many people with walking difficulties use walking aids, like sticks, crutches or walking frames, but some will not use any aids at all.

26. Some people with reduced mobility prefer to sit down. Others prefer to stand because of pain when sitting or difficulties to get up from the seated position.

Useful hints:

- Whenever possible, offer a seat.
- Offer help with coats, bags or other belongings.
- Offer to open heavy doors, to pick up items that might have fallen on the floor etc.
- People who have walking aids may find it difficult to use their hands when they stand up.
- Many diseases cause pain that can severely limit mobility. They can make holding and grabbing difficult or impossible. Weakness in limbs makes it difficult to move and maintain balance.
- People with amputated limbs, arthritis etc may have an increased sensitivity to touch and also to pain. The pain may increase in hot or cold conditions. Unskilled assistance may also hurt. Therefore, always ask prior to doing anything.
- Be aware that many people with walking difficulty will prefer to use a lift, where available, rather than an escalator or steps. Walking long distances at the airport can also be difficult or impossible.

People who are deaf or hard of hearing

27. Some people are deaf. Very many people are hard of hearing. This is an invisible disability.

28. People who have been deaf since birth or childhood often use sign language as their mother tongue. Those people normally rely on visual communication modes. Sometimes their literacy skills may have been affected – it is difficult to learn to write and read a language which you have never heard spoken, and, in addition, is not your mother tongue. Sign language is completely different from a spoken language and has its own grammar, lexicon and idioms. Spoken language is therefore for many deaf people their second or even third language.

29. People who have become deafened at a later stage in life more often use lip or speech reading, written messages or basic signs when communicating. Those people have developed and used the spoken language.

30. People who are hard-of-hearing often use a hearing aid and/or use lip or speech reading. A hearing aid can also be used together with other listening devices such as induction loop and desk loop.

31. Some people who are deaf or hard of hearing use hearing dogs.

Useful hints:

- The best thing is to ask how an individual prefers to communicate rather than guessing.
- People with a slight hearing loss can often manage without a hearing aid, but they are dependent on certain conditions for communication: good acoustics, no background noise, good lighting and clear speech. However, it may not always be possible to ensure such conditions in an airport environment.
- People who have a severe hearing loss and those who have lost their hearing as adults can benefit from supportive signs and information in written form if such information is available. Other kinds of visual information might also be useful in some cases.
- You may need to attract the attention of a person who has reduced hearing by lightly touching his or her shoulder or indicating with your hand.
- Do not shout when speaking, but use a normal speaking tone. This is important as it is more difficult to lip-read when a person is shouting, nor does not make the message clearer, just louder. Speak rather slowly, looking at the person, and use other words if the person has difficulties understanding what you mean. Use signs and body movements to make yourself understood.
- Face the light and keep your hands away from your mouth.
- You can also write down shorter messages if this makes the conversation easier.
- Deaf people and people who are hard of hearing need the same range of information as all other passengers.
- Be aware that people who are hard of hearing will have difficulties if important information is only communicated by audible means or if there are no induction loops at the main facilities of the airport. In the same way, a person who is hard-of-hearing will have difficulties following important video information on board, such as safety information, if there is no subtitling and/or sign language interpretation.

People who are blind or partially sighted

32. A person with a visual impairment may be totally blind or partially sighted. They might need guiding and assistance for orientation purposes, including directions to important services. Although people who are partially sighted may have some useful vision, they may still need help to find their way.

33. Many, but not all, people who are blind or partially sighted use a mobility aid, mainly a white cane or guide dog. The mobility aid is also a distinctive symbol that a person is blind or partially sighted. Some partially sighted people use special glasses rather than having a mobility aid.

34. Most blind or partially sighted people need to be guided in airports, from the point of arrival in the airport to their seats on board an aircraft as well as from the aircraft seat to the point of departure from the airport.

35. People who are blind or partially sighted may have problems with orientation, but not with mobility as such. Assistance given to them should be geared to their specific needs, for example a wheelchair would not be appropriate, unless a person specifically asks for one.

Useful hints:

- When addressing a person who is blind or partially sighted, introduce yourself by explaining your position and speak to him or her directly. Say if you are leaving - otherwise he or she could find himself or herself talking to an empty space.
- Always ask a person who is blind or partially sighted if he or she wants help. Some may not need any assistance. Never grab someone and take charge.
- Always ask a person who is blind or partially sighted how he or she would like to be guided. Some people may prefer to take your arm or may feel more comfortable if you take theirs. Some people, in particular those with partial sight, may only need oral guidance.
- A guide dog in harness is a working animal and should never be distracted. Do not feed or tend to a guide dog without first asking the owner if he or she minds. If a person has a guide dog you should approach him or her from the side opposite the dog. Do not take hold of the harness or lead as the person with sight loss needs these to control the dog. Some guide dog owners prefer to walk at your side without holding your arm. In some situations you can also walk in front – the dog will follow you.
- Warn about changes in ground surface and gaps, and explain loud noises which may alarm a person who is blind or partially sighted. If there are steps, let the person know if they go up or down. When approaching a door, say which way it is opening and on which side. Also, say if it is a revolving or a sliding door.
- Never back a person who is blind or partially sighted into a seat. Describe the seat to him or her (e.g. dining chair, low sofa) and place their hand on the back, arm or seat of the chair, whichever seems best. Also tell the person which way the chair is facing.
- When leaving a person who is blind or partially sighted, give some indication as to how long you will be away. If you have to be away for a longer period of time, give information about where assistance can be found during your absence. Schedule changes and other unexpected information must be communicated to him/her as soon as possible.
- When handing something over to a person who is blind or partially sighted (e.g. passport, ticket), specify what it is and place it in the hand – do not simply leave it on the counter or desk.
- Be aware that a person who is partially sighted may find it difficult to get around independently when, e.g. signs are not in large, clear and well

contrasted print, lighting is not adequate, or transparent doors not clearly marked with contrasting coloured strips.

- Blind people and people who are partially sighted rely on audio information, information in Braille for those who read it, large print, or websites that are accessible for blind people (for example websites designed in accordance with the WAI guidelines¹). Also, blind people cannot read websites if computers do not have screen reader software installed. Therefore, you should not assume that they are aware of all relevant information if that information was not provided in those formats, and you should be prepared to communicate this information in an accessible way.

Deaf-blind people

36. If a person has difficulty hearing and seeing he or she can be called deaf-blind or 'dual sensory impaired'. A person is regarded as deaf-blind if his or her combined hearing and vision loss causes difficulties with communication, mobility and access to information'. Some deaf-blind people can be identified by the red and white cane they use to navigate their way around.

37. The different degrees of hearing and vision loss that deaf-blind people experience mean that their individual needs will vary from person to person. The needs of a deaf-blind person are also affected by when he or she loses his or her hearing and sight. A person who is born deaf and then loses sight will have different experiences and needs to a person who is blind or partially sighted and then loses his or her hearing. A person who is born totally deaf and blind will have limited communication and may often rely on touch to communicate.

Useful hints:

The hints on communication given in the section on people who are deaf or hard of hearing and on communication with and the guiding of people who are blind or partially sighted are also useful when you are assisting a deaf-blind person. However, there are also some specific steps you can take when communicating with a deaf-blind person.

For example:

- Lightly touch the deaf-blind person's shoulder to attract his or her attention.
- Ask the person how he or she communicates and take time to make sure he or she understands to help lessen possible anxiety.
- If the person communicates using lip reading, speech or sign language you will need to make sure that you are in a good position for them to see you before you start to communicate and that the lighting is on your face.
- If the person prefers to communicate using written messages make sure that they are written in large print with a thick felt tip pen in a colour that contrasts with the paper.

¹ For more information, please see www.w3.org/WAI/

- Some people use a Braille alphabet card which they will hold out to you so that you can place their fingertip on the Braille version of the letters.
- Some people may travel with a support worker, friend or family member who will be able to help you to communicate.

People with impaired speech

38. Many people have speech or language difficulties for various reasons. Do not assume that the person has a learning difficulty, as this is often not the case.

Useful hints:

- Concentrate on the communication and be patient and respectful. If you do not understand completely, tell the person that you do not understand, or repeat what you did understand in order to let the person fill in the gaps.
- Do not fill in the end of the phrases if a person speaks slowly. Let the person take his/her time to speak.
- If the person finds it difficult or tiring to speak, try only to ask questions that need a short answer, preferably just a nod or a shake of the head.
- Be aware that speaking a foreign language can be a barrier for any passenger, but in particular for a person with speech impairment.

People with learning difficulties

39. Remember first and foremost that a person with a learning difficulty has a wide range of skills and abilities which should be respected. Many of these people can live very independent lives and will need help only in some very precise areas of life (for example some can read but have difficulties with numbers, some can count and calculate but have difficulties reading the time on a clock, etc). Be patient when speaking to a person with a learning difficulty. Explain things easily and slowly and encourage the communication without patronising.

Useful hints:

- When you want to explain something:
 - Do not assume any previous knowledge of what you are talking about.
 - Use concrete expressions. Try to avoid metaphors and explain the ones you use.
 - Use familiar and short words, explain difficult words and avoid professional vocabulary or dialect. Avoid using directional terms, like right-left, east-west. Use words that relate to things you both can see.
 - Try always to use the same word for the same idea or concept.
 - Try to avoid negatives, but if you have to use negatives, accompany it with a shaking of your head.
 - One sentence should not contain more than one idea.
 - Do not give too much information at once. Try to present only the most important information.

- Give instructions in the order a person needs to follow them.
- Do not assume that the person is not listening just because you do not get oral or visual feedback. Rather ask if the person understands what you mean.
- When you need to get information or answers from a person with a learning disability:
 - Ask one question at a time,
 - Give them time to answer,
 - Be reassuring.
- People with learning difficulties can find it difficult to read notices. So it helps to explain the notice in an accessible way. Important information should also be provided in easy-to-read format, but remember that some people will need an explanation orally.
- Make sure that you have made yourself understood before leaving the passenger. If you are told that you were not understood, it might be because of:
 - A difficult word: try to explain this word or to use another word that is more easily understood;
 - Too much information: go through the different parts of the information separately;
 - Any other reason: try to find out what created the misunderstanding.
- Remember that most people with learning disabilities speak only one language. It might be reasonable to ask for help from a person who speaks the native language of the passenger.
- Be aware that a person with an intellectual disability may not be aware of important information communicated before the journey, if this information was not provided in easy-to-read format. Therefore, be prepared to communicate this information in one of the ways explained above.

Invisible disabilities

40. A high proportion of disabilities are not visible or observable in other ways. However, an invisible disability can have implications for an air passenger to the same extent as a visible disability. You should, therefore, always be open to needs related to disabilities that you can not observe. An open attitude will be an important element in encouraging people with invisible disabilities to tell you about their needs.

41. Bear in mind that it is not always easy for a person to talk about an invisible disability, since people living with such disabilities are often met with doubt or even suspicion. Therefore, a passenger with an invisible disability will in many instances expect you to be discreet e.g. in relation to other passengers or staff members.

42. The widely varying needs of people with invisible disabilities will demand different kinds of assistance. It is important to remember that a passenger with an invisible disability might need to bring specific assistive devices, medication or other material in order to be able to travel.

43. Mental health problems may cause anxiety, restlessness and even panic attacks. Medication may cause drowsiness and slower reaction.

Useful hints:

- People with mental health problems usually appreciate kindness, consideration and encouragement. Calm and reassuring behaviour makes the passenger feel safe. However, over friendly and enthusiastic service may seem aggressive.
- Here again, offer your help, but do not impose it.

Other disabilities

44. It is impossible to cover all types of disabilities in a document like this. In this section some of the most common impairments have been mentioned, but there will of course be many people who experience other kind of disabilities, visible or invisible, that are not mentioned above, but which will also need particular attention in an airport environment. Let the person express their needs if he or she wishes to do so, and do your very best to meet the individual needs.

45. Remember also that older people, with or without disabilities, might need particular consideration.

The role of assistance dogs

46. Guide dogs assist blind and visually impaired people by avoiding obstacles, stopping at kerbs and steps, and negotiating traffic. The harness and U-shaped handle fosters communication between the dog and the blind partner. In this partnership, the human's role is to provide directional commands, while the dog's role is to ensure the team's safety even if this requires disobeying a command that the dog judges to be unsafe.

47. Hearing dogs assist deaf and hard of hearing individuals by alerting them to a variety of sounds such as a door knock or doorbell, alarm clock, telephone, baby cry, name call or smoke alarm. Dogs are trained to make physical contact and lead their deaf partners to the source of the sound. Hearing dogs are identified by an orange collar and leash and/or vest.

48. Other assistance dogs give support to physically disabled people by retrieving objects that are out of their reach, by pulling wheelchairs, opening and closing doors, turning light switches off and on, barking for alert, finding another person, assisting ambulatory people to walk by providing balance and counterbalance and many other individual tasks that may be needed by a disabled person. Assistance dogs can sometimes be identified by a backpack or harness.

49. Remember that assistance dogs will need particular attention in the case of long delays, cancellations or other exceptional situations. As an example, these dogs might need to drink or be given a run during a delay or at the arrival of a long haul flight.

Glossary*Avoid using*

Confined to a wheelchair, wheelchair-bound

Crippled

Lame

Deaf-dumb

Handicapped, invalid

Insane, crazy, psycho, maniac

Retarded, idiot, "downs"

Normal, healthy

Suffers from, afflicted by, victim of...

Dwarf, midget

Use instead

Wheelchair user

Has a mobility disability, person with tetra/quadriplegia

Has a mobility disability, person with tetra/quadriplegia

Deaf, hard of hearing

Disabled person

Has a mental health problem

Has a learning disability or an intellectual disability

Non-disabled

Has e.g. cerebral palsy/autism/epilepsy...

Person of short stature

ANNEX 5-F

**ADVISORY NOTE ON PROCEDURES FOR CARRYING DISABLED PASSENGERS AND
PASSENGERS WITH REDUCED MOBILITY**

ADVISORY NOTE ON PROCEDURES FOR CARRYING DISABLED PASSENGERS AND PASSENGERS WITH REDUCED MOBILITY

Introduction

1. The purpose of this document is to help crews understand the different levels of assistance needed by PRMs and to help airlines comply with the requirements of Regulations 1107/2006 and 3922/1991.
2. It has no statutory force and should be used only as informal guidance.
3. EASA recently (December 2008) commissioned research on these issues and will propose to the European Commission related Community regulations as appropriate once that work is complete.
4. This document therefore provides interim guidance that may be overtaken by future recommendations made by EASA to the European Commission.

Context

5. The number of disabled people and people with reduced mobility is increasing - particularly as a consequence of the ageing population. Improvements in access to airports and air services also mean that many more people with some degree of disability or reduced mobility are now travelling by air.
6. The European Regulation on air passenger rights for people with disabilities and people with reduced mobility (1107/2006) clearly spells out the rights and responsibilities of people with reduced mobility. The Regulation gives those people greater confidence to travel and so will encourage higher levels of travel still as passengers recognise their rights and the prospect of redress if airports or airlines fail to meet their legal duties. ECAC DOC 30 also includes a wide range of recommendations to facilitate air travel by PRMs.
7. Airlines and airports need to understand and respond to the broad spectrum of different passenger needs across the whole air travel market and the same is true of disabled people and people with reduced mobility.

EU OPS and PRMs

8. The EU-OPS Regulation¹ must be applied by EU airlines from 16th July 2008. These requirements will also apply in all non-EU JAA member states from that date in case JAR-OPS 1 is transposed into the respective national legal order.
9. The EU-OPS Regulation only comprises section 1 of JAR-OPS 1. However, pending the adoption of implementing rules related to operations based on EASA Regulation², Member States are allowed to use guidance material

¹ Council Regulation (EEC) No 3922/91 of 16 December 1991 on the harmonization of technical requirements and administrative procedures in the field of civil aviation (OJ L 373, 31.12.1991, p. 4–8), as last amended by Commission Regulation (EC) No 859/2008 of 20 August 2008 amending Council Regulation (EEC) No 3922/91 as regards common technical requirements and administrative procedures applicable to commercial transportation by aeroplane (OJ L 10, 12.1.2008, p. 1).
See <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31991R3922:EN:NOT>.

² Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council

contained in section 2 of JAR-OPS 1 provided that this material do not contradict applicable EU-OPS requirements.

10. The definition of PRM in Article 2 (a) of Regulation 1107/2006, as well as in Section 2 of JAR-OPS - IEM OPS 1.260, is much wider than a person with a disability. The definition includes older people, people who have sustained injuries etc. In other words it is understood to be a person whose mobility is reduced as a result of physical, sensory or cognitive impairment, age, illness or any other cause and who needs some degree of special accommodation or assistance over and above that provided to other passengers.

11. The current relevant text of EU OPS is as follows:

OPS 1.260 Carriage of PRMs

a) An operator shall establish procedures for the carriage of Persons with Reduced Mobility (PRMs)

b) An operator shall ensure that PRMs are not allocated, neither occupy, seats where their presence could:

(1) impede the crew in their duties

(2) obstruct access to emergency equipment,

(3) impede the emergency evacuation of the aeroplane

c) the Commander must be notified when PRMs are to be carried on-board.

12. The related JAR-OPS 1 Section 2 guidance material reads:

IEM 1.260

1. A PRM is understood to be a person whose mobility is reduced due to physical incapacity (sensory or locomotory), an intellectual deficiency, age, illness or any other cause of disability when using transport and when the situation needs special attention and the adaptation to a person's need of the service made available to all passengers

2. In normal circumstances PRMs should not be seated adjacent to an emergency exit

3. In circumstances in which the number of PRMs forms a significant proportion of the total number of passengers carried on board:

a> the number of PRMs should not exceed the number of able-bodied persons¹ capable of assisting with an emergency evacuation; and

b>the guidance given in paragraph 2 above should be followed to the maximum extent possible.

Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC (Text with EEA relevance) (OJ L 79, 19.3.2008, p. 1-49).

See <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32008R0216:EN:NOT>.

¹ 'Able-bodied passengers' are defined in ICAO Doc 7192, Training manual Part E-1- as "Passengers selected by crew members to assist in managing emergency situations if and as required. Non-able-bodied passengers should be removed from exit rows prior to flight. In a planned emergency, able-bodied passengers will be briefed on their responsibilities if time permits".

Understanding Disability and Reduced Mobility

13. The terms "disabled person" or "person with reduced mobility" (PRM) are often used in a general sense and without distinguishing between the very different needs that people have when they are travelling by air.
14. For example, a person who has no use of their legs and therefore needs wheelchair assistance to reach a seat and to leave it may present safety issues for the evacuation of the aircraft in an emergency and for the safe egress of other passengers while somebody who is deaf or blind may present no greater risk than any other passenger under the same circumstances.
15. There are three broad categories of passengers whose needs should be considered:
 - Those with some kind of **physical disability** (which may range from total dependence on a wheelchair to a slight walking difficulty); this category would include the IATA "Codes Descriptors Applying To Disabled People Requiring Assistance" WCHR, WCHS, and WCHC;
 - Those with a **sensory impairment** (which again may range from profound deafness or total blindness to some degree of vision loss or hearing loss); this category would include IATA Codes Descriptors "Blind" , "Deaf" and Deaf/Blind";
 - Those with a **cognitive impairment, learning disability or mental health problem** which can range across a wide spectrum from total independence to high dependency on others. These would be encompassed by IATA Code Descriptor DPNA.
16. The extent to which people in any one of these categories need to receive special assistance will also vary considerably both according to the individual's particular needs and to the aircraft type and configuration and the passenger load but it is nonetheless possible to suggest some general principles.
17. The above mentioned IATA WCHC category includes a wide range of disabled passengers, from those whose disability affects only the lower limbs and who require assistance to embark, disembark and to move inside the aircraft, up to those who are completely immobile and require assistance at all time. Depending on the level of disability, a passenger within this category may be able to travel alone. If the airline does not accept (on medical or safety grounds) that they are able to do so, it may require that the individual travels with an accompanying person in compliance with Article 4 of Regulation 1107/2006. A person given the category WCHR or WCHS will have a good level of independent movement and should be self sufficient on the flight.
18. Airlines should enable PRMs and other passengers who need assistance – for example to fasten/unfasten a seat belt or grab an oxygen mask - to choose seating which minimises inconvenience to them and maximises the scope for cabin crew assistance providing that such seating does not impede the crew in their safety duties, does not obstruct access to emergency equipment and does not impede the emergency evacuation of the aeroplane. They should never be allocated seats in the exit row.
19. The commander's decision on the carriage of **any** passenger (including PRMs) is final. Any refusal of carriage of a PRM should be made only on the basis of a full understanding of the person's ability and level of autonomy and in full

compliance with Regulation 1107/2006 Article 4. It should never be based on generalised assumptions about disability.

It should also be noted that where a PRM has properly notified his/her needs during the booking stage and is later denied boarding, this is likely to contravene Article 3b and Article 4 of Regulation 1107/2006.

The following comments may be helpful to the commander and cabin crew in understanding the implications of each broad category of disability:

- **Physical disability:** where possible it is generally easier to allow a WCHC passenger to use an aisle seat provided that this does not impede other passengers from leaving their seats, nor impede the crew in their safety duties, nor obstruct access to emergency equipment or impede the emergency evacuation of the aeroplane. They should never be allocated seats in the exit row. Where the passenger cannot be allocated an aisle seat or does not wish to occupy one, they should nonetheless be allocated to a row with movable armrests to facilitate transfer.
- **Sensory impairment:** people who are blind or partially sighted and those who are deaf or hard of hearing will need help (which airlines are required to provide under Regulation 1107/2006) to access safety instructions and demonstrations. Guidance is available in ECAC DOC 30 on these and other issues of appropriate assistance. Where possible an aisle seat may be the most convenient both for ease of movement and for communication with the cabin crew provided that such a seating position does not impede the crew in their duties, does not obstruct access to emergency equipment and does not impede the emergency evacuation of the aeroplane. They should never be allocated seats in the exit row.
- **Cognitive impairment, learning disability or mental health problem:** Anyone with a profound learning disability is highly unlikely to be travelling alone. Those with less severe learning disability may need similar help to that given to a deaf person to ensure that they understand safety instructions. Similarly people with mental health problems may need some additional reassurance from cabin crew. Where possible an aisle seat may be the most convenient both for ease of movement and for communication with the cabin crew provided that such a seating position does not impede the crew in their duties, does not obstruct access to emergency equipment and does not impede the emergency evacuation of the aeroplane. They should never be allocated seats in the exit row.

Rights and Responsibilities

20. While there is growing emphasis across all walks of life on recognising and addressing the rights of disabled people and PRMs, there is also an important issue of responsibility which the passenger must recognise. For example if an individual disabled passenger or a group of PRMs travelling together fail to notify the airline in advance of their needs there is a greater risk that the airline will not be able to accommodate them (although under Regulation 1107/2006 they are obliged to make all reasonable efforts to accommodate them even in these circumstances).
21. Guidance on rights and responsibilities of PRMs is contained in ECAC Doc 30, Part I, Section 5 and Annexes at <http://www.ecac-ceac.org>

ANNEX 5-G

TRAINING

TRAINING

Introduction

1. There is a need for harmonised training at the European level of all personnel involved in the chain of air travel in order to ensure that the needs of disabled passengers and passengers with reduced mobility are appropriately met.
2. Doc 30 Part I, section 5, sets the objective of a harmonised implementation in all ECAC Member States, and its sub-section 5.11. establishes knowledge and training for such personnel.
3. This guidance is identical to the provisions in EU Regulation (EC) 1107/2006, Article 11. Recital 10 of that Regulation reads: "In organising the provision of assistance to disabled persons and persons with reduced mobility, and *the training of their personnel*, airports and air carriers should have regard to document 30 of the European Civil Aviation Conference (ECAC), Part I, Section 5 and its associated annexes, [...]."
4. The purpose of this Annex is to assemble into one document all guidelines on training contained in different Annexes to Doc 30 Part I, to facilitate the harmonised implementation of training for all the personnel concerned.
5. The following Annexes to Doc 30 Part I have been used in particular:
 - Annex 5-C – Code of Good Conduct in Ground Handling for Persons with Reduced Mobility: Section 1.8., Training;
 - Annex 5-D – Guidelines on ground handling for persons with reduced mobility: Section 2., Staff training;
 - Annex 5-E - Guidelines on awareness and disability equality for all airport and airline personnel dealing with the travelling public
6. The content of this Annex as regards training of air carriers engaged in commercial air transport with aeroplanes is without prejudice to the training required in accordance with Annex III to EU Regulation (EC) No 3922/1991.

ECAC Recommendation – Doc 30 Part I, Section 5

5.11. Training

5.11.1. Air carriers and airport managing bodies should:

- Ensure that all their personnel, including those employed by any sub-contractor, providing direct assistance to disabled persons and PRMs have knowledge of how to meet the needs of persons with various disabilities or mobility impairments;
- Provide disability-equality and disability-awareness training to all their personnel working at the airport who deal directly with the travelling public;
- Ensure that, upon recruitment, all new employees attend disability related training and that personnel receive refresher training courses when appropriate.

- 5.11.2 So that disabled persons and PRMs can be informed as they need, priority should be given to training airport, airline and travel agency personnel to communicate information to disabled persons and PRMs needing special assistance. These personnel also need to know how to give practical assistance to disabled persons and PRMs and how to ask disabled persons and PRMs what assistance they need and how best to provide it. The training should be delivered in cooperation with disability organisations.
- 5.11.3 Member States should draw the attention of airport managing bodies and air carriers to the guidance in **Annex 5-B** "Guidance Material for Security Staff – Key points for checks of PRMs", and to **Annex 5-E** "Guidelines on awareness and disability equality for all airport and airline personnel dealing with the travelling public", and **Annex 5-G** "Training".

Objectives

7. All personnel having direct contact with passengers, at and off the airport premises, should be aware of disability issues and of disability and equality principles.
8. All personnel in charge of providing direct assistance to disabled persons and PRMs should have knowledge of how to meet the needs of disabled persons and PRMs.
9. Each of the above two categories of staff should receive appropriate training. This training should be delivered prior to the personnel taking up duty. Refresher training courses should also be provided.

Training

10. Each of the categories of staff concerned should receive training, as follows:
- **All** staff having contact with the travelling public should receive training on the items specified in **Module 1**.

This training should be followed by staff concerned prior to taking up their duty. Refresher courses should be organised at least every two years. Training records should be established and kept.
 - **All** staff providing or involved in the provision of assistance to disabled persons and PRMs should receive training on the items specified in **Module 1** and either in **Module 2** (assistance provision at the airport) or in **Module 3** (assistance provision on-board aircraft).

This training should be followed by staff prior to taking up their duty. Refresher course should be organised **at least every year**. At the end of each course an exam is obligatory. Training records should be established and kept.
11. Training modules are at **Attachment 1**. An overview of a training matrix is at **Attachment 2**.

Target groups

12. The two defined categories of staff each comprises a variety of personnel, in terms of the duties performed. Accordingly, the two categories can be divided into sub-sets or target groups, as follows.

Staff in direct contact with the travelling public:

Services delivered at the airport by the airport and/or air carrier, or a sub-contractor of these, including:

- check-in and gate agents
- information desk agents
- lost and found desk agents
- parking agents

Services implemented at the airport by State entities, or entities acting on their behalf, including:

- border control and immigration
- security
- customs
- police

Services provided at the airport by other entities, including:

- retailers
- catering companies (restaurants, bars, lounges)
- cleaning companies

Services provided off the airport premises by air carriers, travel agents and tour operators, including:

- information and reservation services

Staff providing, or involved in the provision of, assistance to disabled persons and PRMs

Staff of the Airport managing body, or any sub-contractor acting on its behalf, providing assistance to the disabled persons and PRMs at the airport, including:

- assistance personnel
- PRM project managers
- Airport management personnel

Staff from operating air carrier, including:

- Cabin crew

13. While the training defined for each of the two main categories applies across target groups, the training delivered should be adapted to the duties performed by each target group. Teaching points which are directly relevant to the person's duties should be specific to those duties.

Trainers' requirements

14. Instructors in charge of training staff in PRM matters should:

- Have significant practical experience at a senior level in the assistance of disabled persons and PRMs in air travel;
- Have a full understanding of the relevant standards, legislation and recommendations (ICAO, ECAC, EU and US) and direct knowledge of reference documentation (ACI, IATA);
- Have knowledge and experience in instructional techniques; and
- Have qualification to instruct from recognised training entity or international organisations in aviation, and/or reference from previous contracts / employment successfully completed in the field of air travel.

Available expertise from representative disability organisations at European level should be used in support of the preparation and delivery of the training courses. Disabled people engaged in this process should have expertise and experience in a wide range of disability issues and not only their own particular disability.

15. Some aviation entities may have their own trainers and may wish to train these to become "in house" instructors on job-related PRM issues, in which case these trainers should successfully complete a train the trainer course on PRM issues, prior to taking up that duty. Train-the-trainer courses should:

- Be delivered by an instructor who meets the requirements described in paragraph 14.
- Include an initial course, of a minimum duration of four days, and periodical refresher courses, at least every two years.

The competences acquired by the trainee instructor should be tested. A minimum level of competence should be set. Trainees having successfully completed the test should be issued with a certificate of successful completion.

The Cost of Training

16. When a charge is levied by the airport managing body for funding the assistance to persons with disabilities and PRMs, the costs for training staff working at the airport should be included in the calculation of that charge.

ATTACHMENT 1 TO ANNEX 5-G

TRAINING MODULES

Module 1 Disability awareness

A – Legislation, Codes and Recommended Practices

- ICAO Annex 9
- EU Regulation (EC) 1107/2006 and implementing guidelines (objectives, requirements and obligations)
- ECAC DOC 30 Part I section 5
- US Air Carrier Access Act 14 CFR 382 and recent updates (objectives and differences with European legislation)
- IATA Resolution 700

B – Training areas

- General disability awareness
- Assistance to disabled passengers
- Statistics
- Causes of disability
- People with walking difficulties
- Wheelchair users
- Vision impaired people
- Hearing impaired people
- People with speech impairments
- People with cognitive impairments
- People with mental health problems
- Invisible disabilities
- Other disabilities

C – Knowledge and skills to be acquired

1. Awareness of, and appropriate responses to, passengers with physical, sensory, hidden, cognitive impairments, or mental health problems, including how to distinguish between the different abilities of individuals whose mobility, orientation, or communication may be reduced;
2. Understanding of barriers faced by disabled persons and PRMs, covering attitudinal, environmental/physical and organisational barriers;

3. Knowledge of assistance animals, including the role and the needs of an assistance animal;
4. Ability to deal with unexpected occurrences (like long delays, behaviour problems, health problems; etc.);
5. Interpersonal skills and methods of communication with deaf and hearing impaired people, visually impaired people, speech impaired people and people with a cognitive impairment or mental health problems;
6. General awareness of ECAC recommendations including Document 30, Part I, Section 5 and relevant Annexes, EU legislation, US legislation and IATA guidelines on access to air travel;
7. How to handle wheelchairs and other mobility aids carefully to avoid damage, (for all staff who are responsible for baggage handling).

Module 2 Assistance provision at the airport

A –Training areas

Participation of people with a disability and with experience in air travel is essential.

- Job description and potential risks
- Statistics, trends and prognostics
- Causes of disability
- Kinetics of lifting (theory and practice)
- Assistance of people with walking difficulties
- Assistance of people using wheelchairs
- Assistance of vision impaired people (theory and practice)
- Assistance of hearing impaired people (theory and practice)
- Assistance of people with cognitive impairments and mental health problems (theory)
- Basic principles of assistance at different stages during the journey at the airport(Check-in; customs; security check; luggage belt, lost and found, etc)
- First aid (this should be delivered by an organisation or individual certified to deliver first aid training)

B - Skills and knowledge

In addition to the skills and knowledge listed in Module 1-B, all staff assisting disabled people and PRMs at an airport should also be capable of distinguishing between different types of disabilities (and the corresponding

IATA codes) and should have knowledge of the most appropriate form of assistance for each including:

1. How to assist wheelchair users make transfers into and out of a wheelchair;
2. Skills for providing assistance to disabled persons and PRMs travelling with an assistance animal, including the role and the needs of these animals;
3. Techniques for escorting blind and partially-sighted passengers and for the handling and carriage of guide animals and other assistance animals;
4. An understanding of the types of equipment as described in annex 5 D 1.3, which can assist disabled persons and PRMs and knowledge of how to handle such equipment;
5. The use of the boarding and deplaning assistance equipment used and knowledge of the appropriate boarding and deplaning assistance procedures that safeguard the safety and dignity of disabled persons and PRMs;
6. Understanding of the need for reliable and professional assistance. Also awareness of the potential for certain disabled passengers to experience feelings of vulnerability during travel, because of their total dependence on the assistance provided.
7. First aid (this should be delivered by an organisation or individual certified to deliver first aid training).

Module 3 Assistance provision- on board aircraft

A – Training areas

Participation of people with a disability and with experience in air travel is highly recommended in this part.

- Infrastructure aircraft and legislation
- Kinetics of lifting (theory and practice)
- Assistance of people with walking difficulties
- Assistance of people using wheelchairs
- Assistance of people with low function of upper limbs (arms and hands)
- Assistance of vision impaired people (theory and practice)
- Assistance of hearing impaired people (theory and practice)
- Assistance people with cognitive impairments and mental health problems (theory)

B – Knowledge and skills to be acquired

In addition to the knowledge and skills listed in Module 1-B, all staff assisting disabled people and PRMs on board an aircraft should also be capable of distinguishing between different types of disabilities (and the corresponding

IATA codes) and should have knowledge of the most appropriate form of assistance for each including:

1. If required by the operator, procedures for lifting a passenger with a physical disability from their seat to and from the on-board wheelchair (if installed).
2. Method of use of the on-board wheelchair (where available).
3. Appropriate seating for disabled passengers and passengers with reduced mobility.
4. Appropriate seating for passengers with assistance animals and method of securing the animal.
5. Stowage of mobility equipment.
6. Appropriate pre-flight safety briefings and associated safety information.
7. Procedures to be taken in the event of an emergency situation such as decompression or evacuation.

The content of this training should be compatible with applicable safety legislation.

ATTACHMENT 2 — OVERVIEW OF TRAINING MATRIX

The enclosed tables identify, for each target groups, training areas respectively for initial training (table 1) and refresher course (table 2).

Note: for target groups marked with an **asterisk** (*), the indicated training refers to train-the-trainer course: once trained, the instructor will deliver 'in-house' training to the staff concerned in his/her entity, in the appropriate format. This format would be dependant on the entity's operations and specific duties of the staff.

A – Initial training

<i>Training modules</i>	<i>Training areas Target groups</i>	Legislation	Disability awareness	Equipment awareness	Job-related items and exercises	Kinetics of lifting	Test	First Aid
		Module1	Check-in/gate agents *	√	√	√	√	
Security check *	√		√	√	√		√	
Airport information *	√		√	√	√		√	
Ticket offices *	√		√	√	√		√	
Lost& found *	√		√	√			√	
Border police *	√		√	√			√	
Customs / immigration *	√		√	√			√	
Bar/rest./shops *	√		√	√			√	
Parking police *	√		√	√			√	
Ramp agents *	√		√	√			√	
Airport Management	√		√	√			√	
Modules 1+2	PRM assist. Provider	√	√	√	√	√	√	√
	PRM project manager	√	√	√	√	√	√	√
Modules 1+3	Cabin crew *	√	√	√	√	√	√	

B. Refresher course

<i>Training modules</i>	<i>Training areas Target groups</i>	Legislation	Disability awareness	Equipment awareness	Job-related items and exercises	Kinetics of lifting	Test	First Aid
		Module1	Check-in/gate agents *	√	√	√	√	
Security check *	√		√	√	√		√	
Airport information *	√		√	√	√		√	
Ticket offices *	√		√	√	√		√	
Lost& found *	√		√	√			√	
Border police *	√		√	√			√	
Customs / immigration *	√		√	√			√	
Bar/rest./shops *	√		√	√			√	
Parking police *	√		√	√			√	
Ramp agents *	√		√	√			√	
Airport Management	√		√	√			√	
Modules 1+2	PRM assist. Provider	√	√	√	√	√	√	√
	PRM project manager	√	√	√	√	√	√	√
Modules 1+3	Cabin crew *	√	√	√	√	√	√	

ANNEX 5-H

GUIDANCE ON PRE-NOTIFICATION OF DISABLED PASSENGERS AND PRMS

GUIDANCE ON PRE-NOTIFICATION OF DISABLED PASSENGERS AND PRMS

1. The purpose of this guidance is to help airports and air carriers adopt practices that will encourage higher levels of pre-notification by arriving and departing disabled passengers and PRMs of their need for assistance. This should enable airports to make more effective use of resources and should enable air carriers to minimise delays. It should also benefit disabled passengers and PRMs by providing a prompter service appropriate to their needs.

Introduction

2. The quality of service that PRM assistance providers can give to departing or arriving disabled passengers and PRMs will depend to a significant extent on whether they have advance notice of the passenger's needs.

3. EU Regulation 1107/2006 makes a clear link between the obligation of the airport managing body to ensure that a PRM passenger is able to take their flight and the responsibility of the passengers to have identified their need for assistance at least 48 hours in advance of the flight departure. Doc 30, Part I, Annexes 5-A and 5-C also make this clear link.

The Issue

4. Evidence from airports around Europe indicates that growing numbers of disabled passengers and PRMs are travelling without giving pre-notification of their needs. This creates potential problems both for the airport and the air carrier.

5. If *departing* disabled passengers and PRMs do not pre-notify there may not be adequate personnel or equipment to meet their particular needs without delay to the passenger and possibly to the flight. If *arriving* passengers have not been pre-notified, there is additional strain on the resources of the airport and, again, a risk of delay both to the passenger and to the aircraft.

6. An additional problem is that where passengers have pre-notified, the information given is not always correct or in a format that is useful to the airport.

7. A survey of European airports carried out for ECAC by ACI indicated that in those airports which reported a drop in the numbers of pre-notifying disabled passengers and PRMs, the main reason given was that passengers perceived little difference in the service level whether or not they had pre-notified.

8. In contrast, at a number of airports levels of pre-notification had increased over the past year. Increases were attributed to:

- PRM passengers becoming more aware of EU Regulation 1107/2006 and Doc 30 provisions;
- Actions to improve delivery of SITA messaging and monitoring PAL/CAL and PSM;
- Ongoing collaboration between airport managing body and organisations of disabled people; and
- Feedback from service providers to air carriers on benefits of pre-notification.

Recommendations

9. There are a number of ways in which it should be possible to increase the levels of pre-notification, for the benefit of all concerned. Responsibility for these actions lies with a number of different bodies including air carriers, travel agents and airports. Member States also have an important role to play in drawing these recommendations to the attention of the bodies concerned and in encouraging their adoption both indirectly and in some cases directly through initiatives such as national publicity campaigns to increase awareness of these issues.

10. The measures that can be considered include:

Booking Process: Actions for air carriers and travel agents

- Develop systems for ensuring consumers are prompted during the booking process to check whether they require assistance and to ensure that the right information is given.
- Make sure that the PRM information is prominently displayed on websites and that websites are available in accessible formats.
- Draw up a checklist of key questions to be asked by travel agency/call centre staff to ensure that they have correctly understood the needs of the PRM.
- Develop information for disabled passengers and PRMs on the types of assistance available, using the IATA codes as a base, but considering symbols and passenger friendly language. This would allow disabled passengers and PRMs to validate whether their airline/tour operator/travel agent has assessed their assistance needs.
- Encourage disabled passengers and PRMs to take responsibility for their journey.
- Provide signposts to airport websites to find out more about the layout and decide whether they need assistance.
- Consider capturing data on PRM needs as part of airline frequent flyer schemes. This could be included within projects to re-design such schemes.
- Provide confirmation to disabled passengers and PRMs that their assistance request has been noted and passed on. (There is no requirement to include this on tickets, but IATA has indicated that they see no difficulties in airlines including this in other communications between airlines and passengers).

IATA Codes: Actions for air carriers and travel agents

- Use the free text facility alongside IATA codes to specify the individual needs of the passenger.
- Provide guidance to all responsible staff on what constitutes mobility and medical equipment and how the IATA codes deal with this equipment.

- At ECAC's request, IATA is proposing the introduction of a new code to allow clearer definition between wheelchair users who are wholly dependent and those with good upper body strength who are self-sufficient. The proposal is to make the following distinction:
 - **WCHC** (C for Cabin Seat) passenger is completely immobile and is not able to assist in her/his own evacuation (e.g. some tetraplegic); requires wheelchair to/from aircraft/mobile lounge and must be carried up/down steps and to/from cabin seat. When service animal¹ is accompanying passenger, specify the type of animal in free text of SSR.
 - **WCHP**(P for Partially immobile) passenger is partially immobile but able to assist in her/his own evacuation (e.g. paraplegic); requires wheelchair to/from aircraft/mobile lounge and must be carried up/down steps and to/from cabin seat. When service animal¹ is accompanying passenger, specify the type of animal in free text of SSR Item.

Some air carriers are already using this distinction on an informal basis to ensure that the correct assistance is provided. This helps both the passenger and the assistance provider.

On board: Action for air carriers

- Encourage greater use of the PSM system to transfer information from in-bound aircraft, particularly on long-haul flights, to provide information on the number of passengers requiring assistance. It is also important for the airport to make greater use of PSM messaging to provide back up information on the assistance to be provided.

At the airport: Action for airport managing bodies

- Consider setting service level agreements that have shorter waiting times for passengers who have pre-notified.
- Encourage airport assistance staff meeting flights to identify the person they pick up against a list of people who have pre-notified. This will help to ensure that the wheelchair ordered by someone with a genuine need is available rather than being taken by someone who did not pre-notify.
- *Some airports have introduced hand held monitors to PRM service staff which include the names of all pre-notified passengers. This system is working well, but also relies on airline support to explain to non-notified passengers they may need to wait a little longer.*
- Provide leaflets to passengers who have not pre-notified, setting out the benefits and encouraging them to do so next time.
- Display posters about passenger rights.
- Ensure that PRM information is prominently displayed on websites and that websites are available in accessible formats.

¹ In the ECAC/EU context, "service animal" refers exclusively to "recognised assistance dogs".

Passenger Information: Action for Member States

- Encourage national authorities and disability groups to provide information to passengers on their rights, responsibilities and how to complain.
 - Provide relevant information to help disabled passengers and PRMs with the pre-notification process.
-

ANNEX 5-I

**US AIR CARRIER ACCESS ACT REGULATION (14 CFR PART 382) AND EU
REGULATION 1107/2006: COMPATIBILITY AND POTENTIAL CONFLICT**

US AIR CARRIERS ACCESS ACT PART 382 AND EU REGULATION 1107/2006: COMPATIBILITY AND POTENTIAL CONFLICT

Introduction

1. The US Air Carriers Access Act (ACAA), which prohibits discrimination against disabled people, has applied to US air carriers since 1986. In 1990, the US Department of Transportation issued 14 CFR Part 382 (Part 382), the regulations defining the rights of passengers with disabilities and the obligations of U.S. air carriers under the ACAA.
2. On April 5, 2000, the ACAA was amended to cover foreign air carriers. On May 13, 2008, the Department of Transportation issued a final rule strengthening Part 382 and extending it to non-U.S. airlines on flights to and from the U.S. and on code share flights with US carriers anywhere in the world. This final rule became effective on May 13, 2009.
3. The US Department of Transportation's disability regulation (14 CFR Part 382) is similar to the European Union's (EU) regulation (EC 1107/2006) in that the purpose of both these rules is to ensure access to the air travel. The US regulation also covers many of the same issues as the European Union Regulation 1107/2006 but contains important differences of approach. The purpose of this Annex is to give guidance to Member States, airports and air carriers on their obligations under both sets of rules and where they may find issues of incompatibility.
4. This guidance is not comprehensive and is not a substitute for studying both the legal requirements and the guidance available on both Part 382 (http://airconsumer.dot.gov/SA_Disability.htm) and ECAC Doc 30, Section 5 and annexes.
5. The purpose is to alert Member States which may have air carriers (and therefore also airports) which come within the scope of the US regulation– or may do in the future and to indicate the main areas covered by the regulation and where to go for further detailed guidance.

Scope of Part 382

6. The US Part 382 requirements apply in full to non-US carriers on flights to and from the USA. A flight is defined as a continuous journey in the same aircraft or with one flight number that begins or ends at a U.S. airport.
7. In the case of flights by non-US carriers on a code share with a US carrier between two non-US points (for example between two European cities), the service-related requirements of Part 382 do apply but responsibility for ensuring compliance in this case rests with the US carrier. The aircraft accessibility requirements of Part 382 do not apply in such a situation to either the US or non-US carrier.

Exemptions

8. The only circumstances in which a non-US carrier can be exempt from these requirements are if:
 - They obtain a "Conflict of Law" waiver. This requires proof that a national or international law with which the carrier must comply directly conflicts with the requirements of Part 382;

- They can demonstrate “equivalent alternative determination”. This requires the carrier to demonstrate that they can provide a service or facility for a disabled passenger or PRM by a different means but which is as good as or better than that required by Part 382.

Differences between Part 382 and Regulation 1107/2006

9. The key differences between the two sets of requirements are summarised in the table in Attachment A. The key points are described below:

At the airport

Provision of assistance

10. The biggest difference is in who is responsible. Part 382 places responsibility for delivery of services and facilities to disabled passengers and PRMs on the **airline** and Regulation 1107/2006 places it primarily on the **airport** (except for on board services and facilities).

11. In every case the airline is held responsible of any breach of Part 382 even in circumstances where the delivery is, under European law, the responsibility of the airport. For example, carriers must ensure that passengers with a disability can readily use all terminal facilities they own, lease or control.

12. If the facilities and services provided by the airport under Regulation 1107/2006 do not meet the requirements of Part 382, the carrier is obliged to supplement them in order to meet the performance requirements for assistance set out in Part 382.

13. A carrier must provide, or ensure the provision of, assistance to a passenger with a disability in moving from the terminal entrance through the airport to the gate for a departing flight or from the gate to the terminal entrance. This obligation extends to a vehicle drop-off or pick up point adjacent to the terminal entrance and key functional areas of the terminal such as ticket counters and baggage claim. This does not include satellite parking or car rental drop-off points that are not adjacent to the terminal entrance. If a carrier chooses to provide ground transport to satellite parking or car rental drop-off points for its passengers, the carrier must ensure that accessible transport is provided to its passengers with disabilities.

14. Under Regulation 1107/2006, the obligation of the airport managing body covers all of these areas and also extends to designated points of arrival and departure (agreed in co-operation with disabled people) which may include areas such as satellite parking which are not adjacent to the terminal.

15. Part 382 also requires specific facilities and services for people who are hearing or vision impaired including high contrast captioning on audio visual displays at terminal facilities carriers own, lease or control at a U.S. airport. These requirements are not explicit in Regulation 1107/2006 but there is a general requirement to meet quality standards in accordance with ECAC Doc 30 Guidance.

On Board

Refusal of carriage

16. Under Part 382 a carrier may refuse transport on the basis of safety or if carriage would violate FAA (Federal Aviation Administration) or other non-US government safety or security requirements. This is similar to the provision of Regulation 1107/2006 which permits refusal of carriage only in order to meet "applicable safety requirements" under national or international law or where the size of the aircraft is physically too small to accommodate the passenger.

17. If carriage would not contravene a safety or security requirement, Part 382 allows carriers to refuse to transport on the basis of safety only if the carrier's decision is based on a "direct threat evaluation" based on an individualised assessment of the:

- Nature, duration and severity of the risk
- Probability that harm to health, safety of others will occur
- Possibility to mitigate the risk

18. This means that the Part 382 requirement is more prescriptive than the equivalent Regulation 1107/2006 requirement.

Prenotification

19. Part 382 generally does not permit carriers to require a disabled passenger or PRM to pre-notify (except in cases where the US Department of Transportation believes carriers need time to make arrangements such as accommodating those travelling with respiratory equipment or emotional support animals, accommodating a group of 10 or more passengers with disabilities travelling together and some other unique circumstances).

20. Regulation 1107/2006 only holds the assistance provider responsible for delivering assistance to the approved standards (in accordance with Doc 30 guidance) provided that the passenger has pre-notified their needs at least 48 hours in advance. However they are required to make all reasonable efforts to provide the necessary assistance without this period of notice.

Limitation of number of PRMs on board

21. Under Part 382 carriers cannot limit the number of disabled passengers on a flight. Part 382 forbids quotas for carrying disabled passengers.

22. There is no clear rule under Regulation 1107/2006 but under Recommendation OPS1 IEM 1260 the number of PRMs on board should not exceed the number of able bodied passengers capable of assisting in case of emergency.

Accompanying Person/Safety assistant

23. Under Part 382 a carrier can only require a disabled passenger to be accompanied by a safety assistant under limited circumstances (for example the passenger has a cognitive disability and is unable to understand or respond appropriately to safety instructions including the safety briefing, is severely mobility impaired and would be unable to assist in his/her own evacuation in the case of emergency, or is severely hearing and vision impaired such that he/she could not adequately communicate with airline employees on the safety briefing and assist in his or her own evacuation in the event of an emergency). If a carrier believes that a passenger with a

disability must travel with a safety assistant for one of the reasons above, the carrier may provide the assistant (for example an off duty crew member). If the carrier does not designate an employee or volunteer to be the safety assistant, the carrier must not refuse to accept someone designated by the passenger and if the passenger disagrees with the need for an assistant the carrier cannot charge for their seat.

24. Under Regulation 1107/2006, a carrier can require a disabled person to be accompanied by another person to provide the assistance that person needs. They are not obliged to carry the accompanying person free of charge, although it is good practice to do so.

Seating

25. Part 382 does not permit a carrier to exclude any passenger with a disability from any seat or require that a passenger with a disability sit in any particular seat except for compliance with safety requirements. In four specific situations, Part 382 requires that a passenger who self-identifies as a passenger with a disability be provided a particular type of seat (i.e., a seat in a row with a moveable armrest if the passenger uses an aisle wheelchair to access the aircraft and cannot transfer over a fixed aisle armrest, an adjoining seat for a person assisting a passenger with a disability if the passenger is travelling with a personal care attendant, a bulkhead seat for passenger with a service animal if requested, a bulkhead seat or other seat with more legroom for passenger with fused leg).

26. Regulation 1107/2006 requires carriers to make "all reasonable efforts" to arrange seating to meet the needs of individuals with disability. But the OPS 1260 of the Regulation 859/2008 related to technical rules and administrative procedures applicable to commercial transport indicates that persons with reduced mobility cannot occupy a seat where their presence could impede the crew in their duties, obstruct access to emergency equipment or impede the emergency evacuation of the plane.

Accommodating manual wheelchairs

27. Under Part 382, the carrier is obliged to accommodate in the aircraft cabin a passenger's manual, foldable wheelchair if the wheelchair can fit in the space. Aircraft with more than 100 seats must also provide priority storage on board for a passenger's manual wheelchair.

28. There is no such requirement in Regulation 1107/2006 and this has been the cause of a number of problems and complaints by US passengers with a disability transferring onto a connecting flight in Europe and finding that they are not allowed to board with their wheelchair.

Service Dogs/Assistance Dogs

29. Part 382 requires non-US carriers to accept service/assistance dogs including psychiatric service or emotional support dogs. Carriers can only require medical documentation for these last two categories. US carriers also have to accept other types of service animal (monkeys etc). In the case of flights by non-US carriers on a code share with a US carrier between two non-US points (for example between two European cities), non-US carriers should also transport other types of service animals (monkeys, cats) as the US carrier would be held responsible if the non-US carrier does not do so. ID cards, other written documentation, special harness or tags or "credible verbal assurance" are all acceptable evidence that the dog is a service/assistance dog.

30. The service/assistance dog must be permitted to accompany the passenger to any seat (except emergency exits).

31. Regulation 1107/2006 requires carriers only to accept recognised assistance dogs. These are defined in ECAC Doc 30 as dogs that are trained by an organisation that is accepted by and affiliated to the International Guide Dog Federation or that meets the full membership criteria of Assistance Dogs International.

On Board wheelchairs

32. Under Part 382 aircraft with more than 60 passenger seats and with an accessible lavatory must be equipped with an on-board wheelchair. The on-board wheelchair must be designed to be compatible with the maneuvering space, aisle width, and seat height of the aircraft on which it is to be used, and to easily be pushed, pulled, and turned in the cabin environment by cabin crew.

33. If the aircraft being used for the flight has more than 60 passenger seats but does not have an accessible lavatory, the carrier must provide an on-board wheelchair on request for a passenger who can use the inaccessible lavatory but cannot reach it from his or her seat without the use of an on-board wheelchair. The carrier may require the passenger to provide up to 48 hours' advance notice and check in 1 hour before the check in time for the general public when requesting the on-board wheelchair under these circumstances.

34. Regulation 1107/2006 has no such explicit requirement although carriers must provide assistance in moving to the toilet facilities, if required, which in practical terms may only be done by means of an on-board wheelchair.

Lifting armrests etc

35. Part 382 states that aircraft with 30 or more passenger seats must be equipped with moveable aisle armrests on at least half of the aisle seats in rows in which passengers with mobility impairments are permitted to sit. Moveable armrests must be provided proportionately in all classes of service. Non US carriers have to meet this requirement on new aircraft that were initially ordered after May 13, 2009, or delivered after May 13, 2010.

36. Regulation 1107/2006 does not include requirements for on-board facilities but these are covered in good practice recommendations in Doc 30, Section 5.

Complaints Resolution Officers (CROs)/National Enforcement Bodies (NEBs)

37. Under Part 382 carriers using aircraft with 19 or more passenger seats must designate one or more CROs. These are people who are trained as the carrier's experts in ensuring that carrier personnel correctly implement the Air Carrier Access Act (ACAA) requirements and Part 382.

38. Each CRO must be trained and thoroughly familiar with the rights of passengers with disabilities under Part 382 and with the carrier's procedures with respect to passengers with a disability. The primary purpose of having a CRO is to resolve a passenger's problem as quickly as possible. Non US carriers must have a CRO available at each airport that serves flights to and from the USA, either in person or by phone.

39. Under Regulation 1107/2006, each Member State must appoint one or more National Enforcement Bodies (NEB) responsible for enforcing the Regulation and ensuring that the rights of disabled passengers and PRMs are respected. In the first instance passengers will complain to the airport or air carrier concerned and the role of the NEB is generally to handle complaints that cannot be resolved in this way.

40. Regulation 1107/2006 requires that in the first instance passengers complain to the airport or air carrier concerned and the role of the NEB is generally to handle complaints that cannot be resolved in this way.

41. NEBs also have a role in inspecting and monitoring compliance with Regulation 1107/2006.

ATTACHMENT A
REQUIREMENTS OF PART 382 AND REGULATION 1107/2006

<i>DOT Part 382</i>	<i>EU 1107/2006</i>
<p>Subpart A. General provisions 382-1 Purpose 382-3 Meaning of terms in the rule 382-5 Compliance by carriers 382-7 To whom do provisions apply 382-9 Conflicts of law 382-10 Equivalent alternatives</p>	<p>Art 1 – Purpose and scope Art 2 – Definitions</p>
<p>Subpart B. Non discrimination and access to services and information</p> <p>382-11 General requirement 382-13 Modification of policies, practices and facilities by air carriers 382-15 Compliance by contractors</p> <p><i>382-17 Limitation of the number of passengers with a disability on a flight</i></p> <p>“Carriers cannot limit the number of disabled passengers on a flight. Part 382 forbids quotas for transportation of disabled passengers”</p> <p><i>382-19 Refusal to provide transportation on the basis of disability</i> Carrier may refuse transportation on the basis of safety or if carriage would violate FAA or other foreign government safety or security requirements.</p> <p><i>382-21 Limitation of access to transportation on the basis of communicable disease or other medical condition</i> 382-23 Medical certificates</p> <p><i>382-25 and 382-27 Advance notice</i> “In general a carrier cannot require a passenger with a disability to provide advance notice that he/she is travelling on a flight”.</p> <p>A carrier can require 48H advance notice and 1 hour added check-in for limited services only</p>	<p>Art 3 - Prevention of refusal of carriage Art 4 - Derogations, special conditions and information Art 6 - Transmission of information (<i>prenotification</i>)</p> <p>Not mentioned NB: Recommendation OPS1 IEM 260:</p> <p>The number of PRMs on board should not exceed the number of able bodied passengers capable of assisting in case of emergency.</p> <p>Equivalent to 1107 art 4.1</p> <p>See 1 below</p> <p>Art 6 – 1: “Air Carriers...shall take all measures necessary for the receipt.... of notifications of the need for assistance made by disabled persons or persons with reduced mobility”</p>

DOT Part 382	EU 1107/2006
<p><i>382-29 Safety assistant</i> limits the possibility to require a safety assistant to specified circumstances:</p> <ul style="list-style-type: none"> - Passenger unable to respond to safety instructions from carrier personnel because of a mental disability - Passenger with a mobility impairment so severe he or she is unable to physically assist in his/her own evacuation - Passenger with severe vision AND hearing impairments - Passenger is traveling in a stretcher or incubator <p>NB: If the carrier and the passenger disagree on the necessity of a safety assistant the carrier must not charge for his/her transportation</p> <p><i>382-31 Special charges</i> permits a carrier to charge for the following services</p> <ul style="list-style-type: none"> - Transportation in a stretcher or incubator - Hook up of a respiratory device - Use of a second seat if the passenger's size and condition causes him/her to occupy more than one seat <p>382-33 Other restrictions 382-35 Waivers or releases</p>	<p>Art 4-2: "...A carrier may require that a disabled person or person with reduced mobility be accompanied by other person capable of providing the assistance required by the person"</p> <p>1107 art 10: Assistance defined in Annex II provided at no charge for the passenger</p>
<p>Subpart C. Information to passengers 382-41 Flight related informations 382-43 Accessibility of information and reservation services of carriers 382-45 Availability of 382 to passengers</p>	<p>Annex II Art 4</p>

DOT Part 382	EU 1107/2006
<p>Subpart D. Accessibility of airport facilities 382-51 <i>Requirements by carriers concerning airport facilities</i> a. <i>As a carrier, you must ensure that certain specified accommodations are provided at terminal facilities you own, lease or control at a U.S. airport (e.g., lifts where level entry boarding is not available, service animal relief areas)</i> b. As a carrier you must ensure that passengers with a disability can readily use all terminal facilities you own, lease or control at a foreign airport... 382-53 Information by carriers to individuals with vision or hearing impairment 382-55 Security screening procedures imposed by carriers 382-57 Services by carriers if automated kiosks inaccessible</p>	<p>Art 5 – Designation of points of arrival and departure Annex I</p>
<p>Subpart E. Accessibility of aircraft 382-61 Requirements for movable aisle armrests 382-63 Requirements for accessible lavatories 382-65 Requirements for on board wheelchairs 382-69 Accessibility of videos and other audio visual presentations 382-71 Other aircraft accessibility requirements</p>	
<p>Subpart F. Seating accommodations 382-81 Passengers concerned 382-83 Mechanisms for seating accommodations 382-85 Seating accommodations not covered in 382-81 382-87 Other requirements for seating accommodations You must not exclude any passenger with a disability from any seat or require that a passenger with a disability sit in any particular seat except for compliance with safety requirements</p>	<p>Art 10 – Assistance by air carriers Annex II Making of all reasonable efforts to arrange seating to meet the needs of individuals with disability...</p>

DOT Part 382	EU 1107/2006
<p>Subpart G. Boarding, deplaning and connecting assistance</p> <ul style="list-style-type: none"> - Airlines must ensure assistance upon request - Airlines or their subcontractors must supply the personnel and equipment - Airlines cannot leave non ambulatory passengers in a wheelchair for more than 30 minutes unless the passenger agrees <p>382-91 Assistance to be provided by carriers 382-93 Preboarding 382-95 Carriers general obligations for boarding and deplaning assistance 382-97 Aircrafts concerned for use of lifts 382-99 Carriers agreements with airports they serve 382-101 Other boarding and deplaning assistance by carriers 382-103 Unattendance of a passenger in a wheelchair or other device 382-105 Responsibility of carriers at foreign airports at which airport operators have responsibility for enplaning, deplaning and connecting assistance <i>At a foreign airport at which enplaning, deplaning or connecting assistance is provided by the airport operator.....If the services provided are not sufficient to meet the requirements of this subpart you must supplement the airport's operator services to ensure that these requirements are met.</i></p>	<p>Art 7- Right to assistance at airports</p> <p>Art 8 – <i>Responsibility for assistance at airports</i> 8-1. The managing body of the airport shall be responsible for ensuring the provision of the assistance specified in Annex I....</p> <p>Art 9- Quality standards for assistance <i>9-3: The managing body of the airport shall publish its quality standards</i></p> <p>Annex II</p>

DOT Part 382	EU 1107/2006
<p>Subpart H. Services on aircraft 382-111 Services to be provided on board 382-113 Services not required to be provided on board 382-115 Requirements for on board safety briefings 382-117 <i>Service animals</i> Airlines must carry service dogs including psychiatric service or emotional support dogs. Airlines can only require medical documentation for these last 2. ID cards, other written documentation, special harness or tags or credible verbal assurance are all acceptable evidence that the dog is a service dog. The service dog must be permitted to accompany the passenger to any seat (except emergency exits)</p> <p>382-119 Information to be given on board to individuals with vision or hearing impairment</p>	<p>Annex II Airlines must carry recognised assistance dogs in the cabin</p>
<p>Subpart I. Stowage of wheelchairs, other mobility aids and other assistive devices 382-121 Mobility aids and other assistive devices into the aircraft cabin 382-123 Priority cabin stowage for wheelchairs and other assistive devices 382-125 Procedures to be followed when wheelchair or other assistive devices must be stowed in the cargo compartment 382-127 Procedures to be applied for stowage of battery powered mobility aids 382-129 Requirements when mobility equipment must be disassembled for stowage 382-131 Baggage liability limits to mobility aids and assistive devices</p> <p>382-133 Evaluation and use of passenger supplied electronic devices for respiration in the cabin during flight</p>	<p>Art 12 – Compensation for lost or damaged wheelchairs, other mobility equipment and assisting devices</p>
<p>Subpart J. Training and administrative provisions 382-141 Training required to be provided to carriers personnel 382-143 When must training be completed 382-145 Records of training</p>	<p>Art 11 – Training</p>

<i>DOT Part 382</i>	<i>EU 1107/2006</i>
<p>Subpart K. Complaints and enforcement procedures</p> <p>382-151 Requirements for provision of CROs</p> <p>382-153 Actions taken on complaints by CROs</p> <p>382-155 Response by carriers to written complaints</p> <p>382-157 Record keeping and reporting of complaints by carriers</p> <p>382-159 Filing of complaints with DOT</p>	<p>Art 14 – Enforcement body and its tasks</p> <p>Art 15 – Complaint procedures</p> <p>Art 16 - Penalties</p>

— END —