



AIRPORTS COUNCIL INTERNATIONAL

AIRPORTS & PERSONS WITH DISABILITIES

A Handbook for
Airport Operators



2010 - Supplement - new EU & US regulations

Supplement to “Airports and Persons with Disabilities Handbook”

5 EU & US New Regulations

Contents

| | | |
|-----|---|---|
| 5.1 | Regulation (EC) No 1107/2006 of the European Parliament and of the Council | 1 |
| 5.2 | Useful Advice to Meet the 1107/2006 Requirements | 4 |
| 5.3 | US DOT Air Carriers Access Act (ACAA) -14 CFR Part 382, (13 th May 2008) | 5 |
| 5.4 | ICAO (International Civil Aviation Organization) Framework | 5 |

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

Note: Articles mentioned hereunder can be found in the EU Regulation 1107/2006

Background

The Regulation 1107/2006 establishes rules for the protection of, and provision of assistance to disabled persons and persons with reduced mobility (PRM) travelling by air, both to protect them against discrimination and to ensure that they receive assistance.

Definition

Disabled persons or person with reduced mobility (PRM) means any person whose mobility when using transport is reduced due to any physical disability (sensory or loco-motor, 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.

Responsibility of the airport operator

Overall responsibility

- To ensure high quality assistance as specified in Annex I, without additional charge to disabled persons and persons with reduced mobility.

- Enable disabled persons and persons with reduced mobility to proceed from a **designated point of arrival** at an airport to an aircraft and from the aircraft to a **designated point of departure** from the airport, including embarking and disembarking.
 - Points: at the main entries of the terminal, in areas with check-in counters, in train, light rail, metro and bus stations, at taxi ranks and other drop-off points, and in airport car parks. At these points, disabled persons and persons with reduced mobility can announce their arrival at the airport and request assistance. Points must be clearly marked to indicate that they are intended to provide basic initial information about the airport for disabled persons and persons with reduced mobility. They should include information on how and where to receive more detailed information in accessible formats.
- Take into account the needs of disabled persons and persons with reduced mobility in deciding the **design** of airports and terminals, and as part of major refurbishments.
- Provide all essential **information** to air passengers **in alternative formats accessible to disabled persons and persons with reduced mobility** and at least in the same languages as those made available to other passengers.
- If not providing the assistance itself, the airport's managing body may **contract with one or more other parties** taking into account **the existing services at the airport concerned**, without prejudice to the **application of relevant rules** of community law, including those on **public procurement**.
- Assistance should be financed in such a way to spread the burden equitably among all passengers using an airport, establishing a **specific charge**.
 - Levy a charge on the air carriers using the airport to cover the costs of providing assistance. The charge must be cost related and transparent and shared among the air carriers using the airport in proportion to the total number of all passengers that each carries to and from the airport.
 - **Separate the accounts** of their activities in relation to the assistance to disabled persons and persons with reduced mobility from the accounts of their other activities.
 - Make available an **audited annual overview of charges** received and expenses made in respect of the assistance to disabled persons and persons with reduced mobility.
- **Quality standards** to be set for the assistance, determining resource requirements for meeting them, in cooperation with the airport users' committee, and organizations representing disabled passengers and passengers with reduced mobility.
 - In setting these standards full account shall be taken of internationally recognized policies and codes of conduct concerning the facilitation of the transport of disabled persons and persons with reduced mobility, notably the Code of Good Conduct in Ground Handling for Persons with Reduced Mobility as set out in ECAC doc. 30 Part I, chapter 5.
 - **These standards shall be published.**

Training

- Airport managing bodies should ensure that all their personnel, including those employed by a sub-contractor, providing direct assistance to disabled persons and persons with reduced mobility have **knowledge** of how to meet the needs of persons with different 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 receive **disability related training** and that personnel receive refresher training sessions when appropriate.

The Procedures

Passenger to Airline - Pre-notification and advanced booking

According to the EU Regulation, passengers with reduced mobility needing assistance have to notify:

- The air carrier, the air carrier's agent or the tour operator.
- This notification should be at least 48 hours prior to departure of their need for assistance.

Airline to Airport - Forwarding of booking data of PRMs

The EU Regulation stipulates that the booking data of a PRM is forwarded by the operating air carrier to the airport at least 36 hours prior to departure.

The managing body of the airport shall make all reasonable efforts to provide assistance in such a way that the person concerned is able to take the flight in the case of:

- non pre-notified PRM passengers
- PRM passengers with a shorter pre-notification time of less than 36 hours.

Complaints Procedure

Any person with reduced mobility who considers that this regulation has been infringed may bring the matter to the attention of the managing body of the airport.

In case of an unsatisfactory response, a complaint can be made to the national enforcement body designated by the Member State.

Reference Documents

ECAC DOC 30, Part 1, Section 5 (13th May 2009)

Facilitation of the Transport of Persons with Reduced Mobility

- ANNEX 5A** Guidance leaflet for persons with reduced mobility (PRMs who may be infrequent or first time, flyers)
- ANNEX 5B** Guidance material for security staff —Key points for checks of PRMs
- ANNEX 5C** Code of Good Conduct in ground handling PRMs (Directives on quality and performance control as well as operating principles)
- ANNEX 5D** Guidelines on Ground Handling for Persons with Reduced Mobility (Recommendations on quality of service, equipment and training)
- ANNEX 5E** Guidelines on disability awareness and disability equality for all airport and airline personnel dealing with the travelling public
- ANNEX 5G** Training

For more information: <http://www.ecac-ceac.org/index.php?content=docstype&idtype=38>

5.2 Useful Advice to Meet the 1107/2006 Requirements

- Set up your quality charter in cooperation with the airport users and the organizations representing disabled persons.
- Publish your quality charter in accessible formats.
- Decide on the management model (provide the service yourself, or launch a tender).
- Calculate reasonable, cost related and transparent charge, in cooperation with airport users, based on an agreed SLA (Service Level Agreement).
 - SLA should include at least the following items:
 - Service hours
 - Service quality
 - Number of staff
 - Skills of the staff
 - Equipment
 - Training of staff
- Ensure that training programmes are delivered for all staff in direct contact with the travelling public, and provide regular refresher training.
- Present yearly accounts to the airport users as well as the enforcement bodies of the respective states.
- Establish proper communication and documentation procedures.
- Monitor the quality of the system, to measure and check that you take full account of the appropriate standards and regulations of ECAC Doc 30, and the corresponding annexes, and establish an adequate complaint management system.

5.3 US DOT Air Carriers Access Act (ACAA) -14 CFR Part 382 (13 May 2008)

Background

The **US DOT Air Carrier Access Act** is a rule which prohibits both US and foreign air carriers from discriminating against passengers on the basis of disability; requires carriers to make aircraft, other facilities and services accessible; and requires carriers to take steps to accommodate passengers with a disability.

Definition

Person with a disability is “Any individual who has a physical or mental impairment that, on a permanent or temporary basis, substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment.”

Please note that the definition in the document is much more detailed and voluminous, tackling more or less all aspects of services individually.

Responsibility

The ACAA affects US and foreign carriers, as well as facilities owned, leased or operated by them, so airports in the US have no responsibility whatsoever to provide services for disabled persons, as this is the responsibility of the airlines. As an air carrier, you must ensure that your contractors providing services to the public (including airports where applicable) meet the requirements of this part that would apply to you if you provided the services yourself.

Nevertheless, airports will have to consider the legal requirements as well as other regulations regarding their infrastructure, architecture, signage, and related services.

In different parts of the world, such as in Europe, different rules and regulations are in place. The responsibility of the airline is to make sure that services provided will meet the legislated requirements.

For more information: <http://airconsumer.ost.dot.gov/rules/rules.htm>

5.4 ICAO (International Civil Aviation Organization) Framework

The basic requirements for airports are set out in the ICAO framework (Annex 9, chapter 6).

For more information:

http://store1.icao.int/search_results.ch2?Category=document&DocGroupID=66