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

**ECAC.CEAC Doc No. 30 (PART I)**

**12<sup>th</sup> edition/May 2018**

**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 ICAO 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 ICAO 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.



**DOCUMENT IDENTIFICATION**

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**TABLE OF AMENDMENTS**

Keep this original of ECAC Doc 30, Part I (12<sup>th</sup> edition/May 2018) 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)
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## SECTION 0: DEFINITIONS

### A

- **Accompanying person** (in the context of Section 2 and its related annexes) means an adult who is travelling with a minor. This person will not necessarily be the parent or legal guardian of the minor. *[Ref. ICAO Annex 9, Chapter 1, Definitions]*
- **Accompanying person** (in the context of Section 5 and its related annexes) means a person who is capable of providing the required safety assistance to persons with disabilities and persons with reduced mobility (PRMs).
- **Air carrier** means an air transport undertaking with a valid operating licence. *[Ref. Regulation (EC) 1107/2006 article 2]*
- **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. *[Ref. Regulation (EC) 1107/2006 article 2]*
- **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. *[Ref. Regulation (EC) 1107/2006 article 2]*
- **Airport user** means any natural or legal person responsible for the carriage of passengers by air from or to the airport in question. *[Ref. Regulation (EC) 1107/2006 article 2]*
- **Airport Users Committee** means a committee of representatives of airport users or organisations representing them. *[Ref. Regulation (EC) 1107/2006 article 2]*
- **Automated Border Control (ABC)** means an automated system which authenticates the electronic machine readable travel document or token, establishes that the passenger is the rightful holder of the document or token, queries border control records, then determines eligibility for border crossing according to pre-defined rules. *[Ref. ICAO Annex 9, Chapter 1, Definitions]*

### C

- **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. *[Ref. Regulation (EC) 1107/2006 article 2]*
- **Community air carrier** means an air transport undertaking with a valid operating licence. *[Ref. Regulation (EC) 1107/2006 article 2]*

### M

- **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. [Ref. Regulation (EC) 1107/2006 article 2]
- **Minor.** A minor means a person who has not attained the age of majority as determined under the law applicable to the person. [Ref. ICAO Annex 9, Chapter 1, Definitions]

## N

- **Necessary precautions** means verifications carried out by adequately trained staff members of the aircraft operator or the company operating on behalf of the aircraft operator, at the point of embarkation, in order to ensure that every person holds a valid travel document and, where applicable, the visa or residence permit required to enter the State of transit and/or receiving State. These verifications must ensure that any obvious irregularity (such as impersonation, counterfeit or forgery), i.e. irregularities through a normally careful examination, is detected. [Ref. ICAO Annex 9, Chapter 1, Definitions]

## O

- **Operating air carrier** means an air carrier that performs or intends to perform a flight under a contract with a passenger or on behalf another person, legal or natural, having a contract with that passenger. [Ref. Regulation (EC) 1107/2006 article 2]

## P

- **Person with disabilities** 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. [Ref. Regulation (EC) 1107/2006 article 2]
- **Passenger Data Single Window.** A facility that allows parties involved in passenger transport by air to lodge standardised passenger information (i.e. API, iAPI and/or PNR) through a single data entry point to fulfil all regulatory requirements relating to the entry and exit of passengers that may be imposed by various agencies of the Contracting State. [Ref. ICAO Annex 9, Chapter 1, Definitions]

## R

- **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. [Ref. Regulation (EC) 1107/2006 article 2]

## S

- **Service animal** means **recognised assistance dog** in the ECAC/EU context, which is a narrower definition than the one which appears in ICAO Doc 9984.

## T

- **Tour operator** means, with the exception of an air carrier, an organiser or retailer of package tours and tourism services for sale either directly to travellers or through intermediaries.

## U

- **Unaccompanied minor**. A minor travelling alone or travelling only in the company of another minor<sup>1</sup>. [*Ref. ICAO Annex 9, Chapter 1, Definitions*]



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<sup>1</sup> This definition shall not affect any obligation which may result from the application of Schengen or national border checks regulations.

## **SECTION 1: GENERAL**

### **1.1 Implementation of ICAO Annex 9, Fifteenth edition**

1.1.1 In pursuance of Standard 2.9 and Standard 4.13 of ICAO Annex 9, Fifteenth 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.

1.1.2 ECAC Member States should:

- a) Intensify their efforts towards fully complying with the Standards and Recommended Practices of ICAO Annex 9, Fifteenth edition;
- b) If they have not yet notified ICAO of the status of implementation of ICAO Annex 9, Fifteenth 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 ICAO 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 ECAC Member States**

1.2.1 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.

Model National Civil Aviation Facilitation Programme is contained in Annex  
1-A.

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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**

2.1.1.1 ECAC Member States should, in compliance with ICAO Standard 3.11 and 3.12 of Annex 9, Fifteenth edition:

- a) Issue only machine-readable travel documents in accordance with the specifications of ICAO Doc 9303, Part 4; and
- b) When issuing identity documents, travel documents for refugees and stateless persons (“Convention Travel Documents”) or visas accepted for travel purposes, issue these in machine-readable form as specified in Doc 9303.

2.1.1.2 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-D.

#### 2.1.1.3 ICAO Public Key Directory

2.1.1.3.1 ECAC Member States should, as set out in ICAO Recommended Practices 3.9.1 and 3.9.2, consider joining the ICAO Public Key Directory:

- a) If presently issuing or intending to issue eMachine Readable Travel Documents (eMRTDs) upload their information to the PKD; and/or
- b) If implementing checks on eMRTDs at border controls, use the information available from the PKD to validate eMRTDs at border controls.

#### **2.1.2 Elimination of embarkation/disembarkation cards**

2.1.2.1 ECAC Member States, in compliance with long-standing facilitation policies as set forth in relevant ECAC FAL Recommendations of the past and of ICAO as contained in Recommended Practice 3.27 of ICAO Annex 9, Fifteenth edition, should make special and continuing efforts to dispense with the requirement for embarkation/disembarkation cards where they are 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 ICAO Annex 9, Fifteenth edition, in particular those under 3.34, which address the obligations of operators to check travel documents of persons to ensure that they are in the possession of documents prescribed by the States of transit and destination for control purposes;
- 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 operators<sup>2</sup> 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) The public authorities of each Member State should seize fraudulent, falsified or counterfeit travel documents. The public authorities should also seize the travel documents of a person impersonating the rightful holder of the travel document. Such documents should be removed from circulation immediately and returned to the appropriate authorities of the State named as issuer or to the resident Diplomatic Mission of that State, except in cases where public authorities retain documents for law enforcement purposes.
- v) Member States should not require aircraft operators to seize documents referred to in paragraph 2.1.3.iv.

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<sup>2</sup> As defined in Chapter I of ICAO Annex 9 to the Chicago Convention.

- vi) Member States should not require an aircraft operator to carry a passenger from a point of departure or transit when the travel document presented by that passenger is determined by the State to be fraudulent, falsified, or counterfeit, or is held by a person other than to whom the document was legitimately issued.

*Note – Nothing in this provision is to be construed so as to prevent the return of inadmissible passengers whose travel document(s) are fraudulent, falsified or counterfeit or held by an imposter, and have been seized by a Member States, in accordance with paragraph 2.1.3.iv and who are travelling under a covering letter issued in accordance with provisions described in Annex 9, Chapter 5, Standard 5.7.*

- vii) 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 ICAO Annex 9, Chapter 5;
- viii) Not make operators liable to charges or administrative fines in the event that they disembark persons who are found inadmissible unless there is evidence of negligence, or failure by the operator in taking necessary precautions to the end that a person has been in possession of required travel documents at the time of embarkation; and
- ix) 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 should promptly report accurate information about stolen, lost and revoked travel documents, issued by their State, to INTERPOL for inclusion in the INTERPOL's Stolen and Lost Travel Documents (SLTD) database and as far as practicable, query at entry and departure border control points the travel documents of individuals travelling internationally against the SLTD database.
- c) 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 of the contact address lists referred to in Doc 30, Part I, paragraphs 1.2 and 2.3.5.
- d) Each Member State should ensure regular updates of the lists referred to above.
- e) 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 Annex 9 and ECAC Doc 30, Part I. It may include:
  - o Information on false, falsified and fraudulently used travel documents, including nationality;
  - o Travel route information;
  - o Passenger risk assessment information; and
  - o Information on modus operandi of smugglers and traffickers of human beings.

### 2.1.3.2 **Advance Passenger Information**

- 2.1.3.2.1 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-C.

## **2.1.4 Accident investigation experts**

- 2.1.4.1 In case of aviation accidents, ECAC 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, ECAC 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 ECAC 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**

#### 2.2.1.1 Taking into account:

- a) That Standard 3.55 of ICAO Annex 9, Fifteenth 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,

#### 2.2.1.2 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 harmonise 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**

### **2.3.1 Inadmissible persons**

2.3.1.1 ECAC Member States should adopt adequate measures in order to:

- a) Facilitate the return of inadmissible persons;
- b) Advise the aircraft operator as soon as practicable following arrival that a passenger that it transported has been found, or may yet be found inadmissible and subject to possible removal proceedings;
- c) Consult the aircraft operator on the time frame for removal;
- d) 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
- e) Implement the relevant provisions of ICAO Annex 9.

### **2.3.2 Deportees**

2.3.2.1 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 ICAO Annex 9.
- 2.3.2.2 ECAC 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.
- 2.3.2.3 As regards deportees, direct non-stop flights to the destination country should be used whenever practicable.
- 2.3.2.4 Member States should indicate which authorities should be informed in accordance with paragraph 2.3.2 above.
- 2.3.2.5 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 co-operate. In respect of deportees, ECAC Member States should seek guidance from the "Guidelines for the removal of deportees", which are provided in **Annex 2-A**. In respect of inadmissible persons, Member States are invited to seek guidance from the "Guidelines for the removal of inadmissible persons", developed by the IATA/CAWG, which are provided in **Annex 2-B**.

## 2.4 Recommendations on Minors

- 2.4.1 ECAC Member States should ensure that their relevant public authorities are trained to consider the welfare of minors both accompanied and unaccompanied. *[Ref. ICAO Annex 9, Chapter 3, 3.78]*
- 2.4.2 ECAC Member States should ensure that aircraft operators provide adequate training to their ground and cabin staff on the handling of minors. *[Ref. ICAO Annex 9, Chapter 3, 3.79]*
- 2.4.3 ECAC Member States and aircraft operators should, where practicable, exchange information as to the appropriate 24 hour point(s) of contact(s) to whom issues concerning the welfare of a minor could be addressed. *[Ref. ICAO Annex 9, Chapter 3, 3.80]*

- 2.4.4 Where data privacy and protection restrictions permit, ECAC Member States should ensure that aircraft operators raise any concerns regarding the welfare of a minor with the relevant public authorities. *[Ref. ICAO Annex 9, Chapter 3, 3.81]*
- 2.4.5 ECAC Member States should consider placing an unaccompanied minor into the care of the relevant public authority at the first available opportunity if there are significant concerns regarding the welfare of the unaccompanied minor during a journey which cannot be resolved quickly. *[Ref. ICAO Annex 9, Chapter 3, 3.82]*
- 2.4.6 ECAC Member States should use appropriate measures to ensure that aircraft operators do not allow minors under the age of five (5) to travel without an accompanying person. *[Ref. ICAO Annex 9, Chapter 3, 3.83]*
- 2.4.7 ECAC Member States should use appropriate measures to ensure that aircraft operators establish a programme for the handling of unaccompanied minors travelling under their supervision. *[Ref. ICAO Annex 9, Chapter 3, 3.84]*
- 2.4.8 Where a minor is permitted to travel unaccompanied, aircraft operators should conduct identity checks on the persons escorting the minor prior to departure and collecting them on arrival. The minor should not be permitted to depart or released to the person collecting them on arrival if there are any doubts as to the authenticity of the identification produced.
- 2.4.9 Where an aircraft operator has any concerns regarding the welfare of a minor, they should retain copies of the documentation provided by the minor as evidence of permission to travel.
- 2.4.10 As far as practicable, where a minor is permitted to travel unaccompanied, Member States should check INTERPOL Yellow Notices<sup>3</sup> through the INTERPOL's Stolen and Lost Travel Documents (SLTD) database.
- 2.4.11 An unaccompanied minor should only be allowed to proceed on a multi-sector journey if carriage has been previously agreed by all the aircraft operators involved.
- 2.4.12 Aircraft operator's staff should ensure that an unaccompanied minor's declaration form is completed<sup>4</sup> before an unaccompanied minor is permitted to proceed on their journey.

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<sup>3</sup> INTERPOL Yellow Notices help locate missing persons, often minors, or help identify persons who are unable to identify themselves.

<sup>4</sup> There is currently no standardised format for an unaccompanied minors declaration.

- 2.4.13 Where an unaccompanied minor utilised a multi-sector journey, the unaccompanied minor's declaration form should be signed by a representative of the connecting airline before the unaccompanied minor is released into their care.
- 2.4.14 Where a removal of an inadmissible person relates to an unaccompanied minor, the removing State should take appropriate measures to ensure that suitable arrangements are in place for the minor at point of departure, transit and point of destination, taking into particular consideration his best interests.  
*[Ref. ICAO Annex 9, Chapter 5, 5.11.2]*
- 2.4.15 Where a removal of a deportee relates to an unaccompanied minor, the departing State should take appropriate measures to ensure that suitable arrangements are in place for the minor at point of departure, transit and point of destination, taking into particular consideration his best interests.  
*[Ref. ICAO Annex 9, Chapter 5, 5.18.2]*
- 2.4.16 Aircraft operators should carefully consider the safety and comfort of the unaccompanied minor and the passengers around them before assigning seating.

Guidelines for the removal of deportees are contained in Annex 2-A.

Guidelines for the removal of inadmissible persons are contained in Annex 2-B.

Key principles for Advance Passenger Information Systems are contained in Annex 2-C.

Key principles for Crew Member Certificates are contained in Annex 2-D.

Best practice for Automated Border Control (ABC) systems is contained in Annex 2-E.



## **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 ICAO Annex 9, Fifteenth 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 In pursuance of Recommended Practice 4.17.1 of ICAO Annex 9, Fifteenth edition, ECAC Member States should consider the introduction of arrangements to enable all parties involved in air cargo operations to submit all the information required by public authorities, in connection with arrival, stay and departure of an air cargo to a single entry point (Single Window).

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

3.1.3 In pursuance of Recommended Practice 4.17.2 of ICAO Annex 9, Fifteenth edition, 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 air cargo community systems using internationally agreed standards with a view to enhance the exchange of information relating to such traffic and assuring inter-operability between the systems of all participants.

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

### **3.2 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 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;

### **3.3 Authorised Economic Operators**

- 3.3.1 In pursuance of Recommended Practice 4.9.1 of ICAO Annex 9, Fifteenth edition, ECAC Member States should consider the introduction of programmes for Authorised Economic Operators that enhance security, thus creating an environment for facilitative Customs control measures. Facilitative control measures may include a reduced level of physical inspections and examinations, the submission of a limited set of data elements, a notification of an intended inspection before arrival of the goods and other facilitative measures. The control measures should be based on the required information provided in advance to Customs and by using risk assessment procedures.

Further information on Authorised Economic Operator is presented at Annex 3-A Appendix 1.

- 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 duplication of similar requirements by public authorities.
- 3.3.3 In pursuance of Recommended Practice 4.30.1 of ICAO Annex 9, Fifteenth edition, special simplified procedures for Authorised Economic Operators and other authorised persons may include, but not be limited to:
- a) Release of the goods for import or export 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 import or export goods at the authorised person's premises, or another place authorised by Customs;
  - c) Lodgement of a goods declaration for import or export based on the entry into the records of the authorised person;
  - d) Lodgement 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;

Further to that, ECAC Member States may consider other simplified measures such as transit procedures based on the use of cargo manifest or Master Air Waybill.

- 3.3.4 ECAC Member States should – for the notion of authorised person – pay attention to Transitional Standard 3.32 of World Customs Organization's (WCO) International Convention on the Simplification and Harmonisation of Customs procedures as revised in 1999, which entered into force in 2006 ("the revised Kyoto Convention").
- 3.3.5 ECAC In pursuance of Recommended Practice 4.9.2 of ICAO Annex 9, Fifteenth edition, ECAC Member States should encourage the establishment of agreements or arrangements for the mutual recognition of their respective Authorised Economic Operator programmes or equivalent programmes with other countries.

### **3.4 Cooperation between the relevant competent authorities in the area of air cargo security**

- 3.4.1 ECAC Member States should encourage cooperation between air cargo security authorities and Customs authorities, related to the

respective security certification programmes, being the Regulated Agent/Known Consignor/Account Consignor and the Authorised Economic Operator. Cooperation may encompass:

- a) the application and initial assessment procedure;
- b) the exchange of available information on the applicant, including information contained in their respective databases of approved/certified entities;
- c) combined compliance controls;
- d) follow-up activities after the status/authorisation has been granted, including sharing of information with regard to the withdrawal or revocation of the status; and
- e) other activities.

### **3.5 Miscellaneous provisions**

- 3.5.1 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.
- 3.5.2 In pursuance of Recommended Practice 4.11.1 of ICAO Annex 9, Fifteenth edition, ECAC Member States should consider, for facilitation purposes, where feasible, the use of the available advance cargo information in subsequent import, export and/or transit customs procedures for the release/clearance of the goods.
- 3.5.3 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.
- 3.5.4 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.
- 3.5.5 In the context of Standards 2.21 and 2.22 of ICAO Annex 9, Fifteenth 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.

- 3.5.6 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.

Guidelines on facilitation of air cargo are contained in Annex 3-A.



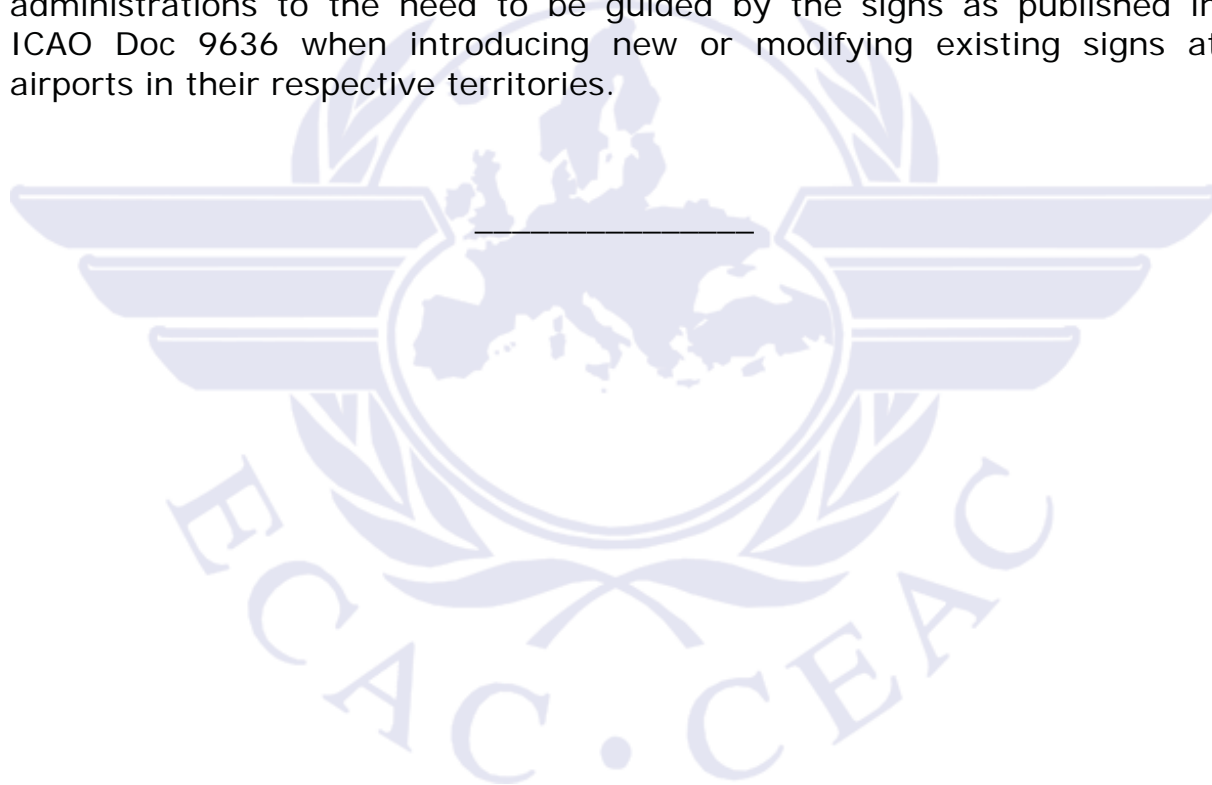
## **SECTION 4: FACILITATION AND SERVICES FOR TRAFFIC ON AIRPORTS**

### **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**

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.



## SECTION 5: FACILITATION OF THE TRANSPORT OF PERSONS WITH DISABILITIES AND PERSONS WITH REDUCED MOBILITY (PRMs)

### 5.1 Introduction

- 5.1.1 Persons with disabilities and persons with reduced mobility (PRMs) make up a significant and growing percentage of the world's population and constitute the world's largest minority. *[Manual on Access to Air Transport by Persons with Disabilities, foreword]*
- 5.1.2 **Persons with disabilities and PRMs have the same right as other citizens to free movement, freedom of choice and non-discrimination. This applies to air travel as to other areas of life.** *[Ref. Regulation (EC) 1107/2006, introductory paragraph 1]*
- 5.1.3 **Discrimination towards persons with disabilities and PRMs in air travel should be prohibited. Persons with disabilities and PRMs should therefore be accepted for carriage and not refused transport on the grounds of their disability or lack of mobility, except for reasons which are justified on the grounds of safety and prescribed by law.** *[Ref. Regulation (EC) 1107/2006, introductory paragraph 2]*
- 5.1.4 In order to give persons with disabilities and PRMs opportunities for air travel comparable to those of other citizens, assistance to meet their particular needs should be provided at the airport as well as on board aircraft by employing the necessary staff and equipment. In the interests of social inclusion, the persons concerned should receive this assistance without additional charge. *[Ref. Regulation (EC) 1107/2006, introductory paragraph 4]*
- 5.1.5 Airport Managing Bodies and air carriers should work in partnership to review and develop the way that special assistance services for persons with disabilities and PRMs are organised in order to support the principle of a professional and seamless service for this collective.
- 5.1.6 Disability-equality and disability-awareness training for airline and airport personnel is crucial in order to ensure that persons with disabilities receive the assistance they may need and that they are treated with respect.
- 5.1.7 International Standards and Recommended Practices regarding the facilitation of air transport of persons with disabilities and PRMs are set out in ICAO Annex 9<sup>5</sup>, Chapter 8. The "Manual on Access to Air Transport by Persons with Disabilities" (ICAO Doc

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<sup>5</sup> ICAO Annex 9, 15<sup>th</sup> Edition, Amendment 26<sup>th</sup>, October 2017

9984)<sup>6</sup> consolidates general principles regarding the facilitation of the transport of persons with disabilities and PRMs.

- 5.1.8 In EU Member States PRMs rights are protected under Regulation (EC) No 1107/2006, and the same provisions are set out in ECAC Doc 30, Part I in order to harmonise the implementation of measures in non-EU ECAC Member States. Guidance on the application of Regulation (EC) No 1107/2006 is provided in the Interpretative Guidelines issued in June 2012.



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<sup>6</sup> Manual on Access to Air Transport by Persons with Disabilities, 1<sup>st</sup> Edition - 2013



## **5.2 Objective and scope**

- 5.2.1 The objective of this Section is to define and recommend common rules for the protection of, and provision of assistance to persons with disabilities and PRMs travelling by air, so that they can be implemented on a harmonised basis in ECAC Member States.
- 5.2.2 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. [*Ref. Regulation (EC) 1107/2006 article 1.1*]
- 5.2.3 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.
- 5.2.4 The provisions at sub-sections 5.4 (prevention of refusal of carriage), 5.5 (derogations, special conditions and information) and 5.11 (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.
- 5.2.5 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 EU Regulation 1107/2006 with which this section is aligned. For those ECAC Member States which are not in the European Union, it is a matter of choice whether to follow EU 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.

## **5.3 Categories of passengers needing special assistance**

- 5.3.1 In order to adapt services supplied to the needs of persons with disabilities 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 within airline messages:

- **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. It is recommended to include in this category passengers who only need little assistance at the airport and no assistance on-board (e.g. elderly passengers and others who do not need a wheelchair but rather a helping hand or assistance with luggage).
- **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.
- **BLND** - Blind or visually impaired passenger
- **DEAF** - Passenger who is deaf or hard of hearing or a passenger who is deaf without speech.
- **DEAF/BLND** - 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 persons with disabilities such as learning difficulties, dementia, Alzheimer's' or Down's syndrome who travel alone and will need ground assistance.

5.3.2 In order to provide the appropriate assistance, the air carrier should inform on the actual needs of the passenger using the "free text" box, visible in the messaging system between airlines

and airports (PAL/CAL messaging). This is particularly useful in the case of passengers with invisible disabilities.

## 5.4 Prevention of refusal of carriage

- 5.4.1 An air carrier or its agent or a tour operator should not refuse, on the grounds of disability or of reduced mobility:
- a) to accept a reservation for a flight departing from or arriving to an airport in the territory of an ECAC Member State;
  - b) to embark a person with disabilities or a PRM at such an airport, provided that the person concerned has a valid ticket and reservation.

*[Ref. Regulation (EC) 1107/2006 article 3]*

## 5.5 Derogations, special conditions and information

- 5.5.1 Notwithstanding the provisions of paragraph 5.4.1, 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 person with disabilities 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. *[Ref. Regulation (EC) 1107/2006 article 4.1]*

- 5.5.2 **In the event of refusal to accept a reservation on the grounds referred to under points (a) or (b) of paragraph 5.5.1, the air carrier, its agent or the tour operator should make reasonable efforts to propose an acceptable alternative to the person in question.** *[Ref. Regulation (EC) 1107/2006 article 4.1]*

- 5.5.3 A person with disabilities 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 5.5.4 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.  
*[Ref. Regulation (EC) 1107/2006 article 4.1]*

- 5.5.4 **Under the conditions referred to in paragraph 5.5.1(a), an air carrier or its agent or a tour operator may require that a person with disabilities or PRM be accompanied by**

**another person who is capable of providing the assistance required by that person.** [*Ref. Regulation (EC) 1107/2006 article 4.2*]

- 5.5.4.1 Air carriers should be encouraged to offer discounts for the carriage of an accompanying person for persons with disabilities persons and PRMs in particular when the air carrier considers the presence of such a person necessary for safety reasons.
- 5.5.5 Regarding the conditions referred to in 5.5.1(a), guidance is provided to air carriers at Annex 5-F "Advisory note on procedures for carrying persons with disabilities and persons with reduced mobility (PRMs)".
- 5.5.6 **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 persons with disabilities and PRMs, 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.** [*Ref. Regulation (EC) 1107/2006 article 4.3*]
- 5.5.7 When an air carrier or its agent or a tour operator exercises a derogation under paragraphs 5.5.1 or 5.5.4, it should immediately inform the person with disabilities or PRM of the reasons therefore. On request, an air carrier, its agent or a tour operator should communicate these reasons in writing to the person with disabilities or PRM, within five working days of the request.  
[*Ref. Regulation (EC) 1107/2006 article 4.4*]

## **5.6 Designation of points of arrival and departure**

- 5.6.1 In cooperation with airport users, through the Airport Users Committee where one exists, and relevant organisations representing **persons with disabilities 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 persons with disabilities and PRMs can, with ease, announce their arrival at the airport and request assistance.** [*Ref. Regulation (EC) 1107/2006 article 5.1*]

5.6.2 **The points of arrival and departure referred to in paragraph 5.6.1, should be clearly signed and should offer basic information about the airport, in accessible formats.**

[Ref. Regulation (EC) 1107/2006 article 5.2]

5.6.3 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 persons with disabilities 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 delivering assistance on the ground for persons with disabilities and persons with reduced mobility (PRMs)" and **Annex 5-D** "Guidelines for delivering assistance on the ground for persons with disabilities and persons with reduced mobility (PRMs)" 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.

## 5.7 Transmission of information

5.7.1 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 persons with disabilities or PRMs.** [Ref. Regulation (EC) 1107/2006 article 6.1]

5.7.2 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.

[Ref. Regulation (EC) 1107/2006 article 6.2]

5.7.3 In all cases other than those mentioned in paragraph 5.7.2, the air carrier or its agent or tour operator should transmit the information as soon as possible.

*[Ref. Regulation (EC) 1107/2006 article 6.3]*

- 5.7.4 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 persons with disabilities and PRMs on that flight requiring assistance and of the nature of that assistance. *[Ref. Regulation (EC) 1107/2006 article 6.4]*
- 5.7.5 Air carriers, their agents and tour operators should observe these requirements and persons with disabilities 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 persons with disabilities 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.
- 5.7.6 **Annex 5-D** "Guidelines for delivering assistance on the ground for persons with disabilities and persons with reduced mobility (PRMs)" sets out the standards of service that airports should provide for departing and arriving persons with disabilities 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.

## 5.8 Right to assistance at airports

- 5.8.1 When a person with disabilities 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 5.9.7 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.  
*[Ref. Regulation (EC) 1107/2006 article 7.1]*
- 5.8.2 Where use of a service animal 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 service animals on board aircraft, where such rules exist.  
*[Ref. Regulation (EC) 1107/2006 article 7.2]*

5.8.3 **If no notification is made in accordance with paragraph 5.8.1**, 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.

[Ref. Regulation (EC) 1107/2006 article 7.3]

5.8.4 The provisions of paragraph 5.8.1 should apply on condition that:

- a) The person presents himself or herself for check-in:
  - o 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
  - o If no time is stipulated, not later than one hour before the published departure time, or
- b) The person arrives at a point within the airport boundary designated in accordance with paragraph 5.6:
  - o 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
  - o If no time is stipulated, not later than two hours before the published departure time.

[Ref. Regulation (EC) 1107/2006 article 7.4]

5.8.5 When a person with disabilities 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 5.9.7 in such a way that the person is able to take the flight for which he or she holds a reservation. [Ref. Regulation (EC) 1107/2006 article 7.5]

5.8.6 On the arrival by air of a person with disabilities 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 5.9.7 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 5.6. [Ref. Regulation (EC) 1107/2006 article 7.6]

5.8.7 The assistance provided should, as far as possible, be appropriate to the particular needs of the individual passenger. [Ref. Regulation (EC) 1107/2006 article 7.7]

## 5.9 Responsibility for assistance at airports

- 5.9.1 The managing body of an airport should be responsible for ensuring the provision of the assistance set out in paragraph 5.9.7 without additional charge to persons with disabilities and PRMs.  
*[Ref. Regulation (EC) 1107/2006 article 8.1]*
- 5.9.2 The managing body may provide such assistance itself. Alternatively, in keeping with its responsibility, and in accordance with recommended quality standards referred to in 5.10.1, 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.  
*[Ref. Regulation (EC) 1107/2006 article 8.2]*
- 5.9.3 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.  
*[Ref. Regulation (EC) 1107/2006 article 8.3]*
- 5.9.4 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.  
*[Ref. Regulation (EC) 1107/2006 article 8.4]*
- 5.9.5 The managing body of an airport should separate the accounts of its activities relating to the assistance provided to persons with disabilities and PRMs from the accounts of its other activities, in accordance with current commercial practice. *[Ref. Regulation (EC) 1107/2006 article 8.5]*
- 5.9.6 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 persons with disabilities and PRMs.  
*[Ref. Regulation (EC) 1107/2006 article 8.6]*



5.9.7 Assistance and arrangements necessary to enable persons with disabilities 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 5.6,
- 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.

*[Ref. Regulation (EC) 1107/2006 Annex I]*

5.9.8 Arrangements should also be in place to ensure that:

- Where a person with disabilities 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.
- Assistance on the ground for 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.

- Assistance on the ground for service animals is provided, when relevant.
- Information needed to take flights is communicated in accessible formats.

*[Ref. Regulation (EC) 1107/2006 Annex I]*

5.9.9 Member States should ensure that information for persons with disabilities 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.

5.9.10 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 delivering assistance on the ground for persons with disabilities and persons with reduced mobility (PRMs)" and **Annex 5-D** "Guidelines for delivering assistance on the ground for persons with disabilities and persons with reduced mobility (PRMs)". These standards should form the basis of the assistance mentioned in paragraph 5.8.

5.9.11 Airport Design

5.9.11.1 The layout and design of airport terminals have a major impact on the level and nature of assistance needed by persons with disabilities and PRMs. A well designed airport enables a far higher level of independent mobility to many persons with disabilities. The assistance that is needed may also depend on distances through the airport, for example from check in to departure gate.

5.9.11.2 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 persons with disabilities 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.

5.9.11.3 Means of transport to or from the airport, inside the airport area and between airports, should be organized so as to enable persons with disabilities and PRMs to be transported in the same conditions of comfort and safety as those available to other passengers.

- 5.9.11.4 Parking spaces should be reserved for persons with disabilities' 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.
- 5.9.11.5 Pedestrian crossings should be accessible to persons with disabilities and PRMs.
- 5.9.11.6 Changes in level should be compensated by installations in conformity with accessibility parameters adapted to persons with disabilities and PRMs.
- 5.9.11.7 All points of access to each building open to the public should be accessible to persons with disabilities and PRMs and connected to points served by public transport.
- 5.9.11.8 All areas in the terminal building that are open to the public, including all facilities, should be designed in such a way that persons with disabilities and PRMs can reach and use them without difficulty, in particular:
- Toilets
  - Restaurants
  - Shops
  - Communication equipment
  - Counters.
- 5.9.11.9 Installations which are reserved or designed for persons with disabilities and PRMs should be appropriately signed, by following internationally agreed standards.

## **5.10 Quality standards for assistance**

- 5.10.1 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 persons with disabilities and PRMs. [*Ref. Regulation (EC) 1107/2006 article 9.1*]
- 5.10.2 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 persons with disabilities or PRMs, notably the present recommendations and its Annexes,

such as **Annex 5-C “Code of good conduct in delivering assistance on the ground for persons with disabilities and persons with reduced mobility (PRMs)”**. [Ref. Regulation (EC) 1107/2006 article 9.2]

- 5.10.3 The managing body of an airport should publish its quality standards. [Ref. Regulation (EC) 1107/2006 article 9.3]
- 5.10.4 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 5.10.1 or provide services additional to those recommended. [Ref. Regulation (EC) 1107/2006 article 9.4]
- 5.10.5 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. [Ref. Regulation (EC) 1107/2006 article 9.5]

## **5.11 Assistance by air carriers**

- 5.11.1 An air carrier should provide the necessary assistance without additional charge to a person with disabilities 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 5.8.1, 5.8.2. and 5.8.4. [Ref. Regulation (EC) 1107/2006 article 10]
- 5.11.2 The assistance provided should include:
- Carriage of service animals in the cabin, subject to national regulations.
  - In addition to medical equipment, carriage of up to two pieces of mobility equipment per person with disabilities 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 person with disabilities 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 person with disabilities or PRM.

*[Ref. Regulation (EC) 1107/2006 Annex II]*

- 5.11.3 Member States should ensure that persons with disabilities and PRMs be given the necessary assistance on board by airline cabin staff.
- 5.11.4 In case an on-board wheelchair is available this should be easily accessible for any passenger in need of it during the flight.
- 5.11.5 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.
- 5.11.6 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”.

## 5.12 Training

5.12.1 Air carriers and airport managing bodies should:

- ensure that all their personnel, including those employed by any sub-contractor, providing direct assistance to persons with disabilities 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.

*[Ref. Regulation (EC) 1107/2006 article 11]*

5.12.2 Travel agencies should ensure that their personnel in contact with persons with disabilities and PRMs also receive appropriate training on how to give practical assistance to persons with disabilities and PRMs and how to ask persons with disabilities and PRMs what assistance they need and how best to provide it.

5.12.3 The training should be delivered in cooperation with disability organisations.

5.12.4 The scope and content of the disability-equality and disability-awareness training and the competencies which should be acquired are described in **Annex 5-G “Training”**.

5.12.5 The scope and content of the training for persons providing direct assistance to persons with disabilities and PRMs and the competencies which should be acquired are described in **Annex 5-G “Training”**.

5.12.6 Recurrent training should be conducted:

- a) for competencies acquired during the disability-equality and disability-awareness training, at least once every 2 years or, in cases where the competencies have not been exercised for more than 6 months, before return to directly deal with the travelling public;
- b) for competencies acquired during the training on direct assistance to persons with disabilities and PRMs, at least once per year or, in cases where the competencies have not been

exercised for more than 6 months, before return to directly provide assistance to persons with disabilities and PRMs; and

- c) for new or extended competencies, as required to ensure that persons who deal with travelling public or provide direct assistance to persons with disabilities and PRMs are promptly made aware of new developments and/or legal requirements by the time they have to be applied.

5.12.7 Records of recurrent training should be kept for all persons trained for at least the duration of their contract.

5.12.8 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".

### **5.13 Compensation for lost or damaged wheelchairs, other mobility equipment and assistive devices**

5.13.1 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.

*[Ref. Regulation (EC) 1107/2006 article 12]*

5.13.2 Persons with disabilities 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 persons with disabilities and PRMs the information contained in **Annex 5-A** "Guidance leaflet for persons with reduced mobility who may be infrequent or first time flyers".

## **5.14 Enforcement body and its tasks**

- 5.14.1 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 persons with disabilities and PRMs are respected, including taking account of the quality standards referred to in paragraph 5.10 and Annexes 5-C and 5-D. [*Ref. Regulation (EC) 1107/2006 article 14.1*]
- 5.14.2 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 5.9.1 to 5.9.9, including as regards the provisions on charges with a view to avoiding unfair competition. They may also designate a specific body to that effect. [*Ref. Regulation (EC) 1107/2006 article 14.2*]

## **5.15 Complaint procedure**

- 5.15.1 A person with disabilities 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. [*Ref. Regulation (EC) 1107/2006 article 15.1*]
- 5.15.2 If the person with disabilities 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 5.14, 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. [*Ref. Regulation (EC) 1107/2006 article 15.2*]
- 5.15.3 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. [*Ref. Regulation (EC) 1107/2006 article 15.3*]
- 5.15.4** The Member States should take measures to inform persons with disabilities and PRMs of their rights and of the possibility of complaint to a designated body or bodies. [*Ref. Regulation (EC) 1107/2006 article 15.4*]
- 5.15.5 The Member States should ensure that information about rights and means of redress are widely publicised to organisations



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

## 5.16 Penalties

5.16.1 The 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. In cases where penalties are applied, they should be effective, proportionate and dissuasive. [*Ref. Regulation (EC) 1107/2006 article 16*]

Guidance leaflet for persons with reduced mobility who may be infrequent, or first time, flyers is contained in Annex 5-A.

Guidance material for security staff – Key points for checks of persons with disabilities and persons with reduced mobility (PRMs) is contained in Annex 5-B.

Code of Good Conduct in delivering assistance on the ground for persons with disabilities and persons with reduced mobility (PRMs) is contained in Annex 5-C.

Guidelines on delivering special assistance on the ground for persons with disabilities and persons with reduced mobility (PRMs) are contained in Annex 5-D.

Guidelines on awareness and disability equality for all airport and airline personnel dealing with the travelling public are contained in Annex 5-E.

Advisory note on procedures for carrying persons with disabilities and persons with reduced mobility (PRMs) is contained in Annex 5-F.

Guidelines on Training are contained in Annex 5-G.

Guidance on pre-notification of persons with disabilities and persons with reduced mobility (PRMs) is contained in Annex 5-H.

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

Guidance on websites' information for persons with disabilities and persons with reduced mobility (PRMs) is contained in Annex 5-J.



## SECTION 6: VARIOUS FACILITATION MATTERS

### 6.1 Limitation on the amount of cabin baggage

#### 6.1.1 Air carriers and airport managing bodies should:

- ensure that all their personnel, including those employed by any sub-contractor, providing direct assistance to persons with disabilities 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.

#### 6.1.2 In order to:

- meet safety requirements in respect of baggage storage in aircraft cabins;
- ease the processing of cabin baggage at security check points and ensure passenger flow;
- avoid last-minute refusals of cabin 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 cabin 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 cabin 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 cabin baggage on board;
- or the number of embarking passengers in relationship with total seat capacity,

prevent acceptance of additional cabin baggage on board.

*Note: Cabin 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 1-A: MODEL NATIONAL CIVIL AVIATION FACILITATION  
PROGRAMME**

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**ECAC MODEL  
NATIONAL CIVIL AVIATION FACILITATION PROGRAMME**

**[insert name of Member State]**

**[insert date]**

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## **NOTE FOR STATES IMPLEMENTING A NATIONAL CIVIL AVIATION FACILITATION PROGRAMME (NCAFP)**

*This template provides guidance to states to support their efforts in drafting and establishing their own National Civil Aviation Facilitation Programme (NCAFP). It sets out the different topics that may be included in the scope of a NCAFP and offers a blueprint for states that wish to establish a Programme and National Facilitation Committee.*

*States' own constitutional and legal frameworks are fundamental to how their own Programmes will ultimately develop. Therefore, States should adapt this template to their own circumstances. States should choose those elements of the template that best fit their own constitutional and legal frameworks.*

*Annex 9 of the Chicago Convention identifies a number of stakeholders with an interest in facilitation and States should aim to ensure those stakeholder interests are represented in their Programme. It may also be appropriate to consider including representatives from foreign governments or international bodies where they would add value. The facilitation stakeholders identified in Annex 9 are:*

- *Passengers*
- *Airlines (domestic and foreign)*
- *Airport operators*
- *Immigration control authorities*
- *Customs control authorities*
- *Public health authorities*
- *Travel document issuing authorities*
- *Animal and plant control authorities*

*(Noting that some processes may be sub-contracted to ground handlers and other agents)*

## **1. INTRODUCTION**

### **1.1. Facilitation**

Facilitation may be defined as a combination of measures and human and material resources intended to improve and optimize aircraft, crew, passenger and cargo flows at airports while ensuring compliance with relevant international and national legislation.

### **1.2. Purpose of the National FAL Committee and the NCAFP**

The establishment of the National Facilitation Committee (hereafter the National FAL Committee) and of the NCAFP is required by Standard 8.17 in Annex 9 (Fifteenth edition, October 2017) to the Chicago Convention.

The objective of both the Committee and the NCAFP is “to maintain a safe, secure civil aviation environment in which services are delivered in a reliable and efficient manner”.

The purpose of the NCAFP is to provide a framework to guide the improvement and optimization of aircraft, crew, passenger and cargo flows at airports and to improve customer service, while maintaining appropriate security requirements. The Committee provides a forum for consultation about facilitation matters amongst interested stakeholders in Government and the private sector.

While committed to facilitating efficient clearance for arriving and departing aircraft, [NAME STATE] shall maintain high-quality security, effective law enforcement and proficient customer service.

Activities aimed at accomplishing these and related tasks are described in the NCAFP.

### **1.3. Benefits of a NCAFP**

The NCAFP aims to address and harmonise the interests of all entities involved in facilitation, e.g., State services, aircraft operators, commercial air transport users and airports etc. to promote the growth of a safe, reliable and viable air transport industry. The benefits it hopes to achieve are:

- a) to maintain or increase the quality of aircraft, crew, passenger and cargo flow;
  - b) to maintain or increase the level of passenger service and the cost-effectiveness and efficiency of processes and procedures;
  - c) to facilitate, accommodate and encourage the growth of air transport;
- and



d) to contribute to a positive experience meeting the needs of the travelling public.

The NCAFP is placed under the responsibility of [NAME ENTITY], and is implemented through the activities of the National FAL Committee. [NAME ENTITY] is the authority designated by [NAME STATE] within its administration to be responsible for the development, implementation and maintenance of the NCAFP and for the establishment of a National FAL Committee.

The National FAL Committee is chaired by [NAME ENTITY].

#### 1.4. Signature and version number

This document is regularly updated, for example when national or international regulations (e.g., ICAO Annex 9 SARPs) make this necessary. The coordinating body for amendments is [NAME ENTITY]. Amendments will be recognisable in version numbers.

Signed on:

Director General or other title  
Civil Aviation Authority/Ministry/Department

*Note — Status and publication of the NCAFP - Depending in part on the legal status of the NCAFP (e.g., law, decree, ministerial decision), the State concerned may decide to make it public or to limit its circulation, for example only to entities concerned. However, attention is drawn to the probable benefits of ensuring a large circulation of the NCAFP as this would foster its implementation.*

## **PART I — OBJECTIVES OF THE NATIONAL FACILITATION PROGRAMME**

### **2. OBJECTIVES OF THE NATIONAL FACILITATION PROGRAMME**

The main objectives of NCAFP are to facilitate the coordination between relevant Ministries, agencies and industry to:

- Ensure the implementation of all relevant legislation as laid out in Part II;
- Enhance processes and procedures; and
- Proactively support the development of innovative strategies to address facilitation issues in the air transport industry and civil aviation environment.

*Note — This does not mean that the NCAFP provides for, or that the National FAL Committee is responsible for, the implementation of regulations. Neither does it imply a change in the responsibilities of the participating Ministries or Agencies and in their designated areas of competence. The purpose of the NCAFP is primarily to organize the distribution of information and the coordination of the abovementioned tasks.*

## **PART II — LEGISLATION**

### **3. LEGISLATION**

The NCAFP is based on International, European and National laws, regulations and recommendations. The establishment of the NCAFP and the National FAL Committee is required by, and based on the Chicago Convention, Annex 9 and is implemented in application of *[insert reference to National Legislation, regulation or decision as appropriate]*.

The following legislation, at the international, European and national levels are taken into account by the NCAFP.

#### **3.1 International Regulations**

- Chicago Convention on Civil Aviation in particular Articles 10, 13, 14, 22, 23, 37 and 38
- Annex 9 to the Chicago Convention, – Facilitation (15th edition, October 2017)

- Convention for the Unification of Certain Rules for International Carriage by Air (the Montreal Convention)
- International Convention on the simplification and harmonization of Customs procedures (Kyoto Convention)
- SAFE Framework of measures
- World Health Organisation - International Health Regulations (IHR)

*[insert other international instruments, as relevant]*

### 3.2 European Legislation and Recommendations

- Regulation (EC) No 300/2008 (...) on common rules in the field of civil aviation security
- Commission Regulation (EU) No 185/2010 (...) laying down detailed measures for the implementation of the common basic standards on aviation security
- Regulation (EC) No 889/2002 (...) on air carrier liability in the event of accidents (the Montreal Convention)
- Regulation (EC) No 261/2004 (...) establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights
- Regulation (EC) No 2111/2005 (...) on the establishment of a Community list of air carriers subject to an operating ban within the Community and on informing air transport passengers of the identity of the operating air carrier
- Regulation (EC) no 1107/2006 (...) concerning the rights of disabled persons and persons with reduced mobility when travelling by air
- Regulation (EC) No 562/2006 (...) establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code)
- Regulation (EC) No 810/2009 (...) establishing a Community Code on Visas (Visa Code) (consolidated version of February 2012)

- Council Regulation (EU) No 952/2013 (...) establishing the Union Customs Code
- Commission Delegated Regulation (EU) No 2015/2446 (...) supplementing detailed rules concerning certain provisions of the Union Customs Code
- Commission Implementing Regulation (EU) No 2015/2447 (...) laying down detailed rules for implementing certain provisions of the Union Customs Code

*[insert other EU legislation, as relevant]*

- European Civil Aviation Conference (ECAC) - Policy Statement in the field of Civil Aviation Facilitation: ECAC Doc 30 Part I (12<sup>th</sup> edition, May 2018)

### 3.3 National Legislation

*[list relevant national legislation, per sector or subjects addressed]:*

- ...
- ...
- ...

The NCAFP is given legal force by virtue of *[Mention National Legislation, regulation or decision]*. If appropriate

The National FAL Committee and its terms of reference are established by *[provide reference of national legislation, regulation, or decision]*. If appropriate

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## **PART III — ORGANISATION AND MANAGEMENT OF THE NATIONAL FACILITATION PROGRAMME**

### **4. NATIONAL FACILITATION COMMITTEE**

The National FAL Committee is established to implement and manage the provisions of the NCAFP in *[NAME STATE (or STATES in case of National FAL Committee common to several States)]*.

*Note — There are security bodies /committees which may address tasks also dealt within the NCAFP. As the aim is to prevent duplication, regular*

*coordination should take place between the Chair/Secretary of the National FAL Committee and their counterparts in the Security Committees, and through members participating in both groups. The security committees concerned should be updated on the work of the National FAL Committee, which in turn may refer issues of common interest to Security Committees for further consideration.*

#### **4.1 Terms of Reference**

The National FAL Committee enhances processes and procedures and proactively supports development of innovative strategies to address facilitation issues in the air transport industry and civil aviation environment.

The National FAL Committee meets [*frequency to be determined*].

The objectives of the National FAL Committee are to:

1. Ensure coordination between relevant Ministries, agencies and industry;
2. Develop and implement the provisions of the NCAFP;
3. Consider recommendations made by entities (for example, the Airport User Committees, Security Committees or Airport Facilitation Committees) which are not members of the National FAL Committee;
4. Encourage the development of best practices in all areas of facilitation (e.g. immigration, customs, handling of persons with disabilities);
5. Be a forum for discussing proposed changes to the (international) regulations concerning facilitation (e.g. amendments to ICAO Annex 9, to ECAC Doc 30, Part I);
6. Inform departments, competent agencies and other organisations concerned of significant relevant developments in the field of civil aviation (e.g. outcome of ICAO Facilitation Panel) and make recommendations to them regarding issues related to the NCAFP; and
7. Coordinate with the National Security Committee.

*Note — for best practice the Chairman of the National FAL Committee should be a member of the National Civil Aviation Security Committee.*

There are various groups and forums which address several aspects of facilitation. Examples (not limited) are: Airport User Committee (Airport or Aircraft Operators Committee), Airport Facilitation Committee, Airport Security Committee etc. There should be interaction or information dissemination between these committees and members of the National FAL Committee.

## 4.2 Membership

The National FAL Committee is composed of Senior Officials representing the main interests involved in the various domains of facilitation. Alternates may be designated in their respective organisations. Such persons should be given sufficient authority to speak on behalf of their organisations and to initiate necessary action in support of the National FAL Committee's work. Experts may be invited by the Chair of the National FAL Committee to advise or contribute on specific subjects.

The following Government Departments or Agencies may be members of the National FAL Committee: [*choose/add relevant members*]

- Civil aviation authority/Transport Ministry;
- Immigration authorities;
- Identification card/passport/visa issuing authorities;
- Customs authority;
- Security authorities;
- Public health authorities;
- Foreign affairs;
- Internal/Home/Justice affairs;
- Tourism and trade authorities;
- Agriculture, environment and quarantine services;
- Other relevant authorities.
- Etc

In addition, the following organisations may also be members of the National FAL Committee:

- Airline operators;
- Ground handlers;
- Forwarders and express carriers; and
- Airport operators;
- Etc.

The National FAL Committee has detailed work procedures (**Attachment 1**).

## 4.3 Tasks and Work Programme

The National FAL Committee shall:

- Regularly review the level of facilitation at international airports in the country;
- Consider and recommend solutions to facilitation issues;
- Stay informed about the operations of the Airport Facilitation Committees to ensure that practices and/or procedures employed at the airports are in accordance with applicable legislation and ICAO SARPs;
- Consider proposed changes in international legislation or in the recommended practices issued by international fora and to give input to formulate the national policy position;
- Review ICAO Annex 9 provisions and their implementation by way of practices and procedures at the national level, in order to establish compliance and/or file differences with ICAO Annex 9 Standards by the designated authority;
- Systematically review the differences filed in ICAO as regards ICAO Annex 9 as well as any legislation or regulations mandating the practices or procedures giving rise to such differences with a view to working to eliminate them, either by proposing changes in the practices and procedures concerned; or where necessary, by proposing changes in the relevant legislation or regulations;
- Identify and share information from each participating entity on developments in their respective work field which may affect facilitation;
- Ensure Airport Facilitation Committees meet regularly to monitor and evaluate progress.

The National FAL Committee lays down its priorities and work agenda in a *[frequency to be determined]* work programme. The National FAL Committee defines and implements its work programme on a regular basis.

The National FAL Committee may organise its work in dedicated subgroup meetings, for efficiency and effectiveness purposes. Results of subgroups are reported to the National FAL Committee.

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## PART IV — ALLOCATION OF RESPONSIBILITIES

### 5. RESPONSABILITIES

This section describes the allocation of responsibilities for the implementation of facilitation matters. It sets out the tasks relating to facilitation issues allocated, within their area of competence, to national authorities or agencies.

*Note 1 – The organisation of State services at the national level is a matter for the State concerned. Consequently, a State may decide to allocate responsibilities in facilitation matters in accordance with the organisation of its services.*

*Note 2 - This section is not meant as a mandatory allocation of responsibilities for countries to adopt, or a prescriptive guideline. States may feel a more informal model is appropriate to their State and take another approach to how the tasks are managed.*

#### 5.1 Designated Authority Responsible for the NCAFP [*Insert exact name of authority*]

*[Insert name of authority e.g. CAA, MOT]* is the designated authority and is the overall co-coordinator of the NCAFP. The Chairperson of the National FAL Committee is responsible for convening both the regular and ad hoc meetings of the National FAL Committee, and for ensuring that policies and/or regulations proposed by the National FAL Committee are adopted and processed for consideration in national legislation by the authority concerned. The designated authority coordinates with all responsible Ministries, who keep full responsibility for their specific areas of competence.

The Facilitation responsibilities of the Designated Authority are therefore:

- a) To ensure consistency between the NCAFP and the National Civil Aviation Security Programme (NCASP);
- b) To provide Secretariat support to the National FAL Committee;
- c) To ensure full compliance with the SARPs of Annex 9 to the Chicago Convention and if necessary file differences and notify ICAO;
- d) To ensure full compliance with European requirements related to facilitation; and
- e) To ensure operations are carried out in such a manner as to accomplish effective compliance with the laws of States and



productivity for the operators, airports and government (inspection) agencies involved.

## 5.2 Appropriate Authority for Security [*Insert exact name of authority*]

Specific responsibilities in the area of facilitation to be considered are:

- a) To establish and ensure the implementation of a National Civil Aviation Security Programme to safeguard civil aviation against acts of unlawful interference;
- b) To define and allocate tasks and coordinate activities between the departments, agencies and other organizations of the State, airport and aircraft operators, air traffic service providers and other entities concerned with, or responsible for, the implementation of various aspects of the National Civil Aviation Security Programme;
- c) To arrange for the supporting resources and facilities required by the aviation security services to be available at each airport serving civil aviation.
- d) To participate in the National FAL Committee meetings.

## 5.3 Customs Authority [*Insert exact name of authority*]

Specific responsibilities in the area of facilitation to be considered are:

- a) Surveillance of arriving/departing passengers, cargo and mail in order to ensure adherence to national legislation;
- b) In pursuance of Annex 9 Standards, the Customs Authority should put in place facilities that will encourage electronic transmission of information required for entry and departure of aircraft;
- c) Introducing simplified procedures for release of goods to exit or enter the country;
- d) Seizure of all prohibited goods and detention of restricted goods (pending provision of relevant certificates where applicable);
- e) Participation in the National FAL Committee and - if required - in other Facilitation related meetings; and
- f) Provision of sufficient services without charge to operators.

## 5.4 Immigration Authority [*Insert exact name of authority*]

Specific responsibilities in the area of facilitation to be considered are:

- a) Issuance of travel documents and confirming that machine readable travel documents strictly adhere to the ICAO specifications in ICAO Doc. 9303 in order to ensure readability world-wide in machine readers of different manufactures;
- b) Checking the validity and acceptability of travel documents at border control points;
- c) [*where embarkation/disembarkation cards are required*] Ensuring that the embarkation/disembarkation card conforms to the Standards of the ICAO format set out in Annex 9 to the Chicago Convention;
- d) Detection and prevention of travel by terrorists or other criminals (international or otherwise) who may pose a threat to civil aviation and the State;
- e) Development and adoption of an active information sharing policy with relevant stakeholders and regional States to protect national borders against negative consequences of illegal immigration;
- f) If in possession of information or a strong suspicion of illegal migration movements which are liable to endanger law and order and compromise public safety, the Immigration Department, should within the national and international legal framework, inform the other States without delay;
- g) Co-operate with and assist aircraft operators in the establishment of the validity and authenticity of travel documents;
- h) Inform the operators of the requirements by the Authority regarding the entry / transit and departure of passengers;
- i) In case of aviation accidents, accept without delay the entry, on a temporary basis, of the experts required for search, rescue, accident investigation and repair or salvage of aircraft in conformity with Annexes 12 and 13 to the Chicago Convention, without having to produce any other travel document, when necessary, other than a passport;
- j) Where a visa is required for investigation experts on a mission related to an accident, agree to deliver it on an exceptional basis;
- k) Adopt measures in order to facilitate and return the inadmissible persons or deportees;

- l) Adopt measures to prevent persons deemed inadmissible or deported from causing trouble or endangering law and order and public safety in the transit or destination country;
- m) Ensure that the provisions of ICAO Annex 9 are applied with regard to inadmissible persons and deportees;
- n) Participate in the National FAL Committee and - if required - in other facilitation related meetings; and
- o) Provide sufficient services to operators without charge.

### 5.5 Health Authority [*Insert exact name of authority*]

According to Article 14 of the Chicago Convention effective measures are taken to prevent the spread of communicable diseases by air. In relation to facilitation, the Ministry of Health is responsible for, but not limited to:

- a) Collaborating actively with the World Health Organisation (WHO) and other Countries to ensure that the International Health Regulations (IHR) are effectively implemented;
- b) Detecting events involving disease or death above expected levels for the particular time in all areas of the State;
- c) Reporting all available and essential information immediately to the appropriate level of health care response;
- d) Implementing preliminary control measures (against the spread of the disease) immediately;
- e) Responding promptly and effectively to public health risks and public health emergencies of international concern;
- f) Ensuring dis-insection, disinfection and decontamination of aircraft is done in accordance with the recommendation of WHO and in compliance with IHRs;
- g) Providing adequate facilities for vaccination, quarantine (where necessary) and issuing the necessary certificates;
- h) In collaboration with airport and aircraft operators, ensuring that food preparation, storage, service of food, and water supplies and other items intended for consumption at the airport or aboard aircraft are hygienic and meet the standards set by WHO and the Food and Agriculture Organisation (FAO);

- i) Notifying WHO immediately and in accordance with IHR requirements all essential information related to any health risk of an international nature;
- j) Ensuring accessibility to appropriate medical service including diagnostic facilities so as to allow the prompt assessment and care of ill travellers and airport workers;
- k) Establishing and maintaining a public health emergency contingency plan in order to ensure a prompt response to a public health emergency of international concern;
- l) Ensuring provision of appropriate space, separate from other passengers, to interview suspect or affected persons;
- m) Assessing the health condition, and if necessary, organising quarantine of suspect travellers;
- n) Applying entry and exit controls for arriving and departing travellers; and
- o) Participating in the National FAL Committee meetings.

#### **5.6 Agriculture Authority [*Insert exact name of authority*]**

In terms of Facilitation, the Department of Agriculture should ensure:

- a) Plants and animals being exported from or imported into the country meet the regulation for carriage and that they carry the necessary certification from competent agencies;
- b) Close consultations with international Agencies/Institutions regulating food, agriculture and animals are kept in order to be abreast of the latest developments and to update the Airport Facilitation Committee and other stakeholders of developments that make an impact on civil aviation;
- c) The methods and disinfectants used in case of animal health problems;
- d) Declaration of extraordinary measures in case of threat of animal disease; and
- e) Participating in the National FAL Committee.

#### **5.7 Aircraft Operators**

Aircraft operators should:

- a) Efficiently handle passengers and cargo;
- b) Inform the intending passengers of the specific requirements of the countries passengers intend to visit or transit through;
- c) Take adequate precautions to ensure that passengers are in possession of the required travel documents at the time of embarkation;
- d) Provide adequate assistance for passengers with special needs including passengers with reduced mobility or disabilities; and
- e) Participate in the National FAL Committee and - if required - in other Facilitation related meetings.

## 5.8 Airport Operators

The airport operators [Insert names] are expected to constantly consult with aircraft operators, control agencies and other appropriate stakeholders in order to ensure that satisfactory facilities and services are provided for rapid handling and clearance, of baggage, passengers, crew, mail and cargo.

The specific facilitation tasks of airport operators include, but are not limited to:

- a) Designing airports in such a manner to enhance airport traffic flow arrangements;
- b) Displaying internationally recommended signs to facilitate passenger's movements within airports;
- c) Provision of flight information displays (FIDs);
- d) Utilisation of specialised security equipment, where necessary, in examining passengers so as to minimise the number of passengers and persons that have to be examined by other means;
- e) Provision of space for facilities required for implementation of public health maintenance, as well as animal and plant quarantine;
- f) Provision of space and facilities for agencies in charge of clearance control on terms not less or more favourable than those which apply

to the airport operators or users requiring space and facilities on a comparable scale;

- g) Provision, maintenance and optimization of facilities and services for passengers with special needs including passengers with reduced mobility or disabilities; and
- h) Organisation of Airport Facilitation Committees and/or Airport User Committees.
- i) Participation in the National FAL Committee and - if required - in other facilitation related meetings

## 5.9 Ground Handling Agents

Ground Handling Agencies should:

- a) Co-operate closely with Government Agencies to ensure the smooth flow of passengers, cargo, baggage and mail through the airport facilities; and
- b) Participate in the Airport Facilitation Committee Meetings, as appropriate.

## 5.10 Dedicated body for passenger rights/National Enforcement Body *[Insert exact name of authority – if separate entity]*

Where a dedicated body is established to ensure that passenger rights are protected, including:

- (i) the right of passengers with reduced mobility to an equal access to air transport; and
- (ii) the right of passengers to assistance and, where required, compensation in case of e.g., denied boarding, flight cancellations or long flight delays.

This body should:

- a) Oversee the implementation by airport and aircraft operators in respect of the said rights;
  - b) Report its conclusions and recommendations to the competent Government Agencies (e.g., Consumer Protection Agency, Equality and Non-Discrimination Agency); and
  - c) Participate, as need be, in the National FAL Committee.
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## ATTACHMENT 1

### NATIONAL FACILITATION COMMITTEE

#### RULES OF PROCEDURE

1. The Chair of the National Facilitation Committee (hereafter National FAL Committee) is the [*Position of the Official from the Designated Authority for the National FAL Programme*].
2. The [*Designated Authority for the National FAL Programme*] provides Secretariat services to the National FAL Committee.
3. Government ministries or agencies and other entities involved in the implementation of the NCAFP designate their respective member to the National FAL Committee.
4. Members of the National FAL Committee shall participate in every meeting of the National FAL Committee. A member may be replaced by an alternate, who shall have the same responsibility and exercise the same rights as the regular member.
5. Experts with specific knowledge of potentially significant interest to the Committee may be invited by the Chair to participate in one (or more) of the meetings of the National FAL Committee, or only a part thereof, on an ad hoc basis.
6. The National FAL Committee will meet [*insert number*] times a year. The National FAL Committee may hold ad hoc meetings whenever necessary for the purpose of reviewing a facilitation situation and attempting to resolve specific operational problems. The outcomes of the ad-hoc meetings are reported to the National FAL Committee.
7. The Secretary of the National FAL Committee is responsible for:
  - Making all administrative arrangements for the preparation of the meetings of the National FAL Committee in liaison with the Chair;
  - disseminating the provisional agenda to the members of the National FAL Committee at least [*insert number*] working days in advance.
8. All papers shall be submitted to the Secretary at least [*insert number*] working days in advance of the meeting.
9. The Secretary prepares a Summary of Decisions after each meeting, to be circulated to the National FAL Committee within [*insert number*] working days after the meeting.

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## ANNEX 2-A: GUIDELINES FOR THE REMOVAL OF DEPORTEES

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### 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, (15th Edition / October 2017), 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 deporting State and the aircraft operator as they normally apply to deportees whose removal is organised by the deporting 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

- 2.1 For the purpose of this document, the following definitions are applied unless otherwise indicated:
- **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.
  - **Aircraft Operator** means a person, organisation or enterprise engaged in or offering to engage in an aircraft operation.
  - **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.<sup>7</sup>
  - **DEPA** refers to the industry-approved code for a deportee who is escorted by authorised personnel during the removal.

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<sup>7</sup> Annex 9 to the ICAO Convention on International Civil Aviation, Chapter 1, 15th Edition



- **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.
- **DEPU** refers to the industry-approved code for a deportee who is not escorted during the removal.
- **Departing State** means the State that has organised a deportee's removal from its territory.
- **Escort** means a person authorised by the departing State to accompany a deportee (DEPA) during the removal.
- **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.
- **Pilot-in-command** means the pilot responsible for the operation and safety of the aircraft during flight time.
- **Risk Assessment** is an assessment by a departing 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. Departing States agree to direct any matters regarding deportation arrangements to these contact numbers wherever possible.
- 3.2 The departing State should provide a 24-hour contact concerning deportee situations. Departing States should also provide contact information for an official or office to which questions of policy interpretation can be addressed.
- 3.3 The departing 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 standard<sup>8</sup>, which reads:

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<sup>8</sup> Standard 5.19 Annex 9, 15th Edition

*"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 standard<sup>9</sup>, 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.<sup>10</sup>

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.<sup>11</sup>

3.9 The deporting 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 standard<sup>12</sup>, which reads:

*"A Contracting State, when presenting a deportee for removal, shall ensure that all official travel documentation required by any*

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9 Standard 5.17, Annex 9, 15th Edition

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

11 IATA PSC Resolution 701, 3.5

12 Standard 5.21, Annex 9, 15th Edition

*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 standard<sup>13</sup>, 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.

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13 Standard 5.24, Annex 9, 15th Edition

## **5. RESERVATIONS AND TICKETING**

5.1 States should adopt as best practice the following ICAO Annex 9 standard<sup>14</sup>, 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

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14 Standard 5.20, Annex 9, 15th Edition

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.
- 6.9 The seating of deportees and their escorts on the aircraft is guided by applicable policies established in accordance with International Regulations<sup>15</sup>.
- 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 Standard 5.18 which reads:

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

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

- 7.2 Contracting States and aircraft operators should, where applicable, exchange information as to the appropriate 24-hour point(s) of contact(s) to whom deportee inquiries should be directed.
- 7.3 Where the removal of a deportee relates to an unaccompanied minor, the deporting State should take appropriate measures to ensure that suitable arrangements are in place for the minor at point of departure, transit and point of destination.
- 7.4 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.
- 7.5 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 the following ICAO Annex 9 standard<sup>17</sup>, 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."*

- 7.6 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.<sup>16</sup>
  - 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.
- 7.7 The aircraft operator should, when so requested by the deporting 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

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<sup>17</sup> Standard 5.16, Annex 9, 15th Edition  
<sup>16</sup> Tokyo Convention, 1972

additional requirements are to be met to enable transportation to occur.

7.8 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

7.9 States should adopt as best practice the following ICAO Annex 9 Standard<sup>17</sup>, which reads:

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

7.10 States should adopt as best practice the following ICAO Annex 9 Standard<sup>18</sup>, 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."*

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17 Standard 5.22, Annex 9, 15th Edition

18 Standard 5.23, Annex 9, 15th Edition

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## ANNEX 2-B: GUIDELINES ON THE REMOVAL OF INADMISSIBLE PERSONS

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### 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.
- 1.1 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.
- 1.1 In seeking to interdict the travel of inadmissible persons, and to facilitate their removal and return, States and aircraft 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.
- 1.1 States and aircraft operators are urged to develop greater levels of cooperation that enhance security, flexibility and, ultimately, border integrity.

### 2. DEFINITIONS

- 2.1 For the purposes of this document, the following definitions should be applied unless otherwise indicated.
- **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.
  - **Aircraft Operator** is a person, organization or enterprise engaged in or offering to engage in an aircraft operation.
  - **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.
  - **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.

- **Inadmissible person** means a person who is refused admission to, or transit through the territory of a State by the authorities of that State.
- **Removal order** means a removal order, a written order served by a State on the operator on whose flight an inadmissible person travelled into the State, directing the 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 aircraft operator's aircraft pending a determination of admissibility of any person who arrived on the aircraft operator's inbound flight.
- 3.2 When a person is found inadmissible, the State should notify the aircraft operator or its local representative without delay confirming this as soon as possible in writing.
- 3.3 To assist in the notification process, the aircraft operator should provide primary contact names at the port level to whom notices should be delivered.
- 3.4 When requiring the responsible aircraft operator to effect the removal of an inadmissible person, the State should provide a written Removal Order to the inbound aircraft 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 aircraft 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 aircraft 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 aircraft 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.
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## ANNEX 2-C: KEY PRINCIPLES FOR ADVANCE PASSENGER INFORMATION SYSTEMS

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### 1. INTRODUCTION

- 1.1 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 aircraft operator 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. DEFINITIONS

- 2.1 For the purposes of this document, the following definitions should be applied unless otherwise indicated.
- **Advance Passenger Information (API) System** is an electronic communications system whereby required data elements are collected and transmitted to border control agencies prior to flight departure or arrival and made available on the primary line at the airport of entry.

### 3. KEY PRINCIPLES

- 3.1 Member States should establish an Advance Passenger Information (API) system and when seeking to introduce it should take account of these ECAC Guidelines.
- 3.2 Member States should consider international Standards and Recommended Practices contained in Chapter 9 of ICAO Annex 9 on Facilitation (15<sup>th</sup> edition, October 2017). 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.
- 3.3 Member States should consider WCO/IATA/ICAO Guidelines on API of 2014 and IATA/CAWG API Statement of Principles for APIS of 17 May 2007. These guidelines refer to data relating to the flight (header data) that are not included in ICAO Annex 9.
- 3.4 Member States should carefully consider the cost to operators

arising from the various options for obtaining API data.

- 3.5 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.
- 3.6 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.
- 3.7 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.
- 3.8 The data requirements should originate from a single representative of the requesting authorities (single window concept).
- 3.9 Stakeholders should be consulted before development and implementation of an API system as early as possible.
- 3.10 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.
- 3.11 Where appropriate all opportunities for the improvement of service quality and cost efficiency should be realised.
- 3.12 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.
- 3.13 An API system should be user-friendly and seamless. Where appropriate, it should facilitate the travel of passengers.
- 3.14 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-D: KEY PRINCIPLES FOR CREW MEMBER CERTIFICATES**

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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*.

The adoption of Crew Member Certificates (CMCs) is not a mandatory requirement for ECAC Member States, but in case a Member State decides to implement CMCs, it is recommended to have in mind the guidelines contained in this annex.

### **1. REQUIREMENTS FOR CREW MEMBER CERTIFICATES**

1.1 Where Member States offer state-issued CMCs, these should only be issued in the form of machine readable cards with a TD1 size (credit card format) and in accordance with the specifications of ICAO Doc 9303, Part 5.

1.2 A state-issued crew member certificate of a crew member employed by an air carrier should display:

– All the elements required for a crew member card:

- a) the name and photograph of the holder; and
- b) the name of the air carrier; and
- c) the word 'crew' in English; and
- d) the expiry date.

*[Ref Commission Implementing Regulation (EU) 2015/1998 Annex 1.2.4.1]*

– The following additional elements in the front side:

- a) occupation (in accordance with ICAO Annex 9, Appendix 7); and
- b) number of security clearance; and
- c) sex; and
- d) nationality.

– The following additional elements in the back side:

- e) place of issuance; and
- f) issuing authority; and
- g) signature.

1.3 A crew member certificate should display the name and flag of the issuing country and the EU logo (only applicable for EU Member States).

- 1.4 CMCs is strongly advised to be issued by the same agency that produce the e-passport or equivalent identification document in order to incorporate similar protection measures.

## **2. VALIDITY OF CREW MEMBER CERTIFICATES**

- 2.1 Crew member certificates should be issued for a period not exceeding five years.

*[Ref Commission Implementing Regulation (EU) 2015/1998 Annex 1.2.3.2]*

## **3. BACKGROUND CHECKS**

- 3.1 Flight crew and cabin crew members should have successfully completed a background check before a crew member certificate is issued to them.

*[Ref Commission Implementing Regulation (EU) 300/2008 Annex 1.2.4]*

- 3.2 The background check required should cover at least the last five years. It should be repeated at regular intervals not exceeding five years.

*[Ref Commission Implementing Regulation (EU) 2015/1998 Annex 1.2.2]*

- 3.3 In accordance with international and national rules, a background check of cabin crew and flight crew members should at least:

- a) establish the person's identity on the basis of documentary evidence;
- b) cover criminal records in all states of residence during at least the preceding 5 years; and
- c) cover employment, education and any gaps during at least the preceding 5 years.

*[Ref Commission Implementing Regulation (EU) 2015/1998 Annex 11.1.3]*

## **4. OTHER CONSIDERATIONS**

- 4.1 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 ICAO Doc 9303.<sup>(19)</sup>
- 4.2 Member States should accept CMCs, issued in accordance with the specifications in ICAO Doc 9303,<sup>(20)</sup> 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.

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(19) 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

(20) 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.

- 4.3 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.
  - 4.4 CMCs should be issued by a government department of the Member State.
  - 4.5 Where Member States offer CMCs, regular background checks of applicants should be undertaken. In addition, adequate controls such as certification of employment status of an applicant prior to issuance and accountability requirements for issuing personal should be placed on the issuance of CMC. Controls on blank card stock should be undertaken as well.
  - 4.6 Where Member States offer CMCs, these should be made available for both licensed flight crew and cabin crew.
  - 4.7 Member States should undertake to improve the benefit of CMCs by promoting their acceptance in third countries.
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## **ANNEX 2-E: BEST PRACTICE FOR AUTOMATED BORDER CONTROL (ABC) SYSTEMS**

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### **Preamble**

It has long been regarded that the passengers' journey begins when they book their trip and ends when they exit the airport at their final destination. The border control crossing is just one aspect of this journey.

While much has been done to simplify the passenger journey, work continues by States to balance the integrity of their borders with the identification and facilitation of passengers against a backdrop of anticipated growth in international aviation passenger traffic.

With the rapid increase in the number of electronic machine readable travel documents (e-MRTDs) containing biometric data, States have been quick to utilise the data relating to both the e-MRTDs and its holder. Many States currently deploy automated border controls (ABC), which identify and facilitate the movement of low risk passengers across their borders.

### **1. INTRODUCTION**

National legislation and regulations set out the framework of different measures utilised at many border control points throughout the world. The detailed operations model followed at each border crossing point is carefully designed according to specific demands, border checks in practice, cooperation schemes with neighbouring States, and risk analysis. Therefore, there are differences found between one border and another.

This document seeks to provide best practice guidelines on the deployment and operation of ABC systems in an effort to achieve at the different border crossing points:

- Harmonisation of practice
- Similar passenger experience
- Consistent security levels.

Technical requirements are not covered by these guidelines.

### **2. THE BORDER CONTROL PROCESS**

A border check process can be split into several sub-processes or tasks, but for the purposes of these guidelines, the division of checks is specified as follows:

- Pre-check

This may include the API and/or PNR schemes but may also include a gate check, surveillance and monitoring.



- First-line check

This is the minimum level of checks undertaken by States and will include a document check and verification. It may also include checks against national watchlists and/or databases. Interaction at this stage will result in a decision to allow entry to the passenger or to direct the passenger in order for secondary checks to be undertaken.

- Secondary checks

Checks at this level are more thorough and detailed. The passenger may be subject to an interview and/or further enquiries may be made before a decision is made.

- Post-check

Baggage, if it is not previously collected, may be subject to a check at this stage. The passenger may also be subject to surveillance and monitoring at this stage.

A number of tasks mentioned above can be automated by means of an ABC system. This paper will specifically focus on first line checks.

## 2.1 The Main functions of an ABC System

In short, an ABC system performs the following tasks with a high degree of automation:

- Check that the passenger is in possession of a genuine and valid travel document. This is more formally referred to as the 'Document authentication process'.
- Verify using biometrics that the travel document presented belongs to the passenger. This is referred to as the 'Biometric identity verification process'.
- Check that the passenger is entitled to entry. As specified above, this is normally carried out by cross-checking against watchlists and other databases.
- Grant or deny entry according to pre-established specification. This may require manual intervention by the supervising officer.
- Guarantees security by ensuring that only those passengers permitted to obtain entry are allowed to cross the border and that those that are rejected by the system are dealt with appropriately by an attending officer.

## 2.2 Operational requirements for an ABC system

The following general operational requirements should be observed by any ABC system in order to achieve basic harmonisation across installations:

- The deployment of an operator should ensure that cold lines (i.e. unattended ABC gates) do not occur. For more information on Operators, see below.
- The number of gates attended by each officer should vary depending on the passenger flow, whether the ABC is deployed at entry or exit controls, the specific route and the environment.
- An ABC system should be easy for the passenger to use, requiring as little guidance as possible. If this is not achieved then passengers will remain dependent upon manual controls.
- A function should exist to fully close ABC gates. There will be situations when some ABC gates are out of service or the passenger flow does not demand the whole line of gates to be open, therefore flexible configuration is vital to ensure a smooth operation of the ABC gates.
- The system should alert the operator if a minor (*note: for the purposes of this Annex, a passenger under 18 years of age*) is utilising an ABC. If minors are allowed to use ABC gates, they and accompanying adults should be interviewed if it is not obvious that they are members of the same family.

### 3. DEPLOYMENT OF AN ABC SYSTEM

A border check process can be split into several sub-processes or tasks, but for the purposes of these guidelines, the division of checks is specified as follows:

#### 3.1 Physical arrangement of ABC gates and monitoring station

Queuing lines for ABC gates should be placed adjacent or close to queuing lines for manual checks allowing inexperienced passengers to reach the intended line without complication.

It is suggested that the monitoring station be built to allow for two lines of manual border checks to be conducted in event of system failure of the ABC. This arrangement will also afford the operator and, where applicable, the assistant to undertake their normal duties.

#### 3.2 The quantity of gates

States currently deploying ABC have found operational research helpful for ascertaining how many gates should be deployed. By analysing passenger queues, States were able to ascertain the relationship between the following three variables: flow rate, service quality and lifecycle costs.

An example of this provided in the Best Practice Guidelines produced by Frontex was:

- i. A service quality figure was defined (e.g. the passenger queuing time)

- ii. The Member State defines a figure of merit (e.g. less than 5 minutes queuing time for 95% of passengers)
- iii. The passenger flow is characterised (e.g. the passenger arrival rate)

An operational model was developed by observing different arrangements and the potential number of gates.

The figure of merit and lifecycle cost are calculated for all possible combinations or arrangements and number of gates (discrete event simulations have proven to be helpful here). Combinations failing to meet the security threshold or other criteria are identified at this stage.

Viable configurations providing the best figure of merit for any given lifecycle cost are drawn in a graph with the figure of merit and lifecycle cost utilised on each axis. A specific arrangement and the number of gates are chosen on the basis of available budget and comparison with manual checks.

This method can also be used (with minor modification) to forecast the point when an already operational implementation might need to be upgraded, or even simulate the effect on service quality of possible modifications.

#### **4. ROLES AND TASKS OF PERSONNEL**

There are a number of tasks that will need to be completed in order to operate a successful ABC, not least monitoring the gates and providing support to passengers. States have established that these tasks are commonly assigned to an operator and assistant.

##### **4.1 Operator**

An operator is responsible for the monitoring and control of the ABC. Supervision of ABCs is necessary to prevent fraud, abuse and to ensure that an acceptable level of facilitation is reached.

Some of the tasks that can be undertaken by an operator are:

- Monitoring and profiling passengers queuing in the ABC line looking for suspicious passengers;
- Monitoring user interface with the system;
- Reacting upon any notification given by the system;
- Managing exceptions and makes decisions about them; and
- Advising the assistant on handling exceptions at the gate.

Operators perform their role at a designated monitoring station. This should be stationed on a lifted position allowing the operator to monitor passengers at the ABC lines. When monitoring queuing passengers an operator should evaluate passenger flow in order to select suspicious targets to be more closely checked.

The evaluation or assessment method is typically based on a passenger's actions and body language, i.e. non-verbal communication. When a passenger is pointed out, the operator can ask the assistant to interview the applicant or redirect the passenger to a manual first-line check.

An operator should not leave his post when the ABCs are active. If a situation occurs which requires that an operator should leave their post then all the ABC gates should be locked first.

In normal circumstances, when a passenger flow is continuous without pause, the recommended maximum surveillance time suggested for an operator is 30 minutes. An operator and an assistant may change their tasks at intervals of 20-30 minutes. If there are natural pauses in the passenger flow (e.g. because of flight schedules) or the frequency of passenger flow is moderate then an operator may work for periods longer than 30 minutes. Where an assistant is deployed, it is recommended that both are linked via a communication system.

#### 4.2 Assistant

An assistant is a border officer whose task is to help, interview and redirect passengers. An assistant works in close co-operation with an operator, by:

- Retrieving passengers from mantraps pointed out by the operator;
- Undertaking short interviews in order to find out if there is a need to redirect the passenger to a second line check;
- Making manual first line border checks if the infrastructure of ABC lines fails;
- Informing and providing on-the-spot support to passengers (e.g. families, minors etc); and
- Assisting the operator.

Every assistant should have at least one operator assigned.

#### 4.3 Number of ABC gates supervised by operators

During field tests<sup>21</sup> it was observed that a single border officer can typically supervise from between three to ten gates. Many factors contribute to the number of gates that a border officer can supervise, in addition to human factors such as concentration. These include:

- The quality of the facial recognition provided by the ABC system which will dictate how much human intervention is required;
- The frequency of the passenger flow and how crowded the ABC system is;
- Whether the gates perform entry or exit checks;

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<sup>21</sup> These tests were carried out on inbound passengers.

- The profile of the passenger flow at the border control point; the ratio of own or other nationalities;
- How often the operator has to react and channel passengers for subsequent checks;
- User interface with the operation desk;
- Whether minors are permitted to use the ABC; and
- The proficiency of the border officer.

These factors should be considered and analysed before deciding the number of ABC gates to be supervised by an operator.

In practice, it was found that there were no reasonable benefits to having less than three gates per operator. It was also found that having more than seven gates per operator on entry and more than ten gates on exit was unworkable.

It is recommended, where space permits, that the operators monitoring station should be designed in a way that it can be easily split into two supervision stations in order to quickly accommodate new operators into the task.

## **5. HANDLING OF EXCEPTIONS**

States agree that officers at airports and seaports need detailed instructions on how to proceed when exceptional situations occur at the ABC. A handbook, detailing what measure to take in each situation, was found to be invaluable by ABC staff. The measures will need to be decided in advance, to ensure that instructions exist prior to the implementation of the ABC.

The following is a compilation of commonly encountered situations, along with a suggested solution. The measure ultimately taken by States may be different, however, given the infrastructure, number of gates, frequency and profile of the passenger flow etc. Specific instructions should be tailored according to the specifics of each border control.

### **5.1 System Malfunction**

If a system fails to perform normally (e.g. power shutdown, communications outage or component failure) ABCs gates should be closed to preserve the security of the border. Alternatively, should the configuration and resources allow, one or two ABC gates should remain open with manual checks undertaken at the supervisor monitoring station. It is suggested that when establishing contractual agreements with technical providers or developing a bespoke service that service-quality agreements are clearly defined.

### **5.2 ABC gates out of service**

If one or more ABC gates are out of service while the rest continue to operate normally, there should be an option to physically close them to avoid passengers inadvertently trying to use them.

### 5.3 Tailgating

Tailgating occurs when more than one passenger tries to utilise an ABC gate on a single occasion. States should ensure that tailgating does not occur. Several methods exist to ensure that only one passenger actually goes through the exit gate. Most of them have delivered similar results, but research is still active in this topic and improvements are expected in the short-term.

### 5.4 Minors and children

If a minor is allowed to use an ABC gate, their family should be aware of the minimum height restrictions associated with the ABC and that gates should be only pass one person at a time in all circumstances. Manual checks are recommended for families with small or several children. If a passenger enters an ABC gate with a child in his/her arms, they should be stopped from proceeding further and redirected for a manual check.

### 5.5 Persons with disabilities and persons with reduced mobility (PRMs)

Any ABC system takes into account local regulations pertaining to persons with disabilities and PRMs as each country has its own laws and recommended practices/standards around users with disabilities or reduced mobility, which need to be addressed for such self-service systems. These requirements may impact placement, interface, design and symbols of the ABC gates.

In general, where the standard system cannot be used by some passengers, a reasonable alternative should be provided. This could be a modified ABC channel or a manned alternative.

### 5.6 Trespassing

ABCs should be installed in a secure position which allows Member States to monitor all interactions (e.g. attempts to cross the gates without being subjected to border control).

### 5.7 Passport is placed the wrong way into a reader

Passengers should be advised by the system screen, voice command or by the operator how to correctly place their passport into a reader.

### 5.8 Non-cooperative behaviour in a mantrap

Non-cooperative behaviour at the ABC gate may occur when a passenger moves too much when, for example, facial recognition is taking place, or stands in the wrong place. Passengers should be advised by the system screen, voice command or by the operator of the correct behaviour. If this has no influence, the passenger should be directed for manual checks.

### 5.9 Secondary checks

There are a number of situations where a greater level of checks will be necessary to satisfy the border officer that a passenger is entitled to enter. These include:

- When the passport chip is broken or cannot be read;
- A database hit;
- A failed biometric verification match; or
- Incorrect or absence of security features on the passport biographical data page.

In all these instances a more thorough or secondary level of checks will be required.

## **6. PASSENGER EXPERIENCE**

The main goal of an ABC should be to facilitate low risk passengers through the border. Education and information is essential to ensure that the passenger's experience when using ABC gates is as simple and effective as possible.

ABC systems provide a similar service to passengers although there are a number of differences between implementations. This lack of harmonisation has made the task of harmonising the passenger experience a significant one. Many eligible passengers are unfamiliar with the concept of the ABC and parts of the process, particularly since implementation tends to differ not only in looks but also in functionality and usage.

In order to provide a successful passenger experience, care should be taken in:

- Creating awareness and education before arriving at the gate; and
- Making the ABC a user-friendly as possible.

The following sections, whilst not exhaustive, do offer a number of recommendations on how to achieve this.

It is recommended that any information given to the passenger in advance of using the ABC are oriented towards creating awareness of the system and developing their willingness to use it. The information needs to convey the benefits that the system brings to users, where ABC gates are located, who is eligible to use the gates and how to do so. This needs to be communicated as simply as possible, so the passenger retains the information.

### **6.1 Message Delivery Methods**

The following methods have been used at different ABC implementations in Europe to deliver these messages to the passengers:

- Signage
- Videos

- Human assistance, either ahead of the gates or at the point of interaction
- Leaflets
- Posters/banners
- Literature in in-flight magazines
- Audio announcements

These delivery methods could also be supplemented by:

- In flight videos
- Live demonstrations by staff
- Literature provided at issuance of biometric passports

### *6.1.1 Signage*

Signage and other forms of graphical display are very important. They are often the first contact that the passenger has with the system and in many instances cross language barriers.

States currently using or piloting ABC systems have tried several different types of signage but none has proven to be more effective than others, probably because the concept of biometric passports and ABC gates are not widely known even amongst frequent travellers. One of the most important challenges is developing a set of signs and standard terminology that can be understood by the majority of passengers. These have to be intuitive for passengers to assimilate, uniform across States and easily deployable in order to facilitate and harmonise the passenger's experience.

## **7. A USER-FRIENDLY SERVICE AT ABC**

Service excellence at ABC gates means encouraging passengers to use the system, to help them understand whether they are eligible and to facilitate a successful transaction. The following section describes how to make the service at ABC gates as user friendly as possible:

### **7.1 Instructions at the ABC gate**

Passengers' cooperation at the ABC gate is essential in order to ensure good performance of the system, a positive experience for all the users and continuous use of the gates. Clear instructions are thus paramount, and human behavioural factors should be taken into consideration when designing the control process and assessing the overall performance of the system.

It has been consistently observed that the most challenging part of the process to educate the passenger is the correct placing of the passport. This can be easily misunderstood and if the document is incorrectly placed then it invariably leads to a failed transaction. It is therefore suggested that a practical solution is found and incorporated into the design of the



gates. Clear instructions with an animated display on the screen have proven to be helpful.

Another issue, which occurs during the facial image capture process, is that the user does not know when to stop looking at the camera. If feedback is given to the passenger at this stage then it is suggested that this be by visual means; audible feedback may create confusion in adjacent gates and increase transaction times.

Whilst 'footprints' on the floor in front of the camera may help that passenger position themselves in the appropriate location for facial image capture, these can be counterproductive in some cases, as some users concentrate on the footprints and look down instead of looking straight into the camera.

## 7.2 Effectiveness of delivery methods

There is a variety of delivery methods that can be used to show passengers how to use the gates. These range from signage and DVDs to graphics displayed on the gates themselves. There is a consensus amongst States that no one form of media is more effective than another.

Where signage is utilised, it should use as few words as possible. Whilst simple graphics work best with few words it was noted that some icons mean different things to different cultures. Complex sentences are not easily understood and are therefore best avoided.

For instructions on how to use the system, still images and animations have proved to work better than using a video. Whilst a viewer may obtain more information from watching a DVD, a ten second film adds additional time to the transaction process. With queuing times to utilise ABC gates at a minimal level, DVDs playing in the gate area often go unnoticed. It is possible, however, that with an increase in passenger usage, and the queues that this may bring, passengers may benefit from observing an information DVD whilst in a queue. Audio announcements in the arrivals hall were also considered to be no better than average in raising passenger awareness.

Leaflets have been used to raise awareness with some success. The challenge when using leaflets has been in identifying a good area to distribute them where passengers are receptive to reading them.

## 7.3 Managing Passenger Flow

Passenger flow can greatly benefit if it can be assisted by trained personnel.

Some sites have clearly segregated areas for queuing for the ABC. Any queuing lines should be designed according to the specific layout and available space at each installation. At some locations in Europe, ABC queues have been allowed to cross each other. Whilst this allows for better usage of floor space, conflicts between queuing passengers may occur during peak periods. Processes where the passenger simply moves

forward rather than having to turn or alter course were considered to be most effective.

The use of 'wait for your turn here' lines for passengers to stand behind whilst queuing was not found to be effective.

#### 7.4 Learning by observation

Queuing contributes to the learning process of non-experienced users by observing how other users interact with the system. This is an important aspect that needs to be considered when designing the queuing space before the ABC gate.

It is suggested that, during the initial stages of running the system, the system may be configured for the complete process to be slower than strictly necessary in order to facilitate learning while queuing. The effectiveness of this measure will depend on many other factors like visibility, usability and previous understanding of the system.

It is recommended that the size of the screen should be large enough for the user to interact easily and for the queuing passengers to observe the whole process.

An observation made by States is that non-experienced users tend to use the gates closer to their queuing line and have a higher error rate than experienced users. Consequently, the gates at the edges may exhibit more throughput and less errors than the ones closer to the queuing lines, despite being exactly the same in construction and configuration.

#### 7.5 Passenger interaction at the gate

The screens used to display the graphics varied in size, but generally larger screen proved to work more effectively. States found that their screens were not easily read in all lighting conditions so due consideration needs to be given to this when configuring ABC gates.

A camera mounted straight ahead has been observed by States to be more effective than one where a passenger has to turn their head 45 degrees or more. Some States have used audio cues, such as soft 'pings' to encourage the passenger to move to the next stage of the process. In absence of other indications, some mechanical noise is recommended to alert the passenger to exit the gate area. Whenever audio feedback is given, the ABC would benefit from acoustic isolation between gates to prevent confusion or false feedback.

In instances where all the transaction takes place inside the mantrap (i.e. passport reading is not required to enter the gates) it is suggested that a 'Have your passport ready' message be given to passengers prior to entry, to avoid them looking for their passport inside the mantrap. This avoids unwanted timeouts during transactions and frustration for passengers.

The design and size of the e-gates (width and length) should consider the usage of trolleys and luggage; trailing bags can easily obstruct gates, which slows down transaction times.

## 7.6 Human support at the gate

States felt that using staff to educate passengers and reducing the ‘fear factor’ for first time users was vital. It is recommended that officers provide on the spot support for queuing users and help in distributing the load on different gates. Officers can assist by directing passengers holding travel documents not recognised by the ABC to the manual control. It was observed that passengers tend to be more receptive when officers in this role do not wear uniforms.

Once the system had been used and was understood by the passenger then its use did not need to be shown again. This means that over time the need for this level of assistance will lessen.

## 8. ICAO STANDARDS AND RECOMMENDED PRACTICES (SARPS)

ICAO Annex 9 acknowledges that States may utilise automated systems for immigration and customs inspection using applicable technology, but although the use of automated processes to undertake checks on passengers and their documentation is contemplated, only one Recommended Practice is referred to the use of ABC systems:

**3.4.1 Recommended Practice.—** *Contracting States utilizing Automated Border Control (ABC) systems should ensure that gates are adequately staffed while operational to ensure a smooth passenger flow and respond rapidly to safety and integrity concerns in the event of a system malfunction.*

The development of additional SARPs for ABC systems would go some way to harmonising the approach that Contracting States take when implementing ABC and, therefore, Europe continues working in the draft of potential SARPs that may address this oversight.

## 9. Further guidance

This section lists documentation that may assist those Contracting States that are considering installing ABC systems.

- Best Practice Operational Guidelines for Automated Border Control (ABC) Systems (Frontex, August 2012);
- Best Practice Technical Guidelines for Automated Border Control (ABC) Systems (Frontex, August 2012);
- Automated Border Control Implementation Guide, 3<sup>rd</sup> edition (IATA, November 2015); and
- ICAO Doc 9303, Machine Readable Travel Documents (Seventh edition, 2015).

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**ANNEX 3-A: GUIDELINES ON FACILITATION OF AIR CARGO**

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**1. INTRODUCTION**

- 1.1 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.
- 1.2 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 inspectors.

**2. CUSTOMS TREATMENT OF AIR CARGO AND AUTOMATION**

- 2.1 *In pursuance of Standard 2.9 and Standard 4.13 of Annex 9, Fifteenth 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.*
- 2.2 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.
- 2.3 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.
- 2.4 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.

- 2.5 In addition, the World Customs Organization (WCO) developed the WCO Data Model. The WCO Data Model<sup>22</sup> is a set of carefully combined data requirements that are mutually supportive and which will be updated on a regular basis to meet the procedural and legal needs of cross-border regulatory agencies such as Customs, controlling export, import and transit transactions. It is consistent with other international standards such as the United Nations Trade Data Elementary Directory (UNTDDED).
- 2.6 WCO Data Model not only includes data sets for different Customs procedures but also information needed by other cross-border regulatory agencies for the cross-border release and clearance at the border. The WCO Data Model supports the implementation of a Single Window as it allows the reporting of information to all government agencies through the unique way it organises regulatory information.
- 2.7 The IATA e-Freight<sup>23</sup> programme is an example of a programme whose aim is to take the paper out of air cargo and to replace it with the exchange of electronic data and messages. Information on that initiative is given at **Appendix 1**.
- 2.8 *In pursuance of Recommended Practice 4.17.1 of ICAO Annex 9, Fifteenth edition, ECAC Member States should consider the introduction of arrangements to enable all parties involved in air cargo operations to submit all the information required by public authorities in connection with arrival, stay and departure of an aircraft and air cargo to a single- entry point (Single Window).*
- 2.9 For the consideration and implementation concerning this Single Window concept, ECAC Member States should use the recommendations and guidelines developed by the United Nations Centre for Trade Facilitation and Electronic Business, which have been published as UN/CEFACT Recommendation 33<sup>24</sup>.
- 2.10 Furthermore, attention is drawn to the Single Window Guidelines

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<sup>22</sup> More information on the WCO Data Model can be found at:  
[http://www.wcoomd.org/en/topics/facilitation/instrument-and-tools/~/\\_link.aspx?\\_id=3BD324CD868948748147E210059706BC&\\_z=z](http://www.wcoomd.org/en/topics/facilitation/instrument-and-tools/~/_link.aspx?_id=3BD324CD868948748147E210059706BC&_z=z)

<sup>23</sup> More information on the IATA e-Freight programme can be found at:  
<http://www.iata.org/whatwedo/cargo/e/efreight/Pages/index.aspx>

<sup>24</sup> [http://www.unece.org/fileadmin/DAM/cefact/recommendations/rec33/rec33\\_trd352e.pdf](http://www.unece.org/fileadmin/DAM/cefact/recommendations/rec33/rec33_trd352e.pdf)

developed by WCO<sup>25</sup>.

- 2.11 Single Window is a philosophy of governance in which traditional structures of government are transformed into new arrangements that best serve the needs of citizens and businesses. Under the 'Single Window' approach, citizens and businesses would receive government services through a single interface to government. The complex, multi-agency organisational arrangements that go into service delivery will be transparent to the consumers of the services, leading to increased efficiencies and reduction in the transaction costs of regulation.
- 2.12 The obligation on trade to provide various 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.
- 2.13 A Single Window can expedite and improve the flow of information between public authorities and 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.
- 2.14 Further facilitation can be achieved by arrangements between public authorities that any necessary physical checks will be coordinated and, if possible, take place at the same time and place. This concept is often called One Stop Shop.
- 2.15 These arrangements can be embodied and introduced by 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.
- 2.16 *In pursuance of Recommended Practice 4.17.2 of ICAO Annex 9,*

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<sup>25</sup> <http://www.wcoomd.org/en/topics/facilitation/activities-and-programmes/single-window/single-window-guidelines.aspx>

*Fifteenth edition, 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 air cargo community systems using internationally agreed standards with a view to enhance the exchange of information relating to such traffic and assuring inter-operability between the systems of all participants.*

- 2.17 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.
- 2.18 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 SITA network.
- 2.19 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.
- 2.20 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.
- 2.21 *In pursuance of Recommended Practice 4.20 of Annex 9, Fifteenth edition, ECAC Member States should support and participate to the extent possible in initiatives to allow the presentation of supporting document by electronic means.*

- 2.22 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.
- 2.23 The International Air Transport Association (IATA) 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 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. PRE-ARRIVAL AND PRE-DEPARTURE FORMALITIES**

- 3.1 *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 data such as 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.*

*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;*

3.2 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 4.4 of ICAO 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.

3.3 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.

3.4 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 SAFE Framework of standards 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 ECAC Member States can be matched as much as possible to provide a level playing field for commercial operations. The security legislation of the European Union included in the Union Customs code is to a great extent based on the rules of the WCO SAFE Framework of standards. To respond to new threats, the WCO has – in 2015 – adopted a new time limit regarding cargo transported by air as well as a limited data set. A limited dataset should be provided as soon as the information becomes available but no later than prior to loading onto the aircraft.

- b) For outbound flights, the European Union's Customs legislation includes a time limit of 30 minutes prior to departure from the EU airport.
- c) ICAO 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 SAFE Framework of standards 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 included in the Customs 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 traders 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.

#### **4. AUTHORISED ECONOMIC OPERATORS**

- 4.1 *In pursuance of Recommended Practice 4.9.1 of ICAO Annex 9, Fifteenth edition, ECAC Member States should consider the introduction of programmes for Authorised Economic Operators, that enhance security, thus creating an environment for facilitative Customs control measures. Facilitative control may include reduced level of physical inspections and examinations, the submission of a limited set of data elements, a notification of an intended inspection before arrival of the goods and other facilitative measures. The control measures should be based on the required information provided in advance to Customs and by using risk assessment procedures.*
- 4.2 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 include, 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 ECAC 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.

- 4.3 As well as the AEO for safety and security, the Customs legislation of the European Union also provides for an AEO for Customs simplification purposes only.
- 4.4 The simplified procedures 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 ICAO 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.
- 4.5 *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.*
- 4.6 A lot of countries are developing Authorised Economic Operator, Trusted Trader programmes or programmes that are comparable. This is going on in States and is within the hands of various authorities within those States. For reasons of efficiency for both industry and governments, it is beneficial that responsible authorities look at each others programmes so – where feasible – conditions are the same. The different authorities can take into account the assessment of each other's conditions so not duplicate the work already done.
- 4.7 This principle has been adopted in the third pillar of the WCO SAFE

Framework of standards especially in the context of air cargo security. Customs authorities are urged to establish mutual cooperation with aviation authorities in relation to their respective security certification programmes for example the Authorised Economic Operator (AEO) programme and the Regulated Agent / Known Consignor (RA/KC) programme.

- 4.8 The EU has already followed this recommendation by making it a legal obligation for Customs to recognise conditions met for the RA/KC programme and for the authority responsible for civil aviation security to recognise conditions met for the AEO programme.
- 4.9 *In pursuance of Recommended Practice 4.30.1 of ICAO Annex 9, Fifteenth edition, special simplified procedures for authorised persons may include, but not be limited to:*
- a) Release of the goods for import or export 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 import of export goods at the authorised person's premises, or another place authorised by Customs;*
  - c) Lodgement of a goods declaration for import or export, based on the entry into the records of the authorised person;*
  - d) Lodgement of a single goods declaration for all imports and exports in a given period where goods are imported or exported frequently by the same person.*

*Further to that, ECAC Member States may consider other simplified measures such as transit procedures based on the use of cargo manifest or Master Air Waybill.*

- 4.10 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.
- 4.11 Where customs declarations 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.

- 4.12 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 4.3.4.
- 4.13 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.
- 4.14 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.

## **5. COOPERATION BETWEEN THE RELEVANT COMPETENT AUTHORITIES IN THE AREA OF AIR CARGO SECURITY**

- 5.1 *ECAC Member States should encourage cooperation between air cargo security authorities and Customs authorities, related to the respective security certification programmes, being the Regulated Agent / Known Consignor / Account Consignor and the Authorised Economic Operator. Cooperation may encompass:*
- a) The application and initial assessment procedure;*

- b) The exchange of available information on the applicant, including information contained in their respective databases of approved/certified entities;*
- c) Combined compliance controls;*
- d) Follow-up activities after the status/authorisation has been granted, including sharing of information with regard to the withdrawal or revocation of the status; and*
- e) Other activities.*

- 5.2 For reasons of efficiency for both government and industry it is recommended that different competent authorities in the area of air cargo security work closely together. With reducing budgets, it is important for governments to allocate their resources wisely. On the other hand, it is less burdensome for industry if various competent authorities work together on the supervision of air cargo security.
- 5.3 This cooperation can be done by working together on the development of their respective programmes but also in their day-to-day work on the supervision of these programmes.
- 5.4 Also, other activities outside trusted trader programmes can be done in close cooperation (One-Stop-Shop).
- 5.5 The members of the WCO have laid down standards for cooperation between government authorities (included in the 2015 revision of the SAFE Framework of standards). These standards encompass – beside alignments of security programmes – mutual cooperation, cooperative arrangements/procedures, harmonisation of national or cross-border control measures, and development of continuity and resumption measures. The cooperation can be organised at regional, national or international level.

## **6. MISCELLANEOUS PROVISIONS**

- 6.1 *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.*
- 6.2 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.
- 6.3 *In pursuance of Recommended Practice 4.11.1 of ICAO Annex 9,*

*Fifteenth edition, ECAC Member States should consider, for facilitation purposes, where feasible, the use of the available advance cargo information in subsequent import, export and/or transit customs procedures for the release/clearance of the goods.*

- 6.4 Data duplication should 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.
- 6.5 *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.*
- 6.6 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 Provisions 3.1.1, 3.1.2, 3.1.3 and 3.1.4.
- 6.7 *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.*
- 6.8 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 Union Customs Code, Article 149, the temporary storage is limited to ninety (90) days after the arrival of the goods by air, by which time they must be allocated to a Customs approved treatment or use.
- 6.9 *In the context of Standards 2.21 and 2.22 of Annex 9, Fifteenth 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.*

- 6.10 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.
- 6.11 *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.*
- 6.12 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**.
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## APPENDIX 1 TO ANNEX 3-A: INFORMATION ON THE AUTHORISED ECONOMIC OPERATOR

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### 1. INTRODUCTION

- 1.1 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.
- 1.2 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. Authorised Economic Operators include inter alia manufacturers, importers, exporters, brokers, carriers, consolidators, intermediaries, ports, airports, terminal operators, integrated operators, warehouses, distributors.
- 1.3 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.
- 1.4 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 defined<sup>26</sup> in article 3 of the EU regulation 300/2008 on

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<sup>26</sup> **'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

common rules in the field of civil aviation security.

## 2. MAIN AEO FEATURES AND BENEFITS

- 2.1 AEO programme provides for two categories of AEO authorisations:
- Customs simplifications;
  - Security and safety;
  - combination of Customs simplifications /security and safety.
- 2.2 An AEO Authorisation Customs Simplifications is issued to any economic operator who is established in the Union who fulfils the criteria of Customs compliance, appropriate record-keeping standards, financial solvency and practical standards of competence or professional qualifications.
- 2.3 The holder of this authorisation is entitled to:
- easier admittance to Customs simplifications;
  - fewer physical and document-based controls;
  - possibility of prior notification of control;
  - priority treatment if selected for control;
  - possibility to request a specific place for control.
- 2.4 An AEO Authorisation Security and Safety is issued to any economic operator who is established in the Union and who fulfils the criteria of Customs compliance, appropriate record-keeping standards, financial solvency, and maintains appropriate security and safety standards.
- 2.5 The holder of this authorisation is entitled to:
- reduced data set for pre-departure or re-export 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.
- 2.6 An AEO Authorisation Customs Simplifications and Authorisation Security and Safety may be held at the same time. In this case the economic operator has to fulfil the criteria for AEOC and AEOS and

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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;

receives the benefits relating to both.

### **3. EUROPEAN LEGAL BACKGROUND**

3.1 With the security amendments to the Community Customs Code, Regulation (EEC) No. 2913/92, 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 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 Authorised 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.

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

3.3 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.

3.4 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.

### **4. GRANTING THE STATUS OF AUTHORISED ECONOMIC OPERATOR**

4.1 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.

4.2 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;
  - Practical standards of competence or professional qualifications.
- For the AEO security and safety:
  - Appropriate compliance record with Customs requirements;
  - Satisfactory system of managing commercial/transport records;
  - Proven financial solvency; and
  - 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;
    - Security screening of employees (as permitted by law); and
    - Security awareness programme

4.3 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.

4.4 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.

- 4.5 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 authorisation 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.
- 4.6 To facilitate the process of granting the AEO status, the European Commission (DG Taxud) has developed an e-learning tool<sup>27</sup> 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 authorisation and a list of competent Customs authorities for applying for AEO authorisations.

## **5. RELATION WITH OTHER EU SECURITY INITIATIVES**

- 5.1 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

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<sup>27</sup> [http://ec.europa.eu/taxation\\_customs/common/elearning/aeo/index\\_en.htm](http://ec.europa.eu/taxation_customs/common/elearning/aeo/index_en.htm)

specified in Regulation 820/2008 and Decision 4333/2008.

- 5.2 The aviation security Regulations and Decision require cargo (export) to be screened unless the appropriate controls have been applied by a Regulated Agent, Known Consignor or, for cargo only flights, an Account Consignor. Measures should be also 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.
- 5.3 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.
- 5.4 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) authorisation 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 contains details of all approved Regulated agents and Known consignors.
- 5.5 Close cooperation between national Customs authorities and Security authorities is recommended to facilitate the application procedures for both security programs. Currently, the EU has a legal obligation in the Union Customs Code and its implementing provisions to recognise conditions met for the RA/KC programmes in relation to the sites and the operations for which the entity obtained the relevant status, to the extent that the criteria for

issuing those status are identical or equivalent to the granting of the AEO status criteria. Similarly, the appropriate authorities responsible for civil aviation security in each EU Member State have to recognise the conditions met within the AEO programme (regarding security standards) on approval, re-validation and compliance monitoring of their RA/KC.

## **6. RELATION WITH WCO INSTRUMENTS**

- 6.1 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 trade<sup>28</sup>. 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.
- 6.2 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.
- 6.3 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.
- 6.4 The WCO SAFE Framework incorporates the AEO Guidelines that form an integral part of the WCO SAFE Framework.

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[http://www.wcoomd.org/home\\_wco\\_topics\\_epoverviewboxes\\_tools\\_and\\_instruments\\_epsafeframework](http://www.wcoomd.org/home_wco_topics_epoverviewboxes_tools_and_instruments_epsafeframework).



## **7. MUTUAL RECOGNITION**

- 7.1 An important benefit for international trade is the mutual recognition of security programs between countries<sup>29</sup> based on mutual recognition agreements.

## **8. EXAMPLES OF OTHER INTERNATIONAL SECURITY PROGRAMMES**

### **8.1 UNITED STATES**

- 8.1.1 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.

- 8.1.2 US Customs have also introduced the Customs and Trade Partnership against Terrorism (C-TPAT) programme comparable with the EU and WCO AEO programmes.

### **8.2 CANADA**

- 8.2.1 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.

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<sup>29</sup> In case of a Customs Union such as the EU mutual recognition shall be between the Customs Union and the third country.

8.2.2 The EU and Canada are currently working towards the mutual recognition of both programmes.

### 8.3 **AUSTRALIA**

8.3.1 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.

### 8.4 **NEW ZEALAND**

8.4.1 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.

### 8.5 **EU-US COOPERATION**

8.5.1 The EU and US have signed an agreement on the implementation of their equivalent security programmes. Facilitative mutual benefits granted to Authorised Economic Operators established in the Union and holders of a C-TPAT certificate established in the US have been implemented in the Customs processes concerned.

### 8.6 **EU-CHINA COOPERATION**

8.6.1 The EU and China have signed an agreement on the implementation of their equivalent security programmes. Facilitative mutual benefits to Authorised Economic Operators established in the Union and holders of an Advanced Certified Enterprises certificate in China, have been implemented in the Customs processes concerned. The WCO Framework of Standards is used as a global principle on which to develop programs and cooperate with other countries.

### 8.7 **EU-JAPAN COOPERATION**

8.7.1 The EU and Japan have signed an agreement on the implementation of their equivalent security programmes. Facilitative mutual benefits to Authorised Economic Operators established in the Union and Japan have been implemented in the Customs processes concerned.

### 8.8 **EU-SWITZERLAND AND NORWAY COOPERATION**

8.8.1 The EU and Switzerland and the EU and Norway have signed an

agreement on the implementation of their equivalent security programmes. Facilitative mutual benefits to Authorised Economic Operators established in the Union, Switzerland and Norway, have been implemented and in the Customs processes concerned.

**8.9 US-JORDAN COOPERATION**

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

**8.10 US-JAPAN AND US-SOUTH KOREA COOPERATION**

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

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## APPENDIX 2 TO ANNEX 3-A: INFORMATION ON THE IATA e-FREIGHT PROGRAMME

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### IATA E-FREIGHT

#### 1. INTRODUCTION

- 1.1 IATA e-freight is one of the initiatives of the IATA Simplifying the Business Programme (StB).
- 1.2 Sponsored by the IATA Board of Governors, Simplifying the Business (StB) is an industry-wide programme that began in 2006. Its mission is to change the way the air transport industry operates, resulting in better service for passengers and lower costs for the industry.
- 1.3 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.
- 1.4 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)
- 1.5 IATA e-freight is an industry-wide programme that aims to build an end-to-end paperless transportation process for air cargo made possible with regulatory framework, modern electronic messages and high quality of data.

#### 2. BENEFITS

- 2.1 The benefits for the air cargo supply chain are:
- a) **Cost effectiveness:** e-freight bring cost effectiveness through the reduction of document processing and archiving costs. The 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:
    - o 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 marked share from sea-freight.
- b) **Operational efficiency:** e-freight brings operational efficiency through the reduction of the end to end processing time (up to 24h).
- c) **Data quality:** e-freight improves data quality and accuracy (e.g. auto-checks, mandatory fields, etc.). 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.
- d) **Innovation:** Standardisation and digitisation are key enablers for the development of new innovative services and solutions, thus increasing the value of the air freight to shippers (e.g. real-time status update).
- e) **Regulatory compliance:** e-freight implementation facilitates compliance to international and local regulations (e.g. facilitate electronic Advance Cargo Information (ACI) requirements for security purpose).
- f) **Sustainability:** the e-freight project will eliminate more than 7,800 tonnes of paper documents, the equivalent of 80 Boeing 747 freighters.

### 3. STAKEHOLDERS

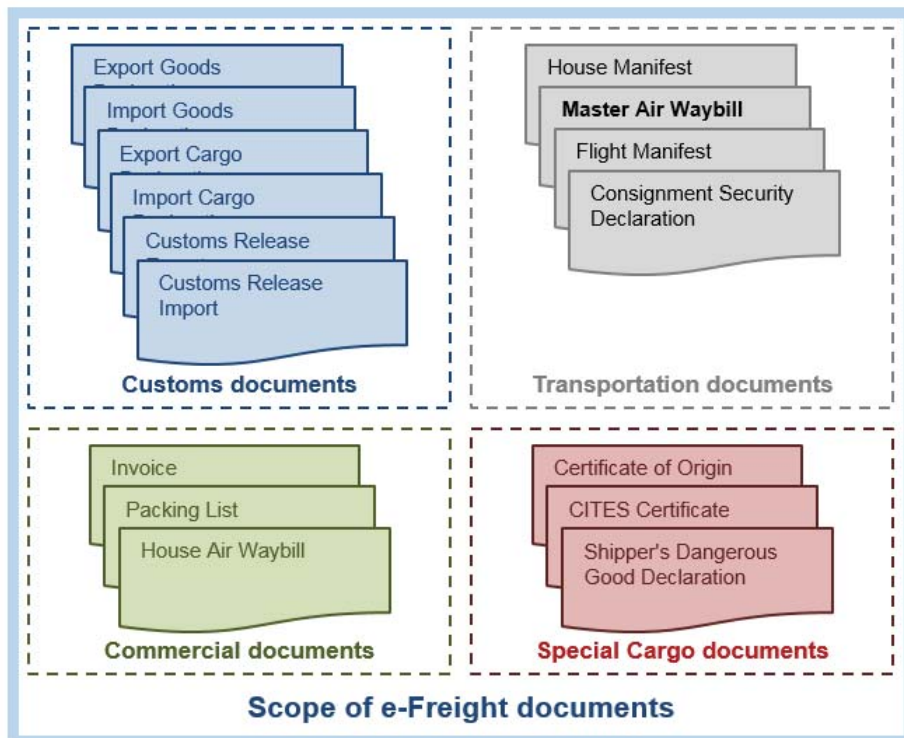
3.1 All the key stakeholders of the air supply chain are in scope for the IATA e-freight project.

- 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

4. PAPER FREE DOCUMENTS

4.1 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

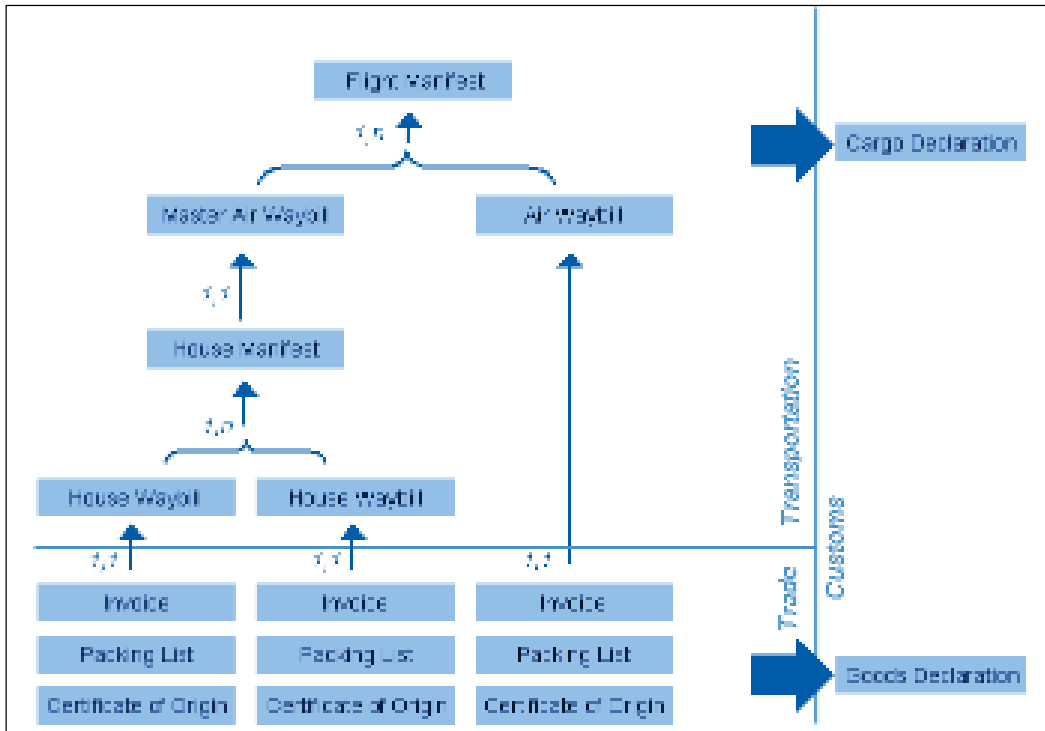


XML Waybill	XFWB	XML Invoice	XINV
XML House Waybill	XFZB	XML Packing List	XPCL
XML House Manifest	XFHL	XML Certificate of Origin	XCOO
XML Flight Manifest	XFFM	XML Shippers Letter of Instruction	XSLI
XML Freight Booked List	XFBL		
XML Status Message	XFSU		
XML Custom Status Notification	XCSN		
XML Shippers Declaration for DG	XSDG		
<b>Transport messages</b>		<b>Commercial messages</b>	
<b>Cargo XML Messages supporting the e-Freight program</b>			

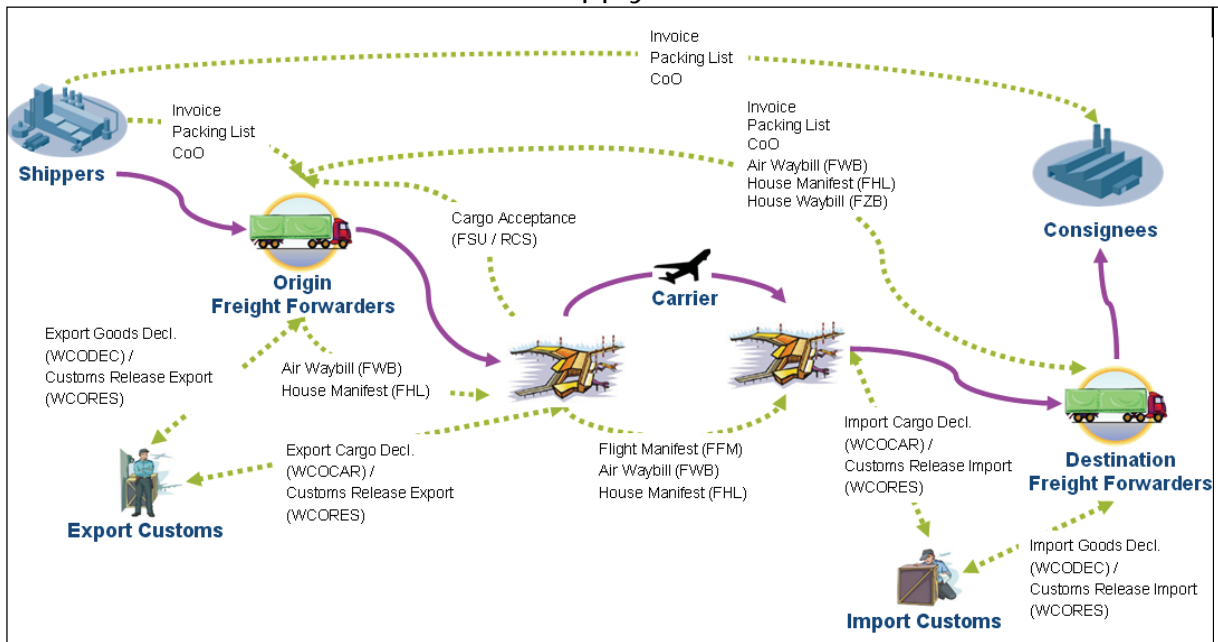
- 4.2 The three additional electronic messages standards are: Shipper's Letter of Instructions, Shipper's Declaration for Dangerous Goods and the Transfer Manifest.
- 4.3 Each of the sixteen paper documents in the scope of IATA e-freight is replaced by one or more standard electronic messages with an "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).
- 4.4 The sixteen documents are grouped into three categories;
- (i) trade documents,
  - (ii) transportation documents, and
  - (iii) customs documents.

## 5. EXCHANGE OF INFORMATION IN IATA E-FREIGHT

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



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



## 6. E-FREIGHT LOCATIONS

6.1 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.

6.2 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.

- 6.3 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).
  - 6.4 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.
  - 6.5 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](http://www.iata.org/e-freight).
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**APPENDIX 3 TO ANNEX 3-A: GUIDELINES ON TAX REFUND FOR TRAVELLERS**

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**1. INTRODUCTION**

1.1 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.

**2. LEGAL BASE**

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

- o VAT exemption based on articles 146.1 and 147 of the VAT Directive 2006/112/EC (OJ L 347/1, dated 28 November 2006).

2.2 National level:

- o Provisions based on VAT code. For EU Member States, national legislation based on the EU Directive.
- o Operational instructions issued by customs and tax administrations.

**3. GENERAL CONDITIONS**

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

- a) 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;
- b) 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;
- c) 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 EU 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;

- d) 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;
  - e) 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.
- 3.2 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.
- 3.3 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 traveller's airport of exit.
- 3.4 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.

#### **4. CUSTOMS/FISCAL CONTROL OF PERSONAL BAGGAGE OF TRAVELLERS**

- 4.1 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.
- 4.2 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).

## **5. INFORMATION FOR TRAVELLERS**

- 5.1 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.
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**ANNEX 5-A: GUIDANCE LEAFLET FOR PERSONS WITH  
DISABILITIES AND PERSONS WITH REDUCED MOBILITY (PRMs)  
WHO MAY BE INFREQUENT, OR FIRST TIME, FLYERS**

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**1. INTRODUCTION**

- 1.1 As a person with disabilities or a person with reduced mobility (PRM) you should be able to enjoy the same opportunities to travel by air as everyone else.
- 1.2 In EU Member States your rights are protected under Regulation (EC) 1107/2006. This Regulation sets out the assistance that both the airport and the airline must provide and specifies that this assistance must be free of charge.
- 1.3 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.
- 1.4 Non-EU ECAC Member States should apply similar provisions as recommended by the European Civil Aviation Conference (ECAC).
- 1.5 To ensure all goes smoothly and your journey is as stress free and comfortable as possible there are some simple "points to follow":
- a) Make sure you have all the information you need before finalising your travel plans
  - b) 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.
  - c) Check that the airline or tour operator is able to meet those needs.
  - d) Contact them to make sure they know, understand and can meet your particular needs.
  - e) Don't assume that help will be available "on demand". Pre-booking assistance at least 48 hours in advance is the best approach.
  - f) 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.
- 1.6 The airline also has responsibilities to you as a passenger. You

must both play your part to make the journey as comfortable and stress free as possible.

- 1.7 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.

## **2. GETTING THE INFORMATION YOU NEED**

### **2.1 ASSISTANCE**

- 2.1.1 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 persons with disabilities and PRMs and can offer informed advice on the services available. Some may also be able to make your travel arrangements direct.
- 2.1.2 Alternatively, you may want to use a particular travel agency, booking agent or airline special assistance staff. It is vital when you make your booking that you tell the agent or the airline 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.

### **2.2 Your Needs**

- 2.2.1 Airlines use an internationally recognised coding system to identify the level of assistance they will need to provide to particular persons with disabilities and PRMs. A copy of that list is attached.
- 2.2.2 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?<sup>1</sup>
  - 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 on-board wheelchair?
  - What assistance will you need, if any, during the flight? Please specify. The airline cannot assist with feeding, communicating, medicating and providing assistance inside the toilets. If you need help with those you will need to be accompanied.
  - Some airlines have cabin crew trained to lift you on an on-board wheelchair to go to the toilet. Other airlines will not assist in lifting. Get the needed information before you book the flight.
  - What type of seat suits you best?
  - Are you taking any medical equipment with you?
  - Are you asthmatic or do you have other breathing difficulties?
- 2.2.3 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.

## 2.3 Booking

- 2.3.1 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

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

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.

- 2.3.2 Especially if you travel with an electric-powered wheelchair or with a service animal<sup>30</sup>, or you require medical oxygen equipment during travel, you should pre-notify at least 48 hours prior to departure, as opposed to informing on your arrival at the airport or at the check-in desk.

## 2.4 Boarding and Disembarking

- 2.4.1 If your pre-planning has worked then all your needs should be met in accordance to your booking.
- 2.4.2 If you use a wheelchair, you need to be aware of what will happen to it during the flight.
- 2.4.3 It may be possible to store a manual, folding wheelchair in the passenger compartment if suitable accommodation is available.
- 2.4.4 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.
- 2.4.5 In either case, airports and airlines should allow you to remain in your own wheelchair until the door of the aircraft. They should also deliver your wheelchair at the aircraft door upon arrival at your destination, when practicable and possible. Airlines and their ground handling companies should do their utmost to provide proper equipment to load and offload your heavy electric-powered wheelchair. Please ensure that you have pre-notified your electric-powered wheelchair.
- 2.4.6 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.
- 2.4.7 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.
- 2.4.8 In some airports, you will be required to transfer to an airport

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<sup>30</sup> In the ECAC/EU context, "service animals" refers exclusively to "recognised assistance dogs".



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.

2.4.9 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).

2.4.10 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.

## **2.5 On Board**

2.5.1 If you require the use of an on-board 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 (e.g. Blind or Deaf), 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 unpacking food<sup>31</sup>.

2.5.2 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.

## **2.6 At the end of your Journey**

2.6.1 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.

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<sup>31</sup> Cabin crew are not obliged to provide assistance with eating, drinking or taking medication. Nor are they obliged to give assistance in the toilet or any other form of personal care, although cabin crew can help you get to the toilet if you need help with any of these activities, you should travel accompanied.

- 2.6.2 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 website<sup>32</sup>.
- 2.6.3 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.

## 2.7 Airlines Codes

- 2.7.1 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.

**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

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<sup>32</sup> [http://ec.europa.eu/transport/passengers/air/doc/prm/2006\\_1107\\_national\\_enforcement\\_bodies.pdf](http://ec.europa.eu/transport/passengers/air/doc/prm/2006_1107_national_enforcement_bodies.pdf)

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.

**BLND** Blind or visually impaired passenger.

**DEAF/BLND** 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: GUIDANCE MATERIAL FOR SECURITY STAFF – KEY POINTS FOR CHECKS OF PERSONS WITH DISABILITIES AND PERSONS WITH REDUCED MOBILITY (PRMs)**

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**1. INTRODUCTION**

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.

**2. 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

**3. 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 person with disabilities 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 another 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

#### **4. WHEELCHAIR SEARCH/RECOGNISED SERVICE ANIMALS<sup>33</sup>**

- Airport wheelchairs should be checked regularly
- Special search procedures should be applied to personal wheelchairs
- The harnesses worn by service animals may set off the alarm of the walk-through metal detector

#### **5. 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 or search
- 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

#### **6. NOTE**

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<sup>33</sup> In the ECAC/EU context, "service animals" refers exclusively to "recognised assistance dogs".

6.1 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.

## **7. GENERAL PRINCIPLES**

### **o DIGNITY**

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

### **o AWARENESS**

Beware of hidden disabilities, not all of them 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. Persons with disabilities and PRMs are best placed to advice on how to deal with their particular needs.

### **o 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.

### **o 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 disabilities and 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.*

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**ANNEX 5-C: CODE OF GOOD CONDUCT IN DELIVERING ASSISTANCE ON THE GROUND FOR PERSONS WITH DISABILITIES AND PERSONS WITH REDUCED MOBILITY (PRMs)**

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**1. DEFINITIONS**

- 1.1 For the purposes of this document, the following definitions should be applied unless otherwise indicated.
- **‘Person with disabilities’ 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.

**2. INTRODUCTION**

- 2.1 Persons with disabilities make up a significant and growing percentage of the world’s population and constitute the world’s largest minority. The World Health Organisation (WHO) reports that this number is increasing through population growth, medical advances and the ageing process.
- 2.2 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 persons with disabilities and PRMs.
- 2.3 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 persons with disabilities and PRMs. Arrangements for the provision of special assistance should be in accordance with the Regulation (EC) No 1107/2006 and persons with disabilities and PRMs should not be charged directly for the assistance they require. This does not apply to commercial medical services.
- 2.4 Persons with disabilities 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.

- 2.5 Discrimination towards persons with disabilities and PRMs in air travel should be prohibited. Persons with disabilities and PRMs should not be refused booking or carriage due to their disability. Persons with disabilities and PRMs should not be charged directly for the assistance they require.

### **3. STRATEGY FOR SPECIAL ASSISTANCE SERVICES**

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

- 3.2 Key strategies:

- The service should be delivered in a harmonised, transparent, non-discriminatory way in accordance with the Regulation (EC) No 1107/2006. The same procedures should be adopted in Member States outside the European Union.
- To improve levels of customer service and safety to persons with disabilities 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.

### **4. SCOPE**

- 4.1 The services to be provided should include:

- A booking service that enables the person with disabilities 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 persons with disabilities 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, including Automated Border Control facilities where applicable, 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 reach the toilets as well as other airport facilities as requested and reasonable, subject to sufficient time being available.
- Providing a wheelchair only service (non-assisted) if requested by passengers.

*Note: The Airport Managing Body or the Assistance Provider may ask for a confirmation of the request.*

- Adequate assistance in case of (long) delays and/or cancellation of flights (covering the momentary needs of the disabled person or PRM).

## **5. OPERATING PRINCIPLES**

5.1 International Standards and Recommended Practices regarding the facilitation of air transport of persons with disabilities and PRMs are set out in ICAO Annex 9<sup>34</sup>, Chapter 8. The “Manual on Access to Air Transport by Persons with Disabilities” (ICAO Doc 9984)<sup>35</sup> consolidates general principles regarding the facilitation of the transport of persons with disabilities and PRMs.

5.2 The following principles should be reflected in the operation:

- Operating in accordance with the provisions lay down within the Regulation (EC) No 1107/2006. Guidance on the application of Regulation (EC) No 1107/2006 is provided in the Interpretative Guidelines issued in June 2012.
- Airports managing bodies are responsible under that Regulation (article 8) for providing assistance to persons with disabilities 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.

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<sup>34</sup> ICAO Annex 9, 13<sup>th</sup> Edition, Amendment 24<sup>th</sup>, July 2014

<sup>35</sup> Manual on Access to Air Transport by Persons with Disabilities, 1<sup>st</sup> Edition - 2013

- '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 taking into account the needs of persons with different kinds of disabilities.
- 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.

## **6. OPERATING HOURS AND LOCATIONS**

- 6.1 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.
- 6.2 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.

- 6.3 Non-EU ECAC Member States should apply similar provisions as recommended by ECAC.

## **7. SERVICE STANDARDS AND PERFORMANCE MONITORING**

- 7.1 All customers should be satisfied with the assistance provided.
- 7.2 At airports serving more than 150 000 passengers per year standards should be developed in partnership with recognised national and European forums of persons with disabilities and mutually agreed by the Airport Users Committee where one exists.
- 7.3 Under Regulation (EC) No 1107/2006, quality standards need to be published. This should also apply in non-EU ECAC Member States.
- 7.4 Service level targets and standards should be included in the service level agreement.
- 7.5 The following standards represent the minimum levels of service to be applied to the handling of persons with disabilities and PRMs. They are subject to adjustments agreed on by the local Airport Users Committee where one exists and following consultation with local access/disability groups whose membership would include users of the airport, 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-Notified Departing Customers**

Upon arrival at a designated point<sup>36</sup> 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-Notified 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

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<sup>36</sup> According to the designation process described in point 5.6 in ECAC Doc 30, Part I and in Article 5.1 in Regulation (EC) 1107/2006.

- 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 5.2.*

*Note: Subject to pre-notification, 100% of departing customers who are at the designated point and/or check-in counter within the stipulated time must reach their aircraft in time to enable timely pre-boarding and departure.*

- **For Pre-Notified 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-Notified 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.

## **8. TRAINING**

8.1 Regular training for all staff in the chain of the air travel service is vital for providing quality service to persons with disabilities and PRMs in a consistent and respectful manner. It is essential that staff know their responsibilities and is able to perform them. Training should address the attitudinal, environmental/physical and organisational barriers that affect persons with disabilities and PRMs in air transportation.

8.2 Training should prepare staff to provide assistance to persons with disabilities and PRMs in a manner that respects their dignity, and as a professional service to which the person is entitled, rather than as a favour or compassionate gesture.

8.3 To deliver at least the minimum standards as defined in ECAC Doc 30, Part I, training should be provided to airport and aircraft operator personnel, including contracted personnel, who provide assistance to the travelling public, including persons with disabilities.

- 8.4 Training should respect the principles set out in Annex 5-G and Training Courses should be developed in partnership with recognised national and European forums of people with disabilities.

## **9. PERFORMANCE & QUALITY MONITORING**

- 9.1 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.
- 9.2 It is recommended that airport managing bodies undertake regular passenger surveys of PRMs. This will give airports a more complete assessment of the quality of the assistance provided to PRMs, particularly in areas such as staff attitudes, behaviours and customer service skills. Suppliers should be expected to introduce their own performance monitoring systems and to provide reasonable data as required by the airport community.

## **10. PROMOTING AWARENESS**

- 10.1 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.
- 10.2 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.
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**ANNEX 5-D: GUIDELINES ON DELIVERING ASSISTANCE ON THE  
GROUND FOR PERSONS WITH DISABILITIES AND PERSONS WITH  
REDUCED MOBILITY (PRMs)**

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**1. INTRODUCTION**

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

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

1.3 Assistance should be available from the designated points of arrival at the airport to the point at which the person with disabilities or

PRM is seated on board the aircraft and vice versa. Appropriate equipment to assist the person with disabilities or PRM should be available and provided when necessary. In the EU Member States service providers are required under Regulation (EC) 1107/2006 to provide such equipment. Non-EU ECAC Member States should apply similar provisions as recommended by the European Civil Aviation Conference (ECAC).

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

1.5 Detailed guidelines are provided below.

## **2. MINIMUM STANDARDS OF SERVICES**

### **2.1. Scope of services**

2.1.1. The services to which this section applies should include assistance and provisions as outlined in "**Annex 5-C**, section 4 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.

### **2.2. Quality of service**

#### **2.2.2 Minimum Service Requirements**

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

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

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

#### **2.2.3 Standard Operating Procedures and Protocol**

2.2.3.1 Service providers should have Standard Operating Procedures (SOPs), including normal, contingency and emergency

procedures laid down in a Protocol.

## **2.2.4 Conditions**

2.2.4.1 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.

## **2.2.5 Complaints Handling**

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

## **2.3. Equipment**

2.3.1. 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.

2.3.2. Such equipment should only be used for those persons with disabilities or PRMs who need it.

2.3.3. 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.

### 3. STAFF TRAINING

3.1. The training principles listed below are by no means exhaustive. These lists 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".

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

### **3.1 Training of staff who deal directly with the travelling public**

- 3.1.1 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.
- 3.1.2 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.
- 3.1.3 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 persons with disabilities 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).

### **3.2 Training of staff assisting persons with disabilities and persons with reduced mobility (PRMs)**

- 3.2.1 All staff assisting persons with disabilities 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 persons with disabilities and PRMs. Attendance at the training sessions should be recorded in each staff member's personnel file.

3.2.2 In addition to the areas of training listed in Section 2.1 above, all staff assisting persons with disabilities 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 persons with disabilities and PRMs travelling with a service animal<sup>37</sup>, including the role and the needs of those service animals;
- c) techniques for escorting blind and partially-sighted passengers and for the handling and carriage of guide dogs and other service animals;
- d) an understanding of the types of equipment which can assist persons with disabilities 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 persons with disabilities 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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<sup>37</sup> In the ECAC/EU context, "service animals" refers exclusively to "recognised assistance dogs".

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**ANNEX 5-E: GUIDELINES ON AWARENESS AND DISABILITY  
EQUALITY FOR ALL AIRPORT AND AIRLINE PERSONNEL DEALING  
WITH THE TRAVELLING PUBLIC**

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**1. INTRODUCTION**

- 1.1 Disability-equality and disability-awareness 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 in all EU Member States under Regulation (EC) No 1107/2006 at article 11.
- 1.2 All ECAC Member States are recommended to apply the same provisions (see paragraph 5.12.1 at Section 5 in ECAC Doc 30, Part I).
- 1.3 Personnel, who have an understanding of disability and its diversity, and the types of barriers that persons with disabilities and PRMs experience in society, will be better able to provide a high-quality service that respects the safety, independence and dignity of each passenger.
- 1.4 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.
- 1.5 These guidelines need to be complemented with general information on ECAC recommendations, ICAO Doc 9984, 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.
- 1.6 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 persons with disabilities and PRMs is to be respectful - what counts is to provide a high-quality customer service, rather than necessarily to follow these guidelines word for word.

## **2. GENERAL DISABILITY AWARENESS**

- 2.1 Persons with disabilities and PRMs make up a significant percentage<sup>38</sup> 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.
- 2.2 Persons with disabilities and PRMs 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*.
- 2.3 Persons with disabilities 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.
- 2.4 When you are communicating with persons with disabilities, 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.
- 2.5 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 person with disabilities 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.

## **3. PROVIDING ASSISTANCE TO PERSONS WITH DISABILITIES AND PRMs IN AIR TRANSPORT**

- 3.1 In order to allow persons with disabilities and PRMs to enjoy a "seamless" air travel experience in the same way as able-bodied

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<sup>38</sup> According to the EC in 2010 some 15% of Europe's population had some form of disability.

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.

- 3.2 Most persons with disabilities and PRMs, 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.
- 3.3 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 person with disabilities and PRM to ensure that you are providing appropriate assistance.
- 3.4 Think of your assistance to a person with disabilities and PRM 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.
- 3.5 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.
- 3.6 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 persons with disabilities and PRMs. Be prepared to respond to the individual needs of persons with disabilities and PRMs in these situations.
- 3.7 An understanding of the different barriers that persons with disabilities and PRMs face will enable you to provide assistance that better meets the needs of the passenger.
- 3.8 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.

- 3.9 Common for all is the *attitudinal barrier*, which is perhaps the most difficult obstacle for persons with disabilities to overcome. A person is not equal unless you treat him or her as an equal. Negative attitudes towards persons with disabilities exist everywhere, starting at a very early stage in life.
- 3.10 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.
- 3.11 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.

#### **4. THE DIVERSITY OF DISABILITY**

- 4.1 As persons with disabilities and PRMs 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.

##### **4.2 *Wheelchair users***

- 4.2.1 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.

##### **4.2.2 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.

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.

### 4.3 *People with walking difficulties*

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

4.3.2 Some PRMs prefer to sit down. Others prefer to stand because of pain when sitting or difficulties to get up from the seated position.

4.3.3 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.



#### 4.4 ***People who are deaf or hard of hearing***

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

4.4.2 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.

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.

4.4.3 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.

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

4.4.5 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 it 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.

#### 4.5 ***People who are blind or partially sighted***

- 4.5.1 Persons 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.
- 4.5.2 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.
- 4.5.3 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.
- 4.5.4 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.
- 4.5.5 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 Web

Accessibility Initiative (WAI guidelines<sup>1</sup>). 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.

#### 4.6 ***Deaf-blind people***

4.6.1 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.

4.6.2 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.

4.6.3 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.

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<sup>1</sup> For more information, please see [www.w3.org/WAI/](http://www.w3.org/WAI/)

- 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.
- 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.

#### 4.7 ***People with impaired speech***

4.7.1 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.

4.7.2 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.

#### 4.8 ***People with learning difficulties***

4.8.1 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.

4.8.2 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.

#### 4.9 ***Invisible disabilities***

- 4.9.1 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 cannot observe. An open attitude will be an important element in encouraging people with invisible disabilities to tell you about their needs.
- 4.9.2 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.
- 4.9.3 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.
- 4.9.4 Mental health problems may cause anxiety, restlessness and even panic attacks. Medication may cause drowsiness and slower reaction.
- 4.9.5 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.

#### 4.10 ***Other disabilities***

- 4.10.1 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.

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

## **5. THE ROLE OF SERVICE ANIMALS<sup>39</sup>**

- 5.1 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.
- 5.2 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.
- 5.3 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, making specific noises 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 person with disabilities and PRM. Assistance dogs can sometimes be identified by a backpack or harness.
- 5.4 Remember that service animals will need particular attention in the case of long delays, cancellations or other exceptional situations. As an example, these service animals might need to drink, eat or be given a run during a delay or at the arrival of a long-haul flight.

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<sup>39</sup> In the ECAC/EU context, "service animals" refers exclusively to "recognised assistance dogs".



**Glossary**Avoid usingUse instead

Confined to a wheelchair, wheelchair-bound	Wheelchair user
Crippled	Has a mobility disability, person with tetra/quadruplegia
Lame	Has a mobility disability, person with tetra/quadruplegia
Deaf-dumb	Deaf, hard of hearing
Handicapped, invalid	Person with disabilities or PRM
Insane, crazy, psycho, maniac	Has a mental health problem
Retarded, idiot, "downs"	Has a learning disability or an intellectual disability
Normal, healthy	Non-disabled
Suffers from, afflicted by, victim of...	Has e.g. cerebral palsy/autism/epilepsy...
Dwarf, midget	Person of short stature

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## **ANNEX 5-F: ADVISORY NOTE ON PROCEDURES FOR CARRYING PERSONS WITH DISABILITIES AND PERSONS WITH REDUCED MOBILITY (PRMs)**

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### **1. INTRODUCTION**

- 1.1 The purpose of this document is to help crews understand the different levels of assistance needed by persons with disabilities and persons with reduced mobility (PRMs) and to help airlines comply with the requirements of Regulation (EC) No 1107/2006 concerning the rights of persons with disabilities and persons with reduced mobility (PRMs) and Commission Regulation (EU) No 965/2012 with regard to the carriage of special categories of passengers, developed in the Acceptable Means of Compliance (AMC) and Guidance Material (GM), Part-ORO (Organisation Requirements for Air Operations) and Part-CAT (Commercial Air Transport Operations)<sup>40</sup>.
- 1.2 It has no statutory force and should be used only as informal guidance.

### **2 CONTEXT**

- 2.1 The number of persons with disabilities and PRMs is increasing - particularly as a consequence of the ageing population. Improvements in access to airports and air services also mean that many more persons with some degree of disability or reduced mobility are now travelling by air.
- 2.2 The European Regulation on air passenger rights for persons with disabilities and PRMs, Regulation (EC) No 1107/2006, clearly spells out the rights and responsibilities of PRMs. The Regulation gives those persons 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, Part I also includes a wide range of recommendations to facilitate air travel of PRMs.
- 2.3 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 persons with disabilities and PRMs.

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<sup>40</sup> Specifically, last amendment on the carriage of special categories of passengers was made by EASA ED Decision 2016/004/R of 22 January 2016.

- 2.4 It is necessary for airlines to impose the safety conditions and effective risk – mitigating measures for carrying of persons with disabilities and PRMs. In view of this fact the provisions of the EASA ED Decision 2016/004/R regarding the carrying of persons with disabilities and PRMs are incorporated in this document in Sections 5 and 6.

### 3 EU OPS AND PRMs

- 3.1 The EU-OPS Regulation<sup>41</sup> must be applied by EU airlines from 16<sup>th</sup> 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.

- 3.2 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 Regulation<sup>42</sup>, Member States are allowed to use guidance material contained in section 2 of JAR-OPS 1 provided that this material do not contradict applicable EU-OPS requirements.

- 3.3 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 disabilities. The definition includes older persons, persons 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.

- 3.4 The current relevant text of EU OPS is as follows:

*OPS 1.260 Carriage of persons with reduced mobility*

*(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, nor occupy, seats where their presence could:*

- 1. Impede the crew in their duties;*
- 2. Obstruct access to emergency equipment; or*
- 3. Impede the emergency evacuation of the aeroplane.*

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<sup>41</sup> 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, 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. See <http://eur-lex.europa.eu/legal-content/EN/NOT/?uri=celex:31991R3922>.

<sup>42</sup> 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 Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC (Text with EEA relevance). See <http://eur-lex.europa.eu/legal-content/EN/NOT/?uri=CELEX:32008R0216&qid=1440690991690>.

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

### 3.5 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 persons<sup>43</sup> capable of assisting with an emergency evacuation; and
  - b) the guidance given in paragraph 2 above should be followed to the maximum extent possible.

## 4 UNDERSTANDING DISABILITY AND REDUCED MOBILITY

- 4.1 The terms "person with disability" and "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.
- 4.2 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.
- 4.3 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 disability on upper and/or lower limbs, or 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";

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<sup>43</sup> '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".

- 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.
- 4.4 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.
- 4.5 The above-mentioned IATA WCHC category includes a wide range of persons with disabilities, 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 (EC) No 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.
- 4.6 Airlines should enable persons with disabilities and 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. More details about seating are in Section 6.
- 4.7 The commander's decision on the carriage of **any** passenger (including PRMs) is final. Any refusal of carriage of a person with disabilities and 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.
- 4.8 It should also be noted that where a person with disabilities and 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 (EC) No 1107/2006.
- 4.9 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.

## 5 PROCEDURES TO PROVIDE INFORMATION TO PERSONS WITH DISABILITIES AND PRMs REGARDING THEIR SAFE CARRIAGE

- 5.1 The following comments may be helpful to the aircraft operator when establishing procedures on the information to be provided to persons with disabilities and PRMs regarding their safe carriage and

in an emergency.

- 5.2 Providing this type of information only at the time of booking might not be sufficient to ensure that persons with disabilities and PRMs are aware of this safety recommendations at the time of the flight.
- 5.3 When establishing procedures on the information to be provided to persons with disabilities and PRMs, the operator should consider informing these persons that cabin crew can only assist them once the cabin has been evacuated.
- 5.4 It is necessary to be aware about additional information by PRMs category:
  - a) Physically disabled passenger (aided walking):
    - inform the PRM to leave mobility aid behind in an emergency evacuation.
  - b) Passenger with disability of upper limbs:
    - inform the accompanying person to:
      - fit the life jacket on the PRM, in case of ditching evacuation;
      - put first their own oxygen mask on before fitting the PRM's oxygen mask, in case of decompression; and
      - if necessary, secure/release the PRM's seat belt.
  - c) Passenger with disability of lower limbs:
    - inform the PRM:
      - about the location of the nearest suitable exit; and
      - that mobility aids might not be accessible in an emergency evacuation.
  - d) Passenger with disability of both upper and lower limbs:
    - inform the accompanying person to:
      - fit the life jacket on the PRM, in case of ditching evacuation;
      - put first their own oxygen mask on before fitting the PRM's oxygen mask, in case of decompression; and
      - if necessary, secure/release the PRM's seat belt.
    - inform the PRM about the location of the nearest suitable exit.
  - e) Visually impaired passenger:

- Adjust the information to the level of impairment, informing the visually impaired passenger on the following:
  - seat and seat belt operation;
  - location of the nearest exit (e.g. number of seat rows to the nearest exit);
  - oxygen mask deployment and give dummy in hands;
  - location of life jacket, the way to use it and give dummy in hands;
  - brace position; and
  - location of cabin crew call button.

f) Passenger travelling with a recognised assistance dog in the cabin:

- inform the passenger on how to evacuate the recognised assistance dog by holding the dog and sliding.

5.5 In a planned emergency, if time permits, passengers identified by the cabin crew as capable of assisting a PRM should be briefed on the assistance they can provide.

5.6 A passenger capable of assisting in case of an emergency means a passenger who is not a Special Categories of Passengers (SCPs)<sup>44</sup> and has no other role of private responsibility that prevent him/her from assisting the PRM.

## **6 SEATING PROCEDURES AND SEATING ALLOCATION**

6.1 When establishing PRM seating procedures, the operator should take into account the following factors:

- a) If the PRM travels with an accompanying person, the accompanying person should be seated next to the PRM; and
- b) if the PRM is unable to negotiate stairs within the cabin unaided, he/she should not be seated on the upper deck of multi-deck aircraft if the exits are not certified for emergency evacuation on both land and water.

6.2 When establishing the procedure on seating of PRMs, seats should be allocated taking into account the following:

- a) A passenger with physical disability of the upper limbs, who travels without an accompanying person, should be allocated seats during all phases of the flight so that visual and audible

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<sup>44</sup> SCPs are Persons with Reduced Mobility (PRMs), infants and unaccompanied children, deportees, inadmissible passengers, or prisoners in custody.



communication can be established with the cabin crew.

- b) A passenger with disability of lower limbs and a passenger with a disability of both upper and lower limbs should be seated in a location providing easy access to floor level exits.
- c) A mentally impaired passenger, who travels without an accompanying person should be allocated seats during all phases of the flight so that visual and audible communication can be established with the cabin crew.
- d) A passenger whose physical size would possibly prevent him/her from passing through an emergency exit (e.g. Type III or Type IV exit), should be seated in the vicinity of a suitable exit, taking into account the size of the exit. Seating of more than one of such passengers in the same seat row segment should be avoided.
- e) If a passenger is traveling with a recognised assistance dog in the cabin, suitable arrangements should be made between the passenger and the operator in advance of the flight where a recognised assistance dog is to be accommodated. A suitable restraint harness should be provided by the owner to secure and restrain the dog during taxi, take off, landing and turbulence. In cruise, it is acceptable for the dog to be subject to less restraint.
- f) If a passenger traveling with a disability and /or restraint aid that requires to be secured around the back of the seat, the seat should not be used if there is a person seated unless the seating configuration is approved for the use of such devices. This is to avoid the changed dynamic seat reaction with the disability and/or restraint aid, which may lead to head injury of the passenger seated behind. If the seat design or installation would prevent head contact of the person seated behind, then no further consideration is necessary.

6.3 When establishing seating procedures for a group of PRMs, the operator should take into account the following:

- a) Access to exits: groups of non-ambulatory PRMs should be seated throughout the cabin to ensure that each PRM is surrounded by the maximum number of passengers capable of assisting in case of an emergency;
- b) If non-ambulatory PRMs cannot be evenly distributed throughout the cabin, the operator should establish procedures to mitigate the increased safety risk such as seating of passengers capable of assisting in case of an emergency in the vicinity, additional information or training of the cabin crew.

## **7 RIGHTS AND RESPONSIBILITIES**

- 7.1 While there is growing emphasis across all walks of life on recognising and addressing the rights of persons with disabilities and PRMs, there is also an important issue of responsibility which the passenger must recognise. For example, if an individual person with disabilities 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 (EC) No 1107/2006 they are obliged to make all reasonable efforts to accommodate them even in these circumstances).
- 7.2 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>.
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## ANNEX 5-G: GUIDELINES ON TRAINING

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### 1. INTRODUCTION

- 1.1 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 persons with disabilities and persons with reduced mobility (PRMs) are appropriately met.
- 1.2 Doc 30 Part I, section 5, sets the objective of a harmonised implementation in all ECAC Member States, and its sub-section 5.12 establishes knowledge and training for such personnel.
- 1.3 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, [...].”
- 1.4 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.
- 1.5 The following Annexes to Doc 30 Part I have been used in particular:
  - Annex 5-C – Code of good conduct in delivering assistance on the ground for persons with disabilities and persons with reduced mobility (PRMs): Section 8, Training;
  - Annex 5-D – Guidelines on delivering assistance on the ground for persons with disabilities and persons with reduced mobility (PRMs): Section 3, Staff training;
  - Annex 5-E – Guidelines on awareness and disability equality for all airport and airline personnel dealing with the travelling public.
- 1.6 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****5.12. Training**

5.12.1. Air carriers and airport managing bodies should:

- ensure that all their personnel, including those employed by any sub-contractor, providing direct assistance to persons with disabilities 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.

*[Ref. Regulation (EC) 1107/2006 article 11]*

5.12.2 Travel agencies should ensure that their personnel in contact with persons with disabilities and PRMs also receive appropriate training on how to give practical assistance to persons with disabilities and PRMs and how to ask persons with disabilities and PRMs what assistance they need and how best to provide it.

5.12.3 The training should be delivered in cooperation with disability organisations.

**2. OBJECTIVES**

- 2.1 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.
- 2.2 All personnel in charge of providing direct assistance to persons with disabilities and PRMs should have knowledge of how to meet the needs of persons with disabilities and PRMs.
- 2.3 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.

**3. TRAINING**

- 3.1 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. The principle of proportionality does apply to the level and intensity of the training and/or briefing. Refresher courses should be organised every two years.
- **All** staff providing or involved in the provision of assistance to persons with disabilities 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). Refresher courses should be organised at least every year.
- Staff handling luggage, especially assistive devices, when loading and unloading. Refresher courses should be organised at least every two years.

3.2 This training should be followed by staff prior to taking up their duty. At the end of each course an exam is obligatory. Training records should be established and kept.

3.3 Training modules are at **Attachment 1**. An overview of a training matrix is at **Attachment 2**.

#### 4. TARGET GROUPS

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

Staff in direct contact with the travelling public during departure and/or arrival process:

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
- luggage handling agents

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

- border control and immigration
- security
- customs
- police

Other, additional services

Services provided at the airport by other entities, including:

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

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 persons with disabilities and PRMs

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

- assistance personnel
- PRM project managers
- Airport management personnel

Staff from operating air carrier, including:

- Cabin crew

4.2 While the training defined for each of the 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.

## **5. TRAINERS' REQUIREMENTS**

5.1 Instructors in charge of training staff in PRM matters should:

- Have significant practical experience at a senior level in the assistance of persons with disabilities 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.

- 5.2 Available expertise from representative disability organisations at National or European level should be used in support of the preparation and delivery of the training courses. Persons with disabilities engaged in this process should have expertise and experience in a wide range of disability issues and not only their own particular disability.
- 5.3 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 5.1.
  - Include an initial course, of a minimum duration of four days, and periodical refresher courses, at least every two years.
- 5.4 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.

## **6. THE COST OF TRAINING**

- 6.1 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.
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## **ATTACHMENT 1 TO ANNEX 5-G: TRAINING MODULES**

### **Module 1 Disability-equality and 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 persons with disabilities
- 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 competencies 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 persons with disabilities and PRMs, covering attitudinal, environmental/physical and organisational barriers;
3. Knowledge of service animals<sup>45</sup>, 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).
8. Job related, deepened knowledge to ensure that the dignity of persons with disabilities and PRMs is preserved, especially during security checks. Ask for details and/or personal preferences of persons with disabilities or reduced mobility of how to lift and touch.

## **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)

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<sup>45</sup> In the ECAC/EU context, "service animals" refers exclusively to "recognised assistance dogs".

- 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 persons with disabilities 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 persons with disabilities and PRMs travelling with a service 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 service animals;
4. An understanding of the types of equipment as described in annex 5 D 2.3, which can assist persons with disabilities 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 persons with disabilities and PRMs;
6. Understanding of the need for reliable and professional assistance. Also, awareness of the potential for certain persons with disabilities 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 persons with disabilities 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 persons with disabilities and PRMs.
4. Appropriate seating for passengers with service 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.

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## 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.

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**A – Initial training**

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

## 5G - 13

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>	Legislatio n	Disability awarenes s	Equipmen t awarenes s	Job- related items and exercises	Kinetic s of lifting	Tes t	First Aid
Module1	Check-in/gate agents *	√	√	√	√		√	
	Security check *	√	√	√	√		√	
	Airport information *	√	√	√	√		√	
	Ticket offices *	√	√	√	√		√	
	Lost & found *	√	√	√			√	
	Border police *	√	√	√			√	
	Customs immigration * /	√	√	√			√	
	Bar/rest./shops *	√	√	√			√	
	Parking agents *	√	√	√			√	
	Ramp agents *	√	√	√			√	
	Airport Management	√	√	√			√	
Modules	PRM assist. Provider	√	√	√	√	√	√	√



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1+2	PRM project manager	√	√	√	√	√	√	√
Modules 1+3	Cabin crew *	√	√	√	√	√	√	

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## **ANNEX 5-H: GUIDANCE ON PRE-NOTIFICATION OF PERSONS WITH DISABILITIES AND PERSONS WITH REDUCED MOBILITY (PRMs)**

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### **SECTION 1 GUIDANCE ON PRE-NOTIFICATION OF PERSONS WITH DISABILITIES AND PERSONS WITH REDUCED MOBILITY (PRMs)**

#### **1. OBJECTIVE**

- 1.1 The purpose of this guidance is to help airports and airlines adopt practices that will encourage higher levels of pre-notification by arriving and departing persons with disabilities 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 passengers with disabilities and PRMs by providing a prompter service appropriate to their needs.

#### **2. INTRODUCTION**

- 2.1 The quality of service that PRM assistance providers can give to departing or arriving passengers with disabilities and PRMs will depend to a significant extent on whether they have advance notice of the passenger's needs.
- 2.2 Regulation (EC) No 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.

#### **3. THE ISSUE**

- 3.1 Evidence from airports around Europe indicates that growing numbers of persons with disabilities and PRMs are travelling without giving pre-notification of their needs. This creates potential problems both for the airport and the air carrier.
- 3.2 If *departing* passengers with disabilities 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.

- 3.3 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.
- 3.4 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 passengers with disabilities and PRMs, the main reason behind this was that passengers perceived a good service regardless of whether or not they had pre-notified.
- 3.5 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 Regulation (EC) No 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 persons with disabilities; and
  - Feedback from service providers to air carriers on benefits of pre-notification.

#### **4. RECOMMENDATIONS**

- 4.1 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.
- 4.2 The measures that can be considered include:
- 4.2.1 Information: Actions for Member States
- 4.2.1.1 Information is essential to increase awareness; therefore, information should be made available to persons with disabilities or persons with reduced mobility in an accessible format, according to the requirements of national & European legislation.
- 4.2.1.2 Information should be provided by the air transport industry in the institutional website. For the development, it is recommended to use guidelines provided in the European Standard EN 301 549 on Accessibility requirements suitable for public procurement of ICT products and services in Europe and particularly to W3C Web

Accessibility Guidelines (Section 9). A minimum web accessibility level should be AA, allowing a clear and easy accessible way to the information for passengers with disabilities.

4.2.1.3 An airport managing body should publish information about the assistance provided at the airport and how to obtain this assistance. Such information should include at least:

- Opening and closing times of the airport terminal and facilities (service hours);
- The right procedures to request the assistance, underlining the importance of pre-notifying the air carrier or its agent, or the tour operator concerned, at least 48 hours before the published time of departure of the flight;
- Information on the layout of the airport (possibly indicating PRMs' meeting points and waiting areas) and the expected range of walking distances from drop-off points to check-in areas and to the gates;
- Information on quality standards and airport security;
- Information about handling of mobility equipment and recognised assistance dogs;
- The telephone number and opening hours of the airport's helpline for enquiries from PRMs; and
- Information on how to complain.

4.2.1.4 Airlines should publish information to allow passengers to make an informed decision on whether to travel on that flight, knowing in advance about their safety procedure, the assistance provided at the airport and on board and how to obtain this assistance. Such information should include at as a minimum:

- The right procedures to request the assistance, underlining the importance of pre-notifying the air carrier or its agent, or the tour operator concerned, at least 48 hours before the published time of departure of the flight;
- Information on safety rules and of possible limitations, such as a lack of accessible toilets, lack of moveable aisle armrests, seat and aisle size etc., related to safety requirements or the size of the aircraft;
- Information on accessibility inside the aircraft: existence of an upper deck or whether the airline has on-board wheelchairs (to access the toilets);
- Information about handling of mobility equipment. According to Annex II to Regulation (EC) No 1107/2006, only reasons related to the size of the aircraft and the application of

relevant legislation on dangerous goods can be invoked to limit the transport of mobility equipment;

- Information on the transport of medical equipment and possible limitations related to safety requirements or the size of the aircraft; and
- Information about the transport and the handling of service animals<sup>46</sup>.

4.2.1.5 Developing a wallet sized card that can be handed out to non pre-notified passengers by the airport managing bodies' staff could assist in explaining the need to pre-notify and the reasons for a possible slightly longer wait or for any other kind of problems faced due to lack of pre-notification.

An example of what could be useful to write on a wallet sized card:

*Airlines, their agents and tour operators can only refuse reservations or to embark passengers on the grounds of disability or reduced mobility in very **limited circumstances**.*

*Passengers have the right to assistance at airports and on-board aircraft. To ensure that passengers receive assistance, they should advise airlines of their needs at least **48hrs before departure** to facilitate the provision of assistance.*

*Where mobility equipment is damaged, passengers have the right to compensation.*

4.2.2 Booking Process: Actions for air carriers and travel agents

4.2.2.1 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.

4.2.2.2 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.

4.2.2.3 Develop information for passengers with disabilities 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 passengers with disabilities and PRMs to validate whether their airline/tour operator/travel agent has assessed their assistance needs.

4.2.2.4 Encourage passengers with disabilities and PRMs to take responsibility for their journey.

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<sup>46</sup> In the ECAC/EU context, "service animals" refers exclusively to "recognised assistance dogs".

- 4.2.2.5 Provide signposts to airport websites to find out more about the layout and decide whether they need assistance.
- 4.2.2.6 Consider capturing data on PRM needs as part of airline frequent flyer schemes. This could be included within projects to re-design such schemes.
- 4.2.2.7 Provide confirmation to passengers with disabilities 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).
- 4.2.3 IATA Codes: Actions for air carriers and travel agents
- 4.2.3.1 Provide additional information alongside IATA codes to specify the individual needs of the passenger. Airlines should have in place a system to receive additional information about a person's particular needs should it be needed. This could be received as part of the online booking process or added to the 'notes' of a booking at a later date. This additional information should be passed to the airport or service provider in the form of 'free text' or other similar method. This would help ensure that, as far as possible, the assistance would be appropriate to the particular needs of the individual passenger throughout the entire journey. It would be particularly useful for people whose needs cannot be so easily identified via IATA codes. This might include people with 'hidden' disabilities such as dementia or autism where needs are often diverse.
- 4.2.3.2 Provide guidance to all responsible staff on what constitutes mobility and medical equipment and how the IATA codes deal with this equipment.
- 4.2.3.3 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:
- o **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 animal<sup>47</sup> is accompanying passenger, specify the type of animal in free text of SSR.

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<sup>47</sup> In the ECAC/EU context, "service animals" refers exclusively to "recognised assistance dogs".

- **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 animal<sup>1</sup> is accompanying passenger, specify the type of animal in free text of SSR Item.

*Note: 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.*

#### 4.2.4 On board: Actions for air carriers

4.2.4.1 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. Airlines should also provide additional information to its own staff working at the airport or on board aircraft, in addition to IATA assistance codes. This additional information should be passed to the airport or service provider in the form of 'free text' or other similar method.

#### 4.2.5 At the airport: Actions for airport managing bodies

4.2.5.1 Airports should have in place systems that are able to receive extra information through 'free text' or other similar method in addition to general IATA assistance codes.

4.2.5.2 Consider setting service level agreements that have shorter waiting times for passengers who have pre-notified.

4.2.5.3 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.

*Note: 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.*

4.2.5.4 Provide leaflets to passengers who have not pre-notified, setting out the benefits and encouraging them to do so next time.

4.2.5.5 Display posters about passenger rights.

#### 4.2.6 Use of modern media

4.2.6.1 An institutional website is no longer the only point of contact for the public, but more and more it is being supplemented by other modes of digital communication that need to be considered: applications for smart phones and tablets, and social networks. These new forms of communication enable more personal and immediate interaction with the users and lend themselves well to communicating information and messages in a simple and direct way. Therefore, is highly recommended for the air transport industry to also take into consideration the use of these modes of digital communication, to improve the communication towards persons with disabilities or PRMs with the aim to encourage pre-notification.

#### 4.2.7 Role of Member States

4.2.7.1 All ECAC Member States should, and EU Member States must, under Regulation (EC) No 1107/2006, ensure that the necessary measures are put into place for informing persons with disabilities and PRMs of their rights and of the correct procedures to be followed when travelling by air.

#### 4.2.8 Role of the Associations

4.2.8.1 Associations should enclose the special task to provide information and create a culture about the peculiarity of the air transport mode and the industry should strictly cooperate with the Associations to better tailor the special assistance needed by persons with disabilities and PRMs when travelling by air as well as on how to improve the quality of the services delivered by both the airport managing bodies and air carriers.

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**ANNEX 5-I: US AIR CARRIER ACCESS ACT REGULATION (14 CFR  
Part 382) AND EU REGULATION (EC) No 1107/2006:  
COMPATIBILITY AND POTENTIAL CONFLICT**

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**US AIR CARRIER ACCESS ACT REGULATION (14 CFR Part 382) AND  
EU REGULATION (EC) No 1107/2006: COMPATIBILITY AND  
POTENTIAL CONFLICT**

**1. INTRODUCTION**

- 1.1 The US Air Carriers Access Act (ACAA), which prohibits discrimination against persons with disabilities, 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.
- 1.2 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.
- 1.3 The US Department of Transportation's disability regulation (14 CFR Part 382) is similar to the European Union's Regulation (EC) No 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's Regulation (EC) No 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.
- 1.4 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](http://airconsumer.dot.gov/SA_Disability.htm)) and ECAC Doc 30, Section 5 and its annexes.
- 1.5 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.

**2. SCOPE OF PART 382**

- 2.1 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.
- 2.2 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.

### 3. EXEMPTIONS

- 3.1 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 person with disabilities or PRM by a different means but which is as good as or better than that required by Part 382.

### 4. DIFFERENCES BETWEEN PART 382 AND REGULATION 1107/2006

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

#### 4.1 At the airport

##### 4.1.1 *Provision of assistance*

- 4.1.1.1 The biggest difference is in who is responsible. Part 382 places responsibility for delivery of services and facilities to persons with disabilities and PRMs on the **airline** and Regulation (EC) No 1107/2006 places it primarily on the **airport** (except for on board services and facilities).

- 4.1.1.2 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 persons with disabilities can readily use all terminal facilities they own, lease or control.

- 4.1.1.3 If the facilities and services provided by the airport under Regulation (EC) No 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.
- 4.1.1.4 A carrier must provide, or ensure the provision of, assistance to a person with disabilities 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.
- 4.1.1.5 Under Regulation (EC) No 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.
- 4.1.1.6 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 (EC) No 1107/2006 but there is a general requirement to meet quality standards in accordance with ECAC Doc 30 Guidance.

## 4.2 On Board

### **4.2.1 Refusal of carriage**

4.2.1.1 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 (EC) No 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.

4.2.1.2 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

4.2.1.3 This means that the Part 382 requirement is more prescriptive than the equivalent Regulation (EC) No 1107/2006 requirement.

### **4.2.2 Prenotification**

4.2.2.1 Part 382 generally does not permit carriers to require a passenger with disabilities 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).

4.2.2.2 Regulation (EC) No 1107/2006 only holds the assistance provider responsible for delivering assistance to the approved standards (in accordance with ECAC Doc 30, Part I 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.

### **4.2.3 Limitation of number of PRMs on board**

4.2.3.1 Under Part 382 carriers cannot limit the number of persons with disabilities on a flight. Part 382 forbids quotas for carrying persons with disabilities.

4.2.3.2 There is no clear rule under Regulation (EC) No 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.

#### **4.2.4 *Accompanying Person/Safety Assistant***

4.2.4.1 Under Part 382 a carrier can only require a person with disabilities 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 person with disabilities 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.

4.2.4.2 Under Regulation (EC) No 1107/2006, a carrier can require a person with disabilities 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.

#### **4.2.5 *Seating***

4.2.5.1 Part 382 does not permit a carrier to exclude any person with disabilities from any seat or require that a person with disabilities 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 person with disabilities 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 person with disabilities if the passenger is travelling with a personal care attendant, a bulkhead seat for passenger with a service animal<sup>48</sup> if requested, a bulkhead seat or other seat with more legroom for passenger with fused leg).

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<sup>48</sup> In the ECAC/EU context, “service animals” refers exclusively to “recognised assistance dogs”.

4.2.5.2 Regulation (EC) No 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 (PRMs) 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.

#### **4.2.6 Accommodating manual wheelchairs**

4.2.6.1 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.

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

#### **4.2.7 Service Animals/Assistance Dogs**

4.2.7.1 Part 382 requires non-US carriers to accept service animals/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.

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

4.2.7.3 Regulation (EC) No 1107/2006 requires carriers only to accept recognised assistance dogs.

#### **4.2.8 On Board Wheelchairs**

4.2.8.1 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 manoeuvring 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.

4.2.8.2 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.

4.2.8.3 Regulation (EC) No 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.

#### **4.2.9 *Lifting armrests, etc.***

4.2.9.1 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.

4.2.9.2 Regulation (EC) No 1107/2006 does not include requirements for on-board facilities but these are covered in good practice recommendations in Doc 30, Section 5.

#### **4.2.10 *Complaints Resolution Officers (CROs)/National Enforcement Bodies (NEBs)***

4.2.10.1 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.

4.2.10.2 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 persons with disabilities. 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.

4.2.10.3 Under Regulation (EC) No 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 persons with disabilities 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.

4.2.10.4 Regulation (EC) No 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.

4.2.10.5 NEBs also have a role in inspecting and monitoring compliance with Regulation (EC) No 1107/2006.

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**SECTION 2 Attachment A**  
**REQUIREMENTS OF PART 382 AND REGULATION (EC) No**  
**1107/2006**

<i>DoT 14 CFR Part 382</i>	<i>Regulation (EC) No 1107/2006</i>
<p><b>Subpart A. General provisions</b>            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><b>Art 1</b> – Purpose and scope  <b>Art 2</b> – Definitions</p>
<p><b>Subpart B. Non discrimination and access to services and information</b></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><b>Art 3</b> - Prevention of refusal of carriage  <b>Art 4</b> – Derogations, special conditions and information  <b>Art 6</b> - Transmission of information (<i>prenotification</i>)</p> <p><b>Not mentioned</b>            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><b>Equivalent to 1107 art 4.1</b>            See 1 below</p>

<b>DoT 14 CFR Part 382</b>	<b>Regulation (EC) No 1107/2006</b>
<p><i>382-21 Limitation of access to transportation on the basis of communicable disease or other medical condition</i></p> <p>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><b>Art 6 – 1:</b>            "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>
<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"> <li>- Passenger unable to respond to safety instructions from carrier personnel because of a mental disability</li> <li>- Passenger with a mobility impairment so severe he or she is unable to physically assist in his/her own evacuation</li> <li>- Passenger with severe vision AND hearing impairments</li> <li>- Passenger is traveling in a stretcher or incubator</li> </ul> <p>NB: If the carrier and the passenger disagree on the necessity of a safety assistant the carrier <b>must not charge</b> for his/her transportation</p>	<p><b>Art 4-2:</b> "...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>

<b>DoT 14 CFR Part 382</b>	<b>Regulation (EC) No 1107/2006</b>
<p><i>382-31 Special charges</i> permits a carrier to charge for the following services</p> <ul style="list-style-type: none"> <li>- Transportation in a stretcher or incubator</li> <li>- Hook up of a respiratory device</li> <li>- Use of a second seat if the passenger's size and condition causes him/her to occupy more than one seat</li> </ul> <p>382-33 Other restrictions 382-35 Waivers or releases</p>	<p>1107 art 10: Assistance defined in Annex II provided at no charge for the passenger</p>
<p><b>Subpart C. Information to passengers</b> 382-41 Flight related informations 382-43 Accessibility of information and reservation services of carriers 382-45 Availability of 382 to passengers</p>	<p><b>Annex II Art 4</b></p>

<b>DoT 14 CFR Part 382</b>	<b>Regulation (EC) No 1107/2006</b>
<p><b>Subpart D. Accessibility of airport facilities</b></p> <p><i>382-51 Requirements by carriers concerning airport facilities</i></p> <p><i>a. 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></p> <p><b>b. As a carrier</b> you must ensure that passengers with a disability can readily use all terminal facilities you own, lease or control at a foreign airport...</p> <p>382-53 Information by carriers to individuals with vision or hearing impairment</p> <p>382-55 Security screening procedures imposed by carriers</p> <p>382-57 Services by carriers if automated kiosks inaccessible</p>	<p><b>Art 5</b> – Designation of points of arrival and departure</p> <p><b>Annex I</b></p>
<p><b>Subpart E. Accessibility of aircraft</b></p> <p>382-61 Requirements for movable aisle armrests</p> <p>382-63 Requirements for accessible lavatories</p> <p>382-65 Requirements for on board wheelchairs</p> <p>382-69 Accessibility of videos and other audio visual presentations</p> <p>382-71 Other aircraft accessibility requirements</p>	

<i>DoT 14 CFR Part 382</i>	<i>Regulation (EC) No 1107/2006</i>
<p><b>Subpart F. Seating accommodations</b>            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><b>Art 10 – Assistance by air carriers Annex II</b>            Making of all reasonable efforts to arrange seating to meet the needs of individuals with disability...</p>

<b>DoT 14 CFR Part 382</b>	<b>Regulation (EC) No 1107/2006</b>
<p><b>Subpart G. Boarding, deplaning and connecting assistance</b></p> <ul style="list-style-type: none"> <li>- <b>Airlines</b> must ensure assistance upon request</li> <li>- <b>Airlines</b> or their subcontractors must supply the personnel and equipment</li> <li>- <b>Airlines</b> cannot leave non ambulatory passengers in a wheelchair for more than 30 minutes unless the passenger agrees</li> </ul> <p>382-91 Assistance to be provided by carriers</p> <p>382-93 Preboarding</p> <p>382-95 Carriers general obligations for boarding and deplaning assistance</p> <p>382-97 Aircrafts concerned for use of lifts</p> <p>382-99 Carriers agreements with airports they serve</p> <p>382-101 Other boarding and deplaning assistance by carriers</p> <p>382-103 Unattendance of a passenger in a wheelchair or other device</p> <p>382-105 Responsibility of carriers at foreign airports at which airport operators have responsibility for enplaning, deplaning and connecting assistance</p> <p><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><b>Art 7-</b> Right to assistance at airports</p> <p><b>Art 8</b> – <i>Responsibility for assistance at airports</i></p> <p><b>8-1. The managing body of the airport shall be responsible for ensuring the provision of the assistance specified in Annex I....</b></p> <p><b>Art 9-</b> Quality standards for assistance</p> <p><i>9-3: The managing body of the airport shall publish its quality standards</i></p> <p><b>Annex II</b></p>

<b>DoT 14 CFR Part 382</b>	<b>Regulation (EC) No 1107/2006</b>
<p><b>Subpart H. Services on aircraft</b></p> <p>382-111 Services to be provided on board</p> <p>382-113 Services not required to be provided on board</p> <p>382-115 Requirements for on board safety briefings</p> <p><i>382-117 Service animals</i></p> <p>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.</p> <p>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><b>Annex II</b></p> <p>Airlines must carry recognised assistance dogs in the cabin</p>

<b><i>DoT 14 CFR Part 382</i></b>	<b><i>Regulation (EC) No 1107/2006</i></b>
<p><b>Subpart I. Stowage of wheelchairs, other mobility aids and other assistive devices</b></p> <p>382-121 Mobility aids and other assistive devices into the aircraft cabin</p> <p>382-123 Priority cabin stowage for wheelchairs and other assistive devices</p> <p>382-125 Procedures to be followed when wheelchair or other assistive devices must be stowed in the cargo compartment</p> <p>382-127 Procedures to be applied for stowage of battery powered mobility aids</p> <p>382-129 Requirements when mobility equipment must be disassembled for stowage</p> <p>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><b>Art 12 – Compensation for lost or damaged wheelchairs, other mobility equipment and assisting devices</b></p>
<p><b>Subpart J. Training and administrative provisions</b></p> <p>382-141 Training required to be provided to carriers personnel</p> <p>382-143 When must training be completed</p> <p>382-145 Records of training</p>	<p><b>Art 11 – Training</b></p>



<b><i>DoT 14 CFR Part 382</i></b>	<b><i>Regulation (EC) No 1107/2006</i></b>
<p><b>Subpart K. Complaints and enforcement procedures</b>            382-151 Requirements for provision of CROs            382-153 Actions taken on complaints by CROs            382-155 Response by carriers to written complaints            382-157 Record keeping and reporting of complaints by carriers            382-159 Filing of complaints with DOT</p>	<p><b>Art 14 – Enforcement body and its tasks</b>  <b>Art 15 – Complaint procedures</b>  <b>Art 16 - Penalties</b></p>

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**ANNEX 5-J: GUIDANCE ON WEBSITES' INFORMATION FOR  
PERSONS WITH DISABILITIES AND PERSONS WITH REDUCED  
MOBILITY (PRMs)**

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**1. GENERAL GUIDELINES ON ACCESIBILITY OF INFORMATION**

- 1.1 The information should be on a single webpage one click away from the home page of a website or on webpages directly accessible from a single 'landing' webpage one click away from the home page. One 'click' includes a mouse rollover, which then invites the user to select the "Special Assistance" link (see below) from a menu or list of other links.
- 1.2 The 'title' for hyperlinks to this information should be "Special Assistance" or similar and may include a relevant image (for example, a wheelchair). However, this must refer to assistance and arrangements necessary to enable disabled persons and persons with reduced mobility to use the airport facilities and to comply with the established procedures.
- 1.3 The information should be presented in a clear and easy to understand way and accessible for passengers with disabilities<sup>49</sup> and persons with reduced mobility. The design of websites should be in conformity with existing international guidelines on website accessibility such as the Web Content Accessibility Guidelines 2.0 (WCAG 2.0) of the W3C and fulfil at least the "AA" standard under these guidelines. It is very important that all the information is written down in easy language to address all passengers. Technical jargon and abbreviations should be avoided.
- 1.4 Alternative means of communication to transmit the information should be provided e.g. a direct phone line (local landline or free number, not at the charge of the passenger), web chat, e-mail, mail, etc. Staff should be available during airport opening hours at a minimum.

**2. SPECIFIC GUIDELINES FOR AIRLINES**

- 2.1 Information on safety restrictions.** This should specify the safety

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<sup>49</sup> Accessible formats means that information should be provided using text, audio, video (equipped with subtitles and/or sign language interpretation) and/or electronic means so as to be accessible to all. Accessible formats include, but are not limited to, large print, Braille version, easy-to-read version, audio format such as tapes or CDs, video format like DVDs, and electronic format.

rules of the airline which may prevent the airline from accepting a reservation from a person with disabilities or a person with reduced mobility (PRM).

**2.2 Information on space restriction.** This should include information on any restrictions on the reservation due to the size of the aircraft or its doors which makes the carriage of persons with disabilities or their mobility equipment (e.g. wheelchair) physically not possible. Other information can include movable armrests, accessible lavatories, existence of on-board wheelchairs, etc.

**2.3 Information on how to obtain assistance.** This information should include, as a minimum:

- g) instructions on how PRMs can book assistance and description of the assistance available (e.g. using ECAC codes available in Annex 5-A);
- h) the methods by which PRMs can book assistance (e.g. as part of the booking process, by email, phone, web form, etc, and any associated cost, for example calling a special assistance phone line);
- i) whether, once the PRM has pre-notified, you will confirm this in writing (e.g. by email, letter, etc) to the PRM. This confirmation should at minimum specify if assistance will be provided at the airport of departure and/or at the airport of arrival and/or in transit through an airport if relevant;
- j) the stipulated time before their flight that the PRM should arrive at the airport, taking into account that if the passenger needs assistance from a point outside the airport building, e.g. the car parking, the time should be appropriate (e.g. at least two hours according to ECAC Doc 30, Part I paragraph 5.8.4); and
- k) the relevant telephone and e-mail contacts for requesting assistance.

**2.4 Information about mobility equipment.** This should specify the rules on carriage of mobility equipment. This should include descriptions of what mobility equipment is, if possible with examples. Any restrictions on particular equipment, or parts of, must be listed (for example, battery types). It should set out a clear distinction between mobility equipment and medical equipment in general (such as oxygen).

**2.5 Information on seating on-board.** This information should include, as a minimum, what type of seating is generally available (for example, extra leg / space or movable armrests) as well as instructions for how a PRM can pre-book a suitable seat on board

or, if this option is not available, how the airline ensures that suitable seats are allocated to PRMs. It should also cover the availability of, and instructions for, pre-booking specialist seating devices such as harnesses, MERU chairs etc. It should also mention any restrictions (e.g. seating in emergency exits, bulkhead rows) and information on additional costs (e.g. for bulkhead seats).

**2.6 Information on when an accompanying person will be required.** This information should include, as a minimum, the circumstances under which the airline will require that the PRM travels with an accompanying person and that this is restricted to safety reasons. This information should specify who can be designated as accompanying person (e.g. restrictions on age, etc.) and also include special arrangements in relation to the accompanying person (e.g. where they will be seated in relation to the PRM, whether there is a discount fare available, etc).

**2.7 Information on service animals<sup>50</sup>.** This information should include, as a minimum, whether the airline accepts service animals and, if so, for which routes. It should also make clear what it defines as a "service animal". It should also cover the arrangements for travelling with a service animal and any costs involved (for example, if the animal requires a proper seat). It should state any restrictions on travel and any conditions that must be met for the animal to be able to travel.

**2.8 Information on oxygen.** This should include, as a minimum, the airline's policy on the carriage of oxygen or any other breathing apparatus by passengers (e.g. documentation which should be carried by the passenger as signed medical declarations, etc.), and any restrictions (e.g. security, safety) to carriage on particular routes. It should also include whether the airline will itself provide oxygen, the volume of oxygen available in flight and the amount of any charge for this service.

**2.9 Information on how to get to and from the toilet on-board.** This should specify the arrangements generally available for assisting PRMs to and from the toilet, including whether a wheelchair is available on-board and, where relevant, the instructions for pre-booking the on-board wheelchair.

**2.10 Information on toilets on board.** This should include, as a minimum, whether any toilets are accessible to on board wheelchairs or have any other features to assist PRMs.

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<sup>50</sup> Service animal means recognised assistance dog in the ECAC/EU context, which is a narrower definition than the one which appears in ICAO Doc 9984.

- 2.11 **Compensation for mobility equipment.** This should state the airline's policy on compensation for damage to or loss of mobility aids (i.e. whether the Montreal Convention limits apply) and the process which passengers should follow to make a claim. It should be clear how and when the complaint has to be made and give a point of contact, ideally in the baggage claim area on arrival.
- 2.12 **Information on how to complain.** This should include the arrangements in place for PRMs to complain to the airline about the assistance provided on their journey, including contact details.
- 2.13 **Information on PRM helpline.** This should provide the telephone number and opening hours of the airline's helpline for enquiries from PRMs, as well as alternative accessible means of contact (see above).

### **3. SPECIFIC GUIDELINES FOR AIRPORTS**

- 3.1 **Information on the assistance provided at the airport.** This information should specify, as a minimum, the types of assistance provided at the airport to persons with disabilities and persons with reduced mobility (PRMs).
- 3.2 **Information on how to obtain this assistance.** This information should include, as a minimum, how in general terms PRMs can arrange for assistance at the airport, and should make reference specifically that the PRM should pre-notify with airline, tour operator or travel agent (e.g. at least 48 hours according to ECAC Doc 30, Part I Section 5). Additionally, information should be given about the location of the call points, information desks or check-in desks, where the passengers should announce their presence upon arrival.
- 3.3 **Information on getting to the airport.** This information should include, as a minimum, the available transport methods for getting to the airport or through the different terminals of an airport, the arrangements for disabled parking at the airport both at departure and arrival (within the terminal boundary), and any specific rules for, or charges applied to, PRM passengers for using a drop-off zone at the airport. This should also include links to any pages detailing the accessibility arrangements for transport operated by other companies, and public transport, to and from the airport and car parking operated outside the terminal boundary.
- 3.4 **Information on the layout of the airport.** Airports should provide a map of the airport and list the key walking distances. As a minimum, the map should include both inside and outside the terminal building and include a scale to enable PRMs to assess likely walking distances between key points including call points,

designated arrival and departure points, special assistance areas (both landside and airside), check-in areas, disabled toilets, security checkpoints, departure lounges, gates, border control and baggage reclaim. As a recommendation the list of walking distances should include the furthest possible distance between key points including designated arrival and departure points, special assistance areas (both landside and airside), check-in areas, disabled toilets, security checkpoints, departure lounges, gates, border control and baggage reclaim.

- 3.5 Information on designated arrival and departure points.** The map of the airport should include a list of designated meeting points where the assistance staff can be contacted and where they can meet and assist the passenger from. The location of each designated point should be shown on a map to make sure they are easy to find; this information should also be available in text. An alternative format (such as video) can further clarify the information.
- 3.6 Information on performance standards.** This information should include, as a minimum, information on (and links to) the airport's Quality Standards and, if applicable, how the airport or its agent has performed against the Quality Standards. This information should be easy to find and to understand for the passenger. Airports with annual traffic less of 150,000 passengers can be excluded of this provision.
- 3.7 Information on airport security.** This information should include, as a minimum, whether there are any special arrangements for PRMs in relation to security, in particular in relation to mobility and medical equipment, and whether private rooms are available for security searches. If the airport operator is not responsible for security, it should include links to any pages detailing the accessibility arrangements for security searches as well as the contact details of the contractor in order to clarify procedures.
- 3.8 Information on mobility equipment.** This should include, as a minimum, the arrangements at the airport for allowing PRM passengers to remain in their own mobility equipment up to the gate, and the arrangements for repatriating mobility equipment to the PRM passenger on arrival. In addition, where relevant, it should include any information for owners on preparing mobility equipment for carriage. This information should also cover the arrangements for obtaining replacement mobility equipment in the event that the PRM's own equipment is damaged on arrival.
- 3.9 Information on service animals.** This should include the arrangements in place at the airport for service animals (e.g.

assistance dogs), including information about the location of relief areas for service animals.

**3.10 Information on how to complain.** This should include the arrangements in place for PRMs to complain to the airport about the assistance provided at the airport on their journey, including contact details.

**3.11 Information on PRM helpline.** The telephone number and opening hours of the airport's helpline for enquiries from PRMs, as well as alternative accessible means of contact (see above). This should be a phone number that is always manned during the airport's opening hours (e.g. airport telephone general information service).

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## ANNEX 6-A: PRACTICAL GUIDE ON SAFETY INVESTIGATIONS FOR AIR ACCIDENT FOR AIR ACCIDENT VICTIMS AND THEIR RELATIVES

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### 1. INTRODUCTION

- 1.1 The European Network of Civil Aviation Safety Investigation Authorities (ENCASIA) produced a leaflet for air accident victims and their relatives in order to facilitate their understanding of the role and the different phases of a safety investigation.
- 1.2 The leaflet describes the main milestones of the investigation of accidents to commercial air transport aircraft that occur within Europe.
- 1.3 Each Member State has established a permanent Safety Investigation Authority (SIA) capable of independently conducting a full safety investigation, either on its own or through agreements with other SIAs.
- 1.4 Member States should designate a national coordinator or coordinating agency which will be the point of contact between the victims and relatives and the government agencies and non-government organisations.



*The sole objective of a safety investigation is the prevention of the future accidents without apportioning blame or liability.*

### 2. REFERENCES

- 2.1 Regulation (EU) No 996/2010 on the investigation and prevention of accidents and incidents in civil aviation.



- 2.2 Regulation (EC) No 889/2002 amending Council Regulation (EC) No 2027/97 on air carrier liability in the event of accidents.
- 2.3 A list of victims' associations is available on the ENCASIA website - [http://ec.europa.eu/transport/modes/air/encasia/index\\_en.htm](http://ec.europa.eu/transport/modes/air/encasia/index_en.htm)
- 2.4 The leaflet is available in twenty-three languages on the ENCASIA website.

### **3. PHASES OF THE SAFETY INVESTIGATION**

#### **3.1 FIRST HOURS / DAYS**

- Notification/start of the safety investigation;
- Go team to accident site (including accredited representatives and advisors from other involved countries); and
- Field phase: preservation and collection of evidence.

#### **3.2 FIRST WEEKS / MONTHS**

- Flight Recorders (Black Boxes) read out and validation;



- Publication of the final report on the circumstances and causes of the accident;
- Release of factual information by the safety investigation authority; and
- Additional technical examination, research and/or studies.

#### **3.3 FIRST YEAR AND AFTER**

- Interim statement/report released a year after the date of the accident; and
- Publication of the final report on the circumstances and causes of the accident. Release of safety recommendations to prevent

future accidents and further improve aviation safety

#### **4. ASSISTANCE TO VICTIMS AND THEIR RELATIVES**

- 4.1 Information on relatives by the call centre (air carriers must set up a hotline).
- 4.2 Appointment of a national coordinator who will be the main interface with victims and their relatives.
- 4.3 The air carrier and the national coordinator are the initial points of contact for assistance to victims and relatives after an accident.
- 4.4 Validation of passengers' list (air carrier must provide within two hours the list of passengers).
- 4.5 Dedicated personnel (air carrier's care centre).
- 4.6 Provision of psychological assistance.
- 4.7 Financial assistance for immediate needs – 'not later than fifteen days after the identity of the natural person entitled to compensation has been established', as stipulated by Regulation (EC) No 889/2002.
- 4.8 Updates through face-to-face meetings with family members in coordination with officials.
- 4.9 **Arrangements for a visit to the accident site.**
- 4.10 **Information provided to relatives prior to official releases.**
- 4.11 Commemoration of the accident generally with the construction of memorial(s).
- 4.12 **Explanations provided prior to the publication of the final report.**

*The actions described in bold in this section are under the responsibility of or in coordination with the SIA.*



**5. WHAT YOU SHOULD ALSO KNOW**

- 5.1 **Media and social media** will spread a lot of partial information in the hours/days following the accident. A lot of so-called specialists will speculate on the causes of the accident in the following days. It will take more time for safety investigators to check and validate all the pieces of information to determine the precise facts and circumstances of the accident. Only the safety investigation authority will provide victims and relatives with validated information and explanations.
- 5.2 Arrangements for a **visit to the accident site** by the relatives should be made with the safety investigation authority concerned and any other authorities responsible for victim recovery and identification. However, the accident site is not always accessible.
- 5.3 After an air accident, a separate judicial investigation is also generally instituted to define responsibilities. This process is independent from the investigation conducted by the SIA.

