

18/2007

Applicability: All AOC Holders

REGULATION (EC) NO. 1107/2006 – CONCERNING THE RIGHTS OF DISABLED PERSONS AND PERSONS OF REDUCED MOBILITY WHEN TRAVELLING BY AIR

1 Introduction

1.1 Regulation (EC) No. 1107/2006, the first stage of which became effective on 26 July 2007, prohibits an air carrier from refusing carriage to a person on grounds of disability or reduced mobility. However, an exception at Article 4(1) of the Regulation provides that an air carrier may refuse to embark a disabled person or a person with reduced mobility (both referred to in this FODCOM as “a PRM”):

- in order to meet applicable safety requirements established by international, Community or national law or in order to meet safety requirements established by the Authority that issued the Air Operator’s Certificate (AOC) to the air carrier; or
- if the size of the aircraft or its door makes embarkation or carriage physically impossible.

1.2 The purpose of this FODCOM is to provide guidance on the circumstances in which an air carrier may refuse to embark a PRM.

2 Operational Safety Requirements

2.1 Most UK operators operating aircraft for the purposes of public transport are required as a condition of their AOC to comply with the requirements of JAR-OPS (JAR-OPS 1 for aeroplanes or JAR-OPS 3 for rotorcraft).

2.2 The key requirements of JAR-OPS 1 and 3 are that:

- an operator shall specify procedures for the carriage of PRMs;
- an operator shall ensure that PRMs are not allocated, and do not occupy, seats where their presence could:
 - (i) impede the crew in their duties;
 - (ii) obstruct access to emergency equipment; or
 - (iii) impede the emergency evacuation of the aircraft; and
- an operator shall also establish procedures to ensure that passengers are seated where, in the event that an emergency evacuation is required, they may best assist and not hinder evacuation from the aircraft.

2.3 These requirements are supplemented by advice and guidance. The guidance advises that, in normal circumstances, PRMs should not be seated adjacent to an emergency exit and, where PRMs form a significant proportion of the total number of passengers carried on board, the number of PRMs should not exceed the number of able-bodied persons (ABPs) capable of assisting with an emergency evacuation.

2.4 After July 2008, all aeroplane operators (except those based in the Channel Islands) will be obliged to comply with the essentially similar requirements of EU-OPS.

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- 2.5 If compliance with JAR OPS 1 and 3 obliges an operator to refuse to embark a PRM, he will be entitled to do so under Article 4(1)(a) of Regulation (EC) No. 1107/2006 in order to meet applicable safety requirements established by law or by the Authority that issued the AOC.
- 2.6 An operator must be prepared to carry as many PRMs as permitted by JAR-OPS 1 or 3. It is not open to an operator to set for itself a lower limit.
- 2.7 The maximum number of PRMs permitted by JAR-OPS 1 or 3 on any particular flight will depend on a number of variables. These variables include the type and configuration of the aircraft, the extent of the reduced mobility or disability of the PRMs seeking embarkation, and the number of ABPs.
- 2.8 It is not possible for the CAA to determine what is the maximum number of PRMs that may be carried on any particular flight in respect of every aircraft type and configuration. Therefore, a maximum number determined by the operator does not become a legal justification for refusal to embark a PRM on the grounds that it is contained in a document submitted to the CAA.
- 2.9 Generally, the maximum number of PRMs who may be carried in accordance with JAR-OPS 1 or 3 is likely to be much greater than the number of PRMs typically seeking to be carried on any particular flight. For larger aircraft, it seems unlikely that an operator will be in a position to refuse to carry a PRM because the JAR-OPS 1 or 3 limit has been reached. Smaller aircraft may have a lower limit due to the size of the entrance door, presence of integral steps, and location and size of other emergency exits.
- 2.10 It is the responsibility of an operator to comply both with JAR-OPS 1 or 3 and with Regulation (EC) No. 1107/2006. If operators are considering the refusal of reservation or boarding on the basis of Article 4(1)(a) of the Regulation, they can only do so if they would otherwise exceed the legal maximum established by JAR-OPS 1 or 3 for that flight; it is the operator's responsibility to establish that maximum.

3 Further Guidance

- 3.1 The Department for Transport is currently updating its Code of Practice on this subject. Additional guidance is also provided by European Civil Aviation Conference (ECAC) [Document \(Doc 30\)](#).

4 Recommendation

- 4.1 **Operators should review relevant sections of their Operations Manual to ensure that their current procedures and limitations for the carriage of PRMs meet the requirements of Regulation (EC) 1107/2006.**

5 Queries

- 5.1 Any queries as a result of this FODCOM should be addressed to Head of Flight Operations Policy Department at the following e-mail address: FOD.Admin@srg.caa.co.uk.

7 August 2007

Recipients of new FODCOMs are asked to ensure that these are copied to their 'in house' or contracted maintenance organisation, to relevant outside contractors, and to all members of their staff who could have an interest in the information or who need to take appropriate action in response to this Communication.

Review CSO February 2008