



TERMS OF REFERENCE

Title:	Carriage of special categories of passengers (SCPs)
Task No:	RMT.0269 and RMT.0270 (MDM.072 (a) and (b))
Issue:	Issue 1
Date:	17 February 2012
Regulatory reference:	<ul style="list-style-type: none">a) Commission Regulation (EC) No 859/2008¹ (hereafter referred to as EU-OPS)b) Regulation (EC) No 216/2008² (hereafter referred to as the Basic Regulation)c) Regulation (EC) No 1107/2006³d) JAA Guidance Material: Section 2/JAR-OPS 1, TGL 44⁴
Reference documents:	<ul style="list-style-type: none">a) Study by TÜV Rheinland on Carriage by Air of Special Categories of Passengers. EASA Contract Number EASA.2008.C.25. 1 December 2009⁵b) ICAO Annex 9 and Annex 6: Part I International Commercial Air Transport Aeroplanes; Chapter 4 Flight operations and Chapter 12 Cabin crewc) ECAC DOC No 30 (Part I), Section 5 and its Annexes A to Gd) Draft Regulation on Air Operations; Annex IV, Part-CAT (Commercial Air Transport) CAT.OP.MPA.155 Carriage of special categories of passengers⁶e) Draft Regulation on Air Operations: the related AMC and GM material as contained in CRD.b.3 to NPA 2009-02b 'Part-OPS'⁷

1. Subject: Carriage of special categories of passengers (SCPs)
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¹ Commission Regulation (EC) No 859/2008 of 20 August 2008 amending Council Regulation (EEC) No 3922/91 as regards common technical requirements and administrative procedures applicable to commercial transportation by aeroplane (OJ L 254, 20.9.2008, p. 1).

² Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC (OJ L 79, 19.3.2008, p. 1). Regulation as last amended by Regulation (EC) No 1108/2009 of the European Parliament and of the Council of 21 October 2009 (OJ L 309, 24.11.2009, p. 51).

³ Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air (OJ L 204, 26.7.2006, p. 1).

⁴ JAA Administrative & Guidance Material — Temporary Guidance Leaflet (JAR-OPS) — Leaflet No 44: JAR-OPS 1 AMT 13 Section 2 (<http://www.jaa.nl/publications/a&gm/TGL-44.pdf>).

⁵ See: <http://www.easa.eu.int/rulemaking/docs/research/EASA%202008.C.25%20Final%20report%20Issue%201.1.pdf>.

⁶ Opinion No 04/2011 of the European Aviation Safety Agency of 1 June 2011 for a Commission Regulation establishing Implementing Rules for air operations (<http://www.easa.europa.eu/agency-measures/opinions.php>).

⁷ See: <http://easa.europa.eu/rulemaking/r-archives.php#crd>.

2. Problem/statement of the issue and justification; reason for regulatory evolution (regulatory tasks):

Special categories of passengers (SCPs) are defined in the European air safety regulations as persons who need special conditions, assistance, or equipment when travelling by air, and include:

- infants and children until the age of 12 (e.g. OPS 1.320);
- persons with disabilities or with reduced mobility (PRM) (e.g. OPS 1.260);
- sick passengers and persons on stretchers (e.g. Appendix 1 to OPS 1.1045);
- inadmissible passengers, deportees or persons in custody (e.g. OPS 1.265).

The future rules for commercial air transport operations published in the Agency's Opinion on air operations (**Opinion 04/2011**), as well as **EU-OPS**, provide general objectives and requirements as regards the transport of special categories of passengers (SCPs) and the conditions under which they should be carried so as to mitigate safety risks for themselves or for others on board.

Regulation (EC) No 1107/2006 aims to ensure that passengers with disabilities or reduced mobility (PRM) have the same access to air transport as any other passenger, and to facilitate their access to travelling by air. The **definition of a disabled person or PRM** under Regulation (EC) No 1107/2006 is very broad and includes 'any person whose mobility when using transport is reduced due to any physical disability (sensory or locomotory, 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'. Under Article 4(1) an air carrier may only refuse carriage to a PRM in order to meet **applicable safety requirements**, or if the **size of the aircraft** or its door makes embarkation or carriage physically impossible.

In addition to the safety requirements referred to above, the **Joint Aviation Authority (JAA)** issued **safety Guidance Material TGL 44**, which has to be read in conjunction with EU OPS and also includes a small section on the transport of PRMs. This Guidance Material has been used by some Member States as guidelines for their operators, but different interpretations exist. It should also be highlighted that these guidelines were drafted many years ago and may not be any longer adequate or consistent with the current, and forthcoming, passenger profile and aviation safety environment.

Therefore, in order to ensure that any safety aspects relating to the transport of PRMs by air are identified and assessed on a scientific basis taking into account the changes in the aviation sector, the Agency commissioned a comprehensive **study on the carriage of special categories of passengers (SCPs)**. The final report was delivered in December 2009, and is published on the Agency's website. The study includes updated **scientific data** and a **methodological risk assessment** of safety risk that could be associated with the carriage of SCPs. Identified risks, as well as the combination of risks, were assessed. The risk assessment covered 272 scenarios for 17 special categories of passengers. Completed with the support of experts, the study also comprised research and analysis of **available data**, including studies already published relevant to the subject and accident/incident investigation reports, as well as the conduct of partial evacuation tests and various contacts with concerned groups/parties. Ultimately, the final report proposes **recommendations** and identifies accordingly where further research and/or rulemaking action might be needed, from both operational and certification perspectives, in the interest of passenger safety.

RMT.0269 and RMT.0270 on carriage of special categories of passengers were therefore included in the Rulemaking Programme to address the issue with a view to **updating as appropriate the current existing requirements and/or Guidance Material**.

3. Objective:

Development of operational and certification safety requirements in the form of Implementing Rules (IR)/Certification Specifications (CS)/Alternative Means of Compliance (AMC) or Guidance Material (GM) relating to carriage of special categories of passengers taking into account current rules, the latest scientific research, associated recommendations and operational experience.

The main objective of the rulemaking tasks is the **review of the operational and certification requirements** and related **Guidance Material** relating to the carriage of special categories of passengers (SCPs) based on the latest scientific research, associated recommendations and operational experience.

According to the study conclusions, there is no significant risk associated with the transport of inadmissible passengers, deportees or persons in custody. Therefore, this category of passengers should be excluded from the task.

The remaining categories of passengers still include a wide range of passenger groups since the definition of Persons with Reduced Mobility (PRM) and therefore the definition of SCPs is very broad. Therefore, the **Rulemaking Group** will have to prioritise the categories of passengers that this task should focus on.

The following areas will have to be considered by the rulemaking group:

- **definitions and procedures** relating to **accompanying persons** per category of SCP;
- **operational requirements** relating to cabin crew procedures and training relevant to the briefing, assistance and evacuation of SCPs;
- **design/certification rules** relating to evacuation tests, aisles, cabin crew stations and access to exits considering evacuation of SCPs;
- **occurrence reporting and accident investigation questionnaires** with a view to enabling investigation of evacuation procedures and better collection of SCP-related data.

Proposals for IR and/or AMC/GM on special categories of passengers will be developed along the following guidelines:

1. To investigate whether the amendment of the Implementing Rules is needed. If yes, the Agency shall submit an Opinion to the Commission to amend the Regulation establishing the Implementing Rules for air operations (Part-CAT) on SCPs (RMT.0269).
2. To amend the future Agency's Decisions on air operations (Part-CAT) in order to implement CS/AMC and/or GM on SCPs (RMT.0270).

4. Specific tasks and interface issues (Deliverables):

- To **carefully evaluate the impact of the regulatory solutions** envisaged and to provide a **comprehensive Regulatory Impact Assessment** encompassing flight and passenger safety as well as other relevant aspects, such as economic and social aspects.
- To evaluate the **interaction with passenger rights regulations**, such as Regulation 1107/2006, in cooperation with the European Commission's passenger rights unit.
- To take account of all relevant recent and publicly available **scientific and/or medical studies/evaluations and operational experience**.
- To assess if it is necessary to develop an **Opinion** for amending the Commission **Regulation establishing the Implementing Rules for air operations and/or**

certification rules.

- To assess if it is necessary to develop an Executive Director **Decision** for the issuing of the relevant CS/AMC/GM material.

5. Working methods (in addition to the applicable Agency procedures):

The tasks shall be carried out in cooperation with a rulemaking group comprising experts nominated according to the applicable procedure.⁸

Meetings shall be held at the EASA premises in Cologne.

6. Timescale, milestones:

Starting date: 2012/Q1

Notice of Proposed Amendment (NPA): 2013/Q3

Comment Response Document (CRD): 2014/Q1

Opinion: 2014/Q4

Decision: 2015/Q4

⁸ <http://easa.europa.eu/rulemaking/terms-of-reference-and-group-composition.php>.