

## **Airport Accountable Managers Airline Accountable Managers**

### **CAA and HSE roles in relation to EC Regulation 1107/2006 on the rights of disabled persons and persons with reduced mobility**

EC Regulation 1107/2006, the 'Regulation', on the rights of disabled persons and persons with reduced mobility (PRM's) when travelling by air came into full force on 26 July 2008. The aim of this legislation is to ensure that PRM's should have equal access to air travel by placing an obligation on airports and airlines to have in place a 'seamless' service to assist such passengers.

Since entering into force there appears to be some confusion within industry of the purpose of the Regulation and the respective roles of the Airport Authority, Civil Aviation Authority (CAA) and the Health and Safety Executive (HSE), particularly in relation to safety issues. This letter clarifies the position of both CAA and HSE in relation to the Regulation and the interactions of the airport and airline in relation to the safety of PRM's.

In addition, a Memorandum of Understanding details the interface between the CAA and the HSE in relation to health and safety at aerodromes. This can be found on the CAA website.

<http://www.caa.co.uk/default.aspx?catid=17&pagetype=90&pageid=700>

### **Purpose of the Regulation**

The Regulation established rules to protect against discrimination and to ensure assistance was provided by placing a series of obligations on airports, to manage the service; on airlines, in respect of PRM carriage; and on other parts of industry, such as travel agents and tour operators, to collate and provide information to the airport and airline on a PRM's requirements. A copy of the Regulation can be found on the CAA website.

[http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/l\\_204/l\\_20420060726en00010009.pdf](http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/l_204/l_20420060726en00010009.pdf)

### **Responsibility for Assistance at Airports**

The Regulation makes it clear that the responsibility for the provision of assistance to PRM's from arrival at the airport to their seat on the aircraft rests with the managing body of the airport. The managing body may provide the assistance itself or, in keeping with its responsibilities and subject to compliance with quality standards, contract this to a third party such as a ground handler.

The responsibility therefore for ensuring the standard of service provided to PRMs who use the airport rests with the managing body of the airport. Article 9 of the Regulation requires the managing body to set quality standards and determine resource requirements for meeting them. Whilst setting such standards, account must be taken of internationally recognised policies and codes of conduct for the facilitation of the transport of PRMs, including any relevant health and safety legislation.

### **Enforcement**

The CAA is the UK enforcement body for the Regulation, its role in this area being predominantly to ensure that the appropriate structure is in place at the airport to meet the needs of PRMs.

In addition, as the UK aviation regulatory authority, the CAA Safety Regulation Group is responsible for ensuring that the holders of aerodrome licences are competent to secure that the aerodrome is safe for use by aircraft. This responsibility is discharged through its oversight of aerodrome standards and aerodrome operators' safety management systems as these relate to the Air Navigation Order (ANO). This oversight includes the aerodrome licence holder's management of contractors, but again only as their actions relate to the CAA's duties under the ANO.

The HSE enforce all the health and safety regulations at airports and the safety of PRMs is part of that work. Where there is an accident or incident, or they become aware of any breaches of health and safety legislation, HSE will take any necessary action to address deficiencies in the health and safety aspects of the service provision. HSE conduct their enforcement in line with their set enforcement policy by inspecting health and safety management structures, reviewing policies and procedures, and investigating incidents and complaints. Such investigations include procedures for management of contractors.

### **Mandatory Occurrence Reporting**

Compliance with the Regulation does not affect or change any of the Mandatory Occurrence Reporting requirements, or the requirements to report certain accidents and incidents to HSE.

The CAA's Mandatory Occurrence Reporting Scheme (EU Directive 2003/42 and CAP 382) requires that 'occurrences which have, or could have led to significant injury to passengers or crew, but which are not considered to be reportable as an accident' are reported to the CAA.

The CAA's interpretation of this Directive is that it applies from the point when the affected passenger or crew member (with the intention of flight) steps into the aircraft until the point where the passenger or crew member disembarks from the aircraft, and at all times in between whilst they are in the aircraft. It does not apply to passenger or

crew injuries sustained outside of the aircraft. These should be notified to the HSE rather than the CAA.

We trust this clarification has been of assistance and further information can be found on our websites. Specific queries should be directed to the following points of contact at the CAA and the HSE.

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| Capt. Bob Jones<br>CAA Group Director Safety Regulation | Christine Barringer<br>HSE Head of Transportation |
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