



30 January 2013

Dear Colleague

Open Letter to Aircraft Operators on the Carriage of Electric Mobility Aids

1. Following the publication in March last year of the CAA's Safety Notice on the carriage of electric mobility aids¹, a number of issues have come to light relating to how airlines are implementing the requirements set out in the Safety Notice. In particular we have become aware that some aircraft operators have established restrictions or prohibitions on the carriage of electric mobility aids for reasons which are not permitted by Regulation (EC) 1107/2006² ('the PRM Regulation').
2. My colleague, Gretchen Haskins, Group Director Safety Regulation, and I are today writing to all airlines operating to and from the UK to clarify how the safety requirements for the carriage of electric mobility aids relate to the requirements of the PRM Regulation, in particular the requirement that aircraft operators carry up to two pieces of mobility equipment per PRM passenger, subject to advance warning of 48 hours, possible dimension and / or capacity limitations of the aircraft and the application of the appropriate safety requirements.

ICAO Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO Doc 9284 AN/905) ("the ICAO Technical Instructions")

3. The ICAO Technical Instructions detail safety requirements which ensure electric mobility aids cannot be inadvertently operated during carriage. The aircraft operator's approval is required, however, this simply gives aircraft operators a broad discretion to deny carriage if the applicable safety requirements are not met. In practice, the requirement for approval means that aircraft operators should be notified and can then take steps to ensure that carriage is undertaken in accordance with the safety requirements of the ICAO Technical Instructions. The PRM Regulation overlays this discretion with a restricted scope so that if a mobility aid is presented to the aircraft operator having been made safe for carriage by air in accordance with the ICAO Technical Instructions, they may only refuse carriage for the other reasons permitted by the PRM Regulation. The requirements of the ICAO Technical Instructions address devices powered by all battery types known to be used for this purpose, including when they are fitted to collapsible devices.
4. *It is the view of the CAA that an aircraft operator should be able to establish procedures for ensuring that the applicable requirements of the ICAO Technical Instructions are met.*

¹ Civil Aviation Authority, SAFETY NOTICE Number: SN-2012/00, published 23 March 2012 (<http://www.caa.co.uk/docs/33/SafetyNotice2012003.pdf>).

² Regulation (EC) No. 1107/2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air.

5. The Technical Instructions also require that electric mobility aids be protected from damage by other baggage or cargo. Therefore, it is preferable to plan to load an electric mobility aid in a compartment or ULD without other baggage or cargo. However, if this is not possible, the electric mobility aid should be individually secured and must be protected from damage e.g. by also restraining any other load in the same compartment or ULD. In order to provide a PRM equal access to air transport, the assessment of whether there is sufficient capacity onboard to safely carry an electric mobility aid should be made at the time the reservation is made, having taken into account the booked quantity of baggage and cargo at that time.
6. *It is the view of the CAA that there should be no need to set arbitrary limits on the number of electric mobility aids permitted on each flight, except for small aircraft.*

Regulation (EC) No. 3922/91 Annex III ("EU-OPS")

7. EU-OPS requires that the load onboard an aircraft is properly distributed and safely secured. CAA Safety Notice 2012/003 provides guidance on these requirements (e.g. load spreading, securing and mass and balance calculations). It is conceivable that the tare weight of a very large mobility aid might exceed the loading limitations of a small aircraft, having considered all possible load-spreading options (i.e. if there was insufficient hold floor space to accommodate large enough spreader boards). We would expect such circumstances to arise only very rarely and, in such circumstances, it would probably be physically impossible to load such a large mobility aid through the cargo door.
8. *It is the view of the CAA that the requirements of EU-OPS can be met through established industry practices so that, other than for small aircraft, it is inappropriate for an aircraft operator to specify a maximum weight for electric mobility aids or require that such devices be capable of being broken down for carriage.*

Management of Health & Safety at Work Regulations and Manual Handling Operations Regulations

9. The manual handling of heavy electric mobility aids during the loading process can pose a risk of musculoskeletal disorder to the staff involved. However, manual handling concerns are not a legally permissible reason for failing to comply with the PRM Regulation, so loading of a mobility aid cannot be refused because of such concerns. The arrangements established by airports for the preparation and loading of electric mobility aids should ensure the provision and maintenance of suitable equipment for loading heavy mobility aids onto aircraft that minimises risks to staff.
10. *Aircraft operators cannot require the routine removal of batteries or other dismantling of electric mobility aids for the purposes of manual handling. Indeed, if not done properly, disconnection can increase the risk of a fire.*

Pre-notification and 'reasonable efforts'

11. The PRM Regulation requires aircraft operators, their agents (travel/ticketing) and tour operators to establish all measures necessary for the receipt of information from passengers about their assistance requirements (a process known as pre-notification). As explained in Safety Notice 2012.003, aircraft operators need to establish the necessary process and procedures to ensure that, when they receive notification of a PRM's intention to travel with an electric

mobility aid, details of the device are sought and communicated to all parties that need to know. Internally for example, load controllers will need to know details of the dimensions and weight. Externally, the personnel at all airports of the journey (including return travel) tasked with preparing devices for safe carriage need to be provided with instructions for inhibiting the electrical circuits of the device in order to prevent inadvertent operation.

12. In the event that a PRM passenger arrives at the airport for a departing flight without having pre-notified the aircraft operator that they intend to travel with an electric mobility device, the operator must make reasonable efforts to accommodate carriage onboard the aircraft subject to all the safety requirements being met.

Issues and challenges

13. The CAA is aware that achieving compliance with the relevant safety requirements for the carriage of electric mobility aids and the PRM Regulation will pose a number of challenges for some operators. Discussions with relevant stakeholders has revealed a number of issues that will need to be overcome:
 - *Complexity* – Operators with a mixed fleet of aircraft, and in particular with a fleet that includes smaller aircraft, operating from a large number of airports (especially smaller regional airports), will need to manage a degree of complexity in their operations to ensure that they can carry electric mobility aids safely and in accordance with the PRM Regulation. As described above, the CAA does not consider that it is appropriate for operators to set arbitrary limits on the number of electric mobility aids permitted on each flight. Rather, it is the CAA's view that operators will need to develop the necessary processes and procedures to manage this complexity, ensuring that PRM passengers travelling with electric mobility aids are not disadvantaged compared to other passengers.
 - *Cost* – As well as incurring additional operating expenses, achieving compliance with both the relevant safety requirements and the PRM Regulation may require operators to investment in new technology and equipment. For example, investments may be required in booking and pre-notification systems, load planning, and additional equipment for load spreading and securing electric mobility aids.
 - *Impact on passengers* – As set out above, in order to provide a PRM equal access to air transport, the assessment of whether there is sufficient capacity onboard to safely carry an electric mobility aid should be made at the time the reservation is made, having taken into account the booked quantity of baggage and cargo at that time. In certain cases, therefore, an operator may need to refuse a booking if there is insufficient capacity onboard to carry the baggage associated with the booking (or indeed the electric mobility aid, if the person making the booking is a PRM wishing to take the aid with them but there is insufficient capacity onboard having taken into account the booked quantity of baggage and cargo at that time).

However, as far as the CAA is aware, operators are only very rarely required to carry more than one large electric mobility aid. Therefore, unless a booking is made at a very late stage, the likelihood of an operator needing to refuse a booking because of a lack of capacity onboard is very small. The CAA would welcome further information and evidence in relation to this point.

14. It is therefore the view of the CAA that, although compliance with the relevant safety requirements and the PRM Regulation will pose a number of challenges for some operators, with the appropriate planning and investment these challenges should not be insurmountable.
15. Further, the CAA's Safety Regulation Group will continue to engage with stakeholders in relation to compliance with the relevant safety requirements. Should operators seek to develop innovative or revised ways in which to comply with the relevant safety requirements, the CAA will consider these methods on their merits and advise and support stakeholders as appropriate.

Summary

16. You are requested to ensure that the procedures in place within your organisation are consistent with the CAA's views stated above.
17. Any queries or requests for further guidance as a result of this communication concerning flight safety should in the first instance be addressed to the Dangerous Goods Office by e-mail to dgo@caa.co.uk or by telephone to +44 (0)1293 573800.
18. Any queries or requests for further guidance as a result of this communication concerning consumer rights should be addressed to me or Matthew Buffey (matthew.buffey@caa.co.uk; +44 207 453 6251).

Yours sincerely

The image shows two handwritten signatures in black ink. The signature on the left is for Iain Osborne and the one on the right is for Gretchen Haskins. The signatures are written in a cursive style.

Iain Osborne
Group Director, Regulatory Policy

Gretchen Haskins
Group Director, Safety Regulation