



31.10.2018

NOTICE TO MEMBERS

Subject: Petition No 0202/2018 by Alfonso Rodríguez Sanchez (Spanish) on seating allocation policies of low cost airlines that separate groups and families who do not pay an additional charge for reserved seating

1. Summary of petition

The petitioner states that some low cost airlines (in particular Ryanair) have started to deliberately separate groups of passengers and families, especially those with small children, by routinely allocating seats in different rows in a bid to force them to pay to sit together.

2. Admissibility

Declared admissible on 2 July 2018. Information requested from Commission under Rule 216(6).

3. Commission reply, received on 31 October 2018

‘The rules on seating of passengers, insofar as they relate to safety of air operations, fall within the scope of EU air safety legislation, which is established under the general framework of Regulation 965/2012¹. In particular, infants (younger than 24 months) and unaccompanied children (under 12 years) are considered Special category of passengers (SCP) under Regulation 965/2012, i.e. as passengers requiring special conditions during a flight². Moreover, the operator has an obligation to establish procedures to ensure that, in the event of an emergency evacuation, passengers are seated where they are able to assist and not hinder evacuation of the aircraft. The seating for passengers aged 12 years or older is not

¹ Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:296:0001:0148:EN:PDF>

² See Sections CAT.OP.MPA.155 and CAT.OP.MPA.165 of Annex IV to Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 296, 25.10.2012, p. 1).

regulated.

The seating procedures are further described in the relevant non-binding Acceptable Means of Compliance (AMC) and Guidance Material (GM) issued by the European Aviation Safety Agency (EASA).

The AMC to Section CAT.OP.MPA.155(c) of Annex IV of this Regulation¹ specifies the relevant requirements for Special Categories of Passengers: "*When establishing SCP seating procedures, the operator should take into account the following factors:*

(a) *If the SCP travels with an accompanying passenger, the accompanying passenger should be seated next to the SCP.*

(b) *[...]*"

The above refers to a situation when the infant is seated in a car seat (and not on a parent's lap) and therefore needs a separate seat in order to have the car seat properly installed. In accordance with CAT.OP.MPA.225 (b)(2), minors of up to 2 years old can always sit on a parent's lap restrained with a loop belt only.

For cases where a passenger travels with a child of less than 12 years of age, the EASA has issued non-binding Guidance Material (GM) to Section CAT.OP.MPA.155 of Annex IV which states: "*If a child travels with an accompanying adult in the same class of cabin, the child should be seated in the same seat row segment as the accompanying adult. Where this is not possible, the child should be seated no more than one seat row or aisle away.*"

Conclusion

In conclusion, EU air safety legislation contains some basic provisions as regards the seating of infants (under 2 years) and unaccompanied children (under 12 years), which are further complemented by non-binding acts issued by the European Aviation Safety Agency (EASA). In particular, the guidance documents issued by the EASA indicate that infants and unaccompanied children should be seated next to the accompanying passenger and that, as regards a child of less than 12 years travelling with an accompanying adult in the same class of cabin, the child should be seated in the same seat row or, where not possible, no more than one seat row or aisle away from the accompanying adult. There are no provisions for passengers aged 12 years or older. The air carriers are bound to comply with the EU air safety legislation irrespectively of their individual price policies in place.

¹ https://www.easa.europa.eu/sites/default/files/dfu/Air%20OPS%20Easy%20Access%20Rules_Rev.10_March%202018.pdf, page 160.