



Legal committee- Topic 2

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¹ This paper reflects the author's personal views and cannot be considered as the views of ICAO.

Service Animals

Access to Air Transport for Persons with Reduced Mobility

Equal access to transport is essential for persons with disabilities to fully participate in society, including in work, education, and leisure activities. This right is protected by the UN Convention on the Rights of Persons with Disabilities. To date, around 191 countries ratified this Convention, making it one of the most widely accepted human-rights treaties in the world.

The World Health Organization (WHO) has estimated that more than one billion people live with some form of disability, representing approximately 15% of the global population and constituting the world's largest minority. This number is still increasing due to population growth, advances in medical treatments and in particular the ageing of the global population.

For years, access to air transportation for persons with reduced mobility (PRMs) has been a source of considerable dissatisfaction. While the aviation sector in many regions has gradually acknowledged and accommodated this growing passenger segment, such accommodation remains inconsistent. Various measures can be taken to improve accessibility; one important means of enhancing the comfort, autonomy, and well-being of PRMs is the use of assistance animals, mostly being dogs.

1. ICAO Guidance on Service Animals

In 2013 ICAO issued a Manual on Access to Air Transport by Persons with Disabilities (*Doc 9984*). This manual provides guidance on, *inter alia*, the carriage of service animals on board of an aircraft.

It defines service animals as:

“Animals, normally being dogs or other animals, specified in national regulations, for the purpose of accompanying persons with disabilities with the objective of providing them with physical or/and emotional support, being under the control of the person with disabilities and provided that their presence on board an aircraft: a) does not endanger the safety of flight operations; b) is not reasonably considered as a threat to other passengers; and c) does not cause health concerns related to hygiene.”

Further guidelines are given in *8.10 SERVICE ANIMALS*

8.10 Guidelines regarding service animals on board include the following:

- a) aircraft operators should not impose charges for transporting service animals;
- b) persons with disabilities and aircraft operators should take the steps necessary to comply with animal health regulations, if any, of the State of arrival, to permit the legal transportation of a service animal to the destination airport. States are encouraged to minimize such restrictions whenever possible to facilitate travel by persons requiring service animals;
- c) if the use of a service animal is required by a person with disabilities, aircraft operators should provide seating with sufficient space so that the animal can remain on the floor at the passenger's seat, in accordance with applicable safety regulations. This may require an extra seat to be provided by the aircraft operator or purchased by the passenger in order for there to be enough floor space for the animal to lie down, without extreme discomfort to the animal or the person with disabilities. The accommodation should ensure that the animal is able to carry out its duties without contravening safety regulations;
- d) in advance of a flight, aircraft operators should determine with persons with disabilities the amount of space required to ensure that they and their service animals can travel safely and without discomfort. The following should be considered when determining the required amount of floor space:
 - 1) a service animal should not have to remain in a "tight curl" for any significant period of time. The space should allow the animal to assume other positions besides curling up, especially on long flights;
 - 2) entry paths of seat rows affect the space available for a service animal to lie down. An entry path for this purpose is measured from the front of the seat cushion to the back of the seat in front, and should be wide enough for the animal to get in and out of the row without having to be squeezed through the space;

3) no part of a service animal should have to extend into an aisle in the way of carts or people walking;

4) sufficient space is required to allow a person with disabilities to sit with his or her legs and feet in a position which will not result in the service animal lying on the person's feet or legs;

5) the person with disabilities should be able to avoid having to place his or her legs over the service animal in a confined space, which may result in injury to the person if the animal is startled or gets up quickly for any reason; and

6) an assigned seat for a person with disabilities and a service animal should have the fewest impediments possible under the seat (e.g. electrical boxes, entertainment and safety equipment, footrests, and seat fasteners) to reduce the chance that the animal will become injured or accidentally damage equipment;

e) if an aircraft is changed at the last minute or if a person with disabilities fails to check in on time, resulting in a change to the pre-assigned seat (which was determined to have enough space for the person and a service animal), aircraft operators should discuss the situation with the person. The person should be offered an opportunity to move with the animal to another seat if the new seat assignment does not provide enough space for the person, their service animal and other passengers to travel safely and without injury or extreme discomfort; and

f) only if no other alternative for appropriate seating is available on the flight should the aircraft operator discuss other alternatives with the person with disabilities, such as travelling on a later flight with more room.

2. Is there a need for Binding Regulation?

This Manual, however, only contains guidance material and is non-binding. We urge the delegates to reflect on the possibility for IACO to issue legally binding rules on this subject as currently, passengers with reduced mobility face a lottery of rights. In the absence of harmonized, binding rules, airlines apply inconsistently provisions concerning service animals

Delegates are therefore invited to consider whether ICAO should move towards the adoption of legally binding regulations on the use of service animals in air transport.

3. Questions that could be addressed

- Should all service animals fall under the intended legislation?

In the ICAO guidelines emotional support animals and assistance dogs are treated in the same way. However, many practical problems have been identified with emotional support animals. Consequently, most airlines and Member States now prohibit bringing an emotional support animal into the cabin; at the very least, emotional support animals are considered and treated as pets. An assistance dog may be defined as a dog that has been specifically trained to assist persons with disabilities or reduced mobility in carrying out specific tasks, increasing their autonomy and safety. An emotional support animal by contrast, provides comfort and companionship; it does not require task-specific training.

- Should all animals be able to qualify as an assistance animal or can it only be dogs?
- Should different categories of assistance dogs be formally defined (e.g. guide dogs for persons with visual impairments, hearing dogs, mobility assistance dogs, dogs can assist with post-traumatic stress disorder (PTSD) or they can be medical alert or response dogs).
- Currently, States apply divergent standards and practices for the training and recognition of assistance dogs. What qualifications should a dog be required to meet in order to qualify as an assistance dog?
- Should it be trained in order to ensure that such dogs do not pose an aviation safety risk. IATA is already recommending only to accept a certificated trained dog. Should ICAO formally endorse this approach?
- How would this training be organized? Could it be a self-trained dog?
- Would you need a certificate, certifying the dog is an assistance dog, or certifying the PRM needs a service dog or both? What does this certificate look like?
- Should international credentials be developed or should there only be mutual recognition of training, avoiding situations of unjustified denial of boarding dogs that have been properly trained to carry out their tasks?

- What type of additional documents could further reasonably be required (e.g. insurance coverage, vaccination records, health certificates)
- From a scientific perspective, any breed of dog would be suitable to give assistance. Should any restrictions nevertheless be imposed regarding breed, size?
- During the booking process, at what stage do you need to mention the need for an assistance dog? (With some airlines you can book during the process, with other airlines only later on, some airlines only give a phone number).
- Should there be priority boarding for persons with reduced mobility and their assistance dogs.
- Should there be a limit on the number of passengers with a service dog allowed on board of a single flight?
- Should assistance dogs be allowed to travel free of charge in the cabin with their handler. In EU Regulation (EC) No 1107/2006 requires that assistance dogs need to be allowed in the cabin without extra charge. Should ICAO endorse this?
- Consideration should also be given to appropriate welfare standards for assistance dogs during air travel; and what kind of instructions could/should be given to the other travellers. For instance, dogs should not be petted as this may compromise both safety and the dog's ability to perform its duties.

Liability and Compensation

- Should legislation be introduced to ensure full compensation for the loss of, or physical injury to, an assistance dog under the Montreal Convention ? If so, how should such compensation be structured and implemented?

Binding Rules versus Transparency Measures

- Delegates are in particular encouraged to address the question if ICAO should issue binding legislation or would it suffice for ICAO to set up a comprehensive and accessible website which the passengers can consult. Such a platform could provide passengers with clear information on which requirements Member States and airlines put in place for bringing on board an assistance dog. It could also provide for the destination country's entry rules (rabies, quarantine, certification) and the required forms to complete. Or should we have both?

- Would a combination of binding regulations and enhanced transparency measures be appropriate. In this case a clear delineation would be needed between matters requiring legal regulation and those better addressed through published guidance, with the aim of increasing awareness of the challenges faced by assistance dog users in international air travel.
- At present, transparency remains limited, with barriers including inaccessible websites, complex procedures, insufficient aircraft accessibility, and high costs.

4. Recommendations

Delegates are invited to formulate recommendations to the ICAO Council regarding the use of service animals throughout the entire air travel process, from booking and pre-flight arrangements until arrival at the final destination.

5. Selected Biography

ICAO Manual on Access to Air Transport by Persons with Disabilities, doc 9984.

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. 1–9.

14 CFR Part 382 - NONDISCRIMINATION ON THE BASIS OF DISABILITY IN AIR TRAVEL

Convention for the Unification of Certain Rules for International Carriage by Air (commonly known as the ‘Montreal Convention’).

<https://www.agriculture.gov.au/biosecurity-trade/cats-dogs/assistance-dogs#how-to-complete-the-documents-for-importing-assistance-dogs>

<https://otc-cta.gc.ca/eng/service-animals>

<https://www.guidedogs.org.uk/services/guide-dog-services/assistance-dog-travel-guide/travel-by-air/#.Wa7JsrpFxPZ>

<https://www.hearingdog.or.jp/index.php?f=hp&ci=10289&i=10286>

<https://www.transportation.gov/airconsumer/disabilitybillofrights>

<https://www.mpi.govt.nz/bring-send-to-nz/pets-travelling-to-nz/bringing-cats-and-dogs-to-nz/assistance-and-guide-dogs>

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