
**CAPACITY BUILDING WORKSHOP ON THE YAMOUSSOUKRO
DECISION REGULATORY TEXTS**

**ICAO CORE PRINCIPLES ON CONSUMER
PROTECTION**

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Highlights

- Introduction
- Government vs. Industry
- Before, During and After the Travel
- Conclusion



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INTRODUCTION



Warsaw Convention governs liability in case of accidents, loss of baggage and delays

**Convention for the Unification of Certain Rules
for International Carriage by Air
(Montreal Convention of 1999)**

Initiatives by States to address some issues

- Denied boarding
- Ban on smoking
- access for disable passengers
- On-time statistics
- Availability of tariffs to public
- Disclosure of information on cancellation
- Avoidance of misleading advertisements

Industry voluntary commitments

- Fare offers
- Ticket refunds
- Denied boarding
- Flight delay and cancellation
- Baggage handling
- Response to complaints
- Special passenger needs

Need for core principles

- Fragmented regimes costlier to airlines for application, training and maintain adequate communication
- Unification would contribute to good functioning of interline carriage
- Harmonize extraterritorial application of national (regional) laws by States

Steps towards development of core principles

- ATConf/6 Recommendation
- Endorsement of ATCont/6 Recommendations by the Council and the Assembly
- Consultation with States
- Development of core principles on consumer protection
- Adoption by the 205th Session of the Council



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GOVERNMENT AND INDUSTRY

Government

- Development of flexible consumer protection regimes with appropriate balance between protection of consumers and industry competitiveness
- Take into account States' different social, political and economic characteristics with safety and security in mind

Government

National and Regional consumer protection regimes should:

- Reflect the principle of proportionality
- Allow for consideration of the impact of massive disruptions
- Be consistent with international treaties on air carriers liability under Warsaw Convention and its amending instruments and MC99

Industry

- Passengers benefits from competitive air transport
- Several choices in fare-service trade-offs
- Improvement of carriers offerings
- Passengers benefits from consumer protection regimes

BEFORE, DURING AND AFTER THE TRAVEL



Movement of passengers, mail and cargo involving the **minimum of transit points (Connectivity)**

- which makes trip as **short** as possible
- with **optimal** user satisfaction
- at the **minimum** price possible

In order to optimize connectivity a strong supporting framework is needed

This includes:

- market access (e.g. liberalization)
- optimal use of:
 - air navigations services (incl. Aviation Systems Block Upgrades - ASBUs)
 - Aircraft
 - airport systems
 - facilitation and security
- intermodality
- airline activities



*Border control optimization and fastest security clearance



The supporting regulatory framework:

ICAO's contribution to connectivity

GUIDANCE

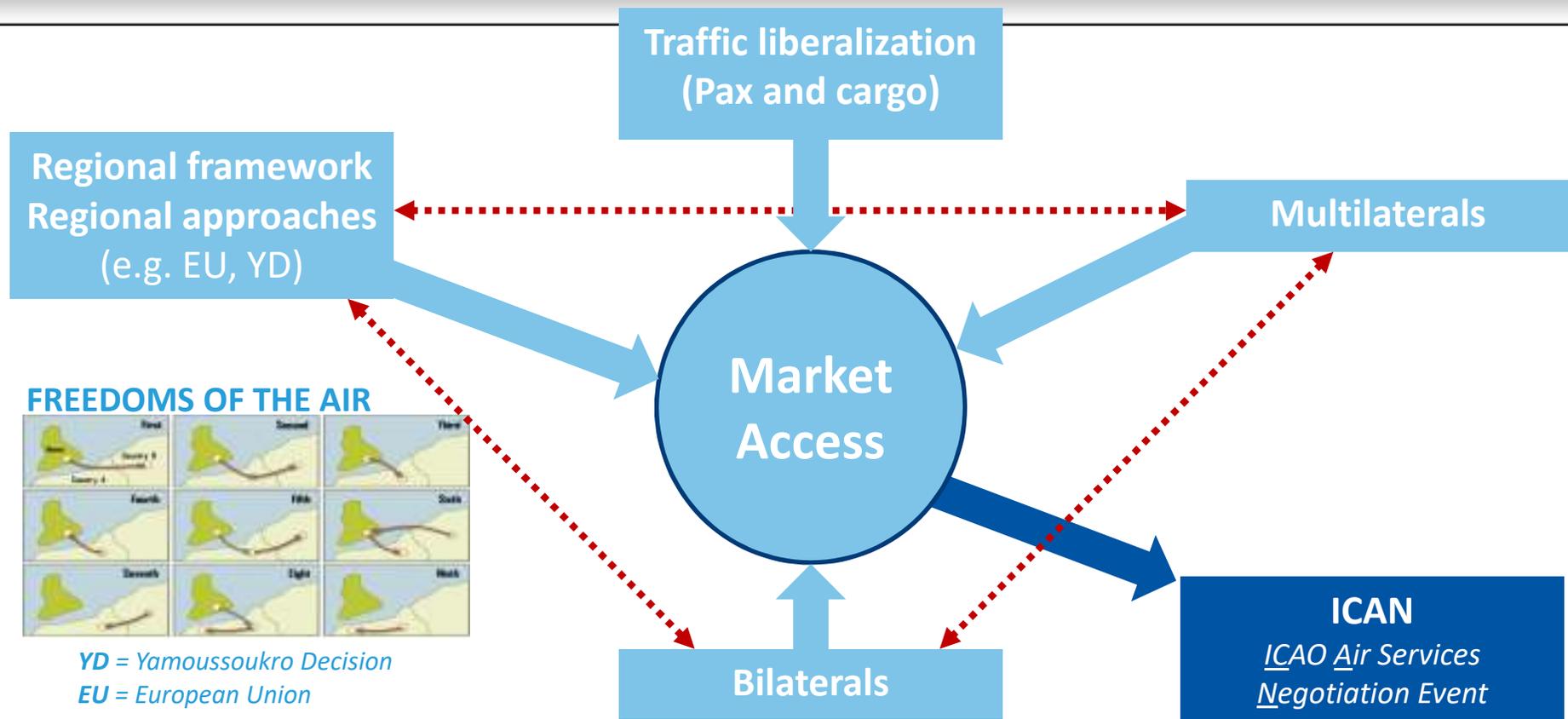


POLICIES



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- **Market access liberalization:** international agreements (including for cargo services)
 - **Air carrier ownership and control:** international agreement to liberalize the current restrictions
 - **Aviation system block upgrades (ASBUs):** improved access, better utilization of available capacity, reduced fuel burn
 - **Facilitation:** need smooth transit through air transport system for passengers and cargo

- **Consumer protection:** ICAO is fostering regulatory convergence through core principles (incl. price transparency)
- **Fair competition:** ICAO to facilitate exchange of best practices ICAO (ICAN competition seminar) and facilitate comparison between national and regional competition policies/practices (compendium)
- **User charges key principles** – cost-relatedness, transparency, consultation with users, non-discrimination
- **Taxation in line with ICAO policies** – «Not to kill the goose that lays the golden eggs»



Before the travel

Passengers should:

- Have **access to information** on their **rights**
- Have **clear guidance** on which **legal** or **other protections** apply in their specific situation including assistance expected (e.g. service disruption)
- Be **informed on choices** among different price and service offerings
- Be **made aware** by the airline **product available** in the market, different airlines **policies** and **contractual rights**

Before the travel

Passengers could:

- Benefit **consumer education** to increase awareness on passengers consumer rights and the available **avenues for recourse** should **dispute** arise

Before the travel

Passengers should have **clear, transparent access to pertinent information** on the characteristics air transport product being sought including:

- Total price, including the applicable air fare, charges, surcharges and fees
- General conditions applying to the fare; and
- Identity of the airline actually operating the flight, and advice on any change occurring after the purchase as soon as possible

During the travel

Passengers should:

- Be **kept regularly informed** through their journey on any **special circumstances affecting their flight, particularly** in the event of a **service disruption**
- **Receive due attention** in cases of a service disruption, whether the passenger **not boarding the flight** or in arriving at the **destination significantly later than scheduled**. This could include rerouting, refund, care and/or compensation or otherwise

During the travel

Airlines, airports, concerned Stakeholders (Including Government) to plan in advance mechanisms to:

- Insure that **passengers** receive **adequate attention** in situations of **massive disruptions**

Massive disruptions could include situations resulting from circumstances outside of the operator's control that are of magnitude such that they result in multiple cancellations and/or delays of flights

During the travel

Examples of circumstances leading to a considerable number of passengers stranded at the airport:

- Meteorological or natural phenomena events (hurricanes, volcanic eruptions, earthquakes and floods)
- Political instability or similar events

Persons with disabilities should have **access** to air transport **in a non-discriminatory manner** and appropriate assistance having in mind aviation safety requirements. **Such passengers are encouraged to provide pre-notification** on their needs



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After the travel

Passengers should be able to rely on efficient complaint handling procedures clearly communicated to them



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CONCLUSION

The core principles:

- Designed as guidance for Member States and concerned Stakeholders dealing with consumer protection
- Response to the need for regulatory and operational convergence and compatibility
- Living document that will be occasionally refined and improved throughout its implementation based on experience and feedback received

The core principles:

- Member States and concerned Stakeholders to give regard and apply in policy making process, and in regulatory and operational practices
- Member States to provide ICAO with information on experiences gained or issues encountered in the implementation

THANK YOU