



**WORKING PAPER**

**ASSEMBLY — 38TH SESSION**

**ECONOMIC COMMISSION**

**Agenda Item 40: Economic Development of Air Transport - Policy**

**PROPOSAL FOR GUIDANCE MATERIAL TO DEVELOP PASSENGER PROTECTION STANDARDS**

(Presented by the Dominican Republic)

**EXECUTIVE SUMMARY**

In this paper, the Dominican Republic suggests the need for ICAO to take a prompt lead in developing basic standards for passenger rights.

The paper also briefly describes how consumer rights are addressed in our national legislation. A new passenger protection law will serve as a supplement to sectoral laws, on the understanding that the issue of passenger rights clearly must be dealt with more extensively under special regulations.

With no international guidelines to harmonize standards, more and more States are attempting to solve the problem each in their own way, which is not a solution for the long term. Regulatory diversity can give rise to discrepancies in the passenger protection rules applied by States in respect of international flights.

**Action:** The Assembly is invited to:

- a) consider the proposal for ICAO to develop guidance material to help States in drafting internal regulations for passenger protection; and
- b) in the development of said guidance material, consider the *Standards and Guidelines for Customer Service and Overall Quality of Airport and Air Services* approved by the Latin American Civil Aviation Commission (LACAC).

<i>Strategic Objectives:</i>	This working paper relates to Strategic Objective C – <i>Environmental Protection and Sustainable Development of Air Transport</i> .
<i>Financial implications:</i>	The activities referred to in this paper may be carried out subject to the availability of funds in the ICAO Regular Programme Budget for 2014-2016.
<i>References:</i>	State letter SC 6/1-13/63 dated 26 July 2013, Outcome of the Sixth World Air Transport Conference (ATConf/6).

<sup>1</sup> Spanish language version provided by Dominican Republic.



## 1. INTRODUCTION

1.1 In State letter SC 6/1-13/63 dated 26 July 2013, the Secretary General of the International Civil Aviation Organization (ICAO) informed States about the outcome of the Sixth Worldwide Air Transport Conference (ATConf/6) held in Montréal, Canada, from 18 to 22 March 2013. Specifically, the Conference highlighted air transport as an integral part of the civil aviation system and reaffirmed the leadership role of ICAO in regulating international air transport. This opened the way for modernization of the global framework of standards and new actions by ICAO in its future work in the field of air transport.

1.2 In that same letter, the Secretary General of ICAO urged State administrations to consider the measures recommended by the Conference with a view to providing assistance in their endeavours.

1.3 Generally speaking, basic civil aviation law in many States and in the Dominican Republic, does not confer power on aviation authorities to regulate passenger rights. In our country, general consumer rights are governed by Law No. 358-05 which creates a system for guaranteeing legal certainty and equality in relations between the suppliers and consumers of goods and services, whether public or private, domestic or foreign, with similar provisions written into the various sectoral laws.

1.4 The *Constitution* of the Dominican Republic establishes consumer protection as a fundamental right and it is a top priority for the State to make this known to the general public. Nevertheless, with regard to the air transport contract of carriage and in spite of existing general rules for consumer protection, the need has been felt for a basic system to specifically regulate passenger protection, in particular as concerns compensation to passengers by airlines in the event of cancellation of a confirmed reservation, denied boarding or delay. Such regulations should be developed under the unifying Standards and Recommended Practices of ICAO.

1.5 Increasingly, States are each adopting their own rules to uphold the rights of passengers. Although this might benefit passengers in some ways, it may also widen the regulatory gap between States.

1.6 The Latin American Civil Aviation Commission (LACAC) adopted Resolution A18-03 approving the *Standards and Guidelines for Customer Service and Overall Quality of Airport and Air Services*, which seek to standardize the rights and duties of airport and air transport users, as well as set out broad guidelines for appropriate monitoring methods to ensure overall quality.

## 2. ACTION

2.1 The Assembly is invited to:

- a) request ICAO to develop guidance material to help States in drafting internal regulations for passenger protection; and
- b) in the development of said guidance material, consider the *Standards and Guidelines for Customer Service and Overall Quality of Airport and Air Services* approved by LACAC.

### 3. CONCLUSION

3.1 In conclusion, the Dominican Republic emphasizes the importance of this issue and aligns itself with the position of other States voiced at the Sixth Worldwide Air Transport Conference, namely that ICAO urgently needs to develop guidance material for States as a basis for drafting internal regulations on passenger protection. To this end, we ask ICAO to follow up on the conclusions of ATConf/6 recommending that the Organization act promptly to develop a set of basic principles for consumer protection that are high-level but not prescriptive in nature, with the assistance of the experts on the Air Transport Regulation Panel (ATRP). We also suggest that the LACAC Resolution on the *Standards and Guidelines for Customer Service and Overall Quality of Airport and Air Services* be taken into account.

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