



ASSEMBLY — 38TH SESSION

ECONOMIC COMMISSION

Agenda Item 40: Economic Development of Air Transport — Policy

CONSUMER PROTECTION IN ONLINE PURCHASING TRANSACTIONS

(Presented by Colombia)

EXECUTIVE SUMMARY

This working paper analyses the need to develop guiding principles for the protection of the passenger in online reservation, purchasing and international ticket check-in transactions.

Action: The Assembly is invited to adopt the recommendations of paragraphs 3.1 and 3.2.

<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 working paper will be undertaken subject to the availability of resources in the 2014–2016 Programme Budget and/or from extra-budgetary contributions.
<i>References:</i>	Doc 10009, <i>Report of the Sixth Worldwide Air Transport Conference (ATConf/6)</i>

¹ Spanish language version provided by Colombia.

1. INTRODUCTION

1.1 E-commerce is a tool that has become extremely important in commercial operations, especially with regard to the reservation and purchase of international airline tickets online, however, passengers are often victims of fraud or system errors, which means they need to be duly informed about their rights and obligations and those of the online supplier and/or retailer.

2. ANALYSIS

2.1 There are occasions where the system adds additional charges for passengers once they have completed the purchase transaction or, due to errors, the system may charge them for the purchase of multiple airline tickets or, once the ticket is paid for, passengers may be surprised at check-in to find they are not registered as passengers. There are also instances where, due to it not being indicated on the online reservation page that the first and last names on the ticket must match those on the passport exactly, passengers have to pay extra charges or, in the worst case scenario, surrender their tickets.

2.2 On other occasions, a passenger might make a reservation and the corresponding purchase online, but the confirmation never arrives and the passenger does not receive the tickets.

2.3 Finally, the airline may deny the passenger access to boarding for certain reasons and as a result the passenger is disappointed and financially disadvantaged. In many cases, the passenger does not receive the due reimbursement and suffers the financial loss not only of the ticket but also of any hotel reservations.

2.4 The air carriage contract is an agreement involving two commitments: one to provide a service and another, in exchange, to pay a price for this service. However, as it is an adhesion contract, it must be based on good faith. Good faith is a guiding principle in commercial contractual relationships and is nothing more than the sentiment of trust between the two parties for a benefit—the air transport service and the payment of the price for this service—to be obtained.

2.5 Without good faith, e-commerce transactions would be difficult to conduct, especially in matters that transcend national borders, where the passenger is at a disadvantage and does not have proper legal protection. In order to ensure the sustainability of international air transport and due to the growing demand for online commercial transactions, a resolute commitment to develop mechanisms for protecting the consumer in online purchases is required of the States and airlines.

2.6 States should develop policies on e-commerce consumer protection that set out the obligations of suppliers offering products using electronic media, as well as consumer rights.

2.7 It is requested that ICAO develop guidelines on consumer protection in online reservation, ticket purchasing and check-in transactions.

3. ACTION

3.1 The Assembly is invited to:

- a) urge States to develop policies on passenger protection in online reservation, purchasing and check-in transactions; and
- b) urge the ICAO Council to develop policies on consumer protection in e-commerce transactions.