



ASSEMBLY — 38TH SESSION

ECONOMIC COMMISSION

Agenda Item 40: Economic Development of Air Transport - Policy

**AIRPORTS SUPPORT THE DEVELOPMENT OF CORE PRINCIPLES
ON CONSUMER PROTECTION TO ENSURE PASSENGERS' NEEDS ARE MET BOTH
DURING NORMAL OPERATIONS AND PERIODS OF DISRUPTION**

(Presented by Airports Council International (ACI))

EXECUTIVE SUMMARY

At the Sixth Worldwide Air Transport Conference there was broad support for the development, by ICAO, of high-level non-prescriptive core principles on consumer protection. States and industry recognized that these core principles needed to balance protection of consumers and industry competitiveness. They also needed to take into account the needs of States for flexibility, given their different social, political and economic characteristics, and the need for consistency with existing internationally agreed legal instruments (for example the Montreal Convention 1999).

ACI believes that it is essential that these core principles be developed to address consumer protection both in normal operations and also during periods of disruption.

Action: The Assembly is invited to support the recommendations in paragraph 4.

<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>	No financial implications.
<i>References:</i>	A38-WP/56 <i>Outcome of the Sixth Worldwide Air Transport Conference</i> ATConf/6-WP/104, <i>Report on Agenda Item 2.3</i>

1. INTRODUCTION

1.1 The Airports Council International (ACI) recalls the discussion and recommendations on the issue of consumer protection at the Sixth Worldwide Air Transport Conference. In this respect, ACI supports the Recommendations for Action contained in Appendix B to A38-WP/56, specifically Recommendation 2.3/1 — Consumer protection:

- a) ICAO should continue to monitor consumer protection developments and to play a leadership role in developing policy guidance, taking into account the interests of States, the industry, air travellers and other aviation stakeholders;
- b) ICAO should, in particular, develop, in the short term, a set of high-level non-prescriptive core principles on consumer protection which strike an appropriate balance between protection of consumers and industry competitiveness and which take into account the needs of States for flexibility, given different State social, political and economic characteristics; these core principles should be consistent with existing instruments, in particular the Convention for the Unification of Certain Rules for International Carriage by Air, adopted in Montréal on 28 May 1999;
- c) ICAO should establish a dedicated ad hoc group drawn from existing bodies such as the Air Transport Regulation Panel (ATRP), including experts designated at ICAO's invitation by States or regional bodies, with a view to facilitating the development of the core principles in an efficient and expedient manner; and
- d) ICAO should continue to play a leadership role in consumer protection in air transport and should cooperate with other international organizations, including UNWTO, in areas of common interest with a view to, inter alia, avoiding duplication of efforts.

1.2 There was broad support for the development, by ICAO, of high-level non-prescriptive core principles on consumer protection.

2. DISCUSSION

2.1 These core principles should both address consumer protection in normal operations, when there are routine instances of overbooking or technical difficulties leading to cancellations, and also during periods of serious flight disruption caused by events outside the airlines' and airports' control. Fewer than half of the consumer protection regulations in place today specifically cover flight disruption and ACI believes that including this in the core principles is essential.

2.2 Flight disruption can be defined as situations where, less than forty-eight hours of the original scheduled departure time, a scheduled flight is cancelled, or delayed for two hours or more. In recent years, there have been many, highly publicised, weather-related, natural and man-made events which have caused huge disruption to air transport, leaving many thousands of passengers stranded in the immediate affected area and also in other regions. It is arguably beyond the capability for any one stakeholder to provide for the numerous and diverse needs of these stranded passengers. Indeed, experience has shown that where States, their regulatory authorities and industry stakeholders work

together to develop and practice contingency plans for flight disruption, the level of stress, harm and inconvenience to the passenger can be minimized. Such planning and coordination also results in the faster recovery of normal operations.

2.3 ACI has considerable experience in working with and on behalf of airports, and of working with other organisations to prepare training and guidance material. ACI, and other permanent observers, could therefore make a beneficial contribution to the development of the core principles, and the detailed guidance that follows, and encourages ICAO to extend invitations to all those with an interest to work on this important subject.

3. ACTION

3.1 The Assembly is invited to:

- a) request that ICAO ensure the core principles of consumer protection as well as recognize the need to protect passengers during flight disruption; and
- b) request that ICAO ensure that ACI and other permanent observers be invited to participate in the development of the core principles.

4. CONCLUSION

4.1 ACI proposes that the core principles additionally recognise the need to protect passengers during flight disruption. Furthermore, to the extent that the core principles define roles and responsibilities, they should reflect the legal and contractual obligations already in force, and be clear about where the respective responsibilities lie: they should not create unfunded mandates.

4.2 ACI looks forward to contributing to the development of the core principles.

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