



ASSEMBLY — 39TH SESSION

ECONOMIC COMMISSION

Agenda Item 39: Economic Regulation of International Air Transport— Policy

PASSENGERS RIGHTS

(Presented by Kingdom of Bahrain)

EXECUTIVE SUMMARY

This working paper sheds light on some problems related to the multiplicity of regulatory systems governing passengers rights and the importance of establishing legal guidance material by ICAO to reduce the number of such regulatory systems relating to passengers rights.

Action: The Assembly is invited to:

- a) direct the ICAO Council to develop legal guidance material for use by the States for the purpose of unifying traveller protection systems;
- b) invite the Member States to adopt unified systems for the protection of passengers rights; and
- c) encourage Member States to implement interactive Advance Passenger Information (iAPI) systems in accordance with internationally recognized standards to aim to reduce the number of passengers denied boarding.

<i>Strategic Objectives:</i>	This working paper relates to Strategic Objectives: C — <i>Facilitation</i> ; and D — <i>Economic development of air transport</i>
<i>Financial implications:</i>	None
<i>References:</i>	Doc 9587, <i>Policy and Guidance Material on the Economic Regulation of International Air Transport</i> A39-WP/4 Convention for the Unification of Certain Rules for International Carriage by Air, (1999 Montreal Convention) IATA Position

¹ Arabic version provided by the Kingdom of Bahrain.

1. INTRODUCTION

1.1 The protection of passengers rights has undoubtedly become high on the list of State priorities, especially after the expansion of air transport liberalization policies and affording the possibility to airlines to operate without restrictions, and the non-interference of the State in setting the number of flights, seats and prices offered as well as other operational matters. The role of the State is therefore restricted to being a regulator of the air transport industry so as to create a balance between the different players in the industry, whether they may be airports, airlines or other users, so as to bring about a collective benefit to the national economy. The passengers rights have therefore become an important part of this system that all States seek to maintain.

2. DISCUSSION

2.1 In recent years, the adoption by States of regulations and laws that define the rights and obligations of passengers and airlines has become widespread. These different systems have reached some sixty systems and their number has caused anxiety among airlines. Rules for compensation and protection of passengers rights in Europe are different from those in the USA, Asia and Africa. The 1999 Montreal Convention did not specify in detail the rights that were specified by these various systems, such as the accommodation in hotels in the case of delays that exceed a certain period of time, as well as reimbursement of the ticket value and how to settle matters by rearranging the flight of a passenger who was late or whose trip has been cancelled or who was prevented from boarding a flight. As a result, several demands were made by IATA to unify these regulations to reduce the complexity for airlines resulting from lack of clarity and the subsequent assumption by airlines of considerable financial cost.

2.2 There is also an extremely important question that is related to the rights of a segment of passengers, i.e. inadmissible passengers, for many reasons, including those carried by airlines on the basis of sound documents and procedures. They are prevented from entry and are delayed for long periods. Airlines are obliged to carry them back to where they came from. In certain cases, the airline maintains one trip a week to that destination and the passenger is forced to stay at the airport for one week without any attention or means of livelihood while respecting his dignity. The passenger finds himself or herself in this situation without any legal protection. Furthermore, there are many violations that mislead the traveller and provide incomplete information, especially in code-sharing flights.

3. ICAO'S ROLE

3.1 Member States of ICAO have maintained ICAO to be the legal umbrella for the air transport industry. This was endorsed in the Sixth Worldwide Air Transport Conference in 2013. ICAO exerted valuable efforts in this matter. The Air Transport Regulation Panel (ATRP) has made proposals concerning the basic principles for consumer protection. States expect that such efforts will culminate in the adoption by the Assembly of Resolution 39 providing for clear-cut recommendations for passenger protection, as well as the protection of airlines in order to ensure a balance of interests by civil aviation authorities in Member States.

4. **ACTION**

4.1 The Assembly is invited to:

- a) direct the ICAO Council to develop legal guidance material for use by the States for the purpose of unifying traveller protection systems;
- b) invite the Member States to adopt unified systems for the protection of traveller rights; and
- c) encourage Member States to implement interactive Advance Passenger Information (iAPI) systems in accordance with internationally recognized standards to aim to reduce the number of passengers denied boarding.

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