



WORLDWIDE AIR TRANSPORT CONFERENCE (ATCONF)

SIXTH MEETING

Montréal, 18 to 22 March 2013

AGENDA ITEM 2.3

The attached constitutes the report on Agenda Item 2.3 and should be inserted at the appropriate place in the yellow folder.

Agenda Item 2: Examination of key issues and related regulatory framework
2.3: Consumer protection

2.3.1 DOCUMENTATION

2.3.1.1 The Conference considered Agenda Item 2.3, based on the following working papers: WP/5, WP/15, WP/20 (Secretariat), WP/70 (Canada, Germany, United Arab Emirates, United States, International Air Transport Association (IATA) and the International Air Cargo Association (TIACA)), WP/30 (Chile), WP/31 (World Tourism Organization (UNWTO)), WP/43 (Saudi Arabia, on behalf of a group of Arab States), WP/45 (United States), WP/47 (Members of the African Civil Aviation Commission (AFCAC)), WP/55 (Ireland, on behalf of the European Union (EU), its Member States and by the other Member States of the European Civil Aviation Conference (ECAC)), WP/68 (IATA, the Arab Air Carriers Organization (AACO), the Association of Asia Pacific Airlines (AAPA) and the Latin American and Caribbean Air Transport Association (ALTA)), WP/77 (South Africa), WP/79 (Singapore), WP/83 (Indonesia), WP/91 (Airports Council International (ACI)), WP/95 (Brazil), WP/98 (China), WP/69 and WP/102 (Asociación Latinoamericana de Derecho Aeronáutico y Espacial (ALADA)).

2.3.1.2 The following information papers were also noted by the Conference: IP/1 (Secretariat), IP/7 (Members of LACAC), and IP/15 (Korea).

2.3.2 DISCUSSION

2.3.2.1 The Conference expressed unanimous support for the need to protect consumers of air transport services. It was also noted that the effectiveness of regulatory responses adopted by States would benefit from increased convergence and compatibility.

2.3.2.2 There was broad support for the view that ICAO, as the best forum for addressing matters relating to international air transport, should play a leadership role in the development of high-level, non-prescriptive core principles on consumer protection. It was recognized that, in developing such core principles, it will be necessary to seek an appropriate balance between the need for consumer protection and industry competitiveness. It was also noted that the development of such core principles must allow flexibility with respect to State implementation, taking into account specific social, political and economic characteristics. Educating consumers to help them make informed choices on key aspects of air travel was considered an important aspect of consumer protection.

2.3.2.3 Several States and organizations noted that the development of core principles on consumer protection should be in line with existing instruments, notably the Convention for the Unification of Certain Rules for International Carriage by Air, adopted in Montréal on 28 May 1999 (i.e. the “Montréal Convention”). In this regard, States who have not done so were encouraged to become parties to the Montréal Convention.

2.3.2.4 Regarding the development of the core principles on consumer protection in an efficient and expedient manner, support was expressed for the creation of a dedicated ad hoc group, which could emanate from existing ICAO bodies such as the Air Transport Regulation Panel (ATRP). Experts designated by Member States from different regions should be invited to participate.

2.3.2.5 In view of the benefits of providing users of air transport services with clear information on prices, there was support for the need to include price transparency as part of the core principles on consumer protection.

2.3.2.6 States supported measures aimed at enhancing air transport connectivity and endorsed cooperation in the identification of impediments thereto. With respect to further work in this area to be undertaken by ICAO, particularly that focused on cost-benefit analyses, it was suggested that further consideration is required, including that of the Aviation Security Panel (AVSECP) and the Facilitation Panel (FALP).

2.3.2.7 The World Tourism Organization (UNWTO) informed the Conference of its decision to make adjustments to the process regarding the development of its draft convention on the protection of tourists pending review of the outcome of the Conference. The Conference agreed on the need to avoid the application of different sets of rules, based on whether a person is considered an air passenger or a tourist, notably in cases of massive disruptions or instances of “force majeure”.

2.3.2.8 Some States expressed support for initiating this work without delay with the view to achieving the adoption of the first conclusions during the 38th ICAO Assembly.

2.3.3 CONCLUSIONS

2.3.3.1 As a result of the documentation considered and ensuing discussion on consumer protection under Agenda Item 2.3, the Conference concluded that:

- a) the importance of protecting the interests of consumers is universally supported, as is the need for convergence and compatibility;
- b) core principles on consumer protection, covering such issues as price transparency and assistance to passengers in the event of delays, cancellations and denied boarding, as well as persons with disabilities, would benefit both passengers and operators;
- c) States should be encouraged to become parties to the Convention for the Unification of Certain Rules for International Carriage by Air, adopted in Montréal on 28 May 1999;
- d) States should enhance air transport connectivity and work to identify and remove impediments thereto; States should ensure that passenger data and information available to government authorities, airlines, airports and other relevant sources are provided to ICAO to facilitate these efforts; and
- e) there is need for a coordinated approach amongst organizations, including UNWTO.

2.3.4 RECOMMENDATIONS

Recommendation 2.3/1 — Consumer protection

The Conference Recommends that:

- 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;
 - 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;
 - e) States should foster the adoption and implementation of consumer protection measures aimed at increasing the connectivity provided by air transport; and
 - f) ICAO should take necessary action, possibly through the involvement of adequate bodies such as the Aviation Security Panel (AVSECP) and the Facilitation Panel (FALP), for subsequent work on cost-benefit analysis related to air transport connectivity.
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