WORKING PAPER

SEVENTH WORLDWIDE AIR TRANSPORT CONFERENCE (ATCONF/7)

Montréal, HQ, 16 to 20 November 2026

Agenda Item 3: Strengthening regulatory and institutional frameworks
3.3: Strengthening emergency planning mechanism and consumer protection for a resilient aviation system

STRENGTHENING CONSUMER PROTECTION AND EMERGENCY PLANNING

(Presented by the Secretariat)

EXECUTIVE SUMMARY

This paper examines the effectiveness of consumer protection frameworks, and the relevance of emergency planning in the context of increasingly complex air transport markets and recent large-scale disruptions. While existing guidance continues to provide a valuable foundation, evolving market conditions have highlighted challenges in consistent implementation across jurisdictions, as well as differences in preparedness, coordination and alignment between policy frameworks and operational practices. These factors have, in some cases, affected the consistency of treatment of passengers and the effectiveness of responses to massive airport/airline disruptions. To address these issues, the paper proposes a practical and flexible implementation framework to support States in strengthening consumer protection and coordinated emergency planning. The framework focuses on improving consistency, clarifying responsibilities, enhancing preparedness, and strengthening alignment to enable more effective and predictable responses.

Action: The action by the conference is detailed in paragraph 5.1.

Strategic Goal:	This working paper relates to Strategic Goal: *The Economic Development of Air Transport Assures the Delivery of Economic Prosperity and Societal Well-Being for All*.
Financial implications:	The activities referred to in this paper will be undertaken subject to the resources available in the 2026–2028 Regular Programme Budget and/or from extra budgetary contributions, including the Voluntary Air Transport Fund.
References:	Resolutions Adopted by the 42nd Session of the Assembly, Provisional Edition, October 2025 (ICAO Assembly Resolution A42-26) Doc 10221, *Assembly 42nd Session. Montréal, 23 September–3 October 2025. Economic Commission. Report* ICAO Core Principles on Consumer Protection (ICAO-CorePrinciples) ICAO's data base on aviation specific consumer protection regulation (Consumer Protection Rules)

1. INTRODUCTION

1.1 At the Sixth Worldwide Air Transport Conference (ATConf/6), States recognized the increasing diversity of passenger protection regimes and the associated risk of regulatory fragmentation. The conference led to the development of high-level, non-binding Core Principles on Consumer Protection, intended to promote fairness, transparency and compatibility among national and regional frameworks, while preserving the flexibility of States. The International Civil Aviation Organization (ICAO) has also developed supporting tools, including the Compendium on Consumer Protection, which consolidates existing national and regional policies and practices, with a view to assisting States and facilitating the exchange of consumer protection practices.

1.2 Since their adoption, air transport markets have evolved significantly, driven by digitalization, new distribution channels, unbundled services and the growing role of intermediaries. At the same time, the sector has experienced major disruptions, including the COVID-19 pandemic as well as operational, geopolitical and climate-related events. These developments have increased the complexity of applying consumer protection measures and emergency response plans and have exposed gaps in their practical implementation. In this context, two interrelated policy challenges have emerged: (i) uneven implementation of consumer protection measures across jurisdictions; and (ii) impact on the consumer protection measures due to variation in national aviation emergency planning mechanisms, including differences in preparedness, coordination arrangements and roles among stakeholders.

1.3 The 42nd Session of the ICAO Assembly (A42) considered these issues and acknowledged concerns regarding uneven implementation of passenger rights/protections across jurisdictions. It noted support from several States for reviewing the ICAO Core Principles and for developing complementary best practices to promote consistent application. At the same time, differing views were expressed on the need for further harmonization of consumer protection guidelines, with some States considering the adequateness of the existing framework. A42 also emphasized the importance of incorporating lessons learned and stakeholder input, while maintaining flexibility and avoiding overly prescriptive approaches.

2. KEY CHALLENGES AFFECTING CONSUMER PROTECTION AND EMERGENCY PLANNING

2.1 Consumer protection implementation challenges in evolving market and operational conditions

2.1.1 ***Structural challenges.*** The application of consumer protection frameworks has become increasingly complex compared to the conditions prevailing at the time of the development of the ICAO Core Principles in 2013. The current market environment is defined by digital platforms, the growing role of intermediaries and more fragmented, multi-party service delivery arrangements. In this context, challenges arise primarily from market structure, including ensuring transparency of passenger rights across multiple sales channels, clarifying contractual relationships where intermediaries are involved, and determining the allocation of responsibilities among airlines, intermediaries and other stakeholders. These factors increase the complexity of applying consumer protection measures consistently, particularly in cross-border operations where national frameworks differ.

2.1.2 ***Coordination and communication challenges.*** During disruption scenarios, the above structural complexities translate into communication and coordination challenges, as the effective application of consumer protection frameworks depends on timely coordination among multiple actors. In practice, difficulties arise in providing clear and consistent information to passengers, ensuring a common understanding of responsibilities among stakeholders, and delivering assistance and care in a coordinated manner. These challenges are further amplified in cross-border situations, where variations in national frameworks, including differences in the scope of obligations and the interpretation of disruption-related provisions, may result in uneven implementation of passenger protection measures and legal uncertainty. As a result, stakeholders may face constraints in responding effectively and predictably during large-scale disruptions.

2.2 Emergency planning challenges in disruption scenarios

2.2.1 ***Structural challenges.*** Emergency planning mechanisms vary significantly across States in terms of preparedness levels, institutional arrangements and coordination structures. These differences reflect variations in governance models, the allocation of responsibilities among public authorities and aviation stakeholders, and the level of integration across national planning systems. In some cases, emergency planning mechanisms may not fully incorporate complex, system-wide disruption scenarios or adequately define coordination methods among relevant actors. Such structural differences can limit the effectiveness of emergency planning arrangements, particularly in situations requiring coordinated responses across multiple entities and jurisdictions.

2.2.2 ***Coordination and communication challenges.*** During large-scale disruptions, these structural differences give rise to coordination and communication challenges in the execution of emergency plans. In practice, difficulties arise in coordinating actions among public authorities and aviation stakeholders, maintaining continuity of critical aviation functions, and ensuring timely, consistent and reliable communication. These challenges are particularly evident in fast-evolving situations where roles and responsibilities may not be clearly understood or where coordination mechanisms are not sufficiently established. As a result, the ability of the aviation system to respond effectively and recover in a coordinated manner may be constrained. I

2.2.3 **Aircraft accident response and assistance to victims and their families.** Aircraft accidents present unique operational, humanitarian and legal challenges that require dedicated preparedness arrangements beyond general emergency response planning. States should establish comprehensive national frameworks to ensure the timely provision of assistance to aircraft accident victims and their families, including clearly defined roles and responsibilities, effective coordination mechanisms, and appropriate support services. Member States are urged to establish legislation, regulations or policies in accordance with ICAO Annex 9 — *Facilitation* and Doc 9998 — *ICAO Policy on Assistance to Aircraft Accident Victims and their Families*. These arrangements should also reflect the principles established under the *Convention for the Unification of Certain Rules for International Carriage by Air* (Montreal Convention, 1999), including provisions relating to the liability of air carriers and, where required by applicable national law, the prompt provision of advance payments to meet the immediate economic needs of victims and their families.

2.3 Interface between consumer protection and emergency planning

2.3.1 The effective application of consumer protection measures during disruptions depends on alignment between consumer protection frameworks and emergency planning mechanisms at both policy and operational levels. Differences in their design, scope and interpretation may lead to inconsistent passenger treatment across jurisdictions, particularly where these frameworks and mechanisms do not fully reflect large-scale disruptions or multi-actor service arrangements. In practice, these differences create gaps in roles, coordination and communication, limiting effectiveness and resulting in fragmented implementation, inconsistent information and uncertainty in the delivery of assistance and care. Strengthening alignment through improved policy coherence and operational integration is therefore essential to support more coordinated and effective responses.

3. IMPLEMENTATION FRAMEWORK FOR STRENGTHENING CONSUMER PROTECTION AND EMERGENCY PLANNING MECHANISMS

3.1 Building on the structural, coordination and communication challenges identified above, the following implementation framework is proposed to support States in strengthening consumer protection and emergency planning mechanisms. It aims to reinforce the effectiveness of each area in its own right, while recognizing that improved coordination between them can further support better outcomes. The approach focuses on six priority areas:

a) **Promoting consistency in the application of consumer protection frameworks**. More consistent application across jurisdictions remains important, particularly in light of evolving market conditions and disruption risks. In this context, consistency refers to greater alignment of approaches and outcomes while preserving the flexibility of States within their national legal and regulatory frameworks. Regional initiatives, where appropriate, may further support more harmonized approaches among participating States. While these efforts can promote consistency, the increasing complexity and international nature of air transport may also warrant future consideration of more harmonized international approaches to aviation consumer protection through the unification of international rules to support legal certainty and consistency of outcomes across jurisdictions. Accordingly, States are encouraged to apply the ICAO Core Principles on Consumer Protection in their regulatory practices, taking into account their national frameworks, and to share practices and implementation experience, including lessons learned from disruption scenarios.

b) At the same time, consistent with the recommendations of A42, which expressed support among many States for reviewing the Core Principles, ongoing work aims to further refine them in light of evolving conditions, while recognizing that the existing Principles remain broadly adequate. Once such refinements are available, States may further enhance their approaches, as appropriate, building on existing frameworks. Given the increasing digitalization and internationalization of air transport, the need for the development of more harmonized and, where appropriate, unified international rules on aviation consumer protection, including passenger rights, with a view to reducing regulatory fragmentation, enhancing legal certainty and ensuring consistent treatment of passengers across jurisdictions, cannot be overemphasized In support of greater coherence and in line with Assembly Resolution A42-26, Member States that have not yet become parties to the Montreal Convention 1999 are urged to do so[1]. Broader participation in the Montreal Convention of 1999 would further support fairness and international consistency by providing a widely accepted framework governing carrier liability in international carriage that ensures legal certainty and adequately addresses passenger and cargo claims arising from disruption scenarios.

c) **Clarifying responsibilities in strengthening consumer protection implementation**. National consumer protection frameworks should provide clear, consistent and transparent provisions, including well-defined roles and obligations of airlines, intermediaries and other service providers, particularly in multi-party and indirect contractual arrangements. Effective implementation of these provisions is essential, including through operational arrangements to ensure the timely provision of passenger information, assistance and care during disruption scenarios. To support consistency and predictability in the treatment of passengers, further work should be undertaken towards the harmonization and, where appropriate, the unification of rules relating to aviation consumer protection and passenger rights. Such approach would help strike an appropriate balance between consumer and industry interests, reduce legal uncertainty and litigation, and provide a more coherent framework for international air transport. These efforts should be supported by the use of ICAO guidance material, the Compendium on Consumer

[1] There are currently 144 parties to the Montreal Convention of 1999

Protection, and structured exchange of practices to promote common understanding and approaches.

d) **Enhancing preparedness and coordination for disruption response.** Emergency planning mechanisms should continue to be strengthened, consistent with relevant ICAO Annex provisions and Assembly Resolutions[2], to ensure adequate preparedness for large-scale and system-wide disruptions. This includes reinforcing institutional arrangements, clearly defining roles and responsibilities, and ensuring effective coordination among relevant public authorities and aviation stakeholders, taking into account lessons learned and recommendations arising from the ICAO High-level Conference on COVID-19 (HLCC 2021), such as crisis preparedness, business continuity planning, coordinated risk management, information sharing and the maintenance of essential aviation functions during major disruptions. Operational readiness remains critical, including the ability to coordinate actions, maintain continuity of critical aviation functions and communicate effectively during rapidly evolving disruption scenarios. This should be supported by regular review and testing of emergency plans, scenario-based exercises, and the integration of lessons learned from past disruptions.

e) **Improving coordination between consumer protection frameworks and emergency planning mechanisms.** While consumer protection and emergency planning mechanisms serve distinct functions, improved coordination between them can support more effective implementation during disruptions. States are encouraged, as appropriate, to ensure that both are mutually supportive, including by facilitating coordination between relevant authorities and aligning operational processes where necessary. Such coordination can help ensure that measures related to passenger information, assistance and care are delivered in a consistent and timely manner during disruption scenarios.

f) **Promoting information sharing.** Strengthened information sharing among States and relevant stakeholders is essential to support coherence and coordination. States and regional organizations are encouraged to share practices and lessons learned and to use ICAO mechanisms, including the Compendium on Consumer Protection, as practical means to foster transparency and alignment across jurisdictions.

g) **Continuing to strengthen ICAO's role.** ICAO will continue to develop and update guidance and best practices, facilitate the exchange of experience and promote cooperation among relevant stakeholders in the areas of consumer protection and emergency planning. This work will also contribute to consistency in consumer protection and passenger rights frameworks, including through the consideration of more harmonized approaches aimed at reducing fragmentation, enhancing legal certainty and promoting predictable outcomes across jurisdictions. Greater coherence and more effective application of relevant frameworks and mechanisms would be pursued, while taking into account the diversity of national legal and institutional arrangements.

4. CONCLUSION

4.1 The challenges identified highlight the need to strengthen consumer protection and emergency response planning to evolving market conditions and disruption risks. The key issue lies in ensuring their effective application in an increasingly complex operational environment. Enhancing the clarity, consistency and effectiveness of each, while improving coordination where appropriate, will support better passenger outcomes and strengthen resilience of the system. As air transport continues to evolve globally, movement towards more harmonized consumer protection and passenger rights frameworks

[2] Annex 1 — *Personnel Licensing*, Annex 6 — *Operation of Aircraft*, Annex 9 — *Facilitation*, Annex 11 — *Air Traffic Services*, Annex 14 — *Aerodromes*, Annex 19 — *Safety Management,* Assembly Resolution A42-13*: Strategy on disaster risk reduction and response mechanism in aviation*

would further reduce fragmentation, enhance legal certainty and support balanced and predictable outcomes for passengers and industry alike.

5. ACTION

5.1 The following recommendations are proposed for consideration by the conference:

a) States should strengthen the implementation of consumer protection frameworks and emergency planning mechanisms, including through clear allocation of responsibilities, effective coordination among relevant authorities and stakeholders, enhanced preparedness for large-scale disruptions, and alignment of procedures relating to passenger information, assistance and care, including assistance to aircraft accident victims and their families;

b) States should align their consumer protection frameworks and emergency planning mechanisms by establishing integrated procedures, defining coordinated responsibilities among relevant authorities, and aligning operational processes for the delivery of passenger information, assistance and care during disruptions;

c) States should maintain timely and systematic information-sharing and cooperation, including through the use of existing ICAO mechanisms, supported by established communication protocols and coordination arrangements among relevant stakeholders, in order to enhance coherence, facilitate coordinated responses to disruption scenarios, and support the effective provision of assistance to passengers;

d) ICAO will continue to work with States on the development of a more harmonized consumer protection and emergency planning frameworks, to reduce fragmentation and enhance legal certainty; and

e) States that are yet to ratify *the Convention for the Unification of Certain Rules for International Carriage by Air* (Montreal Convention, 1999), should do so.

— END —