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Agenda Item 3: Strengthening regulatory and institutional frameworks

3.3: Strengthening emergency planning mechanism and consumer protection for a resilient aviation system

AIR PASSENGER RIGHTS PROTECTION IN THAILAND: SCOPE, REGULATORY FRAMEWORK, ENFORCEMENT MECHANISMS AND FUTURE CHALLENGES

(Presented by Thailand)

EXECUTIVE SUMMARY

This paper provides an overview of Thailand's air passenger rights protection regime, covering its legal and regulatory framework, the scope of passenger rights, enforcement mechanisms, and challenges from changing aviation market conditions. Thailand has implemented a comprehensive consumer protection system through Civil Aviation Board Regulation No. 101, which grants passengers rights regarding ticketing transparency, flight delays, cancellations, and denied boarding. The paper outlines Thailand's efforts to strengthen consumer protection while supporting a resilient and sustainable aviation sector, and identifies opportunities for further improvement in line with the ICAO Core Principle on Consumer Protection and international best practices.

1. INTRODUCTION

1.1 Consumer protection is now a key element of modern air transport regulation. As air travel expands and becomes more interconnected, passengers expect fair treatment, clear information, and effective remedies during service disruptions.

1.2 For Thailand, as a major aviation hub and tourism destination, protecting air passenger rights is essential to maintaining consumer confidence, supporting tourism, and strengthening the aviation sector's resilience. The COVID-19 pandemic highlighted the need for robust passenger protection mechanisms to address large-scale disruptions, travel restrictions, and refund disputes.

1.3 Thailand has progressively strengthened its aviation consumer protection framework through Civil Aviation Board regulations, aiming to balance passenger interests with industry competitiveness.

2. DISCUSSION

2.1 Evolution of Air Passenger Rights Protection in Thailand

2.1.1 Thailand's passenger protection regime has evolved in response to:

- Rapid growth of domestic and international air travel.
- Increasing consumer expectations regarding service quality.
- International developments in aviation consumer protection.
- Lessons learned from large-scale disruptions, including the COVID-19 pandemic.
- The need to improve transparency, accountability, and airline service standards.

2.1.2 The Civil Aviation Authority of Thailand (CAAT) has introduced and periodically updated regulations establishing minimum standards of treatment and compensation for passengers affected by operational disruptions. The overarching objectives are to:

- Ensure fair and equitable treatment of passengers.
- Enhance transparency in airline operations.
- Promote public confidence in air transport.
- Improve industry accountability.
- Support sustainable growth of the aviation sector.

2.2 Legal and Regulatory Framework

2.2.1 National Legislative Framework is Air Navigation Act B.E. 2497 as amended until Air Navigation Act (No.14) B.E.2562 (2019) which provides the legal authority to regulate civil aviation activities and establish consumer protection measures.

2.2.2 “Section 41/134. For the purpose of public interest and for protection of passenger rights, the Civil Aviation Board shall have the power to issue the Civil Aviation Board regulations prescribing measures to protect the rights of passengers on domestic and international flights.”

2.2.3 This regulation is aligned with the ICAO Core Principle on Consumer Protection and international treaties by considering the ICAO Core Principle on Consumer Protection to protect the rights of passengers before they travel, during travel and after travel, taking into account of consumer protection and industry competitiveness and consistent with the context of Thai society and international best practices, which covers both domestic and international flights with no compromise on safety and security. Scope of Air Passenger Rights Protection.

2.2.4 The scope of application for Thai carriers is domestic flights and flights departing Thailand on international routes. For foreign carriers, it applies only to flights departing from Thailand.

2.2.4.1 Before travel: Transparency and Information

Airlines must clearly disclose:

- Total ticket price and all applicable taxes, fees, charges, and surcharges.
- Fare conditions and carriage conditions.
- Baggage allowances.
- Disclosure of the airline actually operating the flight (including codeshare arrangements)

Ancillary services (such as baggage, insurance, or seat selection) must be offered on an opt-in basis and cannot be automatically added.

2.2.4.2 **Right to Information**

Passengers must receive clear, accurate, and timely information during disruptions regarding:

- Flight schedules.
- Delays.
- Flight cancellations.
- Care and assistance,
- Compensation.

Airlines are required to communicate disruption information through available channels to minimize inconvenience.

2.2.4.3 **Protection in Cases of Flight Delays**

When delays occur, airlines must provide assist to passengers based on the duration of the delay.

Measures may include:

Domestic Flights

- Delay more than 2 hours: Meals/refreshments, communication facilities, refund option
- Delay more than 3 hours: Meals/refreshments, communication facilities, options between refund or re-routing or alternative transportation
- Delay more than 5 hours: Meals/refreshments, communication facilities, options between refund or re-routing or alternative transportation plus compensation of THB 1,200

International Flights

- Delay more than 10 hours: Meals/refreshments and communication facilities and Compensation of THB 2,000–4,500 depending on flight distance,
 - THB 2,000: For flights covering 1,500 kilometers or less
 - THB 3,500: For flights covering between 1,501 and 3,500 kilometers
 - THB 4,500: For flights covering more than 3,500 kilometers
 - accommodation, options between refund or re-routing or alternative transportation

2.2.4.4 **Flight Cancellation Rights**

Passengers are entitled to:

- Meals and communication assistance.
- Hotel accommodation when necessary.
- Options between: full refund, re-routing to destination, or alternative transport arrangement.
- Compensation:
 - Domestic flights: THB 1,500.
 - International flights: THB 2,000–4,500 based on flight distance.
 - Airlines may be exempt from compensation when: adequate advance notice is provided or extraordinary circumstances occur.

2.2.4.5 **Denied Boarding Protection**

Denied boarding may occur when:

- Flights are oversold.
- Operational constraints arise.

Passengers affected by denied boarding may receive:

- Compensation: THB 1,500–4,500 based on flight distance.
- Options between: full refund, re-routing to destination, or alternative transport arrangement.
- Necessary assistance while awaiting onward travel.

2.2.4.6 **Tarmac Delay Protections**

When passengers remain onboard during extended delays, airlines must provide:

- Adequate ventilation and cabin temperature.
- Access to lavatories.
- Medical assistance when necessary.
- Opportunity to disembark after 3 hours if no definite departure time exists and safety/security permits.

2.2.4.7 **Refund Rights**

In the event of delays, cancellations, or denied boarding, passengers who no longer wish to travel may request a refund. Airlines must process refunds within:

- 14 days for cash purchases.
- 45 days for credit card purchases.
- 60 days when tickets are purchased through agents.

Travel vouchers or credits require passenger consent and full disclosure of terms and conditions.

2.3 **Passenger Information and Complaint Handling**

2.3.1 **Airlines must:**

- Inform passengers of their rights at check-in and during disruptions.
- Provide written information on compensation and complaint channels.
- Maintain Standard Operating Procedures (SOPs) for passenger rights protection.
- Report disruption events to the CAAT within 48 hours.
- Facilitate passenger complaints through CAAT's complaint management system.

2.4 **CAAT Surveillance and Enforcement**

2.4.1 To ensure effective implementation of the Regulation, the CAAT conducts continuous surveillance and oversight of airlines operating in Thailand. CAAT pays particular attention during peak travel periods, long public holidays, and other high-demand seasons when the risk of flight disruptions increases.

2.4.1.1 **CAAT carries out:**

- Airline station audits and inspections at airports to verify compliance with passenger rights protection requirements.
- On-site monitoring during irregular operations (IROPs) such as flight delays, cancellations, denied boarding, and passenger congestion situations.
- Assessment of airline contingency plans and Standard Operating Procedures (SOPs) related to passenger care and compensation.
- Verification of passenger assistance measures through complaint, including the provision of meals, accommodation, communication facilities, refunds, compensation, and re-routing arrangements.
- Review of airline reporting obligations, ensuring that disruption events are reported to CAAT within the prescribed timeframe.
- During long holiday periods, such as New Year, Songkran Festival, and other peak travel seasons, CAAT increases operational surveillance activities by deploying inspectors at major airports. The objective is to monitor airline performance, protect passenger rights, minimize inconvenience caused by operational disruptions, and ensure that airlines provide timely assistance and compensation in accordance with CAB Regulation No. 101.

2.4.1.2 These surveillance activities support CAAT's broader consumer protection mandate by promoting regulatory compliance, enhancing service quality, and maintaining public confidence in Thailand's aviation sector.

2.4.1.3 Any airline that fails to comply with passenger rights obligations under CAB Regulation No. 101, including:

- Failure to provide meals or refreshments during delays or cancellations or denied boarding or inadequate care relative to waiting time.
- Failure to process refunds within the prescribed timeframe.
- Failure to pay compensation or delays in compensation payments; and
- Other violations of passenger care and protection requirements, may be deemed non-compliant with Section 41/134 of the Air Navigation Act and the requirements prescribed under CAB Regulation No. 101. Such violations are subject to enforcement actions and penalties under Section 107/3 of the Air Navigation Act, including fines ranging from THB 50,000 to THB 500,000.

2.5 **Passenger Protection During Emergencies and Extraordinary Circumstances**

2.5.1 **Aviation disruptions resulting from:**

- Pandemics.
- Natural disasters.
- Airport closures.
- Geopolitical crises.
- Public health emergencies.

Thailand's experience during the COVID-19 pandemic and regional conflict highlighted the importance of:

- Flexible regulatory responses.
- Clear communication practices.
- Efficient refund systems.
- Coordination among government agencies, airlines, and airports.

- Strengthening preparedness for future disruptions remains a policy priority.

2.6

Institutional and Regulatory Challenges

Despite significant progress, several challenges remain.

- **Increasing Traffic Volumes**

Growing passenger numbers increase:

- Complaint volumes.
- Operational complexity.
- Demand for regulatory oversight.

- **Digital distribution platforms**

The rise of:

- Online travel agencies.
- Digital booking platforms.
- Multi-party ticket sales.

Creates additional challenges concerning passenger awareness and responsibility allocation.

- **Cross-border passenger protection**

International travel often involves:

- Multiple jurisdictions.
- Different legal frameworks.
- Varying levels of consumer protection.

Enhanced international cooperation is needed to address these issues.

- **Public awareness**

Many passengers remain unaware of:

- Available rights.
- Complaint procedures.
- Compensation entitlements.

Improved public education can increase the effectiveness of passenger protection policies through social media of CAAT, airports and airlines

2.7

Future directions and recommendations

Thailand may further strengthen passenger protection through:

- **Regulatory Enhancement**
 - Periodic review of compensation and assistance standards.
 - Alignment with evolving international best practices.
- **Digital consumer protection**
 - Improved online complaint systems.
 - Real-time passenger information platforms.
- **International cooperation**
 - Sharing best practices through ICAO.
 - Supporting harmonized approaches to passenger rights.
- **Capacity building**
 - Training for airlines and regulatory personnel.
 - Strengthening monitoring and enforcement capabilities.
- **Consumer awareness**

- Public outreach campaigns.
- Publication of passenger rights guides.
- Enhanced transparency measures.

3. CONCLUSION

3.1 Thailand has established a comprehensive framework for air passenger rights protection that promotes fairness, transparency, accessibility, and accountability in the aviation sector. CAB Regulation No. 101 provides passengers with protection before, during, and after travel regarding flight delays, cancellations, and denied boarding. The framework reflects ICAO's Core Principles on Consumer Protection and maintains a balance between consumer interests, operational realities, and industry sustainability.

As aviation evolves and new challenges arise, Thailand remains committed to strengthening consumer protection mechanisms, improving regulatory effectiveness, increasing passenger awareness, and supporting ICAO's vision of a resilient, sustainable, and passenger-centered global air transport system.

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