



WORLDWIDE AIR TRANSPORT CONFERENCE (ATCONF)

SIXTH MEETING

Montréal, 18 to 22 March 2013

**Agenda Item 2: Examination of key issues and related regulatory framework**

**Agenda Item 2.3: Consumer protection**

**PASSENGER PROTECTION UNDER CASES OF FLIGHT DISRUPTION**

(Presented by the Airports Council International (ACI))

**EXECUTIVE SUMMARY**

ACI recently conducted a survey of its Members which revealed that passenger protection regulation did not exist in half of those States whose airports responded to the survey. Moreover, where regulation did exist, fewer than half of those regulations addressed the protection of the passenger during periods of flight disruption.

In recent years, there have been numerous examples of severe storms or natural events that have caused widespread disruption to air transport, leaving passengers stranded at airports and in cities all over the world. The needs of these stranded passengers are numerous and diverse and it is arguably beyond the ability of any one stakeholder to meet them. Therefore, there is an opportunity for ICAO to establish core principles to help States develop passenger protection regulation that covers both normal operations as well as periods of flight disruption. ICAO could also develop detailed guidance material to help States develop appropriate contingency plans to protect and care for passengers affected by flight disruption.

**Action:** The Conference is invited to agree to the recommendations in paragraph 4.

<i>References:</i>	ATConf/6 reference material is available at <a href="http://www.icao.int/meetings/atconf6">www.icao.int/meetings/atconf6</a> .
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**1. INTRODUCTION**

1.1 The Airports Council International (ACI) places great importance on the efficient facilitation of passengers through its Member airports giving due care and attention to the passengers' needs. ACI promotes excellence in service quality through its Airport Service Quality (ASQ) programme, which promotes industry best practices and benchmarks passenger satisfaction at more than 250 airports worldwide.

1.2 ACI recently conducted a survey of its Members, which revealed that passenger protection regulation did not exist in half of those States whose airports responded to the survey. If this is

indicative of the situation globally, it speaks to the opportunity for ICAO to establish core principles that would help States develop regulation and to achieve more compatible consumer protection regulations internationally. ACI would certainly support such efforts.

1.3 ACI would also advocate that these core principles address the needs of passengers affected during periods of flight disruption, since the results of its survey reveal that fewer than half of the consumer protection regulations in place specifically address this issue. “Flight disruption” is defined as “situations where a scheduled flight is cancelled, or delayed for two hours or more, within 48 hours of the original scheduled departure time”.

1.4 There are numerous examples of severe storms or other natural events that have caused serious disruption to flight operations. In the worst cases, the disruption extends well beyond the immediate geographical region, to affect passengers travelling in other regions. For example, the ash cloud from the Eyjafjallajökull volcano eruptions, in April 2010, not only caused severe disruption to air transportation in Europe but left thousands of passengers stranded in airports and cities in Asia-Pacific, the Americas and Africa.

1.5 The needs of these stranded passengers are numerous and diverse and it is arguably beyond the ability of any one stakeholder to meet them. While airlines have contractual obligations to their passengers, the sheer volume of passengers can quickly overwhelm the resources available and as a result airports often end up having to manage the problems, particularly within their terminals. Aside from meeting the immediate needs of the passengers (in terms of food, water and information), stranded passengers will often have to sleep overnight in the airport terminal, which raises a requirement for beds, blankets and toiletries. Even when the storm or natural event has passed, the disruption can continue for several days as airlines work to find seats on flights (which operate normally with high load factors). During these periods of disruption, stranded passengers might also need consular services from their embassies and special arrangements with immigration authorities in circumstances where they might not have a visa or permission to land. Alternative modes of transport might need to be arranged to enable passengers to continue their journeys, particularly for short-haul destinations.

1.6 Experience has shown that where States, their regulatory authorities and industry stakeholders have worked together to develop and practice contingency plans for flight disruption, the level of distress and inconvenience to the passenger and the impact on operations can be minimized. However, the ACI survey reveals that this level of preparedness is evident in only a minority of States and therefore ACI proposes that this be addressed in the Conference’s deliberations and recommendations.

## **2. CONTINGENCY PLANS FOR FLIGHT DISRUPTION**

2.1 It is suggested that the core principles for passenger protection regulation should address the needs for both normal operations and periods of flight disruption, and that more detailed guidance could be provided to States on how to develop appropriate contingency plans in ICAO’s *Facilitation Manual* (Doc 9957).

2.2 It is suggested that the National Facilitation Committee and the respective Airport Facilitation Committees, could play an important role in agreeing the delineation of responsibility between stakeholders, developing the contingency plans and in reviewing the adequacy of these arrangements following exercises, drills and actual events.

2.3 In developing these contingency plans, States are asked to consider how the costs of providing these contingency arrangements could be recovered in a fair and equitable manner.

### 3. **CONCLUSIONS**

3.1 It is concluded that there is an opportunity for ICAO to establish core principles to help States develop passenger protection regulation and that this should cover both normal operations as well as periods of flight disruption.

3.2 It is also concluded that ICAO should develop detailed guidance material to help States develop appropriate contingency plans to protect and care for passengers affected by flight disruption.

### 4. **RECOMMENDATIONS**

4.1 The Conference is invited to:

- a) recommend that ICAO establish core principles that would help States to develop and achieve more compatible passenger protection regulation internationally and that these core principles cover both normal operations and periods of flight disruption; and
- b) recommend that ICAO develop guidance material to assist States to develop passenger protection regulation and contingency plans for periods of flight disruption.

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