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ASSISTANCE TO PASSENGERS IN CASE OF AIRPORT/AIRLINE DISRUPTIONS

(Presented by the Secretary General)

EXECUTIVE SUMMARY

Pursuant to the decision by the Council at the 213th Session, this paper summarizes the information available on States' regulatory practices regarding assistance to passengers in case of airport/airline disruptions. The focus is placed on specific conditions stipulated in the aviation-specific consumer protection regulations to provide assistance, services and compensation for passengers in the case of flight disruption (i.e. flight cancellation, flight delay and denied boarding due to overbooking) caused by extraordinary circumstances, force majeure or situations beyond the airlines' control. In such circumstances, airlines are normally exonerated from providing compensation and more often are only required to provide basic services and assistance to the stranded passengers. The consumer protection regulations do not generally use the term "massive disruption" but the same provisions are applicable regardless the scale of disruption. The paper also reports on the views and practices of the aviation industry, including the voluntary commitments to assisting passengers affected by flight disruptions.

<i>Strategic Objectives:</i>	This working paper relates to Strategic Objectives – Security and Facilitation and Economic Development of Air Transport.
<i>Financial implications:</i>	The working paper has no direct financial implication.
<i>References:</i>	C-WP/14697, Oral ATC Report, C-DEC 213/4 <i>ICAO Core Principles on Consumer Protection</i> https://www.icao.int/sustainability/Documents/ConsumerProtection/CorePrinciples.pdf

1. INTRODUCTION

1.1 At its fourth meeting during the 213th Session, the Council noted the information provided in C-WP/14697 Revision No. 1 presented by the United Arab Emirates, as well as an oral report thereon by the Air Transport Committee (ATC) concerning an issue related to assistance to passengers in case of airport and airline disruptions. As recommended by the ATC, the Council requested that, as a first step, the Secretariat compile the information available on the best practices of States, seek the views of the aviation industry organizations and the World Tourism Organization (UNWTO), on this subject, and report its findings to the Council, through the ATC, during the 215th Session (C-DEC 213/4 refers).

2. REGULATIONS OF PASSENGER ASSISTANCE

2.1 The Secretariat has already developed and made publicly available a database on States' consumer protection rules and regulations online under the ICAO public website at <https://www.icao.int/sustainability/Pages/ConsumerProtectionRules.aspx>. Pursuant to the comments and suggestions made at the second meeting of the ATC during the 213th Session (Oral ATC Report, C-WP/14697 refers), the database has been enhanced to include regulatory practices to assist passengers in case of flight disruptions. Based on the analysis in the database, the Secretariat has identified some particular elements or provisions that are addressed by most aviation-specific consumer protection regulations. "Regulations" is used as a general term in the following text to include all types of legislations, laws and rules.

2.2 **Type of disruption.** Most of the consumer protection regulations distinguish flight disruption into three types: flight cancellation; flight delay; and denied boarding due to overbooking. The term "massive disruption" or "mass disruption" is rarely used because the regulations do not differentiate flight disruption by scale (for example, no differentiation between disruption of one flight and disruption of the numerous number of flights caused by an extraordinary event of long duration). Consequently, the same provisions concerning assistance may be applicable in all circumstances.

2.3 **Scope of application.** The scope of application of consumer protection regulations varies from State to State, which might lead to overlapping regimes in certain cases. While in some States the regulations are applicable only to flights departing from their own territory, in others they are applicable to flights to and from the airports of the country. Some States also apply different regulations for domestic and international flights, or just cover one or the other.

2.4 **Obligations for the airline.** The regulations generally provide obligations for the airline towards their passengers in case of flight disruptions. Mostly, the airline is required to reimburse the ticket price paid by the passenger, reroute the passengers to their final destination, or provide services during the waiting time caused by the delay. These services are similar in most regulations and usually include items such as free access to communications, refreshments, meals, accommodation and transport.

2.5 In some regulations, the airline might be required to compensate passengers. The amount of compensation varies significantly between States (from around USD 150 to USD 1350). Moreover, the method of calculation differs in the regulations; it can be either a fixed amount or a percentage of the ticket price, depending mostly on the length or duration of the flight, i.e. the longer a flight, the higher the compensation amount. Several regulations only refer to the indemnification airline policy, and provide a minimum amount of compensation. Furthermore, some States choose to differentiate between domestic and international flights to establish the threshold and the conditions for passenger compensation.

2.6 The regulations often stipulate when and under which circumstances the airline is not required to compensate the passengers for the flight disruption. Most regulations include provisions for extraordinary circumstances, force majeure or situations beyond the airlines' control but their definitions and the interpretation of these circumstances vary. Some regulations offer a definition; for example, the

European Union (EU) regulation defines it as “circumstances which could not have been avoided even if all reasonable measures had been taken”. However, many others do not clearly define or list what is considered as an extraordinary circumstance. Generally, in the case of such circumstances, airlines are exonerated from providing compensation and more often only required to provide assistance (reimbursement and rerouting) and basic services to the stranded passengers.

3. OVERVIEW BY REGION AND TOURISM SECTOR

3.1 According to research conducted by the Secretariat, over 60 States have implemented aviation-specific consumer protection regulations, i.e. six in Africa, five in Asia and Pacific, 36 in Europe, 13 in Latin America and the Caribbean, four in the Middle East, and two in North America (by ICAO’s Statistical Region). Given below is a brief overview of each region and the tourism sector, highlighting specific conditions or peculiarities of the provision of assistance, services and compensation for passengers in the case of flight disruption (see **Appendix** for a more detailed summary).

3.2 **Africa.** Most of the six countries’ regulations (Angola, Cabo Verde, Egypt, Ghana, Mauritania and Nigeria), as well as the Supplementary Act of the Economic Community of West African States (ECOWAS) and the proposed Annex to the Yamoussoukro Decision, stipulate that no compensation is provided when the flight has been canceled due to extraordinary circumstances. Some differentiate between domestic and international flights regarding the threshold and conditions for assistance and compensation. The regulation of Cabo Verde is closely modelled after the ICAO Core Principles.

3.3 **Asia and Pacific.** With different terminologies and conditions, the regulations of China, India, Indonesia, New Zealand and Viet Nam include provisions for the exoneration of the airlines from certain responsibilities under extraordinary circumstances. The regulations of Indonesia and New Zealand are applicable to domestic transport only. The Chinese regulation has specific provisions to manage the situation of “massive disruption” using the term “large area flight delay”, as well as “tarmac delay”.

3.4 **Europe.** The EU Regulation 261/2004 on compensation and assistance to passengers in the event of denied boarding, flight cancellations, or long delays of flights is applicable to all flights departing from the EU, and also to flights arriving at an EU airport if operated by a community airline (holding an EU certificate of operation). This includes all EU Member States, as well as Norway, Iceland and Switzerland. Consequently, the regulation inspired other States which decided to adopt regulations in the same spirit or simply to apply the EU regulation for flights from and bound for their territory (for example, Albania, Bosnia and Herzegovina, Turkey and Ukraine).

3.5 **Latin America and the Caribbean.** The region has the second highest number of States that have adopted aviation-specific regulations (Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Honduras, Mexico, Nicaragua, Paraguay, Peru, Trinidad and Tobago and Uruguay). In addition, the Latin American Civil Aviation Commission (LACAC)’s Recommendation A16-8 (Rights of the Users, 2004) urges its Member States to promulgate a set of rules to protect passengers in case of flight disruption. This non-binding regime provides passengers with the option to choose between reimbursement and alternative transport. Most of the regulations in this region do not differentiate the three types of flight disruption to determine the obligations of the airline; instead, they use the waiting time of the passenger as a criteria.

3.6 **Middle East.** The scope of application varies among the regulations of four States (Bahrain, Israel, Oman, and Saudi Arabia), i.e. applicable only to departing passengers, including flights both arriving and departing from the territory, or applicable only to flights of a national airline. During extraordinary circumstances, airlines are usually not required to provide compensation.

3.7 **North America.** The United States has promulgated a 2011 regulation, applying to all airlines (including foreign airlines) operating aircrafts of 30 seats or more to or from an airport in its territory. The regulation increased compensation for passengers involuntarily denied boarding. In the case of “tarmac delay”, the airline has the obligation to come back to the boarding gate after a certain period of

time to allow for the possibility of the passengers to deplane. In Canada, the Bill C-49, cited as the Transportation Modernization Act, passed in May 2018, mandated the adoption of measures concerning passenger's rights in the case of flight disruption.

3.8 **Tourism sector.** The UNWTO has been working on the development of the *Convention on the Protection of Tourists and on the Rights and Obligations of Tourism Service Providers*, which specifically includes assistance obligation of States in emergency situations. Member States of the UNWTO have currently been consulted to further improve the draft Convention.

4. INDUSTRY VIEWS AND PRACTICES

4.1 Consultation with the industry organizations has been ongoing through the Industry High Level Group (IHLG) comprising of the Airports Council International (ACI), the Civil Air Navigation Services Organisation (CANSO), the International Air Transport Association (IATA) and the International Coordinating Council of Aerospace Industries Associations (ICCAIA) with the understanding that partnership and planning amongst airports, airlines, air navigation services providers and governments is the best way to take care of passengers when delays happen, and in reducing delays themselves.

4.2 In its position paper on consumer protection, IATA stated that passenger entitlements enshrined in the regulations should reflect the principle of proportionality and the impact of extraordinary circumstances. Safety-related delays or cancellations (for example, those resulting from technical issues with an aircraft) should always be considered as extraordinary circumstances to exonerate airlines from liability for such disruptions. Where circumstances are within the airline's control, the right to rerouting, refunds, compensation, or assistance to passengers affected should be observed. In cases where disruptions are outside the airline's control, governments should allow market forces to determine the level of assistance available for passengers.

4.3 IATA further stated that the responsibilities stipulated by the regulation, related to both assistance and compensation, must be fairly and clearly allocated between the different service providers involved while both CANSO and the ACI did not respond to the issue on the allocation of responsibilities. Instead, ACI focuses on promoting industry best practices and increasing airport passenger satisfaction through its Airport Service Quality (ASQ) programme.

4.4 Many airlines and airports in the world, especially in North America and Europe, have been implementing various voluntary commitments, including the Airline Customer Service Commitment, the Airline Passenger Service Commitment on Air Passenger Service, and the Airport Voluntary Commitment on Air Passenger Service. The airport voluntary commitment includes the provision of updated information given by airlines on expected delays as frequently as possible and the establishment of contingency plans for assisting involuntarily stranded passengers suffering a significant delay.

5. CONCLUSION

5.1 The aviation-specific consumer protection regulations do not generally differentiate the obligations of airlines by the scale of flight disruption; instead stipulate a different set of obligations and conditions to provide assistance, services and compensation for passengers based on the type of disruption, i.e. flight cancellation, flight delay, and denied boarding due to overbooking. Most of the regulations exonerate airlines from providing compensation for the passengers when the flight disruption is caused by "extraordinary circumstances" although there is no single definition of such circumstances.

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AFRICA

Angola

Aviation-Specific Consumer Protection Regulation:

- There are no specific consumer protection rules but the Civil Aviation Law from 2008 (Lei da Aviação Civil n.º 01/08 de 16 de Janeiro) lists several air passenger rights.

Scope of application:

- No provision.

Cancellation within the control of airlines:

- Compensation (Art. 123 of the Civil Aviation Law from 2008, Portuguese version).

Cancellation beyond the control of airlines:

- Art. 123 of the Civil Aviation Law from 2008.

Delay within the control of airlines:

- Liability of air carriage (Art. 125 of the Civil aviation law from 2008).

Delay beyond the control of airlines:

- The air carriage is not liable for delays that are caused by force majeure (art. 125 of the Civil aviation law from 2008).

Denied boarding due to overbooking:

- Art. 124 of the Civil Aviation Law from 2008¹.

Cabo Verde

Aviation-Specific Consumer Protection Regulation:

- The country has a national regulation that adheres to ICAO guidelines on consumer protection:
 - o Legislative Decree No. 01/2001, of 20 August, amended by Legislative Decree No. 04/2009, of 07 September, which approves the Aeronautical Code of Cabo Verde (which regulates civil aviation in the country and its territorial waters, as established in the Constitution and in the law);
 - o Decree-Law no. 28/2004, of 12 July, which creates the Civil Aviation Agency;
 - o Decree-Law no. 70/2014, of 22 December, which approves the statutes of the Civil Aviation Agency;
 - o Decree-Law no. 35/2006, of 26 June, which establishes the rights of passengers, in case of denial of embarkation against their will, cancellation and delay of flights and creates the respective disciplinary regime; and
- o Regulatory Decree No 3/2006, of 26 June, which approves the regulation fixing the amount of compensation in case of destruction, loss, damage or delay of baggage and goods in domestic air carrying.

Scope of application:

- No provision.

Cancellation within the control of airlines:

- Re-routing or reimbursement and assistance (Art. 5 of the Decree-Law no. 35/2006, of 26 June).

Cancellation beyond the control of airlines:

- No compensation (Art. 5.3 of the Decree-Law no. 35/2006, of 26 June).

Delay within the control of airlines:

- Re-routing or reimbursement and assistance (Art. 6.1 of the Decree-Law no. 35/2006, of 26 June).

Delay beyond the control of airlines:

- Re-routing or reimbursement and assistance (Art. 6.1 of the Decree-Law no. 35/2006, of 26 June).

Denied boarding due to overbooking:

- Art. 4 of the Decree-Law no. 35/2006, of 26 June².

Egypt

Aviation-Specific Consumer Protection Regulation:

- Regulation, Part 601, Passengers Protection (January 2018).

Scope of application:

- Applies to passengers a) departing from an airport located in Egypt; and b) departing from an airport located in a third country to an airport located in Egypt unless they received benefits or compensation and were given assistance in that third country, if the operating air carrier of the flight concerned is an Egyptian carrier.

Cancellation within the control of airlines:

- The passengers shall be offered the choice between reimbursement within seven days or re-routing under comparable transport conditions,
- In case of re-routing (at least two hours after the planned departure of the cancelled flight), the passenger shall be offered free of charge meals and refreshments, two telephone calls, telex/fax messages or e-mails, and if overnight stay is necessary hotel accommodation and transport between airport and hotel.
- The passenger shall receive compensation:
 - o EGP 300: all flights under 1,000 kilometres;
 - o EGP 900: all flights between 1,000 and 4,000 kilometres; and
 - o EGP 1,500: all flights above 4,000 kilometres.
- No compensation shall be paid if the passengers are informed of the cancellation at least two weeks

before the scheduled time of departure, or less than two weeks before the scheduled time of departure

¹ The text of this regulation is in Portuguese; consequently, the whole content of the text could not be reviewed.

² ditto.

and are offered re-routing, allowing them to reach their final destinations less than four hours after the scheduled time of arrival.

Cancellation beyond the control of airlines:

- The same as above. However, an operating air carrier shall not be obliged to pay compensation, if it can prove that the cancellation is caused by extraordinary circumstances which could not have been avoided even if all reasonable measures had been taken.
- The total cost of accommodation may be limited to EGP 500 per night and per passenger and to a maximum of two nights.
- The following circumstances shall be considered as extraordinary, inter alia: natural disasters; technical problems which are not inherent in the normal operation of the aircraft; security risks, acts of sabotage or terrorism; life-threatening health risks or medical emergencies; air traffic management restrictions or closure of airspace or an airport; meteorological conditions incompatible with flight safety; and labour disputes at essential service providers.

Delay within the control of airlines:

- When the delay is at least two hours, the passengers shall be offered free of charge meals and refreshments, depending on the waiting time.
- When the delay is at least five hours, the passenger shall be offered reimbursement within seven days.
- Where a tarmac delay reaches a maximum of five hours, the aircraft shall return to the gate or another suitable disembarkation point where passengers shall be allowed to disembark and to benefit from the same assistance.
- The passenger shall have a right to compensation (the same amounts as for cancellation) when he arrives at his final destination five hours or more after the scheduled time of arrival for journeys of 3,500 kilometres or less, or nine hours or more after the scheduled time of arrival for journeys of 6,000 kilometres or more.

Delay beyond the control of airlines:

- The same as above. However, an operating air carrier shall not be obliged to pay compensation, if it can prove that the cancellation is caused by extraordinary circumstances which could not have been avoided even if all reasonable measures had been taken.

Denied boarding due to overbooking:

- If boarding is denied to passengers against their will, the operating air operator shall immediately compensate them (the same amounts as for

cancellation). The passenger shall be offered the choice between reimbursement within seven days or re-routing under comparable transport conditions; and also be offered the same assistance as described in delay.

Ghana

Aviation-Specific Consumer Protection Regulation:

- Civil Aviation (Economic) Directives, 2017, Part 2 Consumer protection.

Scope of application:

- Applies to any passenger a) departing from an airport located in Ghana; or b) departing from an airport located in a third country to an airport located in Ghana unless the passenger received benefits or compensation and was given assistance in that third country, if the air operator of the flight concerned is a Ghanaian registered carrier.

Cancellation within the control of airlines:

- The passenger shall be offered the choice between reimbursement within seven days or re-routing under comparable transport conditions. The passenger shall also be provided free of charge meals and refreshments, hotel accommodation and communications, depending on the waiting time (Section 6.1.a).
- In the event of re-routing when the reasonably expected time of departure of the new flight is at least the day after the planned departure for the cancelled flight, the passenger shall be offered hotel accommodation and transport between airport and hotel (Section 6.1.b).
- The passengers have the right to compensation by the air operator (Section 8.1):
 - o for domestic flights - USD 100;
 - o for regional flights - USD 300;
 - o for international flights - USD 600;
 - o 50% reduction of compensation when the arrival time of the alternative flight does not exceed the scheduled arrival time of the flight originally booked by two hours (domestic and regional flights) and three hours (international flights).
- No compensation shall be paid if (Section 6.1.c):
 - o the passengers are informed of the cancellation at least two weeks before the scheduled time of departure;
 - o they are informed of the cancellation between two weeks to seven days before the scheduled time of departure and are offered re-routing, allowing them to depart no more than two hours before the scheduled time of departure and to reach their final destination less than four hours after the scheduled time of arrival; or

- they are informed of the cancellation less than seven days before the scheduled time of departure and are offered re-routing, allowing them to depart no more than one hour before the scheduled time of departure and to reach their final destination less than two hours after the scheduled time of arrival.

Cancellation beyond the control of airlines:

- The same as above. However, an air operator shall not be obliged to pay compensation if it can be proven that the cancellation is caused by extraordinary circumstances which could not have been avoided even if all reasonable measures had been taken (Section 6.3).

Delay within the control of airlines:

- Domestic flights (Section 7.1): After two hours, an air operator shall provide assistance (refreshments and two telephone calls, fax messages or e-mails) and reimbursement or re-routing arrangement. At a time when the airport is closed at the point of departure or final destination, hotel accommodation and transport shall also be provided.
- International flights (Section 7.2) An air operator shall provide water after one hour; meals, refreshments and two telephone calls, fax messages, or e-mails between two and six hours (one more time after four hours); and plus accommodation and transport between accommodation and the airport after six hours.

Delay beyond the control of airlines:

- The same as above.

Denied boarding due to overbooking:

- If boarding is denied to passengers against their will, the operating air operator shall immediately compensate them (the same amounts as for cancellation). The passenger shall be offered the choice between reimbursement within seven days or re-routing under comparable transport conditions; and also be offered the same assistance as described in delay (Section 3).

Mauritania**Aviation-Specific Consumer Protection Rules:**

- Decree on application of provisions on the Law n°2011-020 of 27 February 2011 on Civil Aviation Code has some provisions on air passenger rights (Chapter IV) (Décret portant application des dispositions de la Loi n°2011- 020 du 27 Février 2011 portant Code de l'Aviation Civile)

Scope of application:

- This decree is applicable to all flights departing from Mauritania and to all flights arriving in

Mauritania if operated by a national carrier (Art. 481).

Cancellation within the control of airlines:

- Reimbursement or re-routing, assistance and compensation (Art. 483).

Cancellation beyond the control of airlines:

- The same as above. However, an operating air carrier shall not be obliged to pay compensation, if it can prove that the cancellation is caused by extraordinary circumstances which could not have been avoided even if all reasonable measures had been taken.

Delay within the control of airlines:

- Assistance (meals and refreshments, hotel accommodation, transport between hotel and airport and free access to telecommunications) and reimbursement if the delay is at least 5 hours (Art. 484).

Delay beyond the control of airlines:

- The regulation does not differentiate between the two types of delay. Consequently, the airline has the same obligations whether the delay is within or beyond its control.

Denied boarding due to overbooking:

- Reimbursement or re-routing, compensation and assistance (Art. 482).

Nigeria**Aviation-Specific Consumer Protection Rules:**

- Part 19 of the Nigeria Civil Aviation Regulations, updated on 14 December 2015, providing rights for passengers. This regulation is close to the EU one.

Scope of application:

- These Regulations shall apply to:
 - passengers departing from an airport located within Nigerian to another airport within Nigeria;
 - passengers departing from an airport located in another country to an airport situated within Nigeria, unless they received benefits or compensation and were given assistance in that other country, if the operating air carrier of the flight concerned is a Nigerian carrier; and
 - foreign air transportation with respect to non-stop flight segments originating at Nigeria.

Cancellation within the control of airlines:

- Assistance should be provided to passengers (refreshments, meals, access to communications (two telephone calls, sms and emails), hotel accommodation and transport).
- In the event of rerouting, if the alternative flight is departing the day after the scheduled date of departure, the passenger is entitled to a reimbursement and a return flight to his first point

of departure when relevant, or a rerouting to his final destination, immediately or at a later date to his convenience.

- For domestic flights, the airline is required to compensate the passengers, unless they are informed about the cancellation at least 24 hours before the scheduled time of departure. The amount of the compensation should be equivalent to 25% of the passenger ticket price but should be divided by two if the passenger is rerouted to his final destination within one hour after the scheduled arrival time.
- For international flights, the airline is required to compensate the passengers, unless they are informed of the cancellation at least seven days before the scheduled time of departure; or between three and seven days before the scheduled time of departure and are offered re-routing, allowing them to depart not more than two hours before the scheduled time of departure and to reach their final destination less than four hours after the scheduled time of arrival; or less than seven days before the scheduled time of departure and are offered re-routing, allowing them to depart not more than one hour before the scheduled time of departure and to reach their final destination less than two hours after the scheduled time of arrival.
- The amount of the compensation should be equivalent to 30% of the passenger ticket price but should be divided by two if the passenger is rerouted to his final destination within three hours after the scheduled arrival time.

Cancellation beyond the control of airlines:

- The same as above, However, in case of extraordinary circumstances which could not have been avoided even if all reasonable measures had been taken, the airline is not required to compensate the passengers.

Delay within the control of airlines:

- The obligations of the airlines depends on the length of the delay and on whether the flight is domestic or international.
- For domestic flights, after 30 minutes after the scheduled time of departure, the airline shall inform the passengers about the reasons of the delay. After two hours, refreshments and access to communications shall be provided to the passengers. After three hours of delay, the passengers are entitled to a reimbursement and a return flight to their first point of departure when relevant. When the delay occurs during the night (from 10 pm to 4 am or if the airport of departure or destination is closed), hotel accommodation and transport to the accommodation shall be provided to the passengers.
- For international flights, when the delay is between two and four hours, the passengers are entitled to access to communication and compensation (30% of the passenger ticket price). If the delay is superior to four hours, they are entitled to have access to communications and meals. If the delay is superior to six hours, hotel accommodation and transport to the accommodation shall be provided to the passengers.

Delay beyond the control of airlines:

- The regulation does not differentiate between the two types of delay. Consequently, the airline has the same obligations whether the delay is within or beyond its control.

Denied boarding due to overbooking:

- The airline has to compensate the passengers according to levels mentioned in the cancellation part, offer them a reimbursement and a return flight to the first point of departure when relevant or a rerouting to their final destination. Services must also be provided to the passengers (refreshments, meal, hotel accommodation, transport between the accommodation and the airport, access to communication (two telephone calls, sms and emails)).

ASIA AND PACIFIC

China

Aviation-Specific Consumer Protection Regulation:

- The Flight Regularity Administrative Regulations of the Ministry of Transport of 2016 #56.

Scope of application:

- The regulations shall apply to activities of domestic carriers, airport, ground handling agents, sales agents, air traffic management (ATM), airport police department, aviation fuel corporations, aviation supplies corporations, aviation information corporations, as well as any other supporting service units handling flights, delays, and passengers complaints.
- They shall also apply to activities of carrier from Hong Kong SAR, Macao SAR, and Taiwan, Province of China. as well as foreign carrier with regard to the management of flight regularity, delays, and passenger complaints when carrier is departing from or having a stopover within Chinese territories (excluding Hong Kong, Macao and Taiwan).

Cancellation within the control of airlines:

- The passengers have the right to be informed about the reasons of the cancellation within 30 minutes after the airline received the information about the flight disruption.
- The airline has either to endorse the service or to reimburse the passengers.
- The airline has to provide services to the passengers when the cancellation is due to aircraft maintenance, flight deployment/adjustments, crew or any other reasons caused by the airline.
- When the cancellation occurs at a stopover on a domestic flight, or if passengers are on a diverted flight operated by a domestic carrier, the airline shall provide services for passengers regardless of the reasons of the disruption.

Cancellation beyond the control of airlines:

- The passengers have the right to be informed about the reasons of the cancellation within 30 minutes after the airline received the information about the flight disruption.
- The airline has either to endorse the service or to reimburse the passengers.
- If the cancellation is due to weather, emergency situations, air traffic control, security issues, passengers, or other non-carrier related reasons the airline shall assist passengers in arranging food and accommodation but all costs should be borne by passengers, except if the cancellation occurs at a

stopover on domestic flight, or if passengers are on a diverted flight operated by a domestic carrier. In this later case, the airline shall provide services for passengers regardless of the reasons which caused the disruption.

Delay within the control of airlines:

- The passengers have the right to be informed about the reasons of the delay within 30 minutes after the airline received the information about the flight disruption.
- The airline has either to endorse the service or to reimburse the passengers.
- The airline has to provide services to the passengers when the delay is due to aircraft maintenance, flight deployment/adjustments, crew or any other reasons caused by the airline.
- When the delay occurs at a stopover on a domestic flight, or if passengers are on a diverted flight operated by a domestic carrier, the airline shall provide services for passengers regardless of the reasons of the disruption.
- In case of tarmac delay (when, either after closing the cabin door before departure or before opening the cabin door after arrival, passengers are waiting on-board for longer than aircraft taxiing time limits as regulated by the airport)
 - o airlines shall report to passengers every 30 minutes the reason(s), estimated delay period, and other dynamic flight information as it becomes available.
 - o Passengers must have access to lavatory facilities.
 - o If the tarmac delay exceed two hours, the airline shall provide food and water for passengers.
 - o If a tarmac flight delay is exceeding three hours (including three hours) and there is no definite take-off time, carrier shall arrange for disembarkation as long as safety and security regulations are followed.

Delay beyond the control of airlines:

- The passengers have the right to be informed about the reasons of the delay within 30 minutes after the airline received the information about the flight disruption.
- The airline has either to endorse the service or to reimburse the passengers.
- If the delay is due to weather, emergency situations, air traffic control, security issues, passengers, or other non-carrier related reasons the airline shall assist passengers in arranging food and accommodation but all costs should be borne by

passengers, except if the delay occurs at a stopover on domestic flight, or if passengers are on a diverted flight operated by a domestic carrier. In this later case, the airline shall provide services for passengers regardless of the reasons which caused the disruption.

- The airline has the same obligation in case of tarmac delay whether it is within or beyond its control.
- In the event of a “large area flight delay” (when there are numerous arrival and departure flight delays that cause a significantly large number of passengers to be detained in an airport within a certain period of time), airport and all units operating airport shall together establish a coordinating mechanism, including procedures for sharing information, coordinating flight release, and passenger services.
 - o Airport shall promptly initiate and execute the emergency response plan and passenger services coordination system.
 - o ATM shall inform the related parties of the reason, estimated departure time, and any other related dynamic information as it becomes available; and execute the flight release coordination system.

Denied boarding due to overbooking:

- No provision.

India

Aviation-Specific Consumer Protection Regulation:

- Section 3 of the civil aviation requirements dedicated to air transport, series M part IV, issue I, dated 6 August 2010 provides some rules to protect passengers.

Scope of application:

- Applicable to airlines operating to and from India.

Cancellation within the control of airlines:

- If the passenger is informed about the cancellation at least two weeks in advance, he is entitled to be rerouted or reimbursed.
- If the information occurs between two weeks and 24 hours before the scheduled departure time, the passenger is entitled to be rerouted within two hours of his departure time.
- If he is informed less than 24 hours before the scheduled departure time of the flight the airline is required to reimburse him the price paid for the ticket.
- In addition, the airline is required to compensate the passenger. The amount of the compensation shall be equivalent to a booked one-way basic fare with a maximum of INR 5,000 for flights of less than one

hour, INR 7,500 for flights between one hour and two hours and INR 10,000 for flights longer than two hours. The airline also has to provide meals, refreshment and hotel accommodation if necessary as well as transport to the accommodation in case the passengers have reported for the original flight and are waiting for the alternate flight.

Cancellation beyond the control of airlines:

- The same as above. However, the airline is not required to compensate the passengers in case of event of force majeure defined as extraordinary circumstances beyond the control of the airline which could not have been avoided even if all reasonable measures had been taken. Such extraordinary circumstances may in particular occur due to political instability, natural disaster, civil war, insurrection or riot, flood, explosion, government regulation or order affecting the aircraft, strikes and labor disputes causing cessation, slowdown or interruption of work or any other factors that are beyond the control of the airline.
- Additionally, airlines would also not be liable to pay any compensation in respect of cancellations and delays clearly attributable to Air Traffic Control (ATC), meteorological conditions, security risks, or any other causes that are beyond the control of the airline but which affect their ability to operate flights on schedule.

Delay within the control of airlines:

- The airline is required to provide the services previously mentioned to the passengers, depending on the length of the delay and on the length of the flight. Services must be provided if the delay is more than two hours after the scheduled departure time for flights up to two hours 30 minutes, three hours for flights between two hours 30 minutes and five hours, and four hours for flights longer than five hours.

Delay beyond the control of airlines:

- The airlines do not have any obligation toward passengers if the delay was caused by extraordinary circumstances previously defined.

Denied boarding due to overbooking:

- The airline is required to reroute the passenger to his final destination and to compensate him. The amount of the compensation shall be equivalent to 200% of the fare paid by the passenger if the rerouting is between one hour and 24 hours after the scheduled departure time (max INR 10 000) or to 400% of the fare if the alternate flight is scheduled to depart more than 24 hours after the scheduled departure time (max INR 20 000).

Indonesia

Aviation-Specific Consumer Protection Regulation:

- The Ministerial Decree No. 77 of 2012 on Air Carrier Liability.

Scope of application:

- Only applicable to domestic flights.

Cancellation within the control of airline:

- The airline shall inform the passenger of the cancellation not more than seven days prior to the flight, and if it is not acceptable to the passenger, shall reimburse the total value of the fare.
- If the passenger is informed within seven days, and the cancellation is not acceptable to him, the airline shall arrange for comparable air transportation or, if not available, for other transportation, with scheduled arrival at the destination as agreed on the ticket.

Cancellation beyond the control of airlines:

- In case of bad weather or technical reasons, the airline is not required to accommodate the passenger.

Delay within the control of airlines:

- For a delay of more than four hours, the airline shall give compensation for the amount of Rp. 300.000,00; or if there is no flight to the last destination of the passengers, it shall give compensation of 50% of Rp. 300.000,00, in addition to offering a flight to the closest airport of the last destination.
- The airline shall arrange for comparable air transportation or, if not available, for other transportation, scheduled to arrive at the place of his destination. The airline shall provide a connecting flight until the passenger arrives at destination as agreed on the ticket, with no additional charges.

Delay beyond the control of airlines:

- No provision.

Denied boarding due to overbooking:

- The airline shall arrange for comparable air transportation which is scheduled to arrive at the destination as agreed on the ticket, with no additional charge. In addition, the airline shall provide refreshments or meals, hotel accommodation, and land transport from airport to the hotel and vice versa (in case there are no other flights to the same destination).

New Zealand

Aviation-Specific Consumer Protection Regulation:

- Civil Aviation Act 1990, Part 9B.

Scope of application:

- Only applicable to domestic flights.

Cancellation within the control of airline:

- No provision.

Cancellation beyond the control of airlines:

- No provision.

Delay within the control of airlines:

- A carrier is liable for damage caused by delay in the carriage of passengers.
- The liability of the carrier in respect of damage caused by delay is limited to the lesser of a) the amount of damage proved to have been sustained as a result of the delay; or b) an amount representing 10 times the sum paid for the carriage.

Delay beyond the control of airlines:

- A carrier is not liable for damage caused by delay if the carrier proves that the delay a) arose by reason of meteorological conditions, compliance with instructions, advice, or information given by an air traffic control service, or obedience to orders or directions given by a lawful authority; b) was made necessary by force majeure; and c) was necessary for the purpose of saving or attempting to save life.

Denied boarding due to overbooking:

- No provision.

Viet Nam

Aviation-Specific Consumer Protection Regulation:

- The Law on Civil Aviation 2006, passed on 29 June 2006;
- Circular 14/2015/TT-BGTVT dated 27 April 2015 of the Ministry of Transport on non-refundable advanced compensations in air transportation of passengers; and
- Circular 36/2014/TT-BGTVT dated 29 August 2014 of the Ministry of Transport regulating the quality of passenger services at airports.

Scope of application:

- These rules provide rights to air passengers flying from Viet Nam.

Cancellation within the control of the airline:

- The airline is required to compensate the passengers unless the airline can prove that passengers have been informed of the cancellation no later than 24 hours prior to the scheduled time of departure; or that passengers have not registered their contact address; or that they failed to contact the passenger with his registered address; or the passenger did not check on time at the airport.

Compensation is not due either if passengers are rerouted and arrive at their final destination no more than four hours after the expected arrival time or six hours if the destination is a connecting point in the journey of the passenger.

- The amount of the compensation is as follows:

- For domestic flights under 500 km: VND 200,000; from 500 km to under 1,000 km: VND 300,000; of more than 1,000 km: VND 400,000.
- For international flights under 1,000 km: USD 25; from 1,000 km to less than 2,500 km: USD 50; from 2,500 km to 5,000 km: USD 80; of more than 5,000 km: USD 150.
- If the passenger is rerouted to its final destination, drinks must be provided to him after two hours of waiting and food must be provided to him after four hours of waiting for the alternative flight.

Cancellation beyond the control of airlines:

- The airline can be exonerated from its obligations above mentioned if the cancellation is caused by bad weather conditions, security risk or a decision of the State agencies. The airline will also not be liable to compensate the passenger if the cancellation is due to health problems of passengers, sabotaged or fleet, armed conflict, political instability, strikes, operational assurance services does not guarantee for the implementation of the flight, technical problems, other unforeseen cases.

Delay within the control of airlines:

- The airline is required to provide the services previously mentioned in case of cancellation.
- In addition, if the delay exceeds six hours, accommodation must be provided to the passenger.
- Moreover, the airline is required to compensate the passengers according to the levels previously mentioned if the delay exceeds four hours.

Delay beyond the control of airlines:

- The airline can be exonerated from its liability if the delay is caused by one of the reasons previously mentioned.

Denied boarding due to overbooking:

- The airline has to reroute the passenger to his final destination or to reimburse him.

EUROPE

European Union (EU)

Aviation-Specific Consumer Protection Regulation:

- Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91.

Scope of application:

- This regulation applies in all the EU member states, as well as in Iceland, Norway and Switzerland. It is applicable to all the flights departing from a State in which the regulation is applicable, as well as to flights to those countries if operated by an airline registered in a country where the regulation is applicable.

Cancellation within the control of airlines:

- The carrier has the obligation to reimburse the passenger of the price paid for his ticket or to reroute him to his final destination. If the passenger chose to be rerouted to his final destination, some services must be provided to him. The passenger must have free access to communication, refreshments and meals. If the next available flight takes place the day after, an accommodation and the transportation from the airport to the accommodation must be provided to the passenger.
- In addition, compensation must be provided to the passenger unless the cancellation was announced two weeks in advance, or between 2 weeks and seven days if the carrier offers a rerouting which allows passengers to depart no more than two hours before the scheduled time of departure and to reach their final destination less than four hours after the scheduled time of arrival, or less than 7 days before the scheduled time of departure if the carrier offers a rerouting allowing the passengers to depart no more than one hour before the scheduled time of departure and to reach their final destination less than two hours after the scheduled time of arrival.
- The amount of the compensation depends on the length of the flight. For all flights of less than 1500 km, the compensation is equivalent to 250 euros. For flights between 1500 and 3500 km, and for intra community flights of more than 1500 km the compensation is 400 euros. For non intra community flights of more than 3500 km, the compensation is 600 euros.

Cancellation beyond the control of airlines:

- In case of extraordinary circumstances which could not have been avoided even if all reasonable measures had been taken such as political instability, meteorological conditions incompatible with the operation of the flight concerned, security risks, unexpected flight safety shortcomings and strikes, the carrier has the obligation to reimburse the passengers or to reroute them to their final destination.
- If the passenger chose to be rerouted to its final destination, the services previously mentioned must be offered to him. However, the carrier is not required to compensate the passenger if the cancellation was caused by extraordinary circumstances.
- The decisions of the Court of Justice of the EU help to understand what must be considered as extraordinary circumstances. According to the CJEU, in case of technical problems, extraordinary circumstances must relate to an event which meets two cumulative conditions: first, it is not inherent in the normal exercise of the activity of the air carrier concerned; second, it is beyond the actual control of that carrier on account of its nature or origin.³

Delay within the control of airlines:

- When the flight is delayed for two hours or more for flights of 1500 km or less, of three hours for flights between 1500 and 3500 km and for all the intra-community flights of more than 1500 km, or four hours for flights of more than 3500 km, the services previously mentioned must be offered to the passenger.
- When the flight is delayed for more than five hours, the passenger is entitled to require a full reimbursement of the price of the ticket.
- The CJEU also specified in the Sturgeon decision⁴ that a delay of more than three hours should be regarded as a cancellation. In this case, the same obligations are therefore applicable to the carrier.

Delay beyond the control of airlines:

- If the delay is caused by extraordinary circumstances previously defined, the carrier is not required to compensate the passengers. However,

³ European Court of Justice (Fourth Chamber) *Friederike Wallentin-Hermann v Alitalia – Linee Aeree Italiane SpA* (C-549/07), 22nd December 2008.

⁴ Court of Justice of the European Union (Fourth Chamber) *Christopher Sturgeon, Gabriel Sturgeon and Alana Sturgeon v Condor Flugdienst GmbH* (C-402/07) and *Stefan Böck and Cornelia Lepuschitz v Air France SA* (C-432/07), 19th November 2009.

the airline is still required to provide the services previously mentioned as well as to reimburse the passenger of the price of the ticket if the delay exceeds five hours.

Denied boarding due to overbooking:

- The carrier has to reimburse the passenger or to reroute him to his final destination. If the passenger chose to be rerouted, the airline has to provide him the services previously mentioned. In addition, the airline need to compensate the passenger in accordance with the levels specified above.

Albania

- Albania adopted Instruction no. 1, dated 26 February 2013 which transposed the EU regulation in Albanian law⁵.

Bosnia and Herzegovina

- Article 120 of the Aviation Law of Bosnia and Herzegovina (27 April 2009) states that “In case of denied boarding, of cancellation or long delay of flights, compensation and assistance to passengers shall be governed by the EU regulation”.

Russian Federation

- The Russian Federation adopted some rules concerning passenger rights. The Cl. 99 of General Rules of Air Carriage of Passengers, Baggage, Cargo, and requirements to Serving Passengers, Consignors, Consignees (as approved by order 82 of the Russian Federation Ministry of Transport in June 2007) is, however, less protective than the EU regulation.

Turkey

- The Turkish regulation on Air Passenger Rights (Shy Passengers) of 1st January 2012 implements the EU regulations into the Turkish legislation.

Ukraine

- The Ukrainian “Passenger and Baggage Air Carriage Rules” (ratified by the order of the Ministry of Infrastructure № 735 of 30 November 2011 and registered with the Ministry of Justice on 28 December 2012 by the order № 2219/22531) provides that European regulations are also applicable in Ukraine.

⁵ The text of this regulation is in Albanian, consequently, the whole content of the text could not be reviewed.

LATIN AMERICA AND THE CARIBBEAN

Argentina

Aviation-Specific Consumer Protection Regulation:

- General Conditions of Contract for Air Transport (1998).

Scope of application:

- Shall govern the domestic and international scheduled air transport services of passengers, baggage and cargo, operated in the country by national and foreign airlines.

Cancellation within the control of airlines:

- The airline has to reroute the passenger to his final destination. The passenger will not pay any additional fare or charge and the airline will refund the difference if the fare and charges for the rescheduled route are less than a) the compensation for denied boarding in accordance with carrier regulations, or b) the immediate return, if applicable, of the price of the unused transport contract, in accordance with the payment methods used.

Cancellation beyond the control of airlines:

- The regulation does not differentiate between the two types of cancellation. Consequently, the airline has the same obligations whether the cancellation is within or beyond its control.

Delay within the control of airlines:

- If the delay is more than four hours, the airline has the obligation to reroute the passenger to his final destination (in case he misses a connecting flight for example, or if he can reach his final destination more rapidly on an alternative flight). The passenger will not pay any additional fare or charge and the carrier will refund the difference if the fare and charges for the rescheduled route are less than a) the compensation for denied boarding in accordance with carrier regulations, or b) the immediate return, if applicable, of the price of the unused transport contract, in accordance with the payment methods used.

Delay beyond the control of airlines:

- The regulation does not differentiate between the two types of delay. Consequently, the airline has the same obligations whether the delay is within or beyond its control.

Denied boarding due to overbooking:

- The airline has the obligation to reroute the passenger to his final destination. The passenger will not pay any additional fare or charge and the airline will refund the difference if the fare and charges for the rescheduled route are less than a) the compensation for denied boarding in accordance with carrier regulations, or b) the

immediate return, if applicable, of the price of the unused transport contract, in accordance with the payment methods used. In addition, the carrier shall provide the passenger, free of charge: a) telephone or cable communication to the destination point and local communications; b) meals and refreshments in accordance with the waiting time until boarding on another flight; c) hotel, airport or city accommodation when the delay of a flight exceeds four hours; and d) ground transportation to and from the airport.

Bolivia

Aviation-Specific Consumer Protection Regulation:

- Regulation for the Protection of the Rights of Users of Air and Airport Services (Reglamento de Defensa de los derechos del usuario de los servicios aéreo y aeroportuario), 9 September 2009.

Scope of application:

- Flights to and from Bolivia.

Cancellation within the control of airlines:

- The passenger has the right to choose between the refund of the value of his ticket, or a rerouting to his final destination. If he chooses to be rerouted, he must have access to refreshment, food, three minutes telephone call, accommodation and transport to the accommodation if necessary. A compensation of at least 25% of the value of the ticket must also be provided to him.
- If the cancellation occurs at a connecting point in the journey of the passenger, he must have the possibility to ask for a return flight to its point of departure.
- The carrier shall be released from liability if it has informed the passenger of the cancellation of the flight at least fifteen days prior the scheduled departure date, or has reported the cancellation with fewer days but has offered another substitute flight to the passenger's satisfaction.

Cancellation beyond the control of airlines:

- In case of force majeure or unforeseen circumstances such as weather conditions affecting the flight safety, duly certified and informed by the competent authorities, the airline only has to refund or reroute the passenger. No compensation or services should be provided to him.

Delay within the control of airlines:

- For delay between two and four hours, the carrier has to provide refreshments, three minutes telephone call and rerouting to destination or place of origin to the passengers.
- For delay between four and six hours, the airline also has to provide food to the passengers.

- For delay of more than six hours, the airline also has to provide accommodation and transport to the accommodation if necessary to the passenger, as well as compensation of at least 25% of the value of the ticket.

Delay beyond the control of airlines:

- In case of force majeure or unforeseen circumstances such as weather conditions affecting the flight safety, duly certified and informed by the competent authorities, the airline only has to refund or reroute the passenger. No compensation or services should be provided to him.

Denied boarding due to overbooking:

- The airline has to reroute the passenger to his final destination and to compensate him. The amount of the compensation should be equivalent to at least 25% of the value of the ticket.

Brazil

Aviation-Specific Consumer Protection Regulation:

- Resolution No. 400, approving the General Conditions of Transport, 13 December 2016, ANAC Passenger Guide, ANAC Flight Delay and Cancellation Rules.

Scope of application:

- Brazilian regulations apply to flights leaving Brazil.

Cancellation within the control of airlines:

- The airline has to refund the value of the ticket to the passenger, or to rebook him to another date of the passenger's convenience, or to reroute him and provide services during the waiting time.
- The services which should be provided depends on the waiting time. If the passenger has to wait over one hour, he must have access to communications (Internet, phone calls, etc.) during this period of time. If the delay is over two hours, voucher, snacks and water should be offered to the passenger. If the waiting time correspond to four hours or more, accommodation or lodging (if applicable) and transportation to and from local accommodation facilities should be offered to the passenger.

Cancellation beyond the control of airlines:

- The regulation does not differentiate between the two types of cancellation. Consequently, the airline has the same obligations whether the cancellation is within or beyond its control.

Delay within the control of airlines:

- In case of delay, the services previously mentioned and depending on the waiting time should be provided to the passengers. If the delay is more than four hours, the airline is required to refund the passenger, or rebook him to another date of his convenience, or reroute him to his final destination

as soon as possible and provide services during the waiting time.

- If the passenger is at a connecting airport, he must have the possibility to come back to the airport of origin.

Delay beyond the control of airlines:

- The regulation does not differentiate between the two types of cancellation. Consequently, the airline has the same obligations whether the cancellation is within or beyond its control.

Denied boarding due to overbooking:

- The airline has the possibility to refund the passenger, or to rebook him to another date of his convenience, or to reroute him and provide services during the waiting time.
- If the passenger is at a connecting airport, he must have the possibility to come back to the airport of origin.
- The Brazilian regulation does not provide any mandatory compensation.

Chile

Aviation-Specific Consumer Protection Regulation:

- Law 18916 approving the Aeronautical Code 8 February 1990, amended 30 May 2015.

Cancellation within the control of airlines:

- The airline has the obligation to reroute the passenger to his final destination and, if the alternative flight offered is departing more than three hours after the scheduled departure time, the airline has to provide services to the passenger (access to communication, meals and refreshments, accommodation and transport to the accommodation if necessary). In this case also, the passenger can decide not to perform the contract and require a reimbursement of the value of the ticket.

Cancellation beyond the control of airlines:

- Airlines may cancel a flight for reasons of force majeure, security, weather or other similar events. In such circumstances, they shall not be liable if they prove that they took the necessary measures to avoid the event causing the cancellation, or that it was impossible for them to take such measures. In such circumstances, the passenger can choose to persevere in the contract and to board the next flight available (rerouting). If the alternative flight offered is departing more than three hours after the scheduled departure time, the passenger has the right to terminate the contract by requesting reimbursement of the ticket price.

Delay within the control of airlines:

- The airline has to reroute the passenger to his final destination and, if the delay is more than three

hours after the scheduled departure time, the airline has to provide the services previously mentioned to the passenger. If the delay is more than three hours after the scheduled departure time and also if the passenger decides not to perform the contract, he is entitled to a reimbursement.

Delay beyond the control of airlines:

- The airline may delay a flight for reasons of force majeure, security, weather or other similar events. In such circumstances, the airline shall not be liable if it proves that it took the necessary measures to avoid the event causing the delay, or that it was impossible to take such measures. In such circumstances, the passenger can choose to persevere in the contract or if the delay is more than three hours after the scheduled departure time, the passenger has the right to terminate the contract by requesting reimbursement of the ticket price.

Denied boarding due to overbooking:

- The airline has the obligation to reimburse and compensate the passenger or to reroute him to his final destination, and provide services during the waiting time for the alternative flight and compensation if the alternative flight departs more than three hours after the scheduled departing time. The compensation depends on the length of the flight:
 - o less than 500 km: 2UF
 - o between 500 and 1000 km: 3UF
 - o between 1000 and 2500 km: 4UF
 - o between 2500 and 4000 km: 10 UF
 - o between 4000 and 8000 km: 15 UF
 - o more than 8000 km: 20 UF
- If the passenger is denied boarding on a connection, the passenger has the right to be returned to the point of departure with reimbursement of the ticket price, in addition to the compensation and services indicated.

Colombia

Aviation-Specific Consumer Protection Regulation:

- Civil Aviation Regulation (RAC 3, Part 3.10: Consumer Rights).

Scope of application:

- No provision except stating that “The Colombian aeronautical regulation is commonly applicable to all civil aeronautics activity performed by any national or foreign person or entity”.

Cancellation within the control of airlines:

- The airline has the obligation to reimburse the passenger and to compensate him, except if he is rerouted within six hours of the scheduled departure time. If the passenger is rerouted, services must be

provided to him during the waiting time. Services depend on the duration of the waiting time:

- o from one to three hours: refreshments and telephone communication not exceeding three minutes or rerouting to the final destination or point of origin in case of connecting flight;
- o from three to five hours: food; and
- o when the delay exceeds 10pm: accommodation and transport to the accommodation.

Cancellation beyond the control of airlines:

- In case of force majeure or bad weather condition, the passenger is only entitled to a reimbursement. In case of interruption (cancellation of a portion of a journey of a passenger), the passenger is entitled to a reimbursement or services and rerouting to his final destination.

Delay within the control of airlines:

- The airline has to provide the services previously mentioned to the passenger during the waiting time. If the delay is superior to five hours, the airline is required to compensate the passengers. The amount of the compensation must be at least 30% of the price of the ticket.

Delay beyond the control of airlines:

- In case of force majeure or bad weather conditions, the passenger is only entitled to a reimbursement of the price of the ticket.

Denied boarding due to overbooking:

- The passenger must be rerouted to his final destination and a compensation of at least 30% of the value of the ticket should be provided to him.

Ecuador

Aviation-Specific Consumer Protection Regulation:

- Resolution No. 0381/2013 of General Directorate of Civil Aviation, to modify the complementary provisions for the compensation to consumers for delays and cancellations of domestic scheduled flights by the air transport carriers.

Scope of application:

- This resolution applies only to domestic flights.

Cancellation within the control of airlines:

- The airline has to reimburse the passengers, or to offer them an alternative flight and services during the waiting time, as well as compensation (at least 25% of the price of the ticket) if the waiting time is over four hours. The services depend on the waiting time:
 - o from 30 minutes to three hours: refreshment and access to communication (telephone call of 3minutes);

- from three to four hours: food and a reduction of the value of the journey for the next trip equivalent to 10% of the price of the ticket;
- more than four hours: accommodation and transport to the accommodation if necessary (night time).
- Same provisions are applicable in case of interruption of the flight; if the journey has already started, the passenger must be offered the choice to have a return flight to his point of departure.

Cancellation beyond the control of airlines:

- The airline has to reimburse the passenger, or to offer them an alternative flight, refreshments and access to communications. The other services and the compensation are not provided in case of force majeure or adverse weather conditions.

Delay within the control of airlines:

- The airline has to provide services, depending on the length of the delay; compensation (at least 25% of the price of the ticket) if the delay is over four hours; and alternative transport if it allows the passenger to arrive faster to its final destination.

Delay beyond the control of airlines:

- In case of force majeure and adverse weather conditions, no services will be provided to the passengers except refreshment and access to communication.

Denied boarding due to overbooking:

- The airline must offer rerouting for the same day or as soon as possible. If the passenger cannot accept the alternative flight, he will receive compensation (at least 25% of the price of the ticket).

Honduras**Aviation-Specific Consumer Protection Regulation:**

- Decree No. 55-2004 approving the Civil Aviation Law.

Scope of application:

- No provision.

Cancellation within the control of airlines:

- In case of interruption of the trip, the airline should provide services during the interruption, reimbursement, or continuation of the journey, or return to the starting point and reimbursement.

Cancellation beyond the control of airlines:

- No provision.

Delay within the control of airlines:

- In case of interruption of the trip, the airline should provide services during the interruption, reimbursement, or continuation of the journey, or return to the starting point and reimbursement.

Delay beyond the control of airlines:

- No provision.

Denied boarding due to overbooking:

- The airline has the obligation to refund the proportional amount of the trip not made, or to reroute the passenger to his final destination and compensate him. The amount of the compensation should be equivalent to 50% of the price of the ticket. If the passenger chose to be reimbursed and is at a connecting point, he can ask to be rerouted to its starting point at no cost for him.

Mexico**Aviation-Specific Consumer Protection Regulation:**

- Civil Aviation Law, 12 May 1995, amended 26 June 2017.

Scope of application:

- No provision.

Cancellation within the control of airlines:

- The airline has to reimburse the passengers and to compensate them. The amount of the compensation should be at least 25% of the price of the ticket.
- The passenger can also choose to be rerouted on the first available flight to his final destination, and services should therefore be provided to him during the waiting time (free access to telephone calls and e-mails; food in accordance with the waiting time until boarding on another flight; hotel accommodation at the airport or city when overnight accommodation is required; and, in the latter case, ground transportation to and from the airport).
- The third choice available to the passengers is to be carried at a later date to the destination for which the flight has been cancelled. In this case the passenger should be compensated. The amount of the compensation should be at least 25% of the price of the ticket.

Cancellation beyond the control of airlines:

- No provision.

Delay within the control of airlines:

- The airline will provide access to telephone calls and emails. In addition,
 - delay between one and four hours: at least discounts for subsequent flights to the contracted destination and/or food and beverages.
 - delay between two and four hours: the discounts included in the compensation policies may not be less than 7.5% of the ticket price.
- In case of delay of more than four hours, the airline has the same obligations that it has in case of cancellation.

Delay beyond the control of airlines:

- If, due to fortuitous circumstances or force majeure, the aircraft must land at a place other than the place

of destination, the concessionaire or permit holder must take the passenger by the fastest means of transport available to the place of destination.

Denied boarding due to overbooking:

- The airline must refund the price of the ticket or the unused portion (at least 25%); reroute and provide communication service, food, and accommodation if needed; and transport at a later date to the destination.

Nicaragua

Aviation-Specific Consumer Protection Regulation:

- The Law No. 595 of Civil Aviation, 3 August 2006.

Scope of application:

- No provision.

Cancellation within the control of airlines:

- Failure to make the journey for reasons attributable to the carrier shall entitle the passenger to reimbursement of the price paid for the ticket, without prejudice to compensation for damages caused by the carrier (Art. 145).
- In case of interruption of the flight, the carrier is obliged to support the passengers for the duration of the interruption, without prejudice to any compensation that may derive from the responsibility of the carrier for unjustified delay (Art. 146).

Cancellation beyond the control of airlines:

- When the non-completion of the trip is due to causes not attributable to the carrier, the passenger shall be entitled to the reimbursement of the price paid for the ticket, or if he wishes, to be transported on another regular flight in conditions similar to those original flight (Art. 145).

Delay within the control of airlines:

- The carrier is obliged to compensate for a passenger if the delay takes place during the period from the moment the flight should have commenced to the moment the trip ends (Art. 189).
- The compensation for unjustified delay or deviation from the route shall be limited to a maximum sum equivalent to one hundred percent (100%) of the ticket price, in accordance with the respective air transport contract (Art. 189).

Delay beyond the control of airlines:

- Any delay or diversion from the route authorized by the aeronautical authority, which has occurred for the purpose of protecting human life due to adverse weather conditions or safety reasons on the flight, shall not be considered a breach of the contract of air transport, nor imply any responsibility for the carrier (Art. 189).

Denied boarding due to overbooking:

- Failure to make the journey due to overbooking shall entitle the passenger to reimbursement of the price paid for the ticket, without prejudice to compensation for damages caused by the carrier (Art. 145).

Paraguay

Aviation-Specific Consumer Protection Regulation:

- Law No. 1860 that establishes the Aeronautical Code of the Republic of Paraguay.

Scope of application:

- No provision.

Cancellation within the control of airlines:

- The airline has to reimburse the passenger of the price paid for the ticket. In case of interruption (cancellation of one part of the flight only), the airline has to reimburse the passenger or, if he chooses to perform the contract, provide him services (food, lodging, transportation, and communications that are reasonably accessible to the public, at the expense of the airline).

Cancellation beyond the control of airlines:

- The airline has to reimburse the passenger if he chooses not to perform the contract. If he chooses to perform the contract by taking another flight, then he won't be entitled to receive services.

Delay within the control of airlines:

- If the flight is delayed for more than six hours, the passenger is entitled to be reimburse. However, he will not be reimbursed if he chooses to perform the contract. If the flight is delayed for more than eight hours, the carrier must offer an alternative flight to the passengers.
- Services must be provided during the waiting time (food, lodging, transportation, and communications that are reasonably accessible to the public at the expense of the airline).

Delay beyond the control of airlines:

- In case of force majeure or determination of the aeronautical authority, if the airline can prove that he and his dependents and agents took all the necessary measures that were reasonable to avoid

the damage or that it was impossible for them to take such measures, the airline will not have to provide the services previously mentioned to the passengers.

Denied boarding due to overbooking:

- The airline has to reroute the passenger to his destination and provide services to him if the rerouting is longer than four hours.

Peru**Aviation-Specific Consumer Protection Regulation:**

- Law No. 27261 on Civil Aviation.

Scope of application:

- No provision.

Cancellation within the control of airlines:

- The airline has to reimburse the passengers. In case of interruption of the trip (cancellation of one part of the flight only), the passenger has the right to the reimbursement of the unrealized part, or the continuation of the transport by the same carrier or another under the same conditions, or the return to the point of departure. The passenger shall be entitled to the payment of ordinary costs (accommodation, food, drink, communications and necessary travel).

Cancellation beyond the control of airlines:

- The regulation does not differentiate between the two types of cancellation. Consequently, the airline has the same obligations whether the cancellation is within or beyond its control.

Delay within the control of airlines:

- There is no obligation in case of delay.

Delay beyond the control of airlines:

- There is no obligation in case of delay.

Denied boarding due to overbooking:

- The airline has to reimburse the passengers or to reroute them and provide them services (accommodation, food, drink, communications and necessary travel).

Trinidad and Tobago**Aviation-Specific Consumer Protection Regulation:**

- Legal Notice No. 182 of 2016.

Scope of application:

- Applicable to national and international flights.

Cancellation within the control of airlines:

- The airline has to reroute the passenger and provide services until the next flight (meals, accommodation and transport to the accommodation), to refund them upon request, and

to offer a flight back to original point of departure if necessary.

Cancellation beyond the control of airlines:

- The regulation does not differentiate between the two types of cancellation. Consequently, the airline has the same obligations whether the cancellation is within or beyond its control.

Delay within the control of airlines:

- The airline has to provide services until the next flight (meals, and if the delay is superior to 12

hours, accommodation and transport to the accommodation), or refund the passengers upon request, and provide a flight back to original point of departure if necessary.

Delay beyond the control of airlines:

- The regulation does not differentiate between the two types of cancellation. Consequently, the airline has the same obligations whether the cancellation is within or beyond its control.

Denied boarding due to overbooking:

- The airline has to reroute the passengers, and to provide compensation depending on the time of rerouting.
- For domestic transport, if the rerouting occurs within one hour, no compensation should be provided. If it occurs between one and two hours, the amount of the compensation should be equivalent to 200% of the fare (limited to 2000 TTD). If the rerouting occurs more than two hours after the scheduled departure time, the amount of the compensation should be equivalent to 400% of the fare (limited to 4000 TTD).
- For international flights (departing from Trinidad and Tobago), no compensation should be provided if the rerouting occurs within one hour. If it occurs between one and four hours, the amount of compensation should be equivalent to 200% of the fare (limited to 8200 TTD). If the rerouting occurs more than two hours after the scheduled departure time, the amount of the compensation should be equivalent to 400% of the fare (limited to 16400 TTD).

Uruguay**Aviation-Specific Consumer Protection Regulation:**

- Law No. 14.305 approving the Aeronautical Code.

Scope of application:

- No provision.

Cancellation within the control of airlines:

- The airline has to refund the passengers.

Cancellation beyond the control of airlines:

- The airline has to refund the passengers.

Delay within the control of airlines:

- No specific provision is provided in case of delay.

Delay beyond the control of airlines:

- No specific provision is provided in case of delay.

Denied boarding due to overbooking:

- Reimbursement of 80% of the ticket price.

MIDDLE EAST

Bahrain

Aviation-Specific Consumer Protection Regulation:

- Regulations under the Civil Aviation Law issued by virtue of Law No. 14 of 2013, Chapter 3 (Passenger rights).

Scope of application:

- Air transport of persons, baggage and goods on flights arriving in the State and departing from the State. This transport is undertaken by the air operator registered in the State or has been appointed to operate flights from and to the State. Such transport shall be consistent with the provisions of international conventions of which the State is a party.

Cancellation within the control of airlines:

- Art. 49, 2:
 - o If the air operator informs the passenger of flight cancellation fourteen days prior to the date of travel, the air operator shall be exempted from requirements of care, support and compensation. The air operator shall reimburse the ticket value to the concerned passenger.
 - o If the air operator informs the passenger of the flight cancellation fourteen days before the fixed date of flight, the air operator should offer the passenger an alternative flight or reimbursement of the full ticket value or the remaining part of the flight.
 - o If the passenger opts for an alternative flight against the cancelled flight in accordance with the above and this resulted in extension of the passenger's residence for an additional period until the date of the alternative flight, the air operator shall bear the costs of residence and meals of the passenger for the additional period until the new date of travel.
- Art. 49, 3. If the flight is cancelled for unexpected reasons during the presence of the passenger at the airport, and if the passenger has chosen an alternative flight, the passenger may be treated in accordance with the following:
 - o If the flight is on a higher class for the same operator, or another operator, the air operator shall bear the cost difference, in case the cost of travel on the alternative flight is higher than the cost for the same air operator.
 - o If the travel was on the same air operator or on another air operator at a lower class, the air operator shall compensate the passenger to the equivalent of the full cost difference, or the

equivalent of 500 Special Drawing Rights, whichever is higher.

Cancellation beyond the control of airlines:

- Art. 54 (Force Majeure):
 - o The definition of force majeure does not include aircraft technical defects.
 - o The air operator shall, if possible, offer appropriate care and support in cases of force majeure.
 - o The air operator shall not be responsible vis-à-vis the passengers in cases of force majeure, in accordance with the provisions of paragraph above of this Article, if it proves that it took the measures that should have been taken, or that it was impossible for the air operator to take such measures.

Delay within the control of airlines:

- Art. 50:
 - o If the air operator advises the passenger of a delay of the flight or change of the scheduled time for the flight fourteen days before the date fixed for the travel, the air operator shall be exempted from requirements of care, support and compensation.
 - o If the air operator fails to determine the new take off time, it should - in addition to the forms of care it should present - compensate the passenger by 15 Special Drawing Rights for each hour of delay up to 100 Special Drawing Rights.
 - o The air operator provides the following forms of care to the passengers: soft drinks as of the start of the first hour of the original time fixed for departure; a hot meal, if the delay period is expected to be three hours or more from the original time fixed for departure; and hotel stay, if the probable delay period exceeds eight hours from the original time fixed for departure.
 - o The passenger has the right to choose between the care services mentioned or to be compensated for them as follows: the equivalent of 15 Special Drawing Rights instead of the hot meal, if the possible delay period exceeds three hours after the original time fixed for departure; the equivalent of 50 Special Drawing Rights instead of the hotel stay, if the possible delay period exceeds eight hours after the original time fixed for departure.
 - o In case the flight is delayed before the passenger is at the airport, the air operator shall bear the cost of extending the hotel stay of the passenger until the time of the new take off.

Delay beyond the control of airlines:

- Art. 50, 3: The air operator shall not be responsible for any damage resulting from the delay, if it is established that the air operator, his staff or agents have taken all necessary reasonable measures to avoid the damage, or that it was impossible for them to take such measures.

Denied boarding due to overbooking:

- Art. 48 7: If the air operator refuses the travel of any passenger since there are no volunteer to rescind their seats, or since the volunteers are insufficient, the air operator should provide the necessary care, attention, support and compensation to the passenger, in accordance with the following mechanisms:
 - Adequate information must be given to the passenger when travel is rejected by reason of the overbooking regulation policy.
 - If alternative seats are available on a lower class in the same flight, the air operator must inform the passenger that such alternative seats are available on the lower class, in accordance with item below of this paragraph.
 - The air operator must allow the passenger to choose travelling on another flight by the same air operator or a flight by another air operator, with the air operator incurring the difference of the travel cost if any.
 - If the passenger awaits the forthcoming flight of the air operator, or if this flight is the closest alternative flight requiring attendance of one to eight hours at the airport, the air operator must enable the passenger to use the hospitality lounges if available at the airport.
 - Downgrading the passenger on the same flight by reason of overbooking is not considered refusal of the travel. The air operator must compensate the passenger for the total difference in fare between the original travel class and the part of the flight that has been downgraded.
 - In the case of refusing the travel of a passenger continuing his flight from the arrival point to other destinations, the air operator must ensure that the passenger arrives at the final destination as soon as possible, with the least possible delay, whether on the flight of other air operators, or on a higher class of travel. The air operator must bear the difference in the travel cost if any, and the passenger must present a proof of continuing the flight from the arrival destination.

Israel

Aviation-Specific Consumer Protection Regulation:

- Aviation Services Law (Compensation and Assistance for Flight Cancellation or change conditions), 5772-2012.

Scope of application:

- A flight taking off from within the boundaries of the State of Israel or flying to Israel, including a flight with a stopover.

Cancellation within the control of airlines:

- A passenger will be entitled to receive assistance services (food and drinks, accommodation if an overnight stay is required, travel services between airport and accommodation, and two telephone calls and fax/e-mails); reimbursement or a replacement flight ticket; and monetary compensation (Art. 6 (a)):
 - up to 2,000 km: 1250 NIS
 - up to 4,500 km: 2000 NIS
 - above 4,500 km: 3000 NIS
- In case the passenger has accepted a replacement flight ticket, the amount of compensation may be reduced, by half, in these following situations: when the delay in the landing time at the final destination of the passenger, compared with the original landing time at that destination, is as detailed below (Art 6 (b)):
 - up to two hours - if the flight is at a distance which is not longer than 2,000 km;
 - up to three hours - if the flight is at a distance which is not longer than 4,500 km;
 - up to four hours - if the flight is at a distance which is longer than 4,500 km.
- A passenger will not be entitled to monetary compensation if the cancellation is informed him two weeks in advance, or between two weeks and seven days if the carrier offers a rerouting which allow him to depart no more than two hours before the scheduled time of departure and to reach his final destination less than four hours after the scheduled time of arrival, or less than 7 days before the scheduled time of departure if the carrier offers a rerouting allowing him to depart no more than one hour before the scheduled time of departure (Art 6 (c)).

Cancellation beyond the control of airlines:

- A passenger will be entitled to receive assistance services (food and drinks, accommodation if an overnight stay is required, travel services between airport and accommodation, and two telephone calls and fax/e-mails); and reimbursement or a replacement flight ticket.

- There will be no monetary compensation in these situations (Art. 6 (e)): a) the flight has been cancelled due to special circumstances which were not under its control, and even if it would have done whatever was under its control - it could not have prevented the cancellation due to those circumstances; b) the flight was cancelled due to a strike or a protected work-by-rule strike; and c) the flight has been cancelled in order to prevent the desecration of the Sabbath or a (Jewish) holiday.

Delay within the control of airlines:

- A passenger will be entitled to receive food and drink and communication services after at least two hours from the time stipulated in the flight ticket. In case of delay between five hours and eight hours, a passenger shall be entitled to either a reimbursement or replacement flight tickets. A passenger who has been offered a replacement flight ticket for a flight which is supposed to take off on the following date, and has chosen to accept it, shall be entitled to also receive accommodation service and travel services (Art. 7).

Delay beyond the control of airlines:

- The same as above. However, if a flight has taken off late as stated due to a strike or a protected go-slow strike, the passenger will be entitled to the reimbursement of the consideration, and food and drink and communication services only (Art. 7).

Denied Boarding due to overbooking:

- A passenger will be entitled to receive assistance services (food and drinks, accommodation if an overnight stay is required, travel services between airport and accommodation, and two telephone calls and fax/e-mails); reimbursement or a replacement flight ticket; and monetary compensation (the same amount as specified for cancellation) (Art. 5 (b)).
- In case the passenger has accepted a replacement flight ticket, the amount of compensation may be reduced, by half, in these following situations: when the delay in the landing time at the final destination of the passenger, compared with the original landing time at that destination, is as detailed below (Art. 5 (c)):
 - o up to four hours - if the flight is at a distance which is not longer than 2,000 km;
 - o up to five hours - if the flight distance is longer than 2,000 km and is not longer than 4,500 km;
 - o up to six hours - if the flight distance is longer than 4,500 km.
- This provision does not apply if for security reasons, due to the state of health of a passenger or due to concern of harm to flight safety the passenger

cannot be flown on the flight, or if the passenger does not have the appropriate travel documents. Nevertheless, a compensation will be provided to the passenger in this situation (refusal to fly him due to security concerns) if he has come to the airport at least three hours before the take-off time, he has cooperated in the security check and his travel documents are in order.

Oman

Aviation-Specific Consumer Protection Regulation:

- Economic regulation of licensing and consumer protection in Civil Aviation, December 2015.

Scope of application:

- This Regulation applies to passengers departing from an airport in Oman.

Cancellation within the control of airlines:

- In case of cancellation of a flight, the operating air carrier must offer to the passengers concerned (Art. 3.1.):
 - o reimbursement of the full cost of the ticket or re-routing and assistance (meals and refreshments and hotel accommodation), as well as, in event of rerouting when the reasonably expected time of departure of the new flight is at least the day after the departure as it was planned for the cancelled flight, the assistance (hotel accommodation and transport between airport and hotel) and communications services (two telephone calls).
 - o compensation unless passengers are informed of the cancellation at least two weeks before the scheduled time of departure.
- The operating air carrier shall provide passengers with compensation (Art. 4):
 - o OMR 108 for all flights of 1,500 kilometres or less;
 - o OMR 173 for all flights between 1,500 kilometres and 3,500 kilometres;
 - o OMR 260 for all flights not falling under above.
 - o The amount should be reduced by 50% if the carrier offers a route change and the delay at arrival is inferior to 2h for flights shorter than 1500 km, 3h for flights between 1,500 and 3,500 km, and 4h for flights longer than 3,500 km.

Cancellation beyond the control of airlines:

- No compensation when the cancellation is caused by extraordinary circumstances which could not have been avoided even if all reasonable measures had been taken (Art. 3.2).

Delay within the control of airlines:

- Flight delay for two hours or more, passengers shall be offered, free of charge, by the operating air

carrier the following assistance: a) meals and/or refreshments in a reasonable relation to the waiting time; b) hotel accommodation in cases — where a stay of one or more nights becomes necessary, or— Where a stay additional to that intended by the passenger becomes necessary; and c) transport between the airport and place of accommodation (hotel or other). In addition, passengers shall be offered free of charge two telephone calls, telex or fax messages, or e-mails (Art. 6).

Delay beyond the control of airlines:

- When a flight is delayed or cancelled due to extraordinary circumstances, the operating air carrier may limit the right to hotel accommodation to a maximum of three nights (Art. 6. 3.).

Denied boarding due to overbooking:

- If boarding is denied to passengers against their will, the operating air carrier shall immediately compensate them (the same amount as specified above) and assist (meals, refreshments, hotel accommodation, transport between the airport and accommodation, free access to telecommunications) them (Art. 2, 3.).

Saudi Arabia

Aviation-Specific Consumer Protection Regulation:

- Consumer Protection Regulation in 2005 (GACA Regulation, August 2005).

Scope of application:

- Flights of both national and foreign carriers departing from Saudi Arabia's airports and flights arriving at Saudi Arabia's airports by a national carrier (unless the passenger is compensated or given assistance according to the regulations of the country of departure) (Art. 2).

Cancellation within the control of airlines:

- The air carrier shall provide customers with care and support: a) refreshments for the first hour from the original time of departure; b) an appropriate meal if the delay exceeds three hours from the originally scheduled time of departure; and c) hotel accommodation and transportation to and from the airport if the delay exceeds six hours from the originally scheduled time of departure (Art. 7).
- For international flights (Art. 10):
 - o When the air carrier notifies the customer of the cancellation of a flight fourteen days before the original time of travel, the air carrier shall be exempted from the requirements of care and support. Nevertheless, the air carrier shall refund the paid ticket value for the remaining part of the flight to the customer, in addition to

compensation equivalent to 100% of the unused portion(s).

- o When the customer is notified of the cancellation of a flight between fourteen days and 24 hours before the originally scheduled time of departure, the air carrier shall allow the customer the option of finding an alternative flight within 24 hours of the original scheduled departure time or to terminate the contract.
- For domestic flights (Art. 10):
 - o When the air carrier notifies the customer of the cancellation of a flight seven days before the original time of travel, the air carrier shall be exempted from the requirements of care and support. Nevertheless, the air carrier shall refund the paid ticket value for the remaining part of the flight to the customer, in addition to a compensation equivalent to 100% of the unused sector(s).
 - o When the customer is notified of the cancellation of a flight between seven days and 24 hours before the original scheduled time of departure, the air carrier shall allow the Customer an option of finding an alternative flight within less than 24 hours of the originally scheduled departure time or to terminate the contract.
- Domestic and international flight (Art. 10):
 - o When the air carrier notifies the customer of the cancellation of a domestic or international flight between 24 hours and 4 hours before the original scheduled time of departure and the air carrier fails to offer the customer an option of finding an alternative flight within 6 hours from the originally time of scheduled departure and the customer is forced to make a reservation with a different air carrier, the original air carrier shall refund the ticket price of the unused sector(s), in addition to a compensation equivalent to 100% of that value, without prejudice to care and support requirements.

Cancellation beyond the control of airlines:

- In cases of force majeure, the air carrier shall be exempted from the compensation, but the air carrier shall provide the appropriate care and support services (Art. 16).

Delay within the control of airlines:

- The air carrier shall provide customers with care and support: a) refreshments for the first hour from the original time of departure; b) an appropriate meal if the delay exceeds three hours from the originally scheduled time of departure; and c) hotel

accommodation and transportation to and from the airport if the delay exceeds six hours from the originally scheduled time of departure (Art. 7).

- In the case of a flight delay while the customer is in the hotel, the air carrier shall bear the expenses of any additional hotel stay until the alternative take off-time. In the case of an actual flight delay or an anticipated flight delay for a period that exceeds six hours, the customer shall have the right to request the air carrier to consider the flight as a cancelled (Art. 11).

Delay beyond the control of airlines:

- In cases of force majeure, the air carrier shall be exempted from the compensation, but the air carrier shall provide the appropriate care and support services (Art. 16).

Denied boarding due to overbooking:

- The air carrier shall provide customers with care and support in the same manner as cancellation and delay (Art 7).
- The air carrier must afford the customer the right to choose between travelling on a different flight operated by the same air carrier, or to travel with another air carrier. The difference in cost, if any, shall be borne by the air carrier (Art. 8).
- If the customer is denied boarding by the air carrier and the customer decides to terminate the contract, the air carrier shall refund the ticket price for any unused sector(s) and provide compensation equal to 100% of that value (Art 8).
- The customer shall not be eligible for compensation if the air carrier arranges similar air transportation within 6 hours of the originally scheduled departure time (Art 8).

NORTH AMERICA**Canada**

- The Canadian Transportation Agency (CTA) has been mandated to adopt measures concerning passenger's rights. Until the recent amendments, airlines were only required to prepare and apply their own individual tariffs including reasonable terms. According to the *Transportation Modernization Act* which came into force on May 23, 2018, the CTA is going to make regulations defining airlines' minimum obligations to passengers' in case, inter alia, of flight disruptions.

United States**Aviation-Specific Consumer Protection Regulation:**

- The United States adopted different rules implementing passenger rights which are codified in the Code of Federal Regulations in the Title 14 entitled Aeronautics and Space.

Scope of application:

- Various.

Cancellation within the control of airlines:

- Concerning flights to, from and within the United States, the carrier has the obligation to inform passengers about a change in the status of a flight within 30 minutes after he becomes aware of such a change in the status of the flight.

Cancellation beyond the control of airlines:

- The regulation does not differentiate between the two types of cancellation. Consequently, the airline has the same obligations whether the cancellation is within or beyond its control.

Delay within the control of airlines:

- In case of tarmac delays only, defined as the holding of an aircraft on the ground either before taking off or after landing with no opportunity for its passengers to deplane, concerning flights to, from and within the United States, the carrier has the obligation to come back to the gate and let the possibility to the passengers to deplane after 3-hour of delay for domestic flights, and 4-hour of delay for international flights unless security reasons prevent to do so. After 2-hour of delay, the carrier must provide food and refreshments to the passengers. At any time, passengers must have access to medical assistance and lavatory facilities. Passengers must be informed of the status of the flight every thirty minutes and of the reasons of the delay if known.

Delay beyond the control of airlines:

- The regulation does not differentiate between the two types of cancellation. Consequently, the airline has the same obligations whether the cancellation is within or beyond its control.

Denied boarding due to overbooking:

- Concerning flights from the United States only, the carrier has to offer to the passenger rerouting to the destination and compensation if the passenger reaches his destination more than one hour after the arrival scheduled time. The amount of the compensation shall be 200% of the passenger's fare with a maximum of USD 675 if the passenger reaches his destination within four hours after the arrival scheduled time for international flights or two hours for domestic flights, otherwise the amount of the compensation shall be 400% of the passenger's fare with a maximum of USD 1,350.