

ICAO

CONSUMER PROTECTION NEWSLETTER

October 2017

Passengers Rights: Knowing the Air Fare, Taxes, Airport and Other Charges (Court of Justice of the European Union, Sept. 2017)

On 6 July 2017, the Court of Justice of the European Union, in a dispute before German courts, ruled that, with regards **price transparency**, the **air fare**, **taxes**, **airport charges** and **other charges, surcharges** and **fees**, which make up the final price to be paid must always be **brought** to the **customer's attention** in terms of the amounts that they represent in the **final price**.

Relevance to the *ICAO Core Principles on Consumer Protection* (See Next Page): **§ 2.1 and 2.2.**

Denied Boarding Responsibility of Passengers to Carry Necessary Documents (French *Cour de Cassation*, Nov. 2015)

Three passengers had been denied boarding at departure because 2 of them did not hold a booked return trip, a valid visa and a valid passport. On 10 September 2015, the *Cour de Cassation* ruled that the air carrier's responsibility is to check, upon boarding, that passengers are duly authorized to land at the point of arrival. However, the court ruled that it is **passengers' responsibility to ensure, prior to boarding**, that they hold **valid travel documents**.

Relevance to the *ICAO Core Principles on Consumer Protection* (See Next Page): **§ 2.1.**

Airlines Obligations Towards Passengers (Canada, May 2017)

On 16 May 2017, a proposed amendment to the Canada Transportation Act was introduced as Bill C-49. Among other provisions, Bill C-49 proposes to enable the Canadian Transportation Agency to make regulations respecting air carriers' obligation to make **terms and conditions** of carriage and information regarding recourses **readily available** to **passengers**; to establish minimum standards of **treatment** of **passengers**; and to establish minimum **compensation** in case of **disruptions**.

Relevance to the *ICAO Core Principles on Consumer Protection* (See Next Page): **§ 2.2, 3.2 and 3.3.**

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ICAO CORE PRINCIPLES ON CONSUMER PROTECTION

1. Preamble

1.1. Recognizing that passengers can benefit from a competitive air transport sector, which offers more choice in fare-service trade-offs and which may encourage carriers to improve their offerings, passengers, including those with disabilities, can also benefit from consumer protection regimes.

1.2. Government authorities should have the flexibility to develop consumer protection regimes which strike an appropriate balance between protection of consumers and industry competitiveness and which take into account States' different social, political, and economic characteristics, without prejudice to the safety and security of aviation. National and regional consumer protection regimes should i) reflect the principle of proportionality ii) allow for the consideration of the impact of massive disruptions, iii) be consistent with the international treaty regimes on air carrier liability established by the Convention for the Unification of Certain Rules Relating to International Carriage by Air (Warsaw, 1929) and its amending instruments, and the Convention for the Unification of Certain Rules Relating to International Carriage by Air (Montréal, 1999).

2. Before the travel

2.1. Recognizing the variety of air transport products in the market, passengers should have access to information on their rights and clear guidance on which legal or other protections apply in their specific situation, including the assistance expected, for example, in case of service disruption. To help air passengers make informed choices among different price and service offerings, consumer education efforts could be considered to increase awareness of passengers consumer rights and the available avenues for recourse should disputes arise. Efforts should also be made to increase awareness by passengers of airline products available in the market, different airline policies and contractual rights.

2.2. Passengers should have clear, transparent access to all pertinent information regarding the characteristics of the air transport product that is being sought, prior to purchasing the ticket, including the following:

- a) total price, including the applicable air fare, taxes, charges, surcharges and fees;
- b) general conditions applying to the fare; and
- c) identity of the airline actually operating the flight, and advice on any change occurring after the purchase as soon as possible.

3. During the travel

3.1. Passengers should be kept regularly informed throughout their journey on any special circumstances affecting their flight, particularly in the event of a service disruption.

3.2. Passengers should receive due attention in cases of a service disruption, whether they result in the passenger not boarding the flight or in arriving at the destination significantly later than scheduled. This could include rerouting, refund, care and/or compensation where provided by relevant regulations or otherwise.

3.3. Considering that passengers may find themselves in a vulnerable position in situations of massive disruptions, mechanisms should be planned in advance by airlines, airport operators, and all concerned stakeholders, including government authorities, to ensure that passengers receive adequate attention and assistance. Massive disruptions could include situations resulting from circumstances outside of the operator's control that are of a magnitude such that they result in multiple cancellations and/or delays of flights leading to a considerable number of passengers stranded at the airport. Such circumstances could include, for example, events such as meteorological or natural phenomena of a large scale including hurricanes, volcanic eruptions, earthquakes, floods, political instability or similar events and result in large numbers of passengers being stranded away from their home.

3.4. Persons with disabilities should, without derogating from aviation safety, have access to air transport in a non-discriminatory manner and to appropriate assistance. To this end, they are encouraged to provide pre-notification of their needs.

4. After the travel

4.1. Passengers should be able to rely on efficient complaint handling procedures that are clearly communicated to them.