



DIRECTORS GENERAL OF CIVIL AVIATION-MIDDLE EAST REGION

Third Meeting (DGCA-MID/3) (Doha, Qatar, 27-29 April 2015)

Agenda Item 9: Air Transport

AIR TRANSPORT SERVICES CONSUMER PROTECTION

(Presented by Qatar)

SUMMARY

This paper provides an overview on the essential need of having consumer protection regulation, and the role of Governments to establish such legislations including the delineation of responsibilities for the implementation of these legislations.

The working paper presents Qatar government vision and action towards providing healthy economic environment and high consideration to the consumer's rights and protection, and illustrated the main areas that had to be considered while drafting local legislations, urging ICAO to adopt a unified regime including monetary values for compensations and fines as a step towards simplifying air transport business, and avoid conflicts of regulations.

1. INTRODUCTION

1.1. Nobody can deny that consumer protection became an essential need, where governments have to establish regulations and legislations to protect consumer rights, especially that EU and US had obliged air carriers to abide with their rules and regulations, and consequently several governments had established their own regulations to protect air transport services consumer rights, which created an extra burden on airlines that resulted in negative impact on operations economics which has to be balanced through governmental interference for compromising between consumer protection and airlines costs.

2. DISCUSSION

2.1. Referring to the International Civil Aviation Organization (ICAO) 38th general assembly resolution on consumer protection which states "Requests the Council to develop, in the short term, a set of high-level, non-binding, non-prescriptive core principles on consumer protection, for use as policy guidance, which strike an appropriate balance between protection of consumers and industry competitiveness and which take into account the needs of States for flexibility, given different State social, political and economic characteristics; these core principles should be consistent with existing instruments, in particular that of the Convention for the Unification of Certain Rules for International Carriage by Air, adopted in Montréal on 28 May 1999;(copy attached).

Also referring to the implications of that resolution, which was reflected in the recommendations of the Air Transport Regulations Panel (ATRP) during its meeting in Montreal (26 – 30 May 2014), clarifying the core principles on consumer protection which has to be considered by governments while establishing consumer protections legislations and regulations (copy attached).

2.2. As well reference to IATA resolution of the 69th AGM in 2013 which had been pointed out in ICAO's resolution calling for the adoption of governments for consumer protection systems, IATA had set the core principles for such regulation as a step towards unification of regulations considering balance between consumer rights and burdens generated over airlines (copy attached).

2.3. Accordingly Qatar Civil Aviation Authority took the initiation and prepared a draft consumer protection regulation in light with the Guiding regulation prepared by Arab Civil Aviation Commission (ACAC) and legislations and regulations applied in the region, as well as the EU and US regulations which are all considered main markets for airlines working in Qatar market.

Currently the draft regulation is being internally discussed and amended and revised in light with recommendations of concerned international organizations and associations, as well Qatar civil aviation authority participates in the ACAC consumer protection working group as to benefit from members discussions and practical experience in order to update and revise the Qatari regulation.

2.4. Qatar government strategic vision in providing healthy economic environment for an important sector as the Air transport is highly considered while drafting this regulation, Air Transport sector is considered one of the important catalysts and vital tool for developing trade and other different economic sectors and activities, all consumer rights had been considered including air passengers, and cargo forwarders, and consigners as an important concern to the Qatari government, at the same time compromise between consumer rights and burdens generated on airlines is a main concern, as to maintain profitability for the economic sector which secures development of the air transport sectors for the benefit of all parties.

Discussing the draft regulation with the national carrier (Qatar Airways) is an important step, being the main user of the national aviation facilities, and a major player in the region and for the Civil aviation Authority to be guided with the practical applications, as to avoid drafting any wordings that might have negative effect on air carriers, this step will be followed by submitting the revised draft to concerned authorities for issuing the legislation.

Internally Qatar Civil Aviation Authority had established specialized section to be responsible for applications of the regulation, and follow up and supervise all service providers, through experienced trained staff who can provide technical support for both consumers and service providers, and will make sure as well that all consumers are aware of their rights according to what is mentioned in the regulation.

3. RECOMMENDATION:

3.1. Proposal of unification of principles of consumer's protection, and setting values for the fines and amounts of compensations, in order to avoid conflicts between different regulations of different countries, where the main important areas for consumer rights are:

- Reservation and Sales.
- Denied boarding.
- Delay and cancellation of flights.
- Incapacitated special needs passengers.
- Delay, loss or damage of baggage.
- Air cargo.

4. ACTION BY THE MEETING:

4.1. The call for ICAO to adopt unified system for protecting air transport services consumer's rights, and to determine unified values for compensations and fines as to simplify the process for passengers and to avoid conflict of regulations between countries.

-END-