



## DIRECTORS GENERAL OF CIVIL AVIATION-MIDDLE EAST REGION

### Fourth Meeting (DGCA-MID/4) (Muscat, Oman, 17-19 October 2017)

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#### Agenda Item 9: Air Transport

#### AIR PASSENGER RIGHTS LAWS

(Presented by AACO)

SUMMARY	
<p>Passengers and aviation companies face more confusion about defining their responsibilities and rights as passenger rights laws continue to proliferate. Therefore, ICAO has adopted key consumer protection principles to tailor the existing regulations to this area. AACO believes it is important to develop these principles to include additional key principles, which we have incorporated in this working paper.</p>	
<b>Strategic Goals:</b>	<ol style="list-style-type: none"><li>1. Avoiding the proliferation and conflict of passenger rights laws.</li><li>2. Emphasizing that these laws do not put great pressure on aviation companies in a way that does not benefit the air passenger.</li></ol>

#### 1. INTRODUCTION

1.1. We witness the proliferation and multiplicity of passenger rights laws that add to the burdens imposed on aviation companies and cause confusion for airlines and passengers alike. Various passenger rights laws exist in more than 60 countries in the world. According to IATA data, the proliferation of these laws will increase the financial burden on aviation companies by about three times from \$4 billion in 2012 to \$12 billion in 2017.

#### 2. DEVELOPMENTS

2.1. In July 2015, the ICAO Council adopted a set of key principles on consumer protection developed by the ICAO Air Transport Committee. These principles are considered to be a living document, i.e. the Air Transport Committee can introduce amendments to it. These principles are aimed

at approximating protection laws in place in many countries, since they are non-binding and used only as evidence of States' policy towards consumer protection. This will help create a balance between consumer protection and the competitiveness of the aviation industry.

2.2. The 39<sup>th</sup> General Assembly of ICAO urged Member States to take into account and apply the ICAO Principles for Consumer Protection as they develop their laws on consumer protection and their operational and regulatory practices in this area.

### **3. OPINION AND RECOMMENDATIONS**

3.1. AACO believes that ICAO's key principles on consumer protection are the right step to begin harmonizing consumer protection laws in the world. AACO further believes that these principles can be developed to include some of the points listed below. We recommend Directors General of Civil Aviation in the Middle East Region to support incorporating these principles into ICAO's main principles.

- a) Governments should be given a sufficient time to hold consultation talks with the concerned bodies prior to the adoption of passenger rights laws.
- b) The concerned parties should be given a sufficient time between the date in which these laws are adopted and the date in which they come into force so that they can prepare for the implementation of these laws.
- c) It should be taken into consideration that aviation companies are not solely responsible for disturbances in the air transport. Therefore, it is necessary to include clauses on distributing responsibility among all concerned parties involved in the passenger transport process, namely manufacturers, airport operators, ground service providers, air navigation service providers, etc.

3.2. In addition, we think it is important to incorporate a clear text in the ICAO's Principles to recognize the exceptional circumstances in which aviation companies are exempted from paying compensations.

3.3. AACO also recommends Directors General of Civil Aviation in the Middle East Region to avoid the adoption of passenger rights laws such as those adopted in the EU and the US because of their complexity, ambiguity, and the additional burdens they impose on aviation companies that had to recourse to the courts to clarify the provisions of these laws. Instead, they are required to adopt clear and non-detailed laws that allow aviation companies to achieve excellence in the services they provide to passengers.