



WORKING PAPER

WORLDWIDE AIR TRANSPORT CONFERENCE (ATCONF)

SIXTH MEETING

Montréal, 18 to 22 March 2013

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

Agenda Item 2.3: Consumer protection

**ESTABLISHMENT OF AN AD HOC WORKING GROUP TO STUDY THE DEVELOPMENT
OF MODEL TEXT FOR CONSUMER PROTECTION REGULATIONS IN THE FIELD OF AIR
TRANSPORT**

(Presented by Saudi Arabia on behalf of a group of Arab States²)

EXECUTIVE SUMMARY

This working paper contains what the Kingdom of Saudi Arabia accomplished in the area of regulating approach for consumer protection and a proposal to establish an ad hoc working group in order to develop a global standard regulating approach for regulations to protect consumers' interests and to focus on the rights of those with special needs.

Action: The Conference is invited to agree to the recommendations presented in paragraph 6.

References: ATConf/6 reference material is available at www.icao.int/meetings/atconf6.

1. INTRODUCTION

1.1 In view of the accelerating development of the air transport industry, the relationship between users and providers of this industry became more complex, so it became necessary to regulate this relationship through appropriate legal frameworks that safeguard the rights of both sides of air travel (the traveller/consumer, and the air carrier).

1.2 Since the protection of consumers' interests in general and the interests of those with special needs in particular is so important, the 2003 Fifth Worldwide Air Transport Conference (ATConf/5) discussed a special item that proposed that States should initially develop their own regulations and obligations in this area, while ICAO would continue to monitor developments and

¹ Arabic version provided by Saudi Arabia.

² Algeria, Bahrain, Egypt, Iraq, Jordan, Lebanon, Libya, Mauritania, Morocco, Oman, Palestine, Qatar, Kingdom of Saudi Arabia, Sudan, Tunisia, United Arab Emirates and Yemen.

provide information to States, in order to assist them in achieving harmony between various regulations for the protection of consumers' interests.

1.3 The Kingdom of Saudi Arabia issued executive regulations to protect consumers' interests, which included several operative provisions in addition to a special section for those with special needs. According to these provisions, consumers' interests will be protected and air carriers that do not provide good service, as contracted between the consumer and the air carrier, will be held accountable.

2. **SUMMARY OF THE ACHIEVEMENT OF THE KINGDOM OF SAUDI ARABIA IN THIS FIELD**

2.1 The Kingdom of Saudi Arabia, through the Civil Aviation General Authority, issued regulations for the protection of consumers' interests, including those with special needs, in 2010. The regulations have been applied since 2011. Consumers did appreciate the promulgation of these regulations because they trusted the regulating body of the air transport industry and its efforts to safeguard their rights. That body received observations from service providers and work is underway to update the regulations in consideration of those observations.

2.2 Work is underway to organize the electronic receipt of complaints in order to accelerate their settlement.

3. **ARAB EXPERIENCE**

3.1 Since the Kingdom of Saudi Arabia believes in the necessity of regional coordination in all air transport industry areas, the Saudi Civil Aviation General Authority presented a working paper to the 28th meeting of the Air Transport Committee of the Arab Civil Aviation Commission to review the Saudi experience. That paper was adopted as well as a recommendation to establish an Ad Hoc working group to develop a common vision for an Arab model to guide States in developing their own legislations in the field of the protection of consumers' interests.

3.2 The Kingdom of Saudi Arabia presided over the working group, which was comprised of the Kingdom of Saudi Arabia, the Kingdom of Morocco, the Hashemite Kingdom of Jordan, Sudan and Egypt. This working group developed an initial draft for Arab guidance regulations that safeguard all rights, including the rights of those with special needs. This draft was presented at the 29th meeting of the Air Transport Committee of the Arab Civil Aviation Commission. It was endorsed to be sent to all Member States for review and comments.

3.3 The Saudi delegation proposed at the 29th meeting that a working paper be presented to the ICAO Sixth Worldwide Air Transport International Conference (ATConf/6), describing the Saudi experience, and proposing also the establishment of an ICAO working group to prepare a code for the protection of consumers' interests in general. Morocco proposed to focus as well on the rights of those with special needs. This code may be used as guidance worldwide.

4. **PRESENTATION**

4.1 The recommendations of ATConf/5 referred to the fact that States balance between the obligations of the air operators vis-à-vis consumers and what is required to issue the necessary regulations

to safeguard consumers' rights. When comparing what is presented at ATConf/6 with regard to the possibility of developing guidelines for protection, where a dispute arises between the consumer and the provider, the following may be considered:

4.2 This paper presents a proposal to establish an Ad Hoc working group that would study all regulations issued by States in order to develop a universal code for use by all States and the air transport industry service providers in the area of safeguarding consumers' rights, including the right of those with special needs.

4.3 It is worth referring to the United Nations General Assembly resolution No. 3447, dated 9 December 1975, which referred in its third paragraph that persons with special needs have a genuine right that their human dignity be respected. Moreover, Annex 9 of the Convention on International Civil Aviation did not omit to mention in its paragraph G of its 8th chapter the necessity to provide the required facilities to those with special needs by all concerned parties, such as airports, aircraft operators as well as ground handling operators. The targeted code may focus on the necessity to take into consideration those special needs in building and developing airports so that they include all necessary facilities to serve this category of passengers.

4.4 Practical tests and analyses of consumers' complaints showed that there is a gap and a difference between State regulations in the field of consumer rights protection, because of the absence of consolidated reference for air operators and aviation authorities, or at least similar broad lines that facilitate rights demands by the consumer when he travels between regions and countries.

5. CONCLUSION

5.1 In the global context of consolidation of the air transport industry regulations, the above mentioned makes clear the need to disseminate consumer protection regulations that will support consumers' rights, in addition to codifying the relationship between industry parties. This may minimize problems and conflicts that arise because of the lack of regulations and rules that determine rights and obligations as well as the authority that is authorized to regulate and adjudge in any dispute.

6. RECOMMENDATION

6.1 The Conference is invited to recommend the establishment of an ad hoc working group emerging from the Air Transport Regulation Panel and the possibility of having assistance from specialists in the field of consumer rights protection in Member States, to work on the development of a standard regulation code to safeguard consumers' rights, including those with special needs, in order to reduce the existing differences between different legislations in this area, so that such standard regulation code may be used as guidance by Member States when issuing national legislations for the protection of consumers' rights.