

ARISE PLUS CIVIL AVIATION PROJECT

ACTIVITY IMPLEMENTATION SHEET

 ACTIVITY THEME: **Air Transport**

 ACTIVITY NO. (OWP): **3.4**

Activity Title:

Enhance passenger protection – Raise awareness of consumer and passenger protection issues

PST Contact Persons	Title	Name	Phone	Fax	E-mail
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Venue: Bandar Seri Begawan, Brunei Darussalam (details TBD)

Starting: 09.00 hrs, 4 December 2018

Ending: 14.00 hrs, 6 December 2018

OBJECTIVES:

- Enhance the awareness of AMS on air passenger protection in ASEAN
- Provide the basis for an analysis of AMS' air passenger protection
- Share initial European experience on issues that are being identified

ARISE Plus Experts

Expert 1	Name:	Wolfgang Sander-Fischer
	Organisation	Air Transport Expert, ARISE+ Project
Expert 2	Name:	Michail Chatzipanagiotis
	Organisation	EU Passenger Protection Expert
Expert 3	Name	Ridha Aditya Nugraha
	Organisation	Air Law Expert, ASEAN

ASEAN EXPERTS PROFILE

Number: 25

Specialty	Air Transport Policy and Regulation, Consumer/Passenger Protection
Position	<ul style="list-style-type: none"> - Director General or Deputy Director General for Regulatory Affairs - Director for Air Transport - Director or Head of Consumer/Passenger Protection Department or Section

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SUMMARY

The Convention for the *Unification for Certain Rules for International Carriage by Air (Montreal Convention, 28 May 1999)* carries principles and rules for consumer protection as applicable to air passengers. Six of the ASEAN Member States (AMS) have ratified this basic Convention to date.

In an effort to balance industry competitiveness and consumer protection, ICAO developed guidance material in such areas as conditions of carriage, fare guarantee, baggage, tariff disclosure, denied boarding and code sharing. This guidance can, among others, be found in the *Policy and Guidance Material on the Economic Regulation of International Air Transport* (Doc 9587). ICAO has also issued *Core Principles on Consumer Protection*, applicable to air travel. As well, ICAO has carried out a study on the *Effectiveness of Consumer Protection Regulations*.

The European Commission issued *REGULATION (EC) No 261/2004 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 11 February 2004*. This regulation establishes common rules for the EU on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights.

During the Inception Phase visits of the EU-ARISE + Civil Aviation Project in April 2018, it was found that consumer/passenger protection laws exist in the AMS and that work is on-going within ASEAN on a harmonization of such laws across all sectors.

Specific air passenger protection regulations and implementation procedures vary widely among AMS. In some AMS air passenger protection is applied to all passengers while in others it covers domestic passengers only. Some AMS indicated that work was in progress to enhance their related regulations and procedures and make them more widely applicable.

Where air passenger protection regulations and implementation procedures exist, these typically are applied by the civil aviation administrations in conjunction with other entities. It was pointed out that AMS are not fully aware of the situation on the subject in neighboring States.

Based on the findings of the ARISE + Inception Phase visits, and considering that passenger protection is a topic not previously addressed by the predecessor project EU-AATIP, this initial workshop will be conducted with the AMS to:

- enhance awareness of AMS on air passenger protection in ASEAN
- share initial European experience on issues that are being identified
- review existing laws, regulations, procedures and practices employed by the AMS so as to provide the basis for an analysis of AMS' air passenger protection

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The following presentations are expected at the workshop:

- Montreal Convention and ICAO guidance material on consumer protection (ARISE +/-EU Expert)
- EU regulations/guidance material on consumer/passenger protection (EU Expert)
- European experience on passenger protection (EU Expert)
- Individual national laws, regulations, procedures and practices on consumer/passenger protection and challenges (AMS)
- Planning of analysis of AMS' air passenger protection and next workshop (ARISE+)

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AGENDA:

1	Welcome and adoption of agenda, introduction of participants, workshop objectives
2	Montreal Convention and ICAO guidance material on consumer protection (ARISE +/-EU Expert)
3	EU regulations/guidance material on consumer/passenger protection (EU Expert)
4	European experience on air passenger protection (EU Expert)
5	Individual national laws, regulations, procedures and practices on consumer/passenger protection and challenges (AMS)
6	Towards better passenger rights in ASEAN (ASEAN Expert)
7	Determination and discussion of critical elements
8	Preparation of draft Questionnaire to AMS on air passenger protection
9	Planning of analysis of AMS' air passenger protection Questionnaire
10	Allocation of tasks for the time period before second workshop
11	Review, wrap up and closing statements

Miscellaneous

Participants in the 1st workshop are expected to attend the 2nd workshop and to participate actively in the desk work that will be required between the two workshops