

ARISE PLUS CIVIL AVIATION PROJECT					
ACTIVITY IMPLEMENTATION SHEET					
ACTIVITY THEME: Air Transport				ACTIVITY NO. (OWP): 3.4.4	
ACTIVITY TITLE: Enhance passenger protection – Raise awareness of consumer and passenger protection issues					
PST contact persons	Title	Name	Phone	Fax	E-mail
	Mr.	Wolfgang Sander-Fischer	+66.827853576		wsanderfischer@gmail.com
Venue	Phnom Penh, Cambodia				
Starting	09:00, 18 February 2020				
Ending	17:00, 20 February 2020				
OBJECTIVE:					
–Further enhance the awareness of AMS on air passenger protection in ASEAN –Continue carrying out analysis of AMS' existing air passenger protection regimes, determining critical elements, and discuss possible harmonization –Further share European and Asian experience on issues that are being identified					
ARISE PLUS EXPERTS					
Expert 1	Name:	Wolfgang Sander-Fischer			
	Organisation:	Air Transport Expert, ARISE PLUS Project			
Expert 2	Name:	Michail Chatzipanagiotis			
	Organisation:	EU Passenger Protection Expert			
Expert 3	Name:	Jae Woon Lee			
	Organisation:	Asian Lead Expert on Passenger Protection			
Expert 4	Name:	Ridha Aditya Nugraha			
	Organisation:	ASEAN Support Expert on Passenger Protection			
ASEAN EXPERTS PROFILE				Number: 25	
Specialty	Air Transport Policy and Regulation, Consumer/Passenger Protection				
Position	–Director General or Deputy Director General for Regulatory Affairs –Director of Air Transport –Director or Head of Consumer/Passenger Protection Department or Section				
SUMMARY					
Background: 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 Union 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 PLUS 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 consumer protection laws across all sectors.

During the project's first two regional workshops on the subject, it was revealed that 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, while there are also AMS that barely have any provisions on passenger protection. 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 neighbouring States.

Following distribution of a questionnaire on the topic to all AMS, an analysis of the responses was carried out and priorities were established. MC99 was established as the basis for harmonization of air passenger protection regulations among AMS, which are all signatories to the Chicago Convention and ICAO Contracting States. Further harmonization was discussed during the third workshop and detailed analysis was carried out on specific regulations in AMS, e.g. governing flight disruptions, in order to establish 'Agreed Practices'. Additional regulations, e.g. on fare advertisement and display, as well as transparency of terms in air carriage contracts, have been identified as a priority for establishing further 'Agreed Practices'.

Specific presentations on MC99, EU 261 etc. are being provided to AMS hosting the workshops, as requested.

The following presentations are expected at the workshop:

- 1) Continuation of discussion on Agreed Practices regarding passenger protection in cases of flight disruption, which began in the 3rd workshop (AMS/Focal Point/ARISE PLUS Expert/EU/Asian and ASEAN Expert)
- 2) Selected EU and other regulations/guidance material on transparency of air fares and contractual terms of carriage (EU Expert)
- 3) Asian experiences on advertising and displaying of air fares (Asian/ASEAN Experts)
- 4) Presentations on individual national laws, regulations, procedures and practices on consumer/passenger protection and challenges (AMS)
- 5) Laws, regulations, procedures and practices on transparency of air fares - analysis of AMS' regimes and possibilities for harmonization, including Agreed Practices (AMS/Focal Point/ARISE PLUS/EU/Asian/ASEAN Experts)
- 6) Priorities and arrangements for next workshop (ARISE PLUS/Focal Point/EU and Asian/ASEAN Experts)

DRAFT AGENDA

Nº	Agenda Item:	Partners involved:
1	Opening statements, welcome and adoption of agenda, introduction of participants, workshop objectives, group photo	Host, EASA/ARISE PLUS Expert
2	Continuation of discussion on Agreed Practices regarding passenger protection in cases of disruption of flights	AMS/Focal Point/ARISE PLUS/EU/Asian/ASEAN Experts
3	Selected EU and other regulations/guidance material on transparency of air fares and of	EU Expert Dr. Michael Chatzipanagiotis

	contractual terms of carriage	
4	Selected issues of Asian countries' regulations on transparency of air fares	Asian Expert Dr Lee Jae Woon and ASEAN Expert Ridha Aditya Nugraha
5	Presentations on individual national laws, regulations, procedures and practices on transparency of air fares and challenges	AMS
6	Determination and discussion of critical elements and for possible harmonization and Agreed Practices among AMS	AMS/Focal Point/ARISE PLUS/EU/Asian/ASEAN Experts
7	Allocation of tasks for the time period before 5 th workshop	ARISE PLUS/EU/Asian/ASEAN Experts
8	Review, wrap up and closing statements	EASA/ARISE PLUS Expert
Remarks: Participants in the 3rd workshop are expected to attend the 4th workshop and to participate actively in the desk work that will be required between the two workshops.		