

**ASEAN AIR PASSENGER PROTECTION**  
**> GAP ANALYSIS <**  
**REGULATIONS - DOMESTIC TRAVEL**

Category Country	Death/ Injury	Advance Payments	Delay Passenger	Liability Baggage	Mandatory Insurance/ Passenger Liability	Liability Operating Carrier	Flight Cancellation	Denied Boarding	Disabled Passengers
Brunei Darussalam* (see notes below)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Cambodia	YES – WC29: Art 36, 37 <a href="#">2008 Law on Civil Aviation</a>	NO	YES – WC29: Art 36, 39 <a href="#">2008 Law on Civil Aviation</a>	YES – WC29: Art 36, 38 <a href="#">2008 Law on Civil Aviation</a>	YES – <a href="#">Art 11.5 2008 Law on Civil Aviation</a>	Unclear - (might be covered by <a href="#">2008 Law on Civil Aviation</a> )	NO	NO	Legislation expected by end 2019
Indonesia	Article 62 & 141, Law No. 1 on Aviation, 2009  Article 3 & 14, MoT Regulation No. 77 on Responsibility of Air Carriers, 2011	Article 5, Para (4), MoT Regulation No. 77, Responsibility of Air Carriers, 2011 (provisions re: advance payment for loss of baggage)	Article 3, 9 & 10, MoT Regulation No. 89 on Delay Management of Scheduled Commercial Air Carriers, 2015, containing rights to caretaking & compensation.	Article 62 & 143 & 144, Law No. 1 on Aviation, 2009  Article 4 – 6, MoT Regulation No. 77 on Responsibility of Air Carriers, 2011	Article 62 of Law No. 1 of 2009 on Aviation and Article 8 & 9 of the MoF Regulation No. 15/PMK.010/2017 on Amount of Compensation and Obligatory Contribution on Accident of Public Passenger Transportation on Land, River/Lake, Ferry/Crossing, Sea & Air  This provision explains the amount of contribution one must pay in order	Article 2 and the whole Chapter IV of MoT Regulation No. 77 of 2011 on Responsibility of Air Carriers  Article 12, MoT Regulation No. 89 on Responsibility of Air Carriers, 2015	Article 3 letter f, Article 9 letter f and Article 10 of the MoT Regulation 89 of 2015 on Delay Management of Scheduled Commercial Air Carriers	Article 147 of Law No. 1 of 2009 on Aviation;  Article 11 of the MoT Regulation No. 77 of 2011 on Responsibility of Air Carriers regarding denied boarding as revoked by the MoT Regulation 89 of 2015 on Delay Management of Scheduled Commercial Air Carriers.  The newly enacted law does not contain denied	Act no. 19, 2011  Article 239 of Law No. 1 of 2009 on Aviation;  Chapter VI of the MoT Regulation 185 of 2015 on Standard of Services for Passengers of Scheduled Economy Air Carriers;  MOT Regulation 98, 2017

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					<p>to be included in Indonesia's insurance company (PT Jasa Raharja (Persero)), and not a third party (private) insurance company, with a maximum compensation of IDR 50M.</p> <p>This still does not explain how the IDR 1,200M (the amount of compensation for the death of passenger in aircraft accident) will be obtained.</p>			boarding compensation. This means the new MoT Regulation forces denied boarding to be categorized into either flight delay or cancellation of flight.	
Lao, PDR	YES (Art. 58 of the Law on Civil Aviation of 2005 – respective provision in Civil Aviation Law 2018 must be Art. 106,	YES (Art. 112: Law on Civil Aviation of 2018)	YES (Art. 58 of the Law on Civil Aviation of 2005 – respective provision in Civil Aviation Law 2018 must be Art. 106,	YES (Art. 58 of the Law on Civil Aviation of 2005 – respective provision in Civil Aviation Law 2018 must be Art. 106,	YES (Art. 113: Law on Civil Aviation of 2018)	YES (Deducted from Art. 58 of the Law on Civil Aviation of 2005, which does not distinguish between	YES (Art. 58 of the Law on Civil Aviation of 2005 – respective provision in Civil Aviation Law 2018 must be Art. 106,	NO	Yes, but not aviation specific <a href="#">Prime Minister Decree on Persons with Disabilities</a> ; DCAL Facilitation Provisions 2017

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	but English translation of the 2018 Law not available)		but English translation of the 2018 Law not available)	but English translation of the 2018 Law not available)		contracting and operating carrier – respective provision in Civil Aviation Law 2018 must be Art. 106, but English translation of the 2018 Law not available)	but English translation of the 2018 Law not available)		
Malaysia	NO	NO	Part III Article 10 and Article 12 paragraph (1) to (3) and the First Schedule of the MACPC	Part III Article 13 to 14 and the First Schedule of the MACPC	YES	According to the MACPC (and as elaborated in this table), the operating airline is responsible for:  1. Flight delay & cancellation; 2. Lost or damaged baggage; 3. Denied boarding; 4. Providing facilities for people with reduced mobility; and 5. Damage suffered by	Part III Article 12 Paragraph (4) to (8) and the First Schedule of the MACPC	Part III Article 11 of the MACPC and the First Schedule of the MACPC	Part III Article 9 and the Second Schedule of MACPC; Persons with Disabilities Act 2008

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						third parties due to the operation of aircraft.			
Myanmar	NO	NO	NO	NO	YES ( <a href="#">The Union of Myanmar Aircraft Rules 1937, Schedule IX</a> )	NO	NO	NO	Law of the Rights of Persons with Disability, 2015; drafting of National Facilitation Programme underway
Philippines	Para 15, Air Passenger Bill of Rights; Art 1755-1763 & 2206 Civil Code	Para 16, Air Passenger Bill of Rights  (Note: Immediate Payment of Compensation)	Para 12, Air Passenger Bill of Rights	Para 14, Air Passenger Bill of Rights, Art 1733-1753 Civil Code	Para 8.2.1.9 of Philippines Civil Aviation Rules (PCAR), No. 59 of Series 2016 CAB Resolutions	Para 2.1 & 3, Air Passenger Bill of Rights  (Note: Scope of the Passenger Bill of Rights to Operating Carrier)	Para 11, Air Passenger Bill of Rights	Para 10 & 13 Air Passenger Bill of Rights	Para 9.2, Air Passenger Bill of Rights; Republic Act 9994 & 10754
Singapore	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Thailand	Art 10, International Carriage by Air Act governs both international and domestic flights;		MoT: Protection of Passenger Rights Using Thai air carriers' Services for Domestic Scheduled air services 2010;	Art. 11 & 12, International Carriage by Air Act	MoT: Announcement on Criteria and conditions for granting licensing to air operation business B.E.	See: Mandatory Insurance	MoT: Protection of Passenger Rights Using Thai Air Carriers' Services for Domestic Scheduled Air Services 2010;	See: Flight Cancellation	MoT: Protection of Passenger Rights Using Thai air carriers' Services for Domestic Scheduled air services 2010,

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			Art. 12, International Carriage by Air Act		2559 (2016) clause 21,56,73 and appendix C		MoT: Charter Flight Services 2013 (drafting model from EU Regulation EC241/2004)		Article 8: Person with disability and unaccompanied children
Viet Nam	Art 160 of the Law on Civil Aviation of Vietnam 2006	Art 169 of the Law on Civil Aviation of Vietnam 2006	Art 145, 164, 166 of the Law on Civil Aviation of Vietnam 2006; MoT Circular 36, 81, 2014, MoT Circular 14, 2015	Art 166 of the Law on Civil Aviation of Vietnam 2006	Art 163 of the Law on Civil Aviation of Vietnam 2006	Art 145, 146 & 147 of the Law on Civil Aviation of Vietnam 2006	Art 145(5), Art 147 of the Law on Civil Aviation of Vietnam 2006; MoT Circular 14, 2014; MoT Art. 7, Circular 36, 2014	Art 145(5), Art146, Art 147 of the Law on Civil Aviation of Vietnam 2006	Art 145(2) of the Law on Civil Aviation of Vietnam 2006; MoT Circular 36, 2014; MoT Circular 81, 2014

GAP ANALYSIS COMPENSATION - DOMESTIC BRU\_CMB\_INS\_LAO\_MAL\_MYA\_PHI\_SIN\_THA\_VIE (REV 2.0)

15-Apr-19