



# **AN OVERVIEW OF CUSTOMER PROTECTION REGULATION ON CANCELLATION AND DENIED BOARDING**

Presentation by  
Civil Aviation Authority of Viet Nam



## PASSENGERS PROTECTION REGULATIONS – CANCELLATION/DENIED BOARDING

Law on Civil Aviation of Viet Nam was promulgated in 2006, amended and supplemented in 2014:

- *Article 111: All airlines of Viet Nam shall be responsible to register their Condition of Carriage with the Ministry of Transport.*

*The Civil Aviation Authority of Viet Nam shall coordinate with the Customers Rights Protection Authority (Ministry of Industry and Trade) to consider and review such rules to ensure the customers' benefits.*

- *Article 145: The responsibility of carriers to passengers*
- *Article 146: Denied boarding for passengers have confirmed reservation*
- *Article 166: The limits of liability applicable to the carrier.*



## **PASSENGERS PROTECTION REGULATIONS – CANCELLATION/DENIED BOARDING**

Law on Civil Aviation of Viet Nam was promulgated in 2006, amended and supplemented in 2014:

### ***Article 111: Condition of Carriage***

1. The Condition of Carriage shall be an integral part of an air transportation contract, providing regulation for carriers in the transportation of passengers, baggage, cargo and mail by air.
2. The Condition of Carriage shall not be contrary to the provisions of this Law and those of international conventions to which the Socialist Republic of Viet Nam is a member.
3. Air carriers shall be responsible for promulgating their Condition of Carriage registered with Ministry of Transport.



## **PASSENGERS PROTECTION REGULATIONS ON CANCELLATION/DENIED BOARDING PASSENGERS**

### ***Article 145. Obligations of the carriers for passenger transportation***

- 3. In case the passenger has confirmed reservation but there is disruption or delay of the flight which is not due to fault of the passenger, the carrier must inform the passengers, apologize to passengers, care for meal, refreshment, transportation, accommodation and bear all other expenses related directly to his waiting time at the airport in conformity with Condition of Carriage.
- 4. In case the passenger has confirmed reservation and if there is disruption or delay due to fault of the carrier, apart from his obligations set out in paragraph 3 of this Article, the carrier must arrange the appropriate itinerary for the passenger in conformity with the Condition of Carriage or refund used tickets without fee.



## **PASSENGERS PROTECTION REGULATIONS ON CANCELLATION/DENIED BOARDING PASSENGERS**

### ***Article 145. Obligations of the carriers in passenger transportation***

- 5. In case the passenger has confirmed reservation, but passengers is not transported or the flight is delayed or cancelled due to fault of the carrier and without prior notice, it shall be the duty of the carrier to carry out its obligations as provided for in paragraph 3 and 4 of this Article and pay compensation for the passenger.

The Minister of Transport, with the consent of the Minister of Finance, regulate the time for prior notice, long delay flight period and compensation.



## **PASSENGERS PROTECTION REGULATIONS ON CANCELLATION/DENIED BOARDING PASSENGERS**

***Article 146. Denied boarding for passengers have confirmed reservation  
(not due to the fault of carrier)***

- 1) From condition of the passenger's health, the carrier obviously realizes that the transport of the passenger or continuation to transport the passenger shall be dangerous or harmful to this passenger, other passengers on the aircraft or the flight;
- 2) For the prevention of infectious disease spread;
- 3) The passenger does not observe regulations on aviation safety and security and air transportation;
- 4) The passenger has action affecting public order, jeopardizing the flight's safety or affecting others' life or properties;
- 5) The passenger does not master his behaviour because of his using alcohol, beer and other narcotic;
- 6) For the reason of security;
- 7) At the request of competent governmental authority.



## **PASSENGERS PROTECTION REGULATIONS ON CANCELLATION/DENIED BOARDING PASSENGERS**

### ***Article 166. The limits of liability applicable to the carrier***

1. The carrier is entitled to limits of liability for damage as follows:

- a) For the carriage of passenger, the liability for damage to death, injury of each passenger is limited to 100,000 Special Drawing Rights (SDR) for each passenger;
- b) For the carriage of passenger, the liability for delay is limited to 4,150 SRD for each passenger;
- c) For the carriage of baggage, including checked and unchecked baggage the liability in case of destruction, loss, damage or delay is limited to 1,000 SDR for each passenger; in case the passenger has made a declaration for checked baggage and paid a supplementary sum, the carrier will be liable to pay a sum not exceeding the declared sum, unless it proves that the sum is greater than the passenger's actual interest in delivery at destination;
- d) For the carriage of cargo, the liability of the carrier in the case of destruction, loss, damage or delay is limited to a sum of 17 SDR per kilogramme; in the case where the consignor has made a declaration of interest in delivery at destination and has paid a supplementary sum, the carrier will be liable to pay a sum not exceeding the declared sum, unless it proves that the sum is greater than the consignor's actual interest in delivery at destination.

2. Special Drawing Right (SDR) is the unit of account defined by the International Monetary Fund. The conversion of SDR into Viet Nam Dong shall be made according to official exchange rate announced by State Bank of Viet Nam at the moment of payment.



## **PASSENGERS PROTECTION REGULATIONS ON CANCELLATION/DENIED BOARDING PASSENGERS**

### ***Article 166. The limits of liability applicable to the carrier***

3. In the carriage of cargo, the weight the cargo lost, damaged or delayed shall be used to determine the liability of the carrier. If a portion of the lost, damaged or delayed in arrival that affects the value of other cargo in the same receipt or the air waybill, the weight of all packages shall be used to determine the limits of liability of the carrier.
4. The carrier is only entitled to the limits of liability under the sub-paragraph (a) of paragraph 1) of this Article if he proves that the damage is not due to his fault but due to the fault of third party.
5. The carrier shall not be entitled to avail himself of the provisions of sub-paragraphs b), c), d) of paragraph 1) of this Article concerning the limits of liability if it is proved that the damage resulted from an act or omission of the carrier, his servants or agents, done with knowledge that damage would probably result. In the case of such act or omission of a servant or agent of the carrier, it is also proved that such servant or agent was acting within the scope of its employment.
6. If necessary, the Government shall decide to increase the limits of liability for damage specified in paragraph 1 of this Article.





## **PASSENGERS PROTECTION REGULATIONS ON CANCELLATION/DENIED BOARDING**

- **Under-law regulations:**

**Circular No.36 dated 29 August 2014 by the MoT promulgating the quality of services at all airports, and Circular 81 dated 30 Dec 2014 promulgating air transport and general aviation activities, Circular 27/2017/TT-BGTVT dated 25/8/2017**

### **Definition of cancellation:**

- Flight cancellation is the situation in which the flight cannot be executed based on the cancellation schedule that informed to Civil Aviation Authority of Vietnam, Airport Authority, Vietnam Air Traffic Management not later 24 hours than estimated departure time.



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Responsibility of carrier in case of cancellation:

- Inform passengers;
- Providing services as followed (\*):
  - 02 hours delayed: refreshment, rerouting
  - 03 hours delayed: refreshment, meal
  - 05 hours delayed: ticket refund
  - 06 hours delayed: accomodation
  - Compensation (delayed from 04 hours).
- Other replacement obligations specified in \* as agreed with passengers.



## **PASSENGERS PROTECTION REGULATIONS ON CANCELLATION/DENIED BOARDING PASSENGERS**

- **Under-law regulations:**

**Circular No.36 dated 29 August 2014 by the MoT  
promulgating the quality of services at all airports and  
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and general aviation activities**

Definition of denied boarding:

Denied boarding is refusal to carry a passenger who has ticket and confirmed reservation.



## **PASSENGERS PROTECTION REGULATIONS ON CANCELLATION/DENIED BOARDING PASSENGERS**

- Under-law regulations:

**Circular No.36 dated 29 August 2014 by the MoT promulgating the quality of services at all airports, and Circular 81 dated 30 Dec 2014 promulgating air transport and general aviation activities, Circular 27/2017/TT-BGTVT dated 25/8/2017**

Responsibility of carrier in case of denied boarding:

- Inform passengers;
- Providing services as followed (\*):
  - 02 hours delayed: refreshment, rerouting
  - 03 hours delayed: refreshment, meal
  - 05 hours delayed: ticket refund
  - 06 hours delayed: accomodation
  - Compensation (delayed from 04 hours).
- Other replacement obligations specified in \* as agreed with passengers
- Exempt responsibility specified above in case passenger is denied boarding following Article 146 Vietnam Aviation Law.



## **PASSENGERS PROTECTION REGULATIONS ON CANCELLATION/DENIED BOARDING PASSENGERS**

- Under-law regulations:

**Circular No.14 dated 27 April 2015 by the MoT on compensation to the passenger**

- the carrier shall be responsible to pay compensation for denied boarding passengers, flight cancellations or long delays of flights due to faults of carriers.

- Compensation for **international flight**:

- Flight distance up to 1000km: 25usd
- Flight distance between 1000km to 2500km: 50usd
- Flight distance between 2500km to 5000km: 80usd
- Flight distance exceeding 5000km: 150usd



## **RESOLUTION TO PROTECT PASSENGERS RIGHTS**

- Each Regional Airports Authority has its own the Services Quality Control Division.
- Conference about service quality held twice per year by the Civil Aviation Authority of Viet Nam with the participation of all stake-holders in Viet Nam aviation industry.
- Law dissemination for airport enterprises, airlines.
- Handbook for passengers travelling by air.
- Hotline.
- Settle complaints of passengers.

**THANK YOU!**