

## 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 **Vientiane**, Lao PDR

Starting 09.00 hrs, 2 April 2019

Ending 14.00 hrs, 4 April 2019

#### OBJECTIVES:

- Enhance the awareness of AMS on air passenger protection in ASEAN
- Carry out an analysis of AMS' existing air passenger protection regimes, determine critical elements for harmonization
- Further share 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:	Dr Michail Chatzipanagiotis
	Organisation:	EU Passenger Protection Expert
Expert 3	Name:	Dr Lee Jae Woon
	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	<ul style="list-style-type: none"> <li>- Director General or Deputy Director General for Regulatory Affairs</li> <li>- Director for Air Transport</li> <li>- Director or Head of Consumer/Passenger Protection Department or Section</li> </ul>

## 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 consumer protection laws across all sectors. During the project's initial workshop on the subject, it was further 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. 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 its first workshop on passenger protection, and considering that passenger protection is a topic not previously addressed by the predecessor project EU-AATIP, this second workshop will be conducted with the AMS to:

- Further enhance awareness of AMS on air passenger protection in ASEAN
- review submissions by AMS of existing laws, regulations, procedures and practices employed and carry out an analysis of AMS' existing air passenger protection
- further share European experience on issues that are being identified

The following outcomes are expected from the workshop:

- Existing national consumer protection laws, air passenger protection regulations, implementation procedures and practices presented, reviewed and discussed, sufficient for carrying out analysis.

The following presentations are expected at the workshop:

- Montreal Convention/ICAO guidance material on consumer protection (ARISE+/EU Expert), abbreviated
- Selected issues of EU and other regulations/guidance material on consumer/passenger protection (EU Expert)
- European and other experience on passenger protection (EU Expert)
- ASEAN experience on air passenger protection – Selected issues and comparative analysis (ASEAN experts)
- Individual national laws, regulations, procedures and practices on consumer/passenger protection and challenges (AMS)
- Presentation on, and analysis of AMS' air passenger protection regimes (Focal Point/ARISE+/EU and ASEAN

experts)

## **AGENDA:**

1	Welcome and adoption of agenda, introduction of participants, workshop objectives
2	Montreal Convention/ICAO guidance material on consumer protection, abbreviated (ARISE+)
3	Selected issues of EU and other regulations - guidance material on consumer/passenger protection (EU Expert)
4	European and other experience on air passenger protection – Selected issues and comparative analysis (EU Expert)
5	ASEAN experience on air passenger protection – Selected issues and comparative analysis (ASEAN experts)
6	Presentations on individual national laws, regulations, procedures and practices on consumer/passenger protection and challenges (AMS)
7	Analysis of AMS' air passenger protection regimes (AMS/Focal Point/ARISE+/EU/ASEAN experts)
8	Determination and discussion of critical elements for possible harmonization (AMS/Focal Point/ARISE+/EU/ASEAN experts)
9	Allocation of tasks for the time period before third workshop
10	Review, wrap up and closing statements

## **Miscellaneous**

**Participants in the 2<sup>nd</sup> workshop are expected to attend the 3<sup>rd</sup> workshop and to participate actively in the desk work that will be required between the two workshops**