

ARISE PLUS CIVIL AVIATION PROJECT

ACTIVITY IMPLEMENTATION SHEET

ACTIVITY THEME: Air Transport			ACTIVITY No. (OWP): 3.4.3		
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	Yangon, Myanmar				
Starting	09:00, 9 October 2019				
Ending	17:00, 11 October 2019				
OBJECTIVE: <ul style="list-style-type: none"> – 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+ 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	<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

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.

IATA has issued *IATA Core Principles on Consumer Protection*.

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 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. 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 and detailed analysis was carried out on specific regulations in AMS governing flight disruptions in order to establish 'Best Practices'.

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

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The following presentations are expected at the workshop:

- 1) Selected issues of the Montreal Convention/ICAO guidance material on consumer protection (ARISE+ Expert/EU Expert)
- 2) Selected EU and other regulations/guidance material on consumer/passenger protection (EU Expert)
- 3) Selected European and other countries' experience on passenger protection (EU Expert)
- 4) Asian experiences on passenger protection (Asian/ASEAN Experts)
- 5) Individual national laws, regulations, procedures and practices on consumer/passenger protection and challenges for harmonization (AMS)
- 6) Presentation on, and further analysis of AMS' air passenger protection regimes (Focal Point/ARISE+/EU/Asian/ASEAN Experts)
- 7) Analysis and possibilities for harmonization including Best Practices, next workshop (ARISE+/Focal Point/EU and Asian/ASEAN Experts)

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AGENDA:

N ^o	Agenda Item:	Partners involved:
1	Welcome and adoption of agenda, introduction of participants, workshop objectives	EASA/ARISE+ Expert
2	Montreal Convention/ICAO guidance material on consumer protection as required, abbreviated	ARISE+/EU Expert Dr Michail Chatzipanagiotis
3	IATA Core Principles on Consumer Protection	IATA Representative Mr Kelvin Lee
4	ASEAN Committee on Consumer Protection (ACCP)	ASEAN Secretariat
5	Selected issues of EU and other countries' regulations - guidance material on consumer/passenger protection	EU Expert
6	Asian experience on air passenger protection – Selected issues and comparative analysis	Asian Expert Dr Lee Jae Woon
7	ASEAN experience on air passenger protection – Selected issues and comparative analysis	ASEAN Expert Mr Ridha Aditya Nugraha
8	Presentations on individual national laws, regulations, procedures and practices on consumer/passenger protection and challenges	AMS
9	Further analysis of AMS' air passenger protection regimes	AMS/Focal Point/ARISE+/EU/Asian/ASEAN Experts
10	Determination and discussion of critical elements and Best Practices for possible harmonization among AMS	AMS/Focal Point/ARISE+/EU/Asian/ASEAN Experts
11	Allocation of tasks for the time period before 4 th workshop	ARISE+/EU/Asian/ASEAN Experts
12	Review, wrap up and closing statements	EASA/ARISE+ Expert

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Remarks:

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