

### III. RESOLUTION ON IATA CORE PRINCIPLES ON CONSUMER PROTECTION

**AFFIRMING** member airlines' commitment to the safety and comfort of passengers and to the provision of quality service;

**RECOGNIZING** that, in accordance with the contract of carriage, airlines strive to get passengers to their destinations on time and are highly incentivized, from a reputational and financial standpoint, to do so;

**EXPRESSING CONCERN** regarding the proliferation of passenger rights regimes across the globe, with around 40 regimes coming into effect in the last decade;

**ACKNOWLEDGING** that the resulting overlapping web of passenger rights regimes creates difficulties for airlines and confusion for customers due to a lack of certainty as to which particular regime applies and the potential application of more than one regime in a given situation;

**UNDERLINING** the unintended consequences of certain existing regimes, such as increasing consumer costs, reducing connectivity and increasing cancelled flights by instituting penalties and the obligation to pay compensation to passengers for delays;

**NOTING** the existence of an international air carrier liability regime established by the Warsaw Convention 1929 and its amending protocols (the Warsaw system) and the Montréal Convention 1999, which was adopted with a view to replacing the Warsaw system;

**SEEKING** a united government and industry approach to passenger rights that works for a global business and strikes a balance between ensuring adequate consumer protection and overburdening the industry and its customers with the costs of excessive regulatory compliance;

#### The 69<sup>th</sup> IATA Annual General Meeting:

1. **CALLS UPON** States to become parties to Montreal Convention 1999 as soon as possible.
2. **ENDORSES** the IATA Core Principles on Consumer Protection as the global industry position on best practice for national and regional passenger rights regimes.
3. **URGES** governments and regulatory authorities who are developing or revising passenger rights regimes to use these principles as a framework, and to acknowledge voluntary industry commitments where applicable;
4. **ENCOURAGES** all member airlines in jurisdictions where such regimes are being considered to proactively enter into the debate on the basis of these principles.
5. **REQUESTS** the International Civil Aviation Organization (ICAO) to use these principles as the basis for any ongoing ICAO initiatives on consumer protection.

## PROPOSED CORE PRINCIPLES ON CONSUMER PROTECTION

- National and regional legislation should be consistent and in accordance with the international treaty regimes on air carrier liability, established by the Warsaw Convention 1929 (and its amending instruments) and the Montreal Convention 1999;
- National and regional legislation should not interfere with another States' ability to make legitimate policy choices. Passenger rights legislation, in accordance with the Chicago Convention 1944, should only apply to events occurring within the territory of the legislating State, or outside that territory with respect to aircraft registered there.
- Passenger rights legislation should allow airlines the ability to differentiate themselves through individual customer service offerings, thereby giving consumers the freedom to choose an airline that corresponds with their desired price and service standards. Governments should consider acknowledging voluntary industry commitments; government regulations should form the "lowest common denominator" and market forces should be allowed to determine additional standards of service levels.
- Passengers should have access to information on their legal and contractual rights and clear guidance on which regime applies in their specific situation;
- Passengers should have clear, transparent access to the following information:
  - fare information, including taxes and charges, prior to purchasing a ticket;
  - The airline actually operating the flight in case of a codeshare service;
- Airlines should employ their best efforts to keep passengers regularly informed in the event of a service disruption;
- Airlines will establish and maintain efficient complaint handling procedures that are clearly communicated to passengers;
- Airlines should assist passengers with reduced mobility in a manner compatible with the relevant safety regulations and operational considerations;
- Passenger entitlements enshrined in regulations should reflect the principle of proportionality and the impact of extraordinary circumstances;
  - There should be no compromise between safety and passenger rights protection
    - Safety-related delays or cancellations, such as those resulting from technical issues with an aircraft, should always be considered as extraordinary circumstances such as to exonerate air carriers from liability for such delays and cancellations;
  - The industry recognizes the right to re-routing, refunds or compensation in cases of denied boarding and cancellations, where circumstances are within the carrier's control;
  - The industry recognizes the right to re-routing, refunds or care and assistance to passengers affected by delays where circumstances are within the carriers control;
  - In cases where delays or disruptions are outside an airline's control, governments should allow market forces to determine the care and assistance available to passengers;
  - The responsibilities imposed by the regulator, related to both care and assistance as well as compensation, must be fairly and clearly allocated between the different service providers involved and should not impact on the contractual freedom of all service providers.
- Passengers should be treated comparably across transport modes, taking into account the particularities of each;
- Legislation should be clear and unambiguous