

**CAPACITY BUILDING WORKSHOP ON THE  
INSTITUTIONAL AND REGULATORY  
INSTRUMENTS OF THE YAMO USSOUKRO  
DECISION 22<sup>ND</sup>-24<sup>TH</sup> JULY 2019**

**SCHOLA KITINYA  
KENYA CIVIL AVIATION AUTHORITY**

# WHY REGULATIONS

- Aviation Consumer Protection can be viewed as partnership between consumers and the aviation industry and leads to enhanced competition, innovation, consumer confidence and enhanced air connectivity.
- There needs to be sustainability i.e a balance between protecting consumer rights and protecting sustainable air services.
- Passengers should have access to clear and transparent information on the air transport product sought

# KENYA

- Consumer Protection Act
- Competition Act
- Carriage by Air Act
- Montreal Convention

We live in a Global village. The inherent Paradigm Shift has meant that Air travel in particular has had to adapt to a vast and fast evolution towards modernization. To this end, Air Operators are competing to embrace the latest Technologies in the business of Aviation

# KENYA

- Actions by the Authority aim at ensuring a high level of protection and care for Passengers when travelling by Air and to ensure that Air Carriers operate under harmonized conditions in a liberalized market

# DRAFT REGULATIONS

- seek to address the following:
  - Consumer Rights and Obligations
  - Air Carrier Rights and Obligations
  - Denied Boarding
  - Cancellation of Flights
  - Long Delays / No-shows
  - Rights for Persons with Disability or Special needs

# DRAFT REGULATIONS

- Delayed, Lost or Damaged Baggage
- Rights to Further Compensation
- Rights to Care
- Rights of Redress ( Obligation to inform Pax of their rights)
- Misleading adverts/ unfair or deceptive practices)
- Air Carrier Complaints handling procedure

# DRAFT REGULATIONS

- Complaints handling procedures of the Authority (KCAA)
- Rights to Appeal
- Confidentiality
- Authorized Persons – Designation of consumer protection officers as inspectors

# Implications

- 1. provide for passenger rights by air carriers including, customer complaints, notification of delays, cancellations, overbooking, baggage concerns, compensation for passengers



# Implications

- 2. Gives consumers the rights of redress and information
- 3. Gives airlines a chance to appeal to the National Civil Aviation Administrative Review Tribunal
- 4. Expect decrease in delays and cancellations within the control of carriers
- 5. Uniformity in applicability of rules
- 6. A reference point on matters of Aviation Consumer Protection
- 7. Expected to stimulate the growth of passenger numbers due to confidence in aviation. To compete effectively even with other modes of transportation

# AFRICAN REGULATIONS

- Issues of PRMs
- Baggage issues
- Consumer Protection desks at airports
- Jurisdiction

# OTHER ISSUES

- Need to educate passengers what needs to be carried in checked and cabin baggage.
- Lack of consistency in the way some African airlines treat passengers locally compared to when they are operating elsewhere.
- Including consumer protection clauses in BASAs

# OTHER ISSUES

- Contingency Plan for Lengthy Tarmac Delays.
- **Why vote for regional regulations**
- Lack of uniformity and predictability
- Confusion for airlines and consumers
- EA Facilitation of Air Transport
- E A Air Transport Sub committee have agreed on harmonized consumer protection regulations

**THANK YOU**