

YD TEXTS CAPACITY BUILDING WORKSHOP 1

Consumer Protection Regulations

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ARTICLE 9.6 OF YD

**The Executing Agency
will also ensure that
consumer rights are
protected.**



SECTION ONE

Air Transport Service Provider Obligations

PROHIBITIONS: UNFAIR AND DECEPTIVE PRACTICES

- unfair practices
 - Misleading Advertising
 - Failure to disclose Ticket Conditions
 - Persistent boarding denials
 - Persistent abuse of free-seating policy
 - Discriminatory application of compensation under Warsaw/Montreal Convention
 - Chronically delayed flights

NON-DISCRIMINATION

- any discrimination on grounds of nationality, race, sex, age, colour, creed, physical ability, and physical stature, shall be prohibited in accordance with the African Charter of Human and Peoples Rights

INSURANCE

- air transport service provider shallmaintain an insurance cover as required by the laws of the State Party, including but not limited to third party liability, and shall visibly display the insurance schedule or certificate

COMMUNICATION

- Airlines, tour operators, consolidators and agents to obtain and hold a telephone number and/or email address of the passenger or, in the case of a group, the group leader or the person responsible for arranging the booking or for payment of the booking, and where more than one mode of communication is offered, obtain from the person concerned the preferred mode of communication in case of emergencies
- only be used to contact the person who is on record to rearrange a flight, inform him of any possible delay or arrange for alternative means of transport or pass any essential information relevant to the flight in question
- Or ... inform of a telephone number at which the local office at the destination in question may be reached, in which language he can contact the local office and the opening hours of the local office. All AU languages???????? To be required?????

OVERBOOKING & DENIED BOARDING

Overbooking discovered ...	Notification	Volunteers	Deny boarding	
in excess of six hours before the flight	contact passengers by phone, SMS or email	first call for volunteers to surrender their reservations	<ul style="list-style-type: none"> • smallest practicable number • Compensate but not lower than Article 18 	
at check-in or during boarding	instant	make discrete requests for volunteers		

DELAY OBLIGATIONS

Duration	Notification obligation	flight is supposed to last for	Pax informed of right to
2 – 4 hours	inform Pax every 45 minutes	less than 3 hours	<ul style="list-style-type: none"> • reschedule without penalties • provide refreshments • two intl telephone calls, SMS or e-mails • Announce new ETA airport of arrival
4 hours Plus			# plus <ul style="list-style-type: none"> • a meal • hotel accommodation • transport to hotel
6 hours			<ul style="list-style-type: none"> • right to immediate reimbursement • re-route – earliest • re-route at pax convenience

CANCELLATION OF FLIGHT

decision to cancel	Pax Status	Notification	Pax Rights	
less than 24 hours	<ul style="list-style-type: none"> at the airport have begun earlier part of flight 	specific cancellation reasons	<ul style="list-style-type: none"> cancel their booking re-routed compensation Refreshments tel. calls 	
at least 24 hours		immediately contact pax	# min refreshments & tel.	

DOWNGRADING INCLUDING FREE SEATING POLICY

Pax Status	Duration of flight	Compensation		
Placed in a class lower	3 hours	25% of the price		
	more than 3 hours	50% of the price		

TRAVEL AGENTS AND PACKAGE TOUR OPERATORS

- Travel requirements including passport, visa, health
- Notify pax in writing
 - times and places of intermediate stops
 - name, address and telephone number of tour organizers
 - emergency telephone number
 - Information of child's place of stay
 - optional conclusion of an insurance policy
 - Option to transfer tour package

AIRPORT OPERATORS

- visible notices on passengers rights
- decent and healthy toilet facilities
- reasonable seating space before check-in, after security and passport checks and while waiting for arriving or departing aircraft
- reasonably clean and safe environment



SECTION TWO

Rights of the Passenger.

RIGHT TO REIMBURSEMENT

- made within thirty (30) days
- for the full cost of the ticket
- The part or parts of the journey not made
- the part or parts already made if the flight is no longer serving any purpose in relation to the passenger's original travel plan, together with, when relevant, a return flight to the first point of departure
- paid in the form in which the ticket or tour package was purchased

RE-ROUTING

- Where an airline decides to re-route a passenger, the passenger shall be entitled to:
- reimbursement within thirty (30) days of the full cost of the ticket at the price at which it was bought, for the part or parts of the journey not made, and for the part or parts already made if the flight is no longer serving any purpose in relation to the passenger's original travel plan, together with, when relevant,
- a return flight to the first point of departure, at the earliest opportunity and accommodation;
- Either re-routing, under comparable transport conditions, to their final destination at the earliest opportunity and accommodated; or at a later date at the passenger's convenience, subject to availability of seats.

RIGHT TO COMPENSATION -

- Where reference is made to this Regulation to the passenger's right to compensation, other than compensation pursuant to the Warsaw Convention or Montreal Convention as applicable in the State Party, passengers shall receive compensation amounting to:
- USD 250 for all flights with an estimated duration of 3 hours or less for the entire flight;
- USD 400 for all flights with an estimated duration between 3 hours and 6 hours for the entire flight;
- USD 600 for all flights with an estimated duration of more than 6 hours for the entire flight.
- **duration of the flight**, the basis shall be the last destination at which the denial of boarding or cancellation will delay the passenger's arrival after the scheduled time and shall include all scheduled stop over, transit or any other scheduled break in the flight.

RIGHT TO COMPENSATION - CONTD

- When passengers are offered re-routing to their final destination on an alternative flight pursuant to Article 22, the airline may reduce the compensation provided for in paragraph 1 by 50% if the arrival time does not exceed the scheduled arrival time of the flight originally booked
- by two hours, in respect of all flights of 3 hour duration or less; or
- by three hours, in respect of flights lasting between 3 and 6 hours; or
- by four hours, in respect of all flights in excess of 6 hours,
- The compensation shall be paid in the form in which the ticket or tour package was purchased

MANAGEMENT

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THANK YOU FOR YOUR ACTIVE PARTICIPATION

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