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TURKISH AVIATION ACADEMY

İTÜ



Consumer Protection

Modules 17 and 18

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11 February 2015

Outline

- Origins of Passenger Rights
- Codesharing
- Funnel Flights
- Oversales
- False and Misleading Advertising
- Passenger Rights Regimes
- Flight delays and Cancellations
- Discrimination against Passengers with Disabilities



Origins of consumer protection in aviation

- Convention for the Unification of certain rules relating to international carriage by air (Warsaw Convention) 1929
- The convention was drafted to protect the developing commercial aviation industry
- Aimed to limit liability of airlines in the event of **bodily injury, death, damage to bags , loss of luggage or delay**
- Underwent various revisions and amendments, leading eventually to new **Montreal Convention 1999**



1030	MALABO	AF	3008		CANCELLED
1030	MEXICO	AM	006	AF 432	CANCELLED
1030	BEIRUT	ME	210	AF 564	CANCELLED
1035	WASHINGTON	AF	028	DL 8496	CANCELLED
1035	LOS ANGELES	AF	066	AZ 3542	CANCELLED
1035	TEL AVIV	AF	1620		CANCELLED
1035	ANTANANARIVO	AF	3578	KL 2250	CANCELLED
1040	SAN FRANCISCO	AF	084	DL 8552	CANCELLED
1040	BANGALORE	AF	192	M 2288	CANCELLED
1040	DELHI	AF	21	1650	CANCELLED
1040	ATLANTA	AF	61	104	CANCELLED
1040	BRAZZAVILLE	AF	85	19	CANCELLED

Relevant provisions on consumer protection under the Montreal Convention

- *Article 17 - Death and injury of passengers - damage to baggage*
- *Article 19 - Delay*
 - “liable for damage occasioned by delay in the carriage by air of passengers, baggage or cargo...
 - not liable if carrier “took all measures that could reasonably” avoid the damage or that it was **impossible**” to take such **measures.**”
- *Article 20 - Exoneration*
 - If damage was caused or contributed to by the negligence /wrongful act or omission of the person claiming compensation

Development of Consumer Protection

Consumer Bill of Rights 1962

- (1) the right to safety;
- (2) the right to be informed;**
- (3) the right to choose;**
- (4) the right to be heard;**

“Marketing is increasingly impersonal. Consumer choice is influenced by mass advertising utilizing highly developed arts of persuasion.”

President John F. Kennedy

UN Guidelines for Consumer Protection 1982

- The right to satisfaction of basic needs
- **The right to redress**
- **The right to consumer education**
- The right to a healthy environment



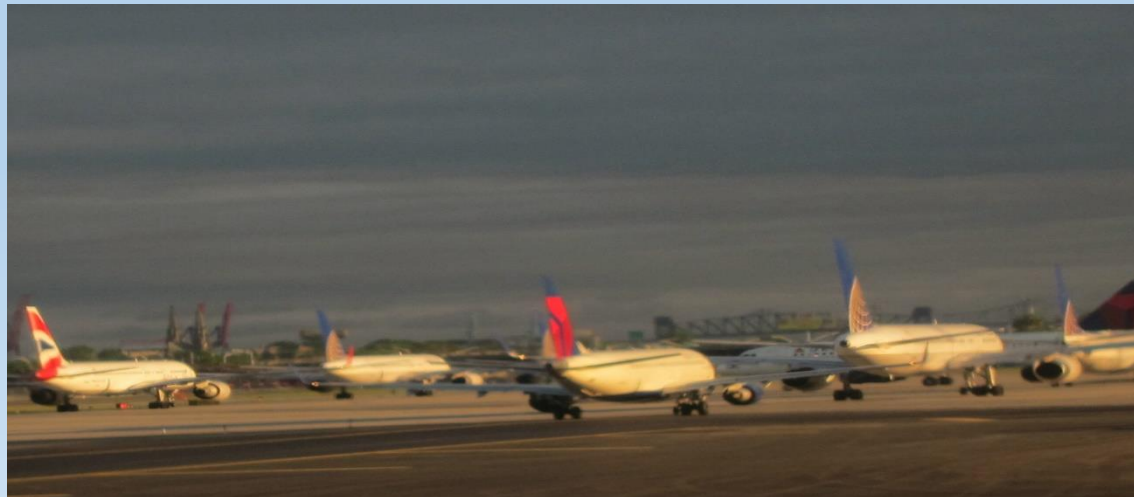
Trends in the aviation industry...

“...airlines try to sell as many seats per flight as possible at higher prices to the first group, and then to fill up the flight by selling seats at much lower prices to the second group...

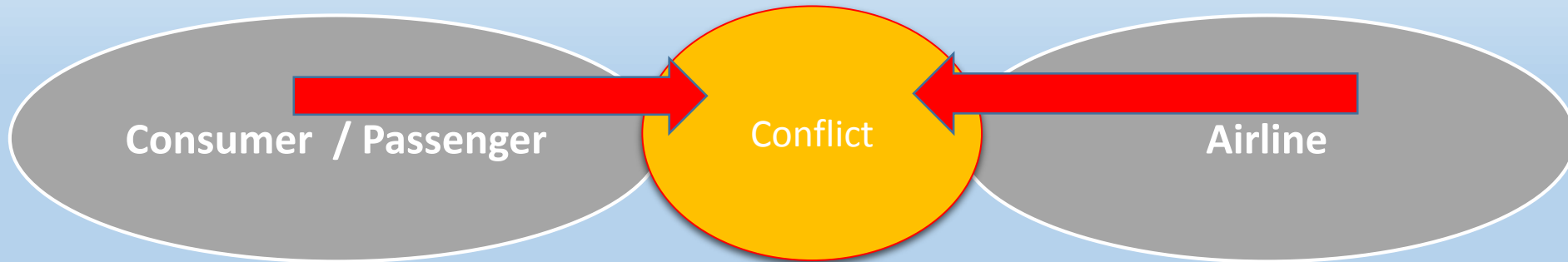
...airlines must be able to place substantial restrictions on the availability of the lower priced seats (so as to sell as many seats as possible at the higher rate), and must be able to advertise the lower fares”.

Morales v TWA,

US Supreme Court 1992



Conflicts in the aviation industry...



Issues facing passengers

- **expectations = disappointments**
- Declining service
- Increasing ancillary fees
- Choice between cheapest fare and fastest route
- **Frustrations of air travel...**

Issues facing airlines

- Stiff competition
- Intense regulation
- **Pressure to lower costs**
- Pricing *not* based on cost
- Fare based on competitor prices
- **Deceptive pricing** (“un-fair fares”)!

Airline cost-cutting pressures and revenue-generating measures

- Funnel flights
- Codesharing
- Oversales
- (false and misleading) advertising



STAHLER.
2008



*“Caveat emptor!”
Let the buyer beware!*

Coming soon!



DAVE GRANLUND © www.davegranlund.com

Funnel flights (change of gauge)

- single flight number that involves a change of aircraft, usually **feeder flight connects to a flight on a larger aircraft**
- “marketing smoke and mirrors” gives the customer the impression that they are booking a preferable direct flight when in fact there is a stopover and change of aircraft
- effort to attract more passengers
- In US, 14 CFR Part 258 - **DISCLOSURE OF CHANGE-OF-GAUGE SERVICES**



From: **Toronto, Pearson Int'l, ON (YYZ)**

To: **Geneva, CH (GVA)**

Op.	Flights	Depart	Arrive	Aircraft	Stops	Duration	Connections
-----	---------	--------	--------	----------	-------	----------	-------------

Direct Flights



AC834

18:00

10:05
+ 1 day

333

1

10hr05

► Preview Seat Availability: AC834

► Convert currency

❗ AC834: This flight includes a stop in Montreal, where passengers may be required to disembark from the plane.

funnel

Connecting Flights



AC414

14:00

15:18

E90

0

14hr05

Montreal
(YUL)



AC834

20:55

10:05
+ 1 day

333

0



AC418

16:00

17:18

320

0

12hr05

Montreal
(YUL)



AC834

20:55

10:05
+ 1 day

333

0



AC420

17:00

18:18

333

0

11hr05

Montreal
(YUL)



AC834

20:55

10:05
+ 1 day

333

0

Codesharing

- Listing one carrier's flight as another's
- Listing of flights multiple times on a computer reservation system (CRS) = **greater visibility and marketing**
- **Anticompetitive?**
- Regulations make it necessary for air carriers, travel agents, websites to identify the carrier providing the service **BEFORE** the passenger buys the ticket.



“Codesharing is unnecessary for... any legitimate purpose or actual service. Codesharing doesn't enable an airline to fly to any more places. It just enables the airline to mislead travellers into thinking that they fly to places they don't. **I call that fraud**”.

Edward Hasbrouck

Codeshare disclosure rules

US Dept of Transportation, 14 CFR Part 257
(DISCLOSURE OF CODE-SHARING ARRANGEMENTS)

- air carriers and foreign air carriers or travel agents
- Non-disclosure passenger air transportation involving code-sharing is **prohibited as unfair and deceptive**.
- **oral, written or electronic communication** to the public, **prior to the purchase of a ticket**, the name of the carrier providing the service for each segment of a passenger's itinerary!
- In 2012, amendment to the law by US Congress (**49 US Code § 41712 - Unfair and deceptive practices and unfair methods of competition**), also obliges websites to disclose actual carrier

EU rules to disclose codesharing

- Council Regulation (EEC) No 2299/89 of 24 July 1989 on a code of conduct for computerized reservation systems
- Regulation (EC) No 2111/2005 of 14 December 2005 ... on informing air transport passengers of the identity of the operating air carrier (art 11)
 - 1. Upon reservation, the air carriage contractor shall inform the passenger of the identity of the operating air carrier or carriers, whatever the means used to make the reservation.

Liability of codeshare carrier?

The carrier selling such transportation (carrier shown on the ticket) **must accept responsibility for the entirety of the code-share journey for all obligations** established in the contract of carriage with the passenger; and that the passenger liability of the operating carrier be unaffected

BA EUROPEAN LTD t/a OPENSKIES
 DOT Order 2008-5-19, OST-2008-0064
 15 May 2008



Is Codesharing anticompetitive?

- In 2011, the European Commission began an investigation into **Turkish Airlines and Lufthansa** on **Munich-Istanbul (MUC-IST)** and **Frankfurt-Istanbul (FRA-IST)**
- Normal codeharing airlines agree to sell seats on each others'
- Unlike other codesharing, this is what is known "parallel hub-to-hub code-sharing"
- Fear of higher prices and less service quality for customers on routes between Germany and Turkey



“Such overbooking is a common industry practice, designed to ensure that each flight leaves with as few empty seats as possible... [airlines] attempt to ensure the most efficient use of aircraft. At times the practice of overbooking results in oversales, ... When this occurs, some passengers must be denied boarding ("bumped"). *Nader v Allegheny Airlines* (1976), US Supreme Court



Oversales / denied boarding

- 14 CFR Part 250 – OVERSALES
- EU Regulation 261/2004

1. If a flight is oversold, the airline must **first seek volunteers** willing to give up seats in exchange for compensation (typically discount on future ticket purchases or coupons for free flights).

2. If an insufficient number of passengers surrender their seats, the airline must decide who will be involuntarily bumped (written “boarding priority rules”)

3. An involuntarily bumped passenger may be eligible for denied boarding compensation **depending on the price of the ticket and length of the delay** (alternative air transportation gets to destination within one hour of the scheduled arrival time of the oversold flight, no compensation is required)



False and misleading Advertising



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TURKISH AVIATION ACADEMY



“ [...] it was the management of airlines that precipitated price wars. **Fares of every shape, size and color have been developed [...]**”.
Julius Maldutis (“the granddaddy of all airline analysts”)

“Consumers have been **alienated and aggravated** by a price structure perceived as **irrational, unfair and very complex**”.
Bob Crandall, former CEO American Airlines

As a result of the competitive nature of the airline industry...

- illegible type;
- Unclear round-trip purchase requirements and price
- practice of “bait and switch”; and
- restrictive changes in the frequent flyer programs be adopted prospectively only



Bait and Switch?

Within a few minutes from price selection to payment...

The fare quoted earlier of \$324.20 (USD) has changed. The new fare for this itinerary is \$383.20 (USD). To continue your purchase click Continue. Otherwise click Start Over to return to the Reservations input screen and select different dates and times. After accepting the fare change, you may need to re-select your seats.

START OVER

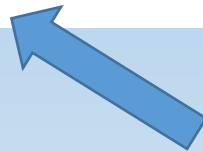
CONTINUE

“The fare quoted earlier of \$324.30 has changed. The new fare for this itinerary is \$383.20. To continue your purchase click Continue. Otherwise click Start Over to return to the Reservations input screen and select different dates and times. After accepting the fare change, you may need to re-select your seats.”

Tiny prints...

“The prices shown reflect rates of the day and are subject to change at any time without prior notice. To confirm availability and final pricing you MUST proceed to Step 3, by clicking Confirm Price & Availability. The price shown at Step 3 constitutes the final guaranteed price and prevails over any other price”.

Wednesday, October 22, 2014 - 7 Days		
Toronto to Liberia (Round trip)		\$750
Monday, October 27, 2014 - 7 Days		Includes taxes and fees
Toronto to Manzanillo de Cuba (Round trip)		\$710
Wednesday, October 01, 2014 - 7 Days		Includes taxes and fees
Toronto to Manzanillo de Cuba (Round trip)		\$710
Wednesday, October 08, 2014 - 7 Days		Includes taxes and fees
Toronto to Manzanillo de Cuba (Round trip)		\$710
Wednesday, October 15, 2014 - 7 Days		Includes taxes and fees
Toronto to Manzanillo de Cuba (Round trip)		\$710
Wednesday, October 22, 2014 - 7 Days		Includes taxes and fees
Toronto to Manzanillo de Cuba (Round trip)		\$710
Wednesday, October 29, 2014 - 7 Days		Includes taxes and fees
Toronto to Liberia (Round trip)		\$770
Monday, October 20, 2014 - 7 Days		Includes taxes and fees
Toronto to Liberia (Round trip)		\$1290
Monday, October 13, 2014 - 7 Days		Includes taxes and fees
ACTUAL SIZE of print...		
The prices shown reflect rates of the day and are subject to change at any time without prior notice. To confirm availability and final pricing you MUST proceed to Step 3, by clicking Confirm Price & Availability. The price shown at Step 3 constitutes the final guaranteed price and prevails over any other price.		



False and misleading Advertising



- **Morales v Trans World Airlines (1992)**
 - Though the federal Airline Deregulation Act preempted states from having rules that address price, route or service
- there is no “**carte blanche to lie and deceive consumers**” and the Department of Transportation has the power to prohibit advertising that hinders competition

Advertising rules in the US

- *49 US Code § 41712*

Unfair and deceptive practices and unfair methods of competition



Secretary of Transport may investigate and decide whether air carrier or ticket agent is practicing **unfair or deceptive practice or an unfair method of competition in air transportation or the sale of air transportation**

- DOT adopted
“Enhancing Airline Consumer Protections” rules governing:

Price advertising and opt-out provisions (14 CFR 399.84)

- Full price advertising, including taxes, fees, and charges
- The consumer must “opt in” (*i.e.*, agree) to a service
- Round-trip condition must be **prominent and proximate**

DOT Fines Southwest for Violating Price Advertising Rule May 2014



In October 2013, Southwest ran a television advertisement on eight networks in the Atlanta area advertising \$59 sale fares to New York, Los Angeles, and Chicago on certain dates. **An investigation revealed Southwest did not have any seats available for \$59!**

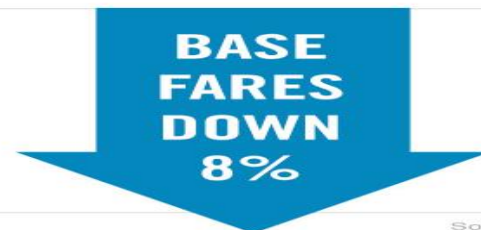
FINED Southwest Airlines \$200,000 for violating the Department's full-fare advertising rules

"DOT's full-fare advertising rules were put into place to ensure that consumers are not deceived when they search for plane tickets [...] Consumers have rights, and DOT will continue to take enforcement action against carriers and ticket agents when our price advertising rules are violated."

U.S. Transportation Secretary Anthony Foxx

Don't you want to know where your airfare taxes are going?

**FROM 2000-2013, FARES DROPPED
WHILE TAXES SOARED.**



Source: A4A Analysis; Bureau of Labor Statistics; FAA

Unlike most things you pay for, Washington mandates that U.S. airlines include government-imposed taxes/fees in their advertised fares. **This enables the U.S. government to pile on taxes without you knowing it.**



**IN JULY TAXES
WILL INCREASE TO
21 PERCENT!**



Based on a sample \$300 domestic roundtrip ticket.

**THIS IS BAD NEWS FOR
CONSUMERS, AIRLINES,
AND EMPLOYEES.**

WHY?...



Airlines for
America
OR Airfare
Transparency
Act

Transparent Airfares Act of 2014

passed House of Representatives
28 July 2014

- Congress decided to take back the authority it delegated to the DOT!



“ Declares that it shall not be an unfair or deceptive practice for an air carrier or other covered entity to state the base airfare in an advertisement or solicitation for passenger air transportation if it clearly and **separately discloses**:

- (1) the government-imposed taxes and fees for the air transportation, and
- (2) its total cost” .

- Awaiting approval/block by Senate.

Advertising rules in the EU

REGULATION (EC) No 1008/2008 (on common rules for the operation of air services in the Community)

- **final price to be paid by the customer for air services originating in the Community should at all times be indicated, inclusive of all taxes, charges and fees.**
- **Optional price supplements shall be communicated in a clear, transparent and unambiguous way at the start of any booking process and their acceptance by the customer shall be on an 'opt-in' basis".**
- **Right to complaint to the relevant national enforcement agency in the country of residence (e.g. Civil Aviation Authority in the UK, consumer protection agency in Sweden):**

http://ec.europa.eu/transport/themes/passengers/air/doc/2004_261_national_enforcement



Vueling Airlines SA v Instituto Galego de Consumo de la Xunta de Galicia

18 September 2014 European Court of Justice Case C-487/12

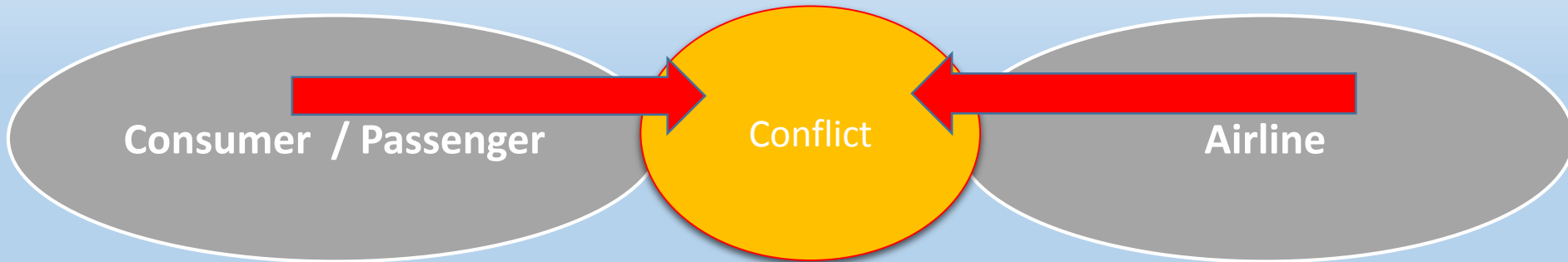
“... do air carriers such as Vueling, Ryanair Ltd, easyJet Airline Co. Ltd, HOP! or Germanwings infringe EU law when they classify services such as passengers checking in pieces of baggage optional and apply a surcharge? “(para 14.)



- Airline must communicate “in a clear, transparent and unambiguous way”
- “price is a decisive factor in passengers’ choice of airline”
- “the EU legislature therefore establishes a clear distinction between ... air fares, taxes and other types of charges, which are unavoidable and foreseeable at the time of their publication and, ..., optional price supplements. (paras 62-65)

Conflicts in the aviation industry...

Airfares



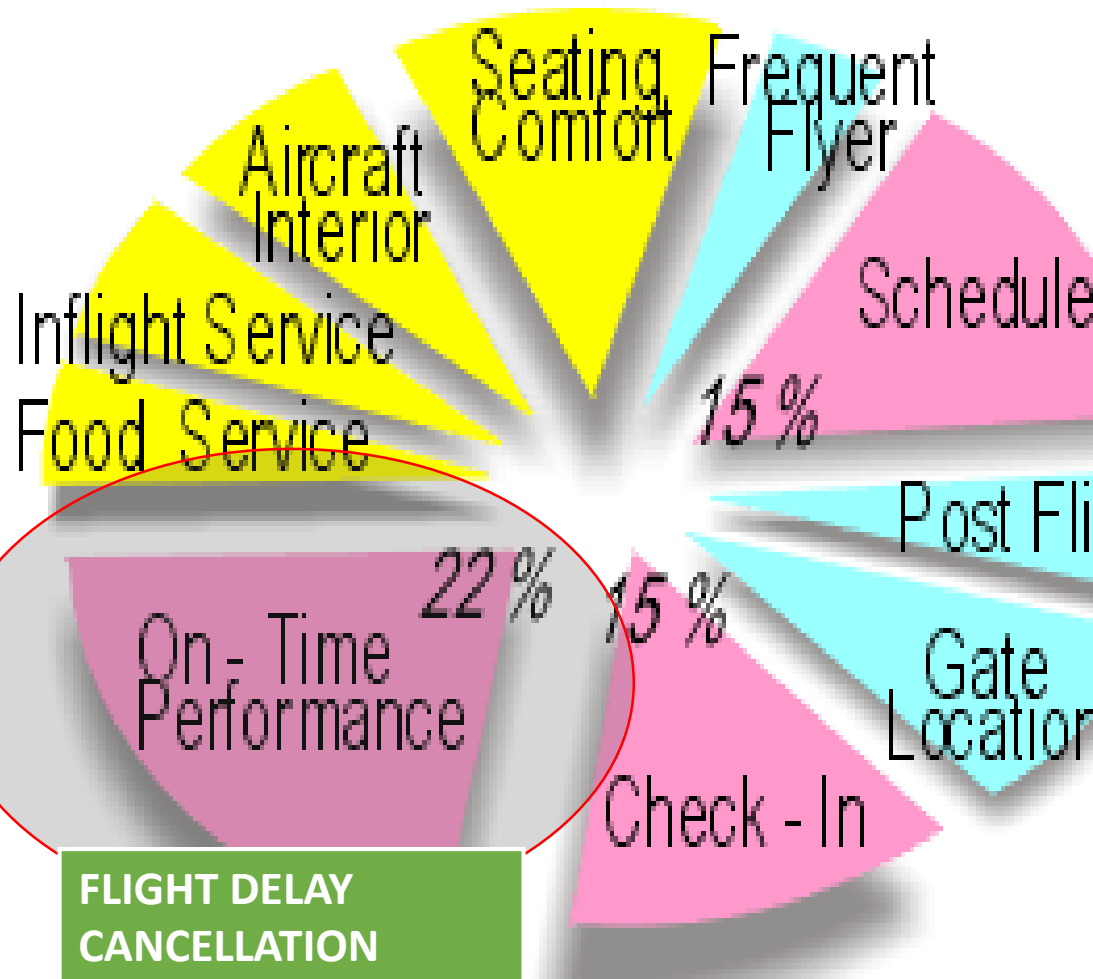
Issues facing passengers

- **expectations = disappointments**
- Declining service
- Increasing ancillary fees
- Choice between cheapest fare and fastest route
- **Frustrations of air travel...**

Issues facing airlines

- Stiff competition
- Intense regulation
- **Pressure to lower costs**
- Pricing *not* based on cost
- Fare based on competitor prices
- **Deceptive pricing** ("un-fair fares")!

Passenger frustrations...



Source: Frequent Flyer Magazine, J.D. Power and Associates
Airline Customer Study - U.S. Flights



Flight delay and Cancellation

- The single most frustrating passenger (“in-flight” / “no-flight”) experience
- Airline’s (immediate) response will **ease or *increase*** conflicts and tensions



“Customers don’t expect you to be perfect. They do expect you to fix things when they go wrong.”

Donald Porter, V.P. British Airways

A word on passenger protection...

“ There are now **nearly 60 countries that have passenger protections of some kind**. The spread of passenger rights legislation, some of which have extraterritorial provisions, creates **difficulties for airlines and confusion among passenger**.

...

Governments should avoid the temptation of **pursuing costly, duplicative, and often counterproductive passenger rights rules and regulations**”.

IATA, Passenger Rights

AIR 
PASSENGER
 RIGHTS

In the US... Delays and Cancellations

- Each airline has its own policies about what it will do for delayed passengers waiting at the airport; **there are no federal requirements.**
- If your flight is canceled, **most airlines will rebook you on their first flight to your destination on which space is available, at no additional charge.**
- Under federal rules, **U.S. airlines operating domestic flights must allow passengers to deplane after a tarmac delay of three hours.** The only exceptions allowed are for safety or security, or if air traffic control advises the pilot otherwise.



Customer Service Plans

14 CFR 259.5

- Department of Transportation requires that all carriers flying to, from and within the US adopt Customer Service Plans and **set out MINIMUM standards:**
- The lowest fare available must be communicated to consumer
- Reservations should be held for 24hrs
- Notifying consumers of known **delays, cancellations, and diversions**
- **On-time delivery of baggage**, compensation for delay
- **Properly accommodating passengers with disabilities**
- **Meeting customers' essential needs during lengthy tarmac delays**
- Handling “bumped” passengers with fairness and consistency
- **Notifying consumers of changes** in their travel itineraries;
- Self-auditing of Customer Service Plan



Contingency Plan for Lengthy Tarmac Delays

14 CFR 259.4

- Department of Transportation requires that all carriers **set out MINIMUM standards:**
- **Unless there is safety or security reason, passengers cannot remain longer than 3 hrs (domestic) or 4 hrs (international)**
- carrier will provide adequate food and water no later than two hours after the aircraft leaves the gate or touches down
- operable lavatory facilities, as well as adequate medical attention
- Notify passengers every 30 minutes the aircraft is delayed and explain why (if possible)



Enforcement by US DOT

- “DOT hits United with record fine for long tarmac delays”

13 flights carrying a total of 939 passengers during severe thunderstorms and lightning at O’Hare in July 2012 (USA Today, 25 October 2013).

- “DOT Fines Southwest \$1.6 Million for Tarmac Delays”

for not deplaning 16 planes after 3 hrs in winter storm at Chicago Midway International Airport in January 2014 (WSJ, 15 Jan 2015)



EU's approach to delay, cancellation and overbooking

- Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91
- In short, EU 261




Flight cancelled?

Your passenger rights at hand

Find out more:
Visit the website at ec.europa.eu/passenger-rights,
download the passenger rights
app or call Europe Direct on
00 800 6 7 8 9 10 11*

*Certain telephone
operators may deny
or charge for access
to 00 800 numbers

Flight cancelled or delayed?
Lost luggage? Denied boarding?

Airlines have a legal obligation to
inform you about your rights and where
to complain

Ever experienced one of these problems? EU legislation protects
your rights wherever you travel across Europe

Mobility and
transport

What is an

“extraordinary circumstance”?

- Something “unpredictable, unavoidable and external”
(*Understanding between National Enforcement Bodies 12 April 2013*)

- Examples:
 - war / political instability,
 - unlawful act (terrorism) ,
 - sabotage (of aircraft)
 - security (airport closure, bomb threat, removal of unaccompanied baggage; unruly passenger)
 - Meteorological (weather unsafe for flight, closure of airport, damage to aircraft (eg lighting), de-icing)
 - Medical (passenger taken ill)
 - Bird strike
 - Manufacturing defect
 - unexpected safety shortcoming
 - industrial action (strike!)
 - ATC restrictions
- **NOT extraordinary**
 - Technical issue (failure to maintain aircraft, poor maint
 - inadequate crew



The poster features the European Commission logo at the top. The main image shows a man in a blue shirt standing at a podium in a lecture hall with orange chairs. The text "Travel delayed?" is prominently displayed in the center. To the right, a yellow box contains the text "Your passenger rights at hand" with a small graphic of a hand holding a document. At the bottom, there is a QR code and text providing information on how to find more resources, including a website, app, and phone number. It also states that transport operators and terminal and station managers have a legal obligation to inform passengers about their rights and where to complain. A small note at the bottom right mentions that EU legislation protects passenger rights wherever they travel across Europe.

European Commission

Travel delayed?

Your passenger rights at hand

Find out more:
Visit the website at:
ec.europa.eu/passenger-rights,
download the passenger rights
App or call Europe Direct on
00 800 6 7 8 9 10 11*

Journey delayed or cancelled?
Lost luggage? Denied boarding?

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*Certain telephone services may apply or charge for access to 00 800 numbers

Mobility and Transport

EU 261



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- **rationale :**
- Provide “a high level of protection for passengers”
- cancellation / delay of flights cause
“serious trouble and inconvenience to passengers”.
- **Applies:**
 - passengers from/ to an airport located in the EU
 - passenger has confirmed reservation and be present themselves for check-in at the time indicated in advance or, if no time is indicated, not later than 45 minutes before the published departure time.

WHEN :

- Passenger is **denied boarding** against will;
- flight is **cancelled**;
- flight is **delayed**.

Compensation for cancellation or denied boarding



In the event of **flight cancellation or denied boarding**, passengers have the right to:

- reimbursement of the cost of the ticket within seven days or a return flight to the first point of departure or re-routing to their final destination;
- care (refreshments, meals, hotel accommodation, transport between the airport and place of accommodation, two free telephone calls, telex or fax messages, or e-mails);
- compensation totalling:
 - **EUR 250** for all flights of 1500 kilometres or less;
 - **EUR 400** for all intra-Community flights of more than 1500 kilometres, and for all other flights between 1500 and 3500 kilometres;
 - **EUR 600** for all other flights.

Right to Care in the event of delay



The Regulation introduces a **three-tier** system:

- in the event of long delays (**two hours or more**, depending on the distance of the flight), passengers must in every case be offered free meals and refreshments plus two free telephone calls, telex or fax messages, or e-mails;
- when the **delay is five hours or longer**, passengers may opt for reimbursement of the full cost of the ticket together with, when relevant, a return flight to the first point of departure.
- if the time of departure is **deferred until the next day**, passengers must also be offered hotel accommodation and transport between the airport and the place of accommodation;

Challenges to EU 261



- In 2006, IATA (International Air Transport Association), ELFAA (European Low Fares Airline Association) claimed that EU 261 violated the Montreal Convention:

“ The standardised and immediate assistance and care measures do not themselves prevent the passengers concerned...from being able to bring in addition actions to redress that damage under the conditions laid down by the Montreal Convention.”
European Court of Justice

Further challenges to EU 261

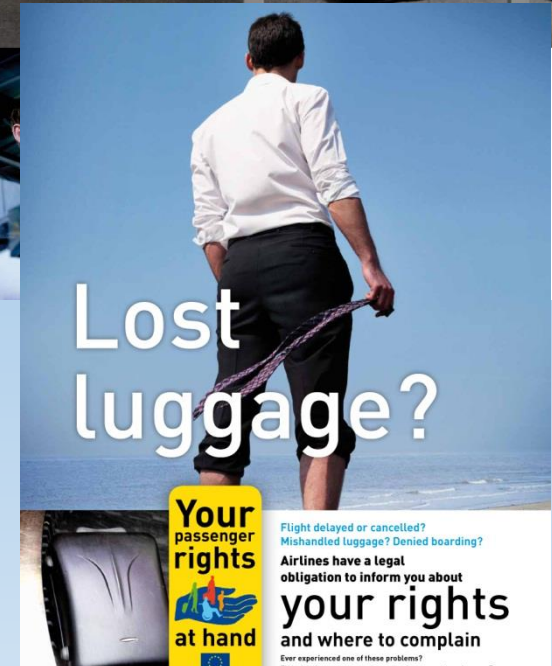


- *Wallentin-Hermann v Alitalia – Linee Aeree Italiane SpA* (2008), the ECJ held “extraordinary circumstances” do NOT include technical issues.
- *Sturgeon v Condor* (2009)
delay of more than 3 hours can give passengers same claim as a cancellation!
- Affirmed in *Nelson v Deutsche Lufthansa AG* (2012)
- *Denise McDonagh v Ryanair Ltd* (2010)
Icelandic volcano is extraordinary circumstance that exonerates carrier from providing compensation, BUT must still fulfil duty of care!

Proposal to amend EU 261/2004

European Commission and Parliament support moves to amendment EU 261:

- Strength oversight of air carriers by authorities, with power to sanction
- Right to care for delay after 2hrs
- passengers have a right to information about their situation, 30 minutes after a scheduled departure
- a right to be re-routed by another air carrier or transport mode in case of cancellation
- rights to assistance and compensation if you miss your connecting flight because the previous flight was late
- National authorities gain power over enforcing rules on lost luggage



Passenger Rights in Turkey REGULATION ON AIR PASSENGER RIGHTS (“SHY PASSENGER”)

- Adopted by Turkish Directorate General of Civil Aviation; Effective 1 January 2012
- Applies to (art 2)
 - Turkish carriers to/from Turkey
 - Foreign carriers originating from Turkey
- Exists along side EU 261/2004
- Denied boarding, cancellation, delay
- **priority** to the transportation of the people with:
 - restricted mobility (and their accompanying person/dog)
 - children travelling alone



Eligibility for compensation

- **To claim compensation:**
 - **pax must have valid and confirmed ticket and valid travel documentation**
 - **pax must have checked in**
60min for intl flight,
45min for domestic flight
 - **pax not denied boarding** based on medical, safety, security grounds
- **Exclusion Force majeure:** political instability, the meteorological conditions , natural disasters, security risks, unexpected flight safety deficiencies and strikes
- Other rights to compensation still exist (art 13)

Compensation amounts

FLIGHT DISTANCE	COMPENSATION AMOUNT (EURO)
ALL DOMESTIC FLIGHTS	100
INTERNATIONAL FLIGHTS OF 0-1500 KM	250
INTERNATIONAL FLIGHTS OF 1500-3500 KM	400
INTERNATIONAL FLIGHTS OF 3500 KM AND OVER	600

EUROS

The equivalent of the compensation amounts in Turkish Liras shall be calculated by taking the selling rate of exchange of the Central Bank of the Republic of Turkey applicable at the day on which the ticket is sold, that is to say, the date on which the payment for the ticket is effectuated, as the basis.

- **Compensation amount reduced by 50% if:**
 airline arranges alternative flight that arrives
 2 hrs within original arrival time (flights 0-1500km)
 3 hrs within original arrival time (1500-3000km)
 4 hrs within original arrival time (> 3500km)
- **If it is an award ticket:**
 Compensation of:
 3000 pts for flights 0-1500km
 5000 for flights 1500-3000km
 10000 for flights > 3500km

Entitlements in flight delay

DELAY OF FLIGHTS

In case of delay of flights, the services specified on the following table shall be provided on the basis of the waiting period.

Services	Between 15 minutes - 1 hour 15 to 60 minutes	Between 1 - 2 hours 61 to 120 minutes	Between 2 - 3 hours 121 to 180 minutes	Between 3 - 5 hours 181 to 300 minutes	5 hours and over 301 minutes and over
Announcement Service	√	√	√	√	√
Free of Charge Reservation/Route Change *		√	√	√	√
Refund of Ticket Fare **		Domestic Lines			International Lines
Free of charge phone calls (for two times) with no time limitation; and free of charge Fax and E-mail.			√	√	√
Hot/Cold Beverage			√	√	√
Light Meal			√	√	√
Main Course (based on the time zone)				√	√
Accommodation and Transport service (airport-place of accommodation)	In case of any delays lasting for eight hours and over, accommodation service will be provided. The transportation service between the place of accommodation and the airport shall be provided free of charge. In the event that the entry of the passenger into the country is not allowed due to the border regulations, the passenger shall be kept waiting at the transit lounge, or service shall be provided in accordance with the hotel opportunities of the airport.				

Entitlements in misconnection / diversion

MISCONNECTION/DIVERT

In respect of the travels, which are indicated on the same ticket as to continue to multiple destinations, in the event that the connection is disrupted due to various reasons, and that the destination is changed due to compulsory reasons and the flight is ended at any different airport, then such passengers shall be ensured to travel by the first available flight. Any services specified on the table, given below, shall be provided basing on the waiting period between the actual time of arrival of the flight, where the irregularity has been suffered, and the time of departure of the alternative flight.

Services	Between 15 minutes - 1 hour 15 to 60 minutes	Between 1 - 2 hours 61 to 120 minutes	Between 2 - 3 hours 121 to 180 minutes	Between 3 - 5 hours 181 to 300 minutes	5 hours and over 301 minutes and over
Announcement Service	√	√	√	√	√
Free of Charge Reservation/Route Change *	√	√	√	√	√
Refund of Ticket Fare**	√	√	√	√	√
Free of charge phone calls (for two times) with no time limitation; and free of charge Fax and E-mail.			√	√	√
Hot/Cold Beverage			√	√	√
Light Meal			√	√	√
Main Course (based on the time zone)				√	√
Accommodation and Transportation Service (airport-place of accommodation)	In case of any delays lasting for eight hours and over, accommodation service will be provided. The transportation service between the place of accommodation and the airport shall be provided free of charge. In the event that the entry of the passenger into the country is not allowed due to the border regulations, the passengers shall be kept waiting at the transit lounge, or service shall be provided in accordance with the hotel opportunities of the airport.				
Transportation Fee (for alternative transportation)	In the event that the passenger decides not to board the aircraft, the transportation of the passenger from the diversion point to the destination shall be ensured by various means of transportation, by paying the transportation fee thereto, upon the request of the passenger. No refund shall be performed for the passengers to whom the transportation fee by various means is paid.				

Entitlements in overbooking (“denied boarding”)

OVERBOOKING

Any services specified on the following table shall be provided to the passengers, who are not ensured to travel due to overbooking despite having confirmed and applicable tickets, or who are ensured to travel at a lower class, considering their waiting periods while ensuring their travels, and the amount specified under the section “Compensation Payments” shall be paid.

Services	Between 15 minutes - 1 hour 15 to 60 minutes	Between 1 - 2 hours 61 to 120 minutes	Between 2 - 3 hours 121 to 180 minutes	Between 3 - 5 hours 181 to 300 minutes	5 hours and over 301 minutes and over
Announcement Service	√	√	√	√	√
Free of Charge Reservation/Route Change*	√	√	√	√	√
Refund of Fare**	√	√	√	√	√
Free of charge phone calls (for two times) with no time limitation and free of charge Fax, E-Mail			√	√	√
Hot/Cold Beverage			√	√	√
Light Meal			√	√	√
Main Course (according to the time zone)				√	√
Accommodation and Transportation Service	<p>Alternative transportation opportunities will be provided between the station of departure/arrival, specified on the original tickets of the passengers, and the station of departure/arrival of the alternative flight.</p> <p>In the event that the duration between the time of departure of the new alternative flight offered to the passenger lasts for eight hours or over, then the passenger shall be provided with the accommodation service. The transportation service between the place of accommodation and the airport shall be provided free of charge. In the event that the entry of the passenger into the country is not allowed due to the borders regulations, the passengers shall be kept waiting at the transit lounge, or service shall be provided in accordance with the hotel opportunities of the airport.</p>				
Compensation (in case of any denied boarding and any downgrade to the lower service class)	See the section “Compensation Payments”.				

Entitlements in flight cancellation

CANCELLATION OF FLIGHTS

In case of cancellation of flights, any services shall be provided in accordance with the following table.

Services	Between 15 minutes - 1 hour 15 to 60 minutes	Between 1 - 2 hours 61 to 120 minutes	Between 2 - 3 hours 121 to 180 minutes	Between 3 - 5 hours 181 to 300 minutes	5 hours and over 301 minutes and over
Announcement Service	√	√	√	√	√
Free of Charge Reservation/Route Change *	√	√	√	√	√
Refund of Ticket Fare **	√	√	√	√	√
Free of charge phone calls (for two times) with no time limitation; and free of charge Fax and E-mail.			√	√	√
Hot/Cold Beverage			√	√	√
Light Meal			√	√	√
Main Course (based on the time zone)				√	√
Accommodation and Transportation Service (airport-place of accommodation)	In the event that the duration between the time of cancellation of the flight, and the time of departure of the new alternative flight offered to the passengers lasts for eight hours or over, then the accommodation service shall be provided to the passengers. The transportation service between the place of accommodation and the airport shall be provided free of charge. In the event that the entry of the passenger into the country is not allowed due to the border regulations, the passengers shall be kept waiting at the transit lounge, or service shall be provided in accordance with the hotel opportunities of the airport.				
Transportation Fee (for alternative transportation)	Alternative transportation opportunities will be provided between the station of departure/arrival, specified on the original tickets of the passengers, and the station of departure/arrival of the alternative flight.				
Compensation	See the section "Compensation Payments".				

Entitlements in flight delay

DELAY OF FLIGHTS

In case of delay of flights, the services specified on the following table shall be provided on the basis of the waiting period.

Services	Between 15 minutes - 1 hour 15 to 60 minutes	Between 1 - 2 hours 61 to 120 minutes	Between 2 - 3 hours 121 to 180 minutes	Between 3 - 5 hours 181 to 300 minutes	5 hours and over 301 minutes and over
Announcement Service	√	√	√	√	√
Free of Charge Reservation/Route Change *		√	√	√	√
Refund of Ticket Fare **		Domestic Lines			International Lines
Free of charge phone calls (for two times) with no time limitation; and free of charge Fax and E-mail.			√	√	√
Hot/Cold Beverage			√	√	√
Light Meal			√	√	√
Main Course (based on the time zone)				√	√
Accommodation and Transport service (airport-place of accommodation)	In case of any delays lasting for eight hours and over, accommodation service will be provided. The transportation service between the place of accommodation and the airport shall be provided free of charge. In the event that the entry of the passenger into the country is not allowed due to the border regulations, the passenger shall be kept waiting at the transit lounge, or service shall be provided in accordance with the hotel opportunities of the airport.				

Consumer protection gone wrong...?

“Delayed passengers block runway at Guangzhou's Baiyun Airport” 13 April 2012



“Cause: Passengers were delayed for hours and they say airline was rude”

“Their service is terrible. All staff had a bad attitude. They sent us here and there, without telling us why.”

“Mainland Passengers “Occupy” Hong Kong Flight in 18-Hour Protest” 21 June 2014



McGill

TURKISH AVIATION ACADEMY



İTÜ



“...because of dissatisfaction with their compensation arrangements and refused to drop the airline’s aircraft”.

“At 2am, passengers began to request to leave the plane, but it wasn’t until 3am when the captain announced the flight would be cancelled, a full six hours after the original departure time of 9pm”.

Passengers with Disabilities

"person with disabilities" :

"[a]ny person whose mobility is reduced due to a physical incapacity (sensory or locomotor), an intellectual deficiency, age, illness or any other cause of disability when using transport and whose situation needs special attention and the adaptation to the person's needs of the services made available to all passengers"

Chicago Convention, Annex – Facilitation
(dealing with facilitation of passengers in civil aviation)

ICAO Recommended Practice

Recommended practice 8.39-8.40:

“In principle...”

- disabled person determines whether s/he needs accompanying person (escort)
- Air carrier should ONLY require medical clearance when safety or well-being of other passengers cannot be guaranteed
- Air carrier should ONLY require disabled person have an escort when it is clear person is not self-reliant and poses risk to safety or well-being of other passengers cannot be guaranteed

State should accommodate as much as possible, **not binding!**

NONDISCRIMINATION ON THE BASIS OF DISABILITY IN AIR TRAVEL

14 CFR Part 382



- Carrier must provide assistance with boarding, and access to wheelchair if necessary
- Assistance with luggage
- Effective communication with people who are blind or deaf about flight information
- must permit a service animal to accompany a passenger with a disability
- animal used as an emotional support or psychiatric service animal needs special documentation
- never required to accommodate certain “unusual service animals” in the cabin

Regulation (EC) No 1107/2006 of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air

- Disabled OR “persons with reduced mobility”
- Can be exempt if accommodating the disabled person jeopardises safety standards or if aircraft size makes the person with reduced mobility impossible.
- Airports, not just carriers, required to provide assistance with checkin, boarding, luggage and connecting flights
- If there is an accompanying person, air carrier and airport will provide necessary assistance



What is a disability?

A rather big question...



Thompson v Southwest (2006)

Southwest policy

“Passengers who cannot fit into a seat must purchase an extra seat.... Southwest also advises that a passenger of size may contact them for a refund of the cost of additional seating after travel. If it is determined that a second (or third) seat is needed, passengers will be accommodated with a complimentary additional seat(s). However, you may be bumped to another flight if no extra seating is available. Southwest Airlines’ width between armrests measures 17 inches.

- Nadine Thompson sued Southwest Airlines for damages arising from Southwest's insistence that she purchase an additional seat under its customer of size policy
- Policy upheld by the judge



Jauffret v Air France and Go Voyages (2007)

- Air France staff at New Delhi publicly called him fat and measured his waist with a tape measure and treated him offensively while passenger was made to wait.
- HELD:
special terms applying to obese passengers did not appear in the conditions of contract or conditions of carriage, but only on a special link on the website
Liability not based on discrimination but because the airline did not sufficiently bring the terms to the attention of passenger.

Canada: One Passenger One Fare



- Canadian Transportation Agency Decision 6-AT-A-2008 enforced the “**One Person One Fare**” policy, effective 10 January 2009, upheld by the Supreme Court of Canada
- 11 year battle by one woman to allow categorise obesity as a disability, and entitling obese passengers.
- Travel companion allowed a seat for free.

The carrier respondents shall not charge a fare for additional seats provided to the following persons with disabilities:

- those persons who are required, under the terms of the carriers' tariff set out earlier in this Decision, **to be accompanied by an Attendant;**
- those persons who are disabled by obesity; and
- those other persons who require additional seating for themselves to accommodate their disability to travel by air.

Passenger's Name:

Booking Ref.:

SECTION 3 – EXTRA SEATING FOR REASON OF OBESITY*FOR ITINERARIES WHOLLY WITHIN CANADA ONLY***THIS SECTION REQUIRED ONLY IF REQUESTING AN EXTRA SEAT FOR REASONS OF OBESITY**

The information provided herein will assist Air Canada in determining passenger's right to accommodation in the form of extra seating without charge.

For first assessment, please ensure all sections above are completed by the attending physician.

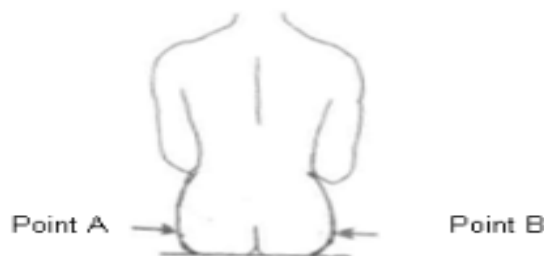
If this is a renewal, this section can be completed by an occupational therapist, a physiotherapist or nurse practitioner provided no other co-morbidities had been identified by the physician in the initial assessment and passenger's fitness for flying has not changed in the last 2 years.

1) Measurements (please use metric measurements)

- a) Weight _____ kg
- b) Height _____ cm
- c) Body Mass Index _____ (kg/m^2)
- d) Surface measurement * A to B _____ cm

* Surface measurement should be calculated by measuring the distance between the extreme widest projection points of the patient when seated as follows instruction:

1. Have your patient sit on a paper covered examination table.
2. Rest a ruler or straightedge on the left side of patient at the widest point (hip or waist) as shown on diagram below.
3. Mark the touch point between the ruler and the paper as Point A.
4. Rest a ruler or straightedge on the right side of patient at the widest point (hip or waist).
5. Mark the touch point between the ruler and the paper as Point B.
6. Measure the distance between Point A and Point B, and indicate this measurement above under "d) Surface measurement".



Fly by weight...?

Samoa Air A KILO IS A KILO IS A KILO!

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Talofa! And welcome to pay by weight and the first Airline in the world to sell your flight by the kilo!

You have probably seen and heard a lot lately about this... well let's talk airfares!

[Heres how it works...](#)

Give us your weight... within a kilo or two would be fine, then tell us how much baggage you want to take, you can take as many bags as you like but just give us the intended total of your baggage in kilos (a kilo is 2.2 pounds)

We or the system will add all of this together and charge by the kilo against the sector fare which is always in our local currency (the Samoan Tala) and that is your total airfare... simple

On payment you will have a page to download and bring with you when you check in...

If you are travelling as a group and paying as one then follow the same process for each member and again the system will add all the weights and calculate the total cost based on the kilo rate for the sector...

Allergies as a disability?

- The Canadian Transportation Agency has made decisions on a number of claims:
- Nut allergy (2010)
- Perfume allergy (2010)
- Allergy to seafood steam (2010)
- multiple chemical sensitivities (2010) and refusal by airline to provide oxygen
- Cat allergy (2010)
- dog allergy disability (2012)

denied

denied



End on a lighter note...

In 2000, a pig flew first class from Philadelphia to Seattle...

It ran through the cabin and “soiled” the carpet when the plane landed.



- FAA guidance, 14 CFR Part 382
- Docket No. OST-2003-15072
Guidance Concerning Service Animals in Air Transportation
- emotional support animals are considered service animals like seeing-eye or seizure-alert dogs.
- However, airlines may require documentation from a medical professional to allow service animals to board

Conclusions

- Air passenger rights find origins in Warsaw Convention, which first aimed to limit air carrier liability
- Air passenger rights developed with stronger recognition of need for consumer protection
- Certain business practices (advertising, codesharing, etc) in the industry have led to greater protection
- Delays, cancellations, overbooking and key concerns, as are passengers with disabilities
- Varying degrees of protection across the world, lacking in standard / uniform rules

AIR 
PASSENGER
 RIGHTS

