



## AIR PASSENGER RIGHTS

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# AIR NAVIGATION ORDER

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OFFICE OF PRIME INTEREST : Air Transport & Economic Regulations Directorate

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TYPE OF DOCUMENT	AIR NAVIGATION ORDER (ANO)		
STATUS OF DOCUMENT	CONTROLLED		

**A. AUTHORITY:**

**A1.** This ANO has been issued by the DG CAA in pursuance of powers vested in him under Rule 4 (3),5, 180 and 360 and all other enabling provisions of Civil Aviation Rules 1994 (CARs 1994).

**B. PURPOSE:**

**B1.** The purpose of this ANO is to ensure that air passengers are properly compensated in case of Denied Boarding, Cancellations, Long Delays. Baggage Loss/ Damage, Injury and Death and Package Holidays etc.

**C. SCOPE:**

**C1.** Applicable to all airlines operating to and from Pakistani airports.

**C2.** Director Air Transport & Economic Regulations is responsible for care, maintenance, review, update, revision, distribution and disposal of this ANO as per CAAO-001-MSXX (Document & Record Control Procedure).

**D. DESCRIPTION:**

**D1.** With the introduction of a large number of air operators and the ensuing competition among them to provide cheaper services, it is likely that the interest of the fare paying passenger is ignored and is denied certain basic rights. A number of complaints are received by the Civil Aviation Authority from the passengers, complaining against the treatment meted out by the Commercial Air Operators. These regulations / orders are to safeguard the interest of traveling passengers, and the minimum facilities which must be provided to the passengers.

**D2.** The Civil Aviation Authority, under Rule 180 of CARs-1994, considers it necessary to lay down these regulations / orders to raise the standards of protection both to strengthen the rights of the passengers and to ensure that the air carriers operate under harmonized conditions in a liberalized market. As the distinction between the scheduled and non-scheduled services is weakening, such protections should apply to passengers not only on scheduled but also on non scheduled flights, including charters and those forming package tours.

**D3.** In order to ensure effective application of regulations / orders to all commercial air operators, the obligation these regulations / orders carry shall rest with the carrier which performs or intends to perform a flight whether with its own aircraft, under dry / wet lease, or on any other basis. These regulations / orders, however, do not restrict the rights of the operating air carrier to seek compensation from any person, including third parties, in accordance with the applicable law.

**D4.** The number of passengers denied boarding against their will needs to be reduced by requiring air carriers to call for volunteers to surrender their reservations, in exchange of benefits, instead of denying passengers boarding, and by fully compensating those finally denied boarding. Passengers denied boarding against their will should either be able to cancel their intended flight, with reimbursement of their tickets, or to continue them at a later date/time under satisfactory conditions, and should be adequately cared for while awaiting their later flights. Volunteers should also be able to cancel their flights with reimbursements of their tickets, or continue them subsequently under satisfactory conditions, since they face difficulties of travel similar to those experienced by passengers denied boarding against their will.

**D5.** The trouble and inconvenience to passengers caused by cancellations of their flights should also be reduced. This can be achieved by inducing carriers to inform the passengers of cancellations before the scheduled time of departure and in addition to offer them a reasonable rerouting so that the

passengers can make alternate arrangements. Air carriers should compensate passengers if they fail to do this except when the cancellation occurs in exceptional circumstances which could not have been avoided even if all reasonable measures had been taken. Passengers whose flights have been cancelled should be able to either obtain reimbursements of their tickets or obtain re-routing under satisfactory conditions, and should be adequately cared for while waiting for a later flight.

**D6.** As per Montreal Convention, obligations on the operating carrier should be limited or excluded, where an event of extraordinary circumstances, which could not have been avoided even if all reasonable measures had been taken, has been a cause. Such circumstances may, in particular, occur in cases of political instability, meteorological conditions, security risks, unexpected flight safety shortcomings and strikes that affect the operation of an operating air carrier. Extraordinary circumstances should be deemed to exist where the impact of an air traffic management decision in relation to a particular aircraft on a particular day gives rise to a long delay, an overnight delay, or the cancellation of one or more flights by that aircraft, even though all reasonable measures had been taken by the air carrier concerned to avoid the delays or cancellations.

**D7.** In cases where a package tour is cancelled for reasons other than the flight being cancelled, these regulations / orders should not apply. Passengers whose flights are delayed for a specified time should be adequately cared for by the tour operator in conjunction with the air operator and should be able to cancel their flights with reimbursement of their tickets or continue them under satisfactory conditions. Care for passengers awaiting an alternative or a delayed flight may be limited or declined if the provision of the care would itself cause further delay.

**D8.** Operating air carriers are required to meet the special needs of persons with reduced mobility and for persons accompanying them.

**D9.** Passengers shall be fully informed by the air carriers of their rights in the event of denied boarding, and of cancellations or long delays of flight so that they can effectively exercise their rights. This information is to be mandatorily included in ticketing documents and on the airline website.

**D10.** In consideration to the contents noted above, these regulations / orders are issued under Rule 180 of CARs 1994.

**D11.** **DEFINITIONS:** The following terms when used in this ANO have the meanings, assigned to them respectively. Any term used in this ANO but not defined herein shall have the same meaning as given in Civil Aviation Ordinance 1960, Pakistan Civil Aviation Authority Ordinance 1982 and CARs, 1994.

**D11.1** **AIR PASSENGER:** means Person receiving air transportation from the air carrier for which remuneration is received by the carrier.

**D11.2** **AIR CARRIER / AIRLINE:** means a Commercial Air Operator; operating with a valid Regular Public Transport (RPT) or Charter License, issued under Rule 179 of CARs 1994.

**D11.3** **OPERATING AIR CARRIER:** that performs or intends to perform a flight under a contract with a passenger or on behalf of another person, legal or natural, having a contract with that passenger;

**D11.4** **TOUR OPERATOR:** means, with the exception of an air carrier, an organization which provides package travel, package holiday and package tours.

**D11.5** **RESERVATION:** means the fact that the passenger has a ticket or other proof which indicates that the reservation has been accepted and registered by the air carrier or tour operator.

**D11.6** **FINAL DESTINATION:** means the destination on the ticket presented at the check-in counter, or, in the case of directly connecting flights, the destination of the last flight; alternative connecting flights available shall not be taken into account if the original arrival time is respected.

**D11.7** **A PERSON WITH REDUCED MOBILITY:** means any person whose mobility is reduced due to any physical disability (sensory or locomotory), an Intellectual impairment, age, 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.

**D11.8** **DENIED BOARDING:** means a refusal to carry passengers on a flight, although they have presented themselves for boarding, except where there are reasonable grounds to deny them boarding, such as reasons of health, safety or security, or inadequate travel documentation.

**D11.9** **VOLUNTEER:** means a person who has presented himself for boarding and responds positively to the air carrier's call for passengers prepared to surrender their reservation in exchange of benefits.

**D11.10** **CANCELLATION:** means non-operation of a flight which was previously planned and on which at least one place was reserved.

**D12. REQUIREMENTS:**

**D12.1** The requirements set out below shall be in addition to any rights of the intended or actual air passengers under any applicable law in force.

**D12.2 INFORMATION ABOUT FLIGHTS AND RESERVATIONS:**

D12.2.1 When making enquiries or booking a flight through an airline or its designated agent in Pakistan, each passenger shall be provided neutral and accurate information on the flight details and reservation status.

D12.2.2 Unless a passenger requires something different, the airline/agent must supply to him with neutral information from a computerized reservation system, in particular on the different options available for a journey ranked in the following order:

D.12.2.2.1. Non-stop flights,

D.12.2.2.2. Flights with intermediate stops but without a change of aircraft,

D.12.2.2.3. Connecting flights,

D.12.2.2.4. All the fares available from airlines, as applicable.

D12.2.3 The airline/agent must pass on to the passengers the information available in the computer system in the form of a computer print-out :

D12.2.4 The identity of the air carrier which will actually provide the service, as opposed to the carrier mentioned on the ticket;

D.12.2.4.1. Changes of aircraft during the journey;

D.12.2.4.2. Stops en route during the journey;

D.12.2.4.3. Transfers between the airports during the journey.

D12.2.5 Full assistance in the form of meals, beverages, communication facilities and a hotel room for the night, if necessary, must always be offered to all stranded passengers even if the delay or cancellation was caused by extraordinary circumstances or a force majeure incident.

### **D12.3 DENIED BOARDING:**

D12.3.1 When there are too many passengers for the seats available, an airline must first ask for volunteers to give up their seats in return for agreed benefits. These must include the choice of either refund of the ticket (with a free flight back to the passenger's initial point of departure, when relevant), or alternative transport to the passenger's final destination.

D12.3.2 If the passenger is not a volunteer, the airline must pay a compensation equivalent to 50% of the face value of the ticket excluding Government and Airport Taxes:

D12.3.3 Compensations may be halved if the passenger is delayed not more than 4 hours.

D12.3.4 The airline must also give the passenger:

D.12.3.4.1. a choice of either a refund of the ticket (with a free flight back to his initial point of departure, when relevant) or alternative transport to his final destination, and

D.12.3.4.2. meals and refreshments, hotel accommodation when necessary (including transfers) and communication facilities.

D12.3.5 In case of a denied boarding, the passenger shall be entitled to be compensated and to receive full assistance and in addition, the airline has to foresee alternate transport or re-routing to the final destination at the earliest convenience and subject to availability; or offer a reimbursement of the full cost of the ticket segments that were not used. This applies provided the passenger checks-in on time for any flight including non-scheduled and charter flights.

### **D13. CANCELLATION:**

**D13.1** Whenever a passenger's flight is cancelled, the operating airline must give him:

D13.1.1 a choice of either a refund of his ticket (with a free flight back to his initial point of departure, when relevant) or alternative transport to his final destination, and

D13.1.2 meals and refreshments, hotel accommodation when necessary (including transfers) and communication facilities.

D13.1.3 The airline may also have to compensate the passenger at the same level as for denied boarding, unless it gives him sufficient advance notice. The passengers shall be informed about the alternate transport.

**D13.2** Refunds may be in cash, by bank transfer, or with the passengers signed agreement, travel vouchers, and must be paid as soon as practicable.

**D13.3** Passengers not getting these facilities may complain to the airline operating the flight.

**D13.4** With regard to financial compensation to be paid for delays, the amount of the ticket will be refunded if the stranded passenger does not wish to continue his journey facing a delay for over 5 hours. He shall be entitled to cancel the flight on his own initiative and claim refund of the tickets not used. However, when financial compensation is to be in case of cancellations, airlines can in some cases invoke force-majeure and be exempted, but they will be obliged to inform passengers about the nature of cancellations. This written statement of the airline about the reasons of cancellation could subsequently be used in a court proceeding, which will decide whether the air carrier put all possible measures in place to avoid this situation from happening.

**D14. LONG DELAYS:**

**D14.1** The airlines shall provide immediate assistance if the passenger has checked in on time from a Pakistani airport for any flight including non-scheduled/ charter flight, or for any flight to a Pakistani airport when operated by an Pakistani operator from outside Pakistan, and if the airline expects a delay:

D14.1.1 Of 2 hours or more, for flights of 1500 km or less;

D14.1.2 Of 3 hours or more, for longer flights within Pakistan, and for other flights between 1500 and 3500 km,

D14.1.3 Of 4 hours or more for flights over 3500 km outside Pakistan, the airline must serve meals and refreshments, hotel accommodation when necessary (including transfers) and communication facilities.

D14.1.4 When the delay is 5 hours or more, the airline shall also offer to refund the passenger's ticket (with a free flight back to his initial point of departure, when relevant).

**D15. LATER CLAIMS:**

**D15.1** When a Pakistan operator/airline is responsible for the delay of a flight anywhere in the world, the passenger may claim for any resulting damage. If the airline does not agree with his claim, the affected party may seek redressal in accordance with law. The claim can be made on the airline with which the passenger has a contract, or from another actually operating the flight, if the two are different.

**D16. BAGGAGE:**

**D16.1** The passenger may claim for damages caused by the destruction, damage, loss or delay of his baggage on a flight by a Pakistani airline, anywhere in the world. If the airline does not agree with the claim, the passenger may seek redressal in accordance with law.

**D16.2** The damage to checked-in baggage must be reported to the airline representative and must be claimed within 7 days of its return, and for delayed baggage, within 21 days of its return. The claim can be made from the airline with which the passenger has the contract or from that actually operating the flight, if the two are different.

**D17. INJURY AND DEATH IN ACCIDENTS:**

**D17.1** The passenger may claim for damages caused by injury or death resulting from an accident on a flight of a Pakistani airline, anywhere in the world. The passenger will have a right to an advance payment for immediate economic needs. If the airline does not agree with the passenger's claim, he may seek redress alin accordance with law. The claim can be made on the airline with which the passenger has the contract or the airline which actually operated the flight, if the two are different.

**D18. PACKAGE HOLIDAYS:**

**D18.1** A passenger may claim damage from a tour operator, if he fails to provide the services booked by the passenger in Pakistan, whatever the destination. This applies to failure to provide any flight included in the tour package. Moreover, if the tour operator does not provide a significant part of the package booked, it is obliged to assist the passenger in making alternative arrangements, including travel, without extra cost to the passenger.

**D19. ENFORCEMENT**

**D19.1** When affected by denied boarding, a cancellation or a long delay, and not compensated as per this ANO, the passenger may report the incident to CAA Director Air Transport & Economic Regulations.

**D19.2** Director Air Transport & Economic Regulation will investigate the case and take necessary action to settle the issue.

**D19.3** In case of non-compliance of any conditions laid down in this ANO or other regulations / CARs, 1994 / Conditions of License or Certificate related to air passengers' rights, appropriate financial penalties may be imposed on the Operator / Airline in accordance with Rule 334, sub-rule (3) of CARs, 1994 as incorporated in CAA Enforcement Manual.

**D19.4** Alternatively, the complainant may file a case in a Consumer Court against the airline, for violating conditions of carriage.

**D20. ENFORCEMENT ACTION / IMPOSITION OF FINANCIAL PENALTIES FOR CONTRAVENTION OF CIVIL AVIATION RULES / REGULATIONS**

**D20.1** Enforcement actions including imposition of financial penalties, in view of severity of contravention are outlined below:

D20.1.1 Financial penalties;

D20.1.2 Suspension / Cancellation of Air Operator Certificate;

D20.1.3 Suspension / Cancellation of RPT / Charter/ Aerial work Licence

**D20.2** As endorsed in CAA Enforcement Manual, financial penalties may be progressively imposed as follows:

1st Occurrence	2nd Occurrence	3rd Occurrence
Rs. 20,000	Rs. 40,000	Rs. 60,000
In case of violations of serious nature, penalties may be enhanced up to:		
Rs. 30,000	Rs. 60,000	Rs. 100,000*

\*Financial penalty of more than Rs. 100,000 may be imposed with approval of the Authority i.e., CAA Board.

**D20.3 RECOVERY OF PENALTY, FINE OR DUES**

D20.3.1 When under the rules and regulations, a penalty or fine is imposed or any dues outstanding against an operator or a license holder, the amount of penalty or fine, or the dues as the case may be, shall be recoverable as arrears of land revenue.

**E. EVIDENCES (ACRONYMS/RECORDS/REFERENCES):**

**E1. ACRONYMS:**

- ANO AIR NAVIGATION ORDER
- APM AIRPORT MANAGER
- AT & ER AIR TRANSPORT & ECONOMIC REGULATIONS
- ICAO INTERNATIONAL CIVIL AVIATION ORGANIZATION
- RPT REGULAR PUBLIC TRANSPORT

**E2. RECORDS:**

Nil

**E3. REFERENCES:**

**E3.1** CARs, 1994

**E3.2** Document & Record Control (CAAO-001-MSXX)

**IMPLEMENTATION:**

This Air Navigation Order(ANO-001-ATCP) version 2.0 supersedes; Air Passenger Rights(ANO-001-ATCP-1.0) dated 31<sup>st</sup> August 2010 and shall come into force with effect from **30<sup>th</sup> September 2015**.

**(AMJAD ALI TOOR)**

Director General  
Civil Aviation Authority

Dated: - September **2015**

**(KHAWAR GHAYAS)**

Director Air Transport & Economic Regulations

Dated- September **2015**

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