



**CHARTING A NEW FRONTIER:  
AVIATION CONSUMER  
PROTECTION NEEDS  
TODAY AND BEYOND**

INTERNATIONAL WEBINAR

**Setting the Scene: Landscape of  
Consumer Rights in Air Travel  
Before COVID-19**

Dr. Jae Woon (June) LEE  
Assistant Professor  
Faculty of Law

The Chinese University of Hong Kong (CUHK)

# Rise of Consumer Rights

- Consumer protection has a long history.
- In 1962, President Kennedy set out the four basic rights of the consumer: to safety, to be informed, to choose and to be heard.
- Consumer rights developed significantly in the 1990s, linked with the development of the consumer society.
- The consumer service sector has generally been less well regulated than the consumer goods sector.



# Exponential Growth of Air Travel

1990 - 1250 m

2000 - 1750 m

2010 - 2500 m

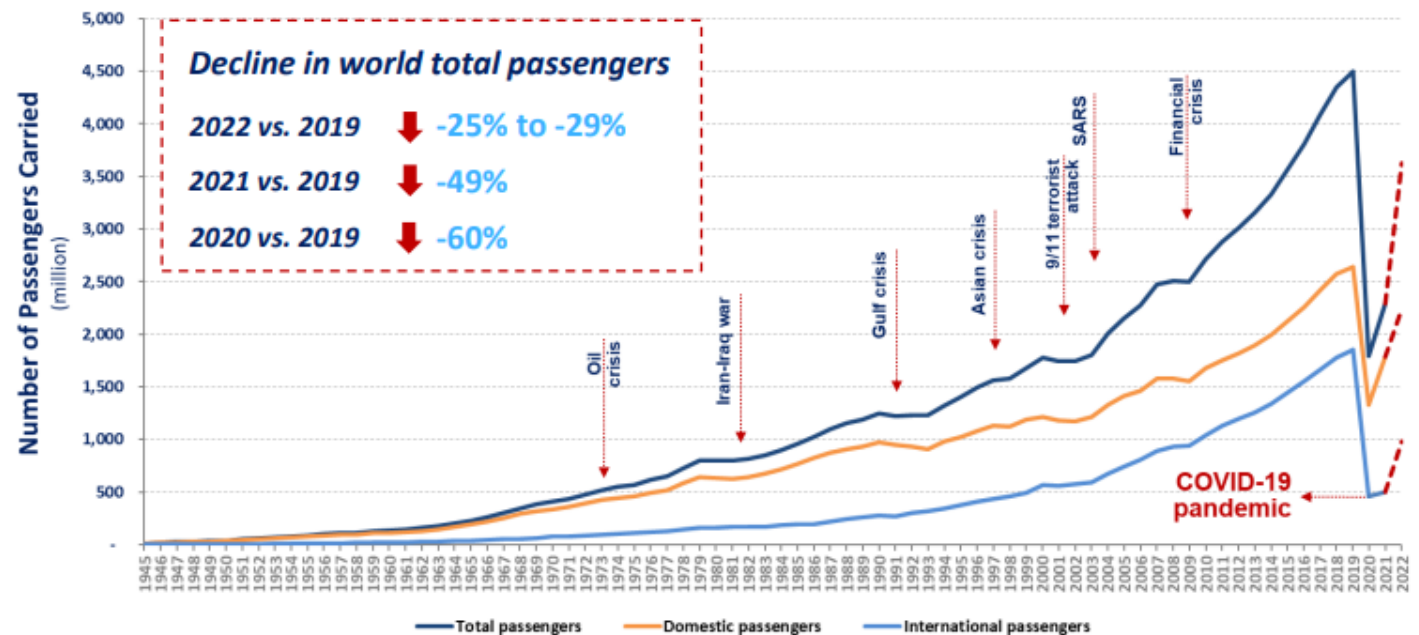
2019 - 4500 m

✈ LCC

✈ Liberalization

✈ Social Media

World passenger traffic evolution  
1945 – 2022



Source: ICAO Air Transport Reporting Form A and A-S plus ICAO estimates.



CHARTING A NEW FRONTIER:  
**AVIATION CONSUMER  
PROTECTION NEEDS  
TODAY AND BEYOND**

# Dissatisfaction with the Montreal Convention of 1999

- 137 member states
- Exclusive remedy for passenger death/injury, baggage damage, cargo damage and **passenger delay**
- Fault liability for delay – how about aircraft maintenance?
- Only economic damage is recoverable (no compensation for mental damage / inconvenience )



# Changes since 2004

- The European Union established EU 261/2004.

Situations	Remedies
when passengers are denied boarding against their will (Article 4)	<ul style="list-style-type: none"><li>- Compensation</li><li>- Reimbursement or Re-routing</li><li>- Right to care</li></ul>
when their flight is cancelled (Article 5)	<ul style="list-style-type: none"><li>- Compensation</li><li>- Reimbursement or Re-routing</li><li>- Right to care</li></ul>
when their flight is delayed (Article 6)	<ul style="list-style-type: none"><li>- Right to care</li><li>- Reimbursement (5 hour delay)</li><li>- <b>Compensation (After <i>Sturgeon</i> in 2009)</b></li></ul>



## From 2004 to 2019

- Over 60 states have implemented aviation-specific consumer protection rules.
- In Asia:  
China, India, Indonesia, Korea, Vietnam...



## In closing

- There are different institutional architectures in place to allocate responsibility for passenger protection worldwide.
- Some jurisdictions have recognized the need to have an agency designated specifically for passenger protection, such as MAVCOM.
- A wide range of new rules will be adopted in connection with COVID-19, including passenger protection rules.

