



Chapter 3 Passenger Rights

Article 44

Provisions of this Chapter shall apply to:

1. Air transport of persons, baggage and goods on flights arriving in the State and departing from the State. This transport is undertaken by the air operator registered in the State, or has been appointed to operate flights from and to the State. Such transport shall be consistent with the provisions of international conventions of which the State is a party.
2. Air operators, airport operators and ground service providers.
3. Operations by the air operator, the airport operator and ground service providers.

Article 45

The air operators, airport operator and ground service providers must adhere to all statutes, rules and instructions related to the rights of passengers as issued by Civil Aviation Affairs. They shall provide the Air Transport Department, without delay, updated copies of all the information, records and documents that may be requested by the Department to apply this Chapter, as well as the statutes and decisions issued for its implementation.

Article 46

The Air Transport Department shall lay down the provisions of this Chapter and shall supervise its implementation. In so doing, the Department shall carry out the following functions, inter alia,

1. Supervise guidance to the passengers and air transport operating agencies, in respect of the rights of passengers and the mechanism of dealing with such rights.
2. Receive and review the passenger complaints against air operators, the airport operator and the ground service providers.
3. Support the passengers, the air operators, the airport operator and the ground service providers in resolving problems related to the protection of passengers.
4. Follow up the implementation by the air operators, the airport operator and the ground service providers of the provisions related to the protection of passengers, and investigate violations and complaints and impose appropriate penalties in accordance with these Regulations.
5. Circulate all regulations, rules and decisions related to the rights of passengers, as issued by Civil Aviation Affairs.
6. Lay down the minimum provisions and conditions for the overbooking policy that could be followed by the air operators.
7. Coordinate with the airport operator, the air operators and the concerned agencies inside or outside Civil Aviation Affairs to improve the infrastructure and to achieve the appropriate environment and raise the level of attention to passengers, in conformity with the provisions of these Regulations.
8. Approve the air transport contract conditions and terms, and the contractual measures between its parties, and the mechanism to deal with complaints of the passengers, the requirements of advertisement and guidance to the passengers.



Article 47

1. The Air Transport Department may, for the purpose of undertaking its functions, coordinate with other departments on civil aviation affairs. Without undermining civil aviation security and safety, the concerned Departments in Civil Aviation Affairs, must give priority to the protection of passengers and cooperate with the Air Transport Department to undertake its functions at the best possible way.

Article 48

1. The national air operator shall provide the overbooking policy on its flights to the Air Transport Department for approval.
2. The designated air operator to operate flights from and to the State shall present to the Air Transport Department the approved overbooking policy adopted by the Civil Aviation Affairs in the State of registry.
3. The air operator shall implement policies of regulating overbooking on its flights, and shall, if possible, reduce the number of passengers who have been refused access to the flight.
4. The air operator shall announce, in a prominent way, its policy of overbooking regulation, and shall inform the passenger of such policy when they undertake the travel procedure, whether through phone calls, or on the website of the air operator, or at the sale and travel offices and counters at the airport.
5. In cases where the air operator refuses embarkation of any passenger on its flight by reason of the overbooking regulation policy, while there are alternative seats on the same flight at a higher class than the one agreed upon with the passenger, the air operator should upgrade to the higher class, without forcing the passenger to pay the difference in price.
6. In cases where the air operator has to refuse the travel of any passenger by reason of the overbooking regulation policy on the agreed flight, and in case no alternative seats are available on the higher class, the air operator may request volunteer passengers to rescind their seats against an offer from the air operator.
7. If the air operator refuses the travel of any passenger since there are no volunteer to rescind their seats, or since the volunteers are insufficient, the air operator should provide the necessary care, attention, support and compensation to the passenger, in accordance with the following mechanisms:
 - a) Adequate information must be given to the passenger when travel is rejected by reason of the overbooking regulation policy. Such information should be presented in writing in a clear manner, and the passenger must be given the necessary guidance in this respect.
 - b) If alternative seats are available on a lower class in the same flight, the air operator must inform the passenger that such alternative seats are available on the lower class, in accordance with item c) of this paragraph.
 - c) Without undermining the provisions of paragraph 5 and item b) of paragraph 7 of this Article, the air operator must allow the passenger to choose travelling on another flight by the same air operator or a flight by another air operator, with the air operator incurring the difference of the travel cost if any.
 - d) If the passenger awaits the forthcoming flight of the air operator, or if this flight is the closest alternative flight requiring attendance of one to eight hours at the airport, the



air operator must enable the passenger to use the hospitality lounges if available at the airport.

e) Downgrading the passenger on the same flight by reason of overbooking is not considered refusal of the travel. The air operator must compensate the passenger for the total difference in fare between the original travel class and the part of the flight that has been downgraded.

In the case of refusing the travel of a passenger continuing his flight from the arrival point to other destinations, the air operator must ensure that the passenger arrives at the final destination as soon as possible, with the least possible delay, whether on the flight of other air operators, or on a higher class of travel. The air operator must bear the difference in the travel cost if any, and the passenger must present a proof of continuing the flight from the arrival destination.

8. The passenger shall not be entitled to a compensation for rejection of flight for reason of the overbooking regulation policy in the following cases:
 - a) If the passenger is not committed to the transport contract, or provisions of the ticket tariffs, confirmation of reservation and attendance at the airport at a time to terminate the travel procedure in accordance with the policy of the air operator.
 - b) If the air operator provides a similar flight to the final destination of the passenger, eight hours from time of the original take-off.
9. The air operator shall repay the compensation to the passenger within 60 days after the date on which the passenger's right to the compensation has been established, or a decision has been issued by Civil aviation Affairs establishing the right of the passenger to compensation. The passenger's compensation shall be equivalent to 50 Special Drawing Rights for each day of delay in paying the compensation.

Article 49

1. The air operator should, if possible, limit the number of cancelled flights, together with ensuring the air safety and security aspects.
2. The air operator should, if possible, inform the passengers of flight cancellation at a sufficient time before the time of the flight. This should be in accordance with the following procedure:
 - a) If the air operator informs the passenger of flight cancellation fourteen days prior to the date of travel, the air operator shall be exempt from requirements of care, support and compensation. The air operator shall reimburse the ticket value to the concerned passenger.
 - b) If the air operator informs the passenger of the flight cancellation fourteen days before the fixed date of flight, the air operator should offer the passenger an alternative flight or reimbursement of the full ticket value or the remaining part of the flight.
 - c) If the passenger opts for an alternative flight against the cancelled flight in accordance with item b) of this paragraph and this resulted in extension of the passenger's residence for an additional period until the date of the alternative flight, the air operator shall bear the costs of residence and meals of the passenger for the additional period until the new date of travel.
3. If the flight is cancelled for unexpected reasons during the presence of the passenger at the airport, and if the passenger has chosen an alternative flight, the passenger may be treated in accordance with the following:



- a) If the flight is on a higher class for the same operator, or another operator, the air operator shall bear the cost difference, in case the cost of travel on the alternative flight is higher than the cost for the same air operator.
 - b) If the travel was on the same air operator or on another air operator at a lower class, the air operator shall compensate the passenger to the equivalent of the full cost difference, or the equivalent of 500 Special Drawing Rights, whichever is higher.
4. Compensation in the two cases shown in paragraph 3 of this Article may be through issuing an open ticket to be used during one year from date of issue, provided the passenger is in agreement.
 5. 5. If the passenger agrees to cancel the contract with the air operator due to flight cancellation, the Air operator shall reimburse the full value of the ticket to the passenger.
 6. 6. The air operator shall prepare a declaration form on "cancellation by the passenger of the contract". The passenger must sign this form prior to receipt of the full value of the ticket.
 7. 7. In case the declaration referred to in paragraph 6 of this Article is not present, the statement by the passenger, if different from that of the air operator, should be accepted.
 8. The provisions of paragraph 6, Article 50 of these Regulations shall apply in cases of delay in the take off time between the cancelled flight and the alternative flight.

Article 50

1. The air operator shall take all measures to limit the number of delayed flights and to reduce the duration of the delay, while observing the security and air safety aspects.
2. If the air operator advises the passenger of a delay of the flight or change of the scheduled time for the flight fourteen days before the date fixed for the travel, the air operator shall be exempt from requirements of care, support and compensation.
3. The air operator shall not be responsible for any damage resulting from the delay, if it is established that the air operator, his staff or agents have taken all necessary reasonable measures to avoid the damage, or that it was impossible for them to take such measures.
4. The air operator, while observing the security and safety consideration, should, as much as possible, inform the passenger of the flight delay, prior to the original take-off time. The notification should include the new take-off time.
5. If the air operator fails to determine the new take off time, it should - in addition to the forms of care it should present - compensate the passenger by 15 Special Drawing Rights for each hour of delay up to 100 Special Drawing Rights.
6. The air operator, while observing the provisions of paragraphs 5 and 12 of this Article, should - in cases of delay in the take-off time while the passenger is in the airport - provide the following forms of care to the passengers:
 - a) Soft drinks as of the start of the first hour of the original time fixed for departure.
 - b) A hot meal, if the delay period is expected to be three hours or more from the original time fixed for departure.
 - c) Hotel stay, if the probable delay period exceeds eight hours from the original time fixed for departure.
7. With the exception of the provisions in item a), paragraph 6 of this Article, the passenger has the right to choose between the care services mentioned in the remaining items of this paragraph or to be compensated for them as follows:



- a) The equivalent of 15 Special Drawing Rights instead of the hot meal, if the possible delay period exceeds three hours after the original time fixed for departure. b) The equivalent of 50 Special Drawing Rights instead of the hotel stay, if the possible delay period exceeds eight hours after the original time fixed for departure.
8. The airport operator should support the air operator by providing infrastructure and appropriate facilities to offer the care services specified in paragraph 6 of this Article.
 9. If the air operator is unable to offer the care forms specified in paragraph 6 of this Article, due the lack of infrastructure at the airport where the delay has occurred, or for any other reason, the passenger shall be compensated by the air operator, in accordance with the provisions of paragraph 7 of this Article. In case the reason is related to the airport infrastructure, the air operator has the right to refer the amount of the compensation to the airport operator.
 10. In case the flight is delayed before the passenger is at the airport, the air operator shall bear the cost of extending the hotel stay of the passenger until the time of the new take off. The responsibility of the air operator shall not exceed 50 Special Drawing Rights. The passenger should present a proof of carrying such costs.
 11. The provisions of paragraphs 6 and 7 of this Article shall apply in cases where the air operator is obliged to change the route during the flight.
 12. In the case of flight delay or possible delay for more than eight hours, the passenger can request the air operator to deal with the flight as a cancelled flight. In such cases the provisions of flight cancellation in Article 49 of these Regulations shall apply.
 13. In case of flight delay for more than eight hours after the possible time of arrival that has been announced by the air operator, the latter shall compensate the passenger to the amount of 10 Special Drawing Rights for each hour of delay. The compensation shall not exceed 100 Special Drawing Rights. Such compensation shall not be considered an alternative for presenting other care forms imposed by virtue of these Regulations.

Article 51

If the reservation is cancelled by the air operator without knowledge of the passenger, the flight shall be considered as a cancelled flight subject to the provisions of flight cancellation in Article 49 of these Regulations.

Article 52

1. The air operator may not refuse travel of a passenger with disabilities, unless this was for reasons of security and safety on board the aircraft or to preserve the health of the passenger with disabilities.
2. The air operator, airport operator and ground service provider shall observe the needs of passengers with disabilities, including, inter alia, the following:
 - a) Provision of wheel chairs and evident guidance signs at airports and during embarkation and disembarkation.
 - b) Provision by the ground service providers of automatic lifts for embarkation and disembarkation free of charge.
 - c) Provision of the necessary care needed by the passenger with disabilities in cases of cancellation or delay of flights or any change of flight course.



- d) Provision of measures to inform passengers with disabilities, especially those who have lost hearing or sight, of the dates of flights, flight cancellation or delay. The air operator shall bear responsibility if he does not carry out this function.
- e) The sale counters and utilities of the airport shall be rehabilitated by the air operator to receive and serve passengers with disabilities.
3. In case of refusal to transport a passenger with disabilities or refusal to render necessary services to such a person by the air operator, airport operator or ground service provider, these have to submit their justifications to the passenger within seven days of date of flight refusal, refusal to render service or date of request of such justifications by the Air Transport Department. Otherwise this would be considered as acceptance of the passenger's entitlement to the necessary compensations under these Regulations.
4. The passenger with disabilities whose flight has been refused or who has not obtained the services mentioned in paragraph 2 of this Article by the air operator, the airport operator or ground service provider, equivalent to 200 percent of the total value of the ticket price, in addition to any other compensations mentioned in these Regulations.

Article 53

1. The air operator should observe the necessary attention and care to ensure that no delay should take place in the arrival of baggage of the passenger and that no loss or damage should occur to such baggage
2. The air operator shall compensate the passenger to an amount not exceeding 1,131 Special Drawing Rights for loss, damage or delay of the passenger's baggage.
3. The air operator shall present to the Air Transport Department a statement of its policy on compensation for lost, damaged or delayed baggage, within 90 days of date of entry into effect of the provisions of these Regulations. Otherwise the air operator shall be obliged to compensate the passenger by virtue of the maximum compensation for each request.
4. The Air Transport Department may reject the policy of the air operator concerning compensation for lost, damaged, or delayed baggage or modification of such policy in accordance with the provisions of these Regulations.
5. The air operator shall announce its policy to compensate the baggage of passengers that have been delayed, damaged or lost. Such announcement should be placed on the air operator's internet website and also at a prominent place in its sale office or at the airports used, once such policy is approved by the Air Transport Department.
6. The air operator shall compensate the passenger for delay of baggage, 21 days from date of notifying the passenger of the delay of baggage, in accordance with the measures in effect.
7. The air operator shall compensate the passenger for damage to the baggage within 14 days from the date the baggage were considered damaged, in accordance with the measures of the air operator.
8. If the passenger wishes to raise the value of the compensation specified in paragraph 2 of this Article, because the baggage contain precious articles, the passenger should inform the air operator of such precious articles when the baggage are examined, and should confirm this on the forms prepared by the air operator for this purpose.



Article 54

1. The air operator shall, if possible, offer appropriate care and support in cases of force majeure.
2. The air operator shall not be responsible vis-à-vis the passengers in cases of force majeure, in accordance with the provisions of paragraph 1 of this Article, if it proves that it has taken the measures that should have been taken, or if it is impossible for the air operator to take such measures.
3. The air operator shall, when cancelling or modifying the flights in cases of force majeure, apply the provisions of Articles 49 and 50 of these Regulations as much as possible.
4. The air operator shall, in the case of force majeure, suspend its flights if necessary.
5. When suspending its flights in the case of force majeure, the air operator shall, as much as possible, notify the passengers of the timing of the alternative flight.
6. The air operator shall, in the case of force majeure, provide a telephone number for free of charge contact and follow up by passengers concerning the developments and changes associated with the case of force majeure.
7. The force majeure includes the running of specific flight/flights to a certain destination or destinations, for reasons that the air operator cannot control or avoid. The definition of force majeure, for purposes of these Regulations does not include aircraft technical defects.
8. The air operator shall provide the necessary infrastructure and services to assist the air operator in running the affairs of the passengers in an optimal manner for the duration of the force majeure.
9. The air operator shall inform the Air Transport Department in writing of any deficiency of services that should be provided by the air operator in causes of force majeure and in cases of technical defects to the aircraft resulting in flight delay.

Article 55

1. Reference to compensations mentioned in these Regulations in Special Drawing Rights shall not preclude payment of such compensations in the currency of the State.
2. The airport operator shall inform the air operator of any defects in guidance equipment and boards that may result in suspending the arrival of such information and guidance to the passengers.
3. The air operator should indicate the provisions for the transport of pets to the passengers concerned prior to accepting them for transport on its flights.
4. In case of not accepting to transport pets, the air operator must carry the expenses resulting from such non-acceptance up to a maximum of 100 Special Drawing Rights.
5. The air operator, when using automatic reservation systems, should make available all rates to the passengers.
6. In cases of unscheduled flights or purchase of special flights from the travel and tourism offices, the passenger may claim all his rights in these Regulations from the actual air operator. The latter may claim such payments on the travel and tourism offices by virtue of the contractual agreement between them.

Article 56

1. The air operator shall adhere to the principle of transparency in its announcement of flights, notifications and services presented by it.



2. The air operator may not present misleading or insufficient information on the prices of services presented by it and on the mechanism of their presentation.
3. The air operator shall announce any other additional rate to be added to the announced rate in the same advertisement material used. Such information should be made clear in the same advertisement material.
4. The rates announced by the air operator are the total rates. No fees or other costs may be added to such rates unless this is shown expressly in the advertisement material.
5. In case the service is provided through the operating pattern, in accordance with the code sharing of more than one air operator, or through a leased aircraft with the crew, the air operator must inform the passenger clearly when offering to provide the travel service.
6. The air operator shall announce the rights of the passenger, in conformity with the air transport contract. This should be announced in clear places and in a way that is understood by the passenger. This should include, in particular, the following:
 - a) Addresses of the selling offices.
 - b) Travel counters.
 - c) Area of receipt of passenger baggage and area of receiving compensation in the cases of loss, damage or delay of arrival of such baggage.
 - d) The air operator website on the internet.
7. The airport operator shall make available the necessary spaces for the advertisements mentioned in this Article, without obtaining any remuneration in return from the air operator or ground service providers.
8. The air operator shall inform the Air Transport Department promptly if the airport operator fails to implement its commitment provided in paragraph 7 of this Article.

Article 57

1. The air operator shall guide the passenger to the methods of claiming its rights and shall provide the forms relating to submission of complaints and demands through its website on the internet, the selling offices and travel counters.
2. The airport operator shall ensure the clarity and effectiveness of loudspeakers and