



Part 601

Passengers Protection

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PASSENGERS PROTECTION

Subpart A
Denied boarding, cancellations and long delays

601-1: Interpretation

This Regulation based on the Civil Aviation Law No. 28 of Egypt of 1981 as amended by Law 136 of 2010 establishes rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights and downgrading.

601-2: Definitions

- (a) 'Air carrier' means an air transport undertaking with a valid operating license;
- (b) 'Operating air carrier' means an 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;
- (c) '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;
- (d) 'Tour operator' means, with the exception of an air carrier, the person who, other than occasionally, organizes packages and / or sells or offers them for sale;
- (e) 'Package' means the pre-arranged combination of not fewer than two of the following when sold or offered for sale at an inclusive price: transport; accommodation, other tourist services not ancillary to transport or accommodation and accounting for a significant proportion of the package;
- (f) 'Extraordinary circumstances' means circumstances which, by their nature or origin, are not inherent in the normal exercise of the activity of the air carrier concerned and are beyond its actual control. For the purposes of this Regulation, extraordinary circumstances shall include the circumstances set out in the Annex;
- (g) 'Tarmac delay' means, at departure, the time the aircraft remains on the ground between the start of boarding of the passengers and the take-off time of the aircraft or, at arrival, the time between the touch-down of the aircraft and the start of disembarkation of the passengers;
- (h) 'ticket price' means the full price paid for a ticket and including the air fare, and all applicable taxes, charges, surcharges and fees paid for all optional and non-optional services included in the ticket;
- (i) 'Person with reduced mobility' means any person whose mobility when using transport is reduced due to any physical disability (sensory or loco motor, permanent or temporary), intellectual disability or impairment, or any other cause of disability, or age, and whose situation needs appropriate attention and the adaptation to his or her particular needs of the service made available to all passengers;
- (j) 'Denied boarding' means a refusal to carry passengers on a flight, although they have presented themselves for boarding under the conditions laid down in the first paragraph of Part (601-3), except where there are reasonable grounds to deny them boarding, such as reasons of health, safety or security, or inadequate travel documentation;
- (k) 'Volunteer' means a person who has presented himself for boarding under the conditions laid down in the first paragraph of Part (601-3) and responds positively to the air carrier's call for passengers prepared to surrender their reservation in exchange for benefits;
- (l) 'Cancellation' means the non-operation of a flight which was previously planned and on which at least one place was reserved;

- (m) 'Downgrading' means placing a passenger in a class lower than that for which the ticket was purchased; and
- (n) 'upgrading' means placing a passenger in a class higher than that for which the ticket was purchased.

601-3: Application

- (a) This Regulation shall apply:
 - (1) To passengers departing from an airport located in the territory of Egypt;
 - (2) To passengers departing from an airport located in a third country to an airport located in the territory of Egypt unless they received benefits or compensation and were given assistance in that third country, if the operating air carrier of the flight concerned is an Egyptian carrier; and
 - (3) On the condition that passengers have a confirmed reservation and except in the case of change of schedule referred to in Part (601-6) 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.
- (b) This Regulation shall not apply to passengers travelling free of charge or at a reduced fare not available directly or indirectly to the public. However, it shall apply to passengers having tickets issued under a frequent flyer programme or other commercial programme by an air carrier or tour operator.
- (c) Where an operating air carrier which has no contract with the passenger performs obligations under this Regulation, it shall be regarded as doing so on behalf of the person having a contract with that passenger.
- (d) This Regulation shall not apply in cases where a package is cancelled or delayed for reasons other than cancellation of the flight.

Subpart B **Actions**

601-4: Action in the case of denied boarding

- (a) When an operating air carrier reasonably expects to deny boarding, it shall first call for volunteers to surrender their reservations in exchange for benefits under conditions to be agreed.
- (b) Volunteers shall be assisted in accordance with Part (601-8), such assistance being additional to the benefits mentioned in this paragraph.
- (c) If an insufficient number of volunteers come forward the operating air carrier may then deny boarding to passengers against their will and the operating air carrier shall immediately compensate them in accordance with Part (601-7), offer then assistance in accordance with Article 8 and care in accordance with Part (601-9).

601-5: Action in the case of flight cancellation

- (a) In case of cancellation of a flight, the passengers concerned shall:
 - (1) Be offered assistance in accordance with Part (601-8) and, in the event of re-routing when the reasonably expected time of departure of the flight is at least 2 hours after the planned departure of the cancelled flight, the care specified in Part (601-9) and
 - (2) Have the right to compensation in accordance with Part (601-7), unless they are informed of the cancellation:
 - (i) At least two weeks before the scheduled time of departure; or
 - (ii) Less than two weeks before the scheduled time of departure and are offered re-routing, allowing them to reach their final destination less than four hours after the scheduled time of arrival.
- (b) An operating air carrier shall not be obliged to pay compensation in accordance with Part (601-7), if it can prove that the cancellation is caused by extraordinary circumstances which could not have been avoided even if all reasonable measures had been taken.

601-6: Action in the case of long delays

- (a) When an operating air carrier reasonably expects the departure of a flight to be delayed by at least two hours passengers shall be offered the relevant assistance specified in Part (601-9); and when the delay is at least five hours, the assistance specified in Part (601- 8) (1) (a).
- (b) Where a tarmac delay reaches a maximum of five hours, the aircraft shall return to the gate or another suitable disembarkation point where passengers shall be allowed to disembark and to benefit from the same assistance as specified in paragraph 1, unless there are safety related or security-related reasons why the aircraft cannot leave its position on the tarmac.
- (c) Where the passenger arrives at its final destination:
 - (1) Five hours or more after the scheduled time of arrival for journeys of 3500 kilometers or less;
 - (2) Nine hours or more after the scheduled time of arrival for journeys between of 6000 kilometers or more;
 - (3) Passengers shall have a right to compensation from the operating air carrier in accordance with Part (601-7).
- (d) Paragraph 2 shall also apply where the operating air carrier has modified the scheduled times of departure and arrival causing a delay compared to the time of arrival of the original schedule, unless the passenger was informed of the schedule change more than fifteen days in advance of the originally scheduled time of departure.
- (e) An operating air carrier shall not be obliged to pay compensation in accordance with Part (601-7), if it can prove that the cancellation is caused by extraordinary circumstances which could not have been avoided even if all reasonable measures had been taken.

Subpart C
Rights

601-7: Right to compensation

- (a) Where reference is made to this Part, passengers shall receive compensation amounting to:
 - (1) EGP [300]: all flights under 1000 kilometers;
 - (2) EGP [900]: all flights between 1000 and 4000 kilometers;
 - (3) EGP [1500]: all flights above 4000 kilometers.
- (b) The air carrier may reach a voluntary agreement with the passenger that replaces the compensation provisions set out in paragraph 1, provided that this agreement is confirmed by a document signed by the passenger which reminds the passenger of his rights to compensation under this Regulation.

601-8: Right to assistance

- (a) Where reference is made to this Part, passengers shall be offered the choice between:
 - (1) Reimbursement within seven days of the passenger's request of the ticket price at the price at which it was bought, for the part or parts of the journey not made and a return flight to the first point of departure, at the earliest opportunity;
 - (2) Continuation of the passengers' travel plan, by re-routing, under comparable transport conditions, to their final destination, at a date to agree upon between the carrier and the passengers.

601- 9: Right to care

- (a) Where reference is made to this Part, passengers shall be offered free of charge:
 - (1) Meals and refreshments in a reasonable relation to the waiting time;
 - (2) Hotel accommodation in cases where a stay of one or more nights becomes necessary,
 - (3) Transport between the airport and place of accommodation (hotel, place of residence of the passenger or other).
- (b) In addition, passengers shall be offered free of charge two telephone calls, telex or fax messages, or e-mails.
- (c) If the operating air carrier can prove that the cancellation, delay or change of schedule is caused by extraordinary circumstances and that the cancellation, delay or change of schedule could not have been avoided even if all reasonable measures had been taken, it may limit the total cost of accommodation provided according to paragraph 1(b) to EGP [500] per night and per passenger and to a maximum of 2 nights.

Subpart D **Assistance**

601- 10: Upgrading and downgrading

- (a) If an operating air carrier upgrades a passenger, it may not request any supplementary payment.
- (b) If an operating air carrier downgrades a passenger, it shall within seven days reimburse:
 - (1) [30 %] of the ticket price at the price at which it was bought: flights of 1 000 kilometers or less;
 - (2) [50 %] of the ticket price at the price at which it was bought: all flights between 1000 and 4 000 kilometers or
 - (3) [75 %] of the ticket price at the price at which it was bought: all other flights.

601-11: Persons with reduced mobility or special needs

- (a) Operating air carriers shall give priority to carrying persons with reduced mobility and any persons or certified service dogs accompanying them, as well as unaccompanied children.
- (b) Operating air carriers shall give priority to carrying persons with reduced mobility and any persons or certified service dogs accompanying them, as well as unaccompanied children.
- (c) In cases of denied boarding, cancellation and delays of any length, persons with reduced mobility and any persons accompanying them, as well as unaccompanied children, shall have the right to care in accordance with Part (601-9) as soon as possible.

Subpart E
Rights

601-12: Further compensation

This Regulation shall apply without prejudice to a passenger's rights to further compensation.

601-13: Right of redress

In cases where an operating air carrier pays compensation or meets the other obligations of assistance or of care incumbent on it under this Regulation, no provision of this Regulation or of national law may be interpreted as restricting its right to seek compensation for the costs incurred under this Regulation from any third parties which contributed to the event triggering compensation or other obligations.

601-14: Obligation to inform passengers of their rights

The operating air carrier shall ensure that at check-in a clearly legible notice containing the following text is displayed in a manner clearly visible to passengers: 'If you are denied boarding or if your flight is cancelled or delayed for at least two hours, ask at the check-in counter or boarding gate for the text stating your rights, particularly with regard to compensation and assistance'.

An operating air carrier denying boarding or cancelling a flight shall provide each passenger affected with a written notice setting out the rules for compensation and assistance in line with this Regulation. It shall also provide each passenger affected by a delay or a change of schedule of at least two hours with an equivalent notice. The contact details of the national designated body referred to in Article 16 shall also be given to the passenger in written form.

In respect of blind and visually impaired persons, the provisions of this Article shall be applied using appropriate alternative means.

601-15: Airport contingency plan

At airports whose annual traffic has been not less than three million passengers for at least three consecutive years, the airport managing body shall ensure that the operations of the airport and of airport users are coordinated through a proper contingency plan in view of possible situations of multiple cancellations and/or delays of flights leading to a considerable number of passengers stranded at the airport.

Subpart F

601-16: Infringements

ECAA is the body responsible for the enforcement of this Regulation as regards flights from airports situated in the territory of Egypt and flights from a third country to such airports. Where appropriate, it takes the measures necessary to ensure that the rights of passengers are respected.

Without prejudice to Part (601-12), each passenger may complain to ECAA, or to any other competent body designated by Egypt about an alleged infringement of this Regulation at an airport situated in the territory of Egypt or concerning any flight from a third country to an airport situated in that territory.

Subpart G

Annexes

601-17: Annex 1:

- (a) Non-exhaustive list of circumstances considered as extraordinary circumstances for the purposes of this Regulation
- (1) The following circumstances shall be considered as extraordinary:
 - (i) Natural disasters rendering impossible the safe operation of the flight;
 - (ii) Technical problems which are not inherent in the normal operation of the aircraft, such as the identification of a defect during the flight operation concerned and which prevents the normal continuation of the operation; or a hidden manufacturing defect revealed by the manufacturer or a competent authority and which impinges on flight safety;
 - (iii) Security risks, acts of sabotage or terrorism rendering impossible the safe operation of the flight;
 - (iv) Life-threatening health risks or medical emergencies necessitating the interruption or deviation of the flight concerned;
 - (v) Air traffic management restrictions or closure of airspace or an airport;
 - (vi) Meteorological conditions incompatible with flight safety; and
 - (vii) Labor disputes at essential service providers such as airports and Air Navigation Service Providers.
 - (2) The following circumstances shall not be considered as extraordinary:
 - (i) Technical problems inherent in the normal operation of the aircraft, such as a problem identified during the routine maintenance or during the pre-flight check of the aircraft or which arises due to failure to correctly carry out such maintenance or pre-flight check; and
 - (ii) Unavailability of flight crew or cabin crew.