

Regulations Governing the Mediation of Disputes Arising from the Transportation between Civil Aviation Passengers and Aircraft Carriers

Promulgated on April 4, 2002 by CAA

Amendments of Articles 2,6,7 promulgated by CAA Order No.0044 on April 29, 2010

Amendments of Articles 3 and addition of Article 3-1 promulgated by CAA Order No.1065019862 on September 15, 2017

Amendment of Article 3-1 promulgated by CAA Order No.10814007271 on May 30, 2019

Article 1

These Regulations are prescribed in accordance with Article 47, Paragraph 3 of the Civil Aviation Act (hereinafter referred to as “this Act”).

Article 2

For the purposes of maintaining the operation of airports and preserving the nation’s image, the Civil Aviation Administration, Ministry of Transportation and Communications (hereinafter referred to as the “CAA”) shall render assistance in mediating any and all disputes arising out of the transportation between civil aviation passengers (hereinafter referred to as “passenger” or “passengers”) and an aircraft carrier (hereinafter referred to as “carrier” or “carriers”).

CAA may commission the airport operator to mediate any and all disputes arising out of the passenger and carrier in the preceding paragraph.

The commissioned airport operator and matters, and the legal basis for such commission in the preceding paragraph shall be publicly announced and published in a government gazette.

Article 3

If a carrier is convinced any aircraft will not be able to depart according to scheduled time so that a flight is expected to be delayed for more than fifteen minutes in cases of domestic routes or for more than thirty minutes in cases of international routes, or that air route or place of takeoff and/or landing will be changed, it shall forthwith explain to passengers in detail the reasons therefor, as well as the manners in which it will deal with the situation.

If the delayed flight in the preceding paragraph delays more than 5 hours, passengers who do not accept the arrangement of the carrier may claim to refund their tickets from the original ticket sales office and the refund fee shall not be charged by the carrier.

Article 3-1

For the aircraft planning to take off or land in any domestic airport but diverting to the other airports within R.O.C. territory for any reason, the carrier may arrange for passengers to disembark the aircraft or enter the R.O.C. after considering the needs of the passengers, evaluating the actual situation and obtaining the permission of relevant airport units if the aircraft cannot fly to the original destination airport in a short time and the conditions of the diverted airport permit.

If the foregoing arrangements are unable to be made for passengers, the carrier shall explain to passengers the reasons and handling method in detail.

Article 4

If a carrier delays in the transportation or changes the route or place of takeoff and/or landing so as to affect the rights or interests of passengers, it shall timely provide free of charge the following services as dictated by actual situations and the needs of passengers:

- (1) Necessary communications;
- (2) Necessary meals or accommodations;
- (3) Necessary articles to keep out the cold or first-aid articles; or
- (4) Necessary connecting flights or other vehicles.

A carrier shall attend to the rights and interests of passengers in a reasonable manner; and if the provision of any of the foregoing services is not possible owing to local conditions, the carrier shall forthwith explain to passengers in detail the reasons therefor, and properly handle the situation.

Article 5

If a carrier fails to properly handle any dispute arising between passengers and such carrier in the course of transportation or after the completion thereof or if Article 3 or Article 4 hereof is violated, the CAA may act in accordance with Article 57 of this Act.

Article 6

If any arrival passenger refuses to disembark a carrier may notify and request the manager of the Airport Operator, as well as the official of Aviation Police Office, to show up and render assistance in dealing with the situation. To maintain normal operation of the airport, passengers may, before disembarking, choose a representative among themselves, who will fill out an “Acknowledgement of Agreement for Civil Aviation passengers to Disembark an Airplane” (as shown in Attachment 1).

The personnel mentioned in the preceding paragraph shall assist in mediating the following matters:

- (1) Persuading and making arrangements for passengers to disembark, as well as assisting in settling disputes;
- (2) Upholding public order at airport terminals;
- (3) Maintaining the arrangement of subsequent flights, as well as protecting the rights and interests of passengers.

When passengers are requested by a carrier to leave but remain in the aircraft during mediation, the carrier may, with the consent from the manager of the Airport Operator in the first paragraph, request Aviation Police Office to persuade or compel the passengers to leave the aircraft.

When Aviation Police Office compels passengers to leave the aircraft, Airport Operator and the carrier shall take necessary action in coordination with such efforts.

Article 7

The manager of the Airport Operator may witness and affix his/her signature to the negotiated results of damages or compensation as reached by and between the representative(s) chosen by the passengers after leaving the airplane and the carrier.

If any passenger has a personal opinion, he/she may fill out an Individual Complaint by Passenger (as shown in Attachment 2) and submit it to the carrier, who shall promptly and properly handle the matter and report the results thereof to the Airport Operator.

Article 8

If a carrier delays for reasons attributable to itself, which causes harm to the rights and interests of passengers, it shall be responsible for damages or compensation resulting therefrom.

Article 9

If passengers or the representative(s) chosen by and among themselves and the carrier or its representative(s) fail to settle any dispute or reach an agreement as to the damages or compensation, either side may still request the CAA to mediate such matters.

The CAA may form a mediation committee for consumer complaints so as to render assistance in mediating the matters mentioned in the preceding paragraph. The details for the establishment of the aforesaid committee shall be otherwise prescribed by the CAA.

Article 10

These Regulations shall become effective as of the date of promulgation.

Attachment 1

Acknowledgement of Agreement for Civil Aviation passengers to Disembark

1. Passengers of this flight (Flight Number: _____; To: _____ From: _____) or the representative(s) chosen by and among themselves hereby agree to disembark immediately and move to such place as provided by the Airport Office to continue the negotiation so that the rights and interests of subsequent passengers are protected.
2. The aircraft carrier or its representative(s) hereby agrees to continue the negotiation at such place as provided by the Airport Office to properly handle the situation.
3. If the aircraft carrier or its representative(s) fails to continue the negotiation at such place as provided by the Airport Office to properly handle the situation, the witness will report the situation to the CAA, which will act in accordance with Article 57 of the Civil Aviation Act.

Passengers or their representative(s):

Aircraft carrier or its representative:

Witness:

Date: _____

Attachment 2

I n d i v i d u a l C o m p l a i n t b y P a s s e n g e r

NAME:		<input type="checkbox"/> MR.	
LAST NAME	GIVEN NAME	<input type="checkbox"/> MRS.	
		<input type="checkbox"/> MS.	
DATE OF BIRTH	OCCUPATION	NATIONALITY	
D/M/Y			
ADDRESS			
HOME TEL:		OFFICE TEL:	FAX NO:
PLANNED SCHEDULE	DEPARTURE T/D/M/Y	ARRIVAL T/D/M/Y	TRANSIT T/D/M/Y
ACTUAL TIME			
PLACE			
NO. AND CLASS			
AIRLINE&FLIGHTNO.			
MAIN PURPOSE OF THIS TRIP	<input type="checkbox"/> COMPANY BUSINESS		<input type="checkbox"/> EDUCATION
	<input type="checkbox"/> ATTEND TRADE SHOW/CONVENTION		<input type="checkbox"/> MIGRATION
	<input type="checkbox"/> HOLIDAY		<input type="checkbox"/> OTHERS
	<input type="checkbox"/> VISITING FRIENDS/RELATIVES		
TRAVEL AGENCY		TEL NO.	
NATURE OF DISSATISFACTION			