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| **MINISTRY OF TRANSPORT -------** | **SOCIALIST REPUBLIC OF VIETNAM   Independence - Freedom - Happiness   ---------------** |
| No. 27/2017/TT-BGTVT | *Hanoi, August 25, 2017* |

**CIRCULAR**

ON AMENDMENTS TO CERTAIN ARTICLES OF THE CIRCULAR NO. 36/2014/TT-BGTVT DATED AUGUST 29, 2014 BY THE MINISTER OF TRANSPORT ON QUALITY OF PASSENGER SERVICES AT AIRPORTS AND THE CIRCULAR NO. 14/2015/TT-BGTVT DATED APRIL 27, 2015 BY THE MINISTER OF TRANSPORT ON NON-REFUNDABLE FIXED COMPENSATION IN AIR PASSENGER TRANSPORT

*Pursuant to the 2006 Law on Vietnam Civil Aviation and Law on Amendments to certain articles of the 2014 Law on Vietnam Civil Aviation;*

*Pursuant to the Government’s Decree No. 12/2017/ND-CP dated February 10, 2017 on functions, tasks, power and organizational structure of the Ministry of Transport;*

*Pursuant to the Circular No. 36/2014/TT-BGTVT dated August 29, 2014 by the Minister of Transport on the quality of passenger services at airports;*

*Pursuant to the Circular No. 14/2015/TT-BGTVT dated April 27, 2015 by the Minister of Transport on non-refundable fix compensation in air passenger transport;*

*At the request of the Director of the Bureau of Transport and the Director of the Civil Aviation Authority of Vietnam;*

*The Minister of Transport promulgates a Circular on amendments to certain articles of the Circular No. 36/2014/TT-BGTVT dated August 29, 2014 by the Minister of Transport on quality of passenger services at airports and the Circular No. 14/2015/TT-BGTVT dated April 27, 2015 by the Minister of Transport on non-refundable fixed compensation in air passenger transport.*

**Article 1.** Amendments to certain articles of the Circular No. 36/2014/TT-BGTVT dated August 29, 2014 by the Minister of Transport on quality of passenger services at airports (hereinafter referred to as “Circular No. 36/2014/TT-BGTVT”):

1. Clause 2 Article 2 shall be amended as follows:

“2. Airlines, airport enterprises, enterprises providing passenger services, enterprises providing ground handling services and non-aviation enterprises at airports.”

2. Point i Clause 1 Article 3 shall be added as follows:

"i) Smoking area."

3. Clause 2 Article 3 shall be amended as follows:

"2. Airport enterprises and enterprises providing passenger services shall ensure basic functional areas at the passenger terminal specified in Clause 1 this Article and other functional areas according to regulations of the Minister of Transport on management and operation of airports and aerodromes."

4. Clause 1 Article 4 shall be amended as below:

“1. Airlines, airport enterprises, enterprises providing passenger services and enterprises providing ground handling services shall issue, implement and disseminate procedures for passenger services at airports and issue procedures for cooperation with relevant authorities in passenger services."

5. Clause 1 Article 5 shall be amended as below:

“1. Airport enterprises and enterprises providing passenger services shall:

a) Ensure the space for check-in areas and the passage of at least 1.2 m2/passenger in the rush hour in line with the operation limit of the terminal;

b) Provide adequate number of check-in counters for airlines upon their requests and in accordance with the infrastructure at the terminal;

c) Fully provide the signboards both in Vietnamese and English (use of electronic signboards, monitors or hanging signboards) to display information about flights and estimated time of counter closing; bulletin boards to give instructions to passengers on dangerous goods and items which shall not be taken with passengers or in checked baggage, on necessary papers when travelling by plane in accordance with regulations on aviation security at check-in counters;

d) Meet the space for the waiting area at boarding gates and the passage of at least 0.6m2/passenger in the rush hour based on the operation limit of terminal;

dd) Arrange a number of seats at the airport as follows: ensure to meet at least 5% of total of passengers in the rush hour based on the operation limit of terminal at the check-in area; meet at least 70% of total of passengers in the rush hour based on the operation limit of terminal at the waiting area to go on board; arrange seats exclusively for the elderly, pregnant women, people who are disabled or in need of special assistance;

e) Install security cameras to monitor at the check-in area, baggage screening area, baggage carousel area and passenger security check area at the airport.

g) Connect their check-in systems with the general check-in system of the airport from January 01, 2020, except for the check-in area exclusively operated by a particular airline."

6. Points d and dd Clause 2 Article 5 shall be amended as below:

"d) Announce and implement the opening and closing of counters as follows: the opening time of counters shall be 2 hours for domestic flights and 3 hours for international flights before the estimated time of departure (ETD) according to the flight schedule; the closing time of counters (end of receipt of passengers) shall be 40 minutes for domestic flights and 50 hours for international flights before the ETD; in case of delayed flights, the closing time of counters shall be postponed corresponding to the new ETD (only applied to that on the flight schedule) or re-open counters according to the new ETD (if any);

dd) Arrange staff to assist passengers who have not gone through procedures 15 minutes prior to the closing time of counters and inform the security, immigration and customs divisions to assist such passengers complete the procedures;”

7. Point h shall be added to Clause 2 Article 5 as follows:

"h) Connect their check-in systems with the general check-in system of the airport from January 01, 2020, except for the check-in area exclusively operated by a particular airline."

8. Point d Clause 1 Article 6 shall be amended as below:

“d) Ensure or require the enterprise providing ramp services to ensure the provision of vehicles to carry passengers from the boarding gate to the aircraft apron slot on the basis of an agreement on service supply for flights without using the jet bridge with distance from the boarding gate to aircraft apron slot of greater than 50 meters (m); arrange seats exclusively for the elderly, pregnant women or the disabled in such vehicles;”

9. Clause 3 Article 6 shall be amended as below:

“3. Representatives of airlines or entities authorized to work as representatives at the airport shall supervise the activity of taking passengers on board the aircraft.”

10. Article 7 shall be amended as follows:

**“Article 7. Provision of passenger services in case of delayed, disrupted or cancelled flights**

1. The airline shall provide information about the flight for airport enterprises, enterprise providing passenger services, enterprises providing ground handling services and airport authorities where the flight is delayed or cancelled; assign the staff to notify and provide services that the passengers are entitled to receive in accordance with regulations, deal with problems and meet the needs of passengers based on actual circumstances at the airport and regulations of law.

2. In case of the delayed flight or disrupted transportation as planned from 15 minutes or over compared to the flight schedule, the airline shall:

a) Notify the passengers of information related to the flight in particular: flight number and its schedule; reasons for delayed flight or disrupted transportation; ETD or alternative flight schedule; passenger service plan; and passenger assistance division (position or identification signs);

b) Apologize to passengers.

3. In case the passengers whose seats have been confirmed on the flight but the transportation is delayed, disrupted or cancelled, the airline shall serve the passengers in accordance with the following regulations:

a) The delayed time is from 2 hours or over: serve drinks to passengers;

b) The delayed time is from 3 hours or over: serve meals to passengers;

c) The delayed time is from 6 hours or over (from 7 a.m. to before 10 p.m.): arrange the lounge in line with actual conditions of the airport;

d) The delayed time is from 6 hours or more (from 10 p.m. of the previous day to before 7 a.m. of the following day): arrange accommodations in accordance with actual conditions of the local area or alternative solutions if getting the passengers’ consent;

dd) Change the passengers’ journey within the range of service supply of the airline so that the passengers can reach destination of the journey the most quickly and conveniently.

4. Provision of services mentioned in this Article shall not limit other obligations fulfilled by the airline while carrying passengers according to regulations of law.

5. The airport enterprises and enterprises providing passenger services shall organize or require non-aviation enterprises to provide catering service for passengers at the airport in case of delayed, disrupted or cancelled flights in accordance with actual conditions of the airport under a space lease agreement and a franchise agreement concluded by and between them.”

11. Point c Clause 1 Article 9 shall be amended as follows:

“c) Assign staff, place information counters and signboards to provide information about transit or transfer of flights at international airports for passengers to follow necessary procedures for continued flights."

12. Clause 2 Article 9 shall be amended as below:

“2. Airport enterprises and enterprises providing passenger services shall:

a) Install camera systems, information systems and signboards showing passengers the way to the immigration, customs and baggage claim areas;

b) Assign staff and equip baggage carousels to ensure the baggage clearance for incoming flights as follows: for international flights, the first baggage must be moved to the tail of conveyor belt within 20 minutes from the time of being put on the head of conveyor belt, except for faults caused by airport enterprises or enterprises providing passenger services; for domestic flights, the first baggage must be moved to the tail of conveyor belt within 10 minutes from the time of being put on the head of conveyor belt, except for faults caused by airport enterprises or enterprises providing passenger services.”

13. Clause 1 Article 10 shall be amended as follows:

“1. Airport enterprises and enterprises providing passenger services shall:

a) Provide full equipment, signboard and sound systems giving information about flights and information for passengers at the terminal. Depending on actual conditions of airport, airport enterprises and enterprises providing passenger services shall arrange one or multiple information counters with passenger assistance staff;

b) Arrange area for security control procedures at the departure terminal, staff and the scanner to ensure the implementation of security check procedures including the queuing time for a passenger which does not exceed 15 minutes, except for special cases decided by the Ministry of Transport;

c) Notify immediately to airlines when detecting any passengers’ baggage with items or goods restrictedly transported stipulated in the transportation charter of such airlines;

d) Arrange trolleys to fully and conveniently meet the passengers’ needs;

dd) Organize the traffic system and toilet area for the disabled;

e) Ensure hygiene, civilized and clean environment in the departure and arrival terminals; the toilet system must meet the standards of terminal design capacity;

g) Arrange a separate area exclusively for smokers in the terminal;

h) Arrange a free-of-charge drink counter in the separate area of the departure and arrival terminals;

i) Provide free Wi-Fi access with high speed at the passenger terminal;

k) Receive and promptly settle claims related to the service quality at the airport and send reports on such settlement to the Airports Authority where such claims are made."

14. Clause 2 Article 10 shall be amended as follows:

“2. Airlines shall:

a) Provide information for airport enterprises and enterprises providing passenger services to display flight information in both Vietnamese and English. Such information shall include flight numbers, departures and arrivals, check-in counters, estimated time of departure and arrival, boarding gates, baggage carousels, information about delayed, disrupted or cancelled flights;

b) Receive and promptly settle claims related to air transport of airport enterprises and send reports on such settlement to the Airports Authority where such claims are made.”

15. Clause 2 Article 11 shall be amended as follows:

“2. Airport enterprises and enterprises providing passenger services shall arrange space for non-aviation enterprises at airport in accordance with the space layout plan approved by the competent body as prescribed by law.”

16. Article 12 shall be amended as follows:

**“Article 12. Enterprises**

1. “2. Airlines, airport enterprises, enterprises providing passenger services, enterprises providing ground handling services and non-aviation enterprises shall issue regulations on labor disciplines specifying forms of disciplines imposed upon employees committing violations against regulations on passenger services.

2. Units providing services specified in Clause 1 this Article shall provide their staff with uniforms when they are operating at the airport to be distinguished from passengers.

3. Airlines, airport enterprises, enterprises providing passenger services and non-aviation enterprises shall display and make their telephone hotlines publicly available on their websites and at the airport.

4. Airport enterprises and enterprises providing passenger services shall arrange positions to display telephone hotlines of all enterprises and airlines at the airport.

17. Clause 3 Article 14 shall be amended as follows:

“3. Once every 6 months, review and announce the units which fail to meet regulations on service quality stipulated by this Circular; direct airport enterprises and enterprises providing passenger services to review and arrange the plan for allocation of non-aviation service business space to ensure the general space for passengers specified in this Circular.”

18. Clause 4 Article 15 shall be amended as below:

“4. Set up telephone hotlines and receive claims made by passengers; supervise airport enterprises and enterprises providing passenger services, airlines and relevant service providers in claim settlement; and report such settlement to the Civil Aviation Authority of Vietnam.”

**Article 2.** Amendments to certain articles of the Circular No. 14/2015/TT-BGTVT dated April 27, 2015 on non-refundable fixed compensation in air passenger transport:

1. Article 2 shall be amended as follows:

**“Article 2. Definitions**

1. “non-refundable fixed compensation” means compensation made in cash or in other appropriate forms which is paid to passengers by the carrier in accordance with regulations of law, regardless of actual damage caused to such passengers.

2. “denied boarding passenger” means any passenger who has had a ticket and received a confirmed reservation on the flight but is refused to board the flight by his/her carrier.

3. “actual time of departure (ATD)” means the time starting when chocks from under aircraft wheels are removed before take-off.

4. “flight schedule” means the final version of the daily flight schedule of an airline sent to the Civil Aviation Authority of Vietnam, airport authorities and relevant regional air traffic services companies not later than 10 p.m. Hanoi time (3 p.m. UTC) of the day prior to the operation date.

5. “cancellation schedule” means the statement of cancelled flights operated by an airline sent to the Civil Aviation Authority of Vietnam, airport authorities and relevant regional air traffic services companies not later than 24 hours compared to the estimated time of departure (ETD).

6. “flight cancellation” means failure to operate a flight due to the cancellation schedule made by an airline.

7. “long delay of flight" means a flight having the ATD (when aircraft chocks are removed) of more than 4 hours later than its ETD based on its flight schedule.

8. “carrier” means an airline actually operating flights.

9. “confirmed reservation” means a statement made by the carrier to confirm that the passenger has had a seat on the flight.”

2. Clauses 4 and 5 Article 4 shall be amended as below:

“4. Provide airport authorities, airport enterprises and enterprises providing passenger services with information about reasons for flight cancellations or long delays of flights right after a decision on flight cancellation or long delay of flight is issued for observation and update of information system of airports.

5. Provide airport authorities with preliminary reports on flight-related activities including flight numbers, ETD, ATD, passengers affected by damage, total number of passengers receiving compensation, total amount of compensation, total number of passengers receiving food and drink, hotel or vehicle pick-up services and total costs arising within 24 hours from the ETD stated in the flight schedule (in case of flight cancellations) or the ATD (in case of denied boarding or long delays of flights). Airlines shall provide airport authorities with detailed information and reports within 72 hours from the ETD (in case of flight cancellations) or the ATD (in case of denied boarding or long delays of flights) according to the specimen provided in the appendix attached to this Circular. In the cases where airlines have sent the above-mentioned reports to airport authorities within 24 hours, they shall not send the second ones within 72 hours.

3. Clause 2 Article 7 shall be amended as below:

“2. The carrier shall be exempted from obligations to pay the non-refundable fixed compensation to the passenger who is traveling with a free ticket, industry discount ticket or agent discount ticket or the passenger who is a partner using a discount ticket.”

4. Clause 4 Article 8 shall be added as follows:

“4. The non-refundable fixed compensation shall only apply once in the cases where the flight has been delayed for a long time and then cancelled.”

5. Article 14 shall be amended as follows:

**“Article 14. Duties of airport enterprises and enterprises providing passenger services**

Airport enterprises and enterprises providing passenger services shall update information about flight cancellations or long delays of flights on the information system of the airport right after receiving information provided by the carrier as prescribed in Clause 4 Article 4 of this Circular.”

**Article 3.** Implementation

1. This Circular comes into force from November 01, 2017.

2. Chief of secretariat, chief of inspectorate, directors of bureaus, Director of the Civil Aviation Authority of Vietnam, heads of authorities, relevant organizations and individuals shall implement this Circular.

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|  | **MINISTER     Truong Quang Nghia** |