



# RWANDA CIVIL AVIATION REGULATIONS

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## PART 36: ECONOMIC REGULATIONS

Consolidated to include Special Regulations issued since last amendment of Ministerial Order N°01/CAB.M/019 OF 06/02/2019 Establishing Civil Aviation Regulations.

# Part 36

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## SUBPART A GENERAL

### 36.001 CITATION AND APPLICABILITY

- (a) This Part may be cited as Civil Aviation (Economic) Regulations.
- (b) The Authority may issue technical standards generally for giving effect to the provisions and purposes of this regulation.
- (c) Technical Standards issued under sub regulation (b) shall be subject to affirmative resolution.
- (d) Any action, award, decision made or granted by the Authority before the commencement of these Regulations shall remain valid.

### 36.003 SUMMARY OF AMENDMENTS AND REVISION HIGHLIGHTS

- (a) The summary of amendments and Revision Highlights to this part are contained in Appendix 1 to 36.003.

*New: Internal: Special Regulation RSR/01/2020: Effective 15 November 2020*

### 36.005 DEFINITIONS

- (a) When the following terms are used in this Part for Economic regulation, they have the following meanings: —

**Accompanying person.** An adult who is traveling with a minor. This person will not necessarily be the parent or legal guardian of the minor;

*New: Annex 9: Special Regulation RSR/01/2020: Effective 15 November 2020*

**Aerodrome operator.** means a person operating an aerodrome licensed or certificated under Part 26 -Civil Aviation (Aerodrome) Regulations;

**Air Carrier.** - A person, organization or enterprise engaged in or offering to engage in an aircraft operation. For the purposes of this Part, the term also includes air operators operating under code sharing and wet-leasing arrangements, aerodrome operator and ground handling service provider;

**Air operator.** - means an entity carrying or authorized to carry out specified commercial air transport operations;

**Air navigation services.** - include air traffic management (ATM); communications, navigation and surveillance systems (CNS); meteorological services for air navigation (MET); search and rescue (SAR); and aeronautical information services (AIS);

**Air Service.** - means any services performed by means of an aircraft for reward;

**Air navigation services provider (ANSP).** - Any entity providing ATM and/or other of the air navigation services;

**Authority.** - Means Rwanda Civil Aviation Authority;

**Baggage.** - means such articles, effects and other personal property of a consumer as are necessary or appropriate for wear, use, comfort or convenience in connection with the trip. Unless otherwise specified, it includes both checked and unchecked baggage of the consumer;

**Cancellation of flight.** - means the non-operation of a flight which was previously planned and on which at least one place was reserved;

**Cancellation by Air Carrier.** - Except when its due to safety or Security reasons, means the non-operation of a flight which was previously planned on which one seat was reserved";

**Cancellation by Consumer.** - voluntary decision by consumer not to accept the services offered by an air operator;

**Care to a passenger.** - means support at no cost to a passenger or a service or services offered, at no cost to the passenger, by an air carrier such as but not limited to, meals and refreshments in reasonable relation to the waiting time, transport between the aerodrome and place of accommodation, hotel accommodation and such other assistance;

**Compensation.** - means the monetary value offered to the consumer for damages resulting from violations of the air carrier or air operator;

**Complaint.** - means a statement of dissatisfaction with an air carrier's customer care services, safety and security operations of an air carrier made by a consumer;

**Consumer.** – means:

- (a) Any natural person, except members of the operating crew, carried or to be carried in an aircraft with the consent of the air operator;
- (b) Corporate person with whom the air carrier has an air service contract;

**Consumer Protection Department.** - means the competent department in RCAA, which supervises consumer protection affairs in accordance with this Part, and the Civil Aviation Law;

**Delay of flight.** - means the result of not being able to board a flight and take off or 15 minutes before or after ETD;

**Denied boarding.** - means a refusal to carry a consumer on a flight, although they have presented themselves for boarding under the conditions laid down in Regulation 36.090 of this Part except where there are reasonable grounds to deny them boarding;

**Domestic Aerodrome.** - means a defined area on land or water intended to be used either partly or wholly in part for the arrival and departure of an aircraft within Rwanda;

**Disruption.** - means a state during the execution of air operations where the deviation from the plan is sufficiently large to impose a substantial change in the provision of air carriage;

**Economic oversight.** -The function by which the authority supervises commercial and operational practices of an airport, an ANSP or other service providers;

**ETD.** - means the date and time contained in a ticket indicating when an aircraft is expected to depart from an aerodrome;

**Electronic Travel Systems (ETS).** The automated process for the lodgement, acceptance and verification of a passenger's authorization to travel to a State, in lieu of the standard counterfoil paper visa;

*New: Annex 9: Special Regulation RSR/01/2020: Effective 15 November 2020*

**Extraordinary Circumstances.** - includes an unexpected event which could not have been avoided even if all reasonable measures had been taken, and provided the air carrier simultaneously proves:

1. The existence and the link between the extra-ordinary circumstances and the delay or cancellation; and
2. The fact that this delay or cancellation could not have been avoided although it took all reasonable measures.

Consequently, an extra-ordinary circumstance may include, on a case-by-case assessment, Acts of Sabotage or Terrorism, Acts of God or Nature, Political or Civil unrest, Latent manufacturing defects, Wars or acts of foreign enemies, strikes or lock-outs;

**Ground handling service provider.** - means an entity providing services, either terminal or airside services, to an aircraft while on the ground;

**Infringement notice.** - means a notice as prescribed under the Civil Aviation Law;

**Infringement notice offence.** - means an offence committed under any of the regulations where a penalty or fine is stipulated;

**Minister.** - means the Minister in charge of civil aviation;

**No show of passenger.** - means a passenger who fails to present themselves or presents themselves at a later date or time other than the check-in time indicated by the air carrier;

**Passenger Data Single Window-** A facility that allows parties involved in passenger transport by air to lodge standardized passenger information (i.e API, iAPI and/or PNR) through a data entry point to fulfil all regulatory requirements relating to the entry and/or exit of passengers that may be imposed by various agencies of the Contracting State;

*New: Annex 9: Special Regulation RSR/01/2020: Effective 15 November 2020*

**Person with Disability.** - means any person whose mobility is reduced due to a physical incapacity (sensory or locomotor), an intellectual deficiency, age, illness or any other cause of

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disability when using transport and whose situation needs special attention and the adaptation to the person's needs of the services made available to all passengers;

**Person with Special Needs.** - means person other than a person with disability that requires attention and the adaptation to the person's needs of the services made available to all passengers;

**Providers.** - Refers to entities providing and operating airports or air navigation services;

**Public health emergency of international concern-** An extraordinary event which is determined, as provided in the International Health Regulations (2005) of the World Health Organization: (i) to constitute a public health risk to other States through the international spread of disease and (ii) to potentially require a coordinated international response;

*New: Annex 9: Special Regulation RSR/01/2020: Effective 15 November 2020*

**Public health risk-** means a likelihood of an event that may affect adversely the health of human populations, with emphasis on one which may spread internationally or may present a serious and direct danger;

*New: Annex 9: Special Regulation RSR/01/2020: Effective 15 November 2020*

**Reservation.** - means legal contract whereby an airline undertakes, in exchange for a certain amount of money, to provide a seat to a specific passenger by plane on a specific flight from one specified aerodrome to another;

**Service animals.** - means animals, normally being dogs or other animals for the purpose of accompanying persons with disabilities with the objective of providing them with physical or/and emotional support, being under the control of the person with disabilities and provided that their presence on board an aircraft:

1. does not endanger the safety of flight operations;
2. is not reasonably considered as a threat to other passengers; and
3. does not cause health concerns related to hygiene.

**Ticket.** - means the document, issued by or on behalf of a carrier giving entitlement to transport, and includes the Conditions of Contract and notices and the flight and passenger coupons contained therein;

**Ticket arrangement.** in these regulations means a plan under the air carrier's conditions of carriage relating to passengers travelling free of charge or at reduced fares not available directly or indirectly to the public;

**Unfair trade practices.** - consist of using various deceptive, fraudulent or unethical methods to obtain business and include misrepresentation, false advertising, tied selling and other acts that are declared unlawful by statute;

**Unconscionable Act.** - means an act that shows no regard for conscience and it affronts the sense of justice, decency of reasonableness;

**Users.** - This term refers to aircraft operators as users of airports and air navigation facilities and services. The term "end-users" refers to ultimate consumers in general (for example, passengers and shippers).36.006 Acronyms and abbreviations;

**RCAA-** Rwanda Civil Aviation Authority established under the Law establishing Rwanda Civil Aviation Authority and determining its mission, organisation and functioning;

**RCATS-** Rwanda Civil Aviation Technical Standards;

**SDR-** Special Drawing Rights;

## **SUBPART B ECONOMIC REGULATION OF AERODROMES**

### **36.010 FUNCTIONS OF THE AUTHORITY**

- (a) The Authority shall perform its functions under this regulation in such a manner as it considers best calculated to-
- 1) Further the reasonable interests of users of aerodromes within Rwanda and to provide economical and reliable services to those users by establishing a system for the regulation of aerodromes that takes account of those interests;
  - 2) Promote the efficient, economic and profitable operation of aerodromes;
  - 3) Ensure compliance with such international obligations of Rwanda as may be notified to the Authority by the minister;
  - 4) Create an enabling environment for potential investors in aerodromes;
  - 5) Encourage investment in new facilities at aerodromes in time to satisfy demands by users of the aerodromes;
  - 6) Impose such restrictions on the aerodrome operator as are consistent with the performance by the authority of its functions;
  - 7) Further such vital public interests as may be notified to the Authority by the minister from time to time; and
  - 8) Ensure that the aerodrome is operated in accordance with performance standards and service levels consistent with Part 26 – Rwanda Civil Aviation (Aerodromes) Regulations.
- (b) In making a decision in the exercise of its functions under this regulation, the Authority shall observe reasonable standards of procedural fairness, act in a timely fashion and observe the rules of natural justice, and, without prejudice to the generality of the foregoing, the Authority shall-
- 1) Consult with persons who are or are likely to be affected by the decision;
  - 2) Give to such persons an opportunity to make submissions and to be heard by the Authority;
  - 3) Have regard to the evidence adduced at any such hearing and to the matters contained in any such submission;
  - 4) Give reasons in writing for each decision;
  - 5) Give notice of each decision in the prescribed manner.

### **36.015 SCHEDULE OF AERODROMES SUBJECT TO ECONOMIC REGULATION**

- (a) The Authority: -
- 1) shall, in so far as considered appropriate, publish a schedule indicating aerodromes subject to economic regulation under this Part.
  - 2) may amend the schedule subject to affirmative resolution.
  - 3) shall designate a person to operate an aerodrome or parts thereof as an approved aerodrome operator for the purposes of this regulation.

### **36.020 AERODROME IMPROVEMENT FEE**

- (a) Subject to approval by the Authority, an aerodrome operator may levy an aerodrome improvement fee to be paid by each passenger using an aerodrome for the purpose of travel from Rwanda.
- (b) The Authority may, upon application made by or on behalf of any person who has paid or is liable for payment of the aerodrome improvement fee under this regulation, waive or cause the aerodrome operator to remit or refund such fee in whole or in part if, in the circumstances of the case the Authority deems it expedient to do so and any such waiver, remission or refund shall be subject to such special conditions as may be agreed between the aerodrome operator and the Authority.
- (c) The Authority shall upon approval of an application by the aerodrome operator under sub regulation (a) publish the modalities for the payment and collection of the aerodrome improvement fee.

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- (d) Fees collected by way of aerodrome improvement fee shall be paid into a special fund which shall be established by the aerodrome operator for that purpose and be applied to purposes conducive to capital improvements at an aerodrome on such terms and conditions as are specified under regulation 36.001.

### 36.025 REQUIREMENT TO LEVY CHARGES

- (a) No aerodrome charges shall be levied at a scheduled Aerodrome unless-
  - 1) they are levied by the approved aerodrome operator; and
  - 2) the Authority has granted permission for and has approved the levying of such charges.
- (b) An approved aerodrome operator shall apply to the Authority for permission to levy aerodrome charges.
- (c) An application under sub regulation (b) shall-
  - 1) contain such particulars with respect to such matters as prescribed and published by the Authority.
  - 2) be accompanied by the prescribed fee.
- (d) Where an application is made under sub regulation (b), then as from the date of the application or the date when the aerodrome becomes a scheduled aerodrome under this Part, whichever is the later, there shall, by virtue of this sub regulation, be deemed for all purposes to be a permission in force under this regulation in respect of any existing aerodrome charges levied at that aerodrome until-
  - 1) the Authority grants permission in relation to the application; or
  - 2) the application is withdrawn or the Authority notifies the applicant in writing that the permission is refused.
- (e) Any permission granted under this regulation in relation to an aerodrome shall come into force on the later of the following dates, namely-
  - 1) the date on which it is granted; or
  - 2) the date on which the aerodrome becomes a scheduled aerodrome under this regulation and such permission shall remain in force until it is revoked pursuant to regulation 36.060.
- (f) Where the Authority grants permission to an approved aerodrome operator to levy any aerodrome charges, that approved aerodrome operator shall, before levying such charges-
  - 1) consult with such categories of persons as may be Prescribed; and
  - 2) obtain the approval of the Authority for the levying of such charges.
- (g) In determining whether to approve aerodrome charges the Authority shall take into account-
  - 1) the objectives referred to in regulation 36.010;
  - 2) the efficiency of the operations;
  - 3) compliance with quality and performance standards;
  - 4) performance by the operator in terms of commitments undertaken under the conditions by which he was approved as an aerodrome operator;
  - 5) whether the proposed charges would be reasonable in light of the services provided;
  - 6) whether the proposed charges can be justified taking into account revenues from the operations of the aerodrome from all sources including aeronautical and so much of the non-aeronautical revenues as the Authority deems appropriate.
- (h) In the event that Local air quality (LAQ) emissions related charges are to be levied by aerodrome operators, the following principles shall apply:
  - 1) Any State imposing LAQ emissions-related charges on aircraft that are in international operation should annually report the existence of such charging schemes to ICAO. The charging authority should maintain records regarding the fees collected and the use of funds to be made available to all users.

LAQ emissions-related charges should be levied only at airports with a defined LAQ problem, either existing or projected, and should be designed to recover no more than the costs of measures applied to the mitigation or prevention of the damage caused by the aircraft.

- 2) The cost basis for charges should be established in a transparent manner, and the share directly attributable to aircraft should be properly assessed.
  - 3) Consultations with stakeholders should take place before any such charges are imposed on users.
  - 4) LAQ emissions-related charges should be designed to address the LAQ problem in a cost-effective way.
  - 5) LAQ emissions-related charges should be designed to recover the costs of addressing the LAQ problem at airports from the users in a fair and equitable manner, should be non-discriminatory between users, and not be established at such levels as to be prohibitively high for the operation of certain aircraft.
  - 6) It is recommended that in levying LAQ emissions-related charges special consideration be given to the need to reduce the potential impact on the developing world.
  - 7) LAQ emissions-related charges could be associated with the landing charges, possibly by means of surcharges or rebates, or in the form of separate charges but should be subject to the proper identification of costs.
  - 8) It is recommended that the aircraft emissions charges scheme be based on data that most accurately reflect the actual operations of aircraft. In the absence of such data, ICAO standardized landing/take off (LTO) cycle times-in-mode should be used (Annex 16 — Environmental Protection to the Convention on International Civil Aviation, Volume II — Aircraft Engine Emissions).
  - 9) Any State imposing LAQ emissions-related charges on aircraft that are in international operation should annually report the existence of such charging schemes to ICAO. The charging authority should maintain records regarding the fees collected and the use of funds to be made available to all users.
- (i) A permission granted under this regulation shall remain in force notwithstanding any change in the approved aerodrome operator.
  - (j) When considering any application made under sub regulation (b), the Authority shall:
    - 1) process the application in accordance with national and international standards;
    - 2) process the application within 30 days of receipt of the application.
  - (k) The Authority may reject an application if requirements stated in this regulation are not complied with.

### **36.030 CONDITIONS AND LIMITATIONS**

- (a) Every approved aerodrome operator to whom permission is granted under this Part shall comply with such conditions and limitations as are imposed by the Authority in relation to the grant of such permission.
- (b) The Authority shall impose such conditions and limitations as it considers necessary for the proper performance of its functions under this regulation.
- (c) Pre-funding of projects through charges should not be used to fully recover costs in advance of commissioning of new aerodrome facilities or infrastructure but may be accepted in specific circumstances, after having allowed for possible contributions from non-aeronautical revenues, where this can assist in financing long term, large-scale investment, provided that strict safeguards are in place, including the following:
  - 1) Effective and transparent economic oversight of charges and the related provision of services, including performance management;
  - 2) Comprehensive and transparent accounting, with assurances that resulting charges are, and will remain, earmarked for civil aviation services or projects;
  - 3) Advance, transparent and substantive consultation by providers and, to the greatest extent possible, agreement with users regarding significant projects being pre-funded; and
  - 4) Application for a limited period of time with users benefiting from lower charges and from smooth.

**36.035 MANDATORY CONDITIONS FOR SCHEDULED AERODROMES**

- (a) Where an aerodrome becomes a scheduled aerodrome for the purposes of this Part, the Authority shall, at the time when it grants permission under regulation 36.025(d), impose any conditions as to the accounts and aerodrome charges in relation to the aerodrome within the period of twelve months beginning with the date on which the aerodrome becomes a scheduled aerodrome.
- (b) The conditions as to accounts referred to in sub regulation (a) are-
  - 1) such conditions as the Authority considers appropriate to ensure that the approved aerodrome operator's accounts disclose-
    - (i) any subsidy given (whether by the making of loans on non-commercial terms or otherwise) by any person or authority to the approved aerodrome operator in connection with his business consisting of the carrying on of operational activities relating to the aerodrome and the identity of any such person or authority;
    - (ii) any subsidy so given to that business by the approved aerodrome operator out of funds attributable to any other activities carried on by him;
    - (iii) the approved aerodrome operator's aggregate income and expenditure attributable to the levying by him of aerodrome charges at the aerodrome;
    - (iv) the approved aerodrome operator's aggregate income and expenditure attributable to operational activities relating to the aerodrome (whether carried on by that aerodrome operator or any other person) being income and expenditure which are taken into account by him in fixing aerodrome charges;
    - (v) where the approved aerodrome operator has for the time being the management of two or more aerodromes, the aerodrome operator's aggregate income and expenditure attributable to the business carried on by him at each of those aerodromes; and
  - 2) Where the approved aerodrome operator's accounts are not required to be delivered to the registrar of companies in accordance with the company's law, such conditions as the Authority considers appropriate with respect to the publication of those accounts.
- (c) The approved aerodrome operator shall deliver to the Authority copies of accounts delivered to the registrar of companies in accordance with the company law or published in accordance with sub regulation (b) (2).
- (d) The conditions as to aerodrome charges referred to in sub regulation (a) are such conditions as the Authority considers appropriate for regulating the maximum amounts that may be levied by the approved aerodrome operator by way of aerodrome charges at the aerodrome during the period of five years beginning with such date as may be specified by the Authority when imposing the conditions, being not later than the end of the period of twelve months after the date on which the conditions are imposed.
- (e) Subject to sub regulation (k), the Authority shall make such modifications in the conditions imposed pursuant to sub regulation (d) as it thinks appropriate for regulating during the succeeding period of five years, the maximum amounts that may be levied by the approved aerodrome operator by way of aerodrome charges at the aerodrome:
  - 1) at the end of the period of five years specified in sub regulation (d); and
  - 2) at the end of each succeeding period of five years.
- (f) Notwithstanding the provisions of sub regulation (e), the period of review referred to therein may be modified to take into account any agreement between the approved aerodrome operator which has been approved by the Authority.
- (g) Any reference in this part to the making of modifications in any such conditions includes a reference to the making of a modification the effect of which is merely to extend the application of a particular condition or conditions for a further period of five years.
- (h) Without prejudice to the generality of sub regulations (d) and (e), conditions imposed or modified pursuant to those sub regulations may-
  - 1) provide for-

- (i) an overall limit on the amount that may be levied by the approved aerodrome operator by way of aerodrome charges at the aerodrome;
- (ii) limits to apply to particular categories of charges; or
- (iii) a combination of any such limits;
- 2) operate to restrict increases in any such charges or to require reductions in them, whether by reference to any formula or otherwise;
- 3) provide for different limits to apply in relation to different periods of time within the period of five years for which the conditions are in force.
- (i) Notwithstanding the foregoing provisions of this regulation, if exceptional circumstances arise during a five-year period which may justify reconsideration of aerodrome charges, the approved aerodrome operator may submit an application to the authority which shall, after conducting an investigation under regulation 36.040, consider that application, taking into account the provisions under regulation 36.025(e) and (f).
- (j) The Authority may, if it thinks fit and after consultation with the approved aerodrome operator concerned, determine, at any time during the period of five years for which conditions under sub regulation (d) are in force, that such period shall be extended by such period (not exceeding twelve months) as may be specified; and accordingly, any reference in this part to that period shall be construed as a reference to the period as extended pursuant to this sub regulation.
- (k) Where the Authority makes any such determination in the case of conditions providing for different limits to apply in relation to different periods of time, any limit applying to the last of those periods shall apply also in relation to the additional period referred to in sub regulation (j) unless the Authority and the approved aerodrome operator agree that some other limit shall apply instead.
- (l) Before imposing any conditions pursuant to sub regulation (d) or making any modifications pursuant to sub regulation (e) in relation to an aerodrome, the Authority shall act in accordance with regulation 36.040 unless the minister otherwise directs.

**36.040 INVESTIGATIONS BY AUTHORITY**

- (a) For the purposes of regulation 36.035 (l), the Authority shall investigate-
  - 1) the question as to what are the maximum amounts that should be capable of being levied by the approved aerodrome operator by way of aerodrome charges at the aerodrome during such period of five years as the Authority may determine; and
  - 2) the matters specified in sub regulation (b).
- (b) The matters referred to in sub regulation (a) (2) are-
  - 1) whether the approved aerodrome operator has, at any time during the period determined by the authority, pursued a course of conduct which might be expected to operate against the public interest, in relation to-
    - (i) any aerodrome charges levied by him at the aerodrome;
    - (ii) any operational activities carried on by him and relating to the aerodrome; or
    - (iii) the granting of a right by virtue of which any such operational activities may be carried on by any other person; and
  - 2) whether the effects averse to the public interest which that course of conduct has had or might be expected to have, could be remedied or prevented by the imposition of any conditions in relation to the aerodrome or by the modification of any conditions already in force in relation to that aerodrome.
- (c) In determining whether any particular matter has operated or might be expected to operate, against the public interest, in the case of a matter relating to the granting of a right by virtue of which any operational activities may be carried on by any person, the Authority shall have regard to the objective of furthering the reasonable interests of persons granted such rights.
- (d) The Authority shall submit to the Minister a report of its findings in respect of an investigation under sub regulations (a) -(c) and shall give a copy thereof to the approved aerodrome operator concerned.
- (e) In making a report in relation to an investigation the Authority-

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- 1) shall include definite conclusions on the matters specified in sub regulation (a) together with an account of the reasons for those conclusions as, in the Authority's opinion, is expedient for facilitating proper understanding of those matters and of the conclusions;
- 2) where the Authority concludes-
  - (i) that any course of conduct specified has operated or might be expected to operate, against the public interest, it shall specify the adverse effects to the public interest which that course of conduct has had or might be expected to have; and
  - (ii) that any such adverse effects could be remedied or prevented by the imposition of any conditions in relation to the aerodrome in question or by the modification of any existing conditions, it shall specify the conditions that should be imposed or modified, as the case may be.
- (f) The Authority shall, subject to sub regulation (d), publish the report in such manner as the Authority considers appropriate for bringing the report to the attention of persons likely to be affected thereby.
- (g) If it appears to the Minister that the publication of any matter in such a report would be against the public interest or the commercial interest of any person, he may, within twenty- one days after receiving a copy of the report, direct the Authority to exclude that matter from the report as published under sub regulation (f).

### 36.045 DISCRETIONARY CONDITIONS

- (a) Where, at the time of granting a permission under regulation 36.025 in respect of an aerodrome or at any other time while such permission is in force, it appears to the Authority that the approved aerodrome operator is pursuing a course of conduct specified in sub regulation (b), the Authority may, if it thinks fit, impose in relation to the aerodrome such conditions as it considers appropriate for the purpose of remedying or preventing what it considers are the adverse effects of that course of conduct.
- (b) The courses of conduct referred to in sub regulation (a) are-
  - 1) the adoption by the approved aerodrome operator, in relation to any relevant activities carried on by him at the aerodrome, of any trade practice or pricing policy which-
    - (i) unreasonably discriminates against any class of users of the aerodrome or any particular user; or
    - (ii) unfairly exploits his bargaining position relative to users of the aerodrome generally;
  - 2) the adoption by the approved aerodrome operator, in relation to the granting of rights by virtue of which relevant activities may be carried on at the aerodrome by any other person, of any practice which-
    - (i) unreasonably discriminates against persons granted any class of such rights or any particular grantee of such a right or unfairly exploits his bargaining position relative to the grantees of such rights generally; or
    - (ii) unreasonably discriminates against any class of persons applying for such rights or any particular applicant, or unreasonably limits the number of such rights that are granted in the case of any particular services or facilities, or which has resulted in the adoption by any other person of a practice that does any of those things;
  - 3) the fixing by the approved aerodrome operator of any charges levied by him at the aerodrome in relation to any relevant activities carried on by him there at levels which-
    - (i) are insufficient (after taking into account such other revenues (if any) as are relevant to the fixing of such charges) to cover the costs of providing the services or facilities to which the charges relate or are, in the Authority's opinion, artificially low; and
    - (ii) materially harm (or are intended to materially harm) the business carried on by an approved aerodrome operator at any other aerodrome.
- (c) In sub regulation (b) (3) (i) the reference to the levels at which charges are fixed being artificially low is a reference to such levels being significantly lower than they would otherwise have been-
  - 1) by reason of any subsidy as described in regulation 36.035 (b) (1) (i) and (ii); or

- 2) where the approved aerodrome operator is a company, by reason of any conduct by the company which, in the Authority's opinion, has resulted or is likely to result in a failure by the company-
  - (i) to achieve a reasonable return on the capital employed by it in wing on operational activities relating to the Aerodrome; or
  - (ii) to distribute to members of the company a reasonable proportion of the profits available for distribution; or
  - (iii) to reach a level of borrowing which is appropriate having regard to its share capital.
- (d) In determining for the purposes of sub regulation (c) (2) what is reasonable or appropriate, as the case may be, the Authority shall-
  - 1) disregard the fact that the relevant conduct by the company was in conformity with any policy for the time being of a person having control of the company;
  - 2) have regard to any circumstances which, in its opinion, would affect any company carrying on the business of operating the aerodrome as a commercial undertaking.
- (e) Before imposing any conditions under sub regulation (a), the Authority shall notify in writing the approved aerodrome operator concerned of the course of conduct specified in sub regulation (b) which it appears to the Authority that he is pursuing and of the conditions which the Authority intends to impose.
- (f) For the purposes of this regulation the Authority shall investigate whether-
  - 1) any course of conduct referred to in sub regulation (b) has operated or might be expected to operate against the public interest; and
  - 2) the adverse effects to the public interest which that course of conduct has had or might be expected to have, could be remedied or prevented by the imposition of any conditions in relation to the aerodrome or by the modification of any existing conditions.

**36.050 PROVISIONS SUPPLEMENTARY TO REGULATION 36.045**

- (a) Nothing in regulation 36.045 (a) shall be construed as authorizing the Authority to impose a condition-
  - 1) Providing for any such overall limit as is mentioned in Regulation 36.035 (h)(1)(i). (limit on aerodrome charges); or
  - 2) Regulating the maximum amount that may be levied by an approved aerodrome operator by means of any particular category of charges levied by him at an aerodrome if the same category of charges is for the time being subject to any limit or limits imposed pursuant to regulation 36.035 (h)(1)(i) or (iii).
- (b) The Authority shall take into account practices currently adopted at aerodromes outside Rwanda for the purposes of this sub regulation when determining whether-
  - 1) An approved aerodrome operator is pursuing a course of conduct falling within Regulation 36.045 (b)(1),
  - 2) Conditions should be imposed by it under Regulation 36.045 (b)(1) or in relation to the aerodrome in question.
- (c) Where an aircraft operator makes representations to the Authority to the effect that the Authority's powers under regulation 36.045 (a) appear to be exercisable in relation to an aerodrome on the ground that the approved aerodrome operator is pursuing a course of conduct within regulation 36.045 (b)(1), the Authority shall take appropriate enforcement action following the outcome of investigation carried out in accordance with Regulation 36.045(f).

**36.055 ENFORCEMENT OF CONDITIONS OTHER THAN ACCOUNTS CONDITIONS**

- (a) Where-
  - 1) a complaint is made to the Authority that an approved aerodrome operator is in contravention of any condition imposed by the Authority in relation to any aerodrome; and
  - 2) such complaint is made-

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- (i) by any person on whom any aerodrome charges have been levied by the approved aerodrome operator at the aerodrome (whether or not actually paid by the person); or
  - (ii) by any other approved aerodrome operator who claims that the business carried on by him at another aerodrome in Rwanda has been or is being materially harmed by the alleged contravention, the Authority shall investigate that complaint, unless it considers it to be frivolous.
- (b) Where any such complaint is made to the Authority by a person not falling within sub regulation (a) (2), the Authority may investigate the complaint if it thinks fit.
  - (c) This regulation shall not apply to a condition to which regulation 36.065 applies (breach of accounts conditions).
  - (d) Where, upon an investigation the Authority is satisfied that an approved aerodrome operator has contravened the condition in question the Authority shall-
    - 1) by order (hereinafter referred to as a compliance order) provide such measures as it considers appropriate for the purpose of securing compliance with that condition and for remedying any loss or damage or injury suffered by any person in consequence of the contravention; or
    - 2) subject to sub regulation (e), modify the condition in such manner as it considers appropriate in the circumstances.
  - (e) A compliance order under sub regulation (d) (1)-
    - 1) shall require the approved aerodrome operator concerned to do or to refrain from doing, such things as are specified in the order; and
    - 2) shall, as respects any such requirement, take effect upon service of a copy on the approved aerodrome operator or at such later time as may be specified by the Authority;
    - 3) may be revoked by the Authority at any time.

### **36.060 VALIDITY AND EFFECT OF COMPLIANCE ORDER**

- (a) An approved aerodrome operator who is aggrieved by any compliance order applying to him may, within thirty days of the service of a copy of the order on him, make an appeal according to the provisions of the Law.
- (b) No criminal proceedings shall, by virtue of the making of a compliance order, lie against any person on the ground that he has committed or aided, abetted, counselled or procured the commission of any contravention of the order.
- (c) The obligation to comply with a compliance order is a duty owed to any person who may be affected by a contravention of it and accordingly-
  - 1) any breach of the duty which causes that person to sustain loss or damage; and
  - 2) any Law which, by inducing a breach of that duty or interfering with its performance, causes that person to sustain loss or damage and that is done wholly or partly for the purpose of achieving that result, shall be actionable at the suit or instance of that person.
- (d) In any proceedings brought against any person pursuant to sub regulation (d) (1), it shall be a defense for him to prove that he took all reasonable steps and exercised all due diligence to avoid contravening the order.
- (e) Without prejudice to any right which any person may have by virtue of sub regulation (d) (1) to bring civil proceedings in respect of any contravention of a compliance order, the Authority may enforce compliance with any such order by proceedings for an injunction or any other appropriate relief.
- (f) Where it appears to the Authority that an approved aerodrome operator has contravened a compliance order and is unlikely to comply with it in the immediate future, the Authority may, instead of proceeding under sub regulation (f), revoke the permission for the time being in force under this Part in respect of the aerodrome to which the contravention relates.

- (g) Where any such permission is revoked pursuant to sub regulation (g), a permission shall not again be granted under this Part in respect of the aerodrome in question so long as that person remains the approved aerodrome operator unless the Authority is satisfied as mentioned in sub-regulation (i).
- (h) Permission may be granted in respect of the aerodrome referred to in sub regulation (h) if it appears to the Authority that, if it were to impose any condition corresponding to the one the breach of which gave rise to the making of the compliance order, the approved aerodrome operator would comply with that condition.

**36.065 BREACH OF ACCOUNTS CONDITIONS AND PENALTIES**

- (a) An approved aerodrome operator who fails to comply with any condition imposed pursuant to Regulation 36.035 (b)(1) shall be liable to administrative fines as provided for in Regulation 1.165.
- (b) Where an approved aerodrome operator has failed to comply with a condition referred to in sub Regulation (a), then, whether or not proceedings are brought under that sub regulation in respect of that contravention, the Authority may impose, in relation to the aerodrome to which the contravention relates, such conditions as it considers appropriate with respect to the publication of any matter to which the contravention relates.
- (c) An approved aerodrome operator who fails to comply with any condition imposed pursuant to sub Regulation (b) before the end of the period allowed for such compliance, shall be guilty of an offence and liable to administrative fines as provided for in Regulation 36.305.
- (d) In any proceedings for an offence under this Regulation It shall be a defense for the person charged to show, in the case of an offence under –
  - 1) sub regulation (a), that he took all reasonable steps for securing compliance with the relevant condition; or
  - 2) sub regulation (c), that he took all reasonable steps for securing compliance with the relevant condition before the end of the period allowed for such compliance.

**36.070 SUPPLEMENTARY PROVISIONS CONCERNING CONDITIONS**

- (a) Any condition imposed by the Authority under this part otherwise than pursuant to Regulation 36.035 (d), shall remain in force for a particular period or without limit of time, as the Authority may determine, and, in imposing the condition, the Authority shall specify-
  - 1) the period that it is to remain in force; or
  - 2) that the duration thereof is unlimited.
- (b) Where the Authority specifies a period under sub regulation (a) (1), it may, if it thinks fit, determine that the period shall be extended by such further period as may be specified in the determination.
- (c) The Authority may at any time revoke or modify any conditions in force in relation to a scheduled aerodrome pursuant to Regulation 36.035 (b).
- (d) Where any conditions referred to in Regulation 36.045 (a) are in force in relation to a scheduled aerodrome, the Authority may at any time revoke or modify those conditions.
- (e) Before making any modification under sub regulation (d) for the more effective securing of the purpose for which the relevant conditions were imposed, the Authority shall in writing notify the approved aerodrome concerned of the course of conduct within Regulation 36.050 (b) which it appears to the Authority he is pursuing and of the modifications which it proposes to make.
- (f) The Authority shall, in the prescribed manner, notify the relevant approved aerodrome operator of any condition imposed, revoked or modified pursuant to this part or of any extension of the period of operation of any such condition.
- (g) An approved aerodrome operator shall, on the request of any person and on payment by that person of such reasonable fee as the operator may determine, provide that person with a copy of the permission granted under this Regulation in respect of the relevant scheduled aerodrome and of any conditions in force in relation to that aerodrome.

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### 36.075 SLOT MANAGEMENT

- (a) Before being designated as a coordinated aerodrome, the operator shall carry out a thorough capacity analysis in the circumstances specified and in accordance with technical standards established by the Authority.
- (b) The Authority may by written notice served on the operator of an aerodrome appoint any competent body to carry out a capacity analysis, if it appears to the Authority that the operator is not willing or able to do so.
- (c) The operator of an aerodrome shall bear the costs of any appointment pursuant to sub regulation (b) or shall reimburse the cost of any appointment made pursuant to sub regulation (b).
- (d) The operator of an aerodrome which is designated a coordinated aerodrome shall appoint a person as coordinator for that aerodrome.
- (e) No person shall be appointed pursuant to sub regulation (d) unless that appointment has been approved by the Authority.
- (f) No person shall be appointed pursuant to sub regulation (d) unless the operator is satisfied that person's —
  - 1) functions in his capacity as a coordinator are separate or shall be separated from the functions of any interested party; and
  - 2) activities in his capacity as a coordinator are financed by means of a system that guarantees the coordinator's independence.
- (g) The Authority may by written notice served on the operator of an aerodrome and the coordinator for that aerodrome withdraw any approval given pursuant sub regulation (e) if the Authority is satisfied that any breach of sub regulation (f) has occurred in relation to that person.
- (h) The Authority shall publish in its publication entitled "Rwanda Slot Management" notice of any determination by the Authority in accordance with RCATS that an aerodrome shall be (or shall cease to be) designated a coordinated aerodrome.

## **SUBPART C CONSUMER/AIR CARRIER RIGHTS AND OBLIGATIONS**

### **36.080 CONSUMERS RIGHTS AND OBLIGATIONS**

- (a) A consumer has the right to:
- 1) receive clear and complete information about rates, terms and conditions for available and proposed products and services;
  - 2) buy and pay for the products and services they subscribe to that are on offer by the air carrier;
  - 3) personal privacy and protection against unauthorized use of personal information;
  - 4) to fair prompt redress in the event of a dispute in the provision of services;
  - 5) protection from unfair trade practices, false and misleading advertising, and unconscionable Acts;
  - 6) make a complaint under these Part and include complaints as per terms of the ticket;
- (b) A consumer:
- 1) shall not abuse air carrier services provided for by these Regulations;
  - 2) shall familiarize themselves with and honor their obligations under the terms and conditions contained in a ticket provided by an air carrier;
  - 3) shall make reasonable decisions in exercising their right of choice;
  - 4) shall familiarize with and abide by any safety and security requirements pertaining to the use of services provided by the air carrier; and
  - 5) will notify the air carrier of any special needs during booking or reservation or at least 48 hours before the scheduled time of departure whichever is earlier, which may include but not limited to:
    - (i) nature and level of special assistance required while embarking, disembarking and during in-flight;
    - (ii) mobility equipment and disability aids that need to be carried by the airline either in cabin and/or aircraft hold;
    - (iii) Requirement of escort.

### **36.085 AIR CARRIERS RIGHTS AND OBLIGATIONS**

- (a) An air carrier shall;
- 1) Issue the passenger with a ticket and boarding pass that has clear information about the travel and/or a link to its conditions of carriage;
  - 2) In case of disruption of services, keep the passengers updated and informed at the earliest time possible;
  - 3) Take reasonable and appropriate technical, organizational and any other measures to ensure the provision of the service as sold in accordance with the airline policies;
  - 4) Ensure all advertising and marketing information is complete, factual and accurate;
  - 5) Make available in accessible format, including on their website, the safety and carriage rules that apply to the carriage of persons with disability as well as any restrictions on their carriage or on the mobility equipment due to the size of aircraft. This provision shall also apply to the air carrier's agents;
  - 6) Keep confidential and safeguard the security of personal information received from the consumer;
  - 7) Ensure that the consumers' attention is drawn to their rights with regards to compensation and assistance;
  - 8) In case of insolvency or liquidation, require the administrators to ensure that any person or entity holding tickets, is prioritized in any arrangement.

### **36.090 DENIED BOARDING**

- (a) An air carrier may overbook its flights in contemplation of the possibility of some passengers not showing up for that flight, provided that the air carrier shall ensure that as small a number of persons as possible holding confirmed reserved tickets on that flight are denied boarding involuntarily per air carrier Overbooking Policy;

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- (b) Rwandan air operators shall submit their Overbooking Policy and Procedures to the Authority for approval;
- (c) All Foreign air carriers operating in Rwanda shall submit to the Authority their overbooking Policy adopted by the representative civil aviation authority in the country where its headquartered;
- (d) Air carriers shall display in a conspicuous manner the approved overbooking policy and inform the Consumers thereof when conducting their travel procedures, either via phone call, the air carriers' website, sales offices and counters, or when boarding at the aerodrome;
- (e) In addition to any provision set out in these Regulations, a foreign air carrier shall inform the Authority of any significant difference in its overbooking policy, which provides lesser consumer rights than those provided by these Regulations;
- (f) When an air carrier has to deny boarding to a consumer due to overbooking and in the event that alternative seats in a section for which a higher fare is charged than that specified on the tickets is available on that same flight, then the air carrier may upgrade the consumer to the higher fare section;
- (g) When an air carrier has to deny boarding to a consumer due to overbooking, and in the event that alternative seats in a section for which a higher fare is charged than that specified on the ticket are not available on that same flight, then the air carrier must announce its requests for volunteers to relinquish their space in exchange for a compensation offer provided by the air carrier;
- (h) When an air carrier has to deny a consumer from boarding due to overbooking and insufficient number of volunteers coming forward, the air carrier will consider these consumers to have been involuntarily denied boarding and therefore the air carrier shall immediately provide the necessary care or compensation to the consumer involuntarily denied boarding in the following manner:
  - 1) The air carrier must immediately provide sufficient clear information in writing to the Consumer of his/her rights upon being involuntarily denied boarding for overbooking and must provide the necessary Care and guidance in this regard;
  - 2) In the event the seats in a section for which the lower fare is charged, on the same flight are available, the air carrier must inform the Consumer of the availability of such seats on a lower fare section, in accordance to these Regulations;
  - 3) Subject to the above, the air carrier may grant the Consumer, the right to choose between downgrading, travelling on a different flight of the same Air, provided that the air carrier shall bear the difference in cost, if any per the air carriers policy;
  - 4) If the Consumer decides to wait until the next flight of the air carrier, or if the soonest alternative flight requires waiting for longer than an hour and less than six hours in the aerodrome, then the air carrier must provide Care to the Consumer;
  - 5) Downgrading the class on the same flight due to overbooking shall not be considered denied boarding, however in such event the Consumer seated in a section for which a lower fare is charged shall be entitled to a refund equal to the difference between the fare prices paid by the Consumer and the replacement fare for the segment of flight during which the downgrade was applied;
  - 6) In the event of denied boarding, a Consumer having a connecting flight from the point of arrival to other destinations, the air carrier must ensure that the Consumer reaches the destination point at the soonest time possible with the least time of delay whether via other air carriers or a higher class fare, provided the air carrier bears the difference in costs, if any. The consumer must provide evidence of the connection from the point of arrival;
- (i) A consumer denied boarding involuntarily from an overbooked flight shall not be eligible for denied boarding compensation due to any of the following:
  - 1) the consumer does not fully comply with the air carrier's contract of carriage or tariff provisions regarding ticketing, reconfirmation, and check in at the aerodrome in a reasonable time before the flight to complete the travel procedures, as per the air carrier's policy;

- 2) if the air carrier arranges comparable air transportation or an alternative means of transportation to the final destination of the consumer within 3 hours from the original arrival time; and
  - 3) In relation to a consumer who volunteers, the air carrier shall disclose all material restrictions, including but not limited to administrative fees, advance purchase or capacity restrictions, and blackout dates applicable to the offer.
- (j) The air carrier shall undertake to pay consumers the relevant compensation within 30 days from the date of confirmation of the consumer's entitlement for compensation, or from the date of issuance of a decision by the Authority of the consumer's entitlement for compensation;
  - (k) The consumer shall be compensated by the air carrier an equivalent of 20% of the ticket price for each day, after the payment becomes due per the air carriers' overbooking policy, of delayed compensation;
  - (l) The air carrier shall undertake to pay consumers the relevant compensation within 30 days from the date of confirmation of the consumer's entitlement for compensation, or from the date of issuance of a decision by the Authority of the consumer's entitlement for compensation; and
  - (m) The consumer shall be compensated by the air carrier an equivalent of 20% of the ticket price for each day, after the payment becomes due per the air carriers' overbooking policy, of delayed compensation.

**36.095 CANCELLATION OF FLIGHT**

- (a) Subject to safety and security, the air carrier shall undertake all necessary measures to reduce the number of cancelled flights;
- (b) The air carrier must as early as reasonably possible advise the consumer of the cancellation of its flight;
- (c) Where the air carrier notifies the consumer of cancellation of a flight three (3) days in advance of the date of travel, the air carrier shall be exempted from the requirements of care and compensation, provided that the air carrier refunds the paid ticket value to the concerned consumer;
- (d) Where the consumer is notified of cancellation of a flight less than three (3) days before the date of travel, the air carrier must offer to the concerned consumer the option of finding an alternative flight or refund of the paid ticket value for the whole flight or for the remaining part of the flight;
- (e) In the event that concerned consumer chooses an alternative flight other than the cancelled flight, which resulted in extending the consumer's stay at a hotel for an additional time until the time of the alternative flight, the air carrier shall bear the hotel expenses and meals for the additional stay up to the new travel date;
- (f) In the event of cancellation of a flight for instantaneous circumstances while the consumer is at the aerodrome, and the air carrier provides the option of an alternative flight, then the consumer shall be treated as follows:
  - 1) Where travel is to take place on a higher fare section with the same air carrier or with a different air carrier, then the air carrier shall bear the difference in cost if the cost of the ticket of the alternative flight is higher than the cost of the ticket of the same air carrier;
  - 2) If travel was to take place on a lower fare section with the same air carrier or with a different air carrier, the air carrier shall compensate the consumer the ticket cost difference; and
  - 3) If the consumer declines the offers under this Regulation and voluntarily decides to cancel his contract with the air carrier due to the cancellation of the flight, the air carrier shall refund the ticket price.
- (g) The air carrier must prepare a declaration form titled "voluntary cancellation of contract by the consumer", which must be signed by the consumer in order to be entitled to the refund of the ticket price;
- (h) In the event of non-existence of the declaration form under this Regulation, then the consumer's statement shall be accepted as true;
- (i) For domestic flights, the air carrier shall secure an alternative flight to the cancelled flight with the same air carrier or with a different carrier within a period that does not exceed eight (8)

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hours from the time of take-off of the cancelled flight, unless such is not possible due to security and safety reasons;

- (j) If the departure aerodrome of a domestic flight is a domestic aerodrome, and the distance between the departure point and the arrival point or the nearest aerodrome that the consumer could depart from to the arrival point does not exceed 6 hours by road, then the air carrier may provide ground transportation means to ensure arrival of the consumer at his destination as soon as possible or refund the value of the ticket for that part of the consumer's flight;
- (k) In the case of sub regulations (i) and (j) above, if the delay between the cancelled flight and the alternative flight exceeds eight (8) hours, then the air carrier must, in addition to providing the care required, compensate the Consumer an amount equivalent to 10% of the ticket value for every hour of delay. Provided that the compensation shall be capped at the total value of the ticket, and such compensation shall not be considered an alternative to providing the care services;
- (l) In the cases stated in sub regulation (i) and (j), the air carrier must refund the value of the whole flight or the remaining part of the flight to the consumer if the consumer voluntarily decided to cancel his travel;
- (m) Any compensation under these Regulations shall be paid in cash, by electronic bank transfer, bank orders or cheques or, with the signed agreement of the passenger, in travel vouchers and/or other services;
- (n) The burden of proof concerning the questions as to whether and when the passenger has been informed of the cancellation of the flight shall rest with the operating air carrier;
- (o) In addition, an air carrier will facilitate communication by providing up to a maximum of 3 minutes for voice call or 3 hours on data or fax messages or emails;
- (p) An air carrier shall not be obliged to pay compensation in accordance with this Regulation if it can prove that the cancellation was caused by extraordinary circumstances which could not have been avoided even if all reasonable measures had been taken.

### 36.100 DELAY OF FLIGHT

- (a) Subject to security and safety, the air carrier shall undertake all efforts to reduce the number of delayed flights and the period of delay;
- (b) Where the air carrier notifies the consumer of delay of the flight or change in the schedule time 3 days before the date of travel, the air carrier shall be exempted from the requirements of care and compensation;
- (c) The air carrier will not be liable for damages occasioned by delay if it could prove that the air carrier and its employees and agents took measures that could reasonably be required to avoid the damage or that it was impossible for it or them to take such measures;
- (d) Subject to safety and security, the air carrier must undertake all efforts to provide the consumer with advance notice as early as possible of the delay of the flight, and the notification shall include the new estimated time for take-off;
- (e) Where the air carrier does not announce the new estimated time for takeoff through the mode of announcement available at the aerodrome, then the air carrier must, in addition to providing the care required, compensate the consumers an amount equivalent to 20% of the ticket value for each hour of delay, provided that such compensation is capped at the total value of the ticket per passenger;
- (f) Subject to provisions of sub regulations (e) and (l), where boarding of an aircraft is delayed, an air carrier shall provide the following care for consumers:
  - 1) Refreshment for the first hour from the original time of departure.
  - 2) A hot meal or an equivalent meal voucher if the expected delay period exceeds three (3) hours from the time of the originally scheduled departure.
  - 3) Hotel accommodation if the expected delay period exceeds 6 hours from the ETD. Provided also that the duration of delay falls at any period of night time.

- (g) Aerodrome operators must support the air carrier by providing the infrastructure and the necessary facilities to provide the care services under these Regulations;
- (h) Where an air carrier is unable to provide the care services stated in Regulation 36.095 due to the unavailability of the infrastructure in the aerodrome in which the delay took place, the consumer shall be compensated by the air carrier in accordance with Regulation 36.085(a)(7) and the air carrier shall have the right to claim half the cost of the care and compensation value provided by the air carrier to the consumer from such third parties directly responsible for the act or omission;
- (i) Where there is a delay of an international flight before the consumer arrives at the aerodrome facilities, the air carrier shall bear the cost of extending the consumer's hotel accommodation until the new take off time, provided that the air carriers responsibility does not exceed 50 SDR units, provided the consumer provides evidence of his incurring such costs;
- (j) The provisions of Regulation 36.090 shall apply to the cases in which the air carrier needs to change the route of the flight during the flight;
- (k) Where there is delay of a flight or expected delay thereof for a period that exceeds eight hours, the consumer may request that the air carrier considers the flight as cancelled in accordance with the provisions of a flight cancellation included in the Regulations;
- (l) Where further delay is incurred beyond the expected delay in arrival as announced by the air carrier, such that the total time delay exceeds eight (8) hours, the air carrier must in addition to the care required, compensate the consumer an amount equivalent to 10% of the Ticket value for every hour of delay. Provided that compensation shall be capped at the total value of the ticket and such compensation shall not be considered an alternative to providing the care services;
- (m) In addition, passengers shall be offered free of charge two telephone calls or fax messages, or e-mails;
- (n) The burden of proof concerning the questions as to whether and when the passenger has been informed of the cancellation of the flight shall rest with the operating air carrier;

**36.105 NO –SHOW OF PASSENGER**

- (a) A Passenger who shows-up on a later date or time other than the scheduled date or time of departure on his or her ticket may be considered for wait-listing on another flight subject to seat availability after meeting the airlines requirement(s).

**36.110 PERSONS WITH DISABILITY OR SPECIAL NEEDS**

- (a) An air carrier is not permitted to deny boarding to a consumer with special needs, unless such denial is for purposes of security and safety on board the aircraft or for maintenance of the health of the consumer;
- (b) No air carrier shall refuse to carry persons with special needs and their assistive aids/devices, escorts, provided such persons or their representatives, at the time of booking for travel, inform the airlines of their requirements;
- (c) The air carrier, aerodrome operator, and ground handling service provider must take into consideration and make advance arrangements to ensure that the needs of consumers with special needs, including without limitation;
  - 1) Providing assistive aids, wheelchairs and clear guidance signs in the aerodrome before departure, during the flight or intermediate stops and on arrival as well as during boarding and embarking/disembarking;
  - 2) Undertaking the necessary measures to ensure notification of consumers with special needs (particularly in the case of blindness or deafness) regarding times, cancellations, or delay of flights. The air carrier shall bear the liability for failure to provide sufficient notification;
  - 3) Undertaking the necessary care required by the consumer during cancellation, delay, or rerouting of flights; and
  - 4) Equipping the sales counters and aerodrome facilities by the aerodrome operators to receive consumers with special needs.

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- (d) The air carrier shall ensure that a consumer with special needs, upon payment of a ticket, reaches the aircraft from the departure lounge, and at the end of the journey from the aircraft to the arrival lounge exit, without incurring any further expenditure;
- (e) In the event that a consumer with special needs is denied boarding after his ticket has been issued, or in the event that the air carrier, aerodrome operator, or ground handling service providers fails to provide the necessary services to a consumer with special needs, such parties shall be required to submit their justification for their failure within five days from the date of the failure to provide the service, or from the date the Authority becomes aware of their failure to provide service or else such will be considered an acknowledgement that the relevant consumer is entitled to compensation in accordance with this Part;
- (f) The air carrier shall formulate a detailed procedure for carriage of persons with special needs and publish the same on their website;
- (g) The air carrier shall develop emergency evacuation procedures and training of their staff for handling persons with special needs and include the same in their safety manuals and operation manuals for approval by the Authority. The training program shall include detailed procedures of handling, evacuation and develop awareness towards persons with special needs;
- (h) Where an air carrier is in breach of this Regulation or fails to provide the services or necessary facilities after his or her ticket has been issued the consumer with special needs shall be compensated an equivalent of 150% of the value of the travel Ticket in addition to any entitlements provided for under these Regulations;
- (i) Persons with disabilities shall be permitted to travel without the requirement for a medical clearance. Aircraft operators shall only be permitted to require persons with disabilities to obtain a medical clearance in cases of medical condition where it is not clear that they are fit to travel and could compromise their safety or well-being or that of other passengers;  
*New: Annex 9: Special Regulation RSR/01/2020: Effective 15 November 2020*
- (j) Persons with disabilities shall be permitted to determine whether or not they need an assistant. If the presence of an assistant is required, aircraft operators shall be encouraged to offer discounts for the carriage of that assistant;  
*New: Annex 9: Special Regulation RSR/01/2020: Effective 15 November 2020*
- (k) Aircraft operators shall require an assistant only when it is clear that the person with a disability is not self-reliant and this could pose a risk to safety or the well-being of such person or that of other passengers.  
*New: Annex 9: Special Regulation RSR/01/2020: Effective 15 November 2020*

### 36.115 BAGGAGE HANDLING

- (a) An air carrier shall commit and undertake to provide the necessary care and diligence to ensure that a consumer's baggage is not delayed, lost or damaged;
- (b) The air carrier shall compensate the consumer up to a maximum of one (1000) thousand SDR Units for the loss, damage, or delay of a consumer's baggage;
- (c) If a consumer wishes to increase the level of compensation as a result of the baggage containing high value items, the consumer must disclose to the air carrier the valuable items and the value thereof before boarding the aircraft, using baggage declaration forms prepared for such purposes by the air carrier;
- (d) The air carrier shall provide to the Authority its lost, delayed or damaged baggage compensation policy within ninety (90) days from the date of commencement of this part, failure to which the air carrier shall compensate the consumer based on the maximum limit for each claim;
- (e) The Authority will be entitled to decline or require amendment of an air carrier's compensation policy to conform to this part;
- (f) The air carrier shall commit to disclosing its compensation policy for delayed, lost and damaged baggage on its website as well as in a visible place in the sales offices and aerodromes;

- (g) The air carrier shall: -
  - 1) Compensate the consumer for damage of the baggage within ten (10) days from the date on which the baggage is deemed damaged in accordance with the procedures of the air carrier;
  - 2) Compensate the consumer for loss of the baggage within ten (10) days from the date on which the air carrier admits the loss of the checked baggage or if the checked baggage has not arrived at the expiration of twenty-one (21) days after the date on which it ought to have arrived; and
  - 3) Be liable for damage caused by the delay in the carriage of baggage.
- (h) The air carrier is not liable under this Regulation if it proves that the carrier or the carrier servants or agents had taken all necessary measures to avoid the damage, loss or delay or it was not possible for the carrier or the carrier servants or agents to have taken those measures;
- (i) If the air carrier and or any other service provider proves that the damage was caused or contributed to by the negligence of the passenger the air carrier may be wholly or partly exonerated from liability;
- (j) The air carrier shall be entitled for the compensation from the Aerodrome operator or any other service provider in case the delay damage or loss of baggage originated from the aerodrome operator or any other service provider who caused the delay, damage or loss.

**36.120 FURTHER COMPENSATION**

- (a) These Regulations shall apply without prejudice to a passenger's rights to further compensation under any contractual, international or any other applicable law. The compensation granted under this Part may be deducted from such compensation.

**36.125 RIGHT TO CARE**

- (a) In applying this Regulation, the air carrier, aerodrome operator, service provider shall pay particular attention to the needs of persons with special needs and any persons accompanying them, as well as to the needs of unaccompanied minors.

**36.130 RIGHT TO REDRESS**

- (a) In cases where an air carrier pays compensation or meets the other obligations incumbent on it under these Regulations, no provision of these Regulations may be interpreted as restricting its right to seek compensation from any person, including third parties, in accordance with the law applicable.

**36.135 EXCLUSION OF WAIVER**

- (a) Air carrier, aerodrome operator or any other service providers' obligations vis-à-vis consumers pursuant to these Regulations may not be limited or waived, notably by a derogation or restrictive clause in any contract of carriage.
- (b) If, nevertheless, such a derogation or restrictive clause is applied in respect of a consumer, or if the consumer is not correctly informed of his or her rights and for that reason has accepted compensation which is inferior to that provided for in these Regulations, the consumer shall still be entitled to take the necessary proceedings before the Authority or the competent courts or bodies in order to obtain additional compensation or pursue available remedies.

**36.140 PASS-OFF BY AIR CARRIERS**

- (a) All air carriers shall ensure that consumers have clear transparent access to all pertinent information regarding the characteristics of the air transport products that are being sold prior to purchasing the ticket including the following:
  - 1) the identity of the air carrier actually operating the flight and advise on any change occurring after the purchase of the Ticket as soon as possible;
  - 2) general conditions applying to the operations and fares; and

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- 3) total price including the applicable air fare, taxes, charges, surcharges and fees.

### **36.145 CONSUMER COMPLAINT HANDLING PROCEDURES**

- (a) All complaints shall first be filed with the respective air carrier, aerodrome operator, service provider or its representative in Rwanda. However, where the consumer is not clear on the place of lodging a complaint, the complaint will be filed with the Authority in the prescribed format for directions.
- (b) An air carrier, aerodrome operator, service provider will be required to provide clear and concise information about its complaint handling procedures as required by the Authority.
- (c) A consumer who wishes to lodge a complaint shall do so in writing and lodge it as follows:
  - 1) If to the Authority at the earliest time possible but within one (1) year reckoned from the date of arrival at the destination or from the date on which the aircraft ought to have arrived, or from the date on which the carriage stopped;
  - 2) If to the air carrier, at the earliest time possible in accordance with the complaints handling procedure of the air carrier and as prescribed in sub regulation (a).
- (d) An air carrier, aerodrome operator, service provider carrier shall acknowledge in writing the receipt of a complaint filed by the consumer.
- (e) An air carrier, aerodrome operator, service provider will where possible, advise a consumer at the time of making the complaint on the expected action, timing for investigation and resolution of the complaint. in the event that the air carrier considers the complaint as frivolous or vexatious, the consumer shall be informed accordingly in writing.
- (f) An air carrier, aerodrome operator, service provider shall resolve all complaints made by its consumers within a reasonable time but not longer than 30 days from the date of receipt of the complaint.
- (g) An air carrier, aerodrome operator, service provider will be required to put in place a process to provide consumers with sufficient information and the means to inquire on the progress of complaints.
- (h) An air carrier, aerodrome operator, service provider shall inform the consumer in writing of the outcome of the investigation of their complaint, and the decision made by the air carrier.
- (i) A consumer shall have the right to make an appeal to the Authority under these Regulations.
- (j) The air carrier, aerodrome operator, service provider complaint handling processes shall be at no cost.
- (k) An air carrier, aerodrome operator, service provider shall file, with the Authority, such information and statistics on all complaints reported, including those resolved and those outstanding, on a quarterly basis in the manner prescribed by the Authority from time to time.

### **36.150 COMPLAINTS BY PERSONS WITH DISABILITY AND SPECIAL NEEDS**

- (a) An air carrier, aerodrome operator, service provider shall ensure that persons with disability and special needs can easily access its complaint handling processes.
- (b) An air carrier, aerodrome operator, service provider shall provide reasonable assistance to persons with disability and special needs who specifically requests for assistance when lodging complaints.
- (c) An air carrier, aerodrome operator, service provider shall take such measures as may be prescribed by the Authority to ensure that the requirements and interests of persons with disability and special needs are fully addressed.

### **36.155 COMPLAINTS HANDLING PROCEDURES OF THE AUTHORITY**

- (a) A complainant may make a complaint as prescribed in the schedules hereto in writing with the Authority against an air carrier in relation to the breach of consumer rights as provided in these Regulations provided that the consumer must have notified the air carrier of such a breach and the complaint remains unresolved.

- (b) Every complaint shall be accompanied by the relevant supporting documents such as:
  - 1) a copy of the airline ticket;
  - 2) A copy of the formal complaint to the air carrier stating breach of consumer rights;
  - 3) A response from or correspondence with the air carrier (if any);
  - 4) Any other relevant document(s).
- (c) The Authority shall from time to time develop procedures to facilitate the prompt resolution of complaints. These procedures shall take into account the international nature of air transport and the best practices in complaint resolution.
- (d) In the event that either of the interested parties are dissatisfied with the determination of the Authority, they may make an appeal as outlined in these Regulations.

**36.160 JURISDICTION**

- (a) An action for damages may be brought at the option of the consumer in Rwanda or the domicile of the air carrier or its principal place of business or where it has a place of business through which the contract has been made or before the court at the place of destination.

**36.165 EXONERATION OF AIR CARRIER**

- (a) If the air carrier proves that the damage was caused or contributed to by the negligence or other wrongful acts or omission of the person claiming compensation, or the person from whom he or she derives his or her rights, the air carrier shall be wholly or partly exonerated from its liability to the claimant to the extent that such negligence or wrongful act or omission caused or contributed to the damage. This Regulation applies to all liability provisions in this Part.

**36.170 REPORTING**

- (a) An air carrier, aerodrome operator, service provider shall undertake to submit monthly reports on delay, cases of denied boarding, cancelled flights, and on a quarterly basis the complaints received from the consumers and the manner and result of its handling.
- (b) Failure to submit the monthly and quarterly reports specified in paragraph (a) as required by the Authority shall be considered a declaration:
  - (1) By the air carrier that it and its employees did not undertake the necessary measures to avoid the damage incurred by the consumers.
  - (2) that the air carrier deserves the upper limit of the fines and penalties prescribed in the Law establishing Regulations governing civil aviation.
- (c) The Authority may lodge an investigation on its own motion into an air carriers' consumer related conduct and activities in case of persistent failure by an air carrier to resolve complaints under this Part.

**36.175 TRANSITIONAL PROVISION**

- (a) Any action, complaint, investigation relating to consumer protection undertaken under any Authority prior to the commencement of this Regulation shall be taken over by the designated officers.

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## **SUBPART D AIR NAVIGATION SERVICES**

### **36.180 CONDITIONS FOR ESTABLISHING AIR NAVIGATION SERVICES CHARGE**

- (a) Providers of Air Navigation Services may charge air carriers for the services provided subject to principles and recommendations of particular relevance in the context of the cost basis for air navigation services charges, charging systems and the collection of charges are that:
- 1) the cost to be allocated is the full cost of providing the air navigation services, including appropriate amounts for cost of capital and depreciation of assets, as well as the costs of maintenance, operation, management and administration.
  - 2) the cost to be allocated is the full cost of providing the air navigation services, including appropriate amounts for cost of capital and depreciation of assets, as well as the costs of maintenance, operation, management and administration.
  - 3) when charging systems are introduced or significantly revised, ANSP shall take into account the economic and financial impact on both the users and the provider State or States.
  - 4) charges shall be levied in such a way that: -
    - (i) no facility or service is charged for twice with respect to the same utilization.
    - (ii) In cases where certain facilities or services have a dual role (for example, approach and aerodrome control as well as en-route air traffic control), their cost should be equitably allocated for charging purposes.
  - 5) a balance between the respective interests of airports and ANSPs on one hand and of aircraft operators on the other, particularly in view of the importance of an air transport system to Rwanda and its influence in fostering economic, cultural and social interchanges between States.
  - 6) the administrative cost of collecting charges shall not exceed a reasonable proportion of the charges collected.
  - 7) charges shall not be imposed in such a way as to discourage the use of facilities and service necessary for safety and efficiency or the introduction of new aids and techniques.
- (b) The Authority shall set ANS charging standards to:
- 1) minimize the risk of ANSPs engaging in anti-competitive practices or abusing any dominant position they may have;
  - 2) ensure non-discrimination and transparency in the application of charges;
  - 3) ascertain that investments in capacity meet current and future demand in a cost-effective manner;
  - 4) protect the interests of passengers and other end-users; and
  - 5) ensure that the purpose, creation and criteria for differential charges are transparent.
- (c) Pre-funding of projects through charges should not be used to fully recover costs in advance of commissioning of new air navigation facilities or infrastructure but may be accepted in specific circumstances, after having allowed for possible contributions from non-aeronautical revenues, where this can assist in financing long term, large-scale investment, provided that strict safeguards are in place, including the following:
- (i) Effective and transparent economic oversight of charges and the related provision of services, including performance management;
  - (ii) Comprehensive and transparent accounting, with assurances that resulting charges are, and will remain, earmarked for civil aviation services or projects;
  - (iii) Advance, transparent and substantive consultation by providers and, to the greatest extent possible, agreement with users regarding significant projects being pre-funded; and
  - (iv) Application for a limited period of time with users benefiting from lower charges and from smooth.

**36.185 MANDATORY CONSULTATION BETWEEN ANSPs AND USERS IN THE ESTABLISHMENT OF AIR NAVIGATION SERVICES CHARGES**

- (a) When a revision of existing charges or the imposition of new charges is contemplated by an ANSP or another competent entity, ANSPs or another competent entity shall consult users in the establishment of air navigation services charges and development plans in order to ensure adequate disclosure of costs and transparency in the economic and financial underpinnings of rate and service proposals.
- (b) Consultation process starts with advance notice of proposals given to users, either directly or through their representative organizations, at least four months in advance, in accordance with these Regulations.
- (c) Consultation documents shall make clear the nature of the proposals, the parties most likely to be affected, the specific questions on which feedback is requested, and the time schedule for response.
- (d) In any revision of charges or imposition of new charges, the users shall be provided with transparent and appropriate financial, operational and other relevant information to allow them to make informed comments.
- (e) All interested parties shall be given the opportunity to present their views on the proposals.
- (f) The written submissions by users or their representative organizations and any feedback obtained through associated consultative discussions shall be considered, as far as possible, before reaching a decision.
- (g) Both ANSPs and users are to provide sufficient information to each other for meaningful consultations, while market-sensitive data shall be protected properly.
- (h) Decision documents shall provide appropriate rationale for the decision taken.
- (i) where users' views have not been accepted, justification for the decision is necessary.
- (j) With respect to the revision of charges or imposition of new charges, it is required that reasonable advance notice of the final decision, of at least one month, be given to the users.

**36.190 CHARGEABLE AIR NAVIGATION SERVICES**

- a) Separate air navigation services charges may be applied to cover different types of services including but not limited to:
  - 1) Approach and aerodrome control service, which may be levied either as a combined charge or levied separately.
  - 2) Centralized approach control service, which may apply a combined or separate charges.
  - 3) Centralized approach/terminal area control service, which may apply a combined or separate charges.
  - 4) Area control service for the domestic FIR(s), which may have a single charge covering all those air navigation services properly attributable to en-route services. It may be considered appropriate, however, to have separate charges for individual FIRs.
  - 5) Oceanic control service, where Rwanda has accepted the responsibility of providing air navigation services over the high seas under specific delegation by ICAO, separate route air navigation services charges for these services shall apply.
- b) The Authority may accept, upon application by the ANSP, an alternative categorization of services for cost allocation purposes developed in line with ICAO standards.

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### 36.195 DETERMINING COSTS

- (a) In determining costs, ANSP shall use generally recognized rules, standards or conventions accepted in accounting and costing principles to permit the costs of service operations to be recorded and analyzed in accordance with their nature and origin.
- (b) In order to establish the full costs of air navigation services, ANSP include all the costs incurred such as the costs of those that may be provided, wholly or in part, by any other department or agency of the government or any other entity without any corresponding charge being made to the charging entity.
- (c) The costs for safety, security and economic oversight provided by the Authority or regional oversight organization, which are directly related to the provision of air navigation services, shall be included in the ANSP cost basis for charges, provided that such costs are imposed on the providers of services.
- (d) The Authority may take appropriate steps to ensure that the relevant cost data are made available to them for the costing task.
- (e) Computation of total air navigation services costs attributable to en-route operations;
  - 1) may include costs of any facilities and services located physically at an airport but serving en-route traffic; and
  - 2) ensure that such costs are not counted doubly as an airport cost as well and, hence, improperly included in the cost base for charges levied for the use of facilities required for airport operations.
- (f) The cost base for air navigation services charges shall;
  - 1) consider the differences between costs recorded in an entity's accounts and costs applied for determining the cost basis for charges as well as costs attributable to non-aeronautical utilization;
  - 2) exclude the costs of any air navigation services provided exclusively for military or other State functions; and
  - 3) determine and include the cost share allocable to civil aviation operation and exclude military functions where civil or military facilities serve both civil and military functions.
- (g) Once the costs of all the air navigation services provided have been established, the portions attributable to en-route utilization and approach and aerodrome control utilization may be identified.
- (h) Pursuant to the provisions of sub regulation (g),
  - 1) the principle of equity shall apply where more than one type of utilization is involved and the intent is to recover the costs of the air navigation services from users.
  - 2) if different route charges are involved (different charges in different FIRs), the share of the en-route costs attributable to each of the FIRs concerned would need to be established.
  - 3) the total approach and aerodrome control cost portion may need to be allocated to each airport served, particularly where the approach and/or aerodrome control services are being provided under contract with the airport(s) concerned.
- (i) Allocation of en-route costs may include following parameters:
  - 1) Number of flights;
  - 2) Distance flown;
  - 3) Time in the System; and
  - 4) Aircraft weight.

## **SUBPART E. REGULATORY FEES**

### **36.200 FEES TO BE CHARGED**

- (a) The fees to be charged in connection with the issue, validation, renewal, extension or variation of any certificate, license, permit, authorization, or other aviation document, including the issue of a copy thereof, or the undergoing of any examination, test, inspection or investigation or the grant of any permission or approval, required by, or for the purpose of the Rwanda Civil Aviation Regulations, shall be payable as prescribed by the Authority.

### **36.205 EXPENSES FOR SERVICES OR INSPECTIONS OUTSIDE RWANDA**

- (a) An operator requesting services or inspection from the Authority at any place outside Rwanda shall bear the expenses of the Authority in connection therewith, in addition to the payment of fees and charges stated in 36.200.

### **36.210 FEES FOR LICENCE OR PERMIT TO OPERATE AIR SERVICES**

- (a) In respect of the issue, renewal or variation of a licence or permit to operate air services into, or from, or within Rwanda for the transportation of passengers, mail or cargo for hire and reward, fees shall be payable as prescribed by the Authority.

### **36.215 OVERSIGHT CHARGES**

- (a) The Authority shall, in consultation with concerned stakeholders, charge an oversight fee on every departing passenger, both international and domestic, as shall be prescribed by the Authority, which charge shall be collected by the carrier at the point of sale of the relevant flight ticket or the aerodrome operator and remitted to the Authority.
- (b) In the case of scheduled air services, the airline shall include the charge in the cost of the airline ticket, and in the case of chartered or private flights the aerodrome operator shall be responsible for the collection and payment of the full amount, which shall be the equivalent of the charge multiplied by the number of passengers on board, excluding the crew.
- (c) The air carrier or aerodrome operator shall transfer the full amount due on a monthly basis into the Authority bank account in a manner approved by the Authority.

### **36.220 FEES FOR EXEMPTION FROM ANY OF THE CIVIL AVIATION REGULATIONS**

- (a) The application for exemption from any of the Civil Aviation Regulations shall be accompanied by a technical evaluation fee prescribed by the Authority.

### **36.225 EXEMPTION FROM FEES AND CHARGES**

- (a) In any case where it may consider it to be in the public interest to do so, the Authority may, on application being made to it for that purpose, exempt any person from payment of any fee that would otherwise be payable in accordance with Regulations 36.200 and 36.205.

### **36.230 NOTICE OF THE FEES AND CHARGES**

- (a) Fees payable under Regulations 36.200, 36.205, 36.210, 36.215 and 36.220 shall be payable immediately upon application or receipt of an invoice.
- (b) The Authority shall, within a reasonable time, send an invoice to a person liable for the fees and charges payable under this Subpart.

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- (c) The fees and charges payable in accordance with this Subpart shall be paid in Rwanda Francs or in any other convertible currency at such place and time as may be approved by the Authority.

### **36.235 PENALTIES**

- (a) Any fee or charge payable under Subpart shall be paid within 15 days from the date of the invoice issued in respect thereof and failure to make such payment shall attract interest at the rate of 2 per cent per month from the due date of payment.
- (b) The Authority may, without prejudice to any legal action that may be taken to recover any outstanding amount, suspend or revoke any certificate, licence, permit, authorization, or other document issued under the Rwanda Civil Aviation Regulations, for non-payment of any fee or charge due under this Subpart.

### **36.240 PERSONS LIABLE FOR THE FEES AND CHARGES**

- (a) The operator of an aircraft, aerodrome, aircraft maintenance organization, aviation training organization or any other organization as determined by the Authority, shall primarily be responsible for the fees and charges payable in accordance with this Subpart.
- (b) Chattel Mortgagor of an aircraft shall be responsible for the fees and charges payable in accordance with registration of interest in aircraft or components thereof.

### **36.245 DEFAULT**

- (a) For purposes of this Part, a person shall be in default if an invoice or any part thereof issued in accordance with this Subpart remains unpaid for a period of ninety (90) days from the date of issue.

### **36.250 PURCHASE OF AERONAUTICAL INFORMATION PUBLICATIONS AND OTHER PUBLICATIONS**

- a) The purchase of Rwanda Aeronautical Information Publication and other publications shall be in accordance with the fees prescribed by the Authority.

### **36.255 RENT CHARGES ON AUTHORITY'S FACILITIES**

- (a) The Authority shall draw up a scheme prescribing charges to be paid to the Authority in respect of rent for its facilities.

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## SUBPART F. AIR SERVICE AGREEMENTS

### 36.260 GUIDELINES FOR NEGOTIATING AIR SERVICE AGREEMENTS

- a) The principles and techniques in negotiating international air services agreements to ensure planning and development of international air transport shall include but not limited to: -
- 1) Insure the safe and orderly growth of international civil aviation throughout the world;
  - 2) Encourage the arts of aircraft design and operation for peaceful purposes;
  - 3) Encourage the development of airways, aerodromes, and air navigation facilities for international civil aviation;
  - 4) Meet the needs of the peoples of the world for safe, regular, efficient and economical air transport;
  - 5) Prevent economic waste caused by unreasonable competition;
  - 6) Ensure that the rights of contracting States are fully respected and that every contracting State has a fair opportunity to operate international airlines;
  - 7) Avoid discrimination between contracting States;
  - 8) Promote safety of flight in international air navigation;
  - 9) Alignment with ICAO template of Air Services Agreements and/or with the African Union initiative to liberalize civil aviation in Africa through SAATM, as appropriate”Promote generally the development of all aspects of international civil aeronautics.
- New: Annex 9: Special Regulation RSR/01/2020: Effective 15 November 2020*
- (b) Air Service Agreements shall consider the following key issues: -
- 1) Balancing benefits in a liberalizing environment;
  - 2) The shortcomings of air service agreement regulatory structure, such as lack of transparency and inadequacy of dispute resolution mechanisms;
  - 3) Bilateral relations involving groups of States; and
  - 4) Application of competition law to air transport.

### 36.265 REGISTRATION OF AGREEMENTS

- (a) All aeronautical agreements, including Air Service Agreements, which are in existence on the coming into force of the Convention on International Civil Aviation, and which are between Rwanda and any other State or between an airline of a contracting State and any other State or the airline of any other State, shall be forthwith registered with the ICAO Council.

### 36.270 RIGHT TO TAKE ACTION FOLLOWING NON-COMPLIANCE

- (a) Rwanda reserves the right to withhold or revoke a certificate or permit to an air carrier of another State in any case where it is not satisfied that substantial ownership and effective control are vested in nationals of a Contracting State, or in case of failure of such air carrier to comply with the laws of the State over which it operates, or to perform its obligations under Air Service Agreement.

### 36.275 SCHEDULED INTERNATIONAL AIR OPERATIONS

- (a) No scheduled international air service may be operated over or into the territory of Rwanda, except with the special permission or other authorization of Rwanda, and in accordance with the terms of such permission or authorization.
- (b) Rwanda shall have the right to refuse permission to the aircraft of other contracting States to take on in its territory passengers, mail and cargo carried for remuneration or hire and destined for another point within its territory, unless otherwise authorized under sub regulation (a).
- (c) Rwanda undertakes not to enter into any arrangements which specifically grant any such privilege on an exclusive basis to any other State or an airline of any other State, and not to obtain any such exclusive privilege from any State.

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### 36.280 COMPOSITION OF THE AIR SERVICE AGREEMENT DELEGATION OR NEGOTIATING TEAM

- (a) The delegation or negotiating team shall be composed: -
  - 1) Rwanda Civil Aviation Authority,
  - 2) Foreign affairs officials, where necessary,
  - 3) Representatives of the national airline(s) and
  - 4) Other interested parties including representatives of aerodrome and tourism agency may be included on request.
- (b) The delegation shall be chaired by a designated Authority official. When the consultation takes place outside the home territory, an embassy official is likely to be on the team.

### 36.285 FREEDOMS OF THE AIR IN RESPECT OF SCHEDULED INTERNATIONAL AIR SERVICES

- (a) Rwanda may grant to the other Contracting States the following Freedoms of the air in respect of scheduled international air services:
  - 1) First Freedom of the Air - the right or privilege, in respect of scheduled international air services, granted by one State to another State or States to fly across its territory without landing (also known as a First Freedom Right).
  - 2) Second Freedom of the Air - the right or privilege, in respect of scheduled international air services, granted by one State to another State or States to land in its territory for non-traffic purposes (also known as a Second Freedom Right).
  - 3) Third Freedom of the Air - the right or privilege, in respect of scheduled international air services, granted by one State to another State to put down, in the territory of the first State, traffic coming from the home State of the carrier (also known as a Third Freedom Right).
  - 4) Fourth Freedom of the Air - the right or privilege, in respect of scheduled international air services, granted by one State to another State to take on, in the territory of the first State, traffic destined for the home State of the carrier (also known as a Fourth Freedom Right).
  - 5) Fifth Freedom of the Air - the right or privilege, in respect of scheduled international air services, granted by one State to another State to put down and to take on, in the territory of the first State, traffic coming from or destined to a third State (also known as a Fifth Freedom Right).
  - 6) Sixth Freedom of the Air - the right or privilege, in respect of scheduled international air services, of transporting, via the home State of the carrier, traffic moving between two other States (also known as a Sixth Freedom Right). Characterized by ICAO as the so-called Sixth Freedom of the Air.
  - 7) Seventh Freedom of the Air - the right or privilege, in respect of scheduled international air services, granted by one State to another State, of transporting traffic between the territory of the granting State and any third State with no requirement to include on such operation any point in the territory of the recipient State, i.e the service need not connect to or be an extension of any service to/from the home State of the carrier.
  - 8) Eighth Freedom of the Air - the right or privilege, in respect of scheduled international air services, of transporting cabotage traffic between two points in the territory of the granting State on a service which originates or terminates in the home country of the foreign carrier or (in connection with the so-called Seventh Freedom of the Air) outside the territory of the granting State (also known as an Eighth Freedom Right or "consecutive cabotage").
  - 9) Ninth Freedom of the Air - the right or privilege of transporting cabotage traffic of the granting State on a service performed entirely within the territory of the granting State (also known as a Ninth Freedom Right or "stand alone" cabotage).

## **SUBPART G. PROVISIONS APPLICABLE TO ALL SUBPARTS**

### **36.290 MISCELLANEOUS PROVISIONS**

- (a) The Authority may, in writing, designate qualified persons, whether by name or by title of office, to be authorized persons for the purposes of these Regulations and shall state the functions and limits of operations of the authorized persons.
- (b) The Authority shall cause aerodrome operators and ANSPs to publish all their airport and air navigation services charges in an Aeronautical Information Publication (AIP).

### **36.295 OBLIGATION FOR CONFIDENTIALITY**

- (a) Every person having an official duty or being employed in the administration of this Regulation shall-
  - 1) regard and deal with as confidential all information relating to applicants and applications for permission under this Regulation and the management and operation of approved aerodrome operators; and
  - 2) upon assuming such duty or employment, make and subscribe a declaration to that effect to the appropriate legal authorities.
- (b) Every person referred to in sub regulation (a) having possession of or control over any documents, information or records, who at any time communicates or attempts to communicate anything contained in such documents or records or any such information to any person-
  - 1) other than the Authority, or any other person to whom he is authorized by the Authority to communicate it;
  - 2) without the written consent of the applicant or the approved aerodrome operator or service provider; or
  - 3) otherwise than pursuant to a court order or for the purposes of this Regulation, shall be guilty of an offence and liable on summary conviction before a judge to a penalty as prescribed in the appropriate law establishing Regulations governing civil aviation.
- (c) Any person to whom information is communicated pursuant to sub regulation (b) shall regard and deal with such information as confidential.
- (d) A person referred to in sub regulation (c) who at any time communicates or attempts to communicate any information referred to in that sub regulation to any person other than for the purposes of this Regulations, shall be guilty of an offence and liable on summary conviction before a judge to a penalty as prescribed in the appropriate law establishing Regulations governing civil aviation.
- (e) Subject to the provisions of this Part, an operator shall undertake to keep confidential all information received and relating to the customer including personal information.

### **36.300 RIGHT TO APPEAL**

- (a) Where a party is not satisfied with an award by the Authority, such party may appeal to the Minister within twenty-one days of the award by the Authority.

## **SUBPART H. FACILITATION SERVICES**

### **36.305 Entry and departure of aircrafts in case of international health concern**

- (a) Aircraft(s) shall be allowed to call at any international airport with in the territory of the Republic of Rwanda for public health reasons if such action is taken in accordance with International Health Regulations (2005) of the World Health Organization;
- (b) In case of exceptional circumstances that involve suspension of air transport services on public health grounds, the Authority in conjunction with other local health authorities shall first consult with the World Health Organization and the relevant authorities of the country of occurrence of the disease, before taking any decision as to the suspension of air transport services;
- (c) In response to a specific public health risk or a public health emergency of international concern, the introduction of health measures in addition to those recommended by WHO shall be done in accordance with the International Health Regulations (2005).

### **36.310 Documents requirements and use for entry and departure of aircrafts**

- (a) In case a particular document is transmitted by or on behalf of the aircraft operator and received by the aerodrome operator or any other authorized agent in electronic form, the latter shall not require the presentation of the same document in paper form;
- (b) The aerodrome operator or any other authorized agent requiring a General Declaration shall limit its information requirements to the elements indicated in the ICAO's Standard and Recommended Practices of Annex 9 (Appendix1);
- (c) In case the aerodrome operator or any authorized agent requires the General Declaration only for the purposes of attestation, the latter shall adopt measures by which that attestation requirement may be satisfied by a statement added, either manually or by use of rubber stamp containing the required text, to one page of the Cargo Manifest. Such attestation shall be signed by the authorized agent or the pilot-in-command;
- (d) On the occasions when a Passenger Manifest is required, the information requirements shall be limited to the elements indicated in the ICAO's Standard and Recommended Practices of Annex 9 (Appendix2) in either electronic or paper form;
- (e) In case the aerodrome operator or any other authorized agent requires the presentation of the Cargo Manifest in paper form, it shall accept either:
  - 1) The form in ICAO's Standard and Recommended Practices of Annex 9 (Appendix3), completed according to instructions; or
  - 2) The form in ICAO's Standard and Recommended Practices of Annex 9 (Appendix3), partially completed, with a copy of each air waybill representing the cargo on board the aircraft.
- (f) Aerodrome operator or any other authorized agent shall not require the presentation of a written declaration of stores remaining on board the aircraft;
- (g) In the event that errors are found in the General Declaration, Passenger Manifest and Cargo Manifest, the aerodrome operator or any other authorized agent shall accord the aircraft operator or authorized agent an opportunity to correct such errors or shall alternatively perform such corrections themselves;
- (h) The aircraft operator or his authorized agent shall not be subjected to penalties if he satisfies the authorized agent(s) concerned that any error which was found in such documents was inadvertent and made without fraudulent intent or gross negligence.

**36.315 Clearance and sojourn of aircraft**

- (a) In case of international general aviation operations, adequate level of boarder inspection and clearance services shall be arranged for those operations. Aerodrome operator(s) in cooperation with aircraft operators shall establish as a goal a total time period of 60 minutes in aggregate for the completion of all required departure/arrival formalities inclusive of aviation security measures for an aircraft requiring not more than normal processing, calculated from the time of the crew member's presenting the aircraft at the first processing point at the airport;
- (b) For the international airports with infrequent general aviation operations, either the aerodrome operator or any other authorized agent shall undertake, on behalf of all border inspection agencies, clearance of aircraft and their loads;
- (c) An aircraft that is not engaged in scheduled international air services and which is making a flight to or through any designated international airport within the territory of Rwanda and is admitted temporarily free of duty in accordance with Article 24 of the Convention shall be allowed to remain in Rwanda, for a period not exceeding 12 hours, without security for customs duty on the aircraft being required.

**36.320 Entry and departure of persons and their baggage**

- (a) Aerodrome operator or any other authorized agent shall not require either from visitors travelling by air, or from aircraft operators on their behalf, identification information in writing supplementary to that presented in their identity documents;
- (b) Where the collection of identity information is required, authorized agents shall develop systems for the electronic capture of this information from machine readable travel documents or other sources;
- (c) Authorized agents who require a written record of personal data from visitors arriving or departing by air shall limit the information requirements indicated in the ICAO's Standard and Recommended Practices of Annex 9 (Appendix5)-Embarkation/Disembarkation Card;
- (d) When requiring Embarkation/Disembarkation Cards, authorized agents shall accept their completion by visitors and shall not require them to be completed or checked by the aircraft operator;
- (e) In case Embarkation/Disembarkation Cards are required, authorized agents shall provide them to airline operators or their travel agents, without charge, for distribution to departing passengers prior to embarkation or to arriving passengers during the flight.

**36.325 Departure procedures**

- (a) Authorized agents shall not require income-tax clearance certificates from visitors;
- (b) Authorized agents shall not hold the aircraft operator liable in the event of the non-payment of income taxes by any passenger
- (c) For border control inspection, authorized agents shall not normally require the presentation of baggage of passengers departing from the territory of Rwanda.

**36.330 Entry Procedures and responsibilities**

- (a) With the cooperation of airport operators and in order to expedite inspections, authorized agents shall use applicable technology and adopt a multi-channel immigration inspection system, or other means of streaming passengers, at international airports where the volume of passenger traffic justifies such measures;
- (b) Except in special circumstances, authorized agents shall not require that travel documents or other identity documents be collected from passengers or crew before they arrive at the passport control points;
- (c) Authorized agents shall expeditiously accept passenger and crew for examination as to their admissibility into the territory of Rwanda;
- (d) Except in special circumstances, authorized agents shall make arrangements whereby the identity documents of visitors need to be inspected only once at times of entry and departure;

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- (e) Authorized agents shall adopt the dual-channel system or other selective process for customs and quarantine inspection based on risk management, as appropriate to the conditions and traffic volumes at the airport concerned;
- (f) In case the visitor's travel document expires prior to the end of the validity period of a visa, the authorized agent who has issued the visa shall continue to accept the visa until its expiration date when it is presented with the visitor's new travel document;
- (g) Except in special individual cases, after individual presentation by passengers and crew of their travel documents, the public officials concerned shall hand back such documents immediately after examination;
- (h) Authorized agents shall make arrangements whereby a passenger and his baggage, arriving on an international flight making two or more stops at international airports within the territory of Rwanda, are not required to be cleared through border control formalities at more than one airport.

### **36.335 Disposition of baggage separated from its owner**

- (a) Authorized agents shall permit aircraft operators to forward mishandled baggage to the location of its owner and shall not hold aircraft operators liable for penalties, fines, import duties and taxes, on the basis that the baggage was mishandled;
- (b) Authorized agents shall permit the direct transfer of mishandled baggage between international flights at the same airport, without examination, except for reasons of aviation security or other necessary controls;
- (c) In cases the direct transfer cannot be effected, authorized agents shall ensure that arrangements are made for the temporary custody of such baggage under secure supervision at an appropriate location;
- (d) The aircraft operator shall be freed from the obligation to safeguard baggage not yet cleared by the public authorities, and from liability for import duties and taxes chargeable on such baggage, when it is taken into charge by customs and is under their sole control.

### **36.340 Identification and entry of crew and other aircraft operators' personnel**

- (a) If the authorized agent issues Crew Member Certificates, then these shall be issued only in the form of machine readable cards in accordance with the specifications of Doc 9303, Part 5;
- (b) The authorized agent shall put in place procedures which will enable any crew member issued with a Crew Member Certificate to examine and review the validity of the data held, and to provide for correction if necessary, at no cost to the crew member;
- (c) To the extent that aircraft operators issue crew identity cards, authorized agent shall require the production of such identity documents in the same layout as the visual zone of the machine readable crew member certificate and having the capability to support machine assisted identity confirmation and document security verification;
- (d) The authorized agent should ensure that a record of each crew member's certificates and other official identity document issued, suspended or withdrawn, is stored in an electronic database, secure from interference and unauthorized access;
- (e) All information stored in the electronic database and crew member certificate shall be restricted to details which are essential for the purpose of verifying a crew member's identity;
- (f) The authorized agent shall accept CMCs issued according to the requirements of paragraph (a) above, for visa-free entrance of crew members when arriving in a duty status on an international flight and seeking temporary entry for the period allowed.

**36.345 Identification and entry of Foreign Civil Aviation Inspectors**

- (a) Authorized agents shall treat foreign civil aviation inspectors, when engaged on inspection duties, in the same manner as crew members when proceeding through departure or arrival formalities;
- (b) Foreign authorized agent(s) shall provide their civil aviation inspectors with an identity document in the form of ICAO's Standards and Recommended Practices of Annex 9 (Appendix 8);
- (c) Foreign civil aviation inspectors shall carry the identity document specified in paragraph (b) above, a copy of the inspector's itinerary issued by the State's authorized agent that employs the inspector, and a valid passport.

**36.350 Emergency assistance/entry visas in cases of force majeure**

- (a) Authorized agent(s) shall establish measures authorizing temporary entry for a passenger or crew member who does not possess the required entry visa prior to arrival, due to diversion or delay of a flight for reasons of force majeure;
- (b) Authorized agent(s) shall establish measures to permit the departure from, or the transit through the territory of the Republic of Rwanda, passengers holding valid air travel reservations even if their visas have expired due to flight delays resulting from force majeure;
- (c) Authorized agent(s) shall establish measures to facilitate the entry of personnel required to be deployed at short notice to assist passengers whose flight have been disrupted as a result of force majeure;
- (d) In cases of flight delays or diversions resulting from force majeure, authorized agent(s) shall establish measures to permit the transit through their territories of passengers holding valid air travel reservations but who do not possess the required entry visas.

**36.355 Minors**

- (a) Authorized agent(s) and aircraft operators shall, where practicable, exchange information as to the appropriate 24-hour point(s) of contact(s) to whom issues concerning the welfare of a minor could be addressed;
- (b) Authorized agent(s) shall consider placing an unaccompanied minor into the care of the relevant public authority at the first available opportunity if there are significant concerns regarding the welfare of the unaccompanied minor during a journey which cannot be resolved quickly;
- (c) Aircraft operators shall not allow minors under the age of five (5) to travel without an accompanying person;
- (d) Aircraft operators shall establish a programme for the handling of unaccompanied minors travelling under their supervision;
- (e) Aircraft operators transporting unaccompanied minors in an airline programme, shall collect the following information on the accompanying form:
  - 1) Surname and first name(s), number of the passport or identification document and the contact details (country of residence, home address, telephone number) of the minor, the person sending off the minor at the departure point and the person collecting the minor at the destination/arrival point;
  - 2) Surname and first name(s), and the contact details (country of residence, home address, telephone number) of the parent or guardian of the minor.

**36.360 Generalities on Entry and departure of cargo and other articles**

- (a) With respect to cargo moving by both air and surface transport under an air waybill, authorized agent(s) shall apply the same regulations and procedures, and in the same manner as they are applied to cargo moving solely by air.

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### 36.365 Information required for entry and departure of cargo and other articles

- (a) Subject to the technological capabilities of the authorized agent(s), documents for the importation or exportation of goods including the Cargo Manifest and/or air waybills, shall be accepted when presented in electronic form transmitted to an information system of the authorized agent(s);
- (b) Where authorized agent(s) has requirements for additional documents for import, export or transit formalities, such as commercial invoices, declaration forms, import licences and the like, the aircraft operator shall not be obliged to ensure that these documentary requirements are met nor shall the air operator be held responsible, fined or penalized for inaccuracies or omissions of facts shown on such documents unless he is the declarant himself, is acting on his behalf or has specific legal responsibilities;
- (c) When documents for the importation or exportation of goods are presented in paper form, the format shall be based on the UN layout, as regards the goods declaration, and on the format of ICAO's SARPs of annex 9 (appendix 3) as regards the Cargo Manifest;
- (d) Electronic information systems for the release and clearance of goods shall cover their transfer between air and other modes of transport;
- (e) When authorized agent(s) require supporting documents such as licences and certificates for the importation or exportation of certain goods, they shall publish their requirements and establish convenient procedures for requesting the issue or renewal of such documents;
- (f) Authorized agent(s) shall remove any requirement to manually produce supporting documents and shall establish procedures whereby they can be produced by electronic means;
- (g) Authorized agent(s) shall not require consular formalities or consular charges or fees in connection with documents required for the release or clearance of goods.

### 36.370 Release and clearance of export and import cargo

- (a) When authorized agent(s) require the documents for export clearance, they shall normally limit their requirement to a simplified export declaration;
- (b) Authorized agent(s) shall provide for export cargo to be released up to the time of departure of an aircraft;
- (c) Authorized agent(s) shall allow goods to be exported, to be presented for clearance at any customs office designated for that purpose. Transfer from that office to the airport from which the goods are to be exported shall be carried out under the procedures laid down in the laws and regulations of Rwanda in force;
- (d) When authorized agent(s) require goods to be examined, but those goods have already been loaded on a departing aircraft, the aircraft operator or, where appropriate, the operator's authorized agent, shall normally be permitted to provide security to the customs for the return of the goods rather than delay the departure of the aircraft;
- (e) When scheduling examinations, priority shall be given to the examination of live animals and perishable goods and to the other goods which the authorized agent(s) accept are urgently required;
- (f) Consignments declared as personal effects and transported as unaccompanied baggage shall be cleared under simplified arrangements;
- (g) Authorized agent(s) shall provide for the release or clearance of goods under simplified customs procedures provided that:
  - 1) the goods are valued at less than a maximum value below which no import duties and taxes will be collected; or
  - 2) the goods attract import duties and taxes that fall below the amount that Rwanda has established as the minimum for collection (if any); or
  - 3) the goods are valued at less than specified value limits below which goods may be released or cleared immediately on the basis of a simple declaration and payment of, or the giving of security to customs for, any applicable import duties and taxes; or
  - 4) the goods are imported by an authorized person and are goods of a specific type;

- (h) Authorized agent(s) shall process requests for the release of part consignments when all information has been submitted and other requirements for such part consignments have been met;
- (i) Authorized agent(s) shall allow goods that have been unladen from an aircraft at an international airport to be transferred to any designated customs office in Rwanda for clearance. The customs procedures covering such transfer shall be as simple as possible;
- (j) When, because of error, emergency or inaccessibility upon arrival, goods are unladen at their intended destination, authorized agent(s) shall not impose penalties, fines or other similar charges provided:
  - 1) the aircraft operator or his authorized agent notifies the customs of this fact, within the shortest time limit laid down;
  - 2) a valid reason, acceptable to the customs authorities, is given for the failure to unload the goods; and
  - 3) the cargo manifest is duly amended.
- (k) When, because of error or handling problems, goods are unladen at an international airport without being listed on the cargo manifest, authorized agent(s) shall not impose penalties, fines or other similar charges provided:
  - 1) the aircraft operator or his authorized agent notifies the customs of this fact, within the shortest time limit laid down;
  - 2) a valid reason, acceptable to the customs authorities, is given for non-reporting of the goods;
  - 3) the cargo manifest is duly amended; and
  - 4) the goods are placed under the appropriate customs arrangements.
- (l) If goods are consigned to a destination in Rwanda, but have not been released for home use in Rwanda and subsequently are required to be returned to the point of origin or to be redirected to another destination, the authorized agent(s) shall allow goods to be re-forwarded without requiring import, export or transit licences if no contravention of the laws and regulations in force is involved;
- (m) Authorized agent(s) shall absolve the aircraft operator or, where applicable, his authorized representative, from liability for import duties and taxes when the goods are placed in the custody of the public authorities or, with the latter's agreement, transferred into the possession of a third party who has furnished adequate security to the customs.

**36.375 Spare parts, equipment and stores imported or exported by aircraft operators for international services**

- (a) Authorized agent(s) shall permit, on board aircraft, the sale or use of commissary supplies and stores for consumption without payment of import duties and other taxes in the case where aircraft, engaged in international flights:
  - 1) Stop at two or more international airports within the territory of Rwanda without intermediate landing in the territory of a third party; and
  - 2) Do not embark any domestic passengers.
- (b) Without prejudice to existing regulations and requirements, authorized agent(s) shall allow relief from import duties and taxes in respect of ground and security equipment and their component parts, instructional material and training aids imported into Rwanda, by or on behalf of a foreign aircraft operator for use by the operator or his authorized agent, within the boundaries of an international airport or at an approved off-airport facility;
- (c) Authorized agent(s) shall grant prompt release or clearance, upon completion of simplified documentary procedures by the aircraft operator or his representative, of ground and security equipment and their replacement parts, instructional material and training aids imported or exported by a foreign aircraft operator operating in Rwanda;
- (d) Authorized agent(s) shall allow the loan, between foreign aircraft operators or their authorized representatives, of aircraft equipment, spare parts and ground and security equipment and their replacement parts, which have been imported with conditional relief from import duties and taxes;

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- (e) Authorized agent(s) shall provide for the importation, free of import duties and taxes, of aircraft operators' documents as defined in the ICAO's SARPs of annex 9.

### 36.380 Containers and pallets

- (a) Without prejudices to existing regulations and requirements, authorized agent(s) shall grant foreign aircraft operators temporary admission of containers and pallets, whether or not owned by the aircraft operator of the aircraft on which they arrive, provided they are to be used on an outbound international service or otherwise re-exported;
- (b) Authorized agent(s) shall require a temporary admission document for containers and pallets only when they consider it essential for the purposes of customs control;
- (c) Where proof of the re-exportation of containers and pallets is required, the authorized agent(s) shall accept the appropriate usage records of the aircraft operator or his representative as evidence thereof;
- (d) Authorized agent(s) shall make arrangements to allow aircraft operators, under supervision of the public authorities concerned, to unload transit cargo arriving in containers and pallets, so that they may sort and reassemble shipments for onward carriage without having to undergo clearance for home use;
- (e) Containers and pallets imported into Rwanda under the provisions of paragraph (a) above shall be allowed to leave the boundaries of the international airport for the release of clearance of imported loads, or for export lading, under simplified documentation and control arrangements;
- (f) Where circumstances so require, authorized agent(s) shall allow the storage of temporarily admitted containers and pallets at off-airport locations;
- (g) Authorized agent(s) shall allow the loan between aircraft operators of containers and pallets admitted under the provisions of paragraph (a) without payment of import duties and taxes, provided they are to be used only on an outbound international service or otherwise re-exported;
- (h) Authorized agent(s) shall allow temporarily admitted containers and pallets to be re-exported through any designated customs office; and
- (i) Authorized agent(s) shall allow the temporary admission of replacement parts when they are needed for the repair of containers and pallets imported under the provisions of paragraph (a).

### 36.385 Mail documents and procedures

Authorized agents shall carry out the handling, forwarding and clearance of mail and shall comply with the documentary procedures as prescribed by the Acts in force of the Universal Postal Union.

### 36.390 Inadmissible persons

- (a) Authorized agent(s) ordering the removal from the territory of Rwanda of an inadmissible person whose travel documents have been seized pursuant to recommended circumstances, shall deliver a covering letter in the format set forth in ICAO's SARPs of annex 9 (appendix 9-2) in order to give information to the authorities of the State(s) of transit and/or the commencement of journey;
- (b) The covering letter together with a photocopy of the seized travel documents and the removal order shall be handed over to the aircraft operator or, in the case of escorted persons, the escort, who shall be responsible for delivering them to the public authorities at the State of destination;
- (c) When a person is found inadmissible and is returned to the aircraft operator for transport away from the territory of Rwanda, the aircraft operator shall not be precluded from recovering from such person any transportation costs involved in his removal;
- (d) The aircraft operator shall remove the inadmissible person to:
  - 1) the point where he commenced his journey; or
  - 2) any place where he is admissible.

- (e) As appropriate, authorized agent(s) shall consult with the aircraft operator regarding the most practicable place to which the inadmissible person is to be removed;
- (f) Where the removal of an inadmissible person relates to an unaccompanied minor, authorized agent(s) shall take appropriate measures to ensure that suitable arrangements are in place for the minor at point of departure, transit and point of destination, taking into particular consideration his best interests;
- (g) Authorized agent(s) shall accept for examination a person removed from a State where he was found inadmissible, if this person commenced his journey from the territory of Rwanda. Authorized agent(s) shall not return such a person to the country where he was earlier found inadmissible;
- (h) Authorized agent(s) shall accept the covering letter and other papers delivered pursuant to ICAO's SARPs of annex 9 (appendix 9-1 and appendix 9-2) as sufficient documentation to carry out the examination of the person referred to in the letter;
- (i) When aircraft operators have cooperated with the authorized agent(s) to the satisfaction of those authorities, for example pursuant to memoranda of understanding reached between the parties concerned, in measures designated to prevent the transportation of inadmissible persons, authorized agents may mitigate the fines and penalties that might otherwise be applicable should such persons be carried to the territory of Rwanda; and
- (j) Authorized agent(s) shall not prevent the departure of an operator's aircraft pending a determination of admissibility of any of its arriving passengers, except in the case of infrequent flights or if they had reasons to believe that there might be a irregularly high number of inadmissible persons on a specific flight.

#### **36.395 Deportees**

- (a) Where the removal of a deportee relates to an unaccompanied minor, authorized agent(s) shall take appropriate measures to ensure that suitable arrangements are in place for the minor at point of departure, transit and point of destination, taking into particular consideration his best interests;
- (b) The aircraft operator and/or the pilot-in-command shall have the option to refuse to transport a deportee on a specific flight when reasonable concerns relating to the safety and security of the flight in question exist;
- (c) Authorized agent(s), when making arrangements for the removal of a deportee, shall take into consideration the aircraft operator's policy concerning the number of such persons that may be transported on a given flight;
- (d) Authorized agent(s), in making arrangements for the removal of a deportee to a destination State, shall use direct non-stop flights whenever practicable;
- (e) When presenting a deportee for removal from the territory of Rwanda, authorized agent(s) shall ensure that all official travel documentation required by any transit and/or destination State is provided to the aircraft operator;
- (f) Authorized agent(s) shall admit into the territory of Rwanda the Rwandan nationals who have been deported from other States;
- (g) Special consideration shall be given to the admission of a person deported from another State, who holds evidence of valid and authorized residence within the territory of Rwanda; and
- (h) When determining that a deportee must be escorted from the territory of Rwanda and the itinerary involves a transit stop in an intermediate State, authorized agent(s) shall ensure that the escort(s) remain(s) with the deportee to his final destination, unless suitable alternative arrangements are agreed, in advance of arrival, by the authorities and the aircraft operator involved at the transit location.

#### **36.400 Procurement of a replacement travel document**

- (a) When a replacement travel document must be obtained in order to facilitate removal from the territory of Rwanda and acceptance of an inadmissible person at his destination, authorized

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agent(s) ordering the removal shall provide as much assistance as practicable in obtaining that document;

- (b) When requested to provide travel documents to facilitate the return of one of Rwandan nationals, the authorized agent(s) respond(s) within a reasonable period of time and not more than thirty (30) days after such a request was made either by issuing a travel document or by satisfying the requesting State that the person concerned is not a Rwandan national;
- (c) Authorized agent(s) in Rwanda shall not make the signing by the person concerned of an application for a travel document a prerequisite for the issuance of that document;
- (d) When authorized agent(s) has determined that a person for whom a travel document has been requested is one of Rwandan nationals but cannot issue a passport within thirty (30) days of the request, they shall issue an emergency travel document that attests to the nationality of the person concerned and that is valid for readmission to the territory of Rwanda; and
- (e) Authorized agent(s) shall not refuse to issue a travel document to or otherwise thwart the return of one of Rwandan nationals by rendering that person stateless.

### 36.405 Airport traffic flow arrangements

- (a) The authority shall ensure that airport operator(s) provides adequate facilities to permit embarkation and disembarkation of passengers without delay;
- (b) The authority, airport operator(s), aircraft operators and other public authorities concerned shall exchange, in a timely manner, all relevant operational information, in order to provide for a smooth and expeditious passenger flow and efficient resource allocation;
- (c) Airport and aircraft operators, where appropriate and after consultation, shall implement automated facilities for passenger and baggage processing;
- (d) Authorized agents shall utilize existing guidance material on wayfinding and signage, including Doc 9636, International Signs to Provide Guidance to Persons at Airports and Marine Terminals, published jointly by ICAO and the International Maritime Organization, to the extent it remains applicable;
- (e) The authority shall ensure that airport operator(s) or terminal building operator(s) install mechanical people-moving devices, when walking distances and the traffic volume within and across terminal buildings so warrant;
- (f) The authority shall ensure that an airport or aircraft operator, as appropriate, installs flight information systems capable of providing accurate, adequate and up-to-the-minute information on departures, arrivals, cancellations, delays, and terminal/gate allocations;
- (g) Airport and/or aircraft operators, as appropriate, shall ensure that adequate transportation is provided, by the appropriate service provider, between airport terminal buildings during the hours of airport operation;
- (h) The authority shall allow airport and aircraft operators to provide off-airport check-in facilities, so long as all necessary security measures and other control requirements are met;
- (i) Authorized agents shall ensure that security and/or border control personnel use efficient screening and examination techniques in examinations of passengers and their baggage, in order to facilitate aircraft departure, and physical searches shall be conducted by an officer of the same sex as the passenger;
- (j) Crew-member check-in and operations facilities shall be readily accessible and within close proximity of each other;
- (k) Airport operator(s) and other public authorities concerned shall provide efficient services for general aviation operators or their agents concerning their operational and administrative requirements;
- (l) Airport operators shall provide adequate space in the baggage claim area permitting easy identification and speedy reclaim by each passenger of his checked baggage;
- (m) Where appropriate, airport operators shall install mechanized baggage delivery systems at international airports to facilitate the movement of passenger baggage;

- (n) Airport operators shall ensure that passengers can obtain assistance in the carriage of baggage to enable them transfer baggage from baggage claim areas to points as close as possible to areas where surface transportation from the airport or between airport terminals is provided;
- (o) Whenever possible, airport and aircraft operators shall permit passengers to remain on board the aircraft and authorize embarkation and disembarkation during refuelling, subject to the necessary safety and security measures;
- (p) Airport operators shall provide sufficient space for handling counters in direct transit areas, in accordance with traffic volumes, and the space requirement and operating hours shall be agreed between the airport and the aircraft operators;
- (q) The authority, in consultation with airport operators, shall ensure that retail facilities, while being conveniently located, do not impede passenger flow;
- (r) The authority in collaboration with airport operators, shall ensure that cargo terminals and their landside access roads are appropriately designed and operated to provide efficient access;
- (s) The authority in collaboration with airport and aircraft operators shall ensure that cargo terminals are designed to facilitate the safe, sanitary, efficient and secure processing and storage of cargo in accordance with applicable laws and regulations;
- (t) The authority in collaboration with airport operators shall ensure that there are, at or near all their major international airports, facilities and services for vaccination or revaccination, and for the delivery of the corresponding certificates;
- (u) International airports shall have available access to appropriate facilities for administration of public health and animal and plant quarantine measures applicable to aircraft, crew, passengers, baggage, cargo, mail and stores;
- (v) Airport operators and health authorities shall ensure that passengers and crew in transit can remain in premises free from any danger of infection and insect vectors of diseases and, when necessary, facilities shall be provided for the transfer of passengers and crew to another terminal or airport nearby without exposure to any health hazard, and similar arrangements shall also be made available in respect of animals; and
- (w) Airport operators shall ensure that international airports maintain facilities and services for first-aid attendance on site, and that appropriate arrangements are available for expeditious referral of the occasional more serious case to prearranged competent medical attention.

#### **36.410 Passenger amenities**

- (a) Authorized agent(s) in Rwanda restricting the import or export of funds of other States shall provide for the issuance to travelers of certificates showing the amounts of such funds in their possession upon entering the territory of Rwanda and shall permit such travelers, upon surrender of such certificates prior to leaving the territory of Rwanda, to take such funds with them, and an inscription on the travel document may serve the same purpose;
- (b) In case restrictions in paragraph (a) above apply for Rwandan Francs, authorized agent(s) shall ensure that facilities are available for passengers to deposit any excess amount at the international airport of entry and, upon departure, to reclaim the deposited amount, at the same point or at any other designated point;
- (c) Airport operators or service providers, as appropriate, shall provide passengers with information on ground transportation available at the airport; and
- (d) Airport operators shall provide, at such times as to meet the needs of the travelling public, adequate facilities at international airports for the legal exchange of funds of other states through governmental agencies or shall authorize private agencies to do so, including the use of vending machines at international airports, and these facilities shall be available to arriving and departing passengers.

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### 36.415 Landing elsewhere than at International Airports

- (a) Authorized agent(s) shall ensure that all possible assistance is rendered to an aircraft which, for reasons beyond the control of the pilot-in-command, has landed elsewhere than at one of their international airports and, to this end, shall keep control formalities and procedures, in such cases, to a minimum; and
- (b) The pilot-in-command or the next senior crew member available shall cause the landing to be reported as soon as practicable to the public authorities concerned.

### 36.420 Short stopover

- (a) If it is apparent that the aircraft can resume its flight within a relatively short time of arrival, the following procedures shall apply:
- (b) Control measures shall be limited to those that ensure that the aircraft departs with the same load that was on board at the time of arrival. In case the load or part thereof cannot, for operational or other reasons, continue on that flight, the authorized agent(s) shall expedite clearance formalities and cooperate in speedy onward transportation for that load to its destination;
- (c) Authorized agent(s) shall designate, if necessary, an adequate area under their general supervision where passengers and crew can move about during their stopover; and
- (d) The pilot-in-command shall not be required to apply to more than one government agency for take-off permission (other than for any necessary air traffic control clearance).

### 36.425 No resumption of flight

- (a) If it is apparent that the aircraft will be substantially delayed or is unable to continue its flight, the following provisions shall apply:
  - 1) the pilot-in-command, while awaiting the instructions of the authorized agent(s) or if he or his crew is unable to get in touch with them, shall be entitled to take such emergency measures as he deems necessary for the health and safety of passengers and crew and for avoiding or minimizing loss or destruction to the aircraft itself and its load;
  - 2) Passengers and crew shall be permitted to secure suitable accommodation pending completion of the necessary formalities if such formalities cannot be promptly carried out;
  - 3) Cargo, stores and unaccompanied baggage, if required to be removed from the aircraft for safety reasons, shall be deposited in a nearby area and remain there pending completion of the necessary formalities;
  - 4) Mail shall be disposed of as required pursuant to the Acts in force of the Universal Postal Union.

### 36.430 Bonds and exemption from requisition or seizure

- (a) If authorized agent(s) require bonds of an aircraft operator to cover his liabilities under the customs, immigration, public health, animal and plant quarantine, or similar laws of the Republic of Rwanda, it shall permit the use of a single comprehensive bond whenever possible;
- (b) The aircraft, ground equipment, security equipment, spare parts and technical supplies of an aircraft operator located in Rwanda for use in the operation of an international air service serving Rwanda, shall be exempt from the laws of the Republic of Rwanda authorizing the requisition or seizure of aircraft, equipment, parts or supplies for public use, without prejudice to the right of seizure for breaches of the laws of the Republic of Rwanda.

**36.435 Marine pollution and safety emergency operations**

- (a) In cases of emergency, authorized agent(s) shall facilitate the entry, transit and departure of aircraft engaged in the combatting or prevention of marine pollution, or other operations necessary to ensure maritime safety, safety of the population or protection of the marine environment;
- (b) In cases of emergency, authorized agent(s) shall, to the greatest extent possible, facilitate the entry, transit and departure of persons, cargo, material and equipment required to deal with the marine pollution and safety operations described in paragraph.

**36.440 Assistant to aircraft accident victims and their families**

- (a) Authorized agent(s) shall extend all necessary assistance, such as arranging transport and clearing customs, in the repatriation of human remains to their countries of origin, on request by family members of the deceased or the operator whose aircraft met with the accident;
- (b) Authorized agent(s) shall establish legislation, regulations and/or policies in support of assistance to aircraft accident victims and their families, attention drawn to Doc 9998 "ICAO Policy on Assistance to Aircraft Accident Victims and their Families" and Doc 9973 "Manual on Assistance to Aircraft Accident Victims and their Families."

**36.445 Trafficking in persons**

- (a) The authority shall ensure that procedures are in place to combat trafficking in persons, including clear reporting systems and relevant competent authorities' points of contact for airport and aircraft operators;
- (b) The authority shall ensure that airport and aircraft operators' personnel in direct contact with the travelling public are provided with awareness training on trafficking in persons.

**36.450 Passenger data exchange systems**

- (a) Airport and aircraft operators shall provide the appropriate level, on 24/7 (continuous) basis, of operational and technical support to analyse and respond to any system outage or failure in order to return to standard operations as soon as practicable;
- (b) Airport and aircraft operators shall establish and implement appropriate notification and recovery procedures for both scheduled maintenance of information systems and non-scheduled system outages or failures;
- (c) Airport and aircraft operators shall provide the appropriate level (where practicable, a 24/7 arrangement) of contact support.

**36.455 Advance Passenger Information (API)**

- (a) Authorized agent(s) shall not penalize, or otherwise hold an aircraft operator responsible, for inconsistencies in passenger data exchanges when the aircraft operator has collected and provided accurate advance passenger information data based on a travel document presented, which is valid for the journey and the passenger presents a second travel document which is valid for the journey on arrival;
- (b) When seeking to implement a national API programme, authorized agent(s) that are unable to comply fully with recommended data element requirements, shall ensure that only those data elements that have been defined for incorporation into the UN/EDIFACT PAXLST message are included in the national programme's requirement or follow the WCO's Data Maintenance Request (DMR) process for any deviation from the standard;
- (c) Authorized agent(s) shall refrain from imposing fines and penalties on aircraft operators for any errors caused by a systems failure which may have resulted in the transmission of no, or corrupted, data to the public authorities in accordance with API systems;

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- (d) Authorized agent(s) requiring that passenger data be transmitted electronically through an API system shall not also require a passenger manifest in paper form;
- (e) Authorized agent(s) shall consider the introduction of an interactive Advance Passenger Information (iAPI) system;
- (f) Authorized agent(s) seeking to implement an iAPI system shall:
  - 1) Seek to minimize the impact on existing aircraft operator systems and technical infrastructure by consulting aircraft operators before development and implementation of an iAPI system;
  - 2) Work together with aircraft operators to develop iAPI systems that integrate into the aircraft operator's departure control interfaces; and
  - 3) Conform to the Guidelines on Advance Passenger Information (API) adopted by WCO/ICAO/IATA when requiring iAPI.
- (g) Airport and aircraft operators' API systems, including iAPI, shall be capable of 24/7 operation, with procedures in place to minimize disruption in the event of a system outage or failure.

### 36.460 Electronic Travel Systems (ETS)

- (a) Authorized agent(s) seeking to establish an Electronic Travel System (ETS) shall integrate the pre-travel verification system with an interactive Advance Passenger Information system;
- (b) Authorized agent(s) seeking to implement an ETS shall:
  - 1) ensure a robust electronic lodgement platform where an online application for authority to travel can be made, and they shall make clear that their platform is the preferred means for applying online in order to reduce the scope of unofficial third-party vendors that may charge an additional fee for the purpose of lodging an individual's application;
  - 2) include tools built into the application to assist individuals to avoid errors when completing the application form, including clear instructions as to the applicability of which nationalities require an ETS, and not allow application processing for non-eligible passengers (e.g. nationality and/or document type);
  - 3) institute automated and continuous vetting of relevant alert lists;
  - 4) provide electronic notification to the passenger to replace paper evidence of an individual's approval for travel;
  - 5) ensure that the information required from the passenger is easily understood in accordance with the national laws and regulations of the Republic of Rwanda.
- (c) Authorized agent(s) that requires an ETS shall adopt policies that ensure that passengers are informed of the ETS requirements at the time of booking and shall encourage aircraft operators to extend the ETS verification check to the point where travel originates rather than to the point of uplift for the last segment before entry into the country for which the ETS mandate applies.

### 36.465 Passenger Name Record (PNR) Data

- (a) Authorized agent(s) requiring Passenger Name Record (PNR) data shall align their data requirements and their handling of such data with the guidelines contained in ICAO Doc 9944 "Guidelines on Passenger Name Record (PNR) Data", and in PNRGOV message implementation guidance materials published and updated by the WCO and endorsed by ICAO and IATA;
- (b) Authorized agent(s) requiring the transfer of PNR data shall adopt and implement the EDIFACT-based PNRGOV message as the primary method for airline-to-government PNR data transferal to ensure global interoperability;
- (c) In addition to the mandatory EDIFACT-based PNRGOV message, authorized agent(s) may optionally consider implementation of the XML PNRGOV message format as a supplemental method of PNR data transfer, thereby allowing those aircraft operators with XML capability a choice of format for the transmission of PNR data; and

- (d) Authorized agent(s) requiring PNR data shall consider the data privacy impact of PNR data collection and electronic transfer, within their own systems and also in other Countries. Where necessary, the authorized agent(s) requiring PNR data and those Countries' counterparts restricting such data exchange shall engage in early cooperation to align legal requirements.

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**APPENDICES**

**APPENDIX 1 TO 36.003.- SUMMARY OF AMENDMENTS AND REVISION HIGHLIGHTS**

This attachment contains a summary of all amendments and revision highlights to this Part since the issuance of the original regulation.

Amended Regulation	Source of Amendment	Revision	Description of Revision
36.003	Internal	Special Regulation RSR/01/2020 Effective 15 November 2020	Inserted a new summary of Amendments and Highlight of Revisions.
36.005	Annex 9	Special Regulation RSR/01/2020 Effective 15 November 2020	Inserted new definitions
36.110(i), (j), (k)	Annex 9	Special Regulation RSR/01/2020 Effective 15 November 2020	Inserted provisions for persons with disabilities
36.260a(9)	Annex 9	Special Regulation RSR/01/2020 Effective 15 November 2020	Provided for ICAO and AU Air Service Agreement template
Subpart H	Annex 9	Special Regulation RSR/01/2020 Effective 15 November 2020	Subpart introduced to cover for passenger facilitation
Appendix 1 to 36.003	Internal	Special Regulation RSR/01/2020 Effective 15 November 2020	Added a new Appendix providing details to the summary of Amendments and Highlight of Revisions.

*New: Internal: Special Regulation RSR/01/2020: Effective 15 November 2020*

*END OF RCAR PART 36*