

Guide for Air Transport Users and Operators



REPÚBLICA
DEL ECUADOR

Ministerio de Transporte
y Obras Públicas

Dirección General
de Aviación Civil

Ministerio de
Turismo

Ministerio de Producción,
Comercio Exterior,
Inversiones y Pesca

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PURPOSE, SCOPE OF APPLICATION, AND DEFINITIONS

ARTICLE 1. —

SCOPE OF APPLICATION: This resolution shall apply to all international and domestic operations originating in the Republic of Ecuador.

ARTICLE 2. —

OBJECTIVE: This Resolution establishes the rights and obligations of users, operators, and providers of international and domestic air transport services originated in the Republic of Ecuador.

ARTICLE 3. —

DEFINITIONS: For the purposes of this Resolution, the following definitions shall apply:



- a) **Travel Agencies or Tour Operators:**
Companies duly authorized to engage in tourism activities aimed at providing services either directly or as intermediaries between travelers and service providers.



- b) **Airline:**
A national or foreign legal entity that uses aircraft to provide a commercial air transport service.



- c) **Ticket:**
A document issued or authorized by the air operator or an authorized agent, indicating that the passenger has contracted with the carrier.



- d) **Cancellation:**
The non-execution of a scheduled flight for which at least one seat had been reserved.

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➤ **e) Unforeseen Circumstances:**

Causes outside the normal operation of the carrier that prevent the flight from taking place or delay its start, such as weather conditions, technical failures not related to the scheduled or routine maintenance of the aircraft, or caused by passengers or third parties at the time of the flight, and failures of ground support equipment.



➤ **f) Compensations:**

Indemnity that the carrier must provide to the air transport user for the damage caused.



➤ **g) Air Transport Contract:**

The agreement by which the carrier is obligated, for a certain price, to transport passengers, animals, or goods by air from one place to another.



➤ **h) Denial of Boarding:**

The refusal to transport passengers on the flight despite having reported for boarding with a confirmed reservation and under the conditions established in the Air Transport Contract, unless there are reasonable grounds to deny boarding, such as health or safety reasons, inadequate travel documents, or the passenger's late arrival at check-in.



➤ **i) Final Destination:**

The last destination listed on the purchased ticket.



➤ **j) Indemnity:**

Financial compensation for damage or loss. It refers to a sum of money as reparations or compensation, depending on the type of damage incurred.



➤ **k) Operator:**

A generic term that includes any person engaged in the commercial exploitation of air transport services, aerial work, and related activities, including airport operators.



➤ **l) Force Majeure:**

An external circumstance that is unforeseen or inevitable, affecting the fulfillment of obligations. It is a reason that releases from contractual or non-contractual liability altered by the event.



➤ **m) Operator:**

A person, organization, or company involved in the operation of an aircraft. Any person who authorizes the operation of the aircraft with or without control (in the capacity of owner, lessee, or otherwise).

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➤ n) Complaints:

The action of expressing dissatisfaction or displeasure made to an Air or Airport Operator regarding the quality of services due to possible poor attention to air transport users.



➤ o) Claims:

Expression of dissatisfaction concerning the quality of service, which consequently requests some type of compensation from the Air Operator.



➤ p) Reservation:

An action accepted or recorded through physical or electronic means, guaranteeing the user a space on the planned flight.



➤ q) Overbooking:

A practice that occurs when, on a regular flight, the number of passengers with confirmed reservations who show up for boarding within the stipulated time exceeds the number of seats available on the aircraft.



➤ r) Suggestions:

Recommendations made by users to improve the service offered by an Air or Airport Operator.



➤ s) Ticket Fare:

The price charged by the airline per route and per flight.



➤ t) User with Disability and/or Priority Attention:

Any passenger with reduced mobility (sensory, cognitive, or otherwise) either permanently or temporarily, due to age or disability, whose situation requires special attention and adaptation of services available to all users. This includes the elderly, children under five (5) years old, and pregnant women.



➤ u) Net Value:

The amount that an air operator charges for the air transport service offered to a user on a specific route, excluding fees, taxes, and charges.



➤ v) Connecting Flights:

A trip that arrives at a point on one flight and departs on another flight as part of a continuous movement with a single ticket, without a stopover at the mentioned point.



➤ w) Transit Flights:

A flight that arrives at a point and departs from the same point as part of a continuous movement with a single ticket, without a stopover. On the same aircraft or on a different aircraft operated by the same air carrier and flight number.

TITLE II



AIR TRANSPORT USERS RIGHTS



ARTICLE 4. —

RIGHT TO INFORMATION: Air transport users have the right to receive clear and precise information regarding:

a) Available flights, clearly specifying whether it is a direct flight or a connecting flight, including the expected place and time according to the scheduled itinerary.

b) The types of fares, clearly detailing what is included and the applicable restrictions, as well as the refund conditions.

c) The ticket price, detailing the net value, taxes, fees, charges, or any other authorized costs that must be paid by the user.

d) Airports and air terminals of origin and destination for the offered flight.

e) The conditions of the transport contract regarding reservations and cancellations, baggage limitations, and generally the duties and restrictions that users must comply with.

f) Travel agencies, tour operators, and other intermediaries must provide air operators with accurate user data so that any delays, changes, or cancellations of the flight can be communicated. If the information is not provided, the carrier will be liable to the user for the corresponding compensations if they are not contacted in a timely manner.

g) The air operator must inform the user of any changes to the flight, itinerary, and generally any aspect that affects the agreed reservation, consistently, periodically, and responsibly to the passenger, using digital means or text messaging without exception. The compliance with this right will be supervised by the General Directorate of Civil Aviation of Ecuador.

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h) In case of denied boarding due to overbooking, cancellation, or delay, users must be informed about their rights.

i) In the boarding area, the procedure and/or changes in flight conditions, if any, must be communicated.

j) Before and during the flight, necessary information for passenger safety (on the use of emergency equipment, evacuation, etc.) will be provided through physical demonstrations, announcements, audiovisual means, printed materials, or any other suitable and authorized means for this purpose.

k) Receive the air transport guide for users and operators about rights and obligations as follows:

- Domestic airlines will include a QR code and/or link to the webpage where this guide appears in the reservation confirmation email, as well as at the airline's counter; this code or link will mandatorily grant access to the information contained in this Resolution.
 - International airlines will maintain the QR code or link at their respective counters in the airports.
 - Public and concessioned airports will provide digital or physical spaces in highly busy areas within the airport to promote user rights through the means available.
-

l) During the flight, passengers must be kept informed about delays, cancellations, and diversions, as far as it is within the crew's capabilities and does not hinder their duties.

ARTICLE 5. —

CANCELLATION RIGHT: Applies to all types of fares and must be exercised within forty-eight (48) hours following the purchase, regardless of the means by which it was made. Purchases made less than forty-eight (48) hours before the actual flight are exempt.

ARTICLE 6. —

WITHDRAWAL: : If the user decides to withdraw from the trip, they must notify the air carrier at least seventy-two (72) hours prior to the flight. In these cases, the air carrier may retain a percentage of the refund for administrative expenses in accordance with the fare conditions, which shall not exceed ten percent (10%) of the net value of the ticket, unless promotional or non-refundable fares apply; in such cases, the refund will be made according to the fare conditions.



01. CHAPTER COMPENSATIONS

ARTICLE 7. —

COMPENSATIONS: Every air transport user shall have the right to compensation based on the type of disruption, including cancellations, delays caused by the air carrier, and cases of overbooking.

ARTICLE 8. —

RIGHT TO REFUND DUE TO CARRIER FAULT: Air carriers shall refund users the cost paid for the ticket for the unused portion of the journey or the total amount paid for the ticket if the flight is no longer relevant to the user's initial travel plan. If the journey has commenced but cannot be completed due to a stopover, the operator must, in addition to issuing a refund, arrange a return flight to the original departure point at the earliest convenience.

The aforementioned refund shall be made for the full fare paid, regardless of its type.

The timeframes for the refund depend on the payment method used to purchase the ticket, irrespective of the means by which the airline ticket was acquired, as follows: cash payments will have a refund time of fifteen (15) days from the request; for credit and debit card payments, the refund time will be thirty (30) days from the request.

ARTICLE 9. —

ADDITIONAL COMPENSATION: The air carrier shall compensate the passenger with a minimum amount equivalent to twenty-five percent (25%) of the value of the unfulfilled segment, payable in cash or by any other method offered by the air operator and accepted by the passenger in the following cases:

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a) Overbooking, unless there is a direct agreement with the user in which they voluntarily agree not to travel on the scheduled flight.



b) Delay exceeding six (6) hours from the scheduled time on international flights and exceeding four (4) hours on domestic flights, due to causes attributable to the air carrier.

For the purpose of determining the value of the segment subject to compensation, the net value of the ticket paid will be multiplied by the ratio of the distance of that segment to the total distance.

ARTICLE 10. —

TRANSPORT INTERRUPTION: In cases of transport interruption, if the passenger does not choose to receive a refund for the proportional price corresponding to the uncovered segment, they will be compensated for the delay experienced until the journey is resumed.

1st Section CANCELLATIONS

ARTICLE 11. —

CANCELLATIONS: In cases where the air carrier decides to cancel the flight and the passenger has a confirmed reservation, without having refunded the net value of the ticket or provided a substitute flight for the same day, the carrier will cover the accommodation expenses for any necessary overnight stays and transportation costs.

2nd Section DELAYS

ARTICLE 12. —

DELAYS: For a flight delay between one (1) and two (2) hours, the passenger is entitled to a snack and one free communication via the most suitable means, such as a phone call not exceeding three (3) minutes, to a location of their choice.



DOMESTIC FLIGHTS

- **a) Delay in starting the flight greater than one (1) hour and less than two (2) hours:**
The passenger has the right to a snack and one free communication through the most suitable means, equivalent to a phone call not exceeding three (3) minutes, to the passenger's choice of location.
- **b) Delay in starting the flight greater than two (2) hours and up to four (4) hours:**
In addition to the above, the user must be provided with meals (breakfast, lunch, or dinner) according to the time of the incident. Furthermore, a special discount of ten percent (10%) will be given on the purchase of their next ticket.
- **c) Delay in starting the flight greater than four (4) hours:**
In addition to the above, the following must be provided: accommodation if necessary, coverage of transportation costs, immediate refund unless the passenger voluntarily agrees to extend the wait when it is foreseeable that the flight will take place within five (5) days following the incident, and compensation equivalent to a minimum of twenty- five percent (25%) of the value of the unfulfilled segment.



- ▶ **a) Delay in starting the flight greater than two (2) hours and less than four (4) hours:**
The passenger has the right to a snack and one free communication through the most suitable means, equivalent to a phone call not exceeding three minutes, to the passenger's choice of location.
- ▶ **b) Delay in starting the flight greater than four (4) hours and less than six (6) hours:**
In addition to the above, the user must be provided with meals (breakfast, lunch, or dinner) according to the time, and a discount of ten percent (10%) off the ticket price for the next trip, except when the flight delay is caused by adverse weather conditions or force majeure declared by the General Directorate of Civil Aviation.
- ▶ **c) Delay in starting the flight greater than six (6) hours:**
In addition to the above, the carrier must compensate the passenger as follows: twenty-five percent (25%) of the value of the unfulfilled segment or a higher percentage of credit determined by the airline, in cash, voucher, or the most suitable method handled by the airline; provide accommodation when necessary for overnight stays and transportation costs; immediate refund through the most suitable mechanism determined by the air carrier, unless the passenger voluntarily agrees to extend the wait when it is foreseeable that the flight will occur within five (5) days following the incident.



3th Section OVERBOOKING

ARTICLE 13.

OVERBOOKING: If boarding is denied due to overbooking and the passenger has a confirmed reservation and arrived on time at the airport, the air carrier must accommodate them on the next available flight on the same airline, date, and route. If there is not an available flight, the air carrier must take the necessary steps on their own to secure the user's boarding on another airline as soon as possible. Additionally, the operator must provide compensation of at least twenty-five percent (25%). The air carrier may not charge an additional fee to place the passenger on another flight.



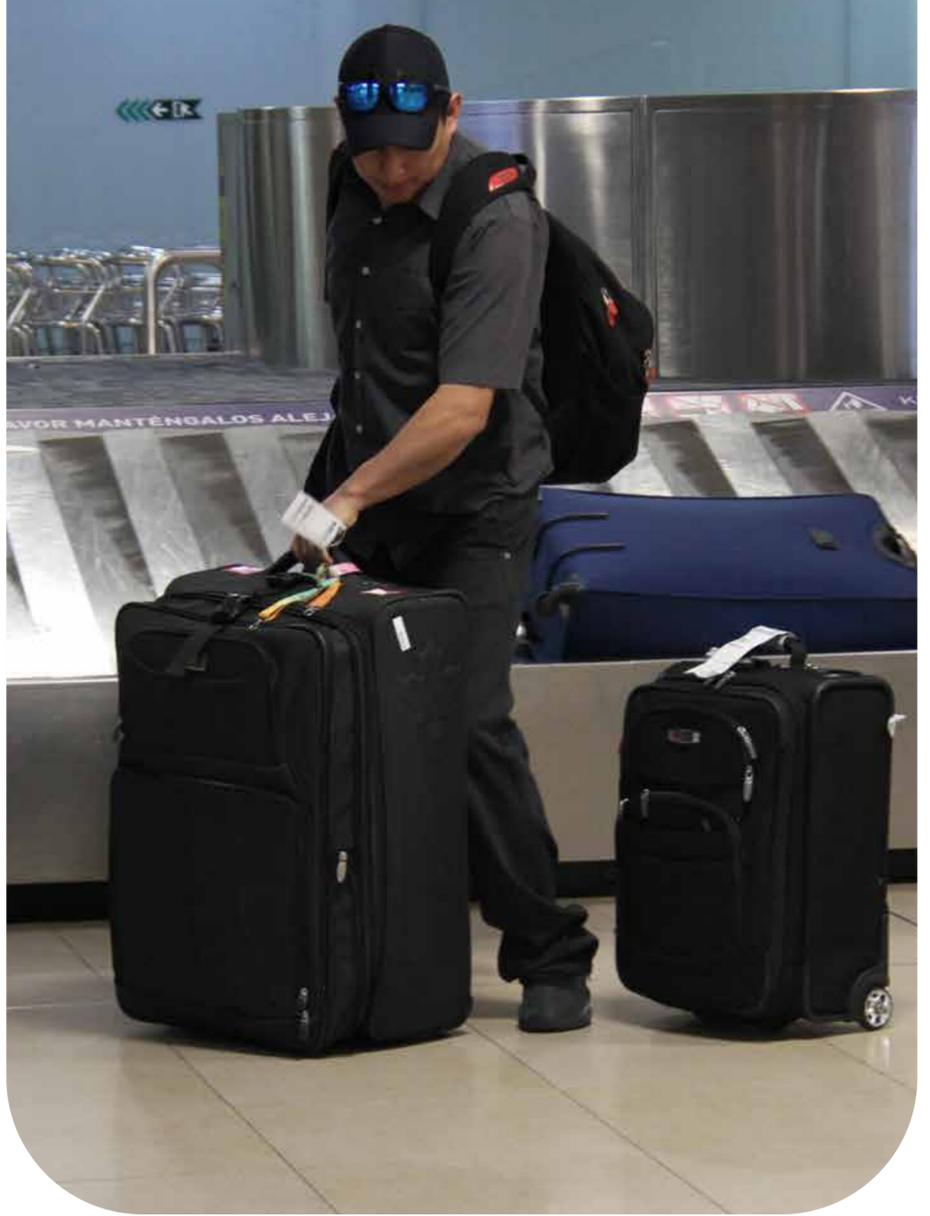
4th Section TRANSIT AND CONNECTIONS

ARTICLE 14.

TRANSIT AND CONNECTIONS: The previous compensations shall also apply to users in transit or connection who are unable to continue their journey due to reasons attributable to the carrier.

ARTICLE 15.

RIGHT TO ASSISTANCE IN DIVERTED FLIGHTS: When, due to reasons attributable to the air carrier, it is necessary to operate from/to an airport different from the one for which the reservation was made, the carrier must cover the transportation costs of the user from/to the second airport, whether from/to the airport for which the reservation was made or from/to another nearby location agreed upon with the user. Additionally, if applicable, accommodation and meals must be provided until the flight is resumed.



02.

CHAPTER LUGGAGE

ARTICLE 16. —

TYPE OF LUGGAGE: Passengers are entitled to adequate space on board for their carry - on luggage, according to the dimensions and weight allowed by the carrier, in accordance with the aircraft's capacity and, in any case, within the limits established by applicable regulations.

Luggage can be transported as carry-on luggage in the passenger cabin when its weight, characteristics, and size make it feasible to be transported inside the aircraft, or as checked luggage, which is placed in the cargo hold.

Carry-on luggage or personal items are understood to be those items needed by the passenger that are neither prohibited nor dangerous, and whose weight and volume allow them to be stored in the overhead compartments or under the seats. Their weight does not count towards the maximum allowable luggage weight for each passenger, in accordance with the regulations established by the air carrier. The responsibility for the custody of such items lies solely with the passenger.

ARTICLE 17. —

BAGGAGE TAG: The air carrier must provide the passenger with a receipt for checked or registered baggage, or for hand luggage that is transferred to the hold at the time of boarding. The receipt (baggage tag) should indicate the number of pieces, weight, and destination. These documents will be attached to the ticket and the corresponding item.

Baggage will be delivered upon presentation of the baggage tag. If the tag is not presented, the carrier has the right to verify the claimant's identity, and may delay the delivery until the verification is completed.

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In such cases, the passenger must properly label their baggage with their name, country, city, and telephone number.

ARTICLE 18. —

CHECKED BAGGAGE: The user must not include prohibited, fragile, or perishable items in their checked baggage, nor any valuable or fragile objects, for which the airline will not be held responsible if transported under such conditions.

Valuable items must be transported under a declared value statement. If the declared value is accepted by the airline and an additional fee has been paid, the airline will be liable up to that amount. However, in such cases, the airline may require the passenger to meet additional conditions or security measures for the transportation of these items.

ARTICLE 19. —

PET TRANSPORTATION: Passengers transporting animals must do so in appropriate cages or containers and must have health and vaccination certificates. For international flights, the passenger must comply with the requirements of the destination or transit country, and the airline's policies must, also be followed.

ARTICLE 20. —

DANGEROUS GOODS: The passenger must not bring on board any items considered dangerous goods according to national and international regulations.

ARTICLE 21. —

DELAYED BAGGAGE: In the event that baggage is not delivered upon landing at the airport, the airline is responsible for delivering it to the passenger's declared address, in good condition and immediately upon its arrival at the final destination.

The passenger has the right to file a claim with the airline for any delay, loss, theft, or damage to the baggage that was entrusted to the airline for safekeeping, in accordance with the terms of the ticket. The claim must be made within seven (7) days from the date the baggage is received.

If the checked baggage does not arrive with the passenger, the airline must cover the minimum cost of essential hygiene products or provide them directly. If the delay exceeds twenty-four (24) hours, the airline must provide compensation for the purchase of basic clothing. For each day of delay, the airline must compensate with ten percent (10%) of the value of the ticket.

In case of lost baggage, the airline must compensate the passenger in accordance with the value declared by the passenger.



03.

CHAPTER

AIR TRANSPORT USERS OBLIGATIONS

ARTICLE 22.—

TRUTHFULNESS OF INFORMATION: The passenger must provide the airline, travel agency, or tour operator with truthful information regarding their personal data. In the event that the information provided is incorrect, incomplete, or inaccurate, the airline is exempt from the responsibility of informing the passenger about any changes occurring in flights and itineraries.

By providing their personal data, the passenger makes a declaration regarding the requested information and will have civil or criminal liability for any incident or event that may endanger the lives of other passengers or crew members.

ARTICLE 23.—

PASSENGER CHECK-IN: The passenger must present themselves at the departure airport and check in within the time indicated by the airline, travel agency, or tour operator.

For domestic flights, passengers must arrive at least two (2) hours before the scheduled departure; for flights to the Insular Region, at least three (3) hours before departure; and for international flights, at least three (3) hours in advance.

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When the passenger does not present themselves for check-in in due time before departure, the airline may release their seat, without it constituting a breach of the transport contract. However, if there are available seats at the time of check-in and the flight has not yet closed, the passenger may be admitted.

ARTICLE 24. —

DOCUMENT SUBMISSION: The passenger must present the documentation required by the airline at the time of check-in.

For domestic flights, the following documents may be presented: identity card, driver's license, passport, birth certificates for minors, birth registration for newborns, or documents issued by the Civil Registry. For international flights, the passenger must present a passport, visa, medical certificate when necessary, current vaccinations (depending on the destination), identity or citizenship card (within the Andean Community), or a blue passport for refugees or stateless persons.

ARTICLE 25. —

BAGGAGE VERIFICATION: At the time of receiving the baggage, the passenger has the obligation to verify the conditions in which the baggage was received and to consider presenting any claim they deem necessary with the required evidence, within seven (7) days following the receipt of the baggage.

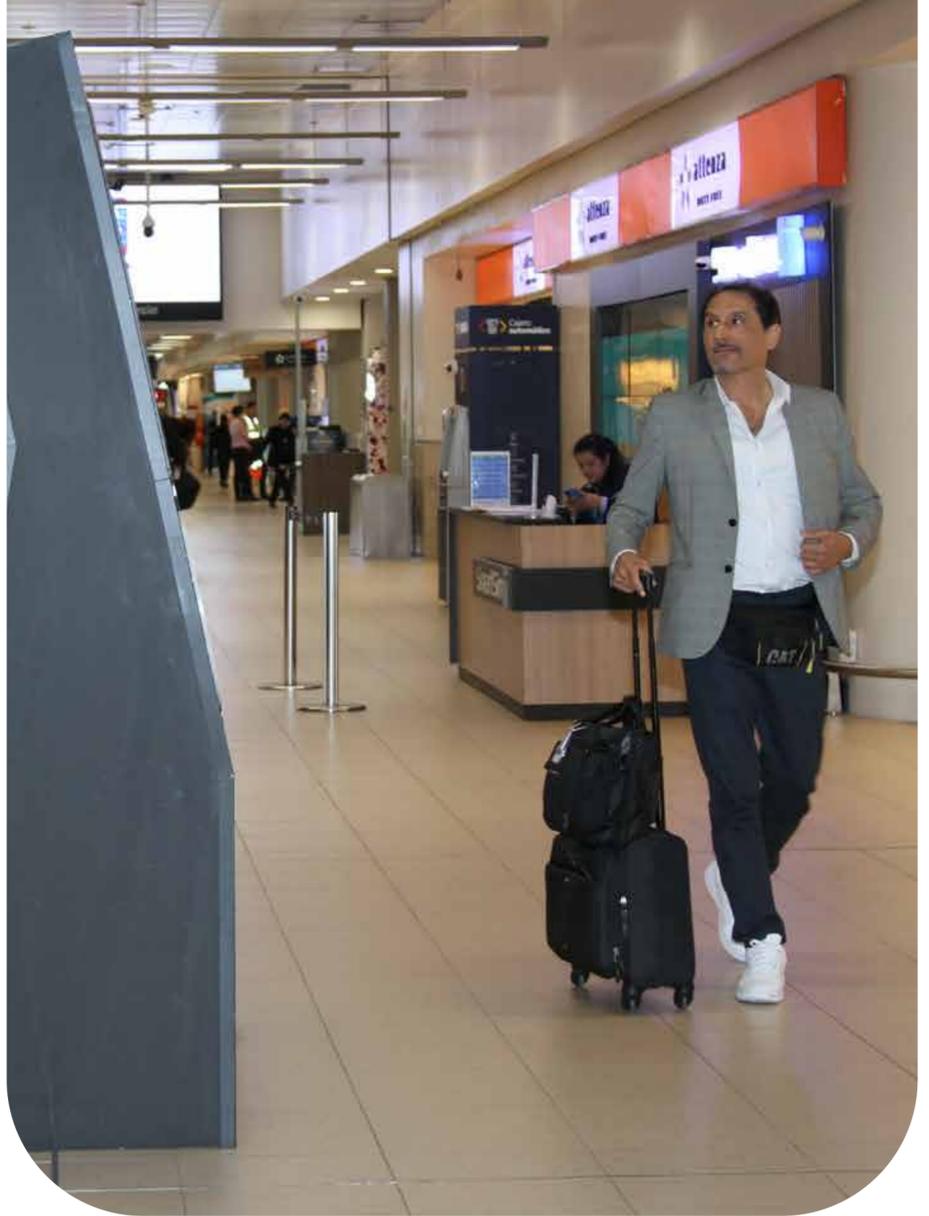
ARTICLE 26. —

USER BEHAVIOR: Passengers must follow the instructions of airline personnel during all phases of travel, including boarding, taxiing, takeoff, flight, landing, and disembarkation. Failure to do so releases the airline from liability for any resulting harm.

ARTICLE 27. —

IMPROPER ACTS OR ACTS AGAINST SECURITY: The user must refrain from any act that may threaten the safety of the flight, their own safety, or that of others, as well as any behavior that violates good order, morals, or discipline, or that in any way causes inconvenience to other users. If not, the airline may suspend the provision of services to the user who engages in such behaviors, without prejudice to any other legal actions that may apply.

04. CHAPTER



AIR OPERATOR AND AIRPORT OPERATORS DUTIES

ARTICLE 28. —

PROVIDING INFORMATION: Regarding user assistance, information, and services, the airport operator and airline must, at a minimum, inform:

a) At the counter, the airline is obliged to inform the passenger of the user guide at check-in. Likewise, before the flight, upon confirmation of the ticket purchase, they must send the user guide to the email address provided by the passenger, so that the passenger is timely informed about their rights and obligations as a user of the commercial air transport service in the Republic of Ecuador.

b) About available flights.

c) The types of applicable fares according to the transport contract, as well as refund conditions.

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d) The ticket price detailing the net amount, taxes, fees, charges, or any other authorized cost that must be paid by the user.

e) Airports and air terminals of origin and destination of the offered flight.

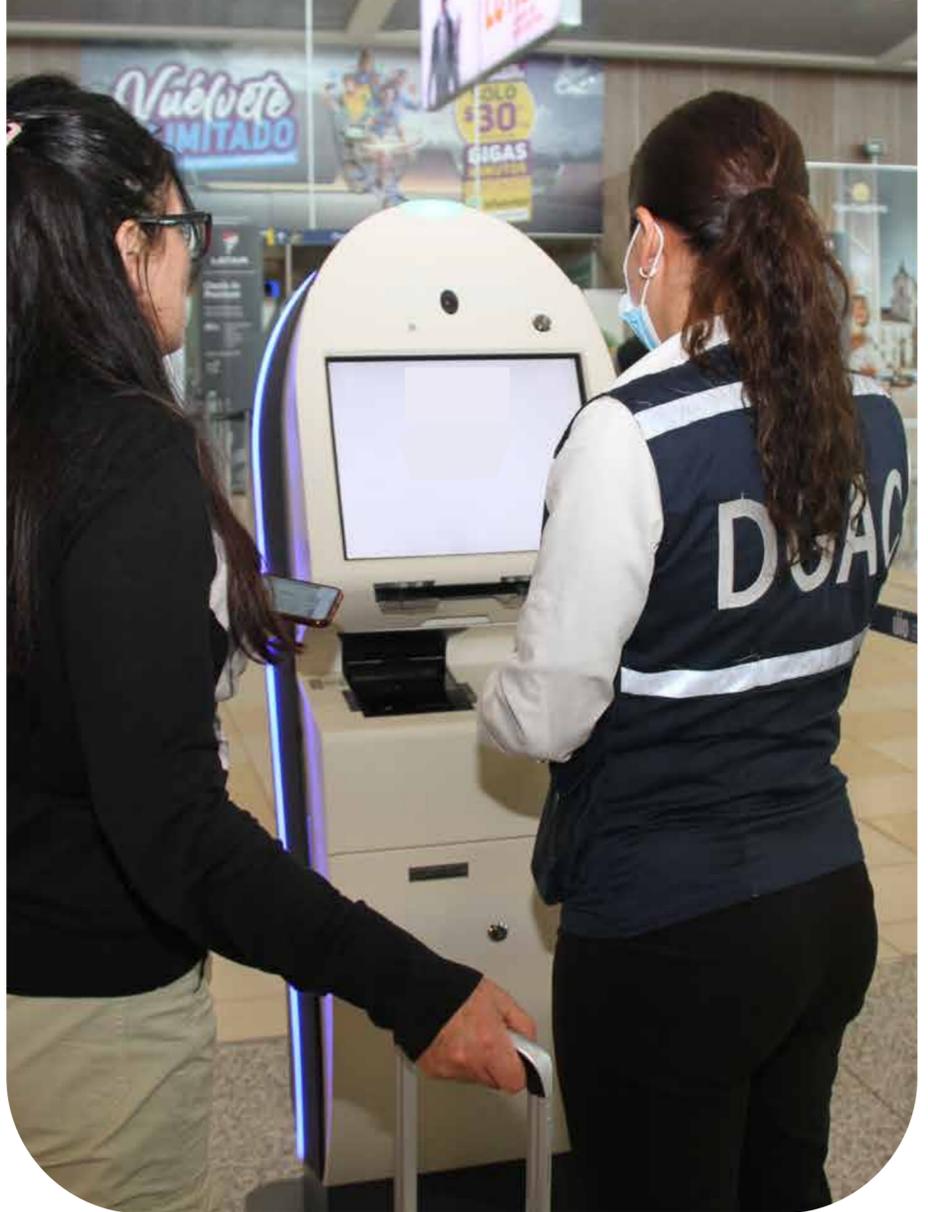
f) The conditions of the transport contract regarding reservations and cancellations, baggage limitations, and in general, the duties and restrictions that users must comply with.

g) Any changes in the flight, itinerary, and in general, any aspect affecting the agreed reservation.

h) Denial of boarding due to overbooking, cancellation, or delay, and inform users of their rights.

i) Any changes in flight conditions, if any.

j) About the use of emergency equipment, evacuation, etc., through physical demonstrations, announcements, audiovisual media, printed materials, or any other suitable and authorized means for that purpose.



05. CHAPTER

USER ATTENTION SYSTEM

ARTICLE 29. —

USER ATTENTION SYSTEM: All airlines must have a User Attention System through which they will receive and address, either personally or through digital channels, complaints, claims, or suggestions from users, offering immediate solutions that are relevant to the circumstances or, if applicable, promptly transferring the corresponding request to the appropriate person or department to resolve it as soon as. Information regarding compensations must be reported to the General Directorate of Civil Aviation in case it is necessary to follow up and assist an affected user.

ARTICLE 30. —

USER ATTENTION AT THE AIRPORT: All airlines must have a User Attention System through regarding the content of this Resolution, these are the rights and obligations of users of commercial air transport. The General Directorate of Civil Aviation, as the regulatory authority, will provide competent personnel and User Attention offices at the airports, through which it will monitor strict compliance with this Resolution.

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CONTENT:

RESOLUTION No. 009/2024

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National Civil Aviation Council

DESIGN AND LAYOUT:

General Directorate of Civil Aviation

PHOTOGRAPH:

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General Directorate of Civil Aviation



**REPÚBLICA
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