



**COMESA COMPETITION
COMMISSION GUIDANCE
LETTER TO AIRLINES
OPERATING IN THE
COMMON MARKET FOR
EASTERN AND SOUTHERN
AFRICA**

2025



COMESA Competition Commission Guidance Letter to Airlines Operating in the Common Market for Eastern and Southern Africa

1. The COMESA Competition Commission ('the CCC') issues this informal guidance letter to airlines operating in the Common Market for Eastern and Southern Africa (COMESA). This is premised on the fact that there have been growing consumer complaints in the aviation market relating to the conduct of airlines. Notably, the CCC observed an increase in the number of complaints handled in the sector from 2021 to 2024. The CCC, handled more than 10 complaints involving different airlines and most of them were on a large scale, affecting several passengers within one complaint. The complaints related to:
 - i. Frequent flight rescheduling, associated long delays and flight cancellations as well as challenging flight connections, leaving many consumers stranded and inconvenienced.
 - ii. increasing incidences of delayed, damaged or lost luggage; and
 - iii. Failure by the Airlines to provide necessary support to affected passengers, failure to compensate for the delays or cancellation, failure to provide accommodation or meals in case of prolonged delays or lack of guidance by the Airline to assist or follow up with passenger complaints.
2. To fully understand the nature and extent of complaints or challenges faced by consumers, the CCC conducted a consumer survey. The objective was to determine whether a genuine problem exists and, if so, to develop appropriate recommendations. The survey aimed to collect consumer complaints from across the COMESA region, assess the actions taken by airlines to address these concerns, evaluate whether redress was provided, and examine general airline practices regarding the provision of information to consumers.
3. The survey found that there were widespread consumer concerns which pointed to the likelihood of consumer rights violations. Out of the three hundred and fifty (350) complaints, the most common concern experienced by the consumers was delayed flights which are (31.71 percent) followed by rescheduled flights (15.43 percent), damaged baggage (11.71 percent), delayed baggage (10.57 percent), cancelled flights (9.43 percent), lost luggage and unfair booking conditions (8 percent) and overbooked flights (5.14 percent).
4. It was further noted that for the consumers that experienced a cancelled or delayed flight, 71.63 percent of the consumers did not receive redress from the airlines while 39.6 percent received redress in the form of a refund, meals, alternative booking or other means to their destination, accommodation and telephone services from the airline. With regards to delayed, damaged or lost baggage, 72.34 percent of the affected consumers received information on where to submit baggage claims, compensation for loss or damage, compensation for incidentals or amenities, in

an event of lost, delayed or damaged baggage while 27.66 percent (39) did not receive the information.

5. While airlines may not avoid occurrences that lead to complaints by consumers, it is important for them to have transparent dispute settlement mechanisms and ensure that the consumer concerns are addressed timely. When such complaints are not addressed timely, they cause distress and inconvenience to the consumer. Airlines are also bound by the provisions of the consumer protection laws at national as well as regional level depending on the nature of the complaint. In the case of the CCC, airlines are bound by the consumer protection provisions contained in Part 5 of the COMESA Competition Regulations. Therefore, lack of providing consumers with adequate information that may lead to misleading representation, failure to redress consumers resulting into any form of unconscionable conduct and other means of consumer protection violations are captured by the Regulations.
6. In view of the foregoing and taking into account the COMESA Competition Regulations, supported by various international instruments, industry practices and case precedence, the Commission provides the following guidance in respect of delayed flights, cancelled flights, delayed, lost or damaged baggage and compensation to all airlines operating in COMESA:

Delayed Flights,

7. When an airline reasonably expects a flight to be delayed beyond its scheduled time of departure:
 - a. between two and four hours the airline should:
 - i. inform the passengers every 45 minutes of the earliest time they will be expecting to depart, the specific reasons for the delay and, where the flight is supposed to last for less than 3 hours, inform passengers of their right to reschedule their flight without incurring any penalties and travel within an agreed period on the same route on a flight operated by the same airline.
 - ii. provide refreshments including water, soft drinks, confectionery or snacks.
 - iii. provide two international telephone calls, SMS or e-mails, and
 - iv. cause an announcement to be made at their airport of arrival of the new estimated time of arrival.
 - b. for four hours or more, the airline should:
 - i. inform the passengers every 45 minutes of the earliest time they will be expecting to depart, the specific reasons for the delay and, where the flight is supposed to last for less than 2 hours, inform passengers of their right to reschedule the flight without incurring any penalties and travel within an agreed period on the same route on a flight operated by the same airline.
 - ii. provide refreshments including water, soft drinks, confectionery or snacks.
 - iii. provide a meal.
 - iv. provide hotel accommodation.
 - v. provide two international telephone calls, SMS or e-mails,
 - vi. supply transport between the airport and place of accommodation (hotel or other accommodation); and

- vii. cause an announcement to be made at their airport of arrival of the new estimated time of arrival.
- c. when the airline reasonably expected time of departure is at least six hours after the time of departure previously announced, the airline should:
- i. inform the passengers of their right to immediate reimbursement of the full cost of the ticket at the price at which it was bought, for the part or parts of the journey not made if the flight is no longer serving any purpose in relation to the passenger's original travel plan, together with, when relevant, a return flight to the first point of departure, at the earliest opportunity;
 - ii. re-route the passenger, under comparable transport conditions, to their final destination at the earliest opportunity; or
 - iii. re-route the passenger, under comparable transport conditions, to their final destination at a later date at the passenger's convenience, subject to availability of seats.
- d. In applying this rule, the following additional terms should apply when arrangements are made under paragraphs a – c above:
- i. In instances where a passenger opts to reschedule a flight under sub-paragraphs a (i) or b (i) of this rule, the airline should assure itself of the availability of seats on the flight the passenger is requesting.
 - ii. When an airline offers a passenger a flight to an airport alternative to that for which the booking was made, the operating air carrier should bear the cost of transferring the passenger from that alternative airport either to that for which the booking was made, or to another close-by destination agreed with the passenger.

Cancelled Flights

8. Where the decision to cancel the flight is taken less than 24 hours before the scheduled departure of the flight in question and the passengers at the airport, or where the passenger on a connecting flight may have begun the earlier part of his/her flight before the decision to cancel the flight and may only know of the cancellation on arrival at the airport, the airline should:
- a. inform the passengers of the specific reasons for the cancellation and inform them of their rights under this provision including but not limited to:
 - i. Right to cancel their booking
 - ii. Right to be re-routed or offered an alternative means of transport, where convenient to the passenger in question, and
 - iii. Right to compensation.
 - iv. Offer refreshments including water, soft drinks, confectioneries or snacks;
 - v. Right to two international telephone calls, SMS or e-mails
 - b. Where the decision to cancel is taken at least 24 hours before the flight the airline shall immediately contact passengers affected by the decision, offer them the option not to travel to the airport if they have not already set off and advise them of their rights under this provision including but not limited to:
 - i. Right to cancel their booking

- ii. Right to be re-routed or offered an alternative means of transport, where convenient to the passenger in question, and
 - iii. Right to compensation.
- c. When passengers are informed of the cancellation, an explanation shall be given concerning possible alternative transport which may include but not be limited to travel on the same airline but on a different date or time whether or not from the same airport, travel on another airline from the same airport on a different date or time whether or not from the same airport, travel on another mode of transport, where reasonable and convenient to the passenger.
- d. Passengers should have the right to compensation¹ by the airline for a cancelled flight unless:
 - i. they are informed of the cancellation between two weeks and seven days before the scheduled time of departure and are offered re-routing, allowing them to depart no more than two hours before the scheduled time of departure and to reach their final destination less than four hours after the scheduled time of arrival; or
 - ii. they are informed of the cancellation less than seven days before the scheduled time of departure and are offered re-routing, allowing them to depart no more than one hour before the scheduled time of departure and to reach their final destination less than two hours after the scheduled time of arrival.

Overbooking

- 9. In the event of overbooking, passengers shall have the same rights that are guaranteed in case of delayed or cancelled flights as the case maybe. For the avoidance of doubt, for any overbooked flight on which a passenger is unable to board as a consequence thereof, the passenger shall have a right to a full refund and maybe entitled to compensation as the case maybe.

Delayed, lost or damaged baggage,

- 10. In case of delayed, lost or damaged baggage² airlines should take measures as outlined in the Montreal convention and highlighted below:
 - i. In the carriage of baggage, the liability of the carrier in the case of destruction, loss, damage or delay is limited to 1 000 Special Drawing Rights³ for each passenger unless the passenger has made, at the time when the checked baggage was handed over to the carrier, a special declaration of interest in delivery at destination and has paid a supplementary sum if the case so requires. In that case the carrier will be liable to pay a sum not exceeding the declared sum, unless it proves that the sum is greater than the passenger's actual interest in delivery at destination.

¹ In the case of compensation, this should be provided pursuant to Article 18 of the YD

² Baggage means both checked baggage and unchecked baggage

³ According to the International Monetary Fund, 1 Special Drawing Right is currently equivalent to 1.369110. Therefore, 1000 SDR is equivalent to USD 1,369.11

Right to Reimbursement

11. In the case of reimbursement
 - a. Where there is need for passengers to be reimbursed as highlighted above, such reimbursement should be made within thirty (30) days for the full cost of the ticket at the price at which it was bought for:
 - b. the part or parts of the journey not made, and
 - c. the part or parts already made if the flight is no longer serving any purpose in relation to the passenger's original travel plan, together with, when relevant, a return flight to the first point of departure, at the earliest opportunity.
 - d. The reimbursement should be paid in the form in which the ticket or tour package was purchased.

Re-Routing

12. In the case of re-routing
 - a. Where an airline decides to re-route a passenger, the passenger should be entitled to:
 - b. reimbursement within thirty (30) days of the full cost of the ticket at the price at which it was bought, for the part or parts of the journey not made, and for the part or parts already made if the flight is no longer serving any purpose in relation to the passenger's original travel plan, together with, when relevant,
 - i. a return flight to the first point of departure, at the earliest opportunity and accommodation;
 - ii. Either re-routing, under comparable transport conditions, to their final destination at the earliest opportunity and accommodated; or at a later date at the passenger's convenience, subject to availability of seats.
 - c. Where a town, city or region is served by several airports, and an airline offers a passenger a flight to an airport alternative to that for which the booking was made, the airline should bear the cost of transferring the passenger from that alternative airport either to that for which the booking was made, or to another close-by destination agreed with the passenger.

Right to Compensation

13. In relation to compensation, Article 18 of Annex 6 of the YD provides for compensation that passengers are entitled to in different circumstances, Airlines are guided to follow the compensation scheme as provided under Article 18 of Annex 6 of the YD which is provided below:
 - a. Passengers are entitled to compensation in the case where such compensation is not provided in the Warsaw Convention or Montreal Convention, passengers should receive compensation amounting to:
 - i. USD 250 for all flights with an estimated duration of 3 hours or less for the entire flight;
 - ii. USD 400 for all flights with an estimated duration between 3 hours and 6 hours for the entire flight;
 - iii. USD 600 for all flights with an estimated duration of more than 6 hours for the entire flight.

- b. In determining the duration of the flight, the basis should be the last destination at which the denial of boarding or cancellation will delay the passenger's arrival after the scheduled time and should include all scheduled stopover, transit or any other scheduled break in the flight.
- c. When passengers are offered re-routing to their final destination on an alternative flight, the airline may reduce the compensation provided for in paragraph 1 by 50% if the arrival time does not exceed the scheduled arrival time of the flight originally booked.
 - i. by two hours, in respect of all flights of 3 hour duration or less; or
 - ii. by three hours, in respect of flights lasting between 3 and 6 hours; or by four hours, in respect of all flights in excess of 6 hours,
- d. The compensation should be paid in the form in which the ticket or tour package was purchased.

Airlines are therefore advised to take note of this guidance to avoid being found in violation of the COMESA Competition Regulations.