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Aviation Consumer Protection in Malaysia

Contribution

Malaysian Aviation Commission

Malaysia

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Consumer Protection Law and Policy,
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**AVIATION CONSUMER PROTECTION
IN MALAYSIA**

Contribution by:

MALAYSIAN AVIATION COMMISSION

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Malaysian Aviation Commission's contribution to the 8th Session of the UN Trade and Development Intergovernmental Group of Experts on Consumer Protection Law and Policy held from 1 to 2 July 2024 in Geneva. Switzerland.

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EXECUTIVE SUMMARY

This document outlines the essential roles and functions of the Malaysian Aviation Commission (MAVCOM), highlighting its efforts in economic regulation and consumer protection within Malaysia's civil aviation industry. This document details the Commission's ongoing initiatives to enhance consumer protection in Malaysia's civil aviation industry.

The Commission regulates the economic aspects of the civil aviation industry. Amongst the critical functions it performs are the overseeing of competition matters, optimising the economic benefits of government support, and providing mechanisms for dispute resolution. The Commission also raises awareness about consumer rights, facilitates the resolution of consumer complaints, and ensures access to high-quality services at Malaysian airports and of the airlines operating into, out, and within Malaysia.

In 2016, the Commission established the Malaysian Aviation Consumer Protection Code 2016 (MACPC) to safeguard the rights and interests of aviation consumers. The code ensures transparency, fairness, and accountability within the aviation industry to enhance the overall travel experience of consumers. Key provisions of the MACPC include clear and detailed pricing information, timely notifications of flight changes and cancellations, and structured procedures for handling complaints and disputes.

The Commission is amending the MACPC to further strengthen consumer protection. These amendments require airlines to publish all-inclusive prices, process refunds in the original payment form, and recognise the baggage report that is lodged by the consumer at an airport for delay, damage, or missing baggage as a formal complaint. The changes, also allow claims for mobility equipment and mandate refund offers for flight delays or cancellations, including for extraordinary reasons. These enhancements were informed by lessons from the COVID-19 pandemic and analysis of consumer complaints. Extensive stakeholder engagements and consultations for these amendments were undertaken since February 2022.

Regulation and enforcement of competition law in the aviation industry are crucial for promoting consumer protection. Robust competition incentivises airlines to improve service quality, lower prices, and offer better products to attract and retain consumers. The Commission is tasked with fostering competition to enhance service quality, innovation, fair pricing, and increased consumer choice, ultimately benefiting consumer welfare.

Competition in the Malaysian aviation industry is governed by Part VII of the Malaysian Aviation Commission Act 2015 (MAVCOM Act). It is no longer governed by the Competition Act 2010.¹ The MAVCOM Act uniquely includes a merger control regime; it enforces competition through provisions against anti-competitive agreements, abuse of dominant positions, and merger controls. The Commission reviews applications related to mergers and inter-company agreements to ensure they do not harm competition and provide consumer benefits.

¹ Competition Act 2010 schedule 1 as amended in 2015

The Commission has published several competition guidelines and conducted market studies to support its enforcement efforts. To date, the Commission has approved two (2) mergers and carried out the review of ten (10) individual exemption applications. Pursuant to such reviews, the Commission has granted exemptions from the prohibition on anti-competitive agreements for three (3) airline joint ventures.²

Additionally, the Commission plays a pivotal role in enhancing domestic and international connectivity to stimulate economic growth and nation-building. This involves improving Malaysia's connectivity, coordinating aviation matters between service providers and government agencies, managing air traffic rights and slot allocations, and advising on routes under public service obligations. The Commission administers public service obligations via the Rural Air Services (RAS) Programme, focusing on enhancing connectivity to remote and underserved regions in Sabah and Sarawak.³ The Commission evaluates new routes based on several criteria, which include socioeconomic impact, demand analysis, and the necessity for air connectivity in areas lacking sufficient land transport infrastructure. Since the latest assessment, new routes introduced under the RAS Programme include services to destinations within Sarawak such as Mukah, Lawas, and Limbang, which are crucial for regional development and community access.

In the context of Malaysia's recovering aviation industry, the Commission's oversight ensures sustainable growth, enhanced consumer trust, and fair market practices.

² For more information on the applications, investigations, orders, and decisions under Part VII (Competition) of the Malaysian Aviation Commission Act 2015 [Act 771], kindly refer to the link attached: www.mavcom.my/en/resources/competition/

³ East Malaysia comprises the states of Sabah and Sarawak, as well as the federal territory of Labuan.

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SECTION 1 – BACKGROUND

The Malaysian Aviation Commission (MAVCOM) was established under the Malaysian Aviation Commission Act 2015 (MAVCOM Act). The MAVCOM Act transferred the regulation of competition in the aviation industry from the Malaysia Competition Commission⁴ to MAVCOM.⁵ For consumer protection it transferred from the Ministry of Domestic Trade and Cost of Living to MAVCOM the complaints processing and dispute resolution function. The amendment made to consumer protection regulation was to only limit the jurisdiction of the Consumer Claims Tribunal established under the Consumer Protection Act 1999.⁶ The remaining provisions of the Consumer Protection Act 1999 continue to be applicable to the aviation industry. Hence, MAVCOM's focus is essentially to develop the economic regulation aspects of Malaysia's civil aviation industry, ensuring fair competition and robust consumer protection.

The liberalisation of Malaysia's aviation industry, particularly with the introduction of low-cost carriers alongside the state-owned Malaysia Airlines, necessitated the establishment of a regulator of the economic aspects of the aviation industry in Malaysia. MAVCOM's role complements those of the Ministry of Transport (MOT) and the Civil Aviation Authority of Malaysia (CAAM), focusing on economic regulation, consumer rights, and industry competition. This is illustrated in Figure 1.

⁴ Competition Act 2010 schedule 1 as amended in 2015

⁵ MAVCOM Act 2015 Part VII sections 47 - 65

⁶ Section 99 Limitation of Jurisdiction of the Consumer Protection Act 1999 was amended to read: (1) Except as expressly provided under this Act, the Tribunal shall have no jurisdiction in respect of any claim ...(ca) which may be lodged by a consumer relating to aviation service as defined in the Malaysian Aviation Commission Act 2015 [Act 771].:

Figure 1: Distinct Roles of MAVCOM, Ministry of Transport (MOT), and Civil Aviation Authority of Malaysia (CAAM) in Malaysia's Aviation Industry



1.1 MAVCOM's Role & Functions

The Commission's functions as outlined in the MAVCOM Act include, but are not limited, to the following:

- I. Establish a Competitive Framework to promote fair competition:
 - Supervise and promote healthy competition within the aviation industry;
 - Enhance the economic benefits of any financial assistance provided by the Federal Government to the civil aviation industry, and;
 - Establish a mechanism for resolving disputes between aviation service providers.

- II. Provide a mechanism for the protection of consumers in relation to the civil aviation industry, including:
 - Promoting an environment which allows consumers to have access to choices of products and services of high quality and at fair prices;
 - Communicate with the industry, government, and consumer groups on matters of interest to consumers;
 - Receive and distribute to consumers information services provided by licensees⁷ and permit holders,⁸ and;
 - Provide a mechanism for resolving consumer complaints.

- III. Enhance domestic and international connectivity for economic growth and nation building:
 - Strengthen Malaysia's global and local connectivity to foster economic ties, integration, growth, trade, investment, and tourism;

⁷ An Air Service License (ASL) is required to transport consumers, mail or cargo for hire and reward by air between any two (2) or more places, of which one (1) falls within Malaysia's borders. ASL applies to fixed scheduled journeys only.

⁸ An Air Service Permit (ASP) is required to transport consumers, mail or cargo for hire and reward by air between any two (2) or more places, of which one (1) falls within Malaysia's borders. ASP applies to unscheduled journeys only.

- Facilitate and coordinate matters between aviation service providers⁹ and government agencies, both locally and internationally;
- Advise the government and manage routes under public service obligations, such as Rural Air Services in East Malaysia;
- Oversee the administration and allocation of Air Traffic Rights;
- Monitor the allocation of slots for airlines and other aircraft operators, and;
- Perform any additional functions related to the duties outlined in the MAVCOM Act.

⁹ Aviation service providers refer to entities that offer services in the aviation industry. These services may include operating or contracting airlines, aerodrome operators, ground handling services, catering services, freight and cargo services, fuel suppliers, and any other related services.

SECTION 2 – ASEAN Consumer Protection

2.1 Benchmarking

The MAVCOM Act requires the Commission to benchmark MAVCOM's role against any relevant benchmarks for prices, costs, and returns on assets.¹⁰ An obvious benchmark is the performance of the aviation industry in other ASEAN member countries.

There has been an increasing focus on consumer advocacy in ASEAN, with various consumer rights organisations and government agencies actively educating consumers about their rights and helping to resolve disputes with airlines. Regional cooperation on air consumer rights is gaining momentum, with ASEAN member states and other entities engaging in discussions to align regulations, share best practices, and improve enforcement mechanisms.¹¹

Consumer protection and air consumer rights have been enhanced in ASEAN, emphasising improved consumer safeguards, ensuring compensation for flight disruptions, and fostering transparency in airline operations. Several ASEAN countries have implemented their own regulations for air consumer rights, often inspired by international standards established by organisations such as the International Civil Aviation Organization (ICAO). However, the scope and enforcement of these regulations differ across the various jurisdictions.

Consumer protection continues to be a dynamic area of regulation and policy development in ASEAN, with ongoing efforts to adapt to changing circumstances, address emerging challenges, and enhance protections for consumers. Table 1 illustrates the consumer protection regulation in ASEAN countries.

¹⁰ MAVCOM Act Section 46 (2)(C)

¹¹ ASEAN Outlook 2023

Table 1: Consumer Protection in ASEAN

ASEAN Member States	Air Carrier Liability		Consumer Rights Law
	Warsaw Convention 1929	Montreal Convention 1999	
Brunei	✓	-	-
Cambodia	✓	-	-
Indonesia	✓	-	✓
Laos	✓	-	-
Malaysia	✓	✓	✓
Myanmar	✓	-	-
Philippines	✓	✓	✓
Singapore	✓	✓	-
Thailand	-	✓	✓
Vietnam	✓	✓	✓

Source: Faculty of Law, Thammasat University (March 2024)

SECTION 3 – Airline: Consumer Protection Code

As of May 2024, a total of 7 local airlines and 66 foreign airlines are operating in Malaysia. These airlines serve 165 destinations, including 119 international and 46 domestic routes.

3.1 Airline: Consumer Protection Code

The Commission oversees the regulatory performance of all airlines operating within, into, and out of Malaysia. The primary goal of this oversight is to encourage airlines to enhance their efficiency and service standards, ensuring an efficient and seamless experience for consumers.

Section 69 of the MAVCOM Act

Under section 69 (1), the Commission may prescribe a consumer code to be published, which covers the minimum policies and practices for:

- Meeting consumer requirements;
- Handling of complaints and compensation of consumers in case of a breach of the consumer code;
- Raising consumer awareness and determination of fees or charges imposed on consumers by aviation service providers;
- Protection of consumer information, and;
- Any other matters of concern to consumers.

Section 69 (3) of the MAVCOM Act

Aviation service providers¹² must comply with the consumer code.

¹² 'Aviation service providers' refers to entities that offer services in the aviation industry. These services may include operating or contracting airlines, aerodrome operators, ground handling services, catering services, freight and cargo services, fuel suppliers, and any other related services.

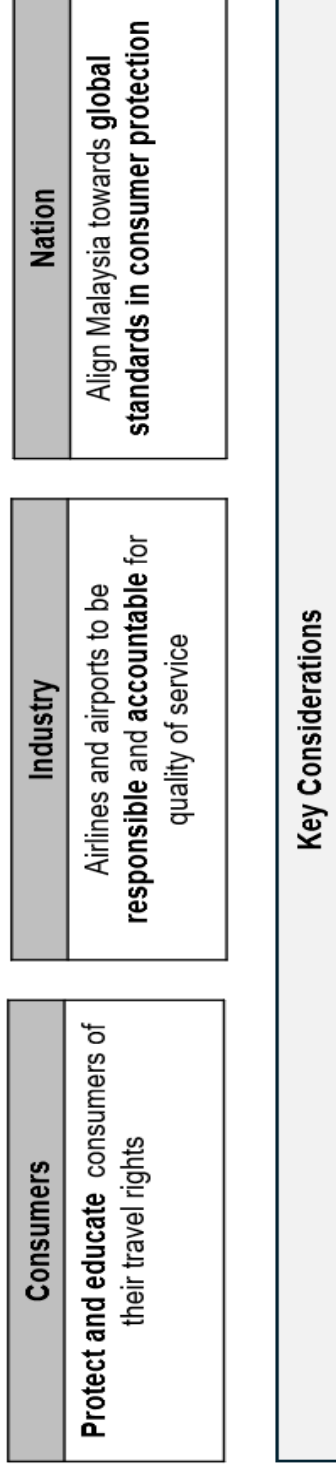
Section 69 (4) of the MAVCOM Act

The Commission may impose a financial penalty of an amount not exceeding RM200,000 for any non-compliance and for a second or subsequent non-compliance, an amount of ten (10) times of the financial penalty which was imposed for the first non-compliance.

3.2 Framework on Consumer Protection: MACPC 2016

The Malaysian Aviation Consumer Protection Code 2016 (MACPC) framework is designed to protect the rights and interests of aviation consumers in Malaysia. Introduced in 2016, this code reflects the Commission's dedication to ensuring fairness, transparency, and accountability within the aviation industry. Key elements of the framework include increasing consumer awareness, providing effective mechanisms for resolving complaints, and ensuring industry-wide adherence to consumer protection standards. By establishing clear guidelines and regulations, the MACPC enables consumers to make informed choices and seek remedies in case of dissatisfaction. This comprehensive approach not only builds consumer's trust and confidence but also supports sustainable growth and development in Malaysia's aviation industry. This is illustrated in Figure2.

Figure 2: Framework for the Malaysian Protection Code 2016 (MACPC)



- ✓ **Global Standards:**
Service levels and principles set by Montreal Convention 99
- ✓ **Malaysian Context:**
Adjustments where relevant from good practice examples (e.g. level of protection, prescribed compensation and penalties)
- ✓ **Single Standard:**
To accommodate both business models full-service carriers (FSCs) and low-cost carriers (LCCs)

Malaysian Aviation Consumer Protection Code 2016 (MACPC)

This section details the development of the MACPC and the range of protections it offers consumers.

2016

The Malaysian Aviation Consumer Protection Code 2016 (MACPC) was introduced on July 1, 2016. It is Malaysia's inaugural air travel consumer code. The MACPC aligns with the Montreal Convention 1999 (MC99) and adheres to the International Civil Aviation Organization's (ICAO) Core Principles on Consumer Protection. The MACPC introduced in Malaysia exceeds the ICAO and MC99 recommendations.

Key Highlights

- Airlines and airports are given 30 days to resolve consumer complaints.
- Increased protection of consumer rights including care for flight delays of two and five hours or more, flight cancellations, denied from boarding due to overbooking and mishandled baggage.
- Consumers are protected under the MACPC even if travel insurance has not been purchased.
- Airlines are not allowed to increase the price of a ticket after consumer has purchased a ticket.
- Airlines are not allowed to automatically add-on additional services.

2019

In 2019, the Commission enhanced the MACPC to better protect aviation consumers. These enhancements included new provisions and improvements to existing ones, based on feedback from consumers and consultations with industry stakeholders. The updated Malaysian Aviation Consumer Protection (Amendment) Code 2019 was officially published on 10 May 2019 and took effect on 1 June 2019.

Key Highlights

- No hidden charges - airlines must display the all-inclusive price for airfare.
- Remittance of refund within 30 days.
- Airlines must offer consumers the choice of reimbursement or care for planned flight rescheduling and route cessation (when an airline decides to discontinue operating into a particular destination).
- Airlines must inform consumers at least one (1) month before the cessation date of a particular flight.
- Wheelchair services for persons with disability,¹³ with the services free of charge for those holding an Orang Kurang Upaya (OKU) Card (disability card).
- Airlines are required to display the prominent key terms and conditions before the purchase of the ticket by the consumer through all booking channels.

¹³ The definition of person with disability is in line with Persons with Disabilities Act 2008, which is “persons with disabilities” include those who have long term physical, mental, intellectual, or sensory impairments, which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others. This definition aligns with the principles outlined in the Convention on the Rights of Persons with Disabilities, which emphasises ensuring equal participation in society for individuals with disabilities.

Since February 2022, the Commission actively engaged with stakeholders, organised an international hybrid webinar titled "*Charting the New Frontier: Aviation Consumer Protection Needs Today and Beyond*," and published two (2) Consultation Papers to obtain perspectives, ideas, and critical feedback on the proposed MACPC amendments.

2024

In line with that, the Commission is further enhancing the MACPC based on key insights gained from the COVID-19 pandemic and analysis of complaints received, which highlighted areas needing improvement. The amendments will include increased consumer protection with enhanced and new provisions, including in the areas highlighted below:

Proposed Enhancements

- Inclusion of a general provision that prohibits conduct that is misleading, deceptive, likely to mislead, or deceive.
- Airline advertisements and booking – Airlines are required to publish the all-inclusive price of the airfare in advertisements and at the time of purchase of the ticket by the consumer and return the same amount when refunds are made.
- Reports lodged at the airport for lost, damaged, and delayed baggage to be treated as a complaint.
- Refund to consumer – Standardisation of refund terminology which means return of payments made by a consumer in the same form as the original mode of payment.

- Mobility equipment and assistive devices – Consumers have the right to make a claim against the operating or contracting airline.
- Flight delays and cancellations – Airlines to first offer a refund in the same form as the original mode of payment unless the consumer chooses a different option. In the event of extraordinary circumstances¹⁴, airlines may offer alternative forms of refund.

The enhancements to the MACPC are planned for gazettelement in quarter 3, 2024.

¹⁴ MACPC 2016 Part III, Consumer Rights – Para 12 (7): “extraordinary circumstances” means circumstances that may, in particular, occur in cases of war, meteorological conditions incompatible with the operations of the flight concerned, security risks, unexpected flight safety shortcomings, and strikes that affect the operations of the operating airline.

3.3 Process Flow: Complaints Management System (CMS)

The Complaints Management System (CMS) allows the Commission in handling aviation-related consumer complaints. The Commission has established a Complaints Management Process Flow which is described in the MACPC. It provides detailed guidelines and standards for addressing these complaints, ensuring that airlines and airports comply with their obligations. This process ensures that consumer complaints are managed effectively and in accordance with regulatory requirements, as stipulated in the MACPC.

The Commission receives various **feedback** from consumers which includes **complaints, requests, enquiries, and compliments** regarding their travel experience and products or services offered by airlines and airports.

Consumer feedback is received through various channels such as mobile app, website, phone calls, or emails, and are registered into the CMS with a unique reference number. The Commission receive feedback from consumers when:

- i) consumers are dissatisfied with the airlines or airport resolution
- ii) consumers decide to address their concerns direct to the Commission to resolve their feedback

The Commission reviews the consumer feedback and channels the feedback to the airline or airport for investigation and resolution to consumers. There is feedback where the Commission responds to the consumer direct without forwarding the feedback to the airline or airport. This decision is made when the airline or airport had fulfilled its obligation under the MACPC.

The CMS also enables the Commission to track and analyse consumer feedback. Table 2 provides the number of consumer feedback received from 2016 to May 2024.

Table 2: Consumer Feedback from 2016 to May 2024

Consumer Feedback	Total Feedback Received	Percentage (%)
Complaint	20,063	65.4%
Compliment	81	0.3%
Enquiry	683	2.2%
Feedback	192	0.6%
Request	9,662	31.5%
Total	30,681	-

Note:

**Total number of consumer feedback registered with the Commission between 2016 to May 2024.*

Complaints accounted for **65.4%** of the total number of consumer feedback registered with the Commission. Table 3 summarises the complaints by year from 2016 to May 2024.

Table 3: Complaints Resolution from 2016 to May 2024

Year	Total Complaints Received	Complaint Resolution Rate
2016	1,433	100%
2017	1,382	100%
2018	1,680	100%
2019	1,592	100%
2020	804	100%
2021	518	100%
2022	3,185	100%
2023	7,500	99.95%
Jan to May 2024	1,969	95.50%
Total	20,063	-

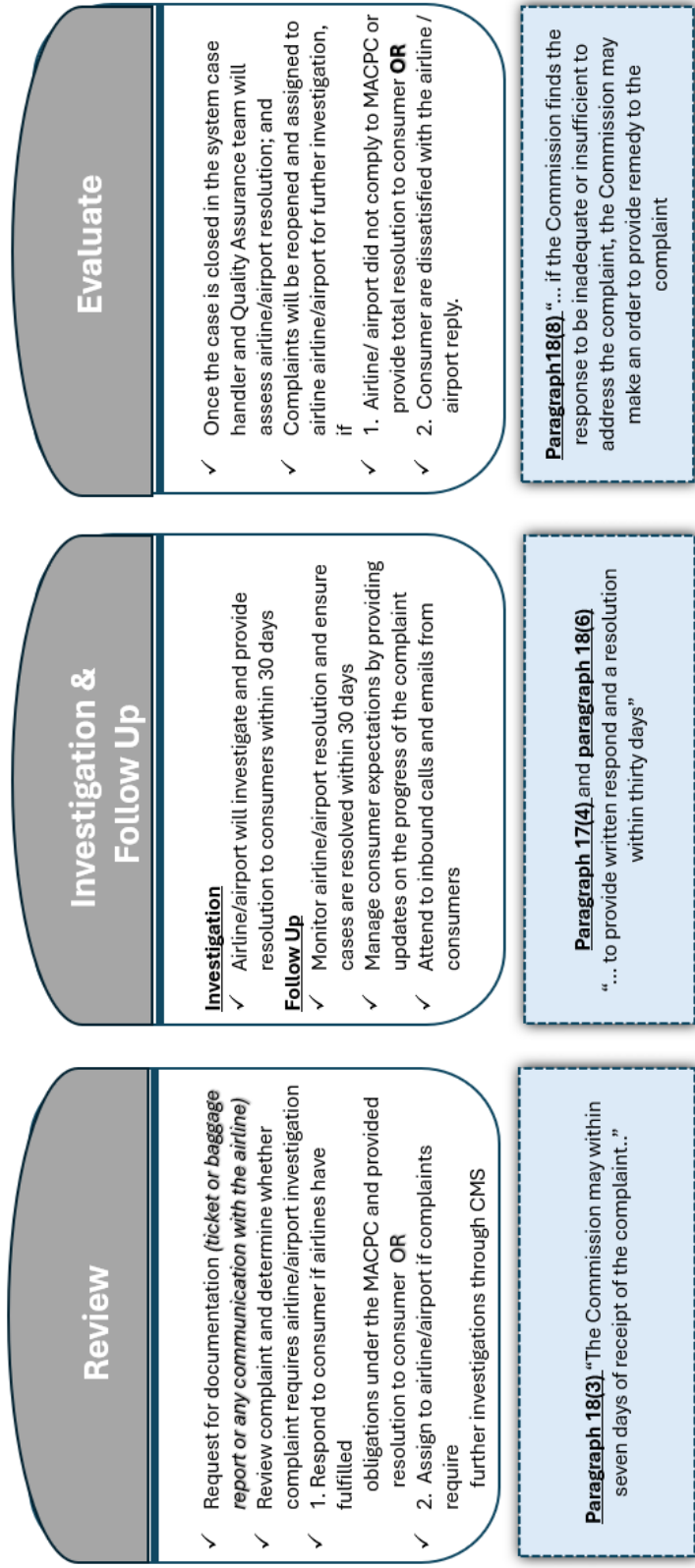
Consumers receive regular updates throughout the complaint resolution process. Once a complaint is resolved, the Commission conducts a quality assurance review on the response of the airline or airport concerned. If the response is incomplete or non-compliant with the Malaysian Aviation Consumer Protection Code 2016 (MACPC), the complaint is then reopened until fully resolved. The main categories of complaints are flight cancellation, refund, mishandled baggage, online booking, and flight delay. Together, these constitute 72.6% of the complaints registered with MAVCOM. This is illustrated in Table 4.

**Table 4: Type of Consumer Complaints Received by MAVCOM
from 2016 to May 2024 (by Type of Complaint)**

No.	Complaint Type	Total Complaints Received
1.	Flight cancellation	24.5%
2.	Refund	17.3%
3.	Mishandled baggage	12.3%
4.	Online booking	9.4%
5.	Flight delay	9.1%
6.	Rescheduled flight	6.4%
7.	Frequent flyer program	4.1%
8.	Offloaded	3.8%
9.	Consumer service	3.2%
10.	Facilities/inflight service	2.2%
11.	Others (<i>example: missing items onboard, car rental services, etc.</i>)	2.1%
12.	Denied boarding	1.8%
13.	Price of ticket	1.5%
14.	Communication of change in flight status	1.2%
15.	Safety and security	0.4%
16.	Complaints handling	0.2%
17.	Special assistance/ Person with disability (PWD)	0.2%
18.	Food and beverage	0.1%
19.	Lounge	0.1%
20.	Upgrading/downgrading	0.04%
Total		100.0%

After the complaint is resolved, a survey is sent to the consumer to gauge their satisfaction level and identify areas for improvement, ensuring continuous enhancement of the complaint management process. This is illustrated in Figure 3.

Figure 3: Complaints Management Process Flow



3.4 Complaints Management Governance Process Flow

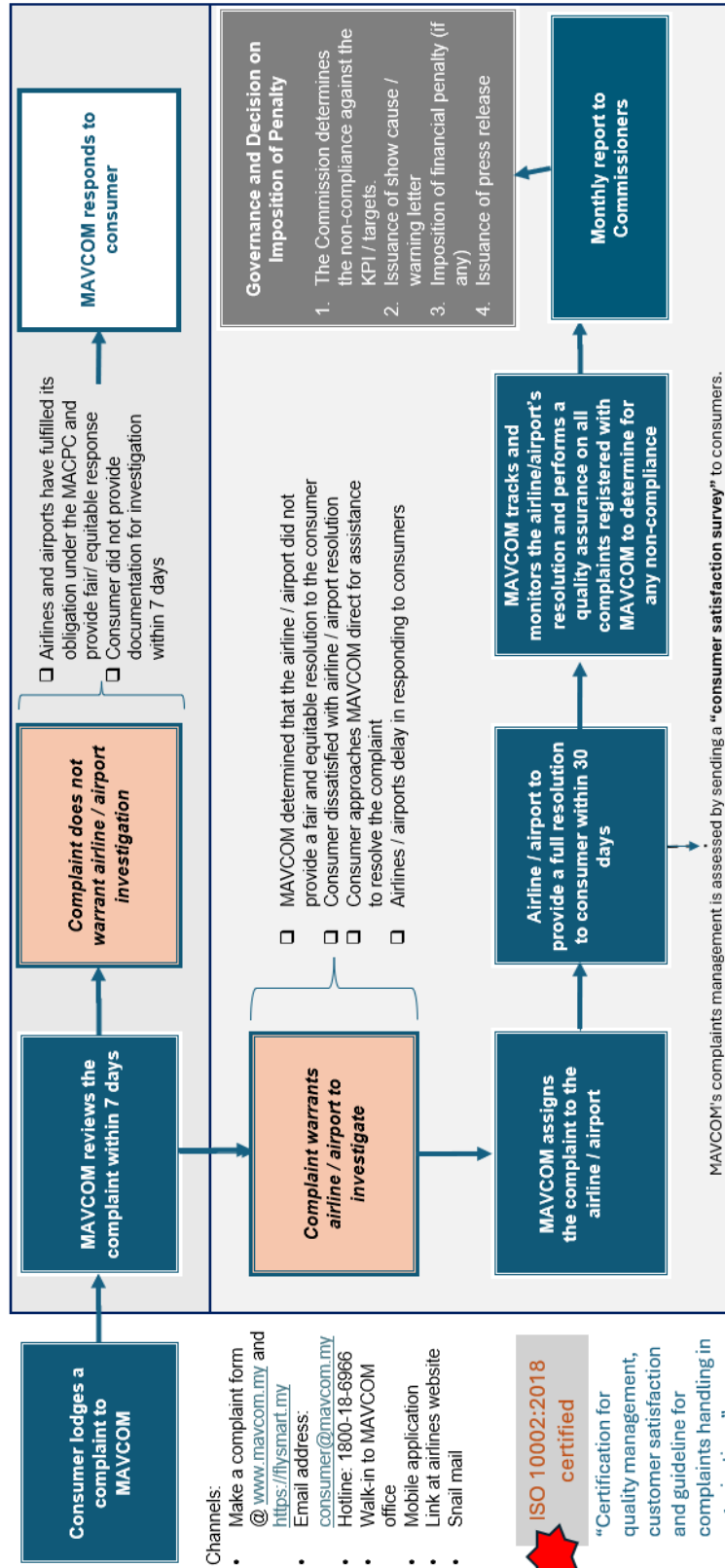
The governance of complaints management outlines the structured approach to oversee and regulate consumer complaints handling. It involves evaluating the quality of resolutions provided by aviation service providers and ensuring compliance with the MACPC. Non-compliance, identified by the Committee and Commissioners, may result in financial penalties.

Monthly reports of complaint data are submitted to the Commission by aviation service providers. This governance process promotes continuous improvement by analysing trends, identifying root causes, and implementing corrective actions to enhance complaint management effectiveness. This is illustrated in Figure 4.

The Commission regularly reviews the complaints data and the quality of service provided by aviation service providers to consumers and publishes Bi-Annual Consumer Reports.¹⁵ The Commission views this as an essential component of its commitment to enhance the consumer experience.

¹⁵ Refer to section 5.1 for more details on the Bi-Annual Consumer Report (page 41).

Figure 4: Complaints Management Governance Process Flow



3.5 Consumer Awareness

The Commission is committed in ensuring that every air traveller is well-informed about their air travel rights. The Commission provides easy access to essential information and ongoing initiatives through a variety of channels. This is aimed at enhancing the journey of consumers.

The **MAVCOM website** offers comprehensive information on aviation regulations, consumer protection, industry-related information such as licensing, competition, air traffic rights, and various initiatives undertaken by MAVCOM. It serves as a resource for consumers and industry stakeholders, providing essential insights on regulatory developments, aviation service charges, and industry guidelines, which enhances transparency and accessibility.

FlySmart is an initiative by MAVCOM specifically aimed at educating and empowering air travellers. **The FlySmart website** not only provides detailed information on consumer rights but also features stories of consumers who have successfully exercised their rights, creating a community of informed travellers. FlySmart offers practical advice, real-life examples, and allows consumers to submit complaints and inquiries directly to MAVCOM.

Visit www.mavcom.my and www.flysmart.my for more information.

MAVCOM maintains an active presence on **social media platforms** such as Facebook, Instagram, and X (formerly Twitter). These channels disseminate information regarding air travel rights, the Commission's news and announcements, travel tips, and provide opportunities for direct communication with the MAVCOM team. Consumers are invited to engage with MAVCOM online to stay updated and informed. Additionally, the ease of sharing information with their family and friends, further spreading awareness and knowledge of air travel rights.

The **FlySmart mobile application** enhances accessibility for consumers on the move. It offers quick links to travel advisories, detailed information on air travel rights, frequently asked questions, and a streamlined process for submitting complaints to the Commission. The application is available for download at flysmart.my/en/flysmart-mobile-app/.

To ensure widespread awareness of air travel rights, the Commission participates in various **consumer roadshows and events** across the country. This includes participation in the Malaysian Association of Tour and Travel Agents (MATTA) Fair, National Consumers' Day organised by the Ministry of Domestic Trade, amongst other activities.

Digital and physical **collaterals on air travel rights** have been strategically placed at Malaysian airports by the Commission. These collaterals are aimed at informing consumers about their air travel rights and guiding them on how to contact the Commission for complaints or further information.

Various accessible platforms for consumers to file complaints have been established by the Commission. These include a consumer webform on the FlySmart website, the FlySmart mobile application for on-the-go complaints, a dedicated consumer hotline and email, and the option for in-person meetings at the Commission's office or during consumer events.

For more details, please refer to Figure 5.

Figure 5: Various Platforms for Complaints



3.6 Stakeholder Engagement

Regular and comprehensive engagements with a wide range of stakeholders, including aviation industry players, consumer associations, and international aviation bodies, are integral to the Commission's operations. These engagements ensure that the Commission remains abreast of current developments and trends within the industry, gaining valuable feedback and insights. The Commission believes that stakeholder engagement is crucial to maintaining effective and relevant regulations that meet the needs of both the industry and consumers.

3.7 Imposition of Financial Penalty

MACPC

Under section 69 (4) of the MAVCOM Act, the Commission may impose a financial penalty of an amount not exceeding RM200,000 for any non-compliance and up to ten (10) times this amount for repeated offenses.

To date, the Commission has fined AirAsia Berhad, AirAsia X Berhad, and Batik Air a total of RM4.76 million for breaches of the MACPC – failing to disclose the final price of airfares and failing to communicate flight status changes to consumers.

Airline On-time Performance (OTP) & Flight Cancellation Dashboard

If an airline fails to meet the target for Flight Cancellation, there will be implications in the application for renewal or additional Air Traffic Rights (ATR) with the Commission.

ATR applications allow airlines to operate specific routes and flights. An Air Traffic Right Certificate (ATRC) is mandatory for any Air Service Licence (ASL) holder intending to transport consumers, mail, or cargo for hire on scheduled journeys, with at least one destination in Malaysia. This ensures compliance with regulatory standards for operational routes. This is illustrated in Figure 6.

Figure 6: Target for Flight Cancellation



SECTION 4 – Airport: Quality of Service Directive

Malaysia operates 6 international airports, 19 domestic airports, and 17 Short Take-Off and Landing ports (STOLports). Malaysia Airports Holdings Berhad (MAHB) is the primary airport operator, managing 39 out of the 42 commercial airports under a unified ownership and operational structure. In contrast, Senai Airport Terminal Services Sdn. Bhd. (SATS) manages Johor Bahru’s Senai International Airport and the Kerteh Airport. Tanjung Manis Development Sdn. Bhd. manages the Tanjung Manis Airport.

4.1 Introduction to Airports Quality of Service (QoS) Framework

The Airports Quality of Service (QoS) Framework sets standards and Key Performance Indicators (KPIs) for airports, serving as a benchmark for airport operators. This framework helps in monitoring, evaluating, and improving services to enhance the overall airport user experience.

The framework aims to:

- Enhance consumer comfort at the airport;
- Ensure consumer service levels are prioritised, and;
- Facilitate improved airport user experience for consumers and the airport community.

4.2 Service Quality Categories

To ensure an objective assessment of airport performance, the Commission has established four (4) service quality categories within the framework, which are:

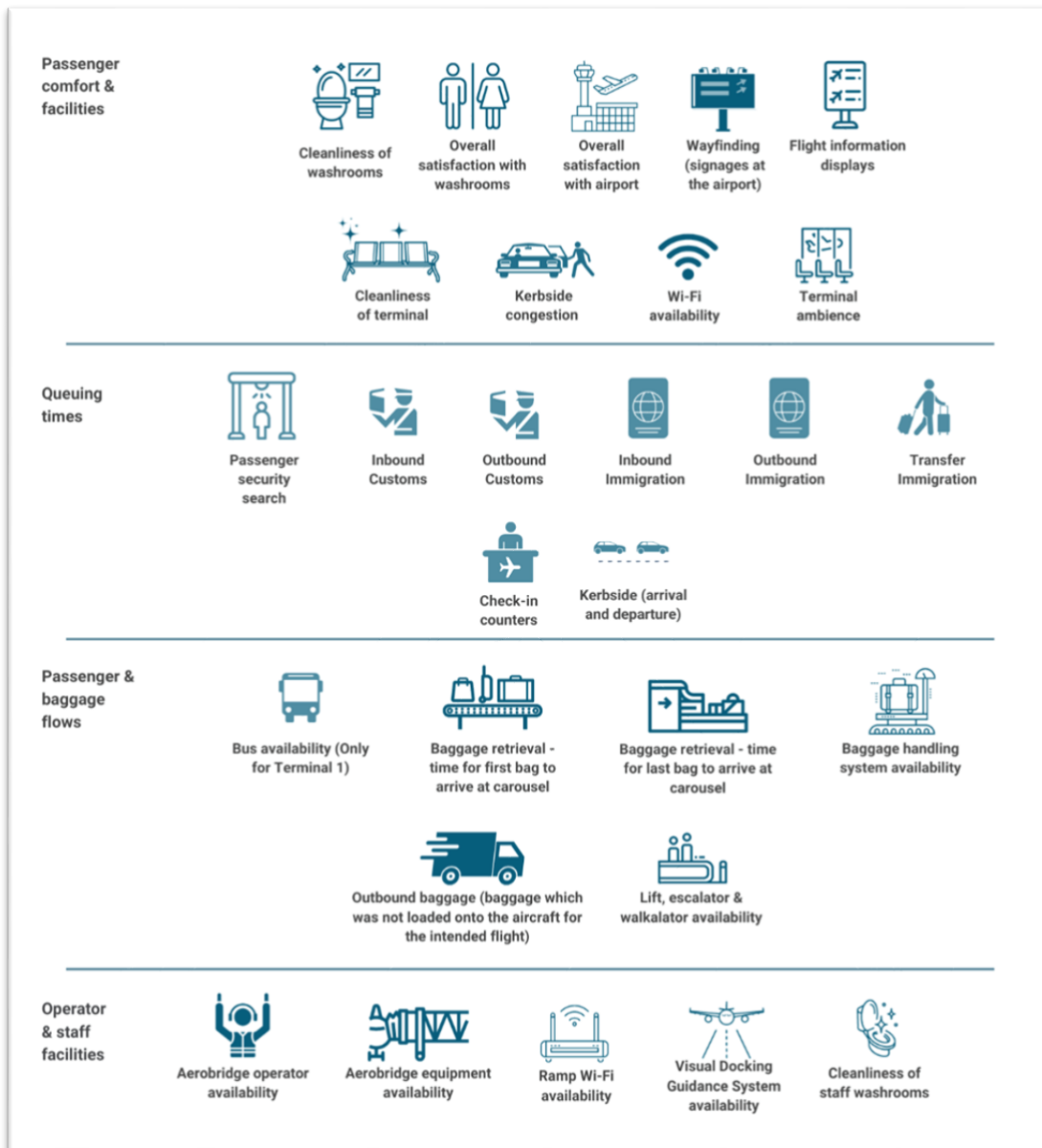
1. Consumer comfort and facilities
2. Queuing times
3. Consumer and baggage flows
4. Operator and staff facilities

These four (4) broad categories serve to standardise the QoS Framework for assessing service quality across airports in Malaysia. However, the specific service quality elements within each category may differ by airports depending on the airport QoS requirements.

The Commission utilises a data-driven approach to determine the service quality elements at each airport. The determining factor of each service quality element focuses on passenger traffic, operational efficiency, and service quality feedback from the airport community and consumers, forming a comprehensive approach to airport service quality management. This adaptability ensures the service quality elements remain relevant to the changing needs of the airport and its users.

At Kuala Lumpur International Airport Terminal 1 (KUL T1) and Terminal 2 (KUL T2), a total of 28 service quality elements associated with each category have been established. This is illustrated in Figure 7. The Commission has also commenced the implementation of the Airports QoS Framework at other international airports in Malaysia such as Kota Kinabalu and Langkawi airports, in July 2023.

Figure 7: Service Quality Elements by Category



4.3 Measurement Mechanisms

To ensure that the targets set for each service quality element are met, four (4) measurement mechanisms are used to measure the performance of airports' service levels in various areas, comprising of:

1. Performance Assessment
2. Equipment and Operator Availability
3. Independent Inspections
4. Passenger Survey

The measurement mechanisms enable the Commission to monitor and evaluate the performance of each service quality element.

Performance Assessment

This measurement mechanism evaluates:

- **Queuing Times** during security search, Immigration, Customs as well as congestions at the kerbside (drop-off/pick-up area);
- **Outbound Baggage:** The number of bags that were not loaded onto the aircraft (short shipment) for flights departing from an airport, and;
- **Inbound Baggage:** The time taken to unload the bags from the aircraft and up to the baggage carousel for flights arriving at the airport.

Equipment and Operator Availability

This mechanism is intended to establish the availability of relevant equipment and its operator. The airport operator is required to submit their performance report which will be validated by the Commission.

The equipment availability mechanism measures the availability of the following:

- Bus/Aerotrain
- Aerobridge (Passenger Boarding Bridge)
- Visual Docking Guidance System, used to assist aircraft to dock in front of the respective boarding gates
- People Mover Equipment such as lifts, escalators, and walkalators
- Baggage Handling System, a conveyer baggage system that transports checked-in baggage onto the aircraft

Availability of each equipment is measured and defined as the percentage of time when the item is functional and available for use.

Availability of Aerobridge operator – The timeframe for the Aerobridge operator to be positioned at the passenger boarding bridge is at least 10 minutes before the actual flight arrives at the terminal gate.

Independent Inspection

An independent inspection is carried out by a third-party vendor, appointed by the Commission to conduct an objective and unbiased evaluation of facilities at airports. This inspection ensures that the facilities meet specific cleanliness, maintenance, and accessibility standards set by the Commission, providing transparent assessments to improve consumer experience. This mechanism measures the following:

- Cleanliness of consumer and staff washrooms;
- Wi-Fi availability at the ramp area for baggage handling operations.

Passenger Survey

The survey provides an independent view of passengers' experience at the airport. The Commission through an independent vendor conducts passenger experience surveys at the airport using quantitative face-to-face interviews.

Throughout the year, approximately 12,000 passengers are interviewed at KUL Terminal 1 and 2 whereas 6,000 passengers are interviewed at other airports within Malaysia. These passengers are approached at the boarding gates during peak and non-peak period to ensure a representative sample to determine the satisfaction levels of their experience at the airport.

Electronic forms, in multiple languages, are being utilised to collect data on passenger experience within the Passenger Comfort and Facilities, Queuing Times, and Passenger and Baggage Flows category. This methodology provides valuable quantitative data for evaluating and improving passenger experiences at airports.

The survey includes the following elements:

- Overall satisfaction with airport
- Cleanliness of terminal
- Terminal ambience
- Flight information display system (FIDS)
- Wayfinding (signages at the airport)
- Wi-Fi availability
- Overall satisfaction with washrooms
- Kerbside congestion

4.4 Guiding Principles in Airports QoS Prioritisation

The guiding principles under the Airports QoS framework are based on a structured airport prioritisation plan, ensuring efforts are focused on areas impacting overall service quality and consumer satisfaction. This prioritisation uses three (3) weighted criteria: Passenger Volume (40%), Terminal Utilisation (40%), and Airport Service Quality (ASQ) Performance (20%). The ASQ program is a globally established benchmarking program that assesses the quality of airport services managed by the Airports Council International (ACI).¹⁶

4.5 Implementation of Airports QoS Framework at Malaysian Airports

The Commission plans to implement the Airports QoS Framework across all domestic and international airports in Malaysia. The implementation process will be carried out in phases as shown in Figure 8.

¹⁶ Airports Council International (ACI) is a global trade representative of the world's airports, established in 1991 with the purpose of fostering cooperation among airports worldwide and with other partners in world aviation, including governments, airlines, and aircraft manufacturers.

Figure 8: QoS Implementation at Malaysian Airports

Phase 1	Phase 2	Phase 3
2018 - 2022	2023 - 2025	2026 - 2027
<ul style="list-style-type: none"> • KL International Airport Terminal 1 (KUL T1) • KL International Airport Terminal 2 (KUL T2) 	<ul style="list-style-type: none"> • Subang Airport* • Kota Kinabalu International Airport • Langkawi International Airport 	<ul style="list-style-type: none"> • Tawau Airport • Kota Bharu Airport • Bintulu Airport • Sibiu Airport
26 out of 28 service quality elements implemented	The 2 remaining elements under Queuing Times will be implemented in Q4 2024.	

Notes:

Airport priority may change over time, based on consumer volume, terminal utilisation, and airport service performance

**Subang Airport is currently undergoing development as part of the Subang Airport Regeneration Plan (SARP)*

Phase 1: KL International Airport Terminal 1 and Terminal 2 (KUL T1 and KUL T2)

The Commission has implemented 26 service quality elements at KUL T1 and T2. The remaining 2 service quality elements will be implemented as follows:

Q4 2024 — Queuing times for: -

1. Check-in counters
2. Kerbside pickup/drop-off areas

Phase 2

The Commission has commenced the implementation of the Airports QoS Framework at other international airports in Malaysia such as Kota Kinabalu and Langkawi airports, in July 2023. For 2024, the Airports QoS Framework at Kuching, Senai (Johor), and Miri airports are in the development stage. The implementation of the Framework is targeted to be completed by the third quarter of 2024. In Q3 2024, Subang, Penang, Kota Bharu, Sibul, and Bintulu airports are planned for QoS development.

Phase 3

The QoS Framework for the remaining airports in Malaysia will be implemented progressively until 2027.

4.6 Imposition of Financial Penalty

If the Commission's analysis of airport performance indicates non-compliance with the targets set under the Airports QoS Framework, a financial penalty will be imposed on the airport operator based on the percentage of the revenue at risk which shall not exceed five percent (5%) of the airport operator's accrued aeronautical revenue.

To date, the Commission has imposed financial penalties amounting to RM3.1 million on the airport operator, for failing to comply with the Framework. Specifically, the areas of non-compliance included the cleanliness of consumer and staff washrooms, the availability of ramp Wi-Fi service, outbound baggage (bags that were not loaded onto the intended aircraft) as well as inbound baggage (the time to unload the first and last bags on the baggage carousel).

SECTION 5 – Publications: Airline & Airport Performance

5.1 Bi-Annual Consumer Report

The Commission publishes the Consumer Report twice a year on the Commission's website. It provides an overview of consumer complaints received by the Commission. The data for each year and the Commission's efforts to resolve them are compared with those of the previous year. It also highlights cases where complaints were considered non-actionable due to poor documentation or failure by airlines or airports to meet their obligations.

The Commission strives to ensure the highest standards of competence and transparency to protect the interests of aviation consumers. To this end, its studies of the aviation industry are made accessible to the public. The Commission has published a total of 15 Consumer Reports for the period of 2017 to 2023.¹⁷

5.2 Airline's On-Time Performance (OTP) & Flight Cancellations

Airline Performance Publications in MAVCOM's website

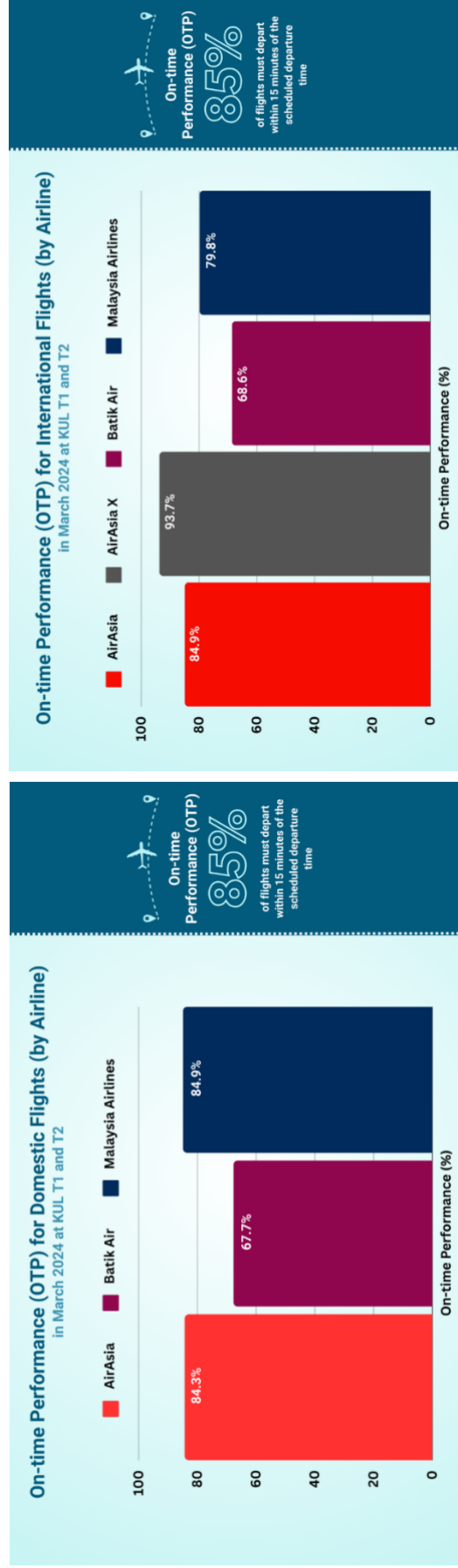
The Commission monitors the regulatory performance of airlines operating within, into, and out of Malaysia. The main objective is to encourage airlines to improve their efficiency and service levels, resulting in a better overall experience for consumers.

¹⁷ For more information on the Consumer Reports for the period of 2017 to 2023, kindly refer to the link attached: www.mavcom.my/en/resources/research-and-reports/

Since April 2024, the Commission has published the monthly performance results of airlines' On-Time Performance (OTP) and Flight Cancellation on the Commission's website (as shown in Figure 9.1 and Figure 9.2).¹⁸ This increases transparency and accountability among aviation service providers in the Malaysian aviation industry. It permits consumers to make more informed decisions and encourage airlines to consistently improve their service standards.

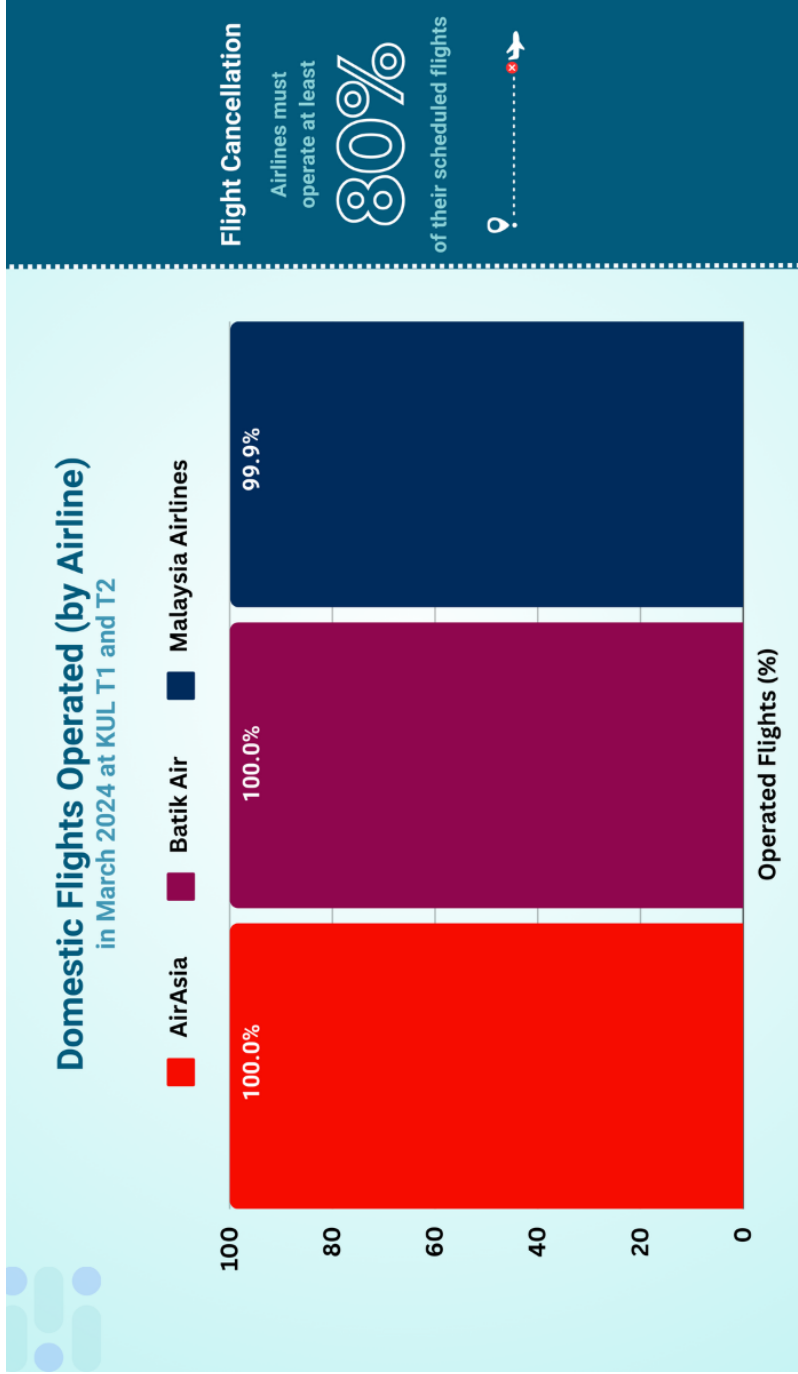
¹⁸ For more information on the Airline On-Time Performance (OTP) and Flight Cancellation Dashboard, kindly refer to the link attached: www.mavcom.my/en/airline-on-time-performance-otp-flight-cancellation-dashboard/

Figure 9.1: Airline On-Time Performance (OTP) Performance Results – March 2024



Note: Domestic and international flights refer to the flights that depart within 15 minutes of the scheduled time of departure (STD).

Figure 9.2: Airline Flight Cancellation Dashboard – March 2024



Note: Domestic flights refer to flights that are on schedule within 48 hours and operated by the airline.

5.3 Airports Quality of Service (QoS) Performance

Airport Performance

The Airports QoS Framework establishes standards and Key Performance Indicators (KPIs) for airports. This serves as a reference point for airport operators to monitor, evaluate, maintain, and improve services for a better airport user experience.

Airports Quality of Service (QoS) Framework Results

The performance results (as shown in Figure 10, Figure 11, and Figure 12) of Malaysia's airports under the Airports Quality of Service (QoS) Framework are published on a quarterly basis on the Commission's website.¹⁹

¹⁹ For more information on the Airports Quality of Service (QoS) Framework Results, kindly refer to the link: www.mavcom.my/en/airports-qos-framework-performance-results/

Figure 9: Kuala Lumpur International Airport Terminal 1 (“KUL T1”)

QoS Performance Results - 1Q 2024

Service Quality Element	KUL T1 (Target)	Jan-24	Feb-24	Mar-24
Overall satisfaction with the airport	≤ 2%	0%	0%	0%
Cleanliness of the terminal	≤ 2%	0%	0%	0%
Ambience of the terminal	≤ 2%	0%	0%	0%
Overall satisfaction with the washrooms	≤ 7%	0%	0%	0%
Flight Information Display System (FIDS)	≤ 4%	0%	0%	0%
Wayfinding	≤ 6%	0%	0%	0%
Availability of Wi-Fi	≤ 9%	1%	0%	0%
Kerbside congestion	≤ 4%	1%	0%	0%
Cleanliness of consumer washrooms	≥ 90%	100%	98%	99%
Availability of ramp Wi-Fi	Pass	Pass	Pass	Pass
Cleanliness of staff washrooms	≥ 80%	97%	96%	97%
Availability of Aerobridge operator (10 mins.)	95%	100%	100%	100%
Availability of Aerobridge operator (5 mins.)	99%	100%	100%	100%
Availability of Aerobridge	99.5%	100%	100%	100%
Availability of VDGS	99.5%	100%	100%	100%
Availability of bussing services	99%	-	-	-
Punctuality of bussing services	99%	-	-	-
Lifts, escalators, and walkalators	99.5%	100%	100%	100%
Baggage Handling System	99.5%	100%	100%	100%
Outbound Baggage (Short-shipped)	4/10,000	6	16	16
Baggage Retrieval - time to first bag	85%	93%	92%	95%
Baggage Retrieval - time to last bag	85%	88%	86%	91%
Consumer security search – Gate screening	90%	-	-	-
Consumer security search – Centralised screening	95%	-	-	-
Transfer immigration	90%	-	-	-
Outbound immigration	85%	-	-	-
Outbound customs	95%	-	-	-
Inbound immigration	85%	-	-	-
Inbound customs	95%	-	-	-
Check-in counters	-	-	-	-
Kerbside queueing	-	-	-	-

Legend: Pass Below Target

**Figure 10: Kuala Lumpur International Airport Terminal 2
("KUL T2") QoS Performance Results - 1Q 2024**

Service Quality Element	KUL T2 (Target)	Jan-24	Feb-24	Mar-24
Overall satisfaction with the airport	≤ 2%	0%	0%	0%
Cleanliness of the terminal	≤ 2%	0%	0%	0%
Ambience of the terminal	≤ 2%	0%	0%	0%
Overall satisfaction with the washrooms	≤ 7%	0%	1%	0%
Flight Information Display System (FIDS)	≤ 4%	1%	0%	0%
Wayfinding	≤ 6%	0%	0%	0%
Availability of Wi-Fi	≤ 9%	0%	1%	0%
Kerbside congestion	≤ 4%	0%	0%	0%
Cleanliness of consumer washrooms	≥ 90%	100%	97%	100%
Availability of ramp Wi-Fi	Pass	Pass	Pass	Pass
Cleanliness of staff washrooms	≥ 80%	100%	100%	100%
Availability of Aerobridge operator (10 mins.)	95%	100%	100%	100%
Availability of Aerobridge operator (5 mins.)	99%	100%	100%	100%
Availability of Aerobridge	99.5%	100%	100%	100%
Availability of VDGS	99.5%	100%	100%	100%
Lifts, escalators, and walkalators	99.5%	100%	100%	100%
Baggage Handling System	99.5%	100%	100%	100%
Outbound Baggage (Short-shipped)	1/10,000	0	0	0
Baggage Retrieval - time to first bag	85%	85%	85%	85%
Baggage Retrieval - time to last bag	85%	85%	85%	87%
Consumer security search – Centralised screening	95%	-	-	-
Transfer immigration	90%	-	-	-
Outbound immigration	85%	-	-	-
Outbound customs	95%	-	-	-
Inbound immigration	85%	-	-	-
Inbound customs	95%	-	-	-
Check-in counters	-	-	-	-
Kerbside queueing	-	-	-	-

Legend: Pass Below Target

Figure 11: Kota Kinabalu International Airport (“BKI”)

QoS Performance Results - 1Q 2024

Service Quality Element	Target	Jan-24	Feb-24	Mar-24	Q1-24
Overall satisfaction with the airport	≤ 2%	1%	0%	0%	0%
Cleanliness of the terminal	≤ 2%	1%	0%	1%	0%
Ambience of the terminal	≤ 2%	3%	0%	0%	1%
Overall satisfaction with the washrooms	≤ 5%	7%	3%	0%	3%
Availability of washrooms	≤ 2%	4%	3%	3%	3%
Flight Information Display System (FIDS)	≤ 2%	5%	1%	3%	3%
Wayfinding	≤ 2%	3%	1%	1%	2%
Availability of Wi-Fi	≤ 9%	3%	11%	1%	5%
Cleanliness of consumer washrooms	≥ 90%	80%	89%	95%	88%
Availability of Aerobridge	99.5%	99.9%	99.8%	99.9%	99.9%
Availability of Aerobridge operator (10 mins.)	95%	100%	100%	100%	100%
Availability of Aerobridge operator (5 mins.)	99%	100%	100%	100%	100%
Availability of VDGS	99.5%	100.0%	100.0%	100.0%	100.0%
Cleanliness of staff washrooms	≥ 80%	63%	88%	88%	80%
Consumer security search	≤ 2%	1%	0%	0%	0%
Check-in counters	≤ 2%	3%	3%	2%	2%
Outbound immigration	≤ 2%	1%	0%	0%	0%
Availability of lifts, escalators, and walkalators	99.5%	99.9%	99.9%	100.0%	99.9%
Availability of BHS equipment	99.5%	100.0%	100.0%	100.0%	100.0%

Legend: Pass Below Target

SECTION 6 – Achievements

6.1 Advanced Aviation Regulations

The Commission has advanced aviation regulation and consumer protection by taking proactive efforts to promote fair competition and improve service quality in Malaysia's aviation industry. The Commission has worked to increase openness, efficiency, and accountability in Malaysia's aviation industry, as well as to advocate for consumer rights.

6.2 Milestones Achieved Throughout the Years

- Positioned MAVCOM in ASEAN, ICAO/IATA and EU forums on Aviation Consumer Protection in Malaysia.
- Invitation by European Commission to present our Consumer Protection work in Brussels in 2019.
- Managing complaints resolution within 30 days with 90-95% of closure resolution.
- Published 15 consumer reports.
- Received an award for the Information Visionary Award at 2019 International Data Corporation (IDC) Digital Transformation awards - the first aviation regulator in ASEAN to introduce a complaints management system (CMS).
- Obtained ISO 10002:2018 Quality Management — Consumer Satisfaction — Guidelines for Complaints Handling in 2022 and maintained during the year 2 Surveillance Audit in December 2023.
- Tracking and monitoring on the compliance to the regulations resulted in airlines and airports improving their service standards.

CONCLUSION

This document showcases the Commission's key role and functions in regulating Malaysia's civil aviation industry, with a particular emphasis on competition regulation and consumer protection. As evidenced by this report, the Commission works through a variety of procedures to assure industry transparency, fairness, and accountability, thereby improving consumers' overall travel experiences.

The establishment of the Malaysian Aviation Consumer Protection Code 2016 (MACPC) demonstrates the Commission's commitment to protecting consumer rights and interests by setting clear criteria for pricing, flight adjustments, and complaint settlement.

The Commission monitors the performance of all airlines and airports. The primary goal of this monitoring is to urge airlines and airports to improve their efficiency and service standards, resulting in a better overall experience for consumers.

A competitive environment is also intended to be promoted by the Commission's enforcement of competition legislation, which incentivises airlines to provide better services, more affordable tickets, and more options for consumers.

This Commission plays a critical role in fostering tourism development and bolstering national socio-economic well-being. It achieves this by managing air traffic rights and actively promoting domestic and international air connectivity.

The focus on economic regulation and consumer protection have been crucial to preserving the health, stability, and sustainability of Malaysia's commercial aviation industry. MAVCOM was established to put in place the framework for achieving this. It is a task that has been successfully performed.

ABBREVIATIONS

Abbreviations

ACI	Airport Council International
AirAsia	AirAsia Bhd.
AirAsia X	AirAsia X Bhd.
ASEAN	Association of Southeast Asian Nations
ASL	Air Service Licence
ASP	Air Service Permit
ASQ	Airport Service Quality
ATR	Air Traffic Rights
Batik Air	Batik Air Malaysia (previously known as Malindo Air)
COVID-19	Coronavirus Disease 2019
FIDS	Flight Information Display System
Firefly	Firefly Sdn. Bhd.
FSC	Full Service Carrier
IATA	International Air Transport Association
MAB	Malaysia Airlines Bhd.
MAHB	Malaysia Airports Holdings Bhd.
MATTA	Malaysian Association of Tour and Travel Agents
MAVCOM	Malaysian Aviation Commission
QoS	Quality of Service
TMDSB	Tanjung Manis Development Sdn. Bhd.

AIRPORT CODES

IATA Code	Airport
BKI	Kota Kinabalu International Airport, Malaysia
JHB	Senai (Johor Bahru) International Airport
KBR	Sultan Ismail Petra Airport (Kota Bharu), Malaysia
KCH	Kuching International Airport, Malaysia
KUL	Kuala Lumpur International Airport, Malaysia
LGK	Langkawi International Airport, Malaysia
PEN	Penang International Airport, Malaysia
SZB	Sultan Abdul Aziz Shah (Subang) Airport, Malaysia

APPENDIX A: MALAYSIA'S PASSENGER TRAFFIC DATA

Table A1: Malaysia's Passenger Traffic, 2020 – 2023

Year	Passenger Traffic (million)	Year-on-Year Growth (%)
2020	26.6	-
2021	11	-59%
2022	54.8	398%
2023	84.8	55.2%

Source: MAVCOM, AOL Holders

Table A2: Malaysia's Passenger Traffic by Region, 2020 – 2023

Year	Passenger Traffic (million)		
	Domestic	ASEAN	Non-ASEAN International
2020	17.2	4.7	5.0
2021	9.3	1.3	0.8
2022	38.1	9.8	6.8
2023	45.7	21.2	17.9

Source: MAVCOM, AOL Holders

**Table A3: Total Passenger Traffic Forecast vs. 2019 by Region (%),
2021 – 2025**

Total Passenger Traffic Forecast vs. 2019	2021 (%)	2022 (%)	2023 (%)	2024 (%)	2025 (%)
North America	56.0	94.0	102.0	107.0	112.0
South America	51.0	88.0	97.0	103.0	108.0
Europe	40.0	86.0	96.0	105.0	111.0
Middle East	42.0	81.0	90.0	98.0	105.0
Africa	46.0	76.0	85.0	93.0	101.0
Asia Pacific	40.0	68.0	84.0	97.0	109.0
Malaysia	10.0	39.4	65.5	84.1	96.5

Source: IATA, March 2022

Table A4: Malaysia's Passenger Traffic, 2019 – 2024 (Forecasted)

Year	Passenger Traffic (million)	Year-on-Year Growth (%)
2019	109.3	6.6
2020	26.7	-75.6
2021	11.0	-59
2022	54.8	398
2023	84.8	55.2
2024 (Forecasted)	93.9 – 107.1	10 to 25

Source: MAVCOM, AOL Holders