

Air Passenger Rights



The EU strengthens air travellers' rights

Air passengers within the European Union will soon have stronger and more extensive rights, ensuring they are treated fairly if problems occur on their journeys. New EU legislation, which enters into force in February 2005, increases the level of compensation airlines must pay to passengers denied boarding, and introduces new rights to compensation and assistance in the event of cancelled flights and long delays, as well as extending coverage to passengers on charter and domestic flights.

Passengers whose journeys are interrupted face great inconvenience and lost time. The EU acted in 1991 to strengthen passenger's rights, particularly in cases where the airline denies boarding to a passenger with a confirmed ticket, because there are not enough

seats available on the flight (overbooking). In these cases, compensation has to be paid by the airline operating the flight and it must offer alternative travel arrangements, provide meals and accommodation for the stranded passenger.

More flights included

Under the 1991 legislation, specific air passenger rights applied only to scheduled flights departing from an airport within an EU Member State. The new legislation, however, extends the rights to charter and domestic

flights too. Furthermore, when a flight is operated by an airline based in an EU Member State, the new rights also apply to flights from an airport outside the EU to a destination within the EU.

Denied boarding

Airlines sometimes deny boarding to passengers with confirmed reservations because they have overbooked the flight. Under the new legislation, in this situation, the airline must first ask for volunteers to give up their seats on the flight, in exchange for agreed benefits. This allows passengers who are willing to travel later – in return for cash – to reach a deal with the airline.

The airline is only allowed to deny boarding against a passenger's will if there are not enough volunteers to give up their seats. If it does so, it must pay compensation at the levels indicated below. These are significantly higher than under the 1991 legislation, and are intended to discourage airlines from the practice of overbooking.

Length of flight		≤ 1 500 km	1 500-3 500 km	> 3 500 km
Compensation	1991 legislation:		€150	€300
	As from February 2005:	€250	€400	€600

In addition, as with the old legislation, the airline must offer these passengers the choice of a refund of their ticket (plus a flight back to their original point of departure if continuing the journey is no longer

worthwhile) or an alternative flight to continue their journey. Furthermore, the airline must supply meals and refreshments, and accommodation if an overnight stay is required.

Cancellations

While the old legislation did not cover cancelled flights, the new legislation gives rights to passengers whose flights are cancelled. When the reason for the cancellation is within the airline's control, passengers must be paid compensation on the same basis as for denied boarding, unless the airline has given them at least two weeks' notice of the cancellation or has provided alternative flights close to the original timing.

If the cancellation, whatever the cause, delays passengers five hours or more, they are also entitled to a refund of their ticket (plus a flight back to their original point of departure if continuing the journey is no longer worthwhile) or an alternative flight to continue their journey. Furthermore, the airline must supply meals and refreshments, and accommodation if an overnight stay is required.

Long delays

The new legislation also extends passenger rights to cover long delays – not covered in the old legislation. When a flight is delayed by 2, 3 or 4 hours – depending on the length of the flight – the airline must supply

meals and refreshments, and accommodation if an overnight stay is required. If the delay is of five hours or more, passengers are also entitled to a refund of their ticket.

National enforcement bodies

Under the new legislation, each Member State is to set up an enforcement body before 17 February 2005 which will deal with complaints related to long delays, cancellations and denied boarding, thus enabling a smooth and fast out-of-court ruling of disputes

between passengers and airlines. Passengers may also inform the European Commission's Directorate-General for Energy and Transport about the contents and follow-up given to complaints they have addressed to national enforcement bodies.

Further information

More information on the new rights – which enter into force on 17 February 2005 – can be found on the Europa website at: http://europa.eu.int/comm/transport/air/rights/index_en.htm

The new legislation, Regulation (EC) No 261/2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, can be found in the *Official Journal of the EU* (OJ L 46, 17.2.2004, p. 1).

