

Air passenger rights

Airlines often fail to offer passengers the rights to which they are entitled to in cases of denied boarding, long delays, cancellations or mishandled baggage. In 2011, the European Commission reported on the varying interpretations of EU law in this field, due to grey areas, gaps in the current legislation, and lack of consistent enforcement across Member States. The same year, it launched an impact assessment with a view to proposing further measures on air passenger rights.

Background

Three regulations set out the EU approach to enforcing air passenger rights. Regulation [2027/97](#) (amended in [2002](#)) lays down airlines' obligations in the event of accidents. Regulation [261/2004](#), sets out common rules on the provision of information, compensation and assistance to passengers when boarding is denied, flights are cancelled or there are long delays, as well as on the establishment of national enforcement bodies and arrangements for handling complaints. Regulation [1107/2006](#), meanwhile, prohibits operators from refusing reservation or boarding on the grounds of reduced mobility or disability. However, current rules based on these regulations have proved difficult to apply, leading to frequent court [cases](#).

Commission proposal

In 2013, the Commission tabled a [proposal](#) to amend Regulations 261/2004 and 2027/97. It aims to improve enforcement by clarifying key principles and passenger rights that have given rise to disputes between airlines and passengers in the past. The text defines the term "**extraordinary circumstances**" as events which are beyond the actual control of the air carrier and provides non-exhaustive lists of both extraordinary and non-extraordinary circumstances.

The proposal explicitly introduces the right to **compensation in the case of long delays**, as well as in cases of denied boarding and cancellation, following a judgment of the Court of Justice. However, the threshold for the right to compensation would be set at five hours for all journeys within the EU, to discourage airlines from cancelling flights when a long delay is expected, which the Commission says is in general more inconvenient to passengers. For journeys to or from third countries, the threshold would depend on the journey distance: five hours for journeys of 3 500 km or less, nine hours for journeys between 3 500 and 6 000 km, and 12 hours for journeys of 6 000 km or more.

Where currently the **time thresholds for assistance** (e.g. refreshments, accommodation) in case of delay depends on the flight distance, the proposal simplifies this provision by introducing a single set of thresholds regardless of distance. Concerning **rescheduling**, the proposal confirms that passengers notified of rescheduling less than two weeks in advance of the original scheduled time have similar rights to delayed passengers. The proposal clarifies the role of the National Enforcement Bodies (NEBs), giving them the role of general enforcement, and recommends that disputes be dealt with by out-of-court complaint-handling bodies which could become Alternative Dispute Resolution Bodies (ADR) under the new [ADR Directive](#).

European Parliament views

In December 2013, the Transport Committee [backed](#) a [report](#) drafted by Georges Bach (EPP, Luxembourg) suggesting further restrictions to grounds for denying information, compensation and assistance to passengers. The Committee drew up a stricter list of "**extraordinary circumstances**". Members rejected the thresholds proposed by the Commission for triggering **compensation in case of long delays**, recommending that in the absence of "extraordinary circumstances", airlines must give passengers compensation (as well as reimbursement and/or re-routing) for delays exceeding three hours for flights of up to 2 500 km (€300 compensation), five hours for flights of up to 6 000 km (€400), or seven hours for flights of over 6 000 km (€600).

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