POLICY DEPARTMENTS: WHO ARE WE?

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The Policy Departments provide expertise, analysis and advice, and act as internal, independent think tanks for the following parliamentary bodies:
- the President of the European Parliament,
- committees (and notably the rapporteurs) on the basis of decisions taken by the coordinators,
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Outputs:
The written output of these departments comprises a wide range of products, including internal studies, policy briefings, briefing notes, horizontal notes, quick policy insights, country briefings, country security assessments, data sheets, tables and databases of budgets, financial services and the Single Market, speaking points and draft speeches, fact-sheets (available both in printed form and on the Parliament’s websites), newsletters and ‘Awareness Research’ bulletins, regular email updates to MEPs on important issues by policy area.

On the basis of political decisions taken by the coordinators of the committees, the Policy Departments also supervise external studies commissioned from researchers and experts. The staff nurture contacts with the academic community and with think tanks, law firms and specialised consulting firms. Policy Department staffers regularly update their technical and legal knowledge and create links between internal and external experts.

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FACT SHEETS ON THE EUROPEAN UNION

The aim of the Fact Sheets is to provide an overview of the European integration and of the European Parliament’s contribution to that process. They are intended to provide non-specialists with a straightforward and concise overview of the European Union’s institutions and policies, and of the role that Parliament plays in their development. The content of these fact sheets covers six main areas:
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- the EU’s external relations.

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EU ACTION IN THE FIELD OF PASSENGER RIGHTS

Legal basis: Articles 91(1) and 100(2) of the Treaty on the Functioning of the European Union (TFEU).

Objective: European Union legislation on passenger rights seeks to ensure that passengers enjoy a harmonised minimum level of protection, irrespective of the mode of transport used, with a view to facilitating mobility and encouraging the use of public transport.

Results: Over time, a body of rules has been adopted designed to protect passengers, irrespective of the mode of transport they use. These rules build on previous legislation on the protection of consumers1 and package holidays2 and on the applicable international conventions3, the Charter of Fundamental Rights and the relevant national provisions. However, they are proving difficult to apply, leading to frequent court cases. The European Court of Justice plays a leading role in interpreting the rules.

The rules lay down a set of basic rights common to all modes of transport, such as non-discrimination, special protection for reduced-mobility passengers4, traveller information, national enforcement bodies, and arrangements for handling complaints. In the event of cancellation or significant delay, the rules also provide for mandatory compensation and assistance schemes specific to each mode of transport.
**Passengers rights in air transport**

Regulation (EC) No 261/2004 established common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights. It has been the cause of numerous disputes and has been clarified in a series of rulings.

Regulation (EC) No 1107/2006 concerns the rights of disabled persons and persons with reduced mobility when travelling by air.

**Denied boarding**
- The carrier must first call for volunteers, who are offered:
  - (i) a freely negotiated sum in compensation, and
  - (ii) the choice between either being reimbursed within seven days (and, if necessary, a free flight to the initial point of departure), or being rerouted or continuing their journey as soon as possible, or at a mutually agreed later date.
- Passengers who cannot board must be offered:
  - (i) assistance (meal, telephone calls and accommodation if necessary),
  - (ii) the choice between either being reimbursed within seven days (and, if necessary, a free flight to the initial point of departure), or being rerouted or continuing their journey as soon as possible, or at a mutually agreed later date, and
  - (iii) an immediate predetermined sum in compensation as follows:

<table>
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<tr>
<th>Flights ≤ 1 500 km</th>
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<td>EUR 250 (EUR 125 if rerouted and arriving less than two hours late)</td>
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**Cancellation**
- Assistance (meal, telephone calls and accommodation, if necessary)²
- A choice between
  - (i) being reimbursed within seven days (and, if necessary, a free flight to the initial point of departure), or being rerouted or continuing their journey as soon as possible, or
  - (ii) at a mutually agreed later date.
- Immediate compensation, as in the case of denied boarding, unless the passenger was notified in advance of the flight’s cancellation, or there are extraordinary circumstances.

**Delays**
In the case of delays of at least two hours for flights of 1,500 km or less, at least three hours for flights of between 1,500 km and 3,500 km and intra-EU flights of more than 1,500 km, and at least four hours for flights over 3,500 km:
- Assistance (meal, telephone calls and accommodation, if necessary).
- In the event of a delay longer than three hours, passengers should be offered reimbursement within seven days (and, if necessary, a free flight to the initial point of departure) and compensation as in the event of cancellation.

**Upgrading/downgrading**
- The carrier may not demand any extra payment when it upgrades a passenger.
- In the event of downgrading, the carrier must reimburse the passenger within seven days as follows:
  - (i) 30% of the ticket price for flights of 1,500 km or less,
  - (ii) 50% for flights of between 1,500 and 3,500 km and intra-EU flights of more than 1,500 km, and
  - (iii) at least 75% for flights of over 3,500 km.

**Reduced-mobility passengers**
Reduced-mobility passengers should be given priority for boarding, together with those accompanying them. Where boarding is denied, or in the event of a flight cancellation or delay, irrespective of the duration of the delay, they should always be offered assistance (meals, telephone calls and accommodation, if necessary) as soon as possible.

**Passengers rights: the role of the European Parliament**

The European Parliament has always been a strong advocate of passenger rights irrespective of the mode of transport used. Its main aim is to ensure that the rules adopted in recent years are properly applied. Parliament has also called for more readily comprehensible rules, the provision of clear and accurate information to passengers before and during their journey, straightforward, quick complaints procedures and better enforcement of the existing rules.

The main proposals contained in its two resolutions adopted in 2012 are that the law should define clearly the ‘exceptional circumstances’ which release carriers from certain obligations, the establishment by carriers of a permanent helpline, with calls charged at non-premium rates, the obligation to handle passenger complaints within two months and measures to improve the effectiveness of national enforcement bodies.

Parliament has also come out in favour of improving existing rights, in particular as regards misleading or unfair terms in transport contracts, and improving access to transport infrastructure for reduced-mobility passengers and the introduction of new rights, such as minimum quality standards or proper rules to protect passengers making multimodal journeys.

**Passenger rights in other modes of transport**

This Fact Sheet also gives an overview of passenger rights in other modes of transport, namely: rail, maritime and inland waterway, as well as bus and coach. Further information is available through the “Useful links” section here below.

**Useful links**
- [Fact sheet on passenger rights](https://www.europarl.europa.eu/RegData/etudes/ET-131542_EN.pdf)

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3. Rules on an airline carrier’s liability in the event of accidents have been brought into line with the appropriate international conventions: Montreal Convention for air transport (transposed into EU law and extended to cover domestic flights by Regulation (EC) No 896/2002; Athens Convention for maritime transport (relevant provisions transposed into EU law and extended to cover domestic transport by Regulation (EC) No 392/2009); Conventions concerning International Carriage by Rail (relevant provisions transposed into EU law and extended to cover domestic transport by Regulation (EC) No 1371/2007); In cases not covered by these conventions or their transposition into EU law, the relevant national provisions shall apply (bus or coach transport and inland waterway transport).
4. Reduced-mobility passengers should, for example, receive appropriate assistance without being required to pay additional charges — provided that the carrier has been informed in advance: 36 hours before departure for bus or coach travel and 48 hours beforehand for all other means of transport.
5. Therefore, in March 2013, the Commission proposed that these rules should be clarified (and the definition of ‘exceptional circumstances’ in particular should be improved) to aid enforcement of passenger rights both for carriers and for passengers (see COM(2013) 130 final of 13 March 2013).
6. The CJEU has ruled that this assistance is due irrespective of the grounds for cancellation, and with no temporal or monetary limit other than that of the expenses actually incurred by the passenger.
7. At least two weeks before the flight date. This deadline may be shortened in the event of rerouting.
8. CJEU case-law has restricted this to cases of force majeure.
9. The CJEU acknowledged that passengers for flights delayed by over three hours are comparable to passengers whose flights have been cancelled. Regulation (EC) No 261/2004 did not provide for the possibility of reimbursement for delays of over five hours.
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**Useful links**

- [Fact sheet on passenger rights](#)
- [Current legislative procedure file](#)
- [Regulation EC No 1107/2006](#)
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