



EUROPEAN PARLIAMENT

2009 - 2014

---

*Session document*

---

18.11.2009

B7-0154/2009

## MOTION FOR A RESOLUTION

further to Question for Oral Answer B7-0210/2009

pursuant to Rule 115(5) of the Rules of Procedure

on passenger compensation in the event of airline bankruptcy

**Roberts Zile, Jacqueline Foster**  
on behalf of the ECR Group

**European Parliament resolution on passenger compensation in the event of airline bankruptcy**

*The European Parliament,*

- having regard to the oral question of 15 October 2009 to the Commission on Passenger compensation in the event of airline bankruptcy (O-0089/09 – B7-0210/2009),
  - having regard to Council Directive 90/314/EEC of 13 June 1990 on package travel, package holidays and package tours,
  - having regard to Council Regulation (EC) No 2027/97 of 9 October 1997 on air carrier liability in the event of accidents,
  - having regard to Regulation (EC) No 785/2004 of the European Parliament and of the Council of 21 April 2004 on insurance requirements for air carriers and aircraft operators,
  - having regard to Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91,
  - having regard to Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community,
  - having regard to Rule 115(5) of its Rules of Procedure,
- A. whereas Council Directive 90/314/EEC regulates aspects of the package holiday business and provides for appropriate compensation and repatriation of consumers in the event of the bankruptcy of package holiday firms,
- B. whereas Regulation (EC) No 2027/97 establishes the nature of air carriers' liability in the event of accidents and compensation arrangements for passengers,
- C. whereas Regulation (EC) No 785/2004 lays down the insurance requirements air carriers and aircraft operators must meet,
- D. whereas Regulation (EC) No 261/2004 provides for compensation for and assistance to passengers who are denied boarding or whose flights are subject to cancellation or long delay,
- E. whereas Regulation (EC) No 1008/2008 establishes stringent financial rules for aircraft operators,

- F. whereas there has been substantial growth in the last decade in the number of relatively small low-cost carriers flying to recognised holiday destinations and the number of passengers they carry,
- G. whereas there have been a number of bankruptcies in the aviation sector in recent years, resulting in some instances in many passengers being stranded at their destinations and unable to use the return portion of their flight ticket,
1. Recalls that the Commission has undertaken a major study of the difficulties surrounding airline bankruptcy and its impact on passengers;
  2. Notes the findings of that study and the range of options which it examines;
  3. Notes that, during the plenary sitting of 7 October 2009, Commissioner Tajani made a commitment to Parliament to go forward with an impact assessment;
  4. Asks the Commission to ensure that the national aviation authorities/regulators fulfil their obligations by carrying out regular assessments of their registered airlines' financial status and exercise their power to suspend and/or revoke operating licences before carriers are forced into liquidation;
  5. Recalls in this regard that there are a number of options, along with national regulatory controls, which the Commission should pursue in order to protect the position of passengers in cases of airline bankruptcy, and that these should include obligatory information for passengers regarding risk, insurance options and other protective mechanisms;
  6. Calls on the Commission - should national regulators not comply with these requests by 1 July 2010 - to examine the possibility of a legislative proposal which would have the objective of providing compensation for passengers of airlines which go into liquidation and would establish financial and administrative arrangements which would ensure repatriation for passengers who are stranded at a non-home airport in the event of airline bankruptcy;
  7. States that any such legislative measures required should be reasonable and well-balanced and should not lead to additional disproportionate administrative and institutional burdens, either for airlines or for the respective state/Community bodies, or distort competition, which would lead to an increase in ticket prices for passengers;
  8. Calls on the Commission to investigate the possibility of quick release of impounded aircraft by national aviation authorities/regulators so that those aircraft can be used to bring stranded passengers home;
  9. Instructs its President to forward this resolution to the Council, the Commission and the parliaments and governments of the Member States.