

WRITTEN QUESTION P-3448/05
by Arlene McCarthy (PSE)
to the Commission

Subject: Air passenger rights

One of my constituents recently flew from Manchester to Jeddah with a Turkish airline. His return flight was diverted to Sabiah Gokcen Airport due to adverse weather conditions. The passengers were asked to disembark from the plane and were left in a waiting area of the airport for approximately 12 hours. Temperatures outside the airport were -8°C and there was little heating inside the building. No food was offered to the passengers until after persistent complaints a small amount of cold food was made available.

For the passenger's outbound flight, the EC Regulation No 261/2004¹ of 11 February 2004 would have been applicable, but for his return flight he was not covered under this Regulation, because it was a non-EU company flying from a non-EU airport. His flight back falls under the application of the international convention of Warsaw. This convention entitles the consumer to compensation, but this is more difficult to obtain, as the consumer has to prove damage.

Does the Commission not agree that it is not logical that a European consumer is entitled to the protection of the EC Regulation No 261/2004 for his outbound flight, but not for his return flight, although it concerns the same company and the same travel arrangement?

Does the Commission intend to review existing legislation to rectify this anomaly?

¹ OJ L 46, 17.2.2004, p. 1.