



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.



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New Air Passenger Rights from 2005



**1. Subject and scope of Regulation
261/2004**

2. The rights granted to passengers

**3. The role of National Enforcement
Bodies (NEBs)**

**4. Passengers with reduced mobility
(PRM)**



What type of critical events does this Regulation apply to?

Article 1(1):

1. This Regulation establishes, under the conditions specified herein, minimum rights for passengers when:

(a) they are denied boarding against their will;

(b) their flight is cancelled;

(c) their flight is delayed.





What type of flights does this Regulation apply to?

Article 3

- to **all type of flights** (scheduled, charter and domestic) - *combination of Art.3(2) and 3(3)*
- to flights within the Union, from the Union to third countries as well as **from third countries to** a destination within the EU, if the carrier concerned is a Community carrier - *Art.3(1)*
- to any **operating carrier** providing transport to passengers covered by Art. 3(1) and 3(2) - *Art.3(5)*





What are the 4 rights granted by Regulation 261/2004?

- Right to information - Art.14 (*all incidents*)
- Right to care - Art.9 (*all incidents*)
- Right to financial compensation - Art.7 (*denied boarding and cancellation, but not long delays*)
- Right to reimbursement of the ticket or re-routing - Art.8 (*denied boarding and cancellation, but not long delays before 5 hours - only reimbursement is possible after 5 hours*)





What is the content of the rights granted by Regulation 261/2004? Information and care

- Information on rights : systematic - Art.14 (1)

Displayed at check-in: *“If you are denied boarding or if your flight is cancelled or delayed for at least two hours, ask at the check-in counter or boarding gate for the text stating your rights, particularly with regard to compensation and assistance”*

- Care: for every type of incident - Art 9(1)

Where reference is made to this Article, passengers shall be offered free of charge:

- (a) meals and refreshments;
- (b) hotel accommodation in cases where a stay of one or more nights becomes necessary
- (c) transport between the airport and place of accommodation (hotel or other).





What is the content of the rights granted by Regulation 261/2004? Financial compensation

- Amount varies depending on distance - Art.7(1)

- (a) *EUR 250* for all flights of 1500 kilometres or less;
- (b) *EUR 400* for all intra-Community flights of more than 1500 kilometres, and for all other flights between 1500 and 3500 kilometres;
- (c) *EUR 600* for flights over 3500 kilometres outside the EU.

- Can be reduced up to 50% - Art 7(2)

When the delay does not exceed

- (a) 2 hours for all flights of 1500 kilometres or less;
- (b) 3 hours for all intra-Community flights of more than 1500 kilometres, and for all other flights between 1500 and 3500 kilometres;
- (c) 4 hours for flights over 3500 kilometres outside the EU.





What is the content of the rights granted by Regulation 261/2004? Right to reimbursement or re-routing

- Choice between 3 alternative solutions - Art.8(1)

- (a) reimbursement of the full cost of the ticket at the price at which it was bought, for the part or parts of the journey not made, and for the part or parts already made if the flight is no longer serving any purpose in relation to the passenger's original travel plan, *together with, when relevant, a return flight to the first point of departure, at the earliest opportunity; or*
- b) re-routing, under comparable transport conditions, to their final destination at the earliest opportunity; or
- (c) re-routing, under comparable transport conditions, to their final destination at a later date at the passenger's convenience, subject to availability of seats.





What is the type of enforcement provided by Regulation 261/2004?

- Established at National level - Art.16

- (a) Member States have to set up national enforcement bodies (NEBs) to deal with complaints to help passengers to find quick and smooth out-of-court settlements for disputes with airlines;
- b) Where appropriate, this body shall take the measures necessary to ensure that the rights of passengers are respected;
- (c) The sanctions laid down by Member States for infringements of the Regulation shall be effective, proportionate and dissuasive.





Some news:

**Regulation (EC) n° .../2006
concerning the
rights of disabled persons
and
persons with reduced mobility
when travelling by air**

- Adopted 9 June 2006
- To be signed 5 July 2006
- To be published in the OJ 3 weeks later





What are the specific rights which are granted to PRM by Regulation 261/2004?

- Quite generic rights - Art. 11

1. Operating air carriers shall give priority to carrying persons with reduced mobility and any persons or certified service dogs accompanying them, as well as unaccompanied children.
2. In cases of denied boarding, cancellation and delays of any length, persons with reduced mobility and any persons accompanying them, as well as unaccompanied children, shall have the right to care in accordance with Article 9 (right to care) as soon as possible.





What are the objectives of the new Regulation (EC) n°.../2006?

1. Protect PRMs against discrimination

- PRMs must not be refused booking or embarkation due to their disability;
- Derogation only possible to meet safety requirements established by law or by a competent authority - if the size of the aircraft or its doors make embarkation physically impossible.

2. Ensure that PRMs receive professional and seamless assistance so that they can travel by air.





What are the principles of the new Regulation (EC) n°.../2006?

1. The managing body of an airport shall be responsible to provide assistance.
2. No opt-out for airlines - but airport can subcontract for the supply of assistance.
3. Assistance without additional charge to PRMs
4. The airport may levy a specific charge on airport users in proportion to the total number of all passengers that each airline carries.
5. The charge has to be reasonable, cost-related, transparent and established in cooperation with airport users.
6. Audited annual overview on charges received and expenses made.





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