# Functioning and application of established rights of people travelling by air

2011/2150(INI) - 29/03/2012 - Text adopted by Parliament, single reading

The European Parliament adopted by 509 votes to 20, with 53 abstentions, a resolution on the functioning and application of established rights of people travelling by air, in response to the Commission report on the subject.

***General framework***: Parliament welcomes the Commission's commitment to analyse and revise the existing rules on air passenger rights aiming to improve the situation of passengers especially in the cases of long delay or cancellation. Members believe that **proper application of the existing rules by Member States and air carriers**, enforcement of sufficient and simple means of redress and **providing passengers with accurate information** concerning their rights should be the cornerstones of regaining passengers' trust. They regret, however, that the enforcement bodies set up by the Member States do not always ensure effective protection of passenger rights, to the detriment of air passengers. They call therefore on Member States to devise working methods for the EBs, particularly as regards the **handling of complaints and sanctions**, that allow enforcement of passenger rights from the viewpoint of legal certainty.

The resolution stresses the following points:

- **uniform handling of complaints** in the Member States is necessary in order to create a level playing field;
- there is a need for a better definition of the **enforcement body's' role**; these organisations should be independent of air carriers and airports and without conflicts of interest; national sanctions applicable to air carriers who are in breach of EU rules should be made more effective;
- **complete information detailing passenger rights** should be communicated by both air carriers and tour operators, in the language used during the booking of the ticket, throughout key stages of the journey, starting from when the passenger is considering whether to book a ticket, in a format which is readily comprehensible and accessible by everyone;
- air carriers should ensure that there is an immediate, simple, accessible way, at no extra cost, for passengers to **lodge complaints** in writing; passengers should be able to identify airline, flight, security and airport staff at all times;
- passengers should have full access to information about their **'Passenger Name Record'** (PNR) data and be informed of how their PNR data are used and with whom they are shared;
- all passengers, including **children younger than two years of age**, must be carried safely; air carriers to ensure that passengers with children can board easily with pushchairs in recognition of the fact that the young children travelling with adults may be classified as persons with reduced mobility (PRMs).

**Main recommendations**: the Commission is asked to:

- ensure that there is uniform interpretation and application of the Regulations and formalise a **European network** of enforcement bodies;
- draw up a **standard form**, translated into all EU languages to avoid any language problems, and to unify complaint procedures;
- make sure that national authorities **comply with their financial obligations** and to ensure that stranded passengers can be repatriated in the event of insolvency, bankruptcy, ceased operations or removal of an operating licence;

- ensure effective implementation and enforcement of the existing legislation on **price transparency and unfair commercial practices**;
- **blacklist specific unfair terms** in the air transport sector;
- propose that it be made mandatory to provide a **central information** point, and specifically a website, and a low-cost telephone number and email address for air carriers, with a view to ensuring that consumers are properly informed;
- propose measures that would allow for passengers to **correct minor booking details easily and free of charge** and to withdraw from an online reservation within two hours of the initial booking;
- propose measures that would make it possible to harmonise **commercial practice concerning hand luggage** to allow them to carry on board a reasonable amount of hand luggage, including purchases from airport shops;
- examine the passenger protection issues related to **new screening methods,** such as security scanners, hand searches and passenger profiling;
- continue the **information campaign** launched in 2010 with a view to raising passengers' awareness of their rights, and to encourage consumer networks, in coordination with enforcement bodies , to contribute as well.

**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 of flights:** Parliament asks the Commission in any upcoming revision of the Regulation, to adopt clarifications of the notion of **'extraordinary circumstances'** and the definition of **'cancellation'** as well as the rules governing provision of assistance and the right to redress and compensation.

***Passenger information***: Parliament believes that there is a strong need for clear rules regarding the content, accessibility, timing and accuracy of the **information communicated** to air passengers, which should cover the reason for any delay or cancellation, the expected duration of disruptions and what happens in the event of overbooking, as well as the alternative travel options available to passengers.

***Compensation***: Members take the view that, in the event of loss, delay or damage to luggage, airlines must in the first instance **compensate the passengers** with whom they have concluded a contract, but that, at a later stage, the airlines must have a right to seek redress from airports or service providers if they are not responsible for the problem incurred by the passenger.

***Deadlines***: the Commission is asked to propose a **maximum time limit of two months** for industry and two months for enforcement bodies for handling of passenger complaints. Members want acknowledgement of receipt of complaints to be sent to passengers within 48 hours.

***Electronic reservation***: Parliament feels that passengers who make their **reservation by electronic means** , such as the internet, should also be entitled to make contact, at no cost, with their airline using the same means, and with a clearly marked address for same, so that the customer can quickly and easily make contact with the relevant staff at the airline to resolve any problems. It takes the view, furthermore, that a **phone line and web service** should be set up, via which passengers can obtain information on the progress of their complaints.

**Regulation (EC) No 1107/2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air:** the resolution stresses that PRMs and people with disabilities must be given **equal air travel** opportunities and **unrestricted access** to services.

***Denied boarding***: Members point out that, although flight safety is of major public interest, an airline cannot deny boarding to PRMs or people with disabilities **on the grounds that they are unaccompanied.**

***Training***: Parliament underlines that **training of flight crews** and other air carrier, airport and enforcement personnel plays a key role and must adequately cover the different and individual needs of PRMs and people with disabilities, with particular regard to boarding and disembarking and handling of assistive devices.

***Access to information***: the resolution emphasises that the **information formats**, booking process and complaints procedures must be fully accessible. PRMs and people with disabilities should be able to **communicate their assistance needs** at the same time as booking their ticket and that the passenger should be provided with a confirmation of the assistance notification.

Members are of the opinion that **minimum standards** must be established for providing information in accessible formats for PRMs and people with disabilities at all EU airports, with particular regard to emergency situations.

The Commission is asked to:

- facilitate barrier-free access for PRMs and people with disabilities to air transport services;
- draw up guidelines on the interpretation of Regulation (EC) No 1107/2006, notably as regards the provisions on security and accompanying persons;
- implement an **EU- wide action plan** covering all measures to be taken by national authorities;
- submit a proposal ensuring that PRMs and people with disabilities have the right at all times to use safety-approved **respiratory devices** on aircraft free of charge;
- make efforts with a view to a possible modification of the Montreal Convention, so as to ensure that the **mobility equipment** of PRMs is compensated in full.

Lastly, the resolution insists that a ‘full service’ airline providing **flight catering** to passengers may not discriminate against passengers requiring special meals because of pre-existing medical conditions (e.g. coeliac disease or diabetes.) and that these special meals must be provided at no extra cost to the passenger in all cases of travel.