

Compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights

2001/0305(COD) - 11/02/2004 - Final act

PURPOSE: to establish common rules on compensation and assistance to air passengers in the event of denied boarding and of cancellation or long delay of flights. **LEGISLATIVE ACT:** Regulation 261/2004 /EC of the European Parliament and of the Council 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 295/91/EEC. **CONTENT:** The Council adopted the Regulation in line with the common position that was agreed with the European Parliament within the Conciliation Committee. The Irish and UK delegations voted against it and the German delegation abstained. This Regulation repeals Council Regulation 295/91/EEC which established common rules for a denied boarding compensation system in scheduled air transport. It establishes minimum rights for passengers when they are denied boarding against their will, their flight is cancelled or their flight is delayed. The new Regulation raises the standards of protection set by Regulation 295/91/EEC both by strengthening the rights of passengers and ensuring that air carriers operate under harmonised conditions in a liberalised market. Since the distinction between scheduled and non-scheduled air services is weakening, such protection should apply to passengers not only on scheduled but also on non-scheduled flights, including those forming part of package tours. Furthermore, the protection accorded to passengers departing from an airport located in a Member State are extended to those leaving an airport located in a third country for one situated in a Member State, when a Community carrier operates the flight. When an operating air carrier reasonably expects to deny boarding on a flight, it shall first call for volunteers to surrender their reservations in exchange for benefits under conditions to be agreed between the passenger concerned and the operating air carrier. If an insufficient number of volunteers comes forward to allow the remaining passengers with reservations to board the flight, the operating air carrier may then deny boarding to passengers against their will. If boarding is denied to passengers against their will, the operating air carrier shall immediately compensate them. Passengers will receive compensation from the airline or travel operators amounting to: - EUR 250 for all flights of 1500 kilometres or less, - EUR 400 for all intra-Community flights of more than 1500 kilometres, and for all other flights between 1500 and 3500 kilometres, - EUR 600 for all flights exceeding 3 500 kilometres.. This will create a strong incentive to make volunteering attractive and a powerful deterrent to denying boarding. In addition to financial compensation, passengers denied boarding will continue to benefit from the choice between reimbursement of their ticket and an alternative flight, and meals, refreshments and hotel accommodation. When airlines or tour operators cancel flights on their own responsibility, passengers will have the right to compensation at the rate fixed for denied boarding, unless they are informed two weeks before the scheduled time of departure, or they are informed on due time and re-routed at a time very close to that of their original flight. In addition, in case of cancellations, passengers are entitled to three other rights: - meals and refreshments, and - hotel accommodation, when a cancellation obliges a passenger to stay overnight, and - reimbursement, when a cancellation delays a passenger for at least five hours. When airlines reasonably expect a long delay, they will be obliged to give passengers: - meals and refreshments, and - hotel accommodation, when a delay obliges a passenger to stay overnight, and - reimbursement, when a delay delays a passenger for at least five hours. **ENTRY INTO FORCE:** 17/02/2005.