

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

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The Conciliation Committee reached agreement on the regulation on compensation and assistance to air passengers for denied boarding. The main elements of the compromise package can be summarised as follows: - the regulation will determine the amount of compensation to be paid to passengers in the case of denied boarding on the basis of a three-distance band system, which distinguishes between three categories of flights: a) flights of less than 1.500 km; b) intra-Community flights of more than 1.500 km or all other flights between 1.500 km and 3.500 km; c) all flights not falling under (a) or (b). The Council accepted Parliament's proposal to extend this system for defining passengers' rights to delays, the compensation to be paid to passengers when offered re-routing and the level of reimbursement in the event of down-grading, thus establishing a single, clearer and more transparent framework for all eventualities; - with regard to delays or a flight cancellation, the compromise provides for the introduction of a three-tier system. In the case of long delays (2 hours or more, depending on the distance of the flight) passengers shall be offered in all cases (and not just in "extraordinary circumstances") meals and refreshments corresponding to the waiting time as well as two telephone calls, telex, fax or e-mails, free of charge; when the expected time of departure is not until the next day, they shall also be offered hotel accommodation and transport to and from the place of accommodation; moreover, when the delay is at least 5 hours, passengers shall have the option to choose between reimbursement of the full price of the ticket together with, when relevant, a return flight to the initial point of departure. In the event of cancellation, the same rights apply as for passengers subject to delays; - the time limit for check-in for passengers to be able to benefit from the regulation is set at 45 minutes before departure; - tour operators or other third parties, other than a passenger, should have the right to seek reimbursement or compensation from the air carrier for expenses that they have incurred or losses they have suffered because of actions by the operating air carrier; - helicopters are excluded from the scope of the regulation; - the issue of the equal treatment of all modes of transport is addressed in a declaration by the Commission; - the Regulation will enter into force 12 months after its publication in the Official Journal, rather than 3 months as originally proposed, in order to allow all involved parties to adapt more smoothly to the various changes introduced by the new legislation.