

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

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MEPs adopted the report by Georgio LISI (EPP-ED, I) amending the Council's common position under the 2nd reading of the codecision procedure. It reinstated a number of key amendments adopted by Parliament at 1st reading: - the text should give a definition of "cancelled flight"; - the definition of "final destination" given in the regulation currently in force should be retained; - the check-in time should not have to be indicated in writing; - if no time is indicated by the air carrier, tour operator or an authorised travel agent, passengers should check in no later than 60 minutes before the published departure time, rather than 30 minutes as proposed; - the regulation should not apply to air passengers on package tours as they are covered by a separate directive; - the obligation to re-route passengers to their final destination should be limited; re-routing should take place "within the validity of the ticket". The committee further refined the 1st reading amendment by adding that re-routing should also be "subject to scheduling"; - it should be stipulated that tour operators should also be guaranteed a right of redress against the operating air carrier, whereas the proposal established a right of redress only for the operating air carrier against the tour operator; - Member States should ensure that any claim for compensation under the principle that the agency responsible should pay can be made against any third party, i.e. even state or other authorities with sovereign powers by the undertakings designated in the Regulation; - from 1 January 2004, a ranking of user-friendliness of airlines should be published on a monthly basis. The committee also adopted new amendments stipulating that: - when flights are cancelled, with or without prior notice, and whether or not there are extraordinary circumstances, the operating air carrier should offer passengers assistance in accordance with Articles 8 and 9 (re-routing and "care", such as free meals, refreshments, hotel accommodation, etc.). Moreover, passengers should be entitled to compensation in accordance with Article 7 unless they are informed of the cancellation and the re-routing assistance at least 5 days before the scheduled time of departure and unless the operating air carrier can prove that the cancellation is caused by extraordinary circumstances; - passengers should be offered assistance in accordance with Articles 8 and 9 when an air carrier reasonably expects a flight to be delayed beyond its scheduled time of departure: (a) for two hours in the case of flights of 1500 km or less, or (b) for three hours in the case of all intra-Community flights of more than 1500 km and of all other flights between 1 500 and 3 500 km, or (c) for four hours or more in the case of all flights not falling under (a) or (b). Finally, an amendment was adopted with a view to harmonising the distance criteria as above with regard to compensation in the event of re-routing.