Air transport: protection of passenger rights, denied boarding compensation system

1998/0022(COD) - 30/01/1998 - Legislative proposal

OBJECTIVE: amending Regulation (EEC) No 295/91 establishing common rules for a denied-boarding compensation system in scheduled air transport. SUBSTANCE: Regulation 295/91/EEC established a system to provide adequate compensation for passengers denied boarding on overbooked flights. In practice, however, the Commission has noted a number of cases in which passengers were not compensated or were inadequately compensated. On the other hand despite their obligations under the regulation, some airlines failed to inform or only partially inform passengers about their entitlements to compensation. In this context, a revision of Regulation (EEC) 295/91 is necessary to make sure that air users are effectively given fair conditions of carriage and the Commission proposal accordingly provides for: - ending the distinction between scheduled and non-scheduled flights in this regulation; - improving information for passengers, in particular by displaying a notice at check-in counters; - adapting to the development of new forms of ticketing; - ensuring that the entire available capacity of the aeroplane is used before boarding is denied; - making it clear that the passenger will have the right to have the cost of his ticket reimbursed, including the cost of the part of his journey which has become useless for the purpose of his travel plan; - raising the compensation thresholds on the basis of inflation rises since 1991; - making it clear that non-compliance by the passenger with additional conditions imposed by the carrier such as reconfirmation of the booking by a set time before the flight is no reason for the air carrier to withdraw the passenger's right to compensation in the event of denied boarding; - making it clear that the air carrier denying boarding must pay the compensation to the passenger irrespective of whether or not it sold the passenger the ticket and it confirmed the reservation. The Commission also intends to begin an information campaign with the object of familiarizing the public at large with its right to denied boarding compensation.