Basic information

1998/0022(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure lapsed or withdrawn
Air transport: protection of passenger rights, denied boarding compensation system **Subject** 3.20.01 Air transport and air freight 4.60.06 Consumers' economic and legal interests	

Key players

European Parliament

Former committee responsible	Former rapporteur	Appointed
TRAN Transport and Tourism	GONZÁLEZ TRIVIÑO Antonio (ARE)	25/02/1998

Former committee for opinion	Former rapporteur for opinion	Appointed
JURI Legal Affairs, Citizens' Rights	The committee decided not to give an opinion.	
ENVI Environment, Public Health and Consumer Protection		

Council of the European Union

Council configuration	Meetings	Date
Transport, Telecommunications and Energy	2119	1998-10-01
Transport, Telecommunications and Energy	2142	1998-11-30
Transport, Telecommunications and Energy	2364	2001-06-27
Transport, Telecommunications and Energy	2108	1998-06-17

Key events

Date	Event	Reference	Summary
30/01/1998	Legislative proposal published	COM(1998)0041	Summary
20/02/1998	Committee referral announced in Parliament, 1st reading		
17/06/1998	Resolution/conclusions adopted by Council		
23/06/1998	Vote in committee, 1st reading		Summary
23/06/1998	Committee report tabled for plenary, 1st reading	A4-0240/1998	

16/07/1998	Debate in Parliament		Summary
01/10/1998	Debate in Council		
19/10/1998	Modified legislative proposal published	COM(1998)0580	Summary
30/11/1998	Debate in Council		
28/07/1999	Vote in committee, 1st reading		
28/07/1999	Committee report tabled for plenary confirming Parliament's position	A5-0005/1999	
16/09/1999	Decision by Parliament, 1st reading	T5-0015/1999	
27/06/2001	Resolution/conclusions adopted by Council		Summary
11/12/2001	End of procedure in Parliament		
11/12/2001	Additional information		Summary

Technical information

Procedure reference	1998/0022(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Legal basis	EC Treaty (after Amsterdam) EC 080-p2
Stage reached in procedure	Procedure lapsed or withdrawn

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A4-0240/1998 OJ C 226 20.07.1998, p. 0003	23/06/1998	
Text adopted by Parliament, 1st reading/single reading		T4-0455/1998 OJ C 292 21.09.1998, p. 0205-0214	17/07/1998	Summary
Committee final report tabled for plenary, 1st reading /single reading		A5-0005/1999 OJ C 054 25.02.2000, p. 0010	28/07/1999	
Text adopted by Parliament confirming position adopted at 1st reading		T5-0015/1999 OJ C 054 25.02.2000, p. 0056-0079	16/09/1999	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(1998)0041 OJ C 120 18.04.1998, p. 0018	30/01/1998	Summary
Modified legislative proposal	COM(1998)0580	19/10/1998	Summary

	OJ C 351 18.11.1998, p. 0007		
Reconsultation	SEC(1999)0581	28/04/1999	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0964/1998 OJ C 284 14.09.1998, p. 0014	01/07/1998	

Additional information		
Source	**Document**	**Date**
European Commission	EUR-Lex	

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

1998/0022(COD) - 27/06/2001

The Council adopted certain conclusions on the rights of air passengers. It confirmed its desire that these rights - in areas where legislation is not required - primarily be improved by voluntary means. It noted tthat the voluntary arrangement does not address the question of monitoring of the compliance with the arrangements. Services to air passengers would be improved in so far as airlines would help passengers to obtain a better deal when booking flights, better information, assistance and information in the case of delays, cancellations and mishandled baggage and a better response to complaints and prompt refunds. Persons with reduced mobility ought to have a right to travel by air at the same cost and level of convenience as other passengers irrespective of whether they require a higher level of service. The Council beleives that passengers ought to be able to claim the fulfilment of contracts and of the service promised in the voluntary commitments through systems for out of court dispute settlements.

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

1998/0022(COD) - 17/07/1998 - Text adopted by Parliament, 1st reading/single reading

In adopting the report by Mr Antonio GONZALEZ TRIVINO (ARE, E) Parliament proposed measures which condemned overbooking, a practice of which the majority of airlines were guilty. It called for measures concerning a better system of compensation for passengers (and the amounts to be paid), cancelled flights, the allocation of seats in a higher or lower class and more comprehensive information which should contain in plain and intelligible language the rules concerning the compensation offered in the event of boarding being denied. In future and under certain conditions the company should pay as soon as it denies boarding, the following minimum sums in compensation: ECU 185 for flights of up to 3 500 km and ECU 370 for flights of more than 3 500 km. This compensation is to be paid in cash, by bank transfer or, with the signed agreement of the passenger, in travel vouchers or other services. These amounts can be adjusted every three years where that is made necessary by economic trends. For some of the most affected companies, because they are based in third countries, Parliament proposed not only that rules on denied boarding should form part of the conditions of transport stipulated by the carrier but that the Member States should also make reference to these rules when issuing permits to third-country air carriers operating on Union territory. The air carrier should not be obliged to pay denied boarding compensation in cases where the passenger is travelling free of charge or at reduced fares not available directly or indirectly to the public. Lastly, in the event of conflict between the provisions of this Regulation and any lawful requirement of a third country on air carriers operating on its territory, air carriers should give passengers the benefit of the most favourable provisions.

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.

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

1998/0022(COD) - 16/09/1999

The European Parliament confirmed its first reading in the context of the codecision procedure of the text that it adopted on 17.07.1998 concerning this proposal for a regulation.

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

1998/0022(COD) - 19/10/1998 - Modified legislative proposal

The Commission's amended proposal incorporates, in part or in full, the 18 amendments adopted by the European Parliament at first reading. These amendments seek mainly to: - ensure that passengers receive equal protection where flights are cancelled for commercial reasons or due to overbooking; - include persons accompanying or assisting disabled persons; - ensure that Member States refer to denied boarding compensation rules in permits issued to third country air carriers using Community airports, given that these rules also concern them; - stipulate that tickets issued under a loyalty programme are covered by the compensation scheme in the event of boarding being denied; - replace the deadline proposed by the Commission (which has already expired) by a neutral procedure relating to the final date of adoption of the proposal; - confirm that airlines are listed in the reports and ensure that the information collected by the Member States on cases of denied boarding due to overbooking are also made available to consumer associations; - improve the information supplied to the consumer; - stipulate that load limitations may be imposed for safety reasons; - extend the field of application to Community carriers leaving third countries; - stipulate that it is up to the airline company to identify the passengers still in the queue when the check-in closes; - invite the airline companies to disseminate denied boarding compensation rules to travel agencies; - simplify the procedures for adjusting the amount of compensation by replacing a new committee with an existing committee; - propose means of additional payment.