



**CHARTING A NEW FRONTIER:
AVIATION CONSUMER
PROTECTION NEEDS
TODAY AND BEYOND**

INTERNATIONAL WEBINAR

**Nuts and Bolts of Air Travel Consumer
Protection in Europe and
Challenges ahead**

Olivier WALDNER

Deputy Head of Unit - European Commission

Social aspects, Passenger rights and Equal opportunities

Overall context of Passenger Rights in the European Union

Freedom of movement of persons as one of the major freedoms of the EU Single Market, supported by high quality transport networks and services

Significant increase of mobility within the EU over the last 30 years

Creation of a level playing field for transport operators within and across collective transport modes to avoid distortions in the market and to offer better consumer protection

EU legislation for consumer protection replacing voluntary-based systems from the industry and/or a patchwork of national regulatory regimes

Travel consumer rights for all modes of transport have been developed at EU level in the last 20 years based, known as 'Passenger Rights'. Air Passenger rights are of major relevance.



Nuts and bolts of Passenger Rights in the European Union

A comprehensive set of passenger rights is now available for stand-alone tickets (a complementary protection exists for Travel Packages)

Three cornerstones: non-discrimination; accurate, timely and accessible information; immediate and proportionate assistance

Accessibility for disabled persons and persons with reduced mobility

Addressing the three steps of the journey: prior, during and after the journey

Focus on the most frequent disruptions: overbooking, long delays, service cancellation, lost luggage.

Right to financial compensations

Right to complain

National enforcement authorities to monitor the proper implementation of passenger rights and to enforce them effectively

Raising awareness of passengers



Air passenger rights: EU Legal framework

- **Regulation (EC) No 261/2004 on air passenger rights**
Applies to: cancellation, delay, denied boarding, downgrading
- **Regulation (EC) No 1107/2006 on passengers with reduced mobility (PRMs) and disabled passengers**
Specific measures to support the travel of PRMs
- **Regulation (EC) No 2027/97 on air carrier's liability (as amended by Regulation (EC) No 889/2002)**

Transposes the Montreal Convention into EU law



The poster features a woman in a white tutu sitting on a chair in a grand, wood-paneled room. In the background, a sign for the European Commission is visible. The text on the poster includes:

- Flight cancelled?**
- Your passenger rights at hand** (with a yellow icon of a person and a plane)
- Flight cancelled or delayed? Lost luggage? Denied boarding?**
- Airlines have a legal obligation to inform you about your rights and where to complain.**
- Ever experienced one of these problems? EU legislation protects your rights whenever you travel across Europe.**
- Find out more. Visit the website of your national aviation authority, or contact the passenger rights office of the airline direct on 00300 1 7 20 03 11***
- *Under certain conditions you may be eligible for compensation.**

CHARTING A NEW FRONTIER:
**AVIATION CONSUMER
PROTECTION NEEDS
TODAY AND BEYOND**

Regulation 261/2004 - Overview

Incidences covered: denied boarding, cancellation, delay at departure, *long delay at arrival*, downgrading

Some key passengers' rights:

- to information: to be provided by the airline – Art. 14
- to care for stranded passengers – Art. 9
- to financial compensation (denied boarding, short-notice cancellation, and long delay) – Art. 7
under certain circumstances – up to 250, 400, 600 €
- to refund of the ticket (if delay at departure in excess of 5 hours) plus a return flight to the first point of departure (if passenger stranded at connecting airport), at the earliest opportunity – Art. 8
- to choose between refund of the ticket or re-routing in situations of denied boarding or cancellation – Art. 8



EU air passenger rights apply:

- to flights within the EU and operated either by an EU or a non-EU airline
- to flights arriving in the EU from outside the EU and operated by an EU airline
- to flights departing from the EU to a non-EU country operated by an EU or a non-EU airline
- If passengers have not already received benefits (compensation, re-routing, assistance from the airline) for flight related problems for this journey under the relevant law of a non-EU country.



Application and Enforcement

Air carriers

- to comply with the obligations of Regulation 261/2004 + to respond to complaints from passengers

Member States –national enforcement bodies (NEB) – Art. 16

- to monitor the application of the Regulation by the industry
- to provide assistance to individual passengers whose complaints have been rejected by air carriers
- to adopt and apply sanctioning schemes (effective, proportionate, dissuasive) for non-compliance

European Commission

- to monitor the application and enforcement by Member States
- to assist NEBs in the development of a coordinated approach to and harmonised application of the Regulation across the Union and provide common interpretative guidance
- to propose amendments to existing legislation (e.g. amendments in 2013)



The COVID-19 pandemic

During the pandemic: liquidity crisis of airlines

Massive flight cancellations, repatriation of passengers stranded at airports, most carriers in a critical financial situation, risks of insolvencies

No exemption/derogation to the application of air passenger rights during the crisis
Commission Interpretative Guidelines 2020/C 891/01

Vouchers often imposed to passengers in 2020/2021. Monitoring of air carriers' policy was organised.
Commission Recommendation 2020/648 + Action under the Consumer Protection Cooperation

Since air traffic recovery

Recovery of air traffic faster than expected in 2022

Capacity problems at a number of airports (long delays of departing flights) due to shortage of staff (e.g. security, ground handling) during Summer 2022

Passenger rights framework to apply in full: risk of financial compensations in case of cancellations and long delays.



Conclusions

Passenger rights are a flagship initiative of the EU offering a **rather high level of protection** to passengers

Nevertheless there are **areas for improvements** (e.g enforcement, potential new rights)

The **right balance** between consumer and industry interests is to be considered

The variety of consumer protection solutions around the globe justifies **exchange of good practices and bi-lateral agreements with partners** (e.g. EU-ASEAN)



Thank you!

https://europa.eu/youreurope/citizens/travel/passenger-rights/index_en.htm



CHARTING A NEW FRONTIER:
**AVIATION CONSUMER
PROTECTION NEEDS
TODAY AND BEYOND**