

## **BRIEFING** (noun)

1a. communication of important information

**The long-awaited new EU Regulations on Air Passenger Disruption take effect on 17 February 2005, replacing existing legislation from 1991. Matt Bates examines the implications for the airlines – full service and no frills carriers alike.**

The original legislation was limited, to say the least – largely ineffective in deterring airlines from denying boarding, cancelling flights for commercial reasons, or putting passengers through long delays, with little information and no compensation. Nor did it apply to non-scheduled flights. The new regulations are intended to give passengers comprehensive and effective protection, introducing some important new rights.

**ALL FLIGHTS COVERED** Both scheduled and non-scheduled flights are covered, including air transport sold as part of a package; and the new regulations will apply not only to passengers departing from an airport located in an EU country, but also - if the airline operating the flight is an EU carrier - to passengers flying from a third country to an EU country.

**DENIED BOARDING REDUCED** The new regulations are designed to reduce the frequency of enforced denied boarding (ie against the passenger's wishes) by a combination of two measures :

When expecting to deny passengers boarding, and before doing so, airlines will be obliged to call for volunteers to surrender their seats in exchange for compensation (as happens in the USA) Only if insufficient volunteers step up, will they be allowed to deny passengers boarding against their will

If airlines or tour operators do deny passengers boarding against their wishes, they must pay compensation at a 'dissuasive level' :

- € 250 for flights of less than 1500 km
- € 400 for intra-Community flights of more than 1500 km and for other flights 1500 and 3500 km
- € 600 for all other flights.

In addition to financial compensation, passengers denied boarding will continue to enjoy some other rights - the choice of reimbursement of the fare or an alternative flight, and meals, refreshments and hotel accommodation.

**CANCELLATION INCONVENIENCE MINIMISED** When airlines or tour operators elect to cancel a flight (ie for commercial reasons) passengers will have the right to compensation at the rate fixed for denied boarding, unless they are informed two weeks before the scheduled time of departure, or they are informed 'in due time' and re-routed at a time very close to that of their original flight. In addition, when a flight is cancelled, passengers will be entitled to meals and refreshments; hotel accommodation (when a

cancellation obliges a passenger to stay overnight), and re-imburement (when a cancellation delays a passenger for at least five hours).

**LONG DELAYS MADE MORE COMFORTABLE** When airlines reasonably expect a long delay, they will be obliged to offer passengers meals and refreshments; hotel accommodation (when a delay obliges a passenger to stay overnight), and re-imburement (when a delay holds a passenger back for at least five hours).

**The response of Europe's airlines will be interesting, to say the least – in particular, of those which have traditionally taken a less than 'passenger friendly' approach to the customer!**