

INTERNATIONAL CONFERENCE

Skyward Bound: Innovating the FUTURE OF AVIATION

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Air passenger rights

Skyward Bound: Innovating the Future of Aviation

University di Bergamo – 20 September 2024

European Commission, DG MOVE

Unit B5 – Social aspects, passenger rights and equal opportunities

Updates of the Interpretative Guidelines for air and air PRM passengers

Interpretative guidelines for air passenger rights

- Current Interpretative Guidelines were adopted in 2016
- Meanwhile number of CJEU judgments on Reg 261/2004 almost doubled
- Update is a purely technical exercise: around 80 additional judgments have been added to the existing text.
- Clarifications concern the scope of Reg 261/2004, and the various travel disruptions – notably delays and cancellations, including extraordinary circumstances.
- [Revised Interpretative Guidelines on Regulation 261/2004](#) (approved by the Commission on 22 July 2024; once adopted in all EU languages this text will replace the Interpretative Guidelines of 15 June 2016).

Interpretative guidelines for air PRM

- Current interpretative guidelines date back to 2012.
- National enforcement bodies, representatives of persons with disabilities and the industry asked the Commission to update it.
- Main novelties: legal interpretation given at the request of NEBs and the industry between 2012 and 2023 included, more topics covered, good practices already applied by some operators or NEBs added. In addition to Regulation 1107/2006, some relevant provisions of other EU legislation (notably European Accessibility Act) also added.
- [Revised Interpretative Guidelines on the application of Regulation \(EC\) No 1107/2006](#) (approved by the Commission on 22 July 2024; once adopted in all EU languages).

Actions under current law

Dialogues with national enforcement bodies

- National enforcement bodies and the Commission have regular dialogues on the application of passenger rights in a dedicated expert group
- <https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups/consult?lang=en&fromMainGroup=true&groupID=100833>

Common actions under the Regulation for consumer protection cooperation (CPC)

- National consumer authorities and the Commission coordinate their investigation and enforcement actions to tackle widespread breaches to EU consumer laws. For air travel, this happened twice so far:
- Cancellations in the context of COVID-19
- Transfer ticket refunds received by intermediaries from airlines within seven days
- https://commission.europa.eu/live-work-travel-eu/consumer-rights-and-complaints/enforcement-consumer-protection/coordinated-actions/air-travel_en#airline-intermediaries

Air passenger rights- proposal COM(2013)130

Reminder:

Air passenger rights – amending proposal of 2013

The new proposal COM(2023)753 is independent from the proposal ([COM \(2013\) 130 final](#)).

The 2013 proposal remains important, see for example:

1. Improved enforcement/sanctioning

- Extended powers for NEBs (proactive monitoring, compliance baggage provisions)
- Clear deadlines for airlines to reply to the passenger

2. Clarification of rights

- “Extraordinary circumstances”: definition/indicative list
- Right to compensation for long delays (to avoid cancellations - thresholds extended to 5-9-12 hours compared to current thresholds of 3-6-9 hours), right to care not depending on distance (single 2-hour of delay threshold for all flights), right to up-to-date information re cancellations/delays

3. Enhanced requirements re mishandled baggage (to be inserted in Regulation (EC) No 2027/97)

- Persons with reduced mobility (compensation for mobility equipment up to the value declared by the passenger)
- Transparency re baggage allowances/small musical instruments on board/EU airlines to provide at airports complaint forms for damaged/delayed baggage

Reform of the passenger
rights framework, here:
air and air PRM passengers

Policy context

- Sustainable and Smart Mobility Strategy (COM(2020)789)
 - Shift towards sustainable, smart and resilient mobility must be just and fair (see also EU Disability Strategy 2021-2030 COM(2021)101)
 - Review of the passenger rights regulatory framework, including to ensure its resilience to extensive travel disruptions, and including options for multimodal tickets (Action 63)
- Special reports of the European Court of Auditorson passenger rights 30/2018 and 15/2021 New Regulation for rail passenger rights (EU)2021/782 + proposal for air passenger rights COM(2013)130
- Evaluation of the passenger rights Regulations in 2020-2021 for airPRM, bus and ship: better enforcement, reimbursements via intermediaries, multimodal

Two proposals for a Regulation

1. Enforcement of passenger rights in the Union (COM(2023) 753)
 - Amending Regulation (Omnibus)
 - Covers two policy areas
 - All modes: Enforcement of passenger rights
 - Air: reimbursement of air tickets via intermediaries and transfer of information
2. Passenger rights in the context of multimodal journeys (COM(2023) 752)
 - Autonomous Regulation
 - Also integrates similar rules proposed in the Omnibus Regulation for enforcement of passenger rights + reimbursement of tickets via intermediaries and transfer of information

Enforcement of passenger rights in the Union

Amending Regulation (Omnibus) COM(2023)753

Enforcement of passenger rights

Reimbursement of air tickets via intermediaries and transfer of information

Amending Regulation (Omnibus)

- Targeted amendments of existing Regulations on passenger rights
 1. Regulation (EC) No 261/2004 (air)
 - complements Commission's amending proposal of 2013 ([COM \(2013\) 130 final](#)) – see below
 2. Regulation (EC) No 1107/2006 (air PRM)
 3. Regulation (EU) No 1177/2010 (sea and inland waterways)
 4. Regulation (EU) No 181/2011 (bus and coach)
 5. Regulation (EU) 2021/782 (rail)
- These targeted amendments are also integrated in parallel in the proposal for a new (6th) Regulation on passenger rights in the context of multimodal journeys

Reimbursement of air tickets booked via intermediaries

- In the case of reimbursement through intermediaries which have paid the air carrier for tickets from their own accounts:
 - Air carrier to reimburse intermediary in **7 days** in one transaction
 - Intermediary to reimburse the passenger at the latest within **a further 7 days**
 - If passenger **did not receive the money within 14 days**: the operating air carrier shall contact the passenger at the latest on the day following the expiry of the 14-day period in order to receive the payment details for the reimbursement. Air carrier reimburses passenger within 7 days.
- Intermediary must provide the **contact and booking details** of the passenger to the air carrier, so that the air carrier can fulfil its obligations (information, reimbursement, compensation to passenger, re-routing, safety and security...)
- *Similar rules are integrated in the proposal on passenger rights in the context of multimodal journeys – see below*

Enforcement of passenger rights (I)

Better enforcement leads to a better level playing field for all

Seven comprehensive measures are proposed:

1. Carriers, terminal managers and intermediaries to **provide national enforcement bodies (NEBs) with relevant information/documents at NEBs' request** (deadline: 1 month)
 - All modes except rail (already in Regulation (EU) 2021/782) + *multimodal*
2. Carriers and terminal managing bodies to adopt and implement **service quality standards** (passenger rights related key performance indicators: delays, cancellations, complaint handling, customer satisfaction survey, etc) and report about their implementation; carriers will publish the result every 2 years, terminal operators provide the data to NEBs if NEBs request it
 - All modes except rail (already in Regulation (EU) 2021/782) + *multimodal*

Enforcement of passenger rights (II)

3. Commission adopts **common forms for reimbursement and compensation requests** – passengers are not obliged to use them, but if they use these forms, the operators must accept them
 - All modes except rail (already in Regulation (EU) 2021/782) + *multimodal*
4. **NEBs** will have to inform passengers **about the right of passenger to approach the alternative dispute resolution** bodies to seek individual redress
 - All modes except rail (already in Regulation (EU) 2021/782) + *multimodal*
5. **The Commission may request NEBs to investigate suspected breaches of passenger rights** (NEBs have to report its findings within 4 months)
 - All modes except air (already proposed in COM(2013) 0130 final) + *multimodal*

Enforcement of passenger rights (III)

6. **NEB monitoring activity based on risk assessment:** NEB conducts a risk assessment and develops a compliance monitoring programme + performs monitoring activities to detect non-compliance + ensures swift rectification by carriers or terminal managers + informs the Commission about the risk assessment, monitoring programme and the findings (could be integrated in their bi-annual reports which are already required for bus, ship, rail, and proposed for air in 2013 as well as for multimodal passenger rights in 2023)
 - All modes + *multimodal*
7. **Operators to improve informing passengers about their rights**, notably when they book a journey or a transport disruption occurs – digital by default
 - All modes + *multimodal*

Passengers with disabilities or reduced mobility

In case an airline requires a person with disabilities to travel accompanied by someone who can assist him or her to comply with the safety requirements, this accompanying person shall travel free of charge and if feasible next to the person with disabilities assisted

- Alignment with the rules for the other modes

Passenger rights in the context of multimodal journeys

A new autonomous Regulation

Scope

- Focus on protection of passengers when switching from one transport mode to another

Proposal complements the protection under mode-specific Regulations on passenger rights, which would continue to apply in parallel for every mode in the journey

- Three types of multimodal journeys (Art. 2)
 1. Single multimodal contracts (one contract of carriage)
 2. Combined multimodal ticket (two or more separate contracts of carriage; single payment by passenger)
 3. Separate multimodal tickets (two or more contracts of carriage; separate payments by passenger)
- Applies only if all transport services in the multimodal journey are covered by the existing Union legislation on passenger rights

Cf. MS exemptions of certain rail passenger services under Regulation (EU) 2021/782, 250 km threshold for regular bus services under Regulation (EU) No 181/2011, flights from third-country carriers from a third country airport to an EU airport under Regulation (EC) No 261/2004, ...

Further information on the new legislative proposals

Press package

- [Press release](#) and [Factsheet](#)
- DG MOVE [website](#) (with extended press release and extended Q&A)
- [Q&A on the revision of Delegated Regulation on EU-wide multimodal travel information service \(MMTIS\) and a common European mobility data space](#)
- [Q&A on revision of Package Travel Directive](#)

Publication in the official Journal of the EU in all languages:

- <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52023PC0752&qid=1705413540902>
- <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52023PC0753&qid=1705413731778>

Follow the legislative procedures:

- [Procedure File: 2023/0437\(COD\)](#) and [Procedure File: 2023/0436\(COD\)](#)
- **Have your say** [Travel - better protection for passengers and their rights \(europa.eu\)](#)

Thank you



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