



## **SEGUNDO EJERCICIO TURNO LIBRE Y PRIMER EJERCICIO PROMOCION INTERNA**

### **TRADUCCION DIRECTA INGLES (6 DE MARZO DE 2021)**

#### **Commission proposes new measures to strengthen air passenger rights**

The European Commission today announced a package of measures to ensure that air passengers have new and better rights to information, care and re-routing when they are stranded at the airport. At the same time there will be better complaint procedures and enforcement measures so passengers can actually obtain the rights to which they are entitled. The air passenger rights proposal clarifies legal grey areas and introduces new rights where necessary.

Vice President Siim Kallas said "It is very important that passenger rights do not just exist on paper. We all need to be able to rely on them when it matters most – when things go wrong. . We know that the real priority for stranded passengers is just to get home. So our focus is on information, care and effective rerouting. The aim is to get passengers where they want to be as quickly as possible while giving the airlines the time they need to sort problems out."

The proposal updates passenger rights in four key areas:

1. Clarifying Grey Areas: rights to information on delayed or cancelled flights; extraordinary circumstances; rights in relation to long delays and tarmac delays; contingency planning; rights to re-routing and rights on connecting flights.
2. New Rights: in the case of rescheduling; misspelt names; new rights with regard to mishandled baggage and transparency requirements for cabin and checked luggage.
3. Enforcement, Complaint-Procedures and Sanctioning: strengthening oversight of air carriers by national and European authorities (monitoring and joint investigations); as well as for complaint handling and enforcing individual rights (including a requirement on airlines to reply to complaints within two months); insolvency.



4. Disproportionate Financial Burden: limits to assistance; limits for regional operations; sharing the economic burden

### **What is the current situation?**

The new rules have resulted in a significant change in behaviour in the airline industry, in particular reducing the use of denied boarding and commercial cancellations by airlines (with all the disruption that this causes for passengers) as ensuring overall a much fairer treatment for passengers when they travel.

The application of the EU passenger rights rules has constantly improved in the eight years since its entry into force, however, today a point has been reached where the limits of non-legislative action (such as guidelines and voluntary agreements) have been reached and where a revision of the legislation itself is necessary to ensure that passenger rights work in practice as they should.

### **What are the main problems?**

The main problem for passengers is that, while they have very strong passenger rights defined under EU law, they can have difficulty claiming them and feel frustrated when air carriers do not appear to apply them. This applies to their rights defined under Regulation 261/2004, but also to their rights with regard to lost, damaged or delayed baggage as defined in the Montreal Convention and in Regulation 2027/97.

For example, surveys carried out in Germany, Denmark, and the UK show that<sup>3</sup>:

1. 75% of the surveyed passengers facing problems for delays or cancellations were offered re-routing, allowing them to pursue their travel plans.
2. However, in the same surveys, other care such as meals, refreshment and accommodation was offered in less than 50% of cases.
3. Only a fraction of the surveyed passengers that were entitled to financial compensation received it (2 to 4% in the Danish survey)



4. Moreover the German survey showed that where passengers complained, more than 20% of them did not receive a response from the air carrier.

There are four main reasons underlying the failure to provide passengers their rights:

5. Legal grey areas: lacking definitions and unclear provisions in the text of Regulation 261/2004 leave grey zones in the passengers' rights which have led to inconsistencies and loose standards in the application of the law;
6. Complaint handling: Passengers encounter difficulties in enforcing their rights as airlines' complaint-handling procedures are ill-defined or because there is no complaint handling body to turn to.
7. Sanctioning: inconsistent or insufficiently effective sanctioning policies by national authorities do not give sufficient incentives for compliance
8. Disproportionate financial costs: the financial cost of some of the obligations imposed by the Regulation may become disproportionate for the airlines in certain circumstances (e.g. unlimited provision of accommodation in exceptional circumstances).

### **What are we proposing?**

The proposal clarifies key aspects of EU law which have been a source of difficulty for passengers and air carriers alike. It introduces new passenger rights where necessary. It provides passengers with effective complaint handling procedures and strengthens enforcement, monitoring and sanctioning policies to ensure a better application of all passenger rights. It also ensures that the obligations remain financially realistic. In addition, measures are proposed on price transparency and to enhance passengers' protection in case their airline becomes insolvent.