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## **EU updates law on air passengers' rights**

A major update of EU regulation on the rights of passengers and obligations of airlines when flights are cancelled or face long delays is to be launched today (March 13).

With it, the European Commission aims to clarify compensation rights, improve enforcement of the law and tackle airlines' duty of care to stranded passengers (e.g. food, water, necessary accommodation etc.).

For European consumers, the air travel sector is one of the most problematic and in recent years has been a top consumer complaint EU-wide. The regulatory update proposed today is much needed, as consumer problems stem partially from unclear regulation, a lack of enforcement and non-availability of redress options.

Advances in the Commission proposal include that:

- Airlines' duty of care has been extended to more delayed flight situations, including missed connections due to a late flight arrival and planes stuck on the ground. Furthermore, airlines will be obliged to respond to consumer complaints and to inform them about complaint handling bodies - which Member States must now establish.

On the other hand:

- While compensation for long delays will now be set in law, disappointingly the European Commission did not follow European Court of Justice's rulings that it should be for delays of 3 hours or more. Also, airlines' duty of care has been capped at 3 nights, where currently it rightly continues until the situation is resolved. The Commission has missed the opportunity to put an end to many existing unfair contract terms such as the non-transferability of tickets to other passengers or the 'no-show clause'<sup>1</sup>.

Monique Goyens, Director General of The European Consumer Organisation (BEUC) commented:

"Complaints about air travel amount to 80% within the transport sector<sup>2</sup>, which shows the extent of the problem in Europe. When flights are cancelled or lengthily delayed, passengers are often left in limbo and without the support they should be entitled to.

"Rights which exist on paper but left unrealised mean passengers are doubly stranded. So we hope this prompts a much-needed upsurge in airlines' respect for passenger rights. After all, enforcement of the law is perhaps the biggest issue here and these new rules should provide greater clarity and more powers for national authorities to tackle some of the worst problems."

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<sup>1</sup> When airlines deny boarding for the return flight because a passenger, for whatever reason, does not take the outgoing flight ('no-show' policy).

<sup>2</sup> European Consumer Centre [Report](#), 2011. Also in report: air travel complaints increased by 96% in 5 years