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Enforcing
your Rights



AIR PASSENGER RIGHTS: TRAVEL SMART!

YOUR RIGHTS AS AN AIR PASSENGER

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France



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Travel Smart!

This brochure provides you with information on air passenger rights - concerning delayed and cancelled flights, lost luggage - and shows possibilities how you can assert these rights and where to look for support.

June 2022



Flight disruptions

What are passenger's rights?

Your flight is delayed or cancelled? Your boarding got denied? Flight disruptions are unfortunately common problems.

EU REGULATION

The essential part of air passenger rights is regulated by the European Regulation No 261/2004 which since the 17th February 2005 specifies the service airlines have to provide and the amount of compensation they have to pay to passengers if the flight does not take place as scheduled. In case of denied boarding, cancellation or long delay of flights the passengers are entitled to compensation as well as to assistance.

Who benefits from the regulation?

- Passengers departing from an airport located within the EU;
- Passengers arriving at any airport located within the EU, if the air carrier is based in the EU.

During the check-in the airline has to ensure that the passengers are informed about their rights by a clearly legible notice. As soon as the passengers are not transported as scheduled, the airline has to provide each passenger affected with a written notice explaining their rights of compensation and assistance.



DELAYED FLIGHTS

A flight is legally considered as delayed if the take-off happens at least two hours behind schedule. However, the patience a passenger has to exercise depends also on the flight distance:

In case of any delay of at least two hours passengers are entitled to free meals as well as refreshments. In addition, they have the right to make two phone calls free of charge or to send two faxes, telex or e-mails to inform others about the delay.

Furthermore, the air carrier has to offer hotel accommodation as well as the transport between the airport and the hotel, if the stay of one or more nights is necessary.

When passengers reach their final destination three hours or more behind schedule, they may seek compensation from 250 Euro up to 600 Euro. In November 2009, the European Court of Justice made a decision (C-402/07 and C-432/07) to that effect.





In the event of delay of at least five hours the passengers may have the possibility to renounce to the flight and demand a reimbursement of the full ticket price within seven days – no matter how long the flight distance is.

SECONDARY DAMAGES

Besides damage to luggage the Montreal Convention regularises further issues of damage: Up to 5,000 euro (4.150 SDR) is paid to each passenger suffering damages due to delayed luggage or flight delay. These so called consequential damages include for instance loss of salary and fruitless expenditures as well as expired reservations for hotels, rental cars, bus trips or concert tickets. However, you have to lodge these claims at court.

CANCELLED FLIGHTS

If a flight is cancelled, passengers should be offered the choice between reimbursement of the ticket costs or re-routing to their final destination.

A) Reimbursement of the ticket

In case the passenger renounces the re-routing to the final destination, the air carrier has to reimburse the full cost of the ticket. Moreover, he/she has the right to full compensation:

DISTANCE	COMPENSATION
< 1.500 km	250 Euro (125 Euro if alternative flight cause a delay less than 2 hours)
< 1.500 km - 3.500 km	400 Euro (200 Euro if alternative flight caused a delay less than 3 hours)
> 3.500 km	600 Euro (300 Euro if alternative flight caused a delay less than 4 hours)

BOARDING DENIED?

In case that the passenger’s boarding is denied without good reason, the same rules apply as in the case of a cancelation. A valid reason would be the case of a security risk due to the passenger, if the flight would harm the health of the passenger or if important documents are missing (visa, passport etc.).

B) Alternative flight

If the passenger accepts to be re-routed, the ticket price doesn't have to be refunded. Nevertheless, he/she is entitled to compensation according to his/her travelling distance and the length of delay at the final destination according to the booking (see the board above).

The airline has to offer free meals and refreshments and if necessary also a hotel accommodation if the rerouting is operating the day after the original flight.

TWO EXCEPTIONS

1) Time limit for cancellation

Whether the passenger is entitled to compensation, depends on the date on which he/she has been informed about the cancellation. If it takes place two weeks before departure, the passenger is not entitled to compensation.

Furthermore, the compensation is not due if the departure of the alternative flight is less than 2 hours earlier or the arrival is delayed by less than 4 hours.

2) Extraordinary circumstances

Passengers have no right for compensation, if the airline is able to prove that the cancellation was caused by extraordinary circumstances. That means that the cancellation could not have been avoided even if all reasonable measures had been taken by the airline.

Specific situations constitute to an undeniable way exceptional circumstances justifying flight cancellation: the eruption of a volcano blocking air traffic, a heavy snowfall, a storm, a cyclone, an earthquake, an act of terrorism...

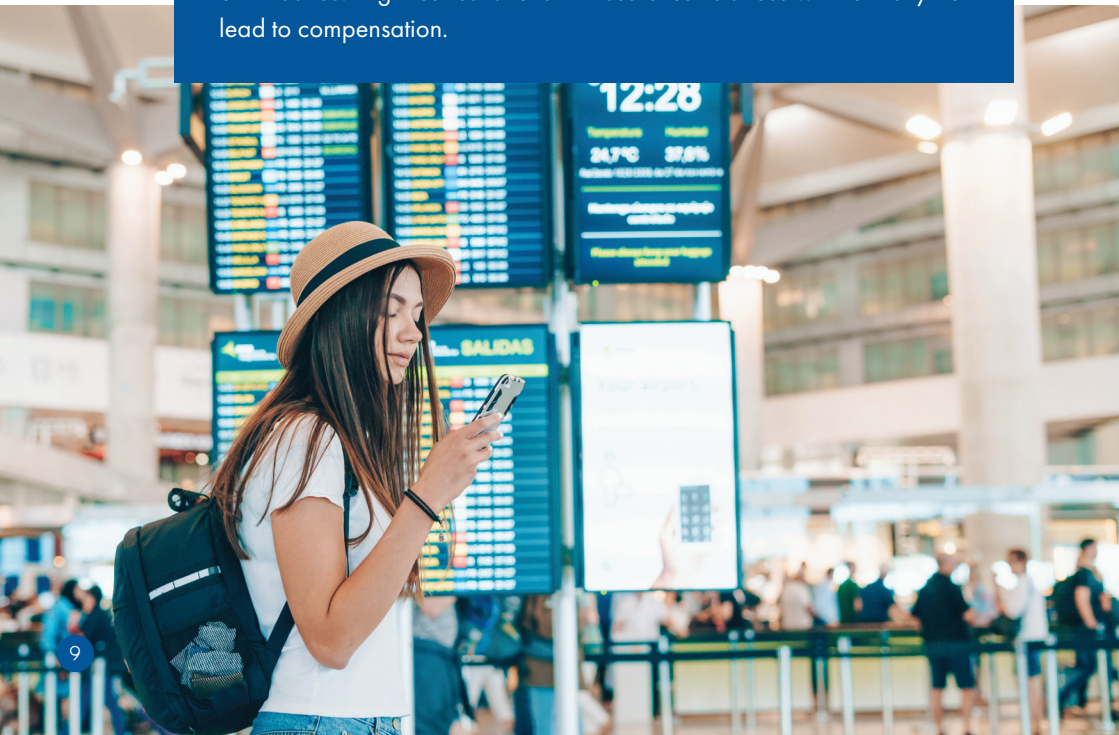
Example

Three days before departure, you are informed that your flight will start 30 minutes earlier, but reaches its final destination one hour later than originally scheduled. In this case, you have no right to compensation. But if the flight is four hours delayed, the case is different. In this situation, the air carrier has to pay compensation.

However, some of reasons for flight cancellations cited by the airline can be discussed. This is the case of the staff strike of the airline, for example.

STRIKE

In France, the strike of the airline's staff is in general not considered as an extraordinary circumstance. As the airline is usually informed of the strike by its staff, it could in principle take measures to avoid flight cancellations. On the contrary, if the airport staff is on strike such as air traffic controllers for example, this is an event out of the airline's control which it can not avoid or influence. Flight cancellations in these circumstances will normally not lead to compensation.



Your rights

Carry-on and checked baggage

Which items are allowed in your carry-on? What to do if your luggage gets damaged or lost on a flight?

REGULATIONS

Please keep in mind that there are some restrictions for luggage transport by air. Please note that there are specific regulations depending on the air carrier. For example, airlines may fix a limit on the weight, size, and a quantity of carry-on luggage allowed. There are no harmonized European regulations on the size and weight of hand luggage and the rules are often different from one airline to another. Check the carrier's general terms and conditions before leaving to check the size, weight and quantity of (hand) luggage allowed. If you change companies during the journey, check this information with all the companies on which you are going to fly.

CARRY-ON BAGGAGE

Passengers departing from airports within the EU, Norway, Iceland or Switzerland can only take small amounts of liquids on board. Whether toothpaste, a bottle of water or hand lotion – you are not supposed to have more than 100 millilitres of each. Also, they have to be transported in separate containers which should be carried in a clear plastic food storage type bag with a size of no more than 20 x 20 cm.

TIP

Please think twice which items you want to put in your checked baggage. Due to the limitation of liability (see next page) it is not likely that you will receive full compensation for money, jewellery, keys, electronic devices or other valuable articles if your luggage gets lost.



LOST OR DAMAGED BAGGAGE

Compensation

If your luggage is lost or damaged during a flight, **the Montreal Convention** will help you. It regulates the right of compensation air passengers have against the air carrier in case of lost or damaged luggage.

- It is the present value of the object which is decisive for the computation of the claim. Only if the object is brand-new, the purchase price is completely refunded.
- The passenger has to prove which objects got damaged or lost as well as their value (invoices, tickets).
- The Montreal Convention has fixed the maximum liability of airlines for lost baggage to an amount of about 1,350 euro¹ per passenger.
- If your bag has been damaged, the air carrier may sometimes offer you vouchers for a new one, instead of money.
- Many air carriers consider little damages as insignificant – the passenger has to accept that this may happen during transportation (e.g. scratch on a suitcase).

TIPS

In case of luggage irregularities, especially in case of damaged luggage, ask someone at the “lost-luggage counter” to provide you with a written confirmation of the irregularities – a so called PIR, Property Irregularity Report. If you have taken out additional luggage insurance, you should show the report to your insurer as soon as possible.

List all objects in your luggage before departure – and save the sales slip. Take a photo of the content of your suitcase. Personalise your luggage for an easier spotting and put in a card showing the phone numbers and addresses you can currently be contacted at. Be quick: You have seven days to report damaged luggage and 21 days for delayed luggage.

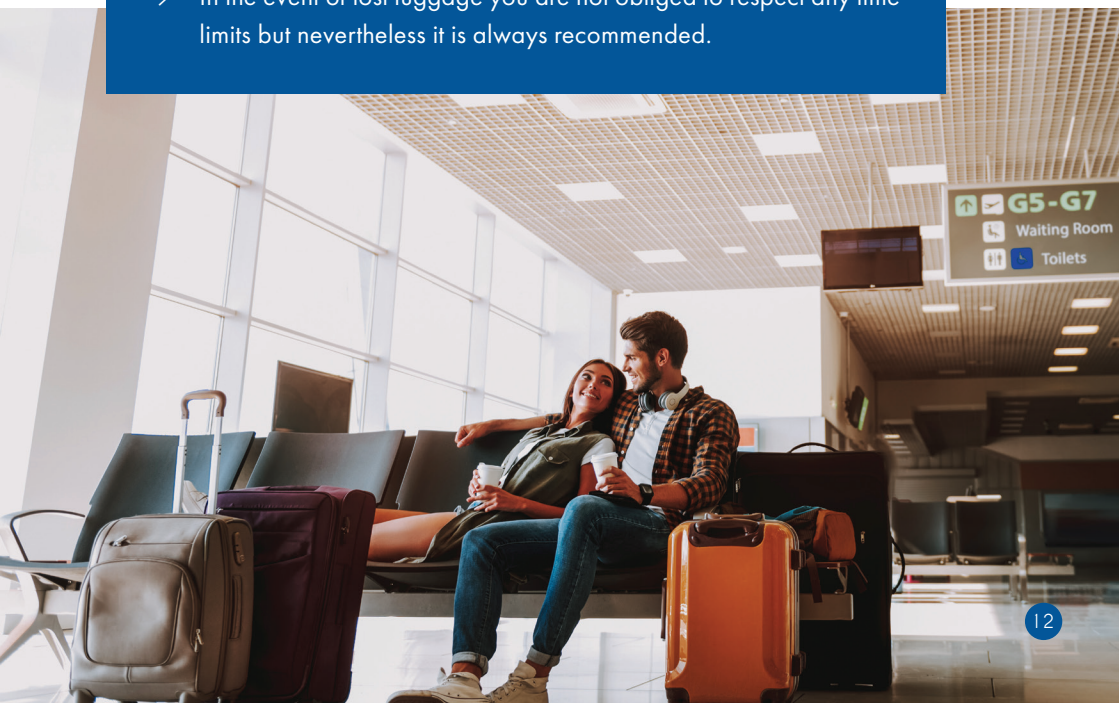
1: The maximum amount of damages adds up to 1,131 Special Drawing Rights (SDR), which is about 1.350 euro. The daily updated exchange rate is published on the website of the International Monetary Fund http://www.imf.org/external/np/fin/data/rms_five.aspx

NECESSARY GOODS

If the luggage is delayed, affected passengers may purchase the most important things. But before buying them you should ask what the air carrier considers to be “necessary goods”. **Whether the purchase of a toothbrush or pants – you should always save the bill in order to document your expenses.** However, the air carrier often pays a standard daily rate: In this case each passenger concerned receives a certain amount per day until a maximum number of days. The air carrier will consider this amount of compensation as definite no matter what the actual damage was.

TIMELY NOTICE

- In case of damaged luggage, immediately ask a competent person at the airport to confirm the damage and then complain in writing to the air carrier within seven days.
- In case of delayed luggage, the complaint must be made in written form within 21 days after arrival of the luggage.
- In the event of lost luggage you are not obliged to respect any time limits but nevertheless it is always recommended.



Reduced mobility

Support and assistance

Disabled passengers or passengers with reduced mobility should have the same opportunity to travel by plane comparable to other citizens when departing from airports within the EU².

EVERYONE HAS THE RIGHT TO TRAVEL

This includes, of course, that air carriers and travel agencies must not refuse booking or transport services to these persons. If passengers with reduced mobility are of the opinion that their rights have not been respected they should inform the airport management or the air carrier concerned. If you cannot find a satisfying solution there, you should contact the national complaint body in your country.



2: Regulation (EC) Nr. 1107/2006 of 5 July 2006

ASSISTANCE AT EUROPEAN AIRPORTS

Airports shall provide specific services to all passengers with reduced mobility:

- **From the point of arrival at the airport to an aircraft:** The passengers should be met at the information desk, be accompanied to the check-in counter, through the security, passport, and customs check to the passenger holding area.
- **During the flight:** On flights departing from an EU airport the air carrier has to provide certain services free of charge, e.g. transportation of wheelchairs or assistance dogs.
- **From the aircraft to the terminal exit or to another aircraft (for connecting flights):** Passengers shall be accompanied to the next aircraft (for connecting flights) or to the luggage claim area. Help in carrying the luggage to the designated point of departure must be provided.

TIP

According to the Regulation, air passengers wishing to receive assistance have to inform the air carrier or tour operator at least 48 hours before departure. For transportation of electric wheelchairs or other mobility aids, the carrier has to be informed 48 hours prior to departure.

How to assert your rights

Complaint

WHAT YOU CAN DO

First of all, it is advisable to contact the air carrier directly and to file your complaint there.

Which documents are necessary? Save all hotel, taxi or restaurant receipts for expenses due to delay, cancellation or denied boarding in order to get them reimbursed. In the event of lost luggage it is always useful to have the original documents and receipts of the luggage contents.

Demand a written confirmation of the delay, cancellation or denied boarding from the staff of the air carrier directly at the airport, specifying the exact circumstances, if possible. Take pictures of the information boards about cancellation or delays.

COMPLAINT BODIES

European Consumer Centre Network (ECC-Net)

The ECC-Net is in charge of all cross-border complaints against EU airlines. A cross-border complaint would be for instance a French customer against an Irish airline or a German customer against a French airline. In those cases the consumer should contact the ECC in his residence country whereupon the ECC lawyers will help them in trying to find an out-of-court solution with the airline concerned.



IF YOUR RESIDENCE COUNTRY IS IN FRANCE:

→ **French Civil Aviation Authority**

([Direction générale de l'Aviation civile \(DGAC\)](#))

Throughout Europe, complaint bodies for air passenger rights are established in nearly every country. Their role is to oversee the regulation of civil aviation, including air passenger rights in case of cancellation, delay or denied boarding (Regulation No 261/2004) – as well as the rights of disabled persons and persons with reduced mobility when travelling by air (Regulation No 1107/2006). In France, the Direction générale de l'Aviation civile is the official enforcement body. The DGAC receives reports of air passengers stating an infringement of EU Regulation 261/2004 and can impose a fine on the airline for regulatory offences. However, the DGAC is not responsible for enforcing individual consumer claims.

→ **Extrajudicial Settlement**

In France, there is a Tourism and Travel Mediator (MTV) covering problems with airlines or travel agencies in France : www.mtv.travel

MAKING A COURT CLAIM?


If an amicable solution of the dispute is not possible, you still have the option of making a court claim. If the amount of your demand is less than 5000 euro and if it concerns a cross-border litigation, you have the possibility to open a European Small Claims procedure. It is a simplified, predominantly written procedure, legally based upon Regulation EC 861/2007.

LINK

For further information on this procedure please visit the website of the European Consumer Centre France: www.europe-consommateurs.eu/en/travelling-motor-vehicles/air-travel.html

**European Consumer
Centre France**

 Bahnhofplatz 3, 77694 Kehl, Germany

 +49 (0) 78 51 / 99 14 80

0 820 200 999 Service 0,12 € / min
+ prix appel

Our opening hours

Monday and Friday: closed

*Tuesday to Thursday: between
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Éditeur : Centre Européen de la Consommation | Bahnhofplatz 3 | 77694 Kehl / Allemagne • Tel.: +49 (0) 78 51 / 991 480 • Fax: +49 (0) 78 51 / 99 14 811 • E-Mail: info@cec-zev.eu • Web: www.cec-zev.eu • Mise à jour : juin 2022

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