

Brussels, April 11, 2011

Passenger rights – Main findings and next steps

The European Commission today announced a series of measures to clarify and strengthen the enforcement of passenger rights across Europe. European Commission Vice-President Siim Kallas, responsible for Transport, announced the measures, as the Commission published two Communications providing a detailed assessment of the first six years of application of the regulations on air passenger rights (Regulation 261/2004) and rights for people with reduced mobility ("PRM" Regulation 1107/2006). Vice-President Siim Kallas also announced his intention to launch this year an impact assessment and public consultation with a view to the Commission adopting proposals for a revision of Regulation 261 on Air Passenger Rights in 2012.

The communications published today

- Communication on the application of Regulation 261/2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and cancellation of long delay of flights (with accompanying staff working paper providing relevant data).
- Communication on the operation and results of Regulation 1107/2006 concerning the rights of people with reduced mobility when they travel by air.

The main findings

The main finding from both communications is that, in their first years of application, the introduction of passenger rights legislation has been a major step forwards raising significantly overall standards for passengers and industry.

- The most immediate conclusion is the need for **tougher enforcement** of passenger rights, so passengers can more effectively access the rights they have, and industry has more clarity, uniform interpretation and a level playing field across Europe. This is a particularly important issue in relation to passengers with reduced mobility. (See detailed measures listed below proposed by the Commission to strengthen enforcement of existing rules).

The next steps

In the short term, we need stronger and more uniform enforcement.

The review shows a clear need for stronger enforcement – for consumers so they can effectively access the rights they are entitled to, and for industry so they have more clarity, uniform treatment and a level playing field across the EU.

To strengthen enforcement:

- In 2011, the Commission will adopt a **new mandate to strengthen the NEB network** – the network of national enforcement bodies – for stronger pan-European enforcement of passenger rights. The new mandate will more clearly define the network's powers and allow it to adopt common decisions to allow for a more uniform and coherent application of legislation across the EU.
- By end-2011, the Commission will agree with NEB and publish **interpretive guidelines**, clarifying the application of Regulation 1107/2006 on passengers with reduced mobility (PRM). Disabled people and people with reduced mobility continue to come across many problems when travelling by air: a lack or unequal level of quality of service in Europe; too often unjustified refusals or restrictions of reservations or boarding based on unclear safety reasons; inconsistencies in the treatment of passengers who need medical oxygen onboard; limited level of awareness of passengers regarding their rights; limited percentage (around 40%) of pre-notification of their needs before travelling; lack of harmonisation of the interpretation of the regulation by national enforcement bodies; and lack of effectiveness in the treatment of complaints. The aim is to have new implementing guidelines place in good time to facilitate travel for the Para Olympics in London in 2012. In particular these guidelines will clarify the provisions on access – when can PRM passengers be refused onboard, when must they be accompanied. As well as other issues, for example issues surrounding the handling of the mobility equipment (i.e. wheel chairs).
- Establishment of a **new forum** to allow regular consultation on all issues related to air passenger rights with consumers and industry.
- Step up work to **raise awareness** and give people **accurate information** on their rights when they need it. The passenger rights road-show led by Meglena Kuneva – Vice-President Kallas's special envoy on passenger rights – and information campaign continue in 2011. The Commission will also produce an application to provide easy mobile information for passengers on their rights.

Looking ahead towards a revision of Regulation 261

- Looking ahead, Vice-President Kallas today announced his intention to **revise Regulation 261 on air passenger rights**, with a proposal from the Commission in 2012, looking at key issues such as limitation of liability in cases of exceptional circumstances, compensation thresholds, as well as re-routing and sharing the burden of risk.
- The Vice-President announced his intention to launch a **public consultation before the end of 2011**, on key issues raised by consumers and industry and national authorities for possible inclusion in the revision of Regulation 261.
- The Vice-President announced his intention to include in the public consultation not only issues relating to the current Regulation 261 but also key issues relating to **lost luggage** (Regulation 889/2002) or to commercial practices linked to **rescheduling** (passenger rights in cases of flight rescheduling) and **no-shows** (clarifying the situation for airlines in the case of connecting flights where there are "no show" passengers).
- The Commission will launch, by the end of 2011, **an impact assessment** providing the economic analysis on key issues potentially to be included in the revision.
- In particular, the assessment, on many issues, has shown a critical **lack of data** on which to base analysis. The provision of data from industry and national authorities as well as consumer groups is a central underpinning proportionate and good regulation. This will be an important issue for the consultation and subsequent revision.

Joining up passenger rights across modes

In addition to the air passenger rights which are in place since 2005, passengers now benefit from rights on rail since January 2009. Passengers will also have new rights on maritime and inland waterways travel coming into force in 2012 (Regulation 1177/2010) as well as for bus and coaches in 2013 (Regulation 181/2011). To ensure the rights function effectively between modes, the Commission will in 2011 bring forward a communication to set out a common definition of how certain key rights should apply across all modes, e.g. re-routing.

For more information see: http://ec.europa.eu/transport/passengers/index_en.htm