

Civil Aviation Authority

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# Denied Boarding, Cancellation and Delay: Passenger Rights

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## 2 Denied Boarding, Cancellation and Delay: Passenger Rights

This document is intended to provide general information on EC Regulation 261/2004, establishing common rules on compensation and assistance to passengers in the event of denied boarding<sup>1</sup> and of cancellation or long delay of flights. It is not exhaustive and does not seek to interpret the provisions of that Regulation or provide formal CAA guidance on its operation. More detailed advice can be obtained from the Air Transport Users Council (AUC).

### When the Regulation applies

The Regulation places obligations on airlines to provide assistance, as set out below, to checked-in passengers where they experience a long delay, cancellation or are denied boarding. Passengers may also be entitled to financial compensation where they are denied boarding or where a flight has been cancelled at short notice. Liability to pay compensation is subject to exclusions and time limitations, and in some circumstances compensation can be reduced.

The Regulation covers passengers on all EU<sup>2</sup> and foreign airlines operating from any EU state to any part of the world, and to passengers travelling into the EU on EU carriers where no local Regulations are applied. The rules also apply in respect of those states in the EEA<sup>3</sup>.

### Consumer rights to assistance during long delays

This section sets out the assistance that passengers are entitled to when their flight is delayed more than 2 hours.

The Regulation does not require airlines to pay compensation for delay, although a passenger may be able to seek damages under the terms of the Montreal Convention. Details can be obtained from the AUC.

Passengers are entitled to assistance as set out in the table below, depending on the length of delay and the distance of the flight due to be undertaken.

Assistance must be provided regardless of whether the delay is outside the airline's control.

Distance of flight	Length of delay	Assistance
Up to 1500km	More than 2 hours	Meals and refreshments in relation to waiting time. Two free telephone calls, emails, telexes or faxes
1500-3500km	More than 3 hours	Meals and refreshments in relation to waiting time. Two free telephone calls, emails, telexes or faxes
Over 3500km	More than 4 hours	Meals and refreshments in relation to waiting time. Two free telephone calls, emails, telexes or faxes
All flights	More than 5 hours	As above, plus reimbursement of ticket (if passenger decides not to travel)
All flights	Overnight and more than 5 hours	As above, plus hotel accommodation and transfers

<sup>1</sup> Denied boarding refers to passengers being unable to travel because a flight is overbooked and there are more checked-in passengers than there are seats available.

<sup>2</sup> Members of the EU: Austria, Belgium, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, The Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden and the UK.

<sup>3</sup> The EEA includes the EU states plus Iceland, Liechtenstein, Norway and Switzerland.

### Consumer rights to assistance and compensation for cancellation

This section sets out the assistance that passengers are entitled to and compensation that may be payable when their flight has been cancelled.

In all cases passengers must be offered a choice between a full refund and an alternative flight. If the cancellation involves a return leg of a journey, the refund should be for the unused portion and the alternative flight will be a flight home.

In all cases passengers must be provided with meals and refreshments, telephone calls and where appropriate, hotel accommodation and transport to and from the hotel.

In addition, passengers have the right to compensation in accordance with the table below unless -

- ♦ They are informed of the cancellation at least 14 days before their intended departure; or
- ♦ They are informed of the cancellation between 7 and 14 days and are offered alternative flights which will get them to their final destination not more than 4 hours after their intended arrival; or
- ♦ They are informed of the cancellation less than 7 days in advance and are offered alternative flights which will get them to their final destination not more than 2 hours after their intended arrival.

Where payable, the compensation shall be as set out in the table below<sup>4</sup>.

Distance to be travelled	Compensation
1500 km or less	€250
Intra EC for more than 1500km	€400
Non Intra EC for 1500-3500km	€400
All other flights	€600

### Consumer rights to assistance and compensation for denied boarding

This section sets out the assistance that passengers are entitled to and compensation that may be payable when they have been denied boarding.

Where a flight is overbooked and there are more checked-in passengers than there are seats available on a flight, the airline must first seek volunteers who agree to be placed on a later flight.

In addition to any benefits agreed between the passengers and the airline, volunteers must be offered a choice between a full refund and an alternative flight. If the overbooked flight is a return leg of a journey, the refund should be for the unused portion and the alternative flight will be a flight home.

Where there are insufficient volunteers and passengers are denied boarding, the airline must provide compensation in accordance with the table above, a choice between a full refund and an alternative flight and the same assistance as in the case of a delay.

### When might compensation not be provided?

Airlines are not obliged to pay compensation if they can prove that a cancellation is due to "extraordinary circumstances" which could not have been avoided even if all reasonable measures had been taken. Further information can be obtained from the AUC.

<sup>4</sup>An airline can reduce the level of compensation by up to 50% in certain circumstances.

### What rights do air travellers booked with tour operators have?

Under the Package Travel Directive, tour operators that organise inclusive tour packages are responsible for all aspects of the holiday, including the flight arrangements.

In the first instance, complaints should be addressed to the tour operator concerned.

### How should air travellers resolve complaints?

Airlines are required by the Regulation to provide each passenger with a notice setting out their rights and where to complain. Airlines may also provide such information on their websites or make it available at airline representative offices at airports.

Passengers who believe they qualify should first take up their complaint with the airline concerned. If the complaint is not satisfactorily dealt with, they should approach the AUC to help resolve the matter. The AUC's contact details are set out below.

In some instances, passengers who have felt their complaints have not been satisfactorily resolved have taken action in the small claims court.

### Who is the AUC and how can I get in touch?

The AUC is the UK's consumer council for air travellers appointed by the Department for Transport to offer advice and assistance, as well as monitor complaints. Details of the AUC can be found on their website: [www.auc.org.uk](http://www.auc.org.uk).

Alternatively, they can be contacted at:

The Air Transport Users Council  
45-59 Kingsway  
London, WC2B 6TE  
Phone: 020 7240 6061 (open Mon to Thurs 9.00am to 2.30pm)  
Fax: 020 7240 7071

### What is the role of the CAA in handling complaints?

The Civil Aviation Authority (CAA) is the UK's aviation regulator designated by the Department for Transport as the UK's enforcement body for this Regulation.

Its role is to take appropriate action against airlines where there is systematic and consistent breaches of the Regulation. Indications of this would be provided by the AUC through their monitoring arrangements. Details of the CAA can be found on their website: [www.caa.co.uk/dbc](http://www.caa.co.uk/dbc)

Alternatively, they can be contacted at:

The Civil Aviation Authority  
Consumer Protection Group  
CAA House  
45-59 Kingsway  
London, WC2B 6TE  
Phone: 020 7453 6424  
Fax: 020 7453 6422  
E-Mail: [advice@caa.co.uk](mailto:advice@caa.co.uk)