

# Travel related issues

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## AIR PASSENGERS' RIGHTS

Regulation (EC) No [261/2004](#) of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights

### Objective

To ensure a high level of protection for air passengers. This Regulation establishes common rules on compensation and assistance to air passengers in the event of denied boarding and of cancellation or long delay of flights.

### Relevance for the hospitality industry

This text is of relevance to the hospitality industry as it concerns directly their guests which have suffered from difficulties with their flights.

### State of progress

Adopted. The Regulation entered into force on 17 February 2005. The Commission is considering reviewing air passengers' rights, including luggage issues.

### Content

The Regulation applies, with some conditions, to all types of flights departing from a Community airport, and also to flights departing from a third-country airport with arrival at a Community airport, if the flight is operated by a Community carrier.

The Regulation is setting the rules for passenger compensation in the events of denied boarding, cancellation of the flight, delays and downgrading or upgrading.

In case of denied boarding (overbooking), passengers voluntarily withdrawing from the flight are entitled to specific benefits and assistance (reimbursement or re-routing). Passengers denied boarding against their will, are further entitled to specific compensation. E.g. in case of a denied boarding against the will for a flight of 2000 kilometres, a passenger shall receive – besides the re-imbusement of the ticket or re-routing, and the provision of care (e.g. provision of accommodation, if needed, meals) – a compensation of 400 EUR. Passengers are entitled to a similar compensation in the event of cancellation of their flight.

After a certain period of delay, passengers are entitled to meals and refreshments in relation to the waiting time, and also to accommodation, if necessary.

In case of upgrading – placing a passenger in a class higher than that for which the ticket was purchased – no supplementary payment may be requested from the passenger. In the case of downgrading (e.g. from business to economy class), 30-75% of the ticket price shall be reimbursed to the traveller, depending on the travel distance.

For a summary of this Regulation you can visit the [SCADPlus](#) website (European Commission).

### HOTREC position

In the hotel sector, overbooking, if occurs, is a result of the recurrence of customer no-shows and the system of allotment of contracts. Should the Commission propose a similar legislation

applicable to hotel reservations and overbooking in hotels, it would represent an extreme burden on the sector.

#### **Official reference**

Regulation (EC) No [261/2004](#) of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No [295/91](#), O.J. L 46 of 17.2.2004

#### See also:

Regulation (EC) No [1371/2007](#) of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations, O.J. L 315 of 3.12.2007

Proposal for a Regulation of the European Parliament and of the Council on the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws, [COM\(2008\) 817](#) final

Proposal for a Regulation of the European Parliament and of the Council concerning the rights of passengers when travelling by sea and inland waterway and amending Regulation (EC) No 2006/2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws, [COM\(2008\) 816](#) final