

## Evaluating and revisiting the legal practices allow for in the Regulation of Air Passenger Rights

### Proposal

The Commission should work for a revision of the Regulation of Air Passenger Rights (Regulation (EC) 261/2004) to ensure clear and transparent rules that are simple, easy to enforce and consistent with the aviation market of today.

The extent of definitions and classifications of important legal terms within the Regulation, such as compensation, delay, exceptional circumstances, technical issues, weather conditions, change of time tables, the right to accommodation etc., is heavily influenced by market developments and case law, and the Commission has to ensure that the Regulation retain its coherence.

The Commission should seek a balanced approach in a revision of the Regulation, ensuring that both passengers' and air carriers' rights and financial activities are respected in case of denied boarding, cancellation or long delays. Moreover the Commission should in the process make sure that the current high consumer protection standards are upheld.

The Commission proposed a revision of the Regulation in 2013, which pose a potential starting point for a future revision.

### Challenge

The Regulation of Passenger Rights is in need of revision. Since the establishment of the common rules of passenger rights, the aviation market has experienced a large growth in passengers (forecasted to continue in the coming decades) and a rising complexity of the airspace due to more aircrafts, which has contributed to an increase in delays, and been forcing air carriers to devote a lot of resources to passenger compensation in their yearly budgets.

The regulation was enacted in a time where there were fewer passengers, the costs of flights were substantially higher, and the European aviation market was primarily dominated by traditional network carriers. Due to a large growth in passengers and air carriers the current regulation does no longer reflect the aviation market of today.

Moreover, the regulation has been under considerably judicial review since the enactment in 2004. Despite continuous development of the legal understanding of the Regulation through case law, the current regulation does contain some ambiguities and inadequacies, which prevents a uniform interpretation and understanding of passengers' rights and make them difficult to enforce to the detriment of passengers.

### Background

The Regulation of Passenger Rights (Regulation (EC) 261/2004) is establishing common rules on compensation and assistance to flight passengers in the event of denied boarding, cancellation or long delay of flights. In 2013, the Commission proposed a revision of the current regulation with the aim of clarifying the main principles and implied rights of flight passengers that previously have given rise to an extensive number of disputes between passengers and air carriers.

The Commission's proposal from 2013 was unsolved due to diplomatic difficulties regarding Gibraltar.