

# Asserting Air Passenger Rights in EU

**Monitoring + Exposing = Change**

# Who are we?

- Independent NGO, legal entity - association
- Founded in Warsaw, Poland- February 2013
- Group of air travel experts and consumer activists
  - ex airline employees
  - lawyers
  - ngo sector practitioners

# Our objectives

- EU air passenger rights
- Focus on strategic changes
- Facilitating friendly way of solving disputes
- Promoting multimodal transport in EU
- Towards Eco-friendly ways of travelling in Europe

# Success story

- September 3, 2013: EU campaign: "NO" to limit air passengers rights!
  - Waiting on board of the plane for 5 hours in case of tarmac delay...
  - Suspension of passenger right for compensation with delay over 3 hours...
  - Weakening the passenger right to assistance in extraordinary circumstances...
- February 5, 2014: The European Parliament votes to push for enforceable air passenger rights. Delayed or stranded air passengers should be likelier to win compensation and airlines need get clear rules on how to deal with passenger complaints

# Monitoring assertion of rights in Poland

- From March 2014 on
- Co-financed from the grant
- Main actions
  - Review of existing EU air passenger law and court rulings
  - Direct surveys among 500 air passengers (on the way to/from or at the airport)
  - On-line monitoring on disruptions in air travel, complains, claims and disputes with airlines – inputs from over 100 air passengers
  - Screening of over 400 public bodies (e.g. NEB, ECC-net) responsible for enforcement of air passenger rights and help to consumers in Poland



# Findings- law compliance & court ruling

- Clarification of duty to inform passengers about their rights
- Extended interpretation of extraordinary circumstances e.g. technical failure, pilot walkout
- Execution of NEB administrative via courts
- Levels of administrative fines for violation of passenger rights – e.g. can EUR400 be an economic incentive for law compliance?
- Alternation of claim proceeding (NEB and court)
- Backlog of court disputes of relatively low value

# Findings – air passengers' feedback

- 74% of responders travel by air at least 1/ year
- Over 60% of responders experience flight delay
- Over 30% of responders have problem with their luggage
- Over 80% of responders not claiming due to lack of right awareness and cost (time) of the complain process
- Alternative dispute resolution preferred by over 70% of responders
- 7% of responders was escalating the case further e.g. via public bodies

# Findings – monitoring claim process

- Some airlines push passengers to submit complains via on-line form, only – no legal reason
- „No reply to passenger claim for weeks” approach by some airlines
- Best airlines provide with reply within 1-3 weeks
- Increasing willingness from the airline to resolve dispute once process monitored – good will gestures
- Extraordinary circumstance as most common reason for declining complain and refuse to pay compensation
- Right to care often not respected
- General reluctance of passengers to escalate claims further



# Findings- assistance of public bodies

- Annual number of air passenger claims = 6.000 – 7.000
- Local National Enforcement Body handles claims on passenger rights of EU261/2004, only
- Baggage claims and others claims distributed to over 380 consumer advocates across Poland
- No alternative dispute solutions for air travel in Poland

# Recommendation for the change

- Clarification to law regulations e.g. 30 day time limit to reply on complain, termination of claims, extraordinary circumstances (pilot walkout)
- Execute duty of written information on passenger rights to be provided by the airline to a traveller in the event of flight irregularity
- Remove formalities to submit complains & claims = easy way to do it
- Documenting and exposure of data on irregularities (delays), complains, claims, disputes, etc. - transparency
- Sanction to the airlines with economic incentive to comply with passenger rights

# Our follow up actions

- Monitoring air passengers' complain / claim process in EU via on-line case reporting tool at [www.friendlyflying.org](http://www.friendlyflying.org) (in cooperation with first complain / online dispute resolution ODR platform for air travel [www.niceflight.pl](http://www.niceflight.pl))
- Notification of first body in Poland to allow air passengers access to alternative dispute resolution (ADR) within air travel
- Friendly Travel Agency program to engage market intermediaries to inform passengers about their rights and mobilize EU consumers to assert their rights while travelling in EU



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