

Asserting Air Passenger Rights in EU

Monitor + Confront = 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
- 16% of responders make complaints – main reasons of not complaining are lack of right awareness and cost (time) of the complain process
- Alternative dispute resolution preferred by over 70% of responders
- 7% of responders escalate the case further (make claims) e.g. via public or private institutions

Findings – monitoring claim process

- Some airlines push passengers to submit complaints via on-line form, only – no legal reason
- „No reply to passenger complaint 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 complaint and refuse to pay compensation
- Right to care often not respected
- General reluctance of passengers to escalate claims further

Findings- assistance of public bodies

- No single point of contact for consumer in case of air passenger claim
- Local National Enforcement Body handles claims on passenger rights of EU261/2004 and Passenger with Reduced Mobility (PRM), only
- Baggage claims and others claims distributed to over 380 consumer advocates across Poland and European Consumer Centre (ECC-net)
- No alternative dispute solutions for air travel in Poland
- Limited access to data and no detailed statistics - estimated annual number of air passenger claims in Poland = 5.000

Recommendation for change

- Clarification to law regulations with uniformed procedures e.g. 30 day time limit to reply on complaint, 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 complaints & 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 - uniformed EU level

Our follow up actions

- Monitoring air passengers' complaint / claim process in EU via on-line case reporting tool at www.friendlyflying.org (in cooperation with first complaint / online dispute resolution ODR platform for air travel 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 proactively inform passengers about their rights and mobilize EU consumers to assert their rights while travelling across Europe

DELAYED FLIGHT? LOST LUGGAGE? REPORT YOUR CASE TO US!

Profit from your EU air passenger rights! Give feedback or submit a claim!



» **CHANGE FONT COLOR**

REPORTED CASES

All **50**

information and care at the airport
in case of irregularity **1**

denied boarding **2**

delayed luggage **2**

delayed flight **28**

loss of the connecting flight in
transit **2**

ticket refund **2**

cancelled flight **8**

damaged luggage **4**

different means of transport **1**

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