

LBA Information Leaflet Concerning Passengers' Rights

Dear Passenger:

Since February 17th, 2005, a new EC Regulation with the following title has come into force: *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.*

What is the intention of this new Regulation of the European Union? The Regulation has several objectives: the protection standards for flight passengers shall be improved, the rights of passengers shall be strengthened and the conditions on the European market shall be harmonized. In addition, with the Regulation the protection of passengers will be extended also to non-scheduled air services, i.e. to package tours and to flights from EU Member States into so-called third countries and from third countries into EU Member States. The responsibility for the application of the Regulation and the services specified therein is always assigned to the operating air carrier.

The LBA is the competent authority for the implementation of Regulation (EC) No 261/2004 in Germany. Under this task the LBA analyses on the basis of the complaints the individual air carriers' policies and causes the air carriers to eliminate systematic infringements of the EC Regulation. If necessary, sanctions will be imposed consisting of fines. The aim is to ensure proper implementation of the consumer protection regulation according to EC law in Germany and to reduce the causes for passenger complaints.

In the first instance, the LBA will investigate your complaint and initially evaluate whether there is an infringement of Regulation (EC) No 261/2004. Where there is no apparent infringement or the LBA is not the competent enforcement body you will be informed accordingly as soon as possible.

However, if the possibility of infringements of Regulation (EC) No 261/2004 exists, we will forward either your complaint or your indications to the respective air carrier and request the carrier to provide you and the LBA with a well-founded statement within a reasonable time. The LBA supervises the receipt of the statement, examines it and requests further information from the air carrier, if appropriate.

After the investigation of your complaint or indications according to Regulation (EC) No 261/2004 has been fully completed we will inform you about the final results.

Your private claims against the air carrier must be enforced as before according to the procedure provided for under German law.

For reasons of clarity, we have elaborated forms concerning infringements of the EC regulation: one form each for denied boarding, cancellation and delays of flights, which can be downloaded in the internet under www.lba.de (passenger information). If you wish we will send you the form relevant to you by mail. Please fill in this form and then send it to the Luftfahrt-Bundesamt, reference: passengers' rights, P.O. Box 3054, D-38020 Braunschweig or by fax to 0531-2355 707 or by e-mail to Fluggastrechte@lba.de.

The Regulation is dealing with three categories of unacceptable transportation service: denied boarding, cancellation and delays. Depending on the severity of the situation, compensation and assistance to passengers will become necessary. A short summary is given in the tables enclosed herewith.



Under the following conditions, compensation or assistance according to the EC Regulation (Article 3) may be claimed:

1. The passenger is departing from a German airport **or** the passenger is departing from an airport in a third country, the arrival airport is a German airport **and** the operating air carrier is an air carrier licensed under the Council Regulation (EEC) No 2407/92.
2. The passenger has a confirmed reservation and presents himself/herself for check-in at the time indicated in advance or if no time has been specified, not later than 45 minutes before the published time of departure **or** the passenger has been transferred by the air carrier or the tour operator from a booked flight to another flight and presents himself/herself for check-in at the time indicated in advance or, if no time has been specified, not later than 45 minutes before the published time of departure.

Delay (Article 6)

A delay means a flight delayed beyond the scheduled time of departure by at least two hours. Attention is to be paid to the gradation on the basis of distances (please refer to the attached table).

Denied Boarding (Article 4)

Denied boarding means a refusal by the air carrier to transport passengers on a flight, although they have presented themselves for boarding at the specified time under the contractual conditions except where there are reasonable grounds to deny them boarding, such as reasons of health, operational safety or general security, or inadequate travel documentation. In this case, attention is to be paid to the fact that the air carrier will first be calling for volunteers who are prepared to surrender their reservation. Only when it is sure that the number of volunteers is not sufficient, the air carrier may deny boarding to passengers against their will. From this, claims for compensation and assistance under Articles 7, 8 and 9 of the a.m. EC Regulation will arise (see summary in the attached table).

Cancellation (Article 5)

Cancellation is the non-operation of a scheduled flight on which at least one place was reserved. From this, claims for compensation and assistance under Articles 7, 8 and 9 of the a.m. EC Regulation will arise (see summary in the attached table). Under extraordinary circumstances, the operating air carrier is partially or totally exempt from the obligations under the a.m. EC Regulation. Examples: Political instability, meteorological conditions incompatible with the operation of the flight, security risks, unexpected flight safety shortcomings, strikes, etc.

Upgrading and Downgrading

Upgrading means the placing of a passenger in a class higher than that for which the ticket was purchased. The air carrier may not request any supplementary payment on the basis of this upgrading.

Downgrading means the placing of a passenger in a class lower than that for which the ticket was purchased. In the case of a downgrading, the air carrier is obliged within seven days to partially reimburse the flight ticket price according to the following schedule:

For flights	Reduction of the flight ticket price by
✈ over a distance of 1,500 km or less	30 %



- ☞ within the EU over a distance of more than 1,500 km (except flights between the European territory of the Member States and the French overseas departments) 50 %
- ☞ over a distance between 1,500 km and 3,500 km 50 %
- ☞ over a distance of more than 3,500 km (including flights between the European territory of the Member States and the French overseas departments) 75 %

Persons with reduced mobility (with an appropriate certificate) and persons or service dogs accompanying them have a claim to special attention according to their personal situation. Relating to assistance (meals, refreshments, etc.) and transportation they shall be cared for with priority and immediately.

Unaccompanied children shall be specifically attended to as well and with respect to assistance and transportation they shall also be cared for with priority and immediately.

The operating air carrier is obliged to comprehensively inform the passengers of this EC Regulation. For this purpose a notice at check-in is required and in addition a written description of the rules for compensation and assistance in the case of denied boarding, cancellation or a delay of more than two hours is to be handed over to each passenger concerned. At the same time the passengers shall be informed in writing of the responsible body for complaints.

Blind or visually impaired persons shall be provided with this information by appropriate means.

Derogating or restrictive clauses in the contract of carriage cannot limit or preclude the contents of the Regulation. If, however, the obligations are not assumed in conformity with the Regulation you are still entitled to take the necessary proceedings before the competent courts or bodies.

What does **delay** mean?

A delay means a flight delayed beyond the scheduled time of departure by at least two hours. Attention is to be paid to the gradation based on distances.

Delay	For flights	Service to be provided by the operating air carrier
of at least two hours	☞ over a distance of 1,500 km or less	☞ Meals and refreshments in a reasonable relation to the waiting time ☞ two telephone calls or telex or fax messages or e-mails free of charge
of at least three hours	☞ within the EU over a distance of more than 1,500 km ☞ from the EU into third countries over a distance between 1,500 km and 3,500 km ☞ from third countries into the EU over a distance between 1,500 km and 3,500 km	☞ Meals and refreshments in a reasonable relation to the waiting time ☞ two telephone calls or telex or fax messages or e-mails free of charge
of at least four hours	☞ over a distance of 3,500 km and more	☞ Meals and refreshments in a reasonable relation to the waiting time ☞ two telephone calls or telex or fax messages or e-mails free of charge
of at least five hours	For all a.m. flights	In addition to the a.m. services (on the request of the passenger) ☞ complete reimbursement within seven days of the flight ticket price for the part or parts of the journey not made as well as for the part or parts already made if the flight is no longer serving any purpose in relation to the passenger's original travel, together with, when relevant, ☞ a return flight to the first point of departure, at the earliest convenience
Departure only the day after the time of departure previously announced	For all a.m. flights	In addition to the a.m. services ☞ Hotel accommodation ☞ transfer between the airport and the hotel



What does **denied boarding** mean? **Denied boarding** is the refusal to carry a passenger on a flight although he/she has presented himself/herself in time for boarding and there are no reasonable grounds lying with the person to be carried (e.g. safety, security, reasons of health, inadequate travel documents).

Denied boarding	Service to be provided by the operating air carrier	Article
Calling for volunteers to surrender their reservation 4(1)	1. Compensation, the conditions of which are to be agreed between the volunteer and the operating air carrier 2. and in addition alternatively <ul style="list-style-type: none"> ☞ complete reimbursement within seven days of the flight ticket price for the part or parts of the journey not made as well as for the part or parts already made if the flight is no longer serving any purpose in relation to the passenger's original travel, together with, when relevant, ☞ a return flight to the first point of departure, at the earliest convenience ☞ re-routing to the final destination under comparable conditions of travel at the earliest convenience ☞ re-routing to the final destination under comparable conditions of travel at a later date at the passenger's convenience (subject to availability of seats) ☞ transportation to an airport of destination other than the airport for which the booking was made (including transfer to the destination airport for which the booking was made or to another close-by destination agreed with the passenger) 	8
Against the passenger's will 4(3)	1. Compensation <ul style="list-style-type: none"> ☞ for flights over a distance of 1,500 km or less 250 € ☞ for flights within the EU over a distance of more than 1,500 km 400 € ☞ for flights from the EU into third countries over a distance between 1,500 km and 3,500 km 400 € ☞ for flights from third countries into the EU over a distance between 1,500 km and 3,500 km 400 € ☞ for flights over a distance of 3,500 km and more 600 € <p>In the case of re-routing, compensation may be reduced by 50%, if the arrival as compared to the scheduled time of arrival is not delayed by more than the following periods, i.e. for flights</p> <ul style="list-style-type: none"> ☞ over a distance of 1,500 km or less 2 hours ☞ within the EU over a distance of more than 1,500 km 3 hours ☞ from the EU into third countries over a distance between 1,500 km and 3,500 km 3 hours ☞ for flights from third countries into the EU over a distance between 1,500 km and 3,500 km 3 hours ☞ over a distance of 3,500 km and more 4 hours 	7
	2. Alternatively <ul style="list-style-type: none"> ☞ complete reimbursement within seven days of the flight ticket price for the part or parts of the journey not made as well as for the part or parts already made if the flight is no longer serving any purpose in relation to the passenger's original travel, together with, when relevant, ☞ a return flight to the first point of departure, at the earliest convenience ☞ re-routing to the final destination under comparable conditions of travel at the earliest convenience ☞ re-routing to the final destination under comparable conditions of travel at a later date at the passenger's convenience (subject to availability of seats) ☞ transportation to an airport of destination other than the airport for which the booking was made (including transfer to the destination airport for which the booking was made or to another close-by destination agreed with the passenger) 	8
	3. Additional service <ul style="list-style-type: none"> ☞ Meals and refreshments in a reasonable relation to the waiting time ☞ two telephone calls or telex or fax messages or e-mails free of charge ☞ in the case of re-routing and departure on the subsequent day, also hotel accommodation and 	9



☞ transfer between the airport and the hotel	
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