

Air Passenger Rights

It is regulation (EC) 261/2004, a directly applicable set of rules for all EU Member States that regulates air carriers' liability to passengers in the event of delay, cancellation, overbooking and any related involuntary bumping as well as for all cases of denied boarding- says the legal expert at Kovács Réti Szegheő Attorneys at Law.

It is a widespread phenomenon that air travel is becoming an integral part of everyday life. Today, for many of us, travel destinations are no more limited to holiday resorts, more and more commonly we simply hop on a plane for various work related purposes such as conferences or negotiations, and last but not least, also for a simple family visit- said attorney Dr. Loránd Kovács.

Although this trend has already reached the Central-Eastern European region, passengers can still get lost and helpless in the hectic world of airports. This issue has been largely dealt with by European consumer protection bodies, as a result of which significant steps were taken by the European Parliament and the Council, incorporated jointly in Regulation (EC) No 261/2004.

What exactly does (EC) No 261/2004 regulate?

This directly effective regulation- meaning that it is directly applicable in all EU Member States-, regulates air carriers' liability to passengers in the case of long delay or cancellation of flights, in the event that travel is disrupted due to overbooking, or if the operating air carrier simply denies boarding for some reason.

The Regulation is applicable to passengers departing from an airport located in an EU Member State and to those leaving an airport located in a third country for one situated in a Member State- stressed the expert at Kovács Réti Szegheő Attorneys at Law.

Enforce your rights at the operating air carrier!

Naturally, in the case of delay the length of delay and the distance of the flight have great significance. This is understandable, as in the case of a longer flight distance a somewhat longer, in the case of a shorter flight distance only a shorter delay is tolerable without consequences.

The legal consequences set out in the Regulation can be applied for two or more hours of delay in the case of flights 1500 kilometers or less, three hours or more in the case of flights between 1500 and 3000 kilometers, and finally four hours or more in the case of all flights more than 3500 kilometers.

Legal consequences basically fall into three categories. First is the care to be provided by the operating air carrier to the passengers made waiting, second is the adequate compensation, and finally the third is reimbursement- summarized the expert at Kovács Réti Szegheő Attorneys at Law.

Right to care: in a reasonable relation to the waiting time

Passengers are entitled to care in a reasonable relation to the waiting time, such as meals and refreshments free of charge, and where justified by the length of the delay (if the time of departure is deferred until the next day), the operating air carrier is obliged to provide overnight hotel



accommodation free of charge, as well as transportation to the hotel and back to the airport. Should the journey eventually fail to reach its original purpose due to the extensive delay, passengers may claim full reimbursement of the purchase-price of the plane ticket.

The amount of compensation

Finally, compensation can be claimed- pointed out Dr. Loránd Kovács. The amount of compensation also depends on the distance travelled: EUR 250 for all flights of 1500 kilometers or less, EUR 400 for all intra-Community flights of more than 1500 kilometers, and for all flights between 1500 and 3000 kilometers, and finally EUR 600 for all flights not specified above.

The above mentioned provisions are of course also valid in cases of cancellation or denied boarding. In case you suffered delay, cancellation or other flight related inconveniences, and failed to enforce your claims right away, Kovács Réti Szegheő Attorneys at Law will be happy to assist you to enforce your claims.