



! **When can we talk about denied boarding?**

When the passenger had a confirmed reservation and he/she presented himself/herself for check-in in due time (specified by the airline, but 45 minutes at the latest before the scheduled time of departure), so the passenger was ready to travel, however the air carrier refused his/her boarding. The passenger cannot refer to his/her legal rights if boarding is denied due to reasonable causes, such as reason of health, safety, security, or inadequate travel documentation.

! **What are the duties of the air carrier if it reasonably expects for any reason (e.g. overbooking) to deny boarding on a flight?**

The airline first has to call for volunteers to surrender their reservations in exchange for certain benefits. For example, upon the call of the air carrier, a passenger already checked in can consider not to travel with the flight (because it is not so urgent for him/her), but presents himself/herself as a volunteer and accepts some kind of benefit. He/she receives that benefit in exchange for giving up his/her reservation in favour of another passenger.

! **What kind of benefits may the volunteer receive?**

That bonus can be anything that the volunteer and the air carrier agree on: money, voucher, a trip free of charge, hotel services, offering seat in a higher class at another time, bonus card etc. Consequently, the subject and the scale of the benefits are based on the agreement between the company and the volunteer. If the passenger accepts a voucher, it is good to take a look at the conditions possibly limiting its usage and validity determined by the air carrier (e.g. it is only valid on a certain flight, it cannot be used for reservations made online, its validity is limited etc).

! **Could anyone be forced to give up his/her reservation in favour of another passenger and travel at another time?**

It is important to know that the surrender is always voluntary, so no one can be forced to give up his/her reservation in favour of someone else. If the volunteer cannot agree with the air carrier, the volunteer is entitled to fly with the original flight, and his/her seat reservation cannot be given to anyone else. It is not recommended to give up the reservation until a guarantee of the benefits is given in written form, or until the agreement is reached.

! **What additional rights does the volunteer have?**

When the volunteer has agreed with the company that he/she is going to give up his/her seat in favour of another passenger, and in return he/she receives some kind of benefits, and in addition to this advantage he/she still has the right to the reimbursement of the cost of the ticket within 7 days, or one of the two of re-routing options free of charge. It is the volunteer's right to choose between reimbursement and the re-routings. It is good to know that the volunteer is entitled to one of these options in addition to the benefit. In other words, the volunteer is entitled not only to the assistance (re-routing or reimbursement) but to the bonus as well.

! **What is the proper procedure if not enough seats are assured by volunteers?**

In such a case the air carrier legally denies boarding to those passengers who do not have seat on the aircraft indeed. However, in such circumstances the air carrier is obliged to provide assistance and pay compensation.

! **What does assistance mean?**

The passengers affected by denied boarding and the volunteers are entitled to receive the following assistance:

- reimbursement of the full cost of the ticket within 7 days and, when relevant, a return flight to the first point of departure, or
- re-routing for free of charge under comparable transport conditions.

The carrier is always obliged to offer the above assistances, and the passenger has the right to choose. Furthermore, the air carrier also has to offer care for every passenger affected by denied boarding.

! **What should be known about reimbursement?**

Reimbursement of the ticket cost (both for passengers affected by denied boarding and volunteers) means that the passenger is entitled to receive within 7 days the full cost of the ticket for the part or parts of the journey not made, and for the part or parts already made if the flight is no longer serving any purpose in relation to the passenger's original travel plan (e.g. the passenger can not be present in an important event). If it is the passenger's connecting flight affected by denied boarding (the passenger is on halfway), the airline company is obliged to transport the passenger back to the point where his/her original trip started.

! **May the passenger choose re-routing free of charge instead of reimbursement?**

The passenger can decide (both the passenger

affected by denied boarding and the volunteer) not to withdraw from the contract on air transport and accepts that he/she will reach the final destination later and takes one of the re-routing options free of charge under comparable transport conditions. Re-routing is always possible only to the original final destination, therefore the passenger cannot change it to another one.

! **What re-routing options are available?**

One of the options is when the passenger has to be transported to his/her final destination at the earliest opportunity. The other option is when the passenger is not transported at the earliest opportunity, but at a later date when it is convenient to him/her, however this option is subject to availability of seats.

! **What should be done when the re-routed flight lands on a different airport?**

It may happen that a city or a region is served by several airports. If the re-routed flight is arriving at a different airport, the air carrier has to bear the cost of transport of the passengers to the scheduled airport. In such a case it is recommended to keep for example the taxi bill, the bus or train ticket, and all invoices. These costs shall be reimbursed later by air carrier.

! **What kind of additional assistance and care the passengers affected by denied boarding entitled to?**

For the passengers affected by denied boarding (but not for the volunteers) additional assistance shall also be performed: this is the right to care. Right to care means that the following have to be offered to passengers free of charge:

- meals and refreshments in a reasonable relation to the waiting time;
- hotel accommodation in cases
 - where a stay of one or more nights becomes necessary, or
 - where a stay additional to that intended by the passenger becomes necessary;

c) transport between the airport and place of accommodation (hotel or other);

d) two telephone calls, telex or fax message, or e-mail.

! Is there a rule for the extent of care?

The regulation also excludes the potential abuse of the passengers. Accordingly, passengers are entitled to meals and refreshments only in reasonable relation to the waiting time (it is recommended to keep the bills). If the passenger affected by denied boarding chooses re-routing, but does not want to travel with the next flight (e.g. only a week later), he/she is not entitled to hotel accommodation free of charge.

! What is the amount of compensation?

The amount depends on the distance of the trip measured in km, and on whether the trip is inside or outside the European Community, according to the chart below.

	All flights between 0-1500 kilometres	All flights of more than 1500 kilometres between EU Member States*	All flights between 1500-3500 kilometres, between a 3 rd country and an EU Member State*	Any other flights over 3500 kilometres between a 3 rd country and an EU Member State*
Total amount of compensation	250 €	400 €		600 €
The amount of compensation is 50% less in case the passengers are offered re-routing free of charge to their final destination on an alternative flight, the arrival time of which exceeds the scheduled arrival time of the flight originally booked only by	2 hours.	3 hours.		4 hours.

* The regulation is applicable to the EU Member States, Norway, Iceland, Liechtenstein and Switzerland as well.

! How can the passenger whose boarding was denied receive the compensation?

The sum of the compensation is due immediately, and it can be paid cash, by bank transfer, bank cheques, with travel vouchers or other services. It is good to know that the passenger has the right to choose from of performance, so no one is bound to accept travel vouchers instead of cash as compensation

! In case of denied boarding what information obligations does the air carrier have?

In order to provide appropriate information to the passengers, the air carrier has to ensure that a clearly legible notice is displayed at the check-in, stating that passengers may ask for a text explaining their rights. In addition, the regulation also obliges the air carrier to hand over a written notice to each passenger affected by denied boarding which contains the detailed rights mentioned in the regulation. Furthermore, the contact details of the competent national authorities designated for monitoring the provisions of the regulation have to be provided.

! How shall the airline company provide care for persons with reduced mobility?

During providing care, the air carriers must pay particular attention to the needs of persons with reduced mobility and any persons accompanying them, as well as to the needs of unaccompanied children.

! Where can the passenger turn to when he/she has a cross-border complaint related to air passengers' rights and other air travel related issues and the airline has its seat in another EU Member State, Norway or Iceland?

Should the airline not react to the complaint or the response is not acceptable, a consumer residing in any EU Member State, Norway or Iceland, can also consult the European Consumer Centre in the country of his/her residence if he/she has a complaint or claim against an airline company seated in a different country, also in the European Union, Norway or Iceland in order to make an attempt to agree with the airline, thus avoiding lengthy litigation process. A Hungarian resident may turn to the European Consumer Centre Hungary hosted by the Hungarian Authority for Consumer Protection (Address: 1088 Budapest, Jozsef korut 6.; phone: +36-1-459-48-32; e-mail: info@magyarefk.hu) for free professional legal advice in order to settle the dispute in an amicable way. If no amicable solution can be reached between the parties, the consumer may also turn to alternative dispute resolution bodies or court. However, if the airline is seated outside the EU and Norway or Iceland the European Consumer Centres'

Network cannot provide help. In this case the consumer can assert his/her rights by seeking other means of redress (alternative dispute resolution scheme or court proceedings). Furthermore the passenger may also initiate an official proceeding at the National Enforcement Bodies designated for the enforcement of the regulation (the list of these bodies is available on <http://ec.europa.eu/transport/themes/passengers/air/>).

! Where can be more information found on air passengers' rights?

In the additional brochures and on the website of the European Consumer Centre Hungary (www.magyarefk.hu) you can find more useful information on air passengers rights and other air travel related issues as well. If your domicile is located in the European Union, Iceland or Norway, it is also recommended to visit the website of the European Consumer Centre of your home country (see: <http://magyarefk.hu/en/ecc-net.html>). Furthermore it is advisable to download the "ECC-Net: Travel" mobile application which is an indispensable companion in the European Union and Norway and Iceland that helps passengers to solve difficult situations during their holidays abroad, and also ensures that they express and assert their consumer rights in the language of the country of destination. The application provides legal information and language support in 23 official languages of the European Union as well as Norwegian and Icelandic

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Air passengers rights in case of DENIED BOARDING

(according to the 261/2004/EC regulation on the rights of air passengers)



Look for our 3 other brochures on cancellation of flights, delay of flights and the condition of assertion of rights!

