



**! Which flights shall the Regulation 261/2004/EC apply to in the event of denied boarding and cancellation or long delay of flights?**

The Regulation only applies if:

- the flight departs from an airport located in any EU Member State\*
- the flight departs from a country outside the EU into any EU Member State\* (provided that the operating air carrier is licensed in any Member State of the EU – called as Community air carrier).

In the latter case the Regulation shall not apply to passengers who have been given assistance in the third country (in the country of departure). E.g. if boarding is denied to a passenger on a flight operated by a Community air carrier departing from Beirut to Budapest, but the passenger has received benefits or compensation and assistance etc. in Beirut, he/she is not entitled to the protection of the Regulation.

\* It is important to highlight that the Regulation is applicable not only to EU Member States but also to Norway, Iceland, Liechtenstein and Switzerland. It means that when reference is made to „EU Member States”, „EU country” or to „Community”, it also includes the abovementioned 4 countries beside the EU Member States.

**! Which flights are excluded from the scope of the Regulation?**

No protection is provided if the passenger (even if he/she is an EU citizen) travels with a flight:

- from a non-EU country to a non-EU country, or
- from a non-EU Member State to an EU Member State, and the air carrier is not a Community air carrier.

In special connecting situations when a passenger flies from an EU Member State to a third country via a non-EU Member State, and delay (or cancellation of the flight) occurs or boarding is denied at the connecting point, the Regulation does not apply, as the delay occurred at an airport outside the territory of the EU with an air carrier that flew to a non-EU Member State.

**! Which passengers are protected by the Regulation?**

In case of inconveniences occurred by denied boarding, cancellation or delay of a flight it is essential to determine which passengers are entitled to exercise their rights under the Regulation. Those passengers are concerned, who

- have a confirmed reservation on the flight concerned and present themselves for check-in in due time (case of denied boarding or delay), or
- have been transferred from the flight for which they held a reservation to another flight (irrespective of the reason).

Presence for check-in in due time is essential, because if the passenger is late (i.e. presents himself/herself at the check-in later than the air carrier required previously in written form), he/she cannot refer to the fact that he/she missed the flight. If the air carrier does not inform passengers in advance when they should present themselves for check-in at the latest, then the basic rule applies, namely passengers must present themselves for check-in 45 minutes, at the latest, before the departure of the flight. However, regarding the potential crowd and security checks it is suggested that passengers arrive at the airport minimum 2 hours before departure and get ready for check-in.

**! Shall the Regulation apply to charter flights?**

Yes, it shall. According to the Regulation, the protection shall apply not only to passengers of scheduled, but also of non-scheduled (charter) flights, including those forming a part of package tours.

**! Does protection apply to consumers travelling with low-cost flights?**

The Regulation does not make any difference between low-cost and normal flights, consequently despite their price policy the low-cost airlines are also obliged by the rules of Regulation.

**! Are the rights of a passenger limited if he/she buys the ticket in the frame of a frequent-flyer programme?**

No, because the rights in accordance with the Regulation shall also apply to tickets issued under the commercial programme of the air carrier or tour operator (e.g. frequent-flyer programme).

**! Which authority can help if the passengers' rights are violated?**

Authorities responsible for the enforcement of the Regulation have been designated in all Member States. The competent authority of a given EU Member State has jurisdiction concerning the flights departing from airports situated on its territory and flights departing from a third country (outside of EU) to such airports. The competent authority is entitled to handle complaints related to delay or cancellation of flights and denied boarding. For further contact details of the competent authorities please visit [http://ec.europa.eu/transport/themes/passengers/air/doc/2004\\_261\\_national\\_enforcement\\_bodies.pdf](http://ec.europa.eu/transport/themes/passengers/air/doc/2004_261_national_enforcement_bodies.pdf)

**! Is there any form available for submitting complaints?**

Yes, there is. If the consumer thinks that an infringement occurred, he/she can submit a complaint to the designated authority by filling in the form available on the webpage of the EU. The English version of the form can be downloaded from: [http://ec.europa.eu/transport/themes/passengers/air/doc/complain\\_form/eu\\_complaint\\_form\\_en.pdf](http://ec.europa.eu/transport/themes/passengers/air/doc/complain_form/eu_complaint_form_en.pdf) The form is available in all official languages of the EU, but for a faster procedure it is recommended to complete it in English.

**! Is the air carrier obliged to give information on the passengers' rights in case of cancellation or delay of flights and denied boarding?**

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 send over a written notice to each passenger affected by denied boarding, cancellation or a delay of at least 2 hours which contains the details of the 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. In respect of blind and visually impaired persons the rights to information shall also be ensured by using appropriate alternative means.

**! 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.

**! Can a claim be asserted in case of delay or death of the passenger, as well as if the baggage is delayed, lost or damaged?**

It is the Montreal Convention setting rules of the liability of air carriers, the maximum sum of the compensation and the time limits for assertion of rights. Any claim of damage shall be reported without delay, possibly at the airport of arrival. Usually each air carrier has its own form for reporting the claim, and later it is recommended to frequently enquire about the updates.

**! 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](http://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.

**! Can the European Consumer Centres' Network give assistance to passengers?**

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 likely 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](mailto: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 under given conditions may also initiate an official proceeding at the National Enforcement Bodies mentioned above designated for the enforcement of the regulation (the list of these bodies is available on <http://ec.europa.eu/transport/themes/passengers/air/>).

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## ASSERTION OF AIR PASSENGERS RIGHTS

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



Look for our 3 other brochures on denied boarding, delay of flights and cancellation of flights!

