

Passenger rights and disruption of flights

Regulations and agreed practices

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Issues

- 1) Scope of the rules
- 2) Carrier responsible
- 3) Preliminary requirements for passenger rights
- 4) Denied boarding
- 5) Cancellation
- 6) Delay
- 7) Complaint handling +
- 8) Information to passengers

1. Scope

Common practice agreed:

All flights departing from national territory, irrespective of whether the flight is international or domestic.

2. Carrier responsible

Common practice agreed:

Operating carrier.

3. Preliminary requirements for passenger rights

Common practice agreed:

Passenger must have a confirmed reservation and must have shown up in time for check-in.

4. Denied Boarding

a) Definition

Common practice agreed:

Refusal to carry a passenger on a flight, unless reasonable grounds for refusal exist, such as safety, security, health, inadequate documentation.

4. Denied Boarding

b) Duties of carriers

Common practice agreed: Two-tiered procedure

- 1) When a carrier reasonably expects to deny boarding to a number of passengers, it shall first contact passengers to volunteer to surrender their reservations against agreed benefits.

4. Denied Boarding

b) Duties of carriers

Common practice agreed (cont'd):

- 2) If an insufficient number of passengers volunteer, then the carrier may deny boarding to any passenger under the following conditions:
- a. The carrier shall offer to the passengers denied boarding, free of charge:
 - (i) meals and refreshments in a reasonable relation to the waiting time; and
 - (ii) hotel accommodation in cases that it becomes necessary, as well as transport between the airport and the hotel or other place of residence; and
 - (iii) limited telephone calls and internet access, as necessary.

4. Denied Boarding

b) Duties of carriers

Common practice agreed (cont'd):

- b. In addition, the carrier shall offer to the passengers the choice between:
 - (i) Reimbursement of the full cost of the ticket, at the price it was bought, for the part(s) of the journey not made and for the part(s) already made if the flight is no longer serving any purpose in relation to the passengers' original travel plan.
 - (ii) Re-routing, free of charge and under comparable transport conditions, to their final destination at the earliest opportunity or at a later date, at the passengers' convenience, subject to availability of seats.

5. Cancellation

a) Definition

Common practice agreed:

The non-operation of a scheduled flight, on which at least one seat was reserved.

5. Cancellation

b) Duties of carriers

Common practice agreed:

- (1) In case of cancellation the carrier shall notify passengers on the cancellation and its cause, as soon as the carrier is aware of them. The carrier shall also inform passengers on their rights under the terms of carriage and under the present rules.
- (2) In case of cancellation, the carrier shall offer assistance to the passenger according to the terms of carriage [and under the applicable regulations].

5. Cancellation

b) Duties of carriers

Common practice agreed (cont'd):

(3) In addition, the carrier shall offer to the passengers the choice between:

- (i) Reimbursement of the full cost of the ticket, at the price it was bought, for the part(s) of the journey not made and for the part(s) already made if the flight is no longer serving any purpose in relation to the passengers' original travel plan.
- (ii) Re-routing, free of charge and under comparable transport conditions, to their final destination at the earliest opportunity or at a later date, at the passengers' convenience, subject to availability of seats.

6. Delay

a) Definition

Agreed practice:

Without prejudice to any international conventions applicable, a delay occurs when a flight has actual departure time more than 2 hours later than its scheduled time.

6. Delay

b) Duties of carriers

Agreed practice

1. In the event of a delay of more than 30 minutes, the carrier shall inform passengers on the delay and its cause, as soon as the carrier is aware of them. The carrier shall also inform passengers on their rights under the contract of carriage and under the present rules.
2. In the event of a delay of more than 2 hours, the carrier shall offer to the passengers the choice between:
 - (i) Reimbursement of the full cost of the ticket, at the price it was bought, for the part(s) of the journey not made and for the part(s) already made if the flight is no longer serving any purpose in relation to the passengers' original travel plan.
 - (ii) Re-routing, free of charge and under comparable transport conditions, to their final destination at the earliest opportunity or at a later date, at the passengers' convenience, subject to availability of seats.

7. Complaint handling

Agreed practice:

1. In case of a flight disruption, the operating carrier shall provide passengers with their contact details as to submission of complaints, details on their complaint-handling procedure, as well as with the contact details of the competent supervisory authority.
2. Passengers shall file first a complaint with the operating carrier. The carrier shall acknowledge receipt of complaint within 48 hours.
3. The carrier shall provide a final reply to the complaint within 30 calendar days.
4. If passengers are unsatisfied with the carrier's reply, they can file a complaint with the supervisory authority within 1 year from the flight disruption.

8. Information to passengers

Agreed practice:

- 1) Without prejudice to any other information duties, an operating carrier shall inform all passengers by any appropriate means on any disruption or change in its flight schedule, alongside their legal and contractual rights for such event, as soon as such event becomes known to the operating carrier.
- 2) An operating carrier shall also provide updates to all passengers on the status of the affected flight by any appropriate means, as soon as it obtains any new information thereon.
- 3) Contracting carriers and travel agents shall provide any support necessary to the actual carrier in the fulfillment of its above-mentioned duties.

Potential additional rights (to be discussed at the 5th workshop)

Care to passengers for cancellation or delay

1. In case of a delay or cancellation of flight, the operating carrier shall offer to the passengers affected, free of charge:
 - (i) meals and refreshments in a reasonable relation to the waiting time; and
 - (ii) hotel accommodation in cases that it becomes necessary, as well as transport between the airport and the hotel or other place of residence; and
 - (iii) limited telephone calls and internet access, as necessary.
2. [Restrictions of the right to care or exoneration grounds]
3. [Applicability to national or international flights]

Compensation to passengers for flight disruptions

1. In case of cancellation of a flight or denied boarding or a delay exceeding 6 hours, the operating carrier shall provide each passenger with [1,200 Baht] in cash within [7] days, except if the carrier can prove one of the following:
 - (a) the carrier has notified the passengers about the cancellation of flight and the details of re-routing options at least 3 days prior to the departure date; or,
 - (b) the carrier has notified the passenger about the cancellation of flight prior to the departure date less than 3 days if the new flight will depart to the destination prior or after the original date sooner or later than the original date no more than 3 hours; or,
 - (c) the cancellation of flight is caused [by extraordinary circumstances beyond the control of the carrier].

Compensation to passengers for cancellation and delay

2. The carrier may provide compensation in the form of travel vouchers or any other form instead of cash according to paragraph (1), if the carrier has obtained [the explicit] consent from the passengers beforehand.
3. In case of a flight delay that exceeds 5 hours but not 6 hours, the operating carrier shall provide each passenger with [600 Baht] in cash immediately within [7] days, except if the airline can prove that the delay of flight is caused by extraordinary circumstances beyond its control. Paragraph (2) shall apply accordingly.

Thank you for the fruitful discussion!

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