

From Chaos to Service : How to effectively respond to unforeseen events to the benefit of our passengers ?

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From Chaos to Service : How to effectively respond to unforeseen events to the benefit of our passengers ?

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EC Regulations 261 / 2004

- * Entered in force in February 2005
- * Apply to all types of flights (scheduled, charter, low cost, air taxi)
- * Do not apply to non air flights (carried out by other means such as train, bus, boat)

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EC Regulations 261 / 2004

- * Apply to all flights ex European Union, Switzerland, Norway and Iceland
- * Apply to all flights to European Union, Switzerland, Norway, Iceland if carried out by an effective airline registered in one of those territories.

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EC Regulations 261 / 2004

Effective Carrier

Plane is registered in the territories concerned
Check the tail number

Code Share Flights

Always check the identity of the effective carrier

Problems with ACMI

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EC Regulations 261/2004 – Exceptions

* Free flights and AD Flights

Attention to tickets purchased with miles – they are not part of the exemption

* Helicopter flights

Important (flight to/from Monaco)

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EC Regulations 261/2004 – Assistance

* Meals, drinks, accomodation

If required

* At the client's choice

→ Rerouting as soon as possible to the final destination (to final destination airport but not with a different airline !)

→ Cancellation and refund (the whole ticket)

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EC Regulations 261/2004 – Assistance

* At the client's choice

→ Cancellation of the trip, flight back to departure point, meals, drinks, accommodation and full refund (solution when event occurs at intermediate stop)

Attention : assistance is always granted even in cases of Force Majeure

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EC Regulations 261 / 2004 – Compensations

Statutory compensation with no need to prove extent of the damages based on distance

→ Up to 1500 KM : EUR 250

→ From 1500 to 3500 KM : EUR 400

→ Beyond : EUR 600

Web site for distance calculation :

<http://www.airportcitycodes.com/calcform.aspx>

No compensation in case of force majeure

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International Conventions

Two major texts :

* Warsaw Convention 1929

* Montreal Convention 1999

→ Provide compensation for indirect damages (hotels, car rentals, excursions, missed meetings, etc...)

→ Are in addition to the provisions set forth in EC Regulations 261/2004 (direct compensations)

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Definition

An event that no human foresight could anticipate or which, if anticipated, is too strong to be controlled. Composed of extraordinary circumstances.

EC Regulations 261 / 2004 – Force Majeure

An air carrier can rely on extraordinary circumstances only if it can prove that the cancellation or delay is caused by extraordinary circumstances which could not have been avoided even if all reasonable measures had been taken

→ May give rise to a variety of interpretations.

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Force Majeure – Interpretation

The European Court of Justice has ruled on a restrictive interpretation of the Force Majeure, as seen in many cases

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Force Majeure – Interpretation

C402/07 Sturgeon v/ Condor Fluegdienst GmbH

→ Flights heavily delayed are considered as cancelled flights as far as payment of compensation is concerned, even if no reference to this exists in the EC Regulations 261/2004

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Force Majeure – Interpretation

C257/14 van der Lans v/ KLM NV

→ The functioning of aircraft gives rise to technical problems and usually those problems cannot be considered as Force Majeure cases and therefore cannot exempt the carrier from liability.

→ Includes general mechanical problems and even bird injection in aircraft engines.

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Israel

- Air Service Law (Assistance and Compensation for passengers whose flights have been cancelled or changed) 2012
- Applies to all flights to/from Israel
- Provides similar assistance and compensation scheme as EC Regulations 261/2004 with some local adaptations such as prescription period, level of compensation.
- Deals with Force Majeure related to security

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Turkey

- SHY Passengers Regulations
- Applies to all flights to/from Turkey
- Provides similar assistance and compensation scheme as EC Regulations 261/2004 with some local adaptations
- Force Majeure has its own definition !

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Turkey

→ Force Majeure : *“ means the situations such as especially political instability, meteorological conditions not suitable for performing the relevant flight, natural disasters, security risks, unexpected flight safety deficiencies and strikes which affect the operation of the air transportation operator performing the flight”*

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Terrorist Acts

- Clearly fall under the definition of Force Majeure.
- Full assistance to be granted to passengers as detailed (food, beverage, accommodation, refund or rerouting at passengers' choice).
- Force Majeure is usually limited in time, subject to Court opinion.
- No compensation hence as per EC Regulations 261/2004 and hence as per Montreal/Warsaw Conventions.

Terrorist Acts

- After Brussels Airport bombing (22nd March 2016), some airlines dealt very well with their passengers. Others extremely bad.
- Create numerous problems for external actors (travel professionals, corporate accounts, airport operators, airline handling agents) and therefore further discomfort for impacted passengers.

Terrorist Acts

- There is a need for extensive cooperation between all the actors.
- External players such as companies representing the passengers' rights can help if extensive dialogue is established with all involved (compensation representative companies, airlines, airport management companies).
- A new player is TravelRefunded, the first pan transportation assistance service to travel professionals combining all means of transportation.

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Thank You

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