

# Bumped or dumped, can benefit from

**NEW** airline compensation rules that came into force in the European Union (EU) last month are already having an impact on airlines and passengers within the EU and on long-haul routes to and from Asia, Australasia and beyond.

By Jack Handley

The new rules are of interest to many Asia-Pacific travellers flying to Europe because compensation is payable to passengers on all EU member airlines flying to EU airports.

All the relevant info can be found on the website of the Air Transport Users' Council [www.auc.org.uk](http://www.auc.org.uk), but in a nutshell, if you're flying to an airport in the EU on a route where delays, cancellations, overbooking, downgrading or bumping are common, then fly with an EU airline. It won't guarantee you'll get there any quicker, but you just might be better off at the end of the journey.

Downgrades, for example, can be lucrative, although to be fair, you need to ask yourself if the money compensates for sitting in business class (or economy) when you've paid for first class (or business).

Under EU law, if you have been downgraded to a class lower than that for which you paid on a flight from an



**Being bumped can happen to anyone, but passengers must follow the rules to the letter in order to make a successful claim.**

## Which countries are in the EU?

Airlines of the following countries are bound by the EU regulations: Austria, Belgium, Cyprus, Czech republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, The Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden and the United Kingdom.

For Australians, that means flights to EU airports on BA, Virgin, Austrian/Lauda are covered.

EU airport or on an EU carrier flying from an airport outside the EU to an EU airport then you are entitled to a refund of 30 per cent of the ticket price for journeys up to 1500km. For 1500-3500 kms, you are entitled to 50 per cent of the ticket cost and for more than 3500 kms, you can put your hand out for 70 cents in the dollar.

For delays on flights over the same distances, the minimum compensation kicks in with meals and refreshments

plus a couple of phone calls and peaks with overnight delays that entitle you to accommodation, meals, transfers, phone calls and if you decide not to fly, full reimbursement on the ticket cost.

Being bumped also can pay dividends, particularly if you don't volunteer to be offloaded. But even if you do volunteer to surrender your reservation on an overbooked flight, you not only get the benefits of whatever you agree with the carrier, you also are entitled to

# business travellers the new EU regulations

a refund — within seven days — of the full price you paid for your ticket for the part or parts of your journey not made (and for the part or parts already made if the flight is no longer serving any purpose in relation to your original travel plan) and a return flight to the departure airport as soon as possible. Alternatively, re-routing to your final destination as soon as possible or, if you agree, flying at a later date. (If the airline flies you to another airport in your destination city then they must pay for the transfer to the airport you were booked for or to another close-by point of your choice).

You also are entitled to Denied Boarding Compensation (DBC), paid at non-EU airports on flights to an EU airport on an EU airline. To qualify, you must have a valid ticket, plus a confirmed reservation and you must have checked in by the deadline given you by the airline.

If you meet these conditions, the airline must compensate you by a

choice of a full refund within seven days on your 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 your original travel plan) and a free return flight to the point of

**The amount of compensation you get, depends on the length of your flight and on how late you are getting to your final destination.**

your first point of departure if you need it or another flight as soon as possible or at a later date of your choice.

But wait, there's more! You also get the steak knives!

The airline must also pay you some compensation in cash, cheque or bank

transfer. You can accept vouchers instead of cash if you wish, but you don't have to. The minimum amount the airline must give you is set out in the Regulation. The amount you get, depends on the length of your flight and on how late you are getting to your final destination. It starts at 125

Euros for delays of up to two hours on short flights and peaks at 600 Euros for delays of more than four hours on long-haul flights.

Hey, and you also get tickets to the telephone, meals and accommodation gigs (the latter for overnight delays).

As you might expect, cancelled flights carry their own entitlements which are very similar to those for DBC, above. The amount of compensation varies according to the amount of notice provided and also depends on the alternatives offered by the carrier.

In addition to any entitlements under EU law, you also should take a look at the Flight Disruptions advice sheet which gives information on your entitlements under the Montreal Convention, which may cover you in circumstances where you're not on an EU airline or flying to an EU port.

As with many of these things, the airlines are able to avoid payment if they can prove the problems were caused by extraordinary circumstances such as bad weather, airport strikes, security alerts and air traffic control problems. They do not include technical problems with aircraft and thanks in part to Billy Connolly's film "The Man Who Sued God", some courts are now less tolerant of airline definitions of 'extraordinary'.

## BA challenged on safety grounds

The new rules came into force just before a British Airways pilot faced the choice of an overnight stay for 351 passengers in Los Angeles or a flight to London on three engines. He opted for the latter.

The flight came to media attention when it landed in Manchester UK, because it was a little low on fuel.

BA was accused to trying to avoid the estimated \$250,000 cost of the overnight, a suggestion they denied.

A BA spokesperson was reported as saying that when the engine fault was identified, the pilot had spoken to UK

management and had decided to fly on because "the aircraft can fly perfectly well on two engines" and Los Angeles authorities might have been annoyed if they'd dumped a 747-load of fuel prior to landing again.

(For anyone who has trouble with the logic, a 747 can fly on two engines, but it can't fly as high or as fast and at low altitude — say 25,000 feet — is likely to be further slowed by unhelpful winds. All of this eats fuel and therefore, flying with four engines is not only intrinsically safer, it's more economical and more likely to get you to your destination without refuelling.)