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## **Stakeholder Hearing on Public Consultation on Air Passenger Rights**

Brussels, 28 June 2010

### **The situation:**

- I would like to warmly welcome all participants and speakers to today's Conference, and express my special thanks to the European Economic and Social Committee for their cooperation and support in the organisation of this hearing.
- I much appreciated the co-operation with the Economic and Social Committee already under my previous mandate, notably when launching and promoting the European Transparency Initiative, and trust that we will continue developing a most fruitful co-operation also under my new responsibilities.
- Let me first of all thank all those who have contributed to the Public Consultation, covering a set of legislations on air passenger rights, which was launched on 15 December 2009 by Vice-President Tajani and closed on last March 10th.
- Indeed, the consultation has covered five pieces of European legislation:
  - Regulation (EC) No 889/2002, which transposed the Montreal Convention into EU Law ("the Liability Regulation") and which notably concerns the liability for lost, damaged and mishandled luggage;
  - Regulation (EC) No 261/2004 ("the APR Regulation") establishing rules for compensation and assistance to passengers in the event of denied boarding, cancellation and long delay;
  - Regulation (EC) No 1107/2006 on the rights of passengers with reduced mobility ("the PRM Regulation");
  - Regulation (EC) 1008/2008 on common rules for the operation of air services in the EU and
  - Directive 96/67 on the conditions for access to the ground handling markets
- The response to the Public Consultation has been a success. More than 370 contributions have been received from various stakeholders: national authorities, air carriers, airports and their associations, consumer organisations and organisations representing persons with disabilities or reduced mobility (PRM), employers' associations, NGOs etc.
- The high number of responses shows the ever increasing interest in the issue of passenger rights. This interest has even been reinforced through the events and the impact related to recent volcanic ash crisis.
- The crisis situation has also clearly demonstrated the need for minimum rights to protect air passengers in case of service disruptions. At the same time it is necessary not to put excessive burdens on air carriers while ensuring a level and competitive playing field in the European Union.
- We need to ensure that the right balance is struck in the future between passenger's rights, the obligations of the industry and the share of responsibilities among all economic actors, public and private, when this kind of emergency situation arises.

We'll take into account the lessons learnt from the volcano for the future evaluation of current EU law.

#### **The consultation:**

- The analysis of the responses to the different questions of the consultation have shown, that there are very divergent opinions regarding the issue of air passenger rights depending on the source of the response.
- In a nutshell, responses to the 32 questions, which will be tackled in detail by the different panels today, range from a request for further regulation, mainly by individuals and consumer representatives, in areas which are already covered by European legislation, but also in areas which should be covered, be it through EU legislation or voluntary agreements, such as business practices including rescheduling, no-show policy, on-line reservation and check-in etc. This group also asks for more obligations with regard to reporting from air carriers as well as national enforcement bodies and increasing liability with regard to luggage issues.
- On the very opposite site, there is an expression of regulatory fatigue and request to reduce the administrative burden imposed on air carriers but also on national enforcement bodies. This position is mainly held up by airlines and their associations, claiming that regulation is sufficient. The industry side defends in particular their different business models and highlights the need for competition between the different groups of airlines, which would be stifled by too heavy regulation.

#### **The general framework for passenger rights:**

- My priority at this stage is, first of all, to ensure an adequate degree of legal protection for all transport modes and thus to complete the EU legal framework for passengers' rights. As you may know, we are working hard to get passengers' coverage for the road and waterways' sectors: two important legislative proposals are currently pending before the Council and Parliament and may be adopted before the end of the year if not, hopefully, earlier.
- My aim is indeed to have a broad, inter-modal approach when dealing with passengers rights, and to focus action on **three main priorities**:
  - **Information**, to raise citizens' awareness about their rights as passengers through information campaigns enabling them to quickly identify a contact point to answer their queries and direct them to the correct procedure to follow. The outcome from the public consultation also shows that there is a great interest in making information available from various sources in order to ensure transparency and improve enforcement.  
I am convinced that the more information is provided to passengers, so that they can make informed choices while buying their plane ticket, the better for the air carriers. As you might know, we will be launching a new European Information Campaign on passenger rights for all modes of transport tomorrow at the Zaventem Airport.
  - **Protection**, to ensure that the current and future set of legislation is properly implemented and enforced by all Member States, so that passengers and industry can enjoy a level playing field and similar degrees of protection, according to the different transport modes, across Europe.
  - **Intermodality**, to develop the interaction and cooperation between different modes of transport in order to provide any possible alternative to passengers in case that a specific mode is confronted with extraordinary

difficulties, as it has been the case with air transport during the volcano crisis.

**The future outlook:**

- The outcome of the public consultation, which will be discussed today, together with the results of ongoing & future studies in the field of air passenger rights, the rulings from the European Court of Justice and the lessons from experience will feed into a general reflection about future APR policy by the Commission.
- By the end of the year, the Commission intends to adopt a new horizontal Communication on passenger rights covering all modes of transport.
- This horizontal communication will be the framework for two other communications on Air passenger transport to be adopted this year covering, one, the APR Regulation and, the other, the PRM Regulation. There will be reflections on the "Liability Regulation" next year. The Communication on the APR Regulation will include reflections on a review of that Regulation together with interpretative guidelines on controversial issues, as also suggested by the Transport Council of last Thursday.
- I will now leave the floor to János TOTH, the President of the Transport, Energy, Infrastructure and the Information Society Section of the European Economic and Social Committee. Let me wish you interesting debates and exchanges of opinions during this day.