

www.cecluxembourg.lu

Air Passenger Rights

updated in February 2024



Your rights in the event of denied boarding, cancellation, delay or brought forward of the flight are set out in the European Regulation (EC) No 261/2004 on air passenger rights and in the case law of the Court of Justice of the European Union (ECJ).

The Regulation applies to passengers of:

- a flight departing from an airport in the territory of the European Union; or
- a flight from an airport outside the territory of the European Union to an airport in the European Union, if the flight is operated by an EU airline.

From 1 January 2021, due to Brexit, the European Regulation (EC) No 261/2004 only applies to flights from the EU to the UK and from the UK to the EU, if the flight was operated by an airline based in the EU.

What rights do you have if your flight is cancelled or brought forward by more than one hour?

If your flight is cancelled, you have the choice between:

- a refund of your flight tickets; or
- a re-routing to your final destination.

You are also entitled to assistance (meals and refreshments, communication, hotel accommodation and transfer).

If the cancellation of the flight is not due to extraordinary circumstances (e.g. bad weather, security problems, etc.) and you were informed less than fourteen days before the scheduled date of departure, you are generally entitled to additional lump-sum compensation:

- 250 € for all flights of 1500 km or less;
- 400 € for all intra-Community flights of more than 1500 kilometres, and for all other flights between 1500 and 3500 km;
- 600 € for all flights over 3500 km.

However, the right to additional compensation may be waived if you were informed less than two weeks before the departure date and the airline has offered you re-routing to your final destination.

In the case of re-routing, the amount of compensation may also be reduced by 50% under certain conditions if the arrival at the destination is insignificantly later than the booked flight.

In its judgment of 21 December 2021 (Joined Cases C-146/20, C-188/20, C-196/20 and C-270/20), the Court of Justice of the European Union clarified that a flight brought forward by more than one hour must be considered cancelled. Thus, in principle, the above rules also apply to flights brought forward by more than one hour.

For information:

If you opt for a refund, the airline must reimburse you the price of the ticket within 7 days in cash, by bank transfer or by cheque.

If you agree, the compensation and/or refund can also be in the form of a voucher.

What rights do you have if your flight is delayed?

In the event of a flight delay, you are entitled to free assistance (meals and refreshments, communication, hotel accommodation and transfer) depending on the duration of the delay and the length of the flight.

If your flight is delayed by three hours or more compared to the scheduled arrival time and the delay is not due to extraordinary circumstances, you can also claim a lump sum compensation in the following amount:

- 250 € for all flights of 1500 km or less;
- 400 € for all intra-Community flights of more than 1500 kilometres, and for all other flights between 1500 and 3500 km;
- 600 € for all flights over 3500 km.

If your departure is delayed by more than 5 hours, you can claim reimbursement of the ticket price if you forego your flight.

What rights do you have if you have been denied boarding?

In the event of denied boarding, e.g. overbooking, you are entitled to:

- free assistance (meals, communication, hotel accommodation and transfers); and
- an additional lump-sum compensation of between €250 and €600, depending on the flight route:
 - 250 € for all flights of 1500 km or less;
 - 400 € for all intra-Community flights of more than 1500 kilometres, and for all other flights between 1500 and 3500 km;
 - 600 € for all flights over 3500 km.

In addition to the right to care services and compensation, you also have the choice between:

- Reimbursement of the flight tickets on condition that you forego the flight; or
- re-routing to your final destination.

Your right to compensation and service (reimbursement of the air fare or re-routing) does not apply if the denied boarding is exceptionally justified. This is the case, for example, if you have been denied boarding for health, safety or security reasons or because of insufficient travel documents (expired ID, non-compliant PCR test, missing visa, etc.).

How can you assert your claims?

In the event of denied boarding, cancellation, early departure or delay of the flight, we recommend that you submit your complaint in writing as soon as possible to the airline that operated the flight. In addition, you should enclose all travel documents with your claim: Booking confirmation, boarding pass, any certificates issued by the airline regarding the incident and receipts proving your costs incurred, etc.

If the complaint is rejected or you do not receive a reply within 8 weeks, you can refer your case to the national authority (of the place of the incident) established in each Member State to monitor the application of Regulation 261/2004 ("National Enforcement Body" or "NEB"). In Luxembourg, the NEB is located in the Directorate for Consumer Protection (passagers@mpc.etat.lu).

For more information about your rights, contact the European Consumer Centre Luxembourg.

What can you do if you want to cancel your flight?

If you are unable to take your booked flight and wish to cancel it, European Regulation (EC) No. 261/2004 does not apply. In this case, your rights are governed by the cancellation conditions of the respective airline. We recommend to read the General Terms and Conditions (GTC) and Conditions of Carriage. It should be noted that the cancellation regulations of the airlines may differ.

If you have taken out trip cancellation insurance, you can check whether your cancellation is covered by the insurance. If this is the case, your insurance may reimburse you for the cancellation and travel costs under certain conditions.

Some credit card providers also offer credit cards with integrated travel cancellation insurance. We therefore recommend that you also check the relevant insurance conditions when paying with your credit card.

Contactez-nous

+352 26 84 64 1
info@cecluxembourg.lu
www.cecluxembourg.lu



European
Consumer Centre
Luxembourg



This infosheet was funded by the European Union. The content of this press release represents the views of the author only and it is his/her sole responsibility; it cannot be considered to reflect the views of the European Commission and/or the European Innovation Council and Small and Medium-sized Enterprises Executive Agency (EISMEA) or any other body of the European Union. The European Commission and the Agency do not accept any responsibility for use that may be made of the information it contains.

ECC Luxembourg is a GIE - Groupement d'intérêt économique and is financially supported by the European Commission, Luxembourg's Government and the Union Luxembourgeoise des Consommateurs (ULC). Our services are free of charge.



LE GOUVERNEMENT
DU GRAND-DUCHÉ DE LUXEMBOURG



Cofinancé par
l'Union européenne

