

Do you really know your rights in case your flight is cancelled or delayed?

Weather conditions over the past few days have led to numerous flight delays and cancellations, but do you really know your rights if such a scenario occurs?

European Regulation n°261/2004 of 11 February 2004 ¹ (the “**Regulation**”), applying to flights, (i) departing from an airport located in the territory of a Member State or (ii) departing from an airport located in a third country to an airport situated in the territory of a Member State, ensures a high level of protection for passengers by establishing a common set of rules in terms of compensation and assistance to air passengers namely in case of cancellation of flights or delay.

• **Cancellation:**

If a flight is cancelled, passengers can:

- Ask the refund of the original ticket price, within 7 days ;
or
- request a replacement flight under comparable conditions of transport at the earliest opportunity.

If the passenger was informed of the cancellation less than 2 weeks before the scheduled departure date, he is also entitled to a compensation which may vary between EUR 250 and EUR 600, depending on the total distance of the flight.



• **Delay**

Airlines are required to offer certain services such as meals and refreshments, calls, to passengers of the concerned flight, if the delay is between 2 and 4 hours.

If the delay is of 5 hours or more, passengers are entitled to a refund of the ticket at the purchase price within 7 days.

If the delay requires an overnight stay, the airline must also provide accommodation at a hotel, with the transfer costs included.

When the flight is delayed for 3 hours or more, passengers are also entitled to a compensation which may vary between EUR 250 and EUR 600, depending on the total distance of the flight.

Nevertheless, Regulation provides that airlines are exempted from the aforementioned financial compensation (i.e. and not from the obligation to reimburse and assist passengers) if they are able to prove that the cancellation/delay was due to extraordinary circumstances.

Meteorological conditions incompatible with the operation of the flight concerned, is considered as an extraordinary circumstance, as a result, passengers will not be entitled to the compensation provided for in the Regulations.

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