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*(Information)***COUNCIL****COUNCIL RESOLUTION****of 2 October 2000****on the rights of air passengers***(2000/C 293/01)*

THE COUNCIL OF THE EUROPEAN UNION,

AFFIRMS its desire to make the rights of air passengers better known, and to strengthen them. In this respect, it welcomes the Commission's communication and the information campaign launched by it to make passengers aware of their rights by publishing a charter and posting it in Community airports.

NOTES that air passengers today are not sufficiently informed about their rights and are liable to find themselves in an unequal position vis-à-vis carriers.

INTENDS to take account of developments in the air transport sector at a global level, such as alliances, franchise agreements and code-sharing, and to correct any adverse effects these may have on the situation and rights of air passengers.

BELIEVES that the liberalisation of the Community's air transport and the rapid development of air travel, which meet consumers' expectations, must also be accompanied by increased protection and better information for passengers.

RECALLS the provisions of Article 153 of the Treaty which aim to promote the interests of consumers and to ensure a high level of consumer protection.

REFERS to the conclusions of the Lisbon European Council which advocate the simplification of the regulatory environment.

IS AWARE OF the special features of the air transport sector and the interdependence of the activities of the various operators involved, particularly airlines, airports, travel agents and tour operators, as well as the bodies responsible for air traffic control.

INTENDS to take care to maintain the necessary balance between measures to be taken in favour of passengers and operators' financial imperatives, which evolve against a background of global competition.

RECALLS also that the desire to protect air passengers should not hinder the freedom of competition both inside and outside the European Union, and in particular the commercial initiatives of each company.

TAKES INTO ACCOUNT the work carried out and decisions taken at international level in the specialised bodies and also the work of professional bodies, such as the International Air Transport Association (IATA) and the Association of European Airlines (AEA) and WILL ENSURE that steps taken by it are consistent with international conventions, particularly those of Warsaw and Montreal, and with the work of the International Civil Aviation Organisation (ICAO) and the European Civil Aviation Conference (ECAC).

DESIRES that consideration also be given to an initiative to protect the rights of passengers in the case of other modes of transport.

CONSIDERS THAT PRIORITY ACTIONS SHOULD SEEK TO:

1. improve the information given to air passengers through:

- (a) clarification of contracts, which must be made more accessible and easier to understand, and must spell out the essential details;
- (b) prompt and precise information on delays and, more generally, on any unexpected problems occurring during the journey;
- (c) the drawing up, at European level, of regular reports enabling consumers to compare air carriers' performances;

2. strengthen the protection of air passengers' rights: in this area, certain contractual terms need to be revised in the light of Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts ⁽¹⁾; in addition, the issues of ticket transfer, confirmation of reservations, price changes after booking, possible compensation and, *inter alia*, ticket reimbursement in the event of delays should be considered;
3. improve the service provided, particularly:
 - (a) in the event of delays, by considering, for example, the scope for re-routing passengers as soon as possible and providing them with a minimum level of assistance;
 - (b) in order to take into account the needs of passengers with disabilities and those requiring specific assistance;
 - (c) in the event of luggage being lost, delayed or damaged;
4. finally, facilitate the handling of disputes: it is indispensable in this area that airlines, airports, travel agencies and tour operators should make it easier to file complaints, and that these should be processed within a set period; it is also necessary that mechanisms should be put in place for the settlement of disputes, particularly on the basis of the Council Resolution of 25 May 2000 on a Community-wide network of national bodies for the extra-judicial settlement of consumer disputes ⁽²⁾.

URGES those involved to undertake and continue with voluntary measures concerning the actions listed by the Council. Voluntary commitments will need to be sufficiently

specific to allow for a real improvement in the situation of the air passenger and will need to allow for their implementation to be monitored. These measures should be taken with a desire for efficiency; for this reason, they should be taken quickly and completed no later than May 2001 with a view to the European Union/European Civil Aviation Conference (ECAC) dialogue meeting on this subject, and reports on their progress should be drawn up regularly by the Commission.

EMPHASISES that in the event of failure of the process of voluntary cooperation which it favours, it may prove desirable to contemplate legislative initiatives in this area.

NOTES that the Commission intends to submit legislative proposals. At this stage, the Council believes that priority should be given to addressing the subject of the air transport contract in order to set its minimum requirements, and to publishing regular reports for consumers, and intends to consult interested parties on the matter.

SHARES with the Commission the need to reinforce the current protection of passengers in the event of a refusal of boarding.

INSTRUCTS Coreper to consider forthwith the Commission proposals on amending Council Regulation (EC) No 2027/97 of 9 October 1997 on air carrier liability in the event of accidents ⁽³⁾ and on approving the Convention for the unification of certain rules for international carriage by air (Montreal Convention).

CONFIRMS its intention of discussing this matter again at its next meeting.

⁽¹⁾ OJ L 95, 21.4.1993, p. 29.

⁽²⁾ OJ C 155, 6.6.2000, p. 1.

⁽³⁾ OJ L 285, 17.10.1997, p. 1.