

Parlamentarische Anfragen

16. Dezember 2008

E-6669/08

SCHRIFTLICHE ANFRAGE von Brian Simpson (PSE) an die Kommission

Betrifft: Verbraucherrechte für Flugreisende

Antwort(en)

Könnte die Kommission, da sie offenbar nicht beabsichtigt, Vorschläge zur Änderung der Pauschalreiserichtlinie (90/314/EWG)⁽¹⁾ zu unterbreiten, in Anbetracht der Tatsache, dass die Verordnung (EG) Nr. 261/2004⁽²⁾ über eine gemeinsame Regelung für Ausgleichs und Unterstützungsleistungen für Fluggäste im Fall der Nichtbeförderung und bei Annullierung oder großer Verspätung von Flügen von einigen Fluggesellschaften missbraucht wird, angeben, wann sie endlich dem Verbraucher Vorrang einräumen und Vorschläge zur Änderung der Pauschalreiserichtlinie vorlegen sowie dem Missbrauch des in der Verordnung enthaltenen Schlupflochs im Zusammenhang mit der Berufung auf „höhere Gewalt“ ein Ende setzen wird?

(1) ABI. L 158 vom 23.6.1990, S. 59.

(2) ABI. L 46 vom 17.2.2004, S. 1.

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Rechtlicher Hinweis

E-6669/08EN

Answer given by Ms Kuneva
on behalf of the Commission
(3.2.2009)

The travel sector has evolved considerably since the adoption of the Package Travel Directive with the development of the Internet, the entry of low-cost air carriers and the increasing trend of consumers putting together their own holiday components from different organisers, instead of opting for packages pre-arranged by an organiser or a retailer (dynamic packages). The Directive, therefore, requires to be updated to better reflect the conditions of today's travel market.

In 2007 the Commission consulted stakeholders on the main regulatory problems in the area of package travel. Over 60 responses were received from different stakeholder groups and the Member States. There was a general view that the Directive should be revised. Issues which could be addressed in the revision of the Directive and which were supported by many stakeholders in the consultation were:

- clarify of the scope of the Directive by indicating which dynamic packages fall within the scope of the Directive;
- distinguish and clarify the liability of the organiser and the retailer respectively;
- review the information requirements so as to extend their scope to media other than brochures.

The Commission has initiated a process of revision of the Package Travel Directive, starting this month with a study on consumer detriment caused by dynamic packages. The outcome of the study will feed into an Impact Assessment, which will be launched in June 2009.

A proposal for a revised Package Travel Directive may be adopted by the Commission in autumn 2010.

As regards the protection of consumers who do not buy packages, but merely airline tickets and who are therefore not covered by the Package Travel Directive, it should be noted that the Commission has initiated a study on the consumer protection against aviation bankruptcy, in order to have a better view of the effects of past bankruptcies of scheduled airlines in the EU since 2000. The study will give an overview of experiences from airline bankruptcies during the last years as well as options on how to protect airline passengers. Before

taking any view on potential measures, the Commission wants to see the results of the study it has launched, which will be available shortly. The Commission will keep the Parliament informed on the outcome of the study.

With regard to Regulation 261/2004^[1], since the beginning of his mandate the Member of the Commission responsible for Transport has attached the greatest importance to the protection of passengers of all modes of transport. In the air sector, his commitment means the assurance that the air Regulations that are already in force (notably Regulation 261/2004) are respected by carriers and that they are correctly enforced by Member States.

The meeting held in Brussels 2 December 2008 -which gathered together again all the stakeholders- closed the period of stability where the Commission^[2] encouraged the collaboration of all interested parties to improve the situation without the need for further legislative or judicial measures. The meeting also initiated the new evaluation phase, in which the Commission will analyse where and why Regulation 261/2004 is still not adequately respected, and will come up with the necessary solutions.

The Commission intends to provide another report to the Parliament and the Council on the operation and the results of Regulation 261/2004 in 2009. The Commission will analyse the four years of operation of the Regulation in order to assess its success in reducing the number of incidents and the protection of air passenger rights. It will also announce the Commission's intentions regarding future legislative measures. In 2009, the Commission will launch as well the procedures to open infringement cases against the countries that seem not to fully enforce the Regulation.

The Commission encourages the Members of Parliament to send it all data at their disposal that helps it to assess whether the Regulation is being abused by some companies.

^[1] Regulation (EC) No 261/2004 of the Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91, OJ L 46, 17.2.2004.

^[1] COM2007) 167 final.

^[1] Regulation (EC) No 261/2004 of the Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91, OJ L 46, 17.2.2004.

^[2] COM2007) 167 final.