

# Flight cancellations: Do passengers always have the right to reimbursement when the air carrier has cancelled the flight due to the COVID-19 pandemic?

During the corona crisis, air carriers have been forced to cancel flights due to travel restrictions in order to contain the spread of COVID-19. But do all passengers have the right to reimbursement when the air carrier cancels?



## EU Regulation 261/2004

According to EU Regulation 261/2004, passengers are entitled to reimbursement of the full price of the air ticket in respect of the part or parts of the journey that has been cancelled by the air carrier. Reimbursement must be made within 7 days.

On March 18, 2020, the EU Commission published its interpretative guidelines on EU passenger rights regulations in the context of the developing situation with COVID-19. As stated in the guidelines, the air carriers are still obliged to reimburse the price of the air ticket when the flight was cancelled by the air carrier due to the COVID-19 pandemic. But does the EU regulation always apply when a flight is cancelled?

## When does the EU Regulation apply?

Passengers are always covered by EU Regulation 261/2004 if they have an air ticket for a flight departing from an airport located within the EU, regardless of whether the final destination is located inside or outside the EU. However, the regulation does not apply if neither the departure airport nor the arrival airport is located within the EU.

However, passengers may be covered by the Regulation if they have an air ticket for a flight departing from an airport located outside the EU to an airport located within the EU.

The determining factor is whether the air carrier has a valid operating license granted by an EU Member State in accordance with the provisions of Council Regulation. If the passenger has an air ticket for a flight departing from an airport outside the EU to an airport within the EU and the air carrier does not have a valid EU license, the passenger cannot claim reimbursement with reference to the Regulation.

## Can the passenger get their air ticket reimbursed?

Whether the passenger can get the air ticket reimbursed depends on the rules by which the air carrier is obligated. For example, if a passenger had an air ticket departing from an airport in Canada to an airport in Denmark travelling with a Canadian air carrier, the Canadian rules apply.

Canadian air carriers are obliged by the Canadian Air Passenger Protection Regulations. According to these rules, the Canadian air carriers are not obligated to reimburse the air ticket if the air carrier cancelled the flight due to the COVID-19 pandemic. Under the Canadian rules, the air carrier is only obligated to reimburse the air ticket if the reason for the cancellation was within the air carrier's control. Since the COVID-19 pandemic is beyond the control of the air carrier, Canadian air carriers are therefore not obliged to reimburse the air ticket unless the ticket was bought as a refundable ticket.



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