BRUSSELS, 17TH OCTOBER 2013: CONFERENCE ON THE REVISION OF EU REGULATION 261/2004

PROGRAMME

08.30 - 09.00  Registration and welcome.

09.00 - 09.15  Opening of the conference by the Chairpersons of the day:
Prof. Rigas Doganis, Chairman of the European Aviation Club.
Prof. Dr. Pablo Mendes de Leon, Director, IIASL, University of Leiden.

09.15 - 09.30  Setting the scene for the operation of Regulation 261/2004.
Mr. Alan Meneghetti, Partner, Clyde & Co LLP, London, UK.

09.30 - 10.30  Discussion of the “Proposal for a Regulation amending Regulation (EC) No 261/2004 on air passenger rights and Regulation (EC) No 2027/97 on air carrier liability in respect of air passengers and their baggage”.

• Contents of the Proposal made by the Commission:
  - Clarifying grey areas: extraordinary circumstances, right to information in relation to long delays and tarmac delays; contingency planning; re-routing and connecting flights;
  - Introducing new rights in the case of rescheduling; misspelt names; with regard to mishandled baggage and transparency requirements for cabin and checked luggage;
  - Measures regarding price transparency and passengers’ protection in case of airline insolvency;
  - Reducing the burden on the industry ie. limit to the right to assistance, limits for regional operations, involvement of airports for contingency plans, increasing the thresholds triggering the right to compensation;
  - Ensuring a more efficient complaint handling and enforcement policy

• Members of Parliament have until 3 October to introduce amendments. The transport committee will vote on the report on 14 November.
• EU transport ministers will debate the issue on 10 October. The Parliament hopes to reach an agreement with the Council for the following Plenary Session.

Mr. Jean-Louis Colson, European Commission, DG MOVE, Head of Unit Passengers’ Rights, Brussels.
Ms. Jacqueline Foster, Member of Parliament MEP - Conservative Spokesman on Transport & Tourism, Brussels.
Mr. Tim Middleton, Director, Council Legal Service, Council of the European Union, Brussels. (invited)

10.30-12.45 Reaction from stakeholders.

Comments from the airlines on the EC proposal and the EP amendments to date.
Ms. Monique de Smet, Regional Director, Europe, IATA, Brussels.
Mr. Athar Husain Khan, Secretary General AEA, Brussels.

Reaction from the consumers.
Ms. Bianca Schulz, Director, Centre Europeen des Consommateurs, France (invited)
BEUC (Invited)

Refreshment break with coffee and tea.

What is the practical view of the airlines on the revision process? Was it needed? Will it lead to better legislation?
Mr. Chris Gadsden, Head of Government Affairs, easyJet, UK.
Ms. Caroline Green, Director of Customer Service, Ryanair, Dublin.
Mr. René Maysokolua, Legal Department, Air Berlin, Germany.
Mr. Mike Bowers, General Counsel, TUI Travel, UK.
Prof. Dr. Regula Dettling-Ott, Vice President EU-Affairs at Deutsche Lufthansa AG, Brussels.

12.45 – 13.00 View of the Eurosceptic.
"Regulation 261 is fundamentally flawed in principle and disastrous in operation".
Mr. Harold Caplan, London, UK.

13.00 - 14.00 Lunch

Chairman of the afternoon: Prof. Dr. Wolf Müller-Rostin, aviation consultant, Bonn

14.00 - 14.30 Operational reality of Regulation 261.
What to do when operations are disrupted. Airports, airlines and ATC depend on each other and will need to work together.
Mr. Matthieu Verdegaal, Chief OCC & Ground Services, Transavia, the Netherlands.
Ms. Sorana Pop, Vice president Team Aviation Solution, Bucharest.

14.30 – 14.45 Covered or not covered under the existing insurance contracts?
New insurance product? Offer and/or Demand?
Ms. Ulla Norrhäll, Aviation Lawyer, Munich Reinsurance Company, Munich, Germany.

14.45 – 17.00 Enforcement of Regulation 261/2004 by the National Enforcement Bodies (NEBs) and its proposed reform.
Regulation 261 obliges Member States to create National Enforcement Bodies (NEBs) responsible for the application and enforcement of passenger rights. NEBs, however, apply different sanctioning policies and they interpret various parts of the Regulation differently. The proposal formalises and reinforces the coordination and exchange of information.
Current implementation in some Member States.

**Italy:** Prof. Laura Pierallini, Studio Legale Pierallini & Associati / LUISS University of Rome.

**Portugal:** Mr. António Moura Portugal, Partner, ABBC & Associados, Lisbon.

**United Kingdom:** Mr. Paul Freeman, Partner, Kennedys Aviation, London.

**France:** Dr. Vincent Correia, Maître de conférences en droit public (Senior lecturer), Université Paris-Sud and Visiting lecturer, IIASL, Leiden University.

**Refreshment break with coffee and tea.**

**Challenges for NEBs.**

Solutions proposed by the Commission to improve and limit divergent enforcement across Europe. Proposition to split the two functions of the NEB into one individual complaint-handling entity and one enforcement entity.

**Ms. Noura Rouissi,** European Commission, DG MOVE, "Passengers' Rights" unit, Brussels.

**Is ADR a solution?** If EU consumers can rely on a well-functioning and transparent Alternative Dispute Resolution (ADR) it will allow for disputes to be settled fast, effectively and cheaply without going to court. Effective ADR offers both business and consumers a win-win situation encouraging consumers to spend secure in the knowledge that if something goes wrong it is easy for them to access redress while business will avoid the costs of going to court.

**Mr. Juan Buesso,** Director of European Consumer Centre (ECC), Ireland (invited)

**List of extraordinary circumstances as agreed by the NEBs.**

On 31 May 2012, it was agreed that a task force of NEBs be formed to assist in the development of a list of possible situations that might, or might not; constitute extraordinary circumstances within Regulation 261. The aim in developing this list would be to provide transparency for passengers and the industry and assist NEBs in the consistent and uniform implementation and enforcement of the Regulation. Following the drafting of the non-exhaustive and non-binding list of extraordinary circumstances, in April 2013, 27 NEB’s agreed on its content and the list was published on the Commissions’ website on July 22, 2013. In the meantime, the UK, Irish and Dutch NEBs published it on their website.

**Mr. Maurice Sistermans,** Senior Policy Advisor Aviation at Ministry of Transport and the Environment, the Hague, The Netherlands. (invited)

**How a national licensing authority engages with airlines that are in financial difficulties and seeks to protect passengers before and after a failure occurs.**

**Mr. David Kendrick,** Civil Aviation Authority, London, UK.

**17.00 – 17.30 Final comments, discussion and conclusions.**

**Moderator:** Prof. Mia Wouters, Of Counsel LVP LAW; University of Ghent; with a panel of previous speakers.

**17.30 Closure of the conference, followed by a drink.**