



5

### Right to obtain information about air passenger rights

In case of flight cancellation, denied boarding or the delay of the flight of at least 2 hours, the operating air carrier should provide each passenger affected with a written notice setting out the rules for minimum passenger rights, including the right to compensation and assistance.

### Right to obtain information about the identity of the operating air carrier

The air carriage contractor (the air carrier, the tour operator and a ticket seller) are obliged to inform passengers about the identity of the air carrier or air carriers actually operating, whatever the means used to make the reservation. This information shall ensure that the passenger may check whether the operating air carrier is on the Community list of air carriers subject to an operating ban within the Community. Such information is published on the website of air carriers, airports and the Civil Aviation Office (<http://www.ulc.gov.pl>).

In a case where the operating air carrier is on the Community list of air carriers subject to an operating ban which has led to the cancellation of the flight concerned, or which would have led to such cancellation if the flight concerned had been operated in the Community, the passenger has right to re-routing or reimbursement of the full cost of the ticket, provided that, where the flight has not been cancelled, the passenger has chosen not to take that flight.

### Right to complain about the operating air carrier

In the case of infringement of any air passenger rights mentioned above, the passenger has the right first to complain to the operating air carrier and then has the right to complain about the operating air carrier to the President of the Civil Aviation Office. In the Republic of Poland the body entitled to examine the complaints is:

**The President of the Civil Aviation Office  
Commission on Passengers' Rights**  
59, Zelazna Street  
00-848 Warsaw  
Tel. +48 22 520 74 39  
E-mail: [kopp@ulc.gov.pl](mailto:kopp@ulc.gov.pl)  
Poland

The specific information concerning the procedure of complaining is available on the website of the Civil Aviation Office: <http://www.ulc.gov.pl>.

### Other cases of failure to perform or the improper performance of the contract by the air carrier.

In other cases of failure to perform or the improper performance of the

6

contract by the air carrier, in particular, damage to baggage, or an onboard accident which caused the death or bodily injury of a passenger, the passenger is entitled to enforce against the carrier the rights which flow from the contract of carriage before the entitled court.

#### ATTENTION!

**The rules of minimum passengers' rights shall not apply to passengers traveling free of charge or at a reduced fare not available directly or indirectly to the public. However, it shall apply to passengers having a ticket issued under a frequent flyer programme or other commercial programme.**

- 1) Protection of minimum passenger rights is established by Regulation (EC) No 261/2004 of The European 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 (EC) No 295/91 (entered into force on 17 February 2005) and Regulation (EC) No 2111/2005 of the European Parliament and of the Council of 14 December 2005 on the establishment of a Community list of air carriers subject to an operating ban within the Community and on informing air transport passengers of the identity of the operating air carrier, and repealing Article 9 of Directive 2004/36/EC (entered into force on 16 January 2006).
- 2) The flights between the European territory of the Member States and the French overseas departments are not treated as intra-Community flights.



# Air Passenger Rights

2



## As an air passenger, you have the right to:<sup>1</sup>

- | care
- | compensation
- | reimbursement of the full cost of the ticket and a return flight to the first point of departure
- | re-routing
- | partial reimbursement of the cost of the ticket if downgraded by the airline
- | obtain information about air passenger rights
- | obtain information about the identity of the operating air carrier
- | complain about the operating air carrier

These minimum passengers' rights shall apply to the passengers departing from airports located in a Member State and those leaving an airport located in a third country for one situated in a Member State when the Community carrier operates the flight.

### Right to care

The operating air carrier is obliged to care for passengers in the following circumstances:

- | flight cancellation
- | denied boarding
- | long delay of flight

Whilst in the care of the operating air carrier, the following shall be provided free of charge:

- | meals and refreshments
- | two telephone calls, e-mails, telex or fax messages
- | hotel accommodation and transport between the airport and place of accommodation

The assistance shall be offered according to the waiting time for a delayed or alternative flight. Passengers are entitled to hotel accommodation if a stay of one or more nights becomes necessary.

3

Right to care does not apply in cases when the delay lasts less than:

- | 2 hours in case of all flights of 1500 kilometres or less,
- | 3 hours in case of all intra-Community flights of more than 1500 kilometres,
- | 3 hours in case of all flights other than intra-Community between 1500 and 3500 kilometres,
- | 4 hours in case of all flights other than intra-Community of more than 3500 kilometres.

The care should be offered to persons with reduced mobility and to those accompanying them, and to unaccompanied children as soon as possible.

### Right to compensation

In case of denied boarding or flight cancellation passengers shall receive compensation amounting to:

- | EUR 250 for all flights of 1500 kilometres or less,
- | EUR 400 for all intra-Community flights of more than 1500 kilometres,
- | EUR 400 for all flights other than intra-Community between 1500 and 3500 kilometres,
- | EUR 600 for all flights other than intra-Community of more than 3500 kilometres.

The compensation mentioned above may be reduced by 50% when passengers are offered re-routing to their final destination on an alternative flight and the arrival time does not exceed the scheduled arrival time of the flight originally booked by:

- | 2 hours in respect of all flights of 1500 kilometres or less,
- | 3 hours in respect of all intra-Community flights of more than 1500 kilometres,
- | 3 hours in respect of all flights other than intra-Community between 1500 and 3500 kilometres,
- | 4 hours in respect of all flights other than intra-Community of more than 3500 kilometres.

The operating air carrier is not obliged to pay compensation when:

- | there were reasonable grounds for denying boarding such as health, safety, security or inadequate travel documentation,
- | passengers were informed of the cancellation at least 2 weeks before the scheduled time of departure,
- | passengers were informed of the cancellation between two weeks and 7 days before the scheduled time of departure and they were offered re-routing allowing them to depart no more than 2 hours before the scheduled time of departure and to reach their final destination less than 4 hours after the scheduled time of arrival,
- | passengers were informed of cancellation less than 7 days before the scheduled time of departure and they were offered re-routing allowing them to depart no more than 1 hour before the scheduled time of departure and to reach their final destination less than 2 hours after the scheduled time of arrival,
- | flight cancellation was caused by extraordinary circumstances which

4

could not have been avoided even if all reasonable measures had been taken. Such circumstances may, in particular, occur in cases of political instability, meteorological conditions incompatible with the operation of the flight concerned, security risks, unexpected flight safety shortcomings and strikes that affect the operation of an operating air carrier.

The compensation shall be paid in cash or, with the signed agreement of the passenger, in travel voucher and/or other services.

### Right to reimbursement of the full cost of the ticket and a return flight to the first point of departure

In case of cancellation, denied boarding or a flight delay more than 5 hours, the passenger has the right to withdraw from a contract. The operating air carrier is then obliged to:

- | reimbursement within 7 days of the full cost of the ticket at the price at which it was bought, for the part or parts of the journey not made, and for the part or parts of the journey already made if the flight is no longer serving any purpose in relation to the passenger's original travel plan, together with, when relevant,
- | a return flight to the first point of departure, at the earliest opportunity.

The reimbursement of the cost of the ticket may be paid in travel voucher or other services, with the signed agreement of the passenger.

### Right to re-routing

In case of flight cancellation or denied boarding, the operating air carrier is obliged to offer re-routing under comparable transport conditions, to the final destination:

- | at the earliest opportunity, or
- | at a later date at the passenger's and the operating air carrier's convenience.

The right to re-routing does not refer to the passengers who have decided to use their right to reimbursement of the full cost of the ticket.

### Right to partial reimbursement of the cost of the ticket if downgraded by the airline

In case of downgrading, an operating air carrier has 7 days to reimburse:

- | 30% of the price of the ticket for all flights of 1500 kilometres or less, or
- | 50% of the price of the ticket for all intra-Community<sup>2</sup> flights of more than 1500 kilometres, or
- | 50% of the price of the ticket for all flights other than intra-Community between 1500 and 3500 kilometres, or
- | 75% of the price of the ticket for all flights other than intra-Community of more than 3500 kilometres.

An operating air carrier may not request any supplementary payment for placing a passenger in a class higher than that for which the ticket was purchased.