

# EU Passenger Rights

## Your Passenger Rights

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Dear passenger,

If your flight is cancelled or is subject to a long delay, or if you are denied boarding on a flight for which you hold a valid reservation, you are entitled to certain rights in accordance with the EU Regulation 261/2004, which entered into force on 17.02.2005. The airline which carries out the irregular flight is responsible for granting you these rights.

## Validity

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The Regulation applies:

- to passengers departing from an EU airport or departing from an airport outside the EU and Landing at an EU airport when carried by an EU carrier, unless they received benefits or compensation and were given assistance in that third country,
- only if you have a confirmed reservation on the flight concerned,
- only if you (except in case of cancellation) present yourself in time for check-in or, if no time is indicated, at least 45 minutes before the published departure time,
- only if you travel on a ticket bought at a fare available to the public.

## Delay

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In accordance with the EU Regulation a delay occurs when a flight is delayed beyond its scheduled departure time by 4 hours for flights of more than 3.500 km, by 3 hours for flights between 1.500 km and 3.500 km as well as intra-Community flights of more than 1.500 km, and by 2 hours for flights of up to 1.500 km. When your flight is expected to have a delay, passengers are entitled to receive care while waiting. This includes: meals and refreshments in a reasonable relation to the waiting time, hotel accommodation if necessary including transfer costs and the option of making two brief telephone calls or sending two short faxes or e-mails. Care for passengers while waiting may be declined if the provision of the care would itself cause further delay. In case of more than 5 hours you are entitled to a refund of your ticket within seven days for the parts not used or for those parts already used if your flight no longer serves its purpose, and when relevant, a return flight to your first point of departure.

You are entitled to a compensation payment if your arrival at the destination airport is delayed by more than 3 hours in relation to the scheduled arrival time, unless the destination airport is not within the territory of an EU Member State and the delay only commences on a portion of the flight that begins at an airport outside the territory of a EU Member State. Furthermore, there is no claim to compensation payments if the delay is attributable to exceptional circumstances that would have been unavoidable even if all reasonable measures had been taken, for example in case of bad weather conditions, political instability, security risks and unexpected flight safety shortcomings.

## Denied boarding

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If in case of overbooking you are denied boarding involuntarily on a flight for which you hold a reservation, you are entitled to care and compensation without delay and to a refund as laid out in the previous section on 'delay'. In addition you are entitled to re-routing, under comparable conditions, to your final destination at the earliest opportunity. Subject to availability of seats, you may instead choose re-routing to your final destination at a later

date of your convenience, in which case you will have to bear yourself the cost of food, accommodation and transfer. If you are involuntarily or voluntarily denied boarding, you have the right to an alternative flight or to a refund and compensation which can also be paid as a cheque, by bank transfer or, with your agreement, in the form of a voucher. The compensation shall be paid in cash, cheque or transfer or with your agreement in form of vouchers. The amount of the compensation depends on the distance of the schedule flight or the alternative flight proposed to you. Compensations amount to:

- 250 € for flights up to 1.500 km
- 400 € for flights between 1.500 km and 3.500 and intra-Community flights of more than 1.500 km,
- 600€ for flights of more than 3.500km

If you are offered an alternative flight, the scheduled arrival time of which does not exceed 2 hours in respect of flights up to 1.500 km, 3 hours in respect of flights between 1.500k m and 3.500 km as well as intra-Community flights of more than 1.500 km, and 4 hours in respect of all other flights, the above, mentioned compensation amounts can be reduced by 50%, i.e. 125 €, 200 € and 300 €.

If you are offered an alternative flight, the scheduled arrival time of which does not exceed 2 hours in respect of flights up to 1.500 km, 3 hours in respect of flights between 1.500k m and 3.500 km as well as intra-Community flights of more than 1.500 km, and 4 hours in respect of all other flights, the above, mentioned compensation amounts can be reduced by 50%, i.e. 125 €, 200 € and 300 €. These rights are not granted if you have been denied boarding on reasonable grounds, such as reasons of health, general or operational security, or inadequate travel documentation.

## Cancellation

If your flight, for which you hold a valid reservation, is cancelled, you are entitled to re-routing, care, refund and compensation as laid out here above. You are not entitled to receive a compensation if the cancellation is attributed to extraordinary circumstances which could not have been avoided, even if all reasonable measures had been taken. Examples include bad weather conditions, political instability, strikes, security, risks, unexpected flight safety shortcomings. Equally, there is no right to compensation when the passenger has been informed of the cancellation:

- at least 14 days before the schedule time of departure
- between 14 and 7 days before the schedule time of departure and the alternative flight departs no more than 2 hours before the originally schedule time of departure and reaches the final
- destination less than 4 hours after the schedule time of arrival
- less than 7 days before schedule time of departure and the alternative flight departs no more than 1 hour before the originally schedule time of departure and reaches final destination less than 2 hours after the schedule time of arrival.

## Downgrading

If you are affected by downgrading to a lower class, you are entitled to a compensation payment within 7 days. In case of flying distances

- of up to 1500 km, the compensation payment amounts to 30% of the paid airfare, between 1500 and 3500 km and for flights within Europe of more than 1500 km (with the exception of flights
- between an EU Member State and the French Overseas Depart- ments), it amounts to 50% of the paid airfare and
- of more than 3500km, it shall be 75% of the paid airfare.

If you believe that you are entitled to assert claims against Asiana based on the aforementioned prerequisites, please consult:

**Email:** [salesgermany@flyasiana.com](mailto:salesgermany@flyasiana.com)

**Postal address:** Asiana Airlines - Kaiserstrasse 9, 60311 Frankfurt am Main, Germany

A list of the complaints offices responsible for safeguarding air passengers' rights can be found under the following Internet link:

[https://europa.eu/youreurope/citizens/travel/passenger-rights/air/index\\_en.htm](https://europa.eu/youreurope/citizens/travel/passenger-rights/air/index_en.htm)

## Arbitration body

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If your journey has been private travel, you are entitled to consult the "Schlichtungsstelle Luftverkehr (arbitration body for air travel)" before the Bundesamt für Justiz (Federal Office of Justice), 53094 Bonn, [https://www.bundesjustizamt.de/DE/Themen/Buergerdienste/Luftverkehr/Schlichtungsstelle\\_node.html](https://www.bundesjustizamt.de/DE/Themen/Buergerdienste/Luftverkehr/Schlichtungsstelle_node.html).

This applies to extra-judicial settlement of disputes concerning payment claims arising from transport by air amounting to at least 10 Euros and up to 5000 Euros.

This is possible if your issue is related to:

- Denied boarding, delayed transport or downgrading to a lower class, in addition to cancellation of flights,
- Destruction, damage, loss or delayed carriage of luggage,
- Destruction, damage or loss of items worn or carried by the air passenger, or
- Breaches of duty in carriage of handicapped air passengers and air passengers with restricted mobility.

It is a prerequisite however that you have initially asserted the claim directly before us, but the latter has been rejected by us or we have neither acknowledged nor rejected the claim and more than 2 months have elapsed since assertion of the claim.

An EU platform for online extra-judicial settlement can be found at <http://ec.europa.eu/consumers/odr/>

<http://flyasiana.com>