

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 (EEC) No 295/91 (Text with EEA relevance)

Article 3

Scope

- 1 This Regulation shall apply:
 - a to passengers departing from an airport located in the territory of a Member State to which the Treaty applies;
 - b to passengers departing from an airport located in a third country to an airport situated in the territory of a Member State to which the Treaty applies, unless they received benefits or compensation and were given assistance in that third country, if the operating air carrier of the flight concerned is a Community carrier.
- 2 Paragraph 1 shall apply on the condition that passengers:
 - a have a confirmed reservation on the flight concerned and, except in the case of cancellation referred to in Article 5, present themselves for check-in, as stipulated and at the time indicated in advance and in writing (including by electronic means) by the air carrier, the tour operator or an authorised travel agent, or, if no time is indicated, not later than 45 minutes before the published departure time; or
 - b have been transferred by an air carrier or tour operator from the flight for which they held a reservation to another flight, irrespective of the reason.
- 3 This Regulation shall not apply to passengers travelling free of charge or at a reduced fare not available directly or indirectly to the public. However, it shall apply to passengers having tickets issued under a frequent flyer programme or other commercial programme by an air carrier or tour operator.
- 4 This Regulation shall only apply to passengers transported by motorised fixed wing aircraft.
- 5 This Regulation shall apply to any operating air carrier providing transport to passengers covered by paragraphs 1 and 2. Where an operating air carrier which has no contract with the passenger performs obligations under this Regulation, it shall be regarded as doing so on behalf of the person having a contract with that passenger.
- 6 This Regulation shall not affect the rights of passengers under Directive 90/314/EEC. This Regulation shall not apply in cases where a package tour is cancelled for reasons other than cancellation of the flight.

Status:

Point in time view as at 11/02/2004. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Regulation (EC) No 261/2004 of the European Parliament and of the Council, Article 3.