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STATUTORY INSTRUMENTS

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**2019 No. 278**

**The Air Passenger Rights and Air Travel Organisers’  
Licensing (Amendment) (EU Exit) Regulations 2019**

**PART 4**

Amendment of retained direct EU legislation

**Amendment of Regulation (EC) No 261/2004**

**8.**—(1) 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 is amended as follows.

(2) In Article 1 (subject) omit paragraphs 2 and 3.

(3) In Article 2 (definitions)—

(a) for point (c), substitute—

“(c) ‘Community carrier’ means an air carrier with a valid operating licence granted by a Member State in accordance with Chapter II of Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community as it has effect in EU law<sup>(1)</sup>”;

(b) in point (d), for “Article 2, point 2, of Council Directive 90/314/EEC of 13 June 1990 on package travel, package holidays and package tours” substitute “regulation 2(1) of the Package Travel and Linked Travel Arrangements Regulations 2018”<sup>(2)</sup>;

(c) in point (e), for “Article 2, point 1, of Directive 90/314/EEC” substitute “regulation 2(5) of the Package Travel and Linked Travel Arrangements Regulations 2018”;

(d) after point (l) insert—

“(m) ‘UK air carrier’ means an air carrier with a valid operating licence granted by the Civil Aviation Authority in accordance with Chapter II of Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the United Kingdom.”.

(4) In Article 3 (scope)—

(a) in paragraph 1, in point (a), for “the territory of a Member State to which the Treaty applies” substitute “the United Kingdom”;

(b) for point (b) substitute—

“(b) to passengers departing from an airport located in a country other than the United Kingdom to an airport situated in—

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(1) OJ L 293, 31.10.2008, p. 3.

(2) S.I. 2018/634.

- (i) the United Kingdom if the operating air carrier of the flight concerned is a Community carrier or a UK air carrier; or
  - (ii) the territory of a Member State to which the Treaty applies if the operating air carrier of the flight concerned is a UK air carrier,
- unless the passengers received benefits or compensation and were given assistance in that other country.”;
- (c) in paragraph 6, for “[Directive 90/314/EEC](#)” substitute “the Package Travel and Linked Travel Arrangements Regulations 2018”.
- (5) In Article 6 (delay), in paragraph 1, in point (b), omit “intra-Community flights of more than 1500 kilometres and of all other”.
- (6) In Article 7 (right to compensation)—
- (a) for paragraph 1 substitute—
    - “1. Where reference is made to this Article, passengers shall receive compensation amounting to—
    - (a) £220 for all flights of 1500 kilometres or less;
    - (b) £350 for all flights between 1500 and 3500 kilometres;
    - (c) £520 for all flights not falling under (a) or (b).

In determining the distance, the basis shall be the last destination at which the denial of boarding or cancellation will delay the passenger’s arrival after the scheduled time.”;
  - (b) in paragraph 2, in point (b), omit “intra-Community flights of more than 1500 kilometres and for all other”.
- (7) In Article 8 (right to reimbursement or re-routing), in paragraph 2, for “[Directive 90/314/EEC](#)” substitute “the Package Travel and Linked Travel Arrangements Regulations 2018”.
- (8) In Article 10 (upgrading and downgrading)—
- (a) in paragraph 2, in point (b), omit the words from “intra-Community” to “other”;
  - (b) in paragraph 2, in point (c), omit the words from “, including” to the end.
- (9) In Article 16 (infringements)—
- (a) for paragraphs 1 and 2 substitute—
    - “1. A body designated under the Civil Aviation (Denied Boarding, Compensation and Assistance) Regulations 2005(3) for the purposes of this paragraph is responsible for the enforcement of this Regulation. Where appropriate, this body shall take the measures necessary to ensure that the rights of passengers are respected.
    - 2. Without prejudice to Article 12, each passenger may complain to any body designated for the purposes of paragraph 1 or to a body designated for the purposes of this paragraph, about an alleged infringement of this Regulation.”;
  - (b) omit paragraph 3.
- (10) Omit Article 17 (report).
- (11) After Article 19 (entry into force) omit the paragraph beginning with the words “This Regulation”.