



# Air Passenger Rights Guide 2022

Know your rights when you fly

AirHelp. Here to help.





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# About this guide



“ 3.22 billion passengers are anticipated to travel by air in 2022 — yet research shows that **85% of passengers don't know their rights** when they fly.

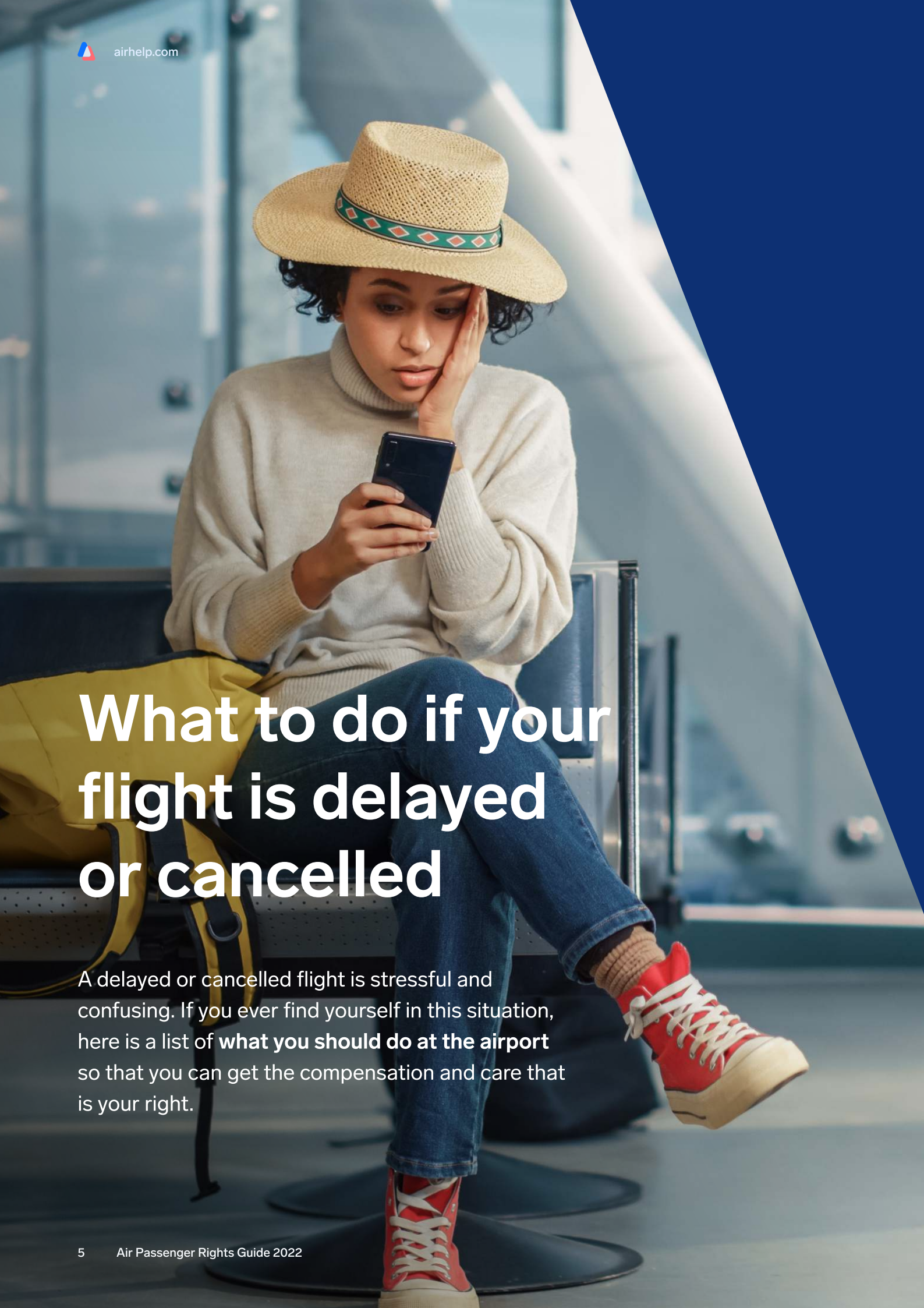
**So what are passenger rights?** Simply put, they are the laws or **regulations that protect all of us when we fly**. They can differ depending where in the world you're travelling, but at their best they ensure passengers receive information, essential care, and fair compensation when flights don't go to plan.

My hope is that this guide will **help you understand some of the most important passenger rights** worldwide, and be a useful resource in case you face a flight delay or cancellation.



**Rosa Garcia**

Strategic Legal Counsel / Air Passenger Rights Advocate at AirHelp



# What to do if your flight is delayed or cancelled

A delayed or cancelled flight is stressful and confusing. If you ever find yourself in this situation, here is a list of **what you should do at the airport** so that you can get the compensation and care that is your right.



## Know what you're entitled to:

- **Replacement flight** — flight cancelled or missed your connection? In most cases the airline must find you an alternative flight to your destination (if you still want to travel).
- **Food, drink, and access to communication** — this should be provided or paid for by the airline after a few hours.
- **Accommodation** — for overnight delays, ask the airline for a hotel and transport to and from the airport.



## Gather information — this can be used to claim refunds and compensation later

- Hold onto your **boarding pass** and all other travel documents.
- Ask what the problem is and keep **copies of all communication** from the airline about the disruption.
- Keep **receipts** for anything you had to buy because of the disruption.
- Make a note of **what time you arrive** at your destination.



## Claim money back after

- If you didn't take an alternative flight you're entitled to a **full refund** of your ticket.
- Ask the airline to pay for any **extra costs** you had because of the disruption e.g. accommodation, food, or replacements for lost luggage.
- Check [airhelp.com](https://airhelp.com) to see if you're owed additional compensation.



Airlines may offer vouchers or air miles instead of paying cash refunds or compensation. Don't accept unless you're happy with the offer.

# Flight disruption: The facts



**3.22B**

passengers predicted in 2022<sup>1</sup>



**23%**

of flights were delayed or cancelled in 2019<sup>2</sup>



**12M**

passengers were eligible for compensation in 2019<sup>2</sup>



**85%**

of passengers don't know their rights<sup>3</sup>





<sup>1</sup> Calculated based on IATA data  
<https://www.iata.org/en/pressroom/2022-releases/2022-03-01-01/>

<sup>2</sup> Flight data, analysed by AirHelp

<sup>3</sup> Data from an online survey conducted between 8th - 10th December 2021 in which 12,215 people participated from Brazil, Canada, France, Germany, Ireland, Spain, the UK, and the USA.

# Air passenger rights you should know



## EU EC 261

# Regulation (EC) No. 261/2004 of the European Parliament and of the Council

EC 261 was introduced in 2004, and remains one of the world's most comprehensive air passenger rights.



## Where it applies

All flights departing from the EU and flights into the EU on an EU airline



## Covers

Delays, cancellations, and overbookings



## Right to information

Passengers must be informed of their rights



## Right to care

- Food and drinks for cancellations and delays over 2 - 4 hours
- Hotel and transport for passengers with overnight waits



## Rerouting

Choice of full refund or alternative flight for cancellations, overbookings, delays over 5 hours, and missed connections



## Compensation

Up to **€600 per person** for:

- Delays over 3 hours
- Cancellations less than 14 days before departure
- Denied boardings due to overbooking

Where the airline is at fault



**UK 261**

# The Air Passenger Rights and Air Travel Organisers' Licensing (Amendment) (EU Exit) Regulations 2019

When the UK left the EU in 2021, it adopted much of the EU regulation on passenger rights into UK law.



## Where it applies

All flights departing from the UK and flights into the UK on a UK airline



## Covers

Delays, cancellations, and overbookings



## Right to information

Passengers must be informed of their rights



## Right to care

- Food and drinks for cancellations and delays over 2 - 4 hours
- Hotel and transport for passengers with overnight waits



## Rerouting

Choice of full refund or alternative flight for cancellations, overbookings, delays over 5 hours, and missed connections



## Compensation

Up to **£520 per person** for:

- Delays over 3 hours
- Cancellations less than 14 days before departure
- Denied boardings due to overbooking

Where the airline is at fault

## Canada

## Canadian Transportation Agency's Air Passenger Protection Regulations

Canada introduced air passenger rights in 2019. They are modelled after EU rights, but with some adaptations which are more favourable to airlines.



### Where it applies

All flights to, from, and within Canada



### Covers

Delays, cancellations, and overbookings



### Right to information

Passengers must be informed of:

- Their rights
- The reason for a flight disruption
- Regular flight status updates



### Right to care

- Food and drinks for cancellations and delays over 2 hours
- Hotel and transport for passengers with overnight waits

Airlines don't have to provide care if the disruption is outside of their control



### Rerouting

Alternative flight for cancellations, overbookings, and delays over 3 hours.

For situations within the airline's control passengers can choose a full refund instead.



### Compensation

Up to **CA\$1,000 per person** for:

- Delays over 3 hours
- Cancellations less than 14 days before departure

Up to **CA\$2,400 per person** for:

- Denied boardings due to overbooking

Where the disruption is within airline control and not related to safety

## Brazil

# Brazilian National Civil Aviation Agency Resolution N° 400 (ANAC 400)

Brazil's passenger rights set firm guidelines on the treatment of passengers.



### Where it applies

All flights to, from, and within Brazil



### Covers

Delays, cancellations, overbookings, and time changes



### Right to information

Passengers must be informed of disruption promptly and provided updates every 30 mins



### Right to care

- Food and drinks for cancellations and delays over 2 hours
- Hotel and transport for passengers with overnight waits



### Rerouting

Choice of full refund or alternative flight for cancellations, overbookings, and delays over 4 hours



### Compensation

Up to **BR\$3,000 per person** for:

- Denied boardings due to overbooking

Other compensation amounts aren't specified but we find passengers can claim up to **BR\$10,000** under the Brazilian consumer code

USA

## U.S. Department of Transportation Aviation Consumer Protection

The USA doesn't offer as strong air passenger rights as other countries, but there is good protection for overbooked passengers.



### Where it applies

All flights departing the USA



### Covers

Overbookings and luggage problems



### Rerouting

Ticket remains valid for another flight, following an overbooking



### Compensation

Up to **US\$1,350 per person** for denied boardings due to overbooking

Claim back up to **US\$3,800** for luggage problems

**MC 99**

## The Montreal Convention 1999

The Montreal Convention applies on almost all international flights. It offers a base level of protection to all travellers, but doesn't go as far as many other laws.



### Where it applies

All international flights between 130+ countries who have adopted it



### Covers

Delays, cancellations, and luggage problems



### Rerouting

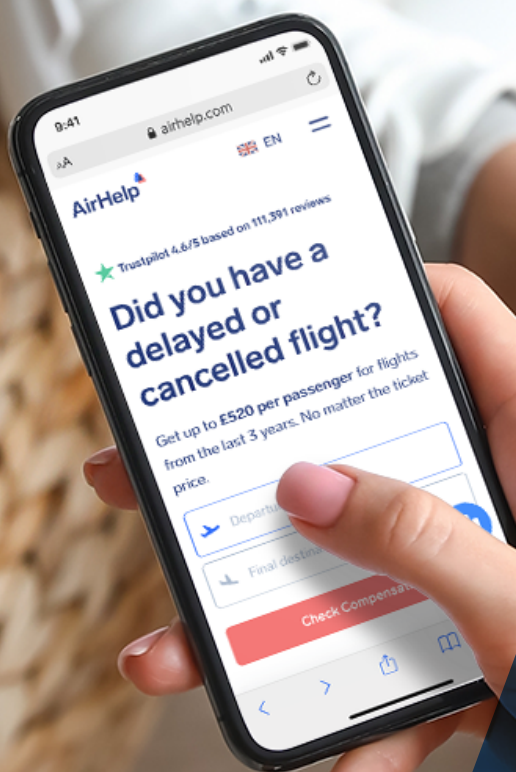
Ticket remains valid for another flight, following an overbooking



### Compensation

Passengers can claim back costs from the disruption if the airline was at fault

- Up to **US\$7,000** for delays and cancellations
- Up to **US\$1,700** for luggage problems



**You can always  
check your rights  
at [airhelp.com](https://airhelp.com)**

# Luggage rights

The Montreal Convention offers protection for checked-in luggage on international flights between over 130 countries.

Passengers can claim back **up to US\$1,700** for lost, damaged, or delayed luggage.





# What to do:

- 1** **Report the issue immediately** at either the airline's luggage desk or with their luggage service provider
- 2** Get a **Property Irregularity Report (PIR)** with a reference number before you leave the airport
- 3** **Make a list** of everything you need to claim for
- 4** **Gather proof:** take photos, supply receipts

|                 | Claim for                               | Time limit                        |
|-----------------|---|-----------------------------------|
| Damaged luggage | Cost to repair or replace damaged items | 7 days                            |
| Delayed luggage | Cost of essential replacement items     | 21 days (after receiving luggage) |
| Lost luggage*   | Cost of items lost                      | 2 years                           |

\* Luggage not returned after 21 days



# Refunds & compensation

## What's the difference?

Though they are easy to confuse, refunds and compensation for flight disruptions are two **very different things**.



|                       | Refund  | Compensation  |
|-----------------------|---|---|
| <b>What:</b>          | The money you get back for the cost of your flight ticket.  | The money paid by an airline for inconvenience caused.  |
| <b>When:</b>          | You're entitled to a refund when the airline can't operate the flight as planned. E.g. it was cancelled or rescheduled. You may be offered an alternative flight instead. | You may be eligible for compensation if your flight is delayed, cancelled, or overbooked and the airline is at fault. |
| <b>How much:</b>      | You should receive the full cost of your flight ticket, at the price you bought it.   | It depends on the laws. In Europe, you can get up to €600, while in Brazil, the amount is decided by the courts.      |
| <b>How to get it:</b> | Either contact the airline directly, or request a refund via your travel agent or credit card company.  | You can claim with the airline directly, hire a lawyer, or ask a specialist such as AirHelp to handle it for you.     |

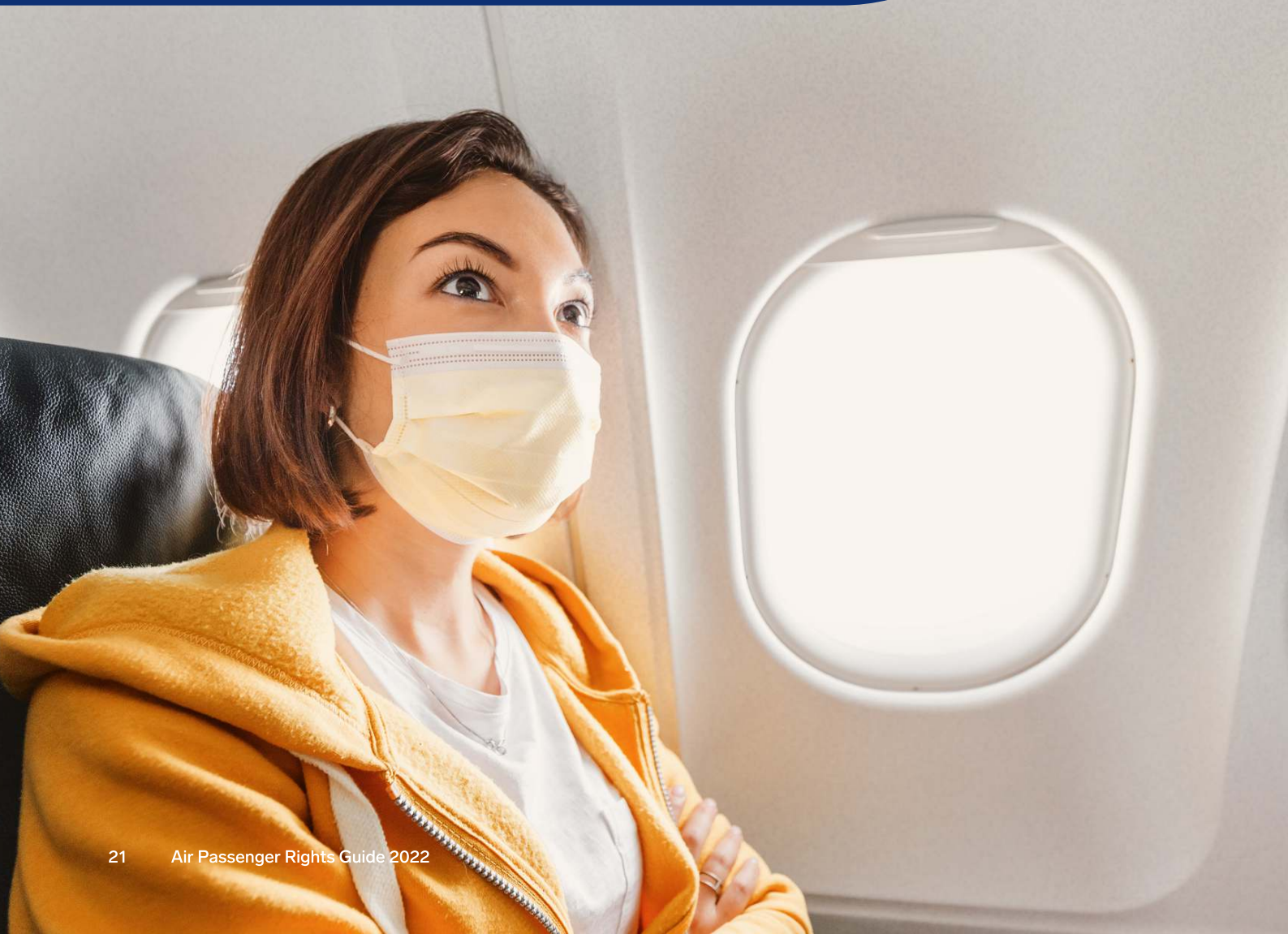


## Did you know it's possible to get both a refund and compensation?

**For example:** your flight is cancelled and meets all the requirements for compensation under EC 261. You may decide to pass up a replacement flight and get a refund instead, but you are still entitled to claim your compensation.



# Passenger rights and Covid-19







# -89%

Flight numbers in April 2020 plummeted compared to 2019<sup>1</sup>.



## Covid cancellations

Many airlines failed to offer passengers full refunds, even when governments confirmed passengers' right to a refund still applied.



# 35%

of passengers feel airlines treated them fairly during the pandemic<sup>2</sup>.



### These are your rights:

#### Flight cancellation refunds

- ▲ Passengers have the right to a **full refund** — they do not have to accept a voucher.

#### Cancellation compensation

- ▲ **2020 cancellations** were not eligible for compensation, as government-imposed restrictions are an *extraordinary circumstance*, outside of an airline's control.
- ▲ **2022 cancellations due to staff sickness** with Covid may be eligible for compensation in some circumstances.

<sup>1</sup> <https://www.eurocontrol.int/sites/default/files/2020-04/covid19-eurocontrol-comprehensive-air-traffic-assessment-14042020.pdf>

<sup>2</sup> Data from an online survey conducted between 8th - 10th December 2021 in which 12,215 people participated from Brazil, Canada, France, Germany, Ireland, Spain, the UK, and the USA.

# How to enforce your rights

Think you might be owed compensation?  
There are several ways you can get it:

- ▲ Attempt to claim **direct** with the airline
- ▲ Employ a **lawyer** to represent you
- ▲ Use a specialist like **AirHelp**

Since 2013 we have helped over **16 million people** understand their rights and claim compensation.

Check if you're owed compensation for free  
at **airhelp.com**.

If you have a valid claim, our claim specialists  
can handle everything for you.





# About AirHelp

AirHelp is the **world's number 1 flight compensation company**. We combine innovative technology with international expertise and customer support to help travellers **claim compensation for delayed and cancelled flights**.

## 16M

16 million passengers helped

## 350

Global team of over 350

## 4.6/5

Rated Excellent  
on Trustpilot, based  
on over 110K reviews



World's largest network of lawyers  
specialised in air passenger rights



# Claim your flight compensation with the World No.1

- ✓ **Easy and hassle-free**  
We handle your entire claim, from kick off to compensation.
- ✓ **We take care of it all**  
We guide you through the essential documents, and submit them for you.
- ✓ **Save time**  
You simply upload your documents — we'll take it from there.
- ✓ **No win, no fee**  
We'll only charge our fee when you get paid.
- ✓ **Regular updates**  
We'll give you regular updates and answer your questions.

Check flights for compensation at [airhelp.com](https://airhelp.com)

AirHelp. Here to help.