

PASSENGER RIGHTS CAUSE CONCERN - ABBC

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Aviation sector clients seeking advice on passenger rights because of the ongoing revision of EU legislation, but meeting the demands of all regulators can be difficult

Aviation is a highly regulated sector and therefore the needs in terms of compliance are significant, according to António Moura Portugal, partner at ABBC. Developing best practice and guidelines that will be satisfactory in every jurisdiction is one of the biggest problems that clients in the sector face. "Clients major concerns according to our experience are on the passenger rights side because, in accordance with EC Regulation 261/2004, national enforcement bodies closely monitor passenger rights as well as airlines fulfilment of their legal duties and obligations," he says. It is passenger rights that constitutes one of the biggest opportunities for law firms at present, according to Moura Portugal. "On the EU level I would highlight passenger rights [as one of the most promising opportunities] due to the ongoing revision of the EU Regulation. In less mature markets such as in African countries, security and safety issues would be on the agenda."

Moura Portugal says clients are also frequently seeking advice on issues related to pricing and advertising. "Clients' other key concerns include price disclosure and advertising – given the special

rules in terms of discrimination of price and charges as well as the dissemination of website sales – and safety and security, including that of aircrafts and crew.”

The biggest challenges for clients is introducing adequate best practice, as well as guidelines that will satisfy different regulators and national enforcement bodies, according to Moura Portugal.

“There has been a huge effort in terms of harmonisation of laws both on the international and EU level, but locally each regulator tends to adopt different procedures and there is still room for different adaptations of EU law,” he says. “This requires particular attention from airlines and a careful monitoring of local rules.”