

Flight cancellations: 12 air carriers have received orders from the Danish Authorities

Flight cancellations: 12 air carriers have received orders from the Danish Transport, Building and Housing Authority. With the order, the air carriers have been given a deadline to refund canceled air tickets to the passengers. If reimbursement still does not happen within the deadline set by the Danish Transport, Building and Housing Authority, the air carriers may expect to be reported to the police for not complying with the EU Regulation. In worst case, the air carrier will be fined far greater than the price of the canceled air tickets.



The Danish Transport, Construction and Housing Authority

When an air carrier cancels a flight covered by the EU Regulation, the air carrier is obliged to reimburse the price of the air ticket to the passenger within 7 days. If this does not happen, the passenger can complain to the Danish Transport, Construction and Housing Authority, which then contacts the air carrier and demands reimbursement of the canceled air ticket.

Over the summer, the Danish Transport, Construction and Housing Authority has shown understanding for the difficult situation that the air carriers were in dealing with the extraordinarily many cases of reimbursement of canceled air tickets.

Due to major challenges with the air carriers' continuous lack of reimbursement the Danish Transport, Construction and Housing Authority will now issue orders against the air carriers and oblige them to reimburse the canceled air tickets within a deadline set by the Authority.

The Danish Transport, Building and Housing Authority has in a press release on October 2, 2020 stated that they have initiated the new enforcement measure against 12 air carriers, which have more than 50 complaints in relation to reimbursement.

The Authority will also assess whether the new enforcement measure should be initiated against other air carriers, which also have extensive challenges with reimbursement. The Authority will continuously assess whether the initiative should be implemented against other air carriers.

The orders apply to flights where the departure airport was located in Denmark and where the flight was canceled by the air carrier. It also applies to departures from an airport located outside the EU with final destination within the EU, if the air carrier is registered with an EU license.

If the booking includes a return flight, the order applies if both departure and return flights have been canceled. In cases where the outbound flight has been canceled, the order will also include reimbursement of the return flight, as the return flight is useless for the passenger.

Failure to comply with the order

Before the Danish Transport, Construction and Housing Authority issues an order against an air carrier, the air carrier will be heard and thus have the opportunity to comment on the Authority's demand for reimbursement of canceled air tickets. If an air carrier does not comply with the Authority's order, the Authority will decide whether the air carrier shall be reported to the police for non-compliance with the Authority's order.

A police report can end with a fine to the air carrier. The size of the fine depends on the amount not yet reimbursed. Normally, the Danish Transport, Construction and Housing Authority asks the prosecution to set the fine at DKK 10,000 or DKK 20,000 per passenger. Therefore, it can be expensive for those air carriers that do not comply with an order from the Danish Transport, Construction and Housing Authority.

NJORD Law Firm is able to assist the air carriers with handling an order received from the Danish Transport, Construction and Housing Authority.

Contact

NJORD is a specialist in maritime and transport law, including package tours and flight delays, where we represent the air carriers and travel providers. Feel free to contact our attorneys if you want to know more about aviation of other transport laws.



ANDERS WORSØE
ATTORNEY AT LAW,
PARTNER

(+45) 77 40 11 45

AWO@NJORDLAW.COM