

## **Conciliation Bodies as an Effective Tool for the Enforcement of Air Passenger Rights: Examination of an Exemplary Model in Germany**

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**Abstract :** The EU Regulation (EC) No 261/2004 under which air passengers can claim compensation in the event of denied boarding, cancellation or long delay of flights has to be regarded as a substantial progress for the consumer protection in the field of air transport since it went into force in February 2005. Nevertheless, different reviews of its effective functioning demonstrate that most passengers affected by service disruptions do not enforce their complaints and claims towards the airline. The main cause of this is not only the unclear legal situation due to the fact that the regulation itself suffers from many undetermined terms and loopholes it is also attributable to the strategy of the airlines which do not handle the complaints of the passengers or exclude their duty to compensate them. Economically contemplated, reasons like the long duration of a trial and the cost risk in relation to the amount of compensation make it comprehensible that passengers are deterred from enforcing their rights by filing a lawsuit. The paper focusses on the alternative dispute resolution namely the recently established conciliation bodies which deal with air passenger rights. In this paper, the Conciliation Body for Public Transport in Germany (Schlichtungsstelle für den öffentlichen Personenverkehr – SÖVP) is examined as a successful example of independent consumer arbitration service. It was founded in 2009 and deals with complaints in the field of air passenger rights since November 2013. According to the current situation one has to admit that due to its structure and operation it meets on the one hand the needs of the airlines by giving them an efficient tool of their customer relation management and on the other hand that it contributes to the enforcement of air passenger rights effectively.

**Keywords :** air passenger rights, alternative dispute resolution, consumer protection, EU law regulation (EC) 261/2004

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