



# Passenger Rights

In the event of cancelations, delays, downgrading, and denied boarding

*As per European Regulation 261/2004 (European Parliament / Council of the European Union)*

*Version 1*

*Effective as of October 15th, 2013*

*Effective policies registered at the Office of the Federal Prosecutor for the Consumer (PROFECO).*

**THE RIGHTS DESCRIBED IN THIS DOCUMENT ARE APPLICABLE IN THE FOLLOWING CIRCUMSTANCES:**

- The operating carrier is:
  - AIR FRANCE or KLM, or
  - Delta Airlines (when departing from an airport inside the European Union);
- Passengers have a confirmed booking on the flight;
- Passengers checked in and presented themselves before the indicated check-in time or, if no check-in time is indicated, 45 minutes before the scheduled departing time;
- Passengers are traveling on a fare available to the public or on a ticket issued under a frequent traveler program;
- The flight departs from an airport in the European Union (EU).

**Please note:** if the flight departs from an airport located in a third country (outside the EU), the rights described in this document apply only if the passenger is traveling with a carrier from the European Union bound to an airport inside the European Union, and if no local regulation applies to flights departing from said third country.

## **1 CANCELATION**

### **1.1. CANCELATION ASSISTANCE**

If their flight is canceled, passengers may do the following:

- Reroute to the final destination as soon as possible under comparable transport conditions, as indicated by the carrier, or at a later date as deemed convenient subject to seat availability.
- Get the reimbursement of the used and unused leg(s) should passenger decide not to continue with the travel plans and return to the point of departure stated on the ticket.

Likewise, passengers will be offered free of charge:

- A meal or a snack and/or one drink in relation to the waiting time.
- Hotel accommodation (transport included), if an additional overnight stay is necessary.
- A prepaid phone card (or, if requested, the reimbursement of two phone calls (limited to 5 minutes each), two fax messages or two e-mails).

### **1.2 CANCELATION COMPENSATION**

In case of flight cancellation, passengers have the right to compensation, except if:

- The flight was canceled due to extraordinary circumstances that could not be avoided, for example: adverse weather conditions, political instability, strike, security issues on the ground and/or on board.
- If they were informed of the cancellation at least two weeks before the planned departure time.
- If they were informed of the cancellation between two weeks and seven days before the planned departure and were offered alternative transportation that enables them to depart maximum two hours before the scheduled departure time and to arrive at final destination less than four hours after the scheduled arrival time.
- If they were informed of the cancellation less than seven days before the planned departure and were offered an alternative transport that enable them to travel maximum one hour before the scheduled departure time and arrive at final destination less than two hours after the scheduled arrival time.

Compensation will be issued in cash (check or wire transfer) or, prior agreement with passenger, as a compensation voucher. This compensation cannot be issued at the airport and passengers must contact Customer Service (see paragraph 5).

Compensation voucher amount (non-refundable):

A	Flights up to 1,500 km	350 EUR*
B	Flights of more than 1,500 km inside the EU and all other flights between 1,500 and 3,500 km	500 EUR*
C	Flights outside the EU of more than 3,500 km	800 EUR*

Compensation amount:

A	Flights up to 1,500 km	250 EUR*
B	Flights of more than 1,500 km inside the EU and all other flights between 1,500 and 3,500 km	400 EUR*
C	Flights outside the EU of more than 3,500 km	600 EUR*

\* The compensation voucher/compensation may be reduced by 50% if the replacement flight arrival time does not exceed the initial scheduled arrival time by two hours (A flights), three hours (B flights), or four hours (C flights).

## **2 DELAY**

### **2.1 DELAY ASSISTANCE**

- In case of **delays of more than one hour**, the airline shall make available for passengers, who wish so, phone calls and emails.
- Except if this assistance may cause further delay.

Likewise, in the event of delays of more than one hour, passengers are entitled to Food and one Beverage in relation to the waiting time.

The Airport staff shall give passengers a voucher, indicating the place where they can redeem it and receive the Food and Beverage service. Compensation in food and beverages may not be combined, transferred, or exchanged for cash or any other compensation, and shall be valid only and exclusively on its date of issue.

In the event of delay of more than one hour but less than two hours, compensation will be proportional and according to the airline's compensation policies, in accordance with the provisions of article 47-Bis, fraction V of the Mexican Civil Aviation Law.

## 2.2 DELAY COMPENSATION

**In case of delays for more than three hours**, passengers will receive compensation in cash (check or wire transfer) or, prior agreement with the passenger, as a compensation voucher<sup>1</sup>, unless the delay is due to extraordinary circumstances that could not have been anticipated by the carrier and if all possible measures were taken to avoid it<sup>2</sup>.

Compensation shall not be less than as provided for in Article 47-Bis, fraction V, letter a), third paragraph, as per the duly paid price for the ticket and shall be in accordance with the following:

Compensation shall not be issued at the airport and must be requested at Customer Service (see paragraph 5).

Compensation voucher amount (non-refundable):

A	Flights up to 1,500 km	350 EUR*
B	Flights of more than 1,500 km inside the EU and all other flights between 1,500 and 3,500 km	500 EUR*
C	Flight outside the EU of more than 3,500 km with a delay of more than four hours	800 EUR*

Compensation amount:

A	Flights up to 1,500 km	250 EUR*
B	Flights of more than 1,500 km inside the EU and all other flights between 1,500 and 3,500 km	400 EUR*
C	Flight outside the EU of more than 3,500 km with a delay of more than four hours	600 EUR*

The compensation amounts mentioned above may be reduced by 50% for flights of more than 3,500 km if the delayed flight arrives between three and four hours after the initial scheduled arrival time.

<sup>1</sup> The amounts stated in EUROS shall be paid in Mexican pesos as per the exchange rate published by *Banco de México* on the day when the delay takes place.

<sup>2</sup> Compensation shall not apply in cash when the flight arrives at destination on the scheduled time, that is, if the delay time was recovered during flight time and, therefore, the passenger's scheduled itinerary was not affected.

In the event of delay of more than four hours and if the flight is canceled due to the concessionaire or licensee's direct liability, concessionaire or licensee, at passenger's discretion, may:

- a) Reimburse the ticket price proportionally to the part of the journey that was not made.
- b) Offer replacement transport on the first flight available, accommodation in a hotel at the airport or the city if staying overnight is required and, in the latter ground transportation from and to the airport.
- c) Transport the passenger on a later date deemed convenient by passenger to the same destination to which the flight was canceled.

Only in the cases a) and c) above, the service provider shall pay an indemnity for the affected passenger, which will be determined as provided in Article 47-Bis, fraction VI of the Mexican Civil Aviation Law.

The aforementioned compensation policies are drafted according to the international treaties to which the service provider is bound and in accordance with the minimum requirements of the Mexican Civil Aviation Law; expressly acknowledging that **passenger rights may not be less than as established in the Mexican law**; provided that the delays are attributable to the carrier, the passenger was not informed or warned about the itinerary changes by any means and 24 hours before the departure time, and/or the passenger proves to have arrived in advance to check in and to check in luggage at the airline counter inside the airport.

## 3 DENIED BOARDING

If AIR FRANCE/KLM expects to deny boarding on a flight, the airline must ask passengers if there are any volunteers willing to change their confirmed booking for an agreed-upon compensation such as a compensation voucher. AIR FRANCE/KLM will provide appropriate assistance to volunteering passengers (see paragraph 3.1).

If the number of volunteers is not sufficient and passengers are denied boarding by the airline against their will, passengers will be entitled to assistance and compensation provided that the check-in requirements mentioned above were met.

No assistance or compensation shall be granted should denied boarding be due to health, security, or inadequate travel documentation.

### 3.1 DENIED BOARDING ASSISTANCE

In case of denied boarding, passengers are entitled to:

- Reroute to the final destination as soon as possible under comparable transport conditions, as indicated by the carrier, or at a later date as deemed convenient subject to seat availability.
- Get the reimbursement of the used and unused leg(s) should passenger decide not to continue the journey and return to the point of departure stated on the ticket.

Likewise, passengers will be offered free of charge:

- One meal or snack and/or one drink in relation to the waiting time.
- Hotel accommodation (transport included), if an additional overnight stay is necessary.
- A prepaid phone card (or, if requested, the reimbursement of two phone calls (limited to 5 minutes each), two fax messages or two e-mails).

### 3.2 DENIED BOARDING COMPENSATION

If passenger is denied boarding, compensation in cash (check or wire transfer) will be granted or, prior agreement with passenger, as a compensation voucher, unless denied boarding is due to health, security, or inadequate travel documentation.

Compensation voucher amount (non-refundable):

A	Flights up to 1,500	350 EUR*
B	Flights of more than 1,500 km inside the EU and all other flights between 1,500 and 3,500 km	500 EUR*
C	Flights outside the EU of more than 3,500 km	800 EUR*

Compensation amount:

A	Flights up to 1,500 km	250 EUR*
B	Flights of more than 1,500 km inside the EU and all other flights between 1,500 and 3,500 km	400 EUR*
C	Flights outside the EU of over 3500 km	600 EUR*

\* The compensation voucher/compensation may be reduced by 50% if the replacement flight arrival time does not exceed the initial scheduled arrival time by two hours (A flights), three hours (B flights), or four hours (C flights).

## 4 DOWNGRADING

If the passenger is involuntarily placed in a lower class than that which is indicated on their ticket, passengers may request a reimbursement of the following:

- 30% for all flights of 1,500 km or less.
- 50% for all flights of more than 1,500 km inside the EU and for all other flights between 1,500 km and 3,500 km.
- 75% of the ticket price for all other flights of more than 3,500 km outside the EU.

Additionally, AIR FRANCE/KLM shall offer non-refundable commercial compensation according to the passenger's original travel class.

## 5 REIMBURSEMENT REQUESTS, COMPENSATION CLAIMS, AND OTHER INQUIRIES

As stated in this document, if

- the flight has been canceled, or
- the flight is delayed at least five hours, or
- passengers have been denied boarding against their will,

and passenger is not willing to continue the journey, a reimbursement may be requested for the unused and used leg(s) at your nearest Customer Services, which details can be found at [www.airfrance.com](http://www.airfrance.com) or [www.klm.com](http://www.klm.com).

Should passengers wish to contact AIR FRANCE/KLM to file a reimbursement request, a compensation claim or for any other matter, please contact the nearest AIRFRANCE/KLM Customer Service, preferably by e-mail. Contact details may be found at [www.airfrance.com](http://www.airfrance.com) or [www.klm.com](http://www.klm.com).

## 6 COMPETENT ADMINISTRATIVE BODIES

Every European Union Member State has designated a body in charge of applying the assistance and compensation rules set forth for the irregularities mentioned in this document. The details of such bodies are available at the following link:

[https://ec.europa.eu/transport/sites/transport/files/2004\\_261\\_national\\_enforcement\\_bodies.pdf](https://ec.europa.eu/transport/sites/transport/files/2004_261_national_enforcement_bodies.pdf)

However, we recommend that passengers first contact the Customer Service department of the carrier that operated the flight during which the irregularity took place (details may be found on such carrier's website.)