PASSENGERS RIGHTS

Denied boarding, cancellation, delay, and class downgrading

1 General Considerations

Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004, effective since 17 February 2005, sets out common rules on compensation and assistance to passengers in the event of denied boarding, flight cancellation, long delays, or class downgrading.

This Regulation applies:

Whenever the passengers have a confirmed reservation on the flight and, except in the case of cancellation, have arrived on time for check-in as indicated on the ticket, or, if no time is specified, at least 45 minutes before the scheduled departure time:

- Passengers departing from an airport located in the territory of a Member State of the European Union (or, where applicable, Switzerland, Norway or Iceland).
- Passengers departing from an airport located in a third country and bound for an airport situated in the territory of a Member State of the European Union, unless they have already received benefits or compensation or have been offered assistance in that third country.
- This regulation shall not apply to passengers travelling free of charge or with a reduced-fare ticket that is not directly or indirectly available to the public.
- Air carriers shall give priority and pay particular attention—and this is what we always do at LEVEL—to the needs of passengers requiring special consideration and their companions.

2 Denied Boarding

If, on a given flight, there are more passengers with confirmed reservations than available seats, provided they have completed check-in procedures within the required minimum time, LEVEL will call for volunteers to surrender their confirmed

seats in exchange for compensation and/or certain benefits, under conditions agreed upon with the interested passenger; such volunteers will receive the assistance described in section 2.2.

If an insufficient number of volunteers is found and boarding must be denied to other passengers against their will, those passengers shall be entitled to immediate compensation as mentioned in section 2.1, as well as the assistance described in section 2.2.

When there is a justified reason for denying boarding, such as any of those listed below, passengers shall not be entitled to any form of compensation and/or assistance. Boarding may therefore be denied in the following situations:

a) The carriage of the Passenger and/or their Baggage may endanger the safety, health, comfort, or integrity of the aircraft or any part of it, or the comfort of other Passengers or the crew. In particular, this applies if the Passenger intimidates, behaves aggressively, or uses insulting language towards ground staff and/or the crew.
b) The physical or mental condition of the Passenger, including a condition caused by the consumption of alcohol, drugs, or medication, may pose a danger—or even a risk—to themselves, other Passengers, the crew, or property.
c) The Passenger has disrupted safety, order, and/or discipline during flight check-in or on a previous flight, and the Carrier has reasonable grounds to believe that such behavior could be repeated.
d) The Passenger has refused to undergo the required security checks and/or has refused to properly identify themselves.
e) Any other similar situation based on health or safety reasons, or the failure to present appropriate travel documents, provided that it is duly justified and may endanger the health or safety of passengers and/or crew, or when the passenger fails to present the travel documents required by any competent authority under the current legislation of the relevant State.

2.1 Compensation for Denied Boarding

Compensation may be paid by bank transfer, in cash, by cheque, or—subject to a signed agreement with the passenger—by means of vouchers redeemable for LEVEL flights.

Type of Flight		Compensation
A	Flights of less than 1.500 km	250 EUR

Type of Flight		Compensation
B	Intra-Community flights of more than 1,500 km, and for all other destinations, flights between 1,500 and 3,500 km	400 EUR
C	All other flights not included in the categories above	600 EUR

The compensation shall be reduced by 50% when passengers are offered the option of being transported to their final destination on an alternative flight, with an arrival time difference from the originally scheduled flight that does not exceed 2 hours (flights included in section A), 3 hours (flights included in section B), or 4 hours (flights included in section C).

2.2 Assistance in Case of Denied Boarding

The passenger may choose between:

- Transport to the final destination, under comparable transport conditions, either as quickly as possible; or, at the passenger's choice, at a later date at the passenger's convenience, subject to seat availability; or
- Reimbursement within 7 days of the full cost of the ticket at the price at which it was purchased, for the part or parts of the journey not made, and for the part or parts already made if the journey no longer serves any purpose; together with, where applicable, a return flight to the first point of departure as soon as possible.

In addition, if the passenger opts for alternative transport to the final destination as quickly as possible, they will receive free of charge:Bebida y comida suficientes en función del tiempo que sea necesario esperar.

- Two telephone calls, or access to email.
- If an overnight stay is necessary: accommodation, where applicable, and transport to and from the airport and the place of accommodation.

3 Flight Cancellations

3.1 Compensation for Cancellation

In the event of a flight cancellation, passengers shall have the right to receive compensation as indicated below.

However, the Regulation provides that the operating air carrier shall not be obliged to pay compensation to the passenger:

If it can be proven that the cancellation is due to extraordinary circumstances which could not have been avoided even if all reasonable measures had been taken, such as cases of political instability, weather conditions incompatible with the operation of the flight, security risks, unexpected flight safety shortcomings beyond the airline's control, and strikes or other labor disputes external to the airline that affect the operations of an air carrier responsible for performing the flight.

- If the passenger is informed of the flight cancellation at least two weeks before the scheduled time of departure.
- If the passenger is informed of the flight cancellation between two weeks and seven days before the scheduled time of departure, and is offered an alternative transport allowing them to depart no more than two hours before the original departure time and to reach their final destination less than four hours after the scheduled arrival time of the originally booked flight.
- If the passenger is informed of the cancellation less than seven days before the scheduled time of departure, and is offered an alternative flight allowing them to depart no more than one hour before the original departure time and to reach their final destination less than two hours after the scheduled arrival time of the originally booked flight.

If none of these circumstances apply, passengers with a confirmed reservation on a flight that is cancelled shall be entitled to:

- 125 € for flights of up to 1,500 km, when the alternative transport offered has an arrival time at the destination no more than two hours later than the originally scheduled arrival time of the booked flight; or 250 € if the delay is more than two hours.
- 200 € for all intra-Community flights of more than 1,500 km and for all other flights between 1,500 km and 3,500 km, when the alternative transport offered has an arrival time at the destination no more than three hours later than the originally scheduled arrival time of the booked flight; or 400 € if the delay is more than three hours.
- 300 € for all flights not included in the points above, when the alternative transport offered has an arrival time at the destination no more than four hours

later than the originally scheduled arrival time of the booked flight; or 600 € if the delay is more than four hours.

Compensation may be paid by bank transfer, in cash, by cheque, or—subject to the passenger's agreement—by means of vouchers to be redeemed on LEVEL flights.

3.2 Assistance in Case of Cancellation

The passenger may choose between:

- Transport to the final destination, under comparable transport conditions, either as quickly as possible; or, at the passenger's choice, at a later date at the passenger's convenience, subject to seat availability; or
- Reimbursement within 7 days of the full cost of the ticket at the price at which it was purchased, for the part or parts of the journey not made, and for the part or parts already made if the journey no longer serves any purpose; together with, where applicable, a return flight to the first point of departure as soon as possible.

In addition, if the passenger opts for alternative transport to the final destination as quickly as possible, they will receive free of charge:

- Sufficient food and drink in relation to the waiting time required.
- Two telephone calls, or access to email.
- If an overnight stay is necessary: accommodation, where applicable, and transport to and from the airport and the place of accommodation.

4 Flight Delays

4.1 Compensation for Delay

Regulation (EC) No 261/2004 does not provide for a right to compensation for flight delays.

However, according to the case law of the Court of Justice of the European Union (CJEU), passengers may claim the right to financial compensation, in the amounts established in Regulation (EC) No 261/2004, when they suffer a loss of time equal to or greater than three hours upon arrival at their final destination. The operating air carrier shall not be obliged to pay compensation if it can prove that the delay was

caused by extraordinary circumstances which could not have been avoided even if all reasonable measures had been taken.

4.2 Assistance in Case of Delay

When LEVEL anticipates a delay of:

- Two hours or more for flights of up to 1,500 km.
- Three hours or more for intra-Community flights of more than 1,500 km and for all other flights between 1,500 km and 3,500 km.
- Four hours or more for all other flights.

Passengers will be offered free of charge:

- Sufficient food and drink in relation to the waiting time required.
- Two telephone calls, or access to email.
- If an overnight stay is necessary: accommodation, where applicable, and transport to and from the airport and the place of accommodation.

When the delay is at least five hours, the passenger may choose to receive reimbursement, within 7 days, of the full cost of the ticket at the price at which it was purchased, for the part or parts of the journey not made, and for the part or parts already made if the journey no longer serves any purpose; together with, where applicable, a return flight to the first point of departure as soon as possible.

5 Change of Class

If LEVEL places a passenger in a seat in a class lower than that for which the ticket was purchased, it shall reimburse the passenger within seven days the following proportions of the price of the flight segment or segments concerned:

- 30% for all flights of 1,500 km or less.
- 50% for all intra-Community flights of more than 1,500 km, and for all other flights between 1,500 km and 3,500 km.
- 75% for all flights not included in the points above.

6 Additional Information

The rights described herein are mandatory for LEVEL, in accordance with Regulation (EC) No 261/2004 of the European Parliament and of the Council of the European Union.

In accordance with Article 14.2 of Regulation (EC) No 261/2004, we inform you that the body responsible for enforcing this Regulation in Spain is the State Aviation Safety Agency (AESA):

- Quality and Customer Service Division: www.seguridadaerea.gob.es
- Paseo de la Castellana, 112 Madrid 28046

In the case of claims made within the scope of Law 7/2017 of 2 November, and Order TMA/201/2022 of 14 March, you are hereby informed that:

- In the case of claims to which the European Union Regulations on the protection of air transport users apply [Regulation (EC) No 261/2004 and Regulation (EC) No 1107/2006], prior to initiating an alternative dispute resolution procedure, the passenger must first submit a prior complaint to LEVEL or, where applicable, to the airport operator.

- The period for submitting the prior complaint is five years from the date on which the incident giving rise to the complaint occurred.
- LEVEL or, where applicable, the airport operator to whom the prior complaint is addressed shall be obliged to acknowledge receipt of its submission and shall respond to the prior complaint as soon as possible and, in any case, within a maximum period of one month from the date of its submission.

- In the event that the resolution of your complaint by LEVEL or, where applicable, by the airport operator is not entirely satisfactory to you, or if you have not received a response within one (1) month from the date of its submission, you may refer your case to the State Aviation Safety Agency (AESA) (www.seguridadaerea.gob.es) for the alternative resolution of disputes (ADR) to which the European Union Regulations on the protection of air transport users apply [Regulation (EC) No 261/2004 and Regulation (EC) No 1107/2006]. Claims concerning baggage, damages or losses beyond the objective compensations

established by these regulations, or other clauses of the transport contract, are expressly excluded from this procedure.

- A complaint submitted to AESA shall be deemed inadmissible if it is filed after a period of one (1) year has elapsed since the submission of the prior complaint to LEVEL.
- The decision issued by AESA in the ADR procedure shall be binding on LEVEL.
- For Online Dispute Resolution (ODR), we inform you that you may also submit a complaint through the European Commission's Online Dispute Resolution (ODR) platform.