



Legal Update: Aviation Law | April 2020

Dear Clients and Colleagues,

Further to the updates regarding the proposed amendment to the Aviation Services Law - Temporary Orders (the "Bill" or "Proposed Amendment"), we wish to update you that on April 5, 2020 the Bill was submitted for Knesset approval. We expect that the Knesset will pass the Bill into law.

The Proposed Amendment would make several changes to the current law regarding flights scheduled to depart from the effective date of the Bill until May 31, 2020 (the "Applicable Period"), including:

1. It is proposed to change the definition of the term "flight cancellation" to replace the current definition of a flight which departed with a delay of more than 8 hours to a flight which departed with a delay and/or which was brought forward by **12 hours** from the time indicated on the flight ticket. Under such circumstance, the passenger would be entitled to receive, in accordance with his selection, either an alternative flight ticket or a refund of the consideration which was paid, in addition to assistance services (subject to the changes that are described herein below); the passenger **would not be entitled** to monetary compensation.
2. The refund of the consideration which the passenger paid would be carried out **within 90 days** from the date when the passenger contacted the airline in writing, and not within 21 days which is the timeframe that is currently established in the ASL.
3. A passenger who was issued a flight ticket which was cancelled will be entitled to receive accommodation services at the expense of the airline for two nights only, at a maximum cost of up to 100 USD per night, according to the representative rate at the time of accommodation.
4. A passenger whose flight was cancelled **will not be entitled to statutory compensation.**
5. A passenger who was issued a flight ticket which departed with a delay or which was brought forward by less than 12 hours but more than 5 hours from the time indicated on the flight ticket will be entitled to receive food and beverage and communication services in accordance with the passenger's needs.
6. If the passenger was notified of the delay / or flight time change less than 14 days prior to the date of the flight and the passenger did not inform the entity who notified him of the change regarding his agreement to fly at the new time, the flight operator or organizer, as applicable, will issue the passenger a

credit voucher which can be used for an alternate flight until December 31, 2020. The passenger does not have to show up at the check-in desk or appear in person in order to receive the said voucher.

7. A passenger who did not redeem the credit voucher - will receive a refund no later than January 21, 2021.
8. If the passenger is was notified of the flight's delay or new time less than 24 hours before the original or scheduled departure time, whichever is earlier - he will be entitled to assistance services under the law but not to compensation. The passenger's consideration will be refunded within 90 days of the passenger's request.
9. A passenger whose flight was brought forward will not be entitled to benefits.
10. Linkage differentials will be added to the refund for flight tickets which the Bill applies to according to the difference in the rate of change between the 1st of the month in which the refund is made, and between the rate which was known on the 1st of the month in which the flight operator would have been obligated to provide the refund in the absence of the Bill.
11. **The conditions in paragraphs 2-4 and 10 above shall apply to a flight which departed prior to the Applicable Period if one of the following conditions apply:**
 - a. The flight is from the list of destinations with respect to which returning passengers are required to stay in isolation in accordance with the order issued under section 20 of the Public Health Ordinance for the New Coronavirus, or the flight is scheduled to depart to such destination (in fact it includes all states).
 - b. The departure date of the flight was on or after March 1, 2020.
12. Punitive damages will be imposed in cases where the airline does not grant the benefits which the passenger is entitled to in accordance with the above described Bill, and not in accordance with the main law.

**Sincerely,
Fischer Behar Chen Well Orion & Co.**

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