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**Flight EU261/2004 from Brussels to the US**

*Regulation EU 261/2004 in US courts*

Abstract

In the past three years, a battle has been fought (and still is fought) in the US courts.At issue is whether American passengers can enforce the European airline passengers rights Regulation 261/2004 in United States courts. The stakes are high: the passengers who bring these claims do this as representatives of a class of all passengers entitled to compensation for denied boarding, delay or cancellation under the European regulation. If a class is established, all United States passengers falling in it can invoke Regulation 261/2004 in United States courts. How did this generic importation of the regulation in the United States’ legal order unfold? What are the consequences for US passengers, for European and US airlines and for the European internal market? This paper will examine the roots of this extraterritorial application; should it be contributed entirely to the particularities of the Unites States’ legal system or the American claimants, or has it been the deliberate aim of the European legislator to cast such a wide net for application of the regulation? And if so, what are the legitimacy challenges posed by it? The aims of this paper are 1) to explore and analyse the class action lawsuits in which the direct and indirect application of the regulation in the US is litigated, 2) explain how these cases for direct application are construed 3) investigate whether the application of the regulation in the US can be reconciled with the legislative objectives, material and formal scope of the regulation and/or the EU transport policy objectives, and 4) contemplate the legitimacy in terms of European law or International law.