



This month's ebulletin deals with the recent ash cloud event and your rights if you have been affected by the closure of air space. If you have had a problem with a purchase from another EU country, please contact us on 01 8090600 or at info@eccireland.ie. For information on your consumer rights in Europe, see www.eccireland.ie

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Air Passenger Rights

Although the recent eruption of the Icelandic volcano and resulting ash cloud over Europe can be said to be an exceptional event, air passenger rights, guaranteed under European law, continue to apply.

Under EU rules, airlines continue to have a "Duty of Care" for stranded passengers which means food and accommodation where needed. Passengers are also entitled to choose between re-routing or a full refund. The only thing which does not apply in the case of 'exceptional circumstances' is the payment of compensation.

1. If your flight has been cancelled

- Under Regulation (EC) No. 261/2004 airlines are required to offer passengers either a refund of the full cost of the ticket or rerouting to their final destination at the earliest opportunity or at a later date at the passenger's convenience subject to availability.
- While awaiting the earliest available rerouted flight, passengers are entitled to receive care and assistance from the airline. In such cases the airline is specifically required to supply meals and refreshments in reasonable relation to the waiting period, two free telephone calls, emails or faxes and hotel accommodation if an overnight stay becomes necessary.

2. If you have been stranded abroad

- Passengers unable to return home due to the travel disruptions are entitled to receive care and assistance from the airline as outlined above. Passengers must also be provided with a text setting out their entitlements.
- If no assistance is provided and passengers incur reasonable expenses as a result, these must be reimbursed by the airline. Passengers should ensure they keep receipts for all expenses incurred and to contact the airline in writing on their return home enclosing copies of these receipts.
- For consumers stranded outside the EU, it is important to remember that the Regulation only applies to air carriers licensed in a Member State of the EU.

3. If you are travelling on a package holiday

If your trip was booked as a package holiday, you have stronger protection under the Package Holiday Directive. If trips are cancelled and the travel organiser cannot get you to your destination they must offer you the choice between a replacement package of equivalent or superior quality, a lower grade package with a refund of the difference in price between the two packages, or a full refund. Passengers on package holidays who are stranded in a destination must be looked after by their travel organiser, and the

travel organiser is obliged to get them home.

4. What about my hotel and car hire bookings that were not booked as part of a package?

Airlines are not obliged to cover the cost of missed bookings made by passengers who organised their holidays independently. Nonetheless, passengers might not lose their money. They should contact the service provider to see if it is possible to change their plans or receive a refund, given the cause of the disruptions i.e. extraordinary circumstances. If the provider is unwilling to assist, consumers should contact their insurer as such circumstances may be covered by their particular travel insurance policy.

For more information on your air passenger rights see www.eccireland.ie/airpassengerrights

2. My elderly relative was visiting family in continental Europe when he was stranded by the closing of European air space. My family is very concerned about him as he has a number of serious health conditions for which he has to take medication daily. He is now running out of medication and despite the resumption of flights, he has been told by his airline that the earliest they can get him back to Ireland is in nine days time. Surely he is entitled to an immediate flight home?

Under Regulation (EC) No. 261/2004, airlines are required to offer passengers either a refund of the full cost of the ticket or re-routing to their final destination at the earliest opportunity. There is no provision in the Regulation detailing how air carriers are to allocate seats on future flights to passengers awaiting rerouting, with most airlines assigning them on a first come first served basis. However Article 11(1) of the Regulation states that air carriers must give priority to carrying persons with reduced mobility.

Under the Regulation a person with reduced mobility is defined as “any person whose mobility is reduced when using transport because of any physical disability (sensory or locomotory, permanent or temporary), intellectual impairment, age or any other cause of disability, and whose situation needs special attention and adaptation to the person's needs of the services made available to all passengers”.

On our interpretation, your relative would come within this definition and so should be given priority by the airline.

While awaiting a re-routed flight, passengers are entitled to receive care and assistance from an airline. Specifically, the airline is obliged to supply meals and refreshments in reasonable relation to the waiting period, two free telephone calls, emails or faxes and hotel accommodation if an overnight stay is required. Article 9(3) of the Regulation states that in providing this care and assistance, air carriers must pay particular attention to the needs of persons with reduced mobility.

As regards your relative's medication prescription, please see the advice from the Department of Foreign Affairs:

“Some Irish people affected by the current travel restrictions may need to access prescription medicines while abroad. This may apply in particular to people with certain conditions who require medicine on an ongoing basis, and may only have a supply for a short trip.

If you are in an EU/EEA country, there are arrangements in place for emergency situations of this kind. Many pharmacists may be able to dispense a small quantity of prescription medication to cover an unexpected delay in travel. Patients should in the first place bring their existing medication packet to a local pharmacist, outline the delay in their travel, and ask for an emergency supply. It is also a good idea to have contact details for your home GP and Pharmacy to hand, in case contact with them is needed.

People will most likely have to cover the cost of the medication at the point of sale, but on return to Ireland may be able to be reimbursed via their health insurance or through the HSE if applicable. In some countries, the pharmacist may require a local doctor's prescription to dispense medication and will advise on what to do in that case.

If you are in an EU/EEA country, and are unable to access an emergency supply via a pharmacist directly, you can use your European Health Insurance Card, or EHIC card, to access health services, such as a GP visit, to get a local prescription. EHIC cards are available to anyone resident in Ireland. If you are abroad but do not have an EHIC card, you can make contact with your HSE Local Health Office to enquire about accessing a temporary EHIC certificate.

If your relative feels that his rights have not been respected under this Regulation, he should first make a complaint to the airline. The Regulation provides that each Member State must designate a responsible authority to enforce its provisions. Passengers with a complaint falling under the Regulation should contact the enforcement authority in the country where the disruption occurred.

If you want more information about this or any other cross-border consumer issue you can contact us on 01 8090600 or at www.eccireland.ie.

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