

Did you know when you travel by air you are protected by European consumer law?

All airline carriers based in the EU and those which fly to and from the EU must comply with the European Regulation on Denied boarding, cancellation or long delay (EC 261/2004) and the Montreal Convention for the Unification on certain rules for the international carriage by air 1999 transposed in the EU by Council Decision 889/2002.

Six areas are covered by the legislation:

1 Information about Flights and Reservations

Under EC 261/2004, your rights as an air passenger if you are denied boarding must be displayed at check-in. If your flight is delayed by over two hours or you are denied boarding you must be given a written note stating your entitlements.

2 Denied Boarding Due to Overbooking

Under EC 261/2004, when an airline has overbooked a flight and therefore cannot accommodate everyone on board, the airline must call on their customers to volunteer not to board that flight in order to free up some seats. If volunteers come forward they can reach an agreement with the airline as regards compensation. In addition to this agreed compensation the passenger is entitled to look for an alternative flight or a refund of the ticket.

If not enough volunteers come forward the airline can refuse to board passengers but must offer these passengers compensation for their inconvenience. These passengers can claim for €250-€600 depending on the length of their flight and must also be offered an alternative flight or refund of the ticket. These levels of compensation can be reduced under certain circumstances.

Passengers denied boarding as a result of overbooking are entitled to look for overnight accommodation if necessary while waiting for an alternative flight. Passengers are also entitled to a free meal, refreshments and a telephone call.

3 Delays

Under EC 261/2004, if a flight is delayed the airline may be obliged to provide the following:

- Free meal and refreshments
- Free telephone call
- Free hotel accommodation if departure is delayed until the next day
- Free transport between airport and accommodation

Entitlements depend on the length of the delay and the length of the journey to be undertaken. Your rights begin after a delay of 2 hours in flights of less than 1,500km, 3 hours for EU flights greater than 1,500km and non-EU flights of less than 3,500km and 4 hours for all flights of more than 3,500km. If the flight is delayed by more than 5 hours you are entitled to look for reimbursement of your ticket if you decide not to fly.

Under the Montreal Convention there is a provision for air passengers to seek compensation from the airline carrier for delays. It states that if a passenger is delayed financial compensation must be offered if passengers can prove they are at a loss. However the carrier is not liable if it can show that it took all reasonable measures to avoid the delay or it was impossible to do so.

4 Cancellations

Under EC261/2004, in case of cancellation by the airline the passenger should be given:

- The choice between refund of ticket or rerouting to final destination.
- Free meals and refreshments as well as a free phone call.

You are also entitled to compensation ranging from €250 – €600 if your flight is cancelled at short notice.

EXCEPTIONS TO THE RULE

Passengers are NOT entitled to compensation if the following have caused the delay or cancellation of the flight:

Political Instability / Bad Weather / Security Risk / Unexpected Flight Risk / Strikes

The carrier may limit or extinguish their liability if the notice give of the cancellation is sufficient as per time frames set out in the legislation.



5 Death and Injury of Passengers

Under the Montreal Convention, a passenger is entitled to compensation in case of death or injury on board, embarking or disembarking the airplane.

6 Lost, Damaged and Delayed Luggage

Under the Montreal Convention, air passengers can demand up to 1,000 Special Drawing Rights for loss, destruction or delay of baggage. The value of an SDR is based on a basket of international currencies. The calculation is made daily by the International Monetary Fund and is available on www.imf.org.



HOW TO CLAIM FOR DAMAGED OR LOST LUGGAGE

If luggage fails to arrive at its destination or is damaged, it is important to follow these procedures;

- In case of damage the passenger has to make a written complaint within 7 days from the date of the receipt of the luggage.
- In case of delay a written complaint must be made within 21 days of receipt of the luggage.

www.eccdublin.ie

Please note this is a guide only and not a legal text.

Please read the terms and conditions of your airline contract.

In Ireland regulation EC 261/2004 is enforced by:

Commission for Aviation Regulation,
Alexandra House, Earlsfort Centre,
Earlsfort Terrace, Dublin
Tel: 01 661 1700
www.aviationreg.ie info@aviationreg.ie



EUROPEAN CONSUMER CENTRE **DUBLIN**

Guide to Air Passenger Rights



For more information on your rights and assistance with complaints against airlines based in another EU Member State contact:



**EUROPEAN
CONSUMER
CENTRE
DUBLIN**

13a Upper O'Connell St.
Dublin 1

t: +353 (0)1 8090600
f: +353 (0)1 8090601
e: info@eccdublin.ie

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