



European Consumer News

July 2007

With the current weather conditions in Ireland, lots of us are gratefully hopping on a plane to sunnier spots. However, many of us have received a call from home while abroad and hissed 'this is costing me a fortune' to the poor caller! Well, now you can relax, or at least you can be assured that the rate you are being charged has been capped. Find out more below.

Our customer query comes from a person whose flight was cancelled due to a 'technical fault'. This issue can sometimes be more complicated than it first appears. See below for a discussion of the problem.

If you have had an issue with a purchase from another EU country, please contact us on 01 8090600 or at info@eccdublin.ie. For information on your consumer rights in a European context, see www.eccdublin.ie.

Happy roaming!

Rosaleen Quinlan

Editor

- 1. What's bothering you? - Reduced roaming charges with new Eurotariff.**
- 2. Consumer query of the month - Am I entitled to any compensation if my flight was cancelled due to a 'technical fault'?**

1. What's bothering you? – Reduced roaming charges with new Eurotariff.

'We hope we've now seen the last of excessive roaming charges'

EU Telecom Commissioner Viviane Reading

Mobile operators have, over the last year, scrapped roaming charges for Irish customers roaming in Ireland and the UK. However, using your phone in other EU countries while on business or holidays has, until now, been extremely expensive. This is set to change in the next few months with the introduction of a new EU Roaming Regulation which will ensure that consumers benefit from a 'Eurotariff'.

The new maximum limit for **calls made is 49cent (excluding VAT)** while **calls received** will now cost **24cent (excluding VAT)**. Better still, the capped costs will fall even further in the next two years. Your mobile network provider is obliged to offer you a Eurotariff by July 30th. If you currently have a 'roaming package' you can still apply to have the Eurotariff but you will need to verify your choice with the provider. If you currently have a 'roaming package' and do not choose to retain it by September 30th, you will be automatically provided with the Eurotariff.

To find out more, read here http://ec.europa.eu/news/science/070523_2_en.htm

2. Consumer question of the month – What compensation am I entitled to when my flight is cancelled due to a 'technical fault'?

Question:

My flight was cancelled recently in an EU country. After much questioning, the airline eventually informed me that the cancellation was due to a 'technical fault'. I was offered no financial compensation of any kind. What are my rights?

Reply:

Consumer entitlements in case of cancelled flights are provided for under European Regulation on Denied Boarding, Cancellation or Long Delay (EC 261/2004). In the case

of a cancelled flight, you are **always** entitled to receive assistance in the form of free meals/refreshments and a free phone call. You are also entitled to the choice of a refund of the cost of your ticket OR rerouting to your final destination.

You are also entitled to compensation ranging from €250 - €600 if your flight is cancelled.

HOWEVER...

You are not entitled to any compensation if:

'an event has been caused by extraordinary circumstances which could no have been avoided even if all reasonable measures had been taken'

The kinds of events which are classified as 'extraordinary circumstances' include:

- Political Instability
- Bad weather
- Security risk
- Strikes
- Unexpected flight risk

Your airline may well assert that the 'technical fault' falls into the final category- 'unexpected flight risk' and thus financial compensation may be denied due to 'extraordinary circumstances'. Unfortunately this provision of the Regulation is unclear and the precise meaning is difficult to establish. Airlines have given 'exceptional circumstances' a broad definition. In a survey conducted by ECC Net, air carriers claimed 'exceptional circumstances' in at least 9% of total complaints and disputes handled by ECC Net.

If resident in Ireland, you would be best advised to contact the Commission for Aviation Regulation. For contact details, see here

<http://www.aviationreg.ie/Contact Us Page.HTML>

For more information on your entitlements when flying go to:

http://www.eccdublin.ie/topics/air_travel.html

To read *Lazy Larry's Guide to Consumer Rights on Holidays in Europe* (pdf file) go to:

http://www.eccdublin.ie/publications/leaflets/subject_guides/Lazy_Larry_Guide.pdf

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