



This month we mark European Air Passenger Rights Day on July 7th with an analysis of the awareness among Irish consumers of their rights when they fly. Our Consumer Query of the Month discusses the last minute cancellation of a car rental by the booking agent while our Success Story concerns additional charges for a car rental. Our consumer survey is available on our website at www.eccireland.ie and this month asks about car rental and your experience of additional charges.

If you have had a problem with a purchase from another European country, please contact us on 01 8797620 or click [here](#). For information on your consumer rights in Europe, see www.eccireland.ie

Ann Neville Manager

Sometimes things go wrong when you fly...

Over recent years the completion of the liberalisation of the European aviation market, the proliferation of new companies and business practices in the airline industry, as well as the expansion of routes available, have combined to create new travel opportunities for passengers. The number of air passengers in Europe has increased by approximately 35% since 2000 and currently almost 18.5 million passengers a year pass through Dublin airport alone. Travelling by air is now no longer perceived as a luxury but has become a right for European citizens.

However the growth in the numbers flying have led to the perceived quality of air transport being negatively affected. Even leaving aside the ash cloud crisis of early 2010, factors such as congested airspace, larger and more crowded airports and stricter security measures implying for passengers the risk of missing flights, mean that the travel experience can be increasingly stressful. Since 2005 (EC) Regulation 261/2004 has set out a minimum level of quality standards for passenger protection which apply in the case of flight cancellation, delay or denied boarding. As freedom of movement is one of the most important individual rights of EU citizens and an essential aspect of the internal market, the protection of air passengers is at the heart of EU policy, and with that in mind the 7th of July was chosen as a day to raise awareness of air passenger rights throughout Europe. As a result ECC Ireland, in association with the Commission for Aviation Regulation, the National Enforcement Body for Regulation 261/2004, were present in Dublin airport to give out information materials on air passenger rights and talk to passengers about their rights when things go wrong.

In order to assess the level of awareness among Irish people of their air passenger rights ECC Ireland undertook a survey to test people's knowledge in relation to two key areas: flight cancellation and delay (covered by Regulation 261/2004) and luggage (covered by the Montreal Convention). In total 218 people were polled, both online through our website, and offline at the Central Library in Dublin's ILAC Centre. The results of the survey show that less than 10% of people surveyed are fully aware of their rights if a flight is cancelled or delayed or if luggage is mislaid or delayed. This is despite

the large scale volcanic ash crisis which caused severe cancellations and delays in April 2010. As ECC Ireland carried out the same survey in March 2009, prior to the ash cloud, we can compare the results, which indicate an increased level of awareness, with a doubling in the number of people who were able to answer all questions correctly, from 5% in 2009 to 10% in 2011. While this result is encouraging it is still of concern that so few people were able to correctly identify their rights in terms of flight delay, with only 17.4% of correct answers in this section, a figure which has decreased slightly since 2009. It is hoped that initiatives such as the European Commission's [Your Passenger Rights at Hand](#) campaign will serve to increase public awareness of their rights and entitlements in this crucial area of the internal market.

Consumer Query of the Month

Last month I made a reservation for car rental, as I was going on holidays to France on 1st July. Less than two days before flying over, I received an email from the booking agent informing me that my reservation had been cancelled and my credit card refunded. Can they do that? I had to make a new reservation with another company but, given the very short notice, it was significantly more expensive.

In light of the terms and conditions provided, it appears that the trader features a no cancellation fee policy if the customer notifies his cancellation at least 48 hours prior to the intended start date. Otherwise, a penalty applies. Accordingly, if the trader unilaterally cancelled the booking within 48 hours prior to the intended start date, it may be possible to claim compensation –having regard to the penalty indicated in the terms and conditions– as, otherwise, they would cause a significant imbalance in the parties' rights and obligations arising under the contract, to the detriment of the consumer. In fact, under European Directive 93/13/ECC on unfair contract terms, a term is deemed to be unfair when it permits the trader to retain sums paid by the consumer where the latter decides not to conclude or perform the contract, without providing for the consumer to receive compensation of an equivalent amount from the seller or supplier where the latter is the party cancelling the contract. We therefore recommend you to contact the trader in writing informing them of this and if the trader does not respond or refuses to offer you compensation please revert to us for further assistance.

Success story of the Month

A UK consumer booked a rental car through an Irish website. His flight was delayed and the local car rental operator charged him a fee for collecting out of hours. The consumer had not been informed of either the opening hours of the local car rental operator or of the fact that there was a late collection fee. The consumer complained about the charge and the lack of information.

The consumer contacted ECC UK which sought assistance from ECC Ireland. We contacted the Irish website trader on the consumer's behalf, pointing out that the information must have been available to them. They admitted to having made an error when displaying the rate details for this particular car rental operator and have agreed to refund the consumer the additional €15 charged.

This month's survey

Here in ECC Ireland we are always interested to hear what you think. This month, we are asking if you have ever been charged unexpected additional amounts for your car

rental? Such charges can be imposed by the car rental company for alleged damages to the vehicle or for extras which may not always be obvious to the consumer at the time of booking. To take part in the survey just go to our home page www.eccireland.ie
If you want more information about this or any other cross-border consumer issue you can contact us on 01 8797620 or at www.eccireland.ie.

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