

"If you have a valid ticket and you have confirmed your reservation and presented yourself at check-in at the airport within the time specified by the airline but you are not allowed to board the aircraft because the flight is overbooked, you are entitled to compensation under EU law"

- to your initial point of departure when relevant) or,
- alternative transport to your final destination and,
 - refreshments, meals, hotel accommodation, transport between the airport and place of accommodation, two free telephone calls, telex or fax messages, or emails); and compensation totalling €250 for flights of 1,500 km or less
 - €400 for longer flights within the EU and other flights between 1,500 and 3,500 km
 - €600 for flights over 3,500 km outside the EU

Flight Delays

Under EC Regulation 261/2004 you have a number of rights which arise if your flight is delayed. It is important to note that these rights begin after a delay of 2 hours in flights of less than 1,500kms, 3 hours for EU flights greater than 1,500kms and non-EU flights of less than 3,500kms and 4 hours for all flights of more than 3,500kms. If a flight is delayed for the times outlined above an airline is obliged to provide the following to you:-

- Free meal and refreshments
- Two free telephone calls, faxes or emails
- Free hotel accommodation if departure is delayed until the next day
- Free transport between airport and accommodation

If a flight is delayed by 5 hours or more you are entitled to look for a refund of the unused part of the ticket if you decide not to travel or you can choose to be re-routed by the airline later.

However, under EC Regulation 261/2004 you are not entitled to financial compensation if your flight is delayed.

Under the Montreal Convention 1999 there is also provision for air passengers to seek compensation from the airline carrier for delays. If a passenger is delayed financial compensation must be offered. 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.

Cancellations

If an airline cancels a flight at the last minute their passengers should be offered:

- A choice between refund of ticket or re-routing to final destination. Free meals and refreshments as well as two free phone calls/emails/faxes should also be provided when waiting time for the re-routed flight/flights requires it under EC Reg 261/2004.
- In the event of re-routing when the flight is the next day free accommodation and transfer to and from that accommodation should be provided by the airline.

In addition compensation is owed at the following levels:

- €250 for flights of 1,500km or less
- €400 for intra-community flights of more than 1,500km or for other flights between 1,500km and 3,500km
- €600 for all other flights.

Under the rules passengers are not entitled to financial compensation if a flight is cancelled due to bad weather, political unrest, a security threat, unexpected flight risk or strikes.

Denied boarding due to over-booking

Under EC Regulation 261/2004 when a flight is overbooked the airline must call on passengers to volunteer their seats to other passengers. If volunteers come forward they are entitled to financial compensation for not boarding which is agreed between the airline and passenger. The volunteers are also entitled to choose between 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 as follows:

- €250 for flights of 1,500km or less

- €400 for intra-community flights of more than 1,500km or for other flights between 1,500km and 3,500km
- €600 for all other flights
- and an alternative flight or refund of the ticket and overnight accommodation if necessary while waiting for an alternative flight and food, refreshments and access to telephone/e-mail/etc in reasonable proportion to the length of the wait.

Passenger injury and death due to flight problems

Under the Montreal Convention 1999 and Council Regulation EC 2027/97 on Air Carrier Liability in the event of accidents, a passenger is entitled to compensation in case of an accident on board, embarking or disembarking the airplane. Up-front payments can be made if needed to help the passenger with immediate economic hardship.

Enforcing your air passenger rights

The above rights have been set down either directly in EU law or in Irish law that has been introduced to bring EU legislation into effect. Airlines, travel agents, tour operators and all other businesses involved in providing air transport services must observe them. If a person feels that their rights have not been respected and that they have not received the level of treatment or compensation to which they are entitled, they should contact the Aviation Regulation Division at the Department of Transport or the Office of the Director of Consumer Affairs and inform them about it. They can also contact the Directorate-General for Transport and Energy of the European Commission.

Therefore it is essential that we as the consumers are as aware of our rights as the major airlines are at disguising them!



ON THE MOVE

Please note that QBE's office is relocating to
Riverside 2, 4th Floor,
Sir John Rogerson's Quay, Dublin 2
with effect from Monday 7th July 2008.
Office, phone and fax numbers will all remain unchanged.