

AIRSPACE CLOSURE

Practical advice to passengers affected by the closure of EU airports

Airspace closure has created huge disruption throughout Europe for tourists and business travellers. Even in extraordinary circumstances like this, EU air passenger rights still apply.

Here you can find information and suggestions on how to proceed in different situations. Please note that your legal rights will vary depending on whether you have booked a package holiday, including transport, accommodation and possibly other services such as car hire, or whether you have booked such services separately. Question 7 relates specifically to package holidays.

1. What happens if my flight is cancelled, delayed or I am denied boarding?

Before going to the airport, you should contact the airline or travel agent to get the latest information and check the time of departure, since flights may be rescheduled.

If your flight is cancelled, or delayed for more than five hours, or you are denied boarding, you have a right to ask for a full refund of the unused ticket(s) or you can accept a re-routing to your final destination. This means that you can choose between a refund or re-routing.

If you choose a refund: you have the right to a refund of the full amount of the ticket price paid (including taxes and any other charges). For refunds, you should apply to the airline company that you booked the ticket with. Remember that once you accept the refund, the airline has no further obligations towards you in terms of re-routing or assistance.

If you choose re-routing: you are entitled to assistance from the air carrier. This means: meals; drinks; communication facilities; transport between the airport and your accommodation and a hotel room for the night, if necessary, depending on the delays incurred. Please note that assistance does not entitle you to clothes, babies' nappies and similar.

Special assistance must be given to unaccompanied children and to people with special needs because of reduced mobility.

Advice: It is a good idea to keep all receipts for the costs incurred due to flight disruptions, to support your claim.

2. Do I have a right to any other compensation (apart from that described in point 1) when my flight has been cancelled, delayed or if I have been denied boarding?

Under exceptional circumstances such as airspace closure, passengers are not entitled to additional financial compensation.

3. Can I claim compensation for delayed, lost and damaged luggage?

3.1 What should I do if my luggage is delayed?

'Delay' means that your bag arrives eventually, within 21 days of your arrival. Under international law (Montreal Convention), you are entitled to compensation of up to approx. €1 223 for delay. We recommend however that you observe the following procedure:

- While still at the airport, you should complete a PIR (Passenger Irregularity Report) at the baggage claims desk, typically located in the baggage reclaim area. Provide details of your bag and keep a copy for yourself. If the luggage arrives within three weeks of arrival i.e. it is delayed, you should write to the airline within 21 days, seeking compensation for the delay.
 - Keep your boarding pass and the baggage tags.
 - Enquire about the air carrier's daily allowance policy, if applicable.
 - Ask for the contact details of the baggage department and ask if there is an online tracer system available to check the status of your bag.
 - Keep receipts for all necessary expenses resulting from the delay of your bag.
- Under the Montreal Convention you have **21 days** from the date on which your bag was eventually delivered to submit a written claim for compensation.

3.2 What should I do if my luggage is damaged?

While still at the airport, you should complete a PIR (Passenger Irregularity Report), available from the airline, outlining the damage to your luggage; this means that the airline has a record of your complaint. You should also keep a copy. Write a letter to the airline within 7 days from the date of arrival of the luggage including a copy of the PIR in order to claim compensation. Under law, you are entitled to compensation of up to approx. €1 223 for damage.

3.3 What should I do if my luggage is lost by the airline?

Your luggage is considered 'lost' if it has not arrived within 21 days from the date it was supposed to have arrived, or if the airline tells you that it is lost. While still at the airport, you should complete a PIR (Passenger Irregularity Report), available from the airline, reporting the non-arrival of your luggage; this means that the airline has a record of your complaint. You should also keep a copy. If your luggage hasn't arrived within 21 days, write to the airline, seeking compensation. Under law, you are entitled to compensation of up to approx. €1 223 for loss.

4. I have booked a rental car and planned to pick it up at my destination airport. I was prevented from picking up the car (on time/at all) due to airspace closure — what can I do?

- Inform the car hire company as soon as is practicable, preferably in writing.
- Gather as many supporting documents as you can, to show why you cannot get to your destination airport as planned.
- If you have paid in advance, you **may** ask for a refund stating the exceptional circumstances. This will, however, depend on the specific contract terms and the law applicable to the contract.
- If you have not paid in advance, request in writing a cancellation of your car hire stating the exceptional circumstances (airspace closure). Conditions for cancellation

will, however, depend on the specific contract terms and the law applicable to the contract.

- Check whether your insurance policy covers this situation.

If this is a separate contract, i.e. not package travel, there are no EU rules relating to cancellation in these circumstances. The legal consequences will, therefore, depend on the terms of the contract and the law applicable. Under EU rules, you are not entitled to a refund by the airline company.

5. What if I could not make my travel connections due to the cancellation of my flight and these services are not part of a package holiday?

- Report the problem immediately to the ferry/train/bus company, preferably in writing.
- Gather as many supporting documents as you can, to show why you can/could not get to your destination as planned
- If you have paid in advance, you **may** ask for a refund due to exceptional circumstances. This will, however, depend on the specific contract terms and the law applicable to the contract.
- If you have not paid in advance, request in writing a cancellation of your ferry/train/bus travel due to exceptional circumstances (airspace closure). This will, however, depend on the specific contract terms and the law applicable to the contract.
- Check whether your insurance policy covers this situation.

If this is a separate contract, i.e. not package travel, there are no EU rules relating to cancellation in these circumstances. The legal consequences will, therefore, depend on the terms of the relevant contract and the law applicable. Under EU rules, you are not entitled to compensation from the airline company.

6. What if I did not make my flight connection due to the airspace closure: (a) in the case of an integrated ticket which includes the connection flight; (b) in the case of two tickets bought separately?

a) See point 7 on package travel.

b) You have:

- The right to receive information from airlines (e.g. airlines are required to give information on your rights as passengers as well as keeping you informed on the situation as it evolves);
- The right to choose between a refund of the ticket or re-routing to your final destination.
- The right to care as described in point 1, if your choice is re-routing and the cancellation of the connecting flight occurred after you left your place of residence.

7. I booked my package holiday. My flight could not leave because of the airspace closure. Can I be reimbursed for the whole or for part of my package holiday?

(An example of a package holiday is one which you choose from a tour operator's brochure, and which includes a flight and a stay in a hotel. Your holiday does not count as a package holiday if you booked all the elements separately. For a full description of what counts as package travel, see Article 2 of the Directive: <http://eur->

lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexplus!prod!DocNumber&lg=en&type_doc=Directive&an_doc=1990&nu_doc=314)

If you have not yet started travelling

You have the right to information from the air carrier or from the tour operator.

You are entitled to a full refund of the money paid (including the flight and the hotel). Alternatively, consumers may accept a substitute package if this is offered by the organiser.

You will not be able to claim compensation on top of the refund if your package holiday has to be cancelled due to exceptional circumstances (*'force majeure'*). The volcanic ash cloud should be considered as exceptional circumstances excluding the right to additional compensation.

If you are already at the holiday destination

You have the right to receive assistance from the organiser (or the travel agent), e.g. information on the situation as it evolves, cancellations and length of delays, refreshments, meals and communication facilities.

The organiser (or the travel agency) is also obliged to make suitable alternative arrangements, at no cost to you, for the continuation of the package, including alternative travel arrangements, e.g. a flight a few days later, and hotel accommodation.

Advice: It is a good idea to keep all receipts for the costs incurred due to flight disruptions.

8. I booked a holiday home/hotel/boat independently. My flight could not leave because of the airspace closure. Am I entitled to a re-imbusement of the costs incurred for my booking?

- Report the problem immediately to the owner/hotel/company, preferably in writing.
- Gather as many supporting documents as you can, to show why you cannot get to your destination airport as planned.
- If you have paid in advance, you may ask for a refund due to exceptional circumstances. This will, however, depend on the specific contract terms and the law applicable to the contract.
- If you have not paid in advance, request in writing a cancellation of your rental due to exceptional circumstances (airspace closure). The conditions for cancellation will, however, depend on the specific contract terms and the law applicable to the contract.

Advice: It is a good idea to keep all receipts for the costs incurred due to flight disruptions.

If this is a separate contract, i.e. not package travel, there are no EU rules relating to cancellation in these circumstances. The legal consequences will, therefore, depend on the terms of the relevant contract and the law applicable. Under EU rules on air passenger rights, you are not entitled to compensation from the airline company.

9. I bought and paid in advance for a concert/opera ticket but I could not make it to the event because my flight was cancelled due to airspace closure. Can I claim a refund?

- Report the problem immediately to the company, preferably in writing.

- Gather as many supporting documents as you can, to show why you cannot get to your destination airport as planned.
- Request a refund on the basis of exceptional circumstances.

The conditions for cancellation will, however, depend on the specific contract terms and the law applicable to the contract. Under EU rules on air passenger rights, you are not entitled to compensation from the airline company.

10. I am an employee and I lost 2 days of work / I am a freelance consultant and I was supposed to deliver a speech to 400 people. Who will compensate me?

In an exceptional circumstance such as this, passengers are not entitled to financial compensation under EU rules.

11. I missed out on attending my sister's wedding because of the airspace closure. Is there any compensation for such cases or for missing any other kind of personal appointments (auction day, divorce, house purchase, etc.)?

In an exceptional circumstance such as this, passengers are not entitled to compensation for personal loss/detriment under EU rules.

12. I am a passenger with reduced mobility. What are my rights?

In all circumstances, airlines must give priority to persons with reduced mobility and any carers or certified guide dogs accompanying them. The care to which they are entitled must be provided as soon as possible.

Who can help me if my rights are not being respected? What if airlines do not apply the rights you have?

Contact the European Consumer Centre in your country for assistance:

http://ec.europa.eu/consumers/ecc/contact_en.htm

or complain to the national enforcement bodies of the place where the incident occurred if it is in the EU, or of the place of arrival if the incident occurred outside the EU:

http://ec.europa.eu/transport/passengers/air/doc/national_enforcement_bodies.pdf