



Chartered Trading
Standards Institute

UK European Consumer Centre



Trains, planes, cars and boats

What you should know

UK European Consumer Centre

Every year UK consumers find themselves in dispute with EU companies over a range of problems connected with rail and air travel and car hire. This leaflet is being produced to ensure consumers are aware of their rights and to help empower them to avoid problems.

We're here to help.



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Remember that no matter where you shop within the European Union you have basic rights that cannot be taken away.

Trains

Every day, millions of people take the train throughout Europe. European legislation that came into force in December 2009 offers better protection to rail passengers and is intended to result in more reliable and high-quality rail passenger services.

Rail passenger rights apply to international rail transport services in the EU, although there are some countries that have yet to implement this. The rights may also apply to domestic train services, depending on decisions made by national governments.

<http://ec.europa.eu/transport/passenger-rights/en/index.html>

Your rights under EC regulation 1371/2007 are:

Cancellation or delay

If your train is cancelled or delayed, you may be entitled to compensation. In any case, you have the right to adequate information about what is happening while you are waiting. Your compensation rights depend on the length of the delay, but may be reimbursement or re-routing.

For example, you may be entitled to compensation of 25% of the ticket price if the train is between one and two hours late or 50% if the train is delayed by more than two hours. The payment should be made within one month after submitting a claim and be paid in vouchers or cash, depending on what the customer requests.



You will not receive compensation in certain cases, for example if you have been informed of a delay before you buy your ticket or it is the fault of a third party.

Under all circumstances, in the case of a delay in arrival or departure of more than one hour you are entitled to assistance in terms of:

- meals and refreshments in relation to the waiting time
- accommodation where an overnight stay becomes necessary
- alternative transport when the train is prevented from travelling and the service cannot be continued any more

Lost or damaged registered luggage

If your registered luggage is lost or damaged during your trip, you have a right to compensation, unless it was inadequately packed, had a special nature or was not fit for transport. You are entitled to compensation of up to 1,300 Euro per piece of registered luggage if you can prove the value of its contents, but only 330 Euro per piece of luggage if you cannot prove the value of its contents.



If a passenger is killed or injured in a train accident, he/she or his/her dependants have the right to compensation for lost or damaged hand luggage both registered or not up to a maximum of 1,500 Euro.

Injury and death

If a passenger is injured or killed in a train accident, he/she or the person entitled to compensation has the right to an advance payment within 15 days of the accident to cover his/her or his/her dependants' immediate needs. In case of death, this advance payment is a minimum 21,000 Euro per person.

For more details, check the Rail Passenger Rights section of the Europa website: http://europa.eu/youreurope/citizens/travel/passenger-rights/rail/index_en.htm

Passengers with reduced mobility

If you have a disability or reduced mobility, you are entitled to travel as easily as other citizens. Rail companies and station managers must ensure non-discriminatory access, while reservations and tickets should not cost any more.

Planes

Travelling by plane has taken off significantly in the past 20 years – it's cheaper and more convenient than it used to be. Most flights are problem-free, but what if your flight is delayed or cancelled or your luggage is lost?

You have EU air passenger rights if your flight departs from an EU country* OR arrives in an EU country* with a carrier licensed in the EU*

*or Iceland, Norway, Switzerland.

Delayed

If your flight delay is more than two hours, under Regulation EC 261/2004 you can claim for meals and refreshments (sometimes you may receive vouchers from the airline) or even overnight accommodation, depending on the length of delay to your destination. To check your exact entitlement, view our website on www.ukecc.net

If the delay is for five hours or longer, then you can claim a refund for the unused part of the ticket if you decide not to travel, or you can choose to be re-routed later.



Over-booked flights/denied boarding

Airlines regularly overbook when selling seats. When this happens the airline must invite passengers to volunteer their seats to other travellers. Volunteers should be offered financial compensation, agreed between themselves and the airline, as well as an alternative flight or a ticket refund. If the airline can't find volunteers, then it can deny boarding but should offer set amounts of compensation.

Examples are:

- €250 (flights of 1500 km or less, more than two hour delay);
- €600 (over 3500 km flight, more than four hour delay)

Cancelled

If the airline cancels, under EC Regulation 261/2004 you should be given the choice of a ticket refund or re-routing to your final destination. If you request reimbursement, you give up the right to further assistance or re-routing. If you choose re-routing, you are also entitled to free meals and refreshments and a free phone call (relative to waiting time). You may also be entitled to compensation (from €125 to €600) if your flight is cancelled at short notice. Exceptions may apply i.e. in circumstances beyond the airline's control e.g. security threats.

Check the cancellation chart in the air travel advice section of the UK ECC website for more details of your entitlement.



Lost, delayed or damaged luggage

If your luggage is lost, damaged or delayed, the Montreal Convention says you should be able to claim up to a certain amount for checked-in luggage (about £1,000), although the airline may not be liable if it can prove that it has taken all necessary measures and the problem was unavoidable.

You should report damage, delays or losses to the airline or its agent as soon as possible. Although not a legal requirement, you should fill out a 'property irregularity report' (PIR), give a copy to the airline and keep one yourself.

When luggage is delayed or lost, the airline should offer to pay you for unavoidable, reasonable costs such as toiletries and underwear. Luggage is generally regarded as lost after 21 days.

If the luggage is damaged, complain to the airline in writing within seven days (enclosing a copy of the PIR). The airline may replace it or offer compensation. If the luggage is delayed, make your claim within 21 days (also including a copy of the PIR).



Things to remember:

- report problems as soon as possible to the airline or, if they don't have a desk, their appointed agents
- when taking musical instruments or sporting equipment you may be given a 'limited release' tag, which may limit the airline's liability. If the items were checked-in in the normal way then you may still be able to claim under the Montreal Convention
- if taking high-value goods such as camcorders or cameras, keep the receipts. Check the airline's conditions of carriage as the airline may be exempt from paying if the goods are in the checked-in luggage
- consider taking out travel insurance for luggage problems - it may provide more protection than the law
- any claims for extra expenses connected with delayed, cancelled and overbooked flights are not covered by the EU Regulation. But the Montreal Convention may cover you for accommodation or transportation costs if you missed your only connecting flight because your original flight arrival was delayed

Cars

Like any transaction, car hire has risks associated with it. UK consumers are in dispute every year over car rentals with EU traders from a variety of countries - mainly tourist destinations - but some of the countries most frequently complained about include Spain, Italy, France and Ireland. It's important to remember, however, that not every car hire ends in tears.

Quite naturally, you will often have your guard down and be more trusting when on holiday – just when you might be hiring a car.

One of the most important things is to check the terms and conditions for relevant extra charges, which may include: returning the car to a different place, child seat, second driver, airport charge, crossing a border into another country, fuel costs, road offences and travel limits.

For more car hire confidence, follow the UK ECC's car rental 'hints and tips':

- do pre and post-rental vehicle inspections (with photos where possible) and ensure both parties sign these documents at the time and retain a copy
- shop around for the best rate (if booked online, you have no right to cancel and claim a refund). Prices may also vary according to the time of year

- read all paperwork before signing, including terms and conditions
- check what is and isn't covered on the insurance
- confirm the company's fuel tank policy. There may be penalties for returning the car with insufficient fuel
- check any extra charges you may be liable for
- allow enough time to drop the car off
- research the country's highway code and local road legislation
- request evidence of disputed charges

When collecting the hire car, insist on walking around the car with a company representative to note any damage, bumps, scratches, fuel level, etc. Take a copy of the company's notes for your own records and make sure it is accurate.

Remember that you are always liable for any damage present on the vehicle that was not present prior to hiring. When returning the car, insist on another inspection with a company representative and get confirmation of lack of damage in writing to prevent further costs being incurred.



It's also worth remembering:

- consumers are advised when buying goods costing more than £100 and less than £30,000 to use a credit card, as section 75 of the Consumer Credit Act 1974 may place equal liability with the seller on the credit card company
- a 'contract' may be breached if the car hire company does not do what its terms and conditions say
- a car rental company must follow the code of conduct of any trade association it belongs to (check what membership applies before you sign)
- under the EU Services Directive 2009, your place of residence/nationality should not affect the price you pay
- check terms and conditions before booking your hire car – that way you'll know who has the right to charge you for the car rental
- The European Car Rental Conciliation Service (ECRCS) is an Alternative Dispute Resolution body for customers who have booked cars direct, NOT through a rental broker or travel agent. It has been partly created by the British Vehicle Rental and Leasing Association (BVRLA). The car hire company must be a member of ECRCS



Boats

New rights came into force for passengers travelling by sea and inland waterways on 18 December 2012 under EC regulation 1177/2010. These rights for passengers travelling by water are intended to complement existing rights for air and rail passengers. The regulation comes from the European Commission but implementation could vary throughout the EU.

The regulation does not apply to passengers in certain situations such as travelling on ships certified to carry up to 12 passengers or where the overall service is less than 500 metres one-way or on excursion and sightseeing tours.

The new rights include:

- guarantee of reimbursement or rerouting for cancellations or departures delayed by more than 90 minutes;
- adequate assistance (such as snacks, meals, refreshments and, where necessary, accommodation up to three nights, with a financial limit up to 80 Euro per night) if travel is cancelled or departure delayed by more than 90 minutes;



- compensation, between 25% and 50% of the ticket price, if travel is cancelled or arrival delayed;
- non-discriminatory treatment and specific assistance free of charge for disabled passengers or those with reduced mobility at port terminals and on board ships, as well financial compensation for loss or damage of mobility equipment;
- minimum rules on information for all passengers before and during journeys, plus general information about rights in terminals and on board ships;
- complaint handling mechanisms to be made available to passengers by carriers and terminal operators

Check <http://ec.europa.eu/transport/passenger-rights/en/29-other-modes-2.html> for details of which services the regulation applies to and the exceptions.

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Please remember that the information in this leaflet can provide general guidance only. It is not intended as a full description of the law.

Sign up to the UK ECC newsletter, 'your update' through our website www.ukecc.net

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