

In this fifth edition, ECC Malta wants to refresh your memories on your Air Passenger Rights even though the hot holiday season has ended. However, we are sure that some of you are already preparing for the next one during winter. On another note, we know that consumers are excitedly waiting for the 25th of next month as this will mean one of the country's best sales every year. ECC Malta would like to wish you well in your shopping endeavours but also remind you to be careful of scams and remember your rights as consumers. In addition, we are presenting you with this month's success story about Car Rental. Finally, we are dedicating the last page to the latest brochure issued by ECC-Malta last month on Car Rentals.



## Air Passenger Rights



**All consumers want to plan the perfect holiday; however, despite all the effort put into planning, things may go wrong when it is least expected, causing significant disappointments. Airline delays, overbooking, cancellations, and lost or damaged luggage are all inconveniences that travellers may encounter from time to time.**

**Regulation 261/2004/EC** lists the compensation and assistance that passengers should receive if the flight is delayed, cancelled, or denied boarding.

Consumers should be informed of these rights before, during and after the flight.

The Regulation applies to:

1. Flights within the EU operated by either an EU or a non-EU airline;
2. Flights arriving in a Member State from outside the EU operated by an EU airline;
3. Flights depart from the EU to a non-EU country operated by an EU or a non-EU airline.

Nevertheless, consumers should be made aware that the rules found in this Regulation do not apply to the following:

1. Flights arriving in the EU from another non-EU country and operated by a non-EU airline.

2. Consumers have already received compensation, rerouting, and/or assistance for flight-related problems.

**EU rules on air passenger rights do not apply to cases of denied boarding, cancellations, or delays of flights from the UK to the EU if operated by a UK carrier or another non-EU carrier, even if you booked the flight before 01st January 2021.**



## Consumer's rights in case of delayed flights

Where consumers experience flight delays, they are entitled to care and assistance. However, this right depends on the time of the delay and the flight distance. Generally, this right can be requested when the delay is for more than:

- 2 hours for flights up to 1500KM
- 3 hours for flights of more than 1500KM and up to 3500KM
- 4 hours for flights over 3500KM

Care and Assistance consist of **1 free meal and refreshments; 2 telephone calls, two emails; free**

**accommodation if the delay requires an overnight stay and free transport between the airport and accommodation.**

Although **Regulation 261/2004** does not specify that passengers are entitled to compensation when there is a delayed flight, the European Court of Justice has held that **a long delay of at least 3 hours** entitles passengers to the same compensation as if the flight was cancelled.

## Consumer's rights in case of denied boarding or cancellation of flights

Apart from issues with the flight, travellers may also experience problems with their luggage. Where such issues arise, the consumer should complain in writing to the air carrier within 7 days of discovering the damage or 21 days after the delayed luggage arrives. If the checked baggage does not arrive within 21 days from the date it was supposed to come, it will be considered lost.

Under the Montreal Convention, consumers can claim compensation of up to **1,131** Special Drawing Rights (SDR) if the luggage fails to arrive or has been damaged. Air carriers use different methods how to award compensation. However, a common trend is that the consumer is requested to present proof of the damage or other losses caused by the damage or delay of the luggage.

Consumers may need to purchase some 'necessary goods' where the luggage has been delayed or lost. Where possible, we suggest you discuss with the air carrier what falls under the category of 'necessary goods' to avoid disappointments later when claiming compensation.

For more information on Air Passenger Rights, ECC Malta invites you to visit our website [www.eccnetmalta.gov.mt](http://www.eccnetmalta.gov.mt) or download our leaflet on Air Passenger rights from here.

## Consumer's rights in case of lost/delayed or damaged luggage

Passengers are also entitled to compensation if they have been denied boarding or the flight has been cancelled. Consumers will be entitled to:

- €250 for all flights up to 1500KM
- €400 for all intra-Community flights for more than 1500KM and all other flights between 1500KM and 3500KM
- €600 for all flights not falling within the flights mentioned above

Where passengers are rerouted to the final destination, the airline will reduce compensation by half if the arrival time does not exceed the scheduled time by 2,3 or 4 hours, depending on the length of the flight.

A common practice used by airlines to compensate for no-

shows is the overbooking of seats. The airline must first ask passengers to volunteer their seats in such a case. These volunteers (if any) will be entitled to compensation and other benefits if applicable. The airline may refuse to board passengers if there is an insufficient number of volunteers. Nevertheless, the airline must offer these passengers an alternative flight or a refund of the unused portion of the ticket.

Remember that you will not be entitled to compensation if the delay is caused due to extraordinary circumstances, such as bad weather conditions, or if you have been informed that the flight is cancelled 14 days or more before the scheduled flight. In the latter case, you will still be able to claim a refund for the ticket.



# Black Friday: The sale before Christmas



November marks a significant month for consumers and traders now that Black Friday has become a phenomenon in Europe too. Traders gear up each year to reduce



their prices. However, they no longer focus on Black Friday and Cyber Mondays for online users, which will be held on the 25th and 28th of November, respectively, but are extending sales to a week, sometimes even an entire month. This initiative reduces the requirement and pressure for consumers to queue and wait long hours to find a deal. On the other hand, consumers excitedly wait for this period as this is the biggest sale organised right before Christmas. Consumers will surely take full advantage of the reduced prices if they want to buy something for themselves or others as a Christmas gift.

**ECC Malta wants to remind you that if you purchase gifts, you should request a gift receipt, as this is essential in case a problem arises. Moreover, we advise you to make sure that the bargains advertised are genuine, both those found in a physical store and online. Remember that you have the right to know the original price of the item on sale, and all other rights as a consumer apply when purchasing things on sale.**



## Success Story



Malta is one of the smallest countries in the world. One of the perks of being so small is the convenience of travelling since everywhere is relatively close. Therefore, renting a car may be more convenient for tourists, especially if they choose not to use public transport or taxis, as Alexander, a Danish tourist, did back in June.

Alexander wanted to be covered against all eventualities, so he also purchased full insurance coverage. On the first day, Alexander noticed some irregularities with the car and requested a replacement. All was well with the new vehicle provided until two days later when one of the wheels disjointed whilst driving. Thankfully no one was injured in this accident. Alexander contacted the rental company and

changed the damaged car until the end of the rental period. However, the consumer was requested the payment of €1375 on the spot from the company's representative. The consumer paid this amount only after the company representative assured him that this amount would be immediately refunded at the end of the rental period.

Upon returning the car, the representative at the check-in desk apologised to Alexander and explained that they had made an administrative mistake when asking the consumer to pay on the spot. The company's representative at the desk asked him to fill in some forms requesting a refund before leaving the country.

The consumer contacted ECC Denmark, who shared the case

with us as he was still waiting to be refunded. Our case handler immediately contacted the rental company requesting the promised refund. At first, the trader seemed more likely to refuse to cooperate as they claimed that the consumer had not signed the insurance coverage. However, ECC Malta referred to this document numerous times as the consumer provided our Centre with a copy of the signed document. Thus, the case handler was sure that the consumer had signed it. The trader reviewed the case again, and soon after, we received an email from another car rental company representative stating that they had issued the refund. ECC Denmark confirmed that the consumer received the refund amounting to €1375 a few hours earlier.



# Car Rental Leaflet

Last month, ECC Malta published a new leaflet about Car Rentals. This leaflet aims to provide general information about car rental and what to look for when renting a car. Some consumers find it more convenient to rent a car when

travelling. Through this leaflet, ECC Malta would like to help consumers decide what type of car to rent and what terms and conditions one should look out for when renting a vehicle, such as the fuel policy. In this leaflet, one will find information

that consumers may also need during the rental period from the beginning, such as when picking up and returning the car. You can obtain this leaflet from the European Consumer Centre Malta in Valletta or by clicking on the image.



## European Consumer Centre Malta

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