



Protecting the Travel Consumer

**European Commission: Public
Consultation on Air Passenger
Rights**

**Stakeholder Conference – Brussels
– 28 June 2010**

Further Observations

The Consumer Perspective 2010

28 June 2010

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INTRODUCTION TO HOLIDAYTRAVELWATCH

The European Commission ordered a review of Air Passenger Rights in the early part of 2010. The review examined issues within EU Directives 889/2002 (Air Carrier Liability), 96/67 (Ground-handling/Baggage-handling), 261/2004 (Denied Boarding, Flight Delay, Flight cancellation), 1107/2006 (Reduced Mobility Passenger Rights), 1008/2008 (Common Rules for Air Operations) and 2111/2005 (Air Safety Issues).

The Commission invited stakeholders to attend a Conference on Monday 28 June 2010. HolidayTravelWatch (HTW) accepted the invitation to attend, however, due to circumstances, they were not able to neither attend nor provide a representative. The Organisation was extremely disappointed in not being able to attend this important gathering; it is their belief that this meeting heralded important discussions on the issue of Air Passenger Rights. Nonetheless, it is the view of this organisation that we should provide further observations, particularly in light of the recent Volcano Travel Crisis.

HTW provides its opinions through this report, based upon the relevant consumer opinion and its principal experience of EU Directives 261/2004, 1007/2006 & 2111/2005 .

HolidayTravelWatch is British based consumers organisation founded in 1995. Through 15 years of operation, it has provided information, advice and assistance to over 195,000 holidaymakers, through its dedicated helpline and website. This should however be put into context with the 65,000,000 individual trips taken by British Citizens in 2005¹. It suggests that HTW only receives a small proportion of all complaints, however, these holiday complaints tend to reflect the more serious element of contractual, illness and injury difficulties faced by the consumer. HolidayTravelWatch is entered onto the EU Register of 'Interest Representatives' – ID Number – 63992152960-12².

¹ Lord Treisman – FCO Reception March 2006

² <https://webgate.ec.europa.eu/transparency/regrin/consultation/displaylobbyist.do?id=63992152960-12>

The Organisation currently provides information and advice, assisting some 75% of all travel consumers who contact HTW, to find a resolution to their travel complaint. The remaining complainants are then given the opportunity to progress toward litigation, through travel law specialists. It is estimated that more than 70,000 holidaymakers have received such legal assistance, and have achieved in excess of £15,000,000 in compensation for their holiday complaints, holiday illness and injuries. This report will update and cite the relevant experience of this Organisation and the Travel Consumer, in support of its conclusions.

THE DETRIMENT TO THE TRAVEL CONSUMER

THE TWITTER DIARY

It was an ironic twist of fate that the Package Travel Directive meeting in Brussels (22 April 2010), was held at the height of the Volcano Travel Crisis.

There were many invited delegates who could not make the journey because of travel difficulties; we managed to make the journey by sea and rail and in doing so, we met many holidaymakers en-route affected by the crisis.

As the author of this report made his journey to and from the conference, he maintained a diary through the Twitter facility, detailing the experiences of other holidaymakers.

He found that whilst many were simply 'airline passengers' trying to get home, there were many who were 'traditional' package holidaymakers or 'so-called' DIY/Dynamic Package Holidaymakers suffering from the lack of assistance from either their tour company or airline.

The diary illustrates the 'heroic' efforts of ordinary people to resolve their difficulties, but it also highlights the predicament of many who were unable to financially 'aid' themselves out of their situation.

The HolidayTravelWatch Twitter area can be found at this link in Twitter – [@HTWFrank](#)

We have 'reversed' the normal method of reading posts in Twitter, for ease of reading within this report:

"I am glad to see that there is at last an EU wide impetus to try and deal with the Volcano Travel Crisis - my concern is for those....

holidaymakers who are 'trapped' abroad and may not have access to accommodation, funds etc. This is what, no matter how unpopular... [8:06 AM Apr 19th](#) via web

this may be, why 261/2004 and the Package Travel Regulations are there - to protect Consumers and to ensure a high standard of care! [8:07 AM Apr 19th](#) via web

Sitting in the ferry terminal at Portsmouth en route to Brussels - many hundreds of people here - so far the airline I was due to be with... [10:08 PM Apr 20th](#)

Has cancelled my flight and reinstated it by text - I think for the moment it's just as well I am taking the slow route, after all I am.... [10:09 PM Apr 20th](#)

To Brussels to talk about Travel Consumers rights - there will be an aftermath for Consumers and Industry alike - we shall comment soon! [10:11 PM Apr 20th](#)

I think we must be cautious and not get too excited about some flights landing - mother nature will take her time before she finishes! [10:29 PM Apr 20th](#)

I have been Reading some horror stories today about holidaymakers who thought that they had a Package Holiday - and apparently didn't! [10:31 PM Apr 20th](#)

I am glad we are reviewing the Package Travel Directive - we need to work on 261/2004 and introduce some clear balances! [10:32 PM Apr 20th](#)

It's now nearly 50 minutes and the foot passengers are still streaming out into the arrivals hall here at Portsmouth! [10:53 PM Apr 20th](#)

It is interesting to hear all the holidaymakers stories and opinions. Some are completely wrong on their rights, some have turned up.... [11:30 PM Apr 20th](#)

At airports only to find their flight is cancelled after being told it was on, some have endured bus rides of 25 hours, some are.... [11:31 PM Apr 20th](#)

Frustrated because a certain train operators website/phone lines are not working - just ordinary people, working it out, not angry at all! [11:33 PM Apr 20th](#)

The sea looks calm - I am watching the lights of old blighty slip away into the darkness - who will I meet on my journey tomorrow I wonder? [11:57 PM Apr 20th](#)

Just heard of the loneliest stag do in history! One young man is in Majorca - on his own - because his fellow 'stags' didn't arrive!! [6:18 AM Apr 21st](#)

Hearing first complaints of how some airline sites are not created in a way to make obtaining refunds easy - no information on rights! [6:26 AM Apr 21st](#)

In amongst the beautiful Norman buildings epic tales of travel including one Croatian 20 hrs in - 20 to go - Eng, Itl, Fr, Ger dialects! [6:34 AM Apr 21st](#)

Waiting for the train to Paris, the bells of Caen Cathedral are ringing, groups of young people are playing their guitars and.... 7:29 AM Apr 21st

Holidaymakers are trying to fathom out the ticket machines - the popular destination appears to be Paris, many were on last night's ferry 7:31 AM Apr 21st

The train to Paris is packed, many nationalities talking of trying to get home explain what English they know -many business people onboard 8:05 AM Apr 21st

Fatigue has set in with many of the travellers - there is gentle chat between different nationalities, some pouring over maps - next stage! 9:16 AM Apr 21st

As we near Paris I can see 6 vapour trails of high altitude planes! 9:21 AM Apr 21st

Paris Gare du Nord very busy, long queues for tickets, many many airline passengers - one Norwegian couple trying to get back to their... 11:22 AM Apr 21st

Car in Holland - left at airport, then a long journey by road to Norway, journey has taken several days - many trying to get tickets 11:23 AM Apr 21st

How's that for Consumer Service - the train broke down - we had to swop trains and it was announced in 5 languages, compensation available!! 12:37 PM Apr 21st

Met Dutch and English trying to get back from Spain for last 5 days. The English can't afford 1st class tickets, are making their way... 12:57 PM Apr 21st

Sorry phone lost signal - that group are on their way to Zeebrugge - they have no reservation for the ferry and appear to have been.... 2:43 PM Apr 21st

Told by the airline that they have 90 Euro a day which they can claim when they get back to the UK! I would like <http://tl.gd/v7uk2> 2:46 PM Apr 21st

It's been a long day and I have met some very interesting people along the way - I fear that there are many many more people... 6:50 PM Apr 21st

trying to find their way home. I see the Aviation Industry are riding a 'told you so' high - as one American said to me today, this is.... 6:51 PM Apr 21st

about safety and in their view everyone they met agrees! I shall continue this diary tomorrow and Friday - EU Commission tomorrow! 6:52 PM Apr 21st

Today is an important day for Travel Rights. I am attending a 'stakeholder' meeting in Brussels representing Consumer opinion... 7:29 AM Apr 22nd

It is ironic that we are here discussing this issue in the midst of one of the greatest travel crisis, and now the recriminations have... 7:30 AM Apr 22nd

started, with Ryanair apparently stating that they will not pay anything beyond the flight cost - whatever the arguments - and those... 7:31 AM Apr 22nd

should be made between Industry and Government, 26/1/2004 is the law - it is not a smorgasbord - I have every sympathy but Consumer have... [7:32 AM Apr 22nd](#)

still suffering - Industry, Government, the EU should look to the Solidarity fund to resolve this issue - we will put forward new proposals! [7:33 AM Apr 22nd](#)

The second session is about to start here in Brussels, there is much passion here about travel rights - a lot of anger about 26/1/2004 [1:33 PM Apr 22nd](#)

Overall a very interesting day! Many delegates do not understand why there is such a problem with travel consumer rights in the UK.... [7:49 PM Apr 22nd](#)

This puzzlement is not matched by the British delegation, who naturally are industry centred - I described the fact that it was high time... [7:51 PM Apr 22nd](#)

Airlines were brought into the financial protection schemes - I said that the topic & industry 'was the elephant in the room - would.... [7:53 PM Apr 22nd](#)

We see their inclusion in the new consumer protections? I took the view that we would not, because they were a powerful lobby as events... [7:55 PM Apr 22nd](#)

Have proved in the last few days! The representative from the European Low Fares group took exception to the fact that they were.... [7:56 PM Apr 22nd](#)

Referred to as elephants and that the suggestion that they would seek to influence the Commission as a 'lobby group' - well that told me! [7:58 PM Apr 22nd](#)

Let's be clear, the aviation industry is powerful, it is politically active, therefore they must lobby! I was not suggesting they were.... [7:59 PM Apr 22nd](#)

Anything wrong, why shouldn't they be heard? But, they do carry a weight, a gravitas, beyond most Consumer Organisations - perhaps it's... [8:01 PM Apr 22nd](#)

Time for the aviation industry not to be so sensitive - if Consumers have the perception that they are powerful, shouldn't their voices... [8:03 PM Apr 22nd](#)

Be heard also? Today was about finding common ground to create fairness in holiday contracts - the time for adversarial exchange has passed! [8:05 PM Apr 22nd](#)

Whilst I have been working at the Commission today, we have 40 calls alone from holidaymakers affected by the Volcano Travel Crisis.... [9:37 PM Apr 22nd](#)

There are some very desperate stories but nothing quite like the 108 people we have heard of from the Dominican Republic - stranded.... [9:38 PM Apr 22nd](#)

seemingly no assistance from the tour operator or airline - many apparently ill - many desperate - how about some action Travel Industry? [9:40 PM Apr 22nd](#)

Travelling home tomorrow, I will keep the diary running and detail any 'stranded' souls I meet on the way - the aftermath has started! [9:41 PM Apr 22nd](#)

Working on the train to Paris drafting a wash-up document after yesterday's conference. Despite all the politicking and outrage, there.... [7:31 AM Apr 23rd](#)

Is a real opportunity to make progress on travel consumer rights! This morning we heard of one low cost airline attempting to get.... [7:33 AM Apr 23rd](#)

Air passengers to sign a disclaimer for further claims if they were repatriated by the airline - if they didn't sign they couldn't be.... [7:35 AM Apr 23rd](#)

Repatriated!! Apparently many signed the document - we hope to get hold of the document! So much for Consumer rights under 261/2004.... [7:37 AM Apr 23rd](#)

We shall put forward our proposals on 261/2004 shortly! In the meantime the main station in Brussels was quieter than the other day... [7:39 AM Apr 23rd](#)

We are 15 minutes from Paris I expect to encounter the return of the 'trapped' from that point onwards...I will tweet on who I meet... [7:40 AM Apr 23rd](#)

The Gare du Nord is much quieter than the other day - I am now on the train to the port - many passengers with 'airline' labels non-Paris.. [9:02 AM Apr 23rd](#)

Airports - clearly trying to get home, no doubt will pick up the stories as we go -we are receiving more calls on the Volcano Travel Crisis! [9:05 AM Apr 23rd](#)

As we approached Paris you could see the planes stacked for landing - there did not appear to be queues for Eurostar tickets - hope helps! [9:09 AM Apr 23rd](#)

Yesterday we were treated to a description of airlines as 'heroic'. I have just met some heroic holidaymakers and they have a story to tell! [12:16 PM Apr 23rd](#)

This port is much quieter and you may be able to get back quicker - I have met other 'trapped' holidaymakers on the way here! [12:20 PM Apr 23rd](#)

People here are very excited - the ferry has just arrived to take us back to England! I have as I said earlier I have met some real.... [1:58 PM Apr 23rd](#)

'heroes' today - those being the British holidaymakers. Yesterday my journey to Brussels was described by the Commission as epic - it.... [2:00 PM Apr 23rd](#)

Was nothing compared to the stories I have heard today. One family were 'trapped' in Ibiza. They purchased a package according to BIS... [2:01 PM Apr 23rd](#)

Guidelines but were clearly denied assistance by both the tour operator and airline. They went to the airport to try and get an.... [2:03 PM Apr 23rd](#)

Early flight out because the crisis was growing but were told by the airline rep not to queue if they did not have a flight that day... [2:04 PM Apr 23rd](#)

He was accompanied by a security guard - others said the same thing was happening at railway stns. The family like others left the queue... [2:06 PM Apr 23rd](#)

And later discovered that others who remained had in fact got on one of the last flights - could it be they wanted fresh paying passengers? [2:07 PM Apr 23rd](#)

They tried to get assistance - none came! Other holidaymakers with families are 'trapped', some have no money or cards, some have flights... [2:09 PM Apr 23rd](#)

Around 26/4 or later - this family decided to get a ferry to Barcelona - there is much rumour mongering but they decided to ignore the.... [2:10 PM Apr 23rd](#)

Whenever they tried to get info none was forthcoming - people are trying to contact FCO Consular with no success - this family's holiday... [2:12 PM Apr 23rd](#)

Did not start well - they booked their hotel only when they got there they were told they were going somewhere else - significant change??? [2:13 PM Apr 23rd](#)

On a tour of the island they discovered that their original hotel and others was boarded up along with others - how many holidaymakers... [2:14 PM Apr 23rd](#)

Are being sold holidays to Ibiza that do not exist? This family arrived in Barcelona only to encounter more problems and more rumours.... [2:16 PM Apr 23rd](#)

They managed to get a train to Paris and a train to Caen and the ferry - they consider that they have been abandoned - I agree - it is.... [2:17 PM Apr 23rd](#)

That those in resorts with return flights are not exactly cared for - they feel abandoned - this is what they are telling me - what about... [2:19 PM Apr 23rd](#)

A few RAF transports to get them back or is this one of the 'cuts' - these are tax payers - help them? Another holidaymaker has had an... [2:21 PM Apr 23rd](#)

'heroic' journey from Lisbon - she describes lengthy queues for one ticket office - she used hostels and train websites to get back..... [2:23 PM Apr 23rd](#)

No assistance offered to her - these savvy holidaymakers - better than any travel agent - used the Internet to good use but said those.... [2:24 PM Apr 23rd](#)

With young children did not stand a chance - some holidaymakers became 'trapped' intending only a 3 day holiday and only brought enough.... [2:25 PM Apr 23rd](#)

Money for 3 days - those spoken to said they did not appreciate the lack of protection from so-called DIY holidays -just hearing of a..... [2:27 PM Apr 23rd](#)

Nightmare journey from Naples - same story - flight cancelled nothing offered - no assistance! What was that word used at yesterday's.... [2:29 PM Apr 23rd](#)

Conference before the 'Commission' - 'heroic' - it is humbling to hear the stories - where's the media when you need them? [2:31 PM Apr 23rd](#)

Hearing more stories of holidaymakers some on packages some on so-called DIY holidays receiving no assistance - getting stuck in Milan... [3:06 PM Apr 23rd](#)

No trains and having to find alternate routes - some have been travelling for 4 days - because of the Volcano Travel Crisis the people... [3:07 PM Apr 23rd](#)

I am speaking to are spending an extra £300 each to get from their resorts home - some say more - apparently one family spent 1,900 Euro... [3:09 PM Apr 23rd](#)

For a hire car from Barcelona to Calais! Many complain about the superinflated prices for trains, cars, hotels etc - business people... [3:11 PM Apr 23rd](#)

Will say it's the demand of the Market that puts the price up - rot - many holidaymakers are angry about price hikes and state.... [3:12 PM Apr 23rd](#)

Profiteering!! I have been told that there were few people on the ferry from Ibiza to Barcelona - why aren't airlines and tour companies... [3:13 PM Apr 23rd](#)

Filling these ferries and budding them up to ALL the ports apart from Calais to get holidaymakers home? Holidaymakers here look exhausted... [3:15 PM Apr 23rd](#)

That should have been bussing them up to the ports - autotext eh? I'll report more as I hear it! [3:16 PM Apr 23rd](#)

People look tired, you can hear them telling their stories to each other, those I have spoken to believe there will be an aftermath... [9:14 PM Apr 23rd](#)

This is the end of my journey, so many others have yet to return - we shall try to guide on the aftermath of 26/1/2004 & Package Holidays [9:16 PM Apr 23rd](#)

CONSUMER DETRIMENT – THE AIR PASSENGERS EXPERIENCE
CONTINUED!

We hope that those Consumer representatives, present at the Stakeholder meeting will have expressed the position of air passengers. We consider that it would be appropriate to again present further evidence in support of the Consumer position. If required we can supply further examples of Consumer Detriment!

The following detriment examples are written in the words of the holidaymakers who have contacted HTW.

We have not sought to change formatting, grammar or spelling except to make an issue clearly understood.

Names, organisations and sensitive or inappropriate opinions have been edited.

The complaints have been selected from the period 17 April 2010 to 5 May 2010.

We have only chosen a selection of the e mails received from this period. We have not included post or direct helpline commentaries.

We have chosen to edit the names of the companies, replacing them with a simple explanation as to the various companies' statuses.

We consider that the holidaymakers' comments on detriment are sufficiently powerful without the distraction of naming companies.

The examples were chosen at random.

We have provided 18 case examples of Consumer Detriment, concerning typical experiences gathered during the recent Volcano Travel Crisis.

I have a package holiday booked through [NAME OF TOUR OPERATOR] (atol but not abta protected) [NAME OF TOUR OPERATOR] have a force majeure clause in their ts and cs My holiday is likely to be cancelled tomorrow due to the effects of the volcano will I be able to claim under the Packed travel regulations? (EM – 17.4.10)

i have been affected by recent volcanic disruption to air travel. I booked a 4 day break with an agent that included air travel/accommodation/insurance in resort transfers and supplier failure protection. I booked holiday on credit card Will i be able to make a claim from agent/airline - credit card agent ? (EM – 19.4.10)

I have booked through [ONLINE TOUR OPERATOR] we have had our outbound flights canceled due to Volcano, and they stated we have to book and pay full fees again before we can find out if we will get a refund for our accommodation. The flights are through [NAME OF TOUR OPERATOR] and accommodation booked through [NAME OF ONLINE ACCOMMODATION PROVIDER] although both were booked at same time with one price on the phone. Is it likely we should get a full refund to rebook another holiday, as our friend is due to travel this Saturday on his own as we should have already been there, and we can not afford the cost again. Is this covered under the Package Holiday EU regulations. (EM – 19.4.10)

We booked a 7 night package holiday to St Lucia departing tomorrow 20 April 2010 with [NAME OF ONLINE TOUR OPERATOR] which is ATOL and ABTA bonded . We have just been called to say that the flight has been cancelled due to the volcanic ash. We were told we can re-book the holiday at a later date but we have a problem with this as my husband cannot take any more time off work. We were told we are not entitled to a refund for the accommodation as this event is a "force majeure" and is excluded in their booking conditions. Is this correct? (EM – 19.4.10)

We were subject to flight cancellation today from [NAME OF AIRLINE] as part of group bookings for a package deal with [NAME OF ONLINE TOUR OPERATOR]. We have been advised to rebook and upon doing so we have been informed we have got to pay an extra £1321.42 on top of the original price we had paid 18 months ago. This is between 12 people in our party. We have had to rebook as my sister is getting married (cancelled re-arranged wedding date now as a result) in the US but shocked at price increase. Asked if EU Regulations or Package Travel Regulations mean we pay the same price for the package and no extra charge but [NAME OF AIRLINE] say this does not apply and have experienced quite a distressing phonecall with them today when I queried this. Please help if you are able to. Understand people a lot worse of than us but really disheartened and sisters

wedding reception in UK has had to be cancelled too as a result, she is heartbroken. (EM – 19.4.10)

Due to the Volcanic ash our flight which was scheduled to leave today Saturday 17th April with [NAME OF AIRLINE] to Faro was cancelled. We contacted the travel operator [NAME OF ONLINE TOUR OPERATOR] the day before to establish what we would need to do. They advised we would have to change our flights ourselves, then get back to them to change the hotel & transfers. This we did, but when we contacted to advise the revised flights, we were then told they would cancel our hotel & transfers, but we would lose the money for them and must re-book new hotel & transfers. As we were advised incorrectly on the Friday and had transferred our flights to a later date we had no alternative than do a new booking. However we have since established, and have an email to provide proof that the hotel has not been paid as yet for our intended stay.

What are our rights. Surely the travel operator has a duty to change our hotels & transfers without us incurring further cost. And can we demand them to refund the cost of the new booking (which I have now found out is more expensive than they are offering online). (EM – 20.4.10)

Our package holiday was cancelled the afternoon (18/04/10) before we were due to travel, as a result of the Icelandic Volcano. The company we booked with, [NAME OF TOUR OPERATOR] did ring to inform us. They asked if we wanted to rebook, we said yes providing all the details were exactly the same and that we would like to travel one week later. The representative said that this was available. We agreed to rebook and at that point we were told that they required an additional £234 for this booking. Not happy we asked for a refund. The representative said they would only refund as a credit on account to be used against a future booking. We asked how long this credit would be held and the representative was unable to answer. At this point we felt pressurised into making the booking, fearing that if we didn't we would lose all our money, due to uncertainty when we would be available to use this credit. After making the additional payment the representative advised us of the flight times which were not the same as the original booking. On querying this we were told that flight was not available. Please can you advise under the Package Travel Regulations, if [NAME OF TOUR OPERATOR] are within their rights to insist on an extra fee in order to rebook our holiday? We have complained by email to [NAME OF TOUR OPERATOR] but they have replied justifying the extra charges due to airline increases from the Volcano disaster. (EM – 21.4.10)

I am looking for advice on how best to get a full refund for my holiday. It is a package holiday booked through [NAME OF TOUR OPERATOR]. They are being difficult and saying that they are 'trying' to get a refund on the flight (but that will take at least 21 days) and they refuse to give any indication as to whether I will get any refund for the hotel portion of the holiday. This seems completely wrong and totally unfair. I assume there must be some right I have to a full refund in the circumstances

(i.e. cancellation of holiday prior to departure because all flights were grounded due to volcanic ash). However, I'm unsure about how to press the holiday company into giving me the refund and what information/laws I should be armed with when I next speak to them. (EM – 22.4.10)

I would appreciate some advice regarding a package holiday that has been cancelled as a result of the Iceland volcano. We would like to know whether you believe we are entitled to a full refund, and also whether you believe that the organiser's terms and conditions are within the law (Package Travel Regulations). My wife and I were booked on a trip to Marrakech, April 16-19, flying from London Luton. The holiday was booked with [NAME OF TOUR OPERATOR]. We paid £824 in total, for the holiday - consisting of flights and accommodation. The holiday was booked with a debit card, and we did not have travel insurance for the holiday. [NAME OF TOUR OPERATOR] did not inform us of the fact that our holiday would be cancelled due to the volcano. They sent no emails, nor did they call us regarding the situation. Since then, they have made a verbal offer to refund the cost of the flights, and another verbal offer of £130 refund to do with the hotel. However, they have provided no written offer regarding any refund. I have been assured that I will receive a written offer soon, but it has not yet arrived. (EM – 22.4.10)

I booked a holiday just a few days before I was due to go away for 2 adults 2 children online at [NAME OF ONLINE TOUR OPERATOR], I originally booked for 23.04.10 and was called back within minutes to say the cost had gone up for flights so much so I couldn't afford it and so the lady [NAME] said she had flights on an earlier date 19.04.10 and from a different airport but would make a small difference of £10 pp and that the accommodation of £284 would stay the same and so the total was £820.51 which I paid in one transaction. I received 1 ATOL invoice receipt. The reasons for booking on their web are: "We offer our customers the flexibility of choosing ANY flight and accommodation combination with the ATOL protection of a package holiday!" "ATOL protects you from losing your money or being stranded abroad. It does this by carrying out checks on the tour operators and travel organisers it licenses, and requiring a financial guarantee called a bond, which is lodged with ATOL." Obviously due to the volcano [NAME OF ONLINE TOUR OPERATOR] contacted me the night before my holiday to say my flights were cancelled and that they will not be offering alternative flights so my holiday was completely cancelled and I would receive £435, I have expressed endlessly that I want a replacement holiday or a full refund they say "I'm not entitled as it's not a package holiday (even though I believe it is) and classing it as a force majeure and there for I'm not entitled to anything". please help!!!! (EM – 23.4.10)

We were in Goa when volcanic disruption occurred, the Thursday before we were due to fly back on Sunday 18th April. [NAME OF TOUR OPERATOR] told us we had to move out of the hotel a 5* in the south on Sunday to a 2* hotel in the North couldn't even tell us if it had A/C (34-38 Deg) We refused and suggested that what it

was costing them to move all the other people there allow us the same and we would pay the difference. This was refused and we were told that if we did this we were on our own and not their responsibility any more (EM – 28.4.10)

I booked a package holiday with [NAME OF ONLINE TOUR OPERATOR] which was due to start last monday (19th) No one from the company got in touch with me with regards to my flight being cancelled and i have been phoning and e-mailing since last monday to get my money back or another holiday booked but no one seems to want to help. I have managed to get through to someone twice they have told me i can have an 80% refund(in credit note) for my hotel and transferes flights subject to air line ([NAME OF TOUR OPERATOR] who are going to give me a full refund and of which i am truely greatful!) When i questioned why i would loose 20% they said it was due to a cancellation Fee i explained that i didnt cancel my holiday so i dont feel it is fair that i loose money because of their cancellation. The man told me that i am lucky to get many money back at all. i asked to speak to a manager as i had booked a package deal i was under the impression i should recieve a full refund. He told me i would be on hold for half an hour i said that was fine i was on hold for about 40 mins and then they hung up on me. this happen twice then the following day i called twice and i was "breaking up" so they 'couldnt hear me' and hung up. I have e-mailed EVERY e-mail address i could find on their website but can't seem to get a responce from anyone.....(EM – 28.4.10)

My husband and myself had booked aflight and car hire to and from Vancouver via [NAME OF ONLINE TOUR OPERATOR].We were due to travel from heathrow on a [NAME OF AIRLINE] flight on 19th April obviously this flight was cancelled by [NAME OF AIRLINE] due to the volcanic ash disruption.Over a period of 8 days I have had great difficulty contacting [NAME OF ONLINE TOUR OPERATOR] sometimes i had been left holding on for 1 hour at the cost of 10p per minute.On 26th April i finally was able to speak to an agent in Bangalore who assured me that the flight and car hire was cancelled i asked for an email confirmation of this.The next day no email was forthcoming and i contacted [NAME OF AIRLINE] who told me that the return flight was still live and i would need to contact [NAME OF ONLINE TOUR OPERATOR]to make the cancellation.Another 50 minute hold and i spoke to an agent who told me no cancellation had been made the night b efore.I am now not trusting [NAME OF ONLINE TOUR OPERATOR] as to whether I am going to get the refund for the cancelled flights and car hire.Interestingly if you want to book a holiday there is no holding on but the sales agents are not able to help. with any other problems (EM – 1.5.10)

I bought complete package holiday from [NAME OF TOUR OPERATOR] Travel Agent [LOCATION] in June 2009, for 4 days in Disneyland Paris, (14/04 - 17/04 2010)travelling with [NAME OF AIRLINE]. On checking in at [NAME OF AIRLINE]

desk Charles De Gualle for our departure they didn't want to know us !! all they would offer was a flight a week away on 24/04 there were 6 adults and 4 young children in our party . We were left with no accommodation for the night . and were told to arrange something ourselves .This I feel was a complete breach of EU rules. [NAME OF TOUR OPERATOR] have also refused to have anything to do with it. We eventually had to stay another 3 nights in Paris before we all managed to get ourselves home by other means . This was very costly and I have had to put at least £2500 on my credit card All money for the holiday (£5600.00) was paid to [NAME OF TOUR OPERATOR].

I WOULD BE SO PLEASED IF YOU COULD HELP ME. I BOOKED A HOLIDAY FOR MY SISTER & MYSELF IN FEBRUARY BY PHONE WITH [NAME OF ONLINE TOUR OPERATOR] [NUMBER] & I PAID BY CREDIT CARD. MY CUSTOMER REF [NUMBER] MY FLIGHTS WERE [NAME OF AIRLINE] BOOKING REF [NUMBER] FLIGHT NO [NUMBER] LEAVING GLASGOW 16/04/2010 6.30 AM ARRIVING AT ALICANTE 10.35 AM DEPARTING ALICANTE FLIGHT NO [NUMBER] 23/04/2010 11.10 AM ARRIVING IN GLASGOW 13.10 PM ACCOMMODATION & BUS TRANSFER [NAME OF ONLINE ACCOMMODATION PROVIDER] BOOKING REF [NUMBER] [NAME] APARTMENTS BENIDORM. WE WENT TO GLASGOW AIRPORT 4.30AM ON FRI THE 16TH TO BE TOLD BY [NAME OF AIRLINE] NO PLANES WOULD BE FLYING TILL AT LEAST SUNDAY THERE WAS ONLY 1 SEAT. WE BOOKED ON TO MONDAYS . WE WERE TOLD TO WATCH THE NEWS & IF THERE WERE NO FLIGHTS WE WERE NOT TO COME TO THE AIRPORT. I PHONED & WROTE A LETTER TO [NAME OF TOUR OPERATOR] I NEED A LETTER FROM THEM FOR MY INSURANCE TO PAY FOR MY ACCOMMODATION & BUS TRANSFER (EM – 1.5.10)

My husband and I booked a package holiday via your [LOCATION] shop to Thailand travelling out on the 2nd April and supposed to be returning on the 17th. Due to the volcano we was expectantly delayed somewhat, eventually arriving home on the 24th April. When we flew in from Krabbi we was left at Bangkok airport not knowing what to do until eventually some 7.5 hours later in a state of distress we was pointed in the direction of ATTA. who rang [NAME OF TOUR OPERATOR] who in turn directed us to the hotel being used for the majority of travellers. On each of following few days I rang [NAME OF TOUR OPERATOR] from the hotel (on the hotel invoice)again who was no help whatsoever, they didn't even take our names so no one apart from family knew we was there. It just happened by chance on the 5th day that we saw a rep in the hotel lobby looking after the [NAME OF AIRLINE] guests and went to her , after having to get quite cross with her she decided to look after us and took our names . We had to settle the bill for the first 4 nights and [NAME OF TOUR OPERATOR] instructed the hotel to take over the bill for the rest of the time we was there , and to send our hotel invoice to [NAME OF TOUR OPERATOR] when we got home and we will be reimbursed , but surprise surprise when I called I was told that even though I booked a package holiday through a [NAME OF TOUR OPERATOR] shop its not covered because the

flight wasn't on a [NAME OF TOUR OPERATOR] plane but [NAME] Airways ,this is absolute rubbish ,the contract was with you not them !! (EM – 4.5.10)

Hi, we booked our holiday at [NAME OF ONLINE TOUR OPERATOR] and stayed in a hotel and flew with [NAME OF LOW COST AIRLINE]. When stranded, we were not offered a refund only a return on 7th May which we took as we were advised that if we didn't accept there and then, we may miss that flight slot. Subsequently we made/paid for our own way home on 27th April. I am unsure as to whether this is classed as a 'package' and can I cancel my return flight scheduled for this Friday and get a refund or can I claim any accomodation costs and if so who throm? Many Thanks. (EM – 5.5.10)

Hi, we booked our holiday at [NAME OF ONLINE TOUR OPERATOR] and stayed in a hotel and flew with [NAME OF LOW COST AIRLINE]. When stranded, we were not offered a refund only a return on 7th May which we took as we were advised that if we didn't accept there and then, we may miss that flight slot. Subsequently we made/paid for our own way home on 27th April. I am unsure as to whether this is classed as a 'package' and can I cancel my return flight scheduled for this Friday and get a refund or can I claim any accomodation costs and if so who throm? Many Thanks.

**OUR INTENDED 'STAKEHOLDER' CONTRIBUTION – MONDAY 28
JUNE 2010**

As we explained at the commencement of this report, we are naturally disappointed that we were not able to attend the Air Passenger Rights Stakeholder meeting. Notwithstanding, we shall express in this short report, our overall views.

For the sake of brevity, we would simply confirm the views we expressed on Air Passenger Rights in our report to the European Commission in February 2010.

However, since that report was submitted, the Icelandic Volcano Crisis interrupted the travel plans of many thousands of EU Citizens. It was a natural consequence of the crisis, that the airlines, both large and small, expressed their strongly held views that the time was ripe for the amendment if not the repeal of EU Directive 261/2004.

The logic applied was that the provisions 'imposed' on the airlines were unfair, burdensome and disproportionate to their operations.

We disagree.

It is no secret that the airlines have long desired the removal of the provisions of 261/2004; the Volcano Travel Crisis has brought fresh life to their arguments.

If the Commission and EU Parliament were persuaded by their representations, then this would be akin to 'throwing the baby out with the bath water'!

The purpose of 261/2004 was surely to bring order to the issue of flight delays, cancellations or denied boarding; would the removal of those protections make the situation any better than it currently is?

We would reject any re-working of the definition of 'extraordinary circumstances', which would allow for a looser interpretation of 'events'

and thereby even greater detriment to the Consumer!

In general, our view is that 261/2004 does provide adequate protection to Consumers, if it fails, then it is because of the apparent lack of appetite to enforce its provisions by National Authorities! We take the view that this is an area that needs further examination by the Commission and Parliament!

Following the Volcanic Travel Crisis, the issue of ordinary Consumer rights afforded by 261/2004, clearly needs further consideration.

We take the view that a new clause should be inserted into the Directive, that of the 'Crisis Clause'.

We do not consider that a re-working of the definition of 'extraordinary circumstance' is sufficient to deal with any major man-made or natural crises that affect the operations of airlines. To do so, in our view, has the potential to cause further confusion into an already widely litigated area.

In creating a 'Crisis Clause', we would suggest that the Commission be given powers to declare a 'crisis' during a man-made or natural disaster. In the event that this occurs, the 'obligations' of both passengers and airlines become fixed according to a tariff created and agreed between the Commission, Consumers and the Airlines.

In doing so, it would remove the uncertainties created by the Volcano Travel Crisis, whilst maintaining the integrity of 261/2004. We appreciate that our proposals will not meet with the favour of airlines and their representatives, but seeking a dilution of rights to the benefit of one side of the equation, would only serve to re-create a redundant Directive. To do so would be contrary to the rules of proportionality and of the obligations of the Commission and Parliament under the Lisbon Treaty!

CONCLUSION

We again express regret that we were not able to attend this conference. However, this short report demonstrates the ‘real’ detriment suffered by Consumers, particularly under EU Directive 261/2004. We have provided some additional comment, which had we had the opportunity, we would have expressed at the Conference!

The Airline Industry is an organised and powerful lobby; this is to be expected, they after all the oil that ensures the smooth running of the EU economy! However, whatever efforts are legitimately made on their behalf, to inject a ‘proportional’ regulatory environment to the benefit of its members, legislators must not be easily persuaded by the fall-out of the Volcanic Travel Crisis to make a Directive less effective.

In the interests of proportionality, we suggest that a new ‘Crisis Clause’ be introduced into EU Directive 261/2004. Consumers were not generally unsympathetic to the plight of airlines, but considered that even in the midst of that crisis, they were due assistance under the Directive! We would do well to react accordingly and proportionally!

Frank Brehany
Consumer Director
MD – HolidayTravelWatch
28 June 2010