

## Passenger Rights

Dear Passenger,

As part of our dedication to keeping you fully informed on your rights in the event of Delay, Cancellation of Flight, and Denied Boarding we have prepared this plain and easy to follow information brochure.

Air passengers have specific consumer rights under European law. [EU Regulation 261/2004](#) provides protection when:

- You are denied boarding against your will, and/or
- Your flight is cancelled, and/or
- Your flight is delayed.

The Regulation applies to all passengers departing from an EU/EEA airport. It also applies to passengers departing from an airport outside of the EU/EEA but arriving at an EU/EEA airport on an EU/EEA licensed carrier (unless they have already received compensation or assistance in that non-EU/EEA country).

The Regulation does not apply if you are travelling free of charge or at a fare that is reduced and is not available directly or indirectly to the public. Tickets purchased under frequent flyer programmes or similar commercial programmes are not considered reduced fare tickets.

### **Check-in**

When you purchase a ticket for air travel, you enter into an agreement with us. One of the terms of this agreement is that you must confirm that you will be ready to take the flight on the date of travel (confirming your reservation) and you must present yourself at check-in to demonstrate that you have a valid ticket and are ready to fly on the date on your ticket.

### **Reservation not confirmed or not checked in**

If you have not confirmed your reservation in time or presented yourself for check-in at the time stipulated by us, the Regulation does not apply. We can refuse to allow you to board the aircraft as you have not honored your part of the contract with us and we can legitimately argue that you have breached the terms of your contract with us.

If you have been denied access to the aircraft in these circumstances, we are not obliged to offer you any compensation, nor are you entitled to any compensation. We may, however, agree to accommodate you on a later flight without charge if there is availability.

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### **Reservation confirmed and checked in**

If you are denied boarding, or your flight has been cancelled or delayed, and the Regulation does apply, we must provide you with a written notice setting out the rules for compensation and assistance. You are entitled to 2 free telephone calls, fax messages, or emails. In addition, we shall display a sign at the check-in area referring to your rights under the Regulation.

### **Denied boarding**

Denied boarding means that we have refused to accommodate you on scheduled flights and charters although you have a valid ticket, you have confirmed your reservation on your flight and you have presented yourself for check-in within the required time limit as stipulated by the airline.

Denied boarding may happen when we may sell more tickets for a scheduled flight than there are seats on the aircraft, although this is not the only reason for denied boarding.

### **Volunteers**

Where a flight is overbooked we will first call for volunteers to surrender their confirmed reservations to the airline in exchange for agreed benefits. The volunteers are also entitled to a choice of:

- Refund of the cost of their ticket within 7 days if not wishing to travel or
- Re-routing to their final destination at the earliest opportunity or
- Re-routing at a later date at their convenience, subject to availability of seats

### **Non-volunteers**

If there are not enough volunteers, we may deny boarding to passengers against their will but must compensate them and offer the appropriate assistance set out in the Regulation.

You will also be offered a choice of:

- Refund of the cost of your ticket within 7 days if not wishing to travel or
- Re-routing to your final destination at the earliest opportunity or
- Re-routing at a later date at your convenience, subject to availability of seats

A refund is a full refund of the ticket for the part or parts of the journey you have not made and for the part or parts you have already made, if the flight is no longer serving any purpose to your original travel plan. When relevant, it also includes a return flight to your first point of departure at the earliest opportunity.

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If you choose a **refund**, compensation must also be paid. The amount you are entitled to depends on the distance of the flight that you have not been allowed to board. See Compensation below.

If you choose **re-routing**, the compensation that is paid depends on the length of delay past the original planned time in arriving at your final destination. See Compensation below.

Free meals and refreshments must be offered in reasonable relation to the waiting time. Hotel accommodation must also be offered free of charge where a stay of one or more nights becomes necessary, as well as transport between the hotel and the airport.

### **Cancelled flights**

Where your flight is cancelled, you are entitled to a choice of:

- Refund of the cost of your ticket within 7 days or
- Re-routing to your final destination at the earliest opportunity or
- Re-routing at a later date at your convenience, subject to availability of seats

You may also be entitled to compensation.

### **When compensation is not payable**

You are not entitled to compensation if:

- You have received at least 2 weeks' notice of the cancellation; or
- You have received between 2 weeks and 7 days' notice but you have been offered an alternative flight departing no more than 2 hours before your original departure time and arriving at your final destination less than 4 hours after your original scheduled time of arrival; or
- You have received less than 7 days' notice but you have been offered an alternative flight departing no more than 1 hour before your original departure time and arriving at your final destination less than 2 hours after your original scheduled time of arrival.

If we can prove that the cancellation was caused by an extraordinary circumstance which could not have been avoided, even if all reasonable measures had been taken, no compensation is payable. Examples of extraordinary circumstances may include weather conditions, air traffic control restrictions, security risks and industrial disputes that affect the operation of the flight; our number one priority is keeping you safe.

### **Refunds and re-routing**

If you choose a refund and you are entitled to compensation, the amount you are entitled to depends on the type of flight. See Compensation below.

Where the choice is re-routing, the compensation that is paid depends on the length of delay past the original planned time in arriving at your final destination. See Compensation below.

Free meals and refreshments must be offered in reasonable relation to the waiting time. Hotel accommodation must also be offered free of charge where a stay of one or more nights becomes necessary, as well as transport between the hotel and the airport.

### **Delayed flights**

Whether a delayed flight comes within the terms of the Regulation depends upon the distance of the route involved and the length of the delay. The following flights are covered by the Regulation:

- Delays of 2 hours or more in the case of flights of 1500 km or less
- Delays of 3 hours or more in the case of all flights within the EU of more than 1500 km, and of all other flights between 1500 and 3500 km
- Delays of 4 hours or more in the case of all other flights

If your delayed flight is covered by the Regulation, free meals and refreshments must be offered in reasonable relation to the waiting time. Hotel accommodation must also be offered free of charge where a stay of one or more nights becomes necessary, as well as transport between the hotel and the airport.

### **Refund**

If the flight is delayed at least 5 hours, you must be offered a refund of your ticket instead of flying. A refund is a full refund of the ticket for the part or parts of the journey you have not made and for the part or parts you already made if the flight is no longer serving any purpose to your original travel plan. When relevant, it also includes a return flight to your first point of departure, at the earliest opportunity.

### **Delays over 3 hours**

The Regulation does not state that compensation is payable in cases of delay. However, on 19 November 2009 the European Court of Justice ruled that compensation similar to that paid for cancelled flights may be payable in delay situations where the delay exceeds 3 hours. The compensation that is paid depends on the distance of the flight and the length of delay past the original planned time in arriving at your final destination. See Compensation below.

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If the we can prove that the delay was caused by an extraordinary circumstance which could not have been avoided, even if all reasonable measures had been taken, no compensation is payable.

### **Travelling to/from Haifa Airport and Restrictions**

Please be informed that when travelling to/from Haifa Airport, due to Air traffic flow management restrictions and airport restrictions concerning governmental authorities, weather conditions, and limited hours of operation of the Haifa Airport, under Article 8, para. 3 of EU Regulation 261/2004, TUS Airways is obliged to offer a flight to an airport alternative to that for which the booking was made. As per Article 8: “When, in the case where a town, city or region is served by several airports, an operating air carrier offers a passenger a flight to an airport alternative to that for which the booking was made, the operating air carrier shall bear the cost of transferring the passenger from that alternative airport either to that for which the booking was made, or to another close-by destination agreed with the passenger.”

### **Compensation**

#### **Compensation when getting a refund**

Where a refund of the cost of the ticket is chosen and you are also entitled to compensation, the following compensation must be paid:

<b>Type of flight</b>	<b>Compensation</b>
Flights of 1,500 km or less	€250
Flights of over 1,500 km within the EU and other flights between 1,500 and 3,500 km	€400
All other flights	€600

#### **Compensation when re-routed**

When the choice is re-routing and you are entitled to compensation, the amount of compensation you are entitled to depends on the length of delay past your original planned arrival time as follows:

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Type of flight	Delay	Compensation
Flights of 1500km or less	2 hours or less	€125
Flights of 1500km or less	more than 2 hours	€250
Flights of over 1,500 km within the EU and other flights between 1,500 and 3,500 km	3 hours or less	€200
Flights of over 1,500 km within the EU and other flights between 1,500 and 3,500 km	more than 3 hours	€400
All other flights	4 hours or less	€300
All other flights	more than 4 hours	€600

When the flight is from/to Israel, in the event of flight delays and/or cancellation of flights, the carrier will be responsible according to the applicable legislation, "Tibi Law".

### Package travel

If you are denied boarding, or your flight is cancelled or delayed, on a flight that has been sold as part of a package tour (that is, flight and accommodation), the airline is obliged to compensate the tour operator who has concluded a contract with you. The tour operator entered into a contract with you when it sold you your package tour and these rights are also protected in European law. Without prejudice to the rights under these laws, the tour operator is obliged to pass on to you the compensation paid by the airline to it.

If you have any further questions we are happy to be of assistance.

We wish you a pleasant flight!