

# Air Passenger Rights

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These rights shall apply to passengers who:

- have a confirmed reservation on the flight concerned; and
- present themselves for check-in (except in the case of cancellation):
  - as stipulated and at the time indicated in advance and in writing (including by electronic means) by the company Travel Service/ Smart Wings (hereinafter referred to as the “air carrier”) or intermediary travel agency; or
  - not later than 45 minutes before the published departure time if no time is indicated;

These rights also apply to passengers who have been transferred by the air carrier or intermediary tour operator from the flight for which they held a reservation to another flight, irrespective of the reason.

## / Denied boarding

### A) Voluntary surrender of the reservation

When there are more passengers than the seats available, the air carrier first calls for volunteers to surrender their reservations in return for agreed benefits. This compensation shall include **the possibility of choice** between:

- a) reimbursement of the full cost of the ticket at the price at which it was bought within 7 days, i.e. for the part or parts already made, and for the part or parts already made if the flight is no longer serving any purpose in relation to the passenger’s original travel plan, together with, when relevant, a return flight to the first point of departure, at the earliest opportunity; or
- b) re-routing, under comparable conditions, to their final destination at the earliest opportunity; or
- c) re-routing, under comparable transport conditions, to their final destination at a later date at the passenger’s convenience, subject to the availability of seats.
- d) Assistance in accordance with Regulation (EC) No 261/2004 (hereinafter as “Regulation”)

### B) Involuntary denied boarding

If there are an insufficient number of volunteers the air carrier may deny boarding to passengers against their will. In this case the passengers have **the right to compensation** as follows:

- 250 € for the flight of 1500 km or less;
- 400 € for the intra-Community flight of more than 1500 km, and for the extra-Community flight between 1500 and 3500 km;
- 600 € for the extra-Community flight of 3500 km and more.

However, when a passenger is offered re-routing to their final destination on an alternative flight, the arrival time of which does not exceed the scheduled arrival time of the flight originally booked

- by 2 hours in respect of the flight of 1500 km or less; or
- by 3 hours in respect of the intra-Community flight of more than 1500 km, and for the extra-Community flight between 1500 and 3500 km; or
- by 4 hours in respect of the extra-Community flight of 3500 km and more,

the compensation shall be reduced by 50%.

The passenger also has **the possibility of choice** between reimbursement of the full cost of the ticket at the price at which it was bought and re-routing (please see the point [A](#) of this article).

The passenger also has the right to care provided by the air carrier as follows:

- a) meal and refreshments in a reasonable relation to the waiting time;
- b) hotel accommodation in case a stay of one or more nights becomes necessary;
- c) transport between the airport and place of accommodation (hotel or order);
- d) two telephone calls, telex **or** fax messages, or e-mails.

## / Cancellation

In case of cancellation of a flight, the passenger has **the possibility of choice** between reimbursement of the full cost of the ticket at the price at which it was bought and re-routing (please see the [point A](#) of the article "[Denied boarding](#)").

The passenger also has the right to care provided by the air carrier (please see the point B of the article "[Denied boarding](#)").

In case the passenger has not been informed at least:

- a) two weeks before the scheduled time of departure; or
- b) between two weeks and 7 days before the scheduled time of departure and is offered re-routing, allowing him or her to depart no more than two hours before the scheduled time of departure and to reach his or her final destination less than four hours after the scheduled time of arrival; or
- c) less than 7 days before the scheduled time of departure and is offered re-routing, allowing him or her to depart no more than one hour before the scheduled time of departure and to reach his or her final destination less than two hours after the scheduled time of arrival,

the passenger has **the right to compensation** (please see the [point B](#) of the article "[Denied boarding](#)"). However, he or she does not have this right if the cancellation is caused by [extraordinary circumstances](#) which could not have been avoided even if all reasonable measures had been taken (i.e. political instability, meteorological conditions incompatible with the operation of the flight concerned, security risks, unexpected flight safety shortcomings, strikes etc.).

## / Long delays

If the air carrier [reasonably expects](#) a flight to be delayed beyond the scheduled time of departure:

- for 2 hours or more in the case of the flight of 1500 km or less; or
- for 3 hours or more in the case of the intra-Community flight of more than 1500 km, and for the extra-Community flight between 1500 and 3500 km; or
- for 4 hours or more in the case of the extra-Community flight of 3500 km and more,

the passenger has the right to care provided by the air carrier (please see the [point B](#) of the article "[Denied boarding](#)")

When the delay is 5 hours and more the passenger also has **the right to assistance** consisting of reimbursement of the full cost of the ticket at the price at which it was bought within 7 days, i.e. for the part or parts of the journey not made, and for the part or parts already made if the flight is no longer serving any purpose in relation to his or her original travel plan, together with, when relevant, a return flight to the first point of departure, at the earliest opportunity.

When the passenger reaches his or her final destination 3 hours or more after the schedule time of arrival and the delay is not caused by extraordinary circumstances, for purposes of exercising their rights, he or she should be approached the same way as the passengers whose flight is cancelled (see "[Denied boarding](#)", [point B](#)).

When the delay is caused by extraordinary circumstances (points 14 and 15 of the [Regulation](#)), the passengers has the right for assistance in accordance with Article 9 of the [Regulation](#).

## / Exercise of rights

If you are affected by denied boarding, a cancellation or a long delay, please contact **Complaints department of the company Travel Service / SmartWings**:

address: K Letisti 1068/30, 160 08 Prague 6, Czech Republic  
e-mail: [customercare@travelservice.aero](mailto:customercare@travelservice.aero)

If you are not satisfied with the settling of your claim you have the right to complain to the relevant national enforcement body in accordance with Article 16 of the [Regulation](#).