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## TOURISTS AT RISK IN EUROPEAN COMPENSATION TRAP

Tourists swapping Britain for a sunny European break this summer could be seriously under-compensated if they are injured abroad and booked their travel independently.

Travellers who shun package deals usually have to seek compensation through the foreign legal system, meaning their damages could be calculated in a very different way than back home.

Now a national campaigning group is calling on the European Commission (EC) to give the go ahead to people injured through negligence to claim compensation in their own country, rather than the country in which the injury took place.

John McQuater, president of the Association of Personal Injury Lawyers (APIL) said it is crucial the EC allows all personal injury victims access to their own country's legal system.

"It is extremely important that people injured abroad are allowed to seek compensation in the country in which they live," he said. "A holidaymaker injured in Greece, for example, should be allowed to come home and claim for his injuries through the British courts."

John explained that as the law now stands, tourists on package holidays are protected by the package tour regulations, but those who book their own flights and accommodation, for example, are at risk of being under-compensated should they be injured. In fact anyone travelling independently, including students travelling during gap years, is at risk.

"No matter how the injury was caused, people should have the right to claim in their own country," said John. "It is very disappointing that the EC is only considering this option for road traffic accidents, when in fact it should be looking at all types of personal injury."

John explained that compensation in one country may be calculated in a very different way from that of another.

"Legal systems vary across Europe and compensation awarded in one country may not reflect the losses the victim may experience once he gets back home,"



said John. "Things like state benefits and salaries are taken into consideration when compensation is calculated, so it stands to reason that the most accurate way to compensate an injured person is to base the award on the victim's country of residence."

"Unless the EC decides to change the law, there is a real danger that people could lose out on the compensation they need to get their lives back together again, once they return home," he said.

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Note to editors:

- APIL has responded to the European Commission consultation paper: Compensation of victims of cross-border road traffic accidents in the European Union.
- APIL (Association of Personal Injury Lawyers) is a not-for-profit organisation, whose members are dedicated to campaigning for improvements in the law to help people who are injured or become ill through no fault of their own.
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