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Campaigners warn tourists about European compensation trap

Holidaymakers planning a trip to Europe during the school half-term break could be short-changed if they are injured and booked their travel independently.

Not-for-profit campaigners the Association of Personal Injury Lawyers (APIL) have warned that tourists who are not on package deals usually have to seek compensation from a foreign defendant, which means compensation payments may be calculated differently from the UK legal system.

APIL, in response to a consultation, has called on the European Commission (EC) to ensure that a holidaymaker's own country's laws apply when assessing the damages that are due to that victim.

APIL president Karl Tonks said: "People who are injured abroad because of someone else's negligence must be allowed to claim compensation in accordance with their own country's law.

"Because different countries have different legal systems, if the law of the country where the accident occurred is used to determine the claim, an injured person from the UK may not be awarded the right amount of money required to meet his needs at home.

"For instance, if someone is injured in Bulgaria, the cost of seeking adequate medical care there will be much lower than it is in Britain, so an injured British tourist claiming compensation against a Bulgarian defendant may not be awarded enough money to meet the cost of his care in the UK.



“State benefits and salaries are also taken into account when compensation is calculated, so the most accurate way to compensate somebody is to base the award on the victim’s home country.”

As the law now stands, holidaymakers on package deals with a UK company are protected by the package tour regulations and can usually bring a claim against the tour operator under the UK legal system. But injured people who booked their own flights and accommodation independently do not benefit from these regulations and often have to bring a claim under a foreign legal system which puts them at risk of being undercompensated.

“The EC is considering changing the law for people who are injured in road crashes while abroad, but they really must widen it out to all other types of injury,” Karl went on. “Unless the law is changed, people with all manner of injuries may fail to receive the redress they may badly need to put their lives back together.”

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Notes to editors:

- APIL submitted comments to the Ministry of Justice which will respond to the European Commission’s consultation on compensation for 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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