

31 July 2020

Marcus Clements
Head of Consumer Policy
Office of Rail and Road

By email:

Dear Marcus,

Eurostar Refund Approach during the COVID-19 Pandemic

I refer to your letter of 14 July.

I note your reference to the Competition & Markets Authority (“CMA”) published guidance on 30 April and your comment that you have received complaints from members of the public about our refund policy and the refund methods offered.

At Eurostar we strive to provide the best experience to all our customers during their travel, and equally with any pre-travel and after-travel contact. It is regrettable that some customers have been dissatisfied with our approach during the Covid-19 pandemic. I trust our response below will illustrate how we have treated all our customers fairly and reasonably throughout the pandemic.

COVID-19 Impact

The scale and nature of the COVID-19 pandemic has been unprecedented for Eurostar as it has been for many other travel-related businesses. It has had, and continues to have, a significant impact on the operations of Eurostar. Since March we have adapted our operations substantially to respond to an entirely new operating context. This has meant that we have totally redesigned many processes and systems to enable us to respond as quickly and efficiently as possible to customers and their needs. In addition, we have had to rethink our day-to-day processes so that we can meet social distancing guidelines and hygiene protocols. Finally, we have had to keep our customers informed with changing information and advice appropriate to them.

The COVID-19 pandemic has had a profound impact on the number of services that we’ve been able to operate. Since the end of March we have typically been operating one return service to Paris and one return service to Brussels, compared to our usual Spring operations which would typically include up to 16 London – Paris return services and up to nine London – Brussels return services (of which three would continue onwards to Amsterdam). Initially, there was significant uncertainty around the operation of our services and to what extent we would be able to continue to operate during the pandemic. Notwithstanding this uncertainty, we continued to operate one return service to Paris and one return service to Brussels to ensure an essential transportation link between the UK and Europe remained open. While many of these services were not commercially viable, we continued to operate them to support the movement of customers between the UK and Europe, for personal, business and government matters.

The limited number of services and the significantly reduced sales revenue for future bookings has placed a significant strain on the operations and financial position of Eurostar. However, our approach has always been to conduct our business in a way that is sympathetic to the needs and rights of our customers.

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The uncertainty surrounding the COVID-19 pandemic has meant that we have proactively offered options to customers across a sustained period. Like many other travel-related businesses, this has meant the proactive offer of fee-free exchanges or vouchers equal to the full booking value (“eVouchers”). Our aim has been to provide complete flexibility to those customers who wish to postpone their travel. The magnitude of customers simultaneously impacted meant that we received extremely high volumes of requests at a scale never experienced before. Our systems and processes were not originally designed to process requests at this volume. Consequently, we have completely redesigned both our exchange processes and our eVoucher processes so that we can respond as quickly as possible to our customers.

In addition to exchanges and eVouchers, customers on cancelled services who wish to receive a full refund can do so as we illustrate below. Furthermore, customers who received eVouchers and whose service was subsequently cancelled, are also currently eligible for a full refund.

Eurostar eVouchers

The COVID-19 pages on our Eurostar.com website provide general information to all customers on our services during the COVID-19 pandemic, including the extra steps we are taking to ensure high levels of cleanliness and hygiene for the health and wellbeing of Eurostar customers and colleagues.

Our website currently offers customers an eVoucher if they were, or are, due to commence their outbound Eurostar journey between Friday 13 March and Monday 7 September 2020. The eVoucher is equivalent to the full value of the Eurostar booking and is valid for 12 months from date of issue. Customers do not have to travel before the expiry date on their voucher, but simply need to book a new journey before the voucher expires. This means that most customers can travel up until late 2021 due to our booking horizon which is open approximately six months ahead of travel dates

In addition to our website, information on our eVoucher policy is sent proactively by email to all customers, typically four weeks before their scheduled departure date.

Cancellations and Refunds

During the ever changing COVID-19 pandemic we have been unable to confirm whether scheduled services are running until closer to the travel date. All customers on a cancelled service now receive at least seven days’ notice of a cancellation, with information and relevant links provided by email and text message. The notice period prior to the travel date has been dictated by the late finalisation of our transport plan during the pandemic as we evaluate all services being operated.

The cancellation email (*see attached Annex 1*) references the eVoucher availability and exchange options. A hyperlink is also provided to allow customers to find out more about their options. This hyperlink takes the customer to our “Disruption” page where the eVoucher availability and exchange options are referenced. Should a customer wish to pursue a refund the “Help Centre” link enables them to progress and claim a refund.

In addition to this path, general information is available on the site in the “Help Centre” which prominently features a “Refund FAQ – “Can I cancel and get a refund online” which links through to “Contact Us” to enable refunds to be requested. Further, customers can also access information on the refund option through our “Travel Information” page under the “Claiming Compensation” link which will direct customers to a “Refund Request” form. (*See attached Annex 2.*)

When requested, refunds are being provided as quickly as current volumes allow us to do so. In addition, we are also currently processing refunds to those customers who have originally requested an eVoucher before their travel date and then subsequently asked for a cash refund after their service was cancelled.

It is worth noting that at the date of this letter, 100% of all eligible refund requests for cancelled trains have been honoured by Eurostar International. Our assessment of requests received and processed indicates that customers are accessing the refund option. Furthermore, many customers are satisfied with eVouchers and not seeking a subsequent refund when their service has been cancelled.

Customers on Scheduled Services Not Cancelled

Customers on scheduled services that have not been cancelled have been offered either an eVoucher or a fully flexible fee-free exchange. Neither Eurostar's Conditions of Carriage nor our legal obligations under Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on Rail Passengers' Rights and Obligations requires us to refund a customer when a scheduled service is operating.

In your letter you have stated that:

"The CMA's approach to refunds is that cash refunds should be offered when the contract has been 'frustrated'"

You have highlighted the following extract from the CMA's published guidance on 30 April:

"In particular, for most consumer contracts the CMA would expect a consumer to be offered a full refund where ... a consumer cancels, or is prevented from receiving any services, because Government public health measures mean they are not allowed to use the services."

Your conclusion is that:

"... in the CMA's view (a view which we share) the passenger is, as a matter of contract law, entitled to a full cash refund in this situation."

We do not agree with the conclusion reached by the CMA for the provision of Eurostar services to our customers. A contract may be discharged on the grounds of frustration when something occurs after the formation of the contract which renders it physically or commercially impossible to fulfil the contract. It allows the contract to be automatically discharged when a frustrating event occurs so that the parties are no longer bound to perform their obligations. Frustrating events are not the same as unforeseeable, reasonably unforeseeable or unforeseen events such as the Covid-19 pandemic.

In respect of those services that Eurostar has been operating during the Covid-19 pandemic, Eurostar has remained able to perform the services for its customers. Eurostar's obligation under its contract with its customers is to provide a transportation service. The customers' obligation is to provide consideration for the transportation service (in most cases by way of payment). While it is of course unfortunate and regrettable that many customers have been unable to use the services that Eurostar has been operating during the pandemic, the pandemic and the government regulations have not prevented Eurostar from providing these services to our customers. It is not for Eurostar to determine the individual circumstances of each customer and whether their travel is essential or otherwise. The fact that many customers may have been unable to travel does not in itself mean the contract for services has been frustrated.

In the exceptional circumstances presented by the pandemic, and to be as commercially flexible as possible with our customers, Eurostar has changed its systems and policy to enable these customers to obtain an eVoucher or free exchange. We do not consider there has been a frustration of the contract entitling these customers to a refund on those services which have operated.

Notwithstanding our approach outlined above, we have offered some discretionary refunds to customers who have been shielding due to health requirements or where we are unable to provide special assistance.

All Business Premier Customers

We have increased the amount of information that we would normally provide to Business Premier customers to highlight the conditions of their fare. Business Premier fares have always been (pre the COVID-19 pandemic), and continue to be, fully flexible and fully refundable before or after a scheduled travel date, and regardless of whether a scheduled service is cancelled.

In addition to the usual information available on Business Premier fares, we have emphasised the fully flexible and fully refundable nature of these tickets during the COVID-19 pandemic. **(See attached Annex 3.)**

It should be noted that a large proportion of our Business Premier tickets are booked by third parties such as Travel Management Companies and Corporate clients who proactively remind their customers or employees about the fully flexible and fully refundable conditions of this fare.

London TravelWatch

We have worked closely with London TravelWatch throughout the COVID-19 pandemic and continue to do so.

Our Departmental Manager for Traveller Care has met with London TravelWatch on a regular basis to quickly address any concerns. In June, our Director of Communications also joined in this meeting. We have a very constructive relationship with London TravelWatch in which we address many points quickly following their questions and feedback. I would certainly encourage you to speak with London TravelWatch about its experience with Eurostar and our approach to our customers.

Proposed Actions

We pride ourselves on offering the best possible experience for our customers and acting in a way that is transparent and honest. We trust that the processes we have in place and which we have summarised above demonstrate that we are meeting our obligations and providing customers with the options that are appropriate to them during the Covid-19 pandemic.

When you have had the opportunity to consider our response, we'd be very happy to meet with you by phone or video call to discuss our response if this would be helpful.

I look forward to hearing from you.

Yours sincerely,



Scott Marshall
General Counsel
Eurostar International Limited

Annex 1
Cancellation Email

Proposed update to Cancellation email

SIMPLIFIED CANCELLATION EMAIL

Subject line: Please read – your Eurostar train has been cancelled

Dear [Name].

We're sorry to let you know that your train has been cancelled. This is a result of changes we've made to our services due to travel restrictions and the impact of coronavirus.

You can request an eVoucher for the full value of your booking [here](#). You'll have 12 months from the date the voucher is issued to rebook a trip to any of our destinations at [eurostar.com](#). You don't have to travel within those 12 months – you can book up to six months in advance on most of our routes. That means you'll be able to travel up until late 2021. No fee will be applied, but if the value of your new booking is more than the value of your voucher, we'll ask you to pay the difference.

If you'd rather not request an eVoucher, you can exchange your ticket for a later service or departure date.

Find out more about your options [here](#).

We're receiving thousands of calls and emails right now, and it's taking longer than usual for us to reply to everybody. We'd strongly encourage you not to call our contact centre, but to check [eurostar.com](#) for all the latest info instead.

Apologies for the inconvenience caused. We hope to see you back on board soon.

The Eurostar team

Find out more about your options [here](#) – links to Disruption hub on next page

Annex 2

General Information

General info available to customers on eurostar.com

The screenshot shows the top navigation bar of the Eurostar website. The 'Travel Info' link is highlighted with a red circle. Below the navigation bar, a grid of links is displayed under the 'Travel Info' category, including 'Before You Go', 'On Board', and 'Station Guides'. A red circle highlights the 'Need more help? Search our Help centre' link in the left sidebar.

○ Help Centre link from Homepage

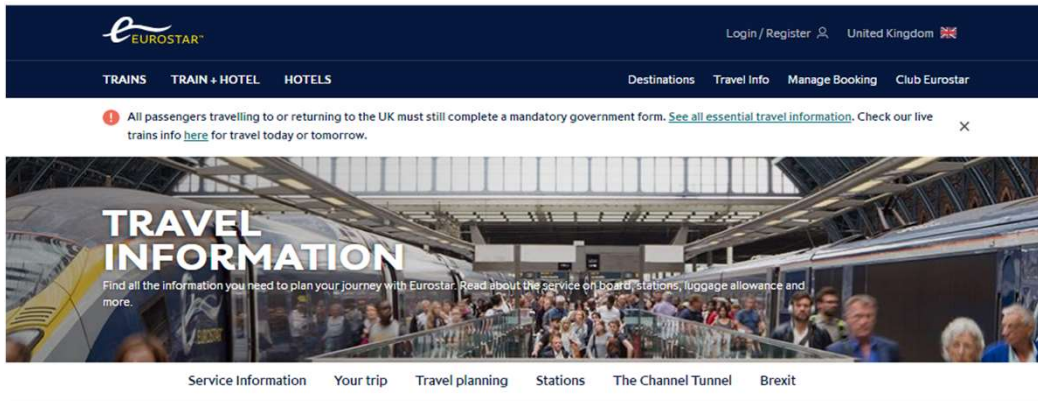
This screenshot shows the search bar on the Eurostar Help Centre. The search bar is highlighted with a red circle. Below the search bar, there are three main categories: 'Your Booking', 'Stations', and 'Luggage'. Each category has a list of frequently asked questions. A red circle highlights the 'Can I cancel and get a refund online?' link under the 'Your Booking' category.

2 Refund FAQ featured prominently

This screenshot shows the 'Can I cancel and get a refund online?' page on the Eurostar Help Centre. The page is divided into three columns. The left column contains the title and a brief overview. The middle column contains the main content, which is highlighted with a red circle. The right column contains 'Quick Links' and 'Most Popular' sections. A red circle highlights the 'Contact Us' section at the bottom right, which includes links for 'Tweet us!', 'Phone', and 'Email'.

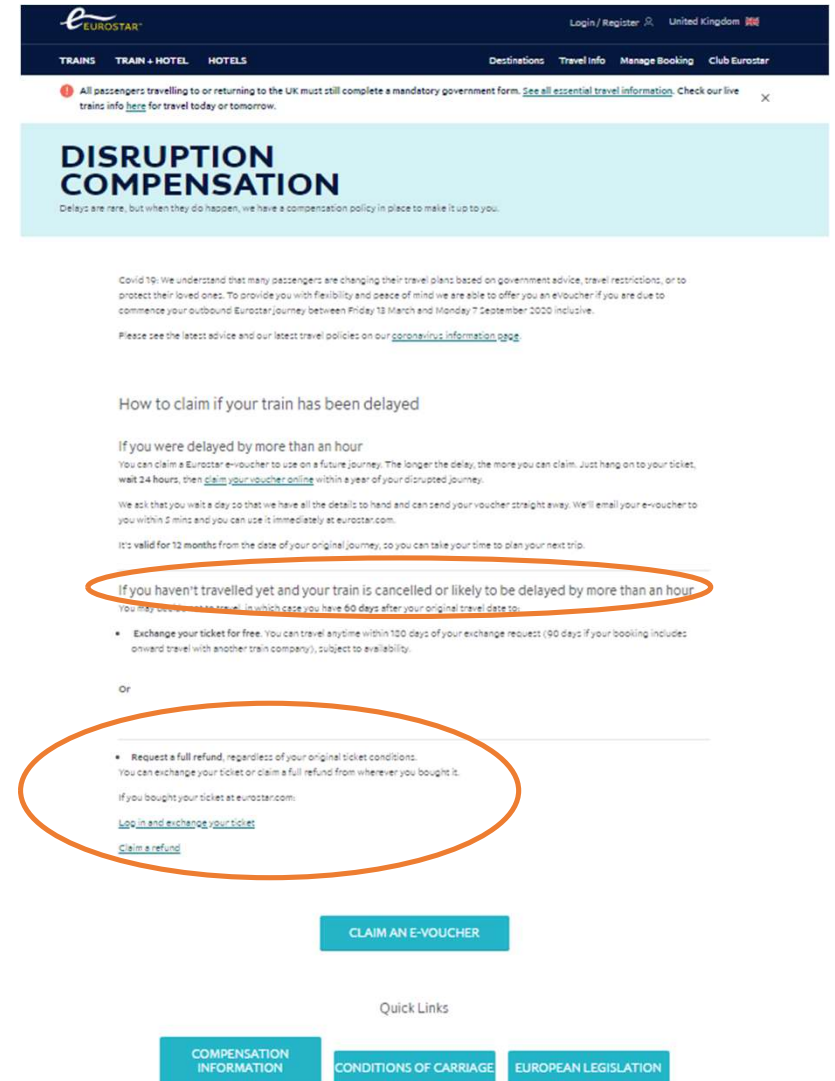
3 Links to contact EBSC

<https://www.eurostar.com/uk-en/travel-info>



Compensation link in Travel Information section


2 Links to Disruption Compensation page with Claim a refund link



3

Refund link from Disruption Compensation page links to Refund Request form



English 

Refund Request

Please fill in the form below to claim your refund if you have been delayed by more than 60 minutes on your Eurostar journey. The refund will be made in accordance with Rail Passengers' Rights and Obligations ("PRR") and processed within 28 days. For any other refund request, please visit our Help Centre at help.eurostar.com

(*) indicates a required field.

Traveller's details

First name *

Traveller's First Name

Last Name*

Traveller's surname

Email *

Traveller's Email

Confirm email *

Traveller's Email

Country Of Residence

United Kingdom 

Annex 3
Business Premier

Business Premier – info always available during booking process to summarise ticket conditions

The screenshot shows the Eurostar booking interface for the route London St Pancras Int'l - Paris Gare du Nord, dated Wed 22 Jul - Thu 23 Jul, for 1 Adult. It features three fare class buttons: STANDARD (yellow), STANDARD PREMIER (teal), and BUSINESS PREMIER (dark blue). A light blue banner states: "★ All of our train tickets are now flexible. Change your booking as many times as you want with no exchange fee*. [View details](#)". Below this, two train options are listed:

Train	Standard	Standard Premier	Business Premier
07:52 → 11:17 (2hrs 25min, Direct)	£134.50	£179.50	£245
10:24 → 13:47 (2hrs 23min, Direct)	£134.50	£179.50	£245

STANDARD	STANDARD PREMIER	BUSINESS PREMIER
<p>Smart and easy</p> <ul style="list-style-type: none"> 2 pieces of luggage + 1 hand luggage Change journey with a fee Arrive at station 45 - 60 mins before departure Buy snacks, drinks and meals on board <p>Fare conditions: You can change the date or time of your journey any time before departure by paying a fee and any difference in fare. These tickets are non-refundable.</p>	<p>Service and style all the way</p> <ul style="list-style-type: none"> 2 pieces of luggage + 1 hand luggage Change journey with a fee Arrive at station 45 - 60 mins before departure Light meal and drinks served at your seat If travelling between Brussels and Amsterdam, a snack and drinks will be served Spacious seats <p>Fare conditions: You can change the date or time of your journey any time before departure by paying a fee and any difference in fare. These tickets are non-refundable.</p>	<p>Designed for business</p> <ul style="list-style-type: none"> 3 pieces of luggage + 1 hand No change fees and free cancellation Ticket gate closes 10 mins before departure Hot meals designed by Raymond Blanc, served with champagne Spacious seats Exclusive Lounge Taxi booking service <p>Fare conditions: You can exchange your tickets free of charge or claim refund up to 60 days after your planned departure.</p>

Since 1 July, info is also displayed prominently about Flexi fare conditions for all tickets

In addition to the BAU info on Business Premier conditions, we have emphasised further in COVID comms / updates

Following copy shown at different touchpoints to highlight full flexibility & refundability of the BP fare:

BUSINESS PREMIER

You have full flexibility to change your travel plans. Your ticket is fully refundable and can be exchanged as many times as you want. Our Business Premier lounges are currently closed, and our fast track lane might not be open at all our stations.

During booking path on eurostar.com

PLEASE READ: IMPORTANT INFORMATION Before you book, please note that we've adapted our services to help keep you safe at this time.

BUSINESS PREMIER You have full flexibility to change your travel plans. Your ticket is fully refundable and can be exchanged as many times as you want. Our Business Premier lounges are currently closed, and our fast track lane might not be open at all our stations.

BUSINESS PREMIER AND STANDARD PREMIER CATERING We're currently unable to serve food and drink on board.

ALL PASSENGERS There are quarantine rules in the UK and France. When travelling to the UK, you must complete mandatory COVID-19 travel documents. Find out more on our coronavirus information page.

Our onboard bar buffet is closed as are many of the shops and restaurants at our stations. Please bring refreshments with you, especially when the weather gets warm. You can bring liquids through security.

We're sorry for the inconvenience caused.

[EDIT JOURNEY](#)

London to Paris

Tue - Jun 23	Wed - Jun 24	Thu - Jun 25	Fri - Jun 26	Sat - Jun 27
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05:40	2hrs 37min	09:17
500 pts	1000 pts	1500 pts

Confirmation email & Manage Your Booking

Some important information about your trip

Please be aware that we've made some changes to our services to help keep you safe in light of the current situation. We're sorry for the inconvenience caused.

[GET TICKETS](#)

All passengers

- There are quarantine rules in the UK and France. When travelling to the UK, you must complete COVID-19 mandatory travel documents. You can [find the form here](#).
- Café Métropole, our onboard bar buffet, is closed as are many of the shops and restaurants at our stations. Please bring refreshments with you, especially over summer – there are no restrictions on liquids when travelling with us.
- You may find your seat and coach number has changed when you arrive at the station. This is to ensure all passengers are seated a safe distance apart on board. • We're also currently unable to provide free onboard wi-fi.
- You can travel with minimal contact by downloading our app and saving your tickets to your phone. You'll also be sent all the latest travel information and service updates.
- As social distancing applies, we recommend allowing a little extra time to arrive at the station to go through all the checks.

Business Premier passengers

- You have full flexibility to change your plans. Your ticket is fully refundable and can be exchanged as many times as you want.
- Our Business Premier lounges are currently closed.
- Our fast track ticket gates might not be open at all of our stations.

Business Premier and Standard Premier passengers - Catering

- We're currently unable to serve food and drinks on board.

Pre-travel email

eurostar

TAKING YOU THERE WITH CARE

At Eurostar, it's in our nature to be caring. That's why the safety of our customers and colleagues is our priority as we keep Europe connected at a difficult time.

To help you prepare for your trip, here's a checklist of things you can do to help us keep you safe.

- Step 1** Store your digital tickets on our app for a confirmed journey.
- Step 2** Bring any additional mandatory paperwork you'll need to enter the UK and France.
- Step 3** Check the recommended arrival time on your ticket. Always wear your social distancing applies.
- Step 4** Wear a face mask at all our stations and on board.
- Step 5** Stay a safe distance apart from others at our stations and on board.
- Step 6** Lock-out for safety advice to home at our request. Call us on the line there to help - at a safe distance.

IMPORTANT INFORMATION ABOUT YOUR TRIP

Regardless of your nationality, you must fill out both pages of [this form](#) and bring it with you if you're travelling from the UK to France.

From 9 June 2020, passengers are asked to self-isolate for 14 days when they arrive in the UK, France and Belgium. When entering the UK you're required to fill out the [Public Health Passenger Locator Form](#).

You'll need to show your completed form when you arrive at the UK border, either by printing a copy, or showing it on your phone. More info [here](#). Failure to do so may lead to a fine by the local authorities.

[COVID-19 TRAVEL INFO](#)

WE'RE TAKING EXTRA HYGIENE STEPS

To provide peace of mind, we're regularly disinfecting the following areas throughout your journey...

PROTECTING YOURSELF AND OTHERS

Help us to get you there with care by...

SERVICE INFORMATION

Due to government legislation, we've had to change the catering we offer at our stations and on board, and our Business Premier lounges are temporarily closed. We're also unable to provide free Wi-Fi on board.

We're very sorry we can't provide our usual levels of service at this time. You can find out more about all the changes we've made on our coronavirus information page.

[COVID-19 TRAVEL INFO](#)