

The complaint

Mrs A and Miss B have complained that Euroins AD unfairly refused to accept their claim.

All reference to Euroins includes any agents acting on its behalf.

What happened

Mrs A and Miss B bought a single trip travel insurance policy, underwritten by Euroins AD.

They went abroad but unfortunately, their luggage was lost by the airline. Miss B made a claim but Euroins said the airline was responsible for the lost luggage and any compensation. So Miss B would need to exhaust the airlines process and then return to Euroins.

Miss B complained as she said she wasn't getting any response from the airline. Euroins said it would keep her claim open until she obtained the information it needed. Unhappy, Miss B referred the complaint to the Financial Ombudsman Service.

Our investigator looked into the complaint but didn't think Euroins had acted unfairly.

Miss B disagreed and so the case has been passed to me for a final decision.

What I've decided – and why

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

Having done so, I don't think this complaint should be upheld. I'll explain why.

- Miss B had an earlier complaint about Euroins as it had turned down her claim. So she was advised to pursue a claim with the airline before returning to Euroins. Miss B says she has tried to contact the airline and hasn't been successful so she would like Euroins to now deal with her claim and a further complaint was raised. I will consider whether Euroins should have done anything differently when Miss B told it that she was finding it difficult to contact the airline.
- The relevant rules and industry guidelines say an insurer should handle claims promptly and fairly. And shouldn't unreasonably reject a claim.
- The policy terms say there is no cover for "...the loss, damage or delay in transit of your personal possessions, if you do not notify the carrier (i.e. airline, shipping company, etc) and obtain a written report within 24 hours of discovery of the damage or loss..."
- The policy also says there is no loss for "...any property more specifically insured or recoverable under any other source."

- Miss B submitted a claim in March 2022. Euroins emailed her in June 2022 and asked for further information about the baggage and whether Miss B had submitted a claim against the airline for lost baggage. It sent another email to confirm the baggage was lost whilst in the airline's care and so Miss B would need to submit a claim to the airline.
- Miss B emailed the airline and found it difficult to submit a claim or get a response. She pursued the matter with Euroins who confirmed that until she had written confirmation from the airline confirming the outcome of the claim with them, they couldn't deal with the matter. But it said it would leave the claim open whilst Miss B got this information. This means it will review and assess her claim once she has shown that she has exhausted the airlines process.
- Euroins has explained that it needs evidence that the airline has lost the baggage and confirmation of any settlement (or lack thereof) before it can consider a claim. I don't think that is unreasonable as Euroins is entitled to verify a claim and request evidence to show that Miss B hasn't been able to recover her loss.
- I appreciate Miss B will be disappointed with my decision and that she has had a difficult time in contacting the airline. But I cannot hold Euroins responsible for the actions of the airline. I think Euroins has clearly explained what is needed from Miss B for it to consider her claim. Until Miss B is able to obtain written confirmation from the airline that her luggage has been lost and/or compensated for (and how much), Euroins cannot fairly assess the claim. So I won't be asking Euroins to do anything.

My final decision

For the reasons set out above, I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs A and Miss B to accept or reject my decision before 14 March 2024.

Shamaila Hussain
Ombudsman