



**Report on Air Passenger Rights Complaints
for the period 1st January to 30th June 2009**

30th October 2009

Commission for Aviation Regulation
3rd Floor, Alexandra House
Earlsfort Terrace
Dublin 2
Ireland

Tel: +353 1 6611700
Locall: 1890 787 787
Fax: +353 1 6611269

E-mail: apr@aviationreg.ie

Table of Contents

<u>Table of Contents</u>	<u>2</u>
<u>1. Introduction</u>	<u>3</u>
<u>2. Summary of valid complaints received</u>	<u>4</u>
<u>3. Types of valid complaints received</u>	<u>5</u>
<u>4. Resolution of complaints</u>	<u>7</u>
<u>5. Distribution of complaints per air carrier</u>	<u>9</u>
<u>6. Complaints sent to other enforcement bodies</u>	<u>10</u>
<u>7. Conclusion</u>	<u>12</u>

1. INTRODUCTION.

This purpose of this report is to provide a brief overview of those air passenger rights complaints received by the Commission for Aviation Regulation under EC Regulation No. 261/2004 during the period 1st January to 30th June 2009.

The relevant information has been summarised and set out in table/ graphical form where appropriate.

A comprehensive report on all complaints received during 2009 will be published by the Commission in 2010.

2. SUMMARY OF VALID COMPLAINTS RECEIVED

The Commission received approximately 1,300¹ queries during the six month period from 1st January to the 30th June 2009. Some of these did not fall within the remit of EC Regulation No. 261/2004 which establishes common rules on compensation and assistance to passengers in the event of denied boarding, cancellation or the long delay of flights, but instead related to baggage, taxes and charges, on-line ticket purchasing and check-in difficulties. Commission staff assisted all complainants insofar as possible as well as referring them to the appropriate bodies, where known.

However 242 of the queries received constituted valid complaints under EC Regulation No. 261/2004, and therefore required thorough investigation by the appropriate national enforcement body². Table 1 below illustrates the breakdown of these 242 complaints in Accordance with Article 16 of the Regulation.

It is worth noting that this figure represents an almost 140% increase on the number of complaints³ received during the same period last year.

Table 1: Total number of valid complaints received by the Commission during the period 1st January – 30th June 2009

Origin of flight	Number of complaints	%
Departure from an Irish airport	101	42%
Arrival into an Irish airport from a non-EU airport on a Community licensed carrier	12	5%
Departure from airport situated in another Member State	129	53%
Total	242	100%

¹ An exact figure will be provided in the Commission's annual report which will issue in 2010.

² Article 16 of Regulation 261/2004 clearly sets out how responsibility for complaint handling is determined. It states that "Each Member State shall designate a body responsible for the enforcement of this Regulation as regards flights from airports situated on its territory and flights from a third country to such airports.....".

³ The Commission received a total of 173 valid complaints during the first six months of 2008.

3. TYPES OF VALID COMPLAINTS RECEIVED

Valid complaints under EC Regulation No. 261/2004 are those which relate to flight cancellations, long flights delays, instances of denied boarding or of downgrading.

Table 2 below provides a breakdown of the 242 complaints received according to these categories.

Table 2: Analysis of all valid complaints received during the period from the 1st January 2009 to the 30th June 2009

Type of complaint	Number of complaints	%
Cancellations	169	70%
Long delay	45	19%
Denied boarding	27	11%
Up/Down grading	0	0%
Other ⁴	1	0%
Total	242	100%

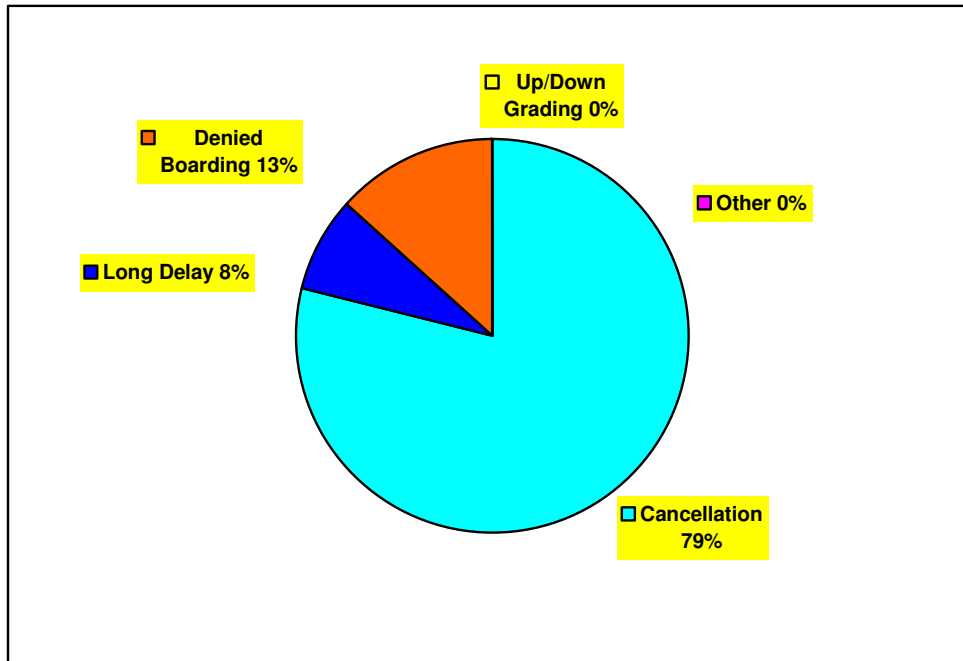
⁴ Occasionally, complaints are received by this office, which initially appear to fall within the remit of Regulation 261/2004 but investigation later reveals that they are best dealt with in another forum. The "other" category represents this group of complaints.

Table 3 below provides a similar category breakdown in relation to those complaints which fell within the remit of the Commission i.e. they related to flights departing from airports situated in this territory or they pertained to flights arriving into such airports from third countries on Community licensed carriers.

Table 3: Analysis of those valid complaints received during the period from the 1st January 2009 to the 30th June 2009 which fall within the remit of the Commission

Type of complaint	Number of complaints	%
Cancellations	89	79%
Long delay	9	8%
Denied boarding	15	13%
Up/Down grading	0	0%
Other ⁵	0	0%
Total	113	100%

Figure 1: Graphical Representation of the above information



⁵ Occasionally, complaints are received by this office, which initially appear to fall within the remit of Regulation 261/2004 but investigation later reveals that they are best dealt with in another forum. The "other" category represents this group of complaints.

4. RESOLUTION OF COMPLAINTS

As of the 31st October 2009, 71 of the 113 complaints received by this office during the first half of 2009 had been investigated and brought to a conclusion.

Of the 71 cases concluded, the final outcomes varied:

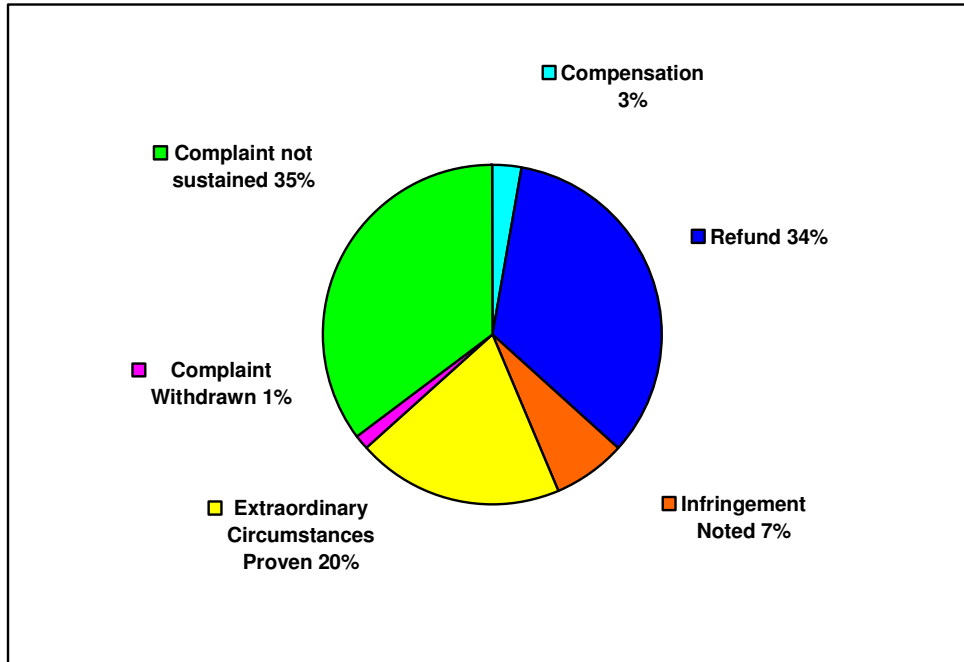
- In 2 cases, the relevant air carrier paid compensation.
- In 24 cases the passengers received either a refund of the cost of their ticket (where appropriate) or reimbursement of expenses incurred as a result of the air carrier's failure to provide the care and assistance set out in Article 9 of the Regulation.
- In 14 cases the relevant operating air carrier successfully demonstrated the existence of 'extraordinary circumstances' and that all reasonable measures to avoid the cancellation were taken.
- In 5 cases, the Commission concluded that an infringement⁶ of the rights of the passenger had occurred. However by virtue of the type of infringements concerned no monetary redress could be obtained for the passenger under the Regulation.
- In 1 case, the complaint was withdrawn by the passenger.
- In the final 25 cases the Commission found that the complaint was not sustainable under EC Regulation No. 261/2004.

The Commission is continuing to investigate the remaining 42 cases.

Table 4 sets out the above information in a quick reference format.

⁶ The Commission records all infringements in order to monitor airlines' compliance with Regulation 261/2004. The information gathered may be used by the Commission to prosecute the relevant companies for non compliance with certain provisions of the Regulation.

Table 4: Outcome of Commission investigations in the 71 cases which were received between the 1st January and the 30th June 2009 and which were closed as of the 31st October 2009

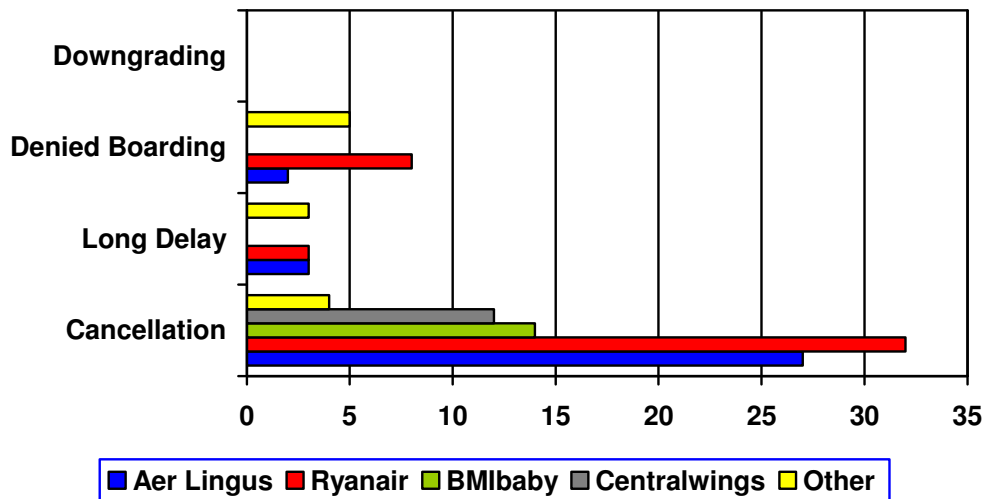


5. DISTRIBUTION OF COMPLAINTS PER AIR CARRIER

The Commission received a total of 113 complaints from passengers for flights departing from an Irish airport⁷ or arriving into an Irish airport from a third country on a Community licensed carrier during the first six months of 2009.

Figure 1 below shows the total complaints against Aer Lingus, Ryanair, BMIbaby and Centralwings⁸ plus an 'Other' category. The 'Other' category is the sum of all airlines that were the basis of the complaints received by the Commission during this period of time. Complaints were recorded in respect of 8 other air carriers.

Figure 2: Total complaints for Aer Lingus, Ryanair, BMIbaby and Centralwings received by the Commission during the first six months of 2009



⁷ The nine Irish airports are: Dublin, Cork, Shannon, Ireland West (Knock), Galway, Kerry, Donegal, Waterford and Sligo.

⁸ Being the four air carriers against whom the greatest proportion of complaints was received. It is worth noting that Centralwings, a Polish air carrier, has since gone into liquidation and it is no longer possible for this office to pursue complaints against them.

6. COMPLAINTS SENT TO OTHER ENFORCEMENT BODIES

As previously advised, during the first six months of 2009, the Commission received 129 valid complaints which related either to departures from airports located within other Member States or to arrivals into such airports from third countries on Community licensed carriers.

Table 7 below shows a breakdown of these complaints per country competent to deal with same.

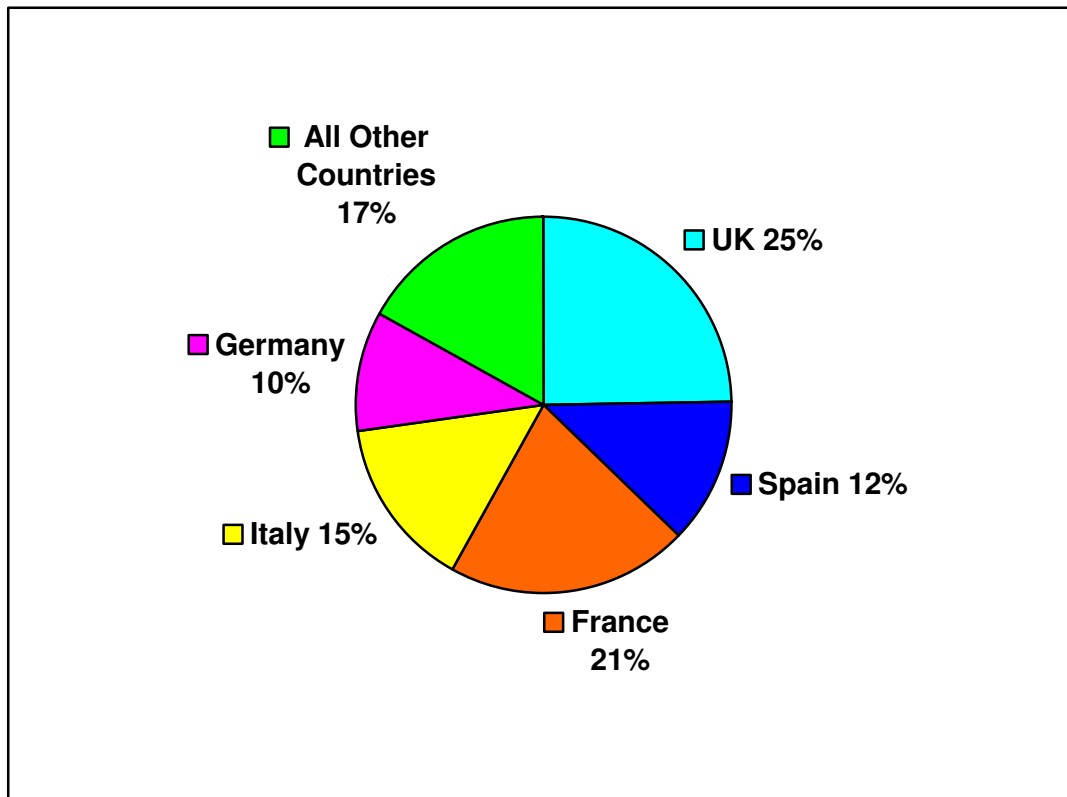
Table 7: Breakdown of complaints by country competent to deal with same

Country	Total	%⁹
Austria	2	1.5
Belgium	1	1
Bulgaria	5	4
Cyprus	1	1
Czech Republic	2	1.5
France	27	21
Germany	13	10
Greece	1	1
Hungary	1	1
Italy	19	15
Latvia	3	2
Lithuania	2	1.5
Poland	1	1
Portugal	1	1
Romania	1	1
Spain	16	12
Sweden	1	1
United Kingdom	32	25
Total	129	100%

⁹ The percentages have been rounded to the nearest decimal place and as a result the rounding may not sum to 100%

The majority (76%) of complaints received related to departures from (or arrivals from third countries on Community Licensed air carriers into) airports in the UK, Spain, France, Italy and Germany. Figure 2 below effectively illustrates this distribution.

Figure 3: Graphical Representation of percentage complaints referred to other National Enforcement Bodies



7. CONCLUSION

As previously advised, elaboration on these statistics will be contained in the Commission's annual air passenger rights report which will issue in 2010.

In the interim further information on EC Regulation 261/2004 (and on EC Regulation 1107/2006) can be found on the Commission for Aviation Regulation's website: www.aviationreg.ie