



Passenger Rights Complaints in 2013

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PASSENGER RIGHTS (EC REGULATION NO. 261/ 2004): 2012 OVERVIEW

2013 was another busy year in the field of air passenger rights. The Commission for Aviation Regulation (the 'Commission') noted a substantial increase in the volume of queries received from the public when compared to the 2012 figure.

The Commission continued to liaise with the European Commission and with the national enforcement bodies of other Member States during the year to ensure that application of the legislation was consistent throughout.

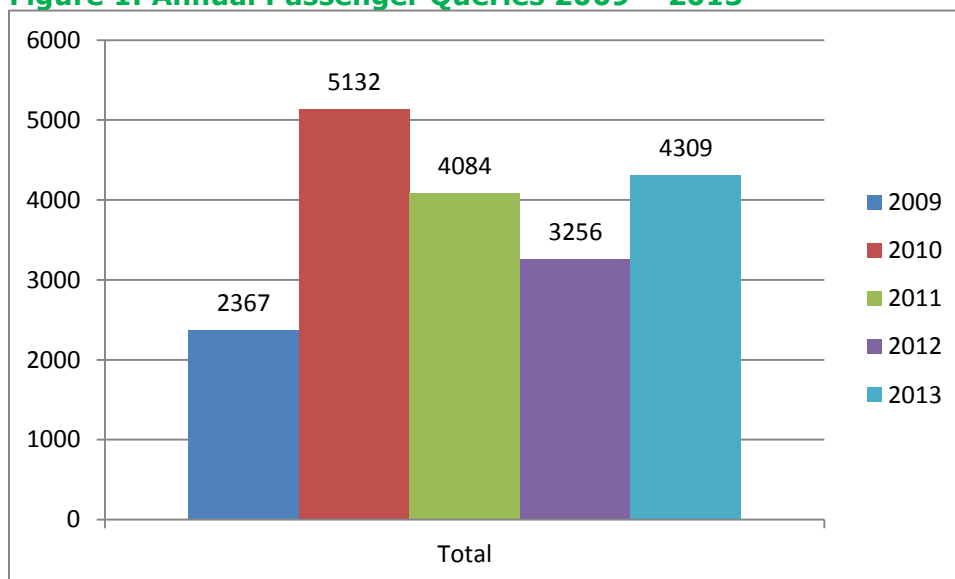
In particular the Commission continued to participate in the Working Group established by the European Commission in 2012 to develop guidelines for the correct implementation of the contentious 'Extraordinary Circumstances' provision. The output of the Working Group was published by the European Commission on its website in the summer of 2013 and can be viewed here: <http://ec.europa.eu/transport/themes/passengers/air/doc/neb-extraordinary-circumstances-list.pdf>.

The European Commission continued to work on the revision of Regulation 261 which was commenced in 2011. The principal objective of the recast process is to refine and improve a piece of legislation which has the welfare of all air passengers at its heart. The European Commission confirmed that it hoped to have the recast completed by the end of 2014.

SUMMARY OF VALID COMPLAINTS RECEIVED

In 2013 the Commission received 4,309 queries from the public. This represents a 31% increase from the 2012 level of 3,272.

Figure 1: Annual Passenger Queries 2009 – 2013



Source: Commission

Most of the cases (4,293) related to Regulation 261 and were examined for possible infringements of that Regulation. The remainder (16) concerned Regulation 1107 dealing with passengers with reduced mobility (and are discussed later in this report).

We established that 3,058 of the former queries related to matters outside the Commission's responsibilities. In these cases, we engaged with the individual and referred them to the body or authority competent to deal with their complaint (where known). The remaining 1,235 queries indicated a possible breach of the Regulation and were then treated as complaints.

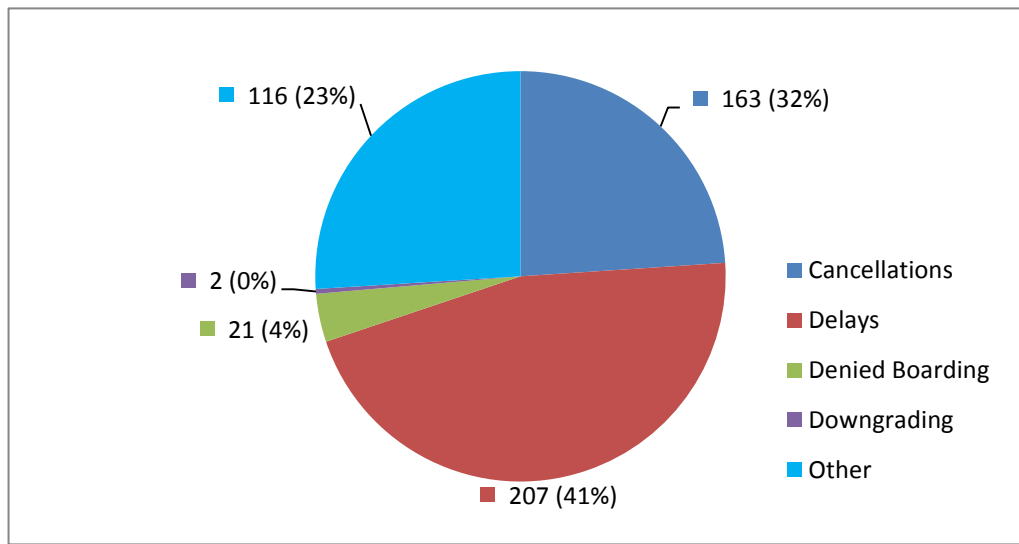
TYPES OF VALID COMPLAINTS RECEIVED

Of the 1,235 complaints received, most concerned cancellations and delays, rather than denied boarding or downgrades, as the table below shows. Almost 37% concerned flights departing from airports in other Member States or flights arriving into other Member States from third (i.e. non-EU) countries operated by Community-licensed carriers. We conducted preliminary screenings to satisfy ourselves that these complaints fell within the remit of the air passenger rights regulations before forwarded them on to the competent national enforcement bodies (NEB) for further investigation.

Table 1: Breakdown of Air Passenger Rights Complaints in 2013

Type of Complaint	CAR	Other NEB	Total	%
Cancellation	189	150	339	27
Long delay	362	256	618	50
Denied boarding	30	38	68	5.5
Downgrade	3	1	4	0.5
Other	205	1	206	17
Total	789	446	1235	100

2013 echoed 2012 in that the majority of complaints received related to flight delays. Figure 2 provides a graphical presentation of those complaints which fell within the remit of the Commission.

Figure 2: 2012 Passenger Complaints

Source: Commission

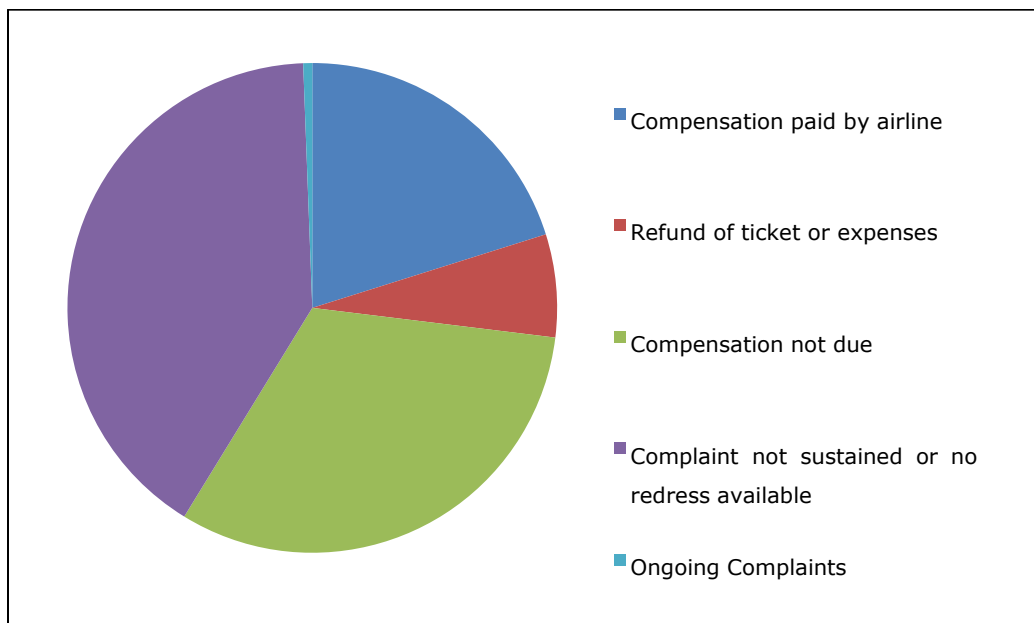
RESOLUTION OF COMPLAINTS

The Commission investigated 789 complaints. The outcomes of these complaints (as of the 1st September 2014) are presented in Figure 3.3¹. The Commission has concluded 784 investigations, while 5 are still in progress.

In 341 cases, the complaint was found to be unsustainable under the Regulation, was withdrawn by the passenger, or related to an infringement for which there was no redress available to the passenger. In 267 cases, extraordinary circumstances were found to apply and reasonable avoidance measures taken by the airline.

In 169 cases, compensation was paid to the passenger, and in 57 cases the customer received a refund of the cost of their ticket and/or their expenses were reimbursed.

Figure 3: Outcomes of Complaints received in 2012



Source: Commission

¹ Complaints frequently have more than one outcome e.g. passengers might receive both compensation and a refund of their ticket price.

During 2013 the Commission obtained a total of **€110,471.35** for passengers affected by flight disruptions: **€99,850** in compensation and **€10,621.35** in refunds and reimbursements. The Commission also obtained vouchers to the value of **\$2,400** in lieu of compensation at the written request of the passengers concerned.

Table 2 below compares outcomes for the years 2010-2013.

Table 2: Comparison of Complaint Outcomes

Resolution	2013	2012	2011	2010
Compensation paid by airline to passenger	169	58	18	5
Compensation not due – airline demonstrated exceptional circumstances and that it had taken all reasonable measures to avoid delay or cancellation	267	80	252	11
Airline refunded the cost of the ticket and/or reimbursed expenses	57	27	183	28

Source: Commission

The Commission continues to investigate 5 complaints received in 2013.

COMPLAINTS BY AIRLINE

As noted, the Commission received 1,235 complaints from passengers during 2013. Figure 4 below shows the total complaints for Aer Lingus, Ryanair and an 'Other' category. The 'Other' category represents the sum of all complaints in respect of other airlines received by the Commission. Complaints were recorded in respect of 71 other air carriers during 2013.

Figure 4: Total 2013 complaints for Aer Lingus, Ryanair & 'other' air carriers

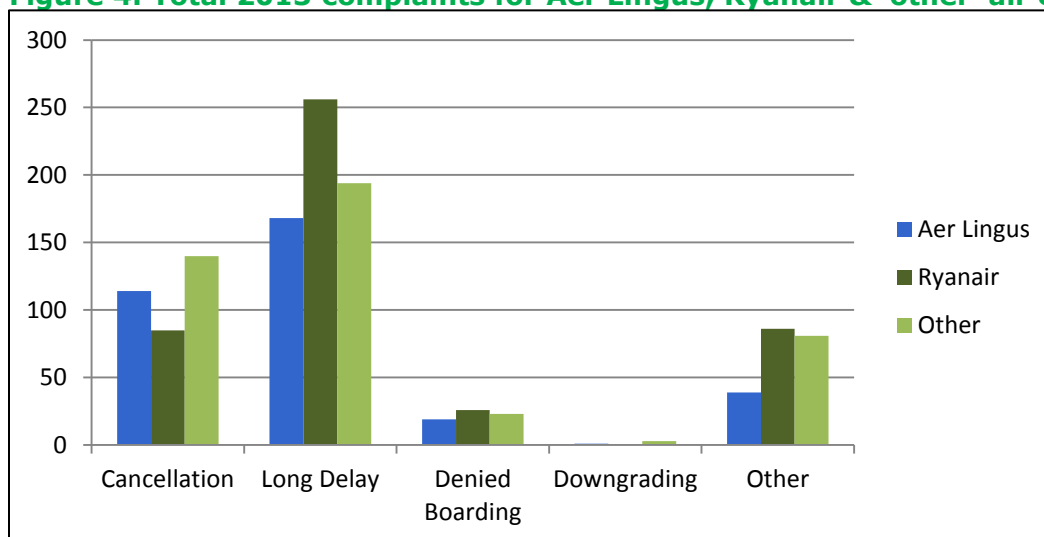


Table 4 below analyses the complaints made by passengers departing from Dublin and Cork airports - a total of 508 cases. In 2013, 22.4 million passengers used these two airports.

Table 3: 2013 complaints at Dublin, Cork and Shannon Airports

Airline	Total Complaints ²	Total passengers at 2 airports ³	Complaints per mppa
Aer Lingus	163	8,715,757	18.70
Ryanair	139	8,405,279	16.53
Other	206	5,303,752	38.84
Total	508	22,424,788	22.65

² These figures reflect the total number of complaints received in relation to the named air carriers in respect of departures from Dublin and Cork airports only.

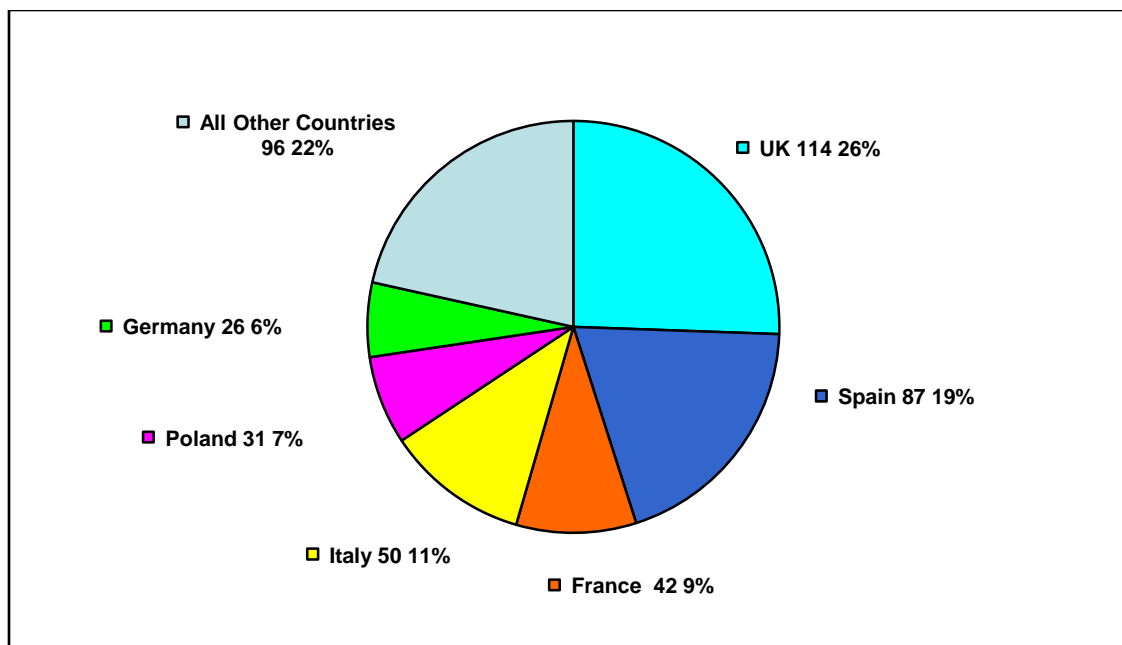
³ These passenger figures relate to Dublin and Cork only.

COMPLAINTS SENT TO OTHER EU COUNTRIES

During 2013, 446 of the valid complaints received by the Commission related either to departures from airports in other EU countries or to arrivals from third countries into such airports on Community-licensed carriers.

The majority (78%) of complaints received related to six other Member States; the UK, Spain, Italy, Germany, Poland and France. Figure 5 below illustrates the distribution.

Figure 5: Complaints referred to other National Enforcement Bodies



PERSONS WITH REDUCED MOBILITY (EC REGULATION 1107/2006)

During 2013 The Commission received 16 submissions relating to persons with reduced mobility. Five of these concerned booking and pre-travel issues but did not constitute possible infringements of the Regulation. The remaining 11 were valid complaints that related to assistance either:

- At the time of booking;
- From the airport management body at the airport;
- On-board the aircraft from the air carrier.

Six of these 11 complaints were appropriate to NEBs in other Member States and were forwarded for investigation once preliminary reviews were completed.

The remaining five complaints fell within the remit of the Commission and were duly investigated and concluded. Three infringements of the Regulation were noted by the Commission during the course of these investigations. The airport management bodies and air carrier involved in these infringements have amended their procedures in the hope of preventing the recurrence of such infringements in the future.

OTHER WORK

Aside from handling enquiries and complaints, the Commission also continued to raise consumer awareness about passenger rights throughout 2013. We hosted an information stand at the 2013 Holiday World Fair in Dublin and undertook several awareness campaigns in print media and online at peak travel times throughout the year. We also regularly updated our websites to reflect issues of interest to the travelling public.

In addition the Commission undertook ten airport inspections to ensure that

- air carriers were complying with the air passenger regulations; and
- airport management bodies were meeting their obligations to passengers with disabilities and reduced mobility.

As mentioned earlier, we continued to participate in the Working Group established by the European Commission in 2012 with the aim of developing guidelines for the correct implementation of the contentious 'Extraordinary Circumstances' provision. The output of the Working Group was published by the European Commission on its website in the summer of 2013 and can be viewed here: <http://ec.europa.eu/transport/themes/passengers/air/doc/neb-extraordinary-circumstances-list.pdf>.

The Commission has also actively followed and supported the process to recast Regulation 261.