



## Passenger Rights Complaints in 2014

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Commission for Aviation Regulation

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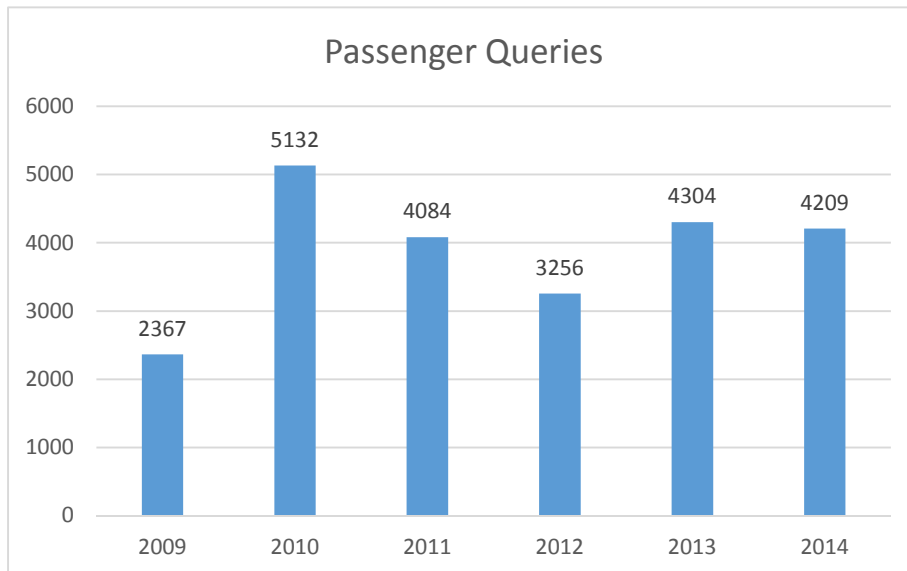
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## PASSENGER RIGHTS (EC REGULATION NO. 261/ 2004): 2014 OVERVIEW

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1. In 2014 the Commission received a total of 4,209 queries from the public. This figure represents a slight decrease on the 4,304 queries received in 2013.

Figure 1: Annual Passenger Queries 2009 – 2014



Source: Commission

2. 72% of the queries received related to matters outside of the remit of the Commission e.g. baggage complaints, safety issues, pricing queries etc. In these cases we engaged with the individual and where appropriate referred them to the body or authority competent to deal with their complaint.
3. 1153 queries related to possible infringements of Regulation 261/ 2004 and were treated as complaints. A further 17 related to Regulation 1107/ 2006 which concerns the rights of disabled persons and persons with reduced mobility when travelling by air.

## SUMMARY OF COMPLAINTS RECEIVED

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4. As was the case in 2013, approximately half of the 1153 complaints received under Regulation 261 in 2014 related to flight delays.

5. 37% of the complaints received (426) related to flights departing from airports in other Member States or flights arriving into such airports from third (i.e. non-EU) countries operated by Community-licensed carriers. The Commission liaised with passengers to ensure that all information necessary to conduct an investigation was provided before forwarding these complaints to the appropriate national enforcement bodies (NEBs) or enabling the passengers to do so directly.<sup>1</sup>

6. The remaining 727 complaints fell within both the scope of the legislation and the remit of the Commission and were therefore subject to a full investigation by the Commission.

Table 1: Breakdown of Air Passenger Rights Complaints in 2014

Type of Complaint	For investigation by the Commission	For investigation by other NEB	Total	
Cancellation	185	110	295	26%
Long delay	347	242	589	51%
Denied boarding	41	36	77	7%
Downgrading	1	0	1	0%
Other	153	38	191	17%
<b>Total</b>	<b>727</b>	<b>426</b>	<b>1153</b>	<b>100%</b>

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<sup>1</sup> Many NEBs now operate on-line complaint forms and some of these are easier for the passenger to complete directly.

## RESOLUTION OF COMPLAINTS

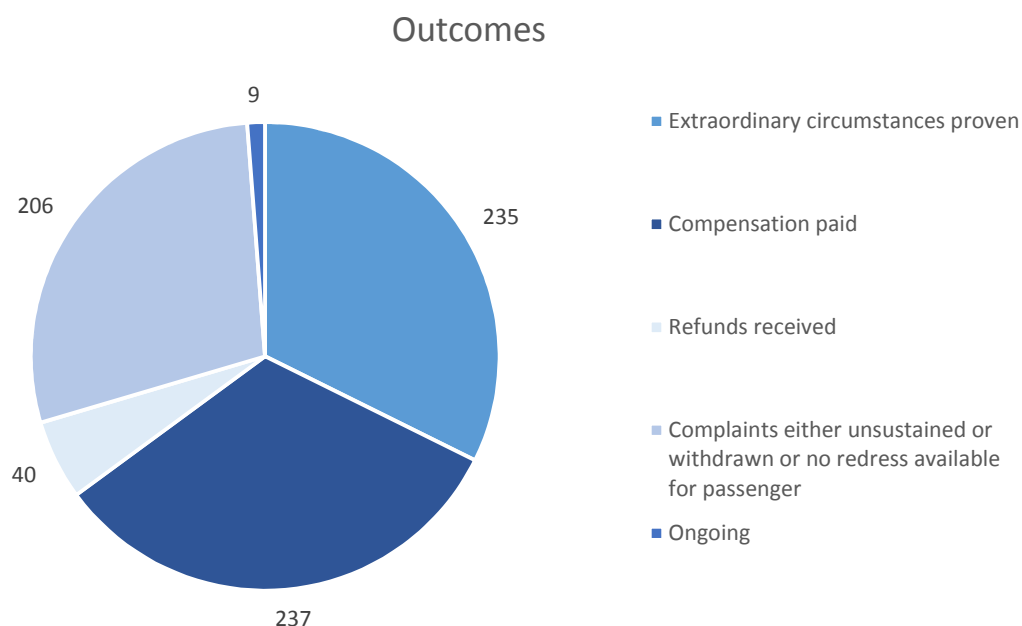
7. As of the 21<sup>st</sup> July 2015, 718 of the 727 complaints which fell within the remit of this Office have been concluded: 9 are still under investigation. A breakdown of the outcomes in the 718 concluded cases are presented in Figure 2.

8. In 206 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 235 cases, extraordinary circumstances were found to apply and reasonable avoidance measures taken by the airline.

9. In 237 cases, compensation was paid to the passenger, and in 40 cases the customer received a refund of the cost of their ticket and/or their expenses were reimbursed.

10. The Commission obtained €168,360 for passengers affected by flight disruptions in 2014: €158,205 in compensation and €10,155 in refunds and reimbursements.

Figure 2: Outcomes of Complaints received in 2014



Source: Commission

11. Table 2 compares outcomes for the years 2011-2014.

Table 2: Comparison of Complaint Outcomes

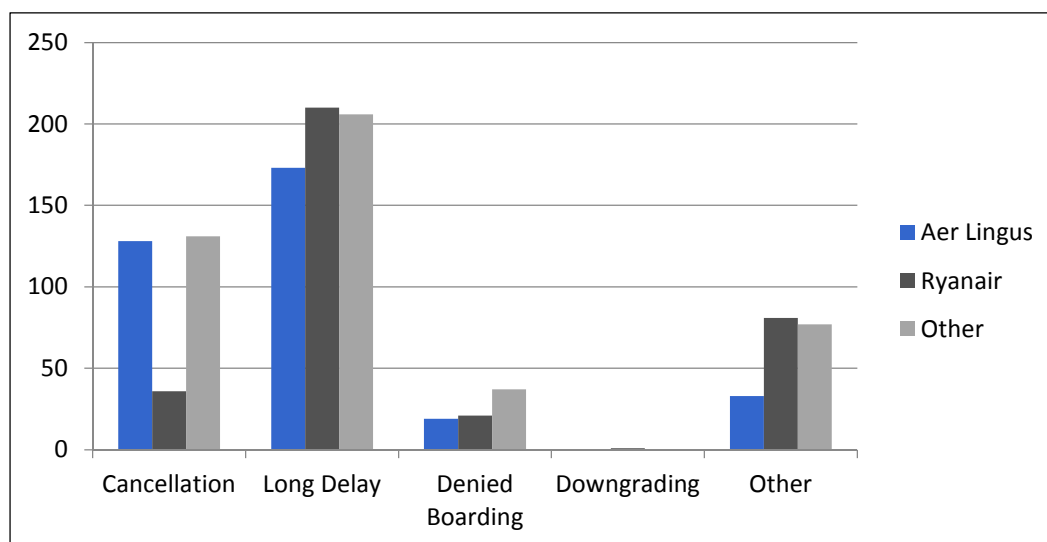
Resolution	2014	2013	2012	2012
Compensation paid by airline to passenger	237	169	58	18
Compensation not due – airline demonstrated exceptional circumstances and that it had taken all reasonable measures to avoid delay or cancellation	235	267	80	252
Airline refunded the cost of the ticket and/or reimbursed expenses	40	57	27	183

Source: Commission

## COMPLAINTS BY AIRLINE

12. As mentioned previously, the Commission received 1,153 complaints from passengers during 2014. Figure 3 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 78 other air carriers during 2014.

Figure 3: Total 2014 complaints for Aer Lingus, Ryanair & 'other' air carriers



Source: Commission

13. Table 3 below analyses the complaints made by passengers departing from Dublin, Cork & Shannon airports - a total of 537 cases. In 2014, almost 25.5 million passengers used these three airports.

Table 3: 2014 complaints at Dublin, Cork and Shannon Airports

Airline	Total Complaints <sup>2</sup>	Total passengers at 3 airports <sup>3</sup>	Complaints per mppa
Aer Lingus	202	9,182,802	22.00
Ryanair	127	10,140,124	12.52
Other	208	6,172,832	33.71
<b>Total</b>	<b>537</b>	<b>25,495,758</b>	<b>21.06</b>

Source: Commission

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

<sup>3</sup> These passenger figures relate to Dublin, Cork and Shannon only.

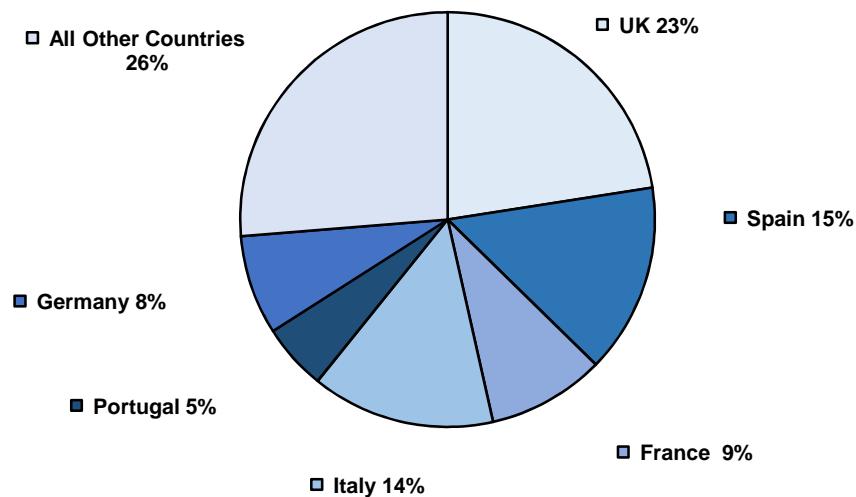
## COMPLAINTS SENT TO OTHER EU COUNTRIES

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14. During 2014, 426 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.

15. The majority (74%, 314) of complaints received related to six other Member States; the UK, Spain, Italy, France, Germany and Portugal. Figure 4 below illustrates the distribution.

Figure 4: Complaints referred to other National Enforcement Bodies



Source: Commission

## PERSONS WITH REDUCED MOBILITY (EC REGULATION 1107/2006)

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15. During 2014 the Commission received 17 submissions regarding the rights of persons with reduced mobility. Of these, nine concerned issues which did not constitute potential infringements of the Regulation 1107. The remaining eight were valid complaints which required investigation. The issues concerned were varied and included:

- Air carrier refusals to accept reservations
- The assistance received at the airport of departure, transit or arrival
- The use of car-seats to facilitate the carriage of children with mobility problems.

16. Three of these complaints were appropriate to NEBs in other countries whilst the remaining five complaints fell within the remit of the Commission and were investigated.

17. One of these five complaints, one which related to the information set out on the website of Norwegian Air Shuttle ASA regarding travel with recognised assistance dogs, resulted in the issue of a Direction in accordance with our powers of enforcement as set out in Statutory Instrument 299/ 2008. The air carrier complied with our Direction and this matter has now been closed.

The other four complaints which fell within the remit of the Commission have also been concluded.

## OTHER WORK

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18. In addition to complaint-handling the Commission also completed eight inspections of airports during 2014. The purpose of these inspections was:

- To monitor the provision of assistance to persons with reduced mobility by airport management bodies in accordance with Regulation 1107/ 2006
- To ensure that air carriers were displaying the text prescribed by Regulation 261/ 2004 at their check-in desks and kiosks and also providing correct information to passengers affected by long flight delays, cancellations and instances of denied boarding.

19. In 2014 the Commission observed the training provided to staff responsible for providing assistance at Dublin Airport.

20. We continued to engage with Aer Lingus in relation to their complaint-handling process and significant improvements were noted.

21. 2014 saw the conclusion of several complaints against the Turkish air carrier Onur Air, which were under investigation since mid-2013. Despite confirming that compensation would be paid to all affected passengers in October 2013, it took a further 10 months and approximately 350 additional communications before Onur Air completed the payments.

22. Of note in 2014 was the October ruling by the UK Court of Appeal in the case of Huzar vs Jet2. Whilst many passengers expected that the ruling would apply in Ireland, its effect is currently limited to the UK. The ruling would only become binding on the other countries within Europe if it was appealed to the CJEU and endorsed by them.

Also of note in 2014 was the French Air Traffic Control strike which caused widespread flight disruption across Europe at the end of June. Some air carriers e.g. Ryanair received such volumes of complaints that they requested an extension to the six-week complaint response timeframe set out in the NEB-NEB Agreement<sup>4</sup>. Short-term extensions were considered reasonable in these circumstances once passengers were not unfairly inconvenienced.

23. Work on the recast of Regulation 261 continued in the early part of 2014. However, agreement could not be reached on some core provisions with little progress being made in the second half of the year. During this time significant rulings were delivered by the CJEU (e.g. the rulings in the Henning and Siewert cases) and it is likely that the recast will need to be further amended to reflect these judgments.

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<sup>4</sup> The NEB-NEB Agreement, brokered by the EC on implementation of Regulation 261/ 2004, specifies that air carriers have a period of 6 weeks to respond to initial correspondence from enforcement bodies such as this Office.

24. During 2014 the Commission hosted an information stand at the annual Holiday World Fair in Dublin with the aim of increasing public awareness of passenger rights.

25. In December 2014 we conducted an information drive reminding all Tour Operators and Travel Agents licensed by the Commission of their obligations under Regulation 1107.

26. During 2014 the Commission participated at a joint meeting of the European Commission and NEBs on Regulation 261 and also attended a workshop on Regulation 1107.

27. Furthermore in 2014 two representatives of the Commission took part in the Exchange of Officials Programme hosted and funded by the Consumers, Health and Food Executive Agency (CHAFEA). The exchanges enabled staff to see how complaint-handling and enforcement is undertaken in other Member States and to share Ireland's experiences in this regard. The exchanges were invaluable in terms of experience and the Commission welcomes the opportunity to participate in further endeavours of this nature in the future.