



Passenger Rights Complaints in 2015

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Commission for Aviation Regulation

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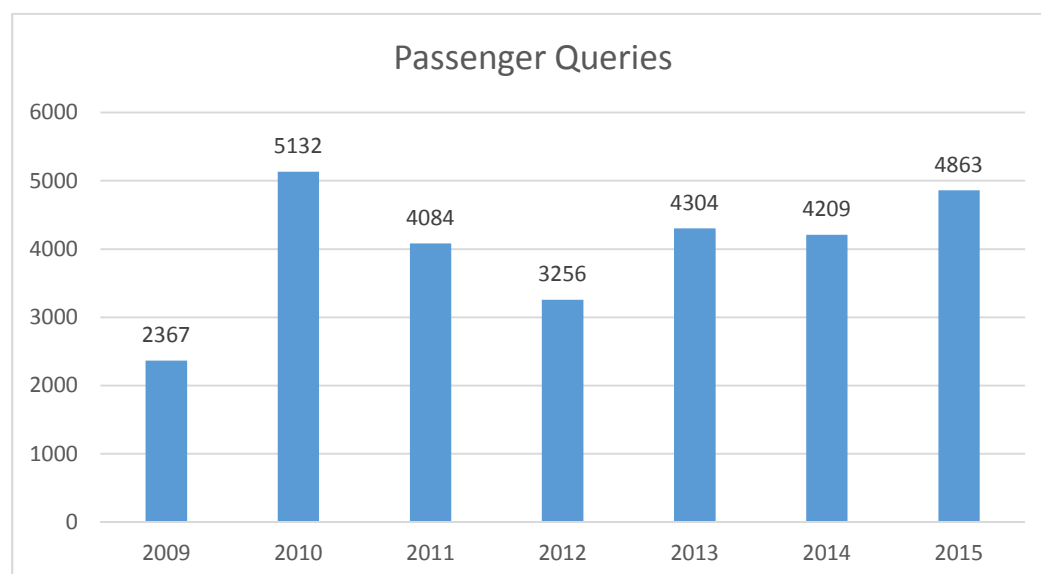
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SECTION 1: PASSENGER RIGHTS (EC REGULATION NO. 261/ 2004): 2015 OVERVIEW

- 1.1 In 2015 the Commission received a total of 4,863 queries from the public. This figure represents a 15.5% increase on the 4,209 queries received in 2014.

Figure 1: Annual Passenger Queries 2009 – 2014



Source: Commission

- 1.1 Just under 80% of the queries received related to general 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.
- 1.2 1003 queries related to possible infringements of Regulation 261/ 2004 and were treated as complaints. A further 16 related to Regulation 1107/ 2006 which concerns the rights of disabled persons and persons with reduced mobility when travelling by air.

SECTION 2: SUMMARY OF COMPLAINTS RECEIVED

- 2.1 Almost 60% of the 1003 complaints received under Regulation 261 in 2015 related to flight delays.
- 2.2 28% of the complaints received (284) 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.¹
- 2.3 The remaining 719 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 2015

Type of Complaint	For investigation by the Commission	For investigation by other NEB	Total	
Cancellation	215	81	296	30%
Long delay	441	154	595	60%
Denied boarding	37	18	55	5%
Downgrading	4	0	4	0%
Other	22	31	53	5%
Total	719	284	1003	100%

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

SECTION 3: RESOLUTION OF COMPLAINTS

- 3.1 As of the 13th October 2016, 716 of the 719 complaints which fell within the remit of this Office have been concluded: 3 are still under investigation. A breakdown of the outcomes in the 716 concluded cases is set out below².
- 3.2 In 173 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 174 cases, extraordinary circumstances were found to apply and reasonable avoidance measures taken by the airline.
- 3.3 In 359 cases, compensation was paid to the passenger, and in 32 cases the customer received a refund of the cost of their ticket and/or their expenses were reimbursed.
- 3.4 The Commission obtained €295,355 for passengers affected by flight disruptions in 2015: €285,700 in compensation and €10,365 in refunds and reimbursements.
- 3.5 Table 2 compares outcomes for the years 2011-2015.

Table 2: Comparison of Complaint Outcomes

Resolution	2015	2014	2013	2012	2011
Compensation paid by airline to passenger	359	237	169	58	18
Compensation not due – airline demonstrated exceptional circumstances and that it had taken all reasonable measures to avoid delay or cancellation	174	235	267	80	252
Airline refunded the cost of the ticket and/or reimbursed expenses	32	40	57	27	183

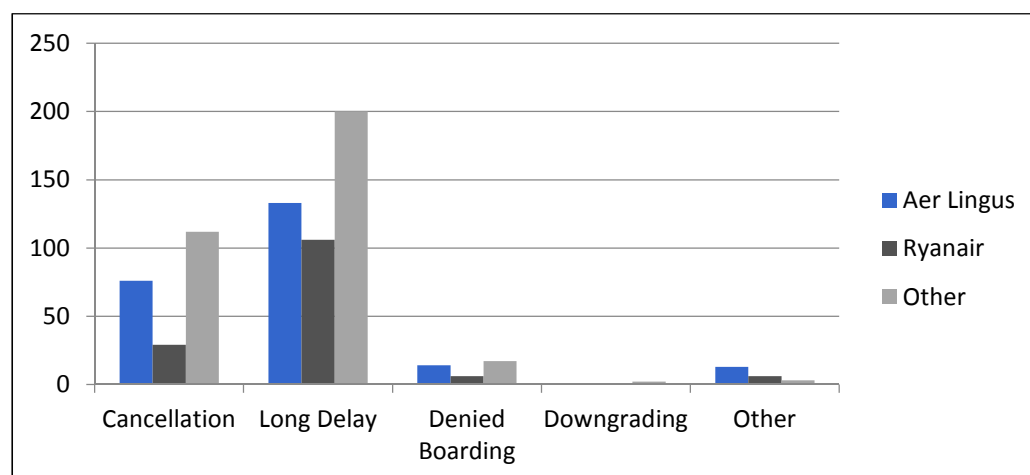
Source: Commission

² A complaint might have more than one outcome i.e. the passenger may have received a refund of his/her expenses but the air carrier might also have successfully demonstrated the existence of extraordinary circumstances.

SECTION 4: COMPLAINTS BY AIRLINE

- 4.1 As mentioned previously, 719 complaints from passengers fell within the remit of the Commission during 2015. 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 35 other air carriers during 2015.

Figure 3: Total 2015 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 593 cases. In 2015, almost 29 million passengers used these three airports.

Table 3: 2015 complaints at Dublin, Cork and Shannon Airports

Airline	Total Complaints ³	Total passengers at 3 airports ⁴	Complaints per mppa
Aer Lingus	144	9,581,523	15.03
Ryanair	132	12,332,837	10.70
Other	317	6,921,501	45.81
Total	593	28,835,861	20.56

Source: Commission

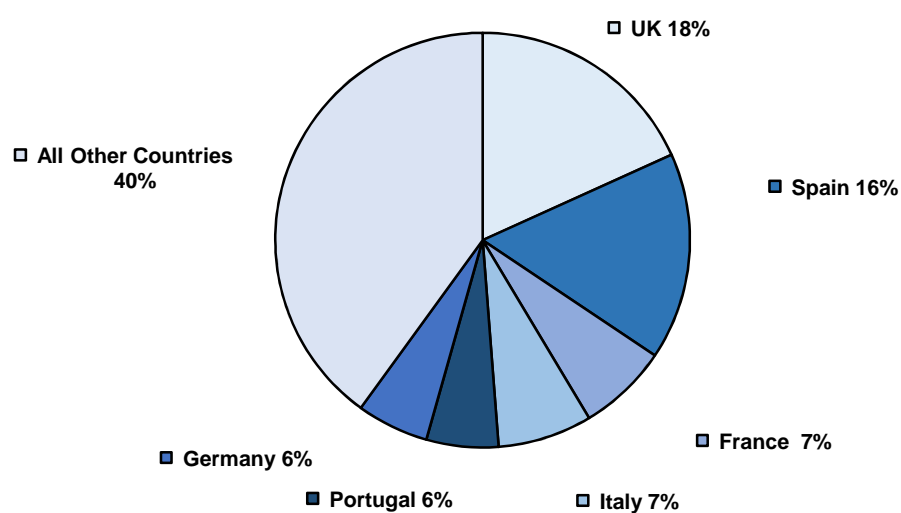
³ These figures reflect the total number of complaints received in relation to the named air carriers in respect of departures from Dublin, Cork and Shannon airports only.

⁴ These passenger figures relate to Dublin, Cork and Shannon only.

SECTION 5: COMPLAINTS SENT TO OTHER EU COUNTRIES

- 5.1 During 2015, 284 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.
- 5.2 The majority (60%, 170) of complaints received related to six other Member States; the United Kingdom, Spain, Italy, France, Germany and Portugal. Figure 4 below illustrates the distribution.

Figure 4: Complaints referred to other National Enforcement Bodies



Source: Commission

SECTION 6: PERSONS WITH REDUCED MOBILITY (EC REGULATION 1107/ 2006)

- 6.1 During 2015 the Commission received 16 submissions regarding the rights of persons with reduced mobility. Of these, seven concerned issues which did not constitute infringements of the Regulation 1107. The remaining nine were valid complaints which required investigation. The issues concerned were varied and included:
- The assistance received at the airport of departure, transit or arrival;
 - Security-screening for blind passengers;
 - The availability of on-board wheelchairs on aircraft.
- 6.2 Four 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. All five complaints which fell within the remit of the Commission have been concluded.

SECTION 7: OTHER WORK

Inspections

7.1 In addition to complaint-handling the Commission also completed eight inspections of airports during 2015. 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.

In 2015 the Commission also undertook a further review of all Irish air carriers' websites. The purpose of this was to ensure that the information provided to passengers was to a high standard, principally regarding carriage of persons with reduced mobility.

Upgrade to Complaint Handling System

7.2 2015 saw the commencement of work on a total upgrade of the Commission's online complaint forms and internal complaint handling systems. The focus of this work was to make the complaint forms compatible with modern mobile devices and browsers and to streamline the questions in order to make them more user friendly. Work on this project continued throughout much of the second half of 2015, with the system going live in early 2016.

Introduction of Interpretative Guidelines on EC Regulation No 261/ 2004

7.3 Mindful that completion of the revision of Regulation 261 is still some time away, the European Commission sought to explain a number of the provisions contained in the existing legislation more clearly, particularly in light of recent rulings by the Court of Justice of the European Union (CJEU). It consequently began work on developing Interpretative Guidelines to assist enforcement bodies with complaint-handling in the last quarter of 2015. All of the national enforcement bodies, including this Office, actively participated in that body of work.

Clarity on Compensation Payments

7.4 The CJEU delivered a very significant ruling in 2015 in the case of *Corina van der Lans -v- KLM*⁵. This ruling enormously limits the ability of air carriers to gain exemption from paying compensation where technical issues are deemed to be the cause of flight cancellations and long delays.

Know Your Rights

7.5 In the context of public awareness endeavours, the Commission hosted an information stand at the annual Holiday World Fair in Dublin in January 2015. As in previous years, the stand was extremely popular with the public and was a useful means of promoting information about passenger rights. At the beginning of 2015 the Commission also concluded an information drive which was started in late 2014 reminding all Tour Operators and Travel Agents licensed by the Commission of their obligations under Regulation 1107.

⁵ Case No. C-257/ 14.

Work Shops and Meetings

- 7.6 During 2015 the Commission participated in a number of meetings and workshops. These included a joint meeting of the European Commission, NEBs and European Consumer Centre, on Regulation 261, and a meeting of the European Commission and NEBs on Regulation 1107.

The Commission sits on the Department of Transport, Tourism & Sport's Accessibility Consultative Committee which aims to improve accessibility across abroad the various public transport sectors. The Committee met twice in 2015.

The Commission was also invited to present to the Industry Affairs Group of the European Regions Airline Association regarding the implementation of Regulation EC261 and the recast process.

In September 2015 the Commission hosted a delegation from the Albanian Ministry of Transport and Infrastructure funded by the European Commission's TAIEX program. The delegation wished to study Regulation 1107/2006 and was particularly interested in how we implement and enforce this legislation in Ireland.

Finally the Commission also hosted a delegation from Norway who wished to discuss and exchange experiences in relation to the implementation and enforcement of Regulation No. 261/ 2004. The Commission welcomes the opportunity to participate in further endeavours of this nature in the future.