

Report of Passenger Rights Complaints

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1. INTRODUCTION.

The Commission's role as enforcer of EC Regulation 261/2004 has continued to grow during 2007. Our development has involved establishing closer working relationships with the airlines, airports and other consumer protection agencies throughout Ireland and Europe.

Improved relations with airlines has enabled a more efficient and timely response to complaints, with an increased number of passengers receiving compensation.

This increase in communications has positively affected the outcome of complaints received by the Commission under Regulation 261. More than 70% of complaints notified to the Commission in 2007 have been satisfactorily resolved to date.

In the knowledge that affected passengers can turn to the Commission for assistance if necessary, individuals are pursuing their rights directly with the carriers. Consequently, complaints have been successfully finalised directly between air carriers and passengers without the need for Commission intervention.

However for the growing number of difficult cases where air carriers are unwilling to admit an infringement of the rights afforded to passengers under EC Regulation 261/2004, the involvement of the Commission is inevitable.

In the future, the Commission intends to further increase public awareness of air passenger rights and to relentlessly enforce compliance by carriers deemed to have infringed the Regulation in individual cases or through carrier policy.

2. SUMMARY OF COMPLAINTS RECEIVED

In 2007, the Commission recorded 166 complaints concerning EC Regulation 261/2004 on Air Passenger Rights. In addition to this number the Commission also received 230 complaints regarding flights that departed from an airport outside the State. The Commission reviewed each of these and when satisfied that an infringement of the Regulation had occurred, referred the complaint to the competent authority in the country of departure.

Of the remaining 166 cases, 149 were complaints relating to flights departing from an Irish airport and 17 were for flights into Ireland on an EU-registered carrier from a non-EU country. Table 1 presents the total number of valid complaints received during 2007.

Origin of flight	Number of complaints	%
Irish departures	149	38%
Outside EU on an EU-licensed carrier	17	4%
Total	166	100%

Table 1: Total number of valid complaints received by the Commission during January to December 2007.

3. TYPES OF COMPLAINTS RECEIVED

There are four main categories of complaint that the Commission addresses under Regulation 261/2004: cancellation; long delays (greater than two hours); denied boarding and downgrades. The majority of complaints received in 2007 related to flight cancellation.

Table 2 shows a breakdown of the number of complaints received in 2007.

Type of complaint	Number of complaints	%
Cancellations	97	58%
Long delay (i.e. greater than 2 hours)	42	25%
Denied boarding	10	6%
Downgrade	3	3%
Other	14	8%
Total	166	100%

Table 2: Complaints where the flight departed from an Irish Airport

4. RESOLUTION OF COMPLAINTS

The Commission records all infringements to monitor airlines' compliance with Regulation 261/2004. Where non-compliance occurs, the Commission recommends initially that the passenger raises the issue with the relevant airline.

For 121 of the 166 complaints received in 2007, the Commission has completed its investigation of the complaint. Since the publication of the Commission's Annual Report, the Commission has successfully resolved an additional forty complaints.

Of the cases resolved, the final outcomes varied:

- In 61 cases, the relevant airline either paid compensation, provided a refund or made an acceptable alternative offer
- In a further 8 cases the complaint was resolved by the airline with the passenger directly
- In 27 cases airlines provided evidence to show that the cancellation in question was caused by 'extraordinary circumstances' thereby enabling them to claim exemption from paying compensation under Article 5(3)
- In 25 cases, the Commission concluded that an infringement of the rights of the passenger had occurred, and the Commission is currently pursuing restitution on behalf of the passengers under the terms of the Regulation from the airlines in question
- The Commission is currently continuing to investigate the remaining 45 cases

Table 3 provides more details on the outcomes from the Commission's investigations.

Resolution	Number of complaints	%
Compensation paid by airline	30	25%
Offer by airline accepted	15	13%
Refund of ticket or expenses incurred for care not provided by airline	24	20%
Extraordinary circumstances verified	27	21%
Infringement recorded	25	21%
Total resolved cases	121	100%

Table 3: Details of outcomes from Commission investigations

5. ANALYSIS OF COMPLAINTS AT 7 IRISH AIRPORTS

The Commission sought from the six regional airports: Donegal, Galway, Kerry, Knock (Ireland West Airport Knock), Sligo and Waterford, their passenger and aircraft movement numbers per airline for 2007. The DAA had previously agreed to send the Commission their passenger and movement numbers by airline for Dublin, Cork and Shannon airports.

To date, the Commission has received the airline passenger and movement numbers requested from Galway, Knock, Sligo and Waterford airports. The Commission awaits a response from Donegal and Kerry airports, but hopes to receive the data required for the next Passenger Rights Report for the first quarter of 2008, which is expected to be published in July 2008.

Table 4 presents the breakdown by airport of the 149 complaints received by the Commission during 2007 relating to departures from Irish airports.

Airport	Total Complaints	Cancellation	Long Delay	Denied Boarding	Down-grading	Other
Cork	10	9	1			
Donegal						
Dublin	109	60	31	4	1	13
Galway	3	3				
Kerry						
Knock	6	4	1		1	
Shannon	20	6	7	6		1
Sligo						
Waterford	1	1				
Total	149	83	40	10	2	14

Table 4: Details of complaints received at all Irish Airports

This section analyses the complaints received from passengers for Dublin, Cork, Shannon, Galway, Knock, Sligo and Waterford airports. In total, there were 149 complaints. Table 5 shows the total complaints for Aer Lingus, Ryanair and all other airlines.¹

The total sum of passengers that used the seven airports in 2007 (as reported to the Commission) was just over 31 million passengers.

Airline	Total complaints	Total passengers at 7 airports *	Complaints per million passengers per annum
Aer Lingus	25	9,700,439	2.58
Ryanair	55	12,082,309	4.55
Other	69	9,392,891	7.35
Total	149	31,175,639	

Table 5: Complaints at Cork, Dublin, Galway, Knock, Shannon, Sligo, & Waterford Airports

¹ The 'Other' category refers to the complaints received by the Commission for all other airlines at the seven airports apart from Aer Lingus and Ryanair. The total passenger figure in the 'Other' category refers to the sum of all passengers carried by all airlines at the seven airports with the exception of Aer Lingus and Ryanair.

Table 6 shows the total complaints for airlines that the Commission received expressed in terms of a million passengers per annum at Cork, Dublin, Galway, Knock, Shannon, Sligo, & Waterford Airports for 2007. The Commission aggregates the total number of complaints and the total number of passengers for all seven airports. Most airlines do not fly to all seven airports.

Airline	Total Complaints	Total Passengers at Cork, Dublin, Galway, Knock, Shannon, Sligo, & Waterford Airports	Complaints per million passengers per annum
Ryanair	55	12,082,309	5
Aer Lingus	25	9,700,439	3
Aer Arann	2	1,445,508	1
BMI	2	695,370	3
Air France	1	505,225	2
Futura International	2	406,304	5
Delta	12	401,768	30
Centralwings	4	356,523	11
British Airways	3	218,020	14
Czech Airlines	1	203,150	5
First Choice Airways	1	196,329	5
Flybe	5	163,696	31
Malev	1	114,467	9
BMI Baby	3	101,293	30
Clickair	4	70,189	57
Eurocypria	1	68,542	15
Air Europa	1	65,218	15
Flightline	7	34,687	202
Flyglobespan	7	29,926	234
Dubrovnik Airlines	1	25,091	40
Air Malta	1	24,484	41
Gulf Air	2	24,154	83
SATA	3	21,396	140
LTU	1	14,903	67
TAP	2	871	2,296
KLM	1	564	1,773
Atlantic Airlines	1	517	1,934
Total	149	31,175,639	5

Table 6: Total complaints for airlines at Cork, Dublin, Galway, Knock, Shannon, Sligo, & Waterford Airports received by the Commission during 2007

Distribution of Complaints Received at Cork, Dublin, Galway, Knock, Shannon, Sligo, & Waterford Airports

The Commission received 149 complaints from passengers for flights departing from Cork, Dublin, Galway, Knock, Shannon, Sligo, & Waterford Airports during 2007. The following chart shows the total complaints for Aer Lingus and Ryanair 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 2007.

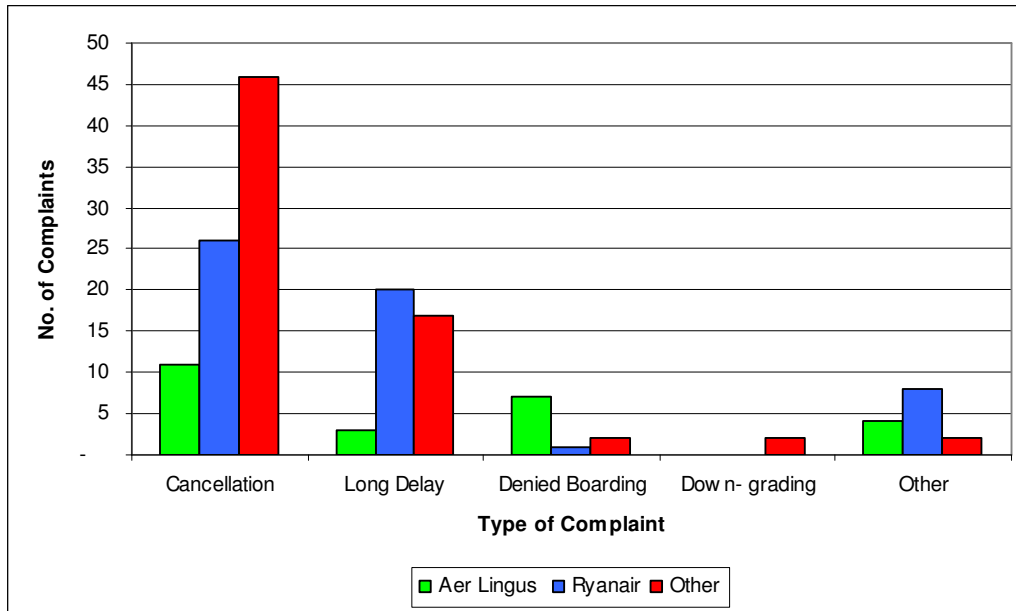


Figure 1: Total complaints for Aer Lingus, Ryanair and Other received by the Commission during 2007

6. COMPLAINTS SENT TO OTHER ENFORCEMENT BODIES

The Commission sent 230 complaints to other National Enforcement Bodies. These complaints related to a departure from an airport outside of the Republic of Ireland.

Table 7 shows the breakdown of the complaints according to the country and airline where the incident occurred².

Country	Total	%
Spain	51	22.17%
UK	50	21.74%
France	37	16.09%
Italy	26	11.30%
Germany	17	7.39%
Poland	17	7.39%
Holland	4	1.74%
Belgium	3	1.30%
Denmark	3	1.30%
Finland	3	1.30%
Lithuania	3	1.30%
Portugal	3	1.30%
Austria	2	0.87%
Bulgaria	2	0.87%
Malta	2	0.87%
Cyprus	1	0.43%
Czech Republic	1	0.43%
Greece	1	0.43%
Hungary	1	0.43%
Slovakia	1	0.43%
Sweden	1	0.43%
Switzerland	1	0.43%
Total	230	100%

Table 7: Breakdown of the nationality of the recipients of complaints from the Commission during 2007

² The percentages have been rounded to the nearest two decimal places and as a result the rounding may not sum to 100%

The origins of the top five non-Irish complaints were Spain, UK, France, Italy and Germany. These received 79% of the complaints. Figure 2 illustrates the proportion of the total complaints sent to other National Enforcement Bodies.

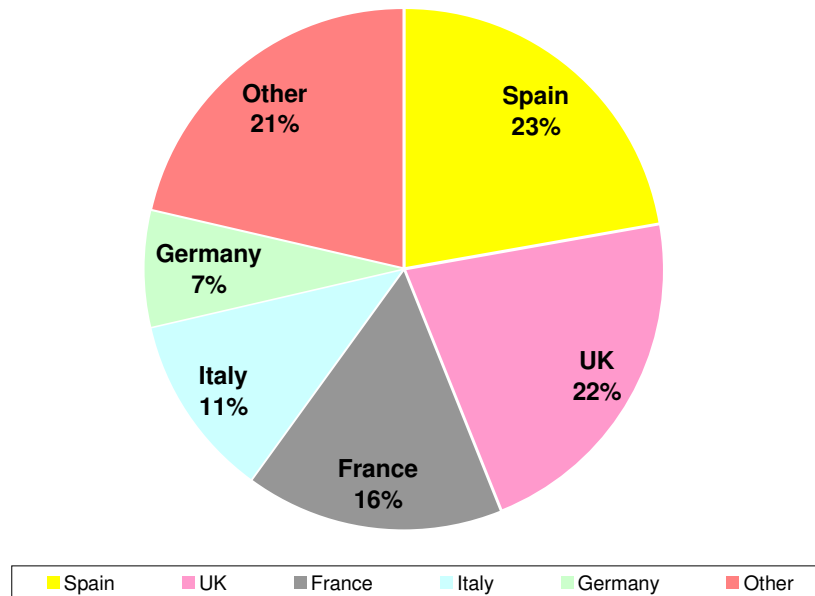


Figure 2: Pie chart of the percentage complaints sent to other National Enforcement Bodies