



**Report on Passenger Rights Complaints
For 1st & 2nd Quarters 2008**

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1. INTRODUCTION.

The first half of 2008 saw the Commission for Aviation Regulation (the "Commission") continue to enforce air passenger rights under EC Regulation 261/2004 in Ireland.

During the preceding twelve months the office had worked hard to develop functional relationships with all relevant and interested parties e.g. airlines, airports and other consumer protection groups throughout Ireland and Europe.

However, since the beginning of 2008 it became apparent that achieving total compliance with the Regulation whilst simultaneously enjoying a good relationship with the bodies being regulated would not always be possible. Therefore, whilst many passenger complaints were satisfactorily concluded during this time, attempts at resolving some other outstanding and pivotal issues have proved extremely difficult.

The Commission sought legal advice in relation to these issues and the office may compel airlines to comply with provisions of the Regulation in certain cases.

Passenger complaint statistics for the full year 2008 will be published in the Commission's annual report which is scheduled to issue in June 2009. The annual report will deal with two significant events which occurred in the early part of the 3rd quarter 2008.

The first of these was the radar incident which occurred at Dublin Airport on the 9th July and which disrupted the travel plans of approximately 20,000 passengers. This particular incident resulted in unprecedented numbers of complaints and queries being received by this office. These cases were dealt with by the two full-time and, for some time, one part-time staff member assigned to the consumer protection area.

The second event was the entry into force on the 26th July 2008 of EC Regulation 1107/2006 which concerns the rights of disabled persons and persons with reduced mobility when travelling by air. This Regulation essentially affords such persons opportunities to travel that are comparable with those of other passengers by protecting them against discrimination and ensuring that they receive assistance. The Minister for Transport, Mr. Noel Dempsey, officially

designated this office as the national enforcement body for Regulation 1107 on the 25th July 2008.

Further information on both EC Regulation 1107/2006 and EC Regulation 261/2004 can be found on the Commission for Aviation Regulation's website: www.aviationreg.ie

2. SUMMARY OF VALID COMPLAINTS RECEIVED

Whilst the Commission receives approximately 150 queries every month relating to passenger rights, many of these do not constitute valid claims under EC Regulation 261/2007.

However, in the first six months of 2008, the Commission recorded 87 complaints which were valid under the Regulation. In addition to this number the Commission also received a further 86 complaints regarding flights that departed from an airport in a Member State other than Ireland. The Commission reviewed each of these and, once satisfied that an infringement of the Regulation had occurred, referred the complaint to the competent authority in the country of departure.

Of the 87 cases, 83 were complaints relating to flights departing from an Irish airport and 4 related to flights into Ireland on an EU-registered carrier from a non-EU country. The total numbers of valid complaints received during the first quarter of 2008 are presented in the table below.

Table 1: Total number of valid complaints received by the Commission during the period 1st January – 30th June 2008

Origin of flight	Number of complaints	%
Irish departures	83	95%
Outside EU on an EU-licensed carrier	4	5%
Total	87	100%

3. TYPES OF VALID COMPLAINTS RECEIVED

There are four categories of complaint that the Commission can address under Regulation 261/2004: cancellations; delays greater than two hours; denied boarding and downgrading. The majority of complaints received in the first six months of 2008 related to flight cancellations.

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 2: Complaints where the flight departed from an Irish Airport or arrived into an Irish Airport on an EU Registered carrier.

Type of complaint	Number of complaints	%
Cancellations	65	75%
Long delay (i.e. greater than 2 hours)	12	14%
Denied boarding	3	3%
Downgrade	1	1%
Other	6	7%
Total	87	100%

4. RESOLUTION OF COMPLAINTS

The Commission records all infringements in order 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.

At the time of issue of this report on December 8th 2008, 56 of the 87 complaints received by this office between the first and second quarters of 2008 had been investigated and brought to a conclusion.

Of the 56 cases resolved, the final outcomes varied:

- In 9 cases, the relevant airline paid compensation
- In a further 16 cases the passengers received a refund of their expenses from the airline
- In 19 cases the airline involved 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 7 cases, the Commission concluded that an infringement of the rights of the passenger had occurred. These infringements are recorded and the information may be used by the Commission to prosecute the relevant companies for non compliance with certain provisions of the Regulation in the future.
- In 2 cases, the complaints were withdrawn by the passenger
- In 1 case the passenger accepted an offer made by the airline
- In a further 2 cases the Commission found that the complaint was not sustainable under EC Regulation No. 261/2004

The Commission is continuing to investigate the remaining 31 cases.

Table 3: Breakdown of outcome of Commission investigations

Resolution	Number of complaints	%
Compensation paid by airline	9	16%
Refund of ticket or expenses incurred for care not provided by airline	16	28.5%
Extraordinary circumstances verified	19	34%
Infringement recorded	7	12.5%
Complaint withdrawn	2	3.5%
Complaint not sustained	2	3.5%
Passenger accepted offer made by airline	1	2%
Total resolved cases	56	100%

5. ANALYSIS OF COMPLAINTS AT ALL IRISH AIRPORTS

The Commission sought passenger and aircraft movement numbers per airline for the first and second quarters of 2008 from the six regional airports: Donegal, Galway, Kerry, Knock (Ireland West Airport Knock), Sligo and Waterford. The Commission also received the passenger movement numbers by airline for Dublin, Cork and Shannon airports from the DAA.

The following table presents the breakdown of the 83 complaints received by the Commission from the 1st January 2008 to the 30th June 2008 relating to departures from Irish airports.

Table 4: Details of complaints received at all Irish Airports

Airport	Total Complaints	Cancellation	Long Delay	Denied Boarding	Down-grading	Other
Cork	11	10	1			
Donegal	0					
Dublin	58	40	10	2		6
Galway	3	3				
Kerry	0					
Knock	3	3				
Shannon	8	6	1	1		
Sligo	0					
Waterford	0					
Total	83	62	12	3	0	6

Table 5 below analyses the complaints made by passengers departing from Dublin, Cork, Shannon and Galway. In total, there were 80 complaints. The remaining three complaints related to Ireland West Airport.

As a “per carrier” breakdown of the number of passenger movements in Ireland West Airport was not available at the time of issue we have analysed the complaints in respect of the other four airports only. None of the three complaints received in respect of Ireland West Airport pertained to Ryanair or Aer Lingus.

The total sum of passengers that used the four airports named above in the first half of 2008 (as reported to the Commission) was just over 14.5 million passengers.

Table 5: Complaints at Cork, Dublin, Galway & Shannon Airports.

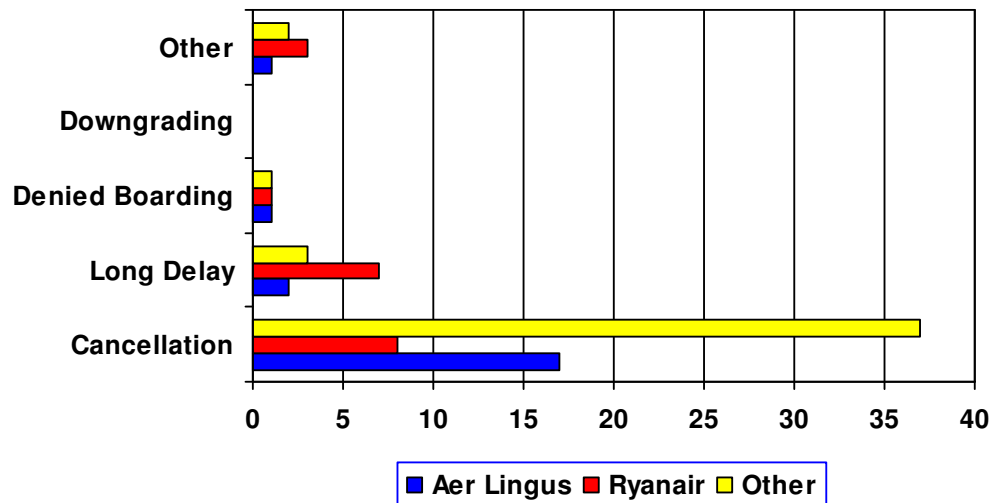
Airline	Total complaints	Total passengers at 4 airports *	Complaints per million passengers per annum
Ryanair	19	6,106,402	3.11
Aer Lingus	21	4,833,306	4.35
Other	40	3,692,975	10.83
Total	80	14,632,683	

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

The Commission received 83 complaints from passengers for flights departing from Cork, Dublin, Knock, Galway and Shannon Airports during the first half of 2008. 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 this period of time.

The number of 'Other' airlines varies between winter and summer seasons. Approximately 80 airlines operate out of Dublin Airport between March and October (the summer season) and approximately 60 airlines during the remaining months (the winter season).

Figure 1: Total complaints for Aer Lingus, Ryanair and Other received by the Commission during the 1st and 2nd Quarters of 2008 in respect of Cork, Dublin, Galway, Knock & Shannon Airports



6. COMPLAINTS SENT TO OTHER ENFORCEMENT BODIES

Following validation by the Commission, 86 complaints were sent to other National Enforcement Bodies between 1st January 2008 and 30th June 2008. These complaints related to departures from airports located in Members States outside of the Republic of Ireland. A breakdown of the complaints according to the country where the incident occurred¹ is shown below.

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

Country	Total	%
UK	16	19%
Spain	15	17%
France	15	17%
Italy	12	14%
Germany	8	9%
Poland	5	6%
Lithuania	4	5%
Belgium	2	2%
Malta	1	1.1%
Greece	1	1.1%
Norway	1	1.1%
Sweden	1	1.1%
Hungary	1	1.1%
Cyprus	1	1.1%
Portugal	1	1.1%
Netherlands	1	1.1%
Denmark	1	1.1%
Finland	0	0%
Austria	0	0%
Bulgaria	0	0%
Czech Republic	0	0%
Slovakia	0	0%
Switzerland	0	0%
Total	86	100%

¹ The percentages have been rounded to the nearest decimal place and as a result the rounding may not sum to 100%

The origins of the top five non-Irish complaints were UK, Spain, France, Italy and Germany. These received 76% of the total 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

