



**Report on Passenger Rights Complaints  
for year ended 31<sup>st</sup> December 2010**

14<sup>th</sup> December 2011

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## **1. EC REGULATION NO. 261/ 2004: 2010 OVERVIEW**

2010 was undoubtedly a significant year in the aviation industry. Events such as the eruption of the Icelandic volcano Eyjafjallajokull, coupled with the unprecedented weather conditions which prevailed all across Europe both at the beginning and the end of 2010, caused huge difficulties for air carriers. Indeed the volcanic ash crisis alone resulted in over 100,000 flight cancellations and affected more than 10million passengers.

Given that widespread flight cancellations and delays were the direct result of these events, 2010 saw EC Regulation No. 261/2004 catapulted to the forefront of the travelling public's mind. Debates as to the applicability of the Regulation in situations which were clearly beyond the control of air carriers – such as instances of volcanic ash - ensued across Europe. The European Commission took an active stance and clarified that Regulation 261 must be applied to all instances of flight cancellations and delays arising out of the volcanic ash crisis<sup>1</sup>. The European Commission undertook to carry out a review of the legislation which will address the treatment of events such as the ash crisis in a consumer protection context. Though not yet commenced, it is envisaged that this review will be completed by the end of 2012.

On a national level, the effect of the ash crisis and the poor weather was notable. The number of enquiries received by the Commission for Aviation Regulation ("the Commission") from passengers affected by flight disruptions in 2010 was more than double the number received in 2009. Every effort was made by staff within the Commission to respond to all queries as quickly as possible though understandably - given the limited resources available - some delays and backlogs did arise and these continue to be processed.

With regard to enforcement measures, in accordance with the powers afforded to the Commission, two Directions were issued compelling the relevant air carriers to pay compensation to the passengers concerned in 2010. Both Directions were complied with.

Inspections at each of the 9 Irish airports were also carried out by the Commission to monitor compliance by air carriers with Regulation 261. And as in

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<sup>1</sup> Where those flight disruptions fell within the scope of the Regulation.

previous years, the Commission hosted an information stand at the 2010 Holiday World Fair in an endeavour to promote public awareness of the rights and entitlements afforded to passengers under the legislation. The event proved to be very successful with many members of the public keen to know their rights in this regard.

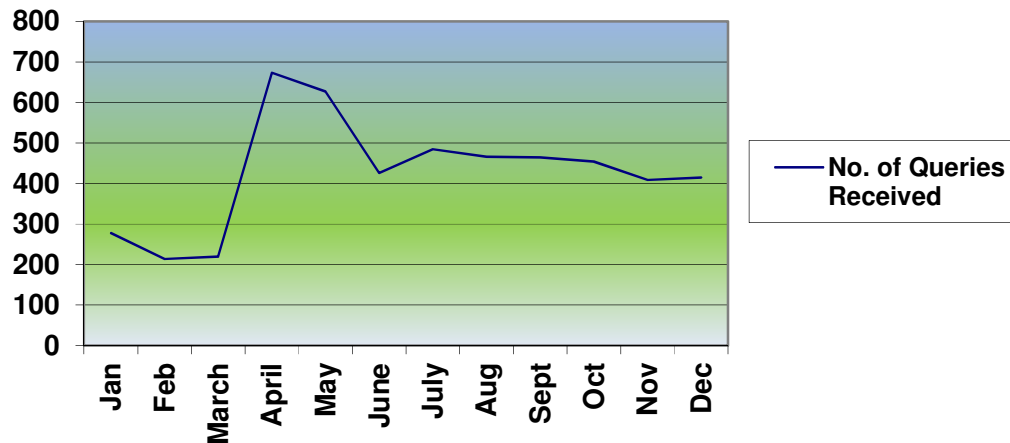
Finally, during 2010 the Commission developed and subsequently introduced an online complaint facility for passengers whose rights as set out in Regulations 261 were infringed. This online facility, which will expedite the complaint submission process for passengers, can be found both at [www.aviationreg.ie](http://www.aviationreg.ie) and the Commission's new consumer focused website [www.flightright.ie](http://www.flightright.ie)

## 2. SUMMARY OF VALID COMPLAINTS RECEIVED

The Commission received 5,132 queries during the twelve month period from 1<sup>st</sup> January to the 31<sup>st</sup> December 2010. This figure represented a 105% increase on the 2009 figure of 2495. Many of these queries were received during, and in the immediate aftermath of, the volcanic ash crisis. Throughout this time Commission staff focused on promptly addressing the queries raised so that passengers who found themselves stranded as a result of the widespread closures had the information necessary to make informed decisions about their travel plans.

Figure 1.1 below illustrates the effect of the volcanic ash crisis on the volume of complaints received.

**Figure 1.1: Queries received in 2010 by month**



Of the 5,132 queries received, 806 constituted valid complaints under Regulation 261 i.e. they related to:

- cancellations by the air carrier;
- flight delays; or
- instances of denied boarding.

Their validity notwithstanding, not all of the 806 complaints fell to be investigated by the Commission. In accordance with Article 16 of the Regulation, each Member State is required to designate a body responsible for enforcement as regards flights departing from airports situated in its territory and flights arriving into such airports from third countries<sup>2</sup> on Community-licensed carriers. In light of this

<sup>2</sup> Third countries are those which are not party to the Treaty establishing the European Community.

provision 542 valid complaints were forwarded to other national enforcement bodies (NEBs) after preliminary assessments were completed by the Commission

The remaining 264 valid complaints fell within the competency of the Commission and were duly investigated.

**Table 1: Total number of valid complaints received by the Commission during the period 1<sup>st</sup> January – 31<sup>st</sup> December 2010**

<b>Origin of flight</b>	<b>Competent NEB</b>	<b>Number of complaints</b>	<b>%</b>
Departure from an Irish airport	CAR	253	31.5%
Arrival into an Irish airport from a non-EU airport on a Community licensed carrier	CAR	11	1.5%
Departure from airport situated in another Member State or arrival into same from a third country on a Community licensed carrier	Other NEB	542	67%
<b>Total</b>		<b>806</b>	<b>100%</b>

### **3. TYPES OF VALID COMPLAINTS RECEIVED**

As previously mentioned, Regulation 261 establishes common rules on compensation and assistance to passengers in three principal areas<sup>3</sup>:

- flight cancellations;
- long delays; and
- instances of denied boarding.

The table below provides a comparative analysis of the 2009 and 2010 complaint figures.

**Table 2: Comparative analysis of all valid complaints received during 2009 and 2010**

<b>Complaint Type</b>	<b>No. of Complaints received in 2010</b>	<b>No. of Complaints received in 2009</b>	<b>Percentage increase/decrease<sup>4</sup></b>
Cancellations	611	204	+200%
Long delay	147	60	+145%
Denied boarding	36	44	-19%
Up/ down grading	0	0	0%
Other <sup>5</sup>	12	3	+300%
<b>Total</b>	<b>806</b>	<b>311</b>	<b>+159%</b>

Table 3 and Figure 2 illustrate this type of distribution in respect of those complaints which, in accordance with Article 16, fall within the remit of the Commission.

<sup>3</sup> The Regulation also governs instances of upgrading and downgrading.

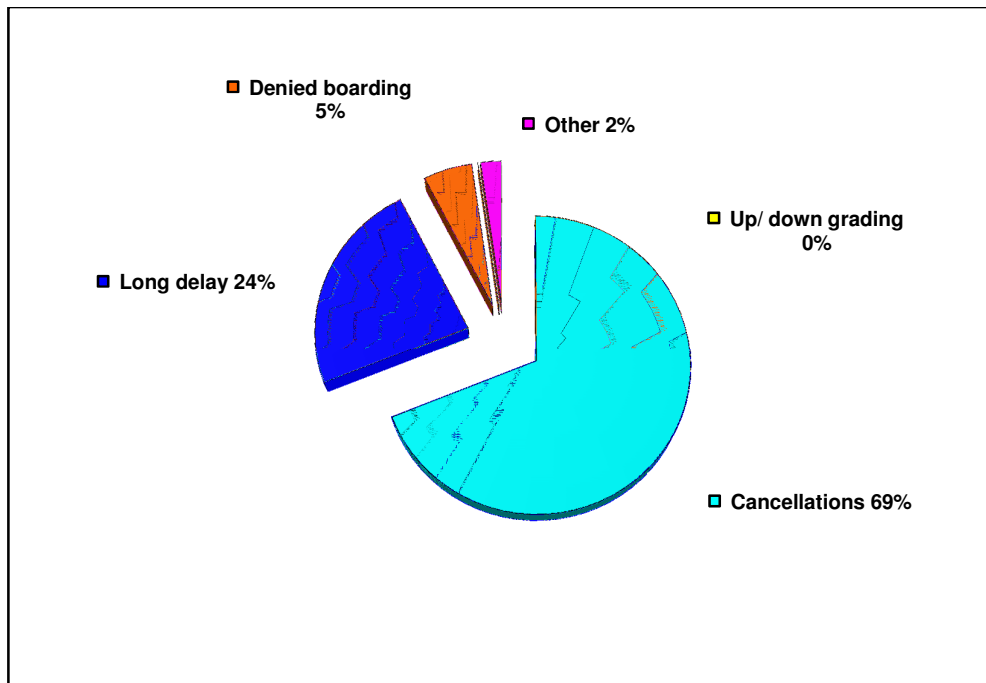
<sup>4</sup> Some figures and percentages may be rounded upwards/downwards for convenience.

<sup>5</sup> 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 3: Analysis of those valid complaints received during the period from the 1<sup>st</sup> January 2010 to the 31<sup>st</sup> December 2010 which fall within the remit of the Commission**

Complaint Type	No. of Complaints received in 2010	No. of Complaints received in 2009	Percentage increase/decrease <sup>6</sup>
Cancellations	182	108	+68.5%
Long delay	62	10	+520%
Denied boarding	14	21	-33.3%
Up/ down grading	0	0	0%
Other <sup>7</sup>	6	0	+600%
<b>Total</b>	<b>264</b>	<b>139</b>	<b>+90%</b>

**Figure 2: Graphical Representation of the 2010 figures**



<sup>6</sup> Some figures and percentages may be rounded upwards/downwards for convenience.

<sup>7</sup> 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.

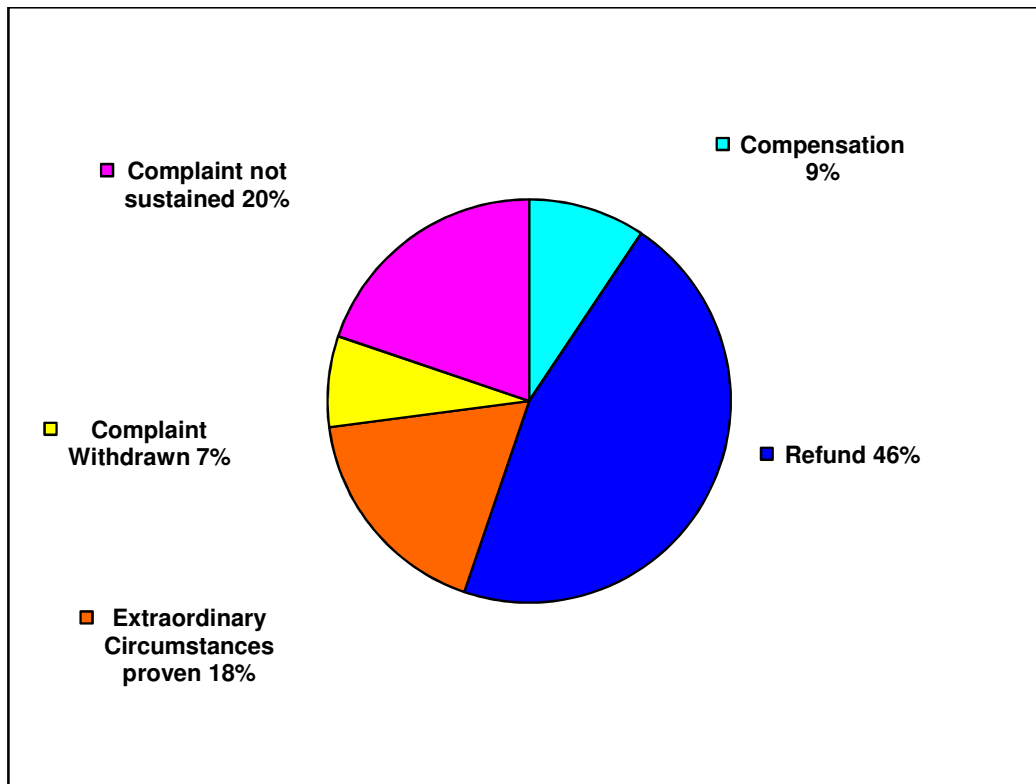


#### **4. RESOLUTION OF COMPLAINTS**

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As of the 15<sup>th</sup> July 2011 96 of the 264 complaints received during 2010 which fell within the remit of the Commission, had been investigated and brought to a conclusion. Figure 3 provides a graphical representation of the conclusions reached.

**Figure 3: Outcome of Commission investigations in the aforementioned 96 cases**



## **5. ANALYSIS OF COMPLAINTS AT ALL IRISH AIRPORTS**

The following table presents the breakdown of the 253 complaints received by the Commission relating to departures from Irish airports from the 1<sup>st</sup> January to the 31<sup>st</sup> December 2010.

**Table 4: Details of complaints received at all Irish Airports**

<b>Airport</b>	<b>Total Complaints</b>	<b>Cancellation</b>	<b>Long Delay</b>	<b>Denied Boarding</b>	<b>Down-grading</b>	<b>Other</b>
Cork	12	12				
Donegal	0					
Dublin	207	148	44	11		4
Galway	2	1	1			
Kerry	1	1				
Knock	12	10		2		
Shannon	18	8	9	1		
Sligo	0					
Waterford	1	1				
<b>Total</b>	<b>253</b>	<b>181</b>	<b>54</b>	<b>14</b>	<b>0</b>	<b>4</b>

Table 5 below analyses the complaints made by passengers departing from Dublin, Cork and Shannon. It will be noted from Table 5 above that in total 237 of the complaints received related to departures from these three airports. The total number of passengers that used these three airports between in 2010 (as reported to the Commission) was over 22.5 million.

**Table 5: Complaints at Dublin, Cork and Shannon Airports**

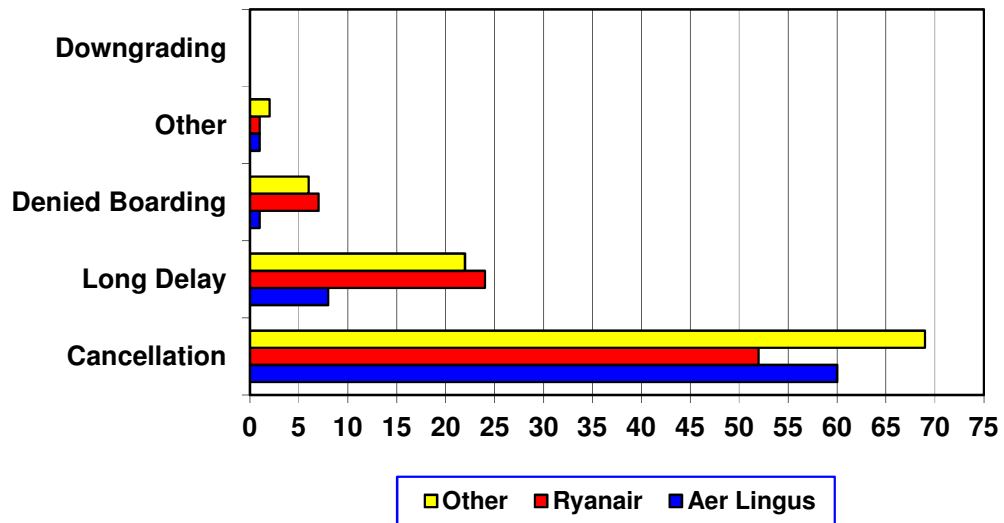
<b>Airline</b>	<b>Total complaints<sup>8</sup></b>	<b>Total passengers at 3 airports *</b>	<b>Complaints per million passengers per annum</b>
Aer Lingus	68	8,552,380	7.9
Ryanair	81	8,927,160	9.0
Other	88	5,132,540	17.1
<b>Total</b>	<b>237</b>	<b>22,612,080</b>	

<sup>8</sup> At Dublin, Cork & Shannon airports only.

## 6. DISTRIBUTION OF COMPLAINTS PER AIR CARRIER

The Commission received a total of 253 complaints from passengers for flights departing from all nine Irish airports<sup>9</sup> during 2010. Figure 4 below shows the total complaints for Aer Lingus and Ryanair plus an 'Other' category. The 'Other' category represents the sum of all complaints in respect of other airlines received by the Commission during this period of time. Complaints were recorded in respect of 17 other air carriers during 2010.

**Figure 4: Total complaints for Aer Lingus, Ryanair and Other received by the Commission during 2010 in respect of all Irish Airports**



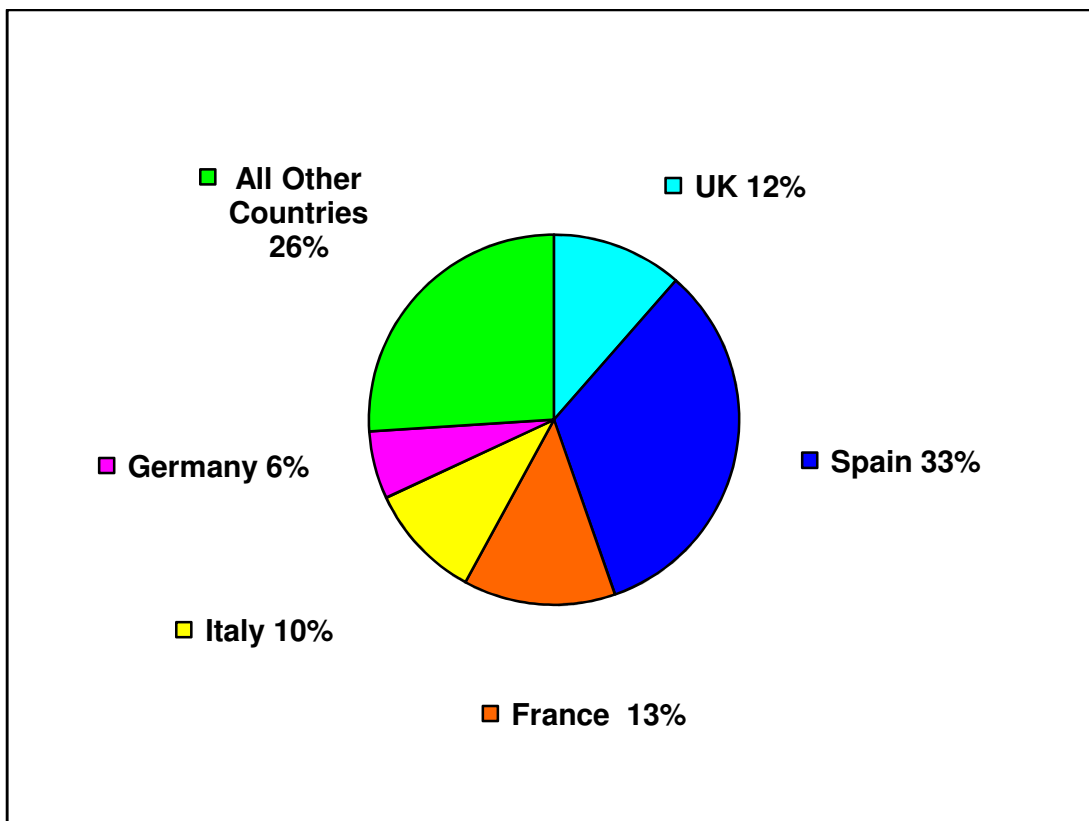
<sup>9</sup> The nine Irish airports are: Dublin, Cork, Shannon, Ireland West (Knock), Galway, Kerry, Donegal, Waterford and Sligo.

## **7. COMPLAINTS SENT TO OTHER ENFORCEMENT BODIES**

During 2010, the Commission received 542 valid complaints which related either to departures from airports located within other Member States or to arrivals from third countries into such airports on Community-licensed carriers.

The majority (74%) of complaints received related to departures from (or arrivals from third countries on Community-licensed air carriers into) airports in the UK, Spain, France, Italy and Germany. Figure 5 below illustrates this distribution.

**Figure 5: Graphical Representation of percentage complaints referred to other National Enforcement Bodies**



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

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Regulation (EC) No. 1107/2006 ("Regulation 1107") which concerns the rights of disabled persons and persons with reduced mobility when travelling by air came into effect across all Member States on the 26<sup>th</sup> July 2008. This Regulation endeavours to afford passengers with reduced mobility travel opportunities that are comparable to those of other passengers by protecting them against discrimination and ensuring that they receive appropriate assistance.

The Regulation focuses predominantly on the roles and responsibilities of airport management bodies and air carriers in realising this objective. Annexes 1 and 2 of the Regulation clearly set out the principal obligations placed on each of these parties under the Regulation.

Though only in its third year, this Regulation has undoubtedly had a positive impact on the travel experience of many persons with reduced mobility. Information received by the Commission throughout 2010 indicates that the membership of several Irish disability groups consider the new regime to be very effective.

It must be noted however that there is still a requirement for greater clarification of some of the provisions of the Regulation. Throughout 2010 the Commission continued to work closely with its counterparts across Europe and with the European Commission to achieve this clarity - particularly in the areas of training, the carriage of dangerous goods and safety. It is anticipated that further work of this nature will be undertaken in 2011.

During 2010 the Commission also carried out inspections at each of the 9 Irish airports in Ireland to monitor compliance with Regulation 1107 on the ground by airport management bodies or bodies contracted by them for the purpose of providing assistance to disabled persons or persons with reduced mobility. No items of concern were noted during these inspections.

As set out in the Regulation 261 overview, the Commission hosted an information stand at the 2010 Holiday World Fair in an endeavour to promote public awareness

of the rights and entitlements afforded to passengers under the Consumer Protection legislation which it enforces - including information relating to Regulation 1107. The event was very successful with many members of the public keen to know their rights in this regard.

Finally, 2010 saw the Commission develop and subsequently introduce an online complaint facility for passengers whose rights as set out in Regulations 1107 were infringed. This online facility, which will expedite the complaint submission process for passengers, can be found both on the Commission for Aviation Regulation's general website [www.aviationreg.ie](http://www.aviationreg.ie) and its new consumer focused website [www.flightrightts.ie](http://www.flightrightts.ie)

## **9. TOTAL COMPLAINTS RECEIVED**

During the course of 2010 the Commission received a total of 15 queries. On examination the majority of these did not constitute valid complaints. The reasons for this were varied: in some cases the passengers had not notified the air carrier of their requirements within the timeframes set out in the legislation, and in other cases the queries arose in advance of the actual bookings being made.

As in 2009, the subject matter of the queries varied widely reflecting the wide range of activities covered by the Regulation. The issues which fell to be considered included:

- the carriage of dangerous goods;
- the standard of training provided by airport management bodies and air carriers in accordance with Article 11 of the Regulation;
- the carriage of portable electronic devices; and
- travelling with broken limbs.

Of the 15 queries received, 2 valid complaints were recorded by the Commission both of which concerned the assistance provided to persons with reduced mobility by airport management bodies. The first complaint related to damage caused to mobility equipment during ground-handling and the second questioned whether appropriate disability equality and awareness training had been provided to staff responsible for providing assistance to persons with reduced mobility and disabled persons at an Irish airport.

Both complaints have been concluded: in the first case, the damaged equipment was replaced and in the second the Commission determined that appropriate levels of training had been provided.

## **10. CONCLUSION**

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As can be seen from the figures provided earlier in this report, the Commission noted a substantial increase in the number of valid complaints received in relation to Regulation 261 in 2010. This increase was attributable to the widespread flight disruptions which resulted from both the volcanic ash crisis and the poor weather which prevailed across Europe at various times throughout the year.

Given the very limited resources in the Consumer Protection section in the Commission and the wide range of functions which require to be fulfilled in the area ordinarily, the Commission is satisfied that staff were able to deliver the services expected of them under both Regulations during the ash crisis and throughout 2010 generally.

The Commission will continue to handle complaints, monitor compliance and carry out inspections in relation to both Regulations during the course of 2011.

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