



Report on Air Passenger Rights Complaints for the period 1st January to 30th June 2010

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Commission for Aviation Regulation

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1. Summary of valid complaints received

- 1.1 This purpose of this Report is to provide an overview of the air passenger rights complaints received by the Commission for Aviation Regulation (the 'Commission') under EC Regulation No. 261/2004 during the period 1 January to 30 June 2010. A full-year report covering all activity will be published by the Commission in early 2011. The Commission regularly publishes information on its air passenger rights activities on its website: www.aviationreg.ie.
- 1.2 The Commission received 2,328 queries during the six month period from 1 January to the 30 June 2010. This equates to almost a 100% increase on the same figure for the equivalent period in 2009. The increase can be attributed to the widespread closure of European airspace as a result of the volcanic eruption in Iceland in April of this year.
- 1.3 Thousands of passengers found themselves stranded at airports across Europe at this time and many contacted National Enforcement Bodies (NEBs) such as the Commission seeking information about their entitlements. The Commission focused on responding immediately to as many of these queries as possible so that the public could make informed decisions about their travel plans. The Commission also provided regular updates on its website.
- 1.4 Of the 2,328 queries received, 216 constituted valid complaints under the Regulation and therefore required thorough investigation by the appropriate NEB¹. Table 1 provides a breakdown of the valid complaints received in accordance with the categories set out in the Regulation and also per appropriate NEB.

Origin of flight	CAR remit or other NEB	Number of valid complaints	%
Departure from an Irish airport	CAR	61	28%
Arrival into an Irish airport from a non-EU airport on a Community licensed carrier	CAR	2	1%
Departure from airport situated in another Member State	Other NEB	153	71%
Total		216	100%

Table 1: Valid complaints received 1 January 2010 - 30 June 2010

¹ Article 16 of Regulation 261/2004 clearly sets out how responsibility for complaint handling is determined. It states that "Each Member State shall designate a body responsible for the enforcement of this Regulation as regards flights from airports situated on its territory and flights from a third country to such airports".

Types of valid complaints received

- 1.5 Valid complaints under EC Regulation No. 261/2004 are those which relate to flight cancellations, long flight delays, instances of denied boarding or of downgrading.

Table 2 provides a breakdown of the 216 complaints received according to these categories.

Type of complaint	Number of complaints	%
Flight cancellations	172	80%
Long flight delays	30	14%
Denied boarding	12	6%
Up-/down-grading	0	0%
Other ²	2	1%
Total	216	100%

Table 2: Types of valid complaints received 1 January 2010 - 30 June 2010

- 1.1 In accordance with Article 16, the Commission is the appropriate enforcement body both for those complaints relating to flights departures from airports within this jurisdiction and for those complaints relating to arrivals into such airports from third countries on Community-licensed carriers.³ As shown in Table 1, 63 of the 216 complaints received by the Commission during the six-month period related to flights of this type. Table 3 shows a breakdown of the 63 complaints into the categories listed in the Regulation.

Type of complaint	Number of complaints	%
Flight cancellations	47	75%
Long flight delays	11	17%
Denied boarding	5	8%
Up-/down-grading	0	0%
Other	0	0%
Total	63	100%

Table 3: Types of valid complaints received and falling within the remit of the Commission, 1 January 2010 - 30 June 2010

2 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.

3 The nine Irish airports are: Dublin, Cork, Shannon, Ireland West (Knock), Galway, Kerry, Donegal, Waterford and Sligo.

Distribution of complaints by air carrier

- 1.2 Figure 1 below shows the distribution of the 63 complaints received by air carrier. The figure shows the 5 air carriers against whom the greatest proportion of complaints were received - Aer Lingus, Ryanair, Iberia, Aer Arann and BMibaby - plus an 'Other' category. The "Other" category aggregates the other 9 air carriers, in respect of which complaints were received. Table 4 provides a breakdown of the type of complaints received, by air carrier.

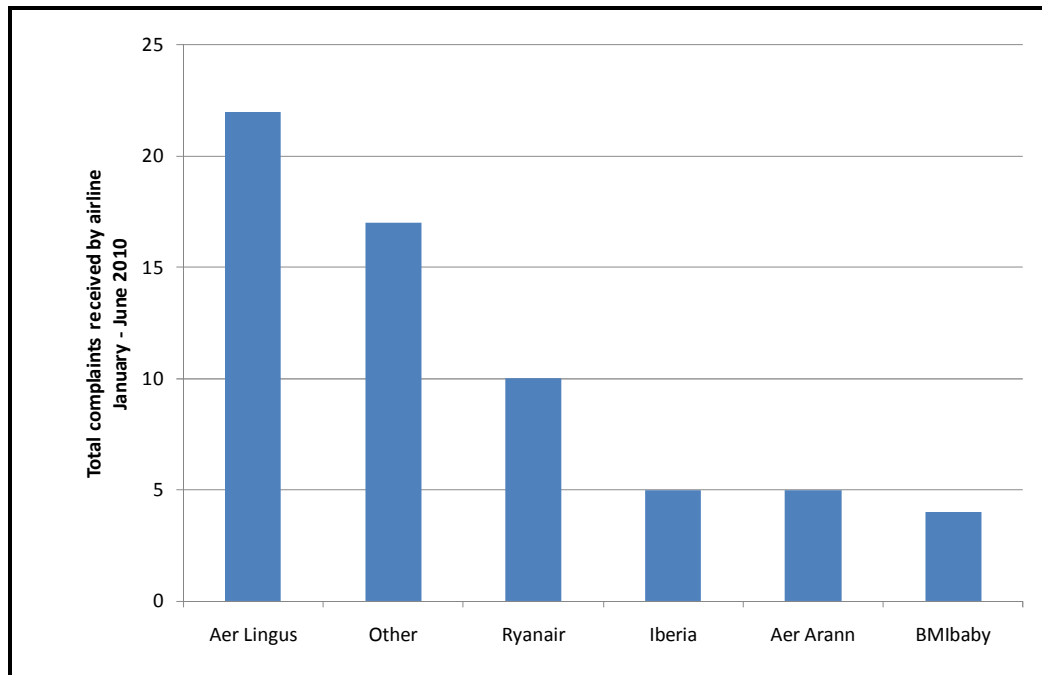


Figure 1 : Distribution of complaints by air carrier

Type of complaint/air carrier	Aer Lingus	Other	Ryanair	Iberia	Aer Arann	BMibaby
Flight cancellations	20	10	4	5	4	4
Long flight delays	2	5	3	0	1	0
Denied boarding	0	2	3	0	0	0
Up-/down-grading	0	0	0	0	0	0
Other	0	0	0	0	0	0
Total	22	17	10	5	5	4

Table 4: Types of valid complaints received by air carrier, 1 January – 30 June 2010

2. Resolution of complaints

- 2.1 As of the 25th October 2010, 15 of the 63 complaints received by this Office during the first half of 2010 had been concluded. Of these 15 cases, the final outcomes varied:
- In 2 cases the relevant air carrier paid compensation.
 - In 5 cases the passengers received either a refund of the cost of their ticket (where appropriate) or reimbursement of expenses incurred as a result of the air carrier's failure to provide the care and assistance set out in Article 9 of the Regulation.
 - In 4 cases the relevant operating air carrier successfully demonstrated the existence of 'extraordinary circumstances' and that all reasonable measures to avoid the cancellation were taken.
 - In 1 case, the air carrier made an alternative offer which the passenger accepted in conclusion of the matter.
 - In 3 cases the Commission found that the complaint was not sustainable under EC Regulation No. 261/2004.

The Commission is continuing to investigate the remaining 48 cases.

- 2.2 Resolution of complaints has slowed since April 2010 because both air carriers and NEBs are continuing to receive substantially higher volumes of claims/complaints as a result of the volcanic ash disruption. However it is anticipated that resolution levels will increase in early 2011.
- 2.3 As noted in Section 1, there were 216 valid complaints under the Regulation in the first six months of 2010. Of these, 63 fell within the Commission's remit and 153 related to departures from airports located within other Member States or to arrivals into such airports from third countries on Community licensed carriers.
- 2.4 In accordance with the current agreement between the National Enforcement Bodies in Europe, the Commission engages with the complainant in each of the 153 cases and advises that the complaint is being forwarded to the relevant National Enforcement Body.
- 2.5 Table 5 shows a breakdown of the 153 complaints by Member State. The majority (81%) of complaints received related to flights into or out of airports in Spain (35%), the UK (18%), France (16%), Germany (6%) and Italy (6%).

Origin of flight	Number of complaints	%
Spain	54	35
United Kingdom	27	18
France	25	16
Germany	9	6
Italy	9	6
Malta	6	4
Poland	5	3
Portugal	4	3
Austria	2	1
Belgium	2	1
Hungary	2	1
Latvia	2	1
Switzerland	2	1
Czech Republic	1	1
Lithuania	1	1
Slovakia	1	1
The Netherlands	1	1
Total	153	100%

Table 5: Complaints forwarded to other National Enforcement Bodies, by country