



**Report on Air Passenger Rights Complaints  
for the period 1<sup>st</sup> January to 30<sup>th</sup> June 2011**

14<sup>th</sup> December 2011

Commission for Aviation Regulation  
3<sup>rd</sup> Floor, Alexandra House  
Earlsfort Terrace  
Dublin 2  
Ireland

Tel: +353 1 6611700  
Locall: 1890 787 787  
Fax: +353 1 6611269

E-mail: [apr@aviationreg.ie](mailto:apr@aviationreg.ie)

**Table of Contents**

**Table of Contents..... 2**

**1. Introduction..... 3**

**2. Summary of valid complaints received..... 4**

**3. Types of valid complaints received ..... 5**

**4. Resolution of complaints..... 7**

**5. Distribution of complaints per air carrier..... 8**

**6. Complaints sent to other enforcement bodies ..... 9**

**7. Conclusion..... 11**

## **INTRODUCTION**

---

This purpose of this Report is to provide a brief overview of the air passenger rights complaints received by the Commission for Aviation Regulation under EC Regulation No. 261/2004 during the period 1<sup>st</sup> January to 30<sup>th</sup> June 2011.

The relevant information has been summarised and set out in table/graphical form where appropriate.

A full year report on all complaints received during 2011 will be published by the Commission in 2012.

## **SUMMARY OF VALID COMPLAINTS RECEIVED**

---

The Commission received 2164 queries during the six month period from 1<sup>st</sup> January to the 30<sup>th</sup> June 2011. Whilst this figure represents a 7% drop in the number of queries received when compared with the same period in 2010<sup>1</sup>, it must be noted that the 2010 figure was unusually high (by virtue of the volcanic ash crisis which dominated the headlines at the time). The fact that the figure also remains very high for the first half of 2011 is largely attributable to the harsh weather which prevailed all across Europe at the end of 2010 and well into early 2011.

Of the 2164 queries received, 1565 related to an assortment of baggage, pricing, safety and air carrier policy issues. The Commission responded to each of these queries individually referring passengers to the appropriate bodies where possible. The remaining 599 queries constituted valid complaints under the Regulation and therefore required thorough investigation by the appropriate national enforcement body<sup>2</sup>. Table 1 below illustrates the breakdown of these 599 complaints in line with the categories set out in the Regulation.

**Table 1: Total number of valid complaints received by the Commission during the period 1<sup>st</sup> January 2010 - 30<sup>th</sup> June 2010**

<b>Origin of flight</b>	<b>Number of complaints</b>	<b>%</b>
Departure from an Irish airport	345	58%
Arrival into an Irish airport from a non-EU airport on a Community licensed carrier	12	2%
Departure from airport situated in another Member State (or arrival into such an airport from a third country on a Community-licensed carrier)	242	40%
<b>Total</b>	<b>599</b>	<b>100%</b>

<sup>1</sup> 2328 queries were received in the same period of 2010.

<sup>2</sup> 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**

---

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

Table 2 below provides a breakdown of the 599 complaints received according to these categories.

**Table 2: Analysis of valid complaints received during the period 1<sup>st</sup> January 2011 - 30<sup>th</sup> June 2011**

<b>Type of complaint</b>	<b>Number of complaints</b>	<b>%</b>
Cancellations	382	64%
Long delay	126	21%
Denied boarding	29	5%
Up/Down grading	1	0%
Other <sup>3</sup>	61	10%
<b>Total</b>	<b>599</b>	<b>100%</b>

Table 3 below provides a similar category breakdown in respect of those complaints which fell within the remit of the Commission i.e. they related to flights departing from airports situated in this territory (345) and to flights arriving into such airports from third countries on Community-licensed carriers (12).

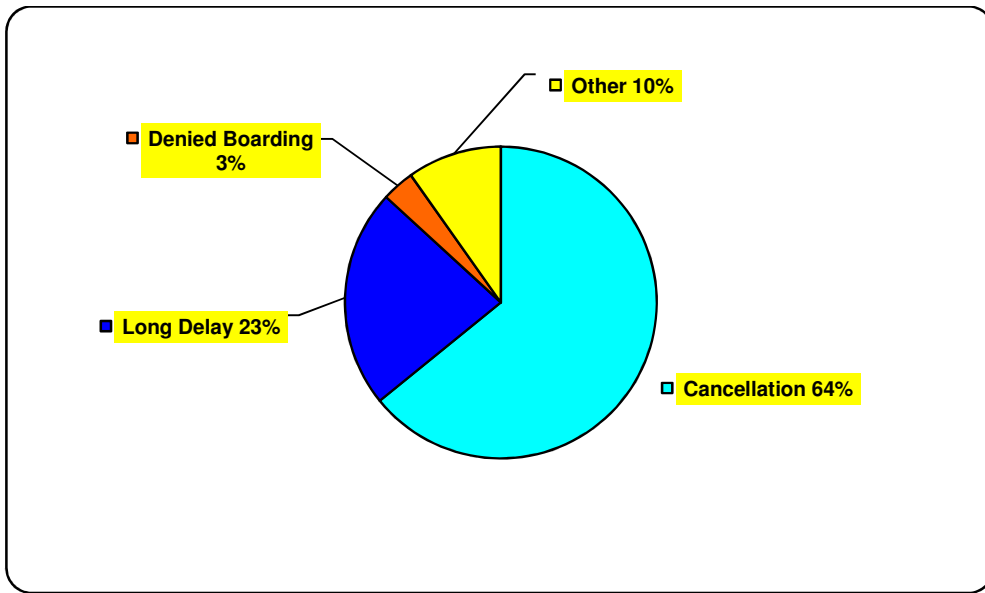
**Table 3: Analysis of those valid complaints received during the period 1<sup>st</sup> January 2011 - 30<sup>th</sup> June 2011 which fell within the remit of the Commission**

<b>Type of complaint</b>	<b>Number of complaints</b>	<b>%</b>
Cancellations	229	64%
Long delay	81	23%
Denied boarding	12	3%
Up/Down grading	0	0%
Other <sup>4</sup>	35	10%
<b>Total</b>	<b>357</b>	<b>100%</b>

<sup>3</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.

<sup>4</sup> See footnote 3 above.

**Figure 1: Graphical Representation of the above information**



## **RESOLUTION OF COMPLAINTS**

As of the 1<sup>st</sup> December 2011, 189 of the 357 complaints received by this Office during the first half of 2011 had been concluded.

Of these 189 cases, the final outcomes varied<sup>5</sup>:

- In 12 cases, the relevant air carrier paid compensation.
- In 112 cases the relevant operating air carrier successfully demonstrated that 'extraordinary circumstances' existed and that all reasonable measures to avoid the cancellation/ delay were taken.
- In 66 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 41 cases the complaint was either withdrawn, resolved directly with the air carrier or the infringement was such that no individual redress could be obtained for the passenger.

Whilst the Commission is continuing to investigate and conclude the remaining 168 cases it should be noted that the refund and reimbursement elements of the majority of these has already been addressed.

---

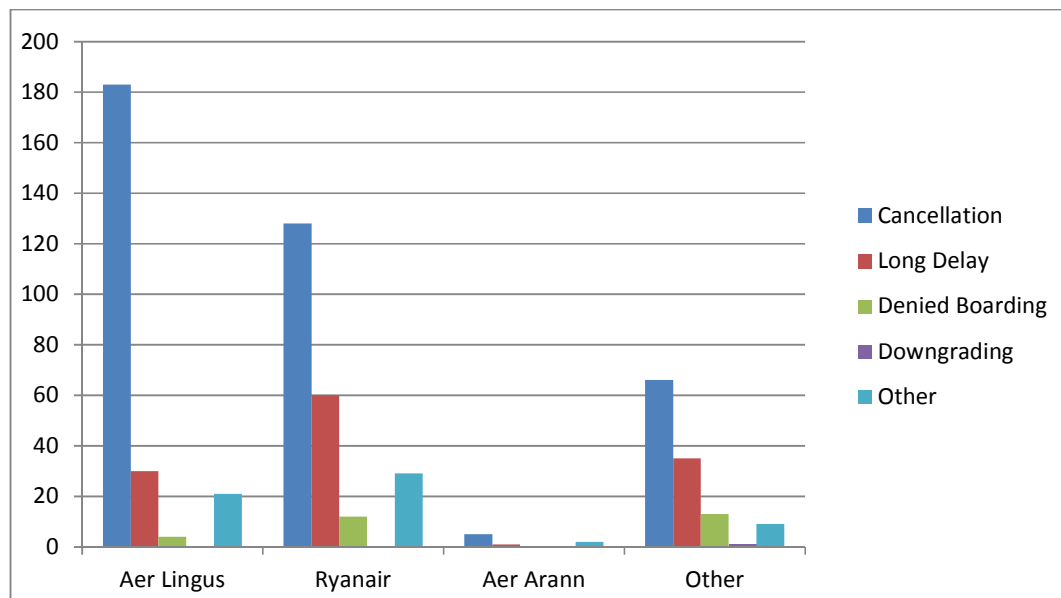
<sup>5</sup> Note that one complaint might have more than one outcome i.e. the passenger may have received a refund of his/her expenses though the air carrier might also have successfully demonstrated the existence of extraordinary circumstances.

## **DISTRIBUTION OF COMPLAINTS PER AIR CARRIER**

The Commission received a total of 599 complaints from passengers during the first six months of 2011.

Figure 1 below shows the total complaints against Aer Lingus, Ryanair, Aer Arann<sup>6</sup> and an 'Other' category. The 'Other' category refers to all other airlines which were the basis of complaints received by the Commission during this period of time. Complaints were recorded in respect of 22 other air carriers.

**Figure 2: Total complaints for Aer Lingus, Ryanair and Aer Arann received by the Commission during the first six months of 2011**



<sup>6</sup> Being the principal Irish air carriers.



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

---

Of the total number of complaints received during the first six months of 2011, 242 related either to departures from airports located within other Member States or to arrivals into such airports from third countries on Community licensed carriers.

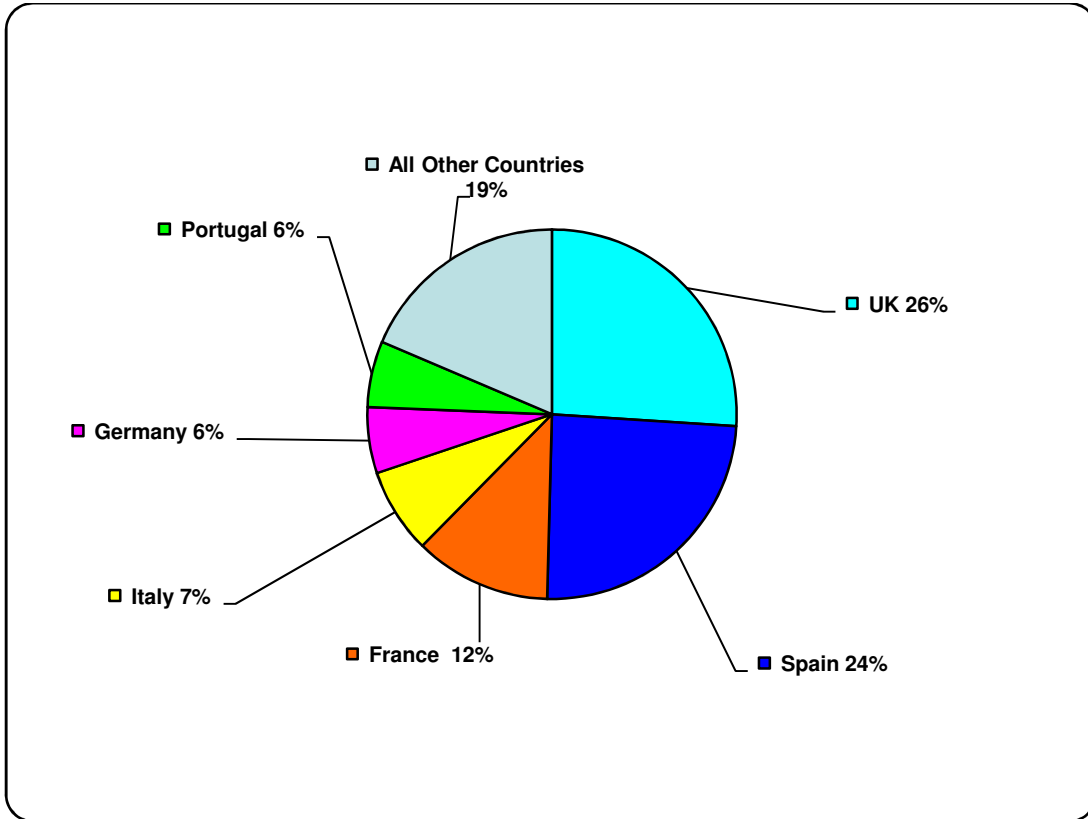
Table 7 below shows a breakdown of these complaints per relevant Member State

**Table 7: Breakdown of complaints by Member State**

<b>Country</b>	<b>Total</b>	<b>%</b>
Austria	3	1.25
Belgium	9	3
Czech Republic	1	0.5
Denmark	7	3
France	29	12
Germany	14	6
Greece	1	0.5
Hungary	2	1
Italy	18	7
Lithuania	3	1.25
Malta	7	3
Norway	1	0.5
Poland	4	2
Portugal	14	6
Romania	1	0.5
Spain	59	24
Sweden	3	1.25
Switzerland	3	1.25
United Kingdom	63	26
<b>Total</b>	<b>242</b>	<b>100%</b>

The majority of complaints received (50%) related to departures from (or arrivals from third countries on Community-licensed air carriers into) airports in Spain and the UK. Figure 2 below illustrates this distribution.

**Figure 3: Graphical Representation of percentage complaints referred to other National Enforcement Bodies**



## **CONCLUSION**

---

A full year report on the Commission's activities in respect of Regulation 261/2004 will be contained in our annual Air Passenger Rights Report which will issue in 2012.

In the interim, further information on passenger rights and entitlements in the event of flight cancellations, long delays or instances of denied boarding (and the rights and entitlements of disabled persons and persons with reduced mobility) can be found both on the Commission for Aviation Regulation's general website [www.aviationreg.ie](http://www.aviationreg.ie) and it's new consumer focused website [www.flihhtrights.ie](http://www.flihhtrights.ie)