



**Report on Air Passenger Rights Complaints
for the period 1st January to 30th June 2012**

29th November 2012

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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 (the 'Commission') under EC Regulation No. 261/2004 (the 'Regulation') during the period 1st January to 30th June 2012.

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

A full year report on all complaints received during 2012 will be published by the Commission in 2013.

SUMMARY OF VALID COMPLAINTS RECEIVED

The Commission received 1562 queries during the six month period from 1st January to the 30th June 2012. This figure represents a 28% drop in the number of queries received during the same period in 2011¹. This drop in numbers may be attributable to the absence of widespread flight disruption across Europe during late 2011 or early 2012.

Of the 1562 queries received, 1233 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 329 queries constituted valid complaints under the Regulation and therefore required investigation by the appropriate national enforcement body. Table 1 below illustrates the breakdown of these 329 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 1st January 2012 - 30th June 2012

Origin of flight	Number of complaints	%
Departure from an Irish airport	174	53%
Arrival into an Irish airport from a non-EU airport on a Community licensed carrier	11	3.3%
Departure from airport situated in another Member State (or arrival into such an airport from a third country on a Community-licensed carrier)	144	43.7%
Total	329	100%

In accordance with Article 16, the Commission is responsible for enforcing the Regulation as regards;

- Flights departing from airports within the country; and
- Flights into such airports from third-countries provided these are operated by Community-licensed carriers.

Other national enforcement bodies have similar responsibilities in respect of their own Member States.

¹ 2164 queries were received in the same period of 2011.

TYPES OF VALID COMPLAINTS RECEIVED

Valid complaints 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 329 complaints received according to these categories.

Table 2: Analysis of valid complaints received during the period 1st January 2012 - 30th June 2012

Type of complaint	Number of complaints	%
Cancellations	122	37%
Long delay	113	34%
Denied boarding	19	6%
Up/Down grading	1	1%
Other ²	74	22%
Total	329	100%

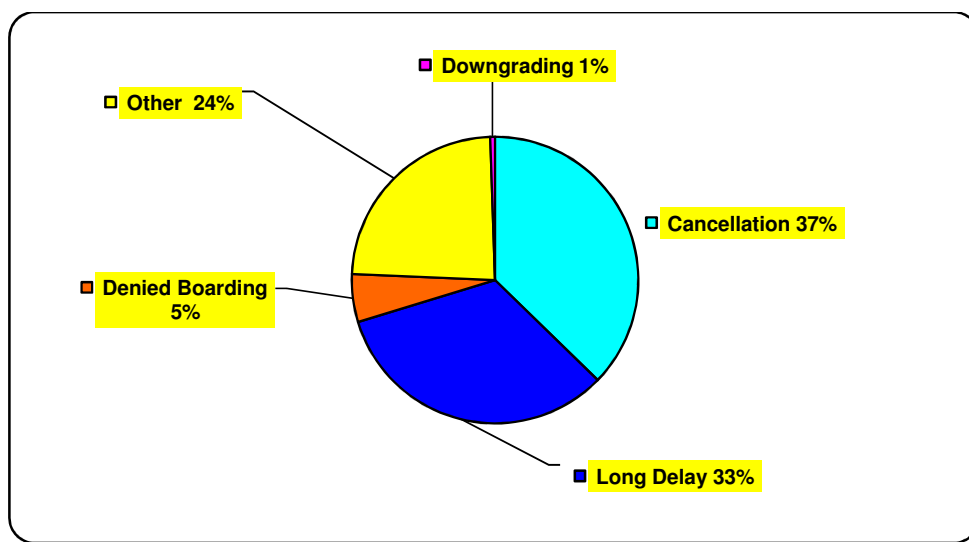
Table 3 below provides a similar category breakdown in respect of those complaints the Commission investigates.

Table 3: Analysis of those valid complaints received during the period 1st January 2012 - 30th June 2012 which fell within the remit of the Commission

Type of complaint	Number of complaints	%
Cancellations	69	37%
Long delay	61	33%
Denied boarding	10	5%
Up/Down grading	1	1%
Other ³	44	24%
Total	185	100%

² Occasionally, complaints are received which initially appear to fall under 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 See footnote 2 above.

Figure 1: Graphical Representation of the type of complaints

RESOLUTION OF COMPLAINTS

As of the 1st November 2012, 175 of the 185 complaints received during the first half of the year had been concluded.

Of these 175 cases, the final outcomes varied⁴:

- In 24 cases, the air carrier paid compensation.
- In 38 cases the air carrier successfully demonstrated that 'extraordinary circumstances' existed and that all reasonable measures to avoid the cancellation/ delay were taken.
- In 23 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 103 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 passenger⁵.

The Commission is continuing to investigate and conclude the remaining 10 cases.

⁴ A complaint might have more than one outcome i.e. the passenger may have received a refund of his/her expenses but the air carrier might also have successfully demonstrated the existence of extraordinary circumstances.

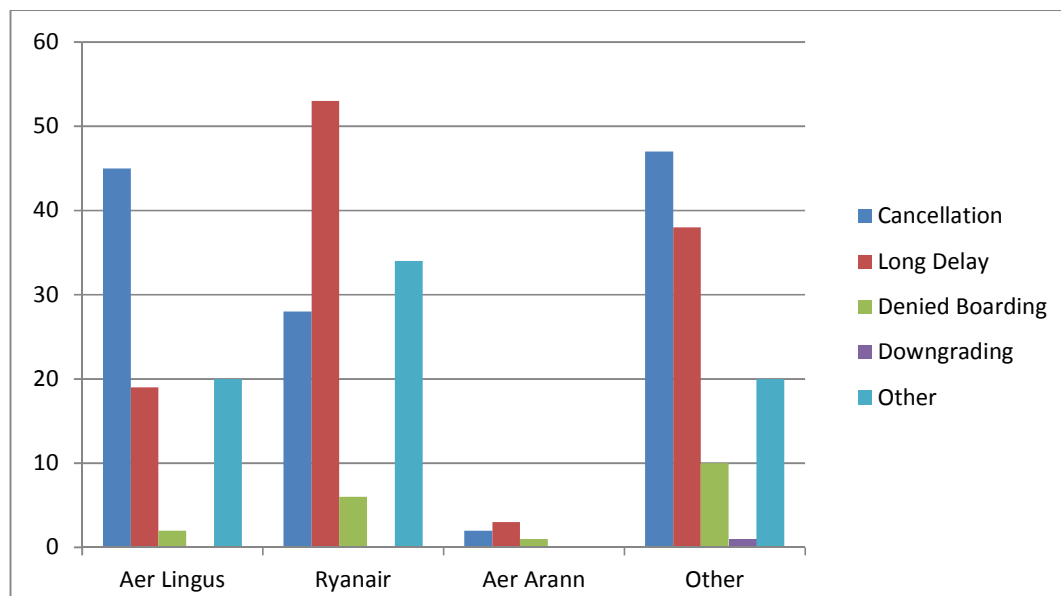
⁵ Infringements such as failing to provide a passenger with written notice of their rights and entitlements cannot be redressed at a later date.

DISTRIBUTION OF COMPLAINTS PER AIR CARRIER

The Commission received a total of 329 complaints from passengers during the first six months of 2012.

Figure 1 below shows the total complaints against Aer Lingus, Ryanair, Aer Arann⁶ 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 30 such air carriers.

Figure 2: Total complaints for Aer Lingus, Ryanair and Aer Arann received by the Commission during the first six months of 2012



⁶ 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 2012, 144 related either to departures from airports located within other Member States or to arrivals into such airports from third countries on Community-licensed carriers. Responsibility for investigating these complaints lay with the national enforcement body in the Member State in question. In accordance with Article 16, the CAR completed preliminary reviews in respect of these complaints before forwarding them to the appropriate authorities on the passenger's behalf.

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

Table 7: Breakdown of complaints by Member State

Country	Total	%
Austria	1	1
Belgium	2	1
Cyprus	1	1
France	18	13
Germany	4	3
Hungary	9	6
Italy	20	14
Latvia	4	3
Lithuania	2	1
Malta	1	1
Netherlands	5	3.5
Poland	2	1
Portugal	5	3.5
Spain	32	22
United Kingdom	38	26
Total	144	100%

The majority of complaints received (48%) related to departures from (or arrivals from third countries on Community-licensed air carriers into) airports in Spain and the UK.

CONCLUSION

A full report on the Commission's activities in respect of Regulation 261/2004 during 2012 will be contained in our annual Air Passenger Rights Report which will issue in 2013.

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 and its consumer focused website www.flightright.ie