



**Report on Air Passenger Rights Complaints  
for the period 1<sup>st</sup> January to 30<sup>th</sup> June 2013**

14<sup>th</sup> October 2013

Commission for Aviation Regulation

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## **1. Introduction**

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- 1.1 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 'CAR') under EC Regulation No. 261/2004 during the period 1<sup>st</sup> January to 30<sup>th</sup> June 2013. The relevant information has been set out in table/graphical form where appropriate.
- 1.2 In accordance with Article 16, the CAR 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.
- 1.3 As of the 1<sup>st</sup> October, the CAR has concluded its investigation into four-fifths of the complaints received between the 1<sup>st</sup> January and the 30<sup>th</sup> June 2013.

## **2. Summary of Valid Complaints Received**

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- 2.1 The CAR received 1416 queries during the six month period from 1<sup>st</sup> January to the 30<sup>th</sup> June 2013. This figure represents a 9% reduction in the number of queries received during the same period in 2012<sup>1</sup>.
- 2.2 Of the 1416 queries received, 838 related to an assortment of baggage, pricing, safety and air carrier policy issues. The CAR responded to each of these queries individually, referring passengers to the appropriate bodies where possible.
- 2.3 The remaining 578 queries constituted valid complaints under the Regulation and therefore required investigation by the appropriate national enforcement body. Table 1 illustrates the breakdown of these 578 complaints in line with the categories set out in the Regulation.

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<sup>1</sup> 1562 queries were received in the same period of 2012.

**Table 1: Total number of valid complaints received by the CAR during the period 1<sup>st</sup> January - 30<sup>th</sup> June 2013**

<b>Origin of flight</b>	<b>Number of complaints</b>	<b>%</b>
Departure from an Irish airport	321	56%
Arrival into an Irish airport from a non-EU airport on a Community licensed carrier	25	4%
Departure from airport situated in another Member State (or arrival into such an airport from a third country on a Community-licensed carrier)	232	40%
<b>Total</b>	<b>578</b>	<b>100%</b>

### **3. Types of Valid Complaints Received**

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- 3.1 Valid complaints are those which relate to flight cancellations, long flight delays, instances of denied boarding or of downgrading.
- 3.2 Table 2 below provides a breakdown of the 578 complaints received according to these categories.

**Table 2: Analysis of valid complaints received during the period 1<sup>st</sup> January - 30<sup>th</sup> June 2013**

<b>Type of complaint</b>	<b>Number of complaints</b>	<b>%</b>
Cancellations	155	27%
Long delay	297	51%
Denied boarding	30	5%
Down grading	2	1%
Other <sup>2</sup>	94	16%
<b>Total</b>	<b>578</b>	<b>100%</b>

- 3.3 Table 3 provides a similar category breakdown in respect of those complaints the CAR investigates.

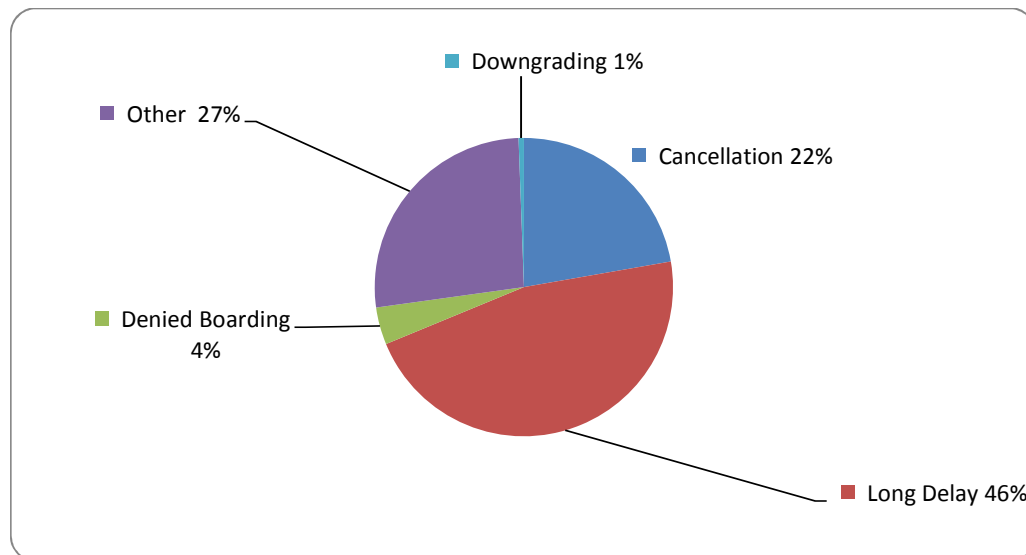
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<sup>2</sup> Complaints are frequently received which initially appear to fall under Regulation 261/2004 but investigation later reveals that they are best dealt with in another manner. The "other" category represents this group of complaints.

**Table 3: Analysis of those valid complaints received during the period 1<sup>st</sup> January - 30<sup>th</sup> June 2013 which fell within the remit of the CAR**

Type of complaint	Number of complaints	%
Cancellations	77	22%
Long delay	161	46%
Denied boarding	14	4%
Up/Down grading	2	1%
Other <sup>3</sup>	92	27%
<b>Total</b>	<b>346</b>	<b>100%</b>

3.4 **Figure 1: Graphical Representation of the type of complaints**



<sup>3</sup> Refer to footnote 2.

## **4. Resolution of Complaints**

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- 4.1 As of the 1<sup>st</sup> October 2013, four-fifths of the complaints received during the first half of the year (298 out of 346) have been concluded.
- 4.2 Of these 298 cases, the final outcomes were as follows<sup>4</sup>:
- In 38 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 45 cases the air carrier paid compensation.
  - In 90 cases the air carrier successfully demonstrated that 'extraordinary circumstances' existed and that all reasonable measures to avoid the cancellation/ delay were taken.
  - In 161 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<sup>5</sup>.
- 4.3 The CAR is continuing to investigate, and working to conclude, the remaining 48 cases.

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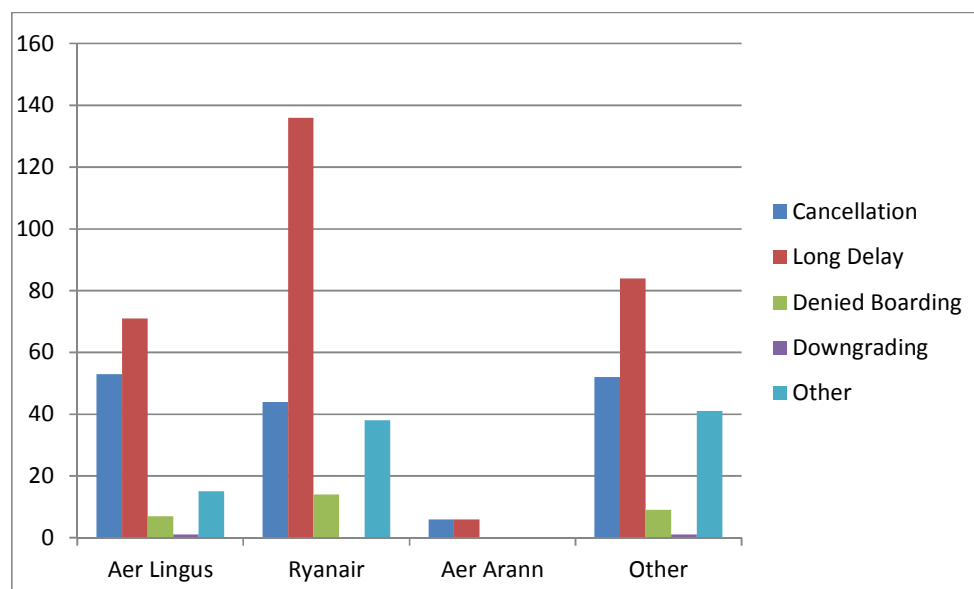
<sup>4</sup> A complaint might have more than one outcome i.e. the passenger may have received a refund of his/her expenses but the air carrier might also have successfully demonstrated the existence of extraordinary circumstances.

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

## 5. Distribution of Complaints by Air Carrier

- 5.1 The CAR received a total of 578 complaints from passengers during the first six months of 2013.
- 5.2 Figure 2 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 CAR during this period of time. Complaints were recorded in respect of 43 such air carriers.

**Figure 2: Total complaints for Aer Lingus, Ryanair and Aer Arann received by the CAR during the first six months of 2013**



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

## 6. Complaints referred to other Enforcement Bodies

- 6.1 Of the total number of complaints received during the first six months of 2013, 232 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.
- 6.2 Table 7 below shows a breakdown of these complaints by relevant Member State.

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

Country	Total	% <sup>7</sup>
United Kingdom	73	<b>31%</b>
Spain	39	<b>17%</b>
Italy	27	<b>11%</b>
Poland	22	<b>9%</b>
France	19	<b>8%</b>
Germany	14	<b>6%</b>
Belgium	6	<b>3%</b>
Hungary	7	<b>3%</b>
Netherlands	7	<b>3%</b>
Norway	4	<b>2%</b>
Portugal	6	<b>2%</b>
Denmark	2	<b>1%</b>
Finland	1	<b>1%</b>
Greece	1	<b>1%</b>
Latvia	1	<b>1%</b>
Lithuania	1	<b>1%</b>
Sweden	1	<b>1%</b>
Switzerland	1	<b>1%</b>
<b>Total</b>	<b>232</b>	<b>100%</b>

The majority of complaints received (69%) related to departures from (or arrivals from third countries on Community-licensed air carriers into) airports in four countries: the UK, Spain, Italy & Poland.

<sup>7</sup> As percentages have been rounded to the nearest whole number, the total may exceed 100%.



## 7. Conclusions

- 7.1 A full report on the CAR's activities in respect of Regulation 261/2004 during 2013 will be contained in our annual Air Passenger Rights Report which will issue in 2014.
- 7.2 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 CAR's general website [www.aviationreg.ie](http://www.aviationreg.ie) and its consumer focused website [www.flightrights.ie](http://www.flightrights.ie)

