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COMMISSION STAFF WORKING DOCUMENT

Complaint handling and enforcement by Member States of the Air Passenger Rights Regulations

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Complaint handling and enforcement by Member States of the Air Passenger Rights Regulations

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EXECUTIVE SUMMARY

In its Communication to the European Parliament and the Council on the operation and the results of Regulation (EC) 261/2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights[1], the Commission committed to ensure that citizens can effectively exercise their right to mobility when travelling by air and, at the same time, to promote fairer competition among operators across the EU, amongst other things by encouraging the publication of sanctions imposed and/or operators' overall performance in complying with the Regulation. In line with this objective, the Commission has also carried out several information campaigns to raise awareness of passengers about their rights when travelling[2].

The first document on complaint handling and enforcement by EU Member States was published in 2011[3]. It covered the period from 2007 to 2009 and related to Regulation (EC) No 261/2004[4] (hereinafter referred to as "Regulation 261/2004"). The present document reflects the period from 2010 to 2012 (by comparing data, where possible, with the previous reporting period) and makes a step forward by also providing data related to Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air[5] (hereinafter referred to as "Regulation 1107/2006").

The present statistical document responds to the continuous calls from various sources (inter alia the European Parliament, Member States and air transport industry) for statistics on complaint handling and enforcement. The Commission services have taken over the task to present such data in the absence, in the current legislation, of reporting obligations. It thus reflects quantitative complaint handling data provided by the national enforcement bodies (NEBs) for the period from 2010 to 2012. It further provides information on the structure of NEBs as well as on the legal aspects of sanctioning, both for Regulation 261/2004 and Regulation 1107/2006.

1. Complaint handling and enforcement

Over the period reported (2010-2012), NEBs received a total of 201 879 complaints under Regulation (EC) 261/2004:

- In 2010, a total of 91 726 complaints were received. The high number of complaints in that year can partly be explained by the impact of the volcanic ash cloud crisis. Only in 1% of these cases (971) did NEBs start sanctioning procedures on infringing air carriers in line with their enforcement obligations under Article 16 of Regulation (EC) 261/2004.. NEBs actually collected sanctions in 14% of the cases they engaged for sanctioning[6].

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1 COM(2011)174 final
2 http://ec.europa.eu/transport/passenger-rights/en/index.html
3 SEC(2011)428 final
4 OJ L 46, 17.2.2004, p. 1
5 OJ L 204, 26.7.2006, p. 1
6 Depending on the national legal system, sanctioning procedures started by NEBs can take several years.

- In 2011, a total of 53 675 complaints were received. With the same percentage of cases where NEB started sanctioning procedures (1%), a significant increase in the actual collection of sanctions (34%) could be identified compared to 2010.

- In 2012, NEBs received a total of 56 478 complaints. The percentage of cases engaged for sanctioning by NEBs doubled (2%) compared to 2011, however, the actual collection of penalties decreased by 14 percentage points.

The numbers recorded show that sanctioning as a means to ensure compliance with the Regulation was not widely made use of. NEBs applied sanctions rather as an exceptional remedy. Moreover, even where sanctions were imposed, Member States had difficulty in collecting them, partly owing to time consuming administrative and/or legal procedures.

As regards Regulation 1107/2006, the number of complaints recorded during the period covered is relatively low (a total of 514 complaints):

- In 2010, NEBs received 128 complaints and, in addition, 93 information requests on the matter of travel of persons with disabilities and/or reduced Mobility (PRMs). The percentage of cases closed is rather high (74%). Only in one case out of 128 (less than 1%) NEBs started sanctioning procedures.

- In 2011, NEBs received 111 complaints and 81 information requests on the matter. The percentage of the cases closed is 81%, however only in one case (less than 1%) NEBs started sanctioning procedures.

- In 2012, the number of complaints more than doubled: NEBs received 275 complaints and 188 information requests. This increase can be explained by the fact that in that year, the United Kingdom started providing the European Commission with its statistical data on the Regulation. The percentage of closed cases reaches 90% and cases where NEBs started sanctioning procedures 8%. However, the increase in the number of sanctions is directly related to the broad interpretation of sanctions taken by the UK.

The fact that the number of complaints reported by NEBs is relatively low might be due to several reasons: firstly, complaints received on the basis of Regulation 1107/2006 do not include those lodged by PRMs falling under the scope of Regulation 261/2004; secondly, complaints under Regulation 1107/2006 in most cases affect individual passengers whereas complaints under Regulation 261/2004 mostly cover incidents experienced by a number of passengers in the same situation, notably in case of delays and cancellations; third, the rate of awareness among PRMs about their rights when travelling is still relatively low; finally, in view of the specific difficulties that PRM passengers are still facing in air transport, complicated and time-consuming complaint handling procedures might dissuade them from lodging a complaint.

2. Quantitative Data on Delay and Cancellation

The statistical document also gives an overview of the quantitative data for delays for the period concerned provided by Eurocontrol. During the period of 2010 to 2012, the total number of flights in Europe was 29.8 million. This is an increase by 28 % compared to the

period from 2006 to 2009. In spite of this, data shows that less than 1% of those flights were delayed by more than two hours (1.2% during the period 2007-2009).

In relation to the rights passengers are entitled to under Regulation 261/2004 and considering the different trigger points for different rights[7], depending on the duration of the delay in relation to the duration of the flight, during the reporting period (including the distinct year of 2010 owing to the volcanic ash cloud crisis) passengers were entitled to:

- care and assistance on 1.23% of all flights;
- reimbursement on ca. 0.71% of long-haul flights compared to less than 0.1% of short-haul flights and 0.31% of medium-haul flights;
- compensation on potentially 1.55% of long-haul flights compared to 0.37% of short-haul and 0.86% for medium-haul flights.

Despite the low values of these percentages, the EU rules on passenger rights represent an average cost of between 0.6% and 1.8% of the airlines' turnover (depending on the proportion of entitled passengers that claim compensation), but for certain airlines it can be more than 5%. This corresponds approximately to between €1 and €3 per one-way ticket. Note, however, that extraordinary events – like the ash cloud crisis in April 2010 – may cause sudden and significant deviations from these averages.

The Commission proposed a revision of air passenger rights legislation on 13 March 2013[8]. This proposal is currently being discussed by the legislators, i.e. the European Parliament and the Council of ministers. The revision mainly aims at confirming and clarifying rights and ensuring a better application of the Regulation. This clarification is needed in the light of the many disputes observed between passengers and airlines. A better coordination of enforcement policies should ensure a more effective and consistent enforcement of these rights across the EU. But the proposal also fine-tunes the existing rights to ensure a more proportionate balance between the interests of passengers and those of the industry.

[7] Right to reimbursement after 5 hours delay, compensation after 3 hours delay under certain circumstances, care and assistance after 2, 3 or 4 hours delay depending on the length of the flight

[8] COM/2013/0130 final
http://ec.europa.eu/commission_2010-2014/kallas/headlines/news/2013/03/passenger-rights-air-revision_en.htm

Introduction

The present Commission Staff Working Paper related to enforcement and complaint handling by National Enforcement Bodies of the Member States (hereinafter referred to as "NEBs") aims at showing the Commission's on-going commitment to monitor the implementation of EU legislation on air passenger rights.

The previous document of 2011[9] covering the period 2007-2009 related to Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91[10] (hereinafter referred to as "Regulation 261/2004"). The present document reflects the period from 2007 to 2012 and makes a step forward by also covering quantitative data related to Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air[11] (hereinafter referred to as "Regulation 1107/2006").

Annex I of the present document gives an overview of the quantitative data on delays for the period concerned.

[9] SEC(2011)428 final
[10] OJ L 46, 17.2.2004, p. 1
[11] OJ L 204, 26.7.2006, p. 1

COMPLAINT HANDLING AND ENFORCEMENT BY MEMBER STATES OF THE AIR PASSENGER RIGHTS REGULATIONS

In its Communication on the application of Regulation 261/2004, the Commission committed to promote a better level playing field among operators across the EU area, amongst others by encouraging the publication of sanctions imposed and/or operators' overall performance in complying with the Regulation.[12]

Quantitative complaint handling data for the period covered, the structure of NEBs and information on the legal aspects of sanctioning are provided in the tables below for both Regulation 261/2004 and Regulation 1107/2006.

All the estimations are conducted on the basis of information and data provided by the designated NEBs in charge of the enforcement of these Regulations in the Member States.[13]

1. COMPLAINT HANDLING BY THE NEBS RESPONSIBLE FOR THE ENFORCEMENT OF REGULATION 261/2004

The compilation of complaint handling data requested from NEBs is slightly different from the previous statistical document by providing a more detailed overview and thus better reflecting the full particulars of the current situation. Firstly, the closure of cases is subcategorised into those closed by letters sent to complainants after examination of the complaint and those closed by transferring the cases to another NEB for competence; secondly, the data on sanctioning is more comprehensive and subdivided into three categories: the number of cases where NEBs have launched sanctioning procedures in line with their enforcement obligations under Article 16 of Regulation (EC) 261/2004, the real status of sanctions and the actual collection of sanctions by NEBs[14]; thirdly, any other measures undertaken to ensure enforcement are displayed.

Information on the structure of NEBs is reflected in the tables below and the differences compared to the previous statistical document are highlighted.

As regards the data provided by NEBs, it is important to point out that not all Member States distinguished between the different natures of complaints owing to their respective complaint handling and data collection mechanisms. There are also some cases where a single complaint covers several incidents. For these reasons the data are not 100% comparable.

Finally, it must be noted that, since the entry into force of the Regulation, the Commission has carried out 3 consecutive information campaigns to raise passengers' awareness of their rights. The current campaign was launched in June 2013[15] and covers all modes of transport. These campaigns linked with other Commission awareness raising activities have certainly

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12 COM(2011)174 final

13 A reference to "Member States" with regard to the Regulation 261/2004 and Regulation 1107/2006 also includes Iceland, Norway and Switzerland

14 Data refers only to cases where NEBs applied a sanction, and do not cover cases where passengers have themselves started legal proceedings to enforce their rights.

15 http://ec.europa.eu/transport/passenger-rights/en/index.html

contributed to a greater awareness of passengers about their rights when travelling in the EU[16].

[16] European Consumer Centres, co-financed by the European Commission, play an important role in information campaigns and in awareness raising among consumers: http://ec.europa.eu/consumers/ecc/

1.1. Complaint handling 2010

In 2010, a total of 91 726 complaints were received by NEBs. The majority of these complaints (55%) were about cancellations, and 18% were about delays.

Only in 1% of the cases (971) NEBs launched sanctioning procedures. This shows that sanctions were not yet widely applied. Sanctions were actually collected in 14% of the cases engaged for sanctioning. This shows that even where sanctions were imposed, Member States had difficulty in collecting them.

Apart from Spain where 25 013 complaints were related to the bankruptcy of the Spanish air carrier Air Comet[17], the United Kingdom received the highest number of complaints (8 843), followed by the Netherlands (8 761) and Portugal (8 328).

In 2010, the NEBs received 177% more complaints when compared to 2009 (33 060 complaints recorded in 2009). This is mostly due to the dramatic increase in complaint numbers received by the Spanish NEB about the Air Comet bankruptcy. Furthermore, in 2010, Switzerland and Iceland started gathering and reporting statistical data which contributed to the overall increase of the total complaints. On the contrary, Bulgaria has not provided information for the year concerned.

Other factors resulting in an increase of passenger complaints in 2010 were numerous industrial actions and severe weather conditions and, without any doubt, disruptions in air traffic caused by the volcanic ash cloud. Even though the exact number of complaints related therewith is unknown, the impact of the ash cloud crisis is significant.

[17] Although the situation for passengers in case of bankruptcy is rather specific, passenger rights under Regulation (EC) 261/2004 still apply, notably as regards the rights to assistance as well as reimbursement of the ticket price and compensation in case of flight cancellations.

Country	Complaints received in total	Long Delay	Cancellation	Denied Boarding	Other	Number of letters sent to passengers closing their cases	Cases transferred to another NEB as out of jurisdiction		Number of cases engaged for sanctioning	Status of sanctions (closed, pending)	Number of sanctions collected	Other measures (Number of inspections, warnings, meetings, media contacts etc.)
							Number of cases transferred	Number of confirmations where transferring NEB advised case closed				
AT	912	139 15%	495 54%	62 7%	216 24%	702[18] 77%	0 0%	0 0%	0 0%	-	0 0%	5
BE	2 730	-	-	-	-	2 247 82%	-	-	-	-	-	7 inspections
BG	No information provided											
CH	4 537	988 22%	3 110 69%	214 5%	225 5%	4 536 100%	948 21%	0 0%	321 7%	320 closed 1 pending		40
CY	165	46 28%	79 48%	17 10%	23 14%	495[19] 300%	16 10%	0 0%	0 0%	-	-	7
CZ	192	111 58%	66 34%	15 8%	0 0%	159 83%	33 17%	0 0%	0 0%	-	0 0%	1
DE	4 847	2 010 41%	2 548 53%	287 6%	2 0%	1 525 31%	785 16%	0 0%	0 0%	-	-	3 audits, 13 conversations with airports, 5 other activities
DK	803	220 27%	502 63%	27 3%	54 7%	366 46%	314 39%	0 0%	0 0%	-	-	-
EE	60	31 52%	19 32%	7 12%	3 5%	55 92%	5 8%	0 0%	0 0%	-	0 0%	0
ES	32 651[20]	1 907 6%	28 250[idem] 87%	691 2%	1 803 6%	31 147[idem] 95%	996 3%	0 0%	62 0%	46 closed	30 48%	386 inspections

18 ca. 77%

19 An average of 3 letters per complaint, excluding e-mails

20 25 013 complaints are about Air Comet bankruptcy

Country	Complaints received in total	Long Delay	Cancellation	Denied Boarding	Other	Number of letters sent to passengers closing their cases	Cases transferred to another NEB as out of jurisdiction		Number of cases engaged for sanctioning	Status of sanctions (closed, pending)	Number of sanctions collected	Other measures (Number of inspections, warnings, meetings, media contacts etc.)
							Number of cases transferred	Number of confirmations where transferring NEB advised case closed				
FI	294	136 46%	145 49%	15 5%	3 1%	202 69%	47 16%	0 0%	27 9%	-	-	3
FR	5 347[21]	1 803 34%	3 171 59%	373 7%	0 0%	-	267 5%	-	77 1%	35	Concerning 20 pax 26%	10
GR	779	250 32%	379 49%	30 4%	116 15%	632 81%	4 1%	0 0%	25 3%	-	-	-
HU	205	97 47%	80 39%	11 5%	17 8%	160 78%	45 22%	0 0%	11 5%	closed	11 100%	2
IE	5 132	147 3%	611 12%	36 1%	4 338 85%	2 930[22] 57%	542 11%	542 11%	2 0%	OACs complied with Direction	-	8 Inspections, continuous monitoring of websites, numerous media contacts due to ash, regular engagement with OACs re post-ash complaint handling
IS	129	46 36%	64 50%	6 5%	13 10%	116[23] 90%	0 0%	0 0%	0 0%	-	0 0%	0

21 5 to 10% of the complaints recorded fall outside of the scope of the Regulation. In 2010, the French Government has appointed a mediator for the treatment of complaints regarding the volcanic eruption in Iceland, the Ombudsman dealt with thousands of claims

22 One case from 2010 remains under investigation. In addition, 2 201 complaints – none of which fell under the scope of the Regulation – were concluded via telephone and not by means of a closing letter

23 All cases are closed with communication, decisions are followed

Country	Complaints received in total	Long Delay	Cancellation	Denied Boarding	Other	Number of letters sent to passengers closing their cases	Cases transferred to another NEB as out of jurisdiction		Number of cases engaged for sanctioning	Status of sanctions (closed, pending)	Number of sanctions collected	Other measures (Number of inspections, warnings, meetings, media contacts etc.)
							Number of cases transferred	Number of confirmations where transferring NEB advised case closed				
IT	4 108	1 487 36%	2 244 55%	307 7%	70[24] 2%	3 034 74%	188 5%	0 0%	224 5%	224	8[25] 4%	3930 airport inspections, regular airlines representative meetings, ENAC management press releases
LT	84	23 27%	36 43%	5 6%	20 24%	57 68%	7 8%	0 0%	2 2%	2 closed	1[26] 50%	10 inspections at the airports, 68 consultations
LU	48	4 8%	17 35%	0 0%	0 0%	21 44%	27 56%	0 0%	0 0%	-	-	-
LV	169	42 25%	88 52%	15 9%	24 14%	169 100%	51 30%	0 0%	0 0%	-	-	-
MT	136	34 25%	96 71%	5 4%	1 1%	128 94%	16 12%	0 0%	0 0%	-	-	>10
NL	8 761	2 850 33%	650 7%	83 1%	817 9%	4 400 50%	4 361 50%	0 0%	0 0%	-	-	10 airport inspections, 4 lawyer and customer care meetings, 4 warnings, 4 meetings, with the airline directors
PL	1 540	324 21%	611 40%	65 4%	540[27] 35%	1 540 100%	0 0%	0 0%	122 8%	68 pending	54 44%	~240 inspections, ~36 media contacts, etc.[28]

24 On grounds of Article 14(2) of Regulation (obligation to inform passengers about their rights)

25 EUR 72 789 collected (the sanctioning process can last for more than one year to get to the closure (appeal to Court etc.) Therefore, the number of sanctions payment collected in one year doesn't match the number of the sanctions per year)

26 LTL 3 000 (~EUR 876) collected

27 467 cases were written enquiries sent to CAA by passengers about their air passenger rights

28 20 inspections and ~3 media contacts, etc./month

Country	Complaints received in total	Long Delay	Cancellation	Denied Boarding	Other	Number of letters sent to passengers closing their cases	Cases transferred to another NEB as out of jurisdiction		Number of cases engaged for sanctioning	Status of sanctions (closed, pending)	Number of sanctions collected	Other measures (Number of inspections, warnings, meetings, media contacts etc.)
							Number of cases transferred	Number of confirmations where transferring NEB advised case closed				
PT	8 328	1 513 18%	1 965 0%	569 7%	4 281 51%	7 138 86%	81 1%	0 0%	3 0%	2 closed, 1 appellation phase	2 67%	7 inspections
RO	140	18 13%	53 38%	6 4%	63 45%	140 100%	0 0%	0 0%	13 9%	6 closed 2 pending 2 in court	6 46%	3 warnings, 6 meetings, 8 media contacts
SE	697	114 16%	522 75%	18 3%	0 0%	171 25%	43 6%	0 0%	74[29] 11%	Regarding Art, 14: 74 cases	0 0%	~150 media contacts, market survey of 18 airlines' contract terms
SI	52	6 12%	29 56%	2 4%	15 29%	49 94%	27 52%	0 0%	2 4%	-	2 100%	-
SK	37	11 30%	22 59%	0 0%	4 11%	37 100%	13 35%	13 35%	6 16%	closed	4 67%	13 inspections
UK	8 843	1 977 22%	6 572 74%	274 3%	20 0%	0 0%	1 962 22%	0 0%	0 0%	-	-	31
Total	**91 726**	**16 334 18%**	**50 461 55%**	**3 140 3%**	**12 668 14%**	**62 156 68%**	**10 778 12%**	**555 1%**	**971 1%**		**138 14%**	

[29] Regarding Art. 14

1.2. Complaint handling 2011

With an overall 3%[30] increase in flights in 2011 compared to the previous year, the total number of complaints received by NEBs decreased by 43% (the 2010 volcanic ash cloud crisis as well as the decrease of industrial actions explain this reduction). Norway started reporting in 2011, and all Member States provided detailed information requested with the exception of Bulgaria.

A total of 52 675 complaints were received by the NEBs in 2011. The division between the grounds for lodging complaints is relatively balanced between delays (36%) and cancellations (34%). With the same percentage of cases where NEBs launched sanctioning procedures (1%), a significant improvement in the actual collection of sanctions by NEBs (34%) can be identified since 2010. Spain received most complaints (10 848), followed by Portugal (6 454) and Germany (4 477). Although a decrease of 43% in the overall complaint numbers is recorded, some NEBs received more complaints than in 2010: AT, FI, HU, IS, IT, LU, PL and RO.

Country	Complaints received in total	Long Delay	Cancellation	Denied Boarding	Other	Number of letters sent to passengers closing their cases	Cases transferred to another NEB as out of jurisdiction		Number of cases engaged for sanctioning	Status of sanctions (closed, pending)	Number of sanctions collected	Other measures (Number of inspections, warnings, meetings, media contacts etc.)
							Number of cases transferred	Number of confirmations where transferring NEB advised case closed				
AT	1 062	364 34%	476 45%	48 5%	174 16%	860[31] 81%	0 0%	0 0%	0 0%	-	0 0%	1
BE	1 385	-	-	-	-	1 191 86%	-	-	-	-	0	20 inspections, 8 warnings
BG	No information provided											
CH	2 393	631	1 282	179	301	2 361	402	0	87	65 closed 32 pending	-	35

[30] CODA 2011Annual Report http://www.eurocontrol.int/sites/default/files/content/documents/official-documents/facts-and-figures/coda-reports/CODA-Digests-2011/coda-digest-annual-2011.pdf

[31] ca. 81%

		26%	54%	7%	13%	99%	17%	0%	4%			

Country	Complaints received in total	Long Delay	Cancellation	Denied Boarding	Other	Number of letters sent to passengers closing their cases	Cases transferred to another NEB as out of jurisdiction		Number of cases engaged for sanctioning	Status of sanctions (closed, pending)	Number of sanctions collected	Other measures (Number of inspections, warnings, meetings, media contacts etc.)
							Number of cases transferred	Number of confirmations where transferring NEB advised case closed				
CY	150	89 59%	39 26%	5 3%	17 11%	450[32] 300%	10 7%	0 0%	0 0%	-	-	10
CZ	190	76 40%	93 49%	19 10%	2 1%	157 83%	33 17%	0 0%	0 0%	-	0 0%	2
DE	4 477	2 403 54%	1 777 40%	293 7%	4 0%	972 22%	486 11%	0 0%	0 0%	-	-	8 audits, 8 conversations with airports, 5 other activities
DK	712	272 38%	361 51%	25 4%	54 8%	410 58%	85 12%	0 0%	0 0%	-	-	-
EE	55	28 51%	20 36%	5 9%	2 4%	43 78%	7 13%	0 0%	5 9%	Pending (Mar 2012–Dec 2012)	0 0%	3
ES	10 848	4 227 39%	4 695 43%	1 533 14%	393 4%	9 420 87%	1 021 9%	0 0%	110 1%	110 closed	35 32%	206 inspections
FI	308	185 60%	96 31%	21 7%	6 2%	233 76%	16 5%	0 0%	18 6%	-	-	2
FR	4 126[33]	1 872 45%	1 868 45%	383 9%	3 0%	-	214 5%	-	82 2%	36	Concerning 49 pax 60%	8
GR	556	254 46%	153 28%	28 5%	121 22%	478 86%	7 1%	0 0%	32 6%	-	-	-
HU	232	73 31%	93 40%	5 2%	61 26%	176 76%	56 24%	0 0%	48 21%	closed	48 100%	2

32 An average of 3 letters, excluding e-mails

33 5 to 10% of the complaints recorded fall outside the scope of the Regulation

Country	Complaints received in total	Long Delay	Cancellation	Denied Boarding	Other	Number of letters sent to passengers closing their cases	Cases transferred to another NEB as out of jurisdiction		Number of cases engaged for sanctioning	Status of sanctions (closed, pending)	Number of sanctions collected	Other measures (Number of inspections, warnings, meetings, media contacts etc.)
							Number of cases transferred	Number of confirmations where transferring NEB advised case closed				
IE	4 084	303 7%	612 15%	50 1%	3 119 76%	2 910[34] 71%	504 12%	504 12%	2 0,05%	OACs complied with Direction	-	10 inspections, 2 meetings with OACs, continuous monitoring of websites, media contacts as necessary
IS	250	131 52%	47 19%	6 2%	69 28%	184 74%	2 1%	0 0%	0 0%	-	0	1
IT	4 257	2 268 53%	1 606 38%	314 7%	69[35] 2%	2 122 50%	500 12%	0 0%	40 1%	40	1[36] 3%	3504
LT	65	27 42%	21 32%	6 9%	14 22%	54 83%	3 5%	0 0%	2 3%	2 closed	0 0%	13 inspections at the airports, 3 warnings to air carriers, 4 announcements published in the website of CAA to the passengers of bankrupted air carrier, 72 consultations
LU	52	16 31%	15 29%	2 4%	4 8%	33 63%	15 29%	0 0%	0 0%	-	-	-
LV	153	32 21%	69 45%	13 8%	39 25%	153 100%	28 18%	0 0%	0 0%	-	-	-
MT	132	47 36%	55 42%	12 9%	18 14%	131 99%	5 4%	0 0%	0 0%	-	-	4

34 14 cases from 2011 remain under investigation. In addition 1 160 complaints – none of which fell within the scope of the Regulation – were concluded via telephone and not by means of a closing letter

35 On grounds of Article 14(2) of Regulation (obligation to inform passengers about their rights)

36 EUR 53 363.34 collected (the sanctioning process can last for more than one year to get to the closure (appeal to Court etc.) Therefore the number of sanctions payment collected in one year doesn't match the number of the sanctions per year)

Country	Complaints received in total	Long Delay	Cancellation	Denied Boarding	Other	Number of letters sent to passengers closing their cases	Cases transferred to another NEB as out of jurisdiction		Number of cases engaged for sanctioning	Status of sanctions (closed, pending)	Number of sanctions collected	Other measures (Number of inspections, warnings, meetings, media contacts etc.)
							Number of cases transferred	Number of confirmations where transferring NEB advised case closed				
NL	2 933	1 614 55%	416 14%	65 2%	389 13%	2 484 85%	449 15%	0 0%	0 0%	4 reparatory sanctions pending since 31/09/2011	-	10 airport inspections, 16 warnings
NO	646	218 34%	178 28%	0 0%	250 39%	0 0%	49 8%	0 0%	0 0%	-	0	5
PL	2 195	980 45%	726 33%	62 3%	427[37] 19%	2 195 100%	243 11%	0 0%	181 8%	99 pending	82 45%	~168 inspections, ~36 media contacts[38]
PT	6 454	1 231 19%	672 10%	383 6%	4 168 65%	9 213 143%	35 1%	0 0%	4 0,06%	4 pending	-	9 inspections
RO	406	42 10%	139 34%	20 5%	200 49%	406 100%	5 1%	0 0%	20[39] 5%	3 closed 9 pending 3 in court	3 15%	5 warnings, 6 meetings 7 media contacts

37 380 cases were written enquiries sent to CAA by passengers about their air passenger rights

38 14 inspections and ~3 media contacts/month

39 15 pecuniary sanctions, 5 warnings

Country	Complaints received in total	Long Delay	Cancellation	Denied Boarding	Other	Number of letters sent to passengers closing their cases	Cases transferred to another NEB as out of jurisdiction		Number of cases engaged for sanctioning	Status of sanctions (closed, pending)	Number of sanctions collected	Other measures (Number of inspections, warnings, meetings, media contacts etc.)
							Number of cases transferred	Number of confirmations where transferring NEB advised case closed				
SE	439	151 34%	206 47%	14 3%	2 0%	233 53%	84 19%	0 0%	13[40] 3%	Regarding Art, 14: 2 closed Regarding unfair contract terms: 9 closed, 2 open	0 0%	~100 media contacts, published report based on market survey in 2010
SI	47	19 40%	12 26%	4 9%	12 26%	0 0%	10 21%	0 0%	0 0%	-	7	5 warnings
SK	35	18 51%	6 17%	2 6%	9 26%	35 100%	17 49%	17 49%	7 20%	Closed	2 29%	17 inspections
UK	4 033	1 322 33%	2 427 60%	254 6%	30 1%	0 0%	388 10%	0 0%	10 0,25%	10 closed	-	33
Total	**52 675**	**18 893** **36%**	**18 160** **34%**	**3 751** **7%**	**9 957** **19%**	**36 904** **70%**	**4 674** **9%**	**521** **1%**	**661** **1%**		**227** **34%**	

[40] Regarding Art 14: 2 cases, regarding unfair contract terms: 11 cases

1.3. Complaint handling 2012

The total number of complaints received by the NEBs increased by 7% in 2012, when compared to 2011. Numerous industrial actions and cease of operations of several airlines (Spanair on 28/01/2012 and Malev Hungarian Airlines on 03/02/2012[41]) may be considered as contributing factors, but there is no evidence on their direct impact on the total number of complaints recorded.

A total of 56 478 complaints were received by the NEBs in 2012. 38 % of complaints are attributed to delays and 38% to cancellations. The percentage of cases where NEBs launched sanctioning procedures has doubled (2%) since 2011. On the contrary, the actual collection of penalties decreased by 14 percentage points. Considering the fact that the sanctioning process is time consuming and can take several years before sanctions are collected (notably in case of appeals), the collection of sanctions imposed in previous years might improve in 2013. The top 3 countries receiving most complaints remain unchanged: Spain (15 733) where a great proportion of complaints relates to Spanair ceasing operations, Portugal (6 165) and Germany (5 105).

Country	Complaints received in total	Long Delay	Cancellation	Denied Boarding	Other	Number of letters sent to passengers closing their cases	Cases transferred to another NEB as out of jurisdiction		Number of cases engaged for sanctioning	Status of sanctions (closed, pending)	Number of sanctions collected	Other measures (Number of inspections, warnings, meetings, media contacts etc.)
							Number of cases transferred	Number of confirmations where transferring NEB advised case closed				
AT	1 342	518 39%	454 34%	53 4%	317 24%	1 060[42] 79%	0 0%	0 0%	0 0%	-	0	4
BE	1 022	464 45%	253 25%	60 6%	245 24%	1 020 100%	166 16%	0 0%	0 0%	-	0	24 inspections, meetings, 1 warning
BG	169	89 53%	24 14%	14 8%	42 25%	118 70%	0 0%	0 0%	0 0%	-	-	-
CH	2 263	854 38%	1 087 48%	197 9%	125 6%	2 118 94%	360 16%	0 0%	75 3%	3 closed 72 pending	-	35
CY	122	59	25	18	20	366[43]	11	0	0	-	-	10

41 See footnote 16

42 ca. 79%

		48%	20%	15%	16%	300%	9%	0%	0%			

[43] An average of 3 letters, excluding e-mails

Country	Complaints received in total	Long Delay	Cancellation	Denied Boarding	Other	Number of letters sent to passengers closing their cases	Cases transferred to another NEB as out of jurisdiction		Number of cases engaged for sanctioning	Status of sanctions (closed, pending)	Number of sanctions collected	Other measures (Number of inspections, warnings, meetings, media contacts etc.)
							Number of cases transferred	Number of confirmations where transferring NEB advised case closed				
CZ	197	114 58%	68 35%	7 4%	8 4%	148 75%	49 25%	0 0%	1 1%	-	1[44] 100%	4
DE	5 105	3 148 62%	1 615 32%	335 7%	7 0%	1 361 27%	428 8%	0 0%	0 0%	-	-	3 audits, 5 meetings with airports, 5 other activities
DK	584	243 42%	205 35%	30 5%	106 18%	214 37%	72 12%	0 0%	0 0%	-	-	-
EE	87	49 56%	22 25%	10 11%	6 7%	0%	9 10%	0 0%	9 10%	closed	8 89%	6
ES	15 733[45]	3 775 24%	10 250[idem] 65%	1 423 9%	285 2%	13 432[idem] 85%	865 5%	0 0%	118 1%	108 closed	49 42%	259 inspections
FI	286	177 62%	88 31%	16 6%	5 2%	331 116%	32 11%	0 0%	91 32%	-	-	3
FR	3 491[46]	1 906 55%	1 160 33%	414 12%	11 0%	-	181 5%	-	134 4%	44	-	10
GR	504	314 62%	123 24%	21 4%	41 8%	295 59%	5 1%	0 0%	36 7%	-	-	-
HU	328	145 44%	137 42%	6 2%	40 12%	272 83%	37 11%	0 0%	21 6%	15 closed + 6 pending (since 11/2012)	15 71%	0

44 CZK 10 000 (EUR 400) collected

45 The number of complaints regarding Spanair, which have been received and answered by email, are not currently registered in the database (SOTA). The given number is comprised of the registered complaints, 2 068 Spanair Cartas complaints and 5 915 Spanair Mail complaints

46 5 to 10% of the complaints recorded fall outside of the scope of the Regulation

Country	Complaints received in total	Long Delay	Cancellation	Denied Boarding	Other	Number of letters sent to passengers closing their cases	Cases transferred to another NEB as out of jurisdiction		Number of cases engaged for sanctioning	Status of sanctions (closed, pending)	Number of sanctions collected	Other measures (Number of inspections, warnings, meetings, media contacts etc.)
							Number of cases transferred	Number of confirmations where transferring NEB advised case closed				
IE	3 256	357 11%	244 7%	46 1%	2 609 80%	2 439[47] 75%	298 9%	298 9%	0 0%	-	-	8 inspections, 3 meetings with OACs, continuous monitoring of websites, media contacts as necessary
IS	101	45 45%	37 37%	1 1%	10 10%	0 0%	8 8%	0 0%	0 0%	-	0	2
IT	3 163	1 767 56%	1 090 34%	261 8%	45 1%	1 923 61%	247 8%	0 0%	86 3%	86	3[48] 3%	3080 airport inspections, 5 meetings with stakeholders, continuing information process through free toll phone number, emails, postal mail
LT	100	51 51%	22 22%	15 15%	12 12%	83 83%	5 5%	0 0%	2 2%	1 closed; 1 pending since 07/09/2012	1[49] 50%	3 investigations, 1 inspection at airport, 2 warnings to air carriers, 161 consultations
LU	58	15 26%	16 28%	4 7%	0 0%	35 60%	23 40%	0 0%	2 3%	-	-	-

[47] 98 cases from 2012 remain under investigation. In addition 719 complaints – none of which fell within the scope of the Regulation – were concluded via telephone and not by means of a closing letter

[48] EUR 36 694 collected (the sanctioning process can last for more than one year to get to the closure (appeal to Court etc.) Therefore the number of sanctions payment collected in one year doesn't match the number of the sanctions per year)

[49] LTL 500 (~EUR 145) collected, the sanctioned person has challenged the sanction in front of the court, but the court did not grant the complaint. Another sanction was applied in 2012 but actually paid in 2013 and therefore is not reflected in the table

Country	Complaints received in total	Long Delay	Cancellation	Denied Boarding	Other	Number of letters sent to passengers closing their cases	Cases transferred to another NEB as out of jurisdiction		Number of cases engaged for sanctioning	Status of sanctions (closed, pending)	Number of sanctions collected	Other measures (Number of inspections, warnings, meetings, media contacts etc.)
							Number of cases transferred	Number of confirmations where transferring NEB advised case closed				
LV	133	43 32%	46 35%	21 16%	23 17%	133 100%	15 11%	0 0%	0 0%	-	-	-
MT	80	32 40%	23 29%	13 16%	12 15%	80 100%	2 3%	0 0%	0 0%	-	-	-
NL	2 600	1 034 40%	144 6%	21 1%	351 14%	1 199 46%	656 25%	0 0%	0 0%	4 reparatory sanctions pending since 31/03/2011, One of the 4 reparatory sanctions was withdrawn 12/2012, Two were withdrawn Jan/Feb 2013	-	10 procedures ground handling and airport inspections 9 warnings
NO	727	149 20%	280 39%	46 6%	252 35%	0 0%	39 5%	0 0%	0 0%	-	0 0%	3
PL	4 021	1 617 40%	1 537 38%	92 2%	775[50] 19%	3 041 76%	323 8%	0 0%	638[51] 16%	472 pending	166 26%	~228 inspections, ~36 media contacts[52]

[50] 596 cases were written enquiries sent to CAA by passengers about their air passenger rights

[51] 144 decisions which are not binding in law yet are excluded

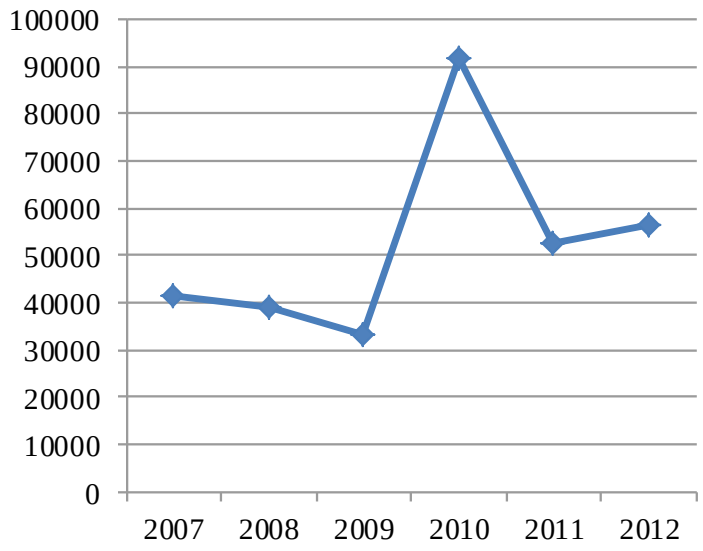
[52] 19 inspections and ~3 media contacts/month

Country	Complaints received in total	Long Delay	Cancellation	Denied Boarding	Other	Number of letters sent to passengers closing their cases	Cases transferred to another NEB as out of jurisdiction		Number of cases engaged for sanctioning	Status of sanctions (closed, pending)	Number of sanctions collected	Other measures (Number of inspections, warnings, meetings, media contacts etc.)
							Number of cases transferred	Number of confirmations where transferring NEB advised case closed				
PT	6 165	2 020 33%	910 15%	306 5%	2 929 48%	6 992 113%	32 1%	0 0%	3 0%	3 pending	0 0%	9 inspections
RO	365	66 18%	90 25%	19 5%	189 52%	365 100%	1 0%	0 0%	11[53] 3%	5 closed 1 pending 1 in court	5 45%	4 warnings, 3 meetings, 10 media contacts
SE	349	138 40%	123 35%	15 4%	3 1%	93 27%	89 26%	0 0%	4[54] 1%	Regarding unfair contract terms: 4 open	0 0%	~100 media contacts, 39 inspections at airports
SI	52	14 27%	14 27%	1 2%	23 44%	0 0%	13 25%	0 0%	0 0%	-	-	-
SK	59	25 42%	19 32%	2 3%	13 22%	58 98%	18 31%	17 29%	4 7%	1 pending	1 25%	8 inspections
UK	4 016	2 482 62%	1 224 30%	290 7%	20 0,5%	0 0%	451 11%	0 0%	12 0,3%	10 closed	-	34
Total	**56 478**	**21 710 38%**	**21 330 38%**	**3 757 7%**	**8 524 15%**	**37 176 66%**	**4 435 8%**	**315 1%**	**1 247 2%**		**249 20%**	

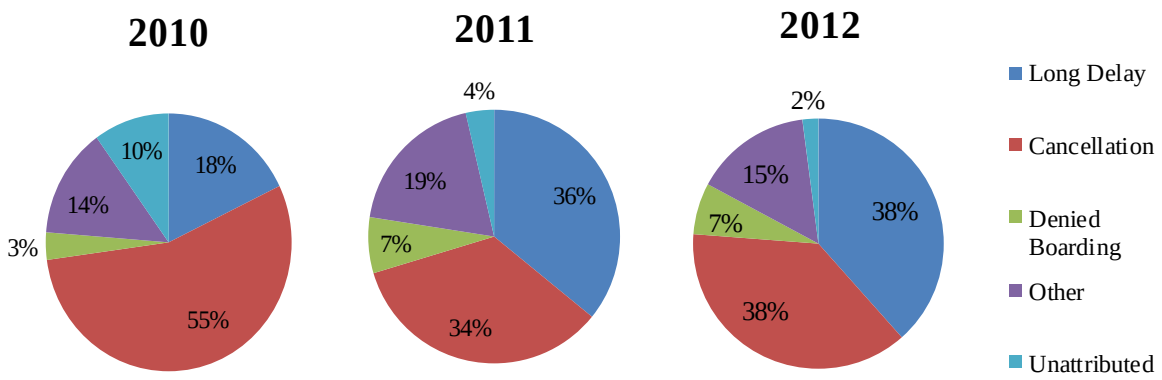
53 7 pecuniary sanctions, 4 warnings

54 Regarding unfair contract terms

1.4. Evolution of the total number of complaints received by NEBs in 2007-2012



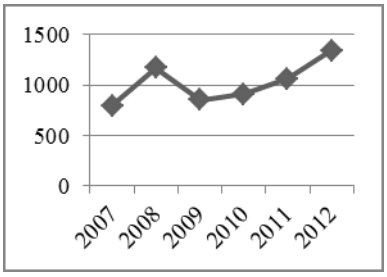
1.5. Evolution of distribution between grounds for lodging complaints in 2010-2012



A trend of decrease in the proportion of complaints about cancellations can be observed. On the contrary, the number of complaints about long delays has been increasing continuously. Although the number of denied boarding situations significantly decreased since the entry into force of the Regulation, the number of complaints about denied boarding more than doubled in 2011 and their proportion remained stable in 2012 (7%). Complaints about incidents other than long delays, cancellations or denied boarding vary between 14% and 19%.

Thus, the proportions shown above do not fully reflect the exact distribution of complaints between causes due to several reasons: firstly, some of the complaints cover several incidents and are therefore reflected in several graphs. Secondly, NEBs do not record all of the complaints they receive, whereas complaints divided between grounds for lodging them do not make up 100% of the total number reported by the NEBs. Therefore such shortcoming in numbers is indicated as "unattributed" above.

1.6. Evolution of the total number of complaints received by different NEBs in 2007-2012



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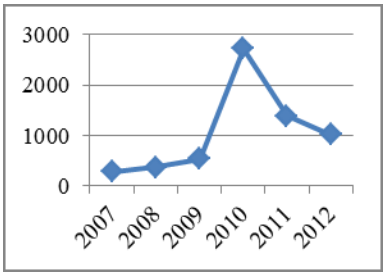

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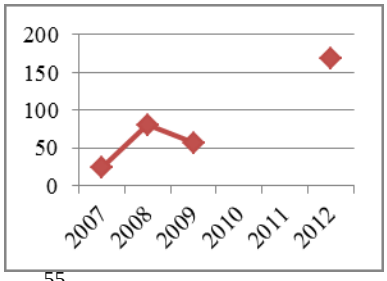

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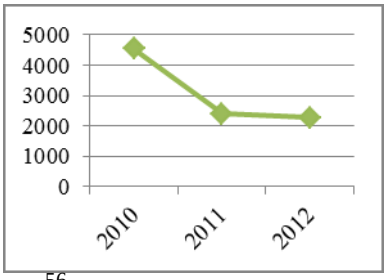
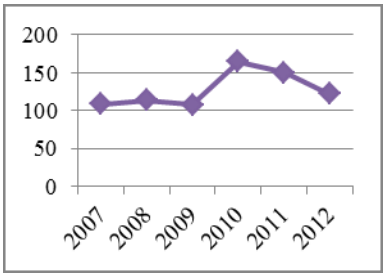


CH[56]



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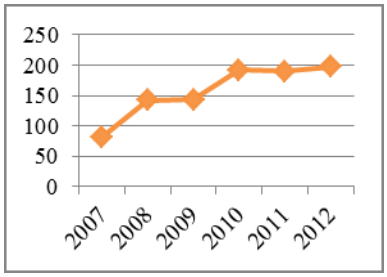

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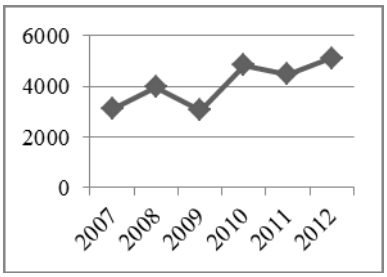

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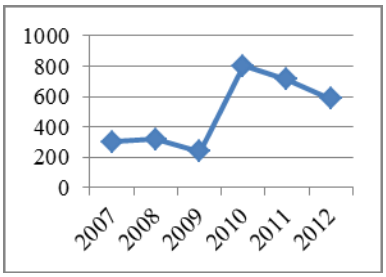

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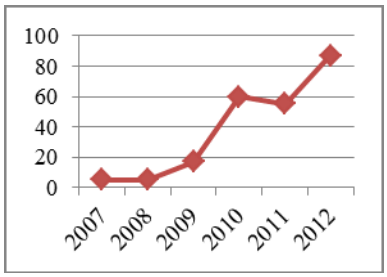

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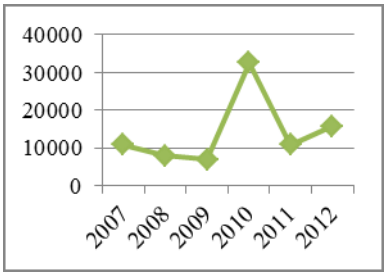

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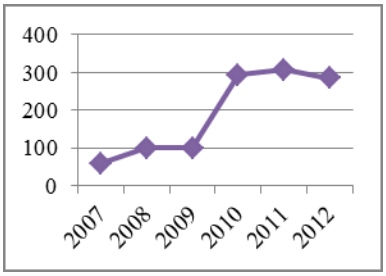

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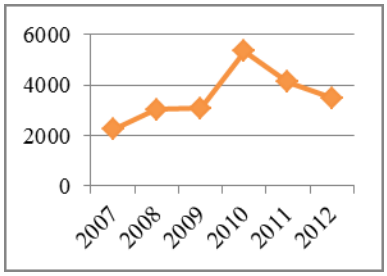

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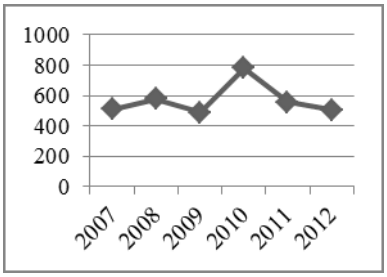

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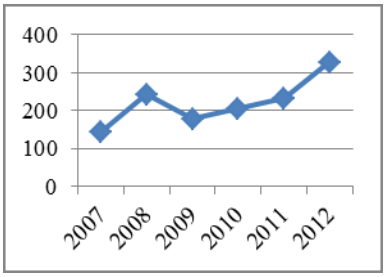

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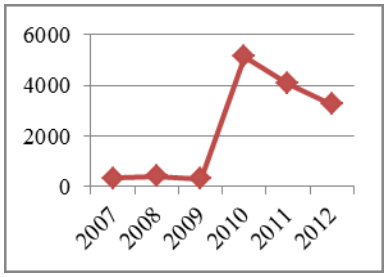

IE

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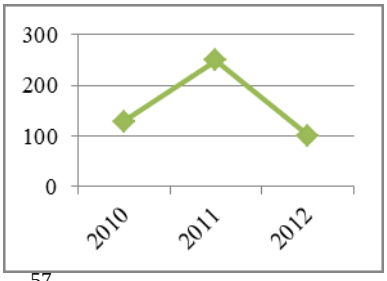
55 Bulgaria did not provide data for 2010 and 2011

56 Switzerland started gathering and reporting data since 2010



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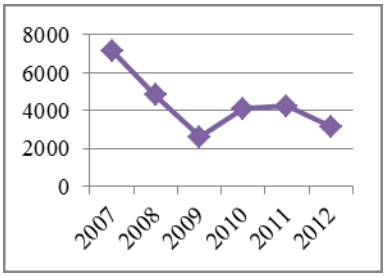

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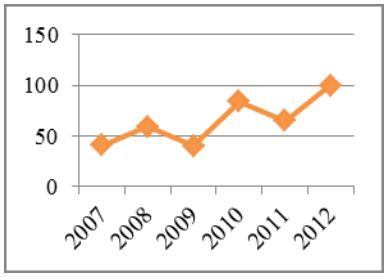

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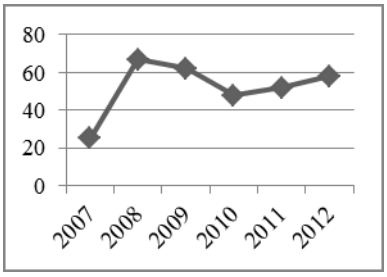

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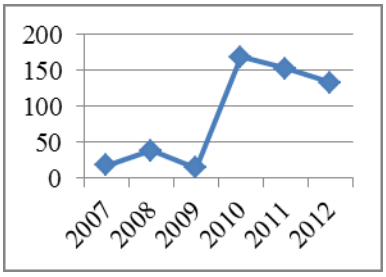

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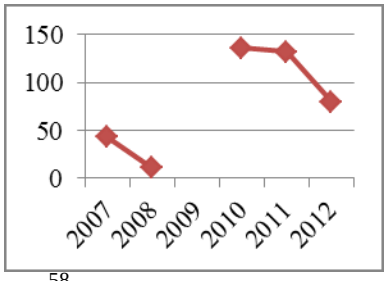

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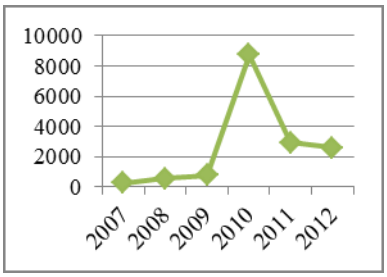

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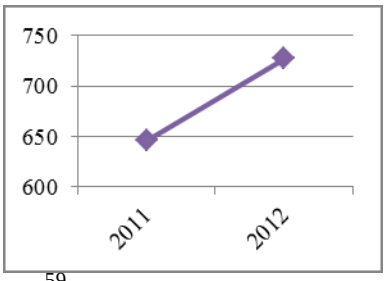

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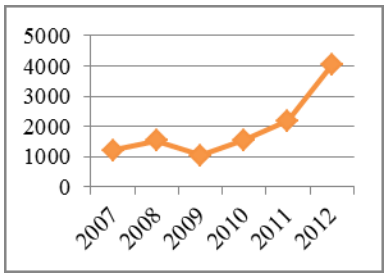

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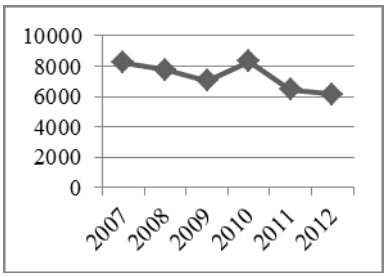

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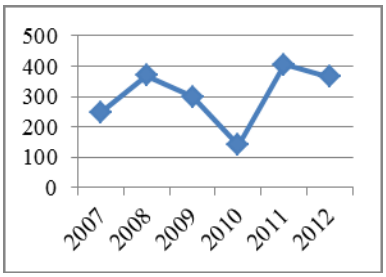

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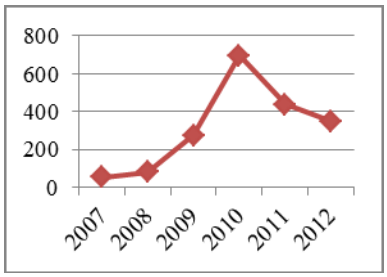
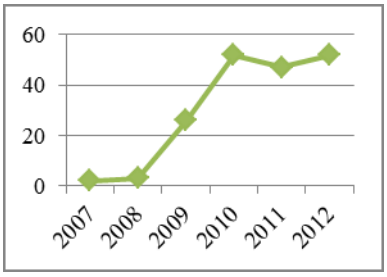
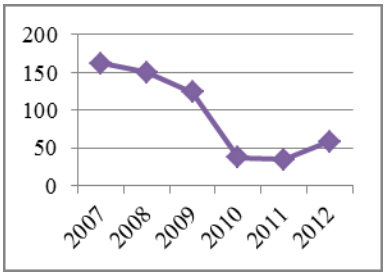


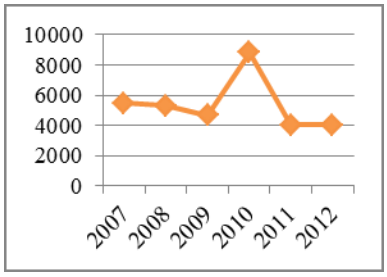
SE



SW



SK



UK

The above charts (in terms of complaints received) indicate the countries most affected by the exceptional natural events that occurred in 2010: Belgium, Denmark, Spain, France, Ireland,

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57 Iceland started gathering and reporting data since 2010

58 Malta did not provide data for 2009

59 Norway started gathering and reporting data since 2011

the Netherlands, Sweden and the United Kingdom. It is likely that a great increase of complaints in Greece is related to the Greek general strike on 5th May 2010.

Whereas the total amount of complaints decreased by 43% in 2011, some Member States witnessed opposite changes – the number of complaints increased in Austria, Finland, Hungary, Iceland, Italy, Luxembourg, Poland and Romania.

It is probable that the relatively high increase of complaints in Hungary and Spain may be explained by the cease of operations of air carriers important to these countries in 2012.

1.7. Designation of NEBs

Country	Organisation			
	In charge of Enforcement	**Is the NEB a CPC[60] authority?**	**In charge of Complaint handling**	**Is the NEB an ADR[61] or a mediation body?**
AT	Federal ministry of transport, innovation and technology	YES	Civil Aviation Authority, IV/L1, department passenger rights	YES
BE	Le Directeur-général de la Direction générale Transport aérien De Directeur-generaal van het Directoraat-generaal Luchtvaart	NO	SPF Mobilité et Transports FOD Mobiliteit en Vervoer Direction Générale Transport aérien Directoraat-generaal Luchtvaart	NO[62]
BG[63]	Civil Aviation Administration[64]	YES	Civil Aviation Administration	no information provided
CH	Federal Office of Civil Aviation, FOCA	Not applicable[65]	Federal Office of Civil Aviation, FOCA	NO
CY	Department of Civil Aviation	NO	Department of Civil Aviation	NO

60 i.e. a competent authority in the Consumer Protection Cooperation (CPC) Network established by Regulation 2006/2004/EC (see also footnote 74 and 75).

61 Alternative dispute resolution

62 Not an official mediation body, but does mediation

63 Information retrieved from Steer Davies Gleave Evaluation of Regulation 261/2004 report prepared for the European Commission Directorate General Energy and Transport in February 2010 http://ec.europa.eu/transport/themes/passengers/studies/doc/2010_02_evaluation_of_regulation_2612004.pdf

64 Assisted with complaints handling by the Commission of Trade and Consumers Protection, which is an agency of the Ministry of Economics, but this is not classified as an NEB

65 Switzerland is currently neither party to the European Economic Area Agreement nor to a bilateral agreement providing for its participation in the CPC established by Regulation 2006/2004/EC

Country	Organisation			
	In charge of Enforcement	**Is the NEB a CPC[60] authority?**	**In charge of Complaint handling**	**Is the NEB an ADR[61] or a mediation body?**
CZ	Ministry of Trade and Industry of the Czech Republic	NO	European Consumer Centre in the Czech Republic	NO
DE	Luftfahrt-Bundesamt	YES	Luftfahrt-Bundesamt	NO
DK[66]	Danish Transport Authority	YES	Danish Transport Authority	
EE	Consumer Protection Board of Estonia	YES	Consumer Protection Board of Estonia	YES
ES	Agencia Estatal De Seguridad Aerea (AESA)	YES	Agencia Estatal De Seguridad Aerea (AESA)	YES
FI	The Finnish Transport Safety Agency (Trafi)[67]	YES	The Finnish Transport Safety Agency (Trafi)	NO
	Consumer Disputes Board (CDB)[68]	NO	Consumer Disputes Board (CDB)	YES
	Consumer Ombudsman[69]	YES		NO[70]
FR	Direction générale de l'aviation civile	YES	Direction générale de l'aviation civile	YES
GR	Hellenic Civil Aviation Authority	NO	Hellenic Civil Aviation Authority	NO
HR[71]	Croatian Civil Aviation Agency	NO		
HU	National Transport Authority Aviation Authority (Hungarian CAA) – Nemzeti Közlekedési Hatóság Légügyi Hivatal	YES	Hungarian Authority for Consumer Protection /HACP/ - Nemzeti Fogyasztóvédelmi Hatóság	NO
IE	Commission for Aviation Regulation	YES	Commission for Aviation Regulation	NO

66 Information retrieved from Steer Davies Gleave Evaluation of Regulation 261/2004 report prepared for the European Commission Directorate General Energy and Transport in February 2010 http://ec.europa.eu/transport/themes/passengers/studies/doc/2010_02_evaluation_of_regulation_2612004.pdf

67 Handles complaints made by business travellers

68 Handles complaints made by private consumers

69 Monitors that the marketing, contract terms, passenger notices and commercial practices of airlines comply with the Regulation insofar as consumers are concerned

70 Has a possibility to provide legal assistance for individual consumer in court for disciplinary reasons e.g. to uphold a recommendation of CDB or in order to obtain a precedent. Consumer Ombudsman may also institute group complaints or class action in the collective interest of a group.

71 Croatia was not a MS during the time covered by the present document

Country	Organisation			
	In charge of Enforcement	**Is the NEB a CPC[60] authority?**	**In charge of Complaint handling**	**Is the NEB an ADR[61] or a mediation body?**
IS	Icelandic Civil Aviation Administration	NO	Icelandic Civil Aviation Administration	NO[72]
IT	Italian Civil Aviation Administration	YES	Italian Civil Aviation Administration	NO
LT	Civil Aviation Administration	YES	Civil Aviation Administration	NO
LU	Ministère de l'Economie et du Commerce extérieur Direction du Marché intérieur et de la consommation	YES	Ministère de l'Economie et du Commerce extérieur Direction du Marché intérieur et de la consommation	NO
LV	Consumer Rights Protection Centre	YES	Consumer Rights Protection Centre	YES
MT	Office for Consumer Affairs within the Malta Competition and Consumer Affairs Authority	YES	Office for Consumer Affairs within the Malta Competition and Consumer Affairs Authority	YES
NL	Inspectie Leefomgeving en Transport/Civil Aviation (CAA NL); Ministry of Infrastructure and Environment	YES	Inspectie Leefomgeving en Transport/Civil Aviation (CAA NL); Ministry of Infrastructure and Environment	NO
NO	N-CAA	YES	N-CAA	YES
PL	Civil Aviation Authority	YES	Civil Aviation Authority	NO
PT	Instituto Nacional de Aviação Civil, I.P	YES	Instituto Nacional de Aviação Civil, I.P	NO
RO	National Authority for Consumers Protection	YES	National Authority for Consumers Protection	YES
SE	Swedish Consumer Agency	YES	National Board for Consumer Disputes	YES
SI	Civil Aviation Agency	YES	Civil Aviation Agency	NO
SK	Slovak Trade Inspection (STI)	YES	Slovak Trade Inspection	NO
UK	Civil Aviation Authority	YES	Civil Aviation Authority	NO[73]

[72] Has competence to mediate

In addition to asking for indication of the authorities designated for the enforcement of Regulation 261/2004 and handling related complaints, the following information was also requested compared with the previous statistical document: whether the NEB is also a CPC authority (i.e. designated as competent authority under Regulation (EC) No 2006/2004 of the European Parliament and of the Council of 27 October 2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws (the Regulation on consumer protection cooperation)[74]) and whether the NEB is an alternative dispute resolution body or whether it has a mediation function.

12 Member States have reported that their respective NEBs are also CPC authorities, which, however, does not represent any difference in how complaints are handled in comparison to those, who are not CPC authorities[75]. Where those bodies are not identical, cooperation between NEBs and CPC authorities has been limited. In 10 Member States, NEBs are also acting as alternative dispute resolution bodies. 3 Member States, Belgium, the United Kingdom and Iceland, noted that although NEBs are not the official mediation bodies, they have competence to mediate.

When compared to the list of NEBs designated for Regulation 261/2004 enclosed in the previous statistical document covering the period 2007-2010, the authorities in charge of enforcement have changed in Malta, and the authorities in charge of complaint handling have changed in the Czech Republic, Malta and the United Kingdom. Iceland, Norway and Switzerland have also appointed NEBs for enforcement and complaint handling. Even though Croatia was not an EU Member State during the reporting period, information on its NEB is also provided.

1.8. Sanctions

1.8.1. National legislation on enforcement and sanctions

Country	Legislation
AT	Das Österreichische Luftfahrtrecht
BE	- Criminal penalties: Article 32 of the Law of 27 June 1937 regarding review of the law of 16 November 1919 concerning the organization of aviation - Administrative penalties: Article 45 of the Law of 27 June 1937 regarding review of the law of 16 November 1919 concerning the organization of aviation - Civil penalties: Articles 1382 and 1383 Belgian Civil Code
BG	Civil Aviation Act, Art. 16b
CH	Art. 91 Abs. 4 Bundesgesetz über die Luftfahrt (Luftfahrtgesetz, LFG)
CY	Law N213/2002 Civil Aviation Law, articles 245 and 246
CZ	Civil Aviation Act No 97/1997

73 Not an official mediation body, but offers mediation

74 OJ L 364, 9.12.2004, p. 1-11

75 The CPC Regulation's cooperation mechanisms apply to protect collective economic interests of consumers from breaches of consumer protection rules laid down in the legislation listed in the Annex of the Regulation (including Regulation 261/2004). Unlike NEBs, CPCs do not deal with individual complaints.

Country	Legislation	
DE	- § 63 d Luftverkehrszulassungsordnung (LuftVZO) - § 58 section 1 number 13 in conjunction with § 32 section 5a Luftverkehrsgesetz (LuftVG) - § 108 section 2 LuftVZO in conjunction with Regulation (EC) No 261/2004 - Ordnungswidrigkeitengesetz (OWiG), Strafprozessordnung (StPO)	
DK[76]	Air Navigation Act, Articles 31(a) and 149(11)	
EE	- Consumer Protection Act - Aviation Act	
ES	Aviation Security Law (Law 21/2003), as amended by the Law Establishing the State Programme for Operational Safety in Civil Aviation and modifying Law 21/2003 (Law 1/2011).	
FI	Trafi	According to the Aviation Act (1194/2009) 16:157 §: The Finnish Transport Safety Agency may, so as to make an order or prohibition issued on the basis of this Act or Community regulations more effective, impose conditional fines or orders of execution or suspension as provided for in the Conditional Fine Act (1113/1990)
	CDB	According to the CDB Act the decisions made by the Board are non-binding and this also applies to disputes involving Regulation No 261/2004
	Consumer Ombudsman	- Consumer Protection Act (38/1978) chapter 2 sections 16 and 17, chapter 3 section 3 - Act on the Finnish Consumer Agency, s 6 - Act on the Competition and Consumer Authority, section 10 - Act on the Finnish Competition and Consumer Authority s 9 (previously s. 5 of the Act on the Finnish Consumer Agency)
FR	Code de l'aviation civile	
GR	- The Ministerial Decision D1/D/13770/980/14-4-2005 which is published in Government Gazette N.529/B/2005 - The Ministerial Decision D1/D/1333/148/16-1-2007	
HR[77]	Article 184.a of the Act on Obligatory and Proprietary Rights in Air Traffic (OG 132/98, 63/08, 134/09 i 94/13)	
HU	- Act CLV. of 1997. on Consumer Protection Article 47. and 47/C. - Government Decree No 25/1999. (II.12.). on the regulation of passenger air-transport Article 27	
IE	- Section 45A of the Aviation Regulation Act 2001 (as inserted by the Aviation Act 2006) - Statutory Instrument 506 of 2011	
IS	Aviation act No 60/1998, article 136	
IT	Legislative Decree 27th January 2006, No 69	
LT	The Code of Administrative Violations of the Republic of Lithuania, Article 115(1)	
LU	Art. L.-311-9 du Code de la consommation	
LV	Section 155.14 of Latvian Administrative Violations Code	

[76] Information retrieved from Steer Davies Gleave Evaluation of Regulation 261/2004 report prepared for the European Commission Directorate General Energy and Transport in February 2010 http://ec.europa.eu/transport/themes/passengers/studies/doc/2010_02_evaluation_of_regulation_2612004.pdf

[77] Croatia was not a MS during the time covered by the present Commission Staff Working Paper

Country	Legislation
MT	Denied Boarding (Compensation and Assistance to Air Passengers) Regulations – Subsidiary Legislation 378.14
NL	Wet luchtvaart and General Administrative Law Act (Awb)
NO	N/A
PL	Art. 209b(1) of the Aviation Law (consolidated text Journal of Laws of 2012 item 933 including all later amendments)
PT	Decree-Law No 209/2005, of 29 November 2005 and Decree-Law No 10/2004, of 9 January 2004
RO	Government Decision No 1912/2006 regarding the establishment of measures in order to ensure the application of Regulation (EC) No 261/2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights
SE	Swedish Act on Air Transport (2010:510) 14-15 §§ in conjunction with the Swedish Marketing Act
SI	Regulation on accomplishment of Regulation (EC) of the European Parliament and of the Council establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights and on the annulment of Council Regulation (EEC) No 295/91 (Official Gazette No 61/2005)
SK	Act No 250/2007 Call. of Law on Consumer Protection
UK	- The Civil Aviation (Denied Boarding, Compensation and Assistance) Regulations 2005 (SI 2005/975) - Enterprise Act 2002

The table reflects the legal basis for sanctions and relevant changes in legislation of the respective Member States since the last statistical document.[78] The table also includes information regarding Croatia's, Iceland's, Norway's and Switzerland's relevant legislation on sanctions for violations of obligations under Regulation 261/2004.

[78] Indications to different legal basis was received from Czech Republic, Finland, Greece, Ireland, Luxembourg, Malta, Spain and the United Kingdom

1.8.2. Type and level of sanctions which may be imposed

Country	Type and Level (in case of pecuniary sanctions)
AT	EUR 22 000
BE	- Criminal penalties: imprisonment of 1 year and a fine of EUR 24 000 000 (year 2012) - Administrative penalties: EUR 24 000 000 (year 2012) - Civil penalties: the principle for the sanction under civil procedures is integral reparation
BG[79]	EUR 5 000
CH	CHF 20 000 (~EUR 16 189)
CY	~ EUR 8 500 administrative fine or 10% of an air carrier's annual turnover
CZ	CZK 5 000 000 (~EUR 194 090)
DE	EUR 25 000
DK[80]	Unlimited
EE	EUR 3 200
ES	- Minor infringements: warning or fine of EUR 4 500 to EUR 70 000 - Serious infringements: fine of EUR 70 001 to EUR 250 000 - Very serious infringements: fine of EUR 250 001 to EUR 4 500 000
FI	No maximum amount of sanction, depends i.a. on the size of the company
FR	EUR 7 500 per infringement (doubling is possible for a subsequent offense within one year); no ceiling per airline
GR	EUR 3 000 per passenger complaint
HR[81]	- HRK 50 000 (~EUR 6 560) for air carrier or airport operator - HRK 15 000 (~EUR 1 970) accountable manager in the air carrier/airport operator - HRK 15 000 (~EUR 1 970) any other person
HU	HUF 2 000 000 (~EUR 6 823)
IE	- On summary conviction: EUR 5 000 - On conviction on indictment: EUR 150 000
IS	ISK 10 000 000 (~EUR 60 000)
IT	EUR 50 000
LT	LTL 3 000 (~EUR 869)
LU	EUR 50 000
LV	- For failure to provide air passengers with information: up to LVL 100 (~EUR 143) - For failure to respect passengers' rights (including all air passenger laws relating to denied boarding, cancellation or long delay): up to 700 LVL (~EUR 1 000) - For failure to comply with request for information made in the course of investigating a complaint: up to LVL 10 000 (~EUR 14 300)

79 Information retrieved from Steer Davies Gleave Evaluation of Regulation 261/2004 report prepared for the European Commission Directorate General Energy and Transport in February 2010 http://ec.europa.eu/transport/themes/passengers/studies/doc/2010_02_evaluation_of_regulation_2612004.pdf

80 idem

81 Croatia was not a MS during the time covered by the present Commission Staff Working Paper

Country	Type and Level (in case of pecuniary sanctions)
MT	EUR 5 000 plus EUR 120-230 fine for every day of continuous non-compliance
NL	If the number of irreparable infringements exceeds 40, within the period of a calendar year, the airline will be sanctioned with an administrative fine of: - EUR 15 000 of confirmed infringement number 41 - EUR 30 000 of confirmed infringement number 42 - EUR 60 000 of confirmed infringement number 43 - Each EUR 74 000 of confirmed infringement from number 44 and higher
NO	No information
PL	Maximum amount depends on the range of stated infringement of the rules of Regulation (EC) No 261/2004 and is different in every single case
PT	- Light misdemeanours: EUR 3 000 - Serious misdemeanours: EUR 10 000 - Very serious misdemeanours: EUR 250 000
RO	RON 2 500 (~EUR 563)
SE	There is no limit
SI	EUR 33 383
SK	EUR 66 387.84 and up to EUR 165 969.59 for a repeated violation within 12 months
UK[82]	EUR 7 750

The maximum amount of sanctions varies greatly from country to country: whereas they are unlimited in some Member States (Denmark, Sweden), or are justified and applicable on a case-by-case basis (Finland, Poland), in others the maximum amount varies from very high (EUR 24 000 000 in Belgium) to incomparably lower amounts (EUR 563 in Romania and EUR 869 in Lithuania). An average maximum sanction, excluding Belgium and Spain as MS who have maximum sanctions that greatly exceed the next highest maximum sanction, is ~ EUR 43 617.

Compared to the previous statistical document, adaptations in maximum amounts of sanctions (increase or decrease) are recorded in the following Member States: Belgium, Bulgaria, Estonia, Latvia, Malta, Sweden and the United Kingdom.

[82] Information retrieved from Steer Davies Gleave Evaluation of Regulation 261/2004 report prepared for the European Commission Directorate General Energy and Transport in February 2010 http://ec.europa.eu/transport/themes/passengers/studies/doc/2010_02_evaluation_of_regulation_2612004.pdf

2. COMPLAINT HANDLING BY THE NEBS RESPONSIBLE FOR THE ENFORCEMENT OF REGULATION 1107/2006

Regulation (EC) No. 1107/2006 came into full effect on 26 July 2008. No statistical information on complaints received related to Regulation 1107/2006 was collected by the European Commission so far.

Regulation 1107/2006 establishes rules to protect disabled persons and persons with reduced mobility (hereinafter referred to as "PRMs") against discrimination and to provide them with assistance when travelling by air[83]. In its Report to the European Parliament and the Council on the functioning and effects of Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air[84], the European Commission proposed a number of axes for improvement within the existing framework, including strengthening the efficiency of the penalties and their supervision by national authorities. In line with this commitment and in order to obtain a full overview of how the rights of PRM are respected, the Commission requested NEBs to provide information on complaints received in 2010-2012 relating to Regulation 1107/2006.

The number of complaints reported by NEBs is relatively low. This might have several reasons: Complaints under Regulation 1107/2006 in most cases affect individual passengers, whereas complaints under Regulation 261/2004 mostly cover incidents experienced by a number of passengers in the same situation and in the same airplane, notably in the case of delays and cancellations. Individual passengers' complaints need first to be addressed directly to the airline company and/or to the airport managing body involved and might already be settled at this level. As a result, they might not even reach the level of NEBs. Another reason for the relatively low numbers is a low rate of awareness among PRMs about their rights when travelling. In this regard, in June 2012, the European Commission published interpretative guidelines to facilitate and improve the application of Regulation 1107/2006[85] and continues raising awareness by several actions including an Information campaign on passenger rights with particular attention to PRM passengers[86]. Finally, in view of the specific difficulties that PRM passengers are still facing in air transport, complicated and time-consuming complaint handling procedures might dissuade them from lodging a complaint.

The data show that the use of measures such as monitoring and inspections by NEB is increasing during the reporting period. Although this seems to indicate that some NEBs actively take initiatives to improve the enforcement of PRMs' rights, more needs to be done by the majority of NEBs.

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83 Article 1 (1)

84 COM(2011) 166 final

85 SWD(2012)171 final

86 http://ec.europa.eu/transport/passenger-rights/en/03-air.html

2.1. Complaint handling 2010

In 2010, 128 complaints were received by the NEBs and, in addition, 93 information requests on the matter. A single complaint often covers several incidents and, therefore, the overall number of complaints often does not correspond to the sum of the complaints split by the relevant causes. The most frequent ground for lodging a complaint is "other at the airport": this covers incidents such as the lack of transmission of pre-notification information to the air carrier, problems with assistance dogs at departure or arrival and other unlisted inconveniences suffered at airports and makes 31% of the overall complaints. Inadequate or lack of assistance at the airport also makes a great proportion of total complaints (18%).

The percentage of the cases closed after examination is rather high (74%). Only 1 case out of 128 (less than 1%) was actually engaged for sanctioning by NEBs in line with their enforcement obligations under Article 14 of Regulation (EC) 1107/2006. Some other measures such as audits, airport inspections and provision of information on media were undertaken by the national authorities to enforce PRMs' rights when travelling by air.

Country	**Complaints received in total**	**Number of enquiries / information requests**	**Difficulties arising during booking (refusal of reservation, organising assistance etc.)**	**Lack of assistance/ inadequate assistance (on board aircraft)**	**Lack of assistance/ inadequate assistance (at the airport)**	**Denied Boarding**	**Loss or damage of mobility equipment (on board/ at the airport)**	**Other at the airport** [87]	**Other with the air carrier** [88]	**Number of cases closed**	**Number of cases engaged for sanctioning**	**Status of sanctions (closed, pending, collected)**	**Other measures** (monitoring, inspections etc.)
AT	0	0	0	0	0	0	0	0	0	0	0	-	-
BE	1	0	0	0	1	0	0	0	0	1	0	-	-
BG	No information provided												

[87] e.g. lack of transmission of pre-notification information to the air carrier, problems with assistance dogs at departure/ at arrival etc.

[88] e.g. lack of "toll-free" pre-notification tools, lack of transmission of pre-notification information to the airport, refusal to carry assistance dogs etc.

CH	1	0	0	0	0	1	0	0	0	1	0	1 closed	Audits, checks, website sweeps, information to press/media, meetings with stakeholders, warnings
CY	0	0	0	0	0	0	0	0	0	0	0	-	7
Country	**Complaints received in total**	**Number of enquiries / information requests**	**Difficulties arising during booking (refusal of reservation, organising assistance etc.)**	**Lack of assistance/ inadequate assistance (on board aircraft)**	**Lack of assistance/ inadequate assistance (at the airport)**	**Denied Boarding**	**Loss or damage of mobility equipment (on board/ at the airport)**	**Other at the airport** [89]	**Other with the air carrier** [90]	**Number of cases closed**	**Number of cases engaged for sanctioning**	**Status of sanctions (closed, pending, collected)**	**Other measures** (monitoring, inspections etc.)
CZ	0	0	0	0	0	0	0	0	0	0	0	-	Web sites checks
DE	14	0	0	11	1	2	0	0	8	0	0	-	0
DK	3	0	0	0	3	0	0	0	0	3	0	-	-
EE	0	0	0	0	0	0	0	0	0	0	0	-	0
ES	11	11	0	2	0	3	5	0	2	11	0	-	-
FI	0	0	0	0	0	0	0	0	0	0	0	-	-
FR	11	3	2	1	4	0	1	0	0	10[91]	0	1[92]	Interviews are given in the press, radio and television regularly, information on the website
GR	4	0	0	1	2	1	0	0	0	4	0	0	-
HU	0	0	0	0	0	0	0	0	0	0	0	-	-

[89] e.g. lack of transmission of pre-notification information to the air carrier, problems with assistance dogs at departure/ at arrival etc.

[90] e.g. lack of "toll-free" pre-notification tools, lack of transmission of pre-notification information to the airport, refusal to carry assistance dogs etc.

[91] In 80% of cases, claims are closed without an action, due to the absence of sufficient data submitted by the passenger without the possibility to verify the facts

[92] This claim has also been sanctioned under Regulation 261/2004

IE	2	13	1	1	1	0	1	2	1	2	0	-	5 Inspections, on-going monitoring of OAC & Airport Websites
Country	**Complaints received in total**	**Number of enquiries / information requests**	**Difficulties arising during booking (refusal of reservation, organising assistance etc.)**	**Lack of assistance/ inadequate assistance (on board aircraft)**	**Lack of assistance/ inadequate assistance (at the airport)**	**Denied Boarding**	**Loss or damage of mobility equipment (on board/ at the airport)**	**Other at the airport** [93]	**Other with the air carrier** [94]	**Number of cases closed**	**Number of cases engaged for sanctioning**	**Status of sanctions (closed, pending, collected)**	**Other measures** (monitoring, inspections etc.)
IS	0	0	0	0	0	0	0	0	0	0	0	-	-
IT	45	19	6	9[95]	9	8[96]	2	6	5	45	0	-	42
LT	0	0	0	0	0	0	0	0	0	0	0	-	6 inspections of airports
LU	0	0	0	0	0	0	0	0	0	0	0	-	-
LV	0	0	0	0	0	0	0	0	0	0	0	0	0
MT	0	5	0	0	0	0	0	0	0	0	0	-	7
NL	1	0	1	0	0	0	0	0	0	0	0	-	-
PL	2	0	0	0	2	0	0	0	0	0	0	-	-
PT	32	32	1	0	0	0	0	31	0	17	1	1 appeal phase	7
RO	0	0	0	0	0	0	0	0	0	0	0	-	-

93 e.g. lack of transmission of pre-notification information to the air carrier, problems with assistance dogs at departure/ at arrival etc.

94 e.g. lack of "toll-free" pre-notification tools, lack of transmission of pre-notification information to the airport, refusal to carry assistance dogs etc.

95 Request for an accompanying person

96 Not meeting the safety requirements of the air carriers

SE	1	~10	0	0	0	0	0	1	0	1	0	-	2 meetings with disability organisations and the industry, inspection of 5 airports, market survey of 18 airlines' contract terms
SI	0	0	0	0	0	0	0	0	0	0	0	-	-
SK	0	0	0	0	0	0	0	0	0	0	0	-	-
Country	**Complaints received in total**	**Number of enquiries / information requests**	**Difficulties arising during booking (refusal of reservation, organising assistance etc.)**	**Lack of assistance/ inadequate assistance (on board aircraft)**	**Lack of assistance/ inadequate assistance (at the airport)**	**Denied Boarding**	**Loss or damage of mobility equipment (on board/ at the airport)**	**Other at the airport** [97]	**Other with the air carrier** [98]	**Number of cases closed**	**Number of cases engaged for sanctioning**	**Status of sanctions (closed, pending, collected)**	**Other measures** (monitoring, inspections etc.)
UK[99]	-	-	-	-	-	-	-	-	-	-	-	-	-
Total	**128**	**93**	**11** **9%**	**25** **20%**	**23** **18%**	**15** **12%**	**9** **7%**	**40** **31%**	**16** **13%**	**95** **74%**	**1** **1%**		

97 e.g. lack of transmission of pre-notification information to the air carrier, problems with assistance dogs at departure/ at arrival etc.

98 e.g. lack of "toll-free" pre-notification tools, lack of transmission of pre-notification information to the airport, refusal to carry assistance dogs etc.

99 Information was only provided after the UK CAA took over complaint handling from the Equality and Human Rights Commission on 01/10/2011

2.2. Complaint handling 2011

A slight decrease of complaints falling under Regulation (EC) 1107/2006 in 2011 (13%) is recorded. The same decrease can be observed as regards information requests. The most frequent reason for lodging complaints remains "other at the airport", e.g. lack of transmission of pre-notification information to the air carrier, problems with assistance dogs at departure or on arrival and similar issues. The second biggest proportion of complaints (20%) is linked to inadequate or lack of assistance at the airport. A single complaint often covers several incidents and therefore the overall number of complaints often does not correspond to the sum of the complaints split according to the relevant causes.

Measures such as monitoring and inspections were used more frequently when comparing 2011 to 2010..

Country	Complaints received in total	Number of enquiries / information requests	Difficulties arising during booking (refusal of reservation, organising assistance etc.)	Lack of assistance/ inadequate assistance (on board aircraft)	Lack of assistance/ inadequate assistance (at the airport)	Denied Boarding	Loss or damage of mobility equipment (on board/ at the airport)	Other at the airport[100]	Other with the air carrier[101]	Number of cases closed	Number of cases engaged for sanctioning	Status of sanctions (closed, pending, collected)	Other measures (monitoring, inspections etc.)
AT	0	0	0	0	0	0	0	0	0	0	0	-	-
BE	3	0	1	0	1	1	0	0	0	2	0	-	-
BG	No information provided												
CH	2	0	0	1	0	1	0	0	0	2	0	2 closed	Audits, checks, website sweeps, information to press/media, meetings with stakeholders, warnings
CY	0	0	0	0	0	0	0	0	0	0	0	-	10
CZ	1	0	0	0	0	0	0	0	0	0 0%	0 0%	-	Web sites checks

[100] e.g. lack of transmission of pre-notification information to the air carrier, problems with assistance dogs at departure/ at arrival etc.

[101] e.g. lack of "toll-free" pre-notification tools, lack of transmission of pre-notification information to the airport, refusal to carry assistance dogs etc.

DE	14	0	2	6	2	4	0	0	6	0	0	-	1
DK	3	0	2	0	1	0	0	0	0	3	0	-	-
Country	**Complaints received in total**	**Number of enquiries / information requests**	**Difficulties arising during booking (refusal of reservation, organising assistance etc.)**	**Lack of assistance/ inadequate assistance (on board aircraft)**	**Lack of assistance/ inadequate assistance (at the airport)**	**Denied Boarding**	**Loss or damage of mobility equipment (on board/ at the airport)**	**Other at the airport**[102]	**Other with the air carrier**[103]	**Number of cases closed**	**Number of cases engaged for sanctioning**	**Status of sanctions (closed, pending, collected)**	**Other measures** (monitoring, inspections etc.)
EE	0	0	0	0	0	0	0	0	0	0	0	-	0
ES	16	16	1	1	4	4	4	0	2	16	0	-	-
FI	0	0	0	0	0	0	0	0	0	0	0	-	-
FR	14	1	2	1	4	1	0	1	1	14[104]	0	-	3 cases were transferred to another NEB as out of jurisdiction, interviews are given in the press, radio and television regularly, information on the website
GR	0	0	0	0	0	0	0	0	0	0	0	-	-
HU	1	1	0	0	0	0	0	1[105]	0	1	0	-	-
IE	5	21	0	1	3	2	1	1	4	5	0	-	8 Inspections, on-going monitoring of OAC & airport websites

102 e.g. lack of transmission of pre-notification information to the air carrier, problems with assistance dogs at departure/ at arrival etc.

103 e.g. lack of "toll-free" pre-notification tools, lack of transmission of pre-notification information to the airport, refusal to carry assistance dogs etc.

104 In 80% of cases, claims are closed without an action, due to the absence of sufficient data submitted by the passenger without the possibility to verify the facts

105 Not enough parking place for PRMs

IS	0	0	0	0	0	0	0	0	0	0	0	-	-
IT	19	7	1	2	1	4[106]	2	3	6	19	1	Closed	14
Country	**Complaints received in total**	**Number of enquiries / information requests**	**Difficulties arising during booking (refusal of reservation, organising assistance etc.)**	**Lack of assistance/ inadequate assistance (on board aircraft)**	**Lack of assistance/ inadequate assistance (at the airport)**	**Denied Boarding**	**Loss or damage of mobility equipment (on board/ at the airport)**	**Other at the airport[107]**	**Other with the air carrier[108]**	**Number of cases closed**	**Number of cases engaged for sanctioning**	**Status of sanctions (closed, pending, collected)**	**Other measures** (monitoring, inspections etc.)
LT	0	0	0	0	0	0	0	0	0	0	0	-	2 inspections at airports
LV	0	0	0	0	0	0	0	0	0	0	0	-	-
LU	0	0	0	0	0	0	0	0	0	0	0	-	-
MT	1	3	1	0	0	0	0	0	1	1	0	0	4
NL	3	0	2	1	1	0	0	1	1	3	0	-	-
PL	2	0	0	0	2	0	0	0	0	0	0	-	-
PT	22	22	0	0	0	0	0	22	0	19	0	-	-
RO	4	0	0	0	3	0	1	0	0	4	0	0	-
SE	1	~10	0	0	0	0	0	1	0	1	0	-	2 meetings with disability organisations and the industry, inspection of 9 airports and 3 air carriers, published report based on market survey in 2010
SI	0	0	0	0	0	0	0	0	0	0	0	-	1 inspection
SK	0	0	0	0	0	0	0	0	0	0	0	-	-
UK[109]	-	-	-	-	-	-	-	-	-	-	-	-	-

106 Not meeting the safety requirements of the air carriers

107 e.g. lack of transmission of pre-notification information to the air carrier, problems with assistance dogs at departure/ at arrival etc.

108 e.g. lack of "toll-free" pre-notification tools, lack of transmission of pre-notification information to the airport, refusal to carry assistance dogs etc.

109 Information is not available due to the fact that CAA took over complaint handling from Equality and Human Rights Commission on 01/10/2011

Total	**111**	**81**	**12** **11%**	**13** **12%**	**22** **20%**	**17** **15%**	**8** **7%**	**30** **27%**	**21** **19%**	**90** **81%**	**1** **1%**		

2.3. Complaint handling 2012

The significant increase in the number of complaints (by 148%) as well as of information requests received in 2012 is directly related to the fact that in that year, the United Kingdom started to provide the European Commission with its statistical data on the matter. Information was only available since the British Civil Aviation Authority (UK CAA) took over complaint handling from the Equality and Human Rights Commission on 1 October 2011. Furthermore, Norway started gathering and reporting its statistical data on complaints related to Regulation 1107/2006 in 2012. The remaining number of complaints (having deducted the complaints from the Norwegian and the British NEBs) remains stable in comparison with 2010 and 2011.

In June 2012, the European Commission published Interpretative Guidelines on the application of Regulation (EC) No 1107/2006[110]. The Commission committed itself to providing these guidelines before the start of the 2012 Paralympic Games in London. In view of the fact that the Commission has not been provided with statistical data of complaints received by the UK NEB for the previous years it is impossible to establish whether any increase in the number of complaints was due to the Paralympic Games and to identify the effects that the above guidelines might have had on the exercise of PRMs' rights under the Regulation.

As regards the most frequent causes of complaints, even though inadequate or lack of assistance at the airport (34%) and "other at the airport" (33%) remain the main causes, the greatest part of the complaints (41%) were lodged for "other with carrier" reasons, such as lack of "toll-free" pre-notification tools, lack of transmission of pre-notification information to the airport, refusal to carry assistance dogs etc. A single complaint often covers several incidents and therefore the overall number of complaints often does not correspond to the sum of the complaints split according to the relevant causes.

[110] SWD(2012) 171 final

Country	Complaints received in total	Number of enquiries / information requests	Difficulties arising during booking (refusal of reservation, organising assistance etc.)	Lack of assistance/ inadequate assistance (on board aircraft)	Lack of assistance/ inadequate assistance (at the airport)	Denied Boarding	Loss or damage of mobility equipment (on board/ at the airport)	Other at the airport[111]	Other with the air carrier[112]	Number of cases closed	Number of cases engaged for sanctioning	Status of sanctions (closed, pending, collected)	Other measures (monitoring, inspections etc.)
AT	0	0	0	0	0	0	0	0	0	0	0	-	-
BE	5	0	2	0	3	0	0	0	0	4	0	-	-
BG	No information provided												
CH	3	0	0	0	0	1	0	1	1	3	0	3 closed	Audits, checks, website sweeps, information to press/media, meetings with stakeholders, warnings
CY	1	0	0	1	1	0	0	0	0	1	0	-	10
CZ	0	0	0	0	0	0	0	0	0	0	0	-	2 inspections at the airports
DE	11	0	0	2	4	5	0	5	5	0	0	-	2
DK	7	0	2	1	3	0	1	0	0	7	0	-	-
EE	0	0	0	0	0	0	0	0	0	0	0	-	0
ES	19	19	3	1	0	0	2	5	19	19	3	1	-
FI	4	0	1	1	1	1	0	0	0	4	0	-	2

111 e.g. lack of transmission of pre-notification information to the air carrier, problems with assistance dogs at departure/ at arrival etc.

112 e.g. lack of "toll-free" pre-notification tools, lack of transmission of pre-notification information to the airport, refusal to carry assistance dogs etc.

Country	Complaints received in total	Number of enquiries / information requests	Difficulties arising during booking (refusal of reservation, organising assistance etc.)	Lack of assistance/ inadequate assistance (on board aircraft)	Lack of assistance/ inadequate assistance (at the airport)	Denied Boarding	Loss or damage of mobility equipment (on board/ at the airport)	Other at the airport[113]	Other with the air carrier[114]	Number of cases closed	Number of cases engaged for sanctioning	Status of sanctions (closed, pending, collected)	Other measures (monitoring, inspections etc.)
FR	19	6	3	0	7	0	0	2	1	19[115]	0	-	Interviews are given in the press, radio and television regularly, information on the website
GR	1	0	0	0	0	1	0	0	0	1	0	0	-
HU	0	0	0	0	0	0	0	0	0	0	0	-	-
IE	9	16	2	1	3	2	1	1	5	6	0	-	6 Inspections, on-going monitoring of OAC & airport websites
IS	0	0	0	0	0	0	0	0	0	0	0	-	-

113 e.g. lack of transmission of pre-notification information to the air carrier, problems with assistance dogs at departure/ at arrival etc.

114 e.g. lack of "toll-free" pre-notification tools, lack of transmission of pre-notification information to the airport, refusal to carry assistance dogs etc.

115 In 80% of cases, claims are closed without an action, due to the absence of sufficient data submitted by the passenger without the possibility to verify the facts

Country	Complaints received in total	Number of enquiries / information requests	Difficulties arising during booking (refusal of reservation, organising assistance etc.)	Lack of assistance/ inadequate assistance (on board aircraft)	Lack of assistance/ inadequate assistance (at the airport)	Denied Boarding	Loss or damage of mobility equipment (on board/ at the airport)	Other at the airport [116]	Other with the air carrier [117]	Number of cases closed	Number of cases engaged for sanctioning	Status of sanctions (closed, pending, collected)	Other measures (monitoring, inspections etc.)
IT	9	8	1	1	3	2	0	1	1	9	0	0	2 Airport Managing Body Audits, Adoption of Standards for Airport Managing Body websites, New dedicated leaflet and a new area in the ENAC website, 4 meetings with stakeholders, information day in cooperation with ECC Net at six national airports, Survey through 953 questionnaires conceived and delivered by ENAC Officers at six national airports during two campaigns, institutional box at the PRM dedicated exhibition REATECH Italy, project for an APP about PRMs rights in the air transport field

[116] e.g. lack of transmission of pre-notification information to the air carrier, problems with assistance dogs at departure/ at arrival etc.

[117] e.g. lack of "toll-free" pre-notification tools, lack of transmission of pre-notification information to the airport, refusal to carry assistance dogs etc.

Country	Complaints received in total	Number of enquiries / information requests	Difficulties arising during booking (refusal of reservation, organising assistance etc.)	Lack of assistance/ inadequate assistance (on board aircraft)	Lack of assistance/ inadequate assistance (at the airport)	Denied Boarding	Loss or damage of mobility equipment (on board/ at the airport)	Other at the airport [118]	Other with the air carrier [119]	Number of cases closed	Number of cases engaged for sanctioning	Status of sanctions (closed, pending, collected)	Other measures (monitoring, inspections etc.)
LT	0	0	0	0	0	0	0	0	0	0	0	-	3 inspections of information provided to PRM in the websites of airports, participation in the working group of the Ministry of Transport and Communications preparing the "Guidelines for Improvement of Communication for People with Special Needs": providing proposals thereto as well as notes to the prepared draft thereof
LV	0	0	0	0	0	0	0	0	0	0	0	0	0
LU	0	0	0	0	0	0	0	0	0	0	0	-	-

[118] e.g. lack of transmission of pre-notification information to the air carrier, problems with assistance dogs at departure/ at arrival etc.

[119] e.g. lack of "toll-free" pre-notification tools, lack of transmission of pre-notification information to the airport, refusal to carry assistance dogs etc.

Country	Complaints received in total	Number of enquiries / information requests	Difficulties arising during booking (refusal of reservation, organising assistance etc.)	Lack of assistance/ inadequate assistance (on board aircraft)	Lack of assistance/ inadequate assistance (at the airport)	Denied Boarding	Loss or damage of mobility equipment (on board/ at the airport)	Other at the airport [120]	Other with the air carrier [121]	Number of cases closed	Number of cases engaged for sanctioning	Status of sanctions (closed, pending, collected)	Other measures (monitoring, inspections etc.)
MT	1	0	0	0	1	0	0	0	0	0	0	0	0
NL	3	1	0	0	0	0	0	0	2	2	0	-	-
NO	5	0	0	5	0	0	0	0	0	5	0	-	-
PL	1	0	0	0	1	0	0	0	0	0	0	-	-
PT	15	15	0	0	0	0	0	15	0	10	0	-	2
RO	3	0	0	0	3	0	0	0	0	0	0	-	-

[120] e.g. lack of transmission of pre-notification information to the air carrier, problems with assistance dogs at departure/ at arrival etc.

[121] e.g. lack of "toll-free" pre-notification tools, lack of transmission of pre-notification information to the airport, refusal to carry assistance dogs etc.

Country	Complaints received in total	Number of enquiries / information requests	Difficulties arising during booking (refusal of reservation, organising assistance etc.)	Lack of assistance/ inadequate assistance (on board aircraft)	Lack of assistance/ inadequate assistance (at the airport)	Denied Boarding	Loss or damage of mobility equipment (on board/ at the airport)	Other at the airport [122]	Other with the air carrier [123]	Number of cases closed	Number of cases engaged for sanctioning	Status of sanctions (closed, pending, collected)	Other measures (monitoring, inspections etc.)
SE	3	~5	1	0	1	0	0	0	1	2	0	-	1 meeting with disability organisations and the industry, updated websites with information to passengers regarding the regulation and the assistance given by air carriers and airports and Swedish translation of Doc 30, inspections of 10 airports, initiated proceedings against 15 airlines regarding unfair contract terms

[122] e.g. lack of transmission of pre-notification information to the air carrier, problems with assistance dogs at departure/ at arrival etc.

[123] e.g. lack of "toll-free" pre-notification tools, lack of transmission of pre-notification information to the airport, refusal to carry assistance dogs etc.

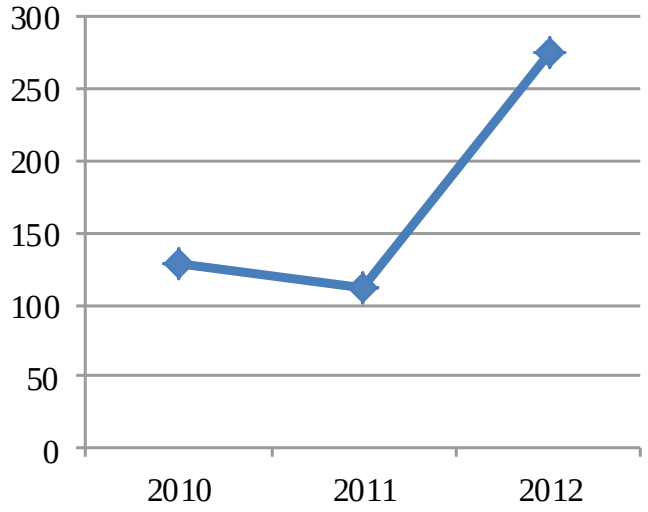
Country	Complaints received in total	Number of enquiries / information requests	Difficulties arising during booking (refusal of reservation, organising assistance etc.)	Lack of assistance/ inadequate assistance (on board aircraft)	Lack of assistance/ inadequate assistance (at the airport)	Denied Boarding	Loss or damage of mobility equipment (on board/ at the airport)	Other at the airport [124]	Other with the air carrier [125]	Number of cases closed	Number of cases engaged for sanctioning	Status of sanctions (closed, pending, collected)	Other measures (monitoring, inspections etc.)
SI	0	0	0	0	0	0	0	0	0	0	0	-	-
SK	0	0	0	0	0	0	0	0	0	0	0	-	-
UK	156	118	34	24	62	8	8	60	78	156	20[126]	4 pending 16 closed	35
Total	**275**	**188**	**49** **18%**	**37** **13%**	**93** **34%**	**20** **7%**	**12** **4%**	**90** **33%**	**113** **41%**	**248** **90%**	**23** **8%**		

124 e.g. lack of transmission of pre-notification information to the air carrier, problems with assistance dogs at departure/ at arrival etc.

125 e.g. lack of "toll-free" pre-notification tools, lack of transmission of pre-notification information to the airport, refusal to carry assistance dogs etc.

126 Loose definition of sanctions: forcing a change of policy or compliance though formal letter etc. are included

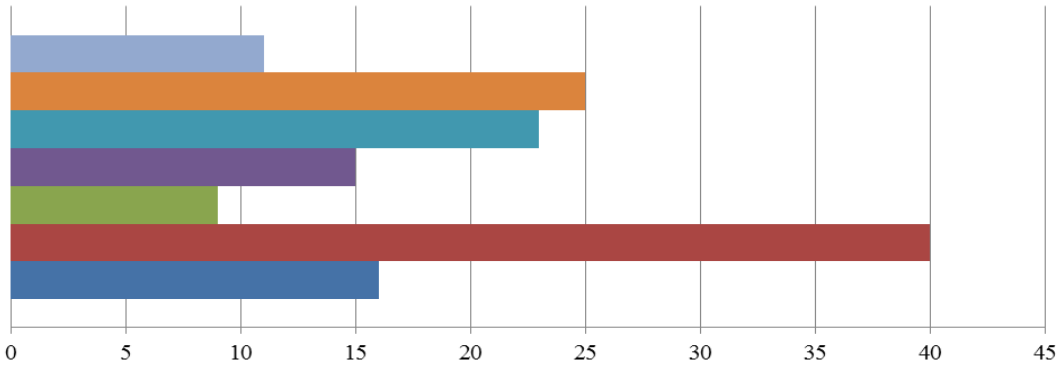
2.4. Evolution of the total number of complaints received in 2010-2012 [127]



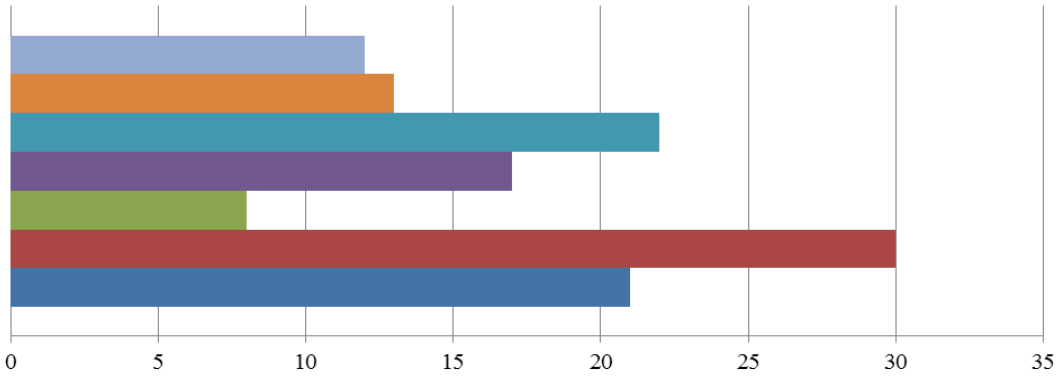
[127] The significant increase in 2012 can be explained by the fact that the UK NEB started providing information on complaint handling in that year.

2.5. Evolution of distribution between grounds for lodging complaints in 2010-2012[128]

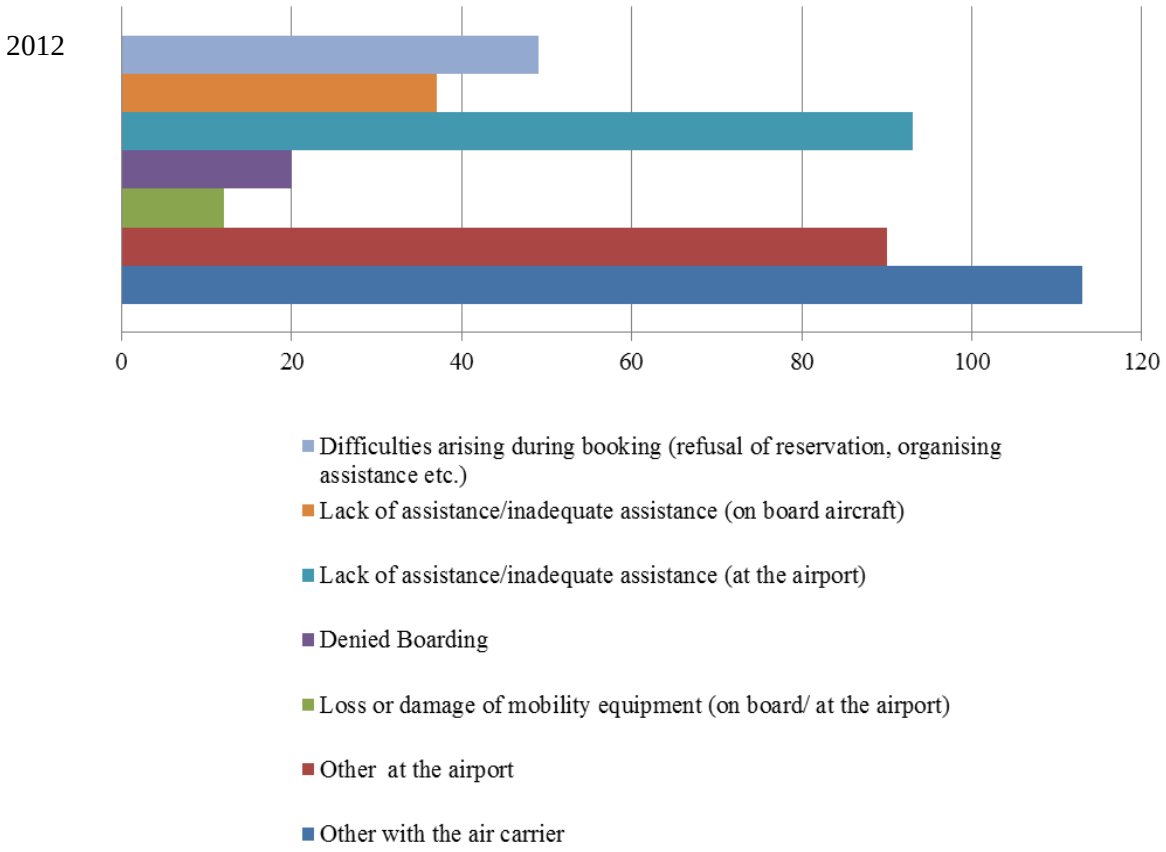
2010



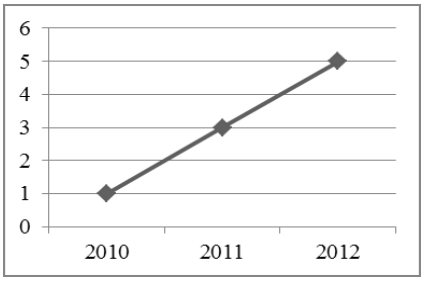
2011



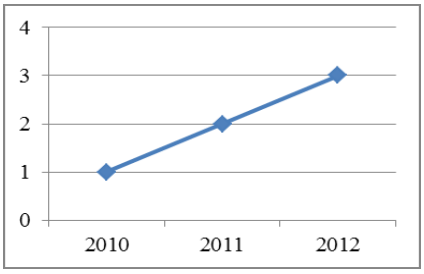
128 A single complaint often includes several incidents and therefore the overall number of complaints split by the relevant causes result in more than 100% of overall complaints



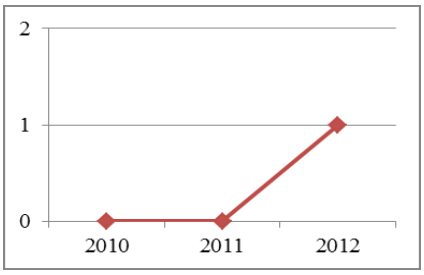
2.6. Evolution of the total number of complaints received by different NEBs in 2010-2012[129]



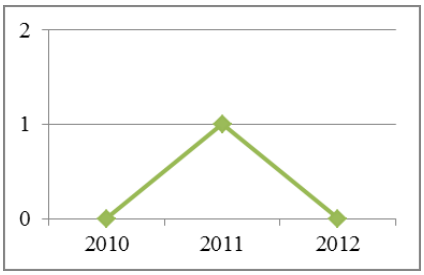
BE



CH

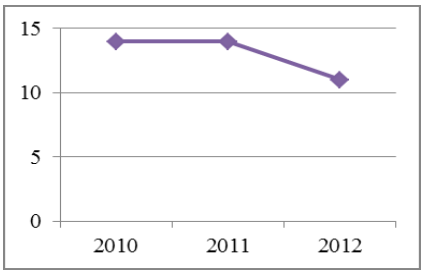


CY

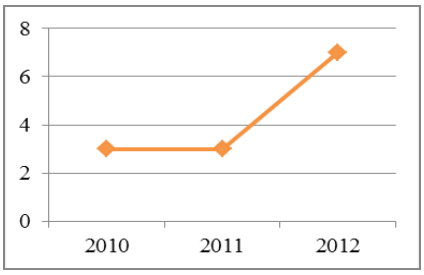


CZ

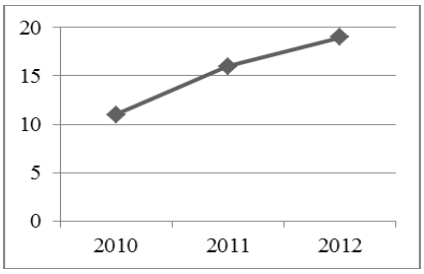
129 Excluding NEBs that reported no complaints for the entire period covered, did not provide for information and NEBs that started gathering and reporting data since 2012



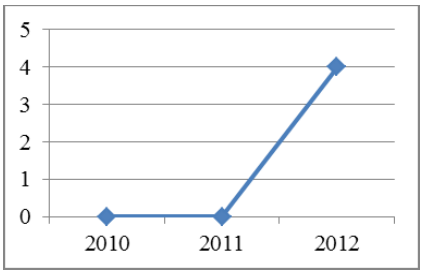
DE



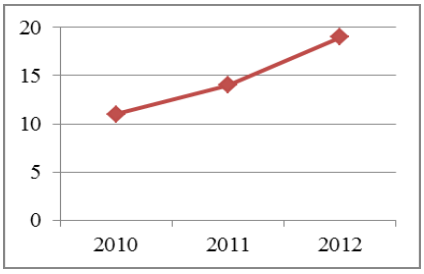
DK



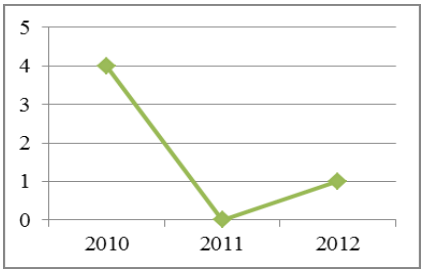
ES



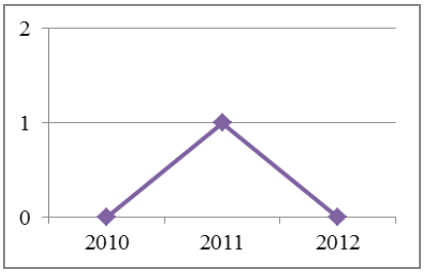
FI



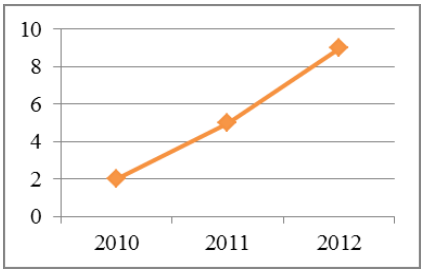
FR



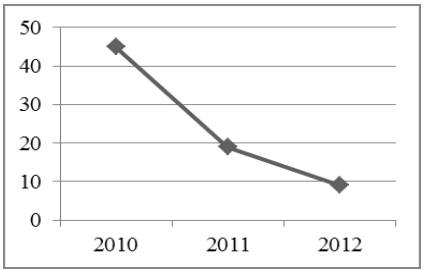
GR



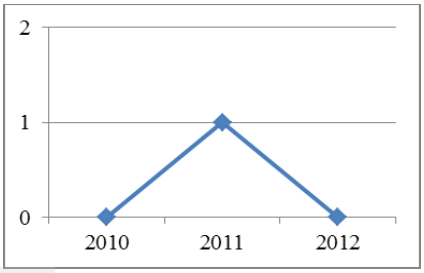
HU



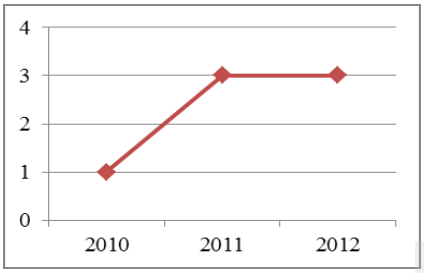
IE

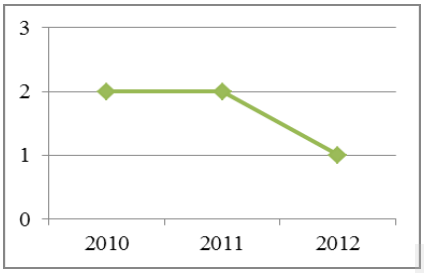


IT

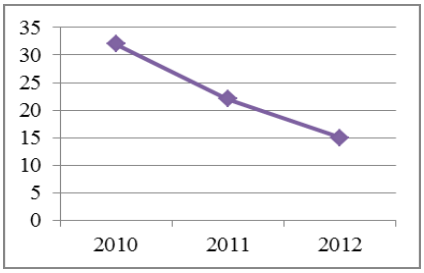


MT





NL



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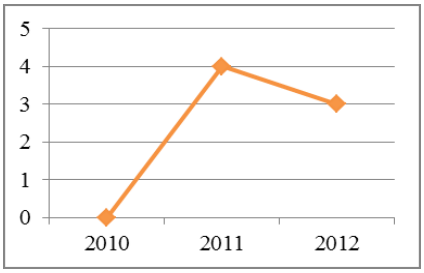

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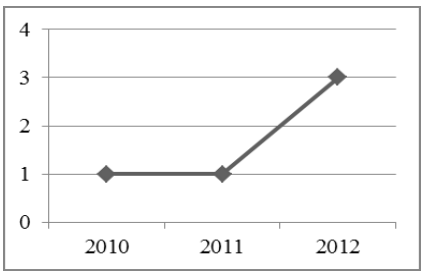


RO

SE

Disregarding the countries that have received only one complaint on the basis of Regulation 1107/2006 within the period of three years, a continuous increase of complaints can be observed with the exception of Germany, Greece, Poland, Portugal and Romania.

In the overall period covered, the United Kingdom received most of the complaints (156), followed by Italy (73) and Portugal (69).

2.7. Designation of NEBs

Country	Organisation
AT	Federal Ministry of Transport, Innovation & Technology; Civil Aviation Authority - department passenger rights
BE	- Belgian Civil Aviation is responsible for enforcement of Regulation regarding Air Carriers and Brussels Airport - "Departement Mobiliteit en Openbare Werken" is responsible for enforcement of Regulation regarding the regional airports under the jurisdiction of the Flemish Region - "Service public de Wallonie, Direction générale opérationnelle de la Mobilité et des Voies hydrauliques" is responsible for enforcement of Regulation regarding the regional airports under the jurisdiction of the Walloon Region
BG	Civil Aviation Administration[130]
CH	Federal Office of Civil Aviation, FOCA
CY	Department of Civil Aviation
CZ	Civil Aviation Administration – Legal Department
DE	Luftfahrt-Bundesamt
DK	Danish Transport Authority

130 Information retrieved from Steer Davies Gleave Evaluation of Regulation 1107/2006 report prepared for the European Commission Directorate General Energy and Transport in June 2010 http://ec.europa.eu/transport/facts-fundings/evaluations/doc/2010_reg_1107_2006.pdf

Country	Organisation
EE	Consumer Protection Board of Estonia
ES	Agencia Estatal De Seguridad Aerea (AESA)
FI	The Finnish Transport Safety Agency
FR	- Direction générale de l'aviation civile - Ministère chargé du tourisme (for travel agencies)
GR	Hellenic Civil Aviation Authority
HU	- In charge of enforcement: National Transport Authority Aviation Authority (Hungarian CAA) – Nemzeti Közlekedési Hatóság Légügyi Hivatal - In charge of complaints handling: The Equal Treatment Authority – Egyenlő Bánásmód Hatóság
IE	Commission for Aviation Regulation (responsible for both complaint handling and enforcement)
IS	Icelandic Civil Aviation Administration
IT	ENAC Italian Civil Aviation Organization
LT	Civil Aviation Administration
LU	Direction de l'Aviation Civile
LV	Civil Aviation Agency of Latvia, Aircraft Operations Division Cabin Safety Section
MT	Civil Aviation Directorate, Transport Malta
NL	Inspectie Leefomgeving en Transport/Civil Aviation (CAA NL); Ministry of Infrastructure and Environment
NO	N-CAA
PL	Civil Aviation Authority of the Republic of Poland
PT	Civil Aviation Authority – INAC, I.P.
RO	- Department for Protection of Persons with Disabilities, Department under the coordination of the Ministry of Labour, Family, Social Protection and Elderly Persons – for the Regulations 1107/2006, except the provision of article 8 - Independent administration "Romanian Civil Aeronautical Administration" – for the provision of article 8 of Regulation 1107/2006
SE	- Swedish Consumer Agency - Swedish Transport Agency - The National Board for Consumer Disputes (ARN)
SI	Civil Aviation Agency
SK	- The Slovak Trade Inspection, Central Inspectorate (responsible for enforcement of Regulation regarding airport operators) - The Ministry of Transport, Construction and Regional Development of the Slovak Republic, Directorate General of Civil Aviation (responsible for enforcement of Regulation regarding air carriers)
UK	Civil Aviation Authority (CAA took over complaint handling from Equality and Human Rights Commission on 01/10/2012)

It should be noted that the majority of the Member States have designated the same NEB for the enforcement of both, Regulation 261/2004 and Regulation 1107/2006. However, some countries have appointed different NEBs for Regulation 1107/2006: Czech Republic, Finland, Luxembourg, Latvia, Malta, Romania and Slovakia

In some countries, the NEBs designated for Regulation 261/2004 and Regulation 1107/2006 are the same and they are reinforced by several authorities supplementing their powers in respect of Regulation 1107/2006: Belgium (Departement Mobiliteit en Openbare Werken and Service public de Wallonie, Direction générale opérationnelle de la Mobilité et des Voies

hydrauliques), France (Ministère chargé du tourisme pour les agences de voyages), Hungary (the Equal Treatment Authority – Egyenlő Bánásmód Hatóság) and Sweden (Swedish Transport Agency).

2.8. Sanctions

2.8.1. National legislation on enforcement and sanctions

Country	Legislation
AT[131]	Art. 169 of the Luftfahrtgesetz (Air traffic Act)
BE	- Criminal penalties: Article 32 of the Law of 27 June 1937 regarding review of the law of 16 November 1919 concerning the organization of aviation - Administrative penalties: Article 45 of the Law of 27 June 1937 regarding review of the law of 16 November 1919 concerning the organization of aviation - Civil penalties: Articles 1382 and 1383 Belgian Civil Code
BG[132]	- Art. 81a and 143 of the Civil Aviation Act - Art. 34 and following of the Administrative Violations and Sanctions Act
CH	Art. 91 Abs. 4 Bundesgesetz über die Luftfahrt (Luftfahrtgesetz, LFG)
CY	Law N213/2002 Civil Aviation Law, articles 245 and 246
CZ	Civil Aviation Act No 49/1997
DE	- § 63 d Luftverkehrszulassungsordnung (LuftVZO) - § 58 section 1 number 13 in conjunction with § 32 section 5a Luftverkehrsgesetz (LuftVG) - § 108 section 4 LuftVZO in conjunction with Regulation (EC) No 1107/2006 - Ordnungswidrigkeitengesetz (OWiG), Strafprozessordnung (StPO)
DK	National regulation No 9-20 of 23 June 2011 regarding sanctions for violation of some EU-Regulations regarding aviation (passenger rights)
EE	- Consumer Protection Act - Aviation Act
ES	- Aviation Security Law (Law 21/2003), as amended by the Law Establishing the State Programme for Operational Safety in Civil Aviation and modifying Law 21/2003 (Law 1/2011). - Royal Decree 1544/2007 of November 23, regulating the basic conditions of accessibility and non-discrimination access and use of transport modes for people with disabilities
FI	Aviation Act (1194/2009) 16:157 §: The Finnish Transport Safety Agency may, so as to make an order or prohibition issued on the basis of this Act or Community regulations more effective, impose conditional fines or orders of execution or suspension as provided for in the Conditional Fine Act (1113/1990).
FR	Code de l'aviation civile
GR	Aviation Law 1815/1988

131 Information retrieved from the Final report In the framework of the EC TENDER TREN/A3/448-2009 on the "Assessment on rules on penalties applicable to Regulation infringements 1107/2006, concerning the rights of disabled persons and persons with reduced mobility when travelling by air" prepared by the law firm Philippe & Partners http://ec.europa.eu/transport/themes/passengers/studies/doc/2010_09_24_assessment_on_rules_on_penalties.zip

132 idem

Country	Legislation
HU	- From 01.02.2012: Act CXL of 2004 on the general rules of administrative proceedings and services Article 169/I - Before 01.02.2012: Act CXXV of 2003 on Equal Treatment and Promotion of Equal Opportunities Article 16 - Government Decree No 362/2004. (XII.26.). on the Equal Treatment Authority and the Detailed Rules of its Procedure Article 14/A.-14/B
IE	Statutory Instrument No 299 of 2008
IS	Aviation Act No 60/1998, article 136
IT	Legislative Decree 24th February 2009, No 24
LT	The Code of Administrative Violations of the Republic of Lithuania, Article 115(3)
LU	Law of 5 June 2009
LV	Administrative Violations Code
MT	Civil Aviation (Rights of Disabled Persons and Persons with Reduced Mobility) Regulations – Subsidiary Legislation 499
NL	Wet luchtvaart and General Administrative Law Act (Awb)
NO	Norwegian Aviation Act
PL	- Art. 205a par. 1 of the Aviation Law (Journal of Law of 2012 r., item 933 and 951) - Art. 205b par.2 of the Aviation Law (Journal of Law of 2012 r., item 933 and 951) - Art. 209b par.1 of the Aviation Law (Journal of Law of 2012 r., item 933 and 951)
PT	Decree-Law No 254/2012, of 28 November 2012
RO	Government Decision No 787/2007 establishing measures to ensure the application of Regulation (EC) No 1107/2006 regarding the rights of disabled persons and persons with reduced mobility travelling by air
SE	- Swedish Act on Air Transport (2010:510) - Swedish Aviation Act (2010:500) Chapter 12 Section 2 - Swedish Aviation Ordinance (2010:770) Chapter 12 Section 2
SI	Regulation on accomplishment of Regulation (EC) No 1107/2006 of the European Parliament and of the Council concerning the rights of disabled persons and persons with reduced mobility when travelling by air (Official Gazzette No 106/2010)
SK	Act No 250/2007 Call. of Law on Consumer Protection
UK	Civil Aviation (Access To Air Travel for Disabled Persons and Persons with Reduced Mobility) Regulations 2007

2.8.2. Type and level of sanctions which can be imposed

Country	Type and Level (in case of pecuniary sanctions)
AT[133]	EUR 22 000

[133] idem

Country	Type and Level (in case of pecuniary sanctions)
BE	- Criminal penalties: imprisonment of 1 year and a fine of EUR 24 000 000 (year 2012) - Administrative penalties: a fine of EUR 24 000 000 (year 2012) - Civil penalties: the principle for the sanction under civil procedures is integral reparation
BG[134]	EUR 5 000
CH	CHF 20 000 (~EUR 16 189)
CY	~ EUR 8 500 administrative fine or 10% of an air carrier's annual turnover
CZ	CZK 5 000 000 (~EUR 194 090)
DE	EUR 25 000
DK	None
EE	EUR 3 200
ES	- Minor infractions: up to EUR 70 000 - Serious infractions: up to EUR 250 000 - Very serious infractions: up to EUR 4 500 000
FI	No maximum amount of sanction, depends i.a. on the size of the company
FR	EUR 7 500 per infringement (doubling is possible for a subsequent offense within one year); no ceiling per airline
GR	Up to EUR 250 000
HU	HUF 6 000 000 (~EUR 20 470)
IE	- On summary conviction: EUR 5 000 - On conviction on indictment: EUR 150 000
IS	ISK 10 000 000 (~EUR 60 000)
IT	- EUR 120 000 on an airline - EUR 40 000 on an airport managing body
LT	LTL 3 000 (~EUR 869)
LU	EUR 10 000
LV	LVL 700 (~EUR 1 000)
MT	EUR 2 329.37
NL	If the number of irreparable infringements exceeds 40, within the period of a calendar year, the airline will be sanctioned with an administrative fine of: - EUR 15 000 of confirmed infringement number 41 - EUR 30 000 of confirmed infringement number 42 - EUR 60 000 of confirmed infringement number 43 - Each EUR 74 000 of confirmed infringement from number 44 and higher
NO	None
PL	PLN 8 000 (~EUR 1 910)
PT	- Light misdemeanours: EUR 3 000 - Serious misdemeanours: EUR 10 000 - Very serious misdemeanours: EUR 250 000
RO	RON 2 500 (~EUR 563)
SE	There is no limit
SI	EUR 60 000
SK	EUR 66 387.84 and up to EUR 165 969.59 for a repeated violation within 12 months

[134] idem

Country	Type and Level (in case of pecuniary sanctions)
UK	- Article 8(2) – maximum fine of GBP 1 000 (EUR 1 180) - Articles 4(3), 5(2), 6, 7(1), (2), (3), (5) or (6), 8(6), 9(1) or (3), 10, or 11 – maximum fine of GBP 5 000 (EUR 5 904) - Articles 3, 4(1) or (4), 5(1), 8(1) or (5) or 13 – either a maximum fine of GBP 5 000 (EUR 5 904) or an unlimited fine depending on which court hears the case

In most of the Member States the penalties laid down in the national laws for infringements of Regulation 1107/2006 are the same as for infringements of Regulation 261/2004 with the exception of Greece (more than eighty times higher for the maximum sanction), Hungary (three times higher for the maximum sanction), Italy (more than twice higher sanction on an airline and a lower sanction on an airport managing body), Luxembourg (five times lower for the maximum sanction), Malta (more than twice lower for the maximum sanction), Poland (definite maximum sanction whereas there is no ceiling for sanctions in respect to the Regulation 261/2004), Slovenia (almost twice higher for the maximum sanction) and the United Kingdom (lower maximum sanction).

The range of maximum sanctions provided for by national legislation (disregarding MS where there is no maximum amount set) reaches from EUR 24 000 000 in Belgium to EUR 563 in Romania and is the same as for Regulation 261/2004.

An average maximum sanction, excluding Belgium and Spain as these MS have maximum sanctions that widely exceed the next highest maximum sanction, is ~ EUR 53 913. This amount exceeds by ~EUR 10 000 the average maximum sanction fixed for infringements of Regulation 261/2004.

ANNEX I - QUANTITATIVE DATA ON DELAY AND CANCELLATION

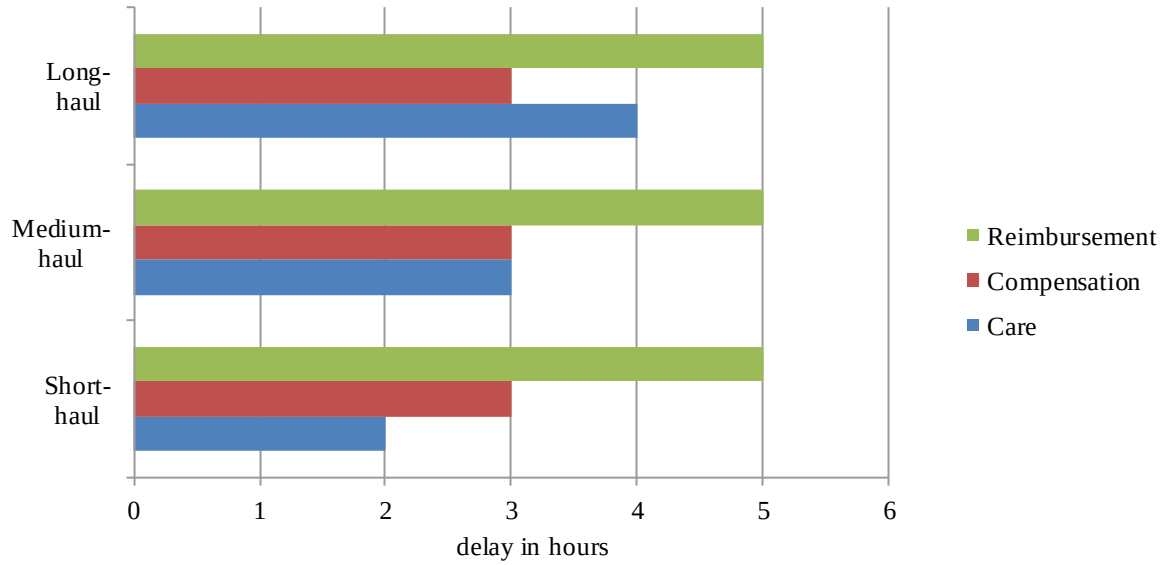
1. COMPARISON OF ALL DELAYS

The data on which the graphics below are based has been provided by Eurocontrol. In order to analyse flight delay data in the light of the relevant provisions of Regulation 261/2004, the number of flights experiencing long delays are divided into short-haul flights (less than 1 500km), medium-haul flights (between 1 500km and 3 500km) and long-haul flights (more than 3 500km).

The total number of flights in Europe in 2010-2012 was 29.8 million[135]. This number increased on average by 28% when compared to the data of the previous statistical document covering the period 2006-2009.

The table below shows delays of at least 2 hours, at least 3 hours, at least 4 hours and at least 5 hours. These durations reflect the different trigger point related to the different rights passengers are entitled to under Regulation 261/2004[136]. The chart below thus indicates the point in time when the passengers are actually entitled to certain rights under Regulation 261/2004 in a simplified form.

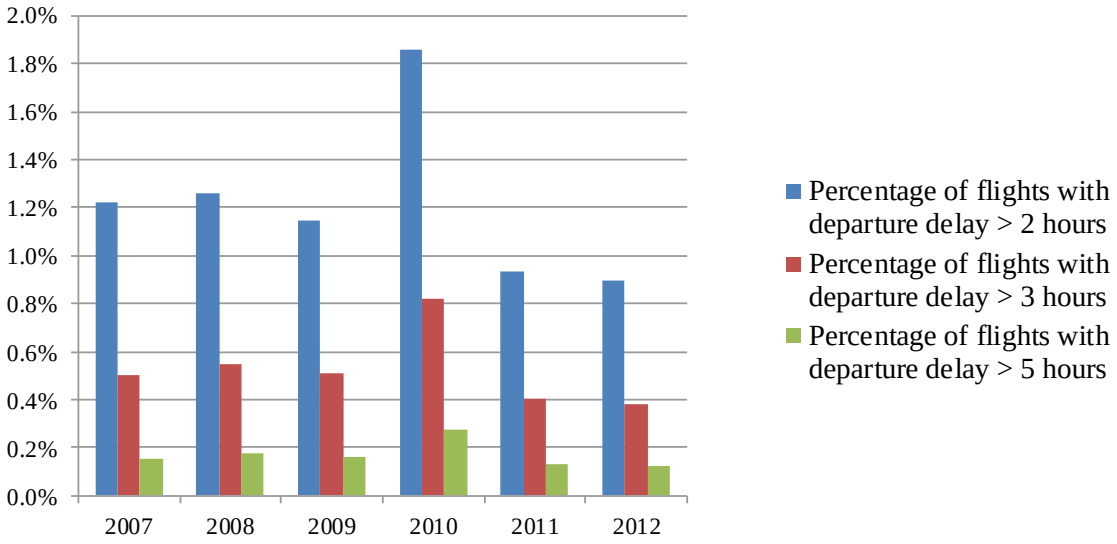
Figures for delays of at least 2 hours will represent flights delayed by 2 hours or more and will therefore include 3, 4 and 5 hour delays as well. Similarly, figures for delays of at least 3 hours will represent flights delayed by 3 hours or more, and will therefore include 4 and 5 hour delays.



135 Briefings: aviation in Europe (2010-2012) http://www.eurocontrol.int/articles/analysis

136 Right to reimbursement always after 5 hours delay, compensation after 3 hours delay under certain circumstances. Right to care and assistance differs in short-haul, medium-haul and long-haul flights and applies after 2, 3 or 4 hours delay respectively.

1.1. Proportion of total flights departing from EU airports that experienced long delays at departure in 2007-2012



Whereas the period covered by the previous statistical document (2007-2009) showed that on average less than 1.2% of flights potentially fell under the scope of the provisions of Regulation 261/2004 on long delays (i.e. where flights are delayed by at least 2 hours), with the exception of 2010 this proportion has dropped to less than 1% (0.94% in 2011 and 0.90% in 2012). This shows that the overall number of delayed flights decreased in the reporting period and thus indicates a better performance by the air transport industry. 2010 was exceptional due to particularly severe weather conditions and, notably, the ash cloud crisis. Eurocontrol's report "Ash cloud of April and May 2010: Impact on Air Traffic" indicates that "the airspace closures in Europe resulting from the eruption of the Eyjafjallajökull volcano from 14 April 2010 led to the disruption of some 100,000 flights and 10 million passenger journeys"[137]. Under the exceptional effect of the above reasons the number of flights falling under the scope of Regulation 261/2004 reached 1.86% in 2010.

These figures include two hour delays on short, medium and long-haul flights. Since the right to care after two hours only applies to short-haul flights (it applies after 3 and 4 hours for medium and long-haul flights respectively), the proportion of total flights triggering obligations under the Regulation is therefore likely to be lower.

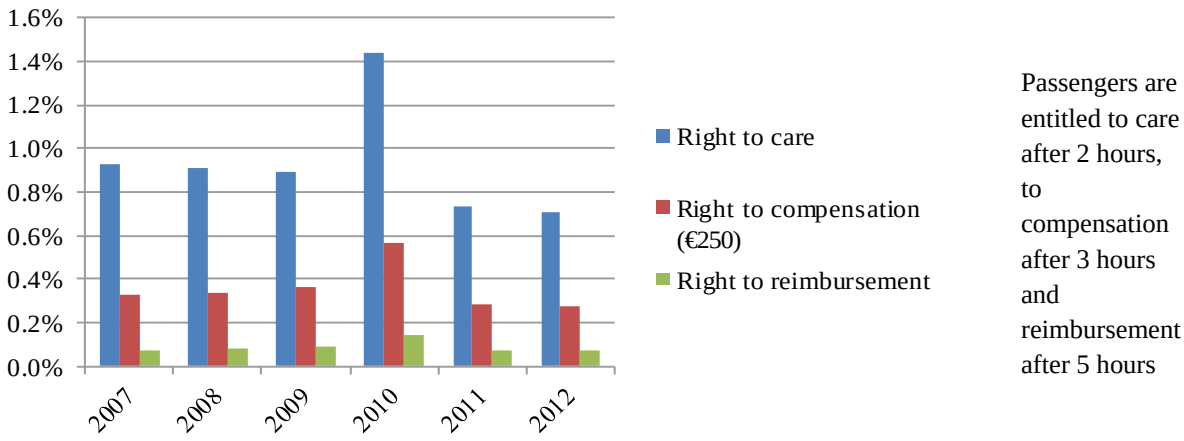
Passengers may be entitled to compensation for flights where delay in arrival is 3 hours or more and when the delay is not due to extraordinary circumstances. According to the data available, within the period concerned and again with the exception of 2010, this potentially affected less than 0.4% of all flights in 2011-2012 (those which were delayed for more than 3

137 http://www.eurocontrol.int/sites/default/files/content/documents/official-documents/facts-and-figures/statfor/ash-impact-air-traffic-2010.pdf

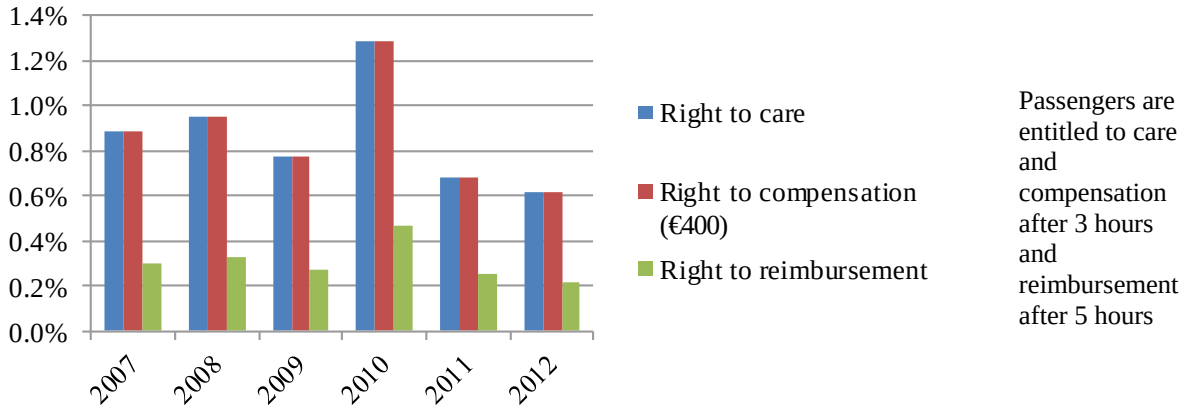
hours). In fact, this figure is an overestimate because it represents all delays, including those caused by extraordinary circumstances (in which case the obligation to offer compensation does not apply).

The proportion of flights affected by the obligation of Regulation 261/2004 to offer reimbursement for long delays, including the exceptional year 2010, is on average 0.176% (0.273% for 2010, 0.130% for 2011 and 0.125% for 2012).

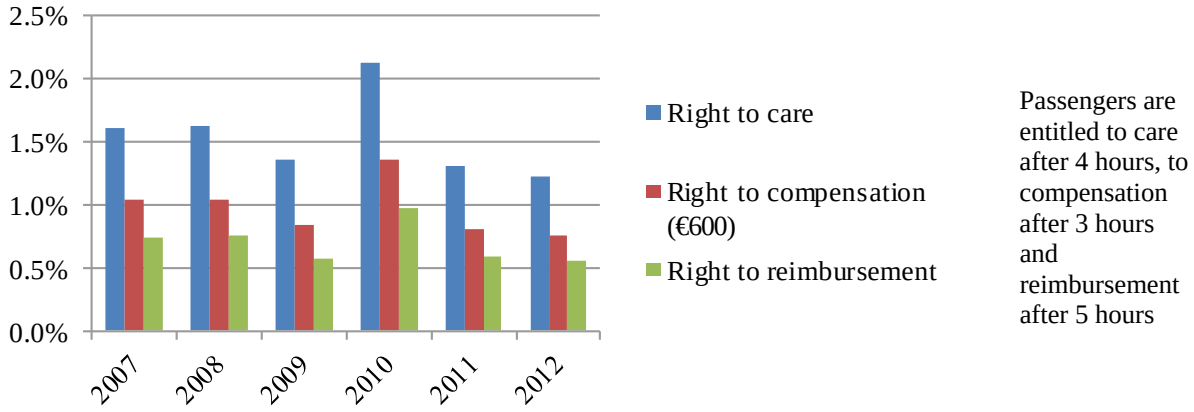
1.2. Proportion of departing flights of less than 1 500 km (short-haul) that were delayed in 2007-2012



1.3. Proportion of departing flights between 1 500 and 3 500 km (medium-haul) that were delayed in 2007-2012



1.4. Proportion of departing flights of more than 3 500 km (long-haul) that were delayed in 2007-2012



The three graphs above present long delays on flights departing from the EU in relation to Articles 7 (right to compensation), 8 (right to reimbursement of the full cost of the ticket) and 9 (right to care) of Regulation 261/2004. The first graph relates to short-haul flights, the second graph to medium-haul flights and the third graph to long-haul flights. Regarding the right to compensation, it must be noted that only a percentage of the total number of flights listed below actually led to the right to compensation, since all flights whose delay was caused by extraordinary circumstances are excluded from the application of Article 7.

Taking into account the exceptional character of 2010, the following estimations regarding long delays will only concern the period of 2011-2012. From the given data, the respective provisions of Regulation 261/2004 may apply to 0.72% of the short-haul flights (for comparison, 0.91% in 2007-2009 and 1.44% in 2010), 0.65% of the medium-haul flights (0.87% in 2007-2009 and 1.29% in 2010) and 0.78% of long-haul flights (0.98% in 2007-2009 and 1.37% in 2010). Over the period 2010-2012 (including 2010) passengers were entitled to:

- care on 1.23% of all flights;

- reimbursement on at least 0.71% of long-haul flights compared to less than 0.1% of short-haul flights and 0.31% of medium-haul flights;

- compensation on potentially 1.55% of long-haul flights compared to 0.37% of short-haul and 0.86% for medium-haul flights.

However, this should be an overestimate. These graphs present information on all long delays for departing flights based on the available information and therefore include data on flights that may have been delayed due to "extraordinary circumstances" in case of which carriers do not have to pay compensation. Furthermore, this also captures delay upon departure, yet the right to compensation only applies to three hour delays upon arrival. Some flights that are delayed by three hours upon departure may reduce the length of delay during flight and therefore may, upon arrival, fall outside the scope of the obligation to pay compensation. And inversely, some flights may depart with less than three hours delay and arrive at destination with more than three hours delay (e.g. when the aircraft must circle the destination airport because of air traffic restrictions).

2. COMPARISON OF CANCELLATIONS

The information on cancelled flights for the previous years is based on estimations by Eurocontrol (comparison of published schedules with recorded scheduled flights). The estimates for the previous periods covered by the previous statistical document varied around 1% of the scheduled flights and increased around three times in 2010 due to the ash cloud crisis and severe weather conditions that mark this particular year[138].

Eurocontrol only started in 2011 to collect specific data on cancelled flights. Data is therefore not complete yet. Preliminary data indicate that for the period covered by the present statistical document the cancellation rate ranges around 1-1.5% of the overall flights..

[138] Steer Davies Gleave Evaluation of Regulation 261/2004 report prepared for the European Commission Directorate General Energy and Transport in February 2010 http://ec.europa.eu/transport/themes/passengers/studies/doc/2010_02_evaluation_of_regulation_2612004.pdf