

Compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights

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This Commission staff working document concerns complaint handling and enforcement by Member States of the Air Passenger Rights Regulations.

It seeks to show the Commission's on-going commitment to monitor the implementation of EU legislation on air passenger rights.

The first document on complaint handling and enforcement by EU Member States was published in 2011. It covered the period from 2007 to 2009 and related to Regulation (EC) No 261/2004 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 repealing Regulation (EEC) No 295/91.

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 concerning the rights of disabled persons and persons with reduced mobility when travelling by air.

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.

To summarise, over the period reported (**2010-2012**), National Enforcement Bodies of the Member States (NEBs) received a total of 201 879 complaints **under Regulation (EC) 261/2004**. 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.

On **denied boarding**, 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%).

On **compensation**, 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 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).

As regards Regulation 1107/2006, the number of complaints recorded during the period covered is relatively low (a total of 514 complaints). The fact that the number of complaints reported by NEBs is relatively low might be due to several reasons such as the rate of awareness among persons with disabilities and/or reduced Mobility about their rights when travelling is still relatively low and the fact that they are still facing in air transport, complicated and time-consuming complaint handling procedures which might dissuade them from lodging a complaint.

The statistical document also gives an **overview of the quantitative data for delays** for the period concerned provided by Eurocontrol.

Lastly, the Commission proposed a [revision](#) of air passenger rights legislation which 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.