

REVIEW OF REGULATION 261/2004

Final Report

Appendix C

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Contents	Page
1. INTRODUCTION	1
2. AIRLINES	2
3. AIRLINE REPRESENTATIVE ORGANISATIONS	4
4. NATIONAL ENFORCEMENT BODIES	6
5. CONSUMER REPRESENTATIVES	9
6. AIRPORTS AND AIRPORT REPRESENTATIVES	11

1. INTRODUCTION

- 1.1 This appendix provides the question lists that we used for our interviews with stakeholders, for the five main stakeholder types.
- 1.2 Please note that we used revised question lists for some stakeholders, where this was appropriate in the circumstances.

2. AIRLINES

Your views regarding the Regulation

1. Do you consider that the Regulation is working well in practice?
2. Is enforcement working well in practice? Are there differences between Member States? Do you have any views on where there is good or bad practice?
3. What are your main concerns over the Regulation? Are there any elements of the Regulation that are unclear or difficult to comply with?
4. We are considering whether the Regulation should be amended or the scope changed. We would be interested in understanding your views in the following areas:
 - a. Should the enforcement requirements in the Regulation be changed?
 - b. Should the scope of the Regulation be extended to include flights from outside the EU operated by non-EU airlines?
 - c. Should the Regulation be extended to explicitly cover connections that are missed – for example, if the first flight is late causing passengers to miss the second flight?
 - d. Should the Regulation be extended to explicitly cover unscheduled diversion of flights to alternative airports?
 - e. Should the Regulation be changed so that the compensation requirements for delays and cancellations are equivalent?
 - f. Is the level of compensation set in the Regulation appropriate?
5. Should any other changes be made to the Regulation?
6. Do you feel that there has been adequate consultation by the Commission over this Regulation?
7. Have you made any assessment of the costs of compliance with the Regulation as it stands? If so, are you able to provide this to us?
8. What do you consider to be the main benefits of the Regulation?

Administration, and compliance with the Regulation

9. Do you have any statistics available for the proportion of your flights which are delayed or cancelled, or the proportion of passengers subject to denied boarding or involuntary downgrading?
10. Do you have any formal (or informal) guidance on how staff should interpret the Regulation? Are you able to provide us with a copy of this? Do you have any formal policies in place?

11. How does your airline respond to complaints from passengers and how long does this take on average?
12. How many complaints relevant to the application of this Regulation have you received since the Regulation was introduced? What particular aspects of the Regulation did these relate to?
13. Do you have adequate resources to implement this Regulation? Do you have any views on sources of additional resource (working with Airports, other airlines etc)?
14. How many people within the airline work in the area of regulatory compliance, and in particular with this regulation (as full time equivalents?)
15. If you work with third party ground handling staff, do you issue them with any guidance in relation to this Regulation? Are we able to see this?
16. Has your airline faced, or is it currently facing any type of enforcement action, prosecution or civil court action under this Regulation? Has your airline successfully defended any action taken against it under this Regulation? Please could you provide details.
17. Do you consider that you are generally complying with the requirements of the Regulation – in particular in the following areas:
 - a. Cancellations – providing assistance to passengers (hotels, refreshments etc), offering refunds or rerouting, and paying compensation except in extraordinary circumstances
 - b. Delays – providing assistance to passengers (hotels, refreshments etc) and if the delay is over 5 hours offering refunds or rerouting
 - c. Denied boarding (overbooking) – providing assistance to passengers (hotels, refreshments etc), offering refunds or rerouting, and paying compensation
 - d. Upgrading/downgrading – paying compensation
 - e. Displaying information at airports and providing information to passengers in the event of delays, cancellations etc
 - f. Providing appropriate care for passengers needing special assistance, such as the blind and wheelchair users
18. How are you interpreting the requirement to offer rerouting? Do you offer rerouting via other airlines or alternative modes of transport, if this is more convenient for the passenger?

3. AIRLINE REPRESENTATIVE ORGANISATIONS

Interpretation and Application of the Regulation

1. Do you produce any formal guidance for your members on the interpretation and application of the Regulation? Are we able to obtain a copy of this?
2. Do you feel that the Regulation has been adequately communicated to your members by the European Commission and/or Member State governments or enforcement bodies?
3. What support, if any, do you provide to members in the interpretation or application of this legislation or for those potentially facing prosecution or civil court action under this Regulation?

Your views regarding the Regulation

4. Do you consider that the Regulation is working well in practice?
5. Is enforcement working well in practice? Are there differences between Member States? Do you have any views of good and bad practice?
6. What are your main concerns over the Regulation? Are there any elements of the Regulation that are unclear or difficult to comply with?
7. Have you made any assessment of the costs of compliance with the Regulation as it stands? If so, are you able to provide this to us?
8. We are considering whether the Regulation should be amended or the scope changed. We would be interested in understanding your views in the following areas:
 - a. Should the enforcement requirements in the Regulation be changed?
 - b. Should the scope of the Regulation be extended to include flights from outside the EU operated by non-EU airlines?
 - c. Should the Regulation be extended to explicitly cover connections that are missed – for example, if the first flight is late causing passengers to miss the second flight?
 - d. Should the Regulation be extended to explicitly cover unscheduled diversion of flights to alternative airports?
 - e. Should the Regulation be changed so that the compensation requirements for delays and cancellations are equivalent?
 - f. Is the level of compensation set in the Regulation appropriate?
9. Should any other changes be made to the Regulation?
10. Do you and your members feel that they have been adequately consulted over this legislation?

Compliance by airlines with the Regulation

11. Do you have any statistics available for the proportion of flights operated by your members which are delayed or cancelled, or the proportion of passengers subject to denied boarding or involuntary downgrading?
12. Do you consider member airlines are generally complying with the requirements of the Regulation – in particular in the following areas:
 - a. Cancellations – providing assistance to passengers (hotels, refreshments etc), offering refunds or rerouting, and paying compensation except in extraordinary circumstances
 - b. Delays – providing assistance to passengers (hotels, refreshments etc) and if the delay is over 5 hours offering refunds or rerouting
 - c. Denied boarding (overbooking) – providing assistance to passengers (hotels, refreshments etc), offering refunds or rerouting, and paying compensation
 - d. Upgrading/downgrading – paying compensation
 - e. Displaying information at airports and providing information to passengers in the event of delays, cancellations etc
 - f. Providing appropriate care for passengers needing special assistance, such as the blind and wheelchair users
13. How is the requirement to offer re-routing being interpreted? How is this working in practice?
14. Are you aware of the number of complaints about airlines received under this legislation? Do you have any statistics on the number and/or outcome of these complaints?
15. How many of your members have been prosecuted in one or more states non-compliance with the Regulation? What penalties have been imposed?
16. As far as you are aware, are airlines applying the Regulation to flights from outside the EU to an EU airport?

4. NATIONAL ENFORCEMENT BODIES

Structure and funding of the organisation

1. Is the main/only purpose of your organisation to enforce the Regulation? If not, what is the general function of your organisation (eg. Civil Aviation Authority, Consumer Protection Authority, Government Ministry, etc)?
2. How is your organisation funded (eg. levy on airlines, general taxation, etc)?
3. If your organisation is not part of the Civil Aviation Authority or a Government Ministry, is it independent from these?
4. Are there any formal or informal links between your organisation and the aviation industry – for example, are there any airline or airport representatives on your Board?
5. How many people within the organisation work on enforcement of the Regulation (as full time equivalents)? How many people in total work in the organisation?

Administration of the Regulation

6. Does your organisation have any guidance on how it should interpret the Regulation (eg. from the government)? Please could you provide a copy of this.
7. What legislation established the enforcement body and penalties under national law? Can you refer us to this? What is the maximum penalty that can be imposed for breaches of the Regulation?
8. What is your procedure for dealing with complaints received under the Regulation and how long does this take on average?
9. Are there any limits on whom you will handle complaints from, or which airlines/flights you will handle complaints about? (for example, airlines based within your Member State only, or complaints only from citizens of your Member State)
10. How many complaints about airlines has your organisation received since the Regulation was introduced? What proportion of these complaints appeared to relate to genuine breaches of the Regulation by airlines?
11. Do you have any statistics available for the outcome of these complaints?
12. How many airlines have been prosecuted in your state for non-compliance with the Regulation? What penalties have been imposed?
13. What actions, apart from prosecution, have been taken regarding airlines that appear not to have complied with the Regulation?

Compliance by airlines with the Regulation

14. Do you have any statistics available for the number/proportion of flights subject to severe delay or cancellation, or where passengers are denied boarding?

15. Do you have any information regarding the types of complaints you have received, or the airlines that the complaints have been about?
16. Do you consider that airlines operating to/from your State are generally complying with the requirements of the Regulation – in particular in the following areas:
 - a. Cancellations – providing assistance to passengers (hotels, refreshments etc), offering refunds or rerouting, and paying compensation except in extraordinary circumstances
 - b. Delays – providing assistance to passengers (hotels, refreshments etc) and if the delay is over 5 hours offering refunds or rerouting
 - c. Denied boarding (overbooking) – asking for volunteers, providing assistance to passengers (hotels, refreshments etc), offering refunds or rerouting, and paying compensation
 - d. Upgrading/downgrading – paying compensation
 - e. Displaying information at airports and providing information to passengers in the event of delays, cancellations etc
 - f. Providing care for passengers needing special assistance, eg. the blind and wheelchair users
17. Are you aware of any actions that airlines are taking in order to avoid complying with the Regulation?
18. As far as you are aware, are airlines applying the Regulation to flights from outside the EU to an EU airport?

Your views regarding the Regulation

19. Do you consider that the Regulation is working well in practice?
20. Are there any elements of the Regulation that are unclear or difficult to enforce?
21. Should any changes be made to make enforcement more effective?
22. We are considering whether the Regulation should be amended or the scope changed. We would be interested in understanding your views in the following areas:
 - a. Should the enforcement requirements in the Regulation be changed?
 - b. Should the scope of the Regulation be extended to include flights from outside the EU operated by non-EU airlines?
 - c. Should the Regulation be extended to explicitly cover missed connections – i.e. if the first flight is late causing passengers to miss the second flight?
 - d. Should the Regulation be extended to explicitly cover unscheduled diversion of flights to alternative airports?

- e. Should the Regulation be changed so that the compensation requirements for delays and cancellations are equivalent?
 - f. Is the level of compensation set in the Regulation appropriate?
- 23. Should any other changes be made to the Regulation?

5. CONSUMER REPRESENTATIVES

Structure and funding of the organisation

1. What is the general function of your organisation? How are you funded? How much involvement have you, and your member organisations had with Regulation to date?
2. Do you represent air passengers complaining about airlines not complying with the Regulation? How? Is this a **statutory** duty?
3. How many people within the organisation work on aviation matters, and in particular on matters related to this Regulation (as full time equivalents)? How many people in total work in the organisation?

Administration of the Regulation

4. Has your organisation received, or does it provide any guidance on how the regulation should be interpreted. Please could you provide a copy of this.
5. Are you aware of any airlines that have been prosecuted for breach of this Regulation? What actions, apart from prosecution, have been taken regarding airlines that appear not to have complied with the Regulation?

Compliance by airlines with the Regulation

6. If you/your member organisations have received complaints under this regulation, do you have any information regarding the number or types of complaints you have received, or the airlines that the complaints have been about?
7. Do you consider that airlines are generally complying with the requirements of the Regulation – in particular in the following areas:
 - a. Cancellations – providing assistance to passengers (hotels, refreshments etc), offering refunds or rerouting, and paying compensation except in extraordinary circumstances
 - b. Delays – providing assistance to passengers (hotels, refreshments etc) and if the delay is over 5 hours offering refunds or rerouting
 - c. Denied boarding (overbooking) – providing assistance to passengers (hotels, refreshments etc), offering refunds or rerouting, and paying compensation
 - d. Upgrading/downgrading – paying compensation
 - e. Displaying information at airports and providing information to passengers in the event of delays, cancellations etc
 - f. Providing appropriate care for passengers needing special assistance, such as the blind and wheelchair users
8. Are you aware of any actions that airlines are taking in order to avoid complying with the Regulation? These might include, but are not limited to, claiming that cancellations are

actually very long delays to avoid paying compensation, or deeming all cancellations to be due to “extraordinary circumstances”

Consumer Awareness

9. Do you feel that consumers are aware of their rights, and the obligations of carriers under this Regulation?
10. What additional information do you think would be useful, and who would be best placed to provide this?

Your views regarding the Regulation

11. Do you agree with the principle of this regulation?
12. Do you consider that the Regulation is working well in practice?
13. Are there any elements of the Regulation that are unclear or difficult to enforce? We are considering whether the Regulation should be amended or the scope changed. We would be interested in understanding your views in the following areas:
 - a. Should the enforcement requirements in the Regulation be changed?
 - b. Should the scope of the Regulation be extended to include flights from outside the EU operated by non-EU airlines?
 - c. Should the Regulation be extended to explicitly cover connections that are missed – for example, if the first flight is late causing passengers to miss the second flight?
 - d. Should the Regulation be extended to explicitly cover unscheduled diversion of flights to alternative airports?
 - e. Should the Regulation be changed so that the compensation requirements for delays and cancellations are equivalent?
 - f. How is the requirement to offer re-routing being interpreted? How is this working in practice?
 - g. Is the level of compensation set in the Regulation appropriate?
14. Should any other changes be made to the Regulation?

6. AIRPORTS AND AIRPORT REPRESENTATIVES

Interpretation and Application of the Regulation

1. Does your organisation [Do your members] have any responsibility for implementing this Regulation on behalf of airlines operating to your airports?
2. Does your organisation have any additional guidance on how it should interpret the Regulation (eg. from the government)? Please could you provide a copy of this?
3. **Airport Associations only:** Do you produce any formal guidance for you members on the interpretation and application of the regulation? Are we able to obtain a copy of this?
4. Do you feel that the communications from the Commission have been adequate to enable compliance with the Regulation?
5. What have been the main impacts of the Regulation on you/your members to date? Has it introduced additional compliance costs? What specific actions have been required?

Your views regarding the Regulation

6. What do you consider to be the main benefits of the Regulation?
7. Do you consider that the Regulation is working well in practice?
8. Do you consider that enforcement of the Regulation is working well? Are you aware of differences between member states? Do you have any views on good and bad practice?
9. What are your main concerns over the Regulation? Are there any particular areas of clarification required (e.g. definition of terms?)
10. What additional costs, if any, has this Regulation created for Airports?
11. Are there any elements of the Regulation that are unclear or difficult to implement?
12. We are considering whether the Regulation should be amended or the scope changed. We would be interested in understanding your views in the following areas:
 - a. Should the enforcement requirements in the Regulation be changed?
 - b. Should the scope of the Regulation be extended to include flights from outside the EU operated by non-EU airlines?
 - c. Should the Regulation be extended to explicitly cover connections that are missed – for example, if the first flight is late causing passengers to miss the second flight?
 - d. Should the Regulation be extended to explicitly cover unscheduled diversion of flights to alternative airports?
 - e. Should the Regulation be changed so that the compensation requirements for delays and cancellations are equivalent?

- f. Is the level of compensation set in the Regulation appropriate?
 - g. How is the requirement to offer re-routing being interpreted? How is this working in practice?
- 13. Should any other changes be made to the Regulation?
- 14. Do you and your members feel that they have been adequately consulted over this legislation?

Compliance by airlines with the Regulation

- 15. Do you have any statistics available for the proportion of flights operating at your airports which are delayed or cancelled, or the proportion of passengers subject to denied boarding or involuntary downgrading?
- 16. Do you consider airlines are generally complying with the requirements of the Regulation – in particular in the following areas:
 - a. Cancellations – providing assistance to passengers (hotels, refreshments etc), offering refunds or rerouting, and paying compensation except in extraordinary circumstances
 - b. Delays – providing assistance to passengers (hotels, refreshments etc) and if the delay is over 5 hours offering refunds or rerouting
 - c. Denied boarding (overbooking) – providing assistance to passengers (hotels, refreshments etc), offering refunds or rerouting, and paying compensation
 - d. Upgrading/downgrading – paying compensation
 - e. Displaying information at airports and providing information to passengers in the event of delays, cancellations etc
 - f. Providing appropriate care for passengers needing special assistance, such as the blind and wheelchair users
- 17. As far as you are aware, are airlines applying the Regulation to flights from outside the EU to an EU airport?
- 18. Do you see any trends in compliance with the Regulation? (e.g. large v small airlines, low cost v network carriers?)

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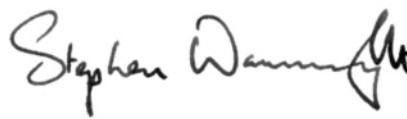
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