

Compliance report – assisting passengers during disruption

CAP 1500



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Introduction

1. More than 232 million passengers¹ flew from the UK in 2015. The majority of those passengers had a trouble free journey, but sometimes things can go wrong. Bad weather, strikes and technical faults can lead to cancellations or long delays and in these cases European law² (Regulation 261/2004, referred to in future as “the Regulation”) provides rights to passengers. The Regulation requires airlines to look after their passengers during disruption, providing them with information about their rights and providing care and assistance during long delays.
2. Since 2014 we have been developing a performance based approach to compliance. Our approach is based on the view that all airlines should have systems and processes in place to make sure they comply with their legal obligations. We have focused our attention on the Top 30 airlines flying from the UK, based on the number of passengers they carry (the airlines covered are listed in Appendix 1). We then choose specific themes from the Regulation and review compliance across those airlines. This allows us to get a better picture of performance and to target action at the poorer performers.
3. Our approach is based on providing airlines with guidance on the Regulation and setting minimum standards for compliance. The European Commission published Interpretative Guidelines³ in June 2016 which consolidate the court judgments from the Court of Justice of the European Union and provide guidance for airlines and enforcement bodies on how those judgments apply. In our view these guidelines set the minimum standard for compliance.

¹ CAA Airport Statistics 2015.

² Regulation 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.

³ [http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52016XC0615\(01\)](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52016XC0615(01))

4. We have published three previous reports⁴ which looked at how airlines ensure they provide information to passengers about their rights and payment of compensation when disruption is due to a technical fault on an aircraft.
5. Our current report focuses on four themes:
 - Care and assistance during disruption
 - Compensation for missed connections
 - Denied boarding
 - Downgrading
6. We wrote to airlines in August 2016 asking them to write their own contribution to this report and their responses are included in a separate report ([CAP 1500a](#)). We have also visited most of the airlines to assure ourselves that the oversight processes have been put in place and to see how they work in practice. As a result of this, we agreed with many of the airlines that further improvements would be made to the way they oversee compliance. We will be carrying out some further assurance work later in the year.
7. Each airlines' performance within each of the four themes is reviewed below and we have assessed the compliance of their approach to each theme separately.
8. The first theme considered is the provision of care and assistance. The majority of airlines met the compliance standard and some went beyond it. We are pleased that easyJet, Ryanair, SAS and Singapore Airlines all have processes in place that go beyond our benchmark for oversight of compliance in the provision of care and assistance. We have rated these airlines as Very Good.
9. Vueling and SWISS fell below the compliance standard. Vueling does not pro-actively hand out leaflets to passengers and does not have processes

⁴ www.caa.co.uk/cap1227, www.caa.co.uk/cap1275 and www.caa.co.uk/cap1305.

in place to oversee compliance. We have therefore commenced enforcement action against Vueling.

10. We did not consider the processes that SWISS has in place were effective in demonstrating routine compliance. We will therefore be carrying out further work with them to assess whether their processes work in practice. This will include using our enforcement powers to survey passengers on recently disrupted flights to check if they received their rights.

11. We also identified five airlines who are failing to comply with the requirement to compensate passengers who are affected by a delay that causes them to miss a connecting flight. We have therefore commenced enforcement action against these airlines. These airlines are all non-EU airlines:

- American Airlines
- Emirates
- Etihad
- Turkish Airlines
- Singapore Airlines

12. We are pleased to say that the other five non-EU airlines included in our report are paying compensation:

- Air Canada
- Cathay Pacific
- Delta
- Qatar Airways
- United Airlines

13. All the UK and EU airlines that offered connecting flights were compliant.

14. In addition, we required a number of airlines to amend their policies in respect of downgrading to apply the calculation set down in Article 10 of the Regulation. We also worked with airlines to ensure that those who offer the choice of a voucher for free travel in cases of downgrading or denied boarding make it clear to consumers that they can choose to have

cash. It was not necessary to take any enforcement action to resolve these issues.

Chapter 1

Care and assistance

What should airlines provide?

- 1.1 When flights are disrupted airlines are required to provide a range of assistance, depending on the length of the delay. This includes:
- refreshments/meals depending upon the expected length of the delay and what is reasonable for the time of day;
 - hotel accommodation for overnight delays;
 - transfers to and from hotels (or if passengers choose to go home);
 - two free telephone calls.
- 1.2 In most cases airlines will organise the care and assistance themselves. They will often provide vouchers to spend at cafes or restaurants in the airport and will book hotels and coaches. However, there are some rare occasions, for example during mass disruption where, in order to avoid overcrowding at the airport, airlines may ask passengers to make their own arrangements and claim a refund of their expenses.
- 1.3 Airlines must ensure that passengers with reduced mobility, or unaccompanied minors are provided with assistance as a priority.

Airline compliance

- 1.4 We asked airlines to tell us how they provide assistance to their passengers. We also wanted to know what processes and procedures they had in place to oversee compliance and to make sure that things were working in practice.
- 1.5 We asked airlines the following questions:
- 1) **How, when and where they provided assistance to passengers.**

- 2) **How they paid particular attention to the needs of passengers with reduced mobility and unaccompanied children.**
- 3) **Details of their processes for assessing how effective they are in practice in providing passengers with care and assistance at the time they are disrupted.**

Airline rankings

1.6 We have benchmarked airlines against what we consider to be a Good level of compliance.

Good

1.7 This is based on the following criteria:

- Care and assistance is pro-actively provided to passengers affected by disruption in the vast majority of cases;
- Expenses are promptly refunded in cases where airlines were unable to provide the assistance;
- Particular attention is paid to the needs of persons with reduced mobility and unaccompanied children;
- There are written procedures for airline or ground handling staff, along with training;
- The airline has good processes in place to oversee compliance.

Very good

1.8 In addition to the requirements set out for 'Good', the airline will have in place processes which provide an even greater level of assurance.

Below the compliance standard

1.9 Falling below the compliance standard was due to there being limited processes in place to oversee compliance.

Summary of compliance

Good

1.10 Airlines that met the compliance standard of Good:

Aer Lingus	Emirates	Qatar Airways
Air Canada	Etihad	Stobart Air
Air France / KLM	Eurowings	Thomas Cook
Alitalia	Flybe	Thomson Airways
American Airlines	Jet2.com	Turkish Airlines
British Airways	Lufthansa	United
Cathay Pacific	Monarch	Virgin Atlantic
Cityjet	Norwegian Air Shuttle	Wizz Air
Delta		

Very good

1.11 The following airlines went above the compliance standard and fell into the Very Good category:

Airline	Reason
easyJet	easyJet surveys disrupted passengers about whether they received their rights
Ryanair	Ryanair surveys disrupted passengers about whether they received their rights
SAS	SAS records the assistance provided against passenger names, along with a robust review and audit process
Singapore Airlines	Singapore Airlines surveys disrupted passengers about whether they received their rights

Below the compliance standard

1.12 The following airlines fell below the compliance standard:

Airline	Reason
SWISS	The information provided to the CAA by SWISS is limited and their oversight process does not appear sufficient to allow it to effectively oversee compliance
Vueling	Vueling does not pro-actively provide leaflets to passengers and does not have an oversight process in place

Chapter 2

Missed connections

What should airlines provide?

- 2.1 Some airlines sell connecting flights, this allows passengers to purchase a single ticket that covers them for the whole journey, even if they have to change aircraft to continue their journey. Connecting flights can be with the same airline, or involve different airlines.
- 2.2 Where a connecting flight leaves the UK and there is a delay on the first flight, this can lead to a missed connection at the interim point. If the passenger is delayed by more than 3 hours at their final destination they are entitled to compensation (unless the reason for the delay was an extraordinary circumstance).

Airline compliance

- 2.3 European case law⁵ has confirmed that connecting flights form a single journey and a delay at the final point is subject to compensation. The European Commission guidelines have confirmed that this applies to EU airlines and also to non-EU airline when the first flight departs from the EU and the connection is missed at an airport outside the EU as well as where the connection is missed in the EU itself.
- 2.4 The UK and EU airlines who offer connecting flights have all confirmed that they will pay compensation in these circumstances. For non-EU airlines the position is mixed: five of the airlines covered by our report have confirmed they do pay compensation but five have confirmed that they refuse to pay financial compensation where the connection is missed at an airport outside of the EU.

⁵ Case C11/11 Air France SA v Heinz-Gerke Folkerts and Luz-Tereza Folkerts.