



Airlines for America®

We Connect the World

April 11, 2024

Autorità di Regolazione dei Trasporti
Via Nizza 230
10126 Torino
Italy
Sent via email: pec@pec.autorita-trasporti.it

RE: A4A Comments on Proposed Resolution No. 34/2024

Airlines for America (A4A), on behalf of its members¹, appreciates the opportunity to respond to the consultation questions that the Autorità di Regolazione dei Trasporti (ART) presents on proposed Resolution No. 34/2024 titled “Measures concerning the minimum content of the specific rights that air services users can request from the services and infrastructure managers with respect to the handling of their claims.” A4A members operate extensive services to Italy and have a strong vested interest in the outcome of this consultation. We support the comments that IATA has submitted and wish to supplement them with brief observations of our own on the proposed measures of interest to our members.

We have two preliminary observations. First, airlines are a service industry; the success of our business depends on the quality of the service we offer to our customers, including the quality of our complaint handling processes. To ensure that we remain competitive, our members have implemented robust complaint handling processes that they are constantly improving to meet customer expectations. As such, we question the wisdom and need for regulatory intervention in this area.

Second, the impact assessment that ART has published does not contain a quantitative analysis of the costs and benefits. We believe that such an assessment is essential to fully understand the impact of the proposals. Imposing additional burdens on the airline industry that do little to enhance consumer welfare is inconsistent with good regulatory practice and sound public policy.

Measure 1: To avoid conflict with other regulatory regimes, any new requirements should apply only to passengers departing Italian airports.

Measure 3: A4A members offer their complaint handling services to all passengers in English but will also respond to passengers if they use a different language. Our members have rarely received a complaint that the service is unavailable in other languages. Therefore, additional language requirements would impose costs on airlines which are not commensurate with the consumer benefits generated.

¹ A4A is the principal trade and service organization of the U.S. scheduled airline industry. Members of the association are Alaska Airlines, Inc.; American Airlines Group, Inc.; Atlas Air, Inc.; Delta Air Lines, Inc.; Federal Express Corporation; Hawaiian Airlines; JetBlue Airways Corp.; Southwest Airlines Co.; United Continental Holdings, Inc.; and United Parcel Service Co. Air Canada is an associate member.

We strongly object to measures imposing additional, general reporting requirements on airlines. In our view, A4A members do a good job in providing transparency to customers and establishing appropriate expectations through our direct sales channels and our websites/apps. Adding an annual reporting requirement on complaint handling would divert resources away from providing quality services to our customers to performing a paper exercise that ART has not shown will improve the passenger travel experience.

The Italian government may already receive sufficient information through the passenger complaints it receives under EU Regulation 261 and other consumer protection legislation to perform analyses and publish reports without the need to impose additional reporting requirements on airlines. Indeed, in the United States, the Department of Transportation fulfils its reporting requirements from the complaints it receives directly from passengers without requiring airlines to provide information about passenger complaints they receive.

Measure 4: We oppose the proposal to require airlines to provide the information listed in Measure 4. In our view, passengers can communicate the substance of their complaints to airlines via website, email or post without having access to the proposed detail listed in Measure 4. We have particular concerns about providing the information listed in 4(e). Airlines are not in the business of providing legal advice. It should be the responsibility of customers to identify and assess the various channels of appeal that are available to them.

We do not believe that airlines should be required to provide information about the complaints process at all the locations listed in 4(2). In particular, the airport environment is already full of signage and disclosures and most passengers use their mobile devices to find information about the complaints process. In addition, requiring airlines to announce on board every item of information that could potentially be relevant to a passenger's journey is impractical.

It is not possible to identify on the ticket the carrier to whom the complaint should be addressed. This information will depend on the nature of the complaint and the responsible airline neither of which can be anticipated at the time of purchase.

Measure 6: We believe that airlines should not be required to inform passengers about:

- Remedial action to address the reported inefficiency. The remedial action that the carrier takes is not relevant to resolution of the passenger's immediate complaint.
- The information listed in 6(1)(d). As noted in response to Measure 4, airlines should not be required to provide legal advice.
- Use of AI in preparation of the response. It is the response itself and not the manner of its preparation that is relevant to the customer.

Measure 7: We believe that compensation for late responses to complaints should not be linked to the price paid for the ticket because this does not bear any relation to the harm caused. Rather, compensation should be set to reflect individual harm suffered. In no circumstances should it exceed EUR 600, the maximum compensation available under Regulation 261.

We oppose the requirement in 7(2) that airlines hold an indemnity to guarantee payment of compensation. This is unprecedented and there is no evidence to suggest that an indemnity is necessary to ensure that compensation is paid in other contexts, e.g., Regulation 261.

We thank you for your kind attention. Please do not hesitate to contact me if you have any questions or require further information.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith Glatz". The signature is fluid and cursive, with the first name "Keith" written in a larger, more prominent script than the last name "Glatz".

Keith Glatz
Senior Vice President, International Affairs

| Measure | Quotation of the text that is subject to observations / proposals | Quotation of the text under consideration possibly with changes or additions | Brief explanation of the observations/reasons underlying the proposed amendment or addition |
|---------|---|--|--|
| 1 | | | To avoid conflict with other regulatory regimes, any new requirements should apply only to passengers departing Italian airports. |
| 3 | | | <p>A4A members offer their complaint handling services to all passengers in English but will also respond to passengers if they use a different language. Our members have rarely received a complaint that the service is unavailable in other languages. Therefore, additional language requirements would impose costs on airlines which are not commensurate with the consumer benefits generated.</p> <p>We strongly object to measures imposing additional, general reporting requirements on airlines. In our view, A4A members do a good job in providing transparency to customers and establishing appropriate expectations through our direct sales channels and our websites/apps. Adding an annual reporting requirement on complaint handling would divert resources away from providing quality services to our customers to performing a paper exercise that ART has not shown will improve the passenger travel experience.</p> <p>The Italian government may already receive sufficient information through the passenger complaints it receives under EU Regulation 261 and other consumer protection legislation to perform analyses and publish reports without the need to impose additional reporting requirements on airlines. Indeed, in the United States, the Department of Transportation fulfils its reporting requirements from the complaints it receives directly from passengers without requiring airlines to provide information about passenger complaints they receive.</p> |
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| 6 | | <p>We believe that airlines should not be required to inform passengers about:</p> <ul style="list-style-type: none"> • Remedial action to address the reported inefficiency. The remedial action that the carrier takes is not relevant to resolution of the passenger's immediate complaint. • The information listed in 6(1)(d). As noted in response to Measure 4, airlines should not be required to provide legal advice. • Use of AI in preparation of the response. It is the response itself and not the manner of its preparation that is relevant to the customer. |
| 7 | | <p>We believe that compensation for late responses to complaints should not be linked to the price paid for the ticket because this does not bear any relation to the harm caused. Rather, compensation should be set to reflect individual harm suffered. In no circumstances should it exceed EUR 600, the maximum compensation available under Regulation 261.</p> |

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