

Consultation on the measures concerning the minimum content of the specific rights that transport service users may demand from the operators of the services and their infrastructures with regard to the handling of complaints

Emirates' Response

Measure	Text subject to observation/proposal	Text possibly modified	Explanation/Comments
Measure 2(1)(f)	complaint: any written communication with which the user, or on his/her behalf a representative/delegated person or a user association, expresses complaints and/or requests about the inconsistency of the service with one or more requirements defined by European or national legislation, the general conditions of carriage or the general conditions of use of the digital platform, or, where applicable, by the service charter;	complaint: any written communication with which the user, or on his/her behalf a representative/delegated person or <i>an official consumer protection association (excluding claim agencies)</i> , expresses complaints and/or requests about the inconsistency of the service with one or more requirements defined by European or national legislation, the general conditions of carriage or the general conditions of use of the digital platform, or, where applicable, by the service charter;	Claim agencies (businesses offering management services of claims to the public for compensation under 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 ("EU261")) should expressly be excluded from this definition. In line with the European Commissions' recommendations, passengers should always seek to contact the airline before considering other means to seek redress for their rights. https://transport.ec.europa.eu/document/download/604d45f0-cc92-430e-935a-cf92bd3788cb_en
Measure 3(1)(c)	Carriers ensure the availability of an easily accessible and usable complaint handling system, with particular regard to the needs of users with reduced mobility, and ensure: (...) (c) the availability of a complaint form in a printable format;	Carriers ensure the availability of an easily accessible and usable complaint handling system, with particular regard to the needs of users with reduced mobility, and ensure: (...) (...) <i>the availability of a complaint form in a printable format;</i>	The requirement to have paper complaint forms is outdated and should be deleted.
Measure 3(1)(d)	Carriers ensure the availability of an easily accessible and usable complaint handling system, with particular regard to the needs of users with reduced mobility, and ensure: (...) (d) a reasoned reply within 30 days from the date of receipt of the complaint or, within the shorter period provided for in the general conditions of carriage or, where provided for adoption, by the service charter.	Suggestion to delete this clause or to replace it by: (...) a reasoned reply within 60 days from the date of receipt of the complaint or, within the shorter period provided for in the general conditions of carriage or, where provided for adoption, by the service charter.	Emirates always endeavours to respond within 30 days of receipt of a complaint. However, extending the response time to 60 days (or six weeks at the minimum) would: (1) provide airlines with sufficient time to thoroughly investigate each case and respond accurately to complaints, ensuring a more detailed response and customer satisfaction while maintaining operational feasibility; (2) concerning 60 days, be aligned with the European Commission guidelines regarding EU261, recommending that air carriers reply within two months of a complaint (Paragraph 7.1); and (3) concerning six weeks, be aligned with the requirement of many EU National Enforcement Bodies for airlines to reply to a passenger complaint within that time frame, including ENAC: https://www.enac.gov.it/en/passengers/passengers-rights/Passengers-rights-in-case-of-denied-boarding-cancellation-or-long-delay-of
Measure 3(3)	In the event of complaints lacking any of the elements referred to in Measure 3.2, carriers shall inform the user within 15 days of receipt of the complaint of the inadmissibility of the	<i>In the event of complaints lacking any of the elements referred to in Measure 3.2, carriers shall inform the user within 15 days of receipt of the complaint of the inadmissibility of the complaint</i>	It should be the user's responsibility to submit complete information initially. This obligation would be administrative burden for airlines that would slow down the complaint resolution process. If an element of Measure 3(2) is lacking, the airline should not have the obligation

	complaint and the possibility of resubmitting it in full.	and the possibility of resubmitting it in full:	to respond or have no timeline to do so. If this obligation is kept, it should match the time frame provided in Measure 3(1)(d).
Measure 3(5)	Carriers carry out an annual analysis of complaints received, also with a view to improving the processes and solve the critical issues highlighted and ascertained, making available on their website for each year, the number and categories of complaints received and handled, the average response time, the related outcomes and the measures taken to overcome the main inefficiencies that have arisen, the response received, and the number of indemnities, under Measure 7, paid out.	Carriers carry out an annual analysis of complaints received, also with a view to improving the processes and solve the critical issues highlighted and ascertained, making available on their website for each year, the number and categories of complaints received and handled, categorised by reason of complaint, the average response time, the related outcomes and the measures taken to overcome the main inefficiencies that have arisen, the response received, and the number of indemnities, under Measure 7, paid out.	Carriers should have an internal process of analysing complaints received to improve their services and customer satisfaction. However, this information is sensitive and highly confidential and should not be made publicly available (e.g. internal processes, such as service recovery measures taken, or compensation paid, is highly confidential and should not have to be disclosed). Publishing such information would have no impact on the better handling of complaints. No other EU jurisdiction appears to have a similar obligation. On the global scale, the primary jurisdiction where airlines are required to report on customer complaints is the USA. Even there, the US DOT only mandates airlines to report on complaints related to areas which they regulate, based on legal instruments which exist, such as 14 CFR 382.
Measure 4(1)(e)	Carriers must inform users at least: (...) (e) of the remedies that the user may pursue in the event of failure to reply to the complaint within the time limits set out in point (d).	Carriers must inform users at least: (...) (e) of the remedies that the user may pursue in the event of failure to reply to the complaint within the time limits set out in point (d).	Airlines should only have the obligation to clearly communicate to users how complaints to the airline can be submitted.
Measure 4(2)(a)	The information referred to in Measure 4.1 is provided at least: (a) on the website, in a dedicated section accessible from the home page, via a link named "Complaints";	The information referred to in Measure 4.1 is provided at least (a) on the website, in a dedicated section accessible from the home page, via a link named "Complaints";	Airlines should have the freedom to decide how to display this information on their website as long as it is easily accessible to users.
Measure 4(2)(b)	The information referred to in Measure 4.1 is provided at least: (...) (b) in the general conditions of carriage, in a dedicated section entitled 'Complaints';	The information referred to in Measure 4.1 is provided at least: (b) in the general conditions of carriage, in a dedicated section entitled 'Complaints';	Unless Measure 4(1)(e) is deleted as suggested above, Emirates suggests to delete this requirement.
Measure 4(2)(c)	The information referred to in Measure 4.1 is provided at least: (...) (c) limited to direct flights departing from or arriving at an airport open to commercial traffic located on Italian territory; (c) at the check-in counter or boarding gate, also by means of appropriate means of visual and/or audio diffusion;	The information referred to in Measure 4.1 is provided at least: (...) (c) limited to direct flights departing from or arriving at an airport open to commercial traffic located on Italian territory; (c) at the check-in counter or boarding gate, also by means of appropriate means of visual and/or audio diffusion;	A lot of information is required to be communicated under Measure 4(1). While users should have access to that information (subject to the deletion of Measure 4(1)(e) as suggested above), depending on the manner in which this information needs to be delivered, it will be challenging for airlines to provide that information at the check-in counter or boarding gate (e.g. in a notice or in an audio announcement). If this Measure is kept, the delivery method for this information should be left at the appreciation of airlines or a realistically achievable method of delivery should be specified. For example, airlines could display a QR code at the check-in desks redirecting users to the relevant page of the website.
Measure 4(2)(d)	The information referred to in Measure 4.1 is provided at least: (...) limited to direct flights departing from or	The information referred to in Measure 4.1 is provided at least: (...) limited to direct flights departing from or	An audio announcement containing such information would be disruptive for passengers. How would airlines communicate this visually on board? The entertainment

	arriving at an airport open to commercial traffic located on Italian territory: (...) d) only for the information referred to in Measure 4.1. letters a) and b), on board the aircraft through appropriate visual and/or acoustic means of dissemination.	arriving at an airport open to commercial traffic located on Italian territory: (...) d) only for the information referred to in Measure 4.1. letters a) and b), on board the aircraft through appropriate visual and/or acoustic means of dissemination.	system on screens is the same for all aircraft/flights. Displaying that information only on flights arriving to or departing from Italy would be challenging. Moreover, some airlines do not have individual screens on board their aircraft.
Measure 6(1)(a)	The response to the complaint shall be reasoned, in a language easily understandable to the average user with reference to all the grounds for complaint raised by the user, and shall clearly indicate, in particular: (a) whether the complaint is accepted or rejected, based on the facts ascertained and the applicable regulations		If the time frame for responding to a complaint is kept at 30 days, depending on the complexity of a specific case, this requirement might not be practicably feasible. Moreover, a response might not necessarily fall within one of the two categories suggested. For example, an airline might want to offer something to a passenger as a gesture of goodwill even if a complaint has no legal grounds and is not “accepted” as such.
Measure 6(1)(b)	The response to the complaint shall be reasoned, in a language easily understandable to the average user with reference to all the grounds for complaint raised by the user, and shall clearly indicate, in particular: (...) (b) whether the user is entitled to receive compensation or reimbursement however denominated, and, if so, the timeframe and modalities for obtaining it;	The response to the complaint shall be reasoned, in a language easily understandable to the average user with reference to all the grounds for complaint raised by the user, and shall clearly indicate, in particular (b) whether the recipient of the complaint believes that the user is entitled to receive compensation or reimbursement however denominated, and, if so, the timeframe and modalities for obtaining it;	This comment is to be read together with the comment to Measure 6(1)(a). Whether a user is actually entitled to compensation might not always be clear and might have to be determined in front of a court. The timeframes for obtaining a payment will vary on a case-by-case basis and may depend on factors outside of the control of an airline (e.g. bank processing times).
Measure 6(1)(c)	The response to the complaint shall be reasoned, in a language easily understandable to the average user with reference to all the grounds for complaint raised by the user, and shall clearly indicate, in particular: (...) (c) where appropriate, the measures put in place to resolve the reported inefficiency and, if the same has not yet been resolved, the relevant timeframe;	The response to the complaint shall be reasoned, in a language easily understandable to the average user with reference to all the grounds for complaint raised by the user, and shall clearly indicate, in particular (...) (c) where appropriate, the measures put in place to resolve the reported inefficiency and, if the same has not yet been resolved, the relevant timeframe;	How will this help the user? This information might not be available at the time of the response to the user or be too technical. For example, if a flight is cancelled because of an issue with an engine, does the airline have to explain to the passenger how they will fix the issue?
Measure 6(1)(d)	The response to the complaint shall be reasoned, in a language easily understandable to the average user with reference to all the grounds for complaint raised by the user, and shall clearly indicate, in particular: (...) (d) the remedies that the user may activate in the event that he/she does not find the reply received satisfactory, in particular the possibility (...)	The response to the complaint shall be reasoned, in a language easily understandable to the average user with reference to all the grounds for complaint raised by the user, and shall clearly indicate, in particular (...) (d) the remedies that the user may activate in the event that he/she does not find the reply received satisfactory, in particular the possibility (...)	This should not be the responsibility of airlines and might be specific to each case. The user would always have the possibility to reply to the airline if it is not satisfied with its response.

Measure 6(5)(a.1)	<i>In the event that the complaint is rejected on grounds of competence (a) by the carrier, the latter shall forward the complaint, promptly and in any case within 30 days from receipt, at the same time informing the user: a.1) to the airport operator or to the digital platform operator deemed competent, who shall provide a reasoned reply to the user within the time limits set out in Measure 5.3, b), starting from the date of forwarding;</i>	<i>In the event that the complaint is rejected due to issues of competence, the user must resubmit the complaint to the relevant entity.</i>	It should be the user's responsibility to submit the complaint to the concerned entity and not the airlines' responsibility to forward the complaint. In the case of a codeshare, if applicable, the airline should forward the complaint to the codeshare partner in accordance with the codeshare agreement with that partner/redirect the passenger to that codeshare partner.
Measure 7(1)(a)	<i>For complaints submitted to the carrier, in the event of failure to reply to the complaint, or failure to reply within the time limits set out in Measure 3.1(d), or in the event of an unjustified reply, the user has right to receive automatic compensation commensurate with the price of the ticket, to which the complaint refers to, in an amount not less than: a) 10% in the event of a reply given between the 31st and the 60th day from receipt of the complaint; b) 20% in the case of a reply not provided within the 60th day.</i>	<i>For complaints submitted to the carrier, in the event of failure to reply to the complaint, or failure to reply within the time limits set out in Measure 3.1(d), or in the event of an unjustified reply, the user has right to receive automatic compensation commensurate with the price of the ticket, to which the complaint refers to, in an amount not less than: a) 10% in the event of a reply given between the 31st and the 60th day from receipt of the complaint; b) 20% in the case of a reply not provided within the 60th day;</i>	- Emirates endeavours to provide the best customer service and to reply to complaints as soon as possible. However, this obligation is imbalanced and would introduce a significant cost to carriers operating to and from Italy, potentially having adverse effect on the very users it aims to protect. - The introduction of such additional costs may result in higher ticket prices, that will disproportionately impact passengers flying to and from Italy. - Airlines would rush into providing a response to users in order not to be imposed a penalty, which would not allow them with sufficient time to thoroughly investigate each case and respond accurately to complaints. - Service failure and administrative delays should be differentiated. Compensation mechanisms should focus on actual damages rather than administrative timelines. - This provision might encourage certain passengers to submit frivolous complaints just to obtain this compensation. - It appears that no other EU jurisdiction impose such penalties, at least regarding complaints based on Regulation 261/2004. - If a penalty is imposed, it should be standard to allow equal treatment between all passengers and not be based on the price of the ticket (which might be different for passengers travelling on the same flight and in the same class).