

Alternative Dispute Resolution in the Air Passenger Rights sector

The existence of a well-functioning ADR scheme is key for reaching a high number of mutually satisfactory solutions. This report by the ECC-Net aims to establish an overview of the current situation regarding ADR in the air passenger rights (APR) sector and to develop recommendations.

Main results

ADR has not yet reached its full potential, especially in the APR sector.

The ADR landscape varies considerably from one country to another; the study reveals that there is no common ADR scheme in the APR sector within the EU, Iceland and Norway. Where recourse isn't mandatory, airlines sometimes don't participate in the procedure; the ADR decisions aren't binding and the ADR competence and legal basis for decisions vary significantly.

Several countries do not provide ADR options in the APR sector. As in other consumer sectors, the setup of the ADR depends on the national habits, the administrative organization, consumer representation schemes, etc. existing in each country.

Recommendations

The ECC-Net has, based on the findings of this report, drawn up recommendations and best practices for the development of ADR in the APR sector:

- Cooperation of ADR schemes, the ECC-Net and NEBs in order to:
 - Provide efficient help and ensure the implementation of EU regulations
 - Monitor the sector and
 - Make the APR landscape easier to comprehend
- ADR bodies must have good knowledge of APR issues
- Cooperation amongst ADRs and NEBs on a technical level

The ECC- Net's involvement in APR

Air passenger rights remain a hotspot in cross-border consumer complaints.

On the occasion of the 20- year anniversary of the EU single market, they have been defined as one of the challenges for the future.

As the ECC- Net is specialized in dealing with cross-border consumer complaints, transactions in the APR sector, being very often of a cross-border nature, are at the heart of the network's activities.

Over the last years, the ECC-Net has received a steadily increasing number of complaints in the air passenger rights (APR) sector. Since 2010 approximately 20% of the network's activities concern APR.

The volcanic eruption in Iceland and the following crisis resulting from the closure of the EU airspace was a starting point for Member States to focus on the opportunities of ADR in this sector.

Unfortunately, the solutions proposed by many airlines are not entirely satisfactory as they do not take into account all the legal provisions that should be applied (Montreal Convention, Regulation 261/2004, the Court of Justice of the European Union (CJEU) Sturgeon and Nelson cases).

Passenger rights remain one of the challenges for the future of the Single market. This report aims to illustrate there is still much to be done to ensure air passengers rights.