

## Annual report 2017

For the purposes of compliance with Regulation 11 (and Schedule 5) of The  
Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and  
Information) Regulations 2015 (as amended)

**ADR entity name:** Consumer Dispute Resolution Ltd – t/a AviationADR

**Date of publication on ADR entity's website:** 2<sup>nd</sup> May 2017

**Time period covered in this report:** 1<sup>st</sup> May 2016 – 31<sup>st</sup> March 2017

**Date submitted to the CAA:** 28<sup>th</sup> April 2017

**1. The number of domestic disputes and cross-border disputes the ADR entity has received:**

4534

**2. The types of complaints to which the domestic disputes and cross-border disputes relate:**

**EU Regulation 261 / 2004**

Complaint type	Number of Complaints
Cancellation – right to care	3
Cancellation – information	4
Cancellation – compensation	694
Cancellation – refund	49
Cancellation – alternative flight	3
Cancellation – expenses	36
Delay – right to care	3
Delay – information	1
Delay – compensation	2577
Delay – refund	37
Delay – alternative flight	0
Delay – expenses	14
Denied Boarding – selection for	0
Denied Boarding – right to care	1

Denied Boarding – information	0
Denied Boarding – compensation	119
Denied Boarding – refund	46
Denied Boarding – alternative flight	1
Denied Boarding – expenses	8
Diverted	8
Downgraded	0
Article 9 (3) – Right to Care for persons with reduced mobility / unaccompanied children	3
Article 11 – persons with reduced mobility or special needs	3
Other	131
<b>Total</b>	<b>3741</b>

### **EU Regulation 1107 / 2006**

<b>Complaint type</b>	<b>Number of complaints</b>
Refusal to accept a reservation	2
Refusal to embark a passenger with a reservation	3
Pre-notification not recorded / transmitted	1
Staff attitude and behaviour	1
Information concerning a flight	4
Transport of mobility equipment	0
Seating	0
Seating of accompanying persons in a seat next to the PRM	0
Assistance dogs	0
Moving to the onboard toilet	0
Damaged and lost mobility equipment	1
Other	3
<b>Total</b>	<b>15</b>

### **Other**

<b>Complaint type</b>	<b>Number of complaints</b>
Medical issues	1
Missed connections	12
Tickets & fares	51
In-flight facilities and services	13
Delayed / damaged / lost / stolen baggage	276
Cabin baggage	7
Safety	2
Booking problems	44
Complaint process	0
Schedule changes	7

Other	275
<b>Total</b>	<b>722</b>

**3. A description of any systematic or significant problems that occur frequently and lead to disputes between consumers and traders of which the ADR entity has become aware due to its operations as an ADR entity:**

- Airlines are relying on third parties (travel agents/booking agents) to inform the passenger of flight cancellations due to the fact that they do not have the passengers contact details. Often the agent fails to do this.
- Flight delay: passengers not always appreciating that the flight must 'arrive' into its final destination at least three hours late for compensation under EC261 to be payable
- Flight delay: disputes around what is and what is not an extraordinary circumstance
- Non-EU carriers and when they fall within EC261
- Airlines terms and conditions of carriage being unclear or difficult to understand.

**4. Any recommendations the ADR entity may have as to how the problems referred to in '3' above could be avoided or resolved in future, in order to raise traders' standards and to facilitate the exchange of information and best practices:**

- A guidance note or equivalent from the CAA confirming that the carrier has ultimate responsibility for informing passengers of cancellations, not the third-party booker. Assistance for airlines so that it is a requirement of such booking agents to pass passenger details to the carrier.
- More needs to be done publicly to increase passenger's awareness of their rights, including when a claim cannot be made.
- Airlines need to review their terms and conditions, particularly now with the introduction of the Consumer Rights Act 2015 which provides that 'key terms' must be made prominent to the consumer.

**5. The number of disputes which the ADR entity has refused to deal with, and percentage share of the grounds on which the ADR entity has declined to consider such disputes:**

**Total number of disputes which the ADR entity has refused to deal with: 501**

<b>Ground of refusal (as applicable)</b>	<b>% share (of all refused)</b>
Outside scope	37.4
Not an airline which is contracted to ADR scheme	7.5
Complainant not waited for sufficient time (as per scheme rules) for airline to respond	3.9
No attempt to contact airline by complainant	2.7
Dispute frivolous / vexatious	3.3
Dispute considered by another ADR body / court	2.6
Over monetary threshold	3.9
Deadlock letter / non-reply too long ago	3.7
Would impair effective operation of the ADR entity	35

**6. The percentage of alternative dispute resolution procedures which were discontinued for operational reasons and, if known, the reasons for the discontinuation:**

<b>Reason for discontinuation (as applicable)</b>	<b>% share (of all discontinued)</b>
Complainant out of contact	34.3
Complaint withdrawn by complainant	61.4
Consumer is believed by the ADR entity to have provided false or fraudulent information or documents (at any stage).	1.3
The trader has misled the ADR entity with regard to a ground that	0.3

may or may not exist for refusing to accept or continue with the resolution of a dispute.	
The consumer has been abusive to an ADR official of the ADR entity	0
Both the consumer and the trader agree, including where a conflict of interest has been identified and it is not possible for the reasons referred to in this policy to transfer the ADR procedure to another ADR entity approved by the CAA	2.7

**7. The average time taken to resolve domestic disputes and cross-border disputes:**

58 days (from complete complaint file)

**8. The rate of compliance, if known, with the outcomes of the alternative dispute resolution procedures:**

While a small number of determinations have been initially challenged all have been complied with.

**9. The co-operation, if any, of the ADR entity within any network of ADR entities which facilitates the resolution of cross-border disputes:**

N/A