



**H. Frère-Orbanlaan 570,
9000, Gent, Belgium.**

As from: christophercirwin@hotmail.com

16th April, 2009

Dear Ms. Lopian,

**Application of Regulation (EC) N° 889/2002: information on
incidents regarding baggage**

This letter is the formal response of the European Passengers' Federation to that of 17th March from Director General Ruete concerning the Commission's wish to gather information to assess the state of play on the application of Regulation (EC) No 889/2002, notably regarding baggage delays or the destruction, loss or damage of airline passengers' baggage. The Federation, which is registered under Belgian law, links member-organisations in sixteen European states and seeks to promote sustainable mobility and the interests of public transport users throughout Europe.

The Federation is pleased that the Commission has expressed renewed interest in this subject. We are aware of the perceived short-comings of present arrangements from press comments, our own contact with European airport and airline users, the comments of statutory bodies such as the Air Transport Users' Council in the UK and from the data published by organisations such as the Association of European Airlines. In particular we note that the regular Consumer Report published by the AEA highlights the poor record of certain of its members in this respect. The data shows that amongst the 34 major airlines that comprise the AEA on average one bag goes missing for every sixty-four passengers enplaned and that in 15% of cases the bags are still missing after 48 hours. This reflects unacceptably poor service standards.

We are also aware that a number of airlines who are not members of AEA – and whose performance data is therefore not recorded by the AEA – have questionable records in relation to their compliance with the letter or the spirit of the Montreal Convention and the Regulation itself. For example,

we note from its web-site that Jet2 operates a policy it will not consider claims for damage to baggage below 50€. We have been told that Ryanair often limits compensation to £15 whatever the length of delay in returning lost bags. We are also under the impression that certain low-cost airlines seem to make it unnecessarily more difficult than others to obtain information about what to do when bags go missing and that a number of passengers are under the impression that these airlines are deliberately obstructive in facilitating compensation, demanding receipts for each item of lost luggage, etc. We find this perverse, particularly as these airlines have led the way in charging significant supplements for carrying passenger baggage in the hold. The issues involved are not purely financial. Lost, delayed or damaged luggage can ruin a hard-earned family holiday or waste a business trip.

The European Passengers' Federation would like to see the introduction of revisions to existing European law in order to incentivise airlines and airport operators to improve their baggage handling arrangements and to ensure that when things do go wrong for passengers steps are taken as quickly as possible to ameliorate the situation in a straight-forward and practical manner.

In particular, we would like to see an improvement in the arrangements for compensating passengers for emergency items such as toiletries and a change of clothes when luggage is first delayed. We would like to see a simplification of the Property Irregularity Report process. We believe that airports and airlines should be obliged to give greater prominence to the procedures to be followed when luggage is delayed, lost or damaged, ensuring the passengers are made aware of their rights and given greater support in pursuing compensation. Finally, we believe that that national enforcement bodies should be promoted and that the Commission itself should arrange for the publication of audited comparative customer service and satisfaction data. We see this as both incentivising the activities of airlines and airports and also as reflecting the underlying purposes of greater competition in service provision and market opening in the European Union.

Yours sincerely,

Christopher Irwin
Vice President

To ruth.lopian @ ec.europa.eu
DG TREN – A3 Passenger Rights