

NEB – NEB
COMPLAINT HANDLING PROCEDURE UNDER REGULATION [EC]261/2004

Basic principles

1. NEB to be competent for the complaints related to incidents happening on its territory (most efficient level of data availability on the events causing the flight disruption; effective enforcement).
2. If, for linguistic or other reasons, passengers choose to file a complaint in their country of residence or in another Member State, NEB agree on the transfer of the file, together with a summary in English.
3. NEB to coordinate among each other to avoid contradicting rulings.
- 4.1. NEB are invited to closely collaborate with the ECC (European Consumer Centres) in order to gather a maximum of data which might lead to procedures related to sanctioning.
- 4.2. The CPC Network (consumer protection cooperation network created under Regulation [EC]2006/2004) can be consulted in order to resolve translation issues. In addition, it provides for Member States to cooperate on cross-border enforcement of EU regulations related to consumer protection, including Regulation [EC]261/2004.
5. For incidents happening outside the EU with EU licensed carriers, NEB to be competent in the Member State of destination.
6. NEB should also react to press-publications or submissions by other organisations or authorities (active monitoring).
7. As an exemption from paragraph 1, NEB can enlarge the scope of complaints handling and extend its responsibilities to all residents of its country, even if the incident took place in another country. However, in this case, the NEB carries the responsibility of enforcement and communication.

General complaint handling procedure

1. Acknowledgement of receipt within 2 weeks and first analysis/filtering.
2. Assessment whether similar complaints were received on that particular case.
3. Case submission to the airline requiring reply within 6 weeks from the date of receipt. If no reply is received from the airline, send a reminder to the airline adding an additional delay of 2 weeks (NEB to update the passenger).
- 4.1. In case of an airline reply: assessment on the basis of evidence received by all parties, followed by independent ruling communicated to complainant and airline.
- 4.2. In case of no reply: assessment and action on the basis of the passenger complaint.
5. Internal NEB examination of possible repetitive incidents with particular airline.
6. In cases of extraordinary circumstances:
 - 6.1. If information provided by airlines is of a coherent and detailed character, NEB are left with a margin of flexibility and can apply a system of random checks, respecting the principle of proportionality.
 - 6.2. If information is only provided in a generalised manner not allowing NEB to draw sound judgements, each incident has to be followed up on individual case-by-case assessment requesting for example, as matter of proof, logbooks, incident reports, maintenance manuals etc.
7. Registration in local database.
8. Complaint handling procedure to take a maximum of:
 - 3 - 4 months for clear cases;
 - 6 months for complex cases;
 - longer than 6 months for cases that are involving legal proceedings.