If your complaint relates to an alleged breach of either the 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 or the Regulation (EC) No 1107/2006 of the European Parliament and of the Council of July 5 2006 concerning the rights of disable persons and persons with reduced mobility when travelling by air, AESA will consider whether there was a breach of these European Regulations or not.

If so, AESA will ask the airline for a report on the incident seeking for additional information. On this basis, it will examine whether the airline has complied with the provisions of the standard or not.

Once this is analyzed, AESA will deliver a report to the passenger as well as to the airline in which the actions carried out in connection with the complaint and their result are exposed.

In case this AESA report is positive for the passenger but the company ignores it, one can address the incident to the Courts of Justice, for which the positive AESA report would be very useful. AESA decisions are not binding to either part.   
  
The management of a complaint shall not go over ninety (90) days. Although in case of disputes of a particularly complex nature, the Spanish Agency is able to extend this period of ninety days to one hundred twenty (120) days.

As regards to the scope, we might consider the following aspects:

- On one hand the Article 3 of the European Regulation No. 261/2004, determines under which cases this Regulations shall apply:

a) To passengers departing from an airport located in the territory of a Member State subject to which the Treaty applies;

b) To passengers departing from an airport located in a third country to an airport situated in the territory of a Member State to which the Treaty applies, unless they received benefits or compensation and were given assistance in that third country, if the operating air carrier of the flight concerned is a Community carrier.

- On the other hand the Article 1 of the European Regulation No. 1107/ 2006 determines under which circumstances shall apply.

The provisions of this Regulation shall apply to disabled persons and persons with reduced mobility, using or intending to use commercial passenger air services on departure from, on transit through, or on arrival at an airport, when the airport is

situated in the territory of a Member State to which the Treaty applies.

The provisions of Articles 3, 4 and 10 shall also apply to passengers departing from an airport located in a third country to another airport in the territory of a Member State subjected to the Treaty, if the operating carrier is a Community one.

The procedure agreed between the Member States and the European Commission services for management complaints is as follows:

- when the flight in which the incident occurs departs from an airport located in the territory of a Member State different than an Spanish airport, the national body responsible for processing the complaint will be that State.

- when the flight in which the incident occurs departs from an airport in Spain, the national body responsible for processing will be AESA.

- when the flight in which the incident occurs departs from an airport located in a third country, the national body responsible for processing will be the Member State of destination of the flight, provided the flight operating company is a Community one.

- In case your claim has been transferred by AESA to the competent national authority of another EU State, and this latter State has not given reply within six months, one can head to the service of the European Commission: Rights passengers. 24-28 Rue Demot / Demotstraat 24-28. 1040 Bruxelles / Brussel Belgique

If your complaint does not refer to the Regulation (EC) 261/2004 or to the Regulation (EC)1107/2006, AESA will only advise you on the rights and available channels to submit complaints either to the airline or to the Courts of Justice.

In compliance with article 5 of Law 15/1999, of December 13, on Protection of Personal Data, we inform you that in order to proceed with the processing of your complaint, the data contained in this application form will be incorporated into a file from which the Air Safety State Agency is responsible Regarding the above data may exercise the right of access, rectification, cancellation and opposition before the body of AESA to which this form is addressed