

**Question for written answer E-010192/2011
to the Commission**
Rule 117
Sergej Kozlík (ALDE)

Subject: Action of airline

On 17 August 2010, an airline customer made a complaint to Air Berlin because employees of that airline at Baden-Baden Airport had prevented her from boarding one of its aircraft. Air Berlin dismissed that complaint. Therefore, on 29 September 2010, the customer wrote a request for the case to be examined by the Luftfahrt-Bundesamt (LBA) of the Federal Republic of Germany. To date, one year later, she has still not received the results of the investigation, despite repeated reminders.

Here is a brief description of the course of events taken from the letter to the Luftfahrt-Bundesamt (LBA):

On 7 August 2010, the customer travelled from Vienna to Karlsruhe/Baden-Baden with Air Berlin. She travelled with a plastic splint on her wrist without any problems.

On her return journey on 15 August 2010, she was prevented from boarding an aircraft of the same airline, Air Berlin, flying from Karlsruhe/Baden-Baden to Vienna (booking No 11324138/1, customer No 4251689). When boarding, she was told that it was not possible to travel where a fracture had been fixed with a non-removable splint. The customer suggested removing the splint herself, as she was a doctor. She was told that she might not be telling the truth and was probably not a doctor. Within 10 minutes, her luggage had been brought to her from the aircraft and she was escorted to the departure lounge. The customer had to return to Strasbourg, buy a new ticket, and travel to Vienna by train. On Monday, 16 August 2010, she was unable to go to work and hold her surgery.

She subsequently wrote a complaint to Air Berlin customer service and, on 25 August 2010, received a reply informing her that its employees had the right to prevent her boarding the aircraft, since she had failed to provide evidence that her fracture was over seven days old.

The customer feels that she has been wronged, since no one had informed her about the seven-day fracture rule or requested any evidence or document. However, the airline was aware that she had travelled with the same fracture eight days earlier. She had with her a USB stick with the most recent X-ray and could also have called her doctors who would have confirmed her state of health and the age of the injury.

Was the above-mentioned action of the airline Air Berlin lawful, and does the airline's customer have other rights or possibilities in terms of redress about which she has not been informed? Is the European Commission able to take action on this matter?