

Hans Filipsson
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Sweden
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hans@filipsson.org
Swedish passport number: 09356179

Los Cristianos 2008-11-24

Iberia

Centro de atención al cliente
Apdo correos 548F.D
28080 Madrid
Spain

Attachments:

1. Ticket
2. Receipt of overweight fee paid on 2008-11-01

Re: Overweight fee due to medical supplies

Dear Sirs,

On November 1st I travelled with your airline from Arlanda, Stockholm, Sweden to Reina Sofia, Tenerife, Spain via Madrid. I was wrongfully charged 1 000 SEK for overweight which was due to my need to bring medical supplies. (See attached receipt of payment.)

I am in receipt of your refusal to repay the 1 000 SEK which I received from your Stockholm representative Roxana Holmblad on 2008-11-12. I feel quite annoyed by your refusal and do not agree with you.

Article 10 of the Regulation No 1107/2006 of the European Community says:

“An air carrier shall provide the assistance specified in Annex II *without additional charge* to a disabled person or person with reduced mobility departing from, arriving at or transiting through an airport to which this Regulation applies provided that the person in question fulfils the conditions set out in Article 7(1), (2) and (4).”

Among other things Annex II of the Regulation states:

“In addition to *medical equipment*, transport of up to two pieces of mobility equipment per disabled person or person with reduced mobility, including electric wheelchairs subject to advance warning of 48 hours and to possible limitations of space on board the aircraft, and subject to the application of relevant legislation concerning dangerous goods.”

I bought the ticket Friday October 24th and I called your customer service on Wednesday October 29th or Thursday October 30th, long before the stipulated 48 hours to make contact with the airline carrier if in need of assistance. I told your representative I would have overweight due to medical supplies and he said you wouldn't charge for that. I also specifically asked your representative twice to put the information into the system in connection with my ticket. However, when I reached the check in point your staff claimed there was nothing in the system about my medical supplies. I explained I shouldn't have to pay for overweight due to medical supplies and I even referred to the European Community Regulation mentioned above. The representative had someone contact your head

quarters in Madrid and I was to my surprise for the first time ever charged for overweight due to medical supplies.

I have several conditions that make me a qualified person with a disability. Firstly, I have the neurological disease Hereditary Spastic Paraparesis, which affects my legs and basically makes me use a wheelchair. This makes it impossible for me to travel without a lot of equipment other people don't have to bring:

- medicines
- seat for bath tub
- air condition system
- compressor
- bath room supplies
- reparation tools for the wheelchair
- extra cushion + cover for the wheelchair
- replacement tires and other parts for the wheelchair

Secondly, I also have Diabetes and some other conditions which makes me a qualified person with a disability. For these conditions, I need to bring:

- syringes
- insulin
- medicines
- sterile wipes

If needed, the medical conditions stated above can of course be verified by a medical certificate.

Since I'm staying in Tenerife for six months, these things weigh +20 kg all in all.

Referring to the aforementioned EC Regulation, I consider your action an infringement of that Regulation. **This Regulation further states that severe penalties and compensation must be paid by an airline carrier if they break the regulation. Since Iberia is an airline carrier within the European Union, of which both Spain and Sweden are members, this Regulation applies to Iberia.** Find the Regulation in English online here:

http://ec.europa.eu/transport/air_portal/passenger_rights/doc/2006_1107_reg/2006_07_26_l_1107_en.pdf

Furthermore, Swedish The prohibition of Discrimination Act (2003:307) states that when selling goods or services, no company is allowed to discriminate against qualified persons with disabilities within the state of Sweden. **This law applies to Iberia when operating on Swedish ground and also states that damages shall be paid by a company that breaks the law. As of January 1st 2009, a new law concerning discrimination will be in effect in Sweden which says the same as the previous law but stipulates even higher penalties (damages) to be paid by discriminating companies.** Civil actions of this type can be handled by the Swedish Disability Ombudsman until December 31st 2008 and from then by the Discrimination Ombudsman. Their work is free of charge to those making complaints.

Find the Act in English online here:

<http://www.ho.se/upload/The%20Prohibition%20of%20Discrimination%20Act,%20nyaste.pdf>

I have been travelling all over the world. For example, I've flown to and from the United States, Thailand, Egypt and the Ukraine. I've flown domestic in Sweden, the United States and Thailand. I've flown the exact same route – Stockholm to Tenerife – seven times before back and forth, two of those seven times with Iberia. And I have never had to pay for overweight caused by medical supplies before.

First and foremost, I hereby request that you compensate me for the wrongful fee of 1 000 SEK + interest, and inform me on what measures Iberia will take to prevent this from happening to any other person with a disability when flying with Iberia. Secondly, I'd like to know how you plan to compensate me for a) the discriminatory action you have exposed me to in accordance with The Prohibition of Discrimination Act (2003:307), b) the infringement of European Community Regulation No 1107/2006, and c) the hassle, trouble and humiliation this has caused me.

I expect a reply before the end of 2008, no later than December 31st 2008.

If I do not hear anything from you or you refuse, I will file the already drafted complaint of your infringement of the European Community Regulation No 1107/2006 to the Swedish Civil Aviation Authority and a complaint of discrimination to the Discrimination Ombudsman. In that case, I will of course contact relevant media. Also note that complaints of these types are public documents in Sweden and can be read by whoever wishes. Furthermore, the complaint to the Discrimination Ombudsman will be sent and publicized on the internet by the service at <http://www.independentliving.org/ho/>.

Sincerely,

Hans Filipsson

MY IBERIA SWEDEN

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Welcome, Mr Filipsson
Your balance is **180 points**
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Availability Price Passenger information Trip Plan Purchases Confirm

Reservation code: **3HYKR5**Trip Plan Name: **Stockholm - Tenerife****Passengers Information**

Name	Ticket No.	Type of Passenger	Loyalty Card
Mr Hans Filipsson	075-2332289215		IB 36497816

Flight details

Day / Flight	Departure	Arrival	Duration	Seat	Class	Status
Saturday, November 1, 2008 IB3321	15:10 / Stockholm, Arlanda, Terminal 2	19:15 / Madrid, Barajas, Terminal 4			Basic	Confirmed
Saturday, November 1, 2008 IB3321	23:55 / Madrid, Barajas, Terminal 4	1:50 - Date +1 / Tenerife, Tenerife Sur Reina Sofia	11h: 40m		Basic	Confirmed
Friday, May 1, 2009 IB978	2:50 / Tenerife, Tenerife Sur Reina Sofia	6:25 / Madrid, Barajas, Terminal 4			Basic	Confirmed
Friday, May 1, 2009 IB979	10:30 / Madrid, Barajas, Terminal 4	14:20 / Stockholm, Arlanda, Terminal 2	10h: 30m		Basic	Confirmed

Price 3,909.00 SEK + Service Fees 50 SEK = **Total 3,959.00 SEK**

With this purchase you could add up to 180 Iberia Plus points

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Delivery method chosen

Master Card *****1452 Expiry date 07/11

Electronic ticket

Your tickets have been issued correctly. You should receive an email with all the information concerning your tickets.
Please, check your e-mail account and make sure to receive the e-mail that contains the electronic ticket number-passenger's itinerary receipt

Following Instructions from Civil Aviation Authority Iberia to ask for passenger identification on all flights. Minors under 14 years of age **are excluded from the obligation of having to carry a passport or identity card when travelling within Spanish territory.** In this instance those persons under whose tutelage they are travelling will be responsible for them.

Identification: Each passenger must present the ID indicated when the electronic ticket was issued.
Mr Hans Filipsson must present Passport: 9356179 Ticket No. 075-2332289215

For any question or doubt about your tickets, you can contact us at the phone:
■ **701 001 52 from Sweden or 077 161 6088 from Denmark**

Your email address
Your telephone
Another telephone number

hans@filipsson.org
0046708727267
In case any problem arises, Iberia will contact you on this email address
0034626204747
In case any problem arises, Iberia will contact you on this email address

Print

BILLETE DE PASAJE / NUMERO (S)

075-2332289215

BILLETE DE EXCESO
DE EQUIPAJE

CUPON DE PASAJERO

LUGAR Y FECHA DE EMISION

07

EMITIDO EN CONEXION CON / A CAMBIO DE

☐ EQUIPO DE ESQUI☐ EQU. VOLUMINOSO _____ ASIENTOS☐ EQUIPO DE GOLF☒ MEDICAL SUPPLIES☐ ANIMAL DOMESTICO☐

EXCESO DE PESO (KGS.)

20

EXCESO BULTOS / DIMENSIONES

TARIFA POR KG. O BULTO

SEK 50

NO VALIDO PARA EL TRANSPORTE
DE EXCESO DE EQUIPAJE

NOTAS

FILIPPOON/HANS

ARLANDA

CARGO

SEK 1000

TRANSPORT.

IB

DE

STO

IMPUESTO / DERECHO / CARGO

TRANSPORT.

IB

A

MND

TOTAL (I.V.A. INCLUIDO)

SEK 1000

TRANSPORT.

A

TFS

FORMA DE PAGO

A5342431021661452/0711

A

VOID

EMITIDO POR:

IBERIA
LINEAS AEREAS DE ESPAÑA

VELÁZQUEZ, 130 28006-MADRID

C.I.F. A-28 - 017648

REGISTRO MERCANTIL MADRID, HOJA 5595. FOLIO 14. TOMO 182.

PARA LAS CONDICIONES DEL CONTRATO, VÉASE
BILLETE DE PASAJE Y TALÓN DE EQUIPAJE

CUPON

CIA.

FORM. Y NUMERO DE SERIE

DC.

⊙ 075 4531026003 0 ⊙

NO MARCAR NI ESCRIBIR EN ESTE RECUADRO

Hans Filipsson

Från: IBERIA_LAE@correo.iberia.es
Skickat: den 11 december 2008 12:38
Till: hans@filipsson.org
Ämne: Código Expediente: C08121-659007190

Mr. Hans Filipsson

Madrid, December 11, 2008

Reference: C08121-659007190

Dear Mr Filipsson:

We should like to thank you for contacting us and, at the same time, apologies for any inconvenience we may have caused while travelling on flight IB 3321 of november 01, 2008.

You are entitled to take, without any additional charge, up to 20kg of baggage if you are travelling in Tourist Class and up to 30kg in Business Class, except on flights to and from certain American countries where the authorised allowance is of two pieces of baggage per passenger.

Some items carry an additional charge, regardless of whether or not you are over the weight limit or have more than the number of pieces allowed. This may include sporting equipment, pets or musical instruments, among others.

We have checked and seen that the amount you were charged for excess baggage is correct and in accordance with the tariff fixed for the journey in question.

We have passed on your comments to the departments concerned so that they may analyse the incident and make improvements to the services that we would like to offer you.

Yours sincerely,

Inmaculada Iglesias
Gerente Atención al Cliente