

## **Commission for Aviation Regulation statement**

The Commission for Aviation Regulation is the enforcement body in Ireland for air passenger rights under Regulation (EC) 261 of 2004. This means that in the case of cancellation, the Commission's role is to ensure that passengers receive their entitlements; including refunds, re-routing and care and assistance arising from the cancellation. In this regard, the Commission also monitors the information that airlines provide passengers so that they are aware that they have such rights and have the chance to avail of them, through the airline, when a cancellation is made.

Since Ryanair's first announcement of flight cancellations we have engaged with them to ensure that information was quickly provided on details of each flight that was cancelled in the first wave of cancellations and that each affected passenger was contacted about refunding, rerouting, care and assistance and their right to compensation.

We also provided clear information to passengers about what they should do to minimise unnecessary expenditure (by not immediately rebooking a flight on another airline as this could jeopardise their entitlement to care and assistance or compensation where applicable). In addition, we set out the process for making a claim against Ryanair and what to do if they were not satisfied with the outcome of that process. To further promote passenger entitlements, we will this weekend start a media campaign to further highlight passenger rights.

In relation to the second wave of cancellations recently announced we have engaged with Ryanair to publish a list of affected Irish flights and these were published yesterday on their website. We have also, today, secured agreement from Ryanair that it will comply with the regulations and directly provide affected customers with the necessary information on refunds, rerouting, care and assistance and compensation.

Ryanair has confirmed to us, today, that they have taken on additional staff to ensure that all refunds are provided to affected passengers within 7 working days and that they will deal with all claims for expenses and compensation within 28 working days. Where passengers are dissatisfied with the outcome of this process, they should submit a complaint to the Commission for Aviation Regulation who can issue a Direction requiring Ryanair to comply with it.

Ryanair has committed to provide the Commission, on a weekly basis, an update on:

1. The number of passengers out of Ireland entitled to compensation and expenses
2. The number of passengers out of Ireland entitled to expenses alone
3. The number of claims submitted and
4. The number of claims closed out

Ryanair has an obligation to re-route passengers to their final destination at the earliest opportunity. We fully expect Ryanair to offer re-routing on alternative airlines or to alternative airports as appropriate (as they have outlined they will do). If re-routing means you have to stay an extra night, Ryanair must provide care and assistance at its expense; for example, hotel accommodation, meals and refreshments and transport to the hotel.

## 2. Interpretation of EC 261

Regulation 261 states that the airline must offer "re-routing under comparable transport conditions to their final destination at the earliest opportunity". Ryanair has said it will firstly seek to move a passenger to the next available Ryanair flight and if that is not suitable to go to another airline or mode of transport. The Commission is satisfied that this meets the requirements of EC261. Given this has been our standard practice, and the practice in many other EU states we chose to work directly with Ryanair to achieve the best outcome for passengers and they now have an arrangement in place which we are satisfied meets the requirements of EC261.

## 3. Claims Process

The Commission has significant enforcement powers. Under our framework:

1. We highlight to passengers what their rights are. For example, the Commission outlines to passengers via its website that when a place is served by several airports, an airline may offer a flight to an alternative airport to that originally booked. In addition, the airline is then obliged to bear the cost of transferring you to the airport that you had booked or to another close-by destination agreed with you.

2. We work with airlines to get the correct information to affected passengers
3. We set out the process that passengers need to use to obtain expenses and/or compensation from the airline
4. Where passengers are unhappy with the outcome of that process we are promoting the process where we step in and decide what must be done
5. Where necessary, we issue Directions to the airline requiring them to take certain actions
6. Is it is separate matter if an airline does not comply with its legal obligations under regulation EC261/2004. The Commission for Aviation regulation will deal with infringements in line with our considerable enforcement provisions as set out in section 45A of the Aviation Regulation Act, 2001.

The approach the Commission for Aviation Regulation is taking is to get passengers dealt with as smoothly as possible, as early as possible and at minimum expense to the passenger. In our view, this is the best way to enforce the regulation.