

Issues underlying compensation claims under Regulation EC 261/2004 which the CAA does **not** consider to be complex or novel

There are many issues relating to the operation of a flight which can lead to a cancellation or long delay, resulting in a passenger claim for compensation under Article 7 of Regulation EC 261/2004. On very rare occasions, an individual passenger claim will raise an issue that is genuinely complex or novel in terms of its broader applicability. Such cases might involve circumstances that have not previously occurred, and/ or where there is no established case law or clear principles for determining the outcome of the case.

In such rare cases, the normal ADR process may not be the most effective way to deal with the complex or novel issue underlying the compensation claim. Instead, as set out in [CAP1324], the CAA has introduced the option for CAA-approved ADR bodies to implement a process enabling a broader consideration of the complex or the novel issues prior to reaching a determination on the compensation claim itself.

In order to assist with this process, the CAA publishes a list of issues which it does **not** consider to be complex or novel. The list includes extraordinary and non-extraordinary issues. Compensation claims relating to these issues can therefore be dealt with in the normal way by the relevant CAA-approved ADR body. These issues are:

- Denied boarding;
- Travel documents and visas;
- Missed connections;
- Wet leases – determining the responsible airline
- Sabotage;
- Security issues;
- Political instability;
- Airport or runway closure;
- Airport system failure;
- Airline system failure
- ATM restrictions/decisions;
- Bird strike;
- Disruptive passenger;
- Foreign object damage to aircraft (e.g. screws, nails on the runway);
- Fuel on the runway
- Ground damage to aircraft (e.g. damage by boarding steps);
- Industrial action [*to be defined following the outcome of CAA v Ryanair DAC Claim No.BL-2019001288*];
- Lightning strike;
- Technical/manufacturing issues affecting aircraft;
- Medical emergency affecting passengers on board the aircraft;
- Weather;
- Crew shortage;
- Crew sickness;

The CAA will update this list from time to time, in consultation with airlines and the CAA-approved ADR bodies, in cases where new UK or EU court judgments or European Commission guidelines provide additional clarity over issues which had previously been considered to be complex or novel, or in cases where the CAA considers that the specific circumstances justify a fresh review of any of the items included on this list.

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