



**Chief Executive's Office**

**Sir Timothy Clarke**

President  
Emirates  
PO Box 686  
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United Arab Emirates

Sent by e-mail to: [timclark@emirates.com](mailto:timclark@emirates.com)  
Copied to Laurie Berryman: [lberryman@emirates.com](mailto:lberryman@emirates.com)

12 October 2017

Dear Sir Timothy

**Court of Appeal judgment in the joined cases of Gahan v Emirates and Buckley v Emirates**

In February this year the CAA launched enforcement action against Emirates in respect of compensation for long delays resulting from a missed connection. In response to this, in your letter to me of 5 March 2017 (attached) you committed that "[...] this issue will be definitely resolved by the Court of Appeal in July [...]".

The Court of Appeal's judgement, which rejects Emirates' appeals, has been issued today. In the CAA's view, the Court of Appeal's judgment is emphatic and leaves no room for doubt as to the correct interpretation of Regulation EC261/2004 on this issue. Noting that you are entitled to seek leave to appeal this judgment, I would like to refer you to your commitment to me in your 5 March letter. I am writing now to call upon you to be good to your word and to accept the judgment of the Court of Appeal as the definite resolution of the issue.

Please note that we reserve the right to publish this letter and any previous or future correspondence on this issue.

Yours sincerely

A handwritten signature in blue ink that reads 'Andrew Haines'.

**Andrew Haines**  
**Chief Executive**



Sir Timothy C. Clark, KBE  
President  
Emirates Airline

السيد تيموثي سي. كلارك  
الرئيس  
طيران الإمارات

Mr Andrew Haines  
Chief Executive  
Civil Aviation Authority  
45-59 Kingsway  
WC2B 6TE  
United Kingdom

5 March 2017

Dear Mr Haines

RE: Misguided enforcement action against Emirates

I am writing to express my surprise at the actions of the Civil Aviation Authority and the public statements of Richard Moriarty in relation to Emirates' compliance with Regulation (EC) 261/2004 (the "Regulation") regarding missed connections. I am astonished that your organisation has resorted to such unnecessary intimidation without meaningful consultation and discussion.

Given that this issue will be definitely resolved by the Court of Appeal in July, I am perplexed at the perceived need to prematurely accuse Emirates of failing to comply with the Regulation. As you will be well aware, the law in the United Kingdom is unclear on this particular point and Emirates reserves its right to legitimately challenge the law where necessary to provide clarity and fairness for all parties. I am disappointed that your organisation felt it necessary to undertake this prejudicial course of action directly before our court hearing in light of our commitment to comply with any final decision.

In my opinion, the actions of your organisation appear to be a blatant attempt to garner public attention and have not only spuriously damaged Emirates' brand and reputation but also damaged the credibility and perceived impartiality of the Civil Aviation Authority. Given your organisation's unreasonable, irrational and unprecedented actions, Emirates is forced to put you on clear notice that it shall fully defend its position and reserves its legal rights in relation to any potential action against the Civil Aviation Authority.

Yours sincerely

Timothy C. Clark

