

CAA List of extraordinary circumstances

The following non-exhaustive list represents the type of incidents which the CAA considers may qualify as extraordinary circumstances. Airlines will also need to demonstrate that they took reasonable measures to mitigate the resulting disruption.

No	Category	Incident
1	War/ Political Instability	Unforeseen disruption arising from war & political instability of any kind where travel is not recommended.
2	War/ Political Instability	Where the supply of aircraft fuel is limited or unavailable without pre-notification.
3	Unlawful act	Unlawful acts (for example terrorism).
4	Sabotage	Acts of sabotage to the aircraft scheduled to operate the flight or the air carrier's fleet.
5	Security	Closure of the airport of departure or the airport of arrival for security reasons at short notice.
6	Security	Bomb discovery or bomb scare either onboard the aircraft or at the airport of departure or the airport of arrival.
7	Security	Hi-jacking of the aircraft.
8	Security	Removal of unaccompanied baggage due to a serious security concern as imposed by the security regulation.
9	Security	Removal of an unruly passenger from the aircraft for security reasons - thereby causing either a flight delay or diversion.
10	Meteorological conditions or natural disaster or similar events	Conditions and events incompatible with the safe operation of the flight. These conditions and events may be forecast to arise at either the airport of departure, the airport of arrival or along the intended flight path of the aircraft.
11	Meteorological conditions or natural disaster or similar events	Closure of either the airport of departure or the airport of arrival due to these conditions and events.
12	Meteorological conditions or natural disaster or similar events	Conditions and events resulting in capacity restrictions at either the airport of arrival or the airport of departure.
13	Meteorological	Damage to the aircraft which could affect the safety of the flight or the integrity of the aircraft and requires immediate assessment and/or repair and caused by other meteorological events (for example: lightning strikes, hailstones, thunderstorms, severe turbulence etc).
14	Meteorological/ De-icing	Extreme weather conditions which result in the elevated consumption and exhaustion of what would usually constitute ample de-icing stocks due to third party supply failures - with the result that the aircraft cannot be de-iced for departure.
15	Airport Closure	Closure of either the airport of arrival or the airport of departure for non-security and non-meteorological reasons.
16	Medical Grounds	Passenger or crew member becomes seriously ill or dies on-board at short notice-before the flight.

17	Bird-strikes	Bird-strikes to the aircraft during a flight which might cause damage which requires immediate compulsory checks and possible repair.
18	Hidden Manufacturing Defects	A hidden manufacturing defect identified by the manufacturer of the aircraft concerned, or by a competent authority, which impinges on flight safety (see more detailed information at the end of this table).
Item 19 was removed following the European court decision in <i>Sandy Siewert v Condor</i> ¹		
20	Unexpected flight safety shortcomings	In-flight damage to the aircraft during the preceding flight, caused by a foreign-object, and which requires immediate assessment and/or repair.
Items 21-27 related to technical faults and were removed following the <i>Jet2.com v Huzar</i> Court of Appeal judgment on 11 June 2014 which was supported by the subsequent <i>KLM v van der Lans</i> ² case in the Court of Justice of the European Union		
28	Industrial Relations Issues	Strikes that affect the operation of an air carrier. For example strikes undertaken by Air Traffic Control, or by staff of airport (departure or arrival). ³
29	Air Traffic Management	Where Air Traffic Control suspends or restricts operations out of the airport of departure or into the airport of arrival.
30	Air Traffic Management	Where Air Traffic Control suspends or restricts operations into or out of a block of air-space through which the air carrier must travel in order to operate the flight.

List of circumstances which are unlikely to be extraordinary

No	Category	Incident
Items 31 to 32 related to technical problems and were removed following the <i>Jet2 v Huzar</i> Court of Appeal judgment on 11 June 2014 which was supported by the subsequent <i>KLM v van der Lans</i> case in the Court of Justice of the European Union		
33	Crew Out- of- Hours	When this occurs as a result of poor operational planning by the air carrier and inadequate flight and turnaround times being allocated for the aircraft.
34	Absence of correct Flight Documentation	Where the failure to prepare and submit the documentation necessary to operate the flight was due to factors within the air carrier's control.
35	Safety Assessment of Foreign Aircraft (SAFA) Inspections	SAFA aircraft inspections which reveal technical issues which require immediate assessment and/or aircraft repair. (These are issues that should have been addressed during the normal maintenance or operation of the aircraft)

¹ C-394/14

² C-257/14

³ Drawn from Recital 14 of Regulation (EC) 261/2004

Hidden Manufacturing Defects

In applying this test it is necessary to consider whether the type of defect in question is inherent in the normal exercise of the carrier's activity. We consider that it is inherent in the operation of complex aircraft that some components will fail whilst under warranty and/or at an earlier stage in their life than anticipated by programmed maintenance schedules. Accordingly neither of these incidents would fall within the exemption. By contrast, the CJEU has explicitly recognised that safety-critical defects identified by the manufacturer or other competent authority which ground aircraft would fall within the exemption (*KLM v van der Lans* case (C-257/14), paragraph 38) We consider that the issuing of an Airworthiness Directive which had that effect would therefore fall within the definition.

Falling within the definition	Falling outside the definition
When an Airworthiness Directive (relating to a hidden manufacturing defect, design or maintenance deficiency) has been issued that grounds aircraft in a short space of time and requires immediate corrective action before the aircraft can be flown	Premature failures of equipment early in the 'bathtub' component life curve.
	Failures of components when an aircraft is under warranty.
	An Airworthiness Directive that has a compliance time that could reasonably be expected to be planned and managed by the organisation, as part of its normal Part M activity.