

[REDACTED]

24 August 2018  
Reference: F0003867

Dear [REDACTED]

I am writing in respect of your recent request of 21 August 2018, for the release of information held by the Civil Aviation Authority (CAA).

Your request:

*Could you please inform of what weather conditions constitute those that would be considered "exceptional circumstances" as per article 15 of the Eu261.*

*Furthermore, can you please inform me if any of those conditions existed on the following dates, the 28th of July 2018 and the 10th of August 2018.*

Our response:

Having considered your request in line with the provisions of the Freedom of Information Act 2000 (FOIA), we are able to provide the information below.

Regulation 261/2004 provides for financial compensation in the event of denied boarding, cancellation or long delay. In cases of denied boarding, compensation is always payable and there are no exclusions. In the case of cancellations made less than 14 days in advance and delays of more than 3 hours compensation is payable unless the disruption was caused by extraordinary circumstances which could not have been avoided even if all reasonable measures had been taken. The extraordinary circumstances exemption has been tested in the Court of Justice of the European Union in a number of cases. The test to be applied is referred to in the CJEU's latest ruling in the case of C-195/17 and states that extraordinary circumstances are events which are not inherent in the normal exercise of the activity of the air carrier concerned and are beyond its actual control. The court also states that these two conditions must be applied on a case by case basis.

Recital 14 of Regulation 261/2004 provides that meteorological conditions incompatible with the operation of the flight concerned may be an extraordinary circumstance. The weather conditions and their impact on the operation of the flight would therefore need to be assessed to consider whether it met the extraordinary circumstances test. Weather

conditions that may make it unsafe to operate an aircraft include fog, thunderstorms, high winds, snow, and freezing conditions.

We do not hold information that would confirm if any of these conditions existed on the specified dates. We are not responsible for the provision or recording of weather information at airports. The Met Office are responsible for the provision of aviation weather information in the UK and may be able to help with your enquiry if it relates to weather conditions in the UK. However, as explained above, it is both the weather conditions and their impact on the operation of the flight that would need to be assessed in each case.

If you are not satisfied with how we have dealt with your request in the first instance you should approach the CAA in writing at:-

Caroline Chalk  
Head of External Information Services  
Civil Aviation Authority  
Aviation House  
Gatwick Airport South  
Gatwick  
RH6 0YR

[caroline.chalk@caa.co.uk](mailto:caroline.chalk@caa.co.uk)

The CAA has a formal internal review process for dealing with appeals or complaints in connection with Freedom of Information requests. The key steps in this process are set in the attachment.

Should you remain dissatisfied with the outcome you have a right under Section 50 of the FOIA to appeal against the decision by contacting the Information Commissioner at:-

Information Commissioner's Office  
FOI/EIR Complaints Resolution  
Wycliffe House  
Water Lane  
Wilmslow  
SK9 5AF

<https://ico.org.uk/concerns/>

If you wish to request further information from the CAA, please use the form on the CAA website at <http://publicapps.caa.co.uk/modalapplication.aspx?appid=24>.

Yours sincerely



Mark Stevens  
External Response Manager

**CAA INTERNAL REVIEW & COMPLAINTS PROCEDURE**

- The original case to which the appeal or complaint relates is identified and the case file is made available;
- The appeal or complaint is allocated to an Appeal Manager, the appeal is acknowledged and the details of the Appeal Manager are provided to the applicant;
- The Appeal Manager reviews the case to understand the nature of the appeal or complaint, reviews the actions and decisions taken in connection with the original case and takes account of any new information that may have been received. This will typically require contact with those persons involved in the original case and consultation with the CAA Legal Department;
- The Appeal Manager concludes the review and, after consultation with those involved with the case, and with the CAA Legal Department, agrees on the course of action to be taken;
- The Appeal Manager prepares the necessary response and collates any information to be provided to the applicant;
- The response and any necessary information is sent to the applicant, together with information about further rights of appeal to the Information Commissioners Office, including full contact details.