

## Chief Executive's Office

### **Juliusz Komorek**

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Sent by e-mail to: [komoreki@ryanair.com](mailto:komoreki@ryanair.com)

28 September 2017

Dear Juliusz

### **Consultation under Section 214 of the Enterprise Act 2002**

#### **Introduction**

1. I read with interest the letter sent yesterday by your colleague and your letter of earlier today. Before responding to some the points raised, and before setting out in detail what we require from Ryanair in order to bring to an end the ongoing infringements set out in my letter yesterday, I would first like to draw your attention to a statement made by Ryanair to the BBC.
2. As reported on the BBC website (<http://www.bbc.co.uk/news/business-41422571>), Ryanair is quoted as saying "We already comply fully with all EU261 legislation, are meeting with the CAA and will comply fully with whatever requirements they ask us to." I welcome this commitment from Ryanair to comply fully with whatever requirements the CAA asks of it.

#### **Ryanair's refund and re-routing policy**

3. Before setting out in detail the commitments we require from Ryanair in order to bring an end to the infringements set out in my letter of yesterday, I would first like to raise a number of points in relation to Ryanair's refunds and re-routing policy.
4. I note from your letter today that Ryanair's call centre staff have been provided with a "clarification" on Ryanair's policy on refunds and re-routing. As you know, we have been seeking information from Ryanair on this since my colleague Matthew Buffey wrote to Ryanair on 21 September. It is now over a week since we requested the information in this letter. I am disappointed that the information has yet to be provided

and somewhat surprised that Ryanair feels the need to provide a clarification to its front line customer service staff now.

5. For the avoidance of doubt, the request for information set out in Matthew's letter still stands. I understand that you have now requested an extension to Tuesday 3 October for this information. I am puzzled why such an extension would be needed as we are simply asking you to explain what Ryanair is doing in practice. However, we are prepared to have a conference call with you on Monday 2 October to allow you to provide an explanation. We are especially interested to understand how Ryanair's call centre staff applies your policy.
6. We will be available for a conference call from 2pm on 2 October.

#### **Commitments sought from Ryanair**

7. In this section I set out the commitments that we require from Ryanair in order to bring an end to the infringements set out in my letter of yesterday. These commitments are being sought under Part 8 of the Enterprise Act 2002 (EA02).

#### *Public statement*

8. We note the information provided in Ryanair's letter dated 27 September 2017 regarding the transcript of a media briefing on 21 September 2017 and the article in the Daily Mail (Ireland). We do not consider that this is sufficient to provide clarity to the large number of passengers on cancelled flights to and from the UK who have been misled by Ryanair.
9. As such, we require Ryanair to –
  - a. issue a press release –
    - i. explaining how it will re-route passengers and the criteria that it will apply to re-route passengers on other airlines.
    - ii. including a commitment to assist passengers who have chosen an option that was not suitable for them as a result of being misled by Ryanair
    - iii. including a statement that Ryanair will reimburse any out-of-pocket expenses incurred by passengers as a result of the cancellations.
  - b. provide a clear statement at the top of the home page of its website referring to this press release and providing a link through to it.

10. We require each of the above to be completed by 5pm on 29 September 2017.

#### *Ryanair's website*

11. We note from Ryanair's letter dated 27 September that Ryanair has made some changes to its website in terms of the FAQ section. However, there is still no information here about how expenses will be treated where passengers are re-routed to and / or from other airports or where they otherwise incur additional out-of-pocket expenses as a result of the cancellations. Further changes are therefore required to make it clear that any such expenses will be reimbursed by Ryanair.



12. We require this to be completed by 5pm on 29 September 2017.

*Information provided to affected passengers*

13. We have seen examples of the e-mails sent to passengers affected by the first<sup>1</sup> and second<sup>2</sup> phases of cancelled flights. We are concerned that those e-mails omitted material information for passengers about their rights under Regulation 261/2004<sup>3</sup>. By 4 October 2017, we require Ryanair to re-contact by email all affected passengers flying to or from the UK to (a) provide accurate and comprehensive information on their rights and options under the Regulation in order to correct any misapprehension on their part caused by Ryanair; (b) offer them again the option of a refund or reroute (including on airlines other than Ryanair<sup>4</sup>), to allow them to alter the choice they initially made; and (c) offer them opportunity to make a claim for any expenses that they have incurred as a result of the cancellations.
14. We require you to provide the draft text to us by 5pm on 2 October 2017 before sending the agreed text by email to the relevant passengers. However, the text must include certain information, which we have set out below.

*Passengers in first phase of cancellations*

15. For passengers who have been affected by the first phase of cancellations, Ryanair should provide accurate and comprehensive information on their rights and options under the Regulation. The information must include a statement that Ryanair will re-route passengers on other airlines where its own flights are not suitable for the passenger, and how passengers can obtain such alternative options.
16. As passengers may already have accepted re-routes or refunds from Ryanair based on misleading information provided by the airline about what was available to them, we expect Ryanair to provide the following information:
  - a. If passengers accepted a refund and have re-booked an alternative flight themselves, a statement that Ryanair will reimburse any difference in fare and an explanation of how passengers can obtain this reimbursement.
  - b. If passengers accepted a re-route from Ryanair which, in light of the misleading information provided by Ryanair at the time, they would not have otherwise accepted, a statement that Ryanair will offer the option to change to a flight to another airline and an explanation of how passengers can take advantage of this option.
17. For passengers that have already accepted a re-route from Ryanair which they feel is suitable to them, but they are flying to and / or from an alternative airport, a statement that that Ryanair will pay the cost of the transfers.
18. For all passengers that have accepted a re-route from Ryanair, a statement that Ryanair will provide meals and refreshments, and hotel accommodation for any required overnight stay, while awaiting a re-route.

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<sup>1</sup> First announced over the weekend of 16 / 17 September.

<sup>2</sup> Announced on 27 September.

<sup>3</sup> EC261/2004 of the European Parliament and of the council of 11 February 2004 establishing common rules on compensation and assistance to air passengers in the event of denied boarding and of cancellation or long delay of flights

<sup>4</sup> Not limited to airlines with which Ryanair has a reciprocal agreement.

*Passengers in second phase of cancellations*

19. In this second phase of cancellations a number of routes into and out of the UK have been suspended over the winter. This means that it is impossible for Ryanair to offer an alternative flight on the same route on its own services. It is therefore especially important that passengers affected by the route being suspended are provided with accurate and comprehensive information on their rights and options under the Regulation, in particular their right to be re-routed on other airlines.

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20. We therefore require Ryanair to provide the affected passengers with the following information:
  - a. A statement that passengers will be re-routed on other airlines (or other modes of transport where appropriate, e.g. trains) and an explanation of how passengers can take advantage of these options;
  - b. If passengers choose to fly to and/or from an alternative airport, a statement that Ryanair will pay the cost of the transfers;
  - c. For all passengers that have accepted a re-route from Ryanair, a statement that Ryanair will provide meals and refreshments, and hotel accommodation for any required overnight stay, while awaiting a re-route.
21. As set out above under paragraph 16, we also expect Ryanair to take the same steps to assist passengers who have already made arrangements themselves based on the misleading information provided to them.
22. In addition to the suspended routes, we understand that Ryanair is also cancelling individual flights. We require you to re-contact these passengers and provide them with the information and options set out in paragraphs 18 and 21 above.
23. As set out above, we require you to provide the draft text on the points above to us by 5pm on 2 October 2017. We require the resulting emails to be sent out to all relevant passengers by 5pm on 4 October 2017.

**Next steps**

24. As noted above, this issue is urgent as passengers may already have been disadvantaged by taking a decision based on misleading information provided by Ryanair. We therefore require you to meet the deadlines set out above.
25. Finally, please note that we reserve the right to publish this and any future correspondence on this issue.

Yours sincerely



Andrew Haines  
Chief Executive