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Airports must help aircraft land safely

Arnecke Sibeth Dabelstein | Aviation - Germany



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Facts

In a recent case, the parties were in dispute about compensation claims under EC Regulation 261/2004.

The plaintiff had booked a flight from Dortmund to Krakow with the defendant. Due to heavy fog at the destination airport, the flight could not be operated. The airport did not have the necessary equipment to help the aircraft land in such conditions.

The plaintiff was booked on a flight to Katowice and transported via bus to Krakow. The plaintiff arrived more than three hours after her planned arrival time in Krakow.

Decision

The Dortmund Local Court dismissed the plaintiff's claim for compensation, deciding that the airline was not responsible for the cancellation or rerouting.⁽¹⁾

The foggy weather alone did not constitute an extraordinary circumstance, since aircraft can usually take off and land in such conditions. In the case at hand, the poor technical equipment at the destination airport was responsible for the cancellation of the flight; the system did not support the aircraft's instrument landing system. Therefore, the flight captain's decision to cancel the flight was correct.

Comment

The Court's decision strengthens the position of the airlines. The airline could not operate alone; it had to rely on a functioning infrastructure.

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Endnotes

(1) AG Dortmund, decision dated 22 March 2022, Case No. 425 C 6696/21.