

Ryanair and Codacons agree ADR mechanism for flight compensation claims

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Introduction

Due to the continued increase in the number of commercial flights and the resulting growth of passenger compensation claims under the EU Flight Delay Compensation Regulation (261/2004),⁽¹⁾ Irish airline Ryanair and Codacons (the largest Italian consumer association) recently signed a valuable partnership agreement which will see them cooperate to settle claims under the regulation by Italian passengers through alternative dispute resolution (ADR).

ADR mechanism

As of 2 September 2019, Ryanair and Italian passengers can resolve any claims made under the EU Flight Delay Compensation Regulation through an ADR platform managed and coordinated by Codacons, which will supervise the procedure to protect consumers. The ADR platform will provide passengers with an independent mechanism to resolve complaints and the certainty that their claim will be managed according to the highest professional standards.

ADR was introduced in Italy through Legislative Decree 130/2015, which transposed the EU ADR Directive (2013/11/EU). The ADR procedures offer quick, simple and out-of-court solutions to disputes between consumers and companies concerning the sale of goods and services. The main advantages of ADR are:

- quick and effective conflict resolution;
- a streamlined judicial load; and
- the lowest possible cost for both parties.

Codacons will coordinate the implementation of the ADR platform and manage the advisers and personnel assigned to mediate claims made under the EU Flight Delay Compensation Regulation (up to a maximum of 5,000 claims in the first year of the agreement). Ryanair and Codacons will also cooperate to examine passenger feedback on their new approach through surveys and the continued assessment of the platform.

The partnership between Ryanair and Codacons has been welcomed by the Italian Civil Aviation Authority (ENAC), particularly with regard to the prospective contribution that the ADR platform will make to reducing the length of disputes and providing passengers with certainty regarding their rights. ENAC believes that the aviation industry's development is becoming increasingly combined with passenger satisfaction and the quality of services offered by airlines and airports.

Comment

The use of ADR to resolve claims arising from the delay or cancellation of flights represents a significant innovation for the Italian civil aviation industry and underlines that Italy recognises the advantages offered by ADR. In implementing this platform, Italy has become the fifth market after France, Germany, Poland and the United Kingdom to successfully implement ADR solutions.

The role of the Italian aviation mediator, created under the Ryanair-Codacons partnership for passenger claims, is envisaged to provide substantial benefits to airlines and consumers and a potential model for other EU jurisdictions.

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Endnotes

(1) There was a 60% increase in passengers carried and kilometres travelled by commercial flights from 2005 to 2017.

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