

Úrskurður

Samgöngustofu nr. 18/2026 vegna kvörtunar um seinkun á flugi Finnair nr. AY992 þann 28. október 2025

I. Erindi

Þann 29. janúar 2026 barst Samgöngustofu (SGS) kvörtun frá A (kvartandi). Kvartandi átti bókað far með flugi nr. AY992 á vegum Finnair (FA) kl. 10:00 þann 28. október 2025 frá Keflavík til Helsinki. Áætlaður komutími var kl. 15:25. Fluginu seinkaði og raunverulegur komutími var kl. 20:45 eða seinkun um fimm klst. og 20 mínútur eftir áætlaðan komutíma.

Kvartandi fer fram á staðlaðar skaðabætur á grundvelli reglugerðar EB nr. 261/2004 um sameiginlegar reglur um skaðabætur og aðstoð til handa farþegum sem er neitað um far og þegar flugi er aflýst eða mikil seinkun verður, sbr. reglugerð nr. 466/2024 um réttindi flugfarþega.

II. Málavextir og bréfaskipti

SGS sendi FA kvörtunina til umsagnar með tölvupósti þann 13. febrúar 2026. Í svari FA, sem barst þann 24. mars 2026, kom eftirfarandi fram:

Flight AY992 was scheduled to depart Keflavík International Airport (KEF) at 10:00 UTC on 28 October 2025 and to arrive in Helsinki (HEL) at 13:25 UTC. The flight actually departed at 15:21 UTC and arrived at its destination at 18:45 UTC. The departure delay amounted to 321 minutes, and the arrival delay was 320 minutes. The delay has been recorded under IATA delay code 77D: "Ground handling impaired by adverse weather conditions – extreme frost, extensive snow storm. (please see attachment)"

The meteorological data for KEF on 28 October 2025 confirms that the airport was subjected to severe and prolonged adverse weather throughout the morning and early afternoon, precisely during the period in which the flight was being prepared for departure. The METAR observations tell a consistent and unambiguous story. At 09:00 UTC – one hour before the scheduled departure – visibility had fallen to 400 meters, the runway visual range (RVR) on runway 01 was 1,000 meters decreasing, and the cloud ceiling was overcast at 300 feet. At 10:00 UTC, the scheduled departure time, visibility remained at 500 meters and the RVR on runway 01 was 750 meters. Conditions remained critically poor through the late morning and into the afternoon, with visibility between 500 and 1,100 meters, RVR on runway 01 between 650 and 1,000 meters, continuous snowfall, and overcast ceilings of 300–400 feet. It was not until approximately 14:30 UTC that conditions began to improve meaningfully, and the flight was able to depart at 15:21 UTC once ground handling operations could safely be completed.

The TAF forecasts issued throughout the day confirm that these conditions were embedded within a significant, large-scale weather event. The TAF in force at the time of the scheduled departure forecast temporarily reduced visibility to 800 meters with snowfall between 06:00 and

13:00 UTC, and temporarily reduced visibility to as little as 100 meters with heavy snowfall and a vertical visibility of only 200 feet between 13:00 and 23:00 UTC. These forecasts were borne out precisely by the METAR observations. The Eurocontrol Network Weather Assessment issued on 27 October 2025 for validity on 28 October 2025 also specifically identified BIKF with a weather entry noting snowfall and rain/snow conditions at Keflavík, confirming that the event was recognized at the European network level in advance.

Finnair respectfully submits that these conditions constitute extraordinary circumstances within the meaning of Article 5(3) of Regulation (EC) No 261/2004. Extensive snowstorms, severe frost, near-zero visibility, and very low RVR figures are well established in the case law of the Court of Justice of the European Union as extraordinary circumstances, being events which by their nature and origin are not inherent in the normal exercise of a carrier's activity and are beyond the carrier's actual control. The conditions prevailing at KEF on 28 October 2025 plainly satisfy this standard, having prevented safe and normal ground handling operations – including aircraft de-icing in extreme frost and continuous snowfall, ramp access, and apron operations generally – for a sustained period of several hours.

With regard to the complainant's assertion that other flights departed KEF around midday with significantly shorter delays, Finnair respectfully submits that this does not withstand scrutiny in light of the METAR data. At 12:00 UTC the visibility at KEF was 600 meters and the RVR on runway 01 was only 700 meters – conditions that were severely restrictive for all ground operations. At 12:30 UTC conditions had again worsened to a visibility of 500 meters and an RVR of 650 meters. The possibility that individual other flights may have departed does not demonstrate that conditions were other than extraordinary, nor that Finnair could have avoided the delay through any reasonable operational measure. Different aircraft occupy different positions in ground handling and de-icing queues; operational sequencing necessarily means that some flights may clear those procedures earlier than others within the same adverse weather event. The Court of Justice has consistently held, including in Cases C-315/15 (*Pešková and Peška*) and C-549/07 (*Wallentin-Hermann*), that extraordinary circumstances do not require a complete cessation of all operations at an airport; it is sufficient that the event had a direct causal impact on the flight concerned and could not have been avoided by all reasonable measures.

Finnair also notes that the Eurocontrol Initial Network Plan for 28 October 2025 recorded no ATFCM regulation imposed on BIKF on that date. This does not indicate that KEF was unaffected by exceptional conditions; rather, it reflects that the disruptions were of a local, ground-level nature caused by the snowstorm and extreme frost documented in the METAR observations, rather than a systemic airspace flow management issue requiring central network intervention. The absence of a formal ATFCM regulation at KEF is therefore entirely consistent with the characterization of the conditions as extraordinary circumstances for the purposes of Article 5(3).

Finnair fulfilled its obligations under Article 9 of Regulation (EC) No 261/2004 by providing care and assistance to affected passengers and re-routing those with missed onward connections.

In conclusion, Finnair respectfully submits that the delay to flight AY992 on 28 October 2025 was caused entirely by extraordinary circumstances in the form of an extensive snowstorm and extreme frost at KEF, which severely impaired ground handling operations over a prolonged period and which could not have been avoided by any reasonable measure. The METAR observations, TAF forecasts, and Eurocontrol network documentation consistently and

objectively confirm the exceptional severity of the conditions prevailing at KEF throughout the morning and early afternoon of 28 October 2025. Finnair therefore respectfully requests that ICETRA dismiss the complainant's claim for compensation under Regulation (EC) No 261/2004 and Icelandic Regulation No 466/2024.

SGS sendi kvartanda svar FA til umsagnar þann 25. mars. Í svári kvartanda kom fram:

I would like to comment as follows:

1. Adverse weather did not prevent operations. I acknowledge that weather conditions at KEF on 28 October 2025 were adverse, including snowfall and reduced visibility. However, the available meteorological data shows that airport operations continued during the relevant period, albeit with reduced capacity. Other flights were able to depart under similar low-visibility conditions, demonstrating that the weather did not prevent operations, but rather reduced their efficiency.

This is further illustrated below by departure records from KEF, showing that multiple flights (e.g. Wizz Air W61774, EasyJet EZY2644, SAS SK596) departed within the same time window with delays of approximately 1½ hours. Some of these flights, including departures to Copenhagen and Gdansk, operated on comparable European routes within a similar regional network and were able to depart significantly earlier than flight AY992.

2. The delay relates to operational constraints. The airline attributes the delay to IATA delay code 77 (ground handling impaired by adverse weather). This indicates that the disruption was linked to ground operations, such as de-icing queues and handling capacity, rather than a complete inability to operate flights. Such operational constraints fall within the airline's sphere of responsibility.
3. No evidence of reasonable measure. While the airline argues that different aircraft may occupy different positions in operational queues, this does not demonstrate that the delay could not have been avoided by reasonable measures. Under Article 5(3) of Regulation (EC) No 261/2004 and the case law cited by the airline, it is not sufficient to show that extraordinary circumstances existed; the carrier must also demonstrate that all reasonable measures were taken to avoid the delay. In this case, no specific evidence has been provided to explain why the delay of over 5 hours was significantly longer than that of other flights operating under similar conditions.

Therefore, while adverse weather contributed to the situation, it cannot be considered the sole cause of the delay, and the airline has not discharged its burden of proof under Article 5(3).

III. Forsendur og niðurstaða Samgöngustofu

SGS fer með eftirlit með réttindum neytenda samkvæmt ákvæðum XVI. kafla laga um loftferðir nr. 80/2022 og skal grípa til viðeigandi aðgerða til að tryggja að réttindi farþega séu virt, sbr. 2. mgr. 207. gr. laganna.

Farþegar og aðrir sem eiga hagsmuna að gæta geta skotið ágreiningi er varðar fjárhagslegar kröfur og einkaréttarlega hagsmuni samkvæmt ákvæðum XVI. kafla laga um loftferðir til SGS, sbr. 1. mgr. 208. gr. laganna. Náist ekki samkomulag eða sátt skal SGS skera úr ágreiningi með úrskurði.

Samkvæmt 1. mgr. 204. gr. sömu laga er flugrekanda skylt að veita farþegum aðstoð og eftir atvikum greiða þeim bætur, í samræmi við þau skilyrði sem sett eru í reglugerð sem ráðherra setur, ef: tjón hefur orðið vegna tafa á flutningi, farþega er neitað um far, flugi er aflýst eða þegar flutningi er flýtt.

Um réttindi flugfarþega er fjallað í reglugerð EB nr. 261/2004 um sameiginlegar reglur um skaðabætur og aðstoð til handa farþegum sem neitað er um far og þegar flugi er aflýst eða mikil seinkun verður, sem var innleidd hér á landi með reglugerð nr. 466/2024. Samkvæmt 2. gr. reglugerðar nr. 466/2024 er Samgöngustofa sá aðili sem ber ábyrgð á framkvæmd reglugerðarinnar samanber 16. gr. reglugerðar EB nr. 261/2004.

Um seinkun á flugi og þá aðstoð sem flugrekandi skal veita í slíkum tilvikum er fjallað um í 6. gr. reglugerðar EB nr. 261/2004. Þar kemur hins vegar ekki fram með skýrum hætti að flugrekandi skuli greiða bætur skv. 7. gr. reglugerðarinnar vegna tafa eða seinkunar eins og átt getur við þegar flugi er aflýst sbr. 5. gr. reglugerðarinnar. Með dómi Evrópuðómstólsins frá 19. nóvember 2009, í sameinuðum málum C-402/07 og C-432/07, komst dómstóllinn að þeirri niðurstöðu að túlka bæri reglugerð EB nr. 261/2004 með þeim hætti að farþegar sem verða fyrir seinkun á flugi sínu sbr. 6. gr. reglugerðarinnar, eigi að fá sömu meðferð og farþegar flugs sem er aflýst sbr. 5. gr.

Af þessu leiðir að allir farþegar sem verða fyrir þriggja tíma seinkun á flugi sínu eða meira, og koma á ákvörðunarstað þremur tímum seinna eða meira en upprunalega áætlun flugrekandans kvað á um, eiga rétt á bótum skv. 7. gr., nema flugrekandi geti sýnt fram á að töfin hafi verið vegna óviðráðanlegra aðstæðna sem ekki hefði verið hægt að afstýra jafnvel þótt gerðar hefðu verið allar nauðsynlegar ráðstafanir sbr. 3. mgr. 5. gr. reglugerðarinnar.

Staðlaðar skaðabætur

Fyrir liggur í málinu að kvartandi átti bókað far með flugi nr. AY992 frá Keflavík til Helsinki þann 28. október 2025 og að fluginu seinkaði um fimm klst. og 20 mínútum. Álitafni þessa máls er hvort seinkun á flugi kvartanda sé bótaskyld á grundvelli reglugerðar EB nr. 261/2004, sbr. reglugerð nr. 466/2024. Í því samhengi kemur til skoðunar hvort seinkun á flugi kvartanda megi rekja til óviðráðanlegra aðstæðna í skilningi 3. mgr. 5. gr. reglugerðar EB nr. 261/2004.

Við meðferð málsins var sérfræðingur flugrekstrardeildar SGS beðinn um að leggja mat á framlögð veðurgögn FA til að leggja mat á hvort veðuraðstæður í Keflavík þann 28. október 2025 hafi verið með þeim hætti að forsvaranlegt hafi verið af hálfu FA að seinka flugi kvartanda. Sérfræðingur flugrekstrardeildar SGS staðfesti framlögð gögn FA um aðstæður í Keflavík.

Með hliðsjón af þeim upplýsingum sem koma fram í svari sérfræðings flugrekstrardeildar SGS er það mat stofnunarinnar að seinkun á flugi kvartanda nr. AY992 þann 28. október 2025 falli í flokk óviðráðanlegra aðstæðna í skilningi 3. mgr. 5. gr. reglugerðar EB nr. 261/2004, sbr. 14. inngangslíður reglugerðarinnar.

Að mati SGS hefur FA þannig sýnt fram á að félagið hafi lagt sig fram við að takmarka afleiðingar af hinum óviðráðanlegu aðstæðum eftir bestu getu. Er kröfu kvartanda um staðlaðar skaðabætur á grundvelli reglugerðar EB nr. 261/2004, sbr. reglugerð nr. 466/2024, því hafnað.

Úrskurðarorð

Kröfu kvartanda um staðlaðar skaðabætur úr hendi Finnair vegna seinkunar á flugi nr. AY992 þann 28. október 2025 samkvæmt reglugerð EB nr. 261/2004 sbr. reglugerð 466/2024, er hafnað.

Samkvæmt 4. mgr. 208. gr. laga um loftferðir nr. 80/2022 verður úrskurði Samgöngustofu ekki skotið til annarra stjórnvalda. Þegar úrskurður hefur verið kveðinn upp geta aðilar lagt ágreining sinn fyrir dómstól á venjulegan máta. Málshöfðun frestar ekki heimild til aðfarar skv. 6. mgr. 208. gr.

Reykjavík, 18. júní 2026

Ómar Sveinsson

Ludvig Árni Guðmundsson