



ECA
Piloting Safety

PRESS RELEASE

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“Mayday Mayday” wins over Ryanair defamation allegations

European pilots welcome the landmark decision of the Court of Amsterdam on Ryanair’s defamation claims against the Dutch TV channel KRO. The court held that KRO provided sufficient evidence to support its claims about Ryanair’s company culture and fuel policy, as made during the two-episode programme – which also won a prize for investigative journalism in 2013 – “Brandpunt Reporter”. ECA is pleased with the decision supporting the fundamental right to freedom of speech and reaffirming pilots’ authority to take operational decisions independently and to raise safety concerns without fear of repercussions.

In a verdict published on 16 April, the court declares that the serious allegations about Ryanair’s fuel policy as well as the company “fear culture” are sufficiently supported by facts and evidence obtained by KRO in preparation for the broadcast. The court ruled that the investigative programme “Brandpunt Reporter” was handled correctly, and provided sufficient evidence and right of response to Ryanair. It added that this topic is of great public interest and that KRO was right to cover it.

“Yesterday’s verdict is watched closely by the entire pilot community in Europe. It is a victory not only for KRO TV but for the entire aviation industry,” says Nico Voorbach, President of the European Cockpit Association. “This court ruling will re-balance our confidence in safety reporting mechanisms as well as the need for pilots to publicly express concerns if they feel the regulatory authorities are not listening to them. But the verdict is also a validation of our professional integrity and our ultimate role as commanders to take decisions independently, based on our expertise and professionalism, without fear of being dismissed or demoted. The cases reported by KRO seem serious enough for the European Aviation Safety Agency to investigate and act. This way we can ensure passenger safety in Europe.”

This ruling ensures KRO does not need to retract the broadcasts or remove them from the Internet. The court specifically acknowledges that safety concerns regarding the airline have been supported by sufficient evidence. Finally, the court ruling orders Ryanair to cover the costs of the legal proceedings.

“The true value of the decision is that it sends an unmistakable message,” says Philip von Schöppenthau, ECA Secretary General. “It is regrettable that the chilling effect of legal activity by a company against pilots, professional associations and the media may have the effect of suppressing important information of public interest. It cannot be excluded that further events involving fuel emergencies in the recent past have not been reported in the media. Hopefully, the decision will lift any self-imposed censorship and retractions by some media in the face of legal or commercial pressure that we notice recently in Europe.”

Background:

In 2012 and 2013 “Brandpunt Reporter” broadcasted a two-episode TV investigation in which Ryanair pilots, speaking anonymously, raised concerns about the airline’s fuel policies and company culture. The [pilots revealed](#) that the company may be exerting pressure on them to minimize the amount of fuel they take on board – a practice which limits significantly the fuel costs for the company but could jeopardise safety in certain circumstances.

The direct reasons for this broadcast were 3 emergency landings of Ryanair aircraft in Valencia Spain on 26 July 2012, within a short timeframe due to low fuel levels. In a [second episode of “Brandpunt Reporter”](#), anonymous Ryanair pilots expressed concerns about a “fear” culture in the company to penalise them or pressure them to fly even when sick or tired. Ryanair denied the allegations, requested rectifications of the TV episodes and initiated legal proceedings, accusing KRO of unlawful and negligent conduct.

In 2013 the program “Mayday Mayday” was nominated in the ‘De loep’ - the Dutch-Flemish journalist investigation competition. The jury rewarded Marco de Lange and Bart Nijpels for their outstanding investigative work and selected their documentary as the best audio-visual production.

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Note to editors: ECA is the representative body of European pilot associations, representing over 38.000 pilots from across Europe. Website: www.eurocockpit.be.