

Van: 10.2.e
Aan: 10.2.e) - BSK
Cc: 10.2.e) - HDJZ
Onderwerp: FW: Request from Transavia regarding temporary amendment of EU regulation 261 / 2004
Datum: maandag 30 maart 2020 17:26:55
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Beste 10.2.e ,

Zie hieronder de mail die ik afgelopen vrijdag nog aan DG Move heb gestuurd, in aansluiting op het eerdere verzoek bij jullie om jullie in te zetten voor een amendement van EU 261/2004 dat ik eerder al tijdens de call heb toegelicht.

Verder hebben we vandaag ook moeten besluiten om **ALLE** vluchten tm 6 mei te moeten annuleren. Hetgeen een ongekende situatie is en een enorme impact heeft.

Ik wilde vragen of er van jullie kant ontwikkelingen zijn, maar zag net je mail binnenkomen. Hopelijk lukt het op Europees vlak ook om de voucher geaccepteerd te krijgen.

Dank alvast voor jullie inspanningen zover en uiteraard bereid tot een nadere toelichting.

Vriendelijke groet,

10.2.e





10.2.e

M: 06 10.2.e

E 10.2.e @transavia.com



P.O. Box 7777 - 1118 ZM Schiphol Airport - The Netherlands

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From: 10.2.e

Sent: vrijdag 27 maart 2020 13:44

To: 10.2.e @ec.europa.eu; 10.2.e @ec.europa.eu

Cc: 10.2.e @ec.europa.eu; 10.2.e @ec.europa.eu

Subject: Request from Transavia regarding temporary amendment of EU regulation 261 / 2004

Dear 10.2.e , Dear 10.2.e

A few weeks ago nobody could have expected the situation we are in right now because of the coronavirus that causes the COVID 19 disease. Unfortunately the COVID 19 disease is still spreading around and causes many casualties. The coronavirus has a great impact and was unforeseen by all of us.

Everybody and all parties are affected by the outbreak of the virus and the following restrictions and flight bans that were and might be imposed by the governments worldwide, including Europe, but the airline sector has been hit extremely hard and very sudden. We as Transavia had

to take the decision to cancel **ALL** our regular flights from 23 March until *at least* 15 April. As you know - based on the forecasts - this period might well be extended into the month of May or even further. At the moment we are trying to get Dutch people (not only our customers) back to The Netherlands and we are actively helping our government with this task by organizing humanitarian/repatriation flights (on a non commercial basis) to get these people back and bring them safely back to their families.

It is clear that this situation is unprecedented and causes an enormous impact. This impact is enormous because of the far reaching restrictions and flight bans, while we are a highly asset driven company with high costs and small margins. We are forced to keep our aircrafts on the ground, due to circumstances that were unforeseen and could not be appointed to a regular entrepreneurial risk. Taking this very extraordinary and unprecedented circumstance - including the very extreme (precautionary) measures made by governments that followed - into account, Transavia was surprised by the publication of the EC's interpretative Guidelines on air passenger rights that were published on 18 March in light of the Covid-19 crisis. We were surprised because those interpretative guidelines took – according to us – no notice of the very extraordinary circumstance in which airlines are and did not give any (financial) relief to airlines (such as a limit on the right to care equal to the PTD guidelines) or support of accepting vouchers instead of reimbursements.

The acceptance of vouchers is important for airlines because the amount of passengers that could request a refund, would cause an enormous cash-out, while the costs are still there. This causes a cash flow issue that cannot hold for a long time, although we are a healthy company. The airline industry gives vouchers to customers in order that they can have their trip or holiday at another moment in time, when that is reasonably possible. With this mechanism, no harm is done to anybody and it also acts along the lines of EU Regulation 261/2004, because it is a rebooking (but with an indefinite date, due to the fact that nobody knows when we are allowed to fly again) and it also refunds the money (only with the restriction that is not cash, but it has the same value). Furthermore, if the voucher is not used, or not fully used, the passenger will have the possibility to refund the voucher (or remainder thereof) for cash money after the expiration date of the voucher. **10.2.g**

Another important reason is that it will also preserve the competition between airlines in the future of which all European consumers will benefit in the future (short term versus longer term benefit for consumers). It furthermore helps to preserve the vital air infrastructure, which is extremely important after the COVID 19 crisis for speeding up the European and national economy again. The voucher mechanism is a reasonable mechanism to share the pain equally to all parties involved and gives good notice of the fact that we are all in it together.

We are making a plea that the hand out of vouchers by airlines will be explicitly allowed and advocated. This could be done by making a temporarily amendment of EU 261/2004 in order to create legal certainty for all parties concerned. This will help enormously to preserve the airline sector as a vital player in the European and national economy and will give customers the possibility to visit their families or to enjoy a holiday at a later moment in time after the crisis.

Kind regards, and feel free to contact me if you would like an extra explanation on the above.

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