

**Van:** 10.2.e - DGMI  
**Aan:** 10.2.e ) - BSK; 10.2.e - DGMI; 10.2.e ) - DGLM  
**Onderwerp:** RE: Appeal from KLM regarding temporary amendment of EU 261 Air Passenger Rights  
**Datum:** dinsdag 24 maart 2020 14:05:11  
**Bijlagen:** [image002.png](#)

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Dank je 10.2.e . Dit is ook relevant voor de update van de 9 punten die 10.2.e nu maakt, dus ik kopieer haar even in!

10.2.e

Verzonden met BlackBerry Work(www.blackberry.com)

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**Van:** "10.2.e ) - BSK" <10.2.e @minienw.nl>  
**Verzonden:** 24 mrt. 2020 14:03  
**Aan:** "10.2.e - DGMI" <10.2.e @minienw.nl>  
**Onderwerp:** FW: Appeal from KLM regarding temporary amendment of EU 261 Air Passenger Rights

H 10.2.e ,

Zie onderstaande brandbrief van KLM aan de Commissie (DG MOVE). In de brief bepleit KLM dat er een tijdelijke aanpassing moet komen in R261. Dit is 1 van de 9 punten begreep ik.

Ik werk aan een nota waarin we de minister adviseren om een tijdelijke aanpassing in 261 voor te stellen.

Groeten,  
10.2.e

 [Luchtvaartindetoeekomst.nl](http://Luchtvaartindetoeekomst.nl)

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**Van:** 10.2.e - KLM 10.2.e @klm.com>  
**Verzonden:** dinsdag 24 maart 2020 12:31  
**Aan:** 10.2.e ) - BSK <10.2.e @minienw.nl>; 10.2.e - Transavia <10.2.e @transavia.com>  
**Onderwerp:** FW: Appeal from KLM regarding temporary amendment of EU 261 Air Passenger Rights

Beste 10.2.e en 10.2.e ,

Onderstaande 'brand e-mail' is vandaag vanuit KLM gestuurd naar DG MOVE.  
Ik begreep dat NL samen met FR werkt aan een voorstel voor tijdige wijziging? Is dat correct?

Groet,

10.2.e

KLM ROYAL DUTCH AIRLINES

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**From:** 10.2.e - KLM  
**Sent:** Tuesday, March 24, 2020 12:23 PM  
**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; 10.2.e (AMSDP) - KLM <10.2.e @klm.com>; 10.2.e (AMSDP) - KLM <10.2.e @klm.com>  
**Subject:** Appeal from KLM regarding temporary amendment of EU 261 Air Passenger Rights

Dear Mrs. 10.2.e , Dear Mr. 10.2.e ,

KLM has taken note of the EC's interpretative Guidelines on air passenger rights that were published on 18 March in light of the Covid-19 crisis unfolding. To be frank, these guidelines were not only disappointing but they are harmful to us. Some parts are completely out of touch with the reality that we are currently facing. A massive crisis unknown to the modern world is unfolding beneath our eyes and these guidelines are nothing more than a message to passengers they have the same rights as in a business as usual situation. No one / no company has ever been confronted with the economic and social effects that Covid-19 is causing.

From the start, KLM has been trying to do the utmost for all our passengers. Not just those passengers on flights that were cancelled by KLM due to restrictions imposed by authorities worldwide, but also for those passengers who have become afraid to make their planned trips. For them we have offered very lenient rebooking policies and voucher refunds. We do this because we value our customers and we understand their concerns. Therefore, we offered them the opportunity to postpone their trips free of charge.

Now however, the amount of restrictions of authorities (e.g. flight bans) is spiraling out of control and our remaining operations as I write to you have decreased to 30% of the normal amount, meaning more and more cancellations, and are expected to go down to as low as 10% by the end of the week. As of yesterday, Transavia has stopped flying altogether.

10.1.c en 10.2.g

Our main focus right now, is protecting all our passenger's rights as much as possible. The laws intended to protect passenger rights, were not written for the situation at hand, for the simple reason that no one could ever have comprehended the mass impact of such a situation. So we need to re-evaluate these and learn to apply them in such a way that we can give our passengers the protection they need now in this specific situation.

That is not offering them unlimited care, but being able bring all our compatriots home as soon as possible. We can only do this if we still have the cash to operate these flights, which will not be the case if we keep bleeding cash. This is why we have started offering refundable vouchers to our customers (refundable after 1 year and can be used to rebook within the year). This way we can give our passengers the opportunity to make their desired trips at a later moment or if this is not convenient for them, the value of their ticket is safe for reimbursement after a year. This way we are spreading the pain for all parties over a longer period, but in doing so we remain able to repatriate our customers and offer our services at a later stage.

We feel that this is a very fair way of trying to help each customer given the circumstances. Especially when you consider that – aside from the above – not a single company would be able to - within days - change their (technical) systems in such a way that they would be able to accommodate the massive increase in requests for reimbursements. Almost all (!) of our passengers have total understanding for the current unprecedented circumstances and have gladly accepted this voucher. Within 1 day after implementing an online tool for voucher requests, we received 40.000 requests.

We realize that it is difficult to deviate from existing law, but we need to put our heads together and come to a solution that will help our passengers with their current needs whilst preventing a total collapse of the European aviation industry, which will take decades to rebuild. That is in nobodies' interest.

In the EU261 Guidelines the Commission has clearly stated twice that a passenger has a right to reimbursement. In the PTD guidelines that were published on 19 March, you however state clearly :

*Having regard to the strains on liquidity of tour operators because of missing new bookings coupled with reimbursement claims, travelers should consider accepting that their package tour is postponed to a later point in time. Having regard to the current uncertainty to make travel plans, that could be done by means of a credit note (so-called "voucher"). However, the traveler should have the possibility to ask for a full refund if, eventually, he or she does not make use of the voucher.*

Let me reiterate that the current KLM policy is already that we offer refundable vouchers to our customers, **refundable after 1 year**, which can be used to rebook within the year.

**It would be very helpful if such wording would be included in an emergency temporary amendment to R261, the way it was done for the slot waiver.** Similarly, this amendment should include a limited period of care, something already proposed in 2013 in the proposed revision (and a principle actually accepted by the EP in its first reading).

Insisting airlines provide unlimited care at this moment, does not acknowledge the direness of the situation at hand. Even if we wanted to provide unlimited care for months on end: **10.1.c en**  
**10.2.g**, in some countries accommodations are denying access to European travelers because they don't want to risk the chance of infection, many accommodations are closing all together, we are also confronted with limited personnel at airports to help provide care.

Therefore, our main goal is getting people home, as that is what passengers need and want most right now.

I am sure you have also been seeing lots of social media messages from passengers lately. I did however want to share with you the two attached video's regarding KLM. One of them is our crew for the Delhi – AMS flight taking passengers home.

<https://we.tl/t-aneqp61d1j>

The second is a video message from the 125 Indians stuck at Schiphol airport after their KLM flight was forced to return after 15 hours in flight, because their own country would not allow them to return home. It shows how KLM did everything in their power for their safe return home

and to take care of them.

Both video's in my opinion show what the sentiment is amongst people stuck abroad and that all they want is to come home.

Indian passengers on their way home

We would like to ask if you have time for a brief call later this week, to discuss the above. Looking forward to hearing from you.

Regards,

10.2.e  
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KLM ROYAL DUTCH AIRLINES

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