



EU-Transport Commissioner Adina Vălean

Rue de la Loi / Wetstraat 200
1049 Brussels
Belgium

Schiphol, 17 April 2020

Subject: Request to allow voucher reimbursement under EU261/2004 during Covid-19

Dear Commissioner Vălean,

I write to you in my capacity as the Chairman of the Board of Airline Representatives In The Netherlands, to urge the need for measures to address the enormous difficulties facing airlines as a consequence of the obligations placed on them by Regulation EU261/2004 in the current extraordinary circumstances arising from the COVID-19 pandemic.

As you know, the aviation industry is under severe economic pressure at this time: traffic is currently more than 90% lower than last year. Many of the airlines are already in a difficult financial position. Moreover, it is anticipated that when restrictions are lifted, demand for passenger air travel will remain low. Given the undisputed contribution that airlines make to economic and social life across Europe and globally, it is essential that steps are being taken to support the survival and recovery of the sector preferably on a basis that does not discriminate between airlines and create competitive distortions. As such, measures that can be applied across the industry on equal terms are preferable.

As you are aware under Articles 5 and 8 of Regulation EU261/2004, where a flight has been cancelled, airlines are required, amongst other requirements, to provide a choice between reimbursement within 7 days and rerouting at the earlier opportunity or at a later date at the passenger's convenience. These provisions were devised with cancellations affecting a single flight, airport, region or country in mind and not with a pandemic that is now affecting every corner of the world and has led to an unprecedented suspension of the majority of air service schedules in recent weeks.

In this respect, BARIN would like to request, as a matter of urgency, an adjustment of the airlines reimbursement obligation established in Regulation EU261/2004 so as to enable them to make reimbursements in the form of credit notes (or "vouchers") that may be used to make alternative bookings or alternatively converted to a monetary payment after a period of months to be defined. Such an adjustment of the Regulation would provide a concrete response to the current cash-flow constraints of airlines while establishing common criteria at European level to ensure a harmonized and adequate level of consumer protection. It is already evident that diverging approaches are being applied in practice across different Member States.

We fully understand and acknowledge the importance of strong legal protections for consumers and of the effective enforcement of those protections. The extraordinary circumstances that we now face require a balance to be struck between the short-term interests of some consumers and the longer-term benefits for consumers generally in securing the survival of a competitive travel trade industry.

Given the urgency and gravity of the present situation, an early response would be appreciated.

Yours sincerely,

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Marnix Fruitema
Chairman of the Executive Board

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Cc: Ministry of Infrastructure and Watermanagement
Mrs Cora van Nieuwenhuizen – Minister
Mr. Jan Hendrik Dronkers – Director-General Aviation and Maritime
Mr. Jaco Stremmer – Director Civil Aviation