

10.2.e [redacted] - ILT

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**Van:** 10.2.e [redacted] - ILT  
**Verzonden:** donderdag 7 mei 2020 18:22  
**Aan:** 10.2.e [redacted] @ec.europa.eu  
**CC:** 10.2.e [redacted] - ILT  
**Onderwerp:** RE: Conclusions from the call with NEBs responsible for Regulations (EC) 261/2004 and 1107/2006 to review the current situation due to Covid-19 + call for info/data table APR NEBs covid-19 (003).docx  
**Bijlagen:**

Dear Sir/Madam,

Also on behalf of my colleague 10.2.e [redacted] I hereby send you the answers enclosed.

In addition, we have a minor adjustment to the text:

"Three MS said specific national legislative acts were or about to be taken, allowing airlines to offer only vouchers to pax, which would be valid for a certain period of time (e.g. 18 months), after which pax could claim reimbursement if not used: EL, NL, and likely FR possibly on next week. On the sideline NL said a guarantee fund would help with the acceptance of vouchers by passengers.

Kind regards,

10.2.e [redacted]

10.2.e [redacted]

Senior bestuursadviseur / netwerkadviseur

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**Van:** 10.2.e [redacted] @ec.europa.eu  
**Verzonden:** maandag 4 mei 2020 15:20  
**Aan:** 10.2.e [redacted] @ec.europa.eu  
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**Onderwerp:** Conclusions from the call with NEBs responsible for Regulations (EC) 261/2004 and 1107/2006 to review the current situation due to Covid-19 + call for info/data

Dear all,

Please find below draft conclusions of the 30<sup>th</sup> of April's webex conference with National Enforcement Bodies (NEBs) for Air Passenger Rights (Regulations 261/2004 and 1107/2006), attended by NEBs from all EU MS (but BG, HR, LU, PL) and also CH and NO.

Thank you very much to your active participation in this meeting!

The discussion focused on the Covid-19 response in the area of APR, in particular the refund of passengers following cancellation of their flights (and the promotion of vouchers by most of air carriers), and the related enforcement

activities at national level. The intention was not to duplicate any political discussion after the Transport Council of 29<sup>th</sup> of April 2020, but to focus on the enforcement duties and actions of the NEBs as initiated in the individual MS.

After a brief info point from the COM on the 18 March 2020 Interpretative Guidelines, the recent discussions at EP and Council, the dialogue with main stakeholders, COM's line on vouchers and the work done on any further action..., the floor went to the NEBs to explain the situation as it stands at national level.

Main takeaways include the following:

- Most NEBs have received more inquiries or questions from pax than usual, via email or phone. In ES and EE for instance, their number has tripled compared to last year.
- The number of complaints has general not increased substantially, as those cases are too recent (less than 2 months, which is the time needed to engage with the airline, before turning to NEBs). Most of the NEBs explained they expect a significant increase of the number of cases in the upcoming weeks.
- Most cases received recently have to do with cancellations in the context of Covid-19, and the (information to pax about the) right to reimbursement v vouchers, free choice for pax, risk of insolvency (joint creditor liability issue), but also care and assistance to stranded pax, especially for those stranded for longer, etc.
- Most NEBs have very actively communicated on their website about pax rights in the context of Covid (e.g. through FAQs), some referring explicitly to the COM guidelines.
- Many NEBs have also engaged with airlines, through regular meetings or letters, or sending them COM guidelines (EL). This dialogue has proven quite effective in a few MS, like PT.
- Enforcement action not taken so far for the following reasons: suspension by order (IT, ES), limited resources (DE, ES) and in all MS not enough cases yet to proceed.
- Three MS said specific national legislative acts were or about to be taken, allowing airlines to offer only vouchers to pax, which would be valid for a certain period of time (e.g. 18 months), after which pax could claim reimbursement if not used: EL, NL, and likely FR possibly on next week. On the sideline NL said a guarantee fund would help with vouchers.
- To the risk of having different standards emerging across Europe on the application of Reg. 261, HU, IE, CH, FI, CH raised their voices, asking for a clarification. These countries still apply rules strictly, but it is getting increasingly difficult if others don't (IE explained that Ryanair, which was offering refunds in the 1<sup>st</sup> placed, decided to go for vouchers as competitors were not complying with Reg. 261). HU referred to their letter sent to COM lately.
- In this context, some MS expressed the view that further guidance from COM would be appreciated, in addition to the 18 March guidelines which were very well received. FI for instance said that things are moving rapidly and the situation has become chaotic.
- Most MS also agreed that the provision on the 7-day deadline for reimbursement should implemented in flexible manner in the current situation, like done in the PTD field. This could be part of the COM's guidance / recommendations.
- On Reg. 1107 on Air PRM, those who referred to it said there are no particular or only very few case(s) reported in the context of Covid.

COM thanked the MS for the exchange of views which was definitely of interest to NEBs as well as the COM and would definitely contribute to the ongoing reflections.

COM also informed, as part of the AOB, of the following two developments:

- Revision of Regulation 261: state of play under HR Presidency.
- On-going ex-post evaluation of Air PRM Regulation: the NEBs contribution is expected through targeted questionnaires to be issued soon by the MOVE's contractor (a PPT was made available during the meeting).

As we would like to avoid any material errors, could we invite you to report the information and data you have referred to in the attached table by the 8<sup>th</sup> of May, by replying by email or via the Wiki? Do not hesitate to send any remarks on the summary above. Thank you in advance.

Best regards,

**The Air Passenger Rights Team**





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