Redigeeritud koopia. Isikuandmed on eemaldatud; manused on eraldi failidena. (Manus.eml)

**Saatja** "L. K. rights airBaltic" <crpo@airbaltic.com>
**Saaja** "Merli Siitan" <Merli.Siitan@ttja.ee>
**Kuupäev** Tue, 17 Jun 2025 15:45:54 +0300
**Teema** RE: Forwarding a complaint

Dear Merli Siitan,

Air Baltic Corporation AS (Airline) hereby informs you that it had received a claim from L. K. (L. K.) regarding canceled flight BT857 Tallinn – Amsterdam on January 5th.

Airline would like to inform that L. K.'s Flight (scheduled aircraft YL-CSG – please see attachment No. 1 – extract from Network Planning System) was cancelled due weather conditions at Amsterdam airport (please see attachment No. 2 – extract from METAR). Airline also explains that a NOTAM was published that major disruptions are expected (please see attachment No. 3 – extract form NOTAM). Information about weather conditions on January 5th, 2025 at Amsterdam airport which also seriously impacted aviation traffic was also published in social media (please see attachment No. 4 – extracts from social media resources). Additionally, Airline explains that also other airlines' flights to Amsterdam airport were seriously impacted and flights arrived with delay or were cancelled (please see attachment No. 5 – extract from Flightstats). As weather forecasts at that time did not show improvements, the decision to cancel the Flight was made and provide L. K. with fastest possible alternative flights.

As Airline cannot precisely forecast weather conditions in advance as well as have no influence upon it, Airline has to conclude that in this case Flight cancellation was caused by extraordinary circumstances. Current Regulation (EC) 261/2004 "establishing common rules on compensation and assistance to L. K. in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91" Article 5 (3) states that "(..) air carrier shall not be obliged to pay compensation (..) if (..) cancellation is caused by extraordinary circumstances which could not have been avoided even if all reasonable measures had been taken".

In addition, the Airline refers to the Interpretative Guidelines on Regulation (EC) No 261/2004 of the European Parliament and of the Council, establishing common rules on compensation and assistance to L. K. in the event of denied boarding, cancellation, or long delay of flights, and on Council Regulation (EC) No 2027/97 on the liability of air carriers in the event of accidents, as amended by Regulation (EC) No 889/2002.

Specifically, Section 4.2.2 of the Guidelines provides that the phrase “proportionate to the waiting time” requires the operating air carrier to provide L. K. with appropriate care commensurate with the expected duration of the delay and the time of day or night at which it occurs — including in the case of connecting flights — with the objective of minimizing L. K. inconvenience, while respecting the principle of proportionality. Furthermore, it is noted that neither the Regulation nor the Interpretative Guidelines offer a precise definition of the proportionality of the costs incurred. Therefore, carriers retain some discretion, provided that the care is appropriate and reasonable in relation to the circumstances.

However, based on CPTRA’s recommendation to reimburse the meal expenses in the full amount, Airline in this case agrees to additionally reimburse an amount of EUR 153,55 (deducting two alcoholic beverages from the receipts – “*Ad Hoc Primitivo 15cl*” – EUR 8,50 and “*CH Belle Assise*” – EUR 12,50), as after the initial EUR 96 reimbursement an additional reimbursement of EUR 48 was processed.

The Airline would also like to clarify that, according to L. K.’s ticket, his final destination was Amsterdam airport. As the airline transported L. K. to his final destination, it does not consider L. K.’s request to cover taxi expenses in Amsterdam to be justified. Expenses are not to be considered justified, as the current Regulation (EC) 261/2004, establishing common rules on compensation and assistance to L. K. in the event of denied boarding, cancellation, or long delays of flights, and repealing Regulation (EEC) No 295/91, does not stipulate that airlines are required to cover such expenses.

Based on the above, the Airline will reimburse the meal expenses in the amount of EUR 153,55, however Airline cannot agree to pay L. K. cancelled flight compensations or reimburse the claimed additional taxi expenses.

Sincerely,

**Ingmars Purins** [pilt]
**Customer Legal Affairs Representative**
**Air Baltic Corporation AS**

Tehnikas iela 3, Lidosta “Rīga”
Marupes nov
LV-1053, Latvija

e-mail: prg@airbaltic.com
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**From:** Merli Siitan <Merli.Siitan@ttja.ee>
**Sent:** piektdiena, 2025. gada 30. maijs 16:31
**To:** Girts Vaituzis <gvu@airbaltic.com>; L. K. rights airBaltic <crpo@airbaltic.com>
**Subject:** Forwarding a complaint

Dear representatives of Air Baltic Corporation AS

The Consumer Protection and Technical Regulatory Authority of Estonia (CPTRA) is the body responsible for the enforcement according to Article 16 of the Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to L. K. in the event of denied boarding and of cancellation or long delay of flights.

The CPTRA hereby forwards you a complaint with supporting documents from L. K. **L. K. and his family** .

**According to the complaint, the L. K.’s Tallinn-Amsterdam flight No BT857 on 05 January 2025 at 07:35 was cancelled and the L. K. was offered re-routing to his final destination on 06 January at 15:55. The L. K. were scheduled to arrive in Amsterdam 05 January 2025 at 09:10, but he arrived on 06 January 2025 at 21:40.**

**Firstly, the L. K. is requesting compensation under Regulation 261/2004 in the amount of 1000 euros (250 euros per L. K.).**

The L. K. has submitted a complaint to the air carrier and received a feedback stating that no compensation will be paid because the flight was cancelled due to extraordinary circumstances.

If the air carrier refuses to pay compensation on the grounds that the cancellation was caused by extraordinary circumstances, we kindly ask you to provide the reasoning and documentary evidence proving that the flight was cancelled due to extraordinary circumstances.

**Secondly, the L. K. is requesting reimbursement under Regulation 261/2004 for expenses made on meals and refreshments in the amount of 222,55 euros. Please note that the expenses reimbursed by the air carrier in the amount of 96 euros, have been deducted from the total amount of the expenses already.**

In the case of a flight cancellation, the L. K. is entitled to care according to Article 9 of the Regulation. The Regulation stipulates that L. K. shall be offered free of charge i.a meals and refreshments in a reasonable relation to the waiting time. If it has not been offered, even though it should have been, L. K. who have had to pay for meals and refreshments have a right to obtain reimbursement of the expenses incurred from the air carrier, if these were necessary, reasonable and appropriate.

We would like to call your attention to the ruling of the Court of Justice of European Union in case C-12/11 which states that Articles 5(1)(b) and 9 of Regulation No 261/2004 must be interpreted as

meaning that, in the event of cancellation of a flight due to ‘extraordinary circumstances’ of a duration such as that in the main proceedings, the obligation to provide care to air L. K. laid down in those provisions must be complied with, and the validity of those provisions is not affected.

Therefor the L. K. is entitled to the additional reimbursement of the expenses in the amount of 222,55 euros.

**Finally, the L. K. is requesting reimbursement for expenses made on taxi in the amount of 69,15 euros.**

We agree that this type of damages is not the subject to the Regulation No 261/2004, but please be noted that the L. K. have borne additional damage caused by the cancelled flight.

**Considering the complaint and the explanations provided above, the CPTRA kindly requests your response regarding the complaint by 16 June 2025 at the latest to email address merli.siitan@ttja.ee.**

Best regards

[pilt] Merli Siitan
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Endla 10A, 10122 Tallinn

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Kiri on saadetud väljastpoolt valitsemisala.  Ärge avage kirjaga kaasa tulnud linke või manuse