

## **TEMPORARY EINDHOVEN AIRPORT COMPENSATION SCHEME FOR PASSENGERS WHO MISSED THEIR FLIGHT DUE TO LONG QUEUES FOR SECURITY**

**(version 6 December 2022)**

Hereinafter, the name 'Eindhoven Airport' refers to: Eindhoven Airport and Eindhoven Airport NV

This is a new version of the scheme that Eindhoven Airport introduced on 11 August 2022. This version of the scheme applies from 12 August 2022, but only on certain days or parts of days on which Eindhoven Airport has declared the scheme applicable if the current situation at the airport has given rise to this.

### **1 WHY IS EINDHOVEN AIRPORT INSTITUTING THIS SPECIAL TEMPORARY SCHEME?**

- 1.1 Many sectors are currently experiencing significant labour shortages. The aviation sector is also facing severe personnel shortages, and the same applies to the companies at Eindhoven Airport. At Eindhoven Airport, the security company (i.e. the company that conducts checks on passengers and their baggage before they are allowed to enter the secure area of the airport) is experiencing supply issues, with personnel shortages at Eindhoven Airport as a result. Despite all the measures that Eindhoven Airport has taken, it has not proven possible to always have sufficient capacity available for the security checks. Consequently, many passengers have had to queue for a long time at the security check.
- 1.2 Some passengers have ended up missing their flight due to the waiting times at the security check. Eindhoven Airport has noticed that this group of passengers does not have anyone to turn to at the moment and considers this an undesirable situation for them. Eindhoven Airport would like to help these passengers, even though it believes that the current special situation is due to exceptional circumstances for which Eindhoven Airport is not to blame. For these reasons, Eindhoven Airport is willing to accommodate this group of passengers under the terms of this special, temporary scheme.
- 1.3 By now, passengers departing from Eindhoven Airport will be aware of the possibility that queues may occur at the security checks. Eindhoven Airport would like to point out that passengers who make a request under this scheme will in any case have to demonstrate with evidence (1) that they were present at Eindhoven Airport on time and (2) what costs they incurred

as a result of missing the flight. Failure to provide such evidence will result in the denial of the request for compensation.

**PLEASE NOTE:** The scheme only applies to passengers who have missed their flight due to the long queues for the security check; therefore, it does not apply in case of cancelled or delayed flights, or to passengers whose flight ticket for a flight has been cancelled. The European Regulation 261/2004 applies in those instances. Passengers are advised to consult their airline in such cases.

## **2 WHO CAN BENEFIT FROM THIS SCHEME?**

2.1 This scheme is intended for passengers who:

- (a) booked a flight that departed from Eindhoven Airport on 12 August 2022 or thereafter;
- (b) were present at Eindhoven Airport at least 2.5 hours in advance of the indicated flight departure time;
- (c) missed their flight due to the exceptional waiting time for the security check;
- (d) incurred (additional) costs arising solely as a direct and necessary consequence of missing their original flight and for which no compensation has been given by or could have been obtained from third parties.

## **3 WHAT WILL THE COMPENSATION FROM EINDHOVEN AIRPORT INCLUDE?**

3.1 Eindhoven Airport is willing to meet a passenger's reasonable (additional) costs that are solely, directly and necessarily the result of missing his/her flight. This could entail, for example, compensation of the following costs:

- (a) The reasonable costs for (i) rebooking the original flight, or (ii) a replacement flight to the destination – always in the same class as the original flight;
- (b) The original flight in case the passenger was unable to make the trip;
- (c) The reasonable costs of accommodation, meals and/or refreshments at or near the airport due to the replacement flight's time of departure;

- (d) The reasonable costs of transport if the passenger had to travel once more to Eindhoven Airport or to another airport in order to fly to his/her destination;
- (e) The reasonable costs of alternative transport if the passenger has chosen to travel to his/her original destination by means other than by plane;
- (f) Expenses incurred at the destination that did not fulfil their purpose because the passenger was unable to arrive at his/her destination due to a missed flight or arriving at his/her destination later. This includes the costs incurred for services that had been booked but which could not be cancelled, such as for (i) accommodation at the destination, (ii) transport at the destination and (iii) activities (excursions, shows, etc.);
- (g) Expenses incurred at the destination due to the delayed arrival at the destination.

3.2 Eindhoven Airport is free not to award compensation for:

- (a) the costs for which the passenger has received or could have received compensation from another party;
- (b) the costs which the passenger could reasonably have avoided or limited;
- (c) missed intangible benefits and compensation for non-monetary losses (immaterial damage);
- (d) consequential damage other than that mentioned under 3.1;
- (e) the costs incurred by the passenger upon submitting a request for compensation to Eindhoven Airport prior to or after the entry into force of this scheme.

3.3 Eindhoven Airport may waive, in part or in whole, compensation under this scheme if it has determined that:

- (a) the passenger missed his/her flight due to circumstances which are at the risk and expense of the passenger;
- (b) the passenger's request was not made truthfully and in good faith.

## **4 HOW WILL PASSENGER REQUESTS FOR COMPENSATION BE HANDLED?**

### **Passenger requests**

4.1 Passengers may submit a request for compensation to Eindhoven Airport via [www.eindhovenairport.nl/en/contact](http://www.eindhovenairport.nl/en/contact).

4.2 In any case, when requesting compensation under this scheme, the passenger shall provide Eindhoven Airport with the following information:

(a) The name and address of the passenger.

Should the passenger submit the request also on behalf of other passengers, said passenger shall also provide the names and addresses of those passengers and an explanation as to why he/she may also submit the request on behalf of those other passengers.

(b) A brief description of the facts that form the basis for the request.

(c) With respect to the missed flight: (i) the flight number, (ii) original departure date and time and (iii) booking confirmation.

(d) Evidence showing that the passenger was present at Eindhoven Airport at least 2.5 hours in advance of the indicated flight departure time (e.g. a parking card with entry time, train station check-out receipt, a time-stamped photo, a WhatsApp message, etcetera).

(e) Evidence of the costs which the passenger considers to be the direct and necessary consequence of missing the flight. In case of a replacement flight, also (i) the flight number, (ii) the date and time of the departure, (iii) a booking confirmation, (iv) the cost of the flight and (v) proof of payment.

(f) The IBAN number and the name of the bank account to which Eindhoven Airport can transfer the granted compensation.

(g) The passenger must provide Eindhoven Airport with any other information Eindhoven Airport requests from them when processing the compensation request. If the passenger does not provide the information requested by Eindhoven Airport or does not provide it on time, Eindhoven Airport may reject the processing of the request for compensation.

- 4.3 Eindhoven Airport has the right, if so desired, to verify with the airline whether the passenger missed the flight related to the request for compensation.

#### **Assessment by Eindhoven Airport and payment of compensation**

- 4.4 Based on the information Eindhoven Airport has received from the passenger, Eindhoven Airport will assess whether to provide said passenger with compensation. Eindhoven Airport aims to send its response to the passenger no later than six weeks after Eindhoven Airport has received all the information it requested.
- 4.5 If Eindhoven Airport has informed the passenger that it will award him/her compensation, Eindhoven Airport will pay this compensation within 14 days thereafter to the bank account number provided by the passenger.
- 4.6 If Eindhoven Airport has rejected a passenger's request for compensation in whole or in part, a one-off reassessment is possible at the request of the passenger. Eindhoven Airport will not process new compensation requests or new evidence from the same passenger regarding the same flight.

#### **5 WHAT IS THE CONSEQUENCE OF THE PASSENGER RECEIVING THE COMPENSATION FROM EINDHOVEN AIRPORT?**

- 5.1 After receipt of the compensation from Eindhoven Airport, there will be a definitive agreement between Eindhoven Airport and the passenger regarding the missed flight to which the compensation from Eindhoven Airport relates. This means that the passenger will not be entitled to compensation by Eindhoven Airport for any other, additional or new costs or damages relating to the same missed flight. If the passenger has also requested and received compensation on behalf of other passengers, the same shall apply to those other passengers.

#### **6 WHAT IS THE DEADLINE TO APPLY FOR THIS SCHEME?**

- 6.1 Requests for compensation under this scheme must be submitted to Eindhoven Airport no later than 45 days after the departure date of the missed flight.
- 6.2 Requests regarding flights with a departure date until 11 August 2022 could be submitted until 30 September 2022 and will therefore not be honoured if submitted after 30 September 2022.

## **7 WHEN WILL THIS SCHEME ENTER INTO FORCE?**

- 7.1 This scheme will enter into force on 6 December 2022.
- 7.2 Eindhoven Airport may revoke or modify this scheme without prior notice.

## **8 FINAL PROVISIONS**

- 8.1 In instituting this scheme and awarding passengers compensation on the basis thereof, Eindhoven Airport does not acknowledge any liability towards the passengers who may avail themselves of this scheme.
- 8.2 The original version of this scheme, dating 11 August 2022, will apply to compensation requests relating to flights with an original departure date before 12 August 2022.
- 8.3 Dutch and English versions of this scheme are available. In the event of differences between the Dutch and English versions, the Dutch version shall take precedence.