

Flat 16, 4 Clifton Road
Heaton Moor
Stockport
Cheshire
SK4 4DD

12th July 2009

Re: Amadeus 3AMTE9

Your ref: 7501923

Munira Sura
British Airways Customer Relations
EU Compensation Claims
PO Box 5619
Sudbury
Suffolk
CO10 2PG

Dear Ms Sura

Thank you for the reply dated the 2nd July with regard to compensation for the flight BA1399, 15th June 2009.

You say that this claim for compensation is rejected due to the flight being cancelled due to an unexpected technical fault.

I would like to point you towards the ruling produced by the European Court of Justice (Judgement C-549/07 Wellentin-Hermann) which specifies that "Consequently, technical problems which come to light during maintenance of aircraft or on account of failure to carry out such maintenance do not constitute, in themselves, 'extraordinary circumstances'."

The cancellation was caused by the failure of a second electrical system following maintenance trying to repair one of the three electrical systems. As British Airways chose to depart with only two of the systems operational following maintenance I fail to see how it can be, following that ruling, classed as an exceptional circumstance.

Unless you can provide either definitive proof that this was an exceptional circumstance or the compensation to which I am legally entitled (EUR 600) I feel I have no option but to seek legal advice.

I also received a travel voucher (ref 7503086). As this is of no use to me, I enclose it. I look forward to your reply.

Yours sincerely

Ian Cowburn