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Towards a More Effective Air Passenger Rights Regulation

Position Paper



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Towards a More Effective Air Passenger Rights Regulation

The European Commission and the Polish EU presidency have announced their plans to improve passenger rights, particularly in air transport. While these efforts are welcome, the European Consumer Centres Network¹ (ECC-Net) is concerned whether the proposed revision will provide adequate and effective protection for passengers, who are, above all, consumers of air travel services.

The need to revise Regulation 261/2004² is not new. A first attempt to update the rules was made in 2013³, but the legislative process stalled, leaving many necessary improvements unaddressed. The importance of strengthening passenger rights was highlighted during major crises such as the Eyjafjallajökull volcanic eruption in 2010 and, more recently, the COVID-19 pandemic, both of which revealed significant gaps in the existing framework which the ECC-Net has continuously highlighted and commented.

Over nearly 20 years, the Court of Justice of the European Union (CJEU) has played a crucial role in clarifying and reinforcing passenger rights through extensive case law. This jurisprudence has provided essential legal interpretations that cannot be ignored in the current revision process. Any update to Regulation 261/2004 must build upon these judicial developments to ensure legal certainty and consistency.

¹ www.eccnet.eu

² 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 passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91 [EUR-Lex - 32004R0261 - EN](#)

³ Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EC) No 261/2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights and Regulation (EC) No 2027/97 on air carrier liability in respect of the carriage of passengers and their baggage by air [EUR-Lex - 52013PC0130 - EN](#) - [EUR-Lex](#)

Discussions are underway in the Passenger Mobility Package⁴ framework, which includes the ‘Omnibus’⁵ and ‘Multimodal’⁶ proposals. These initiatives aim to improve passengers’ rights by ensuring better coordination between different modes of transport and by addressing the challenges that arose during the pandemic. However, many questions remain unanswered.

With 20 years of experience helping consumers in all EU Member states, Iceland, and Norway, ECC-Net has a deep understanding of the continuing challenges faced by travellers. These include not only flight disruptions but also other concerns such as multimodal transport, no-show clauses, transport of luggage, airline bankruptcies and online booking platforms.

A comprehensive and forward-looking revision must address these long-standing shortcomings and ensure robust and enforceable rights for all EU air passengers with two keywords: **Transparency and Care**.

⁴ https://transport.ec.europa.eu/news-events/news/passenger-mobility-package-2023-11-29_en

⁵ Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulations (EC) No 261/2004, (EC) No 1107/2006, (EU) No 1177/2010, (EU) No 181/2011 and (EU) 2021/782 as regards enforcement of passenger rights in the Union [EUR-Lex - 52023PC0753 - EN - EUR-Lex](#)

⁶ Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on passenger rights in the context of multimodal journeys [EUR-Lex - 52023PC0752 - EN - EUR-Lex](#)



Intermediaries: A key player in air ticket sales for many years, but still unregulated

The 2013 revision proposal did not address this sales model, and the 2015 Package Travel Directive⁷ does not regulate the sale of stand-alone transport tickets. However, **for more than a decade, we have been urging European and national legislators to address the challenges facing consumers** - challenges that became even more apparent during the COVID-19 pandemic.

The 'Omnibus' proposal in the Passenger Mobility Package is a step forward but **remains insufficient** given the expansion of online travel intermediaries (OTA), their prominence in the market, and the high expectations of consumers. The provisions on OTAs are neither clear nor strong enough to adequately protect consumer rights.

Pre-contractual information obligations need to be strengthened, in particular with regard to ticket options and surcharges (e.g. baggage fees, assistance for passengers with reduced mobility, issuing of boarding passes...). This obligation should also **extend throughout the journey**, ensuring that consumers are immediately informed of any disruptions to their journey, such as delays, cancellations, re-routing or changes to schedules.

Consumers need legal certainty and simple procedures. The regulation must clearly identify who is responsible for missing or misleading information. The CJEU has ruled⁸ that liability lies solely with the carrier, as there is no legal basis to hold ticket platforms or agencies liable (except in the case of package holidays).

⁷ Directive (EU) 2015/2302 of the European Parliament and of the Council of 25 November 2015 on package travel and linked travel arrangements, amending Regulation (EC) No 2006/2004 and Directive 2011/83/EU of the European Parliament and of the Council and repealing Council Directive 90/314/EEC [Directive - 2015/2302 - EN - EUR-Lex](#)

In addition, ticket sellers **must respect clear deadlines for dealing** with consumer complaints. Their liability should also be strengthened, especially when selling combined flights - where individual segments operated by **different airlines are sold together under a single contract by the seller (so-called one-way-combinable bookings)**.

At present, these segments are not linked in practice, which means that consumers have no automatic rights if one of the flights in the contract is delayed or cancelled. **Simply stating in advance that flights are 'not connected'**, as mentioned in the Omnibus text, **is insufficient and fails to alert consumers to the risks**. Despite buying tickets under a single contract, consumers may end up with less protection than if they had booked directly with an airline. Most **consumers are not travel or legal experts to appreciate this difference in the law**.

Since online platforms charge for their services and sometimes offer insurance, they should bear responsibility - just as travel agencies do when they put together travel packages. This should also apply to platforms or agencies selling pure transport services combining flights from different airlines or even different means of transport (multimodal).

Finally, **price transparency** needs to be improved. Regardless of the sales channel, sellers must clearly display a **detailed price** breakdown before the purchase, including the ticket price, airport taxes (as provided by the airline), agency fees, and the cost of any optional services or insurance. This is essential to providing consumers with a fair basis on which to **compare prices** for a given trip.

Consumers often encounter problems when they claim the **refund** of the **ticket price** following a **flight cancellation**. Airlines **re-direct** consumers to **intermediaries**. Then, consumers must request the refund from the intermediary, who in turn submits the refund request to the airline. The airline then processes the refund to the consumer. That procedure is time consuming. This issue became one of the major problems in the Covid pandemic. Consumers should have the possibility to claim the **refund directly from the airline**. From a legal point of view, this is consistent because the airline is the contractual partner of the consumer.

An additional problem is that many consumers are left with the problem of **agency fees**, which is even more complex given that, in the event of a cancellation, they often only find out about the fees when they get back less money than they had paid. The regulation should make it clear, in line with CJEU in C 601/17, 12 August 2018, that **airlines must reimburse 'authorised' commissions** to an **agent** in such events.

⁸ Case C-302/16 - [EUR-Lex - 62016CJ0302 - EN - EUR-Lex](#)



Multimodal transport: Strengthening passenger rights to encourage new habits

Multimodal transport - combining different modes of transport under a single contract - is increasingly being promoted as a way **of widening travel choices and promoting more sustainable alternatives** to high-emission transport. However, the current provisions in the multimodal section of the **passenger mobility package fall far short of this ambition.**

Just as consumer rights have been harmonised across the EU to build confidence in the single market, passenger rights need to be aligned to ensure that consumers can choose multimodal travel with confidence, knowing that they will be fairly and effectively protected in the event of disruption. This is not only **a question of fairness but also of transparency.**

For multimodal contracts to be effective and reassuring, they must **clearly identify the responsible party** - whether the seller, the main carrier or another entity - in the event of disruptions such as cancellations, delays or denied boarding. The applicable legal framework must also be clearly established to guarantee passengers' rights and assistance until they reach their final destination.

As with combined flights sold under a single contract, merely informing the consumer that each segment is **'direct'**—meaning not officially connected—is **inadequate and unhelpful**. Consumers often do not fully grasp the legal implications of this distinction, leading to greater frustration when they discover—typically only after an issue arises—that **their rights are significantly weaker than those associated with standard connecting flights.**

A fair and easy rule would be that when a journey consists of two segments, the carrier operating **the longer segment in the journey** should be responsible for the entire trip. This means that its regulation would apply to both segments, ensuring a more consistent and consumer-friendly approach to passenger rights throughout the journey.



Baggage policies: Ensuring transparency and fair compensation calculation

Passenger baggage rights are primarily governed by the 1999 Montreal Convention⁹. The 2013 proposal aimed to improve this framework by **formalising the Property Irregularity Report (PIR)** used by airlines, making it mandatory and the responsibility of the airline in case it failed to provide it (reporting period based on the Montreal Convention).

Despite the existing rules, there are **significant gaps** that prevent fair compensation for passengers. Each airline has its own compensation rules and exclusions, and national case law is not harmonised, leading to **inconsistent compensation for baggage delays, loss or damage**.

In addition to setting an appropriate maximum compensation level, clear guidelines are needed on **how consumer losses should be calculated**: the weight of baggage, a more appropriate scale for personal belongings, the evidence required (e.g. should the age of the item be taken into account) and the items excluded from compensation. This would provide **legal certainty and transparency for consumers**.

There is also an urgent need to **regulate the carriage of cabin baggage**, which is subject to rising prices, inconsistent rules and frequent changes by airlines. Clear definitions are needed for checked baggage, hand baggage and other items allowed in the cabin. Carrier practice often exploits these terms to overcharge for cabin baggage.

⁹ Montreal Convention on air carrier liability - [Montreal Convention on air carrier liability | EUR-Lex](#)

The issue of bookings that include flights operated by different airlines with varying cabin baggage rules should also be addressed.

Harmonisation of the minimum size limits for free cabin baggage and checked baggage is essential for **price transparency**, allowing consumers to make **reliable price comparisons**. It would also simplify day-to-day travel by removing the need for passengers to check each airline's baggage size and weight limits. Also, the situation where a booking includes flights operated by different airlines with different rules for cabin baggage should be taken into account. Additionally, this is not sustainable as air passengers may have to buy different suitcases each time they fly with a different airline.

An ideal revision of the regulation would be to provide for a '**basic ticket package**', detailing exactly what services and rules should be included in the lower price offered by any airline licensed in the EU: ticket price, taxes, free cabin baggage (size and weight), free seats, check-in and boarding pass.



Complaints management: Ensuring accessible and effective redress for consumers

Introducing or amending passenger rights is of little use if consumers continue to face difficulties in enforcing them. More than 20 years of experience, including crises such as COVID-19, have shown that **there is considerable room for improvement**. However, these crises have also prompted some airlines to modernise and improve their customer service, and technological advances now provide airlines with the tools to handle complaints and requests in line with **consumers' legitimate expectations**.

The 2013 proposal made valuable progress in this area, and we support:

- **Setting a reasonable response time** for airlines (with penalties for non-compliance).
- A clear deadline for consumers to submit complaints.
- **Providing information on alternative dispute resolution** (ADR) methods, which could be improved by requiring airlines to participate in ADR schemes under the revised ADR directive¹⁰.

¹⁰ Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2013/11/EU on alternative dispute resolution for consumer disputes, as well as Directives (EU) 2015/2302, (EU) 2019/2161 and (EU) 2020/1828 - [EUR-Lex - 52023PC0649 - EN - EUR-Lex](#)

It's crucial to ensure that designated ADR bodies can handle complaints from consumers based in other EU countries and possibly in other languages. Coordination with ADR contact points and ECC-Net should be considered for cross-border cases.

As also introduced in the 2013 proposal, a clear **distinction of roles between ADR and National Enforcement Bodies** (NEBs) is necessary so the consumers would better understand what they can expect from one or the other.

NEBs should not only monitor compliance but also have the power to sanction or warn operators where necessary. Requiring them to publish an **annual activity report** would be a tool for stakeholders to better follow the enforcement of the EU Regulation and would encourage airlines to comply with the Regulation to avoid bad publicity. In order to facilitate the identification of infringements, NEBs should organise and strengthen their cooperation with ADRs, national consumer organisations, ECC-Net and CPC Network (also for the collection of statistics as far as possible).

Furthermore, why limit this to air transport? Similar challenges exist in all modes of transport.



Flight cancellations and delays: ensuring equal treatment and consistent passenger rights

Maintaining high standards and fair compensation to consumers in case of flight delay

Just remember that, initially, flight delays did not entitle passengers to compensation under Regulation 261/2004, unlike cancellations. This led airlines to 'pretend' having long delays - sometimes lasting several days - rather than admit cancellations in order to avoid paying compensation. As a result, passengers were often left without an adequate solution and no compensation whatever the time taken to reach their destination.

The Court of Justice of the European Union (CJEU) clarified this issue through case law¹¹, ruling that passengers arriving at their destination with a delay of three hours or more should receive the same compensation as for cancellations (between € 250 and € 600, depending on the distance of the flight). The court considers that the prejudice is the same. Airlines initially resisted this interpretation, but the 2012 'Nelson' case confirmed their obligation to compensate consumers.

¹¹ Joined Cases C-402/07 and C-432/07 - [EUR-Lex - 62007CJ0402 - EN - EUR-Lex](#)

The 2013 revision proposal introduced a structured compensation scheme for delays, setting different thresholds based on flight distance (5 hours for short-haul, 9 hours for medium-haul, and 12 hours for long-haul flights). However, such revision significantly weakens passenger rights by raising the compensation thresholds, leading to a situation where **nearly 85%¹² of affected passengers would no longer be entitled to compensation**—since most recorded delays fall between 2 and 4 hours¹³.

Furthermore, as compensation for cancellations remains due regardless of delay duration, airlines might be incentivised to delay flights rather than cancel them to avoid paying compensation, like in the early years of the Regulation 261/2004.

During the discussions about the 2013 revision proposal, airlines argued for a reduction in passenger compensation, claiming that the financial burden was too high. However, the European Economic and Social Committee¹⁴ had already concluded that consumer rights to compensation do not pose a financial risk to airlines.

Therefore, the level of compensation and assistance schemes for flight cancellations and delays should not be changed until their implementation is more effective.

Guarantee adequate assistance and encourage to correct rerouting

The 2013 proposal introduced limits on assistance (e.g. accommodation, meals), including maximum amounts and time limits for overnight stays. Such reduction in consumer rights can be understandable to be in line with similar provisions in other travel-related legislation. However, this limitation must remain coherent as to the inconvenience caused and sufficient (no less than 3 nights covered by the airline and no less than 150 EUR per night and per passenger). This limitation rule should also be considered as a kind of lump sum refundable to passengers who could not find an accommodation and had to spend the night at the airport. This happens regularly.

¹² BEUC : [The revision of the air passenger rights regulation](#), Lennoc (European Flight Intelligence company): <https://www.lennoc.com/wp-content/uploads/2025/03/Research-paper-Impact-revisions-261.pdf>

¹³ Statistic from the UFC que choisir communication - [Droits des passagers aériens - Une proposition qui vole bien trop bas ! - Billet de la présidente - UFC-Que Choisir](#)

¹⁴ Opinion of the European Economic and Social Committee on the 'Common rules on compensation and assistance to air passengers (rolling programme)' - COM(2013) 130 final - 2013/C 327/20 - [C_2013327EN.01011501.xml](#)

Our main concern is to ensure that compensation and assistance schemes are similar when passengers experience delays or major changes to their itinerary (whether due to flight delays or cancellations with re-routing). The CJEU has consistently ruled on this issue for more than a decade and it would be unwise to ignore these rulings when revising Regulation 261/2004.

It is important to note that when re-routing occurs, the carrier should ensure that the baggage allowance on the alternative connection matches that of the original booking.

As to re-booking, it should be highlighted that airlines should be obliged to rebook consumers on flights of different airlines if the airline cannot provide the rebooking on one of their own flights within a timeframe of 5 hours. The 2023 proposal, which proposes to allow diversions to other modes of transport in order to minimise arrival delays while maintaining adequate travel conditions, should be included in the revision.

Validation of 20 years of work on the concept of exceptional circumstances

In general, it is important to take into account the years of case law that have clarified many previously vague concepts in Regulation 261/2004, such as the list of exceptional circumstances recognised by the CJEU.

Airlines should be required to submit a report to the **National Enforcement Bodies (NEBs)** whenever a cancellation or significant delay occurs, particularly in cases involving **extraordinary circumstances** such as technical issues or weather-related incidents that require specialised expertise. The NEBs would analyse the data, issue recommendations, and provide an opinion on the cause of the disruption. Once established, this opinion should be made public, as it applies to all passengers on the affected flight. While these reports would not need to disclose sensitive details, their publication would help passengers assess whether pursuing compensation is worthwhile, thereby reducing the number of complaints to **Alternative Dispute Resolution (ADR) bodies, NEBs, and courts**. Moreover, maintaining such records would foster a culture of accountability among airlines.

The COVID pandemic also taught us that **vouchers** can be an acceptable solution if the consumers are free to accept them and if clear rules for their use are provided. The revision of the regulation 261/2004 can re-use the European Commission's guidelines¹⁵ about vouchers proposed by airlines during this crisis: a time limit for the use, the possibility to finally convert it into money if not used within the time limit, can be easily transmitted to another person.

¹⁵ Commission Recommendation (EU) 2020/648 of 13 May 2020 on vouchers offered to passengers and travellers as an alternative to reimbursement for cancelled package travel and transport services in the context of the COVID-19 pandemic - [EUR-Lex - 32020H0648 - EN - EUR-Lex](#)



Airline bankruptcy: effective protection and equal treatment of consumers

The current situation regarding airline bankruptcies is unsatisfactory and lacks viable solutions. Consumers are not prioritised as creditors and collective procedures are difficult for them to navigate, especially in a cross-border context.

The treatment of passengers depends on whether the flight was part of a package. Those in a package have guaranteed refunds or replacements from the agency or tour operator, while others typically have no such protection.

This issue also affects travel agents and others in the industry who face airline bankruptcies **without effective recourse**. Why are airlines not required to insure themselves, as agencies - often with fewer financial resources - are able to do?

Tightening the rules (which was planned in the revision of the Regulation 1008/2008¹⁶) for obtaining an airline licence does not eliminate the risk of bankruptcy and maintains discrepancies between countries, with some being stricter than others.

¹⁶ Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community (Recast) (Text with EEA relevance) - [Regulation - 1008/2008 - EN - EUR-Lex](#)

ECC-Net, together with BEUC, has discussed these concerns with the European Commission in 2023. At the time, one of the arguments put forward by the Commission for not taking binding measures was that they do not know the number of passengers affected and who would have no solution after airline bankruptcies. Such data were requested from the consumer protection stakeholders and travel operators before any other discussion could take place.

Both BEUC and ECC-Net are unable to quantify the impact of insolvencies. In the case of collective judicial proceedings, our services do not intervene and can only relay information (which is done on our website).

Insolvency proceedings themselves do not automatically gather all consumers concerned, who remain creditors with no 'priority'. Consumers are not automatically included in the procedures, unless they file for it. Most often they must do so in another Member State, with specific procedures in a foreign language. This considerably limits their access and hope to get a refund. Many consumers are discouraged.

Only airlines are in a position to know how many flights (and therefore passengers) will be harmed, as well as the claims and disputes still pending with the customer service department at the time of insolvency.

The Commission seemed also to consider that the possibility for consumers to get a personal insurance to cover their trip by plane is sufficient. But we must insist that to the best of our knowledge there is no insurance in the travel sector which covers such situations, in any EU Member State.

To address airline bankruptcies, a **mandatory compensation fund** could be established, requiring airlines to contribute regularly. This fund would serve as a safeguard to compensate passengers when airlines fail to fulfil their contractual obligations, similar to the protection mechanisms in place for travel agencies. Additionally, making **airline insolvency insurance** mandatory could further enhance passenger protection by ensuring that travellers are covered in the event of an airline's financial collapse.

Without specific rights, these passengers remain unaccounted for, with no recourse and no administrative authority to help them.



Other recommendations by ECC-Net

Airports' role in crisis management and passenger assistance

Airports must be prepared to deal with emergencies and crises by ensuring access to essential services such as beds, water, and food for stranded passengers, as set out in the 2013 proposal.

In addition, airports should be held accountable when flight disruptions result from their own operational failures, including disorganised check-in procedures, inefficient security screening, inadequate de-icing of aircrafts or mismanagement by baggage handling sub-contractors. Their role in minimising disruption and assisting affected passengers must be clearly defined.

Guaranteeing re-routing to the original destination

If the destination of a flight is changed mid-flight, the airline must bear the cost of re-routing passengers to their original contractual destination, regardless of whether the new destination is within the same 'region'. Moreover, the concept of 'region' as mentioned in the regulation 261/2004 is not clear and should not be used as a limiting factor.

Similarly, if a passenger agrees to a change of destination due to a cancellation or long delay before departure, they must still have the right to be re-routed to their contractual destination if the airline does not provide an alternative within 24 hours. This service should be provided free of charge by the airline and compensation should always be calculated based on the original destination.

Limiting the impact of cross-ticketing on consumers

The practice of cross-ticketing, whereby airlines cancel all subsequent flights if a passenger misses one, should be regulated and limited. Passengers **should be able to use their remaining flights** on payment of a reasonable penalty rather than losing their entire booking.

Harmonising check-in and boarding procedures to ensure accessibility for all

Some airlines unilaterally change their check-in and boarding procedures, such as making free check-in available only online or altering boarding deadlines. Since these constraints apply to all operators, harmonisation would be beneficial. Special consideration should also be given to vulnerable consumers who may not have access to online technology and face unjust discrimination—for instance, being unable to obtain a boarding pass without a smartphone.

Change of the booking / correction of misspellings

Consumers should be entitled to correct misspellings within a timeframe of 48 hours. Furthermore, the current legal situation does not provide consumers the right to correct their booking. The consequence might be that in case of misspellings, consumers risk being denied boarding. To avoid that consequence, consumers try to correct their mistake. Some airlines charge fees for the correction. The situation might be even more difficult if an intermediary is involved. ECC-Net had a case where the intermediary required a new booking. The airline provided its customers the right to correct their mistakes against the payment of a fee. However, since the consumer made his booking through an intermediary, the airline redirected the consumer to the intermediary.

Postponed flight departures

The CJEU clarified that a significant change in the departure time, such as moving a flight forward or delaying it by several hours, can be considered a cancellation. This interpretation aligns with the purpose of Regulation (EC) No 261/2004, which aims to protect passengers from significant inconveniences caused by such schedule changes.

A provision considering the CJEU ruling *AD and others v Corendon airlines* (C-395/20)¹⁷ should, therefore, be implemented.

Clarification of legal bases in flight irregularities

Recommendation for further clarification of claims before national courts in light of CJEU C-153/19 (28 May 2020)

The issue of **competing legal bases for passenger compensation** continues to arise in practice, particularly when flight irregularities occur in the context of a package holiday. Affected passengers often face uncertainty regarding the proper assertion of their claims, and the offsetting mechanisms involved seem to be unknown or not entirely clear.

Furthermore, national courts may interpret the situation differently, and additional **national laws on offsetting** complicate the matter. While the CJEU's ruling provides valuable guidance, it does not offer a fully conclusive solution, as the circumstances of each case still require individual examination.

Furthermore, national courts may take a different view, and there are also national laws on offsetting, which makes the CJEU's decision appear welcome, even if the regulation cannot be conclusive, for example because the circumstances of the individual case must still be examined.

Key points of the court ruling (CJEU C-153/19, 28 May 2020):

- Article 12 of Regulation (EC) No 261/2004 does **not** preclude a passenger from receiving both compensation under Article 7 of the Regulation **and** additional compensation under national law for a reduction in the travel price, provided the latter covers an **individual loss** caused by an event listed in Article 1(1) of the Regulation.
- It is the responsibility of the referring court to verify whether such claims meet the required conditions.
- Given the recurring challenges in practice, further clarification and harmonisation of these legal interactions would be beneficial for both passengers and legal practitioners.

¹⁷ C-395/20 - Corendon Airlines <https://curia.europa.eu/juris/liste.jsf?language=en&td=ALL&num=C-395/20>

Conclusion

The EU legislation must not ignore more than 20 years of various experiences in the passengers' rights sector. The expectations from EU consumers and their representatives are very high, and their trust in the EU institutions and their capacity to protect them is at stake.

ECC-Net emphasises the importance of revising passenger rights, particularly within the air sector, and encourages careful consideration of the following essential points:

CARE

- Equal treatment and compensation between a delay and a cancellation with re-routing
- No increase in the time limit for compensation in case of delay or cancellation (new categories can be created for longer flights)
- Confirmation of the list of extraordinary circumstances accepted or rejected by the CJEU case law
- Publication of NEB assessment of extraordinary circumstances justifying, or not, a delay or cancellation of a specific and identified flight
- Confirmation of the CJEU case law that a re-routing may be offered on other means of transportation
- Regulation of the use of vouchers as a means of compensation
- Regulation of OTAs and other ticket sellers to clearly identify which entity is responsible to consumers in the event of a pre- or post-departure incident
- Clear time limits for agents and airlines to resolve consumer claims
- Mandatory information on ADR schemes by carriers and OTAs
- Clear system to coordinate legislation in case of multimodal transport: which carrier is responsible, which regulation applies to the trip, etc., to provide fair and adequate assistance to consumers
- Introduction of the 'Property Irregular Report' in the regulation (for delayed, lost or damaged luggage) as well as the consequences if the carrier does not provide this document
- Provision of a rule to calculate damages in case of delay, loss or damage of baggage, ensuring equal treatment of passengers regardless of the carrier

- Provision of a guarantee, insurance or any other system to prevent the bankruptcy of the airline and ensure that consumers receive at least the full refund of the cancelled ticket or vouchers
- Responsibility of airports to organise assistance to consumers in the event of major traffic disruptions

TRANSPARENCY

- Definition of a 'basic ticket package', i.e. what are the minimum services that must be included in an airline's lowest fare (hand baggage, cabin baggage, seat reservation, snacks according to distance, etc.)
- Harmonisation of the definition, size and weight of the minimum cabin baggage allowed free of charge
- Requirement to all ticket sellers to clearly state the price of the ticket, taxes (and refundable taxes), optional services (insurance, luggage, priority services, etc.)
- Clarification and strengthening of the pre-contractual information that a ticket seller must provide to a consumer when purchasing a ticket for air (and train, bus and boat) travel
- Proper and adequate information to be provided to consumers in the event of a pre-travel incident (cancellation, delay, change). The responsibility for this information must be regulated, enforced and, if necessary, sanctioned
- Clear pre-contractual information duty on the combination of direct tickets, not only that they are not 'connected' but also on the impact on the consumer's right to compensation, re-routing and assistance in case of disruption of one of the flights
- Clear pre-contractual information on multimodal tickets and, in particular, on the impact on the consumer's right to compensation, re-routing and assistance in case of disruption of one of the segments
- Regulation of the practice of 'cross-ticketing' to ensure fair conditions allowing passengers to maintain the part of the trip actually used
- Publication of annual reports from the NEBs on their actions to ensure the good application of the EU Regulation
- Cooperation between NEBs, ADRs, consumer associations, ECC-Net and the ADR Contact Points to ensure a clear and simple workflow to help passengers

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