

## Revision of the Air Passengers' Rights Regulation

December 2025

### **EPF comments on the proposed revision of Regulation 261/2004 on Air Passengers' Rights and Regulation 2027/97 on Air Carrier Liability in respect of the carriage of passengers and their baggage**

The revision of Regulation (EC) 261/2004 (air passengers' rights) and (EC) 2027/97 (air carrier liability) – pending since 2015 – is back on the legislative agenda and actively progressing. On 5 June 2025, the [Council reached a political agreement](#) that introduced some improvements but also weakened key passenger protections. On 13 October 2025, the European Parliament's TRAN Committee adopted its [negotiating mandate](#), setting out red lines for passenger rights. Trilogue negotiations began on 15 October 2025, making the coming weeks and months decisive in shaping the final outcome.

In this context, the European Passengers' Federation strongly advocates for a passenger-centred reform. EPF stresses that the revision must not dilute existing rights but instead tackle long-standing shortcomings. From the passenger perspective, EPF highlights three overarching priorities:

- address grey areas and legal inconsistencies in the existing legislation;
- strengthen enforcement and access to effective consumer redress;
- ensure that passenger rights are enhanced, not weakened by the review.

Against this background, EPF updates its 2020 position paper to outline key concerns and recommendations as the legislative process enters its final phase. This update also considers the November 2023 proposal amending several passenger rights' regulations – including 261/2004 – focused on enforcement and the role of intermediaries.

#### **Summary of EPF's key concerns and recommendations**

- ➡ EPF welcomes **extending the scope** of the Air Passengers' Rights Regulation, supporting broader coverage not only in terms of types of cases (rescheduling, missed connections, seat changes) but also including non-EU carriers and multimodal journeys.
- ➡ EPF calls for a full **ban on no-show clauses**, covering both round trips & sequential trips, and for passengers to be informed of their **right to partial reimbursement**, e.g., airport charges and taxes, in cases of no-show or voluntary cancellation.
- ➡ EPF supports stronger passenger **information** rights, including the immediate communication of cancellation/ delay **reasons** – without the need for a request, and welcomes **pre-filled claim forms** and **automatic & cash reimbursement/ compensation**.
- ➡ EPF supports the newly introduced right to (real-time) **information** and **assistance** for passengers blocked on the plane. Passengers delayed on the tarmac, as proposed by the EP, should have the **right to disembark** after 2 – not 3 – hours.
- ➡ EPF welcomes the **creation of a list** defining "extraordinary" circumstances, with the burden of proof on carriers, and **aligning with existing case law**, and opposes expanding the definition to routine issues like technical failures, strikes, or crew sickness.

- ➡ Maintaining the **3-hour compensation threshold** – from the moment people are able to disembark – is essential, with amounts adjusted for inflation. Compensation enhances airline reliability, is cost-effective, and offsets passengers' time and financial losses.
- ➡ **Rerouting** should be offered promptly, including to passengers suffering long delays. It should take into account alternative carriers or modes of transport – if faster and passengers agree. Self-rerouting – after 100 minutes, without cost cap – is welcome.
- ➡ EPF supports a single two-hour threshold for **care and assistance** and welcomes practical clarifications, including reimbursement if passengers arrange it themselves. EPF strongly opposes any limits on the right to assistance in extraordinary circumstances.
- ➡ EPF strongly supports **on-site airline representation** and **coordinated airport contingency plans** to provide immediate assistance during (mass) disruptions, including accommodation, rerouting, and repatriation, ensuring equal treatment for all passengers.
- ➡ In addition, EPF calls for mandatory **airline insolvency protection** for standalone flights, ensuring refunds, vouchers, and repatriation, are protected, similar to the Package Travel Directive, to prevent passengers from bearing losses as seen in past bankruptcies.
- ➡ EPF supports stronger protections for **special needs passengers**, including compensation for denied boarding or missed flights, free travel for companions, and reimbursement for mishandled mobility aids and assistance dogs.
- ➡ EPF calls for clear **price transparency**, inclusion of **hand luggage** in the basic fare, and EU-wide baggage **size and weight standards** to improve comparability, and welcomes clear rules on responsibility and procedures for **delayed or left-behind luggage**.
- ➡ EPF supports **self-cancellation** for standalone flights – for free in major crises or for a reasonable, pre-disclosed fee otherwise – with **partial reimbursement** for no-shows, ensuring equal treatment with package travelers.
- ➡ EPF welcomes **banning excessive fees for basic services** – such as name corrections, travel companions seated together, hand luggage, ticket transfers, printed boarding passes –, allowing only reasonable charges for changes and ensuring accessibility for all.
- ➡ Passengers should have access to mandatory in-house **complaint handling** by airlines and intermediaries, with clear deadlines, easy contact options, and airline presence at airports during disruptions. Any claim deadline should be one year, not six months.
- ➡ EPF calls for **stronger enforcement** through improved monitoring and reporting, binding ADR and NEB decisions, effective sanctions, and mandatory compliance with passenger rights, price transparency, and insolvency protection for EU airline licenses.
- ➡ EPF calls for a clear definition of **intermediaries' roles**, including information provision, complaint handling, re-routing, reimbursement, compensation, and assistance, with defined B2B and B2C responsibilities and deadlines.

## 1. Subject matter & scope

The revision text (Council & EP) broadens passenger protection beyond delays, cancellations, and involuntary denied boarding – clarifying that passenger rights also apply in case of *rescheduling, missed connections, and seat class changes* (**§1 Subject matter**).

While the Council text largely maintains the scope of the original Regulation and introduces an exemption for flights within Greenland, the Parliament proposes to broaden it (**§3 Scope**): passenger rights would apply to all flights to or from the EU, even on non-EU

carriers, unless passengers received similar protection elsewhere, and cover also journeys with other transport modes (like trains or buses) if the contract lists them as part of the trip.

→ EPF welcomes **extending the scope** of the Air Passengers' Rights Regulation, supporting broader coverage not only in terms of types of cases (rescheduling, missed connections, seat changes) but also including non-EU carriers and multimodal journeys.

## 2. Denied boarding

The revision (Council & EP) (**S4 Denied boarding**) clarifies that passengers notified in advance should not go to the airport, vulnerable groups cannot be denied boarding, and a "no show" on the outbound flight is not a valid reason for denial on the return flight. Spelling mistakes must be corrected at least once, up to 48 hours before departure, free of charge. The EP adds that on domestic flights, carriers may not deny boarding due to invalid documentation if identity can be proven under national law. Both involuntarily denied passengers and volunteers must be fully informed of their rights, with volunteers explicitly agreeing that offered benefits replace their right to compensation (Council & EP). The EP further specifies that reimbursement and compensation should be provided *immediately*.

→ EPF welcomes these **clarifications**, including not having to come to the airport if informed in advance, protection of vulnerable groups, acceptance of valid ID documents, and ensuring **better information** on passenger rights, also for volunteers.

→ EPF supports a full ban on **no-show clauses** for both round trips and sequential trips. Denying boarding or charging passengers who miss or skip a flight leg excessive fees is considered an unfair contract term, as confirmed by several national courts. Additionally, passengers should be informed of their right to **partial reimbursement** (e.g., airport charges and government taxes) in case of no-show or voluntary cancellation (also under review in the Air Services Regulation 1008/2008).

→ EPF welcomes the newly introduced right to correct **spelling mistakes** up to 48 hours before departure. In the same spirit, passengers should also be allowed to correct **other booking errors** (such as the day or time of travel) within 48 hours after booking, and to **transfer their tickets**, subject to a reasonable fee, if they are unable to travel (see below).

## 3. Cancellations

The revision proposal (Council & EP) clarifies several aspects of cancellations (**S5 Cancellations**) and updates the definitions section (**S2 Definitions**) to broaden the concept of cancellation, covering also flights that took off but were diverted to another airport, flights that had to return to the airport of departure, and flights whose departure time is advanced by more than one hour. Passengers must be immediately informed of cancellations, their rights, compensation procedures and complaint handling (Council + EP), and be given the reasons for cancellation – upon request within 7 days (Council) or as soon as available, no later than 30 minutes after departure (EP). Compensation applies when passengers opt for reimbursement or rerouting that results in a significant delay exceeding set thresholds, with carriers required to provide a pre-filled claim form in an accessible and durable format. No compensation is due if passengers are informed at least 14 days in advance, with no exceptions for rescheduling. Compensation is also excluded in case of extraordinary circumstances, which can be invoked only if they affect the flight concerned or one (EP) to three (Council) preceding flights operated by the same aircraft. If no written proof is provided, compensation applies (added by EP).

→ EPF supports updating the **cancellation definition** to include flights that divert, return to the departure airport, or depart more than one hour earlier, in line with ECJ rulings.

- EPF supports stronger passenger **information** rights, including the immediate communication of cancellation **reasons** – without the need for a request, and welcomes **pre-filled claim forms**, but does not support raising delay thresholds for compensation nor a broader interpretation of extraordinary circumstances (see below).

#### 4. Delays

Similarly to cancellations, the revised Regulation (Council & EP) requires (**§6 Delays**) that passengers be immediately informed of delays, their rights, compensation procedures, and complaint handling, and be given the reasons for the delay (Council: upon request within 7 days; EP: as soon as available, no later than 30 minutes after departure). Passengers experiencing a long delay, *including postponed departures*, have the same rights as those facing cancellations: choice of reimbursement or rerouting, assistance, and compensation – if the delay exceeds set thresholds. No compensation is due if passengers are informed at least 14 days in advance. Compensation is also excluded in case of extraordinary circumstances, which can be invoked only if they affect the flight concerned or one (EP) to three (Council) preceding flights operated by the same aircraft. If no written proof is provided, compensation applies (added by EP). The EP also adds that carriers must provide a pre-filled claim form within 48 hours to obtain reimbursement and/or compensation.

- EPF welcomes the confirmation that passenger rights for delays, *including postponed departures*, **mirror those for cancellations** unless passengers are notified at least 14 days in advance – including the choice between reimbursement or rerouting. As for cancellations, EPF supports stronger passenger **information** rights, including the immediate communication of delay **reasons** and **pre-filled claim forms** – to be provided without having to ask. However, EPF does not support raising delay thresholds for compensation nor a broader interpretation of extraordinary circumstances (see below).
- EPF supports revising the definition (see **§2 Definitions**) of **time of arrival** as the moment **passengers can begin leaving the aircraft**, rather than when the aircraft reaches the stand and parking brakes are engaged, as the difference can be significant.

A new article **§6a Tarmac delay** requires passengers to receive regular real-time updates and ensuring their comfort while waiting on board, including adequate heating or cooling, toilet access, and drinking water. Passengers must be allowed to disembark after three (Council) or two (EP) hours, with extensions only permitted for safety or security reasons (EP) and/ or immigration or air traffic control reasons (Council). Delays exceeding set thresholds trigger the same rights as other long delays.

- EPF supports the newly introduced right to (real-time) **information** and **assistance** for passengers blocked on the plane. Passengers delayed on the tarmac, as proposed by the EP, should have the **right to disembark** after 2 – not 3 – hours.

Another new article **§6b Missed connecting flight under a single air transport contract** confirms that a missed connection, if part of a single contract, gives the same rights as a cancellation. The operating carrier of the preceding flight is responsible for rerouting (or reimbursement), assistance, and compensation. The EP adds that, if compensation is due, a pre-filled claim form must be provided systematically within 48 hours.

- EPF **welcomes the new provision** – in line with ECJ case law – granting passengers that missed a connecting flight the right to reimbursement or rerouting, assistance and compensation. These rights should also be guaranteed if part of the travel is operated **by another carrier** (code sharing) **or outside the EU**, and the ticket seller should be responsible for handling **complaints**. In case of **separate contracts**, passengers currently have no right to compensation; the right to **assistance** should at least be ensured.

## 5. Extraordinary circumstances

Council and Parliament take different approaches to “extraordinary circumstances”. Both define them as *circumstances not inherent to the normal operation of the air carrier and beyond its control* – but the Council places it in **§2 Definitions**, while the Parliament moves it to a separate article (**§6c Extraordinary circumstances**). The Council provides a *non-exhaustive* list of circumstances, some of which have been previously excluded by the ECJ, whereas the Parliament offers an *exhaustive* list aligned with ECJ rulings, allowing the Commission to amend it in the future via delegated acts. Additionally, the Parliament requires carriers to inform passengers within 48 hours about extraordinary circumstances and provide access to a pre-filled common claim form when compensation is due.

→ EPF welcomes the **creation of a list** of “extraordinary” situations and strongly supports the EP’s version, which **aligns with existing case law**. The Council’s version would significantly weaken passenger rights by potentially classifying events like technical problems, crew illness or death, or staff strikes as extraordinary, contrary to ECJ rulings. The **burden of proof** should remain with the carrier to show such circumstances could not have been avoided despite all reasonable measures.

## 6. Compensation

The differences between the Council and Parliament proposals on compensation (**§7 Compensation**) are significant. The Council sets lower amounts (300€ for flights >3,500 km/intra-EU and 500€ for longer flights) compared with the Parliament’s tiered system (300€ for ≤1.500 km, 400€ for 1.500-3.500 km, 600€ for >3.500 km) and has higher delay thresholds (4 hours for shorter flights, 6 hours for longer ones) instead of the Parliament’s uniform 3-hour threshold in line with ECJ rulings. The Council proposes a six-month claim period with payment within 14 days, allowing “other means” such as vouchers, whereas the Parliament requires bank transfer, credit card refund, or bank order, proposes a one-year submission period via a pre-filled form, and payment within 7 days. Parliament includes automatic inflation adjustments every three years and, additionally, allows the Commission to adopt delegated acts to adjust compensation amounts and update the list of extraordinary circumstances, ensuring future alignment with evolving conditions.

→ EC 261/2004 is recognised worldwide as the “gold standard” and has been replicated across multiple jurisdictions as the benchmark for passenger protection. **Strong consumer protection** is a core duty of the European Commission and a fundamental EU value. As the weaker party to the transport contract, passengers require and deserve robust protection when things go wrong. Lowering existing standards is not an option.

→ Independent data from Lennoc B.V. shows that increasing the compensation threshold from three hours to four or six hours would **strip up to 60% of passengers of their current compensation rights**, representing a significant step backwards for passenger protection.<sup>1</sup>

→ A recent study entitled “Air Passenger Rights at the Crossroads” demonstrates that (EC) 261/2004 has been **effective in improving airline reliability**. It is associated with 70% fewer long delays and 20% fewer same-day cancellations compared to the US, where no comparable passenger rights regime exists. The study finds no evidence of “strategic cancellations” – unsurprising, given airlines’ continued obligation to re-route passengers.<sup>2</sup>

<sup>1</sup> Noorderhaven, T. (Lennoc B.V.) (2025). Impact of EU 261/2004 Revisions: Data-Driven Analysis of Potential Regulatory Changes updated with 02-06-2025 political agreement. Available: <https://www.lennoc.com/wp-content/uploads/2025/06/Revisions-261-impact-.pdf>

<sup>2</sup> Gnutzmann, H. And Śpiewanowski, P. (2025). Air Passenger Rights at the Crossroads: Economic Impact of the Proposed EC261 Reform. Available: <https://apra-eu.com/wp-content/uploads/2025/1/Economic-Impact-of-the-Proposed-EC261-Reform.pdf>

→ The same study finds that the **actual cost** of compensation amounts to around €1,73 per passenger – well below industry claims of 4-5€. Compensation functions as an **efficient insurance mechanism**, spreading risk across all passengers rather than forcing individuals to secure their own coverage. Instead of lowering compensation, the amounts should, after 20 years (!), be **adjusted for inflation**.

→ Many trips made by air are time critical – a significant delay can negate the purpose of the trip (e.g., a business meeting), seriously inconvenience passengers (e.g., missing onward connections or accommodation bookings), and lead passengers to incur additional costs that are often much higher than the legal compensation. Consumers therefore experience real harm in terms of both **lost time and substantial financial impact**, regardless of the travel distance. While passengers understandably value fast rerouting to reach their destination, this objective is not incompatible with adequate compensation.

→ The rise of claim agencies and the growing number of court cases highlight problems with the implementation of passenger rights. Many passengers struggle to obtain the compensation they are entitled to. Improving **legal clarity and enforcement** would reduce disputes, lower the need for claim agencies, and ultimately decrease costs also for airlines.

→ **Cash compensation** – via bank transfer, credit card, or bank order – should be reinforced as the standard procedure. *If* vouchers are allowed, they should comply with the Commission's recommendations<sup>3</sup>, be valid for a sufficient period (e.g., two years), and automatically reimbursed in cash if unused. In all cases, cash reimbursement must remain an option, accompanied by safeguards against insolvency (see also below).

## 7. Reimbursement or rerouting

The revised Regulation text (**58 Right to reimbursement or rerouting**) provides that passengers must be offered automatic reimbursement within 14 (Council) or 7 (EP) days, in cash only (EP) or also “by other means” (Council). Rerouting “at the earliest opportunity” may include the same or different routes, alternative airports (with transfer), other carriers, or other transport modes – provided arrival times and comfort are comparable and the passenger agrees. Parliament specifies that passengers retain the right to care while waiting and may refuse rerouting via an alternative transport mode. If no rerouting is offered within three hours, passengers may arrange their own transport, with costs reimbursed up to 400% of the original ticket within 14 (Council) or 7 (EP) days.

→ Firstly, as noted above, EPF welcomes the clarification that passengers experiencing a **long delay** (§4) are entitled to *choose* between reimbursement and *re-routing*.

→ EPF supports the introduction of **automatic reimbursement**. As for compensation (cf. above), **cash reimbursement** – via bank transfer, credit card, or bank order – should be reinforced as the standard procedure. *If* vouchers are allowed, they should comply with the Commission's recommendations<sup>4</sup>, be valid for a sufficient period (e.g., two years), and automatically reimbursed in cash if unused. In all cases, cash reimbursement must remain an option, accompanied by safeguards against insolvency (see also below).

→ EPF strongly supports clarifying the right to rerouting “**at the earliest opportunity**”, including via alternative operators and transport modes (with passenger agreement) such as rail, bus, or boat when this enables passengers to reach their destination sooner. EPF

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<sup>3</sup> 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 C/2020/3125 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32020H0648>

<sup>4</sup> *Ibid.*

also calls for a clearer definition of “**comparable circumstances**”, in line with the revised Rail Passengers’ Rights Regulation and the 2024 APR Interpretative Guidelines<sup>5</sup>: no additional cost, no downgrading where possible, minimal extra connections or travel time, and equivalent assistance for PRM where applicable.

→ The right to **self-rerouting** is welcome. However, in line with the Rail Passengers’ Rights Regulation, this right should be triggered after 100 minutes rather than three hours. In addition, the 400% cost cap should be removed, as it is insufficient – particularly for low-cost airline tickets – and fails to account for the sharp price increases that often occur with last-minute bookings, especially when large numbers of passengers are affected.

## 8. Right to care

Under the new Regulation (**§9 Right to care**), passengers waiting at least two hours are entitled to free refreshments, meals, and communication access. Airports must provide drinking water, recharging stations, and (EP only) internet access. Hotel accommodation, including transport, is foreseen, however with a limit of three (Council) or five nights (EP) in case of extraordinary circumstances. If assistance is not offered, passengers may make their own arrangements and be reimbursed (Council). The Parliament version further removes airline discretion to limit assistance, adds reimbursement for travel to/from the airport, and requires free changing and toilet facilities for severely disabled passengers.

→ EPF supports a **single two-hour threshold** for access to care and assistance for all disrupted flights. We also welcome clarifications like internet access, making provisions more **practical and up to date**, and the right for passengers to arrange and be reimbursed for assistance if not provided, even though this should rarely be necessary.

→ EPF strongly **opposes limiting the currently unlimited right to assistance** in “extraordinary circumstances”. Accommodation must be provided as long as necessary, with costs kept proportionate and reasonable. In this context, EPF welcomes that airports and airlines should establish contingency plans for mass disruptions, including (on-the-spot) accommodation for large numbers of stranded passengers (cf. below).

## 9. Contingency plans

The revised Regulation introduces an obligation for larger airports (Council: more than 5 million annual passengers; EP: more than 1,5 million) to establish coordinated contingency plans with airport users and, under the EP proposal, also with local, regional, and national authorities (**§5 Cancellations** (5a-b-c) & **10a Airport contingency plans**). Airlines would be required to designate an on-site contact person to assist passengers under the APR Regulation. Under the Council’s approach, contingency plans focus on informing stranded passengers and minimising waiting times and discomfort, while the Parliament significantly expands their scope to include on-the-spot accommodation, rerouting via alternative carriers or transport modes at limited or no cost (including in cases of airline insolvency), detailed airline procedures, and oversight by national enforcement bodies.

→ EPF calls for **stronger passenger protection in cases of airline insolvency**, ensuring that passengers on standalone flights receive the same level of protection as package travelers. Currently, many passengers are left unprotected, risking unreimbursed tickets or difficulties with repatriation. Between 2011 and 2019, airline bankruptcies affected 5,6

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<sup>5</sup> COMMISSION NOTICE: Interpretative Guidelines on Regulation (EC) No 261/2004 of the European Parliament and of the Council establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights and on Council Regulation (EC) No 2027/97 on air carrier liability in the event of accidents (C/2024/5687). Available: [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:C\\_202405687](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:C_202405687)

million passengers, with average losses of €432, mostly non-recoverable.<sup>6</sup> Existing protections (e.g., SAFI, IATA BSP, credit card schemes, travel insurance) are partial and inconsistent. EPF supports a mandatory insolvency protection mechanism in the airline sector, mirroring the Package Travel Directive, covering ticket refunds, vouchers, and repatriation costs, including in cases of liquidity crises. The Danish scheme, introduced in 2015 for standalone tickets, is a proven and effective example.

→ EPF strongly supports **on-site airline representation and airport contingency plans**, particularly the EP's extended approach to providing practical assistance with accommodation and rerouting during mass disruptions. As highlighted in EPF's response to the *Better Protection for Passengers and their Rights* initiative<sup>7</sup>, passengers in such situations need immediate support, especially at unfamiliar destinations. EPF recommends that a public authority in each Member State coordinate all relevant parties to oversee repatriation, liaise with airlines and counterparts, negotiate rescue fares, and ensure passenger information, following the proven Package Travel Directive model to ensure collective solutions and equal treatment for all affected passengers.

## 10. Upgrading and downgrading

As in the original Regulation, the new text (**§10 Upgrading and downgrading**) foresees that passengers moved to a higher class cannot be charged a supplement, while those moved to a lower class are entitled to compensation, payable within 14 (Council) or 7 (EP) days. The EP text maintains current compensation levels and thresholds (30% for flights up to 1.500 km, 50% for intra-EU flights over 1.500 km (except to French overseas departments) and other flights between 1.500-3.500 km, and 75% for all other flights), whereas the Council proposes adapting them to 40% for flights <3.500km and 75% for flights >3.500km.

→ EPF supports compensation for passengers who are downgraded, as this significantly affects comfort, especially on longer flights. For consistency with delay compensation, we propose **retaining the original three-tier system** as in the Parliament's text.

## 11. Persons with reduced mobility or special needs

The revised Regulation (**§11 Persons with reduced mobility or special needs**) requires that all travel information be provided in accessible formats and that priority boarding be granted to persons with reduced mobility or disabilities, infants, unaccompanied children, and pregnant women. Accompanying persons must be seated next to them free of charge, and special attention must be ensured for rerouting, assistance, and accommodation without limitations, even in extraordinary circumstances. The Parliament's position further references Regulation 1107/2006, emphasizes proper care for assistance dogs and the training of flight crew, and guarantees that passengers affected by delays or missed connections have the right to compensation, care, and reimbursement or rerouting.

→ EPF supports **extending protections** to additional groups with special needs. **Compensation** should be due if delays or lack of airport assistance result in denied boarding or missed flights. **Accompanying persons** required for safety reasons should travel free of charge, as addressed by the enforcement/ omnibus proposal amending Regulations 261/2004 and 1107/2006. Finally, full compensation should be provided for mishandled **mobility equipment, assistive devices, and assistance dogs**, with passengers having the option to make a special declaration of interest (see also below).

<sup>6</sup> European Commission, Directorate-General for Mobility and Transport, Kouris, S., *Study on the current level of protection of air passenger rights in the EU : final report : study contract*, Publications Office (2020). Available: <https://data.europa.eu/doi/10.2832/529370>

<sup>7</sup> <https://www.epf.eu/wp/wp-content/uploads/2023/04/Better-protection-EPF-position-final.pdf>

## 12. Luggage

The proposed revision of **Regulation 2027/97** allows passengers to file complaints for lost, delayed, or damaged luggage immediately upon arrival, online or on paper. Passengers with reduced mobility (PRM) may make a free special declaration for checked mobility equipment or recognized assistance dogs, ensuring temporary replacement and full compensation in case of loss or damage. Airlines and intermediaries must provide clear information on luggage allowances and additional charges. Passengers are entitled to carry one personal item in the cabin free of charge. The Parliament adds that core travel services and additional charges must be clearly identifiable and purchasable separately, introduces free carriage of one personal item and one hand luggage item (maximum 100 cm combined dimensions), proposes standardized complaint forms, stronger passenger information (including through intermediaries), and NEB oversight for monitoring and enforcement. It also inserts a dedicated article (**§11a Right to personal item and hand baggage**) into the Air Passengers' Rights Regulation, confirming the right to carry one personal item and one hand luggage free of charge (100 cm total dimensions, 7 kg), transported in the cabin or hold, and requiring airlines to clearly inform passengers of size and weight limits, as well as responsibilities and procedures if luggage is left behind.

- EPF stresses the importance of **price transparency**, noting that unbundled fares and extra charges, e.g., for luggage or seat selection, confuse passengers and undermine price comparison. Clear rules are needed to define services included in the basic fare and ensure upfront transparency for optional ancillary services.<sup>8</sup>
- EPF supports that **a personal item and hand luggage** are included in the basic fare, in line with the ECJ 2014 ruling that hand luggage is an essential element of air travel.<sup>9</sup> Passenger surveys support this view<sup>10</sup>, yet some airlines continue to charge for reasonably sized hand luggage, a practice criticised and challenged by consumer organisations.<sup>11</sup>
- To improve transparency and comparability, EPF welcomes the introduction of common EU-wide **size and weight standards** for cabin and hold baggage, whether under the Air Passengers' Rights Regulation or the Air Services Regulation.
- EPF welcomes the requirement to clearly define responsibility and inform passengers of the applicable procedures **when luggage is left behind**, as well as adaptation of liability limits in accordance with general price inflation.
- EPF supports stronger protection for passengers with disabilities and reduced mobility, including full compensation for **lost or damaged mobility equipment** and the ability to make a special declaration of interest – which must be offered entirely free of charge.

## 13. Ticket transfer

As noted (**§4 Denied boarding**), spelling mistakes must be corrected at least once, up to 48 hours before departure, without extra charge. Under a new article added by Parliament (**§11b Right of passengers to transfer their ticket to another holder in exceptional circumstances and change of name of the ticket holder**), passengers may also transfer their ticket or change the ticket holder's name in exceptional circumstances (e.g., serious illness, death of a passenger or close family member, or force majeure), with notification at least 72 hours before the flight; any carrier fees must be reasonable and reflect actual costs.

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<sup>8</sup> See also EPF's position paper on the ongoing review of the Air Services Regulation (EC) 1008/2008, available <https://www.epf.eu/wp/wp-content/uploads/2025/12/Air-Services-Regulation-EPF-position-2025.pdf>

<sup>9</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62012CJ0487> – Case C-487/12

<sup>10</sup> For example: <https://www.consumentenbond.nl/acties-claims/nieuws/2025/panelonderzoek-handbagage>

<sup>11</sup> [https://www.beuc.eu/sites/default/files/publications/BEUC-X-2025-045\\_Fly\\_light\\_Pay\\_heavy\\_report.pdf](https://www.beuc.eu/sites/default/files/publications/BEUC-X-2025-045_Fly_light_Pay_heavy_report.pdf)

→ EPF welcomes the new **right to self-cancellation**. Passengers with standalone flights should have the same rights as package travelers: cancellation **without fees in major crises** (e.g., global health emergencies, terrorist attacks, natural disasters), and against **reasonable, pre-disclosed fees for other reasons**. A “major crisis” includes unavoidable events at the departure or destination that significantly affect travel, with official travel warnings serving as valid evidence. EPF supports legislative action on this topic as merely ‘encouraging’ stakeholders to act risks to have no effect and instead increase fragmentation and legal uncertainty for passengers. Travel insurance is not a good alternative either, as it often offers poor value for money and insufficient protection.<sup>12</sup>

→ As mentioned above (§4 *Denied boarding*), passengers should be informed of their right to **partial reimbursement** (e.g., airport charges and government taxes) in case of no-show or voluntary cancellation (also under review in the Air Services Regulation 1008/2008).

## 14. Check in

In the revised Regulation, Parliament added a new article (**§11c Check in**), granting passengers the right to check in online or at the airport free of charge. Carriers may offer self-service check-in, and passengers can choose between a paper or digital boarding pass.

→ EPF strongly welcomes that passengers should **not be forced to use a specific app or check in only online**. They must be able to print boarding passes at home or obtain them at the airport without extra fees, ensuring **accessibility for all** – including people without a smartphone or lacking digital skills – and preventing discriminatory practices.

## 15. Better information

The new Regulation (**§14 Obligation to inform passengers of their rights**) reinforces existing requirements by obliging airlines and intermediaries to provide clear information on passenger rights and complaint handling via their websites and apps, and to inform passengers of ticket type, terms, conditions, and rights (including name changes) in both the contract language and an international language. At check-in and boarding, this information must be available in the airport language and an international language. The EP adds the use of QR codes linking to the Commission’s app, the designation of a contact person at each airport, and accessible telephone support at local call cost. It also requires proactive passenger information in the event of disruptions.

→ EPF strongly **welcomes all efforts to better inform passengers** of their rights. Despite improvements since earlier surveys, a recent Eurobarometer study (2024)<sup>13</sup> shows that still only around 30% of respondents feel well informed about their rights when traveling by air.

→ EPF strongly supports **proactive communication of passenger rights**, not only at booking or check-in but also during disruptions. This should include clear reasons for cancellations or delays, automatic or pre-filled reimbursement/ compensation forms, and transparent guidance and procedures for complaints to carriers or intermediaries – including contact details of enforcement and ADR bodies (see also §4 *Denied boarding*, §5 *Cancellations*, §6 *Delays*, and §15a *Complaint to the carrier or intermediary*).

## 16. Complaint handling

The new version of the Regulation (**§15a Complaint to the carrier or intermediary**) requires carriers and intermediaries to have publicly available complaint procedures that are accessible to people with disabilities and include information on NEBs and ADR bodies.

<sup>12</sup> See for ex. the 2019 study *Consumer Protection Issues in Travel Insurance* by EIOPA, available [here](#)

<sup>13</sup> <https://europa.eu/eurobarometer/surveys/detail/2957>

Passengers should submit complaints within six months (Council) or one year (EP). In addition, the Parliament requires acknowledgment of receipt within 7 days and a response within 2 months, and allows passengers to escalate unresolved complaints to NEBs or ADR.

**Note:** This issue is also addressed in parallel in the Proposal for a Regulation amending Regulations (EC) No 261/2004, (EC) No 1107/2006, (EU) No 1177/2010, (EU) No 181/2011 and (EU) 2021/782 as regards the enforcement of passenger rights.

- ➡ Passengers need **not only clear information** about their rights but also **simple, accessible ways to enforce them**. While several redress options exist – airlines, enforcement bodies, ADR schemes, courts, or claims agencies – the range of choices can be confusing. Complaint processes are often slow, complex, and resource-intensive. Simpler complaint systems and more effective dispute resolution are therefore essential.
- ➡ EPF welcomes mandatory **in-house complaint procedures** for airlines and intermediaries, with clear **response deadlines**, easy access by **email and phone**, and **airport representatives** to assist passengers during disruptions (see also §15a: *Contingency plans*). Any **deadline** for submitting complaints should be one year, as proposed by Parliament, as shorter time limits would exclude many consumers.
- ➡ EPF also supports simplified systems such as a **standardized EU complaint form** in all EU languages, **pre-filled reimbursement and compensation forms**, and the introduction of **automatic reimbursement or compensation** (by default, in cash) where possible to reduce administrative burdens and reliance on claims agencies.
- ➡ Regarding enforcement, EPF welcomes **stronger NEBs** with the power to handle individual complaints and issue binding decisions, and an expanded role covering baggage rights, PRM rights, and price transparency. Airlines should be required to participate in **ADR schemes**, with binding decisions and clear handling deadlines. Finally, EPF supports **collective redress** mechanisms, especially for mass disruptions, and applying ADR and NEB decisions to all passengers affected by the same incident.

## 17. Enforcement

The revised Regulation (**§16 Enforcement/Designation of National Enforcement Bodies**) requires each Member State to designate an independent National Enforcement Body to handle passenger complaints, monitor compliance, impose sanctions, and publish reports. Passengers can submit disputes to Alternative Dispute Resolution bodies (**§16ac Out-of-court dispute resolution**), with (added by EP) mandatory participation by air carriers and intermediaries and binding decisions. NEB responsibilities include (added by EP) enforcement actions, complaint handling, information exchange, cross-border cooperation, oversight by the Commission, and (effective, proportionate, and dissuasive) penalties (**§16a–§16f**). Airlines must provide compliance documents (**§16g**) showing that procedures, including contingency plans, meet the regulation's requirements (EP addition). **Note:** This issue is also addressed in parallel in the Proposal for a Regulation amending Regulations (EC) No 261/2004, (EC) No 1107/2006, (EU) No 1177/2010, (EU) No 181/2011 and (EU) 2021/782 as regards the enforcement of passenger rights.

- ➡ In November 2023, the EU's "Passenger Mobility Package" proposed updates to passenger rights, aiming for stronger enforcement. EPF noted some improvements – such as enhanced reporting, better NEB cooperation, clearer passenger information, and a simplified complaint process with a standardized EU form – but no major changes. While the Council's revision of the Air Passengers' Rights Regulation adds nothing new, the Parliament's version includes several EPF-supported measures: mandatory operator and intermediary participation in Alternative Dispute Resolution, binding ADR and NEB decisions, and overall stronger NEB mandates.

- ➡ EPF supports stronger **monitoring, reporting, and public disclosure of service quality data** on carriers, intermediaries, and NEBs – including statistics on complaints, delays, and cancellations, lost luggage, etc. (see also *§15a Service quality standards* in the Enforcement proposal). Regular reporting would enhance transparency and accountability, encourage better performance, and help NEBs develop and share best practices.
- ➡ Enhanced **cooperation and exchange of information** should be encouraged – between NEBs, between NEBs and ADR bodies, and between NEBs and the Commission – through formal coordination procedures and reporting obligations, which would enable harmonised enforcement and coordinated action to deal with EU-wide infringements.
- ➡ According to EPF, **effective sanctions** should include, for example, a percentage of an airline's annual turnover for non-compliance. EPF further proposes that adherence to the existing European acquis – including on passenger rights, price transparency, and insolvency protection – be mandatory for EU **operating licenses**, with repeated violations potentially resulting in blacklisting or license revocation.
- ➡ Lastly, NEBs' oversight should also extend to compliance with Regulations **2027/97, 1107/2006** and **1008/2008**.

## 18. Purchase of tickets via intermediaries

Overall, the proposed revision text (*Council & EP*) clarifies that intermediaries, like carriers, must comply with passenger information requirements, implement complaint-handling procedures, participate in ADR schemes, and be monitored by NEBs. In parallel – to be negotiated separately – the *Proposal for a Regulation 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* includes additional provisions on the role of intermediaries. **§8a Reimbursement when the ticket was booked through an intermediary** specifies that reimbursement can go through the intermediary, must be free of charge, and clearly explained at booking. If the intermediary paid the airline, the airline must refund the intermediary within seven days, and the intermediary the passenger within a further seven days; if this fails, the airline must reimburse the passenger directly within seven days. **§14a Transfer of information** adds that intermediaries must identify themselves at booking and share passengers' contact and booking details with air carriers so carriers can meet their legal obligations. Air carriers must enable this exchange, may inform intermediaries alongside passengers, and may use and retain passenger data only as strictly necessary. During negotiations, it was clarified that the full cost of tickets booked through intermediaries – including intermediation fees – must be reimbursed, and intermediaries must inform passengers of all costs, clearly indicating the total ticket price, including optional services. Council added that third-country intermediaries must designate a legal representative (§16ab), while EP added that intermediaries should also assist passengers with tickets and provide alternatives in the event of travel disruptions.

- ➡ EPF calls for a clear definition of **intermediaries' roles**, including information provision, complaint handling, re-routing, reimbursement, compensation, and assistance, with defined B2B and B2C responsibilities and deadlines.
- ➡ Intermediaries should transparently show **total ticket costs**, additional fees, and reimbursable amounts, with **reimbursements covering the full cost** including intermediation fees. EPF supports GDPR-compliant **information exchange** between operators and intermediaries – as foreseen already under the Rail Passengers' Rights Regulation. We also support intermediaries' obligation to provide **remote assistance**, including **information** about disruptions, passengers' rights, complaint handling, and **alternatives** in case rerouting is needed.