



Press Statement

25 September 2014 – For Immediate Release

European Court of Justice – airlines do not have commercial freedom to charge for hand-baggage

ETRC welcomes the ruling of the European Court of Justice (ECJ) of 18th September 2014, in relation to “Vueling Airlines SA v. Instituto Galego de Consumo de la Xunta de Galicia¹,” which acknowledges hand baggage as a “necessary item” for the carriage of passengers which cannot be subject to a price supplement.

This development is a significant boost for the ETRC Air Passenger Rights Campaign, as the Court’s ruling clarifies that airlines do not have the commercial freedom to charge for hand baggage, on condition that such hand baggage meets reasonable requirements in terms of its weight and dimensions, and complies with applicable security requirements.

The Court clarified that airlines have the right to charge an additional fee for checked-in luggage, as unlike hand baggage, “checked-in baggage cannot be considered to be compulsory” for the carriage of passengers.

At present, negotiations on Air Passenger Rights within the Council of the European Union have been suspended due to the ongoing political dispute between Spain and the UK over the sovereignty of the isthmus that links Gibraltar with mainland Spain which includes the airport. This has halted negotiation on all aviation related dossiers, including the EU’s Open Skies Agreement and the revision of the Air Passenger Rights Regulation. ETRC continues to monitor developments closely and is hopeful that negotiations will begin again in the near future.

ETRC will be raising the Court’s Judgement with EU Member States and the European Commission in the coming weeks. We are confident that this judgement will be reflected in the final legislation when adopted, confirming the Court’s finding that the carriage of baggage that is not checked in, such as, in particular, personal items that a passenger keeps with him, cannot be subject to a price supplement.

ETRC and its national associations continue to advocate the right of passengers to bring airport shopping on-board as personal items, free of charge, and will continue to work with EU Member States to seek national governments’ support for a permanent legislative solution to restore passenger confidence in airport shopping and end consumer confusion.

ETRC President Sarah Branquinho said “ETRC have steadfastly taken the position that passengers should – in line with accepted practice - continue to be able to bring airport shopping on board in addition to the airlines prescribed hand baggage allowance, and without further charge. The European Parliament agreed with us in their vote earlier this year. It is now particularly pleasing that the European Court of Justice has taken a clear stance that hand baggage is not a commercial issue.”

ENDS

¹ Judgment in Case C-487/12, Vueling Airlines SA v Instituto Galego de Consumo de la Xunta de Galicia.



Supporting Document

ECJ Court Ruling 18th September 2014 available [here](#).

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