



Press Release
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Unhappy landings: EU air passenger rights fall by the wayside during the pandemic

Air passengers' rights have not been safeguarded in the EU during the COVID-19 pandemic, according to a report published by the European Court of Auditors (ECA). Airlines are legally required to give passengers their money back if they cancel flights. But many airlines forced their customers to accept vouchers, instead, a practice which is unlawful. The EU auditors also point out that airlines and package-tour operators received billions of euros of state aid, aid which was provided without being conditional on passengers being reimbursed.

EU air transport has been severely hit by the COVID-19 pandemic. Travel restrictions – often imposed in an uncoordinated manner by Member States – led to 7 000 air routes being closed in the European airport network; flight cancellations affected tens of millions of passengers in the EU between March 2020 and March 2021. In cases like this, EU law gives air passengers the right to have their cancelled flight tickets reimbursed or their cancelled trips rerouted. At the same time, the unexpected discontinuation of flights caused sudden and serious liquidity problems for airlines and package-tour operators. Many Member States quickly stepped in, granting unprecedented levels of state aid to allow them to continue operating, and to rescue them from potential bankruptcy.

“Among its many consequences, the pandemic has had a harmful effect on EU air passenger rights”, said Annemie Turtelboom, the member of the European Court of Auditors responsible for the report. “While every effort has been made to support airlines and package-tour operators, far too little has been done to secure the rights of millions of people in the EU.”

In the first months of the crisis, many passengers lost money to which they were entitled, the auditors found. It even happened with the Member States' agreement: 15 of them, including France, the Netherlands and Belgium, adopted exceptional measures to release airlines and package-tour operators from their usual obligation to reimburse passengers. Contrary to EU law, many passengers were obliged to accept vouchers, but these were not always protected against airline insolvency, and delayed the prospect of reimbursement. From mid-2020, airlines started reimbursing passengers. But in most cases, this took far longer than the seven days (for “flight-only” passengers) or 14 days (for travellers with a flight and accommodation package) required by legislation. The battle was even harder for those passengers who had not purchased their tickets directly from airlines. They were often ‘ping-ponged’ between intermediaries (such as travel agencies) and airlines, and at best received a partial or very late reimbursement. At worst, they were not reimbursed at all.

The purpose of this press release is to convey the main messages of the European Court of Auditors' special report. The full report is available at eca.europa.eu.

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In the meantime, the European Commission approved public measures to support airlines and package-tour operators which had been seriously impacted by the COVID-19 crisis throughout the EU. And it did so in record time: 54 state aid decisions were adopted on average within 13 days from the notification, 23 of those within one week. Overall, Member States put almost €35 billion of public money on the table between March 2020 and April 2021. Air France and KLM together received over €11 bn, Lufthansa over €6 bn, and TUI, TAP and SAS over €1 bn each – and the list goes on. However, Member States did not explicitly make the granting of aid to airlines contingent upon the reimbursement of passengers, even though the Commission, within the scope of its limited possibilities in the area of passenger rights, did make it clear that they could do so. Ultimately, Member States left the reimbursement of air passengers solely in the hands of the airlines, which followed their own priorities with regard to the use of the state aid. This led to air passengers being treated very differently across the EU, the auditors note.

Based on their conclusions, EU auditors address specific recommendations to the European Commission to better safeguard the rights of air passengers.

Background information

Protecting passenger rights is an EU policy with direct impact on citizens and thus highly visible across Member States. Passenger rights are defined at EU level, applied by transport providers and enforced by national bodies. Regulation 261/2004 sets out the EU rules on compensation and assistance to passengers in the event of denied boarding and of cancellation, or long flight delays. An EU Directive provides similar protection to people who book package deals – a flight booked together with a hotel, for example.

In 2018, the ECA already published a [report on passenger rights](#), covering all modes of transport. It highlighted that, even before the COVID-19 pandemic struck, the EU system of passenger rights had shortcomings.

Special report 15/2021: “Air passenger rights during the COVID-19 pandemic – Key rights not protected despite Commission efforts” is available on the ECA website (eca.europa.eu) in 23 EU languages.

The ECA presents its special reports to the European Parliament and the Council of the EU, as well as to other interested parties such as national parliaments, industry stakeholders and representatives of civil society. The vast majority of the recommendations made in the reports are put into practice.

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