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Five European organisations call on Member States to uphold, clarify and strengthen Air Passenger Rights — not weaken them

Every day, thousands of European passengers travel by air, hoping to reach their destination safely and on time. When things do not go according to plan, passengers may need to exercise some key rights which can prove lengthy, burdensome, and ineffective.

The current revision of the Air Passenger Rights Regulation should solve these issues. Unfortunately, **the current discussions might lead to a significant reduction of important passengers' rights.**

AGE-Platform Europe, BEUC, the European Consumer Organisation, the Centre for Consumer Protection in Europe, host of the European Consumer Centres France and Germany, the **European Passenger Federation (EPF)** and **European Disability Forum (EDF)**, recommend, ahead of the COREPER meeting planned on 21st May, to ensure that the reform of the Air Passenger Rights Regulation strengthens passenger rights and their enforcement, and **does not diminish them.**

1. Extraordinary Circumstances: alignment with European Court of Justice (CJEU) case law is fundamental

Too often, airlines use “extraordinary circumstances” to avoid paying compensation. **A non-exhaustive list of such events is needed, but should reflect the settled case law of the Court of Justice of the EU (CJEU).** The current proposal discussed in the Council largely departs from that jurisprudence.

Airline staff strikes, for example, are not extraordinary, as confirmed by the CJEU¹. They are inherently linked to the carrier's operations. Yet if allowed as an exemption, such strikes, which are increasingly common, would leave thousands of passengers unprotected.

¹ See Cases C-195/17 Krüsemann and Others, C-28/20 Airhelp, C-613/20 Eurowings and <http://curia.europa.eu/juris/liste.jsf?language=en&num=c-195/17>
<https://curia.europa.eu/juris/liste.jsf?lgrec=fr&td=%3BALL&language=en&num=C-28/20&jur=C>
<https://curia.europa.eu/juris/liste.jsf?num=C-613/20>

Moreover, given the major consequences for consumers, vague language like "*circumstances deemed to affect the flight*" must be replaced with stricter criteria such as "*incompatible with the operation of the flight*".

Finally, carriers should **proactively provide passengers with the reason behind the disruption in writing** within 14 days, and not only upon their request.

2. Compensation after a 3-hour flight delay should remain the rule

Current rules grant passengers compensation for long delays of 3 hours or more, based on key CJEU rulings (*Sturgeon, Nelson, Folkerts*). This has become a cornerstone of passenger protection. Raising the **threshold to 5 and 9 hours — depending on flight distance — would strip over 75% of currently eligible passengers**. This is an unacceptable step back from the current level of protection.

3. Choosing a refund should not deprive passengers of their compensation rights

When a flight is cancelled or significantly delayed, **passengers have the right to a refund or rerouting - and in both cases, to compensation**.

However, the **proposed revision would remove the right to compensation for passengers who choose a refund instead of rerouting**. This is unfair. Passengers who cancel their journey still suffer losses — time, money, and opportunities (e.g. missed events or business meetings), — which compensation is meant to address.

In some cases, for consumers, rerouting may simply not be the adequate solution when their entire trip becomes obsolete due to a flight disruption. **Such proposal would create a difference of treatment between passengers facing the same disruption** and would undermine the goal of the Regulation — ensuring a high level of protection for passengers.

4. Expanding the scope of the Regulation must not erode protection for “connected flights”

We support extending the scope of application of the Regulation, but not at the expense of the existing protection for connected flights. About 25% of complaints involve missed connections. These journeys must continue to be covered, even if a flight segment is operated by a non-EU airline outside the EU, in line with CJEU case law.

Instead of diminishing protection, **non-EU carriers and intermediaries should be required to appoint legal representatives in the EU**, to ensure fair treatment between EU and non-EU carriers, and better enforcement of passenger rights.

5. Better information obligation shall not lead to legal loopholes

We welcome the proposal to introduce a pre-contractual obligation for intermediaries to inform consumers of whether they are protected on connected flights or not. However, imposing the same obligation to airlines risks creating a legal loophole as they will be able, via a simple disclaimer, to circumvent connected flights protections (right to refund, rerouting care and assistance, compensation etc.)

6. Rerouting and Reimbursement: passengers must have a real right to choose

Under current rules, rerouting must be offered "*at the earliest opportunity*". However, unclear language and weak enforcement allow airlines to delay or avoid this duty.

The new proposal would allow airlines to offer any rerouting — even via long detours or inconvenient alternatives — with no obligation to further consider the passenger's needs. The choice of transport (same route, different route, other airline, or even a bus) would be up to the airline.

This is not acceptable, and passengers should be offered the fastest and most reasonable possible alternatives.

► Cap on "self-rerouting" refundable costs is unacceptable

When airlines fail to reroute passengers after a 3-hour delay, consumers should be free to find their own solution and be reimbursed in full. The proposed cap (e.g. 400% of the ticket price) is inadequate, especially for low-cost flights. Studies estimate that the rerouting and assistance costs can amount to [€770 on average per disrupted booking](#). Passengers should not be penalised for opting for self-rerouting.

► Right to choose between rerouting and refund must be preserved

The proposed rules would allow airlines to strip passengers of their right to choose a reimbursement once the airline offers them rerouting at the earliest opportunity. This severely undermines the current situation. Real choice requires full information, sufficient time to decide, and meaningful alternatives.

► Refund deadlines should stay at 7 days

Extending the reimbursement period to 30 days is unjustified. Airlines should continue to refund within 7 days as currently required.

7. "No-Show" clauses are unfair and should be banned, not legitimised

No-show clauses penalise passengers who miss one leg of their journey by cancelling the rest of the ticket. These clauses have already been declared unfair by supreme courts in Germany, Austria, and Spain. Instead of banning these practices, the current proposal would legitimise them — so long as consumers are told about them in advance. This is not acceptable. Passengers who pay for a return ticket should be able to use it, even if they missed the outbound leg.

8. Rights of passengers with disability and reduced mobility

The signatories would also like to recall that passengers with disabilities and reduced mobility still do not get full compensation when their mobility equipment is lost or damaged. The Air Passenger Regulation proposal (Article 6a, Regulation 2027/97) addressed this by requiring airlines to offer passengers the possibility to make a special declaration of interest to raise the liability to the actual value of the mobility equipment. While the Commission proposal required airlines to offer such declaration 'free of charge' the current Council wording requires it 'without an additional fee'. The wording of Article 6a must be sufficiently clear that passengers cannot be charged any sum for raising the liability for their mobility equipment.

From a procedural standpoint, we would also like to raise awareness among Member States of the consequences of adopting a *first reading* rather than a *General Approach* as is usually the case. Such a choice would impose strict and compressed deadlines for inter-institutional negotiations, which could be detrimental to the quality of the debate, to the in-depth analysis of the two positions of each institution, which is fundamental to find the best possible compromises possible in the interest of all passengers.

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