

Spain Fines Low-Cost Airlines \$163 Million For Hand-Luggage Charges And Separating Families



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Spain fines budget airlines €150m over 'abusive' cabin bag and seat charges

Transportes y Turismo

El Gobierno tendrá lista "en las próximas semanas" la multa de 150 millones de euros a las aerolíneas por cobrar por el equipaje de mano

Why Spain?

Article 97 Air Navigation Act: [...] *the objects and hand baggage carried by the passenger are not considered baggage. The carrier is obliged to transport in the cabin and for free, as carry-on baggage, the objects and pieces which the passenger carries with him.*

ECJ Ruling of 18/09/2014 As. C-487/12 (Vueling) : *hand baggage, it must be observed, in order to give a complete response to the referring court, that such baggage must be considered, in principle, as constituting a necessary aspect of the carriage of passengers and that its carriage cannot, therefore, be made subject to a price supplement, on condition that such hand baggage meets reasonable requirements in terms of its weight and dimensions, and complies with applicable security requirements.*

Resolution of the European Parliament of 4 October 2023 (2023/2774/RSP)

EU Commission response to Parliament Resolution adopted in plenary of 17 January 2024

- November 2023 proposal for Regulation amending Regulation 261/2004 et al.: self-regulation and industry standards as a solution?

- Regulation 1008/2008
- What did the ECJ actually say / mean in 2014?
- Personal dignity test?
- Safety concerns?
- Operational concerns?
- Liability limits under the Montreal Convention?
- Implications for intra-EU flights?
- Implications for extra-EU flights?
- The way forward...

