

Ref.: BEUC-X-2020-033

30 April 2020

**Re: European passenger rights must be upheld in the COVID-19 crisis –  
BEUC's proposals for way forward.**

Dear President,

I am writing on behalf of BEUC, The European Consumer Organisation, regarding the request from several Member States to amend European consumer legislation. Their objective is to impose vouchers on passengers who have booked flights and other transport tickets that have been cancelled due to the COVID-19 crisis.

European passenger rights regulations (for air, rail, ferries and bus), grant passengers the right to a full refund in the event of cancellation by the travel operator due to extraordinary circumstances, such as the COVID-19 pandemic. **This right to reimbursement** was confirmed by the European Commission's updated guidelines on passenger rights<sup>1</sup> regulations published last March. Various recent hearings and official statements made by Commissioners Mrs Adina Vălean<sup>2</sup>, Mr Didier Reynders<sup>3</sup> and M. Thierry Breton, Commissioner for Internal Market<sup>4</sup> and indeed by yourself, served to underline these principles. We would like to thank you and the College for standing firm and defending EU consumer and passenger rights so clearly.

**BEUC naturally strongly supports<sup>5</sup> the European Commission's position. Together with our members, we have also asked Member States** to ensure that any action taken at EU or national level should strike a balance between consumer protection and support to the travel and tourism industry.

As you are aware, **a growing number of Member States<sup>6</sup>**, are calling upon you to amend the Regulation 261/2004 on air passenger rights<sup>7</sup> by temporarily remove the right to reimbursement and instead requiring them to accept vouchers, which might not even be insolvency protected. **This retroactive elimination of European travellers' rights would have disastrous effects on consumer confidence in the travel industry and in our institutions.**

1/2

<sup>1</sup> <https://ec.europa.eu/transport/sites/transport/files/legislation/c20201830.pdf>

<sup>2</sup> <https://www.europarl.europa.eu/committees/en/exchange-of-views-with-commissioner-vale/product-details/20200422CAN54681>

<sup>3</sup> <https://www.europarl.europa.eu/committees/en/exchange-of-views-with-commissioner-didi/product-details/20200407CAN54346>

<sup>4</sup> <https://www.europarl.europa.eu/committees/en/exchange-of-view-with-commissioner-breto/product-details/20200408CAN54364>

<sup>5</sup> <http://www.beuc.eu/publications/beuc-welcomes-european-commission%E2%80%99s-call-member-states-work-solution-help-travel/html>

<sup>6</sup> <https://www.permanentrepresentations.nl/permanent-representations/pr-eu-brussels/documents/publications/2020/04/29/joint-statement-on-airline-vouchers>

<sup>7</sup> Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91 (Regulation)

The COVID-19 crisis **is not only hitting the industry, but also consumers**. Some are already exposed to serious financial difficulties and do not know how they will pay their rent or mortgage at the end of the month.

Therefore, we urge you to maintain passenger rights intact and to actively cooperate with the Member States to find EU or national emergency measures to maintain the right to reimbursement and ensure industry liquidity. We have suggested countries use national state aid potentially combined with an EU travel fund that helps cover passenger reimbursement claims and insolvency protection. **Enclosed you will find BEUC's proposals for the way forward**, in which we also recommend criteria for vouchers, with the aim of making them more attractive to consumers. **Such vouchers must always remain a voluntary choice for consumers**.

The same applies for the EU package travel directive, according to which consumers have a right to reimbursement for pre-paid but cancelled holiday arrangements. Our attached position paper also addresses issues with regards to this directive and we hope that the European Commission will maintain its position as repeatedly expressed by Commissioner Reynders in favor of the application of the existing right to reimbursement.

**European consumers are not banks and should not be forced to give cheap loans to the travel industry.**

We also urge you **to call on Member States that have already set up measures that jeopardise travellers' rights to comply with European law and to launch infringement procedures where necessary**.

**It is precisely in times of crisis that Europeans need to be able to count on strong consumer rights.**

We remain at your disposal if you or your team require any further information.

Yours sincerely,

Monique GOYENS  
Director General

Ursula PACHL  
Deputy Director General

**Encl: BEUC's [position paper](#) on travellers' rights during the COVID-19 crisis**

**Cc:**

- Bjoern Seibert, Head of Cabinet of President Ursula von der Leyen
- Kurt Vandenberghe, member of the President's cabinet
- Charmaine Hili, member of the President's cabinet
- Bénédicte Van Ormelingen, cabinet of Commissioner Reynders
- Gaele Michelier, cabinet of Commissioner Vălean