



**6th trilateral (D/A/CH) meeting on Regulations (EC) No
261/2004 & 1107/2006
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Enforcement of Air Passenger Rights by the CPC-Network:

CPC Airlines Action and CPC Airline Intermediaries Action

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Coordinated actions under the Consumer Protection Cooperation (CPC) Regulation (EU) 2017/2394

- CPC Regulation establishes **cooperation mechanism** for enforcing, in **cross-border** cases, specific **Union laws protecting consumers' interests**. Those Union laws are listed in the **annex** to the CPC Regulation.
 - Point 8 of annex: **Air Passenger Rights Regulation (EC) 261/2004**
 - Point 9 of annex: **Unfair Commercial Practices Directive 2005/22/EC**
- Article 5(1) of the CPC Regulation requires Member States to designate one or several **competent authorities ('CPC authorities')** that are responsible for the application of that regulation.

The CPC Airlines Action

CPC airlines action – airlines and coordinating CPC authorities

- **16 major airlines operating on the EU market**
 - **Aegean Airlines, Air France, Alitalia, Austrian Airlines, British Airways, Brussels Airlines, Easyjet, Eurowings, Iberia, KLM, Lufthansa, Norwegian, Ryanair, TAP, Vueling, Wizz Air**
- **6 coordinating CPC authorities, supported by the European Commission**
 - **Belgian FPS Economy**
 - **German Luftfahrt-Bundesamt**
 - **Greek Civil Aviation Authority**
 - **Italian Competition Authority**
 - **Spanish Ministry of Consumer Affairs**
 - **Swedish Consumer Agency**

CPC airlines action – milestones

December 2020	Commission alerts CPC network
February 2021	CPC network launches coordinated investigation and sends coordinated survey to the 16 airlines
March – July 2021	CPC network evaluates and follows up on survey replies, agrees targets for commitments by airlines and discusses solutions with airlines
August – Sep. 2021	CPC network conducts individual dialogues with each airline to resolve any remaining points; airlines make wide-ranging commitments
December 2021	Dialogues closed with all airlines; start of monitoring phase

CPC airlines action – focus points

- (1) not providing information to consumers or providing misleading information to consumers on their passenger rights** (in violation of Article 14(2) of Regulation (EC) No 261/2004 and Articles 5, 6(1) and 7 of Directive 2005/29/EC, as transposed in the legal orders of the Member States);
- (2) failing to offer passengers the choice between reimbursement in money and reimbursement in the form of a voucher, by proposing vouchers as the sole form of reimbursement available** (in violation of Articles 5(1)(a) and 8(1) in conjunction with Article 7(3) of Regulation (EC) No 261/2004); and
- (3) failing to respect the time limit of seven days for reimbursement of cancelled flights** (in violation of Articles 5(1)(a) and 8(1) of Regulation (EC) No 261/2004).

CPC airlines action – commitments made

- Clearing **reimbursement backlog** by 1 September
- Respecting **7-day time limit** for reimbursement
- **Clearer information** about cancellation-related passenger rights
 - Equal prominence given to different options (re-routing, money reimbursement and – if offered by the airline – vouchers);
 - Clear distinction between flight cancellation by the airline (and ensuing statutory passenger rights) from flight cancellations by the passenger (and possible contractual rights that the passenger may have in those cases under the airline's terms and conditions of carriage)
- **Vouchers only if** passengers **expressly chose** them. **Offering reimbursement in money** to passengers holding **unused vouchers that had been pushed** on them in the early stages of the pandemic (NB: To date, **Wizz Air** has not made this commitment)
- **Informing passengers** who booked flight via an intermediary and have difficulty obtaining a refund **about possibility and conditions for requesting refund directly with airline**

The CPC Airline Intermediaries Action

CPC airline intermediaries action – online travel agencies (OTAs) concerned and coordinating CPC authority

- **3 major airline intermediaries operating on the EU market**
 - **eDreams ODIGEO** (eDreams, Opodo, Go Voyages, Travellink, Liligo)
 - **Etraveli** (Mytrip, GotoGate, Flybillet, Flightnetwork, Supersavetravel, seat24, Travelstart)
 - **Kiwi.com**
 - **[Otravo – ceased operations in December 2022]**
- **Swedish Consumer Agency as coordinating CPC authority**

CPC airline intermediaries action – milestones

June 2022	CPC network launches coordinated action against eDreams ODIGEO, Etraveli, Kiwi.com and Otravo and sends common position
December 2022	Otravo ceases operations; CPC network sends preliminary assessment to remaining three OTAs
Dec 22 – Apr 23	CPC network evaluates and follows up on observations and complementary information, agrees targets for commitments and discusses solutions with OTAs
May 2023	Individual dialogues; OTAs make wide-ranging commitments
June 2023	CPC action closed; start of monitoring phase

CPC airline intermediaries action – focus points

- (1) **delayed transmission of refunds** (Article 5(2)(a) icw Article 2(h) of the Unfair Commercial Practices Directive 2005/29/EC [‘UCPD’]; Article 7(1) UCPD);
- (2) **information** of consumers **about** their **cancellation-related passenger rights** (Article 7(1) UCPD);
- (3) **information** of consumers **about non-transfer** of their **contact and payment details** to the airline **and consequences** for the consumer’s passenger rights (Article 7(1) UCPD);
- (4) easy access to **OTA’s telephone number and e-mail address** (Article 6(1)(c) of the Consumer Rights Directive 2011/83/EU [‘CRD’]; Article 7(1), (5) in conjunction with Annex II UCPD and Article 5(1)(c) of Directive 2000/31/EC on electronic commerce);
- (5) **transparent information** on **service packages** (Articles 5, 6 and 7 UCPD)
- (6) additional specific issues (eDreams: compliance with Package Travel Directive (EU) 2015/2302; Kiwi.com: information on specific risks and environmental impact of certain types of journey they offer).

CPC airline intermediaries action – commitments made

- Clearing **reimbursement backlog** by 30 June 2023
- **Transferring refunds** for cancelled flights **within 7 days** from having received them from the airline
- **Clear information on cancellation-related passenger rights**
 - Right to re-routing and reimbursement
 - Clear information if flight was cancelled
- **Clear information on consequences** that specific services/practices by intermediaries can have **on the consumer's rights in the event of a flight disruption**
- **OTAs' telephone number and e-mail addresses** easily accessible on/via their websites
- **Transparency on features/benefits of the service packages** offered
- Specific additional commitments by eDreams and Kiwi.com

Q&A



Further information: https://ec.europa.eu/info/live-work-travel-eu/consumer-rights-and-complaints/enforcement-consumer-protection/coordinated-actions/air-travel_en