

Air passenger rights at risk under new EU proposal to reform existing rules

On the occasion of Europe Day, ECC-Spain is concerned about the European Commission's proposal to reform Regulation (EC) No 261/2004 on air passenger rights.

Madrid, 9 May 2025. The European Consumer Centre in Spain (ECC-Spain) is concerned about the European Commission's planned reform of Regulation (EC) No 261/2004, which regulates air passenger rights. Although the proposal aims to close the legal loopholes in the regulation, it does so by weakening some of the rights that passengers currently have, in particular those related to compensation and assistance in the event of flight delays. Thus, as a member of the European Consumer Centres Network ([ECC-Net](#)), and together with the main consumer protection organisations, CEC-Spain warns that this European Union (EU) proposal would significantly reduce the number of passengers entitled to compensation.

Main concerns raised by the ECC-Net Network

ECC-Net raises concerns about the EU's proposal to update air passenger rights. In this context and based on its 20 years of experience in advising and defending the rights of consumers, ECC-Net warns:

Compensation: Loss of rights in case of delays.

With the proposed changes, the EU intends to significantly increase the time for passengers to claim compensation in case of flight delays. Currently, passengers are entitled to compensation if a flight arrives at its destination at least 3 hours late. If the new rules are successful, the threshold for compensation would be significantly extended, so that financial compensation would be payable when the flight is delayed by 5, 9 or 12 hours depending on the distance of the journey:

- 250 euros for delays of more than 5 hours (up to 3,500 km).
- 400 euros from 9 hours (more than 3,500 km within the EU or 6,000 km outside the EU).
- 600 euros only from 12 hours onwards (long haul).

This increase in delay times could result in up to 85% of passengers currently entitled to compensation losing this right. This measure could also have negative consequences on the quality of services, as airlines would not be obliged to compensate passengers when the delay does not exceed five hours, which could presumably lead to a decrease in the punctuality of flights.

Longer waiting times for delays

Airlines will be able to extend delays by up to 12 hours without having to compensate passengers. During this time, passengers will not be able to seek alternative flights without losing their rights. Currently, if the flight is delayed by - at least - five hours and the passenger decides not to travel, he/she will be entitled to reimbursement, although in these cases he/she would not be entitled to compensation as he/she would not arrive at the destination more than 3 hours late.

Loss of legal precedents

The proposed reform does not adequately incorporate the extensive case law developed by the Court of Justice of the EU over the last two decades, which has played a key role in strengthening existing passenger rights.

Redefinition of 'extraordinary circumstances'.

The revised regulation introduces a non-exhaustive list of circumstances that are considered extraordinary circumstances which could make it easier for airlines to refuse compensation.

ECC-Net is committed to updating rules and improving passenger

Flight delays and cancellations can generate significant costs and damages for passengers, such as having to book unplanned accommodation due to a cancellation or delay, or the loss of business opportunities due to missed meetings. Therefore, ECC-Spain considers it necessary to update and revise the regulations, although this should not mean - under any circumstances - the loss of rights or less protection for consumers. Therefore, the European Centre defends that this reform should also aim to improve and not to reduce passengers' rights. Thus, the update of these rules should guarantee fair and adequate assistance and compensation when airlines do not comply with the contracted services due, for example, to a delay or cancellation of the flight. Similarly, ECC-Spain advocates the need to clarify certain aspects of the rules on air passenger rights and urges policy makers to reconsider those provisions that would reduce current consumer protection and further harm consumers financially. Particularly in view of the fact that, according to surveys, consumers perceive the current protection given to air passengers under EU rules as an important achievement of the EU.

ECC-Net proposals to strengthen passenger rights

ECC-Net urges the European Commission, the European Parliament and the Member States to implement a reform that strengthens the protection of air passengers. Instead of weakening their rights, ECC-Net calls for improvements in the following areas:

- **Stricter rules for online ticketing platforms.**
The Network is calling for more protection against lack of transparency of information and delays in the collection of refunds. ECC-Net proposes to put an end to the time-consuming process of passengers claiming the compensation they are entitled to through intermediaries. Passengers buying through online platforms should be able to claim their rights directly from the airline.
- **Eliminate 'No-Show' clauses.**
In cases where a passenger misses a segment of a flight, e.g. a flight with a stopover, airlines can currently consider this as a 'No-Show' or 'No-Show' case and can cancel the rest of the outstanding segments included in both the outward and return journeys contained in the ticket. ECC-Net proposes that the passenger can use all the routes included in his/her ticket, regardless of whether he/she does not use any of them.
- **Faster re-accommodation of passengers on an alternative flight, including the possibility that the transport may be operated by other airlines.**
- **More protection for passengers in the event of airline bankruptcy.**
Air passengers should have real options to receive reimbursement of tickets in the event of insolvency or bankruptcy.
- **Clearer rules on baggage:**
ECC-Net considers it necessary to develop harmonised and more transparent rules to clarify the compensation to which passengers are entitled in case of lost or damaged baggage. It is also important to have rules that more clearly define hand and checked baggage and thus avoid possible hidden fees and non-transparent rules.
- **Mandatory mediation.**
ECC-Net proposes that all airlines should be obliged to participate in procedures to try to resolve consumer-business disputes out of court (Alternative Dispute Resolution). The European Consumer Centre in Spain recalls that in Spain - with certain exceptions - it is already mandatory for businesses and consumers to try to negotiate agreements through an Appropriate Means of Dispute Resolution ([ADR](#)) before going to court.
- **More efficient enforcement by national authorities**
The aim is to ensure that airlines scrupulously comply with the rules and do not shirk their obligations and responsibilities.

>> Download [here](#) the full ECC-Net position paper on the EU proposal to reform air passenger rights rules ([Position Paper](#)).

About ECC-Spain

The European Consumer Centre in Spain ([ECC-Spain](#)) is a public body that provides services to consumers living in Spain. It is funded by the European Union and the Ministry of Social Rights, Consumer Affairs and Agenda 2030 and, like the other centres that make up the ECC-Net network, it provides information, advice and assistance to consumers on cross-border European consumer issues. As part of these assistance services, it helps consumers by handling complaints related to purchases made in shops based in another Member State, as well as in Iceland, Norway or the UK. It thus helps residents of Spain to better understand their rights as consumers and to enjoy all the benefits of the single internal market and the digital single market.