



**VOLOTEA S.L.**

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*Brussels, 02/07/2024*

**Re: Volotes's baggage policy and consumer compensation**

We're writing on behalf of Euroconsumers<sup>1</sup> regarding the successive changes to Volotea's baggage policy implemented in recent years that undermine price comparability and unduly harm the economic interests of consumers.

In fact, in recent years new baggage policies have been implemented which currently requires passengers who purchase a ticket with Volotea and who want to travel with hand luggage, even of a reasonable size, as it is legitimate and expected, to purchase a price supplement for priority boarding for this purpose.

Euroconsumers notes that this practice clearly harms the possibility for consumers to compare prices, as envisaged by Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community, which states that *the final price to be paid shall at all times be indicated and shall include the applicable air fare or air rate as well as all applicable taxes, and charges, surcharges and fees which are unavoidable*

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<sup>1</sup> Gathering five national consumer organisations (Test-Aankoop / Test-Achats in Belgium, Altroconsumo in Italy, DECO and DECO Proteste in Portugal, OCU in Spain, Proteste in Brazil) and giving voice to a total of more than 1.5 million people, Euroconsumers is the world's leading consumer group in innovative information, personalised services and defence of consumer's rights.

*and foreseeable at the time of publication.* This must occur from its first presentation as the Court of Justice has already clarified<sup>2</sup>.

Furthermore, and as you are certainly aware, this Court has also observed that *as regards baggage that is not checked in, namely hand baggage, 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* (Case C-487/12 - Vueling Airlines SA v Instituto Galego de Consumo de la Xunta de Galicia).

Contrary to this clarification made by the Court of Justice, Volotea continues to apply fees<sup>3</sup> that vary depending on whether the hand luggage is added in the booking process through website (€10), call center (€ 15), or at the airport (€ 40).

Euroconsumers cannot agree with this imposition and formally calls for the necessary changes to be introduced so that passengers can from now on travel with reasonably sized hand luggage, without additional costs. Furthermore, **Euroconsumers considers that passengers who have unduly paid supplements must be duly reimbursed for the amounts paid, and in this sense, hereby demands compensation for passengers harmed by Volotea's practice.**

We must also note that, on 31 May 2024, following an investigation into a series of practices, the Spanish Ministry of Social Rights, Consumer Affairs, and Agenda 2030 announced its decision in the case, imposing a fine on Volotea and other carriers for infractions, including the imposition of additional charges for hand luggage. The decision also includes a supplementary sanction prohibiting the continuation of this practice. This decision further clarifies and reinforces the position outlined above, underscoring the necessity for Volotea to adjust its baggage policy across various jurisdictions and to compensate consumers who have been improperly charged such additional fees.

We expect a prompt response detailing your proposed actions to rectify the situation and to provide adequate compensation to the affected parties.

Failure to do so will leave us with no choice but to pursue legal action to protect the rights and interests of those harmed.

We hope that we can avoid such an outcome and look forward to your prompt response.

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<sup>2</sup> Case C-573/13.

<sup>3</sup> Cabine baggage 10kg is included only for Megavolotea and Megavolotea Plus members.

Please acknowledge receipt of this letter at your earliest convenience.  
Sincerely,

**Marco Scialdone**

*Head Of Litigation*

Euroconsumers

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**Sara Vermeulen**

*General Legal Advisor*

Test Achat/Test Aankoop



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