



VUELING AIRLINES S.A

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Brussels, 02/07/2024

Re: Vueling's baggage policy and consumer compensation

We're writing on behalf of Euroconsumers¹ regarding the successive changes to Vueling'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 mean that with the exception of passengers who have purchased special fares, premium customers, customers requiring special assistance at the airport and customers travelling with an infant, passengers who purchase a ticket with Vueling and who want to travel with hand luggage, even of a reasonable size, as it is legitimate and expected are required to pay a price supplement.

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*

¹ 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 clarified².

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, even before the implementation of this baggage policy, Vueling continues to apply fees that vary depending on demand, the route and selected travel dates, and also depending on whether they are added in the booking process (between € 10 and € 59 per item and flight), through the Customer Service (between €10 and € 59 per item and flight) or subsequently, at the airport (between € 45 and € 75 per item and flight at check-in desk).

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 Vueling'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 Vueling 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 Vueling 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.

² Case C-573/13

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

Marco Scialdone

Head Of Litigation

Euroconsumers

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