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WIZZ AIR HUNGARY LTD

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Brussels, 02/07/2024

Re: Wizz Air's baggage policy and consumer compensation

We're writing on behalf of Euroconsumers¹ regarding the successive changes to Wizz Air's baggage policy implemented in recent years that undermine price comparability and unduly harm the economic interests of consumers.

In fact, since 2018, a new baggage policy has been implemented, which, contrary to what was previously the case, and has always been the practice in the aviation sector, requires passengers who purchase a ticket with Wizz Air and who want to travel with hand luggage, even of a reasonable size, as it is legitimate and expected, to purchase a price supplement called *WIZZ Priority* for this purpose.

At the time it was stated that such policy would be implemented in response to excess cabin luggage that allegedly delayed boarding on flights, but what we have seen is that it hasn't simplified the process, as many passengers are unaware of this rule and are used to being able to take a small travel trolley with them, while the queues at priority boarding get longer and mischaracterise what should be a faster boarding queue.

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, Wizz Air continues to apply fees that vary depending on the selected travel dates and on whether they are added in the booking process, through the WIZZ Call Centre or subsequently, at the airport, between €10 – €60 (wizzair.com & call centre) and €55.00 (airport).

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 the carrier'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 several 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 Wizzair 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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