

**Question for written answer P-000690/2019  
to the Commission**  
Rule 130  
**Bart Staes (Verts/ALE)**

Subject: 'No show' clauses and passengers' rights

Under 'no show' clauses, airlines sometimes refuse to allow passengers to board a return flight because they have missed the outbound flight, even though they have paid for their tickets. Those who wish to travel on the return flight must re-book and in many cases pay extra. This not particularly consumer-friendly.

Yet Regulation (EC) No 261/2004 could regulate this aspect. However, negotiations on this issue have been blocked for a long time because of a conflict between Spain and the United Kingdom. The European Parliament's proposal concerning 'no show' clauses not only seems consumer-friendly but would ensure greater respect for passengers' rights. In response to complaints from passengers, the proposal provides that it should not be permissible for passengers who have a return ticket to be denied boarding on a return flight because they failed to take the outbound flight.

1. Agreement has been reached on Gibraltar in the context of the Brexit agreement. Does the Commission still see reasons why the revision of the abovementioned Regulation should remain blocked within the Council, or will it press for the proposal to be given a first reading soon?
2. Is the Commission willing to do more to promote air passengers' rights, in particular with regard to 'no show' clauses, and how does it intend to do so?
3. What time frame does the Commission have in mind for the revision of the above Regulation?

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P-000690/2019  
Answer given by Ms Bulc  
on behalf of the European Commission  
(25.3.2019)

1. Since the end of 2015, when Council last dealt with the Commission proposal for a revision of Regulation (EC) 261/2004<sup>1</sup>, the Commission has pursued with every subsequent Council presidency the reopening of the negotiations on this file and will continue to do so with the next Presidencies. However, it is ultimately up to the Council to resume the work on the proposal revising air passenger rights Regulation.
2. As pointed out last in its answer to the Written Question E-4009/2018, the Commission has already addressed the issue of the 'no-show' policy in its above-mentioned proposal. The amendments would ensure that passengers could not be denied boarding on a return journey of the same ticket on the grounds that they did not take the outward journey. However, such a ban would not affect the right of airlines to impose particular rules with regards to the sequential use of flights within a same journey<sup>2</sup>. Meanwhile, courts and authorities of several Member States decided that "no show" clauses used in the standard terms and conditions of various airlines were contrary to national legislation transposing Directive 93/13/EEC on unfair terms in consumer contracts<sup>3</sup>.
3. As pointed out under point 1, it is up to the Council to resume work on the proposal revising air passenger rights Regulation. The Commission stands ready to do the utmost to facilitate achieving the agreement by co-legislators.

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<sup>1</sup> Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 261/2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights and Regulation (EC) No 2027/97 on air carrier liability in respect of the carriage of passengers and their baggage by air (COM(2013) 130 final of 13.3.2013).

<sup>2</sup> Article 1(3(b)) of the proposal — Article 4(4) of the amended Regulation (EC) No 261/2004.

<sup>3</sup> Council Directive 93/13/EEC on unfair terms in consumer contracts, OJ L 95, 21/4/1993, p. 29. See more detailed information in the Commission's reply to the Parliament regarding Petition 165/2018.