

**Question for written answer E-002371/2020
to the Commission**

Rule 138

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Subject: Restrictions on consumer rights due to the loss of compensation payments

Regulation (EC) No. 261/2004 on passenger rights offers passengers legal protection in the event of flight cancellations or long delays. As a consequence, the Passenger Rights Regulation provides that consumers are entitled to compensation through a compensation payment in accordance with Articles 5 (1) and 7. However, the obligation to make compensation payments does not apply if the cancellation was made due to exceptional circumstances. As a result of the coronavirus crisis, dozens of flights have had to be cancelled. In its communication of 18 March 2020 on interpretation guidelines for the regulations on passenger rights, the Commission specifically stated that the measures taken by the authorities to curb the COVID-19 pandemic were to be understood as exceptional circumstances. As a result, passengers are no longer entitled to compensation.

Every airline has been aware of the coronavirus crisis for months, but they continued to operate flights, even though the current flight bans were foreseeable.

1. How does the Commission justify its decision, given the disadvantage suffered by passengers?
2. What does the Commission think of compulsory state compensation for those affected, given that the flight ban is a decision by the authorities?
3. Which official measures exactly meet the criteria for exceptional circumstances?