

European Scrutiny Committee

House of Commons London SW1A 0AA

Tel (020) 7219 5465/3292 Email escom@parliament.uk Website www.parliament.uk/escom

From: Sir William Cash MP

6 May 2020

Rachel Maclean MP
Parliamentary Under Secretary of State
Department for Transport
Great Minster House
33 Horseferry Road
LONDON SW1P 4DR

6913/20: COVID-19: Commission guidance on EU passenger rights

The Committee have asked me to thank you for your Explanatory Memorandum (EM) of 9 April 2020 on the above listed document.

The current challenges facing the transport industry and passengers are unprecedented and your detailed analysis of the European Commission's guidance is greatly appreciated.

This having been said, the situation is developing rapidly and, as such, the Committee requests further information on a number of points you cover in your EM, in particular, with regards to the application of the Air Passenger Rights Regulation (which continues to apply in the UK during the post-exit transition period established by the UK/EU Withdrawal Agreement).¹

The Committee is aware of airlines issuing vouchers to passengers for cancelled flights when full cash refunds have been requested. A recent high-level meeting of EU transport ministers was undecided on whether the Air Passenger Rights Regulation should be amended to allow this practice or, alternatively, airlines should be warned that doing so is not permitted.²

¹ [Regulation \(EC\) No 261/2004](#) of the European Parliament and of the Council of 11 February 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 repealing Regulation (EEC) No 295/91 (Text with EEA relevance)

² Croatian Presidency of the Council of the European Union, ['Presidency Summary of the Informal Videoconference of Transport Ministers'](#) (29 April 2020)

The Committee notes with interest the launch by the Competition and Markets Authority (the CMA) of its inquiry into the cancellation and refund rights of consumers during the pandemic.³ This inquiry will not, however, investigate air passenger rights. Against this background, the Committee requests further information on the following points:

- the Government's view on whether the Air Passenger Rights Regulation should be amended to allow airlines to issue vouchers rather than full refunds during the COVID-19 outbreak;
- details of the conversations it has had with industry and EU partners in this regard;
- whether the Government is investigating—or will investigate—the practice of airlines issuing vouchers when refunds have been requested by passengers; and
- whether the Government will propose any legislative or administrative measures to support air passenger rights during the current crisis (as other European countries have).

Finally, the Committee draws attention to the 'Legal and Procedural Issues' section of your EM, specifically, your explanation that the Commission's Communication is of relevance to Gibraltar. As you note, the Air Passenger Rights Regulation is currently suspended in Gibraltar. Coupled with the considerable uncertainty that the pandemic is causing for passengers, the Committee seeks your view on how the suspension of the Air Passenger Rights Regulation in Gibraltar will affect passengers travelling through Gibraltar International Airport.

We ask that you respond to this letter in 10 working days.

I am copying this letter to Lord Kinnoull and Christopher Johnson in the Lords; to Les Saunders at the Department for Exiting the European Union; and to Margaret Browne, Departmental Scrutiny Co-ordinator.

CHAIRMAN

³ HM Government, ['COVID-19: CMA to investigate cancellation policy concerns'](#) (30 April 2020)