



## OPEN LETTER

**European Commissioner for Justice**  
European Commission  
200 Wetstraat / Rue de la Loi  
1000 Bruxelles/Brussel  
Belgium

**Brussels, Belgium**  
**May 6th, 2020**

Dear Commissioner Reynders,

Over the past few days, a number of EU member states have outspokenly supported rule changes that would effectively dismantle 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. The European Council is awaiting feedback from the European Commission on the matter, which is why we reach out to you.

The Consumer Choice Center is very concerned by this proposal, supported now by a majority of the European Council. We list the concerns as the following:

- **Consumers purchased flight tickets with regulatory protections in mind.** They are legally entitled to these protections, which cannot retroactively be dismantled. Such changes would set an untenable legal precedent.
- **Trust in consumer protection would receive long-term damage if such a decision was made.** What trust could consumers lay in EU regulations if they might be paralysed later on due to political decisions?
- **A rule-change would contravene the principle of free competition in Europe, by favouring some airline industry players over others** (i.e those who have withheld payments past the 7-days rule, over those who reimbursed customers already).
- **Consumers will be placed in financial hardship** due to such a potential change, as some households are strapped for cash, and should not be asked to be content with receiving a voucher.
- **Receiving a voucher would guarantee no legal certainty of retaining value.** If this airline comes into serious financial hardship due to COVID-19, who will guarantee the value of the voucher?
- **Exempting companies from this responsibility will incentivise them to act irresponsibly in the future.** There would be no added benefit in following the rules by the book, if retroactive changes can be achieved through effective advocacy towards individual member states.

We believe that the Commission should not suggest changes that would undermine Regulation (EC) No 261/2004. The aviation sector can be supported through alleviating local airline taxes and overall regulatory burdens, yet withholding cash payments from hard-working consumers is simply unjust.

We hope the voice of consumers will not be ignored, and the integrity of the rule of law will remain untouched.

Yours sincerely,

**Frederik Cyrus Roeder**  
Managing Director  
Consumer Choice Center



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Alexandria (VA) 22303 United States



## OPEN LETTER

**European Commissioner for Transport**  
European Commission  
200 Wetstraat / Rue de la Loi  
1000 Bruxelles/Brussel  
Belgium

**Brussels, Belgium**  
**May 6th, 2020**

Dear Commissioner Vălean,

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