

Brussels rules in favour of airlines and leaves room for them to charge for hand luggage.

On 8 October 2025, Brussels ruled on the dispute between the Spanish government and five low-cost airlines over hand luggage charges. This dispute began in November 2024, when the Ministry of Social Rights, Consumer Affairs and Agenda 2030 imposed fines totalling €179 million on five low-cost airlines (Ryanair, Vueling, EasyJet, Norwegian and Volotea) for practices considered abusive, including charging for the transport of additional hand luggage.

In response to this ruling, the airlines concerned decided to take the matter to Europe, which yesterday ruled in their favour, urging the Spanish Government to annul the penalties imposed. In general terms, the Commission points out that these penalty decisions are based on an interpretation of the CJEU ruling in case C-487/12, which is in line with the provisions of the Spanish Air Navigation Law, but which, taken as a whole, infringes Regulation (EC) No 1008/2008 by unduly restricting the freedom of airlines to set prices.

The Commission relies on the doctrine established by the Court of Justice of the European Union (hereinafter 'CJEU') in Case C-487/12 (Vueling Airlines SA v Instituto Galego de Consumo). In that judgment, the CJEU distinguished between two situations:

- Reasonable hand luggage (which meets safety requirements and appropriate dimensions) must be considered an essential element of transport and, therefore, cannot be subject to an additional surcharge.
- On the contrary, baggage that exceeds these reasonable limits may be subject to free pricing by airlines.

The Commission considers that Spanish legislation prevents airlines from differentiating between services with different hand luggage allowances by establishing a general obligation to transport luggage free of charge without allowing any type of supplement, which constitutes a restriction on the freedom to set fares recognised by the Regulation.

Not only does it agree with the five airlines concerned, but the European Commission has also decided to initiate infringement proceedings against Spain by sending a letter of formal notice under case INFR(2025)4019, on the grounds that Spanish national legislation on air services does not fully comply with EU law.

The proceedings are based on the aforementioned 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 regulates access to the air transport market in the European Union and, in particular, Article 22(1), which recognises the freedom of Community airlines to set their fares for the provision of services.

In this context, the Commission considers that Spanish legislation, in particular Article 97 of Law 48/1960 of 21 July on Air Navigation, infringes this freedom by prohibiting airlines from applying an additional charge for the carriage of hand luggage, even when it exceeds what can be considered reasonable in terms of weight and dimensions.

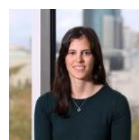
Through this communication, the Commission urges Spain to bring its national legislation into line with EU law on air services, giving it two months to submit its observations and propose the necessary measures to remedy the deficiencies identified. If no satisfactory response is received, the Commission may adopt a reasoned opinion and, ultimately, refer the matter to the CJEU.



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