

# FOR GOVERNMENT REPATRIATION FLIGHTS, AIRLINES ARE NOT REQUIRED TO REIMBURSE



A recent ruling by the EU court has determined that passengers who were repatriated on government-organized flights during the early stages of the COVID-19 pandemic may have a more difficult time receiving reimbursement. Specifically, those who were transported home on these flights are not entitled to request compensation from the airline responsible for their return. The

European Court of Justice (ECJ) in Luxembourg decided last week.

The ECJ judges clarified that only commercial flights fall under the EU law governing air passenger rights that stipulates when passengers are eligible for compensation. **State-organized repatriation flights do not qualify as commercial flights due to potential differences in onboard services.** This ruling has established a guiding principle for national courts across EU nations.

An Austrian couple raised the case of their return flight from Mauritius to Vienna which was canceled due to the pandemic in March 2020. Instead, they were put on a flight arranged by the Austrian Foreign Ministry, which cost them 500 euros per person. However, the flight was operated by the same airline and at the same time as their initially planned flight. The couple felt they were charged twice for the return flight and requested a refund of the 1000 euros they paid from the airline.

**The ECJ noted that travelers could theoretically seek reimbursement of other costs in front of national courts.** This could include the original ticket price.

However, the current ECJ ruling is unlikely to impact other cases, as it only deals with possible airline reimbursements, not claims against the state.

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