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### **Ryanair carry-on baggage charge is struck down as 'abusive' by Spanish Court**

A passenger charged €20 by Ryanair to bring an item of carry-on luggage onto the aircraft, the dimensions of which were in excess of that outlined in the company's general terms and conditions, has been refunded the charge plus interest following the judgment of a Spanish mercantile court.

Ryanair had pleaded that the passenger's carry-on luggage exceeded the limits set out in section 8.3.1 of their General Terms and Conditions of Carriage:

**8.3.1.** You may carry one piece of carry-on baggage on the plane, which must be no larger than 40cm x 20cm x 25cm. [1]

The policy which came into effect on 1 November 2018 means that any baggage in excess of the above dimensions requires the passenger to pay a €14 supplement to upgrade to "Priority". The passenger's baggage was in excess of these dimensions and they had not paid the supplement, and consequently was charged €20 to take their carry-on luggage onboard the aircraft.

The judge characterised the charge as "abusive, adding that it "curtailed the rights that the passenger has recognised by law", and declared it invalid in Spain." [2] The ruling of the court resulted in the budget airline being ordered to return the €20 plus interest to the passenger, however, the passenger's claim of €10 as damages was denied, as the judge ruled that no damages had been caused to the passenger.

This ruling follows the Italian antitrust authority fining Ryanair €3m and Wizzair €1m in February of this year in relation to their cabin baggage policies which were seen as amounting to increasing the price of tickets, but doing so in a non-transparent manner. [2]

In a statement on Wednesday, Ryanair said: "This ruling will not affect Ryanair's baggage policy, either in the past or in the future, as it is an isolated case that misinterpreted our commercial freedom to determine the size of our cabin baggage."

[1] [https://www.ryanair.com/gb/en/useful-info/help-centre/terms-and-conditions/termsandconditionsar\\_696869348](https://www.ryanair.com/gb/en/useful-info/help-centre/terms-and-conditions/termsandconditionsar_696869348)

[2] <https://www.rte.ie/news/business/2019/1120/1094121-ryanair-hand-luggage-fee/>

[3] <https://uk.reuters.com/article/us-italy-ryanair-court/italy-court-suspends-fines-to-ryanair-wizz-air-over-hand-luggage-policies-idUKKCN1R91XI>