Provisional comments regarding EU Regulation (EC) No 2027/97
as amended by the compromise text of 16 June 2026

Disclaimer: This document reflects the views and understanding of FIM and Pearle as of 2 July 2026 regarding the compromise text amending Regulation (EC) No 2027/97. It does not purport to represent an official interpretation by the European Commission or any other EU institution. In particular, the possible tariff-related measures that certain air carriers might seek to introduce on the basis of Article 6b remain subject to further clarification. Any such measures will ultimately have to be assessed for compatibility with the revised Regulation and with the applicable EU rules on price transparency and non-discrimination.*

Article 6c.1

"[…] *Musical instruments shall be accepted for carriage within an aircraft cabin provided that those instruments can be stowed safely in a suitable baggage compartment within the cabin or under an appropriate passenger seat*. […]"

Comment: This provision removes any specific size limits that may currently apply to musical instruments, whether they are treated as standard cabin baggage or benefit from more favourable size thresholds. Once the revised regulation enters into force, a musical instrument shall be accepted as cabin baggage if it can be stowed safely in an overhead locker or under a seat, subject to safety requirements and the technical constraints of the aircraft, rather than on the basis of arbitrary measurements.

"[…] *The instrument shall form part of the passenger's unchecked baggage allowance* […]"

Comment: Under the revised Regulation, the regular ticket price will include one small personal item (such as a small handbag) and one piece of cabin baggage. For a passenger carrying a musical instrument, any instrument that can be safely placed in an overhead locker or under a seat will count as that piece of cabin baggage within the standard allowance and therefore should not incur additional charges. For other passengers, the same allowance will consist of a small personal item plus a regular cabin bag.

"[…] *The air carrier may give passengers the possibility to carry another piece of hand baggage in addition to that allowance, subject to possible additional charges*. […]"

Comment: Air carriers may allow passengers to carry an additional piece of hand baggage over and above the standard unchecked baggage allowance (small personal item plus cabin bag, which may be a musical instrument). Any such extra cabin baggage will exceed the allowance included in the normal ticket price and may therefore be subject to additional charges, provided these are transparent and comply with the general rules on price indications and optional supplements.

Article 6c.2

"[…] *an air carrier may request the payment of a second fare where such musical instruments are carried as unchecked baggage on a second seat. Such second fare shall not be subject to the payment of taxes referred to in Article 23(1), point (b), Article 23(1), point (c), and Article 23(1), point (d), of Regulation 1008/2008* […]"

Comment: This provision confirms that, where a musical instrument is too large to be stowed safely in a cabin baggage compartment or under a seat, an air carrier may require the purchase of a second seat for the instrument, carried as unchecked baggage on that seat. However, the second fare for the instrument seat is exempt from the taxes and charges listed in Article 23(1)(b), (c) and (d) of Regulation (EC) No 1008/2008.

More specifically, the second fare shall not be subject to the payment of:

• the taxes referred to in Article 23(1)(b), meaning mandatory government taxes applicable to air transport (including, where relevant, value added tax (VAT) or similar State taxes on the air fare);

• the airport charges referred to in Article 23(1)(c), that is, charges levied by airport operators for the use of airport infrastructure and services;

• the other charges, surcharges or fees referred to in Article 23(1)(d), such as those related to security or fuel and any other compulsory charge added to the basic air fare.

As a result, the second seat occupied by the instrument is priced without those taxes, airport charges and surcharges, which remain payable only on the passenger's own ticket. This structure is intended to avoid double taxation and double charging of airport and other mandatory fees where a musician is required to purchase an additional seat solely to accommodate the instrument.

"[…] *The passenger and the musical instrument shall be seated on adjacent seats and the musical instrument seated on a window seat*. […] "

Caveat: This requirement that the instrument be placed on a window seat next to the passenger may create practical problems where no adjacent seats including a window seat are available. In such cases, an air carrier might argue that it is unable to fulfil the conditions set out in the Regulation and therefore refuse to sell a ticket for a cellist and their instrument, for example. From a musicians' rights perspective, it will be important to insist on a reasonable, best-efforts interpretation of this obligation, so that the lack of an "ideal" seat configuration does not become a pretext for denying carriage.