

Today's Cabin Size Baggage: What's in a Name

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Abstract

This article explains cabin size baggage issues which have arisen along with the increased popularity of the low-cost carrier business model. The stringent cabin size baggage policies introduced by low-cost carriers have the potential of infringing on consumer rights. One of the main reasons is the confusion and conflicts caused by an absence of a harmonized definition of cabin size baggage dimensions. IATA has announced a recommended size, however it has only limited power within the current airline industry. The airline association, as the last resort, should seek to defend passengers' fundamental rights in this matter by creating an equilibrium between good moral and business principles, thus proactively defending their airlines from potential negative legal or political blowback and consequences.

Today's Airline Business: The Low-Cost Carrier Phenomenon

The history of the airline business was traditionally characterized by state intervention and interference¹. This remained true until the 1980's, when airlines were regarded as operating inefficiently and thus costing their owners, which was the state, a lot of money². However due to national pride, these airlines kept operating through (heavy) subsidies, since many states did not want to see their flag carriers disappear³.

Liberalization and privatization of national airlines, combined with foreign direct investment has opened a new chapter on how the aviation business operates today. One of the objectives of liberalization in the European Union (EU) and deregulation in the USA was to force airlines to operate more efficiently⁴. Taxpayers' money must be better allocated rather than paying for unprofitable business endeavors. In order to reach this objective, liberalization covers three main areas which are pricing, capacity and market access, and finally the application of competition law to the air transport sector⁵.

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The adoption of the EU's third package of air transport liberalization legislation has changed the face of the European airline industry, leading to the privatization of the traditional state-owned flag carriers and the emergence of the low-cost carriers⁶. The latter has become a phenomenon within the last decade, where it could be seen as a way to 'solve' inefficiency within airline business. Furthermore, 'efficient' has become the central philosophy to do business where airlines in the low-cost segment offer only their passengers essential needs, which are safe and reliable journeys.

Low-cost carriers introduce new business methods for ticket fare reductions, such as using secondary airports and providing less on-board service to its passengers⁷. There are no free snack or beverage service, no business class service, and no newspapers offered as by the traditional airlines⁸. Check-in baggage and cabin baggage are another issue where there has been stricter conditions, regarding its size and/or weight. Online check-in is encouraged since there will be additional cost for doing this at the airport desk with some airlines. Most low-cost carriers also are not using aerobridges for the boarding process⁹, with Schiphol Airport as the perfect example where there is a special gate designed without aerobridges for Easyjet and Ryanair. Perhaps low-cost carriers service could be described simply with one sentence: "you get what you pay for, and no more than that".

The situation above could be seen as characteristic of airlines doing business within low-cost segments. Low-cost carriers are also called low-cost airlines, or no-frills, discount, low-fares, budget or value-based airlines or carriers¹⁰. The International Civil Aviation Organization (ICAO) has developed a definition of a low-cost carrier as follows:

"an air carrier that has a relatively low-cost structure in comparison with other comparable carriers and offers low fares and rates. Such an airline may be independent, the division or subsidiary of a major network airline or, in some instances, the ex-charter arm of an airline group"¹¹.

Based on this ICAO definition, some of well-known low-cost carriers are given in the table below¹².

Airline	Established	Region	Country of AOC
kulula.com	2001	Africa	South Africa
Fastjet	2012	Africa	Tanzania
Jetstar	2003	Asia and Pacific	Australia
Virgin Australia	2000	Asia and Pacific	Australia
Spring Airlines	2004	Asia and Pacific	China
IndiGo	2006	Asia and Pacific	India
Citilink	2001	Asia and Pacific	Indonesia
Lion Air	2000	Asia and Pacific	Indonesia
AirAsia	1996	Asia and Pacific	Malaysia
AirAsia X	2007	Asia and Pacific	Malaysia
Tiger Airways	2003	Asia and Pacific	Singapore
Germanwings	2002	Europe	Germany
Transavia	1966	Europe	Netherlands

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Wizz Air	2003	Europe	Hungary
WOW Air	2012	Europe	Iceland
Ryanair	1985	Europe	Ireland
Vueling	2004	Europe	Spain
Easyjet	1995	Europe	United Kingdom
Flybe	1979	Europe	United Kingdom
flyDubai	2008	Middle East	UAE
GOL Linhas Aereas	2001	Latin America	Brazil
JetBlue Airways	1998	North America	United States
Southwest Airlines	1967	North America	United States

It is interesting to see how low-cost carriers respond to the current intense competition climate, where cooperation between low-cost carriers and full-service airlines has become a reality. Vueling and British Airways have entered into a partnership leading to code-shared flights for some intra-EU routes¹³. AirAsia X is another interesting case where a low-cost carrier even serves long-haul flights, such as Melbourne-Tokyo¹⁴ or Hong Kong-Perth¹⁵ routes which take more than six hours. Jetstar Airways also follows the AirAsia X path, serving long-haul flights in Asia and the Oceania region¹⁶. Considering increased competition within the airline business in the following years, no doubt such innovations will continue to appear.

This paper shall describe such innovations and their impact on passengers' rights.

What is Cabin Size Baggage?

At present the low-cost carrier model has become one of the main elements within the airline business. Its strong presence has meant many practices of low-cost carriers have become standard across the current airline business, with cabin size baggage restrictions being one important example. This sub-chapter shall describe further the cabin size baggage issue within the current competitive airline business in connection with the fundamental rights of airline passengers as consumers.

Low-Cost Carriers: Establishing New Perspective(s)

There was a time when airline passengers need not be worried regarding their cabin baggage. As long it seemed to fit in the cabin, then the ground crew or stewardess were unlikely to object or interfere with the passengers' cabin baggage. It could be said that the phrase "consumer is the king" was still valid in this regard at that time.

However, the appearance of low-cost carriers has changed how the airline business is done. Since low-cost carriers offer only basic services to 'strive for cost and time efficiency'¹⁷, it is not surprising they seek additional income for every extra service provided towards their passengers.

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Cabin baggage has become one of these extra services, that has become more limited and restricted than it used to be. This situation has influenced airlines' policies towards cabin baggage size and weight across the world, although with variations in different regions. Passengers' basic needs are decided to be sufficiently met by small cabin baggage with certain dimension and/or a hand bag which certainly must be smaller than the baggage. As a 'compensation', exceeding the dimension or restrictions means purchasing extra product. The purpose of this measure is to minimize costs through reducing fuel usage by limiting cargo weight; reducing ground handling service fees¹⁸; and also to keep boarding process efficient for on-time flight schedule¹⁹.

A definite new perspective towards cabin size luggage has been established in the mind of airline passengers by the restrictions of low cost carriers. Passengers accept that there is no free lunch within low-cost carrier flights. As long as passengers can reach the destination on-time along with their baggage, they tend to forgive the lack of service encountered when flying with low-cost carriers, as they value price relative to the benefits²⁰.

Furthermore this new concept of handling cabin size baggage has also been adopted by some full-fare airlines. British Airways is one example where a baggage gauge now to be found as well during boarding process²¹. This sort of restrictive practice is not what airlines' passengers traditionally expect when travelling with full-fare airlines²². Considering today's competitive market, it is not surprising though if even full-fare airlines they take this step to minimize every possible cost.

Determining Cabin Size Baggage and Price

All passengers in the world are paying more attention to each airline's baggage policy, both hold and cabin baggage, when travelling in order to avoid penalty fees. The International Air Transport Association (IATA) established a basis for a cabin size baggage definition when they acknowledge a limitation of 56 cm x 45 cm x 25 cm following the foiled terror plot of 10 August 2006²³. This size was deemed as a potential countermeasure which was developed in the context of improving security, namely to counter the potential threat posed by liquids, gels and aerosols²⁴.

The size has decreased into 55 cm x 35 cm x 20 cm under the IATA Proposed Cabin OK Size which at the moment has been paused, but not withdrawn, to reassess the initiative²⁵. This Cabin OK Size Baggage measure is aimed to be guaranteed on board even when the flight is full²⁶. However this invention is not aimed to establish an industry standard²⁷, thus leaving the ultimate choice to each member airline. So far IATA recognizes a 56 cm x 45 cm x 25 cm as the maximum dimension of a cabin size baggage²⁸.

Unfortunately IATA has no binding power towards its member airlines' policy on determining maximum and minimum dimensions of cabin size baggage, let alone towards non-member airlines. Thus harmonization of cabin size baggage still seems a distant concept.

The table below shows airlines' policies on cabin baggage size, whether a member of IATA or not.



IATA Proposed Cabin OK Size²⁹			
55 cm x 35 cm x 20 cm			
Airline	Type	Cabin Baggage Policy (in cm)	Oversize Cabin Baggage Penalty or Extra Fee
AirAsia ³⁰ <i>non-member</i>	LCC	56 x 36 x 23 + one handbag or laptop bag	no information regarding penalty fee at boarding gate
Citilink ³¹ <i>non-member</i>	LCC	56 x 36 x 23 + one handbag or laptop bag	no information regarding penalty fee at boarding gate
Easyjet ³² <i>non-member</i>	LCC	56 x 45 x 25	£ 45 at boarding gate as a cabin baggage £ 30 at bag drop counter as hold baggage
Ryanair ³³ <i>non-member</i>	LCC	55 x 40 x 20 + one small bag 35 x 20 x 20	£ 50 or € 50 at boarding gate (depends on airport location)
Transavia ³⁴ <i>non-member</i>	LCC	55 x 40 x 25 not guaranteed on busy flights or 45 x 40 x 25 guaranteed on board	no information regarding penalty fee at boarding gate prices vary depending on the itinerary
Vueling ³⁵ <i>IATA member</i>	LCC	55 x 40 x 20 + one smaller item	€ 35 at boarding gate

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Wizz Air ³⁶ <i>non-member</i>	LCC	42 x 32 x 25 or 56 x 45 x 25* (with extra fee)	€ 10-18 as the extra fee* via internet € 40 as the extra fee* at airport
British Air- ways ³⁷ <i>IATA member</i>	Full-fare	56 x 45 x 25 not guaranteed on busy flights or 55 x 40 x 20* + one extra item 40 x 30 x 15	prices vary depending on itinerary and airport loca- tion, starting from € 50 *€ 35 at boarding gate for code-shared flights operat- ed by Vueling (flight code: IB5XXX)
Iberia ³⁸ <i>IATA member</i>	Full-fare	56 x 45 x 25 or 55 x 40 x 20* + one extra item	*€ 35 at boarding gate for code-shared flights operat- ed by Vueling (flight code: IB5XXX)

Almost all well-known low-cost carriers' cabin baggage policy is bigger than the IATA proposed Cabin OK Size. At least the latter could be set as a *de facto* minimum dimension of a cabin size baggage, although not guaranteed of being brought on-board if the flight is full.

A strong market presence will lead to a power to determine the market. With its huge market capital, Ryanair successfully established its cabin baggage size when the airline and Samsonite, the world's biggest luggage provider, launched the "Ryanair's Cabin Baggage"³⁹. Thus Ryanair's standard (a 55 cm x 40 cm x 20 cm) could be considered as cabin size standard within the stores across Europe. Probably it could be more popular than the new IATA Proposed Cabin OK Size at some Ryanair destinations.

After the size, then comes the price. The latter means paying extra or a penalty fee which occurs when airline passengers do not meet airlines' cabin size baggage policy. This kind of fee varies between airlines, and of course depends on which airport one is departing from. No clear criteria for determining such prices has been found so far. This situation leads into question whether airlines make extraordinary profit from an excess of 1 cm or even 0.5 cm on a baggage gauge; or in other words are exploiting their passengers through this type of practice.

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Infringement of Consumer Rights

Research and analysis has demonstrated there is very little security benefit to restricting cabin baggage size and quantity⁴⁰. The effectiveness of restricting cabin baggage size as a security measure is doubtful since airport security staff at screening checkpoints shall make a comprehensive check, regardless of size⁴¹. However IATA and its member airlines have their own recommendations and policies regarding this matter, where most airlines have also taken into account commercial considerations⁴².

The ICAO has recommended IATA member airlines to establish policies on cabin baggage, especially regarding its size, based on IATA recommendations⁴³. This means ICAO primarily recognizes IATA member airlines' freedom towards their commercial policies on cabin baggage, even if it may have a negative impact towards the passengers. ICAO's position also means a harmonized global policy on cabin size baggage shall be quite difficult to achieve, since each region has its own market characteristics.

From a consumer perspective, this policy could have negative implications on passengers convenience, especially for those who normally prefer to carry their bags onboard with them⁴⁴. With more and more code-shared or connection flights, cabin size baggage could become a new issue for transit and transfer passengers, where they need to check-in their cabin baggage since it may be oversized by the regulations of the connecting airline. Additional money must be spent, or even worse, the transit and transfer passengers' cabin baggage could arrive one or two days later than the originally planned flight. Important issues will arise if the passenger brings his or her life-supporting medicine within the baggage and due to the chaotic situation during transit and transfer, could not bring it onboard potentially causing harm to the passenger. This situation is even more likely to happen on intercontinental flights which connect two or more un-harmonized airlines' cabin baggage policies.

For example, a passenger travelling Garuda Indonesia with student status from Jakarta to Amsterdam sometimes receives a waiver from Soekarno-Hatta International Airport's ground crew to bring up to three items into the cabin⁴⁵. When the student has a connecting flight to another destination from Amsterdam Schiphol with KLM, most likely the student will receive some trouble with the quantity of his or her carry-on items as well as with the dimensions. The un-harmonized airlines' cabin baggage policy, even though both airlines are members of the SkyTeam alliance, potentially could harm the student passenger who may not be aware of these differing policies across the continents.

The lack of awareness by consumers and their associations of how standards ensure consumer protection is one of the biggest obstacles⁴⁶. Within this context, a consumer is defined as a natural person who seeks or acquires goods, services, or money for personal, family, or household use⁴⁷. The consumer as special economic actor is the ultimate subject of consumer protection⁴⁸. In many countries, national consumer organizations work to influence their governments to protect consumers through a pro-consumer legal framework⁴⁹. One of the goals of consumer protection is to deliver a system that achieves as high as possible a level of consumer protection whilst also keeping costs to business to a minimum⁵⁰. Thus it means aiming for an equilibrium which will also not harm airlines' business.

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Consumer law is considered to be a more effective instrument when it prevents rather than provides a remedy for loss or damage of the customers⁵¹. Its existence is to compensate for the inequality between economic actors on the market and to restore consumer sovereignty⁵². The latter is defined as the state of affairs where the consumer has the power to define his or her own wants and the ability to satisfy these wants at a competitive or reasonable price⁵³.

However when it comes to the airline business which is unique, prestigious and sometimes loaded with national and political intrigue, the effectiveness of consumer law and national consumer organizations seem not as strong. The situation that the General Agreement on Tariffs and Trade (GATT) measure does not apply to the operation of air services has weakened national consumer organizations' efforts. It is not surprising if some international consumer organizations such as the Organization for Economic Co-operation and Development (OECD) or the International Marketing Supervision Network (IMSN) shall become increasingly vocal if consumers are being taken advantage of due to unscrupulous airline policies on cabin size baggage in the future.

Unethical business models should have been prohibited since they are against fair trade, especially if the practice injures consumers⁵⁴. Wizz Air's cabin size baggage policy, which is far lower than 'common sense' or IATA standards, has raised a question whether this kind of business innovation should be considered as an unethical business model. First time passengers travelling with the airline probably could fall into the 'trap' or punishment at the boarding gate as a result of not reading the condition of carriage: € 40. An extra fee must be paid during the booking process for bringing a normal cabin size baggage. No strong response towards this kind of business practice means it becomes accepted as legal and encourages more airlines to adopt this policy as well in the name of competitiveness.

A European Union Perspective

Within this regional initiative, the guidelines on the application of Article 81(3) of the European Community (EC) Treaty refer to enhancing consumer welfare standards within a competitive market⁵⁵. Even though the article refers to the economic interests of consumers, this criterion has not become a substantive right of consumers⁵⁶. Thus airline passengers' struggle for their rights still have a long way to go.

Article 153(1) of the EC Treaty has become the other main ground of consumer protection in the EU:

In order to promote the interests of consumers and to ensure a high level of consumer protection, the Community shall contribute to protecting the health, safety and economic interests of consumers, as well as to promoting their right to information, education and to organize themselves in order to safeguard their interests.

Considering the urgency for consumer protection, it could trigger group actions⁵⁷, probably as the last resort, which are legal within some EU member states. The current actions in some member states are as follow:⁵⁸

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State	Situation
Austria	Civil procedural rules allow the victim to pass on his/her claim to a consumers' association.
Belgium	Plaintiffs with similar but separate claims can institute proceedings before the same court and then ask the court to handle their claims at the same hearing, without joining them.
Denmark	The rules on legal proceedings allow popular legal actions to be brought in all consumer-related areas.
Finland	The consumer ombudsman can assist individuals before the court. The trial costs can be entirely covered by a special budgetary fund.
France	Legislation exists which enables consumer associations to defend the civil interest of consumers. This does, however, not include actions for compensation for a group of injured persons.
Germany	In the event of a series of accidents, there is a 'trial action' which will subsequently form the basis of compensation between industry and the injured persons.
Ireland	The rules of court provide a procedure whereby one or more of persons having the same interest in a single claim may bring or defend the claim on the behalf of all those interested.
Italy	Consumers' associations can defend consumers' interest, but cannot act on behalf of injured persons.
Netherlands	Multi-party action is possible under the Group Actions Act.
Portugal	Popular legal action exists whereby the Public Prosecutor's Office and Consumers' organizations can intervene in cases of injury to private individuals.
Spain	Consumers' associations can bring a legal action on behalf of its members. An amendment of the rules on court proceedings will make it possible to bring joint actions.
United Kingdom	Multi-party action can be brought in the courts in England and Wales under a rule of civil procedure on group litigation. Under this procedure one or more individuals can act in a representative capacity and bring proceedings on behalf of others where they have the same interest.

There is a trend calling for (full) harmonization regarding consumer protection in the EU⁵⁹. The goal is to have a legal certainty within this kind of service. Consumers' confidence, in terms they are not sufficiently confident that they will be adequately protected when buying services⁶⁰, shall be improved. If harmonization regarding consumer protection in the EU will be enforced, together Regulation No. 2006/2004⁶¹ and Directive No. 2011/83⁶² could become the instrument. However the latter only deals with various information duties and the right of withdrawal, thus no changes have been made on consumer sales and unfair terms⁶³.

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Within the EU airline business, especially in respect of consumer protection, Regulation No. 261/2004⁶⁴ is one of the examples of a harmonized legal framework. It has successfully established a standard on compensation towards airline passengers. However from the airline perspective, the compensation amount which is considered high could destroy the airline business, either full-fare or low-cost carrier, within the competitive airline market. It must be kept in mind: what will the airline passengers' welfare be without (many choices of) airlines?

No doubt there is a conflict between consumer rights and (freedom of) airlines' cabin size baggage policy. Strong consumer protection comes from a strong political will. However if airlines tend to help smoothen EU integration and also develop the economy, it seems more difficult to enact a pro-consumer policy. The EU's motto "common rules for a common market" seems not to answer whether a harmonization of legal framework on cabin size baggage is needed, thus leaving it to one last main actor: IATA.

How Far Could IATA Help?

IATA's status as a trade association, not a regulatory body, means it has no binding power towards its member airlines. This situation has put IATA in a difficult position towards its (member) airlines cabin size baggage policy. Although IATA could not reach non-member airlines, especially most low-cost carriers, its strong position representing 83%⁶⁵ of total air traffic within the airline business could play a significant role to determine a worldwide cabin size baggage dimension. Low-cost carriers have adopted or transformed the dimension according to their own policy depending on market characteristics.

IATA's mission to represent, lead, and serve the airline industry means the association has a moral obligation to protect airline passengers. It is not only an issue whether the passengers could pay the penalty for cabin baggage size excess or not, but it goes further. Passengers must be seen as human beings, and not as mere objects within this commercial world. They are not dollar trees for making money through this behavior; and IATA has been called to make this issue clear towards the member airlines.

The association should be more creative to 'outwit' this stubborn situation by persuading their member airlines, especially those who implement cabin size baggage policy strictly, to provide all necessary information at the check-in counter before the security check. Considering it will be almost impossible for the ground crew to monitor the numbers of cabin baggage brought on the aircraft at the check-in counter⁶⁶, having a special and accessible spot within the airport to put all member airlines' baggage gauges seems the best option. No doubt IATA has a bargaining position to settle this issue with many of the larger airports. Additional costs for providing such an area is nothing compared to enhancing the reputation that IATA's member airlines respect their passengers' rights.

IATA's moral obligations must be translated into the association's efforts to establish a guideline on determining penalty fees. IATA should encourage its member airlines of instituting a reasonable, as opposed to extraordinary income, from these type of fees. This would not only protect the passengers, but also the member airlines as well. By having a clear standard for the penalty formula, it shall prevent member airlines from being sued or prosecuted on grounds of infringing consumer rights.

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It is better for IATA to take all necessary steps to proactively protect their member airlines from the possibility of group actions such as lawsuits in the future. Facing such actions is a nightmare for them since it will damage their image and negatively impact the business. It is only a matter of time if these practices continue.

There is an urgency for an assessment to balance commercial purpose and consumer rights encouraged by the IATA. This could be a starting point to restore the image of an airline industry that respects their consumer's rights. Growth within the airline industry will be limited if passengers are dissatisfied.

Concluding Remarks and the Way Forward

One of the purposes of liberalization was to fix inefficiency within the airline business in order to benefit the consumers. A new era of airline competition has come which encourages innovations. As today phenomenon, the low-cost carrier model is one whose growth has had a significant impact on airline competition and business practices.

Today as a significant actor within the airline business, low-cost carriers have left a definite impact. A strict cabin size baggage policy with resulting penalty fees is one of the main attributes of the low-cost carrier business model. IATA also has played a role in determining cabin size baggage dimensions with its recommendation. IATA's proposed Cabin Size OK, which is currently being reassessed, has the potential to determine a worldwide cabin size baggage standard in the future. Some full-service airlines seems to be following the low-cost carriers' path in order to minimize costs.

Increasingly stringent cabin size baggage regulations have called into question whether they infringe passengers' fundamental rights as a consumer. Every airline passenger has the right for pleasant travel, including feeling 'secure' from surprise penalties when bringing baggage into the cabin. Transit and transfer passengers' rights have a greater chance to be infringed since they are using two or more airlines with unharmonized policies on cabin baggage. Considering the rapid developments of this situation, IATA must choose a stand between a pro-consumer or airline approach. An equilibrium does not always mean 50-50. The restoration of an economic balance between consumer and airlines is the goal. However, since IATA does not have binding power, their ultimate efforts must be seen based on moral obligation.

It is better for IATA to proactively take all necessary steps to protect their member airlines from the possibility of group actions such as lawsuits towards (member) airlines in the future. A comprehensive assessment with detailed recommendations towards cabin size baggage and its associated penalties could become a starting point.

There will not be an IATA without airlines, and there will not be airlines without passengers.

¹ Magnus Schmauch, *EU Law on State Aid to Airlines: Law, Economics, and Policy*, (Berlin: Lexxion Publisher, 2012), page 14.

² *Ibid.*

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- ³*Ibid.*, page 13. See also Rita Sousa Uva, *European Community State Aid Policy for Public Airports: Reality versus Law?*, (Coimbra: G.C. Gráfica de Coimbra, 2008), page 22 and 39.
- ⁴*Supra* note 1, page 14.
- ⁵*Supra* note 1, page 27.
- ⁶John Balfour and Solange Leandro, "State Aid in the Airline Sector: A Change in Focus", *European State Aid Law Quarterly*, Volume II (2011), page 225.
- ⁷Sean D. Barrett, "The Sustainability of the Ryanair Model", *International Journal of Transport Management*, Volume II (2004), page 91.
- ⁸*Ibid.*, page 90.
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- ¹⁰International Civil Aviation Organization Working Paper on Definition and Identification of Low-Cost Carriers No. STA/10-WP/9 dated 13 October 2009, page 2.
- ¹¹*Ibid.*
- ¹²<http://www.icao.int/sustainability/Documents/LCC-List.pdf> as accessed on 5 December 2015.
- ¹³<http://www.vueling.com/en/vueling-services/british-airways> as accessed on 5 December 2015.
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- ¹⁸*Supra* note 7, page 94
- ¹⁹David C. Nyquist and Kathleen L. McFadden, "A Study of the Airline Boarding Problem", *Journal of Air Transport Management*, Volume XIV (2008), page 197.
- ²⁰Yeoh E. and Chan J.K.L, "Malaysian Low-Cost Airlines: Key Influencing Factors on Customers' Repeat Purchase Intention", *World Applied Sciences Journal*, Volume XII (2011), page 35-43.
- ²¹Based on the writer's personal assessment in Schiphol Airport when travelling to London Gatwick with British Airways (BA 2759) at 10:55 on 20 October 2015.
- ²²Based on the writer's personal assessment, the airline's ground crew never ask to put the cabin baggage into a baggage gauge when travelling with Iberia and KLM from Schiphol Airport between 2014-2015. Those airlines could be deemed as a perfect compbase on criteria i) member of IATA; ii) EU nationality; ,and iii) flight taken on intra-EU routes.
- ²³International Civil Aviation Organization Working Paper on Cabin Baggage Size and Quantity Restrictions No. AVSEC/PAX/BAG/TF/1-WP/05 dated 17 January 2008, page 1.
- ²⁴*Ibid.*
- ²⁵<https://www.iata.org/pressroom/pr/Pages/2015-06-17-01.aspx> as accessed on 14 December 2015
- ²⁶<https://www.iata.org/pressroom/pr/Pages/2015-06-12-01.aspx> as accessed on 14 December 2015
- ²⁷<https://www.iata.org/pressroom/pr/Pages/2015-06-12-01.aspx> as accessed on 14 December 2015
- ²⁸<http://www.iatatravelcentre.com/iata-travellers-faq.htm> as accessed on 14 December 2015
- ²⁹<https://www.iata.org/pressroom/pr/Pages/2015-06-17-01.aspx> as accessed on 14 December 2015. At the moment IATA pauses rollout of Cabin OK to reassess initiative
- ³⁰<http://www.airasia.com/ot/en/baggage-info/cabin-baggage.page> as accessed on 9 December 2015.
- ³¹<https://www.citilink.co.id/en/condition-of-carriage> as accessed on 9 December 2015.
- ³²<http://www.easyjet.com/en/help/preparing-to-fly/baggage> as accessed on 8 December 2015.
- ³³<http://legacy.ryanair.com/en/terms-and-conditions/regulations-cabinbaggage/as> accessed on 9 December 2015.

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- ³⁵<http://www.vueling.com/en/vueling-services/prepare-your-trip/luggage#contenedor> as accessed on 9 December 2015.
- ³⁶https://wizzair.com/en-GB/useful_information/baggage as accessed on 8 December 2015.
- ³⁷<http://www.britishairways.com/en-gb/information/baggage-essentials/hand-baggage-allowances> and <http://www.britishairways.com/en-gb/information/baggage-essentials/extra-overweight-baggage> as accessed on 9 December 2015.
- ³⁸<http://www.iberia.com/nl/luggage/hand-luggage/#excepciones> as accessed on 9 December 2015
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- ⁴⁰Supra note 23, page 1.
- ⁴¹Supra note 23, page 2.
- ⁴²Supra note 23, page 2
- ⁴³Supra note 23, page 2.
- ⁴⁴Supra note 23, page 2.
- ⁴⁵Based on the writer’s personal assessment in Soekarno-Hatta International Airport when travelling to Schiphol Airport with Garuda Indonesia (GA 88) at 00:40 on 20 August 2014.
- ⁴⁶Cristina Poncibò, “Modernisation for European Consumer Law?” in James Devenney and Mel Kenny (eds.), *European Consumer Protection: Theory and Practice*, (Cambridge University Press, 2012), page 53.
- ⁴⁷William T. Vukowich, *Consumer Protection in the 21st Century: A Global Perspective*, (New York: Transnational Publishers, 2002), page 99.
- ⁴⁸Katalin Judit Cseres, *Competition Law and Consumer Protection*, (The Hague: Kluwer Law International, 2005), page 320.
- ⁴⁹Supra note 46, page 53.
- ⁵⁰Supra note 47, page 96.
- ⁵¹Supra note 48, page 156.
- ⁵²Supra note 48, page 157.
- ⁵³Supra note 47, page 91.
- ⁵⁴Supra note 47, page 174.
- ⁵⁵Supra note 48, page 253.
- ⁵⁶Supra note 48, page 256.
- ⁵⁷This term is also referred as “class actions” and defined as procedural device that permits one or more plaintiffs to file and prosecute a lawsuit on behalf of a larger group or class. See https://www.law.cornell.edu/wex/class_action as accessed on 16 December 2015.
- ⁵⁸Supra note 47, page 543-544.
- ⁵⁹Alexandre Duterque, “Do We Really Want a *Ius Commune* for EU Consumer Protection?”, *Dublin University Law Journal*, Volume XXXV (2012), page 76.
- ⁶⁰Christian Twigg-Flesner, “Good-Bye Harmonization by Directives, Hello, Cross-Border only Regulation? - A Way Forward for EU Consumer Contract Law”, *European Review of Contract Law*, Volume II (2011), page 240.
- ⁶¹Regulation (EC) No. 2006/2004 of the European Parliament and of the Council on cooperation between national authorities responsible for the enforcement of consumer protection laws, OJ L 364/1.
- ⁶²Directive (EU) No. 2011/83 of the European Parliament and of the Council on Consumer Rights, OJ L 304/64.
- ⁶³Supra note 60, page 20.
- ⁶⁴Regulation (EC) No. 261/2004 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,

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⁶⁵<https://www.iata.org/about/Pages/index.aspx> as accessed on 15 December 2015.

⁶⁶International Civil Aviation Organization Working Paper on Cabin Baggage Size and Quantity Restrictions No. AVSEC/PAX/BAG/TF/1-WP/05 dated 17 January 2008, page 2-3.