

EN

E-001300/2026

Answer given by Mr Tzitzikostas
on behalf of the European Commission
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As mentioned in its reply to parliamentary question E-002585/2024, the Commission has already informed EU carriers that, in accordance with the case law of the Court of Justice, the Euro-Mediterranean aviation agreement between the EU and Morocco does not apply to routes to the territory of the Western Sahara. This means that carriers are not bound by the provisions of said agreement, including concerning the operation and the advertisement of routes from the EU to Western Sahara and vice versa. Furthermore:

1. The Commission cannot issue general instructions to air carriers on how to describe territorial sovereignty in commercial communications. However, EU-established airlines must comply with EU consumer-protection law, including Directives 2005/29/EC¹ and 2006/114/EC², which prohibit misleading actions or omissions likely to affect the average consumer's transactional decision. Presenting a destination in a way that misleads consumers about a territory's status may therefore raise issues under those rules.
2. The enforcement of EU consumer-protection law in individual cases is primarily the responsibility of national competent authorities and courts in the Member States. The Commission therefore cannot substitute itself for national enforcement authorities by ordering a specific company to cease a given practice.
3. The Commission takes note of the concerns raised and will continue to monitor the correct application of EU consumer-protection law in the aviation sector.

¹ <https://eur-lex.europa.eu/eli/dir/2005/29/oj/eng>.

² <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32006L0114&qid=1776948280655>.