



TRAVELING WITH MUSICAL INSTRUMENTS

Updated EU regulation is needed

11 March 2024

On 5 February 2014, the EU Parliament adopted in first reading a [legislative resolution](#) reviewing *Community Regulation 2027/97 on air carrier liability in respect of the carriage of passengers and their baggage by air*, in the framework of the Commission's proposal **COM 2013/130**. This resolution included, in Article 6.e, provisions aimed to facilitate the transport of musical instruments on planes as hand luggage.

Article 6.e was fully in line with the objective of the EU and its Member States to support jobs and growth and to remove obstacles to professional mobility. It provided simple, efficient rules and did not create any overregulation.

At the time, the Council did not complete its examination of COM 2013/130, thus blocking the adoption of adequate measures concerning the conditions of transport of musical instruments by air. The consequences of this regulatory void weigh heavily on the economy and employment of the European live performance sector.

Every day, musicians are confronted with inconsistent, often discretionary airline policies, which render their travelling unpredictable and may result in last-minute cancellations of concerts. Hindered ability to travel means fewer jobs and smaller income for musicians, music groups, bands and orchestras, with an additional negative impact on the economy surrounding concerts and festivals.

Unlike sports equipment, musical instruments cannot be easily replaced or substituted. Besides their sometimes immense monetary, historical, and artistic value, they form a symbiotic relationship with the musician, which further justifies specific, adequate, uniform measures across airline companies.

In November 2023, the Commission adopted a series of proposals, including two Regulation proposals addressing passenger rights: **COM 2023/753** *on the enforcement of passenger rights* and **COM 2023/752** *on passenger rights in the context of multimodal journeys*. These proposals constitute a crucial opportunity to answer the expectations of European musicians, orchestras and ensembles of all sizes when exercising their rights as passengers, which -in our view- also regards the transportation of musical instruments by air or rail.

On behalf of the music professionals we represent across all EU Member States, we urge the Commission to consider the inclusion, in COM 2023/753 or COM 2023/752, of provisions addressing the problems described above. Such provisions could take the form below:

Whereas * (air carriers)**

Musical instruments should be accepted as baggage within the passenger cabin of an aircraft and, where this is not possible, should be carried under the appropriate conditions in the cargo compartment of the aircraft. In order to allow the passengers concerned to assess whether their instrument can be stored in the cabin, air carriers should inform them about the size of storage facilities.

Whereas * (other carriers)**

As passengers, Musicians may be denied boarding on trains when they travel with large musical instruments. This is a problem in general, but also in case of multi-modal use of transport means. As a result, they must travel by road, thus generating an unnecessary carbon footprint. All rail carriers should, therefore, accept musical instruments as baggage. In order to allow the passengers concerned to assess whether their instrument can be stored in the baggage area or require the booking of a second seat or an extra storage space, rail carriers should inform them about the size of storage areas and facilities.

Article * (air carriers)**

1. A Union air carrier shall permit a passenger to carry a musical instrument in the passenger cabin of an aircraft subject to applicable safety rules and the technical specifications and constraints of the aircraft concerned. Musical instruments shall be accepted for carriage within an aircraft cabin, provided such instruments can be stowed safely in a suitable baggage compartment within the cabin or under an appropriate passenger seat. When accepted for carriage within the aircraft cabin, a musical instrument shall form part of a passenger's hand luggage allowance. The air carrier may determine that additional charges are to apply for hand luggage to be carried in addition to that allowance.

2. Where a musical instrument is too large to be stowed safely in a suitable baggage compartment within the cabin or under an appropriate passenger seat, an air carrier may request the payment of a second fare where such musical instruments are carried as hand luggage on a second seat. Such additional fare shall not be subject to the payment of the relevant airport departure tax. Where a second seat is purchased, an air carrier shall make reasonable efforts to seat the passenger and the musical instrument concerned together.

2 a. Where space is available and if requested, musical instruments shall be carried in a heated part of an aircraft cargo hold, subject to applicable safety rules, space constraints and the technical specifications of the aircraft concerned. Air carriers shall provide special tags for clear display on musical instruments to ensure that they are handled with the necessary care. Only instruments that are properly packaged in a rigid and/or hard-shell container specifically designed for such items shall be allowed to be carried as aircraft cargo.

2 b. An air carrier shall clearly indicate at booking and in its terms and conditions the basis on which musical instruments will be transported, including the applicable charges, the facilities for the carriage of musical instruments that are available on the aircraft concerned and the dimensions of these facilities. Where a second seat needs to be booked, passengers shall be offered the possibility of booking that second seat online.

Article * (rail carriers)**

1. A Union rail carrier shall permit a passenger to carry a musical instrument on the train in addition to their hand luggage allowance. Where a musical instrument is too large to be stowed safely in the baggage area, a rail carrier may request the payment of a second fare where such musical instruments are carried as hand luggage on a second seat. Where a second seat is purchased, a rail carrier shall make reasonable efforts to seat the passenger and the musical instrument concerned together.

2. A rail carrier shall clearly indicate at booking and in its terms and conditions the basis on which musical instruments will be transported, including the applicable charges, the facilities for the carriage of musical instruments available on the train concerned and the dimensions of these facilities. Where a second seat or an extra storage space needs to be booked, passengers shall be offered the possibility of booking that second seat or extra storage space online.

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