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from: General Secretariat
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Subject: Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 261/2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights and Regulation (EC) No 2027/97 on air carrier liability in respect of the carriage of passengers and their baggage by air - Outcome of the European Parliament's first reading (Strasbourg, 3 to 6 February 2014)

I. INTRODUCTION

The rapporteur, Mr Georges BACH (EPP, LU), presented a report on the abovementioned proposal, on behalf of the Committee on Transport and Tourism (TRAN). The report contained 168 amendments (amendments 1 - 168).

In addition, 14 other amendments (amendments 169 - 182) had been tabled by political groups (S&D, ALDE, Greens/EFA, ECR and EUL/NGL) and groups of 40 or more MEPs.

II. DEBATE

The debate took place on 5 February 2014.

The rapporteur, Mr Georges BACH (EPP, LU), opened the debate and:

- welcomed the timely revision of the Regulation. The current situation was clearly unsatisfactory, and the issue of air passenger rights was important for European citizens. He found the argument about increased costs hitting the airlines unreasonable as only 2 % of passengers entitled to compensation actually obtained compensation;
- stated that the revision would improve the situation for millions through additional rights but also through improved information (from the stage of booking to information and contact points at the airports with competent staff) and through better possibilities to claim rights. In this context, he had proposed a number of additional definitions to clarify the text;
- highlighted improvements to the Commission's proposal, in particular on:
 - closing loopholes for airlines for invoking "extraordinary circumstances", in particular all sorts of "technical problems". In the future technical problems could only be invoked if they were caused by manufacturer defects, and the list of what could be deemed to be extraordinary circumstances would become a closed list;
 - obligations concerning support and assistance to passengers;
 - compensation for delays where the so called trigger points have been amended to the advantage of passengers, as the Commission's proposal was found too industry friendly;
 - the complaints process by setting deadlines and obliging airlines to react to complaints;

- further, inter alia underlined that:
 - in relation to the no show policy, it should no longer be possible for the airlines to deny boarding on the grounds that the passenger had not used the outbound flight;
 - for connecting flights, the final destination should be used as basis for calculating the delay, as proposed by the Commission;
 - as concerns carry on luggage, the one bag rule should be prohibited;
 - the competences of national authorities should be strengthened, and sanctions should be effective;
- concluded by expressing his disappointment with the Council that he hoped would become more ambitious and now deal with the proposal, in the interest of passengers.

Commissioner KALLAS:

- stated that in practice, air passengers were not always afforded the rights to which they were entitled. Firstly, because the current enforcement system was not sufficiently effective and not applied uniformly across the EU. Secondly, due to different interpretations by airlines and passengers of the same text. Therefore, the Commission's proposal aimed to bring more clarity to the text and to improve the enforcement of passenger rights. At the same time, it took the operational and financial impact on airlines into account, also bearing in mind that this would affect ticket prices for passengers. For the Commission, a main aim had been to avoid cancellation of flights, which was the worst thing that could happen both to passengers and to airlines;
- welcomed the TRAN Committee's report in the key areas of enforcement, right of information, obligations of airlines in cases of cancellation and possibilities of complaint;
- expressed concern over some of the amendments proposed:
 - delays on short and medium distances where the Parliament wished to maintain the current delay thresholds for compensations. The problem was that these thresholds might be too low, giving airlines a financial incentive to cancel delayed flights which in the end would not be in the interest of passengers;

- an exhaustive list of extraordinary circumstances that exempt the airline from paying compensation to passengers might prove to be too rigid;
- on airline insolvency, the preoccupation was understandable. However, the proposal on having a fund, or insurance, for repatriation and reimbursement of tickets would double the cost of the current Regulation for carriers and therefore be disproportionate. He in turn pointed to the commitments set out in Communication of 18 March 2013 on passenger protection in the event of airline insolvency that would now be put into concrete action;
- defended the balance of the proposal by stating that the current revision of the Passenger Rights Regulation was a substantial improvement for passengers and was based on the experience obtained during the ash cloud crisis. Airlines were not the enemies of the passengers but wanted to transport passengers and earn their revenue from this. Airlines were operating in a very difficult environment at the present time and a balance had to be struck;
- hoped that the Council would soon be able to define its own position on this essential piece of legislation, so that inter-institutional negotiations could start shortly after the European elections.

The rapporteur of the opinion of the Committee on the Internal Market and Consumer Affairs (IMCO), Mr Hans-Peter MAYER (EPP, DE) argued that it was not justified to limit the ban on denied boarding to simple outward and return flights but that it should also be extended to connecting flights.

Speaking on behalf of the EPP group, Mr Mathieu GROSCH (BE):

- congratulated the rapporteur for his work in finding the right balance between the justified expectations of the passengers and the concerns of the airlines. He had brought about clarity and transparency which was the most important issue and task at hand given the various judgements of the Court of Justice. The proposal on the table provided an added value for all, also for the airlines;

- called for using a sense of proportionality when deciding the level of compensation (would a compensation of e.g. 600 EUR be of much use if the flight was cancelled altogether? If somebody had booked a flight for 20 EUR, a compensation of e.g. 400 EUR would not be justified). As concerns the extraordinary circumstances, he appealed to the airlines not to use every opportunity to invoke extraordinary circumstances to avoid paying compensation;
- underlined that for him the most important issue was the information to the passengers before booking (one shouldn't have to read 20 pages to see whether one could bring one or two suitcases etc.), and that there was a contact point at airports where information on rights and complaints could be given. The proposal on the table ensured that.

Speaking on behalf of the S&D group, Ms Bernadette VERGNAUD (FR):

- stated that the Commission's proposal included a number of steps forward compared to the current text. She believed that the Parliament had achieved an improvement of the proposal;
- in this context, highlighted inter alia the following points:
 - that the legislation could be effectively applied. It was of no use to provide passengers with rights if in practice the airlines could distort obligations by invoking any technical problem of if the rules were not operational. The scope of the extraordinary circumstance that could be invoked had therefore been strictly framed;
 - compensation for delayed flights while taking account of the diversity of destinations and material constraints. The three trigger points for compensation should be maintained. It was tempting to go further but she agreed with the Commission that this could lead to more cancellations;
 - maintain the prohibition on denied boarding in case the outward flight was not used;
 - the right to bring other personal items onboard in addition to the cabin luggage;
- summed up that to her the text presented the right balance between improved rights for passengers and realistic obligations for the carriers and was a good basis for discussions with the Council.

Speaking on behalf of the ALDE group, Ms Vilja SAVISAAR-TOOMAST (ET):

- stated that the background for the current proposal on the table was the frequent cancelations, delays and baggage handling problems. Only 2 % of passengers got the compensation they were entitled to. The Icelandic ash cloud demonstrated the need for a better legal framework. Passengers needed to be informed of their rights and be entitled to compensation but airlines did not always do enough to inform the passengers of their rights;
- welcomed that the TRAN Committee had agreed improvements on compensations for delays and cancellations, ensured better assistance to disabled people and supported the regional airlines, including the 90 minute buffer during which they would not be liable for missed connecting flights, as well as had ensured that passengers could use their return ticket in the event that they had not been present for the outward flight they were booked for;
- regretted the behaviour of the S&D group that had supported all the compromises in the TRAN Committee but was now trying to unravel the compromise. Therefore, her group would not support the IMCO amendments.

Speaking on behalf of the EFA/Greens group, Mr Keith TAYLOR (UK):

- welcomed the fact that it had been possible to change the emphasis in the Commission proposal from being largely pro-industry – pro-airline – to being much more pro-passenger. He was in a position to support the report;
- expressed support for the compromise that compensation should be paid after three hours of delay, although his group's proposal on one hour was not carried. However, three hours were considerably better than the starting point of five hours in the Commission proposal. His group could also support the narrowing down of the scope of extraordinary circumstances to stop airlines hiding behind this excuse to avoid paying compensation to travellers to whom it was due. He hoped that implementation could be improved and believed that in that regard, his group's suggestion of independent mediation bodies would prove very useful;

- finally, highlighted that the environmental impact and energy efficiency of passengers' travel would now be provided on the website and on the tickets for the journey. People could not be expected to be more responsible about carbon emissions if they did not know what the effect of their activities would be.

Speaking on behalf of the ECR group, Ms Jacqueline FOSTER (UK):

- believed that the 2004 legislation, brought a number of benefits for passengers across Europe and raised standards of service in many of these areas. However, following the Icelandic ash cloud incident and the European Court of Justice rulings, it was quite right to look at the legislation again to see if that balance could be redressed;
- stated that there were clearly benefits from some of the changes proposed in the Parliament to the Commission proposal, such as those on the 90-minutes grace for connecting flights, changes on tickets and making sure that airlines' websites were clear and concise before people press the pay button. However, she regretted that some of the changes could lead to unintended consequences for passengers by possibly reducing choice, putting up prices and damaging the competitiveness of regional carriers;
- argued that reducing the trigger points from five to three hours, could lead to many more air cancellations and thus to a reduction in feeder flights from regional airports with damaging effects. The increase in compensation levels, certainly at the lower level, quite often did not reflect the very cheap ticket costs of some tickets and she would have preferred a compensation that was more linked to the cost of the ticket. She was nevertheless hopeful that a number of those issues could be sorted out;
- finally, recalled that she had retabled a number of amendments regarding Gibraltar. Her group lost the vote in the TRAN Committee but she hoped that the Parliament as a whole would support them.

Speaking on behalf of the EUL/NGL group, Mr Jaromír KOHLÍČEK (CZ):

- stated that the compromise sought to prevent the air carriers from avoiding their responsibilities towards passengers, e.g.:
 - passengers had 3 months to complain and a response had to be given within 2 months;
 - an exhaustive list of exceptional circumstances;
 - an Annex II which constituted a simple hand book for passengers;
- highlighted other areas where improvements were agreed vis-à-vis the 2004 Regulation, such as families with small children, people with disabilities, passengers with music instruments, multiple leg tickets where passengers were able to use some but not all flights as well as pricing where a new standard was set for aviation.

Most of the interventions of the subsequent speakers echoed the above. The following could be mentioned:

Mr Dieter-Lebrecht KOCH (EPP, DE):

- considered that the rapporteur's report was a very consumer friendly compromise balancing passenger rights with the interest of air carriers. It strengthened the consumer rights considerably both compared to the current Regulation and to the Commission's proposal;
- warned against the danger of a bidding contest in showering the passengers with gifts now that elections were approaching. Therefore, he pleaded to support the report as voted in the TRAN Committee and not to support more far reaching amendments, in particular the one on reducing the trigger points from three to two which would only lead to more cancellations and higher ticket prices and the one on extending the ban on the no show policy which would deter airlines from making special offers on low fares.

Ms Eva LICHTENBERGER (Greens/EFA, AT):

- stated that she had undertaken a small survey where she had asked passengers whether they had applied for compensation and whether they had received it. The answers had been rather depressing demonstrating that passengers do not have much faith in the system. They did not make claims because they thought it would be hopeless, and if they had made claims then they often had to go to court. This situation was unacceptable;
- was therefore disappointed about the Commission's proposal that made things worse. The Commission had only listened to airlines, passengers were seen as a nuisance. In particular, she was provoked that force majeure was interpreted in such a way that a lost screw was put on the same level as an ash cloud;
- welcomed the improvements by the TRAN Committee but more so the ones by the IMCO Committee and urged to support these amendments.

Ms Inés AYALA SENDER (S&D, ES):

- recalled that it was 10 years ago, the last air passengers rights Regulation was adopted and in the mean time, work had been done on rights of rail and coach passengers. It was therefore timely to look at improving air passengers rights again;
- in particular, welcomed the attention paid to special categories: families with young children, disabled passengers and passengers with music instruments. The measures that needed to be put in place for these categories were not very costly;
- stated that it should also be possible to take handbags and duty free shopping into the cabin. There was a need to take care of passengers who were left stranded in case an air carrier went bankrupt. The compensation scheme should be modernised to become more automatic or at least more consistent and certain basic rights guaranteed, such as access to food.

The issue of Gibraltar was the subject of comments by a number of MEPs, in particular MEPs from the UK:

Mr Graham WATSON (ALDE, UK) stated that the Regulation was one of the few remaining EU aviation measures that still contained a clause excluding Gibraltar airport. After the Cordoba Agreement in 2006, Spain had told the Commission that it would no longer seek Gibraltar's exclusion from such aviation measures. Nevertheless, the Commission's revision of the Regulation left in the Gibraltar exclusion clause. The clause had to come out because the issue at stake were the rights of every EU citizen, Gibraltarian, Spanish or other, who used Gibraltar airport. He therefore urged to vote for amendments 171 to 174 deleting the exclusion clause.

Mr Luis DE GRANDES PASCUAL (EPP, ES) acknowledged that the issue was sensitive. He believed that the dispute had to be solved by means of dialogue between two friendly countries.

III. VOTE

The vote took place on 5 February 2014. The European Parliament adopted 169 amendments to the proposal.

All but one of the Committee's amendments (amendment 62) were adopted, amendment 74 with an oral amendment. In addition, two other amendments were adopted (amendments 169 by the S&D group and amendment 174 by the ALDE group).

The amendments adopted are set out in the Annex.

Compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights *I**

European Parliament legislative resolution of 5 February 2014 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 261/2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights and Regulation (EC) No 2027/97 on air carrier liability in respect of the carriage of passengers and their baggage by air (COM(2013)0130 – C7-0066/2013 – 2013/0072(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2013)0130),
 - having regard to Article 294(2) and Article 100(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0066/2013),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 11 July 2013¹,
 - after consulting the Committee of the Regions,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Transport and Tourism and the opinion of the Committee on the Internal Market and Consumer Protection (A7-0020/2014),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ OJ C 327, 12.11.2013, p. 115.

Amendment 1

Proposal for a regulation

Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) Air transport services are prepaid by the passenger and directly or indirectly subsidised by the taxpayer. Flight tickets should therefore be considered to be "result contracts", whereby the airlines guarantee to fulfil the obligations of the contract with the utmost care.

Amendment 2

Proposal for a regulation

Recital 3

Text proposed by the Commission

Amendment

(3) In order to increase legal certainty for air carriers and passengers, a more precise definition of the concept of “extraordinary circumstances” is needed, which takes into account the judgement of the European Court of Justice in the case C-549/07 (Wallentin-Hermann). Such a definition should be further clarified via a ***non-exhaustive*** list of circumstances that are clearly identified as extraordinary ***or not***.

(3) In order to increase legal certainty for air carriers and passengers, a more precise definition of the concept of “extraordinary circumstances” is needed, which takes into account the judgement of the European Court of Justice in the case C-549/07 (Wallentin-Hermann). Such a definition should be further clarified via an ***exhaustive*** list of circumstances that are clearly identified as extraordinary. ***The power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission to make additions, where necessary, to that list.***

Amendment 3

Proposal for a regulation

Recital 5

Text proposed by the Commission

(5) In *the case* C-22/11 (*Finnair*), the *European* Court decided that the concept of ‘denied boarding’ must be interpreted as relating not only to cases where boarding is denied because of overbooking but also to those where boarding is denied on other grounds, such as operational reasons. ***Given this confirmation, there is no reason to modify the current*** definition of “denied boarding”.

Amendment

(5) In *Case* C-22/11 (*Finnair*), the Court of *Justice* decided that the concept of ‘denied boarding’ must be interpreted as relating not only to cases where boarding is denied because of overbooking but also to those where boarding is denied on other grounds, such as operational reasons. ***The*** definition of “denied boarding” ***should cover cases where the scheduled time of departure has been changed to an earlier departure with the consequence that a passenger misses the flight.***

Amendment 4

Proposal for a regulation

Recital 6

Text proposed by the Commission

(6) Regulation (EC) No 261/2004 also applies to passengers that have booked their air transport as part of a package travel. However, it should be clarified that passengers may not cumulate corresponding rights, in particular under both this Regulation and Council Directive 90/314/EEC of 13 June 1990 on package travel, package holidays and package tours¹⁷. The passengers should be able to choose under which law they introduce their claims, but should not have the right to cumulate compensation for the same problem under both legal acts. ***Passengers should not be concerned about how air carriers and tour operators allocate such claims between them.***

Amendment

(6) Regulation (EC) No 261/2004 also applies to passengers that have booked their air transport as part of a package travel. However, it should be clarified that passengers may not cumulate corresponding rights, in particular under both this Regulation and Council Directive 90/314/EEC of 13 June 1990 on package travel, package holidays and package tours¹⁷. The passengers should be able to choose under which law they introduce their claims, but should not have the right to cumulate compensation for the same problem under both legal acts. ***Air carriers and tour operators should give passengers the evidence necessary for them to finalise their claims without delay.***

¹⁷ OJ L158, 23.6.1990, p.59

¹⁷ OJ L158, 23.6.1990, p.59

Amendment 5

Proposal for a regulation

Recital 7

Text proposed by the Commission

(7) In order to improve levels of protection, passengers **should** not be denied boarding on the return journey of a two-way (return) ticket **because** they have not taken the outward journey.

Amendment

(7) In order to improve levels of protection, **it should not be possible for** passengers **to** be denied boarding **on a section of** the journey of a two-way (return) ticket **on the grounds that** they have **not travelled on every leg of the journey covered by the ticket**.

Amendment 6

Proposal for a regulation

Recital 8

Text proposed by the Commission

(8) At present, passengers are sometimes penalised for spelling errors in their names by the application of punitive administrative fees. **Reasonable** corrections of booking errors should be provided free of charge provided they do not imply a change of times, date, itinerary or passenger.

Amendment

(8) At present, passengers are sometimes penalised for spelling errors in their names by the application of punitive administrative fees. Corrections of booking errors should be provided free of charge provided they do not imply a change of times, date, itinerary or passenger.

Amendment 7

Proposal for a regulation

Recital 9

Text proposed by the Commission

(9) It should be clarified that in cases of cancellation the choice between receiving reimbursement, continuation of travel by *rerouting* or travel at a later date is the decision of the passenger and not that of the air carrier.

Amendment

(9) It should be clarified that in cases of cancellation the choice between receiving reimbursement, continuation of travel by *re-routing* or travel **later on the same day or** at a later date is the decision of the passenger and not that of the air carrier.

Amendment 8

Proposal for a regulation Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) Where a passenger cancels a flight, air carriers should be obliged to refund, free of charge, taxes which have already been paid.

Amendment 9

Proposal for a regulation Recital 9 b (new)

Text proposed by the Commission

Amendment

(9b) If the passenger opts, in accordance with an agreement, to travel at a later time, the costs of travelling to and from the airport for the cancelled flight should always be reimbursed in full. Those costs should always include public transport fares, taxi fares and parking charges at the airport.

Amendment 10

Proposal for a regulation Recital 9 c (new)

Text proposed by the Commission

Amendment

(9c) The financial protection of passengers in the event of airline failure is a key component of an effective passenger rights regime. In order to strengthen air passengers' protection in the event of cancellations of flights due to the insolvency of an air carrier or the suspension of an air carrier's operations due to the revocation of its operating licence, air carriers should be obliged to provide sufficient evidence of security for

the reimbursement of passengers or their repatriation.

Amendment 11

Proposal for a regulation Recital 9 d (new)

Text proposed by the Commission

Amendment

(9d) The creation of a guarantee fund or a compulsory insurance scheme will for example enable air carriers to ensure that passengers can be reimbursed or repatriated when their flights are cancelled due to the insolvency of an air carrier or the suspension of its operations as the result of the revocation of its operating licence.

Amendment 12

Proposal for a regulation Recital 10

Text proposed by the Commission

Amendment

(10) *Airports* and airport users such as air carriers *and* ground handling companies should *cooperate* to minimise the impact of multiple flight disruptions on passengers by ensuring their care and rerouting. To this end, *they should prepare* contingency *plans* for such occurrences and work together in the development of such plans.

(10) *The airport managing body* and airport users such as air carriers, ground handling companies, *navigation service providers and assistance providers for disabled passengers and passengers with reduced mobility* should *take adequate measures to enforce coordination and cooperation between airport users in order* to minimise the impact of multiple flight disruptions on passengers by ensuring their care and rerouting. To this end, *airport managing bodies should ensure adequate coordination by means of a proper* contingency *plan* for such occurrences and work together *with national, regional or local authorities* in the development of such plans. *Such plans should be assessed by the National Enforcement Bodies which may require adaptations, where necessary.*

Amendment 13

Proposal for a regulation Recital 10 a (new)

Text proposed by the Commission

Amendment

(10a) Air carriers should set up procedures and coordinated action in order to provide adequate information to stranded passengers. Those procedures should clearly indicate who is to be responsible at each airport for arranging the care, assistance, re-routing or reimbursement and should set out the processes and conditions for the provision of those services.

Amendment 14

Proposal for a regulation Recital 10 b (new)

Text proposed by the Commission

Amendment

(10b) In order to assist passengers in the case of flight disruptions or delayed, damaged or lost luggage, air carriers should set up contact points at airports where their personnel or third parties commissioned by them should provide passengers with the necessary information regarding their rights, including complaint procedures, and assist them to take immediate action.

Amendment 15

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) Regulation (EC) No 261/2004 should explicitly include the right to compensation for passengers suffering long delays, in line with the judgement of the European Court of Justice in the Joined cases C-402/07 and C-432/07 (*Sturgeon*). ***At the same time, the thresholds above which delays give rise to a right to compensation should be increased to take account of the financial impact on the sector and to avoid any increase in the frequency of cancellations as a consequence. To ensure that citizens travelling within the EU face homogenous conditions for compensation, the threshold should be the same for all travel within the Union, but it should depend upon the journey distance for travel to and from third countries to take into account the operational difficulties encountered by air carriers to deal with delays on remote airports.***

Amendment

(11) Regulation (EC) No 261/2004 should explicitly include the right to compensation for passengers suffering long delays, in line with the judgement of the European Court of Justice in the Joined cases C-402/07 and C-432/07 (*Sturgeon*) ***and with the principle of equal treatment, which requires that comparable situations must not be treated differently. The thresholds above which delays give rise to a right to compensation should be increased, inter alia to take account of the financial impact on the sector. They should have the effect of ensuring that citizens travelling within the EU face homogenous conditions for compensation. At the same time, certain thresholds should be put higher depending on the journey distance for travel to and from third countries to take into account the operational difficulties encountered by air carriers to deal with delay on remote airports. As regards the amount of compensation, the same rate should always be applied to the same distance of the flight involved.***

Amendment 16

Proposal for a regulation

Recital 12

Text proposed by the Commission

(12) To ensure legal certainty, Regulation 2004/261 (EC) should explicitly confirm that the changing of flight schedules has a similar impact on passengers to long delays and should therefore give rise to similar rights.

Amendment

(12) To ensure legal certainty, Regulation (EC) No 261/2004 should explicitly confirm that the changing of flight schedules has a similar impact on passengers to long delays ***or denied boarding*** and should therefore give rise to similar rights.

Amendment 17

Proposal for a regulation

Recital 13

Text proposed by the Commission

(13) Passengers missing a connecting flight should be properly cared for while waiting for *rerouting*. In line with the principle of equal treatment, such passengers should be able to claim compensation on a similar basis to passengers whose flights are delayed or cancelled in light of the delay upon reaching the final destination of their journey.

Amendment

(13) Passengers missing a connecting flight ***due to a change of schedule or delay*** should be properly cared for while waiting for *re-routing*. In line with the principle of equal treatment ***and the judgement of the European Court of Justice in Case C-11/11 (Air France v. Folkerts)***, such passengers should be able to claim compensation on a similar basis to passengers whose flights are delayed or cancelled in light of the delay upon reaching the final destination of their journey.

Amendment 18

Proposal for a regulation

Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) In principle, it should be the air carrier causing the change of schedule or the delay that is obliged to offer assistance and re-routing. However, in order to reduce the economic burden on the air carrier concerned, the compensation to be paid to the passenger should be in relation to the delay of a preceding connecting flight at the transfer point.

Amendment 19

Proposal for a regulation

Recital 13 b (new)

Text proposed by the Commission

Amendment

(13b) Disabled passengers or passengers

with reduced mobility who miss a connecting flight due to a delay caused by airport assistance services should be adequately cared for while they are waiting for re-routing. Such passengers should be able to claim compensation from the airport managing body on a similar basis to passengers whose flights are delayed or cancelled by the air carrier.

Amendment 20

Proposal for a regulation Recital 16

Text proposed by the Commission

(16) Air carriers currently face unlimited liability for the accommodation of their passengers in the case of extraordinary circumstances of long duration. ***This uncertainty linked with the absence of any foreseeable limit in time may risk endangering a carrier's financial stability.*** An air carrier should ***therefore*** be able to limit the provision of care after a certain duration of time. Moreover, contingency planning and speedy *rerouting* should lessen the risk of passengers being stranded for long periods.

Amendment

(16) Air carriers currently face unlimited liability for the accommodation of their passengers in the case of extraordinary circumstances of long duration. An air carrier should, ***however***, be able to limit the provision of care ***as regards the duration of accommodation and, in cases where passengers arrange the accommodation themselves, as regards costs and care*** after a certain duration of time. Moreover, contingency planning and speedy *re-routing* should lessen the risk of passengers being stranded for long periods.

Amendment 21

Proposal for a regulation Recital 17

Text proposed by the Commission

(17) The implementation of certain passenger rights, in particular the right to accommodation, has been shown to be out of proportion to air carriers' revenues for certain small-scale operations. Flights performed by small aircraft on short distances should therefore be exempted from the obligation to pay for accommodation, although the carrier

Amendment

deleted

should still help the passenger to find such accommodation.

Amendment 22

Proposal for a regulation Recital 18

Text proposed by the Commission

(18) For disabled persons, persons with reduced mobility and other persons with special needs such as unaccompanied children, pregnant women and persons in need of specific medical attention, it may be more difficult to arrange accommodation when flight disruptions occur. Therefore, any limitations on the right for accommodation in cases of extraordinary circumstances *or for regional operations* should *not* apply to these categories of passenger.

Amendment

(18) For disabled persons, persons with reduced mobility and other persons with special needs such as unaccompanied children, pregnant women and persons in need of specific medical attention, it may be more difficult to arrange accommodation when flight disruptions occur. Therefore, any limitations on the right for accommodation in cases of extraordinary circumstances should *on no account* apply to these categories of passenger.

Amendment 23

Proposal for a regulation Recital 18 a (new)

Text proposed by the Commission

Amendment

(18a) Where the Community air carrier requires disabled persons or persons with reduced mobility to be accompanied by a carer, carers should not be subject to the payment of the relevant airport departure tax.

Amendment 24

Proposal for a regulation

Recital 18 b (new)

Text proposed by the Commission

Amendment

(18 b) The service providers should ensure that persons with reduced mobility and people with disabilities have the right, at all times, to use safety-approved respiratory devices on aircraft, free of charge. The Commission should draw up a list of approved medical oxygen equipment in cooperation with the industry and organisations representing people with disabilities and PRMS, taking due account of safety requirements.

Amendment 25

Proposal for a regulation

Recital 20

Text proposed by the Commission

Amendment

(20) Passengers should not only be correctly informed about their rights in cases of flight disruption, but they should also be adequately informed about the cause of the disruption itself, as soon as the information becomes available. This information should also be provided where the passenger has acquired the ticket through an intermediary established in the Union.

(20) Passengers should not only be correctly informed about their rights in cases of flight disruption, ***change of schedule and denied boarding***, but they should also be adequately informed about the cause of the disruption itself, as soon as the information becomes available. This information should also be provided ***by the air carrier*** where the passenger has acquired the ticket through an intermediary established in the Union. ***Passengers should also be informed as to the simplest and most rapid procedures for making claims and complaints, in order to enable them to exercise their rights.***

Amendment 26

Proposal for a regulation

Recital 21 a (new)

Text proposed by the Commission

Amendment

(21a) To assist National Enforcement Bodies in fulfilling their role regarding the enforcement of this Regulation, air carriers should provide them with relevant compliance documentation that demonstrates their proper compliance with all relevant Articles of this Regulation.

Amendment 27

Proposal for a regulation Recital 21 b (new)

Text proposed by the Commission

Amendment

(21b) As commercial aviation is an integrated Union market, measures to guarantee enforcement of this Regulation will be more effective at Union level with increased involvement of the European Commission. Specifically, the European Commission should increase awareness among the flying public of compliance by air carriers with passenger rights requirements by publishing a list of carriers that systematically fail to comply with this Regulation.

Amendment 28

Proposal for a regulation Recital 22

Text proposed by the Commission

Amendment

(22) Passengers should be adequately informed about the relevant procedures for submitting claims and complaints to air carriers and should receive a reply within *a*

(22) Passengers should be adequately informed about the relevant procedures for submitting claims and complaints to air carriers, ***should have their attention drawn***

reasonable time period. Passengers should also have the option to complain about air carriers via out-of-court measures. However, since the right to an effective remedy before a tribunal is a fundamental right recognised in Article 47 of the Charter of Fundamental Rights of the European Union, those measures should neither prevent nor hinder passengers' access to courts.

to the time limits applicable in this connection, particularly those laid down in Article 16a(2) and should receive a reply within *the shortest period possible*. Passengers should also have the option to complain about air carriers via out-of-court measures. *Member States should provide for well equipped-mediation services, where it was not possible for a conflict between the passenger and the airline to be solved*. However, since the right to an effective remedy before a tribunal is a fundamental right recognised in Article 47 of the Charter of Fundamental Rights of the European Union, those measures should neither prevent nor hinder passengers' access to courts. *For this purpose, they should always be given the addresses and contact details of all bodies responsible for completion of the relevant formalities in each country. In order to enable claims to be processed easily, quickly and cheaply in both judicial and extrajudicial procedures, reference should be made, in particular, to the online and alternative dispute resolution procedures and to the European Small Claims Procedure.*

Amendment 29

Proposal for a regulation Recital 22 a (new)

Text proposed by the Commission

Amendment

(22a) Before a claim is submitted, a complaint should always be lodged.

Amendment 30

Proposal for a regulation

Recital 23

Text proposed by the Commission

(23) In case C-139/11 (*Moré vs KLM*), the European Court of Justice clarified that the time-limits for bringing actions for compensation are determined in accordance with the national rules of each Member State.

Amendment

(23) In *Case C-139/11 Moré v KLM*, the Court of Justice clarified that the time-limits for bringing actions for compensation are determined in accordance with the national rules of each Member State. ***As regards out-of-court settlements, time-limits are determined in accordance with Directive 2013/11/EU of the European Parliament and of the Council on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Directive on consumer ADR)***^{17a}.

^{17a} OJ L 165, 18.6.2013, p. 65.

Amendment 31

Proposal for a regulation

Recital 26 a (new)

Text proposed by the Commission

Amendment

(26a) In order to increase legal certainty for passengers and air carriers, it should be possible to clarify the concept of ‘extraordinary circumstances’ on the basis of the work of the National Enforcement Bodies and Court Judgments. . It is of particular importance that the Commission carry out appropriate consultations during its preparatory work with the National Enforcement Bodies. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament

and to the Council.

Amendment 32

Proposal for a regulation

Recital 27

Text proposed by the Commission

(27) In order to ensure that the damage to or loss of mobility equipment is compensated to its full value, air carriers ***should offer free of charge to persons*** with reduced mobility the opportunity to make a special declaration of interest, which pursuant to the Montreal Convention, allows them to seek full compensation for loss or damage.

Amendment

(27) In order to ensure that the damage to or loss of mobility equipment is compensated to its full value, air carriers ***and airport assistance services shall inform disabled passengers or passengers with reduced mobility at the time of booking and again at check-in of*** the opportunity to make a special declaration of interest, which pursuant to the Montreal Convention, allows them to seek full compensation for loss or damage. ***Air carriers should inform passengers of this declaration and the rights attaching to it whenever they make a ticket booking.***

Amendment 33

Proposal for a regulation

Recital 29

Text proposed by the Commission

(29) Musical instruments should ***as far as possible*** be accepted as baggage within the passenger cabin and, where this is not possible, should ***where possible*** be carried under the appropriate conditions in the cargo compartment of the aircraft. Regulation (EC) No 2027/97 should be amended accordingly.

Amendment

(29) Musical instruments should be accepted as baggage within the passenger cabin 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.*** Regulation (EC) No 2027/97 should be amended accordingly.

Amendment 34

Proposal for a regulation Recital 31

Text proposed by the Commission

(31) Given the short deadlines for the submission of complaints for lost, damaged or delayed baggage, ***air carriers should give passengers*** the possibility to submit a complaint ***by providing*** a complaint form ***at the airport***. This could also take the form of the common Property Irregularity Report (PIR).

Amendment

(31) Given the short deadlines for the submission of complaints for lost, damaged or delayed baggage, ***a special baggage claim service should be set up at all airports where passengers have*** the possibility to submit a complaint ***upon arrival. For this purpose, air carriers should provide*** a complaint form ***in all EU official languages to passengers***. This could also take the form of the common Property Irregularity Report (PIR). ***The Commission should lay down the form of the standardised claim form through implementing acts.***

Amendment 35

Proposal for a regulation Recital 35 a (new)

Text proposed by the Commission

Amendment

(35a) In order to improve passenger protection beyond Union borders, passenger rights should be addressed in bilateral and international agreements.

Amendment 36

Proposal for a regulation Recital 35 b (new)

Text proposed by the Commission

Amendment

(35b) Specific facilities for severely disabled passengers requiring changing

and toilet facilities (so-called 'changing places') should be provided at no cost to the passenger at all Union airports with an annual throughput of more than 1 million passengers.

Amendment 37

Proposal for a regulation Recital 35 c (new)

Text proposed by the Commission

Amendment

(35c) The national enforcement bodies set up by the Member States ('NEBs') do not always have sufficient power to ensure the effective protection of passenger rights. Member States should therefore give NEBs sufficient power to sanction infringements and to resolve disputes between passengers and industry, and all NEBs should fully investigate all complaints received.

Amendment 38

Proposal for a regulation Article 1 – paragraph 1 – point -1 (new) Regulation (EC) No 261/2004

Article 1 – paragraph 1 – point d (new)

Present text

Amendment

(-1) In Article 1(1) the following point is added:

'(d) in case of downgrading;'

Amendment 39

Proposal for a regulation

Article 1 – paragraph 1 – point -1 a (new)

Regulation (EC) No 261/2004

Article 1 – paragraph 1 – point e (new)

Text proposed by the Commission

Amendment

(-1a) In Article 1(1) the following point is added:

‘(e) they miss a connecting flight;’

Amendment 174/rev

Proposal for a regulation

Article 1 – paragraph 1 – point -1 b (new)

Regulation (EC) No 261/2004

Article 1 – paragraph 3

Amendment

Present text

(-1b) In Article 1, paragraph 3 is deleted.

3. Application of this Regulation to Gibraltar airport shall be suspended until the arrangements in the Joint Declaration made by the Foreign Ministers of the Kingdom of Spain and the United Kingdom on 2 December 1987 enter into operation. The Governments of Spain and the United Kingdom will inform the Council of such date of entry into operation.

Amendment 40

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point b

Regulation (EC) No 261/2004

Article 2 – point d

Text proposed by the Commission

Amendment

‘«Organiser» means a person within the meaning of Article 2(2) of Council Directive 90/314/EEC of 13 June 1990 on

(d) ‘«Organiser» means the person who, other than occasionally, organises packages and sells or offers them for sale,

package travel, *package holidays and package tours*;

whether directly or through a retailer;

Amendment 41

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point b a (new)

Regulation (EC) No 261/2004

Article 2 – point g

Text proposed by the Commission

Amendment

Point (g) is replaced by the following:

‘(g) “reservation” means the fact that the passenger has a ticket, or other proof, which indicates that the reservation has been accepted and registered by the air carrier or organiser;’.

Amendment 42

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point c

Regulation (EC) No 261/2004

Article 2 – point i

Text proposed by the Commission

Amendment

“person with reduced mobility” means any person *as defined in Article 2(a) of Regulation (EC) No 1107/2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air*²² .

(i) "disabled person or “person with reduced mobility” means any person whose mobility when using transport is reduced due to any physical disability (sensory or locomotor, permanent or temporary), intellectual disability or impairment, or any other cause of disability, or due to age, and whose situation needs appropriate attention and the adaptation to his or her particular needs of the service made available to all passengers;

²² OJ L204, 26.7.2006, p.1

²² OJ L204, 26.7.2006, p.1

Amendment 43

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point c a (new)

Regulation (EC) No 261/2004

Article 2 – point j

Text proposed by the Commission

Amendment

(ca). Point (j) is replaced by the following:

‘(j) “denied boarding” means a refusal to carry passengers on a flight, although they have presented themselves for boarding under the conditions laid down in Article 3(2), except where there are reasonable grounds to deny them boarding, such as reasons of health, safety or security, or inadequate travel documentation. A flight for which the scheduled time of departure has been brought forward with the consequence that the passenger misses that flight shall be considered a flight for which the passenger has been denied boarding.’

Amendment 44

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point d

Regulation (EC) No 261/2004

Article 2 – point l

Text proposed by the Commission

Amendment

*'A flight where the aircraft took off but, **for whatever reason**, was subsequently forced to land at an airport other than the airport of destination or to return to the airport of departure, shall be considered a cancelled flight.'*

*(l) 'A flight where the aircraft took off but was subsequently forced to return to the airport of departure **and where the passengers of the aircraft concerned were transferred to departure on other flights**, shall be considered a cancelled flight.'*

Amendment 45

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point e
Regulation (EC) No 261/2004

Article 2 – point m

Text proposed by the Commission

“extraordinary circumstances” means circumstances ***which, by their nature or origin, are not inherent*** in the normal exercise of ***the*** activity ***of the air carrier concerned and are beyond its actual control***. For the purposes of this Regulation, extraordinary circumstances ***shall include*** the circumstances set out in ***the Annex***;

Amendment

(m) «extraordinary circumstances» means circumstances ***beyond the control of the air carrier concerned*** in the normal exercise of ***its*** activity ***and outside the obligations imposed by the relevant safety and security rules to be observed***. For the purposes of this Regulation, extraordinary circumstances ***are limited to the circumstances set out in Annex 1***.

Amendment 46

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point e
Regulation (EC) No 261/2004

Article 2 – point o

Text proposed by the Commission

(o) «connecting flight» means a flight which, under a single contract of carriage, is intended to enable the passenger to arrive at a transfer point in order to depart on another flight, or, where appropriate in the context, means that other flight departing from the transfer point;

Amendment

(o) ‘connecting flight’ means a flight which, under a single contract of carriage ***or a single booking reference, or both***, is intended to enable the passenger to arrive at a transfer point in order to depart on another flight, or, where appropriate in the context ***of Article 6a***, means that other flight departing from the transfer point;

Amendment 47

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point e
Regulation (EC) No 261/2004

Article 2 – point r

Text proposed by the Commission

“airport managing body” means a body which, in conjunction with other activities or not as the case may be, has as its

Amendment

(r) "airport managing body" means a body which, in conjunction with other activities or not as the case may be, has as its

objective under national laws, regulations or contracts the administration and management of the airport or airport network infrastructures and the coordination **and control of the activities** of the different operators present in the airports or airport network concerned;

objective under national laws, regulations or contracts the administration and management of the airport or airport network infrastructures and the coordination of the different operators present in the airports or airport network concerned **in accordance with its powers**;

Amendment 48

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point e
Regulation (EC) No 261/2004

Article 2 – point s

Text proposed by the Commission

(s) « ticket price » means the full price paid for a ticket *and* including the air fare, and all applicable taxes, charges, surcharges and fees paid for all optional and non-optional services included in the ticket;

Amendment

(s) ‘ticket price’ means the full price paid for a ticket, including the air fare and all applicable taxes, charges, surcharges and fees paid for all optional and non-optional services included in the ticket, **such as all costs for the check-in, the provision of the tickets and the issuing of the boarding cards and for the carrying a minimum amount of luggage, including an item of hand luggage, an item of checked-in luggage and essential items, as well as all costs related to payment, such as charges for paying by credit card; . the ticket price published in advance always reflects the final ticket price to be paid.**

Amendment 49

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point e
Regulation (EC) No 261/2004

Article 2 – point t

Text proposed by the Commission

(t) “flight price” means the value obtained by multiplying the ticket price by the ratio between the distance of the flight and the total distance of the journey(s) covered by the ticket;

Amendment

(t) ‘flight price’ means the value obtained by multiplying the ticket price by the ratio between the distance of the flight and the total distance of the journey(s) covered by the ticket; **where a ticket price is not known, the value of any refund shall be**

the supplement paid for a premium seat on the flight;

Amendment 50

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point e

Regulation (EC) No 261/2004

Article 2 – point w

Text proposed by the Commission

(w) «tarmac delay» means, at departure, the time the aircraft remains on the ground between the *start* of boarding of the passengers and the take-off time of the aircraft or, at arrival, the time between the touch-down of the aircraft and the start of disembarkation of the passengers;

Amendment

(w) ‘tarmac delay’ means, at departure, the time the aircraft remains on the ground between the *end* of boarding of the passengers and the take-off time of the aircraft or, at arrival, the time between the touch-down of the aircraft and the start of disembarkation of the passengers;

Amendment 51

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point e

Regulation (EC) No 261/2004

Article 2 – point y a (new)

Text proposed by the Commission

Amendment

In Article 2, the following point is inserted:

‘(ya) ‘Delay in arrival’ means the difference between the arrival time for the flight indicated on the passenger’s ticket and the time at which the flight actually arrives. A flight where the aircraft took off but was subsequently forced to return to the airport of departure and took off again at a later time is considered to be a subject to a delay in arrival. Equally, a flight which is deviated but ultimately reaches its final destination or an airport in the neighbourhood of the final destination is considered to be subject to a delay in arrival.

Amendment 52

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point e

Regulation (EC) No 261/2004

Article 2 – point y b (new)

Text proposed by the Commission

Amendment

In Article 2, the following point is inserted:

‘(yb) ‘rerouting’ means an offer of alternative transport at no additional price that enables the passenger to reach his or her final destination;’

Amendment 53

Proposal for a regulation

Article 1 – paragraph 1 – point 2 – point a

Regulation (EC) No 261/2004

Article 3 – paragraph 2 – point a – introductory part

Text proposed by the Commission

Amendment

(a) have a confirmed reservation on the flight concerned and, except in the case of cancellation referred to in Article 5 and in the case of change of schedule referred to in Article 6, present themselves for boarding,

(a) have a confirmed reservation on the flight concerned and, except in the case of cancellation referred to in Article 5 and in the case of change of schedule referred to in Article 6 ***or in the case of a connecting flight as referred to in Article 6a***, present themselves for boarding,

Amendment 54

Proposal for a regulation

Article 1 – paragraph 1 – point 2 – point a a (new)

Regulation (EC) No 261/2004

Article 3 – paragraph 3

Present text

3. This Regulation shall not apply to passengers **travelling** free of charge or at a reduced fare not available directly or indirectly to the public. However, it shall apply to passengers **having** tickets issued under a frequent flyer programme or other commercial programme by an air carrier or tour operator.

Amendment

2(aa) In Paragraph 3, the following point is added:

'3. This Regulation shall not apply to passengers **who travel** free of charge or at a reduced fare **which is** not available directly or indirectly to the public, **including children aged under the age of two for whom no separate seat has been booked.** However, it shall apply to passengers **that have** tickets issued under a frequent flyer programme or other commercial programme by an air carrier or tour operator.'

This amendment seeks to amend a provision within the existing act – Article 3(3) – that was not referred to in the Commission proposal.

Amendment 55

Proposal for a regulation

Article 1 – paragraph 1 – point 2 – point b

Regulation (EC) No 261/2004

Article 3 – paragraph 4

Text proposed by the Commission

4. Without prejudice to Article 8(6), this Regulation shall only apply to passengers transported by motorised fixed wing aircraft. However, where a part of the journey is carried out, in accordance with a contract of carriage, by another mode of transport or by helicopter, **this Regulation shall apply for the whole journey and the part of the journey carried out by another mode of transport shall be considered as a connecting flight for the purposes of this Regulation.'**

Amendment

4. Without prejudice to Article 8(6), this Regulation shall only apply to passengers transported by motorised fixed wing aircraft. However, where a part of the journey is carried out, in accordance with a **single** contract of carriage **and on the basis of a single reservation**, by another mode of transport or by helicopter, **Article 6a** shall apply **to** the whole journey **provided that that other mode of transport was indicated in the contract of carriage. The air carrier shall be responsible for ensuring that this Regulation applies for the whole journey.'**

Amendment 56

Proposal for a regulation

Article 1 – paragraph 1 – point 2 – point c
Regulation (EC) No 261/2004

Article 3 – paragraph 6

Text proposed by the Commission

‘6. This Regulation shall also apply to passengers transported according to package travel contracts but shall not affect the rights of passengers under Council Directive 90/314/EEC. The passenger shall be entitled to present claims under this Regulation and under Council Directive 90/314/EEC, but may not in relation to the same facts cumulate rights under both legal acts if the rights safeguard the same interest or have the same objective. This Regulation shall not apply in cases where a package tour is cancelled or delayed for reasons other than cancellation or delay of the flight.’

Amendment

‘6. This Regulation shall also apply to **air** passengers transported according to package travel contracts but shall not affect the rights of passengers under Council Directive 90/314/EEC. The passenger shall be entitled to present claims under this Regulation **to the air carrier** and under Council Directive 90/314/EEC **to the organiser**, but may not in relation to the same facts cumulate rights under both legal acts if the rights safeguard the same interest or have the same objective. This Regulation shall not apply in cases where a package tour is cancelled or delayed for reasons other than cancellation or delay of the flight.’

Amendment 57

Proposal for a regulation

Article 1 – paragraph 1 – point 3 – point -a (new)
Regulation (EC) No 261/2004

Article 4 – paragraph 1

Present text

1. When an operating air carrier reasonably expects to deny boarding on a flight, it shall first call for volunteers to surrender their reservations in exchange for benefits under conditions to be agreed between the passenger concerned and the operating air carrier. Volunteers shall be assisted in accordance with Article 8, such assistance being additional to the benefits mentioned in this paragraph."

Amendment

(-a) Article 4(1) is replaced by the following:

1. When an operating air carrier reasonably expects to deny boarding on a flight, it shall first call for volunteers to surrender their reservations in exchange for benefits under conditions to be agreed between the passenger concerned and the operating air carrier. Volunteers shall be ***informed of their rights in accordance with Article 14(2) and*** assisted in accordance with Article 8, ***and, where the agreed departure time is at least two hours after the initial***

departure time, the operating carrier shall offer the passenger care in accordance with Article 9, such assistance and care being additional to the benefits mentioned in this paragraph."

Amendment 58

Proposal for a regulation

Article 1 – paragraph 1 – point 3 – point a
Regulation (EC) No 261/2004

Article 4 – paragraph 3

Text proposed by the Commission

Amendment

Paragraph 3 is replaced by the following:

deleted

'3. If boarding is denied to passengers against their will, the operating air carrier shall immediately compensate them in accordance with Article 7 and assist them in accordance with Article 8. Where the passenger opts for rerouting at the earliest opportunity pursuant to Article 8(1)(b) and where the departure time is at least two hours after the initial departure time, the operating carrier shall assist the passenger in accordance with Article 9.'

Amendment 169

Proposal for a regulation

Article 1 – point 3 – point a a (new)
Regulation (EC) No 261/2004

Article 4 – paragraph 3 a (new)

Amendment

Text proposed by the Commission

(aa) The following paragraph is inserted:

'3a. Air carriers or their agents may not deny boarding on domestic flights on grounds of invalid documentation if the passenger proves his identity by means of the documents required under the national law of the State where boarding takes place.'

Amendment 59

Proposal for a regulation

Article 1 – paragraph 1 – point 3 – point b
Regulation (EC) No 261/2004

Article 4 – paragraph 4

Text proposed by the Commission

‘4. **Paragraphs 1, 2 and 3 shall also apply to return tickets where the passenger is denied boarding at the return journey on the grounds that he/she did not take the outward journey or did not pay an additional charge for this purpose.**

Amendment

‘4. **Passengers shall not be denied boarding at the return journey, including one which consists of multiple flights, on the grounds that he/she did not take the outward journey of a return ticket or did not pay an additional charge for this purpose. If boarding is denied to passengers against their will on such grounds, paragraphs 1 and 2 shall apply. In addition, the operating air carrier shall immediately compensate the passengers concerned in accordance with Article 7 and shall assist them in accordance with Articles 8 and 9.**

The first subparagraph of this paragraph shall not apply where the ticket includes multiple coupon flights and passengers are denied boarding on the grounds that carriage per journey is not used on all individual flights or not used in the agreed sequence as indicated in the ticket.

Amendment 60

Proposal for a regulation

Article 1 – paragraph 1 – point 3 – point b
Regulation (EC) No 261/2004

Article 4 – paragraph 5

Text proposed by the Commission

5. Where the passenger, or an intermediary acting on behalf of the passenger, reports **a** spelling **mistake** in the name of one or several passengers included in the same contract of carriage that may lead to a denial of boarding, the air carrier shall

Amendment

5. Where the passenger, or an intermediary acting on behalf of the passenger, reports spelling **mistakes** in the name of one or several passengers included in the same contract of carriage that may lead to a denial of boarding, the air carrier shall

correct *this* at least once up until 48 hours before departure without any additional charge to the passenger or the intermediary, except where it is prevented from doing so by national or international law.’

correct *those mistakes* at least once up until 48 hours before departure without any additional charge to the passenger or the intermediary, except where it is prevented from doing so by national or international law.’

Amendment 61

Proposal for a regulation

Article 1 – paragraph 1 – point 3 – point b a (new)

Regulation (EC) No 261/2004

Article 4 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

(ba) The following paragraph is added:

‘5a. Paragraphs 1, 2 and 4 shall also apply where the passenger misses the flight because:

(a) the flight took off before the scheduled departure time, the passenger having arrived on time at the airport in accordance with Article 3(2); or

(b) the scheduled time of departure of the flight was brought forward and the passenger was not informed of this at least 24 hours in advance; the burden of proving that the passenger was informed in due time of the change of the scheduled time of departure shall rest with the operating air carrier.’

In addition, the operating air carrier shall immediately compensate the passenger concerned in accordance with Article 7 and shall assist him in accordance with Article 8 and 9.

Amendment 63

Proposal for a regulation

Article 1 – paragraph 1 – point 4 – point a

Regulation (EC) No 261/2004

Article 5 – paragraph 1 – point a

Text proposed by the Commission

‘(a) be offered by the operating air carrier the choice between reimbursement, continuation of their travel by *rerouting* or travel at a later date, in accordance with Article 8; and

Amendment

‘(a) be offered by the operating air carrier the choice between reimbursement, continuation of their travel by *re-routing* or travel ***later on the same day or*** at a later date, in accordance with Article 8; and

Amendment 64

Proposal for a regulation

Article 1 – paragraph 1 – point 4 – point a a (new)

Regulation (EC) No 261/2004

Article 5 – paragraph 2

Present text

2. When passengers are informed of the cancellation, ***an explanation*** shall be ***given concerning*** possible alternative transport.

Amendment

(aa) Paragraph 2 is replaced by the following:

‘2. When passengers are informed of the cancellation ***of the flight, they*** shall be ***fully informed by the operating air carrier or organiser of their rights in accordance with Article 5(1) and of*** possible alternative ***modes of*** transport.’

Amendment 65

Proposal for a regulation

Article 1 – paragraph 1 – point 4 – point b

Regulation (EC) No 261/2004

Article 5 – paragraph 3

Text proposed by the Commission

3. An operating air carrier shall not be obliged to pay compensation in accordance with Article 7 if it can prove that the cancellation is caused by extraordinary circumstances ***and that the cancellation could not have been avoided even if all reasonable measures had been taken.*** Such extraordinary circumstances can only

Amendment

3. An operating air carrier shall not be obliged to pay compensation in accordance with Article 7 if it can prove that the cancellation is caused by extraordinary circumstances. Such extraordinary circumstances can only be invoked insofar ***as*** they affect the flight concerned or the flight ***preceding it*** operated by the same

be invoked insofar they affect the flight concerned or the *previous* flight operated by the same aircraft.

aircraft. *Where no proof of the existence of extraordinary circumstances is provided by the air carrier in a written form, the compensation referred to in Article 7 shall be paid by the air carrier.*

The first subparagraph does not exempt air carriers from the requirement to provide passengers with assistance, in accordance with Article 5(1)(b) of this Regulation.

Amendment 66

Proposal for a regulation

Article 1 – paragraph 1 – point 4 – point c
Regulation (EC) No 261/2004

Article 5 – paragraph 5

Text proposed by the Commission

‘5. At airports whose annual traffic has been not less than three million passengers for at least three consecutive years, the airport managing body shall ensure that the operations of the airport and of airport users, in particular the air carriers and the suppliers of ground handling services, are coordinated through a proper contingency plan in view of possible situations of multiple cancellations and/or delays of flights leading to a considerable number of passengers stranded at the airport, including in cases of airline insolvency or revocation of the operating licence. The contingency plan shall be set up to ensure adequate information and assistance to the stranded passengers. The managing body of the airport shall communicate the contingency plan and any amendments to it to the National Enforcement Body designated pursuant to Article 16. At airports below the above-mentioned threshold, the airport management body shall make all reasonable efforts to coordinate airport users and to assist and

Amendment

‘5. In view of possible situations of multiple cancellations and/or delays of flights leading to a considerable number of passengers being stranded at the airport, including in cases of airline insolvency or revocation of operating licences, airport management bodies should ensure adequate coordination of airport users by means of a proper contingency plan, at Union airports whose annual traffic has been not less than one and a half million passengers for at least three consecutive years.

inform stranded passengers in such situations.

The contingency plan shall be set up by the airport management body in cooperation with the airport users, in particular the air carriers, the suppliers of ground handling services, the air navigation service providers, the airport retail outlets, and special assistance providers for disabled passengers or passengers with reduced mobility, and with the participation of the relevant national, regional or local authorities and organisations when appropriate.

The airport managing body shall communicate the contingency plan and any amendments to it to the National Enforcement Body designated pursuant to Article 16. Member States shall ensure that the National Enforcement Body have both the capability and resources to act effectively in connection with the contingency plans and to adapt them, if necessary.

At airports below the above-mentioned threshold, the airport management body shall make all reasonable efforts to coordinate airport users and to assist and inform stranded passengers in such situations.

Amendment 67

Proposal for a regulation

Article 1 – paragraph 1 – point 4 – point c a (new)

Regulation (EC) No 261/2004

Article 5 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

(ca) The following paragraph 5a is added:

‘5a. While air carriers may not reduce their obligations as defined under this Regulation, the contingency plan provided for by paragraph 5 shall be set up to define coordinated action where this is necessary in order to ensure the provision

of adequate information and assistance to stranded passengers and in particular to disabled persons and persons with reduced mobility, notably with regard to:

- the provision of information to passengers stranded at or heading towards the airport to begin their air journey;*
- the provision of on-the-spot accommodation where large numbers of stranded passengers exceed the availability of hotel accommodation;*
- the provision of information and assistance to passengers affected by the limitations laid down in Article 9(4) and (5);*
- re-routing of stranded passengers by alternative carriers and transport modes, at limited or no cost for passengers, where the operating carrier has ceased operations.*

Amendment 68

Proposal for a regulation

Article 1 – paragraph 1 – point 4 – point c b (new)

Regulation (EC) No 261/2004

Article 5 – paragraph 5 b (new)

Text proposed by the Commission

Amendment

(cb) The following paragraph 5b is added:

"5b. Air carriers shall develop and put in place detailed procedures which allow them to comply in an effective and consistent way with this Regulation, especially in cases of delays, cancellations, denied boarding, mass disruptions and insolvency. Those procedures shall clearly indicate the contact person of the airline at each airport who is responsible for providing reliable information concerning care, assistance, re-routing or reimbursement and for taking the necessary immediate measures. The air carrier shall define the processes and conditions for the provision

of those services in such a way that this representative is able to fulfil this obligation without delay. The air carrier shall communicate those procedures and any changes thereto to the National Enforcement Body designated pursuant to Article 16.

Amendment 69

Proposal for a regulation

Article 1 – paragraph 1 – point 4 – point c c (new)

Regulation (EC) No 261/2004

Article 5 – paragraph 5 c (new)

Text proposed by the Commission

Amendment

(cc) The following paragraph 5c is added:

"5c. In the event of cancellation of a flight owing to insolvency, bankruptcy, or the suspension or cessation of the activities of an air carrier, passengers who are stranded shall be entitled to a reimbursement, the return flight to the point of departure or re-routing, and to care, as provided for in Articles 8 and 9 of this Regulation. Equally, air passengers who have not yet started their journey shall be entitled to reimbursement. Air carriers shall prove that they have taken all necessary measures, such as taking out an insurance policy or creating guarantee funds, to provide for the care, reimbursement or re-routing of stranded passengers where applicable. These rights shall apply to all passengers concerned irrespective of their place of residence, point of departure or where they bought their ticket.

Amendment 70

Proposal for a regulation

Article 1 – paragraph 1 – point 5

Regulation (EC) No 261/2004

Article 6 – paragraph 1 – introductory wording

Text proposed by the Commission

1. When an operating air carrier reasonably expects a flight to be delayed, or an operating carrier postpones the scheduled time of departure, beyond its originally scheduled time of departure, passengers shall be offered by the operating air carrier:

Amendment

1. When an operating air carrier reasonably expects a flight to be delayed, or an operating **air** carrier postpones the scheduled time of departure beyond its originally scheduled time of departure, passengers shall be offered by the operating air carrier:

Amendment 71

Proposal for a regulation

Article 1 – paragraph 1 – point 5

Regulation (EC) No 261/2004

Article 6 – paragraph 1 – point ii

Text proposed by the Commission

(ii) when the delay is of at least **five** hours and includes **one or several nights**, the assistance specified in Article 9(1)(b) and 9(1)(c); and

Amendment

(ii) when the delay is of at least **three** hours and includes **night-time hours**, the assistance specified in points (b) and (c) of Article 9(1); and

Amendment 72

Proposal for a regulation

Article 1 – paragraph 1 – point 5

Regulation (EC) No 261/2004

Article 6 – paragraph 1 – point iii

Text proposed by the Commission

(iii) when the delay is of at least **five** hours, the assistance specified in Article 8(1)(a).

Amendment

(iii) when the delay is of at least **three** hours, the assistance specified in Article 8(1).

Amendment 73

Proposal for a regulation

Article 1 – paragraph 1 – point 5

Regulation (EC) No 261/2004

Article 6 – paragraph 1 a (new)

'1a. Where an operating air carrier brings forward the scheduled time of departure by more than three hours, it shall offer passengers the reimbursement specified in point (a) of Article 8(1) or the re-routing specified in point (b) of Article 8(1). The passenger may organise his or her own re-routing and may claim reimbursement of the corresponding costs if the operating air carrier fails to offer the choice of re-routing under point (b) of Article 8(1).'

Justification

Where the revised schedule involves too long a delay, passengers shall be offered the possibility to ask for reimbursement or rerouting. In addition, in accordance with the new provision under Article 8(6a), passengers should be offered the possibility to organise rerouting for themselves and claim reimbursement of the associated costs if the operating air carrier fails to offer the choice of rerouting.

Amendment 74

Proposal for a regulation

Article 1 – paragraph 1 – point 5

Regulation (EC) No 261/2004

Article 6 – paragraph 2

Text proposed by the Commission

Amendment

(a) ***five*** hours or more after the scheduled time of arrival for all ***intra-Community*** journeys ***and for journeys to/from third countries*** of ***3500*** kilometres or less;

(b) ***nine*** hours or more after the scheduled time of arrival for journeys to/from third countries between 3500 and ***6000*** kilometres;

(c) ***twelve*** hours or more after the scheduled time of arrival for journeys to/from third countries of 6000 kilometres

(a) ***three*** hours or more after the scheduled time of arrival for all journeys of 3 500 kilometres or less;

(b) ***five*** hours or more after the scheduled time of arrival for ***intra-Community journeys of more than 3 500 km*** or for journeys to/or from third-countries between 3 500 and ***6 000 km***;

(c) ***seven*** hours or more after the scheduled time of arrival for journeys to/from third countries of ***more than*** 6000 kilometres.

or more.

Amendment 75

Proposal for a regulation

Article 1 – paragraph 1 – point 5

Regulation (EC) No 261/2004

Article 6 – paragraph 4

Text proposed by the Commission

4. An operating air carrier shall not be obliged to pay compensation in accordance with Article 7, if it can prove that the delay **or change of schedule** is caused by extraordinary circumstances **and that the delay or change of schedule could not have been avoided even if all reasonable measures had been taken**. Such extraordinary circumstances can only be invoked insofar they affect the flight concerned or the **previous** flight operated by the same aircraft.

Amendment

4. An operating air carrier shall not be obliged to pay compensation in accordance with Article 7, if it can prove that the delay is caused by extraordinary circumstances.

Such extraordinary circumstances can only be invoked insofar **as** they affect the flight concerned or the flight **preceding it** operated by the same aircraft. **Where no proof of the existence of extraordinary circumstances is provided by the air carrier in a written form, the compensation referred to in Article 7 shall be paid by the air carrier. The above does not exempt air carriers from the requirement to provide passengers with assistance in accordance with Article 5(1)(b).**

Amendment 76

Proposal for a regulation

Article 1 – paragraph 1 – point 5

Regulation (EC) No 261/2004

Article 6 – paragraph 5

Text proposed by the Commission

5. Subject to safety constraints, where a tarmac delay exceeds one hour, the operating air carrier shall provide free of charge access to toilet facilities and drinking water, shall ensure adequate heating or cooling of the passenger cabin, and shall ensure that adequate medical attention is available if needed. Where a tarmac delay reaches a maximum of **five** hours, the aircraft shall return to the gate or another suitable disembarkation point where passengers shall be allowed to disembark **and to benefit from the same assistance as specified in paragraph 1, unless there are safety-related or security-related reasons why the aircraft cannot leave its position on the tarmac.**

Amendment

5. Subject to safety constraints, where a tarmac delay exceeds one hour, the operating air carrier shall provide free of charge access to toilet facilities and drinking water, shall ensure adequate heating or cooling of the passenger cabin, and shall ensure that adequate medical attention is available if needed. Where a tarmac delay reaches a maximum of **two** hours, the aircraft shall return to the gate or another suitable disembarkation point where passengers shall be allowed to disembark, **unless there are safety-related or security-related reasons why the aircraft cannot leave its position on the tarmac. After a total delay of more than three hours from the initial departing time, passengers benefit from the same assistance as specified in paragraph 1, including the option of reimbursement, return flight and rerouting, as specified in Article 8(1) and they shall be informed accordingly.**

Amendment 77

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Regulation (EC) No 261/2004

Article 6 a – paragraph 1 – introductory part

Text proposed by the Commission

Where a passenger misses a connecting flight as a result of a delay or change of schedule to a preceding flight, the **Community** air carrier operating **the onward connecting** flight shall offer the passenger:

Amendment

Where a passenger misses a connecting flight **for which he has a reservation, including when he has been booked on an alternative flight in case of a re-routing,** as a result of a delay or change of schedule to a preceding flight, the **Union** air carrier operating **that preceding flight which is responsible for that delay or that change of schedule** shall offer the passenger:

Amendment 78

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Regulation (EC) No 261/2004

Article 6 a – paragraph 1 – point iii

Text proposed by the Commission

(iii) when the scheduled time of departure of the alternative flight or other transport offered under Article 8 is at least 5 hours after the scheduled time of departure of the flight missed and the delay includes **one or several nights**, the assistance specified in Article 9(1)(b) and 9(1)(c).

Amendment

(iii) when the scheduled time of departure of the alternative flight or other transport offered under Article 8 is at least 3 hours after the scheduled time of departure of the flight missed and the delay includes **night-time hours**, the assistance specified in points (b) and (c) of Article 9(1).

Amendment 79

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Regulation (EC) No 261/2004

Article 6 a – paragraph 2

Text proposed by the Commission

Where a passenger misses a connecting flight as a result of a delay to a preceding connecting flight, the passenger shall have a right to compensation by the **Community** air carrier operating that preceding flight in accordance with Article 6(2). For these purposes, the delay shall be calculated by reference to the scheduled time of arrival at the final destination.

Amendment

2. Where a passenger misses a connecting flight as a result of a **change of schedule or a** delay to a preceding connecting flight **of 90 minutes or more calculated by reference to the time of arrival at the transfer point**, the passenger shall have a right to compensation by the **Union** air carrier operating that preceding flight in accordance with Article 6(2). For these purposes, the **overall** delay shall be calculated by reference to the scheduled time of arrival at the final destination.

Amendment 80

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Regulation (EC) No 261/2004

Article 6 a – paragraph 4

Text proposed by the Commission

4. Paragraphs 1 and 2 apply *also* to third country air carriers operating a connecting flight *to or* from an EU airport.'

Amendment

4. Paragraphs 1 and 2 *also* apply to third-country air carriers operating a connecting flight from an airport *within the Union to another airport within the Union, or from an airport within the Union to an airport outside the Union.*'

Amendment 81

Proposal for a regulation

Article 1 – paragraph 1 – point 7 – point a
Regulation (EC) No 261/2004

Article 7 – paragraph 1

Present text

1. Where reference is made to this Article, passengers shall receive compensation amounting to:

(a) EUR 250 for all *flights* of 1 500 kilometres or less;

(b) EUR 400 for all *intra-Community flights of more than 1 500 kilometres, and for all other flights* between 1 500 and 3 500 kilometres;

(c) EUR 600 for all flights not falling under (a) or (b).

In determining the distance, the basis shall be the last destination at which the denial of boarding or cancellation will delay the passenger's arrival after the scheduled time.

Amendment

(a) Paragraph 1 is replaced by the following:

"1. Where reference is made to this Article, passengers shall receive compensation amounting to:

(a) EUR 300 for all *journeys of 2 500 kilometres or less;*

(b) EUR 400 for all *journeys* between 2 500 km and 6 000 km;

(c) EUR 600 for all *journeys of 6 000 km or more;*

In determining the distance, the basis shall be the last destination at which the denial of boarding or cancellation will delay the passenger's arrival after the scheduled time."

This amendment seeks to replace a provision within the existing act – Article 7(1) – that was not set out in full in the Commission proposal.

Amendment 82

Proposal for a regulation

Article 1 – paragraph 1 – point 7 – point b
Regulation (EC) No 261/2004

Article 7 – paragraph 3

Text proposed by the Commission

3. The compensation referred to in paragraph 1 shall be paid ***in cash***, by electronic bank transfer, bank *orders or bank cheques*.

Amendment

3. ***In agreement with the passenger***, the compensation referred to in paragraph 1 shall be paid by electronic bank transfer, ***credit card refund*** or bank *order to the account indicated by the authorised passenger*. ***The Commission shall increase the compensation amounts after consulting the Committee established under Article 16.***

Amendment 83

Proposal for a regulation

Article 1 – paragraph 1 – point 7 – point b

Regulation (EC) No 261/2004

Article 7 – paragraph 5

Text proposed by the Commission

5. The air carrier may reach a voluntary agreement with the passenger that replaces the compensation ***provisions*** set out in paragraph 1, provided that this agreement is confirmed by a document signed by the passenger which ***reminds*** the passenger of his rights to compensation under this Regulation.“

Amendment

5. The air carrier may reach a voluntary agreement with the passenger that replaces the compensation ***provided for*** in paragraph 1 ***with other, non-monetary, benefits of at least equivalent value (for example: air travel vouchers without expiration date to the value of 100% of the entitlement to compensation)***, provided that this agreement is confirmed by a document signed by the passenger which ***unambiguously informs*** the passenger of his rights to compensation under this Regulation. ***Such an agreement may only be concluded after the events giving rise to the entitlement have occurred.***

Amendment 84

Proposal for a regulation

Article 1 – paragraph 1 – point 7 – point b

Regulation (EC) No 261/2004

Article 7 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

(5a) The burden of proof of when and how the passenger accepted the form of payment of compensation or of reimbursement of ticket costs set out in Article 7(3), as well as if and when the passenger accepted the agreement referred to in paragraph 5, shall rest with the operating air carrier.

Amendment 85

Proposal for a regulation

Article 1 – paragraph 1 – point 8

Regulation (EC) No 261/2004

Article 8 – paragraph 1 – point a

Text proposed by the Commission

Amendment

– reimbursement within seven days of the passenger's request, by the means provided for in Article 7(3), of the ***flight*** price, for the part or parts of the journey not made, and for the part or parts already made if the flight is no longer serving any purpose in relation to the passenger's original travel plan, together with, when relevant,

– reimbursement within seven ***working*** days of the passenger's request, by the means provided for in Article 7(3), of the ***ticket*** price, for the part or parts of the journey not made, and for the part or parts already made if the flight is no longer serving any purpose in relation to the passenger's original travel plan, together with, when relevant,

Amendment 86

Proposal for a regulation

Article 1 – paragraph 1 – point 8

Regulation (EC) No 261/2004

Article 8 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(2a) Paragraph 1(b) shall also apply in cases where the aircraft took off but was subsequently forced to land at an airport other than the airport of destination. Pursuant to paragraph 3, the air carrier shall bear the costs of transferring the passenger from that alternative airport to

the airport in respect of which the reservation was made.

Amendment 87

Proposal for a regulation

Article 1 – paragraph 1 – point 8

Regulation (EC) No 261/2004

Article 8 – paragraph 3

Text proposed by the Commission

3 If an operating air carrier offers a passenger a flight to or from an airport alternative to that for which the reservation was made, the operating air carrier shall bear the cost of transferring the passenger from that alternative airport to that for which the reservation was made, ***or, with regard to the destination airport, to another neighbouring destination agreed with the passenger.***

Amendment

3. If an operating air carrier offers a passenger a flight to or from an airport alternative to that for which the reservation was made, the operating air carrier shall bear the cost of transferring the passenger from that alternative airport to that for which the reservation was made.

Amendment 88

Proposal for a regulation

Article 1 – paragraph 1 – point 8

Regulation (EC) No 261/2004

Article 8 – paragraph 5

Text proposed by the Commission

5. Where passengers choose the option referred to in *paragraph 1(b)*, they shall, subject to availability, have the right to re-routing via another air carrier or another mode of transport where the operating air carrier cannot transport the passenger on its own services and in time to arrive at the final destination within **12** hours of the scheduled arrival time. ***Notwithstanding Article 22(1) of Regulation (EC) No***

Amendment

5. Where passengers choose the option referred to in *point (b) of paragraph 1*, they shall, subject to availability ***and provided that comparable alternatives exist***, have the right to re-routing, ***at the earliest opportunity***, via another air carrier or another mode of transport where the operating air carrier cannot transport the passenger on its own services and in time to arrive at the final destination within

1008/2008²³, the other air carrier or other transport operator shall not charge the contracting carrier a price that goes beyond the average price paid by its own passengers for equivalent services in the last three months.

eight hours of the scheduled arrival time. The air carrier shall inform the passenger, within 30 minutes after the scheduled departure time, whether it will transport the passenger on its own services within the time limit. The passenger shall have the right to refuse the re-routing via another mode of transport, and, in such case, shall maintain his rights to care as specified in Article 9 while waiting for the re-routing.

²³ OJ L293, 31.10.2008, p.3

Amendment 89

Proposal for a regulation

Article 1 – paragraph 1 – point 8

Regulation (EC) No 261/2004

Article 8 – paragraph 6

Text proposed by the Commission

6. Whenever passengers are offered, pursuant to paragraph 1, a total or partial *rerouting* by another mode of transport, **this Regulation** shall apply to the transport carried out by that other mode of transport *as if it were carried out by fixed wing aircraft*.

Amendment

6. Whenever passengers are offered, pursuant to paragraph 1, a total or partial *re-routing* by another mode of transport, **Article 6a** shall apply to the transport carried out by that other mode of transport *in accordance with the re-routing agreements in place between the operating airline and the other mode of transport. The air carrier shall continue to be responsible for application of this Regulation for the whole of the journey.*

Amendment 90

Proposal for a regulation

Article 1 – paragraph 1 – point 8 a (new)

Regulation (EC) No 261/2004

Article 8 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

(8a) In Article 8 the following paragraph is added:

'6a. The passenger may himself organise his own re-routing and claim reimbursement of the corresponding costs if the operating air carrier fails to offer the choice of re-routing under point (b) of paragraph 1.'

Amendment 91

Proposal for a regulation

Article 1 – paragraph 1 – point 9 – point -a (new)

Regulation (EC) No 261/2004

Article 9 – paragraph 1 – point a

Present text

(a) meals and refreshments *in a reasonable relation to the waiting time*;

Amendment

(-a) In Paragraph 1, point (a) is replaced by the following:

"(a) meals and refreshments. The air carrier shall automatically provide drinking water to accompany meals, as well as whenever passengers so request."

This amendment seeks to amend a provision within the existing act – Article 9(1(a)) – that was not referred to in the Commission proposal.

Amendment 92

Proposal for a regulation

Article 1 – paragraph 1 – point 9 – point a

Regulation (EC) No 261/2004

Article 9 – paragraph 1 – point c

Text proposed by the Commission

(c) transport *between* the airport and place of accommodation (hotel, place of residence of the passenger or other)

Amendment

(c) transport *from* the airport *to the* place of accommodation (hotel, place of residence of the passenger or other) *and back*.

Amendment 93

Proposal for a regulation

Article 1 – paragraph 1 – point 9 – point a a (new)

Regulation (EC) No 261/2004

Article 9 – paragraph 2

Text proposed by the Commission

Amendment

(aa) Paragraph 2 is replaced by the following:

‘2. In addition, passengers shall be offered free of charge two telephone calls and fax messages or e-mails.’

Amendment 94

Proposal for a regulation

Article 1 – paragraph 1 – point 9 – point a b (new)

Regulation (EC) No 261/2004

Article 9 – paragraph 3

Present text

Amendment

3. ***In*** applying this Article, the operating air carrier shall pay particular attention to the needs of persons with reduced mobility and ***any*** persons accompanying them, as well as to the needs of ***unaccompanied*** children.

(ab) Paragraph 3 is replaced by the following:

‘3. *When* applying this Article, the operating air carrier shall pay particular attention to the needs of ***disabled persons***, persons with reduced mobility and ***all*** persons accompanying them, as well as to the needs of ***mothers or fathers travelling with small children and of children travelling without adult guardians.***’;

This amendment seeks to amend a provision within the existing act – Article 9(3) – that was not referred to in the Commission proposal.

Amendment 95

Proposal for a regulation

Article 1 – paragraph 1 – point 9 – point a c (new)

Regulation (EC) No 261/2004

Article 9 – paragraph 3 a (new)

(ac) The following paragraph is inserted:

"3a. Airport management bodies shall provide specific facilities for severely disabled passengers requiring changing and toilet facilities at no cost to the passenger, at all Union airports with an annual throughput of more than one million passengers.

Amendment 96

Proposal for a regulation

Article 1 – paragraph 1 – point 9 – point b

Regulation (EC) No 261/2004

Article 9 – paragraph 4

Text proposed by the Commission

4. If the operating air carrier can prove that the cancellation, delay or change of schedule is caused by extraordinary circumstances and that the cancellation, delay or change of schedule could not have been avoided even if all reasonable measures had been taken, it may limit the **total cost** of accommodation provided **according to** paragraph 1(b) to **EUR 100 per night and per passenger and to a maximum of 3 nights**. If the operating air carrier chooses to apply this limitation, it shall nevertheless provide the passengers with information about available accommodation after the **three** nights, in addition to the continued obligations for information specified in Article 14.

Amendment

4. If the operating air carrier can prove that the cancellation, delay or change of schedule is caused by extraordinary circumstances and that the cancellation, delay or change of schedule could not have been avoided even if all reasonable measures had been taken **correctly**, it may limit the **total duration** of accommodation provided **in accordance with** paragraph 1(b) to **a maximum of five nights**. **If the passenger decides to arrange his own accommodation, it may further limit the cost of accommodation to EUR 125 per night, per passenger**. If the operating air carrier chooses to apply this limitation, it shall nevertheless provide the passengers with information about available accommodation after the **five** nights, in addition to the continued obligations for information specified in Article 14.

This limitation shall in any events be without prejudice to the obligation of operating air carriers to provide accommodation, and the carrier shall

comply with this obligation as a priority. This limitation shall not apply where the air carrier has failed to provide the accommodation.

Amendment 97

Proposal for a regulation

Article 1 – paragraph 1 – point 9 – point b

Regulation (EC) No 261/2004

Article 9 – paragraph 5

Text proposed by the Commission

Amendment

5. The obligation to offer accommodation under paragraph 1(b) shall not apply where the flight concerned is of 250 km or less and scheduled to be operated by an aircraft with a maximum capacity of 80 seats or less, except where the flight is a connecting flight. If the operating air carrier chooses to apply this exemption, it shall nevertheless provide the passengers with information about available accommodation.

deleted

Amendment 98

Proposal for a regulation

Article 1 – paragraph 1 – point 9 – point b

Regulation (EC) No 261/2004

Article 9 – paragraph 6

Text proposed by the Commission

Amendment

6. Where a passenger opts for reimbursement pursuant to Article 8(1)(a) *while being at the departure airport of his journey*, or opts for rerouting at a later date pursuant to Article 8(1)(c), the passenger shall have no further rights with regard to care under Article 9(1) in relation to the relevant flight.

6. Where a passenger opts for reimbursement pursuant to Article 8(1)(a), or opts for rerouting at a later date pursuant to Article 8(1)(c), the passenger shall have no further rights with regard to care under Article 9(1) in relation to the relevant flight. *Where the passenger demonstrably incurs costs as a result of this decision in*

travelling to and from the airport, the passenger shall receive a full reimbursement thereof in the case of such travel to the airport in relation to the journey not taken.

Amendment 99

Proposal for a regulation

Article 1 – paragraph 1 – point -10 (new)

Regulation (EC) No 261/2004

Article 10 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

(-10) The introductory wording of Article 10(2) is replaced by the following:

'2. If an operating air carrier places a passenger in a class lower than that for which the ticket was purchased, it shall within seven working days, by the means provided for in Article 7(3), reimburse'

Amendment 100

Proposal for a regulation

Article 1 – paragraph 1 – point 11

Regulation (EC) No 261/2004

Article 11 – paragraph 3

Text proposed by the Commission

Amendment

The following paragraph is added to Article 11:

"3. The operating air carrier shall not apply the limitations set out in **Articles** 9(4) and 9(5) if the passenger is a person with reduced mobility or any person accompanying him/her, an unaccompanied child, a pregnant woman or a person in need of specific medical assistance, on

In Article 11, the following paragraphs are added:

"3. The operating air carrier shall not apply the limitations set out in Article 9(4) and (5) if the passenger is a person with **a disability or** reduced mobility or any person accompanying him/her, an unaccompanied child, a pregnant woman or a person in need of specific medical

condition the air carrier or its agent or the organiser has been notified of their particular needs for assistance at least 48 hours before the scheduled time of departure of the flight. Such notification shall be deemed to cover the entire journey and the return journey if both journeys *have been contracted with the same air carrier.*"

assistance, on condition the *operating* air carrier or its agent or the organiser has been notified of their particular needs for assistance at least 48 hours before the scheduled time of departure of the flight. Such notification shall be deemed to cover the entire journey and the return journey if both journeys *are shown on the same ticket.*

Air carriers shall also endeavour to ensure good care is taken of guide dogs and assistance dogs. Information about assistance and the arrangements available shall be made known through various accessible means of communication.

Amendment 101

Proposal for a regulation

Article 1 – paragraph 1 – point 11

Regulation (EC) No 261/2004

Article 11 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

"3a. Flight crews shall be trained to help passengers who are disabled or who have reduced mobility, so as to make it easier for them to board and disembark from aircraft;"

Amendment 102

Proposal for a regulation

Article 1 – paragraph 1 – point 11

Regulation (EC) No 261/2004

Article 11 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

"3b. An airline may not refuse boarding

to a passenger with a disability or reduced mobility on the grounds that he/she is unaccompanied and may not insist on another person systematically accompanying him/her;"

Amendment 103

Proposal for a regulation

Article 1 – paragraph 1 – point 11 a (new)

Regulation (EC) No 261/2004

Article 12 – paragraph 2

Present text

"2. Without prejudice to relevant principles and rules of national law, including case-law, paragraph 1 shall not apply to passengers who have voluntarily surrendered a reservation under Article 4(1)."

This amendment seeks to amend a provision within the existing act – Article 12(2) – that was not referred to in the Commission proposal.

Amendment

In Article 12, paragraph 2 is replaced by the following:

'2. This Regulation shall apply irrespective of any further claim to compensation by the passenger. The compensation provided pursuant to this Regulation must not be offset against such a compensation claim.'

Amendment 104

Proposal for a regulation

Article 1 – paragraph 1 – point 12

Regulation (EC) No 261/2004

Article 13

Text proposed by the Commission

In cases where an operating air carrier pays compensation or meets the other obligations incumbent on it under this Regulation, no provision of this Regulation *or of national law* may be interpreted as restricting its right to seek compensation for the costs incurred under this Regulation

Amendment

In cases where an operating air carrier pays compensation or meets the other obligations incumbent on it under this Regulation, *and without prejudice to contracts of disclaimer with third parties in force at the time of the dispute*, no provision of this Regulation may be

from any third parties which contributed to the event triggering compensation or other obligations.

interpreted as restricting its right to seek compensation for, ***or to recover in their entirety***, the costs incurred under this Regulation from any ***person, including any*** third parties, which contributed to the event triggering compensation or other obligations, ***in accordance with the applicable law*** . ***In particular, this Regulation shall in no way restrict the right of the operating air carrier to seek compensation or to recover its costs from an airport or other third party with whom the operating air carrier has a contract.***

Amendment 105

Proposal for a regulation

Article 1 – paragraph 1 – point 13

Regulation (EC) No 261/2004

Article 14 – paragraph 1

Text proposed by the Commission

1. The airport managing body and the operating air carrier shall ensure that at the check-in desks (including at self-service check-in machines) and at the boarding gate, a clearly legible notice containing the following text is displayed in a manner clearly visible to passengers: “If you are denied boarding or if your flight is cancelled or delayed for at least two hours, ask at the check-in counter or boarding gate for the notice stating your rights, particularly with regard to assistance and possible compensation”.

Amendment

1. The airport managing body and the operating air carrier shall ensure that at the check-in desks (including at self-service check-in machines) and at the boarding gate, a clearly legible notice containing the following text is displayed in a manner clearly visible to passengers: “If you are denied boarding or if your flight is cancelled or delayed for at least two hours ***or if the schedule time of departure of your flight has been put forward by at least two hours in relation to the initial schedule time indicated on your ticket***, ask at the check-in counter or boarding gate for the notice stating your rights, particularly with regard to assistance and possible compensation”.

Amendment 106

Proposal for a regulation

Article 1 – paragraph 1 – point 13

Regulation (EC) No 261/2004

Article 14 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

'1a. air carriers shall set up, at each airport where they operate, contact points at which they shall ensure the presence of contact personnel or a third parties commissioned by the air carrier concerned, to provide passengers with the necessary information regarding their rights, including complaint procedures, to assist them and to take immediate action in the event of cancelled or delayed flights, denied boarding and lost or delayed baggage. During the air carriers operating hours and until the last passengers disembark from the last plane, those contact points shall be available for the purpose of assisting passengers inter alia concerning reimbursement, re-routing, rebooking and of accepting the lodging of their complaints.'

Amendment 107

Proposal for a regulation

Article 1 – paragraph 1 – point 13

Regulation (EC) No 261/2004

Article 14 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

"1b. The operating air carrier shall provide the passengers with clearly legible and transparent information about passenger rights and contacts for help and assistance on electronic tickets and electronic and printed versions of a boarding card."

Amendment 108

Proposal for a regulation

Article 1 – paragraph 1 – point 13

Text proposed by the Commission

2. **An operating air carrier denying boarding or cancelling a flight** shall **provide each** passenger affected with a written notice setting out the rules for compensation and assistance in line with this Regulation, including information on possible limitations pursuant to Articles 9(4) and 9(5). **It shall also provide each passenger affected by a delay or a change of schedule of at least two hours with an equivalent notice.** The contact details of the competent complaint handling bodies designated under Article 16a shall also be given to the passenger in written form.

Amendment

2. **In the event of denied boarding, flight cancellation, delay or change of schedule of at least two hours, the operating air carrier shall as soon as possible fully inform the** passenger affected **and provide him** with a written notice **or a notice in electronic form** setting out the rules for compensation and assistance in line with this Regulation, including information on possible limitations pursuant to Articles 9(4) and 9(5), **and shall inform him of possible alternative transport modes.** The **address of the carrier to which complaints may be submitted and the** contact details of the competent complaint handling bodies designated under Article 16a shall also be given to the passenger in written form.

Amendment 109

Proposal for a regulation

Article 1 – paragraph 1 – point 13

Regulation (EC) No 261/2004

Article 14 – paragraph 3

Text proposed by the Commission

3. In respect of blind and visually impaired persons, the provisions of this Article shall be applied using appropriate **alternative** means.

Amendment

3. In respect of **disabled persons or persons with reduced mobility, in particular** blind and visually impaired persons, the provisions of this Article shall be applied using appropriate means **and in the appropriate formats.**

Amendment 110

Proposal for a regulation

Article 1 – paragraph 1 – point 13

Regulation (EC) No 261/2004

Article 14 – paragraph 4

Text proposed by the Commission

4. The airport managing body shall ensure that general information on passenger rights is clearly and visibly displayed within the passenger areas of the airport. It shall also ensure that passengers present at the airport are informed about the cancellation of their flight and about their rights in *case* the airline unexpectedly ceases operations *as in the case* of insolvency or revocation of its operating licence.

Amendment

4. The airport managing body shall ensure that general information on passenger rights is clearly and visibly displayed within the passenger areas of the airport. ***On the basis of the information received,*** it shall also ensure that passengers present at the airport are informed about ***the causes and their rights in cases of delays and flight disruptions, such as*** the cancellation of their flight, and about their rights in *the event that* the airline unexpectedly ceases operations, *for example in the event of its* insolvency or revocation of its operating licence.

Amendment 111

Proposal for a regulation

Article 1 – paragraph 1 – point 13

Regulation (EC) No 261/2004

Article 14 – paragraph 5

Text proposed by the Commission

5. In the event of cancellation or delay in departure, passengers shall be informed by the operating air carrier of the situation as soon as ***possible*** and in any event no later than 30 minutes after the scheduled departure time, and of the estimated departure time ***as soon as this information is available***, provided the air carrier has received the passenger's contact details in accordance with paragraphs 6 and 7 in case the ticket was acquired via an intermediary.

Amendment

5. In the event of cancellation or delay in departure, passengers shall be informed by the operating air carrier of the situation, ***including the cause of the disruption,*** as soon as ***this information is available***, and in any event no later than 30 minutes after the scheduled departure time, and of the estimated departure time, provided ***that*** the air carrier has received the passenger's contact details in accordance with paragraphs 6 and 7 in case the ticket was acquired via an intermediary.

Amendment 112

Proposal for a regulation

Article 1 – paragraph 1 – point 13

Regulation (EC) No 261/2004

Article 14 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

"5a. The air carrier shall have documents available at the check-in counter and the boarding gate containing the European Air Passengers Charter, which its staff shall give to air passengers on request. The European Commission shall update such documents Charter every time there is a substantial change to air passengers' rights."

Amendment 113

Proposal for a regulation

Article 1 – paragraph 1 – point 13

Regulation (EC) No 261/2004

Article 14 – paragraph 5 b (new)

Text proposed by the Commission

Amendment

"5b. Air carriers shall provide accessible, effective telephone assistance for all passengers once a flight has been booked; this service shall provide information and alternative proposals in the event of disruption and shall under no circumstances exceed the cost of a local call;

Amendment 114

Proposal for a regulation

Article 1 – paragraph 1 – point 13

Regulation (EC) No 261/2004

Article 14 – paragraph 6

Text proposed by the Commission

Amendment

6. Where the passenger does not acquire a

6. Where the passenger does not acquire a

ticket directly from the operating air carrier, but via an intermediary established within the Union, *this* intermediary shall provide the passenger's contact details to the air carrier, on condition that the passenger has given *his explicit and written authorisation*. *This authorisation* may only be given on an "opt-in" basis. The air carrier may use *these* contact details exclusively for the purpose of fulfilling the information obligation under this Article and not for marketing purposes and shall delete the contact details within 72 hours after *the* completion of the contract of carriage. The processing, access and storage of *these* data shall be undertaken in accordance with Directive 95/46/EC of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data²⁴.

²⁴ OJ L 281, 23.11.1995, p.31

ticket directly from the operating air carrier, but via an intermediary established within the Union, *that* intermediary shall provide the passenger's contact details to the air carrier, on condition that the passenger has given his *consent*. *That consent* may only be given on an "opt-in" basis. The air carrier may use *those* contact details exclusively for the purpose of fulfilling the information obligation under this Article and not for marketing purposes, and shall delete the contact details within 72 hours after completion of the contract of carriage. The *passenger's consent to the transfer of his/her contact details to the air carrier and to* the processing, access and storage of *those* data shall be undertaken in accordance with Directive 95/46/EC of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data²⁴.

²⁴ OJ L 281, 23.11.1995, p.31

Amendment 115

Proposal for a regulation

Article 1 – paragraph 1 – point 13

Regulation (EC) No 261/2004

Article 14 – paragraph 7

Text proposed by the Commission

7. An intermediary shall be exempted from paragraph 6 if it can prove the existence of an alternative system that ensures that the passenger is informed without the transmission of the relevant contact details.

Amendment

7. An intermediary shall be exempted from *its obligations under* paragraph 6 if it can prove the existence of an alternative system that ensures that the passenger is informed without the transmission of the relevant contact details *or where the passenger has opted not to provide his contact details*.

Amendment 116

Proposal for a regulation

Article 1 – paragraph 1 – point 13

Regulation (EC) No 261/2004

Article 14 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

"7a. The service provider shall provide easy access to accurate and objective information detailing the environmental (including climate) impact and energy efficiency of their travel. That information shall be published and clearly visible both on the websites of air carriers, tour operators and on tickets ; the Commission shall support on-going work in this direction.

Amendment 117

Proposal for a regulation

Article 1 – paragraph 1 – point 13

Regulation (EC) No 261/2004

Article 14 – paragraph 7 b (new)

Text proposed by the Commission

Amendment

"7b. Without prejudice to obligations under paragraph 2, any electronic communication to the passenger notifying him or her of cancellation, long delay, or change of schedule shall state prominently that the passenger may be entitled to compensation and/or assistance under this Regulation."

Amendment 118

Proposal for a regulation

Article 1 – paragraph 1 – point 14

Regulation (EC) No 261/2004

Article 16 – paragraph 1

Text proposed by the Commission

1. Each Member State shall designate a National Enforcement Body responsible for the enforcement of this Regulation as regards flights from airports situated on its territory and flights from a third country to such airports. The Member States shall inform the Commission of the body that has been designated in accordance with this paragraph.

Amendment

1. Each Member State shall designate a National Enforcement Body responsible for the enforcement of this Regulation as regards ***infringements of this Regulation at airports situated on its territory***, flights from airports situated on its territory and flights from a third country to such airports. The Member States shall inform the Commission of the body that has been designated in accordance with this paragraph.

Amendment 119

Proposal for a regulation

Article 1 – paragraph 1 – point 14

Regulation (EC) No 261/2004

Article 16 – paragraph 2

Text proposed by the Commission

2. The National Enforcement Body shall closely monitor compliance with the requirements of this Regulation and take the measures necessary to ensure that the rights of passengers are respected. For this purpose, air carriers and airport managing bodies shall provide the relevant documents to the National Enforcement Body ***at its request***. In order to carry out its functions, the National Enforcement Body shall also take account of the information submitted to it by the body designated under Article 16a. It ***may also decide on*** enforcement actions based on individual complaints transmitted by the body designated under Article 16a.

Amendment

2. The National Enforcement Body shall closely monitor compliance with the requirements of this Regulation and take the measures necessary to ensure that the rights of passengers are respected. For this purpose, air carriers and airport managing bodies shall provide the relevant documents to the National Enforcement Body ***within one month of its request, without prejudice to the obligations of air carriers under Article 14a***. In order to carry out its functions, the National Enforcement Body shall also take account of the information submitted to it by the body designated under Article 16a. It ***shall take*** enforcement actions based on individual complaints transmitted by the body designated under Article 16a. ***Member States shall ensure that their respective National Enforcement Bodies are given sufficient power to penalise effectively with infringements.***

Amendment 120

Proposal for a regulation

Article 1 – paragraph 1 – point 14

Regulation (EC) No 261/2004

Article 16 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(2a) Air carriers shall proactively provide the National Enforcement Body with comprehensive information as regards the advent of technical problems, in particular on the reasons therefore. The National Enforcement Body shall share this information with the bodies responsible for out-of-court dispute resolution referred to in Article 16a.

Amendment 121

Proposal for a regulation

Article 1 – paragraph 1 – point 14

Regulation (EC) No 261/2004

Article 16 – paragraph 3

Text proposed by the Commission

Amendment

3. The ***sanctions*** laid down by Member States for infringements of this Regulation shall be effective, proportionate ***and*** dissuasive.

3. The ***sanctions*** laid down by Member States for infringements of this Regulation shall be effective, proportionate, dissuasive ***and sufficient to provide carriers with a financial incentive to comply consistently with this Regulation.***

Amendment 122

Proposal for a regulation

Article 1 – paragraph 1 – point 14

Regulation (EC) No 261/2004

Article 16 – paragraph 4

Text proposed by the Commission

Amendment

4. ***Where the bodies designated under Articles 16 and 16a differ, reporting***

4. ***In accordance with Directive 2013/11/EU, cooperation mechanisms***

mechanisms shall be set up *to ensure the exchange of information between the various bodies* in order to help the National Enforcement Body to carry out its tasks of supervision and enforcement and for the body designated under Article 16a to collect the information necessary *to examine* individual complaints.

shall be set up *between the National Enforcement Body and the body designated under Article 16a. Those cooperation mechanisms shall include mutual information exchanges* in order to help the National Enforcement Body to carry out its tasks of supervision and enforcement and for the body designated under Article 16a to collect the information *and acquire the technical expertise necessary for the handling of* individual complaints.

Amendment 123

Proposal for a regulation

Article 1 – paragraph 1 – point 14

Regulation (EC) No 261/2004

Article 16 – paragraph 5

Text proposed by the Commission

5. For each year, at the latest at the end of April of the following calendar year, the National Enforcement Bodies shall publish statistics on their activity, including on sanctions applied.

Amendment

5. For each year, at the latest at the end of April of the following calendar year, the National Enforcement Bodies shall publish statistics on their activity, including on sanctions applied. *The National Enforcement Bodies shall at the same time publish, on the basis of data which air carriers and airport managing bodies are required to keep and supply, statistics concerning the number and nature of complaints, the number of cancellations, denied boardings and delays and their duration and data on lost, delayed or damaged baggage.*

Amendment 124

Proposal for a regulation

Article 1 – paragraph 1 – point 14

Regulation (EC) No 261/2004

Article 16 – paragraph 6

Text proposed by the Commission

6. Air carriers shall communicate their contact details, for matters covered by this Regulation, to the National Enforcement Bodies of the Member States in which they operate.'

Amendment

6. Pending the transposition by Member States of the provisions of Directive 2013/11/EU, each passenger may, at any airport situated on the territory of a Member State, complain to any National Enforcement Body about an alleged infringement of this Regulation which occurs at any airport situated on the territory of a Member State, or concerning flights from any airport situated on the territory of a Member State or flights from a third country to such airports.

Amendment 125

Proposal for a regulation

Article 1 – paragraph 1 – point 14 a (new)
Regulation (EC) No 261/2004

Article 16 -a (new)

Text proposed by the Commission

Amendment

14a. The following Article is added:

"Article 16 -a

Compliance documents

1. Community air carriers shall prepare and submit to the National Enforcement Body of the Member State that issued their operating licence pursuant to Regulation 1008/2008 and to the Commission by 1 January 2016 a document that demonstrates in reasonable detail that their operating procedures are sufficient to ensure that they consistently comply with all relevant Articles of this Regulation.

1a. The Commission may adopt implementing acts, laying down the minimum contents of such compliance documents. The minimum contents shall at least contain contingency plans for major disruptions, identify those responsible for providing assistance and

other rights, the practical arrangements and procedures by which complaints are handled and assistance and compensation are provided, and procedures and templates for communication with passengers. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 16c(2).

2. Any other carrier providing services from a Union airport shall submit a compliance document to the NEBs of all Member States in which they operate and to the Commission.

3. Air Carriers shall review their compliance documents and submit updated versions to the relevant NEB(s) and to the Commission every three years starting on 1 January 2019.

4. The National Enforcement Body shall take account of the compliance documents submitted by air carriers, checking, where possible, the validity of compliance documents against complaints information."

Amendment 126

Proposal for a regulation

Article 1 – paragraph 1 – point 15

Regulation (EC) No 261/2004

Article 16 a – paragraph 1

Text proposed by the Commission

1. *At the time of reservation*, air carriers shall provide information to passengers on *their* claim and complaint handling processes in relation to the rights set out in this Regulation and on the relevant contact addresses, to which passengers can submit claims and complaints, including via electronic means of transmission. The air carrier shall also inform passengers of the body or bodies competent for handling passenger complaints.

Amendment

1. Air carriers, *organisers or ticket sellers within the meaning of point (d) of Article 2 of Regulation (EC) 2111/2005*, shall provide information to passengers on *the air carriers'* claim and complaint handling processes *and the relevant time-limits under paragraph 2 of this Article*, in relation to the rights set out in this Regulation, and on the relevant contact addresses to which passengers can submit claims and complaints, including via electronic means of transmission. The air carrier *and, if relevant, the organiser* shall

also inform passengers of the body or bodies competent for handling passenger complaints, *as designated by Member States under this Article and Article 16. The relevant information shall be given at the time of booking, shall be accessible to all, shall be clearly indicated in the passenger's ticket and on the air carrier's websites, shall be handed out at the air carrier's desks at airports and shall be communicated in the e-mail message that notifies them of their flight being cancelled or delayed. A complaint form shall be provided to passengers on request.*

Amendment 127

Proposal for a regulation

Article 1 – paragraph 1 – point 15

Regulation (EC) No 261/2004

Article 16 a – paragraph 1 a (new)

Text proposed by the Commission

Amendment

'1a. The burden of proof regarding the provision of the requisite information to passengers shall be on the air carrier.'

Amendment 128

Proposal for a regulation

Article 1 – paragraph 1 – point 15

Regulation (EC) No 261/2004

Article 16a – paragraph 2

Text proposed by the Commission

Amendment

2. If a passenger wants to make a complaint to the air carrier with regard to his rights under this Regulation, he shall submit it within 3 months from the date on which the flight was performed or was scheduled to be performed. Within 7 days of receiving the complaint, the carrier shall

2. If a passenger wants to make a complaint to the air carrier with regard to his rights under this Regulation, he shall submit it within 3 months from the date on which the flight was performed or was scheduled to be performed. *The submission of a complaint within three*

confirm the receipt of the complaint to the passenger. Within two months of receiving the complaint, the air carrier shall provide a full answer to the passenger.

months and after the expiry of that three-month period shall be without prejudice to his right to enforce his claims under this Regulation within the framework of the judicial system and an out-of-court resolution. Within seven working days of receiving the complaint, the carrier shall confirm the receipt of the complaint to the passenger. Within two months of receiving the complaint, the air carrier shall provide a full answer to the passenger. *Where the air carrier does not provide that full answer within that two-month period, it shall be deemed to have accepted the passenger's claims.*

Where the air carrier invokes extraordinary circumstances, it shall, in its answer, inform the passenger of the specific circumstances responsible for the cancellation or delay. The air carrier shall also show that it took all reasonable measures to avoid the cancellation or delay.

With the full answer, the air carrier shall also communicate to the passenger concerned the relevant contact details of the designated body referred to in paragraph 3, including its postal address, phone number, email address and website address.

Amendment 129

Proposal for a regulation

Article 1 – paragraph 1 – point 15

Regulation (EC) No 261/2004

Article 16a – paragraph 3

Text proposed by the Commission

3. In accordance with relevant EU and national law, each Member State shall designate a national body or bodies responsible for the out-of-court resolution of disputes between air carriers and passengers with regard to the rights covered by this Regulation.

Amendment

3. Member States shall ensure that air passengers are able to submit disputes with air carriers concerning rights and obligations established by this Regulation to independent, efficacious and efficient out-of-court resolution mechanisms. To that end, each Member State shall designate a national body or bodies

responsible for the out-of-court resolution of disputes between air carriers and passengers with regard to the rights and obligations covered by this Regulation. ***Those bodies should be other than the Enforcement Body referred to in Article 16(1). Member States shall ensure that those bodies have the power to resolve the underlying dispute between passengers and air carriers by means of a decision which is legally binding on both parties and enforceable. In respect of disputes falling within the scope of Directive 2013/11/EU, only that Directive shall apply. All air carriers which are involved in flights from an airport within the territory of a Member State or of a third country to these airports shall abide by the alternative dispute resolution system referred to in Directive 2013/11/EU, which will ensure simple, swift and cheap out-of-court resolution of disputes between passengers and air carriers.***

Amendment 130

Proposal for a regulation

Article 1 – paragraph 1 – point 15

Regulation (EC) No 261/2004

Article 16a – paragraph 4

Text proposed by the Commission

4. ***Each*** passenger may complain to any national body designated under paragraph 3, about an alleged infringement of this Regulation at any airport situated on the territory of a Member State or concerning any flight from a third country to ***an airport situated on that territory***. Such complaints may be submitted ***at the earliest two months after a complaint was submitted to the concerned carrier unless the carrier has already provided a final reply to such complaint.***

Amendment

4. ***On receipt of the full answer from the air carrier, the*** passenger ***concerned*** may complain to any national ***out-of-court dispute resolution*** body designated under paragraph 3 about an alleged infringement of this Regulation at any airport situated on the territory of a Member State or concerning any flight from ***any airport situated on the territory of a Member State or of a third country to such airports.*** Such complaints may be submitted ***within a time-limit, which shall be set in advance at not less than one year from the date on***

which the passenger submitted the complaint or claim to the carrier concerned.

Amendment 131

Proposal for a regulation

Article 1 – paragraph 1 – point 15

Regulation (EC) No 261/2004

Article 16a – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. If the airline is found to be at fault the complaints handling body shall inform the National Enforcement Body, which, in accordance with Article 16a, paragraph 2, shall take action to ensure enforcement.

Amendment 132

Proposal for a regulation

Article 1 – paragraph 1 – point 15

Regulation (EC) No 261/2004

Article 16 a – paragraph 5

Text proposed by the Commission

Amendment

5. Within 7 days of receiving the complaint, the designated body shall confirm receipt of the complaint and shall send a copy to the appropriate National Enforcement Body. The time taken to provide the final reply to the complainant shall not be longer than ***three months from the receipt of the complaint***. A copy of the final reply shall also be provided to the National Enforcement Body.

5. Where a designated body has received a complaint, it shall notify the parties to the dispute as soon as it has received all documents containing the information relating to the complaint. It shall send a copy of the documents relating to the complaint to the appropriate National Enforcement Body. The time taken to provide the final reply to the complainant shall not be longer than ***90 calendar days from the date on which the designated body has received the complete complaint file***. A copy of the final reply shall also be provided to the National Enforcement

Body.

Amendment 133

Proposal for a regulation

Article 1 – paragraph 1 – point 15

Regulation (EC) No 261/2004

Article 16 a – paragraph 5 a (new)

Text proposed by the Commission

Amendment

‘5a. In order for them to be contacted concerning matters covered by this Regulation, Air carriers shall communicate their contact details, to the bodies, designated under this Article, of the Member States in which they operate.’

Amendment 134

Proposal for a regulation

Article 1 – paragraph 1 – point 15

Regulation (EC) No 261/2004

Article 16a – paragraph 5 b (new)

Text proposed by the Commission

Amendment

‘5b. When reasons of security are invoked under this Regulation, the burden of proof shall be on the airline company concerned.’

Amendment 135

Proposal for a regulation

Article 1 – paragraph 1 – point 15

Regulation (EC) No 261/2004

Article 16 aa (new)

Text proposed by the Commission

Amendment

“Article 16 aa

Member States shall provide for well-equipped, free of charge and independent mediation bodies to assist in finding solutions in case of conflicts between the passengers and the airlines and service providers of other transport modes.”

Amendment 136

Proposal for a regulation

Article 1 – paragraph 1 – point 15

Regulation (EC) No 261/2004

Article 16 b – paragraph 1

Text proposed by the Commission

Amendment

1. The Commission shall support dialogue between Member States concerning national interpretation and application of this Regulation through the Committee referred to in Article 16c.

1. The Commission shall support dialogue ***and promote cooperation*** between Member States concerning national interpretation and application of this Regulation through the Committee referred to in Article 16c.

Amendment 137

Proposal for a regulation

Article 1 – paragraph 1 – point 15

Regulation (EC) No 261/2004

Article 16b – paragraph 2

Text proposed by the Commission

Amendment

2. Member States shall provide annually a report on their activities to the Commission, at the latest at the end of April of the following calendar year. The Commission may decide on the issues to be

2. Member States shall provide annually a report on their activities, ***including the statistics referred to in Article 16(5)***, to the Commission, at the latest at the end of April of the following calendar year. The

addressed in these reports via implementing acts. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 16c.

Commission may decide on the issues to be addressed in these reports via implementing acts. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 16c.

Amendment 138

Proposal for a regulation

Article 1 – paragraph 1 – point 15

Regulation (EC) No 261/2004

Article 16b – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. The Commission and Member States shall set up a Union-wide mechanism consisting of all bodies designated under Article 16 and Article 16a to ensure the exchange between Member States of information about infringements, sanctions and best practices of enforcement between the Member States. The Commission shall make this information available in electronic form to all the Member States.

Amendment 139

Proposal for a regulation

Article 1 – paragraph 1 – point 15

Regulation (EC) No 261/2004

Article 16 b – paragraph 5 b (new)

Text proposed by the Commission

Amendment

5b. The National Enforcement Bodies shall provide, upon request, information and relevant documents on individual cases of infringement to the Commission.

Amendment 140

Proposal for a regulation

Article 1 – paragraph 1 – point 15

Regulation (EC) No 261/2004

Article 16b – paragraph 5 c (new)

Text proposed by the Commission

Amendment

5c. The Commission shall publish on its website and regularly update, starting no later than 1 May 2015, a list of all air carriers operating in the Union that systematically fail to comply with the provisions of this Regulation. Irrespective of size or nationality, any carrier for whom the Commission has received evidence of infringements pursuant to Article 16b (5b) that occurred to passengers on more than 10 different flights in one calendar year, and that relate to more than one article of this Regulation, shall be considered to have systematically fail to comply with this Regulation.

Amendment 141

Proposal for a regulation

Article 1 – paragraph 1 – point 15 a (new)

Regulation (EC) No 261/2004

Article 16c a (new)

Text proposed by the Commission

Amendment

(15a) The following Article shall be inserted:

“Article 16c a

Delegated acts

The Commission shall be empowered to adopt delegated acts, in accordance with Article 16cb , adding items to the exhaustive list of circumstances considered to be extraordinary circumstances resulting from the work of the National Enforcement Bodies and judgments of the European Court of

Justice.”

Amendment 142

Proposal for a regulation

Article 1 – paragraph 1 – point 15 b (new)

Regulation (EC) No 261/2004

Article 16c b (new)

Text proposed by the Commission

Amendment

(15 b) The following Article shall be inserted:

“Article 16c b

Exercise of delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 16b a shall be conferred on the Commission for a period of five years from ...*. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3. The delegation of powers referred to in Article 16ca may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Article 16ba shall enter into force only if no objection has been expressed by either the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

*** OJ please insert the date of entry into force of this Regulation.**

Amendment 143

Proposal for a regulation

Article 1 – paragraph 1 – point 16

Regulation (EC) No 261/2004

Article 17

Text proposed by the Commission

The Commission shall report to the European Parliament and the Council by 1 January 2017 on the operation and the results of this Regulation, in particular with regard to the impact of the compensation for long delays and the limitation of accommodation in extraordinary circumstances of long duration. The Commission shall also report on the enhanced protection of air passengers on flights from third countries operated by non-Community carriers, in the context of international air transport agreements. The report shall be accompanied, if necessary,

Amendment

The Commission shall report to the European Parliament and the Council by 1 January 2017 on the operation and the results of this Regulation, in particular with regard to the impact of the compensation for long delays and the limitation of accommodation in extraordinary circumstances of long duration, ***issues concerning the interpretation of extraordinary circumstances, the statistics published by the National Enforcement Bodies on their activities, including on sanctions and their findings regarding suspected infringing practices by air carriers, the progress made in***

by legislative proposals.

establishing national bodies responsible for the out-of-court resolution of disputes and the activities of the latter. The Commission shall also report on the enhanced protection of air passengers on flights from third countries operated by non-Union carriers in the context of international air transport agreements. ***In addition, the Commission shall report on the effectiveness of the measures taken and sanctions imposed by the bodies referred to in Article 16 and the possible need for a harmonised approach;*** the report shall be accompanied, if necessary, by legislative proposals.

Amendment 144

Proposal for a regulation

Article 2 – paragraph 1 – point 1

Regulation (EC) No 2027/97

Article 3 – paragraph 2

Text proposed by the Commission

2. ***The Community air carrier shall provide a complaint form at the airport which allows the passenger to immediately submit such a complaint about damaged or delayed baggage. Such a complaint form, which may take the form of a Property Irregularity Report (PIR), shall be accepted by the air carrier at the airport as a complaint pursuant to Article 31(2) of the Montreal Convention. This possibility shall not affect the right of the passenger to submit a complaint via other means within the deadlines given by the Montreal Convention.***

Amendment

2. ***At all airports within the Union the Community air carrier and the ground handlers acting on its behalf shall establish a service that provides passengers with complaint forms which allow them to immediately submit a complaint about damaged or delayed baggage upon arrival. Likewise, the Community air carrier shall hand out such a complaint form at the passenger's request at their check-in desks or at their airport service desks, or both, and shall make the complaint form available on their websites. The complaint form, which may take the form of a Property Irregularity Report (PIR), shall be accepted by the air carrier at the airport as a complaint pursuant to Article 31(2) of the Montreal Convention. This possibility shall not affect the right of the passenger to submit a complaint via other means within the deadlines prescribed by the Montreal Convention.***

2a. The Commission may adopt implementing acts , lay down the form of the standardised claim form. Those implementing acts shall be adopted in accordance with the the advisory/examination procedure referred to in Article 6f(2).

Amendment 145

Proposal for a regulation

Article 2 – paragraph 1 – point 2 a (new)

Regulation (EC) No 2027/97

Article 5 – paragraph 3a (new)

Text proposed by the Commission

Amendment

2a. In Article 5, the following paragraph is added:

"3a. If luggage is lost, delayed or damaged, airlines shall first compensate the passengers with whom they have concluded a contract before being able to bring any claim against the airports or service providers for the damage, for which they are not necessarily responsible. "

Amendment 146

Proposal for a regulation

Article 2 – paragraph 1 – point 4

Regulation (EC) No 2027/97

Article 6a – paragraph 1

Text proposed by the Commission

Amendment

1. Whenever carrying checked wheelchairs or other mobility equipment or assistive devices, the air carrier and its agents shall offer each person with reduced mobility as defined in Article 2(a) of Regulation (EC) No 1107/2006²⁵ the option to make, free of charge, a special declaration of interest

1. Whenever carrying checked wheelchairs or other mobility equipment or assistive devices, the air carrier and its agents shall **make passengers aware of their rights and** offer each person with **a disability or** reduced mobility as defined in Article 2(a) of Regulation (EC) No 1107/2006²⁵ the

pursuant to Article 22(2) of the Montreal Convention, at booking and at the latest when the equipment is handed to the carrier.

option to make, free of charge, a special declaration of interest pursuant to Article 22(2) of the Montreal Convention, at booking and at the latest when the equipment is handed to the carrier. ***The Commission shall adopt implementing acts laying down the model form to be used for such a declaration of interest. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 6f(2).***

²⁵ Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air, OJ L 204, 26.7.2006, p.1

²⁵ Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air, OJ L 204, 26.7.2006, p.1

Amendment 147

Proposal for a regulation

Article 2 – paragraph 1 – point 4

Regulation (EC) No 2027/97

Article 6a – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Airline companies shall ensure at no additional cost, that passengers are able to use their wheelchairs, including pushchairs for children, up to the boarding gate, and that these are returned to them at the aircraft door, . If for safety reasons this is impossible, airline companies shall, at no additional cost, provide wheelchair users with an alternative means of mobility at the airport terminal until such time as they are able to collect their wheelchairs, . If such safety reasons relate directly to the terminal itself, the airport management authority shall be responsible for providing the alternative means of mobility referred to in this paragraph.

Amendment 148

Proposal for a regulation

Article 2 – paragraph 1 – point 4

Regulation (EC) 2027/97

Article 6 b – paragraph 2

Text proposed by the Commission

2. For the purpose of monitoring the protection of passengers with reduced mobility and disabled passengers in *case* of damage to their mobility equipment, the National Enforcement Body shall also examine and take account of the information on complaints concerning mobility equipment submitted to the bodies designated under Article 16a of Regulation 261/2004.

Amendment

2. For the purpose of monitoring the protection of passengers with reduced mobility and disabled passengers in *the event* of damage to their mobility equipment *or assistive devices*, the National Enforcement Body shall also examine and take account of the information on complaints concerning mobility equipment submitted to the bodies designated under Article 16a of Regulation (EC) No 261/2004.

Amendment 149

Proposal for a regulation

Article 2 – paragraph 1 – point 4

Regulation (EC) No 2027/97

Article 6c – paragraph 2

Text proposed by the Commission

2. The *delegation of power* referred to in Article 6(1) shall be conferred on the Commission for *an indeterminate* period of *time from* the date of entry into force of this Regulation.

Amendment

2. The *power to adopt delegated acts* referred to in Article 6(1) shall be conferred on the Commission for a period of *five years from ...**. *The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.*

* OJ please insert the date of entry into force of this Regulation.

Amendment 150

Proposal for a regulation

Article 2 – paragraph 1 – point 4

Regulation (EC) No 2027/97

Article 6d – paragraph 1

Text proposed by the Commission

Whilst air carriers *have full commercial freedom to establish the conditions under which they permit baggage to be carried, they shall clearly indicate, at booking* and at the check-in desks (including at self-service check-in machines), the maximum baggage allowance passengers are permitted to carry within the cabin and hold of the aircraft on each of the flights included within a passenger's reservation, including any restrictions on the number of items that *would* be applied within a given maximum baggage allowance. *Where* additional charges *are applied* for the carriage of baggage air carriers shall *clearly indicate details of those charges at booking and on request at the airport.*

Amendment

1. Air carriers *shall clearly indicate, at an early stage of the booking process, in all distribution channels that are used, including computerised reservation systems,* and at the check-in desks (including at self-service check-in machines), the maximum baggage allowance passengers are permitted to carry within the cabin and hold of the aircraft on each of the flights included within a passenger's reservation, including any restrictions on the number of items that *will* be applied within a given maximum baggage allowance *and any restrictions on airport purchases. Details of* additional charges *applicable* for the carriage of baggage air carriers shall *be communicated at an early stage of the booking process* and on request at the airport *in a clear, transparent and unambiguous manner. Core travel services and additional charges must be clearly identifiable and capable of being purchased separately from each other.*

Amendment 151

Proposal for a regulation

Article 2 – paragraph 1 – point 4

Regulation (EC) No 2027/97

Article 6d – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. *Passengers shall be permitted to carry on board into the cabin, free of charge, essential personal items or belongings such as coats and handbags, including at least one standardised bag of airport*

shopping, in addition to the prescribed maximum cabin baggage allowance.

Amendment 152

Proposal for a regulation

Article 2 – paragraph 1 – point 4

Regulation (EC) No 2027/97

Article 6d – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. Without prejudice to Regulation (EC) No 1107/2006, carry-on baggage allowances may be expressed in maximum dimensions or maximum weights of the total carry-on allowance per passenger, or both, but without any restriction on the specific number of items carried.

Amendment 153

Proposal for a regulation

Article 2 – paragraph 1 – point 4

Regulation (EC) No 2027/97

Article 6d – paragraph 2

Text proposed by the Commission

Amendment

2. Where extraordinary circumstances, such as safety reasons or a change of the aircraft type since the booking was made, preclude the carriage in the cabin of items included in the carry-on baggage allowance, the air carrier may carry them in the hold of the aircraft, but at no extra cost to the passenger.

2. The air carrier may arrange for the above items to be carried in the hold of the aircraft in the case of exceptional conditions related to safety reasons and the specific characteristics of the aircraft preclude transportation in the cabin. No additional charges will apply in such cases.

Amendment 154

Proposal for a regulation

Article 2 – paragraph 1 – point 4

Regulation (EC) No 2027/97

Article 6d – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. If hand baggage is moved from the cabin of the aircraft to its hold before boarding or take-off, it must be returned to passengers as they disembark the aircraft, as hand baggage.

Amendment 155

Proposal for a regulation

Article 2 – paragraph 1 – point 4

Regulation (EC) No 261/2004

Article 6 e – paragraph 1

Text proposed by the Commission

Amendment

1. A **Community** 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. ***An air carrier may determine that*** a musical instrument shall form part of a passenger's hand luggage allowance ***and not*** be carried in addition to that allowance.

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.

Amendment 156

Proposal for a regulation

Article 2 – paragraph 1 – point 4

Regulation (EC) No 261/2004

Article 6 e – paragraph 2

Text proposed by the Commission

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. Where a second seat is purchased an air carrier *should* make reasonable efforts to seat the passenger and the musical instrument concerned together. ***Where 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. An air carrier shall clearly indicate in its terms and conditions the basis on upon which musical instruments will be transported and the applicable charges.***

Amendment

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.

Amendment 157

Proposal for a regulation

Article 2 – paragraph 1 – point 4

Regulation (EC) No 261/2004

Article 6 e – paragraph 2 a (new)

Text proposed by the Commission

‘2a. 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.’

Amendment

Amendment 158

Proposal for a regulation

Article 2 – paragraph 1 – point 4

Regulation (EC) No 2027/97

Article 6e – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. 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.

Amendment 159

Proposal for a regulation

Article 2 – paragraph 1 – point 4

Regulation (EC) No 2027/97

Article 6f (new)

Text proposed by the Commission

Amendment

Article 6f

1. The Commission shall be assisted by the Passengers Rights Committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.

Amendment 160

Proposal for a regulation

Annex 1

Regulation (EC) 261/2004

Annex 1 – introductory part

Text proposed by the Commission

'Annex: ***non-exhaustive*** list of circumstances considered as extraordinary circumstances for the purposes of this Regulation

Amendment

'Annex: ***exhaustive*** list of circumstances considered as extraordinary circumstances for the purposes of this Regulation

Amendment 161

Proposal for a regulation

Annex 1

Regulation (EC) No 261/2004

Annex 1 – paragraph 1 – point ii

Text proposed by the Commission

ii. technical problems which are ***not inherent in the normal operation of the aircraft, such as the identification of a defect during the flight operation concerned and which prevents the normal continuation of the operation; or*** a hidden manufacturing defect ***revealed*** by the manufacturer or a competent authority ***and*** which impinges on flight safety;

Amendment

ii. technical problems ***afflicting the aircraft*** which are ***directly caused by*** a hidden manufacturing defect ***formally acknowledged as such*** by the manufacturer or a competent authority ***arose during the maintenance check preceding the flight or after the aircraft has been released to service,*** which impinges on flight safety;

Amendment 162

Proposal for a regulation

Annex 1

Regulation (EC) No 261/2004

Annex 1 – paragraph 1 – point ii a (new)

Text proposed by the Commission

Amendment

ii.a. damage caused by bird strike;

Amendment 163

Proposal for a regulation

Annex 1

Regulation (EC) No 261/2004

Annex 1 – paragraph 1 – point iii

Text proposed by the Commission

iii. **security risks**, acts of sabotage or terrorism rendering impossible the safe operation of the flight;

Amendment

iii. **war, political unrest**, acts of sabotage or terrorism rendering impossible the safe operation of the flight;

Amendment 164

Proposal for a regulation

Annex 1

Regulation (EC) No 261/2004

Annex 1 – paragraph 1 – point iv

Text proposed by the Commission

iv. **life-threatening** health risks or medical emergencies necessitating the interruption or deviation of the flight concerned;

Amendment

iv. health risks or medical emergencies necessitating the interruption or deviation of the flight concerned;

Amendment 165

Proposal for a regulation

Annex 1

Regulation (EC) No 261/2004

Annex 1 – paragraph 1 – point v

Text proposed by the Commission

air traffic management restrictions or closure of airspace or an airport;

Amendment

v. **unforeseen** air traffic management restrictions or **the unforeseen** closure of **the** airspace, **including runway closures by the authorities**;

Amendment 166

Proposal for a regulation

Annex 1

Regulation (EC) No 261/2004

Annex 1 – paragraph 1 – point vi

Text proposed by the Commission

vi. meteorological conditions incompatible with flight safety; and

Amendment

vi. meteorological conditions incompatible with flight safety ***or that have damaged the aircraft in flight or on the tarmac after service release and rendering the safe operation of the flight impossible;*** and

Amendment 167

Proposal for a regulation

Annex 1

Regulation (EC) No 261/2004

Annex 1 – paragraph 1 – point vii

Text proposed by the Commission

vii. labour disputes at the operating air carrier or at essential service providers such as airports and Air Navigation Service Providers.

Amendment

vii. unforeseen labour disputes at the operating air carrier or at essential service providers such as airports and Air Navigation Service Providers.

Amendment 168

Proposal for a regulation

Annex 1

Regulation (EC) No 261/2004

Annex 1 – paragraph 2

2. The following circumstances shall not be considered as extraordinary: *deleted*

i. technical problems inherent in the normal operation of the aircraft, such as a problem identified during the routine maintenance or during the pre-flight check of the aircraft or which arises due to failure to correctly carry out such maintenance or pre-flight check; and

ii. unavailability of flight crew or cabin crew (unless caused by labour disputes).