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from: General Secretariat of the Council
to: Delegations
Subject: Partial summary record of the meeting of the European Parliament **Committee on Transport and Tourism** on 19 March 2013

Item 15. Presentation of the European Commission's Passenger Rights Communication by Vice-President Kallas

The meeting was chaired by Mr Simpson (S&D, UK)

Vice-President Kallas presented the Commission's review of the Air Passenger Rights regulation 261/2004. He detailed how the measures proposed introduced new rights for passengers, reinforced sanctions to air carriers to give passengers tools to assert their rights, and clarified some legal grey areas.

The Commissioner reminded MEPs that the main purpose of regulation 261 was to get passengers to destination as soon as possible. If delayed, passengers would have the right to be informed after half an hour. Furthermore, everyone had the right to care (i.e. something to eat and drink) after two hours instead of four, which applied also in case of tarmac delay.

The review also strengthened the right to re-routing. In fact, if the carriers were not able to get the passenger to destination within twelve hours, they had to find another airline or train company able to do so. Moreover, in case one had not used the first half of a return ticket, the proposal gave the passenger the right to use the second half without penalty.

Mr Kallas also discussed the problems of definition of "extraordinary circumstances" as technical failure was used too often by air carriers as an excuse not to pay compensations. The proposal instead suggested that most technical failures should not be considered as "extraordinary". The regulation also clarified the rights of passengers in connecting flights- clear compensation and assistance in case of missed connection. Given that statistically most delays could be solved in five hours, that would be the threshold after which compensation could be claimed. Three days of accommodation in case of extraordinary circumstances would also be guaranteed. This did not apply to disabled people, pregnant women, unaccompanied children, and seriously sick people. Furthermore, airports should set up assistance facilities in case of multiple flight cancellations.

The Commissioner also highlighted that the role of national enforcement bodies was stated more clearly, with better coordination with European Commission and serious sanctioning of infractions. Clearer rules were also set out concerning reimbursements for damaged luggage.

In the discussion that followed, the majority of speakers stated their broad satisfaction with the approach taken by Commissioner Kallas. However, several comments suggested that MEPs expect further guarantees for passengers' right to information and airline's duty of care.

Concerns were voiced in particular about the fact that air carriers would only have to pay compensation after a five hours delay rather than three as suggested by the Court of Justice (El Khadraoui (S&D, BE), Mr Bach (PPE, LU), Mrs Vergnaud (S&D, FR), Mr Cramer (Greens, DE), Mr Van Dalen (ECR, NL), Mr Grandes Pascual (PPE, ES)). Furthermore, a five hours await on the tarmac was seen as excessive (Mr Bach, Mr Simpson, Mrs Bilbao Barandica (ALDE, ES)) and better land staff training needed to guarantee assistance to passengers in case of delays or cancellations (Mrs Vergnaud (S&D, FR), Mr Simpson).

Mr Grosch (PPE, BE) noted the importance of adding further clarity for passengers, giving access to an interlocutor whenever problems arose and ensuring a satisfactory speed of resolution in case of conflict. He also highlighted the necessity of making it clear to passenger how their rights applied outside of the EU and that bilateral agreements in the future would need to incorporate passengers rights. Mr El Khadraoui (S&D, BE) pleaded for more legal clarity in the event of bankruptcy of the airline. Mrs Meissner (ALDE, DE) expressed concerns about the accessibility of information to passengers with disabilities or sightseeing problems. Mrs Foster (ECR, UK) expressed concerns about the decision to allow passengers to use the return flight when they had not used the first half of their tickets. She also added that airports and others operators should be liable to pay compensation to passengers were technical problems to arise because of them. Mr Bach (PPE, LU) regretted that no harmonization was still achieved and asked for further clarification of what would classify as "exceptional circumstance".

Mrs Bilbao Barandica suggested that airlines could be forced to provide all information on cancellation and delays at the moment of the ticket purchase. Mrs Savisaar-Toomast (ALDE, EE) instead asked whether any measures could be taken to ensure that passengers did not book connection flights without allowing enough time for transit.

The Chair concluded by stressing the Committee's frustration derived from the disregard that companies, backed by some national regulation bodies, had shown towards regulation 261.

In answer to these interventions, the Commissioner stated that statistics had shown that within three days 99.9% of passengers were brought to destination and that therefore, three days was a reasonable time period to require the air carrier to care for stranded passengers. He also remarked that this limit did not concern disabled people, pregnant women etc. He noted that a lot of provisions had been put forward to strengthen passenger rights and in particular the right to information. A huge campaign had been launched to inform passengers on what to do when something goes wrong. Concerning the five hours threshold for compensation in case of delays, Commissioner Kallas argued that if compensation was to be paid with a delay of 3 hours, then the right to get to destination could not be guaranteed because within three hours new flights or de-routing could not normally be arranged.