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'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Draft proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulations (EC) No 261/2004, (EC) No 1107/2006, (EU) No 1177/2010, (EU) No 181/2011 and (EU) 2021/782 as regards enforcement of passenger rights in the Union **(first reading)** – Adoption of the legislative act = Statement

Portugal has requested that the following statement be entered in the Council minutes

This draft Regulation provides for monitoring tasks whose implementation would benefit from a coordinated approach amongst the National Enforcement Bodies (NEBs), taking into account the different institutional realities and legal frameworks in place in the Member States. In this context, it would have been important, throughout the process, for the NEBs to engage in deeper joint reflection with a view to ensuring that the new provisions are interpreted and applied as uniformly as possible.

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Furthermore, in Portugal, the relevant competences in the fields of air transport and intermediary travel services are divided between different bodies. This situation, which can also be seen in other Member States, makes it particularly important for the regulatory framework to ensure clarity in the delineation of responsibilities, appropriate mechanisms for liaison between the competent authorities, and conditions that promote the consistent and effective application of the new provisions, in the interests of passengers.

In particular, the inclusion of travel intermediaries within the scope of Regulation (EC) No 261/2004 raises many concerns regarding the practical implementation and enforcement of the provisions applicable to them, particularly in view of the diversity of institutional models in the Member States.

Against this background, and without prejudice to the proposal's objectives of strengthening the protection of passengers' rights, Portugal considers that there are still significant issues regarding implementation and coordination between the competent bodies that are not sufficiently addressed in the text as it currently stands. In view of these considerations and our overall assessment of the proposal, we are not in a position to support it and will therefore vote against it.

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