

EN

E-001428/2024

Answer given by Mr Hoekstra
on behalf of the European Commission
(1.10.2024)

1. The proper enforcement of Regulation (EC) No 261/2004¹ on air passenger rights within the Union has been a recurring issue over many years which the Commission considers urgent to tackle. To address this shortcoming, the Commission put forward a proposal in 2013² and complemented it in November 2023 with an additional proposal³ with the specific objective of strengthening the enforcement of the legislation. However, both proposals are still pending an agreement between the co-legislators.

2. The responsibility for enforcement of air passenger rights lies in the first instance with the national enforcement bodies (NEBs), which oversee air carriers' compliance with the Regulation, and are required to take the measures necessary to ensure that passenger rights are respected. Member States are also required to lay down effective, proportionate and dissuasive sanctions for breaches of the Regulation.

3. The Commission takes multiple actions to encourage the proper application of air passenger rights. It regularly monitors whether the NEBs correctly enforce passenger rights; and if appropriate, it may open infringement proceedings against Member States⁴. It also promotes coordination between the Member States,^{5,6} adopts interpretative guidelines designed to ensure a uniform interpretation and efficient enforcement⁷, promotes passengers' awareness by means of a dedicated smartphone app⁸, and provides clear information to passengers on Your Europe website⁹ and by online campaigns.

¹ Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 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 repealing Regulation (EEC) No 295/91; OJ L 46, 17.2.2004, p. 1–8 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32004R0261>

² COM(2013)130 final of 13 March 2013 - Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 261/2004 <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2013:0130:FIN:EN:PDF>

³ COM(2023)753 final of 29 November 2023 - 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 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52023PC0753&qid=1726741083513>

⁴ See press release on the Commission's infringement package of July 2020: https://ec.europa.eu/commission/presscorner/detail/en/inf_20_1212.

⁵ See terms of reference of the sub-group 'National Enforcement Bodies for Air Passenger Rights' <https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups/consult?lang=en&groupID=100833>

⁶ See https://ec.europa.eu/info/live-work-travel-eu/consumer-rights-and-complaints/enforcement-consumer-protection/coordinated-actions/air-travel_en

⁷ See revised Interpretative Guidelines on Regulation (EC) No 261/2004, Commission publishes new guidelines for more clarity on air passenger rights https://transport.ec.europa.eu/news-events/news/commission-publishes-new-guidelines-more-clarity-air-passenger-rights-2024-07-22_en

⁸ See https://transport.ec.europa.eu/transport-themes/passenger-rights/passenger-rights-campaign/download-app_en

⁹ See https://europa.eu/youreurope/citizens/travel/passenger-rights/index_en.htm