

15.10.2026

A10-0136/ 001-171

AMENDMENTS 001-171

by the Committee on Transport and Tourism

Report

Matteo Ricci

A10-0136/2025

Transport: enforcement of passenger rights in the Union

Proposal for a regulation (COM(2023)0753 – C9-0434/2023 – 2023/0437(COD))

Amendment 1

Proposal for a regulation

Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) In the interest of fair international competition and in order to ensure that passengers are protected by a uniform and coherent framework of rights, Regulation (EC) No 261/2004 should apply to all flights within the Union, as well as to all flights departing from or arriving in the Union.

Amendment 2

Proposal for a regulation

Recital 4

Text proposed by the Commission

Amendment

(4) Simplification, consistency and harmonisation of the rules of Regulation (EC) No 261/2004, Regulation (EC) No 1107/2006, Regulation (EU) No

(4) Simplification, consistency and harmonisation of the rules of Regulation (EC) No 261/2004, Regulation (EC) No 1107/2006, Regulation (EU) No

1177/2010, and Regulation (EU) No 181/2011 is required especially as regards rules dealing with the information to passengers on their rights before and during the journey, enforcement of passenger rights and complaint handling for passengers. The existing rules in those Regulations should be amended to complement those of the recently adopted Regulation (EU) 2021/782 of the European Parliament and of the Council⁹ as regards forms to request reimbursements and compensation, service quality standards, obligations for carriers to share information with national enforcement bodies, and information of passengers by national enforcement bodies on alternative dispute resolution.

⁹ Regulation (EU) 2021/782 of the European Parliament and of the Council of 29 April 2021 on rail passengers' rights and obligations (recast) (OJ L 172, 17.5.2021, p. 1, ELI: <http://data.europa.eu/eli/reg/2021/782/oj>).

1177/2010, and Regulation (EU) No 181/2011 is required especially as regards rules dealing with the information to passengers on their rights before and during the journey, enforcement of passenger rights, ***national enforcement bodies powers*** and complaint handling for passengers. The existing rules in those Regulations should be amended to complement ***and harmonize*** those of the recently adopted Regulation (EU) 2021/782 of the European Parliament and of the Council⁹ as regards, ***designation and tasks of national enforcement body, complaints, complaint handling by national enforcement body or other bodies***, forms to request reimbursements and compensation, service quality standards, obligations for carriers to share information with national enforcement bodies, and information of passengers by national enforcement bodies on alternative dispute resolution.

⁹ Regulation (EU) 2021/782 of the European Parliament and of the Council of 29 April 2021 on rail passengers' rights and obligations (recast) (OJ L 172, 17.5.2021, p. 1, ELI: <http://data.europa.eu/eli/reg/2021/782/oj>).

Amendment 3

Proposal for a regulation Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) The growing diffusion of claim agencies, private entities assisting passengers in claiming compensation under Regulation (EC) No 261/2004, clearly indicates the difficulties passengers face in obtaining the enforcement of their rights directly from air carrier; this phenomenon highlights that, in many cases, the complaint

procedure and the recognition of compensation prove to be burdensome, uncertain, or excessively time-consuming for passengers, leading them to resort to commercial intermediaries who, retain a significant portion of the compensation due to the passengers themselves. This is symptomatic of the need to revise Regulation (EC) No 261/2004 in certain provisions, in order to enhance the effectiveness of its enforcement and to introduce more adequate mechanisms ensuring that air carriers comply with their obligations without requiring passengers to rely on costly intermediaries.

Amendment 4

Proposal for a regulation Recital 5

Text proposed by the Commission

(5) At present, as regards air tickets booked via an intermediary, the reimbursement process is unclear and should therefore be clarified. The intermediaries are involved in the reimbursement process in two different ways: either they transmitted the passenger's (credit card) payment details directly to the carrier ('pass-through' intermediary), and the air carrier reverses the original payment flow so that the reimbursement arrives directly on the passenger's account. Or the intermediary paid the air carrier from its own account ('Merchant of Record' intermediary), and when the air carrier reverses the payment flow, the reimbursement payment arrives on the intermediary's account. The intermediary then transfers the final reimbursement payment to the passenger. Passengers are often not aware which reimbursement process the intermediary chooses. The intermediary and the air carrier should inform the passenger about

Amendment

(5) At present, as regards air tickets booked via an intermediary, the reimbursement process is unclear and should therefore be clarified. The intermediaries are involved in the reimbursement process in two different ways: either they transmitted the passenger's (credit card) payment details directly to the carrier ('pass-through' intermediary), and the air carrier reverses the original payment flow so that the reimbursement arrives directly on the passenger's account. Or the intermediary paid the air carrier from its own account ('Merchant of Record' intermediary), and when the air carrier reverses the payment flow, the reimbursement payment arrives on the intermediary's account. The intermediary then transfers the final reimbursement payment to the passenger. *Where the procedure consists of intermediaries transmitting the passengers payment details directly to the carrier, such procedure should be in line*

the reimbursement process. In particular, the *air carrier* should state *publicly* whether it *cooperates with intermediaries* for the processing of reimbursements, and if so *with* which *it* does so.

with the provisions laid down in Article 8 on the right to reimbursement and or re-routing. Passengers are often not aware which reimbursement process the intermediary chooses. The intermediary and the air carrier should inform the passenger about the reimbursement process. In particular, the *intermediary* should state *in a manner that is clear and a form that is highly visible , including during the process of booking*, whether it *there is an agreement with the air carrier selected to sell their tickets* for the processing of reimbursements, and if so which *one* does so.

Amendment 5

Proposal for a regulation Recital 14

Text proposed by the Commission

(14) Regarding air passenger rights, *air carriers* should *strive* to establish *industry standards on the weight and dimensions of hand luggage with a view to limiting the current proliferation of different practices and enhancing the passenger travel experience, and report on their adherence to those standards as part of their service quality management systems.* The publication of implementation reports by carriers on their quality standards should allow users to compare and make informed choices, encourage competition based on the quality of services, and facilitate uniform monitoring and enforcement by the national enforcement bodies.

Amendment

(14) *Air passenger rights regulation should ensure its objective of raising standards of protection and of information for passengers, strengthening their rights and ensuring that air carriers operate under harmonised conditions, including hand baggage dimensions. In accordance with the CJEU ruling in case C-487/12, hand baggage (i.e. luggage that is not checked in) should be considered as constituting a ‘necessary aspect’ of the carriage of passengers on condition that such baggage meets ‘reasonable requirements’ in terms of its weight and dimensions, and that its carriage should not, therefore, be made subject to a price supplement.* Regarding air passenger rights, *the airline industry* should *collaborate* to establish *a unique and standardized dimensions for personal items and cabin luggage. These standards should align with the safety, operational, and technical requirements of various aircraft types and configurations.* The publication of implementation reports by

carriers on their quality standards should allow users to compare and make informed choices, encourage competition based on the quality of services, and facilitate uniform monitoring and enforcement by the national enforcement bodies. ***Airlines should also communicate carry-on baggage dimensions clearly to passengers.***

Amendment 6

Proposal for a regulation Recital 14 a (new)

Text proposed by the Commission

Amendment

(14a) Greater clarity needs to be provided in the cases that a personal item or hand luggage is left behind or lost in the aircraft cabin in order to facilitate the handling of such requests, ensuring a streamlined process and preventing any additional burden or miscommunication for passengers.

Amendment 7

Proposal for a regulation Recital 14 b (new)

Text proposed by the Commission

Amendment

(14b) The concept of extraordinary circumstances has been subject to abundant case law. Greater clarity should be provided on what constitutes extraordinary circumstances to allow air passenger rights to be effectively and consistently enforced. In the light of case law, a distinction should be made between events originating internally and those originating externally to the air carrier. Events shall be considered external when they arise from circumstances beyond the air carrier's control and result from a natural event or an act of a third party. Such external events shall be generally

qualified as extraordinary circumstances. Events that do not meet these criteria shall be deemed internal and shall not be qualified as extraordinary circumstances

Amendment 8

Proposal for a regulation Recital 17

Text proposed by the Commission

(17) In the light of Article 9 of the United Nations Convention on the Rights of Persons with Disabilities and in order to give persons with disabilities and persons with reduced mobility opportunities for air travel comparable to those of other citizens, if an air carrier, its agents or a tour operator requires a person with disabilities or person with reduced mobility to be accompanied by another person who is capable of providing the assistance required by applicable safety requirements established by international, Union or national law or by the competent authorities, the accompanying person should travel free of charge. In addition, *it* should be aligned with the existing rights in rail, bus and coach and waterborne transport modes in the Union. In addition, *if* information to persons with disabilities and reduced mobility is provided in accessible formats, it should be provided in accordance with the applicable legislation ***such as*** the accessibility requirements set out in Annex I to Directive (EU) 2019/882¹².

Amendment

(17) In the light of Article 9 of the United Nations Convention on the Rights of Persons with Disabilities and in order to give persons with disabilities and persons with reduced mobility opportunities for air travel comparable to those of other citizens, if an air carrier, its agents or a tour operator requires a person with disabilities or person with reduced mobility to be accompanied by another person who is capable of providing the assistance required by applicable safety requirements established by international, Union or national law or by the competent authorities, the accompanying person should travel free of charge ***and sit next to the person with disability and reduced mobility***. In addition, ***mobility equipment, including wheelchairs and assistive devices, is essential for passengers with disabilities and reduced mobility and its replacement remain difficult and costly. The loss or damage of such items has a significantly greater impact on the person concerned and therefore it should not be considered as standard luggage. Such items warrant specific treatment, higher standards of care during handling, and distinct liability and compensation provisions. Air carriers should provide full compensation to passengers in case of loss or damaged in respect to mobility equipment, assistive devices and recognised assistance dogs. In addition, free seating for the accompanying person and full liability for damaged mobility***

equipment in air transport should be aligned with the existing rights in rail, bus and coach and waterborne transport modes in the Union. In addition, ***when*** information to persons with disabilities and reduced mobility is provided in accessible formats, it should be provided in accordance with the applicable legislation ***including*** the accessibility requirements set out in Annex I to Directive (EU) 2019/882¹²

¹² Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70), ELI: <http://data.europa.eu/eli/dir/2019/882/oj>.

¹² Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70), ELI: <http://data.europa.eu/eli/dir/2019/882/oj>.

Amendment 9

Proposal for a regulation Recital 17 a (new)

Text proposed by the Commission

Amendment

(17a) The European Commission, in cooperation with Member States and organisations representing persons with disabilities and recognised assistance dog handlers, should assess the situation in each Member State, while taking into account their specificities and act, including through legislation, to ensure that recognised assistance dogs are mutually recognised throughout the EU. In case a person with disability is permitted to travel with a recognised assistance dog on the outbound flight, the dog shall be regarded as a recognised assistance dog for the entire duration of the journey, including the return flight, in order to ensure uniform access and non-discrimination throughout the Union.

Amendment 10

Proposal for a regulation Recital 17 b (new)

Text proposed by the Commission

Amendment

(17b) A proactive, collaborative approach is needed to identify and remove accessibility barriers for PRMs while maintaining aviation safety as the top priority. To ensure consistency and a data-based legislation, a comprehensive study should assess how PRMs are accommodated by airlines and airports and thus eventually identifying inconsistencies in current practices. Particular attention should be paid to the fact that, according to Article 4(1) of Regulation (EC) No 1107/2006 (PRM Regulation), airlines may only refuse carriage to PRMs based on their disability or reduced mobility due to safety reasons, and it is questionable whether there are different interpretations of the latter. Coordination between EASA, the airline industry, airports and representatives of PRM is essential to establish clear, uniform safety criteria. Based on the findings, EASA should set common standards for European flights, with efforts to align globally through ICAO.

Amendment 11

Proposal for a regulation Recital 21 a (new)

Text proposed by the Commission

Amendment

(21a) “The Flight Emissions Label established pursuant to Article 14 of Regulation (EU) 2023/2405 of the European Parliament and the Council is at the disposal of the service providers should they want to display, easily accessible on their websites and on tickets, accurate and objective information

regarding the environmental impact of their travel on a comparable way.”

Amendment 12

Proposal for a regulation

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

Regulation (EC) No 261/2004

Article 2 – paragraph 1 – point 1

Present text

(l) "cancellation" means the non-operation of a flight which was previously planned and on which at least one place was reserved.

Amendment

(-1) In Article 2, point 1 is replaced by the following:

‘(l) ‘cancellation’ means the non-operation of a flight which was previously planned and on which at least one place was reserved. It shall be considered a cancelled flight when the aircraft took off but was subsequently forced to land at an airport other than the airport of destination, or to return to the airport of departure, or where the passengers of the aircraft concerned were transferred to departure on other flights, or when the departure time was brought forward by more than an hour by the air carrier.’

(32004R0261)

Amendment 13

Proposal for a regulation

Article 1 – paragraph 1 – point 1

Regulation (EC) No 261/2004

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

Text proposed by the Commission

Amendment

(za) “cost of the air ticket” means final price to be paid at the end of the reservation process that includes the air fare and all applicable taxes, charges, surcharges and fees paid for all optional and non-optional services included in the ticket, excluding intermediation fees, regardless whether those extras and fees

have been paid together with the fares for the transport service or separately at a later stage;

Amendment 14

Proposal for a regulation

Article 1 – paragraph 1 – point 1

Regulation (EC) No 261/2004

Article 2 – paragraph 1 – point z b (new)

Text proposed by the Commission

Amendment

(zb) “intermediation fee” means any difference between the amount paid by the passenger and the amount received by the air carrier for the same service, and which is collected by the intermediary;

Amendment 15

Proposal for a regulation

Article 1 – paragraph 1 – point 1

Regulation (EC) No 261/2004

Article 2 – paragraph 1 – point z c (new)

Text proposed by the Commission

Amendment

(zc) ‘service quality standards’ means key performance indicators measuring levels of performance and elements of compliance with passengers rights.

Amendment 16

Proposal for a regulation

Article 1 – paragraph 1 – point 1

Regulation (EC) No 261/2004

Article 2 – paragraph 1 – point z d (new)

Text proposed by the Commission

Amendment

(zd) ‘recognised assistance dog’ means a dog specifically trained to increase independence and self-determination of persons with disabilities, officially

recognised in accordance with applicable national rules, where such rules exist.

Amendment 17

Proposal for a regulation

Article 1 – paragraph 1 – point 1

Regulation (EC) No 261/2004

Article 2 – paragraph 1 – point z e (new)

Text proposed by the Commission

Amendment

(ze) ‘accessible format’ means a format that gives a person with disabilities or with reduced mobility access to any relevant information, including allowing such a person to have access to such information as easily and comfortably as a person without any impairments or disabilities, and that meets accessibility requirements defined in accordance with the applicable law, in particular with Annex I to Directive (EU) 2019/882;

Amendment 18

Proposal for a regulation

Article 1 – paragraph 1 – point 1

Regulation (EC) No 261/2004

Article 2 – paragraph 1 – point z f (new)

Text proposed by the Commission

Amendment

(zf) ‘personal item’: means a small bag or an article with maximum dimensions of 40x30x15cm that the air carrier shall allow the passenger to carry on board, on condition that it fits under the front seat and complies with applicable security requirements.

Amendment 19

Proposal for a regulation

Article 1 – paragraph 1 – point 1

Regulation (EC) No 261/2004
Article 2 – paragraph 1 – point z g (new)

Text proposed by the Commission

Amendment

(zg) ‘hand baggage’ means a piece of unchecked baggage which is not a personal item of a maximum size of 120cm and which complies with security and safety requirements.’

Amendment 20

Proposal for a regulation

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

Regulation (EC) No 261/2004

Article 3 – paragraph 1 – point b

Present text

Amendment

(b) to passengers departing from an airport located in a third country to an airport situated in the territory of a Member State to which the Treaty applies, unless they received benefits or compensation and were given assistance in that third country, **if the operating air carrier of the flight concerned is a Community carrier.**

(1a) In Article 3(1), point b is amended as follows:

‘(b) to passengers departing from an airport located in a third country to an airport situated in the territory of a Member State to which the Treaty applies, unless they received **comparable** benefits or compensation and were given assistance in that third country.’

(32004R0261)

Amendment 21

Proposal for a regulation

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

Regulation (EC) No 261/2004

Article 6 a (new)

Present text

Amendment

(1b) the following article is inserted :

‘Article 6a

Extraordinary circumstances

- 1. Extraordinary circumstances shall be considered events which, by their nature or origin, are not inherent in the normal exercise of the activity of the air carrier concerned and are outside that air carrier's actual control. For the purposes of this Regulation, extraordinary circumstances are limited to the circumstances set out in Annex IIa;*
- 2. When a passenger has a right to compensation from the air carrier in accordance with Articles 4, 5 and 6, the air carrier shall send to the passenger in a written form, within 48 hours, the information about the presence or absence of extraordinary circumstances and provide access to a pre-filled common form in accordance with 16aa.*
- 3. Where an unusual event outside the control of one or more Member States has occurred, which has a major impact on air travel with major unfavourable consequences for the aviation sector and that is not covered under Annex IIa, the Commission is empowered to adopt a delegated act in accordance with Article 16cb in order to amend the exhaustive list set out in Annex IIa by adding the relevant extraordinary circumstance, provided that this is strictly necessary to respond to such an unusual event.'*

(32004R0261)

Amendment 22

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Regulation (EC) No 261/2004

Article 8a – paragraph 1

Text proposed by the Commission

1. Where the passenger has bought a ticket through an intermediary, the operating air carrier may make the reimbursement referred to in Article 8(1)

Amendment

1. Where the passenger has bought a ticket through an intermediary, the operating air carrier may make the reimbursement referred to in Article 8(1)

point (a) through that intermediary in accordance with this Article.

point (a) through that intermediary. ***In such a case, the intermediary shall be responsible to reimburse the passenger*** in accordance with this Article.

Amendment 23

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Regulation (EC) No 261/2004

Article 8a – paragraph 2

Text proposed by the Commission

2. The intermediary ***and the air carrier*** shall inform the passenger of the reimbursement process as provided for in this Article in a clear, comprehensible and easily accessible manner at the time of booking and on the booking confirmation.

Amendment

2. The intermediary shall inform the passenger of the reimbursement process as provided for in this Article in a clear, comprehensible and easily accessible manner at the time of booking and on the booking confirmation.

Amendment 24

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Regulation (EC) No 261/2004

Article 8a – paragraph 3

Text proposed by the Commission

3. ***Reimbursement*** through the intermediary shall be free of charge for passengers ***and all other parties concerned***.

Amendment

3. ***Reimbursements*** through the intermediary shall be free of charge for passengers. ***No costs shall be borne by the passenger in the reimbursement procedure***.

Amendment 25

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Regulation (EC) No 261/2004

Article 8a – paragraph 4

Text proposed by the Commission

4. The ***air carrier*** shall state publicly, in

Amendment

4. The ***intermediary*** shall state publicly

a clear, comprehensible *and easily accessible* manner, whether *it agrees* to process reimbursements *through intermediaries, and with which intermediaries it accepts to do so.*

and inform in a clear, *unambiguous and* comprehensible manner, *at the time of selection of flights*, whether *they are in agreement with the air carrier selected to sell their tickets and* to process reimbursements.

Amendment 26

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Regulation (EC) No 261/2004

Article 8a – paragraph 5 – point a

Text proposed by the Commission

(a) the air carrier shall reimburse the intermediary within seven days, in one transaction through the same payment method which was used at the time of booking, and linking the payment to the original booking reference. The seven-day period shall start on the date of the passenger's choice of a reimbursement in accordance with Article 8 (1) (a), first indent. The intermediary shall reimburse the passenger via the original payment method, at the latest within a further seven days, and inform the passenger and the air carrier thereof.

Amendment

(a) the air carrier shall reimburse the intermediary ***the cost of the air ticket as it had received for the ticket from the intermediary***, within seven days, in one transaction through the same payment method which was used at the time of booking, and linking the payment to the original booking reference. The seven-day period shall start on the date of the passenger's choice of a reimbursement in accordance with Article 8 (1) (a), first indent. The intermediary shall reimburse the passenger ***the cost of the air ticket and the intermediation fees*** via the original payment method, at the latest within a further seven days, and inform the passenger and the air carrier thereof.

Amendment 27

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Regulation (EC) No 261/2004

Article 8a – paragraph 5 – point b

Text proposed by the Commission

(b) if the passenger does not receive the reimbursement within 14 days as of the date of choosing a reimbursement in accordance with Article 8 (1) (a), first

Amendment

(b) ***The intermediary is required to notify the air carrier without delay upon processing the reimbursement to the passenger.*** If the passenger does not

indent, the operating air carrier shall contact the passenger at the latest on the day following the expiry of the 14-day period in order to receive the payment details for the reimbursement. Upon receipt of these payment details, the operating air carrier shall reimburse the passenger within seven days and inform the passenger and the intermediary thereof.

receive the reimbursement within 14 days as of the date of choosing a reimbursement in accordance with Article 8 (1) (a), first indent, ***or if the operating air carrier has not received confirmation of payment fulfilment within 14 days***, the operating air carrier shall contact the passenger at the latest on the day following the expiry of the 14-day period in order to receive the payment details for the reimbursement. Upon receipt of these payment details, the operating air carrier shall reimburse the passenger within seven days and inform the passenger and the intermediary thereof. ***Air carriers and intermediaries shall provide passengers with the references of the money transfer such as the transaction number.***

Amendment 28

Proposal for a regulation

Article 1 – paragraph 1 – point 2

Regulation (EC) No 261/2004

Article 8a – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Intermediaries are liable for duly processing the reimbursement set out in paragraph 5. In case of a breach of their obligations, intermediaries are subject to a penalty regime as defined by Member States in accordance with Article 16bcc.

Amendment 29

Proposal for a regulation

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

Regulation (EC) No 261/2004

Article 8 b (new)

Text proposed by the Commission

Amendment

Article 8b

Right of passengers to transfer their ticket to another holder in exceptional

circumstances and change of name of the ticket holder.

1. Passengers who, for exceptional reasons, are no longer able to make a journey they have booked, shall be entitled to request a change in the name of the ticket holder.

2. Air carriers, operators or intermediaries shall be obliged to offer one of the following two options, made available at the time of reservation:

(a) change in the name of the ticket holder free of charge in justified cases of force majeure, such as:

(i) Death of the passenger or of a close family member;

(ii) Serious medical problems preventing travel (proven by medical certificates);

(iii) Other exceptional circumstances set out in national law or by the carrier; or

(b). transfer of the ticket to another passenger.

3. Passengers may transfer the ticket to another person after providing reasonable notification to the carrier or intermediary on a durable medium prior to the flight. Notification provided at least 72 hours prior to the flight shall in all cases be considered reasonable and shall not be subject to any additional charge.

4. Where passengers transfer a ticket in the 72 hours prior to departure, the intermediary's carrier may charge fees. The intermediary's carrier shall inform the transferor of the actual costs of the transfer. These costs must not be unreasonable and must not exceed the actual cost borne by the carrier or intermediary for transfer of the ticket.

5. The transferor and the transferee shall be jointly and severally liable for payment of the balance due and for any additional charges.

6. The organiser shall provide the transferor with proof of any additional fees arising from transfer of a package travel contract.

7. Passengers shall be informed at the pre-contractual stage, and in the booking confirmation, of the possibility of transferring their ticket under this Article.

8. The passenger shall have the possibility to change name of the ticket holder against payment of a transparent and fair fee set by the carrier and clearly communicated at the time of purchase of the ticket. This option must be made available to passengers at the time of reservation of the ticket and must be indicated in the air carrier's terms and conditions.

9. Member States shall monitor the implementation of this measure to ensure that air carriers respect the right of passengers to transfer tickets under fair conditions.

Amendment 30

Proposal for a regulation

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

Regulation (EC) No 261/2004

Article 11

Present text

Article 11

Persons with reduced mobility or special needs

1. Operating air carriers shall give priority to carrying persons with reduced

Amendment

(2a) Article 11 is replaced by the following:

‘Article 11

Persons with reduced mobility or special needs

-1. The rights of persons with disabilities and persons with reduced mobility laid down under this Article shall be without prejudice to the rights they enjoy under Regulation (EC) No 1107/2006.

1. Operating air carriers shall give priority to carrying persons with reduced

mobility and any persons or ***certified service*** dogs accompanying them, as well as unaccompanied children.

2. In cases of denied boarding, cancellation ***and*** delays of any length, persons with reduced mobility and any persons accompanying them, as well as unaccompanied children, shall have the right to care in accordance with Article 9 as soon as possible.

mobility and any persons or ***recognised assistance*** dogs accompanying them, as well as unaccompanied children.

2. ***In cases of denied boarding, cancellation, delays of any length and missed flight due to a lack of airport assistance services, persons with disabilities and*** persons with reduced mobility and any persons accompanying them, as well as unaccompanied children, shall have the right to ***compensation, reimbursement or re-routing as provided for in Article 7 and 8 and the right to*** care in accordance with Article 9 as soon as possible.

2a. Infants of less than 24 months and children under 12 years old shall be considered special category of passengers (SCP) in accordance with the EU air safety legislation under Regulation 965/2012. Allocation of seats for infants with the accompanying passenger and for children under 12 years old next to the accompanying passenger, made under the same booking, shall be provided free of charge by the air carrier.

(32004R0261)

Amendment 31

Proposal for a regulation

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

Regulation (EC) No 261/2004

Article 11 a (new)

Present text

Amendment

(2b) The following article is inserted :

‘Article 11a

Right to personal item and hand luggage

1. Passengers shall always have the right to carry on board one personal item, such as a small bag, handbag, backpack or laptop bag under the condition that it can be safely stowed

under the seat in front of the passenger. Air carriers shall not charge the passenger any supplement or additional fees on top of the price of the flight ticket for this personal item. It is mandatory that carriers provide clear, transparent, and easily accessible information on the weight and dimension requirements for the personal item at the time of booking and after the booking is completed, ensuring passengers are fully informed before their journey.

2. Passengers shall always have the right to carry on board, one piece of hand luggage. The hand luggage shall not be subject to price supplement on the price of the flight ticket within the maximum dimensions of 100 cm (sum of length, width, and height) and maximum weight of 7 kilos. Air Carriers may apply different provisions regarding additional or larger hand luggage.

The hand luggage may be stored either in the aircraft cabin (as carry-on baggage) or in the aircraft hold, as checked baggage. The carrier may refuse to allow such hand luggage on board only on grounds of security connected with the weight or size of the hand luggage in relation to the characteristics of the aircraft.

Air carriers shall provide clear, transparent, and easily accessible information on the weight and dimension requirements for the hand luggage at the time of booking and after the booking is completed, ensuring passengers are fully informed before their journey.

3. For the event that a personal item or hand luggage is left behind in the aircraft cabin, the operating and contracting air carriers shall establish in advance which party is responsible for handling any subsequent requests. The designated responsible air carrier shall automatically inform the passengers, upon the completion of booking, regarding the procedure for retrieving forgotten

personal items or hand luggage. This information shall be communicated in a clear and comprehensive manner and shall include electronic contact details, applicable forms, and any other pertinent details necessary for the passenger to initiate a request.'

(32004R0261)

Amendment 32

Proposal for a regulation

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

Regulation (EC) No 261/2004

Article 14

Present text

Article 14

Obligation to inform passengers of their rights

1. The operating air carrier shall ensure that at check-in 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 text stating your rights, particularly with regard to compensation and assistance'.

Amendment

(2c) Article 14 is replaced by the following:

‘Article 14

Obligation to inform passengers of their rights

1. The **airport managing body and** operating air carrier shall ensure that at check-in, **online 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 **at departure, or of more than 3 hours at arrival at your final destination**, ask at the check-in counter or boarding gate for the text stating your rights, particularly with regard to compensation and assistance". ***This notice shall be displayed physically and electronically in as many relevant languages as possible.***"

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.

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.

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. *It shall also provide each passenger affected by a delay of at least two hours with an equivalent notice.* The contact details of the national designated *body referred to in* Article 16 shall also be given to the passenger in written form.

2. *In the event of denied boarding or 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 shall inform passenger of possible alternative transport modes. Air carriers shall clearly inform passengers of the procedure for requesting compensation, reimbursement or rerouting and assistance under, respectively, Article 7 and Articles 8, 8a, 9 and 10 of this Regulation.* The contact details of the national *enforcement body or other body* designated *under* Article 16 shall also be given to the passenger in written form.

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

3. In respect of blind and visually impaired persons, *persons with cognitive or intellectual disabilities, and other persons with reduced mobility*, the provisions of this Article shall be applied using appropriate alternative *and*

accessible means.

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 as in the case, for example in the event of its insolvency or revocation of its operating licence.

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.

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.

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 flight disruption and shall under no circumstances exceed the cost of a local call.

5c. 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.'

(32004R0261)

Amendment 33

Proposal for a regulation

Article 1 – paragraph 1 – point 3

Regulation (EC) No 261/2004

Article 14a – title

Text proposed by the Commission

Amendment

Transfer of information

Obligation on transfer of information

Amendment 34

Proposal for a regulation

Article 1 – paragraph 1 – point 3

Regulation (EC) No 261/2004

Article 14a – paragraph 1

Text proposed by the Commission

Amendment

1. The information for passengers under this Regulation shall be provided ***also*** by electronic means, where technically possible. Where information is provided by such means, air carriers and intermediaries shall ensure that the passenger can keep any written correspondence, including the date and time of such correspondence, on a durable medium. All means of communication shall enable the passenger to contact ***them*** quickly and to communicate effectively.

1. The information for, ***and the correspondence with*** passengers under this Regulation shall be provided by electronic means, where technically possible. Where information is provided by such means, air carriers and intermediaries shall ensure that the passenger can keep any written correspondence, including the date and time of such correspondence, on a durable medium. ***The burden of proof concerning the questions as to whether and when they have provided the necessary information to passengers shall rest with air carriers and intermediaries.*** All means of communication shall enable the passenger to contact ***air carriers and intermediaries*** quickly, ***free of charge*** and to

communicate effectively.

Amendment 35

Proposal for a regulation

Article 1 – paragraph 1 – point 3

Regulation (EC) No 261/2004

Article 14a – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. When offering a ticket, intermediaries shall inform passengers about the cost of the air ticket and all other costs such as the intermediation, administrative, service or cancellation fees. Optional price supplements shall be clearly visible next to ticket price and at every step of the booking process.

Amendment 36

Proposal for a regulation

Article 1 – paragraph 1 – point 3

Regulation (EC) No 261/2004

Article 14a – paragraph 2

Text proposed by the Commission

Amendment

2. Where the passenger does not acquire a ticket directly from the air carrier, but through an intermediary, this intermediary shall provide ***the*** contact details ***of*** the passenger and the booking details to the air carrier. The air carrier may only use these contact details to the extent necessary to comply with its information, ***provision of care, reimbursement, re-routing and compensation obligations*** under ***this Regulation*** and to fulfil the air carrier's obligations under applicable Union law on aviation safety and security and to provide information to passengers on the operating carrier in accordance with its obligations under Chapter III of Regulation (EC) No 2111/2005.

2. Where the passenger does not acquire a ticket directly from the air carrier, but through an intermediary, this intermediary shall provide ***all*** contact details ***received from*** the passenger, and the booking details to the air carrier. The air carrier may only use these contact details to the extent necessary to comply with its ***contract of carriage with the passenger, its*** information ***obligation*** under ***Article 14*** and to fulfil the air carrier's obligations under applicable Union law on aviation safety and security and to provide information to passengers on the operating carrier in accordance with its obligations under Chapter III of Regulation (EC) No 2111/2005. ***The contact details may not be used for commercial purposes unless the***

passenger has actively and explicitly requested the contrary.

Amendment 37

Proposal for a regulation

Article 1 – paragraph 1 – point 3

Regulation (EC) No 261/2004

Article 14a – paragraph 3

Text proposed by the Commission

3. The carrier shall ***delete the*** contact details ***within*** 72 hours after the completion of the contract of carriage unless further retention of the contact details is justified to fulfil obligations in respect of the passenger's right ***to*** re-routing, reimbursement or compensation.

Amendment

3. The ***air*** carrier ***and the intermediary*** shall ***keep the passenger's*** contact details ***no longer than*** 72 hours after the completion of the contract of carriage unless ***in the case of a flight disruption*** ***where*** further retention of the contact details is justified to fulfil obligations in respect of the passenger's right ***such as provision of care,*** re-routing, reimbursement, or compensation ***and complaint handling. The air carrier and the intermediary shall process the passenger's contact details solely for the purpose of fulfilling their respective obligations.***

Amendment 38

Proposal for a regulation

Article 1 – paragraph 1 – point 3

Regulation (EC) No 261/2004

Article 14a – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Intermediaries shall provide accessible, effective remote assistance for all passengers once a flight has been booked and provide help and assistance on electronic tickets and electronic and printed versions of a boarding card. This service shall provide information and may provide alternative proposals in the event of disruption and shall under no circumstances exceed the cost of a local

call.

Intermediaries shall provide the passengers with clearly legible and transparent information about the passenger's rights and shall clearly inform passengers of the information to be provided about the process of requesting compensation or reimbursement under, respectively, Article 7 and Articles 8, 8a, 9 and 10 of this Regulation.

The contact details of the national enforcement body or other body designated under Article 16 shall also be given to the passenger in written form.

Amendment 39

Proposal for a regulation

Article 1 – paragraph 1 – point 4

Regulation (EC) No 261/2004

Article 15a – paragraph 1

Text proposed by the Commission

1. Air carriers shall establish service quality standards and implement a quality management system to maintain service quality. The service quality standards shall at least cover the items listed in Annex II.

Amendment

1. Air carriers shall establish service quality standards and implement a quality management system to maintain **and improve** service quality. The service quality standards shall at least cover the items listed in Annex II.

Amendment 40

Proposal for a regulation

Article 1 – paragraph 1 – point 4

Regulation (EC) No 261/2004

Article 15a – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Air carriers shall monitor their performance as reflected in the service quality standards. They shall publish a report on their service quality performance on their website by [2 years

after the Regulation becomes applicable], and every two years thereafter. This report shall not contain personal data.

Amendment 41

Proposal for a regulation

Article 1 – paragraph 1 – point 4

Regulation (EC) No 261/2004

Article 15a – paragraph 3

Text proposed by the Commission

3. Airport managing bodies located in a Member State shall establish service quality standards based on the relevant items listed in Annex II. They shall monitor their performance pursuant to those standards and provide access to the information on their performance to the national public authorities on request.;

Amendment

3. Airport managing bodies located in a Member State shall establish service quality standards based on the relevant items listed in Annex II ***and which are under their direct responsibility***. They shall monitor their performance pursuant to those standards and provide access to the information on their performance to the national public authorities on request.

Amendment 42

Proposal for a regulation

Article 1 – paragraph 1 – point 4

Regulation (EC) No 261/2004

Article 15a – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Intermediaries which are not SMEs, located in a Member State shall establish service quality standards based at least on the relevant items listed in Annex II. They shall monitor their performance pursuant to those standards and provide access to the information on their performance to national public authorities on request.;

Amendment 43

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(4a) the following article is inserted:

Article 15aa

Complaint-handling by air carriers and intermediaries

- 1. Each air carrier and intermediary shall set up a complaint-handling mechanism for the rights and obligations covered by this Regulation in their respective fields of responsibility. At the time of booking, they shall provide information to passengers on the complaint handling processes and the relevant time limits under this Article. Information on complaint handling shall also be accessible on the air carriers' and intermediaries' websites and applications and shall be communicated in the email that notifies any event that could give rise to the rights enshrined in this Regulation.***
- 2. Passengers may submit a complaint to any air carriers or intermediaries regarding their respective fields of responsibility via the mechanisms referred to in paragraph 1. Such a complaint shall be submitted within one year from the date on which the flight was performed or was scheduled to be performed.***
- 3. Within 7 working days of receiving the complaint, the addressee shall confirm the receipt of the complaint to the passenger. Within two months of receiving the complaint, the addressee shall provide a reasoned answer to the passenger. Where the addressee does not provide that full answer within that two-month period, it shall be deemed to have accepted the passenger's claims.***
- 4. With the reasoned answer, the addressee shall also communicate to the passenger concerned the relevant contact details of the National enforcement body or other body as defined in Article 16***

paragraph 1, including its postal address, phone number, email address and website address.

5. On receipt of the reasoned answer from the air carrier or the intermediary, the passenger concerned may complaint to any national enforcement body and/or to any national out-of-court dispute resolution body designated under Art 16 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 to the air carrier or the intermediary concerned.

6. Where the air carrier invokes extraordinary circumstances, it shall inform the passenger in its answer 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.

7. The burden of proof regarding the provision of the requisite information to passengers shall be on the air carrier and the intermediary.

8. Details of the complaint-handling procedure shall be accessible to the public, including to persons with disabilities and to persons with reduced mobility in accessible format. This information shall be available at least in the language of the booking reservation and in the language internationally accepted in this field.

Amendment 44

Proposal for a regulation

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

Regulation (EC) No 261/2004

Article 16

Present text

Amendment

(4b) Article 16 is replaced by the

Article 16

Infringements

1. Each Member State shall designate a 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.

Where appropriate, this body shall take the measures necessary to ensure that the rights of passengers are respected. ***The*** Member States shall inform the Commission of the body ***that has been*** designated in accordance with this paragraph.

2. ***Without prejudice to Article 12, each passenger may complain to any body designated under paragraph 1, or to any other competent body designated by a Member State, 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.***

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

following:

‘Article 16

Designation of national enforcement bodies

1. Each Member State shall designate a body ***or bodies*** 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. ***Each*** body shall take the measures necessary to ensure that the rights of passengers are respected.

2. ***Each body shall be independent in its organisation, funding decisions, legal structure and decision-making of any air carrier, airport managing body and intermediary.***

3. Member States shall inform the Commission of the body ***or bodies*** designated in accordance with this Article ***and of its or their respective responsibilities. The Commission and the bodies designated shall publish that information on their websites.***’

(32004R0261)

Amendment 45

Proposal for a regulation

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

Regulation (EC) No 261/2004

Article 16 a (new)

Present text

Amendment

(4c) The following article is inserted :

Article 16a

Enforcement tasks

- 1. The National Enforcement Body shall closely monitor compliance with this Regulation and shall take the measures necessary to ensure that the rights of passengers are upheld. For this purpose, air carriers, airport managing bodies and intermediaries shall provide the national enforcement body with relevant documents and information at their request within one month of its request. In complex cases, the national enforcement body may extend this period to a maximum of three months from the receipt of the request. In carrying out their functions, the national enforcement bodies shall take account of the information submitted to them by the other body designated to handle complaints as defined in Article 16 paragraph 1.*
- 2. Monitoring activities may be performed jointly by national enforcement bodies in the event of air services between two or several EU Member States.*
- 3. Member States shall ensure that their respective National Enforcement Bodies are given sufficient power to penalise effectively infringements. National Enforcement Bodies shall be able to take enforcement actions based on individual complaints as defined in Article 16b.*
- 4. In the event that the air carrier invokes extraordinary circumstances as a justification for refusing compensation under this Regulation, the carrier shall substantiate its claim by providing adequate evidence on those circumstances and related technical issues to the NEB within 48 hours. Furthermore, the carrier shall demonstrate that all reasonable measures were taken to prevent the cancellation or delay of the flight in question.*

5. The National Enforcement Body shall disseminate such information to the bodies designated for alternative dispute resolution pursuant to this Regulation, where available.

6. Every two years, the national enforcement bodies shall publish reports with statistics on their activity, including on penalties applied, by 30 June of the following calendar year. Those reports shall be made available on the website of the European Union Aviation Safety Agency.

7. On the basis of data which air carriers, airport managing bodies, intermediaries are required to provide on service quality standards as defined in Article 15a, the National enforcement body shall publish 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.

8. Air carriers and intermediaries shall give their contact details to the national enforcement body or bodies of the Member States in which they operate.'

(32004R0261)

Amendment 46

Proposal for a regulation

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

Regulation (EC) No 261/2004

Article 16 b (new)

Present text

Amendment

(4d) the following article is inserted :

'Article 16b

Complaint handling by national enforcement bodies and other bodies

1. Without prejudice to the rights of consumers to seek alternative redress

pursuant to Directive 2013/11/EU of the European Parliament and of the Council , after having complained unsuccessfully to the air carrier or intermediary pursuant to Article 13a, the passenger may complain to the national enforcement body or any other body designated under paragraph 2 of this Article no later than one year from receiving information on the rejection of the original complaint by the air carrier or the intermediary.

2. Any passenger may complain 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, either to the national enforcement body, or to any other body designated by a Member State for that purpose.

3. The national enforcement body or any other body designated under paragraph 2 shall acknowledge receipt of the complaint within two weeks of receiving it. The complaint-handling procedure shall take a maximum of three months from the date of the establishment of the complaint file. The complaint-handling procedure shall be made accessible to persons with disabilities and to persons with reduced mobility in accessible format.

4. Where a complaint relates to alleged infringements by airport managing body, the complaint shall be handled by the national enforcement body or any other body designated under paragraph 2 of the Member State on whose territory the incident occurred.

5. National Enforcement bodies or any other body designated under paragraph 2 shall be able to deal with individual passenger complaints and be granted, at least, with the minimum investigative and enforcement powers defined in article 9 of the Regulation (EU) 2017/2394 of the European Parliament and of the Council

of 12 December 2017 on cooperation between national authorities responsible for the enforcement of consumer protection laws and repealing Regulation (EC) No 2006/2004.

6. Decisions of National Enforcement Bodies or of any other body designated under paragraph 2 shall be binding on both parties and enforceable, without prejudice to the right of parties to access the judicial system.'

(32004R0261)

Amendment 47

Proposal for a regulation

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

Regulation (EC) No 261/2004

Article 16 c (new)

Present text

Amendment

(4e) the following article is inserted

'Article 16c

Exchange of information and cross-border cooperation between national enforcement bodies

1. Where different bodies are designated under Articles 16 and 16b, reporting mechanisms shall be set up to ensure the exchange of information between them, in accordance with Regulation (EU) 2016/679, in order to help the national enforcement body to carry out its tasks of supervision and enforcement, and so that the complaint-handling body designated under Article 16b can collect the information necessary to examine individual complaints.

2. National enforcement bodies shall exchange information on their work and decision-making principles and practices for the purpose of coordination. The Commission shall support them in that task.'

Amendment 48

Proposal for a regulation

Article 1 – paragraph 1 – point 5

Regulation (EC) No 261/2004

Article 16aa – paragraph 1

Text proposed by the Commission

1. The Commission shall adopt an implementing act establishing a common form for compensation and reimbursement requests under Articles 7 and 8. That common form shall be established in ***a format which is accessible to persons with disabilities and persons with reduced mobility***. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 38 (2) of Regulation (EU) 2021/782 of the European Parliament and the Council¹⁵.

¹⁵ Regulation (EU) 2021/782 of the European Parliament and of the Council of 29 April 2021 on rail passengers' rights and obligations (recast) (OJ L 172, 17.5.2021, p. 1, ELI: <http://data.europa.eu/eli/reg/2021/782/oj>).

Amendment

1. The Commission shall adopt an implementing act establishing a common form for compensation and reimbursement requests ***(the 'common form')*** under Articles 7 and 8. That common form shall be established in ***an accessible format and available in all official Union languages***. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 38 (2) of Regulation (EU) 2021/782 of the European Parliament and the Council¹⁵.

¹⁵ Regulation (EU) 2021/782 of the European Parliament and of the Council of 29 April 2021 on rail passengers' rights and obligations (recast) (OJ L 172, 17.5.2021, p. 1, ELI: <http://data.europa.eu/eli/reg/2021/782/oj>).

Amendment 49

Proposal for a regulation

Article 1 – paragraph 1 – point 5

Regulation (EC) No 261/2004

Article 16aa – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Air carriers shall send to passengers the pre-filled common form within 48 hours following travel disruption for the purpose of reimbursement and compensation in accordance with Article

5a(2).

Amendment 50

Proposal for a regulation

Article 1 – paragraph 1 – point 5

Regulation (EC) No 261/2004

Article 16aa – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. This requirement set out in paragraph 1a shall not apply to air carriers and intermediaries where other automated electronic means of communication allowing passengers to request reimbursement or compensation exist, provided that such means offer the choice and information set out in the common form and are also available in the language of the booking and in the language internationally accepted in this field.

Amendment 51

Proposal for a regulation

Article 1 – paragraph 1 – point 5

Regulation (EC) No 261/2004

Article 16aa – paragraph 2

Text proposed by the Commission

Amendment

2. Passengers shall have the right to submit their requests using the common form referred to in paragraph 1. Operating air carriers and intermediaries shall not reject a request solely on the grounds that the passenger has not used ***that form***. If a request is not sufficiently precise, the carrier shall ask the passenger to clarify the request and shall assist the passenger in doing so.

2. Passengers shall have the right to submit their requests ***for reimbursement and compensation*** using the common form referred to in paragraph 1 ***or by other means***. Operating air carriers and intermediaries shall not reject a request solely on the grounds that the passenger has not used ***the common form***. ***Passengers shall have the right to submit their request in at least the language of the booking.*** If a request is not sufficiently precise, the ***air*** carrier shall ask the passenger to clarify ***or complete*** the request and shall ***duly motivate the request***

for additional information and assist the passenger in doing so.

Amendment 52

Proposal for a regulation

Article 1 – paragraph 1 – point 5

Regulation (EC) No 261/2004

Article 16aa – paragraph 3

Text proposed by the Commission

3. Air carriers and intermediaries shall provide *details* on their *website such as an e-mail address, to which requests under paragraph 1 may be sent by electronic means. This requirement shall not apply where other* electronic means *of communication allowing* passengers to request reimbursement or compensation *exist*, such as *a form on a website* or mobile applications, *provided that such means offer the choice and information set out in the common form and are also available in an official language of the Union and in the language internationally accepted in this field. When using such* means, passengers shall *not be prevented from providing information in any of the languages of the Union.*

Amendment

3. ***Without prejudice to paragraph 1a,*** air carriers and intermediaries shall provide ***clear information*** on their ***websites regarding the different*** electronic means ***that allow*** passengers to request reimbursement or compensation, such as ***an e-mail address, electronic forms*** or mobile applications. ***Regardless*** of the ***electronic*** means ***used***, passengers shall ***be provided with electronic confirmation as proof that such a request has been submitted.***

Amendment 53

Proposal for a regulation

Article 1 – paragraph 1 – point 5

Regulation (EC) No 261/2004

Article 16aa – paragraph 4

Text proposed by the Commission

4. The Commission shall make the common form available in all Union languages on its website. The body or bodies designated by Member States in accordance with Articles 16(1) and 16a(3) shall ensure that passengers have access to

Amendment

4. The Commission shall make the common form available in all ***official*** Union languages on its website. The body or bodies designated by Member States in accordance with Articles 16(1) and 16a(3) shall ensure that passengers have access to

the common form.

the common form.

Amendment 54

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Regulation (EC) No 261/2004

Article 16ba – title

Text proposed by the Commission

Risk-based approach **to the** monitoring of compliance with passenger rights

Amendment

Tasks of national enforcement bodies related to risk-based approach **concerning** monitoring of compliance with passenger rights

Amendment 55

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Regulation (EC) No 261/2004

Article 16ba – paragraph 4

Text proposed by the Commission

4. Compliance monitoring activities shall be based on the assessment of risks **and** carried out by means of audits, inspections, interviews, verifications and examination of documents as appropriate. They shall include both announced and unannounced activities. The monitoring activities shall be proportionate to the risks identified.

Amendment

4. Compliance monitoring activities shall be based on the assessment of risks **that could be** carried out by means of audits, inspections, interviews, verifications and examination of documents **and discussions** as appropriate. They shall include both announced and unannounced activities. The monitoring activities shall be proportionate to the risks identified.

Amendment 56

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Regulation (EC) No 261/2004

Article 16ba – paragraph 5

Text proposed by the Commission

5. National enforcement bodies shall

Amendment

5. National enforcement bodies shall

ensure the swift rectification of non-compliance by air carriers, airport managing bodies and intermediaries as identified during their monitoring activities. They shall require carriers to submit an action plan to remedy non-compliance, as appropriate.

ensure the swift rectification of non-compliance by air carriers, airport managing bodies and intermediaries as identified during their monitoring activities. They shall require carriers, ***airport managing bodies and intermediaries*** to submit an action plan to remedy non-compliance, as appropriate.

Amendment 57

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Regulation (EC) No 261/2004

Article 16ba – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. If action plans are deemed insufficient, or if non-compliance necessitates an immediate action, National Enforcement Bodies may take enforcement actions as defined in Article 16a.

Amendment 58

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Regulation (EC) No 261/2004

Article 16bb

Text proposed by the Commission

Amendment

Article 16bb

deleted

Sharing of information with national enforcement bodies

1. Carriers shall provide the national enforcement bodies with relevant documents and information at their request without undue delay and, in any event, within one month from the receipt of the request.

2. In complex cases, the national enforcement body may extend this period to a maximum of three months from the

receipt of the request.

3. In carrying out their functions, the national enforcement bodies shall take account of the information submitted to them by the body designated to handle complaints, if this is a different body.

Amendment 59

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Regulation (EC) No 261/2004

Article 16bc a (new)

Text proposed by the Commission

Amendment

Article 16bca

Inspections of national enforcement bodies

1. The Commission may conduct inspections of national enforcement bodies in order to monitor the application by Member States of the Regulation and to make recommendations to improve its enforcement.

2. The Commission shall in good time before an inspection inform the Member State concerned thereof.

3. Each Commission inspection report shall be communicated to the national enforcement authority of the Member State concerned, which shall, in its answer, set out the measures taken to remedy the non-compliances identified and address the recommendations.

4. The report, together with the answer of the national enforcement body, shall subsequently be communicated to the national enforcement bodies of the other Member States, where appropriate.

Amendment 60

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Regulation (EC) No 261/2004

Article 16bc – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The participation of air carriers and intermediaries under the scope of this Regulation in alternative dispute resolution procedures shall be mandatory and their decisions binding, without prejudice to the right of parties to access the judicial system, [in accordance with the Directive (EU) 2024/... on alternative dispute resolution for consumer disputes]

Amendment 61

Proposal for a regulation

Article 1 – paragraph 1 – point 6 a (new)

Regulation (EC) No 261/2004

Article 16bc b (new)

Text proposed by the Commission

Amendment

Article 16bc b

Oversight of intermediaries established in third countries.

1. The Commission shall perform the oversight of intermediaries established in third countries in order to verify their compliance with this regulation.

Amendment 62

Proposal for a regulation

Article 1 – paragraph 1 – point 6 b (new)

Regulation (EC) No 261/2004

Article 16bc c (new)

Text proposed by the Commission

Amendment

(6b) The following Article 16bcc is inserted

‘Article 16bcc

Penalties

1. Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall notify the Commission of those rules and measures and shall notify it without delay of any subsequent amendment affecting them.

2. In the framework of cooperation referred to in Article 16c the national enforcement body which is competent for the purposes of Article 16 b (4) or (5) shall, at the request of the national enforcement body handling the complaint, investigate the infringement of this Regulation identified by that body and, if necessary, impose penalties. ‘

(32004R0261)

Amendment 63

Proposal for a regulation

Article 1 – paragraph 1 – point 6 c (new)

Regulation (EC) No 261/2004

Article 17

Present text

Article 17

Report

The Commission shall report to the European Parliament and the Council *by 1 January 2007* on the operation and the results of this Regulation, in particular regarding:

Amendment

(6c) Article 17 is replaced by the following :

‘Article 17

Report

*The Commission shall report to the European Parliament and the Council **four years after the entry into force** 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 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 where necessary by legislative proposals.'

— the incidence of denied boarding and of cancellation of flights,

— the possible extension of the scope of this Regulation to passengers having a contract with a Community carrier or holding a flight reservation which forms part of a 'package tour' to which Directive 90/314/EEC applies and who depart from a third-country airport to an airport in a Member State, on flights not operated by Community air carriers,

— the possible revision of the amounts of compensation referred to in Article 7(1).

The report shall be accompanied where necessary by legislative proposals.

(32004R0261)

Amendment 64

Proposal for a regulation

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

Regulation (EC) No 1107/2006

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

Text proposed by the Commission

Amendment

(-1) in Article 2(1), the following point is added :

(1a) ‘service quality standards’ means key performance indicators measuring levels of performance and elements of compliance with passengers rights.”

(32006R1107)

Amendment 65

Proposal for a regulation

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

Regulation (EC) No 1107/2006

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

Text proposed by the Commission

Amendment

(-1a) in Article 2(1), the following point is added:

‘(1b) “recognised assistance dog” means a dog specifically trained to increase independence and self-determination of persons with disabilities, officially recognised in accordance with applicable national rules, where such rules exist

(32006R1107)

Amendment 66

Proposal for a regulation

Article 2 – paragraph 1 – point -1 b (new)

Regulation (EC) No 1107/2006

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

Present text

Amendment

(-1b) in Article 2(1), the following point is added :

‘(1c) “accessible format’ means a format that gives a person with disabilities or with reduced mobility access to any

relevant information, including allowing such a person to have access to such information as easily and comfortably as a person without any impairments or disabilities, and that meets accessibility requirements defined in accordance with the applicable law, in particular with Annex I to Directive (EU) 2019/882;

(32006R1107)

Amendment 67

Proposal for a regulation

Article 2 – paragraph 1 – point 1

Regulation (EC) No 1107/2006

Article 4 – paragraph 2

Text proposed by the Commission

Air carriers, their agents or a tour operator shall ensure that such an accompanying person travels free of charge and, where practicable, sits next to the person with disabilities or to the person with reduced mobility.;

Amendment

Air carriers, their agents or a tour operator shall ensure that such an accompanying person travels free of charge and, where practicable, sits next to the person with disabilities or to the person with reduced mobility, *if it is necessary for safety reasons for that person to be accompanied during the flight.*

Amendment 68

Proposal for a regulation

Article 2 – paragraph 1 – point 2

Regulation (EC) No 1107/2006

Article 10a - title

Text proposed by the Commission

Service quality standards *for air carriers*

Amendment

Service quality standards

Amendment 69

Proposal for a regulation

Article 2 – paragraph 1 – point 2

Regulation (EC) No 1107/2006

Article 10a – paragraph 1

Text proposed by the Commission

1. Air carriers shall establish service quality standards and implement a quality management system to maintain service quality. The service quality standards shall at least cover the items listed in Annex III.

Amendment

1. Air carriers shall establish service quality standards and implement a quality management system to maintain ***and improve*** service quality. The service quality standards shall at least cover the items listed in Annex III.

Amendment 70

Proposal for a regulation

Article 2 – paragraph 1 – point 2

Regulation (EC) No 1107/2006

Article 10a – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Airport managing bodies located in a Member State shall establish service quality standards based at least on the relevant items listed in Annex III. They shall monitor their performance pursuant to those standards and provide access to the information on their performance to the national public authorities;

Amendment 71

Proposal for a regulation

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

Regulation (EC) No 1107/2006

Article 12

Present text

Amendment

Article 12

Compensation ***for lost or damaged wheelchairs, other*** mobility equipment and assistive devices

Where wheelchairs or other mobility equipment or assistive devices ***are*** lost or damaged ***whilst being handled at the***

(2a) Article 12 is replaced by the following:

‘Article 12

Compensation ***in respect of*** mobility equipment, ***assistive devices and recognised assistance dogs***

1. Where air carriers or airport managing bodies, including ground operators, cause the loss of, or damage to

airport or transported on board aircraft, the passenger to whom the equipment belongs shall be compensated, in accordance with rules of international, Community and national law.

mobility equipment, including wheelchairs, and assistive devices or the loss of, or injury to, recognized assistance dogs used by persons with disabilities and persons with reduced mobility, they shall be liable for that loss, damage or injury, and provide compensation without undue delay. That compensation shall comprise:

(a) the cost of replacement or repair of the mobility equipment or assistive devices lost or damaged;

(b) the cost of replacement or the treatment of the injury of an assistance dog that was lost or injured; and

(c) reasonable costs of temporary replacement for mobility equipment, assistive devices or recognized assistance dogs where such replacement is not provided by the air carriers or airport managing body in accordance with paragraph 2.

2. Where paragraph 1 applies, air carriers and airport managing bodies shall rapidly make all reasonable efforts to provide immediately needed temporary replacements for mobility equipment or assistive devices. The person with disabilities or the person with reduced mobility shall be permitted to keep that temporary replacement equipment or device until the compensation referred to in paragraph 1 has been paid.

3. Where it cannot be proven or it is not possible to determine whether the air carrier or the ground operator is responsible for the loss or damage of mobility equipment or assistive devices, or for the loss or injury of a recognised assistance dog, the responsibility shall be equally shared between both parties to ensure the passenger receives compensation.'

(32006R1107)

Amendment 72

Proposal for a regulation

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

Regulation (EC) No 1107/2006

Article 14

Present text

Article 14

Enforcement *body and its tasks*

1. Each Member State shall designate a body or bodies responsible for the enforcement of this Regulation as regards flights *departing from or arriving at* airports situated *in* its territory. *Where appropriate, this body or bodies* shall take the measures necessary to ensure that the rights of disabled persons and persons with reduced mobility are respected, *including compliance with the quality standards referred to in Article 9(1). The* Member States shall inform the Commission of the body or bodies designated.

2. *Member States shall, where appropriate, provide that the enforcement body or bodies designated under paragraph 1 shall also ensure the satisfactory implementation of Article 8, including as regards the provisions on charges with a view to avoiding unfair competition. They may also designate a specific body to that effect.*

Amendment

(2b) Article 14 is replaced by the following:

‘Article 14

Designation of national enforcement bodies

1. Each member State shall designate a body or bodies 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. Each body* shall take the measures necessary to ensure that the rights of disabled persons and persons with reduced mobility are respected *and shall be independent in its organisation, funding decisions, legal structure and decision-making of from any air carrier, airport managing body and intermediary.*

2. Member States shall inform the Commission of the body or bodies designated *in accordance with this Article and of its or their respective responsibilities. The Commission and the bodies designated shall publish that information on their websites.’*

(32006R1107)

Amendment 73

Proposal for a regulation

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

Regulation (EC) No 1107/2006

Article 14 -a (new)

(2c) the following article is inserted:

Article 14-a

Enforcement tasks

- 1. The National Enforcement Body shall closely monitor compliance with this Regulation and shall take the measures necessary to ensure that the rights of disabled persons and persons with reduced mobility are upheld.**
- 2. For this purpose, air carriers and airport managing bodies shall provide national enforcement body with relevant documents and information at their request within one month of its request. In carrying out their functions, the national enforcement bodies shall take account of the information submitted to them by the other body designated to handle complaints as defined in Article 14 paragraph 1.**
- 3. Member States shall ensure that their respective National Enforcement Bodies are given sufficient power to penalise effectively with infringements and shall be able to take enforcement actions based on individual complaints as defined in Article 15.**
- 4. The National Enforcement Bodies shall perform a monitoring of compliance with passenger rights as laid down in Article 14a. Monitoring activities may be performed jointly by national enforcement bodies in the event of air services between two or several EU Member States. The National Enforcement Body shall disseminate such information to the bodies designated for alternative dispute resolution pursuant to this Regulation.**
- 5. Every two years, the national enforcement bodies shall publish reports with statistics on their activity, including on penalties applied by 30 June of the following calendar year.**

6. Air carriers shall give their contact details to the national enforcement body or bodies of the Member States in which they operate.

(32006R1107)

Amendment 74

Proposal for a regulation

Article 2 – paragraph 1 – point 3

Regulation (EC) No 1107/2006

Article 14a – title

Text proposed by the Commission

Risk-based approach **to the** monitoring of compliance with passenger rights

Amendment

Tasks of national enforcement bodies related to risk-based approach **concerning** monitoring of compliance with passenger rights

Amendment 75

Proposal for a regulation

Article 2 – paragraph 1 – point 3

Regulation (EC) No 1107/2006

Article 14a – paragraph 4

Text proposed by the Commission

4. Compliance monitoring activities shall be based on the assessment of risks **and** carried out by means of audits, inspections, interviews, verifications and examination of documents as appropriate. They shall include both announced and unannounced activities. The monitoring activities shall be proportionate to the risks identified.

Amendment

4. Compliance monitoring activities shall be based on the assessment of risks **that could be** carried out by means of audits, inspections, interviews, verifications and examination of documents **and discussions** as appropriate. They shall include both announced and unannounced activities. The monitoring activities shall be proportionate to the risks identified.

Amendment 76

Proposal for a regulation

Article 2 – paragraph 1 – point 3

Text proposed by the Commission

Amendment

5a. If action plans are deemed insufficient, or if non-compliance necessitates an immediate action, National Enforcement Bodies may take enforcement actions as defined in Article 16a

Amendment 77

Proposal for a regulation
Article 2 – paragraph 1 – point 3
Regulation (EC) No 1107/2006
Article 14b

Text proposed by the Commission

Amendment

Article 14b

deleted

Sharing of information with national enforcement bodies

1. Air carriers, airport managing bodies and tour operators shall provide the national enforcement bodies with relevant documents and information at their request without undue delay and, in any event, within one month from the receipt of the request.

2. In complex cases, the national enforcement body may extend this period to a maximum of three months from the receipt of the request.

3. In carrying out its functions, the body designated in accordance with Article 14(1) shall take account of the information submitted to it by the body designated to handle complaints, if this is a different body.

Amendment 78

Proposal for a regulation

Article 2 – paragraph 1 – point 3

Regulation (EC) No 1107/2006

Article 14c – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The participation of air carriers and intermediaries under the scope of this Regulation in alternative dispute resolution procedures shall be mandatory and their decisions binding, without prejudice to the right of parties to access the judicial system, [in accordance with the Directive (EU) 2024/... on alternative dispute resolution for consumer disputes].

Amendment 79

Proposal for a regulation

Article 2 – paragraph 1 – point 3

Regulation (EC) No 1107/2006

Article 14d – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. 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 16a.

Amendment 80

Proposal for a regulation

Article 2 – paragraph 1 – point 3

Regulation (EC) No 1107/2006

Article 14d – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. At the request of a Member State, a National Enforcement body, or on its own initiative, the Commission shall examine cases where differences in the application and enforcement of any of the provisions

of this Regulation arise.

Amendment 81

Proposal for a regulation

Article 2 – paragraph 1 – point 3

Regulation (EC) No 1107/2006

Article 14d – paragraph 2 c (new)

Text proposed by the Commission

Amendment

2c. The Commission may, where appropriate, adopt guidelines with a view to promote common application and, where necessary, propose amendments to this Regulation to the European Parliament and Council under article 27 of this Regulation.

Amendment 82

Proposal for a regulation

Article 2 – paragraph 1 – point 3

Regulation (EC) No 1107/2006

Article 14d a (new)

Text proposed by the Commission

Amendment

Article 14da

Inspections of national enforcement bodies

- 1. The Commission may conduct inspections of national enforcement bodies in order to monitor the application by Member States of the Regulation and to make recommendations to improve its enforcement.**
- 2. The Commission shall in good time before an inspection inform the Member State concerned thereof.**
- 3. Each Commission inspection report shall be communicated to the national enforcement authority of the Member State concerned, which shall, in its answer, set out the measures taken to**

remedy the non-compliances identified and address the recommendations.

4. The report, together with the answer of the national enforcement body, shall subsequently be communicated to the national enforcement bodies of the other Member States, where appropriate.

Amendment 83

Proposal for a regulation

Article 2 – paragraph 1 – point 3 a (new)

Regulation (EU) No 1107/2006

Article 15

Present text

Article 15

Complaint procedure

1. A disabled person or person with reduced mobility who considers that this Regulation has been infringed may bring the matter to the attention of the managing body of the airport or to the attention of the air carrier concerned, as the case may be.

2. If the disabled person or person with reduced mobility cannot obtain satisfaction in such way, complaints may be made to any body or bodies designated under Article 14(1), or to any other competent body designated by a Member State, about an alleged infringement of this Regulation.

Amendment

(3a) Article 15 is replaced by the following:

‘Article 15

Complaint-handling

1. Each air carriers and airport managing bodies shall set up a complaint-handling mechanism for the rights and obligations covered by this Regulation in their respective fields of responsibility. At the time of booking, they shall provide information to passengers on the complaint handling processes and the relevant time limits under this Article. Information on complaint handling shall also be accessible on the air carriers’ and intermediaries’ websites and applications and shall be communicated in the email that notifies any event that could give rise to the rights enshrined in this Regulation.

2. Disabled persons and persons with reduced mobility may submit a complaint to any air carriers or airport managing body regarding their respective fields of responsibility via the mechanisms referred to in paragraph 1. Such a complaint shall be submitted within one year from the date on which the flight was performed or was scheduled to be performed.

3. A body in one Member State which receives a complaint concerning a matter that comes under the responsibility of a designated body of another Member State shall forward the complaint to the body of that other Member State.

4. The Member States shall take measures to inform disabled persons and persons with reduced mobility of their rights under this Regulation and of the possibility of complaint to this designated body or bodies.

3. Within seven working days of receiving the complaint, the addressee shall confirm the receipt of the complaint to the passenger. Within two months of receiving the complaint, the addressee shall provide a reasoned answer to the passenger. Where the addressee does not provide that full answer within that two-month period, it shall be deemed to have accepted the passenger's claims.

4. With the reasoned answer, the addressee shall also communicate to the passenger concerned the relevant contact details of the National enforcement body or other body as defined in Article 14 paragraph 1, including its postal address, phone number, email address and website address.

5. On receipt of the reasoned answer from the air carrier or the airport managing body, the passenger concerned may complaint to any national enforcement body and/or to any national out-of-court dispute resolution body designated under Art 14c 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 to the air carrier or the intermediary concerned.

6. The burden of proof regarding the provision of the requisite information to passengers shall be on the air carrier and the intermediary.

7. Details of the complaint-handling procedure shall be accessible to the public, including to persons with disabilities and to persons with reduced mobility in accessible format. This information shall be available at least in the language of the booking reservation and in the language internationally accepted in this field.'

(32006R1107)

Amendment 84

Proposal for a regulation

Article 2 – paragraph 1 – point 3 b (new)

Regulation (EC) No 1107/2006

Article 15a (new)

Text proposed by the Commission

Amendment

(3b) the following article , is inserted :

‘Article 15a

Complaint handling by national enforcement bodies and other bodies

- 1. Without prejudice to the rights of consumers to seek alternative redress pursuant to Directive 2013/11/EU of the European Parliament and of the Council , after having complained unsuccessfully to the air carrier or airport managing body pursuant to Article 15, the disabled persons and persons with reduced mobility may complain to the national enforcement body or any other body designated under paragraph 2 of this Article no later than one year from receiving information on the rejection of the original complaint by the air carrier.***
- 2. Disabled persons and persons with reduced mobility may complain 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, either to the national enforcement body, or to any other body designated by a Member State for that purpose.***
- 3. The national enforcement body or any other body designated under paragraph 2 shall acknowledge receipt of the complaint within two weeks of receiving it. The complaint-handling procedure shall take a maximum of three months from the date of the establishment of the complaint file. The complaint-handling procedure shall be made***

accessible to persons with disabilities and to persons with reduced mobility in accessible format.

4. Where a complaint relates to alleged infringements by airport managing body, the complaint shall be handled by the national enforcement body or any other body designated under paragraph 2 of the Member State on whose territory the incident occurred.

5 National Enforcement bodies or any other body designated under paragraph 2 shall be able to deal with individual disabled persons and persons with reduced mobility complaints and be granted, at least, with the minimum investigative and enforcement powers defined in article 9 of the Regulation (EU) 2017/2394 of the European Parliament and of the Council of 12 December 2017 on cooperation between national authorities responsible for the enforcement of consumer protection laws and repealing Regulation (EC) No 2006/2004.

6. Decisions of National Enforcement Bodies or of any other body designated under paragraph 2 shall be binding on both parties and enforceable, without prejudice to the right of parties to access the judicial system.'

(32006R1107)

Amendment 85

Proposal for a regulation

Article 2 – paragraph 1 – point 3 c (new)

Regulation (EC) No 1107/2006

Article 16

Present text

Amendment

(3c) Article 16 is replaced by the following:

Article 16

‘Article 16

Penalties

The Member States shall lay down rules on penalties applicable to infringements of this Regulation and shall take all **the** measures necessary to ensure that **those rules** are implemented. The penalties provided for **must** be effective, proportionate and dissuasive. **The** Member States shall notify **those provisions to** the Commission and shall notify it without delay of any subsequent amendment affecting them.

Penalties

Member States shall lay down **the** rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that **they** are implemented. The penalties provided for **shall** be effective, proportionate and dissuasive. Member States shall notify the Commission **of those rules and measures** and shall notify it without delay of any subsequent amendment affecting them.’

(32006R1107)

Amendment 86

Proposal for a regulation

Article 3 – paragraph 1 – point -1 (new)

Regulation (EC) No 1177/2010

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

Text proposed by the Commission

Amendment

(-1) in Article 3(1), the following point is added :

‘(ua) ‘service quality standards’ means key performance indicators measuring levels of performance and elements of compliance with passengers rights.’

(32010R1177)

Amendment 87

Proposal for a regulation

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

Regulation (EU) No 1177/2010

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

Text proposed by the Commission

Amendment

(-1a) in Article 3(1), the following point is added

‘(ub) “recognised assistance dog” means a dog specifically trained to increase

independence and self-determination of persons with disabilities, officially recognised in accordance with applicable national rules, where such rules exist.'

(32010R1177)

Amendment 88

Proposal for a regulation

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

Regulation (EU) No 1177/2010

Article 3 – paragraph 1 – point u c (new)

Text proposed by the Commission

Amendment

(-1b) in Article 3(1), the following point is added :

‘(uc) ‘accessible format’ means a format that gives a person with disabilities or with reduced mobility access to any relevant information, including allowing such a person to have access to such information as easily and comfortably as a person without any impairments or disabilities, and that meets accessibility requirements defined in accordance with the applicable law, in particular with Annex I to Directive (EU) 2019/882;’

(32010R1177)

Amendment 89

Proposal for a regulation

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

Regulation (EU) No 1177/2010

Article 16 – paragraph 3

Present text

Amendment

3. The carrier or, where appropriate, the terminal operator, shall ensure that ***disabled persons or*** persons with reduced

(aa) paragraphs 3 is replaced by the following:

‘3. The carrier or, where appropriate, the terminal operator, shall ensure that persons with ***disabilities and*** reduced mobility

mobility receive the information required under paragraphs 1 and 2 in accessible *formats*.

receive the information required under paragraphs 1 and 2 in accessible *format*.'

(32010R1177)

Amendment 90

Proposal for a regulation

Article 3 – paragraph 1 – point 1 – point b

Regulation (EU) No 1177/2010

Article 16 – paragraph 4

Text proposed by the Commission

4. The information required under paragraphs 1 and 2 shall be provided by electronic means to all passengers, within the time-limit stipulated in paragraph 1, ***if the passenger has agreed to it and has provided the necessary*** contact details to the carrier or, where appropriate, to the terminal operator, when purchasing the ticket.;

Amendment

4. The information required under paragraphs 1 and 2 shall be ***also*** provided by electronic means to all passengers, within the time-limit stipulated in paragraph 1, ***via the*** contact details ***shared with*** the carrier or, where appropriate, to the terminal operator, when purchasing the ticket.;

Amendment 91

Proposal for a regulation

Article 3 – paragraph 1 – point 2

Regulation (EU) No 1177/2010

Article 19a – paragraph 1

Text proposed by the Commission

1. The Commission shall adopt an implementing act establishing a common form for reimbursement and compensation requests under Articles 18 and 19. That common form shall be established in ***a format which is accessible to persons with disabilities and persons with reduced mobility***. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 38 (2) of Regulation (EU) 2021/782.¹⁷

Amendment

1. The Commission shall adopt an implementing act establishing a common form for reimbursement and compensation requests ***(the ‘common form’)*** under Articles 18 and 19. That common form shall be established in ***an accessible format and available in all Union languages***. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 38 (2) of Regulation (EU) 2021/782.¹⁷

¹⁷ Regulation (EU) 2021/782 of the European Parliament and of the Council of 29 April 2021 on rail passengers' rights and obligations (recast) (OJ L 172, 17.5.2021, p. 1, ELI: <http://data.europa.eu/eli/reg/2021/782/oj>).

¹⁷ Regulation (EU) 2021/782 of the European Parliament and of the Council of 29 April 2021 on rail passengers' rights and obligations (recast) (OJ L 172, 17.5.2021, p. 1, ELI: <http://data.europa.eu/eli/reg/2021/782/oj>).

Amendment 92

Proposal for a regulation

Article 3 – paragraph 1 – point 2

Regulation (EU) No 1177/2010

Article 19a – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Carriers shall automatically send to passengers the common form for reimbursement and compensation requests as defined in paragraph 1 in the case of a cancellation or a delay in departure or delay in arrival of a passenger service or a cruise as defined in Articles 18 and 19.

Amendment 93

Proposal for a regulation

Article 3 – paragraph 1 – point 2

Regulation (EU) No 1177/2010

Article 19a – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. This requirement shall not apply to the air carriers and intermediaries where other automated electronic means of communication allowing passengers to request reimbursement or compensation exist, provided that such means offer the choice and information set out in the common form and are also available in the language of the booking and in the language internationally accepted in this field.

Amendment 94

Proposal for a regulation

Article 3 – paragraph 1 – point 2

Regulation (EU) No 1177/2010

Article 19a – paragraph 2

Text proposed by the Commission

2. **The** passengers shall have the right to submit their requests using the common form referred to in paragraph 1. Carriers shall not reject a request **for reimbursement or compensation** solely on the grounds that the passenger has not used **that form**. If a request is not sufficiently precise, the **carriers** shall ask the passenger to clarify the request and shall assist the passenger in doing so.

Amendment

2. Passengers shall have the right to submit their requests **for compensation or reimbursement** using the common form referred to in paragraph 1 **or by other means**. Carriers shall not reject a request solely on the grounds that the passenger has not used **the common form referred to in paragraph 1. Passengers shall have the right to submit their request in at least the language of the booking**. If a request is not sufficiently precise, the **carrier** shall ask the passenger to clarify **or complete** the request and shall **duly motivate the request for additional information and** assist the passenger in doing so.

Amendment 95

Proposal for a regulation

Article 3 – paragraph 1 – point 2

Regulation (EU) No 1177/2010

Article 19a – paragraph 3

Text proposed by the Commission

3. Carriers shall **have** electronic means **for passengers on their website, such as an e-mail address, to which requests under paragraph 1 may be sent. This requirement shall not apply where other electronic means of communication exist allowing** passengers to request reimbursement or compensation, such as **a form on a website** or mobile applications, **provided that such means offer the choice and information set out in the common form and are available in an official**

Amendment

3. **Without prejudice to paragraph 1a,** carriers shall **provide details clear information on their websites regarding the different** electronic means **that allow** passengers to request reimbursement or compensation, such as **an e-mail address, electronic forms** or mobile applications, **to which requests under paragraph 1 may be sent. Regardless of the electronic mean used,** passengers shall **be provided with electronic confirmation as proof that such a request has been submitted.**

*language of the Union and in the language internationally accepted in this field. When using such means, passengers shall **not be prevented from providing information in any of the languages of the Union.***

Amendment 96

Proposal for a regulation

Article 3 – paragraph 1 – point 3 – point a – point i

Regulation (EU) No 1177/2010

Article 23 – paragraph 1

Text proposed by the Commission

When selling tickets for services falling within the scope of this Regulation, carriers, ticket vendors, travel agents, tour operators and terminal operators shall, within their respective areas of competence, ensure that passengers are provided with appropriate and comprehensible information regarding their rights under this Regulation.;

Amendment

When selling tickets for services falling within the scope of this Regulation, carriers, ticket vendors, travel agents, tour operators and terminal operators shall, within their respective areas of competence, ensure that passengers are provided with appropriate and comprehensible information regarding their rights under this Regulation. ***The information shall be provided in an accessible format.***

Amendment 97

Proposal for a regulation

Article 3 – paragraph 1 – point 4

Regulation (EU) No 1177/2010

Article 23a – paragraph 1

Text proposed by the Commission

The information referred to in Articles 16, 22 and 23 shall be provided ***in the most appropriate format***, where technically possible ***by electronic means***.

Amendment

The information ***and the correspondence***, referred to in Articles 16, 22 and 23 shall be provided ***by electronic means***, where technically possible ***and in accessible format***.

Amendment 98

Proposal for a regulation

Article 3 – paragraph 1 – point 4

Regulation (EU) No 1177/2010

Article 23a – subparagraph 2

Text proposed by the Commission

Where information is provided by electronic means of communication, carriers, terminal operators, port authorities, travel agents, tour operators and ticket vendors shall ensure that the passenger can keep any written correspondence, including the date and time of such correspondence, on a durable medium. All means of communication shall enable the passenger to contact them quickly and communicate efficiently.

Amendment

Where information is provided by electronic means of communication, carriers, terminal operators, port authorities, travel agents, tour operators and ticket vendors shall ensure that the passenger can keep any written correspondence, including the date and time of such correspondence, on a durable medium. ***The burden of proof concerning the questions as to whether and when they have provided the necessary information to passengers shall rest with carriers, terminal operators, port authorities, travel agents and ticket vendor.*** All means of communication shall enable the passenger to contact them quickly and communicate efficiently.

Amendment 99

Proposal for a regulation

Article 3 – paragraph 1 – point 4 a (new)

Regulation (EU) No 1177/2010

Article 24

Present text

Article 24

Complaints

1. Carriers and terminal ***operators*** shall set up ***or have in place*** an accessible complaint-handling mechanism for rights and obligations covered by this Regulation.

Amendment

(4a) Article 24 is replaced by the following:

‘Article 24

Complaint-handling

1. ***Each*** carriers and terminal ***operator*** shall set up an accessible complaint-handling mechanism for ***the*** rights and obligations covered by this Regulation ***in their respective fields of responsibility. At the time of booking, they shall provide information to passengers on the complaint handling processes and the relevant time limits under this Article.***

2. *Where a passenger covered by this Regulation wants to make a complaint to the carrier or terminal operator, he shall submit it within 2 months from the date on which the service was performed or when a service should have been performed. Within 1 month of receiving the complaint, the carrier or terminal operator shall give notice to the passenger that his complaint has been substantiated, rejected or is still being considered. The time taken to provide the final reply shall not be longer than 2 months from the receipt of a complaint.*

Information on complaint handling shall also be accessible on the carriers' and intermediaries' websites and applications and shall be communicated in the email that notifies any event that could give rise to the rights enshrined in this Regulation.

2. *Passengers may submit a complaint to any carriers or terminal operators regarding their respective fields of responsibility via the mechanisms referred to in paragraph 1. Such a complaint shall be submitted within one year from the date on which the service was performed or when a service should have been performed.*

3. *Within seven working days of receiving the complaint, the addressee shall confirm the receipt of the complaint to the passenger. Within two month of receiving the complaint, the addressee shall provide a reasoned answer to the passenger. Where the addressee does not provide that full answer within that two-month period, it shall be deemed to have accepted the passenger's claims.*

4. *With the reasoned answer, the addressee shall also communicate to the passenger concerned the relevant contact details of the National enforcement body or other body as defined in Article 25 paragraph 1, including its postal address, phone number, email address and website address.*

5. *On receipt of the reasoned answer from the carrier, the passenger concerned may complaint to any national enforcement body and/or to any national out-of-court dispute resolution body designated under Art 25c 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 to*

the carrier.

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

7. *The burden of proof regarding the provision of the requisite information to passengers shall be on the carrier and the intermediary.*

8. *Details of the complaint-handling procedure shall be accessible to the public, including to persons with disabilities and to persons with reduced mobility in accessible format. This information shall be available at least in the language of the booking reservation and in the language internationally accepted in this field. ‘*

(32010R1177)

Amendment 100

Proposal for a regulation

Article 3 – paragraph 1 – point 5

Regulation (EU) No 1177/2010

Article 24a – paragraph 1

Text proposed by the Commission

1. Carriers shall establish service quality standards and implement a quality management system to maintain service quality. The service quality standards shall at least cover the items listed in Annex V.

Amendment

1. Carriers, **which are not SMEs**, shall establish service quality standards and implement a quality management system to maintain **and improve** service quality. The service quality standards shall at least cover the items listed in Annex V.

Amendment 101

Proposal for a regulation

Article 3 – paragraph 1 – point 5

Text proposed by the Commission

2. Carriers shall monitor their performance as reflected in the service quality standards. They shall publish a report on their service quality performance on the Internet by [2 years after the day of application of this Regulation], and every two years thereafter. This report shall not contain personal data.

Amendment

2. Carriers, **which are not SMEs**, shall monitor their performance as reflected in the service quality standards. They shall publish a report on their service quality performance on the Internet by [2 years after the day of application of this Regulation], and every two years thereafter. This report shall not contain personal data.

Amendment 102

Proposal for a regulation

Article 3 – paragraph 1 – point 5 a (new)

Regulation (EU) No 1177/2010
Article 25

Present text

Article 25

National enforcement bodies

1. Each Member State shall designate a **new or existing** body or bodies responsible for the enforcement of this Regulation as regards passenger services and cruises from ports situated on its territory and passenger services from a third country to such ports. Each body shall take the measures necessary to ensure **compliance with this Regulation**.

Each body shall, in its organisation, funding decisions, legal structure and decision-making, **be independent of** commercial interests.

2. Member States shall inform the Commission of the body or bodies designated in accordance with this Article.

Amendment

(5a) Article 25 is replaced by the following :

‘Article 25

Designation of national enforcement bodies

1. Each Member State shall designate a body or bodies responsible for the enforcement of this Regulation as regards passenger services and cruises from ports situated on its territory and passenger services from a third country to such ports . Each body shall take the measures necessary to ensure **that the rights of passengers are respected**.

Each body shall **be independent** in its organisation, funding decisions, legal structure and decision-making **from any carrier or terminal operator or any other** commercial interests.

2. Member States shall inform the Commission of the body or bodies designated in accordance with this Article

and of its or their respective responsibilities. The Commission and the bodies designated shall publish that information on their websites.’

Amendment 103

Proposal for a regulation

Article 3 – paragraph 1 – point 6

Regulation (EU) No 1177/2010

Article 25a – title

Text proposed by the Commission

Risk-based approach **to the** monitoring of compliance with passenger rights

Amendment

Tasks of national enforcement bodies related to risk-based approach **concerning** monitoring of compliance with passenger rights

Amendment 104

Proposal for a regulation

Article 3 – paragraph 1 – point 6

Regulation (EU) No 1177/2010

Article 25a – paragraph 4

Text proposed by the Commission

4. Compliance monitoring activities shall be based on the assessment of risks **and** carried out by means of audits, inspections, interviews, verifications and examination of documents as appropriate. They shall include both announced and unannounced activities. The monitoring activities shall be proportionate to the risks identified.

Amendment

4. Compliance monitoring activities shall be based on the assessment of risks **that could be** carried out by means of audits, inspections, interviews, verifications and examination of documents **and discussions** as appropriate. They shall include both announced and unannounced activities. The monitoring activities shall be proportionate to the risks identified.

Amendment 105

Proposal for a regulation

Article 3 – paragraph 1 – point 6

Regulation (EU) No 1177/2010

Article 25a – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. If action plans are deemed insufficient, or if non-compliance necessitates an immediate action, National Enforcement Bodies may take enforcement actions as defined in Article 26.

Amendment 106

Proposal for a regulation

Article 3 – paragraph 1 – point 6

Regulation (EU) No 1177/2010

Article 25b

Text proposed by the Commission

Amendment

Article 25b

deleted

1. Carriers, terminal operators and port authorities, when applicable, shall provide national enforcement bodies with relevant documents and information at their request without undue delay and, in any event, within one month from the receipt of the request.

2. In complex cases, the national enforcement body may extend this period to a maximum of three months from the receipt of the request.

3. In carrying out their functions, the national enforcement bodies shall take account of the information submitted to them by the body designated under Article 25(3) to handle complaints, if this is a different body.

Amendment 107

Proposal for a regulation

Article 3 – paragraph 1 – point 6 a (new)

Regulation (EU) No 1177/2010

Article 26

Article 26

Report on enforcement

By 1 June 2015 and every 2 years thereafter, the enforcement bodies designated pursuant to Article 25 shall publish a report on their activity in the previous two calendar years, containing in particular a description of actions taken in order to implement the provisions of this Regulation, details of sanctions applied and statistics on complaints and sanctions applied.

(6a) Article 26 is replaced by the following:

‘Article 26**Enforcement tasks**

- 1. The National Enforcement Body shall closely monitor compliance with this Regulation and shall take the measures necessary to ensure that the rights of passengers are upheld. For this purpose, carriers and terminal operators shall provide national enforcement body with relevant documents and information at their request within one month of its request. In carrying out their functions, the national enforcement bodies shall take account of the information submitted to them by the other body designated to handle complaints as defined in Article 25 paragraph 1.***
- 2. Monitoring activities may be performed jointly by national enforcement bodies in the event of air services between two or several EU Member States.***
- 3. Member States shall ensure that their respective National Enforcement Bodies are given sufficient power to penalise effectively infringements. National Enforcement Bodies shall be able to take enforcement actions based on individual complaints as defined in Article 26a.***
- 4. In the event that the carrier invokes extraordinary circumstances as a justification for refusing compensation under this Regulation, the carrier shall substantiate its claim by providing adequate evidence on those circumstances and related technical issues to the NEB within 48 hours. Furthermore, the carrier shall demonstrate that all reasonable measures were taken to prevent the cancellation or delay of the passenger service or cruise in question.***

5. *Every two years, the national enforcement bodies shall publish reports with statistics on their activity, including on penalties applied by 30 June of the following calendar year. Those reports shall be made available on the website of the European Union Maritime Safety Agency.*

6. *The National Enforcement Body shall disseminate such information to the bodies designated for alternative dispute resolution pursuant to this Regulation, where available.*

7. *On the basis of data which carriers, terminal operators, intermediaries are required to provide on service quality standards as defined in Article 10a, the National enforcement body shall publish 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. Carriers shall give their contact details to the national enforcement body or bodies of the Member States in which they operate.'*

(32010R1177)

Amendment 108

Proposal for a regulation

Article 3 – paragraph 1 – point 6 b (new)

Regulation (EU) No 1177/2010

Article 26 a (new)

Text proposed by the Commission

Amendment

(6b) the following article is inserted :

‘Article 26a

Complaint handling by national enforcement bodies and other bodies

1. Without prejudice to the rights of consumers to seek alternative redress pursuant to Directive 2013/11/EU of the European Parliament and of the Council ,

after having complained unsuccessfully to the carrier or terminal operator pursuant to Article 24, the passenger may complain to the national enforcement body or any other body designated under paragraph 1 of Article no later than one year from receiving information on the rejection of the original complaint by the carrier or terminal operator.

2. Any passenger may complain about an alleged infringement of this Regulation at any terminal operator on the territory of a Member State or concerning a passenger service or a cruise, either to the national enforcement body, or to any other body designated by a Member State for that purpose.

3. The national enforcement body or any other body designated under paragraph 2 shall acknowledge receipt of the complaint within two weeks of receiving it. The complaint-handling procedure shall take a maximum of three months from the date of the establishment of the complaint file. The complaint-handling procedure shall be made accessible to persons with disabilities and to persons with reduced mobility in accessible format.

4. Where a complaint relates to alleged infringements by terminal operator, the complaint shall be handled by the national enforcement body or any other body designated under paragraph 2 of the Member State on whose territory the incident occurred.

5. National Enforcement bodies or any other body designated under paragraph 2 shall be able to deal with individual passenger complaints and be granted, at least, with the minimum investigative and enforcement powers defined in article 9 of the Regulation (EU) 2017/2394 of the European Parliament and of the Council of 12 December 2017 on cooperation between national authorities responsible for the enforcement of consumer protection laws and repealing Regulation

(EC) No 2006/2004.

6. Decisions of National Enforcement Bodies or of any other body designated under paragraph 2 shall be binding on both parties and enforceable, without prejudice to the right of parties to access the judicial system.'

(32010R1177)

Amendment 109

Proposal for a regulation

Article 3 – paragraph 1 – point 6 c (new)

Regulation (EU) No 1177/2010

Article 26 b (new)

Text proposed by the Commission

Amendment

(6c) the following article is inserted :

Article 26b

Inspections of national enforcement bodies

- 1. The Commission may conduct inspections of national enforcement bodies in order to monitor the application by Member States of the Regulation and to make recommendations to improve its enforcement.*
- 2. The Commission shall in good time before an inspection inform the Member State concerned thereof.*
- 3. Each Commission inspection report shall be communicated to the national enforcement authority of the Member State concerned, which shall, in its answer, set out the measures taken to remedy the non-compliances identified and address the recommendations.*
- 4. The report, together with the answer of the national enforcement body, shall subsequently be communicated to the national enforcement bodies of the other Member States, where appropriate.*

Amendment 110

Proposal for a regulation

Article 3 – paragraph 1 – point 6 d (new)

Regulation (EU) No 1177/2010

Article 27

Present text

Article 27

Cooperation between *enforcement bodies*

National enforcement bodies *referred to in Article 25(1)* shall exchange information *on their work and decision-making principles and practice to the extent necessary for the coherent application of this Regulation. The Commission shall support them in that task.*

Amendment

(6d) Article 27 is replaced by the following:

‘Article 27

Exchange of information and cross-border cooperation between national enforcement bodies

Where different bodies are designated under Articles 25 and 26a, reporting mechanisms shall be set up to ensure the exchange of information between them, in accordance with Regulation (EU) 2016/679, in order to help the national enforcement body to carry out its tasks of supervision and enforcement, and so that the complaint-handling body designated under Article 26a can collect the information necessary to examine individual complaints.’

(32010R1177)

Amendment 111

Proposal for a regulation

Article 3 – paragraph 1 – point 7

Regulation (EU) No 1177/2010

Article 27a – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. 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 16a.

Amendment 112

Proposal for a regulation

Article 3 – paragraph 1 – point 7

Regulation (EU) No 1177/2010

Article 27a – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. At the request of a Member State, a National Enforcement body, or on its own initiative, the Commission shall examine cases where differences in the application and enforcement of any of the provisions of this Regulation arise.

Amendment 113

Proposal for a regulation

Article 3 – paragraph 1 – point 7

Regulation (EU) No 1177/2010

Article 27a – paragraph 2 c (new)

Text proposed by the Commission

Amendment

2c. The Commission may, where appropriate, adopt guidelines with a view to promote common application and, where necessary, propose amendments to this Regulation to the European Parliament and Council under article 27 of this Regulation.

Amendment 114

Proposal for a regulation

Article 3 – paragraph 1 – point 7 a (new)

Regulation (EU) No 1177/2010

Article 28

Present text

Amendment

Article 28

Penalties

(7a) Article 28 is replaced by the following :

‘Article 28

Penalties

The Member States shall lay down rules on penalties applicable to infringements of **the provisions of** this Regulation and shall take all **the** measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall notify those rules and measures **to the Commission by 18 December 2012** and shall notify it without delay of any subsequent amendment affecting them.

1. Member States shall lay down **the** rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall notify **the Commission of** those rules and measures and shall notify it without delay of any subsequent amendment affecting them.

2. ***In the framework of cooperation referred to in Article 27 the national enforcement body which is competent for the purposes of Article 26a (4) or (5) shall, at the request of the national enforcement body handling the complaint, investigate the infringement of this Regulation identified by that body and, if necessary, impose penalties.***

(32010R1177)

Amendment 115

Proposal for a regulation

Article 3 – paragraph 1 – point 8 a (new)

Regulation (EU) No 1177/2010

Article 29

Present text

Article 29

Report

The Commission shall report to the European Parliament and **to the Council by 19 December 2015 on the operation and the effects of this Regulation.** The report shall **be accompanied** where necessary by legislative proposals **implementing in further detail the provisions of this Regulation, or amending it**

Amendment

(8a) Article 29 is replaced by the following:

Article 29

Report

Every five years the Commission shall ***make a report on the implementation of this Regulation*** to the European Parliament and the Council ***based in particular on reports from the national enforcement bodies and results from its inspections.*** The report shall, where necessary, ***be accompanied by appropriate*** legislative proposals. "

(32010R1177)

Amendment 116

Proposal for a regulation

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

Regulation (EU) No 181/2011

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

Text proposed by the Commission

Amendment

(-1) In Article 3(1), the following point is added :

‘(qa) “recognised assistance dog” means a dog specifically trained to increase independence and self-determination of persons with disabilities, officially recognised in accordance with applicable national rules, where such rules exist. ‘

(32011R0181)

Amendment 117

Proposal for a regulation

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

Regulation (EU) No 181/2011

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

Text proposed by the Commission

Amendment

(-1a) In Article 3(1), the following point is added :

‘(qb) ‘accessible format’ means a format that gives a person with disabilities or with reduced mobility access to any relevant information, including allowing such a person to have access to such information as easily and comfortably as a person without any impairments or disabilities, and that meets accessibility requirements defined in accordance with the applicable law, in particular with Annex I to Directive (EU) 2019/882;’

(32011R0181)

Amendment 118

Proposal for a regulation

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

Regulation (EU) No 181/2011

Article 3 – paragraph 1 – point q c (new)

Text proposed by the Commission

Amendment

(-1b) In Article 3(1), the following point is added :

‘(qc) ‘service quality standards’ means key performance indicators measuring levels of performance and elements of compliance with passengers rights.’

(32011R0181)

Amendment 119

Proposal for a regulation

Article 4 – paragraph 1 – point 1

Regulation (EU) No 181/2011

Article 19a – paragraph 1

Text proposed by the Commission

Amendment

1. The Commission shall adopt an implementing act establishing a common form for reimbursement and compensation requests under Article 19 of this Regulation. That common form shall be established in ***a format which is accessible to persons with disabilities and persons with reduced mobility***. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 38 (2) of Regulation (EU) 2021/782¹⁹.

1. The Commission shall adopt an implementing act establishing a common form for reimbursement and compensation requests under Article 19 of this Regulation. That common form shall be established in ***an accessible format and available in all Union languages***. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 38 (2) of Regulation (EU) 2021/782¹⁹.

¹⁹ Regulation (EU) 2021/782 of the European Parliament and of the Council of 29 April 2021 on rail passengers' rights and obligations (recast) (OJ L 172, 17.5.2021, p. 1, ELI:

¹⁹ Regulation (EU) 2021/782 of the European Parliament and of the Council of 29 April 2021 on rail passengers' rights and obligations (recast) (OJ L 172, 17.5.2021, p. 1, ELI:

Amendment 120

Proposal for a regulation

Article 4 – paragraph 1 – point 1

Regulation (EU) No 181/2011

Article 19a – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Carriers shall automatically send to passengers the common form for reimbursement and compensation requests as defined in paragraph 1 in the case of a cancellation or a delay in departure as defined in Article 19.

Amendment 121

Proposal for a regulation

Article 4 – paragraph 1 – point 1

Regulation (EU) No 181/2011

Article 19a – paragraph 2

Text proposed by the Commission

Amendment

2. ***The*** passengers shall have the right to submit their requests using the common form referred to in paragraph 1. Carriers shall not reject a request ***for reimbursement or compensation*** solely on the grounds that the passenger has not used ***that form***. If a request is not sufficiently precise, the carrier shall ask the passenger to clarify the request and shall assist the passenger in doing so.

2. Passengers shall have the right to submit their requests ***for compensation or reimbursement*** using the common form referred to in paragraph 1 ***or by other means***. Carriers shall not reject a request solely on the grounds that the passenger has not used ***the common form referred to in paragraph 1. Passengers shall have the right to submit their request in at least the language of the booking and in the language internationally accepted in this field***. If a request is not sufficiently precise, the carrier shall ask the passenger to clarify ***or complete*** the request and shall ***duly motivate the request for additional information and*** assist the passenger in doing so.

Amendment 122

Proposal for a regulation

Article 4 – paragraph 1 – point 1

Regulation (EU) No 181/2011

Article 19a – paragraph 3

Text proposed by the Commission

3. Carriers shall *have* electronic means *for passengers on their website, such as an e-mail address, to which requests under paragraph 1 may be sent. This requirement shall not apply where other electronic means of communication allowing* passengers to request reimbursement or compensation *exist*, such as *a form on a website* or mobile applications, *provided that such means offer the choice and information set out in the common form and are available in an official language of the Union and in the language internationally accepted in this field.* When using such means, passengers shall not be prevented from providing information in any of the languages of the Union.

Amendment

3. *Without prejudice to paragraph 1a,* carriers shall *provide clear information on their websites regarding the different* electronic means *that allow* passengers to request reimbursement or compensation, such as *an e-mail address, electronic forms* or mobile applications, *to which requests may be sent.* When using such means, passengers shall not be prevented from providing information in any of the languages of the Union. *Regardless of the electronic mean used, passengers shall be provided with electronic confirmation as proof that such a request has been submitted.*

Amendment 123

Proposal for a regulation

Article 4 – paragraph 1 – point 2 – point a

Regulation (EU) No 181/2011

Article 20 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Carriers and intermediaries which are SMEs shall be exempted from the provisions on real-time information under this Article, in particular with regard to the time limit of 30 minutes.

Amendment 124

Proposal for a regulation

Article 4 – paragraph 1 – point 2 – point b

Text proposed by the Commission

4. The information required under paragraphs 1 and 2 shall also be provided by electronic means to all passengers, including those departing from bus stops, within the time-limit provided in paragraph 1, ***if the passenger has agreed to it and has provided the necessary*** contact details to the carrier or, where appropriate, to the terminal managing body, when purchasing the ticket.;

Amendment

4. The information required under paragraphs 1 and 2 shall also be ***also*** provided by electronic means to all passengers, including those departing from bus stops, within the time-limit provided in paragraph 1, ***via the*** contact details ***shared with*** the carrier or, where appropriate, to the terminal managing body, when purchasing the ticket.;

Amendment 125

Proposal for a regulation

Article 4 – paragraph 1 – point 2 a (new)

Regulation (EU) No 181/2011

Article 21

Present text

Article 21

Assistance in case of cancelled or delayed departures

For a journey of a scheduled duration of more than 3 hours the carrier shall, in case of cancellation or delay in departure from a terminal of more than 90 minutes, offer the passenger free of charge:

- (a) snacks, meals or refreshments in reasonable relation to the waiting time or delay, provided they are available on the bus or in the terminal, or can reasonably be supplied;
- (b) a hotel room or other accommodation as well as assistance to arrange transport between the terminal and the place of accommodation in cases where a stay of 1 or more nights becomes necessary. For each passenger, the carrier may limit the

Amendment

(2a) Article 21 is replaced by the following:

‘Article 21

Assistance in case of cancelled or delayed departures

1. For a journey of a scheduled duration of more than 3 hours the carrier shall, in case of cancellation or delay in departure from a terminal of more than 90 minutes, offer the passenger free of charge:

- (a) snacks, meals or refreshments in reasonable relation to the waiting time or delay, provided they are available on the bus or in the terminal, or can reasonably be supplied;
- (b) a hotel room or other accommodation as well as assistance to arrange transport between the terminal and the place of accommodation in cases where a stay of 1 or more nights becomes necessary. For each passenger, the carrier

total cost of accommodation, not including transport to and from the terminal and place of accommodation, to EUR 80 per night and for a maximum of 2 nights.

In applying this Article the carrier shall pay particular attention to the needs of disabled persons and persons with reduced mobility and any accompanying persons.

may limit the total cost of accommodation, not including transport to and from the terminal and place of accommodation, to EUR 80 per night and for a maximum of 2 nights.

In applying this Article the carrier shall pay particular attention to the needs of disabled persons and persons with reduced mobility and any accompanying persons.

1a. Assistance must be provided proactively, without requiring a request from the passenger. It shall be offered in accessible formats and in the language of booking, including through announcements, SMS, and digital notifications.

1b. Special attention must be paid to the needs of passengers with disabilities, reduced mobility, older persons, children, and other vulnerable travellers. Assistance shall be inclusive, dignified, and respect personal autonomy.

1c. National Enforcement Bodies shall actively monitor compliance with this Article and impose sanctions for repeated failures, under Article 28.'

Amendment 126

Proposal for a regulation

Article 4 – paragraph 1 – point 4 – point a

Regulation (EU) No 181/2011

Article 24 – first sentence

Text proposed by the Commission

Carriers and terminal managing bodies shall, within their respective areas of competence, provide passengers with adequate information throughout their travel in formats which are accessible to all and in the same languages as those in which information is generally made available to all passengers.;

Amendment

Carriers and terminal managing bodies shall, within their respective areas of competence, provide passengers with adequate information throughout their travel in formats which are accessible to all and in the same languages as those in which information is generally made available to all passengers. ***This information shall be provided by electronic means, where technically***

possible. Where providing such information by electronic means is not feasible, carriers shall ensure direct assistance to passengers such as availability of a physical point of contact.

Amendment 127

Proposal for a regulation

Article 4 – paragraph 1 – point 5

Regulation (EU) No 181/2011

Article 25 – paragraph 1 – subparagraph 2

Text proposed by the Commission

This information shall also be provided by electronic means ***if feasible including*** at terminals and, where applicable, on the Internet. At the request of a person with disabilities or person with reduced mobility the information shall be provided, ***where feasible***, in an accessible format.;

Amendment

This information shall also be provided by electronic means ***via the passenger contact details shared with the carrier or, where appropriate, to the terminal operator, when purchasing the ticket. This information shall also be displayed via electronic means*** at terminals and, where applicable, on the Internet. At the request of a person with disabilities or person with reduced mobility the information shall be provided in an accessible format.

Amendment 128

Proposal for a regulation

Article 4 – paragraph 1 – point 6

Regulation (EU) No 181/2011

Article 25a – paragraph 1

Text proposed by the Commission

The information referred to in Article 20, Article 24 and Article 25(1) shall be provided ***in the most appropriate format***, where technically possible ***by electronic means***.

Amendment

The information ***and the correspondence*** referred to in Article 20, Article 24 and Article 25(1) shall be provided ***by electronic means***, where technically possible ***and in accessible format***.

Amendment 129

Proposal for a regulation

Article 4 – paragraph 1 – point 6

Text proposed by the Commission

Where information is provided by electronic means of communication, carriers, terminal managing bodies, ticket vendors, travel agents and tour operators shall ensure that the passenger can keep any written correspondence, including the date and time of such correspondence, on a durable medium. All means of communication shall enable the passenger to contact them quickly and communicate efficiently.;

Amendment

Where information is provided by electronic means of communication, carriers, terminal managing bodies, ticket vendors, travel agents and tour operators shall ensure that the passenger can keep any written correspondence, including the date and time of such correspondence, on a durable medium. ***The burden of proof concerning the questions as to whether and when they have provided the necessary information to passengers shall rest with carriers, terminal operators, travel agents and ticket vendor.*** All means of communication shall enable the passenger to contact them quickly and communicate efficiently.;

Amendment 130

Proposal for a regulation

Article 4 – paragraph 1 – point 6 a (new)

Regulation (EU) No 181/2011

Article 26

Present text

Article 26

Complaints

Carriers shall set up ***or have in place a complaint handling*** mechanism for the rights and obligations ***set out*** in this Regulation.

Amendment

(6a) Article 26 is replaced by the following:

‘Article 26

Complaint-handling

1. Each carriers and terminal operator shall set up an accessible complaint-handling mechanism for the rights and obligations covered by this Regulation in their respective fields of responsibility. At the time of booking, they shall provide information to passengers on the complaint handling processes and the relevant time limits under this Article. Information on complaint handling shall also be accessible on the carriers’ websites and applications and shall be

communicated in the email that notifies any event that could give rise to the rights enshrined in this Regulation.

2. Passengers may submit a complaint to any carriers or terminal operators regarding their respective fields of responsibility via the mechanisms referred to in paragraph 1. Such a complaint shall be submitted within one year from the date on which the service was performed or when a service should have been performed .

3. Within seven working days of receiving the complaint, the addressee shall confirm the receipt of the complaint to the passenger. Within two month of receiving the complaint, the addressee shall provide a reasoned answer to the passenger. Where the addressee does not provide that full answer within that two-month period, it shall be deemed to have accepted the passenger's claims.

4. With the reasoned answer, the addressee shall also communicate to the passenger concerned the relevant contact details of the National enforcement body or other body as defined in Article 28 paragraph 1 , including its postal address, phone number, email address and website address.

5. On receipt of the reasoned answer from the air carrier or the intermediary, the passenger concerned may complaint to any national enforcement body and/or to any national out-of-court dispute resolution body designated under Art 16 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 to the air carrier or the intermediary concerned.

6. The burden of proof regarding the provision of the requisite information to passengers shall be on the air carrier and the intermediary.

7. Details of the complaint-handling procedure shall be accessible to the

public, including to persons with disabilities and to persons with reduced mobility in accessible format. This information shall be available at least in the language of the booking reservation and in the language internationally accepted in this field. "

(32011R0181)

Amendment 131

Proposal for a regulation

Article 4 – paragraph 1 – point 7

Regulation (EU) No 181/2011

Article 26a – paragraph 1

Text proposed by the Commission

1. Carriers shall establish service quality standards and implement a quality management system to maintain service quality. The service quality standards shall at least cover the items listed in Annex III.

Amendment

1. Carriers, **which are not SMEs**, shall establish service quality standards and implement a quality management system to maintain service quality. The service quality standards shall at least cover the items listed in Annex III.

Amendment 132

Proposal for a regulation

Article 4 – paragraph 1 – point 7

Regulation (EU) No 181/2011

Article 26a – paragraph 2

Text proposed by the Commission

2. Carriers shall monitor their performance as reflected in the service quality standards. They shall publish a report on their service quality performance on the Internet by [2 years after the day **on which** this Regulation **becomes applicable**], and every two years thereafter. This report shall not contain personal data.

Amendment

2. Carriers, **which are not SMEs**, shall monitor their performance as reflected in the service quality standards. They shall publish a report on their service quality performance on the Internet by [2 years after the day **of application of** this Regulation], and every two years thereafter. This report shall not contain personal data.

Amendment 133

Proposal for a regulation

Article 4 – paragraph 1 – point 7 a (new)

Regulation (EU) No 181/2011

Article 27

Text proposed by the Commission

Amendment

(7a) Article 27 is deleted ;

(32011R0181)

Amendment 134

Proposal for a regulation

Article 4 – paragraph 1 – point 7 b (new)

Regulation (EU) No 181/2011

Article 28

Present text

Amendment

(7b) Article 28 is replaced by the following:

Article 28

‘Article 28

National enforcement bodies

Designation of national enforcement bodies

1. Each Member State shall designate a ***new or existing*** body or bodies responsible for the enforcement of this Regulation as regards regular services from points situated on its territory and regular services from a third country to such points. Each body shall take the measures necessary to ensure ***compliance with this Regulation***.

1. Each Member State shall designate a ***National Enforcement*** Body or bodies responsible for the enforcement of this Regulation as regards regular services from points situated on its territory and regular services from a third country to such points ***passenger services***.

Each body shall, in its organisation, funding decisions, legal structure and ***decision making, be independent of carriers, tour operators and terminal managing bodies***.

2. Each body shall take the measures necessary to ensure ***that the rights of passengers are respected***.

2. Member States shall inform the Commission of the body or bodies designated in accordance with this Article.

3. ***Any passenger may submit a complaint, in accordance with national law, to the appropriate body*** designated

3. ***Each*** body shall ***be independent*** in its organisation, funding decisions, legal structure and ***decision-making of any***

under paragraph 1, or to any other appropriate body designated by a Member State, about an alleged infringement of this Regulation.

A Member State may decide that the passenger as a first step shall submit a complaint to the carrier in which case the national enforcement body or any other appropriate body designated by the Member State shall act as an appeal body for complaints not resolved under Article 27.

carrier or terminal operator or any other commercial interests

4. Member States shall inform the Commission of the body or bodies designated in accordance with this Article *and of its or their respective responsibilities. The Commission and the bodies designated shall publish that information on their websites.'*

(32011R0181)

Amendment 135

Proposal for a regulation

Article 4 – paragraph 1 – point 8

Regulation (EU) No 181/2011

Article 28a – title

Text proposed by the Commission

Risk-based approach *to the* monitoring of compliance with passenger rights

Amendment

Tasks of national enforcement bodies related to risk-based approach *concerning* monitoring of compliance with passenger rights

Amendment 136

Proposal for a regulation

Article 4 – paragraph 1 – point 8

Regulation (EU) No 181/2011

Article 28a – paragraph 4

Text proposed by the Commission

4. Compliance monitoring activities

Amendment

4. Compliance monitoring activities

shall be based on the assessment of risks **and** carried out by means of audits, inspections, interviews, verifications and examination of documents as appropriate. They shall include both announced and unannounced activities. The monitoring activities shall be proportionate to the risks identified.

shall be based on the assessment of risks **that could be** carried out by means of audits, inspections, interviews, verifications and examination of documents **and discussions** as appropriate. They shall include both announced and unannounced activities. The monitoring activities shall be proportionate to the risks identified

Amendment 137

Proposal for a regulation

Article 4 – paragraph 1 – point 8

Regulation (EU) No 181/2011

Article 28a – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. If action plans are deemed insufficient, or if non-compliance necessitates an immediate action, National Enforcement Bodies may take enforcement actions as defined in Article 29.

Amendment 138

Proposal for a regulation

Article 4 – paragraph 1 – point 8

Regulation (EU) No 181/2011

Article 28b

Text proposed by the Commission

Amendment

Article 28b

deleted

Sharing of information with national enforcement bodies

1. Carriers and terminal managing bodies shall provide the national enforcement bodies with relevant documents and information at their request without undue delay and, in any event, within one month from the receipt of the request.

2. *In complex cases, the national enforcement body may extend this period to a maximum of three months from the receipt of the request.*
3. *In carrying out their functions, the national enforcement bodies shall take account of the information submitted to them by the body designated under Article 28(3) to handle complaints, if this is a different body.*

Amendment 139

Proposal for a regulation

Article 4 – paragraph 1 – point 8 a (new)

Regulation (EU) No 181/2011

Article 29

Present text

Article 29

Report on enforcement

By 1 June 2015 and every 2 years thereafter, the enforcement bodies designated pursuant to Article 28(1) shall publish a report on their activity in the previous 2 calendar years, containing in particular a description of actions taken in order to implement this Regulation and statistics on complaints and sanctions applied.

Amendment

(8a) Article 29 is replaced by the following:

‘Article 29

Enforcement tasks

1. The National Enforcement Body shall **closely monitor compliance with** this Regulation and **shall take the measures necessary to ensure that the rights of passengers are upheld. For this purpose, carriers and terminal operators shall provide the national enforcement body with relevant documents and information at their request within one month of its request. In complex cases, the national enforcement body may extend this period to a maximum of three months from the receipt of the request. In carrying out their functions, the national enforcement bodies shall take account of the information submitted to them by the other body designated to handle complaints as defined in Article 28 paragraph 1.**

2. Monitoring activities may be performed jointly by national enforcement bodies in the event of air services between

two or several EU Member States.

3. Member States shall ensure that their respective National Enforcement Bodies are given sufficient power to penalise effectively infringements.

4. The National Enforcement Body shall disseminate such information to the bodies designated for alternative dispute resolution pursuant to this Regulation, where available.

5. National Enforcement Bodies shall be able to take enforcement actions based on individual complaints as defined in Article 28.

6. The National Enforcement Bodies shall perform a monitoring of compliance with passenger rights as laid down in Article 28a.

7. Every two years, the national enforcement bodies shall publish reports with statistics on their activity, including on penalties applied by 30 June of the following calendar year.'

(32011R0181)

Amendment 140

Proposal for a regulation

Article 4 – paragraph 1 – point 8 b (new)

Regulation (EU) No 181/2011

Article 29 a (new)

Text proposed by the Commission

Amendment

(8b) The following article is inserted:

"Article 29a

Complaint handling by national enforcement bodies and other bodies

1. Without prejudice to the rights of consumers to seek alternative redress pursuant to Directive 2013/11/EU of the European Parliament and of the Council , after having complained unsuccessfully to the carrier or terminal operator pursuant

to Article 26, the passenger may complain to the national enforcement body or any other body designated under paragraph 1 of Article 28 no later than one year from receiving information on the rejection of the original complaint by the carrier or terminal operator. Where necessary, that body shall inform the complainant about his or her right to complain to alternative dispute resolution bodies to seek individual redress.

2. Any passenger may complain about an alleged infringement of this Regulation at any terminal operator on the territory of a Member State.

3. The national enforcement body or any other body designated under paragraph 2 shall acknowledge receipt of the complaint within two weeks of receiving it. The complaint-handling procedure shall take a maximum of three months from the date of the establishment of the complaint file. The complaint-handling procedure shall be made accessible to persons with disabilities and to persons with reduced mobility in accessible format.

4. Where a complaint relates to alleged infringements by terminal operator, the complaint shall be handled by the national enforcement body or any other body designated under paragraph 2 of the Member State on whose territory the incident occurred

5. National Enforcement bodies or any other body designated under paragraph 2 shall be able to deal with individual passenger complaints and be granted, at least, with the minimum investigative and enforcement powers defined in article 9 of the Regulation (EU) 2017/2394 of the European Parliament and of the Council of 12 December 2017 on cooperation between national authorities responsible for the enforcement of consumer protection laws and repealing Regulation (EC) No 2006/2004.

6. Decisions of National Enforcement Bodies' or of any other body designated under paragraph 2 decisions shall be binding on both parties and enforceable, without prejudice to the right of parties to access the judicial system."

(32011R0181)

Amendment 141

Proposal for a regulation

Article 4 – paragraph 1 – point 8 c (new)

Regulation (EU) No 181/2011

Article 29 b (new)

Text proposed by the Commission

Amendment

(8c) The following article is inserted:

"Article 29b

Inspections of national enforcement bodies

1. The Commission may conduct inspections of national enforcement bodies in order to monitor the application by Member States of the Regulation and to make recommendations to improve its enforcement.

2. The Commission shall in good time before an inspection inform the Member State concerned thereof.

3. Each Commission inspection report shall be communicated to the national enforcement authority of the Member State concerned, which shall, in its answer, set out the measures taken to remedy the non-compliances identified and address the recommendations.

4. The report, together with the answer of the national enforcement body, shall subsequently be communicated to the national enforcement bodies of the other Member States, where appropriate"

(32011R0181)

Amendment 142

Proposal for a regulation

Article 4 – paragraph 1 – point 8 d (new)

Regulation (EU) No 181/2011

Article 30

Present text

Article 30

Cooperation between enforcement bodies

National enforcement bodies *as referred to in Article 28(1)* shall, *whenever appropriate*, exchange information on their work and decision-making principles and practices. The Commission shall support them in *this* task.

Amendment

(8d) Article 30 is replaced by the following:

‘Article 30

Exchange of information and cross-border cooperation between ***national*** enforcement bodies

1. Where different bodies are designated under Article 28, reporting mechanisms shall be set up to ensure the exchange of information between them, in accordance with Regulation (EU) 2016/679, in order to help the national enforcement body to carry out its tasks of supervision and enforcement, and so that the complaint-handling body designated under Article 28bis can collect the information necessary to examine individual complaints.

2. National enforcement bodies shall exchange information on their work and decision-making principles and practices for the purpose of coordination. The Commission shall support them in that task.’

(32011R0181)

Amendment 143

Proposal for a regulation

Article 4 – paragraph 1 – point 9

Regulation (EU) No 181/2011

Article 30a – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. 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 16a.

Amendment 144

Proposal for a regulation

Article 4 – paragraph 1 – point 9

Regulation (EU) No 181/2011

Article 30a – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. At the request of a Member State, a National Enforcement body, or on its own initiative, the Commission shall examine cases where differences in the application and enforcement of any of the provisions of this Regulation arise.

Amendment 145

Proposal for a regulation

Article 4 – paragraph 1 – point 9

Regulation (EU) No 181/2011

Article 30a – paragraph 2 c (new)

Text proposed by the Commission

Amendment

2c. The Commission may, where appropriate, adopt guidelines with a view to promote common application and, where necessary, propose amendments to this Regulation to the European Parliament and Council under article 26 of this Regulation.

Amendment 146

Proposal for a regulation

Article 4 – paragraph 1 – point 9 a (new)

Regulation (EU) No 181/2011

Article 31

Present text

Article 31

Penalties

Member States shall lay down rules on penalties applicable to infringements of *the provisions of* this Regulation and shall take all *the* measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall notify those rules and measures *to the Commission by 1 March 2013* and shall notify it without delay of any subsequent amendment affecting them.

Amendment

(9a) Article 31 is replaced by the following:

‘Article 31

Penalties

1. Member States shall lay down *the* rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall notify *the Commission of* those rules and measures and shall notify it without delay of any subsequent amendment affecting them.

2. In the framework of cooperation referred to in Article 30 the national enforcement body which is competent for the purposes of Article 28 shall, at the request of the national enforcement body handling the complaint, investigate the infringement of this Regulation identified by that body and, if necessary, impose penalties.’

(32011R0181)

Amendment 147

Proposal for a regulation

Article 4 – paragraph 1 – point 10 a (new)

Regulation (EU) No 181/2011

Article 32

Present text

Article 32

Amendment

(10a) Article 32 is replaced by the following:

‘Article 32

Report

The Commission shall report to the European Parliament and the Council **by 2 March 2016 on the operation and effects of this Regulation**. The report shall **be accompanied**, where necessary, **by legislative proposals implementing in further detail the provisions of this Regulation, or amending it**

Report

Every five years the Commission shall **make a report on the implementation of this Regulation** to the European Parliament and the Council **based in particular on reports from the national enforcement bodies and results from its inspections**. The report shall, where necessary, **be accompanied by appropriate** legislative proposals.'

(32011R0181)

Amendment 148

Proposal for a regulation

Article 5 – paragraph -1 (new)

Regulation (EU) No 2021/782

Article 3 – paragraph 1 – point 22 a (new)

Text proposed by the Commission

Amendment

(-1) in Article 3(1), the following point is added :

'(22a) 'recognised assistance dog' means a dog specifically trained to increase independence and self-determination of persons with disabilities, officially recognised in accordance with applicable national rules, where such rules exist.'

(32021R0782)

Amendment 149

Proposal for a regulation

Article 5 – paragraph -1 a (new)

Regulation (EU) No 2021/782

Article 3 – paragraph 1 – point 22 b (new)

Text proposed by the Commission

Amendment

(-1a) in Article 3(1), the following point is added :

''(22b) 'service quality standards'

*means key performance indicators
measuring levels of performance and
elements of compliance with passengers
rights.”*

(32021R0782)

Amendment 150

Proposal for a regulation

Article 5 – paragraph -1 b (new)

Regulation (EU) No 2021/782

Article 3 – paragraph 1 – point 22 c (new)

Text proposed by the Commission

Amendment

***(-1b) in Article 3(1), the following point
is added :***

***“(22c) ‘accessible format’ means a
format that gives a person with disabilities
or with reduced mobility access to any
relevant information, including allowing
such a person to have access to such
information as easily and comfortably as
a person without any impairments or
disabilities, and that meets accessibility
requirements defined in accordance with
the applicable law, in particular with
Annex I to Directive (EU) ”***

(32021R0782)

Amendment 151

Proposal for a regulation

Article 5 – paragraph 1 – point -1 c (new)

Regulation (EU) No 2021/782

Article 18 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

***(-1c) In Article 18(1), the following point
is added:***

***‘(ca) communication in a clear and
comprehensive manner, without delay or
automatically by electronic means, either***

of the common form or a hyperlink providing full information and details on rail undertaking' respective website or about its own compensation systems upon the passengers' eligibility for a refund or compensation under this Regulation.'

(32021R0782)

Amendment 152

Proposal for a regulation

Article 5 – paragraph -1 d (new)

Regulation (EU) No 2021/782

Article 28 – paragraph 2

Present text

2. Passengers may submit a complaint to any railway undertaking or station manager regarding their respective fields of responsibility via the mechanisms referred to in paragraph 1. Such a complaint shall be submitted within **three months** of the incident that it concerns. Within one month of receiving the complaint, the addressee shall either give a reasoned reply or, in justified cases, inform the passenger that he or she will receive a reply within a period of less than three months from the date of receipt of the complaint. Railway undertakings and station managers shall keep the data necessary to assess the complaint for the duration of the entire complaint-handling procedure, including the complaint-handling procedures referred to in Articles 33 and 34, and shall make that data available to national enforcement bodies upon request.

Amendment

(-1d) In article 28, paragraph 2 is replaced by the following:

‘2. Passengers may submit a complaint to any railway undertaking or station manager regarding their respective fields of responsibility via the mechanisms referred to in paragraph 1. Such a complaint shall be submitted within **one year** of the incident that it concerns. Within one month of receiving the complaint, the addressee shall either give a reasoned reply or, in justified cases, inform the passenger that he or she will receive a reply within a period of less than three months from the date of receipt of the complaint. Railway undertakings and station managers shall keep the data necessary to assess the complaint for the duration of the entire complaint-handling procedure, including the complaint-handling procedures referred to in Articles 33 and 34, and shall make that data available to national enforcement bodies upon request.’

(32021R0782)

Amendment 153

Proposal for a regulation

Article 5 – paragraph -1 e (new)

Present text

3. Details of the complaint-handling procedure shall be accessible to the public, including to persons with disabilities and to persons with reduced mobility. This information shall be available upon request at least in the official language or languages of the Member State in which the railway undertaking is operating.

Amendment

(-1e) In article 28, paragraph 3 is replaced by the following :

3. Details of the complaint-handling procedure shall be accessible to the public, including to persons with disabilities and to persons with reduced mobility ***in accessible format***. This information shall be available at least in the official language or languages of the Member State in which the railway undertaking is operating ***and in the language internationally accepted in this field***.

(32021R0782)

Amendment 154

Proposal for a regulation

Article 5 – paragraph 1 – point -1 f (new)

Regulation (EU) No 2021/782

Article 28 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

(-1f) In Article 28, the following paragraph is inserted:

3a. Where the rail undertaking invokes extraordinary circumstances, it shall, in its answer, inform the passenger of the specific circumstances responsible for the cancellation or delay. The rail undertaking shall also show that it took all reasonable measures to avoid the cancellation or delay.

Amendment 155

Proposal for a regulation

Article 5 – paragraph 1 – point 1

Regulation (EU) No 2021/782

Article 30a – paragraph 1

Text proposed by the Commission

Where information under this Regulation is provided to passengers by electronic means of communication, railway undertakings, station managers, ticket vendors and tour operators shall ensure that the passenger can keep any written correspondence, including the date and time of such correspondence, on a durable medium. All means of communication shall enable the passenger to contact them quickly and communicate efficiently;

Amendment

Where information under this Regulation is provided to passengers by electronic means of communication, railway undertakings, station managers, ticket vendors and tour operators shall ensure that the passenger can keep any written correspondence, including the date and time of such correspondence, on a durable medium. ***The burden of proof concerning the questions as to whether and when they have provided the necessary information to passengers shall rest with carriers, terminal operators, travel agents and ticket vendor.*** All means of communication shall enable the passenger to contact them quickly and communicate efficiently;

Amendment 156

Proposal for a regulation

Article 5 – paragraph 1 – point 1 a (new)

Regulation (EU) No 2021/782

Article 32 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(1a) In Article 32, the following paragraph is inserted:

"2a. Member States shall ensure that their respective National Enforcement Bodies are given sufficient power to penalise effectively with infringements. National Enforcement Bodies shall be able to take enforcement actions based on individual complaints as defined in Article 28."

(32021R0782)

Amendment 157

Proposal for a regulation

Article 5 – paragraph 1 – point 1 b (new)

Text proposed by the Commission

Amendment

(1b) In Article 32, the following paragraph is inserted:

‘2b. Railway undertaking shall provide the National Enforcement Body with comprehensive information regarding extraordinary circumstances and the occurrence of technical issues, including the specific reasons for such circumstances. This information shall be provided within 48 hours following travel disruption. In the event that the railway undertaking invokes extraordinary circumstances as a justification for refusing compensation under this Regulation, the carrier shall substantiate its claim by providing adequate evidence. Furthermore, the carrier shall demonstrate that all reasonable measures were taken to prevent the cancellation or delay of the train in question.’

Amendment 158

Proposal for a regulation

Article 5 – paragraph 1 – point 2 a (new)

Regulation (EU) No 2021/782

Article 32a a (new)

Text proposed by the Commission

Amendment

(2a) The following Article is inserted:

Article 32aa

Inspections of national enforcement bodies

1. The Commission shall conduct inspections of national enforcement bodies in order to monitor the application by Member States of the Regulation and to make recommendations to improve its enforcement.

2. The Commission shall in good time

before an inspection inform the Member State concerned thereof.

3. Each Commission inspection report shall be communicated to the national enforcement authority of the Member State concerned, which shall, in its answer, set out the measures taken to remedy the non-compliances identified and address the recommendations.

4. The report, together with the answer of the national enforcement body, shall subsequently be communicated to the national enforcement bodies of the other Member States, where appropriate

Amendment 159

Proposal for a regulation

Article 5 – paragraph 1 – point 2 a (new)

Regulation (EU) No 2021/782

Article 33 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(2a) In Article 33, the following paragraph 2a is inserted:

"2a. National Enforcement bodies or any other body designated under paragraph 2 shall be able to deal with individual passenger complaints and be granted, at least, with the minimum investigative and enforcement powers defined in article 9 of the Regulation (EU) 2017/2394 of the European Parliament and of the Council of 12 December 2017 on cooperation between national authorities responsible for the enforcement of consumer protection laws and repealing Regulation (EC) No 2006/2004.

National Enforcement Bodies' or any other body designated under paragraph 2 decisions shall be binding on both parties and enforceable, without prejudice to the right of parties to access the judicial system. "

Amendment 160

Proposal for a regulation

Article 5 – paragraph 1 – point 3

Regulation (EU) No 2021/782

Article 34a – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. 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 16a.

Amendment 161

Proposal for a regulation

Article 5 – paragraph 1 – point 3

Regulation (EU) No 2021/782

Article 34a – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. At the request of a Member State, a National Enforcement body, or on its own initiative, the Commission shall examine cases where differences in the application and enforcement of any of the provisions of this Regulation arise.

Amendment 162

Proposal for a regulation

Article 5 – paragraph 1 – point 3

Regulation (EU) No 2021/782

Article 34a – paragraph 2 c (new)

Text proposed by the Commission

Amendment

2c. The Commission may, where appropriate, adopt guidelines with a view to promote common application and,

where necessary, propose amendments to this Regulation to the European Parliament and Council under article 27 of this Regulation.

Amendment 163

Proposal for a regulation

Article 5 – paragraph 1 – point 3 a (new)

Regulation (EU) No 2021/782

Article 39

Present text

Article 39

Report

By 7 June 2026, the Commission shall report to the European Parliament and the Council ***on the implementation and the results of this Regulation.***

The report shall be based on information to be provided pursuant to this Regulation. The report shall, where necessary, be accompanied by appropriate proposals.

Amendment

(3a) Article 39 is replaced by the following:

"Article 39

Report

Every five years the Commission shall ***make a report on the implementation of this Regulation*** to the European Parliament and the Council ***based in particular on reports from the national enforcement bodies and results from its inspections.***

The report shall, where necessary, be accompanied by appropriate ***legislative*** proposals. "

(32021R0782)

Amendment 164

Proposal for a regulation

Annex I – paragraph 5

Regulation (EC) No 261/2004

Annex II – paragraph 5

Text proposed by the Commission

Cleanliness of the means of passenger transport and the terminal facilities (air quality and temperature control inside, hygiene of sanitary facilities, etc.)

Amendment

deleted

Amendment 165

Proposal for a regulation

Annex I a (new)

Regulation (EC) No 261/2004

Annex II a (new)

Text proposed by the Commission

Amendment

Annex IIa

Exhaustive list of circumstances capable of being considered as extraordinary circumstances for the purposes of this Regulation.

1. The following circumstances shall be capable of being considered as extraordinary:

i. natural disasters rendering impossible the safe operation of the flight;

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 and that arose during the maintenance check preceding the flight or after the aircraft has been released to service, which impinges on flight safety;

iii. collision between an aircraft and a bird and any damage caused by such a collision ;

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

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

vi. unruly behaviour of a passenger which causes the pilot in command of the aircraft to divert the flight concerned to an airport other than the airport of arrival in order to disembark this passenger or passengers and their baggage ;

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

viii. shortage of staff at the airport providing baggage loading services;

ix. 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;

x. airport congestion due to meteorological conditions, resulting in an obligation on the aircraft operator to delay or cancel the flight;

xi. unforeseen labour disputes at the operating air carrier or at essential service providers such as airports and Air Navigation Service Providers, excluding strikes by airline staff unless originating from demands that only public authorities can satisfy;

xii. a collision of an aircraft in a parking position with an aircraft of another airline caused by the movement of the aircraft of the other airline;

xiii. damage to an aircraft caused by a foreign object lying on an airport runway;

xiv. the presence of petrol on a runway resulting in the closure of the airport and, consequently, the significant delay of a flight to or from this airport, provided the petrol does not come from an aircraft of the air carrier operating the flight ; and

xv. a generalised breakdown of the aircraft refuelling system, where the airport of origin of the flight or aircraft concerned is responsible for the aircraft refuelling system

Proposal for a regulation

Annex II – paragraph 3 – point d a (new)

Regulation (EC) No 1107/2006

Annex III – paragraph 4 – point d a (new)

Text proposed by the Commission

Amendment

(da) number of cases where the assistance was not provided or was provided with delay,

Amendment 167

Proposal for a regulation

Annex III – paragraph 3 – point d a (new)

Regulation (EC) No 1177/2010

Annex V – paragraph 8 – point d a (new)

Text proposed by the Commission

Amendment

(da) number of cases where the assistance was not provided or was provided with delay,

Amendment 168

Proposal for a regulation

Annex III – paragraph 5

Regulation (EC) No 1177/2010

Annex V – paragraph 3

Text proposed by the Commission

Amendment

Cleanliness of the means of passenger transport and the terminal facilities (air quality and temperature control inside, hygiene of sanitary facilities, etc.)

deleted

Amendment 169

Proposal for a regulation

Annex IV – paragraph 5

Regulation (EU) No 181/2011

Annex III – paragraph 3

Text proposed by the Commission

Amendment

Cleanliness of buses and coaches (air conditioning, hygiene of sanitary facilities if available, etc.) and the terminal facilities (air quality and temperature control inside, hygiene of sanitary facilities, etc.)

deleted

Amendment 170

Proposal for a regulation

Annex IV – paragraph 8 – point b a (new)

Regulation (EU) No 181/2011

Annex III – paragraph 4

Text proposed by the Commission

Amendment

(ba) number of cases where the assistance was not provided or was provided with delay,

Amendment 171

Proposal for a regulation

Annex

Regulation (EU) No 2021/782

Annex III – paragraphs 7 and 8

Text proposed by the Commission

Amendment

Complaint handling, ***refunds and*** compensation for non-compliance with service quality standards

Annex IVa

In Annex III, paragraphs 7 and 8 are replaced by the following:

"Complaint handling

(a) the number of complaints;

(b) types of complaints;

(c) the outcome of complaints;

(d) reimbursements; and

(e) compensation for non-compliance with service quality standards.

Assistance provided to persons with disabilities and persons with reduced mobility, **and** discussions concerning this assistance with representative organisations and, where relevant, representatives of persons with disabilities and **persons with** reduced mobility

Assistance provided to persons with disabilities and persons with reduced mobility (**PRM**)

(a) number of denied transport services for a PRM, and the reason for it;

(b) number of denied transport services for their recognised assistance dog or their mobility equipment and the reasons for it;

(c) number of cases related to the loss or damages of mobility equipment and their outcome;

(d) number of cases where the carrier obliged a person with disability or reduced mobility to be accompanied by someone to comply with the safety requirements);

(e) number of cases where the assistance was not provided or was provided with delay,

(f) discussions concerning this assistance with representative organisations and, where relevant, representatives of PRM;

(g) the implementation of the disability awareness and assistance training, including the frequency of the sessions and participation of organisations representing persons with disabilities and reduced mobility. "