Council of the European Union

Brussels, 21 June 2026
(OR. en)

10749/26

Interinstitutional File: 2023/0437 (COD)

LIMITE

TRANS 435
CODEC 1235

PUBLIC

NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee
Subject:	Proposal for a Regulation of the European Parliament and of the Council amending Regulations (EC) No 261/2004, (EC) No 1107/2006, (EU) No 1177/20, (EU) No 181/2011 and (EU) 2021/782 as regards enforcement of passenger rights in the Union - Preparation for the third trilogue

I. INTRODUCTION

1. On 29 November 2023, the Commission submitted to the Council and the European Parliament a proposal for a Regulation of the European Parliament and of the Council amending Regulations (EC) No 261/2004, (EC) No 1107/2006, (EU) No 1177/20, (EU) No 181/2011 and (EU) 2021/782 as regards enforcement of passenger rights in the Union. The proposal is based on Article 91(1) and Article 100(2) of the Treaty on the Functioning of the European Union and is negotiated under the ordinary legislative procedure.

2. The proposal aims at addressing the shortcomings in the implementation and enforcement of passenger rights through ensuring effective and efficient enforcement of passenger rights in all transport modes, ensuring more effective complaint handling, and in case of airline tickets booked via an intermediary, regulating the right to reimbursement when the flight is not carried out as planned.

3. The Council adopted its general approach on 5 December 2024[1]. Work in the Council focused on the one hand on clarifying the provisions, and on the other hand, on reducing the administrative burden. In the context of the latter, the Council suggested, among others, the deletion of provisions on risk-based approach to the monitoring of compliance. The Council also expressed a preference towards postponing any decision on the introduction of service quality standards in all transport modes until a thorough assessment of their implementation in rail transport, as well as more general cost-benefit ratio is available.

4. The European Parliament appointed the file to the Committee on Transport and Tourism (TRAN) and designated Mr Matteo Ricci (S&D, IT) as the rapporteur. The Parliament confirmed the Committee decision to enter into interinstitutional negotiations[2] at the plenary session on 9 July 2025. The Parliament advocates, among others, for a greater harmonisation across different modes of provisions related to complaint handling processes and on the designation and tasks of national enforcement bodies.

II. NEGOTIATIONS WITH THE EUROPEAN PARLIAMENT

5. A first trilogue, which gave an overall mandate to the technical level to negotiate the proposal, was held on 15 October 2025.

6. The second trilogue was held on 18 May 2026[3]. It focused on the clusters concerning national enforcement bodies (NEBs), complaint handling, and service quality standards (SQS), as well as the issue of intermediation fees and cost of travel of person accompanying a person with disabilities or reduced mobility (PRM). The co-legislators reached a provisional agreement on the NEBs' cluster. As regards the cluster on complaint handling, provisional agreement was reached on complaints to the carriers and intermediaries and on information about alternative dispute resolution mechanisms; on the question of complaint-handling by national authorities, it was concluded that further discussions would be needed to bridge the gap between co-legislators.

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1 16529/24.

2 REPORT on the proposal for a regulation of the European Parliament and of the Council amending Regulations (EC) No 261/2004, (EC) No 1107/2006, (EU) No 1177/2010, (EU) No 181/2011 and (EU) 2021/782 as regards enforcement of passenger rights in the Union | A10-0136/2025 | European Parliament.

3 8653/26.

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While no agreement was reached on SQS, intermediation fees and cost of travel of person accompanying a PRM, discussion in the trilogue allowed for identification of possible landing zones.

7. In preparation of the third trilogue, two interinstitutional technical meetings (ITMs) have taken place, and allowed for significant narrowing of the number of outstanding issues.

8. As previously indicated, the agreement on horizontal provisions reached on the basis of Articles 1 and 2 of the enforcement proposal, has been introduced analogously in the other modes, while ensuring necessary sector-related adjustments.

9. Moreover, successful conclusion of the conciliation procedure on the air passenger rights proposal on 15 June, opened the path for alignment of provisions in Article 1 pertaining to Regulation (EC) 261/2004, leading to a significant reduction of open lines in the enforcement proposal.

III. PREPARATION FOR THE THIRD TRILOGUE

10. The third trilogue is scheduled for 25 June 2026. The objective of this trilogue is to finalise the negotiations and come to a provisional agreement on all outstanding issues listed below.

11. The aim of the Presidency, with the air passenger rights regulation now agreed, is to successfully conclude this file which would underpin efficient enforcement framework.

12. Reaching this objective requires a certain degree of flexibility. However, any flexibility expressed during the trilogue will be on the condition that the spirit of compromise is matched by the Parliament.

13. With that in mind, the Presidency proposes a mandate which reflects the progress made on this file, takes into account changes introduced in the air passenger rights regulation, and remains firmly anchored in the priorities that delegations have expressed throughout the process.

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a) Accompanying person for passengers with disability or reduced mobility

14. On the topic of accompanying person for passengers with disability or reduced mobility (PRMs), the European Parliament has consistently sought an entitlement for such persons to travel free of charge, in line with provisions already in place in other transport modes. The Council, on the other hand, has raised concerns regarding the additional costs for air carriers and the risk of abuse.

15. Considering delegations' concerns but also Council's broader commitment to accessibility and the rights of PRMs, the Presidency proposes to agree to the Parliament's request and thereby extend the entitlement to air transport, but, in order to cater for the concerns expressed, to specify the conditions under which this free of charge travel can be granted.

b) Service Quality Standards

16. On Service Quality Standards (SQS), in line with the guidelines agreed in the previous trilogue, the Presidency proposes introducing SQS provisions limited to PRM-related matters and harmonising those standards across transport modes. The basis for alignment is the Council's general approach on multimodal passenger rights regulation, while the Presidency's understanding is that there is no intention to reduce quality standards for assistance already existing under Regulations (EC) 1107/2006 and (EU) 1177/2010. Small and medium operators as well as airports and terminals which do not meet a predefined level of annual passenger movements would be exempted from the obligation to set and monitor SQS, which should address a core concern consistently raised by delegations.

17. At the same time, the Presidency took good note of the position expressed by a large majority of Member States that a thorough assessment of the already existing SQS and their cost-benefit ratio in all modes is necessary before any further decision on the shape and extent of SQS can be taken. Therefore, the Presidency proposes including a dedicated review article in every Regulation where quality standards already exist (Regulations (EC) 1107/2006, (EU) 1177/2010 and (EU) 2021/782) or are to be introduced (Regulation (EU) 181/2011), under which the Commission would be invited to assess full spectrum of options regarding SQS at the next evaluation of respective regulations.

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c) Intermediation fee

18. The recent rulings of the Court of Justice state that the intermediation fee constitutes an unavoidable component of the ticket price and should be reimbursed where the contract of carriage is terminated by the carrier. In line with this case law, the proposed way forward would be to maintain the principle of full reimbursement of intermediation fee, while clarifying that the ultimate financial burden for the fee should not depend on which of the two parties, intermediary or carrier, makes the payment to the passenger. This should be clarified through the business-to-business relationship between the two parties.

19. At the same time, taking into account delegations' concerns that the obligation to fully reimburse intermediation fee could put at risk the financial viability of micro enterprises that act as intermediaries, an exemption has been introduced for such intermediaries. It allows them to declare a non-reimbursable amount of the intermediation fee at the time of booking the ticket, which could be subsequently withheld at the time of reimbursement. This exemption will require an objective justification. Delegations' flexibility and guidance in this regard would be particularly appreciated.

20. Finally, in line with concerns expressed by delegations, safeguards are proposed to be introduced to prohibit the practice of 'screen-scraping', whereby an intermediary does not disclose to the air carrier that it is booking tickets as an intermediary, so as to protect air carriers from being held liable for reimbursing intermediation fee they were not aware had been charged by the intermediary.

d) Passengers' complaints to national enforcement bodies and other bodies

21. The Parliament requests the designation of a body capable of handling individual complaints and delivering binding, enforceable solutions, without requiring passengers to resort to the courts. By contrast, many delegations remained opposed to introducing such an obligation, as it would require significant changes to existing national enforcement structures and procedural frameworks and laws.

22. Such a fundamental institutional shift would require a robust assessment of existing models be undertaken. In this light and with a view to bridging the gap between respective positions of the Parliament and the Council, the Presidency proposes a compromise solution inspired by the existing complaint-handling framework already applicable under the rail passenger rights regulation.

Under the proposed solution, Member States are required to designate a body to receive passengers' complaints. However, Member States retain full flexibility in terms of vesting such administrative bodies with a power of issuing enforceable decisions in individual cases; at minimum, the body should inform the passenger about available means to seek redress. The substance of what the body can deliver is therefore left to national arrangements, while passengers are guaranteed a clear and accessible point of contact for their complaints.

e) Common form for reimbursement and compensation requests

23. On the provisions relating to the common form, agreement has been confirmed on the relevant provisions in the waterborne and bus and coach regulations. As regards Regulation (EC) No 261/2004, a more neutral formulation is required in order to avoid any contradiction with agreements reached in the context of the conciliation on air passenger rights revision.

24. The Presidency proposes that a template for a common form be established for air transport as a fall-back option available to passengers who wish to use it, but without creating any additional information obligations for air carriers or intermediaries, beyond what has already been agreed in the revised air passenger rights regulation.

f) Entry into force and application

25. As regards the entry into force and application, the Presidency suggests aligning the date of application of the enforcement regulation with that of the air passenger rights regulation, in the spirit of what has been agreed in the latter file. This will allow maintaining a comprehensive approach to the revision of air passenger rights and ensuring a harmonised approach to passenger rights across different modes of transport.

IV. CONCLUSION

26. The Permanent Representatives Committee is invited to provide the Presidency with a mandate for the third trilogue planned for 25 June 2026, based on the main issues outlined in point III above and the 4-column table contained in the addendum to this note.

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