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'I/A' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

Subject: Draft REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EC) No 261/2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights and Regulation (EC) No 2027/97 on air carrier liability in respect of the carriage of passengers and their baggage by air **(third reading)**

- Adoption of the legislative act
- = Statements

Latvia has requested that the following statements be entered in the Council minutes

Latvia fully supports the objective of ensuring a high level of passenger protection and welcomes the significant efforts made to reach a balanced compromise on this proposal.

At the same time, Latvia remains concerned that certain elements of the agreed text may create disproportionate financial and administrative burdens for air carriers, with potential consequences for ticket prices and air connectivity. These concerns are particularly relevant for peripheral Member States such as Latvia, where aviation plays a vital role in ensuring mobility, economic development and territorial cohesion.

Latvia also notes with concern the removal of provisions that would have provided greater legal certainty regarding operational decisions taken in the interest of aviation safety and remains cautious about the cumulative impact of new obligations on regional connectivity in an already challenging economic and geopolitical environment.

While recognizing the overall progress achieved in the negotiations and supporting the objective of strengthening passenger rights, Latvia considers that the current compromise proposal does not strike a sufficiently balanced outcome between passenger protection and air connectivity.

For these reasons, Latvia cannot support the proposed compromise proposal. Nevertheless, Latvia remains committed to constructive engagement in future efforts to ensure both strong passenger rights and sustainable air connectivity across the European Union.

Austria has requested that the following statements be entered in the Council minutes

Für Österreich ist eine ausgewogene Weiterentwicklung der Verordnung (EG) Nr. 261/2004 (Fluggastrechteverordnung) von Bedeutung, die sowohl ein hohes Schutzniveau für Konsumentinnen und Konsumenten als auch die wirtschaftliche Tragfähigkeit und Wettbewerbsfähigkeit der europäischen Luftfahrt gewährleistet.

Österreich unterstützt daher die grundsätzlichen Zielsetzungen des Vorschlags der Europäischen Kommission zur Überarbeitung der Fluggastrechteverordnung.

Es wird festgehalten, dass aus österreichischer Sicht der vorliegende Kompromisstext in mehreren wesentlichen Bereichen zu einer Verschlechterung der bestehenden Rechtsposition von Fluggästen führt.

Schließlich weist Österreich darauf hin, dass der vorliegende Text zahlreiche neue Auslegungsfragen aufwirft.

Österreich enthält sich daher.

For Austria, it is important to ensure a balanced revision of Regulation (EC) No. 261/2004 (Air Passenger Rights Regulation) that guarantees both a high level of consumer protection and the economic viability and competitiveness of the European aviation industry.

Austria therefore supports the fundamental objectives of the European Commission's proposal to revise the Air Passenger Rights Regulation.

It is noted that, from Austria's perspective, the current text leads to a deterioration of the existing legal position of air passengers in several key areas.

Finally, Austria points out that the current text raises numerous new questions of interpretation.

Austria therefore abstains.

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

Portugal agradece o trabalho da Presidência cipriota e das Presidências que a antecederam na negociação da revisão do Regulamento sobre “Direitos dos Passageiros do transporte aéreo” e nos contactos com o Parlamento Europeu.

Portugal sempre defendeu que a revisão do Regulamento deve implicar não só uma simplificação na sua aplicação, mas também a manutenção e/ou o reforço dos direitos dos passageiros aéreos, continuando a beneficiar de uma proteção que estabelece padrões para outras regiões do mundo.

No final deste longo processo negocial, teríamos esperado uma revisão mais ambiciosa na simplificação da aplicação do regulamento e um maior equilíbrio em resposta ao seu propósito e exequibilidade, e na melhor identificação e partilha das responsabilidades de cada um dos *stakeholders* da aviação com vista a garantir a efetiva sustentabilidade do transporte aéreo.

Continuamos a defender que algumas situações deviam, desde já, ser identificadas como circunstâncias extraordinárias, nomeadamente a morte ou doença súbita de membros da tripulação fora da base, os *safety shortcomings*, a falha generalizada de energia elétrica nos aeroportos ou as cada vez mais recorrentes interferências de *drones* nos aeroportos. Lamentamos que o acordo não integre estes elementos.

Porém, num espírito de compromisso e cientes da dificuldade da negociação, Portugal vota favoravelmente a proposta, para que os elementos positivos desta revisão possam entrar em vigor e melhorar o regime de proteção dos direitos dos passageiros.

Apelamos a que sejam envidados esforços nas instituições multilaterais para que este regime de proteção dos passageiros possa ser alargado globalmente e criar assim, condições de *level playing field* entre as transportadoras aéreas da União e as transportadoras de outras regiões, em benefício da aviação global.
