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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 - Analysis of the final compromise text with a view to agreement - Final compromise text

2023/0437 (COD)

REGULATION (EU) 2026/…
OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of …

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

(Text with EEA relevance)

PUBLIC

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91(1) and Article 100(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee[1],

After consulting the Committee of the Regions▌,

Acting in accordance with the ordinary legislative procedure[2],

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1 OJ C ▌, *C/2024/3382, 31.5.2024, ELI: http://data.europa.eu/eli/C/2024/3382/oj*.

2 Position of the European Parliament of … [(OJ …)/(not yet published in the Official Journal)] and decision of the Council of ….

Whereas:

(1) A number of amendments should be made to ***Regulations*** (EC) No 261/2004[3]**,** (EC) No 1107/2006[4], ▌ (EU) No 1177/2010[5], ▌ (EU) No 181/2011[6] ***and*** (EU) 2021/782[7] ▌ of the European Parliament and of the Council, in order to ensure effective protection of passengers' rights in the Union when travelling by air, rail, sea and inland waterways and bus and coach transport.

(2) Effective passenger rights should encourage an increase in travel by public transport, which is an objective set by the 'Sustainable and Smart Mobility Strategy – ***putting European transport on track for the future'*** adopted by the Commission***'s Communication of 9*** December 2020.

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3 Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91 ***(***OJ L 46, 17.2.2004, p. 1, ELI: http://data.europa.***eu/eli/reg/2004/261/oj)***.

4 Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air ***(***OJ L 204, 26.7.2006, p. 1, ELI: http://data.europa.***eu/eli/reg/2006/1107/oj)***.

5 Regulation (EU) No 1177/2010 of the European Parliament and of the Council of 24 November 2010 concerning the rights of passengers when travelling by sea and inland waterway and amending Regulation (EC) No 2006/2004 ***(***OJ L 334, 17.12.2010, p. 1, ELI: http://data.europa.***eu/eli/reg/2010/1177/oj)***.

6 Regulation (EU) No 181/2011 of the European Parliament and of the Council of 16 February 2011 concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004 ***(***OJ L 55, 28.1.2011, p. 1, ELI: http://data.europa.***eu/eli/reg/2011/181/oj)***.

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

(3) ***Following its*** comprehensive evaluations of ***Regulations*** (EC) No 1107/2006, ▌ (EU) No 1177/2010 and ▌ (EU) No 181/2011 ▌ carried out between 2019 and 2020***, the Commission concluded*** that the effectiveness of Union passenger rights legislation is compromised by a lack of awareness among passengers of their rights and the existing provisions about exercising them***.*** In addition, these evaluations also concluded that passengers including persons with disabilities and persons with reduced mobility do not fully benefit from their rights due to shortcomings in their application by carriers, airport managing bodies, station managers, port terminal operators, bus terminal managing bodies and intermediaries, on the one hand, and shortcomings in their enforcement by the national enforcement authorities, on the other hand.▌

(4) ***There is a need for*** simplification, consistency and harmonisation ***across different transport modes*** of the ▌ rules dealing with ***designation and tasks of national*** enforcement ***body, complaints,*** complaint handling ***by designated bodies, including the obligation to share information on alternative dispute resolution, the procedure for requesting reimbursement or*** compensation, ***and the obligation of*** carriers to share information with national enforcement bodies***. The rail passenger rights Regulation (EU) 2021/782 constitutes a good starting point for the review of the passenger rights acquis contained in Regulations (EC) No 261/2004***, ***(EC) No 1107/2006, (EU) No 1177/2010 and (EU) No 181/2011***.

PUBLIC

(5) The growing diffusion of claim agencies, private entities assisting passengers in claiming compensation under Regulation (EC) No 261/2004, clearly indicates the difficulties that passengers continue to face in exercising their rights with the air carrier. Strengthened enforcement of passenger rights could mark a significant improvement over passengers' reliance on such entities, who often retain a significant portion of the compensation due to the passengers themselves.

(6) Passengers who book their flight through authorised intermediaries should be fully reimbursed for the price paid, including any intermediation fee, in the event of disruptions of their flight (triggering the right to reimbursement). Full reimbursement of the intermediation fee serves the following objectives: ensuring a high level of protection for passengers and a wide choice of intermediaries in order to facilitate travel and strengthen the internal market, preserving passengers' freedom to make an informed choice in favour of the most financially advantageous booking channel without risk of prejudice in the event of disruptions triggering the right of reimbursement, and at the same time provides legal certainty for air carriers and intermediaries as to the scope of the reimbursement obligation. To ensure legal clarity for all parties concerned, in particular for air carriers and intermediaries, it is necessary to set out the principles and procedures governing the reimbursement of the intermediation fee.

PUBLIC

(7) In the context of the Union's transport policy, in addition to the objective of protecting passengers it is also important to ensure a wide choice of intermediaries in order to facilitate travel and strengthen the internal market. However, the full application of all of the rules of the present regulation to even micro enterprises is likely to jeopardise the achievement of that aim, since it would be likely to put at risk the financial viability of intermediaries that are autonomous micro-enterprises within the meaning of Commission Recommendation 2003/361/EC. Therefore, such enterprises should have the option not to reimburse passengers the entirety of the intermediation fee, provided that appropriate safeguards are in place, in particular that the passenger is made aware of such possibility at the start of the booking process. Since most bookings made through intermediaries do not involve micro enterprises, such a derogation may reasonably be expected not to affect the smooth functioning of the internal market.

PUBLIC

(8) 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 [redacted] should inform the passenger ***when offering tickets and before a passenger finalizes a booking whether the selected air carrier agrees to process reimbursement through the intermediary and*** about the reimbursement process ***as such***.

(9) Processing the reimbursement payment through the intermediary that made the payment to the air carrier from its own account ('Merchant of Record' intermediary) is a widespread air industry practice. This possibility should therefore be provided for the air carrier.

PUBLIC

(10) ***In accordance with Article 8(1), point (a), of Regulation 261/2004, where the passenger has a right to reimbursement, such reimbursement is to be made within seven days.*** If the air carrier processes reimbursements through ***the 'Merchant of Record'*** intermediary, the payment deadline to the passenger should be extended to a maximum of 14 days to take account of the two steps in the reimbursement process. The air carrier should accordingly transfer the reimbursement payment to the intermediary within a maximum of seven days, and the intermediary should transfer it to the passenger within a further seven days. If the passenger is not reimbursed at the latest within 14 days, the passenger should however be entitled to receive the reimbursement directly from the operating air carrier.

(11) If an intermediary has charged an intermediation fee, the question of which party – air carrier or intermediary – is to bear the financial burden for reimbursement should be a matter for the business-to-business relationship between the two parties, independently of which party is to make the payment to the passenger.

PUBLIC

(12) The intermediation fee constitutes an unavoidable component of booking the flight through an intermediary and should, if the ticket is not issued by the air carrier itself, be considered to have been authorised by it. Where an air carrier accepts that the intermediary issues airline tickets in its name and on its behalf, it should be assumed that the air carrier is necessarily aware of the intermediary's commercial practice of charging the passenger an intermediation fee. Air carriers may authorise the issuing or sale of their tickets through intermediaries in various ways, such as through direct commercial agreements, or indirectly via agreements with third parties issuing and reselling their tickets, or industry agreements. However, the practice of 'screen-scraping', whereby an intermediary does not disclose to the airline that it is booking tickets as an intermediary, should not be permitted.

(13) As evidence of the full price of the ticket and any intermediation fee paid, the passenger's invoice from the intermediary should be considered sufficient and should be accepted by the air carrier. However, the passenger may also decide to rely on any other document or record attesting the full price and any fee paid, such as bank transfer statements.

(14) No intermediation fee should be deemed to exist in relation to individual tickets in cases where the intermediary charges a legal person a lump-sum or volume-based service fee that covers all the tickets booked by the intermediary for that legal person over a certain period.

PUBLIC

(15) ***Applying Regulation (EC) No 261/2004 to the booking of tickets through intermediaries would entail the processing of personal data, including of passengers' contact details. Processing of personal data pursuant to that Regulation should be carried out in accordance with Union law on the protection of personal data, in particular*** Regulation (EU) 2016/679 of the European Parliament and the Council[8]***, for the purposes and the duration set out in that Regulation. Air carriers and intermediaries should be allowed to retain passengers' contact details collected for the purpose of fulfilling their obligation in respect of passengers' travel information for no longer than 96 hours after the completion of the contract of carriage. In case of journey disruption or journey cancellation, which might subsequently give rise in particular to reimbursement or compensation requests and complaints, a longer retention period might be necessary to allow air carriers and intermediaries to comply with their respective obligations under Regulation (EC) No 261/2004 regarding the provision of care, reimbursement, rerouting and compensation, as well as complaint-handling. Any*** processing of ***passengers'*** personal ***data, including retention of such*** data by air carriers and intermediaries ***for other purposes than the purpose for which the personal data was initially collected under that Regulation, should be carried out in accordance with Article 6(4) of Regulation (EU) 2016/679. Air carriers and intermediaries may use passengers' personal data or keep such data for a longer period than the retention period provided with in this Regulation and for such other purposes where such processing is based on another Member State's or Union law, in accordance with Regulation (EU) 2016/679.***

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[8] Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. ***1, ELI: http://data.europa.eu/eli/reg/2016/679/oj).***

They may include processing for the purpose of dispute-resolution, including judicial proceedings, concerning the implementation of that Regulation. Moreover, Regulation (EC) No 261/2004 is without prejudice to the processing of personal data ***based on Union or Member State law which constitutes a necessary and proportionate measure in a democratic society to safeguard the objectives referred to*** in Article ***23(1)*** of Regulation (EU) 2016/679. ***In particular, it is without prejudice to the processing of personal data pursuant to Directive (EU) 2016/681 of the European Parliament and of the Council[9], Regulation (EC) No 2111/2005 of the European Parliament and of the Council[10], or pursuant to national law in accordance with Article 6(4) of Regulation (EU) 2016/679 or to applicable Union law on aviation safety and security. The contact details should not be used for commercial purposes unless the passenger has consented to such processing, including when processing is taking place for direct marketing as laid down in Directive 2002/58/EC.*** It should ***also*** be noted that the obligations to provide information to passengers concerning their rights are without prejudice to the obligation of the controller to provide information to the data subject pursuant to Articles 12, 13 and 14 of Regulation (EU) 2016/679.

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9 ***Directive (EU) 2016/681 of the European Parliament and of the Council of 27 April 2016 on the use of passenger name record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime (OJ L 119, 4.5.2016, p. 132, ELI: http://data.europa.eu/eli/dir/2016/681/oj).***

10 ***Regulation (EC) No 2111/2005 of the European Parliament and of the Council of 14 December 2005 on the establishment of a Community list of air carriers subject to an operating ban within the Community and on informing air transport passengers of the identity of the operating air carrier, and repealing Article 9 of Directive 2004/36/EC (OJ L 344, 27.12.2005, p. 15, ELI: http://data.europa.eu/eli/reg/2005/2111/oj).***

(16) When the passenger ***acquired*** a ticket from an intermediary ***or an air carrier which did not operate the disrupted flight, the operating*** air carrier should be able to contact the passenger directly where necessary in order to ensure that the passenger receives the relevant travel information, and that the air carrier fulfils its obligations under this Regulation and under applicable Union law on aviation safety and security and on the operating carrier under Regulation (EC) No 2111/2005. ▌

(17) With a view to improving enforcement of passenger rights in the Union, the National Enforcement Bodies or other competent bodies should have powers allowing them to take sufficient enforcement actions to effectively deter the infringements of this Regulation. Such actions should not only take into account complaints made by the passengers but also other activities such as audits, inspections or interviews.

(18) The monitoring activities of the National Enforcement Bodies should be effective and proportionate to the aim of ensuring general compliance with this Regulation and should be performed with an appropriate regularity and follow-up, if possible allowing the reports under Article on enforcement tasks to present the enforcement priorities consistently.

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PUBLIC

(19) Information provided to passengers on their rights before and during their journeys should lead to enhanced awareness. Such information should be concise and made easily, prominently, and directly available. It should be provided in a clear and comprehensible manner, and by electronic means as far as possible.

(20) National enforcement bodies should ***coordinate*** with each other in order to ensure a harmonised interpretation and ***cross-border*** application of the Regulations concerned***.*** ***Where relevant, national enforcement bodies and bodies designated for passenger complaints should exchange relevant information, to facilitate cooperation and effective implementation of tasks***. A regular flow of information from carriers, terminal managers and intermediaries to national enforcement bodies on all aspects related to the application of the Regulations concerned should enable national enforcement bodies to better fulfil their monitoring role.

(21) The Commission should support dialogue and promote cooperation between Member States concerning application of this Regulation, including through adoption of guidelines and promotion of best practices.

PUBLIC

(22) ***Reimbursement and compensation procedures should be non-discriminatory and easily accessible.*** To make it easier for passengers to request reimbursement or compensation in accordance with the Regulations concerned, forms that are valid throughout the Union should be established for such requests. Passengers should have the possibility to submit their requests by using such a form. ***While submitting requests for reimbursement and compensation through electronic means became a widespread practice, a passenger should have sufficient opportunities to submit requests by other means and to have their matters efficiently handled through other channels than the electronic one, for example by telephone or post.***

(23) Passengers seeking individual redress should be made aware about the possibilities to complain to alternative dispute resolution bodies about alleged infringements of the Regulations concerned. The national enforcement bodies***, or any other bodies designated by Member States to handle passenger complaints,*** are best placed to do this.

PUBLIC

(24) 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, ***Union law guarantees the right to non-discrimination in access to transport and other rights. Such rights include the right of passengers with disabilities and persons with reduced mobility to receive assistance, free of charge, while travelling by air, rail, waterborne means of transport, or bus and coach.*** A person with disabilities or person with reduced mobility ***should be able to travel*** accompanied by another person who is capable of providing the assistance required by applicable safety requirements ***under the*** international ***law***, Union ***law*** or national law or by the competent authorities***. Where the air carrier introduces such a requirement but cannot provide the assistance needed by the disabled*** person ***or person with reduced mobility, that person should be allowed to travel accompanied by another person of their choice, who*** should travel free of charge ***and be seated next to that disabled person or person with*** reduced mobility***.***

PUBLIC

The air carriers should be able to request that person to prove its recognised disability status in accordance with Union law or national law, before granting such a service. In such a case, an air carrier may accept a European Disability Card issued in accordance with Directive (EU) 2024/2841 of the European Parliament and of the Council[11] as a proof of recognised disability status. The air carrier or its agent should make publicly available, in accessible formats, ***the safety rules that it applies to the carriage,*** in accordance with the applicable legislation such as the accessibility requirements set out in Annex I to Directive (EU) 2019/882 ***of the European Parliament and of the Council[12].***

(25) 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.

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11 ***Directive (EU) 2024/2841 of the European Parliament and of the Council of 23 October 2024 establishing the European Disability Card and the European Parking Card for persons with disabilities (OJ L, 2024/2841, 14.11.2024, ELI: http://data.europa.eu/eli/dir/2024/2841/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).

(26) Regulation (EC) No 1107/2006, Regulation (EU) No 1177/2010 and Regulation (EU) 2021/782 already require airport managing bodies, port terminal operators, carriers and railway undertakings and station managers respectively to establish and make publicly available service quality standards relating to the implementation of the rights of persons with disabilities and persons with reduced mobility. Consistency across transport modes should be ensured while specificities of different modes should duly be taken into account. Therefore, the obligation to establish service quality standards relating to the rights of persons with disabilities and persons with reduced mobility should be extended to air carriers, bus and coach carriers, and bus and coach terminal operators and these service quality standards applicable across transport modes should be aligned. Service quality standards should provide a clear added value for passengers, in particular persons with disabilities and persons with reduced mobility. At the same time, they should remain proportionate and should not impose unnecessary administrative burdens on market actors and authorities, notably considering the ambition of promoting a modal shift towards more sustainable transport options. With this in mind, the Commission should, as part of the first implementation report referred to in Regulations (EC) No 1107/2006, (EU) No 1177/2010, (EU) 181/2011 and (EU) 2021/782, undertake a comprehensive assessment of the implementation and effectiveness of all service quality standards across Union passenger rights legislation. Based on that evaluation, the Commission should, where appropriate, propose legislative amendments.

PUBLIC

(27) Since the objectives of this Regulation, namely ensuring the effective enforcement of air, rail, bus and coach, and waterborne passengers' rights, cannot be sufficiently achieved by the Member States, but can rather, by reason of the need to have the same rules within the single market , be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.

(28) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[13]. The ***advisory*** procedure should be used for the adoption of the common forms for reimbursement and compensation requests.

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[13] Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13***, ELI: http://data.europa.eu/eli/reg/2011/182/oj).***

(29) This Regulation respects fundamental rights and observes the principles recognised in the Charter of Fundamental Rights of the European Union, in particular Articles 21, 26, 38 and 47 concerning, respectively, the prohibition of any form of discrimination, the integration of persons with disabilities, the ensuring of a high level of consumer protection, and the right to an effective remedy and to a fair trial.

(30) The European Data Protection Supervisor was consulted in accordance with Article 2(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council[14] and delivered ***its*** opinion on ***24 January 2024***,

HAVE ADOPTED THIS REGULATION:

PUBLIC

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[14] Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) ***No 45/2001*** and Decision ***No 1245/2002/EC*** (OJ L 295, 21.11.2018, p. 39***,***
ELI: http://data.europa.eu/eli/reg/2018/1725/oj).

Article 1

Amendments to Regulation (EC) No 261/2004

Regulation (EC) No 261/2004 is amended as follows:

(1) in Article 2, the following ***definitions are*** added:

'(fa) "full price of the 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;

(fb) "intermediation fee" means any positive 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;

(aj) ***"***intermediary***"*** means any ***natural or legal person,*** other than a carrier***, which is acting, for purposes relating to their trade, business or profession, on behalf of a carrier or a passenger for the conclusion of a transport contract***;

(ak) "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.';

PUBLIC

(2) the following Article 8a is inserted:

‘Article 8a

Reimbursement when the ticket was booked through an intermediary

1. ***When offering tickets and before a passenger finalises a booking, the intermediary shall inform the passenger in a clear, comprehensible and easily accessible manner whether the selected air carrier agrees to process reimbursement through the intermediary, and of the reimbursement process provided for in this Article.***

2. Reimbursement through the intermediary shall be free of charge for passengers.

3. Before a passenger finalises a booking, the intermediary shall inform the passenger of the applicable intermediation, administrative, service or cancellation fee, as well as of the passenger's right to obtain full reimbursement of the intermediation fee, subject to the exception of paragraph 5, point (c).

PUBLIC

4. In the case of a reimbursement as provided for in Article 8(1), point(a), the following rules shall apply:

(a) where the passenger has ***booked*** 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 such a case, the intermediary shall reimburse the passenger. The air carrier may, in agreement with the intermediary, deviate from the procedure set out in paragraph 5, provided that it grants the passenger an equivalent level of protection, regarding in particular the reimbursement of the intermediation fee and deadlines for payments;***

(b) if the intermediary is not involved in the reimbursement process, or has transmitted the passenger's payment details to the air carrier without paying the air carrier for tickets from its own account, the air carrier shall reimburse the passenger in accordance with Article 8(1), point (a). The air carrier shall reimburse the passenger the full price of the ticket and the intermediation fee, where applied, within seven days as of the date of the passenger's transmission of the evidence of the full price of the ticket and any intermediation fee paid, where applied, and the passenger's payment details if the intermediary is not involved in the reimbursement process.

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PUBLIC

5. The following rules shall apply in the case of reimbursement through intermediaries which have paid ***an*** air carrier for tickets from their own accounts ***in accordance with paragraph (4), point (a) of this Article***:

(a) the air carrier shall reimburse the intermediary ***the price of the air ticket which it received from the intermediary,*** within seven days, in ***a single*** transaction ***by means of*** the same payment method which was used at the time of booking, and ***shall ensure that*** the payment ***is linked*** 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), point*** (a), first indent. The intermediary shall reimburse the passenger ***the price of the air ticket and the intermediation fee, where applied,*** via the original payment method, at the latest within a further seven days, and inform the passenger and the air carrier thereof. ***If that payment method is no longer available, the intermediary shall contact the passenger to obtain the necessary payment details;***

PUBLIC

(b) if the ***air carrier has not received confirmation of payment fulfilment*** within 14 days ***from*** the date of ***the passenger*** choosing a reimbursement in accordance with Article 8(1), point (a), first indent, the ▌ air carrier shall contact the passenger at the latest on the day following the expiry of the 14-day period in order to ***obtain*** the payment details for the reimbursement ***as well as evidence of the full price of the ticket and any intermediation fee paid by the passenger, where applied***. Upon receipt of ***this information, the*** air carrier shall reimburse the passenger ***the full price of the ticket and the intermediation fee, where applied,*** within seven days ***of receiving that information and it shall*** inform the passenger and ▌ intermediary thereof. ***Air carriers and intermediaries shall provide passengers with the details of reimbursement, including in particular the transaction number of a money transfer after this has been effected;***

(c) if the intermediary is an autonomous micro-enterprise as defined in Article 2(3) and Article 3(1) of the Annex to Commission Recommendation 2003/361/EC[*], it may decide not to reimburse a specified amount of its intermediation fee provided that it has informed the passenger thereof at the start of the booking process, in a clear, unambiguous and prominent manner.

PUBLIC

6. This Article ***does not apply to tickets booked as part of a package within the meaning of*** Directive (EU) 2015/2302 ***of the European Parliament and of the Council***[**].

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[*] ***Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36, ELI: http://data.europa.eu/eli/reco/2003/361/oj);***

[**] ***Directive (EU) 2015/2302 of the European Parliament and of the Council of 25 November 2015 on package travel and linked travel arrangements, amending Regulation (EC) No 2006/2004 and Directive 2011/83/EU of the European Parliament and of the Council and repealing Council Directive 90/314/EEC (OJ L 326, 11.12.2015, p. 1, ELI: http://data.europa.eu/eli/dir/2015/2302/oj).'***;

PUBLIC

(3) the following Article 14a is inserted:

‘Article 14a

Transfer of information

▌

1. 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*** 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 of the European Parliament and of the Council*.

PUBLIC

2. Any air carrier or intermediary involved in the conclusion or performance of a transport contract with a passenger shall transmit to the operating air carrier every information necessary to enable it to fulfil all its obligations under this Regulation, including its obligation to inform passengers of their rights.

3. For the purposes of fulfilling their obligations in respect of the passenger's right to information, the air carrier and the intermediary shall keep such data for no longer than 96 hours after the completion of the contract of carriage.

4. ***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***, the air carrier and the intermediary may keep passenger's personal data for more than 96 hours after the completion of the contract of carriage to the extent strictly necessary to fulfil those obligations***.

5. Where an intermediary ***intends to acquire*** a ticket ***from an air carrier*** on behalf of a passenger, the intermediary shall inform the air carrier ***before*** booking ▌ that it ***is proposing to book*** the ticket as an intermediary. It shall provide the air carrier with its own postal and electronic contact details. ▌

▌

PUBLIC

6. This Article does not apply to tickets booked as part of a package within the meaning of Directive (EU) 2015/2302.

** Regulation (EC) No 2111/2005 of the European Parliament and of the Council of 14 December 2005 on the establishment of a Community list of air carriers subject to an operating ban within the Community and on informing air transport passengers of the identity of the operating air carrier, and repealing Article 9 of Directive 2004/36/EC (OJ L 344, 27.12.2005, p. 15, ELI: http://data.europa.eu/eli/reg/2005/2111/oj)';*

(4) Article 16 is replaced by the 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.

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 or other commercial interests.

PUBLIC

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, including any changes thereof. The Commission and the body or bodies designated shall publish that information on their websites.';

(5) The following article is inserted:

'Article 16a

Enforcement tasks

1. The national enforcement bodies shall closely monitor compliance with this Regulation and shall take the measures necessary to ensure that the rights of passengers are upheld.

2. The monitoring shall be in accordance with Union law, national standards and applicable rules. It may be based on a factual assessment that takes into account complaints made by passengers under Article 16b, where available, as well as findings of the previous monitoring activities carried out by the national enforcement bodies, information received in accordance with this paragraph and Article 16c, as well as other sources of information pertaining to the application of this Regulation on the territory of the respective Member State. Monitoring activities may include audits, inspections, interviews, and the examination of documents.

PUBLIC

3. The national enforcement bodies may request air carriers, intermediaries and airport management bodies to provide documents and information that are relevant for the purposes of carrying out their functions referred to in paragraph 1. Such documents and information shall be provided within one month from the receipt of the request, unless a different deadline is specified by the national enforcement body.

4. In carrying out their functions, the national enforcement bodies shall take account of the information submitted to them by the other body, where relevant, designated to handle complaints in accordance with Article 16b(1).

5. Monitoring activities may be performed jointly by national enforcement bodies in the event of air services between two or several Member States. Member States shall ensure that their respective National Enforcement Bodies are given sufficient power to take enforcement actions.

PUBLIC

6. 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, upon request from the national enforcement body, all necessary evidence in line with the requirements laid down in Article 6c(2).

7. By 30 June … [four years from the date of entry into force of Regulation contained in document 2013/0072 (COD)] and every five years thereafter, the national enforcement bodies shall publish reports on their activities, including, where relevant, on penalties applied. Those reports shall be made available on the website of the European Union Aviation Safety Agency.

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.';

PUBLIC

(6) the following article is inserted:

'Article 16b

Passengers' complaints to designated bodies

1. Without prejudice to the rights of consumers to seek alternative dispute resolution pursuant to Directive 2013/11/EU of the European Parliament and of the Council*, Member States shall designate a body for passenger complaints pursuant to this Regulation.

2. If the body designated under paragraph 1 is different than the national enforcement body designated in Article 16a, Member States shall inform the Commission of the body designated in accordance with paragraph 1. The Commission and the designated body shall publish that information on their websites.

PUBLIC

3. The passenger may submit a complaint, in accordance with national law, to the body designated under paragraph 1, about an alleged infringement of this Regulation. After having complained unsuccessfully to the air carrier or intermediary pursuant to Article 15a, the passenger may complain to the body designated in accordance with paragraph 1 no later than three months from the date of being informed of the rejection of the original complaint by the air carrier or the intermediary. Where no reply is received from the air carrier or intermediary within two months from the date of making the original complaint to the air carrier or intermediary, the passenger shall also have the right to complain to this body.

4. The body designated under paragraph 1 shall acknowledge receipt of the complaint within two weeks of receiving it. Where this body has the power to issue enforceable decisions in individual cases, it shall provide the passenger with a substantiated reply to their complaint within a reasonable period of time. Where this body does not have such a power, it may issue an opinion or recommendation on the complaint and shall inform the passenger about available means to seek redress, including their right to complain to alternative dispute resolution bodies, and inform them of the applicable deadlines.

PUBLIC

5. The obligation under paragraph 4 of informing the passenger about their right to seek redress with alternative dispute resolution body may be fulfilled by referring the passenger to the interactive tool hosting a list of notified ADR entities, maintained by the Commission pursuant to Article 20 of Directive 2013/11/EU, or, where appropriate, to the designated ADR contact points notified to the Commission under Article 24 of that Directive.

** Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Directive on consumer ADR) (OJ L 165, 18.6.2013, p. 63, ELI: http://data.europa.eu/eli/dir/2013/11/oj).';*

PUBLIC

(7) the following article is inserted:

'Article 16c

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

1. *Where a Member State designates different bodies under Articles 16 and 16b, those bodies shall ensure the exchange of relevant information between them, in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council*[*]*, 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 of different Member States shall exchange information on their work and decision-making principles and practices for the purpose of cross-border coordination. The Commission shall support them in that task.*

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[*] *Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1, ELI: http://data.europa.eu/eli/reg/2016/679/oj).';*

PUBLIC

(8) the following Article 16d is inserted:

'Article 16d

Information about suspected practices of non-compliance

The Commission may alert the national enforcement bodies about specific suspected practices of non-compliance with the obligations laid down in this Regulation by one or several air carriers, intermediaries and airport managing bodies. Where, in accordance with its powers and procedures under national law, the national enforcement body initiates any investigation, it shall inform the Commission of its findings upon request.

The first subparagraph shall be without prejudice to the operational independence of the national enforcement bodies.';

PUBLIC

(9) the following ***Articles are*** inserted:

‘Article ***16e***

Common form for reimbursement and compensation requests

1. The Commission shall adopt an implementing act establishing a common form for compensation and reimbursement requests ***(the “common form”)*** under***, respectively, Article 7 and*** Articles ***8, 8a, 9 and 10***. That common form shall be established in ***an*** accessible ***format. The Commission shall make the common form available in all Union languages on its website. The*** implementing act shall be adopted in accordance with the ***advisory*** procedure referred to in Article ***16h(2)***.

2. Air carriers and intermediaries shall provide details on their website such as an e-mail address, to which the common form may be sent by electronic means.

3. ***Without prejudice to provisions of Article 8(1), point (a),*** passengers shall have the right to submit their requests using the ***form provided by the air carrier, the*** common form referred to in paragraph 1 ***or by other means***. Operating air carriers and intermediaries shall not reject a request ▌ on the grounds that the passenger has not used ***the form provided by the air carrier or the common form, or has sent the form by other means than electronic means. 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 ***or intermediary*** shall ask the passenger to clarify ***or complete*** the request ▌.

▌

PUBLIC

Article 16f

Legal representatives of third country intermediaries

1. ***Intermediaries which do not have an establishment in the Union, but which offer services in the Union shall designate, in writing, a legal or natural person to act as their legal representative in one of the Member States where they offer their services. For intermediaries covered by Regulation (EU) 2022/2065 of the European Parliament and of the Council*, the legal representative designated pursuant to that Regulation may also act a legal representative pursuant to this Regulation.***

2. ***These intermediaries shall mandate their legal representatives for the purpose of being addressed in addition to or instead of such intermediaries, by the bodies designated under Article 16(1), on all issues necessary for the receipt of, compliance with and enforcement of decisions issued in relation to this Regulation. Intermediaries shall provide their legal representative with necessary powers and sufficient resources to guarantee their efficient and timely cooperation with those bodies, and to comply with such decisions.***

PUBLIC

3. It shall be possible for the designated legal representative to be held liable for non-compliance with obligations under this Regulation, without prejudice to the liability and legal actions that could be initiated against the intermediary.

4. Intermediaries shall notify the name, postal address, email address and telephone number of their legal representative to the bodies designated under Article 16(1) in the Member State where that legal representative resides or is established. The intermediaries shall ensure that that information is publicly available, easily accessible, accurate and kept up to date.

5. The designation of a legal representative within the Union pursuant to paragraph 1 shall not constitute an establishment in the Union.

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* *Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act) (OJ L 277, 27.10.2022, p. 1, ELI: http://data.europa.eu/eli/reg/2022/2065/oj).';*

PUBLIC

(10) The following Article 16g is inserted

'Article 16g

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(1), the national enforcement body, designated under Article 16, or any other competent national authority acting on its behalf may at the request of the body handling the complaint pursuant to Article 16b, investigate an alleged infringement of this Regulation, and, if necessary, impose penalties.'.*

PUBLIC

Article 2

Amendments to Regulation (EC) No 1107/2006

Regulation (EC) No 1107/2006 is amended as follows:

(1) in Article 2, the following definitions are added:

'(m) "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;

(lc) "accessible format" means a format that allows persons with disabilities or with reduced mobility access to any relevant information in an equally easy and comfortable manner as persons without impairments or disabilities, and that meets the accessibility requirements defined in accordance with the applicable Union law, in particular Directive (EU) 2019/882 of the European Parliament and of the Council*[*].

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[*] ***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).';***

PUBLIC

(2) in Article 4***, paragraph 2 is replaced by*** the following ▌ :

'2. Under the same conditions referred to in paragraph 1, first subparagraph, point (a), an air carrier may require that a disabled person ***or person with reduced mobility be accompanied by another person who is capable of providing the assistance required by that person. Where the air carrier introduces such a requirement but does not provide the assistance needed by the disabled person or person with reduced mobility, that person shall be allowed to travel accompanied by another person of their choice, who will travel*** free of charge and ***be seated*** next to ***that disabled*** person ***or*** person with reduced mobility. ▌

The air carrier, its agents or the tour operator shall allow the person with disabilities or the person with reduced mobility to modify the name of the accompanying person required without any charge and up to 48 hours before the scheduled time of departure.';

PUBLIC

(3) Article 9 is amended as follows:

(a) the following paragraphs are added:

'1a. Air carriers that do not qualify as micro, small or medium-sized enterprises within the meaning of Commission Recommendation 2003/361/EC shall establish service quality standards for the carriage of disabled persons and persons with reduced mobility, covering at least the issues specified in Annex II.

2a. The managing bodies and air carriers shall also set quality standards for a structured dialogue with organisations representing disabled persons and persons with reduced mobility and for the implementation of the disability awareness and assistance training for their staff.';

PUBLIC

(b) paragraph 3 is replaced by the following:

'3. The managing bodies and air carriers shall make their quality standards publicly available, and shall monitor their performance in accordance with those standards. Upon request, they shall provide the national enforcement body or bodies with information on that performance. With a view to the evaluation by the Commission of the service quality standards under Article 17a, the managing bodies and air carriers shall, upon request, provide the Commission with information on that performance during the first five years as of … [the date of entry into force of this amending Regulation].';

(4) 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.

PUBLIC

2. Each body shall be independent in its organisation, funding decisions, legal structure and decision-making of any air carrier, agent, tour operator or airport managing body, or any other commercial interest.

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, including any changes thereof. The Commission and the bodies designated shall publish that information on their websites.';

(5) the following article is inserted:

'Article 14a
Enforcement tasks

1. The national enforcement body shall closely monitor compliance with this Regulation. It shall take the measures necessary to ensure that the rights of disabled persons and persons with reduced mobility are upheld.

PUBLIC

2. The monitoring shall be in accordance with Union law, national standards and applicable rules. It may be based on a factual assessment that takes into account complaints made by passengers under Article 15a, where available, as well as findings of the previous monitoring activities carried out by the national enforcement bodies, information received in accordance with paragraph 3 of this Article and Article 15b, as well as other sources of information pertaining to the application of this Regulation on the territory of the respective Member State. Monitoring activities may include audits, inspections, interviews, and the examination of documents.

3. The national enforcement body may request air carriers, their agents, tour operators and airport managing bodies to provide documents and information that are relevant to the purposes of carrying out their functions referred to in paragraph 1. Such documents and information shall be provided within one month from the receipt of the request, unless a different deadline is specified by the national enforcement body.

PUBLIC

4. In carrying out their functions, the national enforcement bodies shall, where relevant, take account of the information submitted to them by the other body designated to handle complaints in accordance with Article 15a(1).

5. Member States shall ensure that their respective national enforcement bodies are given sufficient power to take enforcement actions.

6. Monitoring activities may be performed jointly by national enforcement bodies in the event of air services between two or several Member States.

7. By 30 June … [four years from the date of entry into force of the Regulation contained in document 2013/0072 (COD)] and every five years thereafter, the national enforcement bodies shall publish reports on their activities, including, where relevant, on penalties applied. Those reports shall be made available on the website of the European Union Aviation Safety Agency.

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

PUBLIC

(6) the following ***Article 14b is*** inserted:

‘Article ***14b***

Information about suspected practices of non-compliance

The Commission ***may alert*** the national enforcement bodies ***about*** specific suspected practices of non-compliance with the obligations laid down in this Regulation by one or several air carriers, airport managing bodies and tour operators***. Where, in accordance with its powers and procedures under national law, the national enforcement body initiates any investigation, it shall inform*** the Commission ***of its findings upon*** request.

The first subparagraph shall be without prejudice to the operational independence of the national enforcement bodies.’;

PUBLIC

(7) Article 15 is replaced by the following:

'Article 15

Complaint to the air carrier or airport managing body

1. *Each air carrier and airport managing body shall set up a complaint-handling mechanism for the rights and obligations covered by this Regulation in their respective fields of responsibility.*

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 twelve months from the date on which the flight was performed or was scheduled to be performed, or three months after submitting a request for compensation, whichever is the later.*

PUBLIC

3. Within seven working days of receiving the complaint, the addressee shall confirm the receipt of the complaint to the passenger. Within one month of receiving the complaint, the addressee shall either provide a reasoned reply or, in duly justified cases, inform the passenger that they will receive a final reply within a period of less than two months from the date of receipt of the complaint.

4. The final reply shall also contain the relevant contact details of the body or bodies responsible for the handling of complaints under Article 15a. This obligation may be fulfilled by referring the passenger to the list of complaint-handling bodies made available by the Commission.

5. The burden of proof regarding the provision of the requisite information to passengers shall be on the air carrier and the airport managing body.

6. 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 made publicly available, in accessible formats and in at least the same languages as the general information made available to passengers.';

PUBLIC

(8) the following Articles 15a and 15b are inserted:

'Article 15a

Passengers' complaints to designated bodies

1. *Without prejudice to the rights of consumers to seek alternative dispute resolution pursuant to Directive 2013/11/EU of the European Parliament and of the Council*[*]*, Member States shall designate a body for passenger complaints pursuant to this Regulation.*

2. *If the body designated under paragraph 1 is different than the national enforcement body designated in Article 14, Member States shall inform the Commission of the body designated in accordance with paragraph 1. The Commission and the designated body shall publish that information on their websites.*

3. *Any disabled person or person with reduced mobility may, in accordance with national law, submit a complaint to the body designated under paragraph 1, or to any other competent body designated by a Member State, about an alleged infringement of this Regulation.*

PUBLIC

4. After having complained unsuccessfully to the air carrier or airport managing body pursuant to Article 15, the disabled person or person with reduced mobility may complain to the body designated in accordance with paragraph 1 no later than three months from the date of being informed of the rejection of the original complaint by the air carrier or the airport managing body. Where no reply is received from the air carrier or airport managing body within two months from the date of making the original complaint to the air carrier or airport managing body, the disabled person or person with reduced mobility shall also have the right to complain to this body.

5. The body designated under paragraph 1 shall acknowledge receipt of the complaint within two weeks of receiving it. Where this body has the power to issue enforceable decisions in individual cases, it shall provide the disabled person or person with reduced mobility with a substantiated reply to their complaint within a reasonable period of time. Where this body does not have such a power, it may issue an opinion or recommendation on the complaint and shall inform the passenger about available means to seek redress, including their right to complain to alternative dispute resolution bodies, and inform them of the applicable deadlines.

PUBLIC

6. The obligation under paragraph 5 of informing the complainant about their right to seek redress with alternative dispute resolution body may be fulfilled by referring the disabled person or person with reduced mobility to the interactive tool hosting a list of notified ADR entities, maintained by the Commission pursuant to Article 20 of Directive 2013/11/EU , or, where appropriate, to the designated ADR contact points notified to the Commission under Article 24 of that Directive.

7. The complaint-handling procedure shall be made available to disabled person or person with reduced mobility in accessible format.

Article 15b

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

1. Where a Member State designates different bodies under Articles 14 and 15a, those bodies shall ensure the exchange of relevant information between them, in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council[**], 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 15a can collect the information necessary to examine individual complaints.

PUBLIC

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

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* *Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Directive on consumer ADR) (OJ L 165, 18.6.2013, p. 63, ELI: http://data.europa.eu/eli/dir/2013/11/oj);*

** *Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1, ELI: http://data.europa.eu/eli/reg/2016/679/oj).';*

PUBLIC

(9) Article 16 is replaced by the following:

'Article 16
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.';

(10) The following Article 17a is inserted:

'Article 17a
Review of service quality standards

1. By ... [five years from the date of entry into force of this amending Regulation], the Commission shall carry out a comprehensive evaluation of all service quality standards, as part of the first implementation report, referred to in this Regulation.

PUBLIC

2. That evaluation shall examine in particular:

(a) measurable benefits for passengers, in particular persons with disabilities and persons with reduced mobility, under this Regulation, including in comparison with different service quality standards in other modes of transport;

(b) effectiveness of such standards when compared to other means with the potential to achieve comparable results for passengers, in terms of cost-efficiency, proportionality and administrative burdens incurred on market actors and authorities.

3. On the basis of the findings in this evaluation, the Commission may, where appropriate, submit a legislative proposal to adjust service quality standards in air passenger transport accordingly.';

PUBLIC

(11) Annex I is replaced by the following:

'ANNEX I

Assistance under the responsibility of the managing bodies of airports

Assistance and arrangements necessary to enable disabled persons and persons with reduced mobility to:

- ***communicate their arrival at an airport and their request for assistance at the designated points inside and outside terminal buildings mentioned in Article 5,***
- ***move from a designated point to the check-in counter,***
- ***check-in and register baggage,***
- ***proceed from the check-in counter to the aircraft, with completion of emigration, customs and security procedures,***

PUBLIC

– ***board the aircraft, with the provision of lifts, wheelchairs or other assistance needed, as appropriate,***

– ***proceed from the aircraft door to their seats,***

– ***store and retrieve baggage on the aircraft,***

– ***proceed from their seats to the aircraft door,***

– ***disembark from the aircraft, with the provision of lifts, wheelchairs or other assistance needed, as appropriate,***

– ***proceed from the aircraft to the baggage hall and retrieve baggage, with completion of immigration and customs procedures,***

– ***proceed from the baggage hall to a designated point,***

– ***reach connecting flights when in transit, with assistance on the air and land sides and within and between terminals as needed,***

– ***move to the toilet facilities if required.***

PUBLIC

Where a disabled person or person with reduced mobility is assisted by an accompanying person, this person must, if requested, be allowed to provide the necessary assistance in the airport and with embarking and disembarking.

Ground handling of all necessary mobility equipment, including equipment such as electric wheelchairs subject to advance warning of 48 hours and to possible limitations of space on board the aircraft, and subject to the application of relevant legislation concerning dangerous goods.

Temporary replacement of damaged or lost mobility equipment, albeit not necessarily on a like-for-like basis.

Complaints and compensation procedure for damaged or lost mobility equipment.

Ground handling of recognised assistance dogs, when relevant.

Communication, in accessible formats, of information needed to take flights, including:

- ***general guidance on minimum presentation time at the designated meeting points within the terminal and on minimum connecting timer between terminals,***
- ***safety provisions applied,***
- ***accessibility of the terminal.';***

PUBLIC

(12) Annex II is replaced by the following:

'ANNEX II

Assistance by air carriers

Carriage of recognised assistance dogs in the cabin, subject to national regulations.
Transport of mobility equipment, including procedures for complaints and compensation for damage or loss of such equipment.

In addition to medical equipment, transport of up to two pieces of mobility equipment per disabled person or person with reduced mobility, including electric wheelchairs (subject to advance warning of 48 hours and to possible limitations of space on board the aircraft, and subject to the application of relevant legislation concerning dangerous goods.

Communication, in accessible formats, of essential information concerning a flight, including:

- *accessibility of aircrafts,*
- *conditions under which an accompanying person is required,*
- *conditions under which the transport service may be refused.*

PUBLIC

The making of all reasonable efforts to arrange seating to meet the needs of individuals with disability or reduced mobility on request and subject to safety requirements and availability. Assistance in moving to toilet facilities if required.

Where a disabled person or person with reduced mobility is assisted by an accompanying person, the air carrier will make all reasonable efforts to give such person a seat next to the disabled person or person with reduced mobility.'.

PUBLIC

Article 3

Amendments to Regulation (EU) No 1177/2010

Regulation (EU) No 1177/2010 is amended as follows:

(1) In Article 3, the following definitions are added:

'(v) "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;

(uc) "accessible format" means a format that allows persons with disabilities or with reduced mobility access to any relevant information in an equally easy and comfortable manner as persons without impairments or disabilities, and that meets the accessibility requirements defined in accordance with the applicable Union law, in particular Directive (EU) 2019/882 of the European Parliament and of the Council*[*]*.

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[*] ***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).';***

PUBLIC

(2) Article 13 is amended as follows:

(a) paragraph 2a is added as follows:

'2a. Terminal operators and carriers shall also set quality standards for a structured dialogue with organisations representing disabled persons and persons with reduced mobility and for the implementation of the disability awareness and assistance training referred to in Article 14, point (a).';

(b) paragraph 3 is replaced by the following:

'3. The quality standards provided for in paragraph 1 shall be made publicly available by terminal operators and carriers physically or on the Internet in accessible formats and in the same languages as those in which information is generally made available to all passengers. Terminal operators and carriers shall monitor their performance in accordance with those standards. Upon request, they shall provide the national enforcement body or bodies with information on that performance. With a view to the evaluation by the Commission of the service quality standards under Article 29a, terminal operators and carriers shall, upon request, provide the Commission with information on that performance during the first five years as of … [the date of entry into force of this amending Regulation].';

PUBLIC

(3) Article 16 is amended as follows:

(a) paragraph 1 is replaced by the following:

‘1. In the case of a cancellation or a delay in departure of a passenger service or a cruise, passengers departing from port terminals or, if possible, passengers departing from ports shall be informed by the carrier or, where appropriate, by the terminal operator, of the situation and of their passenger rights under this Regulation as soon as possible and in any event no later than 30 minutes after the scheduled time of departure, and of the estimated departure time and estimated arrival time as soon as that information is available.’;

(b) paragraph 3 is replaced by the following:

‘3. The carrier or, where appropriate, the terminal operator, shall ensure that persons with disabilities or reduced mobility receive the information required under paragraphs 1 and 2 in accessible format.’;

▌

PUBLIC

(4) the following Article 19a is inserted:

‘Article 19a

Submission of reimbursement and compensation requests

1. The Commission shall adopt an implementing act establishing a common form for reimbursement and compensation requests ***(the 'common form')*** under***, respectively, Article*** 18 and ***Article*** 19. That common form shall be established in ***an*** accessible ***format. The Commission shall make the common form available in all official languages of the Union on its website. The*** implementing act shall be adopted in accordance with the ***advisory*** procedure referred to in Article ***28a(2)***.

2. Following travel disruption, carriers shall, where possible and without undue delay, provide to passengers a common form as referred to in paragraph 1, or a link allowing a direct access to that form.

PUBLIC

3. The requirement set out in paragraph 2 shall not apply to carriers who make use of other means of communication allowing passengers to request reimbursement or compensation, such as a carrier's own electronic form made available on its website, a paper form or a mobile application, provided that such means offer, in an accessible format, the choice and information set out in the common form and are available in at least the language of the booking.

4. ▌ Passengers shall have the right to submit their requests ***for reimbursement or compensation*** using the ***forms provided by the carrier in accordance with paragraphs 2 or 3, or by other means***. Carriers shall not reject a request ▌ on the grounds that the passenger has not used ***the common form or the form provided in accordance with paragraph 3, or has sent the request by other means than electronic means.***

Passengers shall have the right to submit their request in at least the language of the booking.

PUBLIC

If a request is not sufficiently precise, the ***carrier*** shall ask the passenger to clarify ***or complete*** the request***. If requested additional information is outside the scope of standard information covered by the common form, the carrier*** shall ***duly motivate its request***.

5. ***Without prejudice to paragraphs 2 and 3,*** carriers shall ***provide clear information on their websites regarding different*** electronic means ***that allow*** passengers to request reimbursement or compensation, such as ***an e-mail address, electronic forms*** or mobile applications***. When*** passengers ***submit their request through electronic means, they*** shall ***receive an electronic confirmation as proof that such a request has been submitted***.';

PUBLIC

(5) Article 23 is amended as follows:

(a) paragraph 1 is ***replaced by the following***:

'1. 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. ▌

Carriers, terminal operators and, when applicable, port authorities, shall also, within their respective areas of competence, ensure that information on the rights of passengers under this Regulation is publicly available on board ships, in ports, if possible, and in port terminals.

1a. The information referred to in paragraph 1, shall be provided as far as possible in accessible formats and in the same languages as those in which information is generally made available to all passengers. When that information is provided particular attention shall be paid to the needs of disabled persons and persons with reduced mobility.';

PUBLIC

(b) paragraph 3 is replaced by the following:

‘3. Carriers, terminal operators and, when applicable, port authorities shall inform passengers in an appropriate manner on board ships, in ports, if possible, and in port terminals, of their contact details and the contact details of the enforcement body designated by the Member State concerned pursuant to Article 25(1).’;

(6) the following Article 23a is inserted:

‘Article 23a
Means of communication with passengers

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

Where information is provided by electronic means of communication, carriers, terminal operators, port authorities, travel agents, tour operators and ticket vendors shall ensure that [redacted] any written correspondence, including the date and time of such correspondence, ***can be kept for further reference. 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 vendors***. All means of communication shall enable the passenger to contact them quickly and communicate efficiently. [redacted] ’;

PUBLIC

(7) Article 24 is replaced by the following:

'Article 24

Complaint to the carrier or terminal operator

1. *Each carrier 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.*

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 three months 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 one month of receiving the complaint, the addressee shall either provide a reasoned reply or, in duly justified cases, inform the passenger that they will receive a final reply within a period of less than three months from the date of receipt of the complaint.*

PUBLIC

4. The final reply shall also contain the relevant contact details of the body or bodies responsible for the handling of complaints under Article 26a. This obligation may be fulfilled by referring the passenger to the list of complaint handling bodies made available by the Commission.

5. Where the carrier invokes extraordinary circumstances, it shall inform the passenger in its reply of the specific circumstances responsible for the cancellation or delay.

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

7. Details of the complaint-handling procedure shall be made available to the public, including to persons with disabilities and to persons with reduced mobility, in accessible format. This information shall be available on board ships, in ports, if possible, and in port terminals at least in the same languages as those in which information is generally made available to all passengers. The carrier shall inform the passenger of the details of the complaint-handling procedure at the time of reservation or advance purchase of the ticket, where applicable.';

PUBLIC

(8) 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.*

2. *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.*

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, including any changes thereof. The Commission and the body or bodies designated shall publish that information on their websites.';*

PUBLIC

(9) 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.*

2. *The monitoring shall be in accordance with Union law, national standards and applicable rules. It may be based on a factual assessment that takes into account complaints made by passengers under Article 26a, where available, as well as findings of the previous monitoring activities carried out by the national enforcement bodies, information received in accordance with paragraph 3 of this Article and Article 27, as well as other sources of information pertaining to the application of this Regulation on the territory of the respective Member State. Monitoring activities may include audits, inspections, interviews, and the examination of documents.*

PUBLIC

3. The national enforcement bodies may request the carriers, travel agents, tour operators or terminal operators to provide documents and information that are relevant for the purposes of carrying out their functions referred to in paragraph 1. Such documents and information shall be provided within one month from the receipt of the request, unless specified otherwise by the national enforcement body.

4. In carrying out their functions, the national enforcement bodies shall, where relevant, take account of the information submitted to them by the other body designated to handle complaints as defined in Article 26a(1).

5. Monitoring activities may be performed jointly by national enforcement bodies in the event of services between two or several Member States.

6. Member States shall ensure that their respective national enforcement bodies are given sufficient power to take enforcement actions.

PUBLIC

7. 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, upon request from the national enforcement body, all necessary evidence.

8. By 30 June 2030, and every five years thereafter, the national enforcement bodies shall publish reports on their activities, including, where relevant, on penalties applied. Those reports shall be made available on the website of the European Union Maritime Safety Agency.

9. Carriers, travel agents and tour operators shall give their contact details to the national enforcement body or bodies of the Member States in which they operate.';

PUBLIC

(10) the following article 26a is inserted:

'Article 26a

Passengers' complaints to designated bodies

1. Without prejudice to the rights of consumers to seek alternative dispute resolution pursuant to Directive 2013/11/EU of the European Parliament and of the Council*, Member States shall designate a body for passenger complaints pursuant to this Regulation.

2. If the body designated under paragraph 1 is different than the national enforcement body designated in Article 25, Member States shall inform the Commission of the body designated in accordance with paragraph 1 of this Article. The Commission and the designated body shall publish that information on their websites.

3. Any passenger may, in accordance with national law, submit a complaint to the body designated under paragraph 1, or to any other competent body designated by a Member State, about an alleged infringement of this Regulation.

PUBLIC

4. After having complained unsuccessfully to the carrier or terminal operator pursuant to Article 24, the passenger may submit a complaint, in accordance with national law, to the body designated in accordance with paragraph 1. Where no reply is received from the carrier or terminal operator within two months from the date of making the original complaint to the carrier or terminal operator, the passenger shall also have the right to complain to this body.

5. The body designated under paragraph 1 shall acknowledge receipt of the complaint within two weeks of receiving it. Where this body has the power to issue enforceable decisions in individual cases, it shall provide the passenger with a substantiated reply to their complaint within a reasonable period of time. Where this body does not have such a power, it may issue an opinion or recommendation on the complaint and shall inform the passenger about available means to seek redress, including their right to complain to alternative dispute resolution bodies, and inform them of the applicable deadlines.

PUBLIC

6. The obligation under paragraph 5 of informing the complainant about their right to seek redress with alternative dispute resolution body may be fulfilled by referring the passenger to the interactive tool hosting a list of notified ADR entities, maintained by the Commission pursuant to Article 20 of Directive 2013/11/EU, or, where appropriate, to the designated ADR contact points notified to the Commission under Article 24 of that Directive.

7. The complaint-handling procedure shall be made available to disabled persons or persons with reduced mobility in accessible format.

** Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Directive on consumer ADR) (OJ L 165, 18.6.2013, p. 63, ELI: http://data.europa.eu/eli/dir/2013/11/oj);';*

PUBLIC

(11) Article 27 is replaced by the following:

'Article 27

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

1. *Where a Member State designates different bodies under Articles 25 and 26a, those bodies shall ensure the exchange of relevant information between them, in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council*[*]*, 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.*

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

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[*] *Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1, ELI: http://data.europa.eu/eli/reg/2016/679/oj).':*

(12) the following Article 27a is inserted:

‘Article 27a

Information about suspected practices of non-compliance

▌

▌The Commission ***may alert*** the national enforcement bodies ***about*** specific suspected practices of non-compliance with the obligations laid down in this Regulation by one or several carriers, terminal operators, ***post*** authorities, travel agents, ticket vendors and tour operators***. Where, in accordance with its powers and procedures under national law, the national enforcement body initiates any investigation, it shall inform*** the Commission ***of its findings upon*** request.

The first subparagraph shall be without prejudice to the operational independence of the national enforcement bodies.’;

▌

PUBLIC

(13) Article 28 is replaced by the following:

'Article 28

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 27, the national enforcement body, designated under Article 25, or any other competent national authority acting on its behalf may at the request of the body handling the complaint pursuant to Article 26a, investigate an alleged infringement of this Regulation, and, if necessary, impose penalties.';*

PUBLIC

(14) the following Article 28a is inserted:

‘Article 28a

Passenger Rights Committee

1. The Commission shall be assisted by the committee referred to in Article 38 of Regulation (EU) 2021/782 of the European Parliament and of the Council*.

2. Where reference is made to this paragraph, Article ***4*** of Regulation (EU) No 182/2011 shall apply. ▌

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

PUBLIC

(15) Article 29 is replaced by the following:

'Article 29
Report

By … [five years from the date of entry into force of this amending Regulation] and every five years thereafter, the Commission shall report the European Parliament and the Council on the operation, enforcement, and the results of this Regulation. The report shall, where necessary, be accompanied by appropriate legislative proposals.';

(16) The following Article 29a is inserted:

'Article 29a
Review of service quality standards

1. By … [five years from the date of entry into force of this amending Regulation], the Commission shall carry out a comprehensive evaluation of all service quality standards, as part of the first implementation report, referred to in this Regulation.

PUBLIC

2. That evaluation shall examine in particular:

(a) measurable benefits for passengers, in particular persons with disabilities and persons with reduced mobility, under this Regulation, including in comparison with different service quality standards in other modes of transport;

(b) effectiveness of such standards when compared to other means with the potential to achieve comparable results for passengers, in terms of cost-efficiency, proportionality and administrative burdens incurred on market actors and authorities.

3. On the basis of the findings in this evaluation, the Commission may, where appropriate, submit a legislative proposal to adjust service quality standards in this Regulation accordingly.';

PUBLIC

(17) Annex II is replaced by the following:

'ANNEX II

ASSISTANCE IN PORTS, INCLUDING EMBARKATION AND DISEMBARKATION, AS REFERRED TO IN ARTICLES 10 AND 13

1. Assistance and arrangements necessary to enable disabled persons and persons with reduced mobility to:

– *communicate their arrival at a port terminal or, if possible, a port and their request for assistance,*

– *move from an entry point to the check-in counter, if any, or to the ship,*

– *check in and register baggage, if necessary,*

– *proceed from the check-in counter, if any, to the ship, through emigration and security points,*

– *embark the ship, with the provision of lifts, wheelchairs or other assistance needed, as appropriate,*

– *proceed from the ship door to their seats/area,*

– *store and retrieve baggage on the ship,*

– *proceed from their seats to the ship door,*

PUBLIC

– *disembark from the ship, with the provision of lifts, wheelchairs or other assistance needed, as appropriate,*

– *retrieve baggage, if necessary, and proceed through immigration and customs points,*

– *proceed from the baggage hall or the disembarkation point to a designated point of exit,*

– *if required, make their way to the toilet facilities (if any).*

2. *Where a disabled person or person with reduced mobility is assisted by an accompanying person, that person must, if requested, be allowed to provide the necessary assistance in the port and with embarking and disembarking.*

3. *Handling of all necessary mobility equipment, including equipment such as electric wheelchairs.*

4. *Temporary replacement of damaged or lost mobility equipment with equipment which is a suitable alternative.*

5. *Complaints and compensation procedure for damaged or lost mobility equipment.*

6. *Ground handling of recognised assistance dogs, when relevant.*

PUBLIC

7. Communication, in accessible formats, of information needed to embark and disembark, including:

– *general guidance on minimum presentation time at the designated meeting points within the port and on minimum connecting times between port terminals,*

– *safety provisions applied,*

– *accessibility of the terminal.';*

(18) Annex III is replaced by the following:

'ANNEX III

ASSISTANCE ON BOARD SHIPS AS REFERRED TO IN ARTICLES 10 AND 13

1. Carriage of recognised assistance dogs on board the ship, subject to national regulations.

2. Carriage of medical equipment and of the mobility equipment necessary for the disabled person or person with reduced mobility, including electric wheelchairs.

PUBLIC

3. ***Information on complaints and compensation procedures for damaged or lost equipment.***

4. ***Communication, in accessible formats, of essential information concerning a route and the accessibility of the means of transport.***

5. ***Conditions under which the transport service may be refused.***

6. ***Making all reasonable efforts to arrange seating to meet the needs of disabled persons or persons with reduced mobility on request and subject to safety requirements and availability.***

7. ***If required, assistance in moving to toilet facilities (if any).***

8. ***Conditions under which an accompanying person is required.***

9. ***Where a disabled person or person with reduced mobility is assisted by an accompanying person, the carrier shall make all reasonable efforts to give such person a seat or a cabin next to the disabled person or person with reduced mobility.';***

PUBLIC

Article 4

Amendments to Regulation (EU) No 181/2011

Regulation (EU) No 181/2011 is amended as follows:

(1) in Article 2, paragraph 2 is replaced by the following:

'2. As regards the services referred to in paragraph 1 of this Article, but where the scheduled distance of the service is shorter than 250 km, Article 4(2), Article 9, Article 10(1), Article 13a, Article 16(1), point (b), Article 16(2), Article 17(1) and (2), Article 24, Article 25, Article 25a insofar as it refers to information referred to in Articles 24 and 25, Article 26, Article 28, Article 29 and Article 29a shall apply.';

(2) in Article 3, the following definitions are added:

'(r) "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;

PUBLIC

(s) "accessible format" means a format that allows persons with disabilities or with reduced mobility access to any relevant information in an equally easy and comfortable manner as persons without impairments or disabilities, and that meets the accessibility requirements defined in accordance with the applicable Union law, in particular Directive (EU) 2019/882 of the European Parliament and of the Council[*].

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[*] *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).';*

(3) The following Article 13a is inserted:

'Article 13a
Service quality standards for assistance

Carriers that do not qualify as small or medium-sized enterprises within the meaning of Commission Recommendation 2003/361/EC, and, where relevant, terminal managing bodies of terminals referred to in Article 12, shall establish and make publicly available, including in an accessible format, service quality standards for assistance to the disabled persons and persons with reduced mobility, covering at least the matters set out in Annex III.

PUBLIC

They shall monitor their performance in accordance with those standards and shall, upon request, provide the national enforcement body or bodies with information on that performance. With a view to the evaluation by the Commission of the service quality standards under Article 32a, carriers and, where relevant, terminal managing bodies shall, upon request, provide the Commission with information on that performance during the first five years as of … [the date of entry into force of this amending Regulation].';

(4) the following Article 19a is inserted:

'Article 19a

Submission of reimbursement and compensation requests

1. The Commission shall adopt an implementing act establishing a common form for reimbursement and compensation requests ***(the "common form")*** under Article 19 ▌. That common form shall be established in ***an*** accessible ***format. The Commission shall make the common form available in all official languages of the Union on its website. The*** implementing act shall be adopted in accordance with the ***advisory*** procedure referred to in Article ***31a(2)***.

PUBLIC

2. Following travel disruption, carriers shall, where possible and without undue delay, provide to passengers a common form as referred to in paragraph 1, or a link allowing a direct access to that form.

3. The requirement set out in paragraph 2 shall not apply to carriers who make use of other means of communication allowing passengers to request reimbursement or compensation, such as a carrier's own electronic form made available on its website, a paper form or a mobile application, provided that such means offer, in an accessible format, the choice and information set out in the common form and are available in at least the language of the booking.

4. ▌Passengers shall have the right to submit their requests ***for reimbursement or compensation*** using the ***forms provided by the carrier in accordance with paragraphs 2 and 3, or by other means***. Carriers shall not reject a request ▌ on the grounds that the passenger has not used ***the common form or the form provided in accordance with paragraph 3, or has sent the form by other means than electronic means. 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***. If requested additional information is outside the scope of standard information covered by the common form, the carrier*** shall ***duly motivate its request***.

▌

PUBLIC

5. ***Without prejudice to paragraphs 2 and 3,*** carriers shall ***provide clear information on their websites regarding different*** electronic means ***that allow*** passengers to request reimbursement or compensation ▌, such as ***an e-mail address, electronic forms*** or mobile applications***. When*** passengers ***submit their request through electronic means, they*** shall ***receive an electronic confirmation as proof that such a request has been submitted***.';

▌

(5) Article 20 is amended as follows:

(a) paragraph 1 is replaced by the following:

'1. In the event of cancellation or delay in departure of a regular service, passengers departing from terminals shall be informed by the carrier or, where appropriate, the terminal managing body, of the situation and of their passenger rights under this Regulation as soon as possible and in any event no later than 30 minutes after the scheduled departure time, and of the estimated departure time as soon as this information is available.';

▌

PUBLIC

(6) Article 24 is ***replaced by the following***:

'Article 24

Right to travel information

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.';***

(7) in Article 25, paragraph 1 is replaced by the following:

'1. When selling tickets for bus and coach services, carriers and terminal managing bodies shall, within their respective areas of competence, ensure that passengers are provided with ***the following***:

(a) appropriate and comprehensible information regarding their rights and obligations under this Regulation,

(b) contact details of carriers or, where appropriate, terminal managing bodies,

PUBLIC

(c) contact details of the enforcement body or bodies designated by the Member State pursuant to Article 28(1).

The information ***referred to in the first subparagraph*** shall also be provided by electronic means***, if technical possible, and*** feasible including at terminals and, where applicable, on the Internet. At the request of a person with disabilities or person with reduced mobility ***that*** information shall be provided ▌ in an accessible format. ▌ ';

(8) the following Article 25a is inserted:

'Article 25a

Means of communication with passengers

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

PUBLIC

Where information is provided by electronic means of communication, carriers, terminal managing bodies, ticket vendors, travel agents and tour operators shall ensure that ▌ any written correspondence, including the date and time of such correspondence, ***can be kept for further reference. 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 managing bodies, ticket vendors and travel agents***. All means of communication shall enable the passenger to contact them quickly and communicate efficiently.';

(9) Article 26 is replaced by the following:

'Article 26
Complaint to the carriers and terminal operators

1. Carriers and terminal operators shall set up a complaint-handling mechanism for the rights and obligations covered by this Regulation in their respective fields of responsibility.

2. Passengers may submit a complaint to any carrier or terminal operator via the mechanisms referred to in paragraph 1. Such a complaint shall be submitted within three months from the date on which the service was performed or when a service should have been performed.

PUBLIC

3. Within seven working days of receiving the complaint, the addressee shall confirm the receipt of the complaint to the passenger. Within one month of receiving the complaint, the addressee shall either provide a reasoned reply or, in duly justified cases, inform the passenger that they will receive a final reply within a period of less than three months from the date of receipt of the complaint.

4. The final reply shall also contain the relevant contact details of the body or bodies responsible for the handling of complaints under Article 29a. This obligation may be fulfilled by referring the passenger to the list of complaint handling bodies made available by the Commission.

5. The burden of proof regarding the provision of the requisite information to passengers shall be on the carrier or terminal operator.

6. Details of the complaint-handling procedure shall be made available to the public, including to disabled persons and persons with reduced mobility, in accessible format. This information shall be available at least in the same languages as those in which information is generally made available to all passengers. The carrier shall inform the passenger of the details of the complaint-handling procedure at the time of reservation or advance purchase of the ticket, where applicable.';

PUBLIC

(10) Article 27 is deleted;

(11) Article 28 is replaced by the following:

'Article 28

Designation of national enforcement bodies

1. *Each Member State shall designate a 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.*

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

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, including any changes thereof. The Commission and the bodies designated shall publish that information on their websites.';*

PUBLIC

(12) 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.*

2. *The monitoring shall be in accordance with Union law, national standards and applicable rules. It may be based on a factual assessment that takes into account complaints made by passengers under Article 29a, where available, as well as findings of the previous monitoring activities carried out by the national enforcement bodies, information received in accordance with paragraph 3 of this Article and Article 30, as well as other sources of information pertaining to the application of this Regulation on the territory of the respective Member State. Monitoring activities may include audits, inspections, interviews, and the examination of documents.*

PUBLIC

3. The national enforcement bodies may request carriers, tour operators and terminal managing bodies to provide documents and information that are relevant for the purposes of carrying out their functions referred to in paragraph 1. Such documents and information shall be provided within one month from the receipt of the request, unless specified otherwise by the national enforcement body.

4. In carrying out their functions, the national enforcement bodies shall, where relevant, take account of the information submitted to them by the other body designated to handle complaints in accordance with Article 29a(1).

5. Monitoring activities may be performed jointly by national enforcement bodies in the event of services between two or several Member States.

6. Member States shall ensure that their respective national enforcement bodies are given sufficient power to take enforcement actions.

7. By 30 June 2030, and every five years thereafter, the national enforcement bodies shall publish reports on their activities, including, where relevant, on penalties applied.';

PUBLIC

(13) The following article is inserted:

'Article 29a

Passengers' complaints to designated bodies

1. Without prejudice to the rights of consumers to seek alternative dispute resolution pursuant to Directive 2013/11/EU of the European Parliament and of the Council*, Member States shall designate a body for passenger complaints pursuant to this Regulation.

2. If the body designated under paragraph 1 is different than the national enforcement body designated in Article 28, Member States shall inform the Commission of the body designated in accordance with paragraph 1. The Commission and the designated body shall publish that information on their websites.

3. Any passenger may submit a complaint, in accordance with national law, to the body designated under paragraph 1, or to any other competent body designated by a Member State, about an alleged infringement of this Regulation.

PUBLIC

4. After having complained unsuccessfully to the carrier pursuant to Article 26, the passenger may, in accordance with national law, complain to the body designated in accordance with paragraph 1. Where no reply is received from the carrier within three months from the date of making the original complaint to the carrier, the passenger shall also have the right to complain to this body.

5. The body designated under paragraph 1 shall acknowledge receipt of the complaint within two weeks of receiving it. Where this body has the power to issue enforceable decisions in individual cases, it shall provide the passenger with a substantiated reply to their complaint within a reasonable period of time. Where this body does not have such a power, it may issue an opinion or recommendation on the complaint and shall inform the complainant about available means to seek redress including passenger's right to complain to alternative dispute resolution bodies, and inform them of the applicable deadlines.

PUBLIC

6. The obligation under paragraph 5 of informing the passenger about their right to seek redress with alternative dispute resolution body may be fulfilled by referring the passenger to the interactive tool hosting a list of notified ADR entities, maintained by the Commission pursuant to Article 20 of Directive 2013/11/EU , or, where appropriate, to the designated ADR contact points notified to the Commission under Article 24 of that Directive.

7. The complaint-handling procedure shall be made available to persons with disabilities and to persons with reduced mobility in accessible format.

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* *Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Directive on consumer ADR) (OJ L 165, 18.6.2013, p. 63, ELI: http://data.europa.eu/eli/dir/2013/11/oj).';*

PUBLIC

(14) Article 30 is replaced by the following:

'Article 30

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

1. *Where a Member State designates different bodies under Articles 28 and 29a, those bodies shall ensure the exchange of relevant information between them, in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council*[*]*, in order to help the national enforcement body to carry out its tasks of supervision and enforcement, and so that the body designated for passengers' complaints under Article 29a can collect the information necessary to examine individual complaints.*

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

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[*] *Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1, ELI: http://data.europa.eu/eli/reg/2016/679/oj).';*

(15) the following Article 30a is inserted:

‘Article 30a

Information about suspected practices of non-compliance

▌

▌ The Commission ***may alert*** the national enforcement bodies ***about*** specific suspected practices of non-compliance with the obligations laid down in this Regulation by one or several carriers, terminal managing bodies, ticket vendors, travel agents and tour operators. ***Where, in accordance with its powers and procedures under national law, the national enforcement body initiates any investigation, it shall inform*** the Commission ***of its findings upon*** request.

The first subparagraph shall be without prejudice to the operational independence of the national enforcement bodies.’;

PUBLIC

(16) 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, designated under Article 28, or any other competent national authority acting on its behalf, may at the request of the body designated pursuant to Article 29a, investigate an alleged infringement of this Regulation and, if necessary, impose penalties.';*

PUBLIC

(17) the following Article 31a is inserted:

'Article 31a

Passenger Rights Committee

1. The Commission shall be assisted by the committee referred to in Article 38 of Regulation (EU) 2021/782 of the European Parliament and of the Council*.

2. Where reference is made to this paragraph, Article ***4*** of Regulation (EU) No 182/2011 ***of the European Parliament and of the Council***** shall apply.

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

** ***Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13, ELI: http://data.europa.eu/eli/reg/2011/182/oj).';***

PUBLIC

(18) Article 32 is replaced by the following:

'Article 32

Report

By … [five years from the date of entry into force of this amending Regulation] and every five years thereafter, the Commission shall report to the European Parliament and the Council on the operation, enforcement, and the results of this Regulation. The report shall, where necessary, be accompanied by appropriate legislative proposals.';

(19) the following Article 32a is inserted:

'Article 32a

Review of service quality standards

1. By … [five years from the date of entry into force of this amending Regulation], the Commission shall carry out a comprehensive evaluation of all service quality standards, as part of the first implementation report, referred to in this Regulation.

PUBLIC

2. That evaluation shall examine in particular:

(a) measurable benefits for passengers, in particular persons with disabilities and persons with reduced mobility, under this Regulation, including in comparison with different service quality standards in other modes of transport;

(b) effectiveness of such standards when compared to other means with the potential to achieve comparable results for passengers, in terms of cost-efficiency, proportionality and administrative burdens incurred on market actors and authorities.

3. On the basis of the findings in this evaluation, the Commission may, where appropriate, submit a legislative proposal to adjust service quality standards in this Regulation accordingly.';

(20) Annex IV to this Regulation is inserted as Annex III.

PUBLIC

Article 5

Amendments to Regulation (EU) 2021/782

Regulation (EU) 2021/782 is amended as follows:

(1) in Article 3, the following definitions are added:

'(23) "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;

(22c) "accessible format" means a format that allows persons with disabilities or with reduced mobility access to any relevant information in an equally easy and comfortable manner as persons without impairments or disabilities, and that meets the accessibility requirements defined in accordance with the applicable Union law, in particular Directive (EU) 2019/882 of the European Parliament and of the Council*.

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* ***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).';***

PUBLIC

(2) Article 8 is replaced by the following:

'Article 8

Obligation to provide information concerning discontinuation of services

Railway undertakings or, where appropriate, competent authorities responsible for a public service railway contract shall make public by appropriate means, including in an accessible format, and before their implementation, decisions to discontinue services either permanently or temporarily.';

(3) Article 9, paragraph 3 is replaced by the following:

'3. The information referred to in paragraphs 1 and 2 shall be provided in the most appropriate format, where possible based on real-time travel information, including by using appropriate communication technologies. Particular attention shall be paid to ensuring that this information is available in an accessible format.';

PUBLIC

(4) Article 20(2), point (b), is replaced by the following:

'(b) hotel or other accommodation, and transport between the railway station and place of accommodation, in cases where a stay of one or more nights becomes necessary or an additional stay becomes necessary, where and when physically possible. In cases where such a stay becomes necessary due to the circumstances referred to in Article 19(10), the railway undertaking may limit the duration of accommodation to a maximum of three nights. The access requirements of persons with disabilities and persons with reduced mobility and the needs of recognised assistance dogs shall be taken into account, whenever possible;';

(5) Article 20(5) is replaced by the following:

'5. In applying paragraphs 1 to 4, the operating railway undertaking shall pay particular attention to the needs of persons with disabilities and persons with reduced mobility, as well as to those of any accompanying persons and recognised assistance dogs.';

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(6) Article 22 is amended as follows:

(a) paragraph 1 is replaced by the following:

'1. Upon request, a station manager, a railway undertaking, a ticket vendor or a tour operator shall provide persons with disabilities and persons with reduced mobility with information, including in an accessible format, on the accessibility of the station and associated facilities, and of rail services and on the access conditions of rolling stock in accordance with the access rules referred to in Article 21(1) and shall inform persons with disabilities and persons with reduced mobility about facilities on board.';

(b) paragraph 3 is replaced by the following:

'3. In unstaffed stations, railway undertakings and station managers shall ensure that easily available information, including in an accessible format, is displayed in accordance with the access rules referred to in Article 21(1) regarding the nearest staffed stations and regarding directly available assistance for persons with disabilities and persons with reduced mobility.';

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(7) Article 23(1), point (c), is replaced by the following:

'(c) a recognised assistance dog shall be permitted to accompany them in accordance with any relevant national law;';

(8) Article 25 is amended as follows:

(a) the title is replaced by the following:

'Article 25
Compensation in respect of mobility equipment, assistive devices and recognised assistance dogs'

(b) paragraph 1 is replaced by the following:

'1. Where railway undertakings and station managers cause the loss of, or damage to, mobility equipment, including wheelchairs, and assistive devices, or the loss of, or injury to, recognised 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;

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

(c) reasonable costs of temporary replacement for mobility equipment, assistive devices or recognised assistance dogs where such replacement is not provided by the railway undertaking or the station manager in accordance with paragraph 2.';

(9) 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.';

(10) In Article 28, the following paragraph is inserted:

'(3a) Where the rail undertaking invokes the exemption from paying compensation provided for in Article 19(10), it shall, in its reply, prove to the passenger the specific circumstances responsible for the delay, missed connection or cancellation.';

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(11) Article 30 is replaced by the following:

'Article 30

Information to passengers about their rights

1. *When selling tickets for journeys by rail, railway undertakings, station managers, ticket vendors and tour operators shall inform passengers of their rights and obligations under this Regulation. In order to comply with this information requirement, they may use a summary of the provisions of this Regulation prepared by the Commission in all official languages of the Union and made available to them. They shall provide that information, in either paper or electronic format, or by any other means, including in an accessible format. They shall specify where, in the event of cancellation, missed connection or long delay, such information can be obtained.*

2. *Railway undertakings and station managers shall inform passengers in an appropriate manner, including in an accessible format, at the station, on the train and on their website, of their rights and obligations under this Regulation, and of the contact details of the body or bodies designated by Member States pursuant to Article 31.';*

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(12) the following Article 30a is inserted:

‘Article 30a

Means of communication with passengers

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 ▌ any written correspondence, including the date and time of such correspondence, ***can be kept for further reference. The burden of proof concerning the questions as to whether and when they have provided the necessary information to passengers shall rest with railway undertakings, station managers and ticket vendors***. All means of communication shall enable the passenger to contact them quickly and communicate efficiently. ▌

(13) in Article 32, the following paragraphs are inserted:

‘(2a) Member States shall ensure that their respective national enforcement bodies are given sufficient power to take enforcement actions.

(2b) In the event that the railway undertaking invokes the exemption from paying compensation provided for in Article 19(10), it shall, upon request from the national enforcement body, provide adequate evidence of such exemption.’;

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(14) the following Article 34a is inserted:

‘Article 34a

Information about suspected practices of non-compliance

▌

▌ The Commission ***may alert*** the national enforcement bodies ***about*** specific suspected practices of non-compliance with the obligations laid down in this Regulation by one or several railway undertakings, infrastructure managers, station managers, ticket vendors and tour operators***. Where, in accordance with its powers and procedures under national law, the national enforcement body initiates any investigation, it shall inform*** the Commission ***of its findings upon*** request.

The first subparagraph shall be without prejudice to the operational independence of the national enforcement bodies.’;

(15) In Article 38, paragraph 2 is replaced by the following:

‘2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.’;

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(16) Article 39 is replaced by the following:

'Article 39
Report

By … [five years from the date of entry into force of this amending Regulation] and every five years thereafter, the Commission shall report the European Parliament and the Council on the operation, enforcement, and the results of this Regulation. The report shall, where necessary, be accompanied by appropriate legislative proposals.';

(17) the following Article 39a is inserted

'Article 39a
Review of service quality standards

1. By … [five years from the date of entry into force of this amending Regulation], the Commission shall carry out a comprehensive evaluation of all service quality standards, as part of the first implementation report, referred to in this Regulation.

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2. That evaluation shall examine in particular:

(a) measurable benefits for passengers, in particular persons with disabilities and persons with reduced mobility, under this Regulation, including in comparison with different service quality standards in other modes of transport;

(b) effectiveness of such standards when compared to other means with the potential to achieve comparable results for passengers, in terms of cost-efficiency, proportionality and administrative burdens incurred on market actors and authorities.

3. On the basis of the findings in this evaluation, the Commission may, where appropriate, submit a legislative proposal to adjust service quality standards in this Regulation accordingly.';

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*Article **6***

Entry into force and application

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply ***from … [date of application of the Regulation contained in document 2013/0072 (COD)***].

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the European Parliament	*For the Council*
The President	*The President*

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ANNEX IV

‘ANNEX III

MINIMUM SERVICE QUALITY STANDARDS

FOR CARRIERS AND TERMINAL MANAGING BODIES

1. Information to ***disabled persons and persons with reduced mobility*** in a transparent, accessible, non-discriminatory, effective and proportionate manner ***about:***

(a) their rights under this Regulation;

(b) the applicable safety provisions and restrictions;

(c) the requirements regarding the carriage of recognised assistance dogs;

(d) the conditions under which the presence of an accompanying person is required (for carriers only);

(e) the accessibility of the buses and coaches operated (for carriers only);

(f) the accessibility of the terminals (for terminal managing bodies only);

(g) general guidance on minimum check-in and presentation times at the designated meeting points within the terminal;

(h) the conditions for the transport of mobility equipment (for carriers only).

2. Procedure for complaints and compensation in respect of damaged or lost mobility equipment.

3. Implementation of the disability awareness and assistance training.

4. Cooperation with organisations representing disabled persons and persons with reduced mobility.

5. Conditions under which the transport service may be refused.

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