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NOTE

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

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

- Preparation for the second trilogue
- Revised three column document

Delegations will find, in Annex, the three-column document for the preparation of the third trilogue on 1 December 2025.

**REGULATION (EU) 2025/... OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of ...
amending Regulation (EC) No 261/2004 establishing common rules on compensation and assistance to
passengers in the event of denied boarding and of cancellation or long delay of flights and Regulation (EC)
No 2027/97 on air carrier liability in respect of the carriage of passengers and their baggage by air (Text
with EEA relevance)**

2013/0072(COD)

DRAFT [working party 4/11/2025]

29-10-2025 at 11h29

	CLEAN Council's 1st Reading	vs.EC EP Position	CLEAN Draft Agreement
Formula			
1	2013/0072 (COD)	2013/0072 (COD)	2013/0072 (COD) <small>Text Origin: Commission Proposal</small>
Document Stage			
2	REGULATION (EU) 2025/...	REGULATION (EU) 2025/...	REGULATION (EU) 2025/... <small>Text Origin: Commission Proposal</small>
Document Type			
3	OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL	OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL	OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL <small>Text Origin: Commission Proposal</small>
Document Purpose			
4	of ...		of ... <small>Text Origin: Council's 1st Reading</small>

	CLEAN	Council's 1st Reading	VS.EC	EP Position	CLEAN	Draft Agreement
EEA Relevance						
5		amending Regulation (EC) No 261/2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights and Regulation (EC) No 2027/97 on air carrier liability in respect of the carriage of passengers and their baggage by air (Text with EEA relevance)		amending Regulation (EC) No 261/2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights and Regulation (EC) No 2027/97 on air carrier liability in respect of the carriage of passengers and their baggage by air (Text with EEA relevance)		amending Regulation (EC) No 261/2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights and Regulation (EC) No 2027/97 on air carrier liability in respect of the carriage of passengers and their baggage by air (Text with EEA relevance) <small>Text Origin: Council's 1st Reading</small>
Formula						
6		THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,		THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,		THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION, <small>Text Origin: Council's 1st Reading</small>
Citation 1						
7		Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100(2) thereof,		Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100(2) thereof,		Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100(2) thereof, <small>Text Origin: Council's 1st Reading</small>
Citation 2						
8		Having regard to the proposal from the European Commission,		Having regard to the proposal from the European Commission,		Having regard to the proposal from the European Commission, <small>Text Origin: Council's 1st Reading</small>
Citation 3						
9		After transmission of the draft legislative act to the national Parliaments,		After transmission of the draft legislative act to the national parliaments,		After transmission of the draft legislative act to the national Parliaments,

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
			Text Origin: Council's 1st Reading
Citation 4			
10	Having regard to the opinion of the European Economic and Social Committee ¹ , <u>1. OJ C 327, 12.11.2013, p. 115.</u>	Having regard to the opinion of the European Economic and Social Committee ¹ , <u>1. OJ C 327, 12.11.2013, p. 115.</u>	Having regard to the opinion of the European Economic and Social Committee ¹ , <u>1. OJ C 327, 12.11.2013, p. 115.</u> Text Origin: Council's 1st Reading
Citation 5			
11	After consulting the Committee of the Regions,	After consulting the Committee of the Regions,	After consulting the Committee of the Regions, Text Origin: Council's 1st Reading
Citation 6			
12	Acting in accordance with the ordinary legislative procedure ¹ , <u>1. Position of the European Parliament of 5 February 2014 (OJ C 93, 24.3.2017, p. 336) and position of the Council at first reading of 29 September 2025 (not yet published in the Official Journal). Position of the European Parliament of ... (not yet published in the Official Journal).</u>	Acting in accordance with the ordinary legislative procedure ¹ , <u>1. Position of the European Parliament of 5 February 2014 (OJ C 93, 24.3.201724/03/2017, p. 336) and position of the Council at first reading of 29 September 2025... (not yet published in the Official Journal). Position of the European Parliament of ... (not yet published in the Official Journal).</u>	Acting in accordance with the ordinary legislative procedure ¹ , <u>1. Position of the European Parliament of 5 February 2014 (OJ C 93, 24.3.2017, p. 336) and position of the Council at first reading of 29 September 2025 (not yet published in the Official Journal). Position of the European Parliament of ... (not yet published in the Official Journal).</u> Text Origin: Council's 1st Reading
Formula			
13	Whereas:	Whereas:	Whereas: Text Origin: Council's 1st Reading
Recital 1			

	CLEAN Council's 1st Reading	vs.EC EP Position	CLEAN Draft Agreement
14	<p>(1) Regulation (EC) No 261/2004 of the European Parliament and of the Council¹ and Council Regulation (EC) No 2027/97² have significantly contributed to protecting the rights of air passengers when their travel plans are disrupted by denied boarding, long delays, cancellations or mishandled baggage.</p> <p>1. Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91 (OJ L 46, 17.2.2004, p. 1, ELI: http://data.europa.eu/eli/reg/2004/261/oj).</p> <p>2. Council Regulation (EC) No 2027/97 of 9 October 1997 on air carrier liability in respect of the carriage of passengers and their baggage by air (OJ L 285, 17.10.1997, p. 1, ELI: http://data.europa.eu/eli/reg/1997/2027/oj).</p>	<p>(1) Regulation (EC) No 261/2004 of the European Parliament and of the Council¹ and Council Regulation (EC) No 2027/97² have significantly contributed to protecting the rights of air passengers when their travel plans are disrupted by denied boarding, long delays, cancellations or mishandled baggage.</p> <p>1. Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91 (OJ L 46, 17.2.2004, p. 1, ELI: http://data.europa.eu/eli/reg/2004/261/oj).</p> <p>2. Council Regulation (EC) No 2027/97 of 9 October 1997 on air carrier liability in respect of the carriage of passengers and their baggage by air (OJ L 285, 17.10.1997, p. 1, ELI: http://data.europa.eu/eli/reg/1997/2027/oj).</p>	<p>(1) Regulation (EC) No 261/2004 of the European Parliament and of the Council¹ and Council Regulation (EC) No 2027/97² have significantly contributed to protecting the rights of air passengers when their travel plans are disrupted by denied boarding, long delays, cancellations or mishandled baggage.</p> <p>1. Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91 (OJ L 46, 17.2.2004, p. 1, ELI: http://data.europa.eu/eli/reg/2004/261/oj).</p> <p>2. Council Regulation (EC) No 2027/97 of 9 October 1997 on air carrier liability in respect of the carriage of passengers and their baggage by air (OJ L 285, 17.10.1997, p. 1, ELI: http://data.europa.eu/eli/reg/1997/2027/oj).</p> <p>Text Origin: Council's 1st Reading</p>
Recital 2			
15	<p>(2) A number of shortcomings, revealed during the implementation of the rights under Regulations (EC) No 261/2004 and (EC) No 2027/97, have however prevented the full potential of those rights in terms of passenger protection from being realised. In order to ensure a more effective, efficient and consistent application of air passenger rights across the Union, a series of adjustments to the current legal framework is required. This was underlined in the communication from the Commission of 27 October 2010 entitled 'EU</p>	<p>(2) A number of shortcomings, revealed during the implementation of the rights under Regulations (EC) No 261/2004 and (EC) No 2027/97, have however prevented the full potential of those rights in terms of passenger protection from being realised. In order to ensure a more effective, efficient and consistent application of air passenger rights across the Union, a series of adjustments to the current legal framework is required. This was underlined in the communication from the Commission of 27 October 2010 entitled 'EU</p>	<p>(2) A number of shortcomings, revealed during the implementation of the rights under Regulations (EC) No 261/2004 and (EC) No 2027/97, have however prevented the full potential of those rights in terms of passenger protection from being realised. In order to ensure a more effective, efficient and consistent application of air passenger rights across the Union, a series of adjustments to the current legal framework is required. This was underlined in the communication from the Commission of 27 October 2010 entitled 'EU</p>

	CLEAN Council's 1st Reading	vs.EC EP Position	CLEAN Draft Agreement
	Citizenship Report 2010 Dismantling the obstacles to EU citizens' rights' which announced measures to ensure a set of common rights notably for air passengers and the adequate enforcement of these rights.	Citizenship Report 2010 Dismantling the obstacles to EU citizens' rights' which announced measures to ensure a set of common rights notably for air passengers and the adequate enforcement of these rights.	Citizenship Report 2010 Dismantling the obstacles to EU citizens' rights' which announced measures to ensure a set of common rights notably for air passengers and the adequate enforcement of these rights. Text Origin: Council's 1st Reading
Recital 3			
16	(3) The Study on the current level of protection of air passenger rights in the EU mandated and published by the Commission in 2020 (hereafter 'the Study') showed that passengers' main priority is to be provided with assistance in the event of travel disruption and to be offered rerouting so that they arrive at their destination as soon as possible. The Study showed that the payment of compensation comes third in terms of the passengers' priorities. On the other hand, the Study also showed that the absolute and relative costs incurred by air carriers through the implementation of Regulation (EC) No 261/2004 have grown significantly since 2011 which could result in a restriction on the number of routes operated or a reduction in connectivity offered by air carriers to passengers in the long term. The revision of Regulation (EC) No 261/2004 should therefore focus particularly on passengers' rights to assistance and rerouting, while taking into account economic incentives of air carriers and impacts on connectivity.	(3) The Study on the current level of protection of air passenger rights in the EU mandated and published by the Commission in 2020 (hereafter 'the Study') showed that passengers' main priority is to be provided with assistance in the event of travel disruption and to be offered rerouting so that they arrive at their destination as soon as possible. The Study showed that the payment of compensation comes third in terms of the passengers' priorities. On the other hand, the Study also showed that the absolute and relative costs incurred by air carriers through the implementation of Regulation (EC) No 261/2004 have grown significantly since 2011 which could result in a restriction on the number of routes operated or a reduction in connectivity offered by air carriers to passengers in the long term. The revision of Regulation (EC) No 261/2004 should therefore focus particularly on passengers' rights to assistance and rerouting, while taking into account economic incentives of air carriers and impacts on connectivity.	PCY suggests maintaining Council text. threshold(s)
Recital 4			

	CLEAN Council's 1st Reading	vs.EC EP Position	CLEAN Draft Agreement	
G	17	(4) Passengers travelling on a flight covered by Public Service Obligations, either at a full or at a reduced fare, should be subject to the same rights under Regulation (EC) No 261/2004.	(4) Passengers travelling on a flight covered by Public Service Obligations, either at a full or at a reduced fare, should be subject to the same rights under Regulation (EC) No 261/2004. Text Origin: Council's 1st Reading	
Recital 5				
R	18	(5) In order to increase legal certainty for air carriers and passengers, a definition of the concept of 'extraordinary circumstances' is needed, which takes into account the judgment of the Court of Justice in Case C-549/07 (Friederike Wallentin-Hermann v Alitalia – Linee Aeree Italiane SpA) ¹ ('judgment in Case C-549/07') on the interpretation of Regulation (EC) No 261/2004. The concept of 'extraordinary circumstances' should be clarified through non-exhaustive lists of circumstances that constitute extraordinary circumstances or that do not constitute extraordinary circumstances. The Commission should review the list of extraordinary circumstances every three years and propose, as appropriate, to the European Parliament and the Council to update that list. ¹ Judgment of the Court (Fourth Chamber) of 22 December 2008, Friederike Wallentin- Hermann v Alitalia – Linee Aeree Italiane SpA, Case C-549/07, ECLI:EU:C:2008:771.	(5) <i>In order to increase legal certainty for air carriers and passengers, a definition of</i> The concept of 'extraordinary circumstances' <i>is needed, which takes into account the judgment has been subject to abundant case law</i> of the Court of Justice <i>in Case C-549/07 (Friederike Wallentin-Hermann v Alitalia – Linee Aeree Italiane SpA)¹ ('judgment in Case C-549/07') on the interpretation of Regulation (EC) No 261/2004. The concept of 'extraordinary circumstances'. Greater clarity</i> should be clarified through non-exhaustive lists of <i>circumstances that constitute</i> <u>provided on what constitutes</u> extraordinary circumstances <u>to allow air passenger rights to be effectively and consistently enforced. In the light of the case law, events whose origin is 'internal' should be distinguished from those whose origin is 'external' to the operating air carrier. Events should be considered external when they arise from circumstances beyond the air carrier's control and result from a natural event or an act of a third party. Such external events should be generally qualified as</u> <i>or that do not constitute</i> extraordinary circumstances. <i>The</i>	PCY suggests maintaining Council text. <u>extraordinary circumstances</u>

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		<p><i>Commission</i> <u>Events that do not meet these criteria</u> should review <u>be deemed internal and should not be qualified as extraordinary circumstances. Such distinction should be further clarified by means of an exhaustive list of circumstances that are clearly identified as capable of being considered as extraordinary. In order to amend</u> the list of extraordinary circumstances every three years <u>and propose, as, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of making additions, where necessary, to that list. It is of particular importance that the Commission carry out</u> appropriate <u>consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. In particular, to ensure equal participation in the preparation of delegated acts,</u> to the European Parliament and the Council <u>receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts</u> to update that list.</p> <p><i>J. Judgment of the Court (Fourth Chamber) of 22 December 2008, Friederike Wallentin-Hermann v</i></p>	

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				Alitalia – Linee Aeree Italiane SpA, Case C-549/07, ECLI:EU:C:2008:771.		
Recital 5a						
				<u>(5a) As under the Montreal Convention, obligations on operating air carriers should be limited or excluded in cases where an event has been caused by extraordinary circumstances which could not have been avoided even if all reasonable measures had been taken. The Court of Justice has provided more detail on the meaning and limits of the obligation to take “reasonable measures” in its case-law.</u>		PCY suggests not retaining this recital. extraordinary circumstances
Recital 6						
		(6) In its judgment in Case C-549/07 the Court of Justice held that an unexpected technical problem did not constitute an extraordinary circumstance, except when the unexpected technical problem arose from a hidden manufacturing defect revealed by the manufacturer of the aircraft or by a competent authority, or damage to the aircraft caused by acts of sabotage or terrorism. However, in the light of experience gained and given the overriding importance of ensuring that the rights granted to passengers under this Regulation are not detrimental to safety, in certain conditions technical issues with certain equipment should constitute extraordinary circumstances.		(6) In its judgment in Case C-549/07 the Court of Justice held that an unexpected technical problem did not constitute an extraordinary circumstance, except when the unexpected technical problem arose from a hidden manufacturing defect revealed by the manufacturer of the aircraft or by a competent authority, or damage to the aircraft caused by acts of sabotage or terrorism. However, in the light of experience gained and given the overriding importance of ensuring that the rights granted to passengers under this Regulation are not detrimental to safety, in certain conditions technical issues with certain equipment should constitute extraordinary circumstances.		PCY suggests adapting this recital to the operative provision. extraordinary circumstances
Recital 7						

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
20	<p>(7) In its judgment in Joined Cases C-156/22, C-157/22 and C-158/22 (TAP Portugal v flihtright GmbH and Myflyright GmbH)¹ on the interpretation of Regulation (EC) No 261/2004, the Court of Justice held that an unexpected absence due to illness or even an unexpected death, shortly before the departure of a flight, of a crew member whose presence is essential to its operation did not constitute an extraordinary circumstance. Nonetheless, even though air carriers have the duty to take all reasonable measures to ensure replacement of the pilot, co-pilot or minimum required cabin crew, ensuring compliance with that obligation in practice outside the air carrier's home bases requires considerable time and high financial cost. Therefore, it is appropriate to provide that the unexpected illness or death of a crew member whose presence is essential, for example when it occurs the day before the departure of the flight, outside the home bases of an air carriers should constitute an extraordinary circumstance.</p> <p><small>1. Judgment of the Court (Third Chamber) of 11 May 2023, TAP Portugal v flihtright GmbH and Myflyright GmbH, Joined Cases C-156/22 to C-158/22, ECLI:EU:C:2023:393.</small></p>	<p><i>(7) In its judgment in Joined Cases C-156/22, C-157/22 and C-158/22 (TAP Portugal v flihtright GmbH and Myflyright GmbH)¹ on the interpretation of Regulation (EC) No 261/2004, the Court of Justice held that an unexpected absence due to illness or even an unexpected death, shortly before the departure of a flight, of a crew member whose presence is essential to its operation did not constitute an extraordinary circumstance. Nonetheless, even though air carriers have the duty to take all reasonable measures to ensure replacement of the pilot, co-pilot or minimum required cabin crew, ensuring compliance with that obligation in practice outside the air carrier's home bases requires considerable time and high financial cost. Therefore, it is appropriate to provide that the unexpected illness or death of a crew member whose presence is essential, for example when it occurs the day before the departure of the flight, outside the home bases of an air carriers should constitute an extraordinary circumstance.</i></p> <p><small><i>1. Judgment of the Court (Third Chamber) of 11 May 2023, TAP Portugal v flihtright GmbH and Myflyright GmbH, Joined Cases C-156/22 to C-158/22, ECLI:EU:C:2023:393.</i></small></p>	<p>PCY suggests adapting this recital to the operative provision.</p> <p>extraordinary circumstances</p>
Recital 8			
21	<p>(8) In its judgments in Cases C-28/20 (Airhelp Ltd v Scandinavian Airlines System Denmark – Norway – Sweden)¹, C-195/17 (Helga Krüsemann and Others v TUIfly</p>	<p><i>(8) In its judgments in Cases C-28/20 (Airhelp Ltd v Scandinavian Airlines System Denmark – Norway – Sweden)¹, C-195/17 (Helga Krüsemann and Others v TUIfly</i></p>	<p>PCY suggests maintaining Council text</p> <p>extraordinary circumstances</p>

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
	<p>GmbH)², C-613/20 (CS v Eurowings GmbH)³ and in its order in Case C-287/20 (EL and CP v Ryanair DAC)⁴ on the interpretation of Regulation (EC) No 261/2004, the Court of Justice held that strikes by staff of the air carrier did not constitute extraordinary circumstances. Nonetheless, when a strike occurs, certain demands made by airline staff do not fall within the remit of the air carrier and are outside its control, such as changes to the retirement age or to financial contributions that can only be addressed by public authorities. Therefore, it is appropriate to provide that certain strikes by airline staff should constitute extraordinary circumstances.</p> <p>1. Judgment of the Court (Grand Chamber) of 23 March 2021, Airhelp Ltd v Scandinavian Airlines System Denmark – Norway – Sweden, Case C- 28/20, ECLI:EU:C:2021:226.</p> <p>2. Judgment of the Court (Third Chamber) of 17 April 2018, Helga Krüseemann and Others v TUIfly GmbH, Case C-195/17, ECLI:EU:C:2018:258.</p> <p>3. Judgment of the Court (Ninth Chamber) of 6 October 2021, CS v Eurowings GmbH, Case C-613/20, ECLI:EU:C:2021:820.</p> <p>4. Order of the Court (Eighth Chamber) of 10 January 2022, EL and CP v Ryanair DAC, Case C-287/20, ECLI:EU:C:2022:1.</p>	<p>GmbH)², C-613/20 (CS v Eurowings GmbH)³ and in its order in Case C-287/20 (EL and CP v Ryanair DAC)⁴ on the interpretation of Regulation (EC) No 261/2004, the Court of Justice held that strikes by staff of the air carrier did not constitute extraordinary circumstances. Nonetheless, when a strike occurs, certain demands made by airline staff do not fall within the remit of the air carrier and are outside its control, such as changes to the retirement age or to financial contributions that can only be addressed by public authorities. Therefore, it is appropriate to provide that certain strikes by airline staff should constitute extraordinary circumstances.</p> <p>1. Judgment of the Court (Grand Chamber) of 23 March 2021, Airhelp Ltd v Scandinavian Airlines System Denmark – Norway – Sweden, Case C- 28/20, ECLI:EU:C:2021:226.</p> <p>2. Judgment of the Court (Third Chamber) of 17 April 2018, Helga Krüseemann and Others v TUIfly GmbH, Case C-195/17, ECLI:EU:C:2018:258.</p> <p>3. Judgment of the Court (Ninth Chamber) of 6 October 2021, CS v Eurowings GmbH, Case C-613/20, ECLI:EU:C:2021:820.</p> <p>4. Order of the Court (Eighth Chamber) of 10 January 2022, EL and CP v Ryanair DAC, Case C-287/20, ECLI:EU:C:2022:1.</p>	
	Recital 9		
22	<p>(9) In its judgment in Case C-173/07 (Emirates Airlines – Direktion für Deutschland v Diether Schenkel)¹ on the interpretation of Regulation (EC) No 261/2004, the Court of Justice held that concept of a ‘flight’ within the</p>	<p>(9) In its judgment in Case C-173/07 (Emirates Airlines – Direktion für Deutschland v Diether Schenkel)¹ on the interpretation of Regulation (EC) No 261/2004, the Court of Justice held that concept of a</p>	<p>(9) In its judgment in Case C-173/07 (Emirates Airlines – Direktion für Deutschland v Diether Schenkel)¹ on the interpretation of Regulation (EC) No 261/2004, the Court of Justice held that concept of a ‘flight’ within the</p>

	CLEAN Council's 1st Reading	vs.EC EP Position	CLEAN Draft Agreement
	<p>meaning of Regulation (EC) No 261/2004 was not defined but the Court of Justice interpreted it as consisting essentially of an air transport operation, as a 'unit' of such transport, performed by an air carrier which fixes its itinerary. In order to avoid uncertainty and in the light of experience gained, a clear definition of a 'flight' should now be provided, as well as the associated notions of a 'connecting flight' and a 'journey'.</p> <p>1. Judgment of the Court (Fourth Chamber) of 10 July 2008, Emirates Airlines – Direktion für Deutschland v Diether Schenkel, Case C-173/07, ECLI:EU:C:2008:400.</p>	<p>'flight' within the meaning of Regulation (EC) No 261/2004 was not defined but the Court of Justice interpreted it as consisting essentially of an air transport operation, as a 'unit' of such transport, performed by an air carrier which fixes its itinerary. In order to avoid uncertainty and in the light of experience gained, a clear definition of a 'flight' should now be provided, as well as the associated notions of a 'connecting flight' and a 'journey'.</p> <p>1. Judgment of the Court (Fourth Chamber) of 10 July 2008, Emirates Airlines – Direktion für Deutschland v Diether Schenkel, Case C-173/07, ECLI:EU:C:2008:400.</p>	<p>meaning of Regulation (EC) No 261/2004 was not defined but the Court of Justice interpreted it as consisting essentially of an air transport operation, as a 'unit' of such transport, performed by an air carrier which fixes its itinerary. In order to avoid uncertainty and in the light of experience gained, a clear definition of a 'flight' should now be provided, as well as the associated notions of a 'connecting flight' and a 'journey'.</p> <p>1. Judgment of the Court (Fourth Chamber) of 10 July 2008, Emirates Airlines – Direktion für Deutschland v Diether Schenkel, Case C-173/07, ECLI:EU:C:2008:400.</p> <p><i>Text Origin: Council's 1st Reading</i></p>
	Recital 10		
23	<p>(10) In its judgment in Case C-537/17 (Claudia Wegener v Royal Air Maroc SA)¹ on the interpretation of Regulation (EC) No 261/2004, the Court of Justice held that Regulation (EC) No 261/2004 applied to a part of any flight which was part of one journey, regardless of where the flight took place, including flights fully operated outside the Union. When either the initial point of departure is located in the territory of a Member States to which the Treaties apply, or, when the operating air carrier is a Union operating air carrier, when the final destination of the journey is located in the territory of a Member State to which the Treaties apply, this Regulation should apply.</p>	<p>(10) In its judgment in Case C-537/17 (Claudia Wegener v Royal Air Maroc SA)¹ on the interpretation of Regulation (EC) No 261/2004, the Court of Justice held that Regulation (EC) No 261/2004 applied to a part of any flight which was part of one journey, regardless of where the flight took place, including flights fully operated outside the Union. When either the initial point of departure is located in the territory of a Member States to which the Treaties apply, or, when the operating air carrier is a Union operating air carrier, when the final destination of the journey is located in the territory of a Member State to which the Treaties apply, this Regulation should apply.</p>	<p>PCY suggests maintaining Council text.</p> <p>scope</p>

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		1. Judgment of the Court (Eighth Chamber) of 31 May 2018, Claudia Wegener v Royal Air Maroc SA, Case C-537/17, ECLI:EU:C:2018:361.		1. Judgment of the Court (Eighth Chamber) of 31 May 2018, Claudia Wegener v Royal Air Maroc SA, Case C-537/17, ECLI:EU:C:2018:361.		
Recital 11						
R	24	(11) The Study has shown varying levels of compliance with Regulation (EC) No 261/2004 by air carriers, with Union air carriers generally showing a higher level of compliance than third country air carriers. Therefore, restoring the level playing field between Union and third country air carriers and improving the economic sustainability of Union air carriers will support Union competitiveness and ultimately improve the protection of passengers overall.		(11) The Study has shown varying levels of compliance with Regulation (EC) No 261/2004 by air carriers, with Union air carriers generally showing a higher level of compliance than third country air carriers. Therefore, restoring the level playing field between Union and third country air carriers and improving the economic sustainability of Union air carriers will support Union competitiveness and ultimately improve the protection of passengers overall.		PCY suggests maintaining Council text. scope
Recital 11a						
R	24a			<u>(11a) In the interest of fair international competition and in order to ensure that passengers are protected by a uniform and coherent framework of rights, Regulation (EC) No 261/2004 should apply to all flights within the Union, as well as to all flights departing from or arriving in the Union.</u>		PCY suggests not retaining EP text. scope
Recital 12						
R	25	(12) Article 349 of the Treaty on the Functioning of the European Union recognises the special characteristics of the outermost regions, in particular due to their remoteness. In light of experience gained with Regulation (EC) No 261/2004, it is necessary to ensure		(12) Article 349 of the Treaty on the Functioning of the European Union recognises the special characteristics of the outermost regions, in particular due to their remoteness. In light of experience gained with Regulation (EC) No 261/2004, it is necessary to ensure		PCY suggests adapting this recital to the operative provision. scope

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
	territorial connectivity for the outermost regions and enhance cohesion across the Union, which would ultimately benefit passengers. Due to the specific features of journeys between outermost regions and another territory of a Member State to which the Treaties apply, the amount of compensation should be determined on the basis of the actual distance of the journeys.	territorial connectivity for the outermost regions and enhance cohesion across the Union, which would ultimately benefit passengers. Due to the specific features of journeys between outermost regions and another territory of a Member State to which the Treaties apply, the amount of compensation should be determined on the basis of the actual distance of the journeys.	
Recital 13			
26	(13) Tickets are issued or authorised by an operating air carrier following the conclusion of an air transport contract with a passenger. They should be identifiable through a unique ticket number and contain a unique reference related to a single air transport contract issued at the time of booking. They should cover one flight or a connecting flight, without taking into account intermediate stops for technical and operational purposes. They should contain several pieces of information regarding that flight or that connecting flight such as the flight date, airports of departure and arrival, the scheduled times of departure and arrival, the passenger's name, surname, the flight number and the name of the operating air carrier.	(13) Tickets are issued or authorised by an operating air carrier following the conclusion of an air transport contract with a passenger. They should be identifiable through a unique ticket number and contain a unique reference related to a single air transport contract issued at the time of booking. They should cover one flight or a connecting flight, without taking into account intermediate stops for technical and operational purposes. They should contain several pieces of information regarding that flight or that connecting flight such as the flight date, airports of departure and arrival, the scheduled times of departure and arrival, the passenger's name, surname, the flight number and the name of the operating air carrier.	(13) Tickets are issued or authorised by an operating air carrier following the conclusion of an air transport contract with a passenger. They should be identifiable through a unique ticket number and contain a unique reference related to a single air transport contract issued at the time of booking. They should cover one flight or a connecting flight, without taking into account intermediate stops for technical and operational purposes. They should contain several pieces of information regarding that flight or that connecting flight such as the flight date, airports of departure and arrival, the scheduled times of departure and arrival, the passenger's name, surname, the flight number and the name of the operating air carrier. Text Origin: Council's 1st Reading
Recital 14			
27	(14) In its judgment in Case C-22/11 (Finnair Oyj v Timy Lassooy) ¹ on the interpretation of Regulation (EC) No 261/2004,	(14) In its judgment in Case C-22/11 (Finnair Oyj v Timy Lassooy) ¹ on the interpretation of Regulation (EC) No 261/2004,	(14) In its judgment in Case C-22/11 (Finnair Oyj v Timy Lassooy) ¹ on the interpretation of Regulation (EC) No 261/2004,

	CLEAN Council's 1st Reading	vs.EC EP Position	CLEAN Draft Agreement
	<p>the Court of Justice held that the concept of ‘denied boarding’ must be interpreted as relating not only to cases where boarding is denied because of overbooking but also to those where boarding is denied on other grounds, such as for operational reasons. Passengers who have presented themselves for boarding and are denied boarding or who have been informed in advance that they would be denied boarding against their will should be reimbursed without undue delay.</p> <p>1. Judgment of the Court (Third Chamber) of 4 October 2012, Finnair Oyj v Timy Lassooy, Case C-22/11, ECLI:EU:C:2012:604.</p>	<p>the Court of Justice held that the concept of ‘denied boarding’ must be interpreted as relating not only to cases where boarding is denied because of overbooking but also to those where boarding is denied on other grounds, such as for operational reasons. Passengers who have presented themselves for boarding and are denied boarding or who have been informed in advance that they would be denied boarding against their will should be reimbursed <u>and compensated</u> without undue delay.</p> <p>1. Judgment of the Court (Third Chamber) of 4 October 2012, Finnair Oyj v Timy Lassooy, Case C-22/11, ECLI:EU:C:2012:604.</p>	<p>the Court of Justice held that the concept of ‘denied boarding’ must be interpreted as relating not only to cases where boarding is denied because of overbooking but also to those where boarding is denied on other grounds, such as for operational reasons. Passengers who have presented themselves for boarding and are denied boarding, or who have been informed in advance that they would be denied boarding, against their will, should be reimbursed and compensated without undue delay.</p> <p>1. Judgment of the Court (Third Chamber) of 4 October 2012, Finnair Oyj v Timy Lassooy, Case C-22/11, ECLI:EU:C:2012:604.</p> <p>PCY suggested compromise</p> <p>denied boarding</p> <p>Text Origin: EP Position</p>
	Recital 15		
R 28	<p>(15) At the same time, there are reasonable grounds to deny passengers boarding, such as health, safety, security or inadequate travel documentation. Air carriers have also reasonable grounds to deny boarding to passengers displaying unruly behaviour threatening the safety or security of a flight, as referred to in the amended Convention on Offences and Certain Other Acts Committed</p>	<p>(15) At the same time, there are reasonable grounds to deny passengers boarding, such as health, safety, security or inadequate travel documentation. Air carriers have also reasonable grounds to deny boarding to passengers displaying unruly behaviour threatening the safety or security of a flight, as referred to in the amended Convention on Offences and Certain Other Acts Committed on</p>	<p>PCY suggests maintaining Council text.</p> <p>denied boarding</p>

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
	on Board Aircraft signed in Tokyo on 14 September 1963. In those cases, the operating air carrier should bear the burden of proof.	<i>Board Aircraft signed in Tokyo on 14 September 1963. In those cases, the operating air carrier should bear the burden of proof.</i>	
Recital 16			
G	29 (16) In order to improve levels of protection, passengers should not be denied boarding on a return flight on the grounds that they did not take the outbound flight covered by the same air transport contract.	(16) In order to improve levels of protection, passengers should not be denied boarding on a return flight on the grounds that they did not take the outbound flight covered by the same air transport contract.	(16) In order to improve levels of protection, passengers should not be denied boarding on a return flight on the grounds that they did not take the outbound flight covered by the same air transport contract. Text Origin: Council's 1st Reading
Recital 17			
R	30 (17) At present, passengers are sometimes charged punitive administrative fees for the correction of spelling mistakes in their names. Reasonable corrections of booking errors, or administrative changes, should be provided free of charge provided the correction or change sought would not result in a change of time of flight, date, itinerary or passenger.	(17) At present, passengers are sometimes charged punitive administrative fees for the correction of spelling mistakes in their names. <i>Reasonable</i> Corrections of booking errors, or administrative changes, should be provided free of charge provided the correction or change sought would not result in a change of time of flight, date, itinerary <i>or passenger</i> .	PCY suggests maintaining Council text. denied boarding
Recital 18			
Y	31 (18) In the case of a cancellation, the choice between receiving reimbursement, continuation of travel by rerouting or travel at a later date should be the decision of the passenger and not that of the air carrier.	(18) In the case of a cancellation, the choice between receiving reimbursement, continuation of travel by rerouting or travel <i>later on the same day or</i> at a later date should be the decision of the passenger and not that of the air carrier.	PCY suggests maintaining Council text. rerouting
Recital 18a			
R	31a	<i>(18a) If the passenger opts, in accordance with the agreement reached with the air</i>	

	CLEAN	Council's 1st Reading	VS.EC	EP Position	CLEAN	Draft Agreement		
				<u>carrier, to travel at a later time, the costs of travelling to and from the airport for the cancelled flight should always be reimbursed in full. Those costs should always include public transport fares, taxi fares and parking charges at the airport.</u>		PCY suggests not retaining this recital since it does not correspond to any operative provision. rerouting		
Recital 18b								
R		31b		<u>(18b) Where a passenger cancels a flight, air carriers should be obliged to refund, free of charge, taxes which have already been paid.</u>		PCY suggests not retaining this recital since it does not correspond to any operative provision.		
Recital 19								
R		32		(19) Airport managing bodies at airports that handle more than five million passengers per year, and airport essential service providers, in particular air carriers and the suppliers of ground handling services, should cooperate to minimise the impact of multiple flight disruptions on passengers. To this end, airport managing bodies should prepare contingency plans for such occurrences and work together in the development of such plans. At all other airports, the airport managing body should make all reasonable efforts to coordinate and make arrangements with airport users in situations that could lead to a considerable number of passengers being stranded and to keep the stranded passengers informed.		(19) Airport managing bodies at airports that handle more than five <u>with an annual passenger traffic volume of not less than one and a half million passengers per year, for at least three consecutive years</u> and airport essential service providers, in particular air carriers and the suppliers of ground handling services, <u>navigation service providers and assistance providers for disabled passengers and passengers with reduced mobility</u> should <u>take adequate measures to ensure coordination and cooperation between airport users in order</u> cooperate to minimise the impact of multiple flight disruptions on passengers. To this end, airport managing bodies should prepare <u>ensure adequate coordination by means of proper</u> contingency plans for such occurrences and work together <u>with national, regional or local authorities</u> in the development of such plans. At all other		To be adapted in light of operative part. contingency

	CLEAN	Council's 1st Reading	VS.EC	EP Position	CLEAN	Draft Agreement
				<p>airports, the airport managing body <u>Such plans</u> should make all reasonable efforts to coordinate and make arrangements with airport users in situations that could lead to a considerable number of passengers being stranded and to keep the stranded passengers informed <u>be assessed and, where necessary, adapted by the National Enforcement Bodies.</u></p>		
Recital 19a						
R		32a		<p><u>(19a) Air carriers should set up procedures and coordinated action in order to provide adequate information to stranded passengers. Those procedures should clearly indicate who is responsible at each airport for arranging the care, assistance, re-routing or reimbursement and should set out the processes and conditions for the provision of those services.</u></p>		<p>PCY suggests adapting this recital to the operative provision which is discussed under the enforcement file.</p> <p>information</p>
Recital 19b						
R		32b		<p><u>(19b) In order to assist passengers in the case of flight disruptions or delayed, damaged or lost baggage, air carriers should set up contact points at airports where their personnel or third parties commissioned by them should provide passengers with the necessary information regarding their rights, including complaint procedures, and assist them to take immediate action.</u></p>		<p>PCY suggests adapting this recital to the operative provision which is discussed under the enforcement file.</p> <p>information</p>
Recital 19c						
R		32c		<p><u>(19c) Given the short deadlines for the submission of complaints for lost, damaged or</u></p>		<p>PCY suggests adapting this recital to the operative provision.</p>

	CLEAN Council's 1st Reading	vs.EC EP Position	CLEAN Draft Agreement
		<p><u>delayed baggage, a special baggage claim service should be set up at all airports where passengers have the possibility to submit a complaint upon arrival. For this purpose, air carriers should provide a complaint form in all EU official languages to passengers. This could also take the form of the common Property Irregularity Report (PIR). In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to lay down the form of the standardised claim form through implementing acts.</u></p>	<p>baggage liability</p>
Recital 20			
33	<p>(20) Regulation (EC) No 261/2004 should explicitly include the right to compensation for passengers experiencing long delays, in accordance with the judgment of the Court of Justice in joined Cases C-402/07 (Christopher Sturgeon, Gabriel Sturgeon and Alana Sturgeon v Condor Flugdienst GmbH) and C-432/07 (Stefan Böck and Cornelia Lepuschitz v Air France SA)¹ ('judgment in Joined cases C-402/07 and C-432/07'). In accordance with the principle of equal treatment referred to in that judgment, the same rules should apply for reimbursement, rerouting and compensation.</p> <p>¹ Judgment of the Court (Fourth Chamber) of 19 November 2009, Christopher Sturgeon, Gabriel Sturgeon and Alana Sturgeon v Condor Flugdienst GmbH (C-402/07), and Stefan Böck and Cornelia Lepuschitz v Air</p>	<p>(20) <u>The objective of</u> Regulation (EC) No 261/2004 should explicitly include the right to compensation for <u>is to strengthen the rights of consumers by ensuring a high level of protection for air passengers experiencing long delays, in accordance with the judgment within the internal market, in line with Article 38 of the Court of Justice Charter of Fundamental Rights.</u> In joined Cases C-402/07 (Christopher Sturgeon, Gabriel Sturgeon and Alana Sturgeon v Condor Flugdienst GmbH) and C-432/07 (Stefan Böck and Cornelia Lepuschitz v Air France SA)¹ (“judgment in Joined cases C-402/07 and C-432/07”)-<u>In accordance with, the Court of Justice reflected this objective by recognizing that passengers experiencing flight delays of three hours or more suffer damage in the form of</u></p>	<p>PCY suggests maintaining Council text.</p> <p>threshold(s)</p>

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
	France SA (C-432/07), Joined Cases C-402/07 and C- 432/07, ECLI:EU:C:2009:716.	<p><u>irreversible loss of time that must be compensated promptly and in a standardized manner. Relying on</u> the principle of equal treatment, <u>the Court confirmed that long delays cause harm comparable to cancellations and that a difference in treatment could not be objectively justified. Passengers should therefore enjoy equivalent compensation rights, whether their flight is cancelled or subject to a long delay. In accordance with</u> referred to in that judgment, <u>and in order to maintain robust safeguards for passengers in line with Article 38 of the Charter, as well as to ensure uniform protection, legal certainty and effective enforcement across Member States</u>, the same rules should apply for reimbursement, rerouting and compensation. <u>Accordingly, Regulation (EC) No 261/2004 should explicitly set out a common three-hour threshold for compensation in the event of cancellation and long delays.</u></p> <p>1. Judgment of the Court (Fourth Chamber) of 19 November 2009, Christopher Sturgeon, Gabriel Sturgeon and Alana Sturgeon v Condor Flugdienst GmbH (C-402/07), and Stefan Böck and Cornelia Lepuschitz v Air France SA (C-432/07), Joined Cases C-402/07 and C-432/07, ECLI:EU:C:2009:716.</p>	
	Recital 21		
R 34	(21) The judgment in joined Cases C-402/07 and C-432/07 referred to a one-trigger time threshold of three hours for compensation in cases of delay. However, experience gained	(21) The judgment in joined Cases C-402/07 and C-432/07 referred to a one-trigger time threshold of three hours for compensation in cases of delay. However, experience gained	PCY suggests adapting this recital to the operative provision.

	CLEAN Council's 1st Reading	vs.EC EP Position	CLEAN Draft Agreement
	<p>since the adoption of Regulation (EC) No 261/2004 shows that many delays cannot be resolved within the three hours referred to in that judgment and that a short threshold may increase the number of flight cancellations where air carriers reduce the knock-on effects of delayed flights on the subsequent flights by cancelling one or several flights to reposition the aircraft for a next flight. In most circumstances, the passenger would still prefer a delay over a cancellation because the passenger has more certainty as to the arrival at the relevant destination at the earliest opportunity. On many routes, the frequency of flights is limited, and, in cases of cancellation, the passenger cannot be immediately rerouted. Increasing the time threshold therefore presents an advantage for the passenger.</p>	<p><i>since the adoption of Regulation (EC) No 261/2004 shows that many delays cannot be resolved within the three hours referred to in that judgment and that a short threshold may increase the number of flight cancellations where air carriers reduce the knock-on effects of delayed flights on the subsequent flights by cancelling one or several flights to reposition the aircraft for a next flight. In most circumstances, the passenger would still prefer a delay over a cancellation because the passenger has more certainty as to the arrival at the relevant destination at the earliest opportunity. On many routes, the frequency of flights is limited, and, in cases of cancellation, the passenger cannot be immediately rerouted. Increasing the time threshold therefore presents an advantage for the passenger.</i></p>	<p>threshold(s)</p>
	Recital 22		
35	<p>(22) With a view to maintaining connectivity, the thresholds above which delays give rise to a right to compensation should be increased to take account of the financial and competitiveness impact on the sector. In this way, it will be possible to avoid incentivising any increase in the frequency of cancellations or restrictions in the number of routes operated or reductions in connectivity offered to passengers in the long term. To ensure that passengers travelling within the Union face homogenous conditions for compensation, the threshold should be the same for all travel within the Union.</p>	<p><i>(22) With a view to maintaining connectivity, the thresholds above which delays give rise to a right to compensation should be increased to take account of the financial and competitiveness impact on the sector. In this way, it will be possible to avoid incentivising any increase in the frequency of cancellations or restrictions in the number of routes operated or reductions in connectivity offered to passengers in the long term. To ensure that passengers travelling within the Union face homogenous conditions for compensation, the threshold should be the same for all travel within the Union.</i></p>	<p>PCY suggests adapting this recital to the operative provision.</p> <p>threshold(s)</p>

	CLEAN	Council's 1st Reading	VS.EC	EP Position	CLEAN	Draft Agreement
Recital 23						
R	36	(23) The standardised compensation in Regulation (EC) No 261/2004 serves to compensate for a loss of time which is common to all passengers. The amounts fixed in Regulation (EC) No 261/2004 could, in many cases, go beyond the value of the damage incurred by passengers as established by economic studies. It is therefore appropriate to define different thresholds for compensation according to the distance of the flight disrupted and the delay at arrival.		(23) The standardised compensation in Regulation (EC) No 261/2004 serves to compensate for a loss of time which is common to all passengers. The amounts fixed in Regulation (EC) No 261/2004 could, in many cases, go beyond the value of the damage incurred by passengers as established by economic studies. It is therefore appropriate to define different thresholds for <u>levels</u> according to the distance of the flight disrupted and the delay at arrival.		(23) The standardised compensation in Regulation (EC) No 261/2004 serves to compensate for a loss of time which is common to all passengers. The amounts fixed in Regulation (EC) No 261/2004 could, in many cases, go beyond the value of the damage incurred by passengers as established by economic studies. It is therefore appropriate to define [different] threshold[s] for compensation [according to the distance of the flight disrupted and the delay at arrival]. PCY suggested compromise text. threshold(s)
Recital 24						
R	37	(24) In accordance with the Union's efforts to promote climate-neutral and environmentally friendly mobility, it is also appropriate to ensure that regulatory frameworks for passenger rights of transport modes converge to the extent possible and that the compensation provided between different modes of transport is levelled.		(24) In accordance with the Union's efforts to promote climate-neutral and environmentally friendly mobility, it is also appropriate to ensure that regulatory frameworks for passenger rights of transport modes converge to the extent possible and that the compensation provided between different modes of transport is levelled <u>The Flight Emissions Label established pursuant to Article 14 of Regulation (EU) 2023/2405 of the European Parliament and the Council¹ is at the disposal of the service providers should they want to display, in an easily accessible format on their websites and on tickets,</u>		(24) In accordance with the Union's efforts to promote climate-neutral and environmentally friendly mobility, it is also appropriate to ensure that regulatory frameworks for passenger rights of transport modes converge to the extent possible and that the compensation provided between different modes of transport is levelled. Providing for better transparency on the performance of transport services will give customers more information for their own choices. The Flight Emissions Label established pursuant to Article 14 of Regulation (EU) 2023/2405 of the European Parliament and the Council ¹ is at the

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
		<p><u>accurate and objective information regarding the environmental impact of their travel in a comparable way.</u></p> <p><u>1. Regulation (EU) 2023/2405 of the European Parliament and of the Council of 18 October 2023 on ensuring a level playing field for sustainable air transport (ReFuelEU Aviation) (OJ L, 2023/2405, 31.10.2023, ELI: http://data.europa.eu/eli/reg/2023/2405/oj).</u></p>	<p>disposal of air carriers to display, in an easily accessible format on their websites and on tickets, accurate and objective information regarding the environmental impact of their travel in a comparable way.</p> <p>PCY suggested compromise text.</p> <p>threshold(s)</p>
Recital 25			
Y	38 (25) To ensure legal certainty, Regulation (EC) No 261/2004 should explicitly confirm that the changing of flight schedules has a similar impact on passengers to cancellations or delays and should therefore give rise to the same rights.	(25) To ensure legal certainty, Regulation (EC) No 261/2004 should explicitly confirm that the changing of flight schedules has a similar impact on passengers to cancellations or delays <u>or denied boarding</u> and should therefore give rise to the same rights.	PCY suggests maintaining Council text.
Recital 26			
R	39 (26) Passengers who miss a connecting flight which is part of a journey as a result of a disruption on a previous flight should be properly assisted while waiting for rerouting. In such cases, in accordance with the principle of equal treatment, passengers should be entitled to compensation upon reaching the final destination of their alternative flight or transportation, on a similar basis to passengers experiencing disruptions on direct flights.	(26) Passengers who miss a connecting flight which is part of a journey as a result of a disruption, <u>a change of schedule or a delay</u> on a previous flight should be properly assisted while waiting for rerouting. In such cases, in accordance with the principle of equal treatment <u>and with the judgement of the European Court of Justice in Case C-11/11 (Air France v. Folkerts)</u> ¹ , passengers should be entitled to compensation upon reaching the final destination of their alternative flight or transportation, on a similar basis to passengers experiencing disruptions on direct flights <u>in</u>	PCY suggests maintaining Council text

	CLEAN	Council's 1st Reading	VS.EC	EP Position	CLEAN	Draft Agreement
				<p><u><i>light of the delay upon reaching the final destination of their journey.</i></u></p> <p><u><i>1. Judgment of the Court (Grand Chamber), 26 February 2013. Air France v Heinz-Gerke Folkerts and Luz-Tereza Folkerts, Case C- 11/11, ECLI:EU:C:2013:106.</i></u></p>		
Recital 26a						
R		39a		<p><u><i>(26a) Disabled passengers or passengers with reduced mobility who miss a connecting flight due to a delay caused by airport assistance services should be adequately cared for while they are waiting for re-routing. Such passengers should be able to claim compensation from the airport managing body on a similar basis to passengers whose flights are delayed or cancelled by the air carrier.</i></u></p>		<p>PRM</p> <p>PCY suggests adapting to the operative part.</p>
Recital 27						
G		40		<p>(27) At the time of booking and prior the purchase of the tickets, air carriers, or, where appropriate, the intermediaries, should clearly inform passengers whether their travel plans would be covered by a single air transport contract and of their rights under Regulation (EC) No 261/2004, particularly regarding missed connecting flights.</p> <p><u><i>1. To be negotiated under the enforcement Regulation.</i></u></p>		<p>(27) At the time of booking and prior the purchase of the tickets, air carriers, or, where appropriate, the intermediaries, should clearly inform passengers whether their travel plans would be covered by a single air transport contract and of their rights under Regulation (EC) No 261/2004, particularly regarding missed connecting flights.</p> <p><u>Text Origin: Council's 1st Reading</u></p>
Recital 28						
		41		<p>(28) In order to enhance passenger protection, it should be clarified that</p>		<p>(28) In order to enhance passenger protection, it should be clarified that</p>

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
	<p>passengers whose flight was delayed should benefit from rights to assistance and compensation irrespective of whether they are waiting in the airport terminal or are already seated on board the aircraft. However, as the latter have no access to the services available in the terminal, their rights should be reinforced with regard to basic needs and with regard to the right to disembark. The right to disembark may only be limited if there are safety, immigration, air traffic control or security-related reasons. If an air carrier is about to disembark passengers but is informed by air traffic control authorities that the flight is authorised to take-off imminently, it should be allowed to decline to disembark passengers.</p>	<p>passengers whose flight was delayed should benefit from rights to assistance and compensation irrespective of whether they are waiting in the airport terminal or are already seated on board the aircraft. However, as the latter have no access to the services available in the terminal, their rights should be reinforced with regard to basic needs and with regard to the right to disembark. <i>The right to disembark may only be limited if there are safety, immigration, air traffic control or security-related reasons. If an air carrier is about to disembark passengers but is informed by air traffic control authorities that the flight is authorised to take-off imminently, it should be allowed to decline to disembark passengers.</i></p>	<p>passengers whose flight was delayed should benefit from rights to assistance and compensation irrespective of whether they are waiting in the airport terminal or are already seated on board the aircraft. However, as the latter have no access to the services available in the terminal, their rights should be reinforced with regard to basic needs and with regard to the right to disembark. The right to disembark may only be limited if there are safety, immigration, air traffic control or security-related reasons. If an air carrier is about to disembark passengers but is informed by air traffic control authorities that the flight is authorised to take-off imminently, it should be allowed to decline to disembark passengers.</p> <p>tarmac delay</p> <p>Text Origin: Council's 1st Reading</p>
Recital 29			
42	<p>(29) Where a passenger has opted for rerouting at the earliest opportunity, the air carrier often makes the rerouting conditional upon the availability of seats on its own services, thereby denying its passengers the option of being rerouted more quickly by alternative services. Therefore, the carrier should also propose other options for rerouting, including to an alternative airport, by a different route, on another carrier's services or on other transport modes where this can speed</p>	<p>(29) Where a passenger has opted for rerouting at the earliest opportunity, the air carrier often makes the rerouting conditional upon the availability of seats on its own services, thereby denying its passengers the option of being rerouted more quickly by alternative services. Therefore, the carrier should also propose other options for rerouting, <i>including to an alternative airport, by a different route</i>, on another carrier's services <i>or on other transport modes</i> where this can speed</p>	<p>(29) Where a passenger has opted for rerouting at the earliest opportunity, the air carrier often makes the rerouting conditional upon the availability of seats on its own services, thereby denying its passengers the option of being rerouted more quickly by alternative services. Therefore, the carrier should also propose other options for rerouting, including to an alternative airport, by a different route, on another carrier's services or on other transport modes where this can speed</p>

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
	up rerouting. Alternative rerouting should be dependent upon the availability of seats. If the air carrier has not offered a rerouting and the cumulated waiting time is prolonged by at least three hours, the passenger should have the right to arrange his or her own rerouting in order to reach his or her final destination without further delay. That rerouting should be, subject to certain conditions, at the air carrier's expenses and provided under comparable transport conditions.	up rerouting. Alternative rerouting should be dependent upon the availability of seats. If the air carrier has not offered a rerouting and the cumulated waiting time is prolonged by at least three hours, the passenger should have the right to arrange his or her own rerouting in order to reach his or her final destination without further delay. That rerouting should be, subject to certain conditions, at the air carrier's expenses and provided under comparable transport conditions.	up rerouting. Alternative rerouting should be dependent upon the availability of seats. That rerouting should be, subject to certain conditions, at the air carrier's expenses and provided under comparable transport conditions. rerouting
Recital 30			
43	(30) When rerouting passengers, air carriers should seek to ensure that passengers can travel with their baggage, including checked and unchecked baggage. An air carrier should be allowed by the passenger to proceed otherwise if restrictions on baggage transportation could cause further delays to passengers awaiting rerouting, without prejudice to its liability in respect of passengers' baggage governed by Regulation (EC) No 2027/97 and by the Convention for the Unification of Certain Rules Relating to International Carriage by Air, agreed at Montreal on 28 May 1999 ('the Montreal Convention').	(30) When rerouting passengers, air carriers should seek to ensure that passengers can travel with their baggage, including checked and unchecked baggage. An air carrier should be allowed by the passenger to proceed otherwise if restrictions on baggage transportation could cause further delays to passengers awaiting rerouting, without prejudice to its liability in respect of passengers' baggage governed by Regulation (EC) No 2027/97 and by the Convention for the Unification of Certain Rules Relating to International Carriage by Air, agreed at Montreal on 28 May 1999 ('the Montreal Convention').	(30) When rerouting passengers, air carriers should seek to ensure that passengers can travel with their baggage, including checked and unchecked baggage. An air carrier should be allowed by the passenger to proceed otherwise if restrictions on baggage transportation could cause further delays to passengers awaiting rerouting, without prejudice to its liability in respect of passengers' baggage governed by Regulation (EC) No 2027/97 and by the Convention for the Unification of Certain Rules Relating to International Carriage by Air, agreed at Montreal on 28 May 1999 ('the Montreal Convention'). DLAs to check sequence as this recital corresponds to Regulation 2207/97 Text Origin: Council's 1st Reading
Recital 29a			

	CLEAN Council's 1st Reading	vs.EC EP Position	CLEAN Draft Agreement
44	<p>(31) Whether transport conditions are comparable could depend on a number of factors and on the particular circumstances. Where possible and where it does not entail further delay, passengers should not be downgraded to transport services of a lower class compared with the one on the reservation. Rerouting should be offered at no additional cost to the passenger, even if passengers are rerouted with another air carrier or on a different transport mode or in a higher class or at a higher fare than the one paid for the original service. Reasonable efforts should be made to avoid additional connections. When using another air carrier or an alternative mode of transport for rerouting, the total travel time should be as close as reasonably possible to the scheduled travel time of the original flight, in the same class of transport or a higher one if necessary. If several flights are available with comparable timings, passengers having the right to rerouting should accept the offer of rerouting made by the air carrier, including on those air carriers cooperating with the operating air carrier. If assistance for persons with disabilities or persons with reduced mobility was booked for the original flight, such assistance should also be available on the alternative route in accordance with Regulation (EC) No 1107/2006 of the European Parliament and of the Council¹.</p> <p><small>1. Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning</small></p>	<p>(31) Whether transport conditions are comparable could depend on a number of factors and on the particular circumstances. Where possible and where it does not entail further delay, passengers should not be downgraded to transport services of a lower class compared with the one on the reservation. Rerouting should be offered at no additional cost to the passenger, even if passengers are rerouted with another air carrier or on a different transport mode or in a higher class or at a higher fare than the one paid for the original service. Reasonable efforts should be made to avoid additional connections. When using another air carrier or an alternative mode of transport for rerouting, the total travel time should be as close as reasonably possible to the scheduled travel time of the original flight, in the same class of transport or a higher one if necessary. If several flights are available with comparable timings, passengers having the right to rerouting should accept the offer of rerouting made by the air carrier, including on those air carriers cooperating with the operating air carrier. If assistance for persons with disabilities or persons with reduced mobility was booked for the original flight, such assistance should also be available on the alternative route in accordance with Regulation (EC) No 1107/2006 of the European Parliament and of the Council¹.</p> <p><small>1. Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning</small></p>	<p>(29a) Whether transport conditions are comparable could depend on a number of factors and on the particular circumstances. Where possible and where it does not entail further delay, passengers should not be downgraded to transport services of a lower class compared with the one on the reservation. Rerouting should be offered at no additional cost to the passenger, even if passengers are rerouted with another air carrier or on a different transport mode or in a higher class or at a higher fare than the one paid for the original service. Reasonable efforts should be made to avoid additional connections. Persons with disabilities or persons with reduced mobility should not be subject to any additional connecting flight when rerouted, unless otherwise agreed by the passenger. The total travel time should be as close as reasonably possible to the scheduled travel time of the original flight, taking into account the options available at the airport where the disruption occurred, in the same class of transport or a higher one if necessary. If several flights are available with comparable timings, passengers having the right to rerouting should accept the offer of rerouting made by the air carrier, including on those air carriers cooperating with the operating air carrier. If the operating air carrier provides the passenger with rerouting under comparable transport conditions, the passenger should accept such rerouting. If the operating air carrier provides the passenger</p>

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
	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).	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).	with rerouting options which are not under comparable transport conditions, the passenger could refuse such rerouting. The right to rerouting, including self-rerouting, should be maintained. If assistance for persons with disabilities or persons with reduced mobility was booked for the original flight, such assistance should also be available on the alternative route in accordance with Regulation (EC) No 1107/2006 of the European Parliament and of the Council. rerouting
Recital 29b			
44a			(29b) <i>Where a passenger informed the operating air carrier of his or her choice to continue his or her journey, and if the operating air carrier has not offered within three hours a rerouting under comparable transport conditions, the passenger should have the right to arrange his or her own rerouting in order to reach his or her final destination without further delay. However, the passenger should remain entitled to rerouting by the operating air carrier until the passenger has informed the operating air carrier of his or her decision to arrange his or her own rerouting. When arranging their own rerouting, the passengers should limit the expenses to those that are necessary, reasonable and appropriate.</i>

	CLEAN	Council's 1st Reading	VS.EC	EP Position	CLEAN	Draft Agreement
						rerouting
Recital 31b						
44b						(31b) Assistance could be limited or declined if its provision would itself cause further delay to passengers awaiting a delayed flight or the rerouting. If a flight is delayed late in the evening but can be expected to depart <i>within a short period of time</i> and if dispatching passengers to hotels and bringing them back to the airport in the middle of the night could lead to a much longer delay, the air carrier should be allowed to decline to provide hotel accommodation and corresponding transfers. Similarly, if an air carrier is about to <i>provide</i> food and drinks but is informed that the flight is ready for boarding, it should be allowed to decline to provide this assistance. Apart from these cases, this limitation should be applied only in very exceptional cases, as every effort should be made to reduce the inconvenience suffered by passengers.
Recital 32						
45	(32) Air carriers should offer assistance to passengers from the scheduled time of departure until the departure of their flight or alternative transportation. Air carriers currently face unlimited liability for the accommodation of their passengers in the case where the extraordinary circumstances persist for a long	(32) Air carriers should offer assistance to passengers from the scheduled time of departure until the departure of their flight or <i>alternative transportation</i> . Air carriers currently face unlimited liability for the accommodation of their passengers in the case where the extraordinary circumstances persist				Recital to be adapted to the operative part. extraordinary circumstances

	CLEAN	VS.EC	EP Position	CLEAN	Draft Agreement
			<p>period of time. This uncertainty linked with the absence of any foreseeable limit in time may risk endangering a carrier's financial stability, with consequential negative effects for passengers in terms of connectivity. An air carrier should therefore be able to limit the provision of accommodation to three nights. Moreover, contingency planning and speedy rerouting should lessen the risk of passengers being stranded for long periods.</p>		<p>for a long period of time. <i>This uncertainty linked with the absence of any foreseeable limit in time may risk endangering a carrier's financial stability, with consequential negative effects for passengers in terms of connectivity.</i> An air carrier should therefore be able to limit the provision of <u>care as regards the duration of accommodation and, in cases where passengers arrange the accommodation themselves, as regards costs and care to five</u>to three nights. Moreover, contingency planning and speedy rerouting should lessen the risk of passengers being stranded for long periods.</p>
Recital 33					
R	46		<p>(33) Passengers with specific needs such as persons with disabilities, persons with reduced mobility, unaccompanied children, infants, pregnant women and persons in need of specific medical assistance such as people with severe diabetes or epilepsy, may require specific attention by the operating air carrier. In particular, it may be more difficult to arrange accommodation when flight disruptions occur. Therefore, any limitations on the right to be provided with accommodation in cases of extraordinary circumstances should not apply to these categories of passenger provided they have informed the operating air carrier in due time.</p>		<p>(33) Passengers with specific needs such as persons with disabilities, persons with reduced mobility, unaccompanied children, infants, pregnant women and persons in need of specific medical assistance such as people with severe diabetes or epilepsy, may require specific attention by the operating air carrier. In particular, it may be more difficult to arrange accommodation when flight disruptions occur. Therefore, any limitations on the right to be provided with accommodation in cases of extraordinary circumstances should not<u>on no account</u> apply to these categories of passenger <i>provided they have informed the operating air carrier in due time.</i></p> <p>Recital to be adapted to the operative part PRM</p>
Recital 33a					
R	46a		<p><u>(33a) The service providers should ensure that persons with disabilities and persons with</u></p>		<p>PCY suggests deletion as this recital does not correspond to any operative provision.</p>

	CLEAN Council's 1st Reading	vs.EC EP Position	CLEAN Draft Agreement
		<u>reduced mobility have the right, at all times, to use safety-approved respiratory devices on aircraft, free of charge. The Commission should draw up a list of approved medical oxygen equipment in cooperation with the industry and organisations representing persons with disabilities and persons with reduces mobility, taking due account of safety requirements.</u>	PRM
Recital 34			
47	<p>(34) Regulation (EC) No 261/2004 also applies to passengers who have booked their air transport as part of a package travel. This amending Regulation aims to further improve the coherence between Directive (EU) 2015/2302 of the European Parliament and of the Council¹ and Regulation (EC) No 261/2004. In that regard, passengers should not be allowed to cumulate corresponding rights, in particular under both legal acts.</p> <p>¹ 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).</p>	<p>(34) Regulation (EC) No 261/2004 also applies to passengers who have booked their air transport as part of a package travel. This amending Regulation aims to further improve the coherence between Directive (EU) 2015/2302 of the European Parliament and of the Council¹ and Regulation (EC) No 261/2004. In that regard, passengers should <u>be able to choose under which of those two legal acts they introduce their claims, but should not have the right</u>not be allowed to cumulate corresponding rights, in particular <u>compensation for the same problem</u> under both legal acts. <u>Air carriers and tour operators should give passengers the evidence necessary for them to finalise their claims without delay.</u></p> <p>¹ 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</p>	<p>(34) Regulation (EC) No 261/2004 also applies to passengers who have booked their air transport as part of a package travel. This amending Regulation aims to further improve the coherence between Directive (EU) 2015/2302 of the European Parliament and of the Council and Regulation (EC) No 261/2004. <i>In that regard, passengers should be able to choose under which of those two legal acts they introduce their claims and, where appropriate, make claims under both legal acts. A passenger who has booked air transport as part of a package may make claims under both legal acts where, for example, the passenger received a compensation from the air carrier for a delayed flight, but is entitled to a price reduction or compensation to be granted by the organiser for specific services, such as a hotel night, meals, an excursion or other events, missed as a consequence of the delayed flight. However, passengers should not be allowed to cumulate rights insofar as the relevant</i></p>

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
		L 326, 11.12.2015, p. 1, ELI: http://data.europa.eu/eli/dir/2015/2302/oj .	<i>compensation or price reduction granted under both acts safeguards the same interest or have the same objective. If passengers introduce their claim with the air carrier, the air carrier should pay the full amount of the compensation due under Regulation (EC) No 261/2004. If passengers make a claim under Directive (EU) 2015/2302, the compensation paid by the air carrier should be deducted from payments due under Directive (EU) 2015/2302 insofar as the underlying rights safeguard the same interest or have the same objective.</i>
			PTD Text Origin: Council's 1st Reading
Recital 35			
48	(35) The reasons for the current level of delays and cancelled flights in the Union are not attributable solely to air carriers. In order to incentivise all actors in the aviation chain to seek efficient and timely solutions to minimise the inconvenience that delays and cancellations cause to passengers, the right of air carriers to seek redress from any third party which contributed to the event triggering compensation or other obligations should not be restricted by Regulation (EC) No 261/2004.	(35) The reasons for the current level of delays and cancelled flights in the Union are not attributable solely to air carriers. In order to incentivise all actors in the aviation chain to seek efficient and timely solutions to minimise the inconvenience that delays and cancellations cause to passengers, the right of air carriers to seek redress from any third party which contributed to the event triggering compensation or other obligations should not be restricted by Regulation (EC) No 261/2004.	(35) The reasons for the current level of delays and cancelled flights in the Union are not attributable solely to air carriers. In order to incentivise all actors in the aviation chain to seek efficient and timely solutions to minimise the inconvenience that delays and cancellations cause to passengers, the right of air carriers to seek redress from any third party which contributed to the event triggering compensation or other obligations should not be restricted by Regulation (EC) No 261/2004.
			Text Origin: Council's 1st Reading
Recital 36			

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
49	<p>(36) In its judgment in Case C- 502/18 (CS and Others v České aerolinie a.s.)¹ on the interpretation of Regulation (EC) No 261/2004, the Court of Justice held that, in the case of connecting flights, within the scope of that Regulation, any operating air carrier which participated in the performance of at least one of those connecting flights is liable to compensate the passenger under that Regulation whether or not the flight which that air carrier operated was disrupted. Even if Regulation (EC) No 261/2004 provides that operating carriers fulfilling duties under it may seek compensation from any third party, the Study has shown poor effectiveness of the right of redress provided for in that Regulation. As a result, Union air carriers bear a disproportionate financial burden compared to third country air carriers. With a view to restoring Union air carriers' competitiveness in accordance with the recommendations of the report entitled 'Future of European competitiveness' of September 2024 ('Draghi report'), and to maintaining, in the long run, connectivity, the revision of Regulation (EC) No 261/2004 should therefore limit the liability of an air carrier to the flights it operates as operating air carrier.</p> <p><small>1. Judgment of the Court (Ninth Chamber) of 11 July 2019, CS and Others v České aerolinie a.s., Case C-502/18, ECLI:EU:C:2019:604.</small></p>	<p>(36) In its judgment in Case C- 502/18 (CS and Others v České aerolinie a.s.)¹ on the interpretation of Regulation (EC) No 261/2004, the Court of Justice held that, in the case of connecting flights, within the scope of that Regulation, any operating air carrier which participated in the performance of at least one of those connecting flights is liable to compensate the passenger under that Regulation whether or not the flight which that air carrier operated was disrupted. Even if Regulation (EC) No 261/2004 provides that operating carriers fulfilling duties under it may seek compensation from any third party, the Study has shown poor effectiveness of the right of redress provided for in that Regulation. As a result, Union air carriers bear a disproportionate financial burden compared to third country air carriers. With a view to restoring Union air carriers' competitiveness in accordance with the recommendations of the report entitled 'Future of European competitiveness' of September 2024 ('Draghi report'), and to maintaining, in the long run, connectivity, the revision of Regulation (EC) No 261/2004 should therefore limit the liability of an air carrier to the flights it operates as operating air carrier.</p> <p><small>1. Judgment of the Court (Ninth Chamber) of 11 July 2019, CS and Others v České aerolinie a.s., Case C-502/18, ECLI:EU:C:2019:604.</small></p>	<p>PCY suggests maintaining Council text.</p> <p>scope</p>
Recital 37			

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
50	<p>(37) Regulation (EC) No 2111/2005 of the European Parliament and of the Council¹ requires the air carriage contractor to inform the passenger of the identity of the operating air carrier and Council Directive 93/13/EEC² requires the seller or supplier to provide information to the consumer on the terms and conditions of the contract. Passengers should be informed in more detail about their rights in cases of flight disruption, and should also be adequately informed about the cause of the disruption itself, as soon as the information becomes available. That information should also be provided where the passenger has acquired the ticket through an intermediary established in the Union. That information should, at a minimum, be provided by the air carrier or the intermediary in an accessible format and, where appropriate, through so-called 'push' notifications from mobile applications or by other digital means.</p> <p>1. 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).</p> <p>2. Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts (OJ L 95, 21.4.1993, p. 29, ELI: http://data.europa.eu/eli/dir/1993/13/oj).</p>	<p>(37) Regulation (EC) No 2111/2005 of the European Parliament and of the Council¹ requires the air carriage contractor to inform the passenger of the identity of the operating air carrier and Council Directive 93/13/EEC² requires the seller or supplier to provide information to the consumer on the terms and conditions of the contract. Passengers should be informed in more detail about their rights in cases of flight disruption, and should also be adequately informed about the cause of the disruption itself, as soon as the information becomes available. <u>That information should also be provided <i>by the air carrier</i> where the passenger has acquired the ticket through an intermediary established in the Union. That information should, at a minimum, be provided by the air carrier or the intermediary in an accessible format and, where appropriate, through so-called 'push' notifications from mobile applications or by other digital means.</u>³</p> <p>1. 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).</p> <p>2. Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts (OJ L 95, 21.4.1993, p. 29, ELI: http://data.europa.eu/eli/dir/1993/13/oj).</p> <p><u>3. <i>All provisions on intermediaries should be negotiated under the enforcement Regulation.</i></u></p>	<p>Negotiated under the enforcement file. information</p>
	Recital 38		

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
R	51 (38) In order to ensure better enforcement of passenger rights, the national enforcement bodies should monitor the enforcement of Regulation (EC) No 261/ 2004 and decide on appropriate sanctions to incentivise compliance with that Regulation.	(38) In order to ensure better enforcement of passenger rights, the national enforcement bodies should monitor the enforcement of Regulation (EC) No 261/ 2004 and decide on appropriate sanctions to incentivise compliance with that Regulation.	Negotiated under the enforcement file. enforcement
Recital 38a			
R	51a	<u>(38a) The Special Report 15/2021 of the European Court of Auditors concluded that national enforcement bodies lack a good overview of operators' compliance with passenger rights. The Commission in its evaluations also concluded that the overall approach of national enforcement bodies toward monitoring the implementation of the Regulations varies significantly: while some national enforcement bodies tend to be very proactive, others seem only to react to complaints which they receive. To address these shortcomings and to ensure better enforcement of passenger rights, enforcement mechanisms should be strengthened by granting national enforcement bodies independence, establishing a cross-border cooperation mechanism, enhancing their power to obtain information from carriers, and implementing a more effective penalty regime.</u>	Negotiated under the enforcement file. enforcement
Recital 39			
R	52 (39) In order to ensure better enforcement of passenger rights, Member States should ensure that consumers have access to	(39) In order to ensure better enforcement of passenger rights, Member States should ensure that consumers have access to	Negotiated under the enforcement file. enforcement

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
	mechanisms for an out-of-court resolution of disputes after those consumers have unsuccessfully complained or submitted a request to the air carrier or the intermediary. Those mechanisms should be without prejudice to the right of the Member States to determine whether the participation of the air carriers or intermediaries should be mandatory.	mechanisms for an out-of-court resolution <u>out-of-court-resolution</u> of disputes after those consumers have unsuccessfully complained or submitted a request to the air carrier or the intermediary. Those mechanisms should be without prejudice to the right of the Member States to determine whether The participation of the air carriers or <u>[and]</u> intermediaries <u>[under the scope of this Regulation in alternative dispute resolution procedures]</u> should be mandatory <u>and their decisions binding</u> .	
	Recital 39a		
R	52a	<u>(39a) As commercial aviation is an integrated Union market, measures to guarantee enforcement of this Regulation should be more effective at Union level with increased involvement of the Commission. Specifically, the Commission should increase public awareness of compliance by air carriers with passenger rights requirements by publishing a list of carriers that systematically fail to comply with this Regulation.</u>	Negotiated under the enforcement file. enforcement
	Recital 40		
G	53	(40) When passengers choose to be reimbursed as opposed to being rerouted, they should be automatically reimbursed, in a timely manner, without an obligation to submit a dedicated request.	(40) When passengers choose to be reimbursed as opposed to being rerouted, they should be automatically reimbursed, in a timely manner, without an obligation to submit a dedicated request. <small>Text Origin: Council's 1st Reading</small>
	Recital 41		

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
54	(41) Passengers should be adequately informed by the air carrier or the intermediary about the relevant procedures for submitting requests for compensation and complaints to air carriers or the intermediaries and should receive a reply from the air carriers or the intermediaries within a timely manner. Where the airport managing body activates its airport contingency plan, deadlines for replying could be extended.	(41) Passengers should be adequately informed by the air carrier or the intermediary about the relevant procedures for submitting requests for compensation and complaints to air carriers or the intermediaries and should receive a reply from the air carriers or the intermediaries within a timely manner. Where the airport managing body activates its airport contingency plan, deadlines for replying could be extended.	(41) Passengers should be adequately informed by the air carrier or the intermediary about the relevant procedures for submitting requests for compensation and complaints to air carriers or the intermediaries and should receive a reply from the air carriers or the intermediaries within a timely manner. Where the airport managing body activates its airport contingency plan, deadlines for replying could be extended. <small>Text Origin: Council's 1st Reading</small>
Recital 42			
55	(42) Passengers should also have the option to submit individual disputes to a body or bodies responsible for the out-of-court resolution of disputes following complaints to the air carrier. However, since the right to an effective remedy before a tribunal is a fundamental right recognised in Article 47 of the Charter of Fundamental Rights of the European Union, those measures should neither prevent nor hinder passengers' access to courts.	(42) Passengers should also have the option to submit individual disputes to a body or bodies responsible for the out-of-court resolution of disputes following complaints to the air carrier. However, since the right to an effective remedy before a tribunal is a fundamental right recognised in Article 47 of the Charter of Fundamental Rights of the European Union, those measures should neither prevent nor hinder passengers' access to courts.	(42) Passengers should also have the option to submit individual disputes to a body or bodies responsible for the out-of-court resolution of disputes following complaints to the air carrier. However, since the right to an effective remedy before a tribunal is a fundamental right recognised in Article 47 of the Charter of Fundamental Rights of the European Union, those measures should neither prevent nor hinder passengers' access to courts. <small>Text Origin: Council's 1st Reading</small>
Recital 43			
56	(43) In order to enable passengers to exercise their rights regarding requests, complaints and individual disputes, passengers should be able to directly and personally make an application to the air carriers,	(43) In order to enable passengers to exercise their rights regarding requests, complaints and individual disputes, passengers should be able to directly and personally make an application to the air carriers,	(43) In order to enable passengers to exercise their rights regarding requests, complaints and individual disputes, passengers should be able to directly and personally make an application to the air carriers,

	CLEAN Council's 1st Reading	vs.EC EP Position	CLEAN Draft Agreement
	intermediaries, or the relevant bodies under Regulation (EC) No 261/2004, in a clear and accessible manner.	intermediaries, or the relevant bodies under Regulation (EC) No 261/2004, in a clear and accessible manner.	intermediaries, or the relevant bodies under Regulation (EC) No 261/2004, in a clear and accessible manner. Text Origin: Council's 1st Reading
Recital 44			
57	<p>(44) Having regard to the United Nations Convention on the Rights of Persons with Disabilities¹, and in order to ensure that the damage to, destruction or loss of mobility equipment or the injury to or death of a recognised assistance dog is compensated to its full replacement cost, air carriers should offer to persons with disabilities and persons with reduced mobility, as defined in Regulation (EC) No 1107/2006, the opportunity to make a special declaration of interest free of charge, which pursuant to the Montreal Convention allows them to seek full compensation.</p> <p><small>1. OJ L 23, 27.1.2010, p. 37, ELI: http://data.europa.eu/eli/dec/2010/48(1)/oj.</small></p>	<p>(44) Having regard to the United Nations Convention on the Rights of Persons with Disabilities¹, and in order to ensure that the damage to, destruction or loss of mobility equipment or the injury to or death of a recognised assistance dog is compensated to its full replacement cost, air carriers should offer to persons with disabilities and persons with reduced mobility, as defined in Regulation (EC) No 1107/2006, the opportunity to make a special declaration of interest free of charge, which pursuant to the Montreal Convention allows them to seek full compensation <i>for loss or damage</i>. <i>Air carriers should inform passengers of that declaration and of the related rights whenever they make a ticket booking.</i></p> <p><small>1. OJ L 23, 27.1.2010, p. 37, ELI: http://data.europa.eu/eli/dec/2010/48(1)/oj.</small></p>	<p>PCY suggests adapting to the operative part, once agreed.</p> <p>PRM</p>
Recital 45			
58	<p>(45) The person with disabilities and the person with reduced mobility should be entitled to immediately receive a temporary replacement of mobility equipment from the air carrier to replace checked mobility equipment</p>	<p>(45) The person with disabilities and the person with reduced mobility should be entitled to immediately receive a temporary replacement of mobility equipment from the air carrier to replace checked mobility equipment</p>	<p>(45) The person with disabilities and the person with reduced mobility should be entitled to immediately receive a temporary replacement of mobility equipment from the air carrier to replace checked mobility equipment</p>

	CLEAN Council's 1st Reading	vs.EC EP Position	CLEAN Draft Agreement
	in the case of loss of, destruction or damage to the checked mobility equipment. Given that recognised assistance dogs cannot be easily replaced, other temporary solutions should be provided where a recognised assistance dog is lost, dies or is injured.	in the case of loss of, destruction or damage to the checked mobility equipment. Given that recognised assistance dogs cannot be easily replaced, other temporary solutions should be provided where a recognised assistance dog is lost, dies or is injured.	in the case of loss of, destruction or damage to the checked mobility equipment. Given that recognised assistance dogs cannot be easily replaced, other temporary solutions should be provided where a recognised assistance dog is lost, dies or is injured. Text Origin: Council's 1st Reading
Recital 46			
59	(46) It is not always clear to passengers which baggage they are allowed to take on board an aircraft, in terms of dimensions, weight or number of items permitted. In order to ensure that passengers are fully aware of the baggage allowances included in their ticket, both for unchecked and checked baggage, air carriers should clearly indicate these allowances at booking and at the airport. In order to ensure sufficient personal comfort during passengers' travel, and as recognised by the Court of Justice in its judgment in Case C- 487/12 (Vueling Airlines SA v Instituto Galego de Consumo de la Xunta de Galicia) ¹ , passengers should be allowed to take personal items constituting a necessary aspect of their carriage into the cabin at no cost, provided that the personal items comply with applicable safety and security requirements and meet reasonable requirements in terms of weight and dimensions. Personal items constituting a necessary aspect of the carriage of passengers are understood to be those items that are essential for the duration of the journey and	(46) It is not always clear to passengers which baggage they are allowed to take on board an aircraft, in terms of dimensions, weight or number of items permitted. In order to ensure that passengers are fully aware of the baggage allowances included in their ticket, both for unchecked and checked baggage, air carriers should clearly indicate these allowances at booking and at the airport. In order to ensure sufficient personal comfort during passengers' travel, and as recognised by the Court of Justice in its judgment in Case C- 487/12 (Vueling Airlines SA v Instituto Galego de Consumo de la Xunta de Galicia)¹, passengers should be allowed to take personal items constituting a necessary aspect of their carriage into the cabin at no cost, provided that the personal items comply with applicable safety and security requirements and meet reasonable requirements in terms of weight and dimensions. Personal items constituting a necessary aspect of the carriage of passengers are understood to be those items that are essential for the duration of the journey and	PCY suggests adapting to the operative part, once agreed. baggage

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
	<p>may include passports and other travel documents, essential medicines, personal devices and reading materials as well as food and beverage appropriate to the duration of the flight.</p> <p>1. Judgment of the Court (Fifth Chamber) of 18 September 2014, Vueling Airlines SA v Instituto Galego de Consumo de la Xunta de Galicia, Case C-487/12, ECLI:EU:C:2014:2232.</p>	<p>may include passports and other travel documents, essential medicines, personal devices and reading materials as well as food and beverage appropriate to the duration of the flight.</p> <p>1. Judgment of the Court (Fifth Chamber) of 18 September 2014, Vueling Airlines SA v Instituto Galego de Consumo de la Xunta de Galicia, Case C-487/12, ECLI:EU:C:2014:2232.</p>	
Recital 46a			
59a		<p><u>(46a) Regulation (EC) No 261/2004 should ensure its objective of raising standards of protection and of information for passengers, strengthening their rights and ensuring that air carriers operate under harmonised conditions, including hand baggage dimensions. In accordance with the judgement of the Court of Justice in case C-487/12 (Vueling Airlines SA v Instituto Galego de Consumo de la Xunta de Galicia Vueling)¹, hand baggage (i.e. baggage that is not checked in) should be considered as constituting a ‘necessary aspect’ of the carriage of passengers on condition that such baggage meets ‘reasonable requirements’ in terms of its weight and dimensions, and that its carriage should not, therefore, be made subject to a price supplement. Airlines should also communicate carry-on baggage dimensions clearly to passengers.</u></p> <p><u>1. Judgment of the Court (Fifth Chamber) of 18 September 2014, Vueling Airlines SA v Instituto Galego</u></p>	<p>PCY suggests adapting to the operative part, once agreed.</p> <p>baggage</p>

	CLEAN	Council's 1st Reading	VS.EC	EP Position	CLEAN	Draft Agreement
				de Consumo de la Xunta de Galicia, Case C-487/12, ECLI:EU:C:2014:2232.		
	Recital 46b					
R	59b			<u><i>(46b) Greater clarity should be provided where a personal item or hand baggage is left behind or lost in the aircraft cabin in order to facilitate the handling of such requests, ensuring a streamlined process and preventing any additional burden or miscommunication for passengers.</i></u>		PCY suggests not retaining EP text since it does not correspond to any operative provision. baggage liability
	Recital 47					
R	60	(47) Passengers should be informed at booking, in clear and accessible format, of the maximum dimensions and weight of the baggage they can bring with them in the cabin. Without prejudice to the freedom of pricing principle, air carriers should define a reasonable policy in terms of dimensions of hand baggage which enables passengers to take a piece of hand baggage into the cabin, provided that it complies with applicable safety and security requirements. Given the diversity of the air carriers' policies, it is appropriate that in the review of Regulation (EC) No 1008/2008 of the European Parliament and of the Council ¹ , the feasibility of setting up uniform minimal rules for hand baggage should be assessed. ¹ . Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the		<i>(47) Passengers should be informed at booking, in clear and accessible format, of the maximum dimensions and weight of the baggage they can bring with them in the cabin. Without prejudice to the freedom of pricing principle, air carriers should define a reasonable policy in terms of dimensions of hand baggage which enables passengers to take a piece of hand baggage into the cabin, provided that it complies with applicable safety and security requirements. Given the diversity of the air carriers' policies, it is appropriate that in the review of Regulation (EC) No 1008/2008 of the European Parliament and of the Council¹, the feasibility of setting up uniform minimal rules for hand baggage should be assessed.</i> <i>1. Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the</i>		PCY suggests adapting to the operative part. baggage

	CLEAN	Council's 1st Reading	VS.EC	EP Position	CLEAN	Draft Agreement
		Community (OJ L 293, 31.10.2008, p. 3, ELI: http://data.europa.eu/eli/reg/2008/1008/oj).		Community (OJ L 293, 31.10.2008, p. 3, ELI: http://data.europa.eu/eli/reg/2008/1008/oj).		
Recital 48						
	61	(48) Musical instruments can be of immense monetary, artistic and historical value. Moreover, musical instruments are the tools of musicians' trade used regularly for rehearsal and performance and cannot be easily replaced. Therefore, passengers should be entitled to carry musical instruments into the cabin under their own responsibility, provided those instruments respect capacity, safety and security rules and the air carrier's maximum baggage allowance policy. When capacity, safety and security requirements are fulfilled, the air carrier should endeavour to allow passengers to carry musical instruments on additional seats, provided that the corresponding fares have been paid. Where this is not possible, musical instruments should, where possible, be carried under the appropriate conditions in the cargo compartment of the aircraft. Therefore, Regulation (EC) No 2027/97 should be amended accordingly.		(48) Musical instruments can be of immense monetary, artistic and historical value. Moreover, musical instruments are the tools of musicians' trade used regularly for rehearsal and performance and cannot be easily replaced. Therefore, passengers should be entitled to carry musical instruments into the cabin under their own responsibility, provided those instruments respect capacity, safety and security rules and the air carrier's maximum baggage allowance policy. <u>In order to allow the passengers concerned to assess whether their musical instrument can be stored in the cabin, air carriers should inform them about the size of storage facilities.</u> When capacity, safety and security requirements are fulfilled, the air carrier should endeavour to allow passengers to carry musical instruments on additional seats, provided that the corresponding fares have been paid. Where this is not possible, musical instruments should, where possible, be carried under the appropriate conditions in the cargo compartment of the aircraft. Therefore, Regulation (EC) No 2027/97 should be amended accordingly.		PCY suggests maintaining Council's text. baggage
Recital 49						
	62	(49) Given the short deadlines for the submission of complaints for the rights and		(49) Given the short deadlines for the submission of complaints for the rights and		(49) Given the short deadlines for the submission of complaints for the rights and

	CLEAN Council's 1st Reading	vs.EC EP Position	CLEAN Draft Agreement
	obligations covered by Regulation (EC) No 2027/97, air carriers should provide passengers with the possibility to submit a complaint by providing them with a complaint form in formats which are accessible to persons with disabilities and persons who do not use digital tools. Air carriers should, at a minimum, make the complaint form available on the air carriers' mobile applications and on their websites. That complaint form should allow the passenger to immediately file a complaint about damaged, delayed or lost baggage.	obligations covered by Regulation (EC) No 2027/97, air carriers should provide passengers with the possibility to submit a complaint by providing them with a complaint form in formats which are accessible to persons with disabilities and persons who do not use digital tools. Air carriers should, at a minimum, make the complaint form available on the air carriers' mobile applications and on their websites. That complaint form should allow the passenger to immediately file a complaint about damaged, delayed or lost baggage.	obligations covered by Regulation (EC) No 2027/97, air carriers should provide passengers with the possibility to submit a complaint by providing them with a complaint form in formats which are accessible to persons with disabilities and persons who do not use digital tools. Air carriers should, at a minimum, make the complaint form available on the air carriers' mobile applications and on their websites. That complaint form should allow the passenger to immediately file a complaint about damaged, delayed or lost baggage. Text Origin: Council's 1st Reading
Recital 50			
63	(50) Article 3(2) of Regulation (EC) No 2027/97 has become obsolete as insurance matters are now regulated by Regulation (EC) No 785/2004 of the European Parliament and of the Council ¹ . It should therefore be deleted. 1. Regulation (EC) No 785/2004 of the European Parliament and of the Council of 21 April 2004 on insurance requirements for air carriers and aircraft operators (OJ L 138, 30.4.2004, p. 1, ELI: http://data.europa.eu/eli/reg/2004/785/oj).	(50) Article 3(2) of Regulation (EC) No 2027/97 has become obsolete as insurance matters are now regulated by Regulation (EC) No 785/2004 of the European Parliament and of the Council ¹ . It should therefore be deleted. 1. Regulation (EC) No 785/2004 of the European Parliament and OJ L 165, 18.6.2013, pp. 63 OJ L 165, 18.6.2013, pp. 63 of the Council of 21 April 2004 on insurance requirements for air carriers and aircraft operators (OJ L 138, 30.4.2004, p. 1 <u>1</u> , ELI: http://data.europa.eu/eli/reg/2004/785/oj). Difference to be checked by lawyer-linguists	(50) Article 3(2) of Regulation (EC) No 2027/97 has become obsolete as insurance matters are now regulated by Regulation (EC) No 785/2004 of the European Parliament and of the Council ¹ . It should therefore be deleted. 1. Regulation (EC) No 785/2004 of the European Parliament and of the Council of 21 April 2004 on insurance requirements for air carriers and aircraft operators (OJ L 138, 30.4.2004, p. 1, ELI: http://data.europa.eu/eli/reg/2004/785/oj). Text Origin: Council's 1st Reading
Recital 51			
R 64	(51) It is necessary that the monetary limits referred to in the Annex to Regulation (EC) No 2027/97 be regularly amended by air carriers in	(51) It is necessary that the monetary limits referred to in the Annex to Regulation (EC) No 2027/97 be regularly amended by air carriers	PCY suggests maintaining Council text. baggage liability

	CLEAN Council's 1st Reading	vs.EC EP Position	CLEAN Draft Agreement
	order to take into account economic developments, as reviewed by the International Civil Aviation Organization (ICAO) pursuant to Article 24(2) of the Montreal Convention.	<i>in order to take into account economic developments, as reviewed by the International Civil Aviation Organization (ICAO) pursuant to Article 24(2) of the Montreal Convention.</i>	
Recital 52			
R 65	(52) The Draghi report emphasised the critical role of transport for Union competitiveness. It also outlined the risk of business diversion, resulting from asymmetric regulations, from transport hubs in the Union to hubs in the Union's neighbourhood. Regulation (EC) No 261/2004 applies to passengers departing from an airport located in a third country to an airport situated in the territory of a Member State to which the Treaties apply, only if the operating air carrier of the flight concerned is a Union air carrier. Within three years of the application of Regulation (EC) No 261/2004, the Commission should assess the feasibility of revising the scope of that Regulation with a view to further enhancing the level of passengers' protection and the level playing field between Union and third country air carriers.	<i>(52) The Draghi report emphasised the critical role of transport for Union competitiveness. It also outlined the risk of business diversion, resulting from asymmetric regulations, from transport hubs in the Union to hubs in the Union's neighbourhood. Regulation (EC) No 261/2004 applies to passengers departing from an airport located in a third country to an airport situated in the territory of a Member State to which the Treaties apply, only if the operating air carrier of the flight concerned is a Union air carrier. Within three years of the application of Regulation (EC) No 261/2004, the Commission should assess the feasibility of revising the scope of that Regulation with a view to further enhancing the level of passengers' protection and the level playing field between Union and third country air carriers.</i>	PCY suggests maintaining Council text. scope
Recital 53			
R 66	(53) A mechanism to safeguard passengers in the event of air carrier insolvency should be assessed in the context of the revision of Regulation (EC) No 1008/2008.	<i>(53) A mechanism to safeguard passengers in the event of air carrier insolvency should be assessed in the context of the revision of Regulation (EC) No 1008/2008.</i>	PCY suggests maintaining Council text. contingency
Recital 53a			

	CLEAN	Council's 1st Reading	VS.EC	EP Position	CLEAN	Draft Agreement
R		66a		<u><i>(53a) The financial protection of passengers in the event of airline failure is a key component of an effective passenger rights regime. In order to strengthen air passengers' protection in the event of cancellations of flights due to the insolvency of an air carrier or the suspension of an air carrier's operations due to the revocation of its operating licence, air carriers should be obliged to provide sufficient evidence of security for the reimbursement of passengers or their repatriation.</i></u>		PCY suggests not retaining EP text. contingency
Recital 53b						
R		66b		<u><i>(53b) The creation of a guarantee fund or a compulsory insurance scheme should for example enable air carriers to ensure that passengers can be reimbursed or repatriated when their flights are cancelled due to the insolvency of an air carrier or the suspension of its operations as the result of the revocation of its operating licence.</i></u>		PCY suggests not retaining EP text. contingency
Recital 54						
R		67	(54) Greenland is subject to particularly harsh meteorological conditions, and is characterised by very low population density and the remoteness of its populated places. To ensure connectivity and to maintain the availability of flights within Greenland, flights within Greenland should not be covered by the obligations regarding compensation, including where those flights are connecting flights	<i>(54) Greenland is subject to particularly harsh meteorological conditions, and is characterised by very low population density and the remoteness of its populated places. To ensure connectivity and to maintain the availability of flights within Greenland, flights within Greenland should not be covered by the obligations regarding compensation, including where those flights are connecting flights</i>		PCY suggests maintaining Council text. scope

	CLEAN	Council's 1st Reading	VS.EC	EP Position	CLEAN	Draft Agreement
		which arrive at or depart from the territory of a Member State to which the Treaties apply.		which arrive at or depart from the territory of a Member State to which the Treaties apply.		
Recital 55						
R	68	(55) Regulation (EC) No 261/2004 should be without prejudice to the status of and sovereignty over the isthmus of Gibraltar in which the airport of Gibraltar is located and the legal position of the Kingdom of Spain in that regard. Taking into account the current circumstances and in order to provide legal certainty, it should be specified that the rules in Regulation (EC) No 261/2004 should only apply to Gibraltar airport when, following a settlement of the dispute between the Kingdom of Spain and the United Kingdom, the Kingdom of Spain is in a position to exercise effective control over the airport of Gibraltar and to ensure the application of the rules set out in Regulation (EC) No 261/2004 to that airport and a notification of the resolution of the dispute has been published in the Official Journal of the European Union.		(55) Regulation (EC) No 261/2004 should be without prejudice to the status of and sovereignty over the isthmus of Gibraltar in which the airport of Gibraltar is located and the legal position of the Kingdom of Spain in that regard. Taking into account the current circumstances and in order to provide legal certainty, it should be specified that the rules in Regulation (EC) No 261/2004 should only apply to Gibraltar airport when, following a settlement of the dispute between the Kingdom of Spain and the United Kingdom, the Kingdom of Spain is in a position to exercise effective control over the airport of Gibraltar and to ensure the application of the rules set out in Regulation (EC) No 261/2004 to that airport and a notification of the resolution of the dispute has been published in the Official Journal of the European Union.		provision to be checked in light of recent agreement. scope
Recital 55a						
Y	68a			<u>(55a) In order to ensure the continued correspondence between Regulation (EC) No 2027/97 and the Montreal Convention, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amending the monetary limits expressed in Regulation (EC) No 2027/97 in case they are adapted by the</u>		PCY not retaining EP text. baggage liability

	CLEAN	Council's 1st Reading	VS.EC	EP Position	CLEAN	Draft Agreement
				<p><u>International Civil Aviation Organization (ICAO) pursuant to Article 24(2) of the Montreal Convention. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.</u></p>		
		Recital 55b				
R		68b		<p><u>(55b) This Regulation should respect fundamental rights and observe the principles recognised in particular by the Charter of Fundamental Rights of the European Union, notably consumer protection, the right to protection of personal data, the prohibition of any form of discrimination and the integration of persons with disabilities, the right to an effective remedy and to a fair trial.</u></p>		PCY requests flexibility on EP text.
		Recital 55b				
R		68c		<p><u>(55c) In order to improve air passenger protection beyond Union borders, such rights should also be addressed in bilateral and international agreements.</u></p>		PCY suggests not retaining EP text. scope

	CLEAN	Council's 1st Reading	VS.EC	EP Position	CLEAN	Draft Agreement
Recital 55c						
R	68d			<u>(55d) Specific facilities for severely disabled passengers requiring changing and toilet facilities (so-called 'changing places') should be provided at no cost to the passenger at all Union airports with an annual passenger traffic volume of more than 1 million passengers.</u>		Deleted This point will be discussed during the revision of Regulation 1107/06 under the enforcement file. PRM
Recital 56						
G	69	(56) Since the objectives of this Regulation, namely protecting air passenger rights in a fair and balanced manner, ensuring the competitiveness of the Union's aviation sector and maintaining connectivity for passengers in the long term, cannot be sufficiently achieved by the Member States but can rather, by reason of its scale, 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,		(56) Since the objectives of this Regulation, namely protecting air passenger rights in a fair and balanced manner, ensuring the competitiveness of the Union's aviation sector and maintaining connectivity for passengers in the long term, cannot be sufficiently achieved by the Member States but can rather, by reason of its scale, 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,		(56) Since the objectives of this Regulation, namely protecting air passenger rights in a fair and balanced manner, ensuring the competitiveness of the Union's aviation sector and maintaining connectivity for passengers in the long term, cannot be sufficiently achieved by the Member States but can rather, by reason of its scale, 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, <small>Text Origin: Council's 1st Reading</small>
Formula						
G	70	HAVE ADOPTED THIS REGULATION:		HAVE ADOPTED THIS REGULATION:		HAVE ADOPTED THIS REGULATION: <small>Text Origin: Council's 1st Reading</small>
Article 1						

	CLEAN	VS.EC	CLEAN
	Council's 1st Reading	EP Position	Draft Agreement
71	Article 1	Article 1	Article 1 Text Origin: Council's 1st Reading
Article 1, first paragraph			
72	Regulation (EC) No 261/2004 is amended as follows:	Regulation (EC) No 261/2004 is amended as follows:	Regulation (EC) No 261/2004 is amended as follows: Text Origin: Council's 1st Reading
Article 1, first paragraph, point (1)			
73	(1) Article 1 is replaced by the following:	(1) Article 1 is replaced by the following:	(1) Article 1 is replaced by the following: Text Origin: Council's 1st Reading
Article 1, first paragraph, point (1), amending provision, first paragraph			
74	Article 1 Subject matter	Article 1 Subject matter	Article 1 Subject matter Text Origin: Council's 1st Reading
Article 1, first paragraph, point (1), amending provision, second paragraph			
75	This Regulation establishes, under the conditions specified herein, minimum rights for air passengers in the event that:	This Regulation establishes, under the conditions specified herein, minimum rights for air passengers in the event that:	This Regulation establishes, under the conditions specified herein, minimum rights for air passengers in the event that: Text Origin: Council's 1st Reading
Article 1, first paragraph, point (1), amending provision, second paragraph, point (a)			
76	(a) they are denied boarding;	(a) they are denied boarding;	(a) they are denied boarding; Text Origin: Council's 1st Reading
Article 1, first paragraph, point (1), amending provision, second paragraph, point (b)			

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
77	(b) their flight is cancelled, delayed or rescheduled;	(b) their flight is cancelled, delayed or rescheduled;	(b) their flight is cancelled, delayed or rescheduled; <small>Text Origin: Council's 1st Reading</small>
Article 1, first paragraph, point (1), amending provision, second paragraph, point (c)			
78	(c) they miss a connecting flight;	(c) they miss a connecting flight;	(c) they miss a connecting flight; <small>Text Origin: Council's 1st Reading</small>
Article 1, first paragraph, point (1), amending provision, second paragraph, point (d)			
79	(d) they are upgraded or downgraded.;	(d) they are upgraded or downgraded.;	(d) they are upgraded or downgraded.;; <small>Text Origin: Council's 1st Reading</small>
Article 1, first paragraph, point (2)			
80	(2) Article 2 is amended as follows:	(2) Article 2 is amended as follows:	(2) Article 2 is amended as follows: <small>Text Origin: Council's 1st Reading</small>
Article 1, first paragraph, point (2)(a)			
81	(a) points (b) to (f) are replaced by the following:	(a) points (b) to (f) are replaced by the following:	(a) points (b) to (f) are replaced by the following: <small>Text Origin: Council's 1st Reading</small>
Article 1, first paragraph, point (2)(a), amending provision, numbered paragraph (b)			
82	(b) “operating air carrier” means an air carrier that performs or intends to perform a flight under an air transport contract with a passenger or on behalf of another person, legal or natural, having a contract with that passenger, including an air carrier that uses the aircraft of another air carrier, with or without	(b) “operating air carrier” means an air carrier that performs or intends to perform a flight under an air transport contract with a passenger or on behalf of another person, legal or natural, having a contract with that passenger, including an air carrier that uses the aircraft of another air carrier, with or without	(b) “operating air carrier” means an air carrier that performs or intends to perform a flight under an air transport contract with a passenger or on behalf of another person, legal or natural, having a contract with that passenger, including an air carrier that uses the aircraft of another air carrier, with or without

	CLEAN Council's 1st Reading	vs.EC EP Position	CLEAN Draft Agreement
	crew of that other air carrier, for the performance of its flights;	crew of that other air carrier, for the performance of its flights;	crew of that other air carrier, for the performance of its flights; <small>Text Origin: Council's 1st Reading</small>
Article 1, first paragraph, point (2)(a), amending provision, numbered paragraph (c)			
G	83 (c) "Union air carrier" means an air carrier with a valid operating licence granted by a Member State in accordance with the provisions of Regulation (EC) No 1008/2008 of the European Parliament and of the Council*;	(c) "Union air carrier" means an air carrier with a valid operating licence granted by a Member State in accordance with the provisions of Regulation (EC) No 1008/2008 of the European Parliament and of the Council*;	(c) "Union air carrier" means an air carrier with a valid operating licence granted by a Member State in accordance with the provisions of Regulation (EC) No 1008/2008 of the European Parliament and of the Council*; <small>Text Origin: Council's 1st Reading</small>
Article 1, first paragraph, point (2)(a), amending provision, numbered paragraph (Ca)			
Y	83a	<u><i>(ca) "airport" means any area specifically adapted for the landing, taking-off and manoeuvring of aircraft, including the ancillary installations which these operations may involve for the requirements of aircraft traffic and services, including the installations needed to assist commercial air services;</i></u>	<small>PCY suggests not retaining EP text.</small>
Article 1, first paragraph, point (2)(a), amending provision, numbered paragraph (Cb)			
Y	83b	<u><i>(cb) "airport managing body" means a body which, in conjunction with other activities or not as the case may be, has as its objective under national laws, regulations or contracts the administration and management of the airport or airport network infrastructures and the coordination and control of the activities of the different</i></u>	(cb) "airport managing body" means a body which, in conjunction with other activities or not as the case may be, has as its objective under national laws, regulations or contracts the administration and management of the airport or airport network infrastructures and the coordination and control of the activities of

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
		<u><i>operators present in the airports or airport network concerned in accordance with its powers;</i></u>	the different operators present in the airports or airport network concerned; PCY suggested compromise text is the definition used under Directive 2009/2012 which is the most recent and with a broader context.
Article 1, first paragraph, point (2)(a), amending provision, numbered paragraph (d)			
84	(d) “organiser” means a person within the meaning of Article 3, point (8), of Directive (EU) 2015/2302 of the European Parliament and of the Council**;	(d) “organiser” means a person within the meaning of Article 3, point (8), of Directive (EU) 2015/2302 of the European Parliament and of the Council**;	(d) “organiser” means a person within the meaning of Article 3, point (8), of Directive (EU) 2015/2302 of the European Parliament and of the Council**; Text Origin: Council's 1st Reading
Article 1, first paragraph, point (2)(a), amending provision, numbered paragraph (e)			
85	(e) “package” means a combination of travel services as defined in Article 3, point (2), of Directive (EU) 2015/2302;	(e) “package” means a combination of travel services as defined in Article 3, point (2), of Directive (EU) 2015/2302;	(e) “package” means a combination of travel services as defined in Article 3, point (2), of Directive (EU) 2015/2302; Text Origin: Council's 1st Reading
Article 1, first paragraph, point (2)(a), amending provision, numbered paragraph (f)			
86	(f) “ticket” means valid evidence, regardless of its form, of an air transport contract;	(f) “ticket” means valid evidence, regardless of its form, of an air transport contract;	(f) “ticket” means valid evidence, regardless of its form, of an air transport contract; Text Origin: Council's 1st Reading
Article 1, first paragraph, point (2)(a), amending provision, numbered paragraph (fa)			
86a		<u><i>(fa) “cost of the air ticket” means final price to be paid at the end of the reservation process that includes the air fare and all applicable taxes, charges, surcharges and fees paid for all optional and non-optional services</i></u>	This definition is discussed as part of the interinstitutional negotiations on the enforcement file.

	CLEAN	Council's 1st Reading	VS.EC	EP Position	CLEAN	Draft Agreement	
				<u><i>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;¹</i></u>			
		Article 1, first paragraph, point (2)(a), amending provision, numbered paragraph (fb)					
Y	86b			<u><i>fb "reservation" means the fact that the passenger has a ticket, or other proof, which indicates that the reservation has been accepted and registered by the air carrier or organiser;</i></u>		PCY suggests not retaining this definition which is not necessary and might create confusion.	
		Article 1, first paragraph, point (2)(a), amending provision, sixth paragraph					
G	87					Text Origin: Council's 1st Reading	
		Article 1, first paragraph, point (2)(a), amending provision, seventh paragraph					
G	88	*Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community (OJ L 293, 31.10.2008, p. 3, ELI: http://data.europa.eu/eli/reg/2008/1008/oj).		*Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community (OJ L 293, 31.10.2008, p. 3, ELI: http://data.europa.eu/eli/reg/2008/1008/oj).		*Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community (OJ L 293, 31.10.2008, p. 3, ELI: http://data.europa.eu/eli/reg/2008/1008/oj).	
		Article 1, first paragraph, point (2)(a), amending provision, eighth paragraph					
G	89	**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		**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		**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	

	CLEAN	vs.EC	CLEAN
	Council's 1st Reading	EP Position	Draft Agreement
	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);	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);	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); Text Origin: Council's 1st Reading
Article 1, first paragraph, point (2)(b)			
90	(b) point (g) is deleted;	(b) point (g) is deleted;	redundant with line 86b. PCY suggests maintaining Council's text.
Article 1, first paragraph, point (2)(c)			
91	(c) points (h) to (l) are replaced by the following:	(c) points (h) to (l) are replaced by the following:	(c) points (h) to (l) are replaced by the following: Text Origin: Council's 1st Reading
Article 1, first paragraph, point (2)(c), amending provision, numbered paragraph (h)			
92	(h) "final destination" means the destination of the flight or of the last connecting flight on a journey;	(h) "final destination" means the destination of the flight or of the last connecting flight on a journey;	(h) "final destination" means the destination of the flight or of the last connecting flight on a journey; Text Origin: Council's 1st Reading
Article 1, first paragraph, point (2)(c), amending provision, numbered paragraph (i)			
93	(i) "person with disabilities" and "person with reduced mobility" mean any person who has a permanent or temporary physical, mental, intellectual or sensory impairment which, in interaction with various barriers, may hinder that person's full and effective use of transport on an equal basis with other passengers or	(i) "person with disabilities" and "person with reduced mobility" mean any person who has a permanent or temporary physical, mental, intellectual or sensory impairment, <u>any other cause of disability, or due to age</u> which, in interaction with various barriers, may hinder that person's full and effective use of transport	(i) "person with disabilities" and "person with reduced mobility" mean any person whose mobility when using transport is reduced due to any physical disability (sensory or locomotor, permanent or temporary), intellectual disability or impairment, or any other cause of disability, or age, and whose

	CLEAN Council's 1st Reading	vs.EC EP Position	CLEAN Draft Agreement
	whose mobility when using transport is reduced due to age;	on an equal basis with other passengers or and whose mobility when using transport is reduced due to age; <u>situation needs appropriate attention and the adaptation to his or her particular needs of the service made available to all passengers</u>	situation needs appropriate attention and the adaptation to his or her particular needs of the service made available to all passengers; PRM
Article 1, first paragraph, point (2)(c), amending provision, numbered paragraph (j)			
y	94 (j) “denied boarding” means a refusal to carry passengers on a flight, although they have presented themselves for boarding under the conditions laid down in Article 4(1), or where they were informed in advance that they will be denied boarding against their will, except where there are reasonable grounds to deny them boarding, such as health, safety, security or inadequate travel documentation;	(j) “denied boarding” means a refusal to carry passengers on a flight, although they have presented themselves for boarding under the conditions laid down in Article 4(1), or where they were informed in advance that they will be denied boarding against their will, except where there are reasonable grounds to deny them boarding, such as health, safety, security or inadequate travel documentation;	PCY suggests maintaining Council's text. denied boarding Text Origin: Council's 1st Reading
Article 1, first paragraph, point (2)(c), amending provision, numbered paragraph (k)			
g	95 (k) “volunteer” means a passenger who has presented himself or herself for boarding under the conditions laid down in Article 4(1) and responds positively to the air carrier’s call for passengers who are prepared not to board the aircraft for their flight in exchange for benefits;	(k) “volunteer” means a passenger who has presented himself or herself for boarding under the conditions laid down in Article 4(1) and responds positively to the air carrier’s call for passengers who are prepared not to board the aircraft for their flight in exchange for benefits;	(k) “volunteer” means a passenger who has presented himself or herself for boarding under the conditions laid down in Article 4(1) and responds positively to the air carrier’s call for passengers who are prepared not to board the aircraft for their flight in exchange for benefits; Text Origin: Council's 1st Reading
Article 1, first paragraph, point (2)(c), amending provision, numbered paragraph (l)			
g	96 (l) “cancellation” means the non-operation of a flight which was previously planned and for which an air transport contract was issued, and includes situations where:	(l) “cancellation” means the non-operation of a flight which was previously planned and for which an air transport contract was issued, and includes situations where:	(l) “cancellation” means the non-operation of a flight which was previously planned and for which an air transport contract was issued, and includes situations where:

	CLEAN	Council's 1st Reading	VS.EC	EP Position	CLEAN	Draft Agreement
						Text Origin: Council's 1st Reading
Article 1, first paragraph, point (2)(c), amending provision, numbered paragraph (l), point (i)						
97	(i)	the aircraft took off but, for whatever reason, either diverted to an airport other than the airport of arrival indicated on the ticket, or returned to the airport of departure, and could not continue to the airport of arrival indicated on the ticket, unless the actual airport of arrival and the airport of arrival indicated on the ticket serve the same town, city or region and the air carrier provided transport to the passenger to the airport of arrival indicated on the ticket, or	(i)	the aircraft took off but, for whatever reason, either diverted to an airport other than the airport of arrival indicated on the ticket, or returned to the airport of departure, and could not continue to the airport of arrival indicated on the ticket, unless the actual airport of arrival and the airport of arrival indicated on the ticket serve the same town, city or region and the air carrier provided transport to the passenger to the airport of arrival indicated on the ticket, or <u>or</u>		PCY suggests maintaining Council's text.
Article 1, first paragraph, point (2)(c), amending provision, numbered paragraph (l), point (ii)						
98	(ii)	a passenger has been issued a ticket for a flight and the time of departure indicated on the passenger's ticket has been brought forward by more than one hour, unless the check-in and boarding times remain unchanged, or unless the passenger has taken the rescheduled flight;;	(ii)	a passenger has been issued a ticket for a flight and the time of departure indicated on the passenger's ticket has been brought forward by more than one hour, unless the check-in and boarding times remain unchanged, or unless the passenger has taken the rescheduled flight;;		PCY suggests maintaining Council's text.
Article 1, first paragraph, point (2)(c), amending provision, numbered paragraph (l), point (iia)						
98a			<u>(iia) a passenger of the flight concerned was transferred to departure on other flight;</u>			PCY suggests not retaining this addition by EP which could create confusion.
Article 1, first paragraph, point (2)(d)						

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
G	99 (d) the following points are added:	(d) the following points are added:	(d) the following points are added: <i>Text Origin: Council's 1st Reading</i>
Article 1, first paragraph, point (2)(d), amending provision, numbered paragraph (m)			
G	100 (m) “third country” means any country or part of a territory of a Member State to which the Treaties do not apply;	(m) “third country” means any country or part of a territory of a Member State to which the Treaties do not apply;	(m) “third country” means any country or part of a territory of a Member State to which the Treaties do not apply; <i>Text Origin: Council's 1st Reading</i>
Article 1, first paragraph, point (2)(d), amending provision, numbered paragraph (n)			
G	101 (n) “delay at departure” means the difference in time between the time of departure indicated on the passenger’s ticket and the actual time of departure of the flight;	(n) “delay at departure” means the difference in time between the time of departure indicated on the passenger’s ticket and the actual time of departure of the flight;	(n) “delay at departure” means the difference in time between the time of departure indicated on the passenger’s ticket and the actual time of departure of the flight; <i>Text Origin: Council's 1st Reading</i>
Article 1, first paragraph, point (2)(d), amending provision, numbered paragraph (o)			
Y	102 (o) “delay at arrival” means the difference in time between the time of arrival indicated on the passenger’s ticket and the actual time of arrival of the flight;	(o) “delay at arrival” means the difference in time between the time of arrival indicated on the passenger’s ticket and the actual time of arrival of the flight; <u><i>a flight where the aircraft took off but was subsequently forced to return to the airport of departure and took off again at a later time is considered to be delayed at arrival;</i></u>	<i>PCY suggests maintaining Council’s text.</i>
Article 1, first paragraph, point (2)(d), amending provision, numbered paragraph (p)			
G	103 (p) “class of transport” means a part of the passenger cabin of the aircraft characterised by different seats, a different seat configuration or any other difference in the service provided to	(p) “class of transport” means a part of the passenger cabin of the aircraft characterised by different seats, a different seat configuration or any other difference in the service provided to	(p) “class of transport” means a part of the passenger cabin of the aircraft characterised by <i>either a specific code indicated in the air transport contract or a combination of</i>

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
	passengers compared to other parts of the cabin;	passengers compared to other parts of the cabin;	different seats, a different seat configuration <i>and</i> other differences in the service, such as specific catering, provided to passengers compared to other parts of the cabin; Text Origin: Council's 1st Reading
Article 1, first paragraph, point (2)(d), amending provision, numbered paragraph (q)			
104	(q) “air transport contract” means a contract of carriage concluded between an air carrier or its authorised agent and a passenger, for the provision of one or more flights;	(q) “air transport contract” means a contract of carriage concluded between an air carrier or its authorised agent and a passenger, for the provision of one or more flights;	(q) “air transport contract” means a contract of carriage concluded between an air carrier or its authorised agent and a passenger <i>or passengers</i> , for the provision of one or more flights; Text Origin: Council's 1st Reading
Article 1, first paragraph, point (2)(d), amending provision, numbered paragraph (r)			
R 105	(r) “extraordinary circumstances” means circumstances which by their nature or origin are not inherent in the normal exercise of the activity of the air carrier concerned and are beyond its actual control, such as the circumstances in the non-exhaustive list of extraordinary circumstances set out in point 1 of the Annex, but excludes the circumstances in the non-exhaustive list of circumstances set out in point 2 of the Annex;	(r) “extraordinary circumstances” means circumstances which by their nature or origin are not inherent in the normal exercise of the activity of the air carrier concerned and are beyond its actual control, such as the circumstances in the non-exhaustive list of extraordinary circumstances set out in point 1 of the Annex, but excludes the circumstances in the non-exhaustive list of circumstances set out in point 2 of the Annex;	(r) “extraordinary circumstances” means circumstances which by their nature or origin are not inherent in the normal exercise of the activity of the air carrier concerned and are beyond its actual control; PCY suggested compromise text. The reference to the lists is incorporated in Article 6c on extraordinary circumstances (line 180a). extraordinary circumstances
Article 1, first paragraph, point (2)(d), amending provision, numbered paragraph (s)			
G 106	(s) “flight” means an air transport operation operated by a single aircraft between	(s) “flight” means an air transport operation operated by a single aircraft between	(s) “flight” means an air transport operation operated by a single aircraft between

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
	two airports as specified on the ticket through a predetermined itinerary, a schedule and a single identification number, regardless of whether there are intermediate stops exclusively for technical and operational purposes;	two airports as specified on the ticket through a predetermined itinerary, a schedule and a single identification number, regardless of whether there are intermediate stops exclusively for technical and operational purposes;	two airports as specified on the ticket through a predetermined itinerary, a schedule and a single identification number, regardless of whether there are intermediate stops exclusively for technical and operational purposes; Text Origin: Council's 1st Reading
Article 1, first paragraph, point (2)(d), amending provision, numbered paragraph (t)			
Y	107 (t) “connecting flight” means a flight which, as part of a journey, is intended to enable the passenger to depart from the initial point of departure and to arrive at a transfer point in order to depart on another flight, or is intended to enable the passenger to depart from a transfer point to enable the passenger to reach another transfer point or the passenger’s final destination;	(t) “connecting flight” means a flight <u>under a single contract of carriage or a single booking reference, or both</u> , which, as part of a journey, is intended to enable the passenger to depart from the initial point of departure and to arrive at a transfer point in order to depart on another flight, or is intended to enable the passenger to depart from a transfer point to enable the passenger to reach another transfer point or the passenger’s final destination;	PCY suggests maintaining Council text.
Article 1, first paragraph, point (2)(d), amending provision, numbered paragraph (u)			
G	108 (u) “stopover” means an intentional interruption of a journey under a single air transport contract for a period of time beyond that required for direct transit through or, when changing flights, for a period normally extending to the time of departure of the next connecting flight and including, in exceptional cases, an overnight stay;	(u) “stopover” means an intentional interruption of a journey under a single air transport contract for a period of time beyond that required for direct transit through or, when changing flights, for a period normally extending to the time of departure of the next connecting flight and including, in exceptional cases, an overnight stay;	(u) “stopover” means an intentional interruption of a journey under a single air transport contract for a period of time beyond that required for direct transit through or, when changing flights, for a period normally extending to the time of departure of the next connecting flight and including, in exceptional cases, an overnight stay; DLA to check the text Text Origin: Council's 1st Reading

	CLEAN	Council's 1st Reading	VS.EC	EP Position	CLEAN	Draft Agreement
Article 1, first paragraph, point (2)(d), amending provision, numbered paragraph (v)						
109		(v) "journey" means a flight or connecting flights transporting the passenger from the initial point of departure to the passenger's final destination in accordance with a single air transport contract, with outbound and return flights being separate journeys;		(v) "journey" means a flight or connecting flights transporting the passenger from the initial point of departure to the passenger's final destination in accordance with a single air transport contract, with outbound and return flights being separate journeys;		(v) "journey" means a flight or connecting flights transporting the passenger from the initial point of departure to the passenger's final destination in accordance with a single air transport contract, with outbound and return flights being separate journeys; <small>Text Origin: Council's 1st Reading</small>
Article 1, first paragraph, point (2)(d), amending provision, numbered paragraph (w)						
110		(w) "time of departure" means the time when the aircraft leaves the departure stand, either by being pushed back or on its own power (off-block time);		(w) "time of departure" means the time when the aircraft leaves the departure stand, either by being pushed back or on its own power (off-block time);		(w) "time of departure" means the time when the aircraft leaves the departure stand, either by being pushed back or on its own power (off-block time); <small>Text Origin: Council's 1st Reading</small>
Article 1, first paragraph, point (2)(d), amending provision, numbered paragraph (x)						
111		(x) "time of arrival" means the time when the aircraft reaches the arrival stand and its parking brakes are engaged (on-block time);		(x) "time of arrival" means the time when the aircraft reaches the arrival stand and its parking brakes are engaged (on-block time);		(x) "time of arrival" means the time when the aircraft reaches the arrival stand and its parking brakes are engaged (on-block time); <small>Text Origin: Council's 1st Reading</small>
Article 1, first paragraph, point (2)(d), amending provision, numbered paragraph (y)						
112		(y) "tarmac delay" means a period of time exceeding 30 minutes during which the aircraft remains on the ground between the closing of the aircraft doors and the take-off time of the aircraft, at departure, or a period of time exceeding 30 minutes between the touch-down of the aircraft and the opening of the aircraft doors, at arrival;		(y) "tarmac delay" means a period of time exceeding 30 ³⁰ minutes during which the aircraft remains on the ground between the closing of the aircraft doors and the take-off time of the aircraft, at departure, or a period of time exceeding 30 ³⁰ minutes between the touch-down of the aircraft and the opening of the aircraft doors, at arrival;		(y) "tarmac delay" means a period of time exceeding 30 minutes during which the aircraft remains on the ground between the closing of the aircraft doors and the take-off time of the aircraft, at departure, or a period of time exceeding 30 minutes between the touch-down of the aircraft and the opening of the aircraft doors, at arrival;

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
			tarmac delay Text Origin: EP Position
Article 1, first paragraph, point (2)(d), amending provision, numbered paragraph (z)			
113	(z) "night" means the period between midnight and 06:00;	(z) "night" means the period between midnight and 06:00;	(z) "night" means the period between midnight and 06:00; Text Origin: Council's 1st Reading
Article 1, first paragraph, point (2)(d), amending provision, numbered paragraph (za)			
114	(za) "child" means a person below the age of 14 years as of the date of departure of the flight or first connecting flight under an air transport contract;	(za) "child" means a person below the age of 14 years as of the date of departure of the flight or first connecting flight under an air transport contract;	(za) "child" means a person below the age of 14 years as of the date of departure of the flight or first connecting flight under an air transport contract; Text Origin: Council's 1st Reading
Article 1, first paragraph, point (2)(d), amending provision, numbered paragraph (zaa)			
114a		<u>(zaa) "unaccompanied child" means a child who travels without an accompanying parent or guardian and where the air carrier has accepted responsibility for care in accordance with its published rules;</u>	(zaa) "unaccompanied child" means a child travelling without an adult guardian and where the air carrier has accepted responsibility for care in accordance with its published rules.
Article 1, first paragraph, point (2)(d), amending provision, numbered paragraph (zb)			
115	(zb) "infant" means a person below the age of two years as of the date of departure of the flight or first connecting flight under an air transport contract;	(zb) "infant" means a person below the age of two years as of the date of departure of the flight or first connecting flight under an air transport contract;	(zb) "infant" means a person below the age of two years as of the date of departure of the flight or first connecting flight under an air transport contract; Text Origin: Council's 1st Reading
Article 1, first paragraph, point (2)(d), amending provision, numbered paragraph (zc)			

	CLEAN Council's 1st Reading	vs.EC EP Position	CLEAN Draft Agreement
116	(zc) “durable medium” means any instrument which enables the passenger to store information in a way accessible for future reference, for a period of time adequate for the purposes of the information and which allows the unchanged reproduction of the information stored;	(zc) “durable medium” means any instrument which enables the passenger to store information in a way accessible for future reference, for a period of time adequate for the purposes of the information and which allows the unchanged reproduction of the information stored;	(zc) “durable medium” means any instrument which enables the passenger to store information in a way accessible for future reference, for a period of time adequate for the purposes of the information and which allows the unchanged reproduction of the information stored; <i>Text Origin: Council's 1st Reading</i>
Article 1, first paragraph, point (2)(d), amending provision, numbered paragraph (zd)			
117	(zd) “accessible format” means a format that gives a person with disabilities or a person with reduced mobility access to any relevant information, including by providing that person with access in as feasible and as comfortable a manner as a person without an impairment or disability, and which meets accessibility requirements defined in accordance with the applicable legislation, in particular Directive (EU) 2019/882 of the European Parliament and of the Council*;	(zd) “accessible format” means a format that gives a person with disabilities or a person with reduced mobility access to any relevant information, including by providing that person with access in as feasible and as comfortable a manner as a person without an impairment or disability, and which meets accessibility requirements defined in accordance with the applicable legislation, in particular Directive (EU) 2019/882 of the European Parliament and of the Council*;	(zd) “accessible format” means a format that gives a person with disabilities or a person with reduced mobility access to any relevant information, including by providing that person with access in as feasible and as comfortable a manner as a person without an impairment or disability, and which meets accessibility requirements defined in accordance with the applicable legislation, in particular Directive (EU) 2019/882 of the European Parliament and of the Council*; <i>Text Origin: Council's 1st Reading</i>
Article 1, first paragraph, point (2)(d), amending provision, numbered paragraph (ze)			
118	(ze) “disruption” means denied boarding, cancellation, delay at departure, delay at arrival or tarmac delay;	(ze) “disruption” means denied boarding, cancellation, delay at departure, delay at arrival or tarmac delay;	(ze) “disruption” means denied boarding, cancellation, delay at departure, delay at arrival or tarmac delay; <i>Text Origin: Council's 1st Reading</i>
Article 1, first paragraph, point (2)(d), amending provision, numbered paragraph (zf)			

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
G	119	(zf) “initial point of departure” means the departure point of the flight or of the first connecting flight on a journey.	(zf) “initial point of departure” means the departure point of the flight or of the first connecting flight on a journey. Text Origin: Council's 1st Reading
Article 1, first paragraph, point (2)(d), amending provision, numbered paragraph (zfa)			
R	119a	<u>(zfa) ‘personal item’: means a small bag or an article that the air carrier shall allow the passenger to carry on board, on condition that it fits under the front seat and complies with applicable security requirements;</u> TTE following Interinstitutional Style Guide - proposes index (zfa)	deleted baggage
Article 1, first paragraph, point (2)(d), amending provision, numbered paragraph (zfb)			
R	119b	<u>(zfb) ‘hand baggage’ means a piece of unchecked baggage which is not a personal item and which complies with security and safety requirements.’</u> TTE following Interinstitutional Style Guide - proposes index (zfb)	deleted baggage
Article 1, first paragraph, point (2)(d), amending provision, twenty-first paragraph			
G	120	_____	_____
Text Origin: Council's 1st Reading			
Article 1, first paragraph, point (2)(d), amending provision, twenty-second paragraph			
G	121	*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);	*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);

	CLEAN	VS.EC	CLEAN
	Council's 1st Reading	EP Position	Draft Agreement
			Text Origin: Council's 1st Reading
	Article 1, first paragraph, point (3)		
G	122 (3) Article 3 is replaced by the following:	(3) Article 3 is replaced by the following:	(3) Article 3 is replaced by the following: Text Origin: Council's 1st Reading
	Article 1, first paragraph, point (3), amending provision, first paragraph		
G	123 Article 3 Scope	Article 3 Scope	Article 3 Scope Text Origin: Council's 1st Reading
	Article 1, first paragraph, point (3), amending provision, numbered paragraph (1)		
G	124 1. This Regulation shall apply:	1. This Regulation shall apply:	1. This Regulation shall apply: Text Origin: Council's 1st Reading
	Article 1, first paragraph, point (3), amending provision, numbered paragraph (1), point (a)		
G	125 (a) to passengers departing from an airport located in the territory of a Member State to which the Treaties apply;	(a) to passengers departing from an airport located in the territory of a Member State to which the Treaties apply;	(a) to passengers departing from an airport located in the territory of a Member State to which the Treaties apply; Text Origin: Council's 1st Reading
	Article 1, first paragraph, point (3), amending provision, numbered paragraph (1), point (b)		
R	126 (b) to passengers departing from an airport located in a third country to an airport situated in the territory of a Member State to which the Treaties apply, unless they received benefits or compensation and were given assistance in that third country, if the operating air carrier of the flight concerned is a Union air carrier.	(b) to passengers departing from an airport located in a third country to an airport situated in the territory of a Member State to which the Treaties apply, unless they received <u>equivalent</u> benefits or compensation and were given assistance in that third country. if the operating	PCY suggests maintaining Council text which is status quo. scope

	CLEAN	EP Position	CLEAN	Draft Agreement
		<i>air carrier of the flight concerned is a Union air carrier.</i>		
Article 1, first paragraph, point (3), amending provision, numbered paragraph (2)				
G	127	2. Paragraph 1 shall apply on the condition that passengers:	2. Paragraph 1 shall apply on the condition that passengers:	2. Paragraph 1 shall apply on the condition that passengers: <small>Text Origin: Council's 1st Reading</small>
Article 1, first paragraph, point (3), amending provision, numbered paragraph (2), point (a)				
G	128	(a) have a ticket for the flight concerned; or	(a) have a ticket for the flight concerned; or	(a) have a ticket for the flight concerned; or <small>Text Origin: Council's 1st Reading</small>
Article 1, first paragraph, point (3), amending provision, numbered paragraph (2), point (b)				
G	129	(b) have been transferred by an air carrier or an intermediary from the flight for which they held a ticket to another flight, irrespective of the reason.	(b) have been transferred by an air carrier or an intermediary from the flight for which they held a ticket to another flight, irrespective of the reason.	(b) have been transferred by an air carrier or an intermediary from the flight for which they held a ticket to another flight, irrespective of the reason. <small>Text Origin: Council's 1st Reading</small>
Article 1, first paragraph, point (3), amending provision, numbered paragraph (3)				
Y	130	3. This Regulation shall not apply to passengers travelling free of charge or at a reduced fare not available, directly or indirectly, to the public. However, it shall apply to passengers having tickets issued under a frequent flyer programme or other commercial programme by an air carrier or intermediary.	3. This Regulation shall not apply to passengers travelling free of charge or at a reduced fare not available, directly or indirectly, to the public. However, it shall apply to passengers having tickets issued under a frequent flyer programme or other commercial programme by an air carrier or intermediary.	PCY suggests maintaining Council text. scope
Article 1, first paragraph, point (3), amending provision, numbered paragraph (4)				

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
Y	131	4. Without prejudice to Article 8(2), point (d), this Regulation shall only apply to passengers transported by motorised fixed wing aircraft.	4. Without prejudice to Article 8(2), point (d), this Regulation shall only apply to passengers transported by motorised fixed wing aircraft. <i>However, where a part of the journey is carried out, in accordance with a single contract of carriage and on the basis of a single reservation, by another mode of transport or by helicopter, Article 6b shall apply to the whole journey provided that that other mode of transport was indicated in the contract of carriage. The air carrier shall be responsible for ensuring that this Regulation applies for the whole journey.</i>
	Article 1, first paragraph, point (3), amending provision, numbered paragraph (5)		
G	132	5. Unless otherwise specified, the operating air carrier shall be responsible for meeting the obligations under this Regulation.	5. Unless otherwise specified, the operating air carrier shall be responsible for meeting the obligations under this Regulation.
	Article 1, first paragraph, point (3), amending provision, numbered paragraph (6)		
	133	6. Without prejudice to Article 12 of this Regulation, this Regulation shall also apply to passengers transported on a flight covered by a package travel contract as defined in Article 3, point (3), of Directive (EU) 2015/2302, unless that package travel contract is terminated or its performance is affected for reasons other than a disruption of that flight.	6. Without prejudice to Article 12 of this Regulation, this Regulation shall also apply to passengers transported on a flight covered by a package travel contract as defined in Article 3, point (3), of Directive (EU) 2015/2302, unless that package travel contract is terminated or its performance is affected for reasons other than a disruption of that flight.

PCY suggests maintaining Council text.

scope

Text Origin: Council's 1st Reading

	CLEAN	Council's 1st Reading	VS.EC	EP Position	CLEAN	Draft Agreement
					PTD	Text Origin: Council's 1st Reading
Article 1, first paragraph, point (3), amending provision, numbered paragraph (6a)						
	133a			<u><i>6a. This Regulation shall also apply to air passengers that booked their transport as part of a package travel but it shall not affect the rights of passengers under Directive (EU) 2015/2302. The passenger shall be entitled to present claims under this Regulation to the air carrier and under Directive (EU) 2015/2302 to the organiser, but may not in relation to the same facts cumulate rights under both legal acts if the rights safeguard the same interest or have the same objective. This Regulation shall not apply in cases where a package tour is cancelled or delayed for reasons other than cancellation or delay of the flight.</i></u>		Deleted
Article 1, first paragraph, point (3), amending provision, numbered paragraph (7)						
	R 134	7. Article 7 of this Regulation shall not apply, if the disruption occurs on a connecting flight that both departs from and arrives at an airport in Greenland.		<i>7. Article 7 of this Regulation shall not apply, if the disruption occurs on a connecting flight that both departs from and arrives at an airport in Greenland.</i>		PCY suggests maintaining Council text. scope
Article 1, first paragraph, point (3), amending provision, numbered paragraph (8), first subparagraph						
	R 135	8. This Regulation is without prejudice to the legal position of the Kingdom of Spain		<i>8. This Regulation is without prejudice to the legal position of the Kingdom of Spain regarding the territory of Gibraltar, as well as</i>		Ongoing assessment whether the current wording is aligned with the provisions in the final

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
	regarding the territory of Gibraltar, as well as the isthmus and the airport constructed thereon.	the isthmus and the airport constructed thereon.	agreement on Gibraltar (which came after this wording). scope
Article 1, first paragraph, point (3), amending provision, numbered paragraph (8), second subparagraph			
R 136	It shall apply to Gibraltar airport when, following a settlement of its dispute with the United Kingdom, the Kingdom of Spain is in a position to exercise effective control over that airport and to ensure the application of this Regulation to that airport. The Kingdom of Spain shall notify the Commission when these conditions are met and the Commission shall publish a notification regarding the resolution of the dispute in the Official Journal of the European Union. This Regulation shall apply to that airport from the first day of the month following the date of the publication of that notification in the Official Journal of the European Union.;	It shall apply to Gibraltar airport when, following a settlement of its dispute with the United Kingdom, the Kingdom of Spain is in a position to exercise effective control over that airport and to ensure the application of this Regulation to that airport. The Kingdom of Spain shall notify the Commission when these conditions are met and the Commission shall publish a notification regarding the resolution of the dispute in the Official Journal of the European Union. This Regulation shall apply to that airport from the first day of the month following the date of the publication of that notification in the Official Journal of the European Union.;	Ongoing assessment whether the current wording is aligned with the provisions in the final agreement on Gibraltar (which came after this wording). scope
Article 1, first paragraph, point (4)			
G 137	(4) Article 4 is replaced by the following:	(4) Article 4 is replaced by the following:	(4) Article 4 is replaced by the following: Text Origin: Council's 1st Reading
Article 1, first paragraph, point (4), amending provision, first paragraph			
G 138	Article 4 Denied boarding	Article 4 Denied boarding	

	CLEAN	VS.EC	CLEAN
	Council's 1st Reading	EP Position	Draft Agreement
Article 1, first paragraph, point (4), amending provision, numbered paragraph (1)			
139	<p>1. This Article shall apply to passengers that present themselves for boarding at the gate, after they have completed an online check-in or a check-in at the airport, as stipulated and at the time indicated in advance and in writing (including by electronic means) by the operating air carrier, or the intermediary, or, if no boarding time is indicated, not later than 45 minutes before the time of departure indicated on the passenger's ticket. This Article shall also apply to passengers who do not present themselves for boarding when they were informed in advance that they will be denied boarding against their will.</p>	<p>1. This Article shall apply to passengers that present themselves for boarding at the gate, after they have completed an online check-in or a check-in at the airport, as stipulated and at the time indicated in advance and in writing (including by electronic means) by the operating air carrier, <u>for the intermediary,</u> or, if no boarding time is indicated, not later than 45 minutes before the time of departure indicated on the passenger's ticket. This Article shall also apply to passengers who do not present themselves for boarding when they were informed in advance that they will be denied boarding against their will.</p> <p><u>1. To be negotiated under the enforcement Regulation.</u></p>	<p>1. This Article shall apply to passengers that present themselves for boarding at the gate, after they have completed an online check-in or a check-in at the airport, as stipulated and at the time indicated in advance and in writing (including by electronic means) by the operating air carrier, or the intermediary, or, if no boarding time is indicated, not later than 45 minutes before the time of departure indicated on the passenger's ticket. This Article shall also apply to passengers who do not present themselves for boarding when they were informed in advance that they will be denied boarding against their will.</p> <p>Text Origin: Council's 1st Reading</p>
Article 1, first paragraph, point (4), amending provision, numbered paragraph (2), first subparagraph			
140	<p>2. When an operating air carrier reasonably expects to deny boarding on a flight, it shall immediately inform the passengers concerned. The operating air carrier shall, at the same time, specify to the passengers concerned their specific rights under this Regulation applicable to the case, in particular as regards the right to reimbursement or rerouting under Article 8 and the right to assistance under Article 9.</p>	<p>2. When an operating air carrier reasonably expects to deny boarding on a flight, it shall immediately inform the passengers concerned. The operating air carrier shall, at the same time, specify to the passengers concerned their specific rights under this Regulation applicable to the case, in particular as regards the right to reimbursement or rerouting under Article 8 <u>and compensation</u> and the right to assistance under Article 9 <u>this Regulation</u>.</p>	<p>PCY suggests maintaining Council's text, also in light of the change proposed by EP in Article 9(1) (line 214).</p> <p>Text Origin: EP Position</p>
Article 1, first paragraph, point (4), amending provision, numbered paragraph (2), second subparagraph			

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
R	141	<p>The operating air carrier shall call for volunteers under conditions to be agreed between each volunteer and the operating air carrier. This agreement with each volunteer regarding the benefits shall only replace the volunteer's right to compensation as laid down in Article 7(1) if the volunteer explicitly approves of it by means of a signed document or any digital means on a durable medium. In absence of such an approval, the volunteer shall be, without undue delay and at the latest within seven calendar days of the denied boarding, compensated by the operating air carrier denying boarding in accordance with Articles 7(1).</p>	<p>The operating air carrier shall call for volunteers under conditions to be agreed between each volunteer and the operating air carrier. <i>The air carrier shall inform the volunteers of their rights in accordance with this Regulation.</i> This agreement with each volunteer regarding the benefits shall only replace the volunteer's right to compensation as laid down in Article 7(1) if the volunteer explicitly approves of it by means of a signed document or any digital means on a durable medium. In absence of such an approval, the volunteer shall be, without undue delay and at the latest within seven calendar days of the denied boarding, <i>immediately</i> compensated by the operating air carrier denying boarding in accordance with Articles 7(1).</p> <p>PCY suggested compromise text.</p>
Article 1, first paragraph, point (4), amending provision, numbered paragraph (3)			
G	142	<p>3. If the number of volunteers who come forward is insufficient to allow the remaining passengers with tickets to board the flight, the operating air carrier may then deny boarding to passengers against their will, with the exception of passengers referred to in Article 11.</p>	<p>3. If the number of volunteers who come forward is insufficient to allow the remaining passengers with tickets to board the flight, the operating air carrier may then deny boarding to passengers against their will, with the exception of passengers referred to in Article 11.</p> <p>Text Origin: Council's 1st Reading</p>
Article 1, first paragraph, point (4), amending provision, numbered paragraph (4), first subparagraph			
Y	143	<p>4. The operating air carrier denying boarding shall immediately specify to the</p>	<p>4. The operating air carrier denying boarding shall immediately specify to the</p> <p>DLAs</p>

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
	passengers concerned the information on the handling of complaints under Articles 15a and 16a.	passengers concerned the information on the handling of complaints under Articles 15a and 16a <u>16f</u> .	
Article 1, first paragraph, point (4), amending provision, numbered paragraph (4), second subparagraph			
R	144 The operating air carrier denying boarding shall, without undue delay, offer to the passengers concerned, in a clear manner, the choice between reimbursement and rerouting in accordance with Article 8. By way of derogation from Article 8(1), point (a), when the passengers who were denied boarding are entitled to reimbursement it shall be granted without undue delay and at the latest within seven calendar days of the denied boarding.	The operating air carrier denying boarding shall, without undue delay, offer to the passengers concerned, in a clear manner, the choice between reimbursement and rerouting in accordance with Article 8. By way of derogation from Article 8(1), point (a), when the passengers who were denied boarding are entitled to reimbursement it shall be granted without undue delay and at the latest within seven calendar days of the denied boarding <u>immediately</u> .	PCY suggests maintaining Council text. deadlines
Article 1, first paragraph, point (4), amending provision, numbered paragraph (4), third subparagraph			
G	145 The operating air carrier denying boarding shall offer assistance in accordance with Article 9 to the passengers concerned. By way of derogation from Article 9(1), point (a), refreshments shall be granted immediately.	The operating air carrier denying boarding shall offer assistance in accordance with Article 9 to the passengers concerned. By way of derogation from Article 9(1), point (a), refreshments shall be granted immediately.	The operating air carrier denying boarding shall offer assistance in accordance with Article 9 to the passengers concerned. By way of derogation from Article 9(1), point (a), refreshments shall be granted immediately. Text Origin: Council's 1st Reading
Article 1, first paragraph, point (4), amending provision, numbered paragraph (4), fourth subparagraph			
R	146 The operating air carrier denying boarding to passengers against their will shall compensate the passengers concerned in accordance with Article 7(1), without undue delay and at the latest within seven calendar days of the denied boarding.	The operating air carrier denying boarding to passengers against their will shall <u>immediately</u> compensate the passengers concerned in accordance with Article 7(1), without undue delay and at the latest within seven calendar days of the denied boarding .	PCY suggests maintaining Council text. deadlines

	CLEAN	Council's 1st Reading	VS.EC	EP Position	CLEAN	Draft Agreement
				TRAN DT (2025) 777057 - missing trailing comma.		
Article 1, first paragraph, point (4), amending provision, numbered paragraph (5)						
R	147	5. Paragraphs 3 and 4 shall also apply to return flights where the passenger is denied boarding on the ground that the passenger did not take an outbound flight covered by the same air transport contract.		5. Paragraphs 3 and 4 shall also apply to return flights where the passenger is denied boarding on the ground that the passenger did not take an outbound flight covered by the same air transport contract.		5. Paragraphs 3 and 4 shall also apply to return flights where the passenger is denied boarding on the ground that the passenger did not take outbound flight covered by the same air transport contract or, if required by the air operating carrier, did not pay an additional charge for that purpose. <i>The operating air carrier may require the payment of an additional charge up to the amount corresponding to the price difference at the booking between the price of the outbound and inbound flights under the air transport contract, and the price of the inbound flight. In such cases, the air carrier shall inform the passenger at booking of the amount of the additional charge.</i> PCY seeks flexibility denied boarding
Article 1, first paragraph, point (4), amending provision, numbered paragraph (5a)						
R	147a			<u>5a. Passenger shall not be denied boarding at the return journey, including one which consists of multiple flights, on the grounds that the passenger did not take the outbound flight of a return ticket or did not pay an additional charge for this purpose. If boarding is denied to passengers against their</u>		PCY suggests not retaining EP text (see compromise in line 147). denied boarding

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
		<u>will on such grounds, this Article shall apply. In addition, the operating air carrier shall immediately compensate the passengers concerned in accordance with Article 7 and shall assist them in accordance with Articles 8 and 9.</u>	
Article 1, first paragraph, point (4), amending provision, numbered paragraph (6)			
148	6. Where the passenger, or an intermediary, demands the correction of a spelling mistake in the name or given name(s) of one or several passengers or in case of administrative change to those names, the operating air carrier shall correct or change this at least once up until 48 hours before departure without any additional charge to the passenger or the intermediary.;	6. Where the passenger, <u>for an intermediary</u> , demands the correction of a spelling mistake <u>mistakes</u> in the name or given name(s) of one or several passengers or in case of administrative change to those names, the operating air carrier shall correct or change this <u>those mistakes</u> at least once up until 48 hours before departure without any additional charge to the passenger or the intermediary. <u>1. To be negotiated under the enforcement Regulation.</u>	1. The operating air carrier shall, upon receipt of a request submitted at the latest 48 hours before the scheduled time of departure, correct spelling mistakes in a passenger's name or update a passenger's name in the case of an administrative change. Such a correction or update shall be made free of charge at least once. 2. The request referred to in paragraph 1 may be submitted by: (a) a passenger in relation to that passenger's name and name of any passenger whose ticket is part of the same air transport contract as the ticket of the passenger submitting the request; (b) an intermediary in relation to the name of a passenger in respect of whom the intermediary has made the booking.

	CLEAN	Council's 1st Reading	VS.EC	EP Position	CLEAN	Draft Agreement
						<p>3. Any correction or update made pursuant to paragraph 1 may not constitute a transfer of ticket from the passenger to another person.</p> <p>Redrafting proposed by EP and Council DLAs; suggestion to move to a separate Article 12a.</p> <p>denied boarding</p>
Article 1, first paragraph, point (4), amending provision, numbered paragraph (6a)						
R		148a		<p><u>6a. Air carriers or their agents may not deny boarding on domestic flights on grounds of invalid documentation if the passenger proves his identity by means of the documents required under the national law of the State where boarding takes place.</u></p> <p>TRAN DT(2025)777057 - missing trailing ;</p>		<p>PCY suggests not retaining this provision.</p> <p>denied boarding</p>
Article 1, first paragraph, point (5)						
G	149	(5) Article 5 is replaced by the following:	(5) Article 5 is replaced by the following:	(5) Article 5 is replaced by the following:	G	
Article 1, first paragraph, point (5), amending provision, first paragraph						
G	150	Article 5 Cancellation	Article 5 Cancellation	Article 5 Cancellation	G	
Article 1, first paragraph, point (5), amending provision, numbered paragraph (1), first subparagraph						
Y	151	1. In case of cancellation of a flight, the operating air carrier of the cancelled flight shall immediately inform the passengers concerned.	1. In case of cancellation of a flight, the operating air carrier of the cancelled flight shall immediately inform the passengers concerned.	DLAs	Y	

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
	The operating air carrier shall, at the same time, specify to the passengers concerned their specific rights under this Regulation applicable to the case, in particular as regards reimbursement or rerouting under Article 8 and assistance under Article 9, as well as the information on the process for requesting compensation defined in Article 7 and on the handling of complaints under Articles 15a and 16a.	The operating air carrier shall, at the same time, specify to the passengers concerned their specific rights under this Regulation applicable to the case, in particular as regards reimbursement or rerouting under Article 8 and assistance under Article 9, as well as the information on the process for requesting compensation defined in Article 7 and on the handling of complaints under Articles 15a and 16a <u>16f</u> .	
Article 1, first paragraph, point (5), amending provision, numbered paragraph (1), second subparagraph			
R	152 The operating air carrier shall, without undue delay, specify to the passengers concerned the reasons for the cancellation. The passengers shall be entitled, upon request, to receive in writing the reasons for the cancellation. The operating air carrier shall provide such information in a clear manner within seven calendar days of the submission of the request.	The operating air carrier shall, without undue delay, specify to inform the passengers concerned <u>by electronic means of</u> the reasons for the cancellation. The passengers shall be entitled, upon request, to receive in writing the reasons for the cancellation. The operating air carrier shall provide such as soon as this information is available, and in any event no later than 30 minutes after the scheduled departure time in a clear manner within seven calendar days of the submission of the request. TRAN DT(2025)777057 - missing deleted text markup	The operating air carrier shall, without undue delay, specify to the passengers concerned the reasons for the cancellation. PCY suggested compromise text. deadlines
Article 1, first paragraph, point (5), amending provision, numbered paragraph (2)			
G	153 2. The operating air carrier of the cancelled flight shall, without undue delay, offer the passengers concerned, in a clear manner, the choice between reimbursement and rerouting in accordance with Article 8.	2. The operating air carrier of the cancelled flight shall, without undue delay, offer the passengers concerned, in a clear manner, the choice between reimbursement and rerouting in accordance with Article 8.	2. The operating air carrier of the cancelled flight shall, without undue delay, offer the passengers concerned, in a clear manner, the choice between reimbursement and rerouting in accordance with Article 8.

	CLEAN Council's 1st Reading	vs.EC EP Position	CLEAN Draft Agreement
			Text Origin: Council's 1st Reading
Article 1, first paragraph, point (5), amending provision, numbered paragraph (3)			
G	154 3. The operating air carrier shall offer assistance to the passengers concerned in accordance with Article 9.	3. The operating air carrier shall offer assistance to the passengers concerned in accordance with Article 9.	3. The operating air carrier shall offer assistance to the passengers concerned in accordance with Article 9. Text Origin: Council's 1st Reading
Article 1, first paragraph, point (5), amending provision, numbered paragraph (4)			
R	155 4. Passengers shall have the right to receive compensation from the operating air carrier of the cancelled flight in accordance with Articles 7(1) and 7(3) when they choose a reimbursement in accordance with Article 8(1), point (a) or rerouting in accordance with Article 8(1), point (c), or, when they reach their final destination with a delay at arrival exceeding the thresholds set out in Article 7(2) after they choose rerouting in accordance with Article 8(1), point (b). To that end, the air carrier shall systematically provide the passenger with a pre-filled form in an accessible format and on a durable medium. The air carrier shall provide a reply within the deadline set out in Article 7(5).	4. Passengers shall have the right to receive compensation from the operating air carrier of the cancelled flight in accordance with Articles 7(1) and 7(3) when they choose a reimbursement in accordance with Article 8(1), point (a) or rerouting in accordance with Article 8(1), point (c), or <u>and/or</u> , when they reach their final destination with a delay at arrival exceeding the thresholds <u>threshold</u> set out in Article 7(2) after they choose rerouting in accordance with Article 8(1), point (b). To that end, the air carrier shall systematically provide the passenger with a pre-filled form in an accessible format and on a durable medium <u>in accordance with Article 16aa of Regulation [2023/..] on enforcement of passenger rights in the Union</u> . The air carrier shall provide a reply within the deadline set out in Article 7(5).	4. Passengers shall have the right to receive compensation from the operating air carrier of the cancelled flight in accordance with Articles 7(1) and 7(3) when they choose a reimbursement in accordance with Article 8(1), point (a) or rerouting in accordance with Article 8(1), point (c), or, when they reach their final destination with a delay at arrival exceeding the thresholds set out in Article 7(1) after they choose rerouting in accordance with Article 8(1), point (b). PCY suggested compromise text. threshold(s) form
Article 1, first paragraph, point (5), amending provision, numbered paragraph (5)			
R	156 5. An operating air carrier shall not be obliged to pay compensation in accordance with Article 7 if it can prove that the	5. An operating air carrier shall not be obliged to pay compensation in accordance with Article 7 if it can prove that the	<i>deleted</i>

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
	<p>cancellation was caused by extraordinary circumstances and the cancellation could not have been avoided even if the air carrier had taken all reasonable measures. Such extraordinary circumstances may only be invoked in so far as they affect the flight concerned or at least one of the three preceding flights in the rotation sequence planned to be operated by the same aircraft, and provided that there is a direct causal link between the occurrence of that circumstance and the cancellation of the flight. The burden of proof regarding the existence of that direct causal link shall rest with the operating air carrier.</p>	<p>cancellation was caused by extraordinary circumstances and the cancellation could not have been avoided even if the air carrier had taken all reasonable measures. Such extraordinary circumstances may only be invoked in so far as they affect the flight concerned or at least one of the three <u>the</u> preceding flights in the rotation sequence planned to be <u>flight</u> operated by the same aircraft, and provided that there is a direct causal link between the occurrence of that circumstance and the cancellation of the flight. The burden of proof regarding the existence of that direct causal link shall rest with the operating air carrier. <u>Where no proof of the existence of extraordinary circumstances is provided by the air carrier in a written form, the compensation referred to in Article 7 shall be paid by the air carrier.</u></p>	<p>See Article 6c on extraordinary circumstances (line 180a).</p> <p><u>extraordinary circumstances</u></p>
Article 1, first paragraph, point (5), amending provision, numbered paragraph (5a), first subparagraph			
y 156a		<p><u>5a. In view of possible situations of multiple cancellations and/or delays of flights leading to a considerable number of passengers being stranded at the airport, including in cases of airline insolvency or revocation of operating licences, airport management bodies shall ensure adequate coordination of airport users by means of a proper contingency plan, at Union airports with an annual passenger traffic volume of not less than one and a half million passengers for at least three consecutive years.</u></p>	<p>deleted</p> <p>consolidated text in Article 10a (lines 237 ff).</p> <p>Text Origin: EP Position</p>

	CLEAN	Council's 1st Reading	VS.EC	EP Position	CLEAN	Draft Agreement
<i>Article 1, first paragraph, point (5), amending provision, numbered paragraph (5a), second subparagraph</i>						
y	156b			<u><i>The contingency plan shall be set up by the airport management body in cooperation with the airport users, in particular the air carriers, the suppliers of ground handling services, the air navigation service providers, the airport retail outlets, and special assistance providers for disabled passengers or passengers with reduced mobility, and with the participation of the relevant national, regional or local authorities and organisations when appropriate.</i></u>		deleted consolidated text in Article 10a (lines 237 ff). Text Origin: EP Position
<i>Article 1, first paragraph, point (5), amending provision, numbered paragraph (5a), third subparagraph</i>						
y	156c			<u><i>The airport managing body shall communicate the contingency plan and any amendments thereto to the national enforcement body designated pursuant to Article 16. Member States shall ensure that the national enforcement body have both the capability and resources to act effectively in connection with the contingency plans and to adapt them, if necessary.</i></u>		deleted consolidated text in Article 10a (lines 237 ff). Text Origin: EP Position
<i>Article 1, first paragraph, point (5), amending provision, numbered paragraph (5b)</i>						
y	156d			<u><i>5b. While air carriers may not reduce their obligations as set out under this Regulation, the contingency plan provided for by paragraph 5 shall be set up to define coordinated action where this is necessary in order to ensure the provision of adequate information and assistance to stranded passengers and in particular to disabled</i></u>		deleted consolidated text in Article 10a (lines 237 ff). Text Origin: EP Position

	CLEAN	Council's 1st Reading	VS.EC	EP Position	CLEAN	Draft Agreement
				<u>persons and persons with reduced mobility, notably with regard to:</u>		
		Article 1, first paragraph, point (5), amending provision, numbered paragraph (5b), point (a)				
y	156e			<u>(a) the provision of information to passengers stranded at or heading towards the airport to begin their air journey;</u>		deleted consolidated text in Article 10a (lines 237 ff).
		Article 1, first paragraph, point (5), amending provision, numbered paragraph (5b), point (b)				
y	156f			<u>(b) the provision of on-the-spot accommodation where large numbers of stranded passengers exceed the availability of hotel accommodation</u>		deleted consolidated text in Article 10a (lines 237 ff).
		Article 1, first paragraph, point (5), amending provision, numbered paragraph (5b), point (c)				
y	156g			<u>(c) the provision of information and assistance to passengers affected by the limitations laid down in Article 9(4) and (5);</u>		deleted consolidated text in Article 10a (lines 237 ff).
		Article 1, first paragraph, point (5), amending provision, numbered paragraph (5b), point (d)				
y	156h			<u>(d) re-routing of stranded passengers by alternative carriers and transport modes, at limited or no cost for passengers, where the operating carrier has ceased operations.</u>		deleted consolidated text in Article 10a (lines 237 ff)
		Article 1, first paragraph, point (5), amending provision, numbered paragraph (5c)				
y	156i			<u>5c. Air carriers shall develop and put in place detailed procedures which allow them to comply in an effective and consistent manner with this Regulation, especially in cases of delays, cancellations, denied boarding, mass</u>		deleted consolidated text in Article 10a (lines 237 ff)

	CLEAN Council's 1st Reading	vs.EC EP Position	CLEAN Draft Agreement
		<u>disruptions and insolvency. Those procedures shall clearly indicate the contact person of the airline at each airport who is responsible for providing reliable information concerning care, assistance, re-routing or reimbursement and for taking the necessary immediate measures. The air carrier shall define the processes and conditions for the provision of those services in such a way that this representative is able to fulfil this obligation without delay. The air carrier shall communicate those procedures and any changes thereto to the national enforcement body designated pursuant to Article 16.</u>	
Article 1, first paragraph, point (5), amending provision, numbered paragraph (6)			
157	6. The right to receive assistance under paragraph 3 and compensation under paragraph 4 shall not apply if the passengers have been informed of the cancellation at least 14 calendar days before the date of departure indicated on the passenger's ticket. The burden of proof concerning the questions of whether and when the passenger has been informed of the cancellation of the flight shall rest with the operating air carrier.;	6. The right to receive assistance under paragraph 3 and compensation under paragraph 4 shall not apply if the passengers have been informed of the cancellation at least 14 calendar days before the date of departure indicated on the passenger's ticket. The burden of proof concerning the questions of whether and when the passenger has been informed of the cancellation of the flight shall rest with the operating air carrier.;	6. The right to receive assistance under paragraph 3 and compensation under paragraph 4 shall not apply if the passengers have been informed of the cancellation at least 14 calendar days before the date of departure indicated on the passenger's ticket. The burden of proof concerning the questions of whether and when the passenger has been informed of the cancellation of the flight shall rest with the operating air carrier.;
Article 1, first paragraph, point (6)			
158	(6) Article 6 is replaced by the following:	(6) Article 6 is replaced by the following:	(6) Article 6 is replaced by the following: <small>Text Origin: Council's 1st Reading</small>

	CLEAN	Council's 1st Reading	VS.EC	EP Position	CLEAN	Draft Agreement
	Article 1, first paragraph, point (6), amending provision, first paragraph					
G	159	Article 6 Delay		Article 6 Delay		Article 6 Delay Text Origin: Council's 1st Reading
	Article 1, first paragraph, point (6), amending provision, numbered paragraph (1), first subparagraph					
Y	160	1. When an operating air carrier expects a flight to be delayed, it shall inform the passengers concerned immediately, where possible, but at the latest, by the time of departure indicated on the passenger's ticket. To the extent possible, passengers shall receive regular updates in real-time. The operating air carrier shall, at the same time, inform the passengers concerned of their specific rights under this Regulation applicable to the case, in particular as regards assistance under Article 9, the information on the process for requesting compensation defined in Article 7 and on the handling of complaints under Articles 15a and 16a.		1. When an operating air carrier expects a flight to be delayed, it shall inform the passengers concerned immediately, where possible, but at the latest, by the time of departure indicated on the passenger's ticket. To the extent possible, passengers shall receive regular updates in real-time. The operating air carrier shall, at the same time, inform the passengers concerned of their specific rights under this Regulation applicable to the case, in particular as regards assistance under Article 9, the information on the process for requesting compensation defined in Article 7 and on the handling of complaints under Articles 15a and 16a 16f.		DLAs
	Article 1, first paragraph, point (6), amending provision, numbered paragraph (1), second subparagraph					
R	161	The operating air carrier shall, without undue delay, specify to the passengers concerned the reasons for the delay of the flight. The passengers are entitled, upon request, to receive in writing the reasons for the delay at arrival. The operating air carrier of the delayed flight shall provide such information in a clear manner within 7 calendar days of the submission of the request.		The operating air carrier shall, without undue delay, as soon as this information is available, and in any event no later than 30 minutes after the scheduled departure time , specify to the passengers concerned the reasons for the delay of the flight. The passengers are entitled, upon request, to receive in writing the reasons for the delay at arrival. The operating air carrier of the delayed flight shall provide such		The operating air carrier shall, without undue delay, specify to the passengers concerned the reasons for the delay of the flight. PCY suggested compromise text. deadlines form

	CLEAN	VS.EC	CLEAN
	Council's 1st Reading	EP Position	Draft Agreement
		information in a clear manner <u>send to passengers the pre-filled common form</u> within 7 calendar days of the submission of the request <u>48 hours following travel disruption for the purpose of reimbursement and compensation in accordance with Article 6c.</u>	
Article 1, first paragraph, point (6), amending provision, numbered paragraph (2)			
G	162	2. The operating air carrier shall offer to the passengers concerned assistance in accordance with Article 9.	2. The operating air carrier shall offer to the passengers concerned assistance in accordance with Article 9. Text Origin: Council's 1st Reading
Article 1, first paragraph, point (6), amending provision, numbered paragraph (3)			
R	163	3. When the delay reaches the thresholds set out in Article 7(2) calculated from the time of departure indicated on the passenger's ticket, the operating air carrier shall, without undue delay, offer the passengers concerned the choice between reimbursement and rerouting in accordance with Article 8.	3. When the delay reaches the thresholds set out in Article 7(1)(a) calculated from the time of departure indicated on the passenger's ticket, the operating air carrier shall, without undue delay, offer the passengers concerned the choice between reimbursement and rerouting in accordance with Article 8. PCY compromise text threshold(s)
Article 1, first paragraph, point (6), amending provision, numbered paragraph (4), first subparagraph			
R	164	4. Passengers shall have the right to receive, upon request, compensation from the operating air carrier of the delayed flight in accordance with Articles 7(1) and 7(3) when they reach their final destination with a delay at arrival exceeding the thresholds <u>threshold</u> set	4. Passengers shall have the right to receive, upon request, compensation from the operating air carrier of the delayed flight in accordance with Article 7(1) when they reach their final destination with a delay at arrival exceeding the thresholds set out in Article 7(1).

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
	arrival exceeding the thresholds set out in Article 7(2).	out in Article 7(2). <u>To that end, the operating air carrier shall, systematically within 48 hours following the delay, provide the passenger with a pre-filled form in accordance with Article 16aa of Regulation [2023/..] on enforcement of passenger rights in the Union.</u>	PCY compromise text extraordinary circumstances threshold(s) deadlines form
Article 1, first paragraph, point (6), amending provision, numbered paragraph (4), second subparagraph			
R	165 Passengers shall have the right to receive, upon request, compensation from the operating air carrier of the delayed flight in accordance with Articles 7(1) and 7(3) when they choose a reimbursement in accordance with Article 8(1), point (a) or rerouting in accordance with Article 8(1), point (c), or, when they reach their final destination with a delay at arrival exceeding the thresholds set out in Article 7(2) after they choose rerouting in accordance with Article 8(1), point (b).	Passengers shall have the right to receive, upon request , compensation from the operating air carrier of the delayed flight in accordance with Articles 7(1) and 7(3) when they choose a reimbursement in accordance with Article 8(1), point (a) or rerouting in accordance with Article 8(1), point (c), or, when they reach their final destination with a delay at arrival exceeding the thresholds <u>threshold</u> set out in Article 7(2) after they choose rerouting in accordance with Article 8(1), point (b). TRAN DT (2025) 777057 - missing deleted text markup	Passengers shall have the right to receive, upon request, compensation from the operating air carrier of the delayed flight in accordance with Article 7(1) when they choose a reimbursement in accordance with Article 8(1), point (a) or rerouting in accordance with Article 8(1), point (c), or, when they reach their final destination with a delay at arrival exceeding the thresholds set out in Article 7(1) after they choose rerouting in accordance with Article 8(1), point (b). form threshold(s)
Article 1, first paragraph, point (6), amending provision, numbered paragraph (5), first subparagraph			
G	166 5. This Article shall also apply if the time of departure indicated on the passenger's ticket was postponed by the operating air carrier.	5. This Article shall also apply if the time of departure indicated on the passenger's ticket was postponed by the operating air carrier.	5. This Article shall also apply if the time of departure indicated on the passenger's ticket was postponed by the operating air carrier. Text Origin: Council's 1st Reading
Article 1, first paragraph, point (6), amending provision, numbered paragraph (5), second subparagraph			
G	167 The right to receive assistance under paragraph 2 and compensation under paragraph 4 shall not apply if the passenger has been informed of	The right to receive assistance under paragraph 2 and compensation under paragraph 4 shall not apply if the passenger has been informed of	The right to receive assistance under paragraph 2 and compensation under paragraph 4 shall not apply if the passenger has been informed of

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
	such a change at least 14 calendar days before the time of departure indicated on the passenger's ticket. The burden of proof concerning the questions as to whether and when the passenger has been informed of the change in time shall rest with the operating air carrier.	such a change at least 14 calendar days before the time of departure indicated on the passenger's ticket. The burden of proof concerning the questions as to whether and when the passenger has been informed of the change in time shall rest with the operating air carrier.	such a change at least 14 calendar days before the time of departure indicated on the passenger's ticket. The burden of proof concerning the questions as to whether and when the passenger has been informed of the change in time shall rest with the operating air carrier. Text Origin: Council's 1st Reading
Article 1, first paragraph, point (6), amending provision, numbered paragraph (6)			
168	6. An operating air carrier shall not be obliged to pay compensation in accordance with Article 7, if it can prove that the delay at arrival was caused by extraordinary circumstances and the delay could not have been avoided even if the air carrier had taken all reasonable measures. Such extraordinary circumstances can only be invoked in so far as they affect the flight concerned or at least one of the three preceding flights in the rotation sequence planned to be operated by the same aircraft and provided that there is a direct causal link between the occurrence of that circumstance and the delay at departure of the subsequent flight. The burden of proof regarding the existence of that direct causal link shall rest with the operating air carrier.;	6. An operating air carrier shall not be obliged to pay compensation in accordance with Article 7, if it can prove that the delay at arrival was caused by extraordinary circumstances and the delay could not have been avoided even if the air carrier had taken all reasonable measures. Such extraordinary circumstances can only be invoked in so far as they affect the flight concerned or at least one of the three <u>the</u> preceding flights in the rotation sequence planned to be <u>flight</u> operated by the same aircraft and provided that there is a direct causal link between the occurrence of that circumstance and the delay at departure of the subsequent flight. The burden of proof regarding the existence of that direct causal link shall rest with the operating air carrier. ; <u>Where no proof of the existence of extraordinary circumstances is provided by the air carrier in a written form, the compensation referred to in Article 7 shall be paid by the air carrier. The above does not</u>	<i>deleted</i> <i>See Article 6c on extraordinary circumstances (line 180a)</i> <i>extraordinary circumstances</i>

	CLEAN	VS.EC	CLEAN
	Council's 1st Reading	EP Position	Draft Agreement
		<u>exempt air carriers from the requirement to provide passengers with assistance in accordance with Article [5(1)(b)].</u>	
Article 1, first paragraph, point (7)			
169	(7) the following articles are inserted:	(7) the following articles are inserted:	(7) the following articles are inserted: Text Origin: Council's 1st Reading
Article 1, first paragraph, point (7), amending provision, first paragraph			
170	Article 6a Tarmac delay	Article 6a Tarmac delay	Article 6a Tarmac delay Text Origin: Council's 1st Reading
Article 1, first paragraph, point (7), amending provision, numbered paragraph (1)			
171	1. In the event of tarmac delay, the operating air carrier shall, to the extent possible, provide passengers with regular and real-time updates.	1. In the event of tarmac delay, the operating air carrier shall, to the extent possible, provide passengers with regular and real-time updates.	1. In the event of tarmac delay, the operating air carrier shall, to the extent possible, provide passengers with regular and real-time updates. Text Origin: Council's 1st Reading
Article 1, first paragraph, point (7), amending provision, numbered paragraph (2)			
172	2. Subject to safety or security constraints, where a tarmac delay occurs, the operating air carrier shall ensure adequate heating or cooling of the passenger cabin, free of charge access to toilet facilities on board and shall ensure that passengers referred to in Article 11 receive the required attention. Unless it would extend the tarmac delay or	2. Subject to safety or security constraints, where a tarmac delay occurs, the operating air carrier shall ensure adequate heating or cooling of the passenger cabin, free of charge access to toilet facilities on board and shall ensure that passengers referred to in Article 11 receive the required attention. Unless it would extend the tarmac delay or	2. Subject to safety or security constraints, where a tarmac delay occurs, the operating air carrier shall ensure adequate heating or cooling of the passenger cabin, free of charge access to toilet facilities on board and shall ensure that passengers referred to in Article 11 receive the required attention. Unless it would extend the tarmac delay or

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
	unless it cannot be reconciled with air safety or air security requirements, the operating air carrier shall provide free of charge drinking water on board.	unless it cannot be reconciled with air safety or air security requirements, the operating air carrier shall provide free of charge drinking water on board.	unless it cannot be reconciled with air safety or air security requirements, the operating air carrier shall provide free of charge drinking water on board. Text Origin: Council's 1st Reading
Article 1, first paragraph, point (7), amending provision, numbered paragraph (3)			
173	3. Where a tarmac delay reaches three hours in an airport situated in a territory of a Member State to which the Treaties apply, the aircraft shall proceed to the gate or another suitable disembarkation point where passengers shall be allowed to disembark. Beyond that deadline, a tarmac delay can only be prolonged if there are safety, immigration, air traffic control or security-related reasons why the aircraft cannot leave its position on the tarmac.	3. Where a tarmac delay reaches three <u>two</u> hours in an airport situated in a territory of a Member State to which the Treaties apply, the aircraft shall proceed to the gate or another suitable disembarkation point where passengers shall be allowed to disembark. Beyond that deadline, a tarmac delay can only be prolonged if there are safety <u>safety-related</u> , immigration, air traffic control or security-related reasons why the aircraft cannot leave its position on the tarmac.	3. Where a tarmac delay reaches two hours in an airport situated in a territory of a Member State to which the Treaties apply, the aircraft shall proceed to the gate or another suitable disembarkation point where passengers shall be allowed to disembark. Beyond that deadline, a tarmac delay can only be prolonged if there are safety, immigration, air traffic control or security-related reasons why the aircraft cannot leave its position on the tarmac. tarmac delay Text Origin: Council's 1st Reading
Article 1, first paragraph, point (7), amending provision, numbered paragraph (4)			
174	4. Passengers disembarked in accordance with paragraph 3 shall be entitled to the rights provided for under Article 6 and, where applicable, Article 11, taking into account the tarmac delay and the time of departure indicated on the passenger's ticket.	4. <u>After a total delay of more than three hours from the initial departing time,</u> passengers disembarked in accordance with paragraph 3 shall be entitled to the rights provided for under Article 6 and <u>assistance as specified in Art 9, and,</u> where applicable, <u>in</u> Article 11, taking into account the tarmac delay and the time of departure indicated on the	4. Passengers disembarked in accordance with paragraph 3 shall be entitled to the rights provided for under Article 6 and, where applicable, Article 11, taking into account the tarmac delay and the time of departure indicated on the passenger's ticket. tarmac delay

	CLEAN Council's 1st Reading	vs.EC EP Position	CLEAN Draft Agreement
		passenger's ticket, <u>and they shall be informed accordingly.</u>	Text Origin: Council's 1st Reading
Article 1, first paragraph, point (7), amending provision, sixth paragraph			
175	Article 6b Missed connecting flight during journeys performed under a single air transport contract	Article 6b Missed connecting flight during journeys performed under a single air transport contract	Article 6b Missed connecting flight during journeys performed under a single air transport contract Text Origin: Council's 1st Reading
Article 1, first paragraph, point (7), amending provision, numbered paragraph (1)			
176	1. Where a passenger misses a connecting flight during a journey as a result of a disruption on the preceding flight, the operating air carrier of the preceding flight shall be responsible for providing to the passenger rerouting in accordance with Article 8(1), point (b), and assistance in accordance with Article 9.	1. Where a passenger misses a connecting flight <u>for which he has a reservation, including when he has been booked on an alternative flight in case of a re-routing,</u> during a journey as a result of a disruption on the preceding flight, the operating air carrier of the preceding flight <u>which is responsible for that delay or that change of schedule</u> shall be responsible for providing to the passenger rerouting in accordance with Article 8(1), point (b), and assistance in accordance with Article 9.;	1. Where a passenger misses a connecting flight during a journey as a result of a disruption on the preceding flight, the operating air carrier of the preceding flight shall be responsible for providing to the passenger rerouting in accordance with Article 8(1), point (b), and assistance in accordance with Article 9. Text Origin: Council's 1st Reading
Article 1, first paragraph, point (7), amending provision, numbered paragraph (1), point (a)			
176a		<u>(a) the assistance specified in Article 9(1) if the passenger's waiting time for the connection is prolonged by at least two hours;</u>	deleted
Article 1, first paragraph, point (7), amending provision, numbered paragraph (1), point (b)			
176b		<u>(b) re-routing as specified in Article 8(1)(b); and</u> idem	deleted

	CLEAN	Council's 1st Reading	VS.EC	EP Position	CLEAN	Draft Agreement
Article 1, first paragraph, point (7), amending provision, numbered paragraph (1), point (c)						
	176c			<u>(c) when the scheduled time of departure of the alternative flight or other transport offered under Article 8 is at least 3 hours after the scheduled time of departure of the flight missed and the delay includes night-time hours, the assistance specified in Article 9(1) and 9(2).</u>		<i>deleted</i>
				idem		
Article 1, first paragraph, point (7), amending provision, numbered paragraph (2)						
	177	2. Where the operating air carrier cannot reroute the passenger within the time period set out in Article 7(2), points (a) and (b), calculated from the time of departure indicated on the passenger's ticket of the missed connecting flight, the operating air carrier shall, without undue delay, offer the passengers concerned, in a clear manner, the choice between reimbursement and rerouting in accordance with Article 8.	2.	Where the operating air carrier cannot reroute the passenger within the time period set out in Article 7(2), points (a) and (b), calculated from the time of departure indicated on the passenger's ticket of the missed connecting flight, the operating air carrier shall, without undue delay, offer the passengers concerned, in a clear manner, the choice between reimbursement and rerouting in accordance with Article 8.	2.	Where the operating air carrier cannot reroute the passenger within the time period set out in Article 7(1), point (a), calculated from the time of departure indicated on the passenger's ticket of the missed connecting flight, the operating air carrier shall, without undue delay, offer the passengers concerned, in a clear manner, the choice between reimbursement and rerouting in accordance with Article 8.
						Text Origin: Council's 1st Reading
Article 1, first paragraph, point (7), amending provision, numbered paragraph (3), first subparagraph						
	178	3. Passengers shall also have a right to receive, upon request, compensation from the air carrier operating the disrupted flight in accordance with Articles 7(1) and 7(3), if they reach their final destination with a delay at arrival exceeding the thresholds set out in Article 7(2).	3.	Passengers shall also have a right to receive, upon request , compensation from the air carrier operating the disrupted flight in accordance with Articles 7(1) and 7(3), if they reach their final destination with a delay at arrival exceeding the thresholds <u>threshold</u> set out in Article 7(2).	3.	Passengers shall also have a right to receive, upon request, compensation from the air carrier operating the disrupted flight in accordance with Article 7(1), if they reach their final destination with a delay at arrival exceeding the thresholds set out in Article 7(1).
						threshold(s) form

	CLEAN	VS.EC	CLEAN
	Council's 1st Reading	EP Position	Draft Agreement
Article 1, first paragraph, point (7), amending provision, numbered paragraph (3), second subparagraph			
R	179	Passengers shall have the right to receive, upon request, compensation from the air carrier operating the disrupted flight in accordance with Articles 7(1) and 7(3) when they choose a reimbursement in accordance with Article 8(1), point (a) or rerouting in accordance with Article 8(1), point (c), or, when they reach their final destination with a delay at arrival exceeding the thresholds set out in Article 7(2) after they choose rerouting in accordance with Article 8(1), point (b).	Passengers shall have the right to receive, upon request , compensation from the air carrier operating the disrupted flight in accordance with Articles 7(1) and 7(3) when they choose a reimbursement in accordance with Article 8(1), point (a) or rerouting in accordance with Article 8(1), point (c), or, when they reach their final destination with a delay at arrival exceeding the thresholds threshold set out in Article 7(2) after they choose rerouting in accordance with Article 8(1), point (b).
			threshold(s) form
Article 1, first paragraph, point (7), amending provision, numbered paragraph (3a)			
R	179a	<u><i>3a. Where paragraphs 2 and 3 apply, the operating air carrier shall, systematically within 48 hours following the missed connecting flight, provide the passenger with a pre-filled form in accordance with Article 16aa of Regulation [2023/.] on enforcement of passenger rights in the Union.</i></u>	PCY suggests not retaining EP text. deadlines form
Article 1, first paragraph, point (7), amending provision, numbered paragraph (4)			
G	180	4. Where a passenger plans, and makes, a stopover, the airport where the stopover is made shall be regarded as the final destination of the passenger.;	4. Where a passenger plans, and makes, a stopover, the airport where the stopover is made shall be regarded as the final destination of the passenger.
			DLAs to check if second leg is covered as intended.

	CLEAN	Council's 1st Reading	VS.EC	EP Position	CLEAN	Draft Agreement
						Text Origin: EP Position
Article 1, first paragraph, point (7), amending provision, Article						
G	180a			<u>Article 6c</u> <u>Extraordinary circumstances</u>		<i>Article 6c</i> <i>Extraordinary circumstances</i> Text Origin: EP Position
Article 1, first paragraph, point (7), amending provision, Article(1)						
R	180b			<u>1. Extraordinary circumstances shall be considered to be events which, by their nature or origin, are not inherent in the normal exercise of the activity of the air carrier concerned and are outside that air carrier's actual control. For the purposes of this Regulation, extraordinary circumstances are limited to the circumstances set out in the Annex ;</u>		1. For the purpose of this Regulation, extraordinary circumstances include, but are not limited to the list of extraordinary circumstances set out in the Annex. PCY suggested compromise wording. extraordinary circumstances
Article 1, first paragraph, point (7), amending provision, Article(2)						
R	180c					1a. An operating air carrier shall not be obliged to pay compensation in accordance with Article 7, if it can prove that the cancellation, delay or missed connecting flight was caused by extraordinary circumstances and it could not have been avoided even if the air carrier had taken all reasonable measures. Extraordinary circumstances may only be invoked in so far as they affect the flight concerned or at least one of the three preceding flights in the rotation sequence planned to be operated by the same aircraft, and provided that there is a direct causal link between the occurrence of that circumstance and the

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
			<p>disruption of the flight. The burden of proof regarding the existence of that direct causal link shall rest with the operating air carrier.</p> <p>PCY suggested compromise text.</p> <p>extraordinary circumstances</p>
Article 1, first paragraph, point (7), amending provision, Article(3)			
180d		<p><u>2. When a passenger has a right to compensation from the air carrier in accordance with Articles 4, 5 and 6, the air carrier shall send to the passenger in a written form, within 48 hours, the information about the presence or absence of extraordinary circumstances and provide access to a pre-filled common form in accordance with [16aa of Regulation [2023/..] on enforcement of passenger rights in the Union].</u></p>	<p>2. Where the passenger has a right to compensation in accordance with Article 5(4), Article 6(4) or Article 6b(3) and extraordinary circumstances are invoked, the operating air carrier shall provide the passengers with a clear and substantiated explanation on extraordinary circumstances, in writing, within 14 calendar days of the date of departure indicated on the passenger's ticket. Where the airport managing body activates its contingency plan, that deadline may be extended to 30 calendar days. In absence of such explanation, extraordinary circumstances shall be deemed not to apply.</p> <p>PCY suggested compromise text</p> <p>extraordinary circumstances form deadlines</p>
Article 1, first paragraph, point (7), amending provision, Article(4)			
180e		<p><u>3. Where an unusual event outside the control of one or more Member States has occurred, which has a major impact on air travel with major unfavourable consequences for the aviation sector and which is not</u></p>	<p>[The Commission is empowered to adopt a delegated act in accordance with Article 16h in order to supplement the list set out in the Annex.]</p>

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
		<u>covered under Annex to this Regulation, the Commission is empowered to adopt a delegated act in accordance with Article 16h in order to amend the exhaustive list set out in that Annex by adding the relevant extraordinary circumstance, provided that this is strictly necessary to respond to such an unusual event.</u>	PCY seeks flexibility. extraordinary circumstances
Article 1, first paragraph, point (8)			
G	181 (8) Article 7 is replaced by the following:	(8) Article 7 is replaced by the following:	(8) Article 7 is replaced by the following: Text Origin: Council's 1st Reading
Article 1, first paragraph, point (8), amending provision, first paragraph			
G	182 Article 7 Right to compensation	Article 7 Right to compensation	Article 7 Right to compensation Text Origin: Council's 1st Reading
Article 1, first paragraph, point (8), amending provision, numbered paragraph (1), first subparagraph			
G	183 1. In the case of a disruption, the following compensation amounts shall apply under the conditions defined in Articles 4, 5, 6 or 6a and in this Article:	1. In the case of a disruption, the following compensation amounts shall apply under the conditions defined in Articles 4, 5, 6 or 6a and in this Article:	1. In the case of a disruption, where reference is made to this Article and where the conditions of Article 6c do not apply, the following rights to compensation shall arise: PCY seeks flexibility. Text Origin: Council's 1st Reading
Article 1, first paragraph, point (8), amending provision, numbered paragraph (1), first subparagraph, point (a)			
R	184 (a) 300 EUR for all intra-Union journeys and for journeys of 3 500 kilometres or less;	(a) 300 EUR for all intra-Union journeys and for journeys of 3 500 kilometres or less;	(a) x EUR for all journeys with a delay at arrival of more than y hours; or

	CLEAN	Council's 1st Reading	VS.EC	EP Position	CLEAN	Draft Agreement
						[...] (z) x EUR for all cancellations, except where the passenger chose rerouting in accordance with Article 8(1)(b), in which case points x shall apply. PCY seeks flexibility. threshold(s)
	Article 1, first paragraph, point (8), amending provision, numbered paragraph (1), first subparagraph, point (b)					
R	185	(b) 500 EUR for journeys above 3 500 kilometres.		(b) 500 EUR for journeys above 3 500 kilometres.		PCY suggests deletion. threshold(s)
	Article 1, first paragraph, point (8), amending provision, numbered paragraph (1), first subparagraph, point (ba)					
R	185a			<u>(a) EUR 300 for all journeys of 1 500 kilometres or less;</u>		PCY suggests deletion. threshold(s)
	Article 1, first paragraph, point (8), amending provision, numbered paragraph (1), first subparagraph, point (bb)					
R	185b			<u>(b) EUR 400 for all journeys between 1 500 km and 3 500 km;</u>		PCY suggests deletion. threshold(s)
	Article 1, first paragraph, point (8), amending provision, numbered paragraph (1), first subparagraph, point (bc)					
R	185c			<u>(c) EUR 600 for all journeys above 3 500 km;</u>		PCY suggests deletion. threshold(s)
	Article 1, first paragraph, point (8), amending provision, numbered paragraph (1a)					
R	185d			<u>1a. Every three years, the Commission shall adopt a delegated act automatically</u>		PCY suggests deletion.

	CLEAN	Council's 1st Reading	VS.EC	EP Position	CLEAN	Draft Agreement
				<u><i>adjusting the amounts of compensation referred to in this paragraph to the combined overall inflation rate of the three preceding years based on the European Index of Consumer prices published by Eurostat pursuant to Regulation (EU) 2016/792.</i></u>		threshold(s)
Article 1, first paragraph, point (8), amending provision, numbered paragraph (1), second subparagraph						
R	186	By way of derogation from point (a), for journeys between outermost regions and another territory of a Member State to which the Treaties apply, the compensation amounts shall be determined on the basis of the actual distance of the journeys.		<i>By way of derogation from point (a), for journeys between outermost regions and another territory of a Member State to which the Treaties apply, the compensation amounts shall be determined on the basis of the actual distance of the journeys.</i>		PCY suggests deletion. threshold(s)
Article 1, first paragraph, point (8), amending provision, numbered paragraph (2)						
R	187	2. In the case of a delay at arrival after rerouting following a cancellation under Article 5, a delay at arrival under Article 6 or a delay at arrival after a missed connecting flight under Article 6b, the right to compensation shall arise for delays at arrival of more than:		2. In the case of a delay at arrival after rerouting following a cancellation under Article 5, a delay at arrival under Article 6 or a delay at arrival after a missed connecting flight under Article 6b <u><i>or a delay at departure due to tarmac delay under Article 6a</i></u> , the right to compensation shall arise for delays at arrival of more than: <u><i>of three hours or more, regardless of the distance of the journey.</i></u>		PCY suggests deletion. threshold(s)
Article 1, first paragraph, point (8), amending provision, numbered paragraph (2), point (a)						
R	188	(a) four hours for all intra-Union journeys and for journeys of 3 500 kilometres or less;		<i>(a) four hours for all intra-Union journeys and for journeys of 3 500 kilometres or less;</i>		PCY suggests deletion. threshold(s)
Article 1, first paragraph, point (8), amending provision, numbered paragraph (2), point (b)						
R	189	(b) six hours for journeys above 3 500 kilometres.		<i>(b) six hours for journeys above 3 500 kilometres.</i>		PCY suggests deletion.

	CLEAN	Council's 1st Reading	VS.EC	EP Position	CLEAN	Draft Agreement
						threshold(s)
Article 1, first paragraph, point (8), amending provision, numbered paragraph (2a)						
187a						<p>2a. Where a passenger has a right to compensation in accordance with Article 5(4), Article 6(4) or Article 6b(3) and the operating air carrier has not invoked extraordinary circumstances in accordance with Article 6c(2a), the operating air carrier shall, within 14 days of the date of departure indicated on the passenger's ticket, provide the passenger with a pre-filled form in an accessible format and on a durable medium.</p> <p>See line 180d.</p>
Article 1, first paragraph, point (8), amending provision, numbered paragraph (3)						
190		<p>3. In determining the distances for the purpose of this Regulation, the basis for the calculation shall be the distance between the initial point of departure and the final destination. In the case of a connecting flight, only the initial point of departure and the airport of the final destination shall be taken into consideration. Those distances shall be measured by the great circle route method.</p>		<p>3. <u><i>In case of connecting flights</i></u><i>In determining the distances for the purpose of this Regulation, the basis for the calculation shall be the distance between the initial point of departure and</i> <u><i>in relation to compensation should be calculated from the airport where the disruption occurred to</i></u> the final destination. <i>In the case of a connecting flight, only the initial point of departure and the airport of the final destination shall be taken into consideration. Those distances shall be measured by the great circle route method.</i></p>		<p>PCY suggests deletion.</p> <p>threshold(s)</p>
Article 1, first paragraph, point (8), amending provision, numbered paragraph (4)						

	CLEAN	Council's 1st Reading	VS.EC	EP Position	CLEAN	Draft Agreement
R	191	4. Where the passengers have chosen to continue the journey pursuant to Article 8(1), point (b), and a further disruption occurs during rerouting, the passenger's right to compensation can only arise once during the journey to the final destination.		4. Where the passengers have chosen to continue the journey pursuant to Article 8(1), point (b), and a further disruption occurs during rerouting, the passenger's right to compensation can only arise once during the journey to the final destination.		4. Where the passengers have chosen to continue their journey pursuant to Article 8(1), points (a) or (c), and a further disruption occurs during rerouting, the passenger's right to compensation shall be upheld <i>during rerouting to their initial point of departure or to their final destination.</i> PCY suggested compromise text.
Article 1, first paragraph, point (8), amending provision, numbered paragraph (4a)						
Y	191a			<u>4a. In agreement with the passenger, the compensation referred to in paragraph 1 of this Article shall only be paid by electronic bank transfer, credit card refund or bank order to the account indicated by the authorised passenger.</u>		4a. The compensation shall be paid by electronic bank transfer or, if agreed by the passenger in a signed document <i>or by digital means</i> on a durable medium, by other means. PCY suggested compromise text.
Article 1, first paragraph, point (8), amending provision, numbered paragraph (4b)						
Y	191b			<u>4b. The burden of proof of when and how the passenger accepted the form of payment of compensation or of reimbursement of ticket costs set out in Article 7(6), as well as if and when the passenger accepted the agreement referred to in paragraph 5 of this Article, shall rest with the operating air carrier.</u>		PCY suggests not retaining EP text.
Article 1, first paragraph, point (8), amending provision, numbered paragraph (5), first subparagraph						
R	192	5. Requests for compensation under this Article shall be submitted by the passenger within six months of the actual date of departure indicated on the passenger's ticket.		5. Requests for compensation under this Article shall be submitted by the passenger <u>using the pre-filled common form sent by the operating air carrier</u> within six months of the		5. Requests for compensation under this Article shall be submitted by the passenger within six months of the date of departure indicated on the passenger's ticket. Within 14

	CLEAN	Council's 1st Reading	VS.EC	EP Position	CLEAN	Draft Agreement
		Within 14 calendar days of the submission of the request, the operating air carrier shall either pay the compensation or provide the passenger with a justification for not paying the compensation in accordance with Article 5(5) or Article 6(6), including, if applicable, a clear and substantiated explanation on extraordinary circumstances. Where the airport managing body activates its contingency plan, that deadline may be extended to 30 calendar days.		actual date of departure indicated <u>one year from the date on which the flight was performed or was scheduled to be performed the passenger's ticket</u> . Within 14 calendar <u>7 working</u> days of the submission of the request, the operating air carrier shall either pay the compensation or provide the passenger with a justification for not paying the compensation in accordance with Article 5(5) or Article 6(6) <u>and Article 6c</u> , including, if applicable, a clear and substantiated explanation on extraordinary circumstances. Where the airport managing body activates its contingency plan, that deadline may be extended to 30 calendar days.		calendar days of the submission of the request, the operating air carrier shall pay the compensation. Where the airport managing body activates its contingency plan, that deadline may be extended to 30 calendar days. PCY suggested compromise. form deadlines
Article 1, first paragraph, point (8), amending provision, numbered paragraph (5), second subparagraph						
Y	193	Where the operating air carrier does not pay the requested compensation, the passenger may submit a complaint in accordance with Article 16a.		Where the operating air carrier does not pay the requested compensation, the passenger may submit a complaint in accordance with Article 16a <u>16f</u> .		DLAs
Article 1, first paragraph, point (8), amending provision, numbered paragraph (6)						
Y	194	6. The compensation shall be paid in cash or, if agreed by the passenger in a signed document or any digital means on a durable medium, by other means.;		6. The compensation shall be paid in cash or, if agreed by the passenger in a signed document or any digital means on a durable medium, by other means.;		See lines 191a. <i>deleted</i>
Article 1, first paragraph, point (9)						
G	195	(9) Article 8 is replaced by the following:		(9) Article 8 is replaced by the following:		(9) Article 8 is replaced by the following:

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
			Text Origin: Council's 1st Reading
Article 1, first paragraph, point (9), amending provision, first paragraph			
G	196 Article 8 Right to reimbursement or rerouting	Article 8 Right to reimbursement or rerouting	Article 8 Right to reimbursement or rerouting Text Origin: Council's 1st Reading
Article 1, first paragraph, point (9), amending provision, numbered paragraph (1), first subparagraph			
	197 1. In the case of a disruption, passengers shall be offered, free of charge, the choice between the following options under the conditions defined in Articles 4, 5, 6, or 6b and in this Article:	1. In the case of a disruption, passengers shall be offered, <u>automatically, by electronic means and</u> free of charge, <u>in a clear and unambiguous way</u> , the choice between the following options under the conditions defined in Articles 4, 5, 6, or 6b and in this Article:	1. In the case of a disruption, the operating air carrier shall without undue delay and under the conditions defined in Articles 4, 5, 6, or 6b and in this Article, offer the passengers a choice between the following options, to be provided free of charge:
Article 1, first paragraph, point (9), amending provision, numbered paragraph (1), first subparagraph, point (a)			
R	198 (a) automatic reimbursement within 14 calendar days from the date of departure of the disrupted flight indicated on the passenger's ticket, in cash, or, if agreed by the passenger in a signed document or any other digital means on a durable medium, by other means, of the full cost of the tickets, for the part or parts of the journey or journeys not made, and for the part or parts of the journey or journeys already made if the flight is no longer serving any purpose in relation to the passenger's original travel plans, together with, where relevant, a return flight to the initial point of departure, at the earliest opportunity after the time of	(a) automatic reimbursement <u>following the completion via the pre-filled common form</u> within 14 calendar <u>seven working</u> days from the date of departure <u>passenger's request</u> of the disrupted flight indicated on the passenger's ticket, in cash <u>only by electronic bank transfer, credit card refund or, if agreed bank order to the account indicated</u> by the <u>authorised</u> passenger in a signed document or any other digital means on a durable medium, by other means , of the full cost of the tickets, for the part or parts of the journey or journeys not made, and for the part or parts of the journey or journeys already made if the flight	(a) automatic reimbursement within 14 calendar days from the passenger's request, by electronic bank transfer or, if agreed by the passenger in a signed document or by digital means on a durable medium, of the full cost of the tickets, for the part or parts of the journey or journeys not made, and for the part or parts of the journey or journeys already made if the flight is no longer serving any purpose in relation to the passenger's original travel plans, together with, where relevant, a return flight to the initial point of departure, at the earliest opportunity after the time of departure

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
	departure indicated on the passenger's ticket or, in agreement with the passenger, before that time.	is no longer serving any purpose in relation to the passenger's original travel plans, together with, where relevant, a return flight to the initial point of departure, at the earliest opportunity after the time of departure indicated on the passenger's ticket or, in agreement with the passenger, before that time.	indicated on the passenger's ticket or, in agreement with the passenger, before that time. PCY suggests maintaining Council text. Issue to be addressed at the third trilogue. form deadlines
Article 1, first paragraph, point (9), amending provision, numbered paragraph (1), second subparagraph			
198a			deleted scope
Article 1, first paragraph, point (9), amending provision, numbered paragraph (1), second subparagraph, point (a)			
199	(b) continuation of the passenger's journey by rerouting the passenger to his or her final destination at the earliest opportunity after the time of departure indicated on the passenger's ticket or, in agreement with the passenger, before that time; or	(b) continuation of the passenger's journey by rerouting the passenger to his or her final destination at the earliest opportunity <u>under comparable transport conditions</u> , after the time of departure indicated on the passenger's ticket or, in agreement with the passenger, before that time; or	(b) continuation of the passenger's journey by rerouting, <i>under comparable transport conditions</i> , the passenger to his or her final destination at the earliest opportunity after the time of departure indicated on the passenger's ticket or, in agreement with the passenger, before that time; or rerouting Text Origin: Council's 1st Reading
Article 1, first paragraph, point (9), amending provision, numbered paragraph (1), second subparagraph, point (b)			
200	(c) rerouting to their final destination at a later date at the passenger's convenience, subject to availability of seats.	(c) rerouting to their final destination at a later date at the passenger's convenience, subject to availability of seats.	(c) rerouting, under comparable transport conditions, to their final destination at a later date at the passenger's convenience, subject to availability of seats.

	CLEAN	Council's 1st Reading	VS.EC	EP Position	CLEAN	Draft Agreement
						Text Origin: Council's 1st Reading
Article 1, first paragraph, point (9), amending provision, numbered paragraph (1), third subparagraph						
	200a			<u>Paragraph 1(b) shall also apply in cases where the aircraft took off but was subsequently forced to land at an airport other than the airport of destination. Pursuant to paragraph 3, the air carrier shall bear the costs of transferring the passenger from that alternative airport to the airport in respect of which the reservation was made.</u>		rerouting deleted
Article 1, first paragraph, point (9), amending provision, numbered paragraph (1), fourth subparagraph						
R	201	Where the airport managing body activates its contingency plan in accordance with Article 10a, the deadline referred to in point (a) of this paragraph may be extended to 30 calendar days.		Where the airport managing body activates its contingency plan in accordance with Article 10a, the deadline referred to in point (a) of this paragraph may be extended to 30 calendar days.		PCY suggests maintaining Council text. contingency deadlines
Article 1, first paragraph, point (9), amending provision, numbered paragraph (1), fifth subparagraph						
	201a					The operating air carrier shall provide the information to the passengers pursuant to this Article in a clear and unambiguous manner by electronic means, and at the passenger's request by other means, such as in a paper form. <i>The burden of proof concerning the passenger's choice shall rest with the operating air carrier. To that end, the operating air carrier shall also ensure that the choice made by the passenger pursuant to this Article is confirmed by means of a signed document or any digital means on a durable medium.</i>

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
	Article 1, first paragraph, point (9), amending provision, numbered paragraph (2)		
202	2. In order for the passenger to reach his or her destination as determined under paragraph 1 at the earliest opportunity, the operating air carrier shall, subject to availability and provided that these are under comparable transport conditions as set out in the air transport contract, offer at least one of the following alternative options for the passenger's consideration and agreement in a signed document or any other digital means on a durable medium:	2. In order for the passenger to reach his or her destination as determined under paragraph 1 at the earliest opportunity, the operating air carrier shall, subject to availability and provided that these are under comparable transport conditions as set out in the air transport contract, offer at least one of the following alternative options for the passenger's consideration and agreement in a signed document or any other digital means on a durable medium:	2. In order for the passenger to reach his or her destination as determined under paragraph 1 at the earliest opportunity <i>and with a total travel time as close as reasonably possible to the scheduled total travel time of the original flight</i> , the operating air carrier shall, subject to availability, offer at least one of the following alternative options for the passenger's consideration and agreement in a signed document or any other digital means on a durable medium: Text Origin: Council's 1st Reading
	Article 1, first paragraph, point (9), amending provision, numbered paragraph (2), point (a)		
203	(a) a flight or connecting flights, following the same route as set out in the air transport contract;	(a) a flight or connecting flights, following the same route as set out in the air transport contract;	(a) a flight or connecting flights, following the same route as set out in the air transport contract; Text Origin: Council's 1st Reading
	Article 1, first paragraph, point (9), amending provision, numbered paragraph (2), point (b)		
204	(b) a different routing, including to or from alternative airports to the airport stated in the air transport contract, in which case, the operating air carrier shall bear the cost of transferring the passenger from the airport stated in the air transport contract to the alternative airport or to the airport stated in the air transport contract from the alternative airport;	(b) a different routing, including to or from alternative airports to the airport stated in the air transport contract, in which case, the operating air carrier shall bear the cost of transferring the passenger from the airport stated in the air transport contract to the alternative airport or to the airport stated in the air transport contract from the alternative airport;	(b) a different routing between the same airports of departure and of arrival as stated in the air transport contract; rerouting

	CLEAN	Council's 1st Reading	VS.EC	EP Position	CLEAN	Draft Agreement
Article 1, first paragraph, point (9), amending provision, numbered paragraph (2), point (ba)						
204a						(ba) rerouting to or from alternative airports to the airports stated in the air transport contract, in which case, the operating air carrier shall bear the cost of transferring the passenger between the airport stated in the air transport contract and the alternative airport; rerouting
Article 1, first paragraph, point (9), amending provision, numbered paragraph (2), point (c)						
205	(c)	the use of services operated by another air carrier; or	(c)	the use of services operated by another air carrier; or	(c)	the use of services operated by another air carrier; or Text Origin: Council's 1st Reading
Article 1, first paragraph, point (9), amending provision, numbered paragraph (2), point (d)						
206	(d)	where appropriate for the distance to be travelled, the use of another mode of transport.	(d)	where appropriate for the distance to be travelled <u>and within equivalent travel time</u> , the use of another mode of transport.	(d)	where appropriate for the distance to be travelled, the use of another mode of transport. Text Origin: Council's 1st Reading
Article 1, first paragraph, point (9), amending provision, numbered paragraph (2), point (da)						
206a				<u>The air carrier shall inform the passenger, within 30 minutes after the scheduled departure time, whether it will transport the passenger on its own services within the time limit. The passenger shall have the right to refuse the re-routing via another mode of transport, and, in such case, shall maintain his rights to care as specified in Article 9 while waiting for the re-routing.</u>		deleted
Article 1, first paragraph, point (9), amending provision, numbered paragraph (2), point (db)						

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
206b		<u><i>The air carrier shall continue to be responsible for application of this Regulation for the whole of the journey.</i></u>	In the event of rerouting <i>via another mode of transport or with another air carrier</i> , the operating air carrier shall remain responsible for information, assistance and rerouting only until the departure of that rerouting service. The operating air carrier shall remain responsible for compensation for delay at arrival at the final destination in accordance with Article 7. The carrier operating the rerouting service shall be responsible for all other rights connected to that service in accordance with the applicable Union law on passenger rights for that mode of transport.
Article 1, first paragraph, point (9), amending provision, numbered paragraph (3), first subparagraph			
207	3. Where a passenger informed the operating air carrier of his or her choice to continue his or her journey in accordance with paragraph 1, point (b) and paragraph 4, and if the operating air carrier has not offered within three hours a rerouting, the passenger may arrange his or her own rerouting in accordance with paragraph 2.	3. Where a passenger informed the operating air carrier of his or her choice to continue his or her journey in accordance with paragraph 1, point (b) and paragraph 4, and if the operating air carrier has not offered within three hours a rerouting, the passenger may arrange his or her own rerouting in accordance with paragraph 2.	3. Where a passenger informed the operating air carrier of his or her choice to continue his or her journey in accordance with paragraph 1, point (b) and paragraph 4, and if the operating air carrier has not offered within three hours a rerouting, the passenger may arrange his or her own rerouting in accordance with paragraph 2. If the passenger chooses to arrange his or her own rerouting, the passenger shall inform the operating air carrier accordingly. The passenger shall have the right to refuse the re-routing between alternative airports or via another mode of transport, and, in such case, shall maintain his or her rights to assistance in accordance with Article 9 while waiting for the re-routing.

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
			rerouting Text Origin: Council's 1st Reading
Article 1, first paragraph, point (9), amending provision, numbered paragraph (3), second subparagraph			
208	In the case of a cancellation, the first subparagraph shall apply from the time of departure indicated on the passenger's ticket.	In the case of a cancellation, the first subparagraph shall apply from the time of departure indicated on the passenger's ticket.	In the case of a cancellation, the first subparagraph shall apply from the time of departure indicated on the passenger's ticket. Text Origin: Council's 1st Reading
Article 1, first paragraph, point (9), amending provision, numbered paragraph (3), third subparagraph			
209	When arranging their own rerouting, the passengers shall limit the expenses to those that are necessary, reasonable and appropriate. The operating air carrier shall reimburse the expenses not exceeding 400 % of the full cost of the ticket or tickets incurred by the passenger within 14 calendar days of the submission of the request. Where the airport managing body activates its contingency plan, that deadline may be extended to 30 calendar days.	When arranging their own rerouting, the passengers shall limit the expenses to those that are necessary, reasonable and appropriate. The operating air carrier shall reimburse the expenses [not exceeding 400 %] of the full cost of the ticket or tickets incurred by the passenger within 14 <u>seven</u> calendar days of the submission of the request. Where the airport managing body activates its contingency plan, that deadline may be extended to 30 calendar days.	When arranging their own rerouting, the passengers shall limit the expenses to those that are necessary, reasonable and appropriate. The operating air carrier shall reimburse the expenses not exceeding 400 % of the full cost of the ticket or tickets incurred by the passenger within [7/14] calendar days of the submission of the request. [Where the airport managing body activates its contingency plan, that deadline may be extended to 30 calendar days.] deadlines contingency Text Origin: Council's 1st Reading
Article 1, first paragraph, point (9), amending provision, numbered paragraph (4), first subparagraph			
210	4. A passenger may choose between reimbursement in accordance with paragraph 1, point (a), or rerouting at a later date in accordance with paragraph 1, point (c), until	4. A passenger may choose between reimbursement in accordance with paragraph 1, point (a), or rerouting at a later date in accordance with paragraph 1, point (c), until	4. A passenger may choose between reimbursement in accordance with paragraph 1, point (a), or rerouting at a later date in accordance with paragraph 1, point (c), until

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
	when the passenger has accepted a rerouting at the earliest opportunity offered by the operating air carrier in accordance with paragraph 1, point (b) or until when the passenger has decided to self-reroute in accordance with paragraph 3.	when the passenger has accepted a rerouting at the earliest opportunity offered by the operating air carrier in accordance with paragraph 1, point (b) or until when the passenger has decided to self-reroute in accordance with paragraph 3.	when the passenger has accepted a rerouting at the earliest opportunity offered by the operating air carrier in accordance with paragraph 1, point (b) or until when the passenger has decided to self-reroute in accordance with paragraph 3. <i>Text Origin: Council's 1st Reading</i>
Article 1, first paragraph, point (9), amending provision, numbered paragraph (4), first subparagraph a			
210a			<i>deleted</i>
Article 1, first paragraph, point (9), amending provision, numbered paragraph (4), second subparagraph			
211	The passenger shall inform the operating air carrier of his or her choice.;	The passenger shall inform the operating air carrier of his or her choice.;	The passenger shall inform the operating air carrier of his or her choice. <i>Text Origin: EP Position</i>
Article 1, first paragraph, point (9), amending provision, numbered paragraph (4), second subparagraph			
			The operating air carrier shall provide the information to the passengers pursuant to this Article in a clear and unambiguous manner by electronic means, and at the passenger's request by other means, such as in a paper form. The burden of proof concerning the passenger's choice shall rest with the operating air carrier. To that end, the operating air carrier shall also ensure that the choice made by the passenger pursuant to this Article is confirmed by means of a signed document or any digital means on a durable medium.
Article 1, first paragraph, point (10)			

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
212	(10) Article 9 is replaced by the following:	(10) Article 9 is replaced by the following:	(10) Article 9 is replaced by the following: Text Origin: Council's 1st Reading
Article 1, first paragraph, point (10), amending provision, first paragraph			
213	Article 9 Right to assistance	Article 9 Right to assistance	Article 9 Right to assistance Text Origin: Council's 1st Reading
Article 1, first paragraph, point (10), amending provision, numbered paragraph (1), first subparagraph			
214	1. In the case of a disruption and subject to the conditions referred to in Articles 4, 5, 6, 6a and 6b and in this Article, and when the waiting time for their flight or alternative transportation is prolonged by at least two hours, passengers shall be offered, free of charge, the following:	1. In the case of a disruption and subject to the conditions referred to in Articles 4, 5, 6, 6a and 6b and in <u>Where reference is made to</u> this article, and when the waiting time for their flight or alternative transportation is prolonged by at least two hours , passengers shall be offered, free of charge, the following:	1. Where reference is made to this article, passengers shall be offered, free of charge, the following: DLAs Text Origin: EP Position
Article 1, first paragraph, point (10), amending provision, numbered paragraph (1), first subparagraph, point (a)			
215	(a) refreshments every two hours of waiting time;	(a) <u>drinking water and</u> refreshments every two hours of waiting time ;	(a) refreshments every two hours of waiting time; Text Origin: Council's 1st Reading
Article 1, first paragraph, point (10), amending provision, numbered paragraph (1), first subparagraph, point (b)			
216	(b) a meal after three hours and then every five hours of waiting time with a maximum of three meals per day;	(b) a meal after three hours and then every five hours of waiting time with a maximum of three meals per day;	(b) a meal after three hours and then every five hours of waiting time with a maximum of three meals per day; Text Origin: Council's 1st Reading
Article 1, first paragraph, point (10), amending provision, numbered paragraph (1), first subparagraph, point (c)			

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
217	(c) text messages, internet access and two telephone calls.	(c) text messages , internet access and two telephone calls.	(c) internet access and two telephone calls. <small>Text Origin: EP Position</small>
Article 1, first paragraph, point (10), amending provision, numbered paragraph (1), second subparagraph			
218	The operating air carrier may limit or decline the assistance provided under the first subparagraph if its provision would further delay the departure of the delayed flight or the rerouting, including the departure of the alternative transportation.	The operating air carrier may limit or decline the assistance provided under the first subparagraph if its provision would further delay the departure of the delayed flight or the rerouting, including the departure of the alternative transportation.	The operating air carrier may limit or decline the assistance provided under the first subparagraph if its provision would further delay the departure of the delayed flight or the rerouting, including the departure of the alternative transportation. <small>Text Origin: Council's 1st Reading</small>
Article 1, first paragraph, point (10), amending provision, numbered paragraph (2)			
219	2. In addition, where a stay of one or more nights becomes necessary while waiting for the flight or alternative transportation, passengers shall be offered, free of charge, the following:	2. In addition, where a stay of one or more nights becomes necessary while waiting for the flight or alternative transportation, passengers shall be offered, free of charge, the following:	2. In addition, where a stay of one or more nights becomes necessary while waiting for the flight or alternative transportation, passengers shall be offered, free of charge, the following: <small>Text Origin: Council's 1st Reading</small>
Article 1, first paragraph, point (10), amending provision, numbered paragraph (2), point (a)			
220	(a) hotel accommodation;	(a) hotel accommodation;	(a) hotel accommodation; <small>Text Origin: Council's 1st Reading</small>
Article 1, first paragraph, point (10), amending provision, numbered paragraph (2), point (b)			
221	(b) transport from the airport to the hotel accommodation and return.	(b) transport from the airport to the hotel accommodation and return.	(b) transport from the airport to the hotel accommodation and return. <small>Text Origin: Council's 1st Reading</small>
Article 1, first paragraph, point (10), amending provision, numbered paragraph (3)			

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
222	3. The operating air carrier may use vouchers to meet its obligations under paragraph 1, points (a) and (b) and paragraph 2. The vouchers provided in accordance with paragraph 1 shall be able to be used in all shops providing food and refreshments at the airport where the passengers concerned are stranded, on board their flight, and, as appropriate, at the accommodation provided pursuant to paragraph 2, point (a).	3. The operating air carrier may use vouchers to meet its obligations under paragraph 1, points (a) and (b) and paragraph 2 <u>point (b)</u> . The vouchers provided in accordance with paragraph 1 shall be able to be used in all shops providing food and refreshments at the airport where the passengers concerned are stranded, on board their flight, and, as appropriate, at the accommodation provided pursuant to paragraph 2, point (a).	3. The operating air carrier may use vouchers to meet its obligations under paragraph 1, points (a) and (b) and paragraph 2. The vouchers provided in accordance with paragraph 1 shall be able to be used in all shops providing food and refreshments at the airport where the passengers concerned are stranded, on board their flight, and, as appropriate, at the accommodation provided pursuant to paragraph 2, point (a). <i>A voucher provided in accordance with paragraph 2, point (a) can only be issued if the operating air carrier has pre-booked a room for the passenger concerned.</i> Text Origin: Council's 1st Reading
Article 1, first paragraph, point (10), amending provision, numbered paragraph (3a)			
222a		<u><i>3a. Where the passenger demonstrably incurs costs as a result of this decision in travelling to and from the airport, the passenger shall receive a full reimbursement thereof in the case of such travel to the airport in relation to the journey not taken.</i></u>	deleted
Article 1, first paragraph, point (10), amending provision, numbered paragraph (4)			
223	4. Where the operating air carrier does not meet its obligations under paragraphs 1, 2 and 3, the passengers concerned may make their own arrangements. The air carrier operating the disrupted flight shall reimburse the expenses incurred by the passengers within 14 calendar days of the submission of the request for reimbursement, to the extent those	<i>4. Where the operating air carrier does not meet its obligations under paragraphs 1, 2 and 3, the passengers concerned may make their own arrangements. The air carrier operating the disrupted flight shall reimburse the expenses incurred by the passengers within 14 calendar days of the submission of the request for reimbursement, to the extent those</i>	PCY suggests maintaining Council text and seeks flexibility on deletion. Text Origin: Council's 1st Reading

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
	expenses are necessary, reasonable and proportionate to the duration of the waiting time and to the costs of refreshments and meals at the location of the airport or the location of the accommodation where the passengers are stranded. Where the airport managing body activates its contingency plan, that deadline may be extended to 30 calendar days.	expenses are necessary, reasonable and proportionate to the duration of the waiting time and to the costs of refreshments and meals at the location of the airport or the location of the accommodation where the passengers are stranded. Where the airport managing body activates its contingency plan, that deadline may be extended to 30 calendar days.	
Article 1, first paragraph, point (10), amending provision, numbered paragraph (5)			
224	5. At all Union airports, the airport managing body shall put in place arrangements to ensure that drinking water and recharging stations for electronic devices can be made available, free of charge, regardless of the time of day, flight or terminal.	5. At all Union airports, the airport managing body shall put in place arrangements to ensure that drinking water, <u>internet access</u> and recharging stations for electronic devices can be made available, free of charge, regardless of the time of day, flight or terminal.	5. At all Union airports, the airport managing body shall put in place arrangements to ensure that drinking water and recharging stations for electronic devices can be made available, free of charge, regardless of the time of day, flight or terminal. Text Origin: Council's 1st Reading
Article 1, first paragraph, point (10), amending provision, numbered paragraph (5a)			
224a		<u>5a. When applying this Article, the operating air carrier shall pay particular attention to the needs of disabled persons, persons with reduced mobility and all persons accompanying them, as well as to the needs of parents, grandparents or other guardians travelling with children and of unaccompanied children. Airport management bodies shall provide specific facilities for severely disabled passengers requiring changing and toilet facilities at no cost to the passenger at all Union airports</u>	deleted First sentence is redundant with Article 11(5). PCY suggests discussing EP second sentence as part of negotiations on enforcement file because COM enforcement proposal amends Regulation 1107/2006 and that aspect seems more appropriate there. PRM Text Origin: EP Position

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
		<u>with an annual throughput of more than one million passengers.</u>	
Article 1, first paragraph, point (10), amending provision, numbered paragraph (6)			
225	6. If the disruption is caused by extraordinary circumstances and the disruption could not have been avoided even if the air carrier had taken all reasonable measures, the air carrier may limit the accommodation provided in accordance with paragraph 2, point (a) to a maximum of three nights.	6. If the disruption is caused by extraordinary circumstances and the disruption could not have been avoided even if the air carrier had taken all reasonable measures, the air carrier may limit the accommodation provided in accordance with paragraph 2, point (a) to a maximum of three <u>five</u> nights.	6. If the disruption is caused by extraordinary circumstances and the disruption could not have been avoided even if the air carrier had taken all reasonable measures, the air carrier may limit the accommodation provided in accordance with paragraph 2, point (a) to a maximum of three nights. extraordinary circumstances Text Origin: Council's 1st Reading
Article 1, first paragraph, point (10), amending provision, numbered paragraph (7)			
226	7. Where a passenger opts for reimbursement pursuant to Article 8(1), point (a), while being at the initial point of departure, or opts for rerouting at a later date pursuant to Article 8(1), point (c), the passenger shall have no further rights with regard to assistance under paragraphs 1 and 2 in relation to the relevant flight.;	7. Where a passenger opts for reimbursement pursuant to Article 8(1), point (a), while being at the initial point of departure, or opts for rerouting at a later date pursuant to Article 8(1), point (c), the passenger shall have no further rights with regard to assistance under paragraphs 1 and 2 in relation to the relevant flight.;	7. Where a passenger opts for reimbursement pursuant to Article 8(1), point (a), while being at the initial point of departure, or opts for rerouting at a later date pursuant to Article 8(1), point (c), the passenger shall have no further rights with regard to assistance under paragraphs 1 and 2 in relation to the relevant flight. Text Origin: Council's 1st Reading
Article 1, first paragraph, point (11)			
227	(11) Article 10 is replaced by the following:	(11) Article 10 is replaced by the following:	(11) Article 10 is replaced by the following: Text Origin: Council's 1st Reading
Article 1, first paragraph, point (11), amending provision, first paragraph			

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
G	228 Article 10 Upgrading and downgrading	Article 10 Upgrading and downgrading	Article 10 Upgrading and downgrading <i>Text Origin: Council's 1st Reading</i>
Article 1, first paragraph, point (11), amending provision, numbered paragraph (1)			
G	229 1. If an operating air carrier places a passenger in a class of transport higher than that for which the ticket was purchased, it shall not request any supplementary payment.	1. If an operating air carrier places a passenger in a class of transport higher than that for which the ticket was purchased, it shall not request any supplementary payment.	1. If an operating air carrier places a passenger in a class of transport higher than that for which the ticket was purchased, it shall not request any supplementary payment. <i>Text Origin: Council's 1st Reading</i>
Article 1, first paragraph, point (11), amending provision, numbered paragraph (2)			
R	230 2. If an operating air carrier places a passenger in a class of transport lower than that for which the ticket was purchased, it shall, without request, within 14 calendar days of the downgrading, by the means provided for in Article 7(6), provide the passenger with compensation at least equivalent to:	2. If an operating air carrier places a passenger in a class of transport lower than that for which the ticket was purchased, it shall, without request, within 14 calendar <u>seven working</u> days of the downgrading, by the means provided for in Article 7(6), provide the passenger with compensation at least equivalent to <u>reimburse</u> :	<i>PCY suggests maintaining Council text.</i> <i>DLAs to check terms (reimbursement vs compensation)</i> <i>deadlines</i>
Article 1, first paragraph, point (11), amending provision, numbered paragraph (2), point (a)			
G	231 (a) 40 % of the flight price for flights of 3 500 kilometres or less; or	(a) 40 % of the flight price for flights of 3 500 kilometres or less; or	<i>deleted</i> <i>threshold(s)</i>
Article 1, first paragraph, point (11), amending provision, numbered paragraph (2), point (b)			
G	232 (b) 75 % of the flight price for flights above 3 500 kilometres.	(b) 75 % of the flight price for flights above 3 500 kilometres.	<i>deleted</i> <i>threshold(s)</i>

	CLEAN	Council's 1st Reading	VS.EC	EP Position	CLEAN	Draft Agreement
Article 1, first paragraph, point (11), amending provision, numbered paragraph (2), point (ba)						
232a				<u>(a) 30 % of the cost of the air ticket for all flights of 1 500 kilometres or less, or</u>		(a) 30 % of the flight price for flights of 1 500 kilometres or less, or threshold(s) Text Origin: EP Position
Article 1, first paragraph, point (11), amending provision, numbered paragraph (2), point (bb)						
232b				<u>(b) 50 % of the cost of the air ticket for all intra-Union flights of more than 1 500 kilometres and for all other flights between 1 500 and 3 500 kilometres, or</u>		(b) 50 % of the flight price for all intra-Union flights of more than 1 500 kilometres and for all other flights between 1 500 and 3 500 kilometres, or threshold(s) Text Origin: EP Position
Article 1, first paragraph, point (11), amending provision, numbered paragraph (2), point (bc)						
232c				<u>(c) 75 % of the cost of the air ticket for all flights not falling under (a) or (b), including flights between the European territory of the Member States and the French overseas departments.</u>		(c) 75 % of the flight price for all flights not falling under (a) or (b), including flights between the European territory of the Member States and the French outermost regions. threshold(s) Text Origin: EP Position
Article 1, first paragraph, point (11), amending provision, numbered paragraph (2a)						
232d						2a. Those distances shall be measured by the great circle route method. PCY suggested compromise threshold(s) Text Origin: EP Position
Article 1, first paragraph, point (11), amending provision, numbered paragraph (3)						

	CLEAN	Council's 1st Reading	VS.EC	EP Position	CLEAN	Draft Agreement
233		3. Where the flight price is not indicated on the ticket, the compensation referred to in paragraph 2 shall be calculated based on the relevant proportion of the distance of the flight when compared to the total distance covered by the air transport contract, calculated in accordance with Article 7(3).		3. Where the flight price is not indicated on the ticket, the compensation referred to in paragraph 2 shall be calculated based on the relevant proportion of the distance of the flight when compared to the total distance covered by the air transport contract, calculated in accordance with Article 7(3).		3. Where the flight price is not indicated on the ticket, the compensation referred to in paragraph 2 shall be calculated based on the relevant proportion of the distance of the flight when compared to the total distance covered by the air transport contract, calculated in accordance with Article 7(3).' Text Origin: Council's 1st Reading
Article 1, first paragraph, point (11), amending provision, numbered paragraph (4)						
234		4. The flight price referred to in this Article excludes taxes and charges indicated on the ticket, as long as neither the requirement to pay those taxes and charges nor their amount depend on the class of transport for which that ticket has been purchased.		4. The flight price referred to in this Article excludes taxes and charges indicated on the ticket, as long as neither the requirement to pay those taxes and charges nor their amount depend on the class of transport for which that ticket has been purchased.		4. The flight price referred to in this Article excludes taxes and charges indicated on the ticket, as long as neither the requirement to pay those taxes and charges nor their amount depend on the class of transport for which that ticket has been purchased. Text Origin: Council's 1st Reading
Article 1, first paragraph, point (11), amending provision, numbered paragraph (5)						
235		5. This Article shall not apply to advantages included in a higher fare within the same class of transport such as specific seating or catering.;		5. This Article shall not apply to advantages included in a higher fare within the same class of transport such as specific seating or catering.;		5. This Article shall not apply to ancillary services, such as specific seating or catering, which are independent from the class of transport and sold separately.
Article 1, first paragraph, point (12)						
236		(12) the following article is inserted:		(12) the following article is inserted:		(12) the following article is inserted: Text Origin: Council's 1st Reading
Article 1, first paragraph, point (12), amending provision, first paragraph						
237		'		'		'

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
	Article 10a Airport contingency plans	Article 10a Airport contingency plans	Article 10a Airport contingency plans Text Origin: Council's 1st Reading
Article 1, first paragraph, point (12), amending provision, numbered paragraph (1), first subparagraph			
238	1. At a Union airport which has annual passenger traffic of more than 5 million passengers, the airport managing body shall ensure that the operations of the airport managing body and of airport essential service providers, in particular the air carriers, and the suppliers of groundhandling services, are coordinated through a proper contingency plan in view of possible situations of multiple cancellations, of multiple delays of flights, or both, leading to a considerable number of passengers being stranded at the airport. The contingency plan shall be set up to ensure that adequate information is given to stranded passengers and shall contain arrangements in order to minimise their waiting time and discomfort.	1. At a Union airport which has <u>with an</u> annual passenger traffic <u>volume of not less than one and a half</u> of more than 5 million passengers <u>for at least three consecutive years</u> , the airport managing body shall ensure that the operations of the airport managing body and of airport essential service providers, in particular the air carriers, and the suppliers of groundhandling services, are coordinated through a proper contingency plan in view of possible situations of multiple cancellations, of multiple delays of flights, or both, leading to a considerable number of passengers being stranded at the airport. The contingency plan shall be set up to ensure that adequate information is given to stranded passengers and shall contain arrangements in order to minimise their waiting time and discomfort.	1. At a Union airport with an annual passenger traffic volume of 3 million passengers for at least three consecutive years, the airport managing body shall ensure that the operations of the airport managing body and of airport essential service providers, in particular the air carriers, and the suppliers of groundhandling services, are coordinated through a proper contingency plan in view of possible situations of multiple cancellations, of multiple delays of flights, or both, leading to a considerable number of passengers being stranded at the airport. The contingency plan shall be set up to ensure that adequate information and assistance is given to stranded passengers and shall contain arrangements in order to minimise their waiting time and discomfort. contingency
Article 1, first paragraph, point (12), amending provision, numbered paragraph (1), second subparagraph			
238a			<i>deleted</i> contingency
Article 1, first paragraph, point (12), amending provision, numbered paragraph (1), third subparagraph			
238b			<i>deleted</i>

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
			contingency
Article 1, first paragraph, point (12), amending provision, numbered paragraph (1), fourth subparagraph			
238c			deleted contingency
Article 1, first paragraph, point (12), amending provision, numbered paragraph (1), fifth subparagraph			
238d			deleted contingency
Article 1, first paragraph, point (12), amending provision, numbered paragraph (2)			
239	2. Airport contingency plans shall take into account the particular and individual needs of the passengers referred to in Article 11.	2. Airport contingency plans shall take into account the particular and individual needs of the passengers referred to in Article 11.	2. Airport contingency plans shall take into account the particular and individual needs of the passengers referred to in Article 11. Text Origin: Council's 1st Reading
Article 1, first paragraph, point (12), amending provision, numbered paragraph (3)			
240	3. The contingency plan shall be set up in particular with the participation of the Airport Users Committee referred to in Council Directive 96/67/EC*, of the providers of groundhandling services, and of other airport essential service providers. The contingency plan shall also contain the contact data of the person or persons designated by the air carriers participating in the Airport Users Committee in order to represent them on the spot in the case of multiple cancellations, of multiple delays of flights, or both. The air carrier shall ensure that any designated person has the necessary means	3. The contingency plan shall be set up in particular with the participation of the Airport Users Committee referred to in Council Directive 96/67/EC*, of the providers of groundhandling services, and of other airport essential service providers. The contingency plan shall also contain the contact data of the person or persons designated by the air carriers participating in the Airport Users Committee in order to represent them on the spot in the case of multiple cancellations, of multiple delays of flights, or both. The air carrier shall ensure that any designated person has the necessary means	3. The contingency plan shall be set up in particular with the participation of the Airport Users Committee referred to in Council Directive 96/67/EC*, of the providers of groundhandling services, and of other airport essential service providers, <i>including special assistance providers for passengers with a disability or with reduced mobility. The contingency plan shall be set up with the participation of the relevant authorities where appropriate.</i> The contingency plan shall also contain the contact data of the person or persons designated by the air carriers

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
	to assist passengers in accordance with the obligations arising from this Regulation in the case of a disruption.	to assist passengers in accordance with the obligations arising from this Regulation in the case of a disruption.	participating in the Airport Users Committee in order to represent them on the spot in the case of multiple cancellations, of multiple delays of flights, or both. The air carrier shall ensure that any designated person has the necessary means to assist passengers in accordance with the obligations arising from this Regulation in the case of a disruption. contingency
Article 1, first paragraph, point (12), amending provision, numbered paragraph (4)			
241	4. The airport managing body shall communicate the contingency plan to the Airport Users Committee referred to in Directive 96/67/EC and, upon request, to the national enforcement body entrusted with the enforcement of this Regulation under Article 16(1) of this Regulation.	4. The airport managing body shall communicate the contingency plan to the Airport Users Committee referred to in Directive 96/67/EC and, upon request , to the national enforcement body entrusted with the enforcement of this Regulation under Article 16(1) of this Regulation.	4. The airport managing body shall communicate the contingency plan to the Airport Users Committee referred to in Directive 96/67/EC and, upon request, to the national enforcement body designated pursuant to Article 16. <i>The national enforcement body shall monitor the compliance of the airport managing body with the requirements of this Article.</i> contingency
Article 1, first paragraph, point (12), amending provision, numbered paragraph (5)			
242	5. A Member State may decide that an airport not covered by paragraph 1, located on its territory, is to meet the obligations laid down in paragraphs 1 to 4.	5. A Member State may decide that an airport not covered by paragraph 1, located on its territory, is to meet the obligations laid down in paragraphs 1 to 4.	5. A Member State may decide that an airport not covered by paragraph 1, located on its territory, is to meet the obligations laid down in paragraphs 1 to 4. Text Origin: Council's 1st Reading
Article 1, first paragraph, point (12), amending provision, numbered paragraph (6)			

	CLEAN	VS.EC	CLEAN
	Council's 1st Reading	EP Position	Draft Agreement
243	6. At Union airports with annual passenger traffic below the threshold set in paragraph 1 or not covered by a decision of a Member State under paragraph 5, the airport managing body shall make all reasonable efforts to coordinate airport users and to make arrangements with airport users to inform stranded passengers in the case of multiple cancellations, of multiple delays of flights, or both, leading to a considerable number of passengers being stranded at the airport.	6. At Union airports with annual passenger traffic below the threshold set in paragraph 1 or not covered by a decision of a Member State under paragraph 5, the airport managing body shall make all reasonable efforts to coordinate airport users and to make arrangements with airport users to inform stranded passengers in the case of multiple cancellations, of multiple delays of flights, or both, leading to a considerable number of passengers being stranded at the airport.	6. At Union airports with annual passenger traffic below the threshold set in paragraph 1 or not covered by a decision of a Member State under paragraph 5, the airport managing body shall make all reasonable efforts to coordinate airport users and to make arrangements with airport users to inform stranded passengers in the case of multiple cancellations, of multiple delays of flights, or both, leading to a considerable number of passengers being stranded at the airport. <i>Text Origin: Council's 1st Reading</i>
Article 1, first paragraph, point (12), amending provision, eighth paragraph			
244	_____	_____	_____ <i>Text Origin: Council's 1st Reading</i>
Article 1, first paragraph, point (12), amending provision, ninth paragraph			
245	*Council Directive 96/67/EC of 15 October 1996 on access to the groundhandling market at Community airports (OJ L 272, 25.10.1996, p. 36, ELI: http://data.europa.eu/eli/dir/1996/67/oj);	*Council Directive 96/67/EC of 15 October 1996 on access to the groundhandling market at Community airports (OJ L 272, 25.10.1996, p. 36, ELI: http://data.europa.eu/eli/dir/1996/67/oj);	*Council Directive 96/67/EC of 15 October 1996 on access to the groundhandling market at Community airports (OJ L 272, 25.10.1996, p. 36, ELI: http://data.europa.eu/eli/dir/1996/67/oj); <i>Text Origin: Council's 1st Reading</i>
Article 1, first paragraph, point (13)			
246	(13) Article 11 is replaced by the following:	(13) Article 11 is replaced by the following:	(13) Article 11 is replaced by the following: <i>Text Origin: Council's 1st Reading</i>
Article 1, first paragraph, point (13), amending provision, first paragraph			

	CLEAN	Council's 1st Reading	VS.EC	EP Position	CLEAN	Draft Agreement
247		Article 11 Passengers with specific needs		Article 11 Passengers with specific needs		
Article 1, first paragraph, point (13), amending provision, numbered paragraph (-1)						
247a				<u><i>-1. The rights of persons with disabilities and persons with reduced mobility laid down under this Article shall be without prejudice to the rights they enjoy under Regulation (EC) No 1107/2006.</i></u>		-1. The rights of persons with disabilities and persons with reduced mobility laid down under this Article shall be without prejudice to the rights they enjoy under Regulation (EC) No 1107/2006. <small>Text Origin: EP Position</small>
Article 1, first paragraph, point (13), amending provision, numbered paragraph (1)						
248		1. All information provided to passengers under this Regulation shall be provided in an accessible format.		1. All information provided to passengers under this Regulation shall be provided in an accessible format.		1. All information provided to passengers under this Regulation shall be provided in an accessible format. <small>Text Origin: Council's 1st Reading</small>
Article 1, first paragraph, point (13), amending provision, numbered paragraph (2), first subparagraph						
249		2. This Article shall apply to persons with disabilities, persons with reduced mobility, infants, unaccompanied children and pregnant women, provided that the operating air carrier has been notified of their particular needs for assistance at the time when the disruption is announced, at the latest. It shall also apply to persons in need of specific medical assistance provided that the operating air carrier has been notified of their needs for specific medical		2. This Article shall apply to persons with disabilities, persons with reduced mobility, infants, unaccompanied children and pregnant women, provided that the operating air carrier has been notified of their particular needs for assistance at the time when the disruption is announced, at the latest. It shall also apply to persons in need of specific medical assistance provided that the operating air carrier has been notified of their needs for specific medical		2. This Article shall apply to persons with disabilities, persons with reduced mobility, infants, unaccompanied children and pregnant women, provided that the operating air carrier has been notified of their particular needs for assistance at the time when the disruption is announced, at the latest. It shall also apply to persons in need of specific medical assistance provided that the operating air carrier has been notified of their needs for specific medical

	CLEAN Council's 1st Reading	vs.EC EP Position	CLEAN Draft Agreement
	assistance at check-in, at the latest. Operating air carriers may require a proof of such needs.	assistance at check-in, at the latest. Operating air carriers may require a proof of such needs.	assistance at check-in, at the latest. Operating air carriers may require a proof of such needs. <i>Text Origin: Council's 1st Reading</i>
Article 1, first paragraph, point (13), amending provision, numbered paragraph (2), second subparagraph			
G	250 Such notification shall be deemed to cover all journeys under an air transport contract.	Such notification shall be deemed to cover all journeys under an air transport contract.	Such notification shall be deemed to cover all journeys under an air transport contract. <i>Text Origin: Council's 1st Reading</i>
Article 1, first paragraph, point (13), amending provision, numbered paragraph (3)			
R	251 3. At the latest at check-in, and subject to seat availability, any person accompanying the persons referred to in paragraph 2 or accompanying a child shall be offered, free of charge, the possibility of being seated in a seat adjacent to that person or child.	3. At the latest at check-in, and subject to seat availability, any person accompanying <u>Allocation of seats for</u> the persons referred to in paragraph 2 or as well as children with the accompanying a child <u>passenger, made under the same booking</u> , shall be offered <u>provided</u> free of charge, the possibility of being seated in a seat adjacent to that person or child. <u>by the air carrier.</u>	3. Any person accompanying the persons referred to in paragraph 2 or accompanying a child, <i>under the same air transport contract</i> , shall be offered <i>by the air carrier</i> , free of charge, the possibility of being seated in a seat adjacent to that person or child. <i>Where adjacent seats are unavailable, the air carrier shall endeavor to assist the accompanying person(s) to find adjacent seats.</i> To be agreed at the second trilogue.
Article 1, first paragraph, point (13), amending provision, numbered paragraph (4)			
R	252 4. At boarding, operating air carriers shall give priority to persons referred to in paragraph 2 and any person or recognised assistance dogs accompanying them.	4. At boarding, operating air carriers shall give priority to persons referred to in paragraph 2 and any person or recognised assistance dogs accompanying them.	4. At boarding, operating air carriers shall give priority to persons referred to in paragraph 2 and any person or recognised assistance dogs accompanying them <i>as well as to children in prams or pushchairs with their accompanying persons.</i> To be agreed at the second trilogue. <i>Text Origin: Council's 1st Reading</i>
Article 1, first paragraph, point (13), amending provision, numbered paragraph (4a)			

	CLEAN	Council's 1st Reading	VS.EC	EP Position	CLEAN	Draft Agreement
R		252a				<p>4a. Operating air carriers shall ensure, at no additional cost, that infants and children in need of a pram or a pushchair can be transported in a pram or a pushchair, up to the boarding gate or aircraft door, and that a pram or a pushchair is made available to them at the aircraft door, unless there are safety, security, capacity or operational constraints.</p> <p>To be agreed at the second trilogue.</p>
Article 1, first paragraph, point (13), amending provision, numbered paragraph (4a)						
		252b		<p><u>4a. Air carriers shall also endeavour to ensure good care is taken of recognised assistance dogs. Information about assistance and the arrangements available shall be made known through various accessible means of communication.</u></p>		<p>deleted</p> <p>PCY suggests this is addressed in the context of discussions on recognized assistance dogs in the context of the revision of Regulation 1107/06 under the enforcement file.</p>
Article 1, first paragraph, point (13), amending provision, numbered paragraph (4b)						
		252c		<p><u>4b. Flight crews shall be trained to help passengers with disabilities or with reduced mobility, so as to make it easier for them to board and disembark from aircraft.</u></p>		<p>deleted</p>
Article 1, first paragraph, point (13), amending provision, numbered paragraph (4c)						
R		252d		<p><u>4c. In cases of delays of any length and missed flight due to a lack of airport assistance services, persons with disabilities and persons with reduced mobility and any persons accompanying them, as well as unaccompanied children, shall have the right to compensation, reimbursement or re-routing</u></p>		<p>4c. Where the airport does not fulfill its obligations under Articles 7 and 8 of Regulation 1107/2006 and, as a result, persons with disabilities and persons with reduced mobility miss their flight, the air carrier shall be responsible for compensation, rerouting and</p>

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
		<u>as provided for in Article 7 and 8 and the right to care in accordance with Article 9 as soon as possible.</u>	<p>assistance of those passengers in accordance with Articles 7, 8 and 9 of this Regulation.</p> <p>By the date of application of this Regulation, the Commission shall define the detailed modalities of application of the first subparagraph, including the division of responsibilities between the air carrier and the airport managing body and the means of redress, through an implementing act in accordance with Article 16bd of this Regulation.</p> <p>PCY suggested compromise text. PCY seeks flexibility on extending such scheme to unaccompanied minors.</p>
Article 1, first paragraph, point (13), amending provision, numbered paragraph (5)			
253	5. In applying the rerouting and assistance in accordance with Articles 8 and 9, the operating air carrier shall pay particular attention to the needs of the persons referred to in paragraph 2. Air carriers shall provide this rerouting and assistance to those persons, including to any persons or recognised assistance dogs accompanying them, as soon as possible.	5. In applying the rerouting and assistance in accordance with Articles 8 and 9, the operating air carrier shall pay particular attention to the needs of the persons referred to in paragraph 2. Air carriers shall provide this rerouting and assistance to those persons, including to any persons or recognised assistance dogs accompanying them, as soon as possible.	<p>5. In applying the rerouting and assistance in accordance with Articles 8 and 9, the operating air carrier shall pay particular attention to the needs of the persons referred to in paragraph 2. Air carriers shall provide this rerouting and assistance to those persons, including to any persons or recognised assistance dogs accompanying them, as soon as possible.</p> <p>Text Origin: Council's 1st Reading</p>
Article 1, first paragraph, point (13), amending provision, numbered paragraph (6)			
254	6. Article 9(6) shall not apply to a passenger referred to in paragraph 2, or to any	6. Article 9(6) shall not apply to a passenger referred to in paragraph 2, or to any	6. Article 9(6) shall not apply to a passenger referred to in paragraph 2, or to any

	CLEAN	VS.EC	CLEAN
	Council's 1st Reading	EP Position	Draft Agreement
	persons or recognised assistance dogs accompanying them.;	persons or recognised assistance dogs accompanying them.;	persons or recognised assistance dogs accompanying them. <small>Text Origin: EP Position</small>
Article 1, first paragraph, point (13a)			
R	254a	<i><u>(13a) the following articles are inserted:</u></i>	baggage
Article 1, first paragraph, point (13a), amending provision, Article			
R	254b	<i><u>Article 11a</u></i> <i><u>Right to personal item and hand baggage</u></i>	deleted baggage
Article 1, first paragraph, point (13a), amending provision, Article(1)			
R	254c	<i><u>1. Passengers shall always have the right to a carry on board one personal item, such as a small bag, handbag, backpack or laptop bag, provided that that it can be safely stowed under the seat in front of the passenger. Air carriers shall not charge the passenger any supplement or additional fees on top of the price of the flight ticket for this personal item. It is mandatory that carriers provide clear, transparent, and easily accessible information on the weight and dimension requirements for the personal item at the time of booking and after the booking is completed, ensuring passengers are fully informed before their journey.</u></i>	deleted baggage
Article 1, first paragraph, point (13a), amending provision, Article(2), first subparagraph			

	CLEAN	Council's 1st Reading	VS.EC	EP Position	CLEAN	Draft Agreement
R	254d			<u>2. Passengers shall always have the right to carry on board one piece of hand baggage. The hand baggage shall not be subject to price supplement on the price of the flight ticket within the maximum dimensions of 100 cm (sum of length, width, and height) and maximum weight of 7 kilos. Air carriers may apply different provisions regarding additional or larger hand baggage.</u>	baggage	deleted
Article 1, first paragraph, point (13a), amending provision, Article(2), second subparagraph						
R	254e			<u>The hand baggage may be stored either in the aircraft cabin (as carry-on baggage) or in the aircraft hold. The carrier may refuse to allow the hand baggage on board only on grounds of security connected with the weight or size of the hand baggage in relation to the characteristics of the aircraft.</u>	baggage	deleted
Article 1, first paragraph, point (13a), amending provision, Article(2), third subparagraph						
R	254f			<u>Air carriers shall provide clear, transparent, and easily accessible information on the weight and dimension requirements for the hand baggage at the time of booking and after the booking is completed, ensuring passengers are fully informed before their journey.</u>	baggage	deleted
Article 1, first paragraph, point (13a), amending provision, Article(3)						
R	254g			<u>3. For the event that a personal item or hand baggage is left behind in the aircraft cabin, the operating and contracting air carriers shall establish in advance which party is responsible for handling any</u>	baggage	deleted

	CLEAN	Council's 1st Reading	VS.EC	EP Position	CLEAN	Draft Agreement
				<u>subsequent requests. The designated responsible air carrier shall automatically inform the passengers, upon the completion of booking, regarding the procedure for retrieving forgotten personal items or hand baggage. This information shall be communicated in a clear and comprehensive manner and shall include electronic contact details, applicable forms, and any other pertinent details necessary for the passenger to initiate a request.</u>		
Article 1, first paragraph, point (13a), amending provision, Article						
Y	254h			<u>Article 11b</u> <u>Right of passengers to transfer their ticket to another holder in exceptional circumstances and change of name of the ticket holder</u>		PCY suggests not retaining these provisions.
Article 1, first paragraph, point (13a), amending provision, Article(1)						
Y	254i			<u>1. Passengers who, for exceptional reasons, are no longer able to make a journey they have booked, shall be entitled to request a change in the name of the ticket holder.</u>		
Article 1, first paragraph, point (13a), amending provision, Article(2)						
Y	254j			<u>2. Air carriers, operators or intermediaries shall be obliged to offer one of the following two options, made available at the time of reservation:</u>		
Article 1, first paragraph, point (13a), amending provision, Article(2), point (a)						
Y	254k			<u>(a) change in the name of the ticket holder free of charge in justified cases of force majeure, such as:</u>		

	CLEAN	Council's 1st Reading	VS.EC	EP Position	CLEAN	Draft Agreement
		Article 1, first paragraph, point (13a), amending provision,		Article(2), point (a)(i)		
Y		254l		<u>(i) death of the passenger or of a close family member;</u>		Y
		Article 1, first paragraph, point (13a), amending provision,		Article(2), point (a)(ii)		
Y		254m		<u>(ii) serious medical problems preventing travel (proven by medical certificates);</u>		Y
		Article 1, first paragraph, point (13a), amending provision,		Article(2), point (a)(iii)		
Y		254n		<u>(iii) other exceptional circumstances set out in national law or by the carrier; or</u>		Y
		Article 1, first paragraph, point (13a), amending provision,		Article(2), point (b)		
Y		254o		<u>(b) transfer of the ticket to another passenger.</u>		Y
		Article 1, first paragraph, point (13a), amending provision,		Article(3)		
Y		254p		<u>3. Passengers may transfer the ticket to another person after providing reasonable notification to the carrier or intermediary on a durable medium prior to the flight. Notification provided at least 72 hours prior to the flight shall in all cases be considered reasonable and shall not be subject to any additional charge.</u>		Y
		Article 1, first paragraph, point (13a), amending provision,		Article(4)		
Y		254q		<u>4. Where passengers transfer a ticket in the 72 hours prior to departure, the intermediary's carrier may charge fees. The intermediary's carrier shall inform the transferor of the actual costs of the transfer. These costs must not be unreasonable and must not exceed the actual cost borne by the</u>		Y

	CLEAN	Council's 1st Reading	VS.EC	EP Position	CLEAN	Draft Agreement
				<u>carrier or intermediary for transfer of the ticket.</u>		
Article 1, first paragraph, point (13a), amending provision, Article(5)						
Y		254r		<u>5. The transferor and the transferee shall be jointly and severally liable for payment of the balance due and for any additional charges.</u>		Y
Article 1, first paragraph, point (13a), amending provision, Article(6)						
Y		254s		<u>6. The organiser shall provide the transferor with proof of any additional fees arising from transfer of a package travel contract.</u>		Y
Article 1, first paragraph, point (13a), amending provision, Article(7)						
Y		254t		<u>7. Passengers shall be informed at the pre-contractual stage, and in the booking confirmation, of the possibility of transferring their ticket under this Article.</u>		Y
Article 1, first paragraph, point (13a), amending provision, Article(8)						
Y		254u		<u>8. The passenger shall have the possibility to change name of the ticket holder against payment of a transparent and fair fee set by the carrier and clearly communicated at the time of purchase of the ticket. This option must be made available to passengers at the time of reservation of the ticket and must be indicated in the air carrier's terms and conditions.</u>		Y
Article 1, first paragraph, point (13a), amending provision, Article(9)						

	CLEAN	Council's 1st Reading	VS.EC	EP Position	CLEAN	Draft Agreement
Y		254v		<u>9. Member States shall monitor the implementation of this Article to ensure that air carriers respect the right of passengers to transfer tickets under fair conditions. ;</u>		
Article 1, first paragraph, point (13a), amending provision, Article						
Y		254w		<u>Article 11c</u> <u>Check-in</u>		
Article 1, first paragraph, point (13a), amending provision, Article(1)						
Y		254x		<u>1. Passengers shall have the right to check in either online or at the airport without incurring any additional charges. For this purpose, air carriers may provide self-service check-in stations at the airport to facilitate the check-in process.</u>		Passengers shall have the right to check in either online or at the initial point of departure without incurring any additional charges. For that purpose, air carriers may provide self-service check-in stations at the initial point of departure to facilitate the check-in process. PCY seeks flexibility
Article 1, first paragraph, point (13a), amending provision, Article(2)						
Y		254y		<u>2. Passengers shall have the right to choose, at their discretion, to use a boarding pass either in paper format or in digital format.</u>		PCY suggests not retaining EP provision
Article 1, first paragraph, point (14)						
G		255	(14)	Article 12 is replaced by the following:	(14)	Article 12 is replaced by the following: Text Origin: Council's 1st Reading
Article 1, first paragraph, point (14), amending provision, first paragraph						

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
256	Article 12 Further rights	Article 12 Further rights	Article 12 Further rights Text Origin: Council's 1st Reading
Article 1, first paragraph, point (14), amending provision, numbered paragraph (1), first subparagraph			
257	1. This Regulation shall not affect rights of passengers granted under other legal acts including Directive (EU) 2015/2302, unless otherwise provided for in this Article.	1. This Regulation shall not affect rights of passengers granted under other legal acts including Directive (EU) 2015/2302, unless otherwise provided for in this Article.	1. This Regulation shall not affect rights of passengers granted under other legal acts including Directive (EU) 2015/2302, unless otherwise provided for in this Article. PTD Text Origin: Council's 1st Reading
Article 1, first paragraph, point (14), amending provision, numbered paragraph (1), second subparagraph			
258	The compensation granted under Article 7 or Article 10(2) of this Regulation shall be deducted from compensation or price reduction granted under other legal acts such as Directive (EU) 2015/2302, if the rights for which the compensation or price reduction is granted safeguard the same interest or have the same objective. Similarly, the compensation or price reduction granted under other legal acts such as Directive (EU) 2015/2302 shall be deducted from compensation granted under Article 7 or Article 10(2) of this Regulation, if the rights for which the compensation or price reduction is granted safeguard the same interest or have the same objective.	The compensation granted under Article 7 or Article 10(2) of this Regulation shall be deducted from compensation or price reduction granted under other legal acts such as Directive (EU) 2015/2302, if the rights for which the compensation or price reduction is granted safeguard the same interest or have the same objective. Similarly, the compensation or price reduction granted under other legal acts such as Directive (EU) 2015/2302 shall be deducted from compensation granted under Article 7 or Article 10(2) of this Regulation, if the rights for which the compensation or price reduction is granted safeguard the same interest or have the same objective.	The compensation granted under Article 7 or Article 10(2) of this Regulation shall be deducted from compensation or price reduction granted under other legal acts such as Directive (EU) 2015/2302, if the rights for which the compensation or price reduction is granted safeguard the same interest or have the same objective. Similarly, the compensation or price reduction granted under other legal acts such as Directive (EU) 2015/2302 shall be deducted from compensation granted under Article 7 or Article 10(2) of this Regulation, if the rights for which the compensation or price reduction is granted safeguard the same interest or have the same objective.

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
			PTD Text Origin: Council's 1st Reading
Article 1, first paragraph, point (14), amending provision, numbered paragraph (1), third subparagraph			
259	Notwithstanding the right of a package travel organiser to seek redress or refunds in accordance with Article 22 of Directive (EU) 2015/2302, without prejudice to Article 13 of this Regulation, and by way of derogation from Article 8(1), point (a), if the flight is part of a package travel contract as defined in Article 3, point (3) of Directive (EU) 2015/2302, passengers shall have no right to reimbursement under this Regulation insofar as a corresponding right arises from Directive (EU) 2015/2302.	Notwithstanding the right of a package travel organiser to seek redress or refunds in accordance with Article 22 of Directive (EU) 2015/2302, without prejudice to Article 13 of this Regulation, and by way of derogation from Article 8(1), point (a), if the flight is part of a package travel contract as defined in Article 3, point (3) of Directive (EU) 2015/2302, passengers shall have no right to reimbursement under this Regulation insofar as a corresponding right arises from Directive (EU) 2015/2302.	Notwithstanding the right of a package travel organiser to seek redress or refunds in accordance with Article 22 of Directive (EU) 2015/2302, without prejudice to Article 13 of this Regulation, and by way of derogation from Article 8(1), point (a), if the flight is part of a package travel contract as defined in Article 3, point (3) of Directive (EU) 2015/2302, passengers shall have no right to reimbursement under this Regulation insofar as a corresponding right arises from Directive (EU) 2015/2302. PTD Text Origin: Council's 1st Reading
Article 1, first paragraph, point (14), amending provision, numbered paragraph (1), third subparagraph a			
259a			deleted
Article 1, first paragraph, point (14), amending provision, numbered paragraph (2)			
260	2. Without prejudice to relevant principles and rules of national law, including case- law, paragraph 1 shall not apply to volunteers under the conditions set out under Article 4(2).	2. Without prejudice to relevant principles and rules of national law, including case- law, paragraph 1 <u>This Regulation shall not apply irrespective of any further claim to compensation by the passenger. The compensation provided pursuant to this Regulation must not be offset against such a</u>	2. Without prejudice to relevant principles and rules of national law, including case- law, paragraph 1 shall not apply to volunteers under the conditions set out under Article 4(2).' Text Origin: Council's 1st Reading

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
		<i>compensation claim to volunteers under the conditions set out under Article 4(2).</i>	
Article 1, first paragraph, point (14), amending provision, numbered paragraph (3)			
261	3. When compensation or a reimbursement has already been paid to the passenger under the legislation of a third country, the amount of such compensation or a reimbursement shall be deducted from the amount of the compensation or a reimbursement granted under this Regulation.;	3. When compensation or a reimbursement has already been paid to the passenger under the legislation of a third country, the amount of such compensation or a reimbursement shall be deducted from the amount of the compensation or a reimbursement granted under this Regulation.;	3. When compensation or a reimbursement has already been paid to the passenger under the legislation of a third country, the amount of such compensation or a reimbursement shall be deducted from the amount of the compensation or a reimbursement granted under this Regulation.;
			scope Text Origin: Council's 1st Reading
Article 1, first paragraph, point (15)			
262	(15) Article 13 is replaced by the following:	(15) Article 13 is replaced by the following:	(15) Article 13 is replaced by the following: Text Origin: Council's 1st Reading
Article 1, first paragraph, point (15), amending provision, first paragraph			
263	Article 13 Right of redress	Article 13 Right of redress	Article 13 Right of redress Text Origin: Council's 1st Reading
Article 1, first paragraph, point (15), amending provision, second paragraph			
264	In cases where an operating air carrier pays compensation or meets the other obligations incumbent on it under this Regulation, no	In cases where an operating air carrier pays compensation or meets the other obligations incumbent on it under this Regulation, <u>and</u>	In cases where an operating air carrier pays compensation or meets the other obligations incumbent on it under this Regulation, no

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
	provision of this Regulation or of national law may be interpreted as restricting its right to seek compensation from any person, including third parties, in accordance with the applicable Union or national law.;	<u>without prejudice to contracts of disclaimer with third parties in force at the time of the dispute</u> , no provision of this Regulation or of national law may be interpreted as restricting its right to seek compensation <u>for, or to recover in their entirety, the costs incurred under this Regulation</u> from any person, including <u>any</u> third parties, <u>which contributed to the event triggering compensation or other obligations</u> in accordance with the applicable Union or national law.; <u>In particular, this Regulation shall in no way restrict the right of the operating air carrier to seek compensation or to recover its costs from an airport or other third party with whom the operating air carrier has a contract.</u>	provision of this Regulation or of national law may be interpreted as restricting its right to seek compensation from any person, including third parties, in accordance with the applicable Union or national law. <i>In particular, this Regulation shall in no way restrict the right of the operating air carrier to seek compensation or to recover its costs from an airport or other third party with whom the operating air carrier has a contract.</i> Text Origin: Council's 1st Reading; last sentence from EP text
Article 1, first paragraph, point (16)			
265	(16) Article 14 is replaced by the following:	(16) Article 14 is replaced by the following:	(16) Article 14 is replaced by the following: Text Origin: Council's 1st Reading
Article 1, first paragraph, point (16), amending provision, first paragraph			
266	Article 14 Obligations to inform passengers	Article 14 Obligations to inform passengers	Article 14 Obligations to inform passengers To be discussed under the enforcement file Text Origin: Council's 1st Reading
Article 1, first paragraph, point (16), amending provision, numbered paragraph (1)			

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
267	1. The operating air carrier shall include on its website and mobile application an information notice specifying rights under this Regulation, including complaint handling process.	1. The operating air carrier shall include on its website and mobile application an information notice specifying rights under this Regulation, including complaint handling process.	PCY suggests maintaining Council text
Article 1, first paragraph, point (16), amending provision, numbered paragraph (2), first subparagraph			
268	2. When offering tickets for a flight or connecting flights and prior to the purchase, air carriers and intermediaries shall inform the passenger of the following:	2. When offering tickets for a flight or connecting flights and prior to the purchase, air carriers and intermediaries shall inform the passenger of the following:	PCY suggests maintaining Council text
Article 1, first paragraph, point (16), amending provision, numbered paragraph (2), first subparagraph, point (a)			
269	(a) the type of ticket or tickets being offered, in particular whether the ticket or tickets are covered by a single air transport contract or a combination of separate air transport contracts;	(a) the type of ticket or tickets being offered, in particular whether the ticket or tickets are covered by a single air transport contract or a combination of separate air transport contracts;	PCY suggests maintaining Council text
Article 1, first paragraph, point (16), amending provision, numbered paragraph (2), first subparagraph, point (b)			
270	(b) the rights and obligations of the passenger, the operating air carrier and the intermediary under this Regulation, as attached to the air transport contract, including information on the reimbursement process;	(b) the rights and obligations of the passenger, the operating air carrier and the intermediary under this Regulation, as attached to the air transport contract, including information on the reimbursement process;	PCY suggests maintaining Council text
Article 1, first paragraph, point (16), amending provision, numbered paragraph (2), first subparagraph, point (c)			
271	(c) the deadline and the procedure by which passenger can request a change in name as specified in Article 4(6), without any additional charge; and	(c) the deadline and the procedure by which passenger can request a change in name as specified in Article 4(6), without any additional charge; and	PCY suggests maintaining Council text
Article 1, first paragraph, point (16), amending provision, numbered paragraph (2), first subparagraph, point (d)			

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
272	(d) the terms and conditions of the air transport contract.	(d) the terms and conditions of the air transport contract.	PCY suggests maintaining Council text
Article 1, first paragraph, point (16), amending provision, numbered paragraph (2), second subparagraph			
273	In order to comply with the information requirement set out in point (b) of the first subparagraph, the air carrier and the intermediary may use a summary of the provisions of this Regulation prepared and made available to the public by the Commission in all official languages of the Union.	In order to comply with the information requirement set out in point (b) of the first subparagraph, the air carrier and the intermediary may use a summary of the provisions of this Regulation prepared and made available to the public by the Commission in all official languages of the Union.	PCY suggests maintaining Council text
Article 1, first paragraph, point (16), amending provision, numbered paragraph (3), first subparagraph			
274	3. An intermediary or an air carrier which sells tickets covered by a combination of air transport contracts shall inform the passenger prior to the purchase, that the tickets are covered by separate air transport contracts and that the rights under Articles 7, 8 and 9 relating to compensation, reimbursement, rerouting or assistance in the case of a missed subsequent flight do not apply under the separate air transport contract. That information shall be provided in a clear manner when selling the tickets.	3. An intermediary or an air carrier which sells tickets covered by a combination of air transport contracts shall inform the passenger prior to the purchase, that the tickets are covered by separate air transport contracts and that the rights under Articles 7, 8 and 9 relating to compensation, reimbursement, rerouting or assistance in the case of a missed subsequent flight do not apply under the separate air transport contract. That information shall be provided in a clear manner when selling the tickets.	PCY suggests maintaining Council text
Article 1, first paragraph, point (16), amending provision, numbered paragraph (3), second subparagraph			
275	Air carriers and intermediaries shall provide the information pursuant to this paragraph in the language of the air transport contract and a language that is internationally used on a durable medium.	Air carriers and intermediaries shall provide the information pursuant to this paragraph in the language of the air transport contract and a language that is internationally used on a durable medium.	PCY suggests maintaining Council text
Article 1, first paragraph, point (16), amending provision, numbered paragraph (4)			

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
276	<p>4. The airport managing body shall ensure that at the check-in desks (including at self- service check-in machines) and at the boarding gate, the following text is displayed in a clear manner: “If you are denied boarding or if your flight is cancelled or delayed for at least two hours, ask at the check-in counter or boarding gate for the information notice stating your rights, particularly with regard to reimbursement or rerouting, assistance and possible compensation”. That text shall be displayed at least in the language or languages of the location of the airport and in a language that is internationally used. To that end, airport managing bodies shall cooperate with operating air carriers.</p>	<p>4. The airport managing body <u>and operating air carrier</u> shall ensure that at the check-in desks (including at self- service check-in machines), <u>on website</u> and at the boarding gate, the following text is displayed in a clear manner <u>clearly visible to passengers</u> : “If you are denied boarding or if your flight is cancelled or delayed for at least two hours <u>at departure, or of more than 3 hours at arrival at your final destination</u>, ask at the check-in counter or boarding gate for the information notice stating your rights, particularly with regard to reimbursement or rerouting, assistance and possible compensation”. That text shall be displayed at least in the language or languages of the location of the airport and in a language that is internationally used. <u>The airport managing body and operating air carrier shall also ensure that at the check-in desks, next to the text, a QR code or any other technical means is displayed to access the mobile application of the Commission on passenger rights containing a summary of this Regulation.</u> To that end, airport managing bodies shall cooperate with operating air carriers.†</p>	<p>PCY suggests maintaining Council text</p>
Article 1, first paragraph, point (16), amending provision, numbered paragraph (4a)			
276a		<p><u>4a. Air carriers shall set up, at each airport where they operate, contact points at which they shall ensure the presence of contact personnel or a third parties commissioned by the air carrier concerned, to provide passengers with the necessary</u></p>	<p>PCY suggests not retaining EP text</p>

	CLEAN	Council's 1st Reading	vs.EC	EP Position	CLEAN	Draft Agreement
				<u>information regarding their rights, including complaint procedures, to assist them and to take immediate action in the event of cancelled or delayed flights, denied boarding and lost or delayed baggage. During the air carriers operating hours and until the last passengers disembark from the last plane, those contact points shall be available for the purpose of assisting passengers inter alia concerning reimbursement, re-routing, rebooking and of accepting the lodging of their complaints.</u>		
Article 1, first paragraph, point (16), amending provision, numbered paragraph (4b)						
276b				<u>4b. The operating air carrier shall provide the passengers with clearly legible and transparent information about passenger rights and contacts for help and assistance on electronic tickets and electronic and printed versions of a boarding card.</u>		PCY suggests not retaining EP text
Article 1, first paragraph, point (16), amending provision, numbered paragraph (4c)						
276c				<u>4c. In the event of denied boarding or flight cancellation, delay or change of schedule the operating air carrier shall as soon as possible fully inform the passenger affected and provide him with a written notice or a notice in electronic form setting out the rules for compensation and assistance in line with this Regulation, including information on possible limitations pursuant to Articles 9(4). Air carriers shall clearly inform passengers of the procedure for requesting compensation, reimbursement or rerouting</u>		PCY suggests not retaining EP text

	CLEAN	Council's 1st Reading	VS.EC	EP Position	CLEAN	Draft Agreement
				<p><u>and assistance under, respectively, Article 7 and Articles 8, [8a]¹, 9 and 10 of this Regulation. The contact details of the national enforcement body or other body designated under Article 16 shall also be given to the passenger in written form.</u></p> <p><u>1. To be negotiated under the enforcement file.</u></p>		
Article 1, first paragraph, point (16), amending provision, numbered paragraph (4d)						
276d				<p><u>4d. In respect of blind and visually impaired persons, persons with cognitive or intellectual disabilities, and persons with reduced mobility, this Article shall be applied using appropriate alternative and accessible means.</u></p>		PCY suggests not retaining EP text
Article 1, first paragraph, point (16), amending provision, numbered paragraph (4e)						
276e				<p><u>4e. The airport managing body shall ensure that general information on passenger rights is clearly and visibly displayed within the passenger areas of the airport. On the basis of the information received, it shall also ensure that passengers present at the airport are informed about the causes in cases of delays and flight disruptions, such as the cancellation of their flight, and their rights in relation to those delays and disruptions, and about their rights in the event that the airline unexpectedly ceases operations, for example in the event of its insolvency or revocation of its operating licence.</u></p>		PCY suggests not retaining EP text
Article 1, first paragraph, point (16), amending provision, numbered paragraph (4f)						

	CLEAN	Council's 1st Reading	VS.EC	EP Position	CLEAN	Draft Agreement
276f				<u>4f. In the event of cancellation or delay at departure, passengers shall be informed by the operating air carrier of the situation, including of the cause of the disruption, as soon as this information is available, and in any event no later than 30 minutes after the scheduled departure time, and of the estimated departure time, provided that the air carrier has received the passenger's contact details in accordance with [*Enforcement Regulation] in case the ticket was acquired via an intermediary.</u>		PCY suggests not retaining EP text
Article 1, first paragraph, point (16), amending provision, numbered paragraph (4g)						
276g				<u>4g. Air carriers shall provide accessible and effective telephone assistance for all passengers once a flight has been booked; this service shall provide information and alternative proposals in the event of flight disruption and shall under no circumstances exceed the cost of a local call.</u>		PCY suggests not retaining EP text
Article 1, first paragraph, point (16), amending provision, numbered paragraph (4h)						
276h				<u>4h. Any electronic communication to the passenger notifying him or her of cancellation, long delay, or change of schedule shall state prominently that the passenger may be entitled to compensation and/or assistance under this Regulation.</u>		PCY suggests not retaining EP text
Article 1, first paragraph, point (17)						
277	(17)	the following article is inserted:	(17)	the following article is inserted:	(17)	the following article is inserted:

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
			Text Origin: Council's 1st Reading
Article 1, first paragraph, point (17), amending provision, first paragraph			
278	<p>Article 15a Complaint to the air carrier or the intermediary</p>	<p>Article 15a¹ Complaint to the air carrier or the intermediary</p> <p><u>1. Articles 15a, 16, 16a, 16b, 16c, 16d, 16e and 16ea are put on hold as they are to be negotiated under Enforcement regulation.</u></p>	<p>Articles 15a, 16, 16a, 16b, 16c, 16d, 16e and 16ea are put on hold as they are to be negotiated under Enforcement regulation.</p>
Article 1, first paragraph, point (17), amending provision, numbered paragraph (1)			
279	<p>1. Each air carrier and each intermediary shall set up a complaint-handling mechanism for the rights and obligations covered by this Regulation in their respective fields of responsibility. They shall make their contact details available in the language of the air transport contract and a language that is internationally used. Details of the complaint-handling procedure shall be accessible to the public, including in an accessible format for persons with disabilities and persons with reduced mobility. They shall also inform passengers in a clear manner of the contact details of the body or bodies designated by Member States pursuant to Article 16 and of the body or bodies responsible for the out-of-court resolution of disputes under Article 16a and, where relevant, their respective responsibilities. That information shall be available in the official language or languages of the Member States in which the air carrier and the intermediary are operating.</p>	<p>1. Each air carrier and each intermediary shall set up a complaint-handling mechanism for the rights and obligations covered by this Regulation in their respective fields of responsibility. At the time of booking, they shall make their contact details available<u>provide information to passengers</u> in the language of the air transport contract and a language that is internationally used <u>on the complaint handling processes and the relevant time limits under this Article.</u> <u>Information on complaint handling shall also be accessible on the air carriers' and intermediaries' websites and applications and shall be communicated in the email that notifies any event that could give rise to the rights enshrined in this Regulation.</u> Details of the complaint-handling procedure shall be accessible to the public, including in an accessible format for persons with disabilities and persons with reduced mobility. They shall also inform passengers in a clear manner of the</p>	

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
		contact details of the body or bodies designated by Member States pursuant to Article 16 and of the body or bodies responsible for the out-of-court resolution of disputes under Article 16a <u>16f</u> and, where relevant, their respective responsibilities. That information shall be available in the official language or languages of the Member States in which the air carrier and the intermediary are operating.	
Article 1, first paragraph, point (17), amending provision, numbered paragraph (2)			
280	<p>2. When passengers submit a complaint using the mechanism referred to in paragraph 1, such a complaint shall be submitted within six months of the disruption concerned. Within 30 calendar days of the submission of the complaint, the air carrier, or the intermediary, to which the complaint is addressed shall either provide a reasoned reply or, in duly justified exceptional cases, inform the passenger that the passenger will receive a final reply within a period of less than two months of the date of submission of the complaint. The answer shall also contain, in a case where the dispute could not be resolved, the relevant contact details of the body or bodies designated under Articles 16 or of the body or bodies responsible for the out-of-court resolution of disputes under Article 16a, including postal address, website and e-mail address of such body or bodies.</p>	<p>2. When passengers submit a complaint using the mechanism referred to in paragraph 1, such a complaint shall be submitted within six months of the disruption concerned.<u>one year from the date on which the flight was performed or was scheduled to be performed</u> Within 30 calendar<u>seven working</u> days of the submission of<u>receiving</u> the complaint, the air carrier, or the intermediary, to which<u>addressee shall confirm the receipt of</u> the complaint is addressed to the passenger. Within two months of receiving the complaint, the addressee shall either provide a reasoned reply or, in duly justified exceptional cases, inform<u>to</u> the passenger. Where the addressee does not provide that full that the passenger will receive a final reply within at that two-month period of less than two months of the date of submission of the complaint. The answer, <u>it shall be deemed to have accepted the passenger's claims. The reply</u> shall also contain, in a case where the dispute could not be resolved, the relevant contact details of the body or bodies</p>	

	CLEAN	Council's 1st Reading	vs.EC	EP Position	CLEAN	Draft Agreement
				designated under Articles 16 or of the body or bodies responsible for the out-of-court resolution of disputes under Article 16a 16f, including postal address, <u>phone number</u> , website and e-mail address of such body or bodies. <u>On receipt of the reasoned reply from the air carrier or the intermediary, the passenger concerned may complain to any national enforcement body and/or to any national out-of-court dispute resolution body designated under Article 16 within a time limit, which shall be set in advance at not less than one year from the date on which the passenger submitted the complaint to the air carrier or the intermediary concerned.</u>		
Article 1, first paragraph, point (17), amending provision, numbered paragraph (2a)						
280a				<u>2a. Where the air carrier invokes extraordinary circumstances, it shall inform the passenger in its reply of the specific circumstances responsible for the cancellation or delay. The air carrier shall also show that it took all reasonable measures to avoid the cancellation or delay.</u>		
Article 1, first paragraph, point (17), amending provision, numbered paragraph (2b)						
280b				<u>2b. The burden of proof regarding the provision of the requisite information to passengers shall be on the air carrier and the intermediary.</u>		
Article 1, first paragraph, point (17), amending provision, numbered paragraph (3)						
281		3. The submission of complaints by passengers using the mechanism referred to in		3. The submission of complaints by passengers using the mechanism referred to in		

	CLEAN	Council's 1st Reading	VS.EC	EP Position	CLEAN	Draft Agreement
		paragraph 1 shall be without prejudice to their right to submit disputes for out- of- court resolution in accordance with Article 16a, or to seek redress through court proceedings, subject to periods of limitation in accordance with national law.;		paragraph 1 shall be without prejudice to their right to submit disputes for out-of-court resolution in accordance with Article 16a, or to seek redress through court proceedings, subject to periods of limitation in accordance with national law.;		
Article 1, first paragraph, point (18)						
282	(18)	Article 16 is replaced by the following:	(18)	Article 16 is replaced by the following:		
Article 1, first paragraph, point (18), amending provision, first paragraph						
283		Article 16 Enforcement		Article 16 <u>Designation of national enforcement bodies</u>		
Article 1, first paragraph, point (18), amending provision, numbered paragraph (1)						
284		1. Each Member State shall designate a national enforcement body or national Enforcement Bodies responsible for the enforcement of this Regulation as regards journeys to and from airports situated on its territory. The Member States shall inform the Commission of the body or bodies that have been designated in accordance with this paragraph.		1. Each Member State shall designate a national enforcement body or national Enforcement Bodies responsible for the enforcement of this Regulation as regards journeys to and from airports situated on its territory. The Member States shall inform the Commission of the body or bodies that have been designated in accordance with this paragraph <u>and of its or their respective responsibilities. The Commission and the designated bodies shall publish that information on their websites.</u>		
Article 1, first paragraph, point (18), amending provision, numbered paragraph (2)						
285		2. The national enforcement body shall closely monitor the compliance with the		2. The national enforcement body shall closely monitor the compliance with the		

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
	requirements of this Regulation and take the measures necessary to ensure that the rights of passengers are respected.	requirements of this Regulation and take the measures necessary to ensure that the rights of passengers are respected.	
Article 1, first paragraph, point (18), amending provision, numbered paragraph (2a)			
285a		<u>2a. Each designated body shall be independent in its organisation, funding decisions, legal structure and decision-making of any air carrier, airport managing body and intermediary.</u>	
Article 1, first paragraph, point (18), amending provision, numbered paragraph (3)			
286	3. Passengers may report alleged infringements of this Regulation to the national enforcement body. The national enforcement body may investigate the alleged infringements reported and decide on enforcement actions based on information contained in those reports.	3. Passengers may report alleged infringements of this Regulation to the national enforcement body. The national enforcement body may investigate the alleged infringements reported and decide on enforcement actions based on information contained in those reports.	
Article 1, first paragraph, point (18), amending provision, numbered paragraph (4)			
287	4. The sanctions laid down by Member States for infringements of this Regulation shall be effective, proportionate and dissuasive. In particular, such sanctions shall be sufficient to provide carriers and intermediaries with a financial incentive to consistently comply with this Regulation.	4. The sanctions laid down by Member States for infringements of this Regulation shall be effective, proportionate and dissuasive. In particular, such sanctions shall be sufficient to provide carriers and intermediaries with a financial incentive to consistently comply with this Regulation.	
Article 1, first paragraph, point (18), amending provision, numbered paragraph (5)			
288	5. By ... [6 years from the date of entry into force of this amending Regulation] and every five years thereafter, the national enforcement bodies shall publish on their	5. By ... [6 years from the date of entry into force of this amending Regulation] and every five years thereafter, the national enforcement bodies shall publish on their	

	CLEAN	Council's 1st Reading	VS.EC	EP Position	CLEAN	Draft Agreement
		websites a report on their activity, on the enforcement action and its outcome, including on sanctions applied. These reports shall also be submitted to the Commission.		websites a report on their activity, on the enforcement action and its outcome, including on sanctions applied. These reports shall also be submitted to the Commission.		
Article 1, first paragraph, point (18), amending provision, numbered paragraph (6)						
289		6. Operating air carriers and intermediaries shall communicate the required contact data of the person or persons, or of a body designated to act and to receive documents issued by the national enforcement body or bodies on their behalf on a permanent basis, in the Member State where they operate, for matters covered by this Regulation, to the national enforcement bodies. National enforcement bodies may exchange this information with each other for the purpose of enforcing this Regulation.;		6. Operating air carriers and intermediaries shall communicate the required contact data of the person or persons, or of a body designated to act and to receive documents issued by the national enforcement body or bodies on their behalf on a permanent basis, in the Member State where they operate, for matters covered by this Regulation, to the national enforcement bodies. National enforcement bodies may exchange this information with each other for the purpose of enforcing this Regulation.;		
Article 1, first paragraph, point (18a)						
289a				<u>(18a) the following article is inserted:</u>		
Article 1, first paragraph, point (18a), amending provision, Article						
289b				<u>Article 16a</u> <u>Enforcement tasks</u>		
Article 1, first paragraph, point (18a), amending provision, Article(1)						
289c				<u>1. The national enforcement body shall closely monitor compliance with this Regulation and shall take the measures necessary to ensure that the rights of</u>		

	CLEAN Council's 1st Reading	vs.EC EP Position	CLEAN Draft Agreement
		<u>passengers are upheld. For this purpose, air carriers, airport managing bodies and intermediaries shall provide the national enforcement body with relevant documents and information at their request within one month of its request. In complex cases, the national enforcement body may extend this period to a maximum of three months from the receipt of the request. In carrying out their functions, the national enforcement bodies shall take account of the information submitted to them by the other body designated to handle complaints as defined in Article 16 paragraph 1.</u>	
Article 1, first paragraph, point (18a), amending provision, Article(2)			
289d		<u>2. Monitoring activities may be performed jointly by national enforcement bodies in the event of air services between two or several Member States.</u>	
Article 1, first paragraph, point (18a), amending provision, Article(3)			
289e		<u>3. Member States shall ensure that their respective National Enforcement Bodies are given sufficient power to penalise effectively infringements. National Enforcement Bodies shall be able to take enforcement actions based on individual complaints as defined in Article 16b.</u>	
Article 1, first paragraph, point (18a), amending provision, Article(4)			
289f		<u>4. In the event that the air carrier invokes extraordinary circumstances as a justification for refusing compensation under</u>	

	CLEAN Council's 1st Reading	vs.EC EP Position	CLEAN Draft Agreement
		<i><u>this Regulation, the carrier shall substantiate its claim by providing adequate evidence on those circumstances and related technical issues to the National Enforcement Body within 48 hours. Furthermore, the carrier shall demonstrate that all reasonable measures were taken to prevent the cancellation or delay of the flight in question.</u></i>	
Article 1, first paragraph, point (18a), amending provision, Article(5)			
289g		<i><u>5. The national enforcement body shall disseminate such information to the bodies designated for alternative dispute resolution pursuant to this Regulation, where available.</u></i>	
Article 1, first paragraph, point (18a), amending provision, Article(6)			
289h		<i><u>6. Every two years, the national enforcement bodies shall publish reports with statistics on their activity, including on penalties applied, by 30 June of the following calendar year. Those reports shall be made available on the website of the European Union Aviation Safety Agency.</u></i>	
Article 1, first paragraph, point (18a), amending provision, Article(7)			
289i		<i><u>7. On the basis of data which air carriers, airport managing bodies, intermediaries are required to provide on service quality standards as defined in Article 15a,] the national enforcement body shall publish statistics concerning the number and nature of complaints, the number of cancellations, denied boardings and delays</u></i>	

	CLEAN	Council's 1st Reading	VS.EC	EP Position	CLEAN	Draft Agreement
				<u>and their duration and data on lost, delayed or damaged baggage.</u>		
Article 1, first paragraph, point (18a), amending provision, Article(8)						
289j				<u>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.</u>		
Article 1, first paragraph, point (18b)						
289k				<u>(18b) the following article is inserted:</u>		
Article 1, first paragraph, point (18b), amending provision, Article						
289l				<u>Article 16b</u> <u>Complaint handling by national enforcement bodies and other bodies</u>		
Article 1, first paragraph, point (18b), amending provision, Article(1)						
289m				<u>1. Without prejudice to the rights of consumers to seek alternative redress pursuant to Directive 2013/11/EU of the European Parliament and of the Council', after having complained unsuccessfully to the air carrier or intermediary pursuant to Article 13a, the passenger may complain to the national enforcement body or any other body designated under paragraph 2 of this Article no later than one year from receiving information on the rejection of the original complaint by the air carrier or the intermediary.</u>		

	CLEAN	Council's 1st Reading	vs.EC	EP Position	CLEAN	Draft Agreement
				<p><u>1. 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).</u></p>		
Article 1, first paragraph, point (18b), amending provision, Article(2)						
289n				<p><u>2. Any passenger may complain about an alleged infringement of this Regulation at any airport situated on the territory of a Member State or concerning any flight from any airport situated on the territory of a Member State or of a third country to such airports, either to the national enforcement body, or to any other body designated by a Member State for that purpose.</u></p>		
Article 1, first paragraph, point (18b), amending provision, Article(3)						
289o				<p><u>3. The national enforcement body or any other body designated under paragraph 2 shall acknowledge receipt of the complaint within two weeks of receiving it. The complaint-handling procedure shall take a maximum of three months from the date of the establishment of the complaint file. The complaint-handling procedure shall be made accessible to persons with disabilities and to persons with reduced mobility in accessible format.</u></p>		
Article 1, first paragraph, point (18b), amending provision, Article(4)						

	CLEAN	Council's 1st Reading	VS.EC	EP Position	CLEAN	Draft Agreement
289p				<u>4. Where a complaint relates to alleged infringements by airport managing body, the complaint shall be handled by the national enforcement body or any other body designated under paragraph 2 of the Member State on whose territory the incident occurred.</u>		
Article 1, first paragraph, point (18b), amending provision, Article(5)						
289q				<u>5. National Enforcement bodies or any other body designated under paragraph 2 of this Article shall be able to deal with individual passenger complaints and be granted, at least, with the minimum investigative and enforcement powers defined in article 9 of the Regulation (EU) 2017/2394 of the European Parliament and of the Council¹.</u> <u>1. Regulation (EU) 2017/2394 of the European Parliament and of the Council of 12 December 2017 on cooperation between national authorities responsible for the enforcement of consumer protection laws and repealing Regulation (EC) No 2006/2004 (OJ L 345, 27.12.2017, p. 1, ELI: http://data.europa.eu/eli/reg/2017/2394/oj).</u>		
Article 1, first paragraph, point (18b), amending provision, Article(6)						
289r				<u>6. Decisions of national enforcement bodies or of any other body designated under paragraph 2 shall be binding on both parties and enforceable, without prejudice to the right of parties to access the judicial system.</u>		
Article 1, first paragraph, point (18c)						

	CLEAN	Council's 1st Reading	VS.EC	EP Position	CLEAN	Draft Agreement
289s				<u>(18c) the following article is inserted:</u>		
Article 1, first paragraph, point (18c), amending provision, Article						
289t				<u>Article 16c</u> <u>Exchange of information and cross-border cooperation between national enforcement bodies</u>		
Article 1, first paragraph, point (18c), amending provision, Article(1)						
289u				<u>1. Where different bodies are designated under Articles 16 and 16b of this Regulation, reporting mechanisms shall be set up to ensure the exchange of information between them, in accordance with Regulation (EU) 2016/679 of the European Parliament and the Council¹, 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.</u> <u>1. 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).</u>		
Article 1, first paragraph, point (18c), amending provision, Article(2)						
289v				<u>2. National enforcement bodies shall exchange information on their work and decision-making principles and practices for</u>		

	CLEAN	Council's 1st Reading	VS.EC	EP Position	CLEAN	Draft Agreement
				<u><i>the purpose of coordination. The Commission shall support them in that task.</i></u>		
Article 1, first paragraph, point (18d)						
289w				<u><i>(18d) the following article is inserted:</i></u>		
Article 1, first paragraph, point (18d), amending provision, Article						
289x				<u><i>Article 16d</i></u> <u><i>Inspections of national enforcement bodies</i></u>		
Article 1, first paragraph, point (18d), amending provision, Article(1)						
289y				<u><i>1. The Commission may conduct inspections of national enforcement bodies in order to monitor the application by Member States of the Regulation and to make recommendations to improve its enforcement.</i></u>		
Article 1, first paragraph, point (18d), amending provision, Article(2)						
289z				<u><i>2. The Commission shall in good time before an inspection inform the Member State concerned thereof.</i></u>		
Article 1, first paragraph, point (18d), amending provision, Article(3)						
289aa				<u><i>3. Each Commission inspection report shall be communicated to the national enforcement authority of the Member State concerned, which shall, in its reply, set out the measures taken to remedy the non-compliances identified and address the recommendations.</i></u>		
Article 1, first paragraph, point (18d), amending provision, Article(4)						

	CLEAN	Council's 1st Reading	vs.EC	EP Position	CLEAN	Draft Agreement
289ab				<u>4. The report, together with the reply of the national enforcement body, shall subsequently be communicated to the national enforcement bodies of the other Member States, where appropriate.</u>		
Article 1, first paragraph, point (18e)						
289ac				<u>(18e) the following Articles are inserted:</u>		
Article 1, first paragraph, point (18e), amending provision, Article						
289ad				<u>Article 16e</u> <u>Penalties</u>		
Article 1, first paragraph, point (18e), amending provision, Article(1)						
289ae				<u>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.</u>		
Article 1, first paragraph, point (18e), amending provision, Article(2)						
289af				<u>2. In the framework of cooperation referred to in Article 16c the national enforcement body which is competent for the purposes of Article 16 b (4) or (5) shall, at the request of the national enforcement body</u>		

	CLEAN	Council's 1st Reading	VS.EC	EP Position	CLEAN	Draft Agreement
				<u><i>handling the complaint, investigate the infringement of this Regulation identified by that body and, if necessary, impose penalties.</i></u>		
Article 1, first paragraph, point (18e), amending provision, Article						
289ag				<u><i>Article 16a Cooperation between Member States and the Commission</i></u>		
Article 1, first paragraph, point (18e), amending provision, Article(1)						
289ah				<u><i>1. The Member States shall regularly send relevant information concerning the application of this Regulation to the Commission, which will make this information available in electronic form to other Member States.</i></u>		
Article 1, first paragraph, point (18e), amending provision, Article(2)						
289ai				<u><i>2. At the request of the Commission, the national enforcement bodies shall investigate specific suspected practices of non-compliance with the obligations laid down in this Regulation by one or several air carriers, airport managing bodies and report its findings to the Commission within four months of the request.</i></u>		
Article 1, first paragraph, point (18e), amending provision, Article(3)						
289aj				<u><i>2a. The Commission shall support dialogue and promote cooperation between Member States concerning national interpretation and application of this Regulation through the Committee referred to in Article 16a of [Enforcement Regulation].</i></u>		

	CLEAN	Council's 1st Reading	VS.EC	EP Position	CLEAN	Draft Agreement
Article 1, first paragraph, point (18e), amending provision, Article(4)						
		289ak		<u>2b. At the request of a Member State, a National Enforcement body, or on its own initiative, the Commission shall examine cases where differences in the application and enforcement of any of the provisions of this Regulation arise.</u>		
Article 1, first paragraph, point (18e), amending provision, Article(5)						
		289al		<u>2c. The Commission may, where appropriate, adopt guidelines with a view to promote common application of this Regulation.</u>		
Article 1, first paragraph, point (19)						
G		290	(19) the following article is inserted:	(19) the following article is inserted:	(19) the following article is inserted:	Text Origin: Council's 1st Reading
Article 1, first paragraph, point (19), amending provision, first paragraph						
R		291	Article 16a Out-of-court resolution of disputes	Article 16a 16f Out-of-court resolution of disputes		
Article 1, first paragraph, point (19), amending provision, second paragraph						
R		292	Member States shall ensure that air passengers can submit individual disputes following complaints or requests under this Regulation to a body or bodies responsible for the out- of- court resolution of disputes. Member States shall inform the Commission of the body or bodies responsible for the handling of	Member States shall ensure that air passengers can submit individual disputes following complaints or requests under this Regulation to a body or bodies responsible for the out- of- court resolution of disputes. Member States shall inform the Commission of the body or bodies responsible for the handling of	PCY suggests maintaining Council text	

	CLEAN	Council's 1st Reading	vs.EC	EP Position	CLEAN	Draft Agreement
		disputes under this Article. Member States may decide to apply this Article to disputes between air carriers or intermediaries, on the one hand, and consumers only, on the other hand.;		disputes under this Article. Member States may decide to apply this Article to disputes between <u>The participation of</u> air carriers or <u>and</u> intermediaries, on the one hand, and consumers only, on the other hand <u>under the scope of this Regulation in alternative dispute resolution procedures shall be mandatory and their decisions binding, without prejudice to the right of parties to access the judicial system.</u> ;		
Article 1, first paragraph, point (19a)						
R	292a			<u>(19a) the following article is inserted:</u>		
Article 1, first paragraph, point (19a), amending provision, Article						
R	292b			<u>Article 16g</u> <u>Compliance documents</u>		PCY seeks flexibility on the possibility for NEBs to require from the air carrier the operating procedures in place for compliance with this Regulation where, in the context of monitoring the NEB observes systemic compliance dysfunctions by the air carrier.
Article 1, first paragraph, point (19a), amending provision, Article(1)						
R	292c			<u>1. Union air carriers shall prepare and submit to the national enforcement body of the Member State that issued their operating licence pursuant to Regulation (EC) No 1008/2008 and to the Commission by [1 January xxxx] a document that demonstrates in reasonable detail that their operating procedures are sufficient to ensure that they</u>		

	CLEAN	Council's 1st Reading	VS.EC	EP Position	CLEAN	Draft Agreement
				<u><i>consistently comply with all relevant Articles of this Regulation.</i></u>		
	Article 1, first paragraph, point (19a), amending provision, Article(2)					
R		292d		<u><i>2. The Commission may adopt implementing acts, laying down the minimum contents of such compliance documents. The minimum contents shall at least contain contingency plans for major disruptions, identify those responsible for providing assistance and other rights, the practical arrangements and procedures by which complaints are handled and assistance and compensation are provided, and procedures and templates for communication with passengers. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 16c (2).</i></u>		R
	Article 1, first paragraph, point (19a), amending provision, Article(3)					
R		292e		<u><i>3. Any other carrier providing services from a Union airport shall submit a compliance document to the National Enforcement Body s of all Member States in which they operate and to the Commission.</i></u>		R
	Article 1, first paragraph, point (19a), amending provision, Article(4)					
R		292f		<u><i>4. Air Carriers shall review their compliance documents and submit updated versions to the relevant national enforcement body or bodies and to the Commission every three years starting on [1 January xxxx].</i></u>		R
	Article 1, first paragraph, point (19a), amending provision, Article(5)					

	CLEAN	Council's 1st Reading	VS.EC	EP Position	CLEAN	Draft Agreement
R		292g		<u>5. The national enforcement body shall take account of the compliance documents submitted by air carriers, checking, where possible, the validity of compliance documents against complaints information.</u>		
Article 1, first paragraph, point (19a), amending provision, Article						
Y		292h		<u>Article 16h</u> <u>Exercise of delegation</u>		To be adapted depending on outcome of negotiations on IA and DA. To be addressed at the third trilogue.
Article 1, first paragraph, point (19a), amending provision, Article(1)						
Y		292i		<u>1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.</u>		To be adapted depending on outcome of negotiations on IA and DA.
Article 1, first paragraph, point (19a), amending provision, Article(2)						
Y		292j		<u>2. The power to adopt delegated acts referred to in Article 6c and Article 7 shall be conferred on the Commission for a period of five years from [...]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.</u>		To be adapted depending on outcome of negotiations on IA and DA.
Article 1, first paragraph, point (19a), amending provision, Article(3)						

	CLEAN	Council's 1st Reading	VS.EC	EP Position	CLEAN	Draft Agreement	
Y		292k		<u>3. The delegation of powers referred to in Article 6c and Article 7 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.</u>		To be adapted depending on outcome of negotiations on IA and DA.	Y
Article 1, first paragraph, point (19a), amending provision, Article(4)							
Y		292l		<u>4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.</u>		To be adapted depending on outcome of negotiations on IA and DA.	Y
Article 1, first paragraph, point (19a), amending provision, Article(5)							
Y		292m		<u>5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.</u>		To be adapted depending on outcome of negotiations on IA and DA.	Y
Article 1, first paragraph, point (19a), amending provision, Article(6)							
Y		292n		<u>6. A delegated act adopted pursuant to Article 6c and Article 7 shall enter into force only if no objection has been expressed by either the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the</u>		To be adapted depending on outcome of negotiations on IA and DA.	Y

	CLEAN	Council's 1st Reading	VS.EC	EP Position	CLEAN	Draft Agreement
				<u><i>expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.</i></u>		
Article 1, first paragraph, point (19a), amending provision, Article						
Y		292o		<u><i>Article 16i Committee procedure</i></u>		To be adapted depending on outcome of negotiations on IA and DA. To be addressed at the third trilogue.
Article 1, first paragraph, point (19a), amending provision, Article(1)						
Y		292p		<u><i>1. The Commission shall be assisted by the Passenger Rights Committee, composed of two representatives of each Member State and of which at least one will represent a National Enforcement Body. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.</i></u>		To be adapted depending on outcome of negotiations on IA and DA.
Article 1, first paragraph, point (19a), amending provision, Article(2)						
Y		292q		<u><i>2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.</i></u>		To be adapted depending on outcome of negotiations on IA and DA.
Article 1, first paragraph, point (20)						
G		293	(20)	Article 17 is replaced by the following:	(20)	Article 17 is replaced by the following: <u>Text Origin: Council's 1st Reading</u>

	CLEAN	Council's 1st Reading	vs.EC	EP Position	CLEAN	Draft Agreement
	Article 1, first paragraph, point (20), amending provision, first paragraph					
G	294	Article 17 Review and report		Article 17 Review and report		Article 17 Review and report Text Origin: Council's 1st Reading
	Article 1, first paragraph, point (20), amending provision, numbered paragraph (1), first subparagraph					
R	295	1. By ... [5 years from the date of entry into force of this amending Regulation] and every three years thereafter, the Commission shall report to the European Parliament and the Council on the list of extraordinary circumstances set out in the Annex, in the light of the events affecting the timely and effective operation of flights having occurred during the two years preceding each report.		1. By ... [5 years from the date of entry into force of this amending Regulation] and every three years thereafter, the Commission shall report to the European Parliament and the Council on the list of extraordinary circumstances set out in the Annex, in the light of the events affecting the timely and effective operation of flights having occurred during the two years preceding each report.		PCY seeks flexibility on deletion (possibly replaced by a delegated act) extraordinary circumstances
	Article 1, first paragraph, point (20), amending provision, numbered paragraph (1), second subparagraph					
R	296	The report shall be accompanied, where necessary, by a legislative proposal.		The report shall be accompanied, where necessary, by a legislative proposal.		PCY seeks flexibility on deletion extraordinary circumstances
	Article 1, first paragraph, point (20), amending provision, numbered paragraph (2), first subparagraph					
G	297	2. By ... [5 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 Commission shall include in that report information on the enhanced protection of air passengers on flights to and from third countries operated by third country air carriers.		2. By ... [5 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 Commission shall include in that report information on the enhanced protection of air passengers on flights to and from third countries operated by third country air carriers.		2. By ... [5 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 Commission shall include in that report information on the enhanced protection of air passengers on flights to and from third countries operated by third country air carriers.

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
			Text Origin: Council's 1st Reading
	Article 1, first paragraph, point (20), amending provision, numbered paragraph (2), second subparagraph		
R	298 That report shall also include a review of the amounts set out in Article 7(1) and the percentages set out in Article 10(2), taking into consideration inter alia the evolution of air fares, the inflation rate and statistics on denied boarding, cancellations, delays and missed connecting flights imputable to air carriers, as well as statistics on downgrading, during the five preceding years.	<i>That report shall also include a review of the amounts set out in Article 7(1) and the percentages set out in Article 10(2), taking into consideration inter alia the evolution of air fares, the inflation rate and statistics on denied boarding, cancellations, delays and missed connecting flights imputable to air carriers, as well as statistics on downgrading, during the five preceding years.</i>	PCY suggests maintaining Council text. threshold(s)
	Article 1, first paragraph, point (20), amending provision, numbered paragraph (2), third subparagraph		
G	299 In the report to be submitted by ... [5 years from the date of entry into force of this amending Regulation] pursuant to the first subparagraph, the Commission shall also assess:	In the report to be submitted by ... [5 years from the date of entry into force of this amending Regulation] pursuant to the first subparagraph, the Commission shall also assess:	In the report to be submitted by ... [5 years from the date of entry into force of this amending Regulation] pursuant to the first subparagraph, the Commission shall also assess: Text Origin: Council's 1st Reading
	Article 1, first paragraph, point (20), amending provision, numbered paragraph (2), third subparagraph, point (a)		
R	300 (a) the necessity and the feasibility of revising the scope of this Regulation with a view to further enhancing the protection of passengers and the level playing field between Union and third country air carriers, as well as connectivity aspects. In particular, the Commission shall assess the risks of conflict of jurisdictions and difficulties related to enforcement and shall recommend ways to	<i>(a) the necessity and the feasibility of revising the scope of this Regulation with a view to further enhancing the protection of passengers and the level playing field between Union and third country air carriers, as well as connectivity aspects. In particular, the Commission shall assess the risks of conflict of jurisdictions and difficulties related to enforcement and shall recommend ways to</i>	PCY suggests maintaining Council text. scope

	CLEAN	vs.EC	CLEAN
	Council's 1st Reading	EP Position	Draft Agreement
	mitigate those risks and address those difficulties;	<i>mitigate those risks and address those difficulties;</i>	
	Article 1, first paragraph, point (20), amending provision, numbered paragraph (2), third subparagraph, point (b)		
R	301 (b) the necessity of adjusting the thresholds set out in Article 7(2) on the basis of statistics regarding the evolution of delays and cancellations during the five years preceding the Commission assessment and every year from ... [2 years from the date of entry into force of this amending Regulation];	<i>(b) the necessity of adjusting the thresholds set out in Article 7(2) on the basis of statistics regarding the evolution of delays and cancellations during the five years preceding the Commission assessment and every year from ... [2 years from the date of entry into force of this amending Regulation];</i>	PCY suggests deletion threshold(s)
	Article 1, first paragraph, point (20), amending provision, numbered paragraph (2), third subparagraph, point (c)		
G	302 (c) the feasibility of further automation of requests for or payments of compensation for delays.	(c) the feasibility of further automation of requests for or payments of compensation for delays.	(c) the feasibility of further automation of requests for or payments of compensation for delays. Text Origin: Council's 1st Reading
	Article 1, first paragraph, point (20), amending provision, numbered paragraph (2), fourth subparagraph		
G	303 The report shall be accompanied, where necessary, by legislative proposals.;	The report shall be accompanied, where necessary, by legislative proposals.;	The report shall be accompanied, where necessary, by legislative proposals. Text Origin: EP Position
	Article 1, first paragraph, point (21)		
G	304 (21) the text set out in Annex I to this Regulation is added as the Annex to Regulation (EC) No 261/2004.	(21) The text set out in Annex I to this Regulation is added as the Annex to Regulation (EC) No 261/2004.	(21) the text set out in Annex I to this Regulation is added as the Annex to Regulation (EC) No 261/2004. Text Origin: Council's 1st Reading
	Article 2		
G	305 Article 2	Article 2	Article 2

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
			Text Origin: Council's 1st Reading
Article 2, first paragraph			
306	Regulation (EC) No 2027/97 is amended as follows:	Regulation (EC) No 2027/97 is amended as follows:	Regulation (EC) No 2027/97 is amended as follows: Text Origin: Council's 1st Reading
Article 2, first paragraph, point (1)			
307	(1) in Article 2, paragraph 1 is amended as follows:	(1) in Article 2, paragraph 1 is amended as follows:	(1) in Article 2, paragraph 1 is amended as follows: Text Origin: Council's 1st Reading
Article 2, first paragraph, point (1)(a)			
308	(a) point (b) is replaced by the following:	(a) point (b) is replaced by the following:	(a) point (b) is replaced by the following: Text Origin: Council's 1st Reading
Article 2, first paragraph, point (1)(a), amending provision, numbered paragraph (b)			
309	(b) "Union air carrier" shall mean an air carrier with a valid operating licence granted by a Member State in accordance with the provisions of Regulation (EC) No 1008/2008 of the European Parliament and of the Council*;	(b) "Union air carrier" shall mean an air carrier with a valid operating licence granted by a Member State in accordance with the provisions of Regulation (EC) No 1008/2008 of the European Parliament and of the Council*;	(b) "Union air carrier" shall mean an air carrier with a valid operating licence granted by a Member State in accordance with the provisions of Regulation (EC) No 1008/2008 of the European Parliament and of the Council*; Text Origin: Council's 1st Reading
Article 2, first paragraph, point (1)(a), amending provision, second paragraph			
310	_____	_____	_____ Text Origin: Council's 1st Reading

	CLEAN	VS.EC	CLEAN
	Council's 1st Reading	EP Position	Draft Agreement
Article 2, first paragraph, point (1)(a), amending provision, third paragraph			
311	*Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community (OJ L 293, 31.10.2008, p. 3, ELI: http://data.europa.eu/eli/reg/2008/1008/oj);	*Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community (OJ L 293, 31.10.2008, p. 3, ELI: http://data.europa.eu/eli/reg/2008/1008/oj);	*Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community (OJ L 293, 31.10.2008, p. 3, ELI: http://data.europa.eu/eli/reg/2008/1008/oj); Text Origin: Council's 1st Reading
Article 2, first paragraph, point (1)(b)			
312	(b) the followings points are added:	(b) the followings points are added:	(b) the followings points are added: Text Origin: Council's 1st Reading
Article 2, first paragraph, point (1)(b), amending provision, numbered paragraph (h)			
313	(h) “mobility equipment” shall mean any equipment that is intended to assist persons with disabilities or persons with reduced mobility, within the meaning of Article 2, point (a) of Regulation (EC) No 1107/2006 of the European Parliament and of the Council*, with their mobility;	(h) “mobility equipment” shall mean any equipment that is intended to assist persons with disabilities or persons with reduced mobility, within the meaning of Article 2, point (a) of Regulation (EC) No 1107/2006 of the European Parliament and of the Council*, with their mobility;	(h) “mobility equipment” shall mean any equipment that is intended to assist persons with disabilities or persons with reduced mobility, within the meaning of Article 2, point (a) of Regulation (EC) No 1107/2006 of the European Parliament and of the Council*, with their mobility; Text Origin: Council's 1st Reading
Article 2, first paragraph, point (1)(b), amending provision, numbered paragraph (i)			
314	(i) “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;	(i) “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;	(i) “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;

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
			Text Origin: Council's 1st Reading
Article 2, first paragraph, point (1)(b), amending provision, numbered paragraph (j)			
G	315 (j) “accessible format” means a format that gives a person with disabilities or a person with reduced mobility access to any relevant information, including by providing that person with access in as feasible and as comfortable manner as a person without an impairment or disability, and which meets accessibility requirements defined in accordance with the applicable legislation, in particular Directive (EU) 2019/882 of the European Parliament and of the Council**;	(j) “accessible format” means a format that gives a person with disabilities or a person with reduced mobility access to any relevant information, including by providing that person with access in as feasible and as comfortable manner as a person without an impairment or disability, and which meets accessibility requirements defined in accordance with the applicable legislation, in particular Directive (EU) 2019/882 of the European Parliament and of the Council**;	(j) “accessible format” means a format that gives a person with disabilities or a person with reduced mobility access to any relevant information, including by providing that person with access in as feasible and as comfortable manner as a person without an impairment or disability, and which meets accessibility requirements defined in accordance with the applicable legislation, in particular Directive (EU) 2019/882 of the European Parliament and of the Council**; Text Origin: Council's 1st Reading
Article 2, first paragraph, point (1)(b), amending provision, numbered paragraph (k)			
G	316 (k) “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;	(k) “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;	(k) “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; Text Origin: Council's 1st Reading
Article 2, first paragraph, point (1)(b), amending provision, numbered paragraph (l)			
R	317 (l) “personal item” means a piece of unchecked baggage, constituting a necessary aspect of the carriage of passengers, which complies with security and safety requirements, and either with maximum dimensions of 40x30x15cm or on condition	(l) “personal item” means a piece of unchecked baggage, constituting a necessary aspect of the carriage of passengers, which complies with security and safety requirements, and either with maximum dimensions of 40x30x15cm or <u>a small bag or an article</u> on	PCY suggests maintaining Council text

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
	that it fits under the seat in front of the seat in which the passenger is sitting;	condition that it fits under the seat in front of the seat in which the passenger is sitting <u>and complies with applicable security requirements.</u>	
Article 2, first paragraph, point (1)(b), amending provision, numbered paragraph (m)			
318	(m) "hand baggage" means a piece of unchecked baggage which is not a personal item and which complies with security and safety requirements.	(m) "hand baggage" means a piece of unchecked baggage which is not a personal item and which complies with security and safety requirements.	PCY suggests maintaining Council text Text Origin: Council's 1st Reading
Article 2, first paragraph, point (1)(b), amending provision, seventh paragraph			
319	_____	_____	Text Origin: Council's 1st Reading
Article 2, first paragraph, point (1)(b), amending provision, eighth paragraph			
320	*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).	*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).	*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).
Article 2, first paragraph, point (1)(b), amending provision, ninth paragraph			
321	**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);	**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);	**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);

	CLEAN	VS.EC	EP Position	CLEAN	Draft Agreement
					Text Origin: Council's 1st Reading
Article 2, first paragraph, point (2)					
Y	322		(2) in Article 3, paragraph 1 is replaced by the following:	(2) in Article 3, paragraph 1 is replaced by the following:	(2) in Article 3, paragraph 1 is replaced by the following: PCY suggests maintaining Council text. Text Origin: Council's 1st Reading
Article 2, first paragraph, point (2), amending provision, first paragraph					
Y	323		The liability of a Union air carrier in respect of passengers and their baggage shall be governed by all provisions of the Montreal Convention relevant to such liability. This includes the liability of a Union air carrier concerning passenger or baggage delay.;	The liability of a Union air carrier in respect of passengers and their baggage shall be governed by all provisions of the Montreal Convention relevant to such liability. This includes the liability of a Union air carrier concerning passenger or baggage delay.;	The liability of a Union air carrier in respect of passengers and their baggage shall be governed by all provisions of the Montreal Convention relevant to such liability. This includes the liability of a Union air carrier concerning passenger or baggage delay.;; EP to reconsider. Text Origin: Council's 1st Reading
Article 2, first paragraph, point (2a)					
Y	323a			(2a) in Article 3, paragraph 2 is replaced by the following:	
Article 2, first paragraph, point (2a), amending provision, numbered paragraph (1)					
Y	323b			2. At all airports within the Union, the Union air carrier and the ground handlers	2. At all airports within the Union where they operate, Union air carriers shall provide passengers with complaint forms which allow

	CLEAN	Council's 1st Reading	VS.EC	EP Position	CLEAN	Draft Agreement
				<p><i>acting on its behalf shall establish a service that provides passengers with complaint forms which allow them to immediately submit a complaint about damaged or delayed baggage upon arrival. Likewise, the Union air carrier shall ensure that passengers are provided with easy and user-friendly access to the complaint form referred to in this paragraph through the use of QR codes. Such QR codes shall be communicated and displayed in a clear and visible manner, including at check-in desks, airport service desks, boarding gates and on the air carrier's website or equivalent online platform, so as to allow passengers to access the complaint form swiftly and without undue difficulty. The complaint form, which may take the form of a Property Irregularity Report (PIR), shall be accepted by the air carrier at the airport as a complaint pursuant to Article 31(2) of the Montreal Convention. This possibility shall not affect the right of the passenger to submit a complaint via other means within the deadlines prescribed by the Montreal Convention.</i></p>		<p>passengers to immediately submit a complaint about damaged or delayed baggage upon arrival. Such complaint forms shall be displayed in a clear and visible manner, at the baggage delivery area. The complaint form shall be accepted by the air carrier as a complaint pursuant to Article 31(2) of the Montreal Convention. This possibility shall not affect the right of the passenger to submit a complaint via other means within the deadlines prescribed by the Montreal Convention.</p> <p>PCY suggested compromise text.</p>
Article 2, first paragraph, point (2a), amending provision, numbered paragraph (2)						
323c				<p><i>2a. The Commission may adopt implementing acts to lay down the form of the standardised claim form. Those implementing acts shall be adopted in accordance with the advisory/examination procedure referred to in Article 6f(2).</i></p>		<p>2a. In order to ensure uniform application of paragraph 2, the Commission shall adopt an implementing act establishing a common complaint form, including, if possible under GDPR, the use of QR codes. That common complaint form shall be established in a format which is accessible to persons with disabilities and persons with reduced mobility. The</p>

	CLEAN	VS.EC	EP Position	CLEAN	Draft Agreement
					implementing act shall be adopted in accordance with the examination procedure referred to in Article 6e(2). PCY suggested compromise text.
Article 2, first paragraph, point (3)					
Y	324	(3) in Article 3, paragraph 2 is deleted;	(3) in Article 3, paragraph 2 is deleted;		(3) in Article 3, paragraph 2 is deleted; PCY suggests maintaining Council text. Insurance requirements are now dealt with another EU piece of legislation. Text Origin: Council's 1st Reading
Article 2, first paragraph, point (4)					
G	325	(4) Article 3a is replaced by the following:	(4) Article 3a is replaced by the following:		(4) Article 3a is replaced by the following: Text Origin: Council's 1st Reading
Article 2, first paragraph, point (4), amending provision, first paragraph					
Y	326	Article 3a	Article 3a		
Article 2, first paragraph, point (4), amending provision, second paragraph					
Y	327	The supplementary sum which, in accordance with Article 22(2) of the Montreal Convention, and without prejudice to Article 6a, may be demanded by a Union air carrier when a passenger makes a special declaration of interest in delivery of their baggage at destination, shall be based on a tariff which reflects the additional costs of transport and insurance for baggage valued above the	The supplementary sum which, in accordance with Article 22(2) of the Montreal Convention, and without prejudice to Article 6a, may be demanded by a Union air carrier when a passenger makes a special declaration of interest in delivery of their baggage at destination, shall be based on a tariff which reflects the additional costs of transport and insurance for baggage valued above the		PCY suggests maintaining Council text.

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
	liability limit. The tariff shall be made available to passengers on request.;	liability limit. The tariff shall be made available to passengers on request.;	
Article 2, first paragraph, point (5)			
328	(5) Article 5 is replaced by the following:	(5) Article 5 is replaced by the following:	(5) Article 5 is replaced by the following: <small>Text Origin: Council's 1st Reading</small>
Article 2, first paragraph, point (5), amending provision, first paragraph			
329	Article 5	Article 5	Article 5 <small>Text Origin: Council's 1st Reading</small>
Article 2, first paragraph, point (5), amending provision, numbered paragraph (1)			
330	1. In the case of death or injury of passengers, the Union air carrier shall without delay, and in any event not later than fifteen days after the identity of the natural person entitled to compensation has been established, make such advance payments as may be required to meet immediate economic needs on a basis proportional to the hardship suffered.	1. In the case of death or injury of passengers, the Union air carrier shall without delay, and in any event not later than fifteen days after the identity of the natural person entitled to compensation has been established, make such advance payments as may be required to meet immediate economic needs on a basis proportional to the hardship suffered.	1. In the case of death or injury of passengers, the Union air carrier shall without delay, and in any event not later than fifteen days after the identity of the natural person entitled to compensation has been established, make such advance payments as may be required to meet immediate economic needs on a basis proportional to the hardship suffered. <small>Text Origin: Council's 1st Reading</small>
Article 2, first paragraph, point (5), amending provision, numbered paragraph (2)			
331	2. Without prejudice to paragraph 1, an advance payment in the case of death of passengers, shall not be less than 16 % per passenger, of the minimum amount of liability set under Article 21(1) of the Montreal Convention and by the International Civil	2. Without prejudice to paragraph 1, an advance payment in the case of death of passengers, shall not be less than 16 % per passenger, of the minimum amount of liability set under Article 21(1) of the Montreal Convention and by the International Civil	2. Without prejudice to paragraph 1, an advance payment in the case of death of passengers, shall not be less than 16 % per passenger, of the minimum amount of liability set under Article 21(1) of the Montreal Convention and by the International Civil

	CLEAN Council's 1st Reading	vs.EC EP Position	CLEAN Draft Agreement
	Aviation Organization pursuant to Article 24(2) of the Montreal Convention.	Aviation Organization pursuant to Article 24(2) of the Montreal Convention.	Aviation Organization pursuant to Article 24(2) of the Montreal Convention. <small>Text Origin: Council's 1st Reading</small>
Article 2, first paragraph, point (5), amending provision, numbered paragraph (3)			
G	332 3. An advance payment shall not constitute recognition of liability and may be offset against any subsequent sums paid on the basis of Union air carrier liability, but is not returnable, except in the cases prescribed in Article 20 of the Montreal Convention or where the person who received the advance payment was not the person entitled to compensation.;	3. An advance payment shall not constitute recognition of liability and may be offset against any subsequent sums paid on the basis of Union air carrier liability, but is not returnable, except in the cases prescribed in Article 20 of the Montreal Convention or where the person who received the advance payment was not the person entitled to compensation.;	3. An advance payment shall not constitute recognition of liability and may be offset against any subsequent sums paid on the basis of Union air carrier liability, but is not returnable, except in the cases prescribed in Article 20 of the Montreal Convention or where the person who received the advance payment was not the person entitled to compensation.;
Article 2, first paragraph, point (5), amending provision, numbered paragraph (3a)			
Y	332a	<u><i>3a. The Commission is empowered to adopt delegated acts in accordance with Article 6d, to adjust the amount for compensation in light of a decision by the International Civil Aviation Organisation pursuant to Article 24(2) of the Montreal Convention. Any adjustment in the before mentioned amount shall also modify the corresponding amount in the Annex.</i></u>	PCY suggests not retaining EP text.
Article 2, first paragraph, point (5), amending provision, numbered paragraph (3b)			
Y	332b	<u><i>3b. If baggage is lost, delayed or damaged, airlines shall first compensate the passengers with whom they have concluded a</i></u>	PCY suggests not retaining EP text which is in contradiction with MTL convention.

	CLEAN	Council's 1st Reading	VS.EC	EP Position	CLEAN	Draft Agreement
				<u>contract before being able to bring any claim against the airports or service providers for the damage, for which they are not necessarily responsible.</u>		
Article 2, first paragraph, point (6)						
333	(6)	Article 6 is amended as follows:	(6)	Article 6 is amended as follows:	(6)	Article 6 is amended as follows: <small>Text Origin: Council's 1st Reading</small>
Article 2, first paragraph, point (6)(-a)						
333a			(a)	<u>the following paragraph is inserted:</u>		<i>deleted</i> <small>Text Origin: EP Position</small>
Article 2, first paragraph, point (6)(-a), amending provision, numbered paragraph (1)						
333b			-1.	<u>All air carriers shall, when selling carriage by air in the Union, ensure that a summary of the main provisions governing liability for passengers and their baggage, including deadlines for filing an action for compensation and the possibility of making a special declaration for baggage, is made available to passengers at all points of sale, including sale by telephone and via the Internet. In order to comply with this information requirement, Union air carriers shall use the notice contained in the Annex. Such summary or notice cannot be used as a basis for a claim for compensation, nor to</u>		<i>deleted</i> <small>Text Origin: EP Position</small>

	CLEAN Council's 1st Reading	vs.EC EP Position	CLEAN Draft Agreement
		<u><i>interpret the provisions of this Regulation or the Montreal Convention. The Commission is empowered to adopt delegated acts in accordance with Article 6d to adjust the amounts mentioned in the Annex, with the exception of the amount mentioned in Article 5(2), in light of a decision by the International Civil Aviation Organization pursuant to Article 24(2) of the Montreal Convention</i></u>	
Article 2, first paragraph, point (6)(a)			
334	(a) paragraph 1 is replaced by the following:	(a) (b) paragraph 1 is replaced by the following:	(a) paragraph 1 is replaced by the following: <small>Text Origin: Council's 1st Reading</small>
Article 2, first paragraph, point (6)(a), amending provision, numbered paragraph (1)			
335	1. All air carriers shall, when selling carriage by air in the Union, ensure that a summary of the main provisions governing liability for passengers and their baggage, including deadlines for filing an action for compensation and the possibility of making a special declaration for baggage, is made available to passengers at all points of sale, including sale by telephone and through the Internet. In order to comply with this information requirement, Union air carriers shall use the notice contained in the Annex. Such summary or notice cannot be used as a basis for a claim for compensation, nor to	1. All air carriers shall, when selling carriage by air in the Union, ensure that a summary of the main provisions governing liability for <u>provide</u> passengers <u>in a clear and accessible manner with comprehensive information on the applicable procedures to be followed in the event of lost, delayed or damaged</u> and their baggage, including deadlines for filing an action for compensation and the possibility of making a special declaration for baggage, is <u>Such information shall be</u> made available to <u>on a durable medium and published in an easily accessible form on the air carrier's website or equivalent</u>	1. <i>All air carriers shall, when selling carriage by air in the Union, provide passengers in a clear and accessible manner with comprehensive information on the applicable procedures to be followed in the event of lost, delayed or damaged baggage.</i> Air carriers shall ensure that a summary of the main provisions governing liability for passengers and their baggage, including deadlines for filing an action for compensation and the possibility of making a special declaration for baggage, is made available to passengers at all points of sale, including sale by telephone and via the Internet. In order to

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
	interpret the provisions of this Regulation or the Montreal Convention.;	<u>online platform, so that</u> passengers at all points of sale, including sale by telephone and through the Internet. In order to comply with this information requirement, Union air carriers shall use the notice contained in the Annex. Such summary or notice cannot be used as a basis for a claim for compensation, nor to interpret the provisions of this Regulation or the Montreal Convention <u>have all necessary guidance readily available in case such issues arise.</u> ;	comply with this information requirement, Union air carriers shall use the notice contained in the Annex. Such summary or notice cannot be used as a basis for a claim for compensation, nor to interpret the provisions of this Regulation or the Montreal Convention. PCY is seeking flexibility on EP suggested compromise text.
Article 2, first paragraph, point (6)(b)			
336	(b) in paragraph 2 the following indent is added:	(b) (c) in paragraph 2 the following indent is added:	(b) in paragraph 2 the following indent is added: Text Origin: Council's 1st Reading
Article 2, first paragraph, point (6)(b), amending provision, first paragraph			
337	– the right to make, free of charge, a special declaration of interest on the value of their mobility equipment where the passenger is a person with disabilities or a person with reduced mobility.;	– the right to make, free of charge, a special declaration of interest on the value of their mobility equipment where the passenger is a person with disabilities or a person with reduced mobility.;	– the right to make, free of charge, a special declaration of interest on the value of their mobility equipment where the passenger is a person with disabilities or a person with reduced mobility. Text Origin: Council's 1st Reading
Article 2, first paragraph, point (6)(c)			
338	(c) paragraph 3 is replaced by the following:	(e) (d) paragraph 3 is replaced by the following:	

	CLEAN	Council's 1st Reading	VS.EC	EP Position	CLEAN	Draft Agreement
Article 2, first paragraph, point (6)(c), amending provision, numbered paragraph (3)						
339		<p>3. In the case of all carriage performed by Union air carriers, the limits indicated in accordance with the information requirements of paragraphs 1 and 2 shall be those established by this Regulation unless the Union air carrier applies higher limits by way of voluntary undertaking. In the case of all carriage performed by third country air carriers, paragraphs 1 and 2 shall apply only in relation to carriage to, from or within the Union.</p>		<p>3. In the case of all carriage performed by Union air carriers, the limits indicated in accordance with the information requirements of paragraphs 1 and 2 shall be those established by this Regulation unless the Union air carrier applies higher limits by way of voluntary undertaking. In the case of all carriage performed by third country air carriers, paragraphs 1 and 2 shall apply only in relation to carriage to, from or within the Union.</p>		<p>3. In the case of all carriage performed by Union air carriers, the limits indicated in accordance with the information requirements of paragraphs 1 and 2 shall be those established by this Regulation unless the Union air carrier applies higher limits by way of voluntary undertaking. In the case of all carriage performed by third country air carriers, paragraphs 1 and 2 shall apply only in relation to carriage to, from or within the Union.</p> <p><small>Text Origin: Council's 1st Reading</small></p>
Article 2, first paragraph, point (6)(d)						
340		<p>(d) the following paragraphs are added:</p>		<p>(d)(e) the following paragraphs are added:</p>		<p>(d) the following paragraphs are added:</p> <p><small>Text Origin: Council's 1st Reading</small></p>
Article 2, first paragraph, point (6)(d), amending provision, numbered paragraph (4)						
341		<p>4. All air carriers shall, on their mobile applications and on their websites, provide a form which allows the passenger to immediately file an online or a hardcopy complaint about damaged, delayed or lost baggage. The date of submission of the form shall be considered by the air carrier as the filing date of the complaint pursuant to Article 31(2) and 31(3) of the Montreal Convention, even if the air carrier requests further information at a later date. This paragraph shall</p>		<p>4. All air carriers shall, on their mobile applications and on their websites, provide a form which allows the passenger to immediately file an online or a hardcopy complaint about damaged, delayed or lost baggage. The date of submission of the form shall be considered by the air carrier as the filing date of the complaint pursuant to Article 31(2) and 31(3) of the Montreal Convention, even if the air carrier requests further information at a later date. This paragraph shall</p>		<p>4. All air carriers shall, on their mobile applications and on their websites, provide a form which allows the passenger to immediately file an online or a hardcopy complaint about damaged, delayed or lost baggage. The date of submission of the form shall be considered by the air carrier as the filing date of the complaint pursuant to Article 31(2) and 31(3) of the Montreal Convention, even if the air carrier requests further information at a later date. This paragraph shall</p>

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
	not affect the right of the passenger to submit a complaint through other means within the deadlines given by the Montreal Convention.	not affect the right of the passenger to submit a complaint through other means within the deadlines given by the Montreal Convention.	not affect the right of the passenger to submit a complaint through other means within the deadlines given by the Montreal Convention. Text Origin: Council's 1st Reading
Article 2, first paragraph, point (6)(d), amending provision, numbered paragraph (5)			
342	5. All information provided pursuant to this Article, and complaint forms, shall be in an accessible format and made available also to persons who do not use digital tools.	5. All information provided pursuant to this Article, and complaint forms, shall be in an accessible format and made available also to persons who do not use digital tools.	5. All information provided pursuant to this Article, and complaint forms, shall be in an accessible format and made available also to persons who do not use digital tools. Text Origin: Council's 1st Reading
Article 2, first paragraph, point (6)(d), amending provision, numbered paragraph (6)			
343	6. All information obligations pursuant to this Article shall also apply to intermediaries, when selling carriage by air to, from or within the Union.;	6. All information obligations pursuant to this Article shall also apply to intermediaries, when selling carriage by air to, from or within the Union.;	6. All information obligations pursuant to this Article shall also apply to intermediaries, when selling carriage by air to, from or within the Union. Text Origin: Council's 1st Reading
Article 2, first paragraph, point (7)			
344	(7) the following articles are inserted:	(7) the following articles are inserted:	(7) the following articles are inserted: Text Origin: Council's 1st Reading
Article 2, first paragraph, point (7), amending provision, first paragraph			
345	Article 6a	Article 6a	Article 6a Text Origin: Council's 1st Reading
Article 2, first paragraph, point (7), amending provision, numbered paragraph (1), first subparagraph			

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
346	<p>1. Whenever carrying checked-in mobility equipment or recognised assistance dogs, the Union air carrier shall ensure that each person with disabilities or person with reduced mobility is offered the option to make a special declaration of interest in delivery at destination, in an accessible format, pursuant to Article 22(2) of the Montreal Convention, at booking, at the same time as the notification pursuant to Article 6 of Regulation (EC) No 1107/2006, and at the latest when the equipment is handed over to the air carrier and, in the case of a recognised assistance dog, at boarding. In that case, the Union air carrier shall not charge the passengers concerned an additional fee. Where the equipment is destroyed, lost, damaged or delayed, or in the case of the death of, or injury to, a recognised assistance dog, the Union air carrier may require proof of the cost of replacement, including temporary replacement, of the mobility equipment or the recognised assistance dog from the person with disabilities or person with reduced mobility to support the amount declared in the special declaration of interest.</p>	<p>1. Whenever carrying checked-in mobility equipment or recognised assistance dogs, the Union air carrier shall <u>make passengers aware of their rights and</u> ensure that each person with disabilities or person with reduced mobility is offered the option to make a special declaration of interest in delivery at destination, in an accessible format, pursuant to Article 22(2) of the Montreal Convention, at booking, at the same time as the notification pursuant to Article 6 of Regulation (EC) No 1107/2006, and at the latest when the equipment is handed over to the air carrier and, in the case of a-recognised assistance dog, at boarding. In that case, the Union air carrier shall not charge the passengers concerned an additional fee. <u>The Commission shall adopt implementing acts laying down the model form to be used for such a declaration of interest. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article [6f(2)].</u> Where the equipment is destroyed, lost, damaged or delayed, or in the case of the death of, or injury to, a recognised assistance dog, the Union air carrier may require-<u> proof of the cost of replacement, including temporary replacement, of the mobility equipment or the recognised assistance dog from the person with disabilities or person with reduced mobility to support the amount declared in the special declaration of interest.</u></p>	<p>1. Whenever carrying checked-in mobility equipment or recognised assistance dogs, the Union air carrier shall ensure that persons with disabilities and persons with reduced mobility <i>are made aware of their rights</i> and offered the option to make a special declaration of interest in delivery at destination, in an accessible format, pursuant to Article 22(2) of the Montreal Convention, at booking, at the same time as the notification pursuant to Article 6 of Regulation (EC) No 1107/2006, and at the latest when the equipment is handed over to the air carrier and, in the case of a recognised assistance dog, at boarding. In that case, the Union air carrier shall not charge the passengers concerned an additional fee. Where the equipment is destroyed, lost, damaged or delayed, or in the case of the death of, or injury to, a recognised assistance dog, the Union air carrier may require proof of the cost of replacement, including temporary replacement, of the mobility equipment or the recognised assistance dog from the person with disabilities or person with reduced mobility to support the amount declared in the special declaration of interest.</p> <p>1a. In order to ensure uniform application of paragraph 1, the Commission shall adopt an implementing act establishing a model form for the special declaration. That model form shall be established in a format which is accessible to persons with disabilities and persons with</p>

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
			reduced mobility. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 6e(2). PCY suggested compromise text.
Article 2, first paragraph, point (7), amending provision, numbered paragraph (1), second subparagraph			
y	347 When selling carriage by air on behalf of the Union air carrier, intermediaries shall offer the passengers concerned the option to make a special declaration of interest, in an accessible format, pursuant to Article 22(2) of the Montreal Convention, at booking and at the same time as the notification pursuant to Article 6 of Regulation (EC) No 1107/2006. This special declaration of interest shall be given under the same conditions as set out in the first subparagraph. The intermediary shall transmit the declaration to the Union air carrier as soon as possible.	When selling carriage by air on behalf of the Union air carrier, intermediaries shall <i>make passengers aware of their rights and</i> offer the passengers concerned the option to make a special declaration of interest, in an accessible format, pursuant to Article 22(2) of the Montreal Convention, at booking and at the same time as the notification pursuant to Article 6 of Regulation (EC) No 1107/2006. This special declaration of interest shall be given under the same conditions as set out in the first subparagraph. The intermediary shall transmit the declaration to the Union air carrier as soon as possible.	When selling carriage by air on behalf of the Union air carrier, intermediaries shall <i>inform the passengers concerned on their rights and offer them</i> the option to make a special declaration of interest, in an accessible format, pursuant to Article 22(2) of the Montreal Convention, at booking and at the same time as the notification pursuant to Article 6 of Regulation (EC) No 1107/2006. This special declaration of interest shall be given under the same conditions as set out in the first subparagraph. The intermediary shall transmit the declaration to the Union air carrier as soon as possible. PCY suggested compromise text.
Article 2, first paragraph, point (7), amending provision, numbered paragraph (2)			
g	348 2. In the case of destruction, loss, damage or delay in the carriage of checked mobility equipment or in case of death of or injury to a recognised assistance dog, the Union air carrier shall be liable to pay a sum not exceeding the sum declared by the passenger; unless it proves that the sum claimed is greater than the	2. In the case of destruction, loss, damage or delay in the carriage of checked mobility equipment or in case of death of or injury to a recognised assistance dog, the Union air carrier shall be liable to pay a sum not exceeding the sum declared by the passenger; unless it proves that the sum claimed is greater than the	2. In the case of destruction, loss, damage or delay in the carriage of checked mobility equipment or in case of death of or injury to a recognised assistance dog, the Union air carrier shall be liable to pay a sum not exceeding the sum declared by the passenger; unless it proves that the sum claimed is greater than the

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
	person's actual interest in delivery at destination.	person's actual interest in delivery at destination.	person's actual interest in delivery at destination. <small>Text Origin: Council's 1st Reading</small>
Article 2, first paragraph, point (7), amending provision, numbered paragraph (3)			
G 349	3. Where paragraph 2 applies, and without prejudice to Articles 7, 8 and Annex I, fourth subparagraph, of Regulation (EC) No 1107/2006, the Union air carriers shall rapidly make all reasonable efforts to provide immediately needed temporary replacements for checked mobility equipment and temporary solutions in replacement of recognised assistance dogs. The person with disabilities or the person with reduced mobility shall be permitted to keep that temporary replacement free of charge until the compensation referred to in paragraph 2 has been paid or until the Union air carriers have compensated the legal or natural persons for the costs of needed temporary replacement of mobility equipment or of a recognised assistance dog.	3. Where paragraph 2 applies, and without prejudice to Articles 7, 8 and Annex I, fourth subparagraph, of Regulation (EC) No 1107/2006, the Union air carriers shall rapidly make all reasonable efforts to provide immediately needed temporary replacements for checked mobility equipment and temporary solutions in replacement of recognised assistance dogs. The person with disabilities or the person with reduced mobility shall be permitted to keep that temporary replacement free of charge until the compensation referred to in paragraph 2 has been paid or until the Union air carriers have compensated the legal or natural persons for the costs of needed temporary replacement of mobility equipment or of a recognised assistance dog.	3. Where paragraph 2 applies, and without prejudice to Articles 7, 8 and Annex I, fourth subparagraph, of Regulation (EC) No 1107/2006, the Union air carriers shall rapidly make all reasonable efforts to provide immediately needed temporary replacements for checked mobility equipment and temporary solutions in replacement of recognised assistance dogs. The person with disabilities or the person with reduced mobility shall be permitted to keep that temporary replacement free of charge until the compensation referred to in paragraph 2 has been paid or until the Union air carriers have compensated the legal or natural persons for the costs of needed temporary replacement of mobility equipment or of a recognised assistance dog. <small>Text Origin: Council's 1st Reading</small>
Article 2, first paragraph, point (7), amending provision, numbered paragraph (4)			
G 350	4. Compliance with paragraph 3 shall not constitute a recognition of liability of the Union air carrier.	4. Compliance with paragraph 3 shall not constitute a recognition of liability of the Union air carrier.	4. Compliance with paragraph 3 shall not constitute a recognition of liability of the Union air carrier. <small>Text Origin: Council's 1st Reading</small>
Article 2, first paragraph, point (7), amending provision, first paragraph a			
Y 350a		Article 6aa	<i>deleted</i>

	CLEAN	Council's 1st Reading	VS.EC	EP Position	CLEAN	Draft Agreement	
				<u>Use of mobility equipment</u>		PCY suggests deleting since this matter is addressed under Regulation 1107/06 and line 252	
		Article 2, first paragraph, point (7), amending provision, first paragraph b					
Y		350b		<u>Airline companies shall ensure, at no additional cost, that passengers are able to use their wheelchairs, including pushchairs for children, up to the boarding gate, and that these are returned to them at the aircraft door. If for safety reasons this is impossible, air carriers shall, at no additional cost, provide wheelchair users with an alternative means of mobility at the airport terminal until such time as they are able to collect their wheelchairs. If such safety reasons relate directly to the terminal itself, the airport management authority shall be responsible for providing the alternative means of mobility referred to in this paragraph.</u>		<i>deleted</i> PCY suggests deleting since this matter is addressed under Regulation 1107/06 and line 252	
		Article 2, first paragraph, point (7), amending provision, first paragraph c					
R		350c		<u>Article 6ab</u>		PCY requests flexibility on the possibility to reinstate the Commission proposal for this Article.	
		Article 2, first paragraph, point (7), amending provision, first paragraph d					
R		350d		<u>1. The national enforcement body designated under Article 16 of Regulation (EC) No 261/2004 shall ensure compliance with this Regulation. For this purpose, it shall monitor:</u>		1. The National Enforcement Body designated under Article 16 of Regulation 261/2004 shall ensure compliance with this Regulation. For this purpose, it shall monitor:	
		Article 2, first paragraph, point (7), amending provision, first paragraph e					

	CLEAN	Council's 1st Reading	VS.EC	EP Position	CLEAN	Draft Agreement
R		350e		<u>= the terms and conditions of air transport contracts;</u>		- the terms and conditions of air transport contracts;
Article 2, first paragraph, point (7), amending provision, first paragraph f						
R		350f		<u>= the systematic offer of a special declaration of interest for checked mobility equipment, and of an appropriate level of compensation in case of damage caused to mobility equipment;</u>		- the systematic offer of a special declaration of interest for checked mobility equipment, and of an appropriate level of compensation in case of damage caused to mobility equipment;
Article 2, first paragraph, point (7), amending provision, first paragraph g						
R		350g		<u>= the payment of an advance payment under Article 5(1) when applicable</u>		- the payment of an advance payment under Article 5(1) when applicable;
Article 2, first paragraph, point (7), amending provision, first paragraph h						
R		350h		<u>= the application of Article 6.</u>		- the application of Article 6.
Article 2, first paragraph, point (7), amending provision, first paragraph i						
R		350i		<u>2. For the purpose of monitoring the protection of passengers with reduced mobility and disabled passengers in case of damage to their mobility equipment or assistive devices, the national enforcement body shall also examine and take account of the information on complaints concerning mobility equipment submitted to the bodies</u>		2. For the purpose of monitoring the protection of passengers with reduced mobility and disabled passengers in case of damage to their mobility equipment or assistive devices, the national enforcement body shall also examine and take account of the information on complaints concerning mobility equipment

	CLEAN	Council's 1st Reading	VS.EC	EP Position	CLEAN	Draft Agreement
				<u>designated under Article 16a of Regulation (EC) No 261/2004.</u>		submitted to the bodies designated under Article 16a of Regulation (EC) No 261/2004.
		Article 2, first paragraph, point (7), amending provision, first paragraph j				
R		350j		<u>3. The sanctions laid down by Member States for infringements of this Regulation shall be effective, proportionate and dissuasive.</u>		3. The sanctions laid down by Member States for infringements of this Regulation shall be effective, proportionate and dissuasive.
		Article 2, first paragraph, point (7), amending provision, first paragraph k				
R		350k		<u>4. In their annual reports pursuant to Article 16(6) of Regulation (EC) No 261/2004, the National Enforcement Bodies shall also publish statistics on their activity and on the sanctions applied with regard to the application of this Regulation.</u>		4. In their annual reports pursuant to Article 16(6) of Regulation (EC) No 261/2004, the National Enforcement Bodies shall also publish statistics on their activity and on the sanctions applied with regard to the application of this Regulation.
		Article 2, first paragraph, point (7), amending provision, sixth paragraph				
G		351	Article 6b	Article 6b		Article 6b <small>Text Origin: Council's 1st Reading</small>
		Article 2, first paragraph, point (7), amending provision, numbered paragraph (1)				
G		352	1. Without prejudice to Regulation (EC) No 1008/2008, when selling carriage by air to, from or within the Union, all air carriers and intermediaries shall clearly indicate in an accessible format at booking, as well as on their mobile applications and on their website, and furthermore, in the case of air carriers, make available on request at the airport (including at self-service check-in machines):	1. Without prejudice to Regulation (EC) No 1008/2008, when selling carriage by air to, from or within the Union, all air carriers and intermediaries shall clearly indicate in an accessible format at booking, as well as on their mobile applications and on their website, and furthermore, in the case of air carriers, make available on request at the airport (including at self-service check-in machines):		1. Without prejudice to Regulation (EC) No 1008/2008, when selling carriage by air to, from or within the Union, all air carriers and intermediaries shall clearly indicate in an accessible format at booking, as well as on their mobile applications and on their website, and furthermore, in the case of air carriers, make available on request at the airport (including at self-service check-in machines): <small>Text Origin: Council's 1st Reading</small>

	CLEAN	vs.EC	CLEAN
	Council's 1st Reading	EP Position	Draft Agreement
Article 2, first paragraph, point (7), amending provision, numbered paragraph (1), first indent			
353	- the maximum baggage allowance in terms of dimension and weight that passengers are permitted to carry within the cabin, and in the hold of the aircraft, corresponding to the fare for the class of transport for each of the flights included within a passenger's reservation;	- the maximum baggage allowance in terms of dimension and weight that passengers are permitted to carry within the cabin, and in the hold of the aircraft, corresponding to the fare for the class of transport for each of the flights included within a passenger's reservation;	- the maximum baggage allowance in terms of dimension and weight that passengers are permitted to carry within the cabin, and in the hold of the aircraft, corresponding to the fare for the class of transport for each of the flights included within a passenger's reservation; Text Origin: Council's 1st Reading
Article 2, first paragraph, point (7), amending provision, numbered paragraph (1), second indent			
354	- any restrictions on the number of items that would be applied within a given maximum baggage allowance;	- any restrictions on the number of items that would be applied within a given maximum baggage allowance;	- any restrictions on the number of items that would be applied within a given maximum baggage allowance; Text Origin: Council's 1st Reading
Article 2, first paragraph, point (7), amending provision, numbered paragraph (1), third indent			
355	- the conditions under which fragile or valuable items, such as musical instruments, sports equipment, children's pushchairs and infant seats shall be transported in the passenger cabin or in the cargo hold of the aircraft;	- the conditions under which fragile or valuable items, such as musical instruments, sports equipment, children's pushchairs and infant seats shall be transported in the passenger cabin or in the cargo hold of the aircraft;	- the conditions under which fragile or valuable items, such as musical instruments, sports equipment, children's pushchairs and infant seats shall be transported in the passenger cabin or in the cargo hold of the aircraft; Text Origin: Council's 1st Reading
Article 2, first paragraph, point (7), amending provision, numbered paragraph (1), fourth indent			
356	- without prejudice to paragraph 2, potential additional charges applied for the carriage of checked and unchecked baggage, including musical instruments referred to in Article 6c,	- without prejudice to paragraph 2, potential additional charges applied for the carriage of checked and unchecked baggage, including musical instruments referred to in Article 6c,	- without prejudice to paragraph 2, potential additional charges applied for the carriage of checked and unchecked baggage, including musical instruments referred to in Article 6c,

	CLEAN	vs.EC	CLEAN
	Council's 1st Reading	EP Position	Draft Agreement
			Text Origin: Council's 1st Reading
	Article 2, first paragraph, point (7), amending provision, numbered paragraph (1), fifth indent		
G	357 - the specific reasons which may preclude the carriage in the cabin of unchecked baggage pursuant to paragraph 3.	- the specific reasons which may preclude the carriage in the cabin of unchecked baggage pursuant to paragraph 3.	- the specific reasons which may preclude the carriage in the cabin of unchecked baggage pursuant to paragraph 3. Text Origin: Council's 1st Reading
	Article 2, first paragraph, point (7), amending provision, numbered paragraph (1), sixth indent		
Y	357a	<u>Core travel services and additional charges must be clearly identifiable and capable of being purchased separately from each other.</u>	deleted covered by Article 14 and Regulation 1008/2008
	Article 2, first paragraph, point (7), amending provision, numbered paragraph (1), seventh indent		
R	357b	<u>If hand baggage is moved from the cabin of the aircraft to its hold before boarding or take-off, it must be returned to passengers as they disembark the aircraft, as hand baggage.</u>	If hand baggage is moved from the cabin of the aircraft to its hold before boarding or take-off, it must be returned to passengers as they disembark the aircraft, as hand baggage, unless there are safety, security, capacity or operational constraints. PCY suggested compromise baggage
	Article 2, first paragraph, point (7), amending provision, numbered paragraph (2)		
R	358 2. Without prejudice to Regulation (EC) No 1107/2006, air carriers shall permit passengers to carry a personal item in the cabin and at no extra cost.	2. Without prejudice to Regulation (EC) No 1107/2006, air carriers shall permit passengers to carry a personal item <u>and hand baggage within the maximum dimensions of 100 cm (sum of length, width, and height)</u> in the cabin and at no extra cost <u>in accordance with (EC) No 261/2004. Carry-on baggage allowances may be expressed in maximum</u>	2. Without prejudice to Regulation (EC) No 1107/2006, air carriers shall permit passengers to carry a personal item in the cabin and at no extra cost. PCY suggests maintaining Council text baggage

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
		<u><i>dimensions or maximum weights of the total carry-on allowance per passenger, or both, but without any restriction on the specific number of items carried.</i></u>	
Article 2, first paragraph, point (7), amending provision, numbered paragraph (3)			
G 359	3. Where specific reasons, such as safety reasons, capacity reasons or a change of the aircraft type since the reservation was made, preclude the carriage in the cabin of a personal item referred to in paragraph 2 or of hand baggage, the air carrier may carry that unchecked baggage in the hold of the aircraft, but at no further cost to the passenger.	3. Where specific reasons, such as safety reasons, capacity reasons or a change of the aircraft type since the reservation was made, preclude the carriage in the cabin of a personal item referred to in paragraph 2 or of hand baggage, the air carrier may carry that unchecked baggage in the hold of the aircraft, but at no further cost to the passenger.	3. Where specific reasons, such as safety reasons, capacity reasons or a change of the aircraft type since the reservation was made, preclude the carriage in the cabin of a personal item referred to in paragraph 2 or of hand baggage [<i>referred to in paragraph 2a</i>], the air carrier may carry that unchecked baggage in the hold of the aircraft, but at no further cost to the passenger. PCY requests flexibility. baggage Text Origin: Council's 1st Reading
Article 2, first paragraph, point (7), amending provision, numbered paragraph (4)			
R 360	4. Paragraphs 2 and 3 shall apply to all air carriers departing from an airport located in the territory of a Member State to which the Treaties apply and to all Union air carriers arriving in the territory of a Member State to which the Treaties apply.	4. Paragraphs 2 and 3 shall apply to all air carriers departing from an airport located in the territory of a Member State to which the Treaties apply and to all Union air carriers arriving in the territory of a Member State to which the Treaties apply.	4. Paragraphs 2 and 3 shall apply to all air carriers departing from an airport located in the territory of a Member State to which the Treaties apply and to all Union air carriers arriving in the territory of a Member State to which the Treaties apply. <i>Paragraph 2a shall not apply to flights operated by air carriers with aircraft types where the hand baggage does not fit in the overhead compartments.</i>

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
			PCY requests flexibility. baggage scope
Article 2, first paragraph, point (7), amending provision, numbered paragraph (5)			
G	361 5. This Article does not affect the restrictions on unchecked baggage established by Union rules such as those laid down in Regulation (EC) No 300/2008 of the European Parliament and of the Council* and Commission Implementing Regulation (EU) 2015/1998** and by international security and safety rules.	5. This Article does not affect the restrictions on unchecked baggage established by Union rules such as those laid down in Regulation (EC) No 300/2008 of the European Parliament and of the Council* and Commission Implementing Regulation (EU) 2015/1998** and by international security and safety rules.	5. This Article does not affect the restrictions on unchecked baggage established by Union rules such as those laid down in Regulation (EC) No 300/2008 of the European Parliament and of the Council* and Commission Implementing Regulation (EU) 2015/1998** and by international security and safety rules. Text Origin: Council's 1st Reading
Article 2, first paragraph, point (7), amending provision, twelfth paragraph			
G	362 Article 6c	Article 6c	Article 6c Text Origin: Council's 1st Reading
Article 2, first paragraph, point (7), amending provision, numbered paragraph (1)			
R	363 1. A Union air carrier shall permit a passenger to carry a musical instrument in the passenger cabin of an aircraft subject to applicable security and safety rules and the technical specifications and constraints of the aircraft concerned. Musical instruments shall be accepted for carriage within an aircraft cabin provided that those instruments can be stowed safely in a suitable baggage compartment within the cabin or under an appropriate passenger seat. An air carrier may determine that a musical instrument shall form	1. A Union air carrier shall permit a passenger to carry a musical instrument in the passenger cabin of an aircraft subject to applicable security and safety rules and the technical specifications and constraints of the aircraft concerned. Musical instruments shall be accepted for carriage within an aircraft cabin provided that those instruments can be stowed safely in a suitable baggage compartment within the cabin or under an appropriate passenger seat. An air carrier may determine that <u>When accepted for carriage</u>	PCY suggests maintaining Council text. baggage

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
	part of a passenger's unchecked baggage allowance and shall not be carried in addition to that allowance.	<u>within the aircraft cabin</u> , a musical instrument shall form part of a passenger's unchecked's <u>hand</u> baggage allowance and shall not . <u>The air carrier may determine that additional charges are to apply for hand baggage to</u> be carried in addition to that allowance.	
Article 2, first paragraph, point (7), amending provision, numbered paragraph (2)			
364	<p>2. Subject to applicable security and safety rules, where a musical instrument is too large to be stowed safely in a suitable baggage compartment within the cabin or under an appropriate passenger seat, an air carrier may request the payment of a second fare where such musical instruments are carried as unchecked baggage on a second seat. Furthermore, passengers may be required to select and purchase adjacent seats for both the passenger and the musical instrument, one always being a window seat for the musical instrument. Where available and if requested, musical instruments shall be carried in a heated part of an aircraft cargo hold subject to applicable safety rules, space constraints and the technical specifications of the aircraft concerned.</p>	<p>2. Subject to applicable security and safety rules, Where a musical instrument is too large to be stowed safely in a suitable baggage compartment within the cabin or under an appropriate passenger seat, an air carrier may request the payment of a second fare where such musical instruments are carried as unchecked <u>hand</u> baggage on a second seat. Furthermore, passengers may be required to select and purchase adjacent seats for both <u>Such additional fare shall not be subject to the payment of the relevant airport departure tax. Where a second seat is purchased an air carrier shall make reasonable efforts to seat</u> the passenger and the musical instrument, one always being a window seat for the musical instrument. Where available and if requested, musical instruments shall be carried in a heated part of an aircraft cargo hold subject to applicable safety rules, space constraints and the technical specifications of the aircraft concerned <u>together</u>.</p>	<p>PCY requests flexibility on the exclusion of taxes (Article 23(1)(b), Article 23(1)(c), Article 23(1)(d) of Regulation 1008/2008) from the additional fare (Article 23(1)(a) of Regulation 1008/2008).</p> <p><u>baggage</u></p>
Article 2, first paragraph, point (7), amending provision, numbered paragraph (2a)			

	CLEAN	Council's 1st Reading	VS.EC	EP Position	CLEAN	Draft Agreement
R		364a		<u>2a. Where space is available and if requested, musical instruments shall be carried in a heated part of an aircraft cargo hold, subject to applicable safety rules, space constraints and the technical specifications of the aircraft concerned. Air carriers shall provide special tags for clear display on musical instruments to ensure that they are handled with the necessary care. Only instruments that are properly packaged in a rigid and/or hard-shell container specifically designed for such items shall be allowed to be carried as aircraft cargo.</u>		PCY requests flexibility on EP text. baggage
Article 2, first paragraph, point (7), amending provision, numbered paragraph (2b)						
R		364b		<u>2b. An air carrier shall clearly indicate at booking and in its terms and conditions the basis on which musical instruments will be transported, including the applicable charges, the facilities for the carriage of musical instruments that are available on the aircraft concerned and the dimensions of these facilities. Where a second seat needs to be booked, passengers shall be offered the possibility of booking that second seat online.</u>		2a. Where a second seat needs to be booked, passengers shall be offered the possibility of booking that second seat online. PCY suggested compromise text. baggage
Article 2, first paragraph, point (7), amending provision, fifteenth paragraph						
G		365				Text Origin: Council's 1st Reading
Article 2, first paragraph, point (7), amending provision, sixteenth paragraph						
G		366	*Regulation (EC) No 300/2008 of the European Parliament and of the Council of 11 March	*Regulation (EC) No 300/2008 of the European Parliament and of the Council of 11 March		*Regulation (EC) No 300/2008 of the European Parliament and of the Council of 11 March

	CLEAN	Council's 1st Reading	VS.EC	EP Position	CLEAN	Draft Agreement
		2008 on common rules in the field of civil aviation security and repealing Regulation (EC) No 2320/2002 (OJ L 97, 9.4.2008, p. 72, ELI: http://data.europa.eu/eli/reg/2008/300/oj).		2008 on common rules in the field of civil aviation security and repealing Regulation (EC) No 2320/2002 (OJ L 97, 9.4.2008, p. 72, ELI: http://data.europa.eu/eli/reg/2008/300/oj).		2008 on common rules in the field of civil aviation security and repealing Regulation (EC) No 2320/2002 (OJ L 97, 9.4.2008, p. 72, ELI: http://data.europa.eu/eli/reg/2008/300/oj). <i>Text Origin: Council's 1st Reading</i>
Article 2, first paragraph, point (7), amending provision, seventeenth paragraph						
G	367	**Commission Implementing Regulation (EU) 2015/1998 of 5 November 2015 laying down detailed measures for the implementation of the common basic standards on aviation security (OJ L 299, 14.11.2015, p. 1, ELI: http://data.europa.eu/eli/reg_impl/2015/1998/oj).;		**Commission Implementing Regulation (EU) 2015/1998 of 5 November 2015 laying down detailed measures for the implementation of the common basic standards on aviation security (OJ L 299, 14.11.2015, p. 1, ELI: http://data.europa.eu/eli/reg_impl/2015/1998/oj).;		** Commission Implementing Regulation (EU) 2015/1998 of 5 November 2015 laying down detailed measures for the implementation of the common basic standards on aviation security (OJ L 299, 14.11.2015, p. 1, ELI: http://data.europa.eu/eli/reg_impl/2015/1998/oj).; <i>Text Origin: Council's 1st Reading</i>
Article 2, first paragraph, point (7), amending provision, Article						
Y	367a			Article 6d		To be adapted depending on outcome of negotiations on IA and DA. PCY seeks flexibility on EP text. To be addressed at the third trilogue.
Article 2, first paragraph, point (7), amending provision, Article(1)						
Y	367b			1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.		To be adapted depending on outcome of negotiations on IA and DA.
Article 2, first paragraph, point (7), amending provision, Article(2)						
Y	367c			2. The power to adopt delegated acts referred to in Article 5(2) and 6(1) shall be conferred on the Commission for an		To be adapted depending on outcome of negotiations on IA and DA.

	CLEAN	Council's 1st Reading	VS.EC	EP Position	CLEAN	Draft Agreement
				<u><i>indeterminate period of time from [the date of entry into force of this Regulation</i></u>		
Article 2, first paragraph, point (7), amending provision, Article(3)						
y		367d		<u><i>3. The delegation of power referred to in Article 5(2) and 6(1) may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.</i></u>		To be adapted depending on outcome of negotiations on IA and DA.
Article 2, first paragraph, point (7), amending provision, Article(4)						
y		367e		<u><i>4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.</i></u>		To be adapted depending on outcome of negotiations on IA and DA.
Article 2, first paragraph, point (7), amending provision, Article(5)						
y		367f		<u><i>5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.</i></u>		To be adapted depending on outcome of negotiations on IA and DA.
Article 2, first paragraph, point (7), amending provision, Article(6)						
y		367g		<u><i>6. A delegated act adopted pursuant to Article 5(2) and 6(1) shall enter into force only if no objection has been expressed either</i></u>		To be adapted depending on outcome of negotiations on IA and DA.

	CLEAN	Council's 1st Reading	VS.EC	EP Position	CLEAN	Draft Agreement
				<u><i>by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.</i></u>		
Article 2, first paragraph, point (7), amending provision, Article						
Y		367h		<u><i>Article 6e</i></u>		To be adapted depending on outcome of negotiations on IA and DA. PCY seeks flexibility on EP text. To be addressed at the third trilogue.
Article 2, first paragraph, point (7), amending provision, Article(1)						
Y		367i		<u><i>1. The Commission shall be assisted by the Passengers Rights Committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.</i></u>		To be adapted depending on outcome of negotiations on IA and DA.
Article 2, first paragraph, point (7), amending provision, Article(2)						
Y		367j		<u><i>2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.</i></u>		To be adapted depending on outcome of negotiations on IA and DA.
Article 2, first paragraph, point (8)						
G		368	(8)	Article 7 is replaced by the following:	(8)	Article 7 is replaced by the following: Text Origin: Council's 1st Reading
Article 2, first paragraph, point (8), amending provision, first paragraph						

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
G 369	Article 7	Article 7	Article 7 Text Origin: Council's 1st Reading
Article 2, first paragraph, point (8), amending provision, second paragraph			
R 370	The Commission shall report to the European Parliament and the Council by ... [5 years from the date of entry into force of this amending Regulation] on the operation and the results of this Regulation.;	The Commission shall report to the European Parliament and the Council by ... [5 3 years from the date of entry into force of this amending Regulation] on the operation and the results of this Regulation.; <u><i>The report shall be accompanied, where necessary, by legislative proposal.</i></u>	PCY seeks flexibility on EP text.
Article 2, first paragraph, point (9)			
G 371	(9) the Annex to Regulation (EC) No 2027/97 is replaced by the text set out in Annex II to this Regulation.	(9) The Annex to Regulation (EC) No 2027/97 is replaced by the text set out in Annex II to this Regulation.	(9) the Annex to Regulation (EC) No 2027/97 is replaced by the text set out in Annex II to this Regulation. Text Origin: Council's 1st Reading
Article 3			
G 372	Article 3	Article 3	Article 3 Text Origin: Council's 1st Reading
Article 3, first paragraph			
G 373	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

	CLEAN	VS.EC	EP Position	CLEAN	Draft Agreement
					Text Origin: Council's 1st Reading
	Article 3, second paragraph				
R	374	It shall apply from ... [2 years from the date of entry into force of this amending Regulation].	It shall apply from ... [2 years from the date of entry into force of this amending Regulation].		PCY suggests maintaining Council text.
	Article 3, third paragraph				
G	375	This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall be binding in its entirety and directly applicable in all Member States.		This Regulation shall be binding in its entirety and directly applicable in all Member States. Text Origin: Council's 1st Reading
	Formula				
G	376	Done at ..., ...	Done at ..., ...		Done at ..., ... Text Origin: Council's 1st Reading
	Formula				
G	377	For the European Parliament	For the European Parliament		For the European Parliament Text Origin: Council's 1st Reading
	Formula				
G	378	The President	The President		The President Text Origin: Council's 1st Reading
	Formula				
G	379	For the Council	For the Council		For the Council Text Origin: Council's 1st Reading
	Formula				
G	380	The President	The President		The President Text Origin: Council's 1st Reading

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
	ANNEX I		
R	381 ANNEX I	ANNEX I	PCY suggests maintaining Council text. extraordinary circumstances
	ANNEX I, amending provision, first paragraph		
R	382 ANNEX	ANNEX	PCY suggests maintaining Council text. extraordinary circumstances
	ANNEX I, amending provision, second paragraph		
R	383 Non-exhaustive lists of circumstances considered as extraordinary circumstances and circumstances not to be considered as extraordinary for the purposes of this Regulation	Non-exhaustive Exhaustive lists of circumstances <u>capable of being</u> considered as extraordinary circumstances and circumstances not to be considered as extraordinary for the purposes of this Regulation	PCY suggests maintaining Council text. extraordinary circumstances
	ANNEX I, amending provision, numbered paragraph (1)		
R	384 1. The following circumstances shall be considered as extraordinary:	1. The following circumstances shall be <u>capable of being</u> considered as extraordinary:	PCY suggests maintaining Council text. extraordinary circumstances
	ANNEX I, amending provision, numbered paragraph (1), point (a)		
R	385 (a) circumstances not connected with the operation of the aircraft, such as:	(a) circumstances not connected with the operation of the aircraft, such as:	PCY suggests deletion of sub headers. extraordinary circumstances
	ANNEX I, amending provision, numbered paragraph (1), point (a)(i)		
R	386 (i) natural or environmental disasters which are incompatible with the safe operation of the flight;	(i) natural or environmental disasters which are incompatible with the safe operation of the flight;	PCY suggests maintaining Council text. extraordinary circumstances
	ANNEX I, amending provision, numbered paragraph (1), point (a)(ii)		

	CLEAN	vs.EC	EP Position	CLEAN	Draft Agreement
R	387	(ii) meteorological conditions and damage to the aircraft linked to meteorological events which are incompatible with the safe operation of the flight (such as lightning strikes, hailstones, thunderstorms, severe turbulence or strong wind);	(ii) meteorological conditions and damage to the aircraft linked to meteorological events which are incompatible with <u>flight safety or that have damaged the aircraft in flight or on the tarmac after service release and rendering</u> the safe operation of the flight (such as lightning strikes, hailstones, thunderstorms, severe turbulence or strong wind); <u>impossible</u>	(ii) meteorological conditions and damage to the aircraft linked to meteorological events which are incompatible with the safe operation of the flight;	PCY suggested compromise text. extraordinary circumstances
ANNEX I, amending provision, numbered paragraph (1), point (a)(iii)					
R	388	(iii) war or insurrection which are incompatible with the safe operation of the flight;	(iii) war, <u>political unrest, acts of sabotage or terrorism rendering</u> or insurrection which are incompatible with the safe operation of the flight; <u>impossible</u>	(iii) war, political unrest, security risks or unlawful acts which are incompatible with the safe operation of the flight;	PCY suggested compromise text for lines 388 and 395. extraordinary circumstances
ANNEX I, amending provision, numbered paragraph (1), point (a)(iv)					
R	389	(iv) cross-border threats to health falling within the scope of Articles 2(1) or 2(4) of Regulation (EU) 2022/2371 of the European Parliament and of the Council ¹ which are incompatible with the safe operation of the flight; and 1. Regulation (EU) 2022/2371 of the European Parliament and of the Council of 23 November 2022 on serious cross-border threats to health and repealing Decision No 1082/2013/EU (OJ L 314, 6.12.2022, p. 26, ELI: http://data.europa.eu/eli/reg/2022/2371/oj).	(iv) cross-border threats to health falling within the scope of Articles 2(1) or 2(4) of Regulation (EU) 2022/2371 of the European Parliament and of the Council¹ which are incompatible with the safe operation <u>risks or medical emergencies necessitating the interruption or deviation</u> of the flight; and concerned; 1. Regulation (EU) 2022/2371 of the European Parliament and of the Council of 23 November 2022 on serious cross-border threats to health and repealing Decision No 1082/2013/EU (OJ L 314, 6.12.2022, p. 26, ELI: http://data.europa.eu/eli/reg/2022/2371/oj).	(iv) cross-border threats to health falling within the scope of Articles 2(1) or 2(4) of Regulation (EU) 2022/2371 of the European Parliament and of the Council ¹ , health risks or medical emergencies which are incompatible with the operation of the flight or which necessitate the interruption or deviation of the flight;	PCY suggested compromise text for lines 389 and 393. extraordinary circumstances

	CLEAN	Council's 1st Reading	VS.EC	EP Position	CLEAN	Draft Agreement
		ANNEX I, amending provision, numbered paragraph (1), point (a)(v)				
R	390	(v) collisions between the aircraft and a bird or another foreign object which are incompatible with the safe operation of the flight;	(v)	collisions between the aircraft and a bird or another foreign object which are incompatible with the safe operation of the flight; <u>damage to an aircraft caused by a foreign object lying on an airport runway</u>		PCY suggests deletion in light of compromise text proposed for line 401. extraordinary circumstances
		ANNEX I, amending provision, numbered paragraph (1), point (b)				
R	391	(b) incidents related to a passenger, including:	(b)	incidents related to a passenger, including:		PCY suggests deletion of sub header. extraordinary circumstances
		ANNEX I, amending provision, numbered paragraph (1), point (b)(i)				
R	392	(i) unruly passenger incidents within the meaning of the Montreal Protocol 2014 which are incompatible with the safe operation of the flight or which delay the flight departure;	(i)	(vi) unruly passenger incidents within the meaning of the Montreal Protocol 2014 which are incompatible with the safe operation of aircraft to divert the flight or which delay the flight departure <u>behaviour of a passenger which causes the pilot in command of the Montreal Protocol 2014 which are incompatible with the safe operation of aircraft to divert the flight or which delay the flight departure concerned to an airport other than the airport of arrival in order to disembark this passenger or passengers and their baggage ;</u>		PCY suggests maintaining Council text. extraordinary circumstances
		ANNEX I, amending provision, numbered paragraph (1), point (b)(ii)				
R	393	(ii) health risks or medical emergencies (such as serious illness) discovered at short notice before the flight departure, or necessitating the interruption or deviation of the flight;	(ii)	health risks or medical emergencies (such as serious illness) discovered at short notice before the flight departure, or necessitating the interruption or deviation of the flight;		PCY suggested compromise text in line 389. extraordinary circumstances
		ANNEX I, amending provision, numbered paragraph (1), point (c)				
R	394	(c) other incidents, such as:	(c)	other incidents, such as:		PCY suggests deletion of sub headers. extraordinary circumstances

	CLEAN	Council's 1st Reading	VS.EC	EP Position	CLEAN	Draft Agreement
	ANNEX I, amending provision, numbered paragraph (1), point (c)(i)					
R	395	(i) security risks, damage caused by acts of sabotage or terrorism, or unlawful acts, which are incompatible with the safe operation of the flight;	(i)	security risks, damage caused by acts of sabotage or terrorism, or unlawful acts, which are incompatible with the safe operation of the flight;	PCY suggests deletion, see line 388.	extraordinary circumstances
	ANNEX I, amending provision, numbered paragraph (1), point (c)(ii)					
R	396	(ii) hidden manufacturing or design defects revealed, by the manufacturer or a competent authority, and which are incompatible with the safe operation of the flight;	(#vii)	hidden manufacturing or design defects, revealed, by the manufacturer or a competent authority, and which are incompatible with the safe operation of the flight;	PCY suggests maintaining Council text. DLAs to check.	extraordinary circumstances
	ANNEX I, amending provision, numbered paragraph (1), point (c)(iii)					
R	397	(iii) air traffic management or airport capacity restrictions, or closure of airspace;	(#viii)	unforeseen air traffic management or airport capacity restrictions, or unforeseen closure of airspace, including runway closures by the authorities;	(iii) air traffic management or airport capacity restrictions, or closure of airspace, including runway closures by the authorities;	PCY suggested compromise text. extraordinary circumstances
	ANNEX I, amending provision, numbered paragraph (1), point (c)(iv)					
R	398	(iv) partial or full unscheduled closure of an airport, including a general airport system failure, a power outage and an electronic communications collapse, or the activation of the contingency plan by the airport managing body;	(iv)	partial or full unscheduled closure of an airport, including a general airport system failure, a power outage and an electronic communications collapse, or the activation of the contingency plan by the airport managing body;	PCY suggests maintaining Council text.	extraordinary circumstances
	ANNEX I, amending provision, numbered paragraph (1), point (c)(v)					
R	399	(v) strikes at essential service providers such as airport managing body, Air Navigation Service Providers, groundhandling service	(v)	strikes unforeseen labour disputes at the operating air carrier or at essential service providers such as airport managing	(v) strikes at essential service providers such as airport managing body, Air Navigation Service Providers, groundhandling service	

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
	providers, or at the operating air carrier where strikes are linked to demands outside the remit of the operating carrier;	body; <u>airports and</u> Air Navigation Service Providers, groundhandling service providers; or at the operating air carrier where <u>excluding</u> strikes are linked to <u>by airline staff unless originating from</u> demands outside the remit of the operating carrier <u>that only public authorities can satisfy</u> ;	providers, or at the operating air carrier where strikes originate from demands outside the remit of the operating carrier; PCY suggested compromise . extraordinary circumstances
ANNEX I, amending provision, numbered paragraph (1), point (c)(vi)			
R	400 (vi) unexpected absence of a crew member essential to the operation of the flight, due to illness or death, when it occurs outside the operating air carrier's home bases or due to a pandemic;	(vi) unexpected absence of a crew member essential to the operation of the flight, due to illness or death, when it occurs outside the operating air carrier's home bases or due to a pandemic;	(vi) Death of a pilot when it occurs outside the operating air carrier's home bases; PCY suggested compromise text . extraordinary circumstances
ANNEX I, amending provision, numbered paragraph (1), point (c)(vii)			
R	401 (vii) damage to the aircraft caused while the aircraft is on the ground by third parties for whom the air carrier is not responsible and which is incompatible with the safe operation of the flight;	(vii)(x) damage to the <u>a collision of an</u> aircraft in a parking position with an aircraft of another airline caused while <u>by the movement of</u> the aircraft is on the ground by third parties for whom the air carrier is not responsible and which is incompatible with the safe operation of the flight <u>other airline</u> ;	(vii) damage to the aircraft caused by third parties for whom the air carrier is not responsible, animals or foreign objects and which is incompatible with the safe operation of the flight; PCY suggested compromise text, see lines 390, 402, 405a. extraordinary circumstances
ANNEX I, amending provision, numbered paragraph (1), point (c)(viii)			
R	402 (viii) damage to an aircraft tyre caused by a foreign object which is incompatible with the safe operation of the flight;	(viii) damage to an aircraft tyre caused by a foreign object which is incompatible with the safe operation of the flight;	PCY suggests deletion, see line 401. extraordinary circumstances
ANNEX I, amending provision, numbered paragraph (1), point (c)(ix)			

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
R 403	(ix) contaminated runway of an airport which is incompatible with the safe operation of the flight;	(ixi) contaminated <u>the presence of petrol on a runway resulting in the closure of the</u> of an airport which is incompatible with the safe operation of and, consequently, the significant delay of a flight to or from this airport, provided the petrol does not come from an aircraft of the air carrier operating the flight;	PCY suggests maintaining Council text. extraordinary circumstances
ANNEX I, amending provision, numbered paragraph (1), point (c)(x)			
R 404	(x) unexpected flight safety shortcomings on aircraft equipment not within acceptable levels of operation as defined in the Master Minimum Equipment List or the minimum equipment operating conditions established therein and that could not have been remedied during preventive maintenance (as provided for under paragraph 2, point (a)); and	(x) unexpected flight safety shortcomings on aircraft equipment not within acceptable levels of operation as defined in the Master Minimum Equipment List or the minimum equipment operating conditions established therein and that could not have been remedied during preventive maintenance (as provided for under paragraph 2, point (a)); and	(x) unexpected flight safety shortcomings on aircraft equipment not within acceptable levels of operation as defined in the Minimum Equipment List or the minimum equipment operating conditions established therein and that could not have been remedied during preventive maintenance; PCY suggested compromise text. extraordinary circumstances
ANNEX I, amending provision, numbered paragraph (1), point (c)(xi)			
R 405	(xi) after departure, health risks or medical emergencies (such as serious illness) of a crew member necessitating the interruption or deviation of the flight.	(xi) after departure, health risks or medical emergencies (such as serious illness) of a crew member necessitating the interruption or deviation of the flight.	PCY suggests deletion, see line 389. extraordinary circumstances
ANNEX I, amending provision, numbered paragraph (1), point (c)(xia)			
R 405a		(xii) collision between an aircraft and a bird and any damage caused by such a collision ;	PCY suggests not retaining EP text, see line 401. extraordinary circumstances
ANNEX I, amending provision, numbered paragraph (1), point (c)(xib)			

	CLEAN	Council's 1st Reading	VS.EC	EP Position	CLEAN	Draft Agreement
R	405b			<u>(xiii) shortage of staff at the airport providing baggage loading services;</u>		PCY suggests not retaining EP text extraordinary circumstances
ANNEX I, amending provision, numbered paragraph (1), point (c)(xic)						
R	405c			<u>(xiv) airport congestion due to meteorological conditions, resulting in an obligation on the aircraft operator to delay or cancel the flight;</u>		PCY suggests not retaining EP text, see lines 387 and 397. extraordinary circumstances
ANNEX I, amending provision, numbered paragraph (1), point (c)(xid)						
R	405d			<u>(xv) a generalised breakdown of the aircraft refuelling system, where the airport of origin of the flight or aircraft concerned is responsible for the aircraft refuelling system</u>		PCY seeks flexibility on EP text. extraordinary circumstances
ANNEX I, amending provision, numbered paragraph (2)						
R	406	2. The following list of circumstances shall not be considered as extraordinary circumstances:		2. The following list of circumstances shall not be considered as extraordinary circumstances:		PCY suggests deletion. extraordinary circumstances
ANNEX I, amending provision, numbered paragraph (2), point (a)						
R	407	(a) technical problems that could have been remedied during preventive maintenance in accordance with Union rules and procedures for the continuing airworthiness management of aircraft;		(a) technical problems that could have been remedied during preventive maintenance in accordance with Union rules and procedures for the continuing airworthiness management of aircraft;		PCY suggests deletion. extraordinary circumstances
ANNEX I, amending provision, numbered paragraph (2), point (b)						
R	408	(b) operational decisions and late crew, check-in and boarding procedures; and		(b) operational decisions and late crew, check-in and boarding procedures; and		PCY suggests deletion. extraordinary circumstances

	CLEAN	Council's 1st Reading	VS.EC	EP Position	CLEAN	Draft Agreement
		ANNEX I, amending provision, numbered paragraph (2), point (c)				
R	409	(c) unavailability of flight crew or cabin crew (unless caused by strikes referred to in paragraph 1, point (c)(v) or unexpected absences due to illness or death referred to in paragraph 1, point (c)(vi)).		(c) unavailability of flight crew or cabin crew (unless caused by strikes referred to in paragraph 1, point (c)(v) or unexpected absences due to illness or death referred to in paragraph 1, point (c)(vi)).		PCY suggests deletion. extraordinary circumstances
		ANNEX II				
G	410	ANNEX II		ANNEX II		ANNEX II
		ANNEX II, amending provision, first paragraph				
G	411	ANNEX		ANNEX		ANNEX
		ANNEX II, amending provision, second paragraph				
G	412	Information notice as referred to in Article 6		Information notice as referred to in Article 6		Information notice as referred to in Article 6
		ANNEX II, amending provision, third paragraph				
G	413	INFORMATION NOTICE ON AIR CARRIER LIABILITY FOR PASSENGERS AND THEIR BAGGAGE		INFORMATION NOTICE ON AIR CARRIER LIABILITY FOR PASSENGERS AND THEIR BAGGAGE		INFORMATION NOTICE ON AIR CARRIER LIABILITY FOR PASSENGERS AND THEIR BAGGAGE
		ANNEX II, amending provision, fourth paragraph				
G	414	This information notice summarises the liability rules applied by Union air carriers as required by European Union legislation and the Montreal Convention.		This information notice summarises the liability rules applied by Union air carriers as required by European Union legislation and the Montreal Convention.		This information notice summarises the liability rules applied by Union air carriers as required by European Union legislation and the Montreal Convention.
		ANNEX II, amending provision, fifth paragraph				
G	415	COMPENSATION IN THE CASE OF DEATH OR INJURY		COMPENSATION IN THE CASE OF DEATH OR INJURY		COMPENSATION IN THE CASE OF DEATH OR INJURY

	CLEAN	Council's 1st Reading	VS.EC	EP Position	CLEAN	Draft Agreement
ANNEX II, amending provision, sixth paragraph						
G	416	There are no financial limits to the liability for passenger injury or death caused by an accident on board the aircraft or during any of the operations of embarkation and disembarkation.		There are no financial limits to the liability for passenger injury or death caused by an accident on board the aircraft or during any of the operations of embarkation and disembarkation.		There are no financial limits to the liability for passenger injury or death caused by an accident on board the aircraft or during any of the operations of embarkation and disembarkation.
ANNEX II, amending provision, seventh paragraph						
G	417	Without prejudice to Article 20 of the Montreal Convention on the exoneration of the air carrier, for damages up to the limit under Article 21 of the Montreal Convention as updated by the International Civil Aviation Organization pursuant to Article 24(2) of the Montreal Convention [the air carrier shall indicate between brackets the approximate amount in local currency], the air carrier cannot exclude or limit its liability. Above that amount, the air carrier is not liable if it proves that:		Without prejudice to Article 20 of the Montreal Convention on the exoneration of the air carrier, for damages up to the limit under Article 21 of the Montreal Convention as updated by the International Civil Aviation Organization pursuant to Article 24(2) of the Montreal Convention f (the air carrier shall indicate between brackets the approximate amount in local currency f), the air carrier cannot exclude or limit its liability. Above that amount, the air carrier is not liable if it proves that:		Without prejudice to Article 20 of the Montreal Convention on the exoneration of the air carrier, for damages up to the limit under Article 21 of the Montreal Convention as updated by the International Civil Aviation Organization pursuant to Article 24(2) of the Montreal Convention f (the air carrier shall indicate between brackets the approximate amount in local currency f), the air carrier cannot exclude or limit its liability. Above that amount, the air carrier is not liable if it proves that:
ANNEX II, amending provision, seventh paragraph, first indent						
G	418	- the damage was not due to the negligence or other wrongful act or omission of the air carrier or its servants or agents, or		- the damage was not due to the negligence or other wrongful act or omission of the air carrier or its servants or agents, or		- the damage was not due to the negligence or other wrongful act or omission of the air carrier or its servants or agents, or
ANNEX II, amending provision, seventh paragraph, second indent						
G	419	- that the damage was solely due to the negligence or other wrongful act or omission of a third party.		- that the damage was solely due to the negligence or other wrongful act or omission of a third party.		- that the damage was solely due to the negligence or other wrongful act or omission of a third party.
ANNEX II, amending provision, eighth paragraph						
G	420	ADVANCE PAYMENTS		ADVANCE PAYMENTS		ADVANCE PAYMENTS
ANNEX II, amending provision, ninth paragraph						

	CLEAN	Council's 1st Reading	VS.EC	EP Position	CLEAN	Draft Agreement
Y	421	If a passenger is killed or injured, the air carrier must make an advance payment, to cover immediate economic needs, within 15 days from the identification of the person entitled to compensation. In the event of death, this advance payment shall not be less than 16 % of the limit under Article 21 of the Montreal Convention as updated by the International Civil Aviation Organization pursuant to Article 24(2) of the Montreal Convention [the air carrier shall indicate between brackets the approximate amount in local currency].		If a passenger is killed or injured, the air carrier must make an advance payment, to cover immediate economic needs, within 15 days from the identification of the person entitled to compensation. In the event of death, this advance payment shall not be less than 16 % <u>16 %</u> of the limit under Article 21 of the Montreal Convention as updated by the International Civil Aviation Organization pursuant to Article 24(2) of the Montreal Convention f (the air carrier shall indicate between brackets the approximate amount in local currency l).		PCY suggests maintaining Council text.
ANNEX II, amending provision, tenth paragraph						
G	422	DELAYS CAUSED TO PASSENGERS		DELAYS CAUSED TO PASSENGERS		DELAYS CAUSED TO PASSENGERS
ANNEX II, amending provision, eleventh paragraph						
G	423	In the event of a passenger being delayed, the air carrier is liable for damage unless it took all reasonable measures to avoid the damage or unless it was impossible to take such measures. The liability for passenger being delayed is limited to the limit under Article 22(1) of the Montreal Convention as updated by the International Civil Aviation Organization pursuant to Article 24(2) of the Montreal Convention [the air carrier shall indicate between brackets approximate amount in local currency].		In the event of a passenger being delayed, the air carrier is liable for damage unless it took all reasonable measures to avoid the damage or unless it was impossible to take such measures. The liability for passenger being delayed is limited to the limit under Article 22(1) of the Montreal Convention as updated by the International Civil Aviation Organization pursuant to Article 24(2) of the Montreal Convention f (the air carrier shall indicate between brackets approximate amount in local currency l).		PCY suggests maintaining Council text.
ANNEX II, amending provision, twelfth paragraph						
G	424	BAGGAGE DELAYS		BAGGAGE DELAYS		BAGGAGE DELAYS
ANNEX II, amending provision, thirteenth paragraph						

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
G	425 In case of baggage delay, the air carrier is liable for damage up to the limit under Article 22(2) of the Montreal Convention as updated by the International Civil Aviation Organization pursuant to Article 24(2) of the Montreal Convention [the air carrier shall indicate between brackets the approximate amount in local currency], the compensation limit being applicable per passenger and not per piece of checked baggage. The air carrier shall not be liable when it has taken all reasonable measures to avoid the damage resulting from such delay or when it was impossible to take such measures.	In case of baggage delay, the air carrier is liable for damage up to the limit under Article 22(2) of the Montreal Convention as updated by the International Civil Aviation Organization pursuant to Article 24(2) of the Montreal Convention f (the air carrier shall indicate between brackets the approximate amount in local currency f), the compensation limit being applicable per passenger and not per piece of checked baggage. The air carrier shall not be liable when it has taken all reasonable measures to avoid the damage resulting from such delay or when it was impossible to take such measures.	PCY suggests maintaining Council text.
ANNEX II, amending provision, fourteenth paragraph			
G	426 DESTRUCTION, LOSS OR DAMAGE TO BAGGAGE	DESTRUCTION, LOSS OR DAMAGE TO BAGGAGE	DESTRUCTION, LOSS OR DAMAGE TO BAGGAGE
ANNEX II, amending provision, fifteenth paragraph			
Y	427 The air carrier is liable for damage up to the limit under Article 22(2) of the Montreal Convention as updated by the International Civil Aviation Organization pursuant to Article 24(2) of the Montreal Convention [the air carrier shall indicate between brackets the approximate amount in local currency], the compensation limit being applicable per passenger and not per piece of baggage.	The air carrier is liable for damage up to the limit under Article 22(2) of the Montreal Convention as updated by the International Civil Aviation Organization pursuant to Article 24(2) of the Montreal Convention f (the air carrier shall indicate between brackets the approximate amount in local currency f), the compensation limit being applicable per passenger and not per piece of baggage.	PCY suggests maintaining Council text.
ANNEX II, amending provision, sixteenth paragraph			
G	428 In the case of damaged or lost checked baggage, the air carrier is liable unless the	In the case of damaged or lost checked baggage, the air carrier is liable unless the	In the case of damaged or lost checked baggage, the air carrier is liable unless the

	CLEAN	Council's 1st Reading	vs.EC	EP Position	CLEAN	Draft Agreement
		damage is caused by an inherent defect, quality or vice of the baggage.		damage is caused by an inherent defect, quality or vice of the baggage.		damage is caused by an inherent defect, quality or vice of the baggage.
ANNEX II, amending provision, seventeenth paragraph						
Y	429	In case of unchecked baggage (hand luggage), including personal items, the air carrier is only liable if the damage has resulted from its fault or that of its servants or agents.		In case of unchecked baggage (hand luggage <u>baggage</u>), including personal items, the air carrier is only liable if the damage has resulted from its fault or that of its servants or agents.		PCY suggests maintaining Council text.
ANNEX II, amending provision, eighteenth paragraph						
G	430	HIGHER LIMITS FOR BAGGAGE		HIGHER LIMITS FOR BAGGAGE		HIGHER LIMITS FOR BAGGAGE
ANNEX II, amending provision, nineteenth paragraph						
Y	431	A passenger can benefit from a higher liability limit by making a special declaration at check-in, at the latest, and by paying a supplementary fee if so required. That supplementary fee shall be based on a tariff which is related to the additional costs involved in transporting and insuring the baggage concerned over and above the liability limit of the limit under Article 22(2) of the Montreal Convention as updated by the International Civil Aviation Organization pursuant to Article 24(2) of the Montreal Convention [the air carrier shall indicate between brackets the approximate amount in local currency]. The tariff shall be made available to passengers upon request.		A passenger can benefit from a higher liability limit by making a special declaration at check-in, at the latest, and by paying a supplementary fee if so required. That supplementary fee shall be based on a tariff which is related to the additional costs involved in transporting and insuring the baggage concerned over and above the liability limit of the limit under Article 22(2) of the Montreal Convention as updated by the International Civil Aviation Organization pursuant to Article 24(2) of the Montreal Convention h (the air carrier shall indicate between brackets the approximate amount in local currency h). The tariff shall be made available to passengers upon request.		PCY suggests maintaining Council text.
ANNEX II, amending provision, twentieth paragraph						
Y	432	Persons with disabilities and persons with reduced mobility shall systematically be offered at booking, at the same time as the notification pursuant to Article 6 of Regulation		Persons with disabilities and persons with reduced mobility shall systematically be offered at booking, at the same time as the notification pursuant to Article 6 of Regulation		PCY suggests maintaining Council text.

	CLEAN	Council's 1st Reading	vs.EC	EP Position	CLEAN	Draft Agreement
		(EC) No 1107/2006, and at the latest when the equipment is handed over to the air carrier and, in the case of a recognised assistance dog, at boarding, the option of making a special declaration of interest, in an accessible format, for the transportation, at no additional cost, of their mobility equipment or of their recognised assistance dog.		(EC) No 1107/2006, and at the latest when the equipment is handed over to the air carrier and, in the case of a -recognised assistance dog, at boarding, the option of making a special declaration of interest, in an accessible format, for the transportation, at no additional cost, of their mobility equipment or of their recognised assistance dog.		
ANNEX II, amending provision, twenty-first paragraph						
G	433	EXONERATION		EXONERATION		EXONERATION
ANNEX II, amending provision, twenty-second paragraph						
G	434	If the carrier proves that any damage covered by the liability rules applied by Union air carriers as required by Regulation (EC) No 2027/97 and the Montreal Convention, including death or injury, was caused or contributed to by the negligence or other wrongful act or omission of the person claiming compensation, or the person from whom he or she derives his or her rights, the carrier shall be wholly or partly exonerated from its liability to the claimant to the extent that such negligence or wrongful act or omission caused or contributed to the damage.		If the carrier proves that any damage covered by the liability rules applied by Union air carriers as required by Regulation (EC) No 2027/97 and the Montreal Convention, including death or injury, was caused or contributed to by the negligence or other wrongful act or omission of the person claiming compensation, or the person from whom he or she derives his or her rights, the carrier shall be wholly or partly exonerated from its liability to the claimant to the extent that such negligence or wrongful act or omission caused or contributed to the damage.		If the carrier proves that any damage covered by the liability rules applied by Union air carriers as required by Regulation (EC) No 2027/97 and the Montreal Convention, including death or injury, was caused or contributed to by the negligence or other wrongful act or omission of the person claiming compensation, or the person from whom he or she derives his or her rights, the carrier shall be wholly or partly exonerated from its liability to the claimant to the extent that such negligence or wrongful act or omission caused or contributed to the damage.
ANNEX II, amending provision, twenty-third paragraph						
Y	435	TIME LIMIT FOR COMPLAINTS REGARDING BAGGAGE		TIME LIMIT FOR COMPLAINTS REGARDING <u>ON</u> BAGGAGE		PCY suggests accepting EP text.
ANNEX II, amending provision, twenty-fourth paragraph						
G	436	If the baggage is damaged, delayed, lost or destroyed, the passenger must in all cases		If the baggage is damaged, delayed, lost or destroyed, the passenger must in all cases		If the baggage is damaged, delayed, lost or destroyed, the passenger must in all cases

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
	<p>complain to the air carrier as soon as possible. The passenger must complain within a time limit of 7 days in case of damage to checked baggage and within a time limit of 21 days in case of delayed baggage, in both cases from the date on which the baggage was placed at the passenger's disposal. To that extent, passengers may find a dedicated form on the websites and on the online applications of air carriers which can either be submitted on paper or online. Such complaint form must be accepted by the air carrier at the airport as a complaint. The date of submission of such a complaint shall be considered by the air carrier as the filing date of the complaint pursuant to Articles 31(2) and 31(3) of the Montreal Convention, even if the air carrier requests further information at a later date.</p>	<p>complain to the air carrier as soon as possible. The passenger must complain within a time limit of 7 days in case of damage to checked baggage and within a time limit of 21 days in case of delayed baggage, in both cases from the date on which the baggage was placed at the passenger's disposal. To that extent, passengers may find a dedicated form on the websites and on the online applications of air carriers which can either be submitted on paper or online. Such complaint form must be accepted by the air carrier at the airport as a complaint. The date of submission of such a complaint shall be considered by the air carrier as the filing date of the complaint pursuant to Articles 31(2) and 31(3) of the Montreal Convention, even if the air carrier requests further information at a later date.</p>	<p>complain to the air carrier as soon as possible. The passenger must complain within a time limit of 7 days in case of damage to checked baggage and within a time limit of 21 days in case of delayed baggage, in both cases from the date on which the baggage was placed at the passenger's disposal. To that extent, passengers may find a dedicated form on the websites and on the online applications of air carriers which can either be submitted on paper or online. Such complaint form must be accepted by the air carrier at the airport as a complaint. The date of submission of such a complaint shall be considered by the air carrier as the filing date of the complaint pursuant to Articles 31(2) and 31(3) of the Montreal Convention, even if the air carrier requests further information at a later date.</p>
ANNEX II, amending provision, twenty-fifth paragraph			
437	LIABILITY OF CONTRACTING AND ACTUAL CARRIERS	LIABILITY OF CONTRACTING AND ACTUAL CARRIERS	LIABILITY OF CONTRACTING AND ACTUAL CARRIERS
ANNEX II, amending provision, twenty-sixth paragraph			
438	<p>If the air carrier actually performing the flight is not the same as the contracting air carrier, the passenger has the right to address a complaint or to make a claim for damages against either carrier. This includes cases where a special declaration of interest at delivery has been agreed with one or the other of the two carriers.</p>	<p>If the air carrier actually performing the flight is not the same as the contracting air carrier, the passenger has the right to address a complaint or to make a claim for damages against either carrier. This includes cases where a special declaration of interest at delivery has been agreed with one or the other of the two carriers.</p>	<p>If the air carrier actually performing the flight is not the same as the contracting air carrier, the passenger has the right to address a complaint or to make a claim for damages against either carrier. This includes cases where a special declaration of interest at delivery has been agreed with one or the other of the two carriers.</p>
ANNEX II, amending provision, twenty-seventh paragraph			

	CLEAN Council's 1st Reading	VS.EC EP Position	CLEAN Draft Agreement
439	TIME LIMIT FOR ACTION	TIME LIMIT FOR ACTION	TIME LIMIT FOR ACTION
ANNEX II, amending provision, twenty-eighth paragraph			
440	Any action in court to claim damages must be brought within two years from the date of arrival of the aircraft, or from the date on which the aircraft ought to have arrived.	Any action in court to claim damages must be brought within two years from the date of arrival of the aircraft, or from the date on which the aircraft ought to have arrived.	Any action in court to claim damages must be brought within two years from the date of arrival of the aircraft, or from the date on which the aircraft ought to have arrived.
ANNEX II, amending provision, twenty-ninth paragraph			
441	MOBILITY EQUIPMENT DESTRUCTION, LOSS, DAMAGE OR DELAY	MOBILITY EQUIPMENT DESTRUCTION, LOSS, DAMAGE OR DELAY	MOBILITY EQUIPMENT DESTRUCTION, LOSS, DAMAGE OR DELAY
ANNEX II, amending provision, thirtieth paragraph			
442	The air carrier is liable for the destruction, loss, damage or delay of mobility equipment up to the limit under Article 22(2) of the Montreal Convention pursuant to Article 24(2) of the Montreal Convention [the air carrier shall indicate between brackets the approximate amount in local currency], the compensation limit being applicable per passenger and not per piece of baggage.	The air carrier is liable for the destruction, loss, damage or delay of mobility equipment up to the limit under Article 22(2) of the Montreal Convention pursuant to Article 24(2) of the Montreal Convention the the air carrier shall indicate between brackets the approximate amount in local currency), the compensation limit being applicable per passenger and not per piece of baggage.	PCY suggests maintaining Council text.
ANNEX II, amending provision, thirty-first paragraph			
443	A passenger can benefit, at no additional cost, from a higher liability limit by making a special declaration specifying the cost of replacement of its mobility equipment, at the latest at check-in.	A passenger can benefit, at no additional cost, from a higher liability limit by making a special declaration specifying the cost of replacement of its mobility equipment, at the latest at check-in.	A passenger can benefit, at no additional cost, from a higher liability limit by making a special declaration specifying the cost of replacement of its mobility equipment, at the latest at check-in.
ANNEX II, amending provision, thirty-second paragraph			
444	In case of the destruction, loss, damage or delay of mobility equipment, the air carrier	In case of the destruction, loss, damage or delay of mobility equipment, the air carrier	PCY suggests maintaining Council text.

	CLEAN	Council's 1st Reading	VS.EC	EP Position	CLEAN	Draft Agreement
		shall pay compensation not exceeding to the sum declared in the special declaration.		shall pay compensation not exceeding to the sum declared in the special declaration.		
ANNEX II, amending provision, thirty-third paragraph						
445		Before the payment of this compensation, the air carrier shall make all reasonable efforts to provide immediately needed temporary replacements for mobility equipment beyond the termination of the journey of the passengers concerned.		Before the payment of this compensation, the air carrier shall make all reasonable efforts to provide immediately needed temporary replacements for mobility equipment beyond the termination of the journey of the passengers concerned.		Before the payment of this compensation, the air carrier shall make all reasonable efforts to provide immediately needed temporary replacements for mobility equipment beyond the termination of the journey of the passengers concerned.
ANNEX II, amending provision, thirty-fourth paragraph						
446		BASIS FOR THE INFORMATION		BASIS FOR THE INFORMATION		BASIS FOR THE INFORMATION
ANNEX II, amending provision, thirty-fifth paragraph						
447		<p>The basis for the rules described above is the Montreal Convention of 28 May 1999, which is implemented in the Union by Regulation (EC) No 2027/97 (as amended by Regulation (EC) No 889/2002 and by Regulation (EU) .../...¹) and in the Member States by their national legislation.</p> <p>1. ⁺OJ: please insert the reference number of this amending Regulation.</p>		<p>The basis for the rules described above is the Montreal Convention of 28 May 1999, which is implemented in the Union by Regulation (EC) No 2027/97 (as amended by Regulation (EC) No 889/2002 and by Regulation (EU) .../...¹) and in the Member States by their national legislation.</p> <p>1. +⁺OJ: please insert the reference number of this amending Regulation.</p>		

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