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Subject:	Proposal for a Regulation of the European Parliament and of the Council amending Regulations (EC) No 261/2004, (EC) No 1107/2006, (EU) No 1177/2010, (EU) No 181/2011 and (EU) 2021/782 as regards enforcement of passenger rights in the Union – Outcome of proceedings

Delegations will find enclosed, for information, the text on which the Transport, Telecommunications and Energy Council (Transport) reached a general approach on the above-mentioned proposal at its meeting on 5 December 2024.

2023/0437 (COD)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Regulations (EC) No 261/2004, (EC) No 1107/2006, (EU) No 1177/2010, (EU) No 181/2011 and (EU) 2021/782 as regards enforcement of passenger rights in the Union

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

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

Having regard to the opinion of the European Economic and Social Committee¹,

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure,

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

Whereas:

- (1) A number of amendments should be made to Regulations (EC) No 261/2004², (EC) No 1107/2006³, (EU) No 1177/2010⁴, (EU) No 181/2011⁵ and (EU) 2021/782⁶ of the European Parliament and of the Council, in order to ensure effective protection of passengers' rights in the Union when travelling by air, rail, sea and inland waterways and bus and coach transport and taking into account the adoption of Regulation (EU) .../... of the European Parliament and of the Council⁷⁺.
- (2) Effective passenger rights should encourage an increase in travel by public transport, which is an objective set by the Sustainable and Smart Mobility Strategy – putting European transport on track for the future adopted by the Commission's Communication of 9 December 2020.

² 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>).

³ 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>).

⁴ Regulation (EU) No 1177/2010 of the European Parliament and of the Council of 24 November 2010 concerning the rights of passengers when travelling by sea and inland waterway and amending Regulation (EC) No 2006/2004 (OJ L 334, 17.12.2010, p. 1, ELI: <http://data.europa.eu/eli/reg/2010/1177/oj>).

⁵ Regulation (EU) No 181/2011 of the European Parliament and of the Council of 16 February 2011 concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004 (OJ L 55, 28.1.2011, p. 1, ELI: <http://data.europa.eu/eli/reg/2011/181/oj>).

⁶ Regulation (EU) 2021/782 of the European Parliament and of the Council of 29 April 2021 on rail passengers' rights and obligations (OJ L 172, 17.5.2021, p. 1, ELI: <http://data.europa.eu/eli/reg/2021/782/oj>).

⁷ Regulation (EU) .../... of the European Parliament and of the Council of ... on passenger rights in the context of multimodal journeys (OJ L, ..., ELI: ...).

⁺ OJ: please insert serial number for Regulation contained in document 2023/0436 (COD) and insert the number, date and OJ reference in the corresponding footnote.

- (3) Following its comprehensive evaluations of Regulations (EC) No 1107/2006, (EU) No 1177/2010 and (EU) No 181/2011 carried out between 2019 and 2020, the Commission concluded that the effectiveness of Union passenger rights legislation is compromised by a lack of awareness among passengers of their rights and the existing provisions about exercising them. In addition, these evaluations also concluded that passengers including persons with disabilities and persons with reduced mobility do not fully benefit from their rights due to shortcomings in their application by carriers, airport managing bodies, station managers, port terminal operators, bus terminal managing bodies and intermediaries, on the one hand, and shortcomings in their enforcement by the national enforcement authorities, on the other hand.
- (4) There is a need for simplification, consistency and harmonisation of the rules of Regulations (EC) No 261/2004, (EC) No 1107/2006, (EU) No 1177/2010 and (EU) No 181/2011, in particular as regards rules dealing with the information to passengers on their rights before and during the journey, enforcement of passenger rights and complaint handling for passengers. The existing rules in those Regulations should be amended to complement, in the area of air transport, of transport by bus and coach and of transport by sea and inland waterways, the rules of Regulation (EU) 2021/782 covering in the rail sector the procedure for requesting reimbursement or compensation, the obligation of carriers to share information with national enforcement bodies, and the obligation of national enforcement bodies to inform passengers on alternative dispute resolution.

- (5) At present, as regards air tickets booked via an intermediary, the reimbursement process is unclear and should therefore be clarified. The intermediaries are involved in the reimbursement process in two different ways: either they transmitted the passenger's (credit card) payment details directly to the carrier ('pass-through' intermediary), and the air carrier reverses the original payment flow so that the reimbursement arrives directly on the passenger's account. Or the intermediary paid the air carrier from its own account ('Merchant of Record' intermediary), and when the air carrier reverses the payment flow, the reimbursement payment arrives on the intermediary's account. The intermediary then transfers the final reimbursement payment to the passenger. Passengers are often not aware which reimbursement process the intermediary chooses. The intermediary should inform the passenger about the reimbursement process at the time of booking. To that end, the air carrier should state publicly whether it cooperates with intermediaries for the processing of reimbursements, and if so with which it does so; a negative list of intermediaries with which the air carrier decides not to cooperate should also be seen as fulfilling this obligation.
- (6) Processing the reimbursement payment through the intermediary that made the payment to the air carrier from its own account ('Merchant of Record' intermediary) is a widespread air industry practice. This possibility should therefore be provided for the air carrier.
- (7) In accordance with Article 8(1), point (a), of Regulation 261/2004, where the passenger has a right to reimbursement, such reimbursement is to be made within seven days. If the air carrier processes reimbursements through the 'Merchant of Record' intermediary, the payment deadline to the passenger should be extended to a maximum of 14 days to take account of the two steps in the reimbursement process, the air carrier having to reimburse the intermediary which should in turn reimburse the passenger. If the passenger is not reimbursed at the latest within 14 days, the passenger should however be entitled to receive the reimbursement directly from the operating air carrier.

- (8) Applying Regulation (EC) No 261/2004 to the booking of tickets through intermediaries would entail the processing of personal data, including of passengers' contact details, in particular in order to provide passengers with information, to address requests for provision of care, reimbursement, re-routing and compensation and to handle passengers' complaints. Processing of personal data pursuant to that Regulation should be carried out in accordance with Union law on the protection of personal data, in particular Regulation (EU) 2016/679 of the European Parliament and the Council⁸, for the purposes and the duration set out in that Regulation. Air carriers and intermediaries should be allowed to retain passengers' contact details collected for the purpose of fulfilling their obligation in respect of passengers' travel information for no longer than 72 hours after the completion of the contract of carriage. In case of journey disruption or journey cancellation, which might subsequently give rise in particular to reimbursement or compensation requests and complaints, a longer retention period might be necessary to allow air carriers and intermediaries to comply with their obligations under Regulation (EC) No 261/2004 regarding the provision of care, reimbursement, rerouting and compensation, as well as complaint-handling. Any processing of passengers' personal data, including retention of such data by air carriers and intermediaries for other purposes than the purpose for which the personal data was initially collected under that Regulation, should be carried out in accordance with Article 6(4) of Regulation (EU) 2016/679.

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

Air carriers and intermediaries may use passengers' personal data or keep such data for a longer period than the retention period provided with in this Regulation and for such other purposes where such processing is based on another Member State's or Union law, in accordance with Regulation (EU) 2016/679. They may include processing for the purpose of dispute-resolution, including judicial proceedings, concerning the implementation of that Regulation. Moreover, Regulation (EC) No 261/2004 is without prejudice to the processing of personal data based on Union or Member State law which constitutes a necessary and proportionate measure in a democratic society to safeguard the objectives referred to in Article 23(1) of Regulation (EU) 2016/679. In particular, it is without prejudice to the processing of personal data pursuant to Directive (EU) 2016/681 of the European Parliament and of the Council⁹, Regulation (EC) No 2111/2005 of the European Parliament and of the Council¹⁰, or pursuant to national law in accordance with Article 6(4) of Regulation (EU) 2016/679 or to applicable Union law on aviation safety and security. It should also be noted that the obligations to provide information to passengers concerning their rights are without prejudice to the obligation of the controller to provide information to the data subject pursuant to Articles 12, 13 and 14 of Regulation (EU) 2016/679.

(9) [...]

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

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

- (10) [...]
- (11) Information provided to passengers on their rights before and during their journeys should lead to enhanced awareness. Such information should be concise and made easily, prominently, and directly available. It should be provided in a clear and comprehensible manner, and by electronic means as far as possible.
- (12) National enforcement bodies should cooperate with each other in order to ensure a harmonised interpretation and application of the Regulations concerned. A regular flow of information from carriers, terminal managers and intermediaries to national enforcement bodies on all aspects related to the application of the Regulations concerned should enable national enforcement bodies to better fulfil their monitoring role. The provision by operators of documents and information to the national enforcement bodies is without prejudice to the right to remain silent and to avoid self-incrimination, where applicable. National enforcement bodies should, as appropriate, endeavour not to request operators to provide the same documents and information several times.
- (13) [...]
- (14) [...]
- (15) Reimbursement and compensation procedures should be non-discriminatory and easily accessible. To make it easier for passengers to request reimbursement or compensation in accordance with the Regulations concerned, forms that are valid throughout the Union should be established for such requests. Passengers should have the possibility to submit their requests by using such a form. While submitting requests for reimbursement and compensation through electronic means became a widespread practice, a passenger should have sufficient opportunities to submit requests by other means and to have their matters efficiently handled through other channels than the electronic one, for example by telephone or post.

- (16) Passengers seeking individual redress should be made aware about the possibilities to complain to alternative dispute resolution bodies about alleged infringements of the Regulations concerned. The national enforcement bodies are best placed to do this.
- (17) In certain circumstances, persons with disabilities and persons with reduced mobility are required to be accompanied by another person who is capable of providing the assistance required by applicable safety requirements established by international, Union or national law or by the competent authorities. While due to the specificity of air transport, notably the application of airport taxes and charges, full alignment with the existing rights in rail, bus and coach and waterborne transport modes where the accompanying person travels free of charge would be difficult, when the requirement is imposed by an air carrier, the cost of travel of such an accompanying person should be kept to the minimum when travelling by air. If an air carrier, its agent or a tour operator requires a person with disabilities or person with reduced mobility to be accompanied, the air carrier should cover at least the air fare of the accompanying person. The air carrier should have a possibility to request the accompanying person to cover airport charges and other obligatory charges directly linked to the travel of such a person that are not levied by the air carrier. In addition, if information to persons with disabilities and reduced mobility is provided in accessible formats, it should be provided in accordance with the applicable legislation including the accessibility requirements set out in Annex I to Directive (EU) 2019/882 of the European Parliament and of the Council¹¹.

¹¹ 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>).

- (18) Since the objectives of this Regulation, namely ensuring the effective enforcement of air, rail, bus and coach, and waterborne passengers' rights, cannot be sufficiently achieved by the Member States, but can rather, by reason of the need to have the same rules within the single market, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.
- (19) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹². The examination procedure should be used for the adoption of the common forms for reimbursement and compensation requests.
- (20) This Regulation respects fundamental rights and observes the principles recognised in the Charter of Fundamental Rights of the European Union, in particular Articles 21, 26, 38 and 47 concerning, respectively, the prohibition of any form of discrimination, the integration of persons with disabilities, the ensuring of a high level of consumer protection, and the right to an effective remedy and to a fair trial.

¹² Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13, ELI: <http://data.europa.eu/eli/reg/2011/182/oj>).

(21) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council¹³ and delivered its opinion on 24 January 2024,

HAVE ADOPTED THIS REGULATION:

¹³ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1245/2002/EC (OJ L 295, 21.11.2018, p. 39, ELI: <http://data.europa.eu/eli/reg/2018/1725/oj>).

Article 1
Amendments to Regulation (EC) No 261/2004

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

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

- ‘(ca) “airport managing body” means a body as defined in Article 2, point (f), of Regulation (EC) No 1107/2006;
- (fa) “full cost of the ticket” means final price to be paid at the end of the reservation process that includes the air fare and all applicable taxes, charges, surcharges and fees paid for all optional and non-optional services included in the ticket, excluding intermediation fees, regardless whether those extras and fees have been paid together with the fares for the transport service or separately at a later stage;
- (fb) “intermediation fee” means any difference between the amount paid by the passenger and the amount received by the air carrier for the same service, and which is collected by the intermediary;
- (z) “intermediary” means any natural or legal person, other than a carrier, who 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;
- (za) “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.’

(2) the following Article 8a is inserted:

Article 8a

Reimbursement when the ticket was booked through an intermediary

1. Where the passenger has booked a ticket through an intermediary, the operating air carrier may make the reimbursement referred to in Article 8(1), point (a), through that intermediary. In such a case, the intermediary shall reimburse the passenger in accordance with paragraphs 3 and 5 of this Article.

Air carriers shall state publicly, in a clear, comprehensible and easily accessible manner, whether they agree to process reimbursements through intermediaries, and with which intermediaries they accept to do so.

In the case the intermediary is not involved in the reimbursement process, Article 8(1), point (a), shall apply to the reimbursement.

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

3. Reimbursement through the intermediary shall be free of charge for passengers. The reimbursement shall not be reduced by financial transaction costs linked to the reimbursement such as fees, telephone costs or stamps.

4. [...]

5. The following rules shall apply in the case of reimbursement through intermediaries which have paid the air carrier for tickets from their own accounts:

(a) the air carrier shall reimburse the intermediary the amount it had received for the ticket from the intermediary within seven days from the date that the air carrier received the passenger's choice of a reimbursement in accordance with Article 8(1), point (a), first indent.

The intermediary shall reimburse the passenger the full cost of the ticket and the intermediation fees reimbursable in accordance with Article 14(5), via the original payment method, which was used by, or on behalf of, the passenger at the time of the booking of the transport service, at the latest within a further seven days, and inform the passenger and the air carrier thereof. If that payment method is no longer available, the intermediary shall contact the passenger to obtain the payment details.

- (b) if the passenger does not receive the reimbursement within 14 days from the date of choosing a reimbursement in accordance with Article 8(1), point (a), first indent, the air carrier shall contact the passenger at the latest on the day following the expiry of the 14-day period in order to receive the payment details for the reimbursement. Upon receipt of these payment details, the air carrier shall reimburse the passenger the full cost of the ticket and the intermediation fees reimbursable in accordance with Article 14, paragraph 5, unless those fees have been charged without the knowledge of the air carrier. The air carrier shall reimburse the passenger within 14 days and inform the passenger and the intermediary thereof.

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

* 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>).’;

(2a) Article 11, paragraph 1 is replaced by the following:

- ‘1. Operating air carriers shall give priority to carrying persons with reduced mobility and any persons or recognised assistance dogs accompanying them, as well as unaccompanied children.’

(2b) Article 14 is amended as follows:

(a) the title is replaced by the following:

‘Article 14

Obligations to inform passengers’

(b) the following paragraphs are added:

- ‘4. The information for, and the correspondence with, passengers under this Regulation shall be provided by electronic means, where technically possible. Where information is provided by such means, air carriers and intermediaries shall ensure that any written correspondence, including the date and time of such correspondence, can be kept for further reference. The burden of proof concerning the questions as to whether and when they have provided the necessary information to passengers shall rest with air carriers and intermediaries. All means of communication shall enable the passenger to contact air carriers and intermediaries quickly and to communicate effectively.
5. When offering tickets, intermediaries shall inform passengers of the intermediation fees applied and of the amount of those fees that may be reimbursed under Articles 8 and 8a.

6. Paragraphs 4 and 5 of this Article do not apply to tickets booked as part of a package within the meaning of Directive (EU) 2015/2302.’;

(3) the following Article 14a is inserted:

‘Article 14a

Transfer of information by the intermediary

1. [...]
2. Where the passenger does not acquire a ticket directly from an air carrier, but through an intermediary, this intermediary shall provide the contact details of the passenger and the booking details to the air carrier. The air carrier may only use these contact details to the extent necessary to comply with its information, provision of care, reimbursement, re-routing and compensation obligations, and to the extent necessary to handle complaints.
3. For the purposes of fulfilling their obligations in respect of the passenger’s right to information, the air carrier and the intermediary may keep such data for no longer than 72 hours after the completion of the contract of carriage.

For the purposes of fulfilling their obligations in respect of provision of care, re-routing, reimbursement, compensation, and complaint handling, the air carrier and the intermediary may keep passenger’s personal data for more than 72 hours after the completion of the contract of carriage to the extent strictly necessary to fulfil those obligations within the procedures laid down in the respective Member States’ or Union law.

4. Where an intermediary acquires a ticket on behalf of a passenger, the intermediary shall inform the air carrier at the time of booking about the fact that it has booked the ticket as an intermediary. It shall provide the air carrier with its own postal and electronic contact details.

5. [...]

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

(4) [...]

(5) the following Articles are inserted:

‘Article 16aa

Submission of reimbursement and compensation requests

0. Air carriers and intermediaries shall clearly inform passengers of the process of requesting compensation or reimbursement under, respectively, Article 7 and Articles 8, 8a, 9 and 10 of this Regulation.

0a. Passengers shall have the right to submit their requests for compensation or reimbursement using the common form referred to in paragraph 1, the form provided by the air carrier in accordance with paragraph 3 or by other means. Air carriers and intermediaries shall not reject a request on the grounds that the passenger has not used the common form referred to in paragraph 1 or the form provided by the carrier or intermediary in accordance with paragraph 3, or has sent the form by other means than electronic means referred to in paragraph 3.

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

If a request is not sufficiently precise, the air carrier or the intermediary shall ask the passenger to clarify and complete the request.

1. The Commission shall adopt an implementing act establishing a common form for compensation and reimbursement requests under, respectively, Article 7 and Articles 8, 8a, 9 and 10. That common form shall be established in a format which is accessible to persons with disabilities and persons with reduced mobility. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 16bd(2). The Commission shall make the common form available in all official languages of the Union on its website.
2. [...]
3. Air carriers and intermediaries shall, where possible and without undue delay, establish, and transmit to passengers, a form for compensation and reimbursement requests under, respectively, Article 7 and Articles 8, 8a, 9 and 10, or provide a link allowing a direct access to that form or to the common form referred to in paragraph 1 of this Article.

Air carriers and intermediaries shall provide details on their website such as an e-mail address, to which compensation or reimbursement requests may be sent by electronic means. That requirement shall not apply where other electronic means of communication allowing passengers to request compensation or reimbursement exist, such as the form referred to in the first subparagraph of this paragraph, available on a website or mobile applications, provided that such means offer, in an accessible format, the choice and information set out in the common form referred to in paragraph 1 and are available in at least the language of the booking.

4. [...]

Article 16ab

Legal representatives of third country intermediaries

1. Intermediaries which do not have an establishment in the Union, but which offer services in the Union shall designate, in writing, a legal or natural person to act as their legal representative in one of the Member States where they offer their services. For intermediaries covered by Regulation (EU) 2022/2065 of the European Parliament and of the Council*, the legal representative designated pursuant to that Regulation may also act a legal representative pursuant to this Regulation.
2. These intermediaries shall mandate their legal representatives for the purpose of being addressed in addition to or instead of such intermediaries, by the bodies designated under Article 16(1), on all issues necessary for the receipt of, compliance with and enforcement of decisions issued in relation to this Regulation. Intermediaries shall provide their legal representative with necessary powers and sufficient resources to guarantee their efficient and timely cooperation with those bodies, and to comply with such decisions.
3. It shall be possible for the designated legal representative to be held liable for non-compliance with obligations under this Regulation, without prejudice to the liability and legal actions that could be initiated against the intermediary.
4. Intermediaries shall notify the name, postal address, email address and telephone number of their legal representative to the bodies designated under Article 16(1) in the Member State where that legal representative resides or is established. The intermediaries shall ensure that that information is publicly available, easily accessible, accurate and kept up to date.
5. The designation of a legal representative within the Union pursuant to paragraph 1 shall not constitute an establishment in the Union.

(6) [...]

Article 16bb

Sharing of information with national enforcement bodies

The national enforcement bodies may request air carriers, intermediaries and airport managing bodies to provide documents and information that are relevant for the purposes of carrying out their function. Such documents and information shall be provided within one month from the receipt of the request, unless specified otherwise.

Article 16bc

Information about alternative dispute resolution by national enforcement bodies

Where necessary, the national enforcement body to which the passenger complains in accordance with Article 16(2), or any other body designated by a Member State for that purpose pursuant to that provision, shall inform the complainant about his or her right to approach alternative dispute resolution bodies to seek individual redress.

This obligation may be fulfilled by referring the passenger to the interactive tool [list of notified ADR entities] maintained by the Commission pursuant to Article [20] of the Directive 2013/11/EU of the European Parliament and of the Council**, or, where appropriate, to the designated ADR contact points notified to the Commission under Article [24] of that Directive.

Article 16bd

Committee procedure

1. The Commission shall be assisted by the committee referred to in Article [26(1) of Regulation on passenger rights in the context of multimodal journeys]. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council***.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.

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- * Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act) (OJ L 277, 27.10.2022, p. 1, ELI: <http://data.europa.eu/eli/reg/2022/2065/oj>).
- ** Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Directive on consumer ADR) (OJ L 165, 18.6.2013, p. 63, ELI: <http://data.europa.eu/eli/dir/2013/11/oj>).
- *** Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13, ELI: <http://data.europa.eu/eli/reg/2011/182/oj>).';

Article 2
Amendments to Regulation (EC) No 1107/2006

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

(0) in Article 2, the following definition is added:

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

(1) in Article 4(2), the following subparagraphs are added:

‘Such an accompanying person shall be exempted from paying the air fare and, where feasible, shall be seated free of charge next to the person with disabilities or to the person with reduced mobility. The air carrier shall clearly inform the person with disabilities or the person with reduced mobility of the remaining costs and their amount to be paid by the accompanying person.

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

(2) [...]

(3) the following Articles 14b to 14c are inserted:

Article 14b

Sharing of information with national enforcement bodies

The national enforcement bodies may request air carriers and airport managing bodies to provide documents and information that are relevant for the purposes of carrying out their function. Such documents and information shall be provided within one month from the receipt of the request, unless specified otherwise.

Article 14c

Information about alternative dispute resolution by national enforcement bodies

Where necessary, the national enforcement body to which the passenger submits a complaint in accordance with Article 15(2), or any other body designated by a Member State for that purpose pursuant to that provision, shall inform the complainant about his or her right to approach to alternative dispute resolution bodies to seek individual redress.

This obligation may be fulfilled by referring the passenger to the interactive tool [list of notified ADR entities] maintained by the Commission pursuant to Article [20] of the Directive 2013/11/EU of the European Parliament and of the Council*, or, where appropriate, to the designated ADR contact points notified to the Commission under Article [24] of that Directive.

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

Article 3
Amendments to Regulation (EU) No 1177/2010

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

(0) In Article 3, the following definition is added:

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

(1) Article 16 is amended as follows:

(a) paragraph 1 is replaced by the following:

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

(b) the following paragraph is added:

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

(2) the following Article 19a is inserted:

‘Article 19a

Submission of reimbursement and compensation requests

0. Carriers shall clearly inform passengers of the process of requesting reimbursement or compensation under, respectively, Article 18 and Article 19 of this Regulation.
- 0a. Passengers shall have the right to submit their requests for compensation or reimbursement using the common form referred to in paragraph 1, the form provided by the carrier in accordance with paragraph 3 or by other means. Carriers shall not reject a request on the grounds that the passenger has not used the common form referred to in paragraph 1 or the form provided by the carrier in accordance with paragraph 3, or has sent the form by other means than electronic means referred to in paragraph 3.

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

If a request is not sufficiently precise, the carriers shall ask the passenger to clarify and complete the request.

1. The Commission shall adopt an implementing act establishing a common form for reimbursement and compensation requests under, respectively, Article 18 and Article 19. That common form shall be established in a format which is accessible to persons with disabilities and persons with reduced mobility. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 28a(2) of this Regulation. The Commission shall make the common form available in all official languages of the Union on its website.
2. [...]

3. Carriers shall, where possible and without undue delay, establish, and transmit to passengers, a form for reimbursement and compensation requests under, respectively, Article 18 and Article 19, or provide a link allowing a direct access to that form or to the common form referred to in paragraph 1.

Carriers shall provide details on their website, such as an e-mail address, to which compensation or reimbursement requests may be sent by electronic means. That requirement shall not apply where other electronic means of communication allowing passengers to request reimbursement or compensation exist, such as the form referred to in the first subparagraph of this paragraph, available on a website or mobile applications, provided that such means offer, in an accessible format, the choice and information set out in the common form referred to in paragraph 1 and are available in at least the language of the booking.

4 [...]

(3) Article 23 is amended as follows:

(a) paragraph 1 is replaced by the following:

- ‘1. When selling tickets for services falling within the scope of this Regulation, carriers, ticket vendors, travel agents and terminal operators shall, within their respective areas of competence, ensure that passengers are provided with appropriate and comprehensible information regarding their rights under this Regulation. Carriers, terminal operators and, when applicable, port authorities, shall also, within their respective areas of competence, ensure that information on the rights of passengers under this Regulation is publicly available on board ships, in ports, if possible, and in port terminals. The information shall be provided as far as possible in accessible formats and in the same languages as those in which information is generally made available to all passengers. When that information is provided particular attention shall be paid to the needs of disabled persons and persons with reduced mobility.’

(b) paragraph 3 is replaced by the following:

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

(4) the following Article 23a is inserted:

‘Article 23a

Means of communication with passengers

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

Where information is provided by electronic means of communication, carriers, terminal operators, port authorities, travel agents and ticket vendors shall ensure that any written correspondence, including the date and time of such correspondence, can be kept for further reference. The burden of proof concerning the questions as to whether and when they have provided the necessary information to passengers shall rest with carriers, terminal operators, port authorities, travel agents and ticket vendors. All means of communication shall enable the passenger to contact them quickly and communicate efficiently.’;

(5) [...]

- (6) the following Articles 25b and 25c are inserted:

Article 25b

Sharing of information with national enforcement bodies

The national enforcement bodies may request carriers, terminal operators and port authorities, when applicable, to provide documents and information that are relevant for the purposes of carrying out their function. Such documents and information shall be provided within one month from the receipt of the request, unless specified otherwise.

Article 25c

Information about alternative dispute resolution by national enforcement bodies

Where necessary, the national enforcement body to which the passenger complains in accordance with Article 25(3), or any other body designated by a Member State for that purpose pursuant to that provision, shall inform the complainant about his or her right to approach alternative dispute resolution bodies to seek individual redress.

This obligation may be fulfilled by referring the passenger to the interactive tool [list of notified ADR entities] maintained by the Commission pursuant to Article [20] of the Directive 2013/11/EU of the European Parliament and of the Council*, or, where appropriate, to the designated ADR contact points notified to the Commission under Article [24] of that Directive.

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

- (7) [...]

(8) the following Article 28a is inserted:

Article 28a

Committee procedure

1. The Commission shall be assisted by the committee referred to in Article 26(1) of Regulation (EU) .../... of the European Parliament and of the Council*⁺. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council**.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.

* Regulation (EU) .../... of the European Parliament and of the Council of ... on passenger rights in the context of multimodal journeys (OJ L, ...,ELI: ...).

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

⁺ OJ: please insert serial number for Regulation contained in document 2023/0436 (COD) and insert the number, date and OJ reference in the corresponding footnote.

Article 4
Amendments to Regulation (EU) No 181/2011

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

- (0) in Article 2, paragraph 2 is replaced by the following:
- ‘2. As regards the services referred to in paragraph 1 of this Article, but where the scheduled distance of the service is shorter than 250 km, Article 4(2), Article 9, Article 10(1), Article 16(1), point (b), Article 16(2), Article 17(1) and (2), Article 24, Article 25, Article 25a insofar as it refers to information referred to in Articles 24 and 25, Articles 26 to 28 and Articles 28b and 28c shall apply.’;
- (0a) in Article 3, the following definition is added:
- ‘(r) “recognised assistance dog” means a dog specifically trained to increase independence and self-determination of persons with disabilities, officially recognised in accordance with applicable national rules, where such rules exist.’;
- (1) the following Article 19a is inserted:
- ‘Article 19a*
- Submission of reimbursement and compensation requests**
0. Carriers shall clearly inform passengers of the process of requesting reimbursement and compensation under Article 19.
- 0a. Passengers shall have the right to submit their requests for reimbursement or compensation using the common form referred to in paragraph 1, the form provided by the carrier in accordance with paragraph 3 or by other means. Carriers shall not reject a request on the grounds that the passenger has not used the common form referred to in paragraph 1 or the form provided by the carrier in accordance with paragraph 3, or has sent the form by other means than electronic means referred to in paragraph 3.

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

If a request is not sufficiently precise, the carrier shall ask the passenger to clarify and complete the request.

1. The Commission shall adopt an implementing act establishing a common form for reimbursement and compensation requests under Article 19. That common form shall be established in a format which is accessible to persons with disabilities and persons with reduced mobility. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 31a(2). The Commission shall make the common form available in all official languages of the Union on its website.
2. [...]
3. Carriers shall, where possible and without undue delay, establish, and transmit to passengers, a form for reimbursement and compensation requests under Article 19, or provide a link allowing a direct access to that form or to the common form referred to in paragraph 1 of this Article.

Carriers shall provide details on their website, such as an e-mail address, to which reimbursement or compensation requests may be sent by electronic means. That requirement shall not apply where other electronic means of communication allowing passengers to request reimbursement or compensation exist, such as the form referred to in the first subparagraph of this paragraph, available on a website or mobile applications, provided that such means offer, in an accessible format, the choice and information set out in the common form referred to in paragraph 1 and are available in at least the language of the booking.

4. [...];

(2) Article 20 is amended as follows:

(a) paragraph 1 is replaced by the following:

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

(b) paragraph 4 is replaced by the following:

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

(3) the title of Chapter V is replaced by the following:

‘Chapter V
General rules, quality of service and complaints’;

(4) Article 24 is replaced by the following:

‘Article 24

Right to travel information

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

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

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

- (a) appropriate and comprehensible information regarding their rights and obligations under this Regulation,
- (b) contact details of carriers or, where appropriate, terminal managing bodies,
- (c) contact details of the enforcement body or bodies designated by the Member State pursuant to Article 28(1).

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

(6) the following Article 25a is inserted:

‘Article 25a

Means of communication with passengers

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

Where information is provided by electronic means of communication, carriers, terminal managing bodies, ticket vendors and travel agents shall ensure that any written correspondence, including the date and time of such correspondence, can be kept for further reference. The burden of proof concerning the questions as to whether and when they have provided the necessary information to passengers shall rest with carriers, terminal managing bodies, ticket vendors and travel agents. All means of communication shall enable the passenger to contact them quickly and communicate efficiently.’;

- (7) [...]
- (8) the following Articles 28b and 28c are inserted:

Article 28b

Sharing of information with national enforcement bodies

The national enforcement bodies may request carriers and terminal managing bodies to provide documents and information that are relevant for the purposes of carrying out their function. Such documents and information shall be provided within one month from the receipt of the request, unless specified otherwise.

Article 28c

Information about alternative dispute resolution by national enforcement bodies

Where necessary, the national enforcement body to which the passenger submits a complaint in accordance with Article 28(3), or any other body designated by a Member State for that purpose pursuant to that provision, shall inform the complainant about his or her right to approach alternative dispute resolution bodies to seek individual redress.

This obligation may be fulfilled by referring the passenger to the interactive tool [list of notified ADR entities] maintained by the Commission pursuant to Article [20] of the Directive 2013/11/EU of the European Parliament and of the Council*, or, where appropriate, to the designated ADR contact points notified to the Commission under Article [24] of that Directive.

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

(9) [...]

(10) the following Article 31a is inserted:

‘Article 31a

Committee Procedure

1. The Commission shall be assisted by the committee referred to in Article 26(1) of Regulation (EU) .../... of the European Parliament and of the Council*⁺. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 of the European Parliament and of the Council** shall apply.

Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.

* Regulation (EU) .../... of the European Parliament and of the Council of ... on passenger rights in the context of multimodal journeys (OJ L, ...,ELI: ...).

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

⁺ OJ: please insert serial number for Regulation contained in document 2023/0436 (COD) and insert the number, date and OJ reference in the corresponding footnote.

Article 5
Amendments to Regulation (EU) 2021/782

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

(0) in Article 3, the following definition is added:

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

(0a) Article 20(2), point (b), is replaced by the following:

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

(0b) Article 20(5) is replaced by the following:

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

(0c) Article 23(1), point (c), is replaced by the following:

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

(0d) Article 25 is amended as follows:

(a) the title is replaced by the following:

‘Article 25

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

(b) paragraph 1 is replaced by the following:

‘1. Where railway undertakings and station managers cause the loss of, or damage to, mobility equipment, including wheelchairs, and assistive devices, or the loss of, or injury to, recognised assistance dogs used by persons with disabilities and persons with reduced mobility, they shall be liable for that loss, damage or injury, and provide compensation without undue delay. That compensation shall comprise:

- (a) the cost of replacement or repair of the mobility equipment or assistive devices lost or damaged;
- (b) the cost of replacement or the treatment of the injury of a recognised assistance dog that was lost or injured; and
- (c) reasonable costs of temporary replacement for mobility equipment, assistive devices or recognised assistance dogs where such replacement is not provided by the railway undertaking or the station manager in accordance with paragraph 2.’;

- (1) the following Article 30a is inserted:

Article 30a

Means of communication with passengers

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

- (4) Article 38 is amended as follows:

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

1. The Commission shall be assisted by the committee referred to in Article 26(1) of Regulation (EU) .../... of the European Parliament and of the Council*⁺. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

* Regulation (EU) .../... of the European Parliament and of the Council of ... on passenger rights in the context of multimodal journeys (OJ L, ..., ELI: ...).’;

⁺ OJ: please insert serial number for Regulation contained in document 2023/0436 (COD) and insert the number, date and OJ reference in the corresponding footnote.

(b) in paragraph 2, a second subparagraph is added as follows:

‘Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.’

Article 7

Entry into force and application

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

It shall apply from ... [2 years from the date of entry into force of this Regulation].

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

Done at Brussels,

For the European Parliament
The President

For the Council
The President
