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Subject:	Proposal for a regulation 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 - Revised compromise proposed by the Polish Presidency on Regulation 261/2004

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In view of the Working Party on Aviation of 22 May 2025, delegations will find, in Annex, a revised compromise proposed by the Presidency on Regulation 261/2004.

Changes compared to the previous version are highlighted in **bold underlined** and ~~striketrough~~.

Proposal for 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**

***Article 1***

Regulation 261/2004 is amended as follows:

0. Article 1 is amended as follows:

(a) Paragraph 1 is replaced by the following:

‘1. This Regulation establishes, under the conditions specified herein, minimum rights for air passengers in the event that :

- (a) they are denied boarding;
- (b) their flight is cancelled, delayed or rescheduled;
- (c) they miss a connecting flight;
- (d) they are upgraded or downgraded.’

**(aa) Paragraphs 2 and 3 are deleted.**

1. Article 2 is amended as follows:

(a) The definition in point (b) is replaced by the following:

"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. The ~~fact that an operating air carrier that~~ **that** uses the aircraft of another air carrier, with or without crew of that other carrier, ~~shall not change the designation of the former air carrier~~ **for the performance of its flights shall be considered** as operating air carrier for the purposes of this Regulation.'

- (a) The definition in point (c) is replaced by the following:

"Union air carrier"<sup>1</sup> 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 24 September 2008 on common rules for the operation of air services in the Community<sup>2</sup>.'

- (b) The definition in point (d) is replaced by the following:

"Organiser"<sup>2</sup> means a person within the meaning of Article 3, point 8, of Directive (EU) 2015/2302<sup>3</sup>;

- (ba) The definition in point (e) is replaced by the following:

"Package" means a combination of travel services as defined in Article 3, point 2, of Directive (EU) 2015/2302;

- (bb) The definition in point (f) is replaced by the following:

"Ticket" means valid evidence, regardless of its form, of an air transport contract.'

- (bc) The definition in point (g) is deleted.

- (bd) The definition in point (h) is replaced by the following:

"Final destination" means the destination of the flight or of the last connecting flight on a journey.'

- (c) The definition in point (i) is replaced by the following:

"person with disabilities" and "person with reduced mobility"<sup>2</sup> mean any person who has a permanent or temporary physical, mental, intellectual or sensory impairment which, in interaction with various barriers, may hinder his or her full and effective use of transport on an equal basis with other passengers or whose mobility when using transport is reduced due to age; '

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<sup>1</sup> Alignment throughout the text will be part of the legal-linguistic revision.

<sup>2</sup> OJ L293, 31.10.2008, p. 3.

<sup>3</sup> OJ L 326, 11.12.2015, p. 1–33

(ca) The definition in point (j) is replaced by the following:

“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(0) or when 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 reasons of health, safety or security, or inadequate travel documentation;<sup>4</sup>

(cb) The definition in point (k) is replaced by the following:

“volunteer” means a passenger who has presented himself or herself for boarding under the conditions laid down in Article 4(0) and responds positively to the air carrier's call for passengers prepared not to board on their flight in exchange for benefits;’

(d) The definition in point (l) is replaced by the following:

"cancellation" means the non-operation of a flight which was previously planned and for which an air transport contract was issued. A flight where the aircraft took off but, for whatever reason, diverted to an airport other than the airport of arrival stated in the ticket, or to return to the airport of departure, **and could not continue to the airport of arrival indicated in the ticket**, is to be treated as a cancellation, unless the actual airport of arrival and the airport of arrival stated in the ticket serve the same town, city or region and the air carrier provided transport to the passenger to the airport of arrival stated in the ticket. The case when 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 there is no change in the check-in and boarding times, or unless the passenger has taken the rescheduled flight, is also to be treated as a cancellation.

(e) The following definitions are added:

‘(aa) “third country” means any country or part of a territory of a Member State to which the Treaties do not apply;

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<sup>4</sup> The related recital will be adapted.

- (ab) "delay at departure" means the difference of time between the time of departure indicated on the passenger's ticket and the actual time of departure of the flight;
- (ac) "delay at arrival" means the difference of time between the time of arrival indicated on the passenger's ticket and the actual time of arrival of the flight;
- (ad) "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 standard service provided to passengers compared to other parts of the cabin;
- (ga) "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;
- (m) "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. For the purpose of this Regulation, non-exhaustive lists of extraordinary circumstances and of circumstances that shall not be considered as extraordinary are, presented in the Annex;
- (n) "flight" means an air transport operation operated by a single aircraft between two airports identified on the ticket through a predetermined itinerary, a schedule and a single identification number; intermediate stops for technical and operational purposes only shall not be taken into consideration;
- (o) "connecting flight" means a flight which, under a single air transport contract, is intended to enable the passenger to arrive at a transfer point in order to depart on another flight, or, where appropriate in the context, means that other flight departing from the transfer point.
- (oo) "stopover" means an intentional interruption of travel under an 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 exceptionally including an overnight stay.
- (p) "journey" means a flight or connecting flights transporting the passenger from the initial point of departure to his or her final destination in accordance with a single air

transport contract. The outward and the return journeys are to be considered as separate journeys.

- (q) [...]
- (r) [...]
- (s) [...]
- (t) [...]
- (u) "time of departure" means the time when the aircraft leaves the departure stand, pushed back or on its own power (off-block time);
- (v) "time of arrival" means the time when the aircraft reaches the arrival stand and the parking brakes are engaged (on-block time);
- (w) "tarmac delay" means, time above 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, between the touch-down of the aircraft and the opening of the aircraft doors, at arrival;
- (x) "night" means the period between midnight and 6 a.m.
- (y) [...]
- (ya) "child" means a persons below the age of 14 years **as of the date of departure of the flight or first connecting flight under an air transport contract;**
- (yb) "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) '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) "accessible format" means a format that gives the person with disabilities or with reduced mobility an access to any relevant information, including allowing such

person to have access as feasibly and comfortably as a person without any of the impairments or disabilities, and which meets accessibility requirements defined in accordance with the applicable legislation such as Annex I to Directive (EU) 2019/882;

(zd) “disruption” means denied boarding as defined in point (j), cancellation as defined in point (l), tarmac delay as defined in point (w), delay at departure as defined in point (ad) or delay at arrival as defined in point (ae);

(ze) “initial point of departure” means the departure point of the flight or of the first connecting flight on a journey;'

2. Article 3 is amended as follows:

(a) Paragraph 2 is replaced by the following:

'2. Paragraphs 1, shall apply on the condition that passengers:

(a) have a ticket for the flight concerned

or

(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.'

(aa) Paragraph 3 is replaced by the following:

'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.'<sup>5</sup>

(b) Paragraph 4 is replaced by the following:

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<sup>5</sup> PCY suggests adding a recital to clarify that passengers travelling under a flight covered by Public Service Obligations (that is available to the public under certain conditions) are subject to the same rights as other passengers.

'4. Without prejudice to Articles 8(3d) and 8(4), this Regulation shall only apply to passengers transported by motorised fixed wing aircraft.'

(ba) Paragraph 5 is replaced by the following:

'5. Unless otherwise specified, the operating air carrier shall be responsible for performing the obligations under this Regulation.'

(c) Paragraph 6 is replaced by the following:

'6. Without prejudice to Article 12 of this Regulation, this Regulation shall also apply to passengers transported according to package travel contracts unless a package travel contract is terminated or its performance is affected for reasons other than a disruption of the flight.'

(d) The following paragraph is added:

'7. Article 7 of this Regulation on compensation shall not apply, if the disruption occurs on a connecting flight that both departs from and arrives at an airport in Greenland.'

(e) The following paragraph is added:

**'8. This Regulation is without prejudice to the legal position of the Kingdom of Spain regarding the territory of Gibraltar, as well as the isthmus and the airport constructed thereon.**

**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 the said airport and to ensure the application of the rules set out in this Regulation to that airport. The Kingdom of Spain shall notify the Commission when these conditions are met and the Commission shall publish that notification in the Official Journal. This Regulation shall apply to that airport from the [first day of the month following the] date of that publication.'**

3. Article 4 is amended as follows:

(-a) Paragraph 0 is added:



‘0. This Article shall apply to passengers that present themselves for boarding at the gate, after on-line check-in or 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.’

(-aa) Paragraph 1 is replaced by the following:

‘1. 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 rerouting and reimbursement under Article 8 and assistance under Article 9.

The operating air carrier shall call for volunteers ready not to board on their flight in exchange for benefits under conditions to be agreed between the volunteer and the operating air carrier. This agreement with the volunteer on the benefits shall replace the passenger's right to compensation as laid down in Article 7(1), only 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 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).

(-ab) Paragraph 2 is replaced by the following:

‘2. If an insufficient number of volunteers comes forward 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 mentioned in Article 11.

(a) Paragraph 3 is replaced by the following:

‘3. The operating air carrier denying boarding shall immediately specify to the passengers concerned the information on the handling of complaints under Articles 15a and 16ac.

The operating air carrier denying boarding shall, without undue delay, offer to the passengers concerned, in a clear manner, the choice between reimbursement and re-routing in accordance with Article 8. By way of derogation from Article 8(1)(a), when the passengers concerned 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 offer to the passengers concerned assistance in accordance with Article 9. By way of derogation from Article 9(1) first indent, refreshments shall be granted immediately.

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. '

(b) The following paragraphs are added:

'4. Paragraphs 2 and 3 shall also apply to return flights where the passenger is denied boarding on the ground that the passenger did not take a previous flight of the same air transport contract.

5. 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.'

4. Article 5 is amended as follows:

(-a) Paragraph 0 is added:

'0. In case of cancellation of a flight, the operating air carrier of the cancelled flight 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 rerouting and reimbursement 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 16ac.

The operating air carrier shall, without undue delay, specify to the passengers concerned the reasons for the cancellation. The passengers are 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.’

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

‘The operating air carrier of the cancelled flight shall, without undue delay, offer to the passengers concerned, in a clear manner, the choice between reimbursement and re-routing in accordance with Article 8.

- (ab) Paragraphs 1a and 1b are added:

‘1a. The operating air carrier shall offer to the passengers concerned assistance in accordance with Article (9).

1b. Passengers shall have the right to receive, upon request, compensation ~~from~~**by** 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)(a) or rerouting in accordance with Article 8(1)(c), or, when they reach their final destination with a delay at arrival exceeding the thresholds defined in Article 7(1a) after they choose rerouting in accordance with Article 8(1)(b).

- (ac) Paragraph 2 is deleted.

- (b) Paragraphs 3 and 4 are replaced by the following:

‘3. An operating air carrier shall not be obliged to pay compensation in accordance with Article 7, if it can prove that the 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 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.

4. The right to receive assistance under paragraph 1a and compensation under paragraph 1b 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 as to whether and when the passenger has been informed of the cancellation of the flight shall rest with the operating air carrier.'

(c) [...]

5. Article 6 is replaced by the following:

*'Article 6*

*Delay*

0. When an operating air carrier expects a flight to be delayed, it shall immediately inform the passengers concerned and, at the latest, on 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, specify to the passengers concerned 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 16ac.

The operating air carrier shall, without undue delay, specify to the passengers concerned the reasons for the delays. 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.

1. The operating air carrier shall offer to the passengers concerned assistance in accordance with Article 9.

1a. When the waiting time is prolonged by ~~at~~ at least three hours from the time of departure indicated on the passenger's ticket, the operating air carrier shall, without undue delay, offer to the passengers concerned the choice between re-routing and reimbursement in accordance with Article 8.

2. 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 defined in Article 7(1a).

**By way of derogation from Article 7(1a), where passengers choose a reimbursement in accordance with Article 8(1)(a) or rerouting in accordance with Article 8(1)(c) and**  
**when the waiting time for their ~~delayed~~ flight or alternative transportation is prolonged**  
by at least the thresholds defined in Article 7(1a) **from the time of departure indicated**  
**on the passenger's ticket**, the passengers concerned 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).**

3. [...]

3a. This article shall also apply if the time of departure indicated on the passenger's ticket was postponed by the operating air carrier.

The right to receive assistance under paragraph 1 and compensation under paragraph 2 shall not apply if the passenger has been informed of 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.

4. 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 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.

5. [...]

6. The following Articles are inserted:

*‘Article 6-2a*

## Tarmac delay

0. In the event of tarmac delay, the operating air carrier shall, to the extent possible, provide passengers with regular and real-time updates.

1. 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 that persons mentioned in Article 11 receive the required attention. Unless those services would extend the tarmac delay or cannot be reconciled with air safety or air security requirements, the operating air carrier shall provide free of charge drinking water on board.

2. Where a tarmac delay reaches a maximum of three hours in an airport situated in a territory of a Member State to which the Treaty applies, 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. Passengers disembarked in accordance with paragraph 2 shall be entitled to the rights provided for under Article 6 and Article 11, taking into account the tarmac delay and the time of departure indicated on the passenger's ticket.'

## Article 6a

Missed connecting flight during journeys performed under a single air transport contract

1. Where a passenger misses a connecting flight during a journey as a result of a disruption on a previous flight, the operating air carrier of the preceding disrupted flight shall be responsible for providing to the passenger re-routing in accordance with Article 8(1)(b), and assistance in accordance with Article 9.

1a. When the operating air carrier cannot re-route the passenger within three hours of the time of departure indicated on the passenger's ticket of the missed connecting flight, the operating air carrier shall, without undue delay, offer to the passengers concerned, in a clear manner, the choice between reimbursement and re-routing in accordance with Article 8.

2. Upon request, passengers shall also have a right to compensation ~~from~~<sup>by</sup> the air carrier operating the disrupted flight in accordance with Articles 7(1) and 7(3), if the passenger reaches its final destination with a delay at arrival exceeding the thresholds defined in Article 7(1a).

**By way of derogation from Article 7(1a), where passengers choose a reimbursement in accordance with Article 8(1)(a) or rerouting in accordance with Article 8(1)(c) and**  
**When the waiting time for the departure of their flight or alternative transportation provided in accordance with Article 8(1)(b) is prolonged by at least the thresholds defined in Article 7(1a) from the time of departure of the missed connecting flight indicated on the passenger's ticket, the passengers concerned shall have the right to receive, upon request, compensation from the ~~operating~~ air carrier operating the disrupted flight in accordance with Articles 7(1) and 7(3).**

2a. 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.

3. [...]

4. [...]

7. Article 7 is amended as follows:

(a) Paragraph 1 is replaced by the following:

‘1. In case of disruption, the following compensation amounts shall apply under the conditions defined in Articles 4, 5, 6 or 6a and in this Article:

(a) 300 EUR for journeys of 3500 kilometres or less and all intra-Union journeys;

(b) 500 EUR for journeys above 3500 kilometres.’

(aa) Paragraph 1a is added:

‘1a. In 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 6a, the right to compensation shall arise for delays at arrival of more than:

- (a) five hours for journeys of 3500 kilometres or less and all intra-Union journeys;
- (b) nine hours for journeys above 3500 kilometres.

(ab) Paragraph 1b is added:

‘1b. In determining the distances for the purpose of this Regulation, the basis shall be the distance between the initial point of departure and the final destination. In 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.’

(b) Paragraphs 2 and 3 are replaced by the following:

2. Where the passenger has opted for the continuation of his **or her** travel pursuant to Article 8(1)(b), and another disruption occurs during re-routing, the passenger's right to compensation can arise only once during his **or her** travel to the final destination.

3. Requests for compensation under this Article shall be submitted by the passenger within six months from the actual ~~or~~ date of departure indicated on the passenger's ticket. 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, including, if applicable, a clear and substantiated explanation according to Article 5(3) or to Article 6(4) on extraordinary circumstances. **In case of significant and widespread disruption, that deadline may be extended to 30 calendar days.**

In case the operating air carrier does not pay the requested compensation, the passenger may submit a complaint in accordance with Article 16ac.

3a. The compensation shall be paid in cash or, if agreed by the passenger in a signed document or any other digital means on a durable medium, by other means.

4. [...]

5. [...]

(ba) Paragraph 4 is deleted.



8. Article 8 is replaced by the following:

*Article 8*

Right to reimbursement or re-routing

1. In case of disruption, passengers shall be offered, free of charge, the choice between the following options under the conditions defined in Articles 4, 5, 6, or 6a and in this Article:

- (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 not made, and for the part **or parts** of the journey already made if the **flight is part of the journey** are no longer serving any purpose in relation to the passenger's original **travel plans** journey, together with, when 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; **in case of significant and widespread disruption, that deadline may be extended to 30 calendar days.**
- (b) continuation of the passengers' journey by re-routing them to their 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
- (c) re-routing to their final destination at a later date at the passenger's convenience, subject to availability of seats.

2. [...]

3. 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:

- (a) a flight or connecting flights, following the same route as set out in the air transport contract,

- (b) a different routing, including to or from alternative airports compared to the airports stated in the air transport contract. In such case, the operating air carrier shall bear the cost of transferring the passenger to or from the alternative airports compared to the airports stated in the air transport contract,
- (c) the use of services operated by another air carrier or,
- (d) where appropriate for the distance to be travelled, the use of another mode of transport.

4. [...]

5. Where a passenger informed the operating air carrier of his or her choice to continue his or her journey in accordance with paragraphs 1(b) and 7, and if the operating air carrier has not offered a re-routing within three hours, the passenger may arrange its own rerouting, in accordance with paragraph 3.

In case of a cancellation, the first subparagraph shall apply from the time of departure indicated on the passenger's ticket.

When doing so the passengers shall limit the expenses to the extent those 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. **In case of significant and widespread disruption, that deadline may be extended to 30 calendar days.**

6. [...]

7. A passenger may ~~at any time~~ choose between reimbursement in accordance with Article 8(1)(a) or rerouting at a later date in accordance with Article 8(1)(c), until when the passenger has accepted a re-routing at the earliest opportunity offered by the operating air carrier in accordance with Article 8(1)(b) or until when the passenger has decided to self-reroute in accordance with Article 8(5).

The passenger shall inform the operating air carrier of his or her choice.'

9. Article 9 is amended as follows:

- (-a) The title of the Article is replaced by the following:

*‘Article 9*

Right to assistance

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

‘1. In case of disruption and subject to the conditions defined in Articles 4, 5, 6, 6a and 6-2a 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:

- (a) refreshments every two hours of waiting time;
- (b) a meal after three hours and then every 5 hours of waiting time with a maximum of three meals per day;
- (c) two telephone calls, text messages and internet access.

The operating air carrier may limit or decline the assistance provided under the previous subparagraph if its application would further delay the passengers.

- (aa) Paragraph 2 is replaced by 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:

- (a) hotel accommodation;
- (b) transport from the airport to the place of accommodation and return.’

- (ab) Paragraphs 2a, 2b and 2c are added:

‘2a. The operating air carrier may use vouchers to fulfil its obligations under paragraphs 1(a), 1(b) and 2. The vouchers provided in accordance with paragraph 1 shall be usable 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 under paragraph 2, point (a).

2b. Where the operating air carrier does not fulfil its obligations under paragraphs 1, 2 and 2a, the passengers concerned may make their own arrangements to the extent those expenses are necessary, reasonable and proportionate to the duration of the waiting and the

costs of refreshments and meals at the place of the airport where the passengers are stranded. 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.

**In case of significant and widespread disruption, that deadline may be extended to 30 calendar days.**

2c. 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, terminal.'

(ac) Paragraph 3 is deleted.

(b) The following paragraphs are added:

'4. If the disruption is caused by extraordinary circumstances and the disruption could not have been avoided even if all reasonable measures had been taken, the air carrier may limit the accommodation provided according to paragraph 2(a) to a maximum of three nights.

5. [...]

6. Where a passenger opts for reimbursement pursuant to Article 8(1)(a) while being at the initial point of departure, or opts for rerouting at a later date pursuant to Article 8(1)(c), the passenger shall have no further rights with regard to assistance under Article 9(1) and 9(2) in relation to the relevant flight.'

10. Article 10 is replaced by the following:

*'Article 10*

Upgrading and downgrading

1. If an operating air carrier places a passenger in a class higher than that for which the ticket was purchased, it shall not request any supplementary payment.

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(3), provide the passenger with a compensation at least equivalent to:

- (a) 40% of the flight price for flights of 3500 kilometres or less, or
- (b) 75% of the flight price for flights above 3500 kilometres.

3. Where, the price of the flight is not indicated on the ticket, the compensation mentioned in paragraph 2 shall be calculated in proportion of the flight to the total distance covered by the air transport contract, calculated in accordance with Article 7(1b).

4. The flight price excludes taxes and charges indicated on the tickets, as long as neither the requirement to pay those taxes and charges nor their amount depends on the class for which that tickets have been purchased.

5. This Article shall not apply to advantages offered through a higher fare within the same class of transport such as specific seating or catering.'

10a. The following Article is inserted:

*'Article 10a*  
Airport contingency plans

1. At Union airports whose annual traffic is above 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 and/or delays of flights leading to a considerable number of passengers 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.

1a. Airport contingency plans shall take into account the particular and individual needs of the passengers as defined under Article 11.

2. 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 on access to the groundhandling market at Union airports as well as the providers of groundhandling

services and other airport essential service providers. The contingency plan shall also contain the contact data of the person(s) 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 and/or delays of flights. The air carrier shall ensure that the designated person(s) has the necessary means to assist passengers in accordance with the obligations arising from this Regulation in case of disruption.

3. The airport managing body shall communicate the contingency plan to the Airport Users Committee referred to in Council Directive 96/67/EC and, upon request, to the National Enforcement Body entrusted with the enforcement of this Regulation under Article 16(1).

3a. A Member State may decide that an airport not covered by paragraph 1, located on its territory, is to fulfil the obligations laid down in paragraphs 1 to 3.

4. At Union airports below the threshold set in paragraph 1 or not covered by paragraph 3a, with more than 700 000 passengers per year, 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 situations of multiple cancellations and/or delays of flights leading to a considerable number of passengers stranded at the airport.

11. Article 11 is replaced by the following:

*'Article 11*

Passengers with specific needs

0. All information provided to passengers under this Regulation shall be provided in accessible format.

1. This Article shall apply to any 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 latest at the time when the disruption is announced. It shall also apply to persons in need of specific medical assistance provided that the operating air carrier has been notified of their ~~particular needs~~ **specific medical** needs for assistance at **the latest at check-in; operating air carriers may require a proof for such needs.** ~~time of the purchase of the ticket.~~

Such notification shall be deemed to cover all journeys under an air transport contract.

1a. At the latest at check-in, and subject to seat availability, any person accompanying the persons mentioned in paragraph 1 or accompanying a child shall be offered, free of charge, the possibility to be seated on adjacent seats.

1b. At boarding, operating air carriers shall give priority to persons mentioned in paragraph 1 and any person or recognised assistance dogs accompanying them.

2. 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 mentioned in paragraph 1. Air carriers shall provide this rerouting and assistance as soon as possible to those persons, including to any persons or recognised assistance dogs accompanying them.

3. Article 9(4) shall not apply to a passenger mentioned in paragraphs 1 and 1a, as well as to any persons or recognised assistance dogs accompanying them.’

11a. Article 12, is amended as follows:

(a) The title is replaced by the following:

*‘Article 12*  
*Further rights’*

(b) Paragraph 1 is replaced by the following:

‘1. This Regulation shall not affect rights and claims of the passenger granted under other legal acts. The compensation granted under Articles 7 or 10(2) of this Regulation ~~may~~ **shall** be deducted from compensation granted under other legal acts such as Directive (EU) 2015/2302, if those rights safeguard the same interest or have the same objective.

In particular, unless provided for in this paragraph, this Regulation shall not affect rights and claims under Directive (EU) 2015/2302. Compensation or price reduction granted under Directive (EU) 2015/2302 and compensation granted under Articles 7 or 10(2) of this Regulation shall be deducted from each other in order to avoid overcompensation, if these rights safeguard the same interest or have the same objective.

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)(a), if the flight is part of a package travel contract under 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.

When a 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.'

12. Article 13 is replaced by the following:

*'Article 13*

Right of redress

In cases where an operating air carrier pays compensation or meets the other obligations incumbent on it under this Regulation, no 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 law applicable.'

13. Article 14 is replaced by the following:

*'Article 14*

Obligations to inform passengers

0. The operating air carrier shall include on its website and mobile application an information notice specifying rights under this Regulation, including complaint handling process.

0a. When offering tickets for a flight or connecting flights and prior to the purchase, air carriers and intermediaries shall inform the passenger on the following:

- (a) the type of ticket or tickets being offered, in particular whether the ticket or the tickets are covered by a single air transport contract or a combination of separate air transport contracts;
- (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; and



(c) the deadline and the procedure by which passenger can request a change in name as specified in Article 4(5), without any additional charge.

(d) the terms and conditions.

In order to comply with the information requirement set out in point (c) of the first subparagraph, the air carrier and the intermediary may use a summary of the provisions of this Regulation prepared by the Commission in all official languages of the Union and made available to the public.

0b. 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 with no rights under Articles 7, 8 and 9 to reimbursement, re-routing or assistance in the case of a missed subsequent flights under separate air transport contract. Such information shall be provided in a clear manner when selling the tickets.

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.

1. 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 re-routing, assistance and possible compensation». That text shall be displayed at least in the language(s) of the place of the airport and in a language that is internationally used. To that end, airport managing bodies shall cooperate with operating air carriers.

2. [...]

3. [...]

4. [...]

5. [...]

6. [...]

7. [...]

13a. The following Article is inserted:

*‘Article 15a*

**Complaint to the air carrier or the intermediary**

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 to 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 16ac 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.

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 that it concerns. 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 from the date of submission of the complaint. The answer shall also contain, in 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 16ac, including postal address, website and e-mail address.

3. The submission of complaints by passengers using the mechanism referred to in paragraph 1 shall be without prejudice to their right to submit disputes for out-of-Court resolution in accordance with Article 16ac, or to seek redress through court proceedings, subject to periods of limitation in accordance with national law.’

14. Article 16 is replaced by the following:

*‘Article 16*

*Enforcement*

1. Each Member State shall designate a National Enforcement Body or National Enforcement Bodies responsible for the enforcement of this Regulation as regards journeys~~flights and connecting flights~~ 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.
2. The National Enforcement Body shall closely monitor the compliance of with the requirements of this Regulation and take the measures necessary to ensure that the rights of passengers are respected.
- 2a. Passengers may report to the National Enforcement Body alleged infringements of this Regulation. The National Enforcement Body may investigate and decide on enforcement actions based on information contained in those reports.
3. 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 comply consistently with the Regulation.
4. [...]
5. Four years after the date of application of this Regulation and then every five years, the National Enforcement Bodies shall publish on their 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.
6. Operating air carriers and intermediaries shall communicate the required contact data of the person(s) 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.’

15. The following Article is inserted:

*‘Article 16a*

*[...]*

*Article 16ac*

Out-of-court resolution of disputes

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 disputes under this Article. Member States may decide to apply this paragraph to disputes between air carriers or intermediaries, and consumers only.

*Article 16b*

*[...]*

*Article 16c*

*[...]*

16. Article 17 is replaced by the following:

*‘Article 17*

Review and Report

1. Every three years from the date of application of this Regulation, 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 preceding years.

The report shall be accompanied where necessary by a legislative proposal.

2. Three years after the date of application of this 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.

In the first report three years after the date of application of this Regulation, the Commission shall assess the necessity and the feasibility of revising the scope of this Regulation with a view to further enhancing passengers' protection 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 mitigate those risks and address those difficulties.

The Commission shall also include information on the enhanced protection of air passengers on flights from third countries operated by non-EU carriers.

The 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.

The report shall be accompanied where necessary by legislative proposals.'

17. Annex 1 to this regulation is added as the Annex to Regulation 261/2004.

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