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| From: | General Secretariat of the Council |
| To: | Working Party on Transport - Intermodal Questions and Networks |
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| Subject: | Proposal for a Regulation amending Regulations (EC) No 261/2004, (EC) No 1107/2006, (EU) No 1177/20, (EU) No 181/2011 and (EU) 2021/782 as regards enforcement of passenger rights in the Union - Presidency non-paper - Comments from Portugal |

Delegates will find attached comments from Portugal on the subject above.

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Proposal for a Regulation 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

**Presidency non-paper
(WK 15256/2025 INIT)**

Portugal comments

**1. Monitoring and oversight
1.a Service Quality Standards**

Q1: Can delegations support the compromise proposed by the Presidency in Annex 1?

Regarding service quality standards, PT believes these have no place in a Regulation that addresses passenger rights. A better idea would be to introduce the notion of Service Quality Standards in Regulation 1008/2008. However, if the legislator is adamant in including it in APR Regulation, in the field delays and cancellations, only the percentage of disruptions caused by extraordinary circumstances is relevant.

Furthermore, please note that introducing these requirements may impose a significant administrative burden on the air carriers (and a subsequent ticket price increase).

Q2: Can delegations show any further flexibility towards extending and harmonizing the SQS across all modes?

PT considers that since there are sector specific constraints, it will be difficult to show further flexibility.

As mentioned above these measures may represent a substantial additional administrative burden for air carriers.

1.b Risk-based approach

Q3: Can delegations show any flexibility on reintroducing a reference to monitoring tasks or similar set-ups in the text?

As mentioned in previous occasions, more thought should be given to how best to address the issue. Uniform implementation will require, perhaps, setting up a working party of all NEB in order to ascertain the feasibility of a common approach (considering all the different national laws). If the legislator is adamant to include this issue in Regulation 261, we suggest that each MS is to risk assess its own national air carriers (the ones whose main

operations are based in its territory) and airport authorities. Performing risk assessment on all air carriers that operate to and from a MS (or at least the main ones) will create a severe administrative burden on NEB and its human resources.

Q4: Can delegations support the compromise proposed by the Presidency in Annex 1?

Please see above. Furthermore, PT considers the PCY wording slightly unclear.

2. Ticket for the accompanying person

Q5: What are delegations' flexibilities towards the EP's approach?

PT would need additional information considering the level of flexibility involved in the EP's approach.

3. Intermediation fees

Q6: What are delegations' flexibilities towards the EP's approach?

PT has repeatedly mentioned that intermediaries should not be included in Regulation 261.

However, as a maximum, we consider that the text of the Common Position should be kept.

4. Individual complaint-handling

Q7: The Presidency invites delegations to share written comments related to their national complaint-handling mechanisms.

PT analyses individual complaints submitted by passengers and notifies air carriers to provide further information and documentation on the situations reported.

The reply is then analysed and further clarification is requested if necessary.

In case of non-compliance and in the exercise of its sanctioning powers, PT investigates the infractions committed, resulting from the violation of legal and regulatory provisions, instructs the corresponding sanctioning procedures, misdemeanor proceedings and applies fines and other penalties provided for by law to the offenders.

However, since the power to impose penalties does not include the determination of compensation or refunds that may be due to passengers, passengers may use judicial or extrajudicial means.

Furthermore, in order to ensure the proper monitoring of its stakeholders, regular supervision and proximity checks are carried out on airport infrastructures and air carriers.

