

Brussels, 13 February 2025

**Interinstitutional files:
2013/0072 (COD)**

WK 1645/2025 ADD 2

LIMITE

**AVIATION
CONSUM
CODEC**

This is a paper intended for a specific community of recipients. Handling and further distribution are under the sole responsibility of community members.

WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Working Party on Aviation
N° prev. doc.:	WK 9/25
N° Cion doc.:	ST 7615 2013 INIT
Subject:	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 – Comments from Spain on the Presidency non-paper (Less Contentious Issues)

Delegations will find, in Annex, comments from Spain on less contentious issues.

Spanish Position on the no-paper WK9/2025 by the PL PCY regarding the Regulation on Air Passenger Rights – Less contentious issues

1. INFORMATION

Spain agrees with the proposed approach. The provisions should be consistent with the rest of the articles in the regulation.

2. COMPLAINT AND CLAIM HANDLING

Spain supports the time limits of six months for submitting a complaint/claim and ten days for acknowledgment of receipt. However, it may be advisable to clarify the airline's response time, which could align with the timeframe established by the ADR.

3. TARMAC DELAY

Spain considers that the maximum time passengers should remain on the tarmac should be two hours. It is essential to specify the starting point for counting these two hours (e.g., upon completion of boarding).

4. REROUTING

As a starting point, Spain agrees with the 12-hour period for airlines to reroute passengers using their own services. After this period, airlines should consider alternative airlines or other modes of transport, depending on availability. This timeframe could serve as a basis for negotiations with the European Parliament.

5. RESCHEDULING (TO A LATER TIME)

Spain supports the two-week notification period included in the 2013 proposal.

6. CHANGE OF SCHEDULE (BRINGING FORWARD OF DEPARTURE TIME)

Given that there is already case law on this matter, Spain supports aligning with the existing judicial precedents. Therefore, Spain agrees with the criteria set out in this section by PL PCY.

7. OUT-OF-COURT DISPUTE RESOLUTION

Spain supports the proposal and believes that each country should decide on its own approach. Spain has opted for ADR.

8. ENFORCEMENT – SANCTIONING

Spain believes it is necessary to standardize the procedures of all National Enforcement Bodies (NEBs) and to strengthen the role of the COM in ensuring such standardization. Additionally, the COM should collect and analyze information on the state of the industry.

9. LIMIT TO ASSISTANCE (CAP ON ACCOMMODATION)

Spain favors establishing specific accommodation conditions (e.g., a single hotel room with certain characteristics, including a private bathroom) rather than setting fixed price limits, as accommodation costs vary by city, season, and other factors. Establishing minimum quality standards without fixing prices would be a more effective approach.

Additionally, Spain does not support not considering this assistance for short regional flights (especially in case of islands).

10. “NO-SHOW” POLICY

Spain believes that this policy should be removed, as many courts have already ruled it illegal and abusive. This should be explicitly stated in the compromise text of the regulation.

11. CONTINGENCY PLANNING

Spain supports establishing a passenger threshold for requiring airports to have contingency plans. Additionally, there should be a provision allowing Member States to extend this requirement to other airports based on specific national considerations and airport characteristics (opt-in clause).

12. LIABILITY FOR BAGGAGE, INCLUDING THE MOBILITY EQUIPMENT OF PRMs

Spain agrees with including provisions regarding the mobility equipment of Passengers with Reduced Mobility (PRMs). However, due to the wide range of baggage-related scenarios, Spain does not support including other type of baggage liability in this regulation.