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## **WORKING DOCUMENT**

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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 Sweden on the Presidency non-paper (Less Contentious Issues)

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



12 February 2025  
Ju2025/

**Ministry of Justice**

Division for Intellectual Property and Transport Law

**Written comments from SE on ‘less contentious issues’ in the  
Presidency non-paper**

Sweden would like to thank the Polish Presidency for the opportunity to submit written comments. Please find our preliminary comments to ‘less contentious issues’ below.

## **1. Information**

**Comments:** We think it's positive to extend the information requirement to airport managing bodies. However, when it comes to PRMs in article 14.3 of the COM:s proposal, it should be changed so that information is given in accessible formats.

## **2. Complaint and claim handling**

**Comments:** We are preliminary positive to the limits proposed by the Commission which is 3 months to complain and 7 days for airlines to confirm that they have received the complaint. It is also positive to regulate this to avoid fragmentation across the EU and since similar rules exist for rail.

However, the proposal in article 16a needs to be more detailed as regards the contact addresses that carriers must provide information about for passengers. It should be stated that the carrier should provide an address, phone number and an email address. This already exists in the directive of consumer rights. It is also important to make sure that passengers can save the complaint for future proof.

## **3. Tarmac delay**

**Comments:** A reduction to 3 hours instead of 5 for tarmac delay would be more reasonable, also considering our position as regards the minimum time limit for delay which we think should be 3 hours.

However, we can be open for some longer tarmac delay when it comes to longer flights (for example, the US seem to have 3 hours tarmac delay for domestic flights and 4 hours for international ones).

## **4. Re-routing**

**Comments:** In general, article 8.5 is complicated and needs to be simplified. If airlines get 12 hours to rebook a passenger on its own services, it is in fact *not* a re-routing at the earliest opportunity. Such a limit should be much lower, e.g. 2-3 hours. In any case, airlines need to include re-routing possibilities with other airlines outside their cooperation networks.

Also, we would like to see an additional rule that we have highlighted before, which is in line with the regulation on rail passengers' rights. That is, the carrier gets a certain amount of time (in rail its 100 minutes) to find re-routing alternatives for the passenger. After this time, the passenger should be able to find re-routing alternatives on his own and receive reimbursement for the initial ticket price as well as the necessary, appropriate and reasonable costs for the new ticket (see article 18.3 paragraph 2 in the regulation on rail passengers' rights). Such a system would be much simpler and more efficient to handle in practice.

#### **5. Re-scheduling (to a later time and 6. Change of schedule (bringing forward of departure time)**

**Comments:** We think it is positive that postponed flights are regulated. However, we wonder why the case where an airline schedules an earlier departure time is not regulated as well? We think that both earlier departures, and postponed departures should be regulated and treated equally.

Furthermore, we wonder which rights passenger would have if they were informed about a change of schedule more than 2 weeks in advance of the original scheduled departure? Don't they have the right to reimbursement for example? Today several airlines offer the possibility to get reimbursed or rebooked even if they have informed about the change of schedule more than 2 weeks before the initial departure.

#### **8. Enforcement – sanctioning**

**Comments:** When it comes to article 16b.5 in the COM's proposal, we think that national enforcement bodies should be responsible for enforcement independently in line with the rules regarding enforcement and sanctions in the MS. It is not evident that the proposal to give the commission an active role in the enforcement would result in better compliance with the regulation. Therefore, the fact that the Commission can demand from NEBS that they shall investigate specific suspected practices and report them within the 4-month time limit is too far reaching.

Lastly, it is important that the rules on enforcement limit the administrative burdens on NEBS and that new rules do not become more costly than necessary.

## **9. Limit to assistance (cap on accommodation)**

**Comments:** It can be reasonable to have a limit of 3 nights, but 100 euro is already too low and will lose its value over time.

## **10. 'No-show' policy**

**Comments:** Our preliminary view is that the no show policy should be banned in the regulation (in line with several judgements from i.e. Austrian and German courts). The reason an outward journey cannot be used as planned can depend on several things, such as missing the flight, illness or that the passenger chose to travel another date. There can also sometimes be issues when an intermediary has caused problems with the booking.

## **11. Contingency planning**

**Comments:** The rules on contingency planning are good but as regards the limits, it is important to harmonize the rules to avoid more fragmentation.

## **12. Liability for baggage, including the mobility equipment of PRM**

**Comments:** As regards mobility equipments, we think that it is positive that it is easier for PRMs to receive full compensation in case of for example damage. However, we wonder how the actual value of the mobility equipment is decided? Does one take into consideration that the equipment is already used?

When it comes to the claims regarding mishandled baggage, the experiences from our NEB is that airlines have prevented passengers to submit complaints if there is no staff present at the airport. It would be positive to be able to submit such a complaint at the airport, but not with a requirement to have staff present there. It should also not be a requirement to only submit the complaint at the airport if the passenger for example discovers damage to the baggage at home. And it should be ensured that passengers can complement their complaint at a later stage if it is needed.