



Council of the European Union
General Secretariat

Brussels, 14 February 2025

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

WK 1645/2025 ADD 7

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

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

Comments from Hungary

on the 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

Aviation working party – 06.02.2025 (WK 9/2025 INIT; WK 10/2025) - less contentious issues

2. COMPLAINT AND CLAIM HANDLING

It is crucial to clarify whether the deadline for submitting claims is preclusive. It is necessary to examine whether these claims can be brought later before an ADR forum. Without sufficient information and careful consideration, no position can be taken on this matter. However, the harmonization of complaint deadlines at the EU level remains a priority.

3. TARMAC DELAY

Tarmac delay should be counted from the completion of the boarding process. This term needs to be clearly defined.

4. REROUTING

If a flight is delayed for more than 12 hours, it may effectively be considered canceled for certain passengers, as after 12 hours, the obligation to rebook comes into effect. However, this is not legally clear, as the regulation distinguishes between cancellations and delays. This raises the question: if a flight eventually departs after a 12-hour delay, but passengers have already been rebooked, does this officially qualify as a cancellation or not?

We do not support the provision defining the 12-hour threshold as the point at which passengers must be rebooked on another airline's flight. Such a rule could have effects contrary to the purpose of the regulation, potentially leading to an unjustified extension of delays.

The term „first point of departure” is unclear.

5-6. RESCHEDULING (TO A LATER TIME) and CHANGE OF SCHEDULE (BRINGING FORWARD OF DEPARTURE TIME)

The two points should be addressed together. It is particularly important that the rules on schedule changes align with those governing delays and cancellations. However, in our view, the development of the respective provisions requires careful consideration.

From a consumer protection perspective, we believe that in all cases of schedule changes, passengers should have the option to request a ticket refund, regardless of whether the modification results in an earlier or later departure and regardless of the timing of the change before the scheduled travel date. Otherwise, allowing unilateral modifications could lead to undesirable practices, potential abuse, and the circumvention of passenger rights.

The 2013 proposal, which would grant passengers whose flight is rescheduled within two weeks before departure the same rights in the case of as they have in the event of delays, would represent a

step forward in passenger protection. This would ensure that affected passengers are entitled to compensation and assistance, thereby reducing the inconvenience caused to them.

7. OUT-OF-COURT DISPUTE RESOLUTION

We consider it necessary to ensure alignment with the ADR Directive.

10. "NO-SHOW" POLICY

Before 2013, this was a common issue; however, over the past ten years, from a consumer protection perspective, only a limited number of cases have arisen in domestic law enforcement regarding this matter.

However, in the Explanatory Memorandum the Commission states that it refrained from imposing a full ban on no show policy, in order not to impair airlines from offering indirect flights at lower prices than direct flights, as this would hurt competition.

It is difficult to see why it does not hurt competition if instead of buying one-way tickets, passengers buy cheaper return tickets, the outbound portion of which they do not even intend to use. With this the Commission proposal interferes with pricing practices and forbids airlines to set their prices according to market conditions. Moreover, this requirement generates empty seats, leading to increasing overbooking (which is inconsistent with the aim of the Regulation). There is no fair balance between the rights of passengers and the obligation of airlines.

Moreover, the identification of 'return journey' will be difficult in case of multisector journeys.

Further complications arise from the fact that the Regulation is not applicable for 3rd country carriers for journey from 3rd countries. E.g. Emirates can deny boarding in Dubai if the first coupon was not used.

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

The update of these rules and the provision of a higher level of protection are justified.