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WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Working Party on Aviation

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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 Ireland on the Presidency non-paper (Less Contentious Issues)
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Delegations will find, in Annex, comments from Ireland on less contentious issues.

Working Party on Aviation

6 February 2025

Proposals to amend EU261

Comments on Non-Paper: 'Less Contentious Issues'

As a general observation, it should be noted that it has been some time since this proposal was last discussed. It should not be assumed that all of these issues are resolved and no further discussion is required. Ireland has some specific comments on some of the headings as follows:

2. Complaint and claim handling

We have concerns about the 2-month timeframe in Art. 16a for NEBs to provide a full response to a passenger complaint. This is too short a timeframe based on the experiences of the Irish NEB in dealing with complaints. The timeframes in this article need further examination.

7. Out-of-court dispute resolution

Wording of any proposals here should conform with the new proposals on Alternative Dispute Resolution (ADR), which are currently at trilogue. Ireland (and most other MS) is opposed to the EP's position that it should be mandatory for air carriers to participate in ADR.

8. Enforcement – sanctioning

Consideration should be given here to the impact of the 2023 proposals on enforcement of passenger rights (General Approach agreed in December 2024) and whether further measures might be needed.

10. No-show policy

The position as regards making provision for “no-show” policies in EU261 needs to be clarified. The non-paper notes that the Latvian Presidency compromise text deleted these provisions. Ireland queried this at the time but the change was not discussed and the position was not resolved.

11. Contingency planning

Consideration should be given as to whether obligations to have contingency plans for major disruption should apply to air carriers as well as airports, particularly in respect of ensuring the passengers are kept adequately informed of the status of their flights in the event of such disruption. Or, at the very least, that airports' contingency plans include provisions for ensuring the carriers operating out of their airports understand what their role in such circumstances is.

12. Liability for baggage

Consideration of liability for mobility equipment should also consider liability for any harm caused to an assistance dog.