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### WORKING PAPER

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#### **WORKING DOCUMENT**

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From:	General Secretariat of the Council
To:	Working Party on Aviation
N° prev. doc.:	ST 5123/20
N° Cion doc.:	ST 7615/13
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 Member States on the Presidency compromise

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Delegations will find attached comments from Luxembourg on the above mentioned document.

## Article 6

### Delay

4. The Passengers shall have the right to receive on request compensation from the operating air carrier in accordance with Article 7 where ~~he~~ **they** arrives at ~~his~~ **their** final destination:
- (a) five hours or more after the originally scheduled time of arrival for
    - (i) all journeys **FLIGHTS** of **less than** 1500 kilometres ~~or less~~;
    - (ii) intra-Community journeys **FLIGHTS** of ~~more than~~ 1500 kilometres **or more**;
  - (b) ~~more than~~ nine hours **or more** after the originally scheduled time of arrival for journeys **FLIGHTS** to/from third countries between 1500 and 3500 kilometres;
  - (c) ~~more than~~ twelve hours **or more** after the originally scheduled time of arrival for all journeys **FLIGHTS** to/from third countries of **more than** 3500 kilometres ~~or more~~

## Article 6a

### Missed connecting flights

1. Where a passenger misses a connecting flight, in an airport situated in a territory of a Member State to which the Treaty applies, as a result of a delay to a feeder flight, the air carrier operating that feeder flight shall offer the passenger assistance in accordance with Article 8, and care in accordance with Article 9.
- ~~2. Where a passenger misses a connecting flight, in an airport situated in a territory of a Member State to which the Treaty applies, as a result of a delay to a feeder flight, the passenger shall have a right to receive compensation by the air carrier operating that feeder flight in accordance with Article 6 (4), unless the originally scheduled transfer time at the transfer point was less than 90 minutes.~~
- ~~3. Paragraph 2 shall be without prejudice to any indemnity arrangements made between affected air carriers.~~

## Article 7

### Right to compensation

1. Where reference is made to this Article, the following compensation amounts shall apply:
  - (a) EUR 250 for:
    - (i) all flights of 1500 kilometres or less; and
    - (ii) intra-Community flights between 1500 - 3500 kilometres;
  - (b) EUR 400 for:
    - (i) all intra-Community flights of more than 3500 kilometres, and
    - (ii) flights to/from third countries between 1500 and 3500 kilometres;
  - (c) EUR 600 for flights to/from third countries of 3500 kilometres or more.

In determining the distance, the basis shall be the final destination.