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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 Austria on the above mentioned document.

## AT proposal

### Revision of EU regulation 261/04

#### **Article 3 para. 6**

AT proposes to change the paragraph to „*This regulation shall also apply to passengers transported according to package travel contracts, irrespective of potential claims resulting from rights under Directive (EU) 2015/2302*“.

Justification: For clarification purposes. A provision regarding overcompensation can already be found in Article 12 para. 1.

#### **Article 5 para. 5, first subpara.**

AT proposes to delete the subsentence „*or the passenger has taken the rescheduled flight*“.

Justification: The situation is almost identical to that of a delay/cancellation, where taking a rescheduled flight in itself does not prevent compensation.

#### **Article 5 para. 5, second subpara.**

AT proposes to add the sentence „*In such cases the operating air carrier is obliged to transport passengers to the airport of destination by other available modes of transport*“.

Justification: To prevent passengers from being stranded on an airport other than the airport of destination, onward transportation of the passengers to the airport of destination must be guaranteed.

#### **Article 6-2a para. 1 – Tarmac delay**

AT proposes to add the following sentence: „*The operating air carrier shall inform the passengers as soon as possible about the reason and the estimated duration of the tarmac delay*“.

Justification: A similar provision already exists regarding cancellations and regular delays (Art. 14 para. 5).

**Article 6a para. 2**

AT proposes to delete the word „*unless*“.

Justification: The word seems to be left over by mistake.

**Article 8 para. 1 lit. b**

AT proposes to change the term „*destination*“ to „*final destination*“.

Justification: This is the wording otherwise used throughout the regulation.

