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#### **WORKING DOCUMENT**

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

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| N° prev. doc.: | ST 6102/1/25 REV 1 |
| N° Cion doc.:  | ST 7615 2013 INIT  |

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| Subject: | Proposal for a regulation 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<br>- Comments from Portugal on the compromise proposed by the Polish Presidency |
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Delegations will find, in annex, comments from **Portugal** on the compromise proposed by the Polish Presidency.

## Portuguese Delegation

### General Comments on document ST 6102/1/25 REV 1

The Portuguese Delegation wishes to thank the Polish Presidency and the Secretariat for the revised document with proposals for the “less contentious issues”.

As for the previous document, we maintain our scrutiny reserve.

We would like, nevertheless, to kindly ask the Presidency/Secretariat if it is possible to produce a **new working document that merges the proposals in both 6102 and 6102/REV 1**, with track changes, since in this last REV 1 there is no possibility of getting track of the changes proposed and still to be agreed.

As preliminary comments, and as stated previously, we consider that **intermediaries should not be included in Regulation 261/2004**.

If the purpose of this inclusion is related to the CPC (Reg. 2017/2394 on consumer protection) action on airlines' cancellation and reimbursement practices in the context of the COVID-19 pandemic, we believe it is best to only address the commitments made by the airlines targeted by the action.

As such, rather than including a separate article we propose adding a new number (4) to article 8, with the wording: Passengers who booked their flight through an intermediary and have difficulties getting reimbursement from the intermediary can contact the air carrier and request to be refunded directly. Air carriers are expected to inform passengers about this possibility and any conditions for requesting a direct refund on their websites.

Nevertheless, we are open to assessing other suggestions, as long as intermediaries do not play such an active role in the relation between the air carrier and the passengers.