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#### **WORKING DOCUMENT**

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From:	General Secretariat of the Council
To:	Working Party on Aviation
N° prev. doc.:	WK 9/25
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 Croatia on the Presidency non-paper (questions 1 to 5)

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Delegations will find, in Annex, comments from **Croatia** on questions 1 to 5 of the Presidency non-paper.

**1. Please indicate whether there is room for improvement in the care and assistance provisions as proposed by the Commission in 2013 and complemented by the Council General Approaches on the 2023 proposals?**

We believe there is room for improvement in the care and assistance provisions.

Article 9 para 1 (a) and (b) prescribes that the passenger shall be offered meals and refreshment in a reasonable relation to the waiting time, accommodation and a transport to the accommodation/place of residence.

It has been noticed by the NEB's, that when the right to care is in question, there are various examples of different airline practices, which presents a problem to NEB's as well as to carriers who are not certain whether they are handling passenger's complaints according to the relevant Regulation. Every airline company decides by themselves what type of assistance and care they will provide to passengers. Therefore, it is necessary to establish a unique standard, which would be a minimum of what the carriers are obliged to provide to the passengers (they can always provide more, but the minimum must be provided).

For example, the monetary amount which the passengers should receive for meals/refreshment should be determined in relation to the waiting time and airport where incident took place considering the price differences at airports. As a rule, vouchers are a better idea than to distribute food since there are a lot of passengers who have different allergies or food preferences due to religion/health etc. For example, has the carrier fulfilled its obligations if it offered a sandwich to a person who is gluten intolerant?

Regarding accommodation, it is our view that carriers should always organize accommodation for passengers to minimize stress for passengers who need to spend one or more nights stranded, not to leave them to organize it themselves.

It is our view that the most important thing is that passengers receive the right to care at the moment when the disruption occurs, and not subsequently in the form of a payment based on an invoice that they later submitted, since assistance is required immediately, at the spot.

Article 9, paragraph 2 mentions telefax and telex - this could be replaced by providing free internet for the entire time the passenger is at the airport (sometimes wi-fi is limited to an hour or 2).

The limitation of 100 € per night is too low, the limitation, if any, should be in accordance with market prices of available accommodation.

**2. Given the increasing digitalization of the aviation sector, does your delegation consider that some improvements could be made in the automation of care and assistance (for instance through automated vouchers) or of compensation and claim handling beyond the improvements brought by the 2023 proposals?**

We are open to the modernization of procedures as regards informing passengers as well as modernization and digitalization of complaint handling procedures, but this must not have an impact on lowering the quality of passenger rights. In other words, modernization and digitalization should not additionally complicate the processes, making it even more difficult to submit complaints.

We consider that improvements could be made in the automation of care and assistance, for example-automated vouchers for the right to care at airports, messages about accommodation along with directions

on how to find it... Digitalization should be used in a way to help passengers to not stay stranded in foreign country with no help from carriers regarding right to care and rerouting.

- 3. Please indicate whether there are some concepts (e.g. transport contract) or mechanisms agreed in the General Approach on the multimodal journeys proposal that should be considered in the context of the work on the 2013 proposal.**

So far, we don't have any comments regarding this question.

- 4. Does your delegation see any gaps in the 2013 Commission proposal that have not been addressed by the 2023 Commission proposals or other Commission proposals (e.g. proposal to amend the Package Travel Directive)?**

In general, neither the 2013 Commission proposal nor the 2023 Commission proposal foresee or prescribe the responsibility of the intermediaries, which are present at almost all stages of passenger journey (from booking until the refund, information providing etc.)

Furthermore, when we are talking about food and beverages in the context of the right to care, it is our opinion that they need to be better regulated to be clearer for passengers, as well as for carriers. (please see answer 1)

- 5. Most of the rights of PRM when travelling by air are in Regulation (EC) 1107/2006. The 2013 air passenger rights proposal so far did not amend Regulation (EC) 1107/2006. On the other hand, the Omnibus proposal aims to amend Regulation (EC) 1107/2006. Considering the General approaches on the 2023 proposals, how could the rights of persons with disabilities and persons with reduced mobility be further improved?**

We propose to amend the definition of assistance dogs. Namely, carriers and airports reported that some passengers submit various suspicious certificates for dogs being assistance dogs, bought online, in order to avoid paying for PETC (pets in cabin). Since it is very unclear which documents are acceptable proof, it is our view that it should be unified within EU/for EU operators. Additionally, we are of the view that there should be prescribed the liability of carriers for the loss of medical equipment since that equipment is very expensive and passengers need it as soon as possible.