



Council of the European Union
General Secretariat

Brussels, 17 January 2025

**Interinstitutional files:
2013/0072 (COD)**

WK 318/2025 ADD 6

LIMITE

**AVIATION
CONSUM
CODEC**

This is a paper intended for a specific community of recipients. Handling and further distribution are under the sole responsibility of community members.

WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Working Party on Aviation
N° prev. doc.:	WK 9/25
N° Cion doc.:	7615 2013 INIT
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 Hungary on the Presidency non-paper (questions 1 to 5)

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

Comments from Hungary

on the 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

Aviation working party – 10.01.2025 (WK 9/2025 INIT; WK 10/2025)

We would like to thank the Presidency for including the discussion on the air passenger rights regulation on its agenda. Hungary supports the creation of a clear regulation that can be easily and effectively interpreted and implemented. We welcome the Presidency's intention to provide an opportunity to reflect on the less contentious issues also. We believe that the complexity of the Regulation, the time elapsed since the last discussions and the shared aim of the Member States to adopt a clear and simple framework, which creates the right balance between the high level of protection of passengers and the resulting costs on carriers, necessitates the comprehensive examination of the entire Regulation.

As a preliminary comment we would like to note that we need more time to answer some of the questions, not least because we wish to engage with the relevant stakeholders. We maintain a full scrutiny reservation on the text and would like to ask the Presidency to provide ample time for in-depth analysis.

Hungary would like to highlight some general remarks:

Question 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?

Article 9 (1)(a): it is important to clarify how **airlines are required to provide meals and accommodation** in cases of delays or cancellations. Some airlines currently do not offer direct assistance but reimburse the incurred costs afterwards.

We propose that airlines should be obliged to directly arrange meals and accommodation unless passengers choose to arrange these themselves within the cost limits set by the airline.

Article 9 (1)(c): in our opinion, the term "place of residence" is not sufficiently clear. Therefore, it would be necessary to introduce a distance limitation to facilitate interpretation.

Article 9 (4):

- At the time of delays or cancellations, when care and assistance shall be provided on the spot, it is often not clear whether extraordinary circumstances caused the irregularity. This can lead to disputes between passengers and airlines. If the airline's representative does not pre-limit the duration and cost of accommodation, but it later turns out that the carrier could have relied on the extraordinary circumstances defence, the airline will not be in a position to reclaim the amounts paid.
- We believe that it may not be practical to specify the maximum cost of accommodation, as any changes in the amount would necessitate the amendment of the Regulation.

- We believe that the requirement of arranging accommodation for passengers beyond the third night in case of extraordinary circumstances is unrealistic and goes beyond the scope of assistance.
- In our view, the three-night limitation should be applied irrespective of the cause of the irregularity. If the delay or cancellation was not due to extraordinary circumstances, the airline is already liable for covering the costs under the Montreal Convention.

Article 9 (5):

We need more time to form our position regarding Article 9 (5).

Article 9 (6):

We need more time to form our position regarding Article 9 (6).

Article 11: we propose the inclusion of families and passengers traveling with small children. The difficulties caused by delays and cancellations are particularly burdensome for small children and families, making it a priority to ensure their adequate protection. In Article 9, on assistance, of the general approach prepared for the Multimodal Passenger Rights Regulation, children were also included. Therefore, the proposed amendment would improve consistency between the texts.

Question 2. - Given the increasing digitalisation 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 propose creating a general, *EU-wide reporting platform*, as airlines often make it unnecessarily difficult for passengers to claim the compensation they are entitled to. The widespread nature of this issue is evidenced by the existence of an entire industry dedicated to taking over compensation claims management for a fee, despite the fact that the ECC network provides this service free of charge. An EU-level unified reporting platform and improved visibility of the ECC network would better protect passenger rights.

We consider the regular review of *compensation amounts* specified in the regulation necessary. Eurostat data could serve as a reference point for such reviews.

We propose mandating the use of a *standardized informational template* containing general information, to be digitally provided to passengers at the time of booking. The template would be annexed to the regulation, with uniform content. The minimum information obligation would cover passenger rights (compensation, care and assistance), complaint handling procedures, and the definition of extraordinary circumstances. While the informational brochures distributed by the ECC network are highly useful, mandatory information provision would more effectively support awareness-raising.

Regarding the right to care specified in **Article 9**, we propose defining a *minimum service level that airlines* must provide to passengers.

On **Article 14**, we propose requiring *regular (e.g., hourly) updates* for passengers who are waiting in cases of delays exceeding three hours. This information should not only be provided orally but also electronically, such as via SMS or email.

We also support any potential consumer protection-oriented proposals for digital services that make communication between passengers and airlines more efficient and simplify the use of services provided by airlines, provided these digital services include adequate guarantees for traceability and subsequent follow-up.

Question 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.

We need more time to examine this question in order to be able to form our position.

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)?

We need more time to examine this question in order to be able to form our position.