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CONTRIBUTION

From:	General Secretariat of the Council
To:	Working Party on Aviation
N° prev. doc.:	ST 6102 2025 REV2 ADD1
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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 - Comments from Slovakia on the compromise proposed by the Polish Presidency

Delegations will find, in annex, further comments from Slovakia on the compromise proposed by the Polish Presidency.

SK comments on the 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 – document ST 6102 2025 REV2 ADD1

Slovakia has a general scrutiny reservation on the entire proposal.

Article 6a, Annex 2: MOBILITY EQUIPMENT DESTRUCTION, LOSS, DAMAGE OR DELAY

We propose to amend Article 6a to ensure that, in the case of destruction, loss, damage, or delay of mobility equipment, the air carrier shall be required to pay the actual cost of replacement of the equipment, regardless of the sum declared by the passenger. Given the specificity of mobility equipment, the passenger can only estimate the replacement cost of the equipment, as these devices are often customized to individual needs and it is not possible to determine an exact value without professional assessment. A passenger should not be financially disadvantaged simply because they underestimated the declared sum at the time of making the special declaration.

Specifically, Article 6a should be supplemented with a provision that clearly states that if a passenger declares an amount lower than the actual cost of replacement, the air carrier is required to compensate the full actual cost to ensure fair compensation in line with the passenger's needs.