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WORKING DOCUMENT

From: To:	General Secretariat of the Council Working Party on Aviation
N° Cion doc.:	ST 7615 2013 INIT
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 - Presentation from the Commission

Following the Working Party on Aviation on 12 March 2026, delegations will find, in annex, the presentation from the Commission of the non-paper on available data on the above-mentioned subject.

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Air Passenger Rights: Presentation of the non-paper on available data

Working Party on Aviation

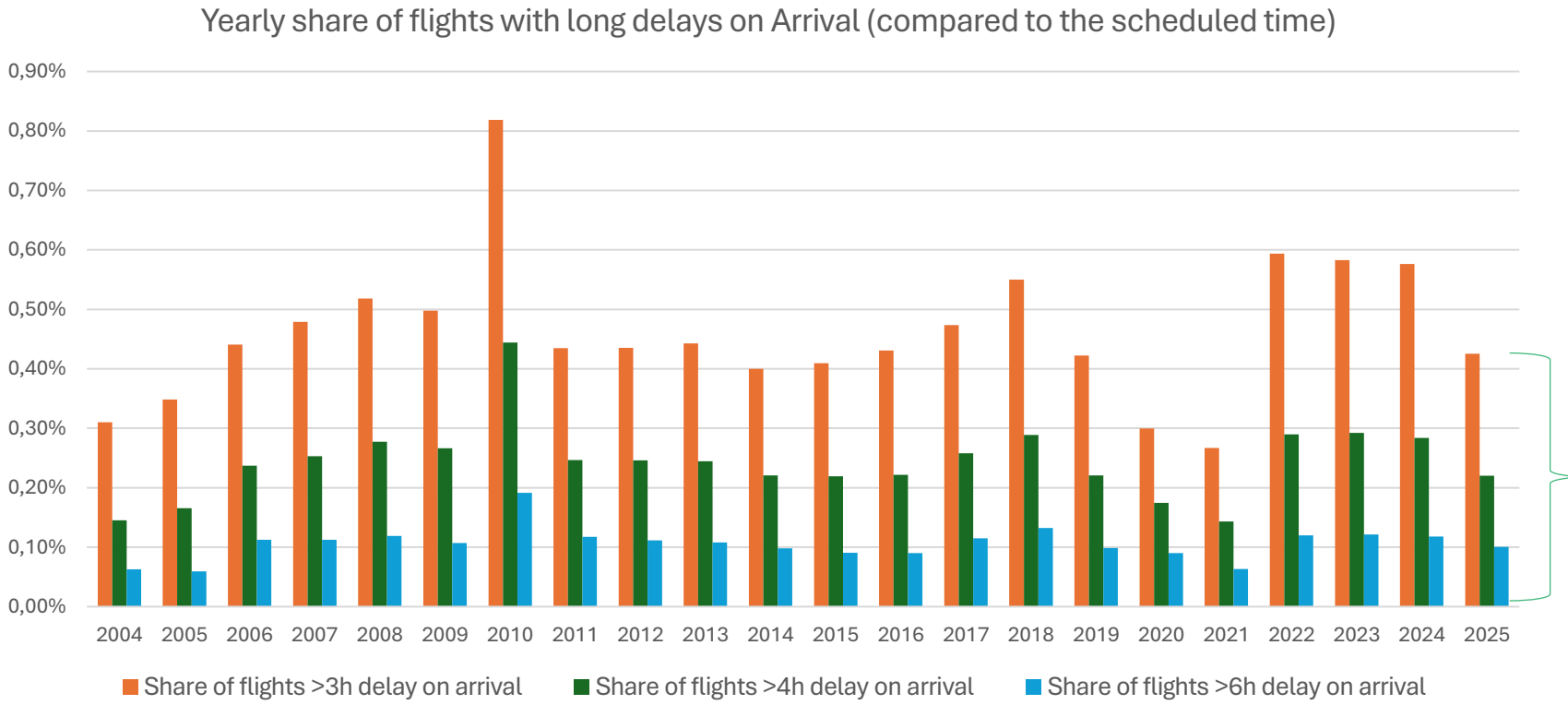
12 March 2026

European Commission

1. Data on thresholds

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- Increasing the thresholds **from 3h to 4h** would entail a **reduction of compensation costs for long delays by 50%** for airlines, but also reduce the cases in which passengers can receive compensation **by 50%.**



Historically, the number of flights delayed **by 4 hours** is around 50% lower than the flights **delayed by 3 hours**

Source: Eurocontrol CODA data.

2. Data on pre-filled forms and projections

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- The **reduction in delay compensation costs** for airlines caused by an extension of the threshold might be balanced out by the introduction of **pre-filled forms**, which would likely increase the claim rate.
- The claim rate for compensation was estimated to be **38% in 2018**.[1] The Commission has made calculations estimating the maximum potential impacts of introducing pre-filled forms with a **100%** potential claim rate and a **100% compliance** by airlines.
- In reality, the claim and compliance rates will rather be **around 90%**.
- The projections made can be found on the following slide.

[1] *Study on the current level of protection of air passenger rights in the EU, 2020. p. 221, point 9.18.*

2. Data on pre-filled forms and projections

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A. Current costs of the Regulation (**current thresholds, no pre-filled forms – 38% claim rate, 85% compliance**)

- Cost per passenger in **2019**: **€4.4** (currently €5, according to airline industry associations) [2]
- Potential costs per passenger of **€6.1** in 2030, **€6.3** in 2040, **€6.6** in 2050. [3]

B. Potential costs under the **current thresholds if pre-filled forms are introduced (100% claim rate, 100% compliance)**

- Potential costs per passenger of **€8.71** in 2030, **€9.03** in 2040, and **€9.47** in 2050.[4]

C. Potential costs if thresholds are increased to **4 hours, without pre-filled forms**

- The **cost of compensation awarded for delays** will be **reduced by half**, as **50% less passengers** would be covered by the Regulation.

D. Potential costs if thresholds are increased to **4 hours, with pre-filled forms**

- The costs related to **compensation for delays** will likely remain **the same**, but costs of **compensation for cancellations** will likely **increase.**

[2] *Study on the current level of protection of air passenger rights in the EU, 2020, p. 31. Also: IATA, A4E and ERA, position paper on the Revision of Regulation 261/2004, p. 1.*
[3] *Calculations shared with the Commission by the contractor of the 2023 Impact Assessment study.*
[4] *EUR-Lex - 52023SC0386 2023 Impact Assessment, table 40, Annex 4, p. 31. This analysis was done considering a 100% claim rate and 100% compliance from airlines – as confirmed to the Commission by the contractor.*

3. Extraordinary circumstances

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AVERAGE OCURRENCE OF EACH DELAY/CANCELLATION CAUSE (2023-2025)	DELAYS	OPERATIONAL CANCELLATIONS
Technical issues	**3.39%** [IATA Delay codes 41, 42, 43, 44, 45, 46, 47, and 58]	**8.39%** [IATA SSIM code 'TECH']
Crew shortage (including sickness/death)	**0.52%** [IATA Delay codes 64 and 67]	**2.37%** [IATA SSIM code 'CREW']
Industrial action within own airline	**0.01%** [IATA Delay code 97]	**8.53%** (data for all industrial actions, not only within own airline) [IATA SSIM code 'INDU']

Source: Eurocontrol CODA

- It must be noted that the high rate of '**unknown-cause cancellations**' in the data provided by Eurocontrol (**19.1%** in 2025) could entail a high margin of error in the results shown above. In the 2020 study, it was calculated that, according to the information provided by airlines, between **10% and 25% of cancellations were due to crew shortages** and **30% to 50% were due to technical issues.** [5]
- In the Eurocontrol database, '**unknown**' was the cause of **2.04%** of the delayed flights.

[5] *Study on the current level of protection of air passenger rights in the EU, 2020, p. 15.*

4. Other data

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- The non-paper also includes information on the net-profit margin of airlines, including the **net-profit margin per passenger.**

Table 8: Regional financial performance

Global airline industry	2019	2020	2021	2022	2023	2024	2025E	2026F
EUROPE								
EBIT, USD billion	**10.0**	**-25.4**	**-11.2**	**7.6**	**16.1**	**15.8**	**18.7**	**19.9**
EBIT margin	4.8%	-31.2%	-10.4%	3.9%	6.8%	6.2%	6.8%	6.9%
Net profit, USD billion	**6.1**	**-34.2**	**-12.5**	**5.2**	**11.5**	**8.9**	**13.2**	**14.0**
Net profit margin	2.9%	-42.0%	-11.6%	2.7%	4.9%	3.5%	4.8%	4.9%
Per passenger, USD	**5.1**	**-88.5**	**-24.1**	**5.5**	**10.3**	**7.4**	**10.6**	**10.9**
RPK growth, %	**4.2%**	**-69.5%**	**27.5%**	**103.9%**	**20.3%**	**8.7%**	**5.0%**	**3.8%**
ASK growth, %	**3.5%**	**-62.3%**	**29.8%**	**69.6%**	**16.0%**	**8.1%**	**5.1%**	**3.8%**
Load factor, % ASK	**85.2%**	**68.8%**	**67.6%**	**81.3%**	**84.3%**	**84.8%**	**84.7%**	**84.7%**
Load factor, % ATK	**74.0%**	**64.4%**	**65.7%**	**74.3%**	**76.0%**	**76.8%**	**76.9%**	**77.0%**

Source: IATA, 2025 p. 33.

Thank you

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