



Council of the European Union
General Secretariat

Brussels, 10 April 2025

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

WK 4470/2025 ADD 7

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.

CONTRIBUTION

From:	General Secretariat of the Council
To:	Working Party on Aviation
N° prev. doc.:	ST 6102/2/2025 REV2
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 - Comments from Slovakia on the compromise proposed by the Polish Presidency

Delegations will find, in annex, 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 6102/2/25 REV2

Slovakia has a general scrutiny reservation on the entire proposal.

Art. 3 (1), 3 (1a) and 3 (1b)

Slovakia supports amendments to Regulation (EC) No 261/2004 aimed at strengthening air passenger rights, while taking into account the efficiency of enforcement mechanisms and practical enforceability of the rules. In this regard, we find the **second option** to be acceptable, as it offers a clearer and more effective mechanism for protecting passengers and minimizes application-related challenges.

However, we are still examining the issues addressed by the Presidency as well as the arguments provided by the CLS to ensure that any regulatory changes effectively balance consumer protection and regulatory clarity.

Art. 4 (5)

We express concerns regarding the wording of Article 4 (5), particularly with the term “spelling mistake”. It is unclear whether a single typographical error in a passenger’s name would be covered or whether broader name changes, such as those due to marriage or other legal reasons, could also fall within this scope. For instance, if a passenger books a ticket under their maiden name but subsequently marries and legally changes their surname before departure, it is evident that this is not merely a spelling mistake. In our view, the absence of a definition raises concerns about how many corrections can still be considered a "spelling mistake" and at what point they would be treated as a full name change, which airlines may not be obliged to accommodate without additional charges.

Slovakia therefore recommends that the proposal clarify in its recitals the scope of permissible name corrections and specify whether the provision is intended to cover minor typographical errors only or also legal name changes occurring after the ticket purchase.

Art. 5 (2), 6 (3)

The term “flights in the rotation sequence” broadens the scope for invoking extraordinary circumstances, risking misuse and weakening passenger rights. It allows carriers to justify cancellations based on earlier flights, even when their impact is no longer direct. The lack of a clear limit creates uncertainty, especially for short-haul flights with multiple rotations. CJEU case law suggests a maximum of three rotations (C-826/19) or only the preceding flight (C- 74/19). To ensure clarity and consistency, we propose deleting “or flights” in paragraph 2, limiting extraordinary circumstances to the affected or immediately preceding flight.

A similar concern applies to Article 6 (3), where the reference to flights in the rotation sequence could unduly expand the possibility for air carriers to invoke extraordinary circumstances, potentially depriving passengers of their right to compensation in cases of long delays.

Art. 6-2a (3)

We support the inclusion of the new paragraph 3 in the proposal. Ensuring that passengers who are disembarked in accordance with paragraph 2 receive assistance under Article 9 (1), while considering the tarmac delay, is an important protection for passenger rights. This addition helps provide clarity and guarantees that affected passengers are not left without necessary support.

Art. 7 (1), 7 (1a)

Slovakia acknowledges the intention behind the proposed amendments to Article 7, which aim to simplify and clarify compensation rules. The proposed reduction in the number of compensation categories could potentially streamline the process for passengers and carriers, making the application of compensation rules more straightforward.

However, we are concerned about the reduction of passenger rights under the proposed amendments. We are of the view that increased delay thresholds and reduced compensation amounts for long-haul flights weaken consumer protection and contradict established case law. Setting the compensation eligibility threshold at five hours would mean that a large number of passengers who are currently entitled to compensation after a 3-hour delay would lose this entitlement.

Slovakia therefore opposes the proposed amendments in their current form and recommends maintaining the three-hour compensation threshold for delays while ensuring fair compensation for disrupted flights.

Art. 9 (1)

We understand the intention behind the last sentence of Article 9 (1); however, it creates room for air carriers to justify withholding assistance by claiming it would extend the waiting time for departure. Clear measures should be introduced to ensure that assistance is only declined in genuinely exceptional cases and not used as a justification to avoid obligations.

Art. 10 (2)

We believe that compensation in the event of a downgrade should be based on the full cost of the ticket rather than just the flight price. When a passenger is downgraded, they are forced to travel in a lower class than expected, experiencing reduced comfort, different service standards, and potentially less favorable conditions. Since the passenger originally paid for a higher level of service, their compensation should reflect the total amount spent on the ticket, including applicable taxes and charges. Excluding these elements from the reimbursement calculation unfairly reduces the compensation amount and does not adequately reflect the inconvenience experienced by the passenger.

We do not agree with the new compensation limits introduced in paragraph 2. The previous structure, which included a 30% compensation for flights under 1500 kilometres and a 50% compensation for flights between 1500 and 3500 kilometres, provided a more proportionate and fair approach to address the impact of downgrading. We believe the previous compensation thresholds should be maintained to ensure better protection of passenger rights.

Art. 14 (2) (e)

We support Spain's position on this matter. We are against the application of this additional fee for not having taken the outward flight. Such a fee could unfairly penalize passengers and create unnecessary challenges for them in managing their travel plans. We believe it is important to avoid imposing fees that could be burdensome or unreasonable for passengers.

Art. 16a

We agree with Germany and other delegations on the deletion of Article 16a. This article adds no value and, on the contrary, raises questions about its relationship with Directive 2013/11/EU on ADR.

We do not support a special ADR regime for these types of disputes.