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**Interinstitutional files:  
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**WK 551/2025 ADD 2**

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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.:  | 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<br>– Comments from Spain on the Presidency non-paper (questions 6 to 10) |

Delegations will find, in Annex, comments from **Spain** on questions 6 to 10 of the Presidency non-paper.

**Spanish Position on the no-paper WK9/2025 by the PL PCY regarding the Regulation on Air Passenger Rights – Questions 6 - 10**

6. Does your delegation support the delay and time thresholds included in the 2013 proposal?

Spain does not agree with the proposed thresholds. In general, the proposed thresholds are considered too high, especially for flights up to 1,500 km, where the delay threshold would increase from 3 hours to 5 hours. For flights up to 1,500 km, Spain would prefer to keep the current threshold of 3 hours. However, Spain supports the idea of differentiated thresholds for delays, as this approach is seen as more realistic. Spain finds the European Parliament's first reading position, which suggests thresholds of 3 hours, 5 hours, and 7 hours respectively, to be more appropriate. The proposed thresholds of 5 hours, 9 hours, and 12 hours are deemed excessively high and would, in practice, restrict current passenger rights.

7. Does your delegation support the distances included in the 2013 proposal?

Spain does not have any issues with the distance proposed, as they are the same as those currently in force.

8. Does your delegation see some merit in adding a new threshold, as proposed at the time by the Latvian Presidency?

Spain does not see the need to introduce additional thresholds, as the preference is for the European Parliament's proposal. While Spain acknowledges the advantages of the Latvian Presidency's proposal—particularly its better treatment of short-haul flight delays—it is not our preferred option. If the European Parliament's proposal does not finally succeed, Spain may consider supporting the Latvian proposal.

9. Can your delegation agree with the way forward proposed by the HR Presidency in 2020?

Spain agrees with aligning compensation for flight cancellations with compensation for long delays, so that the same compensation applies in both cases.

10. Does your delegation consider there could be an objective justification for a potential difference in treatment between passengers who are delayed for the same length of time?

No, we do not believe that there are objective reasons in relation to the delay that could justify differences in treatment.