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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 the Czech Republic on the Presidency non-paper (questions 6 to 10)

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

Proposal amending Regulation (EC) No 261/2004

Replies of the Czech Republic to the questions 6 - 10 (WK 9/2025)

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

CZ has been consistently supporting the time thresholds proposed in the 2013 Commission draft. We believe that the aim of the regulation should be firstly to ensure adequate care and assistance and to get the passenger to its final destination as quickly as possible. Compensations are a secondary matter. Therefore, our idea of balanced approach is to increase the level of care and assistance when the flight is delayed (after 2 hours), and to shift the threshold for compensations (to 5 hours). This would give airlines greater flexibility, more time to resolve the problem, arrange another aircraft, re-routing, etc. At the same time, we prefer other passenger rights in the text to be strengthened and clearly specified (missed connecting flights, PRM, tarmac delay, etc.). Then, we do not consider the 5-hour threshold to be worsening of the passenger rights. In addition, there were no compensations for delays in the original Regulation 261/2004. These were inappropriately added by the court in its decision.

In our opinion, the approach of maintaining the status quo while strengthening and supplementing other passenger rights is not balanced. The competitiveness of EU airlines must be taken into account.

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

CZ supports the 2013 Commission proposal as regards the distances. We think the better solution is to have the same thresholds for all intra-EU and extra-EU journeys:

- a) 3500 kilometres or less.
- b) 3500 - 6000 kilometres.
- c) 6000 kilometres or more.

We are open to discussion on this issue to find the most appropriate solution as part of the whole package.

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

No, or at least not for now.

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

The HR PRES reduced the distance thresholds for compensation payments (12 hours for flights over 3,500 km or longer). We believe the highest compensation amount should apply to flights over 6,000 km with a 12-hour delay, as this fully addresses the challenges of long-haul delays.

CZ agree with the HR PRES proposal to align the conditions and the thresholds between flight cancellations and long delays. This would help passengers better understand their rights and ensure fair treatment by airlines. However, we are ready, if necessary, to discuss any adjustments that arise from the natural differences between the two situations.

Air transport is a (tough) business, and airlines often tend to cancel one flight than to operate a series of delayed flights to save costs. This is especially valid for short flights. That is one of the reasons why we want the minimum time limit of 5 hours for possible compensations.

To reduce cancellations, it's better to have simple, consistent rules for compensation that balance passenger rights with airlines' business needs.

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

As mentioned in the previous answer, we can see slight differences between long delays and cancellations. However, for the sake of simplicity and taking into account current practice and the CJEU rulings, we believe it would be more appropriate and practical to maintain the same treatment for both situations.