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**WORKING DOCUMENT**

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| From: | General Secretariat of the Council |
| To: | Working Party on Aviation |
| N° Cion doc.: | ST 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>– Presidency non-paper |

In view of the Working Party on Aviation on 7 May 2026, delegations will find, in annex, a Presidency non-paper on the issue of personal item and hand baggage.

**Air Passenger Rights – Presidency non-paper on personal item & hand baggage**

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## 1. Personal item

*Rows 119a, 317, 358*

Under the Council's 1st reading, air carriers must permit passengers to carry a personal item in the cabin at no extra cost. The Council has defined personal item as unchecked baggage either having maximum dimensions of 40 x 30 x 15 cm or that fits under the seat in front of the passenger.

In its 2nd reading, the EP adopts a similar approach to the Council on the issue of personal item but does not agree with the Council's view that this constitutes a necessary aspect of the carriage of passengers. It is the Presidency's understanding that this element is an important part of the definition as it is in line with case law[1] and should therefore be maintained.

## 2. Hand baggage

*Rows 60, 119b, 254b-g, 318, 358*

*Council's 1st reading*

The Council's 1st reading does not include any fixed maximum dimensions for hand baggage and only proposes that the air carrier must allow the passenger to carry a piece of hand baggage in the cabin provided it complies with security and safety requirements, without specifying any element of pricing.

The Council's position also proposes to examine the feasibility of uniform minimal rules for hand baggage in the upcoming revision of Regulation (EC) 1008/2008 on common rules for the operation of air services in the Community (Air Services Regulation).

*EP's 2nd reading*

On the other hand, the EP's second reading foresees that passengers should always have the right to carry on board one piece of hand baggage, as part of the basic air fare, provided the maximum dimensions are of 100 cm (sum of length, width, and height) and with a maximum weight of 7 kgs.

In the EP's position, the carrier may refuse to allow the hand baggage on board only on grounds of security connected with the weight or size of the hand baggage in relation to the characteristics of the aircraft.

## 3. State of play and way forward

So far, the European Parliament has remained firm on its position of hand baggage and insists, in particular, on hand baggage forming part of the basic air fare. It is the Presidency's understanding that the pricing element of hand baggage would be better placed in the upcoming revision of the Air Services Regulation which deals with the pricing freedom of air carriers, and where an impact assessment is being carried out. This point has been raised with the EP on several occasions, and this view is also shared by the Commission. **The Presidency therefore suggests maintaining the**

[1] Judgment of the Court (Fifth Chamber) of 18 September 2014, Vueling Airlines SA v Instituto Galego de Consumo de la Xunta de Galicia, Case C-487/12, ECLI:EU:C:2014:2232.

**Council's position on not regulating the pricing of hand baggage and therefore not showing flexibility on this point.**

On the standardisation of the size of hand baggage, the EP does not specify dimensions for length, width and height but only sets a maximum dimension of 100cm as the sum of all three. The Presidency considers that such dimension does not reflect passengers' expectation nor current air carriers' policies

The Presidency also recalls the previous compromise considered before the adoption of the Council's first reading (ST 7503/25 ADD 2 REV 3), where it was envisaged to standardise the size of the hand baggage, whilst leaving unaffected the issue of its pricing.

**Q1a: Would delegations be open to including a standardisation of the size of hand baggage in this Regulation, whilst leaving the issue of pricing for the revision of the Air Services Regulation (Reg. 1008/2008)?**

**Q1b: If the answer is yes, would delegations support a standardisation whereby the total sum of the baggage height, width and depth of at least 115cm and with weight of at least 10kg?**

In such case air carriers would define baggage allowance policies which would be compliant to those two requirements. They would remain free to allow heavier and/or larger hand baggage. They would also define the specific maximum size of each of the three dimensions (height, width, and depth), provided their sum is at least 115cm.

**Q2: Alternatively, would delegations be flexible on not regulating <u>neither</u> the standardisation measures <u>nor</u> the pricing elements of personal items and hand baggage in these negotiations and tackling these elements under the revision of the Air Services Regulation (Reg. 1008/2008) instead?**

Additionally, the EP has remained firm on the issue of National Enforcement Body's (NEB) oversight of Regulation 2027/97. The Presidency assesses such request is interlinked with the issue of the potential regulation of personal items and hand baggage.

The Commission expressed at the trilogue on 20 April 2026 that, if we were to regulate either the personal items or the hand baggage or both in Regulation 2027/97, the NEB should also monitor the application of Regulation 2027/97.

**Q3: Would delegations remain firm on not extending the oversight obligations of the National Enforcement Bodies responsible for Regulation 261/2004 to Regulation 2027/97?**

**Q4: If the answer is yes, would delegations be open to regulate the dimensions and/or pricing of personal items and of hand baggage in Regulation 261/2004?**

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