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**WK 898/2025 ADD 3**

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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 Spain on the Presidency non-paper (questions 11 to 14)

Delegations will find, in Annex, comments from **Spain** on questions 11 to 14 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 11 – 14**

**11. Does your delegation consider the levels of compensation proposed under the HR Presidency as appropriate?**

No. Spain supports maintaining the current compensation levels and distance as they are.

**12. Does your delegation consider that a reduced compensation for flights up to 1500 km if the delay is between 3 and 5 hours is appropriate?**

No. Spain prefers to keep the current compensation thresholds and criteria without a reduced compensation.

**13. Besides the distance or the delay, does your delegation consider it would be appropriate to establish the compensation in relation to the full price of the ticket like this is the case in other transport modes (e.g., rail)?**

No. Spain does not support linking compensation to the ticket price. This position is based on two main arguments: from a legal perspective, compensation is intended to address objectively the harm caused by the delay regardless of the price paid for their ticket; from an operational perspective, linking compensation to the ticket price would significantly complicate the management and oversight of compensation amounts.

Consequently, Spain favours a fixed compensation framework for delays.

**14. Does your delegation consider it would be appropriate to build into the Regulation a mechanism for updating the compensation amounts in line with inflation?**

Spain considers it necessary to establish a mechanism for periodic updates to compensation levels. However, this mechanism should not be exclusively and automatically tied to inflation. Instead, it should include several criteria to evaluate the need for adjustments. Regarding the specific procedure, Spain remains open to exploring the best approach within secondary legislation, in line with the aforementioned criteria.