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Committee on Transport and Tourism

2013/0072(COD)

9.10.2013

AMENDMENTS

107 - 374

Draft report
Georges Bach
(PE510.868v02-00)

on the 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

Proposal for a regulation
(COM(2013)0130 – C7-0066/2013 – 2013/0072(COD))

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PE519.451v01-00

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United in diversity

EN

Amendment 107

Dieter-Lebrecht Koch, Markus Ferber, Michael Gahler

Proposal for a regulation

Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) It should be stressed in addition that, as well as rights, passengers have responsibilities and that, by fulfilling them, they can help ensure that everything will pass off safely and smoothly for themselves and other travellers before, during, and after the journey.

Or. de

Amendment 108

Keith Taylor, Eva Lichtenberger, Michael Cramer

Proposal for a regulation

Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) Air transport services are services, prepaid by the passenger, and directly or indirectly subsidised by the tax-payer. Flight tickets should therefore be considered as "result contracts", where the airlines guarantee to fulfil the obligations of the contract with the utmost care.

Or. en

Amendment 109

Knut Fleckenstein, Jörg Leichtfried, Ismail Ertug

Proposal for a regulation
Recital 3

Text proposed by the Commission

(3) In order to increase legal certainty for air carriers and passengers, a more precise definition of the concept of “extraordinary circumstances” is needed, which takes into account the judgement of the European Court of Justice in the case C-549/07 (Wallentin-Hermann). Such a definition should be further clarified via a **non-exhaustive** list of circumstances that are clearly identified as extraordinary or not.

Amendment

(3) In order to increase legal certainty for air carriers and passengers, a more precise definition of the concept of “extraordinary circumstances” is needed, which takes into account the judgement of the European Court of Justice in the case C-549/07 (Wallentin-Hermann). Such a definition should be further clarified via a **final** list of circumstances that are clearly identified as extraordinary or not.

Or. de

Justification

To guarantee legal certainty regarding the definition of extraordinary circumstances, the list should be exhaustive.

Amendment 110
Corien Wortmann-Kool

Proposal for a regulation
Recital 3

Text proposed by the Commission

(3) In order to increase legal certainty for air carriers and passengers, a more precise definition of the concept of ‘extraordinary circumstances’ is needed, which takes into account the judgement of the European Court of Justice in the case C-549/07 (Wallentin-Hermann). Such a definition should be further clarified via a non-exhaustive list of circumstances that are clearly identified as extraordinary or not.

Amendment

(3) In order to increase legal certainty for air carriers and passengers, a more precise definition of the concept of ‘extraordinary circumstances’ is needed, which takes into account the judgement of the European Court of Justice in the case C-549/07 (Wallentin-Hermann). Such a definition should be further clarified via a non-exhaustive list of circumstances that are clearly identified as extraordinary or not. ***The Commission should adopt a non-exhaustive list of extraordinary circumstances by delegated act, taking into account the work of the National***

Amendment 111
Jacqueline Foster

Proposal for a regulation
Recital 4

Text proposed by the Commission

(4) In the case C-173/07 (Emirates), the European Court of Justice held that the concept of ‘flight’ within the meaning of Regulation No 261/2004 must be interpreted as consisting essentially of an air transport operation, as a ‘unit’ of such transport, performed by an air carrier which fixes its itinerary. In order to avoid uncertainty, a clear definition of a ‘flight’ should now be provided, *as well as for the associated notions of ‘connecting flight’ and ‘journey’.*

Amendment

(4) In the case C-173/07 (Emirates), the European Court of Justice held that the concept of ‘flight’ within the meaning of Regulation No 261/2004 must be interpreted as consisting essentially of an air transport operation, as a ‘unit’ of such transport, performed by an air carrier which fixes its itinerary. In order to avoid uncertainty, a clear definition of a ‘flight’ *and "connecting flight"* should now be provided.

Justification

The concept of a 'journey' is no longer required as the term 'flight' can be used throughout.

Amendment 112
Dominique Riquet

Proposal for a regulation
Recital 5

Text proposed by the Commission

(5) In the case C-22/11 (Finnair), the European Court decided that the concept of ‘denied boarding’ must be interpreted as relating not only to cases where

Amendment

deleted

boarding is denied because of overbooking but also to those where boarding is denied on other grounds, such as operational reasons. Given this confirmation, there is no reason to modify the current definition of "denied boarding".

Or. fr

Justification

The concept of 'denied boarding' needs to be modified in order to stop carriers pursuing sales policies that penalise passengers.

Amendment 113
Dominique Riquet

Proposal for a regulation
Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) Booking, payment for and confirmation of a ticket within the meaning of this Regulation shall constitute a commitment binding on both parties (passenger and air carrier).

That being the case, and unless the parties specifically agree otherwise:

- any passenger who does not present him/herself for boarding in keeping with Article 1(2)(a) and (b) of this Regulation shall forfeit the rights attached to his/her ticket for the flight concerned;

- all air carriers are must honour their undertakings (date, time and place) in respect of passenger boarding, except in the extraordinary cases set out in this Regulation.

Or. fr

Justification

This reciprocity is the basis for a balanced commitment from both parties.

Amendment 114 **Dominique Riquet**

Proposal for a regulation **Recital 6**

Text proposed by the Commission

(6) Regulation (EC) No 261/2004 also applies to passengers that have booked their air transport as part of a package travel. However, it should be clarified that passengers may not cumulate corresponding rights, in particular under both this Regulation and Council Directive 90/314/EEC of 13 June 1990 on package travel, package holidays and package tours¹⁷. The passengers should be able to choose under which law they introduce their claims, but should not have the right to cumulate compensation for the same problem under both legal acts. Passengers should not be concerned about how air carriers and tour operators allocate such claims between them.

¹⁷ JO L 158 du 23.6.1990, p. 59.

Amendment

(6) *(Does not affect the English version).*

Or. fr

Justification

Linguistic correction

Amendment 115 **Dieter-Lebrecht Koch**

Proposal for a regulation **Recital 6**

Text proposed by the Commission

(6) Regulation (EC) No 261/2004 **also applies** to passengers that have booked their air transport as part of a package travel. **However, it should be clarified that passengers may not cumulate corresponding rights, in particular under both this Regulation and Council Directive 90/314/EEC of 13 June 1990 on package travel, package holidays and package tours¹. The passengers should be able to choose under which law they introduce their claims, but should not have the right to cumulate compensation for the same problem under both legal acts. Passengers should not be concerned about how air carriers and tour operators allocate such claims between them.**

¹⁷ OJ L 158, 23.6.1990, p. 59.

Amendment

(6) Regulation (EC) No 261/2004 **does not apply** to passengers that have booked their air transport as part of package travel.

¹⁷ OJ L 158, 23.6.1990, p. 59.

Or. de

Amendment 116
Phil Bennion

Proposal for a regulation
Recital 6

Text proposed by the Commission

(6) Regulation (EC) No 261/2004 also applies to passengers that have booked their air transport as part of a package travel. However, it should be clarified that passengers may not cumulate corresponding rights, in particular under both this Regulation and Council Directive 90/314/EEC of 13 June 1990 on package travel, package holidays and package tours¹⁷. The passengers should be able to

¹ OJ L158, 23.6.1990, p.59

Amendment

(6) Regulation (EC) No 261/2004 also applies to passengers that have booked their air transport as part of a package travel. However, it should be clarified that passengers may not cumulate corresponding rights, in particular under both this Regulation and Council Directive 90/314/EEC of 13 June 1990 on package travel, package holidays and package tours¹⁷. The passengers should be able to

choose under which law they introduce their claims, but should not have the right to cumulate compensation for the same problem under both legal acts. Passengers should not be concerned about how air carriers and tour operators allocate such claims between them.

¹⁷ OJ L158, 23.6.1990, p.59

choose under which law they introduce their claims, but should not have the right to cumulate compensation for the same problem under both legal acts. Passengers should not be concerned about how air carriers and tour operators allocate such claims between them, ***and should be given the evidence necessary from air carriers or tour operators to finalise their claims without delay.***

¹⁷ OJ L158, 23.6.1990, p.59

Or. en

Justification

In case the passenger need the evidence of the cancellation of a flight or other travel disruption to finalise its claims, they should be provided with this necessary evidence without delay.

Amendment 117 Jacqueline Foster

Proposal for a regulation Recital 7

Text proposed by the Commission

(7) In order to improve levels of protection, passengers should not be denied boarding on the return journey of a two-way (return) ticket because they have not taken the outward journey.

Amendment

deleted

Or. en

Justification

The key issue is that passengers are clearly informed at the time of booking that the return leg will be null and void if the outward bound is not taken. It is a commercial matter for airlines, in a competitive market, on whether they wish to include such terms and provisions. Also need to avoid distortion of competitive between EU and non-EU carriers.

Amendment 118
Michel Dantin

Proposal for a regulation
Recital 7

Text proposed by the Commission

(7) In order to improve levels of protection, passengers should not be denied boarding on the return journey of a two-way (return) ticket because they have not taken the outward journey.

Amendment

(7) In order to improve levels of protection, passengers should not be denied boarding on the return journey of a two-way (return) ticket because they have not taken the outward journey *when circumstances outside their control, such as an accident, an illness or a death, have prevented them from reaching the airport in time to make the outward journey.*

Or. fr

Amendment 119
Georges Bach

Proposal for a regulation
Recital 7

Text proposed by the Commission

(7) In order to improve levels of protection, passengers *should* not be denied boarding on the return journey of a two-way (return) ticket because they have not taken the outward journey.

Amendment

(7) In order to improve levels of protection, passengers *must* not be denied boarding on the return journey of a two-way (return) ticket because they have not taken the outward journey. *However, the new provision should not apply where the ticket includes more than the outbound and return ticket and passengers have not used the flights in the agreed sequence as shown in the ticket.*

Or. en

Amendment 120
Petra Kammerevert

Proposal for a regulation
Recital 7

Text proposed by the Commission

(7) In order to improve levels of protection, passengers should not be denied boarding on the return journey of a two-way (return) ticket because they have not taken the outward journey.

Amendment

(7) In order to improve levels of protection, passengers should not be denied boarding on the return journey of a two-way (return) ticket because they have not taken the outward journey ***or if they have not used all the flight coupons in the right order.***

Or. de

Amendment 121
Jörg Leichtfried

Proposal for a regulation
Recital 7

Text proposed by the Commission

(7) In order to improve levels of protection, passengers ***should*** not be denied boarding on the return journey of a two-way (return) ticket because they have not taken the outward journey.

Amendment

(7) In order to improve levels of protection, passengers ***may*** not be denied boarding ***on a section of*** the journey of a two-way (return) ticket because they have ***not travelled on every leg of the journey covered by the ticket.***

Or. de

Justification

Largely prohibits the 'no show' policy. If a booked flight consists of several legs, the passenger should be allowed to use up only one or some of them without being punished by forfeiting the rest of the journey or being obliged to pay a high additional charge.

Amendment 122
Saïd El Khadraoui

Proposal for a regulation
Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) In order to improve the level of protection, passengers may not be denied boarding because they failed to travel on the previous leg of the journey by a different mode of transport, such as bus or train, using the same ticket.

Or. nl

Amendment 123
Hubert Pirker

Proposal for a regulation
Recital 8

Text proposed by the Commission

Amendment

(8) At present, passengers are sometimes penalised for spelling errors in their names by the application of punitive administrative fees. ***Reasonable*** corrections of booking errors should be provided free of charge provided they do not imply a change of times, date, itinerary or passenger.

(8) At present, passengers are sometimes penalised for spelling errors in their names by the application of punitive administrative fees. Corrections of ***formal*** booking errors ***such as misspelt names*** should be provided free of charge provided they do not imply a change of times, date, itinerary or passenger.

Or. de

Justification

The wording makes it clear what should be considered a correction. Typing errors should in any event be possible to correct. The amendment does not, however, relate to the possibility of changing a reservation by booking in another name (for another passenger) up to 48 hours before departure.

Amendment 124
Artur Zasada

Proposal for a regulation
Recital 8

Text proposed by the Commission

(8) At present, passengers are sometimes penalised for spelling errors in their names by the application of punitive administrative fees. Reasonable corrections of booking errors should be provided free of charge provided they do not imply a change of times, date, itinerary or passenger.

Amendment

(8) At present, passengers are sometimes penalised for spelling errors in their names by the application of punitive administrative fees. Reasonable corrections of ***obvious*** booking errors should be provided ***once and*** free of charge provided they do not imply a change of times, date, itinerary or passenger.

Or. pl

Justification

If an error has been made the passenger should be able to correct it, but this possibility should be limited to a single change, so that the carrier has a full and complete list of passengers as early as possible.

Amendment 125
Georges Bach

Proposal for a regulation
Recital 9 b (new)

Text proposed by the Commission

Amendment

(9b) For example, the creation of a guarantee fund or a compulsory insurance scheme will enable air carriers to ensure that passengers can be reimbursed or repatriated when their flights are cancelled due to the insolvency of an air carrier or the suspension of an air carrier's operations due to the revocation of its operating licence.

Or. fr

Justification

The creation of a guarantee fund or an insurance scheme would ensure that passengers are

protected in the event of carriers going bankrupt or losing their licence.

Amendment 126
Brian Simpson

Proposal for a regulation
Recital 10

Text proposed by the Commission

(10) ***Airports*** and airport users such as air carriers ***and*** ground handling companies should cooperate to minimise the impact of multiple flight disruptions on passengers by ensuring their care and rerouting. To this end, they ***should*** prepare contingency plans for such occurrences and ***work together in the development of such plans.***

Amendment

(10) ***The airport managing body*** and airport users such as air carriers, ground handling companies ***and assistance providers for disabled passengers and passengers with reduced mobility*** should cooperate to minimise the impact of multiple flight disruptions on passengers by ensuring their care and rerouting. To this end, they ***shall*** prepare contingency plans for such occurrences and ***submit such plans to the National Enforcement Body who shall assess them and may require adaptations when necessary.***

Or. en

Amendment 127
Petri Sarvamaa

Proposal for a regulation
Recital 10 a (new)

Text proposed by the Commission

(10a) Air carriers should organise and, together with the administrator of the airport, clearly indicate a service centre and a body of staff within the airport to which passengers have access during the opening hours of the airport in the event of problems arising in relation to flights.

Amendment

Or. fi

Amendment 128
Spyros Danellis

Proposal for a regulation
Recital 11

Text proposed by the Commission

(11) Regulation (EC) No 261/2004 should explicitly include the right to compensation for passengers suffering long delays, in line with the judgement of the European Court of Justice in the Joined cases C-402/07 and C-432/07 (Sturgeon). At the same time, the thresholds above which delays give rise to a right to compensation should be increased to take account of the financial impact on the sector and to avoid any increase in the frequency of cancellations as a consequence. To ensure that citizens travelling within the EU face homogenous conditions for compensation, the threshold should be the same for all travel within the Union, but it should depend upon the journey distance for travel to and from third countries to take into account the operational difficulties encountered by air carriers to deal with delays on remote airports.

Amendment

(11) Regulation (EC) No 261/2004 should explicitly include the right to compensation for passengers suffering long delays, in line with the judgement of the European Court of Justice in the Joined cases C-402/07 and C-432/07 (Sturgeon) **and the principle of equal treatment, which requires that comparable situations must not be treated differently**. At the same time, the thresholds above which delays give rise to a right to compensation should be increased to take account of the financial impact on the sector and to avoid any increase in the frequency of cancellations as a consequence. To ensure that citizens travelling within the EU face homogenous conditions for compensation, the threshold should be the same for all travel within the Union, but it should depend upon the journey distance for travel to and from third countries to take into account the operational difficulties encountered by air carriers to deal with delays on remote airports.

Or. en

Justification

Clarifying the principle behind the Sturgeon ruling.

Amendment 129
Keith Taylor, Eva Lichtenberger, Michael Cramer

Proposal for a regulation
Recital 11

Text proposed by the Commission

(11) Regulation (EC) No 261/2004 should explicitly include the right to compensation for passengers suffering long delays, in line with the judgement of the European Court of Justice in the Joined cases C-402/07 and C-432/07 (Sturgeon). ***At the same time, the thresholds above which delays give rise to a right to compensation should be increased to take account of the financial impact on the sector and to avoid any increase in the frequency of cancellations as a consequence.*** To ensure that citizens travelling within the EU face homogenous conditions for compensation, the threshold should be the same for all travel within the Union, but it should depend upon the journey distance for travel to and from third countries to take into account the operational difficulties encountered by air carriers to deal with delays on remote airports.

Amendment

(11) Regulation (EC) No 261/2004 should explicitly include the right to compensation for passengers suffering long delays, in line with the judgement of the European Court of Justice in the Joined cases C-402/07 and C-432/07 (Sturgeon). To ensure that citizens travelling within the EU face homogenous conditions for compensation, the threshold should be the same for all travel within the Union, but it should depend upon the journey distance for travel to and from third countries to take into account the operational difficulties encountered by air carriers to deal with delays on remote airports.

(Regulation 261/2004/EC, Recital 11)

Or. en

Amendment 130
Hubert Pirker

Proposal for a regulation
Recital 11

Text proposed by the Commission

(11) Regulation (EC) No 261/2004 should explicitly include the right to compensation for passengers suffering long delays, in line with the judgement of the European Court of Justice in the Joined cases C-402/07 and C-432/07 (Sturgeon). ***At the same time, the thresholds above which delays give rise to a right to compensation should be***

Amendment

(11) Regulation (EC) No 261/2004 should explicitly include the right to compensation for passengers suffering long delays, in line with the judgement of the European Court of Justice in the Joined cases C-402/07 and C-432/07 (Sturgeon). To ensure that citizens travelling within the EU face homogenous conditions for compensation,

increased to take account of the financial impact on the sector and to avoid any increase in the frequency of cancellations as a consequence. To ensure that citizens travelling within the EU face homogenous conditions for compensation, the threshold should be the same for all travel within the Union, but it should depend upon the journey distance for travel to and from third countries to take into account the operational difficulties encountered by air carriers to deal with delays *on* remote airports.

the threshold should be the same for all travel within the Union, but it should depend upon the journey distance for travel to and from third countries to take into account the operational difficulties encountered by air carriers to deal with delays *at* remote airports.

Or. de

Justification

The deletion is necessary because the length of delays should be brought into line with the Court ruling in the Sturgeon case.

Amendment 131 Jacqueline Foster

Proposal for a regulation Recital 11

Text proposed by the Commission

(11) Regulation (EC) No 261/2004 should explicitly include the right to compensation for passengers suffering long delays, in line with the judgement of the European Court of Justice in the Joined cases C-402/07 and C-432/07 (Sturgeon). At the same time, the thresholds above which delays give rise to a right to compensation should be increased to take account of the financial impact on the sector and to avoid any increase in the frequency of cancellations as a consequence. *To ensure that citizens travelling within the EU face homogeneous conditions for compensation, the threshold should be the same for all travel within the Union, but it*

Amendment

(11) Regulation (EC) No 261/2004 should explicitly include the right to compensation for passengers suffering long delays, in line with the judgement of the European Court of Justice in the Joined cases C-402/07 and C-432/07 (Sturgeon). At the same time, the thresholds above which delays give rise to a right to compensation should be increased to take account of the financial impact on the sector and to avoid any increase in the frequency of cancellations as a consequence. The threshold should depend upon the journey distance for travel to and from third countries to take into account the operational difficulties encountered by air carriers to deal with

should depend upon the journey distance for travel to and from third countries to take into account the operational difficulties encountered by air carriers to deal with delays on remote airports.

delays on remote airports.

Or. en

Justification

The distance bandings need to be amended to ensure that they are consistent with those applicable for cancellations (and hence comply with the Sturgeon ruling) and with the levels of compensation in Article 7. This will also ensure the Regulation does not become overly complicated.

Amendment 132

Jaromír Kohlíček, Sabine Wils

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) Regulation (EC) No 261/2004 should explicitly include the right to compensation for passengers suffering long delays, in line with the judgement of the European Court of Justice in the Joined cases C-402/07 and C-432/07 (Sturgeon). At the same time, the thresholds above which delays give rise to a right to compensation should be increased to take account of the financial impact on the sector and to avoid any increase in the frequency of cancellations as a consequence. To ensure that citizens travelling within the EU face homogenous conditions for compensation, the threshold should be the same for all travel within the Union, ***but it should depend upon the journey distance for travel to and from third countries to take into account the operational difficulties encountered by air carriers to deal with delays on remote airports.***

Amendment

(11) Regulation (EC) No 261/2004 should explicitly include the right to compensation for passengers suffering long delays, in line with the judgement of the European Court of Justice in the Joined cases C-402/07 and C-432/07 (Sturgeon). At the same time, the thresholds above which delays give rise to a right to compensation should be increased to take account of the financial impact on the sector and to avoid any increase in the frequency of cancellations as a consequence. To ensure that citizens travelling within the EU face homogenous conditions for compensation, the threshold should be the same for all travel within the Union.

Amendment 133
Corien Wortmann-Kool

Proposal for a regulation
Recital 11

Text proposed by the Commission

(11) Regulation (EC) No 261/2004 should explicitly include the right to compensation for passengers suffering long delays, in line with the judgement of the European Court of Justice in the Joined cases C-402/07 and C-432/07 (Sturgeon). At the same time, the thresholds above which delays give rise to a right to compensation should be increased to take account of the financial impact on the sector and to avoid any increase in the frequency of cancellations as a consequence. To ensure that citizens travelling within the EU face homogenous conditions for compensation, the threshold should be the same for all travel within the Union, but it should depend upon the journey distance for travel to and from third countries to take into account the operational difficulties encountered by air carriers to deal with delays on remote airports.

Amendment

(11) Regulation (EC) No 261/2004 should explicitly include the right to compensation for passengers suffering long delays, in line with the judgement of the European Court of Justice in the Joined cases C-402/07 and C-432/07 (Sturgeon). At the same time, the thresholds above which delays give rise to a right to compensation should be increased to *interalia* take account of the financial impact on the sector and to avoid any increase in the frequency of cancellations as a consequence. To ensure that citizens travelling within the EU face homogenous conditions for compensation, the threshold should be the same for all travel within the Union, but it should depend upon the journey distance for travel to and from third countries to take into account the operational difficulties encountered by air carriers to deal with delays on remote airports.

Amendment 134
Keith Taylor, Eva Lichtenberger, Michael Cramer

Proposal for a regulation
Recital 11 a (new)

Text proposed by the Commission

Amendment

(11 a) Compensation for delays should depend on scheduled short, medium and

long flights and take into account the passenger's lost time and inconvenience caused by the delay.

Or. en

Amendment 135
Jacqueline Foster

Proposal for a regulation
Recital 13

Text proposed by the Commission

(13) Passengers missing a connecting flight should be properly cared for while waiting for rerouting. ***In line with the principle of equal treatment, such passengers should be able to claim compensation on a similar basis to passengers whose flights are delayed or cancelled in light of the delay upon reaching the final destination of their journey.***

Amendment

(13) Passengers missing a connecting flight should be properly cared for while waiting for rerouting.

Or. en

Justification

The proposal relating to connecting flights and the provision of compensation following delays will put a disproportionate burden on feeder flights, leading to a reduction of services (particularly from the Regions). This, in turn, will reduce interlining and the benefits that this brings passengers. For example, passengers would be required to check-in and check-out baggage when changing flights. Journey and connecting times would also increase.

Amendment 136
Phil Bennion

Proposal for a regulation
Recital 13

Text proposed by the Commission

(13) Passengers missing a connecting flight

Amendment

(13) Passengers missing a connecting flight

should be properly cared for while waiting for rerouting. *In line with the principle of equal treatment, such passengers should be able to claim compensation on a similar basis to passengers whose flights are delayed or cancelled in light of the delay upon reaching the final destination of their journey.*

should be properly cared for while waiting for rerouting. *Such passengers should be given clear information on liability of the carriers, in the event of damage to baggage during the journey, on differentiated baggage allowances, compensation for delays and rules between carriers as well as on adequate rerouting in case of travel disruption and missed connections, including intermodal rerouting.*

Or. en

Amendment 137 **Spyros Danellis**

Proposal for a regulation **Recital 13**

Text proposed by the Commission

(13) Passengers missing a connecting flight should be properly cared for while waiting for rerouting. In line with the principle of equal treatment, such passengers should be able to claim compensation on a similar basis to passengers whose flights are delayed or cancelled in light of the delay upon reaching the final destination of their journey.

Amendment

(13) Passengers missing a connecting flight should be properly cared for while waiting for rerouting. In line with the principle of equal treatment *and the judgement of the European Court of Justice in case C-11/11 (Air France v. Folkerts)*, such passengers should be able to claim compensation on a similar basis to passengers whose flights are delayed or cancelled in light of the delay upon reaching the final destination of their journey.

Or. en

Justification

Specifying the relevant ECJ ruling, which provides the legal reasoning for allowing delays to be calculated at the final destination.

Amendment 138
Brian Simpson

Proposal for a regulation
Recital 13 a (new)

Text proposed by the Commission

Amendment

(13 a) Disabled passengers or passengers with reduced mobility missing a connecting flight due to delay caused by airport assistance services shall be adequately cared for while waiting for re-routing. Such passengers should be able to claim compensation from the airport managing body on a similar basis to passengers whose flights are delayed or cancelled by the air carrier.

Or. en

Amendment 139
Keith Taylor, Eva Lichtenberger, Michael Cramer

Proposal for a regulation
Recital 16

Text proposed by the Commission

Amendment

(16) Air carriers currently face unlimited liability for the accommodation of their passengers in the case of extraordinary circumstances of long duration. This uncertainty linked with the absence of any foreseeable limit in time may risk endangering a carrier's financial stability. An air carrier should therefore be able to limit the provision of care after a certain duration of time. Moreover, contingency planning and speedy rerouting should lessen the risk of passengers being stranded for long periods.

deleted

Or. en

Amendment 140
Jaromír Kohlíček, Sabine Wils

Proposal for a regulation
Recital 16

Text proposed by the Commission

(16) Air carriers currently face unlimited liability for the accommodation of their passengers in the case of extraordinary circumstances of long duration. ***This uncertainty linked with the absence of any foreseeable limit in time may risk endangering a carrier's financial stability.*** An air carrier should therefore be able to limit the provision of care after a certain duration of time. ***Moreover,*** contingency planning and speedy rerouting ***should*** lessen the risk of passengers being stranded for long periods.

Amendment

(16) Air carriers currently face unlimited liability for the accommodation of their passengers in the case of extraordinary circumstances of long duration. An air carrier should therefore be able to limit the provision of care after a certain duration of time ***whilst providing to passengers adequate*** contingency planning and speedy rerouting ***in order to*** lessen the risk of passengers being stranded for long periods.

Or. en

Amendment 141
Keith Taylor, Eva Lichtenberger, Michael Cramer

Proposal for a regulation
Recital 17

Text proposed by the Commission

(17) The implementation of certain passenger rights, in particular the right to accommodation, has been shown to be out of proportion to air carriers' revenues for certain small-scale operations. Flights performed by small aircraft on short distances should therefore be exempted from the obligation to pay for accommodation, although the carrier should still help the passenger to find such accommodation.

Amendment

deleted

Or. en

Amendment 142

Jaromír Kohlíček, Sabine Wils

Proposal for a regulation

Recital 17

Text proposed by the Commission

(17) The implementation of certain passenger rights, in particular the right to accommodation, has been shown to be out of proportion to air carriers' revenues for certain small-scale operations. Flights performed by small aircraft on short distances should therefore be exempted from the obligation to pay for accommodation, although the carrier should still help the passenger to find such accommodation.

Amendment

deleted

Or. en

Amendment 143

Jacqueline Foster

Proposal for a regulation

Recital 18

Text proposed by the Commission

(18) For **disabled persons**, persons with reduced mobility **and other persons with special needs such as unaccompanied children, pregnant women and persons in need of specific medical attention**, it may be more difficult to arrange accommodation when flight disruptions occur. Therefore, any limitations on the right for accommodation in cases of extraordinary circumstances or for regional operations should not apply to these categories of passenger.

Amendment

(18) For persons with reduced mobility it may be more difficult to arrange accommodation when flight disruptions occur. Therefore, any limitations on the right for accommodation in cases of extraordinary circumstances or for regional operations should not apply to these categories of passenger.

Or. en

Justification

This recital provides for certain groups of passengers to be provided with assistance indefinitely. There is an obligation placed on those passengers to pre-notify their condition at least 48 hours before booking. This is not practical as there is currently no requirement for pregnant women or many other passengers to notify, unless their condition is unstable. This need to pre-notify is not based on receiving a service, but on the possibility you may be delayed for more than 3 nights.

Amendment 144

Dieter-Lebrecht Koch, Michael Gahler

Proposal for a regulation

Recital 18

Text proposed by the Commission

(18) For **disabled** persons, persons with reduced mobility and other persons with special needs such as unaccompanied children, pregnant women and persons **in need of specific medical attention**, it may be more difficult to arrange accommodation when flight disruptions occur. Therefore, any limitations on the right for accommodation in cases of extraordinary circumstances or for regional operations should not apply to these **categories of passenger**.

Amendment

(18) For persons **with disabilities**, persons with reduced mobility and other persons with special needs such as unaccompanied children, pregnant women and persons **with specific health needs**, it may be more difficult to arrange accommodation **unaided** when flight disruptions occur. Therefore, any limitations on the right for accommodation in cases of extraordinary circumstances or for regional operations should not apply to these **passengers**.

Or. de

Amendment 145

Phil Bennion

Proposal for a regulation

Recital 18 a (new)

Text proposed by the Commission

Amendment

(18 a) When the Community air carrier requires for disabled persons or persons with reduced mobility to be accompanied by a carer, carers should not be subject to

the payment of the relevant airport departure tax.

Or. en

Amendment 146

Keith Taylor, Eva Lichtenberger, Michael Cramer

Proposal for a regulation

Recital 18 a (new)

Text proposed by the Commission

Amendment

(18 a) The service providers should ensure that PRMs and people with disabilities have the right at all times to use safety-approved respiratory devices on aircraft free of charge. The Commission should draw up a list of approved medical oxygen equipment in cooperation with the industry and organisations representing people with disabilities and PRMS, taking due account of safety requirements.

Or. en

Amendment 147

Spyros Danellis

Proposal for a regulation

Recital 19

Text proposed by the Commission

Amendment

(19) The reasons behind the current level of long delays and cancelled flights in the EU are not attributable solely to air carriers. In order to incentivise all actors in the aviation chain to seek efficient and timely solutions to minimise the inconvenience that long delays and cancellations cause to passengers, air carriers should have the right to seek redress from any third party which

(19) The reasons behind the current level of long delays and cancelled flights in the EU are not attributable solely to air carriers. In order to incentivise all actors in the aviation chain to seek efficient and timely solutions to minimise the inconvenience that long delays and cancellations cause to passengers, air carriers should have the right to seek redress from any third party which

contributed to the event triggering compensation or other obligations.

contributed to the event triggering compensation or other obligations. ***The exercise of this right should not be hindered by terms and conditions that the air carrier has not agreed to in the first place.***

Or. en

Amendment 148
Ismail Ertug

Proposal for a regulation
Recital 20

Text proposed by the Commission

(20) Passengers ***should not only*** be ***correctly*** informed about their rights in cases of flight disruption, ***but they should also be adequately informed*** about the cause of the ***disruption itself***, as soon as the information becomes available. This information should also be provided where the passenger has acquired the ticket through an intermediary established in the Union.

Amendment

(20) Passengers ***are entitled to*** be ***accurately*** informed about their rights in cases of flight disruption, ***cancellation, delay, or denied boarding, as well as*** about the cause of the ***change***, as soon as the information becomes available. This information should also be provided where the passenger has acquired the ticket through an intermediary established in the Union.

Or. de

Justification

The passenger's right to information should be further strengthened. Passengers are entitled to expect airlines to tell them why exactly a cancellation, delay, or instance of denied boarding has occurred.

Amendment 149
Spyros Danellis, Brian Simpson, Bogusław Liberadzki

Proposal for a regulation
Recital 21 a (new)

Text proposed by the Commission

Amendment

(21 a) To assist National Enforcement Bodies in fulfilling their role regarding the enforcement of this Regulation, air carriers should provide them with relevant compliance documentation that demonstrates their consistent compliance with all relevant Articles of the Regulation.

Or. en

Amendment 150

Spyros Danellis, Brian Simpson, Bogusław Liberadzki

Proposal for a regulation

Recital 21 b (new)

Text proposed by the Commission

Amendment

(21 b) As commercial aviation is an integrated EU market, measures to guarantee enforcement of the Regulation will be more effective at Union level with increased involvement of the European Commission. Specifically, the European Commission should increase awareness of air carriers' compliance with passenger rights requirements among the flying public by publishing a list of carriers that systematically fail to comply with the Regulation.

Or. en

Amendment 151

Jaromír Kohlíček, Sabine Wils

Proposal for a regulation

Recital 22

Text proposed by the Commission

(22) Passengers should be adequately informed about the relevant procedures for submitting claims and complaints to air carriers and should receive a reply ***within a reasonable time*** period. Passengers should also have the option to complain about air carriers via out-of-court measures. However, since the right to an effective remedy before a tribunal is a fundamental right recognised in Article 47 of the Charter of Fundamental Rights of the European Union, those measures should neither prevent nor hinder passengers' access to courts.

Amendment

(22) Passengers should be adequately informed about the relevant procedures for submitting claims and complaints to air carriers and should receive a reply ***in a shorter period as possible***. Passengers should also have the option to complain about air carriers via out-of-court measures. However, since the right to an effective remedy before a tribunal is a fundamental right recognised in Article 47 of the Charter of Fundamental Rights of the European Union, those measures should neither prevent nor hinder passengers' access to courts.

Or. en

Amendment 152

Keith Taylor, Eva Lichtenberger, Michael Cramer

Proposal for a regulation

Recital 22

Text proposed by the Commission

(22) Passengers should be adequately informed about the relevant procedures for submitting claims and complaints to air carriers and should receive a reply within a reasonable time period. Passengers should also have the option to complain about air carriers via out-of-court measures. However, since the right to an effective remedy before a tribunal is a fundamental right recognised in Article 47 of the Charter of Fundamental Rights of the European Union, those measures should neither prevent nor hinder passengers' access to courts.

Amendment

(22) Passengers should be adequately informed about the relevant procedures for submitting claims and complaints to air carriers and should receive a reply within a reasonable time period. Passengers should also have the option to complain about air carriers via out-of-court measures. ***Member States should provide for well equipped-mediation, where a conflict between the passenger and the airline could be solved.*** However, since the right to an effective remedy before a tribunal is a fundamental right recognised in Article 47 of the Charter of Fundamental Rights of the European Union, those measures should neither prevent nor hinder passengers' access to courts.

Amendment 153
Keith Taylor, Eva Lichtenberger, Michael Cramer

Proposal for a regulation
Recital 22 a (new)

Text proposed by the Commission

Amendment

(22 a) If an airport whose annual traffic has more than two million passengers is located within the territorial jurisdiction of the court, competent to deal with a claim founded on this Regulation, the Member State should ensure that the passenger is provided free of charge with assistance of a translator, if necessary, and in case of an oral hearing, an interpreter, in order to initiate the proceedings and participate in it.

Amendment 154
Mathieu Grosch

Proposal for a regulation
Recital 22 a (new)

Text proposed by the Commission

Amendment

(22a) Before a claim is submitted, a complaint should invariably be lodged.

Amendment 155
Bogdan Kazimierz Marcinkiewicz

Proposal for a regulation
Recital 23

Text proposed by the Commission

(23) In case C-139/11 (Moré vs KLM), the European Court of Justice clarified that the time-limits for bringing actions for compensation are determined in accordance with the national rules of each Member State.

Amendment

(23) In case C-139/11 (Moré vs KLM), the European Court of Justice clarified that the time-limits for bringing actions for compensation are determined in accordance with the national rules of each Member State. ***However, the significant differences in the time-limits laid down by the Member States mean that a single term should be established, following the example of the Montreal Convention.***

Or. pl

Justification

A key element which has so far remained unregulated, either in the ADR Directive or in Regulation No 261/2004, is the lack of a maximum time-limit for bringing a case before the NEB/NB/ADR and the ordinary courts (period of limitation).

Amendment 156
Corien Wortmann-Kool

Proposal for a regulation
Recital 26 a (new)

Text proposed by the Commission

Amendment

(26 a) In order to supplement this Regulation with the non-exhaustive list of extraordinary circumstances, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission with a view to clarify circumstances that are clearly identified as extraordinary or not. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work and takes into account the work of the National Enforcement Bodies. The Commission, when preparing and drawing up delegated acts, should

ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

Or. en

Amendment 157
Jacqueline Foster

Proposal for a regulation
Recital 27

Text proposed by the Commission

Amendment

(27) In order to ensure that the damage to or loss of mobility equipment is compensated to its full value, air carriers should offer free of charge to persons with reduced mobility the opportunity to make a special declaration of interest, which pursuant to the Montreal Convention, allows them to seek full compensation for loss or damage.

deleted

Or. en

Justification

Appropriate protection either already exists under the Montreal Convention and the changes are not therefore required.

Amendment 158
Brian Simpson

Proposal for a regulation
Recital 27

Text proposed by the Commission

Amendment

(27) In order to ensure that the damage to or loss of mobility equipment is compensated to its full value, air carriers

(27) In order to ensure that the damage to or loss of mobility equipment is compensated to its full value, air carriers

should offer free of charge to persons with reduced mobility the opportunity to make a special declaration of interest, which pursuant to the Montreal Convention, allows them to seek full compensation for loss or damage.

and airport assistance services shall inform disabled passengers or passengers with reduced mobility *at the time of booking and again at check-in of* the opportunity to make a special declaration of interest, which pursuant to the Montreal Convention, allows them to seek full compensation for loss or damage.

Or. en

Amendment 159

Michel Dantin, Dominique Riquet, Christine De Veyrac, Dominique Vlasto

Proposal for a regulation

Recital 27

Text proposed by the Commission

(27) In order to ensure that the damage to or loss of mobility equipment is compensated to its full value, air carriers should offer free of charge to persons with reduced mobility the opportunity to make a special declaration of interest, which pursuant to the Montreal Convention, allows them to seek full compensation for loss or damage.

Amendment

(27) In order to ensure that the damage to or loss of mobility equipment is compensated to its full value, air carriers should offer free of charge to persons with reduced mobility the opportunity to make a special declaration of interest, which pursuant to the Montreal Convention, allows them to seek full compensation for loss or damage. *Air carriers should inform passengers of this declaration and the rights attaching to it whenever they make a ticket booking.*

Or. fr

Amendment 160

Jacqueline Foster

Proposal for a regulation

Recital 28

Text proposed by the Commission

(28) Passengers are sometimes confused about the baggage they are allowed to

Amendment

deleted

take on board, in terms of dimensions, weight or number of items. In order to ensure that passengers are fully aware of the baggage allowances included in their ticket, both for cabin and hold baggage, air carriers should clearly indicate these allowances at booking and at the airport.

Or. en

Justification

This is a commercial decision for airlines and not an area that should be subject to Regulation. The key is the provision of transparent information to the passenger at the time of booking.

Amendment 161
Georges Bach

Proposal for a regulation
Recital 28

Text proposed by the Commission

(28) Passengers are sometimes confused about the baggage they are allowed to take on board, in terms of dimensions, weight or number of items. In order to ensure that passengers are fully aware of the baggage allowances included in their ticket, both for cabin and hold baggage, air carriers should clearly indicate these allowances at booking and at the airport.

Amendment

(28) Passengers are sometimes confused about the baggage they are allowed to take on board, in terms of dimensions, weight or number of items. In order to ensure that passengers are fully aware of the baggage allowances included in their ticket, both for cabin and hold baggage, air carriers should clearly indicate these allowances at ***an early stage of the booking process, in all distribution channels including computerised reservation systems, and at check-in*** at the airport. ***Organisers should inform passengers accordingly.***

Or. en

Justification

The amendment replaces the rapporteur's amendment 18. Providing information about baggage allowance and other ancillaries at an early stage of a booking process is essential in

order to permit the comparison of fares and guarantee price transparency for consumers. For the sake of transparency, the information should also be available through all the distribution channels.

Amendment 162

Michel Dantin, Dominique Riquet, Christine De Veyrac, Dominique Vlasto

Proposal for a regulation

Recital 28

Text proposed by the Commission

(28) Passengers are sometimes confused about the baggage they are allowed to take on board, in terms of dimensions, weight or number of items. In order to ensure that passengers are fully aware of the baggage allowances included in their ticket, both for cabin and hold baggage, air carriers should clearly indicate these allowances at booking and at the airport.

Amendment

(28) Passengers are sometimes confused about the baggage they are allowed to take on board, in terms of dimensions, weight or number of items. In order to ensure that passengers are fully aware of the baggage allowances included in their ticket, both for cabin and hold baggage, air carriers should clearly indicate these allowances at booking and at the airport. ***When an airline company has authorised baggage to be carried as cabin baggage at the time the passenger registers at the check-in desk at the airport, it cannot refuse to carry that baggage in the cabin, unless it transfers it free of charge to the hold.***

Or. fr

Justification

With an increasing number of airline companies conducting a two-stage check on whether cabin baggage requirements have been met (at check-in and at boarding), passengers must not find themselves in a situation where they are unable to their luggage with them when boarding, entailing additional costs, when that luggage has already been passed at the check-in desk.

Amendment 163

Artur Zasada

Proposal for a regulation

Recital 28 a (new)

Text proposed by the Commission

Amendment

(28a) Given that air carriers are increasingly offering additional products and services to passengers making reservations on computer systems, often unrelated to the transport service, such products and services should be seen by passengers making reservations only if they so wish and have given their consent.

Or. pl

Justification

More and more often airlines are trying to sell other products and services together with the ticket. Passengers making reservations are forced to read these offers – it is virtually a condition for being able to pay and complete the transaction. People should be able to choose whether or not to see these sorts of commercial offers when making reservations.

Amendment 164
Jacqueline Foster

Proposal for a regulation
Recital 29

Text proposed by the Commission

Amendment

(29) Musical instruments should as far as possible be accepted as baggage within the passenger cabin and, where this is not possible, should where possible be carried under the appropriate conditions in the cargo compartment of the aircraft. Regulation (EC) No 2027/97 should be amended accordingly.

deleted

Or. en

Justification

There is no good reason why musical instruments should be subject to Regulation when other equipment (e.g. sports / film) is not. This is an example of overregulation.

Amendment 165

Keith Taylor, Eva Lichtenberger, Michael Cramer

Proposal for a regulation

Recital 29

Text proposed by the Commission

(29) Musical instruments should *as far as possible* be accepted as baggage within the passenger cabin and, where this is not possible, should *where possible* be carried under the appropriate conditions in the cargo compartment of the aircraft. Regulation (EC) No 2027/97 should be amended accordingly.

Amendment

(29) Musical instruments should be accepted as baggage within the passenger cabin and, where this is not possible, should be carried under the appropriate conditions in the cargo compartment of the aircraft. Regulation (EC) No 2027/97 should be amended accordingly.

Or. en

Amendment 166

Vilja Savisaar-Toomast, Anne E. Jensen

Proposal for a regulation

Recital 29

Text proposed by the Commission

(29) Musical instruments should as far as possible be accepted as baggage within the passenger cabin and, where this is not possible, should where possible be carried under the appropriate conditions in the cargo compartment of the aircraft. Regulation (EC) No 2027/97 should be amended accordingly.

Amendment

(29) Musical instruments should as far as possible be accepted as baggage within the passenger cabin and, where this is not possible, should where possible be carried under the appropriate conditions in the cargo compartment of the aircraft. ***In order to allow the passengers concerned to assess whether their instrument can be stored in the cabin, air carriers should inform them about the size of storage facilities.*** Regulation (EC) No 2027/97 should be amended accordingly.

Or. en

Amendment 167
Georges Bach

Proposal for a regulation
Recital 29

Text proposed by the Commission

(29) Musical instruments should as far as possible be accepted as baggage within the passenger cabin and, where this is not possible, should where possible be carried under the appropriate conditions in the cargo compartment of the aircraft. Regulation (EC) No 2027/97 should be amended accordingly.

Amendment

(29) Musical instruments should as far as possible be accepted as baggage within the passenger cabin and, where this is not possible, should where possible be carried under the appropriate conditions in the cargo compartment of the aircraft. ***In order to allow the passengers concerned to assess whether their instrument can be stored in the cabin, air carriers should inform them about the size of storage facilities.*** Regulation (EC) No 2027/97 should be amended accordingly.

Or. en

Amendment 168
Jacqueline Foster

Proposal for a regulation
Recital 30

Text proposed by the Commission

(30) In order to ensure the correct and consistent application of the rights conferred to passengers by Regulation (EC) No 2027/97, the National Enforcement Bodies designated under Regulation (EC) No 261/2004 should also monitor and enforce the rights under Regulation (EC) No 2027/97.

Amendment

deleted

Or. en

Justification

It is not necessary to amend Regulation (EC) No 2027/97 and the proposal would add

unnecessary added burdens on the NEBs.

Amendment 169
Jacqueline Foster

Proposal for a regulation
Recital 31

Text proposed by the Commission

Amendment

(31) Given the short deadlines for the submission of complaints for lost, damaged or delayed baggage, air carriers should give passengers the possibility to submit a complaint by providing a complaint form at the airport. This could also take the form of the common Property Irregularity Report (PIR). *deleted*

Or. en

Justification

It is not necessary to amend Regulation (EC) No 2027/97.

Amendment 170
Jacqueline Foster

Proposal for a regulation
Recital 32

Text proposed by the Commission

Amendment

(32) Article 3(2) of Regulation (EC) No 2027/97¹⁹ has become obsolete as insurance matters are now regulated by Regulation (EC) No 785/2004. It should accordingly be deleted. *deleted*

¹⁹ *Regulation (EC) No 2027/97 of the Council of 9 October 1997 on air carrier liability in respect of the carriage of passengers and their baggage by air, OJ L*

**285, 17.10.1997, p.1p as modified by
Regulation (EC) No 889/2002 of the
European Parliament and of the Council
of 13 May 2002, OJ L 140, 30.5.2002, p.2**

Or. en

Justification

It is not necessary to amend Regulation (EC) No 2027/97.

**Amendment 171
Jacqueline Foster**

**Proposal for a regulation
Recital 33**

Text proposed by the Commission

Amendment

(33) It is necessary that the monetary limits expressed in Regulation (EC) No 2027/97 should be amended in order to take into account economic developments, as reviewed by the International Civil Aviation Organization (ICAO) in 2009 pursuant to Article 24(2) of the Montreal Convention. **deleted**

Or. en

Justification

It is not necessary to amend Regulation (EC) No 2027/97.

**Amendment 172
Jacqueline Foster**

**Proposal for a regulation
Recital 34**

Text proposed by the Commission

Amendment

(34) In order to ensure the continued correspondence between Regulation (EC) No 2027/97 and the Montreal Convention, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission. This power will allow the Commission to amend the monetary limits expressed in Regulation (EC) No 2027/97 in case they are adapted by the International Civil Aviation Organization (ICAO) pursuant to Article 24(2) of the Montreal Convention.

deleted

Or. en

Justification

It is not necessary to amend Regulation (EC) No 2027/97.

**Amendment 173
Philip Bradbourn**

**Proposal for a regulation
Recital 35 a (new)**

Text proposed by the Commission

Amendment

(35 a) 'Full service' airline providing flight catering to passengers as part of their service should not discriminate against passengers requiring special meals due to pre-existing medical conditions (e.g. Coeliacs, diabetes etc.). Such special meals should be provided at no additional cost to the passenger provided the passenger has informed the airline before travelling.

Or. en

Amendment 174
Graham Watson, Vilja Savisaar-Toomast

Proposal for a regulation
Recital 35 a (new)

Text proposed by the Commission

Amendment

(35 a) Recital 24 of the base act is repealed.

Or. en

Amendment 175
Phil Bennion

Proposal for a regulation
Recital 35 a (new)

Text proposed by the Commission

Amendment

(35 a) In order to improve passenger protection beyond EU borders, passenger rights should be continuously addressed in bilateral and international agreements.

Or. en

Amendment 176
Philip Bradbourn

Proposal for a regulation
Recital 35 b (new)

Text proposed by the Commission

Amendment

(35 b) Specific facilities for severely disabled passengers requiring changing and toilet facilities (so called 'changing places') should be provided at no cost to the passenger at all EU airports with an annual passenger throughput of more

than 1 million.

Or. en

Amendment 177
Philip Bradbourn

Proposal for a regulation
Recital 35 c (new)

Text proposed by the Commission

Amendment

(35 c) The national enforcement bodies set up by the Member States (hereinafter referred as 'NEBs') do not always have sufficient power to ensure the effective protection of passenger rights. Member States should therefore give NEBs sufficient power to sanction infringements and to resolve disputes between passengers and industry and all NEBs should fully investigate all complaints received.

Or. en

Amendment 178
Philip Bradbourn

Proposal for a regulation
Recital 35 d (new)

Text proposed by the Commission

Amendment

(35 d) The information some airlines provide to passengers with regard to the time needed to transfer between connecting flights is often misleading, especially at large international hub airports. Airlines should therefore provide connection timings that are suitable for all passengers, including families with small children, the elderly and PRM's

Amendment 179
Carlo Fidanza

Proposal for a regulation
Article 1 – paragraph 1 – point -1 (new)
Regulation (EC) No 261/2004
Article 1 – paragraph 1 – point c a (new)

Present text

Amendment

(-1) In Article 1(1) the following point shall be inserted:

(ca) in case of downgrading.

Or. en

Justification

The case indicated under (ca) is dealt with under Article 10.2. Therefore should be included in the list.

Amendment 180
Bernadette Vergnaud

Proposal for a regulation
Article 1 – paragraph -1 (new)
Regulation (EC) No 261/2004
Article 1 – paragraph 1

Present text

Amendment

(-1) Article 1(1) is amended as follows:

‘1. This Regulation establishes, under the conditions specified herein, minimum rights for passengers when:

- a) they are denied boarding against their will;
- (b) their flight is cancelled;
- (c) their flight is delayed.’

‘1. This Regulation establishes, under the conditions specified herein, minimum rights for passengers when:

- (a) they are denied boarding against their will;
- (b) their flight is cancelled;
- (c) ***the departure of*** their flight is delayed;

(d) their seats are downgraded.'

Or. fr

Amendment 181

Graham Watson, Vilja Savisaar-Toomast

Proposal for a regulation

Article 1 – paragraph 1 – point -1 (new)

Regulation (EC) No 261/2004

Article 1 – paragraph 3

Text proposed by the Commission

Amendment

(-1) Article 1 paragraph 3 is deleted.

Or. en

Amendment 182

Bernadette Vergnaud

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point b a (new)

Regulation (EC) No 261/2004

Article 2 – point f

Present text

Amendment

(ba) The following sentence is added to the definition of 'ticket' in point (f):

'with that document constituting the passenger's contract of carriage and comprising one or more flight coupons corresponding to reservations on one or more flights, which may or may not be connecting flights;'

Or. fr

Amendment 183

Brian Simpson

Proposal for a regulation
Article 1 – paragraph 1 – point 1 – point c
Regulation (EC) No 261/2004
Article 2 – point i

Text proposed by the Commission

“person with reduced mobility” means any person *as defined in Article 2(a) of Regulation (EC) No 1107/2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air*²² .

²² OJ L204, 26.7.2006, p.1

Amendment

“disabled person or “person with reduced mobility” means any person ***whose mobility when using transport is reduced due to any physical disability (sensory or locomotor, permanent or temporary), intellectual disability or impairment, or any other cause of disability, or age, and whose situation needs appropriate attention and the adaptation to his or her particular needs of the service made available to all passengers;***

²² OJ L204, 26.7.2006, p.1

Or. en

Justification

It is important to have a clear and full definition of "disabled person or person with reduced mobility" in the regulation instead of a reference to existing legislation, namely Regulation (EU) No. 1107/2006. It is also important to underline that the expression "disabled person" cannot be used synonymously with "person with reduced mobility" and this should be underlined by the definition used.

Amendment 184
Michael Gahler

Proposal for a regulation
Article 1 – paragraph 1 – point 1 – point c
Regulation (EC) No 261/2004
Article 2 – point i

Text proposed by the Commission

‘«person with reduced mobility» means any person as defined in Article 2(a) of Regulation (EC) No 1107/2006 concerning the rights of disabled persons and persons

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Amendment

‘**«disabled person or** person with reduced mobility» means any person as defined in Article 2(a) of Regulation (EC) No 1107/2006 concerning the rights of

with reduced mobility when travelling by air²².’

²² OJ L 204, 26.7.2006, p. 1.

disabled persons and persons with reduced mobility when travelling by air.’

²² OJ L 204, 26.7.2006, p. 1.

Or. de

Justification

A standard definition of passengers with reduced mobility should be used in all of the regulations (including Regulation (EC) No 2027/97) and within each one; it should be based, therefore, on Regulation (EC) No 1107/2006.

Amendment 185

Bogdan Kazimierz Marcinkiewicz

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point d

Regulation (EC) No 261/2004

Article 2 – point 1

Text proposed by the Commission

Amendment

(d) The following sentence is added to the definition of "cancellation" in point (l):

deleted

‘

A flight where the aircraft took off but, for whatever reason, was subsequently forced to land at an airport other than the airport of destination or to return to the airport of departure, shall be considered a cancelled flight.

’

Or. pl

Justification

The carriers’ position is that landing at another airport, which most often occurs for extraordinary reasons representing a safety threat, e.g. a technical failure or weather conditions preventing landing, should not automatically be treated as a flight cancellation.

Amendment 186

Christine De Veyrac, Dominique Vlasto, Dominique Riquet, Jim Higgins

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point d

Regulation (EC) No 261/2004

Article 2 – point 1

Text proposed by the Commission

Amendment

(d) The following sentence is added to the definition of ‘cancellation’ in point (l) ***deleted***

‘A flight where the aircraft took off but, for whatever reason, was subsequently forced to land at an airport other than the airport of destination or to return to the airport of departure, shall be considered a cancelled flight.’

Or. fr

Justification

Flights are only diverted in order to comply with the rules on flight safety and security and/or the health of passenger/s. Airline companies should not, therefore, be required to pay compensation in such cases, as this would induce them to neglect or even ignore security or safety or health issues, to the detriment of passengers, in order to ensure they reached their final destination in sufficient time to avoid their having to pay compensation to passengers.

Amendment 187

Jacqueline Foster

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point d

Regulation (EC) No 261/2004

Article 2 – point 1

Text proposed by the Commission

Amendment

A flight where the aircraft took off but, for whatever reason, was subsequently forced to land at an airport other than the airport of destination or to return to the ***deleted***

airport of departure, shall be considered a cancelled flight.

Or. en

Justification

Nearly all diversions are made for safety reasons. While the proposals provide for exceptions, airlines always place the safety of their passengers and crew at the top of the priority list. Regulators should not second guess and potentially impose penalties for a captain's decision made in the interest of the health and safety. The wording "for whatever reason" seems to exclude any exemptions based on extraordinary circumstances, thus adding further pressure on the captain's decision.

Amendment 188

Artur Zasada

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point d

Regulation (EC) No 261/2004

Article 2 – point 1

Text proposed by the Commission

A flight where the aircraft took off but, for *whatever* reason, was subsequently forced to land at an airport other than the airport of destination or to return to the airport of departure, shall be considered a cancelled flight.

Amendment

A flight where the aircraft took off but, for *any* reason *other than a justifiable safety issue*, was subsequently forced to land at an airport other than the airport of destination or to return to the airport of departure, shall be considered a cancelled flight

Or. pl

Amendment 189

Vilja Savisaar-Toomast

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point d

Regulation (EC) No 261/2004

Article 2 – point 1

Text proposed by the Commission

A flight where the aircraft took off but, **for whatever reason**, was subsequently forced to land at an airport other than the airport of destination or to return to the airport of departure, shall be considered a cancelled flight.

Amendment

A flight where the aircraft took off but was subsequently forced to land at an airport other than the airport of destination or to return to the airport of departure shall be considered a cancelled flight, **except when ultimately the aircraft reaches its final destination or an airport in the neighbourhood of the final destination**.

Or. en

Amendment 190
Marian-Jean Marinescu

Proposal for a regulation
Article 1 – paragraph 1 – point 1 – point d
Regulation (EC) No 261/2004
Article 1 – point 1

Text proposed by the Commission

A flight where the aircraft took off but, for whatever reason, was subsequently forced to land at an airport other than the airport of destination or to return to the airport of departure, shall be considered a cancelled flight.

Amendment

A flight where the aircraft took off but, for whatever reason, was subsequently forced to land at an airport other than the airport of destination or to return to the airport of departure, shall be considered a cancelled flight, **except for extraordinary circumstances**.

Or. en

Amendment 191
Jacqueline Foster

Proposal for a regulation
Article 1 – paragraph 1 – point 1 – point e
Regulation (EC) No 261/2004
Article 2 – point m

Text proposed by the Commission

“extraordinary circumstances” means circumstances which, by their nature or origin, are not inherent in the normal exercise of the activity of the air carrier concerned and are beyond its actual control. For the purposes of this Regulation, extraordinary circumstances shall include the circumstances set out in **the Annex;**

Amendment

“extraordinary circumstances” is an event that is beyond the actual control of the air carrier. For the purposes of this Regulation, extraordinary circumstances shall include **but not be limited to** the circumstances set out in Annex 1.

Or. en

Justification

The word ‘inherent’ is not a clear term. Reference to the Annex should be included for clarity

Amendment 192

Bogusław Liberadzki

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point e

Regulation (EC) No 261/2004

Article 2 – point m

Text proposed by the Commission

“extraordinary circumstances” means circumstances which, by their nature or origin, are not inherent in the normal exercise of the activity of the air carrier concerned and are beyond its actual control. For the purposes of this Regulation, extraordinary circumstances shall include the circumstances set out in the Annex;

Amendment

“extraordinary circumstances” means circumstances which are beyond the air carrier's actual control and beyond any obligation related to compliance with applicable safety rules and regulations. For the purposes of this Regulation, extraordinary circumstances shall include **but not be limited to** the circumstances set out in the Annex;

Or. en

Justification

“Inherent” is not a clear term and has different meanings in different languages. An air carrier that has acted in full conformity with the safety and maintenance rules and obligations

and thus has done everything in its power to avoid a disruption should not be punished by the obligation to pay compensation. Indeed, compensation payments can only incentivize better behaviour by airlines if the cause is actually within their control. The Annex is not limitative and only gives examples.

Amendment 193

Markus Ferber, Dieter-Lebrecht Koch, Michael Gahler

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point e

Regulation (EC) No 261/2004

Article 2 – point m

Text proposed by the Commission

«extraordinary circumstances» means circumstances *which, by their nature or origin, are not inherent in the normal exercise of the activity of the air carrier concerned and are beyond its actual control*. For the purposes of this Regulation, extraordinary circumstances shall include the circumstances set out in the Annex;

Amendment

«extraordinary circumstances» means circumstances *beyond the control of the air carrier concerned* in the normal exercise of *its* activity *and outside the obligations imposed by the relevant safety and security rules to be observed*. For the purposes of this Regulation, extraordinary circumstances shall include the circumstances set out in the Annex;

Or. de

Amendment 194

Carlo Fidanza

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point e

Regulation (EC) No 261/2004

Article 2 – point m

Text proposed by the Commission

“extraordinary circumstances” means *circumstances which, by their nature or origin, are not inherent in the normal exercise of the activity of the air carrier concerned and are beyond its actual control*. For the purposes of this Regulation, extraordinary circumstances

Amendment

“extraordinary circumstances” means *an event that is unpredictable, extraneous to the air carrier and unavoidable or beyond its actual control*. For the purposes of this Regulation, extraordinary circumstances shall include *but not be limited to* the circumstances set out in Annex *1 point 1*.

shall include the circumstances set out in *the* Annex;

Or. en

Justification

Even if the text proposed in the new Regulation is based on point 29 of Case C12/11 (31st January 2013), the word ‘inherent’ is not a clear term and would lead to legal uncertainty.

Amendment 195
Bernadette Vergnaud

Proposal for a regulation
Article 1 – paragraph 1 – point 1 – point e
Regulation (EC) No 261/2004
Article 2 – point m

Text proposed by the Commission

«extraordinary circumstances» means circumstances which, by their nature or origin, are ***not inherent in the normal exercise of the activity*** of the air carrier concerned and ***are beyond its actual control***. ***For the purposes of this Regulation, extraordinary circumstances shall include the circumstances set out in the Annex;***

Amendment

‘extraordinary circumstances’ means circumstances which, by their nature or origin, are ***beyond the actual control*** of the air carrier concerned and ***could not have been avoided even all reasonable measures had been taken;***

Or. fr

Amendment 196
Izaskun Bilbao Barandica

Proposal for a regulation
Article 1 – paragraph 1 – point 1 – point e
Regulation (EC) No 261/2004
Article 2 – point m

Text proposed by the Commission

«extraordinary circumstances» means

Amendment

«extraordinary circumstances» means

circumstances which, by their nature or origin, are not *inherent in* the normal exercise of the activity of the air carrier concerned and are beyond its actual control. For the purposes of this Regulation, extraordinary circumstances shall include the circumstances set out in the Annex;

circumstances which, by their nature or origin, are not *attributable to* the normal exercise of the activity of the air carrier concerned and are beyond its actual control. For the purposes of this Regulation, extraordinary circumstances shall include the circumstances set out in the Annex;

Or. es

Amendment 197
Preslav Borissov

Proposal for a regulation
Article 1 – paragraph 1 – point 1 – point e
Regulation (EC) No 261/2004
Article 2 – point m

Text proposed by the Commission

“extraordinary circumstances” means circumstances which, by their nature or origin, are not inherent in the normal exercise of the activity of the air carrier concerned and are beyond its actual control. For the purposes of this Regulation, extraordinary circumstances shall include the circumstances set out in the Annex;

Amendment

“extraordinary circumstances” means circumstances which, by their nature or origin, are not inherent in the normal exercise of the activity of the air carrier concerned and are beyond its actual control. For the purposes of this Regulation, extraordinary circumstances shall include the circumstances set out in the *non-exhaustive list in the* Annex. *Other circumstances can be regarded as "extraordinary", if there are objective grounds to justify it;*

Or. en

Amendment 198
Corien Wortmann-Kool

Proposal for a regulation
Article 1 – paragraph 1 – point 1 – point e
Regulation (EC) No 261/2004
Article 2 – point m

Text proposed by the Commission

“extraordinary circumstances” means circumstances which, by their nature or origin, are not inherent in the normal exercise of the activity of the air carrier concerned and are beyond its actual control. For the purposes of this Regulation, extraordinary circumstances shall include the circumstances set out in the Annex;

Amendment

“extraordinary circumstances” means circumstances which, by their nature or origin, are not inherent in the normal exercise of the activity of the air carrier concerned and are beyond its actual control. For the purposes of this Regulation, extraordinary circumstances shall include the circumstances set out in the Annex. ***Moreover, by means of delegated act in accordance with article 16e, the non-exhaustive list of circumstances considered as extraordinary circumstances resulting from the work of the National Enforcement Bodies shall be set out in detail.***

Or. en

Amendment 199

Petra Kammerevert, Knut Fleckenstein

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point e

Regulation (EC) No 261/2004

Article 2 – point n

Text proposed by the Commission

«flight» means an air transport operation between two airports; ***intermediate stops for technical and operational purposes only shall not be taken into consideration;***

Amendment

«flight» means an air transport operation between two airports;

Or. de

Amendment 200

Jacqueline Foster

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point e

Regulation (EC) No 261/2004

Article 2 – point o

Text proposed by the Commission

“connecting flight” means a flight which, **under a single** contract of carriage, is intended to enable the passenger to arrive at a transfer point in order to depart on another flight, or, where appropriate in the context, means that other flight departing from the transfer point.

Amendment

“connecting flight” means a **feeder** flight which, **according to a same** contract of carriage **and a single booking reference**, is intended to enable the passenger to arrive at a transfer point in order to depart on another flight, or, where appropriate in the context, means that other flight departing from the transfer point, **unless this is a situation of a stopover**.

Or. en

Justification

Reference to a single booking reference is added for clarification to avoid problems in cases where separate tickets are bought together in a single transaction. Also excludes ‘stopovers’ – for which a new definition is required.

Amendment 201

Markus Ferber, Dieter-Lebrecht Koch, Michael Gahler

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point e

Regulation (EC) No 261/2004

Article 2 – point o

Text proposed by the Commission

«connecting flight» means a flight which, under a single contract of carriage, is intended to enable the passenger to arrive at a transfer point in order to depart on another flight, or, where appropriate in the context, means that other flight departing from the transfer point.

Amendment

«connecting flight» means a flight which, under a single contract of carriage **and one booking reference**, is intended to enable the passenger to arrive at a transfer point in order to depart on another flight, or, where appropriate in the context **of Article 6a**, means that other flight departing from the transfer point.

Or. de

Amendment 202
Carlo Fidanza, Antonio Cancian

Proposal for a regulation
Article 1 – paragraph 1 – point 1 – point e
Regulation (EC) No 261/2004
Article 2 – point o

Text proposed by the Commission

“connecting flight” means a flight which, under a single contract of carriage, is intended to enable the passenger to arrive at a transfer point in order to depart on another flight, or, *where appropriate* in the context, means that other flight departing from the transfer point.

Amendment

“connecting flight” means a flight which, under a single contract of carriage **and a single booking reference**, is intended to enable the passenger to arrive at a transfer point in order to depart on another flight, or, in the context *of Article 6a*, means that other flight departing from the transfer point;

Or. en

Justification

A single booking reference is added for clarification to avoid problems in cases where separate tickets are bought together in a single transaction.

Amendment 203
Preslav Borissov

Proposal for a regulation
Article 1 – paragraph 1 – point 1 – point e
Regulation (EC) 261/2004
Article 2 – point o

Text proposed by the Commission

“connecting flight” means a flight which, under a single contract of carriage, is intended to enable the passenger to arrive at a transfer point in order to depart on another flight, or, where appropriate in the context, means that other flight departing from the transfer point.

Amendment

“connecting flight” means a flight which, under a single contract of carriage **and a single booking reference**, is intended to enable the passenger to arrive at a transfer point in order to depart on another flight, or, where appropriate in the context, means that other flight departing from the transfer point.

Amendment 204
Philippe De Backer

Proposal for a regulation
Article 1 – paragraph 1 – point 1 – point e
Regulation (EC) No 261/2004
Article 2 – point o

Text proposed by the Commission

“connecting flight” means a flight which, under a single contract of carriage, is intended to enable the passenger to arrive at a transfer point in order to depart on another flight, or, where appropriate in the context, means that other flight departing from the transfer point.

Amendment

“connecting flight” means a flight which, under a single contract of carriage **and a *single booking reference***, is intended to enable the passenger to arrive at a transfer point in order to depart on another flight, or, where appropriate in the context, means that other flight departing from the transfer point.

Amendment 205
Michael Gahler

Proposal for a regulation
Article 1 – paragraph 1 – point 1 – point e
Regulation (EC) No 261/2004
Article 2 – point o

Text proposed by the Commission

“connecting flight” means a flight which, under a single contract of carriage, is intended to enable the passenger to arrive at a transfer point in order to depart on another flight, or, where appropriate in the context, means that other flight departing from the transfer point.

Amendment

“connecting flight” means a flight which, under a single contract of carriage **and a *single booking reference***, is intended to enable the passenger to arrive at a transfer point in order to depart on another flight, or, where appropriate in the context, means that other flight departing from the transfer point.

Justification

A single booking reference is added for clarification to avoid problems in cases where separate tickets are bought together in a single transaction.

Amendment 206
Säid El Khadraoui

Proposal for a regulation
Article 1 – paragraph 1 – point 1 – point e
Regulation (EC) No. 261/2004
Article 2 – point o a (new)

Text proposed by the Commission

Amendment

In Article 2, the following point shall be inserted:

(oa) ‘previous leg of the journey’ means a journey made using another mode of transport, such as train or bus, which, under the terms of a single transport contract, has the purpose of conveying the passenger to a transfer point where he can catch a flight;

Or. nl

Amendment 207
Jacqueline Foster

Proposal for a regulation
Article 1 – paragraph 1 – point 1 – point e
Regulation (EC) No 261/2004
Article 2 – point p

Text proposed by the Commission

Amendment

“journey” means a flight or a continued series of connecting flights transporting the passenger from an airport of departure to his final destination in accordance with the contract of carriage;

deleted

Or. en

Justification

Definition not required as the term 'flight' can be used throughout (due to the exclusion of other modes of transport).

Amendment 208

Jaromír Kohlíček, Sabine Wils

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point e

Regulation (EC) No 261/2004

Article 2 – point p

Text proposed by the Commission

“journey” means a flight or a continued series of connecting flights transporting the passenger from an airport of departure to his final destination in accordance with the contract of carriage;

Amendment

“*air* journey” means a flight or a continued series of connecting flights transporting the passenger from an airport of departure to his final destination in accordance with the contract of carriage;

Or. en

Amendment 209

Carlo Fidanza

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point e

Regulation (EC) No 261/2004

Article 2 – point p

Text proposed by the Commission

“journey” means *a* flight or a continued series of connecting flights transporting the passenger from an airport of departure to his final destination in accordance with the contract of carriage;

Amendment

“journey” means *one* flight or a continued series of connecting flights transporting the passenger from an airport of departure to his/*her* final destination in accordance with the *a single* contract of carriage *and a single booking reference*.

Or. en

Justification

The inclusion of the expression “to a single booking reference” is aimed at clarifying situations when distinct tickets are bought within a single transaction.

Amendment 210

Carlo Fidanza, Antonio Cancian

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point e

Regulation (EC) No 261/2004

Article 2 – point r

Text proposed by the Commission

“airport managing body” means a body which, in conjunction with other activities or not as the case may be, has as its objective under national laws, regulations or contracts the administration and management of the airport or airport network infrastructures and the coordination *and control of the activities* of the different operators present in the airports or airport network concerned;

Amendment

«airport managing body» means a body which, in conjunction with other activities or not as the case may be, has as its objective under national laws, regulations or contracts the administration and management of the airport or airport network infrastructures and the coordination of the different operators present in the airports or airport network concerned;

Or. en

Justification

The proposal imposes new tasks on airport managing bodies including the control of all stakeholders’ activities operating at the airport. This is not workable and not the duty of the airport managing body. This provision should therefore be removed in order to avoid confusion as to the role and responsibility of the airport managing body.

Amendment 211

Dieter-Lebrecht Koch, Michael Gahler

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point e

Regulation (EC) No 261/2004

Article 2 – point r

Text proposed by the Commission

«airport managing body» means a body which, in conjunction with other activities or not as the case may be, has as its objective under national laws, regulations or contracts the administration and management of the airport or airport network infrastructures and the coordination **and control of the activities** of the different operators present in the airports or airport network concerned;

Amendment

«airport managing body» means a body which, in conjunction with other activities or not as the case may be, has as its objective under national laws, regulations or contracts the administration and management of the airport or airport network infrastructures and the coordination of the different operators present in the airports or airport network concerned;

Or. de

Amendment 212

Jim Higgins

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point e

Regulation (EC) No 261/2004

Article 2 – point r

Text proposed by the Commission

“airport managing body” means a body which, in conjunction with other activities or not as the case may be, has as its objective under national laws, regulations or contracts the administration and management of the airport or airport network **infrastructures** and the coordination **and control** of the activities of the different operators present in the airports or airport network concerned;

Amendment

“airport managing body” means a body which, in conjunction with other activities or not as the case may be, has as its objective under national laws, regulations or contracts the administration and management of the airport or airport network **infrastructure** and the coordination of the activities of the different operators present in the airports or airport network concerned;

Or. en

Justification

The role of the airport operator is not to micromanage the individual activities and operations of each operator present at the airport. Airport authorities co-ordinate the different operators present at an airport.

Amendment 213

Artur Zasada

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point e

Regulation (EC) No 261/2004

Article 2 – point r

Text proposed by the Commission

«airport managing body» means a body which, in conjunction with other activities or not as the case may be, has as its objective under national laws, regulations or contracts the administration and management of the airport or airport network infrastructures and the coordination and control of the activities of the different operators present in the airports or airport network concerned;

Amendment

‘airport managing body’ means a body which, in conjunction with other activities or not as the case may be, has as its objective under national laws, regulations or contracts the administration and management of the airport or airport network infrastructures and the coordination and control of the activities of the different operators present in the airports or airport network concerned ***in accordance with its powers***;

Or. pl

Amendment 214

Keith Taylor, Eva Lichtenberger, Michael Cramer

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point e

Regulation (EC) No 261/2004/EC

Article 2 – point s

Text proposed by the Commission

' ticket price' means the full price ***paid for a ticket and*** including the air fare, and all applicable taxes, charges, surcharges and fees paid for all optional and non-optional services included in the ticket;

Amendment

' ticket price' means the full price ***published in advance and fixing the final amount to be paid***, including the air fare, and all applicable taxes, charges, surcharges and fees paid for all optional and non-optional services included in the ticket;

Or. en

Amendment 215
Antonio Cancian

Proposal for a regulation
Article 1 – paragraph 1 – point 1 – point e
Regulation (EC) No 261/2004
Article 2 – point s

Text proposed by the Commission

'ticket price' means the full price paid for a ticket and including the air fare, **and** all applicable taxes, charges, surcharges and fees paid for all optional and non-optional services included in the ticket;

Amendment

"ticket price" means the full price paid for a ticket and including the air fare, all applicable taxes, charges, surcharges and fees, ***included management fees charged by the air carriers***, paid for all optional and non-optional services included in the ticket ***related to the air transport part of the journey***.

Or. en

Amendment 216
Jacqueline Foster

Proposal for a regulation
Article 1 – paragraph 1 – point 1 – point e
Regulation (EC) No 261/2004
Article 2 – point s

Text proposed by the Commission

'ticket price' means the full price paid for a ticket and including the air fare, **and** all applicable taxes, charges, surcharges and fees paid for all optional and non-optional services included in the ticket;

Amendment

"ticket price" means the full price paid for a ticket and including the air fare, all applicable taxes, charges, surcharges and fees paid for all optional and non-optional services included in the ticket ***related to the air transport part of the journey***.

Or. en

Justification

Clarifies that "ticket price" only refers to air transport related services (and not to services

such as hotel reservations and car hire).

Amendment 217

Bogdan Kazimierz Marcinkiewicz

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point e

Regulation (EC) No 261/2004

Article 2 – point s

Text proposed by the Commission

« ticket price » means the full price paid for a ticket and including the air fare, and all applicable taxes, charges, surcharges and fees paid for all optional and non-optional services included in the ticket;

Amendment

‘ticket price’ means the full price paid for a ticket and including the air fare, and all applicable taxes, charges, surcharges and fees paid for all optional and non-optional services included in the ticket.

The ticket price always includes, in particular, costs for the check-in, the provision of the tickets and the issuing of the boarding card, the carrying of a minimum luggage allowance and essential items, as well as all costs relating to payment, such as credit card costs;

Or. pl

Justification

As stated in the justification of the amendment in the report to Parliament, for the sake of clarity and comparability a basic package of services covered in the ticket price should be included. A minor correction to that amendment could be made by adding the words ‘in particular’ before the list of elements covered in the ticket price to make clear that the list is not exhaustive.

Amendment 218

Artur Zasada

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point e

Regulation (EC) No 261/2004

Article 2 – point s

Text proposed by the Commission

« ticket price » means the full price paid for a ticket and including the air fare, and all applicable taxes, charges, surcharges and fees paid for all optional and non-optional services included in the ticket;

Amendment

'ticket price' means the full price paid for a ticket and including the air fare, and all applicable taxes, charges, surcharges and fees paid for all optional and non-optional services included in the ticket.

The ticket price always includes costs for the check-in, the provision of the tickets and the issuing of the boarding card, the carrying of luggage of defined weight and dimensions and permitted equipment for people with disabilities and people with limited mobility, as well as all costs relating to payment, such as credit card costs;

Or. pl

Amendment 219
Olga Sehnalová

Proposal for a regulation
Article 1 – paragraph 1 – point 1 – point e
Regulation (EC) No 261/2004
Article 2 – point s

Text proposed by the Commission

' ticket price ' means the full price paid for a ticket and including the air fare, and all applicable taxes, charges, surcharges and fees paid for all optional and non-optional services included in the ticket;

Amendment

' ticket price ' means the full price paid for a ticket and including the air fare, and all applicable taxes, charges, surcharges and fees paid for all optional and non-optional services included in the ticket;

Air carriers shall ensure that ticket price discrimination against passengers on the grounds of country of reservation is fully eliminated;

Or. en

Amendment 220
Bernadette Vergnaud

Proposal for a regulation
Article 1 – paragraph 1 – point 1 – point e
Regulation (EC) No 261/2004
Article 2 – point s

Text proposed by the Commission

« ticket price » means the full price paid for a ticket and including the air fare, and all applicable taxes, charges, surcharges and fees paid for all optional and non-optional services included in the ticket;

Amendment

‘ticket price’ means the full price paid for a ticket and including the air fare, and all applicable taxes, charges, surcharges and fees paid for all optional and non-optional services included in the ticket;

the ticket price includes the costs associated with checking-in, the issuing of the ticket and boarding card, the carriage of an item of hand luggage, an item of checked-in luggage and essential items, and all purchasing costs, such as credit card fees;

Or. fr

Amendment 221
Jacqueline Foster

Proposal for a regulation
Article 1 – paragraph 1 – point 1 – point e
Regulation (EC) No 261/2004
Article 2 – point t

Text proposed by the Commission

“flight price” means the value obtained by multiplying the ticket price by the ratio between the distance of the flight and the total distance of the journey(s) covered by the ticket;

Amendment

“flight price” means the value obtained by multiplying the ticket price by the ratio between the distance of the flight and the total distance of the journey(s) covered by the ticket; ***where a ticket price is not known, the value of any refund will be the supplement paid for a premium seat on the flight.***

Or. en

Justification

This definition is used in the context of a partial refund following a downgrading. The concept of “flight price” such as proposed by the Commission will not work where the flight is provided as part of a package holiday since the “flight price” will not be known and will not be stated on a ticket. The proposed amendment will remedy this situation as it sets the refund level to the value of a premium seat on the flight.

Amendment 222 **Jörg Leichtfried**

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point e

Regulation (EC) No 261/2004

Article 2 – point u

Text proposed by the Commission

«time of departure» means the time when ***the aircraft leaves the departure stand, pushed back or on its own power (off-block time)***;

Amendment

«time of departure» means the time when ***all passengers have been checked in and are on board the aircraft (boarding completed)***;

Or. de

Justification

In its paragraph 40 of its ruling in Case C-204/08 (Rehder v Air Baltic) the Court of Justice noted that ‘The services the provision of which corresponds to the performance of obligations arising from a contract to transport passengers by air are the checking-in and boarding of passengers, ... and, finally, the disembarkation of the passengers in conditions of safety at the place of landing and at the time scheduled in that contract.’ That point should be taken into account in this regulation.

Amendment 223 **Jörg Leichtfried**

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point e

Regulation (EC) No 261/2004

Article 2 – point v

Text proposed by the Commission

«time of arrival» means the time when the aircraft **reaches the arrival stand and the parking brakes are engaged (in-block time)**;

Amendment

«time of arrival» means the time when **all passengers are able to disembark from the aircraft in conditions of safety at the place of landing (on-block time)**;

Or. de

Justification

In its paragraph 40 of its ruling in Case C-204/08 (Rehder v Air Baltic) the Court of Justice noted that 'The services the provision of which corresponds to the performance of obligations arising from a contract to transport passengers by air are the checking-in and boarding of passengers, ... and, finally, the disembarkation of the passengers in conditions of safety at the place of landing and at the time scheduled in that contract.' That point should be taken into account in this regulation.

Amendment 224
Jacqueline Foster

Proposal for a regulation
Article 1 – paragraph 1 – point 1 – point e
Regulation (EC) No 261/2004
Article 2 – point w

Text proposed by the Commission

“tarmac delay” means, at departure, the time the aircraft remains on the ground between the **start of boarding of the passengers** and the take-off time of the aircraft or, at arrival, the time between the touch-down of the aircraft and the start of disembarkation of the passengers;

Amendment

“tarmac delay” means, at departure, the time the aircraft remains on the ground between the **time the doors are closed** and the take-off time of the aircraft or, at arrival, the time between the touch-down of the aircraft and the start of disembarkation of the passengers.

Or. en

Justification

Boarding time should not be included in the tarmac delay. The boarding time depends on the size of an aircraft which would be very different between a B737 and A380 for example and whether a bus is involved and access via steps/airbridge. The delay should be calculated in absolute terms and not in relation to each aircraft or a number of other variables.

Amendment 225
Marian-Jean Marinescu

Proposal for a regulation
Article 1 – paragraph 1 – point 1 – point e
Regulation (EC) No 261/2004
Article 2 – point w

Text proposed by the Commission

“tarmac delay” means, at departure, the time the aircraft remains on the ground between the *start of boarding of the passengers* and the take-off time of the aircraft or, at arrival, the time between the touch-down of the aircraft and the start of disembarkation of the passengers;

Amendment

“tarmac delay” means, at departure, the time the aircraft remains on the ground between the *time the doors are closed* and the take-off time of the aircraft or, at arrival, the time between the touch-down of the aircraft and the start of disembarkation of the passengers;

Or. en

Amendment 226
Antonio Cancian

Proposal for a regulation
Article 1 – paragraph 1 – point 1 – point e
Regulation (EC) No 261/2004
Article 2 – point w

Text proposed by the Commission

“tarmac delay” means, at departure, the time the aircraft remains on the ground between the *start of boarding of the passengers* and the take-off time of the aircraft or, at arrival, the time between the touch-down of the aircraft and the start of disembarkation of the passengers;

Amendment

“tarmac delay” means, at departure, the time the aircraft remains on the ground between the *time the doors are closed* and the take-off time of the aircraft or, at arrival, the time between the touch-down of the aircraft and the start of disembarkation of the passengers;

Or. en

Amendment 227
Jacqueline Foster

Proposal for a regulation
Article 1 – paragraph 1 – point 1 – point e
Regulation (EC) No 261/2004
Article 2 – point y a (new)

Text proposed by the Commission

Amendment

In Article 2, the following point shall be inserted:

‘(ya) "stopover" means a voluntary interruption of the ongoing contract of transport organised by the passenger as it appears on the ticket.’

Or. en

Justification

The additional definition is required to exclude “stopovers” from the notion of connecting flights.

Amendment 228
Bernadette Vergnaud

Proposal for a regulation
Article 1 – paragraph 1 – point 1 – point e
Regulation (EC) No 261/2004
Article 2 – point y a (new)

Text proposed by the Commission

Amendment

In Article 2, the following point is inserted:

‘(ya) ‘delay in departure’ means the difference between the departure time for the flight indicated on the passenger’s ticket and the time at which the flight actually departs;’

Or. fr

Amendment 229
Bernadette Vergnaud

Proposal for a regulation
Article 1 – paragraph 1 – point 1 – point e
Regulation (EC) No 261/2004
Article 2 – point y b (new)

Text proposed by the Commission

Amendment

In Article 2, the following point is inserted:

‘(yb) ‘delay in arrival’ means the difference between the arrival time for the flight indicated on the passenger’s ticket and the time at which the flight actually arrives, or the difference between the time the passenger is due to arrive at his/her destination according to his/her ticket and his/her actual time of arrival;

Or. fr

Amendment 230
Bernadette Vergnaud

Proposal for a regulation
Article 1 – paragraph 1 – point 1 – point e
Regulation (EC) No 261/2004
Article 2 – point y c (new)

Text proposed by the Commission

Amendment

In Article 2, the following point is inserted:

‘(yc) ‘travel class’ means a section of the passenger cabin on the aircraft in which a different service is provided from that provided in the other part/s of the passenger cabin;’

Or. fr

Amendment 231
Bernadette Vergnaud

Proposal for a regulation
Article 1 – paragraph 1 – point 1 – point e
Regulation (EC) No 261/2004
Article 2 – point y d (new)

Text proposed by the Commission

Amendment

In Article 2, the following point is inserted:

‘(yd) ‘flight concerned’ means the flight on which the passenger has a confirmed reservation, or on which he/she has been rerouted;’

Or. fr

Amendment 232
Bernadette Vergnaud

Proposal for a regulation
Article 1 – paragraph 1 – point 1 – point e
Regulation (EC) No 261/2004
Article 2 – point y e (new)

Text proposed by the Commission

Amendment

In Article 2, the following point is inserted:

‘(ye) ‘rerouting’ means an offer of alternative transport at no additional price that enables the passenger to reach his/her final destination;’

Or. fr

Amendment 233
Bernadette Vergnaud

Proposal for a regulation
Article 1 – paragraph 1 – point 2 -a (new)

Present text

‘(b) to passengers departing from an airport located in a third country to an airport situated in the territory of a Member State to which the Treaty applies, ***unless they received benefits or compensation and were given assistance in that third country, if the operating air carrier of the flight concerned is a Community carrier.***

Amendment

2. (-a) Article 3(1)(b) is amended as follows:

‘(b) to passengers ***on a flight*** departing from an airport located in a third country to an airport situated in the territory of a Member State to which the Treaty applies:

- if the operating air carrier is a Community air carrier;

- and if no legal framework covering the incident experienced by the passenger/s exists in the third country of departure, or if that legal framework is less advantageous for the passenger/s.’

Or. fr

Amendment 234
Peter van Dalen

Proposal for a regulation
Article 1 – paragraph 1 – point 2 – point a a (new)
Regulation (EC) No 261/2004
Article 3 – paragraph 3

Text proposed by the Commission

Amendment

2.(aa) In Article 3(3), the following point is added:

'3. This Regulation shall not apply to passengers who travel free of charge or at a reduced fare which is not directly or indirectly available to the public, including children aged under 2 for whom no separate seat has been booked. However, it shall apply to passengers

having tickets issued under a Frequent Flyer Programme or other commercial programme by an air carrier or tour operator.

Or. nl

Amendment 235
Jacqueline Foster

Proposal for a regulation
Article 1 – paragraph 1 – point 2 – point b
Regulation (EC) No 261/2004
Article 3 – paragraph 4

Text proposed by the Commission

Without prejudice to Article 8(6), this Regulation shall only apply to passengers transported by motorised fixed wing aircraft. *However, where a part of the journey is carried out, in accordance with a contract of carriage, by another mode of transport or by helicopter, this Regulation shall apply for the whole journey and the part of the journey carried out by another mode of transport shall be considered as a connecting flight for the purposes of this Regulation.*

Amendment

Without prejudice to Article 8(6), this Regulation shall only apply to passengers transported by motorised fixed wing aircraft.

Or. en

Justification

The passenger rights for each mode of transport are distinct and covered by separate legislation. Using the air passenger rights regime to cover aspects of the journey which include different modes of transport would increase complexity and cause confusion.

Amendment 236
Bogusław Liberadzki

Proposal for a regulation
Article 1 – paragraph 1 – point 2 – point b

Regulation (EC) No 261/2004
Article 3 – paragraph 4

Text proposed by the Commission

Without prejudice to Article 8(6), **this Regulation shall** only apply to passengers transported by motorised fixed wing aircraft. However, where a part of the journey is carried out, in accordance with a contract of carriage, by another mode of transport or by helicopter, this Regulation shall apply for the whole journey **and the part of the journey carried out by another mode of transport shall be considered as a connecting flight for the purposes of this Regulation.**

Amendment

Without prejudice to Article 8(6), **Article 6a shall** only apply to passengers transported by motorised fixed wing aircraft. However, where a part of the journey is carried out, in accordance with a **single** contract of carriage **and on the basis of a single reservation**, by another mode of transport or by helicopter, this Regulation shall apply for the whole journey **if it was so indicated in the contract of carriage'**

Or. en

Justification

Each transport mode should be responsible for the application of its respective regulation according to the rules applicable, unless there are arrangements between operators. As the railways are responsible for the application of the Rail Passenger Rights Regulation, similarly airlines should be responsible according to the rules applicable to the aviation sector.

Amendment 237
Carlo Fidanza

Proposal for a regulation
Article 1 – paragraph 1 – point 2 – point b
Regulation (EC) No 261/2004
Article 3 – paragraph 4

Text proposed by the Commission

Without prejudice to Article 8(6), this Regulation shall only apply to passengers transported by motorised fixed wing aircraft. However, where a part of the journey is carried out, in accordance with a contract of carriage, by another mode of transport or by helicopter, this Regulation

Amendment

Without prejudice to Article 8(6), this Regulation shall only apply to passengers transported by motorised fixed wing aircraft. However, where a part of the journey is carried out, in accordance with a **single** contract of carriage **and under a single booking**, by another mode of

shall apply for the whole journey ***and the part of the journey carried out by another mode of transport shall be considered as a connecting flight for the purposes of this Regulation.***'

transport or by helicopter, this Regulation shall apply for the whole journey ***if stated in the travel contract.***

Or. it

Justification

Each mode of transport has to be responsible for the application of the relevant sectoral rules.

Amendment 238 **Bernadette Vergnaud**

Proposal for a regulation
Article 1 – paragraph 1 – point 2 – point b
Regulation (EC) No 261/2004
Article 3 – paragraph 4

Text proposed by the Commission

Without prejudice to Article 8(6), this Regulation shall only apply to passengers transported by motorised fixed wing aircraft. However, where a part of the journey is carried out, in accordance with a contract of carriage, by another mode of transport or by helicopter, this Regulation shall apply for the whole journey and the part of the journey carried out by another mode of transport shall be considered as a connecting flight for the purposes of this Regulation.'

Amendment

Without prejudice to Article 8(6), this Regulation shall only apply to passengers transported by motorised fixed wing aircraft. However, where a part of the journey is carried out, in accordance with a ***single*** contract of carriage ***and on the basis of a single reservation***, by another mode of transport or by helicopter, this Regulation shall apply for the whole journey and the part of the journey carried out by another mode of transport shall be considered as a connecting flight for the purposes of this Regulation. ***The air carrier shall be responsible for ensuring that this Regulation applies for the whole journey.***'

Or. fr

Amendment 239 **Bernadette Vergnaud**

Proposal for a regulation

Article 1 – paragraph 1 – point 2 – point b a (new)

Regulation (EC) No 261/2004

Article 3 – paragraph 5

Text proposed by the Commission

Amendment

2(ba) In Article 3(5) the following sentence is added:

‘Where the passenger travels on the flight of an operating air carrier to which this Regulation does not apply, when the passenger has a contract of carriage with an air carrier to which this Regulation would apply were it to have been the operating air carrier, the operating air carrier shall apply the relevant provisions of this Regulation to the passenger.’

Or. fr

Amendment 240

Jacqueline Foster

Proposal for a regulation

Article 1 – paragraph 1 – point 2 – point c

Regulation (EC) No 261/2004

Article 3 – paragraph 6

Text proposed by the Commission

Amendment

This Regulation shall also apply to passengers transported according to package travel contracts but shall not affect the rights of passengers under Council Directive 90/314/EEC. The passenger shall be entitled to present claims under this Regulation **and** under Council Directive 90/314/EEC, but may not in relation to the same facts cumulate rights under both legal acts if the rights safeguard the same interest or have the same objective. This Regulation shall not apply in cases where a package tour is cancelled or delayed for reasons other than cancellation or delay of

This Regulation shall also apply to passengers transported **by air** according to package travel contracts but shall not affect the rights of passengers under Council Directive 90/314/EEC. The passenger shall be entitled to present claims under this Regulation **or** under Council Directive 90/314/EEC, but may not in relation to the same facts cumulate rights under both legal acts if the rights safeguard the same interest or have the same objective. This Regulation shall not apply in cases where a package tour is cancelled or delayed for reasons other than cancellation or delay of

the flight.

the flight.

This Regulation shall not affect the rights of passengers under Directive 90/314/EEC.

Or. en

Justification

Provides clarification that this relates to air transport only.

Amendment 241
Inés Ayala Sender

Proposal for a regulation
Article 1 – paragraph 1 – point 3 – point -a (new)
Regulation (EC) No 261/2004
Article 4 – paragraph 1

Present text

“1. When an operating air carrier reasonably expects to deny boarding on a flight, it shall first call for volunteers to surrender their reservations in exchange for benefits under conditions to be agreed between the passenger concerned and the operating air carrier. Volunteers shall be assisted in accordance with Article 8, such assistance being additional to the benefits mentioned in this paragraph.

Amendment

3. (-a) Article 4(1) is replaced by the following:

“1. When an operating air carrier reasonably expects to deny boarding on a flight, it shall first call for volunteers to surrender their reservations in exchange for benefits under conditions to be agreed between the passenger concerned and the operating air carrier. ***The equivalent value of such benefits may not be less than the compensation which the passenger would have received had boarding been denied to him against his will. The air carrier shall inform the passenger of the rights to which passengers are entitled in the event of denied boarding against their will and shall provide the passenger with a document in writing for approval specifying the benefits to be granted and the passenger’s rights under this Regulation.*** Volunteers shall be assisted in accordance with Article 8, such assistance being additional to the benefits mentioned

in this paragraph, *and in accordance with Article 9(1)(b) if a passenger has opted for re-routing necessitating an overnight stay.*"

Or. es

Justification

The fact that there might be volunteers in the event of denied boarding is no excuse for leaving passengers in ignorance about the rights that they would enjoy if they were to be denied boarding against their will. It therefore has to be ensured that passengers know their rights, that their chosen compensation is laid down in writing, and that its equivalent value is never less than the compensation provided for in Article 7 (compensation for volunteers could take the form of travel vouchers or a similar concession).

Amendment 242

Carlo Fidanza

Proposal for a regulation

Article 1 – paragraph 1 – point 3 – point -a (new)

Regulation (EC) No 261/2004

Article 4 – paragraph 1

Present text

1. When an operating air carrier reasonably expects to deny boarding on a flight, it shall first call for volunteers to surrender their reservations in exchange for benefits under conditions to be agreed between the passenger concerned and the operating air carrier. Volunteers shall be assisted in accordance with Article 8, such assistance being additional to the benefits mentioned in this paragraph."

Amendment

3. (-a) Article 4(1) is replaced by the following:

1. When an operating air carrier reasonably expects to deny boarding on a flight, it shall first call for volunteers to surrender their reservations in exchange for benefits under conditions to be agreed between the passenger concerned and the operating air carrier. Volunteers shall be ***informed about their rights according to Article 14.2***, assisted in accordance with Article 8 ***and where the agreed departure time is at least two hours after the initial departure time, the operating carrier shall offer the passenger care in accordance with Article 9***, such assistance ***and care*** being additional to the benefits mentioned in this paragraph."

Justification

To guarantee the volunteers the same level of information and care provided to all other passengers so that before accepting any offer from the operating air carrier their decisions are taken on the basis of a complete set of information.

Amendment 243
Dominique Riquet

Proposal for a regulation

Article 1 – paragraph 1 – point 3 – point a

Regulation (EC) No 261/2004

Article 4 – paragraph 3

Text proposed by the Commission

Amendment

(a) Paragraph 3 is replaced by the following:

deleted

‘

3. If boarding is denied to passengers against their will, the operating air carrier shall immediately compensate them in accordance with Article 7 and assist them in accordance with Article 8. Where the passenger opts for rerouting at the earliest opportunity pursuant to Article 8(1)(b) and where the departure time is at least two hours after the initial departure time, the operating carrier shall assist the passenger in accordance with Article 9.’

’

Or. fr

Justification

Boarding can only be denied to passengers in the very rigidly-defined cases governed by this Regulation.

Amendment 244
Jacqueline Foster

Proposal for a regulation
Article 1 – paragraph 1 – point 3 – point a
Regulation (EC) No 261/2004
Article 4 – paragraph 3

Text proposed by the Commission

If boarding is denied to passengers against their will, the operating air carrier shall **immediately** compensate them in accordance with Article 7 and assist them in accordance with Article 8. Where the passenger opts for rerouting at the earliest opportunity pursuant to Article 8(1)(b) and where the departure time is at least two hours after the initial departure time, the operating carrier shall assist the passenger in accordance with Article 9.

Amendment

If boarding is denied to passengers against their will, the operating air carrier shall compensate them in accordance with Article 7 and assist them in accordance with Article 8. Where the passenger opts for rerouting at the earliest opportunity pursuant to Article 8(1)(b) and where the departure time is at least two hours after the initial departure time, the operating carrier shall assist the passenger in accordance with Article 9.

Or. en

Justification

Important that passengers shall not cumulate corresponding rights based on the same event of denied boarding, cancellation, delay or downgrading. Clarification is required that an airline does not have to pay cash on the spot at the moment boarding is denied.

Amendment 245
Spyros Danellis

Proposal for a regulation
Article 1 – paragraph 1 – point 3 – point a
Regulation (EC) No 261/2004
Article 4 – paragraph 3

Text proposed by the Commission

If boarding is denied to passengers against their will, the operating air carrier shall immediately compensate them in accordance with Article 7 and assist them in accordance with Article 8. Where the

Amendment

If boarding is denied to passengers against their will, the operating air carrier shall immediately, **and without further requirements from the passenger,** compensate them in accordance with

passenger opts for rerouting at the earliest opportunity pursuant to Article 8(1)(b) and where the departure time is at least two hours after the initial departure time, the operating carrier shall assist the passenger in accordance with Article 9.

Article 7 and assist them in accordance with Article 8. Where the passenger opts for rerouting at the earliest opportunity pursuant to Article 8(1)(b) and where the departure time is at least two hours after the initial departure time, the operating carrier shall assist the passenger in accordance with Article 9.

Or. en

Amendment 246
Nathalie Griesbeck

Proposal for a regulation
Article 1 – paragraph 1 – point 3 – point a
Regulation (EC) No 261/2004
Article 4 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

In Article 4(3) the following paragraph is inserted:

‘In the event of denied boarding because of a passenger’s PNR, reasons must always be provided by the competent authorities and given to the passenger denied boarding in writing;’

Or. fr

Amendment 247
Inés Ayala Sender

Proposal for a regulation
Article 1 – paragraph 1 – point 3 – point a
Regulation (EC) No 261/2004
Article 4 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

In Article 4(3) the following paragraph is inserted:

Air carriers or their agents may not

consider a passenger's documents incomplete, and on those grounds deny him boarding, if the passenger proves his identity by means of the documents required by the national law of the State where boarding takes place.

Or. es

Justification

Experience has shown that some air carriers require passengers to produce identity documents above and beyond what is required by national law. This is a bad practice and the regulation should therefore curb it. Security authorities can, of course, ask passengers to produce the necessary documents specified in Union law, when they are flying within the EU, or in international law, when they are flying outside the EU.

Amendment 248
Nathalie Griesbeck

Proposal for a regulation
Article 1 – paragraph 1 – point 3 – point a
Regulation (EC) No 261/2004
Article 4 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

In Article 4(3) the following paragraph shall be inserted:

Where a passenger who has already boarded is asked to leave the aircraft because of his/her passenger name record, disembarkation shall be carried out by the competent authorities and not by the members of the crew;

Or. fr

Amendment 249
Dominique Riquet

Proposal for a regulation
Article 1 – paragraph 1 – point 3 – point a

Text proposed by the Commission

Amendment

In Article 4(3) the following paragraph shall be inserted:

(aa) A passenger may be denied boarding against his/her will only on grounds of flight, passenger or crew safety or security, or extraordinary circumstances such as those specified in the annex to this Regulation.

In all cases, the motives shall be clear and made known to the passenger in writing.

A passenger holding a valid ticket, however, may not be denied boarding for any other reason, including:

- where the passenger is a person with reduced mobility within the meaning of Article 2;

- where the flight in question has been overbooked;

- where the passenger is using a return ticket for which he/she did not undertake the outward journey.

Or. fr

Justification

Air carriers should not be able to use their commercial policy as the basis for denying passengers boarding.

**Amendment 250
Dominique Riquet**

**Proposal for a regulation
Article 1 – paragraph 1 – point 3 – point b
Regulation (EC) No 261/2004
Article 4 – paragraph 4**

Text proposed by the Commission

Amendment

Paragraphs 1, 2 and 3 shall also apply to return tickets where the passenger is denied boarding at the return journey on the grounds that he/she did not take the outward journey or did not pay an additional charge for this purpose.

deleted

Or. fr

Amendment 251

Bogusław Liberadzki

Proposal for a regulation

Article 1 – paragraph 1 – point 3 – point b

Regulation (EC) No 261/2004

Article 4 – paragraph 4

Text proposed by the Commission

Amendment

Paragraphs 1, 2 and 3 shall also apply to return tickets where the passenger is denied boarding at the return journey on the grounds that he/she did not take the outward journey or did not pay an additional charge for this purpose.

Without prejudice to any clear and explicit contractual terms to the contrary, paragraphs 1, 2 and 3 shall also apply for reservations including an outward and a return flight and where the passenger is denied boarding at the return flight on the grounds that she/he did not take the outward flight. These contractual conditions must be explicit at any stage of the booking.

This Provision shall not apply where the ticket includes more than two flights (outbound and return) and passengers are denied boarding on the grounds that carriage is not used on all individual flights or not used in the agreed sequence as shown in the ticket.

Or. en

Amendment 252

Antonio Cancian

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Proposal for a regulation
Article 1 – paragraph 1 – point 3 – point b
Regulation (EC) No 261/2004
Article 4 – paragraph 4

Text proposed by the Commission

Paragraphs 1, 2 and 3 shall also apply *to* return *tickets* where the passenger is denied boarding at the return journey on the grounds that he/she did not take the outward *journey or did not pay an additional charge for this purpose.*

Amendment

Without prejudice to any clear and explicit contractual terms to the contrary, paragraphs 1, 2 and 3 shall also apply ***for reservations including an outward and a return flight and*** where the passenger is denied boarding at the return journey ***flight*** on the grounds that he/she did not take the outward ***flight.***

The contractual conditions must be explicit at any stage of the booking.

This Provision shall not apply where the ticket includes more than two flights (outbound and return) and passengers are denied boarding on the grounds that carriage is not used on all individual flights or not used in the agreed sequence as shown in the ticket.

Or. en

Justification

The offer of a round-trip ticket is conditioned and passengers know that their contract does not allow them to unilaterally transform this round-trip into a one-way trip on the second segment. This has to be explicitly shown at any stage of the booking.

Amendment 253
Michael Gahler

Proposal for a regulation
Article 1 – paragraph 1 – point 3 – point b
Regulation (EC) No 261/2004
Article 4 – paragraph 4

Text proposed by the Commission

Paragraphs 1, 2 and 3 shall also apply *to*

Amendment

Without prejudice to any clear and

return *tickets* where the passenger is denied boarding at the return *journey* on the grounds that he/she did not take the outward *journey or did not pay an additional charge for this purpose*.

explicit contractual terms to the contrary, paragraphs 1, 2 and 3 shall also apply *for reservations including an outward and a return flight and* where the passenger is denied boarding at the return *flight* on the grounds that he/she did not take the outward *flight*. *The airline shall inform the passenger about these limitations at all stages of the booking process. This Provision shall not apply where the ticket includes more than two flights (outbound and return) and passengers are denied boarding on the grounds that carriage is not used on all individual flights or not used in the agreed sequence as shown in the ticket.*

Or. en

Justification

The offer of a round-trip ticket is conditioned and passengers know that their contract does not allow them to unilaterally transform this round-trip into a one-way trip on the second segment, which could be priced higher due to the directional imbalances. If airlines were not anymore allowed to condition the use of their round-trip tickets, they would be forced to adjust their promotional prices of round-trip tickets to the higher prices of trips in the other direction.

Amendment 254 **Jörg Leichtfried**

Proposal for a regulation
Article 1 – paragraph 1 – point 3 – point b
Regulation (EC) No 261/2004
Article 4 – paragraph 4

Text proposed by the Commission

Paragraphs 1, 2 and 3 shall also apply to return tickets where the passenger is denied boarding at the return journey on the grounds that he/she did not take the outward journey or did not pay an additional charge for this purpose.

Amendment

Paragraphs 1, 2 and 3 shall also apply to *onward flight and* return tickets where the passenger is denied boarding at the return *or onward* journey on the grounds that he/she did not take the outward journey *or a section of the journey* or did not pay an additional charge for this purpose.

Justification

Largely prohibits the ‘no show’ policy. If a booked flight consists of several legs, the passenger should be allowed to use up only one or some of them without being punished by forfeiting the rest of the journey or being obliged to pay a high additional charge.

Amendment 255
Säid El Khadraoui

Proposal for a regulation
Article 1 – paragraph 1 – point 3 – point b
Regulation (EC) No 261/2004
Article 4 – paragraph 4

Text proposed by the Commission

Paragraphs 1, 2 and 3 shall also apply to return tickets where the passenger is denied boarding at the return journey on the grounds that **he/she** did not take the outward journey or did not pay an additional charge for this purpose.

Amendment

Passengers may not be denied boarding at the return journey on the grounds that, **while holding a return ticket, they** did not take the outward journey or did not pay an additional charge for this purpose **or because they failed to travel on the previous leg of the journey by a different mode of transport, such as train or bus, for which they held a ticket. If passengers are nonetheless denied boarding on such flights against their will, paragraphs 1, 2 and 3 shall apply.**

Amendment 256
Artur Zasada

Proposal for a regulation
Article 1 – paragraph 1 – point 3 – point b
Regulation (EC) No 261/2004
Article 4 – paragraph 4

Text proposed by the Commission

Paragraphs 1, 2 and 3 shall also apply to return tickets where the passenger is

Amendment

Passengers shall **not be** denied boarding for the return journey on the grounds that

denied boarding *at* the return journey on the grounds that *he/she* did not take the outward journey or did not pay an additional charge for this purpose.

they did not take the outward journey covered by a return ticket, providing they inform the carrier of this on the day of the flight and make clear their intention to return, or did not pay an additional charge for this purpose. ***If boarding is denied to passengers against their will on such grounds, paragraphs 1 and 2 shall apply.***

Or. pl

Justification

In order to prevent abuse connected with reservations, making the return journey after not making the outward journey should be conditional on informing the carrier of the intention to use the purchased return flight. It makes no difference whether the carrier is informed before or after take-off on the outward journey.

Amendment 257

Carlo Fidanza

Proposal for a regulation

Article 1 – paragraph 1 – point 3 – point b

Regulation (EC) No 261/2004

Article 4 – paragraph 4

Text proposed by the Commission

Paragraphs 1, 2 and 3 shall also apply to return *tickets where the passenger is* denied boarding at the return journey ***on the grounds that*** he/she did not take the outward journey ***or did not pay an additional charge for this purpose.***

Amendment

Unless air carrier clearly inform passengers at the time of booking and states that condition on the ticket, paragraphs 1, 2 and 3 shall also apply to return ***ticket when the passengers are*** denied boarding at the return journey ***due to*** he/she did not take the outward journey.

Or. en

Justification

The revision would treat as denied boarding the cancellation of a passenger's booking in the event that he or she has not showed for the outbound flight in her/his itinerary.

Amendment 258
Jacqueline Foster

Proposal for a regulation
Article 1 – paragraph 1 – point 3 – point b
Regulation (EC) No 261/2004
Article 4 – paragraph 4

Text proposed by the Commission

Paragraphs 1, 2 and 3 shall also apply to return tickets where the passenger is denied boarding at the return journey on the grounds that he/she did not take the outward journey or did not pay an additional **charge** for this purpose.

Amendment

Unless airlines clearly inform passengers at the time of booking, paragraphs 1, 2 and 3 shall also apply to return tickets where the passenger is denied boarding at the return journey on the grounds that he/she did not take the outward journey or did not pay an additional **price** for this purpose.

Or. en

Justification

The key issue is that passengers are clearly informed at the time of booking that the return leg will be null and void if the outward bound is not taken. It is a commercial matter for airlines, in a competitive market, on whether they wish to include such terms and provisions. Also need to avoid distortion of competitive between EU and non-EU carriers.

Amendment 259
Michel Dantin

Proposal for a regulation
Article 1 – paragraph 1 – point 3 – point b
Regulation (EC) No 261/2004
Article 4 – paragraph 4

Text proposed by the Commission

Paragraphs 1, 2 and 3 shall also apply to return tickets where the passenger is denied boarding at the return journey on the grounds that he/she did not take the outward journey **or did not pay an additional charge for this purpose.**

Amendment

Paragraphs 1, 2 and 3 shall also apply to return tickets where the passenger is denied boarding at the return journey on the grounds that he/she did not take the outward journey **because circumstances beyond the passenger's control, such as an accident, illness or death, prevented him/her from arriving at the airport in**

time to make the outward journey.

Or. fr

Amendment 260
Knut Fleckenstein

Proposal for a regulation
Article 1 – paragraph 1 – point 3 – point b
Regulation (EC) 261/2004
Article 4 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

In Article 4(4), the following paragraph shall be inserted:

4a. Where the ticket includes more than two flights (outbound and return) and the passenger is denied boarding on the grounds that carriage is not used on all individual flights or not used in the agreed sequence this shall not be treated as denial of boarding within the meaning of paragraph 4. If a passenger cannot take one or more of the flights on such a ticket through no fault of his/her own, he/she may board the remaining flights at no additional cost provided that, no later than at the time of boarding for the subsequent flight, he/she informs the airline of the circumstances.

Or. de

Justification

The no-show rule should not be interpreted so broadly as to become a significant factor in the airline's pricing and thus to have an adverse effect on ticket prices. Passengers should also be able to use the remaining flights on a ticket if it was through no fault of their own that they did not make part of the trip.

Amendment 261
Jacqueline Foster

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Proposal for a regulation
Article 1 – paragraph 1 – point 3 – point b
Regulation (EC) No 261/2004
Article 4 – paragraph 5

Text proposed by the Commission

Where the passenger, or an intermediary acting on behalf of the passenger, reports a spelling mistake in the name of one or several passengers included in the same contract of carriage that may lead to a denial of boarding, the air carrier shall correct this *at least* once up until **48** hours before departure without any additional charge to the passenger or the intermediary, except where it is prevented from doing so by national or international law.

Amendment

Where the passenger, or an intermediary acting on behalf of the passenger, reports a spelling mistake in the name of one or several passengers included in the same contract of carriage that may lead to a denial of boarding, the air carrier shall correct this once up until **96** hours before departure without any additional charge to the passenger or the intermediary, except where it is prevented from doing so by national or international *security* law.

Or. en

Justification

48 hours is not sufficient for some routes where advanced passenger data is required. It would be better for passengers if it is made clear that 96 hours is the cut-off point in normal circumstances.

Amendment 262
Jaromír Kohlíček, Sabine Wils

Proposal for a regulation
Article 1 – paragraph 1 – point 3 – point b
Regulation (EC) No 261/2004
Article 4 – paragraph 5

Text proposed by the Commission

Where the passenger, or an intermediary acting on behalf of the passenger, reports a spelling mistake in the name of one or several passengers included in the same contract of carriage that may lead to a denial of boarding, the air carrier shall

Amendment

Where the passenger, or an intermediary acting on behalf of the passenger, reports a spelling mistake in the name of one or several passengers included in the same contract of carriage that may lead to a denial of boarding, the air carrier shall

correct this at least once up until **48** hours before departure without any additional charge to the passenger or the intermediary, except where it is prevented from doing so by national or international law.

correct this at least once up until **24** hours before departure without any additional charge to the passenger or the intermediary, except where it is prevented from doing so by national or international law.

Or. en

Amendment 263
Marian-Jean Marinescu

Proposal for a regulation
Article 1 – paragraph 1 – point 3 – point b
Regulation (EC) No 261/2004
Article 4 – paragraph 5

Text proposed by the Commission

Where the passenger, or an intermediary acting on behalf of the passenger, reports a spelling mistake in the name of one or several passengers included in the same contract of carriage that may lead to a denial of boarding, the air carrier shall correct this at least once up until **48** hours before departure without any additional charge to the passenger or the intermediary, except where it is prevented from doing so by national or international law.

Amendment

Where the passenger, or an intermediary acting on behalf of the passenger, reports a spelling mistake in the name of one or several passengers included in the same contract of carriage that may lead to a denial of boarding, the air carrier shall correct this at least once up until **24** hours before departure without any additional charge to the passenger or the intermediary, except where it is prevented from doing so by national or international law.

Or. en

Amendment 264
Bogdan Kazimierz Marcinkiewicz

Proposal for a regulation
Article 1 – paragraph 1 – point 3 – point b
Regulation (EC) No 261/2004
Article 4 – paragraph 5

Text proposed by the Commission

Where the passenger, or an intermediary acting on behalf of the passenger, reports **a** spelling ***mistake*** in the name of one or ***several*** passengers included in the same contract of carriage that may lead to a denial of boarding, the air carrier shall correct ***this*** at least once up until 48 hours before departure without any additional charge to the passenger or the intermediary, except where it is prevented from doing so by national or international law.'

Amendment

Where the passenger, or an intermediary acting on behalf of the passenger, reports ***one or more*** spelling ***mistakes*** in the name of one or ***more*** passengers included in the same contract of carriage that may lead to a denial of boarding, the air carrier shall correct ***the errors*** at least once up until 48 hours before departure without any additional charge to the passenger or the intermediary, except where it is prevented from doing so by national or international law.

Or. pl

Justification

Since mistakes can have a number of causes, this amendment is to ensure that more than one spelling mistake can be corrected.

Amendment 265
Artur Zasada

Proposal for a regulation
Article 1 – paragraph 1 – point 3 – point b
Regulation (EC) No 261/2004
Article 4 – paragraph 5

Text proposed by the Commission

Where the passenger, or an intermediary acting on behalf of the passenger, reports **a** spelling ***mistake*** in the name of one or ***several*** passengers included in the same contract of carriage that may lead to a denial of boarding, the air carrier shall correct ***this at least*** once up until 48 hours before departure without any additional charge to the passenger or the intermediary, except where it is prevented from doing so by national or international law.'

Amendment

Where the passenger, or an intermediary acting on behalf of the passenger, reports ***one or more obvious*** spelling ***mistakes*** in the name of one or ***more*** passengers included in the same contract of carriage that may lead to a denial of boarding, the air carrier shall correct ***the errors*** once up until 48 hours before departure without any additional charge to the passenger or the intermediary, except where it is prevented from doing so by national or international law.

Amendment 266
Nathalie Griesbeck

Proposal for a regulation
Article 1 – paragraph 1 – point 3 – point b
Regulation (EC) No 261/2004
Article 4 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

In Article 4(5), the following paragraph shall be inserted:

5a. Passengers shall be able to correct, free of charge, booking errors concerning their name, title, age, contact details and in-flight meal, but not their departure point or destination.

Or. fr

Amendment 267
Bernadette Vergnaud

Proposal for a regulation
Article 1 – paragraph 1 – point 3 – point b
Regulation (EC) No 261/2004
Article 4 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

In Article 4(5), the following paragraph shall be inserted:

5a. At the latest 48 hours prior to departure, passengers shall be able to change the date, time and/or destination of their booking with the air carrier, by paying an additional charge for this purpose where necessary.

Or. fr

Amendment 268
Jacqueline Foster

Proposal for a regulation
Article 1 – paragraph 1 – point 3 – point b
Regulation (EC) No 261/2004
Article 4 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

In Article 4(5), the following paragraph shall be inserted:

5a. Paragraphs 1, 2 and 3 shall also apply where the passenger misses the flight because:

– the flight took off before the scheduled departure time, the passenger having arrived on time at the airport in accordance with Article 3(2); or

– the scheduled time of departure of the flight was brought forward and the passenger was not informed of this at least 24 hours in advance. The burden of proving that the passenger was informed in due time of the change of the scheduled time of departure shall rest with the operating air carrier, provided that the booking was made directly with the carrier.

Or. en

Justification

Accounts for incidences where a passenger was on time but the flight left earlier than scheduled, which should be included as a type of denied boarding. Where bookings have been made through a third party, the airline may be unable to contact the passenger directly due to missing contact details (e.g. booking through a travel agent). There is no way for airlines to provide proof this information was sent from the travel agent.

Amendment 269
Bernadette Vergnaud

Proposal for a regulation
Article 1 – paragraph 1 – point 3 b a (new)
Regulation (EC) No 261/2004
Article 4 a (new)

Text proposed by the Commission

Amendment

The following Article 4a shall be inserted:

Multiple-leg tickets

- 1. Where a multiple-leg ticket may be used for successive flights, the air carrier or ticket seller within the meaning of Regulation (EC) No 2111/2005 shall ensure that the passenger was fully aware of the specific conditions on which the fare being offered depends, and shall ask the passenger to contact the carrier, using the contact details provided, in the event that he/she is unable to take one of the flights.***
- 2. Where a passenger has not undertaken his/her outward flight or journey or his/her feeder flight, the carrier shall not cancel the booking for the return flight or journey or subsequent flight.***
- 3. Where the passenger has contacted the carrier before his/her return flight or journey or subsequent flight, he/she may take the flight without any additional charge.***
- 4. In cases other than those covered under paragraph 3, and where the carrier is able to affirm that the provisions of paragraph 1 have been met, the carrier may apply a fare supplement of no more than the difference between the price paid for the flight as specified on the ticket and the price of the flight alone on the date the booking was made.***

Or. fr

Amendment 270
Jacqueline Foster

Proposal for a regulation

Article 1 – paragraph 1 – point 4 – point a

Regulation (EC) No 261/2004

Article 5 – paragraph 1 – point b

Text proposed by the Commission

be offered by the operating air carrier in the event of re-routing when the reasonably expected time of departure of the flight is at least 2 hours after the planned departure of the cancelled flight, the care specified in Article 9 *and*.

Amendment

be offered by the operating air carrier in the event of re-routing when the reasonably expected time of departure of the flight is at least 3 hours after the planned departure of the cancelled flight, the care specified in Article 9 *where physically possible. The airline need not provide such care where this would lead to further delay of the flight;*

Or. en

Justification

The current thresholds are 2, 3 & 4 hours. The pragmatic approach would be to harmonise, and simplify the Regulation, at a single ‘mid-point’ of 3 hours. Additional caveats have been added to take into account delays at remote/regional airports where refreshments may not be available. It is in nobody’s interest to cause further delay to a flight by providing refreshments. A degree of discretion around the boundaries is required.

Amendment 271
Bogdan Kazimierz Marcinkiewicz

Proposal for a regulation

Article 1 – paragraph 1 – point 4 – point a

Regulation (EC) No 261/2004

Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(4a) The following paragraph 1a is added:

‘1a. If as a result of a change in the schedule by the operating air carrier a flight is cancelled, brought forward or delayed to a later time or date, passengers

should be entitled to care and compensation in accordance with Article 5’;

Or. pl

Justification

The purpose of this amendment is to strengthen the rights of passengers whose flight has been cancelled, brought forward or delayed as a result of a schedule change. The argument in favour of regulating such situations similarly to the situation of passengers of cancelled flights is that the carrier will be able to avoid compensation and care obligations by informing passengers of schedule changes suitably early.

Amendment 272
Jacqueline Foster

Proposal for a regulation
Article 1 – paragraph 1 – point 4 – point b
Regulation (EC) No 261/2004
Article 5 – paragraph 3

Text proposed by the Commission

An operating air carrier shall not be obliged to pay compensation in accordance with Article 7 if it can prove that the cancellation is caused by extraordinary circumstances and that the cancellation could not have been avoided even if all reasonable measures had been taken. ***Such extraordinary circumstances can only be invoked in so far they affect the flight concerned or the previous flight operated by the same aircraft.***

Amendment

An operating air carrier shall not be obliged to pay compensation in accordance with Article 7, if it can prove that the cancellation is caused by extraordinary circumstances and that the cancellation could not have been avoided even if all reasonable measures had been taken.

Or. en

Justification

There is no justification to limit the use of extraordinary circumstances (which are by definition beyond control of the carrier) to one further flight. This will give airlines a large economic incentive to cancel flights to isolate the flight delay, maintain the integrity of their programme and protect them from excessive compensation. This will be to the detriment of

consumers. Package/charter flights will be particularly affected as they have to return passengers and cannot cancel flights.

Amendment 273

Bogdan Kazimierz Marcinkiewicz

Proposal for a regulation

Article 1 – paragraph 1 – point 4 – point b

Regulation (EC) No 261/2004

Article 5 – paragraph 3

Text proposed by the Commission

An operating air carrier shall not be obliged to pay compensation in accordance with Article 7 if it can prove that the cancellation is caused by extraordinary circumstances and that the cancellation could not have been avoided *even if* all reasonable measures *had been taken*. Such extraordinary circumstances can only be invoked *insofar* they affect the flight *concerned or the previous flight operated by the same aircraft*.

Amendment

An operating air carrier shall not be obliged to pay compensation in accordance with Article 7 if it can prove that the cancellation is caused by extraordinary circumstances and that the cancellation could not have been avoided *despite taking* all reasonable measures. Such extraordinary circumstances *in the case of a technical failure of the aircraft intended to operate a given flight* can only be invoked *when those circumstances occurred just prior to or on the flight in question, or on the flight immediately prior to that flight, in so far as* they affect the flight *in question*.

Or. pl

Justification

Extraordinary circumstances are extraordinary however early they occur. However, in the case of a technical failure, the carrier should have, or have the possibility of organising, a replacement aircraft. It should only be possible therefore to invoke extraordinary circumstances affecting an aircraft in the case of two consecutive flights. In other cases, compensation should be paid if a replacement aircraft is not provided.

Amendment 274

Georges Bach

Proposal for a regulation

Article 1 – paragraph 1 – point 4 – point b

Regulation (EC) No 261/2004
Article 5 – paragraph 3

Text proposed by the Commission

An operating air carrier shall not be obliged to pay compensation in accordance with Article 7 if it can prove that **the** cancellation is caused by extraordinary circumstances **and** that the **cancellation** could not have been avoided even if all reasonable measures had been taken. Such extraordinary circumstances can only be invoked in so far they affect the flight concerned or the previous flight operated by the same aircraft.

Amendment

An operating air carrier shall not be obliged to pay compensation in accordance with Article 7 if it can prove that **two conditions are fulfilled:**

– **that the** cancellation **of schedule** is caused by extraordinary circumstances, **and**

– that the **cancellation or change of schedule** could not have been avoided even if all reasonable measures had been **correctly** taken.

Such extraordinary circumstances can only be invoked in so far they affect the flight concerned or the previous flight operated by the same aircraft.'

Or. en

Justification

The amendment replaces the Rapporteur's amendment 38.

Amendment 275
Jaromír Kohlíček, Sabine Wils

Proposal for a regulation
Article 1 – paragraph 1 – point 4 – point b
Regulation (EC) No 261/2004
Article 5 – paragraph 3

Text proposed by the Commission

An operating air carrier shall not be obliged to pay compensation in accordance with Article 7 if it can prove that the cancellation is caused by extraordinary circumstances and that the cancellation could not have been avoided even if all reasonable measures had been taken. Such extraordinary circumstances can only be invoked in so far they affect the flight concerned or the previous flight ***operated by the same aircraft.***

Amendment

An operating air carrier shall not be obliged to pay compensation in accordance with Article 7 if it can prove that the cancellation is caused by extraordinary circumstances and that the cancellation could not have been avoided even if all reasonable measures had been taken. Such extraordinary circumstances can only be invoked in so far they affect the flight concerned or the previous flight.

Or. en

Amendment 276

Markus Ferber, Dieter-Lebrecht Koch, Michael Gahler

Proposal for a regulation

Article 1 – paragraph 1 – point 4 – point b

Regulation (EC) No 261/2004

Article 5 – paragraph 3

Text proposed by the Commission

An operating air carrier shall not be obliged to pay compensation in accordance with Article 7 if it can prove that the cancellation is caused by extraordinary circumstances and that the cancellation could not have been avoided even if all reasonable measures had been taken. Such extraordinary circumstances can only be invoked insofar they affect the flight concerned or ***the previous flight operated by the same aircraft.***

Amendment

An operating air carrier shall not be obliged to pay compensation in accordance with Article 7 if it can prove that the cancellation is caused by extraordinary circumstances and that the cancellation could not have been avoided even if all reasonable measures had been taken. Such extraordinary circumstances can only be invoked insofar they affect the flight concerned or ***other flights on the airline's schedule the cancellation of which is proven by the airline to have been caused directly by the extraordinary circumstances in question.***

Or. de

Justification

Cancellations for reasons beyond the airline's control may affect more than one flight by a given aircraft, particularly at congested airports.

Amendment 277
Giommaria Uggias

Proposal for a regulation
Article 1 – paragraph 1 – point 4 – point b
Regulation (EC) No 261/2004
Article 5 – paragraph 3

Text proposed by the Commission

An operating air carrier shall not be obliged to pay compensation in accordance with Article 7 if it can prove that the cancellation is caused by extraordinary circumstances and that the cancellation could not have been avoided even if all reasonable measures had been taken. Such extraordinary circumstances can only be invoked insofar they affect the flight concerned or the previous flight operated by the same aircraft.

Amendment

An operating air carrier shall not be obliged to pay compensation in accordance with Article 7 if it can prove that the cancellation is caused by extraordinary circumstances and that the cancellation could not have been avoided even if all reasonable measures had been taken. Such extraordinary circumstances can only be invoked insofar they affect the flight concerned or the previous flight operated by the same aircraft. ***The above does not exempt air carriers from the requirement to provide passengers with assistance, in accordance with Article 5(1)(b) and Article 9 of this Regulation.***

Or. it

Amendment 278
Carlo Fidanza, Antonio Cancian

Proposal for a regulation
Article 1 – paragraph 1 – point 4 – point b
Regulation (EC) No 261/2004
Article 5 – paragraph 3

Text proposed by the Commission

An operating air carrier shall not be

Amendment

An operating air carrier shall not be

obliged to pay compensation in accordance with Article 7 if it can prove that the cancellation is caused by extraordinary circumstances **and that the cancellation** could not have been avoided even if all reasonable measures had been taken. Such extraordinary circumstances can **only** be invoked in so far they affect the flight concerned or **the previous flight operated by the same aircraft**.

obliged to pay compensation in accordance with Article 7, if it can prove that the cancellation is caused by extraordinary circumstances **which** could not have been avoided even if all reasonable measures had been taken. Such extraordinary circumstances can be invoked in so far they affect the flight concerned or **any flight in the air carrier's program, as far as the air carrier is able to demonstrate the direct causal link between those circumstances and the cancellation**.

Or. en

Justification

The changed wording clarifies that the carrier has done everything in his power to avoid the extraordinary circumstance. Once these circumstances occur, not much can be done to avoid a cancellation.

Amendment 279

Bernadette Vergnaud

Proposal for a regulation

Article 1 – paragraph 1 – point 4 – point b

Regulation (EC) No 261/2004

Article 5 – paragraph 3

Text proposed by the Commission

An operating air carrier shall not be obliged to pay compensation in accordance with Article 7 if it can prove that the cancellation is caused by extraordinary circumstances and that the cancellation could not have been avoided even if all reasonable measures had been taken. Such extraordinary circumstances can only be invoked insofar they affect the flight concerned or the **previous** flight operated by the same aircraft.

Amendment

An operating air carrier shall not be obliged to pay compensation in accordance with Article 7 if it can prove that the cancellation is caused by extraordinary circumstances and that the cancellation could not have been avoided even if all reasonable measures had been taken. Such extraordinary circumstances can only be invoked insofar they affect the flight concerned or the flight **immediately preceding it** operated by the same aircraft. **Where no proof of the existence of extraordinary circumstances is provided, the compensation provided for in Article 7**

shall be paid by the air carrier to the passengers.

Or. fr

Amendment 280
Giommaria Uggias

Proposal for a regulation
Article 1 – paragraph 1 – point 4 – point c
Regulation (EC) No 261/2004
Article 5 – paragraph 5

Text proposed by the Commission

At airports whose annual traffic has been not less than **three** million passengers for at least three consecutive years, the airport managing body shall ensure that the operations of the airport and of airport users, in particular the air carriers and the suppliers of ground handling services, are coordinated through a proper contingency plan in view of possible situations of multiple cancellations and/or delays of flights leading to a considerable number of passengers stranded at the airport, including in cases of airline insolvency or revocation of the operating licence. The contingency plan shall be set up to ensure adequate information and assistance to the stranded passengers. The managing body of the airport shall communicate the contingency plan and any amendments to it to the National Enforcement Body designated pursuant to Article 16. At airports below the above-mentioned threshold, the airport management body shall make all reasonable efforts to coordinate airport users and to assist and inform stranded passengers in such situations.

Amendment

At airports whose annual traffic has been not less than **one and a half** million passengers for at least three consecutive years, the airport managing body shall ensure that the operations of the airport and of airport users, in particular the air carriers and the suppliers of ground handling services, are coordinated through a proper contingency plan in view of possible situations of multiple cancellations and/or delays of flights leading to a considerable number of passengers stranded at the airport, including in cases of airline insolvency or revocation of the operating licence. The contingency plan shall be set up to ensure adequate information and assistance to the stranded passengers. The managing body of the airport shall communicate the contingency plan and any amendments to it to the National Enforcement Body designated pursuant to Article 16. At airports below the above-mentioned threshold, the airport management body shall make all reasonable efforts to coordinate airport users and to assist and inform stranded passengers in such situations.

Or. it

Amendment 281

Jaromír Kohlíček, Sabine Wils

Proposal for a regulation

Article 1 – paragraph 1 – point 4 – point c

Regulation (EC) No 261/2004

Article 5 – paragraph 5

Text proposed by the Commission

At airports whose annual traffic has been not less than **three** million passengers for at least three consecutive years, the airport managing body shall ensure that the operations of the airport and of airport users, in particular the air carriers and the suppliers of ground handling services, are coordinated through a proper contingency plan in view of possible situations of multiple cancellations and/or delays of flights leading to a considerable number of passengers stranded at the airport, including in cases of airline insolvency or revocation of the operating licence. The contingency plan shall be set up to ensure adequate information and assistance to the stranded passengers. The managing body of the airport shall communicate the contingency plan and any amendments to it to the National Enforcement Body designated pursuant to Article 16. At airports below the above-mentioned threshold, the airport management body shall make all reasonable efforts to coordinate airport users and to assist and inform stranded passengers in such situations.

Amendment

At airports whose annual traffic has been not less than **one and a half** million passengers for at least three consecutive years, the airport managing body shall ensure that the operations of the airport and of airport users, in particular the air carriers and the suppliers of ground handling services, are coordinated through a proper contingency plan in view of possible situations of multiple cancellations and/or delays of flights leading to a considerable number of passengers stranded at the airport, including in cases of airline insolvency or revocation of the operating licence. The contingency plan shall be set up to ensure adequate information and assistance to the stranded passengers. The managing body of the airport shall communicate the contingency plan and any amendments to it to the National Enforcement Body designated pursuant to Article 16. At airports below the above-mentioned threshold, the airport management body shall make all reasonable efforts to coordinate airport users and to assist and inform stranded passengers in such situations.

Or. en

Amendment 282

Petri Sarvamaa

Proposal for a regulation

Article 1 – paragraph 1 – point 4 – point c

Text proposed by the Commission

At airports whose annual traffic has been not less than **three** million passengers for at least three consecutive years, the airport managing body shall ensure that the operations of the airport and of airport users, in particular the air carriers and the suppliers of ground handling services, are coordinated through a proper contingency plan in view of possible situations of multiple cancellations and/or delays of flights leading to a considerable number of passengers stranded at the airport, including in cases of airline insolvency or revocation of the operating licence. The contingency plan shall be set up to ensure adequate information and assistance to the stranded passengers. The managing body of the airport shall communicate the contingency plan and any amendments to it to the National Enforcement Body designated pursuant to Article 16. At airports below the above-mentioned threshold, the airport management body shall make all reasonable efforts to coordinate airport users and to assist and inform stranded passengers in such situations.

Amendment

At airports whose annual traffic has been not less than **five** million passengers for at least three consecutive years, the airport managing body shall ensure that the operations of the airport and of airport users, in particular the air carriers and the suppliers of ground handling services, are coordinated through a proper contingency plan in view of possible situations of multiple cancellations and/or delays of flights leading to a considerable number of passengers stranded at the airport, including in cases of airline insolvency or revocation of the operating licence. The contingency plan shall be set up to ensure adequate information and assistance to the stranded passengers. The managing body of the airport shall communicate the contingency plan and any amendments to it to the National Enforcement Body designated pursuant to Article 16. At airports below the above-mentioned threshold, the airport management body shall make all reasonable efforts to coordinate airport users and to assist and inform stranded passengers in such situations.

Or. fi

Amendment 283
Jim Higgins

Proposal for a regulation
Article 1 – paragraph 1 – point 4 – point c
Regulation (EC) No 261/2004
Article 5 – paragraph 5

Text proposed by the Commission

At airports whose annual traffic has been not less than three million passengers for at

Amendment

At airports whose annual traffic has been not less than three million passengers for at

least three consecutive years, the airport managing body shall ensure that the operations of the airport and of airport users, in particular the air carriers and the suppliers of ground handling services, are coordinated through a proper contingency plan in view of possible situations of multiple cancellations and/or delays of flights leading to a considerable number of passengers stranded at the airport, including in cases of airline insolvency or revocation of the operating licence. The contingency plan shall be set up to ensure adequate information and assistance to the stranded passengers. The managing body of the airport shall communicate the contingency plan and any amendments to it to the National Enforcement Body designated pursuant to Article 16. At airports below the above-mentioned threshold, the airport management body shall make all reasonable efforts to coordinate airport users and to assist and inform stranded passengers in such situations.

least three consecutive years, the airport managing body shall ensure that the operations of the airport and of airport users, in particular the air carriers and the suppliers of ground handling services, are coordinated through a proper contingency plan in view of possible situations of multiple cancellations and/or delays of flights leading to a considerable number of passengers stranded at the airport, including in cases of airline insolvency or revocation of the operating licence. ***The Airport Managing body shall be empowered to adopt measures to enforce co-operation of air carriers and the suppliers of groundhandling services in the preparation of this contingency plan.*** The contingency plan shall be set up to ensure adequate information and assistance to the stranded passengers. The managing body of the airport shall communicate the contingency plan and any amendments to it to the National Enforcement Body designated pursuant to Article 16. ***Member States shall ensure that the National Enforcement Body will have both the capability and resources to engage effectively on this topic.*** At airports below the above-mentioned threshold, the airport management body shall make all reasonable efforts to coordinate airport users and to assist and inform stranded passengers in such situations.

Or. en

Justification

The proposals require the airport authority to ensure that the operations of the airport and of airport users, in particular the air carriers and the suppliers of ground handling services, are coordinated through a proper contingency plan. Contingency planning in the case of heavy disruptions is needed and should involve all airport users. However, If the airport authority is to be made responsible for the preparation of the plan, they should also be given appropriate powers of implementation.

Amendment 284
Brian Simpson

Proposal for a regulation
Article 1 – paragraph 1 – point 4 – point c
Regulation (EC) No 261/2004
Article 5 – paragraph 5

Text proposed by the Commission

At airports whose annual traffic has been not less than three million passengers for at least three consecutive years, the airport managing body shall ensure that the operations of the airport *and of* airport users, in particular the air carriers *and* the suppliers of ground handling services, *are coordinated through a* proper contingency plan in view of possible situations of multiple cancellations and/or delays of flights leading to a considerable number of passengers stranded at the airport, including in cases of airline insolvency or revocation of the operating licence. The contingency plan shall be set up to ensure adequate information and assistance to the stranded passengers. The managing body of the airport shall communicate the contingency plan and any amendments to it to the National Enforcement Body designated pursuant to Article 16. At airports below the above-mentioned threshold, the airport management body shall make all reasonable efforts to coordinate airport users and to assist and inform stranded passengers in such situations.

Amendment

At airports whose annual traffic has been not less than three million passengers for at least three consecutive years, the airport managing body shall ensure that the operations of the airport *managing body in cooperation with the* airport users, in particular the air carriers, the suppliers of ground handling services *and special assistance providers for disabled passengers or passengers with reduced mobility, shall set up a* proper contingency plan *that shall ensure adequate coordination of the airport and the airport users* in view of possible situations of multiple cancellations and/or delays of flights leading to a considerable number of passengers stranded at the airport, including in cases of airline insolvency or revocation of the operating licence. The contingency plan shall be set up to ensure adequate information and assistance to the stranded passengers. The managing body of the airport shall communicate the contingency plan and any amendments to it to the National Enforcement Body designated pursuant to Article 16. At airports below the above-mentioned threshold, the airport management body shall make all reasonable efforts to coordinate airport users and to assist and inform stranded passengers in such situations.

Or. en

Amendment 285
Izaskun Bilbao Barandica

Proposal for a regulation

Article 1 – paragraph 1 – point 4 – point c

Regulation (EC) No 261/2004

Article 5 – paragraph 5

Text proposed by the Commission

At airports whose annual traffic has been not less than three million passengers for at least three consecutive years, the airport managing body shall ensure that the operations of the airport and of airport users, in particular the air carriers and the suppliers of ground handling services, are coordinated through a proper contingency plan in view of possible situations of multiple cancellations and/or delays of flights leading to a considerable number of passengers stranded at the airport, including in cases of airline insolvency or revocation of the operating licence. The contingency plan shall be set up to ensure adequate information and assistance to the stranded passengers. The managing body of the airport shall communicate the contingency plan and any amendments to it to the National Enforcement Body designated pursuant to Article 16. At airports below the above-mentioned threshold, the airport management body shall make all reasonable efforts to coordinate airport users and to assist and inform stranded passengers in such situations.

Amendment

At airports whose annual traffic has been not less than three million passengers for at least three consecutive years, the airport managing body shall ensure that the operations of the airport and of airport users, in particular the air carriers and the suppliers of ground handling services, are coordinated through a proper contingency plan in view of possible situations of multiple cancellations and/or delays of flights leading to a considerable number of passengers stranded at the airport, including in cases of airline insolvency or revocation of the operating licence.

The contingency plan shall also provide for the involvement of national, regional, or local authorities and other organisations where appropriate.

The contingency plan shall be set up to ensure adequate information and assistance to the stranded passengers. ***It shall include a special section on persons with a disability or reduced mobility in need of care.*** The managing body of the airport

shall communicate the contingency plan and any amendments to it to the National Enforcement Body designated pursuant to Article 16. At airports below the above-mentioned threshold, the airport management body shall make all reasonable efforts to coordinate airport users and to assist and inform stranded passengers in such situations.

Or. es

Amendment 286
Phil Bennion

Proposal for a regulation
Article 1 – paragraph 1 – point 4 – point c
Regulation (EC) No 261/2004
Article 5 – paragraph 5

Text proposed by the Commission

At airports whose annual traffic has been not less than three million passengers for at least three consecutive years, the airport managing body shall ensure that the operations of the airport and of airport users, in particular the air carriers and the suppliers of ground handling services, are coordinated through a proper contingency plan in view of possible situations of multiple cancellations and/or delays of flights leading to a considerable number of passengers stranded at the airport, including in cases of airline insolvency or revocation of the operating licence. The contingency plan shall be set up to ensure adequate information and assistance to the stranded passengers. The managing body of the airport shall communicate the contingency plan and any amendments to it to the National Enforcement Body designated pursuant to Article 16. At airports below the above-mentioned threshold, the airport management body shall make all reasonable efforts to

Amendment

At airports whose annual traffic has been not less than three million passengers for at least three consecutive years, the airport managing body shall ensure that the operations of the airport and of airport users, in particular the air carriers and the suppliers of ground handling services, are coordinated through a proper contingency plan in view of possible situations of multiple cancellations and/or delays of flights leading to a considerable number of passengers stranded at the airport, including in cases of airline insolvency or revocation of the operating licence. The contingency plan shall be set up ***in cooperation with the relevant national, regional or local authorities***, to ensure adequate information and assistance to the stranded passengers. The managing body of the airport shall communicate the contingency plan and any amendments to it to the National Enforcement Body designated pursuant to Article 16. At airports below the above-mentioned

coordinate airport users and to assist and inform stranded passengers in such situations.

threshold, the airport management body shall make all reasonable efforts to coordinate airport users and to assist and inform stranded passengers in such situations.

Or. en

Amendment 287

Georges Bach

Proposal for a regulation

Article 1 – paragraph 1 – point 4 – point c

Regulation (EC) No 261/2004

Article 5 – paragraph 5 b (new)

Text proposed by the Commission

Amendment

In Article 5(5) the following paragraph shall be inserted:

5b. Air carriers shall develop and put in place detailed procedures which allow them to comply in an effective and consistent way with the present Regulation, especially in cases of delays, cancellations, denied boarding, mass disruptions and insolvency. Those procedures shall clearly indicate the contact person of the airline at each airport who is competent for providing reliable information concerning care, assistance, re-routing or reimbursement and for taking the necessary immediate measures. The air carrier shall define the processes and conditions for the provision of those services in such a way that this representative can fulfil this obligation without delay. The air carrier shall communicate those procedures and any changes thereto to the National Enforcement Body designated pursuant to Article 16.

Or. en

Justification

The amendment replaces the Rapporteur's amendment 41.

Amendment 288

Michael Gahler

Proposal for a regulation

Article 1 – paragraph 1 – point 4 – point c

Regulation (EC) No 261/2004

Article 5 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

In Article 5(5) the following paragraph shall be inserted:

5a. While airlines may not shirk their obligations under this Regulation, the contingency plan provided for in paragraph 5 shall be drawn up so as to indicate, where necessary, who is responsible for ensuring the provision of adequate information and assistance to stranded passengers.

Or. xm

Justification

It should be made clear that, with regard to the stipulated obligations vis-à-vis stranded passengers, airports' contingency plans will only provide organisational guidance.

Amendment 289

Georges Bach

Proposal for a regulation

Article 1 – paragraph 1 – point 4 – point c

Regulation (EC) No 261/2004

Article 5 – paragraph 5 c (new)

Text proposed by the Commission

Amendment

In Article 5(5) the following paragraph

shall be inserted:

5c. In the event of cancellation of a flight due to the insolvency of an air carrier or suspension of operations of an air carrier due to the revocation of its operating licence, passengers shall have the right to reimbursement or a return flight to the point of departure in accordance with point (a) of Article 8(1) and the right to care as specified in Article 9. Air carriers shall provide sufficient evidence of security for the costs of reimbursement and repatriation by taking the necessary measures such as creating funds or taking out insurances.

Or. en

Justification

The amendment replaces the Rapporteur's amendment 42. The new amendment indicates that air carriers should provide sufficient evidence of security by taking the necessary measures such as creating funds or taking out insurance.

Amendment 290

Christine De Veyrac, Dominique Vlasto, Michel Dantin, Dominique Riquet

Proposal for a regulation

Article 1 – paragraph 1 – point 4 – point c

Regulation (EC) No 261/2004

Article 5 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

In Article 5(5) the following paragraph shall be inserted:

5a. In the event of cancellation of a flight owing to insolvency, bankruptcy, or the suspension or cessation of the activities of an air carrier, stranded passengers shall be entitled to a reimbursement or re-routing, and to care, as provided for in Articles 8 and 9 of this Regulation. Air carriers shall take all necessary measures,

such as taking out an insurance policy or creating guarantee funds, to provide for the care, reimbursement or re-routing of stranded passengers where applicable. These rights shall apply to all stranded passengers irrespective of their place of residence, point of departure or where they bought their ticket.

Or. fr

Justification

Bankruptcy, insolvency, or the suspension or cessation of the activities of an air carrier may lead to violations of passenger rights: flight cancellation and the cost of re-routing borne by the passenger. It is therefore the responsibility of airlines to protect passengers against these eventualities. This is not something that passengers should have to opt into and pay for themselves.

Amendment 291
Inés Ayala Sender

Proposal for a regulation
Article 1 – paragraph 1 – point 4 – point c
Regulation (EC) No 261/2004
Article 5 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

In Article 5(5) the following paragraph is inserted:

‘5a. Where a flight is cancelled owing to the insolvency of an air carrier or to cessation of its operations resulting from revocation of its operating licence, passengers shall be entitled to reimbursement or a return flight to the point of departure in accordance with Article 8(1)(a) and to care as specified in Article 9, as well as to reimbursement for the part of the journey not made. Air carriers shall provide sufficient evidence of security for the costs of reimbursement and repatriation. To that end, and to ensure that passengers can be paid the

amounts referred to in this paragraph, the Commission shall submit a proposal establishing a guarantee fund for air carriers to cover the above costs.'

Or. es

Amendment 292

Carlo Fidanza

Proposal for a regulation

Article 1 – paragraph 1 – point 5

Regulation (EC) No 261/2004

Article 6 – paragraph 1 – introductory part

Text proposed by the Commission

When an operating air carrier reasonably expects a flight to be delayed, or an operating carrier *postpones* the scheduled time of departure, beyond its originally scheduled time of departure, passengers shall be offered by the operating air carrier:

Amendment

When an operating air carrier reasonably expects a flight to be delayed, or *when* an operating *air* carrier *postpone* the scheduled time of departure, beyond its *originally scheduled time, unless the passenger was informed of schedule change at least 72 hours before the* originally scheduled time of departure, passengers shall be offered by the operating air carrier:

Or. en

Amendment 293

Bernadette Vergnaud

Proposal for a regulation

Article 1 – paragraph 1 – point 5

Regulation (EC) No 261/2004

Article 6 – paragraph 1 – introductory part

Text proposed by the Commission

When an operating air carrier reasonably expects a *flight* to be delayed, or an operating carrier postpones the scheduled time of departure, beyond its originally

Amendment

When an operating air carrier reasonably expects a *flight's departure* to be delayed, or an operating carrier postpones the scheduled time of departure, beyond its

scheduled time of departure, passengers shall be offered by the operating air carrier:

originally scheduled time of departure, passengers shall be offered by the operating air carrier:

Or. fr

Amendment 294
Jacqueline Foster

Proposal for a regulation
Article 1 – paragraph 1 – point 5
Regulation (EC) No 261/2004
Article 6 – paragraph 1 – point i

Text proposed by the Commission

when the delay is *of* at least *two* hours, the assistance specified in Article 9(1)(a) and 9(2); and

Amendment

when the delay is at least **3** hours, the assistance specified in Article 9(1)(a) and 9(2) *where physically possible. The airline need not provide such care where this would lead to further delay of the flight;* and

Or. en

Justification

The current thresholds are 2, 3 & 4 hours. The pragmatic approach would be to harmonise, and simplify the Regulation, at a 'mid-point' of 3 hours. Additional caveats would take into account delays at remote / regional airports where refreshments may not be available (e.g. evening flights that are delayed where all cafes/restaurants may be closed). It is in nobody's interest to cause further delay to a flight by providing refreshments. A degree of discretion around the boundaries is required.

Amendment 295
Bernadette Vergnaud

Proposal for a regulation
Article 1 – paragraph 1 – point 5
Regulation (EC) No 261/2004
Article 6 – paragraph 1 – point i

Text proposed by the Commission

when the delay is of at least two hours, the **assistance** specified in Article 9(1)(a) and 9(2); and

Amendment

when the delay is of at least two hours, the **care** specified in Article 9(1)(a) and 9(2); and

Or. fr

Amendment 296

Corien Wortmann-Kool

Proposal for a regulation

Article 1 – paragraph 1 – point 5

Regulation (EC) No 261/2004

Article 6 – paragraph 1 – point ii

Text proposed by the Commission

when the delay is of at least five hours and includes **one or several nights**, the assistance specified in Article 9(1)(b) and 9(1)(c); and

Amendment

when the delay is of at least five hours and includes **night-time hours**, the assistance specified in Article 9(1)(b) and 9(1)(c); and

Or. en

Amendment 297

Mathieu Grosch

Proposal for a regulation

Article 1 – paragraph 1 – point 5

Regulation (EC) No 261/2004

Article 6 – paragraph 1 – point ii

Text proposed by the Commission

when the delay is of at least **five** hours and includes one or several nights, the assistance specified in Article 9(1)(b) and 9(1)(c); and

Amendment

when the delay is of at least **four** hours and includes one or several nights, the assistance specified in Article 9(1)(b) and 9(1)(c); and

Or. de

Amendment 298
Marian-Jean Marinescu

Proposal for a regulation
Article 1 – paragraph 1 – point 5
Regulation (EC) No 261/2004
Article 6 – paragraph 1 – point ii

Text proposed by the Commission

when the delay is of at least **five** hours and includes one or several nights, the assistance specified in Article 9(1)(b) and 9(1)(c); and

Amendment

when the delay is of at least **six** hours and includes one or several nights, the assistance specified in Article 9(1)(b) and 9(1)(c); and

Or. en

Amendment 299
Bernadette Vergnaud

Proposal for a regulation
Article 1 – paragraph 1 – point 5
Regulation (EC) No 261/2004
Article 6 – paragraph 1 – point ii

Text proposed by the Commission

when the delay is of at least five hours and includes one or several nights, the **assistance** specified in Article 9(1)(b) and 9(1)(c); and

Amendment

when the delay is of at least five hours and includes one or several nights, the **care** specified in Article 9(1)(b) and 9(1)(c); and

Or. fr

Amendment 300
Mathieu Grosch

Proposal for a regulation
Article 1 – paragraph 1 – point 5
Regulation (EC) No 261/2004
Article 6 – paragraph 1 – point iii

Text proposed by the Commission

Amendment

when the delay is of at least **five** hours, the assistance specified in Article 8(1)(a).

when the delay is of at least **four** hours, the assistance specified in Article 8(1)(a).

Or. de

Amendment 301

Bogdan Kazimierz Marcinkiewicz

Proposal for a regulation

Article 1 – paragraph 1 – point 5

Regulation (EC) No 261/2004

Article 6 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

Passengers shall have a right to compensation from the operating air carrier in accordance with Article 7 where the passenger **arrives at its** final destination:

Passengers shall have a right to compensation from the operating air carrier in accordance with Article 7 where the passenger's **journey ends at the** final destination:

Or. pl

Justification

The Commission proposal limits the right of passengers to compensation if the passenger does not take the flight to the destination airport. The right to cancel flights delayed by more than five hours is laid down in Article 8(1a). However, according to the Commission proposal, if passengers exercise this right they lose the right to compensation under Article 7.

Amendment 302

Inés Ayala Sender

Proposal for a regulation

Article 1 – paragraph 1 – point 5

Regulation (EC) No 261/2004

Article 6 – paragraph 2 – points a and b

Text proposed by the Commission

Amendment

Passengers shall have a right to

Passengers shall have a right to

compensation from the operating air carrier in accordance with Article 7 where the passenger arrives at *its* final destination:

(a) five hours or more after the scheduled time of arrival for all intra-Community journeys and for journeys to/from third countries of 3500 kilometres or less;

(b) nine hours or more after the scheduled time of arrival for journeys to/from third countries between 3500 and 6000 kilometres;

compensation from the operating air carrier in accordance with Article 7 where the passenger arrives at *his* final destination:

(a) three hours late in the case of intra-Union flights not exceeding 1500 kilometres;

(b) five hours late in the case of intra-Union flights between 1500 kilometres and 3500 kilometres. Air carriers shall give passengers care extending beyond the obligations laid down in Article 9(1) and (2).

Or. es

Amendment 303

Keith Taylor, Eva Lichtenberger, Michael Cramer

Proposal for a regulation

Article 1 – paragraph 1 – point 5

Regulation (EC) No 261/2004

Article 6 – paragraph 2 – point a

Text proposed by the Commission

five hours or more after the scheduled time of arrival for all intra-Community journeys and for journeys to/from third countries of 3500 kilometres or less;

Amendment

for a short flight where an alternative travel for the same destination by train, bus or waterway transport of not more than five hours is scheduled;

Or. en

Amendment 304

Jacqueline Foster

Proposal for a regulation

Article 1 – paragraph 1 – point 5

Regulation (EC) No 261/2004

Article 6 – paragraph 2 – point a

Text proposed by the Commission

five hours or more after the scheduled time of arrival for **all intra-Community journeys and for journeys to/from third countries of 3500** kilometres or less;

Amendment

five hours or more after the scheduled time of arrival for journeys **of 1500** kilometres or less;

Or. en

Justification

The distance bandings need to be amended to ensure that they are consistent with those applicable for cancellations (and hence comply with the Sturgeon ruling) and with the levels of compensation in Article 7. This will also ensure the Regulation does not become overly complicated.

Amendment 305
Philip Bradbourn

Proposal for a regulation
Article 1 – paragraph 1 – point 5
Regulation (EC) No 261/2004
Article 6 – paragraph 2 – point a

Text proposed by the Commission

five hours or more after the scheduled time of arrival for all intra-Community journeys and for journeys to/from third countries of 3500 kilometres or less;

Amendment

three hours or more after the scheduled time of arrival for all intra-Community journeys and for journeys to/from third countries of 3500 kilometres or less;

Or. en

Amendment 306
Hubert Pirker

Proposal for a regulation
Article 1 – paragraph 1 – point 5
Regulation (EC) No 261/2004
Article 6 – paragraph 2 – point a

Text proposed by the Commission

five hours or more after the scheduled time of arrival for all journeys within the Union and for journeys to/from third countries of 3 500 kilometres or less;

Amendment

three hours or more after the scheduled time of arrival for all journeys within the Union and for journeys to/from third countries of 3 500 kilometres or less;

Or. de

Justification

The Commission proposal would lead to a glaring imbalance between the provisions for long delays and those for cancellations. The text of the Regulation should therefore be amended in line with the European Court of Justice ruling in joined cases C-402/07 and C-432/07 (Sturgeon), making compensation also payable in the event of (arrival-time) delays of more than three hours.

Amendment 307
Giommara Uggias

Proposal for a regulation
Article 1 – paragraph 1 – point 5
Regulation (EC) No 261/2004
Article 6 – paragraph 2 – point a

Text proposed by the Commission

five hours or more after the scheduled time of arrival for all intra-Community journeys and for journeys to/from third countries of 3500 kilometres or less;

Amendment

three hours or more after the scheduled time of arrival for all journeys within the Union and for journeys to/from third countries of 3 500 kilometres or less;

Or. it

Amendment 308
Vilja Savisaar-Toomast, Anne E. Jensen

Proposal for a regulation
Article 1 – paragraph 1 – point 5
Regulation (EC) No 261/2004
Article 6 – paragraph 2 – point a

Text proposed by the Commission

five hours or more after the scheduled time of arrival for all *intra-Community journeys and for journeys to/from third countries of 3500* kilometres or less;

Amendment

three hours or more after the scheduled time of arrival for all journeys *of 1 500* kilometres or less;

Or. en

Amendment 309
Phil Bennion

Proposal for a regulation
Article 1 – paragraph 1 – point 5
Regulation (EC) No 261/2004
Article 6 – paragraph 2 – point a

Text proposed by the Commission

five hours or more after the scheduled time of arrival for all *intra-Community journeys and for journeys to/from third countries of 3500* kilometres or less;

Amendment

three hours or more after the scheduled time of arrival for all journeys *of 1500* kilometres or less;

Or. en

Amendment 310
Bernadette Vergnaud

Proposal for a regulation
Article 1 – paragraph 1 – point 5
Regulation (EC) No 261/2004
Article 6 – paragraph 2 – point a

Text proposed by the Commission

five hours or more after the scheduled time of arrival for all *intra-Community journeys and for journeys to/from third countries of 3500* kilometres or less;

Amendment

three hours or more after the scheduled time of arrival for all journeys *of 2 500* kilometres or less;

Or. fr

Amendment 311
Phil Bennion

Proposal for a regulation
Article 1 – paragraph 1 – point 5
Regulation (EC) No 261/2004
Article 6 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

In Article 6(2) the following point shall be inserted:

(aa) five hours or more after the scheduled time of arrival for all journeys between 1500 and 3500 kilometres ;

Or. en

Amendment 312
Dominique Riquet

Proposal for a regulation
Article 1 – paragraph 1 – point 5
Regulation (EC) No 261/2004
Article 6 – paragraph 2 – point b

Text proposed by the Commission

Amendment

nine hours or more after the scheduled time of arrival for journeys to/from third countries between 3500 and 6000 kilometres;

deleted

Or. fr

Amendment 313
Peter van Dalen

Proposal for a regulation
Article 1 – paragraph 1 – point 5
Regulation (EC) No 261/2004
Article 6 – paragraph 2 – point b

Text proposed by the Commission

Amendment

nine hours or more after the scheduled time of arrival for journeys to/from third countries between 3500 and 6000 kilometres;

deleted

Or. nl

Amendment 314

Keith Taylor, Eva Lichtenberger, Michael Cramer

Proposal for a regulation

Article 1 – paragraph 1 – point 5

Regulation (EC) No 261/2004

Article 6 – paragraph 2 – point b

Text proposed by the Commission

Amendment

nine hours or more after the scheduled time of arrival for journeys to/from third countries between 3500 and 6000 kilometres;

for a medium flight scheduled with a flight time of not more than five hours and where there is no alternative scheduled travel as described in this Article under (a)

Or. en

Amendment 315

Hubert Pirker

Proposal for a regulation

Article 1 – paragraph 1 – point 5

Regulation (EC) No 261/2004

Article 6 – paragraph 2 – point b

Text proposed by the Commission

Amendment

nine hours or more after the scheduled time of arrival for journeys to/from third countries ***between 3 500 and 6 000*** kilometres;

five hours or more after the scheduled time of arrival for journeys to/from third countries ***of more than*** 3 500 kilometres;

Or. de

Justification

It seems reasonable that threshold values should be based on distance. However, the limit values proposed by the Commission are unreasonably high. The amendment therefore supports the stance taken by the rapporteur, who also proposed, inter alia, the deletion of point c.

Amendment 316
Giommaria Uggias

Proposal for a regulation
Article 1 – paragraph 1 – point 5
Regulation (EC) No 261/2004
Article 6 – paragraph 2 – point b

Text proposed by the Commission

nine hours or more after the scheduled time of arrival for journeys to/from third countries *between 3500 and 6000* kilometres;

Amendment

five hours or more after the scheduled time of arrival for journeys to/from third countries of more than 3 500 kilometres;

Or. it

Amendment 317
Vilja Savisaar-Toomast, Anne E. Jensen

Proposal for a regulation
Article 1 – paragraph 1 – point 5
Regulation (EC) No 261/2004
Article 6 – paragraph 2 – point b

Text proposed by the Commission

nine hours or more after the scheduled time of arrival for journeys *to/from third countries between 3500 and 6000* kilometres;

Amendment

five hours or more after the scheduled time of arrival for *all* journeys *of more than 1 500* kilometres

Or. en

Amendment 318
Jacqueline Foster

Proposal for a regulation
Article 1 – paragraph 1 – point 5
Regulation (EC) No 261/2004
Article 6 – paragraph 2 – point b

Text proposed by the Commission

nine hours or more after the scheduled time of arrival for journeys *to/from third countries* between **3500 and 6000** kilometres;

Amendment

nine hours or more after the scheduled time of arrival for journeys between **1500 and 3500** kilometres;

Or. en

Justification

The distance bandings need to be amended to ensure that they are consistent with those applicable for cancellations (and hence comply with the Sturgeon ruling) and with the levels of compensation in Article 7. This will also ensure the Regulation does not become overly complicated.

Amendment 319
Phil Bennion

Proposal for a regulation
Article 1 – paragraph 1 – point 5
Regulation (EC) No 261/2004
Article 6 – paragraph 2 – point b

Text proposed by the Commission

nine hours or more after the scheduled time of arrival for journeys *to/from third countries* between 3500 and 6000 kilometres;

Amendment

nine hours or more after the scheduled time of arrival for journeys **for all journeys** between 3500 and 6000 kilometres;

Or. en

Amendment 320
Philip Bradbourn

Proposal for a regulation
Article 1 – paragraph 1 – point 5
Regulation (EC) No 261/2004
Article 6 – paragraph 2 – point b

Text proposed by the Commission

nine hours or more after the scheduled time of arrival for journeys to/from third countries between 3500 and 6000 kilometres;

Amendment

six hours or more after the scheduled time of arrival for journeys to/from third countries between 3500 and 6000 kilometres;

Or. en

Amendment 321
Bernadette Vergnaud

Proposal for a regulation
Article 1 – paragraph 1 – point 5
Regulation (EC) No 261/2004
Article 6 – paragraph 2 – point b

Text proposed by the Commission

nine hours or more after the scheduled time of arrival for journeys *to/from third countries* between *3500* and *6000* kilometres;

Amendment

seven hours or more after the scheduled time of arrival for *intra-Community* journeys *of more than 2 500 kilometres and for all other journeys* between *2 500* and *5 000* kilometres;

Or. fr

Amendment 322
Hubert Pirker

Proposal for a regulation
Article 1 – paragraph 1 – point 5
Regulation (EC) No 261/2004
Article 6 – paragraph 2 – point c

Text proposed by the Commission

twelve hours or more after the scheduled

Amendment

deleted

time of arrival for journeys to/from third countries of 6 000 kilometres or more.

Or. de

Justification

Result of the amendment to Article 6(2), points (a) and (b).

Amendment 323
Giommaria Uggias

Proposal for a regulation
Article 1 – paragraph 1 – point 5
Regulation (EC) No 261/2004
Article 6 – paragraph 2 – point c

Text proposed by the Commission

Amendment

twelve hours or more after the scheduled time of arrival for journeys to/from third countries of 6000 kilometres or more. *deleted*

Or. it

Amendment 324
Keith Taylor, Eva Lichtenberger, Michael Cramer

Proposal for a regulation
Article 1 – paragraph 1 – point 5
Regulation (EC) No 261/2004
Article 6 – paragraph 2 – point c

Text proposed by the Commission

Amendment

twelve hours or more after the scheduled time of arrival for journeys to/from third countries of 6000 kilometres or more. *for a long flight with a scheduled flight time of more than five hours.*

Or. en

Amendment 325
Jacqueline Foster

Proposal for a regulation
Article 1 – paragraph 1 – point 5
Regulation (EC) No 261/2004
Article 6 – paragraph 2 – point c

Text proposed by the Commission

twelve hours or more after the scheduled time *of* arrival for journeys *to/from third countries of 6000 kilometres or more*.

Amendment

twelve hours or more after the scheduled time *or* arrival for journeys *not falling under (a) or (b)*.

Or. en

Justification

The distance bandings need to be amended to ensure that they are consistent with those applicable for cancellations (and hence comply with the Sturgeon ruling) and with the levels of compensation in Article 7. This will also ensure the Regulation does not become overly complicated.

Amendment 326
Philip Bradbourn

Proposal for a regulation
Article 1 – paragraph 1 – point 5
Regulation (EC) No 261/2004
Article 6 – paragraph 2 – point c

Text proposed by the Commission

twelve hours or more after the scheduled time of arrival for journeys to/from third countries of 6000 kilometres or more.

Amendment

eight hours or more after the scheduled time of arrival for journeys to/from third countries of 6000 kilometres or more.

Or. en

Amendment 327
Dominique Riquet

Proposal for a regulation
Article 1 – paragraph 1 – point 5
Regulation (EC) No 261/2004
Article 6 – paragraph 2 – point c

Text proposed by the Commission

twelve hours or more after the scheduled time *of arrival* for journeys to/from third countries of **6000** kilometres or more.

Amendment

with a delay twice the length of the scheduled *flight* time for journeys to/from third countries of **3 500** kilometres or more.

Or. fr

Amendment 328
Peter van Dalen

Proposal for a regulation
Article 1 – paragraph 1 – point 5
Regulation (EC) No 261/2004
Article 6 – paragraph 2 – point c

Text proposed by the Commission

twelve hours or more after the scheduled time of arrival for journeys to/from third countries of **6000** kilometres or more.

Amendment

seven hours or more after the scheduled time of arrival for journeys to/from third countries of **3 500** kilometres or more.

Or. nl

Amendment 329
Phil Bennion

Proposal for a regulation
Article 1 – paragraph 1 – point 5
Regulation (EC) No 261/2004
Article 6 – paragraph 2 – point c

Text proposed by the Commission

twelve hours or more after the scheduled time of arrival for *journeys to/from third countries* of 6000 kilometres or more.

Amendment

twelve hours or more after the scheduled time of arrival for *all journeys* of 6000 kilometres or more.

Amendment 330
Bernadette Vergnaud

Proposal for a regulation
Article 1 – paragraph 1 – point 5
Regulation (EC) No 261/2004
Article 6 – paragraph 2 – point c

Text proposed by the Commission

twelve hours or more after the scheduled time of arrival for journeys *to/from third countries of 6000 kilometres or more*.

Amendment

ten hours or more after the scheduled time of arrival for journeys *not covered under points (a) or (b)*.

Or. fr

Amendment 331
Keith Taylor, Eva Lichtenberger, Michael Cramer

Proposal for a regulation
Article 1 – paragraph 1 – point 5
Regulation (EC) No 261/2004
Article 6 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

In Article 6(2) the following paragraph shall be inserted:

(a) An intermodal ticket shall entirely fall under the compensation rules of this Regulation.

Or. en

Amendment 332
Dieter-Lebrecht Koch

Proposal for a regulation
Article 1 – paragraph 1 – point 5

Regulation (EC) No 261/2004
Article 6 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

In Article 6(2), the following point shall be inserted:

(ca) A cancellation within the delay period may not be treated in the same way as a delay not subject to a penalty.

Or. de

Amendment 333
Dieter-Lebrecht Koch, Michael Gahler

Proposal for a regulation
Article 1 – paragraph 1 – point 5
Regulation (EC) No 261/2004
Article 6 – paragraph 3

Text proposed by the Commission

Amendment

Paragraph 2 shall also apply where the operating air carrier has modified the scheduled times of departure and arrival causing a delay compared to the time of arrival of the original schedule, unless the passenger was informed of the schedule change more than **fifteen** days in advance of the originally scheduled time of departure.

Paragraph 2 shall also apply where the operating air carrier has modified the scheduled times of departure and arrival causing a delay compared to the time of arrival of the original schedule, unless the passenger was informed of the schedule change more than **10** days in advance of the originally scheduled time of departure.

Or. de

Amendment 334
Mathieu Grosch

Proposal for a regulation
Article 1 – paragraph 1 – point 5
Regulation (EC) No 261/2004
Article 6 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

In Article 6(3) the following paragraph shall be inserted:

Paragraph 2 shall not apply where the arrival has been delayed as a result of routing or landing instructions issued by the air safety authorities.

Or. de

Justification

Delays on safety-related grounds must be assumed to be for the passengers' protection and should not therefore give rise to any claim for compensation.

Amendment 335
Philippe De Backer

Proposal for a regulation
Article 1 – paragraph 1 – point 5
Regulation (EC) No 261/2004
Article 6 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

In Article 6(3) the following paragraph shall be inserted:

Paragraph 2 shall not apply to passengers whose reservation is a component of a package holiday, as defined by Council Directive 90/314/EEC, as those passengers have a different travel regime and are covered by rights as stipulated in that directive.

Or. en

Justification

The package travel directive gives travellers already a good level of protection. As those travellers are often part of a specific regime, including special care in case of incidents, it is not necessary that those passengers are entitled to extra compensation.

Amendment 336
Jacqueline Foster

Proposal for a regulation
Article 1 – paragraph 1 – point 5
Regulation (EC) No 261/2004
Article 6 – paragraph 4

Text proposed by the Commission

An operating air carrier shall not be obliged to pay compensation in accordance with Article 7, if it can prove that the **delay or change of schedule** is caused by extraordinary circumstances and that the **delay or change of schedule** could not have been avoided even if all reasonable measures had been taken. **Such extraordinary circumstances can only be invoked insofar they affect the flight concerned or the previous flight operated by the same aircraft.**

Amendment

An operating air carrier shall not be obliged to pay compensation in accordance with Article 7, if it can prove that the **cancellation** is caused by extraordinary circumstances and that the **cancellation** could not have been avoided even if all reasonable measures had been taken.

Or. en

Justification

It is unfair, and there is no logical justification, to limit the use of extraordinary circumstances (which are by definition beyond the control of the carrier) to one further flight as there are frequently knock on effects. The limitation change will give airlines a large economic incentive to cancel flights in order to isolate the flight delay, maintain the integrity of their programme and, protect them from excessive Article 7 compensation. This will be to the detriment of consumers.

Amendment 337
Bogdan Kazimierz Marcinkiewicz

Proposal for a regulation
Article 1 – paragraph 1 – point 5
Regulation (EC) No 261/2004
Article 6 – paragraph 4

Text proposed by the Commission

An operating air carrier shall not be obliged to pay compensation in accordance with Article 7, if it can prove that ***the delay or change of schedule is caused by extraordinary circumstances and that the delay or change of schedule could not have been avoided even if all reasonable measures had been taken. Such extraordinary circumstances can only be invoked insofar they affect the flight concerned or the previous flight operated by the same aircraft.***

Amendment

An operating air carrier shall not be obliged to pay compensation in accordance with Article 7 if it can prove that ***the two conditions laid down in Article 5(3) have been fulfilled.***

Or. pl

Justification

This amendment is in line with the amendment to Article 5(3). To avoid repetition, a reference to Article 5(3) is proposed.

Amendment 338

Vilja Savisaar-Toomast

Proposal for a regulation

Article 1 – paragraph 1 – point 5

Regulation (EC) No 261/2004

Article 6 – paragraph 4

Text proposed by the Commission

An operating air carrier shall not be obliged to pay compensation in accordance with Article 7, if it can prove that the delay or change of schedule is caused by extraordinary circumstances and that the delay or change of schedule could not have been avoided even if all reasonable measures had been taken. Such extraordinary circumstances can only be invoked insofar they affect the flight concerned or the previous ***flight*** operated by the same aircraft.

Amendment

An operating air carrier shall not be obliged to pay compensation in accordance with Article 7, if it can prove that the delay or change of schedule is caused by extraordinary circumstances and that the delay or change of schedule could not have been avoided even if all reasonable measures had been taken. Such extraordinary circumstances can only be invoked insofar they affect the flight concerned or the previous ***flights*** operated by the same aircraft ***the same day.***

Amendment 339
Georges Bach

Proposal for a regulation
Article 1 – paragraph 1 – point 5
Regulation (EC) No 261/2004
Article 6 – paragraph 4

Text proposed by the Commission

An operating air carrier shall not be obliged to pay compensation in accordance with Article 7, if it can prove that **the** delay or change of schedule is caused by extraordinary circumstances **and** that the delay or change of schedule could not have been avoided even if all reasonable measures had been taken. Such extraordinary circumstances can only be invoked insofar they affect the flight concerned or the previous flight operated by the same aircraft.

Amendment

An operating air carrier shall not be obliged to pay compensation in accordance with Article 7 if it can prove that **two conditions are fulfilled:**

– **that the** delay or change of schedule is caused by extraordinary circumstances, **and**

– that the delay or change of schedule could not have been avoided even if all reasonable measures had been **correctly** taken.

Such extraordinary circumstances can only be invoked insofar **as** they affect the flight concerned or the previous flight operated by the same aircraft.

Justification

The amendment replaces the Rapporteur's amendment 50.

Amendment 340
Dieter-Lebrecht Koch, Markus Ferber

Proposal for a regulation
Article 1 – paragraph 1 – point 5
Regulation (EC) No 261/2004
Article 6 – paragraph 4

Text proposed by the Commission

An operating air carrier shall not be obliged to pay compensation in accordance with Article 7, if it can prove that the delay or change of schedule is caused by extraordinary circumstances and that the delay or change of schedule could not have been avoided even if all reasonable measures had been taken. Such extraordinary circumstances can only be invoked insofar they affect the flight concerned or *the previous flight operated by the same aircraft*.

Amendment

An operating air carrier shall not be obliged to pay compensation in accordance with Article 7, if it can prove that the delay or change of schedule is caused by extraordinary circumstances and that the delay or change of schedule could not have been avoided even if all reasonable measures had been taken. Such extraordinary circumstances can only be invoked insofar they affect the flight concerned or *other flights on the airline's schedule the cancellation of which is proven by the airline to have been caused directly by the extraordinary circumstances in question. Exceptions are provided for in Article 1(11)*.

Or. de

Amendment 341
Michael Gahler

Proposal for a regulation
Article 1 – paragraph 1 – point 5
Regulation (EC) No 261/2004
Article 6 – paragraph 4

Text proposed by the Commission

An operating air carrier shall not be obliged to pay compensation in accordance with Article 7, if it can prove that the delay or change of schedule is caused by extraordinary circumstances and that the delay or change of schedule could not have been avoided even if all reasonable

Amendment

An operating air carrier shall not be obliged to pay compensation in accordance with Article 7, if it can prove that the delay or change of schedule is caused by extraordinary circumstances and that the delay or change of schedule could not have been avoided even if all reasonable

measures had been taken. Such extraordinary circumstances can only be invoked insofar they affect the flight concerned or *the previous flight operated by the same aircraft*.

measures had been taken. Such extraordinary circumstances can only be invoked insofar they affect the flight concerned or *other flights on the airline's schedule delays to which are proven by the airline to have been caused directly by the extraordinary circumstances in question*.

Or. de

Justification

Delays for reasons beyond the airline's control may affect more than one flight by a given aircraft, particularly at congested airports. Airlines should be afforded the possibility of proving that they could not have prevented such knock-on delays for reasons beyond their control.

Amendment 342 **Georges Bach**

Proposal for a regulation **Article 1 – paragraph 1 – point 5** **Regulation (EC) No 261/2004** **Article 6 – paragraph 5**

Text proposed by the Commission

Subject to safety constraints, where a tarmac delay exceeds one hour, the operating air carrier shall provide free of charge access to toilet facilities and drinking water, shall ensure adequate heating or cooling of the passenger cabin, and shall ensure that adequate medical attention is available if needed. Where a tarmac delay reaches a maximum of **five** hours, the aircraft shall return to the gate or another suitable disembarkation point where passengers shall be allowed to disembark **and to** benefit from the same assistance as specified in paragraph 1, **unless there are safety-related or security-related reasons why the aircraft cannot leave its position on the tarmac**.

Amendment

Subject to safety constraints, where a tarmac delay exceeds one hour, the operating air carrier shall provide free of charge access to toilet facilities and drinking water, shall ensure adequate heating or cooling of the passenger cabin, and shall ensure that adequate medical attention is available if needed. Where a tarmac delay reaches a maximum of **two** hours, the aircraft shall return to the gate or another suitable disembarkation point where passengers shall be allowed to disembark, **unless there are safety-related or security-related reasons why the aircraft cannot leave its position on the tarmac**. **After a total delay of more than 3 hours from the initial departing time,**

passengers benefit from the same assistance as specified in paragraph 1, **including the option of reimbursement, return flight and rerouting, as specified in Article 8(1) and they shall be informed accordingly.**

Or. en

Justification

The amendment replaces the Rapporteur's amendment 51 with the additional reference to the right to reimbursement or return or rerouting.

Amendment 343 **Philip Bradbourn**

Proposal for a regulation **Article 1 – paragraph 1 – point 5** **Regulation (EC) No 261/2004** **Article 6 – paragraph 5**

Text proposed by the Commission

Subject to safety constraints, where a tarmac delay exceeds one hour, the operating air carrier shall provide free of charge access to toilet facilities and drinking water, shall ensure adequate heating or cooling of the passenger cabin, and shall ensure that adequate medical attention is available if needed. Where a tarmac delay reaches a maximum of **five** hours, the aircraft shall return to the gate or another suitable disembarkation point where passengers shall be allowed to disembark and to benefit from the same assistance as specified in paragraph 1, unless there are safety-related or security-related reasons why the aircraft cannot leave its position on the tarmac.

Amendment

Subject to safety constraints, where a tarmac delay exceeds one hour, the operating air carrier shall provide free of charge access to toilet facilities and drinking water, shall ensure adequate heating or cooling of the passenger cabin, and shall ensure that adequate medical attention is available if needed. Where a tarmac delay reaches a maximum of **three** hours, the aircraft shall return to the gate or another suitable disembarkation point where passengers shall be allowed to disembark and to benefit from the same assistance as specified in paragraph 1, unless there are safety-related or security-related reasons why the aircraft cannot leave its position on the tarmac.

Or. en

Amendment 344
Artur Zasada

Proposal for a regulation
Article 1 – paragraph 1 – point 5
Regulation (EC) No 261/2004
Article 6 – paragraph 5

Text proposed by the Commission

Subject to safety constraints, where a tarmac delay exceeds one hour, the operating air carrier shall provide free of charge access to toilet facilities and drinking water, shall ensure adequate heating or cooling of the passenger cabin, and shall ensure that adequate medical attention is available if needed. Where a tarmac delay reaches a maximum of **five** hours, the aircraft shall return to the gate or another suitable disembarkation point where passengers shall be allowed to disembark and to benefit from the same assistance as specified in paragraph 1, unless there are safety-related or security-related reasons why the aircraft cannot leave its position on the tarmac.

Amendment

Subject to safety constraints, where a tarmac delay exceeds one hour, the operating air carrier shall provide free of charge access to toilet facilities and drinking water, shall ensure adequate heating or cooling of the passenger cabin, and shall ensure that adequate medical attention is available if needed. Where a tarmac delay reaches a maximum of **three** hours, the aircraft shall return to the gate or another suitable disembarkation point where passengers shall be allowed to disembark and to benefit from the same assistance as specified in paragraph 1, unless there are safety-related or security-related reasons why the aircraft cannot leave its position on the tarmac.

Or. pl

Amendment 345
Bogdan Kazimierz Marcinkiewicz

Proposal for a regulation
Article 1 – paragraph 1 – point 5
Regulation (EC) No 261/2004
Article 6 – paragraph 5

Text proposed by the Commission

Subject to safety constraints, where a tarmac delay exceeds one hour, the operating air carrier shall provide free of charge access to toilet facilities and drinking water, shall ensure adequate heating or cooling of the passenger cabin,

Amendment

Subject to safety constraints, where a tarmac delay exceeds one hour, the operating air carrier shall provide free of charge access to toilet facilities and drinking water, shall ensure adequate heating or cooling of the passenger cabin,

and shall ensure that adequate medical attention is available if needed. Where a tarmac delay reaches a maximum of **five** hours, the aircraft shall return to the gate or another suitable disembarkation point where passengers shall be allowed to disembark and to benefit from the same assistance as specified in paragraph 1, unless there are safety-related or security-related reasons why the aircraft cannot leave its position on the tarmac.

and shall ensure that adequate medical attention is available if needed. Where a tarmac delay reaches a maximum of **three** hours, the aircraft shall return to the gate or another suitable disembarkation point where passengers shall be allowed to disembark and to benefit from the same assistance as specified in paragraph 1, unless there are safety-related or security-related reasons why the aircraft cannot leave its position on the tarmac.

Or. pl

Justification

A tarmac delay of a minimum of five hours before passengers are allowed to disembark seems too high and should be replaced by three hours, in line with US regulations.

Amendment 346 **Georgios Koumoutsakos**

Proposal for a regulation **Article 1 – paragraph 1 – point 5** **Regulation (EC) No 261/2004** **Article 6 – paragraph 5**

Text proposed by the Commission

Subject to safety constraints, where a tarmac delay **exceeds one hour**, the operating air carrier shall provide free of charge access to toilet facilities and drinking water, shall ensure adequate heating or cooling of the passenger cabin, and shall ensure that adequate medical attention is available if needed. Where a tarmac delay reaches a maximum of **five** hours, the aircraft shall return to the gate or another suitable disembarkation point where passengers shall be allowed to disembark and to benefit from the same assistance as specified in paragraph 1, unless there are safety-related or security-related reasons why the aircraft cannot

Amendment

Subject to safety constraints, where a tarmac delay **occurs**, the operating air carrier shall provide free of charge access to toilet facilities and drinking water, shall ensure adequate heating or cooling of the passenger cabin, and shall ensure that adequate medical attention is available if needed. Where a tarmac delay reaches a maximum of **two** hours, the aircraft shall return to the gate or another suitable disembarkation point where passengers shall be allowed to disembark and to benefit from the same assistance as specified in paragraph 1, unless there are safety-related or security-related reasons why the aircraft cannot leave its position

leave its position on the tarmac.

on the tarmac.

Or. en

Amendment 347
Spyros Danellis

Proposal for a regulation
Article 1 – paragraph 1 – point 5
Regulation (EC) 261/2004
Article 6 – paragraph 5

Text proposed by the Commission

Subject to safety constraints, where a tarmac delay *exceeds one hour*, the operating air carrier shall provide free of charge access to toilet facilities and drinking water, shall ensure adequate heating or cooling of the passenger cabin, and shall ensure that adequate medical attention is available if needed. Where a tarmac delay reaches a maximum of *five* hours, the aircraft shall return to the gate or another suitable disembarkation point where passengers shall be allowed to disembark and to benefit from the same assistance as specified in paragraph 1, unless there are safety-related or security-related reasons why the aircraft cannot leave its position on the tarmac.

Amendment

Subject to safety constraints, where a tarmac delay *occurs*, the operating air carrier shall provide free of charge access to toilet facilities and drinking water, shall ensure adequate heating or cooling of the passenger cabin, and shall ensure that adequate medical attention is available if needed. Where a tarmac delay reaches a maximum of *two* hours, the aircraft shall return to the gate or another suitable disembarkation point where passengers shall be allowed to disembark and to benefit from the same assistance as specified in paragraph 1, unless there are safety-related or security-related reasons why the aircraft cannot leave its position on the tarmac.

Or. en

Justification

If the passenger cabin is not adequately heated or cooled, or if there is no access to drinking water, conditions can become insufferable even during the first hour of tarmac delay.

Amendment 348
Hubert Pirker

Proposal for a regulation
Article 1 – paragraph 1 – point 5
Regulation (EC) No 261/2004
Article 6 – paragraph 5

Text proposed by the Commission

Subject to safety constraints, where a tarmac delay exceeds one hour, the operating air carrier shall provide free of charge access to toilet facilities and drinking water, shall ensure adequate heating or cooling of the passenger cabin, and shall ensure that adequate medical attention is available if needed. Where a tarmac delay reaches a maximum of **five** hours, the aircraft shall return to the gate or another suitable disembarkation point where passengers shall be allowed to disembark and to benefit from the same assistance as specified in paragraph 1, unless there are safety-related or security-related reasons why the aircraft cannot leave its position on the tarmac.'

Amendment

Subject to safety constraints, where a tarmac delay exceeds one hour, the operating air carrier shall provide free of charge access to toilet facilities and drinking water, shall ensure adequate heating or cooling of the passenger cabin, and shall ensure that adequate medical attention is available if needed. Where a tarmac delay reaches a maximum of **two** hours, the aircraft shall return to the gate or another suitable disembarkation point where passengers shall be allowed to disembark and to benefit from the same assistance as specified in paragraph 1, unless there are safety-related or security-related reasons why the aircraft cannot leave its position on the tarmac.

Or. de

Justification

The fact that the Commission proposal addresses the problem of tarmac delays is to be welcomed. However, a maximum delay of five hours seems unduly long.

Amendment 349
Michel Dantin, Dominique Riquet, Christine De Veyrac, Dominique Vlasto

Proposal for a regulation
Article 1 – paragraph 1 – point 5
Regulation (EC) No 261/2004
Article 6 – paragraph 5

Text proposed by the Commission

Subject to safety constraints, where a tarmac delay exceeds one hour, the operating air carrier shall provide free of

Amendment

Subject to safety constraints, where a tarmac delay exceeds one hour, the operating air carrier shall provide free of

charge access to toilet facilities and drinking water, shall ensure adequate heating or cooling of the passenger cabin, and shall ensure that adequate medical attention is available if needed. Where a tarmac delay reaches a maximum of **five** hours, the aircraft shall return to the gate or another suitable disembarkation point where passengers shall be allowed to disembark and to benefit from the same assistance as specified in paragraph 1, unless there are safety-related or security-related reasons why the aircraft cannot leave its position on the tarmac.'

charge access to toilet facilities, drinking water **and food**, shall ensure adequate heating or cooling of the passenger cabin, and shall ensure that adequate medical attention is available if needed. Where a tarmac delay reaches a maximum of **two** hours, the aircraft shall return to the gate or another suitable disembarkation point where passengers shall be allowed to disembark and to benefit from the same assistance as specified in paragraph 1, unless there are safety-related or security-related reasons why the aircraft cannot leave its position on the tarmac.'

Or. fr

Amendment 350

Jaromír Kohlíček, Sabine Wils

Proposal for a regulation

Article 1 – paragraph 1 – point 5

Regulation (EC) No 261/2004

Article 6 – paragraph 5

Text proposed by the Commission

Subject to safety constraints, where a tarmac delay exceeds one hour, the operating air carrier shall provide free of charge access to toilet facilities and drinking water, shall ensure adequate heating or cooling of the passenger cabin, and shall ensure that adequate medical attention is available if needed. Where a tarmac delay reaches a maximum of **five hours**, the aircraft shall return to the gate or another suitable disembarkation point where passengers shall be allowed to disembark and to benefit from the same assistance as specified in paragraph 1, unless there are safety-related or security-related reasons why the aircraft cannot leave its position on the tarmac.

Amendment

Subject to safety constraints, where a tarmac delay exceeds one hour, the operating air carrier shall provide free of charge access to toilet facilities and drinking water, shall ensure adequate heating or cooling of the passenger cabin, and shall ensure that adequate medical attention is available if needed. Where a tarmac delay reaches a maximum of **90 minutes**, the aircraft shall return to the gate or another suitable disembarkation point where passengers shall be allowed to disembark and to benefit from the same assistance as specified in paragraph 1, unless there are safety-related or security-related reasons why the aircraft cannot leave its position on the tarmac.

Or. en

Amendment 351

Dieter-Lebrecht Koch, Michael Gahler

Proposal for a regulation

Article 1 – paragraph 1 – point 5

Regulation (EC) No 261/2004

Article 6 – paragraph 5

Text proposed by the Commission

Subject to safety constraints, where a tarmac delay *exceeds one hour*, the operating air carrier shall provide free of charge access to toilet facilities and drinking water, shall ensure adequate heating or cooling of the passenger cabin, and shall ensure that adequate medical attention is available if needed. Where a tarmac delay reaches a maximum of *five* hours, the aircraft shall return to the gate or another suitable disembarkation point where passengers shall be allowed to disembark and to benefit from the same assistance as specified in paragraph 1, unless there are safety-related or security-related reasons why the aircraft cannot leave its position on the tarmac.'

Amendment

Subject to safety constraints, where *there is* a tarmac delay, *including for less than one hour*, the operating air carrier shall provide free of charge access to toilet facilities and drinking water, shall ensure adequate heating or cooling of the passenger cabin, and shall ensure that adequate medical attention is available if needed. Where a tarmac delay reaches a maximum of *two* hours, the aircraft shall return to the gate or another suitable disembarkation point where passengers shall be allowed to disembark and to benefit from the same assistance as specified in paragraph 1, unless there are safety-related or security-related reasons why the aircraft cannot leave its position on the tarmac.

Or. de

Amendment 352

Izaskun Bilbao Barandica

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Regulation (EC) No 261/2004

Article 6 a – paragraph 1 a (new)

Text proposed by the Commission

Amendment

In Article 6a(1) the following paragraph is inserted:

1a. Air carriers shall ensure that passengers in transit do not miss their

connecting flights where the aircraft carrying out the inbound flight to, and the onward flight from, the connection airport are on the runway at the same time. Consequently, if a passenger's original aircraft lands before the next flight is ready to enter the runway, that flight may not commence. Air carriers and ground handling services shall ensure that the transit of passengers between aircraft proceeds as quickly and as comfortably for the transit passengers as possible, where necessary employing special arrangements to transport passengers between departure gates.

Or. es

Amendment 353
Izaskun Bilbao Barandica

Proposal for a regulation
Article 1 – paragraph 1 – point 6
Regulation (EC) No 261/2004
Article 6 a – paragraph 1 – introductory part

Text proposed by the Commission

Where a passenger misses a connecting flight as a result of a delay or change of schedule to a preceding flight, the Community air carrier operating *the onward connecting* flight shall offer the passenger:

Amendment

Where a passenger misses a connecting flight as a result of a delay or change of schedule to a preceding flight, the Union air carrier operating *that preceding* flight shall offer the passenger:

Or. es

Amendment 354
Jacqueline Foster

Proposal for a regulation
Article 1 – paragraph 1 – point 6
Regulation (EC) No 261/2004
Article 6 a – paragraph 1 – introductory part

Text proposed by the Commission

Where a passenger misses a connecting flight as a result of a delay or change of schedule to a preceding flight, the Community air carrier ***operating the onward connecting flight*** shall offer the passenger:

Amendment

Where a passenger misses a connecting flight as a result of a delay or change of schedule to a preceding flight, the Community air carrier ***responsible for the delay*** shall offer the passenger:

Or. en

Justification

In cases of missed connections, passengers who have connecting flights booked under the same contract are already protected by the obligation of the carrier under the contract and the Montreal Convention. The Multilateral Interline Traffic Agreements (MITA), covering a network of over 350 worldwide domestic and international airlines (IATA and non-IATA) adequately covers the issue of missed connections. The airlines have already collectively agreed through binding resolutions (Resolution 780 and Resolution 785d) to take care of passengers in case of missed connections: in the interlining environment, it is actually the first carrier (responsible for the delay and possible missed connection) which is responsible for care, assistance and organizing a re-routing.

Amendment 355

Preslav Borissov

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Regulation (EC) No 261/2004

Article 6 a – paragraph 1 – introductory part

Text proposed by the Commission

Where a passenger misses a connecting flight as a result of a delay or change of schedule to a preceding flight, the Community air carrier ***operating the onward connecting flight*** shall offer the passenger:

Amendment

Where a passenger misses a connecting flight as a result of a delay or change of schedule to a preceding flight, the Community air carrier ***responsible for the delay*** shall offer the passenger:

Or. en

Amendment 356

Markus Ferber, Dieter-Lebrecht Koch, Michael Gahler

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Regulation (EC) No 261/2004

Article 6 a – paragraph 1 – introductory part

Text proposed by the Commission

Where a passenger misses a connecting flight as a result of a delay or change of schedule to a preceding flight, the Community air carrier ***operating the onward connecting flight*** shall offer the passenger:

Amendment

Where a passenger misses a connecting flight as a result of a delay or change of schedule to a preceding flight, the Community air carrier ***responsible for the delay*** shall offer the passenger:

Or. de

Justification

Under the Montreal Convention, if connecting flights are missed, the airlines to be held liable are those that had a contract with the passengers.

Amendment 357

Peter van Dalen

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Regulation (EC) No 261/2004

Article 6 a – paragraph 1 – introductory part

Text proposed by the Commission

Where a passenger misses a connecting flight as a result of a delay or change of schedule to a preceding flight, the Community air carrier ***operating the onward connecting flight*** shall offer the passenger:

Amendment

Where a passenger misses a connecting flight as a result of a delay or change of schedule to a preceding flight, the Community air carrier ***responsible for the delay*** shall offer the passenger:

Or. nl

Amendment 358
Philippe De Backer

Proposal for a regulation
Article 1 – paragraph 1 – point 6
Regulation (EC) No 261/2004
Article 6 a – paragraph 1 – introductory part

Text proposed by the Commission

Where a passenger misses a connecting flight as a result of a delay or change of schedule to a preceding flight, the Community air carrier ***operating the onward connecting flight*** shall offer the passenger:

Amendment

Where a passenger misses a connecting flight as a result of a delay or change of schedule to a preceding flight, the Community air carrier ***responsible for that delay or change in schedule*** shall offer the passenger:

Or. en

Amendment 359
Jörg Leichtfried

Proposal for a regulation
Article 1 – paragraph 1 – point 6
Regulation (EC) No 261/2004
Article 6 a – paragraph 1 – introductory part

Text proposed by the Commission

Where a passenger misses a connecting flight as a result of a delay or change of schedule to a preceding flight, the Community air carrier operating the onward connecting flight shall offer the passenger:

Amendment

Where a passenger misses a connecting flight as a result of a delay or change of schedule to a preceding flight, ***or of being booked on a replacement flight in the event of re-routing***, the Community air carrier operating the onward connecting flight shall offer the passenger:

Or. de

Justification

Passengers who exercise their right to be re-routed at the earliest opportunity and, as a result, miss a connecting flight should not be placed at a disadvantage.

Amendment 360
Bernadette Vergnaud

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Regulation (EC) No 261/2004

Article 6 a – paragraph 1 – introductory part

Text proposed by the Commission

Where a passenger misses a connecting flight as a result of a delay or change of schedule to *a preceding* flight, the *Community* air carrier operating the *onward connecting flight* shall offer the passenger:

Amendment

Where a passenger misses a connecting flight *at an airport located in the area in which the Treaty on European Union applies* as a result of a delay or change of schedule to *the feeder* flight, the air carrier operating the *feeder flight* shall offer the passenger:

Or. fr

Amendment 361
Bernadette Vergnaud

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Regulation (EC) No 261/2004

Article 6 a – paragraph 1 – point i

Text proposed by the Commission

the *assistance* specified in Article 9(1)(a) and 9(2) if the passenger's waiting time for the connection is prolonged by at least two hours; and

Amendment

the *care* specified in Article 9(1)(a) and 9(2) if the passenger's waiting time for the connection is prolonged by at least two hours; and

Or. fr

Amendment 362
Jörg Leichtfried

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Regulation (EC) No 261/2004

Article 6 a – paragraph 1 – point iii

Text proposed by the Commission

when the scheduled time of departure of the alternative flight or other transport offered under Article 8 is at least 5 hours after the scheduled time of departure of the flight missed and the delay includes one or several nights, the assistance specified in Article 9(1)(b) and 9(1)(c).

Amendment

when the scheduled time of departure of the alternative flight or other transport offered under Article 8 is at least 3 hours after the scheduled time of departure of the flight missed and the delay includes one or several nights, the assistance specified in Article 9(1)(b) and 9(1)(c).

Or. de

Justification

Complements the rapporteur's proposal to reduce to three hours the length of delay that triggers entitlement to assistance in accordance with Articles 8 and 9.

Amendment 363

Marian-Jean Marinescu

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Regulation (EC) No 261/2004

Article 6 a – paragraph 1 – point iii

Text proposed by the Commission

when the scheduled time of departure of the alternative flight or other transport offered under Article 8 is at least 5 hours after the scheduled time of departure of the flight missed and the delay includes one or several nights, the assistance specified in Article 9(1)(b) and 9(1)(c).

Amendment

when the scheduled time of departure of the alternative flight or other transport offered under Article 8 is at least 6 hours after the scheduled time of departure of the flight missed and the delay includes one or several nights, the assistance specified in Article 9(1)(b) and 9(1)(c).

Or. en

Amendment 364

Michael Gahler

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Regulation (EC) No 261/2004
Article 6 a – paragraph 2

Text proposed by the Commission

Amendment

Where a passenger misses a connecting flight as a result of a delay to a preceding connecting flight, the passenger shall have a right to compensation by the Community air carrier operating that preceding flight in accordance with Article 6(2). For these purposes, the delay shall be calculated by reference to the scheduled time of arrival at the final destination.

deleted

Or. en

Justification

If delay of the first flight of a connecting flight triggered compensation by reference to delay at final destination, consequently resulting in a risk at the amount of € 600 per passenger, it would create an excessive economic risk for airlines, especially smaller airlines, which could negatively impact hub-and-spoke systems.

Amendment 365
Georges Bach

Proposal for a regulation
Article 1 – paragraph 1 – point 6
Regulation (EC) No 261/2004
Article 6 a – paragraph 2

Text proposed by the Commission

Amendment

Where a passenger misses a connecting flight as a result of a delay to a preceding connecting flight, the passenger shall have a right to compensation by the **Community** air carrier operating that preceding flight in accordance with Article 6(2). For these purposes, the delay shall be calculated by reference to the scheduled time of arrival at the final destination.

Where a passenger misses a connecting flight as a result of a **change of schedule or a** delay to a preceding connecting flight **of 90 minutes or more calculated by reference to the time of arrival at the transfer point**, the passenger shall have a right to compensation by the **Union** air carrier operating that preceding flight in accordance with Article 6(2). For these purposes, the **overall** delay shall be

calculated by reference to the scheduled time of arrival at the final destination.

Or. en

Justification

The amendment replaces the Rapporteur's amendment 54. The text specifies that the 90 minutes of delay are calculated by reference of the time of arrival of the aircraft.

Amendment 366

Artur Zasada

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Regulation (EC) No 261/2004

Article 6 a – paragraph 2

Text proposed by the Commission

Where a passenger misses a connecting flight as a result of a delay to a preceding connecting flight, the passenger shall have a right to compensation by the **Community** air carrier operating that preceding flight in accordance with Article 6(2). For these purposes, the delay shall be calculated by reference to the scheduled time of arrival at the final destination.

Amendment

Where a passenger misses a connecting flight as a result of a **change of schedule or a** delay to a preceding connecting flight **at the transfer point of 120 minutes or more**, the passenger shall have a right to compensation by the **Union** air carrier operating that preceding flight in accordance with Article 6(2). For these purposes, the **overall** delay shall be calculated by reference to the scheduled time of arrival at the final destination.

Or. pl

Amendment 367

Bernadette Vergnaud

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Regulation (EC) No 261/2004

Article 6 a – paragraph 2

Text proposed by the Commission

Where a passenger misses a connecting flight as a result of a delay **to a preceding connecting** flight, the passenger shall have a right to compensation by the Community air carrier operating that **preceding** flight **in accordance with** Article 6(2). **For these purposes, the delay shall be calculated by reference to the scheduled time of arrival at the final destination.**

Amendment

Where a passenger misses a connecting flight **at an airport located in the area in which the Treaty on European Union applies** as a result of a delay **or change of at least 90 minutes to the schedule for the feeder** flight **at the transfer point**, the passenger shall have a right to compensation by the Community air carrier operating that **feeder** flight **under the conditions laid down in** Article 7(1)(a), **and without prejudice to Article 5(3)(e).**

Or. fr

Amendment 368
Phil Bennion

Proposal for a regulation
Article 1 – paragraph 1 – point 6
Regulation (EC) No 261/2004
Article 6 a – paragraph 2

Text proposed by the Commission

Where a passenger misses a connecting flight as a result of a delay to a preceding connecting flight, the passenger shall have a right to compensation by the Community air carrier operating that preceding flight in accordance with Article 6(2). **For these purposes, the delay shall be calculated by reference to the scheduled time of arrival at the final destination.**

Amendment

Where a passenger misses a connecting flight as a result of a delay to a preceding connecting flight, the passenger shall have a right to compensation by the Community air carrier operating that preceding flight in accordance with Article 6(2).

Or. en

Justification

The air carrier of the preceding flight shall offer assistance, accommodation and rerouting in case of a missed connection and shall compensate in accordance to the delay of the preceding flight. Going further than that would risk reducing interlining and regional connectivity and undermining through-ticketing.

Amendment 369
Jacqueline Foster

Proposal for a regulation
Article 1 – paragraph 1 – point 6
Regulation (EC) No 261/2004
Article 6 a – paragraph 2

Text proposed by the Commission

Where a passenger misses a connecting flight as a result of a delay to a preceding **connecting** flight, the passenger shall have a right to compensation by the Community air carrier operating that preceding flight in accordance with Article 6(2). **For these purposes**, the delay **shall be calculated by reference to the scheduled time of arrival** at the final destination.

Amendment

Where a passenger misses a connecting flight as a result of a delay to a preceding **feeder** flight, the passenger shall have a right to compensation by the Community air carrier operating that preceding **feeder** flight in accordance with Article 6(2). **Any compensation will be restricted to the delay experienced on that preceding connecting flight only, and not include any further delay experienced in arrival** at the final destination.

Or. en

Justification

Connecting flights and the provision of compensation following delays will put a disproportionate burden on feeder flights, leading to a reduction of services (particularly from the Regions). In turn will reduce interlining and the benefits that this brings passengers. Passengers would be required to check-in and check-out baggage when changing flights. Journey and connecting times would increase, creating a distortion of competition between EU and non-EU carriers.

Amendment 370
Christine De Veyrac, Dominique Vlasto, Michel Dantin

Proposal for a regulation
Article 1 – paragraph 1 – point 6
Regulation (EC) No 261/2004
Article 6 a – paragraph 2

Text proposed by the Commission

Where a passenger misses a connecting

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Amendment

Where a passenger misses a connecting

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flight as a result of a delay to a preceding connecting flight, the passenger shall have a right to compensation by the **Community** air carrier operating that preceding flight in accordance with Article 6(2). For these purposes, the delay shall be calculated by reference to the scheduled time of arrival at the final destination.

flight as a result of a delay to a preceding connecting flight, the passenger shall have a right to compensation by the air carrier operating that preceding flight in accordance with Article 6(2). For these purposes, the delay shall be calculated by reference to the scheduled time of arrival at the final destination.

Or. fr

Justification

This regulation should not lead to distortions of competition between European operators and operators from third countries. As far as the provisions on missed connecting flights are concerned, the regulation should, therefore, be implemented throughout EU territory and apply uniformly to all operators, irrespective of the country they come from.

Amendment 371

Dieter-Lebrecht Koch, Michael Gahler

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Regulation (EC) No 261/2004

Article 6 a – paragraph 2

Text proposed by the Commission

Where a passenger misses a connecting flight as a result of a delay to a preceding connecting flight, the passenger shall have a right to compensation by the Community air carrier operating that preceding flight in accordance with Article 6(2). For these purposes, the delay shall be calculated by reference to the scheduled time of arrival at the *final destination*.

Amendment

Where a passenger misses a connecting flight as a result of a delay to a preceding connecting flight, the passenger shall have a right to compensation by the Community air carrier operating that preceding flight in accordance with Article 6(2). For these purposes, the delay shall be calculated by reference to the scheduled time of arrival at the *airport where the connection was to have been made*.

Or. de

Amendment 372

Michael Gahler

Proposal for a regulation
Article 1 – paragraph 1 – point 6
Regulation (EC) No 261/2004
Article 6 a – paragraph 3

Text proposed by the Commission

Amendment

Paragraph 2 shall be without prejudice to any indemnity arrangements made between affected air carriers. *deleted*

Or. en

Amendment 373
Jacqueline Foster

Proposal for a regulation
Article 1 – paragraph 1 – point 6
Regulation (EC) No 261/2004
Article 6 a – paragraph 4

Text proposed by the Commission

Amendment

Paragraphs 1 and 2 apply also to third country air carriers operating a connecting flight to or from an EU airport. *deleted*

Or. en

Justification

Not required as the scope of the proposed revised Regulation is already outlined in Article 3 (1). In addition, the proposal by the Commission to extend the scope to include connecting flights undertaken by third country air carriers outside the EU raises issues of extra-territoriality.

Amendment 374
Michael Gahler

Proposal for a regulation
Article 1 – paragraph 1 – point 6

Regulation (EC) No 261/2004
Article 6 a – paragraph 4

Text proposed by the Commission

Paragraphs 1 **and 2 apply** also to third country air carriers operating a connecting flight to or from an EU airport.

Amendment

Paragraphs 1 **applies** also to third country air carriers operating a connecting flight to or from an EU airport.

Or. en