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Committee on Transport and Tourism

2013/0072(COD)

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AMENDMENTS

375 - 596

Draft report

Georges Bach

(PE510.868v02-00)

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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United in diversity

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Amendment 375

Michael Gahler

Proposal for a regulation

Article 1 – paragraph 1 – point 7 – point a

Regulation (EC) No 261/2004

Article 7 – paragraph 1

Text proposed by the Commission

Amendment

(a) In Paragraph 1, the word ‘flights’ is replaced by ‘journeys’.

deleted

Or. en

Amendment 376

Carlo Fidanza, Antonio Cancian

Proposal for a regulation

Article 1 – paragraph 1 – point 7 – point a

Regulation (EC) No 261/2004

Article 7 – paragraph 1

Text proposed by the Commission

Amendment

(a) In Paragraph 1, the word ‘flights’ is replaced by ‘journeys’.

(a) Where reference is made to this Article, passengers shall receive compensation amounting to:

(a) EUR 250 for all flights of 1500 kilometres or less;

(b) EUR 400 for all intra-Community flights of more than 1500 kilometres, and for all other flights between 1500 and 3500 kilometres;

(c) EUR 600 for all flights not falling under (a) or (b).

In determining the distance, the basis shall be the last destination at which the denial of boarding or cancellation will delay the passenger's arrival after the scheduled time.

Or. en

Justification

The current regulation defines a compensation for “flights” and this notion should remain in the revision.

Amendment 377 **Jacqueline Foster**

Proposal for a regulation
Article 1 – paragraph 1 – point 7 – point a
Regulation (EC) No 261/2004
Article 7 – paragraph 1

Text proposed by the Commission

(a) **In** Paragraph 1, **the word ‘flights’** is replaced by **‘journeys’**.

Amendment

(a) Paragraph 1 is replaced by **the following**:

Or. en

Justification

Compensation due under certain circumstances in addition to the assistance and care provided and a refund if the passenger chooses represents a significant cost. This is all the more true where the actual revenue from a customer in terms of ticket price is below the level of compensation mandated. Therefore is appropriate to limit compensation to the cost of the ticket. Passengers who can demonstrate that they have incurred financial losses always have the option of lodging a specific claim.

Amendment 378 **Jacqueline Foster**

Proposal for a regulation
Article 1 – paragraph 1 – point 7 – point a a (new)
Regulation (EC) No 261/2004
Article 7 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a a) EUR 250 or the full ticket price wherever the latter is lower for all journeys of 1 500 kilometres or less;

Or. en

Justification

Compensation due under certain circumstances in addition to the assistance and care provided and a refund if the passenger chooses represents a significant cost. This is all the more true where the actual revenue from a customer in terms of ticket price is below the level of compensation mandated. Therefore is appropriate to limit compensation to the cost of the ticket. Passengers who can demonstrate that they have incurred financial losses always have the option of lodging a specific claim.

Amendment 379

Vilja Savisaar-Toomast

Proposal for a regulation

Article 1 – paragraph 1 – point 7 – point a a (new)

Regulation (EC) No 261/2004

Article 7 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(aa) EUR 250 for all journeys of 1 500 kilometres or less;

Or. en

Amendment 380

Jacqueline Foster

Proposal for a regulation

Article 1 – paragraph 1 – point 7 – point a b (new)

Regulation (EC) No 261/2004

Article 7 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(a b) EUR 400 or the full ticket price wherever the latter is lower for all intra-Community journeys of more than 1 500 kilometres, and for all other journeys between 1 500 and 3 500 kilometres;

Or. en

Justification

Compensation due under certain circumstances in addition to the assistance and care provided and a refund if the passenger chooses represents a significant cost. This is all the more true where the actual revenue from a customer in terms of ticket price is below the level of compensation mandated. Therefore is appropriate to limit compensation to the cost of the ticket. Passengers who can demonstrate that they have incurred financial losses always have the option of lodging a specific claim.

Amendment 381

Vilja Savisaar-Toomast

Proposal for a regulation

Article 1 – paragraph 1 – point 7 – point a b (new)

Regulation (EC) No 261/2004

Article 7 – paragraph 1 – point b

Text proposed by the Commission

Amendment

***(a b) (b) EUR 300 for all journeys
between 1 500 and 3 500 kilometres;***

Or. en

Amendment 382

Jacqueline Foster

Proposal for a regulation

Article 1 – paragraph 1 – point 7 – point a c (new)

Regulation (EC) No 261/2004

Article 7 – paragraph 1 – point c

Text proposed by the Commission

Amendment

***(a c) EUR 600 or the full ticket price
wherever the latter is lower for all
journeys not falling under (a) or (b). In
determining the distance, the basis shall
be the last destination at which the denial
of boarding or cancellation will delay the
passenger's arrival after the scheduled
time.***

Or. en

Justification

Compensation due under certain circumstances in addition to the assistance and care provided and a refund if the passenger chooses represents a significant cost. This is all the more true where the actual revenue from a customer in terms of ticket price is below the level of compensation mandated. Therefore is appropriate to limit compensation to the cost of the ticket. Passengers who can demonstrate that they have incurred financial losses always have the option of lodging a specific claim.

Amendment 383

Vilja Savisaar-Toomast

Proposal for a regulation

Article 1 – paragraph 1 – point 7 – point a c (new)

Regulation (EC) No 261/2004

Article 7 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(a c) (c) EUR 600 for all journeys not falling under (a) or (b).

Or. en

Amendment 384

Keith Taylor, Eva Lichtenberger, Michael Cramer

Proposal for a regulation

Article 1 – paragraph 1 – point 7 – point b – introductory part

Regulation (EC) No 261/2004

Article 7 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) Paragraphs 2, 3 and 4 are replaced by the following:

(b) Paragraphs 2, 3 and 4 are replaced by the following:

for all flights 60,- € for one hour delay and 10,- € for each further 10 minutes delay; for medium flights 200,- € and for long flights 300,- € in addition, to compensate passenger's inconvenience shall be reimbursed;

in case of extraordinary circumstances, at least 25% of the ticket price for hour

delay and 50 % for two hours shall be paid.

Or. en

Amendment 385

Jörg Leichtfried

Proposal for a regulation

Article 1 – paragraph 1 – point 7 – point b

Regulation (EC) No 261/2004

Article 7 – paragraph 2

Text proposed by the Commission

Where the passenger has opted for the continuation of his travel pursuant to Article 8(1)(b), the right to compensation can *arise only once* during his travel to the final destination, *even* if a new cancellation or missed connection should arise during rerouting.

Amendment

Where the passenger has opted for the continuation of his travel pursuant to Article 8(1)(b), the right to compensation can *also* arise during his travel to the final destination if a new cancellation or missed connection should arise during rerouting.

Or. de

Amendment 386

Jacqueline Foster

Proposal for a regulation

Article 1 – paragraph 1 – point 7 – point b

Regulation (EC) No 261/2004

Article 7 – paragraph 3

Text proposed by the Commission

The compensation referred to in paragraph 1 shall be paid *in cash*, by electronic bank transfer, bank orders or bank cheques.

Amendment

The compensation referred to in paragraph 1 shall be paid by electronic bank transfer, bank orders or bank cheques.

Or. en

Justification

Not realistic to provide the passenger with the right to demand cash payment at an airport.

Amendment 387

Michel Dantin, Dominique Riquet, Christine De Veyrac

Proposal for a regulation

Article 1 – paragraph 1 – point 7 – point b

Regulation (EC) No 261/2004

Article 7 – paragraph 3

Text proposed by the Commission

The compensation referred to in paragraph 1 shall be paid in cash, by electronic bank transfer, bank orders or bank cheques.

Amendment

The compensation referred to in paragraph 1 shall be paid in cash, by electronic bank transfer, bank orders or bank cheques, **as the passenger prefers**.

Or. fr

Amendment 388

Artur Zasada

Proposal for a regulation

Article 1 – paragraph 1 – point 7 – point b

Regulation (EC) No 261/2004

Article 7 – paragraph 3

Text proposed by the Commission

The compensation referred to in paragraph 1 shall be paid in cash, by electronic **bank** transfer, bank orders **or bank cheques**.

Amendment

The compensation referred to in paragraph 1 shall be paid in cash, by electronic transfer **or bank orders into the account indicated by the authorised passenger**.

Or. pl

Amendment 389

Bogdan Kazimierz Marcinkiewicz

Proposal for a regulation

Article 1 – paragraph 1 – point 7 – point b

Regulation (EC) No 261/2004

Article 7 – paragraph 3

Text proposed by the Commission

The compensation referred to in paragraph 1 shall be paid in cash, by electronic bank

Amendment

The compensation referred to in paragraph 1 shall be paid in cash, by electronic bank

transfer, bank orders or bank cheques.

transfer, bank orders or bank cheques, ***or, with the agreement of the passenger, in the form of vouchers or other services.***

Or. pl

Justification

There should be the greatest possible freedom to select the form of reimbursement of costs or payment of compensation, and the passenger should be able to determine the form freely with the carrier. This wording is similar to the wording currently in force; however, the requirement that there be written confirmation of the agreement has been removed, which is justified in view of technological developments, in particular, the practice of carrying out customer services through call centres.

Amendment 390

Spyros Danellis

Proposal for a regulation

Article 1 – paragraph 1 – point 7 – point b

Regulation (EC) No 261/2004

Article 7 – paragraph 3

Text proposed by the Commission

The compensation referred to in paragraph 1 shall be paid in cash, by electronic bank transfer, bank orders or bank cheques.

Amendment

The compensation referred to in paragraph 1 shall be paid ***within two weeks*** in cash, by electronic bank transfer, ***credit card refund***, bank orders or bank cheques. ***Compensation can also be paid in travel vouchers or other services, with the signed consent of the passenger in a document that clarifies that the choice between the due monetary compensation and any non-monetary alternative rests with the passenger.***

Or. en

Amendment 391

Inés Ayala Sender

Proposal for a regulation

Article 1 – paragraph 1 – point 7 – point b

Text proposed by the Commission

The compensation referred to in paragraph 1 shall be paid in cash, by electronic bank transfer, bank orders or bank cheques.

Amendment

The compensation referred to in paragraph 1 shall be paid in cash, by electronic bank transfer, bank orders or bank cheques. ***The Commission shall update the compensation every three years, after consulting the Committee established under Article 16, in order to allow for consumer price trends.***

Or. es

Justification

The amounts laid down in the regulation might become obsolete over time. The Commission should therefore be allowed to update them in line with consumer price trends in the EU.

Amendment 392

Jörg Leichtfried

Proposal for a regulation

Article 1 – paragraph 1 – point 7 – point b

Regulation (EC) No 261/2004

Article 7 – paragraph 5

Text proposed by the Commission

The air carrier may reach a voluntary agreement with the passenger that replaces the compensation provisions set out in paragraph 1, provided that this agreement is confirmed by a document signed by the passenger which reminds the passenger of his rights to compensation under this Regulation.'

Amendment

deleted

Or. de

Justification

This provision provides a loophole through which passenger rights could be circumvented and could leave passengers worse off, in particular those passengers who are less well informed about their rights.

Amendment 393
Petra Kammerevert
Proposal for a regulation
Article 1 – paragraph 1 – point 7 – point b
Regulation (EC) No 261/2004
Article 7 – paragraph 5

Text proposed by the Commission

The air carrier may reach a voluntary agreement with the passenger that replaces the compensation provisions set out in paragraph 1, provided that this agreement is confirmed by a document signed by the passenger which reminds the passenger of his rights to compensation under this Regulation.'

Amendment

deleted

Or. de

Amendment 394
Georges Bach

Proposal for a regulation
Article 1 – paragraph 1 – point 7 – point b
Regulation (EC) No 261/2004
Article 7 – paragraph 5

Text proposed by the Commission

The air carrier may reach a voluntary agreement with the passenger that replaces the compensation provisions set out in paragraph 1, provided that this agreement is confirmed by a document signed by the passenger which reminds the passenger of his rights to compensation under this Regulation.“

Amendment

The air carrier may reach a voluntary agreement with the passenger that replaces the compensation provisions set out in paragraph 1 ***in at least an equivalent manner with the other non-monetary benefits (e.g. air travel vouchers to the value of 100% of the entitlement to compensation)***, provided that this agreement is confirmed by a document signed by the passenger which reminds the passenger of his rights to compensation under this Regulation. ***Such an agreement may only be concluded after the events giving rise to the entitlement have occurred.***

Or. en

Justification

This amendment replaces the amendment 61 of the rapporteur. Otherwise it would be possible to expect passengers to sign such a document in advance, when booking their flight.

Amendment 395

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

Proposal for a regulation

Article 1 – paragraph 1 – point 7 – point b

Regulation (EC) No 261/2004

Article 7 – paragraph 5

Text proposed by the Commission

The air carrier may reach a voluntary agreement with the passenger that replaces the compensation provisions set out in paragraph 1, provided that this agreement is confirmed by a document signed by the passenger which reminds the passenger of his rights to compensation under this Regulation.

Amendment

The air carrier may reach a voluntary agreement with the passenger that replaces the compensation provisions set out in paragraph 1, provided that this agreement is confirmed by a document signed by the passenger which reminds the passenger of his rights to compensation under this Regulation. ***The air carrier shall give the passenger clear information about said rights to compensation, before the signature of a voluntary agreement.***

Or. fr

Justification

The fact that the passengers' rights are included in a document signed at the same time as a voluntary agreement is not sufficient to ensure that the passenger has been properly informed of his or her rights. The carrier must have told the passenger in advance that these rights exist.

Amendment 396

Petri Sarvamaa

Proposal for a regulation

Article 1 – paragraph 1 – point 7 – point b

Regulation (EC) No 261/2004

Article 7 – paragraph 5

Text proposed by the Commission

The air carrier may reach a voluntary agreement with the passenger that replaces the compensation provisions set out in paragraph 1, provided that this agreement is confirmed by a document signed by the passenger which reminds the passenger of his rights to compensation under this Regulation.'

Amendment

The air carrier may reach a voluntary agreement with the passenger that replaces the compensation provisions set out in paragraph 1, provided that this agreement is confirmed by a document signed by the passenger which **unambiguously** reminds the passenger of his rights to compensation under this Regulation.

Or. fi

Amendment 397

Bogdan Kazimierz Marcinkiewicz

Proposal for a regulation

Article 1 – paragraph 1 – point 7 – point b

Regulation (EC) No 261/2004

Article 7 – paragraph 5

Text proposed by the Commission

The air carrier may reach a voluntary agreement with the passenger that replaces the compensation provisions set out in paragraph 1, provided that this agreement is confirmed by **a document signed by** the passenger **which reminds** the passenger of his rights to compensation under this Regulation.'

Amendment

The air carrier may reach a voluntary agreement with the passenger that replaces the compensation provisions set out in paragraph 1, provided that this agreement is confirmed by the passenger **and that** the passenger **has been informed** of his rights to compensation under this Regulation.'

Or. pl

Justification

There should be the greatest possible freedom to select the form of reimbursement of costs or payment of compensation, and the passenger should be able to determine the form freely with the carrier. This wording is similar to the wording currently in force; however, the requirement that there be written confirmation of the agreement has been removed, which is justified in view of technological developments, in particular, the practice of carrying out customer services through call centres.

Amendment 398

Bogdan Kazimierz Marcinkiewicz

Proposal for a regulation

Article 1 – paragraph 1 – point 7 – point b

Regulation (EC) No 261/2004

Article 7 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

The burden of proof as to when and how the passenger has accepted the form of payment of compensation or of reimbursement of ticket costs set out in Article 7(3), as well as when and whether the passenger has accepted the agreement referred to in paragraph 5, shall rest with the operating air carrier.

Or. pl

Justification

This provision clearly establishes where the burden of proof lies.

Amendment 399

Jacqueline Foster

Proposal for a regulation

Article 1 – paragraph 1 – point 8

Regulation (EC) No 261/2004

Article 8 – paragraph 1 – point a

Text proposed by the Commission

Amendment

reimbursement within seven days of the passenger's request, by the means provided for in Article 7(3), of the ***flight*** price, for the part or parts of the journey not made, and for the part or parts already made if the flight is no longer serving any purpose in relation to the passenger's original travel plan, together with, when relevant,

reimbursement within seven ***working*** days of the passenger's request, by the means provided for in Article 7(3), of the ***ticket*** price, for the part or parts of the journey not made, and for the part or parts already made if the flight is no longer serving any purpose in relation to the passenger's original travel plan, together with, when relevant,

Or. en

Justification

Provides clarification that it relates to working and not calendar days. In addition, the reimbursement should relate to ticket price, as defined in Article 2 (s), and not flight price.

Amendment 400

Marian-Jean Marinescu

Proposal for a regulation

Article 1 – paragraph 1 – point 8

Regulation (EC) No 261/2004

Article 8 – paragraph 1 – point a

Text proposed by the Commission

reimbursement within seven days of the passenger's request, by the means provided for in Article 7(3), of the flight price, for the part or parts of the journey not made, and for the part or parts already made if the flight is no longer serving any purpose in relation to the passenger's original travel plan, together with, when relevant,

Amendment

reimbursement within seven **working** days of the passenger's request, by the means provided for in Article 7(3), of the flight price, for the part or parts of the journey not made, and for the part or parts already made if the flight is no longer serving any purpose in relation to the passenger's original travel plan, together with, when relevant,

Or. en

Amendment 401

Phil Bennion

Proposal for a regulation

Article 1 – paragraph 1 – point 8

Regulation (EC) No 261/2004

Article 8 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

In Article 8(1), the following point shall be inserted:

ba) continuation of the passengers' travel plans by re-routing them, through other modes of transport, to their final destination at the earliest opportunity; or

Justification

In cases where there is no opportunity for the continuation of the passenger's travel plans by re-routing them under comparable transport conditions, intermodal rerouting should be offered as a choice to the passenger

Amendment 402**Bernadette Vergnaud,****Proposal for a regulation****Article 1 – paragraph 1 – point 8**

Regulation (EC) No 261/2004

Article 8 – paragraph 3

Text proposed by the Commission

3 If an operating air carrier offers a passenger a flight to or from an airport alternative to that for which the **reservation was made**, the operating air carrier shall bear the cost of **transferring** the passenger **from that alternative airport to that** for which the **reservation was made, or, with regard to the destination airport, to another neighbouring destination agreed with the passenger.**

Amendment

If an operating air carrier offers a passenger a flight to or from an airport alternative to that for which the **ticket was issued and this offer is accepted by the passenger**, the operating air carrier shall bear the cost of **transporting** the passenger **between the** airport for which the **ticket was issued and the alternative** airport.

Amendment 403**Phil Bennion****Proposal for a regulation****Article 1 – paragraph 1 – point 8**

Regulation (EC) No 261/2004

Article 8 – paragraph 4

Text proposed by the Commission

Where agreed by the passenger, the return flight or flights referred to in paragraph 1(a) or the re-routing referred to in paragraph 1(b) or 1(c) may use services operated by another air carrier, involve a

Amendment

Where agreed by the passenger, the return flight or flights referred to in paragraph 1(a) or the re-routing referred to in paragraph 1(b), **1 (ba)** or 1(c) may use services operated by another air carrier,

different routing, or use another mode of transport.

involve a different routing, or use another mode of transport.

Or. en

Amendment 404
Jacqueline Foster

Proposal for a regulation
Article 1 – paragraph 1 – point 8
Regulation (EC) No 261/2004
Article 8 – paragraph 5

Text proposed by the Commission

Where passengers choose the option referred to in paragraph 1(b), they shall, subject to availability, have the right to re-routing via another air carrier or another mode of transport where the operating air carrier cannot transport the passenger on its own services and in time to arrive at the final destination within 12 hours of the scheduled arrival time. ***Notwithstanding Article 22(1) of Regulation (EC) No 1008/2008²³, the other air carrier or other transport operator shall not charge the contracting carrier a price that goes beyond the average price paid by its own passengers for equivalent services in the last three months.***

²³ OJ L293, 31.10.2008, p.3

Amendment

Where passengers choose the option referred to in paragraph 1(b) they shall, subject to availability ***and provided that reasonable and comparable alternatives exist***, have the right to re-routing via another air carrier or another mode of transport where the operating air carrier cannot transport the passenger on its own services and in time to arrive at the final destination within 12 hours of the scheduled arrival time, ***excluding night as defined in this Regulation. In any case, for the rerouting carrier, the cost for the rerouting shall not exceed twice the flight price related to the ticket originally sold to the passenger.***

²³ OJ L293, 31.10.2008, p.3

Or. en

Justification

It is reasonable to exclude night time, when no flights can take off or land. The notion of “price paid by its own passengers for equivalent services in the last 3 months” is not practical and would be impossible to enforce. This is a commercial issue for airlines and the Regulation should not meddle in the shared interests of airlines to minimise the costs of re-routing.

Amendment 405

Dieter-Lebrecht Koch, Markus Ferber, Michael Gahler

Proposal for a regulation

Article 1 – paragraph 1 – point 8

Regulation (EC) No 261/2004

Article 8 – paragraph 5

Text proposed by the Commission

Where passengers choose the option referred to in paragraph 1(b), they shall, subject to availability, have the right to re-routing via another air carrier or another mode of transport where the operating air carrier cannot transport the passenger on its own services and in time to arrive at the final destination within 12 hours of the scheduled arrival time. Notwithstanding Article 22(1) of Regulation (EC) No 1008/2008²³, the other air carrier or other transport operator shall not charge the contracting carrier a price that goes beyond the average price paid by its own passengers for equivalent services in the last three months.

23 OJ L 293, 31.10.2008, p. 3.

Amendment

Where passengers choose the option referred to in paragraph 1(b), they shall, subject to availability, have the right to re-routing via another air carrier or another mode of transport where the operating air carrier cannot transport the passenger on its own services and in time to arrive at the final destination within 12 hours of the scheduled arrival time. ***This shall apply where comparable alternative modes of transport are available.*** Notwithstanding Article 22(1) of Regulation (EC) No 1008/2008²³, the other air carrier or other transport operator shall not charge the contracting carrier a price that goes beyond the average price paid by its own passengers for equivalent services in the last three months.

23 OJ L 293, 31.10.2008, p. 3.

Or. de

Amendment 406

Petra Kammerevert, Knut Fleckenstein, Ismail Ertug

Proposal for a regulation

Article 1 – paragraph 1 – point 8

Regulation (EC) No 261/2004

Article 8 – paragraph 5

Text proposed by the Commission

Where passengers choose the option referred to in paragraph 1(b), they shall, subject to availability, have the right to re-

Amendment

Where passengers choose the option referred to in paragraph 1(b), they shall, subject to availability, have the right to re-

routing via another air carrier or another mode of transport where the operating air carrier cannot transport the passenger on its own services and in time to arrive at the final destination within 12 hours of the scheduled arrival time. Notwithstanding Article 22(1) of Regulation (EC) No 1008/2008²³, the other air carrier or other transport operator shall not charge the contracting carrier a price that goes beyond the average price paid by its own passengers for equivalent services in the last three months.

23 OJ L 293, 31.10.2008, p. 3.

routing via another air carrier or another mode of transport where the operating air carrier cannot transport the passenger on its own services and in time to arrive at the final destination within 12 hours of the scheduled arrival time. ***The air carrier shall inform the passenger, within five hours of the scheduled departure time, whether it will transport the passenger on its own services within the time limit.*** Notwithstanding Article 22(1) of Regulation (EC) No 1008/2008²³, the other air carrier or other transport operator shall not charge the contracting carrier a price that goes beyond the average price paid by its own passengers for equivalent services in the last three months.

23 OJ L 293, 31.10.2008, p. 3.

Or. de

Justification

Passengers must be informed whether the operating air carrier will be able to transport them on its own services before the 12-hour time limit expires.

Amendment 407

Vilja Savisaar-Toomast, Anne E. Jensen

Proposal for a regulation

Article 1 – paragraph 1 – point 8

Regulation (EC) No 261/2004

Article 8 – paragraph 5

Text proposed by the Commission

Where passengers choose the option referred to in paragraph 1(b), they shall, subject to availability, have the right to re-routing via another air carrier or another mode of transport where the operating air carrier cannot transport the passenger on its own services and in time to arrive at the final destination within 12 hours of the

Amendment

Where passengers choose the option referred to in paragraph 1(b), they shall, subject to availability, have the right to re-routing via another air carrier or another mode of transport where the operating air carrier cannot transport the passenger on its own services and in time to arrive at the final destination within 12 hours of the

scheduled arrival time. Notwithstanding Article 22(1) of Regulation (EC) No 1008/2008²³, the other air carrier or other transport operator shall not charge the contracting carrier a price that goes beyond the average price paid by its own passengers for equivalent services in the last three months.

²³ OJ L293, 31.10.2008, p.3

scheduled arrival time *or within 24 hours of the scheduled arrival time if an earlier journey cannot be assured because of local restrictions or the frequency of the operating air carrier's service from that departure airport*. Notwithstanding Article 22(1) of Regulation (EC) No 1008/2008²³, the other air carrier or other transport operator shall not charge the contracting carrier a price that goes beyond the average price paid by its own passengers for equivalent services in the last three months.

²³ OJ L293, 31.10.2008, p.3

Or. en

Amendment 408

Christine De Veyrac, Dominique Vlasto, Michel Dantin

Proposal for a regulation

Article 1 – paragraph 1 – point 8

Regulation (EC) No 261/2004

Article 8 – paragraph 5

Text proposed by the Commission

Where passengers choose the option referred to in paragraph 1(b), they shall, subject to availability, have the right to re-routing via another air carrier or another mode of transport where the operating air carrier cannot transport the passenger on its own services and in time to arrive at the final destination within **12** hours of the scheduled arrival time. Notwithstanding Article 22(1) of Regulation (EC) No 1008/2008²³, the other air carrier or other transport operator shall not charge the contracting carrier a price that goes beyond the average price paid by its own passengers for equivalent services in the last three months.

²³ OJ L 293, 31.10.2008, p. 3.

Amendment

Where passengers choose the option referred to in paragraph 1(b), they shall, subject to availability, have the right to re-routing via another air carrier or another mode of transport where the operating air carrier cannot transport the passenger on its own services and in time to arrive at the final destination within **10** hours of the scheduled arrival time. Notwithstanding Article 22(1) of Regulation (EC) No 1008/2008²³, the other air carrier or other transport operator shall not charge the contracting carrier a price that goes beyond the average price paid by its own passengers for equivalent services in the last three months.

²³ OJ L 293, 31.10.2008, p. 3.

Justification

The existence of alliances to which airlines are affiliated facilitates the rerouting of stranded passengers. Airlines should therefore be encouraged to draw on these networks so that stranded passengers reach their final destination as quickly as possible.

Amendment 409
Phil Bennion

Proposal for a regulation
Article 1 – paragraph 1 – point 8
 Regulation (EC) No 261/2004
 Article 8 – paragraph 5

Text proposed by the Commission

Where passengers choose the option referred to in paragraph 1(b), they shall, subject to availability, have the right to re-routing via another air carrier or another mode of transport where the operating air carrier cannot transport the passenger on its own services and in time to arrive at the final destination within **12** hours of the scheduled arrival time. Notwithstanding Article 22(1) of Regulation (EC) No 1008/2008²³, the other air carrier or other transport operator shall not charge the contracting carrier a price that goes beyond the average price paid by its own passengers for equivalent services in the last three months.

²³ OJ L293, 31.10.2008, p.3

Amendment

Where passengers choose the option referred to in paragraph 1(b), they shall, subject to availability, have the right to re-routing via another air carrier or another mode of transport where the operating air carrier cannot transport the passenger on its own services and in time to arrive at the final destination within **5** hours of the scheduled arrival time. Notwithstanding Article 22(1) of Regulation (EC) No 1008/2008²³, the other air carrier or other transport operator shall not charge the contracting carrier a price that goes beyond the average price paid by its own passengers for equivalent services in the last three months.

²³ OJ L293, 31.10.2008, p.3

Justification

Intermodal rerouting will in most cases be used in the event of travel disruption of a short-haul flight so would provide the possibility to reach the final destination within at least 5 hours of the scheduled arrival time.

Amendment 410
Vilja Savisaar-Toomast

Proposal for a regulation
Article 1 – paragraph 1 – point 8
Regulation (EC) No 261/2004
Article 8 – paragraph 6

Text proposed by the Commission

Whenever passengers are offered, pursuant to paragraph 1, a total or partial rerouting by another mode of transport, this Regulation shall apply to the transport carried out by that other mode of transport as if it were carried out by fixed wing aircraft.

Amendment

deleted

Or. en

Amendment 411
Jacqueline Foster

Proposal for a regulation
Article 1 – paragraph 1 – point 8
Regulation (EC) No 261/2004
Article 8 – paragraph 6

Text proposed by the Commission

Whenever passengers are offered, pursuant to paragraph 1, a total or partial rerouting by another mode of transport, this Regulation shall apply to the transport carried out by that other mode of transport as if it were carried out by fixed wing aircraft.

Amendment

The passenger may himself organise his own re-routing and claim reimbursement of the corresponding costs if the operating air carrier fails to offer the choice of re-routing under point (b) of paragraph 1. The passenger shall make reasonable efforts to contact the airline before organising his own re-routing and shall organise transport in a comparable class and at a reasonable cost.

Or. en

Justification

The Commission's provision is likely to create an obstacle to inter-modality. Rerouting by another mode of transport is welcomed, but the air passenger rights regime should not then apply to the alternative mode of transport (which will be subject to its own Regulation). The new proposed text provides clarification that the passenger should contact the airline before making any arrangements and that the associated expenditure must be reasonable.

Amendment 412

Bernadette Vergnaud,

Proposal for a regulation

Article 1 – paragraph 1 – point 8

Regulation (EC) No 261/2004

Article 8 – paragraph 6

Text proposed by the Commission

Whenever passengers are offered, pursuant to paragraph 1, a total or partial rerouting by another mode of transport, this Regulation shall apply to the transport carried out by that other mode of transport as if it were carried out by fixed wing aircraft.

Amendment

Whenever passengers are offered, pursuant to paragraph 1, a total or partial rerouting by another mode of transport, this Regulation shall apply to the transport carried out by that other mode of transport as if it were carried out by fixed wing aircraft. ***The air carrier shall continue to be responsible for application of this Regulation for the whole of the journey.***

Or. fr

Amendment 413

Michel Dantin, Christine De Veyrac

Proposal for a regulation

Article 1 – paragraph 1 – point 9 – point -a (new)

Regulation (EC) No 261/2004

Article 9 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(-a) In Paragraph 1, point (a) is replaced by the following:

"a) meals and refreshments. The air carrier shall automatically provide drinking water to accompany meals, as well as whenever passengers so request."

Amendment 414

Bernadette Vergnaud,

Proposal for a regulation

Article 1 – paragraph 1 – point 9 – point a

Regulation (EC) No 261/2004

Article 9 – paragraph 1 – point c

Text proposed by the Commission

transport **between** the airport and place of accommodation (hotel, place of residence of the passenger or other)

Amendment

transport **from** the airport **to the** place of accommodation (hotel, place of residence of the passenger or other) **and back**.

Amendment 415

Inés Ayala Sender

Proposal for a regulation

Article 1 – paragraph 1 – point 9 – point a a (new)

Regulation (EC) No 261/2004

Article 9 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(aa) Passengers shall be entitled, free of charge, to a supply of water and use of the aircraft lavatory, except where safety instructions prevent passengers and/or the crew from moving about in the cabin;

Justification

The obligations to passengers should include a supply of water and permission to use the lavatory free of charge.

Amendment 416

Jacqueline Foster

Proposal for a regulation

Article 1 – paragraph 1 – point 9 – point a a (new)

Regulation (EC) No 261/2004

Article 9 – paragraph 2

Text proposed by the Commission

Amendment

(aa) In addition, passengers shall be offered free of charge two telephone calls, fax messages, or e-mails.

Or. en

Justification

The reference to telex is outdated and should be removed.

Amendment 417

Artur Zasada

Proposal for a regulation

Article 1 – paragraph 1 – point 9 – point a a (new)

Regulation (EC) No 261/2004

Article 9 – paragraph 3

Text proposed by the Commission

Amendment

b a) ab) Paragraph 3 is replaced by the following:

‘3. When applying this article, the operating air carrier should pay particular attention to the needs of disabled persons, persons with reduced mobility and all persons accompanying them, as well as the needs of mothers or fathers travelling alone with small children and of children travelling without adult guardians.’;

Or. pl

Amendment 418

Philip Bradbourn

Proposal for a regulation

Article 1 – paragraph 1 – point 9 – point a a (new)

Regulation (EC) No 261/2004

Article 9 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

In Article 9(3) the following paragraph shall be inserted:

3a. Airport management bodies shall provide specific facilities for severely disabled passengers requiring changing and toilet facilities at no cost to the passenger, at all EU airports with an annual passenger throughput of more than one million.

Or. en

Amendment 419

Dieter-Lebrecht Koch

Proposal for a regulation

Article 1 – paragraph 1 – point 9 – point b

Regulation (EC) No 261/2004

Article 9 – paragraph 4

Text proposed by the Commission

Amendment

If the operating air carrier can prove that the cancellation, delay or change of schedule is caused by extraordinary circumstances and that the cancellation, delay or change of schedule could not have been avoided even if all reasonable measures had been taken, it may limit the total cost of accommodation provided according to paragraph 1(b) to EUR ***100*** per night and per passenger and to a maximum of 3 nights. If the operating air carrier chooses to apply this limitation, it shall nevertheless provide the passengers with information about available accommodation after the three nights, in addition to the continued obligations for information specified in Article 14.

The operating air carrier may limit the total cost of accommodation provided according to paragraph 1(b) to EUR ***80*** per night and per passenger and to a maximum of 3 nights. If the operating air carrier chooses to apply this limitation, it shall nevertheless provide the passengers with information about available accommodation after the three nights, in addition to the continued obligations for information specified in Article 14. ***If the operating air carrier can prove that the cancellation, delay or change of schedule is caused by extraordinary circumstances and that the cancellation, delay or change of schedule could not have been avoided even if all reasonable measures had been taken,***

paragraph 1(b) and (c) shall not apply.

Or. de

Amendment 420

Georges Bach

Proposal for a regulation

Article 1 – paragraph 1 – point 9 – point b

Regulation (EC) No 261/2004

Article 9 – paragraph 4

Text proposed by the Commission

If the operating air carrier can prove that the cancellation, delay or change of schedule is caused by extraordinary circumstances and that the cancellation, delay or change of schedule could not have been avoided even if all reasonable measures had been taken, it may limit the **total cost of** accommodation provided according to paragraph 1(b) to EUR **100** per night and per passenger **and to a maximum of 3 nights. If the operating air carrier chooses to apply this limitation, it shall nevertheless** provide **the passengers with information about available accommodation after the three nights**, in addition to the continued obligations for information specified in Article 14.

Amendment

If the operating air carrier can prove that the cancellation, delay or change of schedule is caused by extraordinary circumstances and that the cancellation, delay or change of schedule could not have been avoided even if all reasonable measures had been taken **correctly**, it may limit the accommodation provided according to paragraph 1(b) to EUR **125** per night and per passenger, **if the passenger decides to arrange his own accommodation. This shall at all events be without prejudice to the obligation of operating air carriers to provide accommodation, and the carrier shall comply with this obligation as a priority**, in addition to the continued obligations for information specified in Article 14. **This limitation shall not apply where the air carrier failed to provide the accommodation.**

Or. en

Justification

The amendment replaces the Rapporteur's amendment 69. The obligation of air carriers to provide accommodation shall remain unlimited except for cases in which the passenger chooses to arrange himself his accommodation. The limit here should however be raised from 100 EUR to 125 EUR. The limitation should not touch upon the air carrier's obligation to provide accommodation as a matter of priority and should not apply in case the carrier fails to do so.

Amendment 421

Bernadette Vergnaud,

Proposal for a regulation

Article 1 – paragraph 1 – point 9 – point b

Regulation (EC) No 261/2004

Article 9 – paragraph 4

Text proposed by the Commission

If the operating air carrier can prove that the cancellation, **delay** or change of schedule is caused by extraordinary circumstances and that the cancellation, **delay** or change of schedule could not have been avoided even if all reasonable measures had been taken, it may limit the **total cost of accommodation** provided according to paragraph 1(b) to **EUR 100 per night and per passenger and to a maximum of 3 nights**. If the operating air carrier chooses to apply this limitation, it shall nevertheless provide the passengers with information about available accommodation after the three nights, in addition to the continued obligations for information specified in Article 14.

Amendment

If the operating air carrier can prove that the cancellation, **delayed departure** or change of schedule is caused by extraordinary circumstances and that the cancellation, **delayed departure** or change of schedule could not have been avoided even if all reasonable measures had been taken, it may limit the **length of time for which accommodation is provided** according to paragraph 1(b) to a maximum of **three nights**. **After three nights, the air carrier may limit the total cost of accommodation to EUR 80 per night. In the event the passenger decides to arrange his own accommodation, the air carrier may limit the costs of the accommodation to EUR 125 per night and to three nights.** If the operating air carrier chooses to apply this limitation, it shall nevertheless provide the passengers with information about available accommodation after the three nights, in addition to the continued obligations for information specified in Article 14.

Or. fr

Amendment 422

Jacqueline Foster

Proposal for a regulation

Article 1 – paragraph 1 – point 9 – point b

Regulation (EC) No 261/2004

Article 9 – paragraph 4

Text proposed by the Commission

If the operating air carrier can prove that the cancellation, delay or change of schedule is caused by extraordinary circumstances and that the cancellation, delay or change of schedule could not have been avoided even if all reasonable measures had been taken, it may limit the total **cost** of accommodation provided according to paragraph 1(b) to **EUR 100 per night and per passenger and to a maximum of 3 nights**. If the operating air carrier chooses to apply this limitation, it shall nevertheless provide the passengers with information about available accommodation after the **three** nights, in addition to the continued obligations for information specified in Article 14.

Amendment

If the operating air carrier can prove that the cancellation, delay or change of schedule is caused by extraordinary circumstances and that the cancellation, delay or change of schedule could not have been avoided even if all reasonable measures had been taken, it **then** may limit the total **duration** of accommodation provided according to paragraph 1(b) to a maximum of 3 nights. If the operating air carrier chooses to apply this limitation, it shall nevertheless provide the passengers with information about available accommodation after the **3** nights, in addition to the continued obligations for information specified in Article 14.

Or. en

Justification

It is unwise and unworkable to include a specific maximum cost of accommodation in the Regulation when costs vary dependant on location, and will also change over time.

Amendment 423
Preslav Borissov

Proposal for a regulation
Article 1 – paragraph 1 – point 9 – point b
Regulation (EC) No 261/2004
Article 9 – paragraph 4

Text proposed by the Commission

If the operating air carrier can prove that the cancellation, delay or change of schedule is caused by extraordinary circumstances and that the cancellation, delay or change of schedule could not have been avoided even if all reasonable measures had been taken, it may limit the

Amendment

If the operating air carrier can prove that the cancellation, delay or change of schedule is caused by extraordinary circumstances and that the cancellation, delay or change of schedule could not have been avoided even if all reasonable measures had been taken, it may limit the

total cost of accommodation provided according to paragraph 1(b) to **EUR 100 per night and per passenger and to a maximum of 3 nights**. *If* the operating air carrier **chooses to apply this limitation**, it shall *nevertheless* provide the passengers with information about available accommodation after the three nights, in addition to the continued obligations for information specified in Article 14.

accommodation provided according to paragraph 1(b) to a maximum of 3 nights. The operating air carrier shall provide the passengers with information about available accommodation after the three nights, in addition to the continued obligations for information specified in Article 14.

Or. en

Justification

When providing an accommodation, factors such as the difference in price among Member States and the availability of rooms near the airport should be taken into account rather than setting up a limit to the accommodation cost.

Amendment 424

Vilja Savisaar-Toomast

Proposal for a regulation

Article 1 – paragraph 1 – point 9 – point b

Regulation (EC) No 261/2004

Article 9 – paragraph 4

Text proposed by the Commission

If the operating air carrier can prove that the cancellation, delay or change of schedule is caused by extraordinary circumstances and that the cancellation, delay or change of schedule could not have been avoided even if all reasonable measures had been taken, it may limit the total cost of accommodation provided according to paragraph 1(b) to **EUR 100 per night and per passenger and to a maximum of 3 nights**. If the operating air carrier chooses to apply this limitation, it shall nevertheless provide the passengers with information about available accommodation after the three nights, in addition to the continued obligations for

Amendment

If the operating air carrier can prove that the cancellation, delay or change of schedule is caused by extraordinary circumstances and that the cancellation, delay or change of schedule could not have been avoided even if all reasonable measures had been taken, it may limit the total cost of accommodation provided according to paragraph 1(b) to **EUR 125 per night and per passenger up to 3 nights**. If the operating air carrier chooses to apply this limitation, it shall nevertheless provide the passengers with information about available accommodation after the three nights, in addition to the continued obligations for information specified in

information specified in Article 14.

Article 14.

Or. en

Amendment 425

Bogdan Kazimierz Marcinkiewicz

Proposal for a regulation

Article 1 – paragraph 1 – point 9 – point b

Regulation (EC) No 261/2004

Article 9 – paragraph 4

Text proposed by the Commission

If the operating air carrier can prove that the cancellation, delay or change of schedule is caused by extraordinary circumstances and that the cancellation, delay or change of schedule could not have been avoided even if all reasonable measures had been taken, it may limit the **total** cost of accommodation provided according to paragraph 1(b) to **EUR 100 per night and per passenger and to a maximum of 3** nights. If the operating air carrier chooses to apply this limitation, it shall nevertheless provide the passengers with information about available accommodation after the three nights, in addition to the continued obligations for information specified in Article 14.

Amendment

If the operating air carrier can prove that the cancellation, delay or change of schedule is caused by extraordinary circumstances and that the cancellation, delay or change of schedule could not have been avoided even if all reasonable measures had been taken, it may limit the total cost of accommodation provided according to paragraph 1(b) to 3 nights. If the operating air carrier chooses to apply this limitation, it shall nevertheless provide the passengers with information about available accommodation after the three nights, in addition to the continued obligations for information specified in Article 14. ***This provision shall not apply with regard to the extraordinary circumstances referred to in point 1(ii) of the Annex.***

Or. pl

Justification

Limiting the carrier's responsibility to three nights is adequate. It is not appropriate to agree to a limitation of EUR 100 per overnight stay. Given the long procedure that will be required to make any further changes to the Regulation, such a limitation may prove very disadvantageous to passengers over the next few years. It is already impossible to find a hotel room in most large cities for less than EUR 100.

Amendment 426
Corien Wortmann-Kool

Proposal for a regulation

Article 1 – paragraph 1 – point 9 – point b

Regulation (EC) No 261/2004

Article 9 – paragraph 4

Text proposed by the Commission

If the operating air carrier can prove that the cancellation, delay or change of schedule is caused by extraordinary circumstances and that the cancellation, delay or change of schedule could not have been avoided even if all reasonable measures had been taken, it may limit the total cost of accommodation provided according to paragraph 1(b) to EUR 100 per night and per passenger and to a maximum of 3 nights. ***If the operating air carrier chooses to apply this limitation, it shall nevertheless provide the passengers with information about available accommodation after the three nights, in addition to the continued obligations for information specified in Article 14.***

Amendment

If the operating air carrier can prove that the cancellation, delay or change of schedule is caused by extraordinary circumstances and that the cancellation, delay or change of schedule could not have been avoided even if all reasonable measures had been taken, it may limit the total cost of accommodation provided according to paragraph 1(b) to EUR 100 per night and per passenger and to a maximum of 3 nights. ***Contingency plans for situations of multiple cancellations or many flight delays or other extraordinary circumstances shall cover the cost of accommodation of passengers as well. A fair share of burden sharing shall be made explicit. All relevant parties in the travel supply chain like the airport managing body and the air navigation service providers, shall be included.***

Or. en

Amendment 427

Keith Taylor, Eva Lichtenberger, Michael Cramer

Proposal for a regulation

Article 1 – paragraph 1 – point 9 – point b

Regulation (EC) No 261/2004

Article 9 – paragraph 5

Text proposed by the Commission

The obligation to offer accommodation under paragraph 1(b) shall not apply where the flight concerned is of 250 km or

Amendment

deleted

less and scheduled to be operated by an aircraft with a maximum capacity of 80 seats or less, except where the flight is a connecting flight. If the operating air carrier chooses to apply this exemption, it shall nevertheless provide the passengers with information about available accommodation.

Or. en

Amendment 428
Georgios Koumoutsakos

Proposal for a regulation
Article 1 – paragraph 1 – point 9 – point b
Regulation (EC) No 261/2004
Article 9 – paragraph 5

Text proposed by the Commission

Amendment

The obligation to offer accommodation under paragraph 1(b) shall not apply where the flight concerned is of 250 km or less and scheduled to be operated by an aircraft with a maximum capacity of 80 seats or less, except where the flight is a connecting flight. If the operating air carrier chooses to apply this exemption, it shall nevertheless provide the passengers with information about available accommodation.

Deleted

Or. en

Amendment 429
Silvia-Adriana Țicău
Proposal for a regulation
Article 1 – paragraph 1 – point 9 – point b
Regulation (EC) No 261/2004
Article 9 – paragraph 5

Text proposed by the Commission

Amendment

The obligation to offer accommodation under paragraph 1(b) shall not apply where the flight concerned is of 250 km or less and scheduled to be operated by an aircraft with a maximum capacity of 80 seats or less, except where the flight is a connecting flight. If the operating air carrier chooses to apply this exemption, it shall nevertheless provide the passengers with information about available accommodation.

Deleted

Or. ro

Amendment 430

Jaromír Kohlíček, Sabine Wils

Proposal for a regulation

Article 1 – paragraph 1 – point 9 – point b

Regulation (EC) No 261/2004

Article 9 – paragraph 5

Text proposed by the Commission

Amendment

The obligation to offer accommodation under paragraph 1(b) shall not apply where the flight concerned is of 250 km or less and scheduled to be operated by an aircraft with a maximum capacity of 80 seats or less, except where the flight is a connecting flight. If the operating air carrier chooses to apply this exemption, it shall nevertheless provide the passengers with information about available accommodation.

Deleted

Or. en

Amendment 431

Juozas Imbrasas

Proposal for a regulation

Article 1 – paragraph 1 – point 9 – point b

Regulation (EC) No 261/2004

Article 9 – paragraph 5

Text proposed by the Commission

5. The obligation to offer accommodation under paragraph 1(b) shall not apply where the flight concerned is of **250** km or less and scheduled to be operated by an aircraft with a maximum capacity of 80 seats or less, except where the flight is a connecting flight. If the operating air carrier chooses to apply this limitation, it shall nevertheless provide the passengers with information about available accommodation after the three nights.

Amendment

5. The obligation to offer accommodation under paragraph 1(b) shall not apply where the flight concerned is of **200** km or less and scheduled to be operated by an aircraft with a maximum capacity of 80 seats or less, except where the flight is a connecting flight. If the operating air carrier chooses to apply this limitation, it shall nevertheless provide the passengers with information about available accommodation after the three nights.

Or. It

Amendment 432

Jaromír Kohlíček, Sabine Wils

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Regulation (EC) No 261/2004

Article 10 – paragraph 2 – point (a), (b) and (c)

Text proposed by the Commission

10. In paragraph 2, points (a), (b) and (c) of Article 10, the term ‘price of the ticket’ is replaced by ‘*flight* price’.

Amendment

10. In paragraph 2, points (a), (b) and (c) of Article 10, the term ‘price of the ticket’ is replaced by ‘*air ticket* price’.

Or. en

Amendment 433

Jacqueline Foster

Proposal for a regulation

Article 1 – paragraph 1 – point 11

Regulation (EC) No 261/2004

Article 11 – paragraph 3

Text proposed by the Commission

The operating air carrier shall not apply the limitations set out in Articles 9(4) and 9(5) if the passenger is a person with reduced mobility or any person accompanying him/her, an unaccompanied child, **a pregnant woman or a person in need of specific medical assistance**, on condition the air carrier or its agent or the organiser has been notified of their particular needs for assistance at least 48 hours before the scheduled time of departure of the flight, Such notification shall be deemed to cover the entire journey and the return journey if both journeys have been contracted with the same air carrier.

Amendment

The operating air carrier shall not apply the limitations set out in Articles 9(4) and 9(5) if the passenger is a person with reduced mobility or any person accompanying him/her, **or** an unaccompanied child on condition the air carrier or its agent or the organiser has been notified of their particular needs for assistance at least 48 hours before the scheduled time of departure of the flight, Such notification shall be deemed to cover the entire journey and the return journey if both journeys have been contracted with the same air carrier.

Or. en

Justification

There is an obligation placed on certain groups of 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 to notify their condition, or for many other passengers with medical conditions, such as cancer, or diabetes, unless their condition is unstable. This need to pre-notify is not based on receiving a service, but on the possibility that you may be delayed for more than 3 nights.

Amendment 434

Bogdan Kazimierz Marcinkiewicz

Proposal for a regulation

Article 1 – paragraph 1 – point 11

Regulation (EC) No 261/2004

Article 11 – paragraph 3

Text proposed by the Commission

The operating air carrier shall not apply the limitations set out in Articles 9(4) and 9(5) if the passenger is a person with reduced mobility or any person accompanying him/her, an unaccompanied

Amendment

The operating air carrier shall not apply the limitations set out in Articles 9(4) and 9(5) if the passenger is a person **with a disability, a person** with reduced mobility or any person accompanying him/her, an

child, a pregnant woman or a person in need of specific medical assistance, *on condition the air carrier or its agent or the organiser has been notified of their particular needs for assistance at least 48 hours before the scheduled time of departure of the flight, Such notification shall be deemed to cover the entire journey and the return journey if both journeys have been contracted with the same air carrier.*

unaccompanied child, a pregnant woman or a person in need of specific medical assistance.

Or. pl

Justification

The delegate will indicate that care should be provided for disabled persons and persons with reduced mobility, regardless of whether or not they notify the carrier of this need at an earlier stage. Such persons should even be able to request assistance from the carrier at the airport. Disabled persons and persons with reduced mobility should always receive the full level of assistance. Care should be the priority.

Amendment 435

Christine De Veyrac, Dominique Vlasto, Michel Dantin

Proposal for a regulation

Article 1 – paragraph 1 – point 11

Regulation (EC) No 261/2004

Article 11 – paragraph 3

Text proposed by the Commission

The operating air carrier shall not apply the limitations set out in Articles 9(4) and 9(5) if the passenger is a person with reduced mobility or any person accompanying him/her, *an unaccompanied child, a pregnant woman* or a person in need of specific medical assistance, on condition the air carrier or its agent or the organiser has been notified of their particular needs for assistance at least 48 hours before the scheduled time of departure of the flight, Such notification shall be deemed to cover the entire journey and the return journey if both journeys have been contracted with the same air

Amendment

The operating air carrier shall not apply the limitations set out in Articles 9(4) and 9(5):

carrier.

- if the passenger is a person with ***a disability or a person with*** reduced mobility or any person accompanying him/her, or a person in need of specific medical assistance, on condition the ***operating*** air carrier or its agent or the organiser has been notified of their particular needs for assistance at least 48 hours before the scheduled time of departure of the flight;

- ***if the passenger is an unaccompanied child or a pregnant woman.***

Such notification shall be deemed to cover the entire journey and the return journey if both journeys have been contracted with the same air carrier.

Or. fr

Justification

As unaccompanied children and pregnant women are not mentioned in Regulation (EC) No 1107/2006, they are not subject to any requirements regarding 48 hours advance notification.

Amendment 436

**Bernadette Vergnaud,
Proposal for a regulation**

Article 1 – paragraph 1 – point 11

Regulation (EC) No 261/2004

Article 11 – paragraph 3

Text proposed by the Commission

The operating air carrier shall not apply the limitations set out in Articles 9(4) and 9(5) if the passenger is a person with reduced mobility or any person accompanying him/her, ***an unaccompanied child, a pregnant woman*** or a person in need of specific medical assistance, on condition the air carrier or its agent or the organiser has been notified of their particular needs

Amendment

The operating air carrier shall not apply the limitations set out in Articles 9(4) and 9(5):

for assistance at least 48 hours before the scheduled time of departure of the flight, Such notification shall be deemed to cover the entire journey and the return journey if both journeys *have been contracted with the same air carrier*.

*a) if the passenger is a person with a **disability or** reduced mobility or any person accompanying him/her, or a person in need of specific medical assistance, on condition the air carrier or its agent or the organiser has been notified of their particular needs for assistance at least 48 hours before the scheduled time of departure of the flight. Such notification shall be deemed to cover the entire journey and the return journey if both journeys **are shown on the same ticket**;*

b) if the passenger is a pregnant woman or an unaccompanied child.

Air carriers shall also endeavour to ensure good care is taken of guide dogs and assistance dogs. Information about assistance and the arrangements available in line with point a) shall be made known through various accessible means of communication.

Or. fr

Amendment 437
Brian Simpson

Proposal for a regulation
Article 1 – paragraph 1 – point 11
Regulation (EC) No 261/2004
Article 11 – paragraph 3

Text proposed by the Commission

The operating air carrier shall not apply the limitations set out in Articles 9(4) and 9(5) if the passenger is a person with reduced mobility or any person accompanying him/her, an unaccompanied child, a pregnant woman or a person in

Amendment

The operating air carrier shall not apply the limitations set out in Articles 9(4) and 9(5) if the passenger is a person with **a disability or with** reduced mobility or any person accompanying him/her, an unaccompanied child, a pregnant woman

need of specific medical assistance, on condition the air carrier or its agent or the organiser has been notified of their particular needs for assistance at least 48 hours before the scheduled time of departure of the flight, Such notification shall be deemed to cover the entire journey and the return journey if both journeys have been contracted with the same air carrier.

or a person in need of specific medical assistance, on condition the air carrier or its agent or the organiser has been notified of their particular needs for assistance at least 48 hours before the scheduled time of departure of the flight, Such notification shall be deemed to cover the entire journey and the return journey if both journeys have been contracted with the same air carrier. ***The accommodation provided as well as the information about those arrangements, given by different means of communication, shall be accessible and the needs of guide and assistance dogs should be equally met.***

Or. en

Amendment 438

Dieter-Lebrecht Koch, Michael Gahler

Proposal for a regulation

Article 1 – paragraph 1 – point 11

Regulation (EC) No 261/2004

Article 11 – paragraph 3

Text proposed by the Commission

The operating air carrier shall not apply the limitations set out in Articles 9(4) and 9(5) if the passenger is a person with reduced mobility or any person accompanying him/her, an unaccompanied child, a pregnant woman or a person ***in need of specific medical assistance***, on condition the air carrier or its agent or the organiser has been notified of their particular needs for assistance at least 48 hours before the scheduled time of departure of the flight, Such notification shall be deemed to cover the entire journey and the return journey if both journeys have been contracted with the same air carrier.' Such notification shall be deemed to cover the entire journey and the return journey if both journeys have been contracted with the same air carrier.

Amendment

The operating air carrier shall not apply the limitations set out in Article 9(4) and (5) if the passenger is a person with reduced mobility or any person accompanying him/her, ***or any other person with particular needs such as*** an unaccompanied child, a pregnant woman, ***a disabled person*** or a person ***with specific health-related needs***, on condition the operating air carrier or its agent or the organiser has been notified of their particular needs for assistance at least 48 hours before the scheduled time of departure of the flight. Such notification shall be deemed to cover the entire journey and the return journey if both journeys have been contracted with the same air carrier.

Amendment 439
Nathalie Griesbeck,
Proposal for a regulation
Article 1 – paragraph 1 – point 11
Regulation (EC) No 261/2004
Article 11 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

In Article 11 the following paragraph shall be inserted:

3a. Flight crews shall be trained to help passengers who are disabled or who have reduced mobility, so as to make it easier for them to board and disembark from aircraft;

Or. fr

Amendment 440
Nathalie Griesbeck,
Proposal for a regulation
Article 1 – paragraph 1 – point 11
Regulation (EC) No 261/2004
Article 11 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

In Article 11 the following paragraph shall be inserted:

3a. An airline may not refuse boarding to a passenger with a disability or reduced mobility on the grounds that he/she is unaccompanied and may not insist on another person systematically accompanying him/her;

Or. fr

Amendment 441
Bernadette Vergnaud,

Proposal for a regulation
Article 1 – paragraph 1 – point 12
Regulation (EC) No 261/2004
Article 13

Text proposed by the Commission

In cases where an operating air carrier pays compensation or meets the other obligations incumbent on it under this Regulation, no provision of this Regulation ***or of national law*** may be interpreted as restricting its right to seek compensation ***for the costs incurred under this Regulation*** from any third parties ***which contributed to the event triggering compensation or other obligations.***

Amendment

In cases where an operating air carrier pays compensation or meets the other obligations incumbent on it under this Regulation, no provision of this Regulation may be interpreted as restricting its right to seek compensation from any ***person, including*** third parties, ***in accordance with the law applicable. In particular, this Regulation shall in no way restrict the operating air carrier's right to seek compensation from an organiser or other person with whom the operating air carrier has a contract. Similarly, no provision of this Regulation may be interpreted as restricting the right of a tour operator or a third party, other than a passenger, with whom the operating air carrier has the contract, to seek compensation from the operating air carrier in accordance with applicable relevant laws.***

Or. fr

Amendment 442
Michel Dantin,
Proposal for a regulation
Article 1 – paragraph 1 – point 12
Regulation (EC) No 261/2004
Article 13

Text proposed by the Commission

In cases where an operating air carrier pays compensation or meets the other obligations incumbent on it under this Regulation, no provision of this Regulation or of national law may be interpreted as restricting its right to seek compensation for the costs incurred under this Regulation

Amendment

In cases where an operating air carrier pays compensation or meets the other obligations incumbent on it under this Regulation, ***and without prejudice to contracts with third parties for disclaimer in force at the time of the dispute***, no provision of this Regulation or of national

from any third parties which contributed to the event triggering compensation or other obligations.'

law may be interpreted as restricting its right to seek compensation for the costs incurred under this Regulation from any third parties which contributed to the event triggering compensation or other obligations.

Or. fr

Amendment 443
Carlo Fidanza, Antonio Cancian

Proposal for a regulation
Article 1 – paragraph 1 – point 12
Regulation (EC) No 261/2004
Article 13

Text proposed by the Commission

In cases where an operating air carrier pays compensation or meets the other obligations incumbent on it under this Regulation, no provision of this Regulation or of national law may be interpreted as restricting its right to ***seek compensation for*** the costs incurred under this Regulation from any third parties which contributed to the event triggering compensation or other obligations.

Amendment

In cases where an operating air carrier pays compensation or meets the other obligations incumbent on it under this Regulation, ***and without prejudice to contracts for disclaimer between third parties,*** no provision of this Regulation or of national law may be interpreted as restricting its right to ***recover*** the costs incurred under this Regulation from any third parties which contributed to the event triggering compensation or other obligations.

Or. en

Justification

Existing and future contracts for disclaimer (e.g. between airports and airlines) should remain unaffected by this provision. It must be clear that passengers are not concerned.

Amendment 444
Spyros Danellis

Proposal for a regulation
Article 1 – paragraph 1 – point 12

Text proposed by the Commission

In cases where an operating air carrier pays compensation or meets the other obligations incumbent on it under this Regulation, no provision of this Regulation or of national law may be interpreted as restricting its right to seek compensation for the costs incurred under this Regulation from any third parties which contributed to the event triggering compensation or other obligations.

Amendment

In cases where an operating air carrier pays compensation or meets the other obligations incumbent on it under this Regulation, no provision of this Regulation or of national law, ***or of non-contractual conditions by service providers***, may be interpreted as restricting its right to seek compensation for, ***or to recover in their entirety***, the costs incurred under this Regulation from any third parties which contributed to the event triggering compensation or other obligations. ***This provision will be without prejudice to contracts for disclaimer between airports and air carriers.***

Or. en

Justification

Air carriers should be able to recover the costs of complying with the Regulation when the infringement in question is attributable to actions of other service providers (e.g. the ground handler). Also it should be clarified that this provision does not affect voluntary agreements for disclaimer between airports and air carriers.

Amendment 445
Jacqueline Foster

Proposal for a regulation
Article 1 – paragraph 1 – point 13
Regulation (EC) No 261/2004
Article 14 – paragraph 1

Text proposed by the Commission

The airport managing body and the operating air carrier shall ensure that at the check-in desks (including at self-service check-in machines) and at the boarding gate, a clearly legible notice containing the

Amendment

The airport managing body and the operating air carrier shall ensure that at the check-in desks (including at self-service check-in machines) and at the boarding gate, a clearly legible notice containing the

following text is displayed in a manner clearly visible to passengers: “If you are denied boarding or if your flight is cancelled or delayed for at least two hours, ask at the check-in counter or boarding gate for the notice stating your rights, particularly with regard to assistance and possible compensation”.

following text is displayed in a manner clearly visible to passengers: “If you are denied boarding or if your flight is cancelled or delayed for at least two hours **or if the schedule time of departure of your flight had been put forward by at least two hours related to the initial schedule time indicated on your ticket**, ask at the check-in counter or boarding gate for the notice stating your rights, particularly with regard to assistance and possible compensation”.

Or. en

Justification

Also accounts for bringing forward the departure time of a flight.

Amendment 446 **Juozas Imbrasas**

Proposal for a regulation **Article 1 – paragraph 1 – point 13** Regulation (EC) No 261/2004 Article 14 – paragraph 1

Text proposed by the Commission

1. The airport managing body and the operating air carrier shall ensure that at the check-in desks (including at self-service check-in machines) and at the boarding gate, a clearly legible notice containing the following text is displayed in a manner clearly visible to passengers: «If you are denied boarding or if your flight is cancelled or delayed for at least two hours, ask at the check-in counter or boarding gate for the notice stating your rights, particularly with regard to assistance and **possible** compensation».

Amendment

1. The airport managing body and the operating air carrier shall ensure that at the check-in desks (including at self-service check-in machines) and at the boarding gate, a clearly legible notice containing the following text is displayed in a manner clearly visible to passengers: «If you are denied boarding or if your flight is cancelled or delayed for at least two hours, ask at the check-in counter or boarding gate for the notice stating your rights, particularly with regard to **the place where you can obtain** assistance and **with regard to any** compensation **for which you are eligible**».

Amendment 447
Olga Sehnalová, Brian Simpson

Proposal for a regulation
Article 1 – paragraph 1 – point 13
Regulation (EC) No 261/2004
Article 14 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

In Article 14, the following paragraph shall be inserted:

1a. The operating air carrier shall provide the passengers with clearly legible and transparent information about passenger rights and contacts for help and assistance on electronic tickets and electronic and printed versions of a boarding card.

Or. en

Amendment 448
Hubert Pirker
Proposal for a regulation
Article 1 – paragraph 1 – point 13
Regulation (EC) No 261/2004
Article 14 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

In Article 14, the following paragraph shall be inserted:

1a. Operating air carriers shall set up contact points during their operating hours that will provide their passengers with information on their rights and the corresponding complaint procedures in the event of delays, flight disruptions, flight cancellations and denied boarding, and lost or delayed baggage.

Justification

Passengers wishing to exercise their rights are often put off by the complex complaint procedures. Consequently, air carriers should be obliged to set up contact points at airport terminals that have the power to take decisions. These contact points must be accessible and visible, and must not be hidden away in an office building at the other end of the airport.

Amendment 449

Izaskun Bilbao Barandica

Proposal for a regulation

Article 1 – paragraph 1 – point 13

Regulation (EC) No 261/2004

Article 14 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

In Article 14, the following paragraph is inserted:

1a. During their operating hours, air carriers shall ensure that, at every airport where they operate, contact personnel or a third party appointed by the air carrier concerned to act as its agent are available to provide passengers with the necessary information regarding their rights, including complaint procedures, to assist them, and to take immediate action if flights are disrupted or baggage is lost or delayed .’

Or. es

Amendment 450

Jim Higgins

Proposal for a regulation

Article 1 – paragraph 1 – point 13

Regulation (EC) No 261/2004

Article 14 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

In Article 14, the following paragraph

shall be inserted:

1a. During their operating hours, airlines shall ensure the presence at each airport they operate in, contact personnel / representatives of the air carrier, who can take immediate decisions in case of denied boarding, cancellation or long delay of flights, with regard to assistance, reimbursement, rerouting, rebooking and lost or delayed baggage and with whom complaints can be lodged.

Or. en

Justification

The new paragraph is in line with the European Parliament's position in the Report on the functioning and application and established rights of people travelling by air by Keith Taylor, the Report on passenger rights in all transport modes by Georges Bach and the Report on groundhandling services at EU airports by Artur Zasada

Amendment 451 Georges Bach

Proposal for a regulation

Article 1 – paragraph 1 – point 13

Regulation (EC) No 261/2004

Article 14 – paragraph 2

Text proposed by the Commission

An operating air carrier denying boarding or cancelling a flight shall provide each passenger affected with a written notice setting out the rules for compensation and assistance in line with this Regulation, including information on possible limitations pursuant to Articles 9(4) and 9(5). ***It shall also provide each passenger affected by a delay or a change of schedule of at least two hours with an equivalent notice.*** The contact details of the competent complaint handling bodies designated under Article 16a shall also be

Amendment

In the event of denied boarding, flight cancellation, delay or change of schedule of at least two hours, the operating air carrier shall as soon as possible fully inform the passenger affected ***and provide him*** with a written notice setting out the rules for compensation and assistance in line with this Regulation, including information on possible limitations pursuant to Articles 9(4) and 9(5), ***and of possible alternative transport modes.*** The contact details of the competent complaint handling bodies designated under Article 16a shall also be given to the passenger in

given to the passenger in written form.

written form.

Or. en

Justification

This amendment replaces the Rapporteur's amendment 37, specifies the modalities of the information - orally and in a written form - and extends the obligation to inform passengers to organisers

Amendment 452

Petri Sarvamaa

Proposal for a regulation

Article 1 – paragraph 1 – point 13

Regulation (EC) No 261/2004

Article 14 – paragraph 2

Text proposed by the Commission

An operating air carrier denying boarding or cancelling a flight shall provide each passenger affected with a written notice setting out the rules for compensation and assistance in line with this Regulation, including information on possible limitations pursuant to Articles 9(4) and 9(5). It shall also provide each passenger affected by a delay or a change of schedule of at least two hours with an equivalent notice. The contact details of the competent complaint handling bodies designated under Article 16a shall also be given to the passenger in written form.

Amendment

An operating air carrier denying boarding or cancelling a flight shall provide each passenger affected with a written notice setting out the rules for compensation and assistance in line with this Regulation, including information on possible limitations pursuant to Articles 9(4) and 9(5). It shall also provide each passenger affected by a delay or a change of schedule of at least two hours with an equivalent notice **or a notice in electronic form**. The contact details of the competent complaint handling bodies designated under Article 16a shall also be given to the passenger in written form.

Or. fi

Amendment 453

Bogdan Kazimierz Marcinkiewicz

Proposal for a regulation

Article 1 – paragraph 1 – point 13

Regulation (EC) No 261/2004

Article 14 – paragraph 2

Text proposed by the Commission

An operating air carrier denying boarding or cancelling a flight shall provide each passenger affected with a written notice setting out the rules for compensation and assistance in line with this Regulation, including information on possible limitations pursuant to Articles 9(4) and 9(5). It shall also provide each passenger affected by a delay or a change of schedule of at least two hours with an equivalent notice. The contact details of the competent complaint handling bodies designated under Article 16a shall also be given to the passenger in written form.

Amendment

An operating air carrier denying boarding or cancelling a flight shall provide each passenger affected with a written notice setting out the rules for compensation and assistance in line with this Regulation, including information on possible limitations pursuant to Articles 9(4) and 9(5). It shall also provide each passenger affected by a delay or a change of schedule of at least two hours with an equivalent notice. The ***address of the carrier to which complaints may be submitted and the*** contact details of the competent complaint handling bodies designated under Article 16a shall also be given to the passenger in written form.

Or. pl

Justification

The passenger is obliged to submit a complaint to the carrier first of all. Therefore, he should be provided with the contact details of the carrier first.

Amendment 454

Keith Taylor, Eva Lichtenberger, Michael Cramer

Proposal for a regulation

Article 1 – paragraph 1 – point 13

Regulation (EC) No 261/2004

Article 14 – paragraph 3

Text proposed by the Commission

In respect of blind and visually impaired persons, the provisions of this Article shall be applied using appropriate alternative means.

Amendment

In respect of blind and visually impaired persons, the provisions of this Article shall be applied using appropriate alternative means ***and in the appropriate formats.***

Or. en

Amendment 455
Jim Higgins

Proposal for a regulation
Article 1 – paragraph 1 – point 13
Regulation (EC) No 261/2004
Article 14 – paragraph 4

Text proposed by the Commission

The airport managing body shall ensure that general information on passenger rights is clearly and visibly displayed within the passenger areas of the airport. It shall also ensure that passengers present at the airport are informed about the cancellation of their flight and about their rights in case the airline unexpectedly ceases operations *as* in the *case of* insolvency or revocation of its operating licence.

Amendment

The airport managing body shall ensure that general information on passenger rights is clearly and visibly displayed within the passenger areas of the airport. ***On the basis of information received in an appropriately timely manner from air carriers,*** it shall also ensure that passengers present at the airport are informed about the ***causes of delays and flight disruption and their rights in this regard. For example, the*** cancellation of their flight and about their rights in case the airline unexpectedly ceases operations in the ***event of its*** insolvency or revocation of its operating licence.

Or. en

Justification

Airport managing bodies need to receive information from air carriers in a timely manner in order to comply with the above obligation.

Amendment 456
Dieter-Lebrecht Koch, Michael Gahler
Proposal for a regulation
Article 1 – paragraph 1 – point 13
Regulation (EC) No 261/2004
Article 14 – paragraph 4

Text proposed by the Commission

The airport managing body shall ensure that general information on passenger rights is clearly and visibly displayed

Amendment

The airport managing body shall ensure that general information on passenger rights is clearly and visibly displayed

within the passenger areas of the airport. It shall also ensure that passengers present at the airport are informed about the cancellation of their flight and about their rights in case the airline unexpectedly ceases operations as in the case of insolvency or revocation of its operating licence.

within the passenger areas of the airport. ***On the basis of the information received,*** it shall also ensure that passengers present at the airport are informed about the cancellation of their flight and about their rights in case the airline unexpectedly ceases operations as in the case of insolvency or revocation of its operating licence.

Or. de

Amendment 457

Petri Sarvamaa

Proposal for a regulation

Article 1 – paragraph 1 – point 13

Regulation (EC) No 261/2004

Article 14 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

In Article 14, the following paragraph shall be inserted:

4a. The air carrier shall organise and, in cooperation 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.

Or. fi

Amendment 458

Jörg Leichtfried

Proposal for a regulation

Article 1 – paragraph 1 – point 13

Regulation (EC) No 261/2004

Article 14 – paragraph 5

Text proposed by the Commission

Amendment

In the event of cancellation ***or*** delay in departure, passengers shall be informed by the operating air carrier of the situation as soon as possible and in any event ***no later***

In the event of cancellation, delay in departure ***or denied boarding, the*** passengers ***concerned*** shall be informed by the operating air carrier of the situation as

than 30 minutes after the scheduled departure *time*, and of the estimated departure time as soon as this information is available, provided the air carrier has received the passenger's contact details in accordance with paragraphs 6 and 7 in case the ticket was acquired via an intermediary.

soon as possible and in any event *at the time of* the scheduled departure, *in particular of the reason for the cancellation, delay or denied boarding*, and of the estimated departure time as soon as this information is available, provided the air carrier has received the passenger's contact details in accordance with paragraphs 6 and 7 in case the ticket was acquired via an intermediary.

Or. de

Justification

Passengers should receive comprehensive information as soon as possible in the event of cancellations and delays, and also in the case of denied boarding.

Amendment 459 **Georges Bach**

Proposal for a regulation
Article 1 – paragraph 1 – point 13
Regulation (EC) No 261/2004
Article 14 – paragraph 5

Text proposed by the Commission

In the event of cancellation or delay in departure, passengers shall be informed by the operating air carrier of the situation as soon as *possible* and in any event no later than 30 minutes after the scheduled departure time, *and* of the estimated departure time *as soon as this information is available*, provided the air carrier has received the passenger's contact details in accordance with paragraphs 6 and 7 in case the ticket was acquired via an intermediary.

Amendment

In the event of cancellation or delay in departure, passengers shall be informed by the operating air carrier of the situation, *including the cause of the disruption*, as soon as *this information is available*, and in any event no later than 30 minutes after the scheduled departure time of the estimated departure time, provided *that* the air carrier has received the passenger's contact details in accordance with paragraphs 6 and 7 in case the ticket was acquired via an intermediary

Or. en

Justification

As outlined in recital 20 of the Commission proposal, 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 amendment aims to strengthen the information given to passengers in real-time in cases of delay or cancellation so that they can effectively enforce its rights.

Amendment 460

Michel Dantin, Christine De Veyrac, Dominique Vlasto

Proposal for a regulation

Article 1 – paragraph 1 – point 13

Regulation (EC) No 261/2004

Article 14 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

In Article 14, the following paragraph shall be inserted:

5a. The air carrier shall have documents at the check-in counter and the boarding gate containing the European Air Passengers Charter, which its staff shall offer air passengers at any time the latter may so request. The European Commission shall update this Charter every time there is a substantial change to air passengers' rights.

Or. fr

Amendment 461

Nathalie Griesbeck

Proposal for a regulation

Article 1 – paragraph 1 – point 13

Regulation (EC) No 261/2004

Article 14 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

In Article 14, the following paragraph shall be inserted:

5a. Air carriers shall be required to provide accessible, effective telephone

assistance for all passengers once a flight has been booked; this service shall provide information and alternative proposals in the event of disruption and shall in no circumstances exceed the cost of a local call;

Or. fr

Amendment 462
Nathalie Griesbeck

Proposal for a regulation
Article 1 – paragraph 1 – point 13
Regulation (EC) No 261/2004
Article 14 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

In Article 14, the following paragraph shall be inserted:

7a. When a passenger is on the point of purchasing a ticket, the price indicated shall represent the exact amount of the final cost; any supplements for payment by credit card or additional fees charged by air carriers shall be clearly indicated from the commencement of the transaction;

Or. fr

Amendment 463
Spyros Danellis

Proposal for a regulation
Article 1 – paragraph 1 – point 13
Regulation (EC) No 261/2004
Article 14 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

In Article 14, the following paragraph shall be inserted:

7a. Without prejudice to obligations under paragraph 2, any electronic communication to the passenger notifying him or her of cancellation, long delay, or change of schedule shall prominently state that the passenger may be entitled to compensation and/or assistance under this Regulation.

Or. en

Justification

Irrespective of the obligation to provide a written notice about rules for compensation according to paragraph 2 (which in any case according to surveys enjoys low levels of compliance), there should be a mention of possible rights to compensation and assistance in the notification of cancellation/delay itself.

Amendment 464

Bogdan Kazimierz Marcinkiewicz

Proposal for a regulation

Article 1 – paragraph 1 – point 13

Regulation (EC) No 261/2004

Article 14 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

In Article 14, the following paragraph shall be inserted:

7a. The airport managing body and the operating air carrier shall ensure that information on delayed, early and cancelled flights, as well as on the causes of irregularities during transport – provided that such a cause can be ascertained in a manner that does not raise concerns – is published and retained for two years on their Internet sites.

Justification

A compulsory system should also be created to notify passengers and NEBs of delays and cancelled flights. This information should be published on the Internet sites of the airport and of the carrier, and the carrier should retain such data for two years. Such a solution would increase the availability of information to passengers on delayed and cancelled flights, thereby providing passengers with confirmation of a delayed arrival which will entitle them to seek compensation.

Amendment 465
Philippe De Backer

Proposal for a regulation
Article 1 – paragraph 1 – point 13
Regulation (EC) No 261/2004
Article 14 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

In Article 14, the following paragraph shall be inserted:

7a. During their operating hours, air carriers shall ensure the presence at each airport they operate of contact personnel or a service or other air carrier from the same Alliance which can provide such personnel, who can take immediate decisions in case of denied boarding, cancellation or long delay of flights, with regards to assistance, reimbursement, rerouting, rebooking and lost or delayed luggage and with whom complaints can be lodged.

Or. en

Amendment 466
Keith Taylor, Eva Lichtenberger, Michael Cramer

Proposal for a regulation
Article 1 – paragraph 1 – point 13

Regulation (EC) No 261/2004
Article 14 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

In Article 14, the following paragraph shall be inserted:

7a. The service provider shall provide easy access to accurate and objective information detailing the environmental (including climate) impact and energy efficiency of their travel, which must be clearly visible both on the websites of air carriers, tour operators and on tickets themselves; the Commission shall support on-going work in this direction.

Or. en

Amendment 467
Antonio Cancian

Proposal for a regulation
Article 1 – paragraph 1 – point 8
Regulation (EC) No 261/2004
Article 14 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

The key information concerning passengers' rights in the event of cancellation or delays must be printed on the back of the ticket.

Or. it

Justification

This information must always be available to passengers, in the language in which they made the booking. When checking in from home, passengers should be able to choose whether or not to print the information concerning their rights in the event of cancellation or delays; this information should be concise and comprehensible.

Amendment 468

Spyros Danellis, Brian Simpson, Bogusław Liberadzki

Proposal for a regulation

Article 1 – paragraph 1 – point 13 a (new)

Regulation (EC) No 261/2004

Article 14 a (new)

Text proposed by the Commission

Amendment

13 a. The following Article is inserted:

"Article 14a

Compliance documents

1. Community air carriers shall prepare and submit to the National Enforcement Body of the Member State that issued their operating licence pursuant to Regulation 1008/2008 and to the European Commission by 1 January 2016 a document that demonstrates in reasonable detail that their operating procedures are sufficient to ensure that they consistently comply with all relevant Articles of the Regulation.

2. Any other carrier providing services from a Union airport shall submit a compliance document to the NEBs of all Member States in which they operate and to the European Commission.

3. Air Carriers will review their compliance documents and submit updated versions to the relevant NEB(s) and to the European Commission every three years henceforth."

Or. en

Justification

The compliance document would be a cost-effective way to address the main problem with the Regulation, which is enforcement. The required contents of the documents could be determined by the Passenger Rights Committee of the proposed Article 16c. They could include things like contingency plans for major disruptions, staff responsible for passenger assistance, procedures for denying boarding, cancelling flights, informing passengers etc.

Amendment 469

Keith Taylor, Eva Lichtenberger, Michael Cramer

Proposal for a regulation

Article 1 – paragraph 1 – point 14

Regulation (EC) No 261/2004

Article 16 a (new)

Text proposed by the Commission

Amendment

The following Article 16a shall be inserted:

The Member States shall provide for well-equipped, free of charge and independent mediation bodies to assist in finding solutions in case of conflicts between the passengers and the airlines and service providers of other transport modes.

Or. en

Amendment 470

Philip Bradbourn

Proposal for a regulation

Article 1 – paragraph 1 – point 14

Regulation (EC) No 261/2004

Article 16 – paragraph 1

Text proposed by the Commission

Amendment

Each Member State shall designate a National Enforcement Body responsible for the enforcement of this Regulation as regards flights from airports situated on its territory and flights from a third country to such airports. The Member States shall inform the Commission of the body that has been designated in accordance with this paragraph.

Each Member State shall designate a National Enforcement Body responsible for the enforcement of this Regulation as regards flights from airports situated on its territory and flights from a third country to such airports. The Member States shall ***ensure that the National Enforcement Body is given sufficient power to sanction infringements and to resolve disputes between passengers and industry and will*** inform the Commission of the body that has been designated in accordance with

this paragraph.

Or. en

Amendment 471

Spyros Danellis, Brian Simpson, Bogusław Liberadzki

Proposal for a regulation

Article 1 – paragraph 1 – point 14

Regulation (EC) No 261/2004

Article 16 – paragraph 2

Text proposed by the Commission

The National Enforcement Body shall closely monitor compliance with the requirements of this Regulation and take the measures necessary to ensure that the rights of passengers are respected. For this purpose, air carriers and airport managing bodies shall provide the relevant documents to the National Enforcement Body at its request. ***In order to carry out its functions, the National Enforcement Body shall also take account of the information submitted to it by the body designated under Article 16a. It may also decide on enforcement actions based on individual complaints transmitted by the body designated under Article 16a.***

Amendment

The National Enforcement Body shall closely monitor compliance with the requirements of this Regulation and take the measures necessary to ensure that the rights of passengers are respected. For this purpose, air carriers and airport managing bodies shall provide the relevant documents to the National Enforcement Body at its request ***within one month of its request, without prejudice to the obligations of air carriers*** under Article 14a.

Or. en

Justification

The amendment specifies a time limit for air carriers and airport managing bodies to comply with document requests and erases enforcement activities of NEBs that are best listed together in a subsequent new paragraph.

Amendment 472

Philip Bradbourn

Proposal for a regulation
Article 1 – paragraph 1 – point 14
Regulation (EC) No 261/2004
Article 16 – paragraph 2

Text proposed by the Commission

The National Enforcement Body shall closely monitor compliance with the requirements of this Regulation and take the measures necessary to ensure that the rights of passengers are respected. For this purpose, air carriers and airport managing bodies shall provide the relevant documents to the National Enforcement Body at its request. In order to carry out its functions, the National Enforcement Body shall also take account of the information submitted to it by the body designated under Article 16a. It may also decide on enforcement actions based on individual complaints transmitted by the body designated under Article 16a.

Amendment

The National Enforcement Body shall closely monitor compliance with the requirements of this Regulation and take the measures necessary to ensure that the rights of passengers are respected. For this purpose, air carriers and airport managing bodies shall provide the relevant documents to the National Enforcement Body at its request. In order to carry out its functions, the National Enforcement Body shall also take account of the information submitted to it by the body designated under Article 16a. ***It shall investigate all complaints received and*** may also decide on enforcement actions based on individual complaints transmitted by the body designated under Article 16a.

Or. en

Amendment 473
Georges Bach

Proposal for a regulation
Article 1 – paragraph 1 – point 14
Regulation (EC) No 261/2004
Article 16 – paragraph 2

Text proposed by the Commission

The National Enforcement Body shall closely monitor compliance with the requirements of this Regulation and take the measures necessary to ensure that the rights of passengers are respected. For this purpose, air carriers and airport managing bodies shall provide the relevant documents to the National Enforcement Body ***at its request***. In order to carry out its

Amendment

The National Enforcement Body shall closely monitor compliance with the requirements of this Regulation and take the measures necessary to ensure that the rights of passengers are respected. For this purpose, air carriers and airport managing bodies shall provide the relevant documents to the National Enforcement Body. In order to carry out its functions,

functions, the National Enforcement Body shall also take account of the information submitted to it by the body designated under Article 16a. It may also decide on enforcement actions based on individual complaints transmitted by the body designated under Article 16a.

the National Enforcement Body shall also take account of the information submitted to it by the body designated under Article 16a. It may also decide on enforcement actions based on individual complaints transmitted by the body designated under Article 16a.

Or. en

Amendment 474

Bogdan Kazimierz Marcinkiewicz

Proposal for a regulation

Article 1 – paragraph 1 – point 14

Regulation (EC) No 261/2004

Article 16 – paragraph 2

Text proposed by the Commission

The National Enforcement Body shall closely monitor compliance with the requirements of this Regulation and take the measures necessary to ensure that the rights of passengers are respected. For this purpose, air carriers and airport managing bodies shall provide the relevant documents to the National Enforcement Body at its request. In order to carry out its functions, the National Enforcement Body shall also take account of the information submitted to it by the body designated under Article 16a. It may also decide ***on enforcement actions based on individual complaints transmitted*** by the body designated under Article 16a.

Amendment

The National Enforcement Body shall closely monitor compliance with the requirements of this Regulation and take the measures necessary to ensure that the rights of passengers are respected. For this purpose, air carriers and airport managing bodies shall provide the relevant documents to the National Enforcement Body at its request. In order to carry out its functions, the National Enforcement Body shall also take account of the information submitted to it by the body designated under Article 16a. It may also decide ***to impose penalties for the failure to fulfil the obligations set out*** by the body designated under Article 16a ***on the basis of individual complaints transmitted by that body.***

Or. pl

Justification

There are concerns regarding the tasks that this provision will impose on the Member States in the area of 'enforcement actions', which may be associated with the obligation to enforce civil claims. This could result from a bad translation into Polish.

Amendment 475

Spyros Danellis, Brian Simpson, Bogusław Liberadzki

Proposal for a regulation

Article 1 – paragraph 1 – point 14

Regulation (EC) No 261/2004

Article 16 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

In Article 16, the following paragraph shall be inserted:

2a. In order to carry out its functions, the National Enforcement Body shall take account of the information submitted to it by the body designated under Article 16a and of the compliance documents submitted by air carriers, where possible corroborating the validity of Compliance Documents against complaints information. The National Enforcement Body shall also take enforcement actions based on individual complaints transmitted by the body designated under Article 16a.

Or. en

Justification

The NEB must take appropriate enforcement actions whenever complaints demonstrate infringements of the Regulation, but must also use information on individual complaints to verify that the procedures described in air carriers' Compliance Documents are being followed. Infringements of the Regulation in direct contravention of a carrier's Compliance Document should be investigated and penalised as a matter of priority.

Amendment 476

Georges Bach

Proposal for a regulation

Article 1 – paragraph 1 – point 14

Regulation (EC) No 261/2004

Article 16 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

In Article 16, the following paragraph shall be inserted:

Air carriers shall proactively provide the National Enforcement Body with comprehensive information as regards the advent of technical problems, in particular on the reasons therefor. The National Enforcement Body shall share this information with the bodies responsible for out-of-court dispute resolution referred to in article 16.a paragraph 3.

Or. en

Justification

Air carriers should be obliged to inform national enforcement bodies of the reasons and circumstances around technical problems.

Amendment 477
Spyros Danellis

Proposal for a regulation
Article 1 – paragraph 1 – point 14
Regulation (EC) No 261/2004
Article 16 – paragraph 3

Text proposed by the Commission

Amendment

The sanctions laid down by Member States for infringements of this Regulation shall be effective, proportionate ***and dissuasive***.

The sanctions laid down by Member States for infringements of this Regulation shall be effective, proportionate, ***dissuasive and sufficient to provide carriers with a financial incentive to comply consistently with the Regulation.***

Or. en

Justification

The study undertaken in 2012 on behalf of the European Commission found that sanctions are too low to provide an economic incentive for carriers to comply with the regulation, taking into account also that only a limited number of passengers impacted by an infringement to the Regulation are likely to complain to the NEB.

Amendment 478 **Georges Bach**

Proposal for a regulation
Article 1 – paragraph 1 – point 14
Regulation (EC) No 261/2004
Article 16 – paragraph 4

Text proposed by the Commission

*Where the bodies designated under Articles 16 and 16a differ, reporting mechanisms shall be set up **to ensure the exchange of information between the various bodies** in order to help the National Enforcement Body to carry out its tasks of supervision and enforcement and for the body designated under Article 16a to collect the information necessary **to examine** individual complaints.*

Amendment

*In accordance with Directive 2013/11/EU, **cooperation** mechanisms shall be set up **between the National Enforcement Body and the body designated under Article 16a which shall include mutual information exchanges** in order to help the National Enforcement Body to carry out its tasks of supervision and enforcement and for the body designated under Article 16a to collect the information **and technical expertise** necessary **for the handling of** individual complaints.*

Or. en

Justification

The amendment replaces the Rapporteur's amendment 81. The request for a Union-wide mechanism of exchange of information has been placed under Article 16 b.

Amendment 479 **Saïd El Khadraoui**

Proposal for a regulation
Article 1 – paragraph 1 – point 14
Regulation (EC) No 261/2004
Article 16 – paragraph 5

Text proposed by the Commission

For each year, at the latest at the end of April of the following calendar year, the National Enforcement Bodies shall publish statistics on their activity, including on sanctions applied.

Amendment

For each year, at the latest at the end of April of the following calendar year, the National Enforcement Bodies shall publish statistics on their activity, including on sanctions applied. ***The National Enforcement Bodies shall at the same time publish, on the basis of data which air carriers and airport managing bodies are required to keep and supply, statistics concerning the number and nature of complaints, the number of delays and their duration and data on lost, delayed or damaged baggage.***

Or. nl

Amendment 480
Jacqueline Foster

Proposal for a regulation
Article 1 – paragraph 1 – point 15
Regulation (EC) No 261/2004
Article 16a – paragraph 1

Text proposed by the Commission

At the time of reservation, air carriers shall provide information to passengers on their claim and complaint handling processes in relation to the rights set out in this Regulation and on the relevant contact addresses, to which passengers can submit claims and complaints, including via electronic means of transmission. The air carrier shall also inform passengers of the body or bodies competent for handling passenger complaints.

Amendment

deleted

Or. en

Justification

Article 16a was drafted before the new Directive 2013/11 on alternative dispute resolution was adopted (21 May 2013). The Directive entered into force on 9 July 2013. With the adoption of the Directive, there is no further need for this paragraph as the Directive provides all the details of the dispute resolution mechanism. Furthermore, the Directive takes priority over sectoral rules.

Amendment 481

Bernadette Vergnaud

Proposal for a regulation

Article 1 – paragraph 1 – point 15

Regulation (EC) No 261/2004

Article 16a – paragraph 1

Text proposed by the Commission

At the time of reservation, air carriers shall provide information to passengers on their claim and complaint handling processes in relation to the rights set out in this Regulation and on the relevant contact addresses, to which passengers can submit claims and complaints, including via electronic means of transmission. The air carrier shall also inform passengers of the body or bodies competent for handling passenger complaints.

Amendment

At the time of reservation, air carriers *or ticket sellers within the meaning of Article 2(d) of Regulation (CE) 2111/2005*, shall provide information to passengers on their claim and complaint handling processes in relation to the rights set out in this Regulation and on the relevant contact addresses, to which passengers can submit claims and complaints, including via electronic means of transmission. The air carrier shall also inform passengers of the body or bodies competent for handling passenger complaints.

Or. fr

Amendment 482

Spyros Danellis

Proposal for a regulation

Article 1 – paragraph 1 – point 15

Regulation (EC) No 261/2004

Article 16a – paragraph 1

Text proposed by the Commission

At the time of reservation, air carriers shall provide information to passengers on their claim and complaint handling processes in relation to the rights set out in this Regulation and on the relevant contact addresses, to which passengers can submit claims and complaints, including via electronic means of transmission. The air carrier shall also inform passengers of the body or bodies competent for handling passenger complaints.

Amendment

Air carriers shall provide information to passengers on their claim and complaint handling processes in relation to the rights set out in this Regulation and on the relevant contact addresses, to which passengers can submit claims and complaints, including via electronic means of transmission. The air carrier shall also inform passengers of the body or bodies competent for handling passenger complaints. ***The information on claim and complaint handling processes will be communicated to passengers, together with their rights under this Regulation, in the e-mail message that notifies them of their flight being cancelled or delayed.***

Or. en

Amendment 483

Inés Ayala Sender

Proposal for a regulation

Article 1 – paragraph 1 – point 15

Regulation (EC) No 261/2004

Article 16a – paragraph 1

Text proposed by the Commission

At the time of reservation, air carriers shall provide information to passengers on their claim and complaint handling processes in relation to the rights set out in this Regulation and on the relevant contact addresses, to which passengers can submit claims and complaints, including via electronic means of transmission. The air carrier shall also inform passengers of the body or bodies competent for handling passenger complaints.

Amendment

At the time of reservation, air carriers shall provide information to passengers on their claim and complaint handling processes in relation to the rights set out in this Regulation and on the relevant contact addresses, to which passengers can submit claims and complaints, including via electronic means of transmission. The air carrier ***shall also make available to passengers its policy with regard to aviation safety rules, the working conditions of in-flight staff and its corporate and social responsibility.*** It shall also inform passengers of the body or bodies competent for handling passenger

complaints.

Or. es

Amendment 484
Georges Bach
Proposal for a regulation
Article 1 – paragraph 1 – point 15
Regulation (EC) No 261/2004
Article 16a – paragraph 2

Text proposed by the Commission

If a passenger wants to make a complaint to the air carrier with regard to his rights under this Regulation, he shall submit it within 3 months from the date on which the flight was performed or was scheduled to be performed. Within 7 days of receiving the complaint, the carrier shall confirm the receipt of the complaint to the passenger. Within two months of receiving the complaint, the air carrier shall provide a full answer to the passenger.

Amendment

If a passenger wants to make a complaint to the air carrier with regard to his rights under this Regulation, he shall submit it within 3 months from the date on which the flight was performed or was scheduled to be performed. ***The submission of a complaint within three months and after the expiry of that three-month period shall be without prejudice to his right to enforce his claims under this Regulation within the framework of the judicial system and an out-of-court resolution.*** Within 7 days of receiving the complaint, the carrier shall confirm the receipt of the complaint to the passenger. Within two months of receiving the complaint, the air carrier shall provide a full answer to the passenger. ***Where the air carrier does not provide that full answer within that two-month period, it shall be deemed to accept the passenger's claims.***

Or. de

Justification

Replaces Amendment 85 by the rapporteur.

Amendment 485
Jörg Leichtfried
Proposal for a regulation
Article 1 – paragraph 1 – point 15

Text proposed by the Commission

If a passenger ***wants to make*** a complaint to the air carrier with regard to his rights under this Regulation, ***he shall submit it within 3 months from the date on which the flight was performed or was scheduled to be performed. Within 7 days of receiving the complaint, the carrier shall confirm the receipt of the complaint to the passenger.*** Within two months of receiving the complaint, the air carrier shall provide a full answer to the passenger.

Amendment

Where a passenger ***makes*** a complaint to the air carrier with regard to his rights under this Regulation, ***the air carrier shall confirm the receipt of the complaint to the passenger within seven days of receiving it.*** Within two months of receiving the complaint, the air carrier shall provide a full answer to the passenger.

Where the air carrier invokes extraordinary circumstances, it shall inform the passenger in its answer of the specific circumstances responsible for the cancellation or delay. The air carrier shall also show that it took all reasonable measures to avoid the cancellation or delay.

Or. de

Justification

A three-month time limit is too short and would mean that even fewer passengers would be able to enforce their rights than has hitherto been the case. It would also place air passengers at a disadvantage, since no such time-limits are set in the relevant regulations concerning other modes of transport. Air carriers should also be obliged to provide full information for passengers where they invoke extraordinary circumstances.

Amendment 486
Brian Simpson, Spyros Danellis

Proposal for a regulation
Article 1 – paragraph 1 – point 15
Regulation (EC) No 261/2004
Article 16a – paragraph 2

Text proposed by the Commission

If a passenger wants to make a complaint

Amendment

If a passenger wants to make a complaint

to the air carrier with regard to his rights under this Regulation, he shall submit it within 3 months from the date on which the flight was performed or was scheduled to be performed. Within 7 days of receiving the complaint, the carrier shall confirm the receipt of the complaint to the passenger. Within two months of receiving the complaint, the carrier shall provide a full answer to the passenger.

to the air carrier with regard to his rights under this Regulation, he shall submit it within 3 months from the date on which the flight was performed or was scheduled to be performed. Within 7 days of receiving the complaint, the carrier shall confirm the receipt of the complaint to the passenger. Within two months of receiving the complaint, the carrier shall provide a full ***and reasoned*** answer to the passenger, ***as well as the relevant contact details of the designated body referred to in paragraph 3, including postal address, phone number, email address and website.***

Or. en

Amendment 487
Spyros Danellis

Proposal for a regulation
Article 1 – paragraph 1 – point 15
Regulation (EC) No 261/2004
Article 16a – paragraph 2

Text proposed by the Commission

If a passenger wants to make a complaint to the air carrier with regard to his rights under this Regulation, he shall submit it within 3 months from the date on which the flight was performed or was scheduled to be performed. Within 7 days of receiving the complaint, the carrier shall confirm the receipt of the complaint to the passenger. Within two months of receiving the complaint, the carrier shall provide a full answer to the passenger.

Amendment

If a passenger wants to make a complaint to the air carrier with regard to his rights under this Regulation, he shall submit it within 3 months from the date on which the flight was performed or was scheduled to be performed. Within 7 days of receiving the complaint, the carrier shall confirm the receipt of the complaint to the passenger. Within two months of receiving the complaint, the carrier shall provide a full answer to the passenger. ***Where the air carrier claims that extraordinary circumstances caused the cancellation or delay of a flight, the carrier's answer must contain relevant evidence.***

Or. en

Amendment 488
Jacqueline Foster

Proposal for a regulation
Article 1 – paragraph 1 – point 15
Regulation (EC) No 261/2004
Article 16a – paragraph 2

Text proposed by the Commission

If a passenger wants to make a complaint to the air carrier with regard to his rights under this Regulation, he shall submit it within 3 months from the date on which the flight was performed or was scheduled to be performed. Within 7 days of receiving the complaint, the carrier shall confirm the receipt of the complaint to the passenger. Within two months of receiving the complaint, the carrier shall provide a full answer to the passenger.

Amendment

If a passenger wants to make a complaint to the air carrier with regard to his rights under this Regulation, he shall submit it within 3 months from the date on which the flight was performed or was scheduled to be performed. Within 7 **working** days of receiving the complaint, the carrier shall confirm the receipt of the complaint to the passenger. Within two months of receiving the complaint, the carrier shall provide a full answer to the passenger.

Or. en

Justification

Provides clarification that it relates to working and not calendar days.

Amendment 489
Bernadette Vergnaud

Proposal for a regulation
Article 1 – paragraph 1 – point 15
Regulation (EC) No 261/2004
Article 16a – paragraph 2

Text proposed by the Commission

If a passenger wants to make a complaint to the air carrier with regard to his rights under this Regulation, he shall submit it within **3** months from the date on which the flight was performed or was scheduled to be performed. Within 7 days of receiving the complaint, the carrier shall

Amendment

If a passenger wants to make a complaint to the air carrier with regard to his rights under this Regulation, he shall submit it within **6** months from the date on which the flight was performed or was scheduled to be performed. Within 7 days of receiving the complaint, the carrier shall

confirm the receipt of the complaint to the passenger. Within two months of receiving the complaint, the carrier shall provide a full answer to the passenger.

confirm the receipt of the complaint to the passenger. Within two months of receiving the complaint, the carrier shall provide a full answer to the passenger.

Or. fr

Amendment 490
Jacqueline Foster

Proposal for a regulation
Article 1 – paragraph 1 – point 15
Regulation (EC) No 261/2004
Article 16a – paragraph 3

Text proposed by the Commission

In accordance with relevant EU and national law, each Member State shall designate a national body or bodies responsible for the out-of-court resolution of disputes between air carriers and passengers with regard to the rights covered by this Regulation.

Amendment

Member States shall ensure that disputes between air carriers and passengers with regard to the rights of consumers covered by this Regulation can be submitted to an ADR entity which complies with the requirements set out in Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EG) No 2006/2004 and Directive 2009/22/EC (Official Journal of the European Union, 18.6.2013, L 165/63).

Or. en

Justification

Article 16a was drafted before the new Directive 2013/11 on alternative dispute resolution was adopted (21 May 2013). The Directive entered into force on 9 July 2013. With the adoption of the Directive, reference to its existence is required in this paragraph.

Amendment 491
Georges Bach, Ria Oomen-Ruijten

Proposal for a regulation
Article 1 – paragraph 1 – point 15
Regulation (EC) No 261/2004
Article 16a – paragraph 3

Text proposed by the Commission

In accordance with relevant EU and national law, each Member State shall designate a national body or bodies responsible for the out-of-court resolution of disputes between air carriers and passengers with regard to the rights covered by this Regulation.

Amendment

Member States shall ensure that air passengers can submit disputes with air carriers concerning rights and obligations established by this Regulation to independent, efficacious and efficient out-of-court resolution mechanisms. To that end, each Member State shall designate a national body or bodies responsible for the out-of-court resolution of disputes between air carriers and passengers with regard to the rights and obligations covered by this Regulation. *This should be a body other than the Enforcement Body referred to in Article 16(1). Air carriers shall be required to become affiliated to this/these out-of-court dispute resolution body/bodies. This body or these bodies designated by the Member States shall be empowered to resolve the underlying dispute between passengers and air carriers by means of a decision which is legally binding on both parties and enforceable. For disputes falling within the scope of Directive 2013/11/EU, only that Directive shall apply. All air carriers which are involved in flights from an airport within the territory of a Member State or of a third country to these airports shall abide by the alternative dispute resolution system referred to in Directive 2013/11/EU, which will ensure simple, swift and cheap out-of-court resolution of disputes between passengers and air carriers.*

Or. nl

Amendment 492
Brian Simpson, Spyros Danellis

Proposal for a regulation

Article 1 – paragraph 1 – point 15

Regulation (EC) No 261/2004

Article 16a – paragraph 3

Text proposed by the Commission

In accordance with relevant EU and national law, each Member State shall designate a national body or bodies responsible for the out-of-court resolution of disputes between air carriers and passengers with regard to the rights covered by this **Regulation**.

Amendment

In accordance with relevant EU and national law, each Member State shall designate a national body or bodies responsible for the out-of-court resolution of disputes between air carriers and passengers with regard to the rights covered by this **Regulation**. ***The designated body shall maintain a website, email and postal address and phone line for the public, all of which shall be provided to passengers by national aviation authorities, airport managing bodies and air carriers upon request.***

Or. en

Amendment 493

Keith Taylor, Eva Lichtenberger, Michael Cramer

Proposal for a regulation

Article 1 – paragraph 1 – point 15

Regulation (EC) No 261/2004

Article 16a – paragraph 3

Text proposed by the Commission

In accordance with relevant EU and national law, each Member State shall designate a national body or bodies responsible for the out-of-court resolution of disputes between air carriers and passengers with regard to the rights covered by this Regulation.

Amendment

In accordance with relevant EU and national law, each Member State shall designate a national body or bodies, ***such as well-equipped, free of charge and independent mediation bodies***, responsible for the out-of-court resolution of disputes between air carriers and passengers with regard to the rights covered by this Regulation.

Or. en

Amendment 494
Jacqueline Foster

Proposal for a regulation
Article 1 – paragraph 1 – point 15
Regulation (EC) No 261/2004
Article 16a – paragraph 4

Text proposed by the Commission

Amendment

Each passenger may complain to any national body designated under paragraph 3, about an alleged infringement of this Regulation at any airport situated on the territory of a Member State or concerning any flight from a third country to an airport situated on that territory. Such complaints may be submitted at the earliest two months after a complaint was submitted to the concerned carrier unless the carrier has already provided a final reply to such complaint.

deleted

Or. en

Justification

Article 16a was drafted before the new Directive 2013/11 on alternative dispute resolution was adopted (21 May 2013). The Directive entered into force on 9 July 2013. With the adoption of the Directive, there is no further need for the above paragraph as the Directive provides all the details of the dispute resolution mechanism. Furthermore, the Directive takes priority over sectoral rules.

Amendment 495
Georges Bach, Ria Oomen-Ruijten

Proposal for a regulation
Article 1 – paragraph 1 – point 15
Regulation (EC) No 261/2004
Article 16a – paragraph 4

Text proposed by the Commission

Each passenger may complain to any national body designated under paragraph 3, about an alleged infringement of this Regulation at any airport situated on the territory of a Member State or concerning any flight from a third country to ***an airport situated on that territory***. Such complaints may be submitted ***at the earliest two months after a complaint was submitted to the concerned carrier unless the carrier has already provided a final reply to such complaint***.

Amendment

On receipt of the full answer from the air carrier, the passenger concerned may complain to any national ***out-of-court dispute resolution*** body designated under paragraph 3 about an alleged infringement of this Regulation at any airport situated on the territory of a Member State or concerning any flight from ***any airport situated on the territory of a Member State or of a third country to such airports***. Such complaints may be submitted ***within a pre-specified time-limit, which shall be set at not less than one year from the date on which the passenger submitted the complaint or claim to the carrier concerned***.

Or. nl

Amendment 496

Brian Simpson, Spyros Danellis

Proposal for a regulation

Article 1 – paragraph 1 – point 15

Regulation (EC) No 261/2004

Article 16a – paragraph 4 a (new)

Text proposed by the Commission

Amendment

In Article 16a, the following paragraph shall be inserted:

4a. If the airline is found to be at fault the complaints handling body shall inform the National Enforcement Body, who with reference to Article 16a, paragraph 2, shall take action to ensure enforcement.

Or. en

Amendment 497

Jacqueline Foster

Proposal for a regulation
Article 1 – paragraph 1 – point 15
Regulation (EC) No 261/2004
Article 16a – paragraph 5

Text proposed by the Commission

Amendment

Within 7 days of receiving the complaint, the designated body shall confirm receipt of the complaint and shall send a copy to the appropriate National Enforcement Body. The time taken to provide the final reply to the complainant shall not be longer than three months from the receipt of the complaint. A copy of the final reply shall also be provided to the National Enforcement Body.

deleted

Or. en

Justification

Article 16a was drafted before the new Directive 2013/11 on alternative dispute resolution was adopted (21 May 2013). The Directive entered into force on 9 July 2013. With the adoption of the Directive, there is no further need for the above paragraph as the Directive provides all the details of the dispute resolution mechanism. Furthermore, the Directive takes priority over sectoral rules.

Amendment 498
Marian-Jean Marinescu

Proposal for a regulation
Article 1 – paragraph 1 – point 15
Regulation (EC) No 261/2004
Article 16a – paragraph 5

Text proposed by the Commission

Amendment

Within 7 days of receiving the complaint, the designated body shall confirm receipt of the complaint and shall send a copy to the appropriate National Enforcement Body. The time taken to provide the final reply to the complainant shall not be longer

Within 7 **working** days of receiving the complaint, the designated body shall confirm receipt of the complaint and shall send a copy to the appropriate National Enforcement Body. The time taken to provide the final reply to the complainant

than three months from the receipt of the complaint. A copy of the final reply shall also be provided to the National Enforcement Body.

shall not be longer than three months from the receipt of the complaint. A copy of the final reply shall also be provided to the National Enforcement Body.

Or. en

Amendment 499

Jaromír Kohlíček, Sabine Wils

Proposal for a regulation

Article 1 – paragraph 1 – point 15

Regulation (EC) No 261/2004

Article 16 a – paragraph 5

Text proposed by the Commission

Within 7 days of receiving the complaint, the designated body shall confirm receipt of the complaint and shall send a copy to the appropriate National Enforcement Body. The time taken to provide the final reply to the complainant shall not be longer than **three** months from the receipt of the complaint. A copy of the final reply shall also be provided to the National Enforcement Body.

Amendment

Within 7 days of receiving the complaint, the designated body shall confirm receipt of the complaint and shall send a copy to the appropriate National Enforcement Body. The time taken to provide the final reply to the complainant shall not be longer than **two** months from the receipt of the complaint. A copy of the final reply shall also be provided to the National Enforcement Body.

Or. en

Amendment 500

Brian Simpson, Spyros Danellis

Proposal for a regulation

Article 1 – paragraph 1 – point 15

Regulation (EC) No 261/2004

Article 16a – paragraph 5

Text proposed by the Commission

Within 7 days of receiving the complaint, the designated body shall confirm receipt of the complaint and shall send a copy to the appropriate National Enforcement

Amendment

Within 7 days of receiving the complaint, the designated body shall confirm receipt of the complaint and shall send a copy to the appropriate National Enforcement

Body. The time taken to provide the final reply to the complainant shall not be longer than three months from the receipt of the complaint. A copy of the final reply shall also be provided to the National Enforcement Body.

Body. The *national body designated under paragraph 3 shall keep the complainant informed of what steps have been taken to investigate the complaint. The* time taken to provide the final reply to the complainant shall not be longer than three months from the receipt of the complaint. A copy of the final reply shall also be provided to the National Enforcement Body, *who will notify the complainant of any enforcement action taken by the National Enforcement Body pursuant to their individual complaint.*

Or. en

Amendment 501

Nathalie Griesbeck

Proposal for a regulation

Article 1 – paragraph 1 – point 15

Regulation (EC) No 261/2004

Article 16a – paragraph 5 a (new)

Text proposed by the Commission

Amendment

In Article 16a, the following paragraph shall be inserted:

5a. Air carriers shall ensure that there is an immediate, simple, accessible way, at no extra cost, for passengers to lodge complaints in writing at the airport itself, online, by telephone or on the plane;

Or. fr

Amendment 502

Bogdan Kazimierz Marcinkiewicz

Proposal for a regulation

Article 1 – paragraph 1 – point 15

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Regulation (EC) No 261/2004
Article 16a – paragraph 5 a (new)

Text proposed by the Commission

Amendment

In Article 16a, the following paragraph shall be inserted:

5a. Should a complaint be received regarding an incident at an airport in another Member State or involving a flight originating in a third country with a destination in another Member State, the body shall transmit the complaint in accordance with its competence to the body in that Member State.

Or. pl

Justification

It is essential that the provisions of the Regulation establish procedures for the transmission of complaints between NEBs and NBs that take account of the place of departure. These changes will harmonise procedures for verifying that passengers' rights are being observed in the EU Member States.

Amendment 503

Bogdan Kazimierz Marcinkiewicz

Proposal for a regulation

Article 1 – paragraph 1 – point 15

Regulation (EC) No 261/2004

Article 16a – paragraph 5 b (new)

Text proposed by the Commission

Amendment

In Article 16a, the following paragraph shall be inserted:

5b. Claims under this Regulation shall be time-barred after one year has elapsed from the date of transport, or, if no transport service was performed, from the date when it was scheduled to be performed.

Or. pl

Justification

Attention should be drawn to an important element that has so far not been addressed by the ADR Directive or by Regulation No 261/2004, namely to the absence of an upper limit to the time frame within which complaints may be submitted to an NEB/NB/ADR and to ordinary courts (claim limitation period).

Amendment 504 **Spyros Danellis**

Proposal for a regulation
Article 1 – paragraph 1 – point 15
Regulation (EC) No 261/2004
Article 16a – paragraph 5 a (new)

Text proposed by the Commission

Amendment

In Article 16a, the following paragraph shall be inserted:

5a. In cases where individual complaint procedures have demonstrated that a passenger is entitled to compensation, based on information it receives according to this Article, the National Enforcement Body shall, where applicable, seek from the relevant air carrier proof that all passengers of the flight have received due compensation.

Or. en

Justification

In cases where all passengers of a flight have a right to compensation - for example during a cancellation - it should be ensured that all passengers receive the compensation that is due to them and not only the ones who file the official complaint or lawsuit.

Amendment 505 **Spyros Danellis, Brian Simpson, Bogusław Liberadzki**

Proposal for a regulation
Article 1 – paragraph 1 – point 15
Regulation (EC) No 261/2004
Article 16a – paragraph 5 b (new)

Text proposed by the Commission

Amendment

In Article 16a, the following paragraph shall be inserted:

5b. In cases where the final reply of the designated body confirms that an infringement of the Regulation has been committed, the designated body shall also send the reply, and the complaint file, to the European Commission. It will also on an annual basis send to the European Commission, and publish on its website, the number of complaints that it has received by type of alleged infringement as well as by air carrier, and the outcomes of the process (e.g. compensation paid or not paid, recovery or non-recovery of expenses for accommodation).

Or. en

Amendment 506

Inés Ayala Sender

Proposal for a regulation

Article 1 – paragraph 1 – point 15

Regulation (EC) No 261/2004

Article 16a – paragraph 5 a (new)

Text proposed by the Commission

Amendment

In Article 16a, the following paragraph shall be inserted:

‘5a. When reasons of security are cited under this Regulation, the burden of proof shall lie with the airline company concerned.’

Or. es

Amendment 507

Spyros Danellis, Brian Simpson, Bogusław Liberadzki

Proposal for a regulation
Article 1 – paragraph 1 – point 15
Regulation (EC) No 261/2004
Article 16b – paragraph 1 a (new)

Text proposed by the Commission

Amendment

In Article 16b, the following paragraph shall be inserted:

1a. The Commission may, by means of implementing acts, adopt provisions on the minimum contents of the compliance documents of Article 15. The minimum contents will however at least contain contingency plans for major disruptions, would identify those responsible for providing assistance and other rights, the modalities and procedures through which complaints are handled and assistance and compensation are provided, and procedures and templates for communication with passengers. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 16c.

Or. en

Justification

The Implementing Acts can determine the minimum contents of an air carrier's compliance documents, taking all technical and commercial consideration into account, but some minimum elements that need to be submitted are clarified.

Amendment 508
Bogdan Kazimierz Marcinkiewicz
Proposal for a regulation
Article 1 – paragraph 1 – point 15
Regulation (EC) No 261/2004
Article 16b – paragraph 2

Text proposed by the Commission

Amendment

Member States shall provide annually a report on their activities to the

Member States shall provide annually a report on their activities to the

Commission, at the latest at the end of April of the following calendar year. ***The Commission may decide on the issues to be addressed in these reports via implementing acts. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 16c.***

Commission, at the latest at the end of April of the following calendar year.

Or. pl

Justification

The Commission's demands concerning the reporting obligation and stepping up the Commission's oversight of NEBs constitute an additional administrative burden. Poland, therefore, does not support the proposals for rigid time frames or the establishment of formal procedures. Stepping up the Commission's oversight of NEBs will create additional obligations for NEBs. Arrangements should remain at the current, well-functioning, informal level.

Amendment 509 **Saïd El Khadraoui**

Proposal for a regulation
Article 1 – paragraph 1 – point 15
Regulation (EC) No 261/2004
Article 16b – paragraph 2

Text proposed by the Commission

Member States shall provide annually a report on their activities to the Commission, at the latest at the end of April of the following calendar year. The Commission may decide on the issues to be addressed in these reports via implementing acts. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 16c.

Amendment

Member States shall provide annually a report on their activities, ***including the statistics referred to in Article 16(5)***, to the Commission, at the latest at the end of April of the following calendar year. The Commission may decide on the issues to be addressed in these reports via implementing acts. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 16c.

Or. nl

Amendment 510 **Dieter-Lebrecht Koch**

Proposal for a regulation
Article 1 – paragraph 1 – point 15
Regulation (EC) No 261/2004
Article 16b – paragraph 3 a (new)

Text proposed by the Commission

Amendment

In Article 16b, the following paragraph shall be inserted:

3a. The European Commission shall be responsible for defining and supplementing the list of extraordinary circumstances contained in the Annex, in accordance with the procedure referred to in Article 16c.

Or. de

Amendment 511
Georges Bach

Proposal for a regulation
Article 1 – paragraph 1 – point 15
Regulation (EC) No 261/2004
Article 16b – paragraph 5 a (new)

Text proposed by the Commission

Amendment

In Article 16b, the following paragraph shall be inserted:

5a. The Commission and the Member States shall set up a Union-wide mechanism between all bodies designated by under Article 16 and Article 16 a to ensure the exchange of information about infringements, sanctions and best practices of enforcement between the Member States. The Commission shall make this information available in electronic form to all the Member States.

Or. en

Justification

The amendment is linked to the Rapporteur's amendment 81. The request for a Union-wide mechanism for an exchange of information has been removed from Article 16 (4) to this Article 16b which deals with cooperation mechanism between Member States and the Commission.

Amendment 512

Spyros Danellis, Brian Simpson, Bogusław Liberadzki

Proposal for a regulation

Article 1 – paragraph 1 – point 15

Regulation (EC) No 261/2004

Article 16b – paragraph 5 a (new)

Text proposed by the Commission

Amendment

In Article 16b, the following paragraph shall be inserted:

5a. The Commission shall publish on its website and regularly update, starting no later than 1 May 2015, a list of all air carriers operating in the Union that systematically fail to comply with the provisions of this Regulation. Irrespective of size or nationality, any carrier for whom the Commission has received evidence of infringements according to Article 16a Paragraph 5b that occurred to passengers on more than 10 different flights in one calendar year, and that relate to more than one Article of the Regulation, shall be considered to systematically fail to comply with the Regulation.

Or. en

Amendment 513

Georges Bach

Proposal for a regulation

Article 1 – paragraph 1 – point 15

Regulation (EC) No 261/2004
Article 16 b – paragraph 5 b (new)

Text proposed by the Commission

Amendment

In Article 16b, the following paragraph shall be inserted:

5b. The National Enforcement Bodies shall provide, upon request, information and relevant documents on individual cases to the Commission.

Or. en

Justification

In order to create a coherent flow of information the Commission should be enabled to obtain information from the NEBs via a relevant provision of this Regulation.

Amendment 514
Corien Wortmann-Kool

Proposal for a regulation
Article 1 – paragraph 1 – point 15 a (new)
Regulation (EC) No 261/2004
Article 16c a (new)

Text proposed by the Commission

Amendment

(15 a) The following Article shall be inserted:

“Article 16c a

Delegated acts

The Commission shall be empowered to adopt delegated acts in accordance with Article 16e with a view to set out in detail the non-exhaustive list of circumstances considered as extraordinary circumstances resulting from the work of the National Enforcement Bodies.”

Or. en

Amendment 515
Corien Wortmann-Kool

Proposal for a regulation
Article 1 – paragraph 1 – point 15 b (new)
Regulation (EC) No 261/2004
Article 16e (new)

Text proposed by the Commission

Amendment

(15 b) The following Article shall be inserted:

“Article 16c b

Exercise of delegation

- 1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.***
- 2. The power to adopt delegated acts referred to in Article 16d shall be conferred on the Commission for a period of five years from [the date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.***
- 3. The delegation of powers referred to in Article 16d may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.”***
- 4. As soon as it adopts a delegated act, the***

Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Article 16 shall enter into force only if no objection has been expressed by either the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

Or. en

Amendment 516

Bernadette Vergnaud

Proposal for a regulation

Article 1 – paragraph 1 – point 16

Text proposed by the Commission

The Commission shall report to the European Parliament and the Council by 1 January 2017 on the operation and the results of this Regulation, in particular with regard to the impact of the compensation for long delays and the limitation of accommodation in extraordinary circumstances of long duration. The Commission shall also report on the enhanced protection of air passengers on flights from third countries operated by non-Community carriers, in the context of international air transport agreements. The report shall be accompanied, if necessary, by legislative proposals.

Amendment

The Commission shall report to the European Parliament and the Council by 1 January 2017 on the operation and the results of this Regulation, in particular with regard to the impact of the compensation for long delays and the limitation of accommodation in extraordinary circumstances of long duration. The Commission shall also report on the enhanced protection of air passengers on flights from third countries operated by non-Community carriers, in the context of international air transport agreements. ***The Commission shall also report on the effectiveness of the measures taken and sanctions imposed by the bodies referred to in Article 16 and the possible need for a harmonised approach;*** the report shall be accompanied, if necessary, by legislative proposals.

Or. fr

Amendment 517
Jacqueline Foster

Proposal for a regulation
Article 1 – paragraph 1 – point 16
Regulation (EC) No 261/2004
Article 17

Text proposed by the Commission

The Commission shall report to the European Parliament and the Council by 1 January 2017 on the operation and the results of this Regulation, in particular with regard to the impact of the compensation for long delays and the limitation of accommodation in extraordinary circumstances of long duration. The

Amendment

The Commission shall report to the European Parliament and the Council by 1 January 2017 on the operation and the results of this Regulation, in particular with regard to the impact of the compensation for long delays and the limitation of accommodation in extraordinary circumstances of long duration. The

Commission shall also report on the enhanced protection of air passengers on flights from third countries operated by **non-Community** carriers, in the context of international air transport agreements. ***The report shall be accompanied where necessary by legislative proposals.***

Commission shall also report on the enhanced protection of air passengers on flights from third countries operated by **non-Community** carriers, in the context of international air transport agreements.

Or. en

Justification

The last sentence which refers to legislative proposals is not required. The Commission already has the right to make proposals without making the assumption in this text that a legislative proposal will be required.

Amendment 518
Jacqueline Foster

Proposal for a regulation
Article 1 – paragraph 1 – point 16 a (new)
Regulation (EC) No 261/2004
Article 17 a (new)

Text proposed by the Commission

Amendment

(16a) The following Article shall be inserted:

17 a. This regulation should also apply to the Airport of Gibraltar as a British Overseas Territory and an airport within the European Union.

Or. en

Justification

The Commission's proposal does not remove from the 2004 Regulation the clause suspending application to the Airport of Gibraltar. In 2006, the UK, Spain and the Government of Gibraltar reached a constructive agreement that ensured Gibraltar Airport was included in the aviation single market. Gibraltar is an EU airport and in line with the Treaties all EU aviation measures must be extended to Gibraltar.

Amendment 519
Jacqueline Foster

Proposal for a regulation
Article 2 – paragraph 1
Regulation (EC) No 2027/97
/

Text proposed by the Commission

Amendment

[...]

deleted

²⁵ *Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air, OJ L 204, 26.7.2006, p.1*

Or. en

Justification

Appropriate protection either already exists for the subject area covered or legislation is not required. The changes are not necessary, and all proposed amendments in Article 2 of the Commission's proposal should be deleted (which will also, as a result, delete Annex 2) relating to Regulation (EC) 2027/97 should be deleted.

Amendment 520
Georges Bach

Proposal for a regulation
Article 2 – paragraph 1 – point 1
Regulation (EC) No 2027/97
Article 3 – paragraph 2

Text proposed by the Commission

Amendment

The Community air carrier shall provide a complaint form at the airport which allows the passenger to immediately submit such a complaint about damaged or delayed baggage. Such a complaint form, which may take the form of a Property Irregularity Report (PIR), shall be accepted

At all airports, air carriers and their groundhandlers shall set up a service to provide passengers with a complaint form which allows them to immediately submit a complaint about damaged or delayed baggage upon arrival. Such a complaint form, which may take the form of a

by the air carrier at the airport as a complaint pursuant to Article 31(2) of the Montreal Convention. This possibility shall not affect the right of *the passenger* to submit a complaint via other means within the deadlines *given* by the Montreal Convention.

Property Irregularity Report (PIR), shall be accepted by the air carrier at the airport as a complaint pursuant to Article 31(2) of the Montreal Convention. This possibility shall not affect the right of *passengers* to submit a complaint via other means within the deadlines *prescribed* by the Montreal Convention. ***The Commission shall be empowered, by means of implementing acts in accordance with the procedure referred to in Article 16c, to set up the standardized claim form.***

Or. en

Justification

The amendment replaces the Rapporteur's amendment 92. As all implementing acts, the complaint form will be published in the Official Journal in all EU languages.

Amendment 521

Bernadette Vergnaud

Proposal for a regulation

Article 2 – paragraph 1 – point 1

Regulation (EC) No 2027/97

Article 3 – paragraph 2

Text proposed by the Commission

The **Community** air carrier shall provide a complaint form at the airport which allows the passenger to immediately submit such a complaint about damaged or delayed baggage. Such a complaint form, which may take the form of a Property Irregularity Report (PIR), shall be accepted by the air carrier at the airport as a complaint pursuant to Article 31(2) of the Montreal Convention. This possibility shall not affect the right of the passenger to submit a complaint via other means within the deadlines given by the Montreal Convention.

Amendment

The air carrier shall provide a complaint form at the airport ***situated on the territory where the Treaty on European Union applies and at those situated in third countries served by a Community carrier*** which allows the passenger to immediately submit such a complaint about damaged or delayed baggage. Such a complaint form, which may take the form of a Property Irregularity Report (PIR), shall be accepted by the air carrier at the airport as a complaint pursuant to Article 31(2) of the Montreal Convention. ***The complaint form shall also be made available to the***

passenger at all points of sale of the air carrier, including electronic sites, in respect of all transport operations by Community air carriers and transport to, from and within the European Union with regard to third-country air carriers. This possibility shall not affect the right of the passenger to submit a complaint via other means within the deadlines given by the Montreal Convention.

Or. fr

Amendment 522

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

Proposal for a regulation

Article 2 – paragraph 1 – point 1

Regulation (EC) No 2027/97

Article 3 – paragraph 2

Text proposed by the Commission

The Community air carrier ***shall provide a complaint form at the airport which allows*** the passenger to immediately submit such a complaint about damaged or delayed baggage. Such a complaint form, which may take the form of a Property Irregularity Report (PIR), shall be accepted by the air carrier at the airport as a complaint pursuant to Article 31(2) of the Montreal Convention. This possibility shall not affect the right of the passenger to submit a complaint via other means within the deadlines given by the Montreal Convention.

Amendment

The Community air carrier shall ***ensure that its check-in and embarkation desks and/or its airport contact staff can supply complaints forms which allow*** the passenger to immediately submit such a complaint about damaged or delayed baggage. Such a complaint form, which may take the form of a Property Irregularity Report (PIR), shall be accepted by the air carrier at the airport as a complaint pursuant to Article 31(2) of the Montreal Convention. This possibility shall not affect the right of the passenger to submit a complaint via other means within the deadlines given by the Montreal Convention.

Or. fr

Amendment 523
Jim Higgins

Proposal for a regulation
Article 2 – paragraph 1 – point 1
Regulation (EC) No 2027/97
Article 3 – paragraph 2

Text proposed by the Commission

The Community air carrier shall provide a complaint form at the airport which allows the passenger to immediately submit such a complaint about damaged or delayed baggage. Such a complaint form, which may take the form of a Property Irregularity Report (PIR), shall be accepted by the air carrier at the airport as a complaint pursuant to Article 31(2) of the Montreal Convention. This possibility shall not affect the right of the passenger to submit a complaint via other means within the deadlines given by the Montreal Convention.

Amendment

The Community air carrier ***or its ground handling representative*** shall provide a complaint form at the airport which allows the passenger to immediately submit such a complaint about damaged or delayed baggage. Such a complaint form, which may take the form of a Property Irregularity Report (PIR), shall be accepted by the air carrier at the airport as a complaint pursuant to Article 31(2) of the Montreal Convention. This possibility shall not affect the right of the passenger to submit a complaint via other means within the deadlines given by the Montreal Convention.

Or. en

Justification

The amendment would cover situations where the air carrier does not have a direct presence in the airport itself but is represented by a ground handler

Amendment 524

Nathalie Griesbeck

Proposal for a regulation
Article 2 – paragraph 1 – point
Regulation (EC) No 2027/97
Article 5

Text proposed by the Commission

Amendment

If luggage is lost, delayed or damaged,

airlines shall in the first instance compensate the passengers with whom they have concluded a contract before possibly being authorised to seek redress at a later stage from the airports or service providers where they are not necessarily responsible for any prejudice that has occurred.

Or. fr

Amendment 525
Georges Bach

Proposal for a regulation
Article 2 – paragraph 1 – point 4
Regulation (EC) No 2027/97
Article 6a – paragraph 1

Text proposed by the Commission

Whenever carrying checked wheelchairs or other mobility equipment or assistive devices, the air carrier and its agents shall offer each person with reduced mobility as defined in Article 2(a) of Regulation (EC) No 1107/2006²⁵ the option to make, free of charge, a special declaration of interest pursuant to Article 22(2) of the Montreal Convention, at booking and at the latest when the equipment is handed to the carrier.

²⁵ Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air, OJ L 204, 26.7.2006, p.1

Amendment

Whenever carrying checked wheelchairs or other mobility equipment or assistive devices, the air carrier and its agents shall offer each person with ***a disability or*** reduced mobility as defined in Article 2(a) of Regulation (EC) No 1107/2006 the option to make, free of charge, a special declaration of interest pursuant to Article 22(2) of the Montreal Convention, at booking and at the latest when the equipment is handed to the carrier. ***A model form for such a declaration of interest shall be set up by the Commission via an implementing act adopted in accordance with the procedure referred to in Article 16c.***

²⁵ Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air, OJ L 204, 26.7.2006, p.1

Justification

The amendment replaces the rapporteur's amendment 93. In order to facilitate the declaration procedure, a model form would be helpful. It would give both passengers and air carriers guidance for providing relevant information and the necessary documentation in case of the destruction, loss or damage of mobility equipment.

Amendment 526**Brian Simpson****Proposal for a regulation****Article 2 – paragraph 1 – point 4**

Regulation (EC) No 2027/97

Article 6a – paragraph 1

Text proposed by the Commission

Whenever carrying checked wheelchairs or other mobility equipment or assistive devices, the air carrier and its agents shall offer each person with reduced mobility as defined in Article 2(a) of Regulation (EC) No 1107/2006²⁵ the option to make, free of charge, a special declaration of interest pursuant to Article 22(2) of the Montreal Convention, at booking and at the latest when the equipment is handed to the carrier.

²⁵ Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air, OJ L 204, 26.7.2006, p.1

Amendment

Whenever carrying checked wheelchairs or other mobility equipment or assistive devices, the air carrier and its agents shall ***make aware and*** offer each person with reduced mobility as defined in Article 2(a) of Regulation (EC) No 1107/2006²⁵ the option to make, free of charge, a special declaration of interest pursuant to Article 22(2) of the Montreal Convention, at booking and at the latest when the equipment is handed to the carrier.

²⁵ Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air, OJ L 204, 26.7.2006, p.1

Amendment 527**Inés Ayala Sender**

Proposal for a regulation
Article 2 – paragraph 1 – point 4
Regulation (EC) No 2027/97
Article 6a – paragraph 3 a (new)

Text proposed by the Commission

Amendment

In Article 6a, the following paragraph shall be inserted:

3a. Airline companies must ensure that passengers can use their wheelchairs, including wheelchairs for children, up to the boarding gate, with these being returned to them at the aircraft door, at no additional cost. If for safety reasons this should be impossible, airline companies must provide wheelchair users with an alternative means of mobility at the airport terminal until they can collect their wheelchairs, at no additional cost. If these safety reasons relate directly to the terminal itself, the airport management authority shall be responsible for providing the alternative means of mobility referred to in this paragraph.

Or. es

Justification

It is not permitted at many EU airports for wheelchairs for persons with reduced mobility or children's wheelchairs to be used up to the boarding gate, and these wheelchairs are sometimes only returned to their users in the baggage collection area. Since this greatly hinders the mobility of such persons, steps should be taken to ensure that they can take their wheelchairs with them to the boarding gate. Should this not be possible for security reasons, alternative means of mobility should be made available to them free of charge.

Amendment 528
Bogdan Kazimierz Marcinkiewicz
Proposal for a regulation
Article 2 – paragraph 1 – point 4
Regulation (EC) No 2027/97
Article 6b – paragraph 1

Text proposed by the Commission

Amendment

The National Enforcement Body designated under Article 16 of Regulation 261/2004 shall ensure compliance with this Regulation. For this purpose, it shall monitor:

deleted

the terms and conditions of air transport contracts;

the systematic offer of a special declaration of interest for checked mobility equipment, and of an appropriate level of compensation in case of damage caused to mobility equipment;

– the payment of an advance payment under Article 5(1) when applicable;

the application of Article 6.

Or. pl

Justification

We are intentionally proposing solutions that minimise additional red tape for the authorities and air carriers. In this context, we oppose the placing of baggage matters pursuant to Regulation No 2027/97 under the supervision of the administrative authorities. The Montreal Convention, which is implemented by this Regulation in the EU, does not require the designation of a supervisory body, rather it addresses issues of liability for damages, for which claims should be pursued through judicial – not administrative – proceedings.

Amendment 529

Bogdan Kazimierz Marcinkiewicz

Proposal for a regulation

Article 2 – paragraph 1 – point 4

Regulation (EC) No 2027/97

Article 6b – paragraph 2

Text proposed by the Commission

Amendment

For the purpose of monitoring the protection of passengers with reduced mobility and disabled passengers in case of damage to their mobility equipment, the National Enforcement Body shall also examine and take account of the information on complaints concerning

deleted

mobility equipment submitted to the bodies designated under Article 16a of Regulation 261/2004.

Or. pl

Amendment 530

Silvia-Adriana Țicău

Proposal for a regulation

Article 2 – paragraph 1 – point 4

Regulation (EC) No 2027/97

Article 6c – paragraph 2

Text proposed by the Commission

The delegation of power referred to in Article 6(1) shall be conferred on the Commission for *an indeterminate* period of *time* from the date of entry into force of this Regulation.

Amendment

The delegation of power referred to in Article 6(1) shall be conferred on the Commission for *a* period of *five years* from *[OPOCE, please insert the date of entry into force of this Regulation]*. *The Commission shall submit a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.*

Or. ro

Amendment 531

Georges Bach

Proposal for a regulation

Article 2 – paragraph 1 – point 4

Regulation (EC) No 2027/97

Article 6c – paragraph 2

Text proposed by the Commission

The *delegation of power* referred to in Article *6(1)* shall be conferred on the

Amendment

The *power to adopt delegated acts* referred to in Article *6 (1)* shall be conferred on the

Commission for *an indeterminate* period of *time from* the date of entry into force of this Regulation.

Commission for *a* period of *five years from* [the date of entry into force of this Regulation]. *The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.*

Or. en

Justification

The text has been adapted to the standard period of delegation of power conferred by Parliament to the Commission.

Amendment 532

Petra Kammerevert, Knut Fleckenstein

Proposal for a regulation

Article 2 – paragraph 1 – point 4

Regulation (EC) No 2027/97

Article 6d – paragraph 1

Text proposed by the Commission

Whilst air carriers *have full commercial freedom to establish the conditions under which they permit baggage to be carried, they* shall clearly indicate, *at* booking and at the check-in desks (including at self-service check-in machines), the maximum baggage allowance passengers are permitted to carry within the cabin and hold of the aircraft on each of the flights included within a passenger's reservation, including any restrictions on the number of items that would be applied within a given maximum baggage allowance. Where additional charges are applied for the carriage of baggage air carriers shall clearly indicate details of those charges at

Amendment

Air carriers shall clearly indicate, *prior to final* booking and at the check-in desks (including at self-service check-in machines), the maximum baggage allowance passengers are permitted to carry within the cabin and hold of the aircraft on each of the flights included within a passenger's reservation, including any restrictions on the number of items that would be applied within a given maximum baggage allowance. *The maximum baggage allowance passengers are permitted to carry within the cabin shall comprise at least one item of baggage and one bag containing airport shopping.* Where additional charges are applied for

booking and on request at the airport.

the carriage of baggage air carriers shall clearly indicate details of those charges at booking and on request at the airport.

Or. de

Justification

Airlines should be prevented from applying unjustified and excessive restrictions on the amount of hand luggage.

Amendment 533 **Preslav Borissov**

Proposal for a regulation **Article 2 – paragraph 1 – point 4** Regulation (EC) No 2027/97 Article 6d – paragraph 1

Text proposed by the Commission

Whilst air carriers have full commercial freedom to establish the conditions under which they permit baggage to be carried, they shall clearly indicate, at booking and at the check-in desks (including at self-service check-in machines), the maximum baggage allowance passengers are permitted to carry within the cabin and hold of the aircraft on each of the flights included within a passenger's reservation, including any restrictions on the number of items that would be applied within a given maximum baggage allowance. Where additional charges are applied for the carriage of baggage air carriers shall clearly indicate details of those charges **at** booking and on request at the airport.

Amendment

Whilst air carriers have full commercial freedom to establish the conditions under which they permit baggage to be carried, they shall clearly indicate, at **the beginning of every** booking **process** and at the check-in desks (including at self-service check-in machines), the maximum baggage allowance passengers are permitted to carry within the cabin and hold of the aircraft on each of the flights included within a passenger's reservation, including any restrictions on the number of items that would be applied within a given maximum baggage allowance. Where additional charges are applied for the carriage of baggage air carriers shall clearly indicate details of those charges **at the beginning of every** booking **process** and on request at the airport.

Or. en

Amendment 534
Izaskun Bilbao Barandica
Proposal for a regulation
Article 2 – paragraph 1 – point 4
Regulation (EC) No 2027/97
Article 6d – paragraph 1

Text proposed by the Commission

Whilst air carriers *have full commercial freedom to establish the conditions under which they permit baggage to be carried, they shall clearly indicate, at* booking and at the check-in desks (including at self-service check-in machines), the maximum baggage allowance passengers are permitted to carry within the cabin and hold of the aircraft on each of the flights included within a passenger's reservation, including any restrictions on the number of items that *would* be applied within a given maximum baggage allowance. *Where* additional charges *are applied* for the carriage of baggage *air carriers shall clearly indicate details of those charges at booking and on request at the airport.*

Amendment

Air carriers *shall clearly and transparently indicate, prior to final booking, in all distribution channels including computerised reservation systems,* and at the check-in desks (including at self-service check-in machines), the maximum baggage allowance passengers are permitted to carry within the cabin and hold of the aircraft on each of the flights included within a passenger's reservation, including any restrictions on the number of items that *will* be applied within a given maximum baggage allowance *and details of* additional charges *applicable* for the carriage of baggage. *Regardless of the distribution channel, items attracting additional charges must be capable of being purchased together with the core travel service.*

Or. es

Amendment 535
Georges Bach
Proposal for a regulation
Article 2 – paragraph 1 – point 4
Regulation (EC) No 2027/97
Article 6d – paragraph 1

Text proposed by the Commission

Whilst air carriers *have full commercial freedom to establish the conditions under which they permit baggage to be carried,*

Amendment

Air carriers *shall clearly indicate, at an early stage of the booking process, in all distribution channels including*

they shall clearly indicate, at booking and at the check-in desks (including at self-service check-in machines), the maximum baggage allowance passengers are permitted to carry within the cabin and hold of the aircraft on each of the flights included within a passenger's reservation, including any restrictions on the number of items that *would* be applied within a given maximum baggage allowance. *Where* additional charges *are applied* for the carriage of baggage air carriers shall *clearly indicate details of those charges at* booking and on request at the airport.

computerised reservation systems, and at the check-in desks (including at self-service check-in machines), the maximum baggage allowance passengers are permitted to carry within the cabin and hold of the aircraft on each of the flights included within a passenger's reservation, including any restrictions on the number of items that *will* be applied within a given maximum baggage allowance. *Details of* additional charges *applicable* for the carriage of baggage air carriers shall *be communicated at an early stage of the booking process* and on request at the airport *in a clear, transparent and unambiguous manner. Core travel service and additional charges must be clearly identifiable and purchasable separately from each other.*

Or. en

Justification

The amendment replaces the Rapporteur's amendment 95 in order to increase the request for price transparency and freedom of trade.

Amendment 536

Phil Bennion

Proposal for a regulation

Article 2 – paragraph 1 – point 4

Regulation (EC) No 2027/97

Article 6d – paragraph 1

Text proposed by the Commission

Whilst air carriers have full commercial freedom to establish the conditions under which they permit baggage to be carried, they shall clearly indicate, at booking and at the check-in desks (including at self-service check-in machines), the maximum baggage allowance passengers are permitted to carry within the cabin and

Amendment

Whilst air carriers have full commercial freedom to establish the conditions under which they permit baggage to be carried, they shall clearly indicate, at booking and at the check-in desks (including at self-service check-in machines), the maximum baggage allowance passengers are permitted to carry within the cabin and

hold of the aircraft on each of the flights included within a passenger's reservation, including any restrictions on the number of items that would be applied within a given maximum baggage allowance. Where additional charges are applied for the carriage of baggage air carriers shall clearly indicate details of those charges at booking and on request at the airport.

hold of the aircraft on each of the flights included within a passenger's reservation, including any restrictions on the number of items that would be applied within a given maximum baggage allowance **and any restrictions of airport purchases**. Where additional charges are applied for the carriage of baggage air carriers shall clearly indicate details of those charges at booking and on request at the airport.

Or. en

Justification

Any restrictions applied to purchases of duty-free and travel retail goods should be clearly indicated to passengers at booking and at the check-in desks

Amendment 537

Luis de Grandes Pascual

Proposal for a regulation

Article 2 – paragraph 1 – point 4

Regulation (EC) No 2027/97

Article 6d – paragraph 1

Text proposed by the Commission

Whilst air carriers **have full commercial freedom to establish the conditions under which they permit baggage to be carried, they shall clearly indicate, at** booking and at the check-in desks (including at self-service check-in machines), the maximum baggage allowance passengers are permitted to carry within the cabin and hold of the aircraft on each of the flights included within a passenger's reservation, including any restrictions on the number of items that **would** be applied within a given maximum baggage allowance. **Where additional charges are applied for the carriage of baggage air carriers shall clearly indicate** details of **those** charges **at booking and on request at the airport.**

Amendment

Air carriers **shall clearly indicate, prior to final** booking, **in all distribution channels including computerised reservation systems**, and at the check-in desks (including at self-service check-in machines), the maximum baggage allowance passengers are permitted to carry within the cabin and hold of the aircraft on each of the flights included within a passenger's reservation, including any restrictions on the number of items that **will** be applied within a given maximum baggage allowance **and details of additional charges applicable for the carriage of baggage. Regardless of the distribution channel, items attracting additional charges must be capable of being purchased together with the core**

travel service.

Or. es

Justification

The first part of the amendment clarifies that this Regulation does in fact lay down certain conditions for the transportation of cabin baggage, so that it is not true to say that air carriers are at full commercial liberty to set their own rules for baggage transportation. The second part improves the rapporteur's Amendment 95 by clarifying that baggage allowance information should be given at the start of the booking procedure.

Amendment 538

Bernadette Vergnaud

Proposal for a regulation

Article 2 – paragraph 1 – point 4

Regulation (EC) No 2027/97

Article 6d – paragraph 1

Text proposed by the Commission

Whilst air carriers have full commercial freedom to establish the conditions under which they permit baggage to be carried, they shall clearly indicate, at booking and at the check-in desks (including at self-service check-in machines), the maximum baggage allowance passengers are permitted to carry within the cabin and hold of the aircraft on each of the flights included within a passenger's reservation, including any restrictions on the number of items that would be applied within a given maximum baggage allowance. Where additional charges are applied for the carriage of baggage air carriers shall clearly indicate details of those charges at booking and on request at the airport.

Amendment

Whilst air carriers have full commercial freedom to establish the conditions under which they permit baggage to be carried, they shall clearly indicate, at booking and at the check-in desks (including at self-service check-in machines), the maximum baggage allowance passengers are permitted to carry within the cabin and hold of the aircraft on each of the flights included within a passenger's reservation, including any restrictions on the number of items that would be applied within a given maximum baggage allowance. ***The price of the ticket indicated on booking shall include the carriage of hand luggage, registered luggage and essential items.*** Where additional charges are applied for the carriage of baggage air carriers shall clearly indicate details of those charges at booking and on request at the airport.

Or. fr

Justification

It is time to put an end to certain airlines' practice of restricting cabin access with handbags or other essential items, in addition to the permitted cabin baggage allowance, or airport shopping. This practice also constitutes unfair competition, as the air carriers themselves offer the same articles for sale on board the aircraft without any restriction.

Amendment 539

Inés Ayala Sender

Proposal for a regulation

Article 2 – paragraph 1 – point 4

Regulation (EC) No 2027/97

Article 6d – paragraph 1 a (new)

Text proposed by the Commission

Amendment

In Article 6d the following paragraph is inserted:

1a. Passengers shall be permitted to carry in the cabin, free of charge, essential personal items or belongings, such as coats and handbags, also including airport shopping, in addition to the prescribed maximum cabin baggage allowance.'

Or. es

Amendment 540

Preslav Borissov

Proposal for a regulation

Article 2 – paragraph 1 – point 4

Regulation (EC) No 2027/97

Article 6d – paragraph 1 a (new)

Text proposed by the Commission

Amendment

In Article 6d, the following paragraph shall be inserted:

'1a. In addition to the prescribed maximum cabin baggage allowance, passengers are allowed to carry in the cabin airport shopping, free of charge.'

Amendment 541
Georges Bach

Proposal for a regulation
Article 2 – paragraph 1 – point 4
Regulation (EC) No 2027/97
Article 6d – paragraph 1 b (new)

Text proposed by the Commission

Amendment

In Article 6d, the following paragraph shall be inserted:

1b. Without prejudice to Regulation (EC) No 1107/2006, carry-on baggage allowances may be expressed in maximum dimensions and/or maximum weights of the total carry-on allowance per passenger, but without a restriction to a specific number of items carried.

Justification

Airlines should determine a maximum baggage allowance in weight or dimension but the possibility to limit the number of items should be banned.

Amendment 542
Vilja Savisaar-Toomast, Anne E. Jensen

Proposal for a regulation
Article 2 – paragraph 1 – point 4
Regulation (EC) No 2027/97
Article 6d – paragraph 1 a (new)

Text proposed by the Commission

Amendment

In Article 6d, the following paragraph

shall be inserted:

1a. Without prejudice to Regulation (EC) No 1107/2006, carry-on baggage allowances may be expressed in maximum dimensions and/or maximum weights of the total carry-on allowance per passenger, but without a restriction to a specific number of items of baggage.

Or. en

Amendment 543
Izaskun Bilbao Barandica
Proposal for a regulation
Article 2 – paragraph 1 – point 4
Regulation (EC) No 2027/97
Article 6 d – paragraph 1 a (new)

Text proposed by the Commission

Amendment

In Article 6, the following paragraph shall be inserted:

1a. Passengers shall be permitted to carry in the cabin, free of charge, essential personal items or belongings including airport shopping, in addition to the prescribed maximum cabin baggage allowance.

Or. es

Amendment 544
Giommaria Uggias
Proposal for a regulation
Article 2 – paragraph 1 – point 4
Regulation (EC) No 2027/97
Article 6d – paragraph 1 a (new)

Text proposed by the Commission

Amendment

In Article 6d, the following paragraph shall be inserted:

1a. Air carriers shall allow passengers to take into the cabin, free of charge, their own items or personal effects, including any purchases made at the airport, in addition to the maximum cabin baggage allowance, provided that the sum of the three measurements of the bag containing the purchases made does not exceed 80 cm. (for example, 33x30x15) and the weight does not exceed 5 kilogrammes.

Or. it

Amendment 545
Luis de Grandes Pascual

Proposal for a regulation
Article 2 – paragraph 1 – point 4
Regulation (EC) No 2027/97
Article 6d – paragraph 1 a (new)

Text proposed by the Commission

Amendment

In Article 6d, the following paragraph shall be inserted:

1a. Passengers should be allowed to carry in the cabin essential personal items or belongings including airports shopping at no extra cost in addition to the prescribed cabin baggage allowance.

Or. en

Justification

Passenger rights and experience has deteriorated due to restrictions recently imposed by certain airlines in charging for additional items in excess of a single piece of hand baggage such as their airport shopping. They should be allowed to carry free of charge their airport shopping into the cabin in addition to the prescribed cabin baggage allowance. This amendment is in line with the position of the European Parliament expressed on recent reports regarding this issue, such as (P7_TA (2012) 0099), P7_TA(2012)0152), P7_TA(2012)0371).

Amendment 546
Georgios Koumoutsakos

Proposal for a regulation
Article 2 – paragraph 1 – point 4
Regulation (EC) No 2027/97
Article 6d – paragraph 1 a (new)

Text proposed by the Commission

Amendment

In Article 6d, the following paragraph shall be inserted:

1a. Passengers shall be allowed to carry in the cabin essential personal items or belongings including relevant airport shopping at no extra cost in addition to the prescribed cabin baggage allowance.

Or. en

Amendment 547
Michel Dantin, Christine De Veyrac, Dominique Vlasto

Proposal for a regulation
Article 2 – paragraph 1 – point 4
Regulation (EC) No 2027/97
Article 6d – paragraph 1 a (new)

Text proposed by the Commission

Amendment

In Article 6d the following paragraph is inserted:

'1a. Passengers shall be authorised to carry with them free of charge into the cabin at least one item, such a handbag, a briefcase or a bag containing items purchased at the airport, over and above the maximum cabin baggage allowance. The air carrier shall be entitled to specify the maximum dimensions of such items.'

Or. fr

Amendment 548
Jim Higgins

Proposal for a regulation
Article 2 – paragraph 1 – point 4
Regulation (EC) No 2027/97
Article 6d – paragraph 1 a (new)

Text proposed by the Commission

Amendment

In Article 6d, the following paragraph shall be inserted:

1a. Passengers shall be allowed to carry in the cabin a reasonable amount of essential personal items or belongings including at least one bag of airport shopping, at no extra cost, in addition to the cabin baggage allowance.

Or. en

Justification

Passengers should be allowed one bag of airport shopping on board at no extra charge. This is in line with the European Parliament's position in the Report on the functioning and application of established rights of people travelling by air by Keith Taylor, the Report on the future of regional airports and air services in the EU by Philip Bradbourn and the Report on passenger rights in all transport modes by Georges Bach.

Amendment 549
Bogusław Liberadzki

Proposal for a regulation
Article 2 – paragraph 1 – point 4
Regulation (EC) No 2027/97
Article 6d – paragraph 2

Text proposed by the Commission

Amendment

Where extraordinary circumstances, such as safety reasons or a change of the aircraft type since the booking was made, preclude the carriage in the cabin of items included in the carry-on baggage allowance, the air carrier may carry them

The air carrier may have the above items carried in the hold of the aircraft in case exceptional conditions related to safety reasons and the specific characteristics of the aircraft preclude transportation in cabin. No additional charges will apply in

in the hold of the aircraft, but at no extra cost to the passenger. *these cases.*

Or. en

Justification

This amendment is designed to take into account exceptional circumstances related to the aircraft or safety reasons that may preclude the carriage in the cabin of items mentioned at Article 6 – point d – subparagraph 1a and 1b.

Amendment 550

Georges Bach

Proposal for a regulation

Article 2 – paragraph 1 – point 4

Regulation (EC) No 2027/97

Article 6d – paragraph 2

Text proposed by the Commission

Where *extraordinary* circumstances, such as safety reasons or *a change of the aircraft type since the booking was made*, preclude the carriage in the cabin of items included in the carry-on baggage allowance, the air carrier may carry them in the hold of the aircraft, but at no extra cost to the passenger.

Amendment

Where *exceptional* circumstances, such as safety reasons, or *the specific characteristics of the aircraft* preclude the carriage in the cabin of items included in the carry-on baggage allowance *or the airport shopping*, the air carrier may carry them in the hold of the aircraft, but at no extra cost to the passenger.

Or. en

Justification

This amendment is designed to take into account exceptional circumstances related to safety reasons or the characteristics of the aircraft such as its size that may preclude the carriage in the cabin of items described under Article 6 d (1a).

Amendment 551

Silvia-Adriana Țicău

Proposal for a regulation

Article 2 – paragraph 1 – point 4

Text proposed by the Commission

Where extraordinary circumstances, such as safety reasons or a change of the aircraft type since the booking was made, preclude the carriage in the cabin of items included in the carry-on baggage allowance, the air carrier may carry them in the hold of the aircraft, but at no extra cost to the passenger.

Amendment

Where extraordinary circumstances, such as safety reasons or a change of the aircraft type since the booking was made, preclude the carriage in the cabin of items included in the carry-on baggage allowance, the air carrier ***shall, with the agreement of the passenger,*** carry them in the hold of the aircraft, but at no extra cost to the passenger.

Or. ro

Amendment 552

Michel Dantin, Christine De Veyrac, Dominique Vlasto

Proposal for a regulation

Article 2 – paragraph 1 – point 4

Regulation (EC) No 2027/97

Article 6d – paragraph 2

Text proposed by the Commission

Where extraordinary circumstances, such as safety reasons or a change of the aircraft type since the booking was made, preclude the carriage in the cabin of items included in the carry-on baggage allowance, the air carrier may carry them in the hold of the aircraft, but at no extra cost to the passenger.

Amendment

Where extraordinary circumstances, such as safety reasons or a change of the aircraft type since the booking was made, preclude the carriage in the cabin of items included in the carry-on baggage allowance ***and other items normally admitted in the cabin,*** the air carrier may carry them in the hold of the aircraft, but at no extra cost to the passenger. ***Hand luggage or other items admitted to the cabin on registration at the air carrier's desk in the airport may not for any reason be refused on embarkation unless transferred to the hold at no extra cost to the passenger.***

Justification

Given that an increasing number of air carriers are checking cabin baggage twice (once at the registration desk and once on embarkation), passengers must not find themselves in the situation where their baggage is refused at embarkation, involving supplementary charges, having been previously accepted at the registration desk.

Amendment 553**Izaskun Bilbao Barandica****Proposal for a regulation****Article 2 – paragraph 1 – point 4**

Regulation (EC) No 2027/97

Article 6e – paragraph 1

Text proposed by the Commission

A Community air carrier shall permit a passenger to carry a musical instrument in the passenger cabin of an aircraft subject to applicable safety rules and the technical specifications and constraints of the aircraft concerned. Musical instruments shall be accepted for carriage within an aircraft cabin provided such instruments can be stowed safely in a suitable baggage compartment within the cabin or under an appropriate passenger seat. An air carrier may determine that a musical instrument shall form part of a passenger's hand luggage allowance and not be carried in addition to that allowance.

Amendment

A Community air carrier shall permit a passenger to carry a musical instrument in the passenger cabin of an aircraft subject to applicable safety rules and the technical specifications and constraints of the aircraft concerned. Musical instruments shall be accepted for carriage within an aircraft cabin provided such instruments can be stowed safely in a suitable baggage compartment within the cabin or under an appropriate passenger seat. An air carrier may determine that a musical instrument shall form part of a passenger's hand luggage allowance and not be carried in addition to that allowance. ***However, such hand luggage allowance shall not include less than one piece in addition to the instrument.***

Amendment 554**Izaskun Bilbao Barandica**

Proposal for a regulation
Article 2 – paragraph 1 – point 4
Regulation (EC) No 2027/97
Article 6e – paragraph 2

Text proposed by the Commission

Where a musical instrument is too large to be stowed safely in a suitable baggage compartment within the cabin or under an appropriate passenger seat, an air carrier may request the payment of a second fare where such musical instruments are carried as hand luggage on a second seat. Where a second seat is purchased an air carrier should make reasonable efforts to seat the passenger and the musical instrument concerned together. Where available and if requested, musical instruments shall be carried in a heated part of an aircraft cargo hold subject to applicable safety rules, space constraints and the technical specifications of the aircraft concerned. An air carrier shall clearly indicate in its terms and conditions the basis on upon which musical instruments will be transported and the applicable charges.

Amendment

Where a musical instrument is too large to be stowed safely in a suitable baggage compartment within the cabin or under an appropriate passenger seat, an air carrier may request the payment of a second fare ***exonerated from the payment of airport taxes***, where such musical instruments are carried as hand luggage on a second seat. Where a second seat is purchased an air carrier should make reasonable efforts to seat the passenger and the musical instrument concerned together. Where available and if requested, musical instruments shall be carried in a heated part of an aircraft cargo hold subject to applicable safety rules, space constraints and the technical specifications of the aircraft concerned. ***The air carrier shall mark such instruments with specific tags in order to ensure that they will be handled with adequate care.*** An air carrier shall clearly indicate in its terms and conditions the basis on upon which musical instruments will be transported and the applicable charges.

Or. en

Amendment 555
Phil Bennion

Proposal for a regulation
Article 2 – paragraph 1 – point 4
Regulation (EC) No 2027/97
Article 6e – paragraph 2

Text proposed by the Commission

Where a musical instrument is too large to

Amendment

Where a musical instrument is too large to

be stowed safely in a suitable baggage compartment within the cabin or under an appropriate passenger seat, an air carrier may request the payment of a second fare where such musical instruments are carried as hand luggage on a second *seat*. Where a second seat is purchased an air carrier should make reasonable efforts to seat the passenger and the musical instrument concerned together. Where available and if requested, musical instruments shall be carried in a heated part of an aircraft cargo hold subject to applicable safety rules, space constraints and the technical specifications of the aircraft concerned. An air carrier shall clearly indicate in its terms and conditions the basis on upon which musical instruments will be transported and the applicable charges.

be stowed safely in a suitable baggage compartment within the cabin or under an appropriate passenger seat, an air carrier may request the payment of a second fare where such musical instruments are carried as hand luggage on a second *seat*. ***Such additional fare shall not be subject to the payment of the relevant airport departure tax.*** Where a second seat is purchased an air carrier should make reasonable efforts to seat the passenger and the musical instrument concerned together. Where available and if requested, musical instruments shall be carried in a heated part of an aircraft cargo hold subject to applicable safety rules, space constraints and the technical specifications of the aircraft concerned. An air carrier shall clearly indicate in its terms and conditions the basis on upon which musical instruments will be transported and the applicable charges.

Or. en

Amendment 556

Vilja Savisaar-Toomast, Anne E. Jensen

Proposal for a regulation

Article 2 – paragraph 1 – point 4

Regulation (EC) No 2027/97

Article 6e – paragraph 2 a (new)

Text proposed by the Commission

Amendment

In Article 6e, the following paragraph shall be inserted:

2a. An air carrier shall clearly indicate at booking and in its terms and conditions the basis on which musical instruments will be transported, including the applicable charges, the facilities for the carriage of musical instruments that are available on the aircraft concerned and the dimensions of these facilities. Where a

*second seat needs to be booked,
passengers shall be offered the possibility
of booking that second seat online.*

Or. en

Amendment 557
Christine De Veyrac, Michel Dantin

Proposal for a regulation
Article 2 – paragraph 1 – point 4
Regulation (EC) No 2027/97
Article 6e – paragraph 2 a (new)

Text proposed by the Commission

Amendment

*In Article 6e, the following paragraph
shall be inserted:*

*2a. An air carrier shall clearly indicate at
booking and in its terms and conditions
the basis on which musical instruments
will be transported, including the
applicable charges and the facilities for
the carriage of musical instruments that
are available on the aircraft concerned.
Where it is necessary to book a second
seat, passengers shall be given the
opportunity of doing so online at a
competitive rate.*

Or. fr

Justification

In line with rapporteur's proposal (amendment 100), specifying that the passenger should be given the opportunity of booking the second seat at a competitive rate so as to limit the extra cost incurred as a result.

Amendment 558
Jacqueline Foster

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

Text proposed by the Commission

This Regulation shall enter into force **on the twentieth day following that of** its publication in the Official Journal of the European Union.

Amendment

This Regulation shall enter into force **90 days after** its publication in the Official Journal of the European Union, **other than Articles 16 and 16a, which shall enter into force 12 month after is publication.**

Or. en

Justification

Industry would require at least 90 days to put in place procedures to comply with the revised Regulation. National Enforcement Bodies would require at least 12 months to put the revised enforcement related regime in place.

Amendment 559

Knut Fleckenstein, Jörg Leichtfried, Ismail Ertug

Proposal for a regulation

Annex 1

Regulation (EC) 261/2004

Annex 1 – introductory part

Text proposed by the Commission

'Annex: **non**-exhaustive list of circumstances considered as extraordinary circumstances for the purposes of this Regulation

Amendment

'Annex: exhaustive list of circumstances considered as extraordinary circumstances for the purposes of this Regulation

Or. de

Justification

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

Amendment 560

Jacqueline Foster

Proposal for a regulation

Annex 1

Regulation (EC) No 261/2004

Annex 1 – paragraph 1 – introductory part

Text proposed by the Commission

The following circumstances **shall** be considered as extraordinary:

Amendment

The following circumstances **may** be considered as extraordinary:

Or. en

Justification

In order to give sufficient flexibility to NEBs, ADR-Bodies and courts to find proper solutions in individual cases, these bodies must have the possibility to deviate from this list if the individual case so requires.

Amendment 561

Keith Taylor, Eva Lichtenberger, Michael Cramer

Proposal for a regulation

Annex 1

Regulation (EC) No 261/2004/EC

Annex 1 – paragraph 1 – introductory part

Text proposed by the Commission

The following circumstances shall be considered as extraordinary:

Amendment

Circumstances shall be considered as extraordinary ***if they could not have been avoided even if all reasonable measures had been taken, namely circumstances beyond the actual control of the air carrier:***

Or. en

Amendment 562

Corien Wortmann-Kool

Proposal for a regulation

Annex 1

Regulation (EC) No 261/2004
Annex 1 – paragraph 1 – introductory part

Text proposed by the Commission

The following circumstances shall be considered as extraordinary:

Amendment

The following circumstances shall be considered as extraordinary **and shall be further set out by means of delegated act in accordance with Article 16e:**

Or. en

Justification

This amendment should be read together with the Wortmann-Kool amendment on the adoption of delegated act on the non-exhaustive and non-binding list of extraordinary circumstances.

Amendment 563

Keith Taylor, Eva Lichtenberger, Michael Cramer

Proposal for a regulation

Annex 1

Regulation (EC) No 261/2004
Annex I – paragraph 1 – point ii

Text proposed by the Commission

technical problems which are not inherent in the normal operation of the aircraft, such as the identification of a defect during the flight operation concerned and which prevents the normal continuation of the operation; or a hidden manufacturing defect revealed by the manufacturer or a competent authority and which impinges on flight safety;

Amendment

deleted

Or. en

Amendment 564

Saïd El Khadraoui

Proposal for a regulation

Annex 1

Regulation (EC) No 261/2004

Annex 1 – paragraph 1 – point ii

Text proposed by the Commission

Amendment

technical problems which are not inherent in the normal operation of the aircraft, such as the identification of a defect during the flight operation concerned and which prevents the normal continuation of the operation; or a hidden manufacturing defect revealed by the manufacturer or a competent authority and which impinges on flight safety;

Deleted

Or. nl

Amendment 565

Bogdan Kazimierz Marcinkiewicz

Proposal for a regulation

Annex 1

Regulation (EC) No 261/2004

Annex 1 – paragraph 1 – point ii

Text proposed by the Commission

Amendment

technical problems which ***are not inherent in the normal operation*** of the aircraft, ***such as the identification of a defect during the flight operation concerned and which prevents the normal continuation of the operation;*** or a hidden manufacturing defect revealed by the manufacturer or a competent authority and ***which*** impinges on flight safety;

technical problems which ***affect the operation*** of the aircraft, ***caused by natural disasters, sabotage, terrorism, meteorological conditions, collision with a foreign body;*** or a hidden manufacturing defect revealed by the manufacturer or a competent authority, ***or a defect that arose during the flight for reasons other than those referred to in point 2(i), if such a defect impinges on flight safety and renders normal continuation of the flight impossible;***

Or. pl

Justification

In accordance with the judgment handed down in the Wallentin-Hermann case, technical

problems do not necessarily constitute extraordinary circumstances. An exception would be technical problems resulting from circumstances that cannot be controlled. The amendment details the events that belong in this category, i.e. those events which always have both an impact on the safety of the flight and which render normal continuation of the flight impossible.

Amendment 566
Jacqueline Foster

Proposal for a regulation
Annex 1

Regulation (EC) No 261/2004
Annex 1 – paragraph 1 – point ii

Text proposed by the Commission

technical problems ***which are not inherent in the normal operation of the aircraft, such as the identification of a defect during the flight operation concerned*** and which ***prevents*** the normal continuation of the operation; or a ***hidden manufacturing defect*** revealed by the manufacturer ***or*** a competent authority ***and which impinges on flight safety;***

Amendment

technical problems ***and unexpected flight safety shortcomings which are detected during a flight or immediately prior to departure*** and which ***prevent*** the normal continuation of the operation; or a ***safety issue*** revealed by the manufacturer, a competent authority ***or an air carrier or a maintenance organisation;***

Or. en

Justification

The use of the word inherent is not clear and has caused significant problems in applying the current Regulation. Moving to the concept of technical problems that are detected during or immediately prior to the flight indicate that these are unexpected problems.

Amendment 567
Petra Kammerevert
Proposal for a regulation
Annex 1

Regulation (EC) No 261/2004
Annex 1 – paragraph 1 – point ii

Text proposed by the Commission

technical problems which are not inherent in the normal operation of the aircraft, such

Amendment

technical problems which are not inherent in the normal operation of the aircraft, such

as the identification of a defect during the flight operation concerned and which prevents the normal continuation of the operation; ***or a hidden manufacturing defect revealed by the manufacturer or a competent authority and which impinges on flight safety;***

as the identification of a defect during the flight operation concerned and which prevents the normal continuation of the operation;

Or. de

Amendment 568
Silvia-Adriana Țicău
Proposal for a regulation
Annex 1

Regulation (EC) No 261/2004
Annex 1 – paragraph 1 – point ii

Text proposed by the Commission

technical problems which are not inherent in the normal operation of the aircraft, such as the identification of a defect during the flight operation concerned and which prevents the normal continuation of the operation; or a hidden manufacturing defect revealed by the manufacturer or a competent authority and which impinges on flight safety;

Amendment

technical problems which are not inherent in the normal operation of the aircraft ***and cannot be detected by routine maintenance and technical inspection procedures***, such as the identification of a defect during the flight operation concerned and which prevents the normal continuation of the operation; or a hidden manufacturing defect revealed by the manufacturer or a competent authority and which impinges on flight safety;

Or. ro

Amendment 569
Bogusław Liberadzki

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

Text proposed by the Commission

technical problems ***which are not inherent in the normal operation of the***

Amendment

technical problems such as the identification of a defect ***after the aircraft***

aircraft, such as the identification of a defect **during the flight operation concerned** and which prevents the **normal** continuation of the operation; or a hidden manufacturing defect revealed by the manufacturer or a competent authority and which impinges on flight safety;

has been released to service and which prevents the **safe** continuation of the operation; or a hidden manufacturing defect revealed by the manufacturer or a competent authority and which impinges on flight safety;

Or. en

Justification

The wording “during the flight operation” in the Commission’s proposal is ambiguous. It should be replaced with a reference to the moment “after the aircraft has been released to service”. Under EASA rules [Commission Regulation (EC) N° 2042/2003, Annex I – Part M, paragraph M.A.612 “Aircraft certificate of release to service”], a “Certificate of Release to Service” must be issued before flight at the completion of any aircraft maintenance. The signing of this document therefore constitutes an exact moment in time and reflects precisely the shift of control between maintenance and the pilot. Accordingly, paragraph 2i is redundant. “Inherent” is not a clear term and has a different meaning in different languages. It should therefore be removed from the Regulation. Also, the word “normal” is not precise and should be replaced by the more accurate term “safe”.

Amendment 570 **Brian Simpson**

Proposal for a regulation

Annex 1

Regulation (EC) No 261/2004

Annex 1 – paragraph 1 – point ii

Text proposed by the Commission

technical problems **which are not inherent in the normal operation of** the aircraft, **such as the identification of a defect during the flight operation concerned and which prevents the normal continuation of the operation; or a hidden manufacturing defect revealed by the manufacturer or a competent authority and which impinges on flight safety;**

Amendment

technical problems **affecting** the aircraft **which are caused by a hidden manufacturing defect notified by the manufacturer or a competent safety authority; all other technical problems shall not be considered as extraordinary circumstances for the purpose of this regulation;**

Or. en

Amendment 571

Markus Ferber, Dieter-Lebrecht Koch, Michael Gahler

Proposal for a regulation

Annex 1

Regulation (EC) No 261/2004

Annex 1 – paragraph 1 – point ii

Text proposed by the Commission

technical problems ***which are not inherent in the normal operation of the aircraft***, such as the identification of a defect ***during the flight operation concerned*** and which prevents the ***normal*** continuation of the operation; or a hidden manufacturing defect revealed by the manufacturer or a competent authority and which impinges on flight safety;

Amendment

technical problems, such as the identification of a defect ***after the aircraft has been released to service*** and which prevents the ***safe*** continuation of the operation; or a hidden manufacturing defect revealed by the manufacturer or a competent authority and which impinges on flight safety;

Or. de

Justification

The wording needs to be more precise and should include an exact time. In accordance with EASA Regulation No 2042/2003, at the completion of all required aircraft maintenance, an aircraft certificate of release to service is issued according to M.A.801. This should be taken into account.

Amendment 572

Izaskun Bilbao Barandica

Proposal for a regulation

Annex 1

Regulation (EC) No 2027/97

Annex 1 – paragraph 1 – point ii

Text proposed by the Commission

technical problems ***which are not inherent in the normal operation of the aircraft***, such as the identification of a defect ***during the flight operation concerned*** and which prevents the ***normal*** continuation of the operation; or a hidden manufacturing defect revealed by the

Amendment

technical problems such as the identification of a defect ***after the aircraft has been released to service*** and which prevents the ***safe*** continuation of the operation; or a hidden manufacturing defect revealed by the manufacturer or a competent authority and which impinges

manufacturer or a competent authority and which impinges on flight safety;

on flight safety;

Or. en

Amendment 573

Carlo Fidanza, Antonio Cancian

Proposal for a regulation

Annex 1

Regulation (EC) No 261/2004

Annex 1 – paragraph 1 – point ii

Text proposed by the Commission

technical problems ***which are not inherent in the normal operation of the aircraft***, such as the identification of a defect ***during the flight operation concerned and*** which prevents the ***normal*** continuation of the operation; or a hidden manufacturing defect revealed by the manufacturer or a competent authority and which impinges on flight safety;

Amendment

technical problems such as the identification of a defect ***after the aircraft has been released to service and*** which prevents the ***safe*** continuation of the operation; or a hidden manufacturing defect revealed by the manufacturer or a competent authority and which impinges on flight safety;

Or. en

Amendment 574

Mathieu Grosch

Proposal for a regulation

Annex 1

Regulation (EC) No 261/2004

Annex 1 – paragraph 1 – point ii

Text proposed by the Commission

technical problems which are not inherent in the normal operation of the aircraft, such as the identification of a defect during the flight operation concerned and which ***prevents*** the normal continuation of the operation; or a hidden manufacturing defect revealed by the manufacturer or a competent authority and which impinges

Amendment

technical problems which are not inherent in the normal operation of the aircraft, such as the identification of a defect during the flight operation concerned, ***or the identification of damage, such as engine damage caused by bird strike that occurred during the previous flight***, and which ***in both cases prevent*** the normal

on flight safety;

continuation of the operation; or a hidden manufacturing defect revealed by the manufacturer or a competent authority and which impinges on flight safety;

Or. de

Justification

The German Federal Court classed bird strike as an extraordinary circumstance in two judgments of 24 September 2013 (X ZR 129 /12, X YR 160/12), since it is an external factor that cannot be foreseen or controlled by air carriers. Any delays or cancellations resulting from bird strikes could not have been avoided even where all reasonable measures were taken.

Amendment 575

Corien Wortmann-Kool

Proposal for a regulation

Annex 1 Regulation (EC) No 261/2004

Annex 1 – paragraph 1 – point ii

Text proposed by the Commission

technical problems which are not inherent in the normal operation of the aircraft, such as the identification of a defect during the flight operation concerned and which prevents the normal continuation of the operation; or a hidden manufacturing defect revealed by the manufacturer or a competent authority and which impinges on flight safety;

Amendment

technical problems *of the aircraft* which are not inherent in the normal operation of the aircraft, such as the identification of a defect during the flight operation concerned and which prevents the normal continuation of the operation; or a hidden manufacturing defect revealed by the manufacturer or a competent authority and which impinges on flight safety;

Or. xm

Justification

Tactical amendment in opposition to Amendment 101?

Amendment 576

Jacqueline Foster

Proposal for a regulation

Annex 1

Regulation (EC) No 261/2004
Annex 1 – paragraph 1 – point iii

Text proposed by the Commission

security risks, acts of sabotage **or terrorism** rendering impossible the safe operation of the flight;

Amendment

security risks, acts of sabotage, **terrorism or political instability of any kind – where travel is not recommended** - rendering impossible the safe operation of the flight;

Or. en

Justification

Provides further clarity on security related circumstances.

Amendment 577

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

Proposal for a regulation

Annex 1

Regulation (EC) No 261/2004
Annex 1 – paragraph 1 – point iii

Text proposed by the Commission

security risks, acts of sabotage or terrorism rendering impossible the safe operation of the flight;

Amendment

security risks, acts of sabotage or terrorism, **violent political conflicts or wars** rendering impossible the safe operation of the flight;

Or. fr

Amendment 578

Georges Bach

Proposal for a regulation

Annex 1

Regulation (EC) No 261/2004
Annex 1 – paragraph 1 – point iii

Text proposed by the Commission

security risks, acts of sabotage or

Amendment

war, political unrest, outrages, acts of

terrorism rendering impossible the safe operation of the flight;

sabotage or terrorism rendering impossible the safe operation of the flight;

Or. en

Amendment 579

Michel Dantin, Dominique Riquet

Proposal for a regulation

Annex 1

Regulation (EC) No 261/2004

Annex 1 – paragraph 1 – point iv

Text proposed by the Commission

Amendment

life-threatening health risks or medical emergencies necessitating the interruption or deviation of the flight concerned;

health risks or medical emergencies necessitating the interruption or deviation of the flight concerned;

Or. fr

Amendment 580

Keith Taylor, Eva Lichtenberger, Michael Cramer

Proposal for a regulation

Annex 1

Regulation (EC) No 261/2004

Annex 1 – paragraph 1 – point v

Text proposed by the Commission

Amendment

air traffic management restrictions or closure of airspace or an airport;

deleted

Or. en

Amendment 581

Brian Simpson

Proposal for a regulation

Annex 1

Regulation (EC) No 261/2004

Annex 1 – paragraph 1 – point v

Text proposed by the Commission

air traffic management restrictions or closure of airspace or an airport;

Amendment

air traffic management restrictions or closure of airspace or an airport (***including runway closure***);

Or. en

Amendment 582

Silvia-Adriana Țicău

Proposal for a regulation

Annex 1

Regulation (EC) No 261/2004

Annex 1 – paragraph 1 – point vii

Text proposed by the Commission

labour disputes at the operating air carrier or at essential service providers such as airports and Air Navigation Service Providers.

Amendment

Deleted

Or. ro

Amendment 583

Jaromír Kohlíček, Sabine Wils

Proposal for a regulation

Annex 1

Regulation (EC) No 261/2004

Annex 1 – paragraph 1 – point vii

Text proposed by the Commission

labour disputes at the operating air carrier or at essential service providers such as airports and Air Navigation Service Providers.

Amendment

deleted

Or. en

Amendment 584

Markus Ferber, Dieter-Lebrecht Koch, Michael Gahler

Proposal for a regulation

Annex 1

Regulation (EC) No 261/2004

Annex 1 – paragraph 1 – point vii a (new)

Text proposed by the Commission

Amendment

In Annex 1, paragraph 1, the following point shall be inserted:

vii a. damage to the aircraft caused by third parties;

Or. de

Justification

Damage to an aircraft caused by third parties, in particular by ground-handling vehicles or other aircraft, are outside the area carrier's control. The airline should also be able to invoke extraordinary circumstances where a flight is delayed or has to be cancelled for this reason.

Amendment 585

Markus Ferber, Dieter-Lebrecht Koch, Michael Gahler

Proposal for a regulation

Annex 1

Regulation (EC) No 261/2004

Annex 1 – paragraph 1 – point vii b (new)

Text proposed by the Commission

Amendment

In Annex 1, paragraph 1, the following point shall be inserted:

vii b. flight delays/cancellations caused by passengers;

Or. de

Justification

Delays in departure that are outside the airline's control, such as those caused by passengers arriving late at the gate or searches of the aircraft or passengers by the authorities, should also be included in the list of extraordinary circumstances.

Amendment 586

Markus Ferber, Dieter-Lebrecht Koch, Michael Gahler

Proposal for a regulation

Annex 1

Regulation (EC) No 261/2004

Annex 1 – paragraph 1 – point vii c (new)

Text proposed by the Commission

Amendment

In Annex 1, paragraph 1, the following point shall be inserted:

vii c. bird strike;

Or. de

Justification

Birds' behaviour in the air is outside the control of airlines, whatever precautionary measures they may take.

Amendment 587

Markus Ferber, Dieter-Lebrecht Koch, Michael Gahler

Proposal for a regulation

Annex 1

Regulation (EC) No 261/2004

Annex 1 – paragraph 1 – point vii d (new)

Text proposed by the Commission

Amendment

In Annex 1, paragraph 1, the following point shall be inserted:

vii d. closure of the runway by the authorities;

Or. de

Justification

Temporary airport runway closures, which are generally announced at short notice, can have an enormous impact on airlines' departure and arrival times. Permanent runway closures, such as a ban on night flying, can also have a serious effect on flight delays and cancellations where unexpected circumstances arise. Such delays are outside the control of airlines.

Amendment 588
Keith Taylor, Eva Lichtenberger, Michael Cramer

Proposal for a regulation
Annex 1

Regulation (EC) No 261/2004

Annex 1 – paragraph 2

Text proposed by the Commission

Amendment

The following circumstances shall not be considered as extraordinary: ***deleted***

- i. technical problems inherent in the normal operation of the aircraft, such as a problem identified during the routine maintenance or during the pre-flight check of the aircraft or which arises due to failure to correctly carry out such maintenance or pre-flight check; and***
- ii. unavailability of flight crew or cabin crew (unless caused by labour disputes).***

Or. en

Amendment 589
Jacqueline Foster

Proposal for a regulation
Annex 1

Regulation (EC) No 261/2004

Annex 1 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

The following circumstances ***shall*** not be considered as extraordinary:

The following circumstances ***may*** not be considered as extraordinary:

Or. en

Justification

In order to give sufficient flexibility to NEBs, ADR-Bodies and courts to find proper solutions in individual cases, these bodies must have the possibility to deviate from this list if the individual case so requires.

Amendment 590
Bogusław Liberadzki

Proposal for a regulation

Annex 1

Regulation (EC) No 261/2004

Annex 1 – paragraph 2 – point i

Text proposed by the Commission

Amendment

technical problems inherent in the normal operation of the aircraft, such as a problem identified during the routine maintenance or during the pre-flight check of the aircraft or which arises due to failure to correctly carry out such maintenance or pre-flight check; and

deleted

Or. en

Justification

Paragraph 2 i is redundant due to change in 1 ii. See justification for Annex 1 ii.

Amendment 591
Izaskun Bilbao Barandica

Proposal for a regulation

Annex 1

Regulation (EC) No 2027/97

Annex 1 – paragraph 2 – point i

Text proposed by the Commission

Amendment

technical problems inherent in the normal operation of the aircraft, such as a problem identified during the routine maintenance or during the pre-flight check of the aircraft or which arises due to failure to correctly carry out such maintenance or pre-flight check; and

deleted

Or. en

Amendment 592
Brian Simpson

Proposal for a regulation

Annex 1

Regulation (EC) No 261/2004

Annex 1 – paragraph 2 – point i

Text proposed by the Commission

Amendment

technical problems inherent in the normal operation of the aircraft, such as a problem identified during the routine maintenance or during the pre-flight check of the aircraft or which arises due to failure to correctly carry out such maintenance or pre-flight check; and

deleted

Or. en

Justification

To be seen in conjunction with the amendment excluding technical faults from the list of extraordinary circumstances. Technical faults, unless linked to a hidden manufacturing defect notified by a competent authority or the manufacturer, should not be considered as extraordinary circumstances.

Amendment 593
Jacqueline Foster

Proposal for a regulation

Annex 1

Regulation (EC) No 261/2004

Annex 1 – paragraph 2 – point ii

Text proposed by the Commission

Amendment

unavailability of flight crew or cabin crew (unless caused by labour disputes).

unavailability of flight crew or cabin crew.

Or. en

Justification

To provide consistency with Amendment number 56. We do not consider that airline labour disputes should be considered as outside their control.

Amendment 594

Silvia-Adriana Țicău

Proposal for a regulation

Annex 1

Regulation (EC) No 261/2004

Annex 1 – paragraph 2 – point ii

Text proposed by the Commission

Amendment

unavailability of flight crew or cabin crew
(unless caused by labour disputes).

unavailability of flight crew or cabin crew.

Or. ro

Amendment 595

Jaromír Kohlíček, Sabine Wils

Proposal for a regulation

Annex 1

Regulation (EC) No 261/2004

Annex 1 – paragraph 2 – point ii

Text proposed by the Commission

Amendment

unavailability of flight crew or cabin crew
(unless caused by labour disputes).

unavailability of flight crew or cabin crew.

Or. en

Amendment 596

Keith Taylor, Eva Lichtenberger, Michael Cramer

Proposal for a regulation

Annex 2

Regulation (EC) No 2027/97

Annex 2

Text proposed by the Commission

TIME LIMIT FOR COMPLAINTS ON
BAGGAGE

If the baggage is damaged, delayed, lost or destroyed, the passenger must in all cases write and complain to the air carrier as soon as possible. A time limit to complain of **7** days applies in case the baggage was damaged and **21** days in case it was delayed, in both cases from the date on which the baggage was placed at the passenger's disposal. In order to easily meet these deadlines, the air carrier must offer passengers the possibility to fill in a complaint form at the airport. Such complaint form, which may also take the form of a Property Irregularity Report (PIR), must be accepted by the air carrier at the airport as a complaint.

Amendment

TIME LIMIT FOR COMPLAINTS ON
BAGGAGE

If the baggage is damaged, delayed, lost or destroyed, the passenger must in all cases write and complain to the air carrier as soon as possible. A time limit to complain of **14** days applies in case the baggage was damaged and **28** days in case it was delayed, in both cases from the date on which the baggage was placed at the passenger's disposal. In order to easily meet these deadlines, the air carrier must offer passengers the possibility to fill in a complaint form at the airport. ***At airports of more than 2 million passengers a year the complaint form shall be available in other EU languages.*** Such complaint form, which may also take the form of a Property Irregularity Report (PIR), must be accepted by the air carrier at the airport as a complaint.

Or. en