

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(81) 771 final
Brussels, 10 December 1981

Amended
Proposal for a
COUNCIL REGULATION (EEC)
concerning the authorization of scheduled interregional air services
of passengers, mail and cargo between Member States

(presented by the Commission to the Council on the basis of Article
149,2 of the EEC Treaty)

COM(81) 771 final

COMMUNICATION TO THE COUNCILExplanatory note

The Commission introduced a proposal for a Council Regulation concerning the authorisation of interregional air services between Member States in November 1980. The European Parliament and the Economic and Social Committee gave their opinion on 16 and 28 October 1981 respectively. In the light of these opinions and following some additional work in the Council's working group on air transport, the Commission has decided to amend its proposal as provided for in art. 149 of the EEC Treaty. The Commission's draft directive on air fares of 26 October 1981 (*) will be amended in due time so that, when it comes into force, amendments will be introduced into the measure on interregional air services for the purpose of avoiding duplication of tariff criteria and approval procedures.

Detailed amendments

Art. 6, par. 3 Drafting amendment suggested by the European Parliament

Art. 10 : Amended : to further clarify the considerations to which the Commission must have regard in taking a decision and to reduce the Commission's time to reach such a decision. The European Parliament introduced two other amendments to this article suggesting that the Commission's decisions should be accompanied by a statement of reasons and that the state of registration of the airline should comply with the Commission's decisions within a certain period. These two amendments have not been accepted because the effect wished by the European Parliament is already achieved by the relevant provisions of the Treaty and the current practice of the Commission.

Art. 12: Amended : to underline, as suggested by the Economic and Social Committee, the need for airlines operating interregional air services to respect social requirements in order that working conditions do not deteriorate.

Art. 13 : Drafting amendment suggested by the European Parliament.

Art. 15: Amended: to update the timetable, as suggested by the European Parliament.

 (*) COM (81) 590 final

Art. 16, 1st

sub-par.: Amended : to update the timetable, as suggested by the European Parliament.

Annex to the draft regulation : Amended :

i. to exclude from the scope of the proposed regulation the main intercontinental airports of the Community. The purpose is to avoid an inordinate diversion of intercontinental traffic from existing gateways and not to disrupt the main intracommunity trunks routes. This amendment was suggested by the European Parliament.

ii. To classify Luxemburg airport as category 2 instead of 1.

In reexamining the criteria used for determining the categorie of airports which were based on the percentage of international traffic, it was felt that, since Luxemburg airport is the only airport of the country, its classification as categorie 1 would in practice exclude it from the scope of the proposed regulation. In addition its traffic volume is relatively modest. This point has been made also by the Luxemburg delegation during the discussions in the Council's working group.

Articles 1 to 5 : unchanged

Article 6, par. 1 and 2 : unchanged

Article 6, par. 3

3. The state of registration shall verify the economic and technical viability of the Community air carrier and shall refuse authorization only if it is seriously dissatisfied with the results of this verification.

Article 6, par. 3

3. The state of registration shall verify the financial standing and technical viability of the Community air carrier and shall refuse authorization only if it is seriously dissatisfied with the results of this verification.

Article 6, par. 4 : unchanged

Article 7 to 9 : unchanged

Article 10

1. In the event of a dispute concerning the authorization of or the tariffs for an interregional air service, the parties to the dispute shall attempt, by a method of their choice, to settle the dispute within three months. If disagreement persists thereafter any of the parties may refer the dispute to the Commission without prejudice to their right to submit it to a competent court.

2. On receipt of a case, as provided for in paragraph 1, the Commission shall request the parties and particularly the State resisting authorization to submit their observations and all relevant information. It shall, within 2 months, provide for joint consultation of the States affected, the State of registration and the Community air carrier. The Commission may also consult user representatives, airports affected or independent experts.

3. The Commission shall, within 5 months of receiving the case, notify its decision to the Member State concerned and communicate that decision to the other parties.

4. The decision of the Commission shall be published.

Article 10

1. In the event of a dispute concerning the authorization of an interregional air service, the parties to the dispute shall attempt to reach a settlement within three months by a method of their choice which may include an arbitration procedure. If disagreement persists thereafter, any of the parties may refer the dispute to the Commission without prejudice to their right to submit it to a competent court.

2. On receipt of a case, as provided for in paragraph 1, the Commission shall request the parties and particularly the State resisting authorization to submit their observations and all relevant information. It shall, within 2 months, provide for joint consultation of the States affected, the State of registration and the Community air carrier. The Commission may also consult user representatives, airports affected or independent experts.

3. The Commission shall determine, in accordance with the criteria laid down by this regulation, whether the proposed service shall be authorized.

4. The Commission shall, within 4 months of receiving the case, notify its decision to the Member States and the airlines.

5. The decision of the Commission shall be published.

Article 11 : unchanged

Article 12

The provisions of this Regulation shall not prejudice the national and local technical and operational requirements of the States concerned, to the extent that these requirements do not discriminate against interregional air services.

Article 13

Community air carriers operating interregional air services covered by this Regulation shall in each State affected enjoy the most favourable treatment granted by that Member State on the same or neighbouring routes to other air carriers, in particular with respect to fuel, spares, staff qualifications and similar matters.

Article 12

The provisions of this Regulation shall not prejudice the national and local technical, operational and social requirements of the States affected, to the extent that these requirements do not discriminate against interregional air services.

Article 13

Community air carriers operating interregional air services covered by this Regulation shall in each state affected enjoy the most favourable treatment granted by that member state on the same or neighbouring routes to other air carriers with respect to staff qualifications and ground servicing agreements, including fuel, spares and navigational services.

Article 14 : unchanged

Article 15

In the light of the experience acquired, the Council may, as from 1 January 1984, acting by a qualified majority on a proposal from the Commission and after consulting the Parliament, amend the provisions of this regulation.

Article 15

In the light of the experience acquired, the Council may, as from 1 January 1985, acting by a qualified majority on a proposal from the Commission and after consulting the Parliament, amend the provisions of this regulation.

Article 16, 1st subparagraph

This regulation shall enter into force on 1 January 1981.

Article 16, 1st subparagraph

This regulation shall enter into force on 1 January 1982.

second subparagraph : unchanged

AIRPORT CLASSIFICATION

Annex

Initial text		Amended text	
Country	Airport	Airport Category initial classification	Airport Category amended classification
<u>BELGIUM</u>			
	Bruxelles-Zaventem	1	unchanged
<u>DENMARK</u>			
	København-Kastrup	1	0
<u>FRANCE</u>			
	Paris-C.D.G.	1	0
	Paris-Orly	1	unchanged
	Paris Bourget	1	
	Marseille-Marignane	2	
	Nice-Côte d'Azur	2	
	Lyon-Satolas	2	
	Bâle-Mulhouse	2	
<u>GERMANY (Fed. Rep.)</u>			
	Frankfurt/Main	1	0
	Düsseldorf	1	unchanged
	München	2	
	Hamburg	2	
	Stuttgart	2	
	Köln/Bonn	2	
<u>GREECE</u>			
	Athinai	1	
	Thessaloniki	2	
<u>IRELAND</u>			
	Dublin	1	
	Shannon	2	
<u>ITALY</u>			
	Rome Fiumicino	1	0
	Roma-Ciampino	1	unchanged
	Milano-Linate	1	
	Milano-Malpensa	1	
	Napoli Capodichino	2	
	Venezia Tesserà	2	
	Rimini	2	
	Catania Fontanarossa	2	
<u>LUXEMBOURG</u>			
	Luxembourg	1	2
<u>NETHERLANDS</u>			
	Amsterdam-Schiphol	1	0
<u>UNITED KINGDOM</u>			
	London-Heathrow	1	0
	London-Gatwick	1	unchanged
	Manchester	2	
	Luton	2	
	Birmingham	2	
	Glasgow	2	
	All other airports:	3	unchanged

