Common rules for the operation of air services in the Community. Recast

2006/0130(COD) - 21/04/2008 - Commission communication on Council's position

The Council’s common position not only represents the Council’s position but also reflects the compromise reached between the three institutions following negotiations that took place in the autumn of 2007. The Chairman of the European Parliament’s Committee on Transport and Tourism, accordingly, informed the Council Presidency that he would recommend the TRAN Committee to approve the common position at second reading – on condition that the terminology on the wet-leasing of aircraft (as proposed by Parliament) is incorporated into the revised text. Both the compromise – and Parliament’s request on wet-leasing – were endorsed by the Council. To recall, the specific items under discussion between the three institutions, concern:

- **The social dimension of the internal market**: both the Council and Parliament are satisfied that Recital 8a reiterates Member States’ obligation to apply the relevant national and European social legislation. For its part, the Commission has made a commitment to inform both institutions of the findings of the study it is carrying out regarding the impact of the internal aviation market on employment and working conditions.
- **Reimbursements and repatriation of passengers in the event of bankruptcy:** the text no longer refers to this provision. The Commission will, however, study the feasibility and implications of any measure involving an obligation to take out an insurance for the reimbursement of tickets and to cover repatriation fees.
- **External relations:** this aspect of the proposal was categorically rejected by the Council. As a compromise, and in a bid to secure a comprehensive agreement between all institutions, the Commission accepted that proposed provisions on external relations be removed. The Commission did, however, make a joint declaration with the Member States concerning access of third countries to the internal market in air transport. Further, it made a unilateral declaration on the restrictions to code sharing arrangements between Community and third country air carriers.
- **Traffic distribution between airports:** under a new Article 19, traffic may be distributed between the airports on condition that the airports: serve the same city or conurbation; are served by an adequate transport infrastructure; are linked with each other and the city or conurbation they serve by frequently public transport services; and that they provide the services needed by air carriers and do not unduly prejudice their commercial opportunities.
- **Price information:** the scope for information and non-discrimination has been extended to all flights leaving the Community – including flights operated by third country carriers. From now on the final prices for these flights must include fares, taxes, airport charges and other charges, surcharges and fees. A recital encourages Community airlines to demonstrate the same level of transparency for flights to Community airports.

To conclude, the Commission is of the view that the Council’s common position helps maintain the main elements and spirit of its initial proposal and is therefore able to support it.