

Air transport between the Community and third countries: competition

2003/0038(CNS) - 24/02/2003 - Legislative proposal

PURPOSE : to ensure that competition rules and enforcement tools apply to international aviation as apply to internal EU routes. **CONTENT** : the Commission makes this proposal due to the fact that it does not have powers of investigation and enforcement with regard to infringements of Articles 81 and 82 of the Treaty in respect of air transport between the Community and third countries equivalent to those it has regarding transport inside the Community. In particular, the Commission lacks fact-finding tools and the powers to impose remedies that are necessary to bring infringements to an end or to impose penalties in respect of proven infringements. The specific rights and powers assigned to national courts and the competition authorities of Member States by Regulation 1/2003 do not apply to air transport between the Community and third countries. The same holds true for the mechanism for cooperation between the Commission and the competition authorities of Member States provided for in Regulation 1/2003. The Commission proposes that this draft regulation, which will amend Regulation 3957/87/EEC and Regulation 3976/87/EEC and Regulation 1/2003/EC, enabling the Commission to enforce the Community competition rules and adopt block exemptions for air transport operations between the Community and third countries. The proposal will make the following amendments to these Regulations: - repeal Regulation 3975/87/EC, with the exception of Article 6(3) which contains a transitional provision allowing the Commission to revoke or amend existing exemption decisions; - delete the words "between Community airports" in Article 1 of Regulation 3976/87/EEC. This will empower the Commission to grant block exemptions in the air transport sector in respect of traffic between the Community and third countries as well as in respect of traffic within the Community. - delete Article 32c in Regulation 1/2003 /EC which excludes from its scope air transport between the Community and third countries.