

Air transport: protection against unfair pricing practices from countries not members of the Community

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The committee adopted the report by Nicholas CLEGG (ELDR, UK) amending the proposal under the codecision procedure (1st reading). MEPs expressed serious reservations about the practical application of the proposal and therefore adopted a number of amendments aimed at clarifying the text and specifying the kind of retaliatory action to be used by the Community. The committee introduced a new clause stipulating that, although "redressive measures" should preferably take the form of duties imposed upon the offending non-Community carrier, restrictions on take-off or landing rights could also be used if further sanctions were deemed necessary. It also amended the Commission's proposed text so as to specify that subsidies shall be subject to redressive measures only if they are specific and discriminatory, trade-distorting and cause significant material injury to Community air carriers. Another amendment sought to clarify the criteria for determining whether or not pricing practices could be deemed to be unfair, by taking account of factors such as the actual price at which tickets are proposed for sale, the number of seats proposed at an allegedly unfair price out of the total number of seats available on the aircraft, the restrictions and conditions attached to the tickets sold at an allegedly unfair price and the level of service proposed by all carriers "providing the like air service in question". With regard to determining injury allegedly suffered by enterprises, the committee said that "objectively quantifiable" criteria were needed to establish that economic injury had been caused as a consequence of a subsidy and that at least one traffic season was needed as a reference period. Moreover, where the evidence was insufficient, any proceedings should be terminated immediately. The committee also added a new clause providing for reimbursement for non-Community carriers in cases where any redressive measures applied exceed the level of injury inflicted on Community carriers. Lastly, the committee laid down a specific date for the regulation to enter into force, i.e. 1 April 2003, and called for it to be reviewed after two years.