

Air transport: list of air carriers subject to an operating ban within the Community and informing passengers of the identity of the operating air carrier

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Pending the first reading in the European Parliament, the Council unanimously adopted a partial general approach on the proposal for a Regulation on the information of air transport passengers on the identity of the operating carrier and on communication of safety information by Member States.

In the aftermath of the tragic air crash at Sharm-el-Sheikh on 3 January 2004, the Commission presented this proposal for a Regulation on 16 February 2005. The proposal aims at providing better information to air passengers on air carriers which for safety reasons have been refused permission to operate in one or more Member States, as well as on the identity of the air carriers operating the flights on which these passengers travel.

On the basis of the text of the Regulation as amended by the Council, passengers would be better informed than at present, in particular owing to:

- the publication by the Commission of a "black list" of all air carriers in respect of which Member States have, for safety reasons, refused permission to operate passenger services to their airports or to fly in their airspace. This list will reproduce, verbatim, the various national lists, mentioning the Member States in which the respective bans are in force.

- the obligation imposed on the contracting air carrier to ensure that the passenger is informed of the identity of the operating air carrier(s) when making a reservation. If the identity is not known at the time of reservation, the contracting air carrier must inform passengers of the air carriers which will probably operate the flight(s) concerned under its authority. In the latter case, the contracting air carrier must also inform passengers of the identity of the operating air carrier(s) as soon as such identity is established. The contracting air carrier must also ensure that the passenger is informed of any change in the operating air carrier and in any case the passenger must be informed, at the latest, at check-in. These rules will apply when:

(a) the departure of the flight is from an airport in the territory of a Member State to which the Treaty applies, or

(b) the departure of the flight is from an airport located in a third country to an airport situated in the territory of a Member State to which the Treaty applies, if the contracting air carrier of the flight is a Community carrier; or

(c) the departure of the flight is from an airport located in a third country, if the flight is part of a contract of carriage that has been concluded in the Community and the carriage started in the Community.