

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

2005/0008(COD) - 11/10/2005

The committee adopted the report by Christine DE VEYRAC (EPP-ED, FR) amending the proposal under the 1st reading of the codecision procedure:

- whereas the Commission had opted for each Member State to draw up blacklists of companies subject to operating bans or air traffic rights restrictions, MEPs said that the best solution would be to publish a single Community blacklist, on the basis of national lists forwarded to the Commission. The carriers included on the Community list would be subject to bans or restrictions "throughout the territory of the Member States to which the EC Treaty applies". The list would be updated at least every 3 months;
- for safety reasons, the national lists could also include carriers which, whilst not having traffic rights within the territory of the Member States, may operate flights within this territory under a leasing arrangement;
- to provide guidance for the Member States and thus prevent distortions and differences in what they publish, the Commission, assisted by a committee of national experts, should draw up common criteria for the compilation of the Community list. These criteria "shall concern the objective nature of the various breaches of civil aviation rules and not merely the duration of any banning measure or restriction of traffic rights". The Commission may amend the common criteria, "in particular in order to take into account technical developments";
- in order to guard against carriers being wrongly entered on to the Community list, each Member State should be entitled to object, within one month of the national lists being forwarded to the Commission, to the inclusion of an air carrier's name on the Community list. The final decision would be taken by the Commission, with the assistance of a committee of national experts;
- a new article, entitled "Stricter measures", provided for Member States to respond immediately to unforeseen safety problems by imposing bans or restrictions on a carrier before the mechanism for updating the Community list is triggered;
- whereas the proposal had merely provided for the list to be published by the Commission, MEPs wanted to ensure "the widest possible dissemination of the list, in particular by publishing it on the Internet". Moreover, ticket sellers, national civil aviation authorities and airports of the Member States should bring the blacklist to the attention of passengers both at their premises and via their websites;
- the term 'contracting air carrier' (Art. 2, definitions) should be changed to 'air carriage contractor'. The latter could include "any ticket seller that concludes a contract of carriage";
- where the name of the carrier is not known at the time the reservation is made, the air carriage contractor should ensure that passengers are given the names of the potential carriers when they make the reservation and that they are informed (including by means of e-mail or SMS) of the names of the operating carriers as soon as these become known. In cases where the operating carrier is changed either a few hours before the aircraft's departure or, if the journey involves more than one flight, once the journey has already begun, the air carriage contractor should ensure that the passenger is informed of this change "no later than at check-in, or on embarkation in cases where no check-in is required for the connecting flight";
- the obligation to provide information should also cover tickets bought from a Community air carriage contractor for flights from a non-EU country to a destination within the EU;
- passengers should have a right to compensation if, after a reservation has been made, the designated carrier turns out to be included on the blacklist or is replaced by another carrier on that list;
- the regulation should be reviewed after three years, rather five years as originally proposed.