

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) - 16/11/2005 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution drafted by Christine **DE VEYRAC** (EPP-ED, FR) and made several amendments to the proposal. The report was adopted with 577 votes in favour 16 against with 31 abstentions. Parliament backed its committee (please see the summary of 11/10/2005) and was in favour of the introduction of an EU-wide blacklist of airlines that do not meet safety requirements. Airlines that fail to comply will be subject to an operating ban throughout the EU. Also, passenger rights are to be strengthened by informing them of the identity of the operating carrier. Passengers will also have a right to compensation should the carrier be included on the blacklist after the reservation has been made. The Council agreed Parliaments amendments.

The common blacklist will be drawn up as follows:

-Each Member State should, within one month after the entry into force of the Regulation, communicate to the Commission the identity of the air carriers that are subject to an operating ban in its territory. The Commission informs the other Member States on these operating bans.

-Within one month after having received the information the Commission should, on the basis of common criteria, establish the blacklist. Air carriers concerned should be given the opportunity of being heard, if necessary using an urgency procedure.

-Air carriers are included on the blacklist if there is verified evidence of serious safety deficiencies, if there is a lack of ability and/or willingness to address safety deficiencies or if there is a lack of ability and/or willingness of the authorities responsible for the oversight of an air carrier to address safety deficiencies, to enforce the relevant safety standards or to oversee the aircraft.

-An air carrier which is subject to an operating ban could be permitted to exercise traffic rights by using wet-leased aircraft of an air carrier which is not subject to an operating ban, provided that the relevant safety standards are complied with.

-At least every three months, the Commission should verify whether it is appropriate to update the Community list, either to include a new carrier or to remove air carrier if the safety deficiency has been remedied. In order to efficiently update the list, the Member States and the European Aviation Safety Agency should communicate to the Commission all relevant information.

-The list will be published on the Internet and in the Official Journal. Also, air carriage contractors, national civil aviation authorities, the European Aviation Safety Agency and airports should bring the list to the attention of passengers, both via their websites and, where relevant, in their premises.

-The common blacklist does not preclude a Member State from reacting to an unforeseen safety problem by introducing an immediate operating ban in respect of its own territory. Member States may also impose an operating ban on an air carrier, not included on the list, "in view of a safety problem specifically affecting that Member State".

Parliament also strengthened information rights of passengers:

-The air carriage contractor selling the ticket has to inform the passenger of the identity of the operating air carrier or carriers, whatever the means used to make the reservation.

-Where the identity of the operating air carrier is not yet known at the time of reservation, the air carriage contractor should ensure that the passenger is informed as soon as such identity is established. --Wherever the operating air carrier is changed after reservation, passengers must be informed at check-in, or at the time of boarding at the latest.

-The air carrier or the tour operator, as the case may be, shall ensure that the relevant air carriage contractor is informed of the identity of the operating air carrier or carriers as soon as this is known, in particular in case of a change of such identity. If a ticket seller has not been informed of the identity of the operating air carrier, it shall not be responsible for not having complied with its obligations under the legislation.

-Parliament decided that passengers shall have the right to reimbursement or re-routing if the air carrier is included on the blacklist after the reservation has been made and the flight has therefore been cancelled.

Parliament, Council and Commission agreed on a compromise beforehand, so that the Council will accept Parliament's first reading without amending it. The regulation will enter into force 20 days after publication in the Official Journal, probably beginning of 2006.