

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) - 22/03/2006 - Implementing legislative act

ACT : Commission Regulation 473/2006/EC laying down implementing rules for the Community list of air carriers which are subject to an operating ban within the Community referred to in Chapter II of Regulation 2111/2005/EC of the European Parliament and of the Council.

CONTENT : Chapter II of the basic Regulation lays down procedures for updating the Community list of air carriers which are subject to an operating ban within the Community as well as procedures allowing the Member States, in certain circumstances, to adopt exceptional measures imposing operating bans within their territory.

This Regulation lays down detailed rules in respect of the procedures referred to in Chapter II of the basic Regulation. In particular, it specifies the information to be provided by the Member States when they request the Commission to adopt a decision under Article 4(2) of the basic Regulation to update the Community list by imposing a new operating ban, lifting an existing ban or modifying the attached conditions. It lays down conditions for the exercise of the rights of defence of the carriers subject to the decisions adopted by the Commission in order to update the Community list.

With regard to requests by Member States to update the Community list, the Regulation provides that the Member State concerned must provide to the Commission the information indicated in Annex A to the Regulation. The Commission will then inform the other Member States through their representatives in the Air Safety Committee in accordance with the procedures provided in the Committee's internal rules, as well as the European Aviation Safety Agency.

The Regulation also makes provision for joint consultation with the authorities with responsibility for regulatory oversight of the air carrier concerned.

On the question of air carriers' rights of defence, the Regulation provides that when the Commission is considering whether to adopt a decision under Article 4(2) or Article 5 of the basic Regulation, it shall disclose to the air carrier concerned the essential facts and considerations which form the basis for such decision. The air carrier concerned is given an opportunity to submit written comments to the Commission within 10 working days from the date of disclosure. If it so requests, the air carrier is permitted to present its position orally before a decision is reached.

Finally, the Regulation makes provision for exceptional measures adopted by a Member State . When a Member State has subjected an air carrier to an immediate operating ban in its territory as permitted by Article 6(1) of the basic Regulation, it must inform the Commission of the fact and communicate the information mentioned in Annex B. When a Member State has maintained or imposed an operating ban on an air carrier in its territory as permitted by Article 6(2) of the basic Regulation it must inform the Commission and communicate the information specified in Annex C.

ENTRY INTO FORCE : 24/03/2006.