

Procedure file

Basic information		
CNS - Consultation procedure Regulation	2003/0038(CNS)	Procedure completed
Air transport between the Community and third countries: competition Amending Regulation (EC) No 1/2003 2000/0243(CNS)		
Subject 2.60 Competition 3.20.01 Air transport and air freight		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	ECON Economic and Monetary Affairs		17/03/2003
		PPE-DE MAYER Hans-Peter	
	Committee for opinion	Rapporteur for opinion	Appointed
	JURI Legal Affairs and Internal Market	The committee decided not to give an opinion.	
	ITRE Industry, External Trade, Research, Energy		24/04/2003
	PSE MANN Erika		
	RETT Regional Policy, Transport and Tourism (Associated committee)		24/04/2003
		UEN COLLINS Gerard	
Council of the European Union	Council configuration	Meeting	Date
	Education, Youth, Culture and Sport	2565	26/02/2004
European Commission	Commission DG	Commissioner	
	Competition		

Key events			
24/02/2003	Legislative proposal published	COM(2003)0091	Summary
07/04/2003	Committee referral announced in Parliament		
10/09/2003	Vote in committee		Summary
10/09/2003	Committee report tabled for plenary, 1st reading/single reading	A5-0300/2003	
23/09/2003	Decision by Parliament	T5-0393/2003	Summary
26/02/2004	Act adopted by Council after consultation of Parliament		
26/02/2004	End of procedure in Parliament		

06/03/2004	Final act published in Official Journal		
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Technical information

Procedure reference	2003/0038(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Regulation
	Amending Regulation (EC) No 1/2003 2000/0243(CNS)
Legal basis	Rules of Procedure EP 57; EC Treaty (after Amsterdam) EC 083
Stage reached in procedure	Procedure completed
Committee dossier	ECON/5/19289

Documentation gateway

Legislative proposal	COM(2003)0091	24/02/2003	EC	Summary
Committee report tabled for plenary, 1st reading/single reading	A5-0300/2003	10/09/2003	EP	
Text adopted by Parliament, 1st reading/single reading	T5-0393/2003 OJ C 077 26.03.2004, p. 0020-0056 E	23/09/2003	EP	Summary

Additional information

European Commission	EUR-Lex
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Final act

[Regulation 2004/411](#)
[OJ L 068 06.03.2004, p. 0001-0002](#) Summary

Air transport between the Community and third countries: competition

PURPOSE : to ensure that competition rules and enforcement tools apply to international aviation as apply to internal EU routes. **CONTENT** : the Commission makes this proposal due to the fact that it does not have powers of investigation and enforcement with regard to infringements of Articles 81 and 82 of the Treaty in respect of air transport between the Community and third countries equivalent to those it has regarding transport inside the Community. In particular, the Commission lacks fact-finding tools and the powers to impose remedies that are necessary to bring infringements to an end or to impose penalties in respect of proven infringements. The specific rights and powers assigned to national courts and the competition authorities of Member States by Regulation 1/2003 do not apply to air transport between the Community and third countries. The same holds true for the mechanism for cooperation between the Commission and the competition authorities of Member States provided for in Regulation 1/2003. The Commission proposes that this draft regulation, which will amend Regulation 3957/87/EEC and Regulation 3976/87/EEC and Regulation 1/2003/EC, enabling the Commission to enforce the Community competition rules and adopt block exemptions for air transport operations between the Community and third countries. The proposal will make the following amendments to these Regulations: - repeal Regulation 3975/87/EC, with the exception of Article 6(3) which contains a transitional provision allowing the Commission to revoke or amend existing exemption decisions; - delete the words "between Community airports" in Article 1 of Regulation 3976/87/EEC. This will empower the Commission to grant block exemptions in the air transport sector in respect of traffic between the Community and third countries as well as in respect of traffic within the Community. - delete Article 32c in Regulation 1/2003/EC which excludes from its scope air transport between the Community and third countries.?

Air transport between the Community and third countries: competition

The committee adopted the report by Hans-Peter MAYER (EPP-ED, D) approving the proposal under the consultation procedure subject to a number of technical drafting amendments. MEPs also called for a fast and effective procedural mechanism for investigating and enforcing Community competition rules in the field of air transport between the Community and third countries similar to the existing mechanism for

internal EU routes.?

Air transport between the Community and third countries: competition

The European Parliament adopted a resolution drafted by Hans-Peter MAYER (EPP-ED, D) and amended the Commission's proposal. (Please see the document dated 10/09/03.) Parliament added in a recital that a level playing field is need for the European airline industry, given its international nature. This might also help to provide better job security for its employees.?

Air transport between the Community and third countries: competition

PURPOSE : to ensure that competition rules and enforcement tools apply to international aviation as apply to internal EU routes.

LEGISLATIVE ACT : Council Regulation 411/2004/EC repealing Regulation 3975/87/EC and amending Regulations 3976/87/EC and 1/2003/EC, in connection with air transport between the Community and third countries. **CONTENT** : This Regulation comes about due to the fact that neither Council Regulation 3975/87/EC, nor Regulation 1/2003/EC itself applies to air transport between the Community and third countries. Consequently, the Commission did not enjoy powers of investigation and enforcement with regard to infringements of Articles 81 and 82 of the Treaty in respect of air transport between the Community and third countries equivalent to those enjoyed as regards air transport within the Community. In particular, the Commission lacked the requisite fact-finding tools and the powers to impose remedies which are necessary to bring infringements to an end or to impose penalties in respect of proven infringements. This regulation confers on the Commission powers of investigation and enforcement with regard to infringements of Articles 81 and 82 of the Treaty in respect of air transport between the Community and third countries. **ENTRY INTO FORCE** : 09/03/04. **DATE APPLICABLE** : 01/05/04.?