



**2017/0116(COD)**

24.1.2018

# **AMENDMENTS**

## **16 - 302**

**Draft report**  
**Markus Pieper**  
Safeguarding competition in air transport

Proposal for a regulation  
(COM(2017)0289 – C8-0183/2017 – 2017/0116(COD))



**Amendment 16**  
**Maria Grapini**

**Proposal for a regulation**  
**Recital 1**

*Text proposed by the Commission*

**(1)** Aviation plays a crucial role in Union's economy. It is a strong driver for economic growth, jobs, trade and mobility. Over the past decades, growth in air transport services significantly contributed to improving connectivity within the Union and with third countries and has been a significant enabler of Union economy at large.

*Amendment*

**1.** Aviation plays a crucial role in Union's ***economy, being one of the best performing and most dynamic sectors of the European*** economy. It is a strong driver for economic growth, jobs, trade and mobility. Over the past decades, growth in air transport services significantly contributed to improving connectivity within the Union and with third countries and has been a significant enabler of Union economy at large.

Or. ro

**Amendment 17**  
**Franck Proust**

**Proposal for a regulation**  
**Recital 1**

*Text proposed by the Commission*

**(1)** Aviation plays a crucial role in Union's economy. It is a strong driver for economic growth, jobs, trade and mobility. Over the past decades, growth in air transport services significantly contributed to improving connectivity within the Union and with third countries and has been a significant enabler of Union economy at large.

*Amendment*

**(1)** Aviation plays a crucial role in Union's economy. It is a strong driver for economic growth, jobs, trade and mobility, ***particularly within and between the areas of the EU***. Over the past decades, growth in air transport services significantly contributed to improving connectivity within the Union and with third countries and has been a significant enabler of Union economy at large.

Or. fr

**Amendment 18**

**Marie-Christine Arnautu**

**Proposal for a regulation**

**Recital 1**

*Text proposed by the Commission*

(1) Aviation plays a crucial role in Union's economy. It is a strong driver for economic growth, jobs, trade and mobility. Over the past decades, growth in air transport services significantly contributed to improving connectivity within the Union and with third countries **and has been a significant enabler of Union economy at large.**

*Amendment*

(1) Aviation plays a crucial role in Union's economy. It is a strong driver for economic growth, jobs, trade and mobility. Over the past decades, growth in air transport services significantly contributed to improving connectivity within the Union and with third countries.

Or. fr

**Amendment 19**

**Andor Deli**

**Proposal for a regulation**

**Recital 1**

*Text proposed by the Commission*

(1) Aviation plays a crucial role in Union's economy. It is a strong driver for economic growth, jobs, trade and mobility. Over the past decades, growth in air transport services significantly contributed to improving connectivity within the Union and with third countries and has been a significant enabler of Union economy at large.

*Amendment*

(1) Aviation plays a crucial role in Union's economy. It is a strong driver for economic growth, jobs, trade, **tourism** and mobility. Over the past decades, growth in air transport services significantly contributed to improving connectivity within the Union and with third countries and has been a significant enabler of Union economy at large.

Or. hu

**Amendment 20**

**Gabriele Preuß, Christine Revault d'Allonnes Bonnefoy, Nicola Caputo, Lucy Anderson, Miltiadis Kyrkos, Ismail Ertug, Hugues Bayet, Claudia Țapardel**

**Proposal for a regulation**

**Recital 2**

*Text proposed by the Commission*

(2) Union air carriers are at the centre of a global network connecting Europe internally and with the rest of the world. They should be enabled to compete against third countries air carriers in an environment of open and fair competition between all air carriers. This **would contribute to maintaining** conditions conducive to a high level of Union's connectivity.

*Amendment*

(2) Union air carriers are at the centre of a global network connecting Europe internally and with the rest of the world. They should be enabled to compete against third countries air carriers in an environment of open and fair competition between all air carriers. This **is necessary to maintain** conditions conducive to a high level of Union's connectivity **and to ensure the continuing competitiveness of Union air carriers as well as well as high levels of employment in the European industry.**

Or. en

**Amendment 21**  
**Inés Ayala Sender**

**Proposal for a regulation**  
**Recital 2**

*Text proposed by the Commission*

(2) Union air carriers are at the centre of a global network connecting Europe internally and with the rest of the world. They should be enabled to compete against third countries air carriers in an environment of open and fair competition between all air carriers. This would contribute to maintaining conditions conducive to a high level of Union's connectivity.

*Amendment*

(2) Union air carriers are at the centre of a global network connecting Europe internally and with the rest of the world. They should be enabled to compete against third countries air carriers in an environment of open and fair competition between all air carriers, **ensuring transparency, a level playing field and preventing all anti-competitive behaviour.** This would contribute to maintaining conditions conducive to a high level of Union's connectivity, **as well as high levels of qualitative jobs in the European airline industry and dependent industries;**

Or. en

**Amendment 22**  
**Luis de Grandes Pascual, Cláudia Monteiro de Aguiar**

**Proposal for a regulation**  
**Recital 2**

*Text proposed by the Commission*

(2) Union air carriers are at the centre of a global network connecting Europe internally and with the rest of the world. They should be enabled to compete against third countries air carriers in an environment of open and fair competition between all air carriers. This would contribute to maintaining conditions conducive to a high level of Union's connectivity.

*Amendment*

(2) Union air carriers are at the centre of a global network connecting Europe internally and with the rest of the world. They should be enabled to compete against third countries air carriers in an environment of open and fair competition between all air carriers, ***ensuring transparency, a level playing field and preventing all anti-competitive behaviour.*** This would contribute to maintaining conditions conducive to a high level of Union's connectivity.

Or. en

**Amendment 23**  
**Maria Grapini**

**Proposal for a regulation**  
**Recital 2**

*Text proposed by the Commission*

(2) Union air carriers are at the centre of a global network connecting Europe internally and with the rest of the world. They should be enabled to compete against third countries air carriers in an environment of open and fair competition ***between*** all air carriers. This would contribute to maintaining conditions conducive to a high level of Union's connectivity.

*Amendment*

2. Union air carriers are at the centre of a global network connecting Europe internally and with the rest of the world. They should be enabled to compete against third countries air carriers in an environment of open and fair competition ***among*** all air carriers ***and enjoy equal and transparent access based on reciprocity.*** This would contribute to maintaining conditions conducive to a high level of Union's connectivity.

Or. ro

**Amendment 24**  
**Marie-Christine Arnautu**

**Proposal for a regulation**  
**Recital 2**

*Text proposed by the Commission*

(2) Union air carriers are at the centre of a global network connecting Europe internally and with the rest of the world. They should be enabled to compete against third countries air carriers in an environment of open and fair competition between all air carriers. This would contribute to maintaining conditions conducive to a high level of Union's connectivity.

*Amendment*

(2) Union air carriers are at the centre of a global network connecting Europe internally and with the rest of the world. They should be enabled to compete against third countries air carriers in an environment of open and fair competition between all air carriers. This would contribute to ***preserving the competitiveness of EU air carriers, as well as to*** maintaining conditions conducive to a high level of Union's connectivity.

Or. fr

**Amendment 25**  
**Pavel Telička, Izaskun Bilbao Barandica, Dominique Riquet**

**Proposal for a regulation**  
**Recital 2**

*Text proposed by the Commission*

(2) Union air carriers are at the centre of a global network connecting Europe internally and with the rest of the world. They should be enabled to compete against third countries air carriers in an environment of open and fair competition ***between all air carriers***. This would contribute to maintaining conditions conducive to a high level of Union's connectivity.

*Amendment*

(2) Union air carriers are at the centre of a global network connecting Europe internally and with the rest of the world. They should be enabled to compete against third countries air carriers in an environment of open and fair competition. This would contribute to maintaining conditions conducive to a high level of Union's connectivity.

Or. en

**Amendment 26**  
**Franck Proust**

**Proposal for a regulation**

### Recital 3

*Text proposed by the Commission*

(3) *Fair* competition is an important general principle in the operation of international air transport services. This principle is notably acknowledged by the Convention on International Civil Aviation ('the Chicago Convention') whose preamble recognises the need for international air transport services to be based on the basis of "equality of opportunity". Article 44 of the Chicago Convention also states that the International Civil Aviation Organization ('ICAO') should aim to foster the development of international air transport so as to "insure that every contracting State has a fair opportunity to operate international airlines" and to "avoid discrimination between contracting States".

*Amendment*

(3) *In a context of increased competition between air transport actors at a global level, fair* competition is an important general principle in the operation of international air transport services. This principle is notably acknowledged by the Convention on International Civil Aviation ('the Chicago Convention') whose preamble recognises the need for international air transport services to be based on the basis of "equality of opportunity". Article 44 of the Chicago Convention also states that the International Civil Aviation Organization ('ICAO') should aim to foster the development of international air transport so as to "insure that every contracting State has a fair opportunity to operate international airlines" and to "avoid discrimination between contracting States".

Or. fr

### Amendment 27

**Gabriele Preuß, Christine Revault d'Allonnes Bonnefoy, Nicola Caputo, Lucy Anderson, Ismail Ertug, Miltiadis Kyrkos, Hugues Bayet, Claudia Tapardel**

### Proposal for a regulation

#### Recital 3

*Text proposed by the Commission*

(3) Fair competition is an *important* general principle in the operation of international air transport services. This principle is notably acknowledged by the Convention on International Civil Aviation ('the Chicago Convention') whose preamble recognises the need for international air transport services to be based on the basis of "equality of opportunity". Article 44 of the Chicago Convention also states that the

*Amendment*

(3) Fair competition is an *indispensable* general principle in the operation of international air transport services. This principle is notably acknowledged by the Convention on International Civil Aviation ('the Chicago Convention') whose preamble recognises the need for international air transport services to be based on the basis of "equality of opportunity". Article 44 of the Chicago Convention also states that the



International Civil Aviation Organization ('ICAO') should aim to foster the development of international air transport so as to "insure that every contracting State has a fair opportunity to operate international airlines" and to "avoid discrimination between contracting States".

International Civil Aviation Organization ('ICAO') should aim to foster the development of international air transport so as to "insure that every contracting State has a fair opportunity to operate international airlines" and to "avoid discrimination between contracting States".

Or. en

**Amendment 28**  
**Deirdre Clune, Henna Virkkunen**

**Proposal for a regulation**  
**Recital 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***(3 a) This Regulation should apply only after the dispute resolution procedures that are contained within air transport or air services agreements to which the Union is a party, or those that have been concluded between a Member State and a third country, have been exhausted.***

Or. en

**Amendment 29**  
**Pavel Telička, Izaskun Bilbao Barandica, Dominique Riquet, Matthijs van Miltenburg**

**Proposal for a regulation**  
**Recital 5**

*Text proposed by the Commission*

*Amendment*

(5) However, in spite of continued efforts by some third countries ***and the Union***, principles of fair competition have not yet been defined through specific multilateral rules, notably in the context of the ICAO nor of World Trade Organization ('WTO') agreements, from the scope of which air transport services have largely been excluded<sup>19</sup>.

(5) However, in spite of continued efforts by ***the Union and*** some third countries, principles of fair competition have not yet been defined through specific multilateral rules, notably in the context of the ICAO nor of World Trade Organization ('WTO') agreements, from the scope of which air transport services have largely been excluded.

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<sup>19</sup> Marrakech Agreement, Annex 1B  
General Agreement on Trade in Services  
(GATS), Annex on Air Transport Services.

Or. en

### **Amendment 30**

**Gabriele Preuß, Christine Revault d'Allonnes Bonnefoy, Nicola Caputo, Miltiadis Kyrkos, Ismail Ertug, Lucy Anderson, Hugues Bayet, Claudia Tapardel**

#### **Proposal for a regulation**

##### **Recital 6**

*Text proposed by the Commission*

(6) Efforts *should* therefore be strengthened in the context of ICAO and of WTO to actively support the development of international rules guaranteeing fair competition conditions between all air carriers.

*Amendment*

(6) Efforts *must* therefore be strengthened in the context of ICAO and of WTO to actively support the development of international rules guaranteeing fair competition conditions between all air carriers.

Or. en

*Justification*

*The EP should use clear wording in order to push Member States to do more on the global level to ensure fair competition*

### **Amendment 31**

**Jakop Dalunde, Michael Cramer, Karima Delli**

#### **Proposal for a regulation**

##### **Recital 7**

*Text proposed by the Commission*

(7) Fair competition between air carriers should preferably be addressed in the context of air transport or air services agreements with third countries. However, most air transport or air services agreements concluded between the Union or its Member States or both, on the one

*Amendment*

(7) Fair competition between air carriers should preferably be addressed in the context of air transport or air services agreements with third countries. However, most air transport or air services agreements concluded between the Union or its Member States or both, on the one

hand, and third countries on the other do not so far provide for corresponding rules. Efforts should therefore be strengthened to negotiate the inclusion of fair competition clauses in existing and future air transport or air services agreements with third countries.

hand, and third countries, on the other, do not so far provide for corresponding rules. Efforts should therefore be strengthened to negotiate the inclusion of fair competition clauses in existing and future air transport or air services agreements with third countries. ***Where bilateral air transport agreements include fair competition clauses or similar provisions, dispute settlement procedures foreseen in those agreements should be exhausted before applying this Regulation, except in cases where more than one Member State is affected;***

Or. en

### **Amendment 32**

**Pavel Telička, Izaskun Bilbao Barandica, Dominique Riquet, Matthijs van Miltenburg**

#### **Proposal for a regulation**

##### **Recital 7**

*Text proposed by the Commission*

(7) Fair competition between air carriers should preferably be addressed in the context of air transport or air services agreements with third countries. However, most air transport or air services agreements concluded between the Union or its Member States or both, on the one hand, and third countries on the other do not so far provide for corresponding rules. Efforts should therefore be strengthened to negotiate the inclusion of fair competition clauses in existing and future air transport or air services agreements with third countries.

*Amendment*

(7) Fair competition between air carriers should preferably be addressed in the context of air transport or air services agreements with third countries. However, most air transport or air services agreements concluded between the Union or its Member States or both, on the one hand, and third countries on the other do not so far provide for corresponding rules. Efforts should therefore be strengthened to negotiate the inclusion of fair competition clauses in existing and future air transport or air services agreements with third countries ***without delay***.

Or. en

### **Amendment 33**

**Andor Deli**

## Proposal for a regulation

### Recital 7

#### *Text proposed by the Commission*

(7) Fair competition between air carriers should ***preferably*** be addressed ***in the context*** of air transport or air services agreements with third countries. However, most air transport or air services agreements concluded between the Union or its Member States or both, on the one hand, and third countries on the other do not so far provide for corresponding rules. Efforts should therefore be strengthened to negotiate the inclusion of fair competition clauses in existing and future air transport or air services agreements with third countries.

#### *Amendment*

(7) Fair competition between air carriers should ***primarily*** be addressed ***during the negotiation*** of air transport or air services agreements with third countries. However, most air transport or air services agreements concluded between the Union or its Member States or both, on the one hand, and third countries on the other do not so far provide for corresponding rules. Efforts should therefore be strengthened to negotiate the inclusion of fair competition clauses in existing and future air transport or air services agreements with third countries.

Or. hu

## Amendment 34

**Gabriele Preuß, Christine Revault d'Allonnes Bonnefoy, Nicola Caputo, Lucy Anderson, Ismail Ertug, Miltiadis Kyrkos, Hugues Bayet, Claudia Tapardel**

## Proposal for a regulation

### Recital 7

#### *Text proposed by the Commission*

(7) Fair competition between air carriers ***should*** preferably be addressed in the context of air transport or air services agreements with third countries. However, most air transport or air services agreements concluded between the Union or its Member States or both, on the one hand, and third countries on the other do not so far provide for corresponding rules. Efforts should therefore be strengthened to negotiate the inclusion of fair competition clauses in existing and future air transport or air services agreements with third countries.

#### *Amendment*

(7) Fair competition between air carriers ***must*** preferably be addressed in the context of air transport or air services agreements with third countries. However, most air transport or air services agreements concluded between the Union or its Member States or both, on the one hand, and third countries on the other do not so far provide for corresponding rules. Efforts should therefore be strengthened to negotiate the inclusion of fair competition clauses in existing and future air transport or air services agreements with third countries.

Or. en

**Amendment 35**  
**Wim van de Camp**

**Proposal for a regulation**  
**Recital 7 a (new)**

*Text proposed by the Commission*

*Amendment*

***(7 a) The Union will continue to address open and fair competition between all air carriers at multilateral and bilateral level while respecting concluded agreements. Taking this into account, the Union will safeguard and strengthen the Union trade policy by introducing additional, effective and credible autonomous tools and measures in the area of air services. In this respect, this Regulation, on the one hand, and the air transport agreements, air services agreements or any provision on dispute settlement included in a trade agreement with third countries, on the other hand, are complementary tools. These bilateral agreements should neither prevent or hinder the Member States from using this Regulation nor should they prevent the Commission from initiating proceedings and taking measures where and when necessary.***

Or. en

**Amendment 36**  
**Lucy Anderson**

**Proposal for a regulation**  
**Recital 7 a (new)**

*Text proposed by the Commission*

*Amendment*

***(7 a) Where bilateral air transport or air service agreements include fair competition clauses or similar provisions, dispute settlement procedures foreseen in such agreements should be taken into***

*consideration provided it is the intention of the concerned Member States to make use of such procedures. However, with a view to ensuring complementarity between such agreements and this Regulation, and in the interest of Member States being able to benefit from the provisions set forth by this Regulation without being obligated to first exhaust all dispute settlement procedures under their bilateral agreements, exhausting such dispute settlement procedures should not be a precondition for proceedings to be initiated under this Regulation.*

Or. en

**Amendment 37**  
**Nicola Caputo, Gabriele Preuß, Lucy Anderson**

**Proposal for a regulation**  
**Recital 7 a (new)**

*Text proposed by the Commission*

*Amendment*

**(7 a) *The initiative to negotiate air transport agreements at the Union level and bilateral aviation safety agreements with third countries representing emerging and strategic markets (such as China, Japan, ASEAN, Turkey, Qatar, the UAE, Armenia, Mexico, China, Bahrain, Kuwait, Oman and Saudi Arabia) is welcomed and constructive negotiations are encouraged. However new agreements should be correctly implemented and enforced by all parties and need to include a fair competition clause on the basis of international standards (ICAO, ILO). The Commission and the Council, on a basis of respect for Article 218 TFEU, are invited to fully involve the Parliament at all stages of negotiations.***

Or. en

**Amendment 38**  
**Franck Proust**

**Proposal for a regulation**  
**Recital 7 a (new)**

*Text proposed by the Commission*

*Amendment*

**(7a) Where bilateral air transport or air service agreements include fair competition clauses or similar provisions, dispute settlement procedures foreseen in such international agreements may be taken into consideration, if appropriate, provided that the Member States concerned wish to make use of these procedures. However, this should not be a precondition for opening a procedure under this Regulation in order to ensure complementarity between this Regulation and the bilateral agreements.**

Or. fr

**Amendment 39**  
**Gabriele Preuß, Christine Revault d'Allonnes Bonnefoy, Nicola Caputo, Lucy Anderson, Ismail Ertug, Miltiadis Kyrkos, Hugues Bayet, Claudia Țapardel**

**Proposal for a regulation**  
**Recital 7 a (new)**

*Text proposed by the Commission*

*Amendment*

**(7 a) The existence of bilateral air transport or air service agreements including fair competition clauses or similar provisions does not prevent the Commission from conducting an investigation and taking measures where necessary. The decision to initiate an investigation does not prevent the Commission to support and advise Member States involved in a dispute settlement procedures foreseen in international agreements.**

**Amendment 40**  
**Renaud Muselier**

**Proposal for a regulation**  
**Recital 7 a (new)**

*Text proposed by the Commission*

*Amendment*

***(7a) Where bilateral air transport or air service agreements include fair competition clauses or similar provisions, dispute settlement procedures may be taken into consideration but should not be a precondition for opening a procedure under this Regulation.***

Or. fr

**Amendment 41**  
**Nicola Caputo, Lucy Anderson**

**Proposal for a regulation**  
**Recital 7 b (new)**

*Text proposed by the Commission*

*Amendment*

***(7 b) The Commission should make negotiating air transport agreements with third countries conditional on high safety standards, appropriate labour and social standards and participation in the market-based climate change instrument for air transport emissions and should ensure that air transport agreements provide for equal market access, equal ownership conditions and a level playing field based on reciprocity.***

Or. en

**Amendment 42**



**Proposal for a regulation**

**Recital 8**

*Text proposed by the Commission*

(8) Fair competition between air carriers can also be ensured through appropriate Union legislation such as Council Regulation (EEC) No 95/93<sup>20</sup> and Council Directive 96/97/EC<sup>21</sup>. Insofar as fair competition supposes protection of Union air carriers from certain practices adopted by third countries or third country carriers, this issue is currently addressed in Regulation (EC) No 868/2004 of the European Parliament and of the Council<sup>22</sup>. However, Regulation (EC) No 868/2004 has proven *insufficiently effective*, in respect of its underlying general aim of fair competition. This is notably due to certain of its rules pertaining notably to the definition of the practices concerned, other than subsidisation, and to the requirements regarding the initiation and conduct of investigations. In addition, Regulation (EC) No 868/2004 fails to provide for a dedicated Union internal procedure in respect of obligations contained in air transport or air services agreements to which the Union is a party and intended to ensure fair competition. Given the number and importance of the amendments that would be necessary to address these issues, it is appropriate to replace Regulation (EC) No 868/2004 by a new act.

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<sup>20</sup> Council Regulation (EEC) No 95/93 of 18 January 1993 on common rules for the allocation of slots at Community airports (OJ L 14, 22.1.1993, p.1).

<sup>21</sup> Council Directive 96/67/EC of 15 October 1996 on access to the groundhandling market at Community airports (OJ L 272, 25.10.1996, p.36).

*Amendment*

(8) Fair competition between air carriers can also be ensured through appropriate Union legislation such as Council Regulation (EEC) No 95/93<sup>20</sup> and Council Directive 96/97/EC<sup>21</sup>. Insofar as fair competition supposes protection of Union air carriers from certain practices adopted by third countries or third country carriers, this issue is currently addressed in Regulation (EC) No 868/2004 of the European Parliament and of the Council<sup>22</sup>. However, Regulation (EC) No 868/2004 has proven *ineffective*, in respect of its underlying general aim of fair competition. This is notably due to certain of its rules pertaining notably to the definition of the practices concerned, other than subsidisation, and to the requirements regarding the initiation and conduct of investigations. In addition, Regulation (EC) No 868/2004 fails to provide for a dedicated Union internal procedure in respect of obligations contained in air transport or air services agreements to which the Union is a party and intended to ensure fair competition. Given the number and importance of the amendments that would be necessary to address these issues, it is appropriate to replace Regulation (EC) No 868/2004 by a new act.

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<sup>20</sup> Council Regulation (EEC) No 95/93 of 18 January 1993 on common rules for the allocation of slots at Community airports (OJ L 14, 22.1.1993, p.1).

<sup>21</sup> Council Directive 96/67/EC of 15 October 1996 on access to the groundhandling market at Community airports (OJ L 272, 25.10.1996, p.36).

<sup>22</sup> Regulation (EC) No 868/2004 of the European Parliament and of the Council of 21 April 2004 concerning protection against subsidisation and unfair pricing practices causing injury to Community air carriers in the supply of air services from countries not members of the European Community (OJ L 162, 30.04.2004, p.1).

<sup>22</sup> Regulation (EC) No 868/2004 of the European Parliament and of the Council of 21 April 2004 concerning protection against subsidisation and unfair pricing practices causing injury to Community air carriers in the supply of air services from countries not members of the European Community (OJ L 162, 30.04.2004, p.1).

Or. en

### *Justification*

*As unfair practices in global aviation have been emerging especially after 2004 and since 868/2004 has never been used it is appropriate to call it ineffective.*

### **Amendment 43**

**Pavel Telička, Izaskun Bilbao Barandica, Dominique Riquet, Matthijs van Miltenburg, Gesine Meissner**

### **Proposal for a regulation**

#### **Recital 9**

#### *Text proposed by the Commission*

(9) Effective, proportionate and dissuasive legislation remains necessary in order to maintain conditions conducive to a high level of Union connectivity and to ensure fair competition with third countries air carriers. To that end, the Commission should be entrusted with the power to conduct an investigation and to take measures where necessary. Such measures should be available either where relevant obligations under an agreement to which the Union is a party are violated, or where practices **affecting** competition cause or threaten to cause injury to Union air carriers.

#### *Amendment*

(9) ***Competitiveness of the Union aviation sector can only be maintained through a complementary set of policies. Union air carriers should be encouraged to innovate and the Union should engage in constructive dialogue with third countries and guarantee the basis for fair competition. In this respect,*** effective, proportionate and dissuasive legislation remains necessary in order to maintain conditions conducive to a high level of Union connectivity and to ensure fair competition with third countries air carriers. To that end, the Commission should be entrusted with the power to conduct an investigation and to take measures where necessary. Such measures should be available either where relevant obligations under an agreement to which the Union is a party are violated, or where practices **distorting** competition cause or threaten to cause injury to Union air

carriers.

Or. en

#### **Amendment 44**

**Luis de Grandes Pascual, Cláudia Monteiro de Aguiar**

#### **Proposal for a regulation**

##### **Recital 9**

###### *Text proposed by the Commission*

(9) Effective, proportionate and dissuasive legislation remains necessary in order to maintain conditions conducive to a high level of Union connectivity and to ensure fair competition with third countries air carriers. To that end, the Commission should be entrusted with the power to conduct an investigation and to take measures where necessary. Such measures should be available either where relevant obligations under an agreement to which the Union is a party are violated, or where practices affecting competition cause or threaten to cause injury to Union air carriers.

###### *Amendment*

(9) Effective, proportionate and dissuasive legislation remains necessary in order to maintain conditions conducive to a high level of Union connectivity and to ensure fair competition ***within the Union and*** with third countries air carriers. To that end, the Commission should be entrusted with the power to conduct an investigation and to take measures where necessary, ***after consulting the European Parliament and relevant stakeholders.*** Such measures should be available either where relevant obligations under an agreement to which the Union is a party are violated, or where practices affecting competition cause or threaten to cause injury to Union air carriers ***and competition.***

Or. en

#### **Amendment 45**

**Wim van de Camp**

#### **Proposal for a regulation**

##### **Recital 9**

###### *Text proposed by the Commission*

(9) Effective, proportionate and dissuasive legislation remains necessary in order to maintain conditions conducive to a high level of Union connectivity and to

###### *Amendment*

(9) ***Competitiveness of the Union aviation sector relies on the competitiveness of each part of the aviation value chain. At the same time***

ensure fair competition with third countries air carriers. To that end, the Commission should be entrusted with *the* power to conduct an investigation and to take measures where necessary. Such measures should be available either where relevant obligations under an agreement to which the Union is a party are violated, or where practices affecting competition cause or threaten to cause injury to Union air carriers.

effective, proportionate and dissuasive legislation remains necessary in order to maintain conditions conducive to a high level of Union connectivity and to ensure fair competition with third countries air carriers. To that end, the Commission should be entrusted with *effective* power to conduct an investigation and to take measures where necessary. Such measures should be available either where relevant obligations under an agreement to which the Union is a party are violated, or where practices affecting competition cause or threaten to cause injury to Union air carriers.

Or. en

**Amendment 46**  
**Inés Ayala Sender**

**Proposal for a regulation**  
**Recital 9**

*Text proposed by the Commission*

(9) Effective, proportionate and dissuasive legislation remains necessary in order to maintain conditions conducive to a high level of Union connectivity and to ensure fair competition with third countries air carriers. To that end, the Commission should be entrusted with the power to conduct an investigation and to take measures where necessary. Such measures should be available either where relevant obligations under an agreement to which the Union is a party are violated, or where practices affecting competition cause or threaten to cause injury to Union air carriers.

*Amendment*

(9) Effective, proportionate and dissuasive legislation remains necessary in order to maintain conditions conducive to a high level of Union connectivity and to ensure fair competition *within the Union and with* third countries air carriers. To that end, the Commission should be entrusted with the power to conduct an investigation and to take measures where necessary. Such measures should be available either where relevant obligations under an agreement to which the Union is a party are violated, or where practices affecting competition cause or threaten to cause injury to Union air carriers.

Or. en

**Amendment 47**

**Isabella De Monte**

**Proposal for a regulation**

**Recital 9**

*Text proposed by the Commission*

(9) Effective, proportionate and dissuasive legislation remains necessary in order to maintain conditions conducive to a high level of Union connectivity and to ensure fair competition with third countries air carriers. To that end, the Commission should be entrusted with the power to conduct an investigation and to take measures where necessary. Such measures should be available either where relevant obligations under an agreement to which the Union is a party are violated, or where practices affecting competition **cause or threaten to** cause injury to Union air carriers.

*Amendment*

(9) Effective, proportionate and dissuasive legislation remains necessary in order to maintain conditions conducive to a high level of Union connectivity and to ensure fair competition with third countries air carriers. To that end, the Commission should be entrusted with the power to conduct an investigation and to take measures where necessary, **after consulting the European Parliament, the Member States concerned and the relevant stakeholders**. Such measures should be available either where relevant obligations under an agreement to which the Union is a party are violated, or where practices affecting competition cause injury to Union air carriers.

Or. it

**Amendment 48**

**Maria Grapini**

**Proposal for a regulation**

**Recital 9**

*Text proposed by the Commission*

(9) Effective, proportionate and dissuasive legislation remains necessary in order to maintain conditions conducive to a high level of Union connectivity and to ensure fair competition with third countries air carriers. To that end, the Commission should be entrusted with the power to conduct an investigation and to take measures where necessary. Such measures should be available either where relevant obligations under an agreement to which the Union is a party are violated, or where

*Amendment*

(9) Effective, proportionate and dissuasive legislation remains necessary in order to maintain conditions conducive to a high level of Union connectivity and to ensure fair competition with third countries air carriers. To that end, the Commission should be entrusted with the power to conduct an investigation and to take **urgent** measures where necessary, **if there is a risk of an abusive practice occasioning prejudice to EU airline companies**. Such measures should be available either where

practices affecting competition cause or threaten to cause injury to Union air carriers.

relevant obligations under an agreement to which the Union is a party are violated, or where practices affecting competition cause or threaten to cause injury to Union air carriers.

Or. ro

**Amendment 49**  
**Andor Deli**

**Proposal for a regulation**  
**Recital 9**

*Text proposed by the Commission*

(9) Effective, proportionate and dissuasive legislation remains necessary in order to maintain conditions conducive to a high level of Union connectivity and to ensure fair competition with third countries air carriers. To that end, the Commission should be entrusted with the power to conduct an investigation and to take measures where necessary. Such measures should be available either where relevant obligations under an agreement to which the Union is a party are violated, or where practices ***affecting*** competition cause or threaten to cause injury to Union air carriers.

*Amendment*

(9) Effective, proportionate and dissuasive legislation remains necessary in order to maintain conditions conducive to a high level of Union connectivity and to ensure fair competition with third countries air carriers. To that end, the Commission should be entrusted with the power to conduct an investigation and to take measures where necessary. Such measures should be available either where relevant obligations under an agreement to which the Union is a party are violated, or where practices ***that jeopardise and restrict*** competition cause or threaten to cause injury to Union air carriers.

Or. hu

**Amendment 50**  
**Henna Virkkunen, Deirdre Clune**

**Proposal for a regulation**  
**Recital 9**

*Text proposed by the Commission*

(9) Effective, proportionate and dissuasive legislation remains necessary in order to maintain conditions conducive to a

*Amendment*

(9) Effective, proportionate and dissuasive legislation remains necessary in order to maintain conditions conducive to a

high level of Union connectivity and to ensure fair competition with third countries air carriers. To that end, the Commission should be entrusted with the power to conduct an investigation and to take measures where necessary. Such measures should be available either where relevant obligations under an agreement to which the Union is a party are violated, or where practices affecting competition cause *or threaten to cause* injury to Union air carriers.

high level of Union connectivity and to ensure fair competition with third countries air carriers. To that end, the Commission should be entrusted with the power to conduct an investigation and to take measures where necessary. Such measures should be available either where relevant obligations under an agreement to which the Union is a party are violated, or where practices affecting competition cause injury to Union air carriers.

Or. en

#### *Justification*

*It goes too far to extend the measures to situations where there is only a threat of injury at hand. This would open the door for abuse and misuse of the regulation. It would also be nearly impossible to calculate monetary value to redressive measure to match the threat. Also to minimize the damage to the external relations, the scope should be limited only to cases where is actual injury.*

#### **Amendment 51**

**Lucy Anderson, Francisco Assis, Nicola Caputo**

#### **Proposal for a regulation**

#### **Recital 9 a (new)**

*Text proposed by the Commission*

*Amendment*

***(9 a) The issue of ensuring fair competition also includes respect for and adherence to workers' rights including but not limited to the standards of the International Labour Organization, agreed environmental and health and safety standards and rules for the benefit of passengers;***

Or. en

#### **Amendment 52**

**Maria Grapini**

**Proposal for a regulation**  
**Recital 10**

*Text proposed by the Commission*

(10) Where the Union is party to an air transport or air services agreement with a third country, the violation of international obligations enshrined therein should be addressed within the context of this agreement, in particular through the application of *the* fair competition *clause* where *it exists*, and, where relevant, dispute settlement.

*Amendment*

**10.** Where the Union is party to an air transport or air services agreement with a third country, the violation of international obligations enshrined therein should be addressed within the context of this agreement, in particular through the application of fair competition *and air passengers' rights clauses*, where *these exist*, and, where relevant, dispute settlement.

Or. ro

**Amendment 53**  
**Pavel Telička, Izaskun Bilbao Barandica**

**Proposal for a regulation**  
**Recital 10**

*Text proposed by the Commission*

(10) Where the Union is party to an air transport or air services agreement with a third country, the violation of international obligations enshrined therein should be addressed within the context of this agreement, in particular through the application of the fair competition clause *where it exists*, and, where relevant, dispute settlement.

*Amendment*

(10) Where the Union is party to an air transport or air services agreement with a third country, the violation of international obligations enshrined therein should be addressed within the context of this agreement, in particular through the application of the fair competition clause, and, where relevant, dispute settlement.

Or. en

**Amendment 54**  
**Pavel Telička, Izaskun Bilbao Barandica, Dominique Riquet, Matthijs van Miltenburg, Gesine Meissner**

**Proposal for a regulation**  
**Recital 10 a (new)**



*Text proposed by the Commission*

*Amendment*

***(10 a) Air agreements and this Regulation should be complementary and facilitate dialogue with the third country concerned in order to efficiently resolve disputes and restore fair competition. Neither the existence of a fair competition clause in the agreement, nor on-going negotiations on the basis of this clause should preclude the right of the Commission to initiate an investigation. Wherever a satisfactory agreement has been found between the Union and the third country concerned, the Commission should terminate the proceedings without adopting redressive measures.***

Or. en

**Amendment 55**  
**Maria Grapini**

**Proposal for a regulation**  
**Recital 11**

*Text proposed by the Commission*

(11) In order for the Commission to be adequately informed about possible elements justifying the initiation of an investigation, any Member State, Union carrier or association of Union air carriers should be entitled to lodge a complaint.

*Amendment*

(11) In order for the Commission to be adequately informed about possible elements justifying the initiation of an investigation, any Member State, Union carrier or association of Union air carriers should be entitled to lodge a complaint, ***which must be addressed within a reasonable timescale, in order to avoid losses being incurred by European air carriers.***

Or. ro

**Amendment 56**  
**Franck Proust**

**Proposal for a regulation**

## Recital 11 a (new)

*Text proposed by the Commission*

*Amendment*

***(11a) In order to make the Regulation applicable and effective, it is important for the Commission to be able to consider launching procedures on the basis of prima facie evidence and in cases where there is a threat of injury which the Commission is able to identify, in line with the framework provided by other trade defence instruments.***

Or. fr

*Justification*

*In order to act within a reasonable period of time and in cases where the level of proof may be difficult to satisfy, in particular where financial data are concerned, it is important for the Commission to be able to act on the basis of prima facie evidence. Moreover, in order to prevent the occurrence of injury, it gives the Commission the possibility of acting in advance by opening an inquiry whenever a threat of injury is identified.*

## Amendment 57

**Pavel Telička, Izaskun Bilbao Barandica, Dominique Riquet, Matthijs van Miltenburg, Gesine Meissner**

## Proposal for a regulation

### Recital 12

*Text proposed by the Commission*

*Amendment*

(12) It is important to ensure that the investigation can extend to the widest possible range of pertinent elements. To this effect, ***and subject to the consent of*** the third country and third country entity concerned, the Commission should be enabled to carry out investigations in third countries. For the same reasons and to the same end, Member States should be obliged to support the Commission to the best of their abilities. The Commission should conclude the investigation on the basis of best available evidence.

(12) It is important to ensure that the investigation can extend to the widest possible range of pertinent elements. To this effect, ***in cooperation with*** the third country and third country entity concerned, the Commission should be enabled to carry out investigations in third countries. For the same reasons and to the same end, Member States should be obliged to support the Commission to the best of their abilities. The Commission should conclude the investigation on the basis of best available evidence.

**Amendment 58**  
**Henna Virkkunen, Deirdre Clune**

**Proposal for a regulation**  
**Recital 13**

*Text proposed by the Commission*

(13) Where the investigation conducted by the Commission concerns operations covered by an air transport or air services agreement with a third country to which the Union is not a party, it should be ensured that the Commission acts in full knowledge of any proceedings intended or conducted by the Member State concerned under such agreement and pertaining to the situation subject to the Commission's investigation. Member States should therefore be obliged to keep the Commission informed accordingly.

*Amendment*

(13) Where the investigation conducted by the Commission concerns operations covered by an air transport or air services agreement with a third country to which the Union is not a party, it should be ensured that the Commission acts in full knowledge of any proceedings intended or conducted by the Member State concerned under such agreement and pertaining to the situation subject to the Commission's investigation ***after dispute settlement procedures foreseen in international agreements have been exhausted and the outcome of the procedures has not been complied with by the third country or third country entity***. Member States should therefore be obliged to keep the Commission informed accordingly.

Or. en

**Amendment 59**  
**Isabella De Monte**

**Proposal for a regulation**  
**Recital 13**

*Text proposed by the Commission*

(13) Where the investigation conducted by the Commission concerns operations covered by an air transport or air services agreement with a third country to which the Union is not a party, it should be ensured that the Commission acts in full knowledge of any proceedings intended or

*Amendment*

(13) Where the investigation conducted by the Commission concerns operations covered by an air transport or air services agreement with a third country to which the Union is not a party, it should be ensured that the Commission acts in full knowledge of any proceedings intended or

conducted by the Member State concerned under such agreement and pertaining to the situation subject to the Commission's investigation. Member States should therefore be obliged to keep the Commission informed accordingly.

conducted by the Member State concerned under such agreement and pertaining to the situation subject to the Commission's investigation, ***having verified that bilateral proceedings have been exhausted and have not led to a positive solution to the problems identified.*** Member States should therefore be obliged to keep the Commission informed accordingly.

Or. it

## **Amendment 60**

**Jakop Dalunde, Michael Cramer, Karima Delli**

### **Proposal for a regulation**

#### **Recital 13**

*Text proposed by the Commission*

(13) Where the investigation conducted by the Commission concerns operations covered by an air transport or air services agreement with a third country to which the Union is not a party, it should be ensured that the Commission acts in full knowledge of any proceedings intended or conducted by the Member State concerned under such agreement and pertaining to the situation subject to the Commission's investigation. Member States should therefore be obliged to keep the Commission informed accordingly.

*Amendment*

(13) Where the investigation conducted by the Commission concerns operations covered by an air transport or air services agreement with a third country to which the Union is not a party, it should be ensured that the Commission acts in full knowledge of any proceedings intended or conducted by the Member State concerned under such agreement and pertaining to the situation subject to the Commission's investigation ***on the basis of fair competition criteria.*** Member States should therefore be obliged to keep the Commission informed accordingly.

Or. en

## **Amendment 61**

**Gesine Meissner**

### **Proposal for a regulation**

#### **Recital 13 a (new)**

*Text proposed by the Commission*

*Amendment*

***(13 a) The practice of subsidies is capable of undermining fair competition between air carriers. The provisions of this regulation on subsidies should not result in imposing more restrictive obligations on third country carriers than those applying to Union carriers.***

Or. en

**Amendment 62**  
**Wim van de Camp**

**Proposal for a regulation**  
**Recital 15**

*Text proposed by the Commission*

(15) Proceedings should not be initiated or should be concluded without redressive measures under this Regulation where the adoption of the latter would be against the Union interest, having regard to their impact on other persons, notably consumers or undertakings in the Union. Proceedings should also be concluded without measures where the requirements for such measures are not, or no longer met.

*Amendment*

(15) Proceedings should not be initiated or should be concluded without redressive measures under this Regulation where the adoption of the latter would be against the Union interest, having regard to their impact on other persons, notably consumers or undertakings in the Union. ***The existence and safeguarding of high levels of connectivity throughout the Union is a key Union interest and will always have to be taken into account before any investigation is initiated or redressive or other measure is adopted.*** Proceedings should also be concluded without measures where the requirements for such measures are not, or no longer met.

Or. en

**Amendment 63**  
**Renaud Muselier**

**Proposal for a regulation**  
**Recital 15**

*Text proposed by the Commission*

**(15)** Proceedings should not be initiated or should be concluded without redressive measures under this Regulation where the adoption of the latter would be against the Union interest, having regard to their impact on other persons, notably consumers or undertakings in the Union. Proceedings should also be concluded without measures where the requirements for such measures are not, or no longer met.

*Amendment*

**(15)** Proceedings should not be initiated or should be concluded without redressive measures under this Regulation where the adoption of the latter would be against the Union interest, having regard to their impact on other persons, notably consumers or undertakings in the Union. ***Since air connectivity within the Union needs to be taken into account, the impact of a procedure on such connectivity should only be analysed if the Commission is considering redressive measures.*** Proceedings should also be concluded without measures where the requirements for such measures are not, or no longer met.

Or. fr

**Amendment 64**  
**Franck Proust**

**Proposal for a regulation**  
**Recital 15**

*Text proposed by the Commission*

**(15)** Proceedings should not be initiated or should be concluded without redressive measures under this Regulation where the adoption of the latter would be against the Union interest, having regard to their impact on other persons, notably consumers or undertakings in the Union. Proceedings should also be concluded without measures where the requirements for such measures are not, or no longer met.

*Amendment*

**(15)** Proceedings should not be initiated or should be concluded without redressive measures under this Regulation where the adoption of the latter would be against the Union interest, having regard to their impact on other persons, notably consumers or undertakings in the Union. ***The impact on Union air connectivity should be examined when the Commission is planning to implement redressive measures.*** Proceedings should also be concluded without measures where the requirements for such measures are not, or no longer met.

Or. fr

## *Justification*

*Air connectivity within the EU is an important element that has to be taken into account in this Regulation. It is therefore useful to include it in this recital. However, connectivity is a general term which may not constitute an obstacle to the launching of proceedings. The Commission is therefore requested to take into account the impact on air connectivity when considering, in the course of proceedings, the effective implementation of redressive measures.*

### **Amendment 65**

**Lucy Anderson**

#### **Proposal for a regulation**

##### **Recital 15**

*Text proposed by the Commission*

(15) Proceedings ***should not be initiated or*** should be concluded without redressive measures under this Regulation where the adoption of the latter would be against the Union interest, having regard to their impact on other persons, notably consumers or undertakings in the Union. Proceedings should also be concluded without measures where the requirements for such measures are not, or no longer met.

*Amendment*

(15) Proceedings should be concluded without redressive measures under this Regulation where the adoption of the latter would be against the Union interest, having regard to their impact on other persons, notably consumers or undertakings in the Union. ***Impact on the Union's air connectivity may be examined only when assessing Union interest with a view to determining whether redressive measures should be adopted.*** Proceedings should also be concluded without measures where the requirements for such measures are not, or no longer met.

Or. en

### **Amendment 66**

**Deirdre Clune, Henna Virkkunen**

#### **Proposal for a regulation**

##### **Recital 15**

*Text proposed by the Commission*

(15) Proceedings should not be initiated or should be concluded without redressive measures under this Regulation where the adoption of the latter would be against the

*Amendment*

(15) Proceedings should not be initiated or should be concluded without redressive measures under this Regulation where the adoption of the latter would be against the

Union interest, *having regard to their impact on other persons, notably consumers or undertakings in the Union.* Proceedings should also be concluded without measures where the requirements for such measures are not, or no longer met.

Union interest, *which is based on a thorough assessment, explicitly prioritising the interests of consumers and the Member States, particularly those Member states which might see their connectivity impacted as a result of any such intervention.* Proceedings should also be concluded without measures where the requirements for such measures are not, or no longer met.

Or. en

#### **Amendment 67**

**Pavel Telička, Izaskun Bilbao Barandica, Gesine Meissner**

#### **Proposal for a regulation**

##### **Recital 15**

###### *Text proposed by the Commission*

(15) Proceedings should not be initiated or should be concluded without redressive measures under this Regulation where the adoption of the latter would be against the Union interest, having regard to their impact on other persons, notably consumers or undertakings in the Union. Proceedings should also be concluded without measures where the requirements for such measures are not, or no longer met.

###### *Amendment*

(15) Proceedings should not be initiated or should be concluded without redressive measures under this Regulation where the adoption of the latter would be against the Union interest, having regard to their impact on other persons, notably consumers or undertakings in the Union. ***The need to maintain a high level of Union connectivity should be considered with priority.*** Proceedings should also be concluded without measures where the requirements for such measures are not, or no longer met.

Or. en

#### **Amendment 68**

**Inés Ayala Sender**

#### **Proposal for a regulation**

##### **Recital 15**

###### *Text proposed by the Commission*

###### *Amendment*



(15) Proceedings should not be initiated or should be concluded without redressive measures under this Regulation where the adoption of the latter would be against the Union interest, having regard to their impact on other *persons, notably* consumers *or* undertakings in the Union. Proceedings should also be concluded without measures where the requirements for such measures are not, or no longer met.

(15) Proceedings should not be initiated or should be concluded without redressive measures under this Regulation where the adoption of the latter would be against the Union interest, having regard to their impact on other *parties, including* consumers, undertakings *and aviation employees, including pilots and cabin crew*, in the Union. Proceedings should also be concluded without measures where the requirements for such measures are not, or no longer met.

Or. en

#### **Amendment 69**

**Gabriele Preuß, Christine Revault d'Allonnes Bonnefoy, Nicola Caputo, Lucy Anderson, Miltiadis Kyrkos, Ismail Ertug, Hugues Bayet, Claudia Tapardel**

#### **Proposal for a regulation Recital 15**

##### *Text proposed by the Commission*

(15) Proceedings *should not be initiated or* should be concluded without redressive measures under this Regulation where the adoption of the latter would be against the Union interest, having regard to their impact on other *persons, notably* consumers *or* undertakings *in the Union*. Proceedings should also be concluded without measures where the requirements for such measures are not, or no longer met.

##### *Amendment*

(15) Proceedings should be concluded without redressive measures under this Regulation where the adoption of the latter would be against the Union interest, having regard to their impact on other *parties, including* consumers, undertakings *and aviation employees*. Proceedings should also be concluded without measures where the requirements for such measures are not, or no longer met.

Or. en

##### *Justification*

*It is acknowledged that the consideration of Union interest - although difficult in a a sense that laws and regulations leading to redressive measures should not be based on political considerations- is an established procedure in international trade relations. However, such considerations should not lead to the situation that investigations are not even initiated. European air carriers and European citizens should be sure that the Commission at least investigates practices which do harm the EU's industry, meaningless of what are the*

*political costs. The Commission will still have the possibility to terminate such investigations without adopting redressive measures, if there is an evident and urgent Union interest*

**Amendment 70**

**Pavel Telička, Izaskun Bilbao Barandica, Dominique Riquet, Matthijs van Miltenburg, Gesine Meissner**

**Proposal for a regulation**

**Recital 15 a (new)**

*Text proposed by the Commission*

*Amendment*

***(15 a) When determining whether or not the Union interest calls for intervention, the Commission should take into account the views of all interested parties. In order to organise such consultations and to give an opportunity to all interested parties to be heard, time-limits for providing information or for requesting a hearing should be specified in the notice of initiation of the investigation. Interested parties should be aware of the conditions of disclosure for the information they provide and should be entitled to respond to other parties' comments.***

Or. en

**Amendment 71**

**Gabriele Preuß, Christine Revault d'Allonnes Bonnefoy, Nicola Caputo, Lucy Anderson, Miltiadis Kyrkos, Hugues Bayet**

**Proposal for a regulation**

**Recital 16 a (new)**

*Text proposed by the Commission*

*Amendment*

***(16 a) For effective, proportionate and dissuasive reasons the Commission should be entitled to take provisional measures before the termination of proceedings.***

Or. en

**Amendment 72**  
**Wim van de Camp**

**Proposal for a regulation**  
**Recital 17**

*Text proposed by the Commission*

(17) Findings in respect of ***injury or*** threat of injury to the Union air carrier(s) concerned should reflect a realistic assessment of the situation and should therefore be based on all relevant factors, in particular pertaining to the situation of those carrier(s) and to the general situation of the affected air transport market.

*Amendment*

(17) ***When determining whether proceedings should be initiated under this Regulation,*** findings in respect of ***a*** threat of injury ***and injury that has already materialized*** to the Union air carrier(s) concerned, should reflect a realistic assessment of the situation and should therefore be based on all relevant factors, in particular pertaining to the situation of those carrier(s) and to the general situation of the affected air transport market, ***in line with the standing practice and application of instruments aimed at ensuring fair competition, also allowing for prevention and offset of clearly foreseeable injury and the threat thereof in the event of a practice affecting fair competition of which there is prima facie evidence.***

Or. en

**Amendment 73**  
**Henna Virkkunen, Deirdre Clune**

**Proposal for a regulation**  
**Recital 17**

*Text proposed by the Commission*

(17) Findings in respect of ***of injury or threat*** of injury to the Union air carrier(s) concerned should reflect a realistic assessment of the situation and should therefore be based on all relevant factors, in particular pertaining to the situation of those carrier(s) and to the general situation of the affected air transport market.

*Amendment*

(17) Findings in respect of injury to the Union air carrier(s) concerned should reflect a realistic assessment of the situation and should therefore be based on all relevant factors, in particular pertaining to the situation of those carrier(s) and to the general situation of the affected air transport market.

#### **Amendment 74**

**Pavel Telička, Izaskun Bilbao Barandica, Dominique Riquet, Matthijs van Miltenburg**

#### **Proposal for a regulation**

##### **Recital 18**

###### *Text proposed by the Commission*

(18) For reasons of administrative efficiency and in view of a possible termination without measures, it should be possible to suspend the proceedings where the third country or third country entity concerned has taken decisive steps to eliminate the relevant practice ***affecting*** competition or the ensuing injury or threat of injury.

###### *Amendment*

(18) For reasons of administrative efficiency and in view of a possible termination without measures, it should be possible to suspend the proceedings where the third country or third country entity concerned has taken decisive steps to eliminate the relevant practice ***distorting*** competition or the ensuing injury or threat of injury.

*(Replacing "practice affecting competition" by "practice distorting competition" applies throughout the text.)*

#### **Amendment 75**

**Henna Virkkunen, Deirdre Clune**

#### **Proposal for a regulation**

##### **Recital 18**

###### *Text proposed by the Commission*

(18) For reasons of administrative efficiency and in view of a possible termination without measures, it should be possible to suspend the proceedings where the third country or third country entity concerned has taken decisive steps to eliminate the relevant practice affecting competition or the ensuing injury ***or threat of injury***.

###### *Amendment*

(18) For reasons of administrative efficiency and in view of a possible termination without measures, it should be possible to suspend the proceedings where the third country or third country entity concerned has taken decisive steps to eliminate the relevant practice affecting competition or the ensuing injury.

## Amendment 76

Pavel Telička, Izaskun Bilbao Barandica, Dominique Riquet, Matthijs van Miltenburg, Gesine Meissner

### Proposal for a regulation

#### Recital 19

*Text proposed by the Commission*

(19) Redressive measures in respect of practices ***affecting*** competition are aimed at offsetting the injury that occurs ***or is threatening*** to occur due to those practices. They should therefore take the form of financial duties or of other measures which, representing a measurable pecuniary value, are capable of achieving the same effect. This may include measures consisting in the suspension of concessions, of services owed or of other rights of the third country air carrier, provided that this does not lead to a violation of an air transport or air services agreement concluded with the third country concerned. In order to comply with the principle of proportionality, measures of any kind should be confined to what is necessary to offset the injury ***or*** threat of injury identified.

*Amendment*

(19) Redressive measures in respect of practices ***distorting*** competition are aimed at offsetting the injury that occurs ***due to those practices or at preventing the injury that is threatening*** to occur due to those practices. They should therefore take the form of financial duties or of other measures which, representing a measurable pecuniary value, are capable of achieving the same effect. This may include measures consisting in the suspension of concessions, of services owed or of other rights of the third country air carrier, provided that this does not lead to a violation of an air transport or air services agreement concluded with the third country concerned. In order to comply with the principle of proportionality, measures of any kind should be confined to what is necessary to offset the injury ***identified or to prevent the*** threat of injury identified ***from developing into an actual injury***.

Or. en

## Amendment 77

Gabriele Preuß, Christine Revault d'Allonnes Bonnefoy, Nicola Caputo, Lucy Anderson, Miltiadis Kyrkos, Hugues Bayet, Claudia Țapardel

### Proposal for a regulation

#### Recital 19

*Text proposed by the Commission*

(19) Redressive measures in respect of practices affecting competition are aimed

*Amendment*

(19) Redressive measures in respect of practices affecting competition are aimed

at offsetting the injury that occurs or is threatening to occur due to those practices. They should therefore take the form of financial duties or of other measures which, representing a measurable pecuniary value, are capable of achieving the same effect. This may include measures consisting in the suspension of concessions, of services owed or of other rights of the third country air carrier, provided that this does not lead to a violation of an air transport or air services agreement concluded with the third country concerned. ***In order to comply with the principle of proportionality, measures of any kind should be confined to what is necessary to offset the injury or threat of injury identified.***

at offsetting the injury that occurs or is threatening to occur due to those practices. They should therefore take the form of financial duties or of other measures which, representing a measurable pecuniary value, are capable of achieving the same effect. This may include measures consisting in the suspension of concessions, of services owed or of other rights of the third country air carrier, provided that this does not lead to a violation of an air transport or air services agreement concluded with the third country concerned.

Or. en

#### *Justification*

*This is self-explaining and does not need to be mentioned in the regulation. The wording should still have a deterring character.*

### **Amendment 78** **Deirdre Clune, Henna Virkkunen**

#### **Proposal for a regulation** **Recital 19**

##### *Text proposed by the Commission*

(19) Redressive measures in respect of practices affecting competition are aimed at offsetting the injury that occurs or is threatening to occur due to those practices. They should therefore take the form of financial duties or of other measures which, representing a measurable pecuniary value, are capable of achieving the same effect. ***This may include measures consisting in the suspension of concessions, of services owed or of other rights of the third country air carrier, provided that this does not lead to a***

##### *Amendment*

(19) Redressive measures in respect of practices affecting competition are aimed at offsetting the injury that occurs or is threatening to occur due to those practices. They should therefore take the form of financial duties or of other measures, ***with the explicit exception of traffic rights and slots***, which, representing a measurable pecuniary value, are capable of achieving the same effect. Measures ***should*** not lead to a violation of an air transport or air services agreement concluded with the third country concerned. In order to

violation of an air transport or air services agreement concluded with the third country concerned. In order to comply with the principle of proportionality, measures of any kind should be confined to what is necessary to offset the injury or threat of injury identified.

comply with the principle of proportionality, measures of any kind should be confined to what is necessary to offset the injury or threat of injury identified.

Or. en

**Amendment 79**  
**Henna Virkkunen, Deirdre Clune**

**Proposal for a regulation**  
**Recital 19**

*Text proposed by the Commission*

(19) Redressive measures in respect of practices affecting competition are aimed at offsetting the injury that occurs ***or is threatening to occur*** due to those practices. They should therefore take the form of financial duties or of other measures which, representing a measurable pecuniary value, are capable of achieving the same effect. This may include measures consisting in the suspension of concessions, of services owed or of other rights of the third country air carrier, provided that this does not lead to a violation of an air transport or air services agreement concluded with the third country concerned. In order to comply with the principle of proportionality, measures of any kind should be confined to what is necessary to offset the injury ***or threat of injury*** identified.

*Amendment*

(19) Redressive measures in respect of practices affecting competition are aimed at offsetting the injury that occurs due to those practices. They should therefore take the form of financial duties or of other measures which, representing a measurable pecuniary value, are capable of achieving the same effect. This may include measures consisting in the suspension of concessions, of services owed or of other rights of the third country air carrier, provided that this does not lead to a violation of an air transport or air services agreement concluded with the third country concerned. In order to comply with the principle of proportionality, measures of any kind should be confined to what is necessary to offset the injury identified.

Or. en

**Amendment 80**  
**Pavel Telička, Izaskun Bilbao Barandica, Dominique Riquet, Matthijs van Miltenburg, Gesine Meissner**

**Proposal for a regulation**  
**Recital 20**

*Text proposed by the Commission*

(20) In line with the same principle, redressive measures in respect of practices **affecting** competition should **remain** in force only as long as, and to the extent that, it is necessary in view of such practice and the ensuing injury or threat of injury. Consequently, a review should be provided for where circumstances so warrant.

*Amendment*

(20) In line with the same principle, redressive measures in respect of practices **distorting** competition should **be** in force only **from**, as long as, and to the extent that, it is necessary in view of such practice and the ensuing injury or threat of injury. Consequently, a review should be provided for where circumstances so warrant. ***In order to ensure constructive and continuous dialogue between the Union and third countries, the third country or third country entity concerned should have the opportunity to request the Commission to proceed to a review. Interested parties should also have the possibility to request a review when they consider redressive measures are no longer in the Union interest. The Commission should decide whether or not to actually conduct a review.***

Or. en

**Amendment 81**  
**Henna Virkkunen, Deirdre Clune**

**Proposal for a regulation**  
**Recital 20**

*Text proposed by the Commission*

(20) In line with the same principle, redressive measures in respect of practices affecting competition should remain in force only as long as, and to the extent that, it is necessary in view of such practice and the ensuing injury **or threat of injury**. Consequently, a review should be provided for where circumstances so warrant.

*Amendment*

(20) In line with the same principle, redressive measures in respect of practices affecting competition should remain in force only as long as, and to the extent that, it is necessary in view of such practice and the ensuing injury. Consequently, a review should be provided for where circumstances so warrant.

Or. en



## Amendment 82

Pavel Telička, Izaskun Bilbao Barandica, Dominique Riquet, Gesine Meissner

### Proposal for a regulation

#### Recital 21

*Text proposed by the Commission*

(21) Situations investigated under this Regulation and their potential impact on Member States may differ according to the circumstances. Redressive measures may therefore apply, according to the case, to one or more Member States *or* be limited to a specific geographical area.

*Amendment*

(21) Situations investigated under this Regulation and their potential impact on Member States may differ according to the circumstances. Redressive measures may therefore apply, according to the case, to one or more Member States, *may* be limited to a specific geographical area *or limited in time or may be set to apply from a later date when it is possible to determine a precise moment when the threat of injury would develop into an actual injury.*

Or. en

## Amendment 83

Wim van de Camp

### Proposal for a regulation

#### Recital 21 a (new)

*Text proposed by the Commission*

*Amendment*

*(21 a) Furthermore, it should be possible for the Union to take provisional measures to prevent irreversible injury to Union carriers, notably when the investigation determines that a threat of injury is clear and present, and also in the event of a complex on-going investigation which has not been yet concluded or terminated.*

Or. en

## Amendment 84

Pavel Telička, Izaskun Bilbao Barandica, Matthijs van Miltenburg, Gesine Meissner

### Proposal for a regulation

#### Recital 22 a (new)

*Text proposed by the Commission*

*Amendment*

***(22 a) The Commission should inform the European Parliament and the Council on the implementation of this Regulation on an annual basis. This report should include information about the application of redressive measures, the termination of investigations without redressive measures, investigations, reviews and cooperation with Member States, interested parties and third countries. This report should be treated with the appropriate level of confidentiality.***

Or. en

## Amendment 85

Gabriele Preuß, Nicola Caputo, Lucy Anderson, Isabella De Monte, Hugues Bayet, Claudia Tapardel

### Proposal for a regulation

#### Recital 23

*Text proposed by the Commission*

*Amendment*

(23) Since the objective of this Regulation, namely the efficient protection, equal for all Union carriers and based on uniform criteria and procedures, against violation of applicable international obligations and against injury or threat of injury to one or more Union air carriers caused by practices affecting competition, adopted by third countries or third country entities cannot be sufficiently achieved by the Member States, but can rather be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on the *European*

(23) Since the objective of this Regulation, namely the efficient protection, equal for all Union carriers and based on uniform criteria and procedures, against violation of applicable international obligations and against injury or threat of injury to one or more Union air carriers caused by practices affecting competition, adopted by third countries or third country entities cannot be sufficiently achieved by the Member States, but can rather be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on the Union. In

Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.

accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives. ***This Regulation does not either aim to impose any standards on third country air carriers, for instance with regards to subsidies by introducing more restrictive obligations than those applying to Union carriers.***

Or. en

## **Amendment 86** **Andor Deli**

### **Proposal for a regulation** **Recital 23**

#### *Text proposed by the Commission*

(23) Since the objective of this Regulation, namely the efficient protection, equal for all Union carriers and based on uniform criteria and procedures, against violation of applicable international obligations and against injury or threat of injury to one or more Union air carriers caused by practices ***affecting*** competition, adopted by third countries or third country entities cannot be sufficiently achieved by the Member States, but can rather be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on the European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.

#### *Amendment*

(23) Since the objective of this Regulation, namely the efficient protection, equal for all Union carriers and based on uniform criteria and procedures, against violation of applicable international obligations and against injury or threat of injury to one or more Union air carriers caused by practices ***that jeopardise or restrict*** competition, adopted by third countries or third country entities cannot be sufficiently achieved by the Member States, but can rather be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on the European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.

Or. hu

**Amendment 87**  
**Henna Virkkunen, Deirdre Clune**

**Proposal for a regulation**  
**Recital 23**

*Text proposed by the Commission*

(23) Since the objective of this Regulation, namely the efficient protection, equal for all Union carriers and based on uniform criteria and procedures, against violation of applicable international obligations and against ***injury or threat of injury*** to one or more Union air carriers caused by practices affecting competition, adopted by third countries or third country entities cannot be sufficiently achieved by the Member States, but can rather be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on the European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.

*Amendment*

(23) Since the objective of this Regulation, namely the efficient protection, equal for all Union carriers and based on uniform criteria and procedures, against violation of applicable international obligations and against injury to one or more Union air carriers caused by practices affecting competition, adopted by third countries or third country entities cannot be sufficiently achieved by the Member States, but can rather be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on the European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.

Or. en

**Amendment 88**  
**Jakop Dalunde, Michael Cramer, Karima Delli**

**Proposal for a regulation**  
**Recital 23 a (new)**

*Text proposed by the Commission*

*Amendment*

***(23 a) The Commission should propose strengthening rules, criteria and measures on fair competition in the Union, not only within the Union internal air transport sector but also in the intermodal transport sector. Those proposals could inter alia contain effects on fair competition in the fields of exemptions on fuel taxes and***

**Amendment 89**  
**Isabella De Monte**

**Proposal for a regulation**  
**Article 1 – paragraph 1**

*Text proposed by the Commission*

1. This Regulation lays down rules on the conduct of investigations by the Commission and on the adoption of redressive measures, relating to violation of applicable international obligations and to practices affecting competition between Union air carriers and other air carriers and causing *or threatening to cause injury to Union air carriers*.

*Amendment*

1. This Regulation lays down rules on the conduct of investigations by the Commission and on the adoption of redressive measures **by the Council**, relating to violation of applicable international obligations and to practices affecting competition between Union air carriers and other air carriers and causing ***injury to Union air carriers, in addition to negatively impacting the Union's air connectivity***.

**Amendment 90**  
**Jakop Dalunde, Michael Cramer, Karima Delli**

**Proposal for a regulation**  
**Article 1 – paragraph 1**

*Text proposed by the Commission*

1. This Regulation lays down rules on the conduct of investigations by the Commission and on the adoption of redressive measures, relating to violation of applicable international obligations and to practices affecting competition between Union air carriers and other air carriers and causing or threatening to cause injury to Union air carriers.

*Amendment*

1. This Regulation lays down rules on the conduct of investigations by the Commission and on the adoption of redressive measures, relating to violation of applicable international obligations and to practices affecting ***fair*** competition between Union air carriers and other air carriers and causing or threatening to cause injury to Union air carriers ***by distorting competition***.

## Amendment 91

Maria Grapini

### Proposal for a regulation

#### Article 1 – paragraph 1

*Text proposed by the Commission*

1. This Regulation lays down rules on the conduct of investigations by the Commission and on the adoption of redressive measures, relating to violation of applicable international obligations and to practices affecting competition between Union air carriers and other air carriers and causing or threatening to cause injury to Union air carriers.

*Amendment*

1. This Regulation lays down rules on the conduct of investigations by the Commission and on the adoption of redressive measures, relating to violation of applicable international obligations and to practices affecting competition between Union air carriers and other air carriers and causing or threatening to cause injury to Union air carriers ***or infringe air passengers' rights.***

Or. ro

## Amendment 92

Lucy Anderson, Francisco Assis, Nicola Caputo

### Proposal for a regulation

#### Article 1 – paragraph 1

*Text proposed by the Commission*

1. This Regulation lays down rules on the conduct of investigations by the Commission and on the adoption of redressive measures, relating to violation of applicable international obligations and to practices affecting competition between Union air carriers and other air carriers and causing or threatening to cause injury to Union air carriers.

*Amendment*

1. This Regulation lays down rules on the conduct of investigations by the Commission and on the adoption of redressive measures, relating to violation of applicable international obligations and to practices affecting competition between Union air carriers and other air carriers and causing or threatening to cause injury to Union air carriers ***and dependent industries.***

Or. en

### *Justification*

*It is important to emphasise that the competitiveness of EU carriers can only be ensured if there is fair competition in other areas including but not limited to, air ticket distribution.*

#### **Amendment 93**

**Tomasz Piotr Poreba, Kosma Zlotowski**

#### **Proposal for a regulation**

#### **Article 1 – paragraph 1**

##### *Text proposed by the Commission*

1. This Regulation lays down rules on the conduct of investigations by the Commission and on the adoption of redressive measures, relating to violation of applicable international obligations and to practices affecting competition between Union air carriers and other air carriers **and** causing **or threatening to cause** injury to Union air carriers.

##### *Amendment*

1. This Regulation lays down rules on the conduct of investigations by the Commission and on the adoption of redressive measures, relating to violation of applicable international obligations and to practices affecting competition between Union air carriers and other air carriers causing injury to Union air carriers.

Or. en

### *Justification*

*It goes too far to extend the measures to situations where there is only a threat of injury at hand. This would open the door for abuse and misuse of the regulation. It would also be nearly impossible to calculate monetary value to redressive measure to match the threat. Also to minimize the damage to the external relations, the scope should be limited only to cases where an actual injury occurs.*

#### **Amendment 94**

**Jacqueline Foster**

#### **Proposal for a regulation**

#### **Article 1 – paragraph 1**

##### *Text proposed by the Commission*

1. This Regulation lays down rules on the conduct of investigations by the Commission and on the adoption of redressive measures, relating to violation of applicable international obligations and

##### *Amendment*

1. This Regulation lays down rules on the conduct of investigations by the Commission and on the adoption of redressive measures, relating to violation of applicable international obligations and

to practices affecting competition between Union air carriers and other air carriers and causing *or threatening to cause* injury to Union air carriers.

to practices affecting competition between Union air carriers and other air carriers and causing injury to Union air carriers.

Or. en

*Justification*

*Extending the regulation to situations where there is only a threat of injury could open the door for misuse of this regulation.*

**Amendment 95**  
**Henna Virkkunen, Deirdre Clune**

**Proposal for a regulation**  
**Article 1 – paragraph 1**

*Text proposed by the Commission*

1. This Regulation lays down rules on the conduct of investigations by the Commission and on the adoption of redressive measures, relating to violation of applicable international obligations and to practices affecting competition between Union air carriers and other air carriers and causing *or threatening to cause* injury to Union air carriers.

*Amendment*

1. This Regulation lays down rules on the conduct of investigations by the Commission and on the adoption of redressive measures, relating to violation of applicable international obligations and to practices affecting competition between Union air carriers and other air carriers and causing injury to Union air carriers.

Or. en

*Justification*

*It goes too far to extend the measures to situations where there is only a threat of injury at hand. This would open the door for abuse and misuse of the regulation. It would also be nearly impossible to calculate monetary value to redressive measure to match the threat. Also to minimize the damage to the external relations, the scope should be limited only to cases where is actual injury.*

**Amendment 96**  
**Jakop Dalunde, Michael Cramer, Karima Delli**

**Proposal for a regulation**  
**Article 1 – paragraph 2 a (new)**



*Text proposed by the Commission*

*Amendment*

**2 a.** *For the purpose of this Regulation, fair competition criteria and measures shall be determined by the Commission on a case-by-case basis, after consulting the European Parliament and the Council;*

Or. en

**Amendment 97**  
**Tomasz Piotr Poręba, Kosma Złotowski**

**Proposal for a regulation**  
**Article 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 1 a**

**Scope**

***This Regulation shall apply in case of:***

***a) violation of applicable international obligations between the Union and a third country and;***

***b) practices affecting competition between Union air carriers and third country air carriers.***

***2. This Regulation applies without prejudice to Article 12 of Regulation (EEC) No 95/93 and Article 20 of Directive 96/67/EC.***

***3. This Regulation applies only after dispute settlement procedures contained in air transport or air services agreement to which the Union is a party, or concluded between a Member State and a third country, has been exhausted and the outcome of the dispute settlement procedure has not been put into effect by the third country or third country entity.***

Or. en

### *Justification*

*In accordance with the Interinstitutional Agreement on better law making each legal proposal shall have an article on scope. The aim of art. 2a is to avoid collision of the proposal with bilateral aviation agreements of the MS with third countries. It should be made clear that the regulation could be triggered only after dispute settlement procedures envisioned in such a bilateral agreement has been exhausted and the other party has not executed the outcome of the procedure favorable to the EU or Member State. Allowing parallel processes would undermine bilateral agreements (whether EU's or Member States') and could lead into a breach of the agreement by the EU or Member State. It is of utmost importance to maintain the respect for and integrity of bilateral aviation agreements. It is equally important to be able to trigger the regulation only if the third country does not comply with the outcome of the settlement procedure positive to European contracting party*

### **Amendment 98**

**Deirdre Clune, Henna Virkkunen**

### **Proposal for a regulation**

#### **Article 1 a (new)**

*Text proposed by the Commission*

*Amendment*

#### **Article 1 a**

##### **Scope**

- 1. This regulation shall apply to air transport services that are currently operated, or will be operated, between a Member State and a third country on a non-stop city-pair route.**
- 2. This Regulation shall apply only after the dispute resolution procedures that are contained within air transport or air services agreements to which the Union is a party, or those that have been concluded between a Member State and a third country, have been exhausted.**

Or. en

### *Justification*

*1. In keeping with the European Commission's better law making principles, an article on the scope of the regulation would be helpful. It provides greater legal certainty and clearly indicates where this regulation is intended to be applied. The Regulation should be limited to situations where an EU and a third country air carrier are in direct competition with one another. This Regulation's scope should be limited to actual, demonstrable, injury on services*

*and intended services. 2. International obligations should take precedent. Allowing for a parallel process could undermine existing bilateral agreements.*

**Amendment 99**  
**Jacqueline Foster**

**Proposal for a regulation**  
**Article 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 1 a**

**Scope**

- 1. This regulation shall apply to air transport services operated, or to be operated, between a Member State and a third country on a non-stop city-pair route.***
- 2. This regulation applies only after dispute settlement procedures contained in air transport or air services agreements to which the Union is a party, or concluded between a Member State and a third country, have been exhausted and the outcome of the dispute settlement procedure has not been put into effect by the third country or third country entity.***

Or. en

*Justification*

*It is sensible to limit the scope to situations where EU and third country carriers are in direct competition with each other. This would mean that an air carrier cannot make a complaint relating to a route where it is not operating itself. It is also important to underline that only if the third country does not comply with the outcome of the dispute resolution procedure, that the regulation should be triggered.*

**Amendment 100**  
**Isabella De Monte**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point d**

*Text proposed by the Commission*

(d) 'interested party' means any natural or legal person or any official body, whether or not having its own legal personality, that is likely to have a significant interest in the result of proceedings;

*Amendment*

(d) 'interested party' means any natural or legal person or any official body, whether or not having its own legal personality, that is likely to have a significant interest in the result of proceedings, ***including but not limited to air carriers, airport managing bodies, users of the air services concerned and aircraft and parts manufacturers;***

Or. it

**Amendment 101**  
**Inés Ayala Sender**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point d**

*Text proposed by the Commission*

(d) 'interested party' means any natural or legal person or any official body, whether or not having its own legal personality, that is likely to have a significant interest in the result of proceedings;

*Amendment*

(d) 'interested party' means any natural or legal person or any official body, whether or not having its own legal personality, that is likely to have a significant interest in the result of proceedings, ***including among others the European social partner organisations in civil aviation;***

Or. en

**Amendment 102**  
**Markus Pieper**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

***(da) 'Member State concerned' means a State:***  
***(i) that issues the operating licence for European carriers in accordance with***

**Regulation (EC) No 1008/2008;**

**(ii) under whose aviation agreements, or trade agreements containing provisions governing aviation, European air carriers operate;**

Or. de

**Amendment 103**  
**Inés Ayala Sender**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

**(d a) 'dependent industries' means air navigation or airport facilities and services, fuel, ground handling, security, computer reservation systems, slot allocation, charges, and the use of other facilities or services for the operation of air transport services;**

Or. en

**Amendment 104**  
**Lucy Anderson, Francisco Assis, Nicola Caputo**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point e**

*Text proposed by the Commission*

*Amendment*

(e) 'third country entity' means any natural or legal person, whether profit-making or not, or any official body with or without own legal personality, which is under the jurisdiction of a third country, whether controlled by a third country government or not, and is directly or indirectly involved in air transport services or related services or in providing infrastructure or services used to provide

(e) 'third country entity' means any natural or legal person, whether profit-making or not, or any official body with or without own legal personality, which is under the jurisdiction of a third country, whether controlled by a third country government or not, and is directly or indirectly involved in air transport services or related services or in providing infrastructure or services used to provide air transport services or related services,

air transport services or related services;

***including joint ventures and alliances among carriers;***

Or. en

*Justification*

*In the interest of clarity, alliances and joint ventures should be included in the definition above so that the proposed Regulation ensures their fair operation when competing with EU carriers.*

**Amendment 105**

**Cláudia Monteiro de Aguiar**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point e**

*Text proposed by the Commission*

(e) 'third country entity' means any natural or legal person, whether profit-making or not, or any official body with or without own legal personality, which is under the jurisdiction of a third country, whether controlled by a third country government or not, and is directly or indirectly involved in air transport services or related services or in providing infrastructure or services used to provide air transport services or related services;

*Amendment*

(e) 'third country entity' means any natural or legal person, whether profit-making or not, or any official body with or without own legal personality, which is under the jurisdiction of a third country, whether controlled by a third country government or not, and is directly or indirectly involved in air transport services or related services or in providing infrastructure or services used to provide air transport services or related services, ***including joint ventures and alliance among carriers;***

Or. en

*Justification*

*In the interest of clarity alliances and joint ventures should be included in the definition to ensure fair operation when competing with EU carriers.*

**Amendment 106**

**Inés Ayala Sender**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point e**

*Text proposed by the Commission*

(e) 'third country entity' means any natural or legal person, whether profit-making or not, or any official body with or without own legal personality, which is under the jurisdiction of a third country, whether controlled by a third country government or not, and is directly or indirectly involved in air transport services or related services or in providing infrastructure or services used to provide air transport services or related services;

*Amendment*

(e) 'third country entity' means any natural or legal person, whether profit-making or not, or any official body with or without own legal personality, which is under the jurisdiction of a third country, whether controlled by a third country government or not, and is directly or indirectly involved in air transport services or related services or in providing infrastructure or services used to provide air transport services or related services, ***including joint ventures and alliances***;

Or. en

*Justification*

*The aviation industry operates in such a way that there can be ambiguities on the legal status of alliances and joint ventures amongst carriers. In the interest of clarity and to combat anti-competitive behaviour, the definition of a legal entity should state clearly who would be subject to this Regulation.*

**Amendment 107**

**Lucy Anderson, Francisco Assis, Nicola Caputo**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point f**

*Text proposed by the Commission*

(f) 'practices affecting competition' means discrimination ***and*** subsidies;

*Amendment*

(f) 'practices affecting competition' means discrimination, subsidies ***and breach of labour standards as established and defined by the International Labour Organization, as well as breaches of any other relevant internationally agreed standards such as on environmental, health and safety or passenger rights issues***;

Or. en

**Amendment 108**

**Henna Virkkunen, Deirdre Clune**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point f**

*Text proposed by the Commission*

(f) 'practices affecting competition' means discrimination and subsidies;

*Amendment*

(f) 'practices affecting competition' means *practice by air carrier within the meaning of Article 101 or 102 of the Treaty on the Functioning of the European Union*, discrimination and subsidies;

Or. en

**Amendment 109**

**Gesine Meissner**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point h – point i – point 3**

*Text proposed by the Commission*

(3) a government or other public organisation, including publicly controlled undertakings, provides goods or services, or purchases goods or services;

*Amendment*

(3) a government or other public organisation, including publicly controlled undertakings, provides goods or services *other than general infrastructure*, or purchases goods or services;

Or. en

**Amendment 110**

**Henna Virkkunen**

**Proposal for a regulation**

**Article 2 – paragraph 1 – subparagraph 1 (new)**

*Text proposed by the Commission*

*Amendment*

*For the purpose of this Regulation, a 'Union interest', such as strengthening the internal market, strengthening the connectivity of Member States or increasing competition, shall be determined by the Commission on a case-*



*by-case basis, after consulting the European Parliament and taking into consideration a common view of the majority of Member States and the interests of interested parties;*

Or. en

**Amendment 111**

**Lucy Anderson, Francisco Assis, Nicola Caputo**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point i a (new)**

*Text proposed by the Commission*

*Amendment*

*(i a) "dependent industries" means services employed for the direct provision of air transport services, including services relating to airport facilities, computer reservation systems, air ticket distribution, search services, charges, and the use of other facilities or services employed for the operation of air transport services.*

Or. en

*Justification*

*The aviation industry is more diverse than simply carrier to carrier competition, and the actions of a third country carrier can have far reaching effects on industries and services relating to the provision of air transport. Although these industries operate independently of EU carriers, their operability can be disproportionately affected should a third country carrier act in an anticompetitive way. The definition above mirrors that used in the proposed Regulation to define ways in which third-country entities can act in a discriminatory way.*

**Amendment 112**

**Inés Ayala Sender**

**Proposal for a regulation**

**Article 2 – paragraph 1 – subparagraph 1 (new)**

*Text proposed by the Commission*

*Amendment*

*For the purpose of this Regulation, a determination as to whether the Union's interest calls for intervention shall be based on an appraisal of all the various interests taken as a whole, including the interests of the Union's industry, employees and consumers.*

Or. en

**Amendment 113**  
**Inés Ayala Sender**

**Proposal for a regulation**  
**Article 2 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*For the purpose of this Regulation, a 'Union interest', such as strengthening the internal market, strengthening the connectivity of Member States, increasing transparency and fair competition, including socioeconomic impact, shall be determined by the Commission on a case by-case basis, after consulting the European Parliament and taking into consideration a common view of the majority of Member States;*

Or. en

**Amendment 114**  
**Luis de Grandes Pascual, Cláudia Monteiro de Aguiar**

**Proposal for a regulation**  
**Article 2 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*For the purpose of this Regulation, a 'Union interest', such as strengthening the internal market, strengthening the connectivity of Member States, increasing transparency and fair competition, shall*

*be determined by the Commission on a case by-case basis, after consulting the European Parliament and taking into consideration a common view of the majority of Member States*

Or. en

**Amendment 115**

**Pavel Telička, Izaskun Bilbao Barandica, Dominique Riquet, Matthijs van Miltenburg, Gesine Meissner**

**Proposal for a regulation**

**Article 2 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 2 a*

*Union interest*

*1. A determination as to whether or not the Union interest calls for intervention shall be based on an appreciation of all the various interests taken as a whole, including the interests of the consumers and undertakings in the Union. A determination pursuant to this Article shall only be made where all parties have been given the opportunity to make their views known pursuant to paragraph 2. In such an examination, the need to restore effective competition and the need to maintain a high level of Union connectivity shall be considered with priority. Redressive measures may not be applied where the Commission, on the basis of all the information submitted, can clearly conclude that it is not in the Union interest to apply such measures.*

*2. In order to provide a sound basis on which the Commission can take account of all views and information in the decision as to whether or not the imposition of redressive measures is in the Union interest, the complainants and interested parties may, within the time limits specified in the notice of initiation*

*of the investigation, make themselves known and provide information to the Commission. Such information, or appropriate summaries thereof, shall be made available to the other parties specified in this Article, and they shall be entitled to respond to such information.*

*3. The parties which have acted in accordance with paragraph 2 may request a hearing. Such requests shall be granted when they are submitted within the time limits set in paragraph 2, and when they set out the reasons, in terms of the Union interest, why the parties should be heard.*

*4. The parties which have acted in accordance with paragraph 2 may provide comments on the application of any redressive measures. Such comments, or appropriate summaries thereof, shall be made available to other parties who shall be entitled to respond to such comments.*

*5. The Commission shall examine the information which is submitted in accordance with paragraph 2 and the extent to which it is representative, and the results of such analysis, together with an opinion on its merits, shall be transmitted to the committee referred to in Article 15 as part of the measure submitted pursuant to Articles 10 or 13. The views expressed in the committee should be taken into account by the Commission under the conditions provided for in Regulation (EU) No 182/2011.*

*6. The parties which have acted in conformity with paragraph 2 may request that the facts and considerations on which final decisions are likely to be taken be made available to them. Such information shall be made available to the extent possible and without prejudice to any subsequent decision taken by the Commission.*

*7. Information shall only be taken into account where it is supported by actual*

*evidence which substantiates its validity.*

Or. en

**Amendment 116**  
**Jacqueline Foster**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. An investigation shall be initiated following a written complaint submitted by a Member State, a Union air carrier or an association of Union air carriers in accordance with paragraph 2, or on the Commission's own initiative, if there is prima facie evidence of either of the following:

*Amendment*

1. An investigation shall be initiated following a written complaint submitted by a Member State, a Union air carrier or an association of Union air carriers in accordance with paragraph 2, or on the Commission's own initiative, if there is prima facie evidence of ***actual or potential harm to the consumer and*** either of the following:

Or. en

*Justification*

*Furthering the interests of EU consumers must be the focus of the new legislation.*

**Amendment 117**  
**Wim van de Camp**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. An investigation shall be initiated following a written complaint submitted by a Member State, a Union air carrier or an association of Union air carriers in accordance with paragraph 2, or on the Commission's own initiative, if there is prima facie evidence of either of the following:

*Amendment*

1. An investigation shall be initiated following a written complaint submitted by a Member State, a Union air carrier or an association of Union air carriers in accordance with paragraph 2, or on the Commission's own initiative, if there is prima facie evidence of either of the ***exhaustive list of the*** following ***elements***:

**Amendment 118**

**Gabriele Preuß, Christine Revault d'Allonnes Bonnefoy, Nicola Caputo, Lucy Anderson, Isabella De Monte, Hugues Bayet, Claudia Țapardel**

**Proposal for a regulation****Article 3 – paragraph 1 – introductory part***Text proposed by the Commission*

1. An investigation shall be initiated following a written complaint submitted by a Member State, a Union air carrier or an association of Union air carriers in accordance with paragraph 2, or on the Commission's own initiative, if there is ***prima facie evidence*** of either of the following:

*Amendment*

1. An investigation shall be initiated following a written complaint submitted by a Member State, a Union air carrier or an association of Union air carriers in accordance with paragraph 2, or on the Commission's own initiative, if there is ***reasonable and fact-based indication*** of either of the following:

Or. en

*Justification*

*It is not for the air carriers to establish evidence, but for the EU Commission. If evidence can be presented before, there is no need for an investigation anymore. Based on established procedures of national law, a reasonable indication should be enough in order to initiate an investigation.*

**Amendment 119**

**Dominique Riquet, Pavel Telička**

**Proposal for a regulation****Article 3 – paragraph 1 – introductory part***Text proposed by the Commission*

***I.*** An investigation shall be initiated following a written complaint submitted by a Member State, ***a*** Union air ***carrier*** or an association of Union air carriers in accordance with paragraph 2, or on the Commission's own initiative, if there is prima facie evidence of either of the following:

*Amendment*

***I.*** An investigation shall be initiated following a written complaint submitted by a Member State, ***one or several*** Union air ***carriers*** or an association of Union air carriers in accordance with paragraph 2, or on the Commission's own initiative, if there is prima facie evidence of either of the following:

*Justification*

*Associations of air carriers often already have a large number of members whose positions may vary, which would prevent the association from representing one or more of its members in an investigation, hence the importance of making it possible for several air carriers to lodge a written complaint together.*

**Amendment 120****Franck Proust****Proposal for a regulation****Article 3 – paragraph 1 – introductory part***Text proposed by the Commission*

**1.** An investigation shall be initiated following a written complaint submitted by a Member State, **a** Union air **carrier** or an association of Union air carriers in accordance with paragraph 2, or on the Commission's own initiative, if there is prima facie evidence of either of the following:

*Amendment*

**1.** An investigation shall be initiated following a written complaint submitted by a Member State, **one or several** Union air **carriers** or an association of Union air carriers in accordance with paragraph 2, or on the Commission's own initiative, if there is prima facie evidence of either of the following:

Or. fr

**Amendment 121****Renaud Muselier****Proposal for a regulation****Article 3 – paragraph 1 – introductory part***Text proposed by the Commission*

**1.** An investigation shall be initiated following a written complaint submitted by a Member State, **a** Union air **carrier** or an association of Union air carriers in accordance with paragraph 2, or on the Commission's own initiative, if there is prima facie evidence of either of the following:

*Amendment*

**1.** An investigation shall be initiated following a written complaint submitted by a Member State, **one or several** Union air **carriers** or an association of Union air carriers in accordance with paragraph 2, or on the Commission's own initiative, if there is prima facie evidence of either of the following:

Or. fr

## Amendment 122

Jakop Dalunde, Michael Cramer, Karima Delli

### Proposal for a regulation

#### Article 3 – paragraph 1 – point b – point i

*Text proposed by the Commission*

(i) a practice affecting competition, adopted by a third country or a third country entity;

*Amendment*

(i) a practice affecting **fair** competition, adopted by a third country or a third country entity;

Or. en

## Amendment 123

Deirdre Clune, Henna Virkkunen

### Proposal for a regulation

#### Article 3 – paragraph 1 – point b – point i

*Text proposed by the Commission*

(i) a practice **affecting** competition, adopted by a third country or a third country entity;

*Amendment*

(i) a practice **distorting** competition, adopted by a third country or a third country entity;

Or. en

#### *Justification*

*Distorting competition is more in line with the reasoning of Article 101 of the TFEU concerning competition in the internal market. So as to avoid confusion.*

## Amendment 124

Tomasz Piotr Poręba, Kosma Złotowski

### Proposal for a regulation

#### Article 3 – paragraph 1 – point b – point ii

*Text proposed by the Commission*

(ii) **injury or threat of** injury to one or more Union air carriers;

*Amendment*

(ii) injury to one or more Union air carriers;



**Amendment 125**  
**Jacqueline Foster**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point b – point ii**

*Text proposed by the Commission*

(ii) ***injury or threat of*** injury to one or more Union air carriers;

*Amendment*

(ii) injury to one or more Union air carriers;

Or. en

**Amendment 126**  
**Henna Virkkunen, Deirdre Clune**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point b – point ii**

*Text proposed by the Commission*

(ii) ***injury or threat of*** injury to one or more Union air carriers;

*Amendment*

(ii) injury to one or more Union air carriers;

Or. en

**Amendment 127**  
**Jacqueline Foster**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point b – point iii**

*Text proposed by the Commission*

(iii) a causal link between the alleged practice and the alleged injury ***or threat of injury***.

*Amendment*

(iii) a causal link between the alleged practice and the alleged injury.

Or. en

**Amendment 128**  
**Henna Virkkunen, Deirdre Clune**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point b – point iii**

*Text proposed by the Commission*

(iii) a causal link between the alleged practice and the alleged injury *or threat of injury*.

*Amendment*

(iii) a causal link between the alleged practice and the alleged injury.

Or. en

**Amendment 129**  
**Tomasz Piotr Poręba, Kosma Złotowski**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point b – point iii**

*Text proposed by the Commission*

(iii) a causal link between the alleged practice and the alleged injury *or threat of injury*.

*Amendment*

(iii) a causal link between the alleged practice and the alleged injury.

Or. en

**Amendment 130**  
**Isabella De Monte**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point b – point iii a (new)**

*Text proposed by the Commission*

*Amendment*

*(iiia) the negative impact on air connectivity of a particular region, of a Member State or a group of Member States, or of the European Common Aviation Area;*

Or. it

**Amendment 131**  
**Franck Proust**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

***(ba) Without this becoming a precondition for initiating proceedings, the impact on the Union's air connectivity should be examined as part of the taking into account of the Union's interest and when the Commission would consider implementing redressive measures.***

Or. fr

*Justification*

*PLEASE NOTE: take only this amendment concerning the impact of connectivity into account / It is important to clarify the taking into account of the impact on air connectivity, without it becoming a condition for the opening of an investigation, and in line with the amendment made in recital (15).*

**Amendment 132**  
**Lucy Anderson**

**Proposal for a regulation**  
**Article 3 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1 a. Impact on the Union's air connectivity may be examined only when assessing Union interest with a view to determining whether redressive measures should be adopted. It is therefore not a precondition for initiating proceedings under this Regulation.***

Or. en

**Amendment 133**  
**Gabriele Preuß, Christine Revault d'Allonnes Bonnefoy, Nicola Caputo, Lucy Anderson, Miltiadis Kyrkos, Ismail Ertug, Isabella De Monte, Hugues Bayet, Claudia Tapardel**

**Proposal for a regulation**  
**Article 3 – paragraph 2**

*Text proposed by the Commission*

2. A complaint shall include ***prima facie evidence*** of one of the cases referred to in paragraph 1.

*Amendment*

2. A complaint shall include ***reasonable and fact-based indication*** of one of the cases referred to in paragraph 1.

Or. en

**Amendment 134**  
**Henna Virkkunen**

**Proposal for a regulation**  
**Article 3 – paragraph 3**

*Text proposed by the Commission*

3. The Commission shall, as far as possible, examine the accuracy and adequacy of the elements provided in the complaint or at the disposal of the Commission, in order to determine whether there is sufficient evidence to justify the initiation of an investigation in accordance with paragraph 1.

*Amendment*

3. The Commission shall, as far as possible, examine the accuracy and adequacy of the elements provided in the complaint or at the disposal of the Commission, in order to determine whether there is sufficient evidence to justify the initiation of an investigation in accordance with paragraph 1. ***The Commission shall seek all complementary evidence which it considers necessary and verify that information with relevant stakeholders, provided that the undertakings or organisations concerned give their consent;***

Or. en

**Amendment 135**  
**Deirdre Clune, Henna Virkkunen**

**Proposal for a regulation**  
**Article 3 – paragraph 3**

*Text proposed by the Commission*

3. The Commission shall, ***as far as***

*Amendment*

3. The Commission shall ***fully***

**possible**, examine the accuracy and adequacy of the elements provided in the complaint or at the disposal of the Commission, in order to determine whether there is sufficient evidence to justify the initiation of an investigation in accordance with paragraph 1.

examine the accuracy and adequacy of the elements provided in the complaint or at the disposal of the Commission **in a timely manner**, in order to determine whether there is sufficient evidence to justify the initiation of an investigation in accordance with paragraph 1.

Or. en

### *Justification*

*It is important that the potential evidence is examined thoroughly and quickly so as to avoid any negative effects on external relations due to there being long drawn-out and ill-founded allegations. The Commission should of course fully examine the accuracy and validity of any complaints based on the available evidence in a timely manner.*

### **Amendment 136** **Isabella De Monte**

#### **Proposal for a regulation** **Article 3 – paragraph 3**

##### *Text proposed by the Commission*

3. The Commission shall, **as far as possible**, examine the accuracy and adequacy of the elements provided in the complaint or at the disposal of the Commission, in order to determine whether there is sufficient evidence to justify the initiation of an investigation in accordance with paragraph 1.

##### *Amendment*

3. The Commission shall examine the accuracy and adequacy of the elements provided in the complaint or at the disposal of the Commission, in order to determine whether there is sufficient evidence to justify the initiation of an investigation in accordance with paragraph 1.

Or. it

### **Amendment 137** **Jacqueline Foster**

#### **Proposal for a regulation** **Article 3 – paragraph 3**

##### *Text proposed by the Commission*

3. The Commission shall, **as far as possible**, examine the accuracy and

##### *Amendment*

3. The Commission shall examine the accuracy and adequacy of the elements

adequacy of the elements provided in the complaint or at the disposal of the Commission, in order to determine whether there is sufficient evidence to justify the initiation of an investigation in accordance with paragraph 1.

provided in the complaint or at the disposal of the Commission, in order to determine whether there is sufficient evidence to justify the initiation of an investigation in accordance with paragraph 1.

Or. en

#### *Justification*

*In terms of legal certainty, the accuracy and adequacy of the complaint must be properly examined before an investigation is initiated in order to prevent ill-founded and mala fide allegations .*

### **Amendment 138** **Merja Kyllönen**

#### **Proposal for a regulation** **Article 3 – paragraph 3**

##### *Text proposed by the Commission*

3. The Commission shall, ***as far as possible***, examine the accuracy and adequacy of the elements provided in the complaint or at the disposal of the Commission, in order to determine whether there is sufficient evidence to justify the initiation of an investigation in accordance with paragraph 1.

##### *Amendment*

3. The Commission shall examine the accuracy and adequacy of the elements provided in the complaint or at the disposal of the Commission, in order to determine whether there is sufficient evidence to justify the initiation of an investigation in accordance with paragraph 1.

Or. en

#### *Justification*

*For legal certainty, the Commission should always properly examine accuracy and adequacy of the elements provided in the complaint. This is also important for minimizing the negative effects to the external relations by doing away at an early stage ill-founded and mala fide allegations. It is another issue whether the provided evidence is enough for initiating an investigation.*

### **Amendment 139** **Henna Virkkunen, Deirdre Clune**

#### **Proposal for a regulation**

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### Article 3 – paragraph 4

*Text proposed by the Commission*

4. The Commission may decide not to initiate an investigation where the adoption of measures in accordance with Articles 10 or 13 would be against the Union interest or where the Commission considers that the facts put forward in the complaint neither raise a systemic issue, nor have a significant impact on one or more Union air carriers.

*Amendment*

4. The Commission may decide not to initiate an investigation where the adoption of measures in accordance with Articles 10 or 13 would be against the Union interest or where the Commission considers that the facts put forward in the complaint neither raise a systemic issue, nor have a significant impact on one or more Union air carriers. ***When assessing the Union interest the Commission shall consult the European Parliament and give due consideration to the common view of the majority of the Member States and interested parties.***

Or. en

### Amendment 140 Markus Pieper

#### Proposal for a regulation Article 3 – paragraph 4

*Text proposed by the Commission*

4. The Commission may decide not to initiate an investigation where the adoption of measures in accordance with Articles 10 or 13 would be against the Union interest or where the Commission considers that the facts put forward in the complaint neither raise a systemic issue, nor have a significant impact on one or more Union air carriers.

*Amendment*

4. The Commission may decide not to initiate an investigation where the adoption of measures in accordance with Articles 10 or 13 would be against the Union interest or where the Commission considers that the facts put forward in the complaint neither raise a systemic issue, nor have a significant impact on one or more Union air carriers; ***when investigating the Union interest, the Commission shall consult Parliament and obtain the opinion of the Member States concerned.***

Or. de

### Amendment 141

**Tomasz Piotr Poręba, Kosma Złotowski**

**Proposal for a regulation  
Article 3 – paragraph 4**

*Text proposed by the Commission*

4. The Commission **may** decide not to **initiate** an investigation where the adoption of measures in accordance with Articles 10 or 13 would be against the Union interest or where the Commission considers that the facts put forward in the complaint neither raise a systemic issue, nor have a significant impact on one or more Union air carriers.

*Amendment*

4. The Commission **shall** decide not to **proceed with the initiation of** an investigation where the adoption of measures in accordance with Articles 10 or 13 would be against the Union interest or where the Commission considers that the facts put forward in the complaint neither raise a systemic issue, nor have a significant impact on one or more Union air carriers.

Or. en

**Amendment 142**

**Gabriele Preuß, Christine Revault d'Allonnes Bonnefoy, Nicola Caputo, Lucy Anderson, Hugues Bayet, Claudia Tapardel**

**Proposal for a regulation  
Article 3 – paragraph 4**

*Text proposed by the Commission*

4. The Commission may decide not to initiate an investigation **where the adoption of measures in accordance with Articles 10 or 13 would be against the Union interest or** where the Commission considers that the facts put forward in the complaint neither raise a systemic issue, nor have a significant impact on one or more Union air carriers.

*Amendment*

4. The Commission may decide not to initiate an investigation where the Commission considers that the facts put forward in the complaint neither raise a systemic issue, nor have a significant impact on one or more Union air carriers.

Or. en

**Amendment 143  
Jacqueline Foster**

**Proposal for a regulation**



### Article 3 – paragraph 4

*Text proposed by the Commission*

4. The Commission **may** decide not to **initiate** an investigation where the adoption of measures in accordance with Articles 10 or 13 would be against the Union interest or where the Commission considers that the facts put forward in the complaint neither raise a systemic issue, nor have a significant impact on one or more Union air carriers.

*Amendment*

4. The Commission **shall** decide not to **proceed with the initiation of** an investigation where the adoption of measures in accordance with Articles 10 or 13 would be against the Union interest or where the Commission considers that the facts put forward in the complaint neither raise a systemic issue, nor have a significant impact on one or more Union air carriers.

Or. en

### Amendment 144

**Gabriele Preuß, Nicola Caputo, Lucy Anderson, Miltiadis Kyrkos, Hugues Bayet**

#### Proposal for a regulation

### Article 3 – paragraph 4

*Text proposed by the Commission*

4. The Commission may decide not to initiate an investigation where the adoption of measures in accordance with Articles 10 or 13 would be against the Union interest or where the Commission **considers** that the facts put forward in the complaint neither raise a systemic issue, nor have a significant impact on one or more Union air carriers.

*Amendment*

4. The Commission may decide not to initiate an investigation where the adoption of measures in accordance with Articles 10 or 13 would be against the Union interest or where the Commission **concludes** that the facts put forward in the complaint neither raise a systemic issue, nor have a significant impact on one or more Union air carriers.

Or. en

### Amendment 145

**Deirdre Clune, Henna Virkkunen**

#### Proposal for a regulation

### Article 3 – paragraph 4

*Text proposed by the Commission*

4. The Commission **may decide not to**

*Amendment*

4. The Commission **shall not** initiate

initiate an investigation where the adoption of measures in accordance with Articles 10 or 13 would be against the Union interest or where the Commission considers that the facts put forward in the complaint neither raise a systemic issue, nor have a significant impact on one or more Union air carriers.

an investigation where the adoption of measures in accordance with Articles 10 or 13 would be against the Union interest or where the Commission considers that the facts put forward in the complaint neither raise a systemic issue, nor have a significant impact on one or more Union air carriers.

Or. en

*Justification*

*The text on decision-making needs to be clearly in line with the union interest principle.*

**Amendment 146**

**Marie-Christine Arnautu**

**Proposal for a regulation  
Article 3 – paragraph 4**

*Text proposed by the Commission*

4. The Commission may decide not to initiate an investigation where the ***adoption of measures in accordance with Articles 10 or 13 would be against the Union interest or where the Commission considers that the*** facts put forward in the complaint neither raise a systemic issue, nor have a significant impact on one or more Union air carriers.

*Amendment*

4. The Commission may decide not to initiate an investigation where the facts put forward in the complaint neither raise a systemic issue, nor have a significant impact on one or more Union air carriers. ***The decision shall be duly substantiated and may be appealed by the complainant(s) within 60 days.***

Or. fr

*Justification*

*The purpose of examining the complaint is to determine whether the launching of an investigation is justified. At this stage, it does not seem appropriate that the Commission is able to justify a refusal by the fact that any redressive measure or compensation would be against the interest of the Union. It is therefore more relevant that the Union interest is pursued in light of the elements gathered during the investigation.*

**Amendment 147**

**Gabriele Preuß, Christine Revault d'Allonnes Bonnefoy, Nicola Caputo, Lucy Anderson, Miltiadis Kyrkos, Ismail Ertug, Isabella De Monte, Hugues Bayet, Claudia Tapardel**

**Proposal for a regulation**  
**Article 3 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**4 a. The decision not to initiate an investigation in accordance with paragraph 4 shall be accompanied by a statement of reasons thereof and shall be published in the Official Journal of the European Union. The Commission shall further justify its decision before the competent committees of the European Parliament.**

Or. en

**Amendment 148**  
**Maria Grapini**

**Proposal for a regulation**  
**Article 3 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

5. Where the evidence presented is insufficient for the purposes of paragraph 1, the Commission shall inform the complainant about the insufficiency within **60** days of the date on which the complaint was lodged. The complainant shall be given 30 days to provide additional evidence. Where the complainant fails to do so within that time limit, the Commission may decide not to initiate the investigation.

5. Where the evidence presented is insufficient for the purposes of paragraph 1, the Commission shall inform the complainant about the insufficiency within **30** days of the date on which the complaint was lodged. The complainant shall be given 30 days to provide additional evidence. Where the complainant fails to do so within that time limit, the Commission may decide not to initiate the investigation.

Or. ro

**Amendment 149**  
**Gabriele Preuß, Christine Revault d'Allonnes Bonnefoy, Nicola Caputo, Lucy Anderson, Ismail Ertug, Hugues Bayet, Claudia Tapardel**

**Proposal for a regulation**

### Article 3 – paragraph 5

#### *Text proposed by the Commission*

5. Where the evidence presented is insufficient for the purposes of paragraph 1, the Commission shall inform the complainant about the insufficiency within 60 days of the date on which the complaint was lodged. The complainant shall be given **30** days to provide additional evidence. Where the complainant fails to do so within that time limit, the Commission may decide not to initiate the investigation.

#### *Amendment*

5. Where the evidence presented is insufficient for the purposes of paragraph 1, the Commission shall inform the complainant about the insufficiency within 60 days of the date on which the complaint was lodged. The complainant shall be given **60** days to provide additional evidence. Where the complainant fails to do so within that time limit, the Commission may decide not to initiate the investigation.

Or. en

#### *Justification*

*There is no evident need to give the complainant less time than the Commission has to notify that documentation is not sufficient. As the subject of unfair practices is a complex one, there should be enough time to collect necessary information*

### **Amendment 150**

**Marie-Christine Arnautu**

#### **Proposal for a regulation** **Article 3 – paragraph 5**

#### *Text proposed by the Commission*

5. Where the evidence presented is insufficient for the purposes of paragraph 1, the Commission shall inform the complainant about the insufficiency within **60** days of the date on which the complaint was lodged. The complainant shall be given **30** days to provide additional evidence. Where the complainant fails to do so within that time limit, the Commission may decide not to initiate the investigation.

#### *Amendment*

5. Where the evidence presented is insufficient for the purposes of paragraph 1, the Commission shall inform the complainant about the insufficiency within **30** days of the date on which the complaint was lodged. The complainant shall be given **60** days to provide additional evidence. Where the complainant fails to do so within that time limit, the Commission may decide not to initiate the investigation.

Or. fr

## **Amendment 151**

**Franck Proust**

### **Proposal for a regulation**

#### **Article 3 – paragraph 6**

*Text proposed by the Commission*

6. The Commission shall decide on the initiation of an investigation in accordance with paragraph 1 within **6** months of the lodging of the complaint.

*Amendment*

6. The Commission shall decide on the initiation of an investigation in accordance with paragraph 1 within **3** months of the lodging of the complaint, ***if there is sufficient evidence, in line with the provisions specified in paragraph 5.***

Or. fr

## **Amendment 152**

**Marie-Christine Arnautu**

### **Proposal for a regulation**

#### **Article 3 – paragraph 6**

*Text proposed by the Commission*

6. The Commission shall decide on the initiation of an investigation in accordance with paragraph 1 within **6** months of the lodging of the complaint.

*Amendment*

6. The Commission shall decide on the initiation of an investigation in accordance with paragraph 1 within **3** months of the lodging of the complaint.

Or. fr

#### *Justification*

*The adoption of an ambitious instrument is necessary for the proper functioning of the European aviation industry. It is therefore appropriate to shorten the deadlines for decisions to initiate investigations in order to make the regulation more of a deterrent and to quickly bring to an end, if appropriate, the injury or threat of injury affecting one or more European air carriers.*

## **Amendment 153**

**Merja Kyllönen**

### **Proposal for a regulation**

#### **Article 3 – paragraph 6**

*Text proposed by the Commission*

6. The Commission shall **decide on** the initiation of an investigation in accordance with paragraph 1 within 6 months of the lodging of the complaint.

*Amendment*

6. The Commission shall **proceed with** the initiation of an investigation in accordance with paragraph 1 within 6 months of the lodging of the complaint.

Or. en

*Justification*

*Related to amendment in the following paragraph 7.*

**Amendment 154**  
**Jacqueline Foster**

**Proposal for a regulation**  
**Article 3 – paragraph 6**

*Text proposed by the Commission*

6. The Commission shall **decide on** the initiation of an investigation in accordance with paragraph 1 within 6 months of the lodging of the complaint.

*Amendment*

6. The Commission shall **proceed with** the initiation of an investigation in accordance with paragraph 1 within 6 months of the lodging of the complaint.

Or. en

**Amendment 155**  
**Dominique Riquet**

**Proposal for a regulation**  
**Article 3 – paragraph 6**

*Text proposed by the Commission*

6. The Commission shall **decide on** the initiation of an investigation in accordance with paragraph 1 within **6** months of the lodging of the complaint.

*Amendment*

6. The Commission shall **decide on** the initiation of an investigation in accordance with paragraph 1 within **3** months of the lodging of the complaint.

Or. fr

**Amendment 156**

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**Gabriele Preuß, Christine Revault d'Allonnes Bonnefoy, Nicola Caputo, Lucy Anderson, Ismail Ertug, Isabella De Monte, Hugues Bayet, Claudia Tapardel**

**Proposal for a regulation  
Article 3 – paragraph 6**

*Text proposed by the Commission*

6. The Commission shall decide on the initiation of an investigation in accordance with paragraph 1 within **6** months of the lodging of the complaint.

*Amendment*

6. The Commission shall decide on the initiation of an investigation in accordance with paragraph 1 within **3** months of the lodging of the complaint.

Or. en

*Justification*

*Industry has the right that complaints are dealt with as soon as possible. Unfair practices can cause serious damage to air carriers and thus 3 month should be more than enough time for the Commission, also taking into account the ressources which are foreseen.*

**Amendment 157  
Deirdre Clune, Henna Virkkunen**

**Proposal for a regulation  
Article 3 – paragraph 6**

*Text proposed by the Commission*

6. The Commission shall decide **on the initiation of** an investigation in accordance with paragraph 1 within 6 months of the lodging of the complaint.

*Amendment*

6. The Commission shall decide **whether to initiate** an investigation in accordance with paragraph 1 within 6 months of the lodging of the complaint.

Or. en

**Amendment 158  
Jacqueline Foster**

**Proposal for a regulation  
Article 3 – paragraph 7 – introductory part**

*Text proposed by the Commission*

7. Subject to paragraph 4, **when** the Commission considers that there is

*Amendment*

7. Subject to paragraph 4, the Commission **shall, when it** considers that

sufficient evidence to justify initiating an investigation, the Commission shall take the following steps:

there is sufficient evidence to justify initiating an investigation, ***initiate investigation by means of implementing act.***

***Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 15(2).***

***After the adoption of the implementing act,*** the Commission shall take the following steps:

Or. en

#### *Justification*

*Any action taken in accordance with the regulation, and the possible consequences thereof, may affect the air connectivity of Member States. It is therefore justified that they should have the possibility to express whether or not the action is proportionate and needed in the interest of the Union.*

### **Amendment 159** **Merja Kyllönen**

#### **Proposal for a regulation** **Article 3 – paragraph 7 – introductory part**

##### *Text proposed by the Commission*

7. Subject to paragraph 4, ***when*** the Commission considers that there is sufficient evidence to justify initiating an investigation, the Commission shall take the following steps:

##### *Amendment*

7. Subject to paragraph 4, the Commission ***shall, when it*** considers that there is sufficient evidence to justify initiating an investigation, ***initiate investigation by means of implementing act. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 15(2). After the adoption of the implementing act,*** the Commission shall take the following steps:

Or. en

#### *Justification*

*Member States should have stronger role in the proceedings. This is particularly important as the action taken in accordance with the regulation and possible consequences thereof may*



*affect their air connectivity. Member States should also have the possibility to express their opinion whether action is proportionate and needed in the interest of the Union.*

#### **Amendment 160**

**Gabriele Preuß, Christine Revault d'Allonnes Bonnefoy, Nicola Caputo, Lucy Anderson, Isabella De Monte, Hugues Bayet**

#### **Proposal for a regulation**

#### **Article 3 – paragraph 7 – point b**

*Text proposed by the Commission*

(b) publish a notice in the Official Journal of the European Union; the notice shall announce the initiation of the investigation, indicate the scope of the investigation, the applicable international obligations that are allegedly violated or the third country or third country entity who has allegedly been engaged in practices affecting competition and the alleged injury or threat of injury, the Union air carrier(s) concerned and state the period within which interested parties may make themselves known, present their views in writing, submit information or may apply to be heard by the Commission.

*Amendment*

(b) publish a notice in the Official Journal of the European Union; the notice shall announce the initiation of the investigation, indicate the scope of the investigation, the applicable international obligations that are allegedly violated or the third country or third country entity who has allegedly been engaged in practices affecting competition and the alleged injury or threat of injury, the Union air carrier(s) concerned and state the period within which interested parties may make themselves known, present their views in writing, submit information or may apply to be heard by the Commission. ***This period shall not be shorter than 30 days.***

Or. en

#### **Amendment 161**

**Deirdre Clune, Henna Virkkunen**

#### **Proposal for a regulation**

#### **Article 3 – paragraph 7 – point b**

*Text proposed by the Commission*

(b) publish a notice in the Official Journal of the European Union; the notice shall announce the initiation of the investigation, indicate the scope of the investigation, the applicable international obligations that are allegedly violated or the third country or third country entity

*Amendment*

(b) publish a notice in the Official Journal of the European Union; the notice shall announce the initiation of the investigation, indicate the scope of the investigation, the applicable international obligations that are allegedly violated or the third country or third country entity

who has allegedly been engaged in practices affecting competition and the alleged injury *or threat of injury*, the Union air carrier(s) concerned and state the period within which interested parties may make themselves known, present their views in writing, submit information or may apply to be heard by the Commission.

who has allegedly been engaged in practices affecting competition and the alleged injury, the Union air carrier(s) concerned and state the period within which interested parties may make themselves known, present their views in writing, submit information or may apply to be heard by the Commission. ***This period shall not be shorter than 30 days.***

Or. en

#### *Justification*

*Interested parties should be given a minimum period within which to develop their position. This period should be fair and in keeping with the principle of determining the union interest.*

#### **Amendment 162**

**Tomasz Piotr Poręba, Kosma Złotowski**

#### **Proposal for a regulation**

#### **Article 3 – paragraph 7 – point b**

##### *Text proposed by the Commission*

(b) publish a notice in the Official Journal of the European Union; the notice shall announce the initiation of the investigation, indicate the scope of the investigation, the applicable international obligations that are allegedly violated or the third country or third country entity who has allegedly been engaged in practices affecting competition and the alleged injury *or threat of injury*, the Union air carrier(s) concerned and state the period within which interested parties may make themselves known, present their views in writing, submit information or may apply to be heard by the Commission.

##### *Amendment*

(b) publish a notice in the Official Journal of the European Union; the notice shall announce the initiation of the investigation, indicate the scope of the investigation, the applicable international obligations that are allegedly violated or the third country or third country entity who has allegedly been engaged in practices affecting competition and the alleged injury, the Union air carrier(s) concerned and state the period within which interested parties may make themselves known, present their views in writing, submit information or may apply to be heard by the Commission.

Or. en

#### **Amendment 163**

**Jacqueline Foster**

**Proposal for a regulation**

**Article 3 – paragraph 7 – point b**

*Text proposed by the Commission*

(b) publish a notice in the Official Journal of the European Union; the notice shall announce the initiation of the investigation, indicate the scope of the investigation, the applicable international obligations that are allegedly violated or the third country or third country entity who has allegedly been engaged in practices affecting competition and the alleged injury *or threat of injury*, the Union air carrier(s) concerned and state the period within which interested parties may make themselves known, present their views in writing, submit information or may apply to be heard by the Commission.

*Amendment*

(b) publish a notice in the Official Journal of the European Union; the notice shall announce the initiation of the investigation, indicate the scope of the investigation, the applicable international obligations that are allegedly violated or the third country or third country entity who has allegedly been engaged in practices affecting competition and the alleged injury, the Union air carrier(s) concerned and state the period within which interested parties may make themselves known, present their views in writing, submit information or may apply to be heard by the Commission.

Or. en

**Amendment 164**

**Henna Virkkunen, Deirdre Clune**

**Proposal for a regulation**

**Article 3 – paragraph 7 – point b**

*Text proposed by the Commission*

(b) publish a notice in the Official Journal of the European Union; the notice shall announce the initiation of the investigation, indicate the scope of the investigation, the applicable international obligations that are allegedly violated or the third country or third country entity who has allegedly been engaged in practices affecting competition and the alleged injury *or threat of injury*, the Union air carrier(s) concerned and state the period within which interested parties may make themselves known, present their views in writing, submit information or

*Amendment*

(b) publish a notice in the Official Journal of the European Union; the notice shall announce the initiation of the investigation, indicate the scope of the investigation, the applicable international obligations that are allegedly violated or the third country or third country entity who has allegedly been engaged in practices affecting competition and the alleged injury, the Union air carrier(s) concerned and state the period within which interested parties may make themselves known, present their views in writing, submit information or may apply

may apply to be heard by the Commission.

to be heard by the Commission.

Or. en

#### **Amendment 165**

**Gabriele Preuß, Christine Revault d'Allonnes Bonnefoy, Nicola Caputo, Lucy Anderson, Miltiadis Kyrkos, Isabella De Monte, Hugues Bayet**

#### **Proposal for a regulation**

#### **Article 3 – paragraph 7 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

**(d a) give a statement in front of the competent committees of the European Parliament.**

Or. en

#### *Justification*

*Given the political nature of such investigations the EP as the directly elected EU body should be informed.*

#### **Amendment 166**

**Jacqueline Foster**

#### **Proposal for a regulation**

#### **Article 3 – paragraph 8**

*Text proposed by the Commission*

*Amendment*

8. Where the complaint is withdrawn prior to the initiation of the investigation, the complaint is considered not to have been lodged. This is without prejudice to the right of the Commission to **initiate** an investigation on its own initiative in accordance with paragraph 1.

8. Where the complaint is withdrawn prior to the initiation of the investigation, the complaint is considered not to have been lodged. This is without prejudice to the right of the Commission to **proceed with the initiation of** an investigation on its own initiative in accordance with paragraph 1.

Or. en

**Proposal for a regulation**  
**Article 3 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 3 a*

*Determining the Union Interest*

- 1. A determination as to whether the Unions interest calls for an intervention will be based on a thorough appreciation of all of the various interests and affected stakeholders that are relevant and that shall be taken as a whole, explicitly prioritising the interests of consumers and the Member States, particularly those Member states which might see their connectivity impacted as a result of any such intervention.*
- 2. Any test or process to determine the union interest shall constitute a detailed questionnaire for all interests, affected stakeholders, and an economic analysis by the Commission. Elements assessed will include those elements set out in Article 11(1). In such an analysis, the need to eliminate the practices distorting competition or those which violate applicable international obligations shall be given special consideration to ensure consistency with other Union policies in the field of aviation, competition and the environment.*
- 3. A determination pursuant to this Article in application of Articles 10 and 12 shall only be made where interested parties have been given the opportunity and sufficient time to make their views known pursuant to Article 4(6).*
- 4. In determining the Union interest in accordance with paragraph 2, the Commission shall examine the information provided by the interested parties which have made themselves known, have presented their views in*

*writing, submitted information, or applied to be heard by the Commission in accordance with point (b), paragraph 7 of Article 3.*

*5. The interested parties which have made themselves known, presented their views in writing, submitted information, or applied to be heard by the Commission in accordance with point (b), paragraph 7 of Article 3 may request that the fact and considerations on which decisions are likely to be taken be made available to them. Such information shall be made available to the extent possible and in accordance with Article 6, and without prejudice to any subsequent decision taken by the Commission.*

*6. Information shall be taken into account only where it is supported by actual evidence which substantiates its validity.*

Or. en

#### *Justification*

*It is important that there is an article on how the union interest is determined. Since it is mentioned in the recitals, it is integral to the effective, fair, consistent and transparent use of this regulation. Detailed calculations to determine potential economic injury are required to determine the union interest. It is equally important that this process is transparent and accessible for all involved.*

#### **Amendment 168** **Merja Kyllönen**

#### **Proposal for a regulation** **Article 4 – paragraph 1**

##### *Text proposed by the Commission*

1. Following the initiation of proceedings, the Commission shall begin an investigation.

##### *Amendment*

1. Following the initiation of proceedings, ***and after the dispute settlement procedure foreseen in international agreements has been exhausted and the outcome of the procedure has not been put into effect by the third country or third country entity,***

the Commission shall begin an investigation.

Or. en

*Justification*

*Out of respect for international obligations, it should be made clear that the regulation could be triggered only after dispute settlement procedure has been exhausted and the other party has not executed the outcome of the procedure favourable to the EU or Member State. Allowing parallel processes would undermine bilateral agreements (whether EU's or Member States') and could lead into a breach of the agreement by the EU or Member State. It is of utmost importance to maintain the respect for and integrity of bilateral aviation agreements. It is equally important to be able to trigger the regulation only if the third country does not comply with the outcome of the settlement procedure positive to European contracting party.*

**Amendment 169**

**Henna Virkkunen, Deirdre Clune**

**Proposal for a regulation**

**Article 4 – paragraph 1**

*Text proposed by the Commission*

1. Following the initiation of proceedings, the Commission shall begin an investigation.

*Amendment*

1. Following the initiation of proceedings ***and after the dispute settlement procedure foreseen in international agreements has been exhausted and the outcome of the procedure has not been complied with by the third country or third country entity,*** the Commission shall begin an investigation.

Or. en

*Justification*

*It is important to introduce a corresponding amendment to reflect the rapporteur's AM 1 and AM 4 in order to give legal effect to the priority of the binding international obligations. Out of respect for international obligations, it should be made clear that the regulation could be triggered only after dispute settlement procedures has been exhausted and the other party has not executed the outcome of the procedure favorable to the EU or Member State. Allowing parallel processes would undermine bilateral agreements and could lead into a breach of the bilateral agreement. It is of utmost importance to maintain the respect for and integrity of bilateral aviation agreements. It is equally important to be able to trigger the regulation only*

*if the third country does not comply with the outcome of the settlement procedure positive to European contracting party.*

**Amendment 170**  
**Jacqueline Foster**

**Proposal for a regulation**  
**Article 4 – paragraph 2 – introductory part**

*Text proposed by the Commission*

2. The investigation shall aim to determine either of the following:

*Amendment*

2. The investigation shall aim to determine ***whether there is evidence of actual or potential harm to the consumer and*** either of the following:

Or. en

**Amendment 171**  
**Lucy Anderson, Francisco Assis, Nicola Caputo**

**Proposal for a regulation**  
**Article 4 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) whether a practice affecting competition, adopted by a third country or a third country entity, has caused injury or threat of injury to the Union air carrier(s) concerned.

*Amendment*

(b) whether a practice affecting competition, adopted by a third country or a third country entity, has caused injury or threat of injury to the Union air carrier(s) concerned ***and to dependent industries.***

Or. en

**Amendment 172**  
**Tomasz Piotr Poręba**

**Proposal for a regulation**  
**Article 4 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) whether a practice affecting competition, adopted by a third country or

*Amendment*

(b) whether a practice affecting competition, adopted by a third country or



a third country entity, has caused injury *or threat of injury* to the Union air carrier(s) concerned.

a third country entity, has caused injury to the Union air carrier(s) concerned.

Or. en

**Amendment 173**  
**Henna Virkkunen, Deirdre Clune**

**Proposal for a regulation**  
**Article 4 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) whether a practice affecting competition, adopted by a third country or a third country entity, has caused injury *or threat of injury* to the Union air carrier(s) concerned.

*Amendment*

(b) whether a practice affecting competition, adopted by a third country or a third country entity, has caused injury to the Union air carrier(s) concerned.

Or. en

**Amendment 174**  
**Deirdre Clune**

**Proposal for a regulation**  
**Article 4 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) whether a practice *affecting* competition, adopted by a third country or a third country entity, has caused injury *or threat of injury* to the Union air carrier(s) concerned.

*Amendment*

(b) whether a practice *distorting* competition, adopted by a third country or a third country entity, has caused injury to the Union air carrier(s) concerned.

Or. en

**Amendment 175**  
**Deirdre Clune, Henna Virkkunen**

**Proposal for a regulation**  
**Article 4 – paragraph 3**

*Text proposed by the Commission*

3. The Commission **may** seek all the information it deems necessary to conduct the investigation and **may** verify the accuracy of the information it has received or collected with the Union air carrier(s) concerned, or with the third country or third country entity concerned.

*Amendment*

3. The Commission **shall** seek all the information it deems necessary to conduct the investigation and **shall** verify the accuracy of the information it has received or collected with the Union air carrier(s) concerned, or with the third country or third country entity concerned.

Or. en

*Justification*

*The Commission should always seek the required information and thoroughly verify this information in the interest of legal certainty of the regulation.*

**Amendment 176**

**Pavel Telička, Izaskun Bilbao Barandica, Dominique Riquet, Matthijs van Miltenburg**

**Proposal for a regulation**

**Article 4 – paragraph 3**

*Text proposed by the Commission*

3. The Commission **may** seek all the information it deems necessary to conduct the investigation and **may** verify the accuracy of the information it has received or collected with the Union air carrier(s) concerned, or with the third country or third country entity concerned.

*Amendment*

3. The Commission **shall** seek all the information it deems necessary to conduct the investigation and **shall** verify the accuracy of the information it has received or collected with the Union air carrier(s) concerned, or with the third country or third country entity concerned.

Or. en

**Amendment 177**

**Merja Kyllönen**

**Proposal for a regulation**

**Article 4 – paragraph 3**

*Text proposed by the Commission*

3. The Commission **may** seek all the information it deems necessary to conduct

*Amendment*

3. The Commission **shall** seek all the information it deems necessary to conduct

the investigation and **may** verify the accuracy of the information it has received or collected with the Union air carrier(s) concerned, or with the third country or third country entity concerned.

the investigation and **shall** verify the accuracy of the information it has received or collected with the Union air carrier(s) concerned, or with the third country or third country entity concerned.

Or. en

*Justification*

*For legal certainty and for legal protection of the entities concerned, the Commission should always seek all necessary information and verify accuracy of the information it has received.*

**Amendment 178**  
**Jacqueline Foster**

**Proposal for a regulation**  
**Article 4 – paragraph 3**

*Text proposed by the Commission*

3. The Commission **may** seek all the information it deems necessary to conduct the investigation and **may** verify the accuracy of the information it has received or collected with the Union air carrier(s) concerned, or with the third country or third country entity concerned.

*Amendment*

3. The Commission **shall** seek all the information it deems necessary to conduct the investigation and **shall** verify the accuracy of the information it has received or collected with the Union air carrier(s) concerned, or with the third country or third country entity concerned.

Or. en

**Amendment 179**  
**Gabriele Preuß, Christine Revault d'Allonnes Bonnefoy, Nicola Caputo, Lucy Anderson, Miltiadis Kyrkos, Hugues Bayet**

**Proposal for a regulation**  
**Article 4 – paragraph 5**

*Text proposed by the Commission*

5. If it appears necessary, the Commission may carry out investigations in the territory of the third country concerned, ***provided that the government of the third country concerned and the third country entity concerned have been***

*Amendment*

5. If it appears necessary, the Commission may carry out investigations in the territory of the third country concerned ***or other third countries.***

*officially notified and have given their consent.*

Or. en

*Justification*

*It could become necessary to investigate in other countries, for example if the respective third country carrier has outsourced administrations, or other evidence can be acquired in another third country. Governments consent is a logical pre-condition and does not need to be mentioned in a regulation. The wording should have a deterring character.*

**Amendment 180**  
**Claudia Tapardel**

**Proposal for a regulation**  
**Article 4 – paragraph 7**

*Text proposed by the Commission*

7. Complainants, interested parties, the Member State(s) concerned and the representatives of the third country or third country entity concerned may consult all information made available to the Commission, except for internal documents that are for the use of the Commission and the administrations, provided that such information is not confidential within the meaning of Article 6 and provided that it has addressed a request in writing to the Commission.

*Amendment*

7. Complainants, interested parties, the Member State(s) concerned and the representatives of the third country or third country entity concerned may consult all information made available to the Commission, except for internal documents that are for the use of the Commission and the administrations, provided that such information is not confidential within the meaning of Article 6 and provided that it has addressed a request in writing to the Commission.

***The Commission shall submit to the European Parliament an annual report in which it presents the results of its actions, if any, and justifies the course taken in line with safeguarding the level playing field between all airline companies.***

Or. en

**Amendment 181**  
**Merja Kyllönen**

**Proposal for a regulation**

## Article 4 – paragraph 7

*Text proposed by the Commission*

7. Complainants, interested parties, ***the Member State(s) concerned*** and the representatives of the third country or third country entity concerned may consult all information made available to the Commission, except for internal documents that are for the use of the Commission and the administrations, provided that such information is not confidential within the meaning of Article 6 and provided that it has addressed a request in writing to the Commission.

*Amendment*

7. Complainants, interested parties and the representatives of the third country or third country entity concerned may consult all information made available to the Commission, except for internal documents that are for the use of the Commission and the administrations, provided that such information is not confidential within the meaning of Article 6 and provided that it has addressed a request in writing to the Commission. ***All information made available to the Commission may be consulted by the Member State(s) concerned.***

Or. en

*Justification*

*The MS concerned should always be provided with all information given to the Commission. This way MS can properly evaluate whether action at the Union level would be proportionate and in the interest of the Union.*

### **Amendment 182**

**Tomasz Piotr Poręba, Kosma Złotowski**

#### **Proposal for a regulation Article 4 a (new)**

*Text proposed by the Commission*

*Amendment*

#### **Article 4 a**

##### **Union Interest**

***A determination as to whether the Union's interest calls for intervention shall be based on an appreciation of all the various interests that are relevant in the particular situation and taken as a whole, including notably the interests of consumers and of Member States, in particular those Member States whose connectivity may be impacted. In such an examination, the need to eliminate the***

*practices affecting competition or the violation of applicable international obligations shall be given special consideration.*

*2. A determination pursuant to this Article in application of Articles 10 and 12 shall only be made where interested parties have been given the opportunity to make their views known pursuant to Article 4(6).*

*3. In determining the Union interest in accordance with paragraph 1, the Commission shall examine the information provided by the interested parties which have made themselves known, presented their views in writing, submitted information, or applied to be heard by the Commission in accordance with point (b), paragraph 7 of Article 3.*

*4. The interested parties which have made themselves known, presented their views in writing, submitted information, or applied to be heard by the Commission in accordance with point (b), paragraph 7 of Article 3 may request that the fact and considerations on which decisions are likely to be taken be made available to them. Such information shall be made available to the extent possible and in accordance to Article 6, and without prejudice to any subsequent decision taken by the Commission.*

*5. Information shall be taken into account only where it is supported by actual evidence which substantiates its validity*

Or. en

#### *Justification*

*In accordance with Commission proposal the initiation of the proceeding is based on the analysis of the Union Interest. Therefore a legal definition of this notion is needed. An inclusion of consumers and other stakeholders interest (such as regional airports, local governments) is of outmost importance.*

**Amendment 183**  
**Jacqueline Foster**

**Proposal for a regulation**  
**Article 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 4 a**

***The Commission's decision referred to in Article 3(4) as to whether the adoption of measures in accordance with Articles 10 or 13 would be against the Union's interest shall be based on an assessment of the actual or potential impact on consumers and the impact on the Member State(s) concerned.***

Or. en

**Amendment 184**  
**Jacqueline Foster**

**Proposal for a regulation**  
**Article 5 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. When the Commission intends to ***initiate*** proceedings in accordance with Article 3 and where the air transport services concerned are regulated by an air transport or air services agreement concluded between one or more Member States and a third country and to which the Union is not a party, the Commission shall inform the Member State(s) concerned.

1. When the Commission intends to ***proceed with the initiation of*** proceedings in accordance with Article 3 and where the air transport services concerned are regulated by an air transport or air services agreement concluded between one or more Member States and a third country and to which the Union is not a party, the Commission shall inform the Member State(s) concerned.

Or. en

**Amendment 185**  
**Merja Kyllönen**

**Proposal for a regulation**

## Article 5 – paragraph 1

*Text proposed by the Commission*

1. When the Commission intends to **initiate** proceedings in accordance with Article 3 and where the air transport services concerned are regulated by an air transport or air services agreement concluded between one or more Member States and a third country and to which the Union is not a party, the Commission shall inform the Member State(s) concerned.

*Amendment*

1. When the Commission intends to **proceed with the initiation of** proceedings in accordance with Article 3 and where the air transport services concerned are regulated by an air transport or air services agreement concluded between one or more Member States and a third country and to which the Union is not a party, the Commission shall inform the Member State(s) concerned.

Or. en

*Justification*

*Related to amendment in article 3(7).*

## Amendment 186

**Maria Grapini**

### Proposal for a regulation

#### Article 6 – paragraph 1

*Text proposed by the Commission*

1. Any information which is by nature confidential, including but not limited to information the disclosure of which would be of significant competitive advantage to a competitor or would have a significantly adverse effect upon a person supplying the information or upon a person from whom the person supplying the information has acquired the information, or which is provided on a confidential basis by parties to an investigation **shall, if good cause is shown**, be treated as such by the Commission.

*Amendment*

1. Any information which is by nature confidential, including but not limited to information the disclosure of which would be of significant competitive advantage to a competitor or would have a significantly adverse effect upon a person supplying the information or upon a person from whom the person supplying the information has acquired the information, or which is provided on a confidential basis by parties to an investigation, **shall** be treated as such by the Commission.

Or. ro

## Amendment 187

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**Gabriele Preuß, Christine Revault d'Allonnes Bonnefoy, Nicola Caputo, Lucy Anderson, Miltiadis Kyrkos, Ismail Ertug, Hugues Bayet, Claudia Tapardel**

**Proposal for a regulation**  
**Article 7 – paragraph 1**

*Text proposed by the Commission*

In cases where access to the necessary information is refused or is otherwise not provided within the appropriate time limits, or where the investigation is significantly impeded, findings shall be made on the basis of the available facts. Where the Commission finds that false or misleading information has been submitted, such information shall be disregarded.

*Amendment*

In cases where access to the necessary information is refused or is otherwise not provided within the appropriate time limits, ***where a third country concerned did not grant access to its territory to conduct investigations*** or where the investigation is ***by other means*** significantly impeded, findings shall be made on the basis of the available facts ***and the Commission might take provisional redressive measures.*** Where the Commission finds that false or misleading information has been submitted, such information shall be disregarded.

Or. en

*Justification*

*If a third country did not give consent to investigations on its territory this should be seen as refusal to provide necessary information.*

**Amendment 188**  
**Merja Kyllönen**

**Proposal for a regulation**  
**Article 7 – paragraph 1**

*Text proposed by the Commission*

In cases where access to the necessary information is refused or is otherwise not provided within the appropriate time limits, or where the investigation is significantly impeded, findings shall be made on the basis of the ***available facts***. Where the Commission finds that false or misleading information has been submitted, such information shall be disregarded.

*Amendment*

In cases where access to the necessary information is refused or is otherwise not provided within the appropriate time limits, or where the investigation is significantly impeded, findings shall be made on the basis of the ***evidence provided in accordance with Article 3***. Where the Commission finds that false or misleading information has been submitted, such

information shall be disregarded.

Or. en

*Justification*

*It is unclear what are the facts referred to and what is their relationship with the evidence under Article 3. One might argue that wording provided in the draft renders the provisions on required evidence futile. Findings can be made on the basis of insufficient evidence. This contributes to legal uncertainty and arbitrary conclusions. Complainant is under obligation to provide evidence which is more than facts.*

**Amendment 189**  
**Jacqueline Foster**

**Proposal for a regulation**  
**Article 7 – paragraph 1**

*Text proposed by the Commission*

In cases where access to the necessary information is refused or is otherwise not provided within the appropriate time limits, or where the investigation is significantly impeded, findings shall be made on the basis of the **available facts**. Where the Commission finds that false or misleading information has been submitted, such information shall be disregarded.

*Amendment*

In cases where access to the necessary information is refused or is otherwise not provided within the appropriate time limits, or where the investigation is significantly impeded, findings shall be made on the basis of the **evidence provided in accordance with Article 3**. Where the Commission finds that false or misleading information has been submitted, such information shall be disregarded.

Or. en

*Justification*

*This removes any legal uncertainty regarding what is meant by "available facts".*

**Amendment 190**  
**Deirdre Clune, Henna Virkkunen**

**Proposal for a regulation**  
**Article 7 – paragraph 1**

*Text proposed by the Commission*

In cases where access to the necessary

*Amendment*

In cases where access to the necessary

information is refused or is otherwise not provided within the appropriate time limits, or where the investigation is significantly impeded, findings shall be made on the basis of the *available facts*. Where the Commission finds that false or misleading information has been submitted, such information shall be disregarded.

information is refused or is otherwise not provided within the appropriate time limits, or where the investigation is significantly impeded, findings shall be made on the basis of the *evidence provided in accordance with Article 3*. Where the Commission finds that false or misleading information has been submitted, such information shall be disregarded.

Or. en

### *Justification*

*There are meant to be clear provisions on required evidence and, for legal certainty findings must and should be made on the basis of sufficient evidence.*

## **Amendment 191 Jacqueline Foster**

### **Proposal for a regulation Article 8 – paragraph 1**

#### *Text proposed by the Commission*

1. The third country, the third country entity and the third air carrier concerned, as well as the complainant and interested parties shall receive disclosure of the essential facts and considerations on the basis of which it is intended to adopt redressive measures, or to terminate proceedings without adopting redressive measures, no later than one month before the Committee referred to in Article 15 is seized in accordance with Articles 10(2), 10(3), 12(2) or 13(1).

#### *Amendment*

1. The third country, the third country entity and the third air carrier concerned, as well as the complainant and interested parties shall receive disclosure of the essential facts and considerations on the basis of which it is intended to adopt redressive measures, or to terminate proceedings without adopting redressive measures, no later than one month before the **Council or the** Committee referred to in Article 15 is seized in accordance with Articles 10(2), 10(3), 12(2) or 13(1).

Or. en

## **Amendment 192 Pavel Telička, Izaskun Bilbao Barandica, Dominique Riquet, Matthijs van Miltenburg**

### **Proposal for a regulation Article 9 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. The proceedings shall be concluded within **two years**. That period may be prolonged in duly justified cases.

1. The **investigation shall be concluded within one year and the entire proceedings shall be concluded within a maximum of eighteen months**. The **investigation** period may be prolonged **for another six months** in duly justified cases **and the entire proceedings shall be concluded within a maximum of two years**.

Or. en

**Amendment 193**  
**Marie-Christine Arnautu**

**Proposal for a regulation**  
**Article 9 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. The proceedings shall be concluded within **two years**. That period may be prolonged in duly justified cases.

1. 1. The proceedings shall be concluded within **one year**. That period may be prolonged **for a period of 3 months, renewable once**, in duly justified cases.

Or. fr

*Justification*

*It is appropriate to reduce the deadlines in order to strengthen the deterrent nature of the Regulation and to quickly end practices which distort competition in the area of international air transport.*

**Amendment 194**  
**Wim van de Camp**

**Proposal for a regulation**  
**Article 9 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. The proceedings shall be concluded

1. The proceedings shall be concluded

within *two years*. That period may be prolonged in duly justified cases.

within *six months*. That period may be prolonged *by no more than an additional six months* in duly justified cases.

Or. en

#### **Amendment 195**

**Deirdre Clune**

#### **Proposal for a regulation**

##### **Article 9 – paragraph 1**

*Text proposed by the Commission*

1. The proceedings shall be concluded within two years. That period may be prolonged in duly justified cases.

*Amendment*

1. The proceedings shall be concluded within two years. That period may be prolonged *by an additional three months* in duly justified cases.

Or. en

#### **Amendment 196**

**Henna Virkkunen**

#### **Proposal for a regulation**

##### **Article 9 – paragraph 1**

*Text proposed by the Commission*

1. The proceedings shall be concluded within *two years*. That period may be prolonged in duly justified cases.

*Amendment*

1. The proceedings shall be concluded within *12 months*. That period may be prolonged *by an additional 6 months* in duly justified cases.

Or. en

#### **Amendment 197**

**Jacqueline Foster**

#### **Proposal for a regulation**

##### **Article 9 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. The proceedings shall be concluded within **two years**. ***That period may be prolonged in duly justified cases.***

1. The proceedings shall be concluded within **one year**.

Or. en

*Justification*

*The conclusion of the proceedings should be limited in order to minimise any damage to external relations and air carriers.*

**Amendment 198**

**Merja Kyllönen**

**Proposal for a regulation**

**Article 9 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. The proceedings shall be concluded within **two years**. ***That period may be prolonged in duly justified cases.***

1. The proceedings shall be concluded within **one year**.

Or. en

*Justification*

*To minimize the damage to external relations and to air carriers, the conclusion of the proceedings should be limited to one year with no possibility for extension.*

**Amendment 199**

**Gabriele Preuß, Hugues Bayet, Nicola Caputo, Lucy Anderson, Christine Revault d'Allonnes Bonnefoy, Ismail Ertug, Isabella De Monte, Claudia Țapardel**

**Proposal for a regulation**

**Article 9 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. The **proceedings** shall be concluded within **two years**. That period may be prolonged in duly justified cases.

1. The **investigations** shall be concluded within **one year**. That period may be prolonged in duly justified cases.

Or. en

### *Justification*

*Industry has the right that investigations are dealt with as soon as possible. Unfair practices can cause serious damage to air carriers and thus 1 year should be more than enough time for the Commission, also taking into regard the ressources which are foreseen*

#### **Amendment 200** **Franck Proust**

##### **Proposal for a regulation** **Article 9 – paragraph 1**

*Text proposed by the Commission*

1. The proceedings shall be concluded within **two years**. That period may be prolonged in duly justified cases.

*Amendment*

1. The proceedings shall be concluded within **twelve months**. That period may be prolonged in duly justified cases.

Or. fr

#### **Amendment 201** **Deirdre Clune**

##### **Proposal for a regulation** **Article 9 – paragraph 1**

*Text proposed by the Commission*

1. The proceedings shall be concluded within **two years**. That period may be prolonged in duly justified cases.

*Amendment*

1. The proceedings shall be concluded within **one year**. That period may be prolonged in duly justified cases.

Or. en

#### **Amendment 202** **Tomasz Piotr Poręba, Kosma Złotowski**

##### **Proposal for a regulation** **Article 9 – paragraph 1**

*Text proposed by the Commission*

1. The proceedings shall be concluded within **two years**. ***That period may be***

*Amendment*

1. The proceedings shall be concluded

*prolonged in duly justified cases.*

within *one year*.

Or. en

*Justification*

*To minimise the damage to external relations and to air carriers, the conclusion of the proceedings should be limited to one year with no possibility for extension*

**Amendment 203**  
**Renaud Muselier**

**Proposal for a regulation**  
**Article 9 – paragraph 1**

*Text proposed by the Commission*

*1.* The proceedings shall be concluded within *two years*. That period may be prolonged in duly justified cases.

*Amendment*

*1. 1.* The proceedings shall be concluded within *one year*. That period may be prolonged in duly justified cases.

Or. fr

**Amendment 204**  
**Peter van Dalen**

**Proposal for a regulation**  
**Article 9 – paragraph 1**

*Text proposed by the Commission*

*1.* The proceedings shall be concluded within *two years*. That period may be prolonged in duly justified cases.

*Amendment*

*1.* The proceedings shall be concluded within *one year*. That period may be prolonged in duly justified cases.

Or. en

**Amendment 205**  
**Lucy Anderson**

**Proposal for a regulation**  
**Article 9 – paragraph 2**



*Text proposed by the Commission*

2. In case of urgency, such as in situations where there is a risk of immediate and irreversible injury to Union air carrier(s), ***the proceedings*** may be ***shortened to one year***.

*Amendment*

2. In case of urgency, such as in situations where there is a risk of immediate and irreversible injury to Union air carrier(s), ***provisional measures*** may be ***adopted to prevent or offset such injury***.

Or. en

**Amendment 206**  
**Wim van de Camp**

**Proposal for a regulation**  
**Article 9 – paragraph 2**

*Text proposed by the Commission*

2. In case of urgency, such as in situations where there is a risk of immediate and irreversible injury to Union air carrier(s), ***the proceedings*** may be ***shortened to one year***.

*Amendment*

2. In case of urgency, such as in situations where there is a risk of immediate and irreversible injury to Union air carrier(s), ***provisional measures*** may be ***applied to prevent or offset such injury***.

Or. en

**Amendment 207**  
**Jacqueline Foster**

**Proposal for a regulation**  
**Article 9 – paragraph 2**

*Text proposed by the Commission*

2. In case of urgency, such as in situations where there is a risk of immediate and irreversible injury to Union air carrier(s), the proceedings may be shortened to ***one year***.

*Amendment*

2. In case of urgency, such as in situations where there is a risk of immediate and irreversible injury to Union air carrier(s), the proceedings may be shortened to ***a maximum of six months***.

Or. en

**Amendment 208**

**Renaud Muselier**

**Proposal for a regulation**  
**Article 9 – paragraph 2**

*Text proposed by the Commission*

2. In case of urgency, such as in situations where there is a risk of immediate and irreversible injury to Union air carrier(s), the proceedings may be shortened to **one year**.

*Amendment*

2. In case of urgency, such as in situations where there is a risk of immediate and irreversible injury to Union air carrier(s), the proceedings may be shortened to **six months**.

Or. fr

**Amendment 209**  
**Deirdre Clune, Henna Virkkunen**

**Proposal for a regulation**  
**Article 9 – paragraph 2**

*Text proposed by the Commission*

2. In case of urgency, such as in situations where there is a risk of immediate and irreversible injury to Union air carrier(s), the proceedings may be shortened to **one year**.

*Amendment*

2. In case of urgency, such as in situations where there is a risk of immediate and irreversible injury to Union air carrier(s), the proceedings may be shortened to **nine months**.

Or. en

**Amendment 210**  
**Franck Proust**

**Proposal for a regulation**  
**Article 9 – paragraph 2**

*Text proposed by the Commission*

2. In case of urgency, such as in situations where there is a risk of immediate and irreversible injury to Union air carrier(s), the proceedings may be shortened to **one year**.

*Amendment*

2. In case of urgency, such as in situations where there is a risk of immediate and irreversible injury to Union air carrier(s), the proceedings may be shortened to **six months**.

**Amendment 211**

**Peter van Dalen**

**Proposal for a regulation**

**Article 9 – paragraph 2**

*Text proposed by the Commission*

2. In case of urgency, such as in situations where there is a risk of immediate and irreversible injury to Union air carrier(s), the proceedings may be shortened to *one year*.

*Amendment*

2. In case of urgency, such as in situations where there is a risk of immediate and irreversible injury to Union air carrier(s), the proceedings may be shortened to *six months*.

Or. en

**Amendment 212**

**Merja Kyllönen**

**Proposal for a regulation**

**Article 9 – paragraph 2**

*Text proposed by the Commission*

2. In case of urgency, such as in situations where there is a risk of immediate and irreversible injury to Union air carrier(s), the proceedings may be shortened to *one year*.

*Amendment*

2. In case of urgency, such as in situations where there is a risk of immediate and irreversible injury to Union air carrier(s), the proceedings may be shortened to *six months*.

Or. en

**Amendment 213**

**Marie-Christine Arnautu**

**Proposal for a regulation**

**Article 9 – paragraph 2**

*Text proposed by the Commission*

2. In case of urgency, such as in situations where there is a risk of

*Amendment*

2. In case of urgency, such as in situations where there is a risk of

immediate and irreversible injury to Union air carrier(s), the proceedings may be shortened to **one year**.

immediate and irreversible injury to Union air carrier(s), the proceedings may be shortened to **6 months**.

Or. fr

#### **Amendment 214**

**Gabriele Preuß, Christine Revault d'Allonnes Bonnefoy, Nicola Caputo, Lucy Anderson, Ismail Ertug, Isabella De Monte, Hugues Bayet, Claudia Țapardel**

#### **Proposal for a regulation**

##### **Article 9 – paragraph 2**

###### *Text proposed by the Commission*

2. In case of urgency, such as in situations where there is a risk of immediate and irreversible injury to Union air carrier(s), the proceedings may be shortened to **one year**.

###### *Amendment*

2. In case of urgency, such as in situations where there is a risk of immediate and irreversible injury to Union air carrier(s), the proceedings may be shortened to **six months**.

Or. en

#### **Amendment 215**

**Franck Proust**

#### **Proposal for a regulation**

##### **Article 9 – paragraph 2 a (new)**

###### *Text proposed by the Commission*

###### *Amendment*

**2a. Moreover, precautionary measures may be considered in emergency cases in order to prevent or counteract an injury or a risk of immediate and irreversible injury.**

Or. fr

#### **Amendment 216**

**Jacqueline Foster**

#### **Proposal for a regulation**

## Article 9 – paragraph 3 – introductory part

*Text proposed by the Commission*

3. The Commission **may** suspend the proceedings where the third country or the third country entity concerned has taken decisive steps to eliminate, as the case may be:

*Amendment*

3. The Commission **shall** suspend the proceedings where the third country or the third country entity concerned has taken decisive steps to eliminate, as the case may be:

Or. en

*Justification*

*If the wrong doing has been eliminated, the proceedings must be suspended.*

## Amendment 217

**Merja Kyllönen**

### Proposal for a regulation

## Article 9 – paragraph 3 – introductory part

*Text proposed by the Commission*

3. The Commission **may** suspend the proceedings where the third country or the third country entity concerned has taken decisive steps to eliminate, as the case may be:

*Amendment*

3. The Commission **shall** suspend the proceedings where the third country or the third country entity concerned has taken decisive steps to eliminate, as the case may be:

Or. en

*Justification*

*If the third country or the third country entity has eliminated its wrong doing, the Commission should always suspend the proceedings.*

## Amendment 218

**Deirdre Clune, Henna Virkkunen**

### Proposal for a regulation

## Article 9 – paragraph 3 – introductory part

*Text proposed by the Commission*

3. The Commission **may** suspend the

*Amendment*

3. The Commission **shall** suspend the

proceedings where the third country or the third country entity concerned has taken decisive steps to eliminate, as the case may be:

proceedings where the third country or the third country entity concerned has taken decisive steps to eliminate, as the case may be:

Or. en

*Justification*

*In the interest of fairness, if a third country or third country entity has eliminated the action causing injury, then proceedings should be suspended.*

**Amendment 219**  
**Henna Virkkunen, Deirdre Clune**

**Proposal for a regulation**  
**Article 9 – paragraph 3 – point b**

*Text proposed by the Commission*

(b) in case of practice affecting competition, either that practice or the injury *or threat of injury* to the Union air carrier(s) concerned.

*Amendment*

(b) in case of practice affecting competition, either that practice or the injury to the Union air carrier(s) concerned.

Or. en

**Amendment 220**  
**Tomasz Piotr Poreba, Kosma Złotowski**

**Proposal for a regulation**  
**Article 9 – paragraph 3 – point b**

*Text proposed by the Commission*

(b) in case of practice affecting competition, either that practice or the injury *or threat of injury* to the Union air carrier(s) concerned.

*Amendment*

(b) in case of practice affecting competition, either that practice or the injury to the Union air carrier(s) concerned.

Or. en

**Amendment 221**

**Marie-Christine Arnautu**

**Proposal for a regulation  
Article 9 – paragraph 4**

*Text proposed by the Commission*

4. If the violation of applicable international obligations or the practice affecting competition, the injury or the threat of injury to the Union air carrier(s) concerned has not been eliminated following a reasonable period of time, the Commission **may** resume the proceedings.

*Amendment*

4. If the violation of applicable international obligations or the practice affecting competition, the injury or the threat of injury to the Union air carrier(s) concerned has not been eliminated following a reasonable period of time, the Commission **shall** resume the proceedings **within 6 months at most from the date of adoption of the redressive measures.**

Or. fr

*Justification*

*The notion of a 'reasonable period of time' is unclear and may result in an unreasonably long duration. In order to avoid further penalising Union air carriers who are the victims of unfair practices, the Commission should be under an obligation to resume the procedure at the earliest opportunity, particularly where it has sufficient information to assess the situation.*

**Amendment 222**

**Gabriele Preuß, Christine Revault d'Allonnes Bonnefoy, Nicola Caputo, Lucy Anderson, Ismail Ertug, Miltiadis Kyrkos, Hugues Bayet, Claudia Tapardel**

**Proposal for a regulation  
Article 9 – paragraph 4**

*Text proposed by the Commission*

4. If the violation of applicable international obligations or the practice affecting competition, the injury or the threat of injury to the Union air carrier(s) concerned has not been eliminated following a reasonable period of time, the Commission **may** resume the proceedings.

*Amendment*

4. If the violation of applicable international obligations or the practice affecting competition, the injury or the threat of injury to the Union air carrier(s) concerned has not been eliminated following a reasonable period of time, the Commission **shall** resume the proceedings.

Or. en

## *Justification*

*If the practices have not been eliminated there should be an obligation for the Commission to resume*

### **Amendment 223** **Jacqueline Foster**

#### **Proposal for a regulation** **Article 9 – paragraph 4**

##### *Text proposed by the Commission*

4. If the violation of applicable international obligations or the practice affecting competition, the ***injury or the threat of*** injury to the Union air carrier(s) concerned has not been eliminated following a reasonable period of time, the Commission may resume the proceedings.

##### *Amendment*

4. If the violation of applicable international obligations or the practice affecting competition, the injury to the Union air carrier(s) concerned has not been eliminated following a reasonable period of time, the Commission may resume the proceedings.

Or. en

### **Amendment 224** **Henna Virkkunen, Deirdre Clune**

#### **Proposal for a regulation** **Article 9 – paragraph 4**

##### *Text proposed by the Commission*

4. If the violation of applicable international obligations or the practice affecting competition, the ***injury or the threat of*** injury to the Union air carrier(s) concerned has not been eliminated following a reasonable period of time, the Commission may resume the proceedings.

##### *Amendment*

4. If the violation of applicable international obligations or the practice affecting competition, the injury to the Union air carrier(s) concerned has not been eliminated following a reasonable period of time, the Commission may resume the proceedings.

Or. en

### **Amendment 225** **Tomasz Piotr Poręba, Kosma Złotowski**



**Proposal for a regulation**  
**Article 9 – paragraph 4**

*Text proposed by the Commission*

4. If the violation of applicable international obligations or the practice affecting competition, the ***injury or the threat of*** injury to the Union air carrier(s) concerned has not been eliminated following a reasonable period of time, the Commission may resume the proceedings.

*Amendment*

4. If the violation of applicable international obligations or the practice affecting competition, the injury to the Union air carrier(s) concerned has not been eliminated following a reasonable period of time, the Commission may resume the proceedings.

Or. en

**Amendment 226**  
**Claudia Tapardel**

**Proposal for a regulation**  
**Article 10 – paragraph 1**

*Text proposed by the Commission*

1. Where the complaint is withdrawn, the Commission may terminate the investigation conducted under Article 4 without adopting redressive measures.

*Amendment*

1. Where the complaint is withdrawn, the Commission may terminate the investigation conducted under Article 4 without adopting redressive measures, ***and present a detailed justification of this course of action in the annual report, in accordance with Article 4, paragraph 7.***

Or. en

**Amendment 227**  
**Jacqueline Foster**

**Proposal for a regulation**  
**Article 10 – paragraph 1**

*Text proposed by the Commission*

1. Where the complaint is withdrawn, the Commission ***may*** terminate the investigation conducted under Article 4 without adopting redressive measures.

*Amendment*

1. Where the complaint is withdrawn, the Commission ***shall*** terminate the investigation conducted under Article 4 without adopting redressive measures.

*Justification*

*The investigation should always be terminated if the complaint is withdrawn.*

**Amendment 228**

**Deirdre Clune**

**Proposal for a regulation**

**Article 10 – paragraph 1**

*Text proposed by the Commission*

1. Where the complaint is withdrawn, the Commission **may** terminate the investigation conducted under Article 4 without adopting redressive measures.

*Amendment*

1. Where the complaint is withdrawn, the Commission **shall** terminate the investigation conducted under Article 4 without adopting redressive measures.

Or. en

**Amendment 229**

**Merja Kyllönen**

**Proposal for a regulation**

**Article 10 – paragraph 1**

*Text proposed by the Commission*

1. Where the complaint is withdrawn, the Commission **may** terminate the investigation conducted under Article 4 without adopting redressive measures.

*Amendment*

1. Where the complaint is withdrawn, the Commission **shall** terminate the investigation conducted under Article 4 without adopting redressive measures.

Or. en

*Justification*

*The investigation should always be terminated if the complaint is withdrawn. The Commission has always the possibility to proceed with the initiation of an investigation on its own under Article 3.*

**Amendment 230**

**Gabriele Preuß, Christine Revault d'Allonnes Bonnefoy, Nicola Caputo, Lucy Anderson, Miltiadis Kyrkos, Hugues Bayet, Claudia Tapardel**

**Proposal for a regulation**

**Article 10 – paragraph 2 – subparagraph 1 – introductory part**

*Text proposed by the Commission*

The Commission shall, by means of **implementing** acts, terminate the investigation conducted under Article 4 without adopting redressive measures in any of the following cases:

*Amendment*

The Commission shall, by means of **delegated** acts, terminate the investigation conducted under Article 4 without adopting redressive measures in any of the following cases:

Or. en

*Justification*

*The considerations under 2. are of political nature. It is not for the Commission and the Member States (through the Implementing procedure) alone to define Union interest. The EP as directly elected EP body should have the right of scrutiny which is given by a delegated act, in order to supervise if the Commission is not terminating due to selective MS pressure*

**Amendment 231**

**Gabriele Preuß, Christine Revault d'Allonnes Bonnefoy, Nicola Caputo, Lucy Anderson, Hugues Bayet, Claudia Tapardel**

**Proposal for a regulation**

**Article 10 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

***The implementing acts referred to in the first subparagraph shall be adopted in accordance with the advisory procedure referred to in Article 15(2).***

*Amendment*

***deleted***

Or. en

**Amendment 232**

**Jacqueline Foster**

**Proposal for a regulation**

**Article 10 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

The implementing acts referred to in the first subparagraph shall be adopted in accordance with the **advisory** procedure referred to in Article 15(2).

*Amendment*

The implementing acts referred to in the first subparagraph shall be adopted in accordance with the **examination** procedure referred to in Article 15(2).

Or. en

**Amendment 233**  
**Deirdre Clune**

**Proposal for a regulation**  
**Article 10 – paragraph 3 – subparagraph 1**

*Text proposed by the Commission*

Without prejudice to the relevant provisions of the Treaty on the Functioning of the **European** Union and subject to paragraphs 1 and 2, the Commission shall, by means of implementing acts, adopt redressive measures if the investigation determines that the applicable international obligations have been violated.

*Amendment*

Without prejudice to the relevant provisions of the Treaty on the Functioning of the Union and subject to paragraphs 1 and 2, the Commission, **after consultation with the Council and the Parliament**, shall, by means of implementing acts, adopt redressive measures if the investigation determines that the applicable international obligations have been violated **and that any such violation has caused proven injury to one or more Union carriers**.

Or. en

*Justification*

*As this result, which may lead to retaliatory measures, primarily concerns external relations, the Council should be consulted in an agreed forum.*

**Amendment 234**  
**Tomasz Piotr Poręba, Kosma Złotowski**

**Proposal for a regulation**  
**Article 10 – paragraph 3 – subparagraph 1**

*Text proposed by the Commission*

Without prejudice to the relevant

*Amendment*

Without prejudice to the relevant

provisions of the Treaty on the Functioning of the European Union and subject to paragraphs 1 and 2, the **Commission shall, by means of implementing acts**, adopt redressive measures if the investigation determines that the applicable international obligations have been violated.

provisions of the Treaty on the Functioning of the European Union and subject to paragraphs 1 and 2, the **Council may decide to** adopt redressive measures if the investigation determines that the applicable international obligations have been violated **and such violation has caused injury to the one or more Union air carriers**.

Or. en

**Amendment 235**  
**Jacqueline Foster**

**Proposal for a regulation**  
**Article 10 – paragraph 3 – subparagraph 1**

*Text proposed by the Commission*

Without prejudice to the relevant provisions of the Treaty on the Functioning of the European Union and subject to paragraphs 1 and 2, the **Commission shall, by means of implementing acts**, adopt redressive measures if the investigation determines that the applicable international obligations have been violated.

*Amendment*

Without prejudice to the relevant provisions of the Treaty on the Functioning of the European Union and subject to paragraphs 1 and 2, the **Council may decide to** adopt redressive measures if the investigation determines that the applicable international obligations have been violated **and such violation has caused injury to one or more Union air carriers**.

Or. en

*Justification*

*Redressive measures could affect the external relations of the EU and its Member States and may pose a risk of retaliatory measures by third countries which could harm the connectivity of Member States. Decisions to adopt redressive measures should therefore have the consent of Member States.*

**Amendment 236**  
**Gabriele Preuß, Christine Revault d'Allonnes Bonnefoy, Nicola Caputo, Lucy Anderson, Hugues Bayet, Claudia Tapardel**

**Proposal for a regulation**  
**Article 10 – paragraph 3 – subparagraph 1**

*Text proposed by the Commission*

Without prejudice to the relevant provisions of the Treaty on the Functioning of the European Union and subject to paragraphs 1 and 2, the Commission shall, by means of implementing acts, adopt redressive measures if the investigation determines that the applicable international obligations have been violated.

*Amendment*

Without prejudice to the relevant provisions of the Treaty on the Functioning of the European Union and subject to paragraphs 1 and 2, the Commission shall, by means of implementing acts, adopt ***provisional or definitive*** redressive measures if the investigation determines that the applicable international obligations have been violated.

Or. en

**Amendment 237**  
**Jacqueline Foster**

**Proposal for a regulation**  
**Article 10 – paragraph 3 – subparagraph 2**

*Text proposed by the Commission*

***Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 15(2).***

*Amendment*

***deleted***

Or. en

**Amendment 238**  
**Lucy Anderson, Francisco Assis, Nicola Caputo**

**Proposal for a regulation**  
**Article 10 – paragraph 5**

*Text proposed by the Commission*

5. The redressive measures referred to in paragraph 3 shall be ***the*** measures provided for by the act containing the applicable international obligations or available under relevant rules and principles of public international law.

*Amendment*

5. The redressive measures referred to in paragraph 3 shall be ***any*** measures provided for by the act containing the applicable international obligations or available ***or justifiable*** under relevant rules and principles of public international law.

Or. en

**Amendment 239**  
**Jacqueline Foster**

**Proposal for a regulation**  
**Article 11 – paragraph 1 – point a a (new)**

*Text proposed by the Commission*

*Amendment*

*(a a) that the Commission has concluded that one of the following is established, and that it gives rise to actual or potential harm to consumers:*

*(i) the existence of a practice affecting competition adopted by a third country or third country entity;*

*(ii) the existence of injury to the Union air carrier(s) concerned;*

*(iii) the existence of a causal link between the injury and the practice considered;*

Or. en

**Amendment 240**  
**Inés Ayala Sender**

**Proposal for a regulation**  
**Article 11 – paragraph 1 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

*(b a) the situation with regard to aviation employees in the Union, above all with regard to labour and social law protection and the effect on the labour market.*

Or. en

**Amendment 241**  
**Tomasz Piotr Poręba, Kosma Złotowski**

**Proposal for a regulation**

## Article 11 – paragraph 2

*Text proposed by the Commission*

*Amendment*

**2. A finding of a threat of injury requires that it be clearly foreseeable that a particular situation is likely to develop into actual injury. Any such determination shall be based on evidence and take account of all relevant factors, in particular:** **deleted**

**(a) the foreseeable evolution of the situation of the Union air carrier(s) concerned notably in terms of frequency of services, utilisation of capacity, network effect, sales, market share, profits, return on capital, investment and employment;**

**(b) the foreseeable evolution of the general situation of the potentially affected air transport services market(s), notably in terms of level of fares or rates, capacity and frequency of air transport services or use of the network.**

Or. en

**Amendment 242**  
**Jacqueline Foster**

**Proposal for a regulation**  
**Article 11 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. A finding of a threat of injury requires that it be clearly foreseeable that a particular situation is likely to develop into actual injury. Any such determination shall be based on evidence and take account of all relevant factors, in particular:** **deleted**

**(a) the foreseeable evolution of the situation of the Union air carrier(s) concerned notably in terms of frequency of services, utilisation of capacity,**



*network effect, sales, market share, profits, return on capital, investment and employment;*

*(b) the foreseeable evolution of the general situation of the potentially affected air transport services market(s), notably in terms of level of fares or rates, capacity and frequency of air transport services or use of the network.*

Or. en

#### **Amendment 243**

**Henna Virkkunen, Deirdre Clune**

#### **Proposal for a regulation**

#### **Article 11 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. A finding of a threat of injury requires that it be clearly foreseeable that a particular situation is likely to develop into actual injury. Any such determination shall be based on evidence and take account of all relevant factors, in particular:**

*deleted*

*(a) the foreseeable evolution of the situation of the Union air carrier(s) concerned notably in terms of frequency of services, utilisation of capacity, network effect, sales, market share, profits, return on capital, investment and employment;*

*(b) the foreseeable evolution of the general situation of the potentially affected air transport services market(s), notably in terms of level of fares or rates, capacity and frequency of air transport services or use of the network.*

Or. en

#### **Amendment 244**

**Pavel Telička, Izaskun Bilbao Barandica, Matthijs van Miltenburg, Gesine Meissner**

**Proposal for a regulation**

**Article 11 – paragraph 2 – introductory part**

*Text proposed by the Commission*

2. A finding of a threat of injury requires that it be clearly foreseeable that a particular situation is likely to develop into actual injury. Any such determination shall be based on evidence and take account of all relevant factors, in particular:

*Amendment*

2. A finding of a threat of injury requires that it be clearly foreseeable **and imminent** that a particular situation is likely to develop into actual injury. Any such determination shall be based on evidence and take account of all relevant factors, in particular:

Or. en

**Amendment 245**

**Maria Grapini**

**Proposal for a regulation**

**Article 11 – paragraph 2 – introductory part**

*Text proposed by the Commission*

2. A finding of a threat of injury requires that it be clearly foreseeable that a particular situation is likely to develop into actual injury. Any such determination shall be based on evidence and take account of all relevant factors, in particular:

*Amendment*

2. A finding of a threat of injury requires that it be clearly foreseeable that a particular situation is likely to develop into actual injury. Any such determination shall be based on **verifiable** evidence and take account of all relevant factors, in particular:

Or. ro

**Amendment 246**

**Pavel Telička, Izaskun Bilbao Barandica, Dominique Riquet, Matthijs van Miltenburg, Gesine Meissner**

**Proposal for a regulation**

**Article 11 – paragraph 2 – subparagraph 1 (new)**

*Text proposed by the Commission*

*Amendment*

***The totality of the factors considered shall be such as to lead to the conclusion that***

*the foreseeable evolution is imminent and that, unless protective action is taken, actual injury will occur.*

*In the event where the situation under scrutiny develops into an actual injury before the end of the proceeding, the Commission shall proceed in accordance with paragraph 1 and take into account the newest evidence at its disposal.*

Or. en

#### **Amendment 247**

**Tomasz Piotr Poręba, Kosma Złotowski**

#### **Proposal for a regulation**

#### **Article 11 – paragraph 4**

*Text proposed by the Commission*

4. ***Injury or threat of*** injury caused by factors other than the practice affecting competition and which are also negatively affecting the Union air carrier(s) concerned shall not be attributed to the practice under scrutiny.

*Amendment*

4. Injury caused by factors other than the practice affecting competition and which are also negatively affecting the Union air carrier(s) concerned shall not be attributed to the practice under scrutiny.

Or. en

#### **Amendment 248**

**Jacqueline Foster**

#### **Proposal for a regulation**

#### **Article 11 – paragraph 4**

*Text proposed by the Commission*

4. ***Injury or threat of*** injury caused by factors other than the practice affecting competition and which are also negatively affecting the Union air carrier(s) concerned shall not be attributed to the practice under scrutiny.

*Amendment*

4. Injury caused by factors other than the practice affecting competition and which are also negatively affecting the Union air carrier(s) concerned shall not be attributed to the practice under scrutiny.

Or. en

**Amendment 249**  
**Henna Virkkunen, Deirdre Clune**

**Proposal for a regulation**  
**Article 11 – paragraph 4**

*Text proposed by the Commission*

4. ***Injury or threat of*** injury caused by factors other than the practice affecting competition and which are also negatively affecting the Union air carrier(s) concerned shall not be attributed to the practice under scrutiny.

*Amendment*

4. Injury caused by factors other than the practice affecting competition and which are also negatively affecting the Union air carrier(s) concerned shall not be attributed to the practice under scrutiny.

Or. en

**Amendment 250**  
**Merja Kyllönen**

**Proposal for a regulation**  
**Article 12 – paragraph 1**

*Text proposed by the Commission*

1. The Commission ***may*** terminate the investigation without adopting redressive measures where the complaint is withdrawn.

*Amendment*

1. The Commission ***shall*** terminate the investigation without adopting redressive measures where the complaint is withdrawn.

Or. en

*Justification*

*The investigation should always be terminated if the complaint is withdrawn. The Commission has always the possibility to proceed with the initiation of an investigation on its own under Article 3.*

**Amendment 251**  
**Jacqueline Foster**

**Proposal for a regulation**  
**Article 12 – paragraph 1**

*Text proposed by the Commission*

1. The Commission **may** terminate the investigation without adopting redressive measures where the complaint is withdrawn.

*Amendment*

1. The Commission **shall** terminate the investigation without adopting redressive measures where the complaint is withdrawn.

Or. en

**Amendment 252**

**Deirdre Clune, Henna Virkkunen**

**Proposal for a regulation**

**Article 12 – paragraph 1**

*Text proposed by the Commission*

1. The Commission **may** terminate the investigation without adopting redressive measures where the complaint is withdrawn.

*Amendment*

1. The Commission **shall** terminate the investigation without adopting redressive measures where the complaint is withdrawn.

Or. en

**Amendment 253**

**Gabriele Preuß, Christine Revault d'Allonnes Bonnefoy, Nicola Caputo, Lucy Anderson, Hugues Bayet, Claudia Tapardel**

**Proposal for a regulation**

**Article 12 – paragraph 2 – subparagraph 1 – introductory part**

*Text proposed by the Commission*

The Commission shall, by means of **implementing** acts, terminate the investigation conducted in accordance with Article 4 without adopting redressive measures where:

*Amendment*

The Commission shall, by means of **delegated** acts, terminate the investigation conducted in accordance with Article 4 without adopting redressive measures where:

Or. en

**Amendment 254**

**Jacqueline Foster**

**Proposal for a regulation**

**Article 12 – paragraph 2 – subparagraph 1 – point a – introductory part**

*Text proposed by the Commission*

*Amendment*

(a) the Commission concludes that *either* of the following is *not* established:

(a) the Commission concludes that *none* of the following is established, *or that none of the following gives rise to actual or potential harm to consumers*:

Or. en

**Amendment 255**

**Henna Virkkunen, Deirdre Clune**

**Proposal for a regulation**

**Article 12 – paragraph 2 – subparagraph 1 – point a – point ii**

*Text proposed by the Commission*

*Amendment*

(ii) the existence *of injury or threat* of injury to the Union air carrier(s) concerned;

(ii) the existence of injury to the Union air carrier(s) concerned;

Or. en

**Amendment 256**

**Tomasz Piotr Poręba, Kosma Złotowski**

**Proposal for a regulation**

**Article 12 – paragraph 2 – subparagraph 1 – point a – point ii**

*Text proposed by the Commission*

*Amendment*

(ii) the existence *of injury or threat* of injury to the Union air carrier(s) concerned;

(ii) the existence of injury to the Union air carrier(s) concerned;

Or. en

**Amendment 257**

**Jacqueline Foster**

**Proposal for a regulation**

**Article 12 – paragraph 2 – subparagraph 1 – point a – point iii**

*Text proposed by the Commission*

*Amendment*

(iii) the existence of a causal link between the injury *or threat of injury* and the practice considered;

(iii) the existence of a causal link between the injury and the practice considered;

Or. en

**Amendment 258**

**Tomasz Piotr Poręba, Kosma Złotowski**

**Proposal for a regulation**

**Article 12 – paragraph 2 – subparagraph 1 – point a – point iii**

*Text proposed by the Commission*

*Amendment*

(iii) the existence of a causal link between the injury *or threat of injury* and the practice considered;

(iii) the existence of a causal link between the injury and the practice considered;

Or. en

**Amendment 259**

**Henna Virkkunen, Deirdre Clune**

**Proposal for a regulation**

**Article 12 – paragraph 2 – subparagraph 1 – point a – point iii**

*Text proposed by the Commission*

*Amendment*

(iii) the existence of a causal link between the injury *or threat of injury* and the practice considered;

(iii) the existence of a causal link between the injury and the practice considered;

Or. en

**Amendment 260**

**Tomasz Piotr Poręba, Kosma Złotowski**

**Proposal for a regulation**

**Article 12 – paragraph 2 – subparagraph 1 – point d**

*Text proposed by the Commission*

(d) the third country or third country entity concerned has eliminated the injury ***or threat of injury*** to the Union air carrier(s) concerned.

*Amendment*

(d) the third country or third country entity concerned has eliminated the injury to the Union air carrier(s) concerned.

Or. en

**Amendment 261**

**Henna Virkkunen, Deirdre Clune**

**Proposal for a regulation**

**Article 12 – paragraph 2 – subparagraph 1 – point d**

*Text proposed by the Commission*

(d) the third country or third country entity concerned has eliminated the injury ***or threat of injury*** to the Union air carrier(s) concerned.

*Amendment*

(d) the third country or third country entity concerned has eliminated the injury to the Union air carrier(s) concerned.

Or. en

**Amendment 262**

**Gabriele Preuß, Christine Revault d'Allonnes Bonnefoy, Nicola Caputo, Lucy Anderson, Hugues Bayet**

**Proposal for a regulation**

**Article 12 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

***Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 15(2).***

*Amendment*

***deleted***

Or. en

**Amendment 263**



**Jacqueline Foster**

**Proposal for a regulation**

**Article 12 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

Those implementing acts shall be adopted in accordance with the **advisory** procedure referred to in Article 15(2).

*Amendment*

Those implementing acts shall be adopted in accordance with the **examination** procedure referred to in Article 15(2).

Or. en

**Amendment 264**

**Claudia Țapardel**

**Proposal for a regulation**

**Article 12 – paragraph 3**

*Text proposed by the Commission*

3. The decision to terminate the investigation in accordance with paragraph 2 shall be accompanied by a statement of the reasons thereof and shall be published in the Official Journal of the European Union.

*Amendment*

3. The decision to terminate the investigation in accordance with paragraph 2 shall be accompanied by a statement of the reasons thereof and shall be published in the Official Journal of the European Union **and in the annual report which is to be submitted to the European Parliament, in accordance with Article 4, paragraph 7.**

Or. en

**Amendment 265**

**Gabriele Preuß, Christine Revault d'Allonnes Bonnefoy, Nicola Caputo, Lucy Anderson, Ismail Ertug, Miltiadis Kyrkos, Hugues Bayet, Claudia Țapardel**

**Proposal for a regulation**

**Article 12 – paragraph 3**

*Text proposed by the Commission*

3. The decision to terminate the investigation in accordance with paragraph 2 shall be accompanied by a statement of the reasons thereof and shall be published

*Amendment*

3. The decision to terminate the investigation in accordance with paragraph 2 shall be accompanied by a statement of the reasons thereof and shall be published

in the Official Journal of the European Union.

in the Official Journal of the European Union. ***The Commission shall further justify its decision before the competent committees of the European Parliament.***

Or. en

**Amendment 266**  
**Isabella De Monte**

**Proposal for a regulation**  
**Article 13 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

Without prejudice to Article **12(1) and except in the case referred to in point (b) of Article 12(2)** the Commission shall, by means of implementing acts, adopt redressive measures if the investigation conducted under Article 4 determines that a practice affecting competition, adopted by a third country or a third country entity, has caused ***injury or threat of*** injury to the Union air carrier(s) concerned.

*Amendment*

Without prejudice to Article **12** the Commission shall, by means of implementing acts, adopt redressive measures if the investigation conducted under Article 4 determines that a practice affecting competition, adopted by a third country or a third country entity, has caused injury to the Union air carrier(s) concerned.

Or. it

**Amendment 267**  
**Deirdre Clune, Henna Virkkunen**

**Proposal for a regulation**  
**Article 13 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

Without prejudice to Article 12(1) and except in the case referred to in point (b) of Article 12(2) the Commission shall, by means of implementing acts, adopt redressive measures if the investigation conducted under Article 4 determines that a practice affecting competition, adopted by a third country or a third country entity, has caused injury or threat of injury to the

*Amendment*

Without prejudice to Article 12(1) and except in the case referred to in point (b) of Article 12(2) the Commission shall, ***after consultation with the Council and the Parliament***, by means of implementing acts, adopt redressive measures if the investigation conducted under Article 4 determines that a practice affecting competition, adopted by a third country or

Union air carrier(s) concerned.

a third country entity, has caused injury or threat of injury to the Union air carrier(s) concerned.

Or. en

#### **Amendment 268**

**Gabriele Preuß, Christine Revault d'Allonnes Bonnefoy, Nicola Caputo, Lucy Anderson, Ismail Ertug, Hugues Bayet**

#### **Proposal for a regulation**

#### **Article 13 – paragraph 1 – subparagraph 1**

##### *Text proposed by the Commission*

Without prejudice to Article 12(1) and except in the case referred to in point (b) of Article 12(2) the Commission shall, by means of implementing acts, adopt redressive measures if the investigation conducted under Article 4 determines that a practice affecting competition, adopted by a third country or a third country entity, has caused injury or threat of injury to the Union air carrier(s) concerned.

##### *Amendment*

Without prejudice to Article 12(1) and except in the case referred to in point (b) of Article 12(2) the Commission shall, by means of implementing acts, adopt **provisional or definitive** redressive measures if the investigation conducted under Article 4 determines that a practice affecting competition, adopted by a third country or a third country entity, has caused injury or threat of injury to the Union air carrier(s) concerned.

Or. en

#### **Amendment 269**

**Tomasz Piotr Poręba, Kosma Złotowski**

#### **Proposal for a regulation**

#### **Article 13 – paragraph 1 – subparagraph 1**

##### *Text proposed by the Commission*

Without prejudice to Article 12(1) and except in the case referred to in point (b) of Article 12(2) the **Commission** shall, by means of **implementing acts**, adopt redressive measures if the investigation conducted under Article 4 determines that a practice affecting competition, adopted by a third country or a third country entity,

##### *Amendment*

Without prejudice to Article 12(1) and except in the case referred to in point (b) of Article 12(2) the **Council** shall, by means of **Council decision**, adopt redressive measures if the investigation conducted under Article 4 determines that a practice affecting competition, adopted by a third country or a third country entity, has

has caused injury or threat of injury to the Union air carrier(s) concerned.

caused injury or threat of injury to the Union air carrier(s) concerned.

Or. en

#### **Amendment 270**

**Deirdre Clune, Henna Virkkunen**

#### **Proposal for a regulation**

#### **Article 13 – paragraph 1 – subparagraph 1**

##### *Text proposed by the Commission*

Without prejudice to Article 12(1) and except in the case referred to in point (b) of Article 12(2) the Commission shall, by means of implementing acts, adopt redressive measures if the investigation conducted under Article 4 determines that a practice affecting competition, adopted by a third country or a third country entity, has caused injury *or threat of injury* to the Union air carrier(s) concerned.

##### *Amendment*

Without prejudice to Article 12(1) and except in the case referred to in point (b), *(c) and (d)* of Article 12(2) the Commission shall, by means of implementing acts, adopt redressive measures if the investigation conducted under Article 4 determines that a practice affecting competition, adopted by a third country or a third country entity, has caused injury to the Union air carrier(s) concerned.

Or. en

##### *Justification*

*redressive measures should not be adopted when the practice affecting competition has stopped.*

#### **Amendment 271**

**Jacqueline Foster**

#### **Proposal for a regulation**

#### **Article 13 – paragraph 1 – subparagraph 1**

##### *Text proposed by the Commission*

Without prejudice to Article 12(1) and except in the case referred to in point (b) of Article 12(2) the *Commission* shall, by means of *implementing acts*, adopt redressive measures if the investigation conducted under Article 4 determines that

##### *Amendment*

Without prejudice to Article 12(1) and except in the case referred to in point (b) of Article 12(2) the *Council* shall, by means of *Council decision*, adopt redressive measures if the investigation conducted under Article 4 determines that a practice

a practice affecting competition, adopted by a third country or a third country entity, has caused injury *or threat of injury* to the Union air carrier(s) concerned.

affecting competition, adopted by a third country or a third country entity, has caused injury to the Union air carrier(s) concerned.

Or. en

#### **Amendment 272**

**Henna Virkkunen, Deirdre Clune**

#### **Proposal for a regulation**

#### **Article 13 – paragraph 1 – subparagraph 1**

##### *Text proposed by the Commission*

Without prejudice to Article 12(1) and except in the case referred to in point (b) of Article 12(2) the Commission shall, by means of implementing acts, adopt redressive measures if the investigation conducted under Article 4 determines that a practice affecting competition, adopted by a third country or a third country entity, has caused injury *or threat of injury* to the Union air carrier(s) concerned.

##### *Amendment*

Without prejudice to Article 12(1) and except in the case referred to in point (b) of Article 12(2) the Commission shall, by means of implementing acts, adopt redressive measures if the investigation conducted under Article 4 determines that a practice affecting competition, adopted by a third country or a third country entity, has caused injury to the Union air carrier(s) concerned.

Or. en

#### **Amendment 273**

**Tomasz Piotr Poręba, Kosma Złotowski**

#### **Proposal for a regulation**

#### **Article 13 – paragraph 1 – subparagraph 1**

##### *Text proposed by the Commission*

Without prejudice to Article 12(1) and except in the case referred to in point (b) of Article 12(2) the Commission shall, by means of implementing acts, adopt redressive measures if the investigation conducted under Article 4 determines that a practice affecting competition, adopted by a third country or a third country entity, has caused injury *or threat of injury* to the

##### *Amendment*

Without prejudice to Article 12(1) and except in the case referred to in point (b) of Article 12(2) the Commission shall, by means of implementing acts, adopt redressive measures if the investigation conducted under Article 4 determines that a practice affecting competition, adopted by a third country or a third country entity, has caused injury to the Union air carrier(s)

Union air carrier(s) concerned.

concerned.

Or. en

**Amendment 274**

**Jacqueline Foster**

**Proposal for a regulation**

**Article 13 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

***Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 15(2).***

***deleted***

Or. en

**Amendment 275**

**Jacqueline Foster**

**Proposal for a regulation**

**Article 13 – paragraph 2 – point b**

*Text proposed by the Commission*

*Amendment*

(b) any measure of equivalent or lesser value.

(b) any measure of equivalent or lesser value, ***not including slots and traffic rights.***

Or. en

*Justification*

*Suspending slots or traffic rights could negatively affect consumers and conflict with the objectives of Regulation (EC) 793/2004 (Slots regulation). Moreover, allowing traffic rights to be used as a redressive measure could also conflict with bilateral agreements between Member States and third countries and could result in an unintended transfer of competence.*

**Amendment 276**

**Henna Virkkunen, Deirdre Clune**

**Proposal for a regulation**

## Article 13 – paragraph 2 – point b

*Text proposed by the Commission*

*Amendment*

(b) any measure of equivalent or lesser value.

(b) any measure of equivalent or lesser value, ***except slots and traffic rights.***

Or. en

*Justification*

*Cutting down slots have same practical effect than cutting down or suspending traffic rights. We are not seeking interruptions to traffic that negatively affect consumers. The competence relating to traffic rights is shared by the Union and Member States. Since Union competence over traffic rights has not been exercised as of yet the competence lies with the Member States. Allowing traffic rights to be used as redressive measure under the regulation could be interpreted as activation of the Union competence. It should be made clear that with this regulation there will be no unintended transfer of competence to the Union.*

## Amendment 277

**Merja Kyllönen**

### Proposal for a regulation

#### Article 13 – paragraph 2 – point b

*Text proposed by the Commission*

*Amendment*

(b) any measure of equivalent or lesser value.

(b) any measure of equivalent or lesser value, ***except slots and traffic rights.***

Or. en

*Justification*

*Cutting down slots have same practical effect than cutting down or suspending traffic rights and interruptions to traffic will affect consumers negatively. The competence relating to traffic rights is shared by the Union and Member States. Since Union competence over traffic rights has not been exercised as of yet the competence lies with the Member States. It should be made clear that with this regulation there will be no unintended transfer of competence to the Union.*

## Amendment 278

**Gabriele Preuß, Christine Revault d'Allonnes Bonnefoy, Nicola Caputo, Lucy Anderson, Ismail Ertug, Hugues Bayet**

### Proposal for a regulation

## Article 13 – paragraph 2 – point b a (new)

*Text proposed by the Commission*

*Amendment*

**(b a) suspension of air traffic rights**

Or. en

### Amendment 279

**Pavel Telička, Izaskun Bilbao Barandica, Dominique Riquet, Matthijs van Miltenburg, Gesine Meissner**

#### Proposal for a regulation

##### Article 13 – paragraph 3

*Text proposed by the Commission*

*Amendment*

3. The redressive measures referred to in paragraph 1 shall not exceed what is necessary to offset the injury **or** threat of injury to the Union air carrier(s) concerned. To this effect measures referred to in point (b) of paragraph 2 may be limited to a specific geographic area.

3. The redressive measures referred to in paragraph 1 shall not exceed what is necessary to offset the injury **to the Union air carrier(s) concerned or to prevent the threat of injury from developing into an actual** injury to the Union air carrier(s) concerned. To this effect measures referred to in point (b) of paragraph 2 may be limited to a specific geographic area **or may be limited in time.**

Or. en

### Amendment 280

**Tomasz Piotr Poręba, Kosma Złotowski**

#### Proposal for a regulation

##### Article 13 – paragraph 3

*Text proposed by the Commission*

*Amendment*

3. The redressive measures referred to in paragraph 1 shall not exceed what is necessary to offset the **injury or threat of** injury to the Union air carrier(s) concerned. To this effect measures referred to in point (b) of paragraph 2 may be limited to a specific geographic area.

3. The redressive measures referred to in paragraph 1 shall not exceed what is necessary to offset the injury to the Union air carrier(s) concerned. To this effect measures referred to in point (b) of paragraph 2 may be limited to a specific geographic area.



**Amendment 281**  
**Henna Virkkunen, Deirdre Clune**

**Proposal for a regulation**  
**Article 13 – paragraph 3**

*Text proposed by the Commission*

3. The redressive measures referred to in paragraph 1 shall not exceed what is necessary to offset the *injury or threat of injury* to the Union air carrier(s) concerned. To this effect measures referred to in point (b) of paragraph 2 may be limited to a specific geographic area.

*Amendment*

3. The redressive measures referred to in paragraph 1 shall not exceed what is necessary to offset the injury to the Union air carrier(s) concerned. To this effect measures referred to in point (b) of paragraph 2 may be limited to a specific geographic area.

Or. en

**Amendment 282**  
**Jacqueline Foster**

**Proposal for a regulation**  
**Article 13 – paragraph 3**

*Text proposed by the Commission*

3. The redressive measures referred to in paragraph 1 shall not exceed what is necessary to offset the *injury or threat of injury* to the Union air carrier(s) concerned. To this effect measures referred to in point (b) of paragraph 2 may be limited to a specific geographic area.

*Amendment*

3. The redressive measures referred to in paragraph 1 shall not exceed what is necessary to offset the injury to the Union air carrier(s) concerned. To this effect measures referred to in point (b) of paragraph 2 may be limited to a specific geographic area.

Or. en

**Amendment 283**  
**Tomasz Piotr Poręba, Kosma Złotowski**

**Proposal for a regulation**  
**Article 13 – paragraph 3 a (new)**

**3 a.** *The redressive measures referred to in point (b) of paragraph 2 shall not consist of suspension or limitation of any rights granted by a Member State to a third country under an air transport, an air service agreement or any provision on air transport services included in a trade agreement concluded with that third country.*

Or. en

*Justification*

*Contemporary aviation relations are based on the system of bilateral air transport agreements. Such agreements don't serve only a pure transportation needs but they constitute a part of a general international relations of a given state, since they contribute to economic development, tourism etc. These agreements are self standing international agreements exercised in accordance with the Vienna Convention. It should be absolutely clear that the redressive measures cannot go against any rights or obligations stipulated in air transport agreement between an EU MS and a third country.*

**Amendment 284**

**Deirdre Clune, Henna Virkkunen**

**Proposal for a regulation**

**Article 13 – paragraph 4**

*Text proposed by the Commission*

4. The redressive measures ***referred to in paragraph 1*** shall not direct the Union or the Member State(s) concerned to violating air transport, air services agreements or any provision on air transport services included in a trade agreement concluded with the third country concerned.

*Amendment*

4. The redressive measures shall not direct the Union or the Member State(s) concerned to violating air transport, air services agreements or any provision on air transport services included in a trade agreement concluded with the third country concerned.

Or. en

*Justification*

*The reference should apply to all of the paragraphs in this article.*

**Amendment 285**  
**Jacqueline Foster**

**Proposal for a regulation**  
**Article 13 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**4 a.** *The redressive measures referred to in paragraph 1 shall have regard to the proper functioning of the Union air transport market and shall not result in an undue advantage being given to any air carrier or group of air carriers.*

Or. en

**Amendment 286**  
**Gabriele Preuß, Christine Revault d'Allonnes Bonnefoy, Nicola Caputo, Lucy Anderson, Hugues Bayet**

**Proposal for a regulation**  
**Article 13 – paragraph 5 – indent 1 (new)**

*Text proposed by the Commission*

*Amendment*

- *Provisional measures may be imposed if a provisional affirmative determination has been made that the non-Community carriers concerned benefit from subsidies or are engaged in unfair pricing practices causing injury to the fair competition between all air carriers and/or that the Union interest calls for intervention to prevent further such injury.*

Or. en

**Amendment 287**  
**Wim van de Camp**

**Proposal for a regulation**  
**Article 13 – paragraph 5 – indent 1 (new)**

- ***Provisional measures shall be imposed to prevent irreversible injury to Union carriers, notably when the investigation determines that a threat of injury is clear and present, and also in the event of a complex on-going investigation which has not been yet concluded or terminated.***

Or. en

**Amendment 288**

**Gabriele Preuß, Christine Revault d'Allonnes Bonnefoy, Nicola Caputo, Lucy Anderson, Hugues Bayet, Claudia Tapardel**

**Proposal for a regulation**

**Article 13 – paragraph 5 – indent 2 (new)**

*Text proposed by the Commission*

*Amendment*

- ***The provisional measures referred to in the first indent of this paragraph shall be imposed for a maximum of six months. That period may be prolonged by an additional six months in justified cases.***

Or. en

**Amendment 289**

**Pavel Telička, Izaskun Bilbao Barandica, Dominique Riquet, Matthijs van Miltenburg, Gesine Meissner**

**Proposal for a regulation**

**Article 14 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. The redressive measures referred to in Article 13 shall ***remain*** in force only as long as, and to the extent that, it is necessary in view of, the persistence of the practice ***affecting*** competition and the

1. The redressive measures referred to in Article 13 shall ***be*** in force only ***from***, as long as, and to the extent that, it is necessary in view of, the persistence of the practice ***distorting*** competition and the

ensuing injury or threat of injury. To this end, the review procedure set out in paragraphs 2, 3 and 4 shall apply.

ensuing injury or threat of injury. To this end, the review procedure set out in paragraphs 2, 3 and 4 shall apply.

Or. en

#### **Amendment 290**

**Tomasz Piotr Poręba, Kosma Złotowski**

#### **Proposal for a regulation**

#### **Article 14 – paragraph 1**

##### *Text proposed by the Commission*

1. The redressive measures referred to in Article 13 shall remain in force only as long as, and to the extent that, it is necessary in view of, the persistence of the practice affecting competition and the ensuing injury *or threat of injury*. To this end, the review procedure set out in paragraphs 2, 3 and 4 shall apply.

##### *Amendment*

1. The redressive measures referred to in Article 13 shall remain in force only as long as, and to the extent that, it is necessary in view of, the persistence of the practice affecting competition and the ensuing injury. To this end, the review procedure set out in paragraphs 2, 3 and 4 shall apply.

Or. en

#### **Amendment 291**

**Jacqueline Foster**

#### **Proposal for a regulation**

#### **Article 14 – paragraph 1**

##### *Text proposed by the Commission*

1. The redressive measures referred to in Article 13 shall remain in force only as long as, and to the extent that, it is necessary in view of, the persistence of the practice affecting competition and the ensuing injury *or threat of injury*. To this end, the review procedure set out in paragraphs 2, 3 and 4 shall apply.

##### *Amendment*

1. The redressive measures referred to in Article 13 shall remain in force only as long as, and to the extent that, it is necessary in view of, the persistence of the practice affecting competition and the ensuing injury. To this end, the review procedure set out in paragraphs 2, 3 and 4 shall apply.

Or. en

**Amendment 292**  
**Henna Virkkunen, Deirdre Clune**

**Proposal for a regulation**  
**Article 14 – paragraph 1**

*Text proposed by the Commission*

1. The redressive measures referred to in Article 13 shall remain in force only as long as, and to the extent that, it is necessary in view of, the persistence of the practice affecting competition and the ensuing injury **or threat of injury**. To this end, the review procedure set out in paragraphs 2, 3 and 4 shall apply.

*Amendment*

1. The redressive measures referred to in Article 13 shall remain in force only as long as, and to the extent that, it is necessary in view of, the persistence of the practice affecting competition and the ensuing injury. To this end, the review procedure set out in paragraphs 2, 3 and 4 shall apply.

Or. en

**Amendment 293**  
**Deirdre Clune, Henna Virkkunen**

**Proposal for a regulation**  
**Article 14 – paragraph 2**

*Text proposed by the Commission*

2. Where circumstances so warrant, the need for the continued imposition of redressive measures in their initial form may be reviewed, either on the initiative of the Commission or of the complainant or upon a reasoned request by the third country or the third country entity concerned.

*Amendment*

2. Where circumstances so warrant, the need for the continued imposition of redressive measures in their initial form may be reviewed, either on the initiative of the Commission or **from a relevant Member State, or** of the complainant or upon a reasoned request by the third country or the third country entity concerned.

Or. en

*Justification*

*Member States should also have this right, especially if retaliatory measures were to occur. This would be in keeping with the principle of "union interest".*

**Amendment 294**  
**Jacqueline Foster**

**Proposal for a regulation**  
**Article 14 – paragraph 2**

*Text proposed by the Commission*

2. Where circumstances so warrant, the need for the continued imposition of redressive measures in their initial form may be reviewed, either on the initiative of the Commission or of the complainant or upon a reasoned request by the third country or the third country entity concerned.

*Amendment*

2. Where circumstances so warrant, the need for the continued imposition of redressive measures in their initial form may be reviewed, either on the initiative of the Commission or ***Member State concerned, or*** of the complainant or upon a reasoned request by the third country or the third country entity concerned.

Or. en

*Justification*

*The Member State concerned should also have the possibility to initiate the review of redressive measures. This is particularly important in case of retaliatory measures by third countries.*

**Amendment 295**

**Pavel Telička, Izaskun Bilbao Barandica, Dominique Riquet, Matthijs van Miltenburg, Gesine Meissner**

**Proposal for a regulation**  
**Article 14 – paragraph 2**

*Text proposed by the Commission*

2. Where circumstances so warrant, the need for the continued imposition of redressive measures in their initial form may be reviewed, either on the initiative of the Commission or of the complainant or upon a reasoned request by the third country or the third country entity concerned.

*Amendment*

2. Where circumstances so warrant, the need for the continued imposition of redressive measures in their initial form may be reviewed, either on the initiative of the Commission or of the complainant or upon a reasoned request by the third country or the third country entity concerned ***or an interested party.***

Or. en

**Amendment 296**

**Henna Virkkunen, Deirdre Clune**

**Proposal for a regulation**  
**Article 14 – paragraph 3**

*Text proposed by the Commission*

3. In the course of its review, the Commission shall assess the continued existence of the practice affecting competition, of the injury *or threat of injury* and of the causal link between the practice and the injury *or threat of injury*.

*Amendment*

3. In the course of its review, the Commission shall assess the continued existence of the practice affecting competition, of the injury and of the causal link between the practice and the injury.

Or. en

**Amendment 297**  
**Tomasz Piotr Poręba, Kosma Złotowski**

**Proposal for a regulation**  
**Article 14 – paragraph 3**

*Text proposed by the Commission*

3. In the course of its review, the Commission shall assess the continued existence of the practice affecting competition, of the injury *or threat of injury* and of the causal link between the practice and the injury *or threat of injury*.

*Amendment*

3. In the course of its review, the Commission shall assess the continued existence of the practice affecting competition, of the injury and of the causal link between the practice and the injury.

Or. en

**Amendment 298**  
**Jacqueline Foster**

**Proposal for a regulation**  
**Article 14 – paragraph 3**

*Text proposed by the Commission*

3. In the course of its review, the Commission shall assess the continued existence of the practice affecting competition, of the injury or threat of injury and of the causal link between the practice and the injury *or threat of injury*.

*Amendment*

3. In the course of its review, the Commission shall assess the continued existence of the practice affecting competition, of the injury or threat of injury and of the causal link between the practice and the injury.



**Amendment 299**

**Jakop Dalunde, Michael Cramer, Karima Delli**

**Proposal for a regulation**

**Article 14 – paragraph 4**

*Text proposed by the Commission*

4. The Commission shall, ***by means of implementing acts, repeal, amend or maintain, as appropriate***, the redressive measures. Those ***implementing acts*** shall ***be adopted in accordance with the advisory procedure referred to in Article 15(2)***.

*Amendment*

4. The Commission shall ***propose delegated acts in accordance with Article (add the number of the standard Article on Exercise of the Delegation, which should also be added)***, ***repealing, amending or maintaining***, the redressive measures. ***When proposing those delegated acts the Commission shall take into account proper criteria and measures for international fair aviation competition.***

**Amendment 300**

**Jacqueline Foster**

**Proposal for a regulation**

**Article 14 – paragraph 4**

*Text proposed by the Commission*

4. The ***Commission*** shall, ***by means of implementing acts***, repeal, amend or maintain, as appropriate, the redressive measures. ***Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 15(2)***.

*Amendment*

4. The ***Council*** shall repeal, amend or maintain, as appropriate, the redressive measures.

**Amendment 301**

**Jacqueline Foster**

**Proposal for a regulation**  
**Article 15 – paragraph 2**

*Text proposed by the Commission*

2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.

*Amendment*

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Or. en

*Justification*

*Given the gravity of the measures to be possibly taken, implementing acts adopted in accordance with this regulation should be adopted by the examination procedure rather than the advisory procedure.*

**Amendment 302**

**Pavel Telička, Izaskun Bilbao Barandica, Dominique Riquet, Matthijs van Miltenburg, Gesine Meissner**

**Proposal for a regulation**  
**Article 15 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 15 a**

**Report**

***1. The Commission shall, with due regard to the protection of confidential information within the meaning of Article 6, present an annual report on the application and implementation of this Regulation to the European Parliament and to the Council. Where relevant, the report shall include information about the application of redressive measures, the termination of investigations without redressive measures, investigations, reviews and cooperation with Member States, interested parties and third countries.***

***2. The European Parliament may, within one month of the Commission presenting the report, invite the Commission to an ad***

*hoc meeting of its responsible committee to present and explain any issues related to the implementation of this Regulation.*

*3. No later than six months after presenting the report to the European Parliament and to the Council, the Commission shall make the report public.*

Or. en