



Plenary sitting

A8-0125/2018

28.3.2018

*****I**
REPORT

on the proposal for a regulation of the European Parliament and of the Council
on safeguarding competition in air transport, repealing Regulation (EC) No
868/2004
(COM(2017)0289 – C8-0183/2017 – 2017/0116(COD))

Committee on Transport and Tourism

Rapporteur: Markus Pieper

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the **■** symbol or ~~strikeout~~. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a regulation of the European Parliament and of the Council on safeguarding competition in air transport, repealing Regulation (EC) No 868/2004 (COM(2017)0289 – C8-0183/2017 – 2017/0116(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2017)0289),
 - having regard to Article 294(2) and Article 100(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0183/2017),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 17 January 2018¹,
 - after consulting the Committee of the Regions,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Transport and Tourism and the opinion of the Committee on Economic and Monetary Affairs (A8-0125/2018),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

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

Amendment

(1) Aviation plays a crucial role in Union's ***economy and in the everyday lives of Union citizens, being one of the best performing and most dynamic sectors of***

¹

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.

the European economy. It is a strong driver for economic growth, jobs, trade *and tourism as well as connectivity* and mobility *for businesses and citizens alike, particularly within and between the areas of the Union*. 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 2

Proposal for a regulation

Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) *The European aviation sector represents around 2 million direct jobs and international aviation is expected to grow by around 5 % per year until 2030.*

Amendment 3

Proposal for a regulation

Recital 1 b (new)

Text proposed by the Commission

Amendment

(1b) *It is essential for the Union to provide effective protection for the various sectors of its economy, and for its workers, against any unfair competitive practices from third countries.*

Amendment 4

Proposal for a regulation

Recital 2

Text proposed by the Commission

Amendment

(2) Union air carriers are at the centre of a global network connecting Europe

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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.

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 ***is necessary to maintain*** conditions conducive to a high level of Union air connectivity ***and to ensure transparency, a level-playing field and continuing competitiveness of Union air carriers, as well as high levels of quality employment in the European aviation industry***.

Amendment 5

Proposal for a regulation

Recital 2 a (new)

Text proposed by the Commission

Amendment

(2 a) Europe represents a space of over 500 million potential passengers for third country air carriers. This potentially-increasing traffic should be kept in mind when comprehensive aviation agreements with the rest of the world are negotiated on behalf of the Union.

Amendment 6

Proposal for a regulation

Recital 3

Text proposed by the Commission

Amendment

(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

(3) ***In a context of increased competition between air transport actors at a global level, 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

('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".

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 7

Proposal for a regulation

Recital 3 a (new)

Text proposed by the Commission

Amendment

(3 a) The opening of markets and connectivity is clearly linked because distortion of competition leads to a shift of traffic flows. Third country air carriers want and need to access airports in all Member States because of the potential market of 500 million passengers that the European continent represents for them.

Amendment 8

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 excluded¹⁹.

(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.

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

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Amendment 9

Proposal for a regulation Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) In the light of the United Kingdom's notification to the European Council of 29 March 2017, notifying its intention to withdraw from the European Union in accordance with Article 50 of the Treaty on European Union, the Commission should conduct a thorough assessment of the consequences of this withdrawal on air transport between the Union or its Member States and the United Kingdom, with the aim of achieving as little disruption as possible in air transport services for carriers based in the Union and for consumers.

Amendment 10

Proposal for a regulation Recital 7

Text proposed by the Commission

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.

(7) Fair competition between air carriers should preferably be ***primarily*** 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.***

Amendment 11

Proposal for a regulation Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) 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. Where bilateral air transport or air services agreements with third countries include fair competition clauses or similar provisions, exhausting dispute settlement procedures foreseen in such international agreements should not be a precondition for opening a procedure under this Regulation and should not preclude the right of the Commission to initiate an investigation in order to ensure complementarity between this Regulation and the bilateral agreements.

Amendment 12

Proposal for a regulation Recital 7 b (new)

Text proposed by the Commission

Amendment

(7b) Wherever necessary, for effective, proportionate and dissuasive reasons or when it is determined, on the basis of available facts, that a threat of injury exists and also, in the event of a complex on-going investigation, it should be possible for provisional redressive measures to be taken before the termination of proceedings.

Amendment 13

Proposal for a regulation
Recital 7 c (new)

Text proposed by the Commission

Amendment

(7 c) 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, Bahrain, Kuwait, Oman and Saudi Arabia) is welcomed and constructive negotiations are encouraged. 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 (such as those established by ICAO and 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.

Amendment 14

Proposal for a regulation
Recital 8

Text proposed by the Commission

Amendment

(8) Fair competition between air carriers can also be ensured through appropriate Union legislation such as Council Regulation (EEC) No 95/93²⁰ and Council Directive 96/97/EC²¹. 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 Council²². 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

(8) Fair competition between air carriers can also be ensured through appropriate Union legislation such as Council Regulation (EEC) No 95/93²⁰ and Council Directive 96/97/EC²¹. 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 Council²². 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

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.

²⁰ 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).

²¹ 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).

²² 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).

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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Amendment 15

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

Amendment

(9) *The competitiveness of the Union aviation sector depends on the competitiveness of each part of the aviation value chain and it can only be maintained through a complementary set of policies. The Union should engage in constructive dialogue with third countries*

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.

to find a 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 **thereby preserving jobs in Union airlines**. To that end, the Commission should be entrusted with **effective** power to conduct an investigation and to take **provisional or definitive** 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.

Amendment 16

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 should be addressed within a reasonable timescale, in order to avoid losses being incurred by European air carriers**.

Amendment 17

Proposal for a regulation

Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) In the interest of effective regulation, and by analogy with the other Union trade defence instruments, it is

essential that the Commission is able to initiate proceedings on the basis of a complaint presenting prima facie evidence of a threat of injury.

Amendment 18

Proposal for a regulation

Recital 12

Text proposed by the Commission

(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.

Amendment

(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 ***after gathering all necessary information from relevant stakeholders and*** on the basis of best available evidence.

Amendment 19

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

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

Commission informed accordingly.

should therefore be obliged to keep the Commission informed accordingly.

Amendment 20

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 *parties, including* consumers, undertakings or *aviation employees* in the Union. ***In this context, and especially when redressive measures are being considered, maintaining a high level of Union connectivity should be a priority.*** Proceedings should also be concluded without measures where the requirements for such measures are not, or no longer met.

Amendment 21

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 consultations with all interested parties and to give them the opportunity 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.

Amendment 22

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 of such injury in the event of a practice distorting fair competition of which there is prima facie evidence.***

Amendment 23

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.

Amendment 24

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 25

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

(19) Redressive measures in respect of practices ***distorting*** 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.

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.

Amendment 26

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, ongoing investigations, reviews and cooperation with Member States, interested parties and third countries. This report should be treated with the appropriate level of confidentiality.

Amendment 27

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*** Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is

(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 ***distorting*** 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 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.

necessary in order to achieve those objectives; *nor does it 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.*

Amendment 28

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.

Amendment 29

Proposal for a regulation Article 1

Text proposed by the Commission

Amendment

Article 1

Article 1

Subject matter

Subject matter *and scope*

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.

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

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 *distorting* competition between Union air carriers and other air carriers and causing or threatening to cause injury to Union 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,

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 31

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

Text proposed by the Commission

Amendment 32

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

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;***

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;

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;

or related services or in providing infrastructure or services used to provide air transport services or related services, ***including joint ventures and alliances exclusively composed of third country air carriers;***

Amendment 33

Proposal for a regulation

Article 2 – paragraph 1 – point f a (new)

Text proposed by the Commission

Amendment

(f a) “threat of injury” means an injury that is imminent or foreseeable in the near future with a probability bordering on a certainty;

Amendment 34

Proposal for a regulation

Article 2 – paragraph 1 – point f b (new)

Text proposed by the Commission

Amendment

(f b) “provisional redressive measures’ are measures of a temporary nature against a third country air carrier, that are proportionate to the threat, that have the sole purpose of preventing irreversible injury, that are taken by the Commission at the beginning of the proceeding on the basis of available facts, and that are to be repealed no later than upon the conclusion of an investigation;

Amendment 35

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;

Amendment 36

Proposal for a regulation

Article 2 a (new)

Text proposed by the Commission

Amendment

Article 2 a

1. When determining the Union interest, priority shall be given to the need to restore effective and fair competition, the need to ensure transparency, the need to avoid any distortion to the internal market, the need to avoid undermining Member States' socio-economic situation and the need to maintain a high level of connectivity for passengers and the Union.

2. Whether or not the Union interest calls for intervention shall be determined by the Commission on a case-by-case basis, based on an appreciation of all the various interests, taken as a whole, including a socio-economic appraisal. Such determination shall only be made where all parties have been given the opportunity to make their views known, within a specific timeframe, in accordance with paragraph 3. This opportunity may or may not be taken. The determination of the Union interest shall be without prejudice to the Commission's right to initiate an investigation in accordance with Article 3. Where, on the basis of all the information submitted, the

Commission clearly concludes that it is not in the Union interest to apply redressive measures, those measures shall not be applied.

3. In order to provide a sound basis on which the Commission can take account of all views, the complainants and interested parties may, within the period specified in the notice of initiation of the investigation, make themselves known and provide information to the Commission. In order to ensure the transparency of the consultation, such information, or a summary thereof, shall be made available to the other parties specified in this Article, who may respond to such information.

4. When determining the Union interest, the parties which have acted in accordance with paragraph 3 may request a hearing. Such requests shall be granted when they set out the reasons, based on the Union interest, why the parties should be heard. In addition, the parties may provide comments on the application of any redressive measures and other parties may respond to such comments.

5. The Commission shall examine the information provided, and in particular the extent to which it is representative, and shall transmit the results of its examination to the Parliament and Council in accordance with Article 15a (new) and in accordance with Regulation (EU) No 182/2011.

Amendment 37

Proposal for a regulation Article 3 – paragraph 1

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:

- (a) violation of applicable international obligations;
- (b) the existence of all the following circumstances:
 - (i) a practice **affecting** competition, adopted by a third country or a third country entity;
 - (ii) injury or threat of injury to one or more Union air carriers;
 - (iii) a causal link between the alleged practice and the alleged injury or threat of injury.

Amendment

1. An investigation shall be initiated following a written complaint submitted by a Member State, **one or more** 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 **sound** prima facie evidence of either of the **elements of the** following **exhaustive list** :

- (a) violation of applicable international obligations;
- (b) the existence of all the following circumstances:
 - (i) a practice **distorting** competition, adopted by a third country or a third country entity
 - (ii) injury or threat of injury to one or more Union air carriers;
 - (iii) a causal link between the alleged practice and the alleged injury or threat of injury.

Amendment 38

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 a timely manner**, in order to determine whether there is sufficient evidence to justify the initiation of an investigation in accordance with paragraph 1.

Amendment 39

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, ***and are unwarranted;***

Amendment 40

Proposal for a regulation

Article 3 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. The decision not to initiate an investigation in accordance with paragraph 4 shall be duly substantiated by a statement of reasons. That decision shall be published in the Official Journal of the European Union. The European Parliament may call on the Commission to further justify its decision. Complainants may appeal such a decision within 60 days from its publication.

Amendment 41

Proposal for a regulation

Article 3 – paragraph 5

Text proposed by the Commission

5. Where the evidence presented is

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.

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.

Amendment 42

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. **Subject to paragraphs 4 and 5**, the Commission shall **decide on** the initiation of an investigation in accordance with paragraph 1 within **4** months of the lodging of the complaint.

Amendment 43

Proposal for a regulation Article 3 – paragraph 7

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:

- (a) initiate the proceedings;
- (b) publish a notice in the Official Journal of the European Union; the notice shall announce the initiation of the

Amendment

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:

- (a) initiate the proceedings;
- (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.

(c) officially notify the representatives of the third country and third country entity concerned of the initiation of the investigation;

(d) inform the complainant and the Committee provided for under Article 15 of the initiation of the investigation.

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 ***distorting*** 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. ***That period shall not be shorter than 30 days.***

(c) officially notify the representatives of the third country and third country entity concerned of the initiation of the investigation;

(d) inform the complainant and the Committee provided for under Article 15 of the initiation of the investigation.

Amendment 44

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 or threat of injury to the Union air carrier(s) concerned

Amendment 45

Proposal for a regulation Article 4 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) Whether this might lead to

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 established by the Agreement on the establishment of a European Common Aviation Area^{1a}, and thus to consumers. ;

For the purposes of point (ba), the impact on the Union's air connectivity shall be examined in the context of Union interest before the decision to adopt redressive measures pursuant to Article 13 is taken;

^{1a} OJ L 285, 16.10.2006, p. 3

Amendment 46

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.

Amendment 47

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 officially notified *and have given their*

Amendment

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

consent.

been officially notified.

Amendment 48

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 has not granted access to its territory to conduct investigation*** or where the investigation is significantly impeded, ***the Commission may take provisional redressive measures*** on the basis of the available facts and ***evidence provided in accordance with Article 3***. Where the Commission finds that false or misleading information has been submitted, such information shall be disregarded.

Amendment 49

Proposal for a regulation Article 9

Text proposed by the Commission

Article 9

Duration of proceedings and suspension

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

Amendment

Article 9

Duration of proceedings and suspension

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

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

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*.

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:

(a) in case of violation of applicable international obligation, that violation;

(b) in case of practice *affecting* competition, either that practice or the injury or threat of injury to the Union air carrier(s) concerned.

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.

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, as a last resort, the Commission may adopt provisional redressive measures to prevent or offset such injury*.

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:

(a) in case of violation of applicable international obligation, that violation;

(b) in case of practice *distorting* competition, either that practice or the injury or threat of injury to the Union air carrier(s) concerned.

4. If the violation of applicable international obligations or the practice *distorting* 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, *but no longer than six months*, the Commission *shall* resume the proceedings.

Amendment 50

Proposal for a regulation Article 10

Text proposed by the Commission

Article 10

Conclusion of proceedings

1. Where the complaint is withdrawn, the Commission *may* terminate the investigation conducted under Article 4 without adopting redressive measures.

Amendment

Article 10

Conclusion of proceedings

1. Where the complaint is withdrawn, the Commission *shall assess whether to take a decision to* terminate the investigation conducted under Article 4 without adopting redressive measures.

2. 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:

(a) the Commission concludes that applicable international obligations have not been violated;

(b) the Commission concludes that adopting redressive measures would be against Union interest;

(c) a satisfactory remedy has been obtained between the Union and the third country concerned in accordance with the relevant mechanisms provided for in the applicable agreement or arrangement or under relevant public international law. The implementing acts referred to in the first subparagraph shall be adopted in accordance with the advisory procedure referred to in Article 15(2).

3. 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.

Those implementing acts referred to in the first subparagraph shall be adopted in accordance with the advisory procedure referred to in Article 15 (2).

4. Where the act containing the applicable international obligations requires, before the adoption of any measure, the prior discharge of an international procedure for consultation or for the settlement of disputes, that procedure shall be first discharged and any decision taken in accordance with paragraph 3 shall take account of its results.

2. 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:

(a) the Commission concludes that applicable international obligations have not been violated;

(b) the Commission concludes that adopting redressive measures would be against Union interest;

(c) a satisfactory remedy has been obtained between the Union and the third country concerned in accordance with the relevant mechanisms provided for in the applicable agreement or arrangement or under relevant public international law. The implementing acts referred to in the first subparagraph shall be adopted in accordance with the advisory procedure referred to in Article 15(2), ***after informing the European Parliament and the relevant interested parties.***

3. 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 informing the Parliament,*** shall, by means of implementing acts, adopt redressive measures if the investigation determines that the applicable international obligations have been violated. Those implementing acts referred to in the first subparagraph shall be adopted in accordance with the advisory procedure referred to in Article 15 (2).

4. Where the act containing the applicable international obligations requires, before the adoption of any measure, the prior discharge of an international procedure for consultation or for the settlement of disputes, that procedure shall be first discharged and any decision taken in accordance with paragraph 3 shall take account of its results.

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.

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 51

Proposal for a regulation

Article 11 – paragraph 2 – subparagraph 1 a (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 that the situation under scrutiny develops into an actual injury before the end of the proceedings, the Commission shall proceed in accordance with paragraph 1, taking into account the newest evidence at its disposal.

Amendment 52

Proposal for a regulation

Article 12 – paragraph 1

Text proposed by the Commission

Amendment

1. The Commission may terminate the investigation without adopting redressive measures where the complaint is withdrawn.

1. ***Only*** the Commission may terminate the investigation without adopting redressive measures where the complaint is withdrawn. ***Union carriers have the right to appeal against a Commission decision to terminate the investigation. Such an appeal shall be lodged within 30 days from the notification by the Commission of its decision to terminate the investigation.***

Amendment 53

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 *is empowered to adopt delegated acts, in accordance with Article [15 -a (new)]*, terminating the investigation conducted in accordance with Article 4 without adopting redressive measures where:

Amendment 54

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

Amendment 55

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. *The Commission shall further justify its decision before the competent committees of the European Parliament.*

Amendment 56

Proposal for a regulation

Article 13

Article 13

Article 13

Redressive measures

Redressive measures

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

1. Without prejudice to Article 12(1) and except in the case referred to in point (b), of Article 12(2) the Commission shall **adopt** implementing acts, **laying down** redressive measures if the investigation conducted under Article 4 determines that a practice **distorting** 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. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 15(2).

2. The redressive measures referred to in paragraph 1 shall be imposed on the third country air carriers(s) benefiting from the practice **affecting** competition and may take the form of either of the following:

2. The redressive measures referred to in paragraph 1 shall be imposed on the third country air carriers benefiting from the practice **distorting** competition, and may take the form of either of the following:

- (a) financial duties;
- (b) any measure of equivalent or lesser value.

- (a) financial duties;
- (b) any **operational** measure of equivalent or lesser value.

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 carriers 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 **and may be limited in time**.

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.

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.

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.

4 b. The redressive measures referred to in paragraph 1 may be provisional and may be adopted, where necessary, when the investigation determines, on the basis of available facts, that a threat of injury exists and also in the event of complex on-going investigation which has not yet been concluded or terminated.

5. The decision to conclude the investigation with the adoption of redressive measures referred to in paragraph 1 shall be accompanied by a statement of the reasons thereof and shall be published in the *Official Journal of the European Union*.

5. The decision to conclude the investigation with the adoption of redressive measures referred to in paragraph 1 shall be accompanied by a statement of the reasons thereof and shall be published in the *Official Journal of the European Union*.

Amendment 57

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 **be** in force only 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.

Amendment 58

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

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.

redressive measures in their initial form may be reviewed, either on the initiative of the Commission, ***the Member State concerned***, or of the complainant or upon a reasoned request by the third country or the third country entity concerned.

Amendment 59

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 ***is empowered to adopt delegated acts in accordance with Article [15 -a (new)], repealing, amending or maintaining***, as appropriate, the redressive measures. ***When adopting those delegated acts the Commission shall take into account the Union interest.***

Amendment 60

Proposal for a regulation Article 15 a (new)

Text proposed by the Commission

Amendment

Article 15a

Exercise of the delegation

1. ***The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.***

2. ***The power to adopt delegated acts referred to in Article 12 and Article 14(4) shall be conferred on the Commission for a period of ... years from ... [date of entry into force of the basic legislative act or any other date set by the co-legislators]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the ... year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the***

European Parliament or the Council opposes such extension not later than three months before the end of each period.

3. The delegation of power referred to in Article 12 and Article 14(4) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 12 and Article 14(4) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of [two months] of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by [two months] at the initiative of the European Parliament or of the Council.

Amendment 61

Proposal for a regulation Article 15 b (new)

Article 15b

- 1. The Commission shall on a case-by-case basis, with due regard to the protection of confidential information within the meaning of Article 6, present a report, accompanied by a statement, 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, ongoing 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 further 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.***

EXPLANATORY STATEMENT

The Commission proposal

The Commission proposal aims at addressing the shortcomings of the existing legal framework set in Regulation (EC) No 868/2004. The current legislation was intended to defend the Union air carriers against the unfair practices of some third countries, especially in the absence of an international framework that sets out the conditions governing competition among air carriers. However, it was never fit for purpose and therefore never used, even if there is a need for an effective defence mechanism against unfair competition in aviation. The Commission rightly points that the EU rules ensure that all carriers, European and non-European, are granted the same rights and same opportunity of accessing air transport related services, however this is not always the case outside Europe where discriminatory practices and subsidies may give unfair competitive advantages to air carriers from those third countries.

The rapporteur's position

The rapporteur welcomes and supports the proposal as an important improvement to Regulation 868/2004 and agrees with its objectives and means to achieve them. He would like to underline, however, that redressive measures that could be triggered because of a well-functioning defence mechanism should be used when more than one Member State is affected or existing bilateral procedures exploited. As a result, this report introduces only those changes that emphasise the need to give priority to bilateral solutions and involve all relevant stakeholders, including the Parliament and the Council as European legislators, in the process of consultation. The rapporteur also finds it important to put more focus on the role of air connectivity as a criterion in the investigations and, for the purpose of this regulation, to precise the notion of Union interest, when deciding whether or not to apply the redressive measures if unfair practices of a third country carrier are discovered.

23.2.2018

OPINION OF THE COMMITTEE ON ECONOMIC AND MONETARY AFFAIRS

for the Committee on Transport and Tourism

on the proposal for a regulation of the European Parliament and of the Council on safeguarding competition in air transport, repealing Regulation (EC) No 868/2004 (COM(2017)0289 – C8-0183/2017 – 2017/0116(COD))

Rapporteur: Ramon Tremosa i Balcells

AMENDMENTS

The Committee on Economic and Monetary Affairs calls on the Committee on Transport and Tourism, as the committee responsible, to take into account the following amendments:

Amendment 1

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 ***and the everyday lives of Union citizens***. It is a strong driver for economic growth, jobs and trade, ***as well as connectivity*** and mobility ***for businesses and citizens alike***. 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 2

Proposal for a regulation Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) The European aviation sector represents around 2 million direct jobs and international aviation is expected to grow by around 5 % per year until 2030.

Amendment 3

Proposal for a regulation Recital 1 b (new)

Text proposed by the Commission

Amendment

(1b) It is essential for the Union to provide effective protection for the various sectors of its economy, and for its workers, against any unfair competitive practices from third countries.

Amendment 4

Proposal for a regulation Recital 2

Text proposed by the Commission

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 maintaining conditions conducive to a high level of Union's connectivity.

(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, ***equal*** and fair competition between all air carriers, ***taking into account regulatory issues such as labour conditions and environmental protection***. This would contribute to the ***protection of jobs and the competitiveness of Union airlines, as well as to*** maintaining conditions conducive to a high level of Union's connectivity.

Amendment 5

Proposal for a regulation

Recital 2 a (new)

Text proposed by the Commission

Amendment

(2 a) Europe represents a space of over 500 million potential passengers for third country air carriers. This potentially-increasing traffic should be kept in mind when comprehensive aviation agreements with the rest of the world are negotiated on behalf of the Union.

Amendment 6

Proposal for a regulation

Recital 3 a (new)

Text proposed by the Commission

Amendment

(3 a) The opening of markets and connectivity is clearly linked because distortion of competition leads to a shift of traffic flows. Third country air carriers want and need to access airports in all Member States because of the potential market of 500 million passengers that the European continent represents for them.

Amendment 7

Proposal for a regulation

Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) In the light of the United Kingdom's notification to the European Council of 29 March 2017, notifying its intention to withdraw from the European Union in accordance with Article 50 of the Treaty on European Union, the Commission should conduct a thorough assessment of the consequences of this withdrawal on air transport between the Union or its Members and the United

Kingdom, with the aim of achieving as little disruption as possible in air transport services for carriers based in the Union and for consumers.

Amendment 8

Proposal for a regulation Recital 7 a (new)

Text proposed by the Commission

Amendment

(7 a) Financial transparency in the fair competition clauses is an essential element in guaranteeing a level playing field for Union and third-country air carriers. In addition, full transparency is key to confirming or dismissing any alleged subsidies given to an airline.

Amendment 9

Proposal for a regulation Recital 8

Text proposed by the Commission

Amendment

(8) Fair competition between air carriers can also be ensured through appropriate Union legislation such as Council Regulation (EEC) No 95/93²⁰ and Council Directive 96/97/EC²¹. 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 Council²². 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

(8) Fair competition between air carriers can also be ensured through appropriate Union legislation such as Council Regulation (EEC) No 95/93²⁰ and Council Directive 96/97/EC²¹. 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 Council²². However, Regulation (EC) No 868/2004 has proven ***to be totally 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.

²⁰ 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).

²¹ 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).

²² 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).

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.

²⁰ 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).

²¹ 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).

²² 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).

Amendment 10

Proposal for a regulation

Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) In order to safeguard fair competition in Union external aviation relations and to ensure reciprocity and the elimination of unfair practices, including alleged subsidies and State aid awarded to airlines from certain third countries that could distort the market, it is necessary for fair competition clauses to require full financial transparency. Such transparency is necessary in order to enable the Commission to reach a positive

or a negative decision concerning the alleged subsidies.

Justification

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 11

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, ***thus preserving jobs in Union airlines***. 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 12

Proposal for a regulation Recital 10 a (new)

Text proposed by the Commission

Amendment

(10 a) Where the air services concerned are covered by a Member State's bilateral air services agreement with a third

country, it is important that the Commission is able to launch investigations and if necessary to adopt redressive measures, prior to the exhaustion of the dispute settlement mechanism contained in the Member State's bilateral air services agreement with the third country. In the interest of effective regulation, the Commission may launch such investigations and adopt such redressive measures regardless of whether or not the Member State concerned intends to address the practice affecting competition under its bilateral air service agreement with the third country.

Justification

The purpose of this provision is to avoid cases where Member States would unintentionally or intentionally prevent the Union to act, by delaying considerably the dispute settlement mechanism under their bilateral air service agreement. This would result in a continuation of the practices affecting competition, and in inevitable aggravation of the injury harming the Union air carrier.

Amendment 13

Proposal for a regulation Recital 11 a (new)

Text proposed by the Commission

Amendment

(11 a) In the interest of effective regulation, and by analogy with the other Union trade defence instruments, it is essential that the Commission is able to launch proceedings on the basis of a complaint presenting prima facie evidence of a threat of injury.

Justification

The notion of threat of injury is central to this kind of trade defence instrument. The regulation must allow for the initiation of proceedings where there are elements indicating that a third country or a third country entity is enforcing or will enforce practices which would inevitably result in injury to a Union air carrier.

Amendment 14

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) ***It should be possible for proceedings to*** 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

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, ***the European Parliament***, a Union air carrier or an association of Union air carriers in accordance with paragraph 2, ***a national consumer organisation***, or on the Commission's own initiative, if there ***are reasonable and factual indications*** of either of the following:

Amendment 16

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 factual indications*** of one of the cases referred to in paragraph 1.

Amendment 17

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 ***it*** 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 18

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 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 19

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**

Amendment

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

months of the lodging of the complaint.

months of the lodging of the complaint.

Amendment 20

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 ***or whether irregular behaviour restricting competition has had a negative impact on the internal market.***

Amendment 21

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 officially notified ***and have given their consent.***

Amendment

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

Amendment 22

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

Amendment

7. Complainants, interested parties, the Member State(s) concerned, ***the competent committees of the European Parliament*** and the representatives of the third country or third country entity concerned may consult all information

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.

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 23

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 has not granted access to its territory in order to conduct investigations*** 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 24

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 ***an 18 month period following the initiation of an investigation***. That period may be prolonged ***within a set timeline*** in duly justified cases.

Amendment 25

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 period of six months*.

Amendment 26

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. *Only* the Commission may, *with the right of appeal by injured parties*, 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 27

Proposal for a regulation

Article 9 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. Union carriers have the right to appeal against a decision of the Commission to suspend the proceedings. Such an appeal should be lodged within 20 days from the notification by the Commission of its decision to suspend the proceedings.

Amendment 28

Proposal for a regulation

Article 9 – paragraph 4

Text proposed by the Commission

4. If the violation of applicable international obligations or the practice

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 *may* resume the proceedings.

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.

Amendment 29

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 *is empowered to adopt delegated acts in accordance with Article [A] in order to amend this Regulation by terminating* the investigation conducted under Article 4 without adopting redressive measures in any of the following cases:

Amendment 30

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

Amendment 31

Proposal for a regulation

Article 11 – paragraph 1 – point a

Text proposed by the Commission

(a) the situation of the Union air carrier(s) concerned, notably in terms of aspects such as frequency of services, utilisation of capacity, network effect, sales, market share, profits, return on capital, investment and employment;

Amendment

(a) the situation of the Union air carrier(s) concerned, notably in terms of aspects such as frequency of services, utilisation of capacity, network effect, sales, market share, profits, return on capital, *environmental protection*,

investment and employment;

Amendment 32

Proposal for a regulation

Article 11 – paragraph 2 – point a

Text proposed by the Commission

(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;

Amendment

(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, ***environmental protection***, investment and employment;

Amendment 33

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. ***Only*** the Commission may terminate the investigation without adopting redressive measures where the complaint is withdrawn. ***Union carriers have the right to appeal against a Commission decision to terminate the investigation. Such an appeal should be lodged within 30 days from the notification by the Commission of its decision to terminate the investigation.***

Amendment 34

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

Amendment

The Commission ***is empowered to adopt delegated acts in accordance with Article [A] in order to amend this Regulation by terminating*** the investigation conducted in

measures where:

accordance with Article 4 without adopting redressive measures where:

Amendment 35

Proposal for a regulation

Article 12 – paragraph 2 – subparagraph 1 – point b

Text proposed by the Commission

(b) the Commission concludes that adopting redressive measures in accordance with Article 13 would be against Union interest;

Amendment

(b) the Commission, ***after consulting the European Parliament***, concludes that adopting redressive measures in accordance with Article 13 would be against Union interest. ***The Union interest shall be assessed by the Commission after having consulted all relevant stakeholders including Union airlines***;

Amendment 36

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

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Safeguarding competition in air transport	
References	COM(2017)0289 – C8-0183/2017 – 2017/0116(COD)	
Committee responsible Date announced in plenary	TRAN 15.6.2017	
Opinion by Date announced in plenary	ECON 15.6.2017	
Rapporteur Date appointed	Ramon Tremosa i Balcells 5.10.2017	
Discussed in committee	4.12.2017	24.1.2018
Date adopted	21.2.2018	
Result of final vote	+: 50	–: 4
	0: 0	
Members present for the final vote	Burkhard Balz, Hugues Bayet, Udo Bullmann, Esther de Lange, Markus Ferber, Jonás Fernández, Sven Giegold, Neena Gill, Roberto Gualtieri, Brian Hayes, Gunnar Hökmark, Danuta Maria Hübner, Cătălin Sorin Ivan, Petr Ježek, Wolf Klinz, Georgios Kyrtos, Werner Langen, Sander Loones, Olle Ludvigsson, Ivana Maletić, Gabriel Mato, Costas Mavrides, Alex Mayer, Bernard Monot, Luděk Niedermayer, Stanisław Ożóg, Sirpa Pietikäinen, Dariusz Rosati, Pirkko Ruohonen-Lerner, Anne Sander, Alfred Sant, Martin Schirdewan, Molly Scott Cato, Pedro Silva Pereira, Peter Simon, Theodor Dumitru Stolojan, Kay Swinburne, Paul Tang, Ramon Tremosa i Balcells, Ernest Urtsun, Marco Valli, Miguel Viegas, Jakob von Weizsäcker	
Substitutes present for the final vote	Matt Carthy, Bas Eickhout, Ramón Jáuregui Atondo, Alain Lamassoure, Paloma López Bermejo, Thomas Mann, Luigi Morgano, Laurențiu Rebegea, Joachim Starbatty, Lieve Wierinck	
Substitutes under Rule 200(2) present for the final vote	Alberto Cirio	

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

50	+
ALDE	Petr Ježek, Wolf Klinz, Ramon Tremosa i Balcells, Lieve Wierinck
ECR	Sander Loones, Stanisław Ozóg, Pirkko Ruohonen-Lerner, Joachim Starbatty, Kay Swinburne
EFDD	Marco Valli
ENF	Bernard Monot, Laurențiu Rebega
PPE	Burkhard Balz, Alberto Cirio, Markus Ferber, Brian Hayes, Gunnar Hökmark, Danuta Maria Hübner, Georgios Kyrtos, Alain Lamassoure, Werner Langen, Ivana Maletić, Thomas Mann, Gabriel Mato, Luděk Niedermayer, Sirpa Pietikäinen, Dariusz Rosati, Anne Sander, Theodor Dumitru Stolojan, Esther de Lange
S&D	Hugues Bayet, Udo Bullmann, Jonás Fernández, Neena Gill, Roberto Gualtieri, Cătălin Sorin Ivan, Ramón Jáuregui Atondo, Olle Ludvigsson, Costas Mavrides, Alex Mayer, Luigi Morgano, Alfred Sant, Pedro Silva Pereira, Peter Simon, Paul Tang, Jakob von Weizsäcker
Verts/ALE	Bas Eickhout, Sven Giegold, Molly Scott Cato, Ernest Urtasun

4	-
GUE/ NGL	Matt Carthy, Paloma López Bermejo, Martin Schirdewan, Miguel Viegas

0	0

Key to symbols:

+ : in favour

- : against

0 : abstention

PROCEDURE – COMMITTEE RESPONSIBLE

Title	Safeguarding competition in air transport	
References	COM(2017)0289 – C8-0183/2017 – 2017/0116(COD)	
Date submitted to Parliament	7.6.2017	
Committee responsible Date announced in plenary	TRAN 15.6.2017	
Committees asked for opinions Date announced in plenary	ECON 15.6.2017	ITRE 15.6.2017
Not delivering opinions Date of decision	ITRE 21.6.2017	
Rapporteurs Date appointed	Markus Pieper 30.6.2017	
Discussed in committee	11.1.2018	20.2.2018
Date adopted	20.3.2018	
Result of final vote	+: –: 0:	28 9 2
Members present for the final vote	Daniela Aiuto, Lucy Anderson, Georges Bach, Deirdre Clune, Michael Cramer, Luis de Grandes Pascual, Andor Deli, Isabella De Monte, Ismail Ertug, Jacqueline Foster, Dieter-Lebrecht Koch, Merja Kyllönen, Miltiadis Kyrkos, Peter Lundgren, Marian-Jean Marinescu, Georg Mayer, Gesine Meissner, Cláudia Monteiro de Aguiar, Renaud Muselier, Markus Pieper, Gabriele Preuß, Christine Revault d’Allonnes Bonnefoy, Dominique Riquet, Massimiliano Salini, Jill Seymour, Claudia Țapardel, Keith Taylor, Pavel Telička, Peter van Dalen, Wim van de Camp, Janusz Zemke, Roberts Zīle, Kosma Złotowski, Elżbieta Katarzyna Łukacijewska	
Substitutes present for the final vote	Jakop Dalunde, Mark Demesmaeker, João Pimenta Lopes, Matthijs van Miltenburg	
Substitutes under Rule 200(2) present for the final vote	Gilles Lebreton	
Date tabled	28.3.2018	

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

28	+
ALDE	Gesine Meissner, Dominique Riquet, Pavel Telička, Matthijs van Miltenburg
ECR	Peter van Dalen
EFDD	Daniela Aiuto
ENF	Gilles Lebreton, Georg Mayer
PPE	Georges Bach, Deirdre Clune, Andor Deli, Dieter-Lebrecht Koch, Marian-Jean Marinescu, Cláudia Monteiro de Aguiar, Renaud Muselier, Markus Pieper, Massimiliano Salini, Luis de Grandes Pascual, Wim van de Camp, Elżbieta Katarzyna Łukacijewska
S&D	Lucy Anderson, Isabella De Monte, Ismail Ertug, Miltiadis Kyrkos, Gabriele Preuß, Christine Revault d'Allonnes Bonnefoy, Janusz Zemke, Claudia Țapardel

9	-
ECR	Jacqueline Foster, Roberts Zile, Kosma Złotowski
EFDD	Peter Lundgren, Jill Seymour
GUE/NGL	João Pimenta Lopes
Verts/ALE	Michael Cramer, Jakop Dalunde, Keith Taylor

2	0
ECR	Mark Demesmaeker
GUE/NGL	Merja Kyllönen

Key to symbols:

+ : in favour

- : against

0 : abstention