



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 16.10.1997
SEC(97)1902 final

96/0209 (SYN)

COMMUNICATION FROM THE COMMISSION
TO THE EUROPEAN PARLIAMENT

pursuant to the first subparagraph of Article 189 c (b) of the EC-Treaty

on

the common position adopted by the Council on 9/10/97 concerning the proposal for a Council Directive amending Directive 92/14/EEC on the limitation of the operation of aeroplanes covered by Part II, Chapter 2, Volume 1 of Annex 16 to the Convention on International Civil Aviation, second section (1988)

I. BACKGROUND

On 4 September 1996, the Commission adopted a proposal for a Council Directive amending Directive 92/14/EEC on the limitation of the operation of aeroplanes covered by Part II, Chapter 2, Volume 1 of Annex 16 to the Convention on International Civil Aviation, second edition (1988)

The proposal was sent to the Council and Parliament on 4 September 1996.

The Economic and Social Committee delivered its opinion on 27 November 1996.

After receiving the opinion of Parliament on 11 March 1997, the Commission sent the Council a modified proposal on 4/06/97 [COM(97) 253 final].

The Council adopted a common position on 9/10/97.

II. SUBJECT OF THE COMMISSION PROPOSAL

The proposed amending Directive aims at :

- updating the Annex to Council Directive 92/14/EEC by including a number of aeroplanes from developing nations which although qualifying for an exemption until 1 April 2002, had not been notified to the Commission at the time of adoption of the Directive ;
- introducing an advisory Committee to assist the Commission in future updating of the annex ;
- introducing some drafting amendments with a view to ensuring a more uniform interpretation of the Directive ;
- allowing Member States to exclude Chapter 2 aeroplanes from one or more airports forming part of the same airport system.

III. COMMISSION COMMENTS ON THE COMMON POSITION

A. General Comment

The Council's common position reflects the Commission's aim of making the necessary amendments to the Annex to Directive 92/14/EEC and incorporating a number of definitions to ensure a more strict interpretation of the Directive. It includes a number of amendments proposed by Parliament and accepted by the Commission. However, it does not allow for a general ban on the use of Chapter 2 aircraft at airports which are part of an airport system. Furthermore, it provides for a regulatory Committee - instead of an advisory Committee - to take charge of updating the annex to the Directive.

B. European Parliament amendments

(1) **Amendments accepted by the Commission and included in the common position.**

Amendment 3 [Recital 6]

This amendment refers to the conditions under which an exemption granted to an aeroplane registered in a developing nation continues to remain valid.

Amendment 7 [Article 1 (4)]

In the spirit of amendment 3, article 1 (4a) (new) is made more explicit on the issue of lease, and thus aims at preventing any abuse of the exemption status granted to aeroplanes from developing nations.

(2) **New features of the Common position**

Article 1, paragraph 2

The common position deletes the provision which allowed Member States to ban Chapter 2 aeroplanes at one or more airports which are part of an airport system. However, in view of the exceptional historic situation at the Berlin airports, a point which the Commission fully recognises, the common position makes it possible to ban Chapter 2 aeroplanes at Berlin Tegel and Tempelhof. The Commission can therefore support this.

Article 1, paragraph 6

For the purposes of clarification and consistency the common position rewords in its Article 7 (1 - 2) the idea put forward by the Commission.

In its Article 7 (3), the common position introduces a provision which allows Member States to maintain, within the framework of their existing arrangements with third country carriers, an exemption for phasing-out Chapter 2 aeroplanes similar to that granted to Community air carriers.

Article 1, paragraph 7

In its common position the Council has replaced the advisory Committee proposed by the Commission by a regulatory Committee, the role of which is to amend the annex to the Directive with a view to ensuring full conformity with the criteria set out in Article 3. Given the unanimous view of the Council that a regulatory Committee is justified given the impact that amendment of the Annex could have, particularly concerning third country relations, the Commission accepts a regulatory Committee.

IV. CONCLUSION

The Commission supports the common position since it contains the necessary amendments to the Annex to Directive 92/14/EEC as well as the definitions necessary to ensure a more strict and uniform interpretation of the Directive. Moreover, the common position includes two amendments proposed by Parliament which strengthen the conditions under which an exemption granted to an aeroplane from a developing nation and included in the Annex continues to remain valid.