



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 04.06.1997
COM(97) 253 final

97/0209 (SYN)

Amended 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)

(presented by the Commission pursuant to Article 189 a (2)
of the EC-Treaty)

Explanatory memorandum

During its plenary session on 11 March 1997 the European Parliament approved the proposal for a Council Directive presented by the Commission aimed at 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). It also adopted nine amendments to the text put forward.

The Commission accepted the amendments concerning Recital 7 a (new) and Article 1 (4 a) new, since they strengthen the conditions under which an exemption granted to an aeroplane registered in a developing nation continues to remain valid.

However, the Commission was unable to accept the amendments concerning

- recitals 3,3 a (new) and Article 1(2), since they would be contrary to the balanced approach adopted in Directive 92/14/EEC
- recital 10 and Article 1 (7), because they would make it obligatory for the Commission to propose another amending Directive instead of using the Committee procedure in order to include in the Annex a small number of aeroplanes from developing nations, which could be considered for an exemption in the year 2000, the year in which those aeroplanes will reach 25 years of age.
- Article 1(1) and the Annex, because Saudi Arabia is included in the official international list of developing nations and its aeroplanes included in the Annex meet the criteria laid down in Article 3 of Council Directive 92/14/EEC as amended by this proposal for a Directive.

Amended 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)

Original text

Whereas it is necessary to respect the initial intention of the exemption for aeroplanes on the registers of developing nations; whereas the relevant provisions of the Directive should therefore be clarified so that the Directive may produce its full benefits in terms of restricting the number of movements by certain types of civil subsonic jet aeroplanes;

Amended text

Whereas it is necessary to respect the initial intention of the exemption for aeroplanes on the registers of developing nations; whereas the relevant provisions of the Directive should therefore be clarified so that the Directive may produce its full benefits in terms of restricting the number of movements by certain types of civil subsonic jet aeroplanes;

Whereas an exemption granted for an aeroplane from a developing nation shall only benefit that nation;

Article 1, Point 4 AMENDMENTS

Directive 92/14/EEC is hereby amended as follows :

4. Article 3(b) is replaced by the following:

'(b) These aeroplanes were on the register of the developing nation shown for that aeroplane in the Annex in the reference year and continue to be operated by natural or legal persons established in that nation.'

Directive 92/14/EEC is hereby amended as follows :

4. Article 3(b) is replaced by the following:

'(b) These aeroplanes were on the register of the developig nation shown for that aeroplane in the Annex in the reference year and continue to be operated by natural or legal persons established in that nation.'

(c) The exemption shall not apply in case the aeroplane is leased to a natural or legal person established in a country other than the one mentioned for that aeroplane in the Annex.

ISSN 0254-1475

COM(97) 253 final

DOCUMENTS

EN

07 11

Catalogue number : CB-CO-97-241-EN-C

ISBN 92-78-20175-8

Office for Official Publications of the European Communities

L-2985 Luxembourg