



AIR CARRIER IDENTITY - THE RIGHT TO KNOW !
ECA POSITION

Proposal for a
Regulation of the European Parliament and of the Council
on the information of air transport passengers on the identity of the operating carrier
and on communication of safety information by Member States

1. GENERAL COMMENTS: EFFECTIVE RIGHT TO INFORMATION

ECA fully supports the Commission proposal on both objectives:

- providing information on the carrier and
- obliging National Authorities to share the information.

ECA also welcomes the amendments from the Rapporteur that complete the Commission's proposal and **increase the safety approach and safety awareness**.

ECA recognises this is a step forward in assisting the public in understanding about the way operators work. In fact, this type of Regulation meets a longstanding ECA request related to the **increasing use of outsourcing and wet-leasing**

While the proposal is a step in the right direction, ECA is concerned that **it does not go far enough**.

In the explanatory note justifying its proposal on air carrier information, the Commission states: "Nobody would for instance expect consumers to be kept ignorant of the hotel in which they are staying.". Keeping the parallel, what the Commission proposes is that the passenger is notified of the name of the new hotel, but what is missing is information about the new hotel compared with the one he or she initially booked.

A further drawback is that the passenger is not given any right other than knowing the identity of the carrier. There is no right to compensation if the passenger considers that the safety or the service of the "new" operator is below the original flight.

ECA believes that this is a small step forward, but the real gain to consumers is a single, strong, pan-European safety regulator which implements effectively a high level of safety across all community air carriers.

Proposals for amendments:

Recital 6 b) new

	ECA suggested amendment
	The change in the operating airline represents a unilateral modification of

The European Cockpit Association

ECA is an association of Flight Crew Unions. Based in Brussels, ECA presently has 22 member associations, representing 34.000 pilots from 22 countries. For more information, please visit <http://www.eurocockpit.be>.

	the contract by the air contractor. The legislator shall ensure that operational flexibility does not result in prejudice to the passenger.
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Justification

It should be recognized that changing the operating carrier is a change in the contract. While recognising that this might be needed for operational reasons, the legislator should protect citizens against abuse and ensure that flexibility is not used against the interests of the consumer.

Recital 6 a) new (as proposed by the Rapporteur)

Text Proposed by Rapporteur	ECA suggested amendment
<p>(6a) Regulation (EC) No 1592/2002 of the European Parliament and of the Council of 15 July 2002¹ establishing a European Aviation Safety Agency (EASA) gives the agency, inter alia, the task of maintaining a uniformly high standard of safety and environmental protection in civil aviation.</p> <p>However, the EASA does not as yet have any regulatory powers in respect of third-country aircraft. If the Commission intends to extend the EASA's powers to cover, inter alia, the issue of operators' certificates in respect of third-country aircraft, this Regulation will need to be revised so as to make it consistent with the adoption by the Community of a cogent and effective system for monitoring the safety of all carriers flying to and from Member States.</p> <p>¹ OJ L 240, 7.9.2002, p. 1. Regulation last amended by Commission Regulation (EC) No 1701/2003(OJ L 243, 27.9.2003, p. 5).</p>	<p>6a) Regulation (EC) No 1592/2002 of the European Parliament and of the Council of 15 July 2002¹ establishing a European Aviation Safety Agency (EASA) gives the agency, inter alia, the task of maintaining a uniformly high standard of safety and environmental protection in civil aviation.</p> <p>However, the EASA does not as yet have any regulatory powers in respect of third-country aircraft. If the Commission intends to extend the EASA's powers to cover, inter alia, the issue of operators' certificates in respect of third-country aircraft, this Regulation will need to be revised so as to make it consistent with the adoption by the Community of a cogent and effective system for monitoring the safety of all carriers flying to and from Member States.</p> <p>Financial arrangements shall be made to enable the Agency to carry out this task.</p> <p>¹ OJ L 240, 7.9.2002, p. 1. Regulation last amended by Commission Regulation (EC) No 1701/2003(OJ L 243, 27.9.2003, p. 5).</p>

Justification

The Agency can and should play the role of ensuring a consistent application of aviation safety regulations. However, the Agency needs to have the means to accomplish this task.

2. SHORTER REVISION PERIOD

The revision period provided in the draft Regulation should be reduced to TWO years only.

Article 6

	ECA suggested amendment
No later than five years after the entry into force of this Regulation the Commission shall report to the European Parliament and to the Council on the application of this Regulation. The report shall be accompanied, where necessary, by proposals for revision of the Regulation.	No later than two years after the entry into force of this Regulation the Commission shall report to the European Parliament and to the Council on the application of this Regulation. The report shall be accompanied, where necessary, by proposals for revision of the Regulation.

Justification

Given the limited scope of the Regulation there is no need for a period longer than two years to report on its application. Furthermore, a shorter period of time for the revision would be advised so as to improve further the level of information made available to the public.

3. OBJECTIVE COMMON CRITERIA

Article 4, paragraph 1 b (new)

	ECA suggested amendment
1b. The Commission shall draw up common criteria no later than six months after the publication of this Regulation in the Official Journal of the European Union. Once they have been drawn up, the common criteria shall be attached to the Regulation.	1b. The Commission shall draw up common criteria no later than six months after the publication of this Regulation in the Official Journal of the European Union. Once they have been drawn up, the common criteria shall be attached to the Regulation. The common criteria shall be based on objective indicators such as accident / incident and irregularity rates and safety audits to recognized international standards.

Justification

It should be recognized that changing the operating carrier is a change in the contract. While recognising that this might be needed for operational reasons, the legislator should protect citizens against abuse and ensure that flexibility is not used against the interests of the consumer.

4- INDIVIDUAL AIRLINE DIRECT APPEALING PROCEDURES

The EU is taking responsibility for publishing a list of banned airlines causing potential economic damage to a third person. It therefore seems natural justice to provide the concerned party with a right of direct appeal procedure to the institution publishing the list.
Proposal:

Article 4, paragraph 2 a (new)

	ECA suggested amendment
Within one month of the national lists of air carriers referred to in paragraph 1 being forwarded or alterations thereto being notified, if no Member State objects the Commission and Member States shall publish a consolidated list of these air carriers by all appropriate means, such as on a web site	Within one month of the national lists of air carriers referred to in paragraph 1 being forwarded or alterations thereto being notified, after consultation with the concerned carrier , if no Member State objects the Commission and Member States shall publish a consolidated list of these air carriers by all appropriate means, such as on a web site.

Justification

The Commission, being responsible for the publication of information having direct impact on an individual operator should, in order to ensure that its responsibility would not be compromised, consult the interested party prior to the publication of the name in the carrier in the list. ECA considers it fundamental that the interested carrier is given the opportunity to defend its case.

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