
(COM(2003) 207 final — 2001/0140 (COD))

(2003/C 220/14)

On 28 May 2003, the Council decided to consult the European Economic and Social Committee, under Article 80 (2) of the Treaty establishing the European Community, on the above-mentioned proposal.

On 17 June 2003 the Committee Bureau instructed the Section for Transport, Energy, Infrastructure and the Information Society to prepare the work on the subject.

At its 400th plenary session of 18 and 19 June 2003 (meeting of 18 June), and in view of the urgency of the matter, the European Economic and Social Committee appointed Mr Green as rapporteur-general and adopted the following opinion by 64 votes in favour, with two abstentions.

1. Background

1.1. Article 10(3) of Council Regulation (EEC) No 95/93 (1) establishes that slots which are allocated to an air carrier shall not entitle that air carrier to the same series of slots in the next equivalent period, unless it can demonstrate that they have been operated by that air carrier for at least 80 % of the time during the period for which they have been allocated. If the 80 % usage of the series of slots cannot be demonstrated, all the slots constituting that series shall be placed in the slot pool, unless the non-utilization can be justified as set out on Article 10(5) (’use-it-or-lose-it’ rule).

1.2. The war launched in March 2003 against Iraq and the political developments that followed such launch as well as the outbreak of the Severe Acute Respiratory Syndrome (SARS) have seriously affected the air transport operations of air carriers and have triggered a significant reduction in demand in the beginning of the summer 2003 scheduling season.

1.3. In order to make sure that the non-utilisation of slots allocated for that season does not cause air carriers to lose their entitlement to those slots, it is necessary to provide clearly and unambiguously that those scheduling seasons are adversely affected by the armed conflict.

1.4. Accordingly, the Commission proposes to introduce a new Article 10b into the Regulation whereby coordinators would accept that, when air carriers attribute the non-utilisation of slots allocated to them for the Summer 2003 scheduling season to the hostilities in Iraq, they are allocated these slots for the next equivalent scheduling season (Summer 2004).

1.5. An important aspect of this proposal is its timing. The proposed rule needs to enter into force before 15 September 2003, date at which the usage calculation for slots with ‘grandfather status’ for that season will be established, to allow coordinators and air carriers to safeguard unused slots.

2. General comments and conclusions

2.1. The EESC reiterates its comments regarding the allocation of slots for 2003 following the 11 September 2001 (2). It agrees with the Commission proposal insofar as it takes into account exceptional circumstances and gives legal certainty to coordinators.

2.2. In fact, coordinators risked legal challenge unless the question of the ’use-it-or-lose-it’ rule was clearly and unambiguously dealt with.

2.3. At the same time the proposal allows planning certainty for carriers.


2.4. However, the EESC draws the attention of the institutions to the fact that providing slot protection to the airlines should not create unfair competition preventing new companies to access to the market.


The President
of the European Economic and Social Committee
Roger BRIESCH

Opinion of the European Economic and Social Committee on the 'Proposal for a Directive of the European Parliament and of the Council on ship-source pollution and on the introduction of sanctions, including criminal sanctions, for pollution offences'

(COM(2003) 92 final — 2003/0037 (COD))

(2003/C 220/15)

On 19 March 2003 the Council decided to consult the European Economic and Social Committee under Article 80(2) of the Treaty establishing the European Community, on the above-mentioned proposal.

The Section for Transport, Energy, Infrastructure and the Information Society which was responsible for preparing the Committee’s work on the subject, adopted its opinion on 5 June 2003. The rapporteur was Mr Chagas and the co-rapporteur Dr Bredima-Savopoulou.

At its 400th plenary session of 18 and 19 June 2003 (meeting of 19 June) the European Economic and Social Committee adopted the following opinion by 96 votes to 6 with 5 abstentions.

1. **Introduction**

1.1. As already announced in the Communication on improving safety at sea in response to the Prestige incident (1), the Commission proposes to further ‘tighten the net’ relating to ship-source pollution. The main part of world-wide ship-source pollution by oil is the result of deliberate discharges. Operational, i.e. intentional discharges from ships are still widely practised in the waters off the coasts of EU Member States. As a consequence of recurring major incidents and continued deliberate discharges, the Commission proposes a Directive establishing that discharges in violation of Community laws shall constitute a criminal offence and that sanctions, including criminal sanctions, are to be imposed if the persons concerned have been found to have caused or participated in the act by intent or grossly negligent behaviour.

1.2. The Commission considers that the introduction of adequate sanctions for marine-pollution offences is particularly important as the international civil liability regimes that govern ship-source pollution incidents involve significant shortcomings with respect to their dissuasive effects, in particular the ability of the polluter to nearly always limit liability. Hence, the deterrent effect of criminal sanctions is proposed.

1.3. The Transport Council (6 December 2002) welcomed the intention of the Commission to present such a proposal and the Justice and Home Affairs Council (19 December 2002) agreed that ‘complementary measures should be considered to strengthen the protection of the seas through criminal law’.