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COM (86) 677

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Conformément au règlement (CEE, Euratom) n° 354/83 du Conseil du 1er février 1983 concernant l'ouverture au public des archives historiques de la Communauté économique européenne et de la Communauté européenne de l'énergie atomique (JO L 43 du 15.2.1983, p. 1), tel que modifié par le règlement (CE, Euratom) n° 1700/2003 du 22 septembre 2003 (JO L 243 du 27.9.2003, p. 1), ce dossier est ouvert au public. Le cas échéant, les documents classifiés présents dans ce dossier ont été déclassifiés conformément à l'article 5 dudit règlement.

In accordance with Council Regulation (EEC, Euratom) No 354/83 of 1 February 1983 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community (OJ L 43, 15.2.1983, p. 1), as amended by Regulation (EC, Euratom) No 1700/2003 of 22 September 2003 (OJ L 243, 27.9.2003, p. 1), this file is open to the public. Where necessary, classified documents in this file have been declassified in conformity with Article 5 of the aforementioned regulation.

In Übereinstimmung mit der Verordnung (EWG, Euratom) Nr. 354/83 des Rates vom 1. Februar 1983 über die Freigabe der historischen Archive der Europäischen Wirtschaftsgemeinschaft und der Europäischen Atomgemeinschaft (ABl. L 43 vom 15.2.1983, S. 1), geändert durch die Verordnung (EG, Euratom) Nr. 1700/2003 vom 22. September 2003 (ABl. L 243 vom 27.9.2003, S. 1), ist diese Datei der Öffentlichkeit zugänglich. Soweit erforderlich, wurden die Verschlussachen in dieser Datei in Übereinstimmung mit Artikel 5 der genannten Verordnung freigegeben.

COMMISSION OF THE EUROPEAN COMMUNITIES

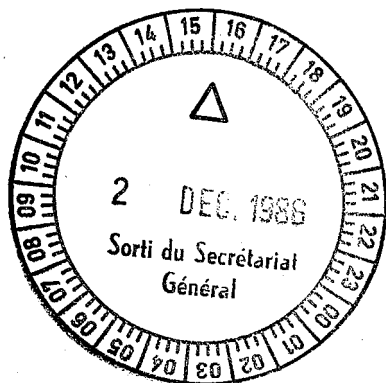
COM(86) 677 final

Brussels, 24 November 1986.

Amended Proposal for a COUNCIL REGULATION

laying down the procedure for the rules on competition
applying to undertakings in the air transport sector

(submitted to the Council by the Commission pursuant to the
second paragraph of Article 149 of the EEC Treaty)



COM(86) 677 final

The Intergovernmental Conference held in Luxembourg on 9 September 1985 called upon the Community institutions to establish principles and rules for the exercise of the executive powers conferred on the Commission.

The Commission has accordingly submitted to the Council a proposal (Doc. COM (86) 35 final) laying down the procedures for the exercise of its executive powers. The proposal takes over the three types of committee procedure discussed at the Conference, namely advisory committee, management committee and regulatory committee.

The Commission considers that the first of these procedures is the most appropriate in the field concerned by its proposal of 18 November 1982¹ and therefore proposes to amend its proposal to revert to a simple advisory committee procedure.

¹ OJ No C 317, 3.12.1982.

COUNCIL REGULATION

laying down the procedure for the rules on
competition applying to undertakings in the air transport sector

The proposal submitted to the Council on 18 November 1982 is hereby amended as follows :

Original proposalNew proposalArticle 8Article 8Liaison with the authorities
of the Member StatesLiaison with the authorities
of the Member States

1. The Commission shall carry out the procedures provided for in this Regulation in close and constant liaison with the competent authorities of the member States; these authorities shall have the right to express their views on such procedures.

1 - 3 : Unchanged

2. The Commission shall immediately forward to the competent authorities of the Member States copies of the complaints and applications, and of the most important documents sent to it or which it sends out in the course of such procedures.

3. The Advisory Committee on Restrictive Practices and Dominant Positions in the Transport Industry established by Article 16(3) of Regulation (EEC) No 1017/68 shall be consulted prior to the taking of any decision following upon a procedure under Article 3 or of any decision under the second subparagraph of Article 5(3), or under the second subparagraph of paragraph 4 of the same Article. The Advisory Committee shall also be consulted prior to adoption of the implementing provisions provided for in Article 21.

4. Consultation shall take place, and the Committee shall deliver its opinion in accordance with the rules laid down in Article 16(5) and (6) of Regulation (EEC) No 1017/68.

4. Consultation shall take place at a meeting convened at the invitation of the Commission. A summary of the facts, together with the most important documents and a preliminary draft of the decision to be taken, shall be sent with the invitation. When seeking the opinion of the Advisory Committee, the Commission may set a time limit within which such opinion shall be given.

5. The Advisory Committee shall not vote on the outcome of its deliberations. However, any of its members may ask for his opinion to be recorded in the minutes, which shall be annexed to the draft decision but shall not be published.

Article 9

Consideration by the Council of questions of principle concerning the common transport policy raised in specific cases

1. The Commission shall not take a decision in respect of which consultation as laid down in Article 8 is compulsory until after the expiry of twenty days from the date on which the Advisory Committee has delivered its opinion.

2. Before expiry of the period specified in paragraph 1, any Member State may request that the Council be convened to examine with the Commission any question of principle concerning the common transport policy which such Member State considers to be involved in a particular case.

The Council shall meet within thirty days from the request by the Member State concerned for the sole purpose of considering such questions of principle. The Commission shall not take its decision until after the Council meeting.

3. Further, the Council may at any time, at the request of a Member State or of the Commission, consider general questions raised by the implementation of the competition policy in the air transport sector.

4. In all cases where the Council is asked to meet to consider, under paragraph 2, questions of principle or, under paragraph 3, general questions, the Commission shall, for the purposes of this Regulation, take into account the policy guidelines which emerge from that meeting.

Article 9

Deleted