

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(91) 113 final

Brussels, 27 March 1991

Amendment to the proposal for a

COUNCIL REGULATION (EEC)

amending Regulation (EEC) N° 3975/87

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

(presented by the Commission pursuant to Article 149(3)
of the EEC-Treaty)

Amendment to the
proposal for a Council Regulation (EEC)
amending Regulation (EEC) No 3975/87
laying down the procedure for the application
of the rules on competition to undertakings
in the air transport sector

EXPLANATORY MEMORANDUM

1. On 11 June 1990 the Commission submitted a proposal for a regulation with a view to accelerating its competition procedures in order to prevent anticompetitive practices which jeopardise the existence of an air service (COM (90) 167 final, OJ C 155 of 26 June 1990).
2. At its plenary session of 24 January 1990 the European Parliament approved the Commission's proposal subject to certain amendments.
3. The Commission has decided to accept these amendments and it amends its proposal accordingly.

COUNCIL REGULATION (EEC)

amending Regulation (EEC) N° 3975/87
laying down the procedure for the application of the rules on competition
to undertakings in the air transport sector

Text proposed by the Commission¹

Text amended

1)

Third recital

Whereas it is appropriate to provide for a specific procedure according to which the Commission may apply the competition rules expeditiously in cases where there is an urgent need to prevent or act against such anticompetitive practices;

Whereas it is appropriate to provide for a specific procedure according to which the Commission may take the preventive measures necessary to safeguard the application of the competition rules in cases where there is an urgent need to prevent or act against such anticompetitive practices;

Fourth recital

Whereas this procedure should provide the undertakings concerned with the opportunity to comment in writing on the matters to which objection is taken;

Whereas this procedure must provide the undertakings concerned with the opportunity to comment in writing on the matters to which objection is taken;

¹ OJ No. C 155, 26.6.1990, p. 7

ARTICLE 1(3)

Article 4a(1) & (2) (Regulation (EEC) No. 3975/87)

1. Without prejudice to Article 4(1), where the Commission has reasons to believe that certain practices are contrary to Article 85 or 86 of the Treaty and have the object or effect of threatening the viability of an air service or of threatening the existence of an air carrier, it may by decision take interim measures to ensure that these practices are not implemented or cease to be implemented and to give such instructions as are necessary to prevent the occurrence of the practices until a decision under Article 4(1) is taken.

2. A decision taken pursuant to paragraph 1 shall apply for a period not exceeding six months. Article 8(3) to (6) shall not apply.

The Commission may renew the initial decision, with or without modification. In such case, Article 8(3) to (6) shall apply.

1. Without prejudice to Article 4(1), where the Commission has good reasons for believing that certain practices are contrary to Article 85 or 86 of the Treaty and have the object or effect of seriously threatening the viability of an air service or of threatening the existence of an air carrier, it may by decision take interim measures to ensure that these practices are not implemented or cease to be implemented and to give such instructions as are necessary to prevent the occurrence of the practices until a decision under Article 4(1) is taken.

2. A decision taken pursuant to paragraph 1 shall apply for a period not exceeding six months. Article 8(3) to (6) shall not apply.

The Commission may renew the initial decision for a maximum further period of three months, with or without modification. In such case, Article 8(3) to (6) shall apply.

COM(91) 113 final

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