



COMMISSION OF THE EUROPEAN COMMUNITIES

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Draft

COUNCIL REGULATION (EC)

**ON STATISTICAL RETURNS IN RESPECT OF  
CARRIAGE OF PASSENGERS, FREIGHT AND MAIL BY AIR**

(presented by the Commission)



## EXPLANATORY MEMORANDUM

### Part One:

#### Application of the principle of subsidiarity

- a) *What are the objectives of the proposed measures, and how do they relate to the Community's obligations?*

The proposed measure is aimed at the production of harmonised statistics on the transport of passengers, freight and mail by air comparable to those for other modes of transport. These statistics are necessary for the development, monitoring, control and evaluation of Community air transport policy.

The statistical information currently available in the Member States is incomplete, and what does exist is often not comparable from one country to another due to different national practices, despite the efforts of ICAO over many years to encourage the use of standard definitions.

- b) *Is the measure in an area where the Community has sole jurisdiction or where it shares jurisdiction with the Member States?*

Responsibility for the measure is shared with the Member States. It aims to harmonise the concepts and classifications used in data collection and to define the information necessary for the main users such as Community institutions, national, regional and local governments, international organisations, economic operators and research bodies. The Member States are responsible for the actual data collection and the practical methods used to that end.

- c) *What is the scale of the problem at Community level?*

All Member States are affected by the Regulation. All Member States already collect some data from airlines and airports. With the support of Member States Eurostat has started a voluntary collection of non-harmonised statistical data on aviation. The Regulation will entail the collection of additional data (in fairly limited amounts for most of the Member States), and certain changes in the definitions used for those Member States not currently using ICAO definitions.

- d) *What would be the most effective solution among those available to the Community and the Member States?*

It is only via such a Community initiative that the aim of establishing common reference classifications, as well as common definitions and the uniform submission of statistical data for aviation by Member States can be achieved with every Member State collecting data within the framework laid down at Community level.

- e) *What practical gains does the proposed measure offer and what would be the cost of failure to take action?*

Introducing this legal act would improve the comparability and consistency of statistics in the field of air transport on a Community wide basis. With the increase in the quality and reliability, the data collected would be a valuable source of information for both public and private bodies alike. A failure to implement this Regulation would imply that the drafting, monitoring, control and evaluation of Community air transport policy would continue to be based on incomplete, non-standard statistics with the multiplication of ad hoc requests for data to be supplied by Member States. This is an option that the Community can ill afford in view of the growing number of legal acts in this field as the Community's air transport industry is deregulated.

- f) *What options are available to the Community?*

Legislation allows the reference framework to be laid down by the Commission and, more specifically, the use of a Council Regulation ensures the direct application of this act into national law which is an important factor given the urgent need for information. The system for the collection of statistics will be based to a large extent on existing statistical systems. Although the text of the Regulation does not require the Community to make a financial contribution towards the costs incurred by Member States in changing their statistical systems, a modest sum has been included in the Statistical Office's bid for funds in 1996, 1997 and 1998.

- g) *Are uniform rules needed, or is the adoption of a regulation setting out the general objectives and leaving implementation to the Member States sufficient?*

A Council Regulation is necessary to establish the reference framework, but the Member States remain responsible for the data collection, and for adapting their collection systems.

## **Part Two**

### **General Statement**

The Commission's 1992 White Paper on the future development of the Common Transport Policy (CTP) heralded a change in the CTP of the Community. For many years progress was slow in the realisation of a CTP with question marks concerning the interpretation of the transport provisions of the Treaty of Rome. With the White Paper on the completion of the internal market together with the 1985 Court of Justice declaration on inland transport, it was recognised that the abolition of restrictions on the provision of transport services was essential for the completion of the internal market. The 1 January 1993 marked a turning point in the evolution of the CTP from a policy aimed essentially at the completion of the internal market towards a more comprehensive policy designed to ensure the proper functioning of the European Union's transport system, on the basis of an internal market in which any remaining restrictions or distortions should be eliminated as rapidly as possible. The White Paper also pointed out that the justification for future initiatives and measures for assessing the functions of the market for transport services depends on the availability of relevant information. According to the White Paper, transport data, apart from that relating to inland goods (a field which the Community has collected data through Directives since the early 1980's) transport, is dispersed, incomplete and often of very uneven quality. In answer to this problem the White Paper proposed a global approach to information gathering in all transport sectors, Community initiatives being based on existing national information systems.

More specifically, with regard to aviation, since 1992, Member States and the Commission have acquired a number of responsibilities concerning the execution of the third liberalisation package in such areas as tariffs, market access (right of establishment, cabotage) and support for airline services to peripheral regions. In addition the strong growth rates in air traffic within and to and from Europe, with the consequent strains on infrastructure, capacity and the environment are making increasing demands for statistics for both monitoring and forecasting. This trend has been reinforced by the growing importance of inter-modality and the planned development of a trans-European network which includes aviation.

The gradual completion of the internal market in transport services has emphasised the need for a Community approach to transport relations with third countries. This development has accentuated the need for reliable Community statistics.

## General Objectives

The draft legal act on air transport statistics aims to answer these various demands for reliable and comparable statistical data, whilst recognising the work being carried by other international organisations such as ICAO and ECAC in this field. The legal act also takes into account, however, within the overall framework laid down by the Statistical Programme of the European Community, other legislation in existence or currently under examination in the area of transport statistics. As previously mentioned the voluntary data collection exercise in the air transport sector undertaken by Eurostat has led to the establishment of a useful but incomplete and unharmonised database. The national and Community administrations involved must now be encouraged to use the most appropriate tools (e.g. EDI), systems and networks to process and exchange data in order to maintain the highest quality of data interchange and to use resources efficiently. A legal act is now required to ensure greater harmonisation of the data submitted by Member States, to establish a more secure base for the collection of aviation data and thus in turn to improve the quality and reliability of the information received and disseminated. This act allows for the transmission of confidential data according to the principles laid down in Regulation 1588/90 adopted by the Council on 11 June 1990. A legal act which extends the statistics currently available would also serve to support the Community proposal for the development of a trans-European transport network, both directly by producing data on current traffic flows and indirectly by creating quantitative basis for studies of the economic, social and cultural factors involved in transport demand.

## Detailed Objectives

- The collection of reliable, regular, timely, harmonised and comparable data on the carriage of passengers, freight and mail by air, as well as on aircraft movements, both within and between the Community and third countries which will allow the compilation of quarterly and annual statistic for air transport operators using Community airports.
- The compilation of such harmonised statistical information will serve to meet the needs of the Member States and the Commission for the purpose of common policy objectives.
- The dissemination of Community statistical data to the national administrations will increase their ability to take decisions on air transport policy as well as lead to a more efficient use of resources in the area of data compilation. The Community's airports and air transport operators will also have access to data on air transport markets within and to and from Community airports which by encouraging competition may serve to improve the service provided to passengers by air.
- With a view to limiting the statistical burden on enterprises, Member States are free to exempt from the scope of the act very small airports and are required to submit only summary annual statistics for slightly larger airports which meet certain criteria.

Draft

COUNCIL REGULATION (EC)

**ON STATISTICAL RETURNS IN RESPECT OF  
CARRIAGE OF PASSENGERS, FREIGHT AND MAIL BY AIR**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 213 thereof,

Having regard to the Draft Regulations submitted by the Commission<sup>1</sup>;

Having regard to the opinion of the European Parliament<sup>2</sup>;

Having regard to the opinion of the Economic and Social Committee<sup>3</sup>;

Whereas to carry out the tasks entrusted to them, in the context of the Community air transport policy and in the context of the future development of the Common Transport Policy, the institutions must have at their disposal comparable, consistent, synchronised and regular statistical data about the scale and development of the carriage of passengers, freight and mail by air within the Community or to and from the Community;

Whereas there are currently no such comprehensive Community-wide statistics on the carriage of passengers, freight and mail by air;

Whereas Council Decision 93/464/EEC on the framework programme for priority actions in the field of statistical information 1993 to 1997<sup>4</sup> has identified the need to establish such comprehensive statistics;

Whereas the common data collection on a comparable or harmonised basis enables the provision of an integrated system with reliable, consistent and prompt information;

Whereas the data for carriage of passengers, freight and mail by air should where possible

be compatible with international data provided by the International Civil Aviation Organisation (ICAO) and be made comparable where applicable as between Member States and with the different modes of transport;

Whereas after a certain period the Commission should submit a report in order to allow an assessment of the operation of this Regulation;

Whereas measures for the implementation of this Regulation and its adaptation to economic and technical developments, should be carried out in consultation with the Statistical Programme Committee as set up under Council Decision 89/382/EEC, Euratom<sup>5</sup>;

Whereas according to the principle of subsidiarity the objectives of the proposed action can only be achieved on the basis of a Community legal act because only the Commission can coordinate the necessary harmonisation of the statistical information at Community level while the collection of the data can be organized by the Member States.

HAS ADOPTED THIS REGULATION:



**Article 1**  
General provision

Member States shall proceed with the production of Community statistical returns on the carriage of passengers, freight and mail by air as well as on total aircraft movements within and to and from the Community.

**Article 2**  
Data collection domain and definitions

1. This Regulation shall cover:
  - a) the carriage of passengers, freight and mail on all commercial air services to and from Community airports
  - b) total aircraft movements at Community airports.
2. The terms given above are defined as follows:
  - a) commercial air services  
An air transport flight or series of flights performed by civil aircraft for remuneration within the Community or to and from the Community. Services can be either scheduled or non-scheduled.
  - b) Community airport  
Any area in a Member State which is open for commercial air transport operations.
  - c) Total aircraft movements  
All landings and take-offs at Community airports.

**Article 3**  
Data collection characteristics

1. Each Member State shall collect statistical data, as referred to in Article 1,

on the carriage of passengers, freight and mail on commercial air services by air carriers using Community airports in its territory, and on total aircraft movements at those airports.

2. The data collection characteristics shall relate to the following areas:
  - a) passengers
  - b) freight and mail
  - c) flight stages
  - d) passenger seats available
  - e) aircraft movements

The statistical variables in each domain, the nomenclatures for their classification, as well as their periodicity of observation, are set out in the Annexes I and II to this Regulation which form an integral part hereof.

3. Each Member State shall collect all data as specified in Annex I for all Community airports in its territory representing, in descending order of importance according to traffic, at least 98% of total annual traffic expressed in passenger units. The data for airports:
  - with more than 100,000 passenger movements annually
  - for which routes exist where a public service obligation has been declared according to Council Regulation (EEC) No 2408/92<sup>6</sup>
  - within the Trans-European Airport Network<sup>7</sup>.

are to be collected irrespective of the 98% threshold.

A list of Community airports covered by

the above paragraph will be drawn up by the Commission, and if necessary updated, in accordance with the procedure specified in Article 11.

4. For those airports, but not including those having only occasional commercial traffic, for which data will not be reported according to Article 3.3, Member States need only report annual data as specified in Section 1.3 of Annex I.

#### **Article 4** Collection of data

1. The data collection shall be based where possible on available resources minimising the burden on respondents.
2. Respondents called upon by Member States to supply information shall be obliged to give true and complete information within the prescribed time periods.

#### **Article 5** Accuracy of statistics

The collection of data shall be based on complete counts. The methods of data collection shall ensure that Community air transport statistics are produced with the precision appropriate for the data files of statistics described in Annex I.

#### **Article 6** Processing of Results

Member States shall use methods for data processing which ensure that the information collected under Article 3 complies with the precision required under Article 5.

#### **Article 7** Transmission of results

1. Member States shall transmit the results referred to in Article 6 including the data declared confidential by the Member States pursuant to domestic legislation or practice concerning statistical confidentiality, in accordance with the provisions of Council Regulation (Euratom/EEC) No 1588/90<sup>8b)</sup> on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities.
2. The results shall be transmitted according to the data files shown in Annex I. The files and the medium to be used for the transmission shall be specified by the Commission in accordance with the procedure specified in Article 11.
3. The first period of observation shall begin nine months after the end of the quarter in which the Regulation enters into force. The transmission shall take place as soon as possible and no later than 6 months from the end of the period of observation.

#### **Article 8** Reports

1. Member States shall transmit upon request of the Commission all information concerning the methods used in the production of the data. Member States shall also forward details of any subsequent changes of these methods.
2. After data have been collected over a period of three years the Commission shall submit a report to the Council on experience acquired in the work carried out pursuant to this Regulation.

**Article 9**  
Dissemination of data

The Commission shall disseminate appropriate statistical results with the same periodicity as for the transmission of results.

**Article 10**  
Committee

The arrangements for implementing this Regulation, including measures for adaptation to economic and technical developments, in particular:

- adaptation of the specifications of the contents of the Annexes of this Regulation;
- adaptation of the data collection characteristics (Article 3);
- accuracy of statistics (Article 5);
- description of the record of a data file, codes and the medium to be used for transmission of results to the Commission (Article 7);
- dissemination of statistical results (Article 9)

shall be laid down by the Commission, in consultation with the Statistical Programme Committee set up by Council Decision 89/382/EEC, Euratom<sup>9)</sup> in accordance with the procedure specified in Article 11.

**Article 11**  
Procedure

1. The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be

delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

2. The Commission shall adopt measures which shall apply immediately. However, if these measures are not in accordance with the opinion of the Committee, they shall be communicated by the Commission to the Council forthwith. In that event, the Commission shall defer application of the measures which it has decided for a period of three months from the date of such communication.
3. The Council, acting by qualified majority, may take a different decision within the time limit referred to in paragraph 2.

**Article 12**  
Entry into force

This Regulation shall enter into force on the 20th day following its publication in the Official Journal of the European Communities.

This regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, .....

*For the Council*  
*The President*

1. OJN°
2. OJN°
3. OJN°
4. OJN° L219, 28.08.1993, p. 1
5. OJN° L181, 28.06.1989, p. 47
6. OJN° L240, 24.08.1992, p. 8
7. [COM (94) 106 Final], OJN° C 220, 08.08.1994, p.1
8. OJ N° L151, 15.06.1990, p.1
9. OJ N° L181 28.06.1989, p.47

ANNEX I  
RECORD STRUCTURE FOR DATA TRANSMISSION TO EUROSTAT

1.1. FLIGHT DATABASE (AT LEAST QUARTERLY DATA)

Data file record format

Elements	Coding detail	Nomenclature	Unit
Table	2-alpha	A1	
Reporting Country	2-alpha	(1) ICAO nationality letters	
Reference Year	2-digit	yy	
Reference Quarter/Month	2-digit	(2) Statra 291	
Reporting Airport	4-alpha	(3) ICAO	
Next/Previous Airport	4-alpha	(3) ICAO	
Arrival/Departure	1-digit	1=Arrival 2=Departure	
Scheduled/Non Scheduled Services	1-digit	1=Scheduled 2=Non Scheduled	
Passenger Services/ All-Freight and Mail services	1-digit	1=Passenger Services / 2=All-Freight and Mail Services	
Airline Code	3-alpha	(4) ICAO	
Aircraft Type	4-alpha	(5) ICAO	
Passengers on board	12-digit		Passenger
Freight and Mail on board	12-digit		Tonne
Flight stages	12-digit		Flight Stage
Passenger seats available	12-digit		Passenger Seat

Table 1.2. ON FLIGHT ORIGIN/DESTINATION DATABASE (AT LEAST QUARTERLY DATA)

Data file record format

Elements	Coding detail	Nomenclature	Unit
Table	2-alpha	B1	
Reporting Country	2-alpha	(1) ICAO nationality letters	
Reference Year	2-digit	yy	
Reference Quarter/Month	2-digit	(2) Statra 291	
Reporting Airport	4-alpha	(3) ICAO	
Origin/Destination Airport	4-alpha	(3) ICAO	
Arrival/Departure	1-digit	1=Arrival 2=Departure	
Scheduled/Non Scheduled Services	1-digit	1=Scheduled 2=Non Scheduled	
Passenger Services/ All-Freight and Mail services	1-digit	1=Passenger Services / 2=All-Freight and Mail Services	
Airline Code	4-alpha	(4) ICAO	
Passengers Carried	12-digit		Passenger
Freight and mail loaded/unloaded	12-digit		Tonne

Table 1.3. AIRPORTS DATABASE (AT LEAST QUARTERLY DATA)

Data file record format

Elements	Coding detail	Nomenclature	Unit
Table	2-alpha	C1	
Reporting Country	2-alpha	(1) ICAO nationality letters	
Reference Year	2-digit	yy	
Reference Quarter/Month	2-digit	(2) Statra 291	
Reporting Airport	4-alpha	(3) ICAO	
Passengers carried on commercial air (arrivals & departures)	12-digit		Passenger
Direct transit passengers on commercial (arrivals & departures)	12-digit		Passenger
Total freight and mail loaded/unloaded	12-digit		Tonne
Total aircraft movements on commercial	12-digit		Movement
Total Aircraft Movements (Annual Totals)	12-digit		Movement

**RECORD STRUCTURE FOR DATA TRANSMISSION TO EUROSTAT**  
**- NOTES -**

**(1) Reporting Country**

The coding system to be used is derived from the ICAO index to nationality letters for location indicators.

Belgium	EB
Denmark	EK
France	LF
Germany	ED
Greece	LG
Ireland	EI
Italy	LI
Luxembourg	EL
Netherlands	EH
Portugal	LP
Spain	LE
United Kingdom	EG
Austria	LO
Finland	EF
Sweden	ES

**(2) Reference Quarter/Month**

45	Year
21	January-March
22	April-June
23	July-September
24	October -December
01 to 12	January to December

**(3) Airports**

Airports shall be coded according to the ICAO 4-letter codes as listed in the ICAO Document 7910.

**(4) Airline Code**

Airlines shall be coded according to the ICAO 3-letter airline designator codes as listed in the ICAO Document 8585.

**(5) Aircraft Codes**

Aircraft shall be coded according to ICAO aircraft type designators as listed in the ICAO Document 8643.

## ANNEX II

### DEFINITIONS AND STATISTICAL VARIABLES

#### Scheduled services

Services possessing all the following characteristics:

- i) they are performed by aircraft for the transport of passengers, freight and mail for remuneration, in such a manner that on each flight seat are available for individual purchase by members of the public (either directly from the air carrier or from its authorised agents);
- ii) they are operated so as to serve traffic between the same two or more airports, either:
  1. according to a published timetable; or
  2. with flights so regular or frequent that they constitute a recognisably systematic series<sup>10</sup>

#### Non scheduled services

Air services for remuneration other than those reported under scheduled services. Includes taxi flights.

#### Passenger services

All flights carrying one or more revenue passengers, and any flights listed in timetables as providing passenger services

#### All-freight/mail services

Services relating to scheduled or non-scheduled flights performed by aircraft carrying loads other than passengers, i.e. freight, mail. Exclude any flights carrying one or more revenue passengers, and flights listed in timetables as providing passenger services.

#### Passenger units

With regard to the drawing up of the list of Community airports as referred to in Article 3.3 of this Regulation, one passenger unit is equivalent to either one passenger or 75 kilogrammes of freight and mail for calculation purposes.

#### Airline

An air transport undertaking with a valid operating licence. Where airlines have joint venture or other contractual arrangements requiring two or more of them to assume separate responsibility for the offer and sale of air transport products on a flight or combination of flights, the airline actually operating the flight shall be reported.

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10. OJN° L240, 24.08.1992, p.9

## **FLIGHT STAGE DEFINITIONS AND VARIABLES**

The flight stage data refers to commercial air services only.

### **Flight stages**

A flight stage is the operation of an aircraft from take-off to its next landing. A technical stop should not result in any flight stage being classified differently than would have been the case had the technical stop not been made. The classification of traffic (passengers, freight, mail) irrespective of its nature, shall be identical to the classification of the flight stage flown by the aircraft.

### **Flights**

The number of flights performed between each pair of airports on a flight stage.

### **Passengers on board**

All passengers whose air journey begins or terminates at the reporting airport, including connecting passengers. Direct transit passengers are also to be counted. (Direct transit passengers are passengers who continue their journey on a flight having the same flight number as the flight on which they arrived).

### **Freight on board**

Any property carried on an aircraft other than stores and baggage, includes express and diplomatic bags but not passenger baggage or mail.

### **Mail on board**

Dispatches of correspondence and other objects carried on an aircraft which have been dispatched by and intended for delivery to postal administrations.

### **Passenger seats available**

The total number of passenger seats available for sale between each pair of airports on a flight stage (exclude seats not actually available for the carriage of passengers because of the weight of fuel or other load). Where information is not available on exact aircraft configuration, estimated data should be provided.

## **ON FLIGHT ORIGIN/DESTINATION DEFINITIONS AND VARIABLES**

The on flight origin and destination data refers to commercial air services only.

### **On flight origin and destination traffic**

Traffic on a given flight with the same flight number subdivided by airport pairs in accordance with point of embarkation and point of disembarkation on that flight. (For passengers, freight or mail where the airport of embarkation is not known the aircraft origin should be deemed to be the point of embarkation; similarly if the airport of disembarkation is not known the aircraft destination should be deemed to be the point of disembarkation).



**Passengers carried**

Includes all passengers whose air journey begins or terminates at the reporting airport. Excludes direct transit passengers.

**Freight loaded/unloaded**

Any property loaded or unloaded onto or off an aircraft other than stores and baggage, includes express and diplomatic bags but not passenger baggage or mail.

**Mail loaded/unloaded**

Dispatches of correspondence and other objects loaded or unloaded onto or off an aircraft which have been dispatched by and intended for delivery to postal administrations.

**AIRPORTS - TOTAL QUARTERLY DATA DEFINITIONS AND VARIABLES**

The airports data refers to commercial air services only with the exception of "total aircraft movements" which refers to all aircraft movements at Community airports.

**Passengers carried on commercial flights**

Total passengers whose air journey begins or terminates at the reporting airport. Excludes total direct transit passengers but includes connecting passengers.

**Direct transit passengers carried on commercial flights**

Total direct transit passengers, i.e. passengers, who continue their journey on a flight having the same flight number as the flight on which they arrived.

**Freight and mail loaded/unloaded on commercial flights**

Any property loaded or unloaded onto or off an aircraft other than stores and baggage, includes express and diplomatic bags but not passenger baggage.

**Total aircraft movements on commercial air services**

All take offs and landings performed by civil aircraft for remuneration. Services can be either scheduled or non-scheduled.

**Total aircraft movements**

All take offs and landings by non-military aircraft. This includes aerial work flights, i.e. specialised commercial aviation operations which are performed by aircraft chiefly engaged in agriculture, construction, photography and surveying, as well as pilot training, business/executive flying and all other non commercial flights.

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