

Opinion on a proposal for a Council Regulation on the flight time, the flight duty time and rest periods of flight-deck crews of civil aircraft

(15 January 1991)

The Joint Committee expresses its satisfaction at the EC Transport Ministers intention to create a single market for commercial air services based on fair and equal competition.

The Joint Committee observes the initiative being taken by the Commission to regulate the working time of flight-deck crews as one of the accompanying measures to the achievement of the single market.

The Joint Committee asks the Commission to take note of the already existing and acknowledged high standards of safety that apply in the civil aviation industry throughout the Community.

The Joint Committee asks the Commission to note that the operation of a large part of the European civil aviation industry takes place outside the Community borders in direct competition with leading global carriers of North America, the Far East and elsewhere. Large numbers of the industry's employees are dependent upon the continued success of EC carriers within these markets. In addition, EC carriers are in direct competition with surface transport and non-EC air carriers within the Community borders.

The Joint Committee approves the principle of establishing a regulation comprising a general framework within which the existing procedures would continue, whereby the competent authority approves the adequate compliance of such regulations by each air carrier as well as ensuring that high safety standards are maintained.

However, conscious of its mission to assist the Commission in the preparation and implementation of Community policy aimed at strengthening the economic and competitive position of the Community's civil aviation industry, both within the Community and in the wider international context, the Joint Committee wishes to draw the Commission's attention to the fact that the limitations stipulated in the proposal for a Council Regulation transmitted on 19 July 1990 constitute a great danger for the EC civil aviation industry, its employees and the EC consumer.

The implementation of the proposed Regulation by Community airlines would result in a decrease in productivity of cockpit crew staff and, in consequence, a considerable increase in operating costs. These have already reached a damaging level in Europe.

The current economic climate does not permit airlines to contemplate such additional expenditure which, even in a more healthy economic climate, they could not absorb without penalty to the size of the industry.

These cost increases could only partially be offset by increased fares and in part by the suspension of lower-yield but socially desirable routes. The consequences would be a fall in the prosperity of the industry and bankruptcy of some airlines. Employment levels in the industry would fall, the prosperity of the remaining employees would diminish, and the situation would be detrimental to the EC consumer.

Even if the cost increases could be sustained, the demand for pilots and other aircraft officers generated by the proposed Regulation could not be matched by the available supply in time for the internal market. Indeed, the change in the European demography, together with the rarity of the specialized talents necessary for potential pilots, makes it uncertain that Europe would be capable of supplying sufficient numbers in the foreseeable future. This reinforces the probability of overall employment levels having to fall substantially as a consequence of implementing this proposed Regulation. The social partners could not support the alternative strategy of lowering recruitment standards which would have implications on safety standards.

The Joint Committee observes that the proposals seek to protect, in part, the competitive position of EC carriers in relation to non-EC carriers with regard to this matter. The Joint Committee expresses satisfaction that this factor is acknowledged by the Commission but is of the opinion that the application of this protection would be wholly unworkable and by inviting economic retaliation would itself be detrimental to the interests of the industry.

The Joint Committee is of the opinion that even if the proposed protection were to prove lawful, enforceable and avoid protectionist retaliation it would remain woefully inadequate. Unless it could be applied to the full range of a competitor's operations both within and outside Community borders, it would leave EC carriers at a competitive disadvantage.

The Joint Committee is of the opinion that the proposal contradicts one of the Community's principles for the establishment of the internal market. By setting limits at such

a tight level, market access by new competitors would be virtually impossible.

The proposal is too prescriptive and goes beyond what is necessary to provide a general framework. The Joint Committee believes that in its present form the draft permits no room for flexibility which is essential to accommodate the different operating conditions in the various sectors of the industry.

The draft fails to analyse the economic, safety and social consequences that the proposed Regulation would have on the industry, its employees and the EC consumer.

Certainly this proposal does not meet the intentions of the Transport Ministers.

The Joint Committee recommends the withdrawal of the proposal of 19 July 1990.

The Joint Committee recommends that the Commission studies the work presently being undertaken in this field by the JAA.

To promote further conditions of fair and equal competition in the civil aviation industry, the Joint Committee recommends that the Commission give support to the JAA in its attempt to harmonize the application of such regulations by the various authorities across Europe.

The Joint Committee recommends that any regulation should permit the continued application of any existing collective agreement in this area.

The Joint Committee commends the attached proposal to the Commission as meeting the requirements of the internal market, whilst avoiding the weaknesses of the proposals of 19 July 1990.

