



Council of the
European Union

Brussels, 29 March 2019
(OR. en)

Interinstitutional File:
2017/0116(COD)

7872/19
ADD 1

CODEC 787
AVIATION 67

'I/A' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

Subject: Draft REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on safeguarding competition in air transport, and repealing Regulation (EC) No 868/2004 **(first reading)**
- Adoption of the legislative act
- Statement

Statement by Greece

Greece would like to thank the Presidency for its efforts to reach an agreement with the European Parliament, but, unfortunately, cannot support the final compromise text and will vote against. The outcome of the negotiations diverges significantly from the General Approach, which was already not acceptable to Greece, and does not take into account our concerns, which were consistently raised at all stages of the discussions on this file.

The reasons for Greece's position are, among others:

- The vagueness of the subject matter and the lack of clarity regarding certain important definitions (such as 'threat of injury', 'Union interest', 'irreversible damage') as well as regarding the proceedings, lead to legal uncertainty.

- The practices distorting competition are not explicitly mentioned and the operational redressive measures provided for in the proposal are not exhaustively listed, causing further ambiguity. In addition, there is no ‘escalation’ of these measures depending on the extent of the injury, and therefore no legal predictability, nor a link between a specific practice and the respective ‘remedy’.
 - The Regulation may have a strong impact on bilateral relations of Member States with third parties, in the field of aviation; this is due, inter alia, to the apparent incompatibility of the proposed text with the dispute settlement provisions contained in bilateral air transport agreements. Thus, the implementation of the said Regulation may impede Member States from fulfilling their international obligations.
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