Regulation (EC) No 437/2003 of the European Parliament and of the Council of 27 February 2003 on statistical returns in respect of the carriage of passengers, freight and mail by air

REGULATION (EC) No 437/2003 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 27 February 2003

on statistical returns in respect of the carriage of passengers, freight and mail by air

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 285 thereof,

Having regard to the proposal from the Commission[(1)],

Having regard to the opinion of the European Economic and Social Committee[(2)],

Acting in accordance with the procedure laid down in Article 251 of the Treaty[(3)],

Whereas:

(1) To carry out the tasks entrusted to them, in the context of the Community air transport policy and that of the future development of the Common Transport Policy, the Community institutions should have at their disposal comparable, consistent, synchronised and regular statistical data on the scale and development of the carriage of passengers, freight and mail by air within the Community or to and from the Community.

(2) There are currently no such comprehensive Community-wide statistics.

(3) Council Decision 1999/126/EC of 22 December 1998 on the Community statistical programme 1998 to 2002[(4)] has identified the need to establish such statistics.

(4) The common data collection on a comparable or harmonised basis makes possible the provision of an integrated system with reliable, consistent and prompt information.

(5) The data for the 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 for the different modes of transport.

(6) After a certain period, the Commission should submit a report in order to allow an assessment of the application of this Regulation to be made.

(7) In accordance with the principle of subsidiarity laid down in Article 5 of the Treaty, the creation of common statistical standards that permit the production of harmonised data is an action which can only be undertaken efficiently at Community level. Such standards should be implemented in each Member State under the authority of the bodies and institutions in charge of producing official statistics.

Changes to legislation: *There are outstanding changes not yet made to Regulation (EC) No 437/2003 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(8) Council Regulation (EC) No 322/97 of 17 February 1997 on Community statistics[5] provides a reference framework for the provisions laid down by this Regulation.

(9) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission[6].

(10) The Statistical Programme Committee established by Council Decision 89/382/EEC, Euratom[7] has been consulted.

(11) Arrangements for greater cooperation over the use of Gibraltar airport were agreed in London on 2 December 1987 by the Kingdom of Spain and the United Kingdom of Great Britain and Northern Ireland in a joint declaration by the Ministers of Foreign Affairs of the two countries, and such arrangements have yet to come into operation,

HAVE ADOPTED THIS REGULATION:

Article 1

Objective

Member States shall establish statistical returns on the carriage of passengers, freight and mail by commercial air services as well as on civil aircraft movements to or from Community airports, except for flights by State aircraft.

Article 2

Gibraltar

1 The application of this Regulation to the airport of Gibraltar is understood to be without prejudice to the respective legal positions of the Kingdom of Spain and the United Kingdom of Great Britain and Northern Ireland with regard to the dispute over sovereignty over the territory in which the airport is situated.

2 The application of this Regulation to Gibraltar airport shall be suspended until the arrangements in the Joint Declaration made by the Foreign Ministers of the Kingdom of Spain and the United Kingdom of Great Britain and Northern Ireland on 2 December 1987 come into operation. The Governments of Spain and the United Kingdom of Great Britain and Northern Ireland shall inform the Council of such date of entry into operation.

Article 3

Data collection characteristics

1 Each Member State shall collect statistical data relating to the following variables:

a passengers
b freight and mail
c flight stages
d passenger seats available
e aircraft movements.

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The statistical variables in each area, the nomenclatures for their classification, their periodicity of observation and the definitions are set out in Annexes I and II.

2 Each Member State shall collect all data set out in Annex I for all Community airports in its territory with traffic in excess of 150 000 passenger units annually.

A list of Community airports covered by the first subparagraph shall be drawn up by the Commission and, if necessary, updated in accordance with the procedure laid down in Article 11(2).

3 For airports, apart from those having only occasional commercial traffic, which are not covered by paragraph 2, Member States shall transmit only an annual return of the data specified in Table C1 of Annex I.

4 Notwithstanding paragraphs 2 and 3, for airports:

a with fewer than 1 500 000 passenger units a year for which no collection of data corresponding to those specified in Annex I exists on the date of entry into force of this Regulation,

b and for which the introduction of a new data collection system proves very difficult,

a Member State may for a limited time not exceeding three years from 1 January 2003, in accordance with the procedure laid down in Article 11(2), transmit data less complete than those referred to in Annex I.

5 Notwithstanding paragraph 2, for airports:

a for which no collection of data corresponding to those specified in Table B1 of Annex I exists on the date of entry into force of this Regulation,

b and for which the introduction of a new data collection system proves very difficult,

a Member State may, until 31 December 2003, in accordance with the procedure laid down in Article 11(2), transmit only existing data.

Article 4

Collection of data

1 The collection of data shall be based where possible on available sources, 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 limits.

[*F1**Article 5*

Accuracy of statistics

The collection of data shall be based on complete returns, unless other standards of accuracy are established by the Commission. Those measures, designed to amend non-essential elements of this Regulation by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 11(3).**]**

Changes to legislation: *There are outstanding changes not yet made to Regulation (EC) No 437/2003 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Textual Amendments

F1 Substituted by Regulation (EC) No 219/2009 of the European Parliament and of the Council of 11 March 2009 adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC with regard to the regulatory procedure with scrutiny Adaptation to the regulatory procedure with scrutiny — Part Two.

Article 6

Data processing

Member States shall use methods for data processing which ensure that the data collected under Article 3 comply with the standards of accuracy set out in Article 5.

Article 7

Transmission of results

1 Member States shall transmit to the Statistical Office of the European Communities the results of the data processing referred to in Article 6, including data declared confidential by the Member States pursuant to domestic legislation or practice concerning statistical confidentiality, in accordance with Regulation (EC) No 322/97.

[F1 2 The results shall be transmitted according to the data files shown in Annex I. The files shall be specified by the Commission. Those measures, designed to amend non-essential elements of this Regulation, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 11(3).

The medium to be used for transmission shall be specified by the Commission in accordance with the regulatory procedure referred to in Article 11(2).**]**

3 The first period of observation shall begin on 1 January 2003. Transmission shall take place as soon as possible and no later than six months after the end of the period of observation.

Textual Amendments

F1 Substituted by Regulation (EC) No 219/2009 of the European Parliament and of the Council of 11 March 2009 adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC with regard to the regulatory procedure with scrutiny Adaptation to the regulatory procedure with scrutiny — Part Two.

Article 8

Dissemination

1 The arrangements whereby the Commission publishes or disseminates the statistical results shall be drawn up in accordance with the procedure laid down in Article 11(2).

2 The Commission shall disseminate to the Member States appropriate statistical results with a frequency similar to that laid down for the transmission of results.

***Changes to legislation:** There are outstanding changes not yet made to Regulation (EC) No 437/2003 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Article 9

Reports

1 At the request of the Commission, Member States shall communicate all information concerning the methods used in the collection of data. Member States shall also, where appropriate, communicate to the Commission any substantive changes to the collection methods used.

2 After data have been collected over a period of three years, the Commission shall submit a report to the European Parliament and the Council on experience acquired in the application of this Regulation, in particular of Articles 7 and 8.

[F1 Article 10

Implementing measures

1 The following implementing measures shall be adopted in accordance with the regulatory procedure referred to in Article 11(2):

— the list of Community airports covered by Article 3(2),

— description of the data codes and the medium to be used for transmission of results to the Commission (Article 7),

— dissemination of statistical results (Article 8),

2 The Commission shall adopt the following implementing measures:

— adaptation of the specifications in the Annexes to this Regulation,

— adaptation of the data collection characteristics (Article 3),

— accuracy of statistics (Article 5),

— description of the data files (Article 7),

Those measures, designed to amend non-essential elements of this Regulation by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 11(3).**]**

Textual Amendments

F1 Substituted by Regulation (EC) No 219/2009 of the European Parliament and of the Council of 11 March 2009 adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC with regard to the regulatory procedure with scrutiny Adaptation to the regulatory procedure with scrutiny — Part Two.

[F1 Article 11

Committee procedure

1 The Commission shall be assisted by the Statistical Programme Committee established by Decision 89/382/EEC, Euratom.

2 Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.