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► **B** 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

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

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**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.
- (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.

⁽¹⁾ OJ C 325, 6.12.1995, p. 11.

⁽²⁾ OJ C 39, 12.2.1996, p. 25.

⁽³⁾ Opinion of the European Parliament of 29 February 1996 (OJ C 78, 18.3.1996, p. 28), confirmed on 16 September 1999 (OJ C 54, 25.2.2000, p. 79), Council Common Position of 30 September 2002 (OJ C 275 E, 12.11.2002, p. 33) and Decision of the European Parliament of 18 December 2002 (not yet published in the Official Journal).

⁽⁴⁾ OJ L 42, 16.2.1999, p. 1.

⁽⁵⁾ OJ L 52, 22.2.1997, p. 1.

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- (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 ⁽¹⁾.
- (10) The Statistical Programme Committee established by Council Decision 89/382/EEC, Euratom ⁽²⁾ 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.

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.

⁽¹⁾ OJ L 184, 17.7.1999, p. 23.

⁽²⁾ OJ L 181, 28.6.1989, p. 47.

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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.

*Article 5***Accuracy of statistics**

The collection of data shall be based on complete returns, unless other standards of accuracy are established in accordance with the procedure laid down in Article 11(2).

*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.
2. The results shall be transmitted according to the data files shown in Annex I. The files and the medium to be used for transmission shall be specified by the Commission in accordance with the procedure laid down in Article 11(2).

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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.

*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.

*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.

*Article 10***Implementing arrangements**

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

- adaptation of the specifications in the Annexes to this Regulation,
- adaptation of the data collection characteristics (Article 3),
- the list of Community airports covered by Article 3(2),
- accuracy of statistics (Article 5),
- description of the data files, codes and the medium to be used for transmission of results to the Commission (Article 7),
- dissemination of statistical results (Article 8),

shall be laid down by the Commission in accordance with the procedure specified in Article 11(2).

*Article 11***Committee procedure**

1. The Commission shall be assisted by the Statistical Programme Committee established by Article 1 of 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.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its Rules of Procedure.

*Article 12***Entry into force**

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

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

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ANNEX I

RECORD STRUCTURE FOR DATA TRANSMISSION TO EUROSTAT

The scope of the data to be reported is limited to civil aviation.

State flights and movements by surface modes of either passengers travelling with a flight code or freight shipped using an air waybill are excluded.

A. Flight stage table (monthly data ⁽¹⁾)

Data reported in this table refer to commercial air services only.

Data file record format

Elements	Coding detail	Nomenclature	Unit
Table	2-alpha	A1	
Reporting country	2-alpha	(1) Main ICAO nationality letters	
Reference year	2-digit	Type 'yy' (2 last positions of the year)	
Reference period	2-alpha	(2) Explicit (or Statra)	
Reporting airport	4-alpha	(3) ICAO	
Next/previous airport	4-alpha	(3) ICAO	
Arrival/departure	1-digit	1 = arrival 2 = departure	
Scheduled/non-scheduled service	1-digit	1 = scheduled 2 = non-scheduled	
Passenger service/all-freight and mail service	1-digit	1 = passenger service 2 = all-freight and mail service	
Airline information	3-alpha	(4) Information on the airline (optional)	
Aircraft type	4-alpha	(5) ICAO	
Passengers on board	12-digit		passenger
Freight and mail on board	12-digit		tonne
Commercial air flights	12-digit		number of flights
Passenger seats available	12-digit		passenger seat

B. On flight origin/destination table (monthly data ⁽¹⁾)

Data reported in this table refer to commercial air services only.

Data file record format

Elements	Coding detail	Nomenclature	Unit
Table	2-alpha	B1	
Reporting country	2-alpha	(1) Main ICAO nationality letters	
Reference year	2-digit	Type 'yy' (2 last positions of the year)	
Reference period	2-alpha	(2) Explicit (or Statra)	
Reporting airport	4-alpha	(3) ICAO	
On flight origin/destination airport	4-alpha	(3) ICAO	
Arrival/departure	1-digit	1 = arrival 2 = departure	

⁽¹⁾ In 2003 quarterly data can be accepted.

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Elements	Coding detail	Nomenclature	Unit
Scheduled/non-scheduled services	1-digit	1 = scheduled 2 = non-scheduled	
Passenger service/all-freight and mail service	1-digit	1 = passenger service 2 = all-freight and mail service	
Airline information	3-alpha	(4) Information on the airline (optional)	
Passengers carried	12-digit		passenger
Freight and mail loaded or unloaded	12-digit		tonne

C. Airports table (at least annual data)

Data reported in this table refer to commercial air services only, with the exception of 'total commercial aircraft movements' which also refers to all commercial general aviation operations and 'total aircraft movements' which refers to all civil aircraft movements (except State flights).

Data file record format

Elements	Coding detail	Nomenclature	Unit
Table	2-alpha	C1	
Reporting country	2-alpha	(1) Main ICAO nationality letters	
Reference year	2-digit	Type 'yy'	
Reference period	2-alpha	(2) Explicit (or Statra)	
Reporting airport	4-alpha	(3) ICAO	
Airline information (*)	3-alpha	(4) Information on the airline	
Total passengers carried	12-digit		passenger
Total direct transit passengers	12-digit		passenger
Total freight and mail loaded/unloaded	12-digit		tonne
Total commercial aircraft movements	12-digit		movement
Total aircraft movements	12-digit		movement

(*) The 'airline information' field is obligatory only for airports which also have to report tables A1 and B1. For the airports which are under no obligation to report tables A1 and B1, a code that covers all airlines may be used.

CODES**1. Reporting country**

The coding system to be used is derived from the ICAO index to nationality letters for location indicators. If several ICAO prefixes exist for the same country, only the main ICAO prefix of the mainland is applicable.

Belgium	EB
Denmark	EK
Germany	ED
Greece	LG
Spain	LE
France	LF
Ireland	EI
Italy	LI
Luxembourg	EL
Netherlands	EH

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Austria	LO
Portugal	LP
Finland	EF
Sweden	ES
United Kingdom	EG

2. Reference period

AN	(or 45) year
Q1	(or 21) January-March (first quarter)
Q2	(or 22) April-June (second quarter)
Q3	(or 23) July-September (third quarter)
Q4	(or 24) October-December (fourth quarter)
01 to 12	January to December (month)

3. Airports

Airports shall be coded according to the ICAO four-letter codes as listed in ICAO document 7910. Unknown airports should be coded as 'ZZZZ'.

4. Airline information

'1EU' for airlines licensed in the European Union,

'1NE' for airlines not licensed in the European Union,

'ZZZ' for unknown airlines,

'888' for 'confidential' (to be used in tables A1 and B1 if an 'information on the airline' is not allowed for confidentiality reasons),

'999' for all airlines (to be used in table C1 only).

Airlines partly licensed in EU shall be reported as 'EU airlines'.

On a voluntary basis, the code '2'+Iso alpha 2 country code (country of licensing of the airline) could also be used as well as the ICAO airline code.

5. Aircraft type

Aircraft types shall be coded according to ICAO aircraft type designators as listed in ICAO document 8643.

Unknown aircraft types should be coded as 'ZZZZ'.

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ANNEX II

DEFINITIONS AND STATISTICS TO BE REPORTED

Following the header of each definition, the list of articles or tables of the regulation where a reference to the term is made can be found.

I. DEFINITIONS AND VARIABLES OF GENERAL INTEREST

1. **Community airport** (Articles 1 and 3)

A defined area on land or water in a Member State subject to the provisions of the treaty, which is intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft and open for **commercial air services**^(see -4-).

2. **State flight** (Article 1 and table C1)

Any flight performed by aircraft for military, customs, police or other law enforcement services of a State.

Any flight declared as a 'State flight' by State authorities.

The expression 'except for flights by States aircraft' in Article 1 should be interpreted as 'except for State flights'.

3. **Passenger unit** (Article 3(2), (4) and (5))

One passenger unit is equivalent to either one passenger or 100 kilograms of freight and mail.

*For the purpose of drawing up the list of **Community airports**^(see-1-) as referred to in Article 3(2) and for the transitional period referred to in Article 3(4) and (5), the calculation of thresholds using 'passenger units' has to take into account at **Community airports**^(see-1-), the total **passengers carried**^(see-16-) plus the total **direct transit passengers**^(see-18-) (counted once) plus the total **freight and mail loaded and unloaded**^(see-17-).*

4. **Commercial air service** (Article 1 and tables A1, B1, C1)

An air transport flight or series of flights for the public transport of passengers and/or freight and mail, for remuneration or for hire.

*The air service may be either **scheduled**⁽⁻⁵⁻⁾ or **non-scheduled**⁽⁻⁶⁻⁾.*

5. **Scheduled air service** (Tables A1 and B1)

A **commercial air service**^(see-4-) operated according to a published timetable, or with such a regular frequency that it constitutes an easily recognisable systematic series of flights.

Includes extra section flights occasioned by overflow traffic from scheduled flights.

6. **Non-scheduled air service** (Tables A1 and B1)

A **commercial air service**^(see-4-) other than scheduled air service^(see-5-).

7. **Passenger air service** (Tables A1 and B1)

Scheduled^(see-5-) or **non-scheduled air service**^(see-6-) performed by aircraft carrying one or more revenue passengers and any flights listed in published timetables as open to passengers.

Includes flights carrying both revenue passengers and revenue freight and mail.

8. **All-freight and mail air service** (Tables A1 and B1)

Scheduled^(see-5-) or **non-scheduled air service**^(see-6-) performed by aircraft carrying revenue loads other than revenue passengers, i.e. freight and mail.

Excludes flights carrying one or more revenue passengers and flights listed in published timetables as open to passengers.

▼ **M1****9. Airline (Commercial air transport operator)** (Tables A1, B1 and C1)

An air transport undertaking with a valid operating licence for operating **commercial air flights**^(see-13-).

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 for a flight or combination of flights, the airline actually operating the flight shall be reported.

II. DEFINITIONS AND VARIABLES OF INTEREST FOR TABLE A1 (FLIGHT STAGE)**10. Flight stage** (Table A1)

The operation of an aircraft from take-off to its next landing.

11. Passengers on board (Table A1)

All passengers on board of the aircraft upon landing at the reporting airport or at taking off from the reporting airport.

*All revenue and non revenue passengers on board an aircraft during a **flight stage***^(see-10-).

Includes direct transit passengers^(see-18-) *(counted at arrivals and departures).*

12. Freight and mail on board (Table A1)

All freight and mail on board of the aircraft upon landing at the reporting airport or at taking off from the reporting airport.

*All freight and mail on board an aircraft during a **flight stage***^(see-10-).

Includes direct transit freight and mail (counted at arrivals and departures).

Includes express services and diplomatic bags.

Excludes passenger baggage.

13. Commercial air flight (Table A1)

An air transport flight performed for the public transport of passengers and/or freight and mail, for remuneration and for hire.

In table A1, the commercial air flights are aggregated to calculate the other 'indicator fields' ('Passengers on board'^(see-11-), 'Freight and mail on board'^(see-12-) and 'Passenger seats available'^(see-14-)).

14. Passenger seats available (Table A1)

The total number of passenger seats available for sale on an aircraft operating a **flight stage**^(see-10-) between a pair of airports.

*On a **flight stage***⁽⁻¹⁰⁻⁾, *the total number of revenue passengers should not exceed the total number of passenger seats available for sale.*

*Includes seats which are already sold on a flight stage i.e. including those occupied by **direct transit passengers***^(see-18-).

Excludes seats not actually available for the carriage of passengers because of maximum gross weight limitations.

If information on this basis is not available, then one of the following estimates should be provided in order of preference (from more to less adequate):

1. the specific aircraft configuration expressed in number of passenger seats available in the aircraft (identified by aircraft registration number),
2. the average aircraft configuration expressed in average number of passenger seats available for the type of aircraft for the airline,
3. the average aircraft configuration expressed in average number of passenger seats available for the type of aircraft.

▼ **M1****III. DEFINITIONS AND VARIABLES OF INTEREST FOR TABLE B1 (ON FLIGHT ORIGIN AND DESTINATION) AND TABLE C1 (AIRPORTS)****15. On flight origin and destination (Table B1)**

Traffic on a commercial air service^(see-4) identified by a unique 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.

16. Passengers carried (Tables B1 and C1)

All passengers on a particular flight (with one flight number) counted once only and not repeatedly on each individual stage of that flight.

All revenue and non revenue passengers whose journey begins or terminates at the reporting airport and transfer passengers joining or leaving the flight at the reporting airport.

Excludes direct transit passengers^(see-18).

17. Freight and mail loaded or unloaded (Tables B1 and C1)

All freight and mail loaded onto or unloaded from an aircraft.

Includes express services and diplomatic bags.

Excludes passenger baggage.

Excludes direct transit freight and mail.

18. Direct transit passengers (Table C1)

Passengers who, after a short stop, continue their journey on the same aircraft on a flight having the same flight number as the flight on which they arrive.

In total airport statistics as well as for the calculation of the passenger units^(see-3), passengers in direct transit are counted once only.

Passengers who change aircraft because of technical problems but continue on a flight with the same flight number are counted as direct transit passengers.

On some flights with intermediate stops, the flight number changes at an airport to designate the change between an inbound and outbound flight. An example is a flight from Barcelona to Hamburg where the flight continues to Frankfurt before returning to Barcelona. Where passengers for an intermediate destination continue their journey on the same aircraft in such circumstances, they should be counted as direct transit passengers.

19. Total commercial aircraft movements (Table C1)

All take-offs and landings for flights performed for remuneration and for hire.

*Includes **commercial air services**⁽⁴⁾ as well as all commercial general aviation operations.*

20. Total aircraft movements (Table C1)

All take-offs and landings of aircraft.

*Includes **total commercial aircraft movements**⁽¹⁹⁾ as well as non-commercial general aviation operations.*

*Excludes **State flights**⁽²⁾.*

Excludes Touch and goes, overshoots and unsuccessful approaches.