Procedure file

Basic information

COD - Ordinary legislative procedure (ex-codecision procedure) Regulation 2015/0277(COD)	Awaiting Parliament 1st reading / single reading / budget 1st stage
Common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency Repealing Regulation (EC) No 216/2008 2005/0228(COD) Subject 3.20.01 Air transport and air freight 3.20.01.01 Air safety 8.40.08 Agencies and bodies of the EU	

Key players

European Parliament	Committee responsible	Rapporteur	Appointed
	TRAN Transport and Tourism	MARINESCU Marian-Jean	05/02/2016
		Shadow rapporteur	
		S&D PREUSS Gabriele	
		ECR FOSTER Jacqueline	
		VAN MILTENBURG Matthijs	
		KYLLÖNEN Merja	
		DELLI Karima	
		EFDD AIUTO Daniela	
		ENF MAYER Georg	
	Committee for opinion	Rapporteur for opinion	Appointed
	BUDG Budgets	S&D GEIER Jens	18/01/2016
	ENVI Environment, Public Health and Food Safety	The committee decided not to give an opinion.	
	ITRE Industry, Research and Energy	The committee decided not to give an opinion.	
	LIBE Civil Liberties, Justice and Home Affairs	The committee decided not to give an opinion.	
Council of the European Union	Council configuration	Meeting	Date
	Transport, Telecommunications and Energy	3545	08/06/2017
	Transport, Telecommunications and Energy	3505	01/12/2016
	Transport, Telecommunications and Energy	3472	06/06/2016
European Commission	Commission DG	Commissioner	

European Economic and Social Committee European Committee of the Regions	Mobility and Transport	BULC Violeta

Key events

07/12/2015	Legislative proposal published	COM(2015)0613	Summary
18/01/2016	Committee referral announced in Parliament, 1st reading/single reading		
06/06/2016	Debate in Council	3472	
10/11/2016	Vote in committee, 1st reading/single reading		
10/11/2016	Committee decision to open interinstitutional negotiations with report adopted in committee		
01/12/2016	Debate in Council	3505	
02/12/2016	Committee report tabled for plenary, 1st reading/single reading	A8-0364/2016	Summary
08/06/2017	Debate in Council	3545	

Technical information

Procedure reference	2015/0277(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
	Repealing Regulation (EC) No 216/2008 2005/0228(COD)
Legal basis	Treaty on the Functioning of the EU TFEU 100-p2
Mandatory consultation of other institutions	European Economic and Social Committee European Committee of the Regions
Stage reached in procedure	Awaiting Parliament 1st reading / single reading / budget 1st stage
Committee dossier	TRAN/8/05273

Documentation gateway

Legislative proposal		COM(2015)0613	07/12/2015	EC	Summary
Document attached to the procedure		SWD(2015)0262	07/12/2015	EC	
Document attached to the procedure		SWD(2015)0263	07/12/2015	EC	
Reasoned opinion	MT_PARLIAMENT	PE580.752	14/04/2016	NP	
Reasoned opinion	IT_SENATE	PE580.753	14/04/2016	NP	
Committee draft report		PE576.812	03/05/2016	EP	
Amendments tabled in		PE584.197	15/06/2016	EP	

committee					
Amendments tabled in committee		PE584.220	15/06/2016	EP	
Amendments tabled in committee		PE584.221	15/06/2016	EP	
Committee of the Regions: opinion		CDR0007/2016	12/10/2016	CofR	
Committee report tabled for plenary, 1st reading/single reading		A8-0364/2016	02/12/2016	EP	Summary

Additional information

Research document	Briefing

2015/0277(COD) - 07/12/2015 Legislative proposal

PURPOSE: to revise the rules on aviation safety in the EU in order to maintain a high uniform level of civil aviation safety in the Union, while ensuring a high uniform level of environmental protection.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND : building on over twelve years of experience in the implementation of Regulation (EC) No 216/2008, this initiative is part of the Commissions 2015 Aviation Strategy to Enhance the Competitiveness of the EU Aviation Sector'. Its objective is to prepare the EU aviation safety regulatory framework for the challenges of the next ten to fifteen years and thus to continue to ensure safe, secure and environmentally friendly air transport for passengers and the general public.

Safety and consideration for environmental protection are pre-requisites for a competitive aviation sector. With the aviation traffic in Europe predicted to reach 14.4 million flights in 2035 (50% more than in 2012), the Commission's objective is to make sure that the system continues to maintain the current low number of accidents, allowing the EU aviation sector to safely grow in the future and thus to contribute to its competitive edge.

To this end, the proposal aims to:

- introduce a risk and performance based approach to safety regulation;
- close existing safety gaps, and better take into account interdependencies between aviation safety and other technical domains of regulation such as aviation security or environmental protection;
- contribute to a competitive European aviation industry and aeronautical manufacturing which generates high value-jobs and drives technological innovation;
- create a Union framework for safe integration of unmanned aircraft (drones) into the European airspace;
- introduce a scalable framework that recognises the differences existing between the various sectors of civil aviation and the risks involved therein. This approach is expected to benefit the whole aviation sector in the Union and will be particularly suited to the needs of small and medium sized enterprises (SMEs);
- propose better arrangements for coordination and development of aviation research and training so that Member States and the European Union Aviation Safety Agency (EASA) might develop new skills and competences, as well as be continuously abreast with the latest technologies developed by industry;
- assist some national authorities maintaining and financing the resources necessary for accomplishing the required certification and oversight work.

IMPACT ASSESSMENT: the proposal is accompanied by two impact assessment reports.

CONTENT: the proposal to revise the rules on aviation safety in the EU (Regulation 216/2008) aims to establish and maintain a high uniform level of civil aviation safety in the Union, while ensuring a high uniform level of environmental protection. The main points are as follows:

Scope: the present initiative proposes adding a limited number of specific areas to the overall Union aviation safety framework, namely unmanned aircraft, safety of ground handling services and security aspects of aircraft and aviation systems design, including cybersecurity.

Excluded from the scope of the legislation are aircraft that are of simple design or operate mainly on a local basis and those which are home-built or particularly rare or only exist in a small number. Certain aerodromes are exempt from the scope, such as those that are not open to public use and aerodromes mainly used for recreational flying or serving commercial air transport or those that do not fulfil certain minimum technical criteria related to the volume or scope of activities.

Aviation Safety Management: a new chapter dealing with safety management is introduced, which requires the adoption of the European aviation safety programme and the European plan for aviation safety, and transposes ICAO Annex 19 standards and recommended practices related to state safety programmes.

With regard to the European plan for aviation safety, the proposal introduces the concept of acceptable level of safety performance at Union level. The introduction of this concept does not result, however, in establishing any binding safety targets for the Union or its Member States.

Substantive requirements: it is proposed that the provisions of the Regulation (EC) No 216/2008 dealing with airworthiness be revised, taking into account existing experience and reflecting the new concept of non-installed equipment (equipment carried on board of an aircraft but not installed in the aircraft and which may have an impact on safety).

The scope of the provisions dealing with airworthiness certification is also extended to environmental compatibility of aeronautical products, but the Union would now be given the flexibility to adapt the ICAO standards to its specific needs, as is already the case for safety.

For low risk operations, the possibility of assessing the airworthiness and environmental compatibility of the design of products and parts without the need to issue a certificate is being proposed. This option could be implemented especially for certain aircraft used in the general aviation sector.

The certification requirement is now limited to commercial air transport operations. Other types of operations to be subject to a certification or declaration requirement are to be defined in the delegated acts based on a risk assessment.

Aircrew: the scope of the articles is extended to include cabin crew and the relevant provisions on cabin crew from are moved to this section. The text concerning the leisure pilot licence has been simplified and the text concerning the general medical practitioner has been moved to Chapter IV, which deals with certification activities

Operators: the certification requirement is now limited to commercial air transport operations. Other types of operations to be subject to a certification or declaration requirement are to be defined in the delegated acts based on a risk assessment.

Aerodromes: ground handling services have been added to the scope of this section. It is also proposed that providers of apron management services be allowed to declare their compliance with the applicable requirements instead of being certified.

Unmanned aircraft: Annex IX sets out the essential requirements regarding the design, production, maintenance and operation of unmanned aircraft which must be observed in order to ensure safety. It also sets out the means of demonstrating that the requirements have been complied with.

For mass produced unmanned aircraft which pose a low risk, it is proposed to use existing market surveillance mechanisms, as governed by Regulation 765/2008 and Decision 768/2008, which are specifically devised for the production and marketing of such type of products. While the Agency would not be responsible for the oversight of the market surveillance mechanisms, the Commission is always entitled to verify whether Member States fulfill their responsibilities.

Joint Oversight and Enforcement System: the new proposal contains, inter alia:

- a clear legal basis to empower the Commission to adopt, by means of delegated acts, requirements with respect to management systems of authorities, qualification of inspectors, conditions for conducting the inspections and other oversight activities, ramp inspections, and grounding of aircraft in case of non-compliance;
- a set of new provisions concerning cooperation between the competent authorities of Member States, the Commission and the European Union Aviation Safety Agency as regards certification, oversight and enforcement. A mechanism for pooling and sharing of aviation inspectors and other experts is introduced, along with a dedicated financing mechanism to assist Member States in cooperative oversight;
- a new provision for mitigating possible systemic safety oversight deficiencies identified at Member State. This emergency oversight mechanism is to be used as a measure of last resort of temporary nature;
- the possibility of accepting foreign certificates and similar documentation on the basis of conditions specified in delegated acts;
- clarification of the provisions on accreditation of qualified entities. It is proposed that qualified entities may be granted a privilege to issue, revoke, and suspend certificates on behalf of the Agency or national competent authority. The principle of recognition of accreditations of qualified entities is introduced;
- a legal basis for a new repository of information relevant for certification, oversight and enforcement activities, to be managed by the Agency. It is proposed that this repository is also used by the Member States for the purpose of exchanging information concerning medical fitness of pilots.

The European Union Aviation Safety Agency: the proposal creates three new functions for the Agency (assistance to national competent authorities, support to the Commission in the implementation of aviation performance schemes, and cooperation with other Union bodies, such as the European Chemicals Agency or the European Defence Agency on technical matters related to civil aviation).

The proposal:

- limits the responsibility of the Agency to approve organisations not established in the Union to organisations located outside the territory for which a Member State is responsible under the Chicago Convention;
- clarifies that fines are in principle to be imposed only if other enforcement measures would be inadequate or disproportionate;
- clarifies that the investigative powers of the Agency must be exercised in compliance with the applicable provisions of national law of the Member State where the investigation takes place;
- mandates the Agency to assist the Commission in identifying key research themes related to the areas covered by the Regulation;
- introduces an article focusing on interdependencies which may exist between aviation security measures (e.g. cockpit door locking systems) and aviation safety;
- sets out the role of the Agency in crisis management, provision of aviation training and the implementation of the Single European Sky;
- creates an Executive Board assisting the Management Board of the Agency.

BUDGETARY IMPLICATIONS: the proposal has budgetary implications with regard to the budget of the European Union Aviation Safety Agency set out under article 06 02 02 of the Union budget. Total expenditure is estimated at: EUR 37.369 million in year N (beginning of the implementation of the proposal); EUR 37.839 million in year N+1; EUR 37.887 million EUR in year N+2; EUR 38.598 million in year N+3.

The proposal introduces a number of new tasks for the Agency with consequences for its need for posts financed from the Union contribution. The human resources required will partially be met by present staff through their redeployment, thus reducing the need of the Agency for additional staff financed from budget related to the Union contribution to 5 posts and 4 contract agents.

DELEGATED ACTS: the proposal contains provisions empowering the Commission to adopt delegated acts in accordance with Article 290 of

the Treaty on the Functioning of the European Union.

2015/0277(COD) - 02/12/2016 Committee report tabled for plenary, 1st reading/single reading

The Committee on Transport and Tourism adopted the report by Marian-Jean Marinescu (EPP, RO) on the proposal for a regulation of the European Parliament and of the Council on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and repealing Regulation (EC) No 216/2008 of the European Parliament and of the Council.

The committee recommended that the European Parliament, following the ordinary legislative procedure in first reading, should adopt certain amendments to the Commissions proposal. The main amendments may be grouped as follows:

Name of the Agency: this is changed to the European Union Aviation Agency in the report.

Common rules and objectives: the principal objective of the Regulation is to establish, maintain and enforce a high, uniform level of civil aviation safety in the Union.

The committee considers that the Commission should facilitate the adoption of common airworthiness standards and guidance material to meet certain of the Agencys objectives, including:

- contributing to a high, uniform level of environmental protection;
- facilitating, in the fields covered by the Regulation, the movement of aviation goods, services and personnel worldwide by establishing appropriate cooperation with third countries and their aviation authorities;
- promoting research and innovation, inter alia in regulatory, certification and oversight processes;
- promoting, in the fields covered by this Regulation, administrative, technical and operational interoperability.

Scope: the Regulation will also apply to:

- a third country natural or legal person, intended to be registered or operated, and respectively used, in the territory to which the Treaties apply;
- the design, maintenance and operation of aerodromes including their safety-related equipment located in the territory to which the Treaties apply.

The report reinforced the powers of the Agency and added that the Agency, rather than the Commission, will decide on whether the design of an aircraft will fall within the scope of certain provisions in the Regulation. This applies also to a decision to exempt certain aerodromes from the scope of the Regulation.

Safety Programmes: each Member State shall, in cooperation with relevant industry stakeholders, establish and maintain a State safety programme for the management of civil aviation safety in relation to the aviation activities under its responsibility. That programme shall be commensurate with the size and the complexity of those activities and shall be consistent with the European Aviation Safety Programme.

Interdependencies between civil aviation safety and security: Members amended the report to ensure that risks to aviation safety would be identified early. In order to contribute to protecting civil aviation against acts of unlawful interference, the Agency shall, where necessary, react without undue delay to an urgent problem which is of common concern to Member States where interdependencies exist between civil aviation safety and security and where that urgent problem falls within the scope of this Regulation. To that end, the Agency may:

- address vulnerabilities in aircraft design;
- determine corrective action to be taken by the national competent authorities or legal and natural persons, by issuing binding directives or recommendations, when the problem affects aircraft operation, including the risks to civil aviation arising from conflict zones.

These measures must be based, where possible, on common Union risk assessments and take into account the need for a rapid reaction in emergency cases.

Socio-economic factors: a new clause states that interdependencies between civil aviation safety and related socio-economic factors shall be taken into account, inter alia in regulatory procedures, as well as with a view of identifying measures to prevent socio-economic risks to aviation safety where they exist.

The Agency shall consult and involve relevant stakeholders when addressing such interdependencies, and, every three years, publish a review, which shall give an objective account of the actions and measures undertaken, in particular those addressing the interdependencies between civil aviation safety and socio-economic factors.

Transfer of responsibility: where a Member States decides to transfer to the Agency the responsibility for certification, oversight and enforcement, it shall establish jointly with the Agency or with the other Member State, as applicable, a transition plan, including an impact assessment that ensures an orderly transfer of the responsibilities covered by the request, including the related records and documentation.

Certification, oversight and enforcement: Members considered that the national competent authorities should be accredited by the Agency. That accreditation shall only be issued, if the Agency has determined that the entity complies with the rules established by Commission delegated acts for the purpose of ensuring compliance with the requirements on certification, oversight and enforcement. Accordingly, the Commission must lay down the conditions and procedures for the accreditation by the Agency.

Unmanned aircraft (drones): the Commission will be empowered to adopt delegated acts with regard to:

- the conditions and procedures for the mandatory registration, marking and identification of unmanned aircraft with a maximum take-off mass above 250 grams and of operators;
- the conditions and procedures under which a remote pilot of an unmanned aircraft shall demonstrate the required competence through a license or a declaration as applicable and a medical certificate;
- condition under which unmanned aircraft shall be required to be equipped with safety and security enhancing equipment related, in particular, to distance and altitude limitation, position communication, critical zones restriction, collision avoidance, stabilisation and automated landing;

- the conditions under and the procedures by which a European Register of Unmanned Aircraft or a compatible harmonised national registration system are to be established that assigns a unique owner number and unmanned aircraft marking for an unmanned aircraft flown in any Member State, and that imposes a financial and administrative burden that is low.

Air operators certification: the Agency shall, where applicable and as specified in the Chicago Convention, carry out on behalf of Member States the functions and tasks of the State of Operator with regard to air operators referred to in the Regulation and engaged in commercial air transport operations: (a) between aerodromes located in the territories of different Member States; (b) involving an aerodrome located outside the territory of a Member State. To that end, the Agency shall be responsible for the tasks related to certification, oversight and enforcement with respect to those operators.

Aerodromes: provisions relating to aerodromes should distinguish between the different types of aerodrome equipment. The report included some sub-divisions such as safety-related equipment and safety-critical aerodrome equipment.

Cybersecurity: the Agency, Member States and the Commission shall cooperate on security matters related to civil aviation, including cyber security, where interdependencies between civil aviation safety and security exist.

Environmental protection, emissions and noise: Members specified that the measures taken by the Agency as regards civil aviation aircraft emissions and noise, for the purpose of the certification of the design of products and in the framework of international standards and recommended practices, shall aim to prevent effects which have been shown to be significantly harmful to the climate, environment and human health caused by the civil aviation activities concerned giving due consideration to environmental benefits, technological feasibility and economic capacity.

Governance: the Management Board shall take decisions by majority of its members with voting rights.

When necessary, because of urgency, the Executive Board may take certain provisional decisions on behalf of the Management Board. The decisions shall be taken by a majority of five of the seven members of the Executive Board. The Management Board may revoke those decisions by an absolute majority of the votes cast.

The committee added that there would be mid-term assessments of the Executive Director. Those assessments shall be transmitted to the competent committee of the European Parliament and after the mid-term assessment, the Executive Director shall make a statement before the competent committee of the European Parliament and shall answer questions put to him or her by its members.

International cooperation: the report stated that the Agency, in close cooperation with the Commission, should make a major contribution to exporting the Union's aviation standards and to promoting the movement of the Union's aeronautical products, professionals and services throughout the world, in order to facilitate access to new growing markets. It should in particular do so through partnerships with the competent aviation authorities of third countries and by opening local offices in the territory of third countries.

Acceptance of third-country certification: in order to achieve and maintain the confidence in regulatory systems of third countries, the Agency shall be authorised to conduct the necessary technical assessments and evaluations of the laws of third countries and of foreign aviation authorities. For the purpose of conducting such assessments and evaluations the Agency may conclude working arrangements

The Commission is empowered to adopt delegated acts in order to lay down detailed rules with regard to acceptance of certificates and other documentation attesting compliance with civil aviation rules issued in accordance with the laws of a third country.

Recommendations and guidance: three years after the entry into force of the Regulation, the Agency shall:

- make recommendations to the Commission on airworthiness and pilot licensing with respect to light sport aircraft having a maximum take-off mass of not more than 600 kg for aircraft not intended to be operated on water or 650 kg for aircraft intended to be operated on water;
- issue guidance material for voluntary use by Member States to support the development of proportionate national rules concerning the design, production, maintenance and operation of aircraft listed in Annex I (categories of manned aircraft to which the Regulation does not apply).