

Civil aviation: common rules and creation of the European Aviation Safety Agency (EASA)

2005/0228(COD) - 27/11/2007

The Committee on Transport and Tourism adopted the report by Jörg **LEICHTFRIED** (PES, AT) amending, under the 2nd reading of the codecision procedure, the Council's common position adopting a regulation of the European Parliament and of the Council on common rules in the field of civil aviation and establishing a European Aviation Safety Agency.

The key amendments contained in this report result from negotiations with the Council and the Commission. They relate to:

Definitions of complex aircraft: the European Parliament and the Council agreed to increase the number of passengers below which an airplane shall be considered as complex. A separate declaration by the Commission will be added to the regulation's text, more precisely on the usefulness of the fourth criteria set in the Common position's text. Aircraft concerned include those which are certificated for a maximum passenger seating configuration of more than 19 or a helicopter certificated for a maximum take-off mass exceeding 3 175 kg or for a maximum passenger seating configuration of more than 9 or for operation with a minimum crew of at least 2 pilots.

Fines and periodic penalty payments: at the Agency's request, the Commission may: a) impose on the persons and the undertakings to which the Agency has issued a certificate, fines, where, intentionally or negligently, the provisions of this Regulation and its implementing rules have been breached; b) impose, on the persons and undertakings to which the Agency has issued a certificate, periodic penalty payments, calculated from the date set in the decision, in order to compel those persons and undertakings to comply with the provisions of this Regulation and its implementing rules. The amount of the fines shall not exceed 4 % of the annual income or turnover of the certificate holder. The amount of the periodic penalty shall not exceed 2.5 % of the average daily income or turnover of the certificate holder.

Flight time limitations and possible derogations: in the event of unforeseen urgent operational circumstances or operational needs of limited duration and non repetitive nature, derogations to certification specifications may apply provisionally until the Agency expresses its opinion.

Another amendment stipulates that upon notification the Agency shall, within one month, assess the individual scheme on the basis of a scientific and medical evaluation. Thereafter the

Member State concerned may grant the approval as notified, unless the Agency has discussed the scheme with that Member State and proposed changes thereto. Should the Member State agree with these changes, it may grant the approval accordingly.

Equipage en cabines : les mesures visant à modifier des éléments non essentiels du règlement seront arrêtées en conformité avec la procédure de réglementation avec contrôle. Ces mesures viseront également les conditions de délivrance, de maintien, de modification, de limitation, de suspension ou de retrait des attestations des membres de l'équipage de cabine.

Cabin crew: the committee accepted measures concern conditions for issuing, maintaining, amending, limiting, suspending or revoking the cabin crew attestation.

Management Board: Members shall be selected on the basis of their recognised experience and commitment in the field of civil aviation, their managerial capabilities and their expertise, which are to be used to further the objectives of this Regulation. The competent committee of

the European Parliament shall be fully informed accordingly. Each Member State shall appoint a member of the Management Board as well as an alternate who will represent the member in his/her absence. The Commission shall also designate its representative and alternate.

Budget: regulatory budgets and the fees set and collected for certification activities shall be dealt with separately in the Agency's budget.

Independence and impartiality of the Agency: the committee stated that any financial contribution received by the Agency from Member States, third countries or other entities should not compromise its independence and impartiality.