

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

2005/0228(COD) - 20/02/2008 - Final act

PURPOSE: the setting of common rules in the field of civil aviation and the establishment of a European Aviation Safety Agency.

LEGISLATIVE ACT: Regulation (EC) No 216/2008 of the European Parliament and of the Council on common rules in the field of aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC.

CONTENT: the purpose of this Regulation is to establish and maintain a high uniform level of civil aviation safety in Europe. This objective is to be realised through:

- the preparation, adoption and uniform application of all necessary acts;
- the recognition, without additional requirements, of certificates, licences, approvals or other documents granted to products, personnel and organisations in accordance with the Regulation;
- the establishment of the European Aviation Safety Agency; and
- the uniform implementation of all necessary acts by the national aviation authorities and the Agency.

The Regulation applies to the design, production, maintenance and operation of aeronautical products, parts and appliances. It also applies to the personnel involved in the design/production of these products - including the personnel involved in the operation of aircraft. The Regulation does not apply to products or personnel that are engaged in military, customs or police activities.

A set of specific and substantive provisions are established by the Regulation that include: basic principles and applicability; airworthiness; essential requirements for environmental protection; pilots; air operations; aircraft used by third-country operator into, within or out of the Community; oversight and enforcement; the recognition of certificates; acceptance of third-country certification; qualified entities; information network; and the protection of source information. The actual essential requirements for airworthiness; aircraft; pilot licenses; and air operations are specified in Annex to the Regulation.

In addition, the Regulation sets out the rules governing the establishment of the European Aviation Safety Agency. This includes a list of its functions; the measures it may adopt including the certification of an aircraft's airworthiness; its environmental status, pilot certification and air operation certification. Its roles and responsibility vis-à-vis third country operators and fines and periodic penalty payments are also specified.

On a final point the Regulation sets out the form and procedures for, (amongst others): inspections of the Member States and investigation into undertakings. The Member States will be responsible for laying down the penalties for the infringement of the Regulation – they must be effective, proportionate and dissuasive.

ENTRY INTO FORCE: 8 April 2008.