Civil aviation: safety aspects of aerodromes, air traffic management and air navigation services

2008/0128(COD) - 25/06/2008 - Legislative proposal

PURPOSE: to revise the single European sky legislation in order to improve the safety of aerodromes, air traffic management (ATM) and air navigation services (ANS).

BACKGROUD: the European Commission adopted the second package of legislation for a Single European Sky (SES II). The proposals included in the package aim to improve the performance of the European aviation system in key areas such as safety, capacity, flight and cost efficiency and environment within the overriding safety objectives (see COD/2008/0127).

The SES II package is based on four pillars: updates to existing legislation from 2004; the SESAR (Single European Sky Air Traffic Management Research) Master Plan or 'technological pillar'; the 'safety pillar' and an airport capacity action plan.

CONTENT: Regulation (EC) No 216/2008 extended the EASA's tasks to air operations, pilots' licences and, within the limits set by the Chicago Convention, the safety of third-country aircraft. They include standardisation inspections and safety oversight, with particular responsibility for ramp inspections.

This proposal aims to extend the responsibilities of the EASA to ensure precise, uniform and binding rules for airport safety, air traffic management and air navigation services, as well as sound oversight of their implementation by Member States.

Aerodromes: to improve safety in aerodromes and in their surrounding, the proposed Regulation would extend the common rules to aerodromes. The main points are:

- all aerodromes open to the public which can serve IFR traffic or aircraft above a certain weight must be subject to Community legislation;
- dedicated common essential requirements (ERs) covering physical characteristics, infrastructure, aerodrome equipment, operations, management and mitigation of hazards in the immediate vicinity of aerodromes must be introduced as an additional Annex to the basic Regulation;
- aerodrome owners, aerodrome operators, organisations or personnel providing services or equipment which can affect the safety of aerodrome operations would be responsible for implementation of these essential requirements under the supervision of Member States;
- aerodrome operators would adopt and implement management systems, including the safety aspects;
- draft implementing rules and certification specifications, safety analyses and standardisation inspections would be amongst the tasks of the Agency;
- the Commission would be given powers to adopt implementing rules defining the detailed requirements with which the above-mentioned organisations and persons would have to comply and the applicable certification processes;
- powers shall be given to the Agency to adopt certification specifications to be used in the certification process;
- operators of multiple aerodromes which have established appropriate central operations may request a single certificate covering operations and management at all aerodromes under their responsibility;
- verification of compliance of aerodrome equipment would be part of the certification of the aerodrome design or operator, depending on the intended use (but safety-critical equipment may be subject to dedicated certification schemes).

ATM/ANS: the proposed Regulation should provide the legal basis for ensuring that the safety of air traffic management, of air navigation services and of air/ground interoperability is organised under the aegis of the EASA system. In order to do so, the proposal is that:

- all the airspace to which the Treaty applies, along with any other airspace where Regulation (EC) No 551/2004 applies, would be subject to Community legislation;
- dedicated common essential requirements (ERs) mitigating all safety hazards relating to use of airspace should be introduced as an additional Annex to the basic Regulation;
- use of any block of airspace would be governed by a operational concept designed to mitigate the risks of collision both between aircraft and between aircraft and the ground;
- airspace users would comply with the rules issued to implement the operational concepts applicable in the airspace in which they operate and make use of the services responsible for use of that airspace;
- organisations and personnel involved in provision of ATM/ANS would be responsible for implementation of the applicable essential requirements;
- air traffic controllers and organisations involved in their training would be subject to certification;
- systems and constituents used for provision of ATM/ANS would have to comply with appropriate safety requirements when called for by their criticality;
- the Commission would be given powers to adopt implementing rules defining the detailed requirements with which the above-mentioned organisations, personnel and systems and constituents would have to comply and the applicable certification processes, when relevant;
- such implementing rules would be proportionate to the level of complexity of the regulated activity or of the criticality of the system and constituent concerned. They would be based on the existing SES provisions, in particular the transposed Eurocontrol Safety Regulation Requirements (ESARRs). To this end, transitional mechanisms would be designed to provide for the continuity of approvals already granted under the SES rules.