

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

2008/0128(COD) - 25/03/2009 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 662 votes to 20, with 11 abstentions, a legislative resolution amending, under the first reading of the codecision procedure, the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 216/2008 in the field of aerodromes, air traffic management and air navigation services and repealing Council Directive 2006/23/EC. The amendments were the result of a compromise negotiated with the Council. The main amendments were as follows:

**Scope:** Regulation (EC) 216/2008 will also apply to the design, maintenance, and operation of aerodromes, as well as personnel and organisations involved therein and, without prejudice to Community and national legislation on environment and land-use planning, the safeguarding of surroundings of aerodromes. It will not apply to aerodromes that are controlled and operated by the military. It will also not apply to ATM/ANS that are provided or made available by the military. Member States shall, as far as practicable, ensure that any military facilities open to public use referred to in the text or services provided by military personnel to the public offer a level of safety that is at least as effective as that required by the essential requirements.

Some of the definitions in the Commission's proposal amended. The compromise text states that **aerodromes** open to public use and which serve commercial air transport and where operations using instrument approach or departure procedures are provided, and (a) have a paved runway of 800 metres or above; or (b) exclusively serve helicopters, shall comply with the Regulation. By way of derogation Member States may decide to exempt an aerodrome which: handles no more than 10 000 passengers per year, and handles no more than 850 movements related to cargo operations per year from the provisions of this Regulation. If such exemption by a Member State does not comply with the general safety objectives of this Regulation or any other rule of Community law, the Commission shall take a decision not to permit the exemption in question. In such a case, the Member State concerned shall revoke the exemption.

**Certification:** the text states that aerodrome infrastructure and operations should be certificated by means of a single certificate, however, Member States may certify aerodrome infrastructure and operations separately. In that case, certificates should be delivered by the same authority. Operators of multiple aerodromes, having established appropriate central functions, may request a single certificate, covering operations and management at all aerodromes under their responsibility. Qualified entities shall not issue certificates."

**ATM/ANS:** implementing rules relating to the certification of the design, manufacture and maintenance of ATM/ANS systems and constituents as well as to organisations engaged in it should only be laid down when related to safety critical issues identified following a detailed impact assessment study.

The Commission intends to begin work, in due time, on an examination of the feasibility and the necessity of introducing accredited bodies for the certification of ATM/ANS systems and an evaluation of all possible options and impacts. The Commission may, if appropriate, make a proposal for further revision of this Regulation based on a full impact assessment.

**Avoid duplication:** the implementing rules to be developed by the Agency in the domain of ATM/ANS should be developed in the context of a comprehensive review of the safety requirements in the single European sky legislation (Regulation (EC) No 549/2004, Regulation (EC) No 550/2004, Regulation (EC)

No 551/2004 and Regulation (EC) No 552/2004). In order to avoid duplication of safety requirements applicable to ATM/ANS services on the one hand, and to avoid a legal void without applicable safety requirements on the other hand, the date of entry into force of the amendments to the single European sky legislation should be in line with those of the new safety measures made under Regulation (EC) No 216/2008

Without prejudice to the competences of the Member States, the Commission, if necessary, could make recommendations to the Council to establish a framework of coordination between the Community and International Civil Aviation Organization on safety audits, with the aim of avoiding duplication and in the interests of the efficient use of resources.

**Resources:** a new recital states that the Agency should have sufficient resources for its new responsibilities, and the timing of the allocation of these resources should be based on a defined need and schedule for the adoption and the respective applicability of the related implementing rules.