Common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency

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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 Commission's 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 Agency's 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).