

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

2015/0277(COD) - 04/07/2018 - Final act

PURPOSE: establish a high and uniform level of civil aviation safety while ensuring a high and uniform level of environmental protection.

LEGISLATIVE ACT : Regulation (EU) 2018/1139 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 amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91

CONTENT: this Regulation **updates aviation safety rules**, which include a revised mandate for the European Aviation Safety Agency (EASA). The reform introduces **proportionate and risk-based rules** designed to enable the EU aviation sector to grow, make it more competitive and encourage innovation.

The purpose of the new rules is to create the right conditions so that the EU has the capacity to handle the air traffic increase expected over the next 20 years and to ensure that the EU aviation sector is prepared for global competition.

Scope: the Regulation covers **all key areas of aviation** including airworthiness, aircrew, aerodromes, air operations and the provision of air navigation services. It also includes the rules for unmanned aircraft (civil drones) and provides for new tool to facilitate the implementation of simpler provisions for sport and recreational aviation. It also sets out a division of tasks between the EU and national authorities.

Modernisation of aviation safety rules: the amendments update EU safety legislation in the aviation sector. Essential requirements are established for aircraft with respect to their airworthiness and environmental compatibility. Manufacturers will be required to issue **certificates of airworthiness**, in accordance with the technical requirements.

Cabin crew involved in commercial air transport will be subject to certification and, as a result of that certification, will be issued with an attestation. The Commission will establish detailed rules and procedures for the qualification of cabin crew members.

Where the implementing acts so provide, **aircraft shall be equipped with the necessary safety-related equipment and instruments**, including the following: (i) flight recorders; (ii) means to track the position of the aircraft; (iii) means of recovering flight recorder data in a timely manner if an aircraft is in distress.

The regulation also lays down new rules for the safe provision of **ground handling services** and closes a number of other safety gaps.

Civil drones: the rules on drones provide the basic principles to ensure safety, security, privacy the protection of personal data and environmental protection.

The Regulation specifies the **registration threshold** that applies to drone operators: operators must be registered if they operate drones which can transfer more than **80 Joules of kinetic energy** upon impact with a person. This threshold can be amended in the future without lengthy procedures by means of delegated act to take account of developments in this area.

Depending on the nature and risk of the activity concerned, the operational characteristics of the unmanned aircraft concerned and the characteristics of area of operation, a **certificate** may be required for the design, production, maintenance and operation of unmanned aircraft as well as for the personnel, including remote pilots. Drones presenting the lowest risk will simply need to conform to the normal EU market surveillance mechanisms.

The Commission will determine other detailed rules for drones with the assistance of EASA, on the basis of the principles set out in the Regulation.

European Aviation Safety Agency (EASA): the Regulation extends the EASA's mandate to safety-related aspects of security, such as **cyber security**, and to the **protection of the environment**. It establishes a framework for the pooling and sharing of aviation inspectors and other specialists to support Member States in certification and oversight tasks. The Regulation also creates a new support mechanism for Member States that will include technical assistance for certification, oversight and enforcement tasks.

The **repository of information** established by the Agency to ensure effective cooperation between the Agency and the national competent authorities shall contain information on, inter alia, the reallocation by one Member States to another or to the Agency the responsibilities related to certification, oversight and enforcement, as well as measures of the Agency concerning flights above conflict zones.

The decisions of the Agency may be subject to appeal to a Board of Appeal, the decisions of which may be subject to action before the Court of Justice of the European Union.

ENTRY INTO FORCE : 11.9.2018.