

Capacity of the European Union Aviation Safety Agency to act as Performance Review Body of the Single European Sky

2020/0264(COD) - 28/06/2021 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Transport and Tourism adopted the report by Bogusaw LIBERADZKI (S&D, PL) on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) 2018/1139 as regards the capacity of the European Union Aviation Safety Agency to act as Performance Review Body of the Single European Sky.

The amended proposal for the implementation of the Single European Sky provides for the establishment of a permanent Performance Review Body (PRB), which will be integrated into the European Union Aviation Safety Agency (EASA).

The committee responsible recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the proposal as follows:

Strengthening independence

Members recommended strengthening the independence of the new PRB: the tasks entrusted to the Agency acting as PRB should be carried out with the required expertise and in complete independence from governmental or private interests. In this context, the Agency should be provided with resources specifically dedicated to the new tasks, including staffing and structures.

The Regulatory Board for Performance Review should be fully independent and should not seek or take instructions or accept recommendations from any Member State government, the Commission, EASA or any other public or private entity. The Regulatory Board for Performance Review should appoint the Director for Performance Review.

Fines and periodic penalty payments

The Commission could, at the request of the Agency acting as PRB, impose on a legal or natural person responsible for the performance of air navigation service providers at least one of the following: (a) a fine, where that person has infringed, intentionally or negligently, any of the provisions of Regulation [amended SES II+], (b) the payment of a periodic penalty payment where that person continues to infringe any of those provisions, in order to compel compliance with those provisions.

The amount of the fines should not exceed 4% of the annual income or turnover of the natural or legal person concerned. The amount of the periodic penalty payment would not exceed 2.5% of the average daily income or turnover of the natural or legal person concerned.

The Court of Justice should have unlimited jurisdiction to rule on appeals against Commission decisions taken under these provisions. It could cancel, reduce or increase the fine or periodic penalty payment imposed.

Director for Performance Review

The Director of Performance Review should be appointed on the basis of merit and skills and experience in the aeronautical industry or in the economic regulation of network industries, from a list of at least three candidates proposed by the Commission and following an open and transparent selection procedure.

The Director responsible for performance assessment should not have held any professional position or responsibility with any air navigation service provider or airline company for the one year prior to the appointment.

Climate and environmental performance

In the framework of the European Green Deal, the actors involved in the activity of EASA as a quality assessment body should act with particular attention to climate and environmental performance.

To this end, the amended Regulation provides that the members of the Regulatory Performance Assessment Committee and their alternates should have scientific knowledge and expertise on the environmental and climatic impacts of the aviation sector.

The Regulatory Board for Performance Review may invite any person whose opinion may be of interest, including scientific experts in the field of climate and environmental performance, to attend its meetings with observer status.

The Advisory Board for Performance Review should also include a non-voting representative of the Commission and an alternate with expertise and knowledge of the environmental and climate impact of aviation.

Powers of the Appeal Board for Performance Review

The proposal provides for the establishment of an Appeal Board for Performance Review to decide on appeals against decisions taken by the Agency acting as an PRB.

An amendment specifies that the Board of Appeal should be independent of the Regulatory Board for Performance Review, the Advisory Board for Performance Review and the Director of Performance Review.