

Civil aviation: common rules, European Aviation Safety Agency

2000/0246(COD) - 19/12/2001 - Council position

The Council common position takes on board many Parliamentary amendments tabled after the first reading in the European Parliament. Following intensive discussion however, the Council has decided to reject 29 amendments, (also rejected by the Commission), plus an additional 10 amendments, which had initially been accepted by the Commission in its modification. In modifying its text the Council has sought to: - Maintain essential airworthiness requirements by not only referring to the Chicago Convention (ICAO) but also by laying down its own requirements for the purposes of the Regulation. - Apply the whole process of design, production, maintenance and operation of aeronautical products, parts and appliances to the scope of the Regulation. The possibility of extending the scope of the Regulation to other civil aviation activities is a question which might arise in future. - Lay down rules covering aircraft manufacture in the Union, aircraft registered in a Member State and aircraft which, although registered in a third country, is used by a Community operator. The Regulation will apply to aircraft registered in a third country and operated by a non-Community operator, without prejudice to the ICAO. - Exclude some aircraft from the Regulation's provisions, such as aircraft of historical relevance, built by amateurs, for experimental purpose, or whose initial design was for military purposes only, plus very small aircraft, gliders and hang-gliders. - Establish a Management Board. This will be composed of one representative of each Member State and of the Commission. The Management Board will adopt guidelines and procedures to be followed by the Executive Director as regards certification. The Executive Director will be appointed by the Management Board. - Establish a Board of Appeal against decisions taken by the Agency. - Not lay down a working language regime for the Agency. However, under the heading "Publication of Documents" it has identified a list of documents which must be submitted in all the official languages of the Community. The Management Board has the power to add to the list where appropriate. - Make specific provisions to enable European third States to participate in the Agency. This is an attempt to make the certification process pan-European. - Set up the Agency and its certification duties twelve months after the entry into force of the Regulation. Provision has also been made for an extra five-year period during which Member States will continue to issue certificates and approvals. The 18 amendments rejected by both the Commission and the Council can be classified into six groups: firstly, those that budgetise the Agency's revenues, secondly those that definitively exclude airports from the Regulations coverage, thirdly, those weakening the Commission's control over the Agency, fourthly those requiring the publication of data that may be used for confidential infringement proceedings, fifthly those falling outside the area of the Regulations application, and sixthly, those that empower the European Council to decide on the location of the Agency. Concerning the other ten amendments rejected by the Council they can be classified into three groups. Firstly, where the Council has modified the text of the original proposal in order to align it with the text; secondly, where the Council's text offers a clearer clarification of the text; and thirdly, where in the light of discussions in the Council the Commission now accepts the Council's text.