

Air transport, civil aviation: technical requirements and administrative procedures, EU-OPS Regulation (amend. Regulation (EEC) No 3922/91)

2000/0069(COD) - 24/03/2000 - Legislative proposal

PURPOSE: To amend EU Regulation 3992/91 on the harmonisation of technical requirements and administrative procedures in the field of civil aviation by introducing a new Annex on operational activities.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

CONTENT: Passenger safety and the need for a level playing field are the two driving factors behind the EU's establishment of harmonised civil aviation provisions. Regulation 3992/91 on the harmonisation of technical requirements and administrative procedures in the field of civil aviation is the framework legislation which seeks to establish and update harmonised rules for the design, manufacture, operation and maintenance of aircraft. Joint Aviation Requirements (JARs), listed alongside the Regulation are given the force of law within the Community and are devised by the Joint Aviation Authorities (JAA). The proposed amendment to Regulation 3992/91 focuses on the *Operational* aspect of the Regulation's scope. It does so by introducing a new Annex dealing specifically with the operational use of commercial aircraft. The new Annex is based on a JAR devised by the Joint Aviation Authority, though the text has been altered slightly to make it compatible with EU law.

JAR-OPS 1, was devised by the JAA in 1997 to cover the operational use of commercial aircraft and deals mostly with cabin crew safety, duty time and crew rest periods. Common rules relating to these issues fall firmly within the scope of Council Regulation 3992/91, both in terms of ensuring high safety standards and in terms of maintaining harmonised provisions for commercial operators. Experts agree that there is a need for JAR-OPS 1 to be incorporated into Community law. However, it has become apparent that, unlike with other JAR codes, the text of JAR-OPS 1 can not be simply attached in annex form to Regulation 3992/91. The reasons are three-fold.

Firstly, the text of JAR-OPS 1 contains certain provisions, which are incompatible with Community law. As such the text requires some adjustments. Secondly, various sticking points relating to the technical content of JAR-OPS 1 require Commission intervention. Thirdly, the requirements of JAR-OPS 1 are such that they will have far-reaching economic and social consequences on those involved in civil aviation. It is, therefore, the duty of the Commission to seek their adoption through the usual methods of open discussion. In other words, the full text is to be processed through the established Community adoption process.

To make it compatible with Community legislation a revised text on harmonised rules for commercial air operation has been devised entitled, "OPS 1: Commercial air transportation (aeroplanes)". OPS 1, although revised, is based on the content of that prepared by the JAA. For the sake of clarity and consistency, the Commission is proposing to attach the revised text to Regulation 3992/91 as Annex III. The revised Annex includes the following elements:

- A high level of safety standards based on that proposed by the JAA.

- Community provisions limited to what is strictly necessary for the automatic registration of Air Operator Certificates. In other words, the text covers Section 1 of JAR-OPS 1, whilst excluding those parts dealing with acceptable means of compliance or explanatory material to be defined in Section 2 of JAR-OPS 1.
- Ensuring that, for the sake of future amendments, the text resembles, as much as possible, that of JAR-OPS 1. This also makes the text compatible with regulatory systems in JAA countries, which are not a member of the EU.
- Adjusting certain provisions so that they conform to Community law. The revised provisions refer to the registration of aircraft, short term wet-lease-in and exemptions to the operational Directives.
- Giving air operators responsibility for cabin crew safety. Requirements relating to training, age and medical assessment are to be covered by a separate Directive.
- Duty time, rest requirements for crew and flight time limitations will be the matter for later discussions.

Lastly, the establishment of common requirements for commercial air transport by rotorcraft will be dealt with in a similar way to the present proposal. The basis for discussion being the JAA requirements known as JAR-OPS 3.