

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

2000/0069(COD) - 04/02/2002 - Amended legislative proposal for reconsultation

The objective of this proposal is to amend the Commission proposal for a Regulation of the European Parliament and the Council, amending Council Regulation 3922/91/EEC on the harmonisation of technical requirements and administrative procedures in the field of civil aviation, following the opinion of the European Parliament, so as to take into consideration work being done in the Council on that proposal, as well as on another Commission proposal on the establishment of safety requirements for cabin crews. As explained hereafter, these two texts are closely linked as far as cabin crew training is concerned and changes in one involve changes in the other. In order to facilitate the finalisation of the work on both of them, the Commission felt it appropriate to amend its proposals to reflect the balance between the two texts which is the most likely way to achieve consensus and therefore to allow their adoption after a long stalemate. At the same time, and in view of the significant changes that the experts involved in the work of the Council are likely to agree, the Commission felt it useful to introduce them in its amended proposal, so as to facilitate also the emergence of a consensus between all Institutions and speed up the adoption process of common safety requirements for the commercial operation of aircraft. The amended proposal includes a revised set of procedures through which the Community exercises control over the use by the Member States of the flexibility that is granted to them by the proposed amendment of Article 8 of the Regulation. For exemptions for reasons of unforeseen operational circumstances or operational needs of limited duration, the safeguard procedure is now proposed. The content of the new article 8 paragraph 3 and 4, as well as that of article 11, are therefore mentioned. Provision have been made for a delayed applicability of the new Annex III to enable the updating, after the entry into force of the Regulation but before the Annex becomes applicable, of this Annex so as to bring it into line with the latest version of JAR-OPS 1. As regards the amendments to the new Annex III, it is proposed that the regulation needs to deal with situations where two kinds of crew carry out duties in the passenger compartment of an aeroplane, cabin crew and other crew. In order to distinguish these two kinds of crew from each other so as to be able to lay down provisions for each of them, they need to be carefully defined. Only personnel who have undergone the applicable safety training can be a cabin crew member, and can carry out safety duties in the aeroplane. The definition contained in the Technical Annex of the proposal (JAR-OPS 1) suffered from the fact that it defined cabin crew in terms of one of its obligations, i.e. the carrying out of safety duties. The new definition proposed is independent of the duties and allows therefore the laying down of mandatory provisions for both kinds of crew independently of each other. Under the new definition, anyone employed by the operator in the passenger compartment of an aeroplane is a member of the cabin crew, and must therefore meet all the requirements for cabin crew, unless he/she belongs to one of the categories of other crew explicitly mentioned. A crucial requirement for the "non-cabin crew" crew, essential for the European Parliament and the Council alike, is that it shall be impossible for passengers to confuse them with cabin crew. With regard to flight time and the rest of the crew, to meet the European Parliament's concern about the absence of provisions on flight, duty times and rest times for the crew, a new subpart Q has been included in the Technical Annex obliging operators to lay down schedules for these three elements of safety in accordance with the applicable requirements. The applicable requirements are presently still national and unharmonised. With regard to alcohol, the requirements on the maximum blood alcohol level and the consumption of alcohol by the crew members have been amended, allowing individual Member States to be more restrictive for the operators under their jurisdiction. As regards flight recorders, the requirements on the use of flight recordings have been redrafted so as to make them applicable for the operator only, thus exempting the Member States.

Concerning cosmic radiation, the requirements on the monitoring of the cosmic radiation doses received by the crew members during their flights have been eliminated from the text. Lastly, as regards the carriage of collision avoidance systems and flight crew interphone systems, the dates at which the requirements on the Airborne Collision Avoidance System and the Flight Crew Interphone System will become effective have been fixed at 1.1.2005 and 1.4.2002 respectively.