

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

2000/0069(COD) - 10/02/2004 - Modified legislative proposal

Following extensive discussions on the initial Commission proposal - both in Parliament and in Council - the European Commission presents its revised proposal. The revisions take into account Parliamentary and Council suggestions which seek to improve the effectiveness of the proposed amendments to Council Regulation 3922/91 on the harmonisation of technical requirements and administrative procedures in the field of civil aviation. In essence, the modified proposal takes into account Parliamentary amendments proposed at first reading; the Flight Time Limitation Scheme (proposed at a latter date); work carried out in Council and lastly other Commission proposals concerning the establishment of safety requirements for cabin crew. The new proposal also includes necessary changes to the Regulation's provisions outlined in its technical Annex concerning the entry into force of other EU related provisions. They refer, in particular, to the following Regulations on: - The establishment of a European Aviation Safety Agency - The airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and productions organisations - The airworthiness of aircraft and aeronautical products, parts and appliances and on the approval of organisations and personnel involved in these tasks. Concerning the main modifications to the Regulation itself the Commission has amended the initial proposal as follows: - A new recital in order to ensure that the more detailed and technical requirements contained in Subpart Q are consistent with the minimum standards set in the EU Directive on the organisation of Working Time Mobile Workers in Civil Aviation. - A clearer definition of the term "Authority" which grants the air operator's certificate (AOC). - A new Article 8a in order to allow additional flexibility for the establishment of national variations on the Flight Time Limitation provisions. It is, however, specified that the operator requesting a variation has to demonstrate a high level of safety. - A new Article 8b to introduce a revision clause relating to Annex III Subpart Q after three years. Amendments to the new Annex III are technical in nature and are designed to ensure that the eventual legislation is fully compatible with related EU provisions. They also take into account some of the suggestions proposed in Council. Lastly, amendments relating to flight time and rest of crew (subpart Q) contain the following elements: The European Commission has accepted the European Parliament's amendment in full. This is because it shares Parliamentary concerns that there is an absence of detailed provisions on flight, duty and rest times for the crew. This is largely because provisions relating to this issue remain unharmonized at a national level and are thus deemed inadequate to modern day needs. A limited number of changes to subpart Q have been introduced in order to ensure that the procedure offers Member State the chance to introduce variations compatible with other EU legislation. Any variation requested has to demonstrate a high level of safety.