

Civil aviation: common rules and creation of the European Aviation Safety Agency (EASA)

2005/0228(COD) - 15/11/2005 - Legislative proposal

PURPOSE: to broaden the European Aviation Safety Agency's scope by extending its remit to air operations, pilot licensing and third country aircraft and to amend Regulation 1592/2002 accordingly.

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

CONTENT: this proposal seeks to address a long-standing anomaly in the EU: while aircraft now enjoy complete freedom within a unified market, safety standards continue to vary between the Member States. This, in spite of rapid growth in air traffic and the phenomenal success of low-cost airlines which now account for 12% of intra-Community traffic. Currently, responsibility for regulating air traffic standards in Europe falls on a number of bodies including the European Civil Aviation Conference (ECAC) and the Joint Aviation Authority. In addition there is the International Civil Aviation Organisation (ICAO). A further organisation, Eurocontrol, brings together 35 European States. It is responsible for developing, co-ordinating and planning pan-European air navigation strategies. These organisations, however, are inter-governmental in nature and the rules decided are only applied if the States concerned wish to apply them. They do not have any binding regulatory powers. The differences in standards can be considerable. Sometimes the highest standards are not applied. To give an example, there are six different successive versions of the operational rules applicable to air transport by aeroplane established by the JAA, known as JAR-OPS 1. It is being implemented by twenty-five Member States but already eight of them have amended the version to fit in with their national rules. There are even greater differences on rules relating to the licensing of pilots carrying out commercial transport operations by aeroplane. In some Member States, the criteria relating to licences for private leisure pilots do not even meet the minimum requirements set by the ICAO.

Regulation 1592/02 goes some way in addressing the issue of standards in that it awards the EU exclusive responsibility for the airworthiness and environmental compatibility of aeronautical products, parts and appliances. The European Aviation Safety Agency was set up by the Regulation to assist the Commission in this task. The scope of the Regulation is quite specific in that it limits the Regulation's span to aeronautical products. Upon adoption of the Regulation in 2002, however, there was even then a recognition that the Regulation's range may at some future point need to be extended. Given that the main objective of the Regulation is to guarantee a high, uniform level of safety and provide a level playing field for Community air operators there has always been the need to widen the scope of the Regulation. Indeed, both the legislator and the Council gave the Commission an explicit mandate to submit a proposal to this end and to reconsider the question of third country aircraft.

This present proposal responds to this mandate. In presenting this proposal the Commission is hoping to extend the scope of the Regulation so that, in future, its provisions will encompass not just aeronautical products but will extend to air operations, pilot licensing and third-country aircraft. In doing so the EASA will be able to produce standards that can be uniformly applied throughout the EU.

The Commission points out that the scope of the Regulation will include all aircraft used, for whatever purpose in the Community, including ultra-light aircraft. Concerning cabin crew, the Commission proposes that cabin crew should hold an attestation, which shows that they have met the specific requirements laid down in a new Annex IV to Regulation 1592/02. With regard to air operations, pilot licensing and third-country aircraft the following provisions are being proposed:

- Common rules should be extended to all air operations and the certification requirement to all commercial operators. Certificates would be issued by the Member States or the EASA.
- Most pilots operating in the EU would be required to hold a licence issued on the basis of common requirements regarding their theoretical and practical knowledge and physical aptitude. Further, those assessing the pilots would also need to be certified on the basis of common rules. The provisions allow for some adaptation, depending on the complexity of the aircraft concerned.
- The Regulation also proposes imposing common rules on third-country aircraft operating in the Community. Thus for third-country operators engaged in commercial operations in the EU, compliance with the common rules would have to be attested by a certificate.

The other amendments being proposed relate to:

- Qualified entities conducting certification tasks on behalf of the Agency should be accredited by the EASA, which would be able to ascertain their capability.
- A simplified method for derogation management.
- Changes to the composition of the Management Board.
- The establishment of an effective mechanism for checking all aircraft operating in the Community to ensure that the common safety rules are being complied with.

In conjunction with the presentation of this proposal the Commission has prepared an accompanying Communication, in which the EU's policies on air traffic are outlined in greater detail.

For more details concerning the financial implications of this proposal, please refer to the financial statement.