

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

2000/0069(COD) - 09/03/2006 - Council position

The Council was able to agree on the major lines of the Commission proposal. On some points, however, the Council decided to modify the text, generally in order to make it clearer, simpler and easier to understand.

The Council made some changes to the flexibility provisions in Article 8, namely in paragraph 4, where the Council widened the prerogative for Member States to adopt or maintain provisions relating to a very limited number of OPS (technical requirements and administrative procedures in the field of civil aviation) until common rules based on scientific knowledge and best practices are established at a Community level.

In Article 8a the Council offers that the provisions of Subpart Q (flight time limitation) and, as appropriate, Subpart O (cabin crew) of Annex III should be evaluated from a scientific and medical point of view within a period of three years following the entry into force of the Regulation. Additionally, the Council position places upon the European Aviation Safety Agency (EASA), the

responsibility to carry out this work as well as that of assisting the Commission in preparing proposals for the modification of the technical provisions of Subpart Q as applicable.

The Council states that given the time needed for adaptation to the new technical rules, Member States should apply Annex III with effect from 18 months after entry into force of this Regulation (and not with effect from 6 months, as proposed by the Commission).

Within Annex III itself, the Council has made some modifications in order to align the text fully to JAR-OPS 1 amendment citing the intention to making the text clearer and more precise.

In conclusion, the Council considers that the text of its common position is appropriate and balanced. With respect to the amendment proposed by the European Parliament at first reading relating to “flight time limitation”, the Council observes that this amendment has been entirely taken on board, subject to some minor refinements. The Council holds therefore that the text of its common position ensures that the aim sought by the Parliament's amendment has been achieved.

The Council would encourage the European Parliament to accept the text of the common position as it stands, so that the Regulation can enter into force soon. In this context, as regards in particular Subpart Q (flight time limitation) and, as appropriate, Subpart O (cabin crew) of Annex III, the European Parliament is invited to take into consideration that these Subparts will shortly be subject to a scientific and medical evaluation to be carried out by EASA.