

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

2000/0069(COD) - 10/10/2006 - Commission opinion on Parliament's position at 2nd reading

The Commission can accept all of the amendments adopted by Parliament at second reading. They are the result of a compromise package agreed between the European Parliament and the Council with a view to the adoption of the Regulation at second reading. The amendments agreed upon favour the approach taken by the Commission in its initial approach as well as addressing the Commission's concerns vis-à-vis flight time limitations (FLT) and concerns regarding cabin crew.

In summary, the amendments agreed upon, are as follows:

Non-regression clause: This amendment introduces a new recital, which emphasises that the new provisions will not lead to a lowering in aviation safety – irrespective of whether they are laid down in legislation or negotiated in a collective agreement.

Scientific and medical evaluation: This amendment shortens from three to two years (following the entry into force of the Regulation) the period within which a scientific and medical evaluation of the provisions on flight and duty time limitations and rest requirements should be made. It also applies, where appropriate, to related provisions on cabin crew.

Night time cargo flight operators: This amendment introduces a new recital, which remedies the fact that the rostering and working-time conditions peculiar to express overnight cargo services and service-providers were omitted from the original Commission proposal and the European Parliament Report at first reading.

Scientific and medical evaluation of Subparts Q and O: This amendment introduces a new recital stating that the EASA must complete a scientific and medical evaluation of Subpart Q and, where relevant, Subpart O, on the basis of which the Commission will, if necessary, draw up and submit proposals to amend the relevant technical provisions.

Free movement of cabin crew within the Community: This amendment introduces a new recital emphasising the importance of maintaining momentum for the harmonisation of cabin crew training requirements. This will help facilitate the free movement of cabin crew personnel within the single market.

The remaining amendments specify that the EASA will assist the Commission in preparing proposals for modifying the applicable technical provisions of “Subpart O” and “Subpart Q”, set out in Annex III. The EASA will only conclude a scientific evaluation of the provisions of Subpart Q “where relevant”.

To conclude, these amendments reflect the inter-institutional compromise reached during the Plenary Session of Parliament on 4 July 2006. In a declaration issued at the time the Commission states that the evaluation of scientific and medical evaluation of subparts O and Q will include the issue of “human behaviour in an emergency”. The Commission also confirms that if an EASA evaluation reveals that it would be necessary to make modifications to the Regulation, including its Annex III, the Commission will present appropriate proposals to that end without delay.

