Harmonisation of technical requirements and administrative procedures in the field of civil aviation: implementing powers conferred on the Commission

2006/0209(COD) - 24/10/2006 - Legislative proposal

PURPOSE: to amend Council Regulation 3922/91/EC on the harmonisation of technical requirements and administrative procedures in the field of civil aviation to align it with Council Decision 1999/468/EC/EC laying down the procedures for the exercise of implementing powers conferred on the Commission, as last amended by Council Decision 2006/512/EC.

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

CONTENT: Annex III to Regulation 3922/91/EEC provides for common safety rules applicable to the operation and maintenance of aircraft and to the persons and bodies involved in these tasks. Those harmonised safety standards apply to all aircraft used by Community operators whether registered in a Member State or in a third country. Articles 8 and 11 of that Regulation authorise the Commission to amend or supplement the common rules in Annex III, or to exempt a Member State from applying them, in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred to the Commission.

Decision 1999/468/EC was amended by Decision 2006/512/EC, which introduced a regulatory procedure with scrutiny (see **CNS/2002/0298**) for measures of general scope which seek to amend non-essential elements of a basic instrument adopted in accordance with the procedure referred to in Article 251 of the Treaty, including by deleting some of those elements or by supplementing the instrument by the addition of new non-essential elements.

Therefore the regulatory procedure with scrutiny should be followed for measures of general scope which seek to amend non-essential elements of Regulation 3922/91/EEC.

Where, on imperative grounds of urgency regarding the maintenance of a sufficient level of aviation safety, the time-limits normally applicable under this procedure cannot be complied with, the Commission must be able to apply the urgency procedure provided for in Article 5a(6) of Decision 1999/468/EC to adopt certain measures.

Given the urgent need for alignment with the new rules on comitology regarding instruments at the final stage of the legislative procedure, this Regulation must be adopted by the Parliament and the Council before the end of 2006.