Basic information

2000/0246(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Civil aviation: common rules, European Aviation Safety Agency Repealed by 2005/0228(COD) Amended by 2002/0181(COD) **Subject** 3.20.01.01 Air safety 8.40.08 Agencies and bodies of the EU	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
RETT Regional Policy, Transport and Tourism	SCHMITT Ingo (PPE-DE)	24/01/2001

Former committee responsible	Former rapporteur	Appointed
RETT Regional Policy, Transport and Tourism	SCHMITT Ingo (PPE-DE)	24/01/2001

Former committee for opinion	Former rapporteur for opinion	Appointed
BUDG Budgets	KUCKELKORN Wilfried (PSE)	04/12/2000
CONT Budgetary Control	POMÉS RUIZ José Javier (PPE-DE)	22/03/2001
JURI Legal Affairs and Internal Market	WUERMELING Joachim (PPE-DE)	25/01/2001
ITRE Industry, External Trade, Research, Energy	SAVARY Gilles (PSE)	13/02/2001
ENVI Environment, Public Health, Consumer Policy	WHITEHEAD Phillip (PSE)	27/02/2001

Council of the European Union

Council configuration	Meetings	Date
Transport, Telecommunications and Energy	2438	2002-06-17

	Transport, Telecommunications and Energy	2324	2000-12-20
	Transport, Telecommunications and Energy	2364	2001-06-27
	Transport, Telecommunications and Energy	2374	2001-10-15
	Agriculture and Fisheries	2402	2001-12-19

European Commission	Commission DG	Commissioner
	Energy and Transport	

Key events

Date	Event	Reference	Summary
27/09/2000	Legislative proposal published	COM(2000)0595	Summary
15/12/2000	Committee referral announced in Parliament, 1st reading		
20/12/2000	Debate in Council		Summary
27/06/2001	Debate in Council		Summary
10/07/2001	Vote in committee, 1st reading		Summary
10/07/2001	Committee report tabled for plenary, 1st reading	A5-0279/2001	
04/09/2001	Debate in Parliament		
05/09/2001	Decision by Parliament, 1st reading	T5-0424/2001	Summary
19/12/2001	Council position published	13382/1/2001	Summary
17/01/2002	Committee referral announced in Parliament, 2nd reading		
21/03/2002	Vote in committee, 2nd reading		Summary
21/03/2002	Committee recommendation tabled for plenary, 2nd reading	A5-0093/2002	
09/04/2002	Decision by Parliament, 2nd reading	T5-0146/2002	Summary
09/04/2002	Debate in Parliament		
17/06/2002	Act approved by Council, 2nd reading		
15/07/2002	Final act signed		
15/07/2002	End of procedure in Parliament		
07/09/2002	Final act published in Official Journal		

Technical information

Procedure reference	2000/0246(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation

Amendments and repeals	Repealed by 2005/0228(COD) Amended by 2002/0181(COD)
Legal basis	EC Treaty (after Amsterdam) EC 080-p2
Stage reached in procedure	Procedure completed
Committee dossier	RETT/5/15137

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0279/2001	10/07/2001	
Text adopted by Parliament, 1st reading/single reading		T5-0424/2001 OJ C 072 21.03.2002, p. 0080-0146 E	05/09/2001	Summary
Committee recommendation tabled for plenary, 2nd reading		A5-0093/2002	21/03/2002	
Text adopted by Parliament, 2nd reading		T5-0146/2002 OJ C 127 29.05.2003, p. 0027-0090 E	09/04/2002	Summary

Council of the EU

Document type	Reference	Date	Summary
Council position	13382/1/2001 OJ C 058 05.03.2002, p. 0044 E	19/12/2001	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2000)0595 OJ C 154 29.05.2001, p. 0001 E	27/09/2000	Summary
Commission communication on Council's position	SEC(2002)0023	11/01/2002	Summary
Commission opinion on Parliament's position at 2nd reading	COM(2002)0241	07/05/2002	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0704/2001 OJ C 221 07.08.2001, p. 0038	30/05/2001	
EU	Implementing legislative act	32003R2042 OJ L 315 28.11.2003, p. 0001-0165	20/11/2003	Summary
		32005R0488		

EU	Implementing legislative act	OJ L 081 30.03.2005, p. 0007-0025	21/03/2005	Summary
EU	Implementing legislative act	32006R0736 OJ L 129 17.05.2006, p. 0010-0015	16/05/2006	Summary

Additional information		
Source	Document	Date
European Commission	EUR-Lex	

Final act	
Regulation 2002/1592 OJ L 240 07.09.2002, p. 0001-0021	Summary

Civil aviation: common rules, European Aviation Safety Agency

2000/0246(COD) - 21/03/2005 - Implementing legislative act

LEGISLATIVE ACT: Commission Regulation 488/2005/EC on the fees and charges levied by the European Aviation Safety Agency.

CONTENT: This Regulation relates to the fees and charges levied by the European Aviation Safety Agency (EASA) in return for the services it provides, including the supply of equipment. It determines the cases when fees and charges referred to in Regulation 1592/2002/EC should be paid, the level of the fees and charges and how they should be paid.

Fees and charges may only be expressed in euros.

The fees levied by the Agency should not jeopardise the competitiveness of the European industries concerned. Furthermore, they should be established on a basis which takes due account of the ability of small undertakings to pay. Moreover, the geographical location of the undertakings in the territories of the Member States should not be a discriminatory factor.

The applicant should be informed, as far as possible, of the foreseeable amount to be paid for the service which will be provided and the way in which payment must be made before provision of the service starts. The criteria for determining the amount to be paid should be clear, uniform and public. Where it is impossible to determine this amount in advance, the applicant should be informed accordingly before provision of the service starts. In such a case, clear rules for assessing the amount to be paid during the provision of the service should be agreed before it is provided.

The amount of the fees to be paid by the applicant should depend on the complexity of the task carried out by the Agency and the workload involved.

ENTRY INTO FORCE: 02/04/2005.

DATE OF APPLICATION: 01/06/2005.

Civil aviation: common rules, European Aviation Safety Agency

2000/0246(COD) - 05/09/2001 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted the report by Mr Ingo SCHMITT (EPP-ED, D) on the establishment of common rules in the field of civil aviation and creating a European Aviation Safety Agency. (Please refer to the previous text). In addition, although Parliament generally welcomed the Commission proposal, it adopted several amendments aiming at improving safety in civil aviation even further. The House called for problems such as deep vein thrombosis, contaminated air and insufficient food preparation an storage facilities to be addressed as a matter of urgency. The Commission was asked to submit as soon as possible a proposal on setting up an independent body with the task of issuing recommendations for the prevention of aircraft accidents. In another amendment, Parliament demanded that the scope of the regulation encompass all aircraft with Community connections and the corresponding personnel.

Civil aviation: common rules, European Aviation Safety Agency

2000/0246(COD) - 09/04/2002 - Text adopted by Parliament, 2nd reading

The European Parliament adopted the resolution drafted by Ingo SCHMITT (EPP-ED, Germany) on the European Aviation Safety Agency. (Please refer to the document dated 21/03/02.) Parliament stipulated that the Executive Director may be appointed or dismissed by the Management Board on a decision taken by 75% majority of its members, rather than a four-fifths majority.

Civil aviation: common rules, European Aviation Safety Agency

2000/0246(COD) - 20/12/2000

The Council welcomes favourably that proposal which provides a good basis for the establishment of a European Aviation Safety Agency and broadly accepts the institutional architecture proposed which, in accordance with the Community institutional balance, enables a clear division of roles between the Commission, the Agency. It requests that the COREPER to continue the examination of the Commission proposal with a view to ensuring that: essential requirements truly reflect the legislator's intentions while remaining generic in nature; the Agency is endowed with the necessary powers to exercise its responsibilities in the field of aviation safety and to manage fully the type certification process and issue the related certificates; the definition of the liability of the Agency and the other actors of the Community system is clearly established. More generally, the objectives that the Council had set for the establishment of a European Aviation Safety Authority and the additional orientations adopted on 26 June 2000 are reached. It also confirms its will that this new process for European Aviation Safety should be open to European third countries in conformity with Community law. Lastly, the Council restates its willingness to give the highest priority to this matter and invites the Presidency to inform the European Parliament of its intention to reach a common position in its June 2001 meeting.

Civil aviation: common rules, European Aviation Safety Agency

2000/0246(COD) - 15/07/2002 - Final act

PURPOSE : to lay down common rules on aircraft safety. COMMUNITY MEASURE : Regulation 1592/2002/EC of the European Parliament and of the Council on common rules in the field of civil aviation and establishing a European Aviation Safety Agency. CONTENT : The principal objective of this Regulation is to establish and maintain a high uniform level of civil aviation safety in Europe. Additional objectives are: -to ensure a high uniform level of environmental protection; -to facilitate the free movement of goods and services; -to promote cost-efficiency in the regulatory and certification processes and to avoid duplication at national and European level. -to help Member States to fulfil their obligations under the Chicago Convention, by providing a basis for a common interpretation and uniform implementation of its provisions; -to promote Community views regarding civil aviation safety standards and rules throughout the world by establishing appropriate co-operation with third countries and international organisations. The means of achieving the objectives are: -the preparation and uniform application of all necessary acts; -the recognition of certificates granted to products and personnel in accordance with this Regulation; -the establishment of the independent European Aviation Safety Agency -the uniform implementation of all acts by the national aviation authorities and the Agency within their respective areas of responsibility. The following must comply with the Regulation, unless their regulatory safety oversight has been delegated to a third country and they are not used by a Community operator: Aircraft, including any installed product, part and appliance which are: -designed or manufactured by an organisation for which the Agency or Member State ensures safety oversight -registered in a Member State; or -registered in a third country and used by an operator for which any Member State ensures oversight of operations. The European Aviation Safety Agency ("the Agency") is charged with dealing with airworthiness and environmental certification, as well as undertaking any task within the scope of the Regulation. It also has the power to conduct standardisation inspections of Member States competent authorities. The Agency will undertake certification tasks as from 28 September 2003. Until that date, Member States continue to implement the applicable rules. There are provisions regarding the staffing and functioning of the Agency, including the powers and composition of the management board. The Executive Officer will be appointed by the management board, which will take its decision by a three-quarters majority of its members. Agency revenues will consist of: -a contribution from the Community and from any European third country with which the Community has concluded relevant agreements; -the fees paid by applicants for, and holders of, certificatesand approvals issued by the Agency; and -charges for publication, training and any other services provided by the Agency. ENTRY INTO FORCE : 20/09/02

Civil aviation: common rules, European Aviation Safety Agency

2000/0246(COD) - 20/11/2003 - Implementing legislative act

LEGISLATIVE ACT : Commission Regulation 2042/2003/EC on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks. CONTENT : this Regulation establishes common technical requirements and administrative procedures for ensuring the continuing airworthiness of aircraft, including any component for installation thereto, which are registered in a Member State or registered in a third country and used by an operator for which a Member State ensures oversight of operations. Organisations and personnel involved in the maintenance of products, parts and appliances should be required to comply with certain technical requirements in order to demonstrate their capability and means of discharging their obligations and associated privileges; the Commission is required to adopt measures to specify conditions of issuing, maintaining, amending, suspending or revoking certificates attesting such compliance The need to ensure uniformity in the application of common technical requirements in the field of continuing airworthiness of aeronautical parts and appliances requires that common procedures be followed by competent authorities to assess compliance with these requirements; the Agency should develop certification specifications to facilitate the necessary regulatory uniformity. It is necessary to provide sufficient time for the aeronautical industry and Member State administrations to adapt to the new regulatory framework; it is also necessary to recognise the continuing validity of certificates issued before entry into force of this Regulation. ENTRY INTO FORCE : 29/11/2003. Certain measures shall enter into force on 28/09/2005. Member States may decide not to apply certain provisions until 28/09/2005, 28/09/2006 or 28/09/2008 according to the case.

Civil aviation: common rules, European Aviation Safety Agency

2000/0246(COD) - 16/05/2006 - Implementing legislative act

ACT: Commission Regulation 736/2006/EC on working methods of the European Aviation Safety Agency for conducting standardisation inspections.

CONTENT: this Commission implementing Regulation has been established in accordance with provisions set out in Regulation 1592/2002. Regulation 1592/2002 sets up the European Aviation Safety Agency (hereafter referred to as the Agency), with the specific remit of conducting inspections on aircrafts' airworthiness; their parts and appliances and on the organisations and personnel involved in aviation. Further, Regulation 1592 /2002 requires the Agency to assist the Commission in monitoring and implementing the rules by conducting standardised inspections in the Member States. The Commission is responsible for setting out the working methods of the Agency when conducting standardisation inspections.

The purpose of this Regulation, therefore, is to establish the working methods for conducting standardised inspection in the Member States. Under the terms of this Regulation, the Agency will be empowered to conduct standardised inspections of national aviation authorities as well as conducting inspections of undertakings or associations of undertakings under the oversight of national aviation authorities. The inspections will take place on both a regular and *ad hoc* basis. The national authorities will be obliged to provide the Agency, upon request, with information needed to conduct the inspections.

In return, the Agency will establish training programmes for its staff to allow them to participate in inspections. The inspection teams will be headed up by a leader, who will be accompanied by at least two other members. The teams will work closely with national co-ordinators, whom the Member States are obliged to appoint in accordance with the Regulation's provisions. The inspections will entail a number of processes: firstly, a preparatory phase lasting a minimum of ten weeks prior to the inspection; secondly, a visiting phase; thirdly a reporting phase lasting a maximum of 12 weeks following the inspection; fourthly a follow-up phase lasting a maximum of 16 weeks following the reporting phase; and fifthly a closure phase to take place at the end of the follow-up phase.

The final assessment report will establish whether national authorities are: fully compliant; compliant but improvement is recommended; not compliant, with evidence of minor deficiencies; not compliant, with evidence of significant deficiencies; not applicable; and not confirmed.

The Agency will establish appropriate working procedures for implementing the tasks conferred upon it within two months of the Regulation coming into force.

ENTRY INTO FORCE: 1 June 2006.

Civil aviation: common rules, European Aviation Safety Agency

2000/0246(COD) - 27/06/2001

The Council reached a broad preliminary agreement on a draft Regulation on common rules in the field of aviation safety and the establishment of a European Aviation Safety Agency (EASA). COREPER was instructed to continue work, taking into account two issues: - the application of the regulation to third country aircraft and - the appointment of the Executive director by EASA's Management Board. On the first issue there was consensus on giving the Commission one year to present adequate proposals; on the second, most delegations agreed to have the Executive Director designated by a majority of 4/5 of the Management Board on the basis of a list of persons submitted by the Commission.

Civil aviation: common rules, European Aviation Safety Agency

2000/0246(COD) - 19/12/2001 - Council position

The Council common position takes on board many Parliamentary amendments tabled after the first reading in the European Parliament. Following intensive discussion however, the Council has decided to reject 29 amendments, (also rejected by the Commission), plus an additional 10 amendments, which had initially been accepted by the Commission in its modification. In modifying its text the Council has sought to: - Maintain essential airworthiness requirements by not only referring to the Chicago Convention (ICAO) but also by laying down its own requirements for the purposes of the Regulation. - Apply the whole process of design, production, maintenance and operation of aeronautical products, parts and appliances to the scope of the Regulation. The possibility of extending the scope of the Regulation to other civil aviation activities is a question which might arise in future. - Lay down rules covering aircraft manufacture in the Union, aircraft registered in a Member State and aircraft which, although registered in a third country, is used by a Community operator. The Regulation will apply to aircraft registered in a third country and operated by a non-Community operator, without prejudice to the ICAO. - Exclude some aircraft from the Regulation's provisions, such as aircraft of historical relevance, built by amateurs, for experimental purpose, or whose initial design was for military purposes only, plus very small aircraft, gliders and hang-gliders. - Establish a Management Board. This will be composed of one representative of each Member State and of the Commission. The Management Board will adopt guidelines and procedures to be followed by the Executive Director as regards certification. The Executive Director will be appointed by the Management Board. - Establish a Board of Appeal against decisions taken by the Agency. - Not lay down a working language regime for the Agency. However, under the heading "Publication of Documents" it has identified a list of documents which must be submitted in all the official languages of the Community. The Management Board has the power to add to the list where appropriate. - Make specific provisions to enable European third States to participate in the Agency. This is an attempt to make the certification process pan-European. - Set up the Agency and its certification duties twelve months after the entry into force of the Regulation. Provision has also been made for an extra five-year period during which Member States will continue to issue certificates and approvals. The 18 amendments rejected by both the Commission and the Council can be classified into six groups: firstly, those that budgetise the Agency's revenues, secondly those that definitively exclude airports from the Regulations coverage, thirdly, those weakening the Commission's control over the Agency, fourthly those requiring the publication of data that may be used for confidential infringement

proceedings, fifthly those falling outside the area of the Regulations application, and sixthly, those that empower the European Council to decide on the location of the Agency. Concerning the other ten amendments rejected by the Council they can be classified into three groups. Firstly, where the Councilhas modified the text of the original proposal in order to align it with the text; secondly, where the Council's text offers a clearer clarification of the text; and thirdly, where in the light of discussions in the Council the Commission now accepts the Council's text.

Civil aviation: common rules, European Aviation Safety Agency

2000/0246(COD) - 07/05/2002 - Commission opinion on Parliament's position at 2nd reading

Parliament adopted twenty eight amendments to the Council common position on second reading. All these amendments are accepted by the Commission. It makes the following comments: - certain amendments request the Commission to make proposals covering aviation safety, in particular flight crew licensing and operations of aircraft. The Commission's acceptance of these can in no way be regarded as limiting its right of initiative. - on Parliament's desire for common rules concerning contributions in cash or kind from Member States to the Agencies to facilitate their establishment on Member States' territory, the Commission reserves the right to decide on the advisability of proposing common rules for all of the Agencies. - the Commission accepts the amendments designed to facilitate the appointment of the Executive Driector and to increase his or her authority over the other directors. Also accepted are the amendments relating to the removal of the reference to commercial interests, the strengthening of the Agency's autonomy and the transition period. On the latter, the Commission feels that the Parliament's political arguments are admissible.

Civil aviation: common rules, European Aviation Safety Agency

2000/0246(COD) - 11/01/2002 - Commission communication on Council's position

The Commission accepts the Council's common position and urges a rapid adoption of the Regulation by both the European Parliament and the Council.

Civil aviation: common rules, European Aviation Safety Agency

2000/0246(COD) - 27/09/2000 - Legislative proposal

PURPOSE : to establish a high level of safety in the Community by means of the formulation, approval and uniform application of all necessary aviation safety regulations, and to create a European Aviation Safety Agency. CONTENT : the current Community system is based on Regulation 3922/91/EEC on the harmonisation of technical requirements and administrative procedures in the field of civil aviation, and on JAA (Joint Aviation Authorities). During recent years this has been criticised for not working properly for the effective and timely adoption of or amendment of the necessary Community legislation. Moreover, the Commission highlights problems which still prevent the internal market from developing completely : fragmentation of air traffic control (ATC), allocation of slots, cost of infrastructure, the absence of an external dimension to aviation and the fragmentation of safety rules. Several actions are currently being developed to tackle these issues. This proposal is the response to overcome the difficulties in the technical field. The principle objective of this Regulation is to establish a high uniform level of aviation safety and eenvironmental protection in Europe. Additional objectives would be the facilitation of free and fair competition in the Community; more efficient certification processes and the world-wide promotion of European aviation standards. The means of achieving these objectives shall be the preparation, adoption and uniform application of all necessary acts; the recognition without additional requirements of certificates, licences, approvals or other documents granted to products, personnel and organisations; the establishment of a European Aviation Safety Agency. With regard to the Agency, it is proposed that it will be established as part of the Community system. It shall also be endowed with decision-making powers in the field of type certification and will be able to conduct investigations and inspection. In terms of the budget, it is proposed that for the first year the budget for the Agency can be valued at roughly EUR 3 100 000. When fully operational it will need a budget of circa EUR 28 700 000. The Agency needs a budget allocation large enough to hire highly qualified staff.