Basic information

2008/0128(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Civil aviation: safety aspects of aerodromes, air traffic management and air navigation services Repealing Directive 2006/23/EC 2004/0146(COD) Amending Regulation (EC) No 216/2008 2005/0228(COD) **Subject** 3.20.01 Air transport and air freight 3.20.01.01 Air safety	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
TRAN Transport and Tourism	MARINESCU Marian-Jean (PPE-DE)	15/07/2008

Committee for opinion	Rapporteur for opinion	Appointed
EMPL Employment and Social Affairs	The committee decided not to give an opinion.	
ITRE Industry, Research and Energy	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
Transport, Telecommunications and Energy	2935	2009-03-30
Transport, Telecommunications and Energy	2913	2008-12-08
Agriculture and Fisheries	2959	2009-09-07

European Commission

Commission DG	Commissioner
Energy and Transport	TAJANI Antonio

Key events

Date	Event	Reference	Summary
		COM(2008)0390	Summary

25/06/2008	Legislative proposal published		
08/07/2008	Committee referral announced in Parliament, 1st reading		
08/12/2008	Debate in Council		Summary
08/12/2008	Vote in committee, 1st reading		Summary
19/12/2008	Committee report tabled for plenary, 1st reading	A6-0515/2008	
24/03/2009	Debate in Parliament		
25/03/2009	Decision by Parliament, 1st reading	T6-0170/2009	Summary
25/03/2009	Results of vote in Parliament		
07/09/2009	Act adopted by Council after Parliament's 1st reading		
21/10/2009	Final act signed		
21/10/2009	End of procedure in Parliament		
24/11/2009	Final act published in Official Journal		

Technical information

Procedure reference	2008/0128(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Repealing Directive 2006/23/EC 2004/0146(COD) Amending Regulation (EC) No 216/2008 2005/0228(COD)
Legal basis	Treaty on the Functioning of the European Union TFEU 100-p2
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/6/64856

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE414.218	15/10/2008	
Amendments tabled in committee		PE414.943	01/12/2008	
Committee report tabled for plenary, 1st reading/single reading		A6-0515/2008	19/12/2008	
Text adopted by Parliament, 1st reading/single reading		T6-0170/2009	25/03/2009	Summary

Council of the EU

Document type	Reference	Date	Summary
Draft final act	03641/2009/LEX	21/10/2009	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2008)0390	25/06/2008	Summary
Document attached to the procedure	SEC(2008)2086	25/06/2008	
Document attached to the procedure	SEC(2008)2087	25/06/2008	
Commission response to text adopted in plenary	SP(2009)3060	04/06/2009	

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act

Regulation 2009/1108
OJ L 309 24.11.2009, p. 0051 Summary

Civil aviation: safety aspects of aerodromes, air traffic management and air navigation services

2008/0128(COD) - 21/10/2009 - Final act

PURPOSE: to increase the safety of aerodromes, air traffic management (AATM) and air navigation services (ANS).

LEGISLATIVE ACT: Regulation (EC) No 1108/2009 of the European Parliament and of the Council amending Regulation (EC) No 216/2008 in the field of aerodromes, air traffic management and air navigation services and repealing Directive 2006/23/EC.

CONTENT: the Council adopted two regulations to improve the performance and safety of the European aviation system - the first strengthens the Single European Sky legislation, while the second extends the tasks of the European Aviation Safety Agency. Both regulations were adopted following a first-reading agreement reached with the European Parliament.

This Regulation amends Regulation (EC) 216/2008 in order to increase the safety of aerodromes and improve the safety of air traffic management and air navigation services. It extends the tasks of European Aviation Safety Agency (EASA) to cover the safety of aerodromes, air traffic management and air navigation services. EASA's new tasks will include, in particular, the regulation and inspection of certification. Furthermore, as far as air traffic management and air navigation services are concerned, it will be necessary to ensure the proper coordination of common safety rules with the new regulations regarding the Single European Sky and the respective implementing rules.

Scope: the regulation will apply to:

- the design, production, maintenance and operation of aeronautical products, parts and appliances, as well as personnel and organisations involved in the design, production and maintenance of such products, parts and appliances;
- personnel and organisations involved in the operation of aircraft;
- the design, maintenance and operation of aerodromes, as well as personnel and organisations involved therein and, without prejudice to Community and national legislation on environment and land-use planning, the safeguarding of surroundings of aerodromes;
- the design, production and maintenance of aerodrome equipment, as well as personnel and organisations involved therein;

- the design, production and maintenance of systems and constituents for air traffic management and air navigation services (ATM/ANS), as well as personnel and organisations involved therein;
- ATM/ANS, as well as personnel and organisations involved therein.

Member States shall, as far as practicable, ensure that any military facilities open to public use or services provided by military personnel to the public offer a level of safety that is at least as effective as that required by the essential requirements defined by the legislation.

Aerodromes: the definition of 'aerodromes' is clarified to mean "a defined area (including any buildings, installations and equipment) on land or water or on a fexed, fixed offshore or floating structure intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft".

The Regulation stipulates that aerodromes, including equipment, located in the territory subject to the provisions of the Treaty, open to public use and which serve commercial air transport and where operations using instrument approach or departure procedures are provided and a) have a paved runway of 800 metres or above; or (b) exclusively serve helicopters shall comply with this Regulation. Personnel and organisations involved in the operation of these aerodromes shall also comply with this Regulation.

Exemption: by way of derogation, Member States may decide to exempt from the provisions of this Regulation an aerodrome which a) handles no more than 10 000 passengers per year, and b) handles no more than 850 movements related top cargo operations per year. If such exemption by a Member State does no comply with the general safety objectives of this Regulation, the Commission shall take a decision not to permit the exemption in question.

Certification: aerodrome infrastructure and operations should be certified by means of a single certificate. However, Member States may certify aerodrome infrastructure and operations separately. In that case, certificates should be delivered by the same authority. Operators of multiple aerodromes, having established appropriate central functions, may request a single certificate, covering operations and management at all aerodromes under their responsibility.

No aircraft shall be operated unless it has a valid certificate of airworthiness. A certificate shall be required in respect of each flight simulation training device used for the training of pilots.

Moreover, aeronautical products, parts and appliances, aerodromes and their equipment, operators involved in commercial air transport and in the operation of aerodromes, ATM/ANS systems and providers, as well as pilots and air traffic controllers, and persons, products and organisations involved in their training and medical assessment, should be certified or licensed once they have been found to comply with essential requirements to be laid down by the Community in line with the standards and recommended practices set by the Chicago Convention.

ATM/ANS systems and constituents: implementing rules relating to the certification of the design, manufacture and maintenance of ATM/ANS systems and constituents, as well as to organisations engaged in their design, manufacture and maintenance should only be laid down when related to safety-critical issues identified following a detailed impact assessment study.

The Commission intends to begin work, in due time, on an examination of the feasibility and the necessity of introducing accredited bodies for the certification of ATM/ANS systems and an evaluation of all possible options and impacts. The Commission could, if appropriate, make a proposal for further revision of this Regulation based on a full impact assessment.

Implementing rules: the implementing rules to be developed by the Agency in the domain of ATM/ANS should be developed in the context of a comprehensive review of the safety requirements in the single European sky legislation (Regulations (EC) No 549/2004, (EC) No 550/2004, (EC) No 551/2004 and (EC) No 552/2004). In order to avoid duplication of safety requirements applicable to ATM/ANS services, on the one hand, and to avoid a legal void, on the other hand, the date of entry into force of the amendments to the single European sky legislation should be in line with those of the new safety measures made under Regulation (EC) No 216/2008.

Comitology: the Commission shall be empowered to adopt implementing rules for air traffic controller licensing and associated approvals, aerodromes and aerodrome operation, air traffic management and air navigation services, and associated certificates, oversight and enforcement, as well as to adopt a regulation on the fees and charges of the Agency. These measures will be adopted in accordance with the regulatory procedure with scrutiny.

Without prejudice to the competences of the Member States, the Commission, if necessary, can make recommendations to the Council to establish a framework of coordination between the Community and the International Civil Aviation Organisation (ICAO) on safety audits, with the aim of avoiding duplication and in the interest of the efficient use of resources.

Agency: the Agency should have sufficient resources for its new tasks and the timing of the allocation of these resources should be based on a defined need and schedule for the adoption and the respective applicability of the related implementing rules. When drafting safety rules, the Agency should ensure the involvement of all interest parties. Rule-making opinions should be based on a full-scale consultation of all stakeholders, including the smaller industry operators, as well as on a proper assessment of their potential impact ion the applicable fields.

ENTRY INTO FORCE: 14/12/2009.

Civil aviation: safety aspects of aerodromes, air traffic management and air navigation services

2008/0128(COD) - 08/12/2008

In public deliberation, the Council arrived at a partial general approach on a proposal for a Regulation amending Regulation (EC) No 216/2008 with a view to improving the safety of aerodromes, air traffic management and air navigation services.

The general approach relates to the provisions on air traffic management and air navigation services. Work on the legislative proposal, particularly the part concerning aerodromes, will continue under the Czech Presidency.

The European Parliament should adopt its opinion at first reading soon.

Civil aviation: safety aspects of aerodromes, air traffic management and air navigation services

2008/0128(COD) - 30/03/2009

The Presidency briefed the Council on the first reading agreement reached with the European Parliament on the Single Sky Package (draft Regulation amending Regulations (EC) No 549/2004, (EC) No 550/2004, (EC) No 551/2004 and (EC) No 552/2004 in order to improve the performance and sustainability of the European aviation system and draft Regulation amending Regulation (EC) No 216/2008 in the field of aerodromes, air traffic management and air navigation services).

Civil aviation: safety aspects of aerodromes, air traffic management and air navigation services

2008/0128(COD) - 25/06/2008 - Legislative proposal

PURPOSE: to revise the single European sky legislation in order to improve the safety of aerodromes, air traffic management (ATM) and air navigation services (ANS).

BACKGROUD: the European Commission adopted the second package of legislation for a Single European Sky (SES II). The proposals included in the package aim to improve the performance of the European aviation system in key areas such as safety, capacity, flight and cost efficiency and environment within the overriding safety objectives (see COD/2008/0127).

The SES II package is based on four pillars: updates to existing legislation from 2004; the SESAR (Single European Sky Air Traffic Management Research) Master Plan or 'technological pillar'; the 'safety pillar' and an airport capacity action plan.

CONTENT: Regulation (EC) No 216/2008 extended the EASA's tasks to air operations, pilots' licences and, within the limits set by the Chicago Convention, the safety of third-country aircraft. They include standardisation inspections and safety oversight, with particular responsibility for ramp inspections.

This proposal aims to extend the responsibilities of the EASA to ensure precise, uniform and binding rules for airport safety, air traffic management and air navigation services, as well as sound oversight of their implementation by Member States.

Aerodromes: to improve safety in aerodromes and in their surrounding, the proposed Regulation would extend the common rules to aerodromes. The main points are:

- all aerodromes open to the public which can serve IFR traffic or aircraft above a certain weight must be subject to Community legislation;
- dedicated common essential requirements (ERs) covering physical characteristics, infrastructure, aerodrome equipment, operations, management and mitigation of hazards in the immediate vicinity of aerodromes must be introduced as an additional Annex to the basic Regulation;
- aerodrome owners, aerodrome operators, organisations or personnel providing services or equipment which can affect the safety of aerodrome operations would be responsible for implementation of these essential requirements under the supervision of Member States;
- aerodrome operators would adopt and implement management systems, including the safety aspects;
- draft implementing rules and certification specifications, safety analyses and standardisation inspections would be amongst the tasks of the Agency;
- the Commission would be given powers to adopt implementing rules defining the detailed requirements with which the above-mentioned organisations and persons would have to comply and the applicable certification processes;
- powers shall be given to the Agency to adopt certification specifications to be used in the certification process;
- operators of multiple aerodromes which have established appropriate central operations may request a single certificate covering operations and management at all aerodromes under their responsibility;
- verification of compliance of aerodrome equipment would be part of the certification of the aerodrome design or operator, depending on the intended use (but safety-critical equipment may be subject to dedicated certification schemes).

ATM/ANS: the proposed Regulation should provide the legal basis for ensuring that the safety of air traffic management, of air navigation services and of air/ground interoperability is organised under the aegis of the EASA system. In order to do so, the proposal is that:

- all the airspace to which the Treaty applies, along with any other airspace where Regulation (EC) No 551/2004 applies, would be subject to Community legislation;
- dedicated common essential requirements (ERs) mitigating all safety hazards relating to use of airspace should be introduced as an additional Annex to the basic Regulation;
- use of any block of airspace would be governed by a operational concept designed to mitigate the risks of collision both between aircraft and between aircraft and the ground;

- airspace users would comply with the rules issued to implement the operational concepts applicable in the airspace in which they operate and make use of the services responsible for use of that airspace;
- organisations and personnel involved in provision of ATM/ANS would be responsible for implementation of the applicable essential requirements;
- air traffic controllers and organisations involved in their training would be subject to certification;
- systems and constituents used for provision of ATM/ANS would have to comply with appropriate safety requirements when called for by their criticality;
- the Commission would be given powers to adopt implementing rules defining the detailed requirements with which the above-mentioned organisations, personnel and systems and constituents would have to comply and the applicable certification processes, when relevant;
- such implementing rules would be proportionate to the level of complexity of the regulated activity or of the criticality of the system and constituent concerned. They would be based on the existing SES provisions, in particular the transposed Eurocontrol Safety Regulation Requirements (ESARRs). To this end, transitional mechanisms would be designed to provide for the continuity of approvals already granted under the SES rules.

Civil aviation: safety aspects of aerodromes, air traffic management and air navigation services

2008/0128(COD) - 25/03/2009 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 662 votes to 20, with 11 abstentions, a legislative resolution amending, under the first reading of the codecision procedure, the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 216/2008 in the field of aerodromes, air traffic management and air navigation services and repealing Council Directive 2006/23/EC.The amendments were the result of a compromise negotiated with the Council. The main amendments were as follows:

Scope: Regulation (EC) 216/2008 will also apply to the design, maintenance, and operation of aerodromes, as well as personnel and organisations involved therein and, without prejudice to Community and national legislation on environment and land-use planning, the safeguarding of surroundings of aerodromes. It will not apply to aerodromes that are controlled and operated by the military. It will also not apply to ATM/ANS that are provided or made available by the military. Member States shall, as far as practicable, ensure that any military facilities open to public use referred to in the text or services provided by military personnel to the public offer a level of safety that is at least as effective as that required by the essential requirements.

Some of the definitions in the Commission's proposal amended. The compromise text states that **aerodromes** open to public use and which serve commercial air transport and where operations using instrument approach or departure procedures are provided, and (a) have a paved runway of 800 metres or above; or (b) exclusively serve helicopters , shall comply with the Regulation. By way of derogation Member States may decide to exempt an aerodrome which: handles no more than 10 000 passengers per year, and handles no more than 850 movements related to cargo operations per year from the provisions of this Regulation. If such exemption by a Member State does not comply with the general safety objectives of this Regulation or any other rule of Community law, the Commission shall take a decision not to permit the exemption in question. In such a case, the Member State concerned shall revoke the exemption.

Certification: the text states that aerodrome infrastructure and operations should be certificated by means of a single certificate, however, Member States may certify aerodrome infrastructure and operations separately. In that case, certificates should be delivered by the same authority. Operators of multiple aerodromes, having established appropriate central functions, may request a single certificate, covering operations and management at all aerodromes under their responsibility. Qualified entities shall not issue certificates."

ATM/ANS: implementing rules relating to the certification of the design, manufacture and maintenance of ATM/ANS systems and constituents as well as to organisations engaged in it should only be laid down when related to safety critical issues identified following a detailed impact assessment study.

The Commission intends to begin work, in due time, on an examination of the feasibility and the necessity of introducing accredited bodies for the certification of ATM/ANS systems and an evaluation of all possible options and impacts. The Commission may, if appropriate, make a proposal for further revision of this Regulation based on a full impact assessment.

Avoid duplication: the implementing rules to be developed by the Agency in the domain of ATM/ANS should be developed in the context of a comprehensive review of the safety requirements in the single European sky legislation (Regulation (EC) No 549/2004, Regulation (EC) No 550/2004, Regulation (EC) No 551/2004 and Regulation (EC) No 552/2004). In order to avoid duplication of safety requirements applicable to ATM/ANS services on the one hand, and to avoid a legal void without applicable safety requirements on the other hand, the date of entry into force of the amendments to the single European sky legislation should be in line with those of the new safety measures made under Regulation (EC) No 216/2008

Without prejudice to the competences of the Member States, the Commission, if necessary, could make recommendations to the Council to establish a framework of coordination between the Community and International Civil Aviation Organization on safety audits, with the aim of avoiding duplication and in the interests of the efficient use of resources.

Resources: a new recital states that the Agency should have sufficient resources for its new responsibilities, and the timing of the allocation of these resources should be based on a defined need and schedule for the adoption and the respective applicability of the related implementing rules.