Basic information

2013/0187(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure lapsed or withdrawn
Aerodromes, air traffic management and air navigation services: simplifying and clarifying the legal framework Amending Regulation (EC) No 216/2008 2005/0228(COD) **Subject** 3.20.01 Air transport and air freight 3.20.01.01 Air safety 3.20.15 Transport agreements and cooperation 8.40.08 Agencies and bodies of the EU	

Key players

European Parliament	**Committee responsible**	**Rapporteur**	**Appointed**
	TRAN Transport and Tourism		
Council of the European Union			
European Commission	**Commission DG**	**Commissioner**	
	Mobility and Transport	KALLAS Siim	
European Economic and Social Committee			
European Committee of the Regions			

Key events

Date	Event	Reference	Summary
11/06/2013	Legislative proposal published	COM(2013)0409	Summary
01/07/2013	Committee referral announced in Parliament, 1st reading		
30/01/2014	Vote in committee, 1st reading		
10/02/2014	Committee report tabled for plenary, 1st reading	A7-0098/2014	Summary
11/03/2014	Debate in Parliament		
12/03/2014	Decision by Parliament, 1st reading	T7-0221/2014	Summary
12/03/2014	Results of vote in Parliament		
03/07/2018	Proposal withdrawn by Commission		

Technical information

Procedure reference	2013/0187(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Amending Regulation (EC) No 216/2008 2005/0228(COD)
Legal basis	Treaty on the Functioning of the European Union TFEU 100-p2
Other legal basis	Rules of Procedure EP 165
Mandatory consultation of other institutions	European Economic and Social Committee European Committee of the Regions
Stage reached in procedure	Procedure lapsed or withdrawn
Committee dossier	TRAN/7/13006

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE521.780	04/11/2013	
Amendments tabled in committee		PE522.854	06/12/2013	
Committee report tabled for plenary, 1st reading/single reading		A7-0098/2014	10/02/2014	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0221/2014	12/03/2014	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2013)0409	11/06/2013	Summary
Commission response to text adopted in plenary	SP(2014)455	10/06/2014	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	PT_PARLIAMENT	COM(2013)0409	11/09/2013	
Contribution	ES_PARLIAMENT	COM(2013)0409	15/09/2013	
Contribution	CZ_SENATE	COM(2013)0409	04/12/2013	
Contribution	IT_CHAMBER	COM(2013)0409	31/12/2013	

Additional information		
Source	**Document**	**Date**
National parliaments	IPEX	
European Commission	EUR-Lex	

Aerodromes, air traffic management and air navigation services: simplifying and clarifying the legal framework

2013/0187(COD) - 11/06/2013 - Legislative proposal

PURPOSE: to harmonise the content of Regulation (EC) No 216/2008 of the European Parliament and of the Council on common rules in the area of civil aviation and establishing a European Agency for Aviation Safety with that of four regulations in regard to the “Single European Sky”.

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

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: the development of the European Aviation Safety Agency (EASA) framework, set out in particular in Regulation EC No 216/2008, is intertwined with the development of the Single European Sky (SES) initiative the recast of which is currently the subject of a proposal.

In 2009, Regulation (EC) No 1108/2009 extended the competences of EASA to include air traffic management and air navigation services (ATM/ANS). Whilst this also implied the incorporation of various ATM/ANS technical regulation elements into the scope of EASA, the corresponding changes to the four SES Regulations were not completed simultaneously.

The legislators addressed this overlap in the Regulations by inserting a new Article 65a into Regulation (EC) No 216/2008. This article requires the Commission to propose amendments to the four SES Regulations to take into account the requirements of Regulation (EC) No 216/2008.

Secondly, there is a more general mismatch between the approach used for all other sectors of aviation (airworthiness, crew licensing, air operations etc.) in the EASA framework and air traffic management (ATM/ANS).

In the area of ATM/ANS (as far as the SES is concerned), the technical regulations stem from various sources. The Commission recommends introducing **a harmonised approach** towards this important regulatory area, so that all consultations are conducted with the same thoroughness, all rules fit in the same structure and serve the same objectives, making life easier for those responsible for applying the rules and finally to ensure that the impending wave of technological innovations stemming from the SESAR initiative can be implemented in a co-ordinated manner in both airborne and ground equipage and procedures.

IMPACT ASSESSMENT: the Commission undertook an impact assessment to support legislative proposals for improving the efficiency, safety and competitiveness of the Single European Sky. The amendments to Regulation (EC) No 216/2008 in this package intend to address issues that were left over from a previous amendment through Regulation (EC) No 1108/2009, notably Article 65a. Those amendments were covered by the 2008 impact assessment leading up to the approval of Regulation (EC) No 1108/2009.

LEGAL BASIS: Article 100(2) of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: this proposed Regulation aims to fulfil the requirement of article 65a, by **deleting the overlaps between the SES and EASA Regulations and simplifying and clarifying the border line between EASA and SES legal frameworks**.

The amendment also supports the political objective of ensuring **clarity of tasks between the Commission, EASA and the Eurocontrol organisation**: (i) the Commission would focus on economic and technical regulation; (ii) EASA would act as its agent on technical regulation drafting and oversight; and (iii) Eurocontrol would focus on operational tasks, in particular built around the Network Manager concept5

As well as deleting SES provisions as part of the SES recast, some minor adaptations are also required to Regulation (EC) No 216/2008, because previously the text of this Regulation relied on the terminology of some SES provisions, in particular in the area of interoperability. Hence the same terminology needs to be introduced in Regulation (EC) No 216/2008, now that it is being repealed from the four SES Regulations.

BUDGETARY IMPLICATION: the proposal has no budgetary implication.

DELEGATED ACTS: the proposal contains provisions empowering the Commission to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union.

Aerodromes, air traffic management and air navigation services: simplifying and clarifying the legal framework

2013/0187(COD) - 10/02/2014 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Transport and Tourism adopted the report by David-Maria SASSOLI (EPP, IT) on the proposal for a Regulation of the European Parliament and Council modifying Regulation (EC) No 216/2008 on aerodromes, air traffic management and air navigation services.

The parliamentary committee recommended that the position of the European Parliament adopted at first reading under the ordinary legislative procedure modify the Commission proposal as follows.

Role of the European Aviation Safety Agency (EASA): Members underlined that **safety** should remain the priority mission of the Agency. The Regulation should also promote sustainable development, performance, interoperability, climate protection, environmental friendliness and energy saving.

They also proposed **reinforcing the international role of the Agency**: this last should promote Union aviation standards and rules at the international level and the movement worldwide of the Union's aeronautical products, professionals and services with a view to facilitating their access to new growing markets.

Delegation of powers: the decision to suspend the delegation of the appointing authority powers to the Executive Director and the sub-delegation of these powers must be taken by an **absolute majority** of the Management Board.

Executive Board: the Members wished to ensure **openness and transparency** for every Member State when decisions are taken at the EASA Management Board.

The Executive Board shall be composed of the Chairperson of the Management Board, one representative of the Commission to the Management Board, and five other members appointed by the Management Board for a term of two years, among its members with the right to vote. The term of the five appointees of the Management Board may be renewed on an unlimited number of occasions.

The term of office of the Chairperson of the Executive Board shall be the same as his/ her term of office as the Chairperson of the Management Board. The term of office of the representative of the Commission shall be the same as his/her term of office on the Management Board.

Executive Director: before appointment, the candidate selected by the Management Boardshall make a **statement before the competent committee** of the European Parliament and answer questions put by its members.

Mid-term, the Commission shall draw up a report evaluating the Executive Director's performance and the Agency's future tasks and challenges. This evaluation report shall be presented to the competent committee of the European Parliament.

The Executive Director shall be assisted by one Deputy Executive.

Revenues of the Agency: these may be provided for by **grants**. These grants constitute an indispensable part of the Agency's budget, allowing it to perform various aviation safety related projects, mainly with third countries.

Conflicts of interest: the Members introduced an amendment proposing the legal ground for the Agency to implement **a complete set of rules** for managing and avoiding conflicts of interest. The governing bodies of the Agency shall be responsible of developing and implementing this policy taking into consideration the particularities of the Agency to get the best technical knowledge as well as sensitive, classified and commercial information that might be involved.

Finally, the Agency must maintain a **real flexibility regarding the management of staff** dedicated to activities strongly linked to market demands.

Aerodromes, air traffic management and air navigation services: simplifying and clarifying the legal framework

2013/0187(COD) - 12/03/2014 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 614 votes to 56 with 8 abstentions, a legislative resolution on the proposal for a Regulation of the European Parliament and Council modifying Regulation (EC) No 216/2008 on aerodromes, air traffic management and air navigation services.

Parliament’s position in first reading following the ordinary legislative procedure amended the Commission proposal as follows:

Scope: the regulation should promote safety, sustainable development, performance, interoperability, climate protection, environmental friendliness and energy saving, in a manner proportionate to the nature of each particular activity.

Role of the European Aviation Safety Agency (EASA): in order to ensure the proper functioning and development of civil aviation, **and particularly safety** , the EASA must promote Union aviation standards and rules **at international level** by establishing the appropriate cooperation with third countries and international organisations, and thereby promote the movement of the Union's aeronautical products, professionals and services with a view to facilitating their access to new growing markets worldwide.

The EASA must also **perform the accreditation** of the national aviation authorities.

Pilots: when adopting delegated acts, the Commission shall take specific care that they reflect the state of the art, including best practices and scientific and technical progress in the field of pilot training, an enhanced culture of safety and fatigue management systems.

Delegation of powers: the decision to suspend the delegation of the appointing authority powers to the Executive Director and the sub-delegation of these powers must be taken by an **absolute majority** of the Management Board.

Executive Board: Parliament wished to ensure **openness and transparency** for every Member State when decisions are taken at the EASA Management Board.

The Executive Board shall be composed of the Chairperson of the Management Board, one representative of the Commission to the Management Board, and five other members appointed by the Management Board for a term of two years, among its members with the right to vote. The term of the five appointees of the Management Board may be renewed on an unlimited number of occasions.

The term of office of the Chairperson of the Executive Board shall be the same as his/ her term of office as the Chairperson of the Management Board. The term of office of the representative of the Commission shall be the same as his/her term of office on the Management Board.

Executive Director: before appointment, the candidate selected by the Management Board shall make a **statement before the competent committee** of the European Parliament and answer questions put by its members.

Mid-term, the Commission shall draw up a report evaluating the Executive Director's performance and the Agency's future tasks and challenges. This evaluation report shall be presented to the competent committee of the European Parliament.

The Executive Director shall be assisted by one Deputy Executive.

Revenues of the Agency: these may be provided for by **grants**. These grants constitute an indispensable part of the Agency's budget, allowing it to perform various aviation safety related projects, mainly with third countries.

Conflicts of interest: Parliament introduced an amendment proposing the legal ground for the Agency to implement **a complete set of rules** for managing and avoiding conflicts of interest. The Executive Director and officials seconded by Member States and the Commission on a temporary basis shall make a declaration of commitments and a declaration of interests indicating the absence of any direct or indirect interests, which might be considered prejudicial to their independence. Those declarations shall be made in writing on their entry into service and shall be renewed in the event of a change in their personal circumstances. The Management Board shall implement a policy to manage and avoid conflicts of interest.

Lastly, the Agency must maintain a **real flexibility regarding the management of staff** dedicated to activities strongly linked to market demands.