



Romanian Parliament
Senate

Bucharest, March 1, 2016

OPINION

Regarding the Proposal for a Regulation of the European Parliament and of the Council on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and repealing Regulation (EC) No 216/2008 of the European Parliament and of the Council

COM (2015) 613 final

The Romanian Senate examined the Proposal for a Regulation of the European Parliament and of the Council on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency and repealing Regulation (EC) No 216/2008 of the European Parliament and of the Council **COM (2015) 613 final** – according to the provisions of the Treaty of Lisbon (Protocol no. 2).

Taking into account the report of February 16, 2016 of our permanent Committee on European Affairs, **the Plenum of the Senate**, during its session of February 29, 2016, decided as follows:

- 1. This Regulation does not violates principles of subsidiarity and proportionality.**
- 2. Within aviation safety, the following are noted:**
 - a. Establishing and maintaining a high level of civil aviation safety in the European Union, while ensuring a high level of environmental protection;
 - b. The contribution to broader policy of the European Union in aviation and improve the overall performance of the civil aviation sector;
 - c. Facilitating free movement of goods, persons, services and capital, ensuring a level playing field for all who work on the internal aviation market and improving the competitiveness of European Union aviation industry;
 - d. Promoting profitability and efficiency in the regulatory and certification processes and use of resources at national and European Union level;
 - e. Promoting global views of the European Union regarding the standards and rules of civil aviation by establishing appropriate cooperation with third countries and international organizations;

- f. Promoting research and innovation, including the regulatory and certification processes;
- g. Promote technical and operational interoperability;

3. The following are considered necessary and mandatory:

- a. The drafting, adoption and uniform application of all necessary acts;
- b. Ensure that statements and certificates issued under this Regulation, its delegated acts and implementing valid throughout the European Union without additional requirements;
- c. Establishment of an Agency of the European Union Aviation Safety Agency which have independent status;
- d. Putting uniform application of all necessary acts by the national competent authorities and the Agency within their respective areas of competence;
- e. Collecting, analyzing and sharing information to power decision-making based on evidence;
- f. Initiate awareness and promotion initiatives, including training, communication and dissemination of relevant safety information;
- g. Support Member States in meeting obligations arising from the provisions of the Chicago Convention, providing a common interpretation and uniform application thereof;

4. The following are considered insufficiently explained within the permanent feature of the crisis relocation mechanism:

The definition of “primary establishment” in the paragraph mentioned above; noting that, in Regulation No. 108/2008 for example, uses the term “principal place of business”, which is defined;

5. Reluctance is expressed as regards the following aspects:

- a. Change the fourth paragraph of Art. 51 (3) as follows: “In all other cases, the competent national authority of the Member State in which he resides individual requesting the certificate or making the statement or legal persons, where the person has his main office is responsible performance of those tasks”;
- b. Changing Art. 52 (4) as follows: “The costs of support provided by European aviation inspectors appointed by the competent national authorities are covered by the fees approved by the Board of Directors EASA”;
- c. The need to request an opinion from the Legal Services of the Council by attesting or if a Member State by transferring powers and responsibilities to EASA is relieved and responsibilities placed in accordance with the Convention Chicago (Art. 53);
- d. Consultation national competent authority of a Member State for approval of any requests from an organization that has its headquarters in that state (Art. 54);
- e. Accept the provisions of Art. 55, according to the legal views requested for Art. 53 and while the article is supplemented with provisions on the financing of EASA, in such a case;

6. It is strongly recommended to pursue:

- a. Preparation of an impact assessment, in consultation with other relevant national entities, on extension of EASA cyber security (Art.76 and Annex VIII);
- b. Preparation of an impact assessment, in consultation with other national entities in the field, the provisions of the new EASA regulation on SES II package +;

- c. Inclusion of provisions enabling Member States to adapt to the European Plan for Aviation Safety (EPAS) to national conditions own, such as the possibility of adopting equivalent measures in place actions established in EPAS, where these actions can not be applied the national civil aviation system or their application should determine the allocation of resources in terms of unjustified cost-benefit for safety.

p. Speaker of the Senate

Ioan CHELARU

A large, stylized handwritten signature in black ink, written over the printed name. The signature consists of several loops and a long, sweeping horizontal stroke that extends to the right.