Common rules in the field of civil aviation

As air traffic is growing and new technologies such as unmanned aircraft are appearing in the skies, the European Union has decided to adapt its civil aviation rules. In December 2015, the European Commission presented a proposal for a regulation on civil aviation safety and the European Aviation Safety Agency (EASA), which would repeal the 2008 regulation on the same topic. Two years later, the European Parliament and the Council reached a provisional agreement on the new rules. The provisional agreement is scheduled to be voted by Parliament at first reading during the June plenary session.

Existing situation
The EU aims to make sure that Europe remains the safest air space in the world. Currently, the EU civil aviation safety rules are set out in Regulation 216/2008 and its amending acts. They establish the main functions of the EU aviation safety system, such as rule-making, certification and oversight. The rules cover all key areas of aviation including airworthiness, aircrew, air operations, aerodromes and the provision of air navigation services. Unmanned aircraft (drones) with an operating mass below 150 kg, which includes most of those in use, are not covered by EU rules.

European Commission proposal
The Commission proposal to update civil aviation safety rules is part of the 2015 aviation strategy for Europe. It introduces proportionate and risk-based rules. It proposes to extend EASA’s mandate to safety-related aspects of security and to the protection of the environment. In order to help national authorities that lack sufficient human resources to carry out certification and oversight work, the Commission suggests to pool and share aviation inspectors and experts, and to allow, on a voluntary basis, the transfer of responsibility for certification, oversight and enforcement from Member States to EASA or to another Member State. Finally, the Commission proposes EU rules on drones, so that they would comply with EU basic requirements on safety, security and personal data protection.

European Parliament position
The European Parliament’s Committee on Transport and Tourism (TRAN) adopted its report in November 2016. In general, the TRAN committee welcomed the Commission proposal, in particular the idea of regulating drones at the EU level. However, Members added some further requirements, for instance, on registering drones, using auto-avoidance systems, licensing drone pilots and informing drone users about their obligations. It also called for the aviation authorities to be given the necessary human and financial resources. The report constituted Parliament’s position for negotiations with the Council, which concluded at the end of 2017. In the provisional agreement, most of Parliament’s proposals were taken on board, except some suggestions on EASA (such as changing its name). The new rules have been approved in the Council by the Permanent Representatives Committee and in the EP by the TRAN committee. They now need to be formally adopted by the Parliament as a whole (scheduled for the June plenary session) and by the Council, before they can enter into force.