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*****II**

RECOMMENDATION FOR SECOND READING

on the Council common position for adopting a European Parliament and Council regulation on common rules in the field of civil aviation and establishing a European Aviation Safety Agency
(13382/1/2001 – C5-0696/2001 – 2000/0246(COD))

Committee on Regional Policy, Transport and Tourism

Rapporteur: Ingo Schmitt

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

CONTENTS

	Page
PROCEDURAL PAGE	4
DRAFT LEGISLATIVE RESOLUTION.....	5
EXPLANATORY STATEMENT	20

PROCEDURAL PAGE

At the sitting of 5 September 2001 Parliament adopted its position at first reading on the proposal for a European Parliament and Council regulation on common rules in the field of civil aviation and establishing a European Aviation Safety Agency (COM(2000) 595 - 2000/0246 (COD)).

At the sitting of 17 January 2002 the President of Parliament announced that the common position had been received and referred to the Committee on Regional Policy, Transport and Tourism (13382/1/2001 - C5-0696/2001).

The committee had appointed Ingo Schmitt rapporteur at its meeting of 24 January 2001.

It considered the common position and draft recommendation for second reading at its meetings of 23 January 2002, 20 February 2002 and 21 March 2002.

At the last meeting it adopted the draft legislative resolution by 39 votes to 0, with 4 abstentions.

The following were present for the vote: Rijk van Dam, acting chairman; and Helmuth Markov, vice-chairman; Georg Jarzembowski, acting rapporteur; Emmanouil Bakopoulos, Carlos Bautista Ojeda (for Josu Ortuondo Larrea), Philip Charles Bradbourn, Felipe Camisón Asensio, Den Dover (for Jacqueline Foster), Alain Esclopé, Carlo Fatuzzo (for Luigi Cocilovo, pursuant to Rule 153(2)), Mathieu J.H. Grosch, Konstantinos Hatzidakis, Roger Helmer (for Reinhard Rack), Juan de Dios Izquierdo Collado, Elisabeth Jeggle (for Rolf Berend), Karsten Knolle (for James Nicholson), Dieter-Lebrecht Koch, Constanze Angela Krehl (for Ulrich Stockmann), Giorgio Lisi, Sérgio Marques, Emmanouil Mastorakis, Erik Meijer, Bill Miller (for Danielle Darras), Paolo Pastorelli (for Margie Sudre, pursuant to Rule 153(2)), Karla M.H. Peijs, Wilhelm Ernst Piecyk, Giovanni Pittella (for Giovanni Claudio Fava), Samuli Pohjamo, Bernard Poignant, José Javier Pomés Ruiz, Alonso José Puerta, José Ignacio Salafranca Sánchez-Neyra (for Francesco Musotto), Agnes Schierhuber (for Christine de Veyrac), Elisabeth Schroedter (for Nelly Maes), Renate Sommer, Dirk Sterckx, Maurizio Turco (for Bruno Gollnisch), Joaquim Vairinhos, Ari Vatanen, Herman Vermeer, Mark Francis Watts, Brigitte Wenzel-Perillo (for Carlos Ripoll i Martínez Bedoya), Jan Marinus Wiersma (for Gilles Savary).

The recommendation for second reading was tabled on 21 March 2002.

The deadline for tabling amendments will be indicated in the draft agenda for the relevant part-session.

DRAFT LEGISLATIVE RESOLUTION

European Parliament legislative resolution on the Council common position for adopting a European Parliament and Council regulation on common rules in the field of civil aviation and establishing a European Aviation Safety Agency (13382/1/2001 – C5-0696/2001 – 2000/0246(COD))

(Codecision procedure: second reading)

The European Parliament,

- having regard to the Council common position (13382/1/2001 – C5-0696/2001),
 - having regard to its position at first reading¹ on the Commission proposal to Parliament and the Council (COM(2000) 595²),
 - having regard to Article 251(2) of the EC Treaty,
 - having regard to Rule 80 of its Rules of Procedure,
 - having regard to the recommendation for second reading of the Committee on Regional Policy, Transport and Tourism (A5-0093/2002),
1. Amends the common position as follows;
 2. Instructs its President to forward its position to the Council and Commission.

¹ Not yet published in OJ.

² OJ C 154, 29.5.2001, p.1.

Amendment 1

Recital 2

(2) As a consequence, aeronautical products should be subject to certification to verify that they meet essential airworthiness and environmental protection requirements relating to civil aviation. Appropriate essential requirements should be developed within one year after the entry into force of this Regulation to cover operations of aircraft and flight crew licensing and, *where justified*, application of the Regulation to third country aircraft and, *as appropriate* thereafter, other areas in the field of civil aviation safety.

(2) As a consequence, aeronautical products should be subject to certification to verify that they meet essential airworthiness and environmental protection requirements relating to civil aviation. Appropriate essential requirements should be developed within one year after the entry into force of this Regulation to cover operations of aircraft and flight crew licensing and application of the Regulation to third country aircraft and thereafter other areas in the field of civil aviation safety.

Justification

The wording adopted by the Council generally calls into question the follow-up measures advocated by Parliament.

Amendment 2

Recital 18a (new)

18a. Before any local offices of the Agencies are set up, there should be general rules to clarify what requirements need to be met and what contribution the Member State concerned must provide.

Justification

A compromise amendment, agreed with the Council and the Commission, to replace amendment 10 by the rapporteur.

Amendment 3
Article 2, paragraph 3 (new)

3. The means of achieving the objectives set out in paragraphs 1 and 2 shall be:

(a) the preparation, adoption and uniform application of all necessary acts;

(b) the recognition without additional requirements of certificates, licences, approvals or other documents granted to products, personnel and organisations in accordance with this Regulation and implementing rules taken for its application;

(c) the establishment of an independent European Air Safety Agency;

(d) the uniform implementation of all necessary acts by the national aviation authorities and the agency within their respective areas of responsibility.

Justification

Compromise amendment agreed with the Council and the Commission, extending Amendment 4 by the rapporteur.

Amendment NumAm4
Article 7

With regard to the basic principles, applicability and essential requirements for the fields covered by Article 1(1)(b), the Commission shall, ***where appropriate and*** as soon as possible, submit proposals thereon to the European Parliament and the Council.

With regard to the basic principles, applicability and essential requirements for the fields covered by Article 1(1)(b), the Commission shall, as soon as possible, submit proposals thereon to the European Parliament and the Council.

Justification

The Council's less forceful wording does not reflect Parliament's view that the Commission should be required to submit such proposals.

Amendment 5
Article 9, paragraph 1

1. By way of derogation from the provisions of **Articles 5, 6 and 15** and the rules adopted for their implementation, **Member States or the Agency** may issue certificates on the basis of certificates issued by aeronautical authorities of a third country, as provided for in **an agreement** between the Community and that **third** country.

1. By way of derogation from the provisions of **this Regulation** and the rules adopted for its implementation, **the Agency or the aviation authorities in the Member State** may issue certificates on the basis of certificates issued by aeronautical authorities of a third country, as provided for in **recognition agreements** between the Community and that country.

Justification

Compromise amendment agreed with the Council and the Commission.

Amendment 6
Article 9, paragraph 2, point b, 2nd indent

- such agreement would **give an unfair advantage to a third country**, or is contrary to Community policy vis-à-vis **that** third country,

- such agreement would **discriminate among Member States without compelling safety reasons**, or is contrary to Community **foreign** policy vis-à-vis **a** third country,

Justification

Compromise amendment agreed with the Council and the Commission.

Amendment 7
Article 10, paragraph 3

3. Member States may grant exemptions from the substantives requirements laid down in this Regulation and its implementing rules in the event of unforeseen urgent operational circumstances or operational needs of a limited duration. The Agency, the Commission and the other Member States shall be notified of such exemptions as soon as they become repetitive or where they are granted for periods of more than two months.

3. Member States may grant exemptions from the substantives requirements laid down in this Regulation and its implementing rules in the event of unforeseen urgent operational circumstances or operational needs of a limited duration, ***provided the level of safety is not adversely affected thereby***. The Agency, the Commission and the other Member States shall be notified of such exemptions as soon as they become repetitive or where they are granted for periods of more than two months.

Justification

Compromise amendment agreed with the Council and the Commission.

Amendment 8
Article 10, paragraph 5

5. Where an equivalent level of protection to that attained by the application of the implementing rules for Articles 5 and 6 can be achieved by other means, Member States may, without discrimination on grounds of nationality ***and having regard to the need not to distort competition***, grant approval derogating from those implementing rules. In such cases, the Member State concerned shall notify the Commission that it intends to grant such approval and shall give reasons demonstrating the need to derogate

5. Where an equivalent level of protection to that attained by the application of the implementing rules for Articles 5 and 6 can be achieved by other means, Member States may, without discrimination on grounds of nationality, grant approval derogating from those implementing rules. In such cases, the Member State concerned shall notify the Commission that it intends to grant such approval and shall give reasons demonstrating the need to derogate from the rule concerned, as well as the

from the rule concerned, as well as the conditions laid down to ensure that an equivalent level of protection is achieved.

conditions laid down to ensure that an equivalent level of protection is achieved.

Justification

Priority must be given to safety.

Amendment 9 Article 12, paragraph 2, point b

b) assist the Commission by preparing measures to be taken for the implementation of this Regulation **and provide it** with the necessary technical, scientific and administrative support to exercise its tasks;

b) assist the Commission by preparing measures to be taken for the implementation of this Regulation; **where these comprise technical rules and in particular rules relating to the construction and design and operational aspects, the Commission may not change their content without prior coordination with the Agency; the Agency shall also provide the Commission** with the necessary technical, scientific and administrative support to exercise its tasks;

Justification

Compromise amendment agreed with the Council and the Commission.

Amendment 10 Article 24, paragraph 2 a

(a) appoint the Executive Director and the Directors in accordance with Article 30;

(a) appoint the Executive Director; **also** the Directors **on a proposal from the Executive Director** in accordance with Article 30;

Justification

Parliament's objective that the Agency should be largely independent also requires the Executive Director to have a strong position within the organisation as well as outside.

Amendment 11
Article 24, paragraph 2 d

(d) adopt guidelines for the allocation of certification tasks to national aviation authorities or qualified entities ***after approval from*** the Commission;

(d) adopt guidelines for the allocation of certification tasks to national aviation authorities or qualified entities ***in agreement with*** the Commission;

Justification

This wording guarantees a balanced decision-making procedure on the EASA's work programme.

Amendment 12
Article 24, paragraph 2 h

(h) exercise disciplinary authority over ***the officials referred to in Article 30(1) and (3)***;

(h) exercise disciplinary authority over ***the Executive Director; also over the directors, in agreement with the Executive Director***;

Justification

It is essential to avoid the confusion of executive with supervisory functions. It would therefore be more consistent to transfer sole disciplinary authority over the directors to the Executive Director as the head of the authority. However, the above compromise wording is proposed as a concession to the Council's position.

Amendment 13
Article 30, paragraph 1

1. The Executive Director of the Agency shall be appointed, **by the Management Board**, on grounds of merit and documented competence and experience relevant to civil aviation. The Management Board shall take its decision by a **four-fifths** majority of its members, **acting on the basis of a list of persons drawn up by the Commission. With the same majority of its members, the Management Board can dismiss the Executive Director.**

1. The Executive director of the Agency shall be appointed, on grounds of merit and documented competence and experience relevant to civil aviation, **or dismissed by the Management Board on the proposal of the Commission.** The Management Board shall take its decision by a **three-quarters** majority of its members.

Justification

Compromise amendment agreed with the Council and the Commission.

Amendment 14
Article 30, paragraph 3

3. The Directors of the Agency shall be appointed, on grounds of professional competence relevant for civil aviation, or dismissed by the Management Board **after having consulted the Executive Director.**

3. The Directors of the Agency shall be appointed, on grounds of professional competence relevant for civil aviation, or dismissed by the Management Board **on the proposal of the Executive Director.**

Justification

Compromise amendment agreed with the Council and the Commission.

Amendment 15
Article 45, paragraph 1

1. Without prejudice to the enforcement powers conferred by the Treaty to the Commission, the Agency shall assist the Commission in monitoring the application of this Regulation and its implementing rules, by conducting standardisation inspections of Member States competent authorities as specified in article 16(1).

1. Without prejudice to the enforcement powers conferred by the Treaty to the Commission, the Agency shall assist the Commission in monitoring the application of this Regulation and its implementing rules, by conducting standardisation inspections of Member States competent authorities as specified in article 16(1). ***To this end the officials authorised under this Regulation, are empowered with national authorities and in compliance with the legal provisions of the Member State concerned:***

a) to examine the relevant records, data, procedures and any other material relevant to the achievement of aviation safety levels in accordance with this Regulation;

b) to take copies of or extracts from such records, data procedures and other material;

c) to ask for an oral explanation on the spot ;

d) enter any premises, land or means of transport.

Justification

Compromise amendment agreed with the Council and the Commission.

Amendment 16
Article 56, paragraph 2

2. During an additional transition period of ***five years*** from the date referred to in paragraph 1, Member States may continue to issue certificates and approvals by way of derogation from the provisions of articles 5, 6, 9 and 15 under the conditions specified by the Commission in the implementing rules adopted for their application. When in that context Member States issue certificates on

2. During an additional transition period of ***42 months*** from the date referred to in paragraph 1, Member States may continue to issue certificates and approvals by way of derogation from the provisions of articles 5, 6, 9 and 15 under the conditions specified by the Commission in the implementing rules adopted for their application. When in that context Member States issue certificates on

the basis of certificates issued by third countries, the Commission implementing rules shall give due consideration to the principles laid down in article 9(2)b) and c).

the basis of certificates issued by third countries, the Commission implementing rules shall give due consideration to the principles laid down in article 9(2)b) and c).

Justification

Compromise amendment agreed with the Council and the Commission.

Amendment 17
Annex I, paragraph 1.a.1.a

1.a.1.a. All combinations of load reasonably expected to occur within the weights, centre of gravity range, operational envelope and life of the aircraft must be considered. This includes loads due to gusts, manoeuvres, pressurisation, movable surfaces, control and propulsion systems both in flight and on the ground.

1.a.1.a. All combinations of load reasonably expected to occur within, **and sufficiently beyond**, the weights, centre of gravity range, operational envelope and life of the aircraft must be considered. This includes loads due to gusts, manoeuvres, pressurisation, movable surfaces, control and propulsion systems both in flight and on the ground.

Justification

Change of wording requested by the Commission and the Council and agreed with the rapporteur.

Amendment 18
Annex I, paragraph 1.a.3

1.a.3. The fabrication, processes and materials used in the construction of the aircraft must result in known and reproducible structural properties. Any changes in performance related to the operational environment must be accounted for.

1.a.3. The fabrication, processes and materials used in the construction of the aircraft must result in known and reproducible structural properties. Any changes in **material** performance related to the operational environment must be accounted for.

Justification

Change of wording requested by the Commission and the Council and agreed with the

rapporteur.

Amendment 19
Annex I, paragraph 1.a.4.

1.a.4. The effects of cyclic loading, environmental degradation, accidental and discrete source damage **and other reasonably probable failures** must not reduce the structural integrity below an acceptable residual strength level. All necessary instructions for ensuring continued airworthiness in this regard must be promulgated.

1.a.4. The effects of cyclic loading, environmental degradation, accidental and discrete source damage must not reduce the structural integrity below an acceptable residual strength level. All necessary instructions for ensuring continued airworthiness in this regard must be promulgated.

Justification

Change of wording requested by the Commission and the Council and agreed with the rapporteur.

Amendment 20
Annex I, paragraph 1.c.1

1.c.1. The aircraft must not have design features or details that experience has shown to be hazardous **or unreliable**;

1.c.1. The aircraft must not have design features or details that experience has shown to be hazardous;

Justification

Change of wording requested by the Commission and the Council and agreed with the rapporteur.

Amendment 21
Annex I, paragraph 1.d.1

1.d.1. Instructions for **continued** airworthiness must be established to ensure that the aircraft type certification airworthiness standard is maintained throughout the life of the aircraft.

1.d.1. Instructions for **continuing** airworthiness must be established to ensure that the aircraft type certification airworthiness standard is maintained

throughout the **operational** life of the aircraft.

Justification

Change of wording requested by the Commission and the Council and agreed with the rapporteur.

Amendment 22
Annex I, paragraph 1.d.2

1.d.2.Means must be provided to allow inspection, adjustment, lubrication, removal or replacement of parts and appliances as necessary for **continued** airworthiness.

1.d.2. Means must be provided to allow inspection, adjustment, lubrication, removal or replacement of parts and appliances as necessary for **continuing** airworthiness.

Justification

Change of wording requested by the Commission and the Council and agreed with the rapporteur..

Amendment 23
Annex I, paragraph 1.d.3

1.d.3. The instructions for **continued** airworthiness must be in the form of a manual, or manuals, as appropriate for the quantity of data to be provided. The manuals must cover maintenance and repair instructions, servicing information, troubleshooting and inspection procedures, in a format that provides for a practical arrangement.

1.d.3. The instructions for **continuing** airworthiness must be in the form of a manual, or manuals, as appropriate for the quantity of data to be provided. The manuals must cover maintenance and repair instructions, servicing information, troubleshooting and inspection procedures, in a format that provides for a practical arrangement.

Justification

Change of wording requested by the Commission and the Council and agreed with the rapporteur.

Amendment 24
Annex I, paragraph 1.d.4

1.d.4. The instructions for *continued* airworthiness must contain airworthiness limitations that set forth each mandatory replacement time, inspection interval and related inspection procedure.

1.d.4. The instructions for *continuing* airworthiness must contain airworthiness limitations that set forth each mandatory replacement time, inspection interval and related inspection procedure.

Justification

Change of wording requested by the Commission and the Council and agreed with the rapporteur.

Amendment 25
Annex I, title 2

Airworthiness aspects of *an aircraft or* product operation:

Airworthiness aspects of product operation:

Justification

Change of wording requested by the Commission and the Council and agreed with the rapporteur.

Amendment 26
Annex I, paragraph 2.a.2.

2.a.2. The aircraft must be safely controllable and manoeuvrable under all anticipated operating conditions including following the failure of one or, if appropriate, more propulsion systems. Due account must be taken of pilot strength, flight deck environment, pilot workload and human-factor considerations and of the phase of flight and its duration.

2.a.2. The aircraft must be safely controllable and manoeuvrable under all anticipated operating conditions including following the failure of one or, if appropriate, more propulsion systems. Due account must be taken of pilot strength, flight deck environment, pilot workload and *other* human-factor considerations and of the phase of flight and its duration.

Justification

Change of wording requested by the Commission and the Council and agreed with the rapporteur.

Amendment 27
Annex I, paragraph 2, point b.

b) The operating limitations and other information necessary for safe operation must be made available to the crew members ***by means of manuals, handbooks, markings and placards, as appropriate.***

b) The operating limitations and other information necessary for safe operation must be made available to the crew members.

Justification

Change of wording requested by the Commission and the Council and agreed with the rapporteur.

Amendment 28
Annex I, paragraph 2.c.1

2.c.1. In particular, no unsafe condition must ***occur*** from exposure to phenomena such as, but not limited to, adverse weather, lightning, bird strike, high frequency radiated fields, ozone, etc. reasonably expected to occur during product operation.

2.c.1. In particular, no unsafe condition must ***result*** from exposure to phenomena such as, but not limited to, adverse weather, lightning, bird strike, high frequency radiated fields, ozone, etc. ***reasonably expected to occur during product operation.***

Justification

Change of wording requested by the Commission and the Council and agreed with the rapporteur.

EXPLANATORY STATEMENT

The Commission proposal

During recent years the current system on the harmonisation of technical requirements has been criticised for not working properly for the effective and timely adoption or amendment of the necessary Community legislation. Therefore the Commission has laid down a proposal to establish common rules in the field of civil aviation and to create the European Aviation Safety Agency (EASA) as part of the Community system.

The Agency's essential objective is to achieve and maintain a high uniform level of safety and environmental protection in the Community. 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 Agency's tasks will include giving expert opinions, providing the Commission with technical assistance, laying down the requisite rules and carrying out inspections and investigations. The agency will also be endowed with decision-making powers in the field of type certification for aircraft. The Agency will monitor the application of rules, draw up and finance projects and promote co-operation with equivalent bodies in third countries.

The disappearance of the various national regulatory and certification procedures and their replacement by a system of recognition, on the basis of uniform rules, of certificates, approvals and similar documents will lead to greater cost-efficiency and a reduction in bureaucratic formalities.

First reading European Parliament (A5-0279/2001)

Although the European Parliament generally welcomed the Commission proposal, it adopted 57 amendments to the proposal, among others to extend the Agency's areas of responsibility and to increase and ensure its autonomy.

According to Parliament, the Agency should not only report about its activities to the Commission but also to Parliament. With a view to the transparency principle, Parliament felt that important documents of a general nature - in respect of the regulation 1049/2001 - should be available in all the official languages of the Community.

Parliament called upon the Commission 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. Such an authority should be set up along the lines of the US National Transportation Safety Board, and would be responsible for looking into the causes and circumstances of accidents and making recommendations.

The Commission agreed totally or partially on 39 amendments and rejected 18 amendments. These 18 amendments concerned among other things:

- the strengthening of the independence of the Agency (especially vis-à-vis the Commission)
- the budgeting of the Agency's revenue;
- the definitive exclusion of airports from the Regulations coverage;
- the obligation for the Agency to report to the European Parliament;

- the publication of data.

Common position of the Council

The Council rejected in its Common position all 18 amendments rejected by the Commission, as well as 10 amendments that the Commission previously accepted. In agreeing to the Council's Common Position the Commission accepts the Council's refusal of these 10 amendments.

In some cases the Council has modified the text of the original proposal to largely correspond to the amendments it rejected or tried to clarify the text of the amendment. In other cases the Council changed the substance of the proposal (see below).

Future extension of the scope of the regulation

The Common Position covers the Parliament's request (am. 66/rev on recital 2) concerning proposals to be made by the end of 2002 for the regulation of areas not yet covered by the Regulation, in particular on operations and flight crew licensing. However, the Common position leaves more time for making the proposal and permits discretion by including "as appropriate" as far as air navigation facilities are concerned.

Definitions/Annexes

The Common Position includes an additional annex (annex II) that sets out in greater detail those aircraft to which the Regulation is not applicable (Article 4).

The Council also considered that the technical content of ICAO Annex 8 was not an appropriate basis for Community essential requirements on the airworthiness of aeronautical products. Experts from the Commission and the Member States have worked together in drafting a revised annex entitled "Essential Requirements for airworthiness" which is a better basis for the determination of Airworthiness as set out in Article 5.

Management of the Agency

The Common Position provides for the Directors to be appointed or dismissed by the Management Board. Parliament's amendment provides the Executive Director with this authority (amendment 33 on article 24/amendment 41 on article 30).

In the Common position the duration of the terms of office of the Chairman and Deputy Chairman is three years, and in the Parliament's amendment two and a half years. The Common Position tries to provide more continuity to the offices concerned, whereas Parliament wanted these terms of office to correspond to the 5 years term of office of members of the Management board (amendment 37 on Article 26).

In the Common Position there are to be two ordinary meetings per year and in the Parliament's amendment one ordinary meeting per year. The Common Position further provides for special meetings to be held at the instance of the Chairperson or at the request of one-third of the Board's members whereas the Parliament's amendment adds to this the Commission and the European Parliament (amendments 38 and 69 rev. on Article 27)

The Common Position rejects Parliament's amendment 60 (holding an obligation for the Commission to consult interested parties) on Article 53 on the grounds that Article 44 as revised by the Common Position already requires wide consultation, albeit by the Agency.

Independence of the Agency

The Common Position in general terms takes into account at Article 29(1) the Parliament's concerns on the independence of the Executive Director, formulating it however in general terms (amendments 36 and 68 of Parliament).

Transitional period

The Common Position provides for a five-year transition period in contrast to the Parliament's two-year period. In this period Member States may continue to issue certificates and approvals.

Location of the Agency

Concerning the location of the Agency (Article 19), the Commission at the time of the adoption of the Common Position made a declaration that it will make a proposal that the location of an Agency is part of the legislation establishing it and is to be adopted following the same procedure.

Publication of documents

Concerning text on the Agency's language regime, (Article 23), that is the subject of Parliament's amendment 30, the Council has amended the title of that Article to read "Publication of Documents". It also amended Article 24 to include the provision that the Management Board shall decide upon the linguistic working arrangements of the Agency. This goes a long way towards meeting the Parliament's concerns except for the publication of inspection reports which Council and Commission refused.

Position of Parliament in second reading

In the light of the above, your rapporteur proposes that the common position be approved with a number of amendments. In your rapporteur's view a compromise agreement with the Council is desirable, in order to avoid the going to conciliation and thus to speed up the entry into force of the Regulation. However, your rapporteur also considers that it is in the interest of the citizen that only a single effective, balanced and high-quality regulation text should be adopted by both EU institutions.

Your rapporteur hopes that the Council will show some willingness to compromise particularly on the matter of the Agency's independence. In order to arrive at a solution to this question as soon as possible, your rapporteur has not re-tabled all the relevant amendments and has indeed worded a few compromise amendments in advance in order to make it easier for the Council to simplify the adoption of all Parliament's amendments.

In his recommendation for a second reading, your rapporteur has sought to take account of the comments made at the meeting of 23 January 2002 by his colleagues in the committee, and to take them over where appropriate. In this connection it needs to be stressed in particular that all those who attended the meeting particularly advocated the independence of the Agency. Your rapporteur has reflected this concern in a number of his amendments.