REPORT


Committee on Transport and Tourism

Rapporteur: Marian-Jean Marinescu
Symbols for procedures

* Consultation procedure
*** Consent procedure
***I Ordinary legislative procedure (first reading)
***II Ordinary legislative procedure (second reading)
***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in **bold italics** in the left-hand column. Replacements are indicated in **bold italics** in both columns. New text is indicated in **bold italics** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in **bold italics**. Deletions are indicated using either the ▌symbol or strikeout. Replacements are indicated by highlighting the new text in **bold italics** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.
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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION


(Ordinary legislative procedure: first reading)

The European Parliament,

– having regard to the Commission proposal to Parliament and the Council (COM(2015)0613),

– having regard to Article 294(2) and Article 100(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0389/2015),

– having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

– having regard to the reasoned opinions submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Italian Senate and the Maltese Parliament, asserting that the draft legislative act does not comply with the principle of subsidiarity,

– having regard to the opinion of the European Economic and Social Committee of … ¹,

– having regard to the opinion of the Committee of the Regions of 12 October 2016²,

– having regard to Rules 59 of its Rules of Procedure,

– having regard to the report of the Committee on Transport and Tourism (A8-0364/2016),

1. Adopts its position at first reading hereinafter set out;

3. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;

4. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ OJ C … / Not yet published in the Official Journal.
Amendment 1

Proposal for a regulation
Title 1

Text proposed by the Commission


Amendment


Amendment 2

Proposal for a regulation
Recital - 1 (new)

Text proposed by the Commission

(-1) It is appropriate to take into account the European Parliament’s resolution of 29 October 2015 on safe use of remotely piloted aircraft systems (RPAS), commonly known as unmanned aerial vehicles (UAVs), in the field of civil aviation

Amendment

1a 2014/2243(INI)

Amendment 3

Proposal for a regulation
Recital 1

Text proposed by the Commission

(1) A high and uniform level of civil aviation safety and environmental protection should be ensured at all times through the adoption of common safety rules and by measures ensuring that any goods, persons and organisations

Amendment

(1) A high and uniform level of civil aviation safety should be ensured at all times through the adoption of common safety rules and by measures ensuring that any goods, persons and organisations
goods, persons and organisations involved in civil aviation activity in the Union comply with such rules and with those adopted to protect the environment.

Amendment 4

Proposal for a regulation
Recital 1 a (new)

Text proposed by the Commission

(1a) In addition, a high and uniform level of environmental protection should be guaranteed at all times by measures that ensure that any goods, persons and organisations involved in civil aviation activity in the Union comply with relevant Union law and international standards and recommended practices;

Amendment 5

Proposal for a regulation
Recital 1 b (new)

Text proposed by the Commission

(1b) The Agency should promote energy saving, the reduction of energy consumption and the mitigation of the negative impact of emissions on the climate change and noise and air pollution. To this end, the Agency should base itself on the Single European Sky (SES) regulations and act through the improved cross-border performance of Air Traffic Management/Air Navigation Services (ATM/ANS).

Amendment 6

Proposal for a regulation
Recital 3
Text proposed by the Commission

(3) It would not be appropriate to subject all aircraft to common rules. In particular, in light of their limited risk to civil aviation safety, aircraft that are of simple design or operate mainly on a local basis and those which are home-built or particularly rare or only exist in a small number should remain under the regulatory control of the Member States, without any obligation under this Regulation on other Member States to recognise such national arrangements.

The Commission should nevertheless facilitate the adoption of common airworthiness standards and guidance material to meet the objectives set out in points (a) to (c), (g) and (h) of Article 1(2) of this Regulation.

Proposal for a regulation
Recital 4

Text proposed by the Commission

(4) However, the possibility should be provided to apply certain provisions under this Regulation to certain types of aircraft which are excluded from the provisions of this Regulation, especially those which are produced in an industrial manner and which could draw benefits from free circulation within the Union. Therefore, organisations involved in the design of such aircraft should be allowed to request the Commission to decide that Union requirements regarding design, manufacture and maintenance of aircraft apply to new types of aircraft which are to be put on the market by such organisations.

Amendment

(4) The possibility should be provided to apply certain provisions under this Regulation to certain types of aircraft which are excluded from the provisions of this Regulation, especially those which are produced in an industrial manner and which could draw benefits from free circulation within the Union. Therefore, organisations involved in the design of such aircraft should be allowed to request the Commission to decide that Union requirements regarding design, manufacture and maintenance of aircraft apply to new types of aircraft which are to be put on the market by such organisations.
(6) Member States should be allowed to exempt from the provisions of this Regulation aerodromes with low volumes of traffic, subject to a prior **authorisation by the Commission**, provided that the aerodromes concerned nevertheless meet the minimum common safety objectives laid down in the relevant essential requirements. When a Member State grants such exemptions, those exemptions should also apply to the equipment used at the aerodrome concerned and to the **providers of ground handling and apron management services operating** at the exempted aerodromes. Exemptions granted by Member States to aerodromes before the entry into force of this Regulation should remain valid, while it should be ensured that information about these exemptions is made available to the public.

**Amendment**

(6) Member States should be allowed to exempt from the provisions of this Regulation aerodromes with low volumes of traffic, subject to a prior **notification and a decision of the Agency**, provided that the aerodromes concerned nevertheless meet the minimum common safety objectives laid down in the relevant essential requirements. When a Member State grants such exemptions, those exemptions should also apply to the equipment used at the aerodrome concerned and to the apron management at the exempted aerodromes. Exemptions granted by Member States to aerodromes before the entry into force of this Regulation should remain valid, while it should be ensured that information about these exemptions is made available to the public.

**Amendment 9**

**Proposal for a regulation**

**Recital 7**

**Text proposed by the Commission**

(7) Member States may consider it preferable, **notably** with a view to achieving safety, **interoperability or efficiency** gains, to apply the provisions of this Regulation, instead of their national law, to state aircraft and air traffic management ('ATM') and air navigation services ('ANS') provided by the military. **They should be allowed to do so. The Commission should be given the necessary implementing powers to decide on such requests.** Member States making use of this possibility should cooperate with the European Union Aviation Safety Agency (hereinafter 'the Agency'), in particular by providing all the information necessary for confirming that the aircraft and activities concerned comply with the relevant provisions of this Regulation.

**Amendment**

(7) Member States may consider it preferable, with a view to achieving safety and **interoperability** gains, to apply the provisions of this Regulation, instead of their national law, to state aircraft and air traffic management ('ATM') and air navigation services ('ANS') provided by the military. Member States making use of this possibility should cooperate with the European Union Aviation Agency (hereinafter 'the Agency'), in particular by providing all the information necessary for confirming that the aircraft and activities concerned comply with the relevant provisions of this Regulation.
and activities concerned comply with the relevant provisions of this Regulation.

Amendment 10

Proposal for a regulation

Recital 8

Text proposed by the Commission

(8) The measures taken in accordance with this Regulation to regulate civil aviation in the Union, including the delegated and implementing acts adopted on the basis thereof, should correspond to and be proportionate to the nature and risks associated with the different types of operations and activities they address. They should also, in as far as possible, be formulated in a manner which focuses on objectives to be achieved, while allowing different means of achieving those objectives. This should contribute to a more cost-efficient achievement of required safety levels and to stimulating technical and operational innovation. Use should be made of recognised industry standards and practices, where it has been found that they ensure compliance with the essential requirements set out in this Regulation.

Amendment

(8) The measures taken in accordance with this Regulation to regulate civil aviation in the Union, including the delegated and implementing acts adopted on the basis thereof, should correspond to and be proportionate to the nature and risks associated with the different types of aircraft, operations and activities they address. They should also, in as far as possible, be formulated in a manner which focuses on objectives to be achieved, while allowing different means of achieving those objectives and a systemic approach to civil aviation, taking into account interdependencies between safety and other technical domains of aviation regulation, including cyber security. This should contribute to a more cost-efficient achievement of required safety levels and to stimulating technical and operational innovation. Use should be made of recognised industry standards and practices, where it has been found that they ensure compliance with the essential requirements set out in this Regulation, specifically in fields where that has traditionally been the case, such as ground handling.

Amendment 11

Proposal for a regulation

Recital 9

Text proposed by the Commission

(9) Application of sound safety management principles is essential for

Amendment

(9) Application of sound safety management principles is essential for
continuous improvement of civil aviation safety in the Union, anticipating emerging safety risks, and making best use of limited technical resources. It is therefore necessary to establish a common framework for planning and implementing safety improvement actions. To that end a European Plan for Aviation Safety and a European Aviation Safety Programme should be drawn up at Union level. Each Member State should also draw up a National Aviation Safety Programme in accordance with the requirements contained in Annex 19 to the Chicago Convention. That programme should be accompanied by a plan describing the actions to be taken by the Member State to mitigate the identified safety risks.

The European Aviation Safety Programme and plans, as well as the State Safety Programmes described in Annex 19 to the Chicago Convention, should be established with the close involvement of industry stakeholders.

Amendment 12

Proposal for a regulation
Recital 10

Text proposed by the Commission

(10) In accordance with the provisions laid down in Annex 19 to the Chicago Convention, Member States are to establish an acceptable level of safety performance in relation to the aviation activities under their responsibility. In order to assist the Member States in meeting this requirement in a coordinated manner, the European Plan for Aviation Safety should lay down an acceptable level of safety performance for the Union in respect to the different categories of aviation activities. That acceptable level of safety performance should not have a binding character but express the ambition of the Union and of the Member States with regard to civil aviation safety.

Amendment

(10) In accordance with the provisions laid down in Annex 19 to the Chicago Convention, Member States are to establish an acceptable level of safety performance in relation to the aviation activities under their responsibility. In order to assist the Member States in meeting this requirement in a coordinated manner, the European Plan for Aviation Safety should lay down a high, uniform level of safety performance for the Union in respect to the different categories of aviation activities. That acceptable level of safety performance should not have a binding character but should instead express the ambition of the Member States with regard to civil aviation safety.
Proposal for a regulation  
Recital 12  

Text proposed by the Commission

(12) In line with standards and recommended practices set by the Chicago Convention, essential requirements applicable to aeronautical products, parts, non-installed equipment, aerodromes and the provision of ATM/ANS should be established. Furthermore, essential requirements applicable to persons and organisations involved in the operation of aircraft, the operation of aerodromes and in the provision of ATM/ANS, and essential requirements applicable to persons and products involved in the training and medical examination of aircrew and air traffic controllers should also be established.

Amendment

Proposal for a regulation  
Recital 12 a (new)

Text proposed by the Commission

(12a) It is vital that Air Traffic Safety Electronics Personnel (ATSEP) are appropriately qualified to perform their duties. In view of the wide variety of environments in which ATSEP work, it is essential that qualification can be adapted to changing work environments. Therefore, any delegated or implementing acts should provide for an explicit legal basis laying down detailed harmonised rules and guidelines on training and on the assessing the professional competence of ATSEP for different types of safety-related tasks. This would ensure the necessary level of safety, whilst taking account of the multifaceted nature of the tasks.
ATTSEPs tasks.

Amendment 15
Proposal for a regulation
Recital 13

Text proposed by the Commission

(13) The essential requirements concerning environmental compatibility of the design of aeronautical products should address both aircraft noise as well as emissions, and allow the Union to set detailed technical standards which are necessary to protect the environment and human health from harmful effects of aviation operations. Those requirements should be based on the standards and recommended practices set by the Chicago Convention.

Amendment

(13) The essential requirements concerning environmental compatibility of the design of aeronautical products should address both aircraft noise as well as emissions, and allow the Union to set detailed technical standards which are necessary to protect the environment and human health from harmful effects of aviation operations. Those requirements should comply with relevant Union law and international standards and recommended practices.

Amendment 16
Proposal for a regulation
Recital 14

Text proposed by the Commission

(14) The Union should also lay down essential requirements for the safe provision of ground handling services.

Amendment

(14) The Union should also lay down essential requirements for safety related ground handling services, based on existing rules and recognised industry standards on international level.

Amendment 17
Proposal for a regulation
Recital 16

Text proposed by the Commission

(16) Aeronautical products, parts and non-installed equipment, aerodromes and their equipment, operators of aircraft and aerodromes, ATM/ANS systems and providers, as well as pilots, air traffic controllers and persons, products and

Amendment

(16) Once they have been found to comply with relevant essential requirements or, where relevant, the other requirements established in or pursuant to this Regulation, the following should be certified or licensed: aeronautical
organisations involved in their training and medical examination, should be certified or licensed once they have been found to comply with relevant essential requirements or, where relevant, the other requirements established in or pursuant to this Regulation. The Commission should be empowered to adopt the necessary detailed rules for the issuance of those certificates and where relevant, the declarations to be made to this effect, taking into account the objectives of the Regulation and the nature and risk of the particular activity concerned. products, parts and non-installed equipment; aerodromes, including their safety-related equipment operators of aircraft and aerodromes; ATM/ANS systems and constituents, upon which safety or interoperability is dependent; and ATM/ANS providers, as well as pilots, air traffic controllers and persons, products and organisations involved in their training and medical examination. In order to do so, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the adoption of the necessary detailed rules for the issuing of those certificates and where relevant, the declarations to be made to this effect, taking into account the objectives of the Regulation and the nature and risk of the particular activity concerned. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member State’ experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts. When adopting such delegated acts, the Commission should take a proportionate approach to different types of aircraft and operations, while ensuring that those delegated acts will not lead to additional administrative burden or increase in costs, thereby reducing competitiveness in the aviation industry.
Recital 17

Text proposed by the Commission

(17) The possibility should be given to the organisations involved in the design and manufacture of aeronautical products and parts to declare the compliance of the design of products and parts with the relevant industry standards, where this is considered to ensure an acceptable level of safety. This possibility should be limited to products used in light and sport aviation, and under appropriate limitations and conditions to ensure safety.

Amendment

The possibility should be given to the organisations involved in the design and manufacture of aeronautical products and parts to declare the compliance of the design of products and parts with the relevant industry standards, where this is considered to ensure a high, uniform level of safety. This possibility should be limited to products used in light and sport aviation, and under appropriate limitations and conditions to ensure safety. The Commission should nevertheless facilitate the adoption of common airworthiness standards and guidance material to meet the objectives set out in points (a) to (c), (g) and (h) of Article 1(2) of this Regulation.

Amendment 19

Recital 18

Text proposed by the Commission

(18) Since unmanned aircraft also operate within the airspace alongside with traditional aircraft, this Regulation should cover such aircraft, regardless of their operating mass. Technologies for unmanned aircraft now allow for a wide range of operations possible that should be subject to rules that are proportionate to the risk of the particular operation or type of operations.

Amendment

Since unmanned aircraft also operate within the airspace alongside manned aircraft, this Regulation should cover such aircraft. Technologies for unmanned aircraft now allow for a wide range of possible operations that should be subject to rules that are proportionate to the risk of the particular operation or type of operations.

Amendment 20

Recital 18 a (new)
Amendment 21
Proposal for a regulation
Recital 19

Text proposed by the Commission

(19) The rules regarding unmanned aircraft should as much as possible contribute to achieving compliance with relevant rights guaranteed under Union law, in particular the right to respect for private and family life, as set out in Article 7 of the Charter of Fundamental Rights of the European Union, and with the right to protection of personal data, as set out in Article 8 of that Charter and in Article 16 of the Treaty on the Functioning of the European Union (‘TFUE’) and as regulated in Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data.¹¹


Amendment 22
Proposal for a regulation
Recital 20
(20) For some types of unmanned aircraft, the application of the provisions of this Regulation related to certification, oversight and enforcement, as well as the provisions regarding the Agency is not necessary for the purpose of reaching adequate levels of safety. Market surveillance mechanisms provided by Union product harmonisation legislation should be made applicable to those cases.

Amendment 23
Proposal for a regulation
Recital 20a (new)

(20a) For reasons of security and control, every owner of an unmanned aircraft should be issued with an owner's number by which such aircraft can be identified. This number should be displayed on all the unmanned aircraft operated by such owner and should also appear in a European unmanned aircraft register maintained by the Agency. That register should be easily accessible and should comply with Union rules on data protection.

Amendment 24
Proposal for a regulation
Recital 20b (new)

(20b) Model aircraft are unmanned aircraft used primarily for leisure and fall under this Regulation. They have had a good safety record for decades, especially those operated by members of an association or a club. In general, such
associations and clubs are well-structured and have put in place a very good safety culture. When adopting delegated acts and implementing acts under this Regulation, the Commission should try to ensure that model aircraft can continue to operate as they do today under the their respective national systems. In addition, when adopting those delegated and implementing acts, the Commission should take account of the need for a seamless transition from the different national systems to any new regulatory framework, and should take into account existing best practices in the Member States.

Amendment 25

Proposal for a regulation
Recital 22

Text proposed by the Commission

(22) The Agency and the national competent authorities should work in partnership in order to better detect unsafe conditions and take remedial measures as appropriate. Member States should in particular be able to transfer to each other or to the Agency the responsibilities under this Regulation related to certification, oversight and enforcement, especially where that is necessary for enhanced safety or more efficient use of resources. It is also necessary, according to the case, to support the Member States in performing those tasks, in particular cooperative and cross-border oversight, by establishing an efficient framework for pooling and sharing of aviation inspectors and other specialists with relevant expertise.

Amendment

(22) The Agency and the national competent authorities should work in partnership in order to better detect unsafe conditions and take remedial measures as appropriate. Member States should in particular be able to transfer to each other or to the Agency the responsibilities under this Regulation related to certification, oversight and enforcement, especially where that is necessary for enhanced safety, improved interoperability or more efficient use of resources. With the same objectives, organisations subject to this Regulation should also be given the possibility to request the Agency to take the responsibility for certification, oversight and enforcement of their activity. It is also necessary, according to the case, to support the Member States in performing those tasks, in particular cooperative and cross-border oversight, by establishing an efficient framework for pooling and sharing of aviation inspectors and other specialists with relevant expertise. This pooling should, however,
in no way lead to any additional burden or charges for the aviation industry.

Amendment  26

Proposal for a regulation
Recital 33

Text proposed by the Commission

(33) Under the institutional system of the Union, implementation of Union law is primarily the responsibility of the Member States. Certification, oversight and enforcement tasks required by this Regulation, and by the delegated and implementing acts adopted on the basis thereof, should therefore in principle be carried out at national level by one or more competent authorities of the Member States. In certain clearly defined cases, however, the Agency should also be empowered to conduct those tasks as specified in this Regulation. In those cases the Agency should also be allowed to take the necessary measures related to the operation of aircraft, the qualification of aircrew or the use of third-country aircraft, where this is the best means to ensure uniformity and facilitate the functioning of the internal market.

Amendment  27

Proposal for a regulation
Recital 34

Text proposed by the Commission

(34) The Agency should provide the technical expertise to the Commission in the preparation of the necessary legislation and assist, where appropriate, the Member States and industry in its implementation. It should be able to issue certification specifications and guidance material and to make technical findings and issue certificates or register declarations as
required.

Amendment 28

Proposal for a regulation
Recital 35

Text proposed by the Commission

(35) Global navigation satellite systems, and in particular the Union Galileo programme, will play a pivotal role in the implementation of a European air traffic management system. In this regard, the Agency should be empowered to develop the necessary technical specifications and to certify organisations providing pan-European ATM/ANS to ensure a high, uniform level of safety, interoperability and operational efficiency.

Amendment

Proposal for a regulation
Recital 36

Text proposed by the Commission

(36) Regulation (EC) No 2111/2005 of the European Parliament and of the Council imposes a duty on the Agency to communicate all information that could be relevant for the updating of the list of air carriers which, for safety reasons, are subject to an operating ban in the Union. The Agency should also assist the Commission in the implementation of Regulation (EC) No 2111/2005, by conducting the necessary evaluations of third country operators and authorities responsible for their oversight, and making appropriate recommendations to the Commission.

Amendment

a Community list of air carriers subject to an operating ban within the Community and on informing air transport passengers of the identity of the operating air carrier (OJ L 344, 27.12.2005, p. 15).

Amendment 30

Proposal for a regulation
Recital 39 a (new)

Text proposed by the Commission

(39a) The Agency should focus on integrating the research and innovation on safe and environmentally friendly unmanned aircraft into the above mentioned programmes.

Amendment 31

Proposal for a regulation
Recital 41

(41) The Agency should, on request, assist the Member States and Commission in the field of international relations relating to matters covered by this Regulation, in particular as regards the harmonisation of rules and the mutual recognition of certificates. It should be entitled to establish the appropriate relations, through working arrangements, with the authorities of third countries and international organisations competent in matters covered by this Regulation, subject to informing the Commission in advance. The Agency, in close cooperation with the Commission, should make a major contribution to exporting the Union’s aviation standards and to promoting the movement of the Union’s aeronautical products, professionals and services throughout the world, in order to facilitate access to new growing markets. It should in particular do so through partnerships.
implementation of Union legislation in other technical domains of civil aviation regulation, such as security or the Single European Sky, where the Agency has the relevant expertise.

In order to promote safety at the worldwide level, in light of the high standards applied within the Union, the Agency should also be allowed to engage, within its field of competence, in technical cooperation, research and assistance projects with third countries and international organisations. The Agency should also assist the Commission in the implementation of Union legislation in other technical domains of civil aviation regulation, such as security or the Single European Sky, where the Agency has the relevant expertise.

Amendment 32

Proposal for a regulation
Recital 48

Text proposed by the Commission

(48) It is necessary to ensure that parties affected by decisions made by the Agency enjoy the necessary remedies in a manner which is suited to the special character of the field of aviation. Therefore, an appropriate appeal mechanism should be set up so that decisions of the Agency can be subject to appeal to a specialised Board of Appeal, the decisions of which can be subject to action before the Court of Justice of the European Union (the 'Court of Justice') in accordance with the TFEU.

Amendment

Proposal for a regulation
Recital 50

Text proposed by the Commission

(50) When the Agency develops draft rules of a general nature to be implemented by national authorities, Member States

Amendment

(50) When the Agency develops draft rules of a general nature to be implemented by national authorities, Member States
should be consulted. Furthermore, where rules could have important social implications, stakeholders, including Union social partners, should be appropriately consulted when the Agency prepares corresponding draft rules.

Amendment 34

Proposal for a regulation
Recital 54 a (new)

Text proposed by the Commission

(54a) It is vital to ensure the timely availability, including in real time, of safety relevant information in order to allow it to be analysed and disseminated without unnecessary delay. For this purpose, the Agency should coordinate at Union level the gathering, exchange and analysis of information on matters falling within the scope of this Regulation including secured flight data and cockpit voice recordings downloaded, in real time, to a ground database. For that purpose, the Agency may enter into administrative arrangements with legal and natural persons subject to this Regulation, or associations of such persons, on information gathering, exchange and analysis. Those arrangements should, as far as possible, favour the use of existing channels of communication, avoiding the imposition of an additional burden on those legal and natural persons.

Amendment 35

Proposal for a regulation
Recital 56 a (new)
(56a) In order to diminish the overall costs of ATM/ANS oversight activities, it will also be necessary to amend the current en route charging scheme in such a way as to appropriately cover the Agency’s ATM/ANS oversight competences. This will ensure that the Agency has the resources that it needs to carry out the safety oversight tasks assigned to it by the Union's total system approach in aviation safety. It will also contribute to a more transparent, cost-efficient and effective provision of air navigation services to the airspace users that finance the system, and stimulate the provision of an integrated service. That amendment will also need to ensure an appropriate distribution of tasks between the Agency and Eurocontrol.

Proposal for a regulation
Recital 59

(59) In order to take into account technical, scientific, operational or safety needs, by amending or supplementing the provisions on airworthiness, environmental protection, air crew, air operations, aerodromes, ATM/ANS, air traffic controllers, third-country operators, unmanned aircraft, oversight and enforcement, flexibility provisions, fines and periodic penalty payments, and fees and charges, as well as requirements set out in annexes to this Regulation, the power to adopt acts in accordance with Article 290 of the TFEU should be delegated to the Commission. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing...
and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

Conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States’ experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts. The Commission shall also ensure a proportionate, tailored approach to different types of aircrafts and operations.

Amendment 37
Proposal for a regulation
Recital 59 a (new)

Text proposed by the Commission

(59a) Different airspace users should be granted fair access to airspace. In the interest of safety of air navigation and to facilitate the right of access to airspace, each Member State should ensure the continuity of ATM/ANS provision in the airspace under its responsibility, while maintaining a high and uniform level of safety and minimise service disruptions to uninvolved third parties, including when in unforeseen circumstances. This should include the definition of a minimum level of service that aircraft operators can rely on.

Amendment 38
Proposal for a regulation
Recital 61 a (new)
Amendment 39

Proposal for a regulation

Recital 63

Text proposed by the Commission

(63) Regulation (EC) No 1008/2008 should be amended to take due account of the possibility established by this Regulation that the Agency may become the competent authority for the issuance and oversight of air operator certificates. Moreover, given the growing importance of air carriers with operational bases in several Member States which results in the competent authority for the operating licences and the competent authority for air operator certificates no longer being necessarily identical, there is a need to reinforce the efficient supervision of those air carriers. Regulation (EC) No 1008/2008 should therefore be amended to ensure close cooperation between the authorities responsible for the oversight in respect of the air operator certificate and the operating licence respectively.

Amendment

(63) Regulation (EC) No 1008/2008 should be amended to take due account of the possibility established by this Regulation that the Agency may become the competent authority for the issuance and oversight of air operator certificates. Moreover, there is a need to reinforce the efficient supervision of those air carriers. Regulation (EC) No 1008/2008 should therefore be amended to ensure close cooperation between the authorities responsible for the oversight in respect of the air operator certificate and the operating licence respectively.

Amendment 40
Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission

1. The principal objective of this Regulation is to establish and maintain a high uniform level of civil aviation safety in the Union, while ensuring a high uniform level of environmental protection.

Amendment

1. The principal objective of this Regulation is to establish, maintain and enforce a high, uniform level of civil aviation safety in the Union.

Amendment 41
Proposal for a regulation
Article 1 – paragraph 2 – point b a (new)

Text proposed by the Commission

(ba) contributing to a high, uniform level of environmental protection;

Amendment

Amendment 42
Proposal for a regulation
Article 1 – paragraph 2 – point b b (new)

Text proposed by the Commission

(bb) facilitating, in the fields covered by this Regulation, the movement of aviation goods, services and personnel worldwide by establishing appropriate cooperation with third countries and their aviation authorities.

Amendment

Amendment 43
Proposal for a regulation
Article 1 – paragraph 2 – point c

Text proposed by the Commission

(c) promoting cost-efficiency and effectiveness in the regulatory and certification processes as well as an

Amendment

(c) promoting cost-efficiency, inter alia by avoiding duplication, and promoting effectiveness in the regulatory,
optimal use of resources at national and Union level; certification and oversight processes as well as an optimal use of resources at national and Union level;

Amendment 44

Proposal for a regulation
Article 1 – paragraph 2 – point f

Text proposed by the Commission

(f) promoting, worldwide, the views of the Union regarding civil aviation standards and civil aviation rules by establishing appropriate cooperation with third countries and international organisations;

Amendment

(f) promoting, worldwide, the views of the Union regarding civil aviation standards and civil aviation rules by establishing appropriate cooperation with third countries and international organisations, with the aim of promoting safety, a level playing field and the mutual acceptance of certificates concerning aviation goods, services and personnel;

Amendment 45

Proposal for a regulation
Article 1 – paragraph 2 – point g

Text proposed by the Commission

(g) promoting research and innovation, amongst others in regulatory and certification processes;

Amendment

(g) promoting research and innovation, inter alia in regulatory, certification and oversight processes;

Amendment 46

Proposal for a regulation
Article 1 – paragraph 2 – point h

Text proposed by the Commission

(h) promoting, in the fields covered by this Regulation, technical and operational interoperability.

Amendment

(h) promoting, in the fields covered by this Regulation, administrative, technical and operational interoperability.

Amendment 47

Proposal for a regulation
Article 1 – paragraph 2 – point h a (new)
Text proposed by the Commission

Amendment

(ha) supporting passenger confidence in the safety, security and efficiency of civil aviation.

Proposal for a regulation
Article 1 – paragraph 3 – point b

Text proposed by the Commission

(b) ensuring that the declarations and certificates issued in accordance with this Regulation and its delegated and implementing acts are valid throughout the Union, without any additional requirements;

Amendment 49

Proposal for a regulation
Article 1 – paragraph 3 – point d

Text proposed by the Commission

(d) the establishment of an independent European Union Aviation Safety Agency (the 'Agency');

Amendment 50

Proposal for a regulation
Article 1 – paragraph 3 – point g

Text proposed by the Commission

(g) the undertaking of awareness and promotion initiatives, including training, communication and dissemination of relevant safety information.

(g) the undertaking of awareness and promotion initiatives, including training, communication and dissemination of relevant safety and, where interdependencies with aviation security exist, relevant security information.
Proposal for a regulation
Article 2 – paragraph 1 – point a

Text proposed by the Commission

(a) the design and production of aircraft by a natural or legal person under the oversight of the Agency or a Member State;

Amendment

(a) the design and production of aircraft, of products and parts by by:

Proposal for a regulation
Article 2 – paragraph 1 – point a – point i (new)

Text proposed by the Commission

(i) a natural or legal person under the oversight of the Agency or a Member State;

Proposal for a regulation
Article 2 – paragraph 1 – point a – point ii (new)

Text proposed by the Commission

(ii) a third country natural or legal person, intended to be registered or operated, and respectively used, in the territory to which the Treaties apply;

Proposal for a regulation
Article 2 – paragraph 1 – point b – introductory part

Text proposed by the Commission

(b) the design, production, maintenance and operation of aircraft, as well as associated products, parts and non-

Amendment

(b) the maintenance and operation of aircraft, as well as associated products, parts and non-installed equipment, where
installed equipment, where the aircraft is: the aircraft is:

Amendment 55
Proposal for a regulation
Article 2 – paragraph 1 – point b – point i

Text proposed by the Commission
(i) registered in a Member State, unless and to the extent that the Member State has transferred its responsibilities pursuant to the Chicago Convention to a third country and the aircraft is operated by a third country operator;

Amendment
(i) registered or intended to be registered in a Member State, unless and to the extent that the Member State has transferred its responsibilities pursuant to the Chicago Convention to a third country and the aircraft is operated by a third country operator;

Amendment 56
Proposal for a regulation
Article 2 – paragraph 1 – point b – point ii

Text proposed by the Commission
(ii) registered in a third country and operated by an operator established, residing or with a principal place of business in the territory to which the Treaties apply;

Amendment
(ii) registered in a third country and operated or intended to be operated by an operator established, residing or with a principal place of business in the territory to which the Treaties apply;

Amendment 57
Proposal for a regulation
Article 2 – paragraph 1 – point c

Text proposed by the Commission
(c) the operation of aircraft into, within, or out of the Single European Sky airspace by a third country operator;

Amendment
(c) the operation of aircraft into, within, or out of the airspace to which the Treaties apply by a third country operator;
Amendment 58

Proposal for a regulation
Article 2 – paragraph 1 – point d

Text proposed by the Commission
(d) the design, production, maintenance and operation of aerodrome equipment used or intended for use at the aerodromes referred to in point (e) and the provision of ground handling services and apron management services at those aerodromes;

Amendment
(d) the design, production, maintenance and operation of safety-critical aerodrome equipment used or intended for use at the aerodromes referred to in point (e) and the provision of ground handling services and apron management services at those aerodromes;

Amendment 59

Proposal for a regulation
Article 2 – paragraph 1 – point e – introductory part

Text proposed by the Commission
(e) the design, maintenance and operation of aerodromes located in the territory to which the Treaties apply, which are:

Amendment
(e) the design, maintenance and operation of aerodromes including their safety-related equipment located in the territory to which the Treaties apply, which:

Amendment 60

Proposal for a regulation
Article 2 – paragraph 1 – point e – point i

Text proposed by the Commission
(i) open to public use;

Amendment
(i) are open to public use;

Amendment 61

Proposal for a regulation
Article 2 – paragraph 1 – point e – point iii

Text proposed by the Commission
(iii) serve operations using instrument approach or departure procedures; and

Amendment
deleted

Amendment 62
Proposal for a regulation
Article 2 – paragraph 1 – point e – point iv

Text proposed by the Commission

(iv) have a paved runway of 800 metres or more, or exclusively serve helicopters;

Amendment

(iv) have a paved, instrument runway of 800 metres or more

Amendment 63

Proposal for a regulation
Article 2 – paragraph 1 – point g

Text proposed by the Commission

(g) the provision of air traffic management and air navigation services ('ATM/ANS') in the Single European Sky airspace, and the design, production, maintenance and operation of systems and constituents used in the provision of those ATM/ANS;

Amendment

(g) the provision of air traffic management and air navigation services ('ATM/ANS') in the Single European Sky airspace, and the design, production, maintenance and operation of systems and constituents, upon which safety or interoperability is dependent, used in the provision of those ATM/ANS;

Amendment 64

Proposal for a regulation
Article 2 – paragraph 1 – point h

Text proposed by the Commission

(h) the design, production, maintenance and operation of unmanned aircraft, their engines, propellers, parts and non-installed equipment, as well as the equipment to control unmanned aircraft remotely, where such aircraft are operated within the Single European Sky airspace by an operator established or residing within the territory to which the Treaties apply.

Amendment

(h) the maintenance and operation of unmanned aircraft, their engines, propellers, parts and non-installed equipment, as well as the equipment to control unmanned aircraft remotely, where such aircraft are operated within the Single European Sky airspace.
Text proposed by the Commission

(a) state aircraft, and their products, parts and non-installed equipment, and the personnel and organisations involved in the activities and services performed by state aircraft;

Amendment

(a) aircraft and their engines, propellers, parts and non-installed equipment, when carrying out military, customs, police, search and rescue, firefighting, coastguard or similar activities or services under the control and responsibility of a Member State, undertaken in the public interest by a body invested with public authority powers, and the personnel and organisations involved in the activities and services performed by such aircraft;

Amendment 66

Proposal for a regulation
Article 2 – paragraph 3 – point c

Text proposed by the Commission

(c) ATM/ANS, including systems and constituents, personnel and organisations, that are provided or made available by the military;

Amendment

(c) ATM/ANS (including systems and constituents upon which safety or interoperability depends, personnel and organisations) that are provided or made available by the military;

Amendment 67

Proposal for a regulation
Article 2 – paragraph 3 – point d

Text proposed by the Commission

(d) the design, production, maintenance and operation of aircraft the operation of which involves low risk for aviation safety, as listed in Annex I, and to the personnel and organisations involved therein.

Amendment

(d) the design, production, maintenance and operation of the aircraft listed in Annex I, the operation of which involves low risk for aviation safety, and for the personnel and organisations involved therein.

Amendment 68

Proposal for a regulation
Article 2 – paragraph 3 – subparagraph 2 a (new)
As regards point (d), Member States shall recognise without further requirements or evaluations national certificates issued to these aircraft and their pilots when these aircraft and pilots are involved in cross border flights for the purpose of maintenance, repair, tests, modifications or participation in aerial sports and displays, for a maximum period of 60 days during a calendar year.

Proposal for a regulation
Article 2 – paragraph 3 – subparagraph 3 – point ii

(ii) the weight, speed, and hot air volume limits referred to in points (e), (f), (g), (h), (i) and (j) of that Annex; and

Proposal for a regulation
Article 2 – paragraph 3 – point d – subparagraph 3 – point ii a (new)

(iiia) the criteria set out in points (b) and (c) of that Annex.

Proposal for a regulation
Article 2 – paragraph 4 – introductory part

4. An organisation responsible for the design of an aircraft type may request the Commission to decide that the provisions of Section I of Chapter III apply to the design, production and maintenance of that aircraft type and to the personnel and organisations
organisations involved in those activities, where:

Amendment 72

Proposal for a regulation
Article 2 – paragraph 4 – subparagraph 1 – point c

Text proposed by the Commission

<table>
<thead>
<tr>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(c) the design of that aircraft type has not been approved in accordance with the national laws of a Member State.</td>
</tr>
</tbody>
</table>

Amendment 73

Proposal for a regulation
Article 2 – paragraph 4 – subparagraph 2

Text proposed by the Commission

<table>
<thead>
<tr>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Commission shall decide on the basis of that request, after having consulted the Agency and the Member State where the organisation concerned has its principal place of business, whether the criteria of the first subparagraph have been fulfilled. That decision shall be adopted by means of an implementing act which shall be adopted in accordance with the advisory procedure referred to in Article 116(2) and shall be published in the Official Journal of the European Union. The Agency shall also include that decision in the repository referred to in Article 63.</td>
</tr>
</tbody>
</table>

Amendment 74

Proposal for a regulation
Article 2 – paragraph 4 – subparagraph 3

Text proposed by the Commission

<table>
<thead>
<tr>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>From the date specified in that implementing decision, the design, production and maintenance of</td>
</tr>
</tbody>
</table>

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| 36/157 |
| RR\01111635EN.docx |
production and maintenance of the aircraft type concerned and the personnel and organisations involved in those activities shall be solely regulated by the provisions of Section I of Chapter III and of the delegated and implementing acts adopted on the basis of those provisions. In that case, the provisions of Chapter IV and Chapter V relating to the application of the provisions of Section I of Chapter III shall also apply with respect to the aircraft type concerned.

Amendment

Proposal for a regulation
Article 2 – paragraph 5

Text proposed by the Commission

5. Without prejudice to Article 8 of Regulation (EU) No XXX/XXXX on the implementation of the Single European Sky (recast), Member States shall ensure that the military facilities referred to in paragraph 3(b) of this Article that are open to general air traffic and the ATM/ANS referred to in paragraph 3(c) of this Article that are provided or made available by the military to general air traffic offer a level of safety that is equivalent to that resulting from the application of the essential requirements set out in Annexes VII and VIII of this Regulation.

Amendment

In that case, the Member State concerned shall notify the Agency of its intention. That notification shall contain all relevant information, and

Amendment 76

Proposal for a regulation
Article 2 – paragraph 6 – subparagraph 2 – introductory part

Text proposed by the Commission

In that case, the Member State concerned shall notify the Commission and the Agency of its intention. That notification shall contain all relevant information, and

Amendment

In that case, the Member State concerned shall notify the Agency of its intention. That notification shall contain all relevant information, and in particular:
in particular:

Amendment 77

Proposal for a regulation
Article 2 – paragraph 6 – subparagraph 3

Text proposed by the Commission

The Commission shall decide, after having consulted the Agency, whether, in light of the characteristics of the activities, personnel and organisations in question and the purpose and content of the provisions of the Section or Sections notified to it, the provisions in question can be effectively applied and, where appropriate, under what conditions. The Commission decision, taken by means of an implementing act, shall be adopted in accordance with the advisory procedure referred to in Article 116(2) and shall be published in the Official Journal of the European Union. The Agency shall include that decision in the repository referred to in Article 63.

Amendment

The Agency shall decide whether, in light of the characteristics of the activities, personnel and organisations in question and the purpose and content of the provisions of the Section or Sections notified to it, the provisions in question can be effectively applied and, where appropriate, under what conditions. The Agency shall include that decision in the repository referred to in Article 63.

Amendment 78

Proposal for a regulation
Article 2 – paragraph 6 – subparagraph 4

Text proposed by the Commission

The Member State concerned shall apply the provisions of the Section or Sections notified to the Commission only after a positive Commission decision and, where relevant, after having ensured that the conditions attached to that decision have been fulfilled. In that case, from the date specified in the Member State's decision, the activities, personnel and organisations concerned shall solely be regulated by those provisions and by the provisions of the delegated and implementing acts adopted on the basis thereof. In that case,

Amendment

The Member State concerned shall apply the provisions of the Section or Sections notified to the Agency only after a positive Agency decision and, where relevant, after having ensured that the conditions attached to that decision have been fulfilled. In that case, from the date specified in the Member State's decision, the activities, personnel and organisations concerned shall solely be regulated by those provisions and by the delegated and implementing acts adopted on the basis thereof. In that case, the provisions of
the provisions of Chapter IV and Chapter V relating to the application of the provisions of the Section or the Sections notified with respect to the activities, personnel and organisations concerned shall also apply.

Chapter IV and Chapter V relating to the application of the provisions of the Section or the Sections notified with respect to the activities, personnel and organisations concerned shall also apply.

Amendment 79

Proposal for a regulation
Article 2 – paragraph 6 – subparagraph 5

_text proposed by the Commission_

The Commission, the Agency and the competent authorities of the Member State concerned shall cooperate for the purpose of the application of this paragraph.

Amendment

The Agency and the competent authorities of the Member State concerned shall cooperate for the purpose of the application of this paragraph.

Amendment 80

Proposal for a regulation
Article 2 – paragraph 6 – subparagraph 6

_text proposed by the Commission_

Member States may decide to revoke their decisions adopted pursuant to this paragraph. In that case the Member State concerned shall notify the Commission and the Agency. That notification shall be published in the Official Journal of the European Union, and the Agency shall include it in the repository referred to in Article 63. An appropriate transition period shall be provided for by the Member State concerned.

Amendment

Member States may decide to revoke their decisions adopted pursuant to this paragraph. In that case the Member State concerned shall notify the Agency. The Agency shall include that decision in the repository referred to in Article 63. An appropriate transition period shall be provided for by the Member State concerned.

Amendment 81

Proposal for a regulation
Article 2 – paragraph 7 – subparagraph 2

_text proposed by the Commission_

In such a case, the Member State concerned shall also apply.

Amendment

In such a case, the Member State concerned shall also apply.
concerned shall notify, through a reasoned submission, the Commission and the Agency of its intention to take such a decision. That submission shall contain all relevant information relating to the intended decision.

Amendment 82

Proposal for a regulation
Article 2 – paragraph 7 – subparagraph 3

Text proposed by the Commission

The Commission shall decide, after having consulted the Agency, whether the conditions of the first subparagraph have been fulfilled. The Commission decision, taken by means of an implementing act, shall be adopted in accordance with the advisory procedure referred to in Article 116(2) and shall be published in the Official Journal of the European Union. The Agency shall include that decision in the repository referred to in Article 63.

Amendment

The Agency shall decide whether the conditions of the first subparagraph have been fulfilled. The Agency shall include that decision in the repository referred to in Article 63.

Amendment 83

Proposal for a regulation
Article 2 – paragraph 7 – subparagraph 4

Text proposed by the Commission

The Member State concerned shall only adopt the intended decision after a positive Commission decision. In that case, from the date specified in the Member State's decision, the design, maintenance and operation of the aerodrome concerned, and its equipment, shall no longer be regulated by the provisions of this Regulation and of the delegated and implementing acts adopted on the basis thereof.

Amendment

The Member State concerned shall only adopt the intended decision after a positive Agency decision. In that case, from the date specified in the Member State's decision, the design, maintenance and operation of the aerodrome concerned, and its equipment, shall no longer be regulated by the provisions of this Regulation and of the delegated and implementing acts adopted on the basis thereof.
Amendment 84

Proposal for a regulation
Article 2 – paragraph 7 – subparagraph 5

Text proposed by the Commission

Member States shall, on an annual basis, examine the traffic figures of the aerodromes that they have exempted pursuant to this paragraph. Where that examination demonstrates that, over three consecutive years, one of those aerodromes handles more than 10,000 passengers per year and more than 850 movements related to cargo operations per year, the Member State concerned shall revoke the exemption of that aerodrome. In that case, it shall inform the Commission and the Agency accordingly. The decision revoking the exemption shall be published in the Official Journal of the European Union and the Agency shall include it in the repository referred to in Article 63.

Amendment

Member States shall, on an annual basis, examine the traffic figures of the aerodromes that they have exempted pursuant to this paragraph. Where that examination demonstrates that, over three consecutive years, one of those aerodromes handles more than 10,000 passengers per year and more than 850 movements related to cargo operations per year, the Member State concerned shall revoke the exemption of that aerodrome. In that case, it shall inform the Agency accordingly. The decision revoking the exemption shall be published in the repository referred to in Article 63.

Amendment 85

Proposal for a regulation
Article 3 – paragraph 1 – point 1

Text proposed by the Commission

(1) ‘oversight’ means the verification, by or on behalf of the competent authority, on a continuous basis that the requirements on the basis of which a certificate has been issued or the requirements in respect of which a declaration has been made, continue to be complied with;

Amendment

(1) ‘oversight’ means the verification, by or on behalf of the competent authority, on a continuous basis that the requirements of this Regulation and of the delegated and implementing acts adopted on the basis thereof, including requirements on the basis of which a certificate has been issued or the requirements in respect of which a declaration has been made, continue to be complied with;

Amendment 86

Proposal for a regulation
Article 3 – paragraph 1 – point 5 a (new)
"ATM/ANS systems and constituents upon which safety or interoperability depend" means any of the ATM/ANS systems and constituents which are necessary for the safety of the provision of air traffic and air navigation services.

Amendment 87

Proposal for a regulation
Article 3 – paragraph 1 – point 6

(5a) ‘certification’ means any form of recognition in accordance with this Regulation and of the delegated and implementing acts adopted on the basis thereof, through the issuance of a certificate attesting such compliance.

Amendment 88

Proposal for a regulation
Article 3 – paragraph 1 – point 7

(6) ‘declaration’ means any written statement made in accordance with this Regulation under the sole responsibility of a legal or natural person subject to this Regulation and which confirms that the applicable requirements of this Regulation and of the delegated and implementing acts adopted on the basis thereof are complied
organisation or a person, product, part, non-installed equipment, aerodrome equipment, ATM/ANS system, or ATM/ANS constituent are complied with;

Amendment 89

Proposal for a regulation
Article 3 – paragraph 1 – point 13

Text proposed by the Commission

(13) ‘aerodrome equipment’ means any equipment, apparatus, appurtenance, software or accessory that is used or intended to be used to contribute to the operation of aircraft at an aerodrome;

Amendment

(13) ‘safety related aerodrome equipment’ means any equipment, apparatus, appurtenance, software or accessory that is used or intended to be used to contribute to the safe operation of aircraft at an aerodrome;

Amendment 90

Proposal for a regulation
Article 3 – paragraph 1 – point 13 a (new)

Text proposed by the Commission

(13a) ”safety-critical aerodrome equipment” means any equipment, apparatus, appurtenance, software or accessory whose failure or malfunction could endanger safety or aircraft operation at an aerodrome.

Amendment

Amendment 91

Proposal for a regulation
Article 3 – paragraph 1 – point 22

Text proposed by the Commission

(22) ‘ground handling service’ means any service provided at aerodromes comprising safety related activities in the areas of ground administration and supervision, passenger handling, baggage

Amendment

(22) ‘ground handling service’ means any safety-related service provided at aerodromes in the areas of ground administration and supervision, passenger handling, baggage handling, freight and
handling, freight and mail handling, ramp handling, aircraft services, fuel and oil handling, aircraft maintenance, flight operations and crew administration, surface transport and catering;

mail handling, ramp handling, aircraft services, fuel and oil handling, aircraft maintenance, flight operations and crew administration, surface transport and catering;

Amendment 92

Proposal for a regulation
Article 3 – paragraph 1 – point 23

Text proposed by the Commission

(23) ‘commercial air transport’ means an aircraft operation to transport passengers, cargo or mail for remuneration or other valuable consideration between two different aerodromes;

Amendment 93

Proposal for a regulation
Article 3 – paragraph 1 – point 28

Text proposed by the Commission

(28) ‘non-installed equipment’ means any equipment carried on board of an aircraft but not installed in the aircraft and which may have an impact on safety;

Amendment 94

Proposal for a regulation
Article 3 – paragraph 1 – point 29 a (new)

Text proposed by the Commission

(29a) ‘remote pilot’ means a person operating an unmanned aircraft or surveying the operation of an automated
unmanned aircraft;

Amendment 95

Proposal for a regulation
Article 3 – paragraph 1 – point 32

Text proposed by the Commission
(32) ‘state aircraft’ means aircraft when carrying out military, customs, police, search and rescue, firefighting, coastguard or similar activities or services under the control and responsibility of a Member State, undertaken in the public interest by a body vested with public authority powers;

Amendment
(32) ‘state aircraft’ means aircraft when carrying out military, customs, police, search and rescue, firefighting, coastguard or similar activities or services under the control and responsibility of a Member State, undertaken in the public interest by, or on behalf of, a body invested with public authority powers;

Amendment 96

Proposal for a regulation
Article 3 – paragraph 1 – point 34

Text proposed by the Commission
(34) ‘national competent authority’ means one or more entities designated by a Member State and having the necessary powers and allocated responsibilities for performing the tasks related to certification, oversight and enforcement in accordance with this Regulation and the delegated and implementing acts adopted on the basis thereof.

Amendment
(34) ‘national competent authority’ means the entity designated by a Member State and accredited by the Agency having the necessary powers and allocated responsibilities for performing the tasks related to certification, oversight and enforcement in accordance with this Regulation, and the delegated and implementing acts adopted on the basis thereof, and Regulation (EU) No XXX/XXXX.

Amendment 97

Proposal for a regulation
Article 3 – paragraph 1 – point 34 a (new)

Text proposed by the Commission
(34a) ‘accreditation’ means the process by which a national competent authority or qualified entity recognises

Amendment
(34a) 'accreditation' means the process by which a national competent authority or qualified entity recognises
qualifications entitling holders to carry out tasks in accordance with this Regulation and Regulation (EU) No XXX/XXXX.

Proposal for a regulation
Article 3 – paragraph 1 – point 34 b (new)

Text proposed by the Commission

(34b) ‘European unmanned aircraft register’ means an online platform established and managed by the Agency, which lists the numbers given to owners of unmanned aircraft operated in the European Union;

Proposal for a regulation
Article 4 – paragraph 1 – point a a (new)

Text proposed by the Commission

(aa) take into account the different types of aircraft and operations;

Proposal for a regulation
Article 4 – paragraph 1 – point d

Text proposed by the Commission

(d) take into account interdependencies between the different domains of aviation safety, and between aviation safety and other technical domains of aviation regulation; cyber security

Proposal for a regulation
Article 4 – paragraph 1 – point e
(e) lay down, where possible, requirements in a manner which focuses on objectives to be achieved, while allowing different means of achieving compliance with these objectives;

Amendment 102

Proposal for a regulation
Article 4 – paragraph 1 – point f a (new)

Text proposed by the Commission

(fa) ensure separation between service provision activities and regulatory and oversight tasks;

Amendment 103

Proposal for a regulation
Article 4 – paragraph 1 – point g a (new)

Text proposed by the Commission

(ga) take measures to promote and improve safety standards;

Amendment 104

Proposal for a regulation
Article 4 – paragraph 2 – point c

Text proposed by the Commission

(c) the complexity and performance of the aircraft involved;

Amendment 105

Proposal for a regulation
Article 4 – paragraph 2 – point d

(c) the complexity, performance and specific needs of the aircraft involved;
Text proposed by the Commission

(d) the purpose of the flight and type of airspace used;

Amendment

(d) the purpose of the flight, the type of aircraft and type of airspace used;

Proposal for a regulation
Article 6 – paragraph 3

Text proposed by the Commission

3. The European Plan for Aviation Safety shall specify, taking into account the objectives set out in Article 1, an acceptable level of safety performance in the Union, which the Member States, the Commission and the Agency shall jointly aim at achieving.

Amendment

3. The European Plan for Aviation Safety shall specify, taking into account the objectives set out in Article 1, the high, uniform level of safety performance in the Union, which the Member States, the Commission and the Agency shall jointly aim to achieve.

Proposal for a regulation
Article 7 – title

Text proposed by the Commission

National Aviation Safety Programme

Amendment

State Safety Programme

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission

1. Each Member State shall establish a national aviation safety programme for the management of civil aviation safety in relation to the aviation activities under its responsibility (the 'National Aviation Safety Programme'). That programme shall be commensurate with the size and the complexity of those activities and shall be consistent with the European Aviation Safety Programme.

Amendment

1. Each Member State shall, in cooperation with relevant industry stakeholders, establish and maintain a State safety programme for the management of civil aviation safety in relation to the aviation activities under its responsibility ('State Safety Programme'). That programme shall be commensurate with the size and the complexity of those activities and shall be consistent with the
Proposal for a regulation
Article 7 – paragraph 2 – introductory part

Text proposed by the Commission

2. The National Aviation Safety Programme shall include, at least, the following components:

2. The State Safety Programme shall include at least the State Safety Programme elements described in international standards and recommended practices.

Proposal for a regulation
Article 7 – paragraph 2 – point a

Text proposed by the Commission

(a) aviation safety policy, objectives and resources;  

Amendment

deleted

Proposal for a regulation
Article 7 – paragraph 2 – point b

Text proposed by the Commission

(b) aviation safety risk management;  

Amendment

deleted

Proposal for a regulation
Article 7 – paragraph 2 – point c

Text proposed by the Commission

(c) aviation safety assurance;  

Amendment

deleted

Proposal for a regulation
Article 7 – paragraph 2 – point d
Text proposed by the Commission

(d) aviation safety promotion. deleted

Amendment 114

Proposal for a regulation
Article 7 – paragraph 3

Text proposed by the Commission

3. The National Aviation Safety Programme shall specify, taking into account the objectives set out in Article 1 and the acceptable level of safety performance referred to in Article 6(3), an acceptable level of safety performance to be achieved at national level in respect of the aviation activities under the responsibility of the Member State concerned.

Amendment 115

Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission

1. The National Aviation Safety Programme shall be accompanied by a National Plan for Aviation Safety. Based on the assessment of relevant safety information, each Member State shall identify in that plan the main safety risks affecting its national civil aviation safety system and set out the necessary actions to mitigate those risks.

Amendment 116

Proposal for a regulation
Chapter 3 – section 1 – title
Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission

Airworthiness and environmental protection

Amendment

Airworthiness

Proposal for a regulation
Article 10 – paragraph 2

Text proposed by the Commission

2. As regards aircraft referred to in Article 2(1)(a) and their engines, propellers and parts, compliance with Article 9 shall be ensured in accordance with Articles 11, 12 and Article 15(1).

Amendment

Proposal for a regulation
Article 11 – paragraph 2

Text proposed by the Commission

2. As regards aircraft referred to in Article 2(1)(a) and their engines, propellers and parts, compliance with Article 9 shall be ensured in accordance with Articles 11, 12, 13, 14 and Article 15(1).
That type certificate, that certificate of changes and that approval of repair designs shall be issued upon application when the applicant has demonstrated that the design of the product complies with the type-certification basis established in accordance with the delegated act referred to in Article 18(1)(a)(i) and that the design of the product has no feature or characteristic making it environmentally incompatible or unsafe for operation.

Amendment 120

Proposal for a regulation
Article 11 – paragraph 3

That type certificate, that certificate of changes and that approval of repair designs may be also issued without such application, by an organisation approved in accordance with Article 15 which has been granted the privilege to issue those certificates or approvals in accordance with the delegated act referred to in Article 18(1)(k), when that organisation has determined that the design of the product complies with the conditions established in the second subparagraph.

Amendment 121

Proposal for a regulation
Article 12 – paragraph 3

That certificate may be also issued without such application, for its own design work, by an organisation approved in accordance with Article 15 which has been granted a privilege to issue those certificates in accordance with the
delegated act referred to in Article 18(1)(k), when that organisation has determined that the design of the part complies with the certification basis established in accordance with Article 18(1)(a)(ii).

Amendment 122

Proposal for a regulation
Article 13 – paragraph 3

Text proposed by the Commission

That certificate may be also issued without such application, by an organisation approved in accordance with Article 15 which has been granted a privilege to issue those certificates in accordance with the delegated act referred to in Article 18(1)(k), when that organisation has determined that the design of the non-installed equipment complies with the certification basis established in accordance with Article 18(1)(a)(ii).

Amendment

Proposal for a regulation
Article 13 – paragraph 3

That certificate may be also issued without such application, for its own design work, by an organisation, approved in accordance with Article 15, which has been granted the right to issue those certificates in accordance with the delegated acts referred to in Article 18(1)(k), when that organisation has determined that the design of the non-installed equipment complies with the certification basis established in accordance with Article 18(1)(a)(ii).

Amendment 123

Proposal for a regulation
Article 18 – paragraph 1 – point c

Text proposed by the Commission

(c) the specific conditions for compliance of aircraft referred to in Article 2(1)(b)(ii) with the essential requirements referred to in Article 9;

Amendment

(c) the specific conditions for compliance of aircraft referred to in Articles 2(1)(a)(ii) and 2(1)(b)(ii) with the essential requirements referred to in Article 9;

Amendment 124

Proposal for a regulation
Article 18 – paragraph 1 – point l

Text proposed by the Commission

(l) the conditions for acceptance of certificates, continuing airworthiness

Amendment

deleted
information and other airworthiness related documentation, issued in accordance with the laws of a third country, for the purpose of applying Article 57.

Amendment 125

Proposal for a regulation
Article 18 – paragraph 2

Text proposed by the Commission

2. As regards the airworthiness and environmental compatibility of aircraft referred to in Article 2(1)(a) and (b), and their engines, propellers, parts and non-installed equipment, the Commission shall be empowered, by means of delegated acts adopted in accordance with Article 117, to amend or supplement Annex II and Annex III, where necessary for reasons of technical, operational or scientific developments or evidence in the field of airworthiness or environmental compatibility, in order and to the extent required to achieve the objectives laid down in Article 1.

Amendment 126

Proposal for a regulation
Article 18 – paragraph 2 a (new)

Text proposed by the Commission

2a. When adopting the delegated acts referred to in paragraph 1, the Commission shall ensure, in particular, that use is made, as appropriate, of the international standards and recommended practices contained in Annexes 8 and 16 to the Chicago Convention.

Certificates issued by the Agency and the national competent authorities, and declarations made by legal and natural persons pursuant to this Regulation, shall be subject exclusively to the rules,
conditions and procedures laid down in the delegated acts provided for in this Article.

Amendment 127

Proposal for a regulation
Article 20 – paragraph 1

Text proposed by the Commission

1. Unless otherwise established by delegated acts adopted pursuant to Article 25, pilots shall be subject to certification and shall be issued with a pilot licence and a pilot medical certificate appropriate to the operation to be performed.

Amendment

1. Unless otherwise established by delegated acts adopted pursuant to Article 25, pilots shall be subject to certification and shall be issued with a pilot licence and a pilot medical certificate appropriate to the operation to be performed and attesting the pilots' physical and mental fitness to perform this activity.

Amendment 128

Proposal for a regulation
Article 21 – paragraph 1

Text proposed by the Commission

Cabin crew involved in commercial air transport operations shall be subject to certification and shall be issued with an attestation.

Amendment

Cabin crew involved in commercial air transport operations shall be subject to certification and shall be issued with a certificate.

Amendment 129

Proposal for a regulation
Article 21 – paragraph 2

Text proposed by the Commission

Where the delegated acts adopted pursuant to Article 25 so provide, cabin crew involved in operations other than commercial air transport shall also be subject to certification and shall be issued with an attestation.

Amendment

Where the delegated acts adopted pursuant to Article 25 so provide cabin crew involved in operations other than commercial air transport shall also be subject to certification and the competent authority issue a licence to them.
Proposal for a regulation
Article 21 – paragraph 3

Text proposed by the Commission

Those attestations shall be issued upon application, when the applicant has demonstrated that he or she complies with the rules established by delegated acts adopted pursuant to Article 25 to ensure compliance with the essential requirements referred to in Article 19 on theoretical knowledge, practical skill and medical fitness.

Amendment 131

Proposal for a regulation
Article 22 – paragraph 3 a (new)

Text proposed by the Commission

Aircrew training organisations shall not receive financial revenue from the trainee when providing training on aircraft carrying passengers or cargo.

Amendment 132

Proposal for a regulation
Article 25 – paragraph 1 – point f

Text proposed by the Commission

(f) the conditions for the acceptance of pilot licences, pilot medical certificates and cabin crew attestations, issued in accordance with the laws of a third country, for the purpose of applying Article 57;

Amendment 133

Proposal for a regulation
Article 25 – paragraph 2
Text proposed by the Commission

2. As regards pilots and cabin crew involved in the operation of aircraft referred to in Article 2(1)(b), as well as flight simulation training devices, persons and organisations involved in the training, testing, checking or medical assessment of those pilots and cabin crew, the Commission shall be empowered, by means of delegated acts adopted in accordance with Article 117, to amend or supplement Annex IV, where necessary for reasons of technical, operational or scientific developments or safety evidence related to aircrew, in order and to the extent required to achieve the objectives laid down in Article 1.

Amendment

Proposal for a regulation
Article 25 – paragraph 3 a (new)

Text proposed by the Commission

3a. Certificates issued by the Agency and the national competent authorities, and the declarations made by legal and natural persons pursuant to this Regulation, shall be subject exclusively to the rules, conditions and procedures laid down in the delegated acts referred to in this Article.

Amendment

Proposal for a regulation
Article 27 – paragraph 3 a (new)

Text proposed by the Commission

3a. Where the delegated acts adopted pursuant to Article 28 so provide, large aircraft used in commercial air transport operations shall have the resources necessary to recover flight recorder data and to make it available in a timely
manner for the purpose of accident investigation and prevention.

Amendment 136

Proposal for a regulation
Article 28 – paragraph 1 – point g a (new)

Text proposed by the Commission

(ga) the conditions under which, taking into account the principles of Article 4, operations are to be subject to, or exempted from, the requirements applicable to commercial air transport in this Regulation and the measures taken under this Regulation.

Amendment 137

Proposal for a regulation
Article 28 – paragraph 1 – point g b (new)

Text proposed by the Commission

(gb) the conditions under which an aircraft shall be required to be equipped with a means to recover flight recorder data, and the conditions for the secure transmission, storage and use of that data, for the purpose of Article 27(3a); such conditions shall be consistent with the existing Union legislation on air accident investigations;

Amendment 138

Proposal for a regulation
Article 28 – paragraph 2

Text proposed by the Commission

2. As regards the operation of aircraft referred to in Article 2(1)(b), the Commission shall be empowered, by means of delegated acts adopted in accordance with Article 117, to amend or supplement Annex V and, if applicable,
Annexes VII and VIII, where necessary for reasons of technical, operational or scientific developments or safety evidence related to air operations, in order and to the extent required to achieve the objectives laid down in Article 1.

Amendment 139

Proposal for a regulation
Article 28 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Certificates issued by the Agency and national competent authorities, and declarations made by the legal and natural persons pursuant to this Regulation, shall be subject exclusively to the rules, conditions and procedures laid down in the delegated acts referred to in this Article.

Amendment 140

Proposal for a regulation
Article 29 – paragraph 1

Text proposed by the Commission

Amendment

Aerodromes, aerodrome equipment, the operation of aerodromes and the provision of ground handling services and apron management services at aerodromes shall comply with the essential requirements set out in Annex VII and, if applicable, Annex VIII.

Aerodromes including safety-related aerodrome equipment, the operation of aerodromes and the provision of ground handling services and apron management services at aerodromes shall comply with the essential requirements set out in Annex VII and, if applicable, Annex VIII and respect the degree of responsibility of aerodrome operator and third parties.

Amendment 141

Proposal for a regulation
Article 30 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

Aerodromes shall be subject to certification

Aerodromes, including safety-related
and shall be issued with a certificate. Changes to that certificate shall be also subject to certification and shall be issued with a certificate of changes.

**Aerodrome equipment**, shall be subject to certification and shall be issued with a certificate. Changes to that certificate shall also be subject to certification and shall be issued with a certificate of changes.

**Amendment 142**

**Proposal for a regulation**  
**Article 30 – paragraph 1 – subparagraph 3**

*Text proposed by the Commission*  
**Amendment**

**Those certificates shall cover the aerodrome and its safety-related equipment.**  
deleted

**Amendment 143**

**Proposal for a regulation**  
**Article 32 – paragraph 2**

*Text proposed by the Commission*  
**Amendment**

2. Organisations responsible for the provision of ground handling services and apron management services at aerodromes subject to this Regulation shall declare their capability and the availability of the means to discharge the responsibilities associated with the services provided in compliance with the essential requirements referred to in Article 29.

2. Organisations responsible for the provision of ground handling services and apron management services at aerodromes subject to this Regulation shall declare their capability and the availability of the means to discharge the responsibilities associated with the services provided in compliance with the essential requirements referred to in Article 29. **The delegated act referred to in Article 34(1)(h) shall ensure the recognition, without further verification, by the operators, of those declarations.**

**Amendment 144**

**Proposal for a regulation**  
**Article 34 – paragraph 1 – introductory part**

*Text proposed by the Commission*  
**Amendment**

1. For aerodromes, safety-critical aerodrome equipment, the operation of  

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aerodromes and the provision of ground handling and apron management services at aerodromes, the Commission shall be empowered to adopt delegated acts in accordance with Article 117 to lay down detailed rules with regard to:

critical aerodrome equipment, the operation of aerodromes and the provision of ground handling and apron management services at aerodromes, the Commission shall be empowered to adopt delegated acts in accordance with Article 117 to lay down detailed rules with regard to:

Amendment 145

Proposal for a regulation
Article 34 – paragraph 1 – point b

(b) the conditions for establishing, in accordance with Article 30(2), and for notifying to an applicant the certification basis applicable to an aerodrome for the purpose of certification in accordance with Article 30(1);

Amendment

(b) the conditions for establishing, in accordance with Article 30(2), and for notifying to an applicant, the certification basis, applicable to an aerodrome and the safety-related aerodrome equipment for the purpose of certification in accordance with Article 30(1), including the list of safety-related aerodrome equipment, established on the basis of safety data, demonstrating that an equipment type, used or intended to be used at the aerodromes subject to this Regulation, poses a safety risk;

Amendment 146

Proposal for a regulation
Article 34 – paragraph 1 – point c

(c) the conditions for establishing and for notifying to an applicant the detailed specifications applicable to safety-critical aerodrome equipment for the purposes of certification in accordance with Article 31(1);

Amendment

(c) the conditions for establishing and for notifying to an applicant the detailed specifications applicable to safety-critical aerodrome equipment, for the purposes of certification in accordance with Article 31(1), including the list of safety-critical aerodrome equipment, established on the basis of safety data, demonstrating that an equipment type, used or intended to be used at the aerodromes subject to this Regulation, poses a safety risk;
Amendment 147

Proposal for a regulation
Article 34 – paragraph 1 – point d

**Text proposed by the Commission**

(d) the conditions for issuing, maintaining, amending, suspending or revoking the aerodrome certificates referred to in Article 30, including operating limitations related to the specific design of the aerodrome;

**Amendment**

(d) the conditions for issuing, maintaining, amending, suspending or revoking the aerodrome and safety-related aerodrome equipment certificates referred to in Article 30, including operating limitations related to the specific design of the aerodrome;

Amendment 148

Proposal for a regulation
Article 34 – paragraph 1 – point l

**Text proposed by the Commission**

(l) the conditions for issuing and disseminating mandatory information by the Agency in accordance with Article 65(6) and by the national competent authorities, in order to ensure the safety of aerodrome operations and aerodrome equipment.

**Amendment**

(l) the conditions for issuing and disseminating mandatory information by the Agency in accordance with Article 65(6) and by the national competent authorities, in order to ensure the safety of aerodrome operations and safety-related aerodrome equipment;

Amendment 149

Proposal for a regulation
Article 34 – paragraph 1 a (new)

**Text proposed by the Commission**

(1a.) when adopting the rules referred to in paragraph 1, in relation to the provision of ground handling, the Commission shall ensure that the use is made, as appropriate, of recognised industry standards and best practices.

**Amendment**


Amendment 150

Proposal for a regulation
Article 34 – paragraph 2

Text proposed by the Commission

2. As regards aerodromes, aerodrome equipment, the operation of aerodromes, and ground handling and apron management services the Commission shall be empowered, by means of delegated acts adopted in accordance with Article 117, to amend or supplement Annex VII and, if applicable, Annex VIII, where necessary for reasons of technical, operational or scientific developments or safety evidence related to the aerodromes, in order and to the extent required to achieve the objectives laid down in Article 1.

Amendment 151

Proposal for a regulation
Article 34 – paragraph 2 a (new)

Text proposed by the Commission

2a. Certificates issued by the Agency and the national competent authorities, and declarations made by legal and natural persons pursuant to this Regulation, shall be subject exclusively to the rules, conditions and procedures laid down in the delegated acts referred to in this Article.

Amendment 152

Proposal for a regulation
Article 37 – title

Text proposed by the Commission

Organisations involved in the design, manufacture or maintenance of ATM/ANS systems and constituents, on which safety
systems and constituents or interoperability depends

**Amendment 153**

Proposal for a regulation
Article 38 – title

*Text proposed by the Commission*

ATM/ANS systems and constituents

*Amendment*

ATM/ANS systems and constituents, *on which safety or interoperability depends*

**Amendment 154**

Proposal for a regulation
Article 39 – paragraph 1 – point b

*Text proposed by the Commission*

(b) the conditions for establishing and notifying to an applicant the detailed specifications applicable to ATM/ANS systems and constituents for the purposes of certification in accordance with Article 38(2);

*Amendment*

(b) the conditions for establishing and notifying to an applicant the detailed specifications, *including equipment identification*, applicable to ATM/ANS systems and constituents, *on which safety or interoperability depends*, for the purposes of certification in accordance with Article 38(2);

**Amendment 155**

Proposal for a regulation
Article 39 – paragraph 2

*Text proposed by the Commission*

2. As regards the provision of ATM/ANS, the Commission shall be empowered, *by means of* delegated acts adopted in accordance with Article 117, to amend or supplement Annex VIII and if applicable VII, where necessary for reasons of technical, operational or scientific developments or safety evidence related to the ATM/ANS, in order and to the extent required to achieve the

*Amendment*

2. As regards the provision of ATM/ANS, the Commission is empowered *to adopt* delegated acts in accordance with Article 117, to amend Annex VIII and if applicable VII, where necessary for reasons of technical, operational or scientific developments or safety evidence related to the ATM/ANS, in order and to the extent required to achieve the objectives laid down in Article 1.
objectives laid down in Article 1.

Amendment 156

Proposal for a regulation
Article 39 – paragraph 3 a (new)

Text proposed by the Commission

3a. Certificates issued by the Agency and the national competent authorities, and declarations made by legal and natural persons pursuant to this Regulation shall be subject exclusively to the rules, conditions and procedures laid down in the delegated acts referred to in this Article.

Amendment 157

Proposal for a regulation
Article 44 – paragraph 1 – point e

Text proposed by the Commission

(e) the conditions for the acceptance of air traffic controller licences issued in accordance with the laws of a third country for purpose of applying Article 57;

Amendment 158

Proposal for a regulation
Article 44 – paragraph 1 – point g a (new)

Text proposed by the Commission

(ga) the conditions to be met by air traffic controllers in regard to duty time limitations and rest requirements; such conditions are to produce a high level of safety by protecting against the effects of tiredness while, at the same time, allowing for sufficient flexibility in scheduling;
Proposal for a regulation
Article 44 – paragraph 2

Text proposed by the Commission

2. As regards air traffic controllers, persons and organisations involved in the training, testing, checking or medical assessment of air traffic controllers, as well as synthetic training devices, the Commission shall be empowered, by means of delegated acts adopted in accordance with Article 117, to amend or supplement Annex VIII, where necessary for reasons of technical, operational or scientific developments or safety evidence related to the training organisations and air traffic controllers, in order and to the extent necessary to achieve the objectives laid down in Article 1.

Amendment 160

Proposal for a regulation
Article 44 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Certificates issued by the Agency and the national competent authorities, and declarations made by legal and natural persons pursuant to this Regulation shall be subject exclusively to the rules, conditions and procedures laid down in the delegated acts referred to in this Article.

Amendment 161

Proposal for a regulation
Article 45 – paragraph 1

Text proposed by the Commission

Amendment

The design, production, maintenance and operation of unmanned aircraft and their engines, propellers, parts, non-installed equipment and equipment to control them remotely shall comply with the essential
requirements set out in Annex IX.

organisations involved in these activities, shall comply with the essential requirements set out in Annex IX.

Amendment 162

Proposal for a regulation
Article 46 – paragraph 1

Text proposed by the Commission

1. Where the delegated acts adopted pursuant to Article 47 so provide with a view to achieving adequate levels of safety, having regard to the principles laid down in Article 4(2), the design, production, maintenance and operation of unmanned aircraft shall be subject to certification. Certificates shall be issued upon application, where the applicant has demonstrated that it complies with the rules established by the delegated acts adopted pursuant to Article 47 to ensure compliance with the essential requirements referred to in Article 45. The certificate shall specify the safety-related limitations, operating conditions and privileges.

Amendment

1. Where the delegated acts adopted pursuant to Article 47 so provide, with a view to achieving a high, uniform level of safety, having regard to the principles laid down in Article 4(2), the design, production, maintenance and operation of unmanned aircraft shall be subject to certification. Certificates shall be issued upon application, where the applicant has demonstrated that it complies with the rules established by the delegated acts adopted pursuant to Article 47 to ensure compliance with the essential requirements referred to in Article 45. The certificate shall specify the safety-related limitations, operating conditions and privileges.

Amendment 163

Proposal for a regulation
Article 46 – paragraph 2

Text proposed by the Commission

2. Where the delegated acts adopted pursuant to Article 47 so provide with a view to achieving adequate levels of safety, having regard to the principles laid down in Article 4(2), the design, production, maintenance and operation of unmanned aircraft shall be subject to a declaration. The declaration shall be made when the essential requirements referred to in Article 45 and the corresponding detailed rules established in accordance with Article 47 to ensure compliance with these essential requirements are complied

Amendment

2. Where the delegated acts adopted pursuant to Article 47 so provide with a view to achieving a high, uniform level of safety, having regard to the principles laid down in Article 4(2), the design, production, maintenance and operation of unmanned aircraft shall be subject to a declaration. The declaration shall be made when the essential requirements referred to in Article 45 and the corresponding detailed rules established in accordance with Article 47 to ensure compliance with these essential requirements are complied
Proposal for a regulation
Article 46 – paragraph 3

Text proposed by the Commission

3. Where the delegated acts adopted pursuant to Article 47 so provide, given that adequate levels of safety can be achieved without the application of Chapters IV and V of this Regulation, those Chapters shall not apply to the essential requirements referred to in Article 45 and the corresponding detailed rules established in accordance with Article 47 to ensure compliance with these essential requirements. In such cases, those requirements and rules shall constitute 'Community harmonisation legislation' within the meaning of Regulation (EC) 765/2008 of the European Parliament and Council of 9 July 2008 setting out the requirement for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) N° 339/93, and Decision 768/2008/EC of the European Parliament and Council of 9 July 2008 on a common framework for the marketing of products, and repealing Council Decision 93/465/EEC.

Proposal for a regulation
Article 46 – paragraph 3 a (new)

Text proposed by the Commission

3a. Member States may adopt or maintain in force legislative provisions ensuring a higher level of security or safety protection than those established in this Regulation, or in the delegated acts for which it provides.
Proposal for a regulation  
Article 47 – paragraph 1 – point a

**Text proposed by the Commission**

(a) the conditions and procedures for issuing, maintaining, amending, suspending, or revoking the certificates for the design, production, maintenance and operation of unmanned aircraft referred to in Article 46 (1) and (2), including the conditions for situations in which, with a view to achieving the objectives set out in Article 1 and while taking account of the nature and risk of the particular activity concerned, such certificates shall be required or declarations shall be permitted, as applicable;

**Amendment**

(a) the conditions and procedures for issuing, maintaining, amending, suspending, or revoking the certificates for the design, production, maintenance and operation of unmanned aircraft referred to in Article 46 (1) and (2), including the conditions for situations in which, with a view to achieving the objectives set out in Article 1, such certificates shall be required or declarations shall be permitted, as applicable. The conditions and procedures shall take due account of the type of the unmanned aircraft, the nature and risk of the particular activity concerned and the area where the operation is to be performed;

Proposal for a regulation  
Article 47 – paragraph 1 – point e

**Text proposed by the Commission**

(e) the marking and identification of unmanned aircraft;

**Amendment**

(e) the conditions and procedures for the mandatory registration, marking and identification of unmanned aircraft with a maximum take-off mass above 250 grams, of unmanned aircraft certified in accordance with paragraph (a) and of operators;

Proposal for a regulation  
Article 47 – paragraph 1 – point e a (new)

**Text proposed by the Commission**

(ea) the conditions and procedures under which a remote pilot of an unmanned aircraft shall demonstrate the
required competence through a license or a declaration as applicable and a medical certificate appropriate to the operation to be performed;

Amendment 169

Proposal for a regulation
Article 47 – paragraph 1 – point e b (new)

Text proposed by the Commission

Amendment

(condition under which unmanned aircraft referred to in Article 46(1) and (2) shall be required to be equipped with safety and security enhancing equipment related, in particular, to distance and altitude limitation, position communication, critical zones restriction, collision avoidance, stabilisation and automated landing;

Amendment 170

Proposal for a regulation
Article 47 – paragraph 1 – point f

Text proposed by the Commission

Amendment

(condition under which operations of unmanned aircraft shall be prohibited, limited or subject to certain conditions in the interest of safety or security;

Amendment 171

Proposal for a regulation
Article 47 – paragraph 1 – point f a (new)

Text proposed by the Commission

Amendment

(condition under and the procedures by which a European Register of Unmanned Aircraft or a compatible harmonised national registration system are to be established that assigns a unique owner number and unmanned aircraft
marking for an unmanned aircraft flown in any Member State, and that imposes a financial and administrative burden that is low.

Amendment 172

Proposal for a regulation
Article 47 – paragraph 2

Text proposed by the Commission

2. As regards the design, production, maintenance and operation of unmanned aircraft and their engines, propellers, parts, non-installed equipment and equipment to control the aircraft remotely, the Commission shall be empowered, by means of delegated acts adopted in accordance with Article 117, to amend or supplement Annex IX and, if applicable, Annex III, where necessary for reasons of technical, operational or scientific developments or safety evidence related to air operations, in order and to the extent required to achieve the objectives laid down in Article 1.

Amendment 173

Proposal for a regulation
Article 47 – paragraph 2 a (new)

Text proposed by the Commission

2a. Certificates issued by the Agency and national competent authorities, and declarations made by legal and natural persons pursuant to this Regulation, shall comply with the rules, conditions and procedures laid down in the delegated acts referred to in this Article.
3. The authorisations and declarations referred to in paragraphs 1 and 2 shall only be required in respect of the operation of aircraft into, within or out of the territory to which the Treaties apply, with the exception of the operation of aircraft only overflying that territory.

Amendment 175

Proposal for a regulation
Article 50 – paragraph 2 a (new)

Text proposed by the Commission

3. The authorisations and declarations referred to in paragraphs 1 and 2 shall only be required in respect of the operation of aircraft into, within or out of the Single European Sky airspace, with the exception of the operation of aircraft only overflying that territory.

Amendment 176

Proposal for a regulation
Article 51 – paragraph 2 – point b

Text proposed by the Commission

2a. Certificates issued by the Agency and national aviation authorities, and declarations made by the legal and natural persons pursuant to this Regulation, shall be subject exclusively to the rules, conditions and procedures laid down in the delegated acts referred to in this Article.

Amendment

(b) perform oversight of holders of certificates, of legal and natural persons that made declarations, and of products, parts, equipment, ATM/ANS systems, ATM/ANS constituents, flight simulation training devices and aerodromes subject to the provisions of Chapter III;

(b) perform oversight of holders of certificates, of legal and natural persons that made declarations, and of products, parts, equipment, ATM/ANS systems and constituents, on which safety or interoperability depends, flight simulation training devices and aerodromes subject to the provisions of Chapter III;

Amendment 177

Proposal for a regulation
Article 51 – paragraph 2 a (new)

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Text proposed by the Commission

2a. Member States shall ensure that their national competent authorities exercise their tasks impartially, independently and transparently and shall be organised, staffed, managed and financed accordingly. Member States shall also ensure that their national competent authorities have the necessary resources and capabilities to carry out the tasks assigned to them under this Regulation in an efficient and timely manner.

An entity which is to be designated by a Member State as its national competent authority shall receive a prior accreditation by the Agency. That accreditation shall only be issued, if the Agency has determined that the entity complies with the rules established by the delegated acts referred to in paragraph 10 for the purpose of ensuring compliance with the requirements set out in this paragraph.

Proposal for a regulation
Article 51 – paragraph 3 – subparagraph 2

The Agency shall be responsible where those tasks have been attributed to it pursuant to Articles 53, 54, 55, 66, 67, 68, 69 and 70.

Proposal for a regulation
Article 51 – paragraph 3 – subparagraph 3

The national competent authority of the

Amendment 178
Member State where the aerodrome is located shall be responsible for those tasks with respect to the aerodrome certificate referred to in Article 30(1) and the certificate for an organisation responsible for the operation of an aerodrome referred to in Article 32(1). *The certificate for an organisation responsible for the operation of an aerodrome may be either combined with the certificate for an aerodrome or issued separately.*

**Amendment 180**

**Proposal for a regulation**  
**Article 51 – paragraph 3 – subparagraph 4**

*Text proposed by the Commission*

In all other cases, the national competent authority of the Member State where the natural person applying for the certificate or making the declaration resides, or, in case of legal persons, where the person has its *primary establishment*, shall be responsible for those tasks, unless the delegated acts adopted pursuant to paragraph 10 provide otherwise.

**Amendment**

In all other cases, the national competent authority of the Member State where the natural person applying for the certificate or making the declaration resides, or, in case of legal persons, where the person has its *principal place of business or is established*, shall be responsible for those tasks, unless the delegated acts adopted pursuant to paragraph 10 provide otherwise.

**Amendment 181**

**Proposal for a regulation**  
**Article 51 – paragraph 8**

*Text proposed by the Commission*

8. Any legal or natural person subject to this Regulation may bring to the attention of the Agency any alleged differences in the application of the rules between the Member States. Where such differences seriously hamper the operation of those persons, or otherwise lead to substantial difficulties, the Agency and the national competent authorities of the Member States concerned shall cooperate to eliminate those differences without

**Amendment**

8. Any legal or natural person subject to this Regulation may bring to the attention of the Agency any alleged differences in the application of the rules between the Member States. Where such differences seriously hamper the operation of those persons, or otherwise lead to substantial difficulties, the Agency and the national competent authorities of the Member States concerned shall cooperate to *address, and where necessary, promptly*
undue delay. Where those differences cannot be eliminated, the Agency shall present the matter to the Commission.

Amendment 182

Proposal for a regulation
Article 51 – paragraph 9

Text proposed by the Commission

9. The Agency and the national competent authorities shall undertake the necessary actions to increase and promote awareness of civil aviation safety and disseminate safety-related information relevant for the prevention of accidents and incidents.

Amendment 183

Proposal for a regulation
Article 51 – paragraph 10 – point b

Text proposed by the Commission

(b) the conditions for conducting certification and for conducting the investigations, inspections, audits and other monitoring activities necessary to ensure effective oversight of the legal and natural persons, products, parts, equipment, ATM/ANS systems, ATM/ANS constituents, flight simulation training devices and aerodromes subject to this Regulation;

Amendment 184

Proposal for a regulation
Article 51 – paragraph 10 – point f

Text proposed by the Commission

(f) in respect of paragraph 3, the conditions for allocation of

deleted
responsibilities between the national competent authorities, with a view to ensuring the effective performance of the tasks related to certification, oversight and enforcement;

Amendment 185

Proposal for a regulation
Article 51 – paragraph 10 – point h a (new)

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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</thead>
<tbody>
<tr>
<td>(ha) the conditions and procedures for the accreditation by the Agency of the entities which are to be designated as a national competent authority of a Member State, for the purpose of paragraph 2a and for the accreditation by the Agency or by the national competent authority of a qualified entity.</td>
<td></td>
</tr>
</tbody>
</table>

Amendment 186

Proposal for a regulation
Article 52 – paragraph 3

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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</thead>
<tbody>
<tr>
<td>3. The European aviation inspectors shall perform their oversight and certification activities under the control, instructions and responsibility of the Agency or the national competent authority that requested their assistance.</td>
<td></td>
</tr>
<tr>
<td>3. The European aviation inspectors shall perform their oversight and certification activities under the control, instructions and responsibility of the Agency and the national competent authority that requested their assistance.</td>
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</table>

Amendment 187

Proposal for a regulation
Article 53 – paragraph 1 – subparagraph 1

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
<tr>
<td>Member States may transfer to the Agency the responsibility for the certification, oversight and enforcement with respect to</td>
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</tr>
<tr>
<td>Member States may, as a temporary safeguard measure only, transfer to the Agency the responsibility for the</td>
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</tbody>
</table>
any or all organisations, operators, personnel, aircraft, flight simulation training devices or aerodromes for which the Member State concerned is responsible under this Regulation.

certification, oversight and enforcement with respect to any or all organisations, operators, personnel, aircraft, flight simulation training devices or aerodromes for which the Member State concerned is responsible under this Regulation.

Amendment 188

Proposal for a regulation
Article 53 – paragraph 2 – subparagraph 3

Text proposed by the Commission

In relation to the exercise of that responsibility, the provisions of Chapters II and IV and Articles 120 and 121, as well as the applicable provisions of the national law of the Member State to which the responsibility is transferred shall apply.

Amendment

In relation to the exercise of the transferred responsibility, the provisions of Chapters II and IV and Articles 120 and 121 shall apply.

Amendment 189

Proposal for a regulation
Article 53 – paragraph 3

Text proposed by the Commission

3. The Agency or a Member State, as applicable, shall only agree to the transfer of responsibilities referred to in paragraphs 1 or 2 when it is satisfied that it can effectively exercise the transferred responsibility in compliance with this Regulation and the delegated and implementing acts adopted on the basis thereof.

Amendment

3. The Agency or a Member State, as applicable, shall only agree to the transfer of responsibilities referred to in paragraphs 1 or 2 when it is satisfied and demonstrates that it can effectively exercise the transferred responsibility in compliance with this Regulation and the delegated and implementing acts adopted on the basis thereof and has the necessary resources to do so.

Amendment 190

Proposal for a regulation
Article 53 – paragraph 4 – subparagraph 1

Text proposed by the Commission

When a Member State intends to transfer

Amendment

When a Member State intends to use the
certain responsibilities in accordance with paragraphs 1 or 2, it shall establish jointly with the Agency or with the other Member State, as applicable, a transition plan that ensures an orderly transfer of those responsibilities. The legal and natural persons concerned by the transfer and, in case of a transfer referred to in paragraph 2, the Agency shall be consulted on that transition plan before it is finalised.

Amendment 191

Proposal for a regulation
Article 53 – paragraph 5 – subparagraph 1

Text proposed by the Commission

The Agency shall make available, through the repository established under Article 63, a list of Member States that have transferred certain responsibilities in accordance with this Article. That list shall include details about the responsibilities transferred, allowing for the clear identification of the responsibilities after the transfer and of the affected organisations, operators, personnel, aircraft, flight simulation training devices or aerodromes, as applicable.

Amendment

The Agency shall make available, through the repository established under Article 63, a list of Member States that have made use of the provisions of paragraphs 1 or 2. That list shall include details about the responsibilities transferred, allowing for the clear identification of the responsibilities after the transfer and of the affected organisations, operators, personnel, aircraft, flight simulation training devices or aerodromes, as applicable.

Amendment 192

Proposal for a regulation
Article 53 – paragraph 6 a (new)

Text proposed by the Commission

6a. A Member State having transferred certification, oversight and enforcement responsibilities to the Agency or to another Member State pursuant to paragraphs 1 and 2 may decide to stop the application of this Article and to request that the responsibilities are transferred back, so that its national competent
authority again becomes responsible for certification, oversight and enforcement.

Amendment 193

Proposal for a regulation
Article 53 – paragraph 6 b (new)

Text proposed by the Commission

Amendment

6b. The Agency shall, in accordance with Article 81(4), establish local offices in those Member States where the Agency deems that its presence is necessary in order to ensure that responsibilities in the field of aviation safety are met within the scope of this regulation or in order to support the exercise of the responsibilities transferred to it in accordance with paragraph 1.

Amendment 194

Proposal for a regulation
Article 54 – title

Text proposed by the Commission

Amendment

Organisations operating multi-nationally

Transfer of certification, oversight and enforcement tasks at the request of organisations

Amendment 195

Proposal for a regulation
Article 54 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

An organisation may request the Agency to act as the competent authority responsible for the certification, oversight and enforcement with respect to that organisation, in deviation from Article 51(3), where that organisation holds or is eligible to apply for a certificate in accordance with the provisions of Chapter

An organisation may request the Agency to act as the competent authority responsible for the certification, oversight and enforcement tasks with respect to that organisation, by way of derogation from Article 51(2).
III to the national competent authority from one Member State, but it has or it intends to have substantial facilities and personnel covered by that certificate located in one or more other Member States.

Amendment 196

Proposal for a regulation
Article 54 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Such a request may also be made by two or more organisations, each of which has a principal place of business in a different Member State and each of which holds or is eligible to apply for a certificate in accordance with the provisions of Chapter III for the same type of aviation activity.

Amendment 197

Proposal for a regulation
Article 54 – paragraph 1 – subparagraph 3

Text proposed by the Commission

Where the organisations referred to in the first and second subparagraph make such a request, they shall inform the national competent authorities of the Member States in which they have their principal places of business.

Amendment 198

Proposal for a regulation
Article 54 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Where the Agency considers that it can effectively exercise the responsibilities for the certification, oversight and enforcement
enforcement, as requested, in compliance with this Regulation and the delegated acts adopted on the basis thereof, it shall establish, jointly with the Member State or Member States concerned, as applicable, a transition plan that ensures an orderly transfer of those responsibilities. The organisations that requested the transfer shall be consulted on this transition plan before it is finalised.

**Amendment 199**

**Proposal for a regulation**

**Article 54 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

The Agency and the Member State or Member States concerned, as applicable, shall ensure that the transfer of the responsibilities is carried out in accordance with the transition plan.

*Amendment*

The Agency and the Member State or Member States concerned, as applicable, shall ensure that the transfer of the tasks is carried out in accordance with the transition plan.

**Amendment 200**

**Proposal for a regulation**

**Article 54 – paragraph 3**

*Text proposed by the Commission*

3. Upon the transfer of responsibility pursuant to paragraphs 1 and 2, the Agency

*Amendment*

3. Upon the transfer of tasks pursuant to paragraphs 1 and 2, the Agency shall
shall become the competent authority for the purposes of the transferred responsibility and the Member State or Member States concerned shall be relieved of that responsibility. In relation to the exercise of that responsibility by the Agency, the provisions of Chapters IV and V shall apply.

become the competent authority for the transferred certification, oversight and enforcement tasks, and the national competent authority of the Member State or Member States concerned shall be relieved of that responsibility. In relation to the exercise of the transferred tasks by the Agency, the provisions of Chapters IV and V shall apply.

Amendment 201

Proposal for a regulation
Article 54 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The level of oversight and enforcement with respect to the organisations requesting the Agency to exercise these responsibilities shall in no circumstances be lower than that of the competent national authorities which were originally responsible.

Amendment 202

Proposal for a regulation
Article 54 – paragraph 4

Text proposed by the Commission

Amendment

4. The provisions of Article 53(5) and (6) shall apply accordingly to any transfer of responsibility pursuant to this Article.

Amendment 203

Proposal for a regulation
Article 54 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Where in accordance with paragraph 1 an organisation has requested the Agency to act as the competent authority responsible and that
request has been granted, the organisation concerned may at any time decide to reverse its decision by requesting the national competent authorities of the Member States where it has its principal place of business to become again responsible for certification, oversight and enforcement. In such a case, the provisions of paragraphs 1 to 4 shall apply mutatis mutandis.

Amendment 204

Proposal for a regulation
Article 55 – title

Text proposed by the Commission

Emergency oversight mechanism

Amendment

Compulsory emergency assistance mechanism

Amendment 205

Proposal for a regulation
Article 55 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Agency shall recommend to a Member State the transfer of responsibilities in accordance with Article 53, where all of the following conditions have been met:

Amendment

2. Where the Member State concerned did not either give effect to the Agency's recommendation or remedy the deficiencies within 3 months from the date of that recommendation, the Commission

Amendment 206

Proposal for a regulation
Article 55 – paragraph 2

Text proposed by the Commission

2. Where the Member State concerned did not either give effect to the Agency's recommendation or remedy the deficiencies within 3 months from the date of that recommendation, the Commission
may decide, when it considers that the conditions of paragraph 1 are met, that the responsibility for the certification, oversight and enforcement tasks concerned shall be temporarily transferred to the Agency. That decision shall be taken by means of implementing acts which shall be adopted in accordance with the advisory procedure referred to in Article 116(2). On duly justified imperative grounds of urgency relating to aviation safety, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 116(4).

Amendment 207

Proposal for a regulation
Article 55 – paragraph 2 a (new)

Text proposed by the Commission

2a. The Commission shall adopt the implementing acts referred to in paragraph 2 only after all of the possibilities set out in Article 73 for addressing the identified deficiencies have been exhausted, and where other means of addressing those deficiencies, including the measures provided for under Article 56 and Regulation (EC) No 2111/2005, would be disproportionate or inadequate.

Amendment 208

Proposal for a regulation
Article 55 – paragraph 3

Text proposed by the Commission

3. From the date at which the implementing decision referred to in paragraph 2 takes effect, the Agency shall assess on a regular basis whether the condition of paragraph 1(c) continues to be met. Where it considers that that condition is no longer met, it shall issue a recommendation to the Commission to

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terminate the temporary transfer of responsibilities.

Amendment 209
Proposal for a regulation
Article 55 – paragraph 4 – subparagraph 1

Text proposed by the Commission
When the Commission considers, taking into account that recommendation, that the condition of paragraph 1(c) is no longer met, the Commission shall decide that the temporary transfer of responsibilities to the Agency shall be terminated.

Amendment
When the Commission considers, taking into account that recommendation, that the condition of paragraph 1(c) is no longer met, the Commission shall decide to terminate the temporary support for responsibilities.

Amendment 210
Proposal for a regulation
Article 55 – paragraph 5

Text proposed by the Commission
5. Upon the transfer of responsibility pursuant to paragraph 2, the Agency shall become the competent authority for the purposes of the transferred responsibility and the Member State concerned shall be relieved of that responsibility. In relation to the exercise of that responsibility by the Agency, the provisions of Chapters IV and V shall apply.

Amendment
5. Upon the designation referred to in paragraph 2, the Agency shall become the competent authority for the purposes of the certification, oversight and enforcement tasks concerned and the national competent authority of the Member State shall be relieved of that responsibility. In relation to the exercise by the Agency of the responsibility transferred to it as a result of that designation, the provisions of Chapters IV and V shall apply.

Amendment 211
Proposal for a regulation
Article 55 – paragraph 5 a (new)

Text proposed by the Commission

Amendment
5a. While temporarily acting as a competent authority under this Article, the Agency shall provide the necessary
technical assistance to the Member State concerned, in order to support that Member State in resolving the identified deficiencies as promptly as possible. When conducting the investigations pursuant to Article 71, the Agency shall, to the greatest possible extent, make use of the experts and other personnel available in the Member State concerned.

Proposal for a regulation
Article 57 – paragraph 1 – point b

Text proposed by the Commission

(b) the delegated acts adopted on the basis of Articles 18(1)(l), 25(1)(f) and 44(1)(e).

Amendment

In order to achieve and maintain the confidence in regulatory systems of third countries referred to in point (b), the Agency shall be authorised to conduct the necessary technical assessments and evaluations of the laws of third countries and of foreign aviation authorities. For the purpose of conducting such assessments and evaluations the Agency may conclude working arrangements in accordance with Article 77(2).
Proposal for a regulation

Article 57 – paragraph 1 b (new)

**Text proposed by the Commission**

The Commission is empowered to adopt delegated acts in accordance with the Article 117 in order to lay down detailed rules with regard to acceptance of certificates and other documentation attesting compliance with civil aviation rules issued in accordance with the laws of a third country.

**Amendment**

215

Proposal for a regulation

Article 58 – paragraph 1 – subparagraph 1

**Text proposed by the Commission**

The Agency and the national competent authorities may allocate their tasks related to certification and oversight under this Regulation to qualified entities that have been accredited as being compliant with the criteria set out in Annex VI. The Agency and the national competent authorities which make use of the qualified entities shall establish a system for that accreditation and for the assessment of the compliance of qualified entities with those criteria, both at the moment of accreditation and continuously thereafter.

**Amendment**

216

Proposal for a regulation

Article 59 – paragraph 2 – subparagraph 1

**Text proposed by the Commission**

Where the duration of the measures referred to in paragraph 1 exceeds eight consecutive months or where a Member

**Amendment**

Upon receipt of the notification referred to in paragraph 1, the Agency shall, without undue delay, assess whether the conditions...
State has taken the same measures repetitively and their total duration exceeds eight months, the Agency shall assess whether the conditions of paragraph 1 have been met and issue, within three months from the date of the reception of the notification referred to in paragraph 1, a recommendation to the Commission as regards the outcome of that assessment. The Agency shall include that recommendation in the repository established under Article 63.

Amendment 217
Proposal for a regulation
Article 59 – paragraph 2 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Where the Agency considers that those conditions have been met, it shall assess, without undue delay, whether it is able to address the problem identified by the Member State by taking the decisions referred to in the first subparagraph of Article 65(4), thereby obviating the need for the measures taken by the Member State. Where the Agency considers that it can address the problem in that manner, it shall take the appropriate decision to that effect. Where it considers that the problem cannot be addressed in that manner, it shall recommend to the Commission that it amend any delegated acts or implementing acts adopted on the basis of this Regulation in the way that it considers necessary in light of the application of paragraph 1.

Amendment 218
Proposal for a regulation
Article 59 – paragraph 2 – subparagraph 1 b (new)
Where the Agency considers that those conditions have not been met it shall issue, without undue delay, a recommendation to the Commission as regards the outcome of that assessment. The Agency shall include that recommendation in the repository established under Article 63.

Amendment 219

Proposal for a regulation
Article 59 – paragraph 2 – subparagraph 2

In that case, the Commission shall assess, taking account of that recommendation, whether those conditions have been met. Where the Commission considers that those conditions have not been met or where it departs from the outcome of the assessment by the Agency, it shall adopt, within three months from the date of the reception of that recommendation, an implementing decision to that effect, which shall be published in the Official Journal of the European Union and entered into the repository established under Article 63.

Amendment 220

Proposal for a regulation
Article 59 – paragraph 2 – subparagraph 3

The Member State concerned shall immediately terminate the measures taken pursuant to paragraph 1 upon the notification of that implementing decision.

deleted
Amendment 221

Proposal for a regulation
Article 59 – paragraph 3

Text proposed by the Commission

3. **Upon the reception of the notification referred to in paragraph 1, the Agency shall, without undue delay, also assess whether the problem identified by the Member State can be addressed by the Agency by taking the decisions referred to in the first subparagraph of Article 65(4), so that the measures taken by the Member State are no longer needed. Where the Agency considers that the problem can be addressed in that manner, it shall take the appropriate decision to that effect. Where it considers that the problem cannot be addressed in that manner, it shall issue a recommendation to the Commission as regards the amendment of the delegated acts or implementing acts adopted on the basis of this Regulation that it considers necessary in light of the application of paragraph 1.**

Amendment 222

Proposal for a regulation
Article 59 – paragraph 3 a (new)

Text proposed by the Commission

3a. **Where the Commission considers that those conditions have not been met or where it wishes to depart from the outcome of the assessment by the Agency, it shall adopt, within one month from the date of the reception of that recommendation, implementing acts containing its finding to that effect, which shall be published in the Official Journal of the European Union and entered into**
the repository established under Article 63.

Once the Commission has notified them of those implementing acts, the Member State concerned shall immediately terminate the measures taken pursuant to paragraph 1.

Amendment 223

Proposal for a regulation
Article 60 – paragraph 1 – point b

Text proposed by the Commission

(b) an acceptable level of safety and environmental protection and compliance with the applicable essential requirements is ensured, where necessary through the application of mitigation measures;

Amendment

(b) a high, uniform level of safety and environmental protection and compliance with the applicable essential requirements is ensured, where necessary through the application of mitigation measures;

Amendment 224

Proposal for a regulation
Article 60 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Where the duration of the exemptions referred to in paragraph 1 exceeds eight consecutive months or where a Member State has granted the same exemptions repetitively and their total duration exceeds eight months, the Agency shall assess whether the conditions of paragraph 1 have been met and issue, within three months from the date of the reception of the notification referred to in paragraph 1, a recommendation to the Commission as regards the outcome of that assessment. The Agency shall include that recommendation in the repository established under Article 63.

Amendment

Where the duration of the exemptions referred to in paragraph 1 exceeds two consecutive months or where a Member State has granted the same exemptions repetitively and their total duration exceeds two months, the Agency shall assess whether the conditions of paragraph 1 have been met and issue, within one month from the date of the reception of the last notification referred to in paragraph 1, a recommendation to the Commission as regards the outcome of that assessment. The Agency shall include that recommendation in the repository established under Article 63.
Amendment 225

Proposal for a regulation
Article 60 – paragraph 2 – subparagraph 2

Text proposed by the Commission

In that case, the Commission shall, taking account of that recommendation, assess whether those conditions have been met. Where the Commission considers that those conditions have not been met or where it departs from the outcome of the assessment by the Agency, it shall adopt, within \textit{3 months} from the date of the reception of that recommendation, an implementing \textit{decision} to that effect, which shall be published in the Official Journal of the European Union and entered into the repository established under Article 63.

Amendment

In that case, the Commission shall, taking account of that recommendation, assess whether those conditions have been met. Where the Commission considers that those conditions have not been met or where it departs from the outcome of the assessment by the Agency, it shall adopt, within \textit{one month} from the date of the reception of that recommendation, implementing \textit{acts} to that effect, which shall be published in the \textit{Official Journal of the European Union} and entered into the repository established under Article 63.

Amendment 226

Proposal for a regulation
Article 60 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Where a Member State considers that the compliance with the applicable essential requirements set out in the Annexes can be demonstrated by other means than those laid down in the delegated and implementing acts adopted on the basis of this Regulation, and that those means present significant advantages in terms of civil aviation safety or of efficiency for the persons subject to this Regulation or for the authorities concerned, it may submit to the Commission and the Agency, through the repository established under Article 63, a reasoned request for amendment of the delegated or implementing \	extit{act} concerned so as to allow for the use of those other means.

Amendment

Where a Member State considers that the compliance with the applicable essential requirements set out in the Annexes can be demonstrated by other means than those laid down in the delegated and implementing acts adopted on the basis of this Regulation, and that those means present significant advantages in terms of civil aviation safety, it may submit to the Commission and the Agency, through the repository established under Article 63, a reasoned request for amendment of the delegated or implementing \	extit{acts} concerned so as to allow for the use of those other means, \textit{demonstrating the need for those other means and including the conditions that have been laid down for the purpose of ensuring the achievement of an equivalent level of safety protection}.
Proposal for a regulation
Article 60 – paragraph 3 – subparagraph 2

Text proposed by the Commission

In that case, the Agency shall, without undue delay, issue a recommendation to the Commission on whether the Member State's request fulfils the conditions of the first subparagraph.

Amendment

In that case, the Agency shall, within three months from the date of reception of the request, issue a recommendation to the Commission on whether the Member State's request fulfils the conditions of the first subparagraph.

Proposal for a regulation
Article 61 – paragraph 2

Text proposed by the Commission

2. The Agency shall coordinate at Union level the gathering, exchange and analysis of information on matters falling within the scope of this Regulation. For that purpose, the Agency may enter into administrative arrangements with legal and natural persons subject to this Regulation, or associations of such persons, on information gathering, exchange and analysis.

Amendment

2. The Agency shall coordinate at Union level the gathering, exchange and analysis of information on matters falling within the scope of this Regulation including, in the situation of an aircraft in distress, secured flight data and cockpit voice recordings downloaded to a ground database for accident investigation and prevention. For that purpose, the Agency may enter into administrative arrangements with legal and natural persons subject to this Regulation, or associations of such persons, on information gathering, exchange and analysis. The arrangements should provide, as far as possible, for the use of existing channels, not introduce any additional notification requirements, avoid the imposition of additional administrative burdens, and take into account the need for data protection.

Proposal for a regulation
Article 61 – paragraph 3

Amendment 229
3. Upon a request by the Commission, the Agency shall analyse urgent or important issues falling within the scope of this Regulation. Where relevant, the national competent authorities shall cooperate with the Agency for the purpose of conducting such analysis.

Amendment

Proposal for a regulation
Article 61 – paragraph 6

Text proposed by the Commission

6. In order to inform the general public of the overall level of civil aviation safety in the Union, the Agency shall publish annually a safety review. That review shall contain an analysis of the general safety situation in wording that is simple and easy to understand and it shall indicate whether there are increased safety risks.

Amendment

Proposal for a regulation
Article 62 – paragraph 4 – subparagraph 1

Text proposed by the Commission

Employees and contracted personnel who provide information in application of this Regulation and the delegated and implementing acts adopted on the basis thereof shall not be subject to any prejudice by their employer or by the organisation for which they provide services, on the basis of the information provided.

Amendment

Member States shall ensure that employees and contracted personnel who provide information in application of this Regulation and the delegated and implementing acts adopted on the basis thereof are not subject to any prejudice by their employer or by the organisation for which they provide services, on the basis of the information provided.
Amendment 232

Proposal for a regulation
Article 63 – paragraph 1 – subparagraph 2 – point a

Text proposed by the Commission

(a) certificates issued and declarations received by the Agency and by national competent authorities in accordance with the provisions of Chapter III and Articles 53, 54, 55, 66, 67, 68, 69 and 70;

Amendment

(a) certificates issued and declarations received by the Agency and by national competent authorities in accordance with the provisions of Chapter III and Articles 53, 54, 55, 66, 67, 67a, 67b, 68, 69 and 70

Amendment 233

Proposal for a regulation
Article 63 – paragraph 1 – subparagraph 2 – point m a (new)

Text proposed by the Commission

(ma) data on general aviation in the Union, including the number of aircraft registered and pilot certificates issued, as well as the authorisations pertaining thereto;

Amendment

Amendment 234

Proposal for a regulation
Article 63 – paragraph 1 – subparagraph 2 – point m b (new)

Text proposed by the Commission

(mb) recommendations and binding directives of the Agency concerning flights above conflict zones, issued in accordance with Article 76(3);

Amendment 235

Proposal for a regulation
Chapter 5 – title
Amendment 236

Proposal for a regulation
Article 64 – paragraph 1

Text proposed by the Commission
1. A European Union Aviation Safety Agency is hereby established.

Amendment
1. A European Union Aviation Agency is hereby established.

Amendment 237

Proposal for a regulation
Article 64 – paragraph 2 – point h a (new)

Text proposed by the Commission
(ha) promote European Union aviation standards and rules at international level by establishing appropriate cooperation with third countries and international organisations.

Amendment
(i) cooperate with other Union institutions, bodies, offices and agencies in areas where their activities relate to technical aspects of civil aviation.

Amendment 239

Proposal for a regulation

PE576.812v02-00 96/157 RR\1111635EN.docx
Article 65 – paragraph 1

*Text proposed by the Commission*

1. The Agency shall, upon request, assist the Commission in the preparation of proposals for amendments to this Regulation and of delegated and implementing acts to be adopted on the basis of this Regulation. The documents that the Agency submits to the Commission for those purposes shall take the form of opinions.

*Amendment*

1. The Agency shall, upon request, assist the Commission in the preparation of proposals for amendments to this Regulation and of delegated and implementing acts to be adopted on the basis of this Regulation. Such proposals shall, where possible, lay down requirements that focus on the objectives to be achieved, while allowing different means of achieving compliance with those objectives. The documents that the Agency submits to the Commission for those purposes shall take the form of opinions.

**Proposal for a regulation**

**Article 65 – paragraph 4 – subparagraph 1**

*Text proposed by the Commission*

The Agency shall take the appropriate decisions for the application of Articles 53, 54, 55, 66, 67, 68, 69, 70, 71 and 73.

*Amendment*

The Agency shall take the appropriate decisions for the application of Articles 53, 54, 55, 66, 67, 67a, 67b, 68, 69, 70, 71 and 73.

**Amendment 241**

**Proposal for a regulation**

**Article 65 – paragraph 4 – subparagraph 2**

*Text proposed by the Commission*

The Agency may grant exemptions to any legal or natural person to whom it has issued a certificate in the situations and subject to the conditions set out in Article 60(1). *In such a case*, the Agency shall immediately notify the Commission and the Member States, through the repository established under Article 63, of the exemptions granted, the reasons for granting them and, where applicable, the

*Amendment*

The Agency may grant exemptions to any legal or natural person to whom it has issued a certificate in the situations and subject to the conditions set out in Article 60(1).
necessary mitigation measures applied. Where the duration of an exemption exceeds eight consecutive months or where the Agency has granted the same exemption repetitively and their total duration exceeds eight months, the Commission shall assess whether those conditions have been met, and where it considers that this is not the case, it shall adopt an implementing decision to that effect, which shall be published in the Official Journal of the European Union and entered into the repository established under Article 63. The Agency shall immediately revoke the exemption upon the notification of that implementing decision.

When those exemptions go beyond the specific competencies of the Agency, which are defined in Article 66(1) and 2(a), the Agency shall immediately notify the Commission and the Member States, through the repository established under Article 63, of the exemptions granted, the reasons for granting them and, where applicable, of the necessary mitigation measures applied.

In addition, where the duration of an exemption exceeds two consecutive months or where the Agency has granted the same exemption repeatedly and their total duration exceeds two months, the Commission shall assess whether those conditions have been met, and where it considers that this is not the case, it shall adopt implementing acts containing its finding to that effect, which shall be published in the Official Journal of the European Union and entered into the repository established under Article 63. The Agency shall immediately revoke the exemption upon the notification of those implementing acts.
Article 65 – paragraph 5 a (new)

Text proposed by the Commission

5a. The Agency shall issue the appropriate binding directives for the application of Article 68(2)(ba)

Amendment

Proposal for a regulation

Article 65 – paragraph 6

Text proposed by the Commission

6. The Agency shall react without undue delay to an urgent safety problem falling within the scope of this Regulation by determining corrective action to be taken by national competent authorities or legal and natural persons subject to the provisions of this Regulation and by disseminating related information to those national competent authorities and persons, including directives or recommendations, where this is necessary to safeguard the objectives set out in Article 1.

Amendment

Proposal for a regulation

Article 66 – paragraph 1 – introductory part

Text proposed by the Commission

1. With regard to the products, parts and non-installed equipment referred to in Article 2(1)(a) and 2(1)(b)(i), the Agency shall, where applicable and as specified in the Chicago Convention or the Annexes thereto, carry out on behalf of Member States the functions and tasks of the state of design, manufacture or registry, when those functions and tasks are related to design certification and mandatory continuing airworthiness information. To

Amendment

1. With regard to the products, parts and non-installed equipment referred to in Article 2(1)(a), the Agency shall, where applicable and as specified in the Chicago Convention or the Annexes thereto, carry out on behalf of Member States the functions and tasks of the state of design, manufacture or registry, when those functions and tasks are related to design certification and mandatory continuing airworthiness information. To
that end, it shall in particular:

Amendment 245

Proposal for a regulation
Article 66 – paragraph 1 – point f

Text proposed by the Commission

(f) be responsible for the tasks related to certification, oversight and enforcement in accordance with Article 51(3) with respect to the type certificates, restricted type certificates, certificates of changes, including supplemental type certificates, and approvals of repair designs for the design of products in accordance with Articles 11 and 17(1)(b);

Amendment

(f) be responsible for the tasks related to certification, oversight and enforcement in accordance with Article 51(2) with respect to the type certificates, restricted type certificates, certificates of changes, including supplemental type certificates, and approvals of repair designs for the design of products in accordance with Articles 11 and 17(1)(b);

Amendment 246

Proposal for a regulation
Article 66 – paragraph 1 – point g

Text proposed by the Commission

(g) be responsible for the tasks related to certification, oversight and enforcement in accordance with Article 51(3) with respect to the certificates for the design of parts and for non-installed equipment in accordance with Articles 12 and 13;

Amendment

(g) be responsible for the tasks related to certification, oversight and enforcement in accordance with Article 51(2) with respect to the certificates for the design of parts and for non-installed equipment in accordance with Articles 12 and 13;

Amendment 247

Proposal for a regulation
Article 66 – paragraph 1 – point i

Text proposed by the Commission

(i) ensure the continuing airworthiness functions associated with the design of products, the design of parts and non-installed equipment it has certified and in respect of which it performs oversight, including reacting without undue delay to a safety or security problem and issuing and

Amendment

(i) ensure the continuing airworthiness functions associated with the design of products, the design of parts and non-installed equipment it has certified and in respect of which it performs oversight, including reacting without undue delay to a flight safety or security problem and
disseminating the applicable mandatory information;  

issuing and disseminating the applicable mandatory information;

Amendment 248

Proposal for a regulation  
Article 66 – paragraph 2 – introductory part

Text proposed by the Commission

2. The Agency shall be responsible for the tasks related to certification, oversight and enforcement in accordance with Article 51(3) with respect to:

Amendment

2. The Agency shall be responsible for the tasks related to certification, oversight and enforcement in accordance with Article 51(2) with respect to:

Amendment 249

Proposal for a regulation  
Article 67 – paragraph 1

Text proposed by the Commission

1. The Agency shall be responsible for the tasks related to certification, oversight and enforcement in accordance with Article 51(3) with respect to the approvals of the pilot and cabin crew training organisations and the aero-medical centres referred to in Article 22, where those organisations and centres have their principal place of business outside the territory for which a Member State is responsible under the Chicago Convention.

Amendment

1. The Agency shall be responsible for the tasks related to certification, oversight and enforcement in accordance with Article 51(2) with respect to the approvals of the pilot and cabin crew training organisations and the aero-medical centres referred to in Article 22, where those organisations and centres have their principal place of business outside the territory for which a Member State is responsible under the Chicago Convention.

Amendment 250

Proposal for a regulation  
Article 67 – paragraph 2 – introductory part

Text proposed by the Commission

2. The Agency shall be responsible for the tasks related to certification, oversight and enforcement in accordance with Articles 51(3) with respect to the certificates for flight simulation training

Amendment

2. The Agency shall be responsible for the tasks related to certification, oversight and enforcement in accordance with Articles 51(2) with respect to the certificates for flight simulation training
devices in accordance with Article 23 in each of the following cases:

Amendment 251

Proposal for a regulation
Article 67a (new)

Text proposed by the Commission

Article 67a

Safety-Critical aerodrome equipment

With regard to safety-critical aerodrome equipment, referred to in Article 31, the Agency shall:

(a) establish and notify to the applicant the detailed specifications for the safety-critical aerodrome equipment which are subject to a certification in accordance with Article 31;

(b) be responsible for the tasks related to certification, oversight and enforcement in accordance with Article 51(2) with respect to the certificates for, and the declarations made in respect of safety-critical aerodrome equipment in accordance with Article 31.

Amendment 252

Proposal for a regulation
Article 67b (new)

Text proposed by the Commission

Article 67b

Air operators certification

The Agency shall, where applicable and as specified in the Chicago Convention or the Annexes thereto, carry out on behalf of Member States the functions and tasks of the State of Operator with regard to air operators referred to in Article 27(1) and engaged in commercial air transport
operations:
(a) between aerodromes located in the territories of different Member States;
(b) involving an aerodrome located outside the territory of a Member State.

To that end, the Agency shall be responsible for the tasks related to certification, oversight and enforcement, in accordance with Article 51(2), with respect to those operators.

Amendment 253
Proposal for a regulation
Article 68 – paragraph 1 – introductory part

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
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<tbody>
<tr>
<td>1. The Agency shall be responsible for the tasks related to certification, oversight and enforcement in accordance with Article 51(3) with respect to:</td>
<td>1. The Agency shall be responsible for the tasks related to certification, oversight and enforcement in accordance with Article 51(2) with respect to:</td>
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</table>

Amendment 254
Proposal for a regulation
Article 68 – paragraph 1 – point c

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tr>
<td>(c) the certificates for, and the declarations made by, the organisations referred to in Article 37, where those organisations are involved in the design, manufacture or maintenance of pan-European ATM/ANS systems and constituents;</td>
<td>(c) the certificates for, and the declarations made by, the organisations referred to in Article 37, where those organisations are involved in the design, manufacture or maintenance of pan-European ATM/ANS systems and constituents, on which safety or interoperability depends;</td>
</tr>
</tbody>
</table>

Amendment 255
Proposal for a regulation
Article 68 – paragraph 1 – point d
(d) the declarations made by the ATM/ANS providers to which the Agency has issued a certificate in accordance with points (a) and (b), in respect of ATM/ANS systems and constituents which are put in operation by those providers in accordance with Article 38(1).

Amendment 256

Proposal for a regulation
Article 68 – paragraph 2 – point b

(b) where the delegated acts adopted pursuant to Article 39 so provide, be responsible for the tasks related to certification, oversight and enforcement in accordance with Article 51(3) with respect to the certificates for, and the declarations made in respect of, ATM/ANS systems and constituents upon which safety or interoperability are dependent in accordance with Article 38(2).

Amendment 257

Proposal for a regulation
Article 68 – paragraph 2 – subparagraph 1 a (new)

In order to assure the continuity in the provision of ATM/ANS in Single European Sky airspace the Agency, in close cooperation with the Network Manager shall issue binding directives in accordance with the delegated act referred to in Article 39(1)(a)
Amendment 258
Proposal for a regulation
Article 69 – paragraph 1

**Text proposed by the Commission**
The Agency shall be responsible for the tasks related to certification, oversight, and enforcement in accordance with Article 51(3) with respect to the certificates for the air traffic controller training organisations referred to in Article 42, where those organisations have their principal place of business located outside the territory for which a Member State is responsible under the Chicago Convention and, where relevant, their personnel.

**Amendment**
The Agency shall be responsible for the tasks related to certification, oversight, and enforcement in accordance with Article 51(2) with respect to the certificates for the air traffic controller training organisations referred to in Article 42, where those organisations have their principal place of business located outside the territory for which a Member State is responsible under the Chicago Convention and, where relevant, their personnel.

Amendment 259
Proposal for a regulation
Article 70 – paragraph 1

**Text proposed by the Commission**
1. The Agency shall be responsible for the tasks related to certification, oversight and enforcement in accordance with Article 51(3) with respect to the authorisations for the operations referred to in Article 49(1) and (2) and the declarations made by the operators referred to in Article 49(2), unless a Member State carries out the functions and tasks of the state of operator in respect of the operators concerned.

**Amendment**
1. The Agency shall be responsible for the tasks related to certification, oversight and enforcement in accordance with Article 51(2) with respect to the authorisations for the operations referred to in Article 49(1) and (2) and the declarations made by the operators referred to in Article 49(2), unless a Member State carries out the functions and tasks of the state of operator in respect of the operators concerned.

Amendment 260
Proposal for a regulation
Article 70 – paragraph 3

**Text proposed by the Commission**
3. The Agency shall, upon request, assist the Commission in the implementation of Regulation (EC) No

**Amendment**
3. The Agency shall, upon request, assist the Commission in the implementation of Regulation (EC) No
2111/2005 by conducting the necessary assessments, including on-site visits, of third country operators and authorities responsible for their oversight. It shall provide the results of those assessments, with appropriate recommendations, to the Commission.

Amendment 261

Proposal for a regulation
Article 72 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Commission may, at the request of the Agency, impose on an legal or natural person to whom it has issued a certificate, or who has made a declaration to it, in accordance with this Regulation, either one or both of the following:

Amendment

1. The Commission shall, at the request of the Agency, impose on an legal or natural person to whom it has issued a certificate, or who has made a declaration to it, in accordance with this Regulation, either one or both of the following:

Amendment 262

Proposal for a regulation
Article 72 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The amount of the fines shall not exceed 4 % of the annual income or turnover of the legal or natural person concerned. The amount of the periodic penalty shall not exceed 2.5 % of the average daily income or turnover of the legal or natural person concerned.

Amendment

The amount of the fines shall not exceed 4 % of the annual income or turnover achieved by the legal or natural person concerned through activities connected with the violation. The amount of the periodic penalty shall not exceed 2.5 % of the average daily income or turnover of the natural or legal person concerned.

Amendment 263

Proposal for a regulation
Article 72 – paragraph 3

Text proposed by the Commission

3. The Commission shall only impose fines and periodic penalty payments

Amendment

3. The Commission shall only impose fines and periodic penalty payments
pursuant to paragraph 1 when other measures provided for in this Regulation and in delegated acts adopted on the basis thereof to address such infringements are inadequate or disproportionate.

pursuant to paragraph 1 in cases where the infringements referred to in paragraph 1 affect the maintaining of safety or the protection of the environment and when other measures provided for in this Regulation and in delegated acts adopted on the basis thereof to address such infringements have proved to be insufficient or disproportionate.

Amendment 264

Proposal for a regulation
Article 73 – paragraph 2 – point d

Text proposed by the Commission

(d) examine, copy or make extracts from any document, record or data held by or accessible to those authorities and persons, irrespective of the medium on which the information in question is stored.

Amendment

(d) examine, copy or make extracts from any document, record or data, which is relevant for the purposes of the inspection or monitoring activity which is being carried out, and which is held by or accessible to those authorities and persons, irrespective of the medium on which the information in question is stored.

Amendment 265

Proposal for a regulation
Article 73 – paragraph 7

Text proposed by the Commission

7. The Agency shall publish a summary of information about the application by each Member State of the provisions of this Regulation and of the delegated and implementing acts adopted on the basis thereof. It shall include that information in the annual safety review referred to in Article 61(6).

Amendment

7. The Agency shall publish a summary of information about the application by each Member State of the provisions of this Regulation and of the delegated and implementing acts adopted on the basis thereof, including a summary of the results of the inspections the Agency carried out. It shall include that information in the annual safety review referred to in Article 61(6).
Article 73 a (new)

Text proposed by the Commission

Amendment

Article 73a

Common certification and oversight culture

The Agency shall play an active role in building a common certification and oversight culture and consistent authority practises in order to ensure that the objectives of Article 1 are fulfilled. To this end, and taking into consideration the results of its monitoring activities, the Agency shall carry out at least the following activities:

(a) organising a system of peer reviews of competent authorities with the aim of capability building and knowledge transfer

(b) providing the necessary coordination to enable personnel exchanges between national authorities

(c) consulting all the relevant stakeholders as necessary on progress achieved in monitoring.

Amendment 267

Proposal for a regulation

Article 74 – paragraph 1

Text proposed by the Commission

1. The Agency shall assist the Member States and the Commission in identifying key research themes in the field of civil aviation to contribute to ensuring consistency and coordination between publicly funded research and development and policies falling within the scope of this Regulation.

Amendment

1. The Agency shall help the Commission to identify priority research themes in order to contribute to the continuous progress of aviation safety and security and to facilitate the free movement of goods and persons, as well as improvements in the competitiveness of the Union’s aviation industry. In addition, the Agency shall assist the Member States and the Commission in identifying key research themes in the field of civil aviation, inter alia on safety, security, climate and environment protection,
contribute to ensuring consistency and coordination between publicly funded research and development and policies falling within the scope of this Regulation.

Amendment 268

Proposal for a regulation
Article 75 – paragraph 1

_text proposed by the Commission_

1. The measures taken by the Agency as regards emissions and noise, for the purpose of the certification of the design of products in accordance with Article 11, shall aim at preventing significant harmful effects on the environment and human health caused by the civil aviation activities concerned.

Amendment

1. The measures taken by the Agency as regards civil aviation aircraft emissions and noise, for the purpose of the certification of the design of products in accordance with Article 11 and in the framework of international standards and recommended practices, shall aim to prevent effects which have been shown to be significantly harmful to the climate, environment and human health caused by the civil aviation activities concerned giving due consideration to environmental benefits, technological feasibility and economic capacity.

Amendment 269

Proposal for a regulation
Article 75 – paragraph 2

_text proposed by the Commission_

2. The Member States, the Commission, the Agency and other Union institutions, bodies, offices and agencies shall, within their respective fields of competence, cooperate on environmental matters, including those addressed in Regulation (EC) No 1907/2006 of the European Parliament and of the Council, with a view to ensuring that interdependencies between environmental protection, human health and other technical domains of civil aviation are taken into account.

Amendment

2. The Member States, the Commission, the Agency and other Union institutions, bodies, offices and agencies shall, within their respective fields of competence, cooperate on environmental matters, including those addressed in Regulation (EC) No 1907/2006 of the European Parliament and of the Council, in Directive 2003/87/CE of the European Parliament and of the Council and in the REACH Regulation with a view to ensuring that interdependencies between climate and environmental protection, human health and other technical domains
of civil aviation are taken into account, and that due regard is given to environmental benefits, technical feasibility and economic capacity, as well as the framework of international standards and recommended practices.


Amendment 270

Proposal for a regulation

Article 75 – paragraph 3

Text proposed by the Commission

3. The Agency shall assist the Commission with the definition and coordination of civil aviation environmental protection policies and actions, in particular by conducting studies, simulations and providing technical advice.

Amendment

3. The Agency shall assist the Commission with the definition and coordination of civil aviation environmental protection policies and actions, in particular by conducting studies, simulations and providing technical advice in areas in which there are interdependencies with environmental protection, human health and other technical aspects of civil aviation.
Amendment 271

Proposal for a regulation
Article 75 – paragraph 4

**Text proposed by the Commission**

4. In order to inform interested parties and the general public, the Agency shall, every three years, publish an environmental review, which shall give an objective account of the state of environmental protection relating to civil aviation in the Union.

**Amendment**

4. In order to inform interested parties and the general public, the Agency shall, at least every three years, publish an environmental review, which shall give an objective account of the state of environmental protection relating to civil aviation in the Union. When preparing that review, the Agency shall primarily rely on information already available to Union institutions and bodies, as well as on publicly available information. The Agency shall also make recommendations with the aim of achieving a higher level of environmental protection performance, in accordance with international standards and recommended practices. In addition, the Agency shall make recommendations with the aim of avoiding gaps and overlaps in the system by ensuring the identification, planning, coordination and consistency of the different Union measures needed in this domain.

Amendment 272

Proposal for a regulation
Article 76 – title

**Text proposed by the Commission**

Aviation security

**Amendment**

Interdependencies between civil aviation safety and security

Amendment 273

Proposal for a regulation
Article 76 – paragraph 1

**Text proposed by the Commission**

1. The Member States, the

**Amendment**

1. The Agency, Member States and
Commission and the Agency shall cooperate on security matters related to civil aviation, including cyber security, with a view to ensuring that interdependencies between civil aviation safety and security are taken into account.

Amendment 274

Proposal for a regulation
Article 76 – paragraph 2

Text proposed by the Commission

2. The Agency shall, upon request, provide technical assistance to the Commission in the implementation of Regulation (EC) No 300/2008 of the European Parliament and of the Council\(^2\), including in the performance of security inspections and in the preparation of the measures to be adopted under that Regulation.

Amendment

2. Where interdependencies exist between civil aviation safety and security, the Agency shall, upon request, provide technical assistance to the Commission in the implementation of relevant provisions of Union legislation, including in the performance of security inspections related to aircraft, aerodromes and ATM safety systems, as well as in the preparation of the measures to be adopted under that Regulation.


Proposal for a regulation
Article 76 – paragraph 3

Text proposed by the Commission

3. To protect civil aviation against acts of unlawful interference, the Agency may take the necessary measures under Article 65(6) and Article 66(1)(i). Before taking such measures, the Agency shall obtain the agreement of the Commission and consult the Member States.

Amendment

3. In order to contribute to protecting civil aviation against acts of unlawful interference, the Agency shall, where necessary, react without undue delay to an urgent problem which is of common concern to Member States where interdependencies exist between civil aviation safety and security and where
that urgent problem falls within the scope of this Regulation.

To that end, the Agency may:

(a) take the necessary measures under Article 66(1)(i) to address vulnerabilities in aircraft design;

(b) determine corrective action to be taken by the national competent authorities or legal and natural persons, subject to the provisions of this Regulation by issuing binding directives or recommendations and disseminate relevant information to those authorities and persons, when the problem affects aircraft operation, including the risks to civil aviation arising from conflict zones.

Before taking the measures referred to in paragraphs 3(a) and 3(b), the Agency shall obtain the agreement of the Commission and consult the Member States. The Agency shall base these measures, where possible, on common Union risk assessments and take into account the need for a rapid reaction in emergency cases.

Amendment 276

Proposal for a regulation
Article 76 a (new)

Text proposed by the Commission

Article 76a

Socio-Economic Factors

1. The Member States, the Commission, the Agency and other bodies, shall cooperate with a view to ensuring that interdependencies between civil aviation safety and related socio-economic factors are taken into account, inter alia in regulatory procedures, as well as with a view of identifying measures to prevent socio-economic risks to aviation safety where they exist.
2. The Agency shall consult and involve relevant stakeholders when addressing such interdependencies.

3. The Agency shall, every three years, publish a review, which shall give an objective account of the actions and measures undertaken, in particular those addressing the interdependencies between civil aviation safety and socio-economic factors.

Amendment 277

Proposal for a regulation
Article 77 – paragraph 1

Text proposed by the Commission

1. The Agency shall, upon request, assist the Commission in its management of relations with third countries and international organisations relating to matters covered by this Regulation. Such assistance shall in particular contribute to the harmonisation of rules and the mutual recognition of certificates.

Amendment

1. The Agency shall assist the Commission in its management of relations with third countries and international organisations relating to matters covered by this Regulation. Such assistance shall in particular contribute to the harmonisation of rules and the mutual recognition of certificates and promote and protect the interests of the European aerospace industry.

Amendment 278

Proposal for a regulation
Article 77 – paragraph 2

Text proposed by the Commission

2. The Agency may cooperate with the competent authorities of third countries and with international organisations competent in matters covered by this Regulation. To this end, the Agency may, subject to prior approval by the Commission, establish working arrangements with those authorities and international organisations.

Amendment

2. The Agency may cooperate with the competent authorities of third countries and with international organisations competent in matters covered by this Regulation. To this end, the Agency may establish working arrangements with those authorities and international organisations.
Proposal for a regulation
Article 77 – paragraph 3

Amendment

3. The Agency shall assist Member States in respecting their obligations under international agreements relating to matters covered by this Regulation, in particular their obligations under the Chicago Convention.

Text proposed by the Commission

3. The Agency shall assist Member States in respecting their obligations under international agreements relating to matters covered by this Regulation, in particular their obligations under the Chicago Convention. In this respect, the Agency shall act as, and be granted the privileges of, a Regional Safety Oversight Organisation under the Chicago Convention.

Amendment 280

Proposal for a regulation
Article 77 – paragraph 6 a (new)

Text proposed by the Commission

6a. Where the Agency deems that its presence is necessary to support certification activities and work on other technical matters, within the scope of this Regulation, the Agency may, in consultation with the Commission, establish offices in those third countries and regions.

Amendment

In order to promote best practices and uniformity in the implementation of this Regulation and the measures adopted on the basis thereof, the Agency may provide training, including through external providers, to national competent authorities, competent authorities of third

In order to promote best practices and uniformity in the implementation of this Regulation and measures adopted on the basis thereof, the Agency may recognise training institutes, in accordance with the standards that it has set, for the purpose of delivering training to national
countries, international organisations, the legal and natural persons subject to the provisions of this Regulation and other interested parties. The Agency shall establish and publish in its official publication the conditions to be met by external training providers when used by the Agency for the purposes of this Article.

Proposal for a regulation
Article 80 – paragraph 1 – introductory part

Text proposed by the Commission

The Agency shall, upon request, provide technical assistance to the Commission, where the Agency has the relevant expertise, in the implementation of the Single European Sky, in particular by:

Amendment

Proposal for a regulation
Article 80 – paragraph 1 – point c

Text proposed by the Commission

(c) contributing to the implementation of the ATM Master Plan, including the development and deployment of the Single European Sky ATM Research (SESAR) programme.

Amendment

Proposal for a regulation
Article 81 – paragraph 4

Text proposed by the Commission

4. The Agency may establish local offices in the Member States, subject to their consent and in accordance with Article 91(4).

Amendment

4. The Agency may establish local offices in the Member States in accordance with Article 91(4) or, where appropriate, in third countries, in accordance with
Article 77 (6a).

Amendment 285

Proposal for a regulation
Article 85 – paragraph 2 – point l

Text proposed by the Commission

(l) take all decisions on the establishment of the internal structures of the Agency and, where necessary, their modifications;

Amendment 286

Proposal for a regulation
Article 85 – paragraph 2 – point p

Text proposed by the Commission

(p) adopt rules for the prevention and management of conflicts of interest in respect of its members, as well as of the members of the Board(s) of Appeal;

Amendment 287

Proposal for a regulation
Article 85 – paragraph 4

Text proposed by the Commission

4. The Management Board shall establish an advisory body representing the full range of interested parties affected by the work of the Agency, which it shall consult prior to making decisions in the fields referred to in paragraph 2(c), (e), (f) and (i). The Management Board may also decide to consult the advisory
other issues referred to in paragraphs 2 and 3. The Management Board shall not, in any case, be bound by the opinion of the advisory body.

Amendment 288

Proposal for a regulation
Article 86 – paragraph 1

*Text proposed by the Commission*

1. The Management Board shall be composed of representatives from Member States and from the Commission, all with voting rights. Each Member State shall appoint one member of the Management Board and one alternate who will represent the member in his or her absence. The Commission shall appoint **two representatives and their alternates**. The term of office for members and their alternates shall be four years. That term shall be extendable.

*Amendment*

1. The Management Board shall be composed of representatives from Member States and from the Commission, all with voting rights. Each Member State shall appoint one member of the Management Board and one alternate who will represent the member in his or her absence. The Commission shall appoint **one representative and one alternate**. The term of office for members and their alternates shall be four years. That term shall be extendable.

Amendment 289

Proposal for a regulation
Article 86 – paragraph 2

*Text proposed by the Commission*

2. Members of the Management Board and their alternates shall be appointed in light of their knowledge, recognised experience and commitment in the field of civil aviation, taking into account relevant managerial, administrative and budgetary expertise, which are to be used to further the objectives of this Regulation. **They shall have overall responsibility at least for civil aviation safety policy in their respective Member States.**

*Amendment*

2. Members of the Management Board and their alternates shall be appointed in light of their knowledge, recognised experience and commitment in the field of civil aviation, taking into account relevant managerial, administrative and budgetary expertise, which are to be used to further the objectives of this Regulation.
Proposal for a regulation
Article 86 – paragraph 5

Text proposed by the Commission

5. The advisory body referred to in Article 85(4) shall appoint four of its members to participate with observer status in the Management Board. They shall represent, as broadly as possible, the different views represented in the advisory body. The term of office shall be 24 months and shall be extendable once for a further 24 months.

Amendment

5. The advisory body referred to in Article 85(4) shall appoint four of its members to participate with observer status in the Management Board. They shall represent, as broadly as possible, the different views represented in the advisory body. The initial term of office shall be no more than 48 months but shall be extendable.

Amendment 291

Proposal for a regulation
Article 89 – paragraph 1

Text proposed by the Commission

1. Without prejudice to Articles 85(2)(c) and (d), and 92(7), the Management Board shall take decisions by majority of its members with voting rights. At the request of a member of the Management Board, the decision referred to in Article 85(2)(k) shall be taken by unanimity.

Amendment

1. Without prejudice to Articles 85(2)(c) and (d), and 92(7), the Management Board shall take decisions by majority of its members with voting rights.

Amendment 292

Proposal for a regulation
Article 90 – paragraph 2 – point c

Text proposed by the Commission

(c) without prejudice to the responsibilities of the Executive Director, as set out in Article 91, assist and advise him or her in the implementation of the decisions of the Management Board, with a view to reinforcing supervision of administrative and budgetary management.

Amendment

(c) without prejudice to the responsibilities of the Executive Director assist and advise him or her in the implementation of the decisions of the Management Board, with a view to reinforcing supervision of administrative and budgetary management.
Amendment 293

Proposal for a regulation
Article 90 – paragraph 3

Text proposed by the Commission

3. When necessary, because of urgency, the Executive Board may take certain provisional decisions on behalf of the Management Board, in particular on administrative management matters, including the suspension of the delegation of the appointing authority powers and budgetary matters. They shall be referred to the earliest meeting of the Management Board for confirmation.

Amendment

3. When necessary, because of urgency, the Executive Board may take certain provisional decisions on behalf of the Management Board, in particular on administrative management matters, including the suspension of the delegation of the appointing authority powers and budgetary matters. They shall be referred to the earliest meeting of the Management Board for confirmation. The decisions shall be taken by a majority of five of the seven members of the Executive Board. The Management Board may revoke those decisions by an absolute majority of the votes cast.

Amendment 294

Proposal for a regulation
Article 90 – paragraph 4

Text proposed by the Commission

4. The Executive Board shall be composed of the Chairperson of the Management Board, two representatives of the Commission and six other members appointed by the Management Board from among its members with the right to vote. The Chairperson of the Management Board shall also be the Chairperson of the Executive Board. The Executive Director shall take part in the meetings of the Executive Board, but shall not have the right to vote. The Advisory Board may appoint one of its members as observer.

Amendment

4. The Executive Board shall be composed of the Chairperson of the Management Board, one representative of the Commission and five other members appointed by the Management Board from among its members with the right to vote. The Chairperson of the Management Board shall also be the Chairperson of the Executive Board. The Executive Director shall take part in the meetings of the Executive Board, but shall not have the right to vote. The advisory body, referred to in Article 85(4), may appoint one of its members as an observer who shall not have the right to vote.
Amendment 295

Proposal for a regulation
Article 90 – paragraph 6

Text proposed by the Commission

6. The Executive Board shall hold at least one ordinary meeting every three months. In addition, it shall meet on the initiative of its Chairperson or at the request of its members.

Amendment

6. The Executive Board shall hold at least one ordinary meeting every three months. In addition, it shall meet on the initiative of its Chairperson, the Executive Director or at the request of one third of its members.

Amendment 296

Proposal for a regulation
Article 90 – paragraph 7

Text proposed by the Commission

7. The Management Board shall lay down the rules of procedure of the Executive Board.

Amendment

7. The Executive Board shall adopt its own rules of procedure.

Amendment 297

Proposal for a regulation
Article 91 – paragraph 3 – point l

Text proposed by the Commission

(l) preparing an action plan following up conclusions of internal or external audit reports and evaluations, as well as investigations by OLAF, and reporting on progress twice a year to the Commission and regularly to the Management Board and the Executive Board;

Amendment

(l) preparing an action plan following up conclusions of internal or external audit reports and evaluations, as well as investigations by OLAF, and reporting on progress twice a year to the Commission and regularly to the Management Board;

Amendment 298

Proposal for a regulation
Article 91 – paragraph 3 – point t a (new)
Amendment 299

Proposal for a regulation
Article 92 – paragraph 2 – subparagraph 3

Text proposed by the Commission
Before appointment, the candidate selected by the Management Board may be invited to make a statement before the competent committee of the European Parliament and to answer questions put by its members.

Amendment
Before appointment, the candidate selected by the Management Board shall be invited to make a statement before the competent committee of the European Parliament and to answer questions put by its members.

Amendment 300

Proposal for a regulation
Article 92 – paragraph 3

Text proposed by the Commission
3. The term of office of the Executive Director shall be five years. By the end of that period, the Commission shall undertake an assessment that takes into account an evaluation of the Executive Director's performance and the Agency's future tasks and challenges.

Amendment
3. The term of office of the Executive Director shall be five years. At the midway point and by the end of that period, the Commission shall undertake assessments that take into account an evaluation of the Executive Director's performance and the Agency's future tasks and challenges. Those assessments shall be transmitted to the competent committee of the European Parliament and after the mid-term assessment, the Executive Director shall make a statement before the competent committee of the European Parliament and shall answer questions put to him or her by its members.
Amendment 301
Proposal for a regulation
Article 93 – paragraph 1

Text proposed by the Commission

1. One or more Boards of Appeal shall be established as part of the administrative structure of the Agency. The Commission shall determine the number of Boards of Appeal and the work allocated to it or them through implementing acts which shall be adopted in accordance with the advisory procedure referred to in Article 116(2).

Amendment

1. The Commission shall adopt implementing acts establishing one Board of Appeal as part of the administrative structure of the Agency. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 116(2).

Amendment 302
Proposal for a regulation
Article 93 – paragraph 2

Text proposed by the Commission

2. The Board or Boards of Appeal shall be responsible for deciding on appeals against the decisions referred to in Article 97. The Board or Boards of Appeal shall be convened as necessary.

Amendment

2. The Board of Appeal shall be responsible for deciding on appeals against the decisions referred to in Article 97. The Board of Appeal shall be convened as necessary.

Amendment 303
Proposal for a regulation
Article 94 – paragraph 1

Text proposed by the Commission

1. A Board of Appeal shall consist of a Chairperson and two other members.

Amendment

1. The Board of Appeal shall consist of a Chairperson and two other members.

Amendment 304
Proposal for a regulation
Article 94 – paragraph 5
5. The Commission shall determine the qualifications required for the members of each Board of Appeal, their status and contractual relationship with the Agency, the powers of individual members in the preparatory phase of decisions and the voting conditions. The Commission shall do so through implementing acts which shall be adopted in accordance with the advisory procedure referred to in Article 116(2).

Amendment 305
Proposal for a regulation
Article 95 – paragraph 1

5. The Commission shall adopt implementing acts laying down the qualifications required for the members of the Board of Appeal, their status and contractual relationship with the Agency, the powers of individual members in the preparatory phase of decisions and the voting conditions. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 116(2).

Amendment 306
Proposal for a regulation
Article 95 – paragraph 2

1. The term of office of the members of a Board of Appeal, including the Chairperson and any alternates, shall be five years and shall be extendable for a further five years.

Amendment 307
Proposal for a regulation
Article 95 – paragraph 3

2. The members of a Board of Appeal shall be independent. In making their decisions they shall neither seek nor take instructions from any government or from any other body.
3. The members of a Board of Appeal shall not perform any other duties within the Agency. The members of a Board of Appeal may work on a part-time basis.

Amendment 308
Proposal for a regulation
Article 95 – paragraph 4

Text proposed by the Commission

4. The members of a Board of Appeal shall not be removed from office or from the list of qualified candidates during their term of office, unless there are serious grounds for such removal and the Commission, after having received the opinion of the Management Board, takes a decision to that effect.

Amendment 309
Proposal for a regulation
Article 96 – paragraph 1

Text proposed by the Commission

1. The members of a Board of Appeal shall not take part in any appeal proceedings if they have any personal interest therein, if they have previously been involved as representatives of one of the parties to the proceedings or if they participated in the adoption of the decision under appeal.

Amendment 310
Proposal for a regulation
Article 96 – paragraph 2
2. If, for one of the reasons listed in paragraph 1 or for any other reason, a member of a Board of Appeal considers that he or she should not take part in any appeal proceeding, he or she shall inform the Board of Appeal accordingly.

**Amendment 311**

**Proposal for a regulation**

**Article 96 – paragraph 3**

2. If, for one of the reasons listed in paragraph 1 or for any other reason, a member of the Board of Appeal considers that he or she should not take part in any appeal proceeding, he or she shall inform the Board of Appeal accordingly.

**Amendment 312**

**Proposal for a regulation**

**Article 97 – paragraph 1**

3. Any party to the appeal proceedings may object to any member of a Board of Appeal on any of the grounds given in paragraph 1, or if the member is suspected of partiality. Any such objection shall not be admissible if, while being aware of a reason for objecting, the party to the appeal proceedings has taken a procedural step. No objection may be based on the nationality of members.

**Amendment 313**

**Proposal for a regulation**

**Article 103 – paragraph 2**

2. Actions for the annulment of
decisions of the Agency taken pursuant to Articles 53, 54, 55, 66, 67, 68, 69, 70, 71 or 115 may be brought before the Court of Justice of the European Union only after all appeal procedures within the Agency have been exhausted.

Amendment 314

Proposal for a regulation
Article 104 – paragraph 1 – subparagraph 2 – point b

Text proposed by the Commission

(b) *whenever necessary*, involve experts from relevant interested parties or draw on expertise from the relevant European standardisation bodies or other specialised bodies;

Amendment

(b) involve experts from relevant interested parties or draw on expertise from the relevant European standardisation bodies or other specialised bodies;

Amendment 315

Proposal for a regulation
Article 104 – paragraph 2

2. When the Agency, pursuant to Article 65(1) and (3), develops opinions, certification specifications, acceptable means of compliance and guidance material, it shall establish a procedure for the prior consultation of the Member States. To that effect, it may create a working group in which each Member State is entitled to designate an expert. When consultation relating to military aspects is required, the Agency shall also involve the European Defence Agency. When consultation relating to the possible social impact of those measures of the Agency is required, the Agency shall involve stakeholders, *including the EU social partners*.

Text proposed by the Commission

2. When the Agency, pursuant to Article 65(1) and (3), develops opinions, certification specifications, acceptable means of compliance and guidance material, it shall establish a procedure for the prior consultation of the Member States. To that effect, it may create a working group in which each Member State is entitled to designate an expert. When consultation relating to military aspects is required, the Agency shall also involve the European Defence Agency and *other competent military experts*. When consultation relating to the possible social, *workplace health and safety* impact of those measures of the Agency is required, the Agency shall involve *Union social partners and other relevant* stakeholders.
Amendment 316

Proposal for a regulation
Article 108 – paragraph 2

**Text proposed by the Commission**

2. The Agency may engage in communication activities on its own initiative within its field of competence. It shall ensure in particular that, in addition to the publication specified in Article 104(3), the general public and any interested party are rapidly given objective, reliable and easily understandable information with regard to its work. **The Agency shall ensure that the allocation of its resources to communication activities shall not be detrimental to the effective exercise of the tasks referred to in Article 64.**

Amendment 317

Proposal for a regulation
Article 109 – paragraph 1 – introductory part

**Text proposed by the Commission**

1. **Without** prejudice to other revenues, the revenues of the Agency shall comprise:

Amendment 318

Proposal for a regulation
Article 109 – paragraph 1 – point c a (new)

**Text proposed by the Commission**

(c) the fines and the periodical penalties paid in accordance with Article 72;
Amendment 319

Proposal for a regulation
Article 109 – paragraph 1 – point f

Text proposed by the Commission

(f) charges paid in accordance with Regulation (EU) No (XXXX/XXX) on the implementation of the Single European Sky for relevant ATM/ANS authority tasks;

Amendment

(f) revenue from charges paid in accordance with Regulation (EC) No 550/2004 on the provision of air navigation services and its implementing rules (XXXX/XXX) on the implementation of the Single European Sky to cover the costs of relevant ATM/ANS authority tasks performed by the Agency;

Amendment 320

Proposal for a regulation
Article 109 – paragraph 1 a (new)

Text proposed by the Commission

1a. For the purpose of paragraph 1(f), relevant ATM/ANS authority tasks are those that the Member States have considered for the establishment of determined costs under Regulation (EC)No 550/2004, that have been attributed to the Agency under this Regulation, and that are not covered by fees paid pursuant to paragraph 1(c). Those tasks include, but are not limited to, those specified in Articles 65 (1), (2), (3), (5) and (6), and 73 of this Regulation.

Amendment

1b. The provisions of paragraph 1 (f) shall apply under the oversight of Performance Review Body, in a transparent manner and shall not lead to
airspace users being charged twice.

Amendment 322
Proposal for a regulation
Article 109 – paragraph 4

Text proposed by the Commission

4. Regulatory budgets, the fees set and collected for certification activities and charges levied by the Agency shall be dealt with separately in the Agency's accounts.

Amendment

4. Regulatory budgets, the fees set and collected for certification activities, the charges levied by the Agency, the fines and the periodical penalties and the charges mentioned at paragraph 1(f) shall be dealt with separately in the Agency's accounts.

Amendment 323
Proposal for a regulation
Article 109 – paragraph 5

Text proposed by the Commission

5. The Agency shall adapt its staff planning and management of resources related to fees and charges in a manner that enables it to swiftly respond to fluctuations in revenue from fees and charges.

Amendment

5. The Agency shall, during the financial year, adapt its staff planning and management of resources related to revenues mentioned in paragraph 4 of this Article in a manner that enables it to swiftly respond to work load and fluctuations of these revenues.

Amendment 324
Proposal for a regulation
Article 109 – paragraph 6

Text proposed by the Commission

6. Each year, the Executive Director shall draw up a draft statement of estimates of the Agency's revenue and expenditure for the following financial year, including a draft establishment plan, and send it to the Management Board. That draft establishment plan shall, in relation to

Amendment

6. Each year, the Executive Director shall draw up a draft statement of estimates of the Agency's revenue and expenditure for the following financial year, including a draft establishment plan, and send it to the Management Board. That draft establishment plan shall, in relation to
posts financed from *fees and charges*, be based on a limited set of indicators approved by the Commission to measure the Agency's workload and efficiency, and shall set out the resources required to meet demands for certification and other activities of the Agency in an efficient and timely manner, including those resulting from transfers of responsibility in accordance with Articles 53, 54 and 55. The Management Board shall, on the basis of that draft, adopt a provisional draft estimate of revenue and expenditure of the Agency for the following financial year. The provisional draft estimate of the Agency's revenue and expenditure shall be sent to the Commission by 31 January each year.

Amendment 325

**Proposal for a regulation**

**Article 109 – paragraph 6 a (new)**

*Text proposed by the Commission*

6a. The corresponding part of the draft establishment plan, mentioned at paragraph 6, which refers to budget revenues in accordance with paragraph 4 and to corresponding posts, shall not take into account the Interinstitutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management regarding reduction of budget and posts.

Amendment 326
**Proposal for a regulation**

**Article 109 – paragraph 10**

*Text proposed by the Commission*

10. The budgetary authority shall authorise appropriations for the contribution to the Agency and shall adopt the establishment plan of the Agency.

*Amendment*

10. The budgetary authority shall authorise appropriations for the contribution to the Agency and shall adopt the establishment plan of the Agency, taking into account the indicators related to Agency workload and efficiency referred to in paragraph 6.

**Amendment 327**

**Proposal for a regulation**

**Article 110 – paragraph 10**

*Text proposed by the Commission*

10. The European Parliament, on a recommendation from the Council acting by a qualified majority, shall, before 15 May of year N + 2, give a discharge to the Executive Director in respect of the implementation of the budget for year N.

*Amendment*

10. The European Parliament, on a recommendation from the Council acting by a qualified majority, shall, before 15 May of year N + 2, decide on the discharge to the Executive Director in respect of the implementation of the budget for year N.

**Amendment 328**

**Proposal for a regulation**

**Article 113 – paragraph 1**

*Text proposed by the Commission*

1. Not later than [five years after the date referred to in Article 127 – OP please insert the exact date], and every five years thereafter, the Commission shall commission an evaluation in compliance with the Commission guidelines to assess the Agency's performance in relation to its objectives, mandate and tasks. The evaluation shall, in particular, address the possible need to modify the mandate of the Agency, and the financial implications of any such modification.

*Amendment*

1. Not later than [three years after the date referred to in Article 127 – OP please insert the exact date], and every five years thereafter, the Commission shall commission an evaluation in compliance with the Commission guidelines to assess the Agency's performance in relation to its objectives, mandate and tasks and the impact of this Regulation. The evaluation shall, in particular, address the possible need to modify the mandate of the Agency, and the financial implications of any such modification. The evaluation shall take into account the views of stakeholders at
both Union and national level.

Amendment 329

Proposal for a regulation
Article 113 – paragraph 3

Text proposed by the Commission

3. The Commission shall forward the evaluation findings together with its conclusions, to the European Parliament, the Council and the Management Board. The findings of the evaluation shall be made public.

Amendment

3. The Commission shall forward the evaluation findings together with its conclusions, to the European Parliament, the Council and the Management Board. The findings of the evaluation and the recommendations shall be made public.

Amendment 330

Proposal for a regulation
Article 117 – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Article 2(3)(d), Article 18, Article 25, Article 28, Article 34, Article 39, Article 44, Article 47, Article 50, Article 51(10), Article 52(5), Article 72(4) and Article 115(1) shall be conferred on the Commission for an indeterminate period of time.

Amendment

2. The power to adopt delegated acts referred to in Article 2(3)(d), Article 18, Article 25, Article 28, Article 34, Article 39, Article 44, Article 47, Article 50, Article 51(10), Article 52(5), Article 64 (fa), Article 72(4) and Article 115(1) shall be conferred on the Commission for an indeterminate period of time.

Amendment 331

Proposal for a regulation
Article 117 – paragraph 5

Text proposed by the Commission

5. A delegated act adopted pursuant to Article 2(3)(d), Article 18, Article 25, Article 28, Article 34, Article 39, Article 44, Article 47, Article 50, Article 51(10), Article 52(5), Article 72(4) and Article 115(1) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within

Amendment

5. A delegated act adopted pursuant to this Regulation shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European
a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

Amendment 332

Proposal for a regulation
Article 119 – paragraph 1

Text proposed by the Commission

1. The necessary arrangements concerning the accommodation to be provided for the Agency in the host Member State and the facilities to be made available by that Member State together with the specific rules applicable in the host Member State to the Executive Director, members of the Management Board, Agency staff and members of their families shall be laid down in a Headquarters Agreement between the Agency and Member State where the seat is located, concluded after obtaining the approval of the Management Board and no later than [OP Please insert the exact date - two years after entry into force of this Regulation].

Amendment 333

Proposal for a regulation
Article 122

Text proposed by the Commission

Regulation (EC) No 216/2008 is repealed.

References to Regulation (EC) No 216/2008 shall be construed as references to this Regulation and read in accordance with the correlation table in Annex X.

Amendment

Regulation (EC) No 216/2008 is repealed.

Regulation (EC) No 552/2004 is repealed, however:
(a) Articles 5, 6 and 6a and Annexes III and IV of that Regulation, shall continue to apply for the purposes of declarations until the entry into force of the respective delegated acts which are referred to in Article 39 of this Regulation;

(b) Articles 4 and 7 of that Regulation, shall continue to apply until the entry into force of the respective delegated acts which are referred to in Article 39 of this Regulation.

References to the repealed Regulations shall be construed as references to this Regulation and read in accordance with the correlation table in Annex X.

Amendment 334

Proposal for a regulation
Article 123 – paragraph 1 – point 1
Regulation (EC) No 1008/2008
Article 4 – point b

Text proposed by the Commission

(b) it holds a valid AOC issued by a national authority of a Member State or by the European Union Aviation Safety Agency;

Amendment

(b) it holds a valid AOC issued by a national authority of a Member State or by the European Union Aviation Agency;

Amendment 335

Proposal for a regulation
Article 123 – paragraph 1 – point 4
Regulation (EC) No 1008/2008
Article 13

Text proposed by the Commission

4. Article 13 is amended as follows: deleted

(a) paragraph 2 is replaced by the following:

2. A dry lease agreement to which a Community air carrier is a party or a wet lease agreement under which the Community air carrier is the lessee of the
wet-leased aircraft operated by a third country operator shall be subject to prior approval in accordance with Regulation (EU) No [XX/XXX reference to this Regulation to be inserted] and the delegated and implementing acts adopted on the basis thereof.

(b) the following paragraph 5 is added:

5. A Community air carrier dry leasing aircraft registered in a third country shall obtain prior approval from the authority competent for its AOC. The competent authority shall grant an approval in accordance with Regulation (EU) No [XX/XXX reference to this Regulation to be inserted] and the delegated and implementing acts adopted on the basis thereof.

Amendment 336

Proposal for a regulation
Article 125 – paragraph 1
Regulation (EU) No 376/2014
Article 3 – paragraph 2 – subparagraph 2

Text proposed by the Commission

However, this Regulation shall not apply to occurrences and other safety-related information involving unmanned aircraft for which a certificate or declaration is not required pursuant to Article 46(1) and (2) of Regulation (EU) YYYY/N [ref. to new regulation], unless the occurrence or other safety-related information involving such unmanned aircraft resulted in a fatal or serious injury to a person or it involved aircraft other than unmanned aircraft.

Amendment 337

Proposal for a regulation
Article 126 – paragraph 2 a (new)

However, this Regulation shall not apply to occurrences and other safety-related information involving unmanned aircraft for which a certificate or declaration is not required pursuant to Article 46(1) and (2) of Regulation (EU) YYYY/N [ref. to new regulation], unless the occurrence or other safety-related information involving such unmanned aircraft resulted in, or could have resulted in, a fatal or serious injury to a person or it involved aircraft other than unmanned aircraft.
2a. By ...[three years after the entry into force of this Regulation] the Agency shall make recommendations to the Commission, in connection with Article 65(1), on airworthiness and pilot licensing with respect to light sport aircraft having a maximum take-off mass of not more than 600 kg for aircraft not intended to be operated on water or 650 kg for aircraft intended to be operated on water. Those recommendations shall be proportionate, taking into account the objectives and principles set out in Articles 1 and 4, the nature and risk of the activity concerned, and provide for interoperability with comparable standards existing in important third-country markets.

Proposal for a regulation
Article 126 – paragraph 2 b (new)

2b. By ...[three years after entry into force of this Regulation] the Agency shall issue guidance material for voluntary use by Member States to support the development of proportionate national rules concerning the design, production, maintenance and operation of aircraft listed in Annex I.

Proposal for a regulation
Annex I – paragraph 1 – introductory part

Categories of aircraft to which the Regulation does not apply:

Categories of manned aircraft to which the Regulation does not apply:
Proposal for a regulation
Annex I – paragraph 1 – point c

Text proposed by the Commission
(c) manned aircraft at least 51% of which is built by an amateur, or a non-profit making association of amateurs, for their own purposes and without any commercial objective;

Amendment
341

Proposal for a regulation
Annex I – paragraph 1 – point e

Text proposed by the Commission
(e) aeroplanes having the stall speed or the minimum steady flight speed in landing configuration not exceeding 35 knots calibrated air speed (CAS) and having no more than two seats, as well as helicopters and powered parachutes having no more than two seats, that have a maximum take-off mass (MTOM), as recorded by the Member States, of no more than:

Amendment
(e) aircraft having measurable stall speed or the minimum steady flight speed in landing configuration not exceeding 45 knots calibrated air speed (CAS) and having no more than two seats, as well as helicopters, gyroplanes, balloons and powered parachutes having no more than two seats, that have a maximum take-off mass (MTOM) of no more than 600 kg for aircraft not intended to be operated on water or 650 kg for aircraft intended to be operated on water, and an empty mass, excluding fuel, of no more than 350 kg, as recorded by the Member States;

(i) 300 kg for a land plane/helicopter, single-seater;
(ii) 450 kg for a land plane/helicopter, two-seater;
(iii) 330 kg for an amphibian or floatplane/helicopter single-seater;
(iv) 495 kg for an amphibian or floatplane/helicopter two-seater, provided that, where operating both as a floatplane/helicopter and as a land plane/helicopter, it falls below both MTOM limits, as appropriate;
(v) 472.5 kg for a land plane, two-seater equipped with an airframe mounted
total recovery parachute system;
(vi) 540 kg for a land plane, two-seater equipped with an airframe mounted total recovery parachute system and equipped with electric propulsion system;
(vii) 315 kg for a land plane single-seater equipped with an airframe mounted total recovery parachute system;
(viii) 365 kg for a land plane single-seater equipped with an airframe mounted total recovery parachute system and equipped with electric propulsion system;

Amendment 342

Proposal for a regulation
Annex I – paragraph 1 – point f

Text proposed by the Commission

Amendment

(f) single and two-seater gyroplanes with a MTOM not exceeding 560 kg;

deleted

Amendment 343

Proposal for a regulation
Annex I – paragraph 1 – point g

Text proposed by the Commission

Amendment

(g) sailplanes and powered sailplanes with a MTOM, of no more than 250 kg when single-seater or 400 kg when two-seater, including those which are foot launched;

deleted;

Amendment 344

Proposal for a regulation
Annex I – paragraph 2 a (new)

Text proposed by the Commission

Amendment

The rules on airworthiness issued by national competent authorities shall be proportionate, taking into account the
objectives and principles set out in Articles 1 and 4, with the nature and risk of the activity concerned, based on and provide for interoperability with comparable standards existing in international markets and take in account the guidelines issued by the Agency in accordance with Article 126 (2b). The certificates issued based on those rules shall be mutually recognised on the territory to which the Treaties apply;

Amendment 345

Proposal for a regulation
Annex II – point 1 – introductory part

Text proposed by the Commission

Product integrity must be assured for all anticipated flight conditions for the operational life of the aircraft. Compliance with all requirements must be shown by assessment or analysis, supported, where necessary, by tests.

Amendment 346

Proposal for a regulation
Annex II – point 1 – point 1.3 – point 1.3.5 a (new)

Text proposed by the Commission

Product integrity, including protection against information security threats, must be assured for all anticipated flight conditions for the operational life of the aircraft. Compliance with all requirements must be shown by assessment or analysis, supported, where necessary, by tests.

Amendment 347

Proposal for a regulation
Annex II – point 1 – point 1.4 – point 1.4.3

Text proposed by the Commission

1.3.5a. The aircraft shall be equipped with systems for continuous flight tracking and recording of flight data. All flight data, including cockpit voice recordings shall be downloaded to a ground database in real time.
Text proposed by the Commission

1.4.3. Non-installed equipment must **be designed to minimise** errors which could contribute to the creation of hazards.

Amendment

1.4.3. Non-installed equipment must **not introduce** errors that contribute to the creation of hazards.

Proposal for a regulation
Annex II – point 2 – point 2.1 – introductory part

Text proposed by the Commission

2.1. The following must be shown to have been addressed to ensure a **satisfactory** level of safety for those on board or on the ground during the operation of the product:

Amendment

2.1. The following must be shown to have been addressed to ensure a **high, uniform** level of safety for those on board or on the ground during the operation of the product:

Amendment 349
Proposal for a regulation
Annex III – point 1

Text proposed by the Commission

1. Products must be designed to **be as quiet as possible**, taking into account point 4.

Amendment

1. Products must be designed to **minimise noise, in compliance with relevant Union law and international standards and recommended practices**, taking into account point 4.

Amendment 350
Proposal for a regulation
Annex III – point 2

Text proposed by the Commission

2. Products must be designed to minimize emissions **to the extent possible** taking into account point 4.

Amendment

2. Products must be designed to minimize emissions **in compliance with Union law and international standards and recommended practices**, taking into account point 4.

Amendment 351
Proposal for a regulation
Annex III – point 3

**Text proposed by the Commission**

3. Products must be designed to minimise the emissions arising from the evaporation or discharge of fluids, taking into account point 4.

**Amendment**

3. Products must be designed to minimise the emissions arising from the evaporation or discharge of fluids, taking into account technical feasibility, economic equitableness and point 4.

Amendment 352

Proposal for a regulation
Annex IV – point 3 – point 3.1 – point 3.1.1

**Text proposed by the Commission**

All pilots must periodically demonstrate medical fitness to satisfactorily execute their functions, taking into account the type of activity. Compliance must be shown by appropriate assessment based on aero-medical best practice, taking into account the type of activity and the possible mental and physical degradation due to age.

**Amendment**

All pilots must be mentally and physically fit to safely execute their functions, taking into account the type of activity, and the possible mental and physical degradation, in particular due to age. This shall be determined by a risk-based assessment.

Amendment 353

Proposal for a regulation
Annex V – point 1 – point 1.5

**Text proposed by the Commission**

1.5. All necessary data, documents, records and information to record the respect of the conditions specified in point 5.3 must be retained for each flight and kept available for a minimum period of time compatible with the type of operation.

**Amendment**

1.5. All necessary data, documents, records and information to record the respect of the conditions specified in point 5.3 must be retained for each flight and kept available and protected against unauthorised modification for a minimum period of time compatible with the type of operation.

Amendment 354
4.2. Notwithstanding 4.1., for operations with helicopters a momentary flight through the limiting height velocity envelope may be permitted, provided that an adequate level of safety is ensured.

**Amendment 355**

**Proposal for a regulation**

**Annex V – point 6 – point 6.4**

4.2. Notwithstanding 4.1., for operations with helicopters a momentary flight through the limiting height velocity envelope may be permitted, provided that a high, uniform level of safety is ensured.

**Text proposed by the Commission**

6.4. Records necessary to demonstrate the airworthiness and environmental compatibility status of the aircraft must be kept for the period of time corresponding to the applicable continuing airworthiness requirements, until the information contained has been superseded by new information equivalent in scope and detail but in any event not less than 24 months.

6.4. Records necessary to demonstrate the airworthiness and environmental compatibility status of the aircraft must be kept and protected against unauthorised modification for the period of time corresponding to the applicable continuing airworthiness requirements, until the information contained has been superseded by new information equivalent in scope and detail but in any event not less than 24 months.

**Amendment 356**

**Proposal for a regulation**

**Annex V – point 6 – point 6.5**

6.5. All modifications and repairs must comply with the essential requirements for airworthiness and, if applicable, the environmental compatibility of products. The substantiating data supporting compliance with the airworthiness requirements and requirements for the environmental compatibility of products must be retained.

6.5. All modifications and repairs must comply with the essential requirements for airworthiness and, if applicable, the environmental compatibility of products. The substantiating data supporting compliance with the airworthiness requirements and requirements for the environmental compatibility of products must be retained and protected against unauthorised modification.
7.2. The pilot in command must have the authority to give all commands and take any appropriate actions for the purpose of securing the operation and the safety of the aircraft and of persons and/or property carried therein. The pilot must be able to exercise this authority without any interference.

(b) the operator must use only suitably qualified and trained personnel and implement and maintain training and checking programmes for the crew members and other relevant personnel; the operator must provide crew members with the training and carry out the checks that are needed to ensure the currency of their licenses and for them to obtain and maintain their license ratings and the experience that they need to operate the aircraft in which they perform their duties. Without prejudice to the right of operators to implement proportionate systems that ensure a return on operators’ training investments, crewmembers shall not operate an aircraft in commercial service while having to pay directly to the operator or indirectly to third parties for training that is necessary for the maintenance of their license and of the ratings required for the operation of the operator's aircraft.
Amendment 359

Proposal for a regulation
Annex VI – point 2

Text proposed by the Commission

2. The entity and the staff responsible for the certification and oversight tasks must carry out their duties with the greatest possible professional integrity and the greatest possible technical competence and must be free of any pressure and incentive, in particular of a financial type, which could affect their judgment or the results of their certification and oversight tasks, in particular from persons or groups of persons affected by these results.

Amendment

2. The entity and the staff responsible for the certification and oversight tasks must carry out their duties with the greatest possible professional integrity and the greatest possible technical competence and must be free of any pressure and incentive of any type, in particular of a financial type, which could affect their judgment and decisions or the results of their certification and oversight tasks, in particular from persons or groups of persons affected by these results.

Amendment 360

Proposal for a regulation
Annex VII – point 1 – point 1.4 – point 1.4.2

Text proposed by the Commission

1.4.2. The data shall be accurate, readable, complete and unambiguous. Appropriate integrity levels shall be maintained.

Amendment

1.4.2. The data shall be accurate, readable, complete and unambiguous. Authenticity and appropriate integrity levels shall be maintained.

Amendment 361

Proposal for a regulation
Annex VII – point 2 – point 2.1 – point k

Text proposed by the Commission

(k) the aerodrome operator shall use only trained and qualified personnel for aerodrome operations and maintenance and shall ensure, directly or through agreements with third parties, the implementation and maintenance of training and checking programmes to ensure the continuing competence of all relevant personnel;

Amendment

(k) the aerodrome operator shall use only trained and qualified personnel for aerodrome operations and maintenance and shall ensure, directly or through arrangements with third parties, the implementation, maintenance of training and checking programmes to ensure the continuing competence of all relevant personnel. The training shall include theoretical and practical training and be
amended by instructors and assessors who have adequate relevant experience, qualifications and competence to perform such duties;
Amendment 364

Proposal for a regulation
Annex VII – point 4 – point 4.1 – point g – point 2 (new)

*Text proposed by the Commission*

2) the provider shall ensure that its personnel periodically demonstrate their medical fitness, comprising both physical and mental fitness, to execute their functions satisfactorily, taking into account the type of activity and in particular its potential safety and safety-related security impact.

Amendment 365

Proposal for a regulation
Annex VIII – point 1 – point 1.2 a (new)

*Text proposed by the Commission*

1.2a. A minimum level of service shall be defined to ensure the continuity of ATM/ANS provision, in the event of unforeseen circumstances or service disruption, by establishing advance arrangements between Member States and between air navigation service providers. Such minimum service levels shall safeguard services at least to any emergency and security services, public health related missions, diplomatic flights as well as to flights, which are not destined to, nor originate from an airport in that Member State. Consideration shall also be given to ensuring that the disruption does not cause congestion or safety risks in neighbouring States airspace and that all airspace users are treated in a fair manner, when providing access to airspace and services.

Amendment 366

Proposal for a regulation
Annex VIII – point 2 – point 2.1 – point 2.1.2
Text proposed by the Commission
2.1.2. Aeronautical information shall be accurate, complete, current, unambiguous and be of adequate integrity in a suitable format for users.

Amendment
2.1.2. Aeronautical information shall be accurate, complete, current, unambiguous authentic, and of adequate integrity, as well as in a format suitable for users.

Proposal for a regulation
Annex VIII – point 2 – point 2.2 – point 2.2.2

Text proposed by the Commission
2.2.2. To the extent possible, aeronautical meteorological information shall be precise, complete, current, be of adequate integrity and unambiguous in order to meet the needs of airspace users.

Amendment
2.2.2. To the extent possible, aeronautical meteorological information shall be precise, complete, current, authentic, of adequate integrity and unambiguous in order to meet the needs of airspace users.

Amendment 368
Proposal for a regulation
Annex VIII – point 2 – point 2.4

Communication services shall achieve and maintain sufficient performance with regard to their availability, integrity, continuity and timeliness. They shall be expeditious and protected from corruption.

Amendment
Communication services shall achieve and maintain sufficient performance with regard to their availability, integrity, continuity and timeliness. They shall be expeditious and protected from corruption and interference.

Amendment 369
Proposal for a regulation
Annex VIII – point 2 – point 2.5

Navigation services shall achieve and maintain a sufficient level of performance with regard to guidance, positioning and, when provided, timing information. The performance criteria include accuracy, integrity, availability and continuity of the

Amendment
Navigation services shall achieve and maintain a sufficient level of performance with regard to guidance, positioning and, when provided, timing information. The performance criteria include accuracy, integrity, authenticity, availability and
service. continuity of the service.

Amendment 370

Proposal for a regulation
Annex VIII – point 2 – point 2.6

**Text proposed by the Commission**

Surveillance services shall determine the respective position of aircraft in the air and of other aircraft and ground vehicles on the aerodrome surface, with sufficient performance with regard to their accuracy, integrity, continuity and probability of detection.

**Amendment**

Surveillance services shall determine the respective position of aircraft in the air and of other aircraft and ground vehicles on the aerodrome surface, with sufficient performance with regard to their accuracy, integrity, **authenticity**, continuity and probability of detection.

Amendment 371

Proposal for a regulation
Annex VIII – point 2 – point 2.7

**Text proposed by the Commission**

The tactical management of air traffic flows at Union level shall use and provide sufficiently precise and current information of the volume and nature of the planned air traffic affecting service provision and shall coordinate and negotiate re-routing or delaying traffic flows in order to reduce the risk of overloading situations occurring in the air or at the aerodromes. Flow management shall be performed with a view to optimising available capacity in the use of airspace and enhancing air traffic flow management processes. It shall be based on safety, transparency and efficiency, ensuring that capacity is provided in a flexible and timely manner, consistent with the European Air Navigation Plan.

**Amendment**

The tactical management of air traffic flows at Union level shall use and provide sufficiently precise, **authentic** and current information of the volume and nature of the planned air traffic affecting service provision and shall coordinate and negotiate re-routing or delaying traffic flows in order to reduce the risk of overloading situations occurring in the air or at the aerodromes. Flow management shall be performed with a view to optimising available capacity in the use of airspace and enhancing air traffic flow management processes. It shall be based on safety, transparency and efficiency, ensuring that capacity is provided in a flexible and timely manner, consistent with the European Air Navigation Plan.
Text proposed by the Commission

ATM/ANS systems and constituents providing related information to and from the aircraft and on the ground shall be properly designed, manufactured, installed, protected against unauthorised electronic interference and maintained and operated to ensure that they are fit for their intended purpose.

Proposal for a regulation
Annex VIII – point 6 – point 6.2 a (new)

Text proposed by the Commission

6.2a. Personnel involved in safety related duties for the provision of air traffic management / air navigation services must be trained and checked on a regular basis to attain and maintain an adequate level of competency in order to perform their assigned safety duties.

Proposal for a regulation
Annex IX – point 1 – point a

Text proposed by the Commission

(a) A person operating the unmanned aircraft must be aware of the applicable Union and national rules relating to the intended operations, in particular with regard to safety, privacy, data protection, liability, insurance, security or environmental protection. The person must be able to ensure the safety of operation and safe separation of the unmanned aircraft from people on the ground and from other airspace users. This includes being familiar with the operating instructions provided by the manufacturer and with all relevant functionalities of the unmanned aircraft and applicable rules of

Amendment

ATM/ANS systems and constituents providing related information to and from the aircraft and on the ground shall be properly designed, manufactured, installed, maintained and operated to ensure that they are fit for their intended purpose.

Amendment

Proposal for a regulation
Annex IX – point 1 – point a

Text proposed by the Commission

(a) A remote pilot must be aware of the applicable Union and national rules relating to the intended operations, in particular with regard to safety, privacy, data protection, liability, insurance, security and environmental protection. The remote pilot must be able to ensure the safety of operation and safe separation of the unmanned aircraft from people on the ground and from other airspace users. This includes good knowledge of the operating instructions provided by the manufacturer, of safe and environmentally-friendly use of unmanned aircraft in the airspace, and of all relevant functionalities of the
the air and ATM/ANS procedures.

unmanned aircraft and applicable rules of the air and ATM/ANS procedures.

Amendment 375

Proposal for a regulation
Annex IX – point 1 – point b

Text proposed by the Commission

(b) An unmanned aircraft must be designed and constructed so that it is fitted for its function, and can be operated, adjusted and maintained without putting persons at risk when these operations are carried out under the conditions for which the aircraft was designed.

Amendment

(b) An unmanned aircraft must be designed and constructed so that it is fitted for its function, and can be operated, adjusted and maintained without putting persons at risk.

Amendment 376

Proposal for a regulation
Annex IX – point 1 – point c

Text proposed by the Commission

(c) If necessary to mitigate risks pertaining to safety, privacy, protection of personal data, security or the environment, arising from the operation, the unmanned aircraft must have the corresponding and specific features and functionalities which take into account the principles of privacy and protection of personal data by design and by default. According to the needs those features and functionalities must ensure easy identification of the aircraft and of the nature and purpose of the operation; and must ensure that applicable limitations, prohibitions or conditions be complied with, notably with respect to the operation in particular geographical zones, beyond certain distances from the operator or at certain altitudes.

Amendment

(c) To mitigate risks pertaining to safety, privacy, protection of personal data, security or the environment, arising from the operation, the unmanned aircraft must have the corresponding and specific features and functionalities which take into account the principles of privacy and protection of personal data by design and by default. Those features and functionalities must ensure easy identification of the aircraft and of the nature and purpose of the operation; and must ensure that applicable limitations, prohibitions or conditions are complied with, including detect and avoid systems, notably with respect to the operation in particular geographical zones (such as chemical and nuclear power plants, industrial sites and aerodromes), beyond certain distances from the operator or at certain altitudes.
Proposal for a regulation
Annex IX – point 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) The registration system mentioned at Article 47(1)(fa) shall respect data protection and privacy, including Directive 95/46/EC on data protection, the right to the protection of private life enshrined in Article 7 of the Charter of Fundamental Rights of the EU (CFR), the right to the protection of personal data enshrined in Article 8 of the Charter of Fundamental Rights of the EU and Article 16 of the Treaty on the Functioning of the European Union (TFEU). The registration system must ensure that privacy and data protection guarantees are embedded in line with the principles of necessity and proportionality.

Amendment 378

Proposal for a regulation
Annex IX – point 2 – introductory part

Text proposed by the Commission

Amendment

The following requirements must be met to ensure a satisfactory level of safety for people on the ground and other airspace users during the operation of the unmanned aircraft, taking into account the level of risk of the operation as necessary:

Amendment 379

Proposal for a regulation
Annex IX – point 2 – point 2.1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) In order to ensure a culture of safety and environmentally friendliness for the user, all unmanned aircraft products shall be accompanied by leaflets and the main information contained in
those leaflets shall be restated in all forms of publicity, including the internet;

Amendment 380

Proposal for a regulation
Annex IX – point 2 – point 2.3

Text proposed by the Commission

A person operating an unmanned aircraft shall possess the required knowledge and skills necessary to ensure the safety of the operation and proportionate to the risk associated with the type of operation. This person shall also demonstrate medical fitness, if this is necessary to mitigate the risks involved in the operation concerned.

Amendment

A remote pilot shall possess the required knowledge and skills necessary to ensure the safety of the operation and proportionate to the risk associated with the type of operation. For operations of a commercial nature and operations for which a certificate or declaration is required, the remote pilot shall, upon application, be issued with an unmanned aircraft pilot license when the applicant has demonstrated compliance with the rules established by delegated acts referred to in Article 47(1)(d). This person shall also demonstrate medical fitness, if this is necessary to mitigate the risks involved in the operation concerned.

Amendment 381

Proposal for a regulation
Annex IX – point 2 – point 2.4 – point b a (new)

Text proposed by the Commission

(ba) Unmanned aircraft and operations with unmanned aircraft must ensure compliance with relevant rights guaranteed under Union law, in particular the right to respect for private and family life, as set out in Article 7 of the Charter of Fundamental Rights of the European Union, and with the right to protection of personal data, as set out in Article 8 of that Charter and in Article 16 of the Treaty on the Functioning of the European Union ('TFUE') and as regulated in Directive 95/46/EC of the European Parliament and of the Council
of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data.
EXPLANATORY STATEMENT

The proposed regulation on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency (EASA), and repealing Regulation (EC) No 216/2008, is part of the European Commission's 'Aviation Strategy to Enhance the Competitiveness of the EU Aviation Sector' presented by the Commission to the European Parliament TRAN Committee in December 2015. The proposal builds upon over twelve years of experience in the implementation of Regulation (EC) No 216/2008 and its predecessor, and aims to prepare the next steps of the Agency's development.

While upholding overall aviation safety as the principal and ultimate objective, the proposal also takes account of the interests expressed by stakeholders, as well as general developments in aviation. On this basis the proposal outlines a number of innovative ideas such as the introduction of a risk and performance-based approach to safety regulation, the interdependencies between aviation safety and other technical domains of the regulation such as aviation security or environmental protection. The proposal aims to create a regulatory framework for the integration of new business models and emerging technologies, such as unmanned aircraft (drones). The proposal tackles the issue of the lack of resources in some national authorities and includes a framework for pooling and sharing of technical resources between the national aviation authorities and the EASA. Finally, the regulation proposal includes new arrangements for coordination and development of aviation research and training.

Your rapporteur had extensive consultations with stakeholders and exchanged views on the proposed regulation with many of them. Throughout the proposed regulation, your rapporteur tried to mirror their concerns expressed and to ensure further and effective involvement of the aviation and aeronautical industry.

Your rapporteur is a strong supporter of the EASA and is of the opinion that it has up to this date successfully carried out its tasks. He welcomes the development of the Agency and supported all previous extensions of the Agency's competences. Your rapporteur thinks that over the years the Agency has become a leading player in the aviation world and a recognised "alternative" to the US Federal Aviation Administration, while keeping its own singularities. Your rapporteur stresses that there is no margin of manoeuvre on aviation safety, which should remain the ultimate and guiding principle of the Agency.

Your rapporteur is of the view that ensuring aviation safety requires addressing all issues which could be directly related. For this reason, the rapporteur explicitly supports all the changes included in the proposal referring to the specific interdependencies between aviation safety and security. Your rapporteur is, however, of the opinion that the provisions relating to aerodromes should distinguish between the different types of aerodrome equipment. Therefore, your rapporteur included some sub-divisions such as safety-related equipment and safety-critical aerodrome equipment. Your rapporteur also extended the Agency's remits in the area of aviation security, in particular, cybersecurity. Similarly, your rapporteur has included a couple of provisions concerning other interdependencies such as between aviation safety and environmental protection.

Your rapporteur takes the view that aviation safety is not only a matter for industry but also a matter of oversight and effective implementation of rules by national aviation authorities. Your rapporteur agrees that the transfer of competences from a Member State to the Agency or another Member State is a realistic approach towards the existing different level of resources in the national aviation authorities of the Member States. Your rapporteur clearly
defined which responsibilities could be transferred and added several additional safeguards concerning the procedure for transferring competences, notably by detailing the content of the transition plan. However, your rapporteur believes that more could be done to enhance aviation safety and therefore your rapporteur suggests that, similar to qualified entities, which carry out tasks on behalf of national aviation authorities or the Agency, national aviation authorities should also be accredited by the Agency. Such an accreditation process would allow taking stock of the existing level of safety performance of all national aviation authorities in the EU. Furthermore, your rapporteur takes the view that the Member States should, for the sake of safety efficiency, have one single national aviation authority.

Your rapporteur is of the view that, taking into account the aviation expertise of the Agency, the latter shall play a more active and decisive role in those cases where a Member State decides to react immediately to a serious civil aviation safety issue by deviating from applicable EU rules. In the same vein, the Agency shall be deciding upon opt-ins as regards airworthiness, which is its exclusive responsibility. Along the same vein, your rapporteur considers that the Agency should be directly empowered as the competent authority for the certification, oversight and enforcement of air operators located in more than one Member State and/or engaged in operations between different Member States or outside the territory of the Member States.

Concerning the particular issue of drones, which has received significant negative media coverage lately and which could become a serious aviation safety issue if they are not dealt with adequately, your rapporteur deems the text of the proposal insufficient. Your rapporteur suggests having further consultations with stakeholders in order to be able to draft more detailed rules on drones allowing their safe integration into airspace shared with manned aircraft and providing legal certainty. Your rapporteur thinks that the expected development of that industry requires rigorous rules, also in order to ensure privacy and data protection.

In view of the significant successive extensions of Agency competences to areas not explicitly of aviation safety nature over the years, your rapporteur believes that it is high time to mirror these changes also in the name of the Agency. Consequently, your rapporteur suggests adapting the Agency name, like other aviation authorities. The overall guiding principle and objective of the Agency, meaning aviation safety, remains unchanged and is guaranteed by Article 1, first paragraph of the regulation.

Concerning institutional matters, your rapporteur reiterated a number of positions already adopted by the Parliament in the past, for instance, the composition and the voting majorities in the Management/Executive Board, and the obligation of the Executive Director to appear before the TRAN Committee before his appointment or at his midterm. Furthermore, your rapporteur considers that there should be only one Board of Appeal in order to avoid unnecessary costs for industry.

In order to foster the international role of the Agency, your rapporteur has called for enhanced international cooperation, the promotion of EU standards and suggested less stringent obligations as regards working arrangements between the Agency and national aviation authorities of third countries. Moreover, your rapporteur suggested, in order to respond to the needs expressed by the industry, allowing the Agency to establish local offices in third countries where there is an industry (certification) need.
**PROCEDURE – COMMITTEE RESPONSIBLE**

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<th>Title</th>
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<td>Date submitted to Parliament</td>
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<td>TRAN 18.1.2016</td>
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<td>Rapporteurs</td>
<td>Marian-Jean Marinescu 5.2.2016</td>
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<td>Discussed in committee</td>
<td>24.5.2016, 11.7.2016</td>
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<tr>
<td>Date adopted</td>
<td>10.11.2016</td>
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<td>Substitutes present for the final vote</td>
<td>Maria Grapini, Ramona Nicole Mănescu, Davor Škrlec, Matthijs van Miltenburg</td>
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